



## ROYAL HISTORICAL SOCIETY OF VICTORIA INC.

239 A'Beckett Street, Melbourne 3000

### **Submission to Yarra Council regarding Permit number PLN20/0567 (27-41 Victoria Parade, Fitzroy)**

We appreciate the opportunity to respond to this application, under which it is proposed to demolish the Aikenhead Wing, much of Brennan Hall and the Daly Wing and to build a 93.45 metre building within the Royal Exhibition Building World Heritage Environs Area (WHEA) and the South Fitzroy Heritage Precinct (HO 334).

#### **The RHSV and the Royal Exhibition Building World Heritage Site**

The Royal Historical Society of Victoria functions both as the peak body for the 340 local history societies of Victoria 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 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 Melbourne.

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) and 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 19th century and bear witness to the period when Australia came of age and became a nation. 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, still one of the world's greatest and most intact Victorian cities, as Lord Asa Briggs wrote in his classic *Victorian Cities* (1963: 277ff).

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 also became the incarnation of the new nation, immortalised in Tom Roberts' iconic 'Big

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Picture’ and in countless widely disseminated engravings, which have made it part of the Australian imaginary for over a century now.

The Exhibition Building’s international status, however, derives more from two unique factors: on the one hand, as an intact hall for two of the great international exhibitions (1880 and 1888), which were so significant in the shaping of 19th-century world culture and, on the other hand, as still in its original surrounds, that is the Carlton Gardens and the Victorian built fabric of Carlton, Fitzroy and the City. That is why the world heritage nomination specifies ‘the Royal Exhibition Building **and the surrounding Carlton Gardens** [*emphasis added*] as the main extant survivors of a Palace of Industry **and its setting** [*emphasis added*].’<sup>1</sup>

The surrounds now designated as the World Heritage Environs Area (hereinafter WHEA) are still largely suggestive of the kinds of built form predominating at the time of the 1880 Exhibition; a tourist transported from 1880 or 1888 to the present would find nothing surprising in the view from the dome unless s/he looked toward the City. As the Australian Government Response to the ICOMOS Assessment Report put it to UNESCO when seeking World Heritage status: ‘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.’<sup>2</sup>

The significance of this site, taken as a whole—the Royal Exhibition Building, the Carlton Gardens, and the surrounds—cannot be overestimated. ‘The expository ensemble comprising the Melbourne Exhibition Building and the Carlton Gardens is a unique, magnificent and outstanding survivor from this great age of great exhibitions. There is nothing like it anywhere else in the world today’, wrote the eminent UK historian, Professor David Cannadine.<sup>3</sup> All this was recognised in its nomination as a World Heritage site.

The task of preserving the integrity of the WHEA east of the Carlton Gardens now falls upon Yarra City Council. The proposal under consideration here, along with PLN20/0566 (1-9 Gertrude Street, Fitzroy), are both before the Council. Each of these poses a threat to the integrity of the South Fitzroy Heritage Precinct (HO 334), whose statement of significance recognises the importance of the precinct to ‘the broader setting and context of the Royal Exhibition Building’.<sup>4</sup> Together they could unleash a development frenzy that would destroy the heritage value of the precinct and of the WHEA on the eastern side of the Carlton Gardens, as development has done to the south side since World Heritage nomination in 2004.

### **Relevant Planning Controls: the World Heritage Environs Area Precinct and the South Fitzroy Precinct (HO334)**

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

<sup>1</sup> ‘Decision of the World Heritage Committee’, 7<sup>th</sup> July 2004, File Name: 1131, <https://whc.unesco.org/uploads/nominations/1131bis.pdf>.

<sup>2</sup> ‘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.

<sup>3</sup> *Ibid.*, p. 2 and Appendix 1: Statements by International Experts.

<sup>4</sup> City of Yarra Review of Heritage Overlay Areas 2007 Updated March 2013, p. 157.

