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

\*

**Name: \*** Wendy Rose

**Email address: \*** [wendy.maree.rose@gmail.com](mailto:wendy.maree.rose@gmail.com)

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** Objection to redevelopment proposal Bourke st

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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. We encourage you to make your submission as early as possible.**

Objections as previously proposed, that have NOT been addressed in any way by the developer 1 Venue closing at 0300 hrs, 2 venue capacity of over 800 people. 3 Increase in LOTS of noise ,in basically a residential street ,ie Liverpool St , increase in violence , crime ,drunkenness, loutish behaviour , delivery vehicles, rubbish collection .This list could be endless.Our belief when we bought here 5 yrs ago was that the council wanted to encourage families and people into the city and to make the area more family friendly This in no way shape or form is Family friendly .If this proposal is approved as is ,we and many others will be forced to move.

I do not object to a redevelopment per say , but this proposal as it stands is not the way to go . PLEASE reconsider this redevelopment.

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

\*

**Name: \*** Martin Dempster

**Email address: \*** [m.dempster@inet.net.au](mailto:m.dempster@inet.net.au)

**Please indicate which meeting you would like to make a submission to by selecting the appropriate button: \*** Submissions (Section 223) Committee

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** Noise Reduction Control

\*

**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.**

I have previously submitted to council my concerns and objections to the proposed development and the negative impacts it would have on the residents who reside in the Liverpool st apartment building.

I understand that there is a proposal to close the roof of the beer garden at 10pm in order to mitigate noise disturbance. My question is what will be the change in noise decibel when the roof is closed. Also, what guarantees are there that the roof will be closed promptly at 10pm. How will this be controlled? Is an automatic roof closing timer being considered in the plans?

Cheers

Martin Dempster

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Please indicate      No  
whether you  
would like to  
address the Future  
Melbourne  
Committee or the  
Submissions  
(Section 223)  
Committee in  
support of your  
submission:

*(No opportunity is  
provided for  
submitters to be  
heard at Council  
meetings.) \**

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**From:** Viet Nguyen <[vietius@gmail.com](mailto:vietius@gmail.com)>  
**Sent:** Friday, 4 December 2020 12:54 PM  
**To:** Davydd Griffiths <[Davydd.Griffiths@melbourne.vic.gov.au](mailto:Davydd.Griffiths@melbourne.vic.gov.au)>  
**Subject:** Re: Objection to Proposed Job Warehouse Development (TP-2020-274)

Dear Davydd

**Re: Objection to Proposed Job Warehouse Development (TP-2020-274)**

I would like it to be known that I am a proud and parochial Melburnian who has long complimented the often world leading and progressive leadership of our local council. I am very much supportive of redevelopment - particularly if it contributes to the rich cultural history, amenity and vibrancy of our great city and home. I am in complete agreement with the general consensus to see this site redeveloped to restore it to its former glory.

It is on this basis that I wish to formally reiterate my objection to the proposed O'Brien Job Warehouse Development for several reasons.

Firstly, there are already a plethora of medium sized and boutique hotels and drinking establishments within a 500m radius of the proposed site. Adding yet another hotel and bar would add to the city's glut of supply of accommodation and dilute the patronage of existing bars. Importantly, it would not add anything new or innovative to entice tourists and commercial activity to the district.

Secondly, despite some very minor amendments in the O'Brien resubmission, I fail to see how a faceless white barricade of a wall on Liverpool Street (as outlined in the revised O'Brien development plans) could possibly contribute to the energy, life and vibrancy more than what we currently enjoy. Melbourne has a worldwide reputation for famous street lane ways, vivid art, culture, unique retail and food offerings. Anyone remotely familiar with the Liverpool and Crossley Street lane ways would know what a bustling and lively hive of activity they are. The proposed development has failed to outline how it will contribute to this bustling energy and would go a long way to irrevocably destroying it. It has no viable plan on how to activate these lane ways into something that we would be supportive and proud of.

Thirdly, as a long-time resident of this area, I am very much accustomed to and have developed a higher resiliency than most when it comes to noise. However, I feel that this development does not have the controls and measures in place to abate ambient noise in construction and on an ongoing operational basis. I feel that this noise and associated externalities would immeasurably impact the ability to have quiet enjoyment of my home and that of my neighbours. It must be acknowledged that this development is literally less than 5m away from established residential apartments and homes. Allowing trading to the proposed 3am close is completely unreasonable and unconscionable. I am sure you and your councillors would not allow for such a development for your own homes and families.

Rushing through a development approval under the guise of 'post COVID stimulation', for the site without the blessing of neighbouring residents undemocratic, deeply concerning and short sighted. You must agree, from an objective point of view, that the 'optics' of such a unilateral decision are not flattering, nor consistent with one of the key tenets of a modern and accountable administration such as yours to be transparent with its constituency.

Let me be clear that, I am supportive of developing this precinct into something that contributes to and supports the existing amenity of this area. We should indeed be pursuing opportunities that add to the commerciality, appeal and reputation our great international city.

I just don't believe this is the right development and hope that you take my concerns and that of my neighbours into consideration.

Kind Regards

Viet Nguyen

**From:** Ian <[ian@sentinelservices.com.au](mailto:ian@sentinelservices.com.au)>

**Sent:** Wednesday, 2 December 2020 2:45 PM

**To:** Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>; Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>; Nicholas Reece <[Nicholas.Reece@melbourne.vic.gov.au](mailto:Nicholas.Reece@melbourne.vic.gov.au)>; Olivia Ball <[Olivia.Ball@melbourne.vic.gov.au](mailto:Olivia.Ball@melbourne.vic.gov.au)>; Roshena Campbell <[Roshena.Campbell@melbourne.vic.gov.au](mailto:Roshena.Campbell@melbourne.vic.gov.au)>; Kevin Louey <[Kevin.Louey@melbourne.vic.gov.au](mailto:Kevin.Louey@melbourne.vic.gov.au)>; Jason Chang <[Jason.Chang@melbourne.vic.gov.au](mailto:Jason.Chang@melbourne.vic.gov.au)>; Elizabeth Mary Doidge <[ElizabethMary.Doidge@melbourne.vic.gov.au](mailto:ElizabethMary.Doidge@melbourne.vic.gov.au)>; Jamal Hakim <[Jamal.Hakim@melbourne.vic.gov.au](mailto:Jamal.Hakim@melbourne.vic.gov.au)>; [davyyd.griffiths@melbourne.vic.gov.au](mailto:davyyd.griffiths@melbourne.vic.gov.au); Philip Liu <[Philip.LeLiu@melbourne.vic.gov.au](mailto:Philip.LeLiu@melbourne.vic.gov.au)>; Rohan Leppert <[Rohan.Leppert@melbourne.vic.gov.au](mailto:Rohan.Leppert@melbourne.vic.gov.au)>

**Subject:** TP 2020 - 274

Good afternoon

For the past 26 years I have been a CBD resident and for 23 years owned and operated a business in the east end of the CBD. There are many many changes that I have observed, most for the betterment of our great city.

However, there is one mooted change that I feel would be totally inappropriate, that is the conversion of the Job Warehouse to an hotel, catering for up to 650 patrons and trading into the early hours of the morning.

Having in the past lived in the 50 Bourke Street apartment building, with the bedroom overlooking Liverpool Street, I can remember a minimal amount of noise from nearby restaurant and bar patrons. This late night noise will be replicated multiple times, having a detrimental affect on not only the 50 Bourke Street residents but also the larger number in 16 Liverpool Street. This is to say nothing of the damage caused to the buildings and gardens and their use as a toilet.

The small bars and restaurants have made the city what it is, but placing a beer farm in its midst would have a negative affect on the ambience of the area.

Please consider the neighbourhood.

Best regards

**Ian Taylor**

Sentinel Strata Services Pty Ltd



Level 2, 47 Bourke Street

Melbourne VIC 3000

T: 9654 0188

F: 9663 9268

[ian.taylor@sentinelservices.com.au](mailto:ian.taylor@sentinelservices.com.au)

From: Jennifer Hutchison <jenjen52@icloud.com>  
Sent: Thursday, 3 December 2020 8:49 AM  
To: Sally Capp - Lord Mayor of Melbourne <Sally.Capp@melbourne.vic.gov.au>  
Subject: Objection to the Job Warehouse Re-Development.

3 December 2020

Dear Sally,

I write to register my protest again, and to inform the discussion and debate that will take place at the meeting of the Future Melbourne Committee of the Melbourne City Council, Tuesday 8 December 2020.

I am a resident of the CBD and for the past 13+ years have lived at 50 Bourke Street, across the street from Job Warehouse, on the other side of Liverpool Street - a laneway 5 metres wide.

My bedroom faces Liverpool Street, 5 metres across open space to what is proposed to become an open-roofed bar containing 200-400 people, immediately in front of my living space and if that fuses me and I go to bed, immediately in front of my bedroom.

I read that there are now 180,000 residents in the CBD, up from a low point of 1000 some decades back. You then, and your fellow councillors, have 180,000 reasons to take amenity very seriously. We have rights too - and with intention, we bought into the quiet, elegant upper end of Bourke Street, with its small, intimate dining options, its emerging laneway culture and its preference for funky, interesting contemporary and traditional dining opportunities where owner-operated businesses thrive.

This re-development, while welcomed on a decaying heritage site, as proposed is a direct threat to liveability and amenity for the residents of this building at 50 Bourke Street, and for the surrounding residents and businesses in Liverpool Street, Crossley Lane and along Bourke Street.

On the other side of us, further up Bourke Street, an elegant hotel, Meridian we believe - terrific. We are watching it rise and welcome it. Now, downhill, literally in our faces whether we are relaxing on our deck or trying to sleep, a monster that belongs nowhere near here - up to 800 + revellers, 7 days and nights per week - and to add further insult, until 3.00 am. The concession of the developer to agree to close the roof of the outdoor bar at 10.00 pm nightly, is not comforting.

Is this the sort of noise, intrusion and discomfort and revelry you want to encourage in this tasteful part of the city, close our seat of government and the attractive high-rise residences of Spring Street ? Are we sharing the same city? Are you trying to re-create the issues around King Street bars and nightclubs that have caused so many problems? We note that the developer has somehow, without public review, managed to achieve exemption from a licensing rule that was put in place for good reason. How has that been allowed to happen? I understand this took place at state level - I trust Melbourne City Council has registered a protest.

Under the proposal, Liverpool Street is to lose a number of small businesses - Hi Chi Mama, Shimbashi, Rock Paper Scissors (already gone), and the laneway feel, colour and style - to become the amenities access to the O'Brien proposed development. We know what that means - rubbish trucks, food and beverage delivery, cleaning and servicing access for everyone from plumbers to polishers to carpenters. The few peaceful hours between 3.00 am and the re-opening will be punctuated with heavy vehicle traffic.

Please re-consider and keep us in mind when you decide what's best for this city in the future. This development does not fit, is not necessary, and is not supported by your residents and constituents who are directly and negatively impacted. We expect you to speak on our behalf and protect us from this sort of commercial selfishness and arrogance which is serving to disregard the rights and amenity of those who have chosen this part of the city as their home.

