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Transmission by email: [development.approvals@delwp.vic.gov.au](mailto:development.approvals@delwp.vic.gov.au)

Attention

Ms Erin Baden-Smith  
Manager | Development Approvals and Design  
Planning | Department of Environment, Land, Water and Planning

## Subject: PA1900614 - 150-154 Pelham St, Carlton

### Interest of the Carlton Residents' Association Inc [CRA]

The Carlton Residents Association advocates on behalf of its members to

- Support the retention of the heritage assets of the Carlton community and to discourage new developments that fail to respect these assets
- Maintain the quality of the public realm with a focus upon maintaining access to sunlight and sky views, and a pedestrian friendly scale
- Interpret and apply the performance based provisions of the Melbourne Planning Scheme fairly so that the interests of no one party are unfairly privileged over the interests of another party

### Introductory Comments

The Association welcomes the redevelopment of this heritage precinct for educational and related purposes but submits that key heritage objectives and guidelines included within the relevant Local Policy and the Design and Development Overlay [DDO61] have not been satisfied. Further, we submit that the net community benefit of this development does not justify such a major departure from the built form guidance provided by DDO61.

We acknowledge that the development falls within the Victorian Government's Parkville National Employment and Innovation Cluster, but do not believe that this fact justifies departing from key MPS guidance. We note that the Melbourne Business School has acknowledged that "13,000sqm [is] needed at this stage for designated learning spaces" [Dainty, Paul: *Witness Statement to Panel Am C258 to the MPS*, August 2018]; accordingly, it is clearly possible for some of the proposed uses to be located within the redeveloped 200 Leicester Street Property.

We also submit that where an applicant wishes to depart from gazetted Planning Controls in a substantial way [as in the current proposal] they should be required to seek approval through a Planning Scheme Amendment. The University is very familiar with this approach; it was the one adopted by them for their Carlton Connect development on the site of the former Royal Women's Hospital and for other major University developments on Pelham Street [including The Spot and the Law Buildings].

### Heritage Concerns

An overriding preoccupation of heritage policy, as reflected in both the current local policy and DDO61, is that new development in heritage overlays should "respect the character and scale of adjoining buildings and the streetscape" [pp C1 22.05]. DDO61 includes a similar design objective "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 Association submits that this should result in heritage places RETAINING their prominence in a valued streetscape, and that proximate new developments should be RECESSIVE in form and scale. The proposed

MBS development achieves the very opposite effect; the scale and façade treatment of the new structures are both prominent and striking, anything but recessive.

This outcome is not consistent with the more detailed heritage guidance included in DDO61. According to Table 2 of this DDO:

- New buildings should step down in height to adjoining lower scale heritage buildings, and
- New buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.

While the DDO61 provides a range of “preferred maximum building heights” over the City North area, it must be emphasised that these heights are preferred maximums. Further, while there will be some areas within City North where these maximums can be achieved [or exceeded] the CRA submits that the existing building character and rich heritage fabric of the area should serve to moderate the development expectations.

In the Association’s view, there has been no moderation of either the preferred maximum building height of the proposed development or of the recommended maximum street wall height; the DDO61 recommended 40 metres and 24 metres respectively. Indeed, the current proposal has exceeded these preferred maximums by fifty percent [50%] in EACH case. In our view, departures from the gazetted Planning Scheme guidance of this magnitude makes a complete nonsense of our performance based planning regime. The following image from the Applicant’s Design Report illustrates the extent of this departure.



**RESPONDING TO FUTURE DEVELOPMENT**

Note: proposed envelope for 200 Leicester Street follows DDO 61 expectations for this precinct, including the preferred MAXIMUM height of 40 metres.

The impact of ignoring the built form guidance upon the heritage place fronting Leicester Street is illustrated in the following image extracted from the Applicant’s Design Report.



According to the *City North Heritage Review 2013 Statements of Significance* (Rev June 2015), a current Incorporated Document:

The Little Pelham Street precinct is of historic significance for being illustrative of the industrial development that occurred in this part of Carlton and adjacent parts of Melbourne during the Interwar period and which radically transformed it from a largely residential suburb. At this time, there was extensive replacement of the pre-existing building stock, being mostly 19th century cottages and terrace houses with some small industrial sites, to larger scale factories and warehouses.

