

From Robert Hoddle to Jane Jacobs



Robert Hoddle's 1837 grid sat comfortably on the undulating terrain north of the Yarra. It was authorised through a long-distance dialogue with Governor Bourke in Sydney, and made possible by the myth of *Terra Nullius*. But what inspired it?

Although the art of laying out streets goes back to Emperor Nero, its best-known proponents post-date Hoddle. In the 1860s Baron Haussmann cut swathes through Paris to create that city's grand boulevards; in the 1890s Ebenezer Howard posited 'slumless, smokeless cities' criss-crossed by broad roads, railways and canals; and in 1930 the starchitect Le Corbusier offered us his monstrous '*Ville Radieuse*', a network of freeways disgorging into the multi-story carparks of its high-rise residential towers.

Hoddle's inspiration may well have been James Craig, the architect of Edinburgh's '[New Town](#)'.

This precinct, overlooked by Edinburgh Castle, was laid out in 1766. Now known as the Royal Mile, it bears a remarkable resemblance to Melbourne, which it predates by 60 years. Orthogonal allotments to be sold off for development, neatly grouped into rectangular blocks with wide main streets, narrow back streets, and even narrower lanes or 'meuse.' Any Melbournian would feel right at home here.

Over the ensuing 180 years, Victoria's town planners have variously adopted these several models. Many of the State's country towns followed the James Craig-

-Robert Hoddle precedent, but 20th century suburbia tended more towards Ebenezer Howard's '[Garden City](#)'. In the 1960s, much of inner Melbourne took on the character of Le Corbusier's dystopia – thanks to the Housing Commission and the freeway-focus of that decade's road engineers.

These days we celebrate and even revere Robert Hoddle. We take delight in Flinders Lane and Little Collins Street, whose narrowness Hoddle agreed to only reluctantly, on the occasion of his boss, Governor Bourke, visiting from Sydney.

But perhaps the person with the greatest influence on Melbourne's streets today, in inner Melbourne at least, was not a planner at all.

Notoriously, [Jane Jacobs](#) was denounced by New York's planners for being a mere 'mother.' She challenged and eventually undermined their expertise by advocating permeable, walkable streets, fronted by high density, mixed use, mixed age buildings, and accessible pocket-handkerchief neighbourhood parks.

Take a walk around Kensington, Brunswick and Port Melbourne – it's there you'll find Jane Jacobs.

But back to that dialogue between Hoddle and Bourke. If you ever need to curry favour with your superiors, consider giving their name to the best street in town. ■

Adapted from a presentation by David Gabriel-Jones to the Urban History Urban Planning conference, RMIT University, Jan 2018.

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If 70% of Victoria's population growth is to occur within existing urban areas, we must employ all the tools in the urban reconfiguration toolkit.

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- **Property Law and Urban Reconfiguration**
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Venue: SGS Economics and Planning 14 / 222 Exhibition Street, Melbourne.

Enquiries & Registrations:

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Presented jointly by
The Public Land
Consultancy and SGS
Economics & Planning



Bourke of Bourke Street

Nothing to do with Burke and Wills. Bourke Street was named after Governor Richard Bourke, who was Robert Hoddle's boss. Bourke governed the colony of New South Wales from Sydney, but did make one trip south to see the Port Phillip District, where he was pleased to name the main settlement 'Melbourne.'

What should we make of Bourke? He was in many respects an enlightened man. He expanded the system of trial by jury, redefined the distinction between civil and military law, and broadened the notion of the established church.

But it was Bourke who entrenched into law the notion of *Terra Nullius* – the myth that the Aboriginal people had no tenure of their own lands. Bourke's ratification of that doctrine was triggered by John Batman, who had had the temerity to negotiate a 'treaty' with the Wurundjeri. It wasn't much of a deal – a dray load of stuff in return for a vast tract of land – but what upset Bourke was that in its own way, Batman's treaty recognised native title. And so it was decreed...

...every such treaty, bargain, and contract with the Aboriginal Natives, as aforesaid, for the possession, title, or claim to any Lands ... is void and of no effect against the rights of the Crown;

It took another 160 years until Eddie Mabo set the record straight. Now, in 2018, we are asking ourselves whether Batman Park in Northcote should retain its name – but we've not heard any grumbles about Bourke Street.

And what about Exhibition Street?

This is the one that Hoddle didn't name. He called it Stephen Street, after Sir James Stephen, the Permanent Undersecretary for the British Colonies – but that name was pushed aside in 1880, when Victoria hosted the Great Exhibition. Bad luck Sir James. ■

Q & A

What's with all the Latin?

Question asked by someone who's not an ancient Roman

Sorry, folks. Seems you can't get into land law without dropping into Latin.

Terra nullius – We should all know what that means (or meant, pre-Eddie Mabo) – land belonging to nobody.

Terra Publica is, as you'd expect, public land.

Lex Loci – the law of the place. And, by an amazing coincidence, the name of our travelling correspondent writing his occasional pieces.

One we really like is **ad coelum et ad infernos** – from heaven to hell – the precept that land is not just the surface of the earth but, unless otherwise defined, extends indefinitely both upwards and downwards...

Just some of the bodies which have sent staff to our courses in the past month...



Working
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Environment, Land,
Water and Planning

Thanks
everybody!

Presented by The Public Land Consultancy in conjunction with Russell Kennedy, Lawyers

Readers of *Terra Publica* should not act on the basis of its contents which are not legal advice, are of a general nature, capable of misinterpretation and not applicable in inappropriate cases.

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Thursday 22 March – Traralgon
Tuesday 15 May – Melbourne*



Crown Land Law, Policy and Practice

*Tuesday 27 February – Traralgon
Wednesday 2 May – Melbourne*



The Law relating to Works on Roads

*Tuesday 6 March – Melbourne
(* Special venue: Russell Kennedy)
Friday 13 March – Bendigo*



Referral Authorities and the Victorian Planning System

*Thursday 8 March – Melbourne
Tuesday 17 April – Wangaratta
Thursday 10 May – Traralgon*

Four Courses for Urban Planners

*Presented in collaboration with
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For details see Page 2



Environmental Law for Public Sector Land Managers

Wednesday 21 March – Melbourne



Native Title and Aboriginal Heritage

Friday 9 March – Melbourne



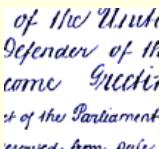
Land Law for Managers of Rivers and Lakes

*Thursday 15 March – Melbourne
Tuesday 10 April – Horsham*

Four Courses for Water Authorities

*Presented in collaboration with
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Restrictions on Title

*Tuesday 20 March – FULL
Friday 11 May - Melbourne
(* Special venue: Russell Kennedy)*



Roads Governance for Surveyors

*Tuesday 8 May – FULL
Friday 22 May – Melbourne
(* Special venue: Russell Kennedy)*



Offences and Enforcement on Roads

*Tuesday 1 May – Melbourne
(* Special venue: Russell Kennedy)*



The Law and Subdivisions

Thursday 3 May – Melbourne



Leases and Licences of Public Land

Friday 4 May – Melbourne

Cost \$550 per person
including GST, Course notes and working lunch.
Discounts for host organisations

Enrolments and Enquiries – Jacqui Talbot –
jacqui@publicland.com.au

Unless otherwise noted, all courses are at
Law Institute of Victoria,
470 Bourke Street Melbourne

All courses are of one-day duration;
starting time 9:00 am, finish 4:30 pm

For details of all these courses go to http://www.publicland.com.au/professional_development.html