



ROYAL HISTORICAL SOCIETY OF VICTORIA INC.

239 A'Beckett Street, Melbourne 3000

Submission regarding 1-23 Rathdowne Street Carlton VCAT Ref: P1498/2022

1. Introduction

The RHSV is the peak body for Victoria's 340 local historical societies and a key stakeholder with the City of Melbourne since the Society's inception in 1909. As stakeholders with regard to the World Heritage site of the Royal Exhibition Building and the Carlton Gardens, we were deeply involved with and supportive of the initial Discussion Paper on the revised planning controls required for the World Heritage Environs Area and have followed this up with submissions on the Draft Strategy Plan and appearance at the Heritage Council Committee hearing submissions on the Strategy. The report and recommendations of this committee was sent to the Minister for Planning on 5 July.

The significance of this area, taken as a whole—the Royal Exhibition Building, the Carlton Gardens and the environs, still largely suggestive of the kinds of built forms predominating at the time of the 1880 Exhibition—cannot be overestimated. 'There is nothing like it anywhere else in the world today', wrote the eminent UK historian, Professor David Cannadine.¹ As the Australian Government Response to the ICOMOS Assessment Report put it in 2004: 'The Royal Exhibition Building in its original garden setting is the most authentic remaining example of an *in situ* Palace of Industry from a significant international exhibition'.² All that makes the site of the utmost value to Victoria and particularly to Melbourne.

2. Current and Proposed Planning Controls

The main instruments controlling built form in the WHEA are the Design and Development and Heritage Overlays. Our submission to the Heritage Council committee supported the proposed the extensions to the DDOs in the non-residential zones. We also fully supported the introduction of DDOs in the residential zones to replicate the existing zone based mandatory height controls in order to guarantee the controls against any state-wide change to the zoning controls. This recommendation has proved to be prescient in the light the government's current and proposed changes to the planning scheme arising from the new Victorian Housing Statement'

We further supported calls by the City of Yarra, the City of the Melbourne and other submitters for the height controls for the DDOs within the WHEA covering the non-residential zones also be made mandatory.

¹ 'Australian Government Response to the ICOMOS Assessment Report on the Royal Exhibition Building & Carlton Gardens World Heritage Nomination', 9 June 2004, <https://whc.unesco.org/uploads/nominations/1131bis.pdf>, p. 2.

² *Ibid.*

While these future provisions rest with the Minister there has been little other change proposed in the new Strategy Plan that would directly affect the subject site. The current Design and Development Overlay, which pre-date the current 2009 Strategy Plan, while proposed to be extended elsewhere, remains unchanged. Likewise, while it is recommended that the distinction between the Area of Greater Sensitivity, the rest of the WHEA should be removed, the subject site lies within the Area of Greater Sensitivity and is subject to the provisions of HO992 .

3. Built Form Controls

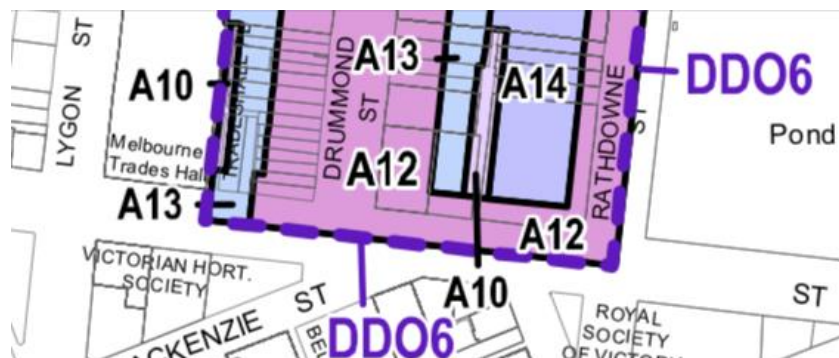
The subject site is covered by Schedule 6 to the Design and Development Overlay (DDO6). The design objectives for DDO6 are:

- To protect and conserve buildings and streetscapes of significance and to reinforce the built form character of the area as being *essentially of low-rise buildings*.
- To maintain the human scale of the area and to *ensure compatibility with the scale and character of the existing built form*.
- To ensure that any redevelopment or new development is compatible with the *scale and character of adjoining buildings and the area*.
- To protect and manage *the values of and views to the Royal Exhibition Building* (our emphasis).