(AHC Criteria A4)

The Little Pelham Street precinct is of representative aesthetic significance as a largely intact and a rare surviving cluster of light industrial buildings from the Interwar and Post-war periods (along with the Lincoln Square South Precinct). Although individual buildings undergone varying degrees of change and some are undistinguished examples, they are evocative of this key development phase, and in particular, Little Pelham Street provides a rare opportunity to experience a streetscape of mid-20th century buildings. Of this group of buildings, the most impressive is the Modern style, former factory (174-178 Leicester St) however the original detailing to the rear part of 193-195 Bouverie Street, where it is unpainted along Little Pelham Street is also noteworthy.

(AHC Criteria D2)

Although the Architectural Plans provided by the Applicant indicate that those heritage places south of Little Pelham are to be demolished, because no demolition plans have been provided, it is unclear how much of those heritage places north of Little Pelham Street will be retained. What is clear though, is that Little Pelham Street that was once a public thoroughfare will be unrecognisable, and that it will no longer provide “a rare opportunity to experience a streetscape of mid-20th century buildings.” There is no suggestion in the current Local Heritage Policy, that the key objectives should be relaxed where a heritage place possesses historic significance rather than aesthetic or architectural significance [for example].

It must be acknowledged that the extent of the Little Pelham Street Heritage Overlay, and the Gradings of the individual heritage places have been challenged by the MBS both before, and since the gazettal of MPS Amendment C198. However, it must also be noted that the Incorporated Documents and other C198 documents were approved following a lengthy review process by the City of Melbourne, deliberations by an Independent Planning Panel AND review by the State Government.

The key question that must be resolved is whether the net community benefit of the current development proposal outweighs any loss of heritage assets.

## Net Community Benefit

In the Association’s view, the current proposal will have a significant impact on the public realm of this area of Carlton. In this context, the maintenance of sunlight and sky views over Carlton’s public spaces and major pedestrian routes are key considerations. Apart from the Sunlight to Public Spaces provisions included in DDO61, there are at least two other City of Melbourne documents that are relevant to this matter:

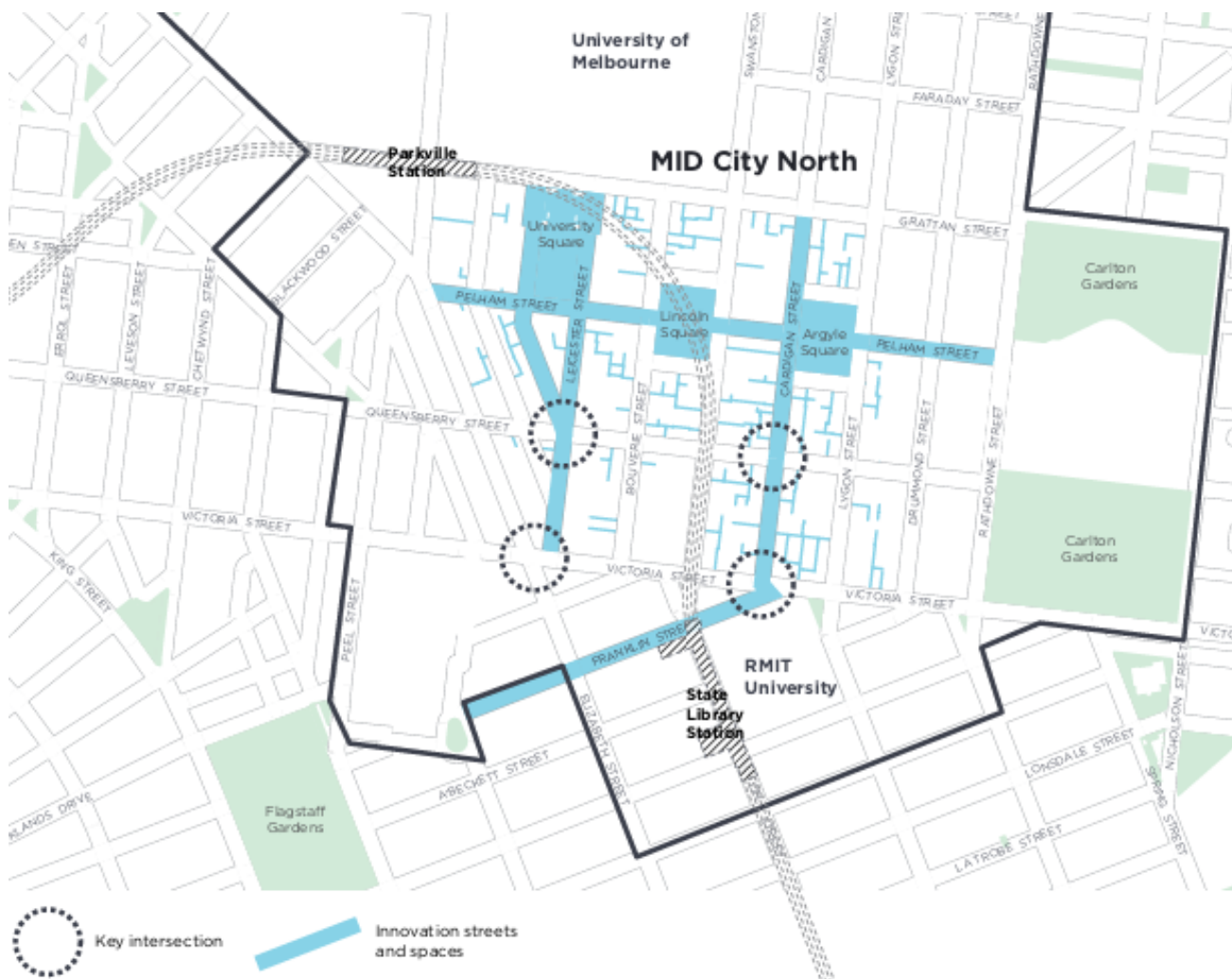
Hodyl + Co [February 2018] *Sunlight access to public parks modelling analysis report* – Prepared for the City of Melbourne, and the

City of Melbourne [November 2018] *Urban Realm Action Plan, Melbourne Innovation Districts City North 2018-2023*

Firstly, the relevant extract from the DDO61 provides an important starting point ...

Sunlight to Public Places	
<p>To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year.</p>	<p>Buildings and works should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, <b>major pedestrian routes including streets and lanes</b>, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas.</p>
<p>To protect sunlight to public spaces.</p>	<p>Maximise the extent of the northerly aspect of public open spaces.</p>
<p>To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.</p>	<p>Ensures sunlight reaches the lower floors of new developments.</p>

The *Urban Realm Action Plan, Melbourne Innovation Districts City North* is particularly relevant because it has identified the Pelham Street spine as a major east-west link deserving of special attention, as illustrated in the image below.

