



ROYAL HISTORICAL SOCIETY OF VICTORIA INC.

239 A'Beckett Street, Melbourne 3000

Submission to Yarra Council regarding Permit number PLN20/0566 (1 - 9 Gertrude Street, Fitzroy)

We appreciate the opportunity to respond to this application to build a five-storey building in the heart of the Royal Exhibition Building World Heritage Environs Area (WHEA).

The RHSV and the Royal Exhibition Building World Heritage Site

The Royal Historical Society of Victoria functions both as the peak body for 340 local history societies and as the historical society for central Melbourne. In the first capacity, the RHSV seeks to support the conservation of heritage across the state, including its capital city Melbourne. In the second, the Society seeks to preserve the heritage of the city and its inner area.

The RHSV has been a partner and a key stakeholder with the city's governing authority, the City of Melbourne, since the Society's inception in 1909. Thus the RHSV is doubly a stakeholder in any discussions concerning the protection of what is now a World Heritage site and arguably the most significant heritage precinct in the city.

The Royal Exhibition Building and Carlton Gardens (REB & CG) together constitute the first Australian cultural site to be inscribed on the World Heritage List (2004), one of only four Australian cultural sites currently so honoured. The others are the Sydney Opera House (2007), the Australian Convict Sites (2010) and the Budj Bim Cultural Landscape (2019). The REB & CG date from the later nineteenth century and bear witness to the period when Australia came of age and became a nation. All that makes the site of the utmost value to Victoria, a state shaped so powerfully in the half-century following the Gold Rush, and particularly to Melbourne.

The Exhibition Building—it was not 'Royal' until 1980—was still young at the time of the RHSV's founding in 1909, but already, more than any other site, it embodied the city of Melbourne in the minds of its inhabitants and represented the young city to the world. It put Melbourne on the international map with the 1880 and 1888 Exhibitions and became the incarnation of 'marvellous Melbourne'. With the opening of Federal Parliament in 1901 and the inauguration of Melbourne as the first national capital, the Royal Exhibition Building became the incarnation of the new nation, immortalised in Tom Roberts' iconic 'Big Picture' and in countless widely disseminated engravings, which have made it part of the Australian imaginary for over a century now. All this has been recognised in its nomination as a World Heritage site.

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Indeed, the significance of this site, taken as a whole—the Royal Exhibition Building, the Carlton Gardens, and the environs now designated as the WHEA, still largely suggestive of the kinds of built forms predominating at the time of the 1880 Exhibition—cannot be over-estimated. ‘There is nothing like it anywhere else in the world today’, wrote the eminent UK historian, Professor David Cannadine.¹ As the Australian Government Response to the ICOMOS Assessment Report put it in 2004: ‘The Royal Exhibition Building in its original garden setting is the most authentic remaining example of an *in situ* Palace of Industry from a significant international exhibition.’²

The World Heritage Environs Area Precinct and Relevant Planning Controls

The significance of the setting, that is the largely intact Victorian precincts surrounding the Carlton Gardens, is, as Professor Cannadine emphasised, a major component of its overall significance. Indeed, the Australian government promised UNESCO that it would ensure that ‘all planning policies in these [i.e. the surrounding] areas discourage the demolition of Victorian-era buildings and require any development to enhance heritage values’ and maintain Victorian-era low-rise scale. The portion of the WHEA between Nicholson Street and Brunswick Street constitutes the best preserved part of this extraordinarily important site.

This precinct, between Nicholson and Fitzroy Streets, is covered by HO361 (World Heritage Environs Area Precinct) and DDO8 (Fitzroy South). Gertrude Street, from Nicholson Street to Brunswick Street, was in addition included in the ‘Area of Greater Significance’ of the WHEA upon the split into an Area of Greater Significance and the rest of the WHEA.

DDO8 (22-14) specifies, in particular, that ‘it is 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’ and to ‘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 Gertrude Street, Marion Lane’.

In its own right, this section of Gertrude Street is highly significant. Two notable buildings abut or face the site of the development under consideration here. On the north side of Gertrude Street is the side of Royal Terrace (1854-6, VHR H0172 and HO183), the rear of which is immediately to the east of the site across the lane. On the south side, opposite the site, is the former Cable Tram Engine House (1887-87, VHR H0584 and HO181). Also on the south side of Gertrude Street, a short distance to the west, is Glass Terrace (1886-87, VHR H0584 and HO159). Not only is the site surrounded by notable buildings, but also the streetscape is almost entirely of Victorian terraces and the remainder of the built form is low rise, double storey.