The desirable built form is specified in the Table to schedule 6:

Table to Schedule 6		
Area	Maximum Building Height	Outcomes
10	8 metres	The predominantly 1-2 storey built form character of the area is maintained to ensure a pedestrian scale of development abutting the streets and laneways.
12	10 metres	The low-rise built form of the area, which is predominantly 2-3 storey, is maintained to ensure that the existing Victorian character of the area is conserved.
13	13.5 metres	The existing historic character of the area remains.
14	16 metres	Development of an appropriate scale to Cardigan Street is achieved, but in doing so maintains a comfortable relationship with the surrounding low-scale area. Views to the drum, dome, lantern and flagpole of the Royal Exhibition Building from the footpath on the south side of Queensberry Street between Lygon Street (west side) and Rathdowne Street are protected.

Areas 10-14 are indicated in the extract from the DDO 6 Overlay map shown below:



This calls for a street wall of 10 metres along both the Rathdown and Victoria Street frontages street with an un-dimensioned set back of around 3-4 metres to a higher built form of 16 metres covering most of the subject site.

The outcomes specified in table 6 for areas 10 and 14 are respectively:

Area 12 'The low-rise built form of the area, which is predominantly 2-3 storey, is maintained to ensure that the existing Victorian character of the area is conserved.

Area 14 Development of an appropriate scale to Cardigan Street is achieved, but in doing so maintains a comfortable relationship with the surrounding low-scale area. Views to the drum, dome, lantern and flagpole of the Royal Exhibition Building from the footpath on the south side of Queensberry Street between Lygon Street (west side) and Rathdowne Street are protected.

The reference to Cardigan Street seems to be an error. However it should be noted that while there is quite rightly reference to preserving views of Royal Exhibition Building in Area 14 there is overall a greater emphasis on maintaining the low rise built form character of the area.

These building height controls are not mandatory but Schedule 6 places a high threshold if these specifications are to be exceeded:

An application to exceed the *Maximum Building Height* must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

4. Heritage Controls

The site is covered by H0992, the World Heritage Environs Precinct. This precinct covers an 'Area of Greater Sensitivity' which applies largely just to those properties fronting the roads surrounding the world heritage area. The objectives and strategies for this precinct are set out in Clause 15.03-1L-01 of the Melbourne Planning Scheme:

Objectives

To provide a buffer zone for the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

To provide a setting and context of significant historic character for the World Heritage property.

To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.

To maintain and conserve the significant historic character including built form and landscapes of the area.

To ensure development in the area responds to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

Strategies

Retain and conserve individually significant and contributory places, including contributory fabric, form, architectural features and settings.

Retain and conserve the valued heritage character of streetscapes.

Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.

Avoid consolidation of allotments in residential areas that will result in the loss of evidence of typical nineteenth century subdivision and allotment patterns.

Protect direct views and vistas to the Royal Exhibition Building and Carlton Gardens from bordering streets and other views and vistas to the dome available from streets within the precinct including Queensberry Street, the north ends of Spring and Exhibition Streets, and the east end of Latrobe Street.

Discourage the introduction and proliferation of permanent structures and items such as shelters, signage (other than for historic interpretation purposes), kiosks and the like around the perimeter of the Royal Exhibition Building and Carlton Gardens in order to:

- Avoid impacts on the presentation of the Royal Exhibition Building and Carlton Gardens, including impacts on axial views along treed allees and avenues.
- Minimise inappropriate visual clutter around the perimeter of the Royal Exhibition Building and Carlton Gardens.

The items that we believe are of particular relevance to this application are emphasised in italics. While much has rightly been made of the need to preserve the views to the dome of the REB there is rightly at least equal emphasis being placed on the need to retain the lower scale built form of the setting of the world heritage place.

