

PLANNING PERMIT OBJECTION FORM

Planning and Environment Act 1987



Important notes about the objection to permit application

Is this form for me? This is the form to object to a planning permit application where the City of Melbourne is the decision maker. Please do not use this form to object to Ministerial applications.

1. Your objection and the personal information on this form is collected by the City of Melbourne for the purposes of the planning process, as set out in the *Planning and Environment Act 1987* (the Act). If you do not provide your name and address, the City of Melbourne will not be able to consider your objection.
2. Your objection will be available at the City of Melbourne office for any person to inspect, during the relevant period set out in the Act. A full copy of your objection (including your name and personal information) will be made available on request to any person, for a limited period.
3. A summary of your objection will be included in a publicly available planning report, which may be published on Council's website. Your name will not be published in the planning report. Your objection, and the personal information supplied with it, will not be disclosed to any other external party, unless required or authorised by law.
4. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting the City of Melbourne.

See also [Objecting to a planning application](#)

Who is objecting?

Name	Carlton Residents' Association Inc	Contact No.	
Postal Address	PO Box 1140, Carlton VIC	Post Code	3053
Email	carltonresidents@gmail.com		

What Planning Permit Application are you objecting to?

Address	1-23 Rathdowne Street Carlton 3053	Application No.	TP-2022-245
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What are the reasons for your objection?

Note: Your objection should state how the proposal will affect you and should relate to matters relevant to the proposed use or development.

The Carlton Residents Association advocates on behalf of its members to

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

UPDATED OBJECTION [This updated Objection should replace the document already submitted]

We submit that the proposed building is totally inappropriate for this area and does not comply with the Melbourne Planning Scheme. Accordingly, the CRA submits that the permit application should be refused.

GENERAL INCONSISTANCIES WITH THE MELBOURNE PLANNING SCHEME (MPS)

In our view there are several strategies, objectives and Design and Development Overlay guidelines that would not be satisfied. More specifically, key provisions of the following MPS Clauses would not be satisfied:

CI 21.06-1 Urban Design Strategies 1.2 and 4.3

- 'Strategy 1.2 Ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas.' [The Application notes, in justifying the high building, that it is a transition between the Central City and this low rise area of Carlton. A transition is not called for or appropriate.]
- 'Strategy 4.3 In areas where the existing built form is to be retained, ensure development is designed to maintain the general low scale and character of those areas.'

In the Council's Draft Municipal Planning Strategy [under the section addressing The Built Environment at 02.03-4] the Council has emphasised the importance of maintaining this distinction. This Strategy was considered at the second FMC Meeting held on the 19th July of this year. "Ensure a strong distinction between the built form scale of the Central City with that of ALL other areas" Emphasis added.

In this context, this same Draft Municipal Planning Strategy has designated Carlton as an Established Neighbourhood. The following extract from p 5 is relevant [emphasis added]:

Carlton, East Melbourne and Jolimont, Kensington, Parkville, North Melbourne and South Yarra are neighbourhoods that will accommodate development as the city changes. **These are well established, predominately residential areas, most with a strong heritage character. Change will be more subtle and gradual than in other areas of the municipality.**

In our view, the proposed development at 1-23 Rathdowne Street does not exhibit a subtle or gradual change.

CI 21.06-2 Heritage Objective 1 and Strategy 1.6

- *'Objective 1. To conserve and enhance places and precincts of identified cultural significance.'*
- *'Strategy 1.6. Within heritage areas and from adjoining areas protect buildings, streetscapes of cultural significance from the visual intrusion of new built form.'*

Concerning the Heritage Objective, the above cited Draft Municipal Planning Strategy has emphasised the importance of the Council in protecting heritage values. At page 10, particular emphasis is given to the need to maintain and protect the World Heritage Environs Area:

- Maintain and protect the visual prominence of heritage buildings and landmarks including the Shrine of Remembrance, Parliament House and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.
- Maintain and protect the World Heritage Environs Area which provides a buffer zone to protect the World Heritage Listed Royal Exhibition Building and Carlton Gardens.
- Ensure that development within the World Heritage Environs Area responds to the World Heritage values of the Royal Exhibition Building and Carlton Gardens.

CI 21.16 Other Local Areas – Carlton: CI 21.16-3 [MPS Reference to 21.06-3 is incorrect]

21.16-3

- *'Maintain a strong contrast in scale between the built form and character of the Hoddle Grid and Carlton at the Victoria Street interface.'* See also notes above.
- *'Maintain the predominantly low scale and ensure sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the area around the Carlton Gardens ...'*

CI 22.17 Urban Design outside the Capital City Zone

Objectives

- *'To ensure that the scale, siting, massing and bulk complements the scale, siting, massing and bulk of adjoining and nearby built form.'*
- *'To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.'*
- *'To reduce unacceptable bulk in a new development.'*

The policies in this clause cover the issues of scale, context, building height and building bulk. These objectives and policies are not met in this Application.

