Submission No 58

INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

Name: Mr Mike Francis

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Inquiry into the protections within the Victorian Planning Framework

Mr Mike Francis

Organisation Name:
Your position or role:

YOUR SUBMISSION

Submission:

The planning laws in Victoria are based on the principal that every proposal must be considered on its own merits. This principal is prized by developers, because it allows each proposal to be considered, however unsuitable it may be given the surrounding urban context. It also allows proposals to "piggy back" off previous proposals, and encourages a creeping increase in height, and bulk of the resulting buildings.
Essentially, this principal, although seemingly logical, makes enforceable height limits, or the retention of historical streetscapes , impossible in Victoria.
Legislation is needed to allow councils to designate streets, or particular areas, as having historical significance, such that future purchasers know exactly what is, and what is not allowed. At present, the planning system is designed to water down any such overlays, making them largely ineffective.
Legislation is also needed to allow councils to provide strict height limits on areas in their localities. Areas designated as development areas could be treated with greater flexibility, but councils should be allowed to decide that residential areas should be limited to 3 stories,it they think it is appropriate.
Essentially, without these powers, Victoria is stumbling along with no Town Planning.
This has become particularly apparent with regard to the encroachment on the World Heritage Environs Area, surrounding the Exhibition Building in Carlton Gardens.
The original area has been denigrated by declarations of areas of greater, and lesser significance, essentially by individuals who make their living out of development, or by navigating the present hodge podge or regulations for developers.
I have attached a submission to VCAT, regarding a development at 1 to 9 Gertrude St, Fitzroy, to illustrate some of the difficulties involved in trying to protect an area, when each proposal within that area must be considered on its own merits.
Passing legislation allowing hard height limits will not discourage redevelopment. It will instead allow development of nominated areas, so that architects and designers can continue to produce bold and innovative buildings. There will not be less development, but instead different scales of buildings in different designated areas.
This will also have the added benefit of reducing the costs, and planning difficulties of projects.
It will allow for real town planning in Victoria.

FILE ATTACHMENTS

File1: 61f3381232c37-1 to 9 Gertie SUBMISSION to TRIBUNAL.docx
File2:
File3:

Signature:
Mike Francis

1 to 9 Gertrude Street Fitzroy.

Submission to the tribunal to dismiss the appeal regarding development proposal

1 to 9 Gertrude Street, Fitzroy. VCAT Ref P327/2021 From Mike Francis.

The proposed development at 1 to 9 Gertrude Street, Fitzroy, is, by 21st century standards, a quality offering. Unfortunately, the proposed building is totally unsuitable for the site chosen. This proposal is situated in an important part of the World Heritage Environs Area. This area acts as a buffer zone to the Royal Exhibition Building, (REB,) . This buffer zone is a UNESCO condition for World Heritage Status being granted for this important Melbourne landmark.

Gertrude Street, Fitzroy, is Melbourne's first suburban shopping strip, and contains 3 buildings that are listed by the National Trust. The Cable Engine House, and Royal Terrace flank the start of the Street, at the junction with Nicholson Street. Glass Terrace, constructed between 1854 and 1856, is believed to be the oldest terrace extant in Melbourne, occupies the South side of Gertrude Street, numbers 64 to 78. The majority of the rest of the street retains the Victorian architecture that is contemporary with the Exhibition Building. This street is of great historical importance in the history of Melbourne, and to Victoria generally.

Nicholson Street, arguably was Melbourne's most desirable residential address in the mid 19th century. Most of this grand Victorian architecture remains today, including the Victorian Heritage listed Osborne House at 40, Dr Goold's House, the Mercy Convent at 88, and the National Trust listed Royal Terrace which fronts the Exhibition Building and the surrounding Carlton Gardens at 50 to 68. The block of flats known as Cairo, at 98 to 104, although built in 1936, has National significance as the first and finest example in Australia.

These important buildings are all in the designated World Heritage Environs Area, as are many other Victorian era Buildings too numerous to mention.

Australians should be immensely proud that the Royal Exhibition Building,(REB), that crowns the Western end of Gertrude Street, has been declared a site of World heritage significance by UNESCO. This building is arguably the most complete surviving example of a purpose built 19th century Exhibition Pavilion in the World. The building, designed by Joseph Reed, was commenced in February 1879, and opened for the Melbourne International Exhibition on October the first, 1880.

