

PLANNING PERMIT OBJECTION FORM

Planning and Environment Act 1987



Important notes about the objection to permit application

Is this form for me? This is the form to object to a planning permit application where the City of Melbourne is the decision maker. Please do not use this form to object to Ministerial applications.

1. Your objection and the personal information on this form is collected by the City of Melbourne for the purposes of the planning process, as set out in the *Planning and Environment Act 1987* (the Act). If you do not provide your name and address, the City of Melbourne will not be able to consider your objection.
2. Your objection will be available at the City of Melbourne office for any person to inspect, during the relevant period set out in the Act. A full copy of your objection (including your name and personal information) will be made available on request to any person, for a limited period.
3. A summary of your objection will be included in a publicly available planning report, which may be published on Council's website. Your name will not be published in the planning report. Your objection, and the personal information supplied with it, will not be disclosed to any other external party, unless required or authorised by law.
4. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting the City of Melbourne.

Who is objecting?

Name	Carlton Residents' Association Inc	Contact No.	
Postal Address	PO Box 1140, Carlton VIC	Post Code	3053
Email	planningcra@gmail.com		

What Planning Permit Application are you objecting to?

Address	121-131 Cardigan Street, Carlton	Application No.	TP-2019-787
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What are the reasons for your objection?

The Carlton Residents Association [CRA] advocates on behalf of its members to

- Support the retention of the heritage assets of the Carlton community and to discourage new developments that fail to respect these assets
- Maintain the quality of the public realm with a focus upon maintaining access to sunlight and sky views, and a pedestrian friendly scale
- Interpret and apply the performance based provisions of the Melbourne Planning Scheme fairly so that the interests of no one party are unfairly privileged over the interests of another party

Overview **DRAFT 7 JAN 2020**

The CRA supports the redevelopment of this site for educational and retail purposes, but has the following concerns:

- Although the educational purpose is the major use proposed for this site, the exhibited plans indicate that other uses [eg office uses] could be accommodated equally well. Most floor plans illustrate the location of the amenities [toilets], services and lifts/stairs and little else. There is no indication where staff rooms, lecture/seminar rooms, library or any other facility specific to an educational establishment would be located. Further, each floor is so designed that it could be strata-titled into a SEPARATE land use; there is no "open access" staircase between the different levels. Also, the documentation provided by the applicant includes no separate report from an educational provider.
- Although the scale and built form of the new development is similar to the earlier approved application [for apartments], the CRA remains of the view that the proposal is a massive over-development of the site. The current proposal effectively shifts the easterly boundary of the mid-rise development overlay fronting Swanston Street [DDO45 which has a recommended maximum building height of 9 storeys] about 36 metres East. Since almost 100% of the site is covered by a low-rise development overlay [DDO47 where the recommended maximum building height is 4 storeys] this makes a complete nonsense of the existing development controls.

- Given the distinct possibility that non-educational uses may occupy at least part of the site, we do not believe that the location of the development, within the Victorian Government's Parkville National Employment cluster, can justify such a significant departure from key guidance in the Planning Scheme.
- For such a significant departure, the applicant should be required to demonstrate that the proposal exemplifies public realm and sustainability attributes well in excess of "business as usual". We do not believe that the Applicant has provided the necessary evidence.

Elaboration

The educational purpose

Apart from the comments above, the CRA notes that Basement Level 1 has also been set aside for the Educational Centre. But, according to the exhibited plans, this level is not provided with ANY amenities for either students or staff.

It is also noted that this level is not provided with any natural light, so would be totally reliant upon mechanical lighting and ventilation, as would be the case for the car and bike parking level [Basement Level 2]

Built Form Issue – the Scale and Form of the development

On this matter, the CRA's comments in relation to the earlier development proposal remain relevant:

The key planning control is the DDO 47, which has a recommended [maximum 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 [above the basement level], 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/storeys – DDO 45].

