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

*

Name: * Tony Penna

Email address: * president@southbankresidents.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee meeting

Date of meeting: * Tuesday 3 March 2020

Agenda item title: 6.1 Ministerial Planning Referral: TMPR-2019-24, 102-156 City Road, Southbank

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible. Please see attached. I would like to speak to this submission.

Alternatively you
may attach your
written



submission by
uploading your
file here:

[fmc_meeting_no..72_agenda_item.6.1_ministerial_planning_referral_tmpr201924_102156_city_road_sou](#)

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Committee in
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heard at Council
meetings.) **

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Submission to Future Melbourne Committee

City of Melbourne, Council Meeting Room, Melbourne Town Hall Administration Building

3 Mar 2020, 5.30pm – Meeting No.72

Agenda Item 6.1 - Ministerial Planning Referral: TMPR-2019-24, 102-156 City Road, Southbank

Southbank Residents Association is supportive of this planning application with the following comments.

We have some reservations with regard to vehicular access to the building. We note this will be via Waterfall lane off Power street and Southbank boulevard. While the traffic may have been modelled, we have noted other developments in Southbank where the traffic had been modelled and there has been significant congestion, contrary to the modelling. We struggle to understand how any modelling considers the traffic plan to be adequate when considering the scale in the context to the already congested roads. For example, Power street between Queens Bridge street and City Road is already at full capacity at any time during the working day. And likewise on the exit to Southbank boulevard, a gap in traffic on both directions is required for a right turn. This is already a difficult turn to navigate without the increase in traffic.

We noted in the renders that the proposed basketball court on Southbank Boulevard as part of stage 3 upgrade is missing. During the Southbank Boulevard public consultation we questioned the logic of a basketball court in that location owing to the likely development of the BMW site. We were advised the developer would need to work with the basketball court. In any case, we can't find any reference by the council Officers with regard to this basketball court. We would like to know what will happen with this basketball court and why there is no reference to it by the council Officers.

We are very pleased with the degree of greening across the entire development and the developers commitment to be a leading development for environmentally sustainable design (ESD).

We are supportive of the desire to link the development with Freshwater Place, however note the possible impracticalities of this depending on CoM requirements for the height positioning. We trust a suitable compromise could be found as we feel this link is an important aspect as outlined in C308 urban design guidelines.



Overall this development will offer a great public realm experience for the residents of Southbank and her visitors. We are delighted with the level of detail and consideration which has been applied to this site. Owing to the size of the site, there was a real opportunity for something special and we feel the developer has met that challenge. We have seen many developments in Southbank over the years and this development seems to have really considered the public benefit and experience. Something lacking in many of the Southbank developments. It was a credit to the developer to reach out to the community during the planning phase, something which rarely happens with most developers from our experience.

A handwritten signature in black ink, appearing to read "Tony Penna", written in a cursive style.

Tony Penna
President
Southbank Residents Association

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*

Name: * Michael Lennon

Email address: * michael.lennon@hcau.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee meeting

Date of meeting: * Tuesday 3 March 2020

Agenda item title: * 6.2 Draft Affordable Housing Strategy

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.

Housing Choices Australia wishes to congratulate the City of Melbourne for its Draft Affordable Housing Strategy.

Our organisation is supportive of the purpose of the Strategy, and the principles contained within.

Housing Choices will be providing a detailed, written submission that will offer details that we hope may assist in the drafting of the Final version of the Strategy.

As a leading community housing provider with a thirty year history of working closely with City of Melbourne on several long-term and highly successful affordable housing developments, we are particularly keen to provide our views on the developing of long term housing supply in the City of Melbourne which we fully believe can be delivered

through creative, innovative, mutually beneficial partnerships between Governments (i.e. State, Local and Federal), the community housing sector and the private property development sector.

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Privacy acknowledgement: *

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

Name: *

Tony Penna

Email address: *

president@southbankresidents.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee meeting

Date of meeting: *

Tuesday 3 March 2020

Agenda item title: *

6.2 Draft Affordable Housing Strategy

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.

Please find attached. I would like to speak to this submission.

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



[fmc_meeting_no_72_agenda_item_6.2_draft_affordable_housing_strategy](#)

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Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee in support of your submission:

Yes

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Submission to Future Melbourne Committee

City of Melbourne, Council Meeting Room, Melbourne Town Hall Administration Building

3 Mar 2020, 5.30pm – Meeting No.72

Agenda Item 6.2 Draft Affordable Housing Strategy

Southbank Residents Association is supportive of an affordable housing strategy. We acknowledge the current living constraints faced by many members of our community yet are and/or can be productive and willing members of society.

