



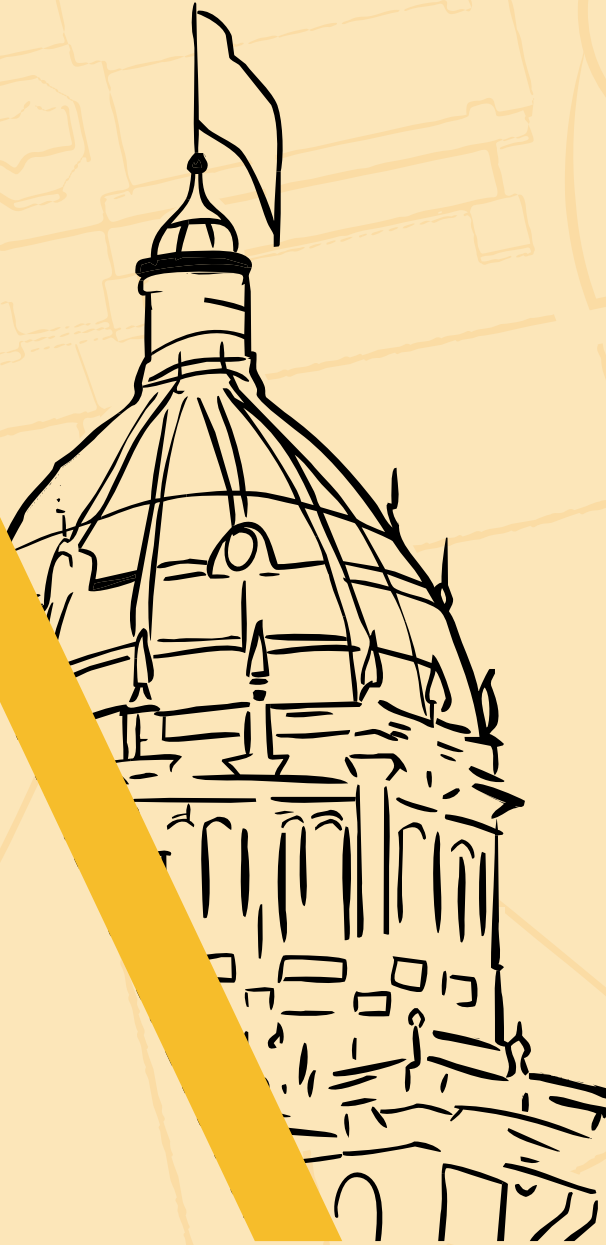
United Nations
Educational, Scientific and
Cultural Organization



Royal Exhibition Building
and Carlton Gardens
inscribed on the World Heritage List in 2004

Royal Exhibition Building & Carlton Gardens

Approved World Heritage Strategy Plan for the
World Heritage Environs Area
2025





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REPORT REGISTER

Draft prepared report	May 2021
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Revised draft prepared report	September 2022
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Adopted draft report	June 2023
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Approved report	February 2025
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We proudly acknowledge Victoria's First Peoples and their ongoing strength in practising the world's oldest living and continuous culture. We acknowledge the Traditional Owners' lands, waters and skies on which we live and work and pay respects to their Elders past and present.



Executive Summary

The Royal Exhibition Building and Carlton Gardens (REB & Carlton Gardens) was inscribed in the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) World Heritage List on 1 July 2004. It is a place of outstanding heritage value and its significance is recognised through its inclusion in the World Heritage List, the National Heritage List and the Victorian Heritage Register. The REB & Carlton Gardens is on the Country of the Wurundjeri people and has cultural value to many First Peoples.

The REB was constructed as a Great Hall, initially to house the Melbourne International Exhibition of 1880 and subsequently the 1888 Melbourne Centennial International Exhibition. It stands as a significant and enduring symbol of the international exhibition movement and is a rare surviving example of the grand palaces of industry that were constructed worldwide during the nineteenth century.

The Heritage Act 2017 (the Act) requires consideration of whether an area should be declared a World Heritage Environs Area (WHEA) as soon as practicable after a World Heritage listed place has been included in the Victorian Heritage Register in accordance with section 24(c) of the Act. A WHEA meets the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention recommendation for a buffer zone to protect a World Heritage listed property. Once a WHEA has been declared under the Act, the Executive Director, Heritage Victoria must prepare a World Heritage Strategy Plan (Strategy Plan) for the WHEA as soon as practicable.

The World Heritage Strategy Plan for the REB & Carlton Gardens was first approved in 2009, following declaration of a WHEA on 11 October 2007. The WHEA provided a buffer zone around the REB & Carlton Gardens comprised predominantly of residential areas, with some mixed use, in the City of Melbourne and City of Yarra.

On 28 July 2022 a revised WHEA was declared (Figure A in Appendix 1), which slightly extended the WHEA in three directions being:

1. The western boundary: inclusion of 1-205 Drummond Street to preserve the area's low rise and fine grained heritage character, 19th century planning and subdivisions and the preservation of the REB's monumental values in its broader setting;
2. The south-western corner: the land bounded by Victoria Street, Russell Street and La Trobe Street to ensure any future developments in this area will be of a scale and form appropriate to the setting and proximity of a world heritage site; and
3. The eastern boundary: inclusion of the Fitzroy Street road reserve to provide a coherent approach on including road reserves within the WHEA boundary and enabling protection of public realm bluestone kerbs and channels.

In 2020 Hansen Partnership Pty Ltd (Hansen) in partnership with HLCD Pty Ltd (HLCD) were engaged by Heritage Victoria within the now Department of Transport and Planning (the Department) to undertake a review of the 2009 Strategy Plan. The review found that the 2009 Strategy Plan had been generally successful in conserving and protecting the World Heritage values of the REB & Carlton Gardens through managing and controlling development within the WHEA through Local Policies and Design Development Overlays (DDOs). The review identified a range of potential modifications and refinements to the Strategy Plan to improve protection of the World Heritage values of the REB & Carlton Gardens. The project resulted in an updated draft Strategy Plan, developed on behalf of the Executive Director, Heritage Victoria in accordance with section 177 of the Act.

The updated draft Strategy Plan was publicly exhibited, and submissions were invited to be made to the Heritage Council. After holding a hearing and considering submissions, the Heritage Council adopted the draft Strategy Plan with amendments in June 2023.

This Strategy Plan has been approved by the Minister for Planning in accordance with section 176(1)(b) of the Act. It meets the requirements of the Act by setting out:

- the world heritage values of the REB & Carlton Gardens to which the WHEA relates; and
- strategies for the appropriate use and development of the WHEA to ensure that the world heritage values of the REB & Carlton Gardens are protected and managed.

The Approved Strategy Plan introduces changes that enhance the protection of the World Heritage values of the REB & Carlton Gardens. These updates address the expanded WHEA and the potential impacts of development on the views and vistas to and from the REB & Carlton Gardens. Without proper management through appropriate built form controls, such development could negatively affect the prominence of the REB within its setting, and its Outstanding Universal value. Changes made by Strategy Plan include:

- Removing the distinction between areas of Greater and Lesser sensitivity in the WHEA.
- Introducing updated History, Description and Statement of Significance for the WHEA, capturing its 2022 extended boundaries.
- Making the Executive Director, Heritage Victoria a recommending referral authority for development applications in the WHEA for applications for all new buildings 3 storeys/11 metres or greater in which would increase the height to 3 storeys/11 metres or more
- A new regional level policy at Clause 15.03-1R of the Victoria Planning Provisions to address the heritage conservation, protection and management of the REB & Carlton Gardens and the associated WHEA

- A new WHEA DDO4 in both the Melbourne and Yarra Planning Schemes to apply to the entire WHEA that includes:
 - Appropriate design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the REB & Carlton Gardens,
 - Mandatory height controls and built form guidance.
- Amending policy in the planning schemes of the City of Melbourne and City of Yarra to include provisions to address the protection of primary view lines.

A small number of changes made by the Heritage Council of Victoria in its adoption of the draft Strategy Plan, with amendments, have not been made as part of approving this Strategy Plan. These include:

- The Heritage Council sought to have the Executive Director, Heritage Victoria made a determining referral authority for all applications in the WHEA. The Approved Strategy Plan makes the Executive Director a recommending referral authority for only certain types of applications.
- The Heritage Council recommended that Heritage Overlays HO992 (Melbourne) and HO361 (Yarra) be amended as an immediate package of work to extend them to the extended WHEA boundaries and to include reference to the Statement of Significance. It is recommended that the City of Melbourne and City of Yarra undertake a review of the heritage precincts within the WHEA as part of their future strategic work, as the relevant planning authorities of local heritage provisions.
- Other miscellaneous changes that have been made redundant as a result of policy neutral changes undertaken by the Department of Transport and Planning which occurred since the review of the Strategy Plan commenced.

Amendment VC251 to the Victoria Planning Provisions and the Melbourne and Yarra Planning Schemes gives effect to this Approved Strategy Plan as required by section 180 of the Act.

2009 Strategy Plan - summary of gaps, omissions and risks

The review of the 2009 Strategy Plan revealed a range of gaps, omissions and risks which were addressed through revisions and updates to the Strategy Plan and associated statutory policy implementation framework. A summary of key identified gaps, omissions and risks is outlined below, and further expanded upon throughout the balance of this Approved Strategy Plan:

- A lack of statutory planning policies or controls at a Regional level to address the protection of World Heritage sites.
- A gap as the Statement of Significance (SoS) and statutory planning controls for the existing WHEA applied to the Area of Greater Sensitivity.
- A lack of statutory planning policies or controls over those parts of the WHEA that sat outside of the Area of Greater Sensitivity.
- A lack of 'visibility' of what land is within the WHEA (i.e. the WHEA being shown on planning maps or identified on property planning certificates).
- A lack of DDOs in select areas within the WHEA, which if developed could negatively impact on the World Heritage values of the REB & Carlton Gardens and WHEA.
- A risk that mandatory maximum height controls within the residential zones could be altered by separate State Government process, to the detriment of the WHEA.
- A risk that development of land under the guidance of the current DDO - Schedule 13 (City of Melbourne) could have significant visual impact on the REB & Carlton Gardens.
- A lack of consistent and coordinated decision making across the WHEA, with development approvals being separately administered by the City of Melbourne and the City of Yarra.
- A lack of a formal role of the Executive Director, Heritage Victoria in decision making process.
- A lack of statutory planning policies or controls, policies and design guidance for signage with WHEA.
- A risk to the heritage value of the public realm of the WHEA due to various Planning Scheme exemptions for public works.
- A lack of general public awareness of the role, function and extent of the WHEA and REB & Carlton Gardens.
- The WHEA Heritage Overlay (HO) applying to the Area of Greater Sensitivity only, although almost all of the balance of the buffer zone is also included in other HOs. The HO protects the intrinsic heritage values of the area within the mapped HO boundary. Additional statutory mechanisms were needed to fully address the role of the WHEA as a buffer zone to a proximal World Heritage site.
- Under the *Heritage Act 2017*, the WHEA Strategy Plan must set out the World Heritage values of the listed place to which the WHEA relates and provide strategies to protect and manage these values. The Outstanding Universal Value (OUV) of the REB & Carlton Gardens has been established by the listing process. There was an identified gap in addressing the implications of OUV of the REB & Carlton Gardens for the WHEA.

Summary of changes from the 2009 Strategy Plan

In order to appropriately address the range of identified gaps, omissions and risks initially identified in the 2009 Strategy Plan, a summary of the key planning scheme changes enabled by this Approved Strategy Plan are outlined below. These matters are expanded upon throughout the balance of this Plan.

Planning Scheme implementation

A summary of the changes relating to the implementation within the Victoria Planning Provisions and the specific Planning Schemes for Melbourne and Yarra through Amendment VC251 include.

Amendments to Victoria Planning Provisions

- Implementation of a new regional level policy at *Clause 15.03-1R* to address the heritage conservation, protection and management of the World Heritage Listed REB & Carlton Gardens and the associated WHEA.

Amendments to Melbourne Planning Scheme

- Amendment of *Clause 15.03-1L Heritage places* in the WHEA to:
 - Remove the distinction between areas of Greater and Lesser sensitivity of the WHEA.
 - Amend policy to include provisions to nominate and address the protection of primary view lines.
 - Amend policy to specifically discourage specific types of signage within the WHEA.
- Amendment of the Schedule to *Clause 43.01 (Heritage Overlay)* to list the Statement of Significance in H0992.
- Amend *Clause 66.04 - Referral of permit application* to nominate the Executive Director, Heritage Victoria as a recommending referral authority for certain scales of development.
- Amend the Schedule to *Clause 66.06 (Notice of permit applications)* to align with changes in DDO Schedules.
- Amend the schedule to *Clause 72.04* to include the Statement of Significance for the WHEA – August 2024 as an incorporated document.
- Amend the schedule to *Clause 72.08* to include the WHEA Strategy Plan as a background document.
- Implementation of a new WHEA DDO4 to apply to the entire WHEA that includes:
 - Appropriate design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the REB & Carlton Gardens.
 - Mandatory height controls and built form guidance for General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Mixed Use Zone (MUZ) land.
 - Consolidation of DDO6 into new WHEA DDO4 with mandatory maximum height controls, and delete DDO6.
 - Consolidation of those parts of DDO13 within the WHEA into new WHEA DDO4.

- Amendment of DDO13 to remove content transferred to new WHEA DDO4.
- Consolidation of those parts of DDO48 within the WHEA into new WHEA DDO4 and update overlay maps. Replicate DDO48's mandatory maximum height of 10.5 metres into new WHEA DDO4. Amendment of DDO48 to remove content transferred to new WHEA DDO4.

Amendments to Yarra Planning Scheme

- Amendment of *Clause 15.03-1L Heritage places* in the World Heritage Environs Area to:
 - Remove the distinction between areas of Greater and Lesser sensitivity of the WHEA
 - Amend policy to include provisions to nominate and address the protection of primary view lines.
 - Amend policy to specifically discourage specific types of signage within the WHEA.
- Amendment of the Schedule to *Clause 43.01 (Heritage Overlay)* to list the Statement of Significance in H0361.
- Amend *Clause 66.04 - Referral of permit application* to nominate the Executive Director, Heritage Victoria as a recommending referral authority for certain scales of development.
- Amend the Schedule to *Clause 66.06 (Notice of permit applications)* to align with changes in DDO Schedules.
- Amend the schedule to *Clause 72.04* to include the Statement of Significance for the WHEA – August 2024 as an incorporated document.
- Amend the schedule to *Clause 72.08* to include the WHEA Strategy Plan as a background document.
- Implementation of the new WHEA DDO4 to apply to the entire WHEA to include:
 - Consolidation of DDO8 into new WHEA DDO4 and deletion of DDO8.
 - Mandatory built form controls introduced which replicate and extend the current mandatory height controls of the GRZ & NRZ to include all development (i.e. NRZ1 - 9 metres; GRZ2 9 metres; GRZ1 - 10.5 metres; GRZ3 - 11 metres).
 - Replication of the key view controls to address Museum forecourt and Dome Promenade, but updated to include a requirement to protect views to and limit any further intrusion into the clear sky backdrop.
 - Introduction of appropriate design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the REB & Carlton Gardens, including urban form.
 - Height controls and built form guidance for GRZ, NRZ, Commercial 1 Zone (C1Z) and Public Use Zone (PUZ) land.
 - Mandatory building height controls for all areas except St Vincent's Hospital. Built form controls for PUZ land (St Vincent's Hospital site), and application of a discretionary maximum building height of 53.9 metres with design objectives and outcomes to maintain the existing built form.

Additional changes proposed by this Plan

A summary of additional changes from the 2009 Strategy Plan to matters both within the context of relevant Planning Schemes (as well as other changes outside of the statutory planning framework) is provided below, including an indication of who would implement them:

- Amend the Statements of Significance (SoS) for all heritage properties included in the Victorian Heritage Register (VHR) to clearly identify they are in the WHEA (Heritage Victoria (HV)).
- As part of future strategic work review HO992 and HO361 (which are the current WHEA HOs based on the former Area of Greater Sensitivity) to ensure that their boundaries and SoS are updated to comply with *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* and Amendment VC148 (City of Melbourne (CoM) & City of Yarra (CoY)).
- Prepare detailed design and built form guidelines and controls for future inclusion in the new WHEA DDO4 in both schemes (CoM & CoY).
- Development of a memorandum of understanding between the Steering Committee for the REB & Carlton Gardens Steering Committee (REB&CGSC) and the two councils is recommended to manage the risk of *Clause 62.02-1 Building and works* not requiring a permit which provides a specific exemption for buildings or works with an estimated cost of \$1,000,000 or less which are carried out by or on behalf of a municipality. This current exemption raises a risk relating to works in the public realm of the WHEA. Additionally it is recommended that any public realm works in the WHEA be subject to prior consultation with Heritage Victoria (to be considered by REB&CGSC).
- Prepare public infrastructure guidelines in response to the current planning system providing wide reaching exemptions for public infrastructure works, including but not limited to: roadworks/footpaths, infrastructure upgrades (above and below ground), directional signage, bus/tram stops, street furniture etc. The intent of such guidelines is to investigate issues of potential impact on the World Heritage values of the REB & Carlton Gardens and associated WHEA and to investigate appropriate design responses. The guidelines would function as an advocacy tool to engage with relevant stakeholders on this issue with a view to them adopting the guidelines for future works which would otherwise be exempt from needing planning approval (to be considered by REB & CG Steering Committee).
- Prepare detailed signage guidelines to address how types of permissible signage within the WHEA can be appropriately designed and managed with regard to the World Heritage values of the REB & Carlton Gardens and associated WHEA (to be considered by REB & CG Steering Committee).
- Prepare a WHEA interpretation strategy to document key elements and to potentially introduce signboards and signage for the purposes of promotion, wayfinding, identification of key locations/buildings and self guided walking tours. Such initiatives would function to increase public awareness and overall community knowledge of the WHEA and its importance to the World Heritage setting of the REB & Carlton Gardens (to be considered by REB & CG Steering Committee).

Abbreviations

Commonly used throughout this Strategy Plan are abbreviations for key terminology. These are:

- **2009 Strategy Plan** - World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area (Department of Planning and Community Development, 2009)
- **CoM** - City of Melbourne Council
- **CoY** - City of Yarra Council
- **C1Z** - Commercial 1 Zone
- **DDO** - Design & Development Overlay
- **DTP** - Department of Transport & Planning
- **GRZ** - General Residential Zone
- **Hansen** - Hansen Partnership Pty Ltd
- **HLCD** - HLCD Pty Ltd
- **HO** - Heritage Overlay
- **HV** - Heritage Victoria
- **MUZ** - Mixed Use Zone
- **NRZ** - Neighbourhood Residential Zone
- **Operational Guidelines** - Operational Guidelines for the Implementation of the World Heritage Convention (2019)
- **OUV** - Outstanding Universal Value
- **PUZ** - Public Use Zone
- **REB** - Royal Exhibition Building
- **REB & Carlton Gardens** - Royal Exhibition Buildings & Carlton Gardens
- **REB&CGSC** - Royal Exhibition Buildings & Carlton Gardens World Heritage Steering Committee
- **SoS** - Statement of Significance
- **VHR** - Victorian Heritage Register
- **VCAT** - Victoria Civil & Administrative Tribunal
- **WHEA** - World Heritage Environs Area

CONTENTS

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1.0 Introduction

The REB & Carlton Gardens, Carlton was inscribed in the UNESCO World Heritage List on 1 July 2004.

This Approved Strategy Plan is for the WHEA surrounding the REB & Carlton Gardens which was initially declared in 2007, and then revised and declared in July 2022. This Strategy Plan was approved by the Minister for Planning in accordance with section 176 (1)(b) the reference Act and supersedes the 2009 Strategy Plan.

Under Section 170 of the Act, a World Heritage Strategy Plan must be prepared for a declared WHEA and must:

- (a) set out the World Heritage values of the listed place to which the WHEA relates; and
- (b) set out strategies for the appropriate use and development of the WHEA in order to ensure that the World Heritage values of the listed place are protected and managed.

The WHEA additionally derives from the requirements of the *Operational Guidelines for the Implementation of the World Heritage Convention* (2019) (Operational Guidelines), to which Australia is a State Party, and which provides for the identification of a 'buffer zone' for World Heritage properties.

Hansen, in partnership with HLCD, were engaged by Heritage Victoria, now part of the Department of Transport and Planning, to prepare a new updated Strategy Plan to ensure the ongoing protection of the World Heritage listed REB & Carlton Gardens.



1.1 World Heritage Listing

The REB & Carlton Gardens was inscribed in the World Heritage List under Criterion (ii). The 'Justification for Inscription' reads:

Criterion (ii): The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a Palace of Industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early twentieth centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.

The REB & Carlton Gardens is also included in the Australian National Heritage List (Place id. 105708) and the Victorian Heritage Register (VHR 1501).

1.2 WHEA

Part 9, Division 1, Section 169 of the Act provides for the declaration of the WHEA by the Governor in Council on the recommendation of the Minister for Planning. The original WHEA surrounding the REB & Carlton Gardens was declared and gazetted on 11 October 2007. On 28 July 2022, a revised and expanded WHEA boundary was formally declared and gazetted.

The WHEA acts as a 'buffer zone' to the REB & Carlton Gardens, and assists in conserving and protecting the World Heritage values of the REB & Carlton Gardens, through managing and controlling development outside the site but within the WHEA.

The WHEA as declared by gazettal on 28 July 2022 is illustrated at Figure 1 and incorporates predominantly residential areas (with some mixed use) in Carlton and Fitzroy; some commercial properties to the east of Nicholson Street and along Gertrude Street; St Vincent's Hospital; together with properties at the north end of Melbourne's Central Business District (CBD) in the area generally immediately south of Victoria Street.

Most properties within the WHEA have existing heritage controls (Cities of Melbourne and Yarra Heritage Overlay (HO) controls, and Victorian Heritage Register controls). The WHEA also is subject to other planning scheme controls, also enabled by this Approved Strategy Plan, and includes existing height controls specified under the suite of applicable Residential Zones, and various Design and Development Overlays.

Buffer Zone

The Operational Guidelines aim to facilitate the implementation of the Convention concerning the *Protection of the World Cultural and Natural Heritage* (1972). Australia, as a State Party to the Convention, is a key user of the Operational Guidelines. As noted above, the Operational Guidelines also provide for the identification of a buffer zone for World Heritage properties, as follows:

103. Wherever necessary for the proper conservation of the property, an adequate buffer zone should be provided.

104. For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.

105. A clear explanation of how the buffer zone protects the property should also be provided.

1.3 Strategy Plan

Part 9, Division 2, Section 170 of the *Heritage Act 2017* (Vic) (the Act) provides for the preparation of a World Heritage Strategy Plan for a WHEA.

Section 170(2) of the Act states that a Strategy Plan must:

- *Set out the World Heritage values of the listed place to which the World Heritage Environs Area relate; and*
- *Set out strategies for the appropriate use and development of that area in order to ensure that the world heritage values of the listed place are protected and managed.*

The Approved Strategy Plan is also intended to provide clear and justifiable rationale for implemented modifications to planning controls within the WHEA, as well as suitable direction and guidance to both owners and permit issuing authorities in the management of the WHEA. This includes built form analysis and rationale for the strategies contained in the Strategy Plan, while having regard to other existing relevant statutory requirements relating to future development and use of the WHEA. Accordingly, this Approved Strategy Plan:

- Outlines the statutory context for development of the plan.
- Summarises the World Heritage values.
- Describes the WHEA.
- Provides an overview of the approach undertaken as part of the review of the Strategy Plan.
- Provides an overview of the built form analysis methodology employed as part of the review.
- Identifies revisions and updates to statutory controls to ensure protection of the WHEA.

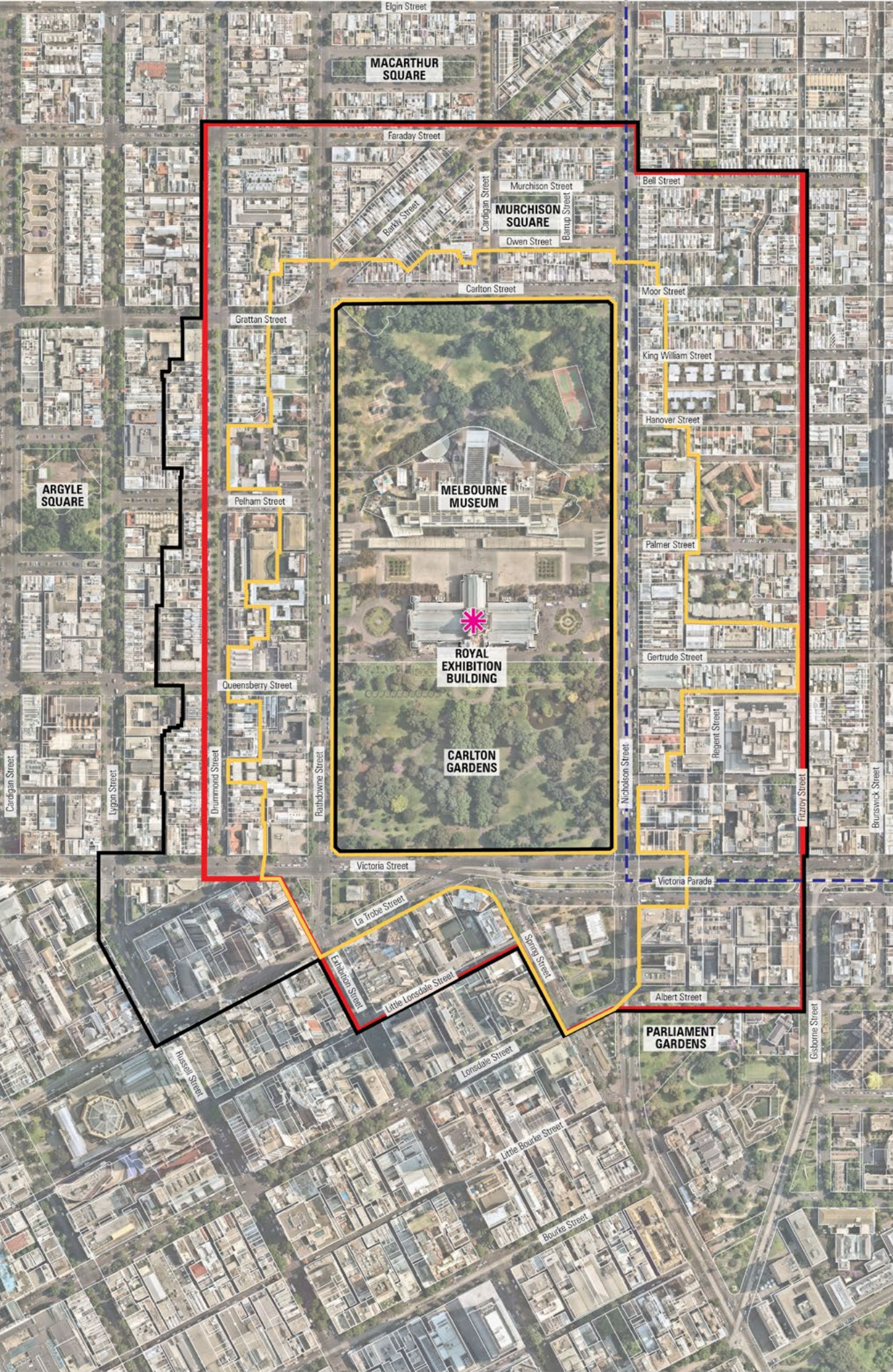
1.4 Study Area

The area for the revised Approved Strategy Plan had its basis in the 2009 Strategy Plan, and the declaration and gazettal of an expanded WHEA boundary on 28 July 2022.

The original WHEA gazetted in the Victoria Government Gazette on 11 October 2007, as illustrated in Figure 1, broadly included an area which extended one street block surrounding the REB & Carlton Gardens. It essentially acted as a buffer zone around the REB & Carlton Gardens and assisted in conserving and protecting the World Heritage values. An Area of Greater Sensitivity was also nominated within the WHEA through the approval of the 2009 Strategy Plan. Both areas are illustrated on Figure 1 Study Area.

The WHEA is also notable in that it spans both the City of Yarra and the City of Melbourne municipalities. Nicholson Street and Victoria Parade forms the boundary between the two municipalities. The application of zones and overlay controls differs between municipalities. A brief summary of these controls is provided within this Approved Strategy Plan.





Royal Exhibition Building & Carlton Gardens Strategy Plan

Legend

- 2022 WHEA boundary 
- 2009 WHEA Boundary 
- Area of Greater Sensitivity 
- Royal Exhibition Building 
- Municipality Boundary 

Note: Area of Greater Sensitivity is proposed to be removed.

Figure 1 - WHEA Boundary



2.0 2009 Strategy Plan Review

2.1 What has Changed Since 2009

The following section outlines key findings of the initial review of the 2009 Strategy Plan, undertaken by Hansen Partnership and HLCD on behalf of Heritage Victoria in April 2020. A WHEA Discussion Paper (Hansen Partnership and HLCD, April 2020), was circulated for targeted stakeholder engagement in May 2020.

Targeted stakeholders included: Cities of Melbourne and Yarra (officers and councillors), Museums Victoria, National Trust, Australia ICOMOS, Commonwealth Department of Agriculture, Water and the Environment, Australian World Heritage Advisory Committee, Royal Historical Society of Victoria, Melbourne Heritage Action Group, The Carlton Residents Association Inc., Fitzroy Residents' Association (FRA), Friends of Royal Exhibition Building and Carlton Gardens, The Protectors of Public Lands (Victoria) (PPL), Residents 3000 Melbourne, Carlton Inc., City Precinct Inc, Coalition of Residents and Business Associations (CoRBA), Fitzroy Historic Society, and the Carlton Historical Society.

Targeted stakeholders were given an opportunity to review the WHEA Discussion Paper and provide a written submission. Each stakeholder organisation was requested to nominate a primary contact, and as part of the review of the Discussion Paper to provide a 'top 10' comments/issues/questions for further consideration. Following receipt of written submissions some further targeted follow up meeting undertaken with the Cities of Melbourne and Yarra Council, National Trust and Australia ICOMOS, to discuss a range of issues raised.

The review of the 2009 Strategy Plan identified that it had been generally successful in conserving and protecting the World Heritage values of the REB & Carlton Gardens. This had been achieved through managing and controlling development within the WHEA through Local Planning Policies and Design Development Overlays (DDOs). P46 of the 2009 Strategy Plan acknowledges the value of the HO. However a range of modifications and refinements were identified to improve the functional operation and consistency of decision making within the WHEA in order to better conserve and protect the World Heritage values of the REB & Carlton Gardens.

The planning and urban contexts of the WHEA and its surrounds have evolved since the 2009 Strategy Plan was completed, as has the direction of planning policy and decision making more broadly. Key observations include (refer also to Figure 2 on page 18):

1 Residential Zoning Reform:

The suite of residential zones has been reformed in recent years to include mandatory maximum height controls. This provides greater certainty regarding maximum building scale and has been of clear benefit to controlling development scale within the WHEA. However, the mandatory height controls were themselves implemented without any relationship or reference to the World Heritage Listing of the REB & Carlton Gardens. Further reforms to residential zones in the future are possible, which could remove the current mandatory maximum heights. Refer to Section 7.6.

2 Planning Scheme Amendments in City of Yarra:

Current Built Form Review projects for Fitzroy, Collingwood and Fitzroy North have influence over potential future development controls in areas surrounding the WHEA (i.e. through future DDOs on MUZ, C1Z and some C2Z sites). Recent Planning Scheme Amendments in the City of Yarra have seen mandatory built form controls introduced in key heritage areas where supported by evidence based strategic work.

3 Heritage Review & Planning Scheme Amendments in City of Melbourne:

Amendment C258 was approved by the Minister for Planning and notice of approval was published in the Government Gazette on 10 July 2020. The outcome will influence how development applications on heritage sites in the WHEA will be assessed based on approved revisions to *Clause 22.04 (Heritage places outside the CCZ)* and *Clause 22.05 (Heritage places inside the CCZ)*.

4 Statement of Significance (SoS):

The SoS for the existing WHEA was documented in the 2009 Strategy Plan. It was formally adopted in October 2009, and applied to the Area of Greater Sensitivity only. The WHEA Discussion Paper (April 2020) rewrote the SoS to apply to the WHEA in its entirety and to reflect the key changes in heritage practice and historical discourse in the intervening years. However, after greater reflection and receiving input from stakeholders, it was considered a SoS was not appropriate for the purposes of the WHEA to protect the world heritage values of the REB&GC.

A SoS for a place succinctly expresses the heritage values of that place. The primary purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Values of the REB & Carlton Gardens, a place outside of the WHEA. While the WHEA does have heritage values itself, these values may be similar to some other parts of Carlton and Fitzroy. The delineating factor for the WHEA is not a boundary defining the extent of a heritage place. What distinguishes the WHEA is its role in relation to a separate World Heritage site. Refer to Section 7.5.

For this reason, the initial review of the 2009 Strategy Plan took as the starting point the Outstanding Universal Value of the REB & Carlton Gardens (Section 4) and then looked at the implications of this for the WHEA (Section 5.1 Rationale for the WHEA). Then it considered the key attributes of the WHEA which support the Outstanding Universal Value of the REB & Carlton Gardens (Section 6.3). This approach has resulted in a revised SoS. The distinction between the Areas of Greater and Lesser Sensitivity are also removed. The revised SoS is considered appropriate as the SoS of the HO for future updating to comply with Planning Practice Note 1: Applying the Heritage Overlay (August 2018) and Amendment VC148 (CoM & CoY).

5 Recent Developments and Approvals in the WHEA:

Within the Hoddle Grid, constructed high rise developments have perforated the skyline in recent years. Previously these were not visible from Carlton Gardens, or from within the Melbourne Museum forecourt. The approved 59 storey Shangri-La Hotel at the corner of La Trobe and Exhibition Streets (within the WHEA) is clearly visible above the REB northern façade when viewed from the Melbourne Museum forecourt.

Other development approvals within the WHEA during the review period, included:

- 1-9 Gertrude Street: VCAT approval of five storey development (refer to VCAT Reference No. P327/2021).
- St Vincent's Hospital site: The Planning Minister's approval of the redevelopment of land on the corner of Rathdowne Street and Victoria Parade with a new 12 storey building to replace the existing Aikenhead building. The new building is 53.9 metres in height, which slightly exceeds the height of the building it is replacing at 46.5 metres.

The views, vistas and built form analysis is outlined in Section 8 of this Strategy Plan and addressed in detail within the Visual Framework & Testing (Appendix 2).

6 Publicly Accessible Dome Promenade:

Until its re-opening in 2022, the Dome Promenade at the base of the REB Dome had not been publicly accessible since the early 1900s. Views out of the REB & Carlton Gardens were not considered significant in the 2009 Strategy Plan as the Dome Promenade was not publicly accessible at the time. The re-opening of the 360-degree Dome Promenade offers elevated views out of the REB & Carlton Gardens to areas beyond the WHEA. Historic views to some key landmark buildings and structures (including contemporary structures) are still available today. Current views take in both the immediate 19th century context, as well as the extent of change to the south, southwest and west.

7 Street Fabric & Infrastructure:

Streetscape and public transport infrastructure has been developed in the periphery with limited planning controls due to relevant planning scheme exemptions. This includes the tram 'super-stop' and shared path on the west side of Nicholson Street.

Likewise *Clause 62.02-1 Building and works not requiring a permit* (contained in the CoM & CoY Planning Schemes), is highlighted as a specific planning risk from a heritage perspective. This clause currently provides a specific exemption for buildings or works with an estimated cost of \$1,000,000 or less which are carried out by or on behalf of a municipality. Therefore this raises a risk relating to works in the public realm of the WHEA. For example it could result in the removal of elements of heritage fabric, such as blue stone curbing, without requiring planning approval.

8 Expansion of the WHEA:

The original WHEA surrounding the REB & Carlton Gardens was declared and gazetted on 11 October 2007. On 28 July, 2022, a revised and expanded WHEA boundary was formally declared and gazetted, and is included within all relevant figures of this Strategy Plan.

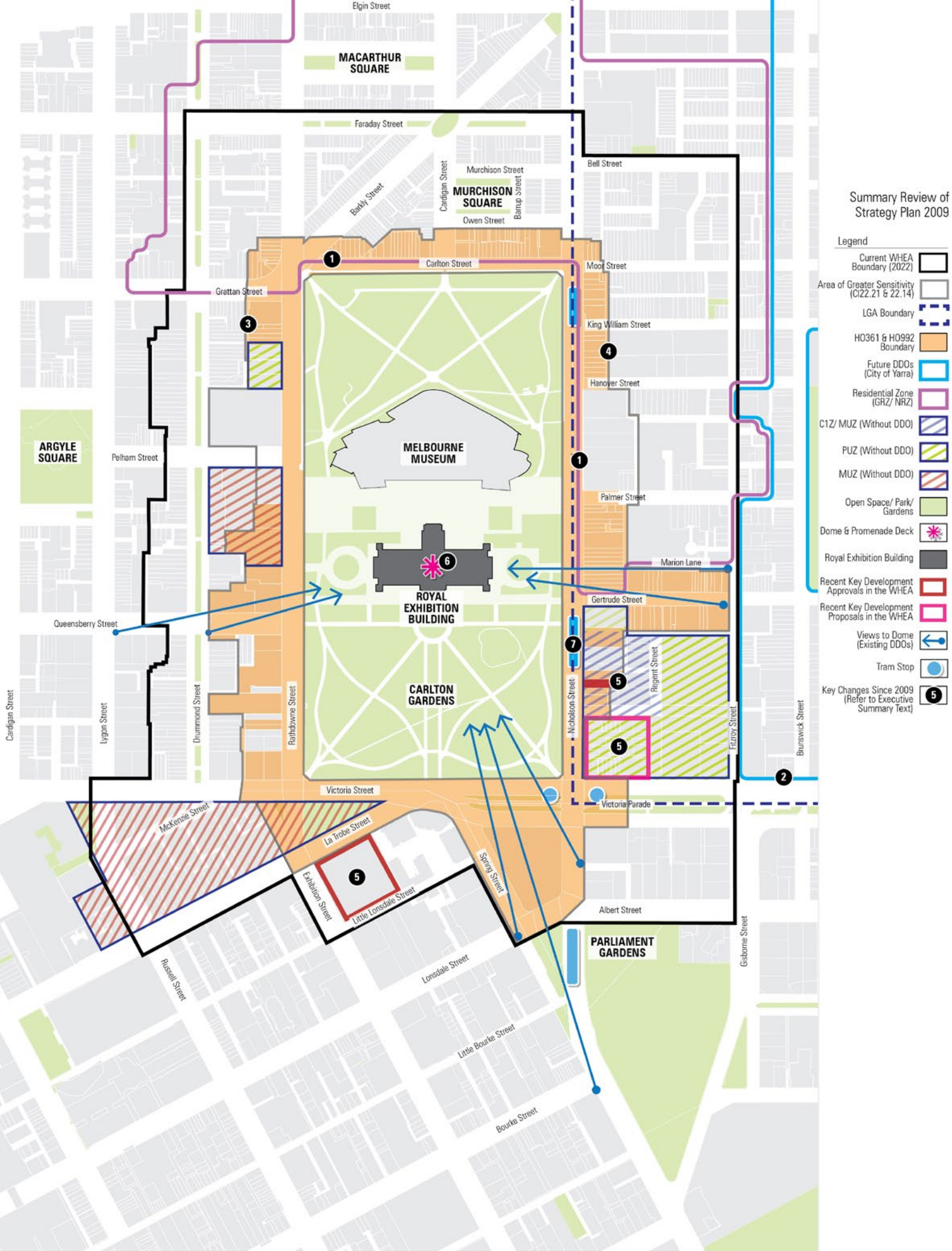


Figure 2 - WHEA Discussion Paper Summary Map

2.2 'Gaps' in the 2009 Strategy Plan

Through review of background information (including the 2009 Strategy Plan and its implementation), assessment of planning and urban contexts, site visits, 3-dimensional built form testing of existing DDOs within the WHEA (in relation to views and vistas), the following gaps were identified from the 2009 Strategy Plan:

Rationale for the WHEA:

Although the 2009 Strategy Plan had a SoS for the WHEA, it was not clear about what attributes of the WHEA directly contribute to the protection, conservation and management of the Outstanding Universal Value of the REB & Carlton Gardens. This Approved Strategy Plan provides key attributes of the substantially intact late 19th century and early 20th century setting, and attributes which allow the design scale and vision of the REB & Carlton Gardens to be understood.

REB Views and Vistas:

Assessment of views to the Dome were elaborated upon and discussed at great length to protect key views and vistas to the Dome from various vantage points. However there were gaps in relation to documenting and testing views to the REB from within the WHEA and from within the Carlton Gardens. Additional vantage points from within Carlton Gardens were identified, where possible threat from 'at risk' areas currently situated outside the WHEA boundary may threaten the visual prominence of the REB. Further view testing was conducted as part of the development of this Strategy Plan.

Evidence-based Visual Tests:

Since the original implementation of the 2009 Strategy Plan, there has been limited evidence-based built form testing to demonstrate possible implications of existing DDOs on the Dome and REB views and vistas. Further testing of these views was conducted as part of developing this Strategy Plan.

Dome Views and Vistas:

Existing planning controls recognise four components of the Dome (Drum, Dome, Lantern and Flagpole). Key views identified in existing DDOs represent locations from where views to most parts of the Dome components are visible. Viewshed testing of Dome views and vistas was conducted as part of this preparing this Strategy Plan.

DDO View Locations:

Vantage points identified in existing DDOs are geared towards the Dome, with implication influencing built form outcomes. City of Melbourne's DDO6 (to be consolidated into DDO4 as part of the implementation of this Approved Strategy Plan) and DDO13 (to be deleted in part and that part to be consolidated into DDO4 as part of the implementation of this Approved Strategy Plan) did not specify vantage points locations, rather they identified affected properties which required further assessment. Setting parameters for the extent and location of views (within the public realm at street and elevated levels within and outside the WHEA) are increasingly relevant and necessary to meet contemporary practice. To this end, view locations have been nominated and tested as part of developing this Strategy Plan.

Gaps in Planning Controls and Protocols:

There were sites not affected by existing DDOs, at the time of developing the revised Strategy Plan, including larger sites in MUZ, C1Z and PUZ. These sites were considered more likely to be redeveloped in the short to medium terms. Also it was noted that VCAT decisions made during the Strategy Plan review period for development proposals in the WHEA did not refer to the 2009 Strategy Plan. In addition there had been a lack of consistent decision making as the role of the Responsible Authority for land within the WHEA is split across the municipalities of the City of Melbourne and the City of Yarra.

Local Planning Policies (WHEA):

Local Planning Policies (City of Melbourne's *Clause 15.03-1L* and City of Yarra's *Clause 15.03-1L*, H0361(City of Yarra) and H0992 (City of Melbourne)) only affected land within the Area of Greater Sensitivity which immediately abutted the REB & Carlton Gardens. The fact that these controls did not apply to the entire WHEA was considered as a gap, as much of the WHEA had no effective controls to guide and influence decision making.

Regional Planning Policies (WHEA):

During the Strategy Plan review it was recognised that there was a lack of Regional Planning Policies for the WHEA within the City of Melbourne and City of Yarra Planning Schemes. This was considered to be a gap in the 2009 Strategy Plan, as such-Regional Planning Policies provide strategic context and a basis for Local Planning Policies and overlays.

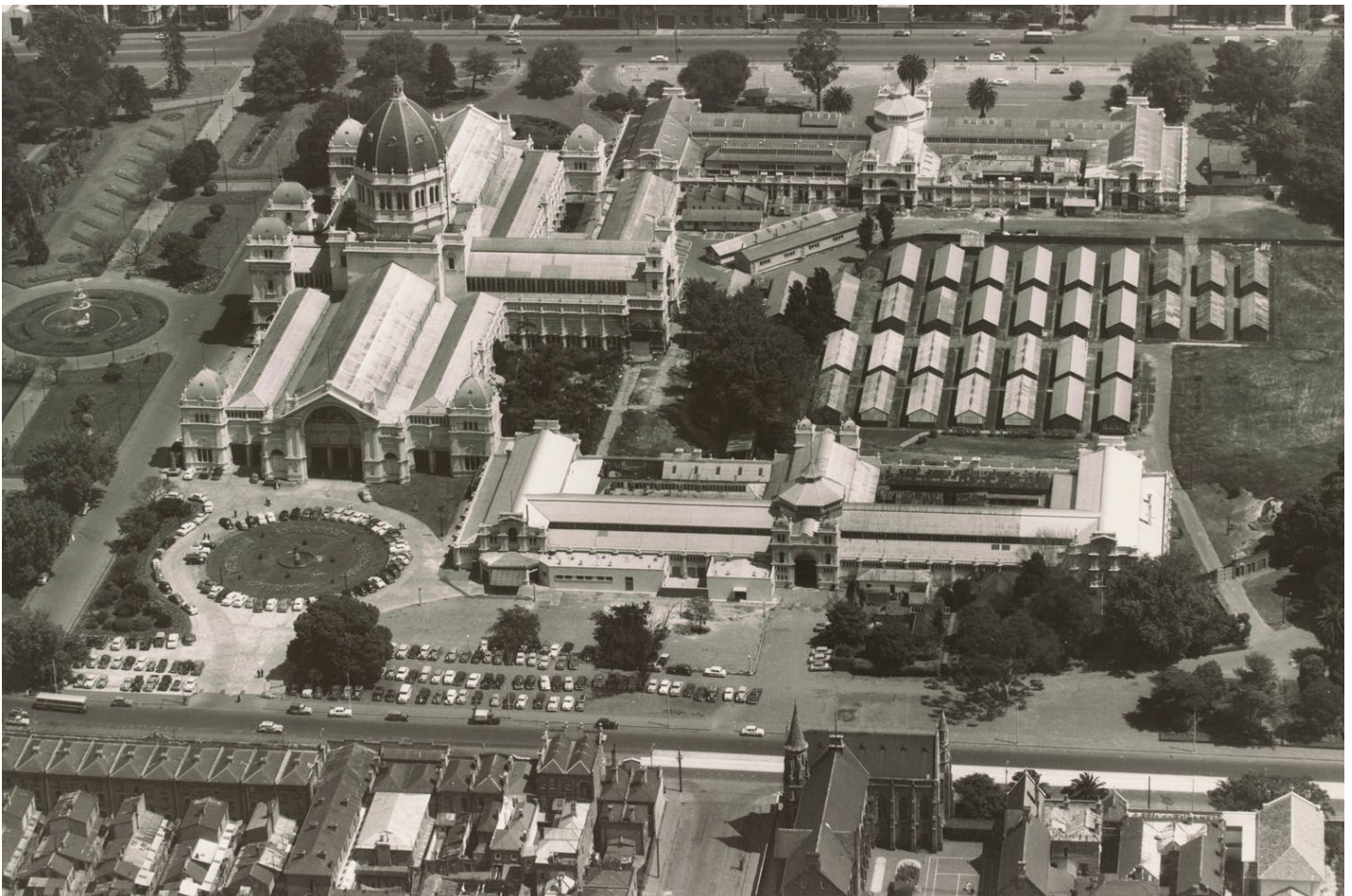


3.0 *Victorian Heritage Act 2017* Provisions for Strategy Plan review

The following is a summary of the relevant provisions (and stages) under the Act, in reference to World Heritage at Part 9, Sections 169 -180 of the Act. The provisions are in two parts: Division 1 – World Heritage Environs Areas, and Division 2 – World Heritage Strategy Plans.

As noted above, the Act provides for the declaration of World Heritage Environs Areas and the preparation of World Heritage Strategy Plans relating to the use, development, management and protection of those areas. Under the provisions of the Act, the Executive Director, Heritage Victoria may propose an amendment to an Approved World Heritage Strategy Plan using the same statutory process as preparing an initial Plan.

To progress to Approved status, the Strategy Plan complied with obligations of the Act by being placed on public exhibition which allowed for any person or body to make a submission to the Heritage Council of Victoria. The Heritage Council then considered those submissions, after holding a hearing, before it adopted the draft Strategy Plan (with amendments) in June 2023. The Heritage Council provided the adopted draft Strategy Plan to the Minister on 30 June 2023.



'Pratt c1955' - Nicholson and Rathdowne streetscapes



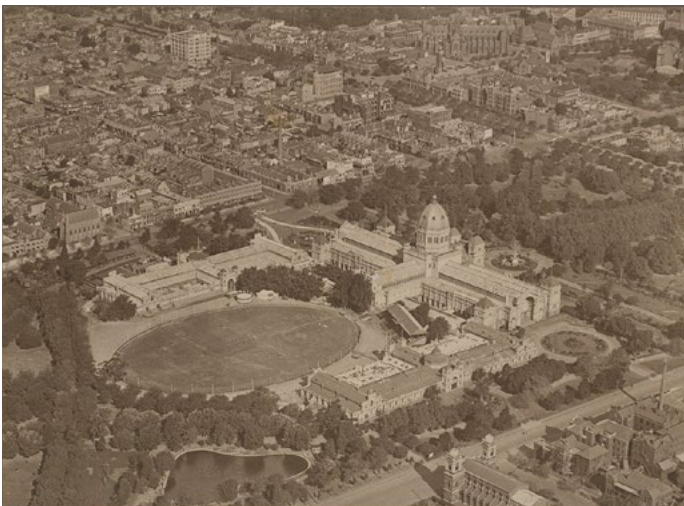
4.0 World Heritage Values

The REB & Carlton Gardens was inscribed on the World Heritage List in 2004 as a site of Outstanding Universal Value that met Criterion (ii) of the selection criteria:

to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design.



Panorama of Melbourne in 1881 taken from the tower of the Law Courts (Charles Nettleton photographer, SLV Accession no- H854/2).



Airspy oblique aerial photograph looking southeast ca1927–c1928 (SLV Accession no- H2504).

The full citation is included in Appendix 3 - Heritage Citation and the following are two extracts.

Outstanding Universal Value

Brief synthesis

The Royal Exhibition Building and Carlton Gardens are a surviving manifestation of the international exhibition movement which blossomed in the late 19th and early 20th centuries. The exhibition building was constructed as a Great Hall, a permanent building initially intended to house the Melbourne International Exhibition of 1880 and the subsequent 1888 Melbourne Centennial International Exhibition. These were the largest events staged in colonial Australia and helped to introduce the world to Australian industry and technology.

The site comprises three parcels of Crown Land in the City of Melbourne, being two Crown Land Reserves for Public Recreation (Carlton Gardens) and one dedicated to the exhibition building and the recently-constructed museum (Exhibition Reserve). The inscribed property consists of a rectangular block of 26 hectares bounded by four city Streets with an additional 55.26 hectares in the surrounding buffer zone.

Positioned in the Exhibition Reserve, with the Carlton Gardens to the north and the south, is the Great Hall. This building is cruciform in plan and incorporates the typical architectural template of earlier exhibition buildings: namely a Dome, great portal entries, viewing platforms, towers, and fanlight windows. The formal Carlton Gardens, with its tree-lined pathways, fountains and lakes, is an integral part of the overall site design and also characteristic of exhibition buildings of this period.

Criterion (ii): The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a Palace of Industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early 20th centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.

Authenticity

The property of the Royal Exhibition Building and Carlton Gardens has retained high authenticity of setting, maintaining its original form on the international exhibition site defined in 1879. The site is still surrounded by city streets and is edged by the bluestone plinth, the base of the iron railings that bounded the 1880 exhibition grounds.



5.0 Outstanding Universal Value and the WHEA

5.1 Rationale for the WHEA

Under the Act, the Strategy Plan must set out the World Heritage values of the listed place to which the WHEA relates and strategies for the WHEA to ensure that these World Heritage values are protected and managed.

The Outstanding Universal Value (OUV) of the REB & Carlton Gardens is outlined in Section 4.0 and in detail in Appendix 3. This section explains aspects of these values in more detail and outlines implications for the WHEA.

OUV	Comments	Implications
<i>The REB & Carlton Gardens are a surviving manifestation of the international exhibition movement which blossomed in the late 19th and early 20th centuries.</i>	<p>The site signifies something larger than its Melbourne context as it has the ability to demonstrate aspects of the international exhibition movement that are important.</p> <p>Other comparable examples have been lost or are inferior.</p> <p>The international exhibition movement relates to the historical period of the late 19th and early 20th centuries and is a historic theme of international importance.</p>	Part of the role of the WHEA is to allow the REB & Carlton Gardens to continue to be understood as one cohesive place demonstrating a particular international movement from the past. The WHEA should not confuse this understanding by copying or replicating aspects of the World Heritage site or detracting from its position as a distinctive standalone place within the surrounding urban form.
<i>The exhibition building was constructed as a Great Hall, a permanent building.</i>	<p>It was a deliberate decision to construct a permanent building as a Great Hall. This was not the totality of the original exhibition structures but it was the one designed to be retained.</p> <p>Other buildings on the site were temporary parts of the exhibitions and have been removed.</p> <p>Many other international examples were designed to be temporary structures.</p> <p>Because it was permanent and because of its iconic scale and design, the Great Hall has been used for other very significant events, namely the first Australian Parliament after Federation (National Heritage Values refer to citation in Appendix 4).</p>	The permanent nature of the Great Hall from conception, and the World Heritage Listing of the REB & Carlton Gardens, means that the WHEA has an enduring role in protecting the Outstanding Universal Values of the place.

OUV	Comments	Implications
<p><i>The Great Hall was built to house the Melbourne International Exhibition of 1880 and the subsequent 1888 Melbourne Centennial International Exhibition. These were the largest events staged in colonial Australia and helped to introduce the world to Australian industry and technology.</i></p>	<p>The Great Hall was built for events in the 1880s. Its design and historical context is the late 19th century, although it was designed for ongoing use.</p> <p>It was designed and built to showcase the largest events staged in Colonial Australia. The scale of the vision and the physical scale of the resulting place are important to understanding its values.</p> <p>The site showcased Australian industry and technology and needed to be emblematic of Australia's progress and place in the world. The site was conceived as a grand statement on the world stage.</p>	<p>The WHEA is highly intact from the late 19th century (refer to Section 6.1) and has the ability to present the REB & Carlton Gardens largely in the historical context for which it was designed, being the 1880s. Attributes of the WHEA that provide the historical setting are described in Section 6.2 and include planning, scale, fabric and other qualities. These attributes should be protected from change which reduces legibility or removes historic fabric in order to retain the appropriate context for the Outstanding Universal Values of the World Heritage site.</p> <p>Both the physical scale and the conceptual scale of the REB & Carlton Gardens is important. The sense of scale and importance was experienced when visiting the place but equally in views to the site. The REB dominated the skyline and was surrounded by the landscape of the Carlton Gardens which set it apart from inner Melbourne.</p> <p><i>'The iconography of the Royal Exhibition Building was designed to reinforce the symbolism of the 'palace'. Views to and from the building in its landscaped garden setting accentuated its presence within the Melbourne cityscape.'</i></p> <p><i>'The view of the soaring Dome and principal entrance facing south towards the city was highlighted by the double row of plane trees while viewing platforms within the building provided views over the city.'</i></p> <p>Source: National Heritage List Place ID 105708 (Appendix 4)</p> <p>The WHEA has a role in demonstrating this immense scale for the historical period by retaining the contrast between the finer grain of the WHEA, evident in elements like its building scale, block sizes and street patterns, and the grand scale of the World Heritage site.</p> <p>The appreciation of the scale of the REB & Carlton Gardens and the grandness of the design in contrast to Melbourne of the late Victorian period is also available in some views to the site from the WHEA and beyond. The WHEA should protect views to the site which allow appreciation of its dominating presence in Melbourne, including views to the REB & views to the Carlton Gardens.</p> <p>The WHEA should also enable views out from the REB over the city and from Carlton Gardens to the substantially intact 19th century context.</p>

OUV	Comments	Implications
<p><i>The Great Hall is cruciform in plan and incorporates the typical architectural template of earlier exhibition buildings: namely a Dome, great portal entries, viewing platforms, towers, and fanlight windows.</i></p>	<p>There is a language of international exhibition buildings which is marked by iconic and generous architectural motifs.</p> <p>The Melbourne example is representative of the typology of international exhibition architecture.</p> <p>Important design features are the cruciform plan and the Dome, great portal entries, viewing platforms, towers, and fanlight windows which were also found on earlier examples.</p>	<p>For views which are available from the WHEA to the REB, specific consideration should be given to elements identified in the Outstanding Universal Values, being the cruciform plan and the elements which represent the international exhibition typology; being the Dome, great portal entries, viewing platforms, towers, and fanlight windows.</p>
<p><i>The formal Carlton Gardens, with its tree-lined pathways, fountains and lakes, is an integral part of the overall site design and also characteristic of exhibition buildings of this period.</i></p>	<p>The Carlton Gardens were an essential part of the original site design for the Melbourne International Exhibitions.</p> <p>The setting, sense of arrival and of the Exhibition Building being set apart in a formal garden are all characteristics of international exhibition architecture which are demonstrated in the Melbourne example.</p> <p>Important elements of the Carlton Gardens which contribute to its Outstanding Universal Values are its formal design, tree-lined pathways, fountains and lakes.</p>	<p>For views which are available from the WHEA to the Carlton Gardens, specific consideration should be given to elements identified in the Outstanding Universal Values, being the formality of the design and its elements of tree-lined pathways, fountains and lakes.</p>



6.0 The WHEA

6.1 History

The following statement of history for this Approved Strategy Plan is based on the 2009 Strategy Plan history, with new text shown in *italics and underlined>*.

A substantial component of the WHEA surrounding the Royal Exhibition Building and Carlton Gardens is located in Carlton. The suburb was established during the 1850s, when subdivision and sales of land for private development commenced. Carlton Gardens were first envisaged by Charles Joseph La Trobe as early as 1839 although the site, later a Crown land reserve, remained undeveloped until about 1855, when improvements were made based on a plan by Edward La Trobe Bateman. The Exhibition Building was constructed in the gardens in 1879-1880, to house the international exhibition of 1880. Bateman's landscaping was modified at this time in response to the style and siting of the Exhibition Building. The gardens were selected for the site of the Exhibition Building because they provided the desired park-like setting and central location, and at 64 acres (26 hectares), were adequate in size. In return for the use of the gardens for exhibition purposes, the Government undertook to substantially upgrade the perimeter and appearance of the gardens, post-exhibition, thereby enhancing their attractiveness within the local Carlton and Fitzroy contexts.

The land surrounding the parks and gardens of Carlton, including Carlton Gardens, attracted higher-quality residential development. Evidence of this better quality residential development remains in the WHEA, including in some of the grander terraced housing in Rathdowne and Drummond Streets. The rapid population growth within Melbourne during the 1870s and 1880s also saw substantial additions to earlier structures and development of the remaining vacant sites. Facades of dwellings were also sometimes altered and upgraded in these more affluent years. This was also during the period of the construction and original use of the Exhibition Building.

The majority of Carlton had been developed by the 1890s in a largely tight and orderly subdivision pattern which included a network of small laneways to service the collection of night soil. Construction materials included bluestone, with face brick and rendered masonry also being popular. Little change then occurred to the built form of Carlton until the mid-20th century, when the Housing Commission began clearing and replacing extensive tracts of what was considered to be substandard housing. Infill development at the south end of Rathdowne Street also began to occur in the 1970s.



'Herald 1958 - Carlton Scheme CDA, O'Connor' - Plans for Fitzroy and Carlton Commission Housing'.

Fitzroy, originally named 'Newtown', was one of the first 'suburban' areas of Melbourne to be developed, along with Collingwood and Richmond, outside Melbourne's town reserve. Land was subdivided and sold during the late 1830s. The original allotments varied in size, being between 12 and 28 acres, to allow for a mixed use of development, including large estates, small-scale rural or semi-industrial development. There were no restrictions regarding subdivision imposed on the purchasers of the land, which resulted in ad hoc subdivision of the area during the 1840s and an inconsistency in the width and alignment of roads and access points, including private roads (Gertrude Street was a private road). Victoria Parade and Nicholson Street were Government roads of this era, which helped to provide a framework for a more regular pattern of subdivision. Each time land was sold, shanty and substandard dwellings tended to be built on the smaller lots, especially in the lower lying areas of Fitzroy. The *Act for Improvements in Fitz Roy Ward in the City of Melbourne*, a special Act of the Victorian Parliament passed in 1854, aimed to solve the street alignment problems in the suburb. More intensive development occurred during the 1850s, with the size of blocks again reducing. The *Melbourne Building Act 1849*, when applied to Fitzroy, ensured that development from this time was of better quality, enforcing fireproof construction and minimum street widths, and resulting in the use of bluestone and brick construction materials. During the 1860s and 1870s development was consolidated, especially in the commercial strips in the area, with more substantial premises replacing earlier structures. Cable trams were introduced to Gertrude and Nicholson Streets in the 1880s, including the construction of the Cable Tram Engine House at the junction of the two streets. Institutional uses, such as St Vincent's Hospital (beginning in a terrace row in Victoria Parade in the 1890s) and the Convent of Mercy (founded in the 1850s) were also attracted to Nicholson Street. St Vincent's was founded by the Sisters of Charity and evolved into a large and prominent complex of hospital and health-related buildings, becoming one of inner Melbourne's largest hospital complexes.

By the 1960s there were competing visions for the future of residential fabric in Carlton, Fitzroy and other inner area suburbs. The Housing Commission and city development interests pursued broad-scale slum reclamation and urban renewal, as a result of which much of the pre-1920s fabric of the inner areas would have been replaced. Paralleling this, particularly in Carlton, was a gentrifying movement led by Melbourne University academics, as well as uptake of aging properties by immigrants. These groups allied, in groups such as the Carlton Association, fighting to preserve the existing character of the suburbs and to prevent over-zealous slum reclamation and urban renewal. The Carlton Association fought to preserve the existing residential character of Carlton and Parkville. In Fitzroy groups such as the Brotherhood of St Laurence and less wealthy gentrifiers also pursued resident action, aimed both at allowing low-income tenants to remain in the inner city and also at preserving the 19th century housing stock in Fitzroy. The Housing Commission eventually undertook large scale reclamation and built high-rise estates in the northern part of Carlton and on the eastern side of Fitzroy, but the southern part of Carlton and the western side of Fitzroy were largely saved from the wreckers. By this time the Housing Commission increasingly pursued small-scale integrated developments, and this resulted in the small scale estates replacing slum pockets in the Fitzroy blocks bordering the Carlton Gardens.

The southern area of the WHEA includes the Royal Society of Victoria building, which is associated with the oldest scientific and philosophical society in Victoria, established in 1855. The present two storey brick structure was erected in several stages beginning with the original Meeting Hall which was completed in 1859, to a design by the noted Melbourne architect Joseph Reed. The Royal Australasian College of Surgeons building, to the east, is located on a triangular area of land originally occupied by the Model School, built between 1854 and 1856. The school was demolished in 1933 to make way for the new college, designed by Leighton Irwin and Roy Stephenson, and opened in 1935 as the Australasian headquarters of the college. The former Salvation Army Training Garrison, further east on Victoria Parade, was built in 1900 and represented a continuation of the use of this area of Eastern Hill for religious and institutional purposes. The 1855 Baptist Church House and 1870s East Melbourne Synagogue in Albert Street also demonstrate this historical use of Eastern Hill. By contrast, the former ICI House, designed by Bates Smart McCutcheon, was a prominent commercial development and the tallest building in Australia when completed in 1958.

6.2 Historical Views Analysis

The REB is copiously illustrated and photographed. As an example of this, in 1985 the Exhibition Trustees collected 959 photos of the building into a pictorial history. The historical record of photographs and artworks can inform two aspects of the significance of WHEA. First, the older images relate to the historical aspects of the significance of the WHEA, as it related to the REB and for the WHEA in its own right. In the same way, the newer images relate to the social significance of the WHEA.

A rigorous quantitative analysis has not been undertaken, but use has been made of the many images found on the Trove website. The following types of questions were considered.

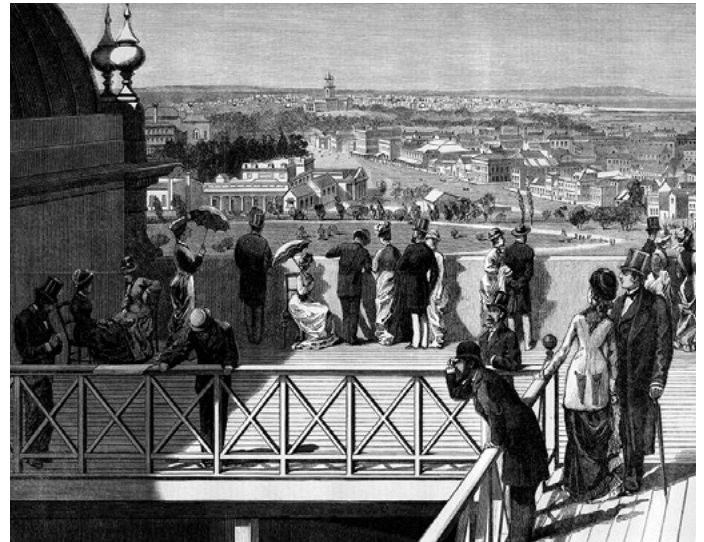
- What were the more and less popular vantage points and sight lines?
- Which views were the most popular and how did this change over time?
- Is it possible to recapture those views? What developments might impact on these views?

It is also possible to relate these views to the city visions of the time. This analysis can inform policies aimed at controlling development in the WHEA to retain valued views to the REB & Carlton Gardens, and valued views to and across the WHEA. For the purposes of this analysis, the photographic and artwork record is divided loosely into three main periods. The 1880s period reflects the active period of world exhibitions. The 1890s to inter-war period reflects the ongoing importance of the REB & Carlton Gardens in a low-rise city. The post-war period reflects the development of a nostalgic view of 'Marvellous Melbourne', set against the advance of modernity reflected in a high-rise city.

1880s Views

Views from the popular lookout balcony, south across the city, were a subject of several engravings. In some of these the city, Government House, port and the bay beyond are laid out before the viewer in a classic birds-eye view, rather than in a realistic perspective. Melbourne was by this time one of the largest cities in the empire, approaching a population of half a million, and hence this spread was a matter of some pride. These southwards balcony views are now largely blocked by high-rise, but it is still possible to see Government House through a gap between the towers.

By contrast, Charles Nettleton's panoramic series of photographs from the balcony lookout gives highly detailed views of parts of the WHEA, showing the structure of the blocks, the gaps in development and the enduring presence of early buildings. These views show a colonial city, young, gap toothed and incomplete. This colonial city was a matter of both pride and anxiety. Ground



'The International Exhibition: a view from the balcony' (Published in The Illustrated Australian News, David Syme & Co. Melbourne, SLV Accession no: IAN06/11/80/200).



Charles Nettleton's 1881 photograph taken from the roof balcony of the Exhibition Building, looking southwest across the south end of Rathdowne Street (SLV Accession no: H141261).



View from the junction of Victoria and Nicholson Streets ca 1881 (Museums Victoria Collections MM 130653).



Panorama of Melbourne in 1881 taken from the tower of the Law Courts (Charles Nettleton photographer, SLV Accession no- H854/2).

level views to the REB from this era set the precedent for later practice. Principal among these are the views across the pond to the south entrance and Dome from points along Nicholson Street between Gertrude and Victoria Streets.

1890s to Inter-War Views – the Postcard Era

Many of the available photographs from this period are postcards. Melbourne was a staid and conservative city in this era, and the images of the REB may have been symbolic of this attitude. A majority of these images adhere to a few standard viewpoints. Again, the dominant view is from Nicholson Street between Gertrude and Victoria Streets, showing the south facade across the pond. The next most common is the view from the southwest corner of the Carlton Gardens. Both these ground-level views emphasise the imposing height and bulk of the REB. Neither of these types of views are framed to show the WHEA on either side.

There are a few examples of oblique views across the southern facade through to the street on either side, both from the east and west. The western and northern aspects of the REB, by contrast, have little coverage, perhaps because these were less attractive.

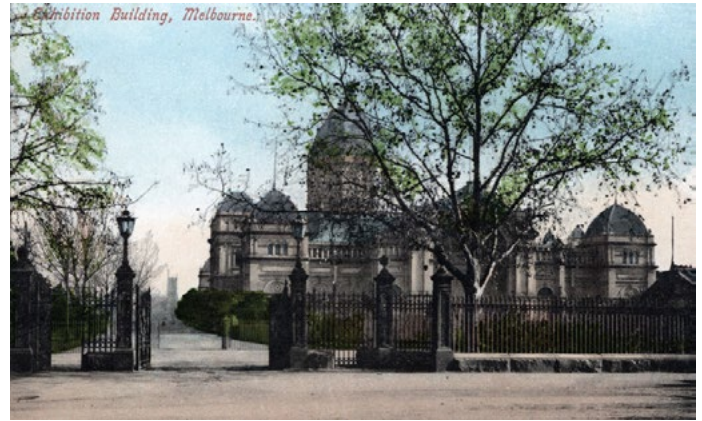


Airspy oblique aerial photograph looking southeast ca1927–c1928 (SLV Accession no- H2504).

Documented views of the eastern facade from Nicholson Street become much more common in this era. This may have to do with this facade becoming more active at this time.

There are a number of photographs from a distance showing the REB in its full scale on its high ground. Views from the towers, steeples and Domes of buildings were popular in this period. Relevant ones included views from the Eastern Hill Fire Station tower, and from the Supreme Court Dome. The latter view was still possible because the northern part of the CBD was still essentially low-rise, with higher buildings only appearing in the southern part of the CBD. Another such view appears to be from the higher part of Parliament House, across the junction of Nicholson and Spring Streets to the southern facade of the REB.

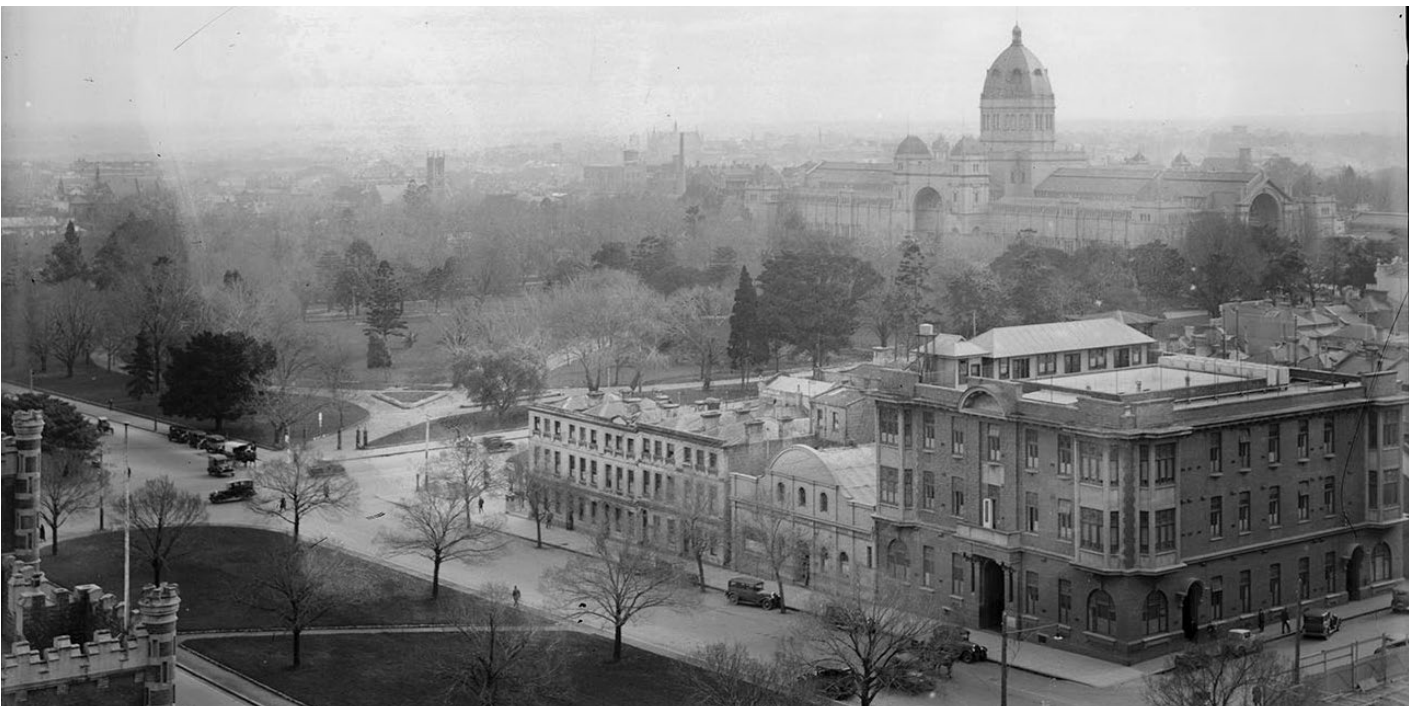
Photos from the balcony lookout in this period have not been found, even though (supposedly) it only closed in the 1920s. A number of oblique aerial photographs date from this period, including the Charles Pratt Airspy series. These are not relevant to an analysis of views in relation to the Environs as they do not illustrate a view that is available to the public.



1910 view west showing the east facade and looking across the south facade to Rathdowne Street (Museums Victoria Collections SH 960725).



The eastern front in 1935 (Museums Victoria Collections SH 961006).



View from the tower of the East Melbourne Fire Station 1910 (Albert Jones photographer, SLV Accession no- H2007.130/54).

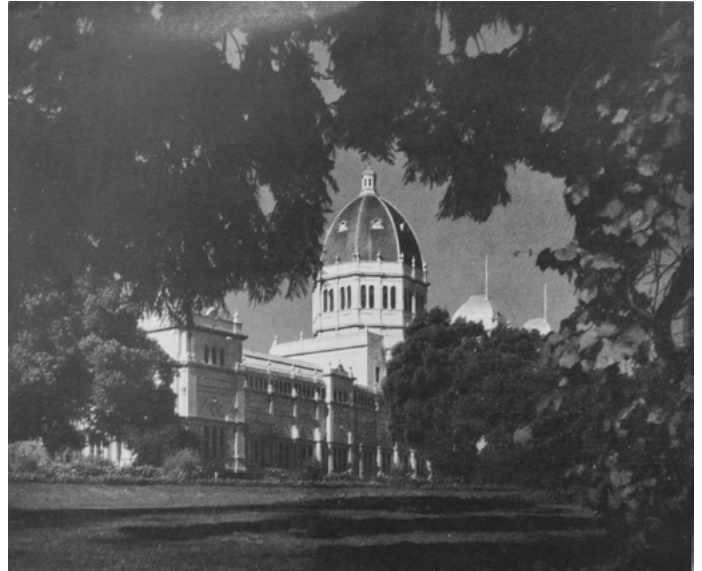
Post-War Views

In the post-war period, Melbourne saw itself as modern and modernising, but there was also a rising nostalgia for Marvellous Melbourne - looking backwards in a modern city moving forwards. The nostalgic view of the 'city of spires' is epitomised in Hillier and Hetherington's 1951 photographic essay *Portrait of Melbourne*. A photograph in that work from a close southwest viewpoint of the Exhibition Building was captioned as a "rather seedy old place, wearing the rueful air of a shabby aristocrat".

The sensibility of those who have visited the great European cities appears to suffuse a group of photos. In these, a misty Dome appears in the background of a detailed view of little streets. These are mostly taken in Fitzroy, including from Gertrude Street, Marion Street and Marion Lane.

The view from Nicholson Street between Gertrude and Victoria Streets remains the dominant near view. Views of the REB from the north remain uncommon, perhaps because they are still interrupted by unsightly structures. For instance, some photographs show the huts of the Migrant Reception Centre with the Dome above and behind. This might reinforce a conclusion that the dominant values for the Environs in the northern parts are the Streetscape and the interface with the park.

A 1980s view from the southeast features on a brochure advertising the REB and conference centre. It appears to be taken from the St Vincent's Hospital, with the mostly low-level city, which was preserved in the 1970s, spread out behind, along with a Housing Commission tower or two. A few other views also show the Housing Commission towers in Carlton and Fitzroy in the distance with the REB in the fore- or mid-ground, contrasting the modern and the remains of Marvellous Melbourne.



Close view from the southwest ca1951 (Hillier and Hetherington, ca1951, Portrait of Melbourne, U. Smith Sydney).



Looking west along a laneway between Gertrude & Marion Streets ca1958 (University of Melbourne Archives Reference: 1965.0004.00022).



*Marion Lane, looking west 1959 (rear of Royal Terraces visible beneath Dome)
(Jack L. O'Brien photographer, University of Melbourne Archives, Reference:
1965.0004.00019).*



*Looking west along Gertrude Street 1967 (K.J. Halla photographer, SLV
Accession no: H36133/31).*



*Migrant Reception centre from north ca1962 (Museums Victoria
Collections MM 103434).*



*Corner of Gertrude and Napier Streets looking west ca1969 (Alan Jordon
Photographer SLV Accession no: H2010.105/161c).*

6.3 Description

The following description for this Approved Strategy Plan is based on the 2009 Strategy Plan history, with new text shown in italics and underlined.

The World Heritage Environs Area incorporates predominantly residential areas (with some mixed use, commercial and public use area) in Carlton and Fitzroy; together with properties at the north end of Melbourne's CBD in the area generally immediately south of Victoria Street/ Victoria Parade, and properties in the north-west of East Melbourne (including in the area known as 'Eastern Hill'); *as well as the historical street networks lanes and associated public infrastructure*. The outer boundary of the area is to the *edge of the roads* (on the east side) Fitzroy Street in Fitzroy, and Gisborne Street in East Melbourne; (north side) Bell Street in Fitzroy and Faraday Street in Carlton; and (west side) Drummond Street in Carlton. *Properties on Drummond Street to the south of Grattan Street are also included on the west side. South of Victoria Parade/Street, the included blocks are bounded by Russell and La Trobe Streets, Exhibition and Little Lonsdale Streets, Spring and Lonsdale Streets and Albert Street.*

Nicholson Street, Fitzroy, is the principal street in the eastern area of the WHEA, bordering the Carlton Gardens. Gertrude Street runs off Nicholson Street to the east, as do several other streets including Princes (south end), Palmer, Hanover, King William, Moor and Bell (north end) Streets, Fitzroy. These streets, with the exception of Gertrude Street, are predominantly residential, again characterised by lower scale 19th century development, mostly terrace rows. *The Former National School (40-48 Bell Street, 1855, 1865, 1873, VHR H1031) and Edward Willis House (35 Hanover Street, 1854, VHR H0162) are two State listed buildings in this area.* Rathdowne Street is the principal street in the western area of the WHEA, particularly in terms of its relationship to the REB & Carlton Gardens site. Queensberry (south end), Pelham, Grattan and Faraday Streets run off Rathdowne Street to the west; these streets incorporate a variety of residential, commercial and institutional development, with significant and intact terrace rows on the east side of Drummond Street *and the west side south of Grattan Street*. Carlton Street, and further north of the REB & Carlton Gardens site, including Barkly, Owen, Canning and Murchison Streets, incorporates largely small scale and predominantly intact 19th century *significant streetscapes* of residential development, including development focused on Murchison Square, *a distinctive Victorian small public square*. Victoria Parade/Victoria Street is an important thoroughfare within the southern area of the WHEA, and is described in more detail below. In terms of street plantings, plane trees are common plantings within the area.

Nicholson Street is characterised by a mix of lower scale (typically two-storey with some three-storey) residential development (including terraces and large dwellings) and a number of large institutional sites, including St Vincent's Hospital and the Convent of Mercy complex. The southern end of the street (toward Victoria Parade) is dominated by St Vincent's Hospital on the corner (which has 11 above ground levels on Nicholson Street), and associated medical and research buildings surrounding the site. The former Cable Tram Engine House (48 Nicholson Street, c. 1886, VHR H0584) is prominently located at the intersection with Gertrude Street. Royal Terrace (50-68 Nicholson Street, 1853-58, VHR H0172), Grantown House (82 Nicholson Street, c. mid-1850s) and Osborne House (40 Nicholson Street, c. 1850, VHR H1607), are significant examples of mid-19th century residential development. Between Royal Terrace and Palmer Street are a number of terrace rows dating from the later 19th century. To the north of Palmer Street is the Convent of Mercy and Academy of Mary Immaculate chapel and school complex (88 Nicholson Street, c. 1850 and later, VHR H0507), which was built in stages, and incorporates a number of former residences. The Cairo Flats (VHR H1005), located on the corner of Hanover Street, depart from the 19th century character, being constructed in 1936. Between Hanover and Moor Streets are a number of two-storey, brick terraces and terrace rows, with a notable example being the Victorian Italianate terrace located on the corner of King William Street (c. 1862, VHR H0539).

Gertrude Street, extending east from the World Heritage site between Nicholson and Fitzroy Streets, is an important approach to the REB & Carlton Gardens and provides oblique views of the REB, particularly the Drum, Dome, Lantern and Flagpole, from the south side of the street. The Cable Tram which ran along Gertrude Street from the 1880s encouraged commercial development, and much of this survives. Gertrude Street is now a largely intact streetscape of two-storey shops and other commercial buildings, as well as terraces, from the late 19th and early twentieth centuries, with some modestly-scaled infill, mostly on the north side.

Rathdowne Street has mixed institutional, residential and commercial development. The former Lemon Tree Hotel (2-10 Grattan Street), with its notable curved façade to the intersection of Rathdowne and Grattan Streets, and a number of two-storey brick terraces are located on and near the north-west corner of Rathdowne and Grattan Streets. A four storey infill building has been constructed on the south-west corner of Rathdowne and Grattan Streets (249 Rathdowne Street), which abuts a row of two-storey terraces (239 Rathdowne Street and 233-237 Rathdowne Street). Carlton Gardens State School (201-231 Rathdowne Street) and the prominent Sacred Heart Church complex (199 Rathdowne Street, c. 1897, VHR H0016) are located to the north of Pelham Street. A significant early 20th century three-storey brick building, the former St Nicholas Hospital nurses' home, is sandwiched between infill buildings including a four-storey office building on the south-west corner of Rathdowne and Pelham Streets, and a four-storey residential development. The southern portion of Rathdowne Street has considerable infill development, although it retains some two-storey 19th century brick terraces (at 25-27 Rathdowne Street and 107-109 Rathdowne Street). The substantial former Presbyterian Manse remains at 101 Rathdowne Street (c. 1868, VHR H0017). The large and prominent infill residential tower (former Australia Post building) on the corner of Rathdowne and Queensberry Streets dominates the street and context, rising 15/16 above ground levels. The former Cancer Council building, currently unoccupied, is located on the corner of Rathdowne and Victoria.

Queensberry Street, extending west from the World Heritage site between Rathdowne and Drummond Streets, is an important approach to the REB & Carlton Gardens and provides oblique views of the REB, especially of the Drum, Dome, Lantern and Flagpole, from the south side of the street. Views past the parterre gardens towards the Hochgurtel Fountain are also available from the eastern end of the street. Queensberry Street contains two significant Victorian period terraces - Dalmeny House (21 Queensberry Street, c. 1888, VHR H0525) and Cramond House (23 Queensberry Street, c. 1888, VHR H0482). The two-storey Elsmere Terrace (1882) at 70 Drummond Street extends back along Queensberry Street. Development along the north side of the eastern part of Queensberry Street is low-scale mid 20th century infill.

Drummond Street, on the western extent of the WHEA, has a very consistent heritage character with the section between Grattan Street and Victoria Parade including long rows of large two storey, and some three storey, terraces, many with palisade fences, in significant streetscapes on both sides. Further north the significant heritage streetscape continues on the eastern side only (south of Glennon Lane) as more development has occurred on the west. Drummond Street also has a wide grassed median strip and several substantial Victorian buildings in keeping with its status as a principal street, including Rosaville (46 Drummond Street, 1883, VHR H0408), Medley Hall (48 Drummond Street, 1893, VHR H0409) and the Lothian Buildings (175-179 Drummond Street, 1864, 1868, VHR H0372).

Carlton Street, bordering the north of the REB & Carlton Gardens site, is a highly intact streetscape, incorporating an intersection with Canning Street. The eastern portion of the street is more varied than the west, with a mix of single and double-storey Victorian terrace rows and detached dwellings. Notable buildings include the Victorian dwelling at 12-14 Carlton Street; Elim Houses at 18-20 Carlton Street; Annie Villa at 22-24 Carlton Street and Canning Terrace (46-50 Carlton Street). To the west of Canning Street are two significant double-storey terrace rows (78-82 Carlton Street and Gordon Terrace, 90-100 Carlton Street), as well as the prominent two-storey villa on a triangular plan which addresses the intersection of Carlton and Barkly Streets.

Victoria Parade (east of Spring Street) and Victoria Street (west of Spring Street) bordering the south end of the REB & Carlton Gardens site, is an important thoroughfare within the WHEA, and provides the interface between the Carlton Gardens to the north and city development to the south. It also provides the opportunity for axial views along the treed avenues in the South Gardens to the REB. From the east, Victoria Parade has to its north the large St Vincent's Hospital site, and to its south a number of significant heritage buildings including the Eastern Hill Fire Station (108-122 Victoria Parade, c. 1892-3, VHR H1042), former Salvation Army property (68-88 Victoria Parade, c. 1900-01, VHR H0554), and the Royal Australasian College of Surgeons (250-290 Spring Street, c. 1934, VHR H0870). The treed median strip in Victoria Parade, up to the intersection with Nicholson Street, is individually included in the Yarra HO, as H0188 'Victoria Parade, Fitzroy, street trees'. Large and prominent contemporary towers, including residential development, are located at and near the corner of Spring and La Trobe Streets on Victoria Street (with addresses to 283 and 299 Spring Street, and 33 La Trobe Street) and at the corner of Nicholson Street. The Royal Society of Victoria building, caretakers cottage and weather station (1-9 Victoria Street, c.1858, VHR H0373) are sited on a wedge of land bounded by Victoria, La Trobe and Exhibition Streets. *Horticultural Hall, (31-33 Victoria Street, 1873, VHR H0520) is further west, bounded by Russell, Mackenzie and Victoria Streets.*

6.4 Key Attributes of the WHEA

The key attributes of the WHEA which support the Outstanding Universal Value of the REB & Carlton Gardens include attributes of the substantially intact late 19th century and early 20th century setting, and attributes which allow the design scale and vision of the REB & Carlton Gardens to be understood. They include:

Views to the REB & Carlton Gardens

- Views to the REB & Carlton Gardens as described in the view analysis section of this Strategy Plan (Chapter 8). This includes views to the World Heritage listed place which demonstrate its dominant design and scale, such as:
 - direct views to the building, Dome and garden setting from some bordering/abutting streets; and
 - some proximate views and vistas to the REB Dome from streets and minor lanes to the east and west of the site (including Gertrude Street and Marion Lane in Fitzroy; and Queensberry Street in Carlton); the north ends of Spring and Exhibition Streets; Nicholson Street near the junction with Victoria Parade; the east end of La Trobe Street; and from Victoria Parade immediately east of the junction with Nicholson Street.
- Views to elements of the REB & Carlton Gardens highlighted in the statement of Outstanding Universal Value being:
 - cruciform plan, Dome, great portal entries, viewing platforms, towers, and fanlight windows of the REB; and
 - the formal design, tree-lined pathways, fountains and lakes of the Carlton Gardens.



View of the REB & Carlton Gardens

Low Scale & Fine Grain Setting

- The predominantly low scale setting which contrasts with the scale of the REB & Carlton Gardens, being:
 - substantial areas of two-storey, with some three-storey residential and commercial development; and
 - some prominent institutional properties of the 19th and early 20th centuries which are greater in scale but still subservient to the REB & Carlton Gardens (eg. Rathdowne Street church and school buildings).
- A typically fine grain pattern of urban development, generally emphasised by the regularity of the terrace row subdivisions, narrow allotments and street grid, with many streets running at right angles to the REB site, except Barkly Street in the north of the WHEA and the intersection with the Hoddle Grid in the south.
- Substantially intact 19th century streetscapes particularly on:
 - Drummond Street (both sides, south of Grattan Street and east side, south of Glennon Lane);
 - Murchison Street;
 - Barkley Street (north side, south of Faraday Street);
 - Owen Street;
 - Canning Street (east side, south of Faraday Street);
 - Nicholson Street (north of Gertrude Street);
 - the south side of Gertrude Street;
 - Carlton Street; and
 - Rathdowne Street north of Pelham Street.



Example of low scaled, 19th Century institutional buildings

19th Century streetscapes & subdivision

- 19th century planning and subdivisions as evidenced in:
 - Hierarchy of principal streets and lanes;
 - Principal streets which are characterised by their width and open character with vistas available along their length (sometimes distinguished by later central medians and street tree plantings);
 - Lanes which provide access to rears of properties and act as important minor thoroughfares;
 - Generally regular grid of wide, straight and long north-south and east-west streets, with secondary streets and a network of lanes;
 - Pattern of finer grain allotment sizes to residential streets, with coarser grain to principal streets and roads;
 - Murchison Square, a distinctive Victorian small public square; and
 - Vehicle access not generally visible from the principal street frontages but available from rear lane access.

19th & 20th Century Architecture

- Typical 19th and early 20th century building characteristics including:
 - Use of face brick, bluestone and rendered masonry construction materials;
 - pitched and hipped iron and slate-clad roofs;
 - chimneys;
 - prominent parapets and pediments;
 - post-supported verandahs, many with elaborate iron lacework or timber detailing;
 - iron palisade fences and some timber picket fences;
 - typically zero or shallow front setbacks with gardens; and
 - no side setbacks.



19th century architecture



19th century streetscape: Drummond Street



19th century architecture

Key Heritage Buildings

- A number of key heritage buildings from the 19th and early 20th centuries have a strong visual relationship or connection with the REB & Carlton Gardens. These buildings, most of which are included in the Victorian Heritage Register, include:
 - Royal Terrace (VHR H0172), the Cable Tram Engine House (VHR H0584), Convent of Mercy/ Academy of Mary Immaculate complex (VHR H0507), Grantown House and Osborne House (VHR H1607) on Nicholson Street;
 - the Sacred Heart Church complex (VHR H0016) including Presbytery, former Presbyterian Manse, Carlton Gardens Primary School, and former St Nicholas Hospital nurses' home on Rathdowne Street;
 - the Royal Society building (VHR H0373) and Horticultural Hall (VHR H0520) on Victoria Street;
 - Rosaville (VHR H0408) and Medley Hall (VHR H0409) on Drummond Street; Dalmeny House (VHR H0525) and Cramond House (VHR H0482) on Queensberry Street;
 - the Former National School on Bell Street (VHR H1031); and
 - Edward Willis House (VHR H0162) on Hanover Street.

Public Realm

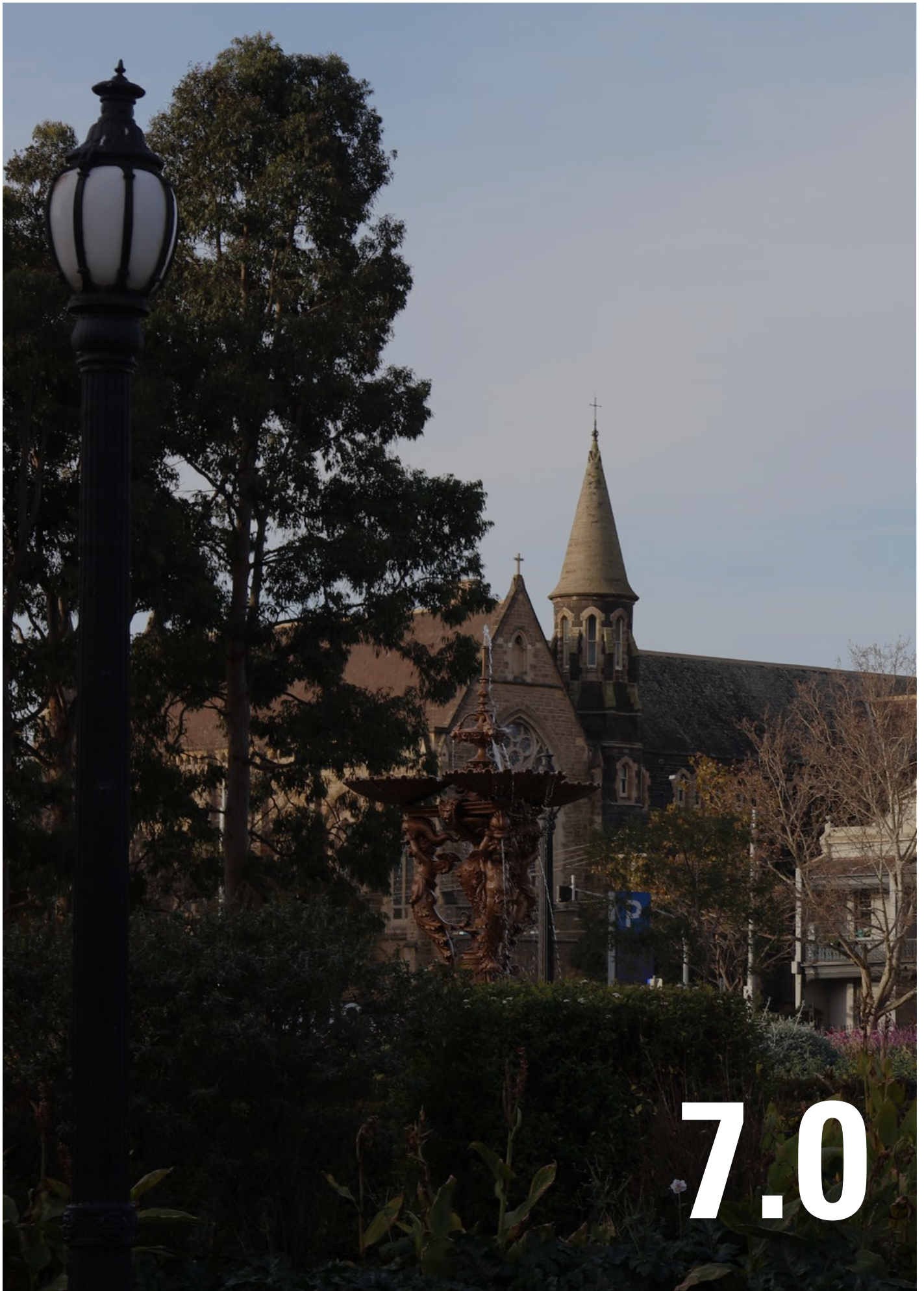
- Public infrastructure including bluestone kerbs and channels, and lanes with original or relayed bluestone pitchers and central drains. The sandstone pavement outside Royal Terrace, 50-68 Nicholson Street, Fitzroy probably dates from the mid 19th century.