Yours sincerely

Jen Hutchison  
Melbourne



**From:** Marg Deery <[marg.deery@tbei.biz](mailto:marg.deery@tbei.biz)>

**Sent:** Friday, 4 December 2020 2:08 PM

**To:** Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>; Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>; Nicholas Reece <[Nicholas.Reece@melbourne.vic.gov.au](mailto:Nicholas.Reece@melbourne.vic.gov.au)>; Olivia Ball <[Olivia.Ball@melbourne.vic.gov.au](mailto:Olivia.Ball@melbourne.vic.gov.au)>; Roshena Campbell <[Roshena.Campbell@melbourne.vic.gov.au](mailto:Roshena.Campbell@melbourne.vic.gov.au)>; Kevin Louey <[Kevin.Louey@melbourne.vic.gov.au](mailto:Kevin.Louey@melbourne.vic.gov.au)>; Jason Chang <[Jason.Chang@melbourne.vic.gov.au](mailto:Jason.Chang@melbourne.vic.gov.au)>; Elizabeth Mary Doidge <[ElizabethMary.Doidge@melbourne.vic.gov.au](mailto:ElizabethMary.Doidge@melbourne.vic.gov.au)>; Jamal Hakim <[Jamal.Hakim@melbourne.vic.gov.au](mailto:Jamal.Hakim@melbourne.vic.gov.au)>; [davyyd.griffiths@melbourne.vic.gov.au](mailto:davyyd.griffiths@melbourne.vic.gov.au); Philip Liu <[Philip.LeLiu@melbourne.vic.gov.au](mailto:Philip.LeLiu@melbourne.vic.gov.au)>; Rohan Leppert <[Rohan.Leppert@melbourne.vic.gov.au](mailto:Rohan.Leppert@melbourne.vic.gov.au)>

**Subject:** Objections to Job Warehouse Development

To the City of Melbourne – Lord Mayor, and Councillors.

Re Amendments to the Planning Application for 60 Bourke Street, Melbourne

I have read through the amended documents submitted for the development of 60 Bourke St and I am still extremely concerned about the development. Although the amended application suggests a 10 pm closing of the roof, this does not address the 3am closing time for the whole establishment, nor the huge number of quests the property will accommodate and eventually spill into the neighbourhood in the early hours of the morning. Although the number of patrons has decreased to 650, this is still an unacceptable number of people in a small area. This is a residential area as well as a commercial area and residents' quality of life should be a key factor in such developments.

Previously, I had written of my objections to the development which are still relevant. With regard to the impact of this development on the residents in this area, I am particularly concerned at:

- the diminution of residents' safety, especially as the nightclub becomes busier and more alcohol is consumed by customers
- the noise level, especially with the use of a retractable glass roof which will not only heighten the noise of up to 650 customers but also do nothing to reduce the noise level of live music, even when the roof is closed
- the noise level of customers entering and leaving the venue. At 3am and later, this will seriously detract from residents' quality of life and ability to sleep
- the noise level of bins being filled with bottles at the end of the evening and the collection of bins early in the morning
- the impact of passive smoking from customers smoking outside the venue
- the visual impact of Liverpool St and the destruction of the current iconic laneway image of small restaurants

With regard to the impact that this development will have on my personal quality of life, I am particularly concerned at:

- my safety with a large number of potentially drunken customers only 10m away from my home. I have personally witnessed a violent assault of a drunken man on his partner in Melbourne CBD and the incident has had a strong, negative impact on me. I implore the committee not to encourage this behaviour with the late licence which it will no doubt do. We will become the new King St nightclub area.
- the impact of noise from music and conversations on my sleep. Having lived in London for the past five years with a pub immediately opposite my home, I am aware of the impact this can have on my sleep. In that instance, it was my choice to live in the area and so I accept that I knew the possible ramifications. The development of this huge nightclub is not my choice and I would not have bought into the area had the nightclub already been in operation.
- the loss of community that I have come to cherish in this area.

It is hard to understand how such a large and incompatible development can be approved and I urge the planning committee to reject it.

Kind regards

Margaret Deery

<b>Privacy acknowledgement: *</b>	I have read and acknowledge how Council will use and disclose my personal information.
<b>Name: *</b>	James Sharrock
<b>Email address: *</b>	<a href="mailto:jsharrock@lancemore.com.au">jsharrock@lancemore.com.au</a>
<b>Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *</b>	Council meeting
<b>Date of meeting: *</b>	Saturday 5 December 2020
<b>Agenda item title: *</b>	Request confirmation regarding Crossley St access
<p><b>Please write your submission in the space provided below and submit <u>by no later than 10am on the day of the scheduled meeting.</u></b></p> <p><b>We encourage you to make your submission as early as possible.</b></p>	<p>I would like to confirm the following has been agreed to by the O'brien group regarding their operating procedures:</p> <ul style="list-style-type: none"> <li>- That queuing for the roof top is within shop 9 on Crossley St.</li> <li>- Patrons are not able to exit via Crossley St after 10-11pm</li> <li>- Smokers are only given pass outs via Bourke st to minimise smoking on Crossley st.</li> </ul> <p>Besides these operational queries, The Lancemore Crossley St Hotel welcomes the opportunity for O'briens Group to develop this space.</p> <p>Regards</p> <p>James Sharrock General Manager – Lancemore Crossley St</p>

**From:** Jenny Gow <jgow63@gmail.com>  
**Sent:** Sunday, 6 December 2020 9:42 PM  
**To:** Sally Capp - Lord Mayor of Melbourne <Sally.Capp@melbourne.vic.gov.au>  
**Cc:** Nicholas Reece <Nicholas.Reece@melbourne.vic.gov.au>; Olivia Ball <Olivia.Ball@melbourne.vic.gov.au>; Roshena Campbell <Roshena.Campbell@melbourne.vic.gov.au>; Kevin Louey <Kevin.Louey@melbourne.vic.gov.au>; Jason Chang <Jason.Chang@melbourne.vic.gov.au>; Elizabeth Mary Doidge <ElizabethMary.Doidge@melbourne.vic.gov.au>; Jamal Hakim <Jamal.Hakim@melbourne.vic.gov.au>; Philip Liu <Philip.LeLiu@melbourne.vic.gov.au>; Rohan Leppert <Rohan.Leppert@melbourne.vic.gov.au>; davyd.griffiths@melbourne.vic.gov.au  
**Subject:** Job Warehouse Planning Application TP-2020-274

Dear Madam Lord Mayor and Councillors

Further to my objection to Melbourne City Council in regards to the  
Jobs Warehouse Planning Application TO-2020-274

I wish to reiterate the following reasons that need to be looked at in detail before any approval is granted to O'Briens.

To understand the urgency of my objection is that my apartment is situated at  
50 Bourke St - cnr of Bourke & Liverpool Street. I have 3 bedrooms facing direct to Liverpool St opposite  
the proposed plan by O'Briens.

As you would be aware, Liverpool St has a high residential occupancy that have been here long before  
nightclubs and the like.

The sound already without the proposed plan is loud.

Already voices are heard clearly from outside till 4am with the existing venues

Taxi drivers get together on the street, unaware people are within metres of them trying to sleep.

Multiple Garbage trucks, street sweepers, Trams all at different hours during the night and early in the  
morning it continually encroaches on our comfort and enjoyment of our home and genuinely concerned that  
the proposal put forward by O'Briens is going to make it almost unlivable due to the constant noise. The  
building itself is only 6.6mtrs away and I can't see that any of their soundproofing is going to be  
satisfactory. This proposal is detrimental to ammenity of the locals. Albeit it would be great to see the  
warehouse resurrected and sensitive to its character but not at the expense of the residents next door.

I request your consideration in preventing this to go ahead as proposed,

and ask for a halt on any development until these issues can be resolved with the residents.

The hours of operation are not sustainable for residents.

Liverpool St will lose its laneway charm and they should be preserved for art spaces and dining and for  
Melbourne's cultural experience.

Thank you for your time to read this

Yours sincerely

Mrs Lovell

**Privacy acknowledgement: \***

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

**Name: \***

Matthew Ginn

**Email address: \***

[matthewginn@gmail.com](mailto:matthewginn@gmail.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Alternatively, tick the box below if you wish to ask the Future Melbourne Committee your question live via a virtual link to the meeting. Registrations to ask your question live must be made *no later than 10am on the day of the scheduled meeting*. We will then contact you to provide you with details on how to address the meeting.**

I wish to ask my question live via a virtual audio link

**From:** Angela Cotter

**Sent:** Monday, 7 December 2020 10:44 AM

**To:** Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>; Sally Capp - Lord Mayor of Melbourne <[Sally.Capp@melbourne.vic.gov.au](mailto:Sally.Capp@melbourne.vic.gov.au)>

**Subject:** PLANNING PERMIT APPLICATION: TP-2020-274

Dear Lord Mayor/Councillor

I would like to object to the above proposal on the basis of its detrimental effect on local residential amenities due to late night noise, crowd levels and hours of operation.

Regards  
Angela Cotter

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

\*

**Name: \*** Graeme Clifford

**Email address: \*** [graemeclifford@hotmail.com](mailto:graemeclifford@hotmail.com)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** Agenda Item 6.1 - Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19  
\* Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne

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

- I appear as a 15 year resident of 50 Bourke St, whose bedroom windows are literally 5 metres across Liverpool St from the proposed open roofed 'Large Courtyard'.
- 
- I wish to explain local residents concerns in relation to noise, light spill and unpleasant odours; three disruptions to the environment which a drinking establishment operating at the scale proposed will undoubtedly produce unless accurately monitored and regulated.
- Our concern is that unless Councillors insist, on our behalf, on the safeguards already provided by existing State and Local legislation, the Applicant will continue to seek amendments and reductions to standards which will destroy the ability of the local residents to exist next door.
- In spite of the assurances of the Applicant's Management Plan and Acoustics Reports, how can we be sure that , in operation, the glass roof will retain all sound and light from affecting those above it, that live or background music does not permeate beyond the site or that patron noise within or outside the venue does not create a disturbance for local residents.
- Unless Council can define and enforce the required standards within the Conditions attached to this initial Permit, disagreement as to what level of nuisance is allowed will continue ad infinitum.
- We need Councillors support to ensure that Permit Conditions and the Venue Management Plan specifically define

what levels of patron, music or mechanical noise is allowed, and establishes precise thresholds to define what constitutes 'loud noise' which would cause the retractable roof to be closed.

• In spite of the Applicant's cavalier attitude to the concerns of local residents, we are actually supportive of the redevelopment as long as our ability to live here comfortably is not unreasonably compromised by inequitable demands from the Applicant.

Thank you.

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



[fmc\\_081220\\_gbc.docx](#) 16.31 KB · DOCX

**Please indicate** Yes  
**whether you  
would like to  
address the Future  
Melbourne  
Committee via  
phone or Zoom in  
support of your  
submission: \***



- **Future Melbourne Committee – 8 December 2020**
- **Agenda Item 6.1**
- **Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne**

- I appear as a 15 year resident of 50 Bourke St, whose bedroom windows are literally 5 metres across Liverpool St from the proposed open roofed 'Large Courtyard'.
- 
- I wish to explain local residents concerns in relation to noise, light spill and unpleasant odours; three disruptions to the environment which a drinking establishment operating at the scale proposed will undoubtedly produce unless accurately monitored and regulated.
- Our concern is that unless Councillors insist, on our behalf, on the safeguards already provided by existing State and Local legislation, the Applicant will continue to seek amendments and reductions to standards which will destroy the ability of the local residents to exist next door.
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- Unless Council can define and enforce the required standards within the Conditions attached to this initial Permit, disagreement as to what level of nuisance is allowed will continue ad infinitum.
- We need Councillors support to ensure that Permit Conditions and the Venue Management Plan specifically define what levels of patron, music or mechanical noise is allowed, and establishes precise thresholds to define what constitutes 'loud noise' which would cause the retractable roof to be closed.
- In spite of the Applicant's cavalier attitude to the concerns of local residents, we are actually supportive of the redevelopment as long as our ability to live here comfortably is not unreasonably compromised by inequitable demands from the Applicant.

Thank you.

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

\*

**Name: \*** Sallie McCarthy

**Email address: \*** [salliemccarthy@hotmail.com](mailto:salliemccarthy@hotmail.com)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** 6.1 Development of Jobs Warehouse

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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.**

As a local resident of Liverpool Street, I am disappointed at the lack of community consultation undertaken with this project.

Having purchased our apartment in December 2019 and checking all the planning registers prior to the purchase to understand any new developments in the area.

This large "mega pub" appears to have been rushed through by the developer during the Covid lockdowns in Melbourne with no consultation and consideration for the residents who live in the Bourke Hill community.

The O'Brien group already have a large pub less than 300 metres away from this site at 2–8 Bourke Street, i question why there is a requirement for another large establishment in this area.

