



24 January 2019

Ms Erin Williams
Acting Executive Director
Heritage Victoria
8 Nicholson Street
East Melbourne VIC 3002

Via email: heritage.permits@delwp.vic.gov.au

Dear Ms Williams,

Permit Application P30209

Location: Federation Square – 2-20 Swanston Street, Melbourne

Provisional VHR Number: PROV VHR H2390

We refer to your letter dated 24 December 2018 requesting further information under s 98 of the *Heritage Act 2017 (Act)*.

We respond to each of the elements of the request as follows:

1. Digital 3D model of the proposed building

- 1.1 Fed Square Pty Ltd (**FSPL**) is able to provide Heritage Victoria with the opportunity to view a physical model of the proposed built form. Importantly the model reflects the design shown in the 2018 book of plans prepared by Foster + Partners dated July 2018 but does not reflect the modifications listed in the Minister for Planning's correspondence dated 30 September 2018.
- 1.2 An electronic 3D model will be prepared but no 3D model is available to supply at this time.
- 1.3 The physical model is not intended to be updated, nor will the electronic model be completed until the permit application is determined under the Act and any conditions imposed on any permit granted are known and understood by Foster + Partners.
- 1.4 We will continue to actively work with Heritage Victoria to assist with an understanding of the plans submitted with the permit application. The physical model will assist greatly on this front, as do the montage images. Respectfully, it is considered that the plans, montages and the physical model are more than adequate tools to understand the building in its context. To this end, we do not consider advertising the permit application should be contingent on receiving a 3D digital model of the proposed built form.

2. Updated Heritage Impact Statement

- 2.1 We refer you to the attached response drafted by Stephen Davies of Urbis dated 24 January 2019 considering:

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- 2.1.1 why opportunities to adaptively reuse the existing Yarra Building for Apple's purposes were not considered further;
- 2.1.2 the cumulative impact of the proposed works in the context of the approved Metro Tunnel works including the new Western Shard building/station entrance;
- 2.1.3 materiality of the proposed new building and how this responds to the heritage significance and architectural context of Federation Square; and
- 2.1.4 the impact of the proposed public realm works.

3. Rationale for the removal of trees along Princes Walk including whether any options were considered to avoid impacts to these trees.

- 3.1 Foster + Partners and Apple's landscape architect Oculus have advised us in order to realise Apple's design intent, namely to maximise the public realm, create more useable space for visitors and the general public and provide accessible grades, the existing natural ground levels must be modified.
- 3.2 In short, the trees along Princes Walk would not survive the proposed level changes and must be removed.
- 3.3 The landscaping is integral to the design approach and the advancing the principle of enhanced connectivity. Foster + Partners and Oculus developed a landscape dealing with a significant level change by providing multiple means of traversing the gradient including an accessible ramp, contributing to significantly improved DDA accessibility across the site.
- 3.4 A combination of hardscape and softscape seeks to provide space for people to sit, rest and observe the surroundings amongst an arboretum of indigenous tree species. The landscape approach is intended to adopt and extend the undulating ribbon of green seen in the landscaping of Birrarung Marr, connecting it to Federation Square.
- 3.5 The periphery of the development adopts existing features from Federation Square to frame and integrate the new landscape elements:
 - 3.5.1 The area of Kimberley Sandstone is significantly increased and extends through the new areas of hardscaping, visually integrating the new landscape and connecting square to river edge.
 - 3.5.2 The terraces and the lower lawns extend events programming opportunities, as well as public use, informal occupation and activation.
 - 3.5.3 The further greening of the precinct increases ground permeability and reduces the urban heat island effect.
 - 3.5.4 The sloping lawns and tree canopies provide foreground and frame views, increasing the river corridor amenity.
- 3.6 This landscape proposal will not only make a significant contribution to the setting of the Apple store but delicately balances the enclosure of Federation Square with improved connection to the Yarra River, knitting together the edge of the city to the green environment of the river corridor.
- 3.7 Any options seeking to avoid impacts to these trees would result in substantially less connectivity between Federation Square and the public realm.