Sacred Heart Church (VHR)



Blue stone kerb around the Carlton Gardens



7.0 WHEA Controls

7.1 International context

The UNESCO Operational Guidelines set out the process for monitoring the state of conservation of World Heritage properties. Under section 169, it requires that: *‘the State Parties shall submit specific reports and impact studies each time exceptional circumstances occur or work is undertaken which may have an impact on the Outstanding Universal Value of the property or its state of conservation’*.

In addition to this requirement for the State Party to report, section 172 of the Operational Guidelines allows for the State Party and/or other sources to report: *‘their intention to undertake or to authorise in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property’*. This notice is provided through the UNESCO World Heritage Centre as Secretariat to the World Heritage Committee and should be given as early as possible ‘and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved’. Importantly, notice under S.172 can be provided by any individual.

When the World Heritage Secretariat receives information about potential impacts on Outstanding Universal Value, it would usually request the Advisory Bodies to forward advice on the information received. The Advisory Bodies to the World Heritage Committee are ICCROM (the International Centre for the Study of the Preservation and Restoration of Cultural Property), ICOMOS (the International Council on Monuments and Sites), and IUCN (the International Union for Conservation of Nature). In the case of an Australian property, the national committee of the Advisory Body would usually be asked for advice. Missions involving international experts may also be sent to review the potential impacts.

For cultural properties like the REB & Carlton Gardens, ICOMOS would usually be the Advisory Body. The assessment would be based on the UNESCO, ICCROM, ICOMOS and IUCN ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2022).

Under the World Heritage Convention, the World Heritage Committee does not get involved in implementing development controls for places on the World Heritage List. It may delete a property from the World Heritage List or designate it as ‘in danger’ if the impact to Outstanding Universal Value is considered great. However, the World Heritage Committee has no planning powers to act in the State Party. Countries that are signatories to the Convention, like Australia, take the advice of the World Heritage Committee very seriously and deletion from the World Heritage List is a rare, last resort.

7.2 National context

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) allows for assessment and approval processes for potential negative impacts or new developments on a ‘matter of national environmental significance’, including World Heritage places and National Heritage places. A person who proposes to take an action that will have, or is likely to have, a significant impact on a matter of national environmental significance must refer that action to the Federal Minister for the Environment for a decision on whether assessment and approval is required under the EPBC Act. The Federal Minister may decide that the referral is:

- a ‘controlled action’ which is subject to the assessment and approval process under the EPBC Act;
- not a controlled action if undertaken in a ‘particular manner;’ or
- not a controlled action if undertaken in accordance with the referral.

Matters of National Environmental Significance – Significant Impact Guidelines 1.1, EPBC Act 1999, (Department of the Environment 2013) assist with determining whether an action is likely to have a significant impact. The significant impact criteria for both World Heritage and National Heritage properties with cultural heritage values are similar. They state that an action is likely to have a significant impact on the values of a property if there is a real chance or possibility that it will cause:

- *one or more of the values to be lost*
- *one or more of the values to be degraded or damaged, or*
- *one or more of the values to be notably altered, modified, obscured or diminished.*

Examples are provided that an action is likely to have a significant impact on historic heritage values of a place if there is a real chance or possibility that the action will:

- *permanently remove, destroy, damage or substantially alter the fabric of a place in a manner which is inconsistent with relevant values*
- *extend, renovate, refurbish or substantially alter a place in a manner which is inconsistent with relevant values*
- *permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a place*
- *involve activities in a place with substantial and/or long-term impacts on its values*
- *involve the construction of buildings or other structures within, adjacent to, or within important sight lines of, a place which are inconsistent with relevant values, and*
- *make notable changes to the layout, spaces, form or species composition of a garden, landscape or setting of a place in a manner which is inconsistent with relevant values.*

The last two examples are of particular relevance to the WHEA of the REB & Carlton Gardens.

In some cases, the EPBC Act assessment may be done by an accredited state process, for example under a bilateral agreement, or another Australian Government process where a report is provided to the relevant Federal Minister who then decides on the approval and conditions.

7.3 State context

The Victorian *Heritage Act 2017* (the Act) regulates the declaration of the WHEA and the preparation of the World Heritage Strategy Plan. However, the Act does not specifically control development within the WHEA except for places of State-level cultural heritage significance included in the Victorian Heritage Register (VHR), or archaeological sites within the meaning of the Act.

Within the WHEA, there are a number of VHR places from the 19th and early 20th centuries which have a strong visual relationship or connection to the REB & Carlton Gardens, as described in section 6.2 of this Strategy Plan. For VHR places within the WHEA, this connection needs to be noted within their respective Statements of Significance so that potential impacts for the WHEA can be considered when approvals are given for changes to each VHR-listed place.

7.4 Local Context: Heritage Overlay

The HO broadly functions to seek the retention of heritage fabric, and to ensure that any demolition, removal or external alteration does not adversely affect the significance of the heritage place. The HOs are illustrated in Figure 3 on page 49.

City of Melbourne

The following HOs which applied to the WHEA within the City of Melbourne at the time of preparing the Strategy Plan are summarised below:

H01 – Carlton Precinct: is a precinct-based HO which applies to the outer part study area in the City of Melbourne, except for land covered by site-specific HOs. It has a SoS as part of an Incorporated Document in the Melbourne Planning Scheme. This Incorporated Document was implemented via Amendment C258 and is titled: *West Melbourne Heritage Review 2016 Statements of Significance February 2020*.

H0992 – World Heritage Environs Area Precinct: is a precinct-based HO which applies specifically to that part of the WHEA Area of Greater Sensitivity as documented in the 2009 Strategy Plan which is located within the City of Melbourne. The existing SoS which applies to both H0992 and H0361 is included on the next page with minor formatting updates.

HO controls apply to a large number of individual properties, within the WHEA. Individual heritage place citations provide further specific detail.

Conversely, a number of specific sites are not covered by a HO (either precinct-based or site-specific), including:

- 28 Victoria Street, Carlton.
- Land bounded by La Trobe, Spring, Little Lonsdale & Exhibition Streets.
- 8 Nicholson Street, East Melbourne.
- 478-486 Albert Street, East Melbourne.
- 100 Victoria Parade, East Melbourne.

City of Yarra

The following HOs which applied to the WHEA within the City of Yarra at the time of preparing the Strategy Plan are summarised below:

- **H0334 – South Fitzroy Precinct:** is a precinct-based HO. It applies to a large part of the study area in the City of Yarra, except for land covered by site-specific HOs and another precinct-based overlay H0361.
- **H0361 – World Heritage Environs Area Precinct:** is a precinct-based HO which applies specifically to that part of the WHEA Area of Greater Sensitivity as documented in the 2009 Strategy Plan which is located within the City of Yarra. The existing SoS for H0992 and H0361 is included on the next page with minor formatting updates.
- **H0334 & H0361** includes an Incorporated Plan (July 2014) under the provisions of *Clause 43.01 Heritage Overlay*. The incorporated plan outline a range of applicable planning permit exemptions.
- HO controls apply to a large number of individual properties, within the WHEA. Individual heritage place citations provide further specific detail.

7.5 Updated Statement of Significance for WHEA

The following Statement of Significance for this Approved Strategy Plan is based on the 2009 Strategy Plan Statement of Significance, with new text with new text shown in italics and underlined, and deleted text being shown struck through:

It should be noted that a further recommendation beyond this Approved Strategy Plan is that the HO992 and HO361 boundaries and the SoS are updated in the future to comply with *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* and Amendment VC148.

What is significant?

The World Heritage Environs Area Precinct generally borders and is adjacent to the Royal Exhibition Building and Carlton Gardens, Carlton. It includes land and properties in the suburbs of Carlton and Fitzroy, the northern area of Melbourne's Central Business District, and East Melbourne.

How is it significant?

The World Heritage Environs Area Precinct is of historical, ~~social~~ architectural and aesthetic significance and reflects the area of greater sensitivity within the buffer zone surrounding the World Heritage listed Royal Exhibition Building and Carlton Gardens.

Why is it significant?

The World Heritage Environs Area Precinct is of historical and ~~social~~ significance for its association with the World Heritage listed Royal Exhibition Building and Carlton Gardens. The latter is the most complete nineteenth century international exhibition site in the world, and the main extant international survivor of a Palace of Industry and its setting. The Carlton Gardens, within Carlton, was selected as the site for the construction of the Exhibition Building in 1879-1880 and subsequent hosting of the 1880 and 1888 international exhibitions, due to its parklike setting, central location and size (64 acres/26 hectares). The subsequent upgrading of the gardens further augmented their attractiveness which, together with the prominence and visibility of the Exhibition Building, helped enhance the status of this area within the local Carlton and Fitzroy contexts. (Historical significance).

The precinct is also of historical significance for its association with the successful campaigns to retain the nineteenth century fabric of Carlton and Fitzroy in the 1960s and 1970s. In the 1940s and 1950s even the survival of the Exhibition Building was in doubt, as was the survival of much of the nineteenth century residential and institutional building fabric and character of the inner areas. From the 1960s these suburbs were threatened by the slum reclamation and urban renewal under the Housing Commission of Victoria. A coalition of urban activists, social justice groups, poor residents and immigrant renovators campaigned against these government policies. The campaigners strategically directed their efforts towards the conservation of the buildings and urban character of Carlton and Fitzroy. Pressure from the campaigners eventually contributed to the abandonment of the Housing Commission's broad-acre slum reclamation and high-rise estate building plans for the inner areas. The extensive areas of Victorian-era housing and institutional buildings in Carlton and Fitzroy, which were saved as the result of these campaigns, helped to make Melbourne one of the most intact Victorian-era cities in the world. (Historical significance).

The precinct is also of historical ~~and social~~ significance for incorporating important and intact areas of residential, commercial and institutional development within the early Melbourne suburbs of Carlton and Fitzroy, and institutional development in the northern area of Melbourne's Central Business District. These areas are significant to the respective municipalities of Melbourne and Yarra for demonstrating aspects of local historical development, and for contributing to the historical character of the municipalities. The areas also provide an immediate setting and context of significant heritage character for the REB and Carlton Gardens site, including properties which directly address the site and can be seen from the site; and significant development which preceded, was broadly contemporary with or followed the 1879-1880 construction and development of the REB. (Historical significance).

The precinct is of architectural and aesthetic significance. It retains substantially intact nineteenth century streetscapes, particularly on Nicholson Street (north of Gertrude Street), the south side of Gertrude Street, Carlton Street, and Rathdowne Street north of Pelham Street. The streetscapes display a comparatively high proportion of original nineteenth century form and fabric, including substantial areas of two-storey, with some three-storey residential and commercial development. The

streetscapes are also interspersed with prominent institutional properties of the nineteenth and early twentieth centuries. Materials and architectural elements include face brick, bluestone and rendered masonry construction materials; pitched and hipped iron and slate-clad roofs; chimneys; prominent parapets and pediments; post-supported verandahs, many with elaborate iron lacework or timber detailing; a high proportion of iron palisade fences; and typically zero or shallow front setbacks with gardens. Public infrastructure includes some bluestone pitched road and lane surfaces, and kerbs and channels. Plane trees are common street plantings. The precinct additionally exhibits a typically fine grain pattern of urban development, generally emphasised by the regularity of the terrace row subdivisions, narrow allotments and street grid, with many streets running at right angles to the REB site. (Aesthetic significance).

A number of key heritage buildings from the nineteenth and early twentieth centuries are located in the precinct, some of which are landmarks in their own right but which also have a strong visual relationship or connection with the REB. These buildings, most of which are included in the Victorian Heritage Register, include Royal Terrace, the Cable Tram Engine House, Convent of Mercy/Academy of Mary Immaculate complex, Grantown House and Osborne House on Nicholson Street; the Sacred Heart Church complex including Presbytery, former Presbyterian Manse, Carlton Gardens Primary School, and former St Nicholas Hospital nurses' home on Rathdowne Street; and the Royal Society building on Victoria Street. (Aesthetic and historical significance).

The precinct provides for significant views to the REB and Carlton Gardens site including direct views to the building, dome and garden setting from bordering/abutting streets, depending on where the viewer is standing. It also provides some proximate views and vistas to the REB dome from streets and minor lanes to the east and west of the site (including Gertrude Street and Marion Lane in Fitzroy; and Queensberry Street in Carlton); the north ends of Spring and Exhibition Streets; Nicholson Street near the junction with Victoria Parade; the east end of Latrobe Street; and from Victoria Parade immediately east of the junction with Nicholson Street. Views out of the REB site into the precinct also reinforce the understanding and appreciation of the original authenticity of the nineteenth century context and significant setting of the REB, including from the roof deck level. (Aesthetic significance).

Key observations on the use of the Heritage Overlay to protect the WHEA

The WHEA is included in two HO Precincts, HO992 in the City of Melbourne and HO361 in the City of Yarra planning schemes which both resulted from the 2009 Strategy Plan. The boundaries of HO992 and HO361 followed the 2009 WHEA Area of Greater Sensitivity. This Approved Strategy Plan removes the distinction between the Areas of Greater and Lesser Sensitivity. Hence it is a recommendation of this Strategy Plan that the boundaries of these HO areas be reconsidered in the future.

Since the 2009 Strategy Plan, there has been a review of Planning Practice Note 1: Applying the Heritage Overlay (August 2018). The review updates the Practice Note following changes to the Heritage Overlay made by Amendment VC148. This guideline emphasises the need to define the extent of the heritage place and to write a SoS 'that clearly establishes the importance of the place and addresses the heritage criteria'.

As stated in section 2.1, the purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Values of the REB & Carlton Gardens, a place outside of the WHEA. However, protecting the heritage values of the HO areas also contributes to the role of the WHEA as a buffer zone to a World Heritage site as it protects the setting of the World Heritage place.

Amendment VC148 requires an SoS to be incorporated in the planning scheme for a HO area. The two HO areas HO992 and HO361 currently protect the heritage values of the land within the overlay and some of its attributes, such as the low scale, fine grain development pattern, the 19th century streetscapes, 19th and early 20th century architecture, key heritage buildings and elements of the public realm. In future the SoS for each of these HO areas should be updated to address their heritage values at the same time that their boundaries are reassessed. Keeping these values contributes to the retention of the setting of the REB & Carlton Gardens.

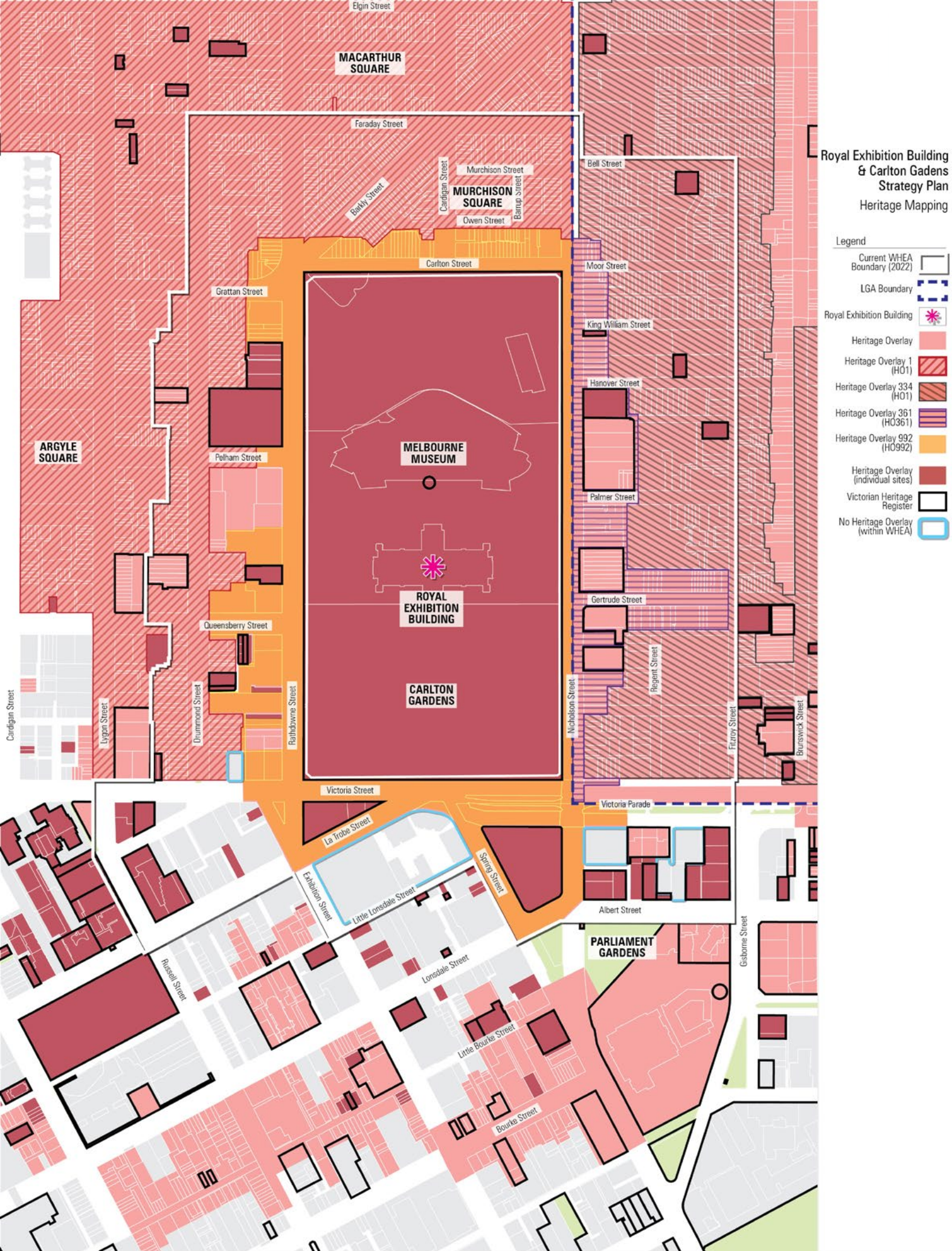


Figure 3 - Heritage Overlays

7.6 Zoning Controls

Zoning within the WHEA is illustrated in Figure 4. Land located to the east (north of Gertrude Street) and north of the REB & Carlton Gardens is generally covered by the General Residential or Neighbourhood Residential Zone. The remainder of Carlton (i.e. the western side of Gertrude Street) is located within the Mixed Use Zone.

With regard to the residential zones, at the time of the Strategy Plan's development, the relevant schedules extended to areas outside of the WHEA, but lacked a direct connection with the WHEA. With regard to residential zone reforms in 2017, it now provides an opportunity to make zones more specific to a place. This includes an ability to include up to five local objectives in a residential zone to give expression to desired neighbourhood, heritage, environmental, landscape or design outcomes to be achieved for an area. Additional decision guidelines can also be introduced.

Based on the functional operation of the residential zones, the residential areas within the WHEA are to be included within their own residential zone schedule separate from the remainder of Carlton and Fitzroy residential areas. This will significantly strengthen and signify that residential areas in the WHEA are different to those outside the WHEA.

Land bounded by La Trobe, Little Lonsdale, Exhibition and Spring Streets is located within the City of Melbourne's Capital City Zone. Land bounded by La Trobe Street, Exhibition Street and Victoria Street is located within the Mixed Use Zone.

There are three main areas of commercially zoned land within the WHEA, including:

- land along the north side of Gertrude Street;
- the east side of Nicholson Street, bounded by Alma, Regent and Princes Street; and
- the area south of Victoria Street, bounded by Spring, Albert and Gisborne Streets.

St Vincent's Hospital, Carlton Gardens State School and the former Cable Tram Engine House (south east corner of Nicholson & Gertrude Streets) are all located within a Public Use Zone - Schedule 3 (Health & Community).

Victoria and Nicholson Streets are identified as being within the Road Zones Category 1.

Key Observations on Existing Zoning Controls

A large proportion of the study area is within a residential zone, being either the General Residential Zone or Neighbourhood Residential Zone, including the areas of the WHEA to the north and east of the Carlton Gardens. Of particular note these existing residential zones include mandatory maximum height controls, which by default functions to limit built form scale within a large proportion of the WHEA.

For example the General Residential Zone generally sets a mandatory building height* of 3 storeys/11 metres**, unless on a sloping site, where it must not exceed 12 metres, while in the Neighbourhood Residential Zone it has a default maximum building height* of 2 storeys/9 metres (*In some instances the maximum building height can be exceeded, for example, by replacing existing buildings or taller existing buildings on abutting lots. **Schedule 2 to the GRZ in the City of Yarra sets a lower mandatory maximum building height of 9 metres, while Schedule 1 to the GRZ in the City of Yarra sets a lower mandatory maximum building height of 10.5 metres).

These current zone controls function to protect the low scale heritage character of areas surrounding the REB & Carlton Gardens. However, the mandatory height controls within the residential zones were not implemented to protect the setting of the REB & Carlton Gardens within the WHEA. Rather they were a result of ongoing modifications which have been made by State Government to the suite of residential zones in recent years. Furthermore it is noted that the zones did not contain these height controls when the 2009 Strategy Plan was developed.

With reference to the current height controls, mandatory controls do not apply to non-residential development. Further, there is a potential risk to the WHEA if the suite of standard residential zones were amended in the future to remove the current mandatory maximum height controls.

A large part of the WHEA within the City of Melbourne is within the Mixed Use Zone. Although this zone allows a mandatory maximum building height to be nominated, this has not been utilised. The Mixed Use Zone land located to the north of Victoria Street is complimented with a DDO and discretionary maximum height controls. However the Mixed Use Zone land located to south of Victoria Street is not covered by any other built form height control such as a schedule modification to the Mixed Use Zone or a DDO.

With reference to land within the WHEA which is zoned for Commercial 1 Zone, it is noted that no guidance is provided regarding building form scale. While the commercial land on Gertrude Street is further subject to a DDO which addresses built form, the commercial land on Nicholson Street is not subject to a DDO and does not have any guidance regarding built form scale.

Another key observation is that the St Vincent's Hospital is zoned for Public Use, where the zone functions to exempt the need for planning approval if the use and/or development is consistent with the relevant public use designation. Further discussion on this point is included at Section 9.3 Zoning.

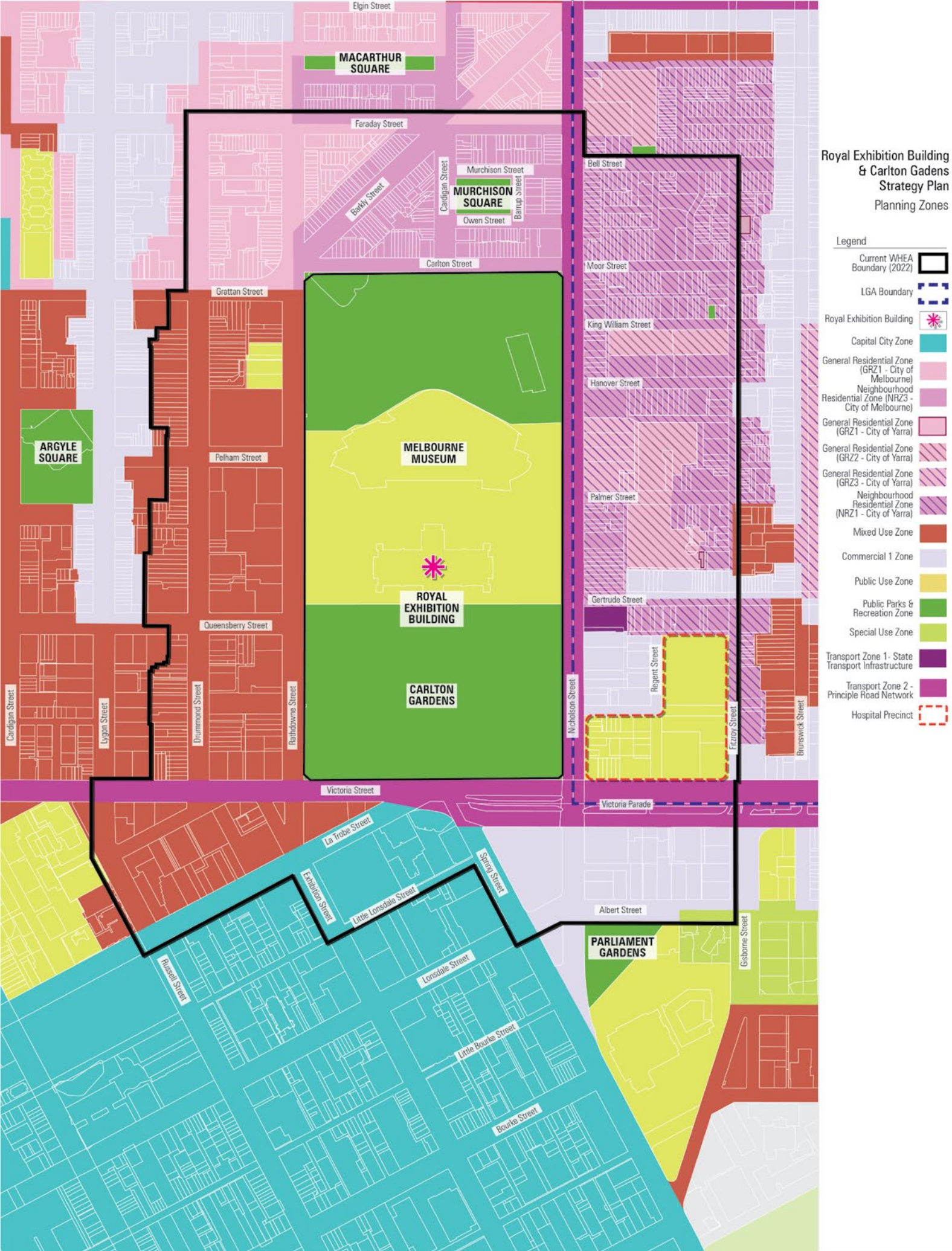


Figure 4 - Planning Zones

7.7 Design & Development Overlay Controls

A number of DDO controls existed within the WHEA at the time of reviewing the 2009 Strategy Plan, which were applied in different ways within the City of Melbourne and the City of Yarra. DDOs within the City of Melbourne are applied on a broader precinct basis, while within the City of Yarra they were targeted at select road corridors.

Various individual DDOs contain a statement of the design objectives to be achieved for the areas affected by the DDO control, which are broadly summarised below. Likewise several DDOs contain guidance on height controls for specific areas.

DDOs that had a specific WHEA purpose included: DDO6 and DDO13 (CoM) and DDO8 (CoY), these DDOs are illustrated on Figure 5 on page 53 and further described below.

City of Melbourne DDOs

The following Design and Development Overlays (DDOs) applied to the WHEA located within the City of Melbourne at the time of reviewing the 2009 Strategy Plan and development of this Strategy Plan.

DDO48: Central Carlton North

Note: DDO48 within the WHEA was deleted and consolidated into a new DDO as part of the approval of the Strategy Plan.

- Relates to Central Carlton North and applies to land bounded by Faraday Street, Rathdowne Street, Grattan Street and Drummond Street.
- Objectives of DDO48 include:
 - To maintain the predominant low scale nature of the area;
 - To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.
- Applies a mandatory maximum building height of 10.5 metres and includes a description of outcomes sought.

DDO6: Carlton Area

Note: DDO6 was deleted and consolidated into a new DDO as part of the approval of the Strategy Plan.

- Relates to the Carlton Area and applies to the majority of land bounded by Grattan Street, Rathdowne Street, Victoria Street and Drummond Street, except for:
 - 15-31 Pelham Street, Carlton
 - 107-151 Rathdowne Street, Carlton
 - 110-150 Drummond Street, Carlton
- Objectives of DDO6 include:
 - 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.
- Applies a discretionary maximum building height ranging from 8-16 metres in a number of sub-precincts, and includes a description of outcomes sought.
- An application to exceed the maximum building height must demonstrate how the proposal will achieve the objectives and outcomes of DDO6.
- Requires notice to be given to Executive Director, Heritage Victoria for buildings and works at 83 – 95 Rathdowne Street, 80 Drummond Street or the Queensberry Street road reserve.
- Includes specific decision guidelines for any development of the Queensberry Street road reserve, relating to the potential impact on the view of the Drum, Dome, Lantern and Flagpole of the REB.
- Includes specific decision guidelines for development of 83 – 95 Rathdowne Street & 80 Drummond Street, relating to the potential impact on the view of the Drum, Dome, Lantern and Flagpole of the REB.
- NOTE: 83 – 95 Rathdowne Street has been developed with four storey apartment building in recent years.
- NOTE: 80 Drummond Street currently accommodates an 1980/90's era two storey commercial building.
- NOTE: This overlay had its basis in the 2009 Strategy Plan.

DDO10: General Development Area – Built Form

- Applies to land bounded by La Trobe Street, Spring Street, Little Lonsdale Street & Exhibition Street.
- Objectives of DD10 include:
 - To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and micro-climate conditions such as acceptable levels of sunlight access and wind.
 - To ensure that development respects and responds to the built form outcomes sought for the Central City.
 - To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.

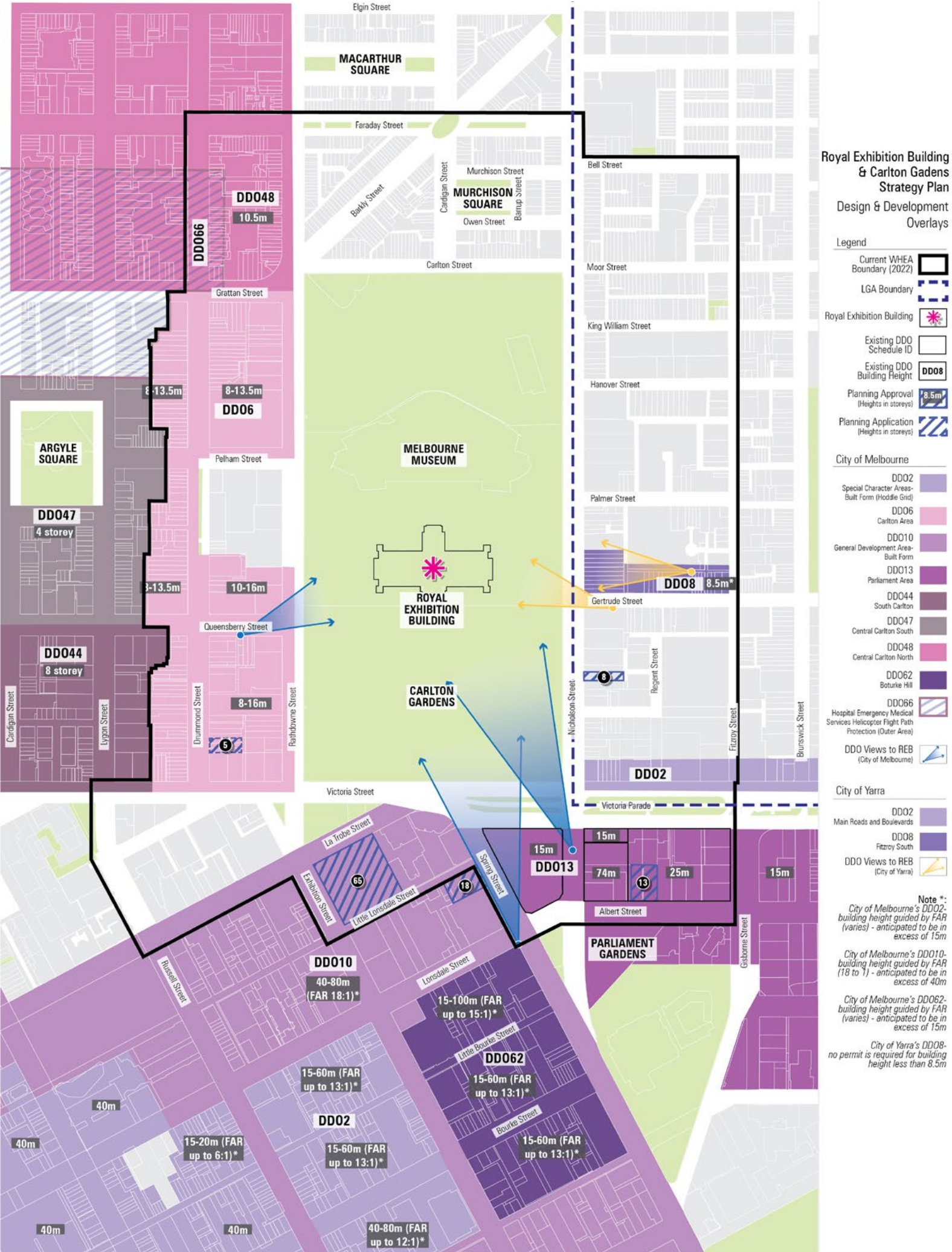


Figure 5 - Design & Development Overlays at the time of the 2009 Strategy Plan review

City of Melbourne DDOs

- To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.
- To provide a high level of internal amenity for building occupants.
- To ensure the design of public spaces and buildings is of a high quality.
- To encourage intensive developments in the Central City to adopt a podium and tower format.
- Establishes a range of design objectives and both mandatory and discretionary-based detailed design requirements relating to high quality design of buildings within the CBD.
- NOTE: DDO10 is a comprehensive overlay, and only briefly summarised above.

DDO13: Parliament Area

Note: DDO13 within the WHEA was amended as part of the approval of the Strategy Plan.

- Relates to the Parliament Area, and applies to land bounded by Spring Street, Victoria Parade, Gisborne Street & Albert Street.
- Objectives of DDO13 include:
 - To encourage development to be compatible with the Victorian character and scale of the area.
 - To minimise the visual impact of new buildings and works within the vicinity of the Fitzroy Gardens and the surrounding public spaces.
- Applies a discretionary maximum building height ranging from 14-74 metres in a number of sub-precincts, and includes a description of outcomes sought.
- An application to exceed the Maximum Building Height must demonstrate how the proposal will achieve the objectives and outcomes of DDO13.
- Requires notice to be given to Executive Director, Heritage Victoria for any application for buildings and works at 250-290 Spring Street.
- Includes specific decision guidelines for 250-290 Spring Street (aka the Royal Australasian College of Surgeons), relating to the potential impact on the view of the Drum, Dome, Lantern and Flagpole of the REB. DDO13 sets a discretionary building height of 15 metres for this site.
- **NOTE:** This overlay has its basis in the 2009 Strategy Plan.

City of Melbourne DDOs

DDO66: Hospital Emergency Medical Services Helicopter Flight Path Protection (outer area)

- Relates to hospital emergency medical services helicopter flight path protection (outer area), and applies to:
 - 28-32 Grattan Street
 - 236-282 Drummond Street
- Objectives of DDO66 include:
 - To ensure that the height of buildings and works do not encroach on the flight path areas associated with hospital helicopter landing sites.
 - To ensure that the height of development avoids creating a hazard to aircraft using hospital helicopter landing sites.
- Overlay would only trigger a permit for a building in excess of the nominated referral height of:
 - 72.4 metres for Royal Children's Hospital
 - 77.3 metres for Royal Melbourne Hospital
- **NOTE:** land covered by this overlay is also covered by DDO48 with a maximum building height of 10.5 metres, therefore DDO66 would not function to trigger a permit in any instance.

DDO3: Traffic Conflict Frontage – Capital City Zone

- Applies to traffic conflict frontage – Capital City Zone, and specifically the frontage of 283 Spring Street.
- Objectives of DDO3 include:
 - To promote pedestrian flow, safety and amenity.
 - To improve opportunities for the enhancement of roads for pedestrian use by discouraging further access to off-street car parking across traffic conflict frontages.
 - To minimise conflict between pedestrians and vehicles on footpaths.
- Triggers a planning permit to create or alter a crossover or vehicle access way.
- Functions to identify that vehicular ingress or egress points, (excluding loading and unloading bays), should not be constructed on a traffic conflict frontage.
- **NOTE:** an established apartment building is already located on this site, therefore DDO3 is considered to be a redundant control.

City of Yarra DDOs

The following Design and Development Overlays applied with the WHEA located within the City of Yarra at the time of reviewing the 2009 Strategy Plan and development of this Strategy Plan.

DD02: Main Roads & Boulevards

- Relates to main roads & boulevards and applies to land/properties fronting Victoria Parade.
- Objectives of DD02 includes:
 - To recognise the importance of main roads to the image of the City.
 - To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
 - To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
 - To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
 - To encourage high quality contemporary architecture.
 - To encourage urban design that provides for a high level of community safety and comfort.
 - To limit visual clutter.
 - To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.
- Includes specific design objectives and decision guidelines "to guide built form and ensure the design, height form and visual bulk is informed by existing built form character".
- However it does not include any specific guidance on preferred or mandatory maximum building heights.

City of Yarra DDOs

DD08: Fitzroy South

- Relates to Fitzroy South and applies to 50-68 Nicholson Street & a band of land 40 metres wide to the north side of Gertrude Street extending from Royal Lane to Fitzroy Street.
- Objectives of DD08 includes:
 - To protect the World Heritage values of the REB & Carlton Gardens.
 - To reinforce the built form character of the area as being essentially of low-rise buildings.
 - To protect views of the Drum, Dome, Lantern and Flagpole of the REB from the footpath on the south side of Gertrude Street and along Marion Lane, west of Fitzroy.
- Functions to only trigger a permit for buildings over 8.5 metres. Buildings above 8.5 metres to be assessed against design objectives.
- Requires notice to be given to Heritage Victoria.
- Includes specifically relevant decision guideline of:
 - Before deciding on an application, the responsible authority must consider the impact on the view of the Drum, Dome, Lantern and Flagpole of the REB.
- Includes specifically relevant policy reference of:
 - World Heritage Environs Area Strategy Plan: REB & Carlton Gardens (Department of Planning and Community Development, 2009).
- **NOTE:** This overlay has its basis in the World Heritage Environs Area Strategy Plan: REB & Carlton Gardens (DPCD 2009).
- **NOTE:** VCAT approved a five storey development at 1–9 Gertrude Street, Fitzroy, in November 2021 (Besen Getrude Pty Ltd v Yarra CC [2121] VCAT1434). At the time of approving this Strategy Plan, the property had transferred and Wattlevue Pty Ltd had applied to VCAT to amend the issued permit issued VCATP752/2024.

DD031: Gertrude Street Shops (Interim)

- In 2019 the Yarra City Council applied to the Minister for Planning, seeking the implementation of an interim DDO for a number of key activity centre streets. Seven interim DDOs were approved, which expired on 21 April 2024. Among them were DDOs that affect land at and around the corners of Smith and Gertrude Streets, outside the WHEA.
- Yarra City Council is proposing to introduce permanent built form and design requirements for the activity centres of Fitzroy and Collingwood through 12 individual DDOs via Amendment C271yara (Amendment C271), which is on exhibition until 24 February, 2025.

Key Observations on Existing DDOs

With regard to DDOs in place at the time of reviewing the 2009 Strategy Plan and development of this Strategy Plan the City of Melbourne has more extensively used DDO controls to address building form scale than within the City of Yarra.

Residential zoned land within both the City of Melbourne and City of Yarra did not have any DDO controls applied, although as discussed earlier, the existing suite of residential zones by default had their own 'inbuilt' built form controls with mandatory maximum heights. As highlighted earlier, there is a potential risk for the WHEA if the suite of standard residential zones were amended in future to remove the current mandatory maximum height controls.

To address this risk, the approved Strategy Plan has replicated the mandatory height controls of the residential zones within the WHEA.

There were also some other noted exclusions within the City of Melbourne, where selected land parcels lack any built form related control. This includes a large part of a neighbourhood block bounded by Drummond, Pelham and Rathdowne Streets, and accommodating the following land parcels:

- 15-31 Pelham Street, Carlton;
- 107-151 Rathdowne Street, Carlton; and
- 110-150 Drummond Street, Carlton.

Another land parcel without any built form-related control included:

- 2-8 La Trobe Street, Melbourne (i.e. Royal Society of Victoria), a site included in the VHR.

Within the City of Yarra, the use of the DDO to influence built form within the WHEA boundary had been quite limited including:

- North side of Gertrude Street (control relates specifically to the World Heritage Listing of the REB & Carlton Gardens);
- North side of Victoria Parade (did not specifically relate to the World Heritage Listing of the REB & Carlton Gardens).

7.8 Planning Policies

From a review of the overarching Victorian Planning Provisions in place at the time of the 2009 Strategy Plan review and during development of this Strategy Plan, contained both in the Melbourne and Yarra Planning Schemes, it is noted that there were no Regional level policies or clauses which specifically referred to the WHEA surrounding the REB & Carlton Gardens. This was considered to be an existing policy gap and has been redressed given the status of the REB & Carlton Gardens as a World Heritage listed site.

Although in more general terms *Clause 15 Built Environment & Heritage* provides overarching principles relating to the protection of places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

However, there were a number of existing planning policies contained within both the City of Melbourne and the City of Yarra Planning Schemes, which are briefly summarised below.

City of Melbourne Policies

The following applicable Local Planning Policies were found within the City of Melbourne in place at the time of the 2009 Strategy Plan review and development of this Strategy Plan:

Clause 21.06 Built Environment and Heritage has been replaced by multiple local sections in *Clause 15*.

These include strategies and policies to:

Clause 15.01-1L-01:

- CBD lanes - Protect and create views along lanes that provide a visual link to other streets and lanes in the pedestrian network, or which terminate at notable buildings or landmarks.

Clause 15.01-1L-02:

- Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Clause 15.01-1L-04 Urban Design

Clause 15.01-1L-05 Urban Design outside the Capital City Zone.

Clause 15.03-1L-02 and 15.03-1L-03 (which replaced **Clause 22.04 Heritage Places in the Capital City Zone** and **Clause 22.05 Heritage Places outside the Capital City Zone**):

- *Clause 15.03-1L-02* applies to properties classified as significant, contributory or non-contributory and include permit application requirements, and provisions relating to demolition, alterations, new buildings, additions, restoration and reconstruction, subdivision, vehicle accommodation, and services and ancillaries.
- *Clause 15.03-1L-03* relates to an old categorisation system and applies to properties retaining an A–D grading within a Heritage Overlay.

Clause 15.03-1L-01 Heritage Place within the World Heritage Environs Area (which replaced **Clause 22.21 Heritage Places Within the World Heritage Environs Area**):

- The policy is noted to have had its basis in the 2009 Strategy Plan, and specifically applies to the Area of Greater Sensitivity within the WHEA, as illustrated on Figure 1 of the clause.
- It only applied to land which is nominated as the Area of Greater Significance of the WHEA.
- It contains a number of objectives as follows:
 - 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.
- In addition it contains a number of strategies and cites the 2009 Strategy Plan as a policy document to consider as relevant.

City of Yarra Policies

The following applicable Local Planning Policies were found within the City of Yarra at the time of the 2009 Strategy Plan review and development of this Strategy Plan:

Clause 02.01-6 Built environment and heritage

- Includes the following relevant heritage statement:
 - *Yarra's heritage includes buildings and places of local, state, national and international significance, including part of the Royal Exhibition Buildings and Carlton Gardens World Heritage Environs Area, which provides a setting and context of significant historic character for the World Heritage.*

Clause 15.03-1L-01 Heritage Place within the World Heritage Environs Area (which replaced **Clause 22.14 Heritage Places Within the World Heritage Environs Area**):

- The policy is noted to have had its basis in the 2009 Strategy Plan, and specifically applies to the Area of Greater Sensitivity within the WHEA, as illustrated on Figure 1 of the clause.
- It only applied to land which is nominated as the Area of Greater Significance of the WHEA.
- It contains a number of objectives as follows:
 - 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.
- In addition it contains a number of strategies and cites the 2009 Strategy Plan as a policy document to consider as relevant.

Clause 15.01-2L-02 Landmarks

- This policy seeks to maintain visual prominence and primary views of Yarra's valued landmarks. Relevant to this project this includes views of REBs drum, dome, lantern and flagpole when viewed from:
 - Length of the footpath on south side of Gertrude Street between Nicholson Street and Fitzroy Street.
 - Along Marion Lane west of Fitzroy Street.

7.9 Deficiencies in operation of WHEA Areas of Greater & Lesser Sensitivity

The importance of the WHEA in its entirety to the protection of the World Heritage values of the REB & Carlton Gardens was identified by the 2009 Strategy Plan. The statutory controls implemented following the Minister's approval of the 2009 Strategy Plan were then applied to the Area of Greater Sensitivity. Consequently areas of the WHEA outside of the 'Area of Greater Sensitivity' were afforded no greater protection or statutory control than the surrounding land located outside of the WHEA. This means that areas within the WHEA that were not within the designated Area of Greater Sensitivity were subject to the HO only (with a few exceptions). However, places subject to the HO must include a significance assessment of the cultural heritage values that individually apply to that place or precinct, rather than the significance of that place or precinct to the World Heritage values of the REB & Carlton Gardens.

As part of the review of the 2009 Strategy Plan, the SoS for the WHEA was re-examined and updated, see section 7.5. It should also be noted that the SoS included in the 2009 Strategy Plan applied only to the Area of Greater Sensitivity, and therefore was not intended to apply to the WHEA in its entirety. This situation is reinforced by the functional operation and application of the relevant Local Planning Policies for the World Heritage Environs Area Precinct, namely City of Melbourne's *Clause 15.03-1L* (formerly *Clause 22.21*) and City of Yarra's *Clause 15.03-1L* (formerly *Clause 22.14*). Refer also to Section 7.5.

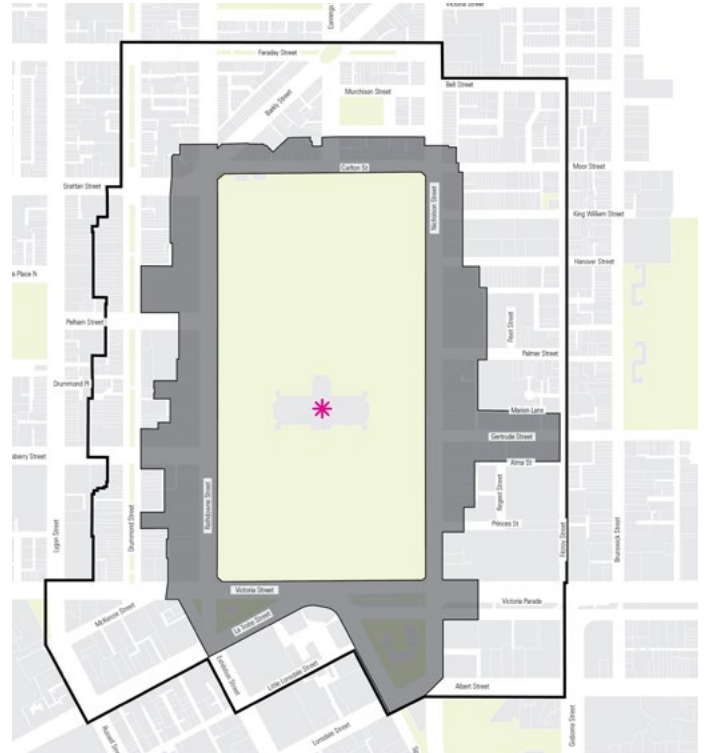


Figure 6 - Existing WHEA Boundary & Area of Greater Sensitivity (shaded)



8.0 Views and Vistas

The views, vistas and built form analysis is summarised in the Visual Framework & Testing (Appendix 2). It was informed by the following process:

- Literature review of relevant views and vistas analysis, documentation and assessment.
- Desktop analysis of zone of visual influence.
- Identification of aspect and prospect views.
- Identification and definition of primary, secondary and supporting views.
- Site visits and photographic documentation.
- Assessment of view types and identification of sensitive areas for built form testing.
- Built form (3D massing) testing of sensitive primary view lines.

All views and vistas assessed were from spaces and places within the public realm (publicly accessible), taking into consideration existing vegetation and seasonality. Key vantage points were taken from junctions, pedestrian crossings, entries to the Carlton Gardens, public squares, or public transport nodes (including tram stops and station entries).

8.1 Aspect & Prospect Views

The Visual Framework & Testing defines views and vistas as 'aspect' (inward looking) and 'prospect' (outward looking).



Example of a Aspect View 'Inward Looking'.



Example of Prospect View 'Outward Looking' from the Carlton Gardens perimeter.



Example of Prospect View 'Outward Looking' from within the Carlton Gardens.

8.2 Primary, Secondary & Supporting Views

It is important to distinguish between the more 'significant' views and vistas of the REB (Dome, building) and Carlton Gardens from within the WHEA; as well as views of the WHEA from the REB & Carlton Gardens.

Primary Views

The 2009 Strategy Plan identified 'significant', or 'primary' views being direct and proximate views into the site from key streets and planned axial views within the Carlton Gardens.

Secondary Views

Other views (being glimpses, or distant views) to the Dome are mainly considered less significant. Secondary views are framed around ensuring the landmark is visually prominent when viewed from key vantage points.

Supporting Views

While some properties included in the VHR within the WHEA are landmarks in their own right, they were examined within the context of the WHEA's 19th century setting. When considering views and vistas, heritage streetscapes contribute to the built form and streetscape context of the WHEA. In that regard, this 19th century setting 'supports' the prominence and significance of the REB & Carlton Gardens. Consideration of views to other heritage landmarks and visual frameworks of heritage streetscapes within the WHEA were not explicitly addressed in the 2009 Strategy Plan. For the purpose of this Approved Strategy Plan, these views are regarded as 'supporting views'.



Example of a Primary View



Example of a Secondary View



Example of a Supporting View

8.3 View Types

Various view types were identified in relation to short, medium and long-range views depending on the visibility of the REB, Dome, Carlton Gardens and its 19th century setting in their current condition. Documentation of these views and potential issues and management are further elaborated upon below. **Five types of views** identified, including four view types identified in the 2009 Strategy Plan and an additional 'streetscape oblique' view (prospect view) in response to the 'gap' identified in the WHEA Discussion Paper. These are:

Direct Views

Views of the REB & Dome are available from bordering/ abutting streets at key junctions and signalised pedestrian crossings. Views to the REB & its Dome are also available from within the Carlton Gardens, along its key axes. From these locations, the monumental quality of the REB is emphasised.

Proximate Views

Views of the Dome and/ or REB are available at key junctions and street corridors extending beyond the immediate Area of Greater Sensitivity, within and outside the WHEA boundary to the west, south and east. In most instances, views from within these street corridors are framed by existing built forms. These view locations and corridors are generally in line with the established north-south and east-west formal axes for the Carlton Gardens. From these locations, the visible parts of the Dome are clearly legible. While some proximate views to the Dome and/ or REB are interrupted by existing structures, or vegetation, they remain visually dominant.



Example of a Proximate View

Partial/ Glimpse Views

Views of the Dome (in parts) that are not gained from street alignments, but in mid-block locations where elements of the Dome protrude above buildings in the foreground.

Partial views of the REB, Dome and Carlton Gardens which are interrupted by existing structure within public and private realms within the local context. In some instances, views to the REB and Dome are concealed by established landscaping within the Carlton Gardens.

Distant Views

Long range views to the REB Dome and Carlton Gardens from areas outside the WHEA. From these locations, the Dome silhouette, or parts of the Dome may be available, but not clearly legible.

Long range views to other heritage landmarks (within and outside the WHEA) are available with a varying degree of legibility.

Oblique streetscape Views

Views towards the 19th century significant, or consistent heritage streetscapes abutting the Carlton Gardens. Views to these streetscapes are available from the perimeter of the Carlton Gardens with open, direct streetscape views available from key entries into Carlton Gardens at each of its corners and in alignment with its north-south and east-west axes.



Example of a Glimpse View

8.4 View Categories

A detailed analysis of various views and vistas has been undertaken as part of this built form analysis. To assist with the assessment, each view location has been categorised into one of seven categories as follows:

- **Category 1 - aspect view:** Views to the Dome, including those identified in existing 2009 Strategy Plan and Planning Schemes DDO/ Local Policies pertaining to the WHEA.
- **Category 2 - aspect view:** Views of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces which are not identified in the existing DDO.
- **Category 3 - aspect view:** Views of the REB from within the public realm, including laneways, streets, or public spaces.
- **Category 4 - aspect view:** Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.
- **Category 5 - prospect view:** Views towards the REB and Dome from within the Carlton Gardens and Melbourne Museum Forecourt.

- **Category 6 - prospect view:** Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.

- **Category 7 - prospect view:** Long range/ distant views of the WHEA and other prominent heritage landmarks from the elevated Promenade Deck.

View locations and the general direction of the assessed views are summarised in Table 1 - Views and Vistas Assessment Summary below and illustrated on Figure 7 on page 67.

Table 1 below is a summary assessment of each view category, including whether its protection is required. A detailed assessment of each view location follows through the balance of this section.

The photos documented in this Chapter were taken using a Full Frame Digital SLR camera (Canon EOS 5Ds) with a Canon EF 28mm f/1.8 USM lens.

The positioning of the camera taken at a height of 1.7 metres above ground level (the photographer's eye level). The camera was not tilted but rather set as horizontal. The photographs were taken on the 17 October 2023 between 11am and 4pm, unless specified otherwise.

Table 1: Views and Vistas Assessment Summary

View Category	Primary/ Secondary/ Supporting	View Types	View Locations in WHEA	View Locations outside WHEA	Protection required?
Category 1	Primary	Direct/ Proximate	1A, 1C, 1E, 1F, 1G, 1I, 1J, 1K	1B, 1D, 1H	Yes
Category 2	Secondary	Glimpse/ Distant	2A (Note: view 2D has been removed as site inspections conducted in October, 2023 revealed it is no longer available due to a recent development)	2B, 2C	Yes
Category 3	Primary	Direct	3A, 3B, 3C, 3D, 3E	-	Yes
Category 4	Primary	Direct/ Proximate	4A	-	Yes
	Secondary	Glimpse/ Distant	4B	-	Yes
Category 5	Primary	Direct	-	5A, 5B, 5C, 5D (within the Museum forecourt & Carlton Gardens)	Yes
Category 6	Supporting	Oblique Streetscape	6A, 6B, 6C	-	Streetscape View Consideration + Sense of openness
Category 7	Supporting	Distant	-	7A, 7B, 7C, 7D, 7E (within the REB & Carlton Gardens)	Urban Structure Consideration

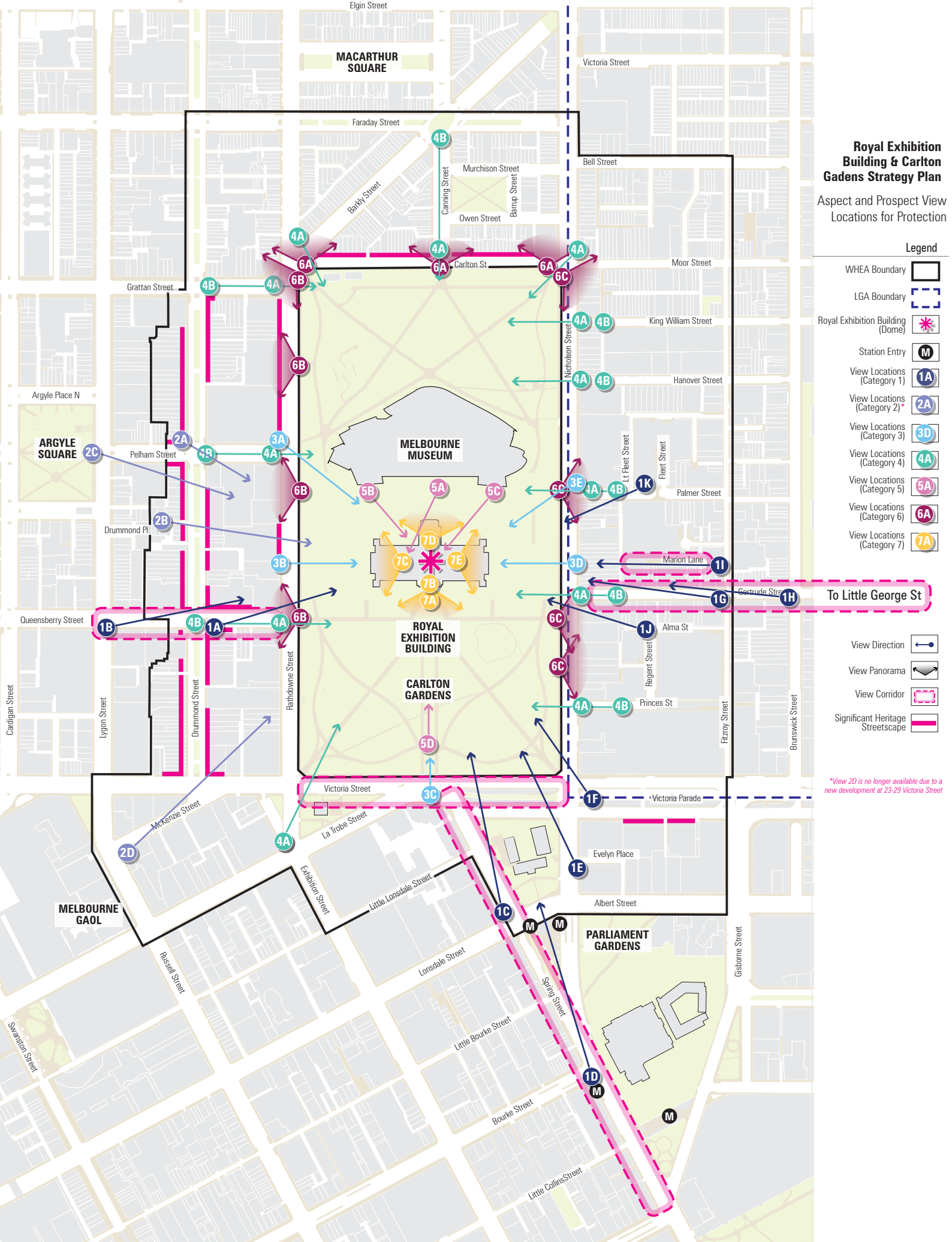


Figure 7 - Views & Vistas

Table 2: Aspect and Prospect View Locations and Descriptions for Protection

Location	Description
Category 1 - aspect view: Direct / proximate Views to the Dome (Flagpole, Lantern, Dome and Drum) from the public realm, including rear laneways, streets, or public spaces.	
1A	View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.
1B	View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.
1C	View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).
1D	View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).
1E	View 1E: Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).
1F	View 1F: Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).
1G	View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side).
1H	View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side).
1I	View 1I: Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.
1J	View 1J: Views to the Dome from the northeastern corner of Regent Street and Alma Street junction.
1K	View 1K: Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.
Category 2 - aspect view: Glimpse/ distant view of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces.	
2A	View 2A: View to parts of the Dome from the northwestern corner of Pelham and Drummond Streets.
2B	View 2B: View to parts of the Dome from the junction of Drummond Street and Drummond Place.
2C	View 2C: View to parts of the Dome from the junction of Lygon Street and Pelham Street (eastern edge of Argyle Square).
Category 3 - aspect view: Direct view of the Royal Exhibition Building (REB) from within the public realm, including laneways, streets, or public spaces.	
3A	View 3A: Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).
3B	View 3B: Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).
3C	View 3C: Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).
3D	View 3D: Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).
3E	View 3E: Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).

Location	Description
Category 4 - aspect view: Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.	
4A	View 4A: Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).
4B	View 4B: Terminated views to the Carlton Gardens from the footpaths of perpendicular streets within 1 block of the perimeter streets, including:
	<ul style="list-style-type: none"> ▪ Canning Street between Faraday & Carlton Streets.
	<ul style="list-style-type: none"> ▪ King William Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Hanover Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Palmer Street between Nicholson & Lt Fleet Streets.
	<ul style="list-style-type: none"> ▪ Gertrude Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Princes Street between Nicholson & Regent Streets.
	<ul style="list-style-type: none"> ▪ Queensberry Street between Rathdowne & Drummond Streets.
	<ul style="list-style-type: none"> ▪ Pelham Street between Rathdowne & Drummond Streets.
	<ul style="list-style-type: none"> ▪ Grattan Street between Rathdowne & Drummond Streets.
Category 5 - prospect view: Direct views towards the REB and Dome (Flagpole, Lantern, Dome and Drum) from within the Carlton Gardens and Melbourne Museum Forecourt.	
5A	View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).
5B	View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.
5C	View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.
5D	View 5D: Views to the Dome and southern elevation of the REB from within the Grand Allee.
Category 6 - prospect view: Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.	
6A	View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens.
6B	View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt.
6C	View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt.
Category 7 - prospect view: Long-range/ distant views of the World Heritage Environs Area (WHEA) and other prominent heritage landmarks from the elevated Promenade Deck.	
7A	View 7A: View to southern part of the WHEA and the Central City beyond from the Lower Deck.
7B	View 7B: View to southern part of the WHEA and the Central City beyond from the Upper Deck.
7C	View 7C: View to western part of the WHEA from the Upper Deck.
7D	View 7D: View to northern part of the WHEA from the Upper Deck.

Category 1 Views: Protection to be implemented



View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.



View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.

Category 1 Views: Protection to be implemented



View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).



View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).

Category 1 Views: Protection to be implemented



View 1E: Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).



View 1F: Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).

Category 1 Views: Protection to be implemented



View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side). *



View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side). *

*Additional fieldwork was undertaken on 22nd November 2023 to recapture Views 1G and 1H due to temporary public realm obstructions on the initial date of fieldwork.

Category 1 Views: Protection to be implemented



View 1I: Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.



View 1J: Views to the Dome from the north eastern corner of Regent Street and Alma Street junction.

Category 1 Views: Protection to be implemented



View 1K: Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.

Category 3 Views: Protection to be implemented



View 3A: Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).



View 3B: Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).

Category 3 Views: Protection to be implemented



View 3C: Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).



View 3D: Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).

Category 3 Views: Protection to be implemented



View 3E: Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).

Category 4 View: Protection to be implemented



Example of View 4A: Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).



Example of View 4A

Category 5 Views: Protection to be implemented



View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).



View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.

Category 5 Views: Protection to be implemented



View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.



View 5D: Views to the Dome and southern elevation of the REB from within the Grand Allee.

8.5 Urban Design Principles

In broad terms, urban design principles that guide development outcomes within the WHEA at the time of developing this Strategy Plan (and some areas outside the WHEA) are found in existing Local Planning Policies (*Clause 15.03-1L* of Melbourne Planning Scheme, *Clause 15.03-1L* of Yarra Planning Scheme and various DDOs). The built form testing was measured against these principles.

In simplest terms, urban morphology within the WHEA are influenced by the following **five urban design principles**:

- Protecting primary aspect/prospect views from/ to the REB/ Gardens.
- Retaining predominantly low scale setting to the north of Victoria Street (in HO area).
- Consideration for significant/consistent heritage streetscapes.
- Retention of an open streetscape settings along the WHEA perimeter (north of Victoria Street).
- Visual dominance of the Dome and open sky view of the Dome, drum, lantern and flagpole from primary vantage points.

8.6 Built Form Testing & Parameters

The built form testing was not intended to be a comprehensive Built Form Review of all sites within the WHEA. Rather, it is focused around areas where primary views and key supporting views were available from and need to be protected.

Six key areas were identified through the view and vistas assessment for built form testing to assess how primary views will be protected going forward.

The built form tests demonstrate visual implications of potential built form outcomes to enable assessment and to determine how the preferred outcome meets the urban design principles.

As part of the initial round of testing Hansen prepared 3-Dimensional massing model for key areas to test the impact of existing DDOs; recent development trajectory; and locations with an absence of built form control for primary views to the Dome, REB and its 19th century setting. Details of the modelling approach and methodology for the initial round of built form testing are provided in Appendix 2.

Each built form testing area is illustrated on Figure 8 on page 83, and can be further described in Table 02 below.

Table 02: Built Form Testing

Testing Area		Existing Built Form Control	Affected Primary Views	Affected Supporting View
CITY OF MELBOURNE				
Area 1	West of Rathdowne Street (bounded by Rathdowne, Pelham, Drummond and Queensbury Streets).	DDO6 (southern part only)	Views 1A & 1B, View 4A	View 6B
Area 2	West of Rathdowne Street (bounded by Queensberry Street, Drummond Street, Victoria Street).	DDO6	Views 5A, 5C	View 6B
Area 3	South west of the REB & Carlton Gardens (bounded by Victoria Street, La Trobe Street, Russell Street).	Nil	View 4A	
Area 4	South of the REB & Carlton Gardens (bounded by Victoria Street, Spring Street and Albert Street)	DDO13	Views 1C, 1D, 1E, View 4A	n/a
CITY OF YARRA				
Area 5	South east of the REB & Carlton Gardens (bounded by Nicholson Street, Victoria Parade, Fitzroy Street and Gertrude Street).	DDO2 (properties fronting Victoria Parade only)	View 1J, View 4A	View 6C
Area 6	East of Nicholson Street (bounded by Nicholson Street, Palmer Street & Marion Lane, Fitzroy Street and Gertrude Street).	DDO8, Residential Zone.	Views 1G, 1H, 1I, 1K,	View 6C

Note: Built form modelling has not tested Category 4A views as they are not impacted by built forms on the private realm. These views are primarily retained through management of infrastructure within the public realm/ road reserve.

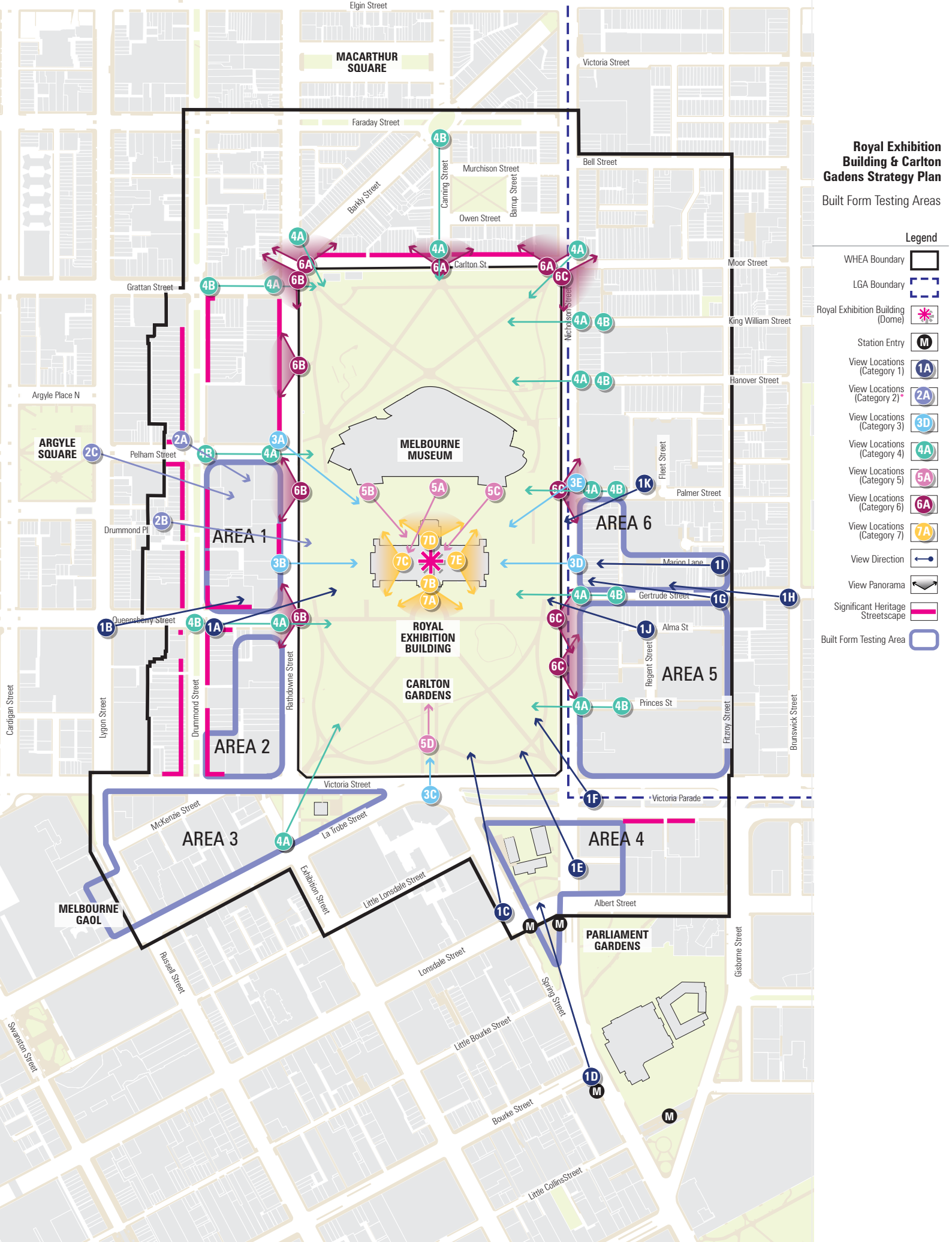


Figure 8 - Built Form Testing Areas

The initial round of built form testing as documented in Section 4.0 of this Approved Strategy Plan resulted in preliminary recommendations being made for the implementation of a new DDO over land within Area 3. The new DDO proposed to implement a maximum building height across Area 3 to ensure future development did not compete with the visual primacy of the Dome when viewed from primary vantage point locations 5A, 5B and 5C located in northern forecourt of the REB. The proposed DDO also sought to discourage potential continuous walls of building in the backdrop of these primary views.

However, following a review of the findings and recommendations of the initial built form testing, additional and more detailed built form and visual testing of the proposed built form controls to be applied to land within Area 3 was needed. The process comprised the preparation of a 3-Dimensional block model for all sites within Area 3 (by the Department) to ascertain the level of visibility (beyond the REB silhouette) when viewed from key vantage points.

The detailed built form model was a useful tool to assist the team in determining the absolute development height parameters of future built form to achieve full concealment and the acceptable level of visibility from key vantage points 5A, 5B & 5C within the REB northern forecourt.

The general process in the preparation of detailed built form modelling and photomontages was:

- Confirming and undertaking feature survey points for key vantage points and photographic locations within the REB northern forecourt. Photographs taken in this location are generally looking south.
- Preparation of a 3-Dimensional block model (prepared by the Department).
- Preparation of photomontages from surveyed key vantage points and confirmed 3-Dimensional block models to confirm the building height parameters for 'visual concealment' (potential preferred mandatory maximum height). and 'acceptable visibility' (potential mandatory maximum height).

Details of the approach and methodology for the additional built form modelling are provided in Appendix 2. However, general comment is provided regarding the surveying of specific camera locations.

In all, ten camera locations within with the REB northern forecourt were surveyed to provide flexibility with the photomontage testing.

The chosen camera locations that were surveyed were built upon the earlier phase of built form, and specifically the identified key views 5A, 5B and 5C. The surveyed photo locations which specifically correspond with the earlier identified key views includes:

- Key view 5A = camera 6
- Key View 5B = camera 3
- Key View 5C = camera 7

In addition to the above three surveyed camera locations, a further seven camera locations were surveyed (i.e. camera locations 1, 2 4, 5, 8, 9 & 10) to allow flexibility in potentially preparing additional photomontages for further test and 'ground truth' key view locations 5A, 5B & 5C.

The camera locations were identified via a surveyed point level to Australian Height Datum (AHD), in addition to a corresponding camera view height, measured at 1.6 metres above the surveyed ground level point. The location and direction of each photo from surveyed camera points is illustrated on the page 85 opposite.

The clear benefit of the 3D block model and photomontage testing was that it was able to make a nuanced assessment of potential future built form within Area 3 (i.e. on a site by site basis), and thereby provided information on built form scale to allow a DDO to be prepared for MUZ land to nominate preferred maximum and mandatory maximum heights.

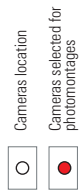
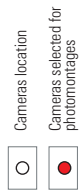
Furthermore, the completion of this detailed built form modelled functions allowed its findings to be clearly translated into a site specific DDO control for relevant land.

The outcome of this additional built form testing process has been the specification of the maximum building heights on a site by site basis which will be fully concealed from view from key vantage points within the northern forecourt of the Melbourne Museum.

The outcomes of the photomontage/ built form testing for key view 5A, 5B and 5C are illustrated on following pages.

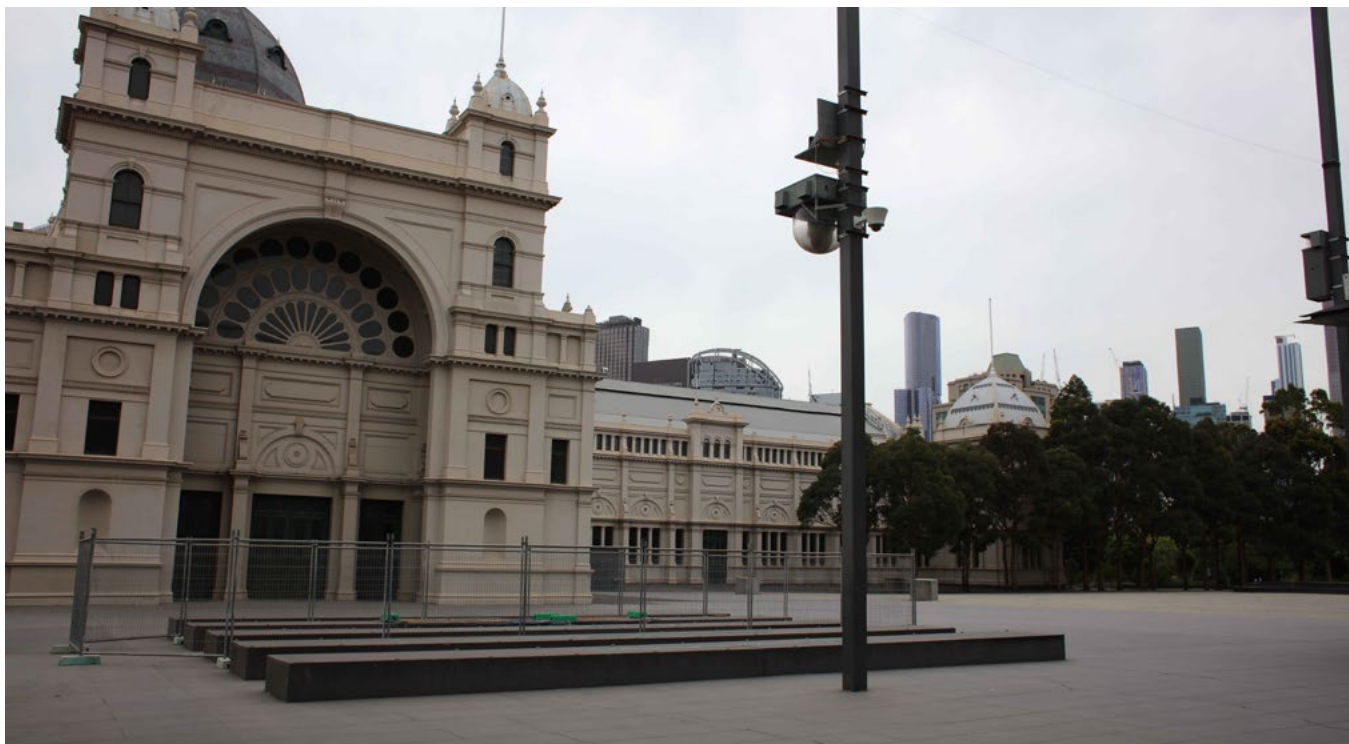


Legend



CAMERA LOCATION 6 (Key view 5A)

Surveyed point level : 43.414 metres A.H.D - Camera view height : 45.014 metres A.H.D
Note: the camera height is measured at 1.6 metres above surveyed ground level.



Existing view.




Testing of proposed 'concealment height' of built form (outline). Note: the proposed development is fully concealed this camera location

LEGEND

 Royal Society site development envelope

 Royal Society site development envelope outline

 Mixed Use Zone development envelope

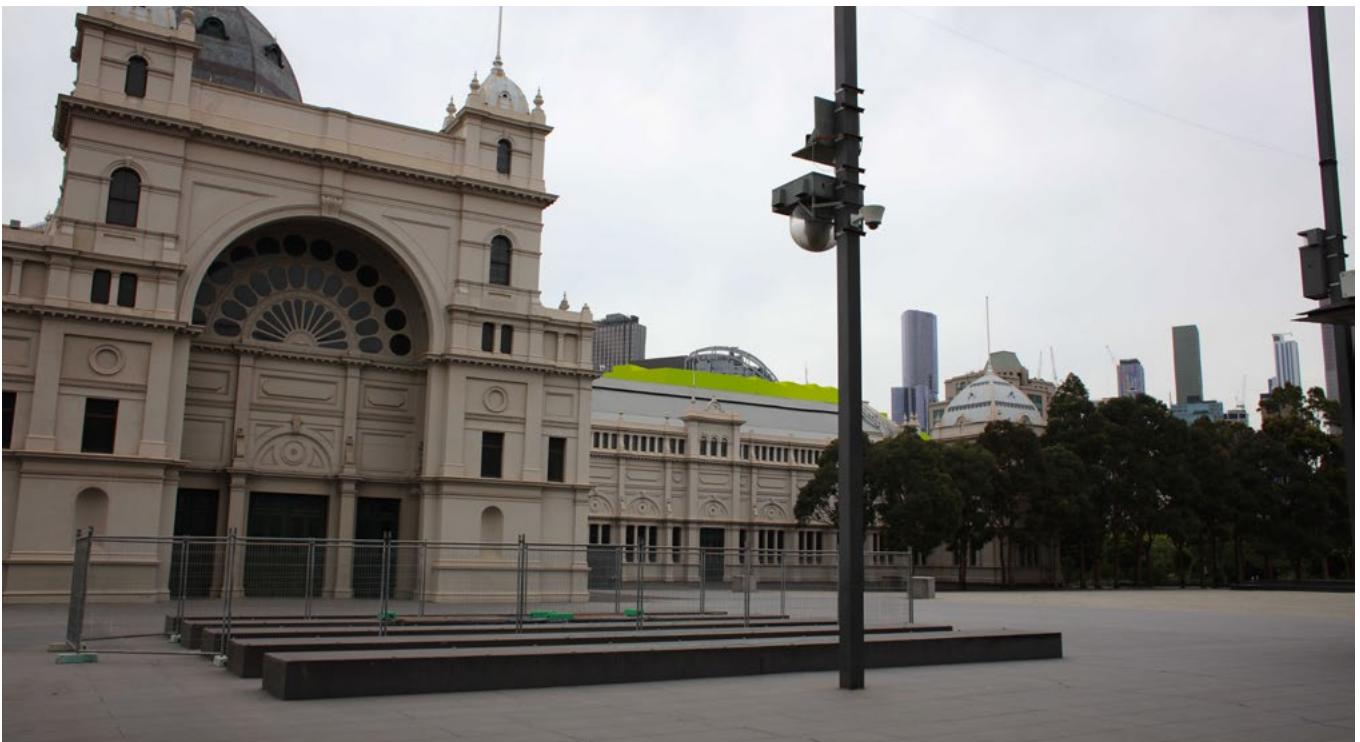
 Mixed Use Zone development envelope outline

CAMERA LOCATION 6 (Key view 5A)

Surveyed point level : 43.414 metres A.H.D - Camera view height : 45.014 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Testing of proposed 10 metres above 'concealment height' of built form (outline)



Testing of proposed 10 metres above 'concealment height' of built form (visible block form)

LEGEND

 Royal Society site development envelope

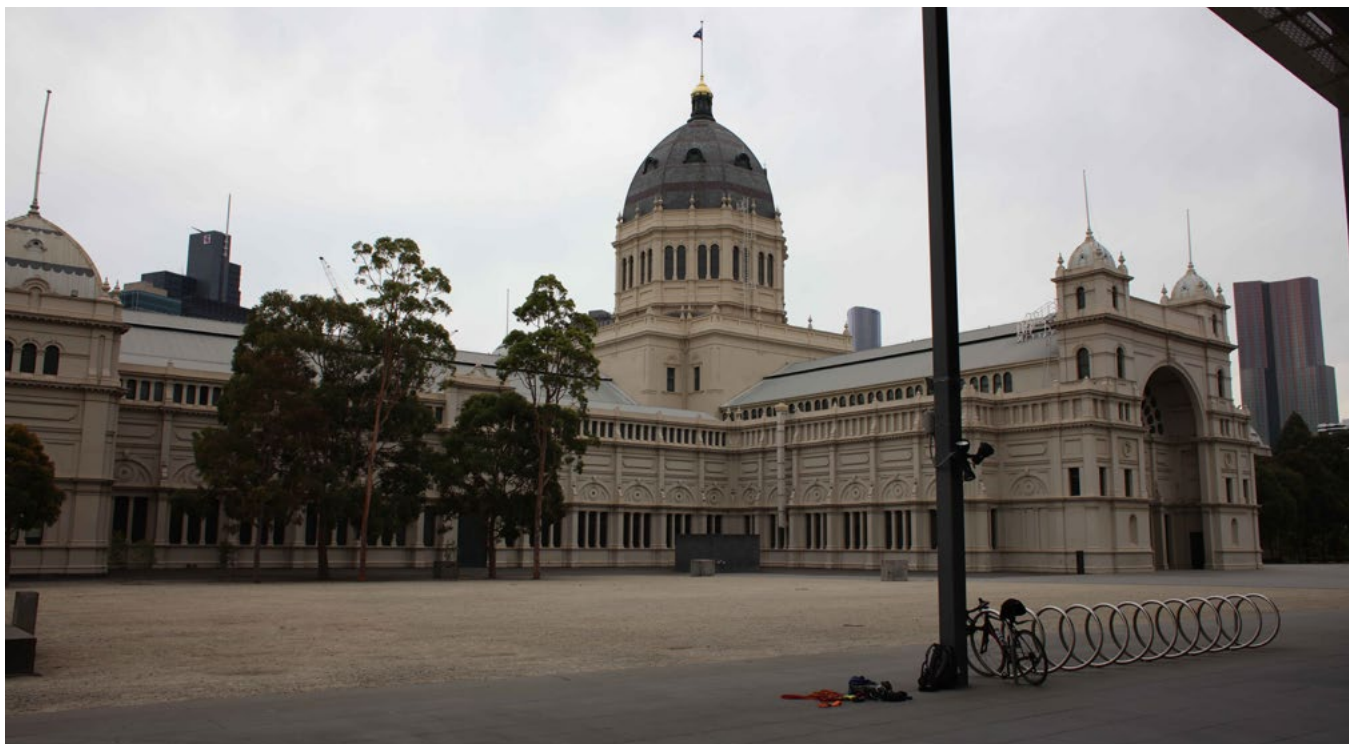
 Royal Society site development envelope outline

 Mixed Use Zone development envelope

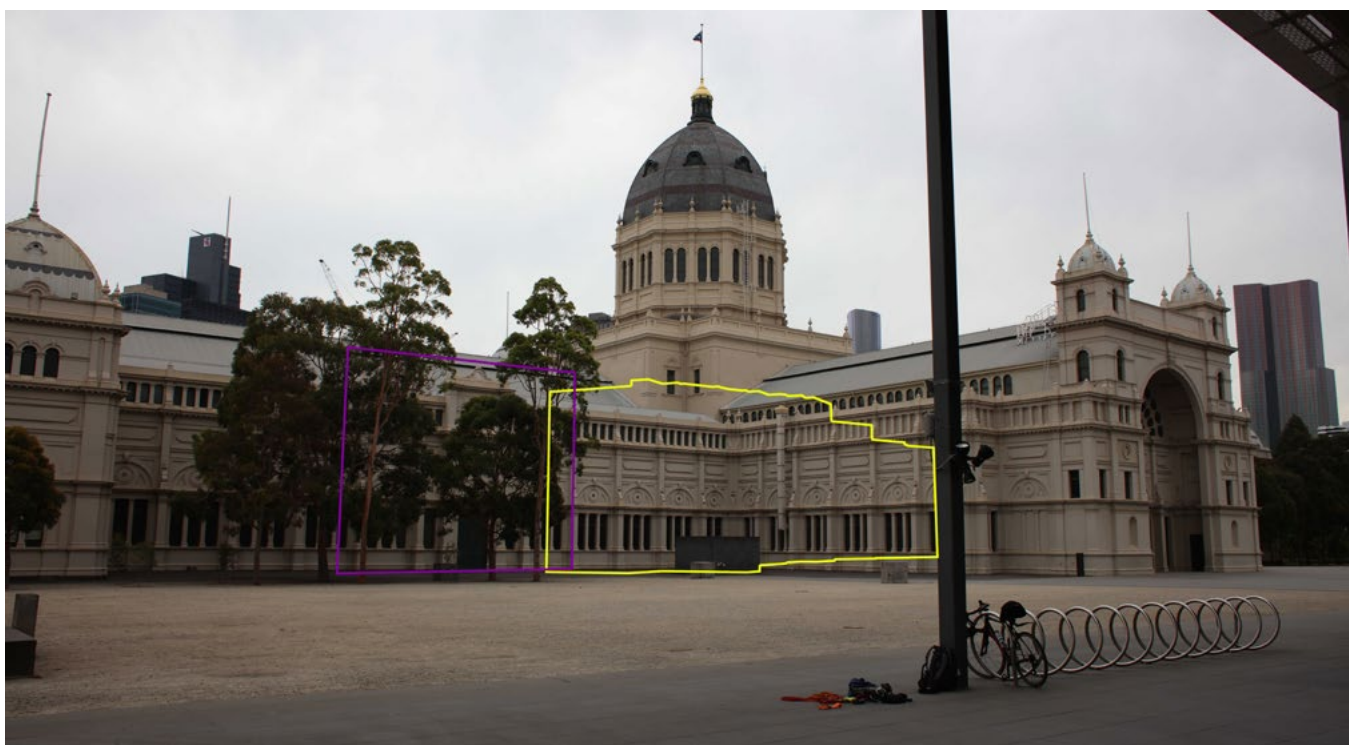
 Mixed Use Zone development envelope outline

CAMERA LOCATION 7 (Key view 5C)

Surveyed point level : 43.344 metres A.H.D - Camera view height : 44.944 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Existing view.



Testing of proposed 'concealment height' of built form (outline). Note: the proposed development is fully concealed this camera location

LEGEND

 Royal Society site development envelope

 Royal Society site development envelope outline

 Mixed Use Zone development envelope

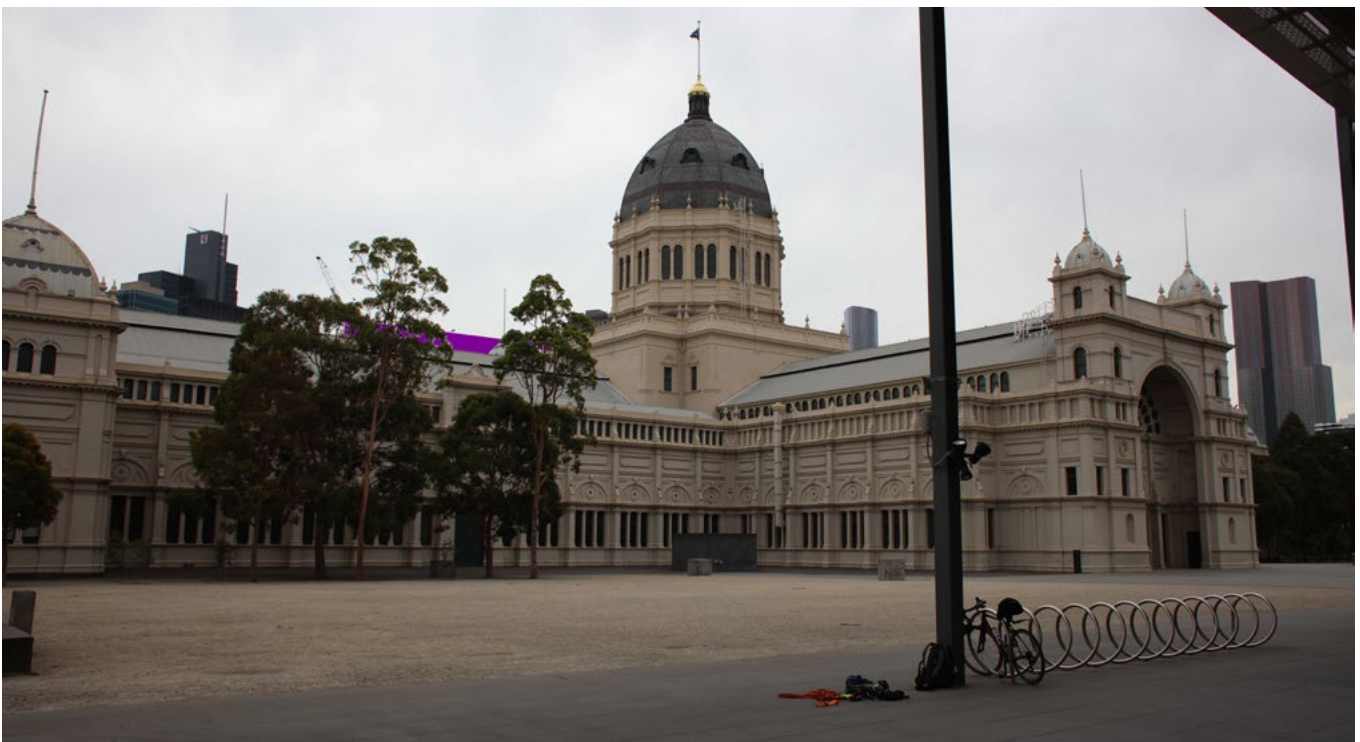
 Mixed Use Zone development envelope outline

CAMERA LOCATION 7 (Key view 5C)

Surveyed point level : 43.344 metres A.H.D - Camera view height : 44.944 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Testing of proposed 10 metres above 'concealment height' of built form (outline)



Testing of proposed 10 metres above 'concealment height' of built form (visible block form)

LEGEND



Royal Society site development envelope



Royal Society site development envelope outline



Mixed Use Zone development envelope



Mixed Use Zone development envelope outline

CAMERA LOCATION 3 (Key view 5B)

Surveyed point level : 43.408 metres A.H.D - Camera view height : 45.008 metres
A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level



Existing view. Note: this camera location faces away from the Mixed Use Zone area being tested, therefore there is no potential building envelope to be illustrated

8.7 Conclusions on additional built form testing

Maximum buildings heights within Area 3 MUZ land

The clear benefit of undertaking additional built form testing through the use of a 3-Dimensional block model (by the Department) and the preparation of photomontages, was the ability to inform potential future built form parameters within Area 3 (i.e. on a site by site basis) to achieve partial, or full visual concealment from key views 5A and 5C and maintain the primacy of the view of the northern elevation of the REB.

Through a process of workshop testing and discussions with the Department, the appropriate 'concealment height' was established, which was confirmed when viewed from identified key views 5A and 5C (as well as and secondary camera locations).

The conducted built form testing functioned to provide a documented evidence base for the confirmed building heights to be implemented through a DDO to be prepared for MUZ land within Area 3, and to implement built form controls to a mandatory maximum building height (i.e. concealment height). Objectives will also prevent a continuous wall of building as a backdrop of the REB silhouette from key vantage points.

The Heritage Council in its adoption of the September 2022 draft Strategy Plan and submissions to it did not accept there was benefit in a 10 metre visibility allowance as had been proposed in the exhibited draft Strategy Plan. Its view was that this incremental and continued incursion to the REB & Carlton Gardens from key vantage points would have further detrimental impact. The Committee adopted the proposed preferred maximum building height as a mandatory height to protect and conserve the OUV of the REB & Carlton Gardens. This was agreed to in the approval of this Strategy Plan.

Royal Society of Victoria, 8 La Trobe Street

During the additional testing process, potential built form scale on The Royal Society of Victoria (RSV) site at 8 La Trobe Street was undertaken. The Heritage Council did not agree with translating this built form analysis into a DDO as had been proposed by the exhibited draft Strategy Plan. The Heritage Council deemed that on the basis that the inclusion of the site in the Victorian Heritage Register, would play a much greater role in determining any potential development on this site. Rather, the Council found that the RSV site plays an important role in its own right and with respect to its direct relationship with the REB & Carlton Gardens. The latter includes views from the south-west (noting the amended view 4A), its historic and diminutive form in its garden setting, and its 19th century public building history. The Heritage Council did not consider the planning scheme should be silent about this very important and significant property. The Heritage Council considered that nominating a height in the new WHEA DDO4 based on the tested views will unrealistically elevate development expectations.

Consequently, the Heritage Council recommended changes to new WHEA DDO4 to address this, being that the mandatory maximum building height for 2-8 La Trobe Street be no higher than the maximum height of the existing building on the land. This was agreed to in the approval of this Strategy Plan.

A performance-based approach is required until such time as any detailed built form, heritage and design guidance is prepared for this property.

8.8 Summary of Built Form Changes

Following below is a summary of built form changes relating to each of the six areas subject to built form testing as outlined in Section 8.6. The summary built form changes are further categorised by the municipal areas of the City of Melbourne and City of Yarra. These are also summarised in Tables 3-4 on page 108-113 and Figure 9 on page 107.

City of Melbourne - Area 1 & Area 2

Clause 15.03-1L.01

- In the policy basis, add text added to give greater context in local policies as to the purpose of the WHEA and OUV that are sought to be protected.
- A map included to graphically identify the location of primary vantage points.
- Provisions included to address the protection of primary view lines, which includes:
 - View 1A: View towards the Dome from the southern footpath of Queensberry Street, at the south eastern junction with Drummond Street.
 - View 1B: View towards the Dome from the southern footpath of Queensberry Street, at the south eastern junction of Lygon Street (outside WHEA boundary).
 - View 3A: View towards the REB, Dome and Carlton Gardens from the western footpath of Rathdowne Street, at the north western junction with Pelham Street.
 - View 3B: View towards the REB, Dome and Carlton Gardens from the eastern footpath of Rathdowne Street, between 101 & 117 Rathdowne Street (pedestrian crossing).

