

23 March 2017

Mr Damien Welch  
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**Re: Registration Hearing Submission-in-Reply – Shell House, 1 Spring Street, Melbourne 3000**

Dear Mr Welch,

As outlined in our Main Submission, the National Trust of Australia (Victoria) supports the Executive Director's (ED's) recommendation to add Shell House to the Victorian Heritage Register. The significance of the place at the State Level has been clearly outlined in the nomination to Heritage Victoria prepared by Jon Hickman (with accompanying expert advice from Helen Lardner for HLCD Pty Ltd), in the subsequent Assessment of Cultural Heritage Significance and Executive Director Recommendation to the Heritage Council, and in the additional Main Submission prepared by Jon Hickman with expert evidence from Helen Lardner of HLCD Pty Ltd (HLCD).

Further, we make the following submission-in-reply addressing the contested view of the ED's proposed Permit Policy and Permit Exemption outlined in submissions by Planning & Property Partners (PPP), acting on behalf of owners Phillip Nominees, with expert evidence provided by Lovell Chen Architects and Heritage Consultants (LC).

**Proposed Permit Policy and Exemptions**

As noted in our Main Submission, the National Trust supports the ED's proposed Permit Policy (and Permit Exemptions more generally) which specifies the following (pg. 8-9):

*All of the land identified in Diagram 2365 is of primary cultural heritage significance. The retention of the following is encouraged:*

*Internal:*

- *The main Spring Street foyer, including the mural Bathers and Pulpit Rock.*
- *The mezzanine level area.*
- *The Flinders Street entry foyer and stairs.*
- *The former staff cafeteria accessed at the mezzanine level.*
- *The Flinders Lane foyer and conference centre level (including corridors, theatrette and meeting rooms)*
- *The vertical lift core including all lifts and each floor foyer.*
- *The spiral staircase that connects Levels 27 and 28*
- *The open, light and spacious interior aesthetic created by the uniform 15 metre wide column-free space from the services core to the external windows.*

*External:*

- All external plazas.
- The Spring/Flinders Street plaza sculpture 'Shell Mace' by Charles O Perry.

PPP, on behalf of the owners of the site, submit that the proposed permit policy that all land proposed for the extent of registration is of primary cultural heritage significance 'has not been substantiated and is unjustified' (pg.7). Further, PPP have expressed the view that the proposed permit policy should 'not identify elements of significance when significance is not established', and that:

*It is readily apparent that the significance of the place relates to its architecture, notably its aesthetic qualities. The emphasis in the permit policy and statement of significance should be therefore placed on those elements from which the significance is derived. (pg.7)*

As noted in our Main Submission, the high level of intactness and integrity of elements, and the wholeness of Seidler's original design and intent, fundamentally contribute to the cultural heritage significance of the place. This is particularly highlighted through the ED's recommendation that the place represents a notable and highly intact example of its class in Victoria, through the identification of Criterion D at a State Level. As such, the National Trust does not agree with PPP that the ED's recommendation that the entirety of the place is of primary cultural heritage significance is unsubstantiated or unjustified. Further, the National Trust strongly refutes the assertion that the significance of the place only relates to the exterior aesthetic and architectural qualities.

#### **Flinders/Spring Street Plaza versus Flinders Lane Plaza**

Specifically referencing the Flinders/Spring Street Plaza and the Flinders Lane Plaza, PPP have included the following assessment in their Main Submission (based on the advice of LC):

*It is the exterior of the building, and in particular the plaza to Flinders and Spring Streets, including the Charles Perry sculpture which provides the primary significance for the heritage place. A distinction should therefore be made in the permit policy between the Flinders and Spring Street plaza and the plaza addressing Flinders Lane. While the Flinders Lane plaza is part of the design, it should be regarded as being of lesser importance. This should be acknowledged in the permit policy (pg. 40)*

The National Trust would again like to point out the wholeness of Seidler's original design and intent in reference to the assessment of the Flinders Lane plaza. We submit that the Flinders Lane Plaza is an integral and intact element of Seidler's original design (including retaining its original landscaping) in its own right and insofar as it responds to the overall S-shaped curvature of the building itself. While the Flinders Lane Plaza may not be as prominent as the Flinders/Spring Street Plaza as it relates to primary street frontage, or be as strong 'in terms of functional and design importance' (as argued by LC on pg. 33 of their expert evidence), it compositionally forms 'part of the podium-free tower design response' (LC pg. 33), and if altered unsympathetically (or removed and/or redevelopment completely), would significantly impact and undermine the cultural heritage significance of the place. In summary, we do not believe that the Flinders Lane Plaza should be relegated to secondary or contributory importance in the permit policy (or become permit exempt).

