

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * David Bayley

Email address: * david@clause1.com.au

Date of meeting: * Tuesday 5 April 2022

Agenda item title: 6.1 Planning Permit Application: TP-2020-796 570-574 Lygon Street, Carlton

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

David Bayley, Clause 1 Planning for the permit applicant

1. The proposal for a rooming house is a form of accommodation. The site is zoned Residential Growth Zone which includes the purpose "To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres".

2. Rooms are to be let on a 6-12 month basis, to professionals, through a letting agency with similar vetting procedures as a standard for-lease tenancy arrangement.

3. The applicant has prepared and lodged an Operational Management Plan with limitations to the operations including the duty of the Operations Management, Tenant selection, building and use management (house rules), cleaning/waste management and fire safety.

4. Objections make a number of assumptions that tenants would be low income, affected by drugs, be criminals, plus a number of other preconceptions, without substantiation. Based on the material lodged with the application it is clearly not the intent of the applicant to provide accommodation which would facilitate these behaviours.

5. The proposal has been amended as a result of the recommendations of Council officers to achieve one existing window to each room. The application is for 11 bedrooms and 11 persons maximum.

This compares to "as-of-right" rooming houses which can have up to 12 persons over 9 bedrooms without a

planning permit.

6. The Planning Scheme includes State and local planning policy which seeks a diverse range of housing through the city to accommodate the varied household sizes and diverse range of people who are resident in the city. The proposal provides a useful form of affordable accommodation for workers who seek to be close to the city with low maintenance accommodation for medium to long periods of time. The site is very well served by public transport and is very close to the Lygon Street Activity Centre.

Thank you for your consideration.

Please indicate Yes
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

If yes, please I wish to make by submission via Zoom
indicate if you
would like to
make your
submission in
person, or via a
virtual link (Zoom)
to the meeting.
Please note,
physical
attendance will be
limited in
accordance with
City of Melbourne
security protocols
and COVID-safe
plans and be
allocated on a first
registered, first
served basis. *

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*

Name: * Dylan Leigh

Email address: * dlleigh@gmail.com

Date of meeting: * Tuesday 5 April 2022

Agenda item title: 6.1 Planning Permit Application: TP-2020-796 570-574 Lygon Street, Carlton

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am gravely concerned that no attention to Covid-19 safety issues seems to have been taken by the developers in the design of the new accommodation, and the planning committee does not seem to have considered them either.

The following five questions are put to both the developers and committee:

1) In general, what precautions have been taken in the planning of the rooming-house project to make it as Covid-safe as possible?

2) In particular, how will rooming-house residents isolate from each other for one or two weeks if they are sharing the same kitchen, laundry and other facilities?

3) Alternatively, will all residents be considered "close contacts" of each other and all have to isolate inside the rooming-house for a week if one resident tests positive?

4) How will airflow between bedrooms and in common facilities be managed to minimize the risk of Covid-19 transmission between residents?

5) Has the planning committee evaluated the increased Covid-19 risks of the rooming-house proposal, including the increased infection risks to the rest of the College Square complex and population in the general area?

Thankyou for your consideration,

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

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*

Name: * Dylan Leigh

Email address: * dlleigh@gmail.com

Date of meeting: * Tuesday 5 April 2022

Your question

With the ongoing Covid-19 pandemic, why is the city of Melbourne still considering planning permits for rooming-house style accommodation which cannot possibly be covid-safe?

In accommodation where residents share facilities such as a kitchen, they are likely to have frequent face to face contact with each other. Once one resident is positive, they may spread it to others until the entire facility is affected.

Without their own kitchen, residents are also unable to isolate for a week if they test positive (unless they are supplied with a week's worth of non-perishable rations to eat in their room).

As well as being a risk to the house residents itself, this also increases the health risks to the wider community they will be interacting with. The City of Melbourne already has high levels of Covid-19 – on January 11th this year 6.3% of the entire LGA population was isolating due to testing positive, not including their close contacts. As of 3 April, 1 out of every 87 residents of Melbourne is positive.

Two years into a pandemic which could last many more years or decades, why allow unsafe housing which increases the chance of Covid-19 spreading to others?

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Name: * Ian Gillard

Email address: * ian@sbss.com.au

Date of meeting: * Tuesday 5 April 2022

Agenda item title: 6.1 Planning Permit Application: TP-2020-796 570-574 Lygon Street, Carlton

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

1. Firstly I don't understand why the planning Department has recommended the Planning Permit be approved when they include so many management issues that require a new management plan before they go ahead. One of the major issues identified was Waste Disposal as they told the applicant they cannot use council pickup and they will need to arrange a private contract. Will any approval be dependant on new Management Plans?

2. Also the planning Department acknowledge the following objection:

The management plans state that the front door of the premises will be closed at all times. However, from the application plans, there are two entrances, which is the front door? Also, "closed" is not locked. What are the security protocols for entrance as the current building requires a security pass for entry and exit.

They then say :

"The above matters are addressed at Section 14 of this report".

But this one is NOT addressed. It is very Important if they finally get the go ahead. They need to comply with all OC rules and requirements. Does the Committee agree?

3. Also they appear to plan to use "Omni Property Group" as the Land Manager. Is Land Manager different to

Building/Facilities Manager?

4. Can you explain why the plan has been submitted by the planning department to be approved when the vast majority of of Lot Owners do not want such a major change to the use of the building?

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Name: * Tom Bacon

Email address: * tom@stratatitlelawyers.com.au

Date of meeting: * Tuesday 5 April 2022

Agenda item title: * Planning Permit Application: TP-2020-796 570-574 Lygon Street, Carlton

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Please refer to previously filed submissions which are also attached for your reference.
Submissions will not be accepted after 10am.

Alternatively you may attach your written submission by uploading your file here:  [oc_submissions.pdf](#) 802.68 KB · PDF

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: * Yes

If yes, please indicate if you would like to make your submission in person, or via a virtual link (Zoom) to the meeting. Please note, physical attendance will be limited in accordance with City of Melbourne security protocols and COVID-safe plans and be allocated on a first registered, first served basis. * I wish to make by submission via Zoom



25 June 2020

City of Melbourne Council
GPO Box 1603
Melbourne, VIC 3001

Attention: *General Manager; and Ryan Cottrell – Planning Officer*
Sent via email: planning@melbourne.vic.gov.au

Objections also uploaded to Council website

**PLANNING PERMIT APPLICATION TP-2020-796
570-574 LYGON STREET, CARLTON VIC 3053**

**OBJECTIONS TO APPLICATION TO CHANGE USE OF THE LAND (LOT S9 IN
PLAN OF SUBDIVISION 415534X) TO A ROOMING HOUSE**

These objections against Planning Permit Application TP-2020-796 are filed by the Owners Corporation Plan of Subdivision PS 415534X ('the Owners Corporation') also known as College Square, which is a large residential complex comprising of over 650 lots.

These objections are in addition to, and do not overwrite the objections already filed by the Owners Corporation to the Council on 26 May 2021.

The subject site is a lot within the Owners Corporation and is located entirely within the Owners Corporation's parcel of land. It is submitted, the entire Owners Corporation is considered to be the most affected by the proposed planning permit application.

The principal objections to the proposed planning permit application can, in broad terms be summarised that the proposed increase in density of the site (from a general use office space to a Rooming House comprising of 18 residential bedrooms ranging from approximately 8m² to 13m²) is totally inappropriate in the context of the surrounding landscape.

This increase in density has in turn created several negative flow-on effects including inadequate waste management, risks to security, safety and privacy, and amenity issues the Owners Corporation will be unable to resolve. The objections to this application are further set out below.

1. Density and overarching purpose

The core of the Owners Corporation's objections revolve around the completely inappropriate over-intensification of the complex from the proposed Rooming House. Whilst the lot is currently vacant, it has been previously used as a general office space. According to the Applicant's proposal, the general office space is to be converted into an 18 room Rooming House with a shared kitchen and communal area and is specifically catered towards 'working professionals' and 'not for student accommodation'.

The Owners Corporation submits that this is nothing but a cynical attempt by the Applicant to secure a baseline approval from the Council and they will no doubt use the converted lot as student housing or backpacker accommodation given the unfeasibility of using the Rooming House as professional accommodation. Throughout their proposal, the Applicant continually emphasises that the proposed rooms are to be leased only to working professionals and not students. They attempt to make it abundantly clear that this accommodation is not related to UniLodge who already have a significant presence in throughout the complex.

