**Anatomy of a planning permit objection**

By Lynden Wilkie

Ever wondered just how an objection to a Planning Permit plays out and how long it takes?

**204-206 Albert St East Melbourne**

**C graded heritage building built in 1860 by Robert Huckson for W.G Sprigg**

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**2017 29November – Property sold for $12 million to Queensland-based Pask Group. Agents CBRE marketed the property as having:**
**‘*Outstanding development potential for high end residential, medical centre or hotel accommodation’***

**August 2018** Pre-Planning Permit Application meeting held by the Developer with MCC planning officer.

**17 Sept 2018** Planning Permit Application for partial demolition of the existing heritage building and construction of a 40-metre-high 9 storey commercial office tower.

**10 Dec 2018** EMG joins with Victoria Albert Town Residences (VATR), local residents, East Melbourne Historical Society, National Trust of Australia (Victoria) and businesses to lodge 104 objections with Melbourne City Council (MCC).

**Late Dec 2018** MCC advises that they have serious concerns with the application and are advised by the Developer to suspend review of the application as they will be revising their plans.

**February - Mid 2019** VATR maintained contact with MCC. Through this it became known that the Applicant advised MCC in early May that an amended application would be submitted within weeks. This did not eventuate. The Planning Permit technically remained open as a valid application that is well past the statutory time frame for a decision. This meant the applicant could lodge a `fail to determine’ application with VCAT (Planning and Environment Division).

**Mid Dec 2019** VATR learned the Developer had applied to VCAT to review the application for `failure to decide’.

Objectors to the MCC Planning Permit Application were advised by the Developer’s project manager of this. The correspondence included (as required) details of how to be a party to this process by lodging a VCAT Statement of Grounds by 24 January 2020 at a cost of $20.70 (for individuals).

23 January 2020 VATR meeting held by members of an unincorporated association who resolved to proceed with steps to Incorporate as ACVP Residents Inc to promote the interests and protect the amenity of the owners & residents who live in the vicinity of Victoria, Albert, Clarendon & Powlett Street.

**24 Jan 2020** VCAT Statement of Grounds submitted by over 60 objectors.

**31 January 2020** VCAT Practice Day Hearing (2-hour session) attended by the Developer (led by their barrister), EMG, VATR Residents, National Trust and individual objectors.

**5 February 2020** VCAT Orders published confirming the application would follow standard procedure commencing with a Compulsory Conference (one-day duration) to explore issues to determine if mediation would resolve the differences. If unsuccessful, a five-day hearing would commence on 11 May 2020.

**14 February 2020** Revised plans (without prejudice) submitted by the Developer.

**28 February 2020** MCC required to file its position with VCAT and advise all parties of their decision on the revised plans.

**March 2020** ACVP Inc appointed a barrister and town planning specialist (expert witness) for the VCAT Hearing.

**6 March 2020** VCAT Compulsory Conference**.** The revised plans failed to address objectors’ concerns.

**March – April 2020** ACVP committee meetings and background preparation work continued to enable submissions to VCAT two weeks prior to the scheduled hearing date of 11 May 2020.

**22 April 2020** Deadline for revised VCAT Statement of Grounds in view of the Developer circulating revised plans in March 2020.

**24 April 2020** VCAT Order received advising the hearing due to commence on 11 May 2020 is adjourned to a date to be fixed (due to COVID-19). Each party required to advise VCAT if the matter is resolved or proceeding to a hearing by 18 May 2020.

**18 May 2020** Submissions to VCAT re administrative mention for a revised Hearing date.

This is now nine months since the application was first submitted. During this time, the coalition of EM community groups have been working together to protect the amenity of our community from inappropriate development. We need to ‘stay the distance’ with this drawn out process if we want to avoid the type of development we see at the other end of town. Your support is greatly appreciated.