DD06

- Delete and consolidate DD06 into WHEA DD04 to nominate mandatory maximum heights.

New WHEA DD04

- Apply WHEA DD04 to 110 to 150 Drummond Street, 15-31 Pelham Street, 107 to 151 Rathdowne Street to nominate mandatory maximum heights (i.e. same heights as consolidated DD06 height controls).

City of Melbourne - Area 3

Clause 15.03-1L.01

- In the policy basis, add text added to give greater context in local policies as to the purpose of the WHEA and OUV that are sought to be protected.
- A map included to graphically identify the location of primary vantage points.
- Provisions included to address the protection of primary view lines, which includes (but is not limited to only these Museum forecourt locations):
 - View 5A: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Central Entry).
 - View 5B: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Western Entry).
 - View 5C: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Eastern Entry/ Lift).

New WHEA DD04

- New DDO for Area 3 (west of Exhibition Street) will provide clear objectives and built form parameters to assess future development applications in relation to protecting primary views and visual dominance of the Dome, drum, flagpole and lantern from location 5A and 5C.
- Implement new DDO for MUZ land within Area 3 west of Exhibition Street, to nominate a mandatory maximum building heights on a site by site basis as determined by the detailed built form modelling. Include design objectives, specific application requirements and decision guideline.

City of Melbourne - Area 4**Clause 15.03-1L.01**

- In the policy basis, text added to give greater context in local policies as to the purpose of the WHEA and OUV that are sought to be protected.
- A map included to graphically identify the location of primary vantage points.
- Provisions included to address the protection of primary view lines, which includes :
 - View 1C: View towards the Dome from the wester footpath of Spring Street, north west corner of Lonsdale Street junction.
 - View 1D: View towards the Dome from the wester footpath of Spring Street, south west corner of Bourke Street junction.
 - View 1E: View towards the Dome from the eastern footpath of Nicholson Street, south of Evelyn Place.
 - View 1F: View towards the Dome from the eastern footpath of Victoria Parade central median and Tram Stop.

DD013

- Consolidation of those parts of DD013 within the WHEA into the new WHEA DD04.
- Table to DD013 area 26 updated to:
 - Protect views of the Drum, Dome, Lantern and Flagpole of the Royal Exhibition Building at north west corner of Lonsdale Street; and the north eastern corner of Nicholson St and Evelyn Place.
 - An outcome added to retain 'clear sky view' to the Drum, Dome, Lantern and Flagpole of the Royal Exhibition Building from the nominated primary vantage points.
- Amendment of DD013 to delete content transferred to the new WHEA DD04.

DD048

- Consolidation of those parts of DD048 within the WHEA into the new WHEA DD04.
- Amendment of DD013 to delete content transferred to the new WHEA DD04.

City of Yarra - Area 5**Clause 15.03-1L.01**

- In the policy basis, text added to give greater context in local policies as to the purpose of the WHEA and OUV that are sought to be protected.
- A map included to graphically identify the location of primary vantage points.
- Provisions included to address the protection of primary view lines, which includes provisions to address the protection of primary view lines, which including:
 - View 1G: View of the Dome from the southern footpath of Gertrude Street, north western corner of Fitzroy Street junction.
 - View 1H: View of the Dome from the from southern footpath of Gertrude Street, north western corner of Brunswick Street junction (outside WHEA).
 - View 1J: View of the Dome from the from eastern footpath of Regent Street, north eastern corner of Alma Street junction.

New WHEA DD04

- C1Z sites in Area 5 to provide clear objectives and built form parameters to assess future development applications in relation to protecting primary views and visual dominance of the Dome, drum, flagpole and lantern from location 1J.
- A discretionary maximum height for the St Vincent's Hospital sites and mandatory maximum building heights implemented as follows:
 - A maximum building height of 13.5 metres - matching maximum building height at 46 Nicholson Street.
 - Side setbacks (above 2 storeys) to retain primary view to the Dome from Location 1J.
- A street wall response that is informed by adjoining heritage buildings.

City of Yarra - Area 6

Clause 15.03-1L.01

- In the policy basis, text added to give greater context in local policies as to the purpose of the WHEA and OUV that are sought to be protected.
- A map included to graphically identify the location of primary vantage points.
- Provisions included to address the protection of primary view lines, which includes provisions to address the protection of primary view lines, which including:
 - View 1I: View of the Dome from western footpath of Fitzroy Street, at the junction with Marion Lane.
 - View 1K: View of the Dome from northern footpath of Palmer Street, between Fleet and Little Fleet Streets.
 - View 3D: View of the Carlton Gardens, Dome and REB from the eastern footpath of Nicholson Street (adjacent to no. 60 Rathdowne St).
 - View 3E: View of the Carlton Gardens, Dome and REB from the eastern footpath of Nicholson Street North eastern corner of Palmer Street and Nicholson Street (CoY)
 - View 5B: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Western Entry).

DD08

- Deletion and consolidation of DD08 into new WHEA DD04.
- Replication of the permit exemption of DD08 for building and works less than 8.5 metres in height from the existing ground level (Gertrude Street & Marion Lane).
- The key view controls of DD08 replicated but updated to include a requirement to protect views to and not intrude/ further intrude on the clear sky backdrop surrounding the drum, dome, lantern and flagpole of the Royal Exhibition Building when viewed from view location 1I (Marion Lane).

Residential Area (NRZ, GRZ)

No built form testing was undertaken for residential areas to the north and east as there are no identified primary views available from these locations. Likewise, the current residential zones impose mandatory maximum heights in the order of 2-3 storeys (depending on the zone and zone schedules within the the City of Melbourne and the City of Yarra), which by default will retain a predominantly low-rise context within a large proportion of the WHEA. Essentially the current residential zone controls function to protect the low scale heritage character of areas surrounding the REB & Carlton Gardens.

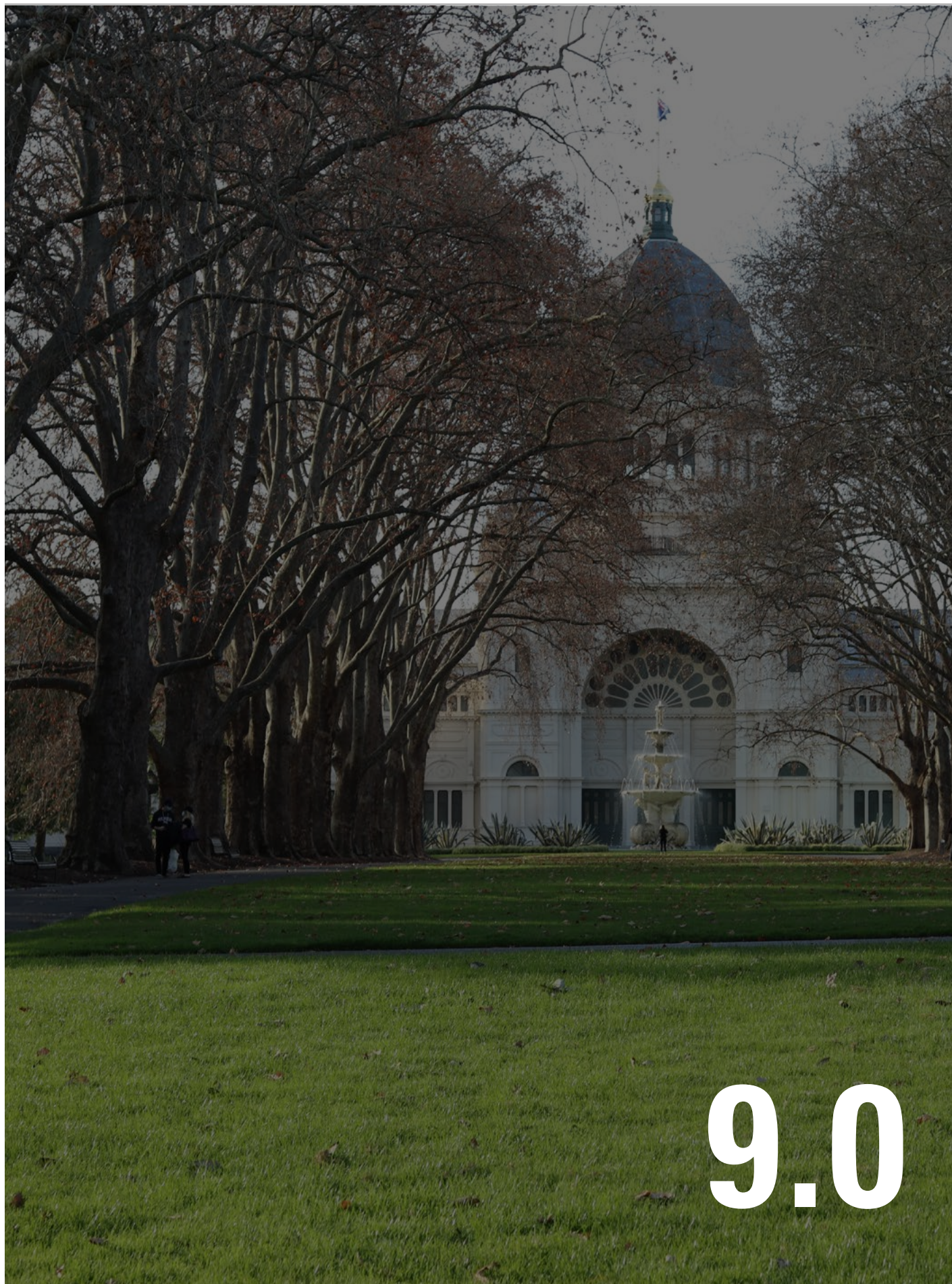
However, mandatory height controls within the residential zones were not implemented to protect the setting of the REB & Carlton Gardens WHEA. Rather they were a result of ongoing modifications which have been made by State Government to the suite of residential zones in recent years. Furthermore it is noted that mandatory height controls in residential zones did not exist when the 2009 Strategy Plan was drafted. Therefore while the current residential zones provide adequate built form parameters to preserving the low-rise, fine grain characteristics of the 19th century setting, there is a potential risk for the WHEA if the suite of standard residential zones were amended in future to remove the current mandatory maximum height controls.

In order to mitigate this risk, building height controls will be applied replicate the existing mandatory maximum height controls in order to reinforce existing residential height control, to ensure that any potential future modification to the zone height controls don't automatically apply to the residential zones forming the WHEA. This is also important as mandatory heights in the residential zones only apply to residential developments such as dwellings not, for example, non-residential development.

8.9 Summary of Changes from Adopted to Approved Strategy Plan

This Approved Strategy Plan made the following amendments to the Strategy Plan adopted by the Heritage Council in June 2023:

- The Heritage Council had recommended that the Executive Director, Heritage Victoria be a determining referral authority for all development applications in the WHEA. This Approved Strategy Plan allows for the Executive Director, Heritage Victoria to be a recommending referral authority for applications for all new buildings 3 storeys/11 metres or greater in height, or additions to existing buildings which would increase the height to 3 storeys/11 metres or more.
- The Heritage Council had recommended that amendments to Heritage Overlays (HO) HO995 (Melbourne) and HO361 (Yarra) to align with the WHEA declared on 28 July 202 form part of an immediate package of work. This Approved Strategy Plan allows for this to form part of future strategic work.
- The Heritage Council recommended as future work to “further refine and consolidate the complex planning scheme regime”, but this has been able to be achieved as part of the overall package of work associated with the Approved Strategy Plan, including:
 - Consolidation of DDO6 into a new WHEA DDO4 (Melbourne).
 - Consolidation of those parts of DDO48 within the WHEA into the new WHEA DDO4 (Melbourne) and amend DDO48 to delete transferred content.
 - Consolidation of those parts of DDO13 within the WHEA into the new WHEA DDO4 (Melbourne) and amend DDO13 to delete transferred content.
- Abandon amending *Clause 15.03-1S* in Melbourne and Yarra Planning Schemes, as this is not required as content will adequately covered by the Regional and Local level clauses at *Clause 15.03-1R* and *Clause 15.03-1L* in both planning schemes.
- Abandon amending *Clause 22.21* (Melbourne) and *Clause 22.14* (Yarra), as these have been replaced by *Clause 15.03-1L-01* in the respective planning schemes.
- Abandon amending DDO6 ‘Carlton Area’ to rename as ‘Carlton Area – WHEA’, as DDO6 will be incorporated into new WHEA DDO4 (Melbourne).



9.0 Statutory Protection of the WHEA

Based on the detailed review of the 2009 Strategy Plan, a range of gaps, deficiencies, omissions and improvements were identified, and will be addressed by the changes outlined below. The following changes are made in addition to those set out in Section 8.0 of this Approved Strategy Plan.

9.1 Areas of Greater & Lesser Sensitivity

In order to appropriately manage the WHEA into the future the current differentiation between the Designated Areas of Greater and Lesser Sensitivity is removed. By removing this current distinction, the WHEA will be more appropriately managed as a single entity.

The deficiencies in the application and operation of the WHEA Areas of Greater & Lesser Sensitivity are further elaborated in Section 7.9.



9.2 Planning Policies

Regional Planning Policies

The lack of Regional policies or clauses which specifically refer to the REB & Carlton Gardens and the associated WHEA was considered to be an existing policy gap. Therefore this policy gap is addressed by making relevant updates to the Victorian Planning Policy Framework, including the following **additions**:

- A new regional level policy at *Clause 15.03-1R* implemented to address the heritage conservation, protection and management of the World Heritage Listed REB & Carlton Gardens and the associated WHEA, giving certainty and priority to conserving and protecting the Outstanding Universal Values of the REB & Carlton Gardens in decision-making for land within the World Heritage Environs Area.

The broader intent of the change is to ensure consistency in planning controls and to facilitate consistency in decision making within the WHEA.

Local Planning Policies vs new WHEA Overlay

Existing local planning policies are reviewed and updated to ensure they are most appropriately applied to manage and respond to development within the WHEA, and to ensure that such development appropriately responds to the World Heritage Listing of the REB & Carlton Gardens. Commentary on different Local Planning Policies is outlined below.

The broader intent of the changes are to ensure consistency in planning controls and to facilitate consistency in decision making within the WHEA.

Existing Local Planning Policies within both the Melbourne and Yarra Planning Schemes specifically address development within the WHEA. These Local Planning Policies are titled *Clause 15.03-1L-01 Heritage places within the World Heritage Environs Area* in both the Melbourne and Yarra Planning Schemes.

Generally, these policies provide strong strategic context for the World Heritage listed REB & Carlton Gardens, which are broadly considered to be 'fit for purpose'. However, a review of these existing policies revealed that they only applied to the Area of Greater Sensitivity which meant that they only applied to part of the WHEA.

This was considered a specific deficiency of the existing Local Planning Policies, as those parts of the WHEA which are located outside of the inner area were afforded no greater policy protection than areas located outside of the WHEA altogether.

The existing WHEA Local Planning Policies are to be further strengthened and improved by amending them to apply to the entirety of the WHEA, and not just the Area of Greater Sensitivity.

There has been an issue with the use of Local Planning Policies to address the WHEA, given that the WHEA boundary map has not appeared anywhere apart from within the policy itself. This has given rise to a lack of clarity regarding what land is located within the WHEA. However this anomaly is addressed through changes and revisions to the existing WHEA Local Planning Policies as outlined in this Strategy Plan and the development of new WHEA DDO4 to apply to the entire WHEA. Specific changes are outlined overleaf.

In addition to amending the current *Clause 15.03-1L-01* changes are to be made to the Yarra and Melbourne Planning Schemes to:

- Give greater context in regional and local policies as to the purpose of the WHEA and OUV that are sought to be protected, and add a map.
- Give priority to conserving and protecting the OUV of the REB & Carlton Gardens in decision-making for land within the WHEA.
- Refer to key guidelines documents by ICOMOS.
- Refer to a Statement of Significance for the WHEA, which should be included as an incorporated document in *Clause 72.04* of both planning schemes.

Signage Local Planning Policies – City of Melbourne & City of Yarra

During targeted stakeholder consultation on the WHEA Discussion Paper, the lack of guidelines on signage, and the types of signage to be discouraged was highlighted as an issue. While Local Planning Policies exist both within the City of Melbourne and the City of Yarra to address signage, these are 'generalist' signage policies, which don't specifically relate to the WHEA.

The local planning policies for the WHEA to be further updated to provide greater guidance and clarity on specific types of signage to be specifically discouraged within the WHEA due to the potential visual impact. Logically this would include discouraging the following signage within the WHEA, including:

- high wall signs,
- major promotion signs,
- panel signs,
- pole signs, internally
- illuminated/animated signs,
- sky signs, and
- electronics signs.

Such improved strategic guidance on signage within the WHEA will be complemented by the other existing signage policies.

For other types of potential signage which are not specifically discouraged within the WHEA, further signage guidelines can be developed. Such guidelines could address providing guidance on some signage which currently does not require planning approval, such as advertising signage provided as part of tram shelters and bus stops. While the current exemptions afforded to such signage is beyond the scope of this Plan to address, any signage guidelines to be developed could provide an advocacy tool to engage with relevant stakeholders on this issue.

9.3 Zoning

A review of the existing zoning within the WHEA did not raise any fundamental issues with the suite of zones that currently apply, which would warrant changes or the application of different zones.

However as raised earlier, the mandatory height controls, which apply within residential zones, posed a potential risk for the WHEA if the suite of standard residential zones were amended in future to remove the current mandatory maximum height controls.

In order to mitigate this risk, building height controls replicate the mandatory maximum height controls of the GRZ and NRZ to reinforce existing residential height control. This will ensure that any potential future modification to the zone height controls don't automatically apply to the residential zones forming the WHEA. This is important as mandatory heights in the residential zones only apply to residential developments such as dwellings not, for example, non-residential development.

New DDO4 replicates and reinforces the mandatory maximum height controls of the GRZ and NRZ.

No other modifications to existing zones are required.

Public Use Zone

A number of specific land parcels within the WHEA are zoned for Public Use, including the Carlton Gardens Primary School at 201-231 Rathdowne Street, Carlton and the St Vincent's Hospital site located on the corner of Nicholson Street and Victoria Parade.

Operationally the Public Use Zone functions to exempt the need for planning approval if the use and/or development is consistent with the relevant public use designation, and therefore streamlines development for designated public benefit.

Such exemptions from planning controls has potential implications for the setting of the REB & Carlton Gardens, as usually development of these sites will not require planning approval. However the exemption is enshrined in the zone, and does not exempt planning approval being required under other planning controls, such as a HO or DDO. Where a permit is triggered under an overlay the City of Yarra is the Responsible Authority.

In response to the adopted Strategy Plan, the following controls will apply:

- Ensure that development on the St Vincent's Hospital site aligns with the general maximum height of the recently approved hospital redevelopment located at the corner of Rathdowne Street and Victoria Parade, which is 12 storeys and 53.9 metres in height.
- Require that development incorporates materiality that reflects its heritage setting, using muted materials and colours, and avoids large areas of reflective materials.

9.4 Heritage Overlays

The 2009 Strategy Plan proposed that the Planning Schemes of the Cities of Yarra and Melbourne be amended to include a 'World Heritage Environs Area' HO precinct in the respective Schedules to the HOs for the Area of Greater Sensitivity only. This was subsequently completed. Almost all of the balance of the buffer zone is also included in the HO, as other precinct based or site-specific areas (refer to Section 7.4).

The Strategy Plan supports the use of the HOs for the whole of the buffer zone as shown in Figure 3 on page 49. This is because these parts of Carlton, Melbourne and Fitzroy have heritage values worthy of protection in their own right, such as 19th century streetscapes and subdivisions, low scale and fine grain settings, important 19th and 20th century heritage buildings and public realm infrastructure. The ongoing protection of these intrinsic values is also of benefit to the WHEA (as outlined in Section 6.4) as it allows views to the REB & Carlton Gardens and retains the setting of the World Heritage site.

This Approved Strategy Plan amends the areas within the WHEA so that the buffer zone is treated as a whole, rather than retaining the division into Areas of Greater and Lesser Sensitivity. It is recommended that in the future, the boundaries of the HO precincts HO992 and HO361 be re-examined as they were derived from the Area of Greater Sensitivity and the concept of the Area of Greater Sensitivity would no longer apply. At this time, the SoS could be updated to comply with Planning Practice Note 1: Applying the HO (August 2018) and Amendment VC148.

The review of the 2009 Strategy Plan also highlighted insufficient focus on the fact that the WHEA exists specifically in relation to the World Heritage listed REB & Carlton Gardens. This is considered to be a deficiency of the current statutory control which is instead focused primarily on protecting the heritage values within HO areas.

As outlined in Section 2.1, the purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Values of the REB & Carlton Gardens, a place outside of the WHEA. Hence there is need for recognition of both the role of the WHEA as a buffer zone to a proximal World Heritage site and the HO which is about protecting the values of the places to which the HO applies.

This difference of purpose has been made clearer after Amendment VC148, which requires Statements of Significance to be incorporated in the planning scheme for a HO. The two HO areas HO992 and HO361 have Statements of Significance which address their heritage values. Keeping these values contributes to the retention of the setting of the REB & Carlton Gardens but it does not address the appropriate use and development of the WHEA in order to ensure that the World Heritage values of the listed place are protected and managed.

Therefore the HO will be used to protect the heritage values of the areas within them and additional statutory mechanisms address the role of the WHEA. These area further discussed in Section 9.5.

9.5 Design & Development Overlays

In building upon the views, vistas and built form analysis outlined in Section 8.0, both new and amended DDOs have been implemented within the Cities of Melbourne and Yarra. The broader intent of the changes is to ensure consistency in planning controls and to facilitate consistency in decision making within the WHEA.

City of Melbourne DDOs

The following amendments are to be made regarding the use of DDOs within the expanded WHEA.

- **DDO6** - Deletion and consolidation of DDO6 into a new WHEA DDO4 to nominate mandatory maximum heights.
- **DDO13** - Consolidation of those parts of DDO13 within the WHEA into a new WHEA DDO4 (incl. updated text relating to DDO13 area 26). Amendment of DDO13 to remove content transferred to a new WHEA DDO4.
- **New WHEA DDO4** - New DDO4 to apply to the entire WHEA area within the City of Melbourne, including:
 - Appropriate design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the REB & Carlton Gardens
 - Mandatory height controls and built form guidance for General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Mixed Use Zone (MUZ) land.
 - Mandatory height for controls for MUZ land west of Exhibition Street and south of Victoria Street.
 - Deletion and consolidation of DDO6 into a new WHEA DDO4 to nominate mandatory maximum heights.
 - Application of WHEA DDO to 110 to 150 Drummond Street, 15-31 Pelham Street, 107 to 151 Rathdowne Street to nominate mandatory maximum heights (i.e. same heights as consolidated DDO6 height controls).
 - Consolidation of those parts of DDO13 within the WHEA into a new WHEA DDO4 and update DDO13 to remove transferred content.
 - Consolidation of those parts of DDO48 within the WHEA into a new WHEA DDO4 and update overlay maps. Replicate DDO48's the mandatory maximum height of 10.5 metres into the new WHEA DDO4.

City of Yarra DDOs

- **DDO8** - Deletion and consolidation of DDO8 into a new WHEA DDO4.
- **New WHEA DDO4** - New DDO to apply to the entire WHEA area within the City of Yarra, including:
 - Mandatory built form controls which replicate and extend the current mandatory height controls of the GRZ & NRZ to include all development (i.e. NRZ1 - 9 metres; GRZ2 9 metres; GRZ1 - 10.5 metres; GRZ3 - 11 metres).
 - Replication of the key view controls to address Museum forecourt and Dome Promenade, but update to include a requirement to protect views to and limit any further intrusion into the sky backdrop.
 - Appropriate design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the REB & Carlton Gardens, including urban form.
 - Height controls and built form guidance for GRZ, NRZ, Commercial 1 Zone (C1Z) and Public Use Zone (PUZ) land.
 - Mandatory height for all Areas except St Vincent's Hospital. Built form controls for PUZ land (St Vincent's Hospital site), and application of a discretionary maximum building heights of 53.9 metres with design objectives and outcomes to maintain the existing built form.

9.6 Executive Director, Heritage Victoria - recommending referral authority status

Although the REB & Carlton Gardens has been designated as a World Heritage Site, the bulk of the statutory controls for the WHEA have been embedded at a local level and based on municipal boundaries, thus split across two council areas. This gives rise to a lack of coordination in decision making and due consideration of the importance of the entire setting of the adjacent World Heritage site.

With regard to the involvement of the Executive Director, Heritage Victoria in decision making with the WHEA, Heritage Victoria administers approval for development of properties listed in the Victorian Heritage Register (VHR). Additionally, current HO controls include a referral trigger to Executive Director, Heritage Victoria for an application to subdivide a place included in the VHR. As per the listing under HO992 (CoM) & HO361 (CoY) the WHEA is not included in the VHR. Of note, no other referral triggers exist within the Melbourne or Yarra Planning Schemes to formally incorporate the involvement of Heritage Victoria.

In order to improve consistency of decision-making within the WHEA, the Executive Director, Heritage Victoria is to be made a formal referral authority within the Melbourne and Yarra Planning Schemes. Having the Executive Director, Heritage Victoria designated as a formal referral authority, functions to ensure consistency of decision making within the WHEA, and to recognise and reinforce the World Heritage values of the REB & Carlton Gardens.

To achieve this, the Executive Director, Heritage Victoria is nominated as a recommending referral authority under the State level VPP Schedule to *Clause 66.04 Referral of permit applications under local provisions*.

The referral to the Executive Director, Heritage Victoria is specifically linked to the relevant Local Planning Policies relating to the WHEA (*i.e. Clause 15.03-1L-01 Heritage places within the World Heritage Environs Area* in both the Melbourne and Yarra Planning Schemes).

However, so as to specifically avoid all use and development applications within the WHEA being referred to Heritage Victoria (*i.e. fences, minor additions and alterations etc*), the Schedule to *Clause 66.04* nominates the type of application to trigger a referral, as being:

- An application for all new buildings 3 storeys/11 metres or greater in height, or additions to an existing building which would increase its height to 3 storeys/11 metres or more.

This functions to ensure that Heritage Victoria is involved in any development of more major/taller development within the WHEA, which are the types of development applications likely to have an impact on the WHEA and the REB & Carlton Gardens.

9.7 Amendments to VHR Statement of Significance

In order to ensure consistency in the functional operation of controls, Heritage Victoria will consider reviewing Statements of Significance for all heritage properties currently in the VHR to clearly identify they are in the WHEA

Such amendments will to be facilitated by Heritage Victoria/ Heritage Council who are responsible for any changes to VHR registrations.

9.8 Actions outside the Planning System

This Approved Strategy Plan is mostly concerned with the statutory implementation of a range of provisions within the scope of the *Planning & Environment Act* and the *Heritage Act, 2017*. However there are a range of aligned and supplementary matters which could be further pursued to better manage and coordinate activities and development within the WHEA. A range of these matters are briefly outlined below. The REB&CGSC may consider facilitating these tasks.

Review of existing exemptions

Clause 62.02-1 Building and works not requiring a permit contained in both the City of Melbourne and Yarra Planning Schemes is highlighted as a particular risk for heritage matters within the public realm of the WHEA. This clause provides a specific exemption for buildings or works with an estimated cost of \$1,000,000 or less which are carried out by or on behalf of a municipality. Therefore this exemption raises a clear risk relating to works in the public realm of the WHEA. For example it could result in the removal of elements of heritage fabric, such as blue stone curbing, without requiring planning approval.

To manage the risk it is intended that a memorandum of understanding between the REB&CGSC and the CoM and CoY councils be implemented and that any public realm works in the WHEA be subject to prior consultation with Heritage Victoria.

Prepare Detailed Signage Guidelines

Although statutory changes have been made to outline the types of specific signage to be discouraged within the WHEA, a further recommendation is made for detailed signage guidelines to be prepared for the WHEA. The purpose of the guidelines is to assess in detail how types of permissible signage within the WHEA can be most appropriately designed and managed with regard to the World Heritage values of the REB & Carlton Gardens and associated WHEA. Depending on the findings and recommendations of such a report, further modifications to the statutory planning framework may be required.

Prepare Detailed Design & Built Form Guidelines

Although statutory changes have been approved to address development in the WHEA, particularly with respect to building heights, a further recommendation is made for detailed design guidelines to be prepared for the WHEA. The purpose of the guidelines is to guide future built form in relation to, for example, side setbacks, to ensure the OUV of the WHEA are protected. This work will be complementary to the mandatory building heights enabled by this Approved Strategy Plan. Mandatory heights provide certainty while such work is done and future scheme amendments prepared.

This would comprise, for future inclusion in new WHEA DDO4, upper level and street wall setbacks, and other relevant detailed design considerations, particularly:

- Yarra - Area 1 (Gertrude Street) and Area 4 (Nicholson Street) based on additional views and vistas assessment. Gertrude Street, in the WHEA, will benefit from a consistent approach to urban design taking into account the formulation of design guidelines already undertaken by the Yarra City Council (Amendment C270yara).
- Melbourne – Area 3 (Mixed Use Zone south of Victoria Street, and RSV site) design guidelines potentially including upper level building setbacks based on a detailed visual analysis.

Prepare Public Infrastructure Guidelines

In its current operation, the planning system provides for wide reaching exemptions for public infrastructure works, including but not limited to: roadworks/footpaths, infrastructure upgrades (above and below ground), directional signage, bus/tram stops, street furniture etc. The intent of such guidelines is to investigate issues of potential impact on the World Heritage values of the REB & Carlton Gardens and associated WHEA and to investigate appropriate design responses. The guidelines would then function as an advocacy tool to engage with relevant stakeholders on this issue with a view to them adopting the guidelines for a future works which would otherwise be exempt from needing planning approval.

Prepare WHEA Interpretation Strategy

In practical terms of an 'on-ground' experience, the full extent of what land is located within WHEA, and what is its importance is currently unclear. Therefore in order to increase public awareness, a WHEA Interpretation Strategy is recommended to be completed, which would function to document key elements of the WHEA and function to potentially introduce: promotional signboards; wayfinding signage; identify key locations and building; devise a self-guided walking tour etc. Such initiatives would function to increase public awareness and overall community knowledge of the WHEA and its importance to the World Heritage setting of the REB & Carlton Gardens.



10.0

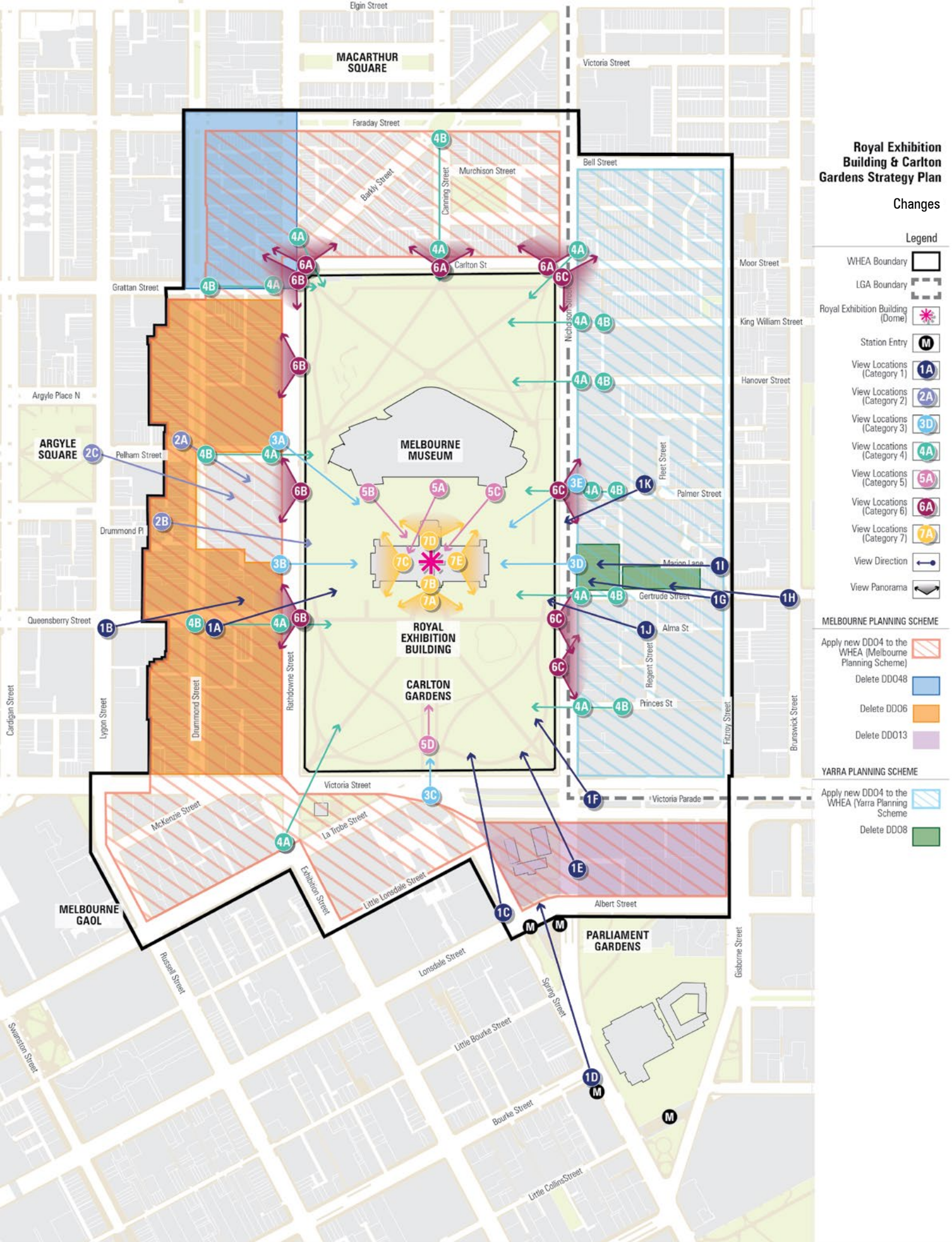


Figure 9 - Changes to give effect to Approved Strategy Plan

10.0 Planning Scheme Implementation

Following below are summary overview tables of the various modifications approved for the City of Melbourne and City of Yarra Planning Schemes as part of Amendment VC251.

These modifications will give statutory force to this Approved Strategy Plan.

Table 03: Summary of Changes: City of Melbourne

VPP Framework	Actions
<i>Clause 15.03-1R</i>	Implement a new regional level policy at <i>Clause 15.03-1R</i> to address the heritage conservation, protection and management of the World Heritage Listed REB & Carlton Gardens and the associated WHEA Include strategies to give certainty about the future development of land in the World Heritage Environs Area and to give priority to conserving and protecting the Outstanding Universal Value of the Royal Exhibition Buildings and Carlton Gardens in decision-making for land within the World Heritage Environs Area. Refer to policy documents ICOMOS related to the WHEA.
<i>Clause 15.03-1L</i>	<p>Amend <i>Clause 15.03-1L</i> to remove the distinction between Areas of Greater and Lesser Sensitivity, and ensure it applies to the entire WHEA.</p> <p>Amend map to show 2022 WHEA boundary and to nominate locations of primary vantage points.</p> <p>Amend introductory statement to retain references to HOs, but remove the reference to (<i>World Heritage Environs Area Precinct</i>) after H0992.</p> <p>Amend policy to include provisions to address the protection of primary view lines, which includes:</p> <ul style="list-style-type: none"> View 1A: View towards the Dome from the southern footpath of Queensberry Street, at the south eastern junction with Drummond Street. View 1B: View towards the Dome from the southern footpath of Queensberry Street, at the south eastern junction of Lygon Street (outside WHEA boundary). View 1C: View towards the Dome from the western footpath of Spring Street, north west corner of Lonsdale Street junction. View 1D: View towards the Dome from the western footpath of Spring Street, south west corner of Bourke Street junction. View 1E: View towards the Dome from the eastern footpath of Nicholson Street, south of Evelyn Place. View 1F: View towards the Dome from the eastern footpath of Victoria Parade central median and Tram Stop. View 3A: View towards the REB, Dome and Carlton Gardens from the western footpath of Rathdowne Street, at the north western junction with Pelham Street. View 3B: View towards the REB, Dome and Carlton Gardens from the eastern footpath of Rathdowne Street, between 101 & 117 Rathdowne Street (pedestrian crossing). View 4A: Corridor views towards Carlton Gardens from perpendicular streets. View 5A: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Central Entry). View 5B: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Western Entry). View 5C: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Eastern Entry/ Lift). <p>Amend <i>Clause 15.03-1L</i> to include a new policy to discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, sky signs and electronics signs within the WHEA.</p> <p>Amend <i>Clause 15.03-1L</i> to refer to the updated version of the Strategy Plan.</p>

Table 03: Summary of Changes: City of Melbourne

VPP Framework	Actions
<i>Clause 43.01 - Heritage Overlay</i>	Amend the Schedule to <i>Clause 43.01 (Heritage Overlay)</i> in the Melbourne Planning Schemes to list the Statement of Significance in HO992 (Melbourne).
<i>Clause 66.04 - Referral of permit applications</i>	Amend Schedule to nominate Executive Director, Heritage Victoria as a recommending referral authority; include a link to relevant Local Planning Policies relating to the WHEA; and nominate the type of application to trigger a referral, as being: an application for all new buildings 3 storeys/11 metres or greater in height, or additions to an existing building which would increase its height to 3 storeys/11 metres or more.
<i>Clause 66.06 - Notice of permit applications</i>	Amend the Schedule to <i>Clause 66.06 (Notice of permit applications)</i> to align with changes in the Schedules to the Design and Development Overlay in the Melbourne Planning Scheme.
<i>Clause 72.04 Incorporated documents</i>	Amend to include the Statement of Significance for the WHEA as an incorporated document in the schedule to the clause.
<i>Clause 72.08 Background Documents</i>	Amend to include <i>World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens</i> , (Department of Environment, Land, Water and Planning) as a background document.
<i>DDO6</i>	Delete and consolidate DDO6 into a WHEA DDO4 to nominate mandatory maximum heights.
<i>DDO10</i>	No change.
<i>DDO13</i>	Consolidate those parts of DDO13 within the WHEA into a new WHEA DDO4 (incl. updated text relating to DDO13 area 26). Amend DDO13 to remove content transferred to new WHEA DDO4.
<i>DDO62</i>	No change.
<i>DDO48</i>	Consolidate and implement those parts of DDO48 within the WHEA into a new WHEA DDO4 and update overlay maps. Replicate DDO48's the mandatory maximum height of 10.5 metres into the new WHEA DDO4.
<i>New WHEA DDO4</i>	<p>Develop a new DDO to apply to the entire WHEA within the City of Melbourne (new WHEA DDO4) to include:</p> <ul style="list-style-type: none"> Design objectives and decision guidelines which function to protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens. Apply building height controls to replicate the mandatory maximum height controls of the GRZ and NRZ, and add mandatory controls with respect to non-residential development, Apply building height controls to MUZ sites west of Exhibition Street (bounded by Victoria Street, Russell Street and La Trobe Street), to nominate mandatory maximum building heights on a site by site basis (determined by the detailed built form testing). Apply provisions to limit development on the Royal Society site. Delete and consolidate DDO6 into a new WHEA DDO4 to nominate mandatory maximum heights. Apply WHEA DDO to 110 to 150 Drummond Street, 15-31 Pelham Street, 107 to 151 Rathdowne Street to nominate mandatory maximum heights (i.e. same heights as consolidated DDO6 height controls). Update map to all nominated viewlines across the WHEA. Correct viewlines and mapping.
<i>HO's</i>	No change to precinct-based HO's (except for nominating the SoS within HO992 (i.e. WHEA HO).

Consolidation of DD06 and application to 110 to 150 Drummond Street, 15-31 Pelham Street, 107 to 151 Rathdowne Street (City of Melbourne)



Figure 10 - Consolidation of DD06 and application to 110 to 150 Drummond, 15-31 Pelham, 107 to 151 Rathdowne Streets

DDO for Mixed Use Zone (City of Melbourne)



Figure 11 - DDO for Mixed Use Zone (City of Melbourne): mandatory maximum building height ('concealment height' when viewed from REB northern forecourt)

Table 04 Summary of Changes: City of Yarra

VPP Framework	Actions
<i>Clause 15.03-1R</i>	Implement a new regional level policy at <i>Clause 15.03-1R</i> to address the heritage conservation, protection and management of the World Heritage Listed REB & Carlton Gardens and the associated WHEA. Include strategies to give certainty about the future development of land in the World Heritage Environs Area and to give priority to conserving and protecting the Outstanding Universal Value of the Royal Exhibition Building and Carlton Gardens in decision-making for land within the World Heritage Environs Area. Refer to policy documents ICOMOS related to the WHEA.
<i>Clause 22.03 Landmarks and Tall Structures</i>	Amend <i>Clause 22.03-5 Reference Documents</i> to refer to the updated version of the Strategy Plan.
<i>Clause 15.03-1L</i>	<p>Amend <i>Clause 15.03-1L</i> to remove the distinction between Areas of Greater and Lesser Sensitivity, and ensure it applies to the entire WHEA.</p> <p>Amend map to show 2022 WHEA boundary and to nominate locations of primary vantage point.</p> <p>Amend the title of the clause to be <i>Development Guidelines for the World Heritage Environs Area</i>.</p> <p>Amend introductory statement to retain references to HOs, but remove the reference to <i>(World Heritage Environs Area Precinct)</i> after HO361.</p> <p>Amend policy to include provisions to address the protection of primary view lines, which includes:</p> <ul style="list-style-type: none"> ▪ View 1G: View of the Dome from the southern footpath of Gertrude Street, north western corner of Fitzroy Street junction. ▪ View 1H: View of the Dome from the from southern footpath of Gertrude Street, north western corner of Brunswick Street junction (outside WHEA). ▪ View 1I: View of the Dome from western footpath of Fitzroy Street, at the junction with Marion Lane. ▪ View 1J: View of the Dome from the from eastern footpath of Regent Street, north eastern corner of Alma Street junction. ▪ View 1K: View of the Dome from northern footpath of Palmer Street, between Fleet and Little Fleet Streets. ▪ View 3D: View of the Carlton Gardens, Dome and REB from the eastern footpath of Nicholson Street (adjacent to no. 60 Rathdowne Street). ▪ View 3E: View of the Carlton Gardens, Dome and REB from the eastern footpath of Nicholson Street North eastern corner of Palmer Street and Nicholson Street. ▪ View 5B: View towards the Dome and REB northern elevation from the Melbourne Museum Forecourt (Western Entry). <p>Amend <i>Clause 15.03-1L Policy</i> to include a new policy to discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, sky signs and electronic signs within the WHEA.</p> <p>Amend <i>Clause 15.03-1L Reference Documents</i> to refer to the updated version of the Strategy Plan.</p>
<i>Clause 43.01 - Heritage Overlay</i>	Amend the Schedule to <i>Clause 43.01 (Heritage Overlay)</i> in the Yarra Planning Schemes to list the Statement of Significance in HO361 (Yarra).
<i>Clause 66.04 - Referral of permit applications</i>	Amend Schedule to nominate Heritage Victoria as a recommending referral authority; include a link to relevant Local Planning Policies relating to the WHEA (i.e. <i>Clause 15.03-1L</i>); and nominate the type of application to trigger a referral, as being: an application for all new buildings 3 storeys/11 metres or greater in height, or additions to an existing building which would increase its height to 3 storeys/11 metres or more.
<i>Clause 66.06 - Notice of permit applications</i>	Amend the Schedule to <i>Clause 66.06 (Notice of permit applications)</i> to align with changes in the Schedules to the Design and Development Overlay in the Yarra Planning Scheme.
<i>Clause 72.04 Incorporated documents</i>	Amend to include the Statement of Significance for the WHEA as an incorporated document in the schedule to the clause.
<i>Clause 72.08 Background Documents</i>	Amend to include <i>World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens</i> , (Department of Environment, Land, Water and Planning) as a background document.

Table 04 Summary of Changes: City of Yarra (continued)

VPP Framework	Actions
<i>DDO8</i>	Delete DDO8 and consolidate into a new WHEA DDO4. Refer to details below.
<i>New WHEA DDO4</i>	<p>Develop a new DDO to apply to the entire WHEA within the City of Yarra (new WHEA DDO4) to include:</p> <ul style="list-style-type: none"> ▪ Design objectives and decision guidelines which function to protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens. ▪ Replicate the permit exemption of DDO8 for building and works less than 8.5 metres in height from the existing ground level (Gertrude Street & Marion Lane). ▪ Replicate the key view controls of DDO8, but update to include a requirement to protect views to and retain a clear sky backdrop surrounding the drum, dome, lantern and flagpole of the Royal Exhibition Building when viewed from view location 11. Refer to Figure 9. ▪ Apply building height control to land currently covered by DDO8, to implement a mandatory maximum height control of 3 storeys/11.2 metres. ▪ Design objectives, application requirements and decision guidelines which function to protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens. ▪ Apply building height controls to replicate the mandatory maximum height controls of the GRZ and NRZ, and add mandatory controls with respect to non-residential development. ▪ Update map to all nominated viewlines across the WHEA. ▪ Correct viewlines and mapping. ▪ Apply building height controls for C1Z sites (bounded by Nicholson Street, Gertrude Street, Regent Street and Princes Street), and apply a discretionary maximum building height of 4 storeys/13.5 metres. ▪ Apply building height controls to the St Vincent's Hospital Site (PUZ), to implement a discretionary maximum building heights of 53.9 metres.
<i>HOs</i>	No change to precinct-based HO's (except for nominating the SoS within H0361 (i.e. WHEA HO).



11.0 Conclusions

Part 9, Division 2 of the *Heritage Act 2017* sets out the statutory process for the approval of the Strategy Strategy Plan.

The Minister for Planning has approved the Strategy Plan and in accordance with section 180 of the Act, has implemented changes to the Melbourne and Yarra Planning Schemes to give effect to the Approved Strategy Plan. This occurred via Amendment VC251.



12.0

APPENDICES

APPENDIX 1	REPORT CONTEXT
APPENDIX 2	VISUAL FRAMEWORK & TESTING
APPENDIX 3	WORLD HERITAGE CITATION
APPENDIX 4	NATIONAL HERITAGE CITATION
APPENDIX 5	HERITAGE COUNCIL REGULATORY COMMITTEE REPORT JUNE 2023

APPENDIX 1: REPORT CONTEXT

REPORT CONTEXT

This World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area (Approved Strategy Plan) has been approved by the Minister for Planning in accordance with section 176(1)(b) of the *Heritage Act 2017* (the Act). It comprises the draft Strategy Plan amended and adopted by the Heritage Council in June 2023 in accordance with section 175 of the Act, with further amendments.

The Heritage Council's adoption of the Strategy Plan followed a notice of the preparation of a draft Strategy Plan by the Executive Director, Heritage Victoria in May 2021 and September 2022 in accordance with section 177 of the Act.

This Approved Strategy Plan contains all amendments approved by the Minister for Planning in February 2025.

The Approved Strategy Plan reflects the formal declaration of a new World Heritage Environs Area (WHEA) for the Royal Exhibition Building and Carlton Gardens on 28 July 2022. The WHEA was declared in accordance with section 169 of the Act by Order published in the Victorian Government Gazette and extended the original WHEA boundary in three areas to the east, south-west and west. See Figure B on the adjacent page.

A draft Strategy Plan was initially exhibited by the Executive Director, Heritage Victoria between 16 July 2021 and 24 September 2021 (May 2021 draft Strategy Plan), following a review of the *World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area* (Department of Planning and Community Development, 2009) (2009 Strategy Plan), in accordance with section 177 of the Act. The May 2021 draft Strategy Plan made a number of specific recommendations relating to the potential expansion of the WHEA boundary.

Thirty-one public submissions were received in response to the public exhibition of the May 2021 draft Strategy Plan. However, following the public notice period a problem was identified with the way various provisions of the Act interact, with the practical effect being that neither the Executive Director, Heritage Victoria nor the Heritage Council – an independent statutory authority established by the Act – is empowered to consider the boundary of a WHEA. This resulted in the Heritage Council adjourning its scheduled hearing into the submissions received in January 2022.

Pursuant to section 169 of the Act, the Minister for Planning is responsible for recommending the declaration of a WHEA to the Governor in Council. The Minister wrote to the Heritage Council on 30 January 2022 and requested that it provide a report on the merits of expanding the WHEA as had been contemplated by the May 2021 draft Strategy Plan. The Heritage Council was asked to consider the submissions already received during the July–September 2021 public notice period, as well as nine hearing submissions it had received, and an invited submission from the Executive Director, Heritage Victoria. The Heritage Council provided its report in April 2022 and recommended expanding the WHEA in the three areas previously recommended by the May 2021 draft Strategy Plan.

The Minister supported the Heritage Council's recommendation and accordingly, recommended to the Governor in Council that a WHEA be declared in accordance with section 169 of the Act. The published Order in Council is provided as Figure A adjacent. Figure B illustrates the original WHEA boundary and the three areas in which it has been extended.

A revised draft Strategy Plan was prepared in September 2022 (September 2022 draft Strategy Plan), which constituted substantially the same content and details contained within the May 2021 version, except for maps, text and associated recommendations regarding the proposal to extend the WHEA.

It was also updated to reflect the declared WHEA as gazetted on 28 July 2022. The September 2022 draft Strategy Plan was exhibited between 16 September 2022 and 20 November 2022, along with draft amendments to the planning schemes of the City of Melbourne and the City of Yarra. A total of 13 submissions were received.

A Regulatory Committee of the Heritage Council, delegated by the Heritage Council under section 15(3) of the Act, conducted an eight-day hearing in May 2023. Following consideration of the September 2022 draft Strategy Plan and all of the submissions, the Heritage Council adopted the Strategy Plan in June 2023, with amendments, in accordance with section 175 of the Act. The Heritage Council also recommended amendments to the exhibited draft Planning Scheme Controls for Melbourne and Yarra, to give effect to its adopted draft Strategy Plan. The Heritage Council provided a report presenting the Regulatory Committee's findings and conclusions, and the draft adopted Strategy Plan, to the Minister for Planning on 30 June 2023. This report forms Appendix 5 to this Approved Strategy Plan.

This Strategy Plan was approved by the Minister for Planning by notice published in the Victorian Government Gazette in accordance with section 176(b) of the Act and came into operation on that day.

Amendment VC251 to the Victoria Planning Provisions and the Melbourne and Yarra Planning Schemes gives effect to this Approved Strategy Plan as required by section 180 of the Act.

Modifications to statutory controls made by Amendment VC251 include:

- The Executive Director, Heritage Victoria is a recommending referral authority for development applications in the WHEA for applications for all new buildings 3 storeys/11 metres or greater in which would increase the height to 3 storeys/11 metres or more.
- DDO6 is consolidated into new WHEA DDO4 (Melbourne).
- Part of DDO48 is deleted and that part consolidated into DDO4 (Melbourne).
- Part of DDO13 is deleted and that part consolidated into DDO4 (Melbourne).
- Amendment to *Clause 15.03-1S* in Melbourne and Yarra Planning Schemes – is not required as content is adequately covered by the Regional and Local level clauses at *Clause 5.03-1R* and *Clause 15.03-1L* in both planning schemes.
- Amendment to *Clause 22.21* (Melbourne) and *Clause 22.14* (Yarra) – these have been replaced by *Clause 15.03-1L-01* in the respective planning schemes.
- Amendment to DDO6 'Carlton Area' to rename as 'Carlton Area- WHEA' is not required as DDO6 is to be incorporated into DDO4 for the City of Melbourne.
- Amendment to the Schedule to *Clause 43.01 (Heritage Overlay)* in the Melbourne and Yarra Planning Schemes to list the Statement of Significance in H0992 (Melbourne) and H0361 (Yarra).
- Amendment to the Schedule to *Clause 66.06 (Notice of permit applications)* to align with changes in the Schedules to DDOs in Melbourne and Yarra Planning Schemes.
- Amendments to Heritage Overlays (HO) H0995 (Melbourne) and H0361 (Yarra) to align with the WHEA declared on 28 July 2022 will form part of future strategic work.

Heritage Act 2017
DECLARATION OF A WORLD HERITAGE ENVIRONS AREA FOR THE
ROYAL EXHIBITION BUILDING AND CARLTON GARDENS

Order in Council

The Governor in Council, under section 169 of the **Heritage Act 2017**, by Order, revokes the Order dated 9 October 2007 (published in the Government Gazette on 11 October 2007, G 41 General Gazette, page 2348) and declares the area shaded in the attached Schedule to the Order to be a World Heritage Environs Area for the Royal Exhibition Building and Carlton Gardens.

This Order comes into effect on the date it is published in the Government Gazette.

Dated 26 July 2022

Responsible Minister:
HON LIZZIE BLANDTHORN MP
 Minister for Planning

ALEXANDRA DEBELJAKOVIC
 Clerk of the Executive Council

3284 G 30 28 July 2022

Victoria Government Gazette

Schedule

World Heritage Environs Area Plan

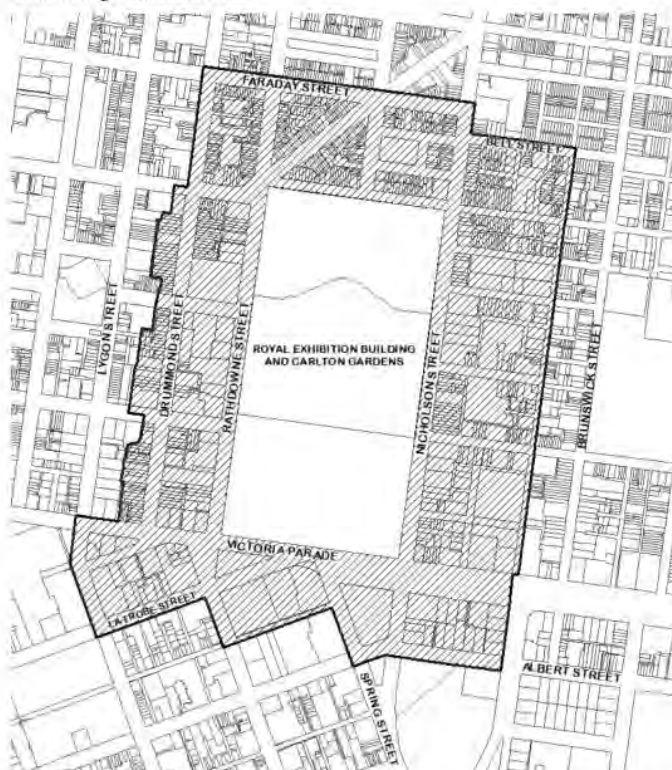


Figure A: Published Order for 2022 extended WHEA boundary:
 Govt Gazette 28 July 2022

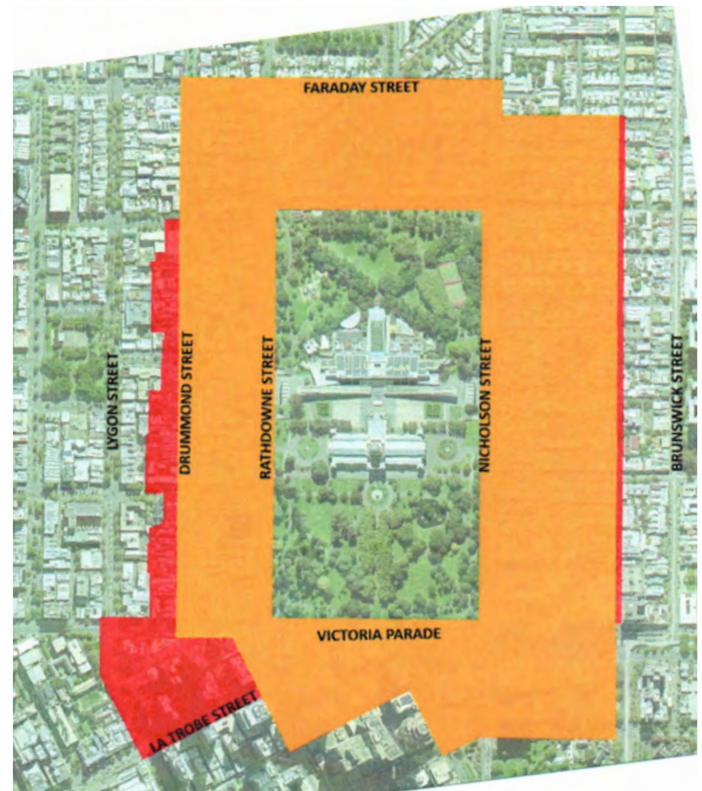


Figure B: Original WHEA boundary (orange) and extended areas (red)

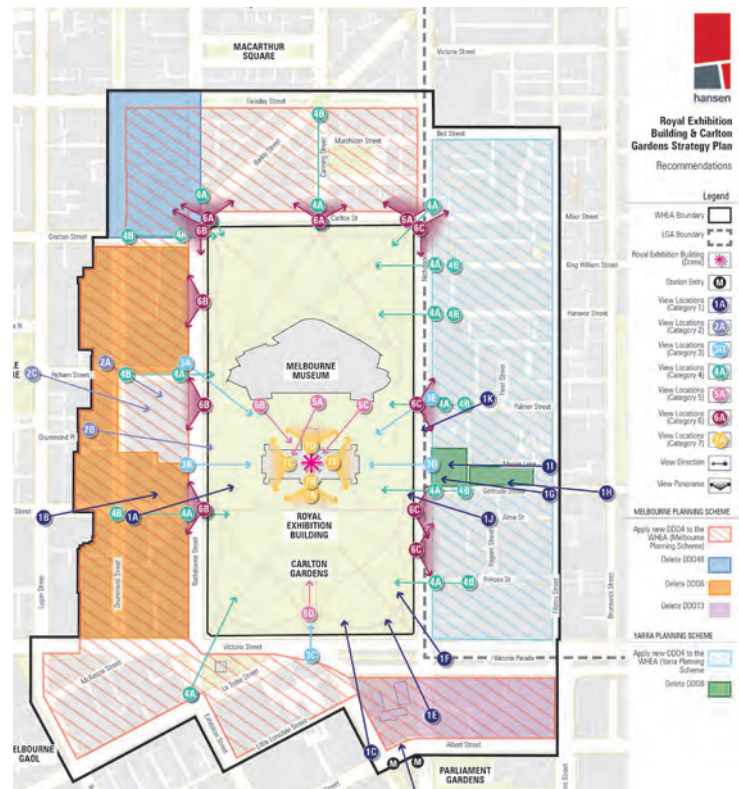
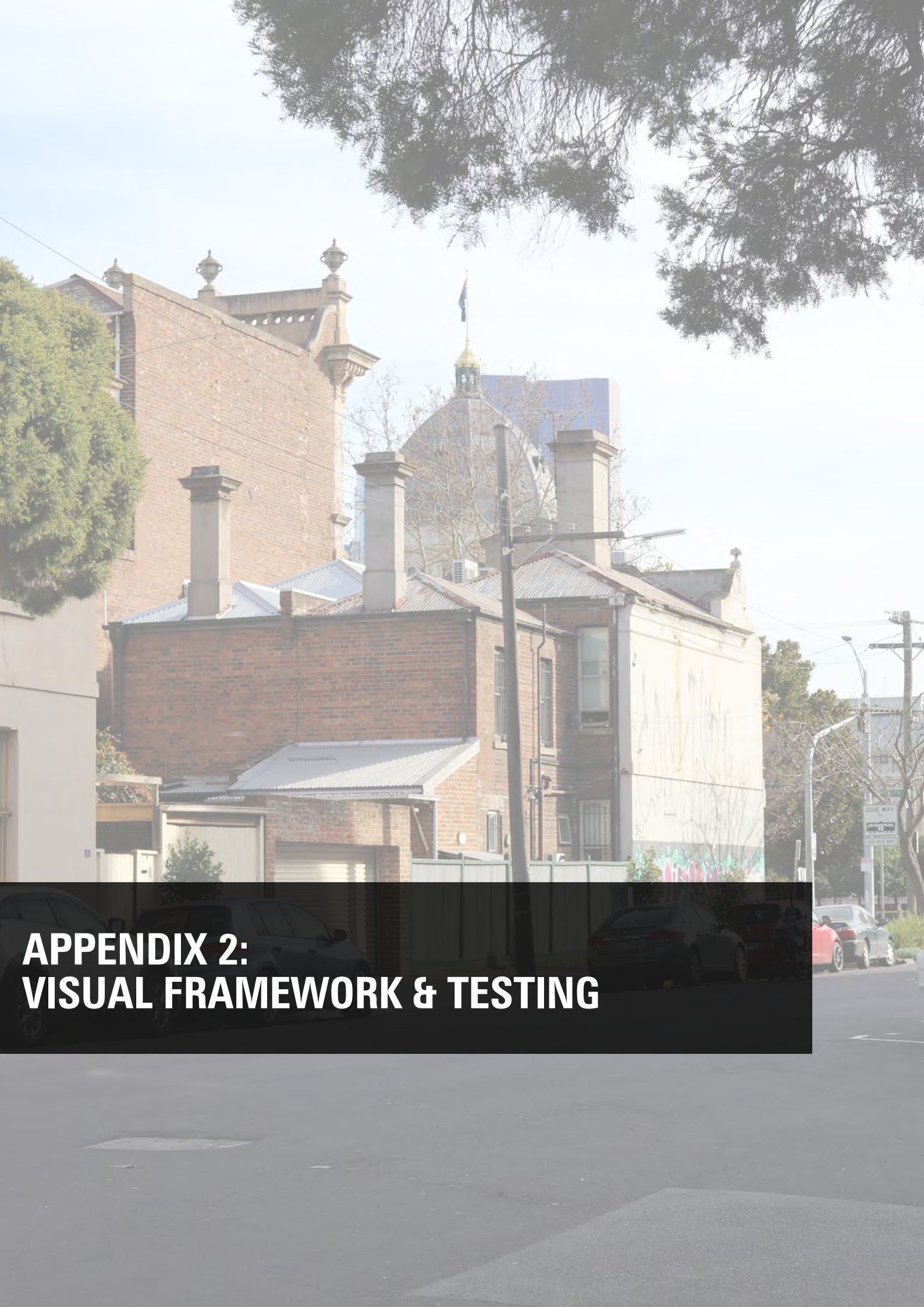


Figure C: Built form controls forming part of VC251
 (refer to Figure 9 for full size version of the above map)



APPENDIX 2: VISUAL FRAMEWORK & TESTING

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5.0	Additional Built Form Testing & Photomontages	69	▪ CoY - City of Yarra Council
6.0	Summary of Changes	84	▪ C1Z - Commercial 1 Zone
			▪ DDO - Design & Development Overlay
			▪ Department - the Department of Transport and Planning
			▪ GRZ - General Residential Zone
			▪ Hansen - Hansen Partnership Pty Ltd
			▪ HLCD - HLCD Pty Ltd
			▪ HO - Heritage Overlay
			▪ HV - Heritage Victoria
			▪ MUZ - Mixed Use Zone
			▪ NRZ - Neighbourhood Residential Zone
			▪ Operational Guidelines - Operational Guidelines for the Implementation of the World Heritage Convention (2019)
			▪ OUV - Outstanding Universal Value
			▪ PUZ - Public Use Zone
			▪ REB - Royal Exhibition Building
			▪ REB & Carlton Gardens - Royal Exhibition Buildings & Carlton Gardens
			▪ REB&CGSC - Royal Exhibition Buildings & Carlton Gardens World Heritage Steering Committee
			▪ SoS - Statement of Significance
			▪ VHR - Victorian Heritage Register
			▪ VCAT - Victoria Civil & Administrative Tribunal
			▪ WHEA - World Heritage Environs Area
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1.0 Introduction

This report constitutes important background work involving analysis of views and vistas, as well as built form analysis which informed the suite of changes outlined within the Approved Strategy Plan. Key sections of this report are also included in the Strategy Plan.

Some of the content in this Visual Framework & Testing related to circumstances that existed when the World Heritage Strategy Plan (Strategy Plan) for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area (WHEA) was being developed. Following approval of the Strategy Plan, changes have been implemented that will have made some of the content redundant, for example, commentary on Existing Built Form Control and Management Issues in section 3.2. As much as possible, these sections have been annotated to identify that some content may no longer be valid.

The views, vistas and built form analysis processes have been informed by the following process:

- Literature review of relevant views and vistas analysis, documentation and assessment.
- Desktop analysis of zone of visual influence.
- Identification of aspect and prospect views.
- Identification and definition of primary, secondary and supporting views.
- Site visits and photographic documentation.
- Assessment of view types and identification of sensitive areas for built form testing.
- Built form (3D massing) testing of sensitive primary view lines.

All views and vistas assessed are from spaces and places within the public realm (publicly accessible), taking into consideration existing vegetation and seasonality. Key vantage points are taken from junctions, pedestrian crossings, entries to the Carlton Gardens, public squares, or public transport nodes (including tram stops and station entries).

The Key View Assessment Framework is informed by the following background documents to ensure a contemporary approach; consistency across assessment methodology; and use of terminology:

- Bourke Hill: Heritage, Planning and Urban Design Review (DTPLI, September 2014). This report outlines the distinction between aspect and prospect views.
- Review and Development of the City of Yarra Landmarks Policy, Final Draft (Ethos Urban, March 2018). This report provides a useful framework in identifying key landmarks within the City of Yarra and management of key views.
- Queens Parade Built Form Review Planning Scheme Amendment C231 (31 October 2019). This report provides useful insight to contemporary approach in key views definition and assessment pertaining to future Design and Development Overlay (DDO) drafting and Planning Scheme Amendment.



2.0 Views and Vistas

Views which have been specifically considered and analysed as part of the visual framework and testing include:

- Particular emphasis on identifying the location of views and vistas of the REB & Carlton Gardens site (building, Dome, gardens) and views out to the surrounding area from within the REB & Carlton Gardens were documented. It comprises type of views and potential management issues to warrant built form testing.
- Some of these views (significant and less significant) were acknowledged in the 2009 Strategy Plan, although there was a lack of detailed built form testing undertaken at the time. Regardless of this, some policies were introduced into the Melbourne and Yarra Planning Schemes to address the consideration of selected views.
- The Key View Assessment Framework is not intended to replace or overwrite findings from the 2009 Strategy Plan (and recommendation of the Standing Committee). It has been prepared in accordance to contemporary context and to address gaps identified in the WHEA Discussion Paper and to inform development of the Approved Strategy Plan.

2.1 Aspect & Prospect Views

This Framework has adopted the Bourke Hill: Heritage, Planning and Urban Design Review approach in defining views and vistas as 'aspect' (inward looking) and 'prospect' (outward looking). Each are further defined below.

Aspect Views

Inward view towards the REB & Carlton Gardens that reinforces its landmark status.

- **Category 1:** Views to the Dome, including those identified in existing 2009 Strategy Plan and Planning Schemes DDO/ Local Policies pertaining to the WHEA.
- **Category 2:** A view of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces which are not identified in the existing DDO referred to as partial/ restricted views (glimpses).
- **Category 3:** A view of the REB from within the public realm, including laneways, streets, or public spaces.
- **Category 4:** A view of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton

Gardens are visible.

Prospect Views

Outward view that is an important quality of the building's design that assists to define the context of the heritage place relative to the WHEA and the broader context

- **Category 5:** Views toward the Dome from within the Carlton Gardens and Melbourne Museum Forecourt (centre of the site) and outside the WHEA.
- **Category 6:** Views of 19th century setting out of the Carlton Gardens (perimeter) and Melbourne Museum Forecourt.
- **Category 7:** Long-range views of other prominent heritage landmarks from the elevated Promenade Deck.



Example of an Aspect View



Example of a Prospect View

2.2 Primary, Secondary and Supporting Views

It is important to distinguish between the more 'significant' views and vistas of the REB (Dome, building) and the Carlton Gardens from within the WHEA, as well as views of the WHEA from the REB & Carlton Gardens.

The 2009 Strategy Plan identified 'significant', or 'primary' views being direct and proximate views into the site from key streets and planned axial views within the Carlton Gardens. Other views (being glimpses, or distant views) to the Dome are mainly considered less significant. It has been framed around ensuring the landmark is visually prominent when viewed from key vantage points.

While some properties with VHR designation within the WHEA are landmarks in their own rights, they have been considered in the context of the 19th century setting. When considering views and vistas, heritage streetscapes contribute to the built form and streetscape context of the WHEA. In that regard, this 19th century setting 'supports' the prominence and significance of the REB & Carlton Gardens. Consideration for views to other heritage landmarks and visual framework to heritage streetscapes within the WHEA were not explicitly addressed in the 2009 Strategy Plan. For the purpose of this study, these views are regarded as 'supporting views'. Primary, secondary and supporting views are described below.

Primary Views and Vistas

- Are those in which the REB and its Dome are clearly visible, or uninterrupted. It also includes prominent views to the Dome. Primary views are where the REB façades, or each component of the Dome are legible, or views to the REB and Dome are prominent and uninterrupted. These views are generally gained from several locations within and outside the WHEA. Importantly, views to the Dome and REB façades are also available from within the Carlton Gardens, including from along the Grand Allee and within the Melbourne Museum's Forecourt. These views are important and should be retained.
- Are those in which the Carlton Gardens are visible and uninterrupted in the panoramic and in most parts unobstructed by built fabric within the public realm, or in the foreground. These views are generally gained from its immediate perimeter streets and on approach along Spring and Exhibition Streets. These views are the first clear view towards the Carlton Gardens and where the best appreciation of the REB & Carlton Gardens can be gained and should be retained.



Example of a Primary View of the Dome and the REB



Example of a Primary View of the Carlton Gardens



Example of a Primary View of the Dome

Secondary Views and Vistas

- Are additional reference points where the REB and its Dome may be visible in parts, or where its details are not clearly visible. Secondary views are mostly gained from within the WHEA, however some distant views to parts of the Dome are also available from outside the WHEA. In most instances, views to the Dome and the Carlton Gardens are partially concealed by existing built fabric. Retention of these secondary views is encouraged.
- Are those in which the Carlton Gardens are visible and unobstructed by built fabric within the public realm. These views are generally gained from within the road reserve, perpendicular to the Carlton Gardens. Retention of these secondary view corridors is encouraged.

Supporting Views

- Are views towards the 19th century setting and context (in Carlton and Fitzroy) which are available from the perimeter (boundary) of the site, including along Nicholson Street (north of Vincent's Hospital vicinity), Carlton Street and part of Rathdowne Street (north of Pelham Street) - as identified in the 2009 Strategy Plan. Retention of a predominantly low-rise, 19th century setting, including its significant and consistent heritage streetscapes, is important in reinforcing the understanding and appreciation of the original 19th century context of the REB and its dramatic contrast in scale when compared to its surrounding lower scale 19th century setting.
- Are views of the open streetscapes within the WHEA, particularly along Nicholson Street, Rathdowne Street, Carlton Street are a distinctive feature of the WHEA that are a result of low scale context, the open setting of the Carlton Gardens (on one side) and wider road reserves. This sense of openness affords some 'breathing space' and distinctive visual experience compared to high density CBD context and built up streetscapes elsewhere, which further reinforces the REB's prominence.
- Are long range, or partial views to other heritage landmarks from the elevated Promenade Deck. These views are encouraged to be retained where possible.



Example of a Secondary View of the Dome



Example of a Supporting View of the 19th Century setting



Example of a Supporting View of the open Nicholson Street streetscape

2.3 View Types

Various view types were identified in relation to short, medium and long-range views depending on the visibility of the REB, Dome, Carlton Gardens and its 19th century setting in their current condition. Documentation of these views and potential issues and management are further elaborated upon below. **Five types of views** identified, including four view types identified in the 2009 Strategy Plan and an additional 'Streetscape oblique' view (prospect view) in response to the 'gap' identified when developing the Strategy Plan. These include:

Direct Views

- Views of the REB and Dome are available from bordering/ abutting streets at key junctions and signalised pedestrian crossings. Views to the REB and its Dome are also available from within the Carlton Gardens, along its key axes. From these locations, the monumental quality of the REB is emphasised.
 - *Example: looking north to the REB from within the Grand Allee and from within the Melbourne Museum Forecourt.*
- Views of the Carlton Gardens from within the perimeter parallel road reserve and from within perpendicular streets, framed by built form edges. From these locations, the Carlton Gardens define the terminating view lines.
 - *Example: View towards the Carlton Gardens from within perpendicular streets (ie. Queensberry Street).*



Example of a Direct View



Example of a Direct View

Proximate Views

- Views of the Dome and/ or REB are available at key junctions and street corridors extending beyond the immediate former Area of Greater Sensitivity, within and outside the WHEA boundary to the west, south and east. In most instances, views from within these street corridors are framed by existing built forms. These view locations and corridors are generally in line with the established north-south and east-west formal axes for the Carlton Gardens. From these locations, the visible parts of the Dome are clearly legible. While some proximate views to the Dome and/ or REB are interrupted by existing structures, or vegetation, they remain visually dominant.
 - *Example: View to the Dome from Gertrude Street (southern footpath) between Nicholson and Brunswick Street.*



Example of a Proximate View

Partial/ Glimpse Views

- Views of the Dome (in parts) that are not gained from street alignments, but in mid-block locations where elements of the Dome protrude above buildings in the foreground.
 - Example: corner of Alma and Regent Street, Drummond Place within the WHEA.*
- Partial views of the REB, Dome and Carlton Gardens which are interrupted by existing structure within public and private realms within the local context. In some instances, views to the REB and Dome are concealed by established landscaping within the Carlton Gardens.
 - Example: View to the REB and Dome from western footpath along Rathdowne Street which is interrupted by canopy element of the Melbourne Museum.*



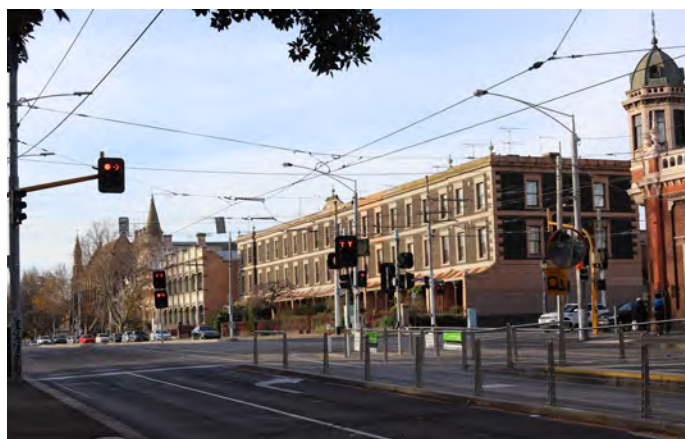
Example of a Partial/Glimpse View



Example of a Distant View

Distant Views

- Long-range views to the REB Dome and Carlton Gardens from areas outside the WHEA. From these locations, the Dome silhouette, or parts of the Dome may be available, but not clearly legible.
 - Example: along Gertrude Street (east of Brunswick Street), Spring Street and Queensberry Street.*
- Long range views to other heritage landmarks (within and outside the WHEA) are available with a varying degree of legibility.
 - Example: view of the Clifton Hill Shot Tower from the elevated Promenade viewing deck.*



Example of an Oblique Streetscape View

Oblique Streetscape Views

- Views towards the 19th century significant, or consistent heritage streetscapes abutting the Carlton Gardens. Views to these streetscapes are available from the perimeter of the Carlton Gardens with open, direct streetscape views available from key entries into the Carlton Gardens at each of its corners and in alignment with its north- south and east- west axes.
 - Example: Royal Terrace streetscape along Nicholson Street viewed from the western footpath along Nicholson Street (east- west axis).*

3.0 Views and Vistas Assessment

3.1 Dome Visibility

The visibility of the REB remains an important aspect of its prominence within the local context and of its overall presentation. The purpose of this chapter is to confirm that **views and vistas to** the REB and Carlton Gardens site (building, Dome and gardens) available from the public realm as set out in the 2009 Strategy Plan and confirmed by the 2025 Approved Strategy Plan.

The views and vistas analysis has taken into consideration **existing condition**, as well as **anticipated future scenario** influenced by recent development approvals (built and unbuilt) and preferred maximum built form envelope found in existing DDOs and Zoning Provisions to determine if there are **potential threats** to these views.

Drawing attention to the scale and presence of the Dome and REB from nominated vantage points highlight its original historical role. Its visual prominence is a key attribute influencing how the WHEA will evolve.

The 2009 Strategy Plan and DDOs within both the Melbourne and Yarra Planning Schemes identified four elements that make up the encompassing term 'Dome' of the REB. These are the Drum, Dome, Lantern and Flagpole which are common points of visual reference cited in both Melbourne and Yarra local policy provisions. This visibility testing seeks to understand the viewshed of each element individually, before combining them for an overall analysis.

This visibility assessment seeks to confirm available views to the Dome from the existing WHEA and its surrounds through projecting the Zone of Visual Influence (ZVI), measured from key components of the Dome including:

- Centre midpoint of the Drum;
- Centre midpoint of the Dome;
- Centre top point of the Lantern; and
- Centre top point of the Flagpole.

The ZVI analysis revealed where each Dome element is visible from and took into consideration existing buildings, but has excluded existing vegetation. It is acknowledged that existing vegetation and structure will influence the Dome visibility on a seasonal basis. Refer to diagrams on Page 10-11 for desktop ZVI analysis.

The ZVI desktop findings were ground-proofed through a number of site visits and photographic documentation.

This combined analysis identified locations where all Dome elements are visible at static locations, as well as where views to the Dome on approach (where it begins to appear, maintain and disappear in vistas).



Denotes ZVI Test Point Locations

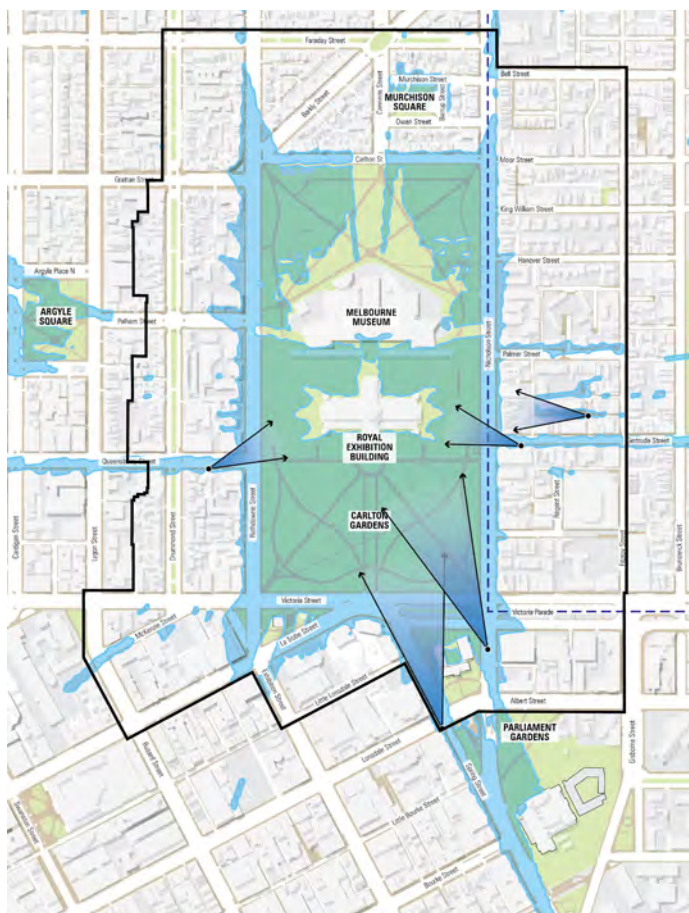


Figure 1 - Flagpole Visibility



Example - Drummond & Pelham Street intersection

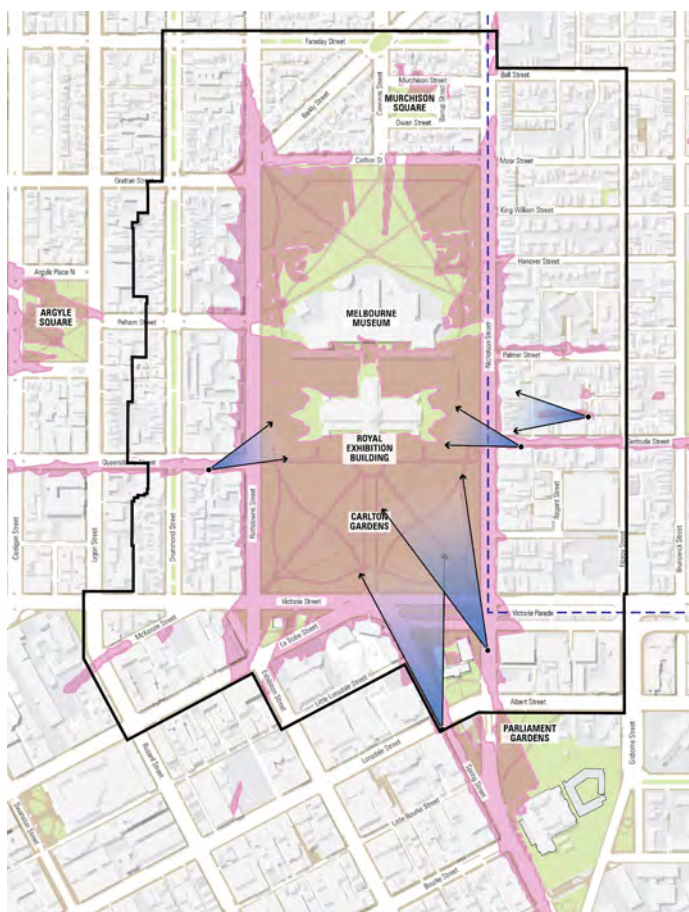


Figure 2 - Lantern Visibility



Example - Marion Street

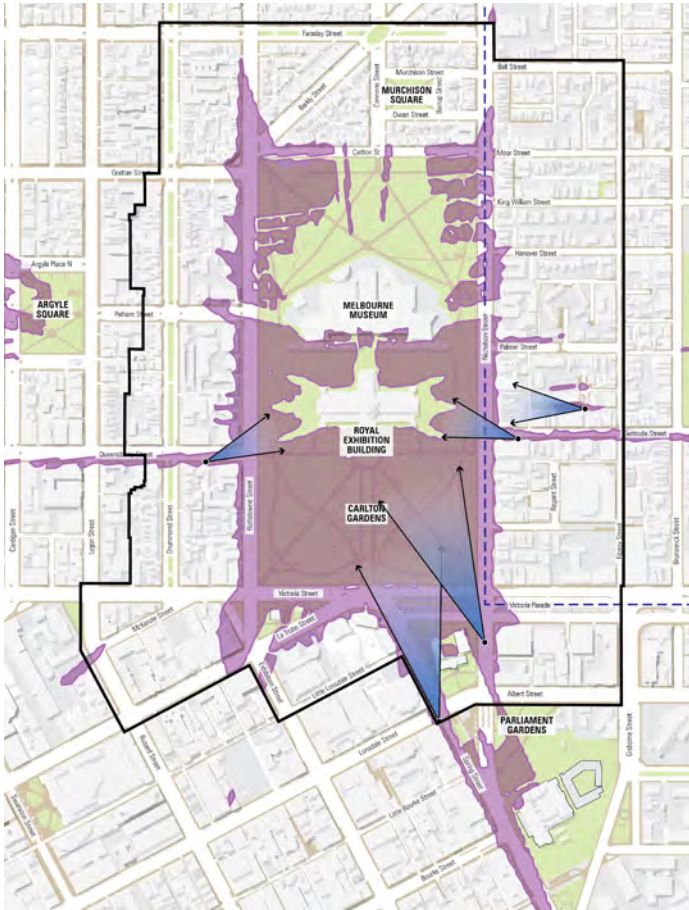


Figure 3 - Dome Visibility



Example - Drummond Place

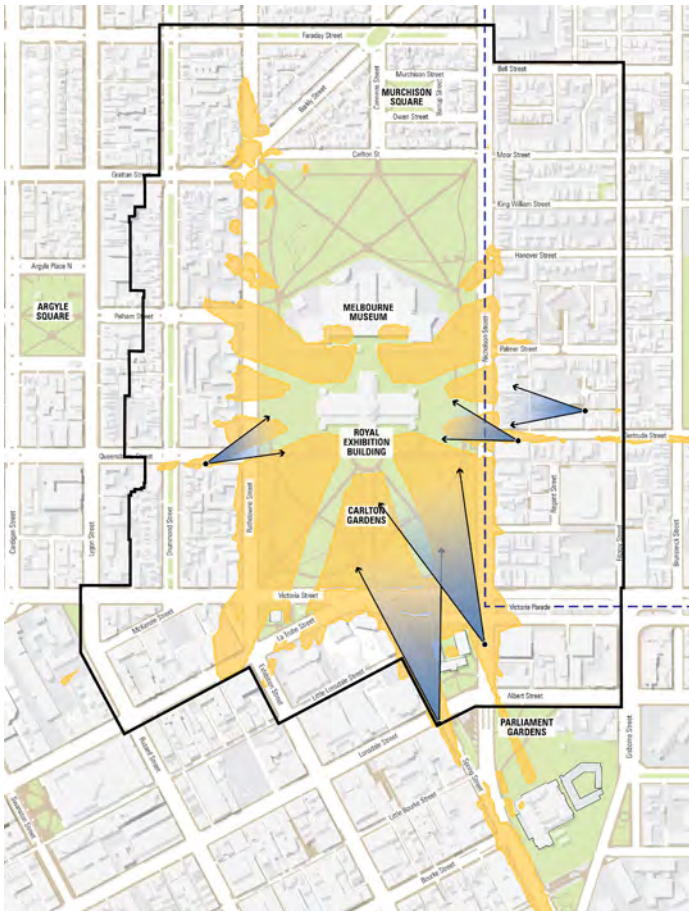
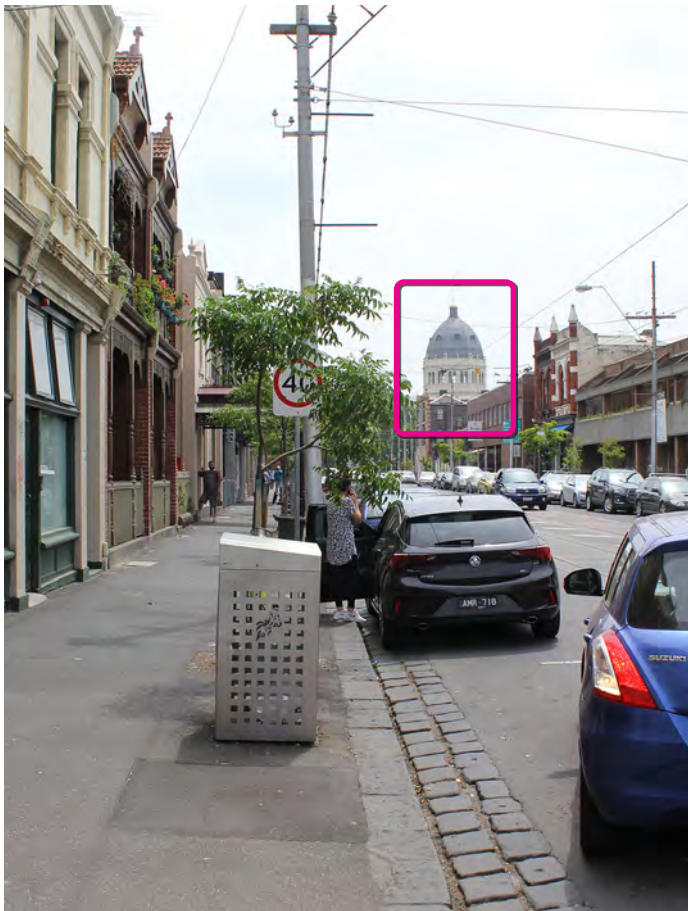


Figure 4 - Drum Visibility



Example - Gertrude Street vista

3.2 Views & Vista Selection

A detailed analysis of various views and vistas was undertaken as part of this built form analysis. To assist with the assessment, each view location was categorised into one of seven categories as follows:

- **Category 1 - aspect view:** Views to the Dome, including those identified in the 2009 Strategy Plan and Planning Schemes DDO/ Local Policies pertaining to the WHEA.
- **Category 2 - aspect view:** Views of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces which are not identified in the existing DDO.
- **Category 3 - aspect view:** Views of the REB from within the public realm, including laneways, streets, or public spaces.
- **Category 4 - aspect view:** Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.
- **Category 5 - prospect view:** Views towards the REB and Dome from within the Carlton Gardens and Melbourne Museum Forecourt.

- **Category 6 - prospect view:** Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.

- **Category 7 - prospect view:** Long range/ distant views of the WHEA and other prominent heritage landmarks from the elevated Promenade Deck.

View locations and the general direction of the assessed view are summarised in Table 1 - Views and Vistas Assessment Summary below and illustrated on Figure 5 on page 13.

Table 1 below is a summary for whether protection was required. A detailed assessment of each view location follows through the balance of this section.

The photos documented in this Chapter were taken using a Full Frame Digital SLR camera (Canon EOS 5Ds) with a Canon EF 28mm f/1.8 USM lens.

The positioning of the camera taken at a height of 1.7 metres above ground level (the photographer's eye level). The camera was not tilted but rather set as horizontal. The photographs were taken on the 17 October 2023 between 11am and 4pm, unless specified otherwise.

Table 1: Views and Vistas Assessment Summary

View Category	Primary/ Secondary/ Supporting	View Types	View Locations in WHEA	View Locations outside WHEA	Protection required?
Category 1	Primary	Direct/ Proximate	1A, 1C, 1E, 1F, 1G, 1I, 1J, 1K	1B, 1D, 1H	Yes
Category 2	Secondary	Glimpse/ Distant	2A, 2D Note: a site inspections conducted in October, 2023 revealed 2D is no longer available due to a recent development)	2B, 2C	Yes
Category 3	Primary	Direct	3A, 3B, 3C, 3D, 3E	-	Yes
Category 4	Primary	Direct/ Proximate	4A	-	Yes
	Secondary	Glimpse/ Distant	4B	-	Yes
Category 5	Primary	Direct	-	5A, 5B, 5C, 5D (within the Museum forecourt & Carlton Gardens)	Yes
Category 6	Supporting	Oblique Streetscape	6A, 6B, 6C	-	Streetscape View Consideration + Sense of openness
Category 7	Supporting	Distant	-	7A, 7B, 7C, 7D, 7E (within the REB & Carlton Gardens)	Urban Structure Consideration

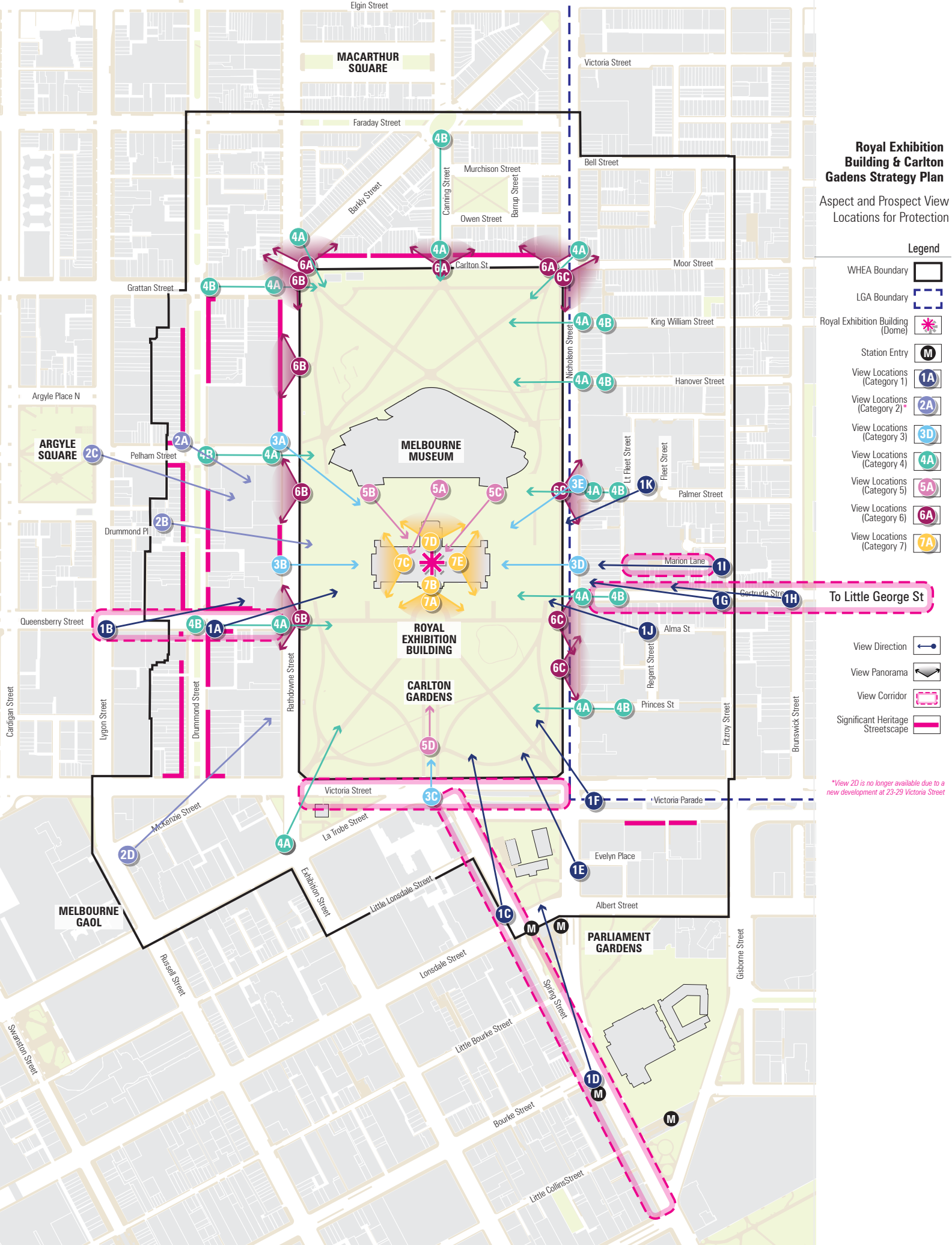


Figure 5 - Views & Vistas Assessment Framework

Table 2: Aspect and Prospect View Locations and Descriptions for Protection	
Location	Description
Category 1- aspect view: Direct / proximate Views to the Dome (Flagpole, Lantern, Dome and Drum) from the public realm, including rear laneways, streets, or public spaces.	
1A	View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.
1B	View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.
1C	View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).
1D	View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).
1E	View 1E: Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).
1F	View 1F: Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).
1G	View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side).
1H	View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side).
1I	View 1I: Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.
1J	View 1J: Views to the Dome from the northeastern corner of Regent Street and Alma Street junction.
1K	View 1K: Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.
Category 2 - aspect view: Glimpse/ distant view of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces.	
2A	View 2A: View to parts of the Dome from the northwestern corner of Pelham and Drummond Streets.
2B	View 2B: View to parts of the Dome from the junction of Drummond Street and Drummond Place.
2C	View 2C: View to parts of the Dome from the junction of Lygon Street and Pelham Street (eastern edge of Argyle Square).
2D	View 2D: View to parts of the Dome from the southeastern corner of MacKenzie Street and Russell Street junction. (Note: This view is no longer available due to a new development at 23-29 Victoria Street).
Category 3 - aspect view: Direct view of the Royal Exhibition Building (REB) from within the public realm, including laneways, streets, or public spaces.	
3A	View 3A: Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).
3B	View 3B: Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).
3C	View 3C: Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).
3D	View 3D: Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).
3E	View 3E: Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).

