

4 December 2003

EAST MELBOURNE BUILT FORM REVIEW – STAGE 1

Division Sustainable Development & Strategy

Presenter Eloise Gucciardo, Principal Officer Development Planning

Purpose

To present to Committee the study “East Melbourne Built Form Review – Stage 1” and to seek approval to conduct consultation with identified stakeholders on the study prior to the instigation of a planning scheme amendment.

Time Frame

It is proposed that following the consultation, an amendment will be initiated to the Melbourne Planning Scheme. At this stage there is no statutory time frame associated with this matter, although it is hoped to complete the study prior to consideration of foreshadowed planning applications in Clarendon Street and Wellington Parade.

Finance

Council will incur minor costs should Committee endorse the consultation proposal contained in Attachment 2 of this report. These costs can be met from the Development Planning Branch’s 2003/04 Operating Budget.

Legal

Section 6(1)(b) of the *Local Government Act 1989* provides that one of the purposes of a Council is:

“to facilitate and encourage appropriate development of its municipal district in the best interests of the community”

The recommendation contained in this report is consistent with this purpose.

Sustainability

Connected and Accessible City

There will be no significant sustainability impact.

Inclusive and Engaging City

There will be no significant sustainability impact.

Innovative and Vital Business City

There will be no significant sustainability impact.

Environmentally Responsible City

There will be no significant sustainability impact.

Recommendation

That the Planning and Development Committee:

- acknowledge the report “East Melbourne Built Form Review – Stage 1” including the associated additional amendments to clarify the scenarios and include a disclaimer statement in the report;
- endorse the consultation proposal contained in Attachment 2 to this report; and
- note that this decision is being made by Committee under delegation from the Council and is subject to the referral notice process.

Attachments:

1. East Melbourne Built Form Review - Stage 1– Consultants Report November 2003
2. Consultation Plan

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Purpose

1. To present to Committee the study “East Melbourne Built Form Review – Stage 1” and to seek approval to conduct consultation with identified stakeholders on the study prior to the instigation of a planning scheme amendment.

Background

2. The Planning, Development and Services Committee at its meeting on 6 February 2003 resolved to support the initiation of a Built Form Review for East Melbourne and Jolimont. The original brief indicated that a study would include the entire area of East Melbourne and Jolimont, however, as a result of recent increasing development pressures in parts of the subject area, a decision was made to complete the study in two stages.
3. Stage 1 is the subject of this report and includes the area bounded by Clarendon Street, Wellington Parade, Simpson Street, George Street, Powlett Street and Albert Street.
4. The remainder of the originally defined study area may be the subject of a further study once the issues of Stage 1 have been discussed and resolved.
5. Key sites within the study area have recently experienced some development pressure. These sites include the Freemasons Hospital, the MCG Hotel and Mosslenoch. As part of these processes a range of concerns have been expressed that proposed developments will have adverse effects on the character, heritage values and amenity of East Melbourne.
6. The Melbourne Planning Scheme currently includes Design and Development Overlays (DDO) over part of the subject area providing controls over built form and height. DDO 21 covers part of the study area along Wellington Parade and Clarendon Street, however key sites such as the Hilton Hotel, Freemasons Hospital and Mercy Hospital are not included under this DDO.
7. Currently, DDO 21 specifies a maximum building height of 24 metres over Area 20 defined as the frontage along Wellington Parade from Clarendon Street to Hoddle Street, not including the Hilton Hotel. Area 44 of DDO 21 specifies a maximum building height of 39 metres and is defined as the frontage along Clarendon Street from Wellington Parade (excluding the Hilton Hotel site) to Gipps Street, not including the Mercy Hospital and Freemasons Hospital sites.
8. Hassell Pty Ltd has undertaken this review, the purpose of which was to determine appropriate building height and form for development after examining the existing character of the area, and to recommend a suitable planning mechanism to implement the study recommendations. A copy of the “East Melbourne Built Form Review – Stage 1” is at Attachment 1 to this report.