We believe in an inclusive and diverse society therefore we are committed to supporting the City of Melbourne with developing their strategy.

We are aware of the City's plan for affordable housing in the Boyd development within Southbank and we support this plan.

We ask that Southbank Residents Association is not overlooked with the consultation phase of this strategy as we are keen to be involved.



Tony Penna

President

Southbank Residents Association

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*

Name: * Weng Tuck Yee

Email address: * [wtjee@ytigarden.com](mailto:wtyee@ytigarden.com)

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee meeting

Date of meeting: * Tuesday 3 March 2020

Agenda item title: 6.3 Planning Scheme Amendment C365 Chart House Heritage

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.

Dear Lord Mayor, Deputy Lord Mayor and Councillors,

On behalf of our family, we are writing to you as the registered owner of 372–378 Little Bourke Street, Melbourne in relation to Agenda Item 6.3 – Amendment C365 of the upcoming Future Melbourne Committee (FMC) meeting to be held on 3 March 2020.

We note that we previously wrote to you in relation to this matter on 17 September 2019 (ahead of the last Future Melbourne Committee where this matter was discussed) where we set out some of the detailed background. Rather than repeat this we've attached a copy of our original letter.

It's been almost six months now since this was last presented to FMC, and in that time the amendment has been advertised, a panel hearing was set up, we attended two days of the panel hearing (noting our family engaged both lawyers and two independent expert heritage witnesses at considerable expense), and we've been waiting now for over two months since the panel report was prepared for this to make it back before you.

On the family front we've also sadly been faced with our mother's ongoing deteriorating health.

All in all it's been a very stressful time for our family, particularly over the last 6-12 months, and we will be very happy to put this matter behind us and move forward.

We would respectfully request that the Council support the independent findings of the most recent panel, and maintain the 'non-contributory' status as recommended by your officers (and indeed as recommended by the previous panel).

Many thanks in advance.

Yours sincerely,

Mr. Weng Tuck Yee

On behalf of the Yee Family (Sole owners of Berjaya Developments Pty Ltd)

Email: wtyee@ytigarden.com

Mobile: 0431 888 326

Alternatively you

**may attach your
written
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(Section 223)

Committee in
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meetings.) **

16 September 2019

The Hon. Sally Capp
Lord Mayor
Melbourne City Council
GPO Box 1603
MELBOURNE VIC 3000

cc: City of Melbourne Councilors (by email)

**RE: Future Melbourne Committee - 17 September 2019
Agenda Item 6.2 - Amendment C365 - Melbourne Planning Scheme
372-378 Little Bourke Street, Melbourne - Planning & Heritage controls**

Dear Lord Mayor (and Councilors),

On behalf of our family, we are writing to you as the registered owner of 372-378 Little Bourke St Melbourne.

Unfortunately we are currently tending to our mother's health and so we could not be in person to present to you and hence the reason for writing this letter. We were only made aware of the Council Meeting late last Thursday evening, 12 September 2019 and so we ask that the Council empathize with our redevelopment journey to date.

We write to you with regards to the proposed **Amendment C271 - Melbourne Planning Scheme** and the more recent proposed **Amendment C365**, specifically for our property being affected by the interim reclassification of the Heritage Control to 'contributory' from the current 'non-contributory' status. In light of the significant investment we have embarked on to redevelop the property we write to you, and the Councilors, to respectfully express our disappointment on the surprise 'contributory' status as a result of 'new information' which we had only received last week, but which has been with Council since December 2018.

Property Background

Our mother purchased this property back in 1996, with the clear view of retaining the property long term. Since then, she had embarked on a number of alterations, changes, modifications and renovations. In 2008, the family invested in the further refurbishment of the property and converted the parts of the ground floor access from Little Bourke Street, and the upper levels into the *City Garden Hotel* (now *YTI Garden Hotel*), including 2 specialty retail stores on the ground floor.

Our mother's attitude was that this property would inevitably pass on to my brother, Ignatius and I. It has always been her clear intentions that we, as a family, retain the property, and redevelop the property to suit the prevailing market conditions at that time.

Her wishes to this day are to retain the property and redevelop it as part of a family legacy for the next generation. The family's attitude has clearly been to enhance and add value to the property by way of redeveloping it as part of our broader property portfolio.

The property has operated and traded as a Hotel since 2008. The average room rate on offer is typically trading below the \$95 per night, and faced with stronger competition and frankly much higher quality accommodation the current hotel requires substantial investment to compete.