Category 4 - aspect view: Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.

4A	View 4A: Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).
4B	View 4B: Terminated views to the Carlton Gardens from the footpaths of perpendicular streets within 1 block of the perimeter streets, including:
	<ul style="list-style-type: none"> ▪ Canning Street between Faraday & Carlton Streets.
	<ul style="list-style-type: none"> ▪ King William Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Hanover Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Palmer Street between Nicholson & Lt Fleet Streets.
	<ul style="list-style-type: none"> ▪ Gertrude Street between Nicholson & north – south laneway.
	<ul style="list-style-type: none"> ▪ Princes Street between Nicholson & Regent Streets.
	<ul style="list-style-type: none"> ▪ Queensberry Street between Rathdowne & Drummond Streets.
	<ul style="list-style-type: none"> ▪ Pelham Street between Rathdowne & Drummond Streets.
	<ul style="list-style-type: none"> ▪ Grattan Street between Rathdowne & Drummond Streets.

Category 5 - prospect view: Direct views towards the REB and Dome (Flagpole, Lantern, Dome and Drum) from within the Carlton Gardens and Melbourne Museum Forecourt.

5A	View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).
5B	View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.
5C	View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.
5D	View 5D: Views to the Dome and southern elevation of the REB from within the Grand Allee.

Category 6 - prospect view: Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.

6A	View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens.
6B	View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt.
6C	View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt.

Category 7 - prospect view: Long-range/ distant views of the World Heritage Environs Area (WHEA) and other prominent heritage landmarks from the elevated Promenade Deck.

7A	View 7A: View to southern part of the WHEA and the Central City beyond from the Lower Deck.
7B	View 7B: View to southern part of the WHEA and the Central City beyond from the Upper Deck.
7C	View 7C: View to western part of the WHEA from the Upper Deck.
7D	View 7D: View to northern part of the WHEA from the Upper Deck.
7E	View 7E: View to eastern part of the WHEA from the Upper Deck.

3.3 Category 1

Direct views to the Dome (Flagpole, Lantern, Dome and Drum), including those identified in existing 2009 Strategy Plan and Planning Schemes DDO/ Local Policies pertaining to the WHEA.

Note that the information about Category 1 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

CATEGORY 1: Aspect Views	
View 1A & 1B	<p><i>View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.</i></p> <p><i>View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.</i></p>
Key Feature	<ul style="list-style-type: none"> All elements of the Dome are visible, protruding above low-scaled buildings lining the northern side of Queensberry Street. Views toward the REB are concealed west of Drummond Street due to foreground buildings, become available mid-block between Drummond and Rathdowne Street. Vegetation of the Carlton Gardens are also visible, terminating the view where Queensberry Street meets Rathdowne Street.
Primary/ Secondary/ Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> DDO6 (CoM)
Management Issues	<ul style="list-style-type: none"> Potential to diminish the Dome's visibility and prominence in this view would be the provision for additional building heights in areas covered by DDO6. Changes to NRZ zoning regimes along Nicholson Street could result in development encroaching into the background of the view.



View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.



View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.

CATEGORY 1: Aspect Views

View 1C & 1D	<p><i>View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).</i></p> <p><i>View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).</i></p>
Key Feature	<ul style="list-style-type: none"> All elements of the Dome are visible, protruding above the low-scaled College of Surgeons buildings and foreground vegetation in the public Realm. Views toward the REB are concealed at the Bourke Street intersection but begin to become available toward Lonsdale Street. Canopy vegetation of the Carlton Gardens is also visible but indistinguishable from foreground street plantings greater distances. View to the Dome and Gardens is more available from the north western corner of Spring Street and Lonsdale Street, instead of the south western corner as recommended by the 2009 Strategy Plan.
Primary/ Secondary/ Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> DDO13 (CoM)
Management Issues	<ul style="list-style-type: none"> Should the College of Surgeons site develop to the allowable DDO height, there is potential for views of the Dome to be interrupted. Should the College of Surgeons site develop to the allowable DDO height, there is potential for views to Carlton Gardens and Dome to be interrupted. However of note, the College of Surgeons is included in the VHR and any development would be subject to the <i>Heritage Act 2017</i>.



View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).



View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).

CATEGORY 1: Aspect Views

View 1E	
<i>Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).</i>	
Key Feature	<ul style="list-style-type: none"> Part of the Dome is visible in the background, above the College of Surgeons building. The silhouette of Carlton Gardens perimeter vegetation is visible, lining the Nicholson Street axis as it extends north of Victoria Street. This view is highly interrupted by existing vegetation within the public realm.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> DDO13 (CoM)
Management Issues	<ul style="list-style-type: none"> Lack of precision regarding the view locations without prescription of footpaths, corners or other public realm locations such as tram stops. Should the College of Surgeons site develop to the allowable DDO height, there is potential for views to Carlton Gardens and Dome to be interrupted. However of note, the College of Surgeons is included in the VHR and any development would be subject to the <i>Heritage Act 2017</i>.



View 1E: Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).

CATEGORY 1: Aspect Views**View 1F** *Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).*

Key Feature	<ul style="list-style-type: none"> All elements of the Dome are visible from the tram stop on Victoria Street. The existing 10-storey Vincent's Hospital building sits in the foreground. The Dome is visible behind existing vegetation. The silhouette of Carlton Gardens perimeter vegetation is visible, lining the Nicholson Street axis as it extends north of Victoria Street.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> Nil
Management Issues	<ul style="list-style-type: none"> Lack of precision regarding the view locations without prescription of footpaths, corners or other public realm locations such as tram stops. Future public works (including signage and landscaping) within the road reserve will interrupt view to the historical axis within Carlton Gardens (south).



View 1F: Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).

CATEGORY 1: Aspect Views	
View 1G & 1H	View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side).
	View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side).
Key Feature	<ul style="list-style-type: none"> All elements of the Dome are visible and prominent in the setting, protruding above the 19th century streetscape of Gertrude Street. The south-eastern turret of the REB is also visible above the 19th century terraces of Gertrude Street. Canopy vegetation of the Carlton Gardens is also visible but indistinguishable from foreground street plantings greater distances.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> DDO8 (CoY) Interim DDO31 (CoY)
Management Issues	<ul style="list-style-type: none"> The potential redevelopment of non-contributory buildings along the northern side of Gertrude Street (note: VCAT approved the redevelopment of 1-9 Gertrude Street - refer to VCAT Reference No. P327/2021). The potential for tall development west of the Carlton Gardens (ie. Rathdowne Street) that could encroach into the view and diminish the prominence of the Dome.



View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side).*



View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side).*

*Additional fieldwork was undertaken on 22nd November 2023 to recapture Views 1G and 1H due to temporary public realm obstructions on the initial date of fieldwork.

CATEGORY 1: Aspect Views

View 11	<i>Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.</i>
Key Feature	<ul style="list-style-type: none"> ▪ All elements of the Dome are visible and prominent along Marion Lane, protruding above the rear of Royal Terrace fronting Nicholson Street. ▪ The Dome is particularly prominent toward the lanes intersection with Marion Street, where the Lantern is afforded greater 'breathing space' from the Royal Terraces in the foreground.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> ▪ Primary
View Type	<ul style="list-style-type: none"> ▪ Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> ▪ DD08 (CoY) ▪ Interim DD031 (CoY)
Management Issues	<ul style="list-style-type: none"> ▪ The potential redevelopment of Gertrude and Palmer Street properties, particularly regarding their rear massing and presentation to Marion Lane (note: VCAT approved the redevelopment of 1-9 Gertrude Street - refer to VCAT Reference No. P327/2021). ▪ Royal Terrace is listed in the VHR and there is limited development opportunity to the 'rear' and 'above' and the view is therefore protected. ▪ Future development to the rear of 1-9 Gertrude Street may 'crowd in' the Dome view (note: VCAT approved the redevelopment of 1-9 Gertrude Street - refer to VCAT Reference No. P327/2021).



View 11: Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.

CATEGORY 1: Aspect Views	
View 1J	<i>Views to the Dome from the northeastern corner of Regent Street and Alma Street junction.</i>
Key Feature	<ul style="list-style-type: none"> 4 elements of the Dome are visible (Dome, Lantern, Flagpole), protruding above the Former Cable Tram Engine House (HO181) fronting Nicholson Street.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Proximate View
Existing Built Form Control	<ul style="list-style-type: none"> Nil 48A Nicholson Street (Former Cable Tram Engine House) is a VHR site. 44 Nicholson Street is a VHR site.
Management Issues	<ul style="list-style-type: none"> There is limited development opportunity above existing heritage fabric on VHR Sites. Future development (above 3 storeys) at 48A Nicholson Street- a VHR site would likely result in the loss of Dome view from this location. Future redevelopment at 46 Nicholson Street may limit view to the Dome and compete with the Dome's visual prominence at this location. Changes to NRZ zoning regimes along Gertrude Street could result in greater development heights encroaching into the view.



View 1J: Views to the Dome from the northeastern corner of Regent Street and Alma Street junction.

CATEGORY 1: Aspect Views

View 1K	<i>Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.</i>
Key Feature	<ul style="list-style-type: none"> ▪ 3 elements of the Dome are visible (Lantern, Flagpole and Drum), protruding above double storey 19th century residential terraces fronting Nicholson Street. ▪ Part of the REB eastern elevation is also visible from this location.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> ▪ Primary
View Type	<ul style="list-style-type: none"> ▪ Glimpse View
Existing Built Form Control	<ul style="list-style-type: none"> ▪ NRZ, GRZ
Management Issues	<ul style="list-style-type: none"> ▪ Changes to NRZ zoning regimes along Nicholson Street could result in greater development heights encroaching into the view.



View 1K: Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.

3.4 Category 2 Views

A view of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces which are not identified in the existing DDO.

Note that the information about Category 2 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

CATEGORY 2: Aspect Views	
View 2A	<i>View to parts of the Dome from the northwestern corner of Pelham and Drummond Streets.</i>
Key Feature	<ul style="list-style-type: none"> Only Flagpole is visible above 2-storey heritage buildings lining the southern side of Pelham Street and the non-contributory 4-storey building on the south eastern corner of Rathdowne Street and Pelham Street.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Secondary
View Type	<ul style="list-style-type: none"> Distant View
Existing Built Form Control	<ul style="list-style-type: none"> DDO6 (CoM)
Management Issues	<ul style="list-style-type: none"> Visibility to the Flagpole could be obstructed by future development on the Rathdowne Street corner site in the MUZ, that is not within the boundary of DDO6.



View 2A: View to parts of the Dome from the northwestern corner of Pelham and Drummond Streets.

CATEGORY 2: Aspect Views**View 2B** *View to parts of the Dome from the junction of Drummond Street and Drummond Place.*

Key Feature	<ul style="list-style-type: none"> 2 elements of the Dome are clearly visible (Lantern, Flagpole) above non-contributory buildings lining the eastern side of Drummond Street. A topmost portion of the Dome is also visible but largely concealed by foreground buildings.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Secondary
View Type	<ul style="list-style-type: none"> Distant View
Existing Built Form Control	<ul style="list-style-type: none"> DDO6 (CoM)
Management Issues	<ul style="list-style-type: none"> Visibility to the Lantern and Flagpole could be obstructed by future development fronting Rathdowne Street and Drummond Street in the mixed use zone, that are not within the boundary of DDO6.



View 2B: View to parts of the Dome from the junction of Drummond Street and Drummond Place.

CATEGORY 2: Aspect Views	
View 2C	<i>View to parts of the Dome from the junction of Lygon Street and Pelham Street (eastern edge of Argyle Square).</i>
Key Feature	<ul style="list-style-type: none">2 elements of the Dome are visible (Lantern, Flagpole), protruding above a mix of low scaled buildings fronting Pelham, Drummond and Rathdowne Street including both 19th century streetscapes and non-contributory buildings.
Primary/Secondary/Supporting	<ul style="list-style-type: none">Secondary
View Type	<ul style="list-style-type: none">Distant View
Existing Built Form Control	<ul style="list-style-type: none">DDO6 (CoM)
Management Issues	<ul style="list-style-type: none">Visibility to the Dome could be obstructed by future development on the Rathdowne Street corner site in the MUZ, that is not within the boundary of DDO6.



View 2C: View to parts of the Dome from the junction of Lygon Street and Pelham Street (eastern edge of Argyle Square).

CATEGORY 2: Aspect Views	
View 2D	<i>View to parts of the Dome from the southeastern corner of MacKenzie Street and Russell Street junction.</i>
Key Feature	<ul style="list-style-type: none">Parts of the Dome are visible, protruding above a mix of low-medium scaled buildings fronting Victoria, Drummond and Rathdowne Street.
Primary/Secondary/Supporting	<ul style="list-style-type: none">Secondary
View Type	<ul style="list-style-type: none">Distant View
Existing Built Form Control	<ul style="list-style-type: none">DDO6 (CoM) on the north side of Victoria Street.
Management Issues	<ul style="list-style-type: none">Visibility to the Dome could be obstructed by future development along Victoria Street, particularly non-contributory sites such as the petrol station.<i>Note: View to parts of the Dome is no longer available following the completion of redevelopment at 23-29 Victoria Street.</i>



View 2D (taken in 2020)



View 2D (taken after the completion of redevelopment at 23-29 Victoria Street, October 2023): View to parts of the Dome from the southeastern corner of MacKenzie Street and Russell Street junction.

3.5 Category 3 Views

Direct view of the Royal Exhibition Building (REB) from within the public realm, including laneways, streets, or public spaces.

Note that the information about Category 3 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

CATEGORY 3: Aspect Views	
View 3A	<i>Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).</i>
Key Feature	<ul style="list-style-type: none"> Parts of the Dome and the REB western elevation and the Carlton Gardens are visible. The Melbourne Museum canopy 'wing' interrupts view to the Dome. Street furniture and signages form the foreground and interrupt vista to the Dome. Some high rises (within the CBD) are in the background.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Direct view
Existing Built Form Control	<ul style="list-style-type: none"> Nil (CoY) – South eastern part of Nicholson Street. GRZ/ NRZ (CoY)– North eastern part of Nicholson Street. DDO10 (CoM)- South part of Victoria St.
Management Issues	<ul style="list-style-type: none"> High-rise development in the St. Vincent's's hospital precinct and the north-eastern corner of the CDD and along Victoria Parade may influence the background of the view and the primacy of the Dome.



View 3A: Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).

CATEGORY 3: Aspect Views

View 3B <i>Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).</i>	
Key Feature	<ul style="list-style-type: none"> Carlton Gardens, REB (western elevation) and the complete Dome are prominent in view along Rathdowne Street aligning with the central eastern entrance of the Carlton Gardens.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Direct
Existing Built Form Control	<ul style="list-style-type: none"> Nil (CoY) – South eastern part of Nicholson Street. GRZ/ NRZ (CoY) – North eastern part of Nicholson Street.
Management Issues	<ul style="list-style-type: none"> Changes to NRZ zoning regimes along Nicholson Street could result in development encroaching into the background of the view.



View 3B: Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).

CATEGORY 3: Aspect Views	
View 3C	Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).
Key Feature	<ul style="list-style-type: none">▪ Carlton Gardens, REB and the complete Dome are visible through the axis of the Grand Allee from footpaths on both sides of Victoria Street as well as median tram stops.
Primary/Secondary/Supporting	<ul style="list-style-type: none">▪ Primary
View Type	<ul style="list-style-type: none">▪ Direct view
Existing Built Form Control	<ul style="list-style-type: none">▪ Nil
Management Issues	<ul style="list-style-type: none">▪ The alignment of public transport infrastructure and signage potentially cluttering the foreground of views from the southern footpath.



View 3C: Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).

CATEGORY 3: Aspect Views**View 3D** *Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).*

Key Feature	<ul style="list-style-type: none"> Carlton Gardens, REB (eastern elevation) and the complete Dome are prominent in view along Nicholson Street aligning with the central eastern entrance of the Carlton Gardens.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Direct
Existing Built Form Control	<ul style="list-style-type: none"> DDO6 (CoM) - Western side of Rathdowne Street.
Management Issues	<ul style="list-style-type: none"> Development in the north-western pocket of the CBD has begun to encroach on the eastern skyline of the REB. Additional tower development in this area threatens to further overwhelm the REB skyline and primacy of the Dome in this view. Potential medium to high rise development along Rathdowne Street in the MUZ on sites not affected by DDO controls threatens to have the same impact.



View 3D: Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).

CATEGORY 3: Aspect Views

View 3E	<i>Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).</i>
Key Feature	<ul style="list-style-type: none"> ▪ All elements of the Dome, part of the REB eastern elevation and the Carlton Gardens are visible. ▪ Street furniture and signages form the foreground and interrupt vista to the Dome. ▪ Some high rises (within the CBD) are in the background. ▪ The Dome is visually still prominent in the foreground.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> ▪ Primary
View Type	<ul style="list-style-type: none"> ▪ Direct view
Existing Built Form Control	<ul style="list-style-type: none"> ▪ DDO6 (CoM) - Western side of Rathdowne Street ▪ DDO10 (CoM) – South side of Victoria Street ▪ Nil – South western side of Victoria Street
Management Issues	<ul style="list-style-type: none"> ▪ Development in the north-western pocket of the CBD has begun to encroach on the eastern skyline of the REB. Additional tower development in this area threatens to further overwhelm the REB skyline and primacy of the Dome in this view. ▪ Potential medium to high rise development along Rathdowne Street in the MUZ on sites not affected by DDO controls threatens to have the same impact.



View 3E: Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).

3.6 Category 4 Views

Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.

Note that the information about Category 4 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

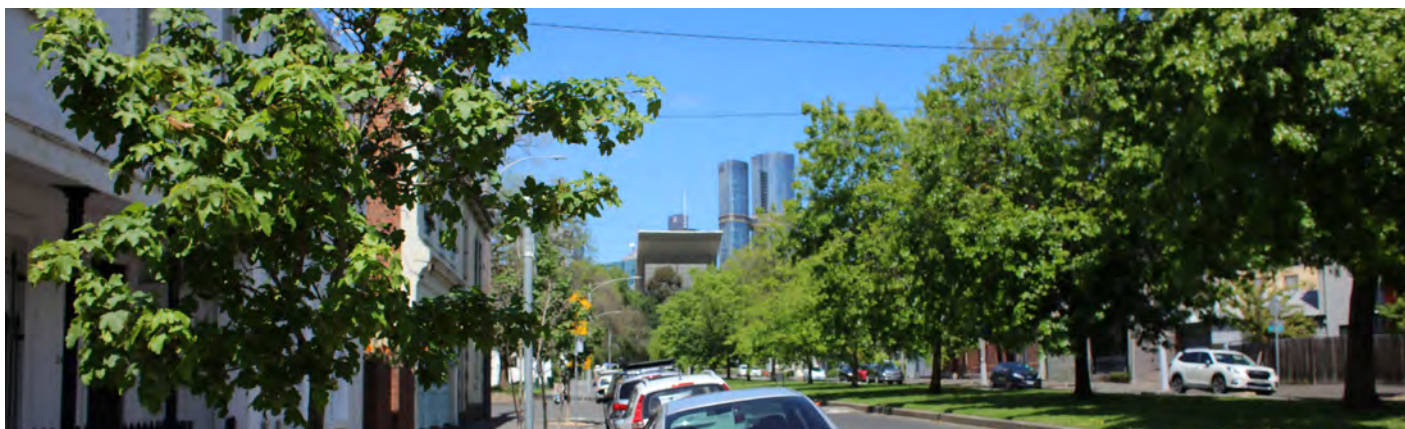
CATEGORY 4: Aspect Views	
View 4A	<i>Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).</i>
Key Feature	<ul style="list-style-type: none"> The edge and internal features of Carlton Gardens (canopy trees, vegetation and ornamental gardens) are in the foreground of the view. Foreground views of Carlton Gardens result in an open setting along 19th century and other streetscapes surrounding the perimeter of Carlton Gardens.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary (when viewed from the adjoining Nicholson, Victoria, Rathdowne and Carlton Streets).
View Type	<ul style="list-style-type: none"> Direct Nil (CoY) – South eastern part of Nicholson Street. DDO6 (CoM) - Western side of Rathdowne Street.
Existing Built Form Control	<ul style="list-style-type: none"> DDO10 (CoM) – South side of Victoria Street. GRZ/ NRZ (CoY) – North eastern part of Nicholson Street. NRZ (CoM) – Carlton Street.
Management Issues	<ul style="list-style-type: none"> Gaps in DDO's or changes to zoning provisions on land in streetscapes immediately adjoining Carlton Gardens could result in development that does not consider the 'openness' and primacy of canopy vegetation and the garden setting in these views.



View 4A: Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).

CATEGORY 4: Aspect Views

View 4B	<p><i>Terminated views to the Carlton Gardens from the footpaths of perpendicular streets within 1 block of the perimeter streets, including:</i></p> <ul style="list-style-type: none"> • Canning Street between Faraday & Carlton Streets. • King William Street between Nicholson & north – south laneway. • Hanover Street between Nicholson & north – south laneway. • Palmer Street between Nicholson & Lt Fleet Streets. • Gertrude Street between Nicholson & north – south laneway. • Princes Street between Nicholson & Regent Streets. • Queensberry Street between Rathdowne & Drummond Streets. • Pelham Street between Rathdowne & Drummond Streets. • Grattan Street between Rathdowne & Drummond Streets.
Key Feature	<ul style="list-style-type: none"> ▪ Perimeter and internal canopy trees and vegetation form the terminus of views from perpendicular streets. ▪ Views are framed by built form fronting the street, in both 19th century and mixed streetscape setting. ▪ North of Victoria Street, perpendicular views to Carlton Gardens have a sense of openness due to the generally low street wall and overall heights of buildings framing views.
Primary/ Secondary/ Supporting	<ul style="list-style-type: none"> ▪ Secondary when viewed from perpendicular streets (at least 1 block from perpendicular streets).
View Type	<ul style="list-style-type: none"> ▪ Proximate ▪ Glimpse ▪ Distant if Gardens are visible beyond 1 urban block
Existing Built Form Control	<ul style="list-style-type: none"> ▪ Nil (CoY) – South eastern part of Nicholson Street. ▪ DDO6 (CoM) - Western side of Rathdowne Street. ▪ DDO10 (CoM) – South side of Victoria Street. ▪ GRZ/ NRZ (CoY) – North eastern part of Nicholson Street. ▪ NRZ (CoM) – north of Carlton Street.
Management Issues	<ul style="list-style-type: none"> ▪ Gaps in DDO's or changes to zoning provisions on land in streetscapes immediately adjoining Carlton Gardens could result in development that does not consider the 'openness' and primacy of canopy vegetation and the garden setting in these views.



View 4B: Terminated views to the Carlton Gardens from the footpaths of perpendicular streets within 1 block of the perimeter streets

3.7 Category 5 Views

Direct views towards the REB and Dome (Flagpole, Lantern, Dome and Drum) from within the Carlton Gardens and Melbourne Museum Forecourt.

Note that the information about Category 5 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

CATEGORY 5: Prospect Views	
View 5A,5B,5C	<i>View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).</i>
	<i>View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.</i>
	<i>View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.</i>
Key Feature	<ul style="list-style-type: none"> Unimpeded views of the northern elevation of the REB and Dome are available from points along the Melbourne Museum Forecourt. Views of the Dome are less available when viewed perpendicularly from the main museum entrance – concealed by the REB in the foreground.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Direct
Existing Built Form Control	<ul style="list-style-type: none"> Nil (CoY) – South eastern part of Nicholson Street. DDO6 (CoM)- South western part of Rathdowne Street. DDO10 (CoM)- South part of Victoria Street.
Management Issues	<ul style="list-style-type: none"> Development in the north-western pocket of the CBD has begun to encroach on the northern skyline of the REB. Additional tower development in this area threatens to further overwhelm the REB skyline and primacy of the Dome in this view.



View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).



View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.



View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.

CATEGORY 5: Prospect Views	
View 5D	<i>Views to the Dome and southern elevation of the REB from within the Grand Allee.</i>
Key Feature	<ul style="list-style-type: none"> Boulevard planting of the Grand Allee, fountain, REB and the Dome are visually prominent and unimpeded in the view, forming the view terminus.
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Primary
View Type	<ul style="list-style-type: none"> Direct
Existing Built Form Control	<ul style="list-style-type: none"> GRZ, NRZ (CoY) – eastern part of Nicholson Street. DDO6 (CoM)- western part of Rathdowne Street.
Management Issues	<ul style="list-style-type: none"> Changes to NRZ zoning regimes along Nicholson Street could result in development encroaching into the eastern periphery of the view. Potential medium to high rise development along Rathdowne Street in the MUZ on sites not affected by DDO controls could result in development encroaching into the western periphery of the view.



View 5D: Views to the Dome and southern elevation of the REB from within the Grand Allee.

3.8 Category 6 Views

Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.

CATEGORY 6: Prospect Views	
View 6A	<i>Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens.</i>
Key Feature	<ul style="list-style-type: none">Intact 19th century significant streetscape on the north side of Carlton Street.
Primary/Secondary/Supporting	<ul style="list-style-type: none">Supporting
View Type	<ul style="list-style-type: none">Oblique Streetscape
Existing Built Form Control	<ul style="list-style-type: none">GRZ, NRZ (CoM) – northern part of Carlton Street.Existing HO
Management Issues	<ul style="list-style-type: none">Contemporary new addition may diminish intact, significant heritage streetscapes, or consistent streetscapes.Taller development may diminish the sense of openness within the streetscapes surrounding the Carlton Gardens.GRZ is subject to change.



View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens (Carlton Street looking west from the south western junction of Carlton and Nicholson Streets).



View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens (Carlton Street looking west from the southern termination of Canning Street with Carlton Street).



View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens (Carlton Street looking east from the southern termination of Canning Street with Carlton Street).



View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens (Carlton Street looking east from toward the southeastern junction of Rathdowne and Carlton Street).

CATEGORY 6: Prospect Views**View 6B**

Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt.

Key Feature

- Intact 19th century streetscape on the west side of Rathdowne Street (north side of Pelham Street).

**Primary/
Secondary/
Supporting**

- Supporting

View Type

- Oblique Streetscape

**Existing Built
Form Control**

- DDO6 (CoM) – south side of Grattan Street.
- DDO48 (CoM)- north side of Grattan Street
- Nil – south western side of Victoria Street

**Management
Issues**

- Contemporary new addition may diminish intact, significant heritage streetscapes, or consistent streetscapes.
- Taller development may diminish the sense of openness within the streetscapes surrounding the Carlton Gardens.
- Future redevelopment of sites to the south of Pelham Street, where the 19th century streetscape is less intact. Some of these sites are not influenced by DDO6.



View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Rathdowne Street looking north west from the south eastern junction of Nicholson and Carlton Streets).



View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Rathdowne Street looking south west from south of the Rathdowne Street and Grattan Street Intersection).



View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Rathdowne Street looking west from a pedestrian entrance into the Carlton Gardens along its western perimeter).



View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Rathdowne Street looking south west from central along the western perimeter of the Carlton Gardens).

CATEGORY 6: Prospect Views	
View 6C	<i>Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt.</i>
Key Feature	<ul style="list-style-type: none"> Intact 19th century streetscape on the east side of Nicholson Street (north side of Princes Street). Some of these sites are included in VHR
Primary/Secondary/Supporting	<ul style="list-style-type: none"> Supporting
View Type	<ul style="list-style-type: none"> Oblique Streetscape
Existing Built Form Control	<ul style="list-style-type: none"> NRZ, GRZ (CoY)- North of Gertrude Street Nil (CoY)- South of Gertrude Street
Management Issues	<ul style="list-style-type: none"> Contemporary new addition may diminish intact, significant heritage streetscapes, or consistent streetscapes. Taller development may diminish the sense of openness within the streetscapes surrounding the Carlton Gardens. NRZ height may be subject to change. Some MUZ has limited, or no built form controls



View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Nicholson Street looking north from the south western junction of Nicholson and Gertrude Map).



View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Nicholson Street looking south east from the south western junction of Nicholson Street and Carlton Street).



View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt. (Nicholson Street looking south east from the western termination of Palmer Street with Nicholson Street).

3.9 Category 7 Views

Long range/ distant views of the World Heritage Environs Area (WHEA) and other prominent heritage landmarks from the elevated Promenade Deck.

Note that the information about Category 7 views reflects the circumstances at the time of testing. The approval of the Strategy Plan will result in new planning scheme controls that will address, for example, data pertaining to Existing Built Form Control and Management Issues.

CATEGORY 7: Prospect Views	
View 7A	View to the southern part of the WHEA and the Central City beyond from the Lower Deck.
View 7B	View to the southern part of the WHEA and the Central City beyond from the Upper Deck.
Key Feature	<ul style="list-style-type: none">The southern half of the Carlton Gardens is prominent in the view, with northern CBD towers protruding above canopy vegetation in the foreground. VHR buildings are generally concealed behind buildings and canopy tree vegetation in the foreground and middle ground.VHR buildings<ul style="list-style-type: none">St. Patrick’s Cathedral, East MelbourneParliament House, Spring Street
Primary/ Secondary/ Supporting	<ul style="list-style-type: none">Supporting
View Type	<ul style="list-style-type: none">Glimpse/ Distant
Existing Built Form Control	<ul style="list-style-type: none">DDO10, DDO62 (CoM)
Management Issues	<ul style="list-style-type: none">Retention of glimpse views to some heritage landmarks which is currently not afforded by road networks in the Capital City Zone is challenging, particularly when balancing the strategic directions for the Central City.



View 7A: View to the southern part of the WHEA and the Central City beyond from the Lower Deck.



CATEGORY 7: Prospect Views**View 7C***View to the western part of the WHEA from the Upper Deck.*

Key Feature	<ul style="list-style-type: none"> The key feature of the view is the northern edge of the CBD meeting Carlton, and the stark transition in building heights that ensues. The foreground comprises generally low scaled built form along Rathdowne Street, sprawling further west toward institutional forms of the Parkville NEIC. The horizon is barely visible, with glimpses toward Footscray and further western suburbs available through gaps in dense built form. VHR buildings <ul style="list-style-type: none"> Sacred Heart Catholic Church, 169- 199 Rathdowne Street Former Presbyterian Manse, 97-105 Rathdowne Street
Primary/ Secondary/ Supporting	<ul style="list-style-type: none"> Supporting
View Type	<ul style="list-style-type: none"> Glimpse/ Distant
Existing Built Form Control	<ul style="list-style-type: none"> DDO6
Management Issues	<ul style="list-style-type: none"> Views towards VHR sites are afforded by spatial separation afforded by the road reserve and Gardens. Future redevelopment behind the VHR sites should continue to have regard to 3-dimensional quality of its heritage structure when viewed from this elevated point.

*View 7C: View to the western part of the WHEA from the Upper Deck.*

CATEGORY 7: Prospect Views	
View 7D	View to the northern part of the WHEA from the Upper Deck.
Key Feature	<ul style="list-style-type: none">▪ The central blade of the Melbourne Museum in the foreground, rising above a low horizon of low-scaled Carlton residential areas blanketed by canopy tree cover, occasionally punctuated by high-rise forms of government housing towers.▪ VHR buildings and structures (including local landmarks within the City of Yarra)<ul style="list-style-type: none">▪ St. John's Church spire, Clifton Hill▪ Clifton Hill Shot Tower
Primary/Secondary/Supporting	<ul style="list-style-type: none">▪ Supporting
View Type	<ul style="list-style-type: none">▪ Glimpse/ Distant
Existing Built Form Control	<ul style="list-style-type: none">▪ Zoning, HO + interim DDOs
Management Issues	<ul style="list-style-type: none">▪ Retention of distant views to heritage structure (also local landmarks in the City of Yarra) is challenging noting the positioning of Smith Street and Brunswick Street Major Activity Centres, where some growth and taller developments can be anticipated.



View 7D: View to the northern part of the WHEA from the Upper Deck.

CATEGORY 7: Prospect Views**View 7E***View to the eastern part of the WHEA from the Upper Deck.*

Key Feature	<ul style="list-style-type: none"> The middle ground of the view comprises the 19th century streetscapes along Nicholson and Gertrude Streets. In the background, the horizon of the Dandenong Range is punctuated by high rise forms of Collingwood government housing towers and St. Vincent's's Hospital buildings. Other heritage landmarks are scattered throughout the panoramic view. VHR buildings and structures (including local landmarks within the City of Yarra) <ul style="list-style-type: none"> Fitzroy Town Hall, Fitzroy (Local Landmark) St. Mark's Church, Fitzroy (Local Landmark) St. Patrick's Cathedral, East Melbourne (Local Landmark) Royal Terrace, 50-68 Nicholson Street Academy of Mary Immaculate, 88 Nicholson Street Former Cable Tram Engine House, 46-48 Nicholson Street Osborne House, 44 Nicholson Street
Primary/ Secondary/ Supporting	<ul style="list-style-type: none"> Supporting
View Type	<ul style="list-style-type: none"> Glimpse/ Distant
Existing Built Form Control	<ul style="list-style-type: none"> Zoning, HO + interim DDOs
Management Issues	<ul style="list-style-type: none"> Retention of distant views to heritage structure (also local landmarks in the City of Yarra) is challenging noting the positioning of Smith Street and Brunswick Street Major Activity Centres, where some growth and taller developments can be anticipated. Views towards VHR sites are afforded by spatial separation afforded by the road reserve and Gardens. Future redevelopment behind the VHR sites should continue to have regard to 3-dimensional quality of its heritage structure when viewed from this elevated point.

*View 7E: View to the eastern part of the WHEA from the Upper Deck.*

4.0 Built Form Testing

Following on from the documentation and analysis of various views and vistas in Section 3.0, a critical follow on task was to undertake built form testing to determine the implications of existing built form control regime, or the lack of one in protecting primary prospect and aspect views and vistas.

The built form testing was not intended to be a comprehensive Built Form Review of all sites within the WHEA. Rather, it was focused around areas where primary views and key supporting views are available from and need to be protected.

4.1 Purpose & Approach

Hansen had prepared 3-Dimensional massing model for key areas to test the impact of existing DDOs; recent development trajectory; and locations with an absence of built form control for primary views to the Dome, REB and its 19th century setting.

The built form tests demonstrated visual implications of potential built form outcomes to enable assessment and to determine how the preferred outcome meets the urban design principles. Details of the modelling approach and methodology are provided below.

- The development and use of such 3D massing model is common for strategic built form work of this kind to determine the general relationships between new urban form (various options and scenarios), primary views from identified vantage points discussed in Chapter 3 with input from HLCD.
- The massing model utilised is 'fit for purpose' for a broad precinct of this nature. It did not rely on detailed site survey data, rather more general available contour, landform and cadastral information provided by the Department
- Existing development and recent 3D models of development approvals were also provided by the Department. They were depicted as massing representations and do not seek to represent existing building detail, in terms of accurate appearance, materiality, etc.
- The massing model for the purpose of this built form testing was prepared in SketchUp Pro 2018 and 2019. Views were taken at eye level, 1.5 metres from ground level and were compared against existing photographs.
- It is also noted that the 3D model did not included any existing vegetation. The basis of the model (ie. site boundaries, levels and existing vegetation) is not as accurate as one generated with a detailed site survey, or via photomontages.
- For the purpose of the built form testing on specific sites, where there was absence of built form, controls were modelled based on a typical 3.5 metres floor to floor height.

4.2 Urban Design Principles

In simplest terms, urban morphology within the WHEA are influenced by the following **five urban design principles**:

- Maintain the prevailing urban structure of the WHEA.
- Protecting primary aspect/prospect views from/ to the REB/ Gardens.
- Retaining predominantly low scale setting to the north of Victoria Street (in HO area).
- Consideration for significant/consistent heritage streetscapes.
- Retention of an open streetscape settings along the WHEA perimeter (north of Victoria Street).
- Visual dominance of the Dome and open sky view of the Dome from primary vantage points.

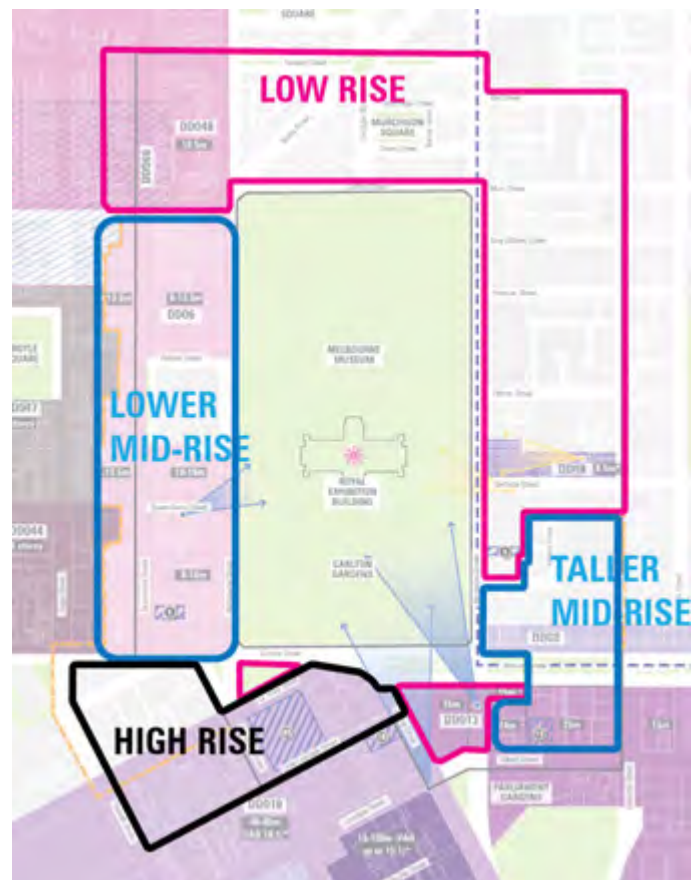
The built form testing was measured against these principles. These are described in detail below.

4.3 Testing Area & Parameters

Six key areas were identified through the view and vistas assessment to assess how primary views are protected. These areas were identified as 'gaps' where further directions were needed to ensure protection of the 19th Century setting. Each area is illustrated on Figure 6 on Page 52, and can be further described as:

In broad terms, urban design principles that guide development outcome within the WHEA are found in existing Local Policies (*Clause 22.21* of Melbourne Planning Scheme, *Clause 22.14* of Yarra Planning Scheme and various DDOs).

All considerations and assumptions of the six areas discussed on following pages were relevant at the time of testing and development of the Strategy Plan.



Prevailing urban structure of the declared WHEA and its surrounding

Table 01: Built Form Testing				
Testing Area		Existing Built Form Control	Affected Primary Views	Affected Supporting View
CITY OF MELBOURNE				
Area 1	West of Rathdowne Street (bounded by Rathdowne, Pelham, Drummond and Victoria Streets).	DD06 (southern part only).	Views 1A & 1B	View 6B
Area 2	West of Rathdowne Street (bounded by Queensberry Street, Drummond Street, Victoria Street).	DD06	Views 5A, 5C	View 6B
Area 3	South west of the REB & Carlton Gardens (bounded by Victoria Street, La Trobe Street, Russell Street).	Nil		
Area 4	South of the REB & Carlton Gardens (bounded by Victoria street, Spring Street and Albert Street).	DD013	Views 1C, 1D, 1E	n/a
CITY OF YARRA				
Area 5	South east of the REB & Carlton Gardens (bounded by Nicholson Street, Victoria Parade, Fitzroy Street and Gertrude Street).	DD02 (properties fronting Victoria Parade only).	View 1J	View 6C
Area 6	East of Nicholson Street (bounded by Nicholson Street, Palmer Street & Marion Lane, Fitzroy Street and Gertrude Street).	DD08, Residential Zone.	Views 1G, 1H, 1I, 1K	View 6C

Note: Built form modelling has not tested Category 4A views as they are not impacted by built forms on the private realm. These views are primarily retained through management of infrastructure within the public realm/ road reserve.

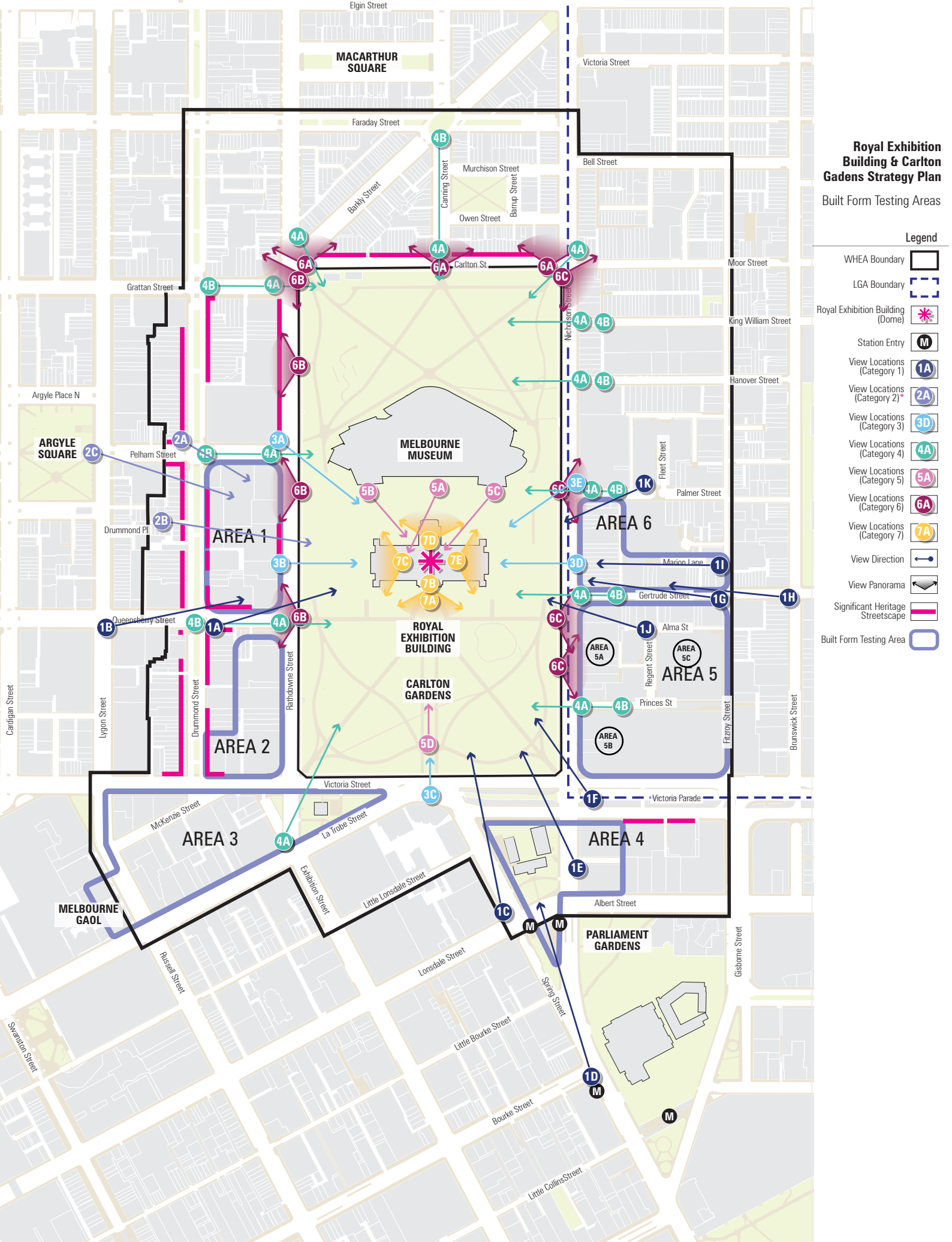


Figure 6 - Built Form Testing Areas

4.3 Area 1 - West of Rathdowne Street

Considerations

- Potential future form of MUZ development not covered by existing DDO6 controls have limited built form guidance should it be redeveloped in the future.
- Retention of primary view lines from locations 1A and 1B (along Queensberry Street). Consideration for secondary view lines from locations 2A, 2B & 2C.

Assumptions

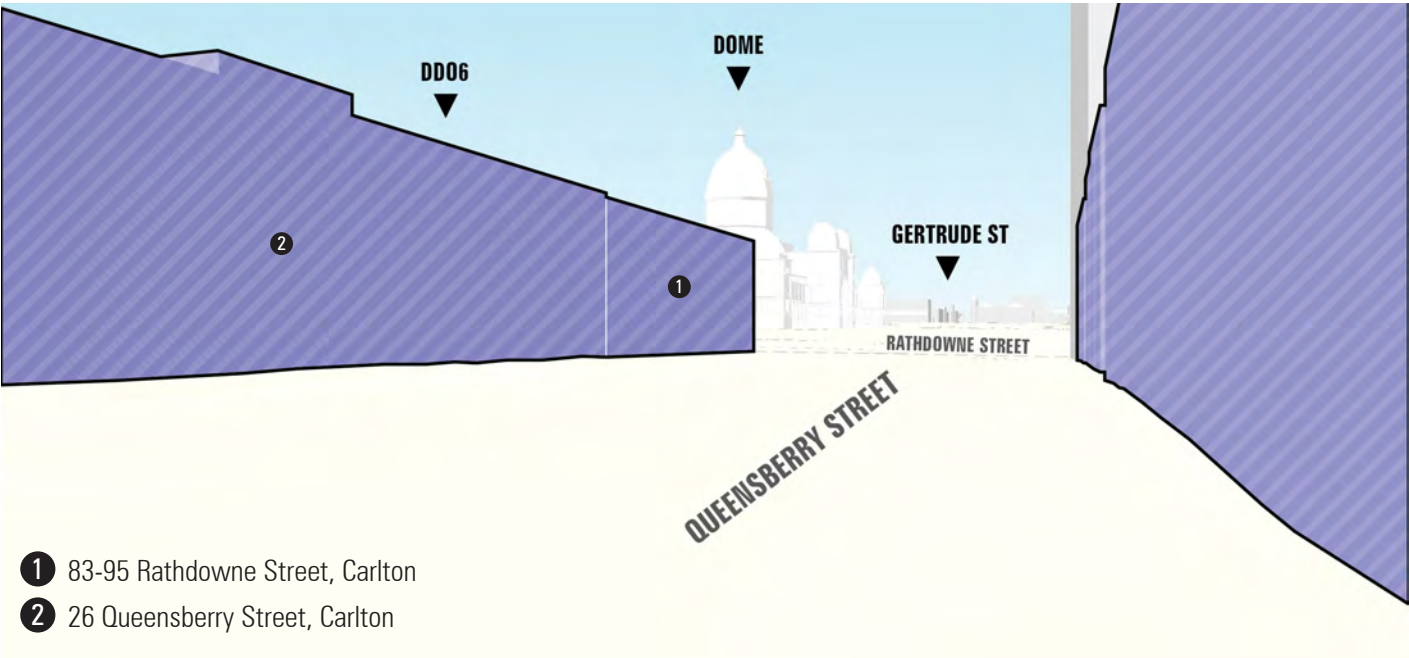
- Apply DDO6-10, DDO6-12, DDO6-13 and DDO6-14 built form controls to properties on the southern side of Pelham Street- these sites are currently not affected by DDO6, but within HO81.

Recommendations at the time of testing:

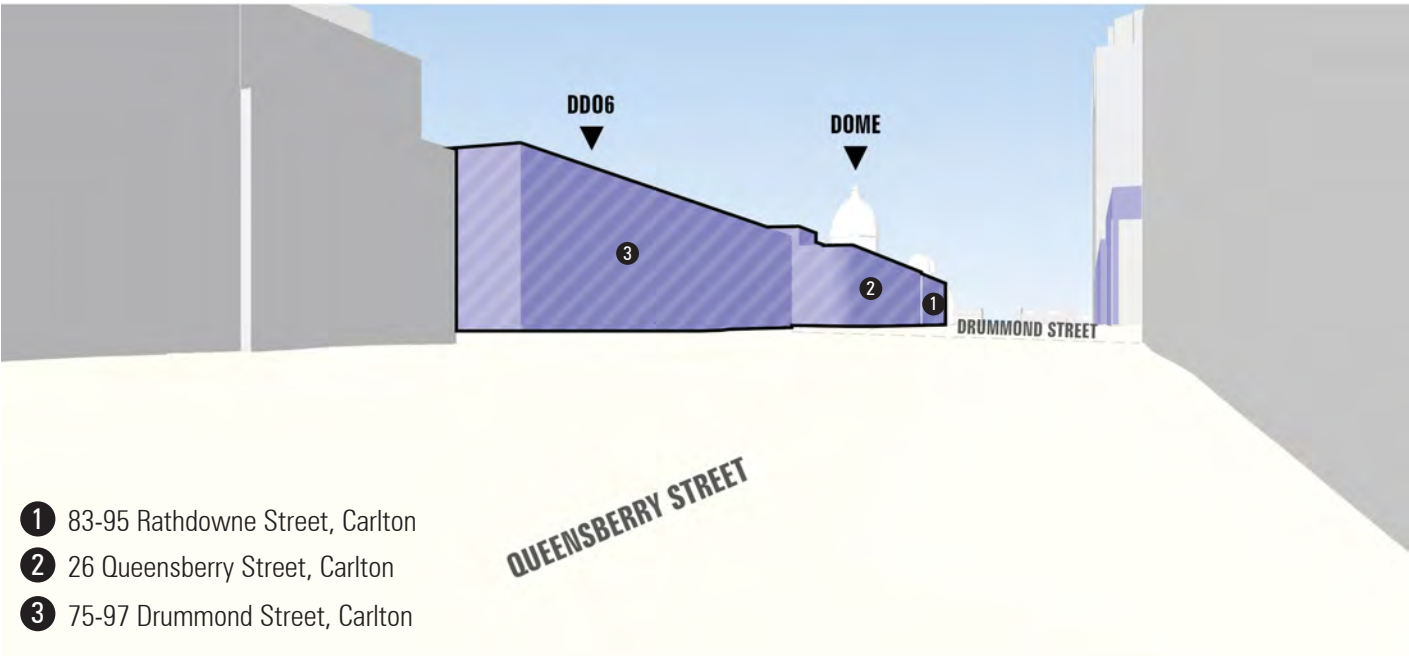
NOTE: These recommendations were made at the time of undertaking testing and may have been superseded. Refer to 10.0 Planning Scheme Implementation of the Approved Strategy Plan for final approved changes.

- Objectives and requirements found in DDO6 are appropriate in managing future development outcome on the west side of Rathdowne Street.
- Objectives of *Clause 22.21* of the Melbourne Planning Scheme are appropriate in managing future development outcome in Area 1.
- Include a map to graphically identify location of primary vantage point in *Clause 22.21* of the Melbourne Planning Scheme.
- Extend DDO6-10, DDO6-12, DDO6-13 and DDO6-14 to include 110 to 150 Drummond Street, 15-31 Pelham Street and 107 to 161 Rathdowne Street to fill DDO6 gap and to ensure there is clear built form guidance for future redevelopment of these sites.

Testing Area 1		
Affected Views	1A, 1B (Primary Views), 2A,2B & 2C (Secondary Views)	
Principle	Satisfies	Comment
Protection of primary view to the Dome.	Yes	<ul style="list-style-type: none"> ▪ Impact: the view to the Dome is maintained by DDO6 envelopes on the northern side of Queensberry Street Views 1A and 1B as well as secondary views at 2A, 2B & 2C. ▪ DDO6 currently does not identify specific locations along Queensberry Street from where primary views to the Dome will be assessed from.
Retaining predominantly low scale setting to the north of Victoria Street (in HO area).	Yes	<ul style="list-style-type: none"> ▪ Impact: the predominantly low scaled setting is maintained by adopting DDO6 building envelope.
Consideration for significant / consistent heritage streetscapes.	Yes	<ul style="list-style-type: none"> ▪ Impact: consistent heritage streetscapes along Drummond Street are not compromised by the urban forms permissible in DDO6.
Retention of an open streetscape settings along the WHEA perimeter.	Yes	<ul style="list-style-type: none"> ▪ Impact: open streetscape settings are retained by the 10 metre street wall height limit along Queensberry, Drummond and Rathdowne Streets (DDO6-A12).
Visual dominance of the Dome along significant view lines.	Yes	<ul style="list-style-type: none"> ▪ Impact: the recessed upper levels are not visible along significant view lines through Queensberry Street.



View 1A: Assumption



View 1B: Assumption

4.4 Area 2 & 3 - South Western Precinct

Considerations

- Limited built form guidance and parameters to assess future development on MUZ land that is not covered by an existing DDO (bounded by Victoria Street, McKenzie Street, Russell Street and La Trobe Street). In absence of clear objectives and built form parameters, the visual primacy of the Dome and the northern REB skyline (primary views 5B and 5C) may be threatened.
- The 60-storey 'Magic Tower' concept at No. 2 La Trobe Street (175sqm site) is not registered as a planning application but indicates an interest in tower development at the site and surrounds, including on a very small site in the VHR.
- DDO6 is not a mandatory provision and the maximum building heights can be varied, which may impact on the prominence of the REB & Carlton Gardens, as well as impacting on the predominantly low-rise streetscapes to the west of Rathdowne Street, as well as significant streetscapes of Drummond Street to the rear.

Assumptions

- DDO6 envelopes continue to guide development form on WHEA allotments north of Victoria Street.
- Allotments yet to undergo development between Russell Street, Victoria Street and La Trobe Street not affected by VHR heritage listings, will continue the established trajectory of 32-38 storey tower development.

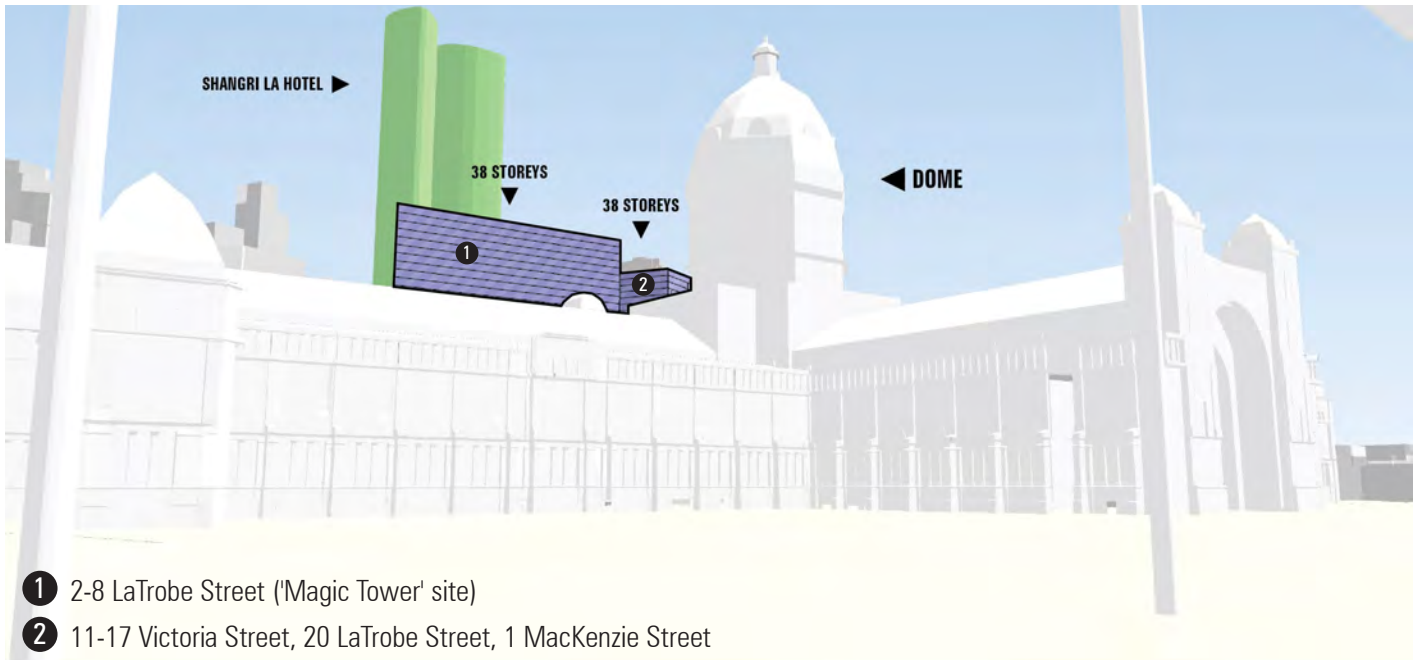
Recommendations at the time of testing:

NOTE: These recommendations were made at the time of undertaking testing and may have been superseded. Refer to 10.0 Planning Scheme Implementation of the Approved Strategy Plan for final approved changes.

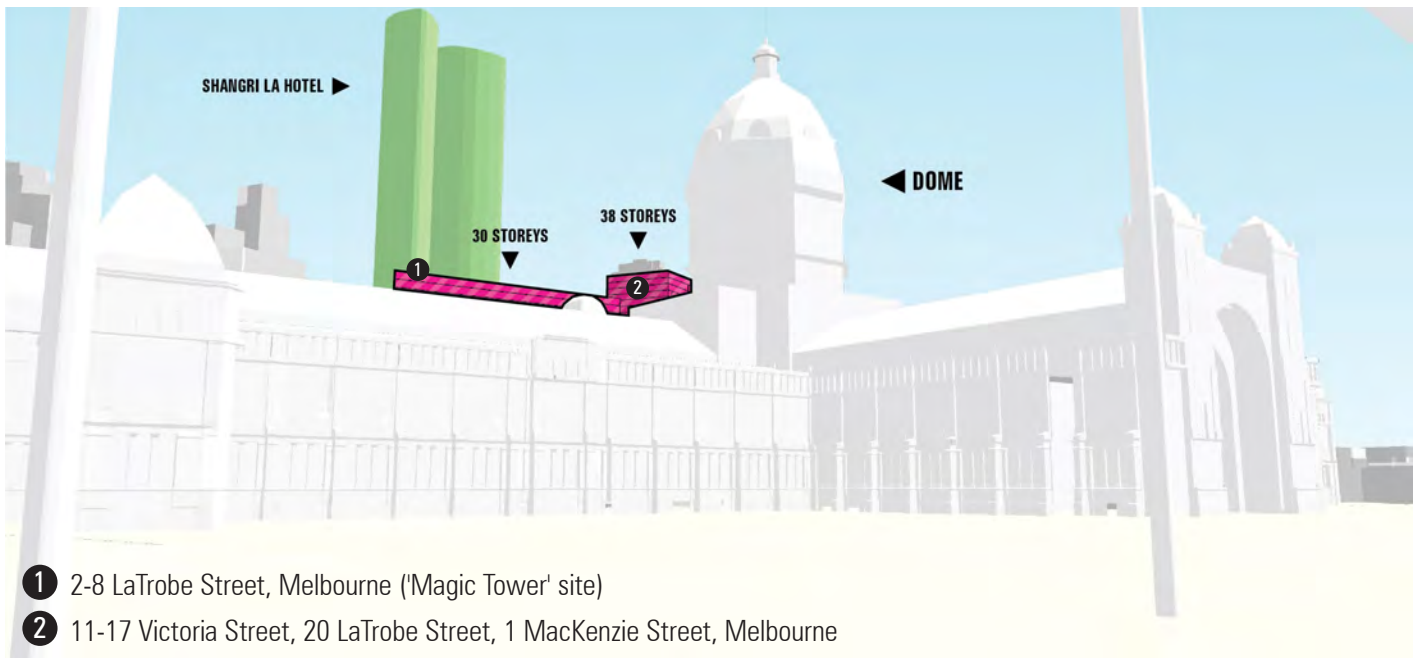
- Objectives of *Clause 22.21* of the Melbourne Planning Scheme are appropriate in managing future development outcome in Area 2 and Area 3 (east of Exhibition Street).
- Include a map to graphically identify location of primary vantage point in *Clause 22.21* of the Melbourne Planning Scheme.
- Objectives and requirements found in DDO6 are appropriate in managing future development outcome on the west side of Rathdowne Street. Continue to apply DDO6 for Area 2.
- Introduce of a new Design and Development Overlays to include Area 3 (west of Exhibition Street) to provide clear objectives and built form parameters to assess future development applications in relation to protecting primary views and visual dominance of the Dome from location 5A and 5C.
- Implement maximum building heights (through a new DDO) in Area 3 as follows:
 - West of Exhibition Street, for sites in MUZ: maximum building heights of 38 storey (133 metres), commensurate with the approval at 9-23 McKenzie Street in Area 3 (west of Exhibition Street).
 - East of Exhibition Street, for sites in MUZ: maximum building heights of 30 storey (105.5 metres) to ensure it does not compete with the primacy of the Dome from primary vantage points 5A and 5C and to discourage 'crowding' in of development in the background of these primary views.

Testing Area 2 & 3		
Affected Views <i>2D (secondary), 6B (supporting), 5A, 5C (primary)</i>		
Principle	Satisfies	Comment
Protection of primary view to the Dome.	Yes	<ul style="list-style-type: none"> Impact: No primary views to the Dome are impacted by potential development of up to 38 storeys on tested allotments south of Victoria Street and west of Exhibition Street (Area 3), or DDO6 envelopes north of Victoria St (Area 2).
Retaining predominantly low scale setting to the north of Victoria Street (in HO area).	Yes	<ul style="list-style-type: none"> Impact: For Area 2, the DDO6 envelopes are effective in retaining the predominantly low scale setting north of Victoria Street along both Rathdowne and Drummond Streets. It is noted the requirements in DDO6 are not mandatory. Impact: For Area 3, development upwards of 38 storeys south of Victoria Street presents a steep 'transition' to the lower scale setting to the north. However, future development of up to 38 storeys represent a visually distinctive response to recent approvals in CBD.
Consideration for significant / consistent heritage streetscapes	Yes	<ul style="list-style-type: none"> Refer to above.
Retention of an open streetscape settings along the WHEA perimeter.	No	<ul style="list-style-type: none"> Impact: For Area 2, Open streetscapes are generally retained, due to the openness afforded by the DDO6 envelopes.
Visual dominance of the Dome along significant view lines.	Yes	<ul style="list-style-type: none"> Impact: The visual dominance of the Dome in views 5A and 5C is threatened by possible tower development (greater than 38-storey) on the Royal Society of Victoria (Magic Tower) site – as it competes with the primacy of the Drum. While 38 storey envelopes encroach above the REB skyline on the testing block bound in Area 3 (west of Exhibition Street), these taller forms are afforded with considerable distance and will 'blend' into the background of recently constructed towers within the Capital City. Tower development of up to 38 storeys in Area 3 (west of Exhibition St) is unlikely to compete or diminish the primacy of the Dome when viewed from primary vantage points 5A and 5C.

View Testing



View 5C: Assumption



View 5C

4.5 Area 4 - Southern Precinct

Considerations

- Primary Aspect Views 1C, 1D & 1E: effectiveness of current DDO13 controls, particularly on College of Surgeons site in maintaining visibility towards the Dome.
- Primary Aspect Views 1F: Consideration to road and streetscape infrastructure (ie. tram stops and signage) is required to maintain clear visibility of the Carlton Gardens and Dome.
- Primary Prospect Views 5A & 5C: Tower development in Area 4 may threaten the primacy of the Dome above the northern REB skyline in views from Museum Forecourt.
- Recognise existing DDO13, DDO10 and DDO62 objectives.

Assumptions

- Continue to apply existing DDO13, DDO10 and DDO62.

Recommendations at the time of testing:

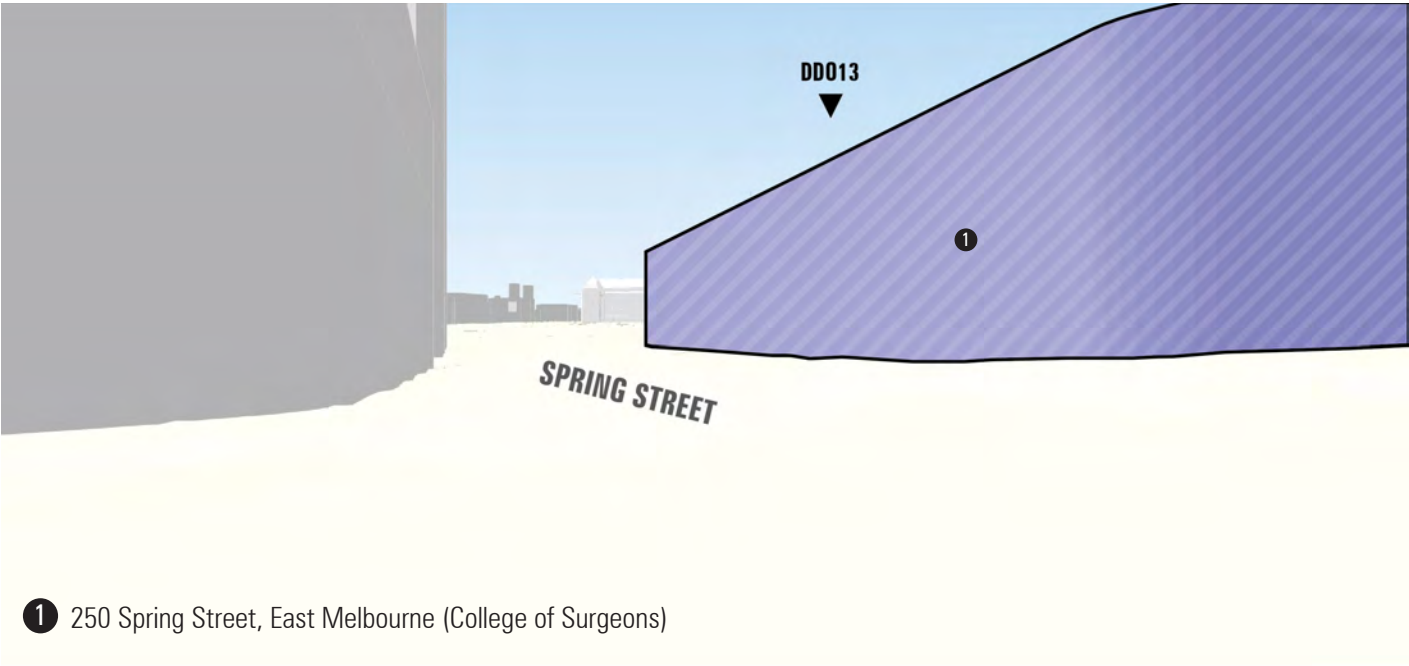
NOTE: These recommendations were made at the time of undertaking testing and may have been superseded. Refer to 10.0 Planning Scheme Implementation of the Approved Strategy Plan for final approved changes.

- Objectives of *Clause 22.21* of the Melbourne Planning Scheme are appropriate in managing future development outcome in Area 4.
- Include a map to graphically identify location of primary vantage point in *Clause 22.21* of the Melbourne Planning Scheme.
- Objectives and requirements found in DDO13 are appropriate in managing future development outcome on the west side of Rathdowne Street. Continue applying the DDO13-A26 with further refinement:
- Update Table to Schedule 13 Outcomes for area 26 to include: Views of the Drum, Dome, Lantern and Flagpole of the REB at north west corner of Lonsdale Street and the north eastern corner of Nicholson St and Evelyn Place are protected.
- Include 'clear sky view' to the Drum, Dome, Lantern and Flagpole of the REB from the nominated primary vantage points as an outcome.
- Assess if discretionary provisions found in existing DDOs and Local Policies are adequate in protecting primary view lines to the REB, its Dome and its 19th century setting.

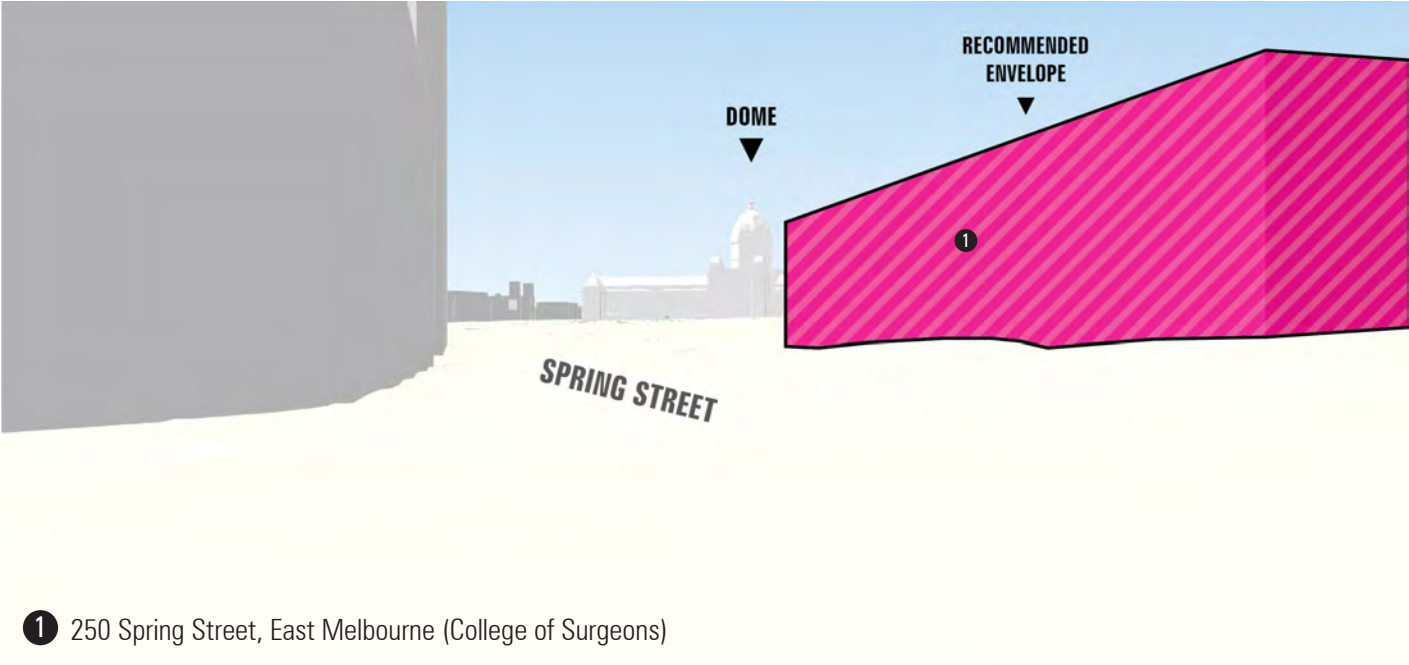
Testing Area 4**Affected Views: 1C, 1D, 1E (primary)**

Principle	Satisfies	Comment
Protection of primary view to the Dome.	No	<ul style="list-style-type: none"> Impact: the view to the Dome from the 1C is impeded by future development at the Royal College of Surgeons site if built to its Spring Street boundary. DDO13 does not provide setback measurements (at ground and upper levels) for the Royal College of Surgeons site. While a site-specific built form envelope is not necessary given its site-specific requirements, clearer objectives and decision guidelines to determine 'where' and 'what' view needs protection will be useful.
Retaining predominantly low scale setting to the north of Victoria Street (in HO area).	Yes	<ul style="list-style-type: none"> Impact: The prescribed DDO13 heights of 15-74 metres provides a suitable transition from tower forms within the CBD to the predominantly low scale setting on the north of Victoria Street. The 74 metres meter envelope on the Nicholson Street and Victoria Parade corner is commensurate with institutional forms of St. Vincent's's Hospital (which one?)
Consideration for significant / consistent heritage streetscapes	N/A	<ul style="list-style-type: none"> Impact: there is no impact to significant/consistent heritage streetscapes from these view locations.
Retention of an open streetscape settings along the WHEA perimeter.	Yes	<ul style="list-style-type: none"> Impact: the permitted 15 metres envelope at the College of Surgeons site retains the open setting along the WHEA perimeter.
Visual dominance of the Dome along significant view lines.	No	<ul style="list-style-type: none"> Impact: the visual dominance of the Dome is diminished along the Spring and Nicholson Street view lines. While the visibility of the Dome is lost in 1C and 1E, the 'openness to the sky' around the Dome is also key to its visual dominance in these view lines. To achieve the outcome, future development envelope on the Royal College of Surgeons site (VHR listed) may need to be setback considerably from its western and eastern boundaries. It is noted that while DDO13 does not specify site-specific response, the objectives and outcomes are unambiguous and can potentially be achieved in a number of ways. Maximum building heights found in DDO13 are not mandatory and can be varied.

View Testing

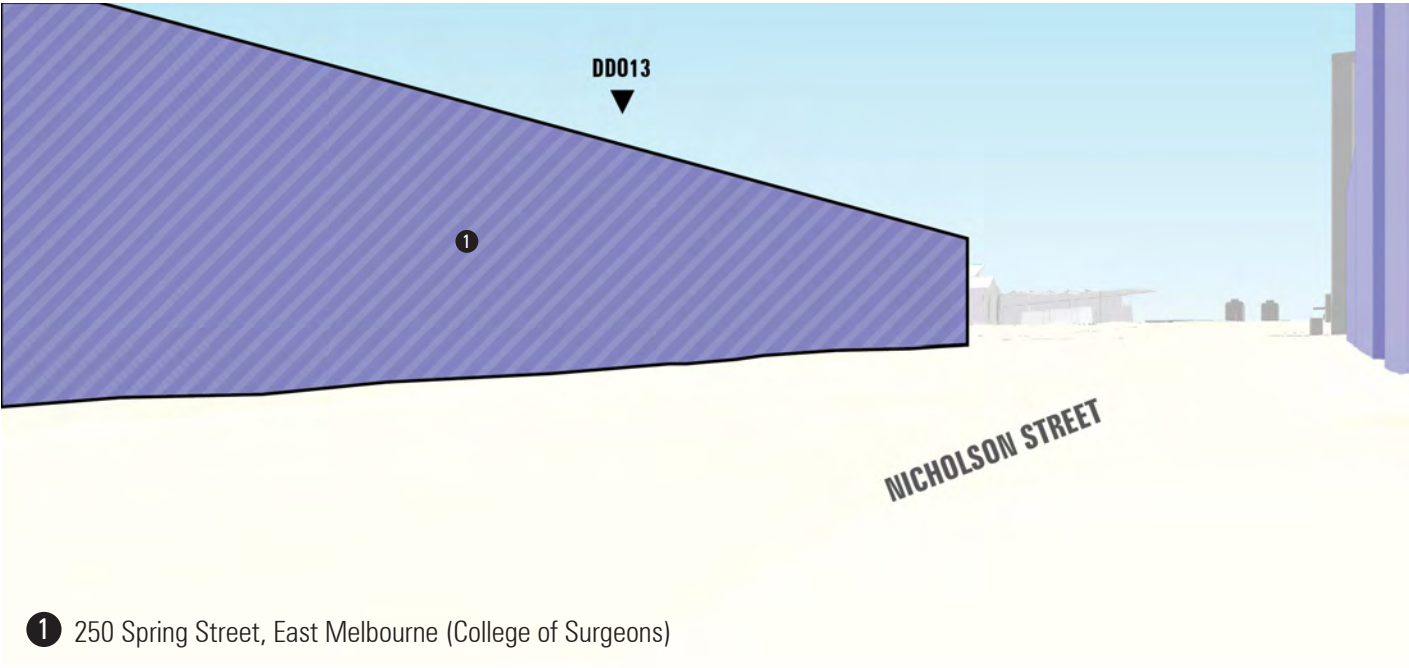


View 1C: Assumption

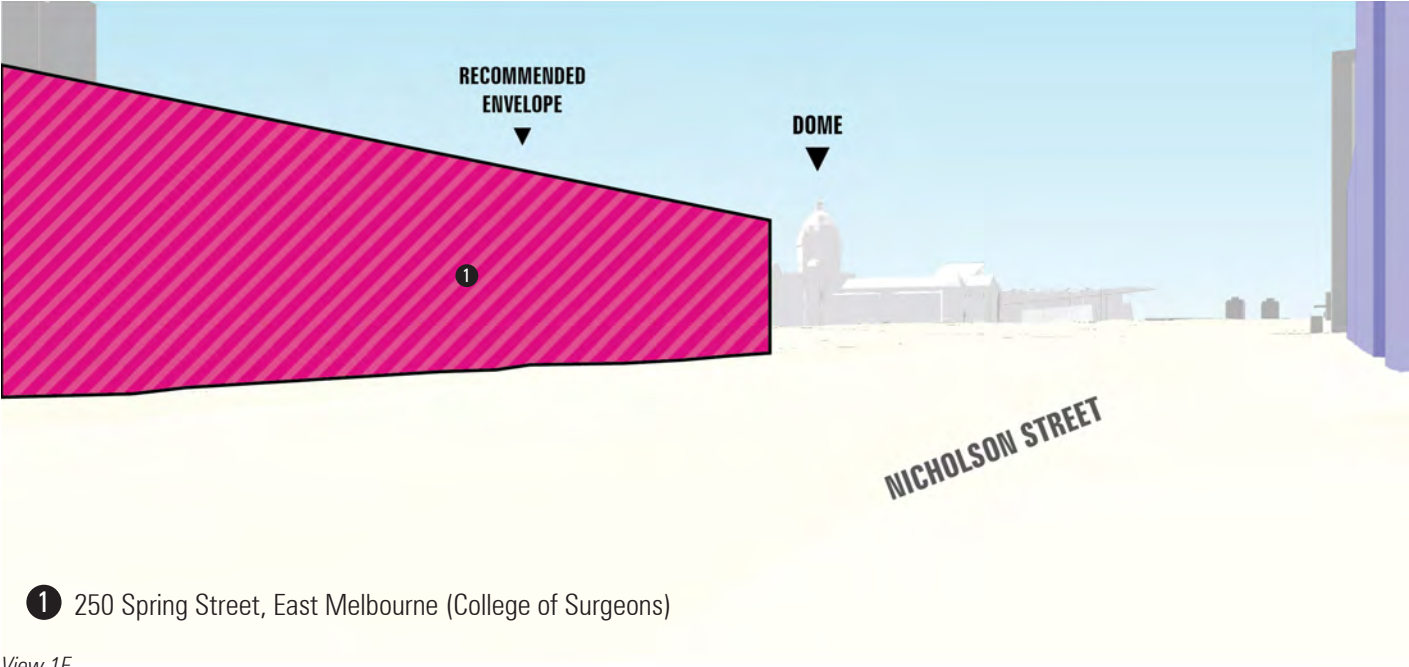


View 1C

View Testing



View 1E: Assumption



View 1E

4.5 Area 5

Considerations

- Lack of built form control on C1Z properties fronting Nicholson Street between Victoria Parade and Gertrude Street (particularly regarding non-VHR sites).
- Recent development approvals for sites in C1Z including Salisbury Place VCAT approval (8 storeys), if duplicated elsewhere may further erode the 19th century setting.
- Currently there is a lack of built form controls or guidance on the Vincent's Hospital site (PUZ3, HO334) to influence future built form outcomes. Along the Nicholson Street frontage, the hospital campus currently accommodates a range of mid-rise forms including an existing 46.5 metres form (11-storey) at the north eastern junction with Victoria Parade (18 Nicholson Street) and up to 55.5 metres at 51-57 Fitzroy Street (12-storey). It is understood that a planning permit application has recently been lodged for the redevelopment of 18 Nicholson Street. However should the development not proceed or be supported, built form controls proposed for the site through this current study would influence the built form of future development proposals.
- Impact to Primary Aspect View 1J: potential development fronting Nicholson Street on non-VHR site has potential to block the view of the Dome should it be developed in a form commensurate with the Salisbury Place approval.
- Impact to Prospect View 5A and View 5B: potential development at the north eastern corner of Victoria Parade and Nicholson Street (Vincent's Hospital Site) has potential to encroach to dominate the Dome view, viewed from the Melbourne Museum Forecourt.
- Impact to Prospect View 6C: the cumulative impact of commensurate development for C1Z sites fronting Nicholson Street (not in VHR) on the 19th century setting.

Assumptions

- Apply a similar built form envelope as VCAT approval at 347 Nicholson Street (Salisbury Place) to C1Z sites not subject to VHR listing.
- Apply a similar built form envelope as existing structure (maximum 46.5 metres at 18 Nicholson Street) on properties fronting Nicholson Street (between Victoria Parade and Princes Street).
- Apply a similar built form envelope as existing structure (maximum 55.5 metres at 51-57 Fitzroy Street) on urban blocks between Alma Street, Fitzroy Street, Victoria Parade and Regent Street.

Recommendations at the time of testing:

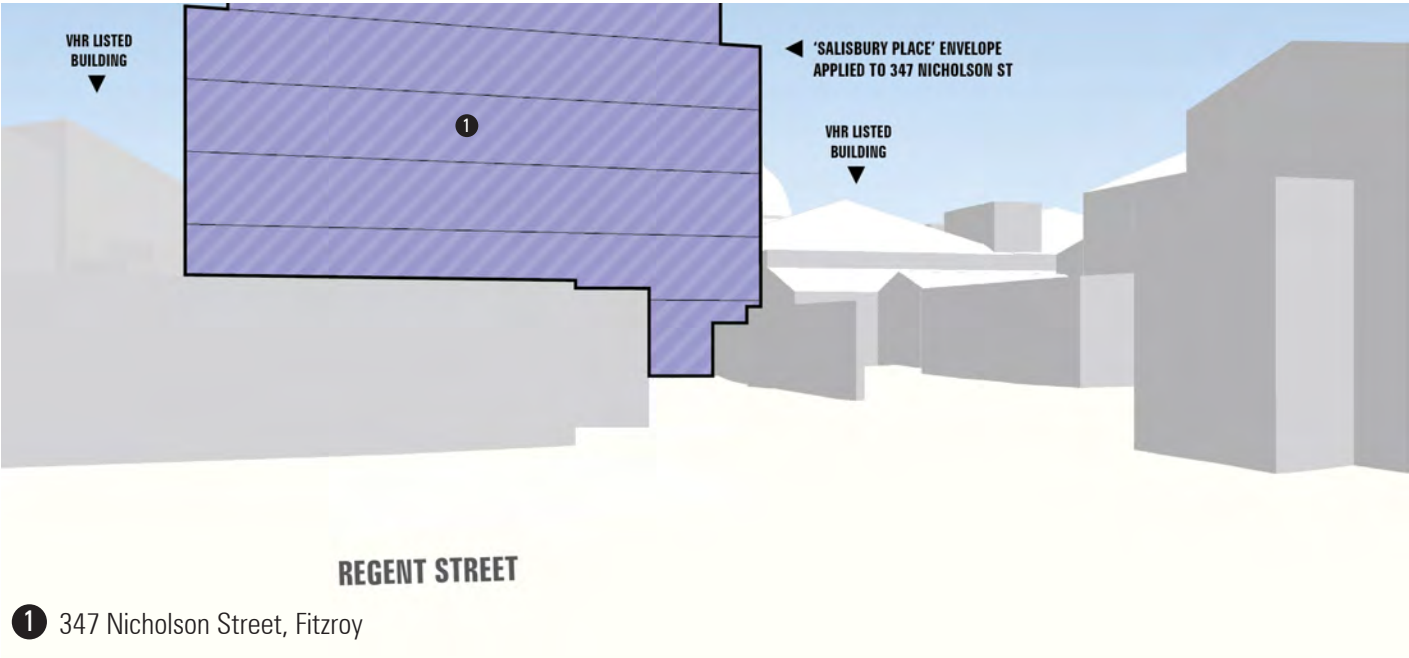
NOTE: These recommendations were made at the time of undertaking testing and may have been superseded. Refer to 10.0 Planning Scheme Implementation of the Approved Strategy Plan for final approved changes.

- Objectives of *Clause 22.14* of the Yarra Planning Scheme are appropriate in managing future development outcome in Area 5.
- Include a map to identify location of primary vantage point in *Clause 22.14* of the Yarra Planning Scheme.
- Introduce a new DDO, or extending DDO8 to include C1Z sites in Area 5 to provide clear objectives and built form parameters to assess future development applications in relation to protecting primary views and visual dominance of the Dome from location 1J. Refer to changes for Area 6 as an alternative option.
- Replicate the objectives of DDO6, or DDO13 of Melbourne Planning Scheme future DDO objectives for Area 5.
- Implement maximum building heights (through a new DDO) in Area 5 as follows:
 - A maximum building height of 13.5 metres - matching maximum building height at 46 Nicholson Street.
 - Adopt side setbacks (above 2 storeys) to retain primary view to the Dome from Location 1J.
 - Adopt a street wall response that is informed by the adjoining heritage buildings.

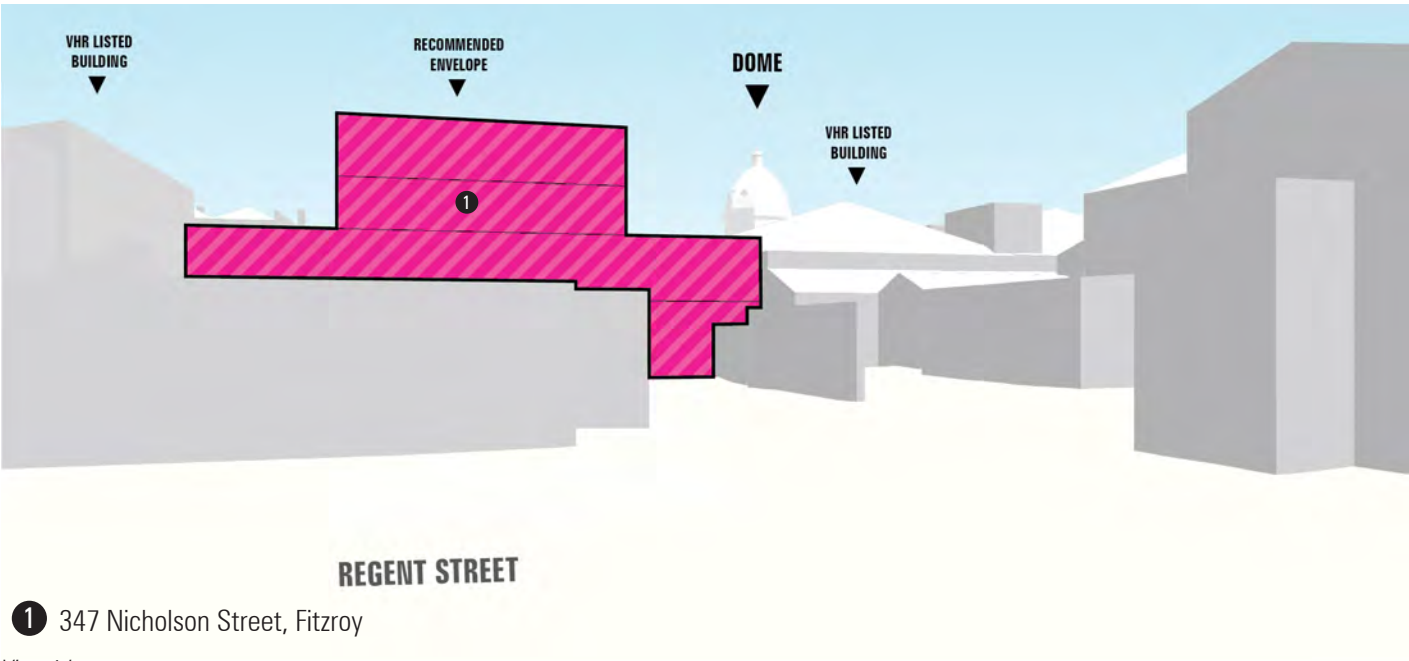
Testing Area 5**Affected Views: 1J (Primary), 4A (Primary), 5A (Primary), 5B (Primary), 6C (Supporting)**

Principle	Satisfies	Comment
Protection of primary view to the Dome.	No	<ul style="list-style-type: none"> Impact: the view to the Dome is obstructed by the 8-storey at 46 Nicholson Street from Primary View 1J.
	Yes	<ul style="list-style-type: none"> Impact: the view to the dome is not obstructed, or threatened by future development (up to 46.5 metres) on urban blocks fronting Nicholson Street between Victoria Parade and Princes Street from Primary Views 5A and 5B.
	Yes	<ul style="list-style-type: none"> Impact: the view to the dome is not obstructed, or threatened by future development (up to 55.5 metres) on urban blocks framed by Alma Street, Fitzroy Street, Victoria Parade and Regent Street from Primary Views 5A and 5B.
Retaining predominantly low scale setting to the north of Victoria Street (in HO area).	No	<ul style="list-style-type: none"> Impact: the predominantly low scaled setting is compromised by the 8-storey envelope adjoining VHR listed buildings.
	Yes	<ul style="list-style-type: none"> Impact: the predominantly low scaled setting is not compromised by the 46.5 metres envelope on urban blocks fronting Nicholson Street between Victoria Parade and Princes Street. Princes Street provides a physical separation from the low scale setting to the north.
	Yes	<ul style="list-style-type: none"> Impact: the predominantly low scaled setting is not compromised by the 55.5 metres envelope on urban blocks framed by Alma Street, Fitzroy Street, Victoria Parade and Regent Street. These sites are located in the back-block, away from low scale setting fronting Nicholson Street, Gertrude Street and Brunswick Street.
Consideration for significant / consistent heritage streetscapes	No	<ul style="list-style-type: none"> Impact: contemporary additions upwards of 8-storeys, visible from View 6C compromises the intactness of the consistent heritage streetscape.
	Yes	<ul style="list-style-type: none"> Impact: refer to above for urban blocks fronting Nicholson Street between Victoria Parade and Princes Street.
	Yes	<ul style="list-style-type: none"> Impact: refer to above for urban blocks framed by Alma Street, Fitzroy Street, Victoria Parade and Regent Street.
Retention of an open streetscape settings along the WHEA perimeter.	No	<ul style="list-style-type: none"> Impact: cumulative impact of 8-storey form behind the 2-3 storey street wall may have an impact on the sense of openness along Nicholson Street.
	No	<ul style="list-style-type: none"> Impact: cumulative impact of a continuous built form wall (up to 46.5 metres) along Nicholson Street is inconsistent with the fine grained streetscape character and may erode the sense of openness along Nicholson Street. Consideration for upper level setbacks and separated building forms for visual breaks will assist in addressing the streetscape integration.
Visual dominance of the Dome along significant view lines.	Yes	<ul style="list-style-type: none"> Impact: the recessed upper levels are not visible along significant view lines through Nicholson and Spring Street, south of Victoria Street.

View Testing

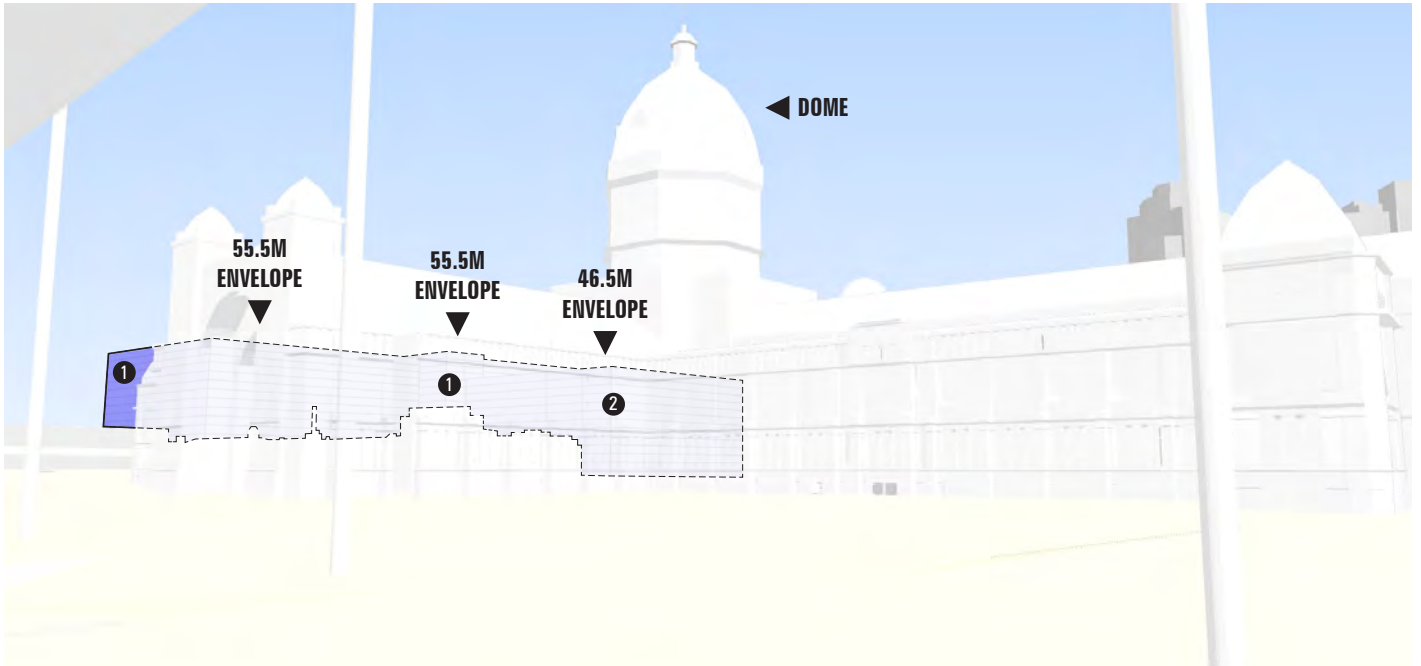


View 1J: Assumption



View 1J

View Testing



View 5B: Assumption

- ❶ Urban blocks bound by Alma Street, Fitzroy Street, Victoria Parade and Regent Street (55.5 metres modelled)
- ❷ Urban blocks fronting Nicholson Street between Victoria Parade and Princes Street (46.5 metres modelled)

4.5 Area 6

Considerations

- While DD08 contains objectives regarding the retention of views towards the Dome and a permit trigger for development above 8.5 metres in height, there are no mandatory built form measures (heights and setbacks) to fix the view retention through planning envelopes.
- Along Gertrude Street, between Nicholson Street and Brunswick Street, there are large non-contributory commercial sites at 1 and 33 Gertrude Street on the northern side of the streetscape, which are subject to redevelopment. There is little guidance to inform future development outcome for these sites, other than view lines to the Dome. Of relevance, VCAT has recently approved a major development on 1-9 Gertrude Street (refer to VCAT Reference No. P327/2021).
- Impact to Primary Aspect Views 1G & 1H: the interim DD031- Gertrude Street Shops of the Yarra Planning Scheme provide built form control (height, setback) for properties south of Fitzroy Street (outside the WHEA).
- Impact to Secondary Aspect Views 1K: visibility of the Dome could be impacted by infill development to the rear of properties fronting Nicholson Street.
- Impact to Prospect Views 6C: new development on non-contributory sites on Gertrude Street and atop heritage forms could have impact on the 19th Century setting of Gertrude Street, when viewed from the Nicholson Street perimeter of Carlton Gardens. This includes impact to the streetscape itself and in the background of views towards VHR buildings including Royal Terrace.

