

18 December 2020

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Re: Objection to PLN20/0566 1-9 Gertrude Street Fitzroy

Dear Ms Goonetilleke,

The National Trust of Australia (Victoria) objects to above Planning Application for the proposed demolition of the existing non-contributory building and the development of a new building comprising two basement levels, ground floor shops, food and drink premises and an art gallery, three upper levels for office use and a fourth level residence.

The National Trust of Australia (Victoria) (National Trust) is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing more than 30,000 members and supporters across Victoria. As Victoria's premier heritage and conservation organisation, the National Trust has an interest in ensuring that a wide range of natural, cultural, social and Indigenous heritage values are protected and respected, contributing to strong, vibrant and prosperous communities.

Summary of National Trust position

- We object to the development as currently proposed, for the reasons outlined below.
- The World Heritage Environs Area provides the setting for the Royal Exhibition Building & Carlton Gardens World Heritage Site (REB&CG), and Gertrude Street is one of the most important, intact, and sensitive areas in the World Heritage Environs Area (WHEA). This is articulated in the World Heritage Environs Area Strategy Plan, 2009 (WHEA Strategy Plan).
- The proposed building, at 5 storeys, would contrast with the low-scale, primarily 2-storey development that characterises the streetscape (contrary to clause 22.14-2 in the Yarra Planning Scheme).
- The proposed building would also dominate protected views to the REB, particularly along Gertrude Street and Marion Lane, as evident in the photomontages provided with the application (contrary to clause 22.14-2 and DDO8 in the Yarra Planning Scheme)

- The World Heritage Environs Area Strategy Plan is currently being reviewed, and this application highlights the need to provide clearer guidance on new development in the WHEA.
- We seek further clarification as to whether the development is required to be referred to the Commonwealth for assessment under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). Requirements under the EPBC Act are not addressed in either the Heritage Impact Statement by Lovell Chen (the HIS), or the Town Planning report by Tract (the Town Planning report).

National Trust classification

The 'South Fitzroy—Historic Area', including Nicholson, Brunswick & Gertrude Streets and 91 Victoria Parade, Fitzroy, was classified by the National Trust in 1981 as being of State significance (National Trust File No. B4599).

Prior to this classification, in 1979, the National Trust Conservation Committee unanimously agreed that this area should be recommended for Classification as an 'Urban Conservation Area'. A report detailing the 'South Fitzroy Conservation Area No. 1' was prepared by Peter Lovell & Elizabeth Vines in November 1979, defining this area as containing 'one of the most interesting and intact selections of mid-nineteenth century architectures in Melbourne'. The 'Area Description' for the Historic Area specifically noted the following (p5):

Newtown, the area bounded by Nicholson, Gertrude, Brunswick Streets and Victoria Parade was Melbourne's first suburban development, containing three most important terraces of houses of the 1850s and a number of other buildings of that decade.

The South Fitzroy Conservation area was the Trust's first classified Urban Conservation Area. While the National Trust Register does not carry statutory weight, our early classifications were assessed and determined prior to the implementation of statutory heritage controls, and subsequently informed much of what is protected under current planning provisions.

Response to proposed development

The National Trust submits that this proposal does not meet the guidelines for acceptable development within the WHEA, specifically as it relates to the existing character of the predominantly nineteenth-century streetscape and consistency with the existing low-scale form of development.

As the purpose of the WHEA is based on protecting the cultural heritage significance of a site that reaches the threshold for World significance, we submit that any development proposed within the Area of Greater Sensitivity should be assessed and critiqued with the strictest possible interpretation of the planning controls. Anything less than this would undermine the importance of the site's significance within Melbourne, within Victoria, within Australia, and in world context.

Assessment against World Heritage Environs Area Strategy Plan

The subject site is located within the World Heritage Environs Area (Area of Greater Sensitivity) for the Royal Exhibition Building & Carlton Garden World Heritage Site.

The World Heritage Environs Area (WHEA), including the Area of Greater Sensitivity, is documented in the World Heritage Environs Area Strategy Plan, prepared by Lovell Chen Architects + Heritage Consultants, 2009 (WHEA Strategy Plan).

The WHEA Strategy Plan is a reference document in the Yarra Planning Scheme under Clause 22.14 Development Guidelines for Heritage Places in The World Heritage Environs Area.

The area including the subject site is described in the Statement of Significance for the WHEA. Relevant sections of the Statement are extracted below:

What is significant?

History

... The eastern area of the precinct is located in Fitzroy, which was originally known as 'Newtown' and was one of the first areas of Melbourne to be developed outside the original town reserve. Subdivision of Fitzroy was somewhat haphazard due to the first allotments of the late 1830s being large (between 12 and 28 acres) and subsequently subdivided without restriction. Victoria Parade and Nicholson Street were Government roads of this era, which helped to provide a framework for a more regular pattern of subdivision in adjacent areas. Private roads, including Gertrude Street were also created, some of which had inconsistent widths and alignments. Gertrude Street was one of the first non-Government streets to be laid out by landowners in Fitzroy and became one of the most important non-Government streets in South Fitzroy, mainly because its original line and length were extended by a number of successive land owners and subdividers in contrast with the disparate pattern of subdivision and street layout which developed in other allotments in South Fitzroy. The ad hoc subdivision and increasingly smaller allotments also resulted in the construction of sub-standard housing in Fitzroy, eventually remedied by the Melbourne Building Act of 1849 which required the use of better quality building materials and practices. Royal Terrace in Nicholson Street is an outstanding example of terrace housing from the 1850s, and is the largest early terrace building surviving in Melbourne. During the 1860s and 1870s development was consolidated, with more substantial premises replacing earlier structures, including on Nicholson Street. Cable trams were introduced to Gertrude and Nicholson streets in the 1880s, facilitating the construction of the Cable Tram Engine House at the junction of the two streets... [p 34-35]

