

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**  
**ADMINISTRATIVE DIVISION**  
**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P2271/2016,  
P2195/2016

**P2271/2016**

**APPLICANT** Minister for Planning, Melbourne City Council  
**RESPONSIBLE AUTHORITY** Melbourne City Council  
**RESPONDENT** 160 Leicester Pty Ltd  
**OTHER** National Trust of Australia (Victoria)

**P2195/2016**

**APPLICANTS** Duncan Wallace & Tim Matthews Staindl  
**RESPONSIBLE AUTHORITY** Melbourne City Council  
**RESPONDENT** 160 Leicester Pty Ltd  
**OTHER** National Trust Australia (Victoria)  
**SUBJECT LAND** 154-160 Leicester Street  
CARLTON VIC 3053  
**WHERE HELD** Melbourne  
**BEFORE** Jeanette G Rickards, Senior Member  
**HEARING TYPE** No Hearing  
**DATE OF ORDER** 28 May 2019

**ORDER**

- 1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.
- 2 The applications for an enforcement order in proceedings **P2195/2016** and **P2271/2016** pursuant to section 114 *Planning and Environment Act 1987* are allowed.
- 3 The enforcement order is in the form attached to this order.
- 4 Orders 5 and 11-18 of the Tribunal's Orders dated 21 January 2019 are vacated.



- 5 In proceedings P2195/2016 and P2271/2016 costs are reserved, with liberty to apply by no later than 30 June 2019.
- 6 The hearing listed to commence on **3 June 2019** is vacated.

**Jeanette G Rickards,  
Senior Member**



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<b>RESPONSIBLE AUTHORITY</b>	Melbourne City Council
<b>OWNERS/ OCCUPIER</b>	160 Leicester Pty Ltd
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**P2195/2016**

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<b>OTHER</b>	National Trust of Australia (Victoria)
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<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Jeanette G Rickards, Senior Member
<b>DATE OF ORDER</b>	28 May 2019

**ENFORCEMENT ORDER**

<b>NATURE OF CONTRAVENTION</b>	Demolition of a building at 154-160 Leicester Street, Carlton (formerly Carlton Inn) under the Capital City zone – Schedule 5 (Clause 37.04) and the Heritage Overlay (Clause 43.01) of the Melbourne Planning Scheme
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- 1 By no later than **30 November 2019**, the Respondent must:
  - (a) Clear the site at 154-160 Leicester Street, Carlton (Site) of all demolition material and existing building fabric.



- (b) Provide to Melbourne City Council evidence that the environmental condition of the Site is suitable for the purpose of “informal outdoor recreation” as defined by the Melbourne Planning Scheme.
  - (c) Provide to the Melbourne City Council for approval a plan of the interim works required to the Site to provide for its interim use for the purpose of informal outdoor recreation. The Plan must be to the satisfaction of the Melbourne City Council.
- 2 Within 3 months of approval of the Plan required by Order 1(c), the Respondent must complete the works specified in the Plan to the satisfaction of the Melbourne City Council.
- 3 Unless otherwise agreed in writing with the Melbourne City Council, within 3 months of the completion of the works required by Order 2, the Respondent must make the Site available on an interim basis for use for the purpose of informal outdoor recreation. The Site must continue to be made available for that purpose until such time as the earlier of:
  - (a) the Melbourne City Council consents in writing to the cessation of that use; or
  - (b) the commencement of any redevelopment of the site in accordance with a planning permit issued under the Melbourne Planning Scheme.
- 4 Unless on or before **30 June 2022**:
  - (a) a planning permit has been obtained for the redevelopment of the Site; and
  - (b) there has been substantial commencement of the development under that permit –

the Respondent must by **30 June 2023** rebuild (using new materials) the external parts of the hotel located within the heritage overlay (being the roofs, chimneys and external facades of the building) as nearly as practicable to the condition they were immediately before their unlawful demolition.
- 5 The applicants must serve a copy of this order on the owner and occupier of the land, and any other person against whom the order is made, pursuant to section 140 of the *Victorian Civil and Administrative Tribunal Act 1998*.

**Jeanette G Rickards,**  
**Senior Member**