Assumptions

- Apply similar built form envelope as proposed by interim DD031- Gertrude Street Shop of Yarra Planning Scheme on C1Z sites between Nicholson Street and Fitzroy Street (north side).

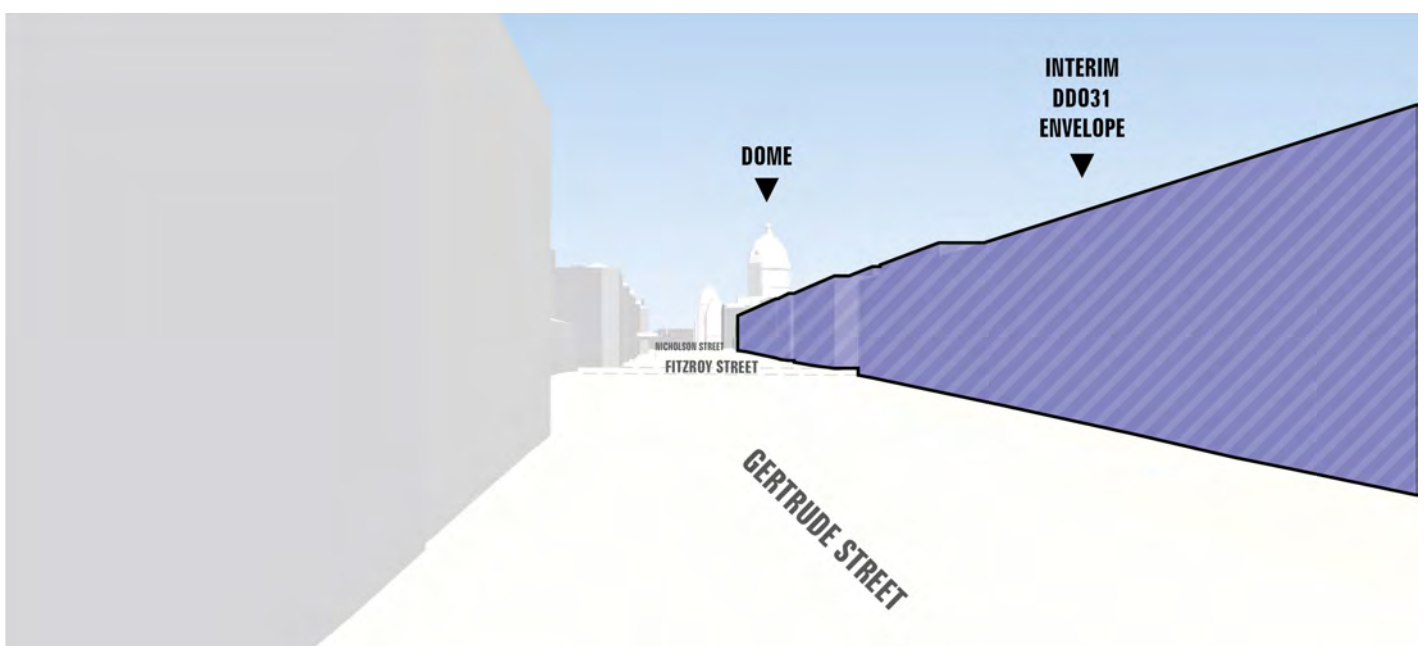
Recommendations at the time of testing:

NOTE: These recommendations were made at the time of undertaking testing and may have been superseded. Refer to 10.0 Planning Scheme Implementation of the Approved Strategy Plan for final approved changes.

- Objectives of *Clause 22.14* of the Yarra Planning Scheme are appropriate in managing future development outcome in Area 5.
- Include a map to graphically identify location of primary vantage point in *Clause 22.14* of the Yarra Planning Scheme.
- Update DD08 to include additional objectives and built form changes found in DD031 (as applicable).
- Update DD08 to include an additional objective to retain the 'openness to sky' surrounding the Dome in views to mitigate concern in View 1I along Marion Lane.

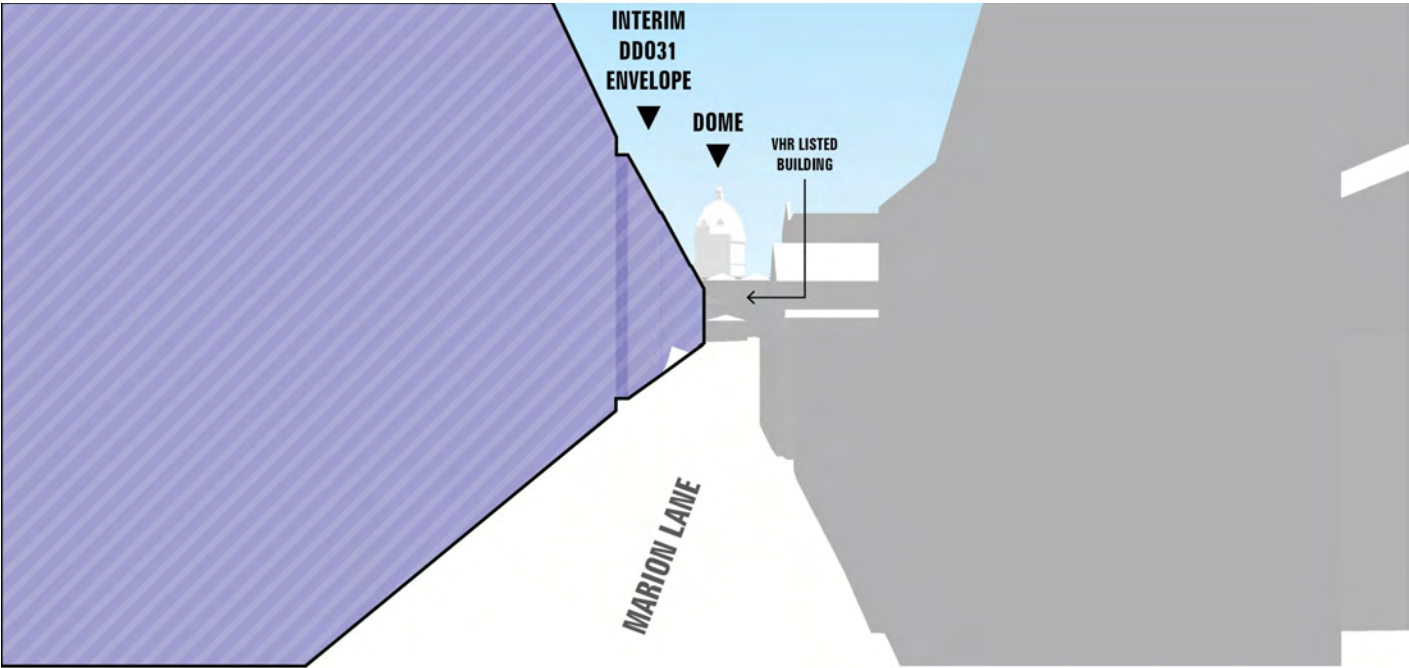
Testing Area 6**Affected Views: 1G, 1H, 1I, 1K (Primary), 4A (Primary), 6C (Supporting)**

Principle	Satisfies	Comment
Protection of primary view to the Dome.	Yes	<ul style="list-style-type: none"> Impact: views to the Dome (1G and 1H) are maintained by adopting built form envelope of maximum 3- storey with the top floor recessed from the Gertrude Street frontage. From location 1I, view to the Dome from Marion Lane is also protected by adopting a maximum 2 storey street wall (8 metre) and recessive upper level.
Retaining predominantly low scale setting to the north of Victoria Street (in HO area).	Yes	<ul style="list-style-type: none"> Impact: the predominantly low scaled setting is maintained by adopting a street wall response and maximum 3 storey form with recessive top floor.
Consideration for significant / consistent heritage streetscapes	Yes	<ul style="list-style-type: none"> Impact: consistent heritage streetscapes along Gertrude Street are not impacted by the DD031 comprising 8 metre street wall and recessed 3rd level for concealment.
Retention of an open streetscape settings along the WHEA perimeter.	Yes	<ul style="list-style-type: none"> Impact: the low street wall and concealed upper level is complementary to the open streetscapes of the WHEA.
Visual dominance of the Dome along significant view lines.	Yes	<ul style="list-style-type: none"> Impact: From location 1I, view to the Dome from Marion Lane may benefit from greater 'breathing space' by varying the street wall height at 1-9 Gertrude Street (at its northern end) (note: VCAT have recently approved the redevelopment of 1-9 Gertrude Street - refer to VCAT Reference No. P327/2021).

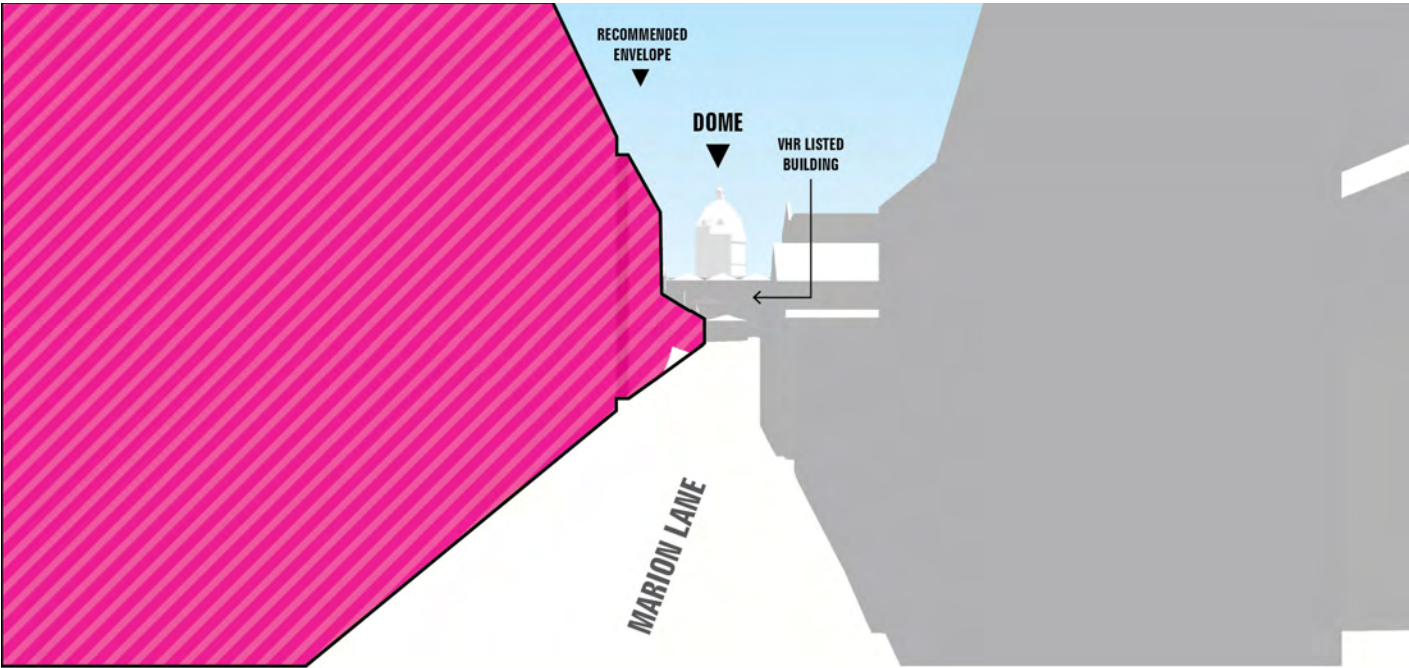


View 1H: Assumption

View Testing



View 11: Assumption



View 11: Assumption

5.0 Additional Built Form Testing & Photomontages

The initial round of built form testing as documented in Section 4.0 of this report resulted in preliminary recommendations being made for the implementation of a new DDO over land within Area 3. New DDO4 implements a maximum building height across Area 3 to ensure future development do not compete with the visual primacy of the Dome when viewed from primary vantage point locations 5A, 5B and 5C located in northern forecourt of the REB. The proposed DDO also seeks 'to discourage potential continuous walls of building in the backdrop of these primary views.

However, following a review of the findings and recommendations of the initial built form testing, additional and more detailed built form and visual testing of the proposed built form controls to be applied to land within Area 3 was needed. The process comprised the preparation of a 3-Dimensional block model for all sites within Area 3 (by the Department) to ascertain the level of visibility (beyond the REB silhouette) when viewed from key vantage points.

The detailed built form was a useful tool to assist the team in determining the absolute development height parameters of future built form to achieve full concealment being the acceptable level of visibility from key vantage points 5A, 5B & 5C within the REB northern forecourt.

The general process in the preparation of detailed built form modelling and photomontages was:

- Confirming and undertaking feature survey points for key vantage points and photographic locations within the REB northern forecourt. Photographs taken in this location are generally looking south.
- Preparation of a 3-Dimensional block model (prepared by the Department).
- Preparation of photomontages from surveyed key vantage points and confirmed 3-Dimensional block models to confirm the building height parameters for 'visual concealment' (before mandatory maximum height).

5.1 Survey of photo locations for photomontages

Further details of approach and methodology for the additional built form modelling and photomontages are outlined below:

- The first step in the preparation of the photomontages included the surveying of specific camera locations.
- The camera locations were identified via a surveyed point level to AHD, in addition to a corresponding camera view height, measured at 1.6 metres above the surveyed ground level point. The direction of each photo from surveyed camera points is illustrated on the map opposite.
- In all, ten camera locations within with the REB northern forecourt were surveyed to provide flexibility with the photomontage testing. Photographs were taken from these camera locations. Refer to Figure 7 on page 70.
- The chosen camera locations to be surveyed were built upon the earlier phase of built form, and specifically the identified key views 5A, 5B and 5C. The surveyed photo locations which specifically correspond with the earlier identified key views include:
 - Key view 5A = camera location 6
 - Key View 5B = camera location 3
 - Key View 5C = camera location 7
- In addition to the above three surveyed camera locations, a further seven camera locations were surveyed (i.e. camera locations 1, 2, 4, 5, 8, 9 & 10) to allow flexibility in potentially preparing additional photomontages for further test and 'ground truth' key view locations 5A, 5B & 5C.



Figure 7 - Camera View Locations

5.2 Methodology for preparation of photomontages

Following below are documented details of the process, methodology and technical specifications used during the preparation of the photomontages.

Photographs utilised in the preparation of the photomontage images were taken on 1st of February, by James Kelly, a qualified Senior Urban Designer employed at Hansen.

In preparing the photomontage images, the following information was relied upon:

- 3D block model prepared by DELWP dated 13th of May, 2021 in 3D AUTOCAD DWG file format;
- Survey data obtained on site by Mr Ken Toleman, a licensed surveyor and Director of Geocomp International Pty Ltd; and
- Digital photographs taken on site.

The photomontage process undertaken for the built form testing documented in this report utilised the following software programmes:

- Autocad LT 2020; for compilation of site survey information (including camera and REB structure control points) and cadastral information including topography and site boundary data, referenced to both Australian height datum and Australian Map Grid data.
- 3ds Max 2020 (3D modeller); for re-construction of a digital three-dimensional cameras with the views toward proposed development by Hansen Partnership Pty Ltd based on the 3D block model prepared by the Department dated 13th of May, 2021 for Concealment proposed development model and 19th of May, 2021 for extruded proposed development model.
- Positioning and alignment of the three-dimensional model of the proposed development is based on photo locations and reference points obtained on site by Geocomp Consulting Pty Ltd dated 1st of March, 2021 referenced to both Australian Height Datum and Australian Map Grid data.
- Adobe Photoshop CC2021; for rendering views from the dimensional modelled cameras. Locations are superimposed into the photograph without any distortion or manipulation, except for necessary changes to provide a true representation of the proposal within its context.
- Adobe Illustrator and InDesign CC2021; for sheet layout and text compilation.

The digital 3-Dimensional view of the proposed development was rendered and montaged into photographs by Hansen, noting the following:

- The positioning of the model in 3ds Max 2020 (3D modeller) is based on information referred to above.
- The model utilises photo locations and reference points obtained on site by Geocomp Consulting Pty Ltd, referenced to both Australian Height Datum and Australian Map Grid data. Overlaid on these reference points was a three-dimensional representation of the proposed development. Those reference points are included in survey data provided by Geocomp Consulting and identified graphically in the survey control point map.
- The photos used in the photomontages were taken using a Full Frame Digital SLR camera (Canon EOS 5Ds) with a Canon EF 28mm f/1.8 USM lens.
- The positioning of the camera was set upon a spirit levelled tripod oriented towards the proposed development and taken at a height of 1.6 metres above ground level. The camera was not tilted but rather set as horizontal. The photographs were taken on the 1st of February, 2021 between 10:23 am and 10:39 am.

CAMERA LOCATION 3 (Key view 5B)

Surveyed point level : 43.408 metres A.H.D - Camera view height : 45.008 metres A.H.D
Note: the camera height is measured at 1.6 metre above surveyed ground level.



Existing view. Note: this camera location faces away from the area being tested, therefore there is no potential building envelope to be illustrated



Testing of block form of Vincent's Hospital (outline). Note: the Vincent's Hospital proposal is fully obscured

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

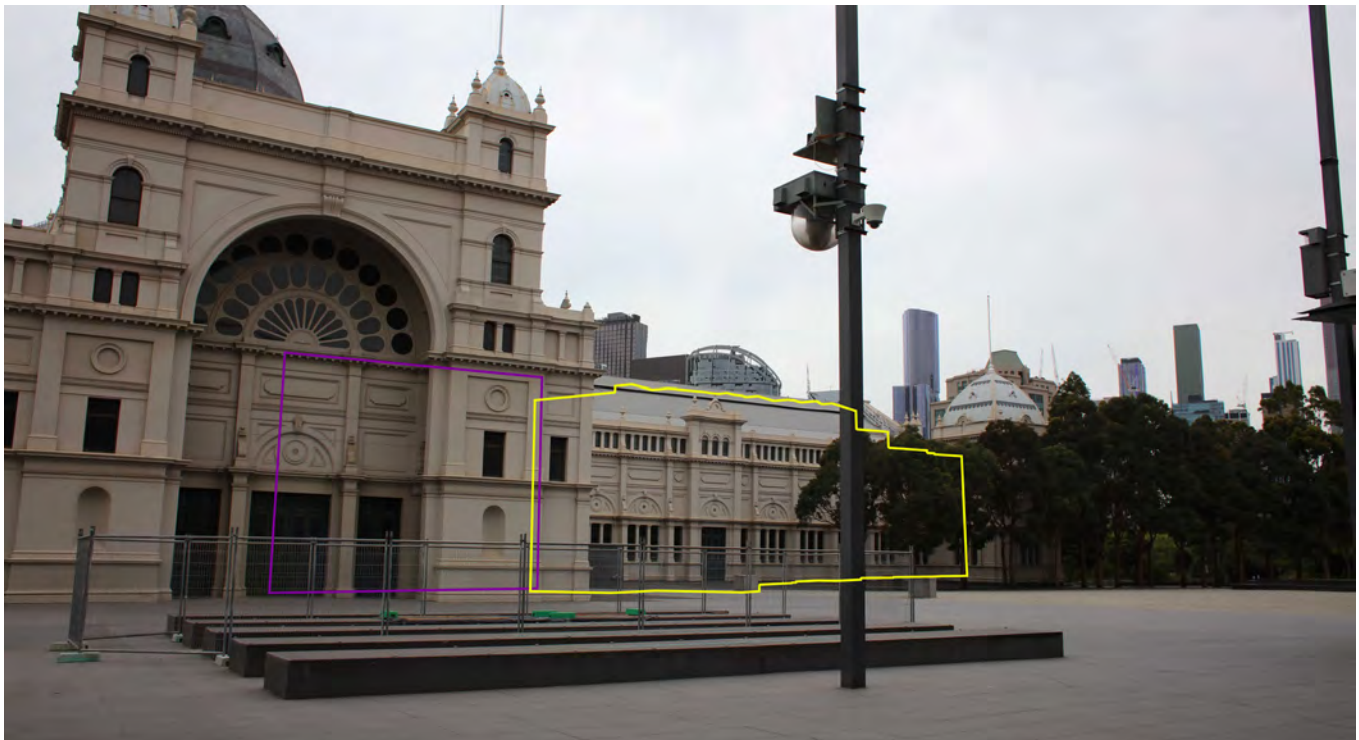
Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 6 (Key view 5A)

Surveyed point level : 43.414 metres A.H.D - Camera view height : 45.014 metres A.H.D Note: the camera height is measured at 1.6 metre above surveyed ground level.



Existing view. Note: this camera location faces away from the area new St Vincent's redevelopment being tested, therefore there is no potential building envelope to be illustrated



Testing of 'concealment height' of built form (outline). Note: the proposed development is fully concealed this camera location

LEGEND

	Royal Society site development envelope		Royal Society site development envelope outline
	Mixed Use Zone development envelope		Mixed Use Zone development envelope outline
	Vincent's Hospital proposal block form		Vincent's Hospital proposal block form outline

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 6 (Key view 5A)

Surveyed point level : 43.414 metres A.H.D - Camera view height : 45.014 metres A.H.D Note: the camera height is measured at 1.6 metre above surveyed ground level.



Testing of 10 metres above 'concealment height' of built form (outline)



Testing of 10 metres above 'concealment height' of built form (visible block form)

LEGEND



Royal Society site development envelope



Royal Society site development envelope outline



Mixed Use Zone development envelope



Mixed Use Zone development envelope outline



Vincent's Hospital proposal block form



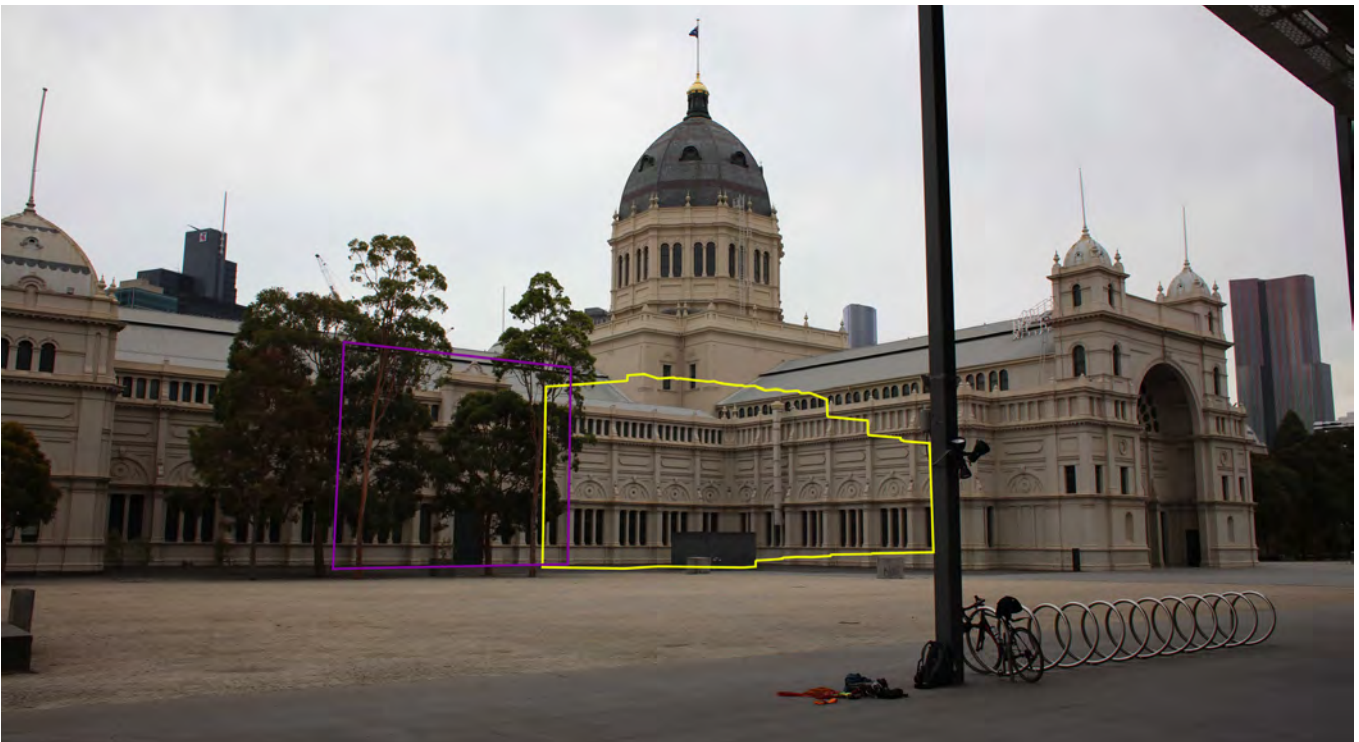
Vincent's Hospital proposal block form outline

CAMERA LOCATION 7 (Key view 5C)

Surveyed point level : 43.344 metres A.H.D - Camera view height : 44.944 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level



Existing view. Note: this camera location faces away from the area new St Vincent's redevelopment being tested, therefore there is no potential building envelope to be illustrated



Testing of 'concealment height' of built form (outline). Note: the proposed development is fully concealed this camera

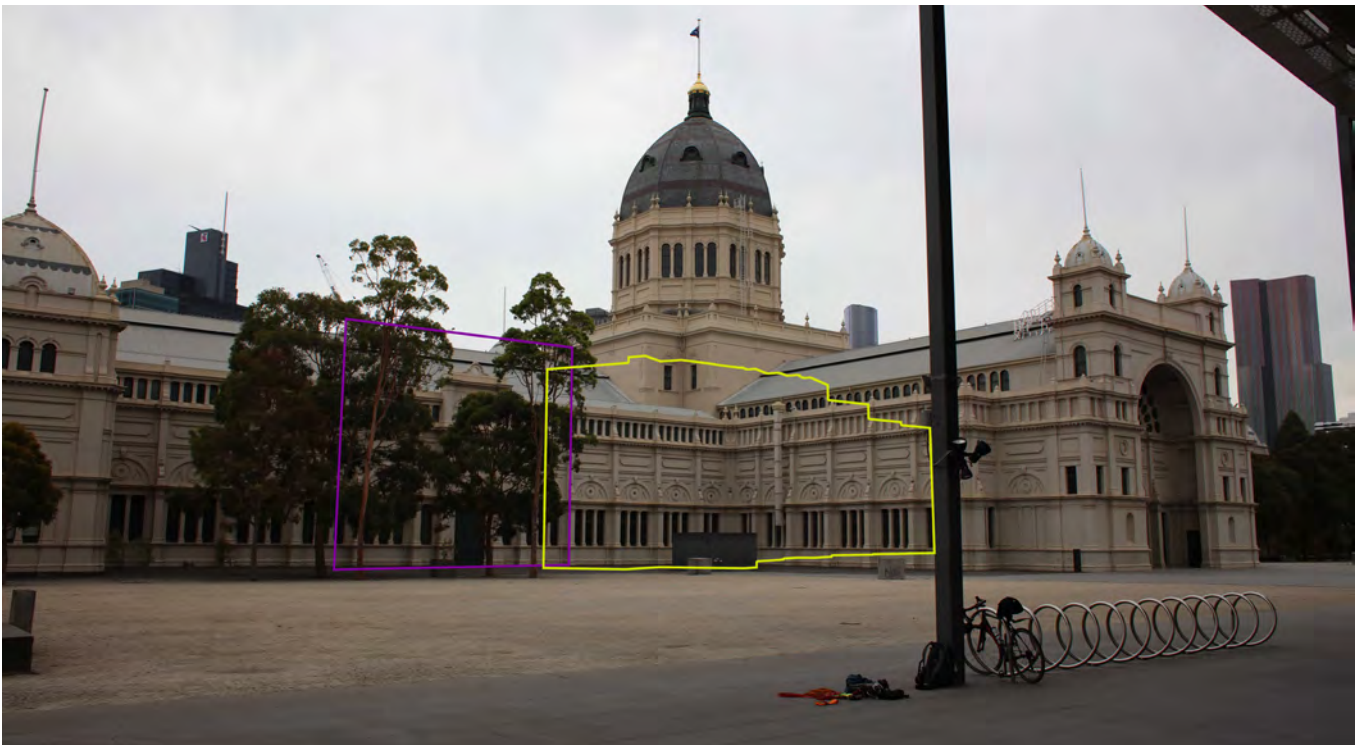
LEGEND

	Royal Society site development envelope		Royal Society site development envelope outline
	Mixed Use Zone development envelope		Mixed Use Zone development envelope outline
	Vincent's Hospital proposal block form		Vincent's Hospital proposal block form outline

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 7 (Key view 5C)

Surveyed point level : 43.344 metres A.H.D - Camera view height : 44.944 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Testing of 10 metres above 'concealment height' of built form (outline)



Testing of 10 metres above 'concealment height' of built form (visible block form)

LEGEND

	Royal Society site development envelope		Royal Society site development envelope outline
	Mixed Use Zone development envelope		Mixed Use Zone development envelope outline
	Vincent's Hospital proposal block form		Vincent's Hospital proposal block form outline

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 8

Surveyed point level : 43.345 metres A.H.D - Camera view height : 44.945 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Existing view



Testing of 'concealment height' of built form (outline). Note: the proposed development is fully concealed this camera location

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 8

Surveyed point level : 43.345 metres A.H.D - Camera view height : 44.945 metres A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Testing of 10 metres above 'concealment height' of built form (outline)



Testing of 10 metres above 'concealment height' of built form (visible block form)

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 8

Surveyed point level : 43.345 metres A.H.D - Camera view height : 44.945 metres
A.H.D Note: the camera height is measured at 1.6 metres above surveyed ground level.



Testing of block form of Vincent's Hospital (outline)



Testing of block form of Vincent's Hospital (visible block form)

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 9

Surveyed point level : 43.365 metres A.H.D - Camera view height : 44.965 metres A.H.D Note: the camera height is measured at 1.6 metre above surveyed ground level.



Existing view. Note: this camera location faces away from the area new St Vincent's redevelopment being tested, therefore there is no potential building envelope to be illustrated



Testing of 'concealment height' of built form (outline)

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 9

Surveyed point level : 43.345 metres A.H.D - Camera view height : 44.945 metres A.H.D Note: the camera height is measured at 1.6 metre above surveyed ground level.



Testing of 'concealment height' of built form (visible block form)



Testing of 10 metre above 'concealment height' of built form (outline)

LEGEND

	Royal Society site development envelope		Royal Society site development envelope outline
	Mixed Use Zone development envelope		Mixed Use Zone development envelope outline
	Vincent's Hospital proposal block form		Vincent's Hospital proposal block form outline

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

CAMERA LOCATION 9

Surveyed point level : 43.365 metre A.H.D - Camera view height : 44.965 metre A.H.D Note: the camera height is measured at 1.6 metre above surveyed ground level.



Testing of 10 metre above 'concealment height' of built form (visible block form)

LEGEND

- | | |
|---|---|
|  Royal Society site development envelope |  Royal Society site development envelope outline |
|  Mixed Use Zone development envelope |  Mixed Use Zone development envelope outline |
|  Vincent's Hospital proposal block form |  Vincent's Hospital proposal block form outline |

Note: refer to Approved Strategy Plan for final controls for the Royal Society of Victoria site.

5.2 Conclusions on additional built form testing

Maximum buildings heights within Area 3 MUZ land

The clear benefit of undertaking additional built form testing through the use of a 3-Dimensional block model (by the Department) and the preparation of photomontages, was the ability to inform potential future built form parameters within Area 3 (i.e. on a site by site basis) to achieve partial, or full visual concealment from key views 5A and 5C and maintain the primacy of the view of the northern elevation of the REB.

Through a process of workshop testing and discussions with the Department, the appropriate 'concealment height' was established, which was confirmed when viewed from identified key views 5A and 5C (as well as and secondary camera locations).

The conducted built form testing functioned to provide a documented evidence base for the confirmed building heights to be implemented through a DDO to be prepared for MUZ land within Area 3, and to implement built form controls to a mandatory maximum building height (i.e. concealment height). Objectives will also prevent a continuous wall of building as a backdrop of the REB silhouette from key vantage points.

The Heritage Council in its adoption of the September 2022 draft Strategy Plan and submissions to it did not accept there was benefit in a 10 metre visibility allowance as had been proposed in the exhibited draft Strategy Plan. Its view was that this incremental and continued incursion to the REB & Carlton Gardens from key vantage points would have further detrimental impact. The Committee adopted the proposed preferred maximum building height as a mandatory height to protect and conserve the OUV of the REB & Carlton Gardens. This was agreed to in the approval of this Strategy Plan.

Royal Society of Victoria, 8 La Trobe Street

During the additional testing process, potential built form scale on The Royal Society of Victoria (RSV) site at 8 La Trobe Street was undertaken. The Heritage Council did not agree with translating this built form analysis into a DDO as had been proposed by the exhibited draft Strategy Plan. The Heritage Council deemed that on the basis that the inclusion of the site in the Victorian Heritage Register, would play a much greater role in determining any potential development on this site. Rather, the Council found that the RSV site plays an important role in its own right and with respect to its direct relationship with the REB & Carlton Gardens. The latter includes views from the south-west (noting the amended view 4A), its historic and diminutive form in its garden setting, and its 19th century public building history. The Heritage Council did not consider the planning scheme should be silent about this very important and significant property. The Heritage Council considered that nominating a height in the new WHEA DDO4 based on the tested views will unrealistically elevate development expectations.

Consequently, the Heritage Council recommended changes to new WHEA DDO4 to address this, being that the mandatory maximum building height for 2-8 La Trobe Street be no higher than the maximum height of the existing building on the land. This was agreed to in the approval of this Strategy Plan.

A performance-based approach is required until such time as any detailed built form, heritage and design guidance is prepared for this property.

6.0 Summary of Changes

The full summary of changes relating to each of the six areas subject to built form testing as outlined in Section 4.0 and Section 5.0 are outlined in full at Section 10.0 Planning Scheme Implementation of the Approved Strategy Plan.

APPENDIX 3: WORLD HERITAGE CITATION

Appendix 3: World Heritage Citation

UNESCO's World Heritage website (available at <https://whc.unesco.org/en/list/1131/>) includes the following information for the REB & Carlton Gardens.

Royal Exhibition Building and Carlton Gardens

The Royal Exhibition Building and its surrounding Carlton Gardens were designed for the great international exhibitions of 1880 and 1888 in Melbourne. The building and grounds were designed by Joseph Reed. The building is constructed of brick and timber, steel and slate. It combines elements from the Byzantine, Romanesque, Lombardic and Italian Renaissance styles. The property is typical of the international exhibition movement which saw over 50 exhibitions staged between 1851 and 1915 in venues including Paris, New York, Vienna, Calcutta, Kingston (Jamaica) and Santiago (Chile). All shared a common theme and aims: to chart material and moral progress through displays of industry from all nations.

Outstanding Universal Value

Brief synthesis

The Royal Exhibition Building and Carlton Gardens are a surviving manifestation of the international exhibition movement which blossomed in the late 19th and early 20th centuries. The exhibition building was constructed as a Great Hall, a permanent building initially intended to house the Melbourne International Exhibition of 1880 and the subsequent 1888 Melbourne Centennial International Exhibition. These were the largest events staged in colonial Australia and helped to introduce the world to Australian industry and technology.

The site comprises three parcels of Crown Land in the City of Melbourne, being two Crown Land Reserves for Public Recreation (Carlton Gardens) and one dedicated to the exhibition building and the recently-constructed museum (Exhibition Reserve). The inscribed property consists of a rectangular block of 26 hectares bounded by four city streets with an additional 55.26 hectares in the surrounding buffer zone.

Positioned in the Exhibition Reserve, with the Carlton Gardens to the north and the south, is the Great Hall. This building is cruciform in plan and incorporates the typical architectural template of earlier exhibition buildings: namely a dome, great portal entries, viewing platforms, towers, and fanlight windows. The formal Carlton Gardens, with its tree-lined pathways, fountains and lakes, is an integral part of the overall site design and also characteristic of exhibition buildings of this period.

Criterion (ii): The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a Palace of Industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early 20th centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.

Integrity

The completeness of the inscribed property has been retained with the same boundaries as set out in 1879. The Melbourne Museum was constructed in 1998-2000 to the north of the Royal Exhibition Building.

The present state of the conservation of the Great Hall is very good. Conservation work has recently been undertaken on the building's dome and structure, the external joinery and stonework, and timber floors. Additionally, upgrades to building services have been completed. The scroll and parterre gardens on the southern side of the exhibition building, which were part of the 1880 Melbourne International Exhibition, have been restored. As part of the restoration of the 1880 German Garden, an extensive water harvesting and storage system has been installed that involved the installation of underground water tanks in the western forecourt to capture roof and surface runoff. The formal ornamental palace garden, being the southern part of the Carlton Gardens, provided the context for the Palace of Industry and is substantially intact in form including its treed avenues. These works contribute to maintaining the integrity of the Royal Exhibition Building and Carlton Gardens.

Authenticity

The property of the Royal Exhibition Building and Carlton Gardens has retained high authenticity of setting, maintaining its original form on the international exhibition site defined in 1879. The site is still surrounded by city streets and is edged by the bluestone plinth, the base of the iron railings that bounded the 1880 exhibition grounds.

The 1880 Great Hall survives substantially intact in its form and design, internally and externally. Authenticity of form is manifest in its survival as the only Great Hall from a major industrial exhibition of the late 19th and early 20th century. The east and west annexes, not part of the original design and intended to be of temporary use only, were demolished in the mid 20th century. Some modern interventions have been reversed including two structures attached to the north elevation in the 1960s and 1970s which were removed and the original structure repaired. Recent restoration works have included the reinstatement of missing ornamentation around the parapet line.

Interior spaces have been largely retained and are once again used for large-scale exhibitions demonstrating a relatively high authenticity of function within the Great Hall. Prompted by fire safety concerns, most of the original timber staircases were replaced by concrete early in the 20th century, an acceptable risk-sensitive reduction in material authenticity. In 1994, major restoration work included the reworking of the interior colour scheme to the documented era of 1901. The ornate internal paintings have mostly been replaced by the third decorative scheme of 1901, however, parts of the 1880 murals are still intact.

The museum's construction removed part of the north garden although the surviving garden has retained its late 19th century layout. The original axial layout of the south garden survives with its formal paths, tree clumps and central avenues, lawn areas and two lakes (although reduced in size) and fountains. One fountain, the 1888 Westgarth Fountain, has been relocated. A high number of the trees extant on the site are from the 1880s and 1890s layout. Restoration of garden pathways and plantings are based on research.

Protection and management requirements

The property has effective legal protection and a sound planning framework. The management system takes into account a wide range of measures provided under planning and heritage legislation and policies of both the Australian Government and the Victorian Government. The Burra Charter principles support the Conservation Management Plan for the Royal Exhibition Building and Carlton Gardens and the World Heritage Environs Area Strategy Plan. Together these documents provide the policy framework for conservation and management. The property is maintained and preserved through regular and rigorous repair and conservation programs undertaken at all levels of government.

The Royal Exhibition Building is managed as an integral part of Museum Victoria, the state museum. The Carlton Gardens are managed by the City of Melbourne.

The Royal Exhibition Building and Carlton Gardens was included in the National Heritage List in 2004 under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and on the State Heritage Register of Victoria in 1998 under the *Heritage Act 1995*. Inclusion in the National Heritage List requires that any proposed action to be taken inside or outside the boundaries of a National Heritage place or a World Heritage property that may have a significant impact on the heritage values is prohibited without the approval of the Federal Minister. Inclusion in the Victorian Heritage Register means that works inside the boundaries of the registered place are prohibited without approval under the *Heritage Act 1995*.

A Conservation Management Plan for the whole site was finalised in 2009. A buffer zone, the World Heritage Environs Area, covering an additional 55.26 hectares, was established in 2010 and has been supplemented by the World Heritage Environs Area Strategy Plan. Changes to local government heritage overlays have been made to give effect to this plan. Any future developments immediately outside the World Heritage Environs Area, which are likely to have a significant impact on the World Heritage values of the Royal Exhibition Building and Carlton Gardens, are subject to the provisions of the EPBC Act.

APPENDIX 4: NATIONAL HERITAGE CITATION

Appendix 4 National Heritage Citation

The Australian Heritage Database has a detailed entry accessible at https://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105143 for the REB & Carlton Gardens.

The *Commonwealth of Australia Gazette, No. P7, 20 July 2004* included the REB & Carlton Gardens in the National Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* with the following assessment (<https://www.environment.gov.au/system/files/pages/43dd8bc3-b5eb-4050-b54d-7651241e963e/files/105708.pdf>)

Royal Exhibition Building National Historic Place:

About 26ha, Victoria Street, Carlton, comprising all of the Land Reserve Rs 37130 (Royal Exhibition Building and Museum of Victoria) and Rs 9990 (Carlton Gardens), Crown Allotment 19A, shown on Diagram 1501 held by the Executive Director of Heritage Victoria, being the land bounded by Rathdowne Street, Carlton Street, Nicholson Street and Victoria Street.

Criterion A. Events, Processes

Values

The Royal Exhibition Building and Carlton Gardens, the venue for the grand opening of the first Australian Parliament in 1901, has outstanding national historic value for its role in the defining event of Federation. It is the place where Commonwealth of Australia's first Parliament was commissioned and sworn in, on 9 May 1901.

The Royal Exhibition Building and Carlton Gardens is a tangible symbol of the country's pride in its technological and cultural achievements in the latter part of the nineteenth century. Together with the associated gardens the Royal Exhibition Building is the most significant extant nineteenth century exhibition building in Australia.

Attributes

The entire site of the Royal Exhibition Building and Carlton Gardens encompass the values of the place.

The site, comprising the Royal Exhibition Building and its Carlton Gardens, is a purpose built assemblage. The boundary of the site is defined by the bluestone plinth of the perimeter fence constructed for the 1880-81 Melbourne International Exhibition. The Exhibition Building comprises a timber framed Great Hall, cruciform in plan, with a pair of elongated rectangular wings, a transept to the north and a truncated transept to the south, cement rendered brickwork walls, timber framed roof, soaring octagonal dome, naves, aisles, continuous galleries, towers, corner pavilions, great portal entries, fanlights and clerestory lighting.

A decorative painting scheme, the third since the building's construction, was undertaken for the opening of the first Federal Parliament with themes and allegories to represent the building as a seat of government and legislative power. The decorative scheme was recovered and restored during renovations in the 1990s. Parts of the 1880 murals are still intact. Remains of the decorative painting scheme for the 1888 Centennial Exhibition may exist beneath subsequent paint layers.

Carlton Gardens as a whole comprises the setting for the Royal Exhibition Building.

This value is most strongly associated with the 1879-1901 period of the Garden's development which includes both the Gardenesque and the classically inspired garden design elements.

Criterion B. Rarity

Values

The Royal Exhibition Building and Carlton Gardens including the AT gardens' associated ornamental features has outstanding historic values as the major extant nineteenth century international exhibition building and garden complex in Australia.

The Royal Exhibition Building in its garden setting is a rare surviving example of an Australian response to the international exhibition movement.

The Royal Exhibition Building is one of the few major nineteenth century exhibition Great Halls to survive substantially intact worldwide and represents a rare example of the nineteenth century international movement's belief in the benefits of industrialisation, the transmission of ideas and social progress and development of an extensive international economy.

The Royal Exhibition Building in its original garden setting is a rare example of a surviving nineteenth century exhibition precinct, nationally and internationally.

Carlton Gardens is a significant example of nineteenth century classicism in an Australian public garden, featuring earlier nineteenth century 'Gardenesque' style elements and later more classical features. These more classical features are seen in the south garden and are references to the classical gardens of European aristocracy and royalty. These features include the main north-south tree-lined avenue framing the southern entrance to the Exhibition Building (Grande Allee and tapis vert), the east-west terrace, the circular garden bed surrounding a central fountain (Hochgurtel fountain), the radial pattern of tree-lined linear pathways (allees) all converging on the Hochgurtel fountain (patte d'oi), the formal garden beds created along the south facade (parterres), the eastern forecourt with circular garden beds and the French fountain, the creation of axial views with foci and the planting of trees in groups or clumps (bosquets).

Further axial features are used to reinforce the building's function as the focus of the garden. These design elements are reminiscent of European baroque palace gardens. These features include the axial layout of the building on a north south alignment extended by the Grand Allee, the creation of the Promenade Deck (at the base of the dome) which reinforces the importance of the view down the Grande Allee and across to the city (which is intended to link the Exhibition Building with other central places of democracy and civic institutions - Parliament and Government House) and the placement of the building on the high point of a ridgeline so that the building's dome would become a landmark in the surrounding city. The adjacent gardens on the north and south sides of the Yarra River, the Fitzroy, Treasury and Parliament Gardens, Yarra Park and the Melbourne Botanic Gardens, all heightened the contrived device of the Carlton Gardens and Royal Exhibition Building as set within an endless boulevard of greenery and civic grandeur (World Heritage nomination report).

The ornamental lakes, the diagonal tree-lined pathways and lawn in the north garden and the mature nineteenth century specimen tree planting, some of which are rare, also contribute to the garden's values.

Attributes

The Royal Exhibition Building within its garden setting, the garden and associated elements demonstrate the characteristic features of the international exhibition movement. The Great Hall or 'Palace of Industry', is one of the few great halls to survive worldwide and the only one to have remained in use as a hall, still in its original landscaped setting.

The classical features are best displayed in the south garden. The classical features include the main north-south tree-lined avenue framing the southern entrance to the Exhibition Building (Grande Allee and tapis vert), the east-west terrace, the circular garden bed surrounding a central fountain (Hochgurtel fountain), the radial pattern of tree-lined linear pathways (allees) all converging on the Hochgurtel fountain (patte d'oi), the formal garden beds created along the south facade (parterres), the eastern forecourt with circular garden beds and the French fountain, the creation of axial views with foci and the planting of trees in groups or clumps (bosquets).

The ponds, the formal flowerbeds and mature specimen trees associated with Sangster's 1880/81 period and earlier also contribute to the gardens' significance.

The Royal Exhibition Building and Carlton Gardens retain high integrity. They retain continuity of public use.

Criterion D. Principal characteristics of a class of places

Values

The Exhibition Building is an outstanding example demonstrating the principal characteristics of the Victorian Free Classical architectural style to express the form and ideas of the international exhibition movement. As one of the largest and finest nineteenth century buildings in Australia it represented a temple to industry rather than a palace.

Carlton Gardens were originally developed as a public park for passive recreation. Later more classical garden modifications were made forming the setting for the Royal Exhibition Building. The main garden elements include the main north-south tree-lined avenue (Grande Allee), the east-west terrace, the Hochgurtel fountain with surrounding circular garden bed, the eastern forecourt with surrounding circular garden bed and the French fountain, the radial pattern of tree-lined linear pathways converging on the Hochgurtel fountain (patte d'oie), the formal garden beds (parterres), the incorporation of axial views and vistas, the planting of trees in groups or clumps (bosquets), the ornamental ponds and the mature

specimen trees surviving from Bateman's plan and the later trees planted by Sangster in c1879-1880 and the c1890 diagonal tree lined pathways of the north garden.

The Royal Exhibition Building and its garden setting retain continuity of public use and its original purpose of exhibitions and displays has been maintained.

Attributes

The Victorian Free Classical Style is demonstrated in the Royal Exhibition Building in the rich modelling, the vaulted dome with its decorative skyline feature, decorative pediments, arched entrance, and use of stucco and timber in stylistic effects.

The main 1880 Exhibition Building is cruciform in plan, comprising a pair of elongated rectangular wings, extending east and west, with a transept to the north and a truncated transept to the south. Features include the soaring dome, naves, aisles, fanlights and clerestory lighting, southern elevation with a prominent central porch and the northern elevation.

The Carlton Gardens area as a whole is a significant demonstration of a nineteenth century public park with a classically modified Gardenesque style. This includes the virtually intact path system, the high numbers of trees extant on the site from the 1880s and 1890 layouts, the classical garden design elements, the curator's lodge, the two ornamental ponds and three fountains (the Hochgurtel Fountain, the French Fountain and the Westgarth Fountain).

Criterion E. Aesthetic characteristics

Values

The Carlton Gardens, the setting for the Royal Exhibition Building, are of outstanding aesthetic significance for their nineteenth century classically modified 'Gardenesque' style.

The Royal Exhibition Building with its soaring dome, is a significant landmark in the Melbourne skyline. It is a leading icon in promotional literature for the State and city. The dome, building and its garden setting exhibit inspiring aesthetic features which are highly valued by the State of Victoria and the city of Melbourne.

The Royal Exhibition Building as a building in a garden ensemble continues to inspire Melbourne and Victorian communities.

Attributes

The entire site of the Royal Exhibition Building and its garden setting encompass the values of the place.

Criterion F. Creative or technical achievement

The Royal Exhibition Building together with its Carlton Gardens AT setting, demonstrates an outstanding achievement in design. The building and gardens are representative of the international

exhibition movement style, based on a Beaux-Arts axial scheme with the building as a palace, primarily in the German Rundbogenstil and Italian Renaissance style for which its designer

Joseph Reed, won the design competition. The soaring dome, based on the Florence Cathedral dome designed by Brunelleschi, is a landmark on the Melbourne skyline. The gardens to the south of the building were also designed to create a palatial garden setting.

Gardenesque and formal classical garden elements have been used in the design of Carlton Gardens to create a setting for the Royal Exhibition Building. The main garden elements creating the setting for the Royal Exhibition Building during the 1880 and 1888 exhibitions are in the south garden. These elements include the main north-south tree-lined avenue (Grande Allee), the east-west terrace, the Hochgurtel fountain with surrounding circular garden bed, the eastern forecourt with surrounding circular garden bed and the French fountain, the radial pattern of tree-lined linear pathways converging on the Hochgurtel fountain (patte d'oie), the formal garden beds (parterres), the incorporation of axial views and vistas, the planting of trees in groups or clumps (bosquets), the ornamental ponds and the mature specimen trees surviving from Bateman's plan and the later trees planted by Sangster in c1879-1880. These Gardenesque and classical elements are all integral to the original 1880 design for the setting of the building and are a major feature of the place's outstanding national values.

The Carlton Gardens, both north and south gardens together, are a notable creative achievement demonstrating a skilful Gardenesque design with classical elements and a landscape character with plantings of pines, cedar, Araucaria, cypress, gums, figs, pepper trees, elms, planes, oaks, poplars, Canary Island date palms and Washington palms that display contrasting colours and forms which enhances Carlton Gardens, the Royal Exhibition Building and the adjacent urban area.

Attributes

In the Royal Exhibition Building the major typological elements of an international exhibition Great Hall as 'palace,' such as a dome, cruciform floor plan, continuous galleries at first floor level, towers, corner pavilions and great portal entries remain substantially intact in the structural form and materials, internally and externally.

The Carlton Gardens provide the setting for the exhibition hall. During the 1880 and 1888 exhibitions the pre-existing style of the southern garden was modified in part to create a grand garden setting. These modifications consisted of classically inspired elements. A high number of trees remain on site from this period. The remnant cast iron perimeter fence and remaining bluestone plinth (1880), and the two lakes with islands are also associated with the exhibition building setting.

The classical and Gardenesque features of Carlton Gardens as a whole comprise the attributes related to its value as a classically modified Gardenesque style garden.

The views of the Exhibition Building dome, the views within the Royal Exhibition Building and the Carlton Gardens complex and extending from the building and garden complex to the surrounding cityscape form part of the place's values.

**APPENDIX 5:
HERITAGE COUNCIL REGULATORY
COMMITTEE REPORT JUNE 2023**

Heritage Council Regulatory Committee

Adoption of the World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens ‘World Heritage Environs Area’ and recommendations regarding its amendment

SUMMARY OF RECOMMENDATIONS

This report has been prepared by a Regulatory Committee (‘the Committee’) of the Heritage Council of Victoria, delegated by the Heritage Council under section 15(3) of the *Heritage Act 2017* (‘Act’).

After considering a draft World Heritage Strategy Plan, submissions and all matters it considers relevant, and conducting an eight-day hearing, the Heritage Council *adopts* the Strategy Plan for the World Heritage Environs Area (‘WHEA’) for the Royal Exhibition Building and Carlton Gardens, September 2022, (‘draft Strategy Plan’) prepared by the Executive Director of Heritage Victoria, *with amendments*.

This report presents the Committee’s findings and conclusions setting out the Committee’s recommended amendments to the draft Strategy Plan pursuant to section 175(1) of the Act.

Pursuant to section 175(2) of the Act, the Committee must give a copy of the draft plan to the Minister for approval, as soon as practicable after adopting the draft Strategy Plan. The Committee gives the Minister a marked-up copy of the draft Strategy Plan, with its recommended amendments, which accompanies this report.

Heritage Council Regulatory Committee:

Professor Andrew May (Chair)
Ms Margaret Baird
The Hon. Simon Molesworth, AO KC
Ms Lucinda Peterson

Adopted on 30 June 2023

OVERVIEW OF FINDINGS AND RECOMMENDATIONS

IMPORTANCE OF THE WHEA

1. The Royal Exhibition Building and Carlton Gardens ('REB&CG') is one of only four sites in Australia inscribed on the World Heritage List for its cultural values. In the minds of many Victorians, it is esteemed as a symbol of Marvellous Melbourne; to Australians generally, it represents the city's extraordinary growth from the 1850s goldrush, its primacy over the other Australian capital cities by century's end, and its progressive metropolitan ethos.
2. At an international scale, its Outstanding Universal Value ('OUV') as a 'Palace of Industry' rests in the fact that it is an important extant survivor of the international exhibition movement and its global influence in nineteenth-century industrialisation through the transmission of technology, materials, culture, ideas and knowledge.
3. While local communities value and celebrate this precious heritage on the ground, State and local government have the highest obligations as custodians of the REB&CG's OUV on behalf of the international community.
4. The Committee understands this heritage to be exceptional, precious, and of the highest order. It also observes that cultural heritage value, once established and inscribed, is never immutable. With inappropriate development and other factors which may serve to compromise the integrity of its OUV, its values as heritage can also be diminished and indeed disintegrated.
5. The seriousness of the task before the Committee cannot therefore be overstated. Its overarching obligation is to ensure, as far as possible, that the paramountcy of the site's World Heritage status is the solid bedrock upon which decisions about any future development in its buffer zone - or World Heritage Environs Area ('WHEA') - are founded.
6. The potential degradation of cultural heritage values, and the effect of this on World Heritage status, is neither an idle threat nor a hypothetical risk. The case of Liverpool is particularly instructive. 'Liverpool-Maritime Mercantile City' was inscribed on the World Heritage List in 2004 in recognition of its historic urban centre and docklands, but by 2012 appeared on the List of World Heritage in 'Danger' on account of concerns over proposed development. In 2021, at the 44th session of the World Heritage Committee, Liverpool was removed from the World Heritage List due to inappropriate development projects on the property and in its buffer zone which resulted in serious deterioration and irreversible loss of attributes that convey its OUV. Further, the Historic Centre of Vienna, inscribed in 2001, was also placed on the List of World Heritage in 'Danger' in 2017, a decision based on the critical level of urban development reached since inscription and its cumulative impacts on the OUV of that property.
7. These regrettable precedents serve as cautionary tales at this critical juncture in the management of the WHEA, and inform the Committee in its overall approach of 'If not now, when?' when it comes to protective and best-practice controls. The value of a buffer zone must be sufficiently factored into decision-making and the planning regime must be robust enough to prevent inappropriate or harmful development. Indeed, the legislative scope of this Committee's review does not, as the Executive Director has emphasised, require the 'usual' balancing of competing interests. Rather, the planning scheme regime needs to give clear and unambiguous direction and guidance to land owners, decision-makers and the community about the nature of the values the WHEA seeks to protect, so as to assist parties who do have to undertake such a balance to have sufficient understanding of the OUV, with reliance on and confidence in the appropriate weighting given to World Heritage principles and values. The WHEA, as a

buffer zone, “must not be a comfortable and reassuring fiction – it needs to be linked to practical and well rooted measures of protection”.¹

8. While the appendices to this report explore a range of issues in more detail, and noting that inappropriate incremental development or 'creep' can ultimately have a detrimental effect on a site's OUV, the Committee observes at the outset that a contributing factor in intensifying risk is a fragmentary approach, whereby no single body or party or process assumes a broad and comprehensive perspective with its prime purpose and obligation being to prioritise World Heritage value.
9. The Committee takes its task in part to be the minimisation of a range of well-documented problems: where the value of a buffer zone in protecting the OUV of a site is diminished or not sufficiently factored into decision-making; where a broader protective setting might extend beyond a buffer zone; where conditions within a buffer zone are inadequately specified, overly flexible, and all too easy to 'relax' in the face of unsympathetic development proposals.
10. The Committee, as an expert body, takes it to be implicit that the purpose of this periodical review is to respond to changing circumstances and to review the efficacy of the previous Strategy Plan. Consideration of the task does not require us to carry out a 'balancing' act, nor to second-guess downstream development processes, but rather to ensure that the legacy of the current process is to guarantee that our paramount considerations carry on into the controls that follow, so that parties which do have to undertake such a balance might have sufficient reliance on and confidence in the appropriate weighting given to World Heritage principles and values.
11. A 'light-touch' approach to the WHEA has not in our view been commensurate with the importance of the attributes requiring protection. The messaging of the 2009 Strategy Plan, in our view, was not loud or clear enough to be heard; future messaging needs to be unequivocal, giving clear and unambiguous instruction to owners and developers about the nature of the values the WHEA seeks to protect, and the limits and possibilities of change within that framework. Where controls do not have sufficient clarity and detail, development goals can easily fill the space and override heritage.

¹ ICOMOS Position Paper in Oliver Martin and Giovanna Piatti (eds), 'World Heritage and Buffer Zones' (UNESCO World Heritage Centre, 2009), p. 23.

BACKGROUND

12. A summary of background matters relevant to this report is provided in **Appendix 1**.
13. A summary of hearing submissions is provided in **Appendix 2**.

LEGAL CONTEXT AND COMMITTEE'S SCOPE

Functions

14. Having considered all material presented in writing and through the hearing, as set out in sections 175(1) and 175(2) of the Act, the Committee's tasks are as follows:
 - first, it **must** adopt the draft Strategy Plan with or without amendments; and
 - second, it **must** give the Minister a copy of the draft plan for approval as soon as practicable after adopting the draft Strategy Plan.

Scope

15. The Committee's considerations:
 - are **not** confined to only adopt, or otherwise, the recommendations in the draft Strategy Plan.
 - are **not** required to balance competing interests, but rather must seek to ensure the protection of the OUV of the REB&CG.
16. The scope is defined by the Act. Section 180(4), which relates to the preparation and approval of planning scheme amendments to give effect to the approved Strategy Plan, contains exclusion provisions including:
 - section 12(1)(a) which ordinarily requires a planning authority to "implement the objectives of planning in Victoria"; and
 - section 12(2) which ordinarily requires the planning authority to consider, among other things, the Victoria Planning Provisions (VPP), and the environmental, social, and economic effects of the amendment; and
 - Divisions 1 and 2 of Part 3 which ordinarily require the giving of notice of an amendment, the conduct of a panel hearing to consider submissions, and for the panel to make recommendations on the merits of the amendment, amongst other requirements; and
 - section 39(1)–(5), which in the normal course provides for a review of defects in procedure by the Minister, a planning authority or panel, before the Victorian Civil and Administrative Tribunal (VCAT).
17. The Committee accepts submissions on behalf of the Executive Director that the statutory framework does not oblige balancing the protection of the REB&CG values with the achievement of other policy objectives. Rather, its focus is to be exclusively on the protection of the World Heritage values of the REB&CG. In contradistinction, decision-making under the *Planning and Environment Act 1987* (Vic) ('PE Act') with respect to planning permit applications retains the obligation for integrated decision-making (clause 71.02 of all planning schemes).

'Procedural fairness' and 'natural justice'

18. In their expert evidence for the Executive Director, Mr Barnes and Ms Waty explain the generally 'light-touch' approach to making changes to existing controls to achieve the recommended refinements. Further, the draft Strategy Plan has had regard to other wide-ranging existing relevant statutory requirements relating to future development and use of the WHEA; that is, other matters not only the OUV of the REB&CG.

19. These approaches underpin the draft Strategy Plan and proposed amendments to planning controls. This is the case notwithstanding the Executive Director's submissions with respect to the confined nature of the process and the important reasons for such confinement. These approaches have been the subject of submissions and have been open for submitters to ventilate. Some parties argue for more stringent planning controls than the exhibited scheme amendments. For example, some submitters called for mandatory height controls in place of proposed discretionary controls, whilst others submitted that the Committee's scope or power to do so is not clear.
20. The Committee discharges its functions and operates in accordance with procedural fairness within the principles of natural justice as mandated, with respect to hearings, by section 249(1) of the Act. It is not limited or confined to only consider the recommendations in the draft Strategy Plan. Nor is the Committee prevented from considering other recommendations, including mandatory height controls in lieu of recommended discretionary controls. To approach its tasks under sections 174 and 175 of the Act in this manner does not breach the principles of natural justice, specifically the need to adhere to procedural fairness.
21. Pursuant to section 172 of the Act, any person or body may make a submission in relation to the draft Strategy Plan. Section 174 of the Act then states that the Committee must consider any submission, received within time, in relation to the draft Strategy Plan. In circumstances where section 175 compels the Committee to adopt the draft Strategy Plan either with or without amendments, it necessarily follows that the Committee can consider alternatives or variations to the draft Plan, which might lead it to adopting amendments. Such alternatives or variations may have been canvassed within submissions which the Committee must consider. Accordingly, the statutory scheme under which the Committee must function provides the scope for the Committee to consider submissions on alternative approaches or strategies to those contained within the draft Strategy Plan, and to adopt them as amendments to the Plan without falling foul of the rules of procedural fairness.
22. The Committee's discussion on legal context and the Committee's scope is provided at **Appendix 3**.

DRAFT STRATEGY PLAN

Sound strategic basis and justification

23. The Committee finds the draft Strategy Plan is a thorough and detailed analysis of the 2009 Strategy Plan and the needs of the WHEA.
24. The draft Strategy Plan identifies gaps and risks with respect to views/view locations, planning controls and protocols, and policies.² The draft Strategy Plan seeks to address its findings with respect to gaps and risks.
25. The draft Strategy Plan process included extensive three-dimensional built form of existing Design and Development Overlays ('DDOs') in relation to views and vistas. New built form controls are informed by this testing.
26. Despite the extensive three-dimensional built form testing to inform DDOs, the visual framework and testing to inform the draft Strategy Plan did not include direction regarding upper-level setbacks which the Committee considers an important factor to protect views and vistas. This is a future task that is required, post approval by the Minister, to further refine and streamline the planning scheme regime.
27. In addition, the Committee finds that the 'light-touch' in relation to discretionary height controls is insufficient, given the gaps and risks identified in the draft Strategy Plan. Hence, amendments are required to make some proposed height controls mandatory.

² Summarised at page 3 of the draft Strategy Plan.

28. On balance, the Committee finds the draft Strategy Plan provides a sound and robust basis, and clear and justifiable rationale, for proposed changes to planning controls. **Subject to the amendments and additional recommendations set out below**, the Committee accepts the draft Strategy Plan's:

- recommendations for planning scheme implementation (with changes)³; and
- additional recommendations.⁴

Key recommendations of the draft Strategy Plan

29. The Committee highlights key recommendations relating to planning controls proposed by the draft Strategy Plan. They include:

- achieving greater consistency across the WHEA and addressing insufficient planning control in locations which, if developed, could negatively impact on the World Heritage values of the REB&CG and WHEA;
- removing areas of greater and lesser sensitivity;
- extending DDO6 to include 'gap' land at 15-31 Pelham Street, Carlton, 107–151 Rathdowne Street, Carlton, and 110–150 Drummond Street, Carlton;
- in principle, applying a mix of mandatory and discretionary development controls, having regard to the importance of the WHEA in protecting and conserving the REB&CG's OUV and guidance in VPP Planning Practice Notes. Mandatory height controls for residential areas are not a mere duplication of existing controls; they serve a specific WHEA-related purpose and affect the full range of development possibilities (not limited to residential development);
- applying a DDO to the entire WHEA as logical and necessary in order to elevate the prominence and awareness of the WHEA within the planning scheme decision-making context;
- amending/adding State, regional and local policy to address insufficient recognition and guidance in relation to the World Heritage sites and the REB&CG in particular;
- amending existing planning scheme controls to give a formal role to the Executive Director, Heritage Victoria as a referral authority;
- nominating the Strategy Plan as a background document in the schedule to clause 72.08 in the Melbourne and Yarra Planning Schemes, and also being cited as a relevant policy document in draft policy clauses;
- addressing permit exemptions; and
- allocating responsibility for the review of Heritage Overlays and statements of significance to Heritage Victoria.

REQUIRED AMENDMENTS TO THE DRAFT STRATEGY PLAN AND EXHIBITED SCHEME AMENDMENTS

Rationale for, and importance of, amendments to the draft Strategy Plan

30. The Committee's adoption of the draft Strategy Plan is contingent on amendments being made to the draft Strategy Plan, and consequently the exhibited amendments to the Melbourne and Yarra Planning Schemes.

31. The broader intent of the proposed amendments to planning scheme controls seeks to improve the protection of and maintenance of the prominence of the World Heritage listed REB&CG from potential development within the surrounding WHEA. However,

³ Summarised at page 4 of the draft Strategy Plan.

⁴ Summarised at page 5 of the draft Strategy Plan.

the Committee considers amendments are required to achieve the necessary level of protection given (among other things):

- a lack of consistent and coordinated decision-making across the WHEA, with development approvals being separately administered by the City of Melbourne and the City of Yarra. In specific circumstances, the Minister for Planning is the responsible authority;
- the need for certainty for land owners, those seeking to develop land, decision-makers and the community, given the World Heritage values that are to be protected. It seems ironic that sites in the Victorian Heritage Register ('VHR') to a degree have more assured protections and controls than the land in the WHEA. The certainty in protecting the most significant heritage place, because of its international status and importance, is critical;
- the 'light-touch' approach is not sufficient to fully protect the heritage values of the REB&CG, such that additional statutory mechanisms are needed and warranted; and
- demonstrable development pressures within various parts of the WHEA, where approvals since the 2009 draft Strategy Plan show inadequacies in process outcomes that detrimentally impact on the REB&CG's OUV, of which the Shangri-La (Sapphire by the Gardens) is the most impactful example.

32. The Committee's conclusions have fully considered detailed submissions and some expert evidence in relation to specific sites and/or locations:

- Rathdowne Street west side and beyond including Nos. 57–65 Drummond Street and Nos. 1–23 Rathdowne Street, Carlton;⁵
- Northern residential area, north of Carlton Street and Pelham Street, including 83–93 Faraday Street;
- No. 20 Latrobe Street, Melbourne;
- No. 380 Russell Street, Melbourne;
- Royal Society site ('RSV'); and
- St Vincent's Hospital sites.

33. The Committee's recommended amendments (summarised below) are based on the proposed planning scheme amendments exhibited with the draft Strategy Plan. Approval is an important and urgent step given pressures on the WHEA.

34. No party has requested transitional provisions apply to scheme amendments, and none are recommended by the Committee.

35. As also summarised below, the Committee considers additional work is required (beyond the draft Strategy Plan's additional recommendations)⁶ to further refine and consolidate the complex planning scheme regime that applies to the WHEA including DDOs and statements of significance.

Amendments to proposed policies

36. In addition to amending the current clause 15.03-1L-01 in the Melbourne Planning Scheme (in lieu of clause 22.21) the Committee finds amendments are required to both the draft Strategy Plan and the exhibited scheme amendments to the Yarra and Melbourne Planning Schemes to:

- give greater context in regional and local policies as to the purpose of the WHEA and OUV that are sought to be protected, and add a map;

⁵ Also known as 12-22 Victoria Street, submission by Royal Garden Manor.

⁶ Summarised at page 5 of the draft Strategy Plan.

- give priority to conserving and protecting the OUV of the REB&CG in decision-making for land within the WHEA;
- refer to key guideline documents by ICOMOS;⁷ and
- refer to a Statement of Significance ('SoS') for the WHEA, which should be included as an incorporated document in clause 72.04 of both planning schemes.

Amendments to the proposed new WHEA-specific DDO

37. The Committee finds amendments are required to both the draft Strategy Plan and the exhibited scheme amendments to:

- supplement and refine the design objectives to explain the urban form response to protect the significant aspect and prospect views to and from the REB&CG, including maintaining the WHEA urban structure. That is, to maintain the prevailing urban structure defined by the contrast between high rise context within the Hoddle Grid (south of Victoria Street), the predominantly low-rise fabric within the established heritage context (north of Grattan Street), a well-defined pocket of mid-rise forms in between, and the sense of space afforded by the island sites at the Hoddle Grid northern fringe. It is demonstrated by the plan below⁸

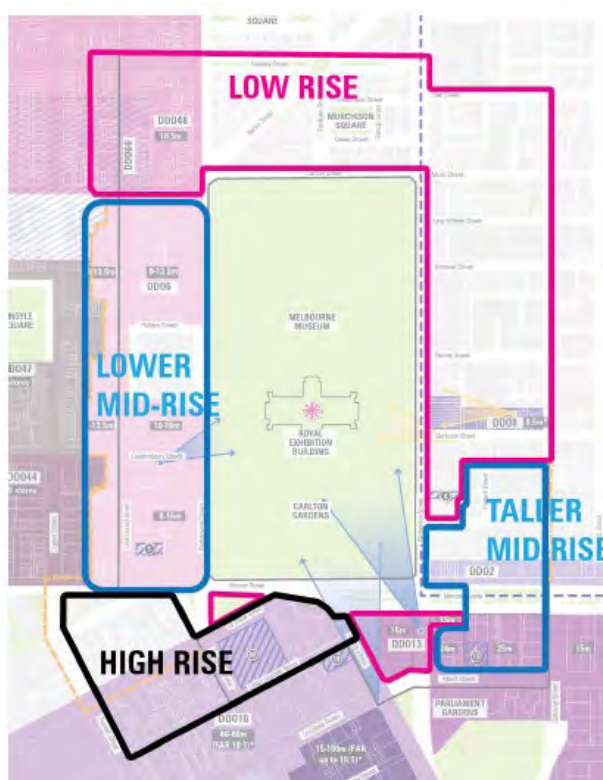


Figure 1. Map showing current prevailing structure of the WHEA⁹.

- nominate mandatory controls for all areas within the new WHEA DDO to protect the identified valued characteristics of these areas, except for Area 5 (St Vincent's Hospital) in the Yarra Planning Scheme. Exceptional circumstances with respect to the protection of the OUV of the REB&CG apply such that mandatory height controls are justified and essential;

⁷ ICOMOS Operational Guidelines for the Implementation of the World Heritage Convention (2019) and UNESCO & ICOMOS Guidance and Toolkit for Impact Assessments in a World Heritage Context (2022).

⁸ Source - Figure 05 of Ms Waty's primary statement of evidence.

⁹ Source - extracted from p22 of Gerhana Waty's primary statement of evidence.

- for Area 5, as sought by the Executive Director, design outcomes that seek to maintain the maximum height of existing hospital buildings, as was (among other things) a position of the Victorian Design Review Panel in relation to planning permit PLN 20/0567, Nos. 27–41 Victoria Parade, Fitzroy. This was for the Aikenhead Centre for Medical Discovery, subsequently approved as 12 storey building to a height of 53.9 metres;
- for Area 3 (Mixed Use Zone south of Victoria Street) adopt the exhibited preferred maximum building height based on ‘concealed height’ as the proposed mandatory maximum building height of 10 metres above the preferred level serves limited purpose and an ‘allowable intrusion’ is not supported given impacts from the heavily used Melbourne Museum forecourt;
- add a specific clause with respect to the Royal Society of Victoria (‘RSV’) site in the Melbourne Planning Scheme to apply a mandatory maximum building height (no higher than the maximum height of the existing building on the land) and to nominate design outcomes similar to those (as amended in accordance with the Committee’s recommendations) for land in Area 3;
- clarify Museum forecourt locations for Views 5A, B and C and other parts of the public, extended, forecourt area;
- add application requirements to ensure relevant considerations are addressed in permit applications and in assessment notably:
 - a visual impact assessment (including photomontages, as appropriate) of the proposed buildings and works viewed from any other primary vantage points to address relevant design outcomes and DDO design objectives. This performance-based approach is required to take account of the additional viewlines (such as from the Museum forecourt – although not limited to views 5A, 5B and 5C – and the Dome Promenade);
 - a comprehensive explanation as to how the proposed buildings and works achieve the policy objectives of clause 15.03-1S, and clause 15.03-1L, and the SoS, with respect to the REB&CG; and
 - evidence that approval has been sought or gained under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (‘EPBC Act’) for potential negative impacts or new developments on a ‘matter of national environmental significance’, including World Heritage places and National Heritage places.
- specify electronic signage in the signage clause;
- add decision guidelines such as to refer to the outcomes in the relevant Tables, whether the proposed development or works diminish, or further diminish, the sky view that provides a backdrop to the drum, dome, lantern and flagpole of the Royal Exhibition Building, and the SoS for the WHEA; and
- amend the map in both the Yarra and Melbourne Planning Schemes to include all viewlines set out in the draft Strategy Plan and to correct viewlines as discussed in submissions and evidence through the hearing.

Amendment to exhibited revised DDOs

38. The Committee finds amendments are required to both the draft Strategy Plan and the exhibited scheme amendments (and consistent with the above amendments) to:

- DDO6 ‘Carlton Area’ –
 - rename to ‘Carlton Area – WHEA’;
 - so as to align with the WHEA DDO:
 - amend to mandatory controls as needed;

- supplement and refine the design objectives;
- supplement application requirements; and
- supplement decision guidelines.
- Amend existing *Section 4.0 Notice Requirements* to remove requirement for the Executive Director, Heritage Victoria to be notified of applications on selected sites (note: this is replaced by the referral requirement at clause 66.04).
- Amend to provide for slope (to align with clauses 32.08 and 32.09).
- DDO13 –
 - so as to align with the WHEA DDO:
 - supplement and refine the design objectives;
 - supplement application requirements; and
 - supplement decision guidelines.
 - amend existing *Section 4.0 Notice Requirements* to remove requirement for the Executive Director, Heritage Victoria to be notified of applications on selected sites (note: this is replaced by the referral requirement at clause 66.04).
- 39. A map is required to show the extension of DDO6 as part of a package of approved scheme amendments.
- 40. The strategic basis for the draft Strategy Plan and controls, and the specific Design and Development Overlays are considered in **Appendix 4** and **Appendix 5** respectively.

Executive Director – referral authority status

- 41. The Committee finds amendments are required to both the draft Strategy Plan and the exhibited scheme amendments to:
 - nominate the Executive Director as a determining referral authority under the clause 66.04 Referral of permit applications under local provisions (DDO6, DDO13 and the proposed WHEA DDO).
- 42. The Committee considers that the Executive Director is experienced in assessing impact on cultural heritage values and has sufficient expertise in World Heritage matters to undertake the role of determining referral authority.
- 43. This recommendation would result in more permit application referrals than cited in the exhibited controls and options put in submissions and evidence. Examples of these other positions are a referral authority trigger where a development is at/over 8.5 metres in height and/or performance-based measures where it is assessed that a proposal may have an adverse impact upon identified views.
- 44. The Committee is not persuaded that a height threshold, alone, nor views, are the only factors potentially affecting the OUV of the REB&CG. It accepts Ms Robert's evidence in this regard. In the same way as the Head, Transport for Victoria, receives many referrals upon which it offers no objection nor seeks permit conditions, this may be the outcome of this recommendation. The Executive Director's role is limited to the WHEA and not other heritage/planning matters that may influence a determination and is therefore appropriate.
- 45. The Committee considers this further in **Appendix 7**.

Statement of Significance and Heritage Overlays

- 46.** The Committee finds that the role of DDOs to manage height, scale and building form is appropriate and the detailed matters in relation to protection of fabric and detailed design should be dealt with under the Heritage Overlay. However, it considers there is a strong case for further refinement and supplementary work to enhance the provisions.
- 47.** As an immediate approach, for the Minister's approval, the Committee recommends (as part of the immediate Amendment package) amendments to both the draft Strategy Plan and the exhibited scheme amendments to:
- include the SoS for the WHEA in the Melbourne and Yarra Planning Schemes as an incorporated document in the schedule to clause 72.04;
 - amend Schedules to the Heritage Overlay at HO995 (Melbourne) and HO361 (Yarra) to include reference to the SoS for the WHEA; and
 - amend the Heritage Overlay Maps for HO995 (Melbourne) and HO361 (Yarra) to reflect the new boundary of the WHEA.

Further strategic work required

- 48.** As a necessary future step in the short term, after the Minister's approval, the Committee recommends that the Yarra and Melbourne City Councils:
- develop for the inclusion in the WHEA DDO upper level and street wall setbacks particularly:
 - Yarra – Area 1 (Gertrude Street) and Area 4 (Nicholson Street) based on additional views and vistas assessment. Gertrude Street, in the WHEA, would benefit from a consistent approach to urban design taking into account the formulation of design guidelines already undertaken by the Yarra City Council (Amendment C270yara).
 - Melbourne – Area 3 (Mixed Use Zone south of Victoria Street, and RSV site) design guidelines potentially including upper level building setbacks based on a detailed visual analysis.
 - the area of DDO6 should be consolidated to form part of the new WHEA DDO.
- 49.** The combination of DDOs as presented is complicated and continues a piecemeal approach. For example, four separate DDOs would apply to the WHEA in the Melbourne Planning Scheme, and also apply height controls. Therefore, the Committee recommends, as a future step after the Minister's approval, a streamlined approach be pursued in the short term by the Department of Transport and Planning to combine the height controls within the DDOs as presented within a single WHEA DDO control for the City of Melbourne and the City of Yarra respectively.

DRAFTING MATTERS

- 50.** A range of drafting matters have been raised in submissions and evidence that the Committee recommends be addressed including:
- correcting the mapping area in the WHEA DDO with respect to the boundary of the GRZ1 and NRZ3;
 - correcting Figure 9 in the draft Strategy Plan that depicts a line corresponding with the 'Area of Greater Sensitivity' despite this being omitted from the legend;
 - correcting typographical errors referencing clause 22.21 instead of clause 22.14, in section 7.8 of the draft Strategy Plan on *City of Yarra Policies* (page 58) as well as at section 8.7 on *Summary of recommendations* for City of Yarra Area 5 - Clause 22.14 dot point 3;

- correcting the direction of arrows for views 4A in Figure 7- *Views and Vistas* (Royal Exhibition Building and Carlton Gardens Strategy Plan Views and Vistas Assessment Framework);
- removing redundant text in legend to Figure 9 Recommendations on page 102 of the draft Strategy Plan referring to the 2009 Strategy Plan;
- correcting the height reference for No. 390–394 Russell Street in the Section 8.4 that refers to six categories whereas there are seven;
- correcting cross-references such as to sections 7.8/7.9;
- ensuring key views in the draft Strategy Plan are consistently illustrated on all maps proposed to be included within the Melbourne and Yarra Planning Schemes;
- ensuring the written descriptions of each view matches the location the image was taken from and reflected accurately in the map and by accompanying photographs; and
- amending clause 22.14-3 that refers to views and vistas to the “dome”, and which should be amended to read “drum, dome, lantern and flagpole”.

51. Draft planning controls which include the Committee’s proposed amendments are provided at **Appendix 9**.

OTHER MATTERS RAISED IN SUBMISSIONS AND EVIDENCE

52. A range of other matters have been raised by submitters including as related to:

- naming convention of the WHEA;
- assessments under the EPBC Act;
- governance model;
- temporary structures and events;
- Artificial Light at Night (ALAN);
- resourcing and funding;
- property values;
- Melbourne Museum Blade; and
- guidance for public infrastructure, public realm improvements, signage and interpretation.

53. Several of these matters are included in the draft Strategy Plan’s key recommendations, which have been referred to earlier. Others are beyond the Committee’s scope and remit.

54. The above listed matters are discussed in greater detail at **Appendix 10**.

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Appendix 1

Background

World Heritage Listing and Buffer Zone

1. The REB&CG was inscribed in the World Heritage List on 1 July 2004 as a site of OUV under criterion (ii) of the *Operational Guidelines for the Implementation of the World Heritage Convention* ('Operational Guidelines').¹⁰
2. For a place to meet Criterion (ii) it must:

“exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design”.
3. The inscription of the REB&CG outlines why the property is considered to be of OUV. It reads:

*“The Royal Exhibition Building and the surrounding Carlton Gardens, as the main extant survivors of a Palace of Industry and its setting, together reflect the global influence of the international exhibition movement of the 19th and early 20th centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.”*¹¹

Buffer Zone / WHEA

4. Chapter 11F of the Operational Guidelines sets out considerations for the protection and management of World Heritage properties. 'Buffer Zone' is a term used in the Operational Guidelines to describe:

*“an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the property”.*¹²
5. According to the Operational Guidelines, the Buffer Zone should include:

*“the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection”*¹³.
6. In order to assist the Commonwealth Government to manage World Heritage listed places in Victoria, the Act establishes provisions for the protection and management of properties that are inscribed in the World Heritage list and also included in the VHR. The REB&CG is currently the only property that is included in both.
7. As soon as practicable after a World Heritage place is recorded in the VHR, the Act requires the Minister consider whether an area in the vicinity of that place should be declared a WHEA to protect the World Heritage values of that place.¹⁴
8. Following inscription of the REB&CG in the World Heritage List in 2004, the Minister for Planning recommended to the Governor in Council ('GiC') that a WHEA for the property be declared. The GiC declared the WHEA in the Government Gazette on 11 October 2007. The WHEA was included in the World Heritage List as a buffer zone by

¹⁰ The Operational Guidelines for the Implementation of the World Heritage Convention (2021) are developed by the World Heritage Committee (the main body in charge of the implementation of the Convention) and provides precise criteria for the inscription of properties on the World Heritage List.

¹¹ Extracted from the inscription of the REB&CG <https://whc.unesco.org/en/list/1131/>.

¹² Operational Guidelines for the Implementation of the World Heritage Convention (2021), p34.

¹³ Operational Guidelines for the Implementation of the World Heritage Convention (2021), p34.

¹⁴ Section 169(1) of the *Heritage Act 2017*.

the World Heritage Committee in 2010. The WHEA excludes the World Heritage site itself. An image of the WHEA as declared in 2007 is provided as Figure 2 immediately below.

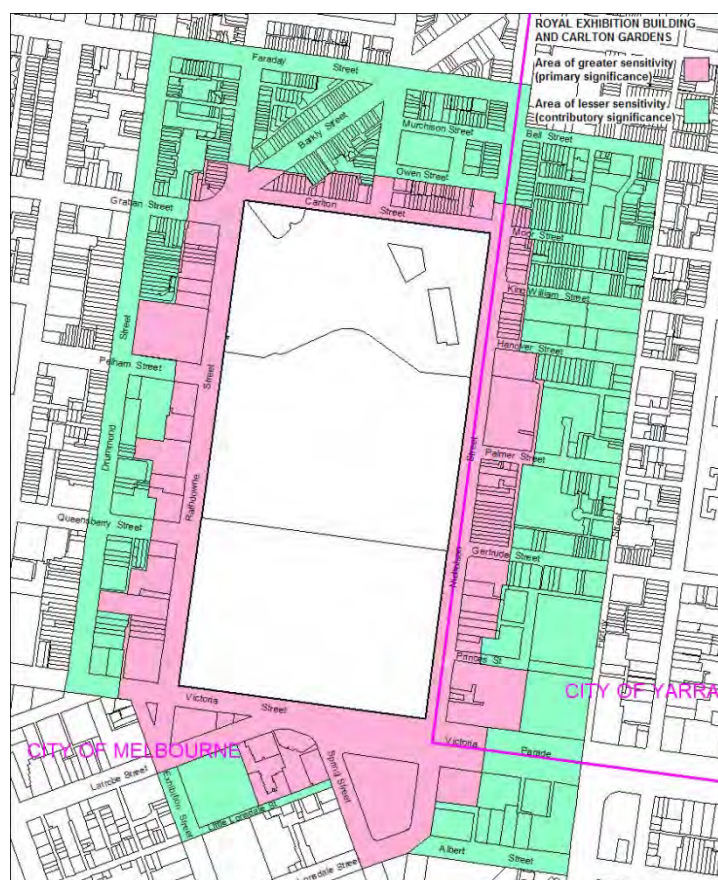


Figure 2. Mapping showing the WHEA as declared on 11 October 2007 (including depiction of and areas of greater and lesser sensitivity).¹⁵

Strategy Plan Review & Discussion Paper

9. The Act sets out that the Executive Director must prepare a draft World Heritage Strategy Plan for a WHEA as soon as practicable after a WHEA is declared. In 2009, the Executive Director prepared a draft Strategy Plan, which was subsequently included as an attachment, effectively as a contextual reference document, to the World Heritage Management Plan (WHMP).
10. A Steering Committee is required, pursuant to section 191 of the Act, to review an approved WHMP every seven (7) years. Although there is no corresponding review provision for the Strategy Plan itself, its inclusion as an attachment to the Management Plan means, as a matter of good practice, it was appropriate that the Strategy Plan is also reviewed within a concurrent timeframe.
11. A separate process to review of the WHMP, carried out by the Steering Committee for the REB&CG, recommended that the Strategy Plan be removed as an attachment from the WHMP.
12. The current review of the draft Strategy Plan commenced in 2020. It is the first time the Strategy Plan had been subject to review since it was prepared in 2009.
13. As a key part of this review, Hansen and Helen Lardner Conservation & Design Pty Ltd ('HLCD') produced a Discussion Paper for the Executive Director titled 'Review of the

¹⁵ Extracted from page 39 of the Heritage Council's 2009 Committee Report.

World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area' ('the Discussion Paper') which forms the basis of their recommendation in the draft Strategy Plan and this wider review.

14. In summary, the Discussion Paper found that the 2009 Strategy Plan had generally been successful in conserving and protecting the World Heritage values of the REB&CG but recommended that:

"a range of modifications and refinements be implemented to improve the functional operation and consistency of decision making within the WHEA in order to better conserve and protect the World Heritage values of the REB & Carlton Gardens".¹⁶

15. The Executive Director undertook targeted consultation of the Discussion Paper with relevant key stakeholders.¹⁷

Formation of the Committee

16. The Committee, consisting of Professor Andrew May, Ms Margaret Baird and Mr Simon Molesworth AO KC was appointed pursuant to section 13(1) of the Act on 9 July 2021, just prior to the original advertisement period of the draft Strategy Plan on 16 July 2021.
17. Ms Lucinda Peterson is a sessional panel member with Planning Panels Victoria and was appointed pursuant to section 13(1) of the *Heritage Act* at a meeting of the Heritage Council on 4 November 2021.
18. Constitution of the Committee has not changed since 4 November 2021. The same four Committee members have attended each day of the hearing and jointly make the recommendations in this report.

Original public advertisement (16 July – 24 September 2021)

19. The Discussion Paper led to the preparation of the draft Strategy Plan. The Strategy plan seeks to update and address gaps in the earlier 2009 Strategy Plan identified in the Discussion Paper.
20. The draft Strategy Plan was completed in July 2021. Pursuant to section 171 of the Heritage Act (the Act), the Executive Director caused notice of the preparation of the draft Strategy Plan to be published in The Age and Herald Sun newspapers, and on the Victorian Government and Heritage Council websites for 60 days.
21. Any person or body was able to make a written submission to the Heritage Council in relation to a draft Strategy Plan during this time. During this initial public advertisement period (16 July – 24 September 2021), thirty-one (31) submissions were received. A list of the original submitters is provided at **Appendix 11**.
22. Pursuant to section 174(2)(b) of the Act, the Committee sought to conduct a hearing into the draft Strategy Plan.

Adjournment request

23. Prior to the scheduled Hearing date, an adjournment request from the Executive Director was received - on 31 January 2022. The Executive Director submitted that the adjournment was necessary to allow the Minister to first consider whether the boundary of the declared REB&CG WHEA should be expanded, before the merits of the draft Strategy Plan for the expanded WHEA could be considered.

¹⁶ Review of the World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens World Heritage Environs Area, Hansen Partnership Pty Ltd and HLCD Pty Ltd (2022), p14.

¹⁷ Stakeholders who were consulted for the purposes of the Discussion paper are set out in the Executive Director's Hearing Submission (pages 4–5) and included the relevant local authorities, Museums Victoria, the National Trust, Australia ICOMOS, the Commonwealth Department of agriculture and the Environment, and a number of heritage residence and local residence groups.

24. On 9 February 2022 the adjournment request was accepted by this Committee and notice provided to all interested parties.

Committee's report on the expanded WHEA

25. On 30 January 2023, in Ministerial Briefing MB046884, then Minister for Planning, the Honorable Richard Wynne, requested that a Heritage Council Committee be convened to consider whether the WHEA should be expanded and to provide a report.
26. In accordance with the Minister's direction, this Committee considered submissions received during the original public advertisement period which specifically addressed the WHEA boundary recommendations only, conducted a site inspection and reviewed all relevant material before making its recommendation.
27. The Committee's report dated 22 April 2022 recommended that the WHEA boundary be extended in three (3) areas consistent with the Executive Director's draft Strategy Plan. Those being the south-western corner, the western boundary and the eastern boundary of the WHEA as depicted in red in **Figure 3** below.



Figure 3. Expanded WHEA declared on 28 July 2022¹⁸

28. As part of that report, the Committee also recommended further investigation into extensions of the WHEA boundary to protect views of the REB along Spring Street, and along Gertrude Street as far as Brunswick Street. The Committee understands work to implement built form controls (DDO31) between Fitzroy Street and Brunswick Street has commenced by the Yarra City Council through Amendment C271yara.¹⁹

¹⁸ Image extracted from letter/mailout to residents by the Executive Director by way of public notice of the draft Strategy Plan.

¹⁹ The Committee understands that Yarra City Council Amendment C271yara is to implement DDO31 between Fitzroy Street and Brunswick Street, as outlined on pages 4–5 of City of Yarra Hearing Submission, 11 April 2023.

Minister's recommendation and the declaration of expanded WHEA

29. Following receipt of the Committee's report, and after a change in Minister, the Minister for Planning the Honorable Lizzie Blandthorn recommended to the GiC that the WHEA be extended as recommended by this Committee.
30. Consequently, on the recommendation of the Minister, a revised WHEA boundary for the REB&CG was declared by an Order in Council of the GiC and published in the Victorian Government Gazette on 28 July 2022. The extent of the expanded WHEA is depicted in **Figure 4** immediately below.

