

Fed Square Saved

Hearings to Confirm Heritage Registration Continue

On Friday 5 April, Heritage Victoria issued a determination, refusing the application from Fed Square Proprietary Ltd to demolish part of Fed Square and replace it with an Apple Global Flagship Store. Apple subsequently announced it was withdrawing from the deal. Congratulations to all concerned.

The reasons for refusal bear out the arguments made by the RHSV and others, notably the National Trust and Citizens for Melbourne.

REASONS FOR REFUSAL:

- If the application were approved, and the Yarra Building demolished and replaced with the proposed building, it would result in an unacceptable and irreversible detrimental impact on the cultural heritage significance of Federation Square.
- The demolition of the Yarra Building would result in the loss of significant original built form fabric. Only in exceptional circumstances would a permit be provided for the demolition of a heritage building. Where demolition has been approved by Heritage Victoria in the past it has usually been due to issues relating to contamination or structural integrity. These issues are not present in respect to the Yarra Building.
- The proposed development adversely affects the cultural heritage significance of the Federation Square and its setting as it:
 - presents as a stand-alone building;
 - is visually dominant in relation to the existing buildings;
 - will detract from the design language of the existing buildings and public square;
 - encroaches into the public square; and
 - diminishes the experience of enclosure within the public square.
- Refusal of the permit application will prevent the economic benefits of the proposed use and development being realised. However, while it is accepted that the Yarra Building does not meet the particular functional and operational requirements of an Apple Global Flagship Store, it has not been sufficiently demonstrated that the requirements of a more conventional retail or commercial outlet could not be met without having such a significant impact, or that the proposed development is required or necessary to ensure the economic viability or use of Federation Square as a whole.
- The negative impacts of the proposal are not outweighed by the benefits, including the economic benefits.

Heritage Registration Battle Continues

A Panel of the Heritage Council will conduct hearings next week (15-17 April) to hear arguments about whether the Council should confirm the temporary heritage Registration recommended by Heritage Victoria. Judith Smart, Charles Sowerwine and Ian Wight are representing the RHSV at these hearings and Professor Sowerwine will address the Panel.

Fed Square Proprietary Ltd (FPSL) are not contesting Registration. Rather they are relying on a report by Heritage Architects Lovell Chen, who are providing expert evidence for FPSL, that suggests vague terms for the rules governing future applications for permits to alter or demolish.

Heritage Victoria recommended clear terms on this and the RHSV has strongly backed this recommendation.

Our submission to the Hearing is below.

Monday, 25 March 2019

Submission to the Heritage Council of Victoria regarding Federation Square

The Royal Historical Society of Victoria notes with satisfaction that registration attracts widespread support. We are concerned, however, at the arguments put forward by Federation Square Proprietary Limited to the effect that Fed Square is somehow analogous to ‘the [Royal Melbourne Botanic Gardens] or the Royal Melbourne Zoo[logical Gardens]’ and that the Extent of Registration and Permit Policy should therefore leave ‘dynamic, living’ change open. The Permit Policy proposed by Lovell Chen on the basis of this argument is curious. On the one hand it includes an exhaustive list of exemptions while on the other hand it fudges and fuzzes so many issues that it is hard to be sure just what would be protected under this proposed policy.

Underpinning this proposed policy is an extended argument that the document ‘Submissions by Fed Square Pty Ltd’ sums up as follows:

40. First, like the Gardens or the Zoo, it presents the challenge of balancing the conservation of both fixed, physical elements (the existing built form) and dynamic, living elements (the use as Melbourne’s principal public gathering place). To focus only on conserving the physical form of the existing components of Federation Square would be to preference the dead aspects of Federation Square at the expense of the living.

This argument is a clever attempt to invert the argument for Fed Square’s social significance, an argument the RHSV made in its submission and which was stated by the Executive Director: ‘Federation Square is socially significant to the Victorian community as the state’s pre-eminent civic space for public gatherings’ (‘Recommendation of the Executive Director’, p. 8).

FPSL’s argument is specious. The organic metaphor is irrelevant. FPSL’s argument is couched in inappropriately emotive language contrasting ‘living’ functions with ‘dead’ physical forms. Fed Square is not ‘organic’ and it is certainly not ‘dead’. Like major public squares around the world, Fed Square is a built environment. People are drawn to the experience of that built environment and it is therefore that built environment which Registration must protect.

Fed Square’s social significance is inseparable from its built form and design. Physical form and social function are interdependent aspects of meaning. Together they give places their historical and contemporary significance. The RHSV made this point strongly in its Submission to Heritage Victoria re Permit application P30209:

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

It is this 'composition of masses that frame open spaces' which needs protection by Registration.

It is true that there are intangibles to be protected. Fundamentally, it is what in today's terms is called the 'brand' of Fed Square. It is significant that, following on from Jones' point about the NGV and ACMI not having individual architectural expression in Fed Square, neither of these 'brands' determines the identity of Fed Square; the 'Fed Square' brand transcends the entire complex and all its component parts, just as the architectural unity of the ensemble transcends the individual buildings.

This issue is at the heart of the issue of Permit Policy because it is clear that FPSL is seeking to smooth the way to significant changes to the built environment, since it has already lodged a permit application to demolish the Yarra Building and replace it with an Apple Global Flagship Store. This issue is before Heritage Victoria and we are not seeking to litigate it in regard to the nomination before the Council, but it is relevant to what FPSL intend and what is behind the proposed permit policy.

For the RHSV, the Executive Director's recommendation should be followed in general and in particular in regard to coverage. The ED puts a straightforward policy 'including the land, buildings (exteriors and interiors) [and] the decking. Lovell Chen propose a vague policy that leaves unclear what Registration would mean: 'The registration includes buildings, elements and attributes that are intrinsic to the significance of the place (listed below). The extent of registration also includes elements that are not of heritage significance' (Lovell Chen Statement of Evidence, p. 29). It then offers a lengthy set of vague and subjective 'Design principles'. These 'design principles' would facilitate justification of almost any new building vaguely conforming to contemporary design principles. Their only relevance would be in the event of significant change requiring redesign, as we already know is proposed with the Apple Global Flagship Store.

For all these reasons, the RHSV urges the Heritage Council, respectfully but urgently, to reject the argument put by FPSL for Lovell Chen's proposed Extent of Registration and Permit Policy. Fed Square is not a 'self-regulating organic system' (§47, FPSL Submission). It is a built environment to which people respond and that built environment should be protected. We believe the Council should Register Fed Square with the Extent of Registration and Permit Policy as nominated by the Executive Director, Heritage Victoria, with the exception of technical issues which do not impact upon the built environment as perceived and experienced by the user of Fed Square.

We note in closing the RPV submission calling for exclusion of the Town Hall Station. We do not believe this would be useful. RPV have already been granted a permit for the new station, but it is important that this site, which is still visually part of Fed Square, continue to have heritage oversight.

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

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