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.<sup>5</sup>

In the implementation of these policies, the promised buffer zone was divided into an ‘Area of Greater Significance’ and the rest of the WHEA. The Saint Vincent’s site was omitted from the ‘Area of Greater Significance’. It is the only frontage on the Carlton Gardens not included. But it still forms part of the WHEA. And even the applicant’s own Heritage Impact Statement accepts that, ‘as the site is in close proximity to the world heritage place and abuts HO361 to the south and west’,

*It is considered appropriate to provide a response to this issue, particularly in the context of the review of the World Heritage Management Plan (WHMP) currently underway. It is understood that a strengthening of the planning controls will form part of the review of the WHMP and it is expected that the draft of the reviewed WHMP document will be available for public comment in late 2021.*<sup>6</sup>

The review noted that there were inconsistencies and ambiguities in the various planning schemes applicable to the WHEA Precinct. An excellent Discussion Paper (prepared by Hansen Partnership Pty Ltd in partnership with HLCD Pty Ltd for the Department of Environment, Land, Water & Planning) 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 and of the promises made to UNESCO.

The thrust of the review was to harmonise and strengthen these controls, to extend the WHEA, to eliminate the distinction within the WHEA between the Area of Greater Significance and the rest of the WHEA, and to cover all the WHEA with the controls now applying to the Area of Greater Significance, in particular Yarra Planning Scheme 22.14, which specifies 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’. 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 site under discussion is within the South Fitzroy Precinct (HO334) and is thus subject to the Heritage Overlay. The HO334 statement of significance notes the interlocking importance of the WHEA and the South Fitzroy Precinct:

*The South Fitzroy Precinct (HO334) is within close proximity to the Royal Exhibition Building and is adjacent to the World Heritage Environs Area precinct. The nineteenth century development and character of the South Fitzroy Precinct contributes to the broader setting and context of the Royal Exhibition Building.*<sup>7</sup>

It comes down to the fact that the site under discussion falls within the World Heritage Environs Area as agreed with UNESCO and adjacent to the World Heritage Environs Area precinct even as currently defined. We submit therefore that Yarra City Council should consider the impact of the proposed development on the World Heritage site and, further and most importantly, we point out that the current planning controls provide the power to do so.

<sup>5</sup> ‘Australian Government Response’, pp. 12, 13.

<sup>6</sup> Heritage Impact Statement (HIS), p. 31.

<sup>7</sup> City of Yarra Review of Heritage Overlay Areas 2007 Updated March 2013, p. 156.

Leaving aside the question of the current applicability of 22.14 to the WHEA, we note that the applicant's Heritage Impact Statement acknowledges that

*the relevant heritage provisions ... in the Yarra Planning Scheme... include:*

- *Clause 43.01 'Heritage Overlay'*
- *Clause 22.02 'Development Guidelines for Sites Subject to the Heritage Overlay'*.<sup>8</sup>

On the basis of these provisions, we submit that Council must reject the current proposal. Yarra Planning Scheme 43.01-8 specifies *inter alia*:

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

...

*The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

...

*Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*<sup>9</sup>

More particularly, Yarra Planning Scheme 22.02 applies here, as the applicant acknowledges, and we note particularly the following:

*Encourage the design of **new development** [emphasis added] and alterations and additions to a heritage place or a contributory element to a heritage place to:*

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*

...

• *Consider the architectural integrity and context of the heritage place or contributory element.*<sup>10</sup>

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<sup>8</sup> HIS, p. 22.

<sup>9</sup> 43.01-8 Decision guidelines 24/01/2020 VC160.

<sup>10</sup> HIS, p. 22.



View of existing two-three storey Victorian/Edwardian development (HO334) along Nicholson Street south looking towards Aikenhead Wing (HIS, p. 17)

### The Proposed Development: Visual Impact

The proposed building is not in keeping with the character and appearance of the adjacent World Heritage site or of the South Fitzroy Precinct, by virtue of its location, bulk, form and appearance. It should be noted at the outset that we are not seeking to prevent St Vincent's from redeveloping the Aikenhead site; we are seeking a design response to the site which acknowledges its context as a key part of the World Heritage Environs Area and of the South Fitzroy Precinct.