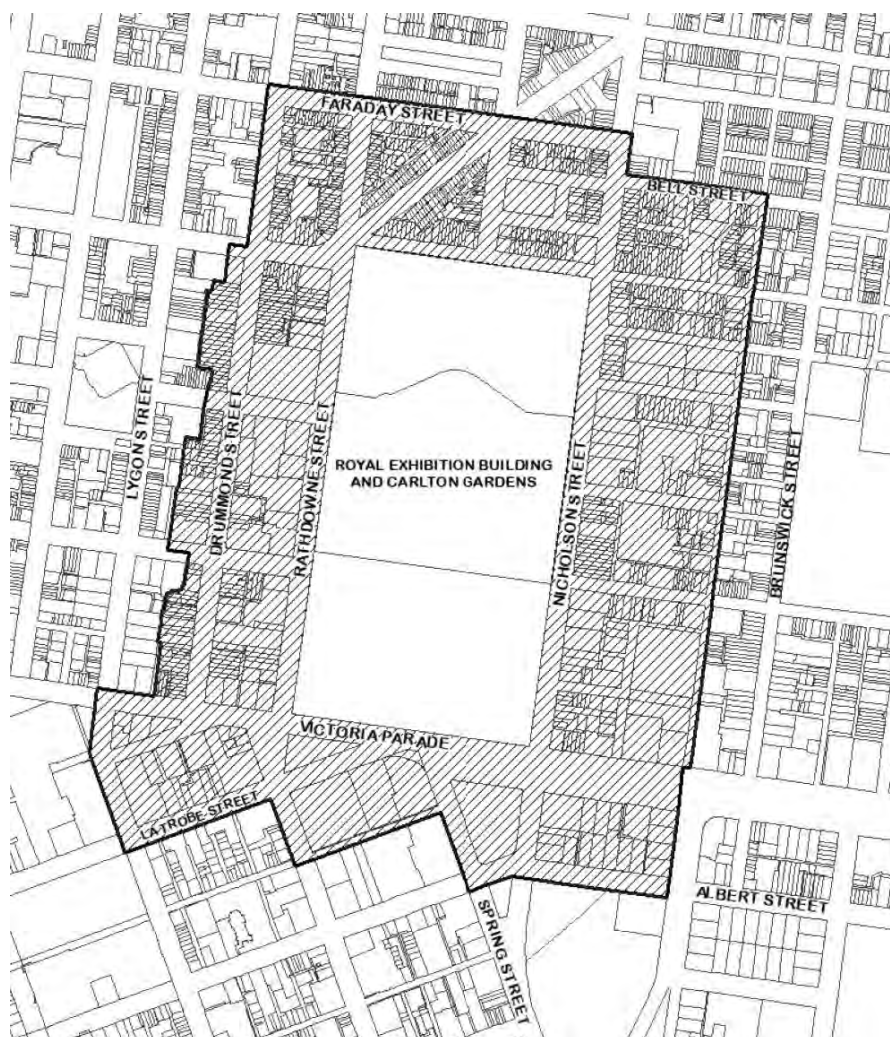


Figure 4. WHEA declared in the Government Gazette on 28 July 2022.

31. The declared WHEA excludes the REB&CG, both of which are managed by the WHMP, which is a document prepared by the Steering Committee for the place pursuant to section 183 of the Act.
32. Broadly speaking, the expanded WHEA includes an area which extends typically one street block back from REB&CG. Its purpose is to act as a 'buffer zone' for the World Heritage property.
33. The WHEA spans both the City of Yarra and the City of Melbourne, with Nicholson Street and Victoria Parade forming the boundary between these two municipalities.
34. Following the declaration of the expanded WHEA, the draft Strategy Plan was updated to incorporate the newly declared WHEA. The draft Strategy Plan was finalised in September 2022. It includes substantially the same content as within the May 2021

iteration, except maps, text and associated recommendations to cover the expanded areas.

Subsequent public advertisement (16 September – 24 November 2022)

35. The updated draft Strategy Plan was also publicly advertised for a period of 60 days pursuant to section 171 of the Act. Submissions were again invited to be made to the Heritage Council.
36. During the subsequent advertisement period, thirteen (13) written submissions were received. Some submitters noted that they would continue to rely on their original submission, while others made substantially new submissions.
37. A list of submitters in the subsequent advertisement period is provided at **Appendix 2**.

Draft Strategy Plan (2022)

38. Section 170 of the Act provides for the preparation of a World Heritage Strategy Plan ('WHSP') for the WHEA. According to section 170(2) of the Act, a Strategy Plan prepared for a WHEA must:
 - "a) set out the World Heritage values of the listed place to which the World Heritage Environs Area relate; and*
 - b) set out strategies for the appropriate use and development of that area in order to ensure that the world heritage values of the listed place are protected and managed."*
39. In summary, the draft Strategy plan:
 - describes the statutory context for development of the draft Strategy Plan;
 - summarises the World Heritage values;
 - describes the WHEA;
 - provides an overview of the approach undertaken as part of the review of the draft Strategy Plan;
 - provides an overview of the built form analysis methodology employed as part of the review; and
 - outlines recommendations for further revisions and updates to statutory controls to ensure protection of the WHEA.²⁰
40. Its aim is to ensure the visual prominence of the REB&CG is protected, and the significant heritage character of the area is maintained.²¹ As outlined in the draft Strategy Plan itself, its intended that it:

"provide clear and justifiable rationale for proposed modifications to planning controls within the WHEA, as well as suitable direction and guidance to both owners and permit issuing authorities in the management of the WHEA. This includes built form analysis and rationale for the strategies contained in the Strategy Plan, while having regard to other existing relevant statutory requirements relating to future development and use of the WHEA"²² [our emphasis].
41. The draft Strategy Plan outlines a number of recommended changes to planning scheme controls and policies which seek to address the range gaps, omissions and risks identified as part of the 2009 Strategy Plan review for the furtherance of the protection of the REB&CG and the WHEA. Given the extent of the WHEA and scope,

²⁰ Page 10 of the draft Strategy Plan.

²¹ Para 29, 'Urban Design Statement of Evidence, by Gerhana Waty', April 2023.

²² Page 10 of the draft Strategy Plan.

the draft Strategy Plan had not adopted a site-by-site assessment to inform detailed built form responses.²³

Proposed package of amended planning scheme provisions

- 42.** In addition to the draft Strategy Plan, a suite of planning controls have been prepared to give effect to the recommendations of the draft Strategy Plan. It is expected that, following the adoption and amendment of the draft Strategy Plan by the Committee, these controls, subject to any changes recommended by the Committee to the Minister, might form the basis of the planning scheme amendments to implement the draft Strategy Plan.
- 43.** The Amendments to the planning scheme seek to implement the statutory recommendations of the Strategy Plan through the application of Local Policy and DDOs to land within the updated WHEA boundary and changes to other provisions, including with respect to referral authorities for development within the WHEA.
- 44.** The changes proposed to the draft Amendment are summarised in the draft Explanatory Report which was exhibited along with Strategy Plan and draft Amendment material. Significant changes to the scheme can be summarised as follows:
 - the introduction of new DDOs to apply to the whole of the WHEA;
 - new DDOs for both municipalities include new design objectives and decision guidelines to protect the World Heritage values and prominence of the REB&CG;
 - within the COM, targeted built form controls for land north of Grattan & Carlton Streets; and south of Victoria Street and west of Exhibition Street, which include applying building height controls to replicate the mandatory maximum height controls of the NRZ3 (9 metres) and GRZ1 (11 metres); and apply preferred maximum and mandatory maximum building height controls to MUZ sites west of Exhibition Street (bounded by Victoria Street, Russell Street and La Trobe Street);
 - within the City of Yarra, that means applying building height controls to replicate the mandatory maximum height controls of the NRZ1 (9 metres), GRZ1 (10.5 metres) GRZ2 (9 metres) and GRZ3 (11 metres); replicate the built form controls of Design and Development Overlay Schedule 8; apply discretionary maximum building heights for C1Z sites (bounded by Nicholson Street, Gertrude Street, Regent Street and Princes Street); and apply a discretionary maximum building height for the St Vincent's Hospital Site (PUZ land);
 - the removal of the distinction between Areas of Greater and Lesser Sensitivity;
 - making the Executive Director a Determining Referral Authority for all applications for new buildings, or additions to existing buildings which would be 3 storeys or 11 metres or greater in height; and
 - other changes to the operation of the controls, including protection of primary view lines, discouraging a number of types of signs.
- 45.** It is acknowledged that the proposed planning scheme amendments submitted by the Executive Director do not reflect recent amendments to Yarra and Melbourne planning scheme translation amendments which have been adopted. It is expected that changes will be required to reflect these.

Hearings

- 46.** On 13 December 2022, the Committee gave notice to all submitters who had requested to be heard that a Directions Hearing had been scheduled for 17 January 2023.

²³ Page 8, 'Urban Design Statement of Evidence, by Gerhana Waty', April 2023.

47. Following the Directions Hearing, on 20 January 2023 the Committee invited hearing submissions from participants and a hearing was scheduled the week of 15 May 2023, and 22 – 24 May 2023.
48. Fourteen (14) hearing submissions were received and circulated to all hearing participants on 12 April 2023.
49. Submissions in reply were invited from all participants and eight (8) submissions in reply were received and circulated.
50. The following thirteen (13) parties made verbal submissions at the hearing:
 - Executive Director, Heritage Victoria;
 - City of Yarra;
 - City of Melbourne;
 - Royal Historical Society of Victoria;
 - Friends of the Royal Exhibition Building and Carlton Gardens;
 - Industry Super Property Trust;
 - Protectors of Public Lands Victoria;
 - Australian Heritage Advocacy Alliance;
 - GIC Australia;
 - Walk in St Kilda Rd and Environs;
 - Mr Mario LoGiudice;
 - St Vincent's Hospital Melbourne; and
 - Royal Garden Manor.
51. Mr Rowan Opat initially requested to make a verbal submission at the hearing but on 28 April 2023 revoked his request, asking instead that only his written submission be considered.
52. Ms Patricia O'Loughlin of Carlton Residents Association initially requested to make a verbal submission at the hearing, but on 2 May 2023 withdrew from presenting verbally.

Site inspection

53. On Friday 5 May 2023 the Committee, accompanied by three members of the Heritage Council Secretariat, undertook a site inspection of the northern, western, southern and eastern areas of the WHEA. The site inspection included viewing the following properties from the street:
 - 85–93 Faraday Street (owned by Mario LoGiudice);
 - 57–65 Drummond Street (owned by Mario LoGiudice);
 - 1–23 Rathdowne Street (owned by Royal Garden Manor);
 - 20 La Trobe Street Melbourne/333 Exhibition Street (owned by GIC Australia); and
 - St Vincent's Hospital Precinct (owned by St Vincent's Hospital Melbourne Limited).
54. The site inspection included a tour of the interior of the REB, the 'Dome Experience Exhibition' and a tour of the dome viewing platform. The tour was conducted by a Melbourne Museum tour guide. No submissions were invited or received by the Committee from any person.
55. Members of the Committee have subsequently, and individually, undertaken further views of the WHEA.

Appendix 2

Submissions

ALL SUBMISSIONS RECEIVED

56. A summary of written submissions made to the Committee in 2021 and 2022 is not provided. However, the Committee has read and considered all documents submitted as part of the review in making this recommendation.
57. A list of all submitters is provided at **Appendix 11**.

SUMMARY OF SUBMISSIONS MADE BY HEARING SUBMITTERS

58. A very high-level overview of submitters to the hearing is provided in the following passages.

Executive Director of Heritage Victoria

59. The Executive Director was represented by Harwood Andrews Lawyers. Rupert Watters of Counsel was engaged to appear on behalf of the Executive Director. As proponent for the draft Strategy Plan and associated planning scheme documents, the Executive Director called:
- Gerhana Waty of Hansen Partnership, an expert in Urban Design and author of the Strategy Plan;
 - David Barnes, also of Hansen Partnership, an expert in the field of planning;
 - Leanne Hodyl of Hodyl & Co, an Urban Designer who undertook a peer review of the Strategy Plan and proposed built form controls; and
 - Helen Lardner of Helen Lardner Conservation & Design, in the field of heritage.
60. These experts did not agree with all of the Executive Director's recommendations (for instance the recommendations from Mr Barnes in relation to referral authority status of the Executive Director²⁴ and recommendations by Ms Hodyl in relation to the application of mandatory height limits in Areas 1 and 3), nevertheless the Executive Director submitted that overall the draft Strategy Plan and the controls are appropriate²⁵ and should be adopted subject to some minor clarifications and modifications suggested by Mr Barnes in evidence. However, and in the event the Committee considered that stronger controls for the protection of the OUV of the REB&CG were appropriate, the Executive Director considered that the Committee would be empowered to make that recommendation to the Minister, and the Executive Director would not oppose such a recommendation.

Melbourne City Council ('MCC')

61. MCC was represented by Ann-Maree Drakos, Legal Counsel for MCC. MCC called evidence from:
- Simon McPherson of Global Design, in urban design; and
 - John Glossop of Glossop Town Planning, in town planning.
62. MCC is in principle supportive of the Strategy Plan and Draft Amendment and acknowledged the significant amount of work undertaken by Heritage Victoria. However, MCC is not supportive of some aspects of the draft Strategy Plan and draft

²⁴ This position was subsequently qualified in Mr Barnes's evidence in chief.

²⁵ See para 18 of the Executive Director's submission in reply 'Submission in reply on behalf of the Executive Director' – dated 28 April 2023.

Amendment and considers that additional work is necessary before the draft Strategy Plan and draft Amendment are finalised and introduced into the Scheme.

Yarra City Council ('YCC')

- 63.** YCC was represented by Maria Marshall of Maddocks Lawyers who called evidence from Amanda Roberts of LatStudios in the field of Urban Design.
- 64.** Overall, YCC is supportive of the protections to the WHEA afforded by the strategy plan and draft controls but considers that the amendments do not go far enough. For instance, instead of discretionary height controls to land in the C1Z in Areas 1 and 4, YCC considers these controls should be mandatory. It submits that further controls are required to guide upper-level setbacks, street wall heights and design detail.

Royal Historical Society of Victoria ('RHSoV')

- 65.** The RHSoV is the peak body for Victoria's 340 local historical societies. The RHSoV was represented by Ian Wight, Deputy Chair, Heritage Committee. The RHSoV supports the removal of the distinction between areas of greater and lesser sensitivity, protection of views to and from the REB dome, and the Executive Director becoming a determining referral authority for buildings over 11 meters high, but noted that greater resourcing at Heritage Victoria would be required in this event.
- 66.** Further, the RHSoV submitted that the DDO is the best available tool for the purpose of built form control but considered that stronger controls were required, submitting that proposed height controls within the WHEA should all be mandatory.

Friends of Royal Exhibition Building and Carlton Gardens ('FREBCG') (in collaboration with Carlton Residents Association and Fitzroy Residents Association)

- 67.** The FREBCG was represented by Margaret O'Brien, who also represented the Carlton Residents Association ('CRA').
- 68.** FREBCG disagreed with the 'light-touch' approach that had been adopted by the Executive Director in the draft Strategy Plan, strongly supported the Executive Director becoming a determining referral authority and supported the removal of the areas of greater and lesser sensitivity.
- 69.** FREBCG called for an overhaul of the current governance of the REB&CG and WHEA, submitting a single statutory authority with functions and powers to protect the OUV of the REB&CG was preferable and also advocated for an increased ability for the community to be involved in management and decision-making for the area.
- 70.** The FREBCG also submitted that a suite of UNESCO documents be listed as incorporated documents in the Planning Scheme in addition to the World Heritage Management Plan and its attachments.

Fitzroy Residents Association ('FRA')

- 71.** Michael Spencer represented the FRA. Overall, the FRA submitted that it supports stronger protection of the WHEA and a governance arrangement inclusive of all stakeholders and First Nations people. The FRA submitted that the site should be a center for community, managed in a way that maximises benefit to the community of Melbourne. The FRA compared the site to Budj Bim, which, it submitted, has a management framework that engages a wide range of community groups.

Industry Super Property Trust ('ISPT')

- 72.** The Industry Super fund was represented by Grace Brown of Urbis. ISPT has an interest in land at 31-35 Victoria Parade, Fitzroy and is concerned chiefly with implications of the draft Strategy Plan and proposed controls as it would apply to that land. ISPT, under agreement with St Vincent's Health Australia, is seeking to develop and deliver health infrastructure on this site through a combined permit and amendment process underway under section 96A of the PE Act.

- 73.** ISPT is supportive of discretionary height controls for the ISPT site, but seeks changes to the draft Strategy Plan and draft controls to reflect the “highly differing built form controls and the context of the eastern portion of WHEA”²⁶ including the application of a separate and new DDO for Public Use Zone (Schedule 3). ISPT submits design objectives that are relevant to higher order development of the St Vincent’s Hospital site should be made, modification of the permit trigger within Area 5 to buildings and works of greater than the preferred height of 53.9m, exempt works related to the hospital use and designate Heritage Victoria as a recommending referral authority instead of determining.

Protectors of Public Lands Victoria ‘(PPLV)’

- 74.** Fiona Bell appeared on behalf of PPLV. PPLV are supportive overall of the draft Strategy Plan and the way it addressed gaps in the 2009 Strategy Plan, but submitted that the proposed controls could be strengthened.
- 75.** PPLV supports mandatory height controls being implemented for various precincts within the WHEA, particularly for the Royal Society Site at 8 La Trobe Street, and the Executive Director being made a determining referral authority.

Australian Heritage Advocacy Alliance ‘(AHAA)’

- 76.** Jackie Watts appeared on behalf of the AHAA. The AHAA made submissions in relation to perceived decision-making failures and non-compliance of the Operational Guidelines within the WHEA. AHAA advocated for an independent management authority as the central decision-making body for the site and surrounds, strengthened enforcement of the Operational Guidelines, and mandatory referrals to the aforementioned independent management authority.

GICA Australia ‘(GICA)’

- 77.** GICA was represented by Rhodie Anderson of Rigby Cook Lawyers who engaged Carly Roberson of Counsel to make submissions on GICA’s behalf. GICA is the owner of land at 20 La Trobe Street, Melbourne.
- 78.** GICA had a number of concerns with the Amendment which chiefly relate to the application of the controls to its site, including the proposed introduction of a mandatory maximum height via the DDO. GICA objects to the Executive Director being a determining referral authority. It considers the controls proposed lack proper justification and/or strategic foundation and are not required to protect the significance of the REB&CG.

Walk in St Kilda Road and Environs ‘(WSKRE)’

- 79.** WSKRE was represented by B.McNicholas, (Director, WSKRE). WSKRE called experts Mr Michael Kennedy and Dr Barry Clark in the areas of governance and artificial light at night (ALAN) respectively.
- 80.** WSKRE submitted that current controls and management structure failed to protect views and vistas to and from the REB&CG, including aerial views, and in particular impacts of the Melbourne International Flower and Garden Show (MIF&GS) on these views and vistas. WSKRE submitted that that advertising and promotional signage should be subject to greater regulation, and advocated for the establishment of a funded, independent statutory authority or trust to manage the site holistically, including being granted determining referral authority functions for the REB&CG and WHEA. WSKRE also supports the removal of areas of greater and lesser sensitivity within the WHEA.

²⁶ See para 35 of IPST’s ‘Submission to Heritage Council of Victoria Panel Hearing – WHC1001’ dated 18 May 2023.

81. The WKSRE, through its expert Dr Barry Clark, submitted that there is a need to incorporate policy in relation to ALAN into the Strategy Plan.

Mario LoGiudice

82. Mario LoGiudice was represented by Andrew Iser of Best Hooper Lawyers who called evidence from Carolynne Baker in heritage. Mr LoGiudice is the owner of the land at 57-65 Drummond and 85-93 Faraday Streets in Carlton.
83. In summary, Mr LoGiudice objected to the Executive Director being a determining referral authority and considered that the Executive Director could be a recommending referral authority for certain developments based on defined performance measures. Mr LoGiudice also advocates for the removal of the mandatory height controls in the proposed WHEA DDO as they are a duplication of existing height controls in the zones and are unnecessary in relation to his land's proximity to the REB&CG.

St Vincent's Hospital, Melbourne ('St Vincent's')

84. St Vincent's hospital was represented by Rhodie Anderson & Michael Pavlidis of Rigby Cooke Lawyers who engaged Carly Robertson of counsel to appear and make submission on behalf of St Vincent's. St Vincent's called evidence from Mr Bryce Raworth in the field of heritage.
85. St Vincent's Hospital has interests in land in the St Vincent's Fitzroy Campus, a health precinct bordered by Nicholson Street, Gertrude Street, Fitzroy Street and Victoria Parade and have recently been granted planning permission PLN20/0567 to construct a new health and community facility to be known as the Aikenhead Centre for Medical Discovery (the ACMD) at 27 and 31 Victoria Parade, Fitzroy, land over which they have a leasehold interest.
86. St Vincent's is concerned that the recommendations contained within the draft Strategy Plan have been made without proper analysis, justification, and/or strategic foundation and objects to a number of aspects of the draft Strategy Plan and Amendment including the removal of the St Vincent's campus as an area of 'lesser sensitivity', the introduction of discretionary maximum building heights, new built form controls via new DDO, and the Executive Director's proposed determining referral authority status. They further submit that changes affecting the St Vincent campus are simply not necessary to provide protection to the REBCG and have the potential to result in a significant adverse impact on St Vincent's building and operations without achieving any substantial benefit for the REB&CG.

Royal Garden Manor ('RGM')

87. RGM was represented by Andrew Gunter of Hunt & Hunt Lawyers. They briefed Paul Connor KC of Counsel to appear on behalf of RGM.
88. RGM owns 1-23 Rathdowne Street, Carlton (former Cancer Council Building) whose focus was on the application of the proposed amendment to their land. In summary, they consider there to be a lack of strategic justification for including their land within the new WHEA, that current controls and guidance provide adequate protection to manage and protect the views. They submit that heights in DDO6 should remain discretionary rather than mandatory on the grounds of 'procedural fairness.'²⁷ RGM consider that the Executive Director should not be elevated to the status of a determining referral authority.

GENERAL OBSERVATIONS

89. The Committee has considered all submissions, including those that pre-date the extension to the WHEA boundary, but not submissions commenting on that extension.

²⁷ Para 12 of Submissions on behalf Of Royal Garden Manor Pty Ltd dated 24 April 2023.

- 90.** Directions made by the Committee included those related to reply submissions and evidence. This is to facilitate efficiency and procedural fairness, by ensuring all material is pre-filed and able to be read by the Committee and participants. Unfortunately, and somewhat surprisingly, not all parties did so:
- Reply submissions were filed by the Executive Director, City of Melbourne, Yarra City Council, Royal Historical Society, Friends of the Royal Exhibition Building and Carlton Gardens,²⁸ Walk in St Kilda Road, Mario LoGiudice and Royal Garden Manor.
 - No reply submissions were filed by St Vincent's Hospital, GICA, ISPT, Protectors of Public Lands Victoria or Australia Heritage Advocacy Alliance.
- 91.** Expert witnesses called by the City of Melbourne, St Vincent's Hospital, Mario LoGiudice did not provide a statement of reply evidence responding to expert evidence in like disciplines (planning, urban design and/or heritage) called by other parties.
- 92.** Submissions by St Vincent's Hospital, GICA, ISPT, Mario LoGiudice and Royal Garden Manor address specific sites with little or limited commentary on other matters.
- 93.** Some parties sought to instead respond through verbal submissions and verbal evidence.
- 94.** Further, not all submitters (such as ISPT) had read the primary and reply submissions of other parties including those of the Executive Director.
- 95.** Many submissions and most expert evidence were not framed within the relevant statutory framework, which is addressed in Appendix 3. Few parties challenged the Executive Director's submissions in this regard.
- 96.** Further, the scope of some evidence was confined by client instructions, not all had been updated in writing, and not all participants had sought to inform themselves about the positions and/or evidence of others. Since expert witnesses should have an overriding duty to the Committee, such sequestering of focus and opinion was at times evasive and frustrating to the Committee's purpose. Few parties, indeed, aside from the Executive Director, appeared to take a holistic approach.
- 97.** Further, the Committee notes:
- one heritage expert was not aware of the Liverpool or Vienna scenarios;
 - expert evidence relied on by St Vincent's Hospital and Mario LoGiudice addresses certain sites and properties, and is not framed in an assessment of the draft Strategy Plan and proposed provisions more broadly;
 - Mr Raworth's evidence was filed in January 2022 when the St Vincent's Hospital was proposed with a discretionary height control of 46.5 metres. The evidence records the September 2021 report of the Priority Projects Standing Advisory Committee for development of the Aikenhead Centre for Medical Discovery (ACMD), 27 & 31 Victoria Parade, Fitzroy, recommending a permit be issued for the ACMD with a height of approximately 53.85 metres. Mr Raworth's evidence gives weight to that recommendation and indicates that he gave evidence to that Standing Advisory Committee;
 - not all witnesses (such as Ms Baker) had read the primary or reply evidence of witnesses being called in like disciplines;
- 98.** Community groups made a range of powerful and convincing submissions based on a fundamental belief in the paramountcy of the UNESCO citation, a fear and suspicion of 'creep' where this implies reinterpretation, non-compliance and manipulation or cherry-picking by developers of policy and discretionary controls. In acknowledging these

²⁸ The Carlton Residents Association states that it relies on the material by the Friends of the Royal Exhibition Building and Carlton Gardens.

submissions, the Committee are informed by broad UNESCO principles asserting the importance of local community group representation in decision-making and management processes.

2009 COMMITTEE REPORT

99. Multiple parties have referred to the 2009 Committee Report in their submissions and evidence. This report sets out the Heritage Council Committee's considerations in relation to the 2009 Strategy Plan for the WHEA, including submissions.

100. Attention was drawn to various findings and comments in the Committee's report including with respect to the following:

- revisions to the demarcation between areas of 'greater sensitivity' and 'lesser sensitivity' in the buffer, by (among others) transferring three sites from the area of greater sensitivity' to the area of 'lesser sensitivity'. This included part of the St Vincent's Hospital site on the north-east corner of Victoria Parade and Nicholson Street.
- commentary with respect to specific properties, such as the Royal Society site and St Vincent's Hospital.
- commentary with respect to important views and vistas.
- commentary about views with respect to specific locations, such as land north of Carlton Street and the west side of Rathdowne Street.

101. Among its findings and conclusions were:²⁹

"The declared WHEA provides the buffer to ensure the full appreciation of the building that housed and presented the international exhibition can continue from various vantage points outside the world heritage site.

The declared WHEA includes the immediate setting of and important views to the REB and Carlton Gardens as a world heritage place and presents the contemporaneous late 19th century context of the REB and the Carlton Gardens.

*The Committee has therefore formed the view that critical to an appreciation of the world heritage values of the REB and its presentation is an understanding of its scale and placement within the fabric of Melbourne at the time of the International Exhibition movement."*³⁰

102. The 2009 Committee Report is relevant. Various parties seek to reply on findings made by that Committee. The extent to which influential weight can be given by the current Committee to findings and observations made in 2009, must take account various considerations, circumstances and factors including the following:

- the 2009 Committee Report does not cite, refer or make findings with respect to the provisions of section 62L(4) in the *Heritage Act 1995*, which is replicated at section 180(4) of the *Heritage Act 2017*. It therefore appears that this was not the subject of consideration nor weighting in assessing proposed planning scheme amendments.
- changes to the VPP in the past 14 years, including to provisions within zones and to the Planning Policy Framework.
- the ability to consider and take account developments that have been proposed, approved and constructed in the WHEA since 2009, as referred to later.

²⁹ World Heritage Environs Area Royal Exhibition Building and Gardens, Committee Report, April 2009', [pages 17 and 20].

³⁰ World Heritage Environs Area Royal Exhibition Building and Gardens, Committee Report, April 2009', [pages 17 and 20].

- the detailed modelling, evidence-based testing, assessment that underpins the 2022 draft Strategy Plan contrasts with more limited material available and cited in the 2009 Committee report. Notwithstanding some submissions and evidence before the current Committee about the lack of testing and modelling, and arbitrariness of some proposed planning controls with respect to certain sites and locations, most witnesses and many submissions commend the rigor, forensic approach, thoroughness and comprehensive analysis underpinning the 2022 draft Strategy Plan.
- no submitters or witnesses have challenged the relevance or importance, in principle, of views and vantage points assessed in the 2022 draft Strategy Plan that were not part of the 2009 Strategy Plan, notably from the Museum forecourt and Dome promenade.
- nor have witnesses challenged the review of the OUV in the 2022 Draft Strategy Plan. The review states that it was not clear which WHEA attributes directly contribute to the OUV. The review found that these attributes were:
 - views to the REB&CG;
 - low scale and fine grain setting;
 - nineteenth century streetscapes and subdivision pattern;
 - nineteenth and twentieth century architecture;
 - key heritage buildings; and
 - public realm.

103. The 2009 Committee’s recommendations included:

“The world heritage values of the REB and Carlton Gardens and the role of the WHEA as a buffer zone be acknowledged in the State Planning Policy Framework and the Local Planning Policy Frameworks of the Melbourne and Yarra Planning Schemes.”³¹

104. However, there is no such acknowledgement in current State policy. The planning scheme amendments exhibited with the 2022 draft Strategy Plan seek to amend clause 15.03. The Committee refers to this in **Appendix 4**.

105. Some other matters discussed in the 2009 Committee report are referred to in other parts of this report, including the following with respect to mandatory controls:

“As to whether protection of the view lines should be through mandatory or discretionary controls the Committee makes the following comments.

It is generally accepted that height controls should retain a level of discretion unless there are exceptional circumstances. The Panel appointed to hear submissions to Amendment C7 to the Queenscliff Planning Scheme formed the view that Queenscliff was an exceptional case, justifying mandatory height controls. On the other hand, the Bayside C2 and Melbourne C20 Panels did not support the adoption of mandatory controls over the wide areas they were to apply to.

This Committee is of the view that the specific qualities of the REB dome would support the introduction of mandatory height controls if there were clear evidence that views to it would be fully blocked by future development. The Committee has not been provided with sufficient or reliable information to determine precisely at what heights or setbacks future development would fully or partially obscure views to the dome, but it accepts that in some cases, future development on land within

³¹ World Heritage Environs Area Royal Exhibition Building and Gardens, Committee Report, April 2009’, [Summary at page 2 and 27].

the view corridors may not affect views to the dome. In the circumstances, the appropriate course is to include a clear design objective to protect views and to require any future development seeking approval to demonstrate that it will not obscure, partially or fully, the silhouette of the dome from relevant vantage points. Hence, the Committee is of the opinion that the discretion currently contained in the Schedule in the Melbourne Planning Scheme should be retained.”³²

³² World Heritage Environs Area Strategy Plan, Committee Report, p29, April 2009.

Appendix 3

Legal Context and Scope

STATUTORY FRAMEWORK

106. The submitters to this hearing had varied interpretations of, and so approaches to, the scope of the Committee's powers in this process. The Committee discusses these submissions and responds below.

The Heritage Act 2017

107. The starting place for such a discussion must necessarily be the provisions of the Act.

108. The roles and responsibilities of Council in relation to the Strategy Plan and WHEA for the REB&CG are set out in Part 9 of the Act.

109. Following a declaration of the WHEA by the GiC of Victoria, on the recommendation of the Minister,³³ the preparation and provision by Executive Director of a WHSP³⁴ (or an amended WHSP),³⁵ its public exhibition,³⁶ and the receipt of submissions on the Strategy Plan,³⁷ the Heritage Council is then tasked with considering all submissions,³⁸ requesting further information (if required) and conducting a hearing on the WHSP or amended Strategy Plan if desirable.³⁹

110. The Committee (after considering a draft WHSP, any submissions received and any other matters it considers relevant, and conducting any hearing), have a number of key functions. These are set out in section 175 of the Act and include that the Committee *must*:

- adopt the draft plan with or without amendments; and
- give a copy of the draft plan to the Minister for approval as soon as practicable after adopting the draft plan.

111. Following which, in accordance with section 176 of the Act, the Minister *may*:

- approve a WHSP that was adopted by the Heritage Council; or
- approve a WHSP as amended by the Minister.

112. Obligations regarding the approval of related planning scheme amendments for the designated WHEA are set out in section 180 of the Act.

113. Section 180 in summary provides that the Minister *must* prepare and approve amendments to planning schemes:

- to identify that area declared as a WHEA; and
- to give effect to the approved WHSP for that area⁴⁰ as soon as practicable after the approval of the WHSP for the WHEA.⁴¹

³³ Pursuant to section 169 of the *Heritage Act 2017*.

³⁴ Pursuant to section 170(1) of the Act

³⁵ Pursuant to section 177(2) of the *Heritage Act 2017*.

³⁶ Pursuant to section 171 of the *Heritage Act 2017*.

³⁷ Section 172 of the *Heritage Act 2017*.

³⁸ Section 174 of the *Heritage Act 2017*.

³⁹ Section 174 of the *Heritage Act 2017*.

⁴⁰ Section 180(1) of the *Heritage Act 2017*.

⁴¹ Section 180(2) of the *Heritage Act 2017*.

- 114.** Although the PE Act applies to the preparation and approval of amendments pursuant to section 180, the process for a 'WHEA amendment' is tailored to a streamlined procedure with it being excepted from a number of the PE Act provisions. In particular, the preparation and approval of amendments are exempt from considering the social, economic, or environmental effects of the amendment.⁴²
- 115.** An amendment *may also* make any consequential amendments to the planning scheme that are necessary to remove or modify any provisions inconsistent with the approved WHSP.⁴³
- 116.** The Minister *must not* approve an amendment to a planning scheme applying to a declared WHEA if the amendment is inconsistent with the approved WHSP for that area.⁴⁴

COMMITTEE'S FUNCTION AND SCOPE

Summary of Committee's function and scope

- 117.** It is argued by the Executive Director that (inferring from the above provisions and the context of the Heritage Act), that the Committee has two related, yet distinct, tasks:
- it *must* adopt the draft Strategy Plan with or without changes; and
 - it *must* advise the Minister on the proposed planning controls and whether any changes should be made to them in order to give effect to the draft Strategy Plan.
- 118.** Parties have made various submissions as to the extent of the Committee's powers referred to in this report, with differing interpretations claiming that the draft Strategy Plan either should, can or must be adopted, and with respect to the extent of the changes to the Plan which can be made by the Committee. These submissions are discussed further in Appendix 2.
- 119.** The Committee considers that, in relation to the first of these tasks, the Committee is, through express provision of the Act, required to adopt the Draft WHSP with or without amendments. The statutory scheme does not provide an option to reject the draft WHSP, whether amended or not. In deciding whether to make amendments to the draft WHSP, the Committee is not required to balance competing interests or considerations, but rather must seek to ensure the protection of the OUV of the REB&CG are protected and managed. In short, for the purposes of the Committee's statutory task, those values have paramouncy by virtue of section 170(2)(b).
- 120.** In relation to the second task, having regard to the terms of sections 180(1) and 180(4) of the Act in particular, which provide that in preparing and approving an amendment to give effect to the approved WHSP, the Committee, in giving its advice to the Minister, is not required to consider the objectives of planning or the social, economic, or environmental effects of an amendment. In short, in the context of the ministerial scheme amendment process being a confined one, by virtue of section 180, so it is the case that the Committee's task must necessarily be similarly confined when addressing the consequential planning scheme amendments to give effect to the WHSP.

⁴² Section 180(4) of the *Heritage Act 2017*.

⁴³ Section 180(3) of the *Heritage Act 2017*.

⁴⁴ Section 180(5) of the *Heritage Act 2017*.

Task A - Adopting the draft Strategy Plan with or without changes

121. Some submitters have suggested that the draft Strategy Plan must be abandoned altogether for lack of strategic merit, some asserting that the draft Strategy Plan falls short of what would be required to ensure that the world heritage values of the REB&CG are protected and managed. Others have submitted that the proposed planning scheme amendments go too far and so are unwarranted.
122. On the other hand, the Executive Director submits, given the precise wording in section 175(1) of the Act, specifically the use of the word ‘*must*’ means that the Committee is unable to decline to adopt the draft Strategy Plan, and any submissions by parties that the Strategy Plan should be abandoned must be rejected.
123. The Executive Director acknowledges that the Committee may, however, choose to amend the draft Strategy Plan, either in response to submissions or of its own motion. The Committee has considered all submissions in arriving at its own conclusions, but agrees with the Executive Director that section 175(1) of the Act limits the powers of the Heritage Council, such that the Heritage Council is required to adopt the draft Strategy Plan (albeit with or without changes).
124. Irrespective of the concerns with the draft Strategy Plan identified throughout this report, the Committee recommends that the draft Strategy Plan be immediately adopted, and implemented into the planning schemes with changes as recommended for the WHEA as safeguards to protect REB&CG so as to ensure the OUV are protected and managed.

Scope of changes proposed to the draft Strategy Plan

125. In relation to the scope for the changes proposed to the draft Strategy Plan, the Committee considers that its powers are broad. The Committee accepts the Executive Director’s submission and reliance on findings of the Supreme Court in *Mondib Group Pty Ltd v Moonee Valley CC*⁴⁵, that given the absence in the Act of any express constraints on the scope of amendments that can be made, the only obvious legal restriction on the ability of the Committee to make amendments is that draft Strategy Plan as amended, must continue to meet the minimum requirements of a WHSP under section 170(2) of the Act.
126. The Committee also concludes that given the unrestricted operation of sections 172 and 174 of the Act with respect to making of written submissions on the draft Strategy Plan, and the duty of the Committee to consider such submissions, it necessarily is within the lawful scope of the Committee’s power to consider and agree with such submissions which address the need to amend the draft Strategy Plan. It logically follows that such possible amendments can extend beyond that which was contained within the draft Strategy Plan and which are, in effect, invited by a process which empowers the Committee to amend the draft Strategy Plan and consider submissions which respond to that power to amend.

Matters the Committee can consider in the assessment of the draft Strategy Plan - What focus should the draft Strategy Plan have?

127. The Executive Director submits that the Committee’s task is *not* to strike a balance between planning objectives, rather “properly construed, the Act manifests an intention

⁴⁵ [2021] VSC 722, [69].

that the protection of world heritage values should override other considerations”⁴⁶ and the Committee “must seek to ensure the protection of the world heritage values of the Building and Gardens”⁴⁷ by adopting within the draft Strategy Plan strategies for the appropriate use and development of the WHEA.

128. It is submitted by the Executive Director that it would be an error of law to approach amendments on the basis that the Committee was required by law to afford significant weight to other planning objectives beyond protection of world heritage values. It is well to keep in mind that the primary purpose of the Act is to “provide for the protection and conservation of the cultural heritage of the State”.⁴⁸ Additionally, for the purposes of World Heritage, Part 9 of the Act is, effectively, a stand-alone statutory scheme sitting within the Act which is intended to provide the means to meet the purpose found in section 1(f) to provide for the management of places included in the World Heritage List.
129. Conversely, MCC, St Vincent’s Hospital, and landowners in the CBD submit that the draft WHSP has struck the wrong balance between the protection of the outstanding values of the REB&CG and the achievement of other land use and planning objectives. Mario LoGiudice submits that the Executive Director’s interpretation is overly narrow and that other parts of the Act (including the section 170(2)(b) use of the terms “protected and managed”) do not necessarily mean that no considerations other than World Heritage are relevant to meeting the requirements set out in 175(1). They note that section 174(1) requires that the Council *must* consider all submissions, as well as any other matters it considers relevant, without fettering the breadth of the discretion of these powers.
130. In relation to the sections of the PE Act excluded by s180(4) of the Heritage Act, they argue that these are largely procedural in nature and included only to avoid confusion over process. They identify that section 12(1)(b) of the PE Act is not excluded and that it lists a duty and power of planning authorities to “provide sound, strategic and coordinated planning of the use and development of land in its area”. They also refer to section 11(1)(p) of the Heritage Act which, they assert, identifies that the Council:
 - “*may perform any other function not being derived exclusively by reference to the Heritage Act which imports a requirement of the council balance of relevant considerations of matters beyond World Heritage.*”
131. Ms Robertson, on behalf of GICA and St Vincent’s argued that because the draft Strategy Plan and planning controls were based on a basis of balance to be struck, that the Committee should also adopt a traditional balancing approach.
132. The Committee agrees with the Executive Director’s recommended approach. Read together, various parts of the Act manifest a clear intention that protection of world heritage values should override other considerations, including the usual planning considerations when considering the draft Strategy Plan. The Committee considers that the following provisions of the Act are particularly relevant:
 - Section 170 which sets out the requirement to prepare a WHSP. It provides that the WHSP must, relevantly, “set out strategies for appropriate use and development” of the WHEA. The express purpose of these strategies is identified

⁴⁶ See p8 of the Executive Director’s hearing submission, dated 11 April 2023.

⁴⁷ Ibid, p7.

⁴⁸ Section 1(a) of the *Heritage Act 2017*.

as being ‘to ensure that the world heritage values of the listed place are protected and managed’. Nothing in section 170(2)(b) of the Act states or implies that that objective is qualified by the need to consider or advance any other goal. Use of the term ‘appropriate’ here means appropriate for the task of achieving a state of use and development within the WHEA that is compatible with the protection of the World Heritage values of the Building and Gardens. As such, achieving such an outcome is consistent with the purposes of the Heritage Act generally, as they relate to the protection and conservation of cultural heritage.

- Division 2 of Part 9 of the Act does not confer discretion on decision-makers to decide whether to protect the values of the WHEA. Instead, the legislative scheme imposes sequential duties and prescriptive steps aimed at protecting those values.⁴⁹
 - Section 180 of the Act is mandatory and requires the Minister give effect to the WHSP. Importantly, section 180(4) excludes consideration of a broad range of matters which would ordinarily be required to be considered, and processes that would normally be followed, in preparing an ordinary planning amendment and which would be considered at any subsequent panel hearing.⁵⁰
 - Section 180(5) of the Act which prohibits the Minister from approving a planning scheme amendment which would apply to a WHEA where the amendment is inconsistent with the approved WHSP. In this way, the Act prevents the implementation of any subsequent planning scheme amendments which would be inconsistent with the WHSP, even if it was considered that such an amendment might produce a community benefit in other respects.
- 133.** Properly construed, these provisions of the Act found in Part 9 together manifest a clear intention that the protection of World Heritage values should override all other considerations.
- 134.** All other objectives are similarly directed solely to the protection and management of cultural heritage of the State and, unlike the PE Act, does not deal with general land use or specifically seek to balance competing objectives.
- 135.** In addition, the Committee concurs with submissions made by the Executive Director with respect to Part 9 of the Act. The Committee agrees that it is significant that this Part seeks to give effect to obligations imposed by the Convention. Again, Part 9 of the Act, properly interpreted, supports a prioritisation of the protection of World Heritage values over other planning considerations, consistent with the international significance of world heritage sites recognised in the ‘Preamble’ and the duty imposed by Article 4 of the Convention (summarised in **Appendix 1**). The Committee notes, in particular, the intention that the State party will do ‘all it can’ to protect and conserve world heritage values. In that context, there is no surprise that the protection of world heritage values is given paramountcy.

⁴⁹ See 170, 175, 176 and 180 for instance.

⁵⁰ Section 180 (4) relevantly excludes the operation of the following provisions of the Planning and Environment Act: Section 12(1)(a) which ordinarily requires a planning authority to ‘implement the objectives of planning in Victoria’, Section 12(2) which ordinarily requires the planning authority to consider, among other things, the Victorian Planning Provisions, and the environmental, social, and economic effects of the amendment; and Divisions 1 and 2 of Pt 3 which ordinarily require the conduct of a panel hearing to consider submissions and make recommendations on the merits of the amendment and provides for the Panel to make recommendations.

136. The Committee did not find submissions made on behalf of Mario Lo Giudice persuasive, in particular the statement “the sections excluded by s 180(4) of the Act are “largely procedural in nature” and merely “to avoid confusion”. The Committee considers that this is a misinterpretation of those provisions of the Act. Again, it is clearly the case that the Legislature enacted Part 9 of the Act with a manifest desire to prioritise the protection of the OUV.
137. Overall, the Committee agrees with the Executive Director that the statutory framework provides no room for a balancing of the protection of the values of the REB&CG with the achievement of other policy objectives. Rather, it is focused exclusively on the protection of the OUV of the REB&CG, and in the WHEA.

Basis of the draft Strategy Plan and the ‘light-touch’ approach

138. The Executive Director’s submission that “the statutory framework provides no room for a balancing of the protection of the values of the Building and Gardens with the achievement of other policy objectives” and that “rather, it is focused exclusively on the protection of the values of the Building and Gardens” was made clearly and effectively. Given the primary obligation evident for the protection of World Heritage values to be at the forefront of consideration, the Committee is at a loss as to why Heritage Victoria, a statutory body created by the same Act, did not adopt such a position as a starting point for drafting the WHSP.
139. Instead, the Executive Director adopted a ‘light-touch’ approach. It justifies this by explaining that “people have a qualified right to develop their land and we should not seek to restrict that any more than is reasonably justified”. The Executive Director submits that it has approached the drafting of the WHSP and consequential amendments with a view that continued development should be allowed as long as it’s consistent with the protection of the OUV of the REB&CG.
140. Considering the Committee’s findings explained above that the draft Strategy Plan should be focused exclusively on the protection of the values of the REB&CG, the Executive Director’s ‘light-touch’ approach is questioned.

Task B - Advise the Minister on the draft controls and any changes required to give effect to the draft Strategy Plan

141. Part of the role of this Committee is to advise whether any changes should be made to the two planning schemes, the Melbourne Planning Scheme and the Yarra Planning Scheme, in order to give effect to the WHSP. As with the draft Strategy Plan, it is open to the Committee in its deliberations to determine whether to recommend that the scheme controls be changed, in the context of changes to the WHSP.
142. As with changes to be proposed to the draft Strategy Plan, many of the submissions and much of the evidence before the Committee proceeded on the basis that the proposed planning controls are, in effect, standard planning scheme provisions – as opposed to a statutorily mandated amendment intended to implement the WHSP if approved – and that the achievement of objectives relating to world heritage has to be balanced against other objectives.
143. For similar reasons to those canvassed in relation to the Committee’s powers in relation the draft Strategy Plan above, the Committee considers that the approach proffered in these submissions to be erroneous, and that submissions and evidence

premised on that approach should be treated with caution. This conclusion is apparent from:

- section 180(1) which provides that the Minister must prepare and approve an amendment to give effect to the approved WHSP; and
- section 180(4) which provides, among other things, that the Minister when preparing and approving an amendment is not required to consider the objectives of planning or the social, economic, or environmental effects of the amendment.

144. As with the WHSP, the assessment of the appropriateness of the planning controls must be approached on the basis that they are intended to give effect to the approved WHSP and the stringency of the controls required to achieve that outcome should not be moderated by consideration of other planning objectives. An amendment under section 180 is not intended to, and not required to, balance competing objectives in favor of net community benefit. This is reflected particularly in section 180(4) of the Act which provides that certain provisions of the PE Act do not apply to the preparation and approval of an amendment under section 180(1) of the PE Act.

145. In particular:

- there is no obligation on the Minister to ‘implement’ the objectives of planning in Victoria in preparing and approving the planning controls. This is significant because it is the objectives which set out the range of goals which planning in Victoria ordinarily seeks to achieve. Exclusion of the need to implement these objectives confirms an intention that amendment must be focused on giving effect to the WHSP; and
- there is no obligation on the Minister to take into account the environmental, social, or economic effects of the amendment. In a context where the Minister is required to give effect to the WHSP, the exclusion of these considerations again points to an obligation to give effect to the WHSP regardless of other potential consequential impacts.

Proposed application of mandatory controls and ‘procedural fairness’

146. Procedural fairness arguments have been raised by some submitters in the context of the discretionary height controls which some experts have suggested should be made mandatory⁵¹. Some submitters have argued that it would be unfair and breach the administrative law principle of natural justice for the Committee to recommend mandatory height controls be approved where discretionary heights were proposed and exhibited to the public.

147. Specifically, GICA at hearing submitted that being:

“asked to adopt mandatory rather than discretionary controls in circumstances where discretionary controls alone were exhibited, an evident issue of fairness arises both in relation to those who elected not to participate in this process on the basis that they were satisfied with discretionary controls proposed, and in relation to submitters whose only guidance regarding how

⁵¹ Ms Hodyl brought by the Executive Director and Ms Roberts brought by the City of Yarra have separately suggested that discretionary control be converted to mandatory controls in relation various areas.

*they should proceed with their case before the Committee was on the basis of the exhibited material.*⁵²

- 148.** RGM also made brief reference to procedural fairness in their submissions⁵³ - submitting that any submissions or evidence suggesting that building height for DDO6 be made mandatory “should be rejected (on procedural fairness grounds alone)”. At hearing, Mr Connor was pressed by Committee as to what this might mean for its deliberations. His response in summary was, paraphrased, that the strategy plan and controls which were the subject of notice did not contemplate a change to DDO6, which suggests that DDO6 is doing the work that is required. It was suggested that, as a consequence of the exhibited document, parties did not prepare their case to consider an alternative basis and other parties might have chosen not to submit to the hearing on that basis.
- 149.** In closing, the Executive Director responded to these submissions noting that what was being submitted by RGM was a proposition that the Committee shouldn’t consider submissions and experts opinions in favor of mandatory controls for their site, but instead ask that particular controls permitting specific development for the RGM site be considered. It was submitted that, *“fairness is not an abstract concept – the concern with the law is to avoid practical injustice”*. The proposed controls have been in the public domain since September 2021, and albeit for some sites, proposed discretionary controls, it cannot be said that parties have not been on notice for 18 or so months. The Executive Director submitted that this was ample time for all affected to make forensic decisions about how to run their case. In their view, there was no practical injustice here.
- 150.** The Executive Director also referred the Committee to Supreme Court’s consideration of *Lend Lease Apartments (Armada) Pty Ltd v Stonnington City Council*⁵⁴ in relation to a proceeding brought under section 39 of the PE Act for an apparent defect in procedure. In that matter, Lend Lease alleged that the Council failed to accord it or any other person an opportunity to make a submission about the changed amendment (the amendment referred to the Minister for approval differed from what Council adopted (and had exhibited)). The Tribunal found that grounds alleging failures by the Council to accord procedural fairness failed. In its finding that there was no failure to accord procedural fairness, the Tribunal in summary found:
- That it was relevant that Lend Lease was given the opportunity at the panel hearing to be heard about both the exhibited and proposed versions of the Amendment, and took that opportunity.
 - Lend Lease was aware by the commencement of the panel hearing of the Council’s (and panel’s) views on the height issue. Lend Lease presented submissions to the panel about the proposed changes.
 - Equally, Lend Lease was aware, or should have been aware, that other submitters before the panel were still pursuing submissions in relation to the exhibited Amendment and contrary to the proposed changes. Lend Lease was not denied the opportunity to be heard in relation to the Amendment as exhibited, or in relation to the proposed changes.

⁵² Further hearing material – circulated by Carly Robertson for GICA.

⁵³ Paragraph 12 of Royal Garden Manor’s written Hearing Submissions.

⁵⁴ [2013] VCAT 1663.

- Fourthly, VCAT accepted that Lend Lease:

“may well have made a decision – encouraged by the Council’s conduct - to run its case before the panel in the belief that the Council was no longer supporting the exhibited 17-metre height limit or 250-dwelling density restriction. However, there is no evidence to suggest that this was not the Council’s true and considered position on the Amendment at that time...Lend Lease’s underlying concerns really arise from the Council’s subsequent and anomalous reversal of that position after the panel hearing, rather than through any failure by the Council to comply with the P&E Act at the time of the panel hearing.”⁵⁵

- 151.** The Committee considers these findings are instructive. The Committee considers there is no basis for submitters to assert that they had not been afforded procedural fairness if the Committee were to recommend, and the Minister approve, mandatory controls for their property, where initially discretionary controls were sought and exhibited by the Executive Director. These submitters have been mostly present throughout the hearing to hear and respond to evidence and submissions calling for mandatory controls for certain areas.
- 152.** Some landowners might have presumed that because discretionary controls were exhibited (and recommended for adoption by Heritage Victoria), that it is unlikely that more stringent controls would be applied. However, owners were, or should have been aware, that other submitters before the Committee could and would make submissions contrary to what was proposed in the exhibited amendment.
- 153.** It is relevant to consider the context provided by the Heritage Act. Specifically, Section 180(4) of the Act excludes the rights you would ordinarily have with ordinary scheme amendments – if the Legislature had intended people to be heard on the WHEA scheme amendments, beyond the Part 9 statutory scheme, the exclusion of the usual notice provisions in Division 1 of Part 3, the usual procedure under Division 2 of Part 3, and the removal of the VCAT review procedure found in sub-sections 39(1)-(4), would not have been included in section 180(4). Of those sections, the Committee notes that section 20(4) of the PE Act is also exempted.⁵⁶ That means that any amendment which is sought to the planning scheme in order to implement the WHSP, is not required to meet the test in section 20(4) of the PE Act.

⁵⁵ *Lend Lease Apartments (Armadale) Pty Ltd v Stonnington City Council* [2013] VCAT 1663.

⁵⁶ Section 20(4) of the PE Act is used to exempt a planning scheme amendment from the usual notification requirements required under sections 17, 18 and 19 of the PE Act and the regulations where “the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.”

Appendix 4

Strategic basis of draft Strategy Plan and controls

SUMMARY OF STRATEGY PLAN METHODOLOGY

- 154.** This section discusses the rationale and methodology of the draft Strategy Plan to determine proposed heights and configuration of the DDOs.
- 155.** The draft Strategy Plan and accompanying framework is grounded in the role and function of the WHEA:
 - retain scale contrast between the REB and the finer grained WHEA (both in relation to building scale, block sizes and street patterns);
 - protect key views to the REB&CG which allows appreciation of the dominating presence of the REB and views to the gardens; and
 - enable views out of the REB over the city and from the Carlton Gardens to the substantially 19th century context.
- 156.** The draft Strategy Plan considers the most important elements which directly influence the REB&CG OUV:
 - to maintain visual prominence of the REB&CG; and
 - maintain the monumental quality and scale contrast of the REB&CG
- 157.** The following design principles were identified:
 - protecting the primary aspect/prospect views from/to the REB and Gardens;
 - retaining the predominantly low scale setting to the north of Victoria Street;
 - considering significant/consistent heritage streetscapes;
 - retaining open streetscape settings along the WHEA parameter (north of Victoria Street); and
- 158.** Visual dominance of the Dome and open space view of the Dome from primary vantage points. The draft Strategy Plan, supported by Appendix 1 Visual Framework and Testing which involved:
 - literature review of views and vistas analysis, documentation and assessment;
 - desktop analysis of zone and visual influence;
 - identification of aspect and prospect views;
 - identification and definition of primary, secondary and supporting views;
 - site visits and series of photomontages;
 - assessment of view types and identification of sensitive area for built form testing; and
 - built form (3D massing) testing of sensitive view lines.
- 159.** Seven categories of views were identified and categorised as 'Primary', 'Secondary' and 'Supporting'. The Primary views are those considered to require protection.
- 160.** A fundamental difference from the 2009 Strategy is that the views within the Gardens were not previously considered. These are the Category 5 views (viewpoints 5A, 5B

and 5C) from along the forecourt of the Museum, considered where people congregate.

161. Category 6 views are supporting views, contextualising the local 19th century streetscape setting at ground level.
162. Category 7 views are elevated views from the Dome. While no key viewlines are proposed, they are identified as supporting views.

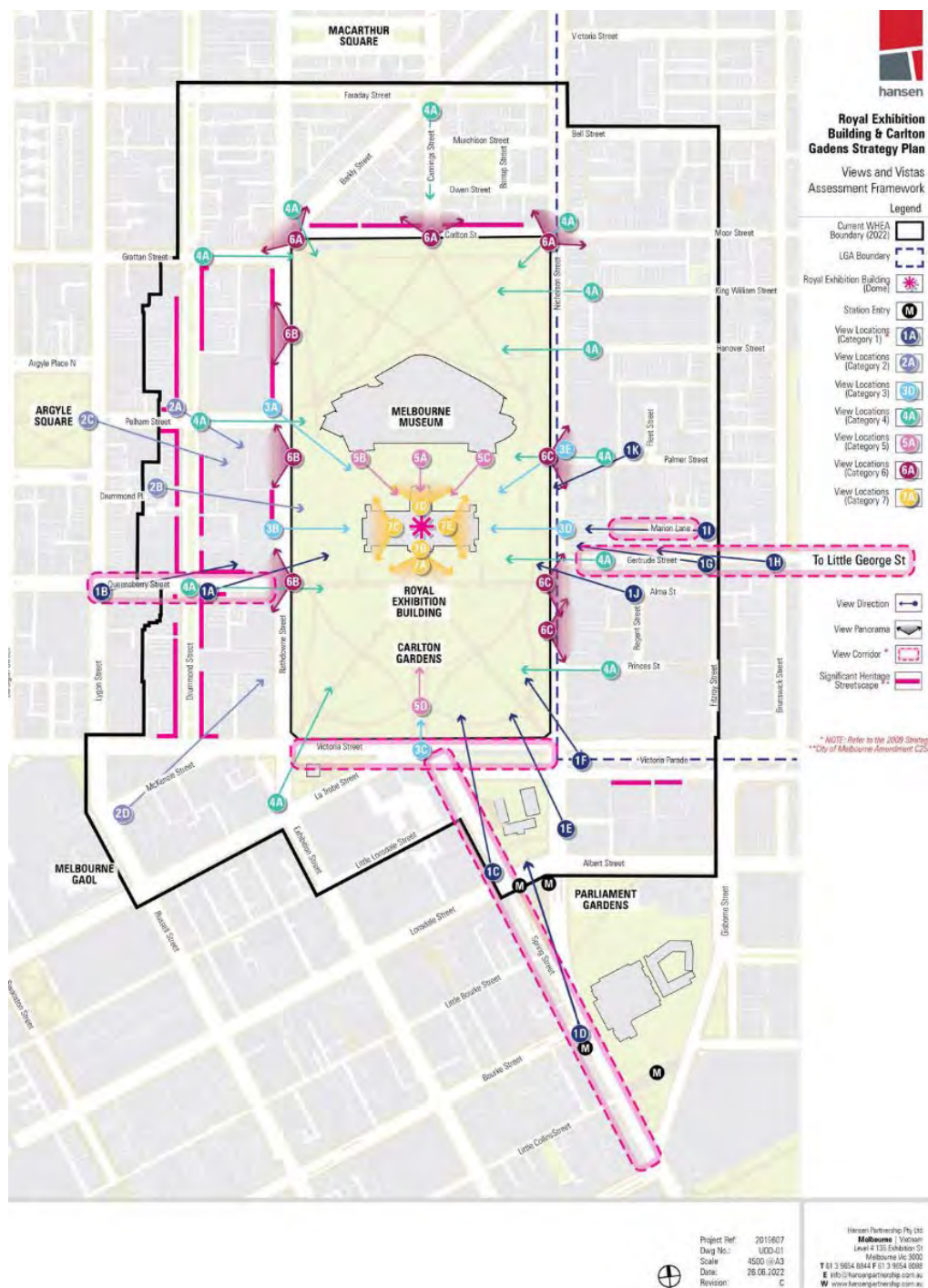


Figure 5. Views and vistas identified in the draft Strategy Plan.⁵⁷

⁵⁷ Extracted from page 9 of Ms Hodyl's Evidence.

- 163.** The Urban Design Assessment was grounded on the role of the WHEA: to protect the OUV of the REB&CG. The approach to the nominating heights as proposed by the draft Strategy Plan was informed by views and vistas, as well as the existing prevailing urban structure, as summarised as 'low rise', 'lower-mid', 'taller-mid' and 'high rise'. Recognising the existing structure, the authors of the draft Strategy Plan (Hansen Partnership Pty Ltd) described the approach to recommended height controls as 'light-touch', both in the context of statutory controls chosen but also heights that generally reflect the existing built form or existing height controls (in the low rise/mid rise areas), or allowing for higher buildings but retaining aspect views and clear-sky backdrop (in the high rise and taller midrise areas).

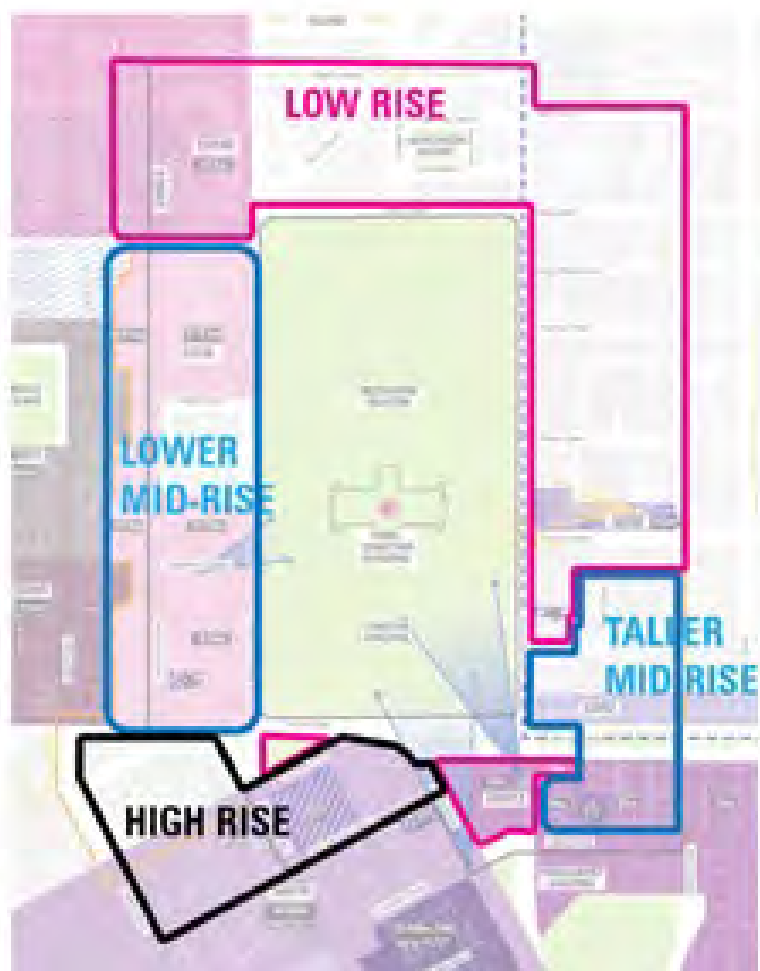


Figure 6. Prevailing urban structure of the WHEA⁵⁸

⁵⁸ Extracted from page 22 of Ms Waty's Evidence.

DESCRIPTION OF WHEA AND HEIGHTS

164. Below is a summary of the maximum building heights within the WHEA based on assessment through the Visual Framework as part of the preparation of the Strategy Plan:

- In the northern part of the WHEA, bounded by Drummond Street, Carlton (western boundary), Faraday Street, Carlton and Bell Street, Fitzroy (northern boundary) and Fitzroy Street, Fitzroy (western boundary) is identified as 'Low Rise' with mandatory maximum heights of 9 metres (where zoned NRZ) and 10.5 to 11 metres (where land is zoned GRZ).
- In the western part of the WHEA, bounded by land west of Drummond Street, Grattan Street, Rathdown and Victoria Street, is identified as Lower-Mid rise with discretionary maximum heights ranging 8 to 16 metres.
- In the southern part of the WHEA, bounded by Victoria Street, Melbourne, La Trobe Street and Russell Street discretionary heights and mandatory heights (10 metres above discretionary) are proposed. Heights range from 71 metres to 127 metres, depending on location and visibility from the REB forecourt. No designated height controls are proposed for the Royal Society land which is identified as 'Low rise'. Further west, also identified as 'Low-rise', the Royal College of Surgeons site contains a discretionary maximum height of 15 metres. Still south of Victoria Street, further east again, discretionary heights from 25 metres to 74 metres apply.
- In the eastern part of the WHEA, identified as Low-Rise from Bell Street, Fitzroy to land fronting and south of Gertrude Street, range of mandatory heights of 9 to 10.5 metres (for land within NRZ and GRZ), discretionary heights of 11.2 metres along Gertrude Street and 13.5 metres (for land in C1Z fronting Nicholson Street, south of Gertrude Street). In the southeastern part of the WHEA, occupied by St Vincent's Hospital, a discretionary maximum height of 53.9m is proposed.

- 165.** Some of the above heights are already enshrined in existing DDO height controls, whilst others are new, proposed through the draft Strategy Plan.

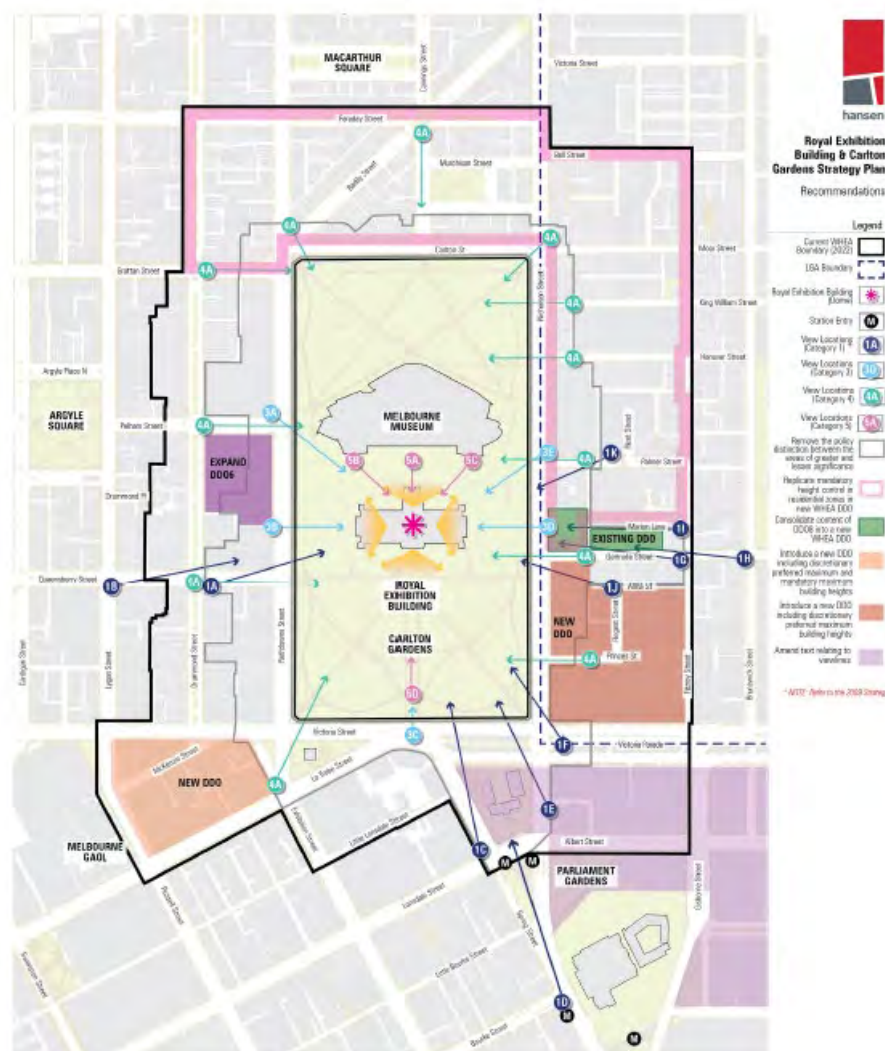


Figure 7. Summary of recommendations in draft Strategy Plan - extracted from page 102 of the draft Strategy Plan.

CONFIGURATION OF DESIGN AND DEVELOPMENT OVERLAYS WITHIN THE WHEA

- 166.** This part of the Committee's report addresses the proposed DDO controls within the WHEA.
- 167.** Although the WHEA is 'one place', the Strategy Plan proposes a series of DDOs, utilising a combination of existing and new DDOs as below:

City of Melbourne

New Design and Development Overlay 'World Heritage Environs Area'

- 168.** Implement a new Design and Development Overlay to apply to the entire WHEA within the City of Melbourne, and with targeted built form controls for land north of Grattan and Carlton Streets; and south of Victoria Street and west of Exhibition Street, to include:
- Design objectives and decision guidelines to protect the World Heritage values and prominence of the REB&CG;

- AREA 1 – apply mandatory building height controls of maximum 9 metres (replicating the current mandatory maximum height controls of the NRZ3);
- AREA 2 – apply mandatory building height controls of maximum 11 metres (replicating the current mandatory maximum height controls of the GRZ1; and
- AREA 3 – Apply a preferred maximum and mandatory maximum building height controls to 20 specific sites in the Mixed Use Zone west of Exhibition Street (bounded by Victoria Street, Russell Street and La Trobe Street).

DDO6 ‘Carlton Area’

- 169.** Extend Design and Development Overlay Schedule 6 of the Melbourne Planning Scheme to include properties at 15-31 Pelham Street, 107-151 Rathdowne Street and 110-150 Drummond Street, Carlton.
- 170.** Amend Design and Development Overlay Schedule 6 of the Melbourne Planning Scheme to update the structure of the schedule consistent with the Ministerial Direction – The Form and Content of Planning Schemes.

DDO48 Central Carlton North

- 171.** Part of DDO48 ‘Central Carlton North’ is located in the north-western corner area of the WHEA bounded by Grattan, Rathdowne, Drummond and Faraday Streets. Within the GRZ1, DDO48 includes a mandatory maximum building height of 10.5 metres. It is noted that the proposal does not seek to Delete DDO48 and replace it within the new DDO WHEA, however the Map in Figure 9 of the draft Strategy Plan contradicts this. It appears that it is proposed to be retained.

DDO13 ‘Parliament Area’

- 172.** Amend Design and Development Overlay Schedule 13 of the Melbourne Planning Scheme to: update the structure consistent with the Ministerial Direction – The Form and Content of Planning Schemes and to include specific outcomes to address key views from designated vantage points.
- 173.** Update Table to Schedule 13 Outcomes for area 26 (which applies to the Royal College of Surgeons site to:
- protect views of the Drum, Dome, Lantern and Flagpole of the REB at north west corner of Lonsdale Street; and the north eastern corner of Nicholson St and Evelyn Place.
- 174.** Add an outcome to retain ‘clear sky view’ to the Drum, Dome, Lantern and Flagpole of the Royal Exhibition Building from the nominated primary vantage points

City of Yarra

New Design and Development Overlay ‘World Heritage Environs Area’

- 175.** Implement a new Design and Development Overlay to apply to the entire WHEA within the City of Yarra to include: design objectives and decision guidelines to protect the World Heritage values and prominence of the REB&CG;
- AREA 1 – apply discretionary building height controls to replicate the built form controls of existing Design and Development Overlay Schedule 8 (discretionary height of 11.2 metres);
 - AREA 2 – apply mandatory building height controls of maximum 11 metres (replicating the current mandatory maximum height controls of the GRZ3);

- AREA 3 – apply mandatory building height controls of maximum 9 metres and 10.5 metres (replicating height controls of the NRZ1 (9 metres) GRZ1 (10.5 metres) and GRZ2 (9 metres);
- AREA 4 – apply discretionary height controls of 13.5 metres (C1Z land bounded by Princess, Regent, Gertrude and Nicholson Street); and
- AREA 5 – apply discretionary maximum building height of 53.9 metres for the St Vincent’s Hospital Site (PUZ).

DDO8 ‘Gertrude Street’

- 176.** Delete Design and Development Overlay Schedule 8 from Yarra Planning Scheme which currently applies to properties to the north side of Gertrude Street between Nicholson to Fitzroy Streets.

SUBMISSIONS ON THE DDO CONTROLS

- 177.** All of the written submissions received raised the issue of methodology and proposed height controls either directly or indirectly. Submitters presenting at the hearing addressed the issue of these controls in more detail and in some cases expert evidence was called.
- 178.** In particular, in assessing the proposed DDOs, this has included consideration of specific locations and sites that have been the subject of submissions and evidence as follows:
- Rathdowne Street west side and beyond including Nos. 57–65 Drummond Street and Nos. 1–23 Rathdowne Street, Carlton;
 - Northern residential area, north of Carlton Street and Pelham Street, including 83–93 Faraday Street;
 - 20 Latrobe Street, Melbourne;
 - 380 Russell Street, Melbourne;
 - Royal Society of Victoria site; and
 - St Vincent’s Hospital sites.



Figure 8. Map showing specific sites considered when assessing proposed DDOs. Specific sites represented by blue stars and outlined in red (where multiple sites encompassed).

179. The main issues were:

- whether height controls should be mandatory or discretionary;
- whether the height controls were appropriate and are strategically justified;
- whether the DDOs provide enough controls over building form, including upper level, side setbacks and street wall heights;
- the composition of the DDOs (and layering of DDOs); and
- whether the decision guidelines are relevant (in the context of more contemporary sites) or adequately protect heritage streetscapes.

IS THE STRATEGIC BASIS FOR BUILT FORM CONTROLS ADEQUATE?

180. This section deals with the general approach of the draft Strategy Plan. Detailed submissions and consideration of each area are discussed in the respective area-focused DDO section of this report.

Evidence and submissions

- 181.** Ms Hodyl, who undertook a peer review of the draft Strategy Plan considers the method of identification of views to the REB&CG as robust and is satisfied with the methodology. She considers the method of classifying the views and their relative importance in the WHEA to be clear and logical.
- 182.** Ms Hodyl supports the Category views 1, 3, 4A and 5 as primary view priorities for protection.
- 183.** Ms Hodyl identified the drafting error on the maps in the draft Strategy Plan whereby the direction of the arrow for the 4A view on Drummond Street is pointing in the wrong direction. Views 6A, 6B and 6C are also wrongly labelled. it is important that the errors to 4A are rectified as it is a Primary view.
- 184.** Ms Hodyl also considers that, in the policy and DDOs accompanying the draft Strategy Plan, reference to views is split across policy and DDOs which is confusing, and view 4A is omitted altogether.
- 185.** Ms Hodyl recommends:
 - all Primary Viewing locations should be included in the local policies and not the DDOs. The proposed DDOs complement the policy by providing controls that align with protection of these views;
 - the omission of all 4A viewing locations is an oversight which should be addressed. All viewing locations should be incorporated (as relevant) into the local policies for the City of Melbourne and the City of Yarra as per the recommendations of the draft Strategy Plan;
 - all Primary Viewing locations should be included in the recommendation; and
 - fixing the view location labels in the Plan for 4A, 6A, 6B and 6C in the draft Strategy Plan.
- 186.** With regard to Area 3 in the Melbourne WHEA DDO, Mr McPherson advises that he was not aware of any direct precedent in Victoria for type of precise, site-based planning control nominating building heights for each individual property that is being proposed. He cites the Shrine Vista control, which establishes a 3-dimensional ‘plane’ which buildings must not encroach, and London, where controls require maintenance of visibility to the dome of St Paul’s Cathedral from various viewpoints across the city. These provisions have informed building heights in the Kings Cross redevelopment, for example. However, he considers it excessive to nominate such specific preferred and mandatory heights which vary by 1m between sites in some cases. Further, given the advanced state of development in Area 3, with apparently limited further development potential, the application of specific, site-based height controls is unnecessary. He recommends a simpler approach to heights for Area 6 (which forms part of DDO13).
- 187.** In the context of the existing built form setting and the potential built form in the block east of Area 3 (which currently contains the Shangri La building), Mr McPherson questions the applicability and usefulness of specific site-based height controls in one block, while adjacent blocks with different controls are likely to have greater visual impact – and also questioned the credibility and efficacy of such precise height controls (as little as 1m differences between adjacent sites), in consideration of the visual impact of buildings from viewpoints over 500m away. He suggests that more rigorous controls for setbacks and building separation were required in Area 3, if this is considered effective in managing visual impacts on the REB&CG given the advanced state of development in this block.

- 188.** Mr Glossop considers the strategic basis of the draft Amendment is sound, but its translation into the exhibited planning policies and controls requires further thought. He sees merit in capturing the whole WHEA within a purposely developed DDO, but considers there are issues with the proposed control including a) how it interacts with existing controls and b) with the strategic basis of the mandatory height controls proposed.
- 189.** Mr Glossop expresses concern that the prescribed heights are derived from only a single consideration (the interface to the REB) while there are other relevant factors to consider, including the future structure of the Hoddle Grid and the role this small section of it, plays within that structure. He considers this proposed change has considerable consequences and that these have not been fully assessed as part of the exhibited draft Strategy Plan.
- 190.** In this context he does not believe that the proposed DDO is well-founded and it should not proceed as draft. While supporting the concept of a new DDO across the WHEA (including to the residential areas north of Carlton Street) to ensure the consistent application of policy and a means of consolidating policy on the WHEA, Mr Glossop considers that more work is required before any such control proceeds.
- 191.** Mr McPherson considers the nomination of precise visibility-based height controls, established from two specific viewpoints, does not reflect the broad range of available viewpoints and perspectives within an expansive public realm setting, as shown above. He considers the establishment of very precise built form controls, based on nominal viewpoints, to be questionable, because the visibility of built form will vary significantly between viewpoints, even when close to each other, and the nominated points are not more important than other points – they do not present particular qualities or characteristics and are not ‘marked’ on the ground. In Mr McPherson’s view, viewpoints that are relatively close to one another in the Museum Forecourt will have quite different perspectives of the city backdrop visible ‘beside’ the form of the Dome built form controls established through a general understanding of the visual implications from a range of localised viewpoints would be more effective, than focussing on very specific viewing positions – as such recommended Develop built form controls for Area 3 based on a general visual assessment from the Museum Forecourt, rather than derived specifically and accurately from selected viewing positions.
- 192.** Mr McPherson questions the rationale of the 10 metre concealment height and that the process and measurements used to determine the ‘concealment height’ and ‘10m above concealment height’ for Area 3 ought to be clarified.
- 193.** He considers that views beyond the WHEA DDO further south of Area 3 should be considered in the context of potential future built form in the CCZ1 area within the WHEA, and therefore recommends that this block be included in the visual testing.
- 194.** In these views, the city buildings behind are clearly set a significant distance back from the REB, and form a clearly distinguishable backdrop. However, as the Visual Testing Report states “development in the north-western pocket of the CBD has begun to encroach on the northern skyline of the REB. Additional tower development in this area threatens to further overwhelm the REB skyline and primacy of the Dome in this view.”
- 195.** Mr McPherson expects that potential massing of the block east of Area 3, bounded by La Trobe, Exhibition, Spring and Little Lonsdale Streets should be modelled, based on existing planning controls in the CCZ1, to indicate potential built form outcomes in this area that is more proximate to the REB than Area 3, as noted above. This would provide a more comprehensive ‘picture’ of potential future built form outcomes in the background to, and above the roofline of, the REB as viewed from the north.
- 196.** Mr McPherson recommends that:

- scenario-based modelling should be undertaken of Area 3 and the broader context of the central city as visible from the WHEA, reflecting a range of potential longer-term development outcomes, based on site-specific analysis of development potential;
 - analysis and testing of these scenarios and the visual implications for the REB& CG, considered from a range of viewing points, to build a broader and more comprehensive 'picture' of the likely visual setting that may emerge through future development, relative to existing conditions;
 - further consideration of Area 3 (Mixed Use Zone) in the context of adjoining Capital City Zone areas, and the relative development opportunities and potential visual impacts; and
 - integration of heritage, planning and design expertise in this evaluation of visual implications, and levels of 'acceptability' of visibility of distant buildings.
- 197.** Both Mr McPherson and Melbourne City Council considered DDO controls to the north over the NRZ and GRZ are an unnecessary duplication of existing zone controls. However he considered, noting that Areas 1, 2 and 3 are proposed to have mandatory height controls applied, that DDO6 in Rathdowne Street should be considered for mandatory provisions or building heights and/or setbacks and massing.
- 198.** Ms Waty concedes that the draft controls have not sought height controls beyond the WHEA and there would be buildings in the 'clear sky view'. When questioned about allowing the 10 metre about the ridgeline, Ms Waty considers that the clear sky view is not intact. The draft Strategy Plan, in trying to balance policy (considering the role of the Central City), is to allow for maximum changes as much as possible but without compromising the OUV. In this context, "some height" variation can be of up to 10 metres above preferred nominated heights in the Mixed Use Zone area to the south.
- 199.** Ms Roberts questions if the draft Strategy Plan provides enough guidance on the acceptable built form outcomes within the WHEA; whether the extent of the WHEA is sufficient to achieve the objectives of the WHEA and whether there is sufficient urban analysis to support any recommendations.
- 200.** To avoid any erosion of significance, and to avoid relying on the hope that each future development achieves a level of architectural excellence appropriate for such recognised sensitivity, Ms Roberts considers more stringent built form controls are warranted. These controls should be grounded in extensive, accurate and appropriate analysis and research to ensure they reflect the site-specific conditions. The planning controls should also support each other across the hierarchy of the Planning Scheme with a DDO being the logical tool for providing the greatest level of detail which in turn supports other local and state policies.
- 201.** Ms Roberts considers the logical extension of the WHEA boundary along Gertrude Street to the corner of Brunswick Street in response to the visual framework mapping, category 1 views, significant nodal status and consistent heritage streetscape.
- 202.** She considered a direct relationship between the findings recorded in Table 1 and the recommendations in tables 04 and 05 to include views 4A, 6A, 6C and 7E is needed rather than omitting these views with no supporting justification.
- 203.** Furthermore, accurate recording of view locations on plans/maps should also be included in the DDO.
- 204.** Ms Roberts recommends further built form testing to ascertain the impact of proposed height and setbacks on the views and vistas. Testing should include varying heights and setbacks to determine appropriate outcomes (eg, 2, 3, 4 and 5 storeys and others (in metres) and 5m, 6m, 8m and 10 metre upper level setbacks). Ms Roberts notes that City of Yarra has undertaken some of this analysis which is included in the supporting documentation to Amendment C271 - DDO31 but not all. Without this

testing, the controls may be subject to debate and extensive legal proceedings (one of the assessment criteria for mandatory controls includes reducing costs imposed on councils, applicants and the community).

- 205.** Ms Roberts considers that the information and level of detail provided in 8.5 Urban Design Principles is inadequate in communicating and assessing the complexities and nuances of urban design elements and their impact on the successful implementation of the strategy. She considers that the five urban principles lack the required rigor to inform justifiable planning controls, especially where mandatory controls are sought. Where they might inform an ‘assessment’ through use of language such as ‘protect’, ‘retain’, ‘consider’, they do not provide answers as to what is acceptable and how built form can meet the requirements. She considers they should be supported by a series of urban design requirements that address these quantifiable elements. They should also be supported by further detail and discussion on the impact detailed design can have on views, vistas and character including elements such as materiality.
- 206.** Yarra City Council explained that they are currently undertaking work through proposed Amendment YarraC271 which informs a new DDO31 over the eastern part of Gertrude Street. This work has been informed by:

 - Brunswick and Smith Street Built Form Review – Background Analysis Report prepared by Hansen Partnership (November 2019);
 - Brunswick Street and Smith Street Built Form Review – Heritage Analysis and Recommendations (25 November 2019) prepared by GJM Heritage;
 - Gertrude Street Built Form Framework (November 2019) prepared by Hansen Partnership in conjunction with GJM Heritage; and
 - Gertrude Street Built Form Review – Heritage Analysis and Recommendations (9 December 2019) prepared by GJM Heritage.
- 207.** As with Ms Roberts, Yarra City Council referred to View 1H which was included in the draft Strategy Plan as an important viewpoint. submitted that The WHEA was not extended along Gertrude Street to Brunswick Street and therefore View 1H falls outside of the WHEA. Much of the extent of the view corridor identified for Gertrude Street also falls outside of the WHEA.
- 208.** Yarra submits that it is unclear why view 1H is not shown or referred to in the proposed DDO when it has been identified as an important viewpoint in the Revised Draft Strategy Plan. While Council recognises that view 1H is not located within the proposed mapped DDO area, this does not mean it cannot be referred to or shown in the DDO. Viewpoints do not have to be located within the area to which the controls apply. Rather, the DDO is intended to control built form within its mapped area, and consideration of the impacts of that proposed built form on an important view or vista, whether the viewpoint is within the same DDO area or not, is entirely appropriate.
- 209.** Council submits that is important as part of the Review that View 1H, along with other views, such as the view corridor along Gertrude Street, are included as part of the new policy and future DDO that would be applied to the Gertrude Street Environs.
- 210.** Mr Barnes explains that his review of the Strategy Plan (2009) established that it has been generally successful in conserving and protecting the World Heritage values of the REB&CG, through managing and controlling development within the WHEA through Local Policies and DDOs. However, the review identified a range of potential modifications and refinements to improve its functional operations to conserve and protect the World Heritage values of the REB&CG.
- 211.** Mr Barnes considers that the extent of built form analysis undertaken is suitable and sufficiently robust to justify the scope of the proposed amendments for built form controls. He acknowledges that (like in all cases of strategic built form work) additional built form investigations could have been undertaken on site by site basis, which in

turn would have created a more nuanced and complex built form control. However, this was not within the scope of the original project. Likewise, the proposed built form controls proposed are considered to be both suitable in scope and clear in intent, in relation to the built form outcomes sought relating to the control and management of development within targeted areas of the WHEA.

DISCUSSION AND CONCLUSIONS

- 212.** The Committee finds that the Urban Design Assessment was soundly based on protecting the OUV of the REB&CG and implications for the WHEA and agrees with this fundamental approach, although is concerned with the ‘light-touch’ approach with some aspects of the Strategy and some aspects of the resulting planning controls.
- 213.** The Committee notes the concerns of the Urban Design experts that more modelling should have been undertaken to inform built-form controls. In terms of heights, the Committee is generally satisfied with the extent of modelling for Area 3, although it does not support the heights specified above concealment height and does not accept the rationale to extend development above concealment height, having regard to the proximity of Area 3 and the effect of close-range development upon the ridge. In this context, mandatory height limits set at the concealment height is a more acceptable proposition.
- 214.** The Committee accepts that “clear sky views” will be impacted to some extent by development beyond the WHEA from the Melbourne City Central City although these views are deeper and will not have the immediate impact that the Shangri-la development has, which the Committee considers an unacceptable outcome. In this context, the Committee does not consider that additional modelling is necessary to inform heights beyond the WHEA in the Central City.
- 215.** With regard to methodology, the Committee finds that urban design considerations for the Strategy Plan are based on strong rationale and rigorous assessment with regard to height. The views analysis provides rationale for the height controls that are being proposed.
- 216.** That said, the Committee agrees with Urban Design experts Ms Hodyl, Ms Roberts and Mr McPherson that upper-level setbacks have not been adequately considered in the draft Strategy Plan. The Committee agrees with Ms Roberts’ proposition that upper level development can impede key views and without this proper analysis and clear controls in place, development, even when it complies with heights may inadvertently impact and indeed, obliterate views that are sought to be provided in the WHEA by the DDO.
- 217.** In this context, the Committee considers that further analysis is required to deal with setbacks. Both Yarra and Melbourne City Councils in their submissions considered that this work was necessary and could be undertaken within their own strategic programs.
- 218.** Furthermore, the Committee notes that Yarra has undertaken a great deal of work to date on built form controls for draft Amendment C271 which applies to Gertrude Street and will supplement the proposed WHEA DDO. The Committee notes that the Planning experts did not have a fundamental issue with “layering” of DDO controls. While this is not ideal, the Committee is cognisant that no time can be wasted to include stronger planning controls in this area with regard to height controls.
- 219.** Furthermore, the Committee considers that a “light-touch” approach is not sufficient to fully protect the heritage values of the REB&CG such that additional statutory mechanisms are needed and warranted. This includes making height controls mandatory.
- 220.** Regarding the expansion of the WHEA to Brunswick Street, the Committee notes that the WHEA boundary was most recently reviewed with minor expansion to the east to encompass the full width of Fitzroy Street, but not further east to Brunswick Street.

That said, the Committee notes that 1H, which is referred to in the draft Strategy Plan is an important view to the REB, and, as with DDO13 (Melbourne) which seeks to protect views “through” the Royal College of Surgeons site to the REB&CG, the Committee considers that heights and upper level setbacks along Gertrude Street needs be set to preserve view 1H. The Committee considers that this work can be undertaken through Yarra’s current strategic program for Gertrude Street which is in train.

- 221.** The Committee considers that additional guidance is required to State, regional and local policy to address insufficient recognition and guidance in relation to the World Heritage sites and the REB&CG in particular.
- 222.** Draft DDOs should also include a consistent approach to building heights on sloped sites as specified in the zone controls.

Recommendation

- 223.** The Committee also recommends the following changes be made to the draft Strategy Plan immediately:
 - fix the view location labels in the Plan for 4A, 6A, 6B and 6C;
 - all Primary Viewing locations should be included in the local policies the DDOs;
 - the omission of viewing locations is an oversight which should be addressed. All viewing locations (including 1H and 4A) should be incorporated (as relevant) into the local policies for the City of Melbourne and the City of Yarra as per the recommendations of the draft Strategy Plan 2022;
 - view 1H be included in the WHEA DDO and Local Planning Policy for Yarra;
 - draft DDOs should be revised to:
 - insert wording that is consistent with dealing with heights on sloped sites.
 - fix the view location labels in the Plan for 4A, 6A, 6B and 6C
 - Local Planning Policy be amended to include all identified View Locations in the Clause 22.21 map, consistent with the (corrected) Strategy Plan’s Views and Vistas Framework map on page 65 of the draft Strategy Plan.
- 224.** In addition to amending the current clause 15.03-1L-01 in the Melbourne Planning Scheme (in lieu of clause 22.21) the Committee finds amendments are required to both the draft Strategy Plan and the exhibited scheme amendments to the Yarra and Melbourne Planning Schemes to:
 - give greater context in regional and local policies as to the purpose of the WHEA and OUV that are sought to be protected, and add a map.
 - give priority to conserving and protecting the OUV of the REB&CG in decision-making for land within the WHEA.
 - refer to key guideline documents by ICOMOS⁵⁹
 - refer to a SoS for the WHEA, which should be included as an incorporated document in clause 72.04 of both planning schemes.
- 225.** City of Melbourne and City of Yarra undertake further work within their strategic programs to prepare setback and street wall height controls. For the City of Yarra, this should also include consideration of View 1H as an important view “through” to the REB.

⁵⁹ ICOMOS Operational Guidelines for the Implementation of the World Heritage Convention (2019) and UNESCO & ICOMOS Guidance and Toolkit for Impact Assessments in a World Heritage Context (2022).

ARE MANDATORY OR DISCRETIONARY HEIGHT CONTROLS APPROPRIATE?

- 226.** A number of submissions on behalf of owners oppose mandatory height controls on individual sites, whilst other submissions argue that discretionary height controls are not adequate.
- 227.** Discussion regarding specific sites is included in the Committee's consideration of specific DDO areas in future sections of this report.
- 228.** The following section considers whether mandatory controls or discretionary height controls ought to apply to the WHEA.

Evidence and submissions

- 229.** Mr Barnes explained the rationale of recommending mandatory height controls within the northern and eastern sections of the WHEA that are zoned NRZ and GRZ. He explained that the current height controls within residential zones were not implemented for the purpose of protecting the setting of the REB&CG. Rather they are a result of ongoing modifications made by successive State governments to a statewide suite of residential zones, to achieve broader residential development and amenity goals. It is noted that mandatory height controls in residential zones did not exist when the 2009 Strategy Plan was prepared. He considers there is a risk that over time the statewide suite of residential zones could be further amended in a manner that had no regard to the operation of those zones within the WHEA, therefore making them less effective in managing residential development around the REB&CG WHEA.
- 230.** In order to mitigate this risk, he considers it appropriate for the existing mandatory maximum height controls contained in the schedules to the GRZ and NRZ the presently exist within the WHEA, to be replicated within the new WHEA DDO. Whilst this would result in a duplication of existing controls contained in residential zones, he considers it is justified on the basis of being a safeguard against future modifications to the standard residential zones. Furthermore, including the height controls in the WHEA DDO was considered to be less complicated than seeking to implement new residential schedules for specific areas.
- 231.** Melbourne City Council does not agree with height controls proposed for the areas in the northern part of the WHEA and agrees with the 2009 Committee's position that:

*"Further north, beyond the central Rathdowne and Nicholson Street zones referred to above and along the northern most boundary of the REB site on Carlton Street the presence of the REB is not obvious and from some locations cannot be viewed at all, even when the deciduous trees are not in leaf. This is due to vegetation and topography but mostly due to the introduction of the Melbourne Museum building."*⁶⁰
- 232.** However, for the DDO6 area, Melbourne City Council considers mandatory height controls are worth pursuing due to "overreach" by applications.
- 233.** Mr Glossop considers the basis for applying mandatory controls over those sections of the WHEA within the NRZ and GRZ is flawed. He submits that it is not possible for the Planning Scheme to plan for any and all future scenarios, nor would that approach be consistent with the relevant practice note on the use of mandatory controls.
- 234.** He considers that if the residential zones were to revert to discretionary building height controls or to allow taller building heights, this would not remove the requirement for a planning permit nor the ability to consider any application on its merits, which would extend to considering the impact upon the WHEA. He considers it unnecessary and not good planning practice to 'double up' on planning controls in this way. If there is a change to residential zones in the future, the Council and others would have the ability

⁶⁰ See page 13 of the hearing submission made by City of Melbourne on 11 April 2023.

to consider the local impact, he considers that this may well trigger various zoning or other changes, but these cannot be anticipated until any varied parameters are known.

- 235.** He notes that existing mandatory controls in the residential zones do not extend to non-residential development and in some circumstances, that might be significant. From viewing cadastral data, however, he observes that the lots north of Carlton Street are relatively small and usually narrow, which will limit the ability for any substantial redevelopment in the future. In his opinion, the combination of existing zones and overlay controls seem capable of managing development within this area, without the need for an additional building height control.
- 236.** He considers, in the context of development of in the northern part of the WHEA, any risk to the REB as very low and believes that the outcomes sought could be managed by objectives, design outcomes and decision guidelines in a new DDO.
- 237.** That said, with regard to DDO6, Mr Glossop considers, given this area's immediacy to the REB, mandatory height controls may be warranted in this location.
- 238.** Ms Baker does not consider that mandatory controls in the Carlton area are justified and they should be deleted. She considers, irrespective of the mandatory height controls embedded in the NRZ and GRZ that the performance-based controls in the Heritage Policy of the Melbourne Planning Scheme provides adequate guidance and protection.
- 239.** With regard to Gertrude Street, Ms Roberts considers the exclusion of mandatory height controls on commercially zoned land does not support the logic behind mandatory height controls on residentially zoned land. If the mandatory heights are being applied to protect character and heritage significance, this significance does not suddenly disappear along the commercial streets. It is her view that this significance is even more prominent along these streets which are under greater threat of inappropriate development outcomes. She submits, that mandatory controls are more appropriate for these areas.
- 240.** In his evidence, Mr Barnes examines Planning Practice Notes 59 and 60. Planning Practice Note 59 – The Role of mandatory Provisions in Planning Schemes ('PPN59'), refers to planning schemes in Victoria being predominately performance based, and to mandatory requirements being the exception. Nevertheless, it recognises that there will be circumstances where mandatory requirements will provide 'certainty and ensure preferable and efficient outcomes'⁶¹
- 241.** Under the heading 'When are mandatory provisions appropriate?' the practice note specifically refers to built form controls such as building heights and setbacks etc, and sets out the following criteria to assist in determining whether mandatory controls are justified:
 - Is the mandatory provision strategically supported?
 - Is the mandatory provision appropriate to the majority of proposals?
 - Does the mandatory provision provide for the preferred outcome?
 - Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
 - Will the mandatory provision reduce administrative costs?