However, the Applicant then unashamedly states 'While the proposal is not for Student Accommodation, it does not remove the supply of existing Student Accommodation from College Square. *The proposed internal renovations provide future opportunities for Student Accommodation...*' The Owners Corporation say the Applicant must make their true intentions clear and not mislead the Council or the community.

It is submitted that an 8 square metre room is not sufficient for a working professional and the Applicant has not demonstrated the 'perceived' demand for this market. The Owners Corporation say that working professionals would not find such accommodation appealing and there is no need for this lot to be altered to meet this non-existent demand.

Indeed, there is little to no planning policy that seeks to achieve this goal either. Planning policies seek high density housing in particular areas such as Carlton. Indeed, College Square is already attending to that need with over 500 student housing lots. The Applicant has sought to cite clauses within the Victorian Planning Scheme to substantiate their application however it is obvious that this is nothing more than an elaborate cherry-picking exercise. The Applicant has partially cited clause 21.06-3 which provides planning directions for the Carlton area. Notably, the clause provides the following direction to 'Support the on-going use of College Square on Swanston Street and Lygon Street as high-density *student* housing accommodation.' It appears the Council has acknowledged the existing student accommodation at College Square and notes how the existing accommodation is to be supported. There is no mention of a need to develop professional housing in College Square and indeed it is clear the directions for Carlton place a great emphasis on student accommodation, public housing, and tourism functions rather than on general housing for professionals.

The lack of demand and zero planning requirements regarding a Rooming House for professionals, is only exacerbated by the ongoing Covid pandemic where increasingly, professionals are required to work from home whether it be permanently or part-time. Further, as Victorians are now accustomed, the wider community may be required to stay at home on short notice. The Owners Corporation cannot fathom a circumstance whereby a professional worker would be willing to either work or be locked down in an 8 square metre room when traditional self-contained dwellings are widely available in the rental market.

The Owners Corporation submits that this proposal is completely inappropriate for College Square and should be rejected given there is simply no demand to create such a highly dense space on the ground floor of the complex. High calibre tenants will not be attracted to this Rooming House and the Owners Corporation says it will simply be a matter of time before the Rooming House is converted to backpacker accommodation or further student accommodation which is not required given the already existing housing in College Square.

The Council will be well aware of the highly publicised illegal Rooming Houses in the Neo 200 and Lacrosse complexes in the Melbourne CBD where it was reported up to 10 beds were found in one unit. In both instances it has been reported the Council found it very difficult to prosecute these matters given the avoidance practices employed by the Rooming House operators.¹ In this context, the Owners Corporation is obliged to take the view that such practices of increasing room capacity will likely be employed at College Square especially given the Applicant's desire to create so many rooms in a space which cannot reasonably accommodate the amount of rooms proposed.

2. Waste management and capacity issues

It appears the Applicant has little to no regard towards the waste their proposed Rooming House will create and the undue pressure this will place on the Owners Corporation's existing waste management system. The belatedly filed waste management plan states small waste receptacles will be made available in each of the 18 rooms with large 50-60 litre bins (the number of which have not been specified by the Applicant) will be placed in common areas. It is then noted in the plan that the existing bins serving the Owners Corporation will be used by the Rooming House given the owner of the Rooming House is a levy paying lot owner within the scheme.

Whilst this may be true, the initial purpose of the lot was not to house 18 people (and likely be frequented by more people such as staff and guests). The current waste management plan for the scheme simply does not have any capacity to meet this added demand. The Applicant has cited the 'Guidelines for preparing a waste

¹ News reports: <https://www.theage.com.au/national/victoria/extreme-lengths-to-avoid-detection-illegal-rooming-house-operators-becoming-more-sophisticated-20190207-p50w6z.html>; <https://www.theage.com.au/national/victoria/slum-squeeze-overseas-students-taking-turns-to-sleep-in-overcrowded-melbourne-high-rises-20150520-gh5hzs.html>

management plan 2017' as their rationale of concluding the Rooming House will generate 630 litres of garbage and 630 litres of recycling a week.

They have erroneously determined this by defining their Rooming House rooms as 'serviced apartments' rather than '1 bedroom or studio apartments'. The Owners Corporation submits that this is an extremely cynical attempt to mislead the Council. In their proposal the Applicant continuously state that their Rooming House is targeted towards professionals who will enter into 6-12 month leases. They describe that these leases render their accommodation as unlikely to be considered as 'away from their normal place of residence.' This would indicate the rooming house will be the resident's primary place of residence. Now that it is convenient to Applicant's argument, they re-classify the rooms as serviced apartments which would imply short-term accommodation rather than medium-term accommodation as they previously suggest. There simply is no way the Applicant can seriously argue these rooms are 'serviced apartments' based on their proposed business model. Furthermore, if the Applicant's target market is professionals rather than students, it should be reasonably expected that a larger amount of waste will be generated as professionals are more inclined to cook meals for themselves when compared to students.

If waste generation is determined using the 1 bedroom or studio apartment rate, the Applicant's Rooming House will generate 1440 litres of garbage and 1440 litres of recycling a week. There is simply no way the existing waste management system will deal with this increased rate of waste disposal. As such, the Council cannot look favourably upon this application. Furthermore, the Owners Corporation submits that the inconsistencies in the Applicant's application is cause for concern. If the Applicant is openly attempting to mislead the Council, the Owners Corporation is concerned of the lengths the Applicant may go to in the event the Planning Permit is granted.

Further, it is not expressly clear who will bear the responsibility of transporting waste from the Rooming House to the existing bins located in the lower ground floor (or through chutes). On one hand the Applicant states an external contractor will clean the site on a weekly basis which includes cleaning bins, however later in the plan the Applicant states tenants will pass by the scheme's rubbish chutes on ingress and egress of the building and will therefore be able to access those chutes to dispose of waste. The waste management plan is unclear and, in such circumstances, the Council must not approve this application.

3. Increased pressure on the Owners Corporation's common property and social impacts

The Owners Corporation is extremely concerned that the proposed Rooming House has not accounted for the fact the proposed residents will be traversing through the Owners Corporation's common property lobby area as well as the rubbish areas / chutes located on the lower ground level and level 1. The existing building

management agreement and security services providers will not cover such a substantive increase of tenancy.

A further issue the Applicant has not accounted for is the fact the Owners Corporation's facilities such as the gym and pool will be accessible by residents of the Rooming House. Other common utilities such as plumbing and electricity will be impacted. No thought has been put to the increased capacity on these facilities and no consultation has been sought from the Owners Corporation.

In fact, the Applicant has shown such disdain towards the Owners Corporation's infrastructure, in their clause 55 assessment, in response to clause 55.02-4 titled 'Infrastructure Objectives', they state 'In the context of the building as a 12 storey building used mainly for student accommodation, the proposal will not create a significant demand on existing infrastructure.' The Owners Corporation states that this could not be any further from the truth.

Whilst the Owners Corporation acknowledges tenants of a levying paying lot are entitled to access common facilities, the Owners Corporation will have no choice but to recast lot liabilities to reconcile the added stress this one lot is placing on the common facilities.

The Council is required to consider any significant social effects and economic effects the application may have in accordance with section 60(1)(f) of the *Planning and Environment Act 1987* (VIC). The Owners Corporation will not only have to exert substantive legal costs in re-casting lot liabilities at Landata Victoria but will likely have to incur costs to maintain the common areas to accommodate for the increased capacity they will be required to bear. This will also include increased building management and security capacity. I have also advised the Owners Corporation of their rights under section 138 of the *Owners Corporation Act 2006* (VIC) to make Rules. Under Schedule 1 of this Act, the Owners Corporation is entitled to make a Rule related to the change of use of lots. The Owners Corporation have also indicated to me that they will seek advice as to the legitimacy of this application and whether it has been made in accordance with the *Owners Corporation Act 2006* (VIC) and in accordance with the Rules which already govern College Square. On first glance it appears that the application is in breach of the existing Rules and will likely require legal intervention and costs.

Clearly the social and economic impact this development will have on the Owners Corporation is significant given the increased levies lot owners will have to pay in relation to dealing with this application (should it succeed). The Council must not allow this application to be made given it clearly will not be able to satisfy section 60(1)(f) of the *Planning and Environment Act 1987* (VIC).

The Owners Corporation also brings section 60(1B) of the *Planning and Environment Act 1987* (VIC). Section 60(1B) states

*'For the purposes of subsection (1)(f), the responsible authority must (where appropriate) have regard to the **number of objectors** in considering whether the use or development may have a significant social effect.'*

At time of writing of these submissions, 363 submissions in objection of this proposal have been made to the Council. It is clear the College Square and wider community are in total opposition to this proposal and there is an obvious negative social effect that will be arising. The Council must refuse to grant this Planning Permit accordingly.

4. Amenity impacts and other planning provisions

The Owners Corporation is extremely concerned by the Applicant's failure to account for the amenity of both the rooms themselves and the amenity of the Owners Corporation.

The Council cannot be satisfied by the Applicant's written statements in relation to clause 55 of the Victorian Planning Scheme. For example, the Applicant states the proposed Rooming House complies with clause 55.02-2 titled 'Residential Policy Objectives', as the proposal will create higher density of residential land use which accords with the relevant policy provisions. The Applicant does not cite these policy provisions and does not read policy provisions as a whole. The Owners Corporation submits the Applicant has failed to account for the policy consideration of clause 16.01-1S where it is stated:

'Encourage the development of well-designed housing that:

- *Provides a **high level of internal and external amenity.***
- *Incorporates universal design and adaptable internal dwelling design'*

It is submitted the Rooming House is poorly designed and provides little amenity to the proposed occupants. Amenity issues arising include:

- the sheer density of rooms within the lot where there will likely be over 20 people within the space at once;
- the lack of suitable natural light and inadequate light courts (the plans only show 4 light courts despite the proposal stating each lot will have a light court);
- the requirement for professional workers to use a shared kitchen;
- the lacking storage facilities; and
- the extremely close proximity to the existing highly dense student accommodation at College Square which will not be attractive to professionals.

The Applicant has failed to provide a neighbourhood and site description with regard to clause 55.01. It is unclear if the Council has waived this requirement. The Applicant has simply brushed off the impact the proposal will have on the neighbourhood on the basis no external works are being undertaken. The Owners Corporation acknowledges no work is being carried out to the external parts of the building however it is submitted at the very least a site description ought to be provided by the Applicant as there are relevant factors the Council must consider from a site description. For example, clause 55.01-1 states a site description should describe the use of the surrounding buildings, the location of existing buildings and any other notable features of the site. It is submitted these are all extremely relevant factors and the Applicant must provide a design response to such a description accordingly.

The Applicant appears to rely on the existing open space of College Square. Again, the increased density is concerning with regard to amenity of this space for existing occupiers in College Square. The Applicant has not considered that these areas will likely require greater upkeep as a result of increased patronage. To that end, the Owners Corporation refers the Council to section 3 of these objections. Indeed, it appears the Applicant simply asserts public private open spaces are available in nearby public parks. This response is entirely unsatisfactory. It is clear there is limited space for further private open space at College Square and this added density is unsuitable.

The Applicant states the 'communal living areas [are] of generous size'. When one refers to the plans the communal space is listed as 63 square metres. This is not generous by any definition and will barely accommodate 10 people comfortably let alone 18 (which is the number of rooms being sought).

The Applicant states each dwelling has adequate wardrobe storage and justifies this lack of storage on the grounds that as rooms do not have private open space there is no need for additional storage. This response is perplexing and seems to be a poor attempt to side-step the issue. The Applicant simply cannot expect a working professional to store all their belongings in a wardrobe for the duration of a 6-12 month lease. The Owners Corporation is concerned that occupiers will seek to rely on other areas of the common property for storage of goods.

The Applicant's response to noise impact objectives is equally as perplexing. The Applicant has not considered the added noise the proposed Rooming House will have on the existing dwellings i.e., College Square. They have only considered how the proposal will be impacted by existing road noise. This disregard for neighbours is concerning to the Owners Corporation given the increased activity expected on the ground floor and throughout the complex.

The Owners Corporation submits that the Applicant has not adequately addressed amenity issues arising and therefore has not addressed the requirements of clause 55 of the Victorian Planning Scheme. Furthermore, the Owners Corporation says that the Council must consider the factors for clause 65.01 of the Victorian Planning

Scheme. Clearly, as a result of the over-intensification of the lot, the amenity of the area is diminished to such an extent, the Council must refuse to grant a Planning Permit. Whilst the Applicant seeks to rely on the planning policy of high density housing in certain population centres, this is being done at the cost of another planning policy of proper amenity to occupiers and the community at large.

Conclusion

The Owners Corporation considers the infringements of relevant planning policies, the *Owners Corporation Act 2006* (VIC) and *Planning and Environment Act 1987* (VIC), must mean the Council should look unfavourably upon the Applicant's pursuit of a Planning Permit.

The Owners Corporation submits that the proposal seeks to instil far too many rooms in a space that is far too small. It is submitted that the reason the Council requires approvals for certain Rooming Houses, like the proposed Rooming House set out in this proposal, is so they can never 'get off the ground'. Perhaps if a suitable number of rooms for the lot's area were proposed the Owners Corporation could reconsider their objections, however the Applicant's greed to seek as high a return as possible renders their application completely inappropriate.

Furthermore, as identified above, the Applicant's proposal simply does not consider any factors that are prevalent to a large Owners Corporation. The Applicant, a member of this Owners Corporation has made no attempt to consult the Owners Corporation and no attempt to consider their obligations as a lot owner and the social and economic impacts their proposal will have on their community.

The Owners Corporation notes that it intends to file for a review at Victorian Civil and Administrative Tribunal in the event the Council issues a Notice of Decision to Grant a Permit.

The Owners Corporation requests that they are kept apprised of this application through the undersigned.

Yours faithfully,

Tom Bacon
CEO & Principal Lawyer
tom@stratatitlelawyers.com.au

Akeel Sumar
Lawyer
akeel@stratatitlelawyers.com.au



28 February 2022

City of Melbourne Council
GPO Box 1603
Melbourne, VIC 3001

Attention: *General Manager; and Ryan Cottrell – Planning Officer*
Sent via email: planning@melbourne.vic.gov.au

**PLANNING PERMIT APPLICATION TP-2020-796
570-574 LYGON STREET, CARLTON VIC 3053**

**OBJECTIONS TO APPLICATION TO CHANGE USE OF THE LAND (LOT S9 IN
PLAN OF SUBDIVISION 415534X) TO A ROOMING HOUSE**

These objections against Planning Permit Application TP-2020-796 are filed by the Owners Corporation Plan of Subdivision PS 415534X ('the Owners Corporation') also known as College Square, which is a large residential complex comprising of over 650 lots.

These objections are in addition to, and do not overwrite the objections already filed by the Owners Corporation to the Council on 26 May 2021 and on 25 June 2021. Those objections still stand in totality, as they have not been adequately addressed or responded to by the Applicant.

On 14 February 2022, the Council advised the Owners Corporation that the Planning Permit Application in question had been formally amended pursuant to section 57A of the *Planning and Environment Act 1987*. The Applicant has decided to significantly amend their proposal in what appears to be an attempt to respond to the contentions raised by the 383 objectors received by the Council. However, the amended design of the rooming house does little to satisfy the Owners Corporation's concerns.

Again, it is noted that the entire Owners Corporation is considered to be the most affected by the proposed planning permit application as the subject site is a lot within the Owners Corporation and is located entirely within the Owners Corporation's parcel of land.

The principal objections to the proposed planning permit application previously raised by the Owners Corporation remain despite the proposed amendments sought by the Applicant. The revised number of rooms (from 18 to 11) is still totally inappropriate in the context of the surrounding landscape.

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MELBOURNE Level 27, 101 Collins Street, Docklands VIC 3000 T: 03 9097 1618

www.stratatitlelawyers.com.au

This has in turn created several negative flow-on effects including inadequate waste management, risks to security, safety and privacy, and amenity issues the Owners Corporation will be unable to resolve. The Owners Corporation uses the same headings as its objections dated 25 June 2021 and explain how those objections remain unresolved and unanswered by the Applicant. The objections to this application are further set out below.

1. Amendment to Density

The core of the Owners Corporation's objections revolve around the completely inappropriate over-intensification of the complex from the proposed Rooming House. Whilst the lot is currently vacant, it has been previously used as a general office space.

The Owners Corporation understands that the Applicant makes the following changes to its proposed plan (however, notably, the Applicant has not raised all the following amendments in its formal application to the Council):

- (a) The reduction of bedrooms from 18 to 11. It appears bedrooms 1-6 have simply been slightly elongated into the proposed hallway (and the hallway width subsequently reduced). Bedrooms 7-8 and 10-11 are between 13.7m² to 16.8m² with bedroom 9 the only outlier at 28m²;
- (b) The proposed light courts have been removed. It would appear that this is an attempt to increase floor space to enlarge the size of bedrooms;
- (c) The Applicant contends the proposed sitting room has been enlarged however it appears that the physical area remains the same. Notably, the Applicant does not explain that the only reason the area can consider enlarged is because the bicycle parking has been able to be relocated to the hallway. The only way bicycle parking can be relocated is by the deletion of the proposed WC. There does not appear to be any communal bathrooms available;
- (d) The creation of a standalone kitchen and a store & amenities room (it is unclear what will be comprised in this space outside of a laundry); and
- (e) The removal of the 63m² communal space.

The reduction of bedrooms does not answer the Owners Corporations objections. The largest room is still completely inadequate and far too small for a professional to live in. The Owners Corporation has no doubt that the Applicant still intends to use the rooming house as student accommodation. The Owners Corporation's original submissions still stand.

The Owners Corporation submits that in an attempt to respond to the density objections raised, the Applicant has increased the size of bedrooms at the expense of amenity of the rooming house overall. There is no longer an adequate communal space and in fact the liveable communal areas of the lot are now nothing more than a

small sitting room (which is smaller than some of the overall bedrooms). The amenities and storeroom is to be shared by all 11 rooms (and presumably the operators of the rooming house).

The Applicant's amended application is a clear explanation as to why the lot is an inadequate space for a rooming house. Whilst the Owners Corporation acknowledges a slight reduction in density, that has come at a cost of overall amenity. Occupants have no escape from their slightly larger bedrooms.

The Owners Corporation submits that this is nothing but a cynical attempt by the Applicant to reduce density to secure a baseline approval from the Council and they will no doubt seek to amend their approved plans once again to increase the number of rooms to the original design.

2. Waste management and capacity issues

The Applicant has not responded to any of the concerns raised by the Owners Corporation in this regard. In fact, its waste management plan has only been altered to reflect the reduction to 11 bedrooms. The Applicant continues to use 'serviced apartments' as their use type rather than '1 Bedroom or Studio Apartment'. The Owners Corporation remains of the view that its previous submissions stand and there are serious waste management and capacity issues that remain unresolved and therefore the Council must not approve this application.

3. Increased pressure on the Owners Corporation's common property and social impacts

The Applicant has not responded to the issues raised by the Owners Corporation at all.

At time of writing of these submissions, 383 submissions in objection of this proposal have been made to the Council. It is clear the College Square and wider community are in total opposition to this proposal and there is an obvious negative social effect that will be arising. The Council must refuse to grant this Planning Permit accordingly.

4. Amenity impacts and other planning provisions

As outlined above, the reduction of density proves that this lot is not suitable as a rooming house. The amenity issues previously raised by the Owners Corporation have not been responded to. The Owners Corporation raised the following amenity concerns (in *italic* font). In standard font immediately below appears the Owners Corporation's further submission.

- *the sheer density of rooms within the lot where there will likely be over 20 people within the space at once;*

The Applicant has slightly reduced density of the rooms however there will still be far too many people in the lot than intended on development of the

building. Indeed, communal space has now been removed. It is submitted that by attempting to solve one problem the Applicant is creating another. The former communal space was inadequate at 63m². Whilst there may well be fewer people in the property at once, given communal space has been sacrificed to create larger rooms, the density issues are not solved.

- *the lack of suitable natural light and inadequate light courts (the plans only show 4 light courts despite the proposal stating each lot will have a light court);*

The Applicant has increased bedroom size at the expense of the proposed light courts. The existing windows will not allow enough natural light for the purposes of permanent residence.

- *the requirement for professional workers to use a shared kitchen;*

The Applicant has not responded to matters pertaining to the use of a shared kitchen.

- *the lacking storage facilities; and*

The Applicant has now provided, at the expense of communal living areas, a storage room. It is unclear how large this room is to be, how it will be structured (shelves, lockers etc.) and how this room is proposed to be shared by all occupants and the operators of the rooming house. It is also proposed that this room acts as an amenities room which is entirely inappropriate.

The Applicant states each dwelling has adequate wardrobe storage and justifies this lack of storage on the grounds that as rooms do not have private open space there is no need for additional storage. This response is perplexing and seems to be a poor attempt to side-step the issue. The Applicant simply cannot expect a working professional to store all their belongings in a wardrobe or in an undisclosed storeroom for the duration of a 6-12 month lease. The Owners Corporation remains concerned that occupiers will seek to rely on other areas of the common property for storage of goods. Accordingly, this amenity issue has not been adequately responded to.

- *the extremely close proximity to the existing highly dense student accommodation at College Square which will not be attractive to professionals.*

The Applicant has not responded to matters pertaining to the proximity of College Square and how this would be attractive to professionals. There is an abundance of studio to one bedroom standalone units with self-contained kitchens and bathrooms in the vicinity of College Square. It remains unclear why professional housing is required and the Owners Corporation has no doubt that in the event this planning permit is granted, the Applicant will look to amend their proposal to create student housing.

The Owners Corporation submits that the Applicant has not adequately addressed amenity issues arising and therefore has not addressed the requirements of clause 55 of the Victorian Planning Scheme. Furthermore, the Owners Corporation says that the Council must consider the factors for clause 65.01 of the Victorian Planning Scheme. Clearly, as a result of the over-intensification of the lot, the amenity of the area is diminished to such an extent, the Council must refuse to grant a Planning Permit. Whilst the Applicant seeks to rely on the planning policy of high density housing in certain population centres, this is being done at the cost of another planning policy of proper amenity to occupiers and the community at large.

Conclusion

The Owners Corporation considers the infringements of relevant planning policies, the *Owners Corporation Act 2006* (VIC) and *Planning and Environment Act 1987* (VIC), must mean the Council should look unfavourably upon the Applicant's pursuit of a Planning Permit.

The Owners Corporation submits that the proposal still seeks to instil far too many rooms in a space that is far too small. It is submitted that the reason the Council requires approvals for certain Rooming Houses, like the proposed Rooming House set out in this proposal, is so they can never 'get off the ground'. 11 rooms with no suitable communal area remain unsuitable.

The Applicant, a member of this Owners Corporation has still made no attempt to consult the Owners Corporation and no attempt to consider their obligations as a lot owner and the social and economic impacts their proposal will have on their community. Many concerns raised remain unanswered. With close to 400 objections made, it is clear the community is vehemently opposed to this application. The council must listen to its constituents and refuse to grant this permit.

The Owners Corporation notes that it intends to file for a review at Victorian Civil and Administrative Tribunal in the event the Council issues a Notice of Decision to Grant a Permit.

The Owners Corporation requests that they are kept apprised of this application through the undersigned.

Yours faithfully,

Tom Bacon
CEO & Principal Lawyer
tom@stratatitlelawyers.com.au

Akeel Sumar
Lawyer
akeel@stratatitlelawyers.com.au

Jordan McKay

From: Wufoo <no-reply@wufoo.com>
Sent: Saturday, 2 April 2022 1:32 PM
To: CoM Meetings
Subject: Future Melbourne Committee submission form [#180]

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Jim Cousins AO

Email address: * jimscousins@gmail.com

Date of meeting: * Tuesday 5 April 2022

Agenda item title: Reports from Management

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I strongly object to this application on the following grounds and consider it runs counter to the intentions of the Heritage Act to protect cultural heritage from past centuries, along with significant additions in recent centuries.

1. Harry Seidler's vision, when designing architectural award winning modernist design No. 1 Spring Street, was to allow his building to be set amongst, and influenced by, areas of public space around it, both on the front of the building in Spring Street and to the rear on Flinders Lane. Seidler always considered his buildings as part of the whole environment and surrounds of the site.

2. Whilst considering Seidler's vision with Shell House, the theatre, conference area and garden areas were also an integral part of his plan and will be destroyed partly or wholly should this plan go ahead.

3. Milton House has lasting Heritage significance for its fine architectural Art Nouveau style, built in 1901, and its history as an early private Melbourne hospital. As a three storey stand alone building, it is one of the very few smaller domestic scale Heritage buildings on Flinders Lane – an area that is becoming as devoid, bland and cold as other City thoroughfares when buildings are allowed to be either demolished or built over and modern towers are built instead, creating constant wind tunnels, particularly in the smaller laneways. The prevalence of the authorities allowing the building of so many city towers in the CBD Melbourne over the past decades, has reduced open spaces to a minimum, and in this particular case would impact enormously on this historic site.

4. The tower, as proposed in this application, will totally overpower and dwarf this fine and rare domestic scale

building sitting at the start of Flinders Lane. This first section between Spring and Exhibition Streets is bereft of historic buildings. We therefore consider to allow an enormous modern 35 storey skyscraper to go ahead, completely overshadowing, dwarfing and pushing into insignificance the magnificent Milton House, just adds to Melbourne's destruction of its history which is fast disappearing.

As a final comment, it seems a somewhat strange idea, after the last Covid years and all City offices required to close totally for so long, that consideration would be given to the building of an additional office tower to this precious landscape. We suspect the extent of the drastic oversupply situation will reveal itself over the next several years as WFH becomes part of the normal in the years ahead. It flies in the face of the assumption, mentioned by the developer, that Melbourne has a shortage of office space.

We trust that you will consider this in the light of past claims, now being disputed in many quarters, that Melbourne is one of the most liveable cities in the world.

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Sandra Makris

Email address: * makriss333@gmail.com

Date of meeting: * Tuesday 5 April 2022

Agenda item title: MPR:ID-2021-11, 11 Spring Street and 25 Flinders Lane Melb

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I have submitted my letter of concern directly to each Councillor on 30th March 2022 plus a an aerial photo of the existing open air plaza.

I have read the Council Reports for Item no; 6.1; 6.2 and 6.2.1 and my views remain the same as detailed in my correspondence.

I respectfully request Councillors take into consideration its contents and value the importance or heritage retention, open 'public use' plaza rather than what will become a walk through and the devastating impact on the natural light and air of all abutting building exacerbated by other pencil towers that are also approved for construction. Saturation of the skyline is what will be created here should this development be approved.

I can be contacted directly on 0427888258.

Alternatively you may attach your written submission by uploading your file here:



[letter_of_concern_shell_house_and_milton_house.pdf](#) 707.08 KB · PDF

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

30 March 2022

Councillor Sally Capp, Lord Mayor
and Councillors
City of Melbourne
GPO Box 3001
MELBOURNE VIC 3000

Individually by email

My Dear Lord Mayor and Councillors

**Re: Shell House (1 Spring Street) and Milton House (25 Flinders Lane)
Application by Phillip Nominees to the Victorian Government's Minister for Planning**

As the responsible authority, MCC elected representatives will shortly be requested to consider the merit of an application that was rejected by Heritage Victoria on 4th August 2021. Rather than await the heritage appeal review process, the developers lobbied the Minister for Planning, the Hon. Richard Wynne MP, resulting in him 'calling in' the application on 14th November 2021. Since then, it is believed various discussions have taken place seeking modifications to the proposal so that it 'can' be approved by him.

I am cognisant Council Officers have been requesting additional information before being in a position to list the matter for Councillors' consideration at the April 2022 meeting.

I write to you as a concerned resident who has a property and valuation background with additional knowledge of facility management. We are in danger of reaching saturation of the skyline that will change this Precinct from what has been renowned for its majestic cultural significance into a congested metropolis, likened more to cities of triple the population of Melbourne. As my correspondence is lengthy and considered, I wanted to be sure you had time to read this ahead of the Council meeting.

I submitted my opposition to the original application (advertised in March 2021) on heritage grounds, as these were the only reasons one could oppose the application. I am a heritage buff who believes we need to retain and restore our limited sites, especially when they are not only of significant architectural value, but also of social significance.

Now that the Minister has rights over the application, I now cannot sit back and allow Harry Seidler's stamp on Melbourne's entry point and the very special purpose of Milton House to be lost to Melbourne. I now provide a resident's viewpoint over several pages, which I respectfully request each Councillor take into consideration as the referring authority.

I extend a personal invitation to you to attend my apartment on the 8th floor of the Philadelphia building to take in the aerial view of the applicable buildings. I can be contacted on telephone 0427888258. I now provide personal insights that are broad-based.

A. The Original Application and General Principles

In order to be fully informed I read 'all' the associated consultants' reports and the economic grounds forming the basis of the proposal and I studied the architectural design. In its original form the proposal was prohibited under the planning scheme. In his letter of late last year, the Minister alluded to 'amended' plans. Obviously, I have not sighted the revised plans to understand what they have done to now make it comply under the Planning Scheme, but no matter how they have changed, the underlying reasons for refusal under Heritage provisions would and should still stand.

The Minister should not have called it in, but he has, which is why I write to all Councillors seeking their support to oppose the application. The ability to bypass due process makes a mockery of it and especially negates the need for a Heritage Authority if aggrieved applicants can bypass the process and use access to a Minister to achieve the outcome they seek.

By way of background, back in March 2021, I also lodged a complaint to Heritage Victoria that the applicant did not notify all adjacent owners who may be affected by the proposal. This meant that unless you physically walked past the site within the 14-day period, you would not have realised this application had been made. Due to the Pandemic lockdowns, many people were staying indoors or had left the city meaning even fewer people would have walked past the notification of an application sign.

General planning guidelines consider overlooking/overshading/affect on adjoining properties and impact on the general area. In the City of Melbourne's Hoddle Grid these sound rules have no place, and this is proven time and again by new buildings that have sprung up over the last 15 years whose merit and integrity are questionable. It is because of this that many of my fellow residents believe there is no hope in raising their concerns, as one man has the power to decide the fate of their lifestyle and amenity. I feel as if I have to take up the charge on behalf of many.

Despite not having any formal right to object, I am coming forward to express my views in the strongest way that this proposal should not be passed. I do so because of my lived experience of the Precinct and because it places in jeopardy the intention of Amendment C308. One person should not be permitted to decide planning applications that have long term impacts on the capital city.

I personally believe the new design parameter guidelines and the recently appointed panel authorities are brilliant. I, for one, believe it is time planning approvals for larger scale projects should be brought back to Council House and away from the State. That is a debate and a lobbying effort for another time.

B. The Proposal and Concerns

Council will deliberate on the proposal as a whole and not just on the heritage elements. Now that the proposal has been called in for overall approval, the general public has no rights at all.

All supporting reports were based upon the submission to Heritage Victoria and their tone is directed specifically to cultural and architecturally significant matters of a heritage nature. This means other factors on how the development will impact on the general area and adjoining buildings has not been included because they were not asked for. The Council can provide input to the Minister on all aspects and impacts.

I raise a number of matters that I hope you will consider in your deliberations.

B1. Requirement for larger floor plates?

In the commissioned URBIS Report – Reasonable or Economic Use Assessment (page 2) there is reference to *'flexible floorplates of over 1,000 sq. m NLA being essential to ensure there is tenant demand and the development can receive the necessary funding to be delivered.'*

In the same report there is reference to the need for A-Grade commercial stock in the Paris End of the City to attract appropriate commercial and government tenants – despite the Pandemic. URBIS confirms the *'proposed tower and redevelopment is the highest and best use of the land and the only feasible outcome for an office building.'* The author stated other uses are not economically feasible.

URBIS further highlights 1 Spring Street is a prime office location in an established commercial precinct. I would like to contradict this statement. All 'new' buildings along this strip up to 55 Spring Street are of a residential use, not commercial, thereby signalling a preference for living in the Paris End. This trend began decades ago.

In direct contrast to the URBIS report, I draw Councillors attention to an ABC radio interview conducted by Danni Hunter (Executive Director of the Property Council, Vic Division) on 26th February 2022 discussing declining office use/occupancy arising out of the Pandemic.

In the interview Ms Hunter mentioned that *data takes a couple of months to filter through, but what is evident is there is a shift.* She stated initial survey findings as split between three:

- People who want to be in the office full time
- People who want to be working at home full time
- People who want a hybrid.

One can contend this is a paradigm shift away from everyone coming in every day to work. Also, people's general attitudes have changed, leading to demand for more innovative workspaces and places to entice workers to congregate and create in the CBD.

The question needs to be posed – does this proposed new tower with very large floor plates become redundant before it is even built? I believe its time has passed.

B2. Innovative Use and Design Opportunity

I contend the unique design of 1 Spring Street and of Milton House offer an amazing opportunity to utilise the existing floorplates and create an innovative working environment taking advantage of the existing design.

People are drawn to heritage architecture and to mid-century design – both of which exist at this location. The Developers are sitting on a gem they have not recognised. They are following the tried-and-true formula that no longer appeals or is warranted (as per PCA's accumulated data).

Both buildings have windows that can be modified with limited cost to open and close allowing natural ventilation and even cross-ventilation. Half-opening rather than full opening would avoid anyone jumping out of the windows. This would make them extremely appealing to many tenants seeking sustainability and safety for their staff - far more than fully airconditioned buildings. When I consulted to the Australian Property Institute and was ED of the Facility Management Association, we led the way for property professionals to adapt to the latest sustainability practices. I speak with confidence that both buildings would have individuals, creatives and

businesses lining up to take up space here. I feel passionately about the potential of utilising the existing built form and modifying it to suit post-Pandemic working.

The developers could even contemplate a mix of uses wherein some of the floor levels could be converted to unique home-office environments. The amazing views would command high prices and would appeal to those who want to both live and work in the CBD. The retention of the plaza adds another visual and useable element.

The owners of the site are prudent businessmen who have created wealth by being forward thinking. Let them once again lead the way in Melbourne through an innovative concept that reinvigorates and finds new uses for B and C grade buildings in the CBD that still retain smaller footprints and windows that can once again open and close. They can again be heralded as trailblazers by actually returning to the past. That is, what is old is new again!

B3. Saturation of the Skyline

One reason I have invited Councillors to Unit 808@31 Spring Street is to view the adjoining residential buildings and aerially view a wonderful pocket of land that is precious to Melbourne. See picture attached.

Should the massive pencil tower proposal be passed, all adjacent buildings; whether they be low-rise vintage stock on Flinders Lane or the newer immediately adjacent residential towers along Spring Street will be detrimentally affected. As formal notification of the application was not distributed, most of the owners/occupiers would not even have knowledge of this application and will be shocked when construction commences.

All surrounding residential stock will lose valuable light and air. This has not been commented on in the application because Phillip Nominees applied to Heritage Victoria specifically for the effect of heritage elements, not the Precinct as a whole.

Even if you do not attend my apartment, I urge Councillors to walk along Flinders Lane to view the low rise buildings to gauge the impact of the saturation of the skyline that not only this new building will have on the streetscape/buildings but also as a result of other development approvals of the two buildings that are to replace the existing carpark (from 49 Flinders Lane down to Flinders Street) and above the Hotel Lindrum at 26-30 Flinders Street that will abut 1 Spring Street's boundary.

As for the proposal for a hotel and residential floors above the Hotel Lindrum, the owners are trying to sell the DA. Interested parties cannot understand how this was approved as there is no access to allow for the construction of over 30 floors. It is land locked. Unbelievable!

I do not know if Council Officers have prepared an aerial view or artist's impression of how this Precinct will look after all these new towers are built? It should be noted that Collins Place already limits their northern sun.

I envision a complete saturation of the skyline that will block natural light and air meaning all residents will be living in bleak and dark conditions. This is totally unacceptable in the 21st century.

We are Melbourne, not overpopulated Asia.

B4. The Plaza

In their submission, the developer's consultants refer to the site as an '*underdevelopment of the original design*'. In other words, they want to take up every possible square meter of space to maximise the site, not respect its value for another purpose.

Mr Harry Seidler was a trailblazer, not only for architectural design, but for his ability to recognise the merit of working with, not against the surrounding environment.

His respect for the heritage building formerly a hospital and commonly known as Milton House meant he created a clear separation between the old and the new. He was an architect not only of his time, but for all time.

The URBIS Report – Reasonable or Economic Use Assessment – makes mention (page 8) the MEL Consultants undertook modelling in November 2020 and decided '*existing wind conditions in one of the testing locations in the plaza exceeded comfortable levels for sitting*'.

I can contradict this statement with photographic proof taken from my window showing people seated quietly or eating a snack on the various benches. I have photos I can send to you taken mid-morning on 22nd January, early afternoon on the same day and at 10.30am on Wednesday 26th January 2022. Each time I open my blinds and I look down there are people standing or sitting in this plaza. It is a joy to see public open space tucked away in between buildings being utilised. If needed, I can continue to take more pictures and send at different times of the day and on different days. This plaza is well utilised. It must not be lost to Melbourne. It is too precious.

Residents who live in the adjacent buildings find this open space a visual relaxation and respite from the surrounding towers and allow the low-rise buildings to breathe and the open space permits natural light to enter their living spaces.

In my photos, the shadow lines clearly show how the natural light operates in this Precinct. Obviously, once the new tower is constructed there will no longer be any natural sunlight as only dark shadow lines will exist. Natural air flow will no longer exist. There will not be any adequate separation between the multitude of buildings. Is this how Council wants its much-lauded residents to live in the centre of Melbourne?

As you all know, private open space and the retention of same in the City of Melbourne formed part of Amendment C308 which was approved by the Minister for Planning on 15th August 2021 and published in the Government Gazette on 30th September in the same year.

The existing plaza could be modified/beautified but even as it stands it meets the design outcomes as listed in the policy.

If the Minister approves this application, he needs to be publicly ridiculed for approving this amendment yet going against this same policy before the ink is barely dry. Again, why have policies if they are not adhered to?

If you have reached the end of this letter of concern, I thank you for taking the time. I am very passionate about this City and all that it represents. We need to respect the past as well as welcome the future through new ideas and innovative concepts. There are other opportunities for this building that do not require its decimation in the name of development for jobs to meet short term priorities.

Yours sincerely
Sandra Makris

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Toby McElwaine

Email address: *

tobymcelwaine@gmail.com

Date of meeting: *

Monday 4 April 2022

Agenda item title: *

1 Spring Street Development

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

It is appalling that the city of Melbourne would permit the irrevocable demolition of a heritage-listed place in favour of the greed-driven desires of a wealthy owner. Any councillor who permits the proposed should be embarrassed by their capitulation to the persuasion of an individual over the collective.

Alternatively you may attach your written submission by uploading your file here:



[heritagevictoriapublicsubmissionform_p33301.pdf](#) 124.51 KB

• PDF

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

Heritage Victoria Public Submission Form

Section 95 Heritage Act 2017

Use this form to lodge a submission to Heritage Victoria in response to the public notice of a heritage permit under Section 95 of the *Heritage Act 2017*.

Prior to making a submission please read Heritage Victoria's Policy Guideline for Public Notice of Heritage Permit Applications and Submissions Received.

In considering a permit application the Executive Director, Heritage Victoria, considers matters set out under Section 101 of the *Heritage Act 2017* (the Act), which includes all submissions received during the public notice period. Submissions received should relate to the cultural heritage significance of the place or object. Planning matters including amenity, overshadowing of non-heritage properties, noise, traffic and car parking are not matters considered in determining a permit under the Act.

Submit the completed form to Heritage Victoria before midnight on the last date of the public notice period via email at heritage.permits@delwp.vic.gov.au.

Please note:

Submissions received will be treated as a public document and may be provided to persons with an interest in the heritage place or object, including the applicant. This will include your name and contact details.

The advertised permit will not be determined during the notice period.

All submitters will be notified when the permit application is determined and if any future permit amendment applications are received. Please note that where petitions are received only the submitter will be contacted.

1. Application Details

Place or object name: Milton House

Address or GPS location: Milton House, 21-25 Flinders Lane, Melbourne

Victorian Heritage Register number: H0582

Permit Application Number: P33301

2. Personal Details

First name: Toby

Surname: McElwaine

Business or organisation name: _____

Position title: Mr

Address (optional): _____

Email address: tobymcelwaine@gmail.com

Telephone: _____

3. Submission Details

Please outline your views about the permit application:

I wish to state my objection to the aforementioned proposal as, in summary, it is in contradiction with the heritage significance of the place under the Heritage Council Victoria listing. Evidence of this is as follows:

1. Impact on heritage significance of the place.

The VHR Statement of Significance confirms the importance of Milton House as an exemplar of the Art-Nouveau and freestanding reminder of its fascinating past. The overwhelming proposal subjects a significant impact on the ability to recognise the heritage listed Place as intended.

2. Assisting with the reasonable or economic use of the place.

The opportunity to improve the lettable space within Milton House is not contingent upon the proposal and would not be affected by the refusal of the application. Urbis' failure to provide HV with the requested feasibility analysis is evidence of this. Milton can be sensibly renovated independently of such a colossal proposal.

3. Impact on the conservation of the place.

The conservation of the listed place is overwhelmingly impacted by the proximity of the proposal to the listed place. Seidler clearly made a concerted effort to provide relief between 1 Spring Street and Milton House in the holistic design of Sheel House and its Flinder Lane frontier plaza. This formal characteristic, sympathetic in scale, must be maintained in order to retain an understanding of the Place as listed.

4. Impact on adjacent heritage places.

Please refer to submission re. P33300 for explanation of impact on adjacent heritage listed places.

In conclusion, the proposed represents an incongruous, overbearing impact to Milton House and should therefore be refuse permission to proceed.

Thank you for making a submission to Heritage Victoria. Please note that submissions received outside the advertised period will not be considered as a formal submission but may be considered under section 101(3)(b) of the Act - 'any other relevant matter.'

To obtain a copy of your own lodged submission please contact Heritage Victoria on (03) 7022 6373 or at heritage.permits@delwp.vic.gov.au.

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Robert Ketterer

Email address: * robert@artekholdings.com.au

Date of meeting: * Thursday 5 May 2022

Agenda item title: * 6.2 Ministerial Planning Referral: ID-2021-1 1 Spring Street and 25 Flinders Lane, Melbourne

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am writing to you to seek support to stop this proposed development of one of Melbourne most intact and valuable Heritage listed buildings, individually designed for the site by world renowned architect Harry Seidler.

I understand that the Minister is seeking feedback from the City of Melbourne as part of his decision making process.

I have included below an extract* of my submission to Heritage Victoria when they considered an application for development and issued a notice of refusal to grant a permit.

Extract*

1 Spring Street – Impact of Proposal

The Statement of Significance refers to 1 Spring Street as an "outstanding example of a late modernist building in Victoria". It notes the building's sculptural form and the use of opposing curvilinear forms and the generous planning of public areas, both externally and internally.

In our view, the proposed development will compromise 1 Spring Street to be seen in its intended form – from all sides – and limit the capacity of viewers to appreciate the outstanding example of this iconic site. It will also compromise Seidler's renowned generous planning of public areas and his achieved vision of the development of the total site as a total piece of artwork.

Seidler was as we are sure you are aware a conceptualist whose major works always included the consideration of the entire site. Including and prioritising the surrounding environment with articulate design of external spaces, pedestrian thoroughfares, public space and the order in which internal spaces flow and are used as part of his wholistic approach.

In our view the loss of the surrounding environment and the articulation and design of the rear portion of the site will compromise greatly the vision and reduce the capacity of the viewer to understand Seidler's design intent.

1 Spring Street is the ONLY high-rise tower designed by Harry Seidler in Victoria; the impact of this loss would be highly significant.

The Statement of Significance also refers to the building's aesthetic quality and notes the "quality of the interior spaces". The proposed development will result in the loss of several interior spaces and impact on the original intended use of internal space, including the theatrette and part of the conference centre. This application will also affect the extensive outdoor terraces including the forecourt, gardens, open space and the natural light intended in the original design. The loss of this original fabric, while appearing limited, will greatly diminish the cultural heritage value of the place.

Milton House – Impact of Proposal

Milton House is a three storey brick building dating from 1901. The proposed development will see Tower 2 cantilever over the south eastern portion of the structure. The scale of the proposed tower will dramatically change the setting of Milton House and detract greatly from its art nouveau style referred to in the Statement of Significance.

Seidler deliberately included, in fact featured, Milton House in its current setting as part of the original design. The open gardens and shared entry space being a reflection of the significance of its form in that space, in its current scale and not being overshadowed or relegated to miniature form and dominated. Its setting was designed to enhance and complement the 1 Spring Street site and was left deliberately and with great respect and consideration

to settle gracefully and timelessly in it's current form and setting.

Worth noting also that there are other cantilevers over VHR sites in the CBD and the outcomes are in our opinion poor and have eroded the heritage values of the registered sites by the sheer overwhelming volume and scale that envelop and dominate them.

Further considerations

While the proposal will impact negatively on the cultural heritage values of both 1 Spring Street and Milton House, the Heritage Act also requires the Executive Director to consider a number of other factors before determining whether to approve or refuse the proposal including "affect of the reasonable or economic use".

In light of Covid 19 and moving forward the CBD has found itself propelled forward to a reduction of required office space; with the introduction of shared workspaces, flexible hours and working from home.

Many existing office buildings in the CBD are being considered for conversion to residences due to lack of demand for office space as they were in the 1990's along with major tenants (NAB for example) looking to sub lease or exit leases for entire buildings.

I understand recently the property Council of Australia has said that office space demand in the CBD is high, however the vacancy rate is almost double what it was pre pandemic, this leads me to question what space is being leased and by whom, are these new businesses or business using a competitive over supplied market to establish themselves in premium office space, which is potentially smaller.

In this case they are leaving behind existing spaces that is unlikely to be easily relet adding to the oversupply of office space as reflected by the high vacancy rate.

I further suggest that when the current owners acquired the two properties, they did this with full knowledge of the Cultural Heritage values associated with the two sites and most likely argued this in the negative, to obtain a more favourable purchase price.

Commercial use for profit is not the same as "reasonable or economic use" and this is a precedent that is a poor argument (shortage of office space) for 2021 and moving forward. The site already contains in it's present form, a 28 storey office tower providing significant return on investment.

It is worth reiterating that 1 Spring Street was designed as a "marker" and entry to that corner of the city grid with a

large tower and erected as a “corner”. The Milton House site was to be viewed in it’s entirety from Flinders Lane as part of that design; along with the open garden forming part of the complementary entry/exit. Not as a back laneway spare block for later visual destruction and development, that would impact on further loss of open space in the city and greatly affect the amenity of the area, particularly when considering other approved and start ready developments adjoining this site.

Thank you for taking the time to read my submission

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

ROSS TAYLOR

Email address: *

ross@synergyhomeloans.com.au

Date of meeting: *

Tuesday 5 April 2022

Agenda item title: *

Shell House & Milton House

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting.

I do not support this development, it is out of scale and character for City of Melbourne and its strategic location etc

Submissions will not be accepted after 10am.

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Marcel Mihulka

Email address: *

marcelmihulka@outlook.com

Date of meeting: *

Tuesday 5 April 2022

Agenda item title: *

6.2 Ministerial Planning Referral: ID-2021-1 1 Spring Street and 25 Flinders Lane, Melbourne

Alternatively you may attach your written submission by uploading your file here:



[shell_house_submission.docx](#) 501.33 KB · DOCX

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

I write express concern over the demolition of the plaza and theatre of Shell House.

Shell House obtaining heritage listing as not just the building facing the corner of Spring & Flinders St, but as an entity. The reason for this is that Seidler's, of which this is the only one in Melbourne CBD and arguably finest in Australia, upheld a Modernist design methodology which he considered to be an amalgam of three elements: social use, efficient building construction methods and visual aesthetics. By demolition the rear plaza and placing a tower over it and heritage listed Milton House, it will not only take away the visual aesthetics of the space including the view of the primary building, it will lose the social aspect – the use of the plaza. While the designs for the plaza look ordinary to fine, it does not meet the same style and most of it will be internal and closed off to the public. Materials in the new design will also differ ruining the example of the modernist style, and the loss of an essential feature of this type of architecture, the rooftop gardens, will be gone. You will see in the photo attached how this is arranged and how the space is actually about its form with the curved lines blending the practical use with the social aspect. There is no other example of this I could find in Melbourne CBD...a CBD crying out for more public space. (The top section should be opened to the public).



As these three elements were in constantly changing, Seidler always insisted that he had no fixed 'style', and so as building technology and social use changed, the visual expression of his designs constantly evolved throughout his 57 years of designing in Australia. This means the heritage protection offers a snapshot of a period of time in architecture that was not only exceptional, but never to be recreated. A true heritage gem.

I note in Prof Phillip Goad's review, he expresses that the demolitions are "regrettable." I agree with this and not justifications around the proposal. The poor flow of foot traffic through both ends of the building are no justification for a 30 storey tower and internal plaza space taken away from community in a city requiring more outdoor space in pandemic times, and the paltry outdoor space remaining in the proposal will be overshadowed as will offices within Milton House and neighbours. On the same note, office working is at its lowest ever in Melbourne with vacancy rates at their highest since 1997 with 250,000sqm currently available and more office space planned over the next four years. Docklands is virtually deserted with NAB and ANZ both to consolidate office buildings due

to the reluctance of employees returning. There is simply no need for the destruction of any heritage listed properties for office space at this time, particularly the finest example of modernist architecture and Seidler's work worldwide.

Melbournians wanted to have this complex heritage listed as it is something they remember as their first entry point to the city. A spectacular complex that welcomed them to the CBD. The plaza was and still is a place people meet over lunch, to walk over to the MCG for football, or just relax during work. To lose it will not only lose heritage but a piece of Melbourne's identity while also casting the relevance of heritage protections into question.

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Anna McDonnell

Email address: * amcdonnell@tlaworldwide.com

Date of meeting: * Tuesday 5 April 2022

Agenda item title: 1 Spring St

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

It is my ardent belief the proposal of a second tower located on the public access foyer will be detrimental to the vision of the original award-winning architecture & must be rejected.

Clearly, it will be extremely harmful & disrespectful to the look and feel of Melbourne city skyline & adverse to one of Melbourne's best examples of minimalist architecture.

The proposed site with a second tower shoehorned into a current functional courtyard destroying vital open space in a post pandemic landscape is a great concern.

The proposed tower is close to the commencement of the CBD city grid and the current use of public open space makes up part of the overall historical architectural significance. The adjacent boundary 25 Flinders Lane is also a building of great Melbourne significance and is in the Victorian Heritage register. It was placed on that register in 1984 and for that reason as well as a number of historical reasons Milton House must be protected.

Both the buildings; 1 Spring St & 25 Flinders lane exist in current heritage and architectural harmony. That harmony will be lost if the public courtyard and open space foyer is taken away and it would be an abomination to the history

of Melbourne spoken through the architecture as we know it.

As the city grows it is very important to keep some of the original designs especially that of an award-winning architect as it tells a story and takes residents and tourists on a journey through the years of the history of our amazing city. Furthermore, as development increases throughout the city it is important to keep the feeling of open spaces.

The impact has never ever been more relevant through a COVID and pandemic lens. For two years the city has been virtually closed and public outdoor open space, sunlight and open air was the very panacea to cope with a global pandemic.

Finally development on a heritage site is completely disrespectful to the history of Melbourne and it is for this reason alone the proposal should be rejected

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Katherine Swan

Email address: * swanaway@gmail.com

Date of meeting: * Tuesday 5 April 2022

Agenda item title: 6.2 Ministerial Planning Referral: I D 2021-1 1 Spring Street and 25 Flinders Lane / 6.2.1

* Ministerial Planning Referral I D: 2021-1 1 Spring Street and 25 Flinders Lane

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I wish to add my objection to the proposed redevelopment of Harry Seidler's Shell House at 1 Spring Street, Melbourne which will also dwarf historically significant Milton House on Flinders Lane.

The historical and architectural significance of Seidler's only commercial building in Melbourne is beyond doubt. I'm sure you're well aware of objections to the proposal from The National Trust and The Australian Institute of Architects Victorian chapter. I support their expert arguments against the plan.

<https://architectureau.com/articles/1-spring-street-tower-2/>

I'm one of the many people Seidler had in mind when designing two plazas to humanise his modernist office tower.

I understand the plan is to provide more office space but the proposal is in addition to two office tower apparently coming soon to 32-44 Flinders Street / 51 Flinders Lane.

<https://gpt.com.au/news-insights/gpt-receives-green-light-office-towers-51-flinders-lane.>

I question whether so many new offices are likely to succeed commercially.

But should the proposal proceed, that will add to vehicle traffic along Flinders Lane between Spring and Exhibition Streets, particularly vehicle traffic accessing Throssell Lane from Flinders Lane.

Given the apartment tower under construction at 17 Spring Street, my expectation is increased congestion along Flinders Lane near Spring Street. I object to council allowing increased traffic.

To sum up: Shell House is beautiful from every angle (or should I say curve?) and should be left intact, as originally designed by an architectural genius like Harry Seidler.

Thank you for considering my objections to the proposed redevelopment of Shell House.

Katherine Swan

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Tristan Davies

Email address: *

melbourneheritageaction@gmail.com

Date of meeting: *

Tuesday 5 April 2022

Agenda item title: *

6.2 Ministerial Planning Referral: ID-2021-1 1 Spring Street and 25 Flinders Lane, Melbourne

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting.

Submissions will not be accepted after 10am.

Melbourne Heritage Action wishes to strongly support the councils conditions as outlines in this agenda item, and commends the better treatment of Milton House. We would however like to note the impact this development will still have on heritage listed Shell House, Including some significant demolition of the rear plaza, and we would ask the City of Melbourne to also note this impact and strongly recommend the Minister of Planning does not override decisions made by Heritage Victoria on the matter.

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Yolande Leonardi

Email address: *

yolande@bigpond.net.au

Date of meeting: *

Tuesday 5 April 2022

Agenda item title: *

6.2 Ministerial Planning Referral:ID-2021-1

Alternatively you may attach your written submission by uploading your file here:



[lord_mayor.docx](#) 19.06 KB · DOCX

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No

To: Lord Mayor & Councillors

FMC 5th April 2022

Agenda Item 6.2 – Ministerial Planning Referral:ID-2021-1

1 Spring Street & 21-25 Flinders Lane, Melbourne

Dear Lord Mayor & Councillors,

I write as a Spring Street resident who has been actively involved in heritage issues in this city. Shell House & Milton House are both Melbourne landmarks and should be respected as such. Likewise, the whole place – being worthy of heritage status.

This application should be rejected, as it destroys (by some demolition), the structure of Shell House & place including Milton House, and will cause irreversible damage to the character of this much appreciated heritage site.

Kind regards,

Yolande Leonardi
Spring Street,
Melbourne.

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Name: * Felicity Watson

Email address: * felicity.watson@nattrust.com.au

Date of meeting: * Tuesday 5 April 2022

Agenda item title: * 6.2 Ministerial Planning Referral: ID-2021-1 1 Spring Street and 25 Flinders Lane, Melbourne

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Alternatively you may attach your written submission by uploading your file here:



[2022_04_05_national_trust_submission_to_fmc_agenda_item_6.2_1_spring_street.pdf](#)

464.13 KB · PDF

Please indicate whether you would like to verbally address the Future Melbourne in support of your submission: *

No



5 April 2022

Future Melbourne Committee
City of Melbourne

6 Parliament Place
East Melbourne
VIC 3002

Submitted online

Email: conservation@nattrust.com.au

Web: www.nationaltrust.org.au

T 03 9656 9818

Re: Future Melbourne Committee Agenda Item 6.2— Ministerial Planning Referral: ID-2021-1, 1 Spring Street and 21-25 Flinders Lane, Melbourne

Dear Councillors,

The National Trust of Australia (Victoria) writes to express our strong objection to the current plans for the redevelopment of 1 Spring Street and 21-25 Flinders Lane, Melbourne, documented in the above Ministerial Planning Referral.

We understand that the current referral does not provide Council with an opportunity to comment directly on heritage matters, which are subject to a separate process of consideration under the *Heritage Act 2017*. However, as part of the broader planning process, we call on the City of Melbourne to oppose the current plans on heritage grounds, should there be further opportunities to do so, in light of the unacceptable impacts of this proposal on one of the City's most important heritage places of the modernist period.

Shell House is included in the Victorian Heritage Register as one of the state's most significant modernist buildings. Its architect, Harry Seidler, remains one of the most successful and influential architects in Australia's history. Over a period of 40 years, he redefined our city skylines with a series of innovative and award-winning skyscrapers across Australia. Shell House is the only example of a Seidler-designed skyscraper in Victoria, and remains remarkably intact to its original design. The relationships between the tower and the plazas surrounding it are fundamental to Seidler's scheme.

In March 2021, the National Trust objected to two applications under the *Heritage Act 2017* for permits to construct a new office tower on the northern part of the registered site, including demolition of the northern plaza, level three garden plaza, theatre and part of the conference centre. Primarily, we believe that the adverse impacts on the building and its setting, including the public plaza and podium plaza on Flinders Lane, would undermine the architectural significance of the place.

Having reviewed the revised plans before you, it is clear that our concerns regarding these adverse heritage impacts have not been addressed since the heritage applications were exhibited, and therefore our position is unchanged.

If this development is approved, it will set a concerning precedent for future developments at heritage sites in the CBD, and undermine the integrity of the state heritage register. We therefore call on the City of Melbourne to oppose the current proposal on heritage grounds as part of the broader planning process for this site.

Thank you for the opportunity to comment on this Ministerial Planning Referral. For any queries about this submission, please don't hesitate to contact me at felicity.watson@nattrust.com.au or on 03 9656 9802.

Yours faithfully,

Felicity Watson
Executive Manager—Advocacy
National Trust of Australia (Victoria)