A review of the World Heritage Strategy Plan for the Royal Exhibition Building & Carlton Gardens World Heritage Environs Area begun in April of this year noted that there were inconsistencies and ambiguities in the various planning schemes applicable to the WHEA Precinct and an excellent Discussion Paper prepared by Hansen Partnership Pty Ltd in partnership with HLCD Pty Ltd for the Department of Environment, Land, Water & Planning has laid the basis for significant improvement in the consistency of protections. Any ambiguities in protection must be resolved in the context of the significance of the world heritage site

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

² *Ibid.*

and of the promises made to UNESCO. The thrust of the review was to harmonise and strengthen these controls, to extend the WHEA, and to cover all the WHEA with the controls now applying to the Area of Greater Significance. In the interim before the findings of the review are implemented, Yarra Council bears responsibility for this part of the World Heritage site and that responsibility should be paramount in any planning decisions in that area.

The Proposed Development: Visual Impact

The fundamental problem of the proposed development is its height and bulk. These alone run entirely counter to the requirements of this site and would, on their own, oblige Council to reject this proposal. The development would be five storeys in height. This is even more problematic given that the site is particularly exposed. To its east is a lane and rear portions of Royal Terrace, which are self-effacing single-storey buildings, leaving a large visual gap which the proposed development would dominate. To its west is a very small double-storey Regency bluestone terrace set back from the street, leaving a visual gap. For these reasons, development of the site under consideration would need to be particularly sensitive even within the predominant low-rise scale.

The developer's proposal, however, is anything but sensitive. Indeed, rather than seek to minimise its bulk, the architect has chosen to flaunt it. The upper three storeys are, to be sure, set back slightly, but nowhere near enough to reduce their visual impact. Indeed, although the third floor is at the height of the parapet of the neighbouring terrace (13 Gertrude Street, which is prominent because 11 Gertrude Street is so small), it is nevertheless distinctly forward of that building and thus looms large. Part of the fourth and all of the fifth floor are big enough to bulk large from the southern footpath of Gertrude Street.

The bulk over the street of these upper storeys is accentuated by their neo-brutalist style. Instead of rhythmic fenestration so characteristic of the nearby Regency buildings such as Glass Terrace and Royal Terrace and of Victorian buildings in general, the façades of these upper storeys consist of blank walls, large grills and floor-to-ceiling windows without any framing. And each storey displays these elements in different combinations, so that there is no vertical harmony, another characteristic of Victorian practice. These upper storeys are brutal, in-your-face slabs towering over the otherwise low-rise streetscape.

The actual street-level façade (comprising the ground and first floor) is not designed to obscure or even to minimise the visual impact of the upper levels of the development. The façade comprises five double-storey modules of floor-to-ceiling glass heavily framed in the blond stone-like material of the whole development. These could be read as tipping the hat to Victorian terraces, but whereas Victorian terraces depend on the rhythm created by regularity, these modules are of different widths and are set forward or back in alternation, a practice at odds with Victorian architecture. This is not tipping the hat but thumbing the nose at the surrounding streetscape.

Given the visual prominence of the western end of the proposed building (owing to the low scale of the rear of Royal Terrace), its design also demands sensitivity. This side of the building, however, is of even greater insensitivity than the street façade. The first two floors appear to be of blank brick walls surrounded by the blond stone-like material, but the top three floors are a jumbled mass of heavy rectangles covering floor-to-ceiling glass. The visitor to the Exhibition Dome who strolls past the French fountain and into Gertrude Street will be confronted here with a looming blond mass overpowering the otherwise intact 19th-Century streetscape.

The material chosen is at odds with the entire precinct. It appears to be a blond stone totally uncharacteristic of Melbourne's Victorian architecture. Certainly there is nothing at all like it in the precinct. The nearby Regency buildings are bluestone. Later Victorian and Edwardian buildings are in brick. Others are rendered and painted. There is nothing like this material. It is all very well to distinguish the contemporary building from its period neighbours, but surely in such a sensitive site this distinction should be more subdued. This is 'look-at-me' material, like the proposal's brutalist architecture.

The Proposed Development: Impact on Views and Vistas

The Discussion Paper which initiated the current review of the World Heritage Strategy Plan notes that the views should 'continue to reinforce visual prominence of the REB and Dome and its authentic nineteenth century setting'. DDO8 (22-14) specifies that 'it is policy to ... 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 Gertrude Street [and] Marion Lane'.