The property requires significant renovation, and substantial modifications to deliver an economy of scale for a viable hotel for the longer term. Our outdated hotel accommodation offering frankly cannot compete with the more contemporary accommodation options available in the market. In the absence of substantial and extensive investment, the current Hotel operation will simply suffer and deteriorate over time without major capital expenditure.

Approximately 4 years ago, the family investigated such capital expenditure on preparing plans. It was confirmed that redeveloping the current hotel would require significant expansion to warrant the required capital expenditure on undertaking the works. We engaged industry professionals and consultants and explored a raft of redevelopment options. Our first plan was to redevelop the property into a much taller and larger building, essentially an *80m tall Office Proposal*. We took a scheme based on this proposal to a pre-application meeting with planning officers from the City of Melbourne in December 2016. Based on this feedback the height and setbacks for a taller building were simply discouraged by the Council (based on the site constraints, and setbacks).

Consequently we were encouraged to submit a reduced proposal.

Planning History

In December 2016 Berjaya Developments Pty (our company) submitted a planning pre-application proposal to redevelop the property for a proposed 80m office development.

Following feedback from Council officers there were then a further two pre-application meetings in March 2017 and again in January 2018 where further built form outcomes were tested and reviewed.

This resulted in the lodgment of a comprehensive planning permit application for a 60m high office building on 19 February 2018

It was only after our town planners had lodged the application that we were made aware of a new proposed heritage amendment (Amendment C271) which was proposed to affect our site. We were made aware of this by a 'request for further information' from Council dated 27 February 2018.

The new amendment suggested a contributory grading for the side elevation only (i.e. the elevation to Niagara Lane) of the building at 372-378 Little Bourke Street, and a contributory grading for the building at 15-17 Niagara Lane, which we also own.

We lodged a submission to this amendment and were invited to a Panel hearing where the amendment was considered from 25-27 July 2018.

We engaged the services of planning lawyers (Mr. Nick Sissons of Holding Redlich) and a heritage expert (Ms. Robyn Riddett of Anthemion Consultancies) to represent the family at the Panel Hearing.

At the panel hearing our lawyers did dispute the contributory status of 15-17 Niagara Lane as well as the contributory status of the 'Niagara Lane elevation' of 372-378 Little Bourke Street.

Following the Panel hearing we formalised our response to the City of Melbourne's request for further information for the planning application, submitting a range of additional supporting material as requested (including a heritage report).

In late September 2018 the Panel report was released concluding the following in terms of our site:

In relation to the level of significance of the wall itself, the Panel accepts Ms. Riddett's view that it shares insufficient of the characteristics of Niagara Lane to achieve contributory status. It is persuaded that the contribution currently made by the wall could equally be achieved by an appropriately designed replacement wall of similar scale in the same location. Notwithstanding this conclusion, it disagrees with owner's contention that the building should be completely deleted from the Heritage Overlay proposed for the Guildford and Hardware Lane Precinct. The Panel's conclusion is that the building should be made non-contributory to the precinct.

The Panel concludes:

- *372-378 Little Bourke Street and 15-17 Niagara Lane should remain within the Guildford and Hardware Lane Precinct as exhibited*
- **372-378 Little Bourke Street should be graded as non-contributory to the precinct**
- *15-17 Niagara Lane should remain as exhibited, contributory to the precinct.*

We were encouraged by the Panel's conclusion, and were further encouraged by the Council's adoption of the Panel's findings at its meeting on 21 December 2018 (when the Council resolved to adopt the amendment with the change from 'contributory' to 'non-contributory').

Over the following months our architects and planners were in constant contact with the Council statutory planning officers and were trying to work through some of the officer concerns with the 60m office proposal.

As part of this, a series of further revised plans and detailed shadow analysis documents were prepared and presented over a six month period, at considerable expense to us.

I understand that the planning officer who was originally dealing with the application went away on maternity leave during this period, and a new planning officer took over in May 2019.

We met with the new planning officer and presented a series of further revised schemes for the redevelopment in May and July 2019, and have been awaiting what we were hopeful would be some positive formal comments on the 'final' revised set of plans.

On Thursday 8 August 2019, our planner had a conversation with the City of Melbourne planning officer dealing with the application to get an update on the revised plans, and was only made aware then that we should expect a phone call from the strategic planners at the Department of Environment, Land, Water and Planning (DELWP).

Our planner spoke with an officer from DELWP on the morning of Friday 9 August 2019 and was informed that officers from Council's strategic planning department had forwarded 'new evidence' to the Department regarding the heritage significance of 372 Little Bourke Street.

DELWP informed our planner that an 'interim heritage control' was being contemplated in light of this 'new information'.

This was the first indication that we had of any potential change to the Council position on our property despite having an ongoing dialogue with the City of Melbourne on the planning application since the issue of the panel report.

