

CRA Planning Group: Minutes for 04 September 2017 Meeting

Present: Mark Cleary, Warren Green, Clive Miller, Ewan Ogilvy. Apologies: Dennis Toth, Cameron White

Key Planning Applications for Report and Decision include:

Royal Exhibition Building seeking Heritage Permit.

CRA is still monitoring the process, but no further action required in the short term. **Agreed.**

CoM TP Applications

There were only 13 new applications since our August meeting and documentation was posted for one, which was:

- **306-308 Lygon St.-TP-2017-469** (old Dimattina's) Assessed, decision: **No further action required.**

Objections lodged since our previous meeting:

There have been two new objections lodged by the CRA Planning Group.

- **Lygon Court TP-2017-486 for** A new facade to the Lygon St entrance providing weather protection to the existing open courtyard style entry is not as recessive as the existing conditions. WG lodged an objection commenting on this suggesting that a heritage report was justified. **Noted**
- **TP-2017-616 for 4-12 Leicester Place:** This is the site of a previous failed application for a 20 storey mixed use development to which CRA had objected. This new application is for 15 storeys designated residential hotel. Ewan has prepared and lodged an objection and alerted Tracie Laws as local contact for affected residents. **Noted**

Discussed at previous Meeting:

- **TP-2017-315 for 70 Victoria St.** - Which presented a partial concealment issue with the additions to the rear of the property being contentiously visible. It has since been determined that CoM shares this concern and has indicated that it will need to be addressed for a permit to be issued. It is suggested that the intended objection by Dennis be withheld awaiting citing the amended submission. Warren to monitor. **Agreed**

Applications to which CRA has previously objected:

- **198-208 Queensberry St: TP-2017-85:** Student Accommodation [CCZ + Part Heritage Overlay] Clive prepared and lodged an objection. CRA (eo/wg) lodged a supporting objection. **CRA awaits CoM determination. Noted**
- **299 Lygon Street – Pidapipo Gelateria – TP-2017-83** An application to install outdoor speakers at the above address. Carlton Residents Association believes that it is inappropriate and detracts from the quiet enjoyment of Lygon Street. **CoM has issued a NOD to issue a permit. (CoM Outdoor Cafe Guideline conditions apply, which specifies acceptable noise levels. Policing this will be the challenge)** **Noted, no further action by CRA.**
- **198-204 Faraday St. TP-1998-331/A:** (Crinitis) Amend 1998 permit to allow installation of external speakers. CRA (wg) lodged an objection on amenity grounds. **CoM has issued a NOD to issue a permit. (CoM Outdoor Cafe Guideline conditions apply, which specifies acceptable noise levels. Policing this will be the challenge)** **Noted, no further action by CRA.**

- **123-135 Bouverie St. TP-2017-188:** Partial demo construct 14 storey student accommodation and waiver loading provision. Objection submitted by Ewan. **CRA awaits CoM determination. Ewan to monitor to decide what action CRA should take.**
- **121-131 Cardigan St. TP-2016-1047:** (Opposite Argyle Place South) 4 and 10 storey proposal. Objection submitted by Ewan. Applicant has appealed to VCAT on grounds of CoM lack of decision within prescribed time. CRA lodged a Statement of Grounds with VCAT but did not appear. An outcome was negotiated at the compulsory conference and a permit issued. **WG to obtain a copy of the decision.**
- **86-94 Pelham St. TP-2015-742/A:** Dennis reviewed the documents for this application for an amended permit and lodged an objection as a consequence. CoM conducted a consultation meeting (7 Aug) for the applicant and objectors. CRA, represented by Clive and Warren, was the only objector to attend. CRA has since received photomontages of the VCAT imposed setbacks and the applicant's current proposal for comparison purposes. It was agreed that the proposal is still too high and fails to duly respect the adjoining heritage properties in both Pelham and Cardigan Streets, however it is a solution not without some merit. CRA responded to CoM to this effect. **CRA awaits CoM determination. Noted**
- **232-234 Faraday St. TP-2016-1128:** Part demolition and construction of 3 storeys plus basement for use as restaurant. CRA (wg) lodged an objection. The applicant has submitted two subsequent proposals, regrettably, neither of which fully addressed all of CRA's concerns. WG submitted a letter of comment expressing this view on the first, and it was decided that this should be repeated for this latest proposal. **WG to address and await CoM determination.**
- **10 Magenta Place - TP-2016- 1031 :** CRA (wg) objected to the original proposal, along with 17 other objectors. The Applicant has revised the proposal, offering a reduction of one storey (6 to 5) with other minor changes, all of which are positive however do not address all of CRA's concerns. **CoM has issued a NOD to issue a permit. Noted, no further action by CRA.**
- **197-235 Bouverie Street - TP-2016-798** [This is the Graduate House Development on Leicester Street]. Partial demolition of existing terrace houses and the construction of an 11 storey building at the rear. Ewan has lodged an objection. It is noted that the CoM has indicated to the applicant that the proposal would not be supported in its present form and has suspended processing whilst the applicant reconsiders and or redesigns. **CRA monitoring.**