On a narrow and technical interpretation, the developer may be able to claim compliance in this regard in so far as the view of the Dome from Gertrude Street is not completely blocked by the upper storeys of the development. A glance at the View from south side of Gertrude Street (View 01, below), shows, however, that the upper storeys of the proposed development compete with the Dome. At present, the Dome looms across the view from Gertrude Street. The highest built elements competing with the Dome are the rooves of Royal Terrace, just as when the Royal Exhibition Building was constructed.



View from south side of Gertrude Street (View 01)

The Heritage Impact Statement does not even try to pretend compliance in regard to the view from Marion Lane. The View from Marion Lane (View 02, below) shows how the bulk of the proposed development intrudes on the view and narrows the view of the Dome. To be sure, there is already a modern building which intrudes on the view on the other side of Marion Lane, but that is no excuse.



View from Marion Lane (View 02)

DDO8 does not consider views from the Exhibition Buildings and from the Dome, but these were considered important in the site's World Heritage nomination. The Commonwealth has contributed \$20 million to a project to reopen the Promenade Deck around the Dome. This project has been completed but opening has been delayed by the pandemic.

As the review points out, views out to the surrounding area from within the Carlton Gardens and from the Promenade deck should be taken into account in future planning. It mentions in particular the 'views to 19th century streetscapes ... along Carlton Street and northern parts of Nicholson Street and Rathdowne Street. Moreover, since the Promenade deck will be made accessible to the public, even greater attention should be paid to developments that might impact upon the views from the deck.

It is obvious that this proposal will have a deleterious impact on the view from the Dome. At present, looking east from the Dome, the dominant features are the Chapel of the Convent of Mercy and Academy of St Mary Immaculate (complex VHR H0507 and HO184, chapel Reed Smart and Tappin, 1889) and Royal Terrace (which at three storeys is now as it was in 1880 the dominant feature of Nicholson Street). No analysis of the impact on these views has been supplied, but it is obvious that the bulk of the proposed development will loom over Royal Terrace when viewed from the Dome. Given the significance of the site in terms of the World Heritage classification, this should be taken into account.

Referral to the Minister for the Environment under the EPBC Act

The EPBC Act regulates actions that will, or are likely to, have a significant impact on the World Heritage values of a declared World Heritage property. This includes relevant actions that occur outside the boundaries of a World Heritage property.

An action that will, or is likely to, have a significant impact on the World Heritage values of a declared World Heritage property is subject to a rigorous environmental assessment and approval regime under the EPBC Act.

A person proposing to take an action that is likely to have a significant impact on the World Heritage values of a declared World Heritage property should refer the action to the Environment Minister.

EPBC Act - Protecting Australia's World Heritage properties: <https://www.environment.gov.au/resource/epbc-act-protecting-australias-world-heritage-properties>.

The impact this proposal on the World Heritage site would have been obvious from the start, given that it is located within the declared Area of Greater Sensitivity of the WHEA Precinct. We are therefore surprised that not only has the applicant failed to refer the action to the Environment Minister, as required under the Act, but also the applicant has not even mentioned the issue in any of the materials supplied to the responsible authority.

We therefore urge Yarra Council to seek clarification from the Minister as to the appropriate procedure for referral before giving any further consideration to this proposal.

Conclusion

We believe that Council must reject this proposal. Current planning schemes clearly demand that the low-rise development characteristic of the precinct's overwhelmingly Victorian built form be protected. Five storeys is simply too much. Even if the proposal were undertaken in a spirit of appropriate sensitivity—and clearly this is not the case—it would be totally inappropriate.

When one adds to this that this site is within the Area of Greater Sensitivity of the WHEA in Melbourne's most significant heritage site, the case for rejection becomes overwhelming.

It is therefore incumbent on Council to seek guidance from the Minister regarding referral under the EPBC Act and, notwithstanding the outcome of that guidance, to reject the proposal.

Yarra Council are the responsible authority for a very important aspect of Melbourne's most significant heritage site. It is incumbent on Council to take this responsibility seriously. If one does so, one must reject this proposal.

