



1 February 2021

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Re: Objection to PLN20/0566 27-41 Victoria Parade, Fitzroy

Dear Mr Theodosakis,

The National Trust of Australia (Victoria) objects to above Planning Application for the proposed Demolition of the Aikenhead building and partial demolition of the Daly Wing and Brennan Hall buildings at the St Vincent's Hospital complex to allow for the construction of an eleven (11) storey building (plus roof plant and basement) and use of the land for the purpose of a research and development centre and education centre, with a food and drink premises (cafe) at the ground floor and a full reduction in the car parking requirement(s) of the Yarra Planning Scheme.

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 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.

As a general proposition, the National Trust supports the development of the Aikenhead Centre for Medical Discovery, recognising its strategic importance for Melbourne, and Australia. However while we recognise that this proposal has significant merit, as heritage advocates, our key concern is assessing potential heritage impacts within the sensitive context of the world heritage environs of the Royal Exhibition Building & Carlton Gardens.

Given that planning for this proposal has been underway for several years, it is regrettable that pre-application consultation was not undertaken with the community in order to discuss potential concerns and work cooperatively towards a solution which achieves the aims of the ACMD and its partner organisations, as well as community aspirations for this important site. Our submission below outlines a number of concerns in relation to the proposal for consideration by Yarra Council.

Summary of National Trust position

- The National Trust does not object to the demolition of the Aikenhead wing, which is not of significance to the Heritage Overlay precinct or World Heritage Environs Area for the Royal Exhibition Building & Carlton Gardens (WHEA), and indeed detracts from the significance of the WHEA, which is characterised by low-scale nineteenth century development.
- However we object to the development as advertised, for the reasons outlined below.
- The proposed development is within the World Heritage Environs Area, which provides the setting for the Royal Exhibition Building & Carlton Gardens World Heritage Site (REB&CG), as outlined in the World Heritage Environs Area Strategy Plan, 2009 (WHEA Strategy Plan).
- The National Trust submits that the height of the proposed building should be reduced, at minimum in line with the current building envelope, to ensure that the REB continues to be the most prominent building in the WHEA.
- We have concerns that the proposed building will dominate views to and from the Royal Exhibition Building and Carlton Gardens to an unacceptable degree, and is not in accordance with the WHEA Strategy Plan or the planning provisions relating to the South Fitzroy Precinct. In order to assess the impact of the building on the WHEA, and determine the most appropriate built form solution in this sensitive heritage context, further modelling is required to consider alternative height and massing options, such as a podium responding to the lower-scale development which characterises Nicholson Street, with set-back upper storeys.
- We strongly object to the proposed demolition of the rear volume of Brenan Hall, which is contrary to previous advice provided to the Applicant by Lovell Chen, and is not in accordance with Clause 22.02-5.1 of the Yarra Planning Scheme. We submit that the entire volume of the building should be retained, and that conservation works, including the restoration of the façade, and interpretation of the site's history, should be required as a condition of any redevelopment permit.
- This application highlights the lack of clarity regarding planning controls in the WHEA, with the World Heritage Environs Strategy Plan providing little guidance regarding the redevelopment of this site, despite it being anticipated at the time the controls were designed. While we accept that the planning controls allow for the redevelopment of the subject site, we object to the encroachment of this scale of development further north along Nicholson Street, and will be advocating for planning controls to be strengthened as part of the World Heritage Management Plan review. We also submit concerns regarding the cumulative impact of developments in this part of the WHEA including 38-40 Nicholson Street (Salisbury Place), and the proposed development at 1-9 Gertrude Street which is currently before Yarra Council.
- As Responsible Authority for this development, we call on the City of Yarra to ensure that a referral is made to the Commonwealth under the relevant provisions of the *Environment Protection and Biodiversity Act* (1999), to ensure an appropriate level of scrutiny for this major development, which we believe will negatively impact the World Heritage values of the Royal Exhibition Building & Carlton Gardens.

Assessment against World Heritage Environs Area Strategy Plan

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

The World Heritage Environs Area (WHEA) 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.