All the planning controls mentioned above have in common a requirement that the design respond to and respect the character, appearance and heritage character of the surrounding historic streetscape. The core of the issue is, to quote Clause 22.02 of the Yarra Planning Scheme, that new building 'be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place'.

The proposed building represents a significant accretion of mass and bulk over the building it would replace. At 94.730 metres, it is nearly 15 metres higher than the existing Aikenhead Wing. The proposed building is thus higher than the existing one by the equivalent of five normal storeys.

The proposed building is, moreover, anything but 'visually recessive' and, also contrary to Clause 22.02, it dominates the heritage area. Indeed, the applicants not only admit but make a virtue of the design's aim to seek attention: 'the proposed architectural response is intended to be contemporary and **visually striking** [*emphasis added*]'.<sup>11</sup> The Heritage Impact Statement admits that, 'with regard to the design of the external façades, the proposed finishes incorporate substantial amounts of

<sup>11</sup> Town Planning Report, p. 40.

framed glazing' and that, 'this is atypical for the South Fitzroy Precinct, and the St Vincent's Hospital complex itself'. The HIS justifies this approach on the grounds that 'it is largely consistent with other modern buildings in the immediate vicinity, particularly on the south side of Victoria Parade'.<sup>12</sup>

This suggests a remarkable disrespect for the heritage context. The South Fitzroy Precinct and the WHEA are both of the highest importance to Victoria's heritage. We submit that the design should respond to this context. Instead, the applicants have chosen as appropriate context for their design response 'the south side of Victoria Parade', the very area where planning controls promised to UNESCO have been flouted, resulting in a tragic loss of heritage context in the WHEA. The applicants are in effect proposing to extend this approach into the eastern side of the Carlton Gardens. We ask Yarra Council to act to ensure the integrity of the South Fitzroy Precinct and the WHEA.

The redevelopment of the Aikenhead Wing represents an opportunity to improve the response to this significant heritage area. We are not proposing particular design solutions. We are asking that the design respect and respond to its heritage context. It should not exceed the height of the existing Aikenhead Wing and certainly not by the equivalent of five storeys. Surely an effort could be made to reduce the frontage on Nicholson Street, at least to that of the existing Aikenhead Wing.

The proposal under consideration is attention-seeking architecture where what is required is respectful architecture. The building should be articulated and massed to correspond with the prevailing building form of the heritage place. The proposal is for a square box which is massed to respond to the office and apartment towers on the south side of Victoria Parade. What is required on this site is a building that responds to the typical articulation of built form in the South Fitzroy Precinct, terrace housing.

In sum, the moral responsibility for the World Heritage Environs Area, of which the site is such a visible portion, and in any case in terms of its conformity to the relevant planning scheme provisions discussed above, Yarra Council must refuse a permit until the applicant comes up with a design that responds to this hugely significant heritage context.

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<sup>12</sup> HIS, p. 27.



View of proposed ACMD building looking east along Victoria Street/Parade Source: Denton Corker Marshall (HIS, p. 21)

### **Proposed Treatment of Brenan Hall (Former Hall of Science, 1889)**

Brenan Hall is of significance in Victoria's history.

*Historically, the Hall of Science is the only physical reminder of the early Freethought movement in Victoria, one of two states in Australia where the movement had a notable presence. ... The Hall of Science is not only a unique building in Victoria but also a rare surviving purpose-built Freethinkers' or Humanist Hall internationally since only four other halls are known to survive in the world. One is in Sydney (1890), two in Great Britain, and one in the United States; and Melbourne's is the second oldest.*<sup>13</sup>

In their 2003 St Vincent's Hospital Heritage Appraisal, the consultants for the current project, Lovell Chen (then Allom Lovell & Associates) accepted the building's historic significance and gave it top rating ('good') for intactness. In regard to the interior, they noted that 'The preferred approach to the interiors would be one that retained open plan. Generally, new interior works should have a minimal impact on original fabric and should be reversible'.<sup>14</sup>

Now the same consultants propose to demolish the rear section, leaving only the front seven metres. The only justification given is that 'demolition of the Aikenhead Wing will ... impact on the exist-

<sup>13</sup> National Trust of Australia (Victoria), Statement of Significance, quoted in HIS, p. 11

<sup>14</sup> Quoted in HIS, p. 11.

ing fabric and structural stability of Brenan Hall'. Ease of construction is hardly a justification for demolition of a heritage building. 'The interior of the building was not [even] inspected'.<sup>15</sup> Further consideration should be given to the building before demolition of the rear portion is permitted.

