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Mr Steven Avery
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Re: Submission to P36779 Queen Victoria Market

Dear Mr Avery,

The National Trust of Australia (Victoria) (National Trust) provides the following submission to the above permit application for construction of two multi-level towers to the southern boundary of the Queen Victoria Market on Franklin Street (only partially within the extent of registration), works to the Franklin Street Stores (including partial demolition of the southern canopy), temporary removal of other canopies, conservation and adaptation works, demolition works to the existing at-grade Market carpark (including demolition of the waste receiving station) and development of a new public open space (Market Square) in its place.

The National Trust has a long-standing interest in the City of Melbourne's Queen Victoria Market Precinct Renewal Program and has been actively engaged in the process for many years, including as a member of the Queen Victoria Market People's Panel in 2018. The National Trust recognises the Queen Victoria Market's national significance as one of the great nineteenth century markets of Victoria. It has been in continuous operation since the 1870s and is the only Melbourne market to survive from a group of important central markets built by the City of Melbourne Corporation.

We also recognise the social significance of the Queen Victoria Market as a record of change and continuity in market activity over a long period and as an important shopping, leisure and meeting place for generations of Victorians and visitors to Melbourne. The complex of enclosed food halls, open sheds, shops, and stores perpetuates distinctive forms of trading, providing a very tangible continuity from the nineteenth century to the present. The social significance of the Market is reflected in its function as an affordable and diverse retail market serviced by small, independent businesses, from many different cultural backgrounds.

Furthermore, the Old Melbourne Cemetery is located underneath the current at grade carpark and is recognised through the edge of the Franklin Street Stores which are built on this alignment. It is Melbourne's first official cemetery, established in 1837, and is of archaeological significance as many burials remain on the site.

The National Trust advocates for the values of both the Market and Old Melbourne Cemetery to be maintained during and after the Market Renewal process. In particular, we expect the open character of the Market sheds to be maintained, and for the market to continue to be an affordable place to shop for locals and visitors.

1.0 Summary of National Trust Position

In 2017 the National Trust conditionally supported the Queen Victoria Market Precinct Renewal. The National Trust continues to consult with the Market Renewal team to provide input and advocate for positive heritage outcomes on the site.

We acknowledge that this permit application seeks to implement key outcomes that were terms of the 2014 agreement between the City of Melbourne and the State Government as part of the Market Renewal. We also recognise that the proposal is subject to the requirements of a Development Plan Overlay (DPO11), Design and Development Overlay and outcomes of the Queen Victoria Market Precinct Renewal Master Plan.

- We support the proposal for the replacement of the open-air carpark with Market Square. However, we have concerns regarding certainty around the design and consultation process for this new public open space, and the excising effect on the Franklin Street Stores from the rest of the Market site.
- We support the proposed adaptive reuse of the Franklin Street Stores. However, we object to the temporary and permanent demolition of the canopy to facilitate the encroachment and cantilever of the tower developments behind the Stores.
- We object to the scale of development proposed behind the Franklin Street Stores. We submit that the bulk, height and encroachment of the proposed towers on the Stores overwhelms the Market. It is our position that these elements must be reduced to minimise the impacts of the new development on the state and national heritage values of the Market complex.

2.0 Market Square

The National Trust conditionally supports the proposal for the replacement of the open-air carpark with Market Square. While we acknowledge that the design of Market Square is subject to change based on City of Melbourne led community consultation, we have concerns regarding certainty around the proposed design, particularly with the shared zone effectively excising the Franklin Street Stores from the rest of the Market site.

We submit that the detailed design for Market Square and the treatment of the shared zone should ensure that the Franklin Street boundary can continue to be read as the southern extent of the Market, rather than the public open space visually excising the Franklin Street Stores from the rest of the Market site.

We also seek greater transparency regarding what design elements of Market Square are subject to change through the City of Melbourne led community consultation. Beyond the footpath replicating the separation of denominational burials, it is not clear what level of public interpretation of the Old Melbourne Cemetery will be expected.

The National Trust encourages meaningful community consultation on how the history of the site is to be acknowledged to engage and raise public interest in the archaeological significance of the Old Melbourne Cemetery site.