Applications for which CRA is awaiting additional information

- **122-136 Berkeley St. TP-2015-1146/A.** Application to amend permit conditions arise from an intended change of use from dwellings to student accommodation sought by new owners. The built form remains basically unchanged, however it is a different architectural treatment and internal layout. (there will be loading facilities on site) **Considering the combined effect of the existing permit and limited third party rights, it was decided to cease monitoring this application..**
- **179 Grattan St: TP-2016-903:** A 14 level mixed use development on narrow block. Further information required, however potentially contentious. **CRA to monitor.**
- **16-20 Grattan Place: TP-2017-77:** Construction of 6 Storey Apartment Building. Further information required, however potentially contentious. **CRA to monitor.**

The status of all other current applications, including others for which documentation is still awaited, is available in the **CRA's Summary of Reviewed CoM TP Applications** dated 01 September 2017, a copy of which will be circulated and posted on the CRA website.

Strategic Planning Matters for BRIEF Report

- **Heritage Review - Amendment C258 Melbourne Planning Scheme:**

Ewan to report on the meeting with the National Trust on 17th August and the anticipated Panel Hearing. Major issue of concern ... the manner in which the currently graded Heritage Places have been “translated” into the new Significant/Contributory Grading System.

Other Business -

- **Carlton Residents Association - Planning Issues requiring Attention**

Ewan had prepared a comprehensive summary of five issues relating to the Melbourne Planning Scheme, a copy of which is attached. It was discussed and decided that CRA should seek to identify the most appropriate target, within the CoM administration, to maximise traction in this campaign. Ewan agreed to arrange a meeting with Rohan Leppert as starter. **Ewan to arrange**

- **CRA’s Summary of Reviewed CoM TP Applications - Streamlining the Monitoring Process**

Warren presented an alternative version of the summary, which omitted the follow up details of those applications deemed to be of no concern to CRA (Nil CRA Action). On the current summary, this eliminated approximately 40% of the applications requiring updating. It was agreed that the effectiveness of the summary was not diminished. **WG to implement**

- **Invitation for CRA to attend round table discussion about the heritage of the former Royal Women’s Hospital site**

Meeting agreed that it would be good if Ken McFarlane [from North Carlton] could attend this discussion; he had previously expressed a willingness to assist with heritage matters. Subsequent to the meeting it was suggested that Jeff Atkinson might also be available to assist. Warren and/or Ewan would attend if necessary.

Next Meeting - Confirmed - 7 pm Monday 02 October

Venue - To be decided

Attached

Carlton Residents Association – Planning Issues requiring attention - Prepared by EO

Carlton Residents Association – Planning Issues requiring attention

In no particular order, the following problems with the Melbourne Planning Scheme do need to be addressed. We should probably organise a meeting with the Council officers to highlight the problems we face as a local group.

1) The Third Party Exemption Issue

- i) It makes absolutely no sense at all for the same land use, for example, a student housing complex, to be subject to the exemption provisions in the Capital City Zone (on the west side of Swanston Street) but not on the East side of Swanston Street, which is within a Mixed Use Zone.
- ii) While most new Planning Applications in the Capital City Zone are not required to be advertised, the Association is still able to submit Objections to the City of Melbourne. But, when Applications are not advertised, the Association does not have access to the digital plans and other reports prepared for the application. This makes any thorough assessment of the application a very time-consuming process, hardly an efficient use of the Association's limited resources.