I ask that due consideration given to the retaining the streetscape and protecting the amenity of those who call the City of Melbourne home, otherwise the impact of insensitive development proposals such as this one will become intolerable for residents and will end up making city living unfeasible.

This planning application is contrary to all that Melbourne promotes its self to the rest of the country and the world as being one of the most liveable cities, and we are sure that the City of Melbourne like its residents want to retain this accolade.

**Please indicate whether you** No

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would like to  
address the Future  
Melbourne  
Committee via  
phone or Zoom in  
support of your  
submission: \*

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**From:** Sallie McCarthy

**Sent:** Monday, 7 December 2020 12:54 PM

**To:** Sallie McCarthy

**Subject:** Planning Application TP-2020-274 to be discussed at City of Melbourne Future Planning Meeting 8th December 2020

Good afternoon,

As a resident of Liverpool Street, Melbourne 3000, we are concerned that the development proposal for the Jobs Warehouse at Bourke Street, Melbourne is not being handled with the best interest of the local residents and as it stands is inappropriate in many respects including:

- The application detracts from Melbourne City Council's own aims of making this a city for the people.
- Lack of public and community consultation, along with a lack of public and community advertising.
- The proposed building does not fit in the existing local urban streetscape and community. That the merging of the existing vibrant small eateries and the heritage "Job Warehouse" to create a large mega music and pub style venue is not in keeping with the other licensed venues in the area, and that having a large capacity will erode the amenity of Liverpool Street.
- The application is inconsistent with Job Warehouse's Heritage Permit P30284, and the cultural importance of the building as a pre-gold rush building and part Melbourne's rich history.
- The architectural design of the proposed building takes away from the quirky features of the iconic Laneways of Melbourne, including that of Crossley and Liverpool Street
- It will have a serious impact to the health and wellbeing of the many residents like us who live within 6.5 meters of the proposed venue. The impact of general stress from disturbance to sleep patterns can manifest in serious illness. Our balcony on the 4<sup>th</sup> floor overlooks the proposed venue we will have our privacy compromised, as we will no longer be able to access this outside space without being visible to all the patrons in the venue when the roof is open. The rising kitchen smells and noise levels will render this area unusable and will deprive our apartment of accessing quality fresh air as this is our only opening window/door.
- The 7am to 3am operating license will bring a noise intrusion through general patron noise, music levels as well as the associated noises of the kitchen and machinery used in such a large venue with the retractable roof being closed. The noise will continue well beyond the 20 hours of operating with deliveries and waste removal taking place outside of these hours using access on Liverpool Street
- Increase in health concerns around the mass of people able to access the venue and circulate with each other with regards to viral spread and sanitation of recirculated air into the space and the spread of unfiltered air to the outside spaces.
- Increase in levels of violence and crime that occurs around long hour licensed venues due to excessive drinking.
- Concern for our safety in accessing our homes from drunken patrons leaving the venue and congregating in the foyer of our apartment block and those of the individual retailers who have their businesses in the undercroft of Liverpool Street.

Please consider residents, their wellbeing, safety and our community who are being impacted by this development proposal when considering this application.

Kind regards,  
Sallie & Matthew McCarthy

---

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

\*

**Name: \*** Leo Jago

**Email address: \*** [leo.jago@tbei.biz](mailto:leo.jago@tbei.biz)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** TP-2020-274 – 54-62 Bourke Street, MELBOURNE

\*

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

Liverpool Street Access Issues:

–Liverpool Street is a single lane roadway where it is not possible to pass another vehicle except at the very end near Little Bourke Street.

–Access to the carpark for residents in the apartments at 50 Bourke Street is off Liverpool Street opposite Ho Chi Mama.

–Delivery vans to the existing restaurants in Liverpool Street block the roadway for short periods each day but these deliveries are small in size and thus do not take long.

–For a facility the size of the O'Brien proposal, deliveries and waste removal will be of a much larger scale requiring longer delivery and pick up times.

-It is reassuring that the council is stipulating that delivery and removal trucks will operate from Bourke Street so that traffic is not impeded in Liverpool Street.

-It is critical, however, that bins and delivery pallets are not stored/aggregated in Liverpool Street outside the O'Brien facility as this will have the same effect on impeding vehicle access to Liverpool Street as would a truck in the roadway.

-It is also essential that suppliers to the O'Brien facility are bound by the same conditions not to do deliveries and pickups from Liverpool Street.

-The fact that the bins will be stored within the facility rather than on the side of Liverpool Street as currently occurs is seen as a positive move by local residents.

**Please indicate**      Yes  
**whether you**  
**would like to**  
**address the Future**  
**Melbourne**  
**Committee via**  
**phone or Zoom in**  
**support of your**  
**submission: \***

---

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

\*

**Name: \*** Rafael Camillo

**Email address: \*** [rafacamillo@hotmail.com](mailto:rafacamillo@hotmail.com)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** TP-2020-274 – 54-62 Bourke Street, MELBOURNE

\*

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

I am the President of a resident's association called Residents 3000. Prior to the application being submitted by O'Brien Group Australia Pty Ltd, Kyle Johnston, a representative of the O'Brien Group met with me and also Stan Capp, the President of East Enders, another resident's association.

My concern is that Stan and I have been quoted as supporting the PA, but by omission, mis-represents the totality of our advice. While showing some conceptual support, we emphasised the need for discussion with residents affected by the project on a vast range of matters and offered advice on specific matters such as the earlier closure of the roof. Further, a 3am liquor license was not discussed; nor was its designation as a hotel; and we had discussed 300+ patrons and not the 957 now quoted i.e. the scope of the project has moved from when we discussed it in February with the O'Brien Group.

The PA asserts that there has been resident consultation with it implied that all support the project – we regard this as misleading. Indeed, we think that the developer should be required to undertake consultation with affected residents before the application is finalised by City of Melbourne and moreover, that Residents 3000s and East Enders be specifically noted as NOT supporting the PA as submitted.

I specifically object to this representation being presented to City of Melbourne as a source of truth when it most

certainly is not. In addition to EastEnders and Residents 3000 objecting to a 3am PA being approved, I have not heard of a single resident who supports either the PA or the LLA.

The criteria for accepting an objection are two-fold and each is addressed below:

The granting of the licence would have an adverse impact on the amenity of the area

One resident has advised as follows:

The applicant hopes to attract up to a 700 people at a time. The main draw appears to be alcohol and music, served until three in the morning. There is also the regular prospect of them engaging a disc jockey. The planning document notes with enthusiasm the availability of public transport. Clearly the target market here is not the mature city executive stopping by for a quick sip after work; instead, the applicant hopes to attract hundreds upon hundreds of young revellers from the suburbs, keep them drinking and dancing until just before sun-up, and then send them home through the sleeping streets of Bourke Hill.

Opening an all-hours party venue would not allow me the quiet enjoyment of my property. The noise and loss of privacy would make my balcony next to unusable. I would very likely be unable to open the balcony door for fresh air during usual hours. This would affect the health and wellbeing of my family.

Crowds, traffic, excess waste and noise would destroy the amenity of this quiet corner of Bourke Hill. Going outdoors in the evening would become a trial.

Turning Liverpool Street from a quiet, peaceful residential location to a destination for hundreds of after-hours drinkers would almost surely undermine the value of our properties here.

Another resident advises:

There is social diversity in the pocket of residential accommodation Liverpool Street, including type of family and age, an important part of the diversity of offerings promoted by the City of Melbourne. If this intrusive development were allowed to go ahead, the loss of amenity would certainly alter this demographic, contrary to the stated aims of 'council-plan-2017-21' and Future Melbourne 2026 goals.

'Hotel' (i.e. pub and nightclub) use would render the quiet enjoyment of Liverpool Street apartments all but ruined even if the venue accommodated say a third of the patrons. Residents forced to keep doors and windows tightly closed, against common sense and sustainability principles, and denied use of the celebrated 'juliette' balconies in Central Melbourne Design Guide #40, West-facing residents' only access to private open space.

It defies common sense that a venue that size has anything but significant impact, inconsistent with planning scheme requirement 13.05-1S, in particular Liverpool Street, being mainly residential.

The cumulative impact of this excessive number of patrons with live/ DJ music and mechanical plant 24/7 as



proposed cannot possibly be described as reasonable, it would in fact negatively impact on the wellbeing of the residents in the street and the broader precinct.

Venue queuing in the public realm from late evening to early morning is likely to reduce safety and make this part of the city less resident-friendly and family-friendly, contradicting the aims of 'council-plan-2017- 21' for Melbourne to be a city for people that fosters physical, psychological and social resilience in individuals and communities, and promotes diversity. It also contravenes the aims of Future Melbourne 2026 goal #2 for the city to be a set of well-designed precincts of villages that celebrate and draw from their local heritage, reflecting the priorities of an inclusive community.

11-19 Liverpool Street is a collection of small, vibrant, boutique eateries, which enliven our pedestrian- friendly street and significantly contribute to the stylish laneway character, in line with City of Melbourne objectives. Here patrons can dine outdoors with almost no passing traffic. If they are demolished and replaced with the bland building with no active street frontage as shown in the application, this lively street will be very negatively impacted - less activation, less safe, less people-friendly, a real loss.

The proposed extension to the rear of the Crossley's Building at 11-19 Liverpool St to replace these lovely restaurants does not respect the valued public realm attributes of the fine-grain intimate human scale of Liverpool Street, unique historic precinct character and the 'boutique' ambience.

A third resident advises:

We have many owner occupiers in the 16-22 Liverpool St building, several apartments still occupied by the same residents since the building was built, so it is a real community with a diverse demographic.

I think many of us appreciate the attractive heritage, the buzz in the street by day and evening, and quiet amenity and safety at night.

I foresee many residents needing to move away from Liverpool St due to amenity loss from the patron/ music noise, odour and pollution from kitchen exhausts etc. and compromised neighbourhood character, unless something very significant changes in the proposals.

In summary, the proposed PA and LLA will significantly impact the residents who have apartments nearby with some apartments being only a few metres from where the retractable roof will be located and the venue where the PA and LLA seeks nearly 700 people to be invited to eat, drink and be entertained by recorded and live music until 3am. The residual effects of noise, congregations of smokers in adjoining lanes, queuing, patrons entering and leaving the premises and overall loss of residential amenity will be devastating to this community. By any measure

this would seem to be totally unreasonable and a 3am PA unconscionable.

It would have a negative impact on the objector

As the President of Residents 3000, I am also a local resident having lived in Windsor Place, for more than 12 years. I have had the privilege of enjoying the amenity of both Crossley and Liverpool Streets and am a frequent user of these narrow and historic areas.

Whilst I would like to see Job Warehouse restored and in use, a hotel, operating till 3:00am is going to be a poor outcome for all residents who will miss the peaceful and heritage value that this part of Bourke Street brings to Melbourne. For clarity, the granting of permit to this location would mean that I would also be denied the current amenity offered by this unique part of Melbourne and certainly not return for a facility as described in the PA.

Finally, I think many would support a smaller more intimate development that respects the heritage value in the area and equally the rights of residents.

I urge council to reject this application.

Rafael Camillo

President | Residents 3000 Group.

**Please indicate**      Yes  
**whether you**  
**would like to**  
**address the Future**  
**Melbourne**  
**Committee via**  
**phone or Zoom in**  
**support of your**  
**submission: \***

**Privacy acknowledgement: \***

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

**Name: \***

helen rice

**Email address: \***

[hmr@ricedesign.co](mailto:hmr@ricedesign.co)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

TP-2020-274.