The International recognition of the importance of this structure, and the financial boost this recognition gives to Australia's economy, comes with certain obligations. These include the maintenance of the structure itself, and the surrounding gardens. UNESCO also stipulates that an Environs Area will be delineated, and maintained such that the imposing physical stature of the REB,

and the continuity of the Victorian period Architecture that largely surrounds the REB, particularly the area designated as the World Heritage Environs Area,(WHEA,) be retained.

The 19th century was the period when the Industrial Revolution was running at full speed. New inventions were cascading through large parts of the World, totally changing how people worked and lived. A shift from subsistence agriculture, to various types of Factory work, improved the standard of living for large groups of people. Improved modes of transport, and the mechanization of various stages of manufacturing, created a wealth of jobs, and great wealth for the manufacturers, and the merchants. So rapid were the changes, and so successful many of the outcomes, that there grew a belief that man had finally mastered the physical world. That science, and mans endeavours, could solve any problem that might arise. This euphoric feeling was one of the drivers of the series of Great Exhibitions that began in London in 1851.

The Pavilions built to house these Expositions deliberately reflected the feeling of the time. The Crystal Palace in London, used new technology, and was built out of cast iron and glass on an epic scale, creating a breathtaking venue for the display of the new products available at that time. The Exhibition Building in Carlton Gardens used the more conventional material of brick, timber, steel and slate, but the epic scale, and grandeur of the building is self evident. These Exhibition Pavilions were designed as temples to industry. To demonstrate mankind's dominance of the world, and all the other creatures that existed.

This physical dominance is the reason why the World Heritage Environs Area, (Environs Area,) stipulated by UNESCO, is so important. At present the majority of buildings in the Environs Area are survivors of the Victorian period. They consist of a variety of terraces, generally 2 storeys, with the occasional 3 storey example, for example, Royal Terrace. The low heights in the Environs Area emphasise the dominance of the Exhibition Building, just as it was originally intended. Any proposed building in the Environs Area must adhere to this low height level, such that the Exhibition Building retains the imposing aura that is has always been designed to have. Any proposed building that exceeds this height, damages the Environs Area, and potentially gives UNESCO reason to withdraw the World Heritage Listing for the Royal Exhibition Building.

The other obligation we have regarding the Environs Area, is to protect the sight lines to and from the Royal Exhibition Building, including the views of the drum and dome, as they are important part of the REB's presence, and must be protected. At present, if you walk along the South side of Gertrude Street, in a Westerly direction, initial glimpses of the dome and flag pole, will appear above the existing buildings before the intersection of George Street. As you progress towards Carlton gardens, the dome will increase in prominence, and become the dominating feature as you approach the Brunswick Street intersection. The REB commands attention of the pedestrian, exactly as a rising full moon would. The atmosphere generated by this view is extraordinary. It provides a dramatic backdrop to the experience of visiting Melbourne's premier historical shopping strip. (see figures 1 to 6.)

If this proposal is allowed to proceed, this view will be virtually extinguished. Note that none of the simulated views after construction demonstrate a pedestrian's view from that angle.

The sight lines looking up Marion Lane towards the REB are also compromised by the lack of setbacks on the proposal as presented. This becomes increasingly apparent as you approach Royal Terrace. At present, the back of Royal Terrace opens up as you walk towards Carlton Gardens, on Marion Lane. This provides an authentic Victorian context to the views of the drum and dome.

Once again, if this proposal is allowed to proceed this important sight line will be reduced to the equivalent of architectural tunnel vision.

The sight lines from the drum and dome, are deemed to be of equal importance with regard to maintaining the integrity of the World Heritage Listing of the REB. Guided tours of the dome would have already commenced if a Pandemic had not occurred. At present, looking East and North East from the dome, views of Fitzroy unfold over Royal Terrace, revealing a largely intact Victorian suburb, stretching away to Collingwood. This is particularly true of the Environs Area.

This view would be substantially altered if this proposal is allowed to proceed.

Reading Lovell Chen's Assessment of impact on World and National heritage values, for Beson, I notice that there appears to be a change of emphasis with the original Strategy Plan they prepared for the Planning Minister, the Honourable Justin Madden in 2009.