2) Problems with the Design Development Overlays

- i) These overlays are very inconsistent in the level of detail provided to both applicants and third parties. For example, the relatively new DDO61 for the City North area is very comprehensive. In contrast, DDO44 which covers most of the area south of Queensberry Street, includes almost no guidance at all. Worse still, that area which includes the site of the former Children's Hospital, has no DDO coverage at all; a most unsatisfactory situation.
- ii) But even when an area is covered by DDO, the performance based nature of this instrument can be quite problematic. This is especially the case in relation to the contentious height controls which are often expressed in terms of a preferred maximum height. Unfortunately, most applicants treat these preferred maximum heights as a starting point; in the Association's view, this approach calls into question the efficacy of the performance based system.

3) Problems with the Council's Local Policies

- i) Many of these policies require urgent review. The Student Housing Policy includes many provisions which are often ignored by applicants, or worse still, are incapable of implementation. For example, many student housing proposals include a significant shortfall in the area allocated to Communal Outdoor Space, and a shortfall in the number of bike parking spaces. Further, while this policy recommends that car parking for the management and servicing needs of the building should be provided, in some areas, the parking provisions of the MPS do not require the objectives of the Student Housing Policy to be implemented.
- ii) The Council's ESD policy provides another example of a Local Policy requiring review. While the City of Melbourne is keen to encourage on-site energy generation and water harvesting initiatives, it is easy for most development applications to achieve the minimal five-star Green Star targets without including any meaningful energy generation or water harvesting initiatives.

4) Problems with Heritage Policy. At a most general level, there is considerable variation across Victorian municipalities in the approaches taken to both the grading of Heritage Places and the Policies used to assess applications to demolish heritage fabric and evaluate the impact of new works. While it is submitted by the City of Melbourne that the introduction of the Significant/Contributory Grading system represents best practice, there is no consistency in the application of this system. Worse still, consultants who have undertaken work for the municipality in recent years have applied quite different principles when converting the old letter grades to the Significant/Contributory system.

5) The lack of meaningful guidance in relation to Residential Buildings. See attachment for an explanation of this problem.

CRA Planning Issue – Guidance for Residential Buildings in MPS

The ***Guidelines for Higher Density Residential Development***, that were an important Reference Document in the Melbourne Planning Scheme, have now been scrapped.

These Guidelines provided an important Reference Document for evaluating both **Apartment Developments** and **Residential Buildings [including Student Housing Developments and Residential Hotels]**.

In April this year, the State Government introduced new planning provisions for apartment developments [Am VC136]. More specifically,

Amendment VC136 amends the VPP and all planning schemes by:

- Amending **Clause 55 (Two or more dwellings on a lot and residential buildings)** to introduce the new apartment standards.
- Introducing a new **Clause 58 (Apartment developments)** into the Particular Provisions.

It must be emphasised that these new Apartment Standards DO NOT apply to Residential Buildings. Again, the Advisory Note 66 in relation to this Amendment is quite clear:

Do the new apartment standards apply to a residential building?

No, the new apartment standards do not apply to a residential building as defined in the VPP.

A residential building of four storeys or less in a residential zone will continue to be assessed under the provisions of Clause 55 (Two or more dwellings on a lot and residential buildings).

A residential building of five or more storeys will continue to be assessed against relevant policies, zones and overlays.

While Residential Buildings of FOUR STOREYS OR LESS in RESIDENTIAL ZONES [but not the Capital City Zone – CCZ City North] will continue to be assessed against the provisions of Clause 55, this Clause will not apply at all in the CCZ City North, and will have NO application for Residential Buildings OVER FOUR Storeys in the Mixed Use Zone of Carlton [for example].

That is, there will be NO detailed guidance/standards for new Student Housing Developments OVER 4 STOREYS to replace the ***Guidelines for Higher Density Residential Development*** that have now been scrapped. While the State Government maintains that these Guidelines have been replaced by the new ***Urban Development Guidelines for Victoria*** that were introduced with the Gazettal of Amendment VC 139 in August this year, these new Guidelines are primarily directed to PUBLIC REALM issues:

In these guidelines, urban design focuses on the design of the public realm, its public spaces, streets, parks and paths. Urban design informs the design of infrastructure and buildings in as far as they affect the function and amenity of the public realm.

EO September 2017