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



[planning\\_tp.pdf](#) 214.97 KB · PDF

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

No

I object to this development proposal for the following reasons

- This development will have a major negative impact on the amenity of the area, the size of the proposed development is inappropriate to being located /accessed via the Liverpool Street lane. This size of development should (and usually are) kept to the main streets in the city so as not to "over run" small lanes. The top end of Bourke Street, Liverpool St and Crossley Street have a collection of small, vibrant, boutique eateries, retail outlets and residential premises which enliven the pedestrian-friendly streets and significantly contribute to its laneway character, in line with City of Melbourne objectives.
- The management of a venue of this size in this location with the access from the side lanes will destroy this character and amenity. This is exactly how areas such as Chapel Street lost their character; big venues move into a location to take advantage of the character created by small interesting venues and in the process destroyed the very character that they were trying to profiteer from.
- It seems counter intuitive for the Melbourne city council to pretend to be so concerned with small businesses and spend all that money "helping" them out after Covid19 just to let a big parasite into the area to suck the life out of the area. If you think I am being dramatic with this statement just drive down Chapel Street now and see how many premises are vacant, well over 50%. How will all the landlords feel when they can no longer get tenants?
- Laneway character - under the planning regulations (clause 22.22) referring specifically to Melbourne's unique city lanes it states the design objective is to maintain the core values and characteristics of the lanes. Clause 22.22 intentions are to maintain diversity within the city of Melbourne by not allowing every lane to turn into the same. I have lived in Melbourne city for over twenty years and experienced living in different areas of the city. I enjoy the active street life and do not expect to have the quietness of living in the suburbs (I object to people who move into the city next to a nightclub, and then complain about the noise). I (as an architect) have assisted in many restaurant developments believing activity in the city is an asset, but I have also fought to keep the diversity of the city, to stop every lane turning into the same. Part of Melbourne's appeal is its diversity; it would be a really boring city if every lane was like Hosier or Hardware lanes and every street like King Street.
- The noise generated from a development of this size is not appropriate for a small lane or one with so many residential premises nearby. The amended application suggesting closing the roof at 10pm fails to address the noise an additional 670 patrons will add to the area coming and going. The proposed trading hours are completely excessive for the same reason; patrons will be leaving the premises at 3am "happy" and be funnelled out into the small lanes with existing residential developments.
- Also they have proposed seating for only 45% that means 368 people will be looking for food late at night – are you going to approve a large Macdonald's in the area for these people? Adding to the quicker destruction of the area, and a nice adjunct to the Parliament House.
- 

Yours sincerely

Helen Rice  
B.Arch FRAIA ARB Reg # 14440  
Director

**RICE**  
RICE DESIGN

**Privacy acknowledgement: \***

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

**Name: \***

Jacque Giuffrida

**Email address: \***

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

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Planning Permit Application: TP-2020-274, 54 – 62 Bourke Street, 11 – 19 Liverpool Street and Shop 9, 10 – 26 Crossley Street, Melbourne

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

I will making a verbal submission.

**Submissions will not be accepted after 10am.**

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

**Privacy acknowledgement: \***

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

**Name: \***

Jenny Eltham

**Email address: \***

[jennifer.eltham@bigpond.com](mailto:jennifer.eltham@bigpond.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Job Warehouse Tp-2020-274

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

No

**Privacy acknowledgement: \***

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

**Name: \***

Robert Chittleborough

**Email address: \***

[rchittleborough@gmail.com](mailto:rchittleborough@gmail.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

6.1 Planning Permit Application: TP-2020-274, 54 – 62 Bourke Street, 11 – 19 Liverpool Street and Shop 9, 10 – 26 Crossley Street, Melbourne

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

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

\*

**Name: \*** Jennifer Cock

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** planning TP-2020-274

\*

**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.**

\* detrimental to the amenity of the area (primarily residential – see attached).

\* granting of the application would be conducive to or encourage the misuse or abuse of alcohol.

\* cumulative effects of late night venues spilling into the public realm in the early hours on residents' health and wellbeing.

\* trading to 11pm is the latest reasonable closing time considering the context, prepared to accept an extension to trading hours until 1:00am on Saturday and Sunday mornings only. If later, could set a dangerous precedent for other licensed premises in close proximity to residents.

\* Melbourne Planning Scheme 22.22-3 [https://planning-schemes.api.delwp.vic.gov.au/schemes/melbourne/ordinance/22\\_lpp22\\_melb.pdf](https://planning-schemes.api.delwp.vic.gov.au/schemes/melbourne/ordinance/22_lpp22_melb.pdf)

Patron numbers The maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.

\* "the old Palace Metro days" when hundreds of inebriated persons would disturb the amenity of the area following closure of the venue at around 3:00am (including noise, alcohol/ drug use, damage to property, antisocial behaviour including public urination) and things have significantly improved since that venue closed.



\* Vital to include stringent permit conditions – so not left to the whim of whoever is on duty receiving hundreds of calls – too subjective. SEPP does not cover patron noise. Acoustic report notes significant proportion to be seated, whereas this may not in fact be the case.

**Please indicate**      No  
**whether you**  
**would like to**  
**address the Future**  
**Melbourne**  
**Committee via**  
**phone or Zoom in**  
**support of your**  
**submission: \***

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**Privacy acknowledgement: \***

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

**Name: \***

Robert Smith

**Email address: \***

[rob@torquewizz.com](mailto:rob@torquewizz.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Agenda Item 6.1 Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne

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

Please see attached

**Submissions will not be accepted after 10am.**

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



[future\\_melbourne\\_committee\\_8\\_december\\_2020\\_robert\\_smith.pdf](#)

86.06 KB · PDF

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

## **Future Melbourne Committee – 8 December 2020**

### **Agenda Item 6.1**

#### **Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne**

I, Robert Smith, speak tonight as a concerned Liverpool Street resident, having lived here for 6 years

#### Firstly, Goods Delivery

- The volume of delivered food, beverage and other essential products required for operation of the venue will be several orders of magnitude more than the waste and recycling that it will generate, and the Venue Management Plan is absolutely silent on this.
- What is missing is the impact on local amenity of unloading and transfer of every food and beverage delivery into the premises for the consumption by several hundred, potentially more than a thousand patrons per day.
- The delivery of food and beverage will be far more frequent than the proposed waste management. By nature, these deliveries will be ad hoc, lack coordination and therefore add significantly to the noise and disruption to local residents.
- I fully support the Delegate's Report that a Delivery Management Plan must be submitted that sets out the manner in which goods deliveries will be received and confirm that all activities associated with this will not at any time impede access along public roads adjoining the site, including Liverpool Street and Crossley Street.

#### Secondly, Potential Infringement of ROAD SAFETY REGULATION 198

- Regulation 198 deals with obstructing access to and from a driveway, particularly that a driver must not stop on or across a driveway or other way of access obstructing vehicles travelling to or from their home.
- No.50 Bourke Street is a residential building that has carpark access from Liverpool Street directly opposite the door and goods lift of the proposed development for receiving deliveries and removing waste.
- The Waste Management Plan states collections will be undertaken directly from Liverpool Street as described in Appendix B "Collection Vehicle Swept Paths".
- Regulation 198 protects the right of access of an owner or occupant to their home and does not provide exemption to this regulation by COUNCIL or the SECRETARY of The Department of Transport nor Liverpool Street being classified a SHARED ZONE. It is sacrosanct to protect the right of a resident to access their own home!
- The Waste Management Plan (and the missing Delivery Management Plan) will be in breach of Regulation 198 if delivery & waste removal vehicles stop in Liverpool Street to transfer load to/ from the premises.
- To avoid COUNCIL approving potential infringement of Regulation 198 by the development, I fully support the Delegate's Report that all goods & bins for deliveries as well as removals shall be moved manually to the vehicle parked in the Loading Zone outside Job Warehouse in Bourke Street.

THANK YOU

**Privacy acknowledgement: \***

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

**Name: \***

Nicola Smith

**Email address: \***

[carstensmith@hotmail.com](mailto:carstensmith@hotmail.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Agenda item 6.1 – Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne

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

Please refer to attached

**Submissions will not be accepted after 10am.**

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



[submission\\_to\\_fmc\\_attachments\\_nicola\\_smith.pdf](#) 1.82 MB ·

PDF

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

8 December 2020

Dear Future Melbourne Committee and City of Melbourne Councillors

**Job Warehouse Development Application TP-2020-274  
(and Liquor Licence Application 67518A01)**

I will speak about the following. Please read in conjunction with attached information regarding the proximity of residents and the unreasonable impact of the proposed venue.

**Residential context**

- The context is primarily residential and accommodation, in the family-focussed Bourke Hill theatre precinct.
- The map and schedule of residents (attached) show the large number of residents and guests (>3000) impacted by the venue. There are 185 of us living directly across the road and 800 accommodation guests within 12m !
- Contrary to the picture painted by the applicant, Liverpool Street is a quiet, sophisticated, vibrant mainly residential street.
- The venue should not be allowed to trade beyond 11pm, be limited to 300 patrons and have no open roof or windows, to avoid undue detriment to the amenity of the area.
- Acceptable outcomes (attached) developed by the community, are very equitable considering the immediate proximity of residents, and must be included in stringent planning permit conditions.
- Melbourne Planning Scheme 22.22.3 states that the maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses/ area.
- As Council decision-makers you will be well aware of research linking alcohol and violent crime and events in the CBD that led to the current Government ban on late-night licenses for large venues.
- It is difficult to see how such a large drinking-focussed late-night venue can be justified with hundreds of residents in close proximity.

**Protecting Significant Heritage**

- Whilst supportive of any sensitive refurbishment of the Job Warehouse heritage building, there is significant angst in the community regarding the size and amenity impacts of the proposal and the loss of urban fabric and fine-grain boutique sophistication in the existing heritage overlay.
- The significant heritage of Job Warehouse Heritage Building VHR H043, and special heritage of Bourke Hill precinct HO500 must be protected.
- The existing excellent small, lively restaurants in Liverpool Street contribute to Bourke Hill's unique character, and maintain a vibrant safe non-threatening laneway environment encouraged by CoM.
- It is tragic that they are to be replaced by an internal courtyard behind unattractive marble-clad wall with arched openings, totally out of character with the heritage value of its neighbours (Job Warehouse building itself and 21 Liverpool St) and the precinct in general.
- Heritage Permit P30284 covers only the Job Warehouse heritage building, as a restaurant. It shows a discreet sliding roof over internal courtyard. But the current proposal has doubled in size along Liverpool St, which together with the retractable roof, has a far greater impact on heritage.
- Heritage should be celebrated by society. To allow younger Victorians to appreciate the cultural and historical significance of the Job Warehouse building, the venue should include an area approved for use by minors (in the company of a responsible adult), and be far less drinking-focussed.

## Conflicted Vision

- Owner's vision describes sophistication, yet proposals reflect mostly standing drinking. In any case, there is no guarantee that future operators would have a similar vision. If classy restaurant and sophistication really is the vision, patron numbers should be capped at 300, which would also help limit the cumulative impacts of patrons in the public realm in the early hours of the morning.
- Due to the size of the venue, potential impacts on the area are significant and limiting patron numbers (to 300) and trading hours (to 11pm) are the best way to avoid unreasonable impact on the amenity of the surrounding uses and area.
- The impact assessment map in the application shows 93 other bars within 500m of the venue able to accommodate 34,417 patrons. As part of the post-pandemic recovery, these existing facilities should be supported, rather than adding a venue of this size.
- HOTEL designation exacerbates the problem with its increased flexibility of serving and selling alcohol under license, which would be conducive to/ encourage the misuse/ abuse of alcohol. This should be replaced with a more appropriate designation, e.g. RESTAURANT (as per the Heritage Permit)
- Amenity impacts on people and families in the nearby public realm include: nuisance from inebriated rowdy patrons loitering, smoking, entering, queuing and/or leaving the premises, goods delivery, blocking of footpaths, street and access to residences, anti-social behaviour, violence and vandalism.
- City of Melbourne promotes Melbourne as a city for people. People have the right to peacefully enjoy one's own residence, traverse and participate in the public realm, and arrive home without feeling threatened.
- Please limit patrons to 300 and trading hours to 11pm and include strict planning permit conditions as per the 'Residents' Acceptable Outcomes' to protect existing residents.