CI 22.05 Heritage Places outside the Capital City Zone – New Buildings: It is policy that

New buildings are in keeping with 'key attributes' of the heritage precinct as identified in the precinct Statement of Significance and:

- Key attributes of the heritage precinct such as:
 - Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.
 - Prevailing streetscape height and scale.

- Do not visually dominate or visually disrupt the appreciation of the heritage place.

The Application clearly fails to meet these policies. Note, although the site is in the HO992 precinct, Local Policy 22.21 [Heritage Places within the World Heritage Environs Area] states that the provisions of Clause 22.05 apply.

CI 22.21 Heritage Places within the World Heritage Environs Area: The Policy Basis & Objectives [the subject site is located within HO992]

The area of Greater Sensitivity includes the subject site.

The MPS includes-

CI 22.21 Heritage Places within the World Heritage Environs Area (WHEA)

'Policy covers all land within the Heritage Overlay within the WHEA of Greater Sensitivity (WHEA)'

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 and Carlton Gardens. The WHEA provides a setting and context of significant historic character for the World Heritage property.'



Extract from figure 3 – Heritage Overlays [The orange area describes the extent of HO992]

World Heritage Strategy Plan Review for the REB & Carlton Gardens WHEA | DRAFT UPDATED STRATEGY PLAN

22.21-2. Objectives & 22.21-3 Policies

- *'To maintain and conserve the significant historic character (built form and landscapes) of the area.'*
- *'Retain the predominantly lower scale of developments which provides a contrast to the dominant scale and form of the Royal Exhibition Building (REB).'*

The Exhibition Building is recognised as a World Heritage site, the highest grading internationally and one of a few such sites in Australia. The WHEA was set up for protection of the heritage surroundings to the site.

Surrounding buildings in Fitzroy and Carlton are predominantly low scale and mainly Victorian era. This applies particularly to Rathdowne Street, Carlton Street and Nicholson Street in Fitzroy. St Vincent's Hospital is not included in the WHEA.

In the recently Gazetted MPS AmC396, the Significant Heritage Status of the building at 29-31 Rathdowne Street was confirmed. Both this Heritage Place, and its immediate neighbour at 25-27 Rathdowne Street [also graded Significant] are located to the immediate North of the development site at 1-23 Rathdowne St. [See Image below]



25-35 Rathdowne Street Carlton

- There are few new intrusive buildings in these streets. An obvious exception is the south corner of Rathdowne and Queensberry Streets.
- The quality of the Carlton Gardens and the Royal Exhibition Building is defined by the surrounding buildings. It is vital that this is maintained.
- Views both to and from the Royal Exhibition Building are addressed in the WHEA.

Heritage Places in the immediate Context of the development

- Rathdowne Street West side – 25-27, 29-31, 49-67 (49 only) have a significant rating.
- The building across Elliot Lane and opposite the subject site, 24-30 Victoria Street is two storey with a GI pitched roof that is not intrusive in this area.

The section of Drummond Street between Victoria and Queensberry Streets is designated a Significant Streetscape [on both sides]; this street also includes many Significant and Contributory Heritage Places [as at Gazetted of Am C396]:

East Side: 2-14, 26, 46, 48 and 58-72 are rated Significant, and 16-20, 22, 24, 28-32 and 56 rated Contributory

West Side: 1-47 are rated Significant and 49-71 rated Contributory

The proposed development does not meet the requirements for the WHEA.

It must be emphasised that *the World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens*, 2009, has been a Reference document in both Local Policy [22.21] and DDO Schedule 6 for over TEN years. More particularly, this Strategy Plan includes an important Statement of Significance for the World Heritage Environs Area. This Statement was updated in the following report: *Royal Exhibition Building & Carlton Gardens Draft Strategy Plan_JUNE2021*. The updated Statement of Significance provides an important description of those heritage attributes of the Environs Area that must be respected. For example:

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).

Design & Development Overlay Schedule 6

The MPS includes the following provisions for the Carlton area-

'1.0 Design Objectives include:

- To protect and conserve buildings and streetscapes of significance and to reinforce the built form character of the area as being of **essentially low rise buildings.**' (our emphasis)
- To ensure that any redevelopment or **new development is compatible with the scale and character of adjoining buildings and the area.**' (Our emphasis).