It has since come to our attention that the Council were provided with this 'new information' from the Melbourne Heritage Action Group just before Christmas 2018 (i.e. a few months after the panel report had been released), and had then provided this to the Minister without even a courtesy call or email notifying us (as the land owner).

We are very disappointed that, despite the fact that we had a live planning application in the system and were actively negotiating with the Council on this, that the Council did not make us aware of this 'new information' or that it was in discussions with DELWP regarding any of this material.

We were only made aware of this change in circumstances by DELWP on the eve of the approval of the Amendment by the Minister (noting that we were told about this change on Friday 9 August 2019 and the Minister gazette the amendment on Monday 12 August 2019).

Lord Mayor and Councilors, I'm sure you can see why from our perspective what is now being proposed, and the manner in which we've got to this point, just doesn't seem fair.

We've again had to place our planning application (which has now been with the Council for 19 months) on hold whilst we try and work our way through what Amendment C365 might mean and how we may need to respond to this.

Conclusion

Over the past few years, with full transparency with Council, we have adjusted, evolved and amended our planning proposal at considerable expense based on Officer feedback to try and realize our redevelopment plans.

We have invested considerably in architects, town planners, development consultants and specialist advice in amending our planning proposal based on Council Statutory Planning and Urban Design feedback.

We also engaged planning lawyers and heritage experts to present on our behalf at the panel hearing, again at considerable expense.

Since last years' Heritage Panel report we were clearly under the impression that the 'non-contributory' status was resolved and as such embarked on procuring development funding.

This has all now been placed on hold as a result of being caught out on this recent interim control.

The important decision before the Council, will dramatically affect our redevelopment plans. Our vision for a \$70 M office building to be retained by the family is now on hold until further notice.

We respectfully request that the Council maintain the current status of 'non-contributory' status to allow our family to continue to work with Council, and advance the planning application before Statutory Planning.

I reiterate the concerted effort on our part in working with Council thus far, and why this late change has come as such a complete shock given the considerable investment on our part.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Weng Tuck Yee', written on a light-colored background.

Mr. Weng Tuck Yee

On behalf of the Yee Family
(Sole owners of Berjaya Developments Pty Ltd)

Email: wtyee@ytigarden.com

Privacy acknowledgement: *

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

Name: *

Tristan Davies

Email address: *

trist14222@gmail.com

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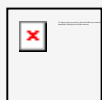
Date of meeting: *

Tuesday 3 March 2020

Agenda item title: *

6.3 Planning Scheme Amendment C365 Chart House Heritage

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



[mha_submission.doc](#) 152.06 KB · DOC

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee in support of your submission:

No

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28 February 2020

Lord Mayor and Councillors.
City of Melbourne
Melbourne Vic 3001



Supported by the National Trust
www.melbourneheritage.org.au
melbourneheritageaction@gmail.com

Dear Lord Mayor and Councillors,

Re: Heritage listing of Chart House, 372-378 Little Bourke Street, Melbourne

I am writing to you to urge you to vote in favour of the listing of this place as Contributory in the Hardware Lane Heritage Precinct – which is contrary to the Panel’s recommendations.

But we believe that the Panel’s decision was flawed. It gave far too much weight to how much the building had been altered, and lost sight of the big picture, that is whether the building still contributed to the precinct, which it clearly does.

As an interwar office/warehouse it is clearly the type of building that makes the precinct unique; while it is different in style from most, it is from the period of significance for the precinct.

The Panel placed undue emphasis to the alterations to a building that is in fact, largely intact. The Panel simply concluded, without any discussion, that it “has been significantly altered” and was therefore non-contributory. This was after quoting a statement about those alterations by Council’s advisor Lovell Chen - who had in fact concluded that the building should be Contributory !

What the Panel did **not** do is look at other buildings in the precinct that have been graded as Contributory, many of which have been altered far more than Chart House.

Chart House has clearly only been cosmetically altered- the pink render covers what were pink bricks, and the grey render covers what was yellow render, and the parapet has been lowered slightly – everything else is as designed and built in 1941, even the shopfronts.

Other buildings in the precinct that **are** graded Contributory that have been far more altered. Here are some examples :

380-384 Little Bourke is an 1869 former pub converted into a workshop, ground floor totally altered, all parapets and facade ornamentation removed.

51-59 Hardware Lane are three storey Victorian warehouses that have had all detail removed except for the parapet, all windows altered, and been rendered over some time in the 20th century.


54-58 Hardware Lane, 1940 and as shown in the Age in 1939 – some windows removed, ground level changed, bricks painted.

