



ROYAL HISTORICAL SOCIETY OF VICTORIA INC.

239 A'Beckett Street, Melbourne 3000

12 February 2019

Mr Steven Avery,
Executive Director,
Heritage Victoria,
8 Nicholson Street,
East Melbourne, Vic 3002.
heritage.victoria@delwp.vic.gov.au

Dear Steven,

VHR PROV H2390 - FEDERATION SQUARE, MELBOURNE
RHSV Submission re Permit application P30209

The Royal Historical Society of Victoria objects strenuously to the application to demolish the Yarra Building and replace it with an Apple Flagship Store.

- (1) The application is a blatant attempt to circumvent the Registration process already underway.
- (2) The application attempts to treat Federation Square as a collection of buildings despite all the evidence that its value lies in its being a unified whole transcending its individual buildings.
- (3) Federation Square Pty Ltd (FSPL) has no mandate so to alter the public institution in its care.
- (4) The application attempts to present the Apple Store both as a cultural institution and as simply another commercial use consistent with the purpose of the Yarra Building, obfuscating the basic fact that a collection of small-scale services (food, beverage, etc.) in support of a public space is not the same as a major retail outlet devoted to one of the world's largest multi-nationals and that such an outlet would dominate the public space and transform it.
- (5) The economic analysis is deeply flawed. No case is made that the rent Apple would pay is worth the loss of Federation Square as a civic space, long dreamt of for Melbourne. Indeed, the applicant's own figures suggest the rent is not needed.

(1) Application an attempt to circumvent normal practice

We object to making an application of such major import before registration hearings have even commenced. While such an application is legal in terms of the act, good conservation practice, embodied in the Burra Charter, is that proper assessment of a heritage place should precede any decisions about how it may be altered. In this case, the application is for changes so massive as to vitiate any subsequent registration. The effect of granting the application would be to prevent the Heritage Council from considering Federation Square as it is under the IPO. It is a clear attempt to circumvent the process of registration and we submit that the Executive Director should refuse it.

If the Director were to refuse the requested permit, it would be open to FSPL to appeal to the Heritage Council, and in that eventuality the Council would rule on the entire issue. If the Director were to grant the requested permit, the Heritage Council would be prevented from ruling on the substance of the Director's Recommendation to register Federation Square, as the fundamental character on which the Recommendation is based would have been irrevocably altered.

At the completion of the registration hearing process, either Federation Square will be listed on the Register or it will not. If it is registered, then and only then will it be possible to assess whether it is acceptable to demolish an integral component of the unified whole. If it is not registered, Heritage Victoria will not be involved in any approval process.

The RHSV, like other organisations, has put great effort into a submission to the Heritage Council (included below as Appendix A.) The time for a permit application does not permit as thorough a submission being developed and, more to the point, until we know from the citation what criteria have been given legal force by the Heritage Council, we cannot reply adequately.

Moreover, the applicant has made no argument for urgency. It is clear from the HIS and the Economic Analysis that the situation the applicant claims to address was built into the governance model adopted for Federation Square from the beginning. The applicant will not be adversely affected by a delay of six months or even a year, given that the situation has existed for 17 years. Nothing would prevent the applicant from making application at the appropriate time.

So we urge the Executive Director to reject the application until the Registration process has been completed. Nevertheless, we will address the substantive issues.

(2) Importance of Federation Square as a unified whole

The applicant seeks to distinguish the Yarra Building from the rest of Federation Square, asserting without evidence that it ‘does not share the high level of design resolution of other buildings within Federation Square’, while acknowledging that it ‘shares some of the design qualities, language and materials of other buildings within the Federation Square’. Similarly, the applicant claims that the Yarra Building ‘did not form part of the original design intent for Federation Square’ but admits that it ‘was first and foremost a massing for the benefit of the civic plaza’. And the applicant argues that the ‘proposed design for the AGFB [Apple Global Flagship Building] is in an early 21st century architectural idiom’ and that this would be sufficient to maintain Federation Square’s unity, as though any contemporary design could be inserted into the whole, an argument undercut by the applicant’s admission that the ‘proposed design of the facade of the new AGFB will appear more conventional’. Apart from the contradictions of the argument, the attempt to distinguish the Yarra Building goes against the whole case for the Registration of Federation Square.

As the National Trust classification puts it, ‘*The architectural and aesthetic significance of Federation Square depends on its presentation as a unified whole ... the relationships between each element are ... intrinsic to the significance of the place.*’

Federation Square is a remarkably coherent ensemble of late 20th-Century civic architecture. Its architectural and aesthetic significance results from its presentation as a unified whole. Federation Square is not just a building, but a unified collection of buildings defining a civic space. It therefore transcends the individual buildings whilst depending upon them. The identity enshrined in the hearts of Victorians is of Federation Square as a whole. That identity depends upon no one part attracting attention under another name. Ron Jones comments:

One of Federation Square’s most conspicuous qualities is an absence of defined corporate imagery, despite the mix of businesses and institutions it houses. Not even the National Gallery of Victoria and the Australian Centre for the Moving Image have their own architectural expression. None of the buildings has a distinct identity as a separate object. Each is a conglomerate of elements that repeat

from one to another. Federation Square is a composition of masses that frame open spaces, rather than an arrangement of buildings as distinct objects.¹

The unity of Federation Square depends on the whole constituting an ensemble. That the Yarra Building does not draw attention to itself is indicative of its position in the whole of Federation Square. It is a virtue that it was conceived as ‘a massing for the benefit of the civic plaza’. Conversely, the proposed Apple Store would vitiate the whole precisely because it would draw attention to itself and destroy the existing coherence that we seek to protect through Registration.