- 3.8 This would unduly restrict the proposal's ability to vastly improve access to, and usage of, the Yarra Building and Federation Square by virtue of the increased public square civic space, as well as improving the quality of the public square civic space through the creation of an amphitheatre, improved pedestrian access to the Yarra River (and beyond that to, Birrarung Marr) and the general public realm improvements set out above.
- 3.9 Importantly, the proposed indigenous replacement tree species respond to Melbourne City Council's *Urban Forest Strategy* and *Central City Urban Forest Precinct Plan 2013-2023* and will provide increased seasonality and biodiversity.
- 4. Detail of the means proposed to protect the Labyrinth during works**
- 4.1 The Labyrinth system is below grade and is structurally isolated. It will be entirely retained and unaffected by the proposed development, observing the works will not penetrate the Labyrinth.
- 4.2 It follows constructing the proposed development will have no impact on the Labyrinth and no protection is required or proposed.

We trust this information responds to your request and anticipate the permit application will be advertised as soon as practicable. Please contact Sharon Pollard on 03 9655 1940 or sharon.pollard@fedsquare.com if you have further questions.

Yours sincerely,



Jonathan Tribe
Chief Executive Officer
Fed Square Pty Ltd



24 January 2019

Executive Director
Heritage Victoria
Level 7, 8 Nicholson Street
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FEDERATION SQUARE: 2-20 SWANSTON STREET, MELBOURNE

REQUEST FOR ADDITIONAL INFORMATION: HERITAGE PERMIT APPLICATION P30209

In response to the permit application received for the subject site, the Acting Executive Director of Heritage Victoria (HV), Erin Williams, requested additional information on a number of matters. I respond to those matters relating to the Heritage Impact Statement, being:

- why opportunities to adaptively reuse the existing Yarra Building for Apple's purposes were not considered further;
- cumulative impact of the proposed works in the context of the approved Metro Tunnel works including the new Western Shard building/station entrance;
- materiality of the proposed new building and how this responds to the heritage significance and architectural context of Federation Square; and
- the impact of the proposed public realm works.

Why opportunities to adaptively reuse the existing Yarra Building for Apple's purposes were not considered further

The opportunities to adaptively reuse the Yarra Building have been thoroughly examined.

The Yarra Building is acknowledged as having the same design typology as the principal buildings in Federation Square, however the building's design history and location result in ongoing economic and functional difficulties. The issues here relate to a building being fit for its purpose. This has been the inherent difficulty associated with the building. The Yarra Building, originally known as the 'South Commercial Building', was always intended to be a commercially viable building when the initial design was altered. The original intent for this site was for a pavilion to be erected which had a relationship with the Yarra River. Notwithstanding that the building is now called the 'Yarra Building', it is, along with other buildings adjacent to Princes Walk, physically alienated from the Yarra River by its design and associated landscaping.

The Yarra Building and its history is not properly documented in the proposed Statement of Significance. The National Trust of Australia (Victoria) did not analyse the history effectively in its nomination for inclusion in the Victorian Heritage Register. Describing the history of a building's design and subsequent occupation as a contributor to the Federation Square is insufficient. This is an aesthetic checklist rather than an analysis of the contribution of buildings to a place. The National Trust of Australia (Victoria) states that significance of the site is 'dependent



on its presentation as a unified whole.’ There is no explanation of the meaning of this statement or identification of the parameters for change. No relative significance is attributed to the criteria.

This is the inherent problem that can occur when a site is proposed to be included in the Victorian Heritage Register in a relatively short period after construction because the issues relating to design and economic hardship have not had sufficient time for resolution.

The Yarra Building however currently poses economic challenges associated with the struggle to tenant the main floor space of the building and the ground level food and beverage spaces. The economic challenges of the Yarra Building are being experienced in a broader context where Fed Square Pty Ltd (FSPL) faces even greater economic difficulties related to the whole place.