Yours sincerely,

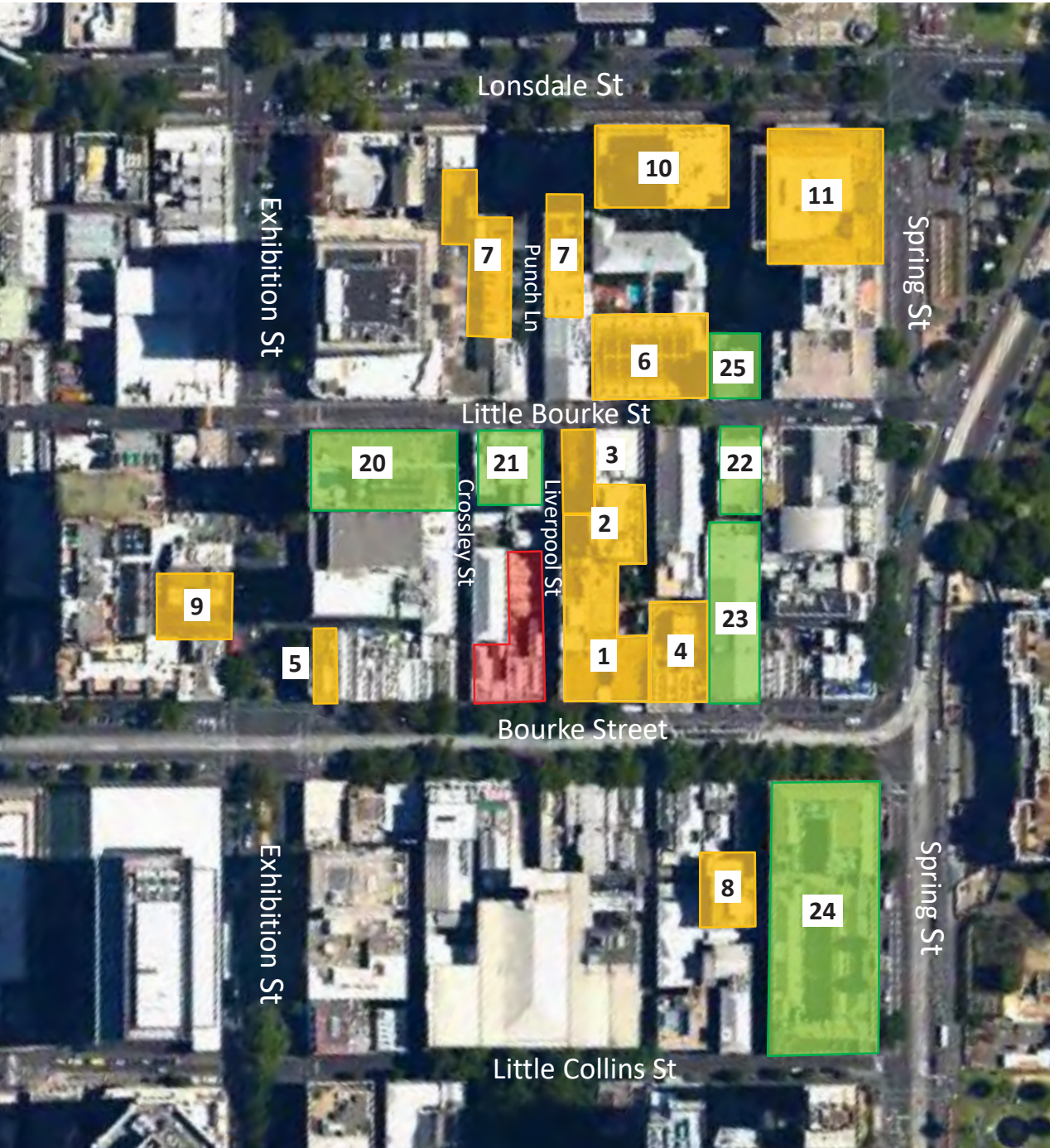
Nicola Smith

Attachments :

1. Schedule & Map of Impacted Residents.
2. Photos showing the proximity of Residents across the road from the development. Balconies and windows are residents' only access to private open space and ventilation.
3. Local community checklist 'Residents' Acceptable Outcomes dated June 2020' identifying ways of mitigating amenity impacts on residents in the immediate vicinity of the development.

See also :

- Previous residents' objections to the application – both to CoM Planning and VCGLR (liquor licence), including a petition with 83 signatures.
- 'Venue-Level Predictors of Alcohol-Related Violence: An Exploratory Study in Melbourne, Australia' <https://link.springer.com/article/10.1007/s11469-015-9552-3> and
- 'Distribution of Crime in Victorian Night-time Entertainment Precincts' <https://www.semanticscholar.org/paper/Temporal-distribution-of-crime-in-Victorian-Coghlan-Sutherland/0af4b0889fdb43519a9ab23bc1b90e8b705a1800>



- Residential
- Hotel Accommodation
- Job Warehouse Development TP-2020-274

**Number of Residents in Close Proximity to Development Application TP-2020-274 and Liquor Licence Application 67518A01**  
 (Residents within 12m from development highlighted in orange)

	Apartments/ Townhouses	Location	Residences	Residents (estimate)	Distance (appx.) from development
1	50 Bourke St	50 Bourke St	28	50	6m
2	16 Liverpool St	16-22 Liverpool St	85	125	6m
3	Liverpool Chambers	43 Lt Bourke (entry in Liverpool St)	5	10	12m
4	Bourke Mews & Uptown Apartments	32-38 Bourke St	8	12	37m
5	The Bank Apartments	Cnr Bourke/ Exhibition St	12	18	50m
6	Gordon House/ Coppin Apartments	24-38 Lt Bourke St	96	150	52m
7	Punch Lane townhouses	11-37 Punch Lane	11	22	70m
8	Prima City Apartments	25 Windsor Place	9	14	80m
9	Paramount	181 Exhibition St	75	200	110m
10	Unilodge	35-41 Lonsdale St	215	325	125m
11	Park Towers	201 Spring St	77	115	130m
12	Oaks on Lonsdale Suites	23-33 Lonsdale St	148	360	130m
	<b>TOTAL RESIDENTS</b>		<b>769</b>	<b>1400</b>	

**Hotel/ Accommodation in Immediate Vicinity of Development Application TP-2020-274 and Liquor Licence Application 67518A01**  
 (Accommodation within 12m from development highlighted in green)

	Hotel	Location	Rooms/ Studios	Guest Occupancy (estimate)	Distance (appx.) from development
20	Rydges	186 Exhibition St	360	600-700	11m
21	Lancemore Crossley	51 Lt Bourke St	113	150	11m
22	Ovolo Laneways	19 Lt Bourke St	42	100	55m
23	Meridian Hotel (U/C)	20-30 Bourke St	250	375	60m
24	Windsor Hotel	Spring St cnr Bourke	180	375	75m
25	City Limits Studios	20 Lt Bourke St	32	60-70	85m
	<b>TOTAL GUESTS</b>		<b>977</b>	<b>1715</b>	

Read in conjunction with numbered colour-coded map



LIVERPOOL STREET LOOKING TOWARDS BOURKE STREET

DEVELOPMENT ON RHS, DIRECTLY OPPOSITE RESIDENTIAL BEDROOMS AND OTHER HABITABLE SPACE (6M AWAY)





LIVERPOOL STREET LOOKING TOWARDS BOURKE STREET

DEVELOPMENT ON RHS, DIRECTLY OPPOSITE RESIDENTIAL BEDROOMS AND OTHER HABITABLE SPACE (6M AWAY)



LIVERPOOL STREET LOOKING TOWARDS LT BOURKE STREET

DEVELOPMENT ON LHS, DIRECTLY OPPOSITE RESIDENTIAL BEDROOMS AND OTHER HABITABLE SPACE (6M AWAY)



LIVERPOOL STREET LOOKING TOWARDS LT BOURKE STREET

DEVELOPMENT ON LHS, DIRECTLY OPPOSITE RESIDENTIAL BEDROOMS AND OTHER HABITABLE SPACE (6M AWAY)

Quotes attributable to Minister for Planning Richard Wynne (2015, H0500 protection of Bourke Hill Precinct)

*“Bourke Hill is the city’s crown. It contains a fantastic mix of rich heritage, laneways, restaurants, bars, cafes, art and fashion. It was critical that we protected the unique character of the area from inappropriate development.”*

*“We are preserving Melbourne’s heritage and protecting some of our most recognised places. Planning is ultimately about people and this amendment will ensure Melbourne’s unique character is there for the enjoyment of future generations.”*

## **Job Warehouse Development | Acceptable outcomes from residents’ perspective**

- More sensitive and appropriate architectural response that respects the unique Bourke Hill character. Existing small, lively restaurants in Liverpool Street retained or similar venues created, maintaining the laneway character and safe non-threatening pedestrian environment.
- Maximum number of patrons at any one time limited to 300.
- 11pm Liquor license and venue closing time, with permitted use less heavily drinking-focused.
- Replace “Hotel” designation with a more appropriate description e.g. Restaurant.
- Protection of the Job Warehouse Heritage Building VHR H043, avoiding “facadism” and unnecessary loss of heritage fabric. To allow younger Victorians to appreciate the cultural and historical significance, the venue to include an area approved for use by minors (in the company of a responsible adult).
- Waste and goods – No collections or deliveries between 9pm and 7am daily. Liverpool Street roadways and footpaths not permitted to be blocked at any time. A detailed delivery and waste management plan must be provided to assess logistical impacts and be independently verified.
- Undue detriment to the amenity of the area to be disallowed, including enjoyment of streets, laneways, and the liveability of existing residential buildings in immediate vicinity of the development. Sleep disturbance criteria and noise limits to apply strictly 10pm to 7am daily.
- Noise generated from within the premises must not be audible from the habitable rooms of any nearby dwellings, with standard windows closed.
- No amplified live music, entertainment, loudspeaker, amplifier, relay or other audio equipment permitted outdoors including any roof/ courtyard areas.
- No noise or odours detrimental to residents permitted from any of the facility’s plant or mechanical equipment, including exhausts from kitchens and waste holding areas.
- No patron queuing permitted in Liverpool Street at any time. Access to and egress from the venue not permitted via Liverpool Street between 10pm and 7am. Queues either catered for internally, according to VCGLR guidelines, or restricted to Bourke Street only. Smokers catered for on the subject site in an appropriate manner.
- No permanent openings in the venue building fabric permitted, and any openings facing onto Liverpool Street to be closed between 10pm and 7am.
- Fixed roof structure rather than retractable glass roofs, with extensive acoustic treatment and noise reduction measures to ensure that nearby residents are genuinely protected from night-time noise disturbance during accepted sleeping times.
- Acoustic Report to be completely revised with relevant existing background sound measurement, actual distances and associated impacts to nearby existing dwellings considered in the noise limits and design targets. Acoustic limits and design targets to be independently verified.

Dear Sir / Madam

We act for Owners Corporation 19701, the Owners Corporation in respect to the building at 50 Bourke Street, Melbourne and have lodged an objection to the above Planning Permit Application.

We wish to register to make a submission to Council in respect to the agenda item being put to the Future Melbourne Committee meeting this evening.

Please contact me should you have any queries.

Kind Regards

**Rob McKendrick**



E: [mckendrick@pppartners.com.au](mailto:mckendrick@pppartners.com.au)

**Planning & Property Partners Pty Ltd**  
13/1 Collins Street  
Melbourne VIC 3000

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\*

**Name: \*** Stan Capp

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title: \*** Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne

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

Agenda Item 6.1

Planning Permit Application: TP-2020-274 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, Melbourne

I am speaking at the FMC on 8 December about this planning permit application for the Job Warehouse et al. As I only have three minutes to address the meeting, I have tried to condense my thoughts and yet there is so much more that needs to be said. My verbal submission is listed below FYI.

The City of Melbourne highlights its support of small businesses that make our city so attractive, eclectic and unique. Our laneways are a major part of the CBD and each has its own character, which adds to their charm.