The treatment of the exterior is also problematic, indeed it is disrespectful. The consultants noted in 2003 that, 'erected in 1889, Brenan Hall has a substantially intact façade with an unusual curved gable parapet. As an individual building it is an important element in the streetscape'.<sup>16</sup> The façade remains substantially intact and should be retained and conserved to the extent of original fabric. Now the same consultants propose a 'new structure [which] incorporates external supports to the façade which will be visible in views to the building from the public realm'.

The only justification offered is that this will be temporary because 'the proposal for Brenan Hall is an interim outcome and that future works to this building, including the potential for adaptation or full demolition, would be explored as part of a future proposal'.<sup>17</sup> In other words, the rear of the building can be demolished and the façade propped up with a temporary external structure because it is planned to demolish it in the future.

The least that can be said of this approach is that it flags brazenly its disregard for the heritage building by proposing to forestall a discussion of demolition by propping it up now with externally visible supports which are okay because they will demolish it at the next opportunity. In 2003, the same consultants stated flatly that 'Demolition of the building [Brenan Hall] is not acceptable'.<sup>18</sup> We submit that the if demolition is not acceptable, future demolition cannot justify temporary visible external supports on the façade. We urge Council to refuse approval for the proposed treatment of Brenan Hall.

### **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>.*

It is clear from the following passage in the HIS that the applicant and the consultants were fully aware of the project's impact on the World Heritage values of the declared World Heritage property and should therefore have referred the action to the Environment Minister:

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<sup>15</sup> HIS, pp. 12, 20.

<sup>16</sup> HIS, p. 11.

<sup>17</sup> HIS, p. 31.

<sup>18</sup> HIS, p. 78.

*The subject site is included in the World Heritage Environs Area as identified in the World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens (Department of Planning and Community Development, 2009), although it does not form part of the Area of Greater Sensitivity as identified in the Strategy Plan. As such, the site is not included in the World Heritage Environs Area Precinct (HO361) which incorporates and provides policy guidance for the WHEA Area of Greater Sensitivity. The site is therefore not subject to the considerations of Clause 22.14 'Development Guidelines for Heritage Places in the World Heritage Environs Area'. However, as the site is in close proximity to the world heritage place and abuts HO361 to the south and west, it is considered appropriate to provide a response to this issue, particularly in the context of the review of the World Heritage Management Plan (WHMP) currently underway. It is understood that a strengthening of the planning controls will form part of the review of the WHMP and it is expected that the draft of the reviewed WHMP document will be available for public comment in late 2021.<sup>19</sup>*

We are therefore surprised that not only have the applicant and especially the heritage consultants failed to refer the action to the Environment Minister, as required under the Act, but also that they have not even mentioned the issue in any of the materials supplied to the responsible authority, not even in the HIS.

The Act, to be sure, offers no specific pathway if the applicant fails to abide by the Act in this regard, but it is clearly incumbent upon the responsible authority to ask the applicant why they have failed to abide by the Act and, failing a convincing response, to seek clarification from the Minister as to the appropriate procedure for referral before giving any further consideration to this proposal.

We ask Council to consider their moral authority in regard to this extremely important site. Do they wish to undermine Melbourne's most important historic site and only World Heritage site on the basis of a technicality?

## **Conclusion**

We submit 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. The equivalent of five additional storeys is simply too much.

The proposal shows a blatant disregard for its heritage context, a disregard which is shocking given the significance of the World Heritage site (Royal Exhibition Building and Carlton Gardens) and the South Fitzroy Precinct.