There has been a high turnover, requiring repeated redesign of spaces for food and beverage. The area currently occupied by the Yarra Building was originally intended to be the ‘greenhouse’ component of the original design for Federation Square, in line with original brief to designers. This was deemed appropriate in order to ensure permeability and a connection with the Yarra River.

The planned use of the Yarra Building for commercial purposes including a bookstore, in the vision of the architects of Federation Square, has not come to fruition, for reasons related to various limiting physical characteristics of the Yarra Building. (i.e. internal access, floor plates and shopfront areas are all sub-optimal).

In dealing with the application there are a number of matters that come to mind and have been explored by FSPL. Why Apple? and what about other uses? If Apple, then why a new building?

This is a complicated issue extending beyond simple matters of floor plates or shop fronts. It is based on the opportunities for economic viability of the site, a better urban design outcome and the activation and reinvigoration of a place that is failing financially but represents a State significant place both historically and socially. The charters and policies for heritage are generally aesthetically based and the social and associational significance of a place requires a more complex approach.

Foster + Partners, who work with Apple stores, reviewed the existing Yarra Building and its potential for re-use as well as the opportunities a new structure might offer. Foster + Partners notes several aspects of the Yarra Building that cannot meet its client’s brief;

- the internal area of the Yarra Building, approximately 3,902 sqm, significantly exceeds the area required by the client’s brief, observing the combined footprint of both levels of the proposed building is approximately 1,147sqm;
- the limited internal floor to floor heights, approximately 4 metres, will not deliver the spatial qualities required by the brief, observing the floor to floor height of levels 1 and 2 of the proposed building are 5.34m and 6.07m respectively;
- the irregular internal column grids and internal configuration would not accommodate the internal layout required;
- the multi-level ground floor is not suitable for the proposed design; and
- the current location of the elevators and escalators would not accommodate the client’s brief and would require removal and relocation.

It follows the entire building would have to be re-structured – removing columns, reducing floor plates, increasing structural spans, restructuring the cladding support system, relocating



staircases, elevators and cores and entirely redesigning the building services to accommodate the Apple Global Flagship Store to the highest standards.

This effectively requires demolishing the interior of the building. Structurally, this would render it impossible to effectively retain the exterior structure and cladding which is integral to the overall construction. The exterior is a façade to a complex commercial building that has not proved fit for its intended purpose.

It is considered that this is the opportunity to connect a new building to the Yarra River in accordance with the original design intent. At the very start of this process the significance of Federation Square and its importance to the community was identified. A meeting with Donald Bates was arranged to fully understand the LAB Architects design principles behind the built design. Those early discussions identified that the Yarra Building was a commercial building introduced into the masterplan at a later stage in place of the 'Greenhouse Structure' which had allowed for a better connection between the Square and the Yarra River. Connectivity had therefore been a strong principle of the original competition scheme which had not been fully realised. A walk around the Yarra Building clearly illustrates the poor connectivity of this building and the site to the river and the poor urban design solution that has resulted. In essence, the original concept was redesigned for economic imperatives and this was ultimately not a successful outcome either economically or from a site planning viewpoint.

Professor Donald Bates states:

"The primary point I wish to convey – as one of the authors of the architectural design of Federation Square – is that it is inappropriate and inadequate to evaluate and propose heritage design constraints on the Federation Square based on experiences with previous design methods and characteristics. Both because of its particular circumstance and because of the particular design logic that underwrote the winning and implemented design, it is necessary to take into account a more fluid, more provisional genesis of the design, one that is not open to all possible interpretations, nor is it a design that is fixed and locked into a formal embodiment."

The answer is complicated as the current Yarra Building fails to attract suitable tenants for its intended purpose to activate and financially support the other uses of Federation Square that have a more cultural purpose. The building is not an easy building to adapt due to its particular internal configuration. The interiors do not form part of the proposed nomination and have not been analysed by the National Trust of Australia (Victoria) in its nomination. In our evaluation this interior does not reach the threshold for individual recognition, unlike the NGV Gallery which was specifically designed for its use.