Liverpool Street is a great example of quirky and vibrant restaurants interact with pedestrian traffic and residents to create an alluring vibe. These small businesses have been treasured by residents, workers and visitors for years and are a terrific part of the Bourke Street precinct. That these small businesses will become extinct to make way for a drinking hall and some eating spaces is a travesty and should be resisted by City of Melbourne.

There are many reasons why this application is flawed and will destroy the amenity of both Liverpool Street and Crossley Street. These are articulated within the several submissions that you have already received and I do not wish to recant them here. However, I believe that you will be greatly mis-reading the mood of the community if you think that it is acceptable to place the amended 673 patron facility with an amended 1am license in the middle of one of our most precious precincts.

There is no doubt a need to restore the Job Warehouse building and re-establish its unique heritage character. When I (as President of EastEnders) and Rafa Camillo (as President of Residents 3000) were first asked to discuss the project with the developer's representative, we were advised that it would be a far smaller capacity with essentially a restaurant focus. The liquor license sought was mentioned to be 3am. Our advice was clear in that we thought a small intimate type of restaurant development blended with the heritage renewal of the Job Warehouse, was a reasonable proposal worthy of consideration. However, we strongly resisted the idea of a 3am license, a retractable roof staying open until late and advised that nearby residents be consulted. We highlighted that the ambience of the precinct needed to be the priority. Our major piece of advice was to closely consult with nearby residents.

In the original proposal, we were quoted as being supporters of that proposal, which is clearly untrue.

The lack of a process for developers to consult with residents is a major deficiency in the City of Melbourne policy framework. I have advocated for the establishment of Resident Panels (or citizen juries) and the establishment of such a panel in this case would have been beneficial.

92 objections is a fair indication of concern. The document developed by the residents titled "Acceptable outcomes from residents' perspective" was presented by but not discussed by the developer with residents.

I remind Councillors that the stated vision of Mr O'Brien in a letter dated 8 September 2020 (City of Melbourne) is: "My Vision is to build a series of smaller fine boutique bespoke dining and artistic spaces within one business that are timeless and will be loved and enjoyed by future generations".

I ask Councillors to keep this in mind when reviewing the proposal and even with the amendments recommended by Council Officers. The Heritage Victoria advice is also for a restaurant classification.

In short, the proposed planning application essentially revolves around a large drinking space for hundreds of patrons until 3am plus some seated eating areas. This in no way supports the vision of Mr O'Brien and on that grounds alone should be rejected.

I personally would support the creation of small bespoke dining and artistic spaces that are open until 11pm and with all the controls recommended by Council Officers. This would be far more in keeping with the Bourke Street precinct.

I recommend that the Application be rejected and be re-submitted in line with their stated vision.

Notwithstanding my preferred position, and while I commend the approach and detailed analysis taken by the Planning Officer Connor Perrott, I do not think the proposed conditions go far enough.

In particular, I submit that:

1. At Point 10 (1) a, the provision of only 19 bicycle spaces is in breach of Council's Statutory Control 52.34 with no justification other than it would consume bar and lounge floor area. Council should require compliance with its own rules.
2. While 1am closure is a pragmatic position for Fridays and Saturdays, an 11pm closure is a more reasonable compromise and does not promote late-night consumption of alcohol and its attendant consequences.
3. The ill-conceived exemption to Ministerial Guidelines to enable a 3am liquor license on "cultural grounds" is irrelevant.
4. At point 4, the retractable roof should be opaque.
5. This development should be categorised as "restaurant use" and the consequential requirement for 75% of patrons to be seated is reasonable. Selling liquor for external use is available at other venues a short distance away and is a poor justification for a "hotel" designation.

There are so many other areas of concern to residents and these are addressed by others. However, if Council seriously wants to encourage residents to live in the CBD, then it needs to positively respond to their real and considered concerns by not allowing large venues to destroy local amenity.

Proactive consultation with good will from all will result in a better outcome.

Verbal presentation to FMC 8 December 2020:

I speak tonight as a concerned CBD resident, having lived here for 20 years.

Concerned about developers who see no need to directly consult with people who will be sleeping 8 metres from their proposed development.

Concerned about a venue in a heritage precinct seeking to have 957 patrons, albeit recommended to be reduced to 673 patrons.

Concerned about opening hours of 20 hours per day, albeit recommended to be reduced to 18 hours per day.

Concerned that there does not appear to be a process within Council that can facilitate meaningful discussions between the parties.

Concerned that the stated vision of the Applicant is not reflected in the detail of the proposed development.

Concerned that the Heritage Victoria approval for "restaurant" is being ignored in favour of a "hotel" designation.



Concerned that the proposed development is at odds with the Bourke Street precinct planning overlay

The first proposal indicated support by Rafael Camillo and me, as Presidents respectively of Residents 3000 and EastEnders. This was untrue and our advice was to consult with nearby residents, close the retractable roof earlier and aim for a smaller more intimate restaurant type model that better reflected the ambience of the precinct.

92 objections is a fair indication of concern and the substantive issues remain in the amended proposal. Noise, amenity, access and waste management to name a few. I commend councillors to read the more detailed submissions from objectors including me about these matters.

I remind Councillors that the stated vision of Mr O'Brien in a letter dated 8 September 2020 (City of Melbourne) is: "My Vision is to build a series of smaller fine boutique bespoke dining and artistic spaces within one business that are timeless and will be loved and enjoyed by future generations".

I ask Councillors to keep this in mind when reviewing the proposal and even with the amendments recommended by Council Officers. The Heritage Victoria advice is also for a restaurant classification.

In short, the proposed planning application essentially revolves around a large drinking space for hundreds of patrons until 3am plus some seated eating areas. This in no way supports the vision of Mr O'Brien and on that grounds alone should be rejected.

I personally would support the creation of small bespoke dining and artistic spaces that are open until 11pm and with all the controls recommended by Council Officers. This would be far more in keeping with the Bourke Street precinct.

I recommend that the Application be rejected and advise the Applicant to re-submit in line with their stated vision.

Thank you for the opportunity to submit to the FMC

**Please indicate**      Yes  
**whether you**  
**would like to**  
**address the Future**  
**Melbourne**

---

Committee via  
phone or Zoom in  
support of your  
submission: \*

---

**Privacy acknowledgement: \***

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

**Name: \***

Michael O'Brien

**Email address: \***

[michaelx.obrien@obga.com.au](mailto:michaelx.obrien@obga.com.au)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Agenda Item 6.1 TP-2020-274, 54-62 Bourke Street, 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street Melbourne

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

Michael O'Brien would like to speak this afternoon. Can we request a link. We will email the presentation separately.

**Submissions will not be accepted after 10am.**

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

---

**From:** Vaughan Connor [mailto:vconnor@contour.net.au]  
**Sent:** Tuesday, 8 December 2020 9:52 AM  
**To:**  
**Cc:**  
**Subject:** Tonight's FMC / 99 Lorrimer Street - Docklands

We are involved in this proposal that is on tonight's agenda.

I intend to make an oral submission, but to date have not received the usual information about registering etc.

Are you able to forward this to your admin team, and ask that they forward the correspondence or alternatively if you provide an email address I can reach out to them.

Regards - Vaughan

Vaughan Connor  
Director



Contour Consultants Aust Pty Ltd  
PO Box 1040  
Level 1/283 Drummond  
Street Carlton Victoria 3053  
Telephone +613 9347 6100  
[Contour.net.au](http://Contour.net.au)

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**Name: \***

Ewan Ogilvy

**Email address: \***

[ewanogilvy@bigpond.com](mailto:ewanogilvy@bigpond.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Item 6.3 TP-2017-461A, 23-29 Victoria Street, Melbourne

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

See Attachment

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



[fmc\\_8\\_dec\\_2020\\_meeting\\_3\\_agenda\\_item\\_6.3\\_e.ogilvy\\_submission.pdf](#)

453.00 KB · PDF

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

No

Ewan Ogilvy, Carlton, Victoria

8 December 2020

Dear Councillors

**SUBJECT FMC 8 Dec 2020 Agenda Item 6.3 TP-2017-461/A, 23-29 Victoria St, Melbourne**

Given that two and a half years have elapsed between the initial application for this site [14 June 2017] and the amended application [19 December 2019] the Council officers should have taken the opportunity to negotiate better outcomes in those areas where the planning context has evolved in a significant way. For example:

- In July 2019 the Council declared a Climate and Biodiversity Emergency. **This declaration acknowledged the importance of measures already initiated by the Council to reduce Green House Gas Emissions and to restore biodiversity.**
- In April this year the State Government released the Discussion Paper: *Review of the World Heritage Strategy Plan for the REB&CG – World Heritage Environs Area*, and
- In September this year, the Council again signalled the need to take Sustainable Building Design more seriously, by seeking authorisation from the Minister for Planning to prepare and exhibit MPS Am C376 **Sustainable Building Design**. [One month later the Green Building Council of Australia released the new assessment tool: Green Star Buildings v1.]

In the Officer Report to this Committee concerning the 23-29 Victoria Street development, it was noted that **“Through consultation, a refined podium design treatment has been achieved that will present an improved relationship between the proposed development and neighbouring heritage and urban context.”**

**If it is possible to achieve this outcome for a site that is NOT within a Heritage Overlay, why couldn't the Council have reviewed the massing of the development to ensure that important views towards the Royal Exhibition Building [along Mackenzie Street] are retained?** The *Review of the World Heritage Strategy Plan* [noted above] has recommended that the World Heritage Environs Area **be expanded to INCLUDE 23-29 Victoria Street.**

And again, **given the Council's determination to strengthen the ESD credentials for new buildings in the municipality, why couldn't BETTER ESD outcomes for this development have been negotiated?** In my view, the ESD outcomes on key metrics are MOST unambitious. For example:

- For Green House Gas Emissions, the project includes a Green Star Target of just 3.1 points [of an available 20 points]. Further, how could the Applicant possibly justify the use of GAS to provide Hot Water? And again, the project includes NO commitment to generate ANY onsite energy OR to purchase accredited Green Power.
- The measure proposed to facilitate Rainwater Re-use is equally disappointing; the installation of a 10kL tank for rainwater harvesting is symbolic. It will result in just 1% of the water required for toilet flushing coming from harvested rainwater!
- Finally, concerning the ESD credits, those awarded for INNOVATION measures are quite contentious. How is it possible to obtain an innovation credit for providing zero on site car parking, when the Council's current **Student Housing Policy [MPS 22.24]** EXPECTS on site car parking to be provided for “the management and servicing needs of the building”? And again, how can the provision of Fibre to the Premises and the associated equipment for occupants, possibly justify an INNOVATION credit?

As a long standing resident and worker in the City of Melbourne, I find it extremely disappointing that the Council has not negotiated better outcomes with a major Student Housing Provider.

Ewan Ogilvy

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

\*

**Name: \*** Daniel Soussan

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title: \*** 6.3 Planning Permit Application: TP-2017-461 /A, 23-29 Victoria Street, Melbourne

\*

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

Please find attached a written submission and request to speak from Daniel Soussan (Tract Consultants). Please note separate 'requests to speak' will be lodged for Mr Stephen Dodd (Scape) and Mr Graham Craigie (DCM) – however neither Stephen nor Graham intend to make presentations on the evening – but rather will be available to answer any questions the Councillors may have on operational matters (Scape) or the architectural response (DCM).

Should you have any queries please don't hesitate to contact me on 0438 380 968 or by email at [dsoussan@tract.net.au](mailto:dsoussan@tract.net.au).

Kind regards, DS

**Alternatively you may attach your written**



**submission by uploading your file here:**

[20201208\\_fmc\\_8\\_december\\_2020\\_agenda\\_item\\_6.3\\_tp2017461a\\_2329\\_victoria\\_street\\_melbourne.pdf](#)

608.77 KB · PDF

**Please indicate whether you** Yes

would like to  
address the Future  
Melbourne  
Committee via  
phone or Zoom in  
support of your  
submission: \*



**Future Melbourne Committee**

City of Melbourne  
 CH2, 240 Little Collins Street  
 MELBOURNE VIC 3000

8 December 2020

Dear Lord Mayor, Deputy Lord Mayor and Councillors,

**Future Melbourne Committee (FMC) – 8 December 2020****Agenda Item 6.3 - Planning Permit Application: TP-2017-461/A, 23-29 Victoria Street, Melbourne**

Tract acts on behalf of Scape Australia (Mackenzie) Trust, the permit applicant in the above matter which is due to be heard at the FMC meeting this evening (8 December 2020).

