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Our Ref: JDC:181035



27 August 2018

Team Leader – Planning Policy

Also by email: planningpolicy@melbourne.vic.gov.au

Dear Sir/Madam,

263 William Street, Melbourne VIC 3000 - Amendment C258

We act on behalf of Metro Pol Investment Pty Ltd (**our client**) which is the registered proprietor of the land at 263-267 William Street, Melbourne (**the land**).

The land is developed to all of its boundaries with a building currently used for the purpose of a hotel and known as the Metropolitan Hotel. On 16 August 2018 notice of approval of amendment C326 appeared in the Victorian Government Gazette (Amendment C326). As you are aware, this amendment has applied a Heritage Overlay over the land on an interim basis until 29 May 2020 to allow time for Amendment C328 (Hoddle Grid – Stage 1 and 2 Permanent Controls) to *'protect this site and others on a permanent basis'* (see explanatory report). It is understood that the land is 1 of 64 properties that have or are proposed to be affected by a Heritage Overlay, and thus be subject to the control and policy outcomes that will ultimately be approved (unless Amendment C258 is abandoned) following completion of the process currently underway.

For obvious reasons, our client had no interest in Amendment C258 relative to its land until gazettal of Amendment C326. It now has a vital interest in the outcome of Amendment C258 and accordingly makes this submission as a late submission with a request that it be referred to the Panel for consideration. Our client requests the right to be heard before the Panel. Given the urgency of this matter a copy of this letter has also been sent to the Panel.

As you are aware Amendment C326 has introduced a site-specific Heritage Overlay control over the land. The incorporated statement of significance prescribes a "Significant" categorisation to the building on the land. Our client will be making a separate submission in response to Amendment C328 contesting this designation. However, if it is unsuccessful, the Heritage Overlay will remain and the future development of the land will, to a significant extent, be assessed under the provisions of local policy and particularly, the policy at Clause 22.04 of the Melbourne Planning Scheme.

Accordingly, our client wishes to make a submission in relation to the proposed policy, to be heard by the Panel and be provided with the opportunity of calling expert evidence. The proposed policy, if adopted, in the form as exhibited or in the form attached to the evidence of Ms Jordan would impose significant restrictions on the redevelopment options for our client's land.

Neither version of the proposed policy provisions, in our opinion, would support any development that sits above the retained building. Clearly, full demolition of the building if designated as

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“Significant” is unlikely to be supported and partial demolition is also unlikely to be supported. Accordingly, our client faces the prospect of being required to retain the entirety of the existing built form and not be allowed to develop above the retained building notwithstanding other policy encouragement of development of land within the Capital City Zone.

Such a policy outcome would seem to be inconsistent with one of the policy objectives of encouraging the reuse of heritage places. There is nothing in the policy which would provide flexibility in its application in respect of a proposal which seeks to adaptively reuse an existing significant building. This is particularly apposite in relation to our client’s building which has been ascribed social significance as evidenced by *‘regular, long-turn and continuous use of a hotel’*, a function that it continues to serve today.

At the very least, there should be an acknowledgement in policy that where a building is being altered, adapted and particularly in circumstances when it continues to support a use that is identified as socially significant, site specific development and heritage outcomes should be able to be considered which would depart from the heritage outcomes that would otherwise apply. Unless that flexibility is built into the policy, the policy objective of encouraging adaptive reuse of heritage places becomes illusory.

The policy seems to be a reaction potentially to those developments of recent times where new building has been built over the air space of retained buildings. It is submitted that there has been successful applications of that design response and, accordingly, the emphasis should be in ensuring an appropriate design outcome rather than simply adopting a blunt policy that deems all such additions unacceptable.

We await your response as a matter of urgency.

Yours faithfully
BEST HOOPER



John Cicero
Principal