## Interiors

As noted by PPP (pg. 41):

*In relation to the interiors of the building, only the key public spaces should be identified as being significant. However, as the policy is presently drafted, all aspects of the interior have been identified as being ‘encouraged’ for retention. This is presumably on the basis of asserted significance. However, there are aspects of the building which are not as important as others. For example, the office floors are not at all important. Similarly, the vertical lift cores and lifts should not be considered to be of ‘primary cultural heritage significance’ for which retention should be ‘encouraged’.*

Various internal elements are included in the ‘Description Summary’ under ‘What is Significant’, as proposed in the ED’s report (pg. 4). The following are particularly relevant in responding to the arguments put forth by PPP and LC. Elements of clearly established primary significance (or ‘key public spaces’ as identified above), have not been included or identified in the list below:

- *The core of the building, containing lifts and amenities, is located on the off-view north side and the office floors wrap around this core*
- *...set of escalators which lead to the mezzanine level and then to the conference centre level which provides access to meeting rooms arranged around a circular light well, an auditorium and a narrow secondary pedestrian plaza entry from Flinders Lane.*
- *The mezzanine level provides access to a former cafeteria space, with built in seating arranged around the base of the light well, a servery and adjoining commercial kitchen.*
- *The top two floors of the office tower contain an executive suite with external terrace garden, garden court and spiral granite staircase between levels.*

The assessment of each of the above as being of primary cultural significance has been contested by PPP and LC as they do not represent ‘key public spaces’ in the building’s interior. The table below summarises this assessment, including an assessment undertaken by HLCD, further supported by expert advice from Professor Phillip Goad (regarding specifically the ‘rooftop and multi-level gardens planned and designed by Seidler’). The final column in the table below represents the assessment of cultural heritage significance by the National Trust of both internal and external features, based on the assessment of the ED, PPP and LC, and the HLCD. Further, all elements specified in the table by the National Trust represent elements that are of primary cultural heritage significance to the place and should be included in the Statement of Significance, the Permit Policy and should not be permit exempt (differences between the four submissions highlighted in red, blue and green respectively).

<b>ED Assessment of Cultural Significance, pg. 8</b>	<b>LC Main Submission, pg. 34</b>	<b>HLCD PTY Main Submission, pg. 5</b>	<b>NTAV Submission in Reply</b>
<b>Exterior</b>	<b>Exterior</b>	<b>Exterior</b>	<b>Exterior</b>
All external plazas	The Spring/Flinders Street corner plaza	All external plazas	All external plazas
The Spring/Flinders plaza sculpture ‘Shell Mace’ by Charles O Perry	The plaza sculpture ‘Shell Mace’ by Charles O Perry	The plaza sculpture ‘Shell Mace’ by Charles O Perry	The plaza sculpture ‘Shell Mace’ by Charles O Perry

ED Assessment of Cultural Significance, pg. 8	LC Main Submission, pg. 34	HLCD PTY Main Submission, pg. 5	NTAV Submission in Reply
		The roof-top and multi-level gardens planned by Seidler	The roof-top and multi-level gardens planned by Seidler
		The integrity of the innovative technology, including the 'brises-solei' (sunshades), energy efficient grey glass and daylight sensors	The integrity of the innovative technology, including the 'brises-solei' (sunshades), energy efficient grey glass and daylight sensors
		The high quality material finishes, including the reconstituted polished granite facing.	The high quality material finishes, including the reconstituted polished granite facing.
<b>Interior</b>	<b>Interior</b>	<b>Interior</b>	<b>Interior</b>
The main Spring Street foyer, including the mural Bathers and Pulpit Rock	The main Spring Street foyer, including the Boyd mural Bathers and Pulpit Rock	The main Spring Street foyer, including the <b>Boyd</b> mural Bathers and Pulpit Rock	The main Spring Street foyer, including the mural 'Bathers and Pulpit Rock' by <b>Arthur Boyd</b>
The mezzanine level area	The mezzanine level area	The mezzanine level area	The mezzanine level area
The Flinders street entry foyer and stairs	The Flinders street entry foyer and stairs	The Flinders street entry foyer and stairs	The Flinders street entry foyer and stairs
The former staff cafeteria accessed at the mezzanine level	<del>The former staff cafeteria accessed at the mezzanine level</del>	The former staff cafeteria accessed at the mezzanine level	The former staff cafeteria accessed at the mezzanine level, including granite built-in seating arranged around the base of the light well
The Flinders Lane foyer and conference centre level (level corridors, theatrette and meeting rooms)	The Flinders Lane foyer and conference centre level ( <del>level corridors, theatrette and meeting rooms</del> ) circulation routes through to the main Spring Street foyer	The Flinders Lane foyer and conference centre level (level corridors, theatrette and meeting rooms)	The Flinders Lane foyer and conference centre level and <b>circulation routes through to the main Spring Street foyer (including meeting rooms, circular light well, theatrette with timber acoustic ceiling)</b>
The vertical lift core including all lifts and each floor foyer	<del>The vertical lift core including all lifts and each floor foyer</del>	The vertical lift core including all lifts and each floor foyer	The vertical lift core including all lifts and each floor foyer