⁶¹ Planning Practice Note 59 - The role of Mandatory Provisions in Planning Schemes, p1, September 2018.

- 242.** Planning Practice Note 60 - Height and Setback Controls for Activity Centres ('PPN60')⁶² provides further guidance in relation to built form controls in activity centres. Relevant comments and directions from that document include the following:
- The application of discretionary controls, combined with clear design objectives and decision guidelines is the preferred form of height and setback controls.
 - Built form controls can be discretionary or mandatory or a combination of both. In some instances mandatory height or setback controls may be appropriate in only particular sections of an activity centre and not the entire activity centre. In these instances, it may be appropriate to include a mix of discretionary and mandatory height and setback controls.
 - Mandatory height and setback controls will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction.
- 243.** Mandatory height or setback controls should only be applied where:
- 'exceptional circumstances' exist; or
 - council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
 - they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.
- 244.** Where mandatory controls are proposed, a council will be assessed against all of the following:
- consistency with state and regional planning policy
 - currency of work – no more than 5 years old
 - capacity to accommodate growth in an activity centre
 - Where mandatory height controls are proposed the strategic justification should include a housing strategy and an activity centre/economic strategy which examines the role of the centre.
 - Exceptional circumstances include significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values.
- 245.** Mr Barnes considers that these above principles and criteria have been generally complied with in relation to the WHEA Strategy Plan (2022):
- The REB&CG is a site of exceptional circumstances. It is a site of designated World Heritage Significance;
 - There are only 20 presently listed UNESCO World Heritage Listed sites in Australia;
 - There are only three building sites listed in Australia, being the REB&CG, the Australia Convict Sites and the Sydney Opera House, and only two listed sites within Victoria (the other being the Budj Bim Cultural Landscape);
 - Exceptional circumstances apply to land within the WHEA, in terms of protecting the world heritage values of the REB&CG. There is no other example in Victoria of a WHEA;

⁶² We understand that PPN60 is currently the subject of review as shown on the Department of Transport and Planning's website <https://www.planning.vic.gov.au/guides-and-resources/guides/planning-practice-notes/height-and-setback-controls-for-activity-centres>.

- The proposed mandatory controls address this exceptional circumstance through the application of appropriate development controls within the WHEA;
 - Background analysis revealed gaps and inadequacies of the current planning policy framework to protect;
 - the unique values of the REB&CG;
 - Comprehensive work has been undertaken to inform the mixed application of mandatory and discretionary heights within the WHEA;
 - Mandatory controls are necessary in some parts of the WHEA to ensure acceptable built form outcomes in relation to the REB&CG;
 - There is a clear logic and rationale as to those parts of the WHEA where mandatory controls are proposed to be applied;
 - Comprehensive strategic work has been undertaken which is able to demonstrate that mandatory controls are appropriate in select areas of the WHEA and they are strategically supported;
 - The built form analysis undertaken has been conducted within the last two years, therefore is recent strategic work;
 - The mandatory controls used within the south-west of the WHEA still allows for buildings of substantial scale, either when assessed under the preferred maximum or the mandatory maximum building height controls;
 - The use of mandatory provisions will ensure the preferred outcomes as documented within the built form analysis; and
 - The mandatory controls will reduce administrative cost as the development scale will be clearly articulated in built form guidance. Discretionary controls have been applied in other parts of the WHEA where a performance-based assessment on a site-by-site basis is a more appropriate planning response.
- 246.** Other submitters representing individual properties strongly oppose mandatory controls and considered that justification was not in accordance with Planning Practice Notes 59 and 60, and the case had not been made to apply them.
- 247.** Other community submitters on the other hand cite risks associated with ‘creep’ arising from discretionary controls, citing for example, Royal Garden Manor where a 46 metre high development is proposed in an area with a discretionary height 16 metres in the City of Melbourne, as well as the precedent for decision-making as a result of the ACU development in the City of Yarra.

Discussion and conclusions

- 248.** The Committee notes that, in some instances, development proposals and approvals have significantly departed from the discretionary height controls, as illustrated by the current Royal Manor Gardens proposal. It appears that the discretionary height limit is not being applied to accommodate for some additional architectural detail or design feature, or to overcome a particular issue on the site such as slope. Rather the discretionary height is being treated as a guide or suggested height, to be reconsidered for reasons that might include design quality or a balance with other planning considerations.
- 249.** The Committee considers that the proposed heights in the various DDOs proposed within the draft Strategy Plan are, in the main, supported by robust urban design testing, in terms of height controls and that comprehensive strategic work has been undertaken in the draft Strategy Plan to justify these heights. That said, the Committee considers, given the significance and importance of protecting the REB&CG as a World Heritage place, and the development pressure within the WHEA, having regard to proximity of the City, commercial use of Gertrude Street and policies

for urban consolidation, this area requires unequivocal height controls that ensure the World Heritage significance of the REB&CG are not compromised.

- 250.** In principle, applying a mix of mandatory and discretionary development controls, having regard the importance of the WHEA in protecting and conserving the REB&CG's OUV and guidance in VPP Planning Practice Notes is an appropriate response. Mandatory height controls for residential areas are not a mere duplication of existing controls; they serve a specific WHEA-related purpose and affect the full-range of development possibilities (not limited to residential development). The Committee considers that DDO6 ought to have the same approach applied.
- 251.** In addition to areas proposed for mandatory heights in the proposed amendments to DDO6, the Committee considers that Gertrude Street ought to have mandatory heights applied, and Area 3 in the Melbourne WHEA DDO also apply mandatory height controls at 'concealment height' having regard to the visual analysis in the Visual Framework, the development pressure within these areas and visual sensitivity having regard to the REB&CG OUV.

SHOULD THE DDO SEEK TO ACHIEVE HERITAGE OBJECTIVES?

- 252.** Issues raised as to whether the DDO control appropriately manages heritage objectives and outcomes.

Evidence and submissions

- 253.** Ms Roberts considers the extent of controls in the existing DDO8 (proposed to be expanded to include all of the WHEA) are insufficient and should be expanded in response to the recommended built form testing to include massing, materials, architectural details and other elements appropriate for the heritage context.
- 254.** Ms Robertson for St Vincent's submits that the design outcomes, particularly regarding materiality, in the DDO as they relate to the MUZ in the City of Melbourne and St Vincent's in the City of Yarra have limited relevance as these sites do not site in a heritage setting. Reference to materiality should be removed from the DDO.
- 255.** With regard to materiality, Mr Raworth is not so concerned with this aspect of future development and considered that guidance should be general but not suggestive of traditional materials in the context of the hospital. He considers that the 'building in a heritage settling' is an overstated proposition in the context of St Vincent's.
- 256.** Noting that most of the land included in the proposed WHEA DDO is also included in a Heritage Overlay, Ms Baker considers that the Heritage Guidelines and Heritage Overlay (considering the City of Melbourne) side of the WHEA provide enough guidance and protection. She cites the City of Melbourne's Heritage guidelines that contain clear guidance around concealment of additions and scale of infill development. As an Incorporated Document in the Planning Scheme, this mechanism provides ample controls over height and development in the northern parts of the WHEA (in the NRZ/GRZ areas). She considers that applying the DDO to these areas is not necessary.

Discussion and conclusions

- 257.** With regard to submissions about materiality, at first glance one may consider that the WHEA DDO for the MUZ in the City of Melbourne and St Vincent's in the City of Yarra has limited relevance as these sites do not site in an immediate heritage setting. They do, however sit within close proximity to the REB&CG and have substantial footprint and visual presence within the WHEA. The Committee considers that the decision guidelines need to be made more relevant to the different contexts within the WHEA, and distinguish between those areas of 19th century streetscapes and other areas such as the MUZ and St Vis where design detail, such as materiality, is not guided so much on the immediate heritage setting per se but certainly proximity to the REB & CG and impacts on the proximate heritage settings where relevant.

- 258.** The Committee considers that the Heritage Overlay will do much of the work of managing design detail as well as urban form in terms of bulk, scale and the like. More detailed heritage guidelines can be a useful, and the Committee notes the City of Melbourne’s extensive Heritage Guidelines go to those matters.
- 259.** That said, the wording in the WHEA DDO as it relates to “whether development ensures materiality is influenced by its heritage setting and is of muted materials and colours and avoids use of larger areas of reflective materials” is appropriate. Materiality, particularly on large buildings as a backdrop can have significant visual impact on setting and, having regard to the visual setting, footprint, building size and proximity of Area 3 and the St Vincent’s site to the REB&CG, the Committee considers that the decision guidelines are appropriate.
- 260.** The Committee considers that the DDO is necessary to clearly articulate building scale and height in the WHEA for the express outcome of protecting and preserving the dominance of the REB&CG. In this critical World Heritage buffer area, specifying actual heights, rather than the prescriptive approach is critical to preserve key views to and from the World Heritage site and relative scale between the REB and its surrounding context.
- 261.** Neither the Heritage Overlay nor the City of Melbourne Heritage Guidelines provide the level of detail and specificity with regard to heights. The Design and Development Overlay, by its very purpose is applied to areas which need and sets out specific requirements relating to built form in the Planning Scheme. In this context, there is a place for both a DDO to clearly manage heights and setbacks for the purpose of preserving views and scale, and the Heritage Overlay to manage heritage fabric and impact of infill and additions on the heritage setting.
- 262.** The Committee finds, that the role of the DDO to manage height, scale and building form is appropriate and the detailed matters in relation to protection of fabric, detailed design should be dealt with under the Heritage Overlay. That said, materiality within the context of non-heritage buildings is also an issue that can be managed by the DDO and in absence of a Heritage Overlay, is appropriate having regard to the role of the WHEA.

DOES THE CONFIGURATION OF DDOS ADEQUATELY DEMONSTRATE THE WHEA

- 263.** His section considers whether the configuration of DDOs adequately demonstrates and protects the WHEA.

Submissions and evidence

- 264.** Mr Barnes explained that during the development of the WHEA Strategy Plan (2022) it was identified that there was a lack of ‘public visibility and awareness’ in the planning scheme, of the full extent of the designated WHEA boundary and the structure of existing WHEA planning scheme controls had no influence or impact in the outer ‘area of lesser significance’.
- 265.** In order to address the lack of visibility and awareness of the WHEA boundary, it was considered appropriate to include a DDO control into the planning control that related to the boundary of the wider WHEA. Such a control would have the benefit of being identified on a Planning Property Report or a Planning Certificate when an enquiry was made as to the planning controls that apply to a parcel of land. Planning policies contained in planning schemes are not identified on Planning Property Reports and Planning Certificates. In response to this issue, an initial suggestion was made to Heritage Victoria to potentially implement a new ‘bespoke’ WHEA Overlay to address the world heritage significance role of the WHEA. However initial internal advice from DELWP was that a new ‘bespoke’ WHEA Overlay would not be supported and that existing tools within the VPP should be applied. Consequently, the DDO was identified as the most appropriate VPP tool to use.

- 266.** Mr Barnes explained that although a WHEA DDO map was not prepared as part of exhibited documents, the intent is for the WHEA DDO to apply to all land within the WHEA. The WHEA DDO will function to provide built form guidance regarding the majority of covered land, however not in all instances. For example, MUZ land within the City of Melbourne which is currently subject to DDO6 would continue to have built form influenced by this existing control.
- 267.** Following an analysis of existing DDOs it was determined that only one existing DDO, namely DDO6 of the City of Yarra, was a suitable consolidation into a newly drafted WHEA DDO. DDO8 was identified as a suitable for consolidation, as it was relatively simple in drafting, and related to and was implemented as a result of the earlier Strategy Plan (2009).
- 268.** A number of other existing overlays were considered in detail as part of the background review (namely DDO1, DDO3, DDO6, DDO10, DDO13, DDO66, DDO48 and DDO62 of the Melbourne Planning Scheme, and DDO2 Yarra Planning Scheme). Following this review, it was determined that these existing DDO's were either not relevant, too site specific, or otherwise too complex to be consolidation into a new WHEA DDO. Therefore, it was determined that those existing DDO's should remain unaltered, and would retain influence over specific sites, in addition to the design objectives and decision guidelines of the proposed WHEA DDO.
- 269.** Mr Glossop considers the new DDO will have the effect of introducing a new permit requirement for most buildings and works within all areas of its application, although it only specifies Design Outcomes for some areas. It will need to be read alongside both DDO6 and DDO13 (within the City of Melbourne), although it has different language around how the REB and Carlton Gardens need to be protected, which can create ambiguity. It also needs to be read alongside the new local policy for the WHEA, which seeks similar outcomes although, is a less robust tool in achieving design outcomes. Taken collectively, he considers the proposed layering of statutory tools around the WHEA is cumbersome and complicated.
- 270.** Mr Glossop considers the DDOs in the WHEA should be rigorously reviewed and potentially consolidated instead of simply adding a new DDO is 'on top of' these existing controls.
- 271.** A possible approach would be to review DDO6 and have the matters relating to impact on the WHEA decanted into a new WHEA DDO. He considers, given the significance of the WHEA area, there is merit in having a purpose-built DDO apply to the whole WHEA area.
- 272.** He suggests further work is necessary which reconsiders the height controls and wording contained in the suite of DDOs applying within the WHEA (including DDO6 and DDO13) with a view to creating a consistent and streamlined control. The RSV site should be included in this review. The ultimate outcome would be a WHEA specific DDO with other retained DDOs dealing only with non-WHEA matters. Any future built form guidance in the new DDO should be informed by heritage advice.

Discussion and findings

- 273.** The Committee notes the rationale in the Strategy Plan for elevating the visibility of the WHEA in the Planning Scheme.
- 274.** Whilst the WHEA is proposed to continue to be included in Local Planning Policy the Committee is mindful that the configuration of various DDOs as presented, particularly within the Melbourne Planning Scheme (that includes 4 separate DDOs that apply to the WHEA and apply height controls – the new DDO, DDO6, DDO13 and DDO48).
- 275.** The Committee acknowledges that the new WHEA DDOs as drafted, and existing DDOs as amended which adds some desired outcomes for the WHEA, piece together a 'jigsaw puzzle' of DDOs that continues to present as a piecemeal approach.

276. For example:

- DDO48 applies to the North Carlton area however part of this area is also included in the WHEA. A WHEA DDO should apply to that part of the North Carlton area.
- DDO6 'Carlton' only includes land within the WHEA, however it remains separate to the WHEA DDO. It is not clear why this is case.
- DDO13 'Parliament House' is predominantly about protecting the views and context of the Parliament precinct. Only part of DDO13 is included in the WHEA. While DDO13 is proposed to be amended to include directions to protect the OUV of the REB&CG, this is 'tacked on'.

277. On the other hand:

- DDO8 (Yarra) has been 'absorbed' the new Yarra WHEA DDO.

278. Despite the draft Strategy Plan's focus on a more visible WHEA and clearer DDO controls relating to the WHEA (that can also be reflected in planning certificates etc), the combination of DDOs are presented is complicated and continues this piecemeal approach.

279. The Committee considers that a more streamlined approach is to combine the height controls within the DDOs as presented within a single WHEA DDO control for the City of Melbourne and the City of Yarra respectively.

280. In particular, having regard to the purpose of DDO6 (Melbourne) and DDO48 (Carlton North), the Committee considers that both of these DDOs should be 'absorbed' into a new WHEA. Equally, the Committee considers that the new WHEA DDO should apply over that part of the land within DDO13 that is included in the WHEA for the express purpose of protecting the OUV of the REB&CG.

281. It is considered that this approach is possible and practical as both the new Melbourne WHEA DDO and new Yarra WHEA DDO already include areas of substantially different built form outcomes (ranging from the low-rise NRZ land to the north of 9 metres mandatory to the high-rise areas to the south of 127 metres in height).

282. Planning experts, Mr Barnes and Mr Glossop did not oppose 'layering' of DDOs where different things are being considered, and this will depend on location and matters that the DDO needs to respond to.

283. The Committee considers that this approach will:

- elevate the visibility of the WHEA within the Planning Schemes; and
- ensure consistent application of the controls that apply to the WHEA and requirements to consider the OUV of the REB&CG.

284. The Committee recommends that a single DDO schedule be prepared for the WHEA area to ensure visibility within the Scheme and streamline approvals. This is a future task, post adoption of the Strategy Plan by the Minister.

Appendix 5

Consideration of Specific Design and Development Overlays

NEW DESIGN AND DEVELOPMENT OVERLAY 'WORLD HERITAGE ENVIRONS AREA' (AREA 1 AND 2 - NORTHERN RESIDENTIAL AREA) – CITY OF MELBOURNE

Current scheme provisions

- 285.** This area within the Melbourne Planning Scheme where:
- It is within the NRZ3 and GRZ1, other than some public open space associated with Murchison Square.
 - Affected by multiple Heritage Overlays, including HO1 and HO992.
 - Partly within DDO48, Central Carlton, north of Grattan Street and west of Rathdowne Street.
 - Within a Parking Overlay.
- 286.** Part of this land is within an area of “Greater Sensitivity” to which clause 22.21 (now clause 15.03-11-01) applies.

Exhibited scheme provisions

- 287.** In addition to State, regional and local policy changes, proposed amendments with respect to this area are:
- The proposed WHEA DDO where mandatory heights are proposed to apply for Area 1 (NRZ3) and Area 2 (GRZ1), and where a permit is triggered to construct a building and carry out works.
- 288.** Submissions and evidence in relation to this area north of Carlton Street focus on:
- The Melbourne City Council's position, that does not support inclusion of the area north of Carlton Street and Grattan Street (Areas 1 and 2) in the proposed WHEA DDO.
 - Whether the exhibited controls for Nos. 85-93 Faraday Street, Carlton, are appropriate and justified.

Overview of submissions and evidence

- 289.** Evidence and submissions regarding the approach to height controls in Areas 1 & 2 are also considered in Appendix 4.

Controls north of Carlton Street and Grattan Street

- 290.** The Melbourne City Council submits the WHEA DDO is unnecessary over the residential areas north of Carlton Street and Grattan Street. No built form testing has occurred, as Mr McPherson observes. These areas are already the subject of mandatory controls through clauses 32.08 and 32.09. The Council submits further protection is not necessary. Mr McPherson's evidence includes that Design Outcome to retain the predominantly lower scale form of development is achieved through the mandatory height controls of the applicable zones.
- 291.** The Council's submission cites the 2009 Committee's report as to the appreciation of the REB from the north:

“Further north, beyond the central Rathdowne and Nicholson Street zones referred to above and along the northern most boundary of the REB site on Carlton Street the presence of the REB is not obvious and from some locations cannot be viewed at all, even when the deciduous trees are not in leaf. This is

due to vegetation and topography but mostly due to the introduction of the Melbourne Museum building.”⁶³

- 292.** Ms Hodyl supports the proposed duplication of the mandatory maximum building heights for the NRZ in the proposed WHEA DDO as she considers this a policy neutral decision that removes any potential risk. In the areas zoned GRZ, Ms Hodyl considers it necessary to duplicate the maximum building heights into the WHEA DDO to provide guidance on the preferred development scale on these sites if the default heights are ever removed from the residential zones. However she does not consider the heights need to be mandatory, with the exception of GRZ land fronting Nicholson Street.
- 293.** Mr Glossop considers the basis for the approach being adopted for land north of Carlton and Grattan Streets is flawed. It is not possible for the planning scheme to plan for any and all future scenarios nor would that approach be consistent with the relevant practice note on the use of mandatory controls. Moreover, if the residential zones were to revert to discretionary building height controls or to allow taller building heights this would not remove the requirement for a planning permit nor the ability to consider any application on its merits, which would extend to considering the impact upon the WHEA. The controls are proposed to preserve the backdrop of clear sky behind the REB available from views from the south, as well as to maintain the lower scale of the REB’s context. But the change is not based on a need to preserve view lines to the REB from areas in the north, which would be a more robust basis for mandatory controls.
- 294.** Mr Glossop observes that the mandatory controls in the residential zones do not extend to non-residential development and in some circumstances, that might be significant. From viewing cadastral data, however, he comments that the lots north of Carlton Street are relatively small and usually narrow, which will limit the ability for any substantial redevelopment in the future. The combination of existing zones and overlay controls seem capable of managing development within this area, without the need for an additional building height control. Building heights to the north of the REB are primarily up to three storeys and these would need to increase considerably before they would challenge the outcomes purported to be achieved by the proposed DDO. An increase in height of the scale required to threaten these outcomes may well be problematic on a range of fronts (not least residential amenity and heritage, noting the relevant area is part of HO1).
- 295.** In Mr Glossop’s opinion, any risk to the REB is very low and the outcomes sought could be managed by objectives, design outcomes and decision guidelines in a new DDO.
- 296.** Ms Baker’s evidence, relating to the land at Nos. 85-93 Faraday Street, aligns with the Council’s position.
- 297.** Ms Lee submitted the new WHEA DDO should extend further than just properties fronting Carlton Street, particularly along the alignment of Canning Street. The vista south along this grand boulevard to the REB dome was lost when the blade of the new Museum was built. She submitted that this blade could be removed with no loss of function to the Museum and a key view line rediscovered. The dome of the REB in its garden setting could once again be seen as intended by the architect.
- 298.** The City of Yarra, Protectors of Public Lands and the evidence of Ms Waty, Mr Barnes, Ms Lardner, Ms Roberts and Ms Hodyl all support the inclusion of land north of Carlton Street in the WHEA DDO. They variously make the same points that the provisions

⁶³ The submission cites a mapping error, HO103 should only apply to Nos. 25 - 27 Rathdowne Street. This has been identified by the Carlton Heritage Review 2021. Amendment C405 to the Melbourne Planning Scheme proposes to implement the recommendations of the Carlton Heritage Review 2021 to remove the mapping error. Amendment C405 has been advertised and submissions have closed. To date, there has not been a decision from the City of Melbourne regarding Amendment C405. The Council agrees that this is to be corrected.

are not replication as the height limits in the NRZ3 and GRZ1 that only relate to specified forms of residential development. They say that applying a WHEA specific DDO ensures that any potential future modification to the zone height controls are not automatically applied to the residential zones forming the WHEA without consideration of their impacts on the role of the WHEA.

- 299.** Mr Glossop and Mr Barnes agree that the purpose of restricting the height of buildings within the residential areas to the north of the Carlton Gardens, is not to preserve view lines to the REB from residential areas to the north of Carlton Gardens. Rather it is to maintain the generally low scale heritage context of the REB&CG.

Nos. 83-95 Faraday Street

- 300.** Submissions in relation to the Nos. 83-95 Street focus on the proposed WHEA DDO.
- 301.** This land is currently in GRZ1 and HO1, and a Parking Overlay. It is proposed in Area 2 of the WHEA DDO.
- 302.** Submissions for the owner, Mr LoGiudice, contend that aspects of the amendments are strategically unjustified, unreasonable, and unnecessary. The submission challenges replication of mandatory height limits applying to land within GRZ1 on the basis that it is unnecessary and unjustified; and some of the justifications for the amendment in the draft Strategy Plan are unconvincing or incorrectly based. The asserted risk that schedules to the GRZ or other controls will be amended in such a way as to put at risk the World Heritage values of the REB&CG is overstated. The Minister is barred from approving any such scheme amendment. The submission seeks removal of the mandatory height controls in the proposed WHEA DDO.
- 303.** Further, the viewline analysis does not justify the proposed controls as the land cannot be viewed in relation to the REB&CG; there is not a visual relationship.
- 304.** The submitter relies on Ms Baker's evidence⁶⁴ In addition to the above points, Ms Baker comments that the Museum building obstructs all views northward. Furthermore, the implementation of the proposed DDO could potentially give rise to detail conflict issues as the current zone control includes some minor exemptions for architectural features.
- 305.** Ms Baker's evidence is that from a heritage perspective, it appears that no additional benefit would derive from introducing a new DDO with mandatory height controls over the residential area within the WHEA to the north of the CG. The combination of the existing zoning controls and the protection that derives from the land being in the Carlton Heritage Precinct (HO1) are sufficient to ensure that the interface between the CG and the residential area to the north are adequately protected.

Discussion

- 306.** With regard to land north of Carlton Street and Grattan Street, the viewing analysis shows primary and secondary viewing locations, notably along Canning Street looking southwards to the Carlton Gardens. Views are gained through the area to the Carlton Gardens, notwithstanding the museum further south. In addition, the north side of Carlton Street is identified as a significant heritage streetscape and has a direct interface with the Carlton Gardens.
- 307.** It is clear that the area on the north side of Carlton Street extending north, and north of Grattan Street, is low scale with fine grain setting and intact streetscapes that contribute to the OUV of the REB&CG. While the heritage character aligns with the existing objective and height control of the residential zones surrounding the WHEA, the purposes of clauses 32.08 and 32.09 do not relate to the REB&CG and role of the WHEA in this regard. Furthermore, the existing mandatory height controls within the

⁶⁴ This evidence appears to include a corner lot that the Committee understand is not part of the submitter's land.

Residential Zones do not apply to non-residential development, therefore relying on the height controls in the Zones is not an adequate response.

- 308.** The introduction of the WHEA and its inclusion of mandatory height controls is important to protect the identified valued characteristics of these areas. The State-standard clauses may change and, in any event, their purposes do not address the REB&CG. It is important that the setting not be diminished, so as to protect the Outstanding Universal Values of the REB&CG. The Committee agrees with the evidence that securing the low-rise profile of this context is fundamental in ensuring the monumental quality and contrast of scale to the REB&CG are protected in the long term.
- 309.** Regarding 83-95 Faraday Street, the Committee accepts that the land at Nos. 83-57 Faraday Street is not in a location where specific views are critical or relevant based on the analysis in the draft Strategy Plan. Rather, as indicated above, the property is part of the low scale with fine grain setting and intact streetscapes that contribute to the Outstanding Universal Values of the REB&CG. While the heritage character aligns with the existing objective and height control of the residential zones surrounding the WHEA, the purposes of clauses 32.08 and 32.09 do not relate to the REB&CG and role of the WHEA in this regard.
- 310.** There is clear justification for the proposed DDO control to address Outstanding Universal Values of the REB&CG and key attributes supporting these Values in the WHEA area as a whole. The current height controls through clauses 32.08 and 32.09 do not apply to non-residential development, which can be considered through clauses 32.08 and 32.0 and do not specifically address and manage the REB&CG environs.
- 311.** Even though not recommended by Ms Waty or Mr Barnes, the Committee concludes mandatory height controls are required in this area.
- 312.** It would not be appropriate to 'carve out' the land at Nos. 85-95 Faraday Street, so that the controls affecting this land would differ from the balance.

Mapping error

- 313.** The Committee observes that the map in the WHEA DDO erroneously shows the boundary of the NRZ and GRZ as Barkly Street, not west of the properties fronting Barkly Street. Mr Barnes' Appendix 5, in his primary evidence, included this correction.
- 314.** Correction is required within the draft Strategy Plan, and all the maps should be reviewed and checked for errors.



Figure 9. Incorrect identification of NRZ and GRZ boundary as Barkly Street within the WHEA DDO (image at top of figure), and map showing correct boundary (image at bottom of figure).

Conclusion

- 315.** The Committee concludes that other than recommended amendments set out in this report, no further amendments are required to the draft Strategy Plan or exhibited scheme amendments in response to these submissions except to correct the mapping anomaly in the WHEA DDO with respect to the boundary of the GRZ1 and NRZ3 depicted in **Figure 9** above.

NEW DESIGN AND DEVELOPMENT OVERLAY 'WORLD HERITAGE ENVIRONS AREA' (AREA 3 – MIXED USE ZONE AREA) – CITY OF MELBOURNE

Current scheme provisions

- 316.** Area 3 is in the Mixed Use Zone, under the Melbourne Planning Scheme, with the following Overlays: Design and Development Overlay Schedule 1 (Urban Design in Central Melbourne); Parking Overlay PO12; and No heritage overlays apply.

Exhibited scheme provisions

- 317.** In addition to State, regional and local policy changes, proposed amendments with respect to this area are:
- The proposed WHEA DDO where preferred and maximum mandatory building heights are proposed to apply for Area 3, with a range of specified heights on a site-by-site basis.
 - The proposed WHEA DDO where a permit is triggered to construct a building and carry out works.

Issues

- 318.** Submissions focus on whether the exhibited controls for Area 3 are appropriate and justified with respect to the properties.

Overview of submissions and evidence

- 319.** Evidence and submissions regarding the approach to height controls in Area 3 are dealt with in **Appendix 3** under 'Is the Strategic Basis for Built controls adequate?'

20 LaTrobe Street, Melbourne

- 320.** CIG owns the land at No. 20 LaTrobe Street, Melbourne. The land has frontages to McKenzie Street to the north and LaTrobe Street to the south.
- 321.** Submissions on behalf of the owner set out GICA's concerns are summarised in the submission.⁶⁵ The built form proposed to be introduced via the new DDO:
- represent a major change with respect to the development potential of the Site absent demonstrable benefit;
 - are predicated on viewpoints that are not sufficiently important from a heritage perspective to justify the introduction of mandatory height controls;
 - are not capable of achieving their stated objectives.
- 322.** The new DDO does not list the land at No. 20 LaTrobe Street within the Table 2: Area 3 Preferred and Mandatory Maximum Building Heights, though it is understood by GICA that the land is intended to be included via reference to No. 333 Exhibition Street. This has a proposed preferred maximum building height of 99 metres and a mandatory maximum height of 109 metres. The submission highlights that these heights ignore existing higher buildings in Area 3. Requiring a development on the land at No. 20 LaTrobe Street to be lower than built form sitting between the land and the REBCG is nonsensical and plainly achieves none of the stated objectives of the draft Strategy Plan.
- 323.** Further, it has not been demonstrated that development on the land at No. 20 LaTrobe Street has the potential to adversely impact upon the heritage values of the REBCG, or that the proposed controls are necessary to protect the REBCG.
- 324.** The design outcomes of the DDO seek, inter alia, 'To reinforce the built form character of the WHEA as being predominantly of low-rise buildings in consistent heritage streetscapes'. The relevance of this Design Objective to Area 3 is questionable, the submission states. Area 3 is not 'low rise' and is not located within a consistent heritage streetscape. Accordingly, the Design Objective plainly has no relevance to Area 3.
- 325.** With regard to the stated Design Objective of 'maintaining the visual dominance of the dome to a clear sky backdrop from primary vantage points' the submission for CIG notes that from Views 5A and 5C the dome does not currently have a clear sky backdrop. The city skyline already encroaches on this 'clear sky backdrop' as is clearly evident in the photographs used in the built form testing. Further, as the DDO is not proposed to extend further southward into the CBD beyond LaTrobe Street, future built form south of LaTrobe Street will have visibility in View 5C regardless of the mandatory height controls proposed to apply in Area 3. In CIG's submission, the proposed mandatory height controls are not capable of maintaining (or indeed achieving) their stated objective of a 'clear sky backdrop'. The built form testing does not establish that there would be further impact to this view caused by buildings built to the mandatory maximum height – or indeed higher built form.
- 326.** A blanket 'one-size-fits-all' application of the proposed DDO to the entire WHEA is made anomalous, for example, by the express design objective which ignores the reality that the WHEA does not consist of predominantly low-rise buildings in consistent heritage streetscapes.
- 327.** The design outcome seeking muted materiality and colours 'influenced by the heritage setting' has no relevance to the development on the land at No. 20 LaTrobe Street which does not sit within a heritage setting. It has not been demonstrated that the use

⁶⁵ Excluding concerns with respect to the role of the Executive Director, as dealt with earlier. No expert evidence has been called.

of alternate materiality in any redevelopment of the Site would necessarily result in an inappropriate outcome. Further, the requirement for muted materiality is contrary to other policy within the Scheme that seeks the strong use of glazing to achieve both the activation of frontages and provide ESD benefits.

- 328.** The submission comments on the relevance of various views assessed through the Visual Framework and Testing. It observes that Views 5A, 5B and 5C were not part of the 2009 Strategy Plan and submits that there is not a clear basis as to why.
- 329.** It further comments on each of these views, and mislabelled photographs, and View 5A which is mapped as an axial view but has been tested and analysed as an oblique view. View 5C is arbitrary and simply one of a range of views within the Melbourne Museum Forecourt that provides oblique views to the REB. Why the viewing location adopted is considered more significant than any other that could reasonably have been selected is not clear. Views 5A and 5C are not key views of the same significance or importance as other views identified. The views are also compromised by the fact that they are foregrounded by contemporary architectural fabric. It is difficult to ascertain how any development on the Site or Area 3 could detrimentally affect View 6B.
- 330.** GICA therefore seeks changes removing mandatory heights and instead adopting preferred performance-based heights. It also submits the objective relating to maintaining the visual dominance of the dome to a clear sky backdrop should also be amended on the basis that views and vistas of the drum, dome, lantern and flagpole of the REBCG currently do not enjoy a clear sky backdrop from primary vantage points.

380 Russell Street

- 331.** The submission for the owner of No. 380 Russell Street, Dira Mivora Pty Ltd, focuses on the proposal to extend the WHEA boundary to this area, which has been determined. No submissions were made at the hearing and no evidence or technical report has been presented.
- 332.** The submission states the proposed controls are unjustified. The existing planning scheme controls over the property and surrounds have been appropriately managing development and no proper justification supporting their amendment has been advanced. The draft Strategy Plan seeks to justify its recommendations by identifying purported 'gaps' and 'risks' flowing from the 2009 Strategy Plan, and many of these assertions are not sustainable. Further, the 'gaps' and 'risks' raised in the draft Strategy Plan are largely without substance, and therefore the recommendations that seek to address them are unnecessary and likely to hinder, rather than facilitate, appropriate planning outcomes.
- 333.** Ms McNicholas called Dr Clarke, expert in Light – considered that light adds to the dominance of buildings.
- 334.** Mr Raworth, on the other hand when questioned by the Committee on impact of light in the heritage context, considered that the REB&CG is appreciated during the day.

Discussion

- 335.** The Committee considers that the methodology deployed in the visual framework assessment, underpinning the draft Strategy Plan, justifies the heights put forward in the DDO.
- 336.** With regard to retaining clear sky views, the Committee accepts that taller buildings further south, into the City (and outside the WHEA) is likely to be visible. However depth of view is important.
- 337.** That said, the Committee does not consider allowing an additional height to allow for 10 metres above concealment of the ridge to be justified. The Committee finds the height limit, at the lower level, should be mandatory. It is essential to manage building heights in the backdrop to the REB when viewed from the north, including from the

Dome promenade. There are already buildings affecting this aspect, however, the Committee accepts the evidence of Mr Barnes, Ms Lardner and Ms Waty that there is an imperative to avoid additional built form in the backdrop, within the WHEA. It is not too late and for this reason not more attrition or intrusion should occur.

- 338.** The mandatory DDO height controls proposed to be applied to the Mixed Use Zone south of Victoria Street allows for tempered high rise, yet substantial built form scale, which is appropriate for and reflective of its transitional location between the significant built form scale within the Central Activities District to the south, and the low-rise heritage scale of Carlton to the north.
- 339.** The proposed WHEA control (design outcomes) is not limited to Views 5A-5C but refers to the forecourt more broadly. A performance-based approach within the confines of the mandatory control, will assist to ensure the objective is achieved. As Mr Barnes has observed, viewing points being at the northern edge of the forecourt may impact on development to the south in Area 3. However, the northern edge of the forecourt is a very well used public space. It contains extensive south facing seating, is undercover, is paved, is adjacent to the entry to the Museum, is a population meeting place, and is one of the best places from which the see the full width and grandeur of the northern elevation of the REB.
- 340.** With regard to 20 La Trobe Street (part of 333 Exhibition Street), based on the information available, the building has a height of 65 metres with a proposed discretionary maximum height of 99 metres and a mandatory maximum height of 109 metres as CIG states. It is correct that there are taller buildings in Area 3 however the preferred maximum height is based on concealment from Views 5A-5C. This analysis takes account of factors including the topography and lot orientation. Based on the available information, the building at No. 380 Russell Street has a height of 29.2 metres with a proposed preferred maximum height of 73 metres and a mandatory maximum height of 83 metres. The preferred maximum height is based on concealment from Views 5A-5C.
- 341.** The Committee finds no reason to conclude that the land at No. 20 LaTrobe Street and 380 Russell Street should be dealt with differently to other sites in the MUZ.
- 342.** Given the heights are based on concealed heights, the Committee sees no reason for additional work to be undertaken in the context of this matter (the WHEA) to establish upper-level setback controls or other design parameters for urban design purposes.
- 343.** This work can be undertaken by MCC if they deem it necessary.

Recommendations

- 344.** Considering submissions and its review of WHEA DDO Area 3, the Committee considers the exhibited control requires revision and refinement as follows:
 - Abandon heights 10 metres above concealment height.
 - Apply mandatory height controls based on the lower (discretionary) heights.
 - Further work is required to establish upper level setbacks, which can be undertaken by further strategic work by Melbourne City Council.
 - Design objective related to Area 3 needs to be clearer with respect to the urban structure including Area 3 and role of Victoria Street;
 - Permit application requirements with respect to modelling and referral to EPBC to be included.
 - The Table should be amended to refer to 20 LaTrobe Street (rather than separate with to 333 Exhibition Street

OTHER

Royal Society Victoria (RSV) Site VHR H0373

- 345.** The southern area of the WHEA includes the Royal Society of Victoria building, which is associated with the oldest scientific and philosophical society in Victoria, established in 1855. The existing two storey brick structure was erected in several stages beginning with the original Meeting Hall, which was completed in 1859, to a design by the noted Melbourne architect Joseph Reed. The site and land are on the Victorian Heritage Register.

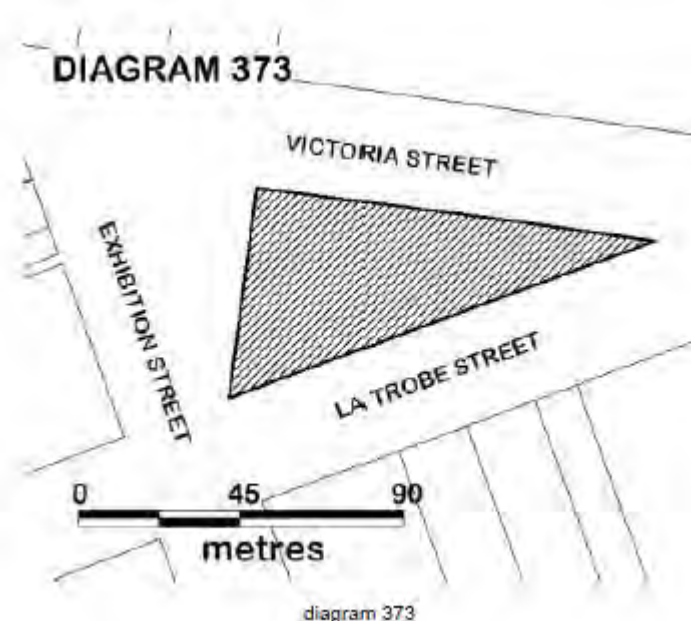


Figure 10. Map showing extent of the RSV site as included in the Government Gazette and VHR.

- 346.** The two storey heritage building that would have an equivalent height of a three to four storey contemporary building (12 to 14 metres).
- 347.** Submissions in relation to this site focus on whether the land should be included in Area 3 and the subject of height controls.

Current scheme provisions

- 348.** The RSV site is in the Mixed Use Zone, under the Melbourne Planning Scheme, with the following Overlays:
- Design and Development Overlay Schedule 1 (Urban Design in Central Melbourne).
 - Heritage Overlays HO494.
 - Parking Overlay PO12.
- 349.** The land is nominated as an “Area of Greater Sensitivity” through clause 22.21 (now clause 15.03-1L-01).

Exhibited scheme provisions

- 350.** In addition to State, regional and local policy changes, proposed amendments with respect to this area are:
- The proposed WHEA DDO, outside of Area 3 and not in any other numbered area.
 - The proposed WHEA DDO where a permit is triggered to construct a building and carry out works.

Overview of submissions and evidence

- 351.** In its written submission dated 27 July 2020, the Royal Society of Victoria observes that its buildings predate the REB (1859 for the Hall and 1869-70 for the adjacent cottage) and makes other comments about the Society's role, history, governance and broader funding matters.
- 352.** Submissions and evidence reach different views as to whether the RSV site should be added into Area 3 and whether it should be the subject of height controls.
- 353.** The National Trust and Melbourne City Council do not agree with the exclusion of the RSV site from any future proposed planning controls for the WHEA. This is because there will be redevelopment pressure for the RSV site presenting a risk to the WHEA from inappropriate development.
- 354.** The Melbourne City Council refers to the 2009 Committee report that said in part:⁶⁷
- “By contrast to the multi-storey buildings in the CBD, the low and modest scale Royal Society building, in its own mini garden setting offers an entirely different connection with the REB site. It enhances any pedestrian approach from the city from the southwest and it continues the notion of well detailed 19th century public buildings in a formal setting to the street. The adjoining triangular pocket of island open space also contributes to an appreciation and understanding of the REB and Carlton Gardens.”*
- 355.** While no permit or active permit application exists for the RSV site, the Council has received multiple enquiries in the past eight years regarding the prospects for development of the land in some description. It is, potentially, only a matter of time until an actual planning permit application is lodged, and the Council does not consider the Victorian Heritage listing of the RSV site to be sufficient in of itself to prevent an unreasonable development outcome on the property. In the Council's submission, a form of DDO height control ought to be reconsidered.
- 356.** Mr Glossop's evidence is that the RSV site should be provided with height guidance in the DDO. He states that the modelling provided in the draft Strategy Plan indicates that development of the RSV site would have a considerable impact upon the REB. This is one of the most proximate sites to the REB within the Hoddle Grid and further the viewing analysis prepared as part of the Draft Amendment, with a new View 4A (from the corner of LaTrobe and Exhibition) relies upon sight lines directly across it. It seems contrary to the objectives of the Strategy Plan to leave so much 'discretion' available. This site should be included in future work to resolve height controls for the WHEA.
- 357.** Mr McPherson's evidence draws attention to the 'Magic Tower' concept to demonstrate the potential for redevelopment proposals on this land (even if highly aspirational and conceptual). He further cites the existing (and former) strategy in local policy 'to retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building' which was applied in the assessment of the Shrangri-La development and the conceptualisation of the 'Magic Tower' and demonstrates his concerns about the risks and lack of control and guidance.
- 358.** Mr McPherson recommends a DDO height control recognised the risk in an approach that depends on policy protection. He says that extending the DDO controls for Area 3 to the RSV site is appropriate, in providing clearer and more specific built form controls for this prominent (but small) land parcel which directly interfaces with the Carlton Gardens and REB setting, and which may present significant development opportunity (while recognised the significant constraints).
- 359.** Mr McPherson's recommendations are that this could include the extension of Area 3 to include the RSV site, or alternatively, a new area applying to the Royal Society site, or a site-specific control.

- 360.** The contrary view is offered by the Executive Director relying on the evidence of Mr Barnes, Ms Waty, Ms Lardner and Ms Hodyl. Broadly, they say that nominating a preferred or mandatory building height for this site would result in the specification of a height of a building that would not protrude above the REB when viewed from the northern courtyard. This is likely to result in a similar height to those identified in Area 3 i.e. close to 90 metres to 100 metres. It is considered that this would create an expectation for a building height on the site that is well beyond that which would reasonably be considered to be appropriate given the heritage values of the site. Any realistic height based on heritage qualities and context need to be determined on the basis of a detailed individual site assessment, including a full range of planning conditions and not just those relevant to the WHEA. Such as assessment is beyond the scope of this project.
- 361.** Similarly, Ms Hodyl states that the combination of the VHR listing of this site with the fact that the heritage buildings sit within a landscape setting that is viewed in the round means that it is highly unlikely that this site will ever incorporate additional development.
- 362.** Ms Lardner's evidence refers to the draft Strategy Plan's recommendation to amend the statements of significance for all heritage properties currently in the VHR to clearly identify they are in the WHEA. This is an action which would be implemented by Executive Director and then mean that the Executive Director would consider the potential impacts of development of VHR places on the WHEA. She believes that this recognition for VHR places that they are in the WHEA is sufficient and would result in consideration of potential impacts on the WHEA. She does not consider a height control is necessary on this site, but has no objection to a DDO being applied in addition to recognition of the WHEA in the SoS.
- 363.** The Protectors of Public Lands argue in favour of a mandatory height limit as the RSV site is in a very sensitive location. It should be low scale, no taller than the Victorian Heritage Registered Royal Society building, in order to not compete for attention with the REB nor the Royal Society building and preserve views to and from the dome. This building and the area near it are very important for science and philosophy in Victoria and of immense historical interest.

Discussion

- 364.** This site plays an important role in its own right and with respect to its direct relationship with the REB&CG. The latter includes views from the south-west (noting the amended view 4A), its historic and diminutive form in its garden setting, and its 19th century public building history as described in the 2009 Committee report.
- 365.** There is evidence of development aspirations for this land, of some magnitude.
- 366.** The Committee does not consider the planning scheme should be silent about this very important and significant property. It should be recognised and guidance given.
- 367.** The Committees with a number of submitters and witnesses that there is a significant risk by setting a height control, for which visual testing has only been undertaken with respect to REB&CG viewlines. Nominating a height in the WHEA DDO based on the tested views would, the Committee considers, unrealistically elevate development expectations. The visual testing is confined and does not purport to have considered a wide range of other factors relevant to the development of the land, notably the heritage place and its own setting, that would bear on defining an acceptable built form envelope.
- 368.** The Committee considers this can be addressed though changes to the WHEA DDO. This is preferred to creating another DDO when the intent has been to consolidate the DDO for all land in the WHEA.

- 369.** Having regard to the size of the land, the configuration of the site, the significance of the VHR listed HSV building, the immediate proximity of the REB&CG and the historical 19th century setting of the HSV in association with the REB&CG, the Committee considers that a mandatory height control be nominated for the site, no higher than the existing building. This accords with the verbal submission of the Executive Director at the hearing.

Conclusion

- 370.** The Committee recommends amendments to the draft Strategy Plan and exhibited scheme amendments in response to these submissions as follows:
- add a specific clause with respect to the RSV site in the Melbourne Planning Scheme to apply a mandatory maximum building height (no higher than the maximum height of the existing building on the land) and to nominate design outcomes similar to those (as amended in accordance with the Committee's recommendations) for land in Area 3.

DDO6 'CARLTON AREA' – CITY OF MELBOURNE

Current scheme provisions

- 371.** This area within the Melbourne Planning Scheme.
- 372.** The area is:
- In the Mixed Use Zone, other than the Carlton Gardens Primary School which is in a Public Use Zone.
 - Affected by multiple Heritage Overlays, including HO1 and HO992.⁶⁸ Partly within DDO6, reflecting the locations that are identified as "Greater Sensitivity". Within a Parking Overlay.
- 373.** Part of this land is within an area of "Greater Sensitivity" to which clause 22.21 (now clause 15.03-1L-01) applies.

Exhibited scheme provisions

- 374.** Extend Design and Development Overlay Schedule 6 of the Melbourne Planning Scheme to include properties at 15-31 Pelham Street, 107-151 Rathdowne Street and 110-150 Drummond Street, Carlton.
- 375.** DDO6 for the 'gap' land comprising discretionary maximum building heights as follows:
- 10 metres to street frontages (Area A12).
 - 13.5 metres to the band behind the Drummond Street frontage (Area A13).
 - 6 metres to the band behind the Rathdowne Street frontage (Area A14).

Rathdowne Street west side, and beyond

- 376.** Submissions and evidence in relation to this location focus on:
- The exhibited extension of DDO6 to include properties at at Nos. 15-31 Pelham Street, 107-151 Rathdowne Street and 110-150 Drummond Street that are currently not within that Overlay.
 - Whether the properties fronting the west side of Rathdowne Street should have mandatory controls and whether mandatory controls should apply through this Mixed Use Zone.
 - Whether the exhibited controls for Nos. 1-23 Rathdowne Street, Carlton, are appropriate and justified.
- 377.** Whether the exhibited controls for Nos. 57-65 Drummond Street, Carlton, are appropriate and justified.

OVERVIEW OF SUBMISSIONS AND EVIDENCE

DDO6 extension – ‘Gap’

- 378.** All but one of the submissions support the proposed extension of DDO6 to include properties at Nos. 15-31 Pelham Street, 107-151 Rathdowne Street and 110-150 Drummond Street that are currently not within DDO6. The opposing submission does not explain the basis of the objection in detail.
- 379.** There is strong support for this recommendation, such as by the City of Melbourne, Carlton Residents’ Association, community groups, and individuals such as Mr Foo and Ms Lee. The Executive Director and its witnesses also strongly support the extension.
- 380.** Extension of the DDO6 remove the ‘gap’ was supported by witnesses addressing this matter.⁶⁹

Properties fronting Rathdowne Street

- 381.** The Melbourne City Council supports discretionary controls in the area west of Rathdowne Street, not mandatory controls. It considers discretionary controls seem inconsistent in this sensitive immediate interface location when contrasted with mandatory controls exhibited north of Carlton Street. Mr McPherson make this point in his evidence as well.
- 382.** The Melbourne City Council observes Mr Barnes’ evidence that the REB&CG is a site of exceptional circumstances. It questions why mandatory controls have not been sought, in responding to Practice Notes 59 and 60.
- 383.** The Melbourne City Council, Mr Glossop and Mr McPherson say the DDO6 land is an appropriate candidate for a closer examination of the application of mandatory controls along Rathdowne Street. Mr McPherson advances the consideration of mandatory built form controls in this part of DDO6, for building heights and/or setbacks and massing. Given the inclusion of the ‘gap’ land in DDO6 that contributes towards maintaining a consistent and cohesive streetscape along Rathdowne Street, and noting that Areas 1, 2 and 3 are proposed to have mandatory height controls applied, Mr McPherson considers that Rathdowne Street should be considered for mandatory provisions.
- 384.** The Melbourne City Council states that there is at least one current example (at No. 1 Rathdowne Street, Carlton) illustrating a willingness to overreach beyond the discretionary controls in the scheme. The Council cites the Tribunal’s decision in *Forza*, that was particularly recognise of the unique physical setting.⁶⁶
- 385.** Mr Foo’s written submission makes similar observations. He submits that having mandatory height controls for DDO6 would make a strong contribution to the effectiveness of the extension of the WHEA boundary and DDO6. Mandatory heights were set at the currently prescribed maximums in DDO6 Areas A10, 12, 13 and 14, this would clearly support the Strategy’s aims for surrounding built form to the impact of the REB and Carlton Gardens site, as well as in the various views from the REB. While commenting that there are some pre-existing buildings that exceed the maximum heights in A10 through A14, it is possible for a revision of DDO6 to be made in such a way so as to allow for redevelopment of pre-existing buildings within the envelope of their current heights, while ensuring that any subsequent new developments (whether from the ground up, or of buildings currently lower than the maxima) do not exceed the DDO6 maximum heights. If new developments in DDO6 observe a mandatory maximum, this would provide significant support for the WHEA values of low-scale and fine grain settings in areas directly west of the REB.

⁶⁶ *Forza Capital Pty Ltd v Melbourne CC* [2014] VCAT 1657

Nos. 1-23 Rathdowne Street, Carlton

- 386.** This large site, on the north-west corner of Rathdowne Street and Victoria Street, contains a two storey office that has been vacant for many years. This was occupied by the Cancer Council. The submission on behalf of by Royal Garden Manor also relates to a single storey warehouse. The land is currently the subject of permit application as indicated earlier. No expert evidence has been called in support of the submissions because (the submitter says) of the timing of the submitter's late request to participate in the hearing process.
- 387.** Submissions in relation to the Nos. 1-23 Rathdowne Street focus on the proposed WHEA DDO on a site that is already within DDO6. The submission on behalf of Royal Garden Manor refers to the lack of specific controls relating to its land under the proposed WHEA DDO (as the land is not within Areas 1, 2 or 3). There is no need for a WHEA DDO to apply to Nos. 1-23 Rathdowne Street, particularly as DDO6 and HO992 provide the necessary and appropriate guidance to ensure that the values of and views to the Royal Exhibition Building are protected and managed. The result is duplication and confusion. The submitter's land should be removed from the WHEA DDO.
- 388.** The submitter says the proposed changes to DDO6 appear to be consistent with the Ministerial Direction. In particular, the design objectives appear to contain no amendments and it is observed that they embrace the protection and management of views to the REB. The submitter does not oppose the exhibited changes. The submitter endorses the ongoing approach contained in DDO6 that the Maximum Building Heights specified in Table 1 are discretionary. The DDO6 enables these building heights to be exceeded provided that higher built form can be justified. The submitter endorses this approach and opposes submissions and evidence that mandatory height controls may be justified. The land does not have a strong visual link or intimate connection with the REB. No views worthy of protection (whether they be from, or across, the submitter's land) are identified in that document that warrant the imposition of mandatory controls. Objectives and requirements found in DDO6 are appropriate in managing future development outcome[s] on the west side of Rathdowne Street.
- 389.** Neither the Executive Director nor experts called for Heritage Victoria advocate for, or otherwise recommend, that mandatory height controls be applied. Royal Garden Manor submits mandatory controls for DDO6 (or parts of it) would also be contrary to PPN59 as no exceptional circumstances exist in relation to the submitter's land. The submitter's land is around 200 metres south-west of the dome of the REB. Due to the combination of distance and intervening trees/vegetation the dome of the REB cannot be seen from the submitter's land.
- 390.** Mr Barnes comments that the importance of the DDO6 area to the west of Rathdowne Street to preserve the low scale heritage context of the REB&CG. Given the existing planning policies, controls and HO that applies to this land, and the application of a new WHEA DDO to the land, a discretionary control was considered appropriate to apply at this stage.
- 391.** Mr Barnes also comments on the role of Victoria Street/Victoria Parade as a divide between the CBD and south Carlton. He draws attention to various clauses in the scheme in this regard. While noting that Area 3 is part of the central city and Hoddle Grid,⁷⁰ built form and heritage strategies for Carlton include:⁷¹
- Maintain a strong contrast in scale between the built form of the Hoddle Grid and Carlton at the Victoria Street interface.
 - Ensure the scale of development in Victoria Street, west of Carlton Gardens, to reinforce the contrast between medium rise development in Carlton, and higher rise development in the Hoddle Grid.

- Maintain the predominantly low scale character of the areas around Carlton Gardens, Lygon Street and residential areas included in a heritage overlay; and ensure sympathetic development that complements the architecture of the area.

392. The Melbourne City Council supports further work being undertaken informed by planning, urban design and heritage expertise to consider the application of mandatory controls over land fronting Rathdowne Street.

Nos. 57-65 Drummond Street, Carlton

393. Submissions in relation to the Nos. 57-65 Drummond Street focus on the proposed WHEA DDO on a site that is within DDO6. The land contains a three storey development used for student accommodation and is the subject of a current permit application as indicated earlier.

394. The submission for the owner of Nos.57-65 Drummond Street contends aspects of the amendments are strategically unjustified, unreasonable, and unnecessary. It is unclear why the western side of Drummond Street is within the expanded WHEA. The viewline analysis does not justify the proposed controls as the land cannot be viewed in relation to the REB&CG; there is not a visual relationship.

395. Further, it is argued that the western side of Drummond Street already has a high level of heritage protection. Too little regard is given to the effect existing planning controls such as the Heritage Overlay and DDO6.

396. The submitter relies on Ms Baker's evidence⁷² in making these submissions. Among additional points are that the efficacy of the proposed controls would be limited by the fact planning controls in neighbouring areas encourage development of some scale. The properties to the west of the site at Nos. 57-65 Drummond Street are located within the Lygon Street Design and Development Overlay (DDO44), a DDO that allows taller built form to a maximum height of 28 metres for residential use and 32 metres for non-residential use (eight storeys). Any future development which rises to this level will have a high degree of visibility from Drummond Street beyond the western side of the street. It is unclear how the planning controls that apply to land beyond the extent of the WHEA will factor into decision-making and the exercise of discretion.

397. Neither Executive Director nor experts called for Heritage Victoria advocate for, or otherwise recommend, that mandatory height controls be applied. Mr Barnes comments that the importance of the DDO6 area to preserve the low scale heritage context of the REB&CG. Given the existing planning policies, controls and HO that applies to this land, and the application of a new WHEA DDO to the land, a discretionary control was considered appropriate to apply at this stage.

DISCUSSION

DDO6 extension – 'Gap'

398. The Committee considers this extension of the DDO6 removes an obvious 'gap' and is therefore important and necessary.

399. The existing buildings include contemporary and older forms, and residential and commercial uses, of generally three to four storeys in height. The area has a direct interface with the western elevation of the REB. This location is critical to an appreciation of the World heritage values of the REB and its presentation appreciably gives an understanding of its scale and placement within the fabric of Melbourne at the time of the International Exhibition movement.

400. The Committee accepts Ms Waty's evidence that DDO6 appropriately guides development outcomes on Drummond and Rathdowne Street to the west. The Committee agrees that while a 16-storey form exists at the corner of Rathdowne and Drummond Streets, it is an aberration in the context of a mostly intact, consistent

heritage fabric. Other recent contemporary infill developments have continued to build upon the prevailing low and mid-rise profile of the Carlton area as anticipated in Melbourne DDO6. An extension of the DDO6 boundary to include sites south of Pelham Street (currently unaffected by any DDO) which share similar characteristics and opportunities with the broader DDO6 area is therefore considered a logical step.

- 401.** Consistent with earlier findings with respect to the DDO6 area, the Committee concludes mandatory height controls are required in this ‘gap’ location.

Properties fronting Rathdowne Street

- 402.** The Committee agrees with the Melbourne City Council and expert evidence that this is a sensitive low-rise location, directly opposite the REB&CG.
- 403.** The Tribunal’s decision in *Forza Capital* recognises the attributes of this location that contribute to the Outstanding Universal Values of the REB&CG.⁶⁷
- 404.** Consistent with earlier findings with respect to the DDO6 area, the Committee concludes mandatory height controls are required in this location to maintain the congestive and intact streetscape in a very important location. This is the case notwithstanding that there are some contemporary forms, most of which adopt a compatible scale.
- 405.** Further investigation or work is not required to justify mandatory controls in this location. In reaching its conclusion, the Committee has had regard to the planning, urban design and heritage evidence before it.

Nos. 1-23 Rathdowne Street, Carlton

- 406.** The existing DDO6 suite of heights have not been challenged or questioned. Rather, the issues relate to whether mandatory controls should apply to this area, the need for another DDO, and implications of additional permit triggers.
- 407.** Ms Waty’s evidence has explained that the draft Strategy Plan and exhibited amendments to the Melbourne Planning Scheme are based on an urban form response to protect the significant aspect and prospect views to and from the REB & CG, including maintaining the WHEA urban structure. They seek to maintain the prevailing urban structure defined by the contrast between high rise context within the Hoddle Grid (south of Victoria Street), the predominantly low-rise fabric within the established heritage context (north of Grattan Street), a well-defined pocket of mid-rise forms in between, and the sense of space afforded by the island sites at the Hoddle Grid northern fringe. This is summarised in Figure 05 of Ms Waty’s primary statement of evidence, refer to **Figure 6** of this report.
- 408.** This approach is consistent with existing strategies within the Melbourne Planning Scheme, to which Mr Barnes has referred, in distinguishing between land on either side of Victoria Street in clause 11.03-6L-02, set out above.
- 409.** While the Committee accepts that the development of land at the corner of Victoria and Rathdowne Streets may sit with a background of taller forms in Area 3 (the MUZ land to the south of Victoria Street) when viewed from parts of the REB&CG, Area 3 is strategically and statutorily different, as is clear through Mr Barnes’ evidence.
- 410.** Further, the Committee does not accept submissions by Royal Garden Manor that seek to recognise the visual relationship between Nos. 1-23 Rathdowne Street and the REB&CG. It accepts that View 4A is now lost by a development at the corner of Victoria and Mackenzie Streets, further noting that Ms Waty’s evidence includes an update to this.⁶⁸ Nevertheless, the Committee is of the view that this corner site is an important part of the direct interface with the REB&CG. Moreover, the opening of the

⁶⁷ *Forza Capital Pty Ltd v Melbourne CC* [2014] VCAT 1657

⁶⁸ Figure 07, page 39 of Waty’s evidence (and other updated camera positions in figure 08, page 40) of Waty’s evidence, April 2023.

REB Promenade Deck presents public viewing opportunities to the WHEA and beyond. From these elevated vantage points, the broader urban structure of the REB&CG and the WHEA is legible and Nos. 1-23 Rathdowne Street plays a role in this regard.

- 411.** It would not be appropriate to ‘carve out’ the land at Nos. 1-23 Rathdowne Street, so that the controls affecting this land would differ from the balance. There is clear justification for the proposed DDO control to address Outstanding Universal Values of the REB&CG and key attributes supporting these Values in the WHES area as a whole. The design objectives in DDO6 only refer to the REB not the CG (and that is not proposed to be changed by the exhibited DDO6). Further, they relate to a broader area in Carlton. This control does not adequately address and manage the REB&CG environs.
- 412.** Having said that, the Committee has recommended further work after approval of the Strategy Plan and scheme amendments, to prepare a single control for the WHEA area to streamline controls and approvals and improve visibility of the WHEA in the Planning Scheme.
- 413.** Consistent with earlier findings with respect to the DDO6 area, and even though not recommended by Ms Waty or Mr Barnes, the Committee concludes mandatory height controls are required in this south Carlton area.

Nos. 57-65 Drummond Street, Carlton

- 414.** The existing DDO6 suite of heights have not been challenged or questioned for this property. Rather, the submission relates to whether mandatory controls should apply to this area, the need for another DDO and implications of additional permit triggers, and the role of the Executive Director (which has been addressed earlier).
- 415.** The Committee accepts that the land at Nos. 57-65 Drummond Street is not in a location where specific, documented, views are critical or relevant based on the analysis in the draft Strategy Plan. Rather, this land is part of an area that plays a recognised role in protecting and managing the Outstanding Universal Values of the REB&CG. It has the identified key attributes supporting these Values and there is clear justification for the proposed DDO. The residential controls do not adequately address and manage the REB&CG environs.
- 416.** The design objectives in DDO6 only refer to the REB not the CG (and that is not proposed to be changed by the exhibited DDO6). Further, they relate to a broader area in Carlton. This control does not adequately address and manage the REB&CG environs.
- 417.** Having said that, the Committee considers a single control for the WHEA area should be pursued post adoption of this current review.
- 418.** Consistent with earlier findings, and even though not recommended by Ms Waty or Mr Barnes, the Committee concludes mandatory height controls are required in this south Carlton area.

Conclusion

- 419.** The Committee concludes that:
 - the heights in DDO6 ‘Carlton Area’ should be amended to mandatory;
 - allowance for slope as is the case for the GRZ and NRZ in relation to mandatory heights;
 - the area of DDO6 should be included as part of the WHEA DDO; and
 - the Exhibited DDO should be amended accordingly.

NEW DESIGN AND DEVELOPMENT OVERLAY ‘WORLD HERITAGE ENVIRONS AREA’ (AREAS 1, 2 3 AND 4 – RESIDENTIAL AND COMMERCIAL AREA OF GERTRUDE STREET) FOR CITY OF YARRA

Current scheme provisions

420. This area within the Yarra Planning Scheme where:

- It is within the NRZ and GRZ1;
- Part Commercial 1 Zone;
- Affected by multiple Heritage Overlays, including HO361 and a series of individual overlays; and
- Development Contributions Plan Overlay – Schedule 1 (DCPO1), Yarra Development Contributions Plan.

421. Part of this land is within an area of “Greater Sensitivity”

Exhibited scheme provisions

422. In addition to State, regional and local policy changes, proposed amendments with respect to this area are:

- The proposed WHEA DDO where mandatory heights are proposed to apply for:
 - Area 1 – Gertrude Street (part zoned Commercial 1 Zone and NRZ) with a preferred height control of 11.2 metresArea 2 (GRZ3) with a mandatory height control 11 metres.
 - Area 3 (NRZ1 and GRZ 2) mandatory height control 9 metres and (GRZ1) mandatory height control of 10.5 metresArea 4 – Nicholson Street/Francis Street with a discretionary height control of 13.5 metres.
 - and where a permit is triggered to construct a building and carry out works.

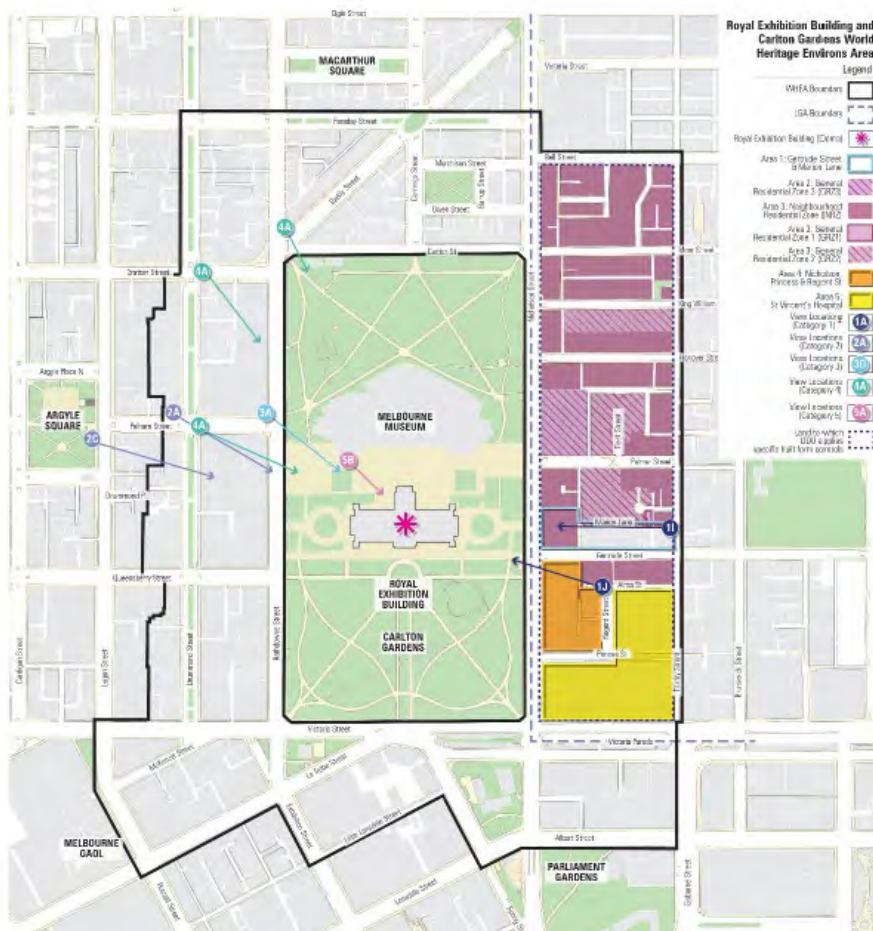


Figure 11. Map included in proposed new WHEA DDO.

WHETHER DDOS SHOULD PROVIDE SETBACK CONTROLS IN ADDITION TO HEIGHT, ESPECIALLY WITH REGARD TO GERTRUDE STREET

Submissions and evidence

- 423.** Yarra City Council seeks more comprehensive controls, that is, not limited to heights but also including a range of matters set out in Ms Waty's evidence and being pursued for other parts of the activity centre. It is among a number of submitters (including FRA and Ms Bell) citing the approved development at 1-9 Gertrude Street as demonstrating the risk of discretionary height controls and citing potential impacts of 'incremental creep' over preferred and discretionary building heights.
- 424.** Ms Bell submitted that a single DDO with mandatory height limits would be beneficial. With regards to areas 4 and 5 (next section) concerned with cantilever building over historic fabric. The was particular concern regard the Cable Trams building in Area 4. Mr Raworth accepted heights for Area 4.
- 425.** One of Council's concerns with the built form modelling in the draft Strategy Plan is that it considered built form scale in relation to the views of the REB dome, but the heritage characteristics of the various sites within the WHEA, including sites on the VHR, and the historic streetscape character created by those sites, do not appear to have been considered. In Council's submission, while the protection of views is of critical importance, not enough consideration has been given to the heritage characteristics and scale of the existing heritage buildings and 19th and 20th century streetscapes, even though these heritage streetscapes are identified as a key characteristic of the WHEA and provide an important historic setting for the REB&CG.

The protection and enhancement of the heritage streetscapes will require careful consideration of overall height, street wall height and setbacks, as well as other built form and design requirements as indicated in Council's previous submissions.

Discussion and findings

- 426.** The Committee has considered the evidence and submissions regarding Gertrude Street and finds them to be compelling. Gertrude Street is a particularly sensitive and important part of the WHEA, is under pressure by virtue of its land use. Having regard to the importance of the WHEA in protecting the values of the OUV, requires more robust control.
- 427.** The Committee considers that these are exceptional circumstances and that a mandatory height control is necessary.
- 428.** With regard to upper-level setbacks and other built form provisions, the Committee notes that such work has not been done as part of the review of the 2009 Strategy Plan. It accepts submissions and evidence that agrees that this is necessary as height is not the only contributing influence on the WHEA. The Committee notes that the Yarra City Council is currently undertaking similar work on the eastern end of Gertrude Street.
- 429.** The Committee considers that Gertrude Street would benefit from a consistent approach to urban design and that further work should be undertaken post adoption of the draft Strategy Plan by the Minister. Detailed building design controls as proposed by Ms Roberts could be undertaken by the Council.

Recommendations

- 430.** The Committee recommends mandatory heights be adopted for Areas 1 and 4, in addition to Areas 2 and 3. The WHE DDO requires amendment accordingly.

(WHEA DDO) YARRA (AREA 5)

New Design and Development Overlay 'World Heritage Environs Area' (AREA 5 – St Northern residential area) for City of Yarra

Current scheme provisions

- 431.** St Vincent's Hospital is in the Public Use Zone, under the Yarra Planning Scheme, with the following Overlays:
 - Along the Victoria Parade frontage - Design and Development Overlay – Schedule 2 (Main Roads and Boulevards).
 - Heritage Overlay Schedule 334 (HO334), South Fitzroy Precinct.
 - Development Contributions Plan Overlay – Schedule 1 (DCPO1), Yarra Development Contributions Plan.
- 432.** The hospital is in an area of "Lesser Sensitivity" under clause 22.14.

Exhibited scheme provisions

- 433.** In addition to State, regional and local policy changes, proposed amendments with respect to this area are the proposed WHEA DDO where:
 - A permit is triggered to construct a building and carry out works.
 - Much of St Vincent's Hospital is in Area 5, with a discretionary preferred maximum building height of 53.9 metres and the following design outcomes:
 - Ensure development of the St Vincent's Hospital site replicates the general maximum height of existing hospital buildings.

- Ensure development includes materiality which is influenced by its heritage setting and is of muted materials and colours, and which avoids the use of larger areas of reflective materials.
- Part of St Vincent's Hospital is in Area 4, with a discretionary preferred maximum building height of 13.5 metres and the following design outcomes:
 - Require side setbacks over two storeys to protect views of the drum, dome, lantern and flagpole of the Royal Exhibition Building from view location 1J (Refer to Map 1).
 - Ensure new buildings adopt a street wall response that is informed by adjoining heritage buildings.

434. Submissions in relation to submission on behalf of St Vincent's Hospital and ISPT, that focus on:

- Whether the exhibited controls for St Vincent's Hospital are appropriate and justified with respect to the hospital campus.
- Whether the exhibited controls for St Vincent's Hospital are appropriate and justified with respect to the property at Nos. 31-35 Victoria Parade.
- Whether site specific or bespoke planning controls are required in relation to the hospital campus and facilities.

Overview of submissions and evidence

- 435.** The submission and evidence for St Vincent's Hospital and submission on behalf of ISPT address their concerns about the impact of the proposed amendments to the draft Strategy Plan and Yarra Planning Scheme. The amendment fails to meet the Strategic Assessment Guidelines.
- 436.** The Hospital has referred to the recent approval and current construction of the ACMD project, as well as other aspects of its operations and needs, in the context of the critical role the Hospital (with its hospital and health-related facilities) that contribute to supporting the health needs of Victorians. The land was, the Hospital says, properly identified as an area of "Lesser Sensitivity" and no identified primary or key views would be affected by the further development of its land.
- 437.** ISPT has an interest in the land at Nos. 31-35 Victoria Parade which is currently the subject of a 96A planning application under the Planning and Environment Act for the use and development of the land for a multi-storey building comprising health-related office, research, and educational uses. The application is being assessed by the Department of Transport and Planning's Development Facilitation team as the development has been determined to meet the State Government's criteria for a 'Priority Project'. ISPT states that it is also working with the Hospital to review further development opportunities as explained in its submission. It is imperative, ISPT says, that the planning controls affecting the site support this vital land use and do not unreasonably impact on approvals and processing time frames.
- 438.** Both submitters oppose the proposed WHEA DDO insofar as the role proposed for the Executive Director, new permit triggers for development about 8.5 metres in height, provisions relating to matters such a materiality. The Hospital submits that the proposal will impose inappropriate and unnecessary restrictions on even minor building works and maintenance within our campus, with no evidence that this additional oversight is required.
- 439.** Both submitters challenge any basis for the impacts that will be created by the new controls on operations and future growth in facilities without clear or justified benefits.

440. In terms of the exhibited WHEA DDO provisions, St Vincent's Hospital:

- Criticises the design objectives given St Vincent's is not part of a built form character with predominantly low-rise buildings in consistent heritage streetscapes.
- Opposes a preferred maximum building height of 53.9 metres as:
 - existing buildings exceed this height;
 - the height does it appear to be informed by rigorous testing, modelling or analysis;
 - this figure has been arbitrarily selected and linked to the ACMD approval – additional height could be achieved without impacts on views and the REB&CG, as evident from the Standing Advisory Committee report;
 - the approach to Area 3, with an allowance factor over concealment height and an acceptance of visible elements in the skyline calls into question the proposal to impose a discretionary maximum building height.
- Opposes additional constraints placed on the building materials as the City of Yarra Heritage Review (1998) and the 2009 Committee report both confirm that the St Vincent's Hospital campus is not considered to be of significant impact to the WHEA. It should therefore not be subject to such stringent control.
- Says the application requirement to provide a site analysis plan and urban context report is far too onerous for many minor applications for routine repairs, maintenance and minor modifications to the St Vincent's campus.
- The proposed 'Decision guidelines' do not provide sufficient guidance for decision makers and fail to balance the State significance of the health precinct and other state planning policy with heritage considerations.
- There has been no work produced by the review to demonstrate that views to or from the REB&CG and the St Vincent's campus constitute a sensitive viewing location.
- The Strategy Plan fails to provide evidence of a proper analysis of the potential impact of development within the St Vincent's campus.

441. St Vincent's Hospital relies on Mr Raworth's evidence. He summarises his key findings and views as follows:

- Having regard for the existing conditions of the St Vincent's Hospital campus, the recent approval of the ACMD and the visual relationships between this campus and the REB&CG, the proposed changes to the policy regime, as recommended by the Draft Strategy Plan, are not supported insofar as they affect the St Vincent's Hospital campus.
- In assessing the built form of the St Vincent's Hospital campus, existing and proposed, there seems no substantive basis upon which to remove the distinction between the areas of greater and lesser sensitivity insofar as that distinction presently applies to the campus.
- Similarly, the proposal to introduce a new discretionary height of 46.5m in terms of development on the St Vincent's campus does not seem justified, as evidenced by the recent hearing in relation to, and approval of, the ACMD building at the south west corner of the St Vincent's Hospital campus.
- While it is proposed that any building within the WHEA that is greater than 8.5m in height will trigger an approval process overseen by Heritage Victoria,

there does not seem a strong imperative for this change insofar as it relates to the St Vincent's Hospital site.

- 442.** ISPT shares many of the same concerns as St Vincent's Hospital, however, it also states:

*"In general terms, we have no objection to the intent of the draft Strategy Plan to strengthen the protection of the REB and Carlton Gardens. We do not object to the proposed preferred maximum building height of 53.9 metres across St Vincent's hospital campus, on the basis that this height is discretionary, and we see merit in applying this height limit given the relationship to the recently approved ACMD building which holds the prominent corner. Furthermore, we consider that preferred height controls in this location are an appropriate way to protect the WHEA whilst ensuring that project and site-specific nuances can be considered."*⁶⁹

- 443.** ISPT considers a separate DDO should be prepared for the health and education precinct (PUZ3). A separate DDO would allow for design objectives and decision guidelines to specifically relate to the current context and desired built form outcomes of the PUZ3, acknowledging the overarching strategic direction of the land within the State significant health and education precinct. Further:
- should a new DDO not be supported, the draft DDO should be updated to require a permit only for buildings and works within Area 5 that exceed the preferred building height of 53.9 metres; and
 - there should also be an exemption for services and works that relate to the ongoing and necessary Hospital operation.
- 444.** For the Executive Director, Mr Barnes points out that the permit trigger at 8.5 metres relates to Area 1 which is north of Gertrude Street.
- 445.** Ms Waty accepts that a primary view to the REB will not be affected but supports the proposed control and design outcomes to maintain its mid-rise character. Her evidence is that maintaining the Nicholson Street 'open' streetscape profile is pertinent, which can be achieved by specifying the preferred building heights commensurate with the approved replacement of the Aikenhead Wing building (the tallest structure at approximately 53.9 metres). I consider the recommended building height effective in maintaining the contrast between the taller mid-rise profile (being structures associated with the hospital) and the established low-rise heritage fabric further north.
- 446.** Ms Waty acknowledges the existing 28 metres structure located at Nos. 29-37 Regent Street (within Area 4) and its potential tension with the proposed DDO, which recommends a preferred building height of 13.5 metres. She does not recommend updating the proposed DDO to increase the preferred height for Area 4 to 28 metres as it can potentially adversely impact other sites. In addition, Ms Waty notes that Part 2- Building and Works of the proposed DDO already acknowledges that structures that form part of the existing urban fabric might exceed the preferred building height and that future redevelopment should be of commensurate scales
- 447.** Ms Waty states that the urban structure between the CBD high-rise towers, the Hospital campus mid-rise profile, and the low-rise heritage fabric are attributes of the WHEA character and is visible from the publicly accessible elevated deck (referring to View Category 7 on Figure 05, page 32). She considers a discretionary building height appropriate for the Hospital campus as there may be instances where variance can occur, and future development is realised in response to particular site conditions. In addition to building height control, Ms Waty considers the inclusion of materiality control in the proposed DDO to be supportable to ensure the REB&CG remains the focal point.

⁶⁹ See p66 of David Barnes expert evidence, dated 11 April 2023.

- 448.** Mr Barnes states that the explanatory document prepared as part of amendment documentation outlines how the amendment satisfies strategic assessment guidelines. He acknowledges that the site will now be impacted by additional policy and controls that did not apply, as recommended by heritage advice. He comments that standard planning scheme exemptions relating the building maintenance are not being altered. However, if desired, the proposed WHEA DDO Schedule could be amended to outline a range of minor building works and maintenance being specifically exempt from the permit triggers of the proposed overlay.
- 449.** Mr Barnes has recommended an alternate approach to referral triggers to HV, being and development exceeding the preferred maximum building height. However for reference, the 8.5 metres reference relates only to Area 1 of the WHEA DDO – which is privately owned land on the north side of Gertrude Street (i.e. not Hospital land).
- 450.** Ms Lardner states that currently the PUZ functions to exempt the need for planning approval if the use and/or development is consistent with the relevant public use designation and therefore streamlines development processes for designated public benefit. This exemption from planning controls has potential implications for the setting of the REB&CG, as usually development of these sites will not require planning approval. However, the exemption is enshrined in the zone, and does not exempt planning approval being required under other planning controls, such as a heritage overlay or DDO. Where a permit is triggered under an overlay the City of Yarra is the Responsible Authority.
- 451.** Ms Lardner does not support amending the DDO for the public use zone if it removed the referral to the Executive Director and removed the requirement for development to be assessed against the WHEA Guidelines. Height is not the only recommendation but the DDO also seeks to 'ensure development includes materiality which is influenced by its heritage setting and is of muted materials and colours, and which avoids the use of larger areas of reflective materials'. For these reasons, Ms Lardner's evidence is that the proposed controls are appropriate.
- 452.** Ms Hodyl refers to the application of 53.9 metres as a "largely academic exercise". She states that aligning the preferred maximum building height on this site with the height of the approved building will send a clear signal that no further redevelopment that results in a taller building is supported. She does not recommend changes to the DDO.
- 453.** Other parties disagree with St Vincent's Hospital and ISPT.
- 454.** The Yarra City Council relies on Ms Robert's evidence.
- 455.** Ms Roberts agrees with Ms Waty that managing risks to the WHEA is of fundamental importance. She also agrees that there must be a balance between the protection of the significant area and the evolution of the WHEA, but does not support the inference that 'evolution' requires discretionary height and setback controls. Setting mandatory controls provides clear guidance on the allowed height for protection of the WHEA. It removes the opportunity for development to encroach, no matter how minutely, on the required massing parameters. It also prevents the 'creep' of heights where the cumulative impact of development over time that 'just exceeds' the preferred controls, with the next development 'just exceeding' the one before, may have unacceptable impacts.
- 456.** Ms Roberts states that this creep is already in evidence with the approved development for St Vincent's hospital resulting in an increased preferred height limit within controls as well as the approved five storey development at Nos. 1-9 Gertrude Street which has the potential to act as a 'benchmark'. She states that the application of mandatory controls to be of even greater importance given the lack of quantifiable design objectives proposed within the controls which would, if provided, give local governments greater tools and certainty when negotiating acceptable impacts.

457. Ms Roberts states that while the Standing Advisory Committee for ACMD found that the additional height would not result in detrimental views toward or from the REB and Carlton Gardens, ideally, this would not be up for debate in future planning applications. As also is the case for Gertrude Street, Ms Roberts contends that a more rigorous and detailed DDO for the St Vincent's site would be more appropriate.
458. In addition, the Yarra City Council argues that submissions seeking to strike a balance between world heritage considerations and other planning objectives (such as the submissions from St Vincent's and ISPT which urge the Committee to consider the State significance of the St Vincent's hospital campus as a Health and Education Precinct in State and local policy) fail to recognise (as noted in paragraph 37 of the EDHV submission) that the 'primary purpose' of the Act and the Draft Strategy Plan is to ensure the protection of world heritage values without consideration of other planning objectives.
459. The National Trust supports height controls to be applied to this site and suggests that an additional recommendation for the preparation of an Incorporated Plan for the hospital campus. Its purpose would be to provide detailed development guidance and ensure a consistent approach to development across the campus.
460. The RHSV submission suggests a podium and tower built form would best provide for higher built forms required by the hospital but still respect the scale of the adjacent fine two- and three-storey Victorian buildings fronting Nicholson Street. However, events have overtaken us and we note that the Minister has approved the proposed Denton Corker Marshall designed glazed tower of 53.9 metres and that the WHSP has consequently adopted that as the height limit for the precinct.
461. The RHSV refers to the four storey height limit for the area just to the north, bounded by Nicholson, Gertrude, Regent and Princes streets. The frontage to Nicholson Street consists of a fine collection of two to three storey Victorian terrace houses and, rather than apply an arbitrary height limit, it would be more appropriate to require that new building not exceed the height of the adjoining heritage buildings.
462. The RHSV is one of a number of submitters that argued for mandatory controls throughout the WHEA including the St Vincent's site.
463. Others including the Friends of the REB&CG, Protectors of Public Lands, Fitzroy Residents' Association who refer, among other things, to the ACMD approval. In relation to the proposed discretionary not mandatory control, they say that if the height can be breached once it can be breach repeatedly.
464. On a similar point the Australian Heritage Advocacy Alliance refers to the buffer Zone is a key element in maintaining WH status. Examples of such 'flexible' developments now exist within the Buffer Zone, eg. the skyscraper Shangri-La Hotel and of St Vincent's Hospital, City of Yarra (under construction). These structures now loom over the REBCG WH site and are evidence of 'negotiated non-compliance'.
465. The Protectors of Public Lands ask, what will is there to make World Heritage a higher priority? In this regard, the submission refers to the Shangri-La, St Vincent's, ACMD and the Besen Gertrude developments that "development and economic issues have taken precedence each time to the detriment of World Heritage, local and national heritage".
466. Attention was drawn to the report of the Victorian Design Review Panel in relation to the ACMD permit application as set out in the Planning Panels Victoria Standing Advisory Committee report at page 20 of 66 and page 34 of 66. The Panel's key issued in summary form that are cited as including:

“while the VDRP could in principle accept the height, mass and ‘object’ status of the concept, it was critical that the proposal does not set a precedent for the remaining campus regarding height, mass and materiality.”⁷⁰

“It is noted the VDRP does not have concern regarding these aspects of the proposal other than the prospect of an approved development setting a precedent for future development within the hospital campus.”⁷¹

Discussion

- 467.** The St Vincent’s Hospital campus comprises multiple areas summarised in Figure 12. It extends across Areas 4 and 5 of the proposed WHEA DDO.



- 468.** Submissions on behalf of St Vincent’s Hospital and ISPT are underpinned by the important role of the Hospital and the need to balance, or give that priority in framing amendments.
- 469.** The Committee accepts the Hospital and its associated facilities and services have a vital role in serving public health, research, employment and community needs. However, the Committee’s task has been set out earlier, and its findings and conclusions are made in accordance with the statutory framework.
- 470.** Hence, while the Hospital and ISPT clearly ask the Committee to give great weight to health and medical functions, the Committee is also obliged to, and considers it necessary, to give a strategic and statutory priority to the World Heritage

⁷⁰ Planning Panels Victoria Priority Projects Standing Advisory Committee Report, 10 September 2021, p34

⁷¹ Ibid, p20

place. Having said that, the Committee does not need to 'pick a winner' between these important goals because it agrees with Ms Roberts opinion that:

471. *"I do not consider the development of the Health and Education Precinct to be mutually exclusive of the protection of the values of the WHEA. Buildings can be designed to accommodate cutting edge technology and health care facilities within a defined volume without adversely impacting on their success"*
472. The Hospital's submission emphasises the 'Lesser Sensitivity' status deliberately nominated by the 2009 Committee through its review and explained in its 2009 Committee report.
473. The draft Strategy Plan removes that distinction for reasons that are strategically justified and are important to ensure the protection and management of the WHEA's Outstanding Universal Values, as set out earlier in this report. The reasons include new primary views which are reflected in the draft Strategy Plan but not part of the original Strategy Plan. In comparison to 2009, a more sophisticated analysis of the impacts of built form massing on significant views has now been done using the 3-dimensional block model.
474. The draft Strategy Plan recognises the distinction between parts of the Hospital campus and the 'open' streetscapes character that defines the REB & CG perimeter. The Hospital is substantially, but not wholly, not part of a built form character with predominantly low-rise buildings in consistent heritage streetscapes.
475. The Committee accepts the draft Strategy Plan's assessment that the urban structure is part of the attributes of WHEA's character. This not been challenged in any substantive way in submissions and evidence. This is not, however, reflected sufficiently in the WHEA DDI design objectives as they focus on predominantly low-rise buildings in consistent heritage streetscapes. Moreover, many participants in the current review process focus on viewlines without an evident appreciation or weighting to the urban structures outcomes.
476. For this reason, the Committee recommends an amendment to the design objectives to emphasise the urban structure associated with the whole of the WHEA. The Committee considers this can be addressed though changes to the WHEA DDO. This is preferred to creating another DDO or site specific control when the intent has been to consolidate the DDO for all land in the WHEA. Areas 4 and 5 are part of the WHEA and play a role in it, even though there are different built form and landscape characteristics. The Committee does not support the planning scheme should detach it, notwithstanding it also considers that there would be value for the Hospital, stakeholders and the community for greater clarity and certainty through a masterplan or incorporated plan. This is not, however, something that is available to the Committee to address further.
477. Related to this, the Committee considers the decision-guidelines should be extended to be more specific about views from the Museum forecourt and about what 'affects' might be based on the design objectives and outcomes.
478. The Committee considers the reference to a preferred maximum building height of 53.9 metres is appropriate in the circumstances notwithstanding that there has not been further testing. In so doing, it has had regard to the views of the Victorian Design Review Panel and findings of the Standing Advisory Committee. However, the Committee has difficulty with the first design outcome – to 'Ensure development of the St Vincent's Hospital site replicates the general maximum height of existing hospital building' and specifically the word 'replicate' in the context of this performance-based approach. If replication, or no exceedance of 53.9 metres is required, the provision should be mandatory. Cross-examination of several witnesses by Ms Robertson led to some concessions that some level of exceedance may be potentially acceptable.

- 479.** The question is really about precedent, as the Victorian Design Review Panel stated and the Yarra City Council's, and others, concerns about 'creep'.
- 480.** The Committee considers a performance-based approach is required that takes account of the additional viewlines (such as from the Museum forecourt – not just views 5A – 5C – and the Dome promenade) and giving greater emphasis with respect to the WHEA structure. This requires improved information, such as modelling, which is recommended to be included as a permit application requirement.

Conclusion

- 481.** The Committee concludes that in addition to other recommended amendments set out in this report, that no further amendments are required to the draft Strategy Plan and exhibited scheme amendments in response to these submissions in Area 5.

Appendix 6

Removal of Areas of Greater and Lesser Sensitivity

THE ISSUE

- 482.** The 2009 Strategy Plan divided the WHEA into an Area of Greater Sensitivity (in which additional controls and policies applied) and an Area of Lesser Sensitivity (in which no additional controls or policies applied). These areas are depicted in Figure 2.
- 483.** The draft Strategy Plan proposes to remove this distinction. The result would be that policies and controls applicable to the WHEA would apply to all land in the WHEA on their terms.
- 484.** The strategic justification for the removal of the distinction is outlined in the draft Strategy Plan, and includes:
- the WHEA HO currently applies to the Area of Greater Sensitivity only;
 - areas currently designated as being of lesser sensitivity are mostly covered by HO. However, places subject to the HO include a significance assessment of the cultural heritage values that individually apply to that place or precinct, rather than the significance of that place or precinct to the World Heritage values of the REB & Carlton Gardens;⁷²
 - there's a lack of statutory planning policies or controls over parts of the WHEA that sit outside of the Area of Greater Sensitivity;⁷³
 - consequently, those areas of the WHEA outside of the 'Area of Greater Sensitivity' are afforded no greater protection or statutory control than the surrounding land located outside of the WHEA;
 - additional statutory mechanisms are needed to fully address the role of the WHEA as a buffer zone to a proximal World Heritage site;⁷⁴
 - the importance of the WHEA in its entirety to the protection of the World Heritage values of the REB & Carlton Gardens was identified by the 2009 Strategy Plan; and
 - removing the distinction will allow the WHEA to be more appropriately managed as a single entity.⁷⁵

OVERVIEW OF SUBMISSIONS

- 485.** Most parties agree to the removal of the distinction and lesser sensitivity or are silent on the issue. Parties who oppose the change are owners whose land will be directly affected.
- 486.** Experts for the Executive Director have identified significant concerns with the existing distinction, including that areas of 'lesser sensitivity' do not appear to be provided with any practical protection as result of their classification. Ms Lardner in her evidence submits that:

"Removal of the two levels of sensitivity would better reflect international best practice and expectations for the WHEA to be managed as the buffer zone required to appropriately protect the OUV of the REB&CG. There is a concern that in its practical application to protect the World Heritage values of the

⁷² Page 59 of the draft Strategy Plan.

⁷³ Page 3 of the draft Strategy Plan.

⁷⁴ Page 3 of the Strategy Plan.

⁷⁵ Page 92 of the draft Strategy Plan.

*REB&CG, the WHEA boundary is currently limited to the boundary of the area of greater sensitivity*⁷⁶

- 487.** Mr Barnes makes the point that the area of lesser sensitivity' and the outer WHEA boundary as documented in the 2009 Strategy Plan, is not referred to in the planning scheme at all, with the consequence being:

*"that the planning controls that apply to the WHEA do not apply or have any functional role or influence over the outer 'area of lesser sensitivity'."*⁷⁷

- 488.** He notes further that this reduces public awareness of the full extent of the WHEA and what land is included, pointing to the Shangri-la development as highlighting a specific example of how this policy gap could lead to adverse outcomes⁷⁸

- 489.** Yarra City Council supports the removal of the distinction between areas of Greater and Lesser Sensitivity within the Buffer Zone and submits that the level of protection to be afforded to land within WHEA is currently undermined by the distinction between areas of greater and lesser sensitivity. This characterisation of areas, one greater and the other the lesser, downplays the importance of the whole. The Council submits that practically it means that HO361 and DDO controls that exist to protect the WHEA for the City of Yarra are not applied to the whole area.

- 490.** Community submitters are generally supportive of the removal of the distinction of greater and lesser sensitivity. RHSV strongly supports the recommendation to remove the distinction so that the WHEA is managed as 'one' buffer zone. The World Heritage provisions in the current Melbourne and Yarra planning schemes relate only to the area of Special Sensitivity which they submit "makes a mockery of the designation of the remainder of the WHEA" and that the "introduction of the distinction in 2009 made possible the construction of a number of towers that threaten the World Heritage values of the site."