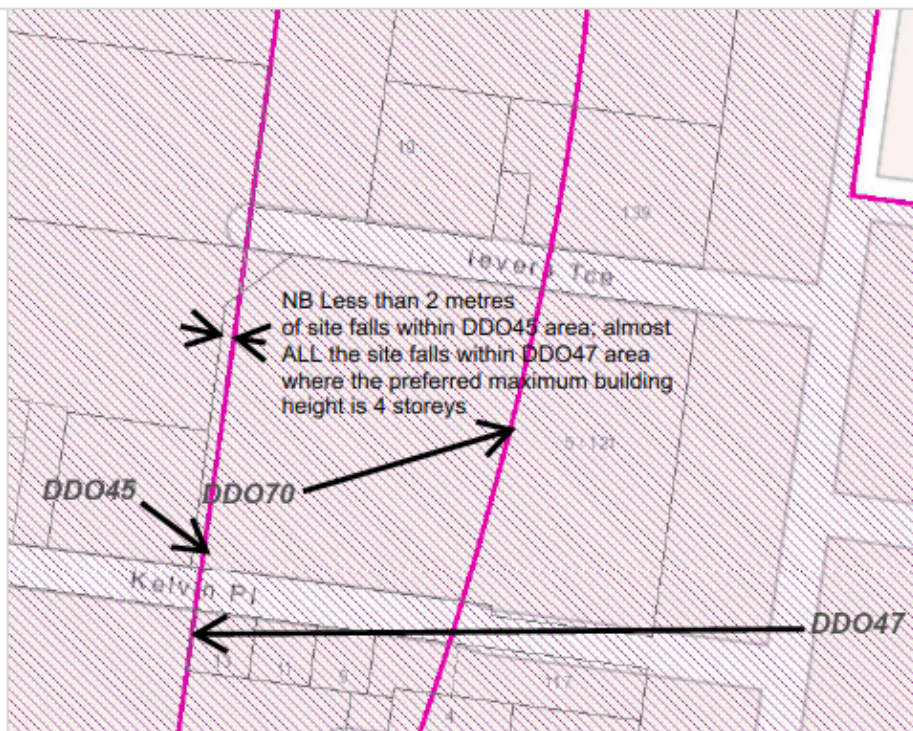
While we are aware that taller buildings have been approved in the Pelham Street area of DDO 47, we do not accept that these buildings should provide a relevant benchmark for an area intended to be low scale in nature. If Planning Authorities believe that the intended low scale of DDO 47 is no longer 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.

While a small "slither" of the development site [less than 2 metres wide] falls within the mid-rise development overlay [DDO45] the CRA does not believe that this fact should be a key determinant of the built form outcome for the site as a whole. Unfortunately, the map of the Overlay Boundaries provided by the Applicant is quite unhelpful; in our view the following image provides a more accurate description [it has been sourced from the State Government website: <https://mapshare.vic.gov.au/vicplan/>]