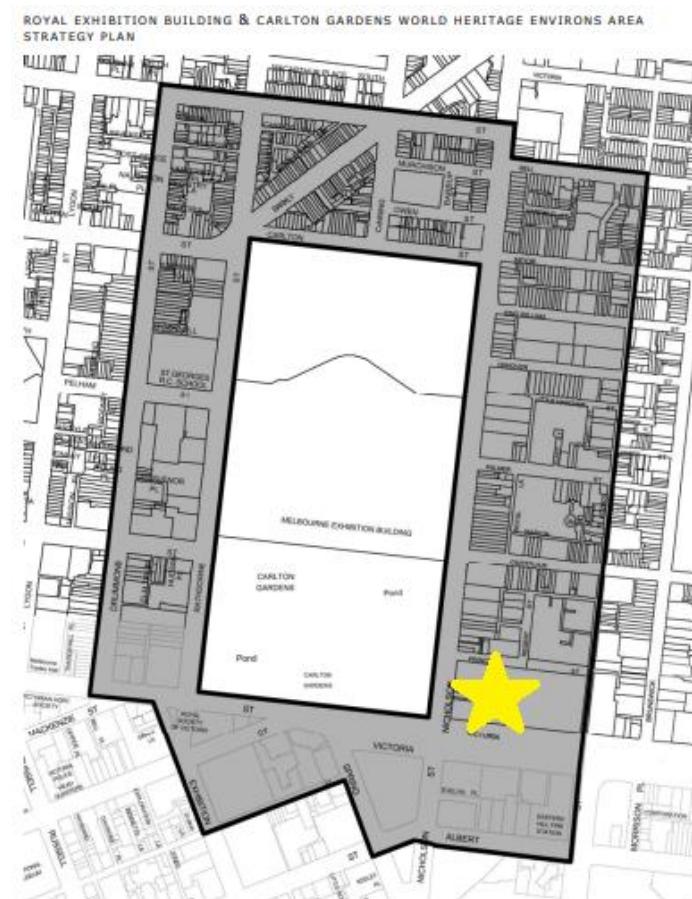


Figure 1 World Heritage Environs Area. Note that the area does not include the Royal Exhibition Building and Carlton Gardens.

Figure 1: Map of World Heritage Environs Area, World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens, 2009. Subject site marked with yellow star.

The World Heritage Environs Area is divided into an Area of Greater Sensitivity, and an Area of Lesser Sensitivity. The subject site is within the Area of Lesser Sensitivity. However, it is notable that the site was deliberately included in the WHEA, due to its contribution to the setting of the REB&CG site.

The Strategy Plan includes the following assessment regarding the Area of Lesser Sensitivity:

The area of lesser sensitivity within the WHEA ... shares some of the attributes of the more sensitive area including the nineteenth century built form. The area of lesser

sensitivity also includes a number of key heritage buildings (from the nineteenth and twentieth centuries), which while not necessarily having a strong visual relationship with the REB, help demonstrate aspects of historical development within the area of geographical proximity to the REB and contribute to the character of the setting.

The area includes properties in the vicinity of the REB and Carlton Gardens site, in the southern portion of the WHEA and northern edge of the CBD and East Melbourne, which are not of heritage significance and may be subject to future development. [p. 30. Our emphasis.]

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 low scale, nineteenth-century streetscape of Nicholson Street.

As the purpose of the WHEA is to protect the cultural heritage significance of a site that reaches the threshold for World significance, we submit that any development proposed within the WHEA 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 an international context.

Assessment against Heritage Overlay Provisions

The subject site is included in the South Fitzroy Precinct, identified as HO334 in the Schedule to the Heritage Overlay (HO) of the Yarra Planning Scheme, as outlined at pages 3-8 of the St Vincent's Hospital Aikenhead Centre for Medical Discovery Heritage Impact Statement, Lovell Chen, August 2020 (the HIS). It is therefore subject to Clause 43.01 Heritage Overlay and Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay of the Yarra Planning Scheme.

The City of Yarra Review of Heritage Overlay Areas 2007, prepared by Graeme Butler and Associates (updated March 2013), is a reference document to Clause 22.02 of the Yarra Planning Scheme. The Statement of Significance for HO334 articulates the importance of the Precinct to the setting and context of the Royal Exhibition Building:

The South Fitzroy Precinct (HO334) is within close proximity to the Royal Exhibition Building and is adjacent to the World Heritage Environ 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. Views and vistas of the Royal Exhibition Building from within the South Fitzroy Precinct, including views to the dome from Gertrude Street, are also an important feature of the precinct. [p 156]

The impact of the proposed development on the setting and context of the world heritage site is therefore a relevant consideration under Clause 22.02 of the planning scheme. As outlined above in our consideration of impacts in the context of the World Heritage Environ Area, we submit that the proposed development would have an adverse impact on the character of the precinct, and the setting and context of the Royal Exhibition Building.

Height, Bulk and Massing

The height of the proposed building, at a maximum of 53.96m, significantly exceeds the height of the existing building on the site. We have concerns that the proposed building will dominate views to and from the Royal Exhibition Building and Carlton Gardens to an unacceptable degree, and adversely impact the landmark qualities of the Royal Exhibition Building. While the existing Aikenhead wing was built well prior to the REB's recognition for its heritage values and inclusion in the World Heritage List, any redevelopment of the site should be in-keeping with the heritage values of the REB & Carlton Gardens and surrounding WHEA, and the existing envelope should not necessarily be used as a measure of what can and should be built on the site.

While we accept that as a general proposition the redevelopment of the site is appropriate, we would expect the replacement building to be responsive to this sensitive heritage context, and contribute to a net positive outcome in heritage terms.

In order to assess the impact of the building on the WHEA, and determine the most appropriate built form solution in this sensitive heritage context, further modelling is required to consider alternative height and massing options, such as a podium responding to the lower-scale development which characterises Nicholson Street, with set-back upper storeys.

