

Submission 10 April 2018

Amendment C320 to the Melbourne Planning Scheme 154-160 Leicester Street, Carlton - SITE OF THE FORMER CORKMAN IRISH PUB



This Amendment proposes to delete the interim planning controls over this site, and amend Schedule 61 to the Design and Development Overlay [DDO61] to introduce permanent controls. In preparing this Amendment the Council obtained heritage and planning advice from two separate consultancy firms.

### **Key Issues**

From a heritage perspective, one of the key matters concerns how much of the former pub's heritage fabric should be reconstructed. On this question, the Council has NOT followed the advice of the heritage consultant. The CRA submits that the heritage advice should have been prioritised over the planning advice.

In relation to this same matter [how much of the former pub's heritage fabric should be reconstructed] the proposed new Local Heritage Policy [Cl 22.05 Heritage Policies outside the Capital City Zone] includes unambiguous advice concerning whether [and how much of] the heritage fabric of both significant and contributory heritage places should be retained. The proposed Planning Scheme Amendment does not follow this guidance.

The other major issue that should be addressed in this Planning Scheme Amendment concerns the scale of any additions to the reinstated heritage fabric. Given that the current guidance contained within DDO61 is frequently disregarded, the CRA submits that the existing guidance should be reinforced.

### **The extent of the Reinstatement works that should be required**

In the opinion of the Heritage Consultant, all of the 19<sup>th</sup> Century Heritage fabric [shown in red] should be reconstructed. The heritage fabric constructed in 1936 [shown in yellow] could be reconstructed. [See image extracted from the Consultant's Report]. That is, heritage fabric to a depth of about 7 metres on Pelham Street and about 9.6 metres on Leicester Street should be reconstructed.

More particularly, the key elements of the external fabric which the heritage consultant recommended should be reinstated, included the following:

- Hipped roof form, clad in corrugated sheet metal (the roof had a green finish – painted or powdered coated)
- Chimneys with moulded cappings, 3 to perimeter and 2 penetrating
- Parapet – bottle balustrade, with signage to west corner and orbs surmounted by finials



In the opinion of the CRA, this advice is consistent with the proposed new Local Heritage Policy. This Policy includes the following guidance in relation to demolition matters:

**22.05-5 Demolition**

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Exhibition

The demolition of a non-contributory place will generally be permitted.

Full demolition of significant or contributory buildings will not would normally only be permitted in exceptional circumstances.

Partial demolition will not generally normally be permitted in the case of significant buildings and of significant elements or the front or principal part of contributory buildings.

As the former Corkman Pub was separately identified in the Heritage Overlay Schedule to the Planning Scheme [HO85] it would have retained a Significant Grading in the Heritage Inventory, if not illegally demolished. It is also important to note that the proposed new Local Heritage Policy includes unambiguous guidance with respect to the “principal part” of heritage places.

Front or principal part of a building

For most non-residential buildings, the front part is generally considered to be one full structural bay in depth -complete with the structure and cladding to the roof. This is generally 8 – 10 metres in depth, or 8 metres, including the roof.

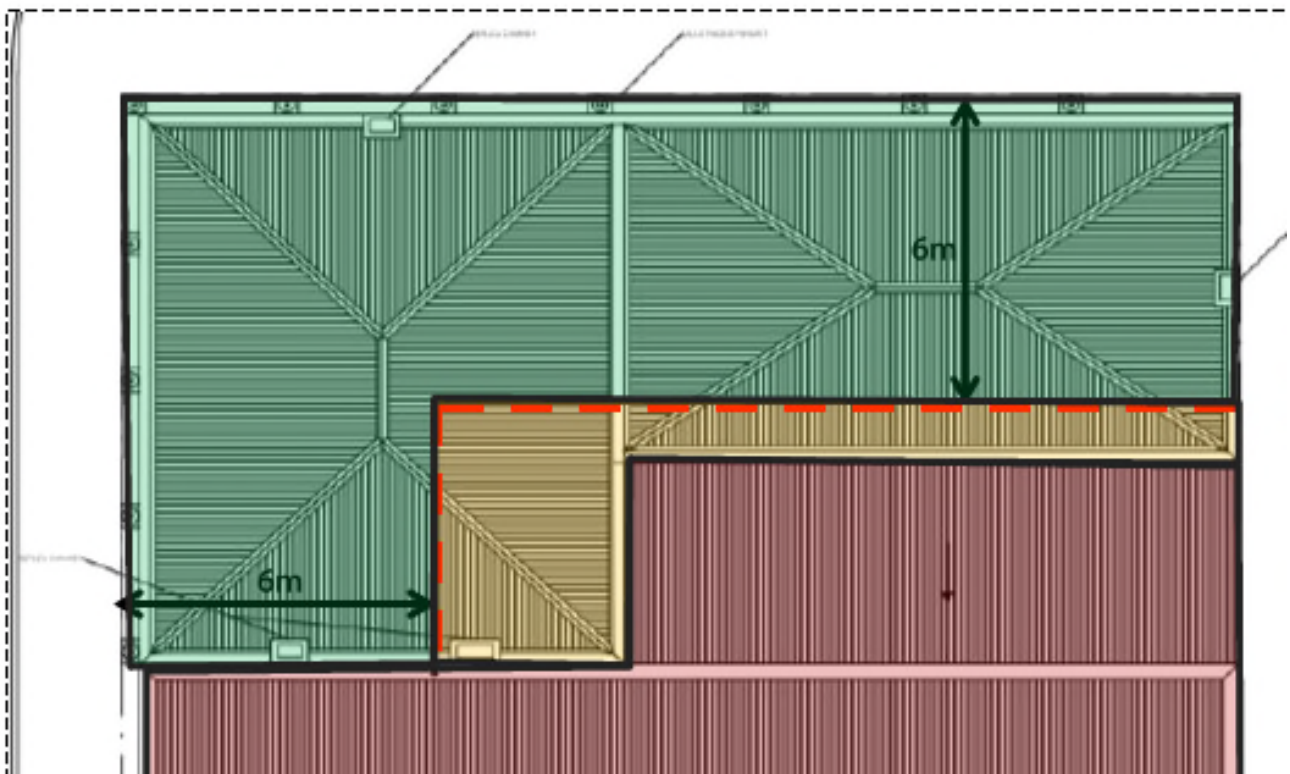
For corner sites, the front or principal part of a building includes side and rear elevations.