We also want to again note the intact nature of the chrome shopfronts of this building, which are a rare addition to this precinct, and indeed the entire CBD. Of particular note the John Donne Globes window painting is a clear visual representation of one of the major figures in the precincts industrial history, as are some of the original industrial windows facing Niagara Lane

If there is some concern that it is unfair to the owners of Chart House having been though the Panel process in good faith to overturn it, we can only say that Panels are not always accurate (or even clear in their conclusions), and for the sake of fairness, the owners of other buildings that have been 'significantly altered' should also be afforded the opportunity to be listed as 'non-contributory'.

We also want to say that the contributory status of this building is not in any way opposed to redevelopment opportunities for the owner. There is clear path here for both the building and it's important streetscape contribution to remain, with development of more level on the rooftop, or the front 5 metres of the building retained with development behind, as is comoon and encouraged across the city, we do not need to create a futher gap in the Lt Bourke/Hardware lane precinct for both heritage and development to achieve a happy outcome for the longterm.

Kind regards,

A handwritten signature in black ink that reads "Rohan Storey". The signature is written in a cursive, slightly slanted style.

Rohan Storey
Vice -President
Melbourne Heritage Action

Privacy acknowledgement: *

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

Name: *

Wayne Coles-Janess

Email address: *

wayne@ipso-facto.tv

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee meeting

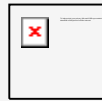
Date of meeting: *

Tuesday 3 March 2020

Agenda item title: *

6.3

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



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Lord Mayor and Councillors
City of Melbourne
Melbourne Vic 3001

Dear Lord Mayor and Councillors,

Re: Heritage listing of Chart House, 372-378 Little Bourke Street, Melbourne

I am writing to you to urge you to vote in favour of the listing of this place as Contributory in the Hardware Lane Heritage Precinct – which is contrary to the Panel’s recommendations.

The Panels assessment is clearly incorrect.

I agree with the detailed submissions put forward by Melbourne Heritage Action and are greatly concerned that this important Heritage Area within the CBD will loose further buildings that give much consistency and organic evolution of building styles and uses in this area.

We know that the CBD area is currently struggling with congestion and a proposal to demolish this building to erect a larger building will greatly increase the congestion for businesses, residents and visitors. The differing styles of buildings in this Heritage Precinct add to the charm and character of the area and I note that importance of this building in MHA submission to Council.

“As an interwar factory/warehouse it is clearly the type of building that makes the precinct unique; while it is different in style from most, it is from the period of significance for the precinct, which is largely intact.

The Panel placed undue emphasis to the alterations to a building that is in fact, not greatly changed. The Panel report generally simply repeats various parts of the submissions, and then concludes, without any discussion, that “the new material does not warrant a reconsideration of its grading” and that it “has been significantly altered”, and was therefore non-contributory. This was after quoting a statement about those alterations by Council’s *consultant Lovell Chen - who had in fact concluded that the building should be Contributory*”.

We also agree that there are a number of other buildings are significantly alter but are importantly included in the Heritage Precinct.


What the Panel did **not** do is look at other buildings in the precinct that have been graded as Contributory, many of which have been altered far more than Chart House.

“If there is some concern that it is unfair to the owners of Chart House having been though the Panel process in good faith to overturn it, we can only say that Panels are not always accurate (or even clear in their conclusions), **and for the sake of fairness, the owners of other buildings that have been ‘significantly altered’ should also be afforded the opportunity to be listed as ‘non-contributory’.**”

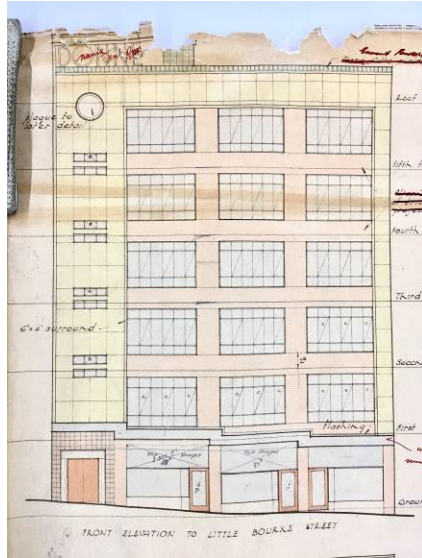
I think that the MHA thinking here is very important going forward for both the Community and Developers.

Clearly the Panel processes are not perfect and we need to protect the Heritage value of our city while working to to improve the Panel processes to better serve all.

Sincerely



Wayne Coles-Janess



54-58 Hardware Lane, 1940 and as shown in the Age in 1939 - some windows removed, ground level changed, bricks painted.