In relation to the economic evaluation the question that must be asked is whether an 18 year old building should be retained, notwithstanding its façade design, if it is not fit for economic and urban design purposes?

In answer to that question a number of matters must be considered that are included in the 'Economic Analysis accompanying the Application for Federation Square' prepared by Urbis (20 December 2018):

- *The permit application to enable an Apple Global Flagship Store to replace the Yarra Building does not result in a change in the nature of the continued historic use of the site (i.e. commercial).*
- *The proposed Apple Global Flagship Store is a 'reasonable use' of the site.*

- *Over many years, indeed since inception, the economic use of the Yarra Building has been problematic. The location and design of the building is sub-optimal for commercial purposes, and arguably for cultural purposes as well, and consequently there has been a very high turnover of tenants, despite relatively low rents.*
- *The current use of the Yarra Building is not a viable economic use for Federation Square and affects the sustainability of Federation Square as a whole because FSPL is required to subsidise cultural uses and events.*
- *Historically, the Yarra Building has not lived up to expectations. In the past year it has attracted only 1.9% of visitors to Federation Square, and only 0.6% of visitors to Federation Square have visited the Yarra Building and done something else in Federation Square. The nexus value of the Yarra Building, in economic terms, is therefore very low.*
- *Given the importance of commercial uses with Federation Square to FSPL's ability to be self-funded, the current and likely future financial performance of the Yarra Building in the context of Federation Square as a whole is critical to FSPL's long term financial sustainability.*
- *The proposed development will vastly improve access to, and usage of, the Yarra Building site and Federation Square by virtue of the increased public square civic space, the improved quality of the public square civic space through the creation of the amphitheatre, pedestrian access to the Yarra River (and beyond that to, Birrarung Marr) general public realm improvements, and attraction of a larger and broader visitor base.*
The proposal will improve physical access by the introduction of an accessibility ramp. The current situation is physically difficult with poorly resolved design between the River and Federation Square and Flinders Street and this will be greatly improved.
- *The economic use of the subject site, and Federation Square as a whole, would be adversely affected by refusing the permit application for the following reasons:*

As noted by the Victorian Auditor General, and by adopting the Auditor General's methodology for recent years, Federation Square is categorised as a 'high risk' entity. This 'indicates 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. Over the long term, such financial challenges may reduce the service potential of assets and consequentially, reduce the services that can be provided to the community'¹. The assessment is based on four indicators that identify short and long-term risks – Underlying Result, Liquidity, Self-Financing and Capital Replacement.

FSPL's financial position is not sustainable under present conditions given the imperative to fund a substantial Capital Expenditure program for the replacement of critical infrastructure (i.e. urgent maintenance). CapEx/additional maintenance costs for the Operational Action List in the Asset Plan are over and above normal maintenance requirements. Over approximately the next decade a budget amount of \$6.15 million per annum (escalated at the Building Cost index), in addition to the current \$2.7 million of operational funds currently invested, are required to be set aside.

¹ Victorian Auditor-General, 'Portfolio Departments and Associated Entities: Results of the 2013–14 Audit, p.19



The required CapEx funds are not available from FSPL’s operations which calls into question the economic sustainability of the entire asset under the Base Case, let alone the Worst Case.

Financial comparison of the proposed development with the refusal position indicates a net detriment equating to a burden on the public purse of around \$40 million over ten years in constant dollar terms.

In the event of the permit application is refused, FSPL will experience considerable adverse economic impact associated with the decline in commercial activity at Federation Square. The proposed loss of the Yarra Building will be acceptable given the appropriateness of the high-quality, design-excellence of the proposed new AGFB designed by designed by architects, Foster + Partners, and Oculus landscape architects. It is noted that the construction and architectural plans submitted with the application are not fully detailed and it would therefore be appropriate to apply conditions to a permit to the satisfaction of the Executive Director.