Planning Map

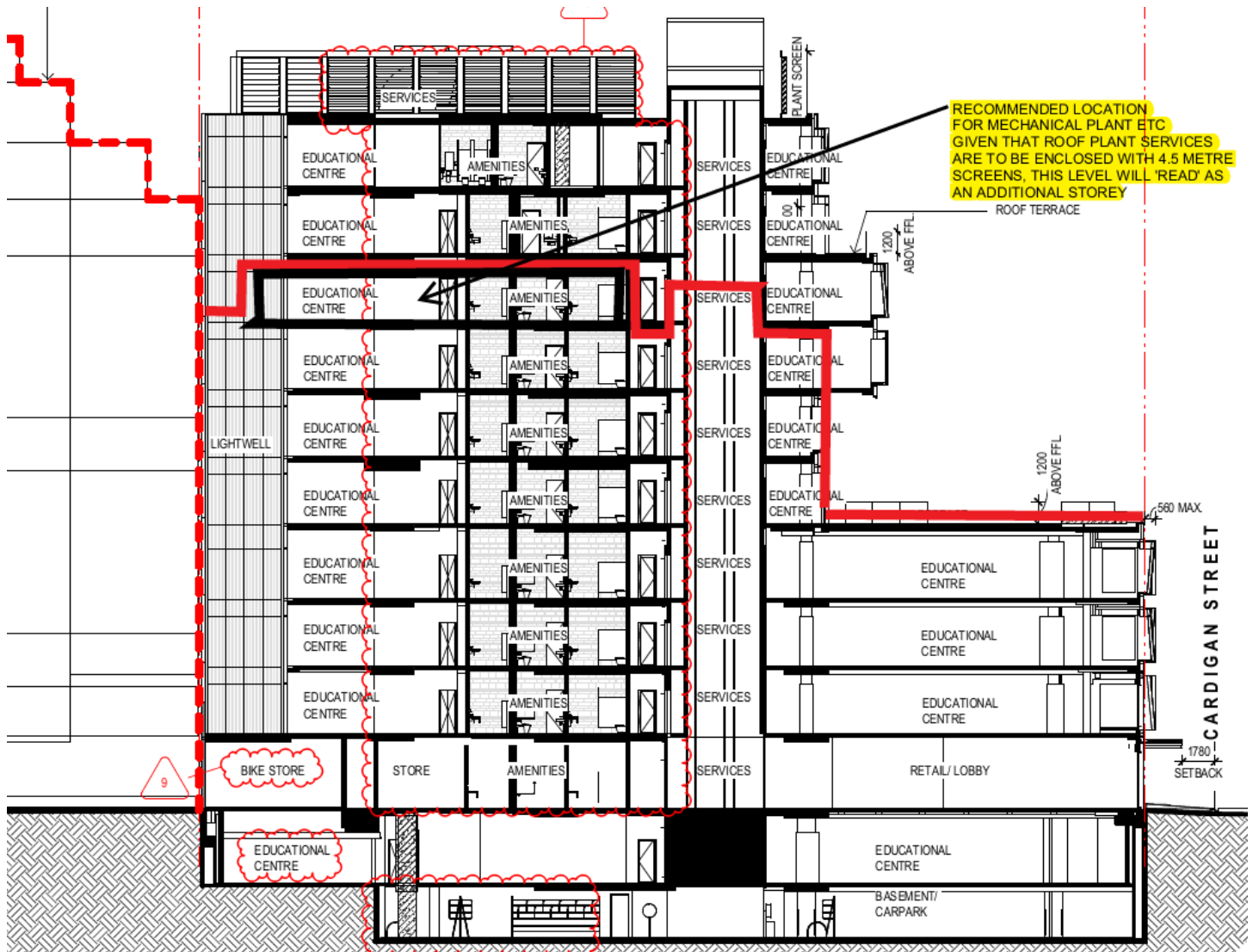
121-131 Cardigan St Carlton DDO Boundaries

Property
☐ Properties
☐ Parcel
Planning Scheme Overlays
 Heritage and Built Form
☒ DDO - Design and Development Overlay



The CRA accepts that the height guidance contained within the Design and Development Overlay Ordinance provisions is discretionary, and that a STEPPED transition in building height from the mid-rise DDO45 to the Low-rise DDO 47 would be appropriate. In this context we would recommend that the top THREE levels in the current scheme are REMOVED.

The current Level 7 [Educational Centre] would become the new screened Roof Level [for Mechanical Plant, Lift Overruns etc] as indicated in the marked up cross-section below.



It should be noted that this revised proposal will still result in a development outcome more intense than that contemplated by the low-rise Design and Development Overlay provisions of the current Planning Scheme. Under this proposal, the preferred maximum building height [of four storeys] effectively becomes a preferred maximum street wall height, with the tower element set back from Cardigan Street just over 17 metres.

Sustainability Management Plan Issues

The Consultant reporting on SMP matters believes that the development should achieve 60.7 credit points, and therefore satisfy the Council's 5 Star benchmark. However, this credit outcome only JUST falls within the 5 Star band [of 60 to 74 points] and the Consultant has emphasised that "it is not intended to pursue a certified Green Star rating for the development."

It must be emphasised that on key metrics, the Energy Category [which concerns reductions in Greenhouse Gas Emissions and Peak Electricity Demand] and the Potable Water Category, the results are particularly disappointing. The Energy Category achieves 4 out of 20 credit points, and the Potable Water Category achieves 5.3 out of 12 credit points.