We note, finally, that the Executive Director himself in his Recommendation carefully avoided singling out individual buildings, discussing Federation Square as a whole. On the logic of his own report, he should disregard attempts to dissociate one part of the whole from the rest.

(3) FSPL has no mandate to reconstruct the public institution in its care

FSPL was set up to maintain Federation Square. The application would amount to a fundamental change in the physical and intangible aspects of Federation Square. FSPL has no moral right so to remake the public asset whose care has been entrusted to it. We have established that the demolition of such a part of the whole would completely wreck its integrity. It would also wreck Federation Square’s intangible cultural aspects.

The Charter of Federation Square (included below as Appendix B) clearly sets it apart as ‘a focal point for arts and cultural festivals and activities and important civic commemorations’ with ‘a mix of cultural programming and civic activity’. It is to be ‘a focal point for the City’s civic and festival program’. Neither the Objectives, nor the Key Outcomes, nor the Implementation Requirements mention commercial activities of any kind.

The Charter does mention ‘Retail outlets’, but it specifies that they ‘will be incorporated within the development on the basis of a relationship/theme with the major users, and upon a level of contribution to the cultural and civic objectives of Federation Square. Food and beverage operations will form part of the retail “offer”, and will similarly be required to embrace and enhance the stated cultural and civic objectives’. As an example, the Charter mentions that ‘commercial operators’ might be given ‘rights to develop a tavern and/or other retail and food and beverage/hospitality opportunities’. Everything in the Charter points to an intent to exclude major commercial activity.

The purpose of Federation Square was for a public space and it has exceeded expectations in fulfilling that purpose, precisely because it is Federation Square and not an Apple Store. For FSPL to alter it so radically would be a gross betrayal of public trust.

(4) Application an attempt to obfuscate purpose and effect of Apple Store

The applicant glosses over the fundamental commercial purpose of the Apple Store, claiming that it will offer ‘education and community engagement’ and ‘could host events’ at the same time as it claims that the purpose of the Yarra building ‘was always commercial’ with the implication that this justifies the proposed Apple Store.

This amounts to obfuscation. The Yarra Building was clearly integral to the whole, introduced by the architects to provide definition to the public space and to offer ancillary commercial activities suitable to support public space: food, beverage and possibly books or other cultural artefacts. These activities were certainly commercial but they were and are clearly subordinate to the public

¹ Ron Jones, ‘Design of Apple Fed Square requires a fundamental rethink’, *ARCHITECTUREAU*, 16 February 2018.

purpose of the Square. It was never envisaged that commercial tenants now or in the future would be relatively large-scale enterprises.

An Apple Store—let alone an Apple Global Flagship Building—is meant to dominate, and by its very nature would dominate, the public space it occupies. Its purpose is to use prestige space to help Apple’s branding. This is parasitic: a private, for-profit multi-national seeks to benefit from the prestige of a much-loved civic space but would thus transform it into branded, commercial space.

This parasitic branding and the loss of civic space consequent on an Apple Flagship has unleashed opposition around the world as well as in Melbourne. Stockholm recently rejected a proposal for an Apple Flagship following a wave of public indignation (see Linda Cheng, ‘Stockholm council dumps controversial Apple flagship proposal’, Appendix D). As the application admits, ‘flagship Apple stores in public places, as opposed to shopping centre locations, tend to be designed as pavilion buildings that are set apart from the wider urban fabric’ [Economic Analysis, p. xiv]. Instead of people being attracted to Federation Square for public purposes, a significant number would be coming for commercial purposes related to one multi-national.

The applicant seeks to present the Apple Store as a cultural institution, but it is clear that it is meant to use civic space to raise the profile of the Apple brand. The application presents (Economic Analysis) ‘five key features that distinguish Apple Global Flagship stores’: ‘Avenue, Forum, Boardroom, Genius Grove, and Plaza’. But in its own words, each is intended to further the Apple brand. Avenue’s aim is ‘to showcase Apple’s products and services’. ‘Forum’ is ‘centred around a 6K Video Wall, it is home to “Today at Apple”’. Boardroom ‘is where the store’s Business Team offers hands-on advice’. Genius Grove is a space where ‘customers can get support’. And the Plaza is based on ‘Today at Apple programming’.

The application itself makes abundantly clear that, were a permit granted, Federation Square would become a commercial space for one brand. Why stop at one? Would not other major brands seek equal or similar exposure?