ED Assessment of Cultural Significance, pg. 8	LC Main Submission, pg. 34	HLCD PTY Main Submission, pg. 5	NTAV Submission in Reply
The spiral staircase that connects levels 27 and 28	The spiral staircase that connects Levels 27 and 28 (not including later walling which blocks the stair at level 27)	The spiral staircase that connects levels 27 and 28	The spiral staircase that connects levels 27 and 28 (not including later walling which blocks the stair at level 27) and the Executive level 28 garden court
The open, light and spacious interior aesthetic created by the uniform 15 metre wide column-free space from the service core to the external windows.	<del>The open, light and spacious interior aesthetic created by the uniform 15 metre wide column-free space from the service core to the external windows.</del>	The open, light and spacious interior aesthetic created by the uniform 15 metre wide column-free space from the service core to the external windows.	The open, light and spacious interior aesthetic created by the uniform 15 metre wide column-free space from the service core to the external windows.

As a general policy, the National Trust does not support the delineation of significance, for example through the prescribing of primary and contributory status insofar as it relates to the ‘scope for modification’ (LC, pg. 35). An element of a building, or a building itself if identified as part of a broader classification, is either of cultural heritage significance to the heritage place and is included in the extent of registration, or it is excluded or permit exempt. As has been illustrated in many instances, the most prominent example being the Richmond Maltings complex which incorporated a significance assessment based on an earlier CMP, as time passes, specific buildings and building elements delineated as being of secondary or contributory significance (or lower) can increase in rarity and value, yet are locked to this initial assessment. The National Trust maintains that if elements of the interior, and the Flinders Lane Plaza, are specifically mentioned in the ‘What is Significant’ section of the citation (based on extensive research undertaken by Heritage Victoria in the preparation of this recommendation to the Heritage Council), and are identified as contributing to the cultural heritage significance of the place, then they should not be ascribed a lower level of significance or be permit exempt in the citation.

A major oversight in the assessment of this place is a thorough investigation of the cultural heritage significance of specific elements of the interior (beyond an assessment of the ‘public spaces’ as delineated by PPP above). This could be due to multiple reasons, including a lack of a CMP, and/or a lack of access to the interiors during the nomination and assessment process. From an assessment of the photographs and written evidence submitted as part of this Registration Hearing, the National Trust submits that various elements of the interior strongly contribute to the cultural heritage significance in a primary capacity. The Seidler-designed light well; granite staircase, piers and in-built seating in the cafeteria; the garden court on the Executive level; and the undulating acoustic timber ceiling in the theatrette, represents just a few key examples. They are aesthetically and architecturally important to the overall design and intent of the building itself. Too often interiors are sacrificed because of the perceived need for a building to have capacity to modernise and evolve, without appropriate assessment under the Heritage Act. As such, the National Trust strongly submits that any proposal to alter or remove internal (or external) features, as specified in the table above, should be subject to a Heritage Permit as determined by Heritage Victoria, and as such should be included in the Statement of Significance, in the Permit Policy, and should not be permit

exempt, reflecting the level of intactness, the integrity of materials used, and the wholeness of Seidler's original design and intent.

**Conclusion**

To summarise, the recommendation and assessment of elements of primary significance by the National Trust (as details in the table above), are recommended for adoption by the Committee. Should you have any queries regarding the above, please contact me on 9656 9837.

Kind regards,

A handwritten signature in blue ink, appearing to read 'C Mitropoulos', written in a cursive style.

Caitlin Mitropoulos  
Community Advocate