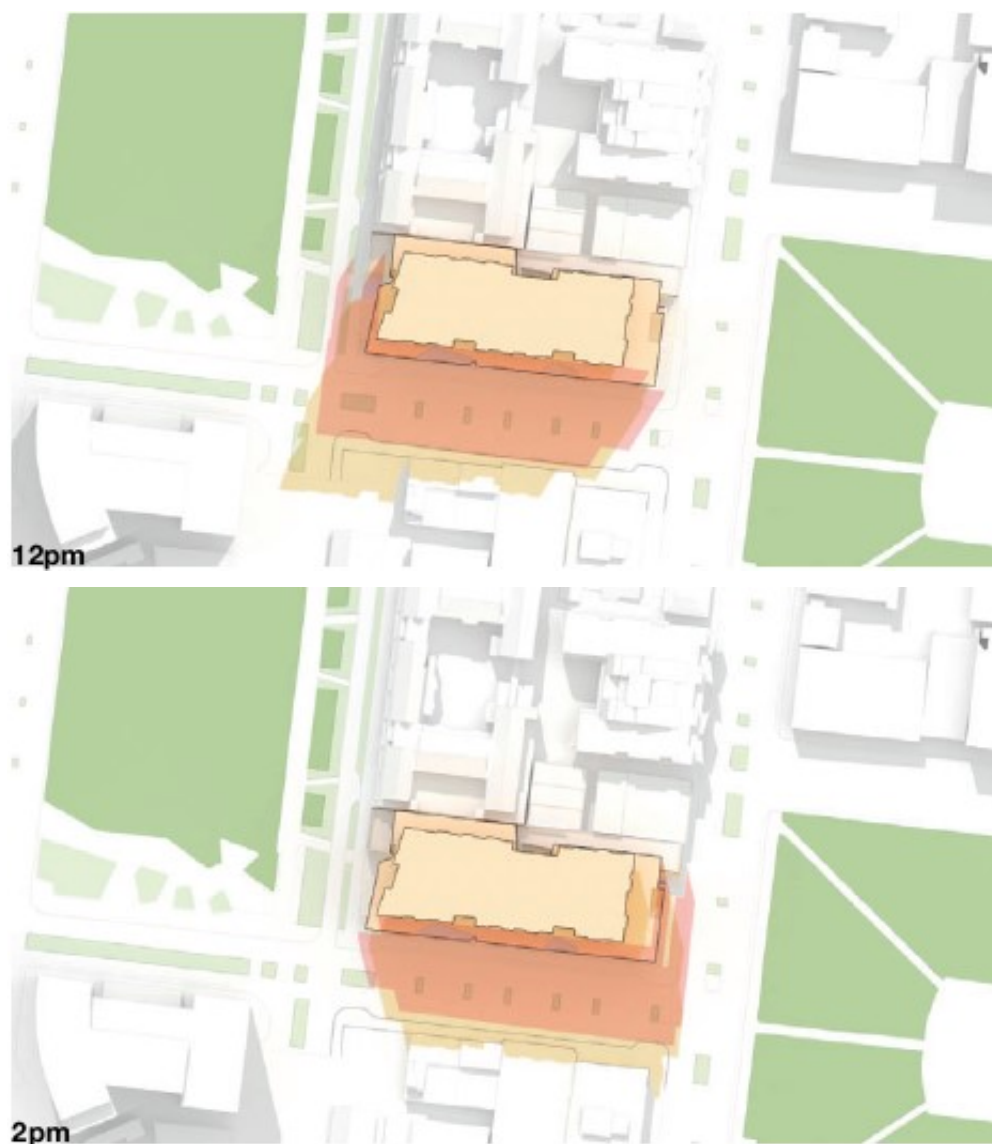


### Pelham Street

Pelham Street presents an opportunity to activate the district through test and engagement sites. It is 30 metres wide, has little through traffic, connects with multiple public squares, and offers one of the only strong east-to-west pedestrian connections between key destinations in MID City North. Pelham Street has also been identified in multiple City of Melbourne plans and strategies as a biodiversity corridor within MID City North.

The Association submits that any development on the Little Pelham Street Precinct that leaves almost all of this section of Pelham Street without solar access from 11am to 2pm on both the 22 March and the 22 September is a poor public realm outcome. The outcome between these dates would be even worse.

Sadly, the comparison shadow analysis, presented in the Applicant’s Design Report, reveals that the adoption of the preferred maximum DDO61 heights [or lower] would have resulted in a much better outcome. More particularly, the shadow analysis presented on page 50 of the Design Report reveals that the southern pavement [at least] would enjoy sunlight at these times and on these dates. [See image below]