Federation Square, in the words of Dick Roennfeldt, former Head of the Office of Major Projects, responsible for concept development, design and construction of Federation Square, ‘was never supposed to be a shopping centre’. (Mr Roennfeldt’s article is included as Appendix C.)

At present, people congregate in Federation Square for public occasions. Federation Square became the focus for major public events almost immediately after the square was opened to the public. Crowds flocked to celebrate New Year’s Eve 2002 and shortly thereafter to watch the Australian Open. Later that year the AFL Grand Final drew large crowds. This began what immediately seemed like a long-standing tradition of crowds gathering in Federation Square to watch major sporting events on the big screen at Federation Square. Thus it seemed natural for the square to become the urban focus of the hugely successful 2006 Melbourne Commonwealth Games.

Since its opening, Federation Square has been used as a site of protest, festivals, markets, fashion shows, public lectures, films and concerts. The cultural institutions (the Ian Potter Centre: NGV Australia, and ACMI), and events at the Deakin Edge and at the Atrium draw people as well, adding to the total impact of the whole, but these non-commercial attractions add rather than detract from the public purpose. The Apple Store would clearly not function as either a cultural or a public institution. It would be built solely to further the Apple brand. Vague promises of ‘education and community engagement’ by a multi-national cannot be taken seriously. The Apple Store will be functioning on a private profit-making level drawing people on a different basis from a civic square.

Federation Square solves the problem that has concerned Melburnians since the city was founded.

The historian Graeme Davison traces the yearning for this kind of space to an 1850 pamphlet arguing that Melbourne needed a ‘large central square’. A square was, argued the pamphleteer—possibly Judge Redmond Barry—‘an object of such paramount and permanent importance’.²

Throughout the twentieth century, the dream of a civic square dominated thinking about the shape of the city. In 1929, a Metropolitan Planning Commission called for ‘a spacious city square’ opposite Parliament House. The Melbourne City Council struggled with the concept in the decades after World War II and finally delivered the misnamed ‘square’ between the Town Hall and St Paul’s Cathedral, which was spoiled by the inclusion of an hotel and finally went to an unlamented end with construction of the Metro.

(5) Financial case: transform Federation Square into commercial space to save it?

The HIS claims that ‘the refusal position’ would equate ‘to a burden on the public purse of around \$40 million over ten years’ and that FSPL would ‘experience considerable adverse economic impact associated with the decline in commercial activity at Federation Square’. This is nonsense. As Tables 1 and 2 of the Economic Analysis show clearly, FSPL’s total income has been increasing massively since the Square opened. From \$24.47 million in 2012, total income has risen to \$32.22 million in 2018, a 76 per cent increase overall (an annualised increase of 12.6 per cent). These are figures that would turn any business green with envy.

The Economic Analysis claims that the Apple Store scenario would represent \$45.3 million over ten years, compared with the ‘worst case scenario’. This equates on average to \$4.5 million per annum. That figure assumes an increase in ‘quality footfall’, which nothing in the Economic Analysis justifies. The application admits that ‘removal of the Yarra Building, and the consequent loss of the ground level restaurants, would have a negative effect on MAT and rent’. (It should be noted too that the loss of the restaurants would be a loss of amenity and attraction for Federation Square. There is no attempt to quantify this loss, but it is also a qualitative loss for the space.)

Let us put the financial position in context. FSPL’s total income for 2018 was \$32.2 million (Economic Analysis, Table 1, p. ix). The A\$4.5 million in extra income claimed for the Apple Store would amount to less than 14 per cent of the current total income. Federation Square is a major public asset whose construction cost was \$467 million at the time, a sum that would represent approximately \$750 million in today’s terms. The \$4.5 million in claimed extra income amounts to 0.6 per cent of that cost. So we are to destroy Federation Square as a civic space to improve its income by 14 per cent, an amount equal to less than 1 per cent of its cost?

The Economic Analysis itself undermines even this claim. The problem, we are told, is that costs are rising faster than income. But that is not true. Table 3 (p. x) is confusing in its presentation of annual percentage increases, which vary considerably, but the raw figures it presents make clear that expenses have risen far **less** than income. Total expenses in 2012 were \$18,976,450 and rose to \$22,613,000 in 2018. That represents an overall increase of less than 8.4 per cent over six years or an annualised increase of less than 1.4 per cent for expenses, as against an increase of 76 per cent overall or an annualised increase of 12.6 per cent for income. By the figures FSPL has submitted, it does not need additional income.

There is, nevertheless, a potential issue of expenses. FSPL argues that owing to the aging of the complex, it will have more substantial expenses in the next three to five years. We accept that this may be true. If so, however, the solution is not to destroy Federation Square to maintain it. The problem of potential expenses points to a contradiction between Federation Square’s mission and the governance model adopted at its inception. The model is that public space would be paid for by

² Graeme Davison, ‘For what shall it profit a city if it loses its civic soul? A plea to preserve Melbourne’s Fed Square’, *The Conversation*, 19 February 2018.

a profit-making private company (FSPL). The report by the Victorian Auditor General, as quoted in the HIS, points out ‘that it is difficult for these entities to set their fees and charges at a level that would enable them to generate enough revenue to meet their obligations as they fall due, and to ensure the long-term maintenance of their assets.’