From a heritage perspective the issue of economic hardship is pertinent at a State level. Cultural institutions rely heavily on external funding to assist with ongoing operations or additional income from associated development to support them. The Yarra Building was designed as an economic lever for Federation Square however the building is not performing the function for which it was constructed. It did not achieve its original design or subsequent financial intent.

BURRA CHARTER

In dealing with such a matter for the replacement of an original building in a collection of buildings that form a significant place it is useful to have regard to the processes and articles of the Burra Charter. A matter of consideration is the determination of significance of a place and the relative importance of fabric over historic, social and associational significance and the ability of the place to perform as a significant place over time.

These factors have been considered in the decision to replace rather than adapt the building.

Table 1 – Analysis of the proposal against the relevant articles of the ICOMOS Charter for Place of Cultural Significance, 2013

<p>Preamble: Why Conserve?</p> <p>Places of cultural significance enrich people’s lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious. These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity. The Burra Charter advocates a cautious approach to</p>	<p>In the current application for the replacement of the Yarra Building FSPL has taken a very cautious approach. This design development process has involved a comprehensive consultation process. For example:</p> <ul style="list-style-type: none"> • The Government took advice from the Office of the Victorian Government Architect who also engaged with Professor Donald Bates for incorporation of his feedback. • The City of Melbourne, including Mayor, Councillors and staff, were briefed by the Government Architect and Professor Donald Bates.
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<p>change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.</p>	<ul style="list-style-type: none"> • In response to this briefing a Steering Committee was formed to provide feedback throughout the design development process. This Committee included representatives from Melbourne City Council, the Victorian Government Architect, FSPL and DWELP. A workshop with Professor Bates was included in this process. • Fosters+ Partners has been in a consultative process with the Steering Committee to refine the Apple's concept design. • There has been extensive consultation with the original architects including Roger Poole, formerly of BatesSmart. <p>The analysis has involved the minimum removal of fabric as part of the overall site but is designed to result in the potential benefits in physical and design terms of the replacement of the building for the overall cultural enjoyment of the place.</p> <p>Can the significance of a place be increased by the removal of certain fabric when the benefits provide for the enhancement of other criteria than aesthetic? There is little discussion of the precedence given to the various criteria in listing however in the case of Federation Square it is considered that the historic and social associations with the creation of the Square, and its continued enjoyment, form the most important heritage considerations.</p> <p>The aim of the application is to enrich people's lives in a place that has special meaning for the people of Melbourne - as a meeting place and a place for celebration.</p>
<p>3. Cautious approach</p> <p>3.2 Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.</p>	<p>The application for change has been rigorous and well documented. This is a cautious approach with long term positive benefits.</p>

5. Values

5.1 Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

This is a critical Article in the consideration of this application.

The Executive Director of Heritage Victoria states in his assessment of cultural heritage significance that the place satisfies 6 out of the 7 of the Heritage Council of Victoria's criteria for assessment at the State level. The question arises in a complex site whether the proposal would change the threshold of any of these criteria if the application were to proceed?

Examples of places less than 50 years after completion before listing were provided by HV. There are examples where the place is a single entity such as the NGV, Victorian Arts Centre and Shell House. No discussion is provided in relation to the changes made over time to the NGV or VAC. It is agreed that such places, including the Sydney Opera house, are listed and then due to the operational imperatives, technological advances and accessibility requirements that these places, within a structured framework, are altered with due regard to the overall significance of the site. In a similar manner it is not expected that all of the elements of Mowbray College, Melton, constructed between 1982 and 1997, are of equal significance.

The listing of a place may be accepted and the amount of change must be evaluated against the individual criterion.

In the case of Federation Square the subject application is not considered to affect criterion A, D, F, G or H in terms of the threshold of significance for state listing.