Concerning the Peak Electricity Demand issue, it is expected that the onsite generation system will reduce the peak energy by 15%. The exhibited roof plan illustrates an onsite generation system of 22 solar panels; if these were rated at 250 W each then a 5.5 kW system would be delivered. Given that systems of this size are installed in many [detached] dwellings, the proposed system for 121 Cardigan Street is minuscule. Similarly, the expected reduction in greenhouse gas emissions relative to the Benchmark Building [of 25%] is most unambitious; especially in the context of the Council's Declaration of a Climate and Biodiversity Emergency in July 2019. This Declaration included the following detail: That the Future Melbourne Committee

- 1.2. Notes that the City of Melbourne, since 2003, has had a strong record of reducing emissions, restoring and conserving biodiversity, and preparing our community for the impacts of climate change.
- 1.3. Notes the continued success of the Melbourne Renewable Energy Project, a City of Melbourne led project, powering the City of Melbourne by 100 per cent renewable energy.
- 1.4. Notes the City of Melbourne support for the recently passed Motion at the Australian Local Government Association National General calling on the federal government to declare a climate emergency.

Given that the Council has also endorsed the **C40 Net Zero Emissions Buildings Declaration**, it is particularly disappointing that a NEW development with an EDUCATIONAL focus should be SO lacking in ambition. Sadly, the Potable Water outcome is equally disappointing. If the prescriptive pathway had been chosen, NO credit points would be available for rainwater re-use. A building with a GFA over 10,000 sqm would require a rainwater re-use tank OVER 100kL; yet it is proposed to install a tank of just 10kL.

In November 2019, the City of Melbourne endorsed this plan. According to the Director of City Strategy and Place, this Plan: ... outlines the opportunities to support innovation and enhance the urban realm in the area to the north of Melbourne's central business district. This area is called MID City North and represents the first district of the MID partnership established in 2016 between the City of Melbourne, RMIT University and the University of Melbourne. The Plan is intended to serve as a communications and advocacy tool to enhance innovation outcomes in the district and guide co-funding opportunities for the urban realm. More particularly, this Plan has identified those Streets for special attention, including Cardigan Street, Carlton. The characteristics and opportunities for this street have been summarised in the following manner:

There is potential for significant changes to pedestrianise the street, establish test sites and other innovation spaces and new infrastructure along the length of Cardigan Street. By reducing parking, consolidating lanes of traffic, and repurposing central median strips, there could be an increase in public open spaces and an opportunity to integrate new public uses along the street.

- To maintain the predominant low scale nature of the area.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

LEGEND

[illegible]

Concluding Comments

In the Association's view, the fact that the proposed new development has a similar built form to an earlier [and approved] development proposal should NOT negate the need to review the latest proposal in the light of new POLICY developments. Developers and their planning consultants often emphasise the need to recognise the EMERGING BUILT FORM in the assessment of development applications. As indicated at the outset, if Responsible Authorities now believe that any emerging built form needs to be consolidated, the Planning Scheme Amendment process is the proper vehicle to review and give effect to such an aspiration.

In our view, the EMERGING POLICY environment needs to be accorded even more weight than any fixation upon built form preferences. If for example, the new development will fail to achieve key environmental metrics [including the desire to achieve substantial reductions in carbon emissions] this must be included in the assessment of the net community benefit calculations. This is especially necessary where development applications are proposing to depart from the gazetted built form guidance of the Melbourne Planning Scheme in a major way, as is the case with the current development proposal.

The fact that emerging policy initiatives have not been formally incorporated into the Planning Scheme should NOT be a limitation on their consideration. It is important to note the following clauses of both the Melbourne Planning Scheme [MPS] AND the Planning and Environment Act. The MPS includes at Cl.65

65

28/03/2018
VC145

DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

More specifically, at Clause 65.01 of the Planning Scheme, ***before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate ... The matters set out in section 60 of the Act.***

Section 60 includes the following provision:

60 What matters must a responsible authority consider?

- (1) Before deciding on an application, the responsible authority must consider, inter alia (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development

In the Association's view, these provisions should encourage Responsible Authorities, planning and environment consultants and developers to consider key policy initiatives like the **Melbourne Innovation Districts (MID) City North Opportunities Plan** and the **C40 Net Zero Emissions Buildings Declaration**. Failure to do so will almost certainly result in mediocre environmental outcomes.

Ewan Ogilvy

[for the Carlton Residents' Association Inc] **DRAFT 7 JAN 2020**

(If there is not enough room, attach a separate page)

How to Apply and Enquiries:

<u>Mail:</u> Planning Department - City of Melbourne GPO Box 1603 Melbourne 3001	<u>Email:</u> planning@melbourne.vic.gov.au	<u>Tel:</u> 03 9658 9658
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