The problem is, indeed, largely owing to costs imposed by the government. The Economic Analysis points out that ‘Cultural Area rent is at risk due to the repayment of the original Treasury loan’ (p. x). The solution here lies not in making Federation Square into a commercial space but in changing the governance and financial basis. If FSPL is unable to maintain Federation Square with its current income base (and their own figures suggest this is far from being the case), they should apply to the government before seeking to betray their mandate.

That is a fundamental contradiction in Federation Square’s governance model. A public square cannot generate sufficient fees and charges to cover all its costs. The same could be said of Trafalgar Square in London or St Mark’s Square (Piazza San Marco) in Venice. The solution is not to transform such squares into commercial spaces, but rather to evolve an appropriate governance model.

The current model is unworkable and the application in fact demonstrates this. What will become of Apple after ten years? Will ‘Global Flagship Stores’ still be part of its marketing policy? No provision has been made in the application for the fate of the AGFB should Apple’s strategies or fortunes change in the future and the company leave the premise. Is it FSPL’s intention that this become a permanent space for the highest bidding multi-national? That the fate of what everyone agrees is to remain a major public institution for many many years should depend on the fortunes of one multi-national in a rapidly evolving world market is patently absurd.

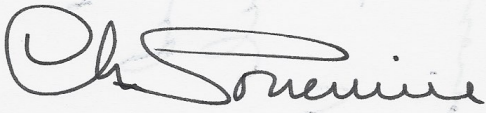
If FSPL did need extra support for major maintenance or restoration, the solution would be to apply to the government. If Apple needs prestige commercial space, Melbourne offers many fine buildings in the CBD that Apple could renovate, as many prestige brands have done. There is only one Federation Square and its character is inextricably linked to its public, civic function. The application argues in effect that the rent Apple would pay will provide FSPL with revenue to maintain the Square while destroying it as a civic space. We urge the Executive Director to reject this reasoning.

Conclusion

Federation Square has been the culmination of a 150-year dream for a civic space. The application is totally at odds with that dream. If a permit were granted for demolition of part of the Square and its replacement by an Apple Store, the Square would cease to be a civic space. And why stop at one multi-national? If the Apple Store were successful, would not other multi-nationals demand equal rights? Why should one be favoured and the rest left to find commercial space?

The application is totally at odds with everything that makes Federation Square worth Registration. We respectfully but urgently call on the Executive Director to refuse this permit.

Yours,



(Professor) Charles Sowerwine,
Chair, Heritage Committee,
Royal Historical Society of Victoria.

Appendix A:

Royal Historical Society of Victoria

Submission to the Heritage Council: Federation Square

PROV VHR H2390

15 December 2018

The Royal Historical Society of Victoria strongly supports the Executive Director's recommendation for inclusion of Federation Square in the Victorian Heritage Register. Federation Square is of state-wide if not national architectural and cultural significance as a remarkably coherent ensemble of late 20th-Century civic architecture and on this basis alone merits registration as a whole, intact package. But Federation Square is also of social and historic significance as the culmination of a shared dream of a civic square that would be a public space at the heart of the city, offering a meeting place open to all, a focus for the urban expression of civic life. Federation Square quickly established itself as the fulfilment of that dream. It cemented its place in the heart of the Victorian community so rapidly because it had already long existed in the community's collective imaginary. Thus its significance, in particular its social significance, goes back to the nineteenth century and on this basis too it fully merits registration.

Age of registration of heritage places

We address as a preliminary the issue of the time elapsed since construction. We endorse the Executive Director's comment that a number of notable sites have been registered more quickly, such as the NGV and the Arts Centre. Our major point, however, is that enough time has elapsed for the people of Victoria to have made a judgment that Federation Square is an essential aspect and indeed a focus for the city.

While time elapsed is not a criterion for inclusion in the Register, it is true that the *Victorian Heritage Register Criteria and Threshold Guidelines* suggest that 'as a general principle, a generation (or approximately 25-30 years) should pass after the creation of a place or object before that place or object is considered for heritage listing'. The definition of a generation here is rather long. A generation is defined technically as the population average length of time between birth and maturity to give birth to the next generation. That average has grown in recent times from 15-20 years historically to 25 years now. Federation Square was completed in 2002, 16 years before the proposed registration. Sixteen years is a generation in the eyes of our culture until recently; it is now two-thirds of a generation, but that 16 years has seen Federation Square become part of the culture of Victoria. We submit that this is ample time. The proof of this is that it has been ample time for the people of Victoria to take on board Federation Square and make it an integral and essential part of the fabric of Melbourne life.