Comments subsequent to November Committee

9. A report was presented at the November Planning and Development Committee meeting. At this meeting the Committee resolved to defer consideration of the item for one cycle to allow consultation to occur between interested Councillors, the administration and the East Melbourne Group. The committee acknowledged comments made by the representative of the Hilton Hotel that the process should include other relevant stakeholders in order to ensure that proper due process is followed.
10. A meeting was held on Monday, 24 November 2003, attended by Councillor Ng, Councillor Chamberlin, Council staff, a representative of Hassell Pty Ltd, author of the report, representatives of the key stakeholder groups including the East Melbourne Residents Group, the Hilton Hotel, MCG Hotel, Mosspennoch, the Freemasons and Mercy Hospitals and Bishops Court.
11. This meeting concluded with all parties agreeing that consultation on Stage 1 of the report may proceed with the following minor additions, for the purposes of further clarification, being made prior to the release for consultation. These additions include:
 - 11.1 a disclaimer is added to the report to state that the Council does not endorse the scenarios presented in the report and the views presented are that of the consultant; and
 - 11.2 plans be included that illustrate the low, medium and high rise scenarios in a similar fashion to the plan which illustrates the maximum building heights and the boundaries of the 'preferred' scenario.
12. These changes have been made to the study, which is at Attachment 1.
13. There was also agreement amongst the parties that preliminary investigation would begin into Stage 2 of the study which will look at the remainder of the East Melbourne and Jolimont area.
14. It is proposed to conduct consultation during January and February 2004 to avoid the Christmas/New Year period.

Issues

15. The objectives of this project were to:
 - 15.1. review the current built form planning scheme controls in East Melbourne and their background;
 - 15.2. review current development pressures in East Melbourne;
 - 15.3. ensure that key stakeholders and community participate in the development of the outcomes; and
 - 15.4. develop strategically justified planning mechanisms to implement the recommendations.
16. The key issues to be considered by the study include protecting the character and heritage values of East Melbourne and Jolimont, overshadowing and visual impacts of Fitzroy Gardens and Yarra Park as well as other properties, the protection of vistas and views from the gardens and along major boulevards.
17. The study outlines three built form scenarios and evaluates each scenario to reflect the varying stakeholder values and aspirations against the identified local values of the precinct in relation to buildings, people environment and function, the strategic objectives and the stated vision.

18. The three scenarios or options, described in detail at Attachment 1 are:
 - 18.1. High Rise Option;
 - 18.2. Medium Rise Option; and
 - 18.3. Low Rise Option.
19. These built form options have been presented in light of analysis which has been undertaken incorporating site analysis, planning policy directions, community aspirations and development opportunities and the built form principles for this area of East Melbourne. More detail of the analysis is in part 9 of the report on page 29. (See Attachment 1)
20. The consultant's recommendation is a combination of options derived from this analysis and a review of individual building envelopes. The proposed Design and Development Overlay for the preferred option is discussed on page 43 of the study report.
21. The planning controls that apply to this DDO should achieve the strategic planning framework and built form outcomes which in summary are:
 - 21.1. East Melbourne is an intact, predominantly residential precinct that will experience only limited change;
 - 21.2. the heritage and built form is highly significant;
 - 21.3. Wellington Parade should be considered as local activity centre serving the local community; and
 - 21.4. new development should be respectful of both the adjacent gardens and the heritage built form.
22. The proposed DDO designates five areas within the overlay, these proposed heights are discretionary and are as follow:
 - 22.1. area 1 covers the Bishops Court, Mosspennoch areas on Clarendon Street and the proposed maximum height over this area is 12 metres;
 - 22.2. area 2 extends from Powlett Street and Simpson Street with a maximum height of 24 metres;
 - 22.3. area 3 is over the Freemason and Mercy Hospitals, this boundary extends over the main buildings of these sites and proposes a maximum building height of 35 metres. To the rear of these sites a maximum building height of 12 metres has been proposed (Area 5). This is to ensure that transition in any development is consistent and sympathetic with the nature of the low rise heritage buildings between Clarendon and Powlett Streets; and
 - 22.4. area 4 is the area over the Hilton Hotel and MCG Hotel, on Wellington Parade between Clarendon Street and Powlett Street. This area has a proposed height of 35 metres.

Relation to Council Policy

23. The existing *Municipal Strategic Statement* (MSS) states that the Council's strategic objectives for the East Melbourne and Jolimont area are:

“To support the residential community and the government precinct on either side of the Fitzroy Gardens, which are contained by commercial and institutional uses located along the major boulevards on its edges.”

24. In addition, the MSS supports of existing hospital services, support for the local retailing on Wellington Parade, maintaining residential amenity. The MSS also recognises that the area is one of the most intact 19th century areas in the City and of national importance and as such the conservation of heritage is the primary development consideration.