'Requirements

2.1 Building height

'Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.' [Maximum Heights are noted on the following annotated plan]

'An application to exceed the Maximum Building Height **must** demonstrate how the development will continue to achieve the Design Objective and Built Form Outcomes of this schedule and any local planning requirements.' (our emphasis)

The Responsible Authority has the power to vary the recommended maximum heights providing the above conditions are met. They include the requirement to respect the character, height and massing of the Victorian era buildings that are predominantly two storey, as noted above.

For DDO6 Area 14, the reference to Cardigan Street in the Outcomes section of the table is clearly an error. This reference should have been to Rathdowne Street.

The CRA notes that the City of Melbourne has emphasised [in its submission with respect to the *Royal Exhibition Building & Carlton Gardens Draft Strategy Plan_JUNE2021*] that these provisions **MUST** be strengthened in the following manner:

- It is important to note that the height controls in DDO6 are all discretionary and are often challenged. In particular, large sites such as 1 Rathdowne Street (former Cancer Council site) experience continued pressure for much higher development, and stronger planning controls are needed.
- Rathdowne Street is the principal street in the western area of the WHEA. This area directly fronts the Carlton Gardens as prime foreground so the City of Melbourne considers that mandatory controls are justified.

Given this position, it would be untenable for the Council to approve any development at 1-23 Rathdowne Street that departed from the existing Height Guidance in such a dramatic way

1-23 Rathdowne St Carlton Planning Information DDO6 Map [Pt] + Site Area



Royal Exhibition Building and Carlton Gardens World Heritage Environs Area

Legend

DDO6 Boundary



A10 (8m Maximum Height)



A12 (10m Maximum Height)



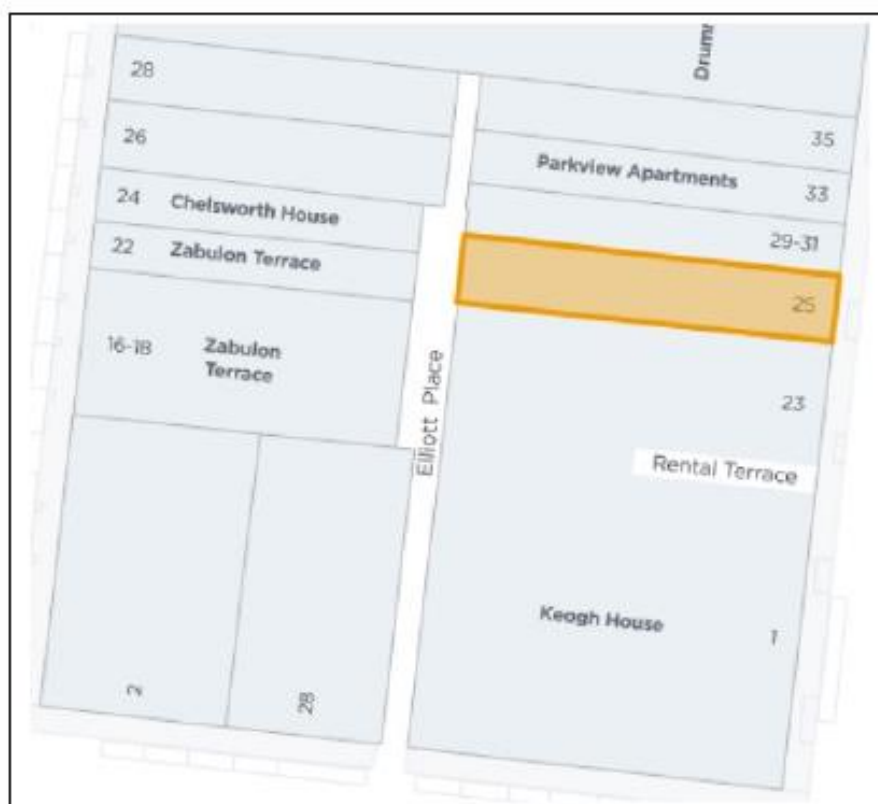
A13 (13.5m Maximum Height)



A14 (16m Maximum Height)



DDO6 Proposed Extension



Sources;

2019607_REBCG_DraftStrategyPlan_Proposed-Melbourne_DDO6-Expansion_Map &
1-23 Rathdowne St Carlton CoM map

GENERAL OBJECTION

There is a clear demarcation between the WHEA requirements for the Central City (south of Victoria Street) and the areas north of Victoria Street. The proposed building may be acceptable within the Central City area but not on the subject site

CONCLUSION

The proposed development for this site fails to meet the heritage and other controls for the site and this area. It is a proposal that grossly exceeds the requirements for the area and the application should be refused.

(If there is not enough room, attach a separate page)

How to Apply and Enquiries:

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