Architectural and aesthetic significance

Federation Square is a remarkably coherent ensemble of late 20th-Century civic architecture. Its architectural and aesthetic significance results from its presentation as a unified whole. The RHSV concurs fully with the Executive Director's Extent of Registration. Federation Square is not just a building, but a unified collection of buildings defining a built space. It therefore transcends the individual buildings whilst depending upon them. The identity enshrined in the Victorian mind is Federation Square as a whole. But that identity depends upon no one part attracting attention under another name. Ron Jones comments:

One of Federation Square's most conspicuous qualities is an absence of defined corporate imagery, despite the mix of businesses and institutions it houses. Not even the National Gallery of Victoria and the Australian Centre for the Moving Image have their own architectural expression. None of the buildings has a distinct identity as a separate object. Each is a conglomerate of elements that repeat from one to another. Federation Square is a composition of masses that frame open spaces, rather than an arrangement of buildings as distinct objects.³

The unity of Federation Square depends on the coherence of those buildings constituting an ensemble. That it is such a coherent whole makes its registration particularly urgent.

That Federation Square is virtually intact as conceived and completed reinforces that coherence and that urgency. There have been only two notable alterations to the buildings and spaces since it was completed. On the one hand, in 2009 the entry to ACMI was reconfigured to allow entry only from the Square and certain interior spaces were altered. On the other hand, in 2009 a weather protection canopy designed by Melbourne-based architect Peter Maddison was added at the eastern end of the square. Neither of these alterations affected the whole in any significant manner.

Federation Square is one of Victoria's best exemplars of what was called at the time post-modern architecture characterised by playful and exuberant disregard of form, disrespect for traditional modes and materials, and use of geometric forms determined by seemingly random process. The particular style of Federation Square is sometimes called deconstructivist because of its tendency to fragmentation and distortion of classic norms. This aesthetic found its perfect expression in Federation Square and proved to be the right aesthetic for a civic square for the 21st Century while fulfilling a longing dating back 150 years. The playful aesthetic of the exterior offers a lightness masking the bulk of the walls surrounding the civic square itself and this lightness makes the square an uplifting experience for the individual. Buildings offering the same volume in modernist or classical aesthetic would have been too massive and would have overwhelmed the civic space.

Federation Square is one of the most awarded projects in the history of the Royal Australian Institute of Architects (RAIA) Victoria, receiving five major awards in 2003, the Victorian Architectural Medal, the Melbourne Prize, the Joseph Reed Award for Urban Design, a Marion Mahoney Award for Interior Architecture, and an Institutional Architecture Award.

On these grounds, we submit that Federation Square amply fulfils Criteria D ('Importance in demonstrating the principal characteristics of a class of cultural place.') and E ('Importance in exhibiting particular aesthetic characteristics').

³ Ron Jones, 'Design of Apple Fed Square requires a fundamental rethink', *ARCHITECTUREAU*, 16 February 2018.

Social and historic significance

Federation Square is of historic significance as Victoria's response to the centenary of Federation. The architects were aware of this response and their project of creating a whole out of a series of disparate elements (buildings) is clearly a symbol of federation.

Perhaps more significantly, the Square became the focus for major public events almost immediately after the square was opened to the public. Crowds flocked to celebrate New Year's Eve 2002 and shortly thereafter to watch the Australian Open. Later that year the AFL Grand Final drew large crowds. This began what immediately seemed like a long-standing tradition of crowds gathering in Federation Square to watch major sporting events on the big screen at Federation Square. Thus it seemed natural that the square became the urban focus of the hugely successful 2006 Melbourne Commonwealth Games.

Since its opening, Federation Square has been used as a site of protest, festivals, markets, fashion shows, public lectures, films and concerts. The cultural institutions (the Ian Potter Centre: NGV Australia and ACMI), the events at the Deakin Edge and at the Atrium draw people as well, adding to the total impact of the whole, but it is the square itself which seems to attract people as great civic squares do everywhere in the world.

Federation Square thus solves the problem which concerned Melburnians since the city was founded. It also solves the problem posed throughout the twentieth century by the failure to complete the implicit entry to the City suggested by Princes Bridge as it leads up to Flinders Street. This intersection, long the heart of the City, involved three key institutions, all dating from before World War I: Flinders Street Station, Young & Jackson's Hotel, and St Paul's Cathedral. What was missing was a public space to accommodate the people using these institutions as they waited, mingled and met. Federation Square is the answer to an implicit question which began with the founding of the city.

The historian Graeme Davison traces the yearning for this kind of space to an 1850 pamphlet arguing that Melbourne needed a 'large central square'. A square was, argued the pamphleteer—who may have been Judge Redmond Barry—'an object of such paramount and permanent importance'.⁴

Throughout the twentieth century, the dream of a civic square dominated thinking about the shape of the city. In 1929, a Metropolitan Planning Commission called for 'a spacious city square' opposite Parliament House. The Melbourne City Council struggled with the concept in the decades after World War II and finally delivered the misnamed 'square' between the Town Hall and St Paul's Cathedral, which went to an unlamented end with construction of the Metro.

