

PROV H2390 Federation Square, 2-20 Swanston Street MELBOURNE

Permit Application P30209

Why has Heritage Victoria assessed a permit application for the place?

On 1 August 2018, Heritage Victoria accepted a nomination to include Federation Square on the Victorian Heritage Register under the provisions of the *Heritage Act 2017*. Concurrent with the acceptance of nomination, Heritage Victoria made an Interim Protection Order over Federation Square. In December 2018, the Interim Protection Order was extended until 31 August 2019.

The Interim Protection Order allows for a permit application to be lodged with Heritage Victoria prior to a determination by the Heritage Council of Victoria to include or not include the place on the Victorian Heritage Register.

When will a determination be made to include or not include Federation Square on the Victorian Heritage Register?

The Heritage Council — an independent statutory authority established under the *Heritage Act 2017* — determines which places and objects are included in the Victorian Heritage Register. The Heritage Council bases its decision on consideration of the recommendation of the Executive Director of Heritage Victoria, submissions it receives in the advertising period and any hearing it holds.

On 11 October 2018, the Executive Director of Heritage Victoria made a recommendation to the Heritage Council to include Federation Square in the Victorian Heritage Register.

A hearing is scheduled for 15-17 April 2019 and a determination by the Heritage Council on whether Federation Square is included or not included on the Victorian Heritage Register is expected in mid-2019.

What was the permit application for?

On 20 December 2018, Federation Square Pty Ltd applied to Heritage Victoria for a permit under the *Heritage Act 2017* for the redevelopment of part of Federation Square and upgrade of part of the public realm as part of the establishment of an Apple Global Flagship Store including:

- Dismantling and demolition of the existing Yarra Building above basement level.
- Construction of a replacement building including construction of two levels above plaza level and undertaking works associated with the existing below plaza levels
- Undertaking public realm upgrade works around the replacement building.

The permit application was advertised between 30 January 2019 and 13 February 2019. More than 3,418 submissions were received.

Why has the permit application been refused?

The *Heritage Act 2017* requires the Executive Director of Heritage Victoria to consider various matters in determining a permit application including the extent that the application, if approved would affect the cultural heritage significance of the place; the extent that refusal would affect the reasonable or economic use of the place; and any submissions received in response to public notice of the permit application.

On 5 April 2019 the Executive Director of Heritage Victoria refused the permit application for the following reasons:

- 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.