Amendment C60 – Draft MSS

25. In relation to the East Melbourne area, the intent of the revised MSS remains unchanged, recognising that the area is a relatively intact heritage area and considered to be of national importance and the residential areas are of high quality and have limited capacity for growth. The revised MSS recognises the historic and recreational importance of the gardens as well as the importance of the hospitals and medical facilities.

Consultation

26. Hassell Pty Ltd undertook consultation with identified key stakeholders by way of individually meeting with representatives of the Freemasons Hospital, Mercy Hospital, Bishops Court, The Hilton Hotel, Mosspennoch and the MCG Hotel and the East Melbourne Residents Association. The purpose of the meeting was to initiate discussion about the future of the area in relation to these key sites.
27. General community comment was also encouraged through the placement of a corporate advertisement in the Melbourne Times and City Weekly and a poster at the East Melbourne library. The community was invited to comment by way of responding to a number of questions about the character of East Melbourne and the form new development should take in the area.
28. Consultation was also undertaken with officers from the Development Planning, Urban Design and Parks & Recreation Branches within Council.
29. Now that the study has been completed, it is considered desirable to engage with key stakeholders as well as the broader local community and property owners about the study scenarios and preferred option. This will provide the opportunity to examine the views of the community on the recommendations detailed in the study and enable Council to ultimately make a decision on a preferred option. A consultation plan has been drafted which includes seeking feedback from key stakeholders as well as the wider community. The outcomes of the consultation will be reported to the Planning and Development Committee prior to proceeding to a planning scheme amendment. Details of the scope of the proposed consultation is outlined at Attachment 2.
30. In addition, further opportunities will be made available for consultation during public exhibition of a planning scheme amendment and a planning panel in the event that submissions are received.
31. In reviewing the views of the broader community to the study options, Council can ultimately determine to support one of the specified options or vary an option based on feedback received and further analysis of the issues involved. At this stage the Committee is not being asked to select an option or endorse a particular built form outcome. As agreed to in recent discussions with stakeholders the report will include a disclaimer advising that Council does not endorse any of the scenarios outlined.

Recommendation

32. That the Planning and Development Committee:
 - 32.1. acknowledge the report “East Melbourne Built Form Review – Stage 1” including the associated additional amendments to clarify the scenarios and include a disclaimer statement in the report;
 - 32.2. endorse the consultation proposal contained in Attachment 2 to this report; and
 - 32.3. note that this decision is being made by Committee under delegation from the Council and is subject to the referral notice process.

PROPOSED CONSULTATION PLAN EAST MELBOURNE BUILT FORM REVIEW – STAGE 1

Purpose

The purpose of the consultation is to seek from identified stakeholders, interested owners and residents and the community in general, feedback on the content of the report 'East Melbourne Built Form Review' dated October 2003 prior to initiating a planning scheme amendment.

Pre-exhibition Consultation

1. An advertisement will be placed in the local paper circulating in the area giving general information about the completed study and inviting public comment. The report will be available to the public on the Council website.
2. Key stakeholders involved in initial discussions will be invited to provide feedback. A copy of the study will be distributed to the following stakeholders:
 - 2.1. East Melbourne Residents Group
 - 2.2. Freemasons Hospital
 - 2.3. Mercy Hospital
 - 2.4. Representatives for the Hilton Hotel, MCG Hotel and Mosspennoch
 - 2.5. Melbourne Anglican Trust Corporation.
3. Relevant government agencies and other external groups will also be provided with an opportunity to comment, the following agencies will be sent a copy of the report.
 - 3.1. Department of Sustainability and Environment
 - 3.2. The Property Council
 - 3.3. The National Trust of Victoria
 - 3.4. Heritage Victoria

Timing

It is intended that this consultation process will be undertaken during January/February 2004 (subject to Committee endorsement of this report).

Outcomes of the Consultation

Upon completion of the consultation, a report will be presented to the Planning and Development Committee summarising the key matters arising from the consultation process and recommending a way forward.

FINANCE ATTACHMENT

EAST MELBOURNE BUILT FORM REVIEW – STAGE 1

There are no additional financial implications arising from the recommendations in this report.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

EAST MELBOURNE BUILT FORM REVIEW – STAGE 1

Section 6(1)(b) of the *Local Government Act 1989* provides that one of the purposes of a Council is:

“to facilitate and encourage appropriate development of its municipal district in the best interests of the community”

In seeking to achieve its purposes a Council has amongst its objectives the following objective:

“To represent and promote the interests of the community and to be responsive to the needs of the community...”

The recommendation contained in this report is consistent with these purposes and objectives.

Brigid Ryan
Acting Manager Governance Services