2.1 Landscape Design

The National Trust supports the vision and principles of the Market Square landscape design. We acknowledge that species selection has not been finalised and Traditional Owners will be consulted.

While it is commendable that all plants proposed are native, we do note that the majority of proposed overstorey plants (67%) are not indigenous but originate from interstate. For example, we recommend that Black She-oaks (*Allocasuarina littoralis*) should be planted instead of River She-oaks (*Casuarina cunninghamiana*), the former being indigenous and drought tolerant.

We do not object to the removal of the existing London Plane Trees on the eastern boundary. However, we do advise that, for sustainability reasons, the wood should not be chipped but rather reused as in the case of the [Arts Precinct Transformation project](#).

We also submit that the Market Square is not an appropriate location for the recommended deep shade plants (ferns), as these plants require much moisture in contrast to the other proposed species. It is also unlikely that these plants were found in this location prior to colonisation.

Lastly, we find that the proposed species of forbs and grasses are suitable.

3.0 Franklin Street Stores

The National Trust supports the adaptive reuse of heritage buildings to ensure they have an ongoing purpose and remain viable assets to their communities. We generally support the plans to adaptively re-use the Franklin Street Stores, and the required conservation works and removal of non-original fabric to facilitate this.

However, we have serious concerns with the proposed removal of the Franklin Street Stores canopy as part of the development of the T1 and T2 towers. We disagree with the claim in the Heritage Impact Statement (HIS) that there is minimal change to the significant form and fabric of the Franklin Street Stores. Not only is there partial demolition (with the removal of the canopy) but the bulk of the tower developments create an intense encroachment behind them, both in proximity and as a result of the proposed cantilever. This impedes the understanding of the original form, appearance and use of the building.

We submit that the argument that partial removal of the canopy would be required for daylight access, is only necessitated because the design of the tower developments cantilever over the Franklin Street Stores. Additionally, the need for partial removal of the canopy to facilitate views to the architecturally distinctive parapets of the Stores would not be required if the towers did not encroach to such a degree and were further set back from the Stores.

We are not satisfied that the demolition and partial removal of the Franklin Street Stores' canopy has been sufficiently justified. We do not believe that alternative options for the protection of the Stores from accidental impact from the piling rig during the tower construction have been sufficiently explored (other than demolition of the canopy).

We disagree with the findings of the HIS that the partial removal of the canopy is a reasonable outcome. Nor do we believe that the impacts of partially removing the canopy is offset by the retention of the eastern and western ends of the canopy and the interpretation

of the canopy datum line. Demolition of original fabric should be avoided, and retention of some significant fabric is not a justification for demolition elsewhere.

Therefore, the National Trust submits that as much significant fabric should be retained in situ, with appropriate conservation works undertaken as required.

4.0 Tower developments

Regarding the proposed T1 and T2 tower developments behind the Franklin Street Stores, we submit that,

- the height of the proposed towers should be reduced to mitigate the overwhelming nature of their mass;
- the separation between each tower should be increased to mitigate the cumulative bulk and walled effect of the three towers;
- the development should be further set back from the Franklin Street Stores and not cantilever over them, which it has been argued necessitates the partial demolition of the Stores' canopy.

4.1 Impact of height and bulk

The National Trust objects to the proposed bulk and massing of the tower developments behind the Franklin Street Stores, as they overwhelm the Market and would result in an unacceptable and unreasonable impact on the significance of the registered place.

Heritage Victoria's guiding principles for changes to registered places discourages tower developments and building over the airspace of a registered place.

Furthermore, the Statement of Significance for the Queen Victoria Market states under Criterion D that the market is noted for,

...its architectural significance as a notable example of the class of produce market. It is a remarkably intact collection of purpose built nineteenth and early twentieth century market buildings...

The National Trust finds that both the intactness of the Franklin Street Stores and the ability to appreciate the noted architectural elements of the Market would be threatened by the height and bulk of the proposed tower developments encroaching on the Stores.

We argue that it is not relevant to comment on whether the Market's registration values rely on tall developments on its boundaries as stated in the HIS (p.40):

The significance of the market, as assessed in the registration documentation, is not reliant on there being no tall development on its boundaries. A case in point is the recently completed Munro Development on the south side of Therry Street, close to the market's historic core.