I note that item "F" page 39, which comments on "the potential for the proposed development to impact on the landmark qualities of the dome," states the following:

"The design of the proposed building, including the setbacks to the upper levels manage this relationship to ensure that identified views are protected and maintained. Additionally, the dome will retain its pre-eminence and dominance in the immediate surrounding area and will not be negatively impacted by the works"

This conclusion ignores the loss of views of the dome and drum on the South side of Gertrude Street from the intersection of George Street to Brunswick Street. It also ignores the diminished views from the dome itself, over Royal Terrace, towards Fitzroy, and across to Collingwood. Note that guided tours of just this view would be operating at present, if the Covid pandemic had not interfered.

Again Lovell Chen has qualified their report with regard to the affect of the proposal in their response to Guidelines, pages 40 and 41, where they state:

"The building will be visible within important site lines but has been designed to maintain the prominence of the REB, in a way that is not inconsistent with the heritage values of the place."

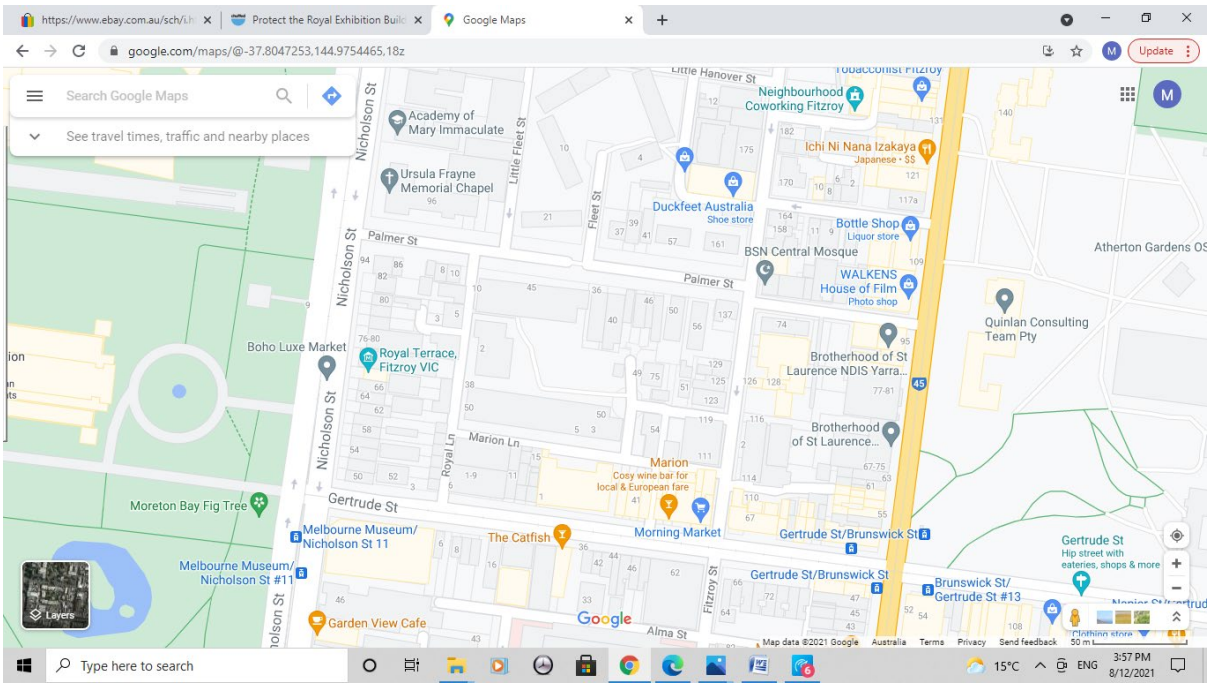
This conclusion glosses over the reality that the views of the drum and dome will be removed from the bulk of the Gertrude Streetscape. Instead of the REB dominating this heritage streetscape, a 21st century building will largely block the dome and the drum from a pedestrian's sight. It also ignores the loss of views of the Victorian buildings and roofscapes as presently seen from the dome. At the same time, it ignores how the bulk of this proposed building will diminish its neighbours, and the REB itself.