As you may know Scape are the largest purpose built student accommodation (PBSA) provider in the country, with over 3,500 operational beds and a further 3000+ beds under development in Victoria alone. Scape are continually investing in the provision of high quality student centric accommodation across Melbourne and Australia more broadly, showing a true commitment to the education sector and to Melbourne's role as a Knowledge City.

The application before FMC tonight is for an amendment to an existing planning permit. The existing permit for the site provides for a multi-storey apartment tower on the site.

The amendment application seeks to facilitate the conversion of the approved residential building to a PBSA building designed by John Denton (former Victorian Government Architect) and the award winning team at Denton Corker Marshall (DCM).

DCM have drawn from and build upon design outcomes provided by the existing planning permit and have sought to improve on the previously approved scheme. DCM have also been cognisant of comments received from the City of Melbourne planning, and urban design departments on the proposed scheme as well as the previous comments provided through the application process for the previous scheme.

In addition to DCM (Architecture) and Tract (Planning and Landscape), the project team comprises a series of expert consultants including: WSP (Traffic & Waste), Sustainable Design Consultants (ESD), Mel Consultants (Wind engineers) and Renzo Tonin & Associates (Acoustic).

The project team undertook two formal pre-application meetings prior to formally lodging the application on 19 December 2019, and have formally amended the application in response to comments and feedback received since lodgement on both 18 May 2020 and again on 22 September 2020. The approach to the design has therefore been both iterative and highly collaborative, and we thank the officers for their contribution to the evolution of the design.

The proposed design largely retains the existing built form envelope approved under the existing permit, making internal and external modifications which correspond with the modified arrangement of the building. The amended proposal incorporates an attractive and high quality façade in terms of both its composition and materiality. It introduces a punctured brick podium element to Mackenzie Street (to reflect the brick elements evident within this streetscape) and adopts a concrete podium to Victoria Street to create a solid grounding for the building to the main road corridor, with deep recessed balcony elements and fenestration to create visual interest and engagement. The tower form above represents a simple and elegant form with light grey battens to the north elevation laid vertically across the glazed curtain wall, accentuating a reading of depth, creating an interplay of light and shade across the facade and subtly changing the reading of the building depending on the viewers aspect. Tower balcony elements rise in recessed 'streets' up the tower façade creating further visual interest.

The proposal will provide student accommodation within close proximity to the existing tertiary education institutions within and surrounding Melbourne's Central Business District (CBD).

The proposal represents an important new addition to the Scape portfolio and to the broader student accommodation offer across the city, being the first fully catered student accommodation building in Melbourne (where student meals are provided as part of their tenure).

The proposal comprises 533 studio apartments that all exceed the requirements of the City of Melbourne's student housing policy. It also provides generous internal and outdoor communal space areas, administration areas, and two retail premises at ground level (providing an active and engaging ground plane).

Another key element of this project are the interconnected three level communal spaces which will provide the opportunity to create smaller communities and collegiate groups within the building (with each three levels having their own dedicated space) in addition to access to the larger communal facilities (communal lounge areas, gym, cinema, dining room and connected terraces, and the large north facing rooftop terrace and outdoor kitchen).

The building represents Australian Excellence in terms of sustainability, having been registered for certification under the Green Building Council of Australia (GBCA) green star program (as opposed to simply providing for 'preliminary design potential to achieve a green star rating'). It also delivers high quality landscaping at the ground plane, podium level and rooftop – as well as providing the opportunity for new street tree planting along both Victoria Street and Mackenzie Street. In this regard we note that both the Council's sustainability officer and urban forest team have offered their support for the proposal.

We note that there have been some objections to the proposal, and that these are well summarised by the officers at section 6.2 of the officer report. The objections are primarily related to the building height and scale and potential impacts from this scale on nearby multi-storey apartment buildings. In this regard we note that the built form is largely contained within the envelope already approved for the site.

On behalf of Scape and the project team, we thank the Council officers for their comprehensive and considered assessment of the proposal and would respectfully request that the Councillors uphold the officer recommendation to approve the proposed amendment.

As the project's consultant town planner, I would like to request the opportunity to address the Future Melbourne Committee this evening. Mr Stephen Dodd (Scape) and Mr Graham Craigie (DCM) have also requested the opportunity to speak – however neither Stephen nor Graham intend to make any presentation this evening – but rather are available to answer any questions that may arise regarding the operation (Scape) and architectural response (DCM).

On behalf of Scape and the broader project team we thank you for your consideration of this matter.

Yours sincerely,



**Daniel Soussan**

Senior Principal

Tract

[dsoussan@tract.net.au](mailto:dsoussan@tract.net.au)

**Privacy acknowledgement: \***

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

**Name: \***

Graham Craigie

**Email address: \***

[graham.craigie@dentoncorkermarshall.com](mailto:graham.craigie@dentoncorkermarshall.com)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

6.3 Planning Permit Application: TP-2017-461 /A, 23-29 Victoria Street, Melbourne

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

**Submissions will not be accepted after 10am.**

Please note that Daniel Soussan (Tract) will be presenting on behalf of the project team this evening. Whilst I have lodged a request to speak I do not intend to make a presentation – but rather will be available to answer any questions that the Councillors may have regarding the architectural response / design.

Thank you.

Graham Craigie

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

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

**Name: \*** Stephen Dodd

**Email address: \*** [Stephen.Dodd@scape.com](mailto:Stephen.Dodd@scape.com)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title: \*** 6.3 Planning Permit Application: TP-2017-461 /A, 23-29 Victoria Street, Melbourne

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.** Please note that Daniel Soussan (Tract) will be presenting on behalf of the project team this evening. Whilst I have lodged a request to speak I do not intend to make a presentation – but rather will be available to answer any questions that the Councillors may have regarding the operation of the building.  
Thank you.  
Stephen Dodd

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \*** Yes

I refer to the above Planning application for 23-29 Victoria Street Melbourne (TP 2017 461/A), and to your notice to attend a meeting today at 5.30 Pm. I advise

1 I am not sure why with such an important planning application that the objectors were only given 5 days notice of the online meeting. Could you please advise me of the reason for this very short amount of notice?

2 I will not be able to attend due to a clash with another (medical) appointment which could not be re-scheduled due to such short notice.

3 However I want to repeat my objections to the application and would like these reasons to be submitted to the Committee.

***1 This application is supposed to be an “amendment” of the earlier permit granted. However this is completely misleading as the existing permit (granted in 2017) was for an apartment building with approximately 101 residential apartments in total (by my estimation, as it is very strange but one cannot find any reference in the proposed “amendment” to the total number of apartments in the existing permit). The current application is for something completely different, namely student accommodation with a total of 533 rooms, with 22 floors of “student apartments”, with about 24-27 “studios” per floor, making a total of “533 single bed/studio apartments” (see 3.1, and see table on page 55 of the Urban Context report), an increase of over five times the current permit.***

***2 The proposed development is a gross over-development of the site. By comparison the Conservatory apartment tower opposite has 38 floors with 443 apartments.***

***3 There are only three lifts proposed, which will be clearly inadequate, as up to 1066 people could reside in the building (as all 533 apartments have double beds). There will be considerable delays and there will be no possibility of proper “social distancing” with only three lifts.***

***4 It is proposed that there will be a cafe (apparently only serving “healthy” food) as part of the communal space, as there is a “dining room” on level 4, which crowds in 78 seats into a very small area. There is a crowded “TV lounge area” with only about ten seats.***

***5 The “studios” seem to be almost all 14 sq m each, including a 3 sq m bathroom (toilet, shower and handbasin), although some have balconies.. of 3 sq m each (see 3.5)***

***6 Only one basement level is proposed, for 0 cars and 87 bicycles (there are 123 bike spaces in all for residents, plus 10 bicycle “share” spaces ) (see 3.8). This compares with the 4 basements in the existing permit which has many storage areas for the residents.***

***7 There is only 3.1 sq m of communal space per student (for indoor space), a total of only 1637 sq m., and only 1.1 sq m per student of external space at 602 sq m (see 3.6). Note that these calculations of area per occupant are based on single occupancy of the “apartment” whereas, in fact, all have double beds.***

***8 The existing approved permit for the site (TP 2017 461) has 4 basement levels for 68 cars, 17***

*residential floors for 101 apartments (by my estimation, see above) and each floor seems to have 2 \* 2 bedroom apartments, 2 \* 3 bedroom , and 1 \* 1 bedroom apartment. i.e. only 5 apartments per floor, for 20 floors (5 to 24) = 100 , plus 1 apartment on one level 4, making a total of 101 in all. Therefore the new proposal is for over 5 times the number of apartments of the existing permit although the new application strangely doesn't mention the number of apartments of the approved permit (i.e. 101 apartments). The current apartment permit also shows a spa, a pool, a sauna and a gym and many basement storage spaces (the new student plan shows none)*

*9 Basically, the application is just presented as an "amendment", see e.g. Conclusion (6) and also 3.2 where it is stated that "this amendment broadly seeks alterations to the internal layout". This is completely mendacious. It is dishonest as it is, in fact, an entirely new and very different building being proposed albeit in a similar building shell.*

*10 The proposed "student accommodation" pays no regard at all to the requirements which will soon be put in place for proper social distancing. For example, it is stated, see EXECUTIVE SUMMARY (Page 7) that a "catered communal dining floor provides healthy cooked meals to all residents throughout the day served from a fully equipped commercial kitchen. This is supplemented by communal kitchenettes provided throughout the tower for student use to allow for individual cooking and hosting of resident dinner parties. Communal spaces also depart from previous models, seeking to create smaller 'villages' of residents to encourage relationships and awareness. Villages of 3 floors – or up to 75 people – have direct access to their own interconnected 3-level communal space, each with a north facing wintergarden for all weather use. Common amenity facilities include social / break-out spaces, quiet study areas, shared kitchen / dining area, and hi-tech IT throughout. Additional whole-of-building internal common amenity is provided at ground floor and level 4, and large external terraces open to the sky provided at levels 4 and 24. In total 4.2m2 per resident of combined internal and external communal facilities is proposed."*

*11 The proposed "amendment" is clearly a gross over-development of the site. Also, there is presently much discussion regarding how policies will have to change in the near future and we will have to have "social distancing" enforced. The current proposal could have been designed to be the precise opposite, to make social distancing completely impossible as there are a multitude of shared and crowded spaces built into every part of the design, in the dining areas, the lifts, the gym, the "villages" ( designed "to encourage relationships"), the "common amenity facilities" designed to "include social / break-out spaces", the "shared kitchen / dining areas", "communal kitchenettes" etc etc etc. Does the Council want to grant a permit to an application where proper social distancing will be impossible?*

*12 This proposal has not been properly advertised. As far as I am aware no notices have been sent to adjacent properties. In view of the substantial change of use proposed this is very unreasonable.*

Yours Faithfully

Andrew Richards

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

\*

**Name: \*** Mark furlong

**Email address: \*** [m.furlong@iinet.net.au](mailto:m.furlong@iinet.net.au)

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** TP-2017-461 /A

\*

**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.**

(i) The MCC writes: 'As part of our efforts to help contain the spread of COVID-19, the City of Melbourne is limiting the number and duration of Council and FMC meetings.'

In so much as this is logical, responsible public policy it follows that it would be unconscionable to permit developers to build an uber-congested ant colony comprising 100s of contiguous units – almost none of which have private cooking facilities.