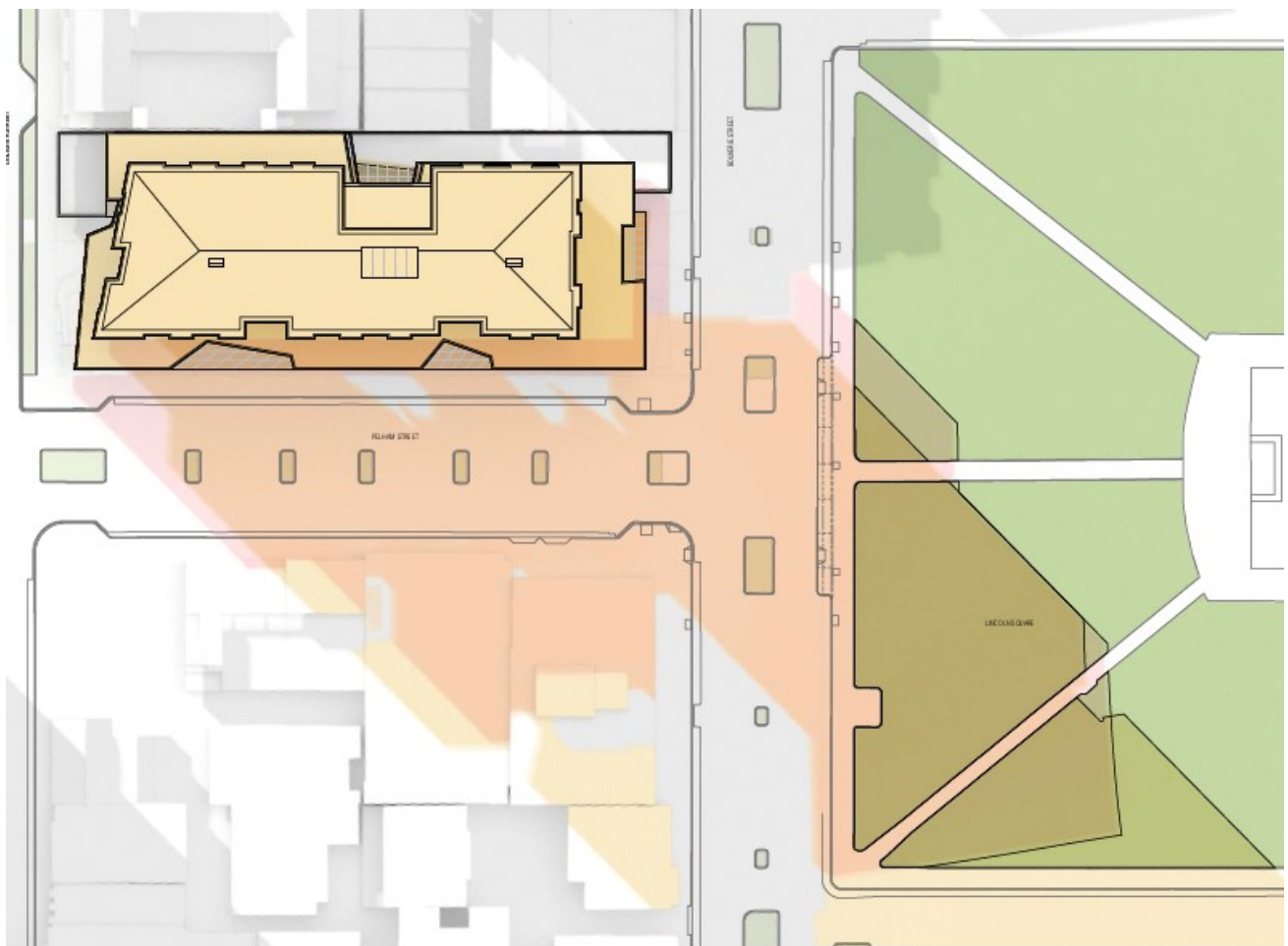
### 22<sup>nd</sup> of March Comparison of Proposed Mass to a DDO Mass

The above shadow diagrams provide a comparison between the DDO mass and the proposed mass.

In a similar vein, the public realm outcome for Lincoln Square would have been much enhanced if the Applicant had adopted the recommendations included in Planning Scheme Amendment C278 Melbourne Sunlight to Public Places. [The recommendations in this Amendment were based upon the Hodyl Report] Although this Amendment has adopted different thresholds from the DDO61 benchmarks, the exhibited Amendment did provide a significant exemption for those parks immediately abutting areas with height limits over 4 storeys.

As for the Pelham Street Corridor, the additional shadows cast over Lincoln Square as a result of the proposed development are Significant. [See sample image from the Design Report below.] We note that the Applicant has argued that the proposed Amendment C278 Controls should not be adopted, because it “is in its infancy and is not a seriously entertained planning proposal. Noting the status of this Amendment, no weight or consideration should be given to it, and instead the proposal should be assessed against the applicable controls, policies and provisions.”