We disagree that the Munro Development is an apt comparison to justify the proposed tower developments behind the Franklin Street Stores. Not only does the proposed development concern three towers, which would result in bulk along the Franklin Street boundary, rather than one tower in the case of the Munro

Development. Additionally, the Munro Development does not encroach so close on the boundary of the built structures of the market as to cantilever over them.

The National Trust submits that the proposed towers have not been designed as physically separate in order to mitigate the overall bulk of the development. We find that the height and proximity of the three towers creates a wall effect on the Franklin Street boundary which overwhelms the Franklin Street Stores and looms over the rest of the Market.

Furthermore, we fundamentally disagree that large-scale development on the fringes of the Market will not diminish its intactness and legibility as an early market complex. The overwhelming nature of this proposed development, and the encroachment and cantilever over the Franklin Street Stores, prevents the appreciation of these structures in their own right. We also submit that these towers will impact the wider site and its important value as a distinct market complex due to the significant impact on the traditionally low scale density sightlines of the site. Additionally, the transition from the higher built form of the central city to the very low scale of the Market will be starkly disrupted if the proposed tower developments are approved.

To mitigate these negative impacts, the height and bulk of the proposed towers should be reduced, and their separation, and setback from the Franklin Street Stores increased.

4.2 Impact of the cantilever

The National Trust objects to the cantilever of T1 and T2 over the Franklin Street Stores. We acknowledge the proposed cantilever is not as extensive as DPO11 allows, however, we submit that just because it is not as extensive as it could be, this does not make the cantilever a good design outcome.

Additionally, we disagree with the argument in the Feasibility Statement that the cantilever is necessary to produce the floor space required for the economic viability of the development. We are not satisfied that the feasibility argument justifies either the partial removal of the canopy or the cantilever over the Franklin Street Stores. We see this proposal as seeking a best development-based outcome, rather than a best heritage values-based outcome.

The National Trust also disagrees that the Franklin Street Stores are provided with sufficient breathing space from the cantilevered parts of T1 and T2. We submit that necessitating the demolition of the canopies would indicate the cantilever produces an overwhelming effect on the Franklin Street Stores, in that elements of their built fabric must be removed to accommodate the towers.

We submit that the design of the cantilever over the Franklin Street Stores should be removed from the development proposal.

5.0 Response to Reasonable or Economic Use

When making a permit determination, under Section 101 of the Act, the Executive Director is required to consider:

(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;

(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;

The National Trust is not satisfied with the arguments that a partial cantilever over the canopy of the Franklin Street Stores is crucial to the viability of the ongoing use of the Queen Victoria Market. The claim in the Feasibility Statement that any further reduction in floorplate to T1 or T2 by eliminating the cantilever would result in unviable development footprints has not been supplied with adequate supporting evidence.

The National Trust recognises that funds secured through the development of the Southern Development Site will be reinvested into the Queen Victoria Market as part of the Queen Victoria Market Precinct Renewal Program. However, we are not satisfied with the argument that the cantilever is necessary for the project feasibility. Particularly considering the height of the proposed towers, which would likely accommodate any lost width in the number of storeys of the development.

While we acknowledge the precinct benefits to be delivered by this development, the National Trust believes these benefits do not require the cost of the Market's integrity as a site of rare significance in a location of the CBD that has to date been distinguished by its relatively low-density surrounds, enabling public appreciation of its intactness and distinguished role.

6.0 Conclusion

The National Trust conditionally supports the development of Market Square and the adaptive reuse of the Franklin Street Stores. However, we strongly oppose the partial demolition of the Franklin Street Stores canopy, as well as the height, bulk and cantilever of the proposed T1 and T2 developments, on the basis they would have an adverse and irreversible impact on the heritage significance of the place. We believe that this impact is not justified by the case for reasonable or economic use.

For any enquiries regarding this submission, please get in touch with this office on 03 9656 9844 or with me directly at samantha.westbrooke@nattrust.com.au.

Yours sincerely,



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National Trust of Australia (Victoria)