In the case of Criterion E – importance in exhibiting particular aesthetic characteristics - it is acknowledged that the Yarra Building has the language of design that contributes to the architectural recognition of the place. The accumulated impact of the proposal is dealt with under the next heading in this report

	<p>where it is concluded that the accumulated impact is not such that it will detrimentally affect the significance as a whole and in fact it contributes to the overall relevance of the place for other criterion.</p>
<p>5.2 Relative degrees of cultural significance may lead to different conservation actions at a place.</p>	<p>The actions related to this application are considered to add to the values of the Square as a social and cultural asset to the City of Melbourne. The vitality provided by the proposal, the security it offers for the other recognised buildings and the urban design attributes it offers in terms of the original design intent are such that the proposal is positive from a heritage viewpoint. Would one leave the Concert Hall of the VAC and the Opera House, both undergoing change and removal of significant fabric, without alteration at the expense of the provision of comparative inadequate productions and an economic disadvantage?</p> <p>Removal of a large section of the original grand stair adjacent to the Concert Hall of the Opera House, for example, may affect significant Utzon fabric however the theatre will not be able to operate without the accessibility that results from the change. This will not affect the building's status of the World Heritage List.</p> <p>In the same manner the loss of some of the overall Federation Square complex does not result in the ability to list and recognise its aesthetic attributes.</p>
<p>6. Process</p> <p>6.1 The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process. 6.2 Policy for managing a place must be based on an understanding of its cultural significance.</p>	<p>The HIS prepared for this application and this supplementary report clearly describes that the correct Burra Charter process for this application has been followed.</p>



<p>6.3 Policy development should also include consideration of other factors affecting the future of a place such as the owner's needs, resources, external constraints and its physical condition.</p> <p>Policy 6.4 In developing an effective policy, different ways to retain cultural significance and address other factors may need to be explored.</p> <p>6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.</p>	<p>Complies. The application has clearly made a case for the owner's needs, resources, external constraints and physical condition. In the last consideration it is not only the internal condition of the building but the physical conditions for the site that were an outcome of the changed original concept that contribute to the development of a policy for the place.</p> <p>These matters have been explored and have been fully documented in the HIS for this application.</p> <p>This application has resulted in changed circumstances for the site since the original construction requiring a new perspective on relative significance and the opportunities provided for the site by the application.</p>
<p>7. Use</p> <p>7.1 Where the use of a place is of cultural significance it should be retained.</p> <p>7.2 A place should have a compatible use.</p>	<p>Complies.</p>
<p>Article 8. Setting Conservation requires the retention of an appropriate setting. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate</p>	<p>The setting of the place has been respected. The original design concept for Federation Square provided for a lighter structure on the subject site. The proposal actually returns the site to the original concept with a lighter pavilion and transition to the river, enhancing the setting of the Square. This has been one of the missing elements. The demolition and new construction, within the limits of the proposed design parameters, as discussed later in this report, provides for the reinstatement of the original design intent for the setting.</p>
<p>Article 15. Change</p> <p>15.1 Change may be necessary to retain cultural significance, but is undesirable where it reduces cultural significance. The amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.</p>	<p>This has been discussed above under 'Values'.</p>

<p>15.2 Changes which reduce cultural significance should be reversible, and be reversed when circumstances permit.</p>	<p>Although there is some change to the cultural significance of the place by the application the proposal is not reversible. Because it is positive it does not require reversal in this case.</p>
<p>15.3 Demolition of significant fabric of a place is generally not acceptable. However, in some cases minor demolition may be appropriate as part of conservation. Removed significant fabric should be reinstated when circumstances permit.</p> <p>15.4 The contributions of all aspects of cultural significance of a place should be respected. If a place includes fabric, uses, associations or meanings of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.</p>	<p>The relative significance of the place has been discussed above and will be dealt with as part of the impact of cumulative change, below.</p>
<p>Article 22. New work</p> <p>22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.</p> <p>22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.</p>	<p>The proposed new Yarra Building for Apple is in the final stages of design. The final concept provides for a contemporary addition that does not mimic the existing building however it does provide a number of elements that reflect the original design philosophy, including transparency, materials, screens and pattern.</p> <p>The Burra charter states that ‘New Work’ should “respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and materials. Imitation should generally be avoided”. In the subject case the proposal, as stated, complies with the intent of the Charter and the process to achieve this has been through a reference panel. The design of the building has been revised through the process to not only be seen as contemporary design but to respect the principles of the original design intent in a new manner as preferred by Prof Bates, the original design architect.</p>