For sites with more than one frontage, the front or principal part of a building relates to each frontage.

That is, the extent of reconstruction recommended by the heritage consultant [to a depth of 7 to 9.5 metres from Pelham and Leicester Streets respectively] falls well within the guidance of the proposed new policy.

In contrast, the Planning Consultant has recommended [and the Council has agreed] that the DDO61 setback of 6 metres [above the reconstructed heritage building] should define the extent of reconstruction that is required. That is, if the heritage place had not been demolished, the Council is acknowledging that significant heritage fabric could be demolished [see image below, extracted from the Planning Consultant’s Report].

It must be emphasised that the DDO61 setback of any part of a building above the street edge height is intended to deliver “a scale of development that provides street definition and a high level of pedestrian amenity, having regard to sunlight, sky views and a pedestrian friendly scale.” That is, this provision is to be applied even where there are NO heritage places. In the view of the CRA, the presence of a significant heritage context should result in any setback guidance being modified to give greater weight to key heritage objectives.



### The height of new work behind the reconstructed heritage fabric

Although the revised DDO61 includes guidance in relation to the infill section on Leicester Street [to the south of the reconstructed heritage fabric] there is no guidance at all in relation to the height of new work to the south and east of the reconstructed fabric.

Since planning applicants regularly assume that the preferred maximum building height established in Table 1 [of DDO61] can be exceeded, the CRA submits that this DDO must make it clear that these preferred maximum heights CANNOT BE ACHIEVED if the important Design Objectives [that relate to the heritage context] are to be taken seriously.

More particularly, the Association is of the view that a recommended MAXIMUM height of 40 metres [equivalent to 10 storeys plus] for the site of the reconstructed heritage pub would be quite inconsistent with key objectives of both the DDO and the relevant heritage policies. For example, DDO61 includes the following key Objectives:

- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.
- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.

The CRA is also of the view that the current DDO guidance with respect to the street edge height [and setback] on the lane **Leicester Place** should be mandated; this laneway provision is regularly ignored by planning applicants. The relevant provisions are noted below:

1-5	On the street edge of laneway frontages, any part of the building above 10.5 metres should be setback 4 metres.	Development that ensures laneways have appropriate access to daylight and sunlight.
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### Concluding Comments

The CRA strongly supports the Heritage Consultant’s recommendation, concerning the extent of the reinstatement works that should be undertaken. This position is consistent with the latest exhibited heritage Planning Scheme Amendment C258, and the detailed provisions of the proposed new Local Heritage Policy in particular. In our view, any revisions to DDO61 must reflect current BEST PRACTICE in relation to heritage matters, and not practice that may have been acceptable when the illegal demolition took place.

The CRA is also of the view that the Amended DDO61 must address the scale of any new building elements constructed behind the reinstated heritage fabric of the former Corkman Hotel. In our view, it would be impossible to satisfy key DDO and heritage objectives if a 40 metre high structure was built on the former Corkman site.

In this context, it must be emphasised that the intention of DDO61 was to establish a “mid-rise scale of buildings (6 to 15 storeys)” in the City North area. Given that additions to significant or contributory buildings should “not visually dominate or visually disrupt the appreciation of the building [heritage place] as it presents to the streetscape(s)” the scale of the non-heritage rebuild should not exceed the lower height guidance established for the City North area.

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The reports prepared by the Heritage and Planning Consultants are included in the papers tabled at the Council’s Future Melbourne Committee on the 6<sup>th</sup> February 2018. They may be downloaded from the following link <https://participate.melbourne.vic.gov.au/amendmentc320>

The Exhibited Planning Scheme Amendment [proposed new Design and Development Overlay] may be downloaded from the same web-link <https://participate.melbourne.vic.gov.au/amendmentc320>