Federation Square has been the culmination of a 150-year dream and as such it is older than its physical age might suggest. That is why Melburnians embraced it so rapidly and so completely and that is why it deserves registration.

On these grounds, we submit that Federation Square amply fulfils Criteria A ('Importance to the course, or pattern, of Victoria's cultural history') and G ('Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons'; in this instance association with the entire community of Victorians).

⁴ Graeme Davison, 'For what shall it profit a city if it loses its civic soul? A plea to preserve Melbourne's Fed Square', *The Conversation*, 19 February 2018.

Creative and technical significance

Federation Square embodies a number of creative and technical accomplishments integral to the late twentieth century.

The first is the very design and construction of decking over the railyards. This was the first large scale and still the largest expanse of railway decking built in Victoria, and Australia. The high degree of acoustic and vibrational tuning achieved through the decking and building systems to eliminate railway impacts, most notably allows ACMI cinemas to show silent films.

The second is the extensive use of 3D computer modelling and Computer Assisted Design in the construction of the facade wraps, making the non-orthogonal geometries, which are so successful in this context. The same technical prowess is manifest in the three-dimensional structure of the Atrium, an innovative and technically complex achievement for the time.

On these grounds, we submit that Federation Square amply fulfils Criterion F ('Importance in demonstrating a high degree of creative or technical achievement at a particular period').

Conclusion

In Graeme Davison's words,

Federation Square is already an important part of Melbourne's history, not just as a monument to the centenary of the nation, or for the symbols of civic and national identity it incorporates, but as the legacy of a long tradition. Going back to the ancient Greeks, and reinforced by generations of Melburnians who fought for a square, it's a tradition that puts civic values and virtues, our responsibility to our fellow citizens, at the heart of our collective life.⁵

Federation Square is a unique, essential part of Melbourne because it fulfils so effectively a long-standing shared vision of a civic space providing a focus for the City. It fulfils this vision with a uniquely coherent civic ensemble of aesthetic, architectural, historic and above all social significance. The Royal Historical Society of Victoria, respectfully but urgently, calls upon the Heritage Council to approve registration of this important aspect of our heritage.

(Professor) Charles Sowerwine,
Chair, Heritage Committee,
Royal Historical Society of Victoria.

⁵ Davison, 'For what shall it profit a city?'

Appendix B:

FEDERATION SQUARE CIVIC AND CULTURAL CHARTER

The Federation Square Civic and Cultural Charter recognises Melbourne's pre-eminence as a centre for creativity and innovation, its diverse and successful arts and cultural festivals, its multicultural heritage, the popularity and beauty of its gardens and river and the need for a new focal point for contemporary cultural activities.

The Charter requires that these themes and strengths find expression in Federation Square's management philosophy, marketing, programmed events and activities, and hiring and sub-leasing activities, including the presentation and market positioning of its commercial spaces.

Objectives

The underlying purpose of Federation Square as determined by the Government of Victoria and the City of Melbourne is to achieve specific **cultural and civic objectives** for Victoria:

- _to provide a stimulating, educational, comfortable and entertaining destination venue to Victorians, and to interstate and international visitors.
- _to represent Melbourne as a leading city for the arts and for innovation and creativity in all forms of cultural expression.
- _to communicate the City's leadership in contemporary ideas and expression
- _to provide a focal point for arts and cultural festivals and activities and important civic commemorations.
- _to reflect Melbourne's cultural diversity in its overall operations and programming.
- _to attract local, national and international visitors to Federation Square.

Key Outcomes

The excitement generated by the concept must be reflected in its implementation and routine operations. The following critical **outcomes of the development and operation of Federation Square will ensure that its objectives are achieved:**

- _a continuous and high calibre mix of cultural programming and civic activity that is recognised as contemporary and stimulating.
- _a high level of use by local, national and international organisations, events and activities.
- _an identifiable synergy between the cultural program and other leisure, personal and commercial services.
- _high levels of use of all spaces for activity consistent with and complementary to the stated objectives.
- _high levels of new and return visitation.
- _a positive local profile for Federation Square as a focal point for the City's civic and festival program.
- _a positive national and international profile for Federation Square and its program.
- _a focus for Federation Square for the Centenary of Federation celebrations.
- _an accessible secure and attractive public experience.

Implementation Requirements

To achieve the defined objectives and outcomes of Federation Square, the management company will:

- ◆ _develop and oversee a year-round program of activities embracing visual, performing, multimedia, event, literary, festival, botanical, multicultural and other themes.
- ◆ _promote the use of Federation Square venues, and procure events and activities with appropriate local, national and international organisations and individuals.
- ◆ _develop working partnerships with key festival companies to provide venues at Federation Square as part of each festival's overall program, including the Melbourne International Festival of the Arts, Melbourne Comedy Festival, Melbourne International Film Festival, Melbourne Moomba Festival, the Next Wave Festival and the Melbourne International Biennial.