The National Trust submits that the height of the proposed building should be reduced, at minimum in line with the current building envelope, to ensure that the REB continues to be the most prominent building in the WHEA.

Materiality

Similarly, we have concerns regarding the proposed glass cladding. We note that glass has successfully been used for new developments within sensitive heritage contexts in Melbourne, such as 171 Collins Street, designed by Bates Smart, which forms the backdrop to St Paul's Cathedral, when viewed from Swanston Street, and was the result of an extensive collaborative process between the City of Melbourne and the Applicant to achieve an appropriate balance between new development and heritage considerations.

However, in the context of the WHEA, the proposed glass cladding contrasts strongly with the existing character of the area, and will dominate views to and from the REB&CG. We request that the City of Yarra work with the Applicant to ensure that the materiality of any future development specifically responds to the heritage context of the WHEA, providing the most recessive possible backdrop to the World Heritage site.

Potential Impacts on Carlton Gardens

We have received advice from Dr Greg Moore OAM, Chair of the National Trust's Significant Tree Expert Advisory Committee, raising concerns regarding the impact of reflected light from the west elevation on vegetation in the south-east corner of Carlton Gardens.

Reflected light can affect trees and plants in general, and so there is reason to at least consider the intensity and duration of any reflected light on the trees and other plants in Carlton Gardens. Currently, the gardens are largely exposed to lengthy periods of direct sunlight and the corner that faces the building is quite open. Under these circumstances, we would not expect the reflected sunlight to cause any major problems for the trees, subject to the following, which should be established through further assessment:

- Certainty that the reflection is not going to increase temperatures in the vicinity of the trees.
- Assurance that the reflected light is not going to effectively increase day length (photoperiod) to any significant degree.
- Ensuring that light is not further focused by the design or construction on any of the trees or vegetated parts of the gardens (a magnifying glass effect).

Light and temperatures are fundamental components of the environment for any plant, and changes can be deleterious to their growth. Some of this can be managed. For example, if temperatures are increased or photoperiod is extended then plants may require additional water to cope with the changed conditions.

We recommend further modelling and consultation with the City of Melbourne regarding this issue. We would consider any adverse impacts on vegetation within the Carlton Gardens to be unacceptable.

Proposed Partial Demolition of Brenan Hall

We strongly object to the proposed partial demolition of Brenan Hall, which is classified by the National Trust as a place of National significance, and is graded as Contributory to HO334 under the Yarra Planning Scheme.

Under Clause 22.02-5.1 of the Yarra Planning Scheme, the following guidelines apply to the partial removal of a heritage place or contributory elements:

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

For a contributory building:

- that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
- the removal of the part would not adversely affect the contribution of the building to the heritage place.*

We note that Brenan Hall was included in the heritage appraisal for the St Vincent's Hospital site was undertaken by Lovell Chen (then Allom Lovell & Associates) in 2003, which included the following advice regarding redevelopment:

Reconstruction of missing original external fabric to the façade would be desirable. The preferred approach to the interiors would be one that retained open plan. [HIS, p. 12]

We note that this advice was prepared as part of a broader heritage appraisal to guide the future management of the St Vincent's site. We therefore consider it unacceptable to contemplate the partial demolition of the building, which would obscure its historic function as a gathering place.

Additionally, the HIS (p, 30) argues that the historical significance of the hall, as outlined in the National Trust Statement of Significance, would not be adversely affected. We strongly disagree with this conclusion. The historical significance of the place is embodied in the internal volume of the hall, which provides evidence of its purpose and use. It is unclear whether an internal inspection of the hall has been undertaken to inform the current HIS, however it also notable the 2003 advice stated that "new interior works should have a minimal impact on original fabric and should be reversible". (HIS p, 12.)

While we object outright to the partial demolition, should a permit be issued, we call on Council to require the conservation of the façade, and the development of a program of heritage interpretation as a permit condition.

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.

Indeed, the lack of built form controls for the Public Use Zone which accommodates the St Vincent's site is identified as a risk to the WHEA in the Review of the World Heritage Strategy Plan for the Royal Exhibition Building & Carlton Gardens World Heritage Environs Area Discussion Paper prepared by Hansen Partnership Pty Ltd in partnership with HLCD Pty Ltd for the Department of Environment, Land, Water & Planning, April 2020 (p. 88).

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

As a major development within the buffer zone of Melbourne's only World Heritage Site, we advocate for the City of Yarra, as Responsible Authority for this development, to ensure that this application is referred to the Commonwealth for assessment under the *Environment Protection & Biodiversity Act 1999* (EPBC Act). It is in the interests of all parties to ensure that the future redevelopment of the site achieves the aspirations for the ACMD, as well as being a sensitive addition to the Royal Exhibition Building & Carlton Gardens environs.

Conclusion

In conclusion, the National Trust of Australia (Victoria) objects to the advertised planning application for 27-41 Victoria Parade, 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,

A handwritten signature in black ink, appearing to read "Felicity Watson".

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