Quite apart from the world heritage context there is an obligation of any development in a Heritage Overlay area to respect the area's historic scale and character. The decision guidelines at the Heritage Overlay at Clause 43.01 includes the following:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

The proposal will significantly affect the cultural significance of the place by virtue of its height and bulk and its appearance being out of keeping with the character and appearance of the adjacent buildings.

5. Assessment

Consideration of this proposal under DDO 6 suggests that it is very far from meeting the outcomes specified in the table. For Area 12, apart from the three town houses fronting Rathdown Street at the northern boundary to the site, there is no lower level street wall fronting Rathdown and Victoria Street. Consequently the 'low rise built form of the area which is predominately 2-3 stories' is not maintained and the existing Victorian character is not conserved.

For Area 14 with a building rising to almost 30 metres, double the height of the maximum proposed in the table, this is not a development of 'an appropriate scale which maintains a comfortable relationship with the surrounding low-scale area'.

We consider that a lower level street wall is required along both street frontages to this site as this will conceal, or at least partially conceal, the higher built form behind. We consider that a maximum height 16 meters is generous in the circumstances and 10 metres maximum for the street wall is appropriate. In contrast to the built form envisaged by DDO6 a private courtyard on Rathdown

Street in the present proposal opens the higher built form to views from across Rathdown Street and Carlton Gardens.

No comparisons with development south of Victoria Street should be considered relevant. That area is within the Capital City zone and the outcomes envisaged for its DDOs are quite different. Victoria Street is the obvious boundary to provide a clear separation between the historic built form and the central city environment.

The development also undermines objectives and strategies of the policy for Heritage places within the World Heritage Environs Area at Clause 15.03-11-01

It undermines the objective of providing a buffer zone for the world heritage place as it defeats the objective of a buffer zone by proposing a development that is out of scale with the low rise Victorian setting of the buffer zone as it exists today.

It fails to provide an 'appropriate setting and context of significant historic character for the World Heritage Property'.

Through significant over-development it fails to 'maintain and conserve the significant historic character' of the area.

The development proposed does not respond 'to the prominence and visibility of the Royal Exhibition Buildings and Carlton Gardens'.

It undermines the strategy to 'retain and conserve the valued heritage character of streetscapes'.

It fails to retain 'the predominantly lower scale form of development, which provides a contrast to the dominant scale and form of the Exhibition Building'

As well as failing on these counts the proposal also fails to meet three of the basic decision guidelines of the Heritage Overlay as outlined on page 4.

We have two further concerns regarding this development that we believe will be particularly detrimental. The first concerns the 'comfortable' relationship between the proposed development and the Paramount Building on the corner of Rathdown Street and Queensbury Street. The second relates to the impact on views not *too* but *from* the REB Dome.

The rendering below, taken from the revised plans, shows a view of the development looking towards the corner of Rathdown and Victoria Streets. The Paramount building can be seen on the right. In our submission this places this stretch of Rathdown Street in an entirely new light. At present the Paramount building can be seen as an unfortunate anomaly in a context of low rise historic buildings. However paired with the new development it is suddenly normalised. This is now seen as a street of high-rise buildings with remnant historic buildings in between. This should not be allowed to happen

Much concern is expressed about preserving views to the dome of the REB but until recently little thought has been given to views from the building. This should change as the promenade around the Dome has been restored and is now open to the public. At the moment immediate views from the promenade to the west, north and east present an urban scene not dissimilar to what existed when the building was first constructed. This should not be disrupted by this proposal.

6. Conclusion

Given the significance of the Royal Exhibition Building and Carlton Gardens site and its importance for Melburnians and visitors alike, we believe that the effective conservation of the place, and, in particular, of its context—the WHEA—is the highest obligation imaginable for Melbourne and Victorian planning authorities. In line with UNESCO World Heritage standards, we are obliged to ensure that visitors drawn by the renown conferred by World Heritage status have an experience commensurate with their expectations.

We therefore respectfully request that the Tribunal find that the built form set out in DDO 6, without variation, is the appropriate one for this site and that it either refuse the permit or condition it accordingly.

Ian Wight
Deputy Chair
Heritage Committee
Royal Historical Society of Victoria

9/10/2023