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.

(Professor) Charles Sowerwine, FAHA,  
Chair, Heritage Committee,  
Royal Historical Society of Victoria.  
11 January 2021.

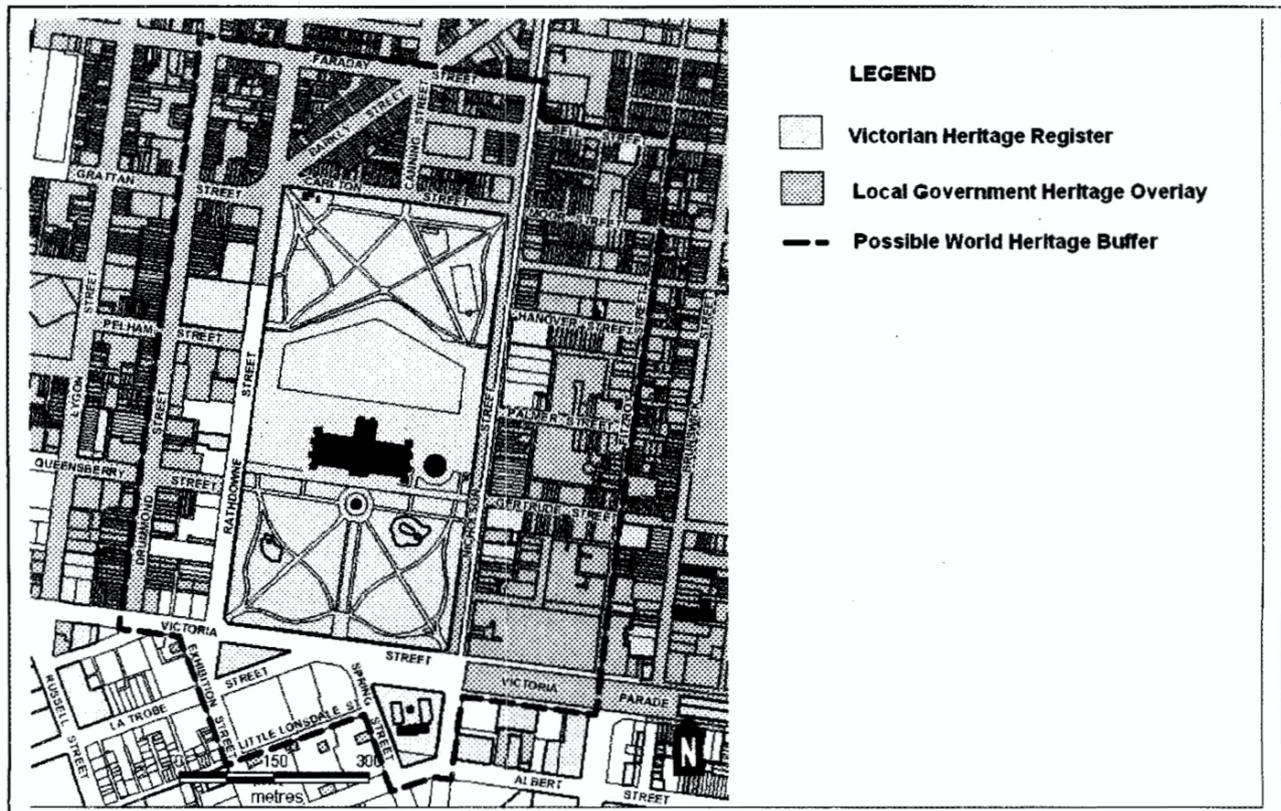
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<sup>19</sup> HIS, p. 8.

## Appendix: Australian Government Commitments for World Heritage Site

In securing World Heritage listing, the Australian Government, in its response to the ICOMOS 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’. Nowhere was there any question of dividing the zone into areas of greater or lesser significance. The response included a map (Map 1, below) showing the ‘probable configuration’ of that buffer zone. The zone covered the St Vincent’s site.<sup>20</sup>

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



<sup>20</sup> ‘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.