- ◆ _develop programmed activities at Federation Square in conjunction with event organisers that reflect or enhance important wider community events, including indigenous, multicultural or community-specific national days or celebrations (eg. Chinese New Year, Australia Day, Anzac Day, major sporting events, Melbourne Writers Festival and Melbourne Fashion Festival).
- ◆ _produce and promote, with the assistance of the Government of Victoria and the City of Melbourne, in conjunction with the Melbourne Festival, the celebration of the Centenary of Federation in 2001.
- ◆ _implement a marketing program that takes account of key market segments and which is measurable in terms of visitation impact.
- ◆ _develop close working partnerships with marketing and tourism bodies, multicultural and community organisations to achieve the cultural and civic objectives of the site.
- ◆ _work with public bodies to ensure appropriate access and security is provided at Federation Square.
- ◆ _maintain up-to-date and leading edge operating technology for all aspects of the site's activity, uses and presentation.

Operating Principles

All components of Federation Square are to be operated and managed in accordance with this Charter and for the purposes outlined below.

In accordance with the original concept of a new civic centre for Melbourne, Federation Square will boast a three hectare plus open civic plaza as the public focus and meeting place for Melbourne linking the city, the Yarra River and the adjoining Riverside Park.

Civic Square

Use of the Civic Square will be subject to the following:

- _A standard hiring agreement will be formulated and implemented by the management company.
- _Sections of the Square may be hired at market rates to organisations for commercial purposes, where these are consistent with the Civic and Cultural Charter.
- _The Civic Square is to be made available at nil hire cost for appropriate public events organised by non-commercial arts and festival organisations and relevant public sector agencies. Such groups can be required to pay direct event staging costs, including set-up and dismantling, after-event cleaning, security, insurance, power and the management company's handling expenses. Subject to reasonable notice being given, such groups are to be given priority in the use of the Square over commercial hiring.
- _The management company will enforce rules and codes of public behaviour, and ensure an adequate level of supervision in the Square's use by the public.

Other Public Areas

Federation Square's unique urban setting provides a number of enclosed, semi-enclosed and open spaces with a focus on public involvement and interest. These spaces will include a spectacular large atrium, outdoor "garden" areas and courtyards, commercial outlets, an enclosed amphitheatre, tour bus booking service and a visitor services hub.

Contemporary interpretations of botanical themes will be reflected in its design, activity programming and commercial operations.

Hiring and leasing terms and conditions will be determined by the management company.

Museum of Australian Art

With the relocation of the National Gallery of Victoria's entire Australian collection from St Kilda Road to Federation Square, a new museum housing the most comprehensive display of Australian art in the country will be created. The collection will provide a unique experience of contemporary art in the context of the rich history and achievements of Australian indigenous and non-indigenous artists. The Museum will be managed and programmed by the NGV.

The management company will work with the NGV to ensure coordinated programming between the Museum of Australian Art and other venues in Federation Square for key festivals and cultural events.

Cinemia Centre

The Cinemia Centre will be the nation's home for the moving image in all forms. Cinemia, the new institution formed by the merging of the State Film Centre of Victoria and Film Victoria, will manage and programme the Centre to enhance Federation Square as a site for the celebration of screen culture, embracing film, video and multimedia activities.

Cinemia will be responsible for the Centre, excluding television and radio facilities, which will accommodate the multicultural national broadcaster SBS. Cinemia may sub-lease to state and national film or other organisations with the prior approval of the management company. SBS will separately lease its floorspace from the management company.

The management company will work with Cinemia and SBS to ensure coordinated programming between Cinemia, SBS and other venues in Federation Square for key festivals and cultural events.

Retail

Retail outlets will be incorporated within the development on the basis of a relationship/theme with the major users, and upon a level of contribution to the cultural and civic objectives of Federation Square. Food and beverage operations will form part of the retail "offer", and will similarly be required to embrace and enhance the stated cultural and civic objectives.

The management company, in the context of the market niche being targeted will determine leasing terms and conditions. The retail operations will be managed and maintained by the management company, who is also responsible for ensuring coordinated programming exists between retailers and other venues in Federation Square for key festivals and cultural events.

Russell Street Extension

The Russell Street extension will provide vehicle access to Federation Square, pedestrian movement around and to the Square, and to the riverside park. It will provide loading, unloading and short term parking facilities for approved tour bus operators. The following operating principles apply:

- ◆ _the management company may charge fees for bus parking
- ◆ _the management company will enforce rules and codes of public behaviour.

Other Commercial Operations

Portions of the development may be sold, leased, assigned or licensed to commercial operators, for example, rights to develop a tavern and/or other retail and food and beverage/hospitality opportunities.

In any such sale/lease/assignment/license, the management company will ensure that operators comply with the site rules and regulations contained within the Federation Square Precinct Management Agreement. The management company will work with each operator to ensure coordinated programming between each operator and other venues in Federation Square for key festivals and cultural events.

