

1 Spring Street, Melbourne, Victoria (formerly Shell House)

**Heritage Council Registrations Committee
Hearing – Thursday 30 March, 2017**

DECISION OF THE HERITAGE COUNCIL

After considering the Executive Director's recommendation, submissions received, and conducting a hearing, pursuant to s 42(1)(a) of the *Heritage Act 1995*, the Heritage Council has determined that 1 Spring Street Melbourne, formerly known as Shell House, is of cultural heritage significance to the State of Victoria and warrants inclusion in the Victorian Heritage Register.

Heritage Council Registrations Committee:

Patrick Doyle (Chair)

Louise Honman

Penelope Smith

Decision Date – 13 June 2017

APPEARANCES/SUBMISSIONS

Written submissions pursuant to s38(1)(a) of the Heritage Act 1995 were received from the following persons, who did not make further detailed submissions nor appear at the hearing to make verbal submissions:

Mr Max Chester

Mr Jim Norris

Mr Stephen Axford

Written submissions pursuant to s38(1)(a) of the Heritage Act 1995 were received from the following persons, who also made further written submissions pursuant to s40(2)(a)(iv) of the Heritage Act 1995:

Mr Jon Hickman

Phillip Nominees Pty Ltd

Written submissions pursuant to s40(2)(a)(iv) of the Heritage Act 1995 were received from the following persons, who also appeared at the hearing to make verbal submissions:

The Executive Director, Heritage Victoria

Submissions were received from the Executive Director, Heritage Victoria ('the Executive Director'). Dr Marina Larsson appeared and made verbal submissions on behalf of the Executive Director. Mr Geoff Austin was also present and available to take questions.

National Trust of Australia (Victoria)

Submissions were received from the National Trust of Australia (Victoria) ['the Trust']. The Trust was represented at the hearing by Ms Caitlin Mitropolous – Community Advocate, who made verbal submissions, and Ms Felicity Watson – Advocacy Manager, who was also present and available to take questions.

Mr Jon Hickman

Submissions were received from Mr Jon Hickman. Mr Hickman appeared and made verbal submissions to the hearing. Mr Hickman called Ms Helen Lardner to provide expert evidence.

Phillip Nominees Pty Ltd.

Submissions were received from Phillip Nominees Pty Ltd. ('the Owner'). Mr Jeremy Gobbo QC and Ms Marita Foley of Counsel appeared and made verbal submissions at the hearing on behalf of the Owner. Mr Gobbo and Ms Foley were instructed by Mr Nick Sutton of Planning and Property Partners Pty Ltd, who was present at the hearing. Mr Gobbo called Mr Peter Lovell to provide expert evidence at the hearing.

INTRODUCTION

The Place

1. On 16 September 2016, the Executive Director of Heritage Victoria made a recommendation ('the Recommendation') that the building and external plazas at 1 Spring Street, Melbourne, formerly known as Shell House, be included on the Victorian Heritage Register ('the Register').
2. The proposed extent of registration set out in the Recommendation comprised the late twentieth century office tower at 1 Spring Street, a concrete structure with granite-faced facades, side podium, basement carpark and external plazas to each of the Spring Street, Flinders Street and Flinders Lane entrances respectively ('the Place').
3. The following 'History Summary' of the Place is taken from page 5 of the Recommendation:

'Shell House was the third headquarters building erected for the Shell Company of Australia Ltd in Melbourne. Constructed in 1985-89, the building replaced earlier headquarters constructed in 1933 and 1958 and was occupied by Shell until its relocation to Perth in 2014. The company commissioned the highly regarded commercial architect and leading Australian modernist, Harry Seidler, to design Shell House. Seidler was trained by Modernist architects in the United States before arriving in Australia in 1948 and throughout his career his work continued to display the ideals of this movement. This included the use of basic geometric shapes, sculptural and simple form, visual expression of structure and generous civic spaces. Seidler continued to explore skyscraper design from the 1960s to the 1990s, producing a series of office buildings in Australia and overseas. Shell House is the only example of these built in Victoria. Shell House won a number of awards including the Royal Australian Institute of Architects Victoria Merit Award in 1991 and the National RAI Award in the same year.'

4. The following 'Description Summary' is taken from the Recommendation at page 5:

'Located on a sloping L-shaped site at the south eastern corner of the Melbourne city grid, Shell House is a late twentieth century International style office tower with side podium, basement carpark and external plazas. The building is a concrete structure with granite-faced lower facades and a repetitive floor construction system of clear span beams of equal length. With an interest in geometry, simplicity of form and clear expression of structure, Harry Seidler designed the building using two counterpoint curved sections to maximise views to the south and east, to accommodate existing underground railway tunnels and to present a commanding entry point to the city. 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.

The building integrates dramatic level changes for public access from the south, south east and north through a central control point located in the main Spring Street foyer. This foyer is accessed via stairs from Flinders Street or directly from the primary external entry plaza at the corner of Flinders and Spring Streets which contains a dominant structural and sculptural building pier and a specially commissioned sculpture, 'Shell Mace' by American sculptor and architect, Charles O Perry (1989). This main foyer has soaring ceilings, a crowning mural, 'Bathers and Pulpit Rock' by Arthur Boyd (1988) and sets 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 office tower uses a repetitive floor construction system of clear span beams of equal length, resulting in a uniform 15 metre wide column-free space from the services core to the external windows. This, along with the concealment of computer cabling and electrical wiring under a 250 mm access floor, creates an interior aesthetic which is open, light and spacious. All office floors have expansive views to the south and east of the city. The top two floors of the office tower contain an executive suite with external terrace garden, garden court and spiral granite staircase between levels. Changes have been made to the office floor configurations and fittings, including the executive suite. A variety of quality finishes have been used throughout the building for paving, floor and wall cladding, including Italian granite and travertine, and much of this has been retained.

This site is part of the traditional land of the people of the Kulin Nation.'

5. The Committee notes that the above 'Description Summary' and 'History Summary' are part of a proposed Statement of Cultural Heritage Significance in the Recommendation. They are provided for information purposes only. The above material does not form part of any endorsed documentation relating to the Place.

Nomination

6. A nomination for the Place to be included in the Register made by Mr Jon Hickman was accepted by the Executive Director on 10 November 2015.

Process following the recommendation of the Executive Director

7. After the Executive Director's Recommendation of 16 September 2016, notice was published in accordance with s35 of the *Heritage Act 1995* ('the Act') for a period of 60 days, and five submissions were received pursuant to s38(1)(a) of the Act. All of those submissions supported the inclusion of the Place in the Register. The extent of disagreement related to the appropriate criteria for registration, the proposed physical extent of registration, the proposed Statement of Cultural Heritage Significance, the proposed permit policy and proposed permit exemptions. In accordance with s 41(6) of the Act, a hearing was required to be held by virtue of a request on behalf of the Owner.
8. In accordance with s41(6) of the Act, a Heritage Council Registrations Committee ('the Committee') was constituted to consider the Recommendation and all submissions received in response to it. The Committee then invited further written submissