

**Privacy acknowledgement: \***

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

**Name: \***

Sally Sheppard

**Email address: \***

[sshepp@bigpond.net.au](mailto:sshepp@bigpond.net.au)

**Date of meeting: \***

Tuesday 12 April 2022

**Agenda item title: \***

6.2 Planning Application: TP-2021-110 95-101 Powlett Street, East Melbourne

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



[2022\\_03\\_02\\_10\\_esss\\_tp2021110\\_objection.pdf](#) 227.36 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 my submission in person

## **Further Objections to TP-2021-110 (as amended): 95 - 101 Powlett Street, East Melbourne**

This further objection is made by Eric Smith & Sally Sheppard as owners of [REDACTED] Hotham Street, East Melbourne, and follows on from our objection dated 10 October 2021 (which is attached for reference). It follows on from the amendments made by the applicant and dated 21 December 2021.

None of the amendments most recently proposed substantively address the concerns raised in our earlier objection. Relevantly to the earlier objection:

### **Restaurant, Bar and Beer garden/Outdoor Games area (now described as front terrace)**

The applicant now proposes that:

- 3. The outdoor seating at ground floor level has reduced to 34. There were previously 48 seats at ground floor level.*
- 4. The outdoor seating at first floor level has reduced to 4. There were previously 10 seats at first floor level.*
- 5. Deletion of the bar inside the lobby area.*
- 6. Reduction to the hours of operation of the restaurant to 11pm. This was previously 11:30pm.*
- 7. Reduction to the hours of operation of the outdoor seating areas associated with the restaurant to 8pm. This was previously 10pm.*
- 8. An indicative layout within the restaurant has been provided.*

In terms of the impact of an entirely new, large indoor/outdoor restaurant placed in an entirely residential area, these changes don't amount to anything more than tinkering at the edges.

The proposed limit on outdoor seats is wrong – the plan shows 38 outdoor seats (including the 4 outside the lobby). In any event the applicant is still proposing a large new noisy outdoor space. The applicant now proposes that the outdoor space will cease operating at 8pm. No one could be confident that the even the limited proposed reduction in the scope of operation will be adhered to if the development of this substantial new venue goes ahead.

From morning until 11 pm at night, 7 days a week, the applicant proposes that 132 people at one time might arrive to eat and drink and then leave. The proposed development will fundamentally change a quiet, residential area into a noisy, commercial one entirely for the benefit of the applicant and its funders, and to the total detriment of neighbouring residents.

### **Car Parking:**

The applicant now proposes that:

- 9. A revised car parking stacker system has been proposed to provide independent access to each vehicle.*

## Further Objections to TP-2021-110 (as amended): 95 - 101 Powlett Street, East Melbourne

The new car stacker (a Wöhr Parklift 450 system) is just as noisy as the old one. The applicant has chosen to attach only part of the data sheet relevant to the stacker, omitting noise information. The complete data sheet is available here:

[https://wohr.com.au/files/uploads/woehr/downloads/datasheets/parklift/en/WOEHR\\_450\\_EN.pdf](https://wohr.com.au/files/uploads/woehr/downloads/datasheets/parklift/en/WOEHR_450_EN.pdf). A copy is attached.

There is still no attention paid to the noise which will be generated by the stacker or the heavy commercial roller door to be installed on the lane. In the revised plans, the roller door is significantly higher than previously proposed. It might need a larger (noisier) motor to raise and lower it, and times to open and close will be longer, generating more noise.

The application does not propose any noise mitigation measures which might deal with the installation of a car stacker which has a commercial use and will generate an industrial noise level in a residential area immediately adjacent to a bedroom, capable of occurring at any hour of the day or night.

At present there are a number of domestic, single car roller doors in the lane. They are used infrequently. This new commercial parking facility will be used constantly at all hours of the day and night - late in the evening for departing restaurant users, and early in the morning for people leaving the accommodation.

The Swept Path Diagrams (onemilegrid **page 28ff**)

- appear to show that vehicles leaving the stacker will collide with our wall (and those entering will collide with the wall of 91 Powlett Street). Drivers will obviously try not to do so, and will have to back and fill, possibly multiple times, every time they enter and exit the stacker, increasing the noise and further impacting amenity;
- take no account of the existing light pole in the laneway;
- do not reflect the Wöhr datasheet referred to above and only partially reproduced in this application, which recommends for “parking places with a 90° arrangement at the end of the driving aisle” a wall recess should be provided, which would intrude onto our property and require partial demolition of it.

Any inspection of the lane demonstrates the difficulty vehicles have had navigating the lane – there are multiple scrapes on the walls of our property and others’. That damage occurred without the additional manoeuvring constraints imposed by the car stacker, compared to the previously open parking area at the rear of the motel.

The only practical parking solution for this development in this area is similar to that originally proposed by the applicant – an underground carpark with sufficient spaces to support the development with space for a sufficiently large radius turn for the entry/exit driveway to eliminate the need to back and fill.

## **Further Objections to TP-2021-110 (as amended): 95 - 101 Powlett Street, East Melbourne**

The applicant also proposes that:

*10. Four bicycle spaces have been provided, which is an increase of three compared to the original application.*

Again, the documents contain inconsistencies. According to onemilegrid (**page 21, 4.3 Bicycle Parking**) there will be 5 more bike spaces, not the 3 referred to in the Amendment to the Planning Application quoted above. Either way, the proposed change does not address the fundamental flaws in the traffic and parking management impacts of the proposed development.

All of our objections lodged on 10 October (attached below) stand.

**10 October 2021 objection**

1. The description of this project by the developer is wrong. The previously existing residential hotel known as Magnolia Court Boutique Hotel provided bed and breakfast accommodation. It had 26 rooms and a breakfast room for guests. If the breakfast room was ever used as a restaurant serving other meals to hotel guests and members of the public, that has not been the case for over a decade and likely substantially longer. This new development is a hotel which has approximately 40% more accommodation than its predecessor with substantially reduced parking. The developer is not proposing to *relocate and upgrade the restaurant*. The developer is proposing to add a new full service restaurant and outdoor eating and games area to seat 148 guests, plus a 20 seat bar, operating 7 days a week. That is in effect a substantial new business, in what is currently a quiet otherwise wholly residential area.
2. In the **Site analysis**, [REDACTED] Hotham Street is not identified as an adjoining property although it is specifically referenced in some of the later material. In fact the properties share a small boundary, are adjacent, and [REDACTED] Hotham Street will be materially and directly affected by the proposed development. The small common boundary at the southwest corner of the subject site is not picked up in any of the site plans in the application but is apparent on the copy of the title which forms part of the application.
3. **Summary of objections:**
  - a. **noise** which would be generated by the proposed development has not been adequately considered in the application, in that some significant sources of noise have not been considered at all;
  - b. on premises **parking**:
    - unacceptable late night noise levels which will impact on adjoining and adjacent properties, from the noise of the car stacker, and of the cars backing and filling in the lane to negotiate the very narrow entry; and
    - restricted access for residents who use the lane when the developer proposes that cars be parked in the lane waiting to access the stacker;
  - c. off premises **parking**: the estimates of parking demand from both the restaurant/bar and the hotel are significantly understated;
  - d. **overshadowing**: the proposed development already impacts to a degree on existing solar panels at 166 Hotham Street, and the final height of the development has not been determined. The developments' solar panel array and mechanical services which are to be installed on the roof have the potential to exacerbate the overshadowing;
  - e. **heritage**: reinstatement of existing bluestone pitcher lanes.
4. In addition:
  - a. **Sustainability**: The Squareback Planning Report recognises the need for any development to comply with sustainability guidelines. The report says (p13) that the proposal includes a range of environmentally sustainable and water sensitive urban design measures to address the relevant objectives and requirements which are

## Attachment - Objections to TP-2021-110: 95 - 101 Powlett Street, East Melbourne

listed in section 13, and claims in the clause 55 assessment that the objectives and standards have been met. The Environmentally Sustainable Design Statement makes numerous recommendations as to how the objectives and requirements can be met, but there is nothing in the application binding the developers to incorporate all of those features into the new development. If the development proceeds, will compliance with those requirements and standards be mandated in any permit? If not there is a real risk that they will not be designed in.

- b. **Site Survey:** There seem to be obvious errors in the Site Survey which propagate throughout the application. By way of example there is a rivet at the head of Magnolia Place with a relative level of 30.72 AHD. Within a few metres of the rivet, in the southern arm of the lane the level appears to have jumped to a relative level of 32.10 which makes no sense. Nothing may turn on this but we suggest it should be checked to make sure there are no flowthrough consequences to the planning assumptions.
- c. **Attachments to the amended application:** The applicant is required to attach a full schedule of all changes, including changes to plans. That may have been provided to council but it was not in the package ultimately made available to residents and has made review of the amended application more onerous than it needed to be.

### 5. Noise

The additional noise which will be generated by this development is a serious concern. The Clarity Acoustics report makes reference to EPA Publication 1826-4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. The title of the protocol gives an immediate pointer to the inappropriateness of this development in a residential area. The protocol might very reasonably regulate noise limits in areas designed to contain commercial, industrial and trade premises. It does not assist neighbours who simply wish to enjoy peaceful residential surroundings. In addition, the acoustics report does not deal with all relevant sources of noise from the proposed development.

According to the EPA's Noise Guidelines: Assessing Low Frequency Noise, common air conditioning units, car stackers and lift equipment must be assessed as noise from commercial, industrial and trade premises in accordance with the Noise Protocol. There is nothing in this application to explain why that has not been done.

There are four areas of concern:

- noise from the restaurant, bar and outdoor eating and games(?) area;
- noise from new outdoor room terraces;
- noise from the mechanical services which will in part be located on the roof; and
- noise from the proposed car stacker and from cars entering and leaving.

## **Attachment - Objections to TP-2021-110: 95 - 101 Powlett Street, East Melbourne**

### **Restaurant, bar and outdoor dining and games area**

The acoustics report deals primarily with the potential for noise to be generated by music and patrons of the proposed restaurant. It does not deal with:

- mechanical and operational noise that will be generated by restaurant or bar services,
- patrons' use of the bar which is proposed to have 16 internal seats at tables, and 4 on the bar terrace (the bar is not referred to at all), or
- patrons' use of the apparent outdoor games area, referred to on the plans as "boule aire de jeu" (also overlooked).

According to the application, the restaurant will serve as a cafe between 0800 hours and 1400 hours following which the restaurant will operate between 1400 hours to 2330 hours. The operation of the outdoor terraces will be consistent with the operation of the restaurant, however, outdoor areas associated with the restaurant are only proposed to operate until 2200 hours.

That is, food/beverage service to 168 hotel guests and members of the public will operate for 15.5 hours, 7 days a week, with the last hour and a half limited to indoor spaces. There is no information about the bar's proposed operating hours (indoor or outdoor). We assume that the outdoor games area will be open from 0800 hours to 2200 hours.

If any of the assumptions listed in section 7.3 of the acoustics report (music noise assessment) change, for example there are more outdoor speakers or the speakers are placed somewhere other than on the eastern facade, or windows are not kept closed on the first floor or closed after 2200 hours on the ground floor, then the predicted day and evening music noise levels will change. Compliance with the EPA's protocols relies on all of the assumptions being mandated.

### **Outdoor room terraces**

The proposed development has three outdoor terraces on the ground floor and two on the second floor at the rear of the property, close to adjacent residences. The possibility of guests who spend only a short time in the area creating noise in an otherwise generally quiet neighbourhood late at night or early in the morning is not addressed, but is real. Again, the proposed layout it is different from the prior use. None of the rooms in the earlier building had outdoor spaces.

### **Mechanical Services**

There is reference in the application to some mechanical services being located on the roof in a new screened services area (Squareback Planning Report, p11). The proposed screening is visual, not acoustic (Squareback Planning Report, p16). The screened services area does not appear to be shown on the plans. Despite EPA requirements, mechanical services noise is not referred to at all in the acoustics report. The response to the noise objectives (B24) in the clause 55 assessment does not properly deal with noise either. The developer says:

## Attachment - Objections to TP-2021-110: 95 - 101 Powlett Street, East Melbourne

Noise impacts objectives To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Objectives Met <input checked="" type="checkbox"/> Standard Met <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> The proposal will upgrade the services associated with the Residential Hotel with new equipment to be either located internal to the building or discretely on the flat roof in locations to the satisfaction of the responsible authority.
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There is nothing in the application which could satisfy the Council that the specified noise impacts, in respect of mechanical services or otherwise, have been met. At a minimum in a residential noise sensitive area, mechanical services should be required to emit as little noise as practicable, and acoustic barriers around large, noisy plant items should be required.

### Other noise issues:

**Background noise levels:** The acoustics report is predicated on noise monitoring carried out by the consultant using a noise monitoring device at the front of the property. There is no discussion in the report about why that location was chosen, rather than a location (or several locations) adjacent to noise affected properties defined as sensitive by the EPA.

**3D noise model:** If the consultants have not considered all of the relevant sources of noise (see above), the predictions generated by the model will not be comprehensive.

### 6. On Premises Parking - Car stacker

The addition of a car stacker is a significant difference from the existing use, and also from the original application which proposed an underground car park which vehicles would simply drive into with an adequate turning radius allowed. As noted above, there is nothing in the acoustics report about the noise to be which will be generated by the stacker, or vehicles attempting to enter or leave it.

There is some information about car stacker noise in appendix B to onemilegrid's Report. Under Noise Protection, it specifies:

*Basis is the German DIN 4109 "Noise protection in buildings"*

*With the following conditions required 30 dB (A) in rooms can be provided:*

- *noise protection package from our accessory*
- *insulation figure of the construction of min.  $R'_w = 57$  dB*
- *walls which are bordering the parking systems must be done as single wall and deflection resistant with min.  $m' = 300$  kg/m<sup>2</sup>*
- *solid ceiling above the parking systems with min.  $m' = 400$  kg/m<sup>2</sup>*

The stacker is effectively a three sided room with the door which will be open whenever the stacker is operating, projecting noise out into the laneway towards the adjacent properties.

The above sound insulating specification suggests that noise from the stacker would be approximately 87 dB, an industrial noise level in a residential area immediately adjacent to a bedroom, capable of occurring at any hour of the day or night.



## **Attachment - Objections to TP-2021-110: 95 - 101 Powlett Street, East Melbourne**

A further difference introduced by this proposal is the times at which vehicles will be using the lane. Previously late night/early morning use of the lane and the parking area was rare.

The car stacker is immediately outside our bedroom window. It will be used both for hotel guests (onemilegrid 7.1.2) and restaurant guests (Squareback Planning Report, para 14). There is no (and probably could be no realistic) restriction on the times it is able to be used. Since this stacker is designated for use by restaurant guests, and the restaurant is planning to be open until 2230 hours seven nights a week, we can expect to have our sleep disturbed by noise from cars leaving the hotel, and the stacker, late every night.

In addition Magnolia Place is narrow and the turning circle, particularly for the first space is very tight. As the sweep diagrams in the onemilegrid report show, cars will need to back and fill to use the stacker.

As long term users and observers of the lane, we expect that drivers, even if employed by the hotel, will make much greater use of the lane than is shown on the sweep diagrams. That will result at a minimum in cars backing and filling next to our bedroom window. As can be seen on the walls of 166 Hotham Street, 91 Powlett Street and the subject property before the hoardings were erected, it was common for manoeuvring vehicles to scrape the laneway walls while attempting to park, which adds further to the noise.

### **7. On Premises Parking – Laneway access**

**Hotel and Restaurant Guests:** onemilegrid say that guests arriving at the hotel will park in the 15 minute zone at the front ***or in the laneway***. The laneway, as it abuts the hotel, is a public street used by at least 7 cars on a regular basis, as well as for ad hoc deliveries to the adjacent premises.

This assumption/assertion makes it very clear that the development as proposed is not suitable for this site.

**Hotel and Restaurant Services** onemilegrid proposes that loading and unloading associated with linen, food/drinks and waste can occur from vehicles which park in Powlett St at the front of the hotel. The reality for the former hotel was that waste was collected from bins placed on Powlett St, but linen and other deliveries were made in vans which would either park in the guest parking area at the rear of the hotel if there was space, or in the laneway if not. As a result access for residents' cars was often obstructed.

**Construction period:** There is nothing in the application which deals with the inevitable and significant disruption to residents adjoining the site during construction.

### **8. Off Premises Parking – Transport Impact Assessment by onemilegrid**

The proposed development will have four parking spaces in a stacker at the rear of the hotel and one bicycle space for use by staff. The original application made provision for 6 underground car spaces, an underground loading bay and 8 bicycle spaces.

## Attachment - Objections to TP-2021-110: 95 - 101 Powlett Street, East Melbourne

Until the former hotel ceased to operate in 2020 and prior to the impact of covid, whenever the hotel was busy, the car park was full beyond capacity. The operators parked as many cars as possible (10 or more), as tightly as possible into the space. Cars often protruded into the lane. Given that history, it seems likely that if this development goes ahead as planned with many more rooms and a public restaurant and bar, there will be substantially more cars seeking to park in streets around the hotel where parking is already difficult to find. Reliance on the studies referred to in Section 7.2.1 of the report is misplaced in circumstances where on this site, recently, peak parking demands have been observed to be substantially greater than 0.2 spaces per occupied room. Even using onemilegrid's figure of .33 spaces per occupied room would result in a need for 12 parking spaces rather than 7. All that assumes the studies are apposite – there is nothing in the report detailing when, where or by whom they were done.

It's correct to say that parking restrictions allow for short-term parking in the area (7.3.1). However in Powlett, Hotham and Grey Streets which surround the hotel, permit free parking is generally restricted to 1 hour (and in some cases less) between 07:30 am and 10:30 pm on weekdays and weekends. That does not seem to allow sufficient time to be practical for restaurant or hotel patrons or staff parking.

onemilegrid say that the proposed development provides significant bicycle parking (7.3.2). It provides 1 space, available only to staff. That is in no sense significant. Even the original application provided for 8.

### 9. Overshadowing:

Cera Stribley's shadow study does not take account of the impact of the development on the existing PV panels on the roof of [REDACTED] Hotham Street. From early April until early September, the proposed extension at the rear of the property will shadow the existing panels for an average of approximately one hour each morning during a period when they currently generate power. That is 10% of the total generation in that period. We don't object to the proposed development if that is the limit of its impact on generation, but would strongly object to any additional increase in shadowing caused by the development.

We have 2 concerns:

- the height of the array of solar panels or any mechanical services which do not appear to be identified on the plans; and
- the height of the tree proposed for the rear of the property adjacent to the laneway. Any change to the species selection resulting in selection of a taller tree has the potential to impact the panels. The landscapers currently propose Albizia julibrissin a small deciduous tree with a wide V-shaped crown (max 6 m).<sup>1</sup> To the extent it overhangs the lane it may impede delivery vehicles to the residences off the lane, or may be damaged by them. In addition, its powerful root systems can lift and crack concrete if it is planted too close to paths or driveways.

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<sup>1</sup> <https://www.nationalarboretum.act.gov.au/living-collections/forests-and-trees/forest-6>

**10. Heritage - bluestone lanes**

Magnolia Place is recognised in the drawings and reports as a bluestone pitcher lane.

According to the heritage report (p21) the works will not involve any changes to the fabric of the bluestone laneway to Magnolia Place and Von Guerard Place.

However, according to onemilegrid (para 3.2), the existing laneway will be re-laid to minimise the uneven bluestone surface.

We anticipate there will be significant damage to the lane as a result of construction traffic. We assume that council will require reinstatement of the lane at the conclusion of construction, and that work will be subject to a relevant permit. Those issues are not addressed in this application.

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

\*

**Name: \*** Tony Watson

**Email address: \*** [tony.watson@klgates.com](mailto:tony.watson@klgates.com)

**Date of meeting: \*** Tuesday 12 April 2022

**Agenda item title:** Magnolia Court Powlett Street E 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.**

1. I live directly opposite the site with my wife Tracey McDonald. Our bedroom looks across at it.
2. Magnolia Court was once a grand Victorian and a very special and important building before the abomination of an extension was added to it presumably in the 70s. Fortunately such an addition would never pass planning and heritage controls given we now have appropriate planning laws and sensible custodians overseeing compliance and implementing those laws.
3. However it exists but the abomination and it's use should not be furthered any more than currently exists.
4. What exists is a building that has in the past been used as a bed and breakfast accommodation. It has never had a liquor licence or been a large scale restaurant with a beer garden. The most that should ever be allowed or any owner of that property could reasonably expect is to operate a small scale bed and breakfast accommodation.
5. people buy a home with a reasonable expectation that the uses and amenity that have been in place in the area for many decades will remain.
6. In the case of East Melbourne it is a highly sought after and expensive small residential pocket noted for its quiet wide streets and parks and peaceful amenity.
7. People like Tracey and I have bought our home and have paid a lot of money for that amenity as we value it and want to enjoy that lifestyle.
8. Just as we would not expect the Council to ever approve a camping ground in Powlett Reserve or Darling Square

no resident would ever expect Council to approve a development and business use of such a property in such a location as in the proposal.

9. If you own a property on Wellington Parade, Victoria Parade or Clarendon Street you could reasonably expect that such a use may be allowed at some time but not in the heart of Powlett street where some the suburbs finest and most significant homes are situated.

10. The proposed usage will significantly impact on the amenity of Powlett street and the surrounding streets given the likely noise, traffic, parking and patron congestion issues. Such a proposed use if allowed is likely to result in significant neighbor residential and business owner conflict with endless reports and complaints to Council and police.

11. It's like the movie The Castle. We have the serenity now but if this proposal were ever approved we would lose it and the amenity we and other residents in the area currently enjoy.

**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 my submission in person  
**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**

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

\*

**Name: \*** Virginia Maxwell

**Email address: \*** [viriniamaxwell@bigpond.com](mailto:viriniamaxwell@bigpond.com)

**Date of meeting: \*** Tuesday 12 April 2022

#### Your question

Is Council able to provide an update as to when the Quality Hotel on Royal Parade in North Parkville will cease to be part of the Victorian Government's Homelessness Hotel Emergency Response initiative? While many residents understood and were supportive of this initiative during the COVID crisis, there is no doubt that it led to a significant increase in the use and distribution of illegal drugs in the vicinity of the hotel, including in Mile Lane and Royal Park. It would be helpful if Council could outline what steps it has taken to address this situation in our predominantly residential neighbourhood over the past two years and its mitigation strategies if similar programs are implemented in the future.

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**Name: \***

Madeleine de Haan

**Email address: \***

[m.d.h@mac.com](mailto:m.d.h@mac.com)

**Date of meeting: \***

Tuesday 12 April 2022

**Your question**

1. pedestrian safety:

The zebra crossing for pedestrian in Gatehouse street near the children's playground is unsafe as drivers regularly do not stop.

Would it be possible for council to look at measures to improve safety here?

2. Recycling:

With the introduction of more recycling bins, is council able to provide smaller/other options for those of us who have limited space in our backyards to accomodate them?

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**Name: \***

Geoffrey Croke

**Email address: \***

[gcroke@psidelta.com](mailto:gcroke@psidelta.com)

**Date of meeting: \***

Tuesday 12 April 2022

**Agenda item title: \***

6.2 Planning Application: TP-2021-110 95-101 Powlett Street, East Melbourne

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



[inappropriate\\_development.docx](#) 15.15 KB · DOCX

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

No



## **City of Melbourne, Future Melbourne Committee**

**Application number: TP-2021-110**

**Application address: 95-101 Powlett Street East Melbourne 3002**

**Objection: Geoffrey Croke, 160 Hotham Street, East Melbourne**

Sixty years ago, in what is now recognised as a philistine decision, Council approved the building a suburban style motel in the centre of one of Australia's most important historic precincts. Thankfully two of the heritage buildings on the site were only modified slightly and for the present, remain.

Now in 2022 Council is considering a proposal to build a replacement suburban style motel in this historic precinct. Worse the proponent is also intending to build what will be one of is Melbourne's larger restaurants in the middle of a quiet residential area and restructure the façade of the larger remaining historic building.

The proposed development is conspicuous and jars with the surrounding landscape.

In the 1950s Council perhaps didn't know better but Council should now and councillors as community leaders should not approve this development

The proposed development will be noisy for the residents opposite and for the many properties in Powlett, Gipps and Hotham Street adjacent or backing on to the development given the intense use of the site and the need for a busy commercial site to be serviced in a restricted area. The car stacker is a further source of noise.

It is likely to be overshadowing and overlooking properties despite the recent changes. The planning permit application says that the final height is expected to be higher than what is shown in the present documentation, but the final height is not known. There is insufficient information on building services, height and noise and servicing.

Traffic and parking in Powlett and nearby streets such as Gipps and Hotham will be much impacted. Despite the aspiration of Council that people should drive to the proposed restaurant, they won't. Parking is already at saturation in East Melbourne particularly when there are events at the MCG or when visitors to houses need parking such as on weekends which will also be peak time for the restaurant.

The on-site parking relies on a car stacker but it is not indicated how this stacker can operate without approval for turning space by use of the private laneway that abuts Magnolia Place. The private lane abutting the development provides car access off Magnolia Place for at least 8 car places at the rear of houses in Powlett and Hotham Street. Use of the stacker and commercial deliveries will delay access to these properties.

Good morning,

Please find attached the East Melbourne Group Inc. (EMG) submission pertaining to Agenda item 6.2 – 95-101 Powlett St East Melbourne.

As indicated, it is the opinion of the EMG and its expert advisors in Urban Design, Heritage and Acoustics, that the application fails to meet the standards set out in the Melbourne Planning Scheme for a development in the Neighbourhood Residential Zone(NRZ). The councils' own delegates report misses the important benchmarks that the scheme was designed to protect and instead confuses the previous understated, somewhat sleepy, previous use of the site as a boutique bed and breakfast with the excessive overdevelopment proposed in the application.

As it stands, the application requires significant modification and would not pass a merits hearing at VCAT.

We welcome the opportunity to provide additional information, including the expert reports we are relying on to form our opinion of the application, and can be contacted directly at [planning@emg.org.au](mailto:planning@emg.org.au) or on [REDACTED].

Regards,

Greg Bisinella  
Vice President  
Heritage and Planning Convenor  
E: [planning@emg.org.au](mailto:planning@emg.org.au)



**east melbourne group**

[www.emg.org.au](http://www.emg.org.au)



## **Future Melbourne Committee Meeting 12<sup>th</sup> April 2022**

### **Submission**

#### **6.2 Planning Application: TP-2021-110 95-101 Powlett Street, East Melbourne**

Councillors the delegates report fails to adequately address the important and integral aspect of the application. The 37 room hotel with a 128 seat restaurant- 34 outdoor, operating 7 days per week from 8am to 11pm runs contrary to The City of Melbourne's local policy at Clause 22.14 - Discretionary Uses in the Neighbourhood Zone

Councillors it is important for you to understand where the delegates report has failed to adequately address the key aspects of the policy. If we were to be super critical, we would respectfully suggest that the report is significantly underdone and relies too heavily on the Organisational Management Plan(OMP).

More importantly we are in possession of three independent expert assessments that suggest the application does not meet the planning regulations.

#### **URBAN DESIGN**

Highly experienced and regarded Urban design expert Felicity Brown has advised us that: On balance, I find the proposed use and development of the site for a residential hotel and restaurant are not an acceptable outcome at this site:

- the proposal results in an overdevelopment of the site
- the scale of the commercial uses is incompatible with this residential neighbourhood
- the proposal will cause unreasonable amenity impacts to residential neighbours
- the proposal does not provide for a positive streetscape outcome in one of East Melbourne's premier residential streets

The Neighbourhood Residential Zone (NRZ) is a constrained zone that anticipates minimal or incremental change. It is not an identified area for residential growth or significant commercial activity. The City of Melbourne's local policy at Clause 22.14 Discretionary Uses in the Neighbourhood and General Residential Zone is relevant to this proposal.

In my opinion, the restaurant use is a separate use that requires planning approval as it does not benefit from existing use rights nor can it be considered ancillary to the hotel use due to its size and configuration.

The increased commercial use of the site will cause significant disturbance to residential neighbours both in terms of visual bulk of the 3 storey addition as well as noise and disturbance from the restaurant and hotel use. For example, the proposed waste collection

will involve multiple collections per week with 600L and 1,110L bins trundled back and forth along Von Guerard Place and will rely on prompt action by staff to return bins so they are not left crowding the Powlett Street frontage after collection.

The site operated as Magnolia Court Boutique Hotel until early 2020 before being sold. The boutique hotel had 26 rooms and offered bed & breakfast type accommodation. Breakfast was served to guests in a shared space on ground floor of the 3 storey addition. The space was for guests only and offered a breakfast & coffee service. There was no public access to this space and no lunch or dinner service available to hotel guests.

**Photo below: The original “breakfast bar“ for guests only. Juxtapose this with the 128 seat restaurant and outdoor dining that forms an integral part of this proposal.**



## **HERITAGE**

**Trevor Westmore, B.Arch., M P&D [Urban design],  
Urban Design and Heritage Conservation.**

Heritage Consultant and former council heritage advisor Trevor Westmore has advised: “My immediate reaction was that this is a missed opportunity for heritage enhancement which has been conveniently overlooked by Raworth with his assumption that the veranda is not original and with the throw-away line that the remnant fence post may be later.

Neither is the case. The proposed revision of the 1968 addition provides an opportunity to restore much of the fabric and character of the original house lost by the 1968 works while still achieving the development objectives.

The Purpose of the Heritage Overlay is to conserve and enhance heritage places and this is an excellent opportunity to do this. The HO at 43.01 is backed up by the Policy at 22.05 [Strategies 1.1, 1.2 and 1.3]

Based on my site visit;

- the verandah is very likely to be original though it is obviously altered in its re-roofing, removal of much of the cast iron friezes and raising the height of the balustrade. But the construction with detailed original iron between the paired corner posts and the projecting floor and eaves is too elaborate for and not characteristic of a faux reproduction. Although the early components could have been brought from elsewhere, it is far more likely that they were retained in situ with the cast iron friezes removed either in 1968 or before. A reworking of the modification to the addition would enable the recovery of the missing elements of the original verandah and facade. In particular, that part of the single storey addition that is in front of the original facade ought to be omitted or reconfigured to expose the full original facade and verandah and the new design could be more subtly sympathetic to the original.
- The remnant portion of a characteristic cast iron "lion" post with its pedestal [clearly a corner post - not a gate-post] and parts of an original stone pallisade base is typical of the construction date of the house, is almost certainly original and is something that can easily be reconstructed with material readily available.

These changes would strongly enhance the contribution of the site to the HO and can be done in full conformity to the Burra Charter. If this occurred, the nature of the redesigned addition, the rationale for which I think is aesthetic artifice and almost a parody of how heritage and modern design can be connected could be acceptable as a trade-off for a more comprehensive restoration. Alternatively, a more relevant and less tortured design analysis leading to a more neutral but perhaps more modern design response could better highlight the original and add much to the attractiveness and identity of the place as a boutique hotel in a heritage context.

It appears that the narrow fronted single storey building against Von Guerard is an early addition possibly designed as a dwelling [I think that Raworth mentioned this]. Its wall against the lane is leaning out at the front and will require reconstruction.

Virtually the whole base of the original fence is extant and clearly demonstrates the design of the original - a typical cast iron palisade with lion posts at the ends and solid cast posts at the gate.

The secondary construction at the rear the two-storey section - lower than the main building - is a typical rear wing and is almost certainly original, but for a contributory building Council would only expect the retention of the main structures facing the street, ie, those which have a role in the streetscape, and their demolition would not be an issue in an assessment of the proposal.

I also contacted the archivist at Camberwell Girls Grammar, which took over the former Ormiston College which evolved from Mrs Ainslie's School for Young Ladies which occupied Magnolia from 1869 for a short period. However there was no visual material of it in their records.



## **ACOUSTICS**

Leading acoustics and VCAT experts Marshall Day Acoustics have recommended that aspects of the application are not compliant and that adjoining residents will experience unacceptable noise that, on objective measures, will lead to the exceedance of Noise Protocol Limits and the very serious outcome of sleep disturbance.

“The high level review of the proposed car stacker indicates that there is a real risk of exceedance to the Noise Protocol Limits during the day evening and night periods and sleep disturbance design targets during the night periods.”

“MDA considers that a detailed assessment of the car stacker noise levels should be undertaken by the proponent to demonstrate the compliance with the relevant noise levels can be achieved”

Consider that point carefully please councillors – Three planning experts have visited the site and spent many hours reviewing the application and have concluded that it fails. The salient point here is that you have more than reasonable, objective grounds to vote against this recommendation.

#### **Further Considerations.**

To provide some specific detail the delegates report needs to be considered in the context of The Melbourne Planning Scheme 22.14 Discretionary uses in the neighbourhood zone.

The delegate report says that the proposal is considered to reasonably respond to the purpose of the NRZ which seeks to provide for LIMITED non-residential uses in ‘...appropriate locations.’

**A 24/7 Hotel and restaurant operating 7 days per week from 8am to 11pm is NOT LIMITED USE.**

22.14 refers to appropriate locations

Encourage non-residential uses to locate on corner sites that have direct access to a road in a Road Zone.

and

On sites that are located adjacent to the boundary of a non- residential zone – **This site is in the middle of a significant heritage streetscape and is surrounded by significantly graded heritage buildings along with a contributory graded building on the actual site**

In buildings that were purpose- built for predominantly non-residential purposes – **The non-contributory building on site is proposed to be demolished and new buildings constructed. The contributory building onsite is not a commercial building.**

To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and.... serve the needs of the local community. **This application is incompatible and fails to outline how it serves the needs of the local community. There is more than adequate hotels and AIRBNB offerings in East Melbourne and as for restaurants they simply don't succeed unless they are family run institutions like Il Duca, Gepettos and Tipplers on Wellington Pde.**

Discourage new non-residential uses in the Residential Zones unless there is a net benefit to local residents and the local community. **The application does not provide an adequate explanation of the benefits.**

To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Commercial Zones.

**This would be more appropriately located in a mixed use or commercial zone**

Councillors you can vote against this recommendation in the knowledge that you are following the framework outlined in the Melbourne Planning Scheme.

It is our position that you need to request planning to provide a more thorough report that addresses urban design, heritage, and acoustics concerns. There are too many hastily considered matters along with the concerns that are being dealt with via “it will be alright we will deal with those through the Operational Management Plan. The correct process is to adequately address these prior to giving an approval.

The East Melbourne Group and residents have done this and our Urban designer, heritage consultant and Acoustic expert all recommend a refusal and significant modifications.

Councillors this application as presented, has the potential to ruin the neighbourhood residential zone of East Melbourne permanently and catastrophically. A more respectful and sympathetic design response is required.

Greg Bisinella  
Heritage and Planning Convenor  
152 Powlett st.  
East Melbourne 3002  
[planning@emg.org.au](mailto:planning@emg.org.au)





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\*

**Name: \*** Greg Moore

**Email address: \*** [gmmoore@unimelb.edu.au](mailto:gmmoore@unimelb.edu.au)

**Date of meeting: \*** Tuesday 12 April 2022

**Agenda item title:** Planning Application: TP-2021-326 120W Toorak Road, South Yarra (Part 1 and 2)

\*

**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.**

Having read the documentation, it is not clear to me why the Bhutan Cypressess have to be removed. They seem to be clear of the building footprint and given that they have relatively shallow root systems, I would have thought services could be bored under them at relatively little, if any, additional cost. It may be cheaper to go under them that to remove them.

In relation to the driveway, it is nice to see that the root systems have been considered and the trees will be subject to protection by AS4970. I have wondered whether any consideration was given to the use of permeable paving for the driveway, Again use of such materials would not add to building cost, and might be to the advantage of both the trees and the developer. Permeable paving could make compliance with AS4970 easier.

**Please indicate whether you would like to verbally address the Future Melbourne in** No

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

**Name: \*** Robert Carletti

**Email address: \*** [rcarletti@tract.net.au](mailto:rcarletti@tract.net.au)

**Date of meeting: \*** Tuesday 12 April 2022

**Agenda item title: \*** 6.4 – TPM–2019–4/A – 102 – 108 Jeffcott Street, West Melbourne

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



[320.0272.00\\_fmc\\_submission\\_102\\_108\\_jeffcott\\_street\\_west\\_melbourne.pdf](#)

1.75 MB · 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

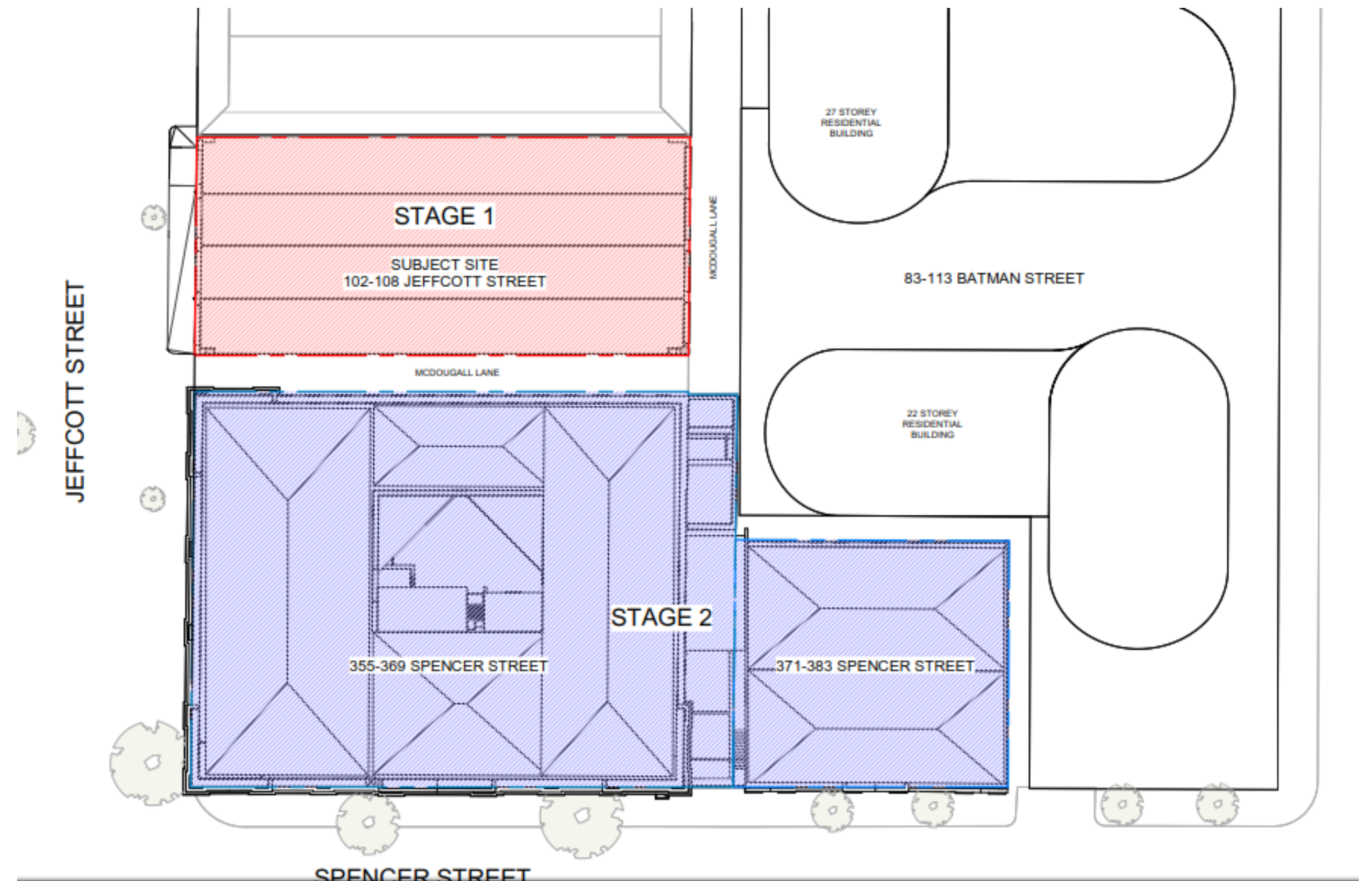


**102 – 108**  
**Jeffcott St,**  
**WEST**  
**MELBOURNE**

*PA1800480-2*

# BACKGROUND

- Applicant is BEG Projects Pty Ltd (Blue Earth Group).
- Planning Permit PA1800-480 issued on 16 October 2019 through agreement at VCAT between previous Site Owner, DELWP and the City of Melbourne.
- Site comprises 3 parcels – subsequently sold to separate owners.
- Blue Earth Group purchased 102 – 108 Jeffcott Street (one of three properties).
- Blue Earth Group has committed to commencing the development as soon as possible.



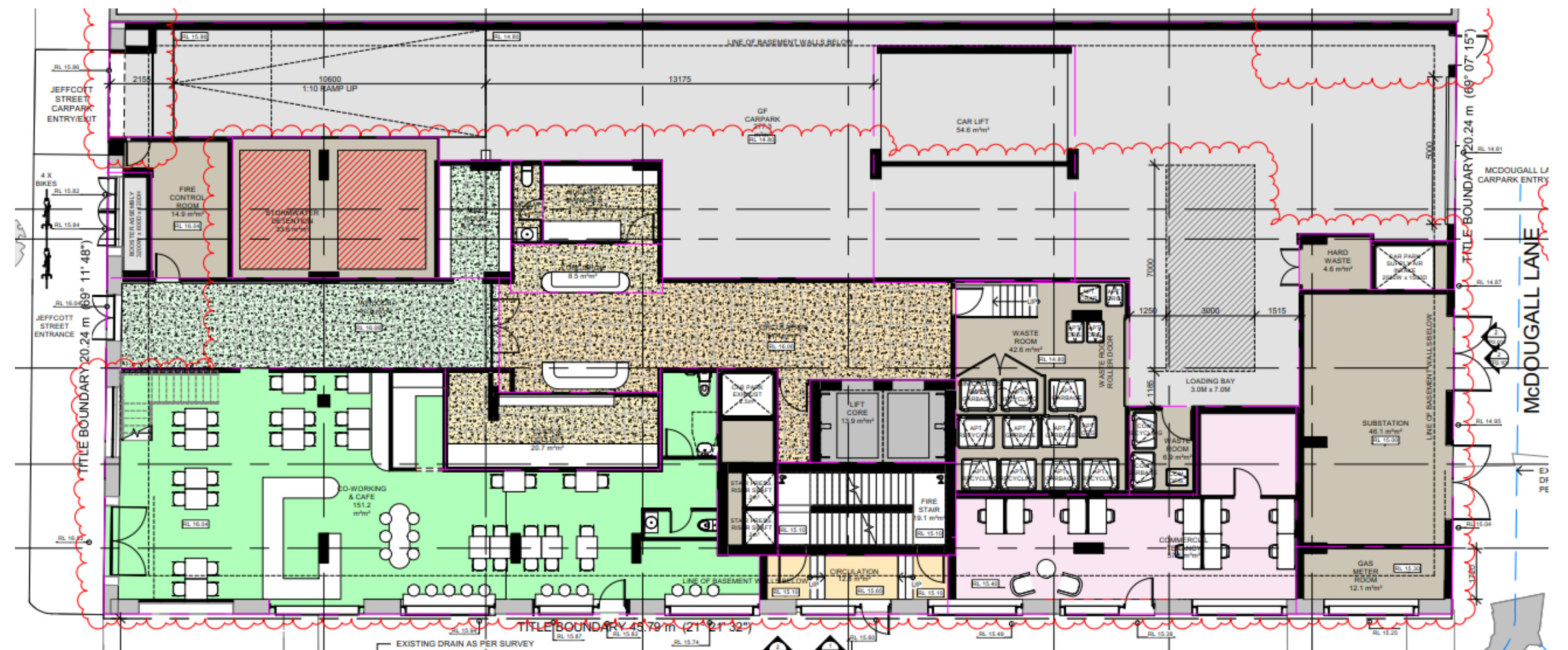
# PROPOSAL

- Original planning permit allowed for the Site to accommodate a Residential Hotel (and commercial at ground floor).
- This proposal:
  - Changes the primary use of 102 Jeffcott to 'dwellings'.
  - Stages the development to allow delivery by each property owner with staging plan and amended permit conditions to facilitate this.
- Recommendation for S173 agreement –administrative burden which is likely to delay commencement.
  - Once permit acted upon development is required to be delivered in accordance with the endorsed plans and permit unless amended.
  - S173 therefore unnecessary.



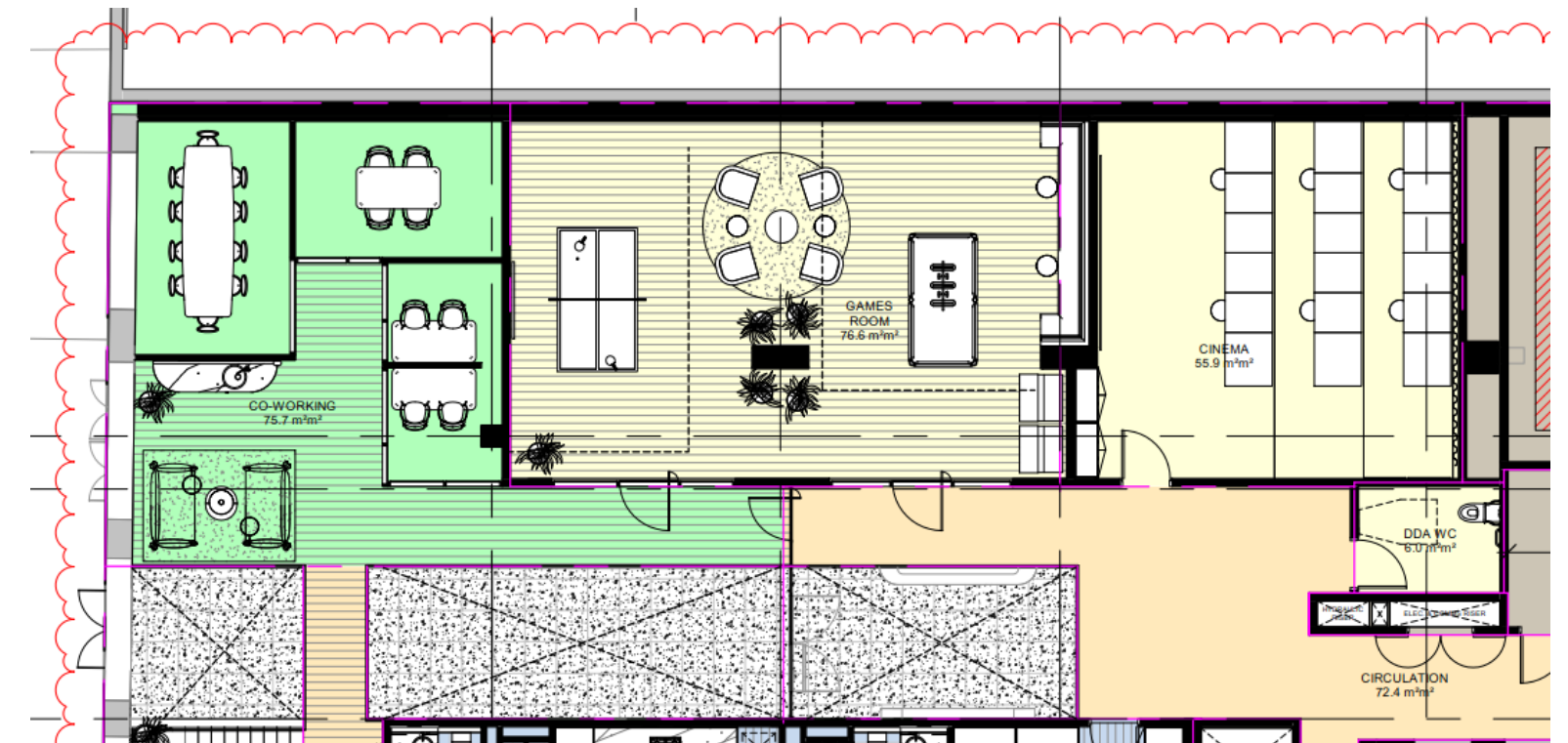
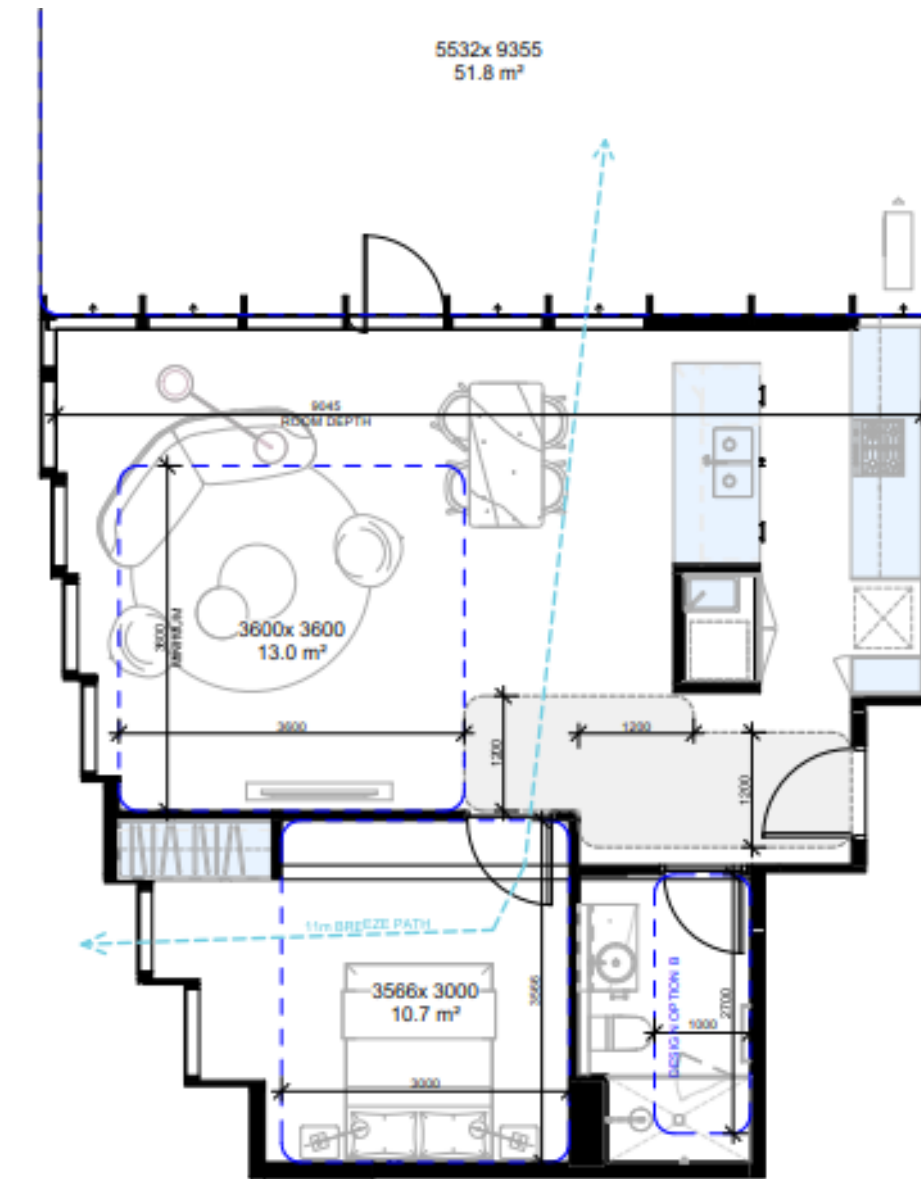
# KEY DETAILS

- Height, setbacks and striking design maintained.
- Massing responds to permit conditions.
- Compliance with West Melbourne Structure Plan.
  - Approved FAR maintained for the proposal.
- Heritage podium maintained with skybridge removed – improved heritage outcome.
- Substantial heritage restoration.
- Active ground floor uses.
- No objections.
  - Notification to over 1,000 properties



# INTERNAL AMENITY

- High degree of compliance achieved with the revised Better Apartment Design Standards.
  - 64% apts accessible (50% required)
  - 66% apts cross ventilated (40% required).
- Limited reliance on screening (other than to Melbourne Assessment Prison).
- Substantial internal and outdoor communal areas.
- Housing diversity - genuine mix of sizes and typologies incl. 3 bedroom.



**Thank you**



**Privacy acknowledgement: \***

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

**Name: \***

Luke Denham

**Email address: \***

[luke.denham@hallandwilcox.com.au](mailto:luke.denham@hallandwilcox.com.au)

**Date of meeting: \***

Tuesday 12 April 2022

**Agenda item title: \***

6.5 – Melbourne Planning Scheme Amendment C387, Hoddle Grid Heritage Review – Final adoption

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



[submission\\_fmcs\\_meeting\\_on\\_12\\_apr\\_2022.pdf](#) 228.76 KB ·

PDF

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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

## **Future Melbourne Committee meeting on 12 April 2022 Submission to Agenda Item 6.5: Amendment C387melb**

We continue to act for AMP Capital Investors Ltd, the manager (on behalf of Sunsuper Pty Ltd) of the building at 330 Collins Street in Melbourne (**Site**), in relation to Amendment C387melb (**Amendment**).

On 8 September 2021, we filed with the Panel a submission to the Amendment on behalf of our client, objecting to the application of the Heritage Overlay to the site (**HO1320**) on the basis that the existing building on the Site does not meet the threshold heritage values.

We have reviewed Management's response to the Panel's recommendations and Management's proposal that Council adopt the Amendment, which would include the Site within a heritage overlay on a permanent basis. We appeal to Council to resolve to remove the Site from the Amendment, having regard to the following:

- The place does not demonstrate the necessary historical, representative or aesthetic significance to merit a Heritage Overlay.
- The extent to which any significance can be imputed to the place has been compromised by its diminished integrity and intactness, following a significant refurbishment in 2003.
- Regarding historical significance, the place demonstrates post-war development generically in that it is a relatively large 1960's office building. The building does not assist the observer to understand the post-war construction boom better than most other places or objects in Melbourne. The alterations have largely replaced the post-war modernist style with a contemporary architectural character.
- Regarding representative significance, the place displays only typical characteristics of post-war modernist office buildings. Its construction materials were ordinary to all multistorey buildings of this era, which are difficult to appreciate in any event due to the alterations having transformed the original features.
- Regarding aesthetic significance, the Tom Bass sculpture does not form an integral part of the place and most observers are unlikely to be able to appreciate any visual or thematic connection between the sculpture and the building. The siting of the sculpture is diminished and cluttered with the various changes to the building and plaza.

We respectfully request that the Committee review this submission prior to its meeting on 12 April 2022 and, in doing so, strongly reconsider Management's proposal to adopt the Amendment to permanently include the Site in the Heritage Overlay.

Yours faithfully

**Hall & Wilcox**

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

\*

**Name: \*** Tristan Davies

**Email address: \*** [melbourneheritageaction@gmail.com](mailto:melbourneheritageaction@gmail.com)

**Date of meeting: \*** Tuesday 12 April 2022

**Agenda item title: \*** 6.5 Melbourne Planning Scheme Amendment C387, Hoddle Grid Heritage Review

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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.**

Melbourne Heritage Action wants to congratulate the City of Melbourne on this immense final step in protected so much of the City's heritage. In particular the adoption of many post-war places, and the importance places on social significance and First Nations significance are very positive steps forward.

We look forward to this amendment signalling the future of heritage protection across the City of Melbourne, hoping to soon see the adoption of significant interiors and a deeper study of Post-Modern architecture, both of are still at risk of the whims of buildings owners, as seen recently with the detrimental renovation/destruction of the award winning post-modern Centreway Arcade interior.

All councillors and officers involved in this amendment process deserve to be proud of themselves and also invigorated positive heritage discussions in the future, Thanks,  
Melbourne Heritage Action

**Please indicate whether you would like to verbally address** No

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the Future  
Melbourne in  
support of your  
submission: \*

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**Subject:** Future Melbourne Committee tonight-Am C387-Hoddle Grid Heritage Review [ME-ME.FID6241568]

Dear Suellen,

Please find below a submission for tonight's meeting.

This submission is made on behalf of Dexus Funds Management Pty Ltd, the owner of 52-60 Collins St, Melbourne, in relation to Amendment C 387 Melbourne Planning Scheme (Hoddle Grid Heritage Review). The Amendment proposed a heritage overlay for this land. Dexus objected to this and appeared at the panel hearing. The panel supported the position of Dexus. The recommendation to this Committee is that no heritage overlay be imposed.

Dexus supports the recommendation to this Committee. This support is based on the expert evidence of Bryce Raworth to the panel that no heritage overlay is warranted for the building.

Also the Committee should note that a planning permit has been issued for the land by the Minister for Planning for a major redevelopment of the site, including demolition of the building. This permit is currently going through an amendment process. On 6 April 2022 the Minister issued a Notice of Decision to Grant an Amended Planning Permit for that development. The Council supports the redevelopment the subject of that permit. The recommendation to this Committee is consistent with that planning approval.

---

**Amanda Johns**

Specialist Consultant – Planning & Environment

amanda.johns@minterellison.com

**MinterEllison** Collins Arch, 447 Collins Street Melbourne VIC 3000  
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**IMPORTANT INFORMATION, PLEASE READ**

**RETURN TO OFFICE**

Public health orders influence our Return to Office Policy in each office jurisdiction. The Policy promotes a vaccinated workplace, and takes effect when professional services employees are permitted to return to the office following lockdown or when borders open to interstate travel without the need to quarantine. When the Policy takes effect in each jurisdiction, only fully vaccinated partners, employees, clients and visitors will have access to our office. [Read more for access procedures.](#)

**OTHER MATTERS**

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Sensitive: Legal

## Jordan McKay

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**From:** Wufoo <no-reply@wufoo.com>  
**Sent:** Tuesday, 12 April 2022 9:24 AM  
**To:** CoM Meetings  
**Subject:** Future Melbourne Committee submission form [#214]

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\*

**Name: \*** Lorna Hannan

**Email address: \*** [hannanlorna@gmail.com](mailto:hannanlorna@gmail.com)

**Phone number \*** 0428426626

**Date of meeting: \*** Tuesday 12 April 2022

**Agenda item title: \*** 6.6 North Melbourne Heritage Review – Commencement of Melbourne Planning Scheme Amendments C402 and C403

**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.**

To the Councillors

The Hotham History Project, as the history group for North & West Melbourne, welcomes The North Melbourne Heritage Review (Items 6.6 and 6.6.1). We wish to particularly thank Councillor Rohan Leppert for his interest and hard work in ensuring ongoing work on reviewing and protecting the City of Melbourne's heritage.

The North Melbourne Heritage Review is well overdue as this is the first review of much of North Melbourne's historic building stock to proceed to this stage since the North & West Melbourne Conservation Study was conducted in 1983. Since then, social and historical significance have been recognized as important factors in assessing heritage, especially in working class suburbs such as North Melbourne.

We appreciate the enormous amount of work by City of Melbourne staff and the consultants, Lovell Chen, to prepare this Review which we hope will be endorsed at this meeting and sent to the Minister for Planning for approval and preparation of Planning Scheme Amendment C403.

Lorna Hannan OAM

Chair

Hotham History Project Inc

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

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No