<p>Article 27. Managing change</p> <p>27.1 The impact of proposed changes, including incremental changes, on the cultural significance of a place should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.</p> <p>27.2 Existing fabric, use, associations and meanings should be adequately recorded before and after any changes are made to the place.</p>	<p>Refer to the next section of this report for the discussion on cumulative change.</p>

Cumulative impact of the proposed works in the context of the approved Melbourne Metro Tunnel works including the new Town Hall underground station entrance

The new Town Hall train station entrance will be erected on the site of the former Western Shard building. Notwithstanding that the Western Shard was modified from its original design after objections, including the National Trust of Australia (Victoria), the current proposal was approved without controversy as a simple well-mannered design. This building has a greater impact on the public perception of the Square than the Yarra Building as it is the entrance to the Square and the area most people appreciate. This Western Shard has not only been controversial in its design history, involving public and political response, it has also been the entrance to Federation Square, providing the public interface to the journey up and into the Square from Swanston Street. It was originally designed to be the anchor to the corner providing the design language for the overall design. It represents the opportunities for substantial change in a large built structure involving a complex political process of development and financial sustainability.

The question is whether the accumulation of works can lead to a perception of the demolition or loss of a place. It is considered that the replacement of the western shard has not led to the change in perception or significance of the Square. This is due to the complexity of the Square, the levels and undulation in the floorplate and the complexity of the geometry of the site. There is no single focus point in the overall Square.

In this regard the Yarra Building makes a strong contribution but is not a key marker in the complexity of the Square which is dominated by the Ian Potter Centre, NGV, The Atrium, the Deakin Edge Auditorium and The Alfred Deakin Building.



I consider that the loss of the Yarra Building is not at the point where accumulated change is unacceptable. In heritage conservation terms the loss of over 50% would be considered to be the demolition of the place and the subject change is considerably less.

Having regard to its location, the view lines, the opportunities for a new urban design outcome, the lack of significance of the interior, the low percentage of loss and the economic under-utilisation of the Yarra Building as a contributor to the Square both from an economic and active point of view, it is considered that the cumulative impact will not meaningfully reduce the heritage significance of the site as a whole. The revitalisation and attraction of the Apple Store Global Flagship to the precinct will add to the identified significance of the place by drawing people into the Square providing economic sustainability of the place as a whole.

The cumulative impact on the Square as a congregation point and place to attend cultural events will be complemented and sustained by the proposal. This will have a cumulative positive economic and social impact.

Materiality of the proposed new building and how this responds to the heritage significance and architectural context of Federation Square.

The architect for the proposed pavilion, Foster + Partners have responded to the issue of materiality in the following manner:

“The rationale for the proposed material palette is one of quality, simplicity, transparency, solidity, emphasising the sculptural quality of the massing. The existing Federation Square palette of glass, stone and metal panel is reflected in the proposal and composed in a similar, layered arrangement.

Similar to the several buildings in the campus we propose to run the existing external sandstone paving through the ground floor of the store enhancing the principles of connectivity and integration. It is also intended that a similar, or complimentary stone, is applied to the internal and external finish of the east side core. The materiality of the core emphasises its solidity, reflecting the expression of the cores of adjacent buildings - the ‘shards’ of Federation Square as they have been termed.

The remainder of the Ground floor elevation consists of a fully glazed, frameless system that sits behind the V column structure – a similar layered arrangement to the supporting structure for the cladding systems of adjacent structures. The flat external soffit of the ground floor is to be clad in high quality, large format metal panels with matt finish, reflecting the use of metal throughout the precinct.