Description

... Gertrude Street, extending east from the REB site between Nicholson and Fitzroy Streets, is an important approach to the REB and 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 nineteenth and early twentieth centuries, with some modestly-scaled infill, mostly on the north side.

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?

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. 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 nineteenth century context and significant setting of the REB. [pp 38-39] [Our emphasis]

The impact of the proposed development on key viewlines and in relation to the predominantly two-storey built form of Gertrude Street will be addressed below in relation to planning controls in the Yarra Planning Scheme.

With respect to the Statement of Significant for the WHEA, we submit that the scale of the proposed development would adversely impact on the landmark qualities of Royal Terrace and the Cable Tram Engine House. Positioned immediately to the east of Royal Terrace and Royal Lane, and located diagonally opposite the Cable Tram Engine House, the subject site is prominently located, and will play an important role in defining the character of Gertrude Street within the WHEA.

While the existing building on the site—articulated as “modestly-scaled infill” in the Statement of Significance—is not contributory to the character of the streetscape in a heritage sense, its two-storey built form aligns with the scale and viewlines articulated in the Statement of Significance for the WHEA.

Conversely, the proposed 5-storey development could not be characterised as “modestly-scaled infill”, and would dominate the precinct, competing with and even overwhelming the landmark status of Royal Terrace and the Cable Tram Engine House, as well as the existing relationships between the REB&CG site and the nineteenth-century fabric of Gertrude Street.

Assessment against existing planning controls:

The Yarra Planning Scheme includes the following planning controls which apply to the subject site.

DDO8 (Fitzroy South)

5.0 Before deciding on an application, the responsible authority must consider the impact on the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.

22.14 Development guidelines for heritage places in the world heritage environs area

22.14-2 Objectives

- *To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.*
- *To maintain and conserve the significant historic character (built form and landscapes) of the area.*
- *To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.*

22.14-3 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.***

- *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 Gertrude Street, Marion Lane and in Victoria Parade immediately east of the junction with Nicholson Street.*** [Our emphases].

We submit that the proposed development does not comply with the objectives and policies outlined in DDO8 or relevant provisions under Clause 22.14.

At 5 storeys, the proposed development would contrast with the predominantly lower scale form of development.

While the photomontages provided with the application indicate that the proposed building would not *obscure* significant views to the REB&CG, including the drum, dome, lantern and flagpole of the REB, we argue that due to its scale it would *dominate* those key views, in contrast to the existing building on the site.

Assessment against Burra Charter Principles

The *Burra Charter of Australia ICOMOS: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (the Burra Charter) provides a best practice standard for managing places of cultural heritage significance in Australia.

The Burra Charter includes the following principles relating to new work:

Article 22. New work

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

In addition, the explanatory notes for this article state:

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

In the context of this site, we consider the “place” to be the World Heritage Environs Area, as articulated in the WHEA Strategy Plan Statement of Significance.

While we accept that, in line with the Burra Charter, new work should be readily identifiable, and that this principle can be interpreted broadly, we have concerns that the proposal does not “respect and have minimal impact” on the cultural significance (ie world heritage significance) of the place.

In particular, the bulk, form, scale, and character are a break from the predominantly low-scale, nineteenth-century character of the precinct. Further, the extensive glazing proposed for the ground level and first storey of the Gertrude Street elevation contrasts with the existing character of the streetscape, which includes glazed shop fronts at ground level only.

Review of World Heritage Environs Area Strategy Plan

As Yarra Council is aware, a periodical review of the World Heritage Management Plan for the REB&CG is currently underway, including a review of the WHEA Strategy Plan. This current planning application highlights the need for clearer guidance in the planning scheme on new development in the WHEA.

We call on the City of Yarra to play an active role in advocating for the strengthening of planning controls within the WHEA, and committing to the preparation of detailed design guidelines for new development to provide greater clarity and certainty for property owners and the community.

Requirement for referral under the EPBC Act

We seek further clarification as to whether the development is required to be referred to the Commonwealth for assessment under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). Requirements under the EPBC Act are not addressed in either the Heritage Impact Statement by Lovell Chen (the HIS), or the Town Planning report by Tract (the Town Planning report).

Conclusion

In conclusion, the National Trust of Australia (Victoria) objects to the proposed development at 1-9 Gertrude Street, Fitzroy, and we respectfully call on the City of Yarra to refuse the permit application.

Should you require any clarification on our position, I welcome you to contact me at felicity.watson@nattrust.com.au or on 9656 9802.

Yours faithfully,



Felicity Watson
Executive Manager, Advocacy
National Trust of Australia (Victoria)