While Amendment C278 has not been formally adopted [the Exhibition period concluded on the 5<sup>th</sup> September 2019] it is clear that if the Applicant had adopted a building envelope at or within the preferred maximum heights and setbacks established in DDO61, the outcome for the public realm would have been vastly superior.



Shadow Overlay 21 June 3pm

### **Sustainability Credentials**

The Association acknowledges that the development is aiming to achieve a 6 star Green Star Design and As-Built v1.2, and in this way satisfy the overall objectives of the Council’s Local Policy Cl 22.19 Energy Water and Waste Efficiency.

However, we also note that there are some very disappointing outcomes for several key benchmarks, as illustrated in the following extract from the Applicant’s ESD Report: Appendix A Green star Pathway.

Credit	Pathway	Current Pts & Risk	Potential Pts & Risk
Operation	15 Greenhouse Gas Emissions	A [Perf] 11/20 L	11/20
	16 Peak Electricity Demand	A [Perf] 2.0/2 M	2 / 2
	17 Sustainable Transport	A [Perf] 8.0/10 L	10/10 L
	18 Potable Water	A [Perf] 4.9/12 M	6/12 M

**Concerning the Greenhouse Gas Emissions, the consultant has adopted Performance Pathway 15E and for the Peak Electricity Demand 16B**

<b>15E</b>	<b>GHG Emissions Reduction – Reference Building Pathway</b>	<p><b>Up to 20 points</b> are available where there is a specified reduction in the predicted energy consumption and GHG emissions of the proposed building.</p> <p>Points are awarded based both on improvements to the building's façade, and on the project's predicted ability to reduce its operating energy consumption and emissions towards 'net zero'.</p>
<b>16A</b>	<b>Prescriptive Pathway: On-site Energy Generation</b>	<b>1 out of 2 points</b> are available where it is demonstrated that the use of on-site electricity generation systems reduces the total peak electricity demand by at least 15%
<b>16B</b>	<b>Modelled Performance Pathway: Reference Building</b>	<p><b>Up to 2 points</b> are available where it is demonstrated that the project's predicted peak electricity demand has been reduced below that of a Reference Building:</p> <ul style="list-style-type: none"> <li>• 20% : 1 point</li> <li>• 30%: 2 points</li> </ul>

Given that both the State of Victoria and the City of Melbourne have given much emphasis to the need to reduce Greenhouse Gas Emissions, the current point's outcome of 11/20 for this credit is particularly disappointing.

And again, although the Applicant has claimed 2/2 points for the Peak Electricity Demand Credit, it is difficult to see how this outcome could be achieved when so little on site energy is to be generated. According to the Applicant's ESD Report it is projected that the rooftop PV array [which is not illustrated on the architectural plans] will provide at least five percent [5%] of the building's total consumption from on-site renewable energy.

**Concerning the Potable Water Category, the Applicant has chosen to adopt Performance Pathway 18A**

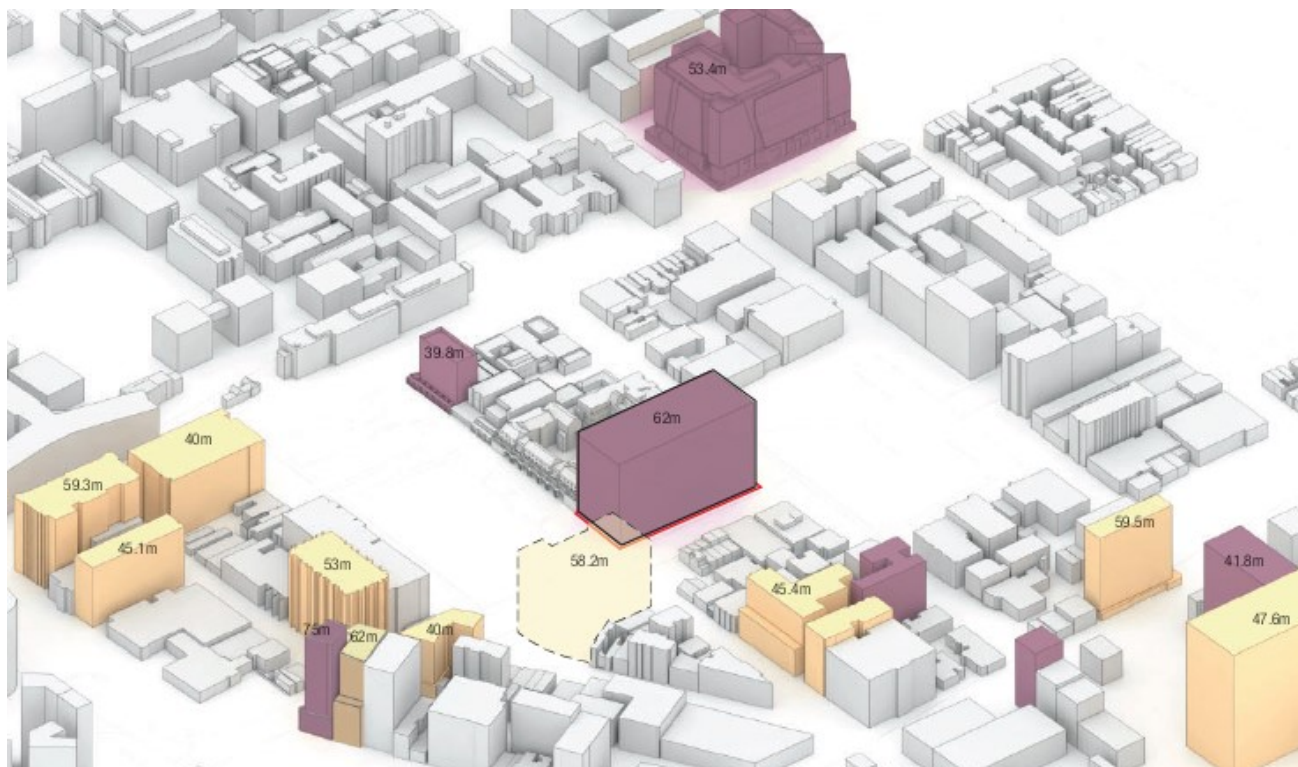
<b>18A</b>	<b>Performance Pathway</b>	<b>Up to 12 points</b> are available based on the magnitude of the predicted reduction in potable water consumption, when the project is compared against a Reference Building.
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As for the Energy Categories, the outcome for the Potable Water Category of 6/12 points [potential] is particularly disappointing. While a rainwater harvesting tank of 75,000 litres is proposed for the development, this capacity is miniscule for a building with a GFA of over 30,000 sqm. Indeed, if the Applicant's consultant had chosen a Prescriptive Pathway, no points would be available for Rainwater Reuse with a tank of this size.

### Existing Precinct Context

In the Association's view the image and text on page 21 of the Applicant's Design Report are quite misleading. There is no acknowledgement that the planning controls [and height expectations] vary considerably over the area depicted in the image. More specifically:

- Those buildings at the top of Elizabeth Street, including the Doherty Institute, fall within the DDO61A5 area where the preferred maximum height is 60m not 40m.
- Those University Buildings surrounding University Square [including the Law Building, The Spot and the Alan Gilbert Building] were all approved through a special Incorporated Document [4 March 1999] years before the introduction of DDO61.
- Other major developments in the area were also processed through separate Incorporated Documents, including those buildings on the former Carlton Brewery Site [a site covered by a Comprehensive Development Zone] and the more recently approved Carlton Connect Development on the site of the former Royal Women’s Hospital



**LEGEND**

-  Existing Building Over 40m
-  Future Development

**Concluding Comments**

As stated in the introduction to this Submission, the Association concludes that:

- Key heritage objectives and guidelines included within the relevant Local Policy and the Design and Development Overlay [DDO61] have not been satisfied.
- The net community benefit of this development does not justify such a major departure from the built form guidance provided by DDO61.
- Although the development falls within the Victorian Government’s Parkville National Employment and Innovation Cluster, we do not believe that this fact justifies departing from key MPS guidance, and that
- Where an applicant wishes to depart from gazetted Planning Controls in a substantial way [as in the current proposal] they should be required to seek approval through a Planning Scheme Amendment.



Ewan Ogilvy [for the Carlton Residents’ Association]