The upper floor is also wrapped in glazing but set back behind metal screens giving an overall impression of solidity whilst maintaining views, daylight and controlling solar gain. This approach is an interpretation of the stone and metal/perforated metal screen around the campus giving depth and layering to the elevation by contrasting solid, void and opacity. The screens themselves are also layered to give depth and varying degrees of opacity to address solar gain and views out from the interior. It is proposed that the bespoke solar screens are painted aluminium extrusions within frames, painted to match the screen. The operating system that allows the screen to slide open when appropriate would be integrated within the



floor and roof edge. When slid open the solar screens expose large format, glazed balustrades to the open terraces with warm timber floor and soffit. The palette is therefore paired back and simple yet high quality, embodying the spirit of technical advancement and utilising local materials wherever possible."

The proposed building is 'new' in the context of the Burra Charter as discussed above. It is however, as described, a developed design that has had regard to the Steering Committee and feedback provided on the scheme. This is the issue that provides the most focus as the 'fit' of the new building is important so that it does not jar or feel foreign in the background of abstract pattern. Not all buildings on the site are patterned, however a building in this location should have detail to respect the placement in the abstract geometry. The developed design will meet that objective.

Federation Square has the elements of simple finishes and the surfaces of patterned geometry. The Yarra Building falls between two buildings without pattern and therefore is able to have its own materiality without being discordant with its neighbours, the Screen and the Deakin Edge. This materiality has been the subject of much design discussion, as outlined above, and provides for a contemporary realisation of the complexity of the Square. In my opinion, the design should not copy the pattern of the geometry and this has been supported by Professor Bates. The idea of a complex layered screen over the simpler, almost, Miesian box is one which is not unlike the existing buildings which rely on a patterned surface on a screen over standard construction. The materiality of Federation Square is reliant on similar techniques to that proposed by Foster + Partners and the design process has resulted in a building of compatible design for the present circumstances.

The Impact of the Proposed Public Realm Works

The landscaping and paving is an integral part of the design of Federation Square. The *Nearamnew* was commissioned by the Federation Square Public Art program and designed by public artist and academic Paul Carter in collaboration with Lab Architecture Studio. The artwork was created specifically for the Square to commemorate Federation, referencing the global, regional and local levels found in a federally organised society. This artwork is reliant on the paving system and as stated above, *'similar to the several buildings in the campus we propose to run the existing external sandstone paving through the ground floor of the store enhancing the principles of connectivity and integration.'*

This integration of the public realm into the building and beyond provides a strong link to the initial design concept for Federation Square.

Perhaps the most important aspect of the design is to connect Federation Square to the Yarra River . The initial concepts for the Yarra Building site were designed to achieve this, however the early economic implications for the Square influenced the current building. This site has, from its inception, been an economic support for the viability of the larger complex and this is recognised in the current proposal. Foster + Partners has stated that:

"The landscape approach adopts and extends the undulating ribbon of green seen in the landscaping of Birrarung Marr and connects Federation Square and Flinders Street Station. The periphery of development adopts existing features from Federation Square to frame and integrate the new landscape elements. The area of Kimberley sandstone is significantly increased and extends through the new areas of landscaping visually integrating the new landscape and connecting Federation Square to river edge".



The outcome of the proposal is an improved relationship between the Square and the Yarra River. The current relationship is poor and involves difficult changes in levels and poor accessibility. The Yarra Building encloses the site without facilitating communication between Batman Avenue and Flinders Street. The National Trust of Australia (Victoria) noted in their listing submission provided at Fig. 7 'the proposed site plan when released to the public when the winners of the design completion were announced in May 1997.' It is noted that this site plan does not include the Yarra Building but a 'rainforest greenhouse' and a different configuration of the proposal with an opening adjacent to the 'greenhouse' to allow the internal Square to open to the river. This opening was narrowed through the subsequent design process and trees have grown to obscure this relationship.

The opportunity presents itself with the proposed design for Apple to remediate this situation, provide for accessibility, provide a more suitable landscape design and contribute to the original vision whilst being supportive of the long term viability of and visitation to Federation Square.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen Davies". The signature is fluid and cursive, with a small dot at the end.

Stephen Davies
Director