

Management report to Council

Agenda item 6.7

Proposed Planning Scheme Amendment C320: 154-160 Leicester Street, Carlton (former Corkman Irish Pub)

Council

Presenter: Angela Meinke, Manager Planning and Building

12 December 2017

Purpose and background

1. The purpose of this report is for the Council to seek authorisation from the Minister for Planning to prepare proposed Melbourne Planning Scheme Amendment C320 for land at 154-160 Leicester Street, Carlton (known as the former Carlton Inn, or Corkman Irish Pub).
2. The Carlton Inn was a two storey rendered brick hotel constructed in the mid 1880's. The property is covered by Heritage Overlay (HO85 – Carlton Inn 154-160 Leicester Street, Carlton) which prohibits the demolition of a building without planning approval.
3. On 15-16 October 2016 the building was demolished without planning approval.
4. On 27 October 2016 the Minister for Planning introduced interim planning controls over the site via Melbourne Planning Scheme Amendment C299. The amendment applied a new Schedule 68 to the Design and Development Overlay (DDO68 - 160 Leicester Place, Carlton) to the land, which introduced interim built form controls requiring the reconstruction of the significant heritage building.
5. In addition to the aforementioned planning controls, the site is located in the Capital City Zone Schedule 5 (CCZ5 - City North) and is covered by the Design and Development Overlay Schedule 61 (DDO61 – City North) and the Parking Overlay Schedule 1 (PO1).
6. DDO68 (160 Leicester Place, Carlton) is set to expire and will cease to have effect on 31 October 2018.

Key issues

7. A complete planning scheme amendment process is required, including public exhibition, to determine and introduce appropriate permanent planning controls for the site. This process takes a considerable length of time and immediate work is required to commence in light DDO68's impending expiry.
8. The purpose of proposed Planning Scheme Amendment C320 (refer Attachment 1 – Draft Explanatory Report) is to introduce permanent controls by:
 - 8.1. Deleting the interim DDO68 (160 Leicester Place, Carlton); and
 - 8.2. Amending the existing DDO61 (City North) to introduce permanent built form controls including requiring the reconstruction of the significant heritage building at 154-160 Leicester Place, Carlton.
9. Extensive consultation will occur via public exhibition and notice of the amendment.

Recommendation from management

10. That Council:
 - 10.1. Seeks authorisation from the Minister for Planning to prepare Melbourne Planning Scheme Amendment C320 under section 8A of the *Planning and Environment Act 1987* for land at 154-160 Leicester Street, Carlton (Former Carlton Inn).
 - 10.2. Requests management (upon receiving authorisation) to prepare draft planning scheme amendment C320 and report back to Council in early 2018, prior to the commencement of public exhibition.

Attachments:

1. Supporting Attachment (page 2 of 6)
2. Draft Explanatory Report (page 3 of 6)

Supporting Attachment

Legal

1. Divisions 1 and 2 of Part 3 of the *Planning and Environment Act 1987* deal with planning scheme amendments.

Finance

2. The estimated cost for this planning scheme amendment is \$80,000 and will be absorbed within Council's overall budget.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Extensive consultation will occur via public exhibition and notice of the amendment.

Environmental sustainability

5. Environmental sustainability is not relevant to proposed Melbourne Planning Scheme Amendment C320. Matters of environmental sustainability are already addressed via Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management (Water Sensitive Urban Design)) of the Melbourne Planning Scheme.

MELBOURNE PLANNING SCHEME

AMENDMENT C320

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Melbourne City Council which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to 154-160 Leicester Street, Carlton (Former Carlton Inn, also known as the Corkman Irish Pub).



What the amendment does

The Amendment proposes the following changes to the Melbourne Planning Scheme:

- Deletes the interim Design and Development Overlay 68 (DDO68 – 160 Leicester Place, Carlton); and
- Amends the existing Design and Development Overlay Schedule (DDO61 – City North) to introduce permanent built form controls including requiring the reconstruction of the significant heritage building at 154-160 Leicester Place, Carlton.

Strategic assessment of the Amendment

Why is the Amendment required?

This Amendment is required to introduce appropriate permanent built form controls for the site. This will ensure the significant heritage building is reconstructed so that its heritage significance can be recognised and protected and will ensure a good long term planning outcome is achieved.