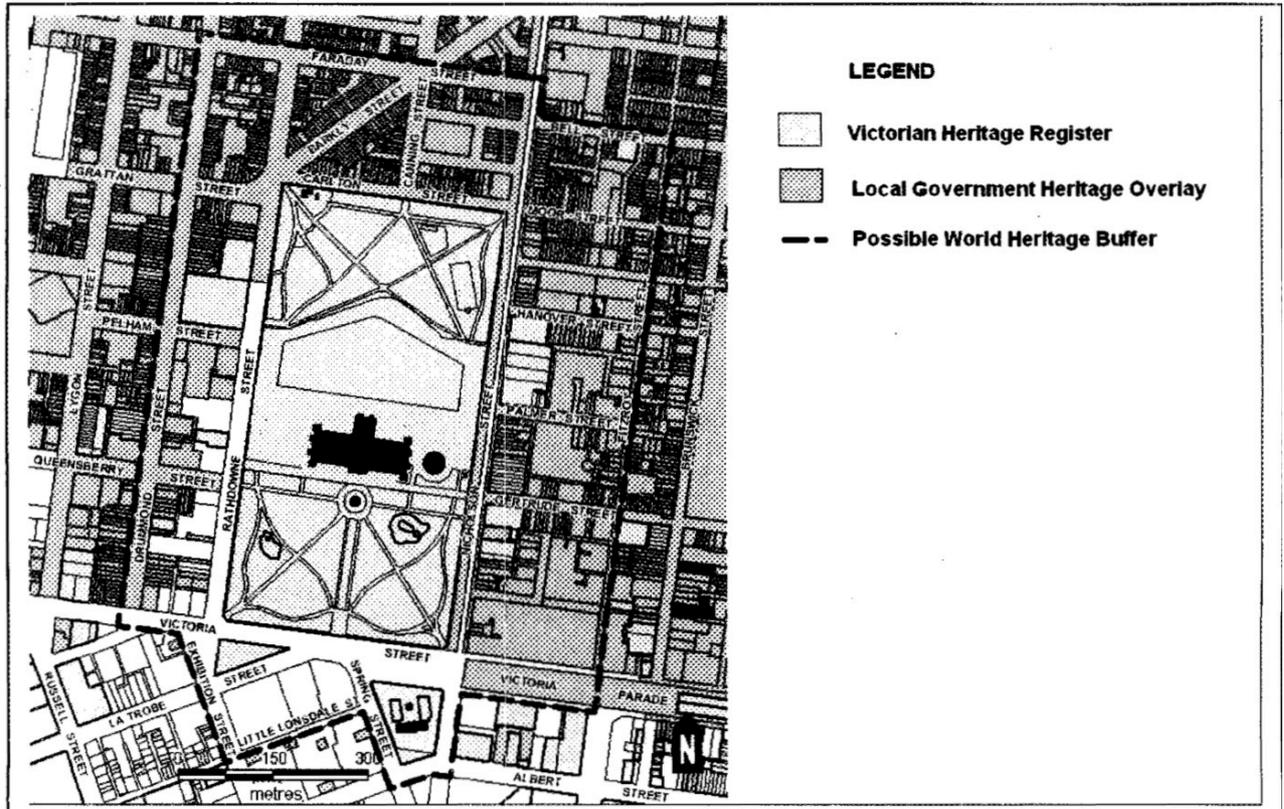
(Professor) Charles Sowerwine, FAHA,
Chair, Heritage Committee,
Royal Historical Society of Victoria.
15 December 2020.

Appendix: Australian Government Commitments for World Heritage Site

In securing World Heritage listing, the Australian Government, in its response to the ICOS Report on the nomination of the site for World Heritage listing, noted that not only were the REB & CG protected, but also that 'any action which may have a significant impact on a world heritage property, *whether inside or outside the boundaries* of the property, is prohibited [emphasis original]'. It further noted that 'all planning policies in these [i.e. the surrounding] areas discourage the demolition of Victorian-era buildings and require any development to enhance heritage values. These provisions would also apply to any redevelopment of existing modern buildings around the site'. Finally, the Australian Government noted that 'the State Minister for Planning intends to enact a special provision to establish a

formal buffer zone around the site' and included a map (Map 1, below), showing a 'probable configuration' of that buffer zone.³

Map 1. Royal Exhibition Building and Carlton Gardens and surrounds, indicating areas protected under the Heritage Act 1995, Heritage Overlay and possible buffer zone.



³ 'Australian Government Response to the ICOMOS Assessment Report on the Royal Exhibition Building & Carlton Gardens World Heritage Nomination', 9 June 2004, <https://whc.unesco.org/uploads/nominations/1131bis.pdf>, pp. 12, 13.