- 491.** Opposition to the Executive Director's approach is noted in the submission by Mario LoGiudice who objects to the consolidation of the WHEA, and what is termed "one-size-fits-all" approach to the amendment. In their view, there are clearly areas of greater and lesser sensitivity and the removal of the distinction, they say "appears to now ignore the original purpose of the WHEA" as set out in the 2009 Strategy Plan. Evidence brought by Carolynne Baker for Mr LoGiudice supports this position. Ms Baker in her evidence states that:

*"Given almost all the balance of the buffer zone is included within the HO, is not clear why additional statutory mechanisms are required to fully address the role of the WHEA as a buffer zone to the World Heritage site."*⁷⁹

- 492.** St Vincent's is also not supportive of the removal of the distinction for their site. It considers that draft Strategy Plan fails to demonstrate problematic outcomes that require review and correction or that proposed outcomes sought will indeed achieve the identified goals. St Vincent's relies upon the evidence of Mr Raworth that:

*"It is clear that the 2009 WHEA Strategy Plan took care to closely consider the issue of the division between the areas of greater and lesser sensitivity, and that the St Vincent's Hospital site was intentionally excluded from the zone of greater sensitivity."*⁸⁰

- 493.** In relation to the 'gap' identified in the draft Strategy Plan that the removal is targeted at solving, Mr Raworth concludes that:

⁷⁶ Para 5.4 of Helen Lardner's Expert Evidence Statement, April 2023.

⁷⁷ Para 141 – 142, Planning Evidence of David Barnes, 11 April 2023.

⁷⁸ Ibid at para 143.

⁷⁹ Para 6.2.2 on page 18 of Statement of Expert Evidence, Caroline Baker, Urbis dated 10 April 2023.

⁸⁰ Para 45 Statement of Evidence of Bryce Raworth, 28 January 2022.

“The draft updated Strategy Plan, though considering the fact that the controls of Clause 22.14 and HO361 do not apply to the entirety of the WHEA within the City of Yarra as a ‘gap’, does not provide any readily appreciable justification for this view... I do not agree that this change is warranted”⁸¹

COMMITTEES’ FINDINGS

- 494.** The Committee accepts there is significant strategic justification for the removal of the distinction of areas of greater and lesser sensitivity, including that:
- there appears to be a lack of statutory planning policies or controls over those parts of the WHEA that sit outside of the Area of Greater Sensitivity such that they are afforded no greater protection or statutory control than the surrounding land located outside of the WHEA;
 - additional statutory mechanisms are needed to fully address the role of the WHEA as a buffer zone to a proximal World Heritage site; and
 - removal of the distinction of greater and lesser sensitivity will properly and appropriately facilitate management of the WHEA as a single place.
- 495.** The Committee considers these changes necessary to fill a gap, which in their view has contributed to the development of the Shangri-La building which extends considerably above and visually competes with the visual prominence of the dome. Along with other recommendations by the Committee, removal of this distinction will help manage future development within the WHEA from what this Committee considers to be an emerging risk.
- 496.** Changes will also assist with meeting Australia’s obligations as a State Party to the Convention which requires that it appropriately manage the whole buffer zone to protect the OUV of the World Heritage property. The removal of the distinction of areas of lesser and greater sensitivity is appropriate and reflects the significant role of the WHEA, the proximity to the REB&CG and distinguish the area from neighboring sites.
- 497.** Therefore, the Committee accepts the recommendation of the draft Strategy Plan that differentiation between ‘areas of greater and lesser significance’ should be removed, and the full extent of the WHEA boundary, including the proposed expansion area, should be included in relevant planning controls. This requires consequential changes to Clause 22.14 (Yarra Planning Scheme) and Clause 15.03-1L-01 (Melbourne Planning Scheme) to include necessary updates to text and mapping to ensure these policies apply to the full extent of the WHEA. These matters are reflected in draft planning controls submitted by the Executive Director and amended by the Committee, Appendix 9.

⁸¹ Para 46 Statement of Evidence of Bryce Raworth, 28 January 2022

Appendix 7

Executive Director Referral Authority Status

BACKGROUND AND CURRENT SITUATION

- 498.** A referral authority is a body to which a planning application is referred for specialist advice. An authority may have a concern as to whether approval of that application may adversely impact on any of its interests, functions or works. A range of referral authorities, as specified under local planning schemes and as required by section 55 of the PE Act, consider planning applications on the grounds, for example, of their potential impact on electricity, gas, water, fire, and roads. Referral requirements are specified in clause 66 of planning schemes.
- 499.** The PE Act defines two types of referral authority - recommending and determining. While the advice of a recommending referral authority does not necessarily bind a responsible authority (usually a local council) in its decision-making in terms of ultimate or conditional approval of any application, if a determining referral authority objects to a permit application, then the responsible authority must issue a Notice of Decision to Refuse to Grant a Permit.
- 500.** As required under section 14A of the PE Act, a referral authority must have regard to the objectives of planning in Victoria; any directions issued by the Minister for Planning; and the planning scheme, in particular the provisions that relate to the referral.⁸²
- 501.** Statutory controls for sites in the WHEA are currently vested in the planning schemes of two municipal authorities, the City of Melbourne and the City of Yarra. The WHEA itself is not listed in the Victorian Heritage Register. The Executive Director considers permit applications for places that are individually listed in the VHR. It has a referral role under current Heritage Overlay controls regarding applications to subdivide a place in the VHR.

PROPOSED AMENDMENTS

- 502.** The draft Strategy Plan identified 'a lack of a formal role of the Executive Director, Heritage Victoria in decision-making process' as a key gap, omission or risk which threatened the successful conservation and protection of the OUV of the REB & Carlton Gardens through controlling development in the WHEA.
- 503.** With regard to the 'high level of significance ascribed to the protective role of the WHEA—which should elevate heritage above other considerations in any planning decision'—the draft Strategy Plan recommended that the Executive Director of Heritage Victoria be nominated as a determining (rather than recommending) referral authority under Schedule to clause 66.04 referral of permit applications under local provisions.
- 504.** The draft Strategy Plan recommended that the Executive Director become a determining referral authority for certain scales of development in order to exclude permit applications for very minor additions or alterations within the WHEA being referred to Heritage Victoria and thus avoid more trivial matters occupying their attention. A referral trigger threshold was recommended as being set 'for all new buildings 3 storeys/11m or greater in height, or additions to an existing building which would increase its height to 3 storeys/11m or more'.

⁸² See State of Victoria Department of Environment, Land, Water and Planning, *Planning Practice Note 54: Referral and Notice Provisions* (June 2015).

- 505.** The draft Strategy Plan recommended that greater resourcing would be required for Heritage Victoria to successfully take on the increased workload as determining referral authority.

OVERVIEW OF SUBMISSIONS AND EVIDENCE

Australian Heritage Advocacy Alliance (AHAA)

- 506.** The AHAA made no direct comment on the role of the Executive Director as a referral authority, instead recommending the establishment of a new Victorian Heritage Agency to oversee management and compliance issues.

Carlton Residents Association (CRA)

- 507.** The CRA strongly supported the appointment of the Executive Director as a determining referral authority and contended that the expertise inherent in their advice was important in this process.

City of Yarra

- 508.** The City of Yarra agreed with the appointment of the Executive Director as determining referral authority, supported by an Expert Advisory Committee. This should be triggered, in its view, by applications for development above 11.2m (rather than 11m) to align with the preferred height in the Gertrude Street built form framework. In verbal submissions, the City of Yarra noted that, given the importance of the WHEA, it would take comfort in the elevated role of the Executive Director.

City of Melbourne

- 509.** The City of Melbourne supported the Executive Director being a recommending rather than a determining referral authority, drawing on evidence of Mr Glossop that, 'from a town planning perspective', determining referral authorities should only be 'those with exclusive knowledge and information pertaining to a particular area'. To the contrary, in the City's view, its 'multi-disciplinary experts' are able to make balanced planning decisions and to 'exercise its own heritage and urban design considerations'. The City of Melbourne further argued that elevating the Executive Director to a determining referral authority inappropriately 'puts heritage considerations ahead of other planning considerations' and unfairly shifts power away from democratic to appointed decision-makers.

Executive Director, Heritage Victoria

- 510.** The Executive Director drew on the planning evidence of Mr Barnes that the Executive Director's status as determining referral authority for all applications for new buildings or additions to existing buildings which would be 11m or greater in height would assist in consistent assessment and decision-making of large-scale development across the WHEA. Minor modifications were recommended by Mr Barnes as follows:

- 511.** Clause 66.04 to the Melbourne Planning Scheme to be updated to:

- Refer only to the proposed WHEA DDOs as the relevant local policy requiring referral to Heritage Victoria as a determining referral authority.
- Under the Kind of application heading, add the following amended referral trigger: 'An application of a building on land covered by DDO10, or a building on land covered by DDO6, DDO13, WHEA DDO which exceeds the preferred maximum building height listed in the relevant schedule', with referral type being a determining referral authority.
- Under the Kind of application heading, add the following amended referral trigger: 'All other applications for building and works on land covered by the WHEA DDO, with referral type being a recommending referral authority.'

- 512.** Clause 66.04 to Yarra Planning Scheme to be updated to:

- Refer only to the proposed WHEA DDOs as the relevant local policy requiring referral to Heritage Victoria as a determining referral authority.

- Under the Kind of application heading, add the following amended referral trigger: 'An application of a building which exceeds the preferred maximum building height listed in the schedule to the WHEA DDO', with referral type being a determining referral authority.
- Under the Kind of application heading, add the following amended referral trigger: 'All other applications for building and works on land covered by the WHEA DDO, with referral type being a recommending referral authority.
- Clause 66.06 to remove the existing Heritage Victoria notice requirement relating to DD08 (given DD08 is proposed to be consolidated into the WHEA DDO).

513. Ms Lardner's expert heritage conservation evidence, in considering the possible role of the Executive Director as determining referral authority, submitted that World Heritage sites 'warrant the consideration of heritage being elevated and the assessment of potential impacts being undertaken by people with expertise in World Heritage matters. Other planning considerations would continue to be addressed by local government, or in some cases VCAT'. Neither local government nor VCAT, Ms Lardner contended, 'necessarily have expertise in World Heritage matters and balance heritage against other objectives'.

Friends of Royal Exhibition Building and Carlton Gardens (FREBCG)

514. The FREBCG supported the appointment of the Executive Director as a determining referral authority, further recommending the establishment of an independent statutory authority for the REB and Carlton Gardens World Heritage site.

GIC Australia (GICA)

515. As owner of land at 20 La Trobe Street, Melbourne, GICA considered that should the Executive Director become a determining referral authority, heritage considerations would be unduly elevated above all others. This may, in GICA's view, be warranted in other areas of the WHEA aside from Area 3.

Industry Super Property Trust (ISPT)

516. ISPT, who have an interest in the land at 31-35 Victoria Parade, Fitzroy (owned by St Vincent's Health Australia), opposed the Executive Director being appointed a determining referral authority, asserting that it would impose significant delays and red-tape, particularly for minor applications, and not allow for the balancing of broader policy outcomes. ISPT further submitted that the Executive Director should only be a recommending referral authority for land within the PUZ3; that 11m is an inappropriate trigger threshold; and that were a single DDO to be retained, bespoke height triggers should apply to Area 5.

Mario LoGiudice

517. Mr LoGiudice, owner of land at 57-65 Drummond Street and 85-93 Faraday Street, Carlton, submitted that the appointment of the Executive Director as a determining referral authority would be unjustified, especially in relation to modest development, and that the Executive Director should only be a recommending referral authority. Mr LoGiudice further submitted that the Executive Director was not sufficiently resourced to undertake such a role; that referrals should be limited to those development proposals that have a visual relationship to the REB&CG; and that in the absence of such a visual relationship, the referral trigger should be 5 storeys.

518. Ms Baker's expert heritage conservation evidence argued that a recommending referral authority status would be adequate. Ms Baker further questioned the benefit of the Executive Director being a determining referral authority on the grounds that it was unclear how such an assessment would differ from any assessment undertaken by relevant local councils; that there was a risk that heritage considerations would outweigh other drivers; that having the Executive Director make determinations on places 'of no cultural heritage significance with no visual relationship with the World

heritage listed site' was over-protective; that using a performance-based threshold, any referrals should be limited only to those shown to have a visual impact; and that the Executive Director was under-resourced to assume a more weighty role and should limit their focus to places of State significance.

- 519.** In verbal submissions, Mr Iser argued that it would be more 'efficient' if the Executive Director were a recommending referral authority at a lower bar, and a determining referral authority at a higher bar.

Protectors of Public Land Victoria (PPLV)

- 520.** PPLV supported the proposal to make the Executive Director a determining referral authority under current governance structures, though preferred a more radical overhaul of governance in the creation of a single World Heritage management entity.

Royal Garden Manor Pty Ltd (RGM)

- 521.** In order to avoid unnecessary delays in the planning permit approval process, RGM, owner of land at 1-23 Rathdowne Street, Carlton, supported the appointment of the Executive Director as a recommending referral authority only, limited to planning permit applications having a visual relationship with the REB&CG or greater than 5 storeys.

Royal Historical Society of Victoria (RHSV)

- 522.** The RHSV supported the appointment of the Executive Director as a determining referral authority, triggered by proposals over 11m, or consistent with any mandatory heights as specified in the DDO. A requirement for the Executive Director to become a determining referral authority would, in the view of the RHSV, enable consistency across the entire WHEA and mitigate previous limitations of the Executive Director's involvement in the decision-making process within the WHEA. The RHSV also suggests that such a designation would require additional resourcing.

St Vincent's Hospital (Melbourne) Limited (SVH)

- 523.** Though there may be other locations in the WHEA where heritage considerations might be paramount, SVM argued that in regard to any development on its own campus, such considerations should be balanced with broader considerations of planning, community, safety, accessibility and amenity issues. SVM considered that such a balance is adequately maintained by current planning controls. The expert evidence of Mr Raworth contended that there is no 'strong imperative' to any change to approval processes as they relate to the St Vincent's Hospital site.

Walk in St Kilda Road and Environs (WSKRE)

- 524.** To avoid fragmentation and inconsistency of decision-making, WSKRE supported the appointment of the Executive Director as determining referral authority, qualified by a call for the creation of a new independent governing body or trust for the World Heritage site.
- 525.** A number of submissions, inter alia, referred to the Victorian Civil and Administrative Tribunal decision relating to 1-9 Gertrude Street, Fitzroy, located in the WHEA.

DISCUSSION

- 526.** World Heritage considerations are of paramount importance.
- 527.** Development in the WHEA since its declaration in 2007 and subsequent inclusion in the World Heritage List as a buffer zone by the World Heritage Commission in 2010 has not consistently protected the OUV of the REB&CG in that, for example, inappropriate scales of development have intruded on view lines and interrupted the WHEA's low scale and fine grain setting.
- 528.** For example, construction of the Sapphire-by-the-Gardens development at 308 Exhibition Street, located in the WHEA from its gazettal, commenced in 2018. While it promotes some of its key amenities as being "the grandeur of park front living, with

unparalleled views across the UNESCO World Heritage-Listed Carlton Gardens",⁸³ at the same time the development challenges the visual dominance of the REB in its setting and compromises the very values that support the REG&CG's World Heritage listing in the first place. When viewed from the forecourt of the Melbourne Museum over the otherwise relatively clear-sky silhouette of the REB, the twin towers of the Shangri-La/Sapphire-by-the-Gardens development are visually overbearing and materially discordant: by day as they rear up behind the REB when looking south; and by night due to Artificial Light at Night (ALAN) pollution, as detailed by Dr Clark in expert evidence. The OUVs of the REB&CG do not go to sleep at night, and disagree with the verbal evidence of Mr Raworth, under questioning from Mr Molesworth KC, that with fewer people out at night this should be a lesser consideration. It is recognised, however, that it is not a typical consideration in relation to most assessments.

- 529.** In responding to questions from Mr Molesworth, heritage expert Mr Raworth 'couldn't say' whether the Shangri-La development had any impact on the OUV. Mr Connor in his verbal submission suggested that the Shangri-La development was 'an unfortunate result', and Mr Iser that from his perspective its aesthetic qualities were 'not the most favourable'. FREBCG argued that it 'looms over the WH Site'; Mr McPherson in expert evidence that it 'is clearly contrary to the clause 22.21 policy of retaining a predominantly low-scale form of development within the WHEA'; PPLV that it dominates and competes with the REB; the Executive Director that it 'has a substantial impact on views of the Building from the Museum forecourt', underlining the 'importance of ensuring that world heritage values are embedded in all decision-making within the WHEA; the AHAA that it looms over the REB&CG and is an example of 'negotiated non-compliance'; Ms Waty's expert evidence that it visually competes 'with the REB's scale and architectural features'; and Mr Barnes's expert evidence that it 'extends considerably above and visually competes with the visual prominence of the REB dome' and is evidence of 'an emerging risk for managing future development within the WHEA'. Mr Raworth, in answer to a question from Mr Watters citing possible confusion in the case of the Shangri-La development process in terms of the designation of areas of greater or lesser sensitivity, confirmed that 'errors are common'.
- 530.** The VCAT decision in 2021 to approve construction of a five-storey development at 1-9 Gertrude Street, Fitzroy shows how current scheme policy was approached and applied and the evident lack of emphasis in current policy and controls to WHEA urban form outcomes (contrasted with view lines). It also shows how balancing required by clause 71.02 of the scheme (Integrated decision-making) did not give strength or priority to World heritage values, over local and other matters.
- 531.** VCAT, in noting the location of the review site in the WHEA, referred to the 'unusually high level of heritage significance' of the REB&CG as being 'something worth reflecting on'. The Tribunal found that the proposed height of the development was 'not that dissimilar to other existing buildings in the immediate context', though it was higher. Many parties expressed concern about such height increases, representing dangerous incremental creep which increases future risks of impact. Various referred to through the hearing as 'death by a thousand cuts' and 'thus far, no further', the Committee cites with agreement Ms Robert's definition of 'creep' as a process whereby 'the cumulative impact of development over time that 'just exceeds' the preferred controls, with the next development 'just exceeding' the one before, may have unacceptable impacts'. Mr Raworth, in verbal evidence, agreed with a proposition put by Mr Molesworth KC that incremental change could lead to a big impact at a future date, while Ms Hodyl, in answer to a question from Ms Marshall, concurred that bracket creep can be seen in exceedances of preferred heights. Referring to the approval for the development at 1-9 Gertrude Street, Fitzroy, Ms Waty, under cross-examination by Ms Marshall, noted that

⁸³ <https://sapphirebythegardens.com.au/> [accessed 19 June 2023]

the case revealed the prospect that other future applicants would try their hand at incremental creep.

- 532.** There is an evident inherent potential to ignore or downplay the paramount status of the World Heritage site. While the Executive Director of Heritage Victoria formally expressed its objection to the impact of the Gertrude Street development on the OUV of the REB&CG, it had no formal referral authority status.
- 533.** We take these two examples to be illustrative as to how dependence on current guidelines and processes has been insufficient in mitigating risks and impacts. It is important to ensure that neither incremental creep nor idiosyncratic or anomalous cases assume any status as benchmarks for future development approvals. Were the Executive Director to simply be a recommending referral authority, there is a real risk that its advice could be disregarded in the name of giving more weight to other policy issues. Such an outcome is inimical to our collective obligations and responsibilities to World Heritage values.
- 534.** While the Executive Director determines applications relevant to State-level cultural heritage matters, as a signatory to the Bilateral Agreement with the Commonwealth⁸⁴ they are further empowered pursuant to delegation from the Minister for Planning to consider World Heritage matters under the EPBC Act, and have related obligations under Part 9 of the Act. Their primary focus, in other words, is not confined to places of state-level cultural heritage significance.
- 535.** The Committee agrees with the verbal submission of Mr Watters that the Executive Director is experienced in assessing impact on cultural heritage values, and the evidence of Ms Lardner that the Executive Director has sufficient expertise in World Heritage matters to undertake the role of determining referral authority, experience in part derived from their role under the bilateral agreement. We dismiss as inflated any expressed fears that the Executive Director would unreasonably reject any application (existing approvals on the St Vincent's campus—effectively the first referrals—are testament to the fact that development will not be unreasonably stifled), or suggestions, such as by Mr Glossop, that the Executive Director's decisions would be based on subjective rather than measurable criteria. If the Executive Director assumes the role of determining referral authority, this would be clearly limited to the potential impact of any application within the WHEA on the OUVs of the REB&CG. As noted by the Executive Director, being determining referral authority would not give them 'unchecked authority' nor preclude VCAT review of any refusal.
- 536.** The Committee agrees with the evidence of Mr Barnes that by virtue of statutory controls being embedded in planning schemes split across two municipalities, a lack of coordination and oversight in decision-making has the real potential and risk to detract from the OUVs of the WHEA and to inhibit analysis whereby impacts on its entire setting need to be accounted for.
- 537.** Further, the Committee is not persuaded that a height threshold, alone, nor views or visual relationships, are the only factors potentially affecting the OUV of the REB&CG. It accepts Ms Robert's and Ms Lardner's evidence in this regard. There are other key aspects and attributes of the WHEA that provide a setting and which should be considered when determining impacts on the protection of OUVs. In the matter of World Heritage, it is imperative to take a precautionary approach whereby height, at any scale, is not the exclusive determinant of impact. The Committee agrees with Ms Lardner⁸⁵ that contrary to Ms Baker's assertion of the appropriateness of performance-based thresholds which would be 'limited to proposals that may have an adverse impact upon identified views', to second-guess what such impacts might be is

⁸⁴ Bilateral Agreement made under section 45 of the EPBC Act (Cth) relating to environmental assessment, to which the Minister for Environment (for and on behalf of) the Commonwealth of Australia and the Minister for Planning (for and on behalf of the State of Victoria) signed on 27 October 2014.

⁸⁵ Ms Lardner's Evidence in Reply, p. 11.

perversely “pre-emptive ... because it is exactly this that is being determined by the ED”.

- 538.** Rather than leaving development outcomes open potentially consistent approaches and outcomes, a proactive approach from the outset will better protect the OUV of the REB&CG. It will educate and acculturate proponents of development proposals to taking World Heritage into account from at the inception of any planning proposal, rather than it being diluted in the attempt to balance other policy issues, or clumsily retrofitted when negative impacts are already observable.
- 539.** The Committee recommends that Heritage Victoria is nominated as a determining referral authority under the State level VPP Schedule to Clause 66.04 Referral of permit applications under local provisions (i.e. DDO6, DDO13 & proposed WHEA DDO).

Appendix 8

Status of relevant documents in planning schemes

STRATEGY PLAN AS BACKGROUND OR INCORPORATED DOCUMENT

Proposed status of the draft Strategy Plan

540. The draft Strategy Plan is proposed to be included in the respective planning schemes as follows:

- in proposed clause 15.03-1R on the Melbourne and Yarra Planning Schemes, include the 'World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2022)' as a policy guideline to be considered as relevant;
- amend Clause 72.08 in both the Melbourne and Yarra Planning Schemes to include the 'World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2022)' as a background document;
- amend the Melbourne Planning Scheme to cite the 'World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2022)' as a reference in Clause 22.21-4; and
- amend the Yarra Planning Scheme to cite the 'World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2022)' as a reference in Clause 22.14-4.

Overview of submissions and evidence

- 541.** YCC submits that the Strategy Plan is more appropriately an 'Incorporated Document' and should be included in clause 72.04 of the scheme.
- 542.** YCC submits the draft Strategy Plan does more than provide context. The Council says that, as a background document, the 2022 draft Strategy Plan would have a limited role in decision-making and its role may be the subject of dispute in this regard. YCC submits that it is important for the document to be incorporated to influence and guide decision-making in a consistent way and for the document to carry the same weight as other parts of the scheme. Further, the document would only be updated through a rigorous planning scheme amendment process.
- 543.** The Council relies on the Planning Practice Note 13 – Incorporated and Background Documents ('PPN13').
- 544.** Ms Lee recommends that the new Strategy Plan, when adopted, should be given the status of an incorporated document to ensure that it is given due weight by decision-makers, including VCAT.
- 545.** The Executive Director opposes the approved Strategy Plan being incorporated into the scheme. Mr Barnes' evidence relies on 'The Practitioner's guide to Victoria's planning schemes (Version 1.5 April 2022)' ('Practitioner's Guide'), notably section 6.8.1, which provides guidance on when a document should be incorporated, compared with being referenced as a background document. He says the key recommendations are proposed to be implemented within the relevant planning schemes. The proposed policies and controls can function independently, without needing to be interpreted in context of the Strategy Plan.
- 546.** MCC and most other submitters have not commented on this matter, nor have other witnesses.

- 547.** Ms Cracknell recommends the WHEA SoS receives the status of an incorporated document in the Planning Scheme, in order for its relevance to be recognised. A number of submissions, such as the National Trust, comment on the WHEA SoS and how it might inform a revision of Hos and their statements which are incorporated documents.

Strategy Plan

- 548.** Ministerial Direction No. 11 Strategic Assessment of Amendments and PPN46 Strategic Assessment Guidelines seek to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.
- 549.** PPN13 does not appear in the current list of Practice Notes, although there is consistency with the Practitioner's Guide.
- 550.** The Practitioner's Guide sets out and explains, among other things, the principles that should underpin the creation, selection and application of a planning scheme provision. It explains the role of background and incorporated documents including:

"Incorporated and background documents may be referenced in the text of the Municipal Planning Strategy. where a document has directly informed the creation of a strategic direction."⁸⁶

- a) *"Where a background document is directly related to a policy in clauses 10 to 19 it may be referenced in that specific policy as well as the schedule to Clause 72.08. If a background document relates to a substantial number of policies (such as a Regional Growth Plan) it should not be repetitively referenced in the Planning Policy Framework."⁸⁷*
- b) *Where possible, avoid incorporating documents. This keeps the scheme self-contained and makes it easier to use. It is always preferable to extract the specific planning requirements from a document and state them directly in the scheme. The decision to incorporate a document should only be considered when there is no suitable alternative in the scheme to achieve the required outcome..... A document should be incorporated if the document is:*
 - *Essential to the administration or enforcement of the planning scheme, that is, without the document the scheme cannot be properly understood (including a statement of significance in relation to the Heritage Overlay).⁸⁸*
- c) *A background document provides information that helps to understand why a particular policy or provision has been included in the planning scheme. Background documents were previously referred to as 'reference documents'. A background document is not part of the planning scheme and must not be directly relied on for decision-making. If a background document contains content that is necessary for decision-making (such as strategies or decision guidelines) then these must be extracted and placed in the relevant policy or control.⁸⁹*
- d) *When should a document be mentioned as a background document? If a document gives useful information that will help a user understand the planning scheme, it may be suitable for mention as a background document. A background document can explain why a particular policy or provision is in the planning scheme.⁹⁰*
- e) *Where a background document has directly informed the creation of a provision, then it may be referenced directly by that provision as well as*

⁸⁶ Ibid, page 76.

⁸⁷ Ibid, page 85.

⁸⁸ Ibid, page 122.

⁸⁹ Ibid, page 122.

⁹⁰ Ibid, page 122.

being listed in the Clause 72.08 schedule. Where a background document has informed numerous provisions, such as a regional growth plan or a housing strategy, then the document only needs to be listed in the Clause 72.08 schedule rather than being repetitively referenced throughout a series of provisions. If a document has already been referenced by the VPP, it does not have to be referenced again at the local level in a policy or a schedule.”⁹¹

- 551.** The Practitioner's Guide explains decision guidelines including:

“Decision guidelines should relate to the schedule objectives that they serve and any statement of significance, if one is present. They may refer to a document but only if the document is incorporated in the scheme. A decision guideline should not refer to a background document. A decision guideline should not include an informal referral requirement.”⁹²

- 552.** These principles properly underpin the Committee's consideration of the status of the Strategy Plan in both planning schemes as well as recommendations as to how the Strategy Plan should be cited in the proposed scheme policies, provisions and controls.
- 553.** The draft Strategy Plan has directly informed the creation of the strategic directions. It not essential to understanding the schemes. Further, its extensive material, and other cited documents that have informed the draft Strategy Plan (such as the Visual Testing Framework), may confuse the exercise of discretion and decision-making processes if incorporated into planning schemes. This would be contrary to achieving clarity, consistency (as appropriate) and certainty, desirable outcomes of this review. This must be achieved in the drafting, and is a reason why the Committee's recommended changes to regional and local policies endeavor to more clearly articulate the role of the WHEA in contributing to the REB&CG's OUV to assist decision-making.
- 554.** The draft Strategy Plan is appropriately a background document in the schedule to clause 72.08 in the Melbourne and Yarra Planning Schemes. Provided that the proposed policies and controls are modified and refined as recommended in this report, the Committee does not consider the exhibited scheme provisions should be amended to incorporate the adopted Strategy Plan into the Melbourne and Yarra Planning Schemes.

STATEMENT OF SIGNIFICANCE AND HERITAGE OVERLAY

- 555.** This part of the Committee's report addresses the draft Strategy Plan's approach to the WHEA SoS and recommendations for the Heritage Overlay.

- 556.** The draft Strategy Plan explains:

"The purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Values of the REB & Carlton Gardens, a place outside of the WHEA. Hence there is need for recognition of both the role of the WHEA as a buffer zone to a proximal World Heritage site and the HO which is about protecting the values of the places to which the HO applies.

This difference of purpose has been made more clear after Amendment VC148, which requires Statements of Significance to be incorporated in the planning scheme for a HO. The two HO areas HO992 and HO361 have Statements of Significance which address their heritage values. Keeping these values contributes to the retention of the setting of the REB & Carlton Gardens but it does not address the appropriate use and development of the

⁹¹ Ibid, page 122.

⁹² Ibid, page 114.

WHEA in order to ensure that the World Heritage values of the listed place are protected and managed.

Therefore it is recommended that the HO be used to protect the heritage values of the areas within them and additional statutory mechanisms are needed to address the role of the WHEA (in the form of Policy and DDOs)."⁹³

- 557.** Chapter 6 of the draft Strategy Plan provides a detailed history and description of the WHEA including history, description, key attributes of the WHEA including views to the REB, low scale and fine grain setting, 19th century streetscapes, architecture and public spaces. The Chapter also considers the historical views from the REB.
- 558.** Building on the 2009 Strategy Plan, the description in the draft Strategy Plan includes the extended WHEA, reference to VHR listed buildings within the extended areas, and an emphasis of significant streetscapes.
- 559.** The draft Strategy Plan provides an amended SoS to the 2009 version. The criterion of 'Social significance' is removed, and new text added to the 'Why is it Significant' section. This text includes reference to the phase of development in the 1960s – this phase removed pre-1920s housing stock under slum reclamation and urban renewal programs, replacing them with large residential buildings in Carlton and Fitzroy under the Housing Commission, and also considers the impact of community action halting further demolitions, which had resulted from activism of resident action groups, social justice institutions and community groups.
- 560.** The amended SoS includes assignment of criteria within the 'Why is it significant'. The draft Strategy Plan includes further recommendations beyond the Draft Updated Strategy Plan to:
 - amend the Statements of Significance for all heritage properties included in the VHR to clearly identify they are in the WHEA (HV); and
 - review HO992 and HO361 (which are the current WHEA HOs based on the Area of Greater Sensitivity) to ensure that their boundaries and SoS are updated in the future to comply with Planning Practice Note 1: Applying the Heritage Overlay (August 2018) and Amendment VC148 (to be undertaken by Melbourne City Council and Yarra City Council).
- 561.** These are both recommendations for future work and no changes to the Planning Schemes are proposed through this process.

⁹³ Page 96 of the draft Strategy Plan.

Appendix 9

Exhibited Planning Scheme Documents inclusive of changes recommended by the Committee ⁹⁴

No.	Planning Scheme	Title	Page no.
01.	Melbourne and Yarra	15.03-1S Heritage conservation	p.104
02.	Melbourne and Yarra	15.03-1R Heritage conservation	p.105
03.	Melbourne	15.03-1L-01 Heritage places within the World Heritage Environs Area [in lieu of clause 22.21 which has been removed from the scheme]	p.106
04.	Melbourne	22.21 Development guidelines for the World Heritage Environs Area [amended as this formed part of exhibited material]	p.107
05.	Yarra	22.14 Development guidelines for the World Heritage Environs Area	p.110
06.	Yarra	Schedule to clause 66.04 Referral of permit applications under local provisions	p.113
07.	Melbourne	Schedule to clause 66.04 Referral of permit applications under local provisions	p.116
08.	Yarra	Schedule to clause 66.06 Notice of permit applications under local provisions	p.117
09.	Melbourne	Schedule to clause 66.06 Notice of permit applications under local provisions	p.118
10.	Melbourne	Schedule 13 to clause 43.02 Design and Development Overlay	p.119
11.	Melbourne	Schedule [number] to clause 43.02 Design and Development Overlay	p.120
12.	Yarra	Schedule [number] to clause 43.02 Design and Development Overlay	p.125
13.	Melbourne	Schedule 6 to clause 43.02 Design and Development Overlay	p.130
14.	Incorporated document to City of Melbourne and City of Yarra Planning Schemes	Schedule to clause 72.04 in the Melbourne and Yarra Planning Schemes – Statement of Significance: World Heritage Environs Area – Royal Exhibition Building and Carlton Gardens (2023)	p.132

⁹⁴ This does not include Yarra clause 22.03 which the Committee has not recommend any changes to, or the table to schedule to clause 72.04 in both Melbourne and Yarra.

15.03-1S Heritage conservation

Proposed

Objective

To ensure the conservation of places of heritage significance.

Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Ensure all formally designated World Heritage Sites are provided with the highest level of protection through the relevant planning schemes.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines

Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.
- ICOMOS Operational Guidelines for the Implementation of the World Heritage Convention (2019) and UNESCO & ICOMOS *Guidance and Toolkit for Impact Assessments in a World Heritage Context* (2022).

15.03-1R Heritage conservation

--/--/20--
Proposed

Objective

To ensure the conservation and protection of the World Heritage Listed Royal Exhibition Buildings & Carlton Gardens and the associated World Heritage Environs Area.

Strategies

Give certainty about the future development of land in the World Heritage Environs Area.

Give priority to conserving and protecting the Outstanding Universal Value of the Royal Exhibition Buildings and Carlton Gardens in decision-making for land within the World Heritage Environs Area.

Policy guidelines

Consider as relevant:

- *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens* (Department of Environment, Land, Water and Planning, 2023).
- Statement of significance for the World Heritage Environs Area.

15.03-1L-01 Heritage places within the World Heritage Environs Area

Policy application

This policy applies to all land within the World Heritage Environs Area (WHEA) as shown in the World Heritage Environs Area Map to this clause, including land within HO992, HO81, HO87, HO103, HO104 and HO809.

Objectives

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

- defines the immediate setting of, and important views to and from the Royal Exhibition Building and Carlton Gardens as a World heritage place and presents the contemporaneous late 19th century context of the Royal Exhibition Building and Carlton Gardens.
- protects, conserves, manages and provides certainty the Outstanding Universal Value of the Royal Exhibition Building and Carlton Gardens, a place outside of the WHEA.
- ensures the full appreciation of the building that housed and presented the International Exhibition can continue from various vantage points within and outside the World heritage site.
- provides a setting and context of significant historic character for the World heritage property.

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

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

To provide certainty about the future development of land in the World Heritage Environs Area.

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

To ensure new development in the area does not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

Strategies

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 and the Hoddle Grid.

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.

Discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, electronic signs, and sky signs within the WHEA.

Policy document

Consider as relevant:

- *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens* (Department of Environment, Land, Water and Planning, 2023).
- Statement of significance for the World Heritage Environs Area.

Area of Greater Sensitivity Plan – delete and replace with a map of the whole area with corrected views.

22.21 DEVELOPMENT GUIDELINES FOR THE WORLD HERITAGE ENVIRONS AREA

This policy applies to all land within the World Heritage Environs Area (WHEA) as shown in the World Heritage Environs Area Map to this clause, including land within HO992, HO81, HO87, HO103, HO104 and HO809.

The provisions of Clauses 22.04 and 22.05 also apply.

22.21-1 Policy Basis

The MSS highlights the importance of the WHEA in providing a buffer zone for the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

The primary purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Values of the Royal Exhibition Building and Carlton Gardens, a place outside of the WHEA. The declared WHEA provides the buffer to ensure the full appreciation of the building that housed and presented the international exhibition can continue from various vantage points within and outside the world heritage site.

The declared WHEA includes the immediate setting of and important views to the Royal Exhibition Building and Carlton Gardens as a world heritage place and presents the contemporaneous late 19th century context of the REB and the Carlton Gardens. While the WHEA does have heritage values itself, these values may be similar to some other parts of Carlton and Fitzroy. The delineating factor for the WHEA is not a boundary defining the extent of a heritage place. The WHEA is distinguished by its role in relation to a separate World Heritage site.

22.21-2 Objectives

To provide certainty about the future development of land in the World Heritage Environs Area.

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

To maintain and conserve the urban form and significant historic character (built form and landscapes) of the area.

To ensure new development in the area does not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

22.21-3 Policy

It is policy to:

- Retain and conserve individually significant and contributory places, including contributory fabric, form, architectural features and settings, to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.
- Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.
- Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building and Hoddle Grid.
- Avoid consolidation of allotments in residential areas which 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/abutting streets and other views and vistas to the dome available from streets within the precinct including key views illustrated in the World Heritage Environs Area Map to this clause.

.....▪ 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; and
- minimise inappropriate visual clutter around the perimeter of the Royal Exhibition Building and Carlton Gardens.
- Discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, electronic signs, and sky signs within the WHEA.

Policy documents

Consider as relevant:

- *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens* (Department of Environment, Land, Water and Planning, 2023).
- Statement of significance for the World Heritage Environs Area.

World Heritage Environs Area Map – update to include all views

22.14 DEVELOPMENT GUIDELINES FOR THE WORLD HERITAGE ENVIRONS AREA

Proposed

This policy applies to all land within the World Heritage Environs Area (WHEA) as shown in the World Heritage Environs Area Map to this clause.

The policy outlined in Clause 22.02 of the Yarra Planning Scheme also applies.

22.14-1 Policy Basis

19/11/2009
C118

The MSS highlights the importance of the WHEA in providing a buffer zone for the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

The primary purpose of the WHEA is to contribute to the protection, conservation and management of the Outstanding Universal Value of the Royal Exhibition Building and Carlton Gardens, a place outside of the WHEA. The declared WHEA provides the buffer to ensure the full appreciation of the building that housed and presented the international exhibition can continue from various vantage points within and outside the world heritage site.

The declared WHEA includes the immediate setting of and important views to the Royal Exhibition Building and Carlton Gardens as a world heritage place and presents the contemporaneous late 19th century context of the REB and the Carlton Gardens. While the WHEA does have heritage values itself, these values may be similar to some other parts of Carlton and Fitzroy. The delineating factor for the WHEA is not a boundary defining the extent of a heritage place. The WHEA is distinguished by its role in relation to a separate World Heritage site

22.14-2 Objectives

19/11/2009
C118

To provide certainty about the future development of land in the World Heritage Environs Area.

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

To maintain and conserve the urban form and significant historic character (built form and landscapes) of the area.

To ensure new development in the area does not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

22.14-3 Policy

Proposed

It is policy to:

- Retain and conserve individually significant and contributory places, including contributory fabric, form, architectural features and settings, to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.
- Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.
- 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 which 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/abutting streets and other views and vistas to the drum, dome, lantern and flagpole available from streets within the precinct including key views illustrated in the Map to this Clause.
- 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 tree-lined alleys and avenues; and
 - minimise inappropriate visual clutter around the perimeter of the Royal Exhibition Building and Carlton Gardens.
- Discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, electronic signs, and sky signs within the WHEA.

Policy documents

Consider as relevant:

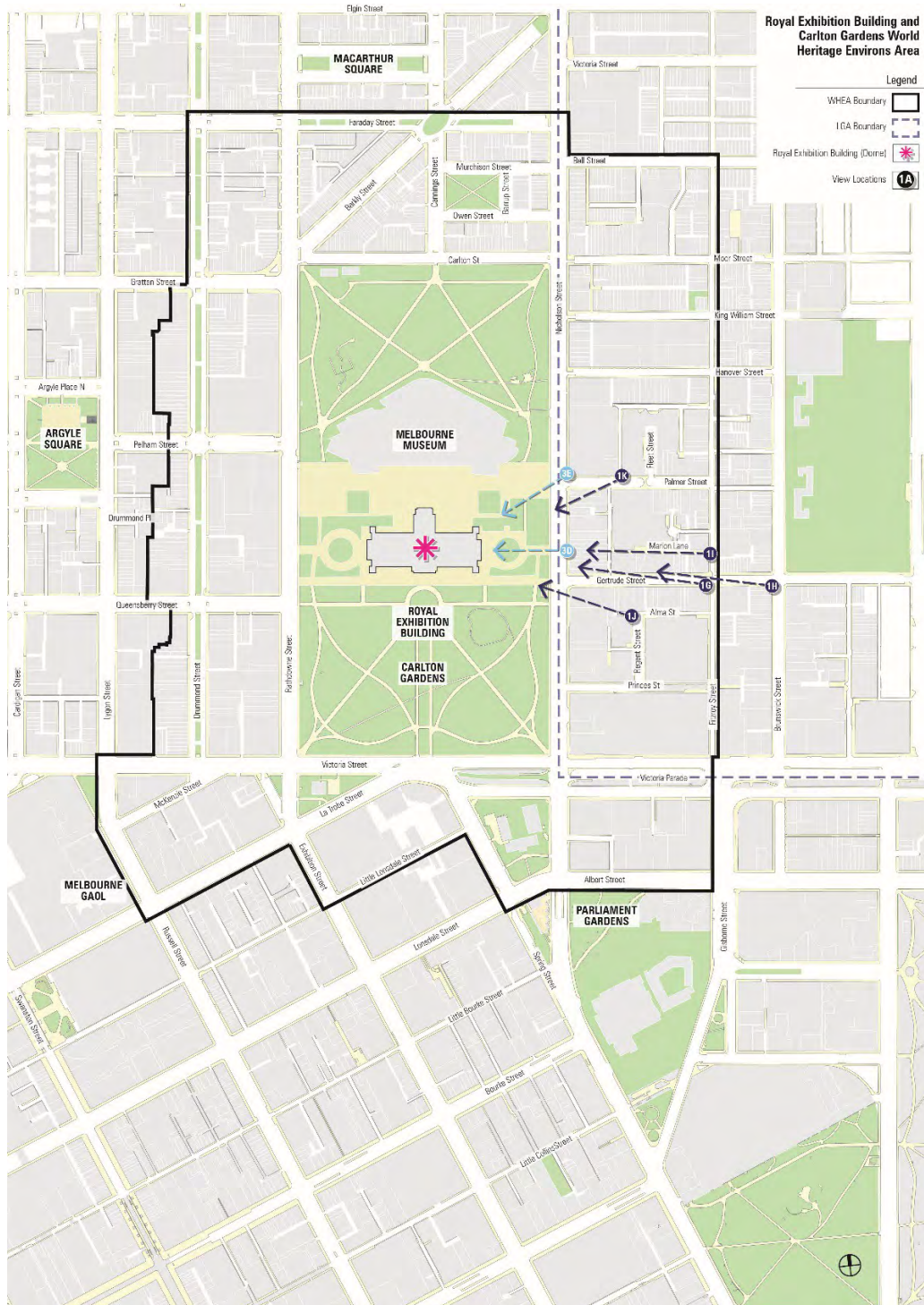
- Statement of significance for the World Heritage Environs Area.

22.14-4 Reference

Proposed

World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2023).

World Heritage Environs Area Map – update map to include all views



24/02/2017
GC48**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT
APPLICATIONS UNDER LOCAL PROVISIONS****1.0 Referral of permit applications under local provisions**

Proposed

Clause	Kind of application	Referral authority	Referral authority type
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	An application for buildings and works and removal of vegetation in accordance with the requirements of the clause.	Melbourne Water	Determining referral authority
Clause 4.0 of Schedule 1 to Clause 43.02 (DDO)	To assess the impact of an application for buildings or works on the environmental and waterway values of the Yarra River within 100 metres of its banks.	Melbourne Water	Recommending referral authority
Clause 2.0 of Schedule TBC to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Heritage Victoria	Determining referral authority

05/10/2018
GC81**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS****1.0 Referral of permit applications under local provisions**

Clause	Kind of application	Referral authority	Referral authority type
Clause 5.0 of Schedules 1-6 and Clause 4.0 of Schedule 7 to Clause 37.05	Any permit application for use or development within the Docklands Zone.	Development Victoria	Determining referral authority
Clause 3.0 of Schedule 7 to Clause 37.05	Any permit application for jetties, moorings or other works in the Schedule 7 to the Docklands Zone - Waterways.	Parks Victoria	Determining referral authority
Clause 2.0 of Schedule 55 to Clause 43.02	Any permit application for use or development within the area defined by the plan to the schedule.	Energy Safe Victoria	Determining referral authority
Clause 5.0 of Schedule 3 to Clause 37.05	Any permit application that involves the creation or alteration of access, subdivision adjacent or building over the arterial road – Wurundjeri Way.	Roads Corporation	Determining referral authority
Clause 6.0 of Schedule 1 to Clause 37.04	Any permit application that involves the creation or alteration of access to the arterial road – Wurundjeri Way.	Roads Corporation	Determining referral authority
Clause 6.0 of Schedule 1 to Clause 37.04	Any application for buildings and works on Treasury Square – 295-357 Wellington Parade South, Melbourne	VicTrack and the Department of Transport	Determining referral authority
Clause 4.0 of Schedule 4 to Clause 37.04	Any permit application to construct a building or to construct or carry out works.	Melbourne Water	Recommending referral authority
Clause 6.0 of Schedules 1 and 2, Clause 3.0 of Schedule 3 and Clause 4.0 of Schedule 4 to Clause 37.04	Any permit application for development with a gross floor area exceeding 25,000 square metres within the Capital City Zone.	Melbourne City Council	Recommending referral authority
Clause 2.0 of Schedule 65 to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Department of Health and Human Services	Determining referral authority
Clause 2.0 of Schedule 66 to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Department of Health and Human Services	Determining referral authority

Clause	Kind of application	Referral authority	Referral authority type
Schedule to Clause 52.03 – Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017	Any application to construct a building or to construct or carry out works.	Department of Health and Human Services	Determining referral authority
Clause 2.0 of Schedule 70 to Clause 43.02 (DDO)	An application for buildings and works.	Secretary to the Department of Economic Development, Jobs, Transport and Resources until 31 December 2026, and thereafter VicTrack	Determining referral authority
Schedule to Clause 52.03 – Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016	All applications.	Secretary to the Department of Economic Development, Jobs, Transport and Resources until 31 December 2026, and thereafter VicTrack	Determining referral authority
Clause 2.0 of Schedules 6, 13 and TBC to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Heritage Victoria	Determining referral authority

SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

19/11/2009
C118

1.0 Notice of permit applications under local provisions

Proposed

Clause	Kind of application	Person or body to be notified
Clause 4.0 of Schedule 5 to 43.02 (DDO)	An application under another provision of the scheme.	Environment Protection Authority, Transurban City Link Limited and the Roads Corporation
Clause Schedule 6 to 43.02 (DDO)	An application under Schedule 6 to 43.02	the owner and occupier of the Abbotsford Brewery site at 4-6 Southampton Crescent, Abbotsford

05/10/2018
GC81**SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS
UNDER LOCAL PROVISIONS****1.0****Notice of permit applications under local provisions**

Proposed

Clause	Kind of application	Person or body to be notified
Clause 4.0 of Schedule 4 to Clause 37.04 (CCZ4)	Where a permit is required for the construction of a building or the construction and carrying out of works under another provision in this scheme.	Secretary to the Department of Environment, Land, Water and Planning
Clause 4.0 of Schedule 4 to 37.04 (CCZ4)	Where a permit is required within 50 metres of the proposed Metro alignment, possible tram routes, proposed bus routes and possible elevated freight routes	Transport for Victoria
Clause 4.0 of Schedule 27 to DDO (Clause 43.02) City link exhaust stack and environs	All applications for use, buildings and works under another provision.	Environment Protection Authority Transurban City Link Ltd Roads Corporation
Clause 3.0 of Schedule 55 to Clause 43.02	Any permit application for use or development within the area defined by the plan to the schedule.	The relevant gas supply, transmission and distribution companies.
Clause 2.0 of Schedule 6 to 43.02 (DDO)	Permit application required under Schedule 6 for buildings and works at 83-95 Rathdowne Street, 80 Drummond Street and the Queensberry Street road reserve.	Executive Director, Heritage Victoria
Clause 2.0 of Schedule 13 to 43.02 (DDO)	Permit application required under Schedule 13 for buildings and works at 250-290 Spring Street.	Executive Director, Heritage Victoria
Clause 3.0 of Schedule 58 to 43.02 (DDO)	Permit application to display a sign under Clause 52.05 of this scheme and the sign is located above 23 metres to Australian Height Datum.	Shrine of Remembrance Trustees
Clause 3.0 of Schedule 60 to 43.02 (DDO)	Permit application to display a sign under Clause 52.05 of this scheme and the sign is located above 23 metres to Australian Height Datum.	Shrine of Remembrance Trustees

18/11/2010
C174**SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**Shown on the planning scheme map as **DDO13**.**PARLIAMENT AREA****1.0 Design objectives**--/--/20--
Proposed

To encourage development to be compatible with the Victorian character and scale of the area.

To minimise the visual impact of new buildings and works within the vicinity of the Fitzroy Gardens and the surrounding public spaces.

To protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens by conserving views to, and retaining the clear sky backdrop of, the drum, dome, lantern and flagpole of the World Heritage Place, Royal Exhibition Building, from primary vantage points.

2.0 Buildings and works--/--/20--
Proposed

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Buildings or works should not exceed the maximum building height specified in Table 1 to this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Table 1

Area	Maximum building height	Outcomes
21	25 metres	A consistent scale of buildings on the edge of the Victoria Parade boulevard entry to the CBD.
22	74 metres	The height of any further development on the site is restricted to not more than the existing building height to minimise further impact upon the environmental qualities of the area around Victoria Parade, Albert Street and the Fitzroy Gardens.
23	15 metres	The amenity of the Fitzroy Gardens is protected from additional overshadowing between 11.00 am and 2.00 pm on 22 March and 22 September.
25	14 metres	A uniform scale of built form is maintained on both sides of Morrison Place compatible with the parapet height of the heritage buildings on the east side of Morrison Place.
26	15 metres	Protect views and retain clear sky backdrop of the drum, dome, lantern and flagpole of the Royal Exhibition Building when viewed from the south west corner of Spring Street and Bourke Street, the north west corner of Lonsdale Street and Spring Street; and the north eastern corner of Nicholson Street and Evelyn Place.

3.018/11/2010
C174**Subdivision**

A permit is not required to subdivide land.

C14.

4.0 Signs

--/20--
Proposed

None specified

5.0 Application requirements

--/20--
Proposed

The following application requirements apply to an application to construct a building or construct or carry out works:

- An application to exceed the maximum building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.
- A visual impact assessment (including photomontages, as appropriate) of the proposed buildings and works viewed from any primary vantage points to demonstrate whether:
 - the proposed buildings and works impact on the clear sky backdrop of the drum, dome, lantern and flagpole of the Royal Exhibition Building when viewed from the south west corner of Spring Street and Bourke Street, the north west corner of Lonsdale Street and Spring Street; and the north eastern corner of Nicholson Street and Evelyn Place.
 - the visual impact of the proposed buildings and works from the Dome Promenade.
- A comprehensive explanation as to how the proposed development achieves the policy objectives of clause 15.03-1S, and clause 15.03-1L, and the statement of significance, with respect to the World Heritage Royal Exhibition Building and Carlton Gardens.
- Evidence that approval has been sought or gained under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for potential negative impacts or new developments on a 'matter of national environmental significance', including World Heritage places and National Heritage places.

6.0 Decision guidelines

--/20--
Proposed

Before deciding on an application for 250-290 Spring Street the responsible authority must consider:

- Any applicable statement of significance (whether or not specified in the schedule to this overlay).
- Whether the siting, height and appearance of a building or works detrimentally affects the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.
- Whether the siting, height and appearance of a building or works detrimentally affects the view of the WHEA from the Dome Promenade of the Royal Exhibition Building.
- The outcomes in Table 1, as appropriate.

--/20--
Proposed

SCHEDULE [NUMBER] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO[NUMBER]**.

WORLD HERITAGE ENVIRONS AREA (WHEA)

1.0 Design objectives

--/20--
Proposed

To protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens.

To protect views and vistas of the drum, dome, lantern, and flagpole and the northern elevation and ridgeline of the western wing of the Royal Exhibition Building and Carlton Gardens,

To maintain the visual prominence of the drum, dome, lantern and flagpole to a clear sky backdrop from primary vantage points.

To ensure development within the WHEA maintains and conserves the significant historic character (built form and landscapes) of the WHEA and the Royal Exhibition Building and Carlton Gardens.

To maintain the urban form and to conserve significant historic character (built form and landscapes) of the area.

2.0 Buildings and works

--/20--
Proposed

A permit must not be granted for buildings and works, including the replacement of the existing building, which exceeds the Mandatory Maximum Building Height specified in Tables 1, 2 and 3 of this schedule. This does not apply to buildings and works for a replacement building which:

- Retains the existing building envelope, including no increase in height or reduction of setbacks.
- Does not result in any additional habitable or occupiable floor area (including an open balcony).

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Development in each Area must achieve the corresponding Design Outcomes in Tables 1, 2 and 3 below.

Table 1: Mandatory Maximum Building Heights

Area	Mandatory Maximum Building Height	Design Outcomes
1	9 metres (NRZ3)	<p>Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.</p> <p>Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.</p>
2	11 metres (GRZ1)	<p>Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.</p> <p>Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the</p>

Area	Mandatory Maximum Building Height	Design Outcomes
		setting and context of the Royal Exhibition Building and Carlton Gardens.
3	Refer to Table 2	<p>Protect the views and visual prominence of the Royal Exhibition Building, including dome and northern elevation/ ridgeline when viewed from the Melbourne Museum Forecourt (and particularly view locations 5A, 5B & 5C – refer to Map 1).</p> <p>A development must, when viewed from the Melbourne Museum Forecourt:</p> <ul style="list-style-type: none"> Not impact or overwhelm the visual prominence of the drum, dome, lantern and northern elevation and ridgeline of the western wing of the Royal Exhibition Building. Be designed, set back and orientated in a manner that does not overwhelm the northern elevation and ridgeline of the western wing of the Royal Exhibition Building by creating a solid horizontal 'wall' of built form silhouetting the ridgeline. Not diminish, further diminish or intrude into the sky view that provides a backdrop to the dome, and northern elevation and ridgeline of the western wing, of the Royal Exhibition Building. Ensure materiality is influenced by the heritage setting, is of muted materials and colours, and avoids the use of larger areas of reflective materials. Ensure visibility of building services and plant equipment and plant is minimised and/or screened within the maximum building height.

Table 2: Area 3 Mandatory Maximum Building Heights

Address***	Mandatory Maximum Building Height*
58-66 La Trobe St	115m
336-376 Russell St	107 metres
54 La Trobe St	115 metres
52 La Trobe St	114 metres
42-50 La Trobe St	123 metres**
36-40 La Trobe St	111 metres
30-34 La Trobe St	109 metres
333 Exhibition St	99 metres
353 Exhibition St	100 metres
13A Victoria St	97 metres
355-357 Exhibition St	96 metres
11-17 Victoria St	95 metres
19-21 Victoria St	94 metres
9-23 Mackenzie St	127 metres**
27-39 Mackenzie St	101 metres
43 Mackenzie St	103 metres
380 Russell St	73 metres
390-394 Russell St	69 metres
31-33 Victoria St	71 metres

23-29 Victoria St	80 metres
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* *Nominated building heights are to be measured as the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building and must include all buildings services and plant equipment.*

** *Maximum height of existing building.*

*** *Should any sites listed in Table 2 be consolidated, then the height applicable to that site's title at the time of gazettal or the lower height of the sites being consolidated will apply.*

Table 3: Royal Society Site

Address	Mandatory Maximum Building Height*	Design Outcome
2-8 La Trobe Street and 1-9 Victoria Street Melbourne	No higher than the maximum height of the existing building on the land.	<p>Protect the views and visual prominence of the Royal Exhibition Building.</p> <p>Not impact or overwhelm the visual prominence of the drum, dome, lantern and northern elevation and ridgeline of the eastern and western wings of the Royal Exhibition Building.</p> <p>Be designed, set back and orientated in a manner that does not overwhelm the northern elevation ridgeline of the eastern and western wings of the Royal Exhibition Building by creating a solid horizontal 'wall' of built form silhouetting the ridgeline.</p> <p>Ensure materiality is influenced by the heritage setting, is of muted materials and colours, and avoids the use of larger areas of reflective materials.</p> <p>Ensure visibility of building services and plant equipment and plant is minimised and/or screened.</p>

* *Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.*

3.0 Subdivision

--/20--
Proposed

None specified.

4.0 Signs

--/20--
Proposed

Sign requirements are at Clause 52.05. All land located within the World Heritage Environs Area is in Category 3 – High amenity areas.

5.0 Application requirements

--/20--
Proposed

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- site analysis plan.
- A site analysis plan and a written urban context report documenting how the development will achieve the requirements of this schedule.
- A visual impact assessment (including photomontages, as appropriate) of the proposed buildings and works viewed from any primary vantage points to demonstrate whether:

- t uildings and works will diminish, further diminish or intrude into the sky view that
h provides a backdrop to the dome, and northern elevation and ridgeline of the
e western wing, of the Royal Exhibition Building.
- P • the visual impact of the proposed buildings and works from the Dome Promenade.
- r
- o ■ A comprehensive explanation as to how the proposed buildings and works achieve the policy
p objectives of clause 15.03-1S, and clause 15.03-1L, and the statement of significance, with
o respect to the World Heritage Royal Exhibition Building and Carlton Gardens.
- s ■ Evidence that approval has been sought or gained under the *Environment Protection and
e Biodiversity Conservation Act 1999* (Clth) for potential negative impacts or new
d developments on a 'matter of national environmental significance', including World Heritage
b places and National Heritage places.

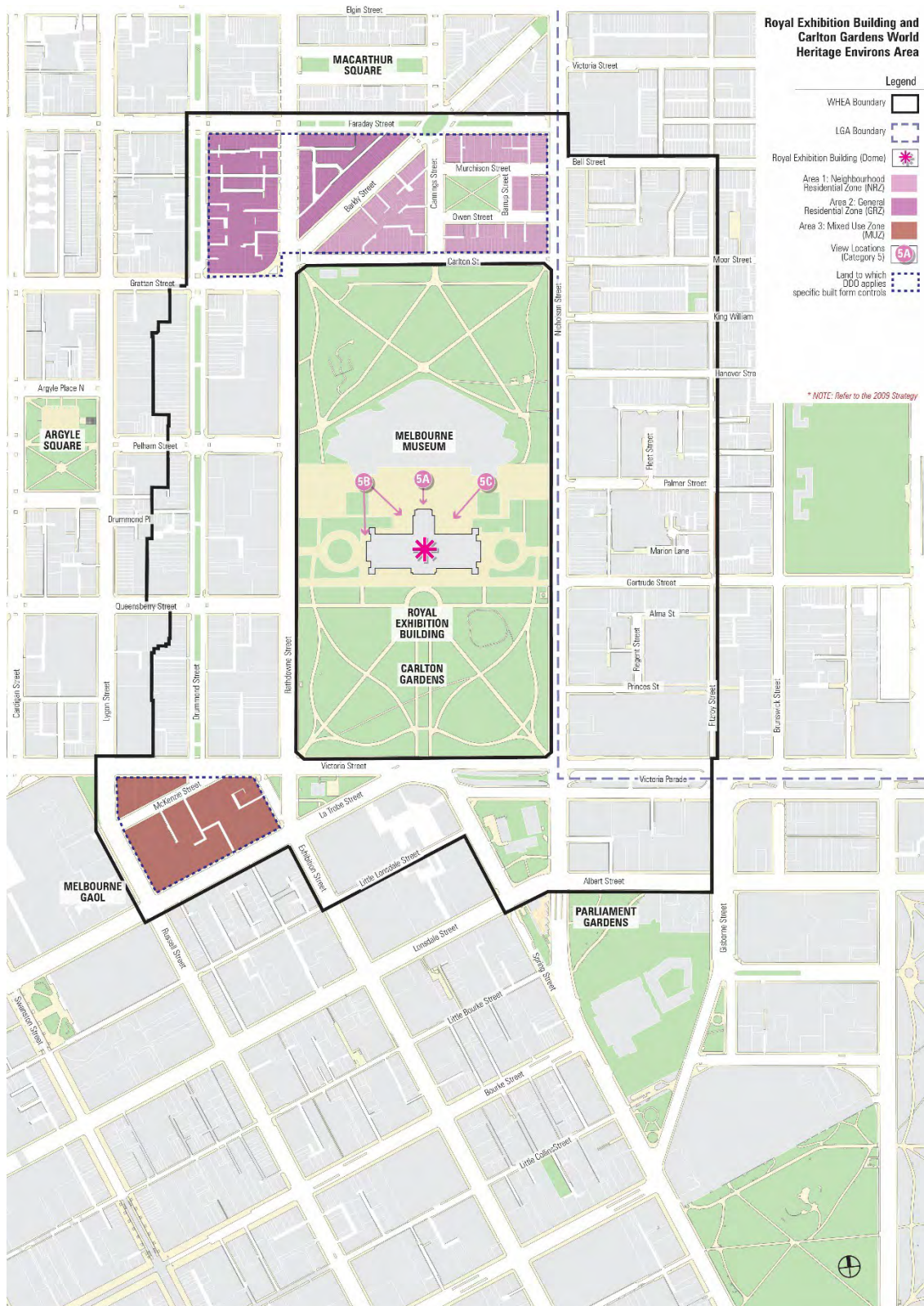
6.0

Decision guidelines

~f~/20~
Proposed

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the siting, height and appearance of a building or works detrimentally affects the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.
- Whether the siting, height and appearance of a building or works detrimentally affects the view of the WHEA from the dome viewing platform of the Royal Exhibition Building.
- Whether the proposed development or works diminish, or further diminish, the sky view that provides a backdrop to the drum, dome, lantern and flagpole of the Royal Exhibition Building.
- Whether development ensures materiality is influenced by its heritage setting and is of muted materials and colours, and avoids the use of larger areas of reflective materials.
- Whether development ensures visibility of building services, plant equipment and plant is minimised and/or screened.
- The outcomes in Tables 1 and 3, as appropriate.

Map 1 to Schedule [NUMBER] to Clause 43.02 – update map to include all views

--/20--
Proposed

SCHEDULE [NUMBER] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO[NUMBER]**.

WORLD HERITAGE ENVIRONS AREA (WHEA)

1.0 Design objectives

--/20--
Proposed

To protect the World Heritage values and prominence of the Royal Exhibition Building and Carlton Gardens.

To protect views and vistas of the drum, dome, lantern, and flagpole and the northern elevation and ridgeline of the western wing of the Royal Exhibition Building and Carlton Gardens.

To maintain the visual prominence of the dome, drum, lantern and flagpole to a clear sky backdrop from primary vantage points.

To ensure development within the WHEA maintains and conserves the significant historic character (built form and landscapes) of the WHEA and the Royal Exhibition Building and Carlton Gardens.

To maintain the urban form and to conserve significant historic character (built form and landscapes) of the area.

2.0 Buildings and works

--/20--
Proposed

A permit is not required to construct a building or construct or carry out works less than 8.5 metres in height from the existing ground level in Area 1 as shown in Map 1 below.

A permit must not be granted for buildings and works, including the replacement of the existing building, which exceeds the Mandatory Maximum Building Height specified in Table 1 of this schedule in Areas 1, 2, 3 and 4. This does not apply to buildings and works for a replacement building which:

- Retains the existing building envelope, including an increase in height or reduction in setbacks.
- Does not result in any additional habitable or occupiable floor area (including an open balcony).

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Development in each Area must achieve the corresponding Design Outcomes in Table 1 below.
- Development in Area 1 must maintain views to and retain a clear sky backdrop surrounding the drum, dome, lantern and flagpole of the Royal Exhibition Building when viewed from view location II as shown in Map 1 to this schedule.

Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.

Table 1: Preferred and Mandatory Maximum Building Heights

Area	Preferred Maximum Building Height	Mandatory Maximum Building Height	Design Outcomes
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1	-	11.2 metres	<p>Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.</p> <p>Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.</p> <p>Ensure new buildings adopt a street wall response that is informed by adjoining heritage buildings.</p>
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Area	Preferred Maximum Building Height	Mandatory Maximum Building Height	Design Outcomes
2	-	11 metres (GRZ3)	<p>Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.</p> <p>Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.</p>
3	-	9 metres (NRZ1 & GRZ2) 10.5 metres (GRZ1)	<p>Retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.</p> <p>Retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.</p>
4		13.5 metres	<p>Require side setbacks over two storeys to protect views of the drum, dome, lantern and flagpole of the Royal Exhibition Building from view location 1J (Refer to Map 1).</p> <p>Ensure new buildings adopt a street wall response that is informed by adjoining heritage buildings.</p>
5	53.9 metres	-	<p>Ensure development of the St Vincent's Hospital site maintains the maximum height of existing hospital buildings.</p> <p>Ensure development includes materiality which is influenced by its heritage setting and is of muted materials and colours, and which avoids the use of larger areas of reflective materials.</p>

3.0

--/20--
Proposed

Subdivision

None specified.

4.0

--/20--
Proposed

Signs

Sign requirements are at Clause 52.05. All land located within the World Heritage Environs Area is in Category 3 – High amenity areas.

5.0 Application requirements

--/20--
Proposed

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis plan and a written urban context report documenting how the development will achieve the requirements of this schedule.
- A site analysis plan and a written urban context report documenting how the development will achieve the requirements of this schedule.
- A visual impact assessment (including photomontages, as appropriate) of the proposed buildings and works viewed from any other primary vantage points to demonstrate whether:
 - the proposed buildings and works will diminish, further diminish or intrude into the sky view that provides a backdrop to the dome, and northern elevation and ridgeline of the western wing, of the Royal Exhibition Building.
 - the visual impact of the proposed buildings and works from the Dome Promenade.
- A comprehensive explanation as to how the proposed buildings and works achieve the policy objectives of clause 15.03-1S, and clause 15.03-1L, and the statement of significance, with respect to the World Heritage Royal Exhibition Building and Carlton Gardens.
- Evidence that approval has been sought or gained under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for potential negative impacts or new developments on a 'matter of national environmental significance', including World Heritage places and National Heritage places.

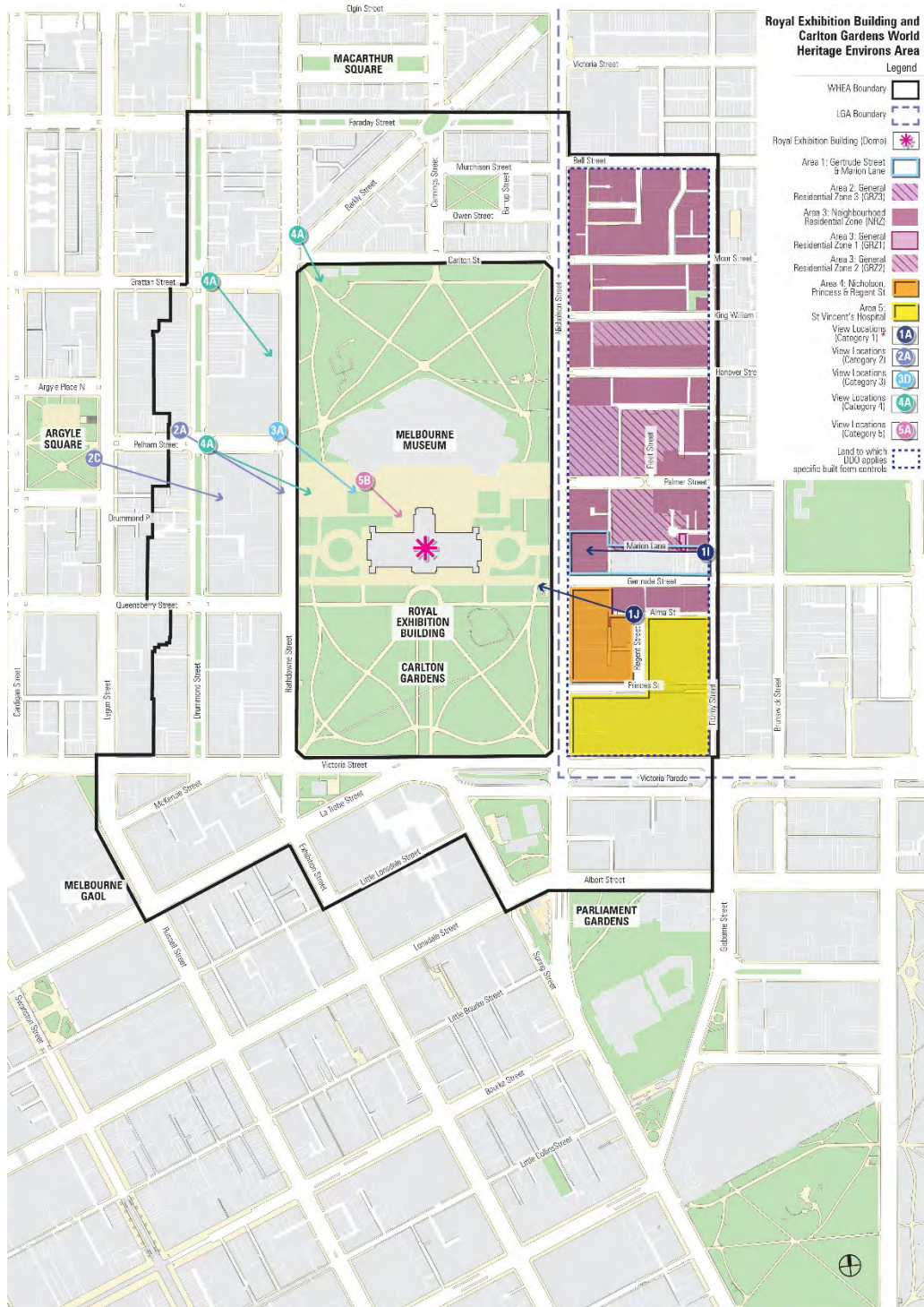
6.0 Decision guidelines

--/20--
Proposed

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the siting, height and appearance of a building or works detrimentally affects the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.
- Whether the siting, height and appearance of a building or works detrimentally affects the view of the WHEA from the dome viewing platform of the Royal Exhibition Building.
- Whether the proposed development or works diminish, or further diminish, the sky view that provides a backdrop to the drum, dome, lantern and flagpole of the Royal Exhibition Building.
- The outcomes in Table 1, as appropriate.
- Whether development ensures materiality is influenced by its heritage setting and is of muted materials and colours, and avoids the use of larger areas of reflective materials.
- Whether development ensures visibility of building services, plant equipment and plant is minimised and/or screened.

Map 1 to Schedule [NUMBER] to Clause 43.02 - update map to include all views



18/11/2010
C174**SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**Shown on the planning scheme map as **DDO6.CARLTON****AREA – WORLD HERITAGE ENVIRONS AREA****1.0****Design objectives**18/11/2010
C174

To protect and manage the values of and views to and from the Royal Exhibition Building and Carlton Gardens.

To maintain the urban form and to conserve significant historic character (built form and landscapes) of the area.

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 ensure new development in the area does not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

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

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.

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2.0**Buildings and works**--/--/20--
Proposed

A permit must not be granted for buildings and works, including the replacement of the existing building, which exceeds the Mandatory Maximum Building Height specified in Table 1 of this schedule. This does not apply to buildings and works for a replacement building which:

- Retains the existing building envelope, including no increase in height or reduction of setbacks.
- Does not result in any additional habitable or occupiable floor area (including an open balcony).

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Development in each Area must achieve the corresponding Design Outcomes in Table 1 below and all relevant design objectives in this schedule.

Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.

Table 1

Area	Maximum Building Height	Design 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.

3.0--/--/20--
Proposed**Subdivision**

A permit is not required to subdivide land.

4.0--/--/20--
Proposed**Signs**

None specified.

5.0--/--/20--
Proposed**Application requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of this schedule, and any local planning policy requirements.
- A visual impact assessment of proposed buildings and works from any relevant primary vantage point identified in clause 15.03-1L-01 including photomontages, as appropriate.
- Evidence that approval has been sought or gained under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for potential negative impacts or new developments on a 'matter of national environmental significance', including World Heritage places and National Heritage places.

6.0--/--/20--
Proposed**Decision guidelines**

Before deciding on an application for 83 – 95 Rathdowne Street, 80 Drummond Street, or the Queensberry Street road reserve, the responsible authority must consider the impact on the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.

STATEMENT OF SIGNIFICANCE: WORLD HERITAGE ENVIRONS AREA – ROYAL EXHIBITION BUILDINGS AND CARLTON GARDENS (2023)

What is significant?

The World Heritage Environs Area Precinct generally borders and is adjacent to the Royal Exhibition Building (REB) and Carlton Gardens, Carlton. It includes land and properties in the suburbs of Carlton and Fitzroy, the northern area of Melbourne's Central Business District, and East Melbourne.

How is it significant?

The World Heritage Environs Area Precinct is of historical, architectural and aesthetic significance and reflects the area of greater sensitivity within the buffer zone surrounding the World Heritage listed Royal Exhibition Building and Carlton Gardens.

Why is it significant?

The World Heritage Environs Area Precinct is of historical and significance for its association with the World Heritage listed Royal Exhibition Building and Carlton Gardens. The latter is the most complete nineteenth century international exhibition site in the world, and the main extant international survivor of a Palace of Industry and its setting. The Carlton Gardens, within Carlton, was selected as the site for the construction of the Exhibition Building in 1879-1880 and subsequent hosting of the 1880 and 1888 international exhibitions, due to its parklike setting, central location and size (64 acres/26 hectares). The subsequent upgrading of the gardens further augmented their attractiveness which, together with the prominence and visibility of the Exhibition Building, helped enhance the status of this area within the local Carlton and Fitzroy contexts. (Historical significance).

The precinct is also of historical significance for its association with the successful campaigns to retain the nineteenth century fabric of Carlton and Fitzroy in the 1960s and 1970s. In the 1940s and 1950s even the survival of the Exhibition Building was in doubt, as was the survival of much of the nineteenth century residential and institutional building fabric and character of the inner areas. From the 1960s these suburbs were threatened by the slum reclamation and urban renewal under the Housing Commission of Victoria. A coalition of urban activists, social justice groups, poor residents and immigrant renovators campaigned against these government policies. The campaigners strategically directed their efforts towards the conservation of the buildings and urban character of Carlton and Fitzroy. Pressure from the campaigners eventually contributed to the abandonment of the Housing Commission's broad-acre slum reclamation and high-rise estate building plans for the inner areas. The extensive areas of Victorian-era housing and institutional buildings in Carlton and Fitzroy, which were saved as the result of these campaigns, helped to make Melbourne one of the most intact Victorian-era cities in the world. (Historical significance).

The precinct is also of historical significance for incorporating important and intact areas of residential, commercial and institutional development within the early Melbourne suburbs of Carlton and Fitzroy, and institutional development in the northern area of Melbourne's Central Business District. These areas are significant to the respective municipalities of Melbourne and Yarra for

SCHEDULE TO CLAUSE 72.04 IN THE MELBOURNE AND YARRA PLANNING SCHEMES

demonstrating aspects of local historical development, and for contributing to the historical character of the municipalities. The areas also provide an immediate setting and context of significant heritage character for the REB and Carlton Gardens site, including properties which directly address the site and can be seen from the site; and significant development which preceded, was broadly contemporary with or followed the 1879-1880 construction and development of the REB. (Historical significance).

The precinct is of architectural and aesthetic significance. It retains substantially intact nineteenth century streetscapes, particularly on Nicholson Street (north of Gertrude Street), the south side of Gertrude Street, Carlton Street, and Rathdowne Street north of Pelham Street. The streetscapes display a comparatively high proportion of original nineteenth century form and fabric, including substantial areas of two-storey, with some three-storey residential and commercial development. The streetscapes are also interspersed with prominent institutional properties of the nineteenth and early twentieth centuries.

Materials and architectural elements include face brick, bluestone and rendered masonry construction materials; pitched and hipped iron and slate-clad roofs; chimneys; prominent parapets and pediments; post-supported verandahs, many with elaborate iron lacework or timber detailing; a high proportion of iron palisade fences; and typically zero or shallow front setbacks with gardens. Public infrastructure includes some bluestone pitched road and lane surfaces, and kerbs and channels. Plane trees are common street plantings. The precinct additionally exhibits a typically fine grain pattern of urban development, generally emphasised by the regularity of the terrace row subdivisions, narrow allotments and street grid, with many streets running at right angles to the REB site. (Aesthetic significance).

A number of key heritage buildings from the nineteenth and early twentieth centuries are located in the precinct, some of which are landmarks in their own right but which also have a strong visual relationship or connection with the REB. These buildings, most of which are included in the Victorian Heritage Register, include Royal Terrace, the Cable Tram Engine House, Convent of Mercy/Academy of Mary Immaculate complex, Grantown House and Osborne House on Nicholson Street; the Sacred Heart Church complex including Presbytery, former Presbyterian Manse, Carlton Gardens Primary School, and former St Nicholas Hospital nurses' home on Rathdowne Street; and the Royal Society building on Victoria Street. (Aesthetic and historical significance).

The precinct provides for significant views to the REB and Carlton Gardens site including direct views to the building, dome and garden setting from bordering/abutting streets, depending on where the viewer is standing. It also provides some proximate views and vistas to the REB dome from streets and minor lanes to the east and west of the site (including Gertrude Street and Marion Lane in Fitzroy; and Queensberry Street in Carlton); the north ends of Spring and Exhibition Streets; Nicholson Street near the junction with Victoria Parade; the east end of Latrobe Street; and from Victoria Parade immediately east of the junction with Nicholson Street. Views out of the REB site into the precinct also reinforce the understanding and appreciation of the authenticity of the nineteenth century context and significant setting of the REB, including from the roof deck level. (Aesthetic significance).

Source - *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens* (Department of Environment, Land, Water and Planning, 2023).

Appendix 10

Other matters raised in submissions and evidence

Naming convention of the WHEA

- 562.** Ms McNicholas of WKSRE has expressed concern that the name ‘WHEA’ does not adequately identify the role and purpose of this buffer zone. Ms McNicholas submits that in line with UNESCO’s Operational Guidelines the WHEA should be renamed ‘buffer’ or ‘buffer zone’, as this is commonly understood. The Operational Guidelines explain that for the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the property.⁹⁵
- 563.** The name ‘WHEA’ is contained in the Act with the identified purpose to protect the world heritage values of the place. The purpose accords with the Operational Guidelines. The name ‘WHEA’ is used in the Melbourne and Yarra Planning Schemes. Clause 15.03-1L-01 explains the objectives as including ‘to provide a buffer zone for the World Heritage Listed Royal Exhibition Building and Carlton Gardens’.
- 564.** The Committee refers exclusively to the WHEA for the property. The purpose and intention of a ‘buffer zone’ is the same purpose and intention of the WHEA. The Committee does not make any recommendation to change the name which is included in the Act and schemes.

Assessments under the EPBC Act

- 565.** Section 7.2 of the draft Strategy Plan explains the National context for the WHEA. The legislation allows for assessment and approval processes for potential negative impacts or new developments on a “matter of national environmental significance”, including World Heritage places and National Heritage places.
- 566.** A person who proposes to take an action that will have, or is likely to have, a significant impact on a matter of national environmental significance must refer that action to the Federal Minister for the Environment for a decision on whether assessment and approval is required under the EPBC Act. Significant Impact Guidelines⁹⁶ assist with determining whether an action is likely to have a significant impact. Examples are provided that an action is likely to have a significant impact on historic heritage values of a place if there is a real chance or possibility that the action will (among others):
- involve the construction of buildings or other structures within, adjacent to, or within important sight lines of, a place which are inconsistent with relevant values, and
 - make notable changes to the layout, spaces, form or species composition of a garden, landscape or setting of a place in a manner which is inconsistent with relevant values.
- 567.** The Commonwealth Environment Minister has entered into an agreement with the State of Victoria pursuant to section 45 of the EPBC Act. The purpose of this agreement was to reduce duplication of environmental assessments by the Commonwealth and the State.
- 568.** A number of submitters refer to duties and obligations under the EPBC Act and agreements. They point to situations where a development proposal has not been

⁹⁵ UNESCO’s *Operational Guidelines for the Implementation of World Heritage Convention*, July 2021, <https://whc.unesco.org/en/guidelines>, at paragraphs 103 and 104.

⁹⁶ *Matters of National Environmental Significance – Significant Impact Guidelines* 1.1, EPBC Act 1999, (Department of the Environment 2013).

referred in accordance with this process. Among them are said to be the development proposal for the now-approved Shangri-La and the current proposal for 1-23 Rathdowne Street. The examples given have not been challenged.

- 569.** At the core of these submissions are that the statutory process might not be readily known, such as by State and local government bodies, and that self-referral is a failing as it may not happen at all.
- 570.** Some submissions refer to legislative changes to overcome gaps in self-referral requiring the relevant Commonwealth Department to investigate and respond to projects brought to its attention.
- 571.** It is not the role of the scheme to duplicate the requirements of other legislation. If other Acts have obligations they are expected to be complied with. In this case, the Committee considers it is relevant to the planning permit process involving a World Heritage Listed place, and its buffer area. At the hearing, the Committee suggested whether an application requirement might be that evidence is provided that approval has been sought or gained under the EPBC Act for potential negative impacts or new developments on a 'matter of national environmental significance', including World Heritage places and National Heritage places. The approach is similar to that explained in the Practitioners Guide whereby commonly sought information by referral authorities can be included as an application requirement.
- 572.** The provision of this information through this mechanism was welcomed by some parties, and not opposed by any party. It is included for in the Committee's recommendations.

Governance Model

- 573.** Some submissions raised matters in relation to the existing governance model of the property, submitting perceived failures of the current model. The FREBCG and WSKRE both submitted support for establishment of a single independent authority to govern the site. The FREBCG submitted that in the absence of a single central authority, the Heritage Council may act as an interim authority with an increased policy role. WSKRE submit that the draft Strategy Plan does not adequately address governance and management issues at the site and asked the Committee to review this and present a best practice option. PPLV also made submissions in relation to the governance of the site, also making submissions in relation to the structure and authority of the Steering Committee. Similarly to WKSRE and FREBCG, PPLV made submissions in support of establishment of a new body of World Heritage management in the form of World Heritage Trust. Submissions in relation to governance all referred to the Sydney Opera House Trust as a best practice example.
- 574.** The Committee notes the submissions in relation to governance of the site. The Steering Committee for the REB&CG is established under section 181 of the Act, which also sets out whom the Minister is empowered to appoint. The Committee notes that change to the governance structure of the site would require legislative change and that the constitution of the Steering Committee and the governance and management of the site are subject to a separate review pursuant to section 191 of the Act.
- 575.** The Committee additionally reiterates that the World Heritage property itself, being the REB and the Carlton Gardens is not included within the WHEA. The Committee concludes that any recommendation or changes in relation to the governance and management of the site should be made under Division 3 of the Act as part of the World Heritage Management Plan process.

Temporary structures and events

- 576.** The Committee notes the submissions that raised matters in relation to the events held at the REB and within the Carlton Gardens. While some submissions acknowledged

the continued use of the REB as a function and exhibition space, most of the submissions in relation to events and temporary structures spoke to the impact on the site and buffer zone, and damage to the natural features of the Carlton Gardens.

- 577.** The submission made by PPLV acknowledged that the use of the site by the Melbourne International Flower and Garden Show ('MIFGS') had been raised many times over many years, but refuted City of Melbourne's response that the damage to the Carlton Gardens is 'temporary'. PPLV submitted that in their view, the incremental damage is long term. Many submissions included photographic evidence to demonstrate the perceived damage to the South Carlton Gardens by the event.
- 578.** Submissions also raised that some events at the site obscure the view of the property from the WHEA when temporary fences are erected, and this is evidence of failure to manage and ensure protection of the view.
- 579.** While the Committee notes these submissions, it reiterates that the REB&CG itself is excluded from the WHEA. The Committee again refers to its remit and does not consider it necessary to comment on the nature of the day-to-day management, commercial events or permit process of REB&CG which is managed through other means.

Artificial Light at Night (ALAN)

- 580.** The submission made by Ms B. McNicholas of WKSRE included expert evidence by Dr Barry Clark in relation to management of artificial light at night at the REB&CG and WHEA. Dr Clark's evidence submitted that the "Strategy Plan exhibits shortcomings as it does not recognise the role of ALAN in threats to heritage conservation".⁹⁷
- 581.** Dr Clark's evidence spoke to ALAN produced by buildings within the WHEA, and also spoke to the effect of ALAN from temporary lighting required when events and exhibitions are in progress at the place.
- 582.** Dr Clark submitted that the Strategy Plan should "provide additional protection for the OUV of the REB&CG...by firstly limiting the amount and secondly limiting the spectral characteristics of ALAN" and that such protection "needs to include all incident ALAN that originates within the site but also that which originates within the WHEA as well".⁹⁸
- 583.** The Committee notes the written and verbal submissions made by Dr Clark, but makes no recommendation in relation to light emerging from the REB&CG itself, which it notes is not within its remit to consider.
- 584.** The Committee does note, in respect to the submissions about the impact of light emerging from within the WHEA, that this issue is addressed in previous sections of this report. The Committee considers that the impact of ALAN is closely linked to its consideration of height controls within the WHEA.
- 585.** ALAN emerging from the WHEA is also referred to in Appendix 7 with respect to the recommendation in relation to the Executive Director as a determining referral authority.

Resourcing and funding

- 586.** The RHSoV submitted support for the Executive Director being nominated as a determining referral authority and submitted that should the Committee support that recommendation in the Strategy Plan, it should note that Heritage Victoria will require additional, dedicated resources.

⁹⁷ Expert Witness Report, Management of artificial light at night at the Royal Exhibition Building and Carlton Gardens World Heritage Place and its World Heritage Environs Area – Dr Barry Clark, 11 April 2023, p3

⁹⁸ Ibid, p4.

587. The Committee notes that the Strategy Plan itself states that “resourcing of Heritage Victoria to take on this role would need to be appropriately addressed”.⁹⁹

588. The Committee has recommended that Heritage Victoria is nominated as a determining referral authority, but sees that the management of such a role, and required resourcing is a matter for Heritage Victoria and the State Government.

Property values

589. One submission expresses concern about the impact on property values. This submission, by Mrs N Gray, appears to relate to the proposed inclusion of the west side of Drummond Street in the WHEA. The WHEA extension has been decided. This matter is not within the Committee’s scope and there is no evidentiary-basis to support the submission being made.

Melbourne Museum Blade

590. One submission, by Ms Lee, suggests the removal of the Blade to the Melbourne Museum so as to reinstate views to the REB from Canning Street. The Committee notes this comment, as agrees with Mr Barnes’ evidence that this matter is beyond the scope of this Committee process.

Guidance for public infrastructure, public realm improvements, signage and interpretation

591. A number of submissions (Yarra City Council and Mr Spark) refer to the need for guidance to be prepared for public infrastructure and signage. Related to this is a submission that public realm surfacing and public furniture should be progressively improved to reflect heritage status.

592. As Mr Barnes’ evidence acknowledges, the draft Strategy Plan recommends the preparation of signage and public infrastructure guidelines and such a step would be expected to see the progressive improvement of, and coordination in, enhancement of the public realm.

593. The CRA suggest a WHEA interpretation strategy to document key elements and to potentially introduce signboards and signage for the purposes of promotion, wayfinding, identification of key locations/buildings and self-guided walking tours. The Committee notes that the draft Strategy Plan includes this recommendation.

⁹⁹ Page 96 of the draft Strategy Plan.

Appendix 11

List of submissions made throughout the draft Strategy Plan review

LIST OF SUBMISSIONS MADE IN RESPONSE TO THE ORIGINAL ADVERTISEMENT PERIOD (16 JULY – 24 SEPTEMBER 2021)

No.	Submitter	Submission date
01.	Dr Jeremy Hindell	22 Jul 2021
02.	Ms Nerida Gray	28 Jul 2021
03.	Mr Peter Quarry	23 Aug 2021
04.	Mr Greg Roche	24 Aug 2021
05.	Dr Wayne Fitzgerald	25 Aug 2021
06.	Ms Josephine Lee	8 Sep 2021
07.	Mr Rowan Opat	13 Sep 2021
08.	Mr Dennis Toth	13 Sep 2021
09.	Mr Trevor Pitkin	13 Sep 2021
10.	Mr Sam Opat	13 Sep 2021
11.	Mr Mike Flattley on behalf of Royal Society Victoria	14 Sep 2021
12.	Mr Peter Sanders on behalf of Carlton Residents Association	20 Sep 2021
13.	Ms Lyn Cracknell	21 Sep 2021
14.	Mr Warren Green	21 Sep 2021
15.	Ms Patricia O'Loughlin on behalf of Friends of the Carlton Gardens	21 Sep 2021
16.	Dr Soon-Tzu Speechley	22 Sep 2021
17.	Yarra City Council	22 Sep 2021
18.	National Trust of Australia (Victoria)	23 Sep 2021
19.	Mr Ian Wight on behalf of the Royal Historical Society of Victoria	23 Sep 2021
20.	Ms Angela Nolan on behalf of St Vincent's Hospital	23 Sep 2021
21.	Ms Margaret Lee on behalf of Fitzroy History Society	24 Sep 2021
22.	Ms Margaret O'Brien on behalf of Friends of the Royal Exhibition Building and Carlton Gardens (FREBCG)	24 Sep 2021
23.	Ms Fiona Bell on behalf of Protectors of Public Lands	24 Sep 2021
24.	Dira Mivora Pty Ltd represented by Planning and Property Partners	24 Sep 2021
25.	Besen Gertrude Pty Ltd represented by Planning and Property Partners	24 Sep 2021
25.1	Besen Gertrude Pty Ltd represented by Planning and Property Partners	24 Sep 2021
26.0	AICOMOS	24 Sep 2021
27.0	Ms Louise Elliot	24 Sep 2021
28.0	Mr Malcolm Foo	24 Sep 2021
29.0	City of Melbourne	27 Sep 2021
30.0	B McNicholas – Director, Walk in St Kilda Rd & Environs	24 Sep 2021

31.0	Mr Greg Chenhall on behalf of Fitzroy Residents Association	24 Sep 2021
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LIST OF SUBMISSIONS MADE IN RESPONSE TO THE SUBSEQUENT ADVERTISEMENT PERIOD (16 SEPTEMBER – 24 NOVEMBER 2022)

No.	Submitter	Submission date
01.	City of Melbourne	18 Nov 2022
02.	Urbis on behalf of GICA Australia	20 Nov 2022
03.	Industry Super Property Trust	18 Nov 2022
04.	Urbis on behalf of Mr Mario LoGiudice	18 Nov 2022
05.	Mr Matt Seymour	31 Oct 2022
06.	Mr Margaret O'Brien on behalf of the Friends of Royal Exhibition Building and Carlton Gardens	20 Nov 2022
07.	City of Yarra	18 Nov 2022
08.	Mr Rowan Opat	03 Oct 2022
09.	St Vincent's Hospital Melbourne	19 Nov 2022
10.	Pi-Mei Sung Lao	24 Sep 2022
11.	Ms Lyn Cracknell on behalf of Carlton Residents Association	17 Nov 2022
12.	Mr Ian Wight on behalf of Royal Historical Society of Victoria	17 Nov 2022
13.	Mr Greg Spark (late submission accepted by Committee)	29 Nov 2022

LIST OF PARTIES WHO MADE WRITTEN SUBMISSIONS AND SUBMITTED EVIDENCE TO THE HEARING – DUE 11 APRIL 2023

No.	Submitter	Submission date
01.	Executive Director, Heritage Victoria Expert evidence: <ul style="list-style-type: none"> David Barnes, Hansen Pty Ltd Gerhana Waty, Hansen Pty Ltd Helen Lardner, HLCD Leanne Hodyl, Hodyl & Co 	11 April 2023
02.	Melbourne City Council Expert evidence: <ul style="list-style-type: none"> Joh Glossop, Glossop Town Planning Simon McPherson, Global South 	11 April 2023
03.	Yarra City Council Expert evidence: <ul style="list-style-type: none"> Amanda Roberts, Lat Studios 	11 April 2023
04.	Royal Historical Society Victoria	2 April 2023
05.	Friends of Royal Exhibition Building and Carlton Gardens	11 April 2023
06.	Carlton Residents Association	11 April 2023
07.	Industry Super Property Trust	11 April 2023
08.	Protectors Public Lands Victoria	5 April 2023
09.	Australian Heritage Advocacy Alliance	4 April 2023
10.	GICA Australia	11 April 2023
11.	Walk in St Kilda Road and Environs Expert evidence: <ul style="list-style-type: none"> Barry Clark (ALAN) Michael Kennedy (Law/governance) 	20 April 2023 (late submission accepted by Committee)
12.	Mr Mario LoGiudice	11 April 2023

	Expert evidence: <ul style="list-style-type: none"> Carolynne Baker, Urbis 	
13.	St Vincent's Hospital Expert evidence: <ul style="list-style-type: none"> Bryce Raworth, Bryce Raworth Conservation Heritage 	11 April 2023
14.	Royal Garden Manor	24 April 2023 (late participation accepted by Committee)

LIST OF PARTIES WHO MADE WRITTEN SUBMISSIONS IN REPLY AND SUBMITTED EVIDENCE IN REPLY TO THE HEARING – DUE 28 APRIL 2023

No.	Submitter	Submission date
01.	Executive Director, Heritage Victoria Expert evidence in reply: <ul style="list-style-type: none"> David Barnes, Hansen Pty Ltd Gerhana Waty,. Hansen Pty Ltd Helen Lardner, HLCD Leanne Hodyl, Hodyl & Co 	28 April 2023
02.	Melbourne City Council	28 April 2023
03.	Yarra City Council Expert evidence in reply: Amanda Roberts, Lat Studios	28 April 2023
04.	Royal Historical Society Victoria	28 April 2023
05.	Friends of Royal Exhibition Building and Carlton Gardens	24 April 2023
06.	Walk in St Kilda Road and Environs	27 April 2023
07.	Mr Mario LoGiudice	28 April 2023
08.	Royal Garden Manor	24 April 2023

