

PLANNING AND ENVIRONMENT LIST

STATEMENT OF GROUNDS

Use this form to set out your reasons for contesting a planning and environment case at VCAT.
These written reasons are called your statement of grounds.

DATE STATEMENT OF GROUNDS MUST BE RECEIVED BY VCAT This is on the notice you received or the sign on the site		13 JUNE 2017
Subject Land	121-131 Cardigan Street CARLTON VIC 3053	VCAT Ref: P1022/2017

Name

Carlton Residents' Association

PLEASE PRINT CLEARLY

Address for service

PO Box 1140, Carlton VIC 3053

Email address

planningcra@gmail.com

If you do not give us an email, printed orders may arrive after the decision is
published and after other parties get it by email.

Telephone/Mobile

0418 351 968

PARTICIPATION IN HEARING

Please tick appropriate box

<input type="checkbox"/>	I intend to appear and present a submission at the hearing. Fees apply
<input checked="" type="checkbox"/>	I do not intend to participate in the hearing, but want VCAT to consider my statement of grounds. No fee If you choose this, you will not be a party to the proceeding. VCAT considers your statement of grounds in any contested hearing but will not send you further correspondence.

FEES

You may have to pay a fee if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a party and will not be entitled to take part, even if you indicated that you wanted to participate. For fee information, visit vcat.vic.gov.au. You do not have to pay a fee if you are a permit applicant or holder, the determining or recommending referral authority, a person responding to an enforcement order application, or an applicant for a works authority or licence.

PRESENTING AT THE HEARING

If you intend to appear at the hearing, please provide the following information

Time required to present my complete case at the hearing (submissions plus witnesses)	
Number of expert witnesses I intend to call (if any)	
Witness area(s) of expertise	

For information about witnesses and evidence, visit vcat.vic.gov.au and see Practice Note PNVCAT2 – Expert Evidence.

THIS STATEMENT OF GROUNDS IS LODGED BY OR ON BEHALF OF

OBJECTOR/S

- ☒ A person who objected to the original application to the council
- ☐ A person who did not object to the original application to the council but now wants to object
- ☐ A person responding to an application to amend plans or make other changes to an existing application
- ☐ A person responding to a notice by a permit holder to amend a permit

PERMIT APPLICANT OR PERMIT HOLDER

- ☐ A permit applicant responding to an objector's application for review
- ☐ A permit holder responding to a non-permit holder's application to amend or cancel a permit

REFERRAL AUTHORITY

- ☐ Determining referral authority
- ☐ Recommending referral authority

ENFORCEMENT ORDERS

- ☐ A person responding to an application for an enforcement order

ENVIRONMENT APPLICATIONS

- ☐ Objector/s to a works approval application made to the Environment Protection Authority
- ☐ A works approval applicant
- ☐ An objector to an application made for a licence to take or use water or for works under the Water Act 1989
- ☐ An applicant for a licence to take and use water
- ☐ An applicant for a works licence or licence for underground disposal using a bore

OTHER

- ☐ Specify _____

JOINT STATEMENT OF GROUNDS

Complete this section if you are a spokesperson for people lodging a joint statement of grounds.

- ☐ Attach a list of the names and addresses of all the people you represent, showing whether you have their individual consent.
- ☐ Be aware you may be asked to provide VCAT with a copy of their written consent.

I certify that I have consent to act as spokesperson for the attached list of people where this is a joint statement of grounds:

- ☐ Yes ☐ No

We will only communicate with the nominated representative for a joint statement of grounds.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000
GPO Box 5408 Melbourne VIC 3001
Ausdoc DX 210576 Melbourne

Website www.vcat.vic.gov.au
Email vcad-admin@vcat.vic.gov.au

Telephone (03) 9628 9777
Facsimile (03) 9628 9789

STATEMENT OF GROUNDS

A short summary of my reasons for contesting the VCAT application is

	In the box below
X	attached

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SERVE A COPY

You must serve a copy of your statement of grounds on both the responsible or relevant authority and the applicant by the date that appears in the notice you received and on the sign at the site – the same date on the front of this form. If not, we may not be able to hear your views or consider your objections.

You must certify that you have done so and complete the acknowledgement on this form.

CERTIFICATION

I certify that I have served a copy of this Statement of Grounds:

Please tick appropriate box and insert relevant date

- ☒ on 12/6/17 (insert date) on the applicant
☒ on 12/6/17 (insert date) on the respondents (responsible/relevant authority)

ACKNOWLEDGEMENT

I understand and acknowledge that:

- To the best of my knowledge, all information provided in this form is true and correct
- It is an offence under section 136 of the *Victorian civil and Administrative Tribunal Act 1998*

Full name of person completing this statement of grounds form:

Date:

WARREN GREEN

12 JUNE 2017

for CARLTON RESIDENTS
ASSOCIATION INC.

Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000

GPO Box 5408 Melbourne VIC 3001

Ausdoc DX 210576 Melbourne

Website www.vcat.vic.gov.au

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P1022-2017 - 121-131 Cardigan Street, Carlton - Statement of Grounds

Carlton Residents' Association: PO Box 1140, Carlton VIC 3053

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Introductory Comments

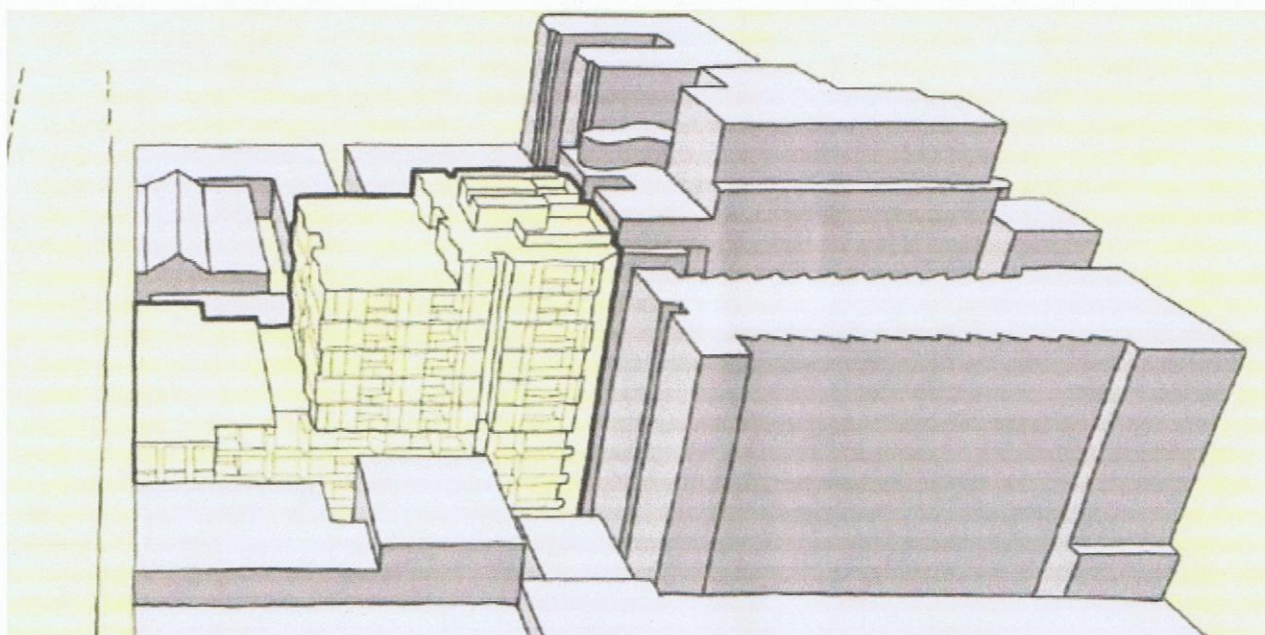
While the CRA welcomes the lower scale of development on the Cardigan Street frontage [at 4 levels] we submit that the 10 level rear section should be moderated. We are also of the view that solar access to the lower level south facing private open spaces is poor, and should be compensated by providing use of the roof space for shared open space.

Massing of building elements

The key planning control is the DDO 47, which has a recommended [but discretionary] building height of 4 storeys. We note that a principal Objective of this DDO is to "maintain the predominant low scale nature of the area." At 10 levels, the rear section of the development would establish a "mid-rise scale of buildings (6 to 15 storeys)" a level of intensity that is intended for the City North Capital City Zone. At 10 levels, the proposal would also exceed the recommended maximum height for those developments facing Swanston Street [of 9 levels – DDO 45].

While we are aware that taller buildings have been approved in the Pelham Street area of DDO 47, we do not accept that these buildings should provide a relevant benchmark for an area intended to be low scale in nature. If Planning Authorities believe that the intended low scale of DDO 47 is no longer relevant or appropriate, the Planning Scheme should be amended. In our view, there are many other sites in the Carlton area where more intense developments could be located.

We accept that the shadow analysis provided by the Applicant demonstrates that much lower buildings, including a 6 level residential building, would still cast a shadow over the roofs of the dwellings on the South side of Kelvin Place. However, in our view a building of this lower scale, would provide a much better quality of pedestrian amenity for both Kelvin Place and Ievers Terrace, the second key Objective of DDO 47.



View of new Development from the North [Image extracted from Application]

Quality of Private and Communal Open Space

In this matter, we note the recommendations provided in the *Guidelines for Higher Density Residential Development* [a document accepted by the Applicant as a relevant benchmark].

OBJECTIVE 6.3:

To allow solar access to the private and shared open spaces of new high density residential units.

DESIGN SUGGESTION 6.3.1: ORIENT BALCONIES, TERRACES AND COMMUNAL OPEN SPACE TO OPTIMISE ACCESS TO SUNLIGHT.

DESIGN SUGGESTION 6.3.2: USE THE OPEN SPACES ON BALCONIES, PODIUMS AND ROOF TERRACES TO PROVIDE OPEN SPACES WITH MAXIMUM ACCESS TO SUNLIGHT.

Roof spaces may be good locations for open space as they provide access to sun not always available at lower levels.

[Emphasis added]

Since the lower level and South facing private open spaces of the new development will receive very little, if any, solar access, in our view, the Applicant should have considered using the roof space over the 4 level section of the development [facing Cardigan Street] for shared open space. This roof space would still be available for rainwater harvesting.