This proposal includes access for vehicles from Marion Lane, to the underground parking provided for visitors and residents. Marion Lane is most accessible from Royal Lane, via Gertrude Street, or the North end of Royal Lane, via Palmer Street from Nicholson Street. Royal Lane is already the

obvious access to the front of Quest Royal Apartments, and their Office. Royal Lane is only wide enough to accommodate one vehicle at a time, reducing in width to 3.6m to the West of the proposed development. For perspective, our standard road lane widths are 3.3 to 3.5m. It has a passing area opposite the Quest Royal Gardens Office, which widens to 5.3m. The Northern end of Royal lane reduces again to 3.8m. This lane also provides vehicular access to most of the residents on the East side of Nicholson Street, between Gertrude Street, and Palmer Street. Given the narrow allotments, this means boundary to boundary roll a door, or similar vehicle access. It also informally acts as the main pedestrian thorough fare for guests at Quest Royal Gardens, as the footpaths are nonexistent, or dangerously narrow, generally varying between .85, to the West of the proposed building, and .8m wide outside Quest Royal Apartments, forcing pedestrians on to Royal Lane. The Western side of Royal Lane opposite the proposed building, consists of a bluestone storm drain, and a series of garage entrances, some with steel plating over the storm drain, some without. (see figures 7 and 8.) Only the most nimble or terrified pedestrian would use this alternative. The recommended minimum width for footpaths is 1.5m. Wheel chairs could only access this area using the lane proper.

Marion lane can also be accessed via Fitzroy Lane through Marion Street from Gertrude Street, or from Fitzroy Street itself. Note the Fitzroy Street is one way traffic towards Gertrude Street. This means that a lot of traffic will end up exiting, or entering via Royal Lane, which given its current pedestrian use, will challenging for all concerned.

In addition, many commuters use Royal Lane as a “Rat Run” short cut, from Nicholson Street to Gertrude Street, to avoid the lights at that intersection. This combination of pedestrian’s who are not familiar with the area, and vehicles driven by frustrated commuters, often travelling too fast, is already dangerous. The addition of more traffic associated with residents, and visitors, will only increase the chances of accidents. Installation of a usable footpath would seem sensible, and this could only be accommodated on the Western edge of the site in question, as the Western side of Royal Lane is largely comprised of access to private property. (see fig 9.)



The proposed Art Gallery, with access from Marion Lane seems to ignore the difficulty any individual in a wheel chair would have navigating the historic bluestone cobbles the lane is constructed with. Like most Victorian lanes, Marion Lane also acts as a storm water drain. This makes resurfacing the lane practically impossible, ignoring the loss of historical relevance the resurfacing would entail.

The Western fenestration of the proposal overlooks the backyards of Royal Terrace, and clearly does not face Gertrude Street as required. This is an unnecessary intrusion on the privacy of the residents of Royal terrace, while ignoring basic planning requirements.

In summary:

This proposal does affect the REB by diminishing the views to and from the dome and drum.

This proposal is too high, and should be limited to 3 storeys as required by Yarra Planning.

This proposal inadequately addresses the traffic access difficulties presented by Royal Lanes current pedestrian use, and Marion Lanes relative inaccessibility.

The height and mass of the proposal is out of proportion compared to the surrounding Victorian heritage buildings, and overshadows and dwarfs its neighbour number 11 Gertrude St.

This building is largely orientated towards Carlton gardens, instead of to its street frontage.

Mike Francis.

[redacted]

References:

1

Referral Report and Impact Statement

1 -9 Gertrude Street Fitzroy. Victoria. 3065.

Lovell Chen for Besen Gertrude PTY LTD March 2021

2

Victorian Heritage Database Report

World Heritage Environs Precinct

Yarra City report generated 20/11/20

3

World heritage Environs Area Strategy Plan

Royal Exhibition Building and Carlton Gardens

For the Department of Planning and Community Development

Prepared by Lovell Chen and Approved by the Minister for Planning

The Honourable Justin Madden MLC 21st October 2009

Fig 1 corner Fitzroy and Gertrude Street.

Fig 2 Corner Brunswick and Gertrude Street.

Fig 3 Corner Young and Gertrude Street

Fig 4 Corner of Little Napier and Gertrude Street

Fig 5 Corner Napier and Gertrude Street.

. Fig 6 corner George and Gertrude Street.

Fig 7 Royal Lane from the corner of Marion Lane.

Fig 8 Royal Lane from Palmer Street.