FEDERATION SQUARE CIVIC AND CULTURAL CHARTER Addendum May 2013

The Federation Square Civic and Cultural Charter provides guidance on the ongoing management of Federation Square in accordance with intent of the original project brief and partners. Since the commencement of the project a number of references to dates and names have changed as below. None of the references impact on the intent of the Charter

- _Centenary of Federation celebrations.(Completed in 2001)
- _Melbourne International Biennial (Biennial does not operate)
- _Riverside Park (now Birrarung Marr)
- _Museum of Australian Art (now The National Gallery of Victoria, Ian Potter Centre)
- _Cinemia Centre (now The Australian Centre for the Moving Image)
- _Federation Square Precinct Management Agreement (now a Tenant Lease/Licence)

Appendix C:

Dick Roennfeldt, 'Fed Square was never supposed to be a shopping centre', *Sydney Morning Herald*, 1 January 2018

In the very early days of Federation Square's conceptual development, long before the architects were appointed, two important documents were prepared, a Design Brief and a Civic and Cultural Charter, that would guide and influence future decisions on the design, construction, operation and management of the precinct.

The Design Brief expressed in qualitative terms the intentions and objectives for the project as well as the scope of the physical components.

The Cultural and Civic Charter identified the intended purpose of the precinct and the way it should be managed to preserve its ongoing relevance as a public domain rather than a commercial development.

From the outset the focus was to provide a space for public assembly which had long been lacking in Melbourne. Performance and exhibition spaces were to be provided to attract visitors, with complementary food and beverage outlets to enhance visitor experience. Other commercial facilities were not included as it was not intended to be a shopping centre.

Sadly the decision to offer Apple a commercial presence on the square can only be explained, but certainly not justified, on financial grounds. The spurious justification that no taxpayer funds will be required only begs the question.

Governments are usually poor managers of assets, not providing sufficient ongoing funding for cleaning, maintenance and refurbishment. The facility is allowed to decline over many years until a major refurbishment is trumpeted as a virtue by a new government.

The high cost to operate and maintain Federation Square to keep it fresh and relevant was clearly recognised by the two seminal documents. While the rental income from the complementary food and beverage facilities was to assist with these costs, it was always anticipated that the square would and should receive government financial support. The Apple proposal smacks of an attempt to improve the revenue stream and reduce the demands for government funding.

The proposal offers no other benefits to the square. If the Apple store opposite Union Square in San Francisco is anything to go by, it will provide a shop similar in style to those at Doncaster and Chadstone, catering for a small number of people requiring a specialised service. Hardly likely to increase attendance at the square or add to the interest and amenity for other visitors.

The Apple building itself makes little sense within the architectural cadence surrounding the square. To suggest it will address the difficult issue of access to the riverbank ignores the immutable geometry of level difference between the river and a deck which seeks to match the footpath levels of Swanson and Flinders streets and is required to span the rail lines including Platform 13 on the southern side.

As for Apple, this can hardly be a strictly financial investment given the small potential sales and the high costs of demolition, new construction and, presumably, ongoing site rental. It's only about brand positioning.

For Federation Square it is the start of a slippery slope to commercialisation of a civic facility. If this brings in more revenue why not Tiffany in the western shard or Dior in the Atrium?

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It only takes one bad apple to ruin the whole barrel.

Dick Roennfeldt was Head of the Office of Major Projects, which was responsible for concept development, design and construction of Federation Square.

Appendix D:

Linda Cheng, 'Stockholm council dumps controversial Apple flagship proposal', *ARCHITECTUREAU*, 26 October 2018.

A newly elected governing alliance for the Swedish capital has signed an agreement to drop plans for an Apple retail outlet at a prominent park in central Stockholm.

The store, designed by Foster and Partners, was first proposed in 2016 and would have occupied a privately owned site at the edge of Kungsträdgården in the centre of the city, which dates back to the 15th century. Apple has purchased the site, which is currently occupied by a TGI Fridays restaurant.

Critics of the proposal say the store would have commercialized the public park and the design of the store would block an entrance to the park from Hamngatan, a thoroughfare adjacent to the park.

In April 2016, a majority of Stockholm City Council voted to support the proposal with conditions, including that the building must have two fronts – one facing Hamngatan, which is to be commercial, the other facing Kungsträdgården, which is to be a cafe.

A revised design for the store was exhibited for public comment in July 2018. The new proposal, however, was still widely unpopular with Stockholm residents. A poll conducted by SVT News Stockholm revealed 79 percent of residence though the proposal was “bad” while only 14 percent thought it was “good.”

In September Swedish elections, Stockholm city council’s governing parties – Social Democrats, Green Party and Feminist Initiative – lost their majority. A new alliance forged between the Green Party and an alliance of centre-right parties took power of the council.

The group agreed to halt plans for the Apple store as well as plans for Stockholm to host the 2026 Winter Olympics.

Apple’s senior vice president of retail Angela Ahrendts is behind the strategy to rebrand its shops as “town squares,” that has seen the company seek out retail locations in prominent public places around the world. In Melbourne, a proposal to demolish part of Federation Square to make way for a store has faced fierce backlash, while in Washington D.C., plans to locate a store in Carnegie Library has also faced criticism.