(ii) the original permit was for a small number of prestige apartments. The current application is for a high rise ghetto of 100s of tiny units. This latter application mocks the grounds upon which the councils original decision was based

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

\*

**Name: \*** Michael Perkins

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

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** Planning Permit Application: TP-2019-665 131-133 Domain Road, South Yarra

\*

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

I would like to voice my objection against this amended application. It is a cubic box designed to maximise every inch of the property footprint. It makes no effort to respond to the human scale of Millswyn Street. While the amended plans have added some greenery to the renders, there's no getting around the fact that this proposal presents Millswyn Street with a three story vertical wall built to the boundary with no setback. This is not the way that this area was laid out, and it is not in fitting with its current character. There is no precedent for such a large building to be built without setback in this area, and to allow one in such a prominent position as the first property on Millswyn Street would not be doing the area justice. Thankyou for your time.

**Please indicate** Yes

**whether you**

**would like to**

**address the Future**

**Melbourne**

**Committee via**

**phone or Zoom in**



---

support of your  
submission: \*

---

**Privacy acknowledgement: \***

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

**Name: \***

Johan Moylan

**Email address: \***

[moylan@pppartners.com.au](mailto:moylan@pppartners.com.au)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

6.4 – TP-2019-665 – 131-133 Domain Road

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

Yes

**From:** John Dowling [<mailto:johndowling@kldowling.net.au>]

**Sent:** Tuesday, 8 December 2020 9:16

**To:** Larry Parsons; Sally Dwyer; Colin Charman; Karen Mann

**Cc:** Planning; Mr Peter Cox; Debbie Griffin

**Subject:** Planning Permit Application TP-2019-665 - 131-133 Domain Road : Detrimental consequences for opposite property at 124 Millswyn Street

**Dear Mr Parsons, Ms Dwyer, Mr Charman and Ms Mann,**

**As a matter of immediate urgency and highest priority, please bring the contents herein and our client's objection to the Application described, to the notice of today's meeting of the Council's Future Melbourne Committee.**

**For that purpose, please refer to the previous correspondence as appended hereto.**

**You have informed us of that meeting on two business days' notice, which is unreasonable in its shortness of time.**

**We are unable to attend today and request that the matter be adjourned and heard upon proper notice and with our personal attendance.**

**We trust that the matter will not be heard in our absence, as to do so with the brevity of time that you have given would necessitate a complaint being made to the responsible Ministers for Planning and Local Government. We trust also that your Council will not be seen to treat its ratepayers with contempt in the prevention and proper consideration of the cause of potential injury and damage resulting from building development that is incompatible with the neighbourhood and detrimental to the residential amenity of adjacent properties.**

**Yours sincerely,**

**John Dowling**

Tuesday, 8<sup>th</sup> October 2019

Mr Justin Hanney  
Chief Executive Officer  
City of Melbourne  
90-120 Swanston Street  
MELBOURNE VIC 3000

Scottish House  
Fourth Floor East  
90 William Street  
Melbourne Vic 3000

Telephone (03) 9600 1314  
Facsimile (03) 8560 4079  
Internet [www.kldowling.net.au](http://www.kldowling.net.au)

Dear Sir,

**Proposed building works – 131-133 Domain Road, South Yarra  
Planning Permit Application TP-2019-665**

Please record and act upon this formal objection made in relation to the application described above. The objection is lodged on behalf of Mr A P F Cox, the occupant and proprietor of the property known as 124 Millswyn Street, South Yarra. Mr Cox's property is opposite and to the east of the south-east part of the property that is the subject of the application.

The reasons for the objection made by Mr Cox are that the application involves the construction of a building, at the south end of the Millswyn Street frontage of that property, with a height above ground of twelve metres. Such a structure will have a detrimental effect upon the residential amenity of the property held by Mr Cox, as well as that of other neighbouring properties. It will obstruct the existing western views from Mr Cox's property.

Although the application made refers to other properties, it appears to make no reference, for reasons yet to be explained, to the property of Mr Cox at 124 Millswyn Street.

Please forward your acknowledgement of receipt of this objection and advise the procedure by which the objection is to be considered and accepted as proper grounds in the making of the Council's decision in this matter.

Yours faithfully,

JOHN K DOWLING

*Valuers ♦ Estate Agents*

*K L Dowling & Co  
ABN 53 411 327 400*

*Principal & Licensed Estate Agent:  
John K Dowling FREI FAPI MRICS*

*Members:*

*The Real Estate Institute of Victoria  
Australian Property Institute  
Royal Institution of Chartered Surveyors*

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

\*

**Name: \*** Jan Lacey

**Email address: \*** [janlacey1@gmail.com](mailto:janlacey1@gmail.com)

**Date of meeting: \*** Tuesday 8 December 2020

**Agenda item title:** 6.5 Affordable Housing Strategy 2030

\*

**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.**

SUBMISSION TO FUTURE MELBOURNE COMMITTEE – 8 DECEMBER 2020

6.5 AFFORDABLE HOUSING STRATEGY 2030

I did respond to the March Draft Affordable Housing Strategy 2030. These are further comments that I wish to submit regarding the Affordable Housing Strategy 2020–2030 dated December 2020.

Much in the Strategy document is to be applauded. I particularly wish to endorse the support by Council for Mandatory Inclusionary Zoning and its reasons for this. I also endorse Council's position regarding Value Capture. So much has been lost to the community already by the lack of a framework for Value Capture. Solutions cannot come soon enough.

What I would also like to see happen quickly is the plan to lease a City of Melbourne–owned site for an affordable housing demonstration project (p 41). The aim is for this to occur in the next five years. This seems to be an unnecessarily long–term and unambitious time frame which I would hope could be compressed into something more in keeping with the urgent need for such a development. Similarly the five–year time frame for the supported housing project (p 41) to address homelessness is disappointing, and tighter time frame would seem more than possible.

I am also surprised that you assume that partnerships to be entered into to develop affordable rental housing on Council–owned land must involve community housing organisations. Why not partner with the state government to

develop public housing? Conditions for tenants in community housing are generally inferior to those in public housing, including higher rents.

Conditions for tenants also vary enormously between community housing organisations, so if Council was to have one of their number managing housing on Council land, careful selection is critical.

My final comment relates to how long a dwelling is to be retained as affordable housing (p 50). An (undated) document provided to me by DELWP by email on 8 April 2019 puts forward this solution.

“How will ongoing affordability be assured?”

If a voluntary Affordable Housing Agreement is secured through a Section 173 (S173) agreement, that agreement can set out how long the dwelling must be used for the provision of affordable housing. The S173 is registered on the title of the dwelling, so remains in place even if the property is sold.

“If the Responsible Authority wants the property to remain as affordable housing in perpetuity, it is recommended that the S173 set out that the property, or the proceeds from the sale of the property, are to be used for the provision of affordable housing in perpetuity and avoid clauses that set out that the dwellings are never to be sold. This allows the owner of the property some flexibility to deliver sustainable and strategic asset management for the best outcome of their tenants and their organisation. It also allows for affordable housing shared equity schemes to operate without having to seek approval from the Responsible Authority at each transaction in the future.”

These options would seem to be flexible enough to ensure that a dwelling could remain affordable housing in perpetuity without unnecessary burdens being placed on Council or the relevant organisation.

Jan Lacey

North Melbourne, 3051

6 December 2020

**Alternatively you  
may attach your  
written  
submission by**



[submission\\_affordable\\_housing\\_strategy\\_2030\\_8\\_december\\_2020.docx](#) 21.30 KB · DOCX

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uploading your  
file here:

Please indicate  No  
whether you  
would like to  
address the Future  
Melbourne  
Committee via  
phone or Zoom in  
support of your  
submission: \*

## **SUBMISSION TO FUTURE MELBOURNE COMMITTEE - 8 DECEMBER 2020**

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Jan Lacey

North Melbourne, 3051



**Privacy acknowledgement: \***

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

**Name: \***

S Kovatch

**Email address: \***

[skovatch@bsplawyers.com.au](mailto:skovatch@bsplawyers.com.au)

**Date of meeting: \***

Tuesday 8 December 2020

**Agenda item title: \***

Melbourne Planning Scheme Amendment C305 (agenda item 6.7)

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



[lt\\_councillors\\_8.12.20.pdf](#) 227.08 KB · PDF

**Please indicate whether you would like to address the Future Melbourne Committee via phone or Zoom in support of your submission: \***

No

**Directors**

Peter Bazzani  
Elizabeth Priddle  
Alison Elverd

8 December 2020

Future Melbourne Committee  
MELBOURNE  
VIC 3000

**Via online portal only**

Dear Councillors

**Melbourne Planning Scheme Amendment C305  
63-65 & 67-69 City Road, Southbank**

We refer to the abovementioned Planning Scheme Amendment, being agenda item 6.7, and confirm that we continue to act on behalf of Collins McPherson Australia Pty Ltd.

Our client is the registered proprietor and developer of two (2) parcels of land which have been subject to the consideration of Amendment C305.

The Panel delivered its report on 4 September 2020 and recommended that both of our client's properties be excluded from the Heritage Overlay on the basis that one had been demolished, and the other, being 63-65 City Road, was scheduled for imminent demolition. Both properties are subject to planning permit TP-2015-121 (**Permit**), which relevantly allows the full demolition of the existing buildings and the construction of a multi-level mixed use development.

The Report to Council at Agenda Item 6.7 recommends that 63-65 City Road be included within the Heritage Overlay on the basis the building has not yet been completely demolished as at 24 November 2020.

The following submissions are provided to Council requesting that Council adopt the Panel's recommendations to delete 63-65 City Road from the Heritage Overlay.

Panel's Recommendations

The Panel's recommendations in respect of this property are found at page 72 of its report.

The Panel noted in particular that:

1. There is no interim control in place for the property;
2. The planning permit authorises demolition and development of the site and our client has commenced the permissions authorised under that permit;;
3. The Panel concluded it is '*not appropriate and justified*' to apply the overlay upon consideration that there is a '*very high probability that the building will be demolished in the short term*'.

While it is noted that the building has not yet been entirely demolished, it is submitted that the basis for the Panel's recommendations have not changed – that is our client is progressing with the demolition on 63-65 City Road in the short term and on that basis it is not appropriate nor justified to apply the overlay.

Submissions

Our client has performed all of the obligations prescribed by the Permit that are a prerequisite to the commencement of development, including commencement of demolition under the permit.

Our client has continued to make a genuine and significant investment on acting pursuant to the permit.

The tenant at 63-65 City Road has vacated the site, is no longer operating from the premises and has not been for several months. Delay in demolition of the building at 63-65 City Road has largely been due to negotiations regarding the terms of compensation with one tenant pursuant to a lease for approximately 65 square meters, due to fact our client arranged for early termination of the lease it inherited when purchased the site. It is not expected to prevent the wholesale demolition of the building and there is no impediment to demolition.

Among the causes of the delays include the extensive restrictions imposed in Victoria from August 2020 onwards as a result of the 'second wave' of COVID-19 infections. It is submitted that the causes for delay in acting on the Permit are entirely rational and reasonable in the context of unique and exceptional uncertainty as a result of the COVID-19 pandemic and that there are no appreciable grounds for which Council ought to consider the demolition will not proceed.

The building tender process is currently taking place, and is due to be completed by 16 December 2020. This is further evidence illustrating that our client is well underway to progressing what is a substantial major development project in accordance with the permit. Our client has made significant undertakings, which have not been entered into lightly, and a great deal of financial investment has been expended in acting on the permit to date.

Notwithstanding there have been delays that continued beyond their expected timeframe, it is submitted that this has not resulted in any fundamental change to the material that underpins the Panel's findings.

Demolition of the building at 63-65 City Road is beyond mere speculation or potential occurrence, commencement of the process has taken place and will be completed. It would be wholly futile to retain a heritage overlay on a building that is in the process of comprehensive demolition.

We submit that Council ought to adopt the Panel's recommendations to delete the inclusion of 63-65 City Road from the proposed Heritage Overlay.

Yours faithfully

**BSP LAWYERS**

**Sarah Kovatch**

**Senior Associate**

skovatch@bsplawyers.com.au