The Carlton Inn was a two storey rendered brick hotel constructed in the mid 1880's. The property is covered by Heritage Overlay (HO85 – Carlton Inn 154-160 Leicester Street, Carlton).

On 15-16 October 2016 the building was demolished without planning approval.

On 27 October 2016 the Minister for Planning introduced interim planning controls over the site via Melbourne Planning Scheme Amendment C299. The amendment applied a new Schedule 68 to the

Design and Development Overlay (DDO68 - 160 Leicester Place, Carlton) to the land, which introduced interim built form controls requiring the reconstruction of the significant heritage building.

DDO68 (160 Leicester Place, Carlton) is set to expire and will cease to have effect on 31 October 2018.

How does the Amendment implement the objectives of planning in Victoria?

Under section 4(1) of the Planning and Environment Act 1987, the proposed amendment will implement the following objectives of planning in Victoria:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) to balance the present and future interests of all Victorians.

How does the Amendment address any environmental, social and economic effects?

The changes proposed by this amendment are not relevant to environmental effects.

The changes proposed by this amendment seek to address social and economic effects to achieve a net community benefit.

Due to the heritage significance of the former building and the illegal demolition which occurred in October 2016, reconstruction of the former building will ensure significant historic, architectural, aesthetic, social and cultural values are upheld with regard to the site. This will be to the benefit of the site, the immediate and local area and to the people of Victoria.

The amendment will contribute to an understanding of Melbourne's local history, particularly social, architectural and economic history.

Does the Amendment address relevant bushfire risk?

The amendment affects land within inner metropolitan Melbourne which is not a bushfire prone area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987 and Ministerial Direction No.11 Strategic Assessment of Amendments.

The Amendment complies with Direction No. 9 Metropolitan Planning Strategy and specifically supports Direction No.4, Policy 4.4 - "Respect Melbourne's heritage as we build for the future".

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment supports the following objectives of the State Planning Policy Framework:

Clause 11.06-4 (Place and identity)

- To create a distinctive and liveable city with quality design and amenity.

Clause 15 (Built Environment and Heritage):

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- To recognise and protect cultural identity, neighbourhood character and sense of place.
- To ensure the conservation of places of heritage significance.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports and implements the MSS which includes the following:

- Clause 21.03 which states, among other things:

Protecting existing built form character and heritage, in addition to providing an attractive and liveable built environment in parts of the City where development will intensify is essential. Also important is minimizing the ecological footprint of the City and managing the City so that it is responsive to climate change.

- Clause 21.04–1.2 which states, among other things:

City North is identified for proposed renewal given its existing role as a specialised activity centre, the proposed Parkville Station as part of the Melbourne Metro project and its proximity as an extension of the Central City. The City North Structure Plan 2012 has been adopted by the City of Melbourne and has been implemented into the planning scheme via a planning scheme amendment.

- Clause 21.06 which states, among other things:

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.

The buildings in the private realm should be coordinated with the development of the streets, paths, parks and places in the public realm. Development must add positively to Melbourne's public realm and contribute to making it safe and engaging for users.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions. The Schedule to the Design and Development Overlay is the proper Victorian Planning Provision tool for the introduction of built form controls.

The Amendment also addresses the requirements of the following Planning Practice Notes:

[PPN10: Writing Schedules](#)

[PPN23: Applying the Incorporated Plan and Development Plan Overlays](#)

[PPN59: The Role of Mandatory Provisions in Planning Schemes](#)

How does the Amendment address the views of any relevant agency?

The views of any relevant agencies have not been sought. Council will engage with relevant agencies, affected property owners and relevant principal community groups during the public exhibition phase of the Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

This planning scheme amendment is not likely to have a significant impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not expected that the amendment will give rise to any unreasonable resource or administrative costs for the responsible authority. The amendment will provide the appropriate planning framework for the responsible authority to efficiently plan for this site.

Where you may inspect this Amendment

The amendment can be viewed on the City of Melbourne's Participate Website at:

[To be determined].

The Amendment is available for public inspection, free of charge, during office hours at the following places:

City of Melbourne
Council House 2, Planning and Building Reception Counter
Level 3, 240 Little Collins Street
MELBOURNE VIC 3000

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by [To be determined].

A submission must be sent to: planningpolicy@melbourne.vic.gov.au

Or

Team leader – Planning Policy
City of Melbourne
PO Box 1603
MELBOURNE VIC 3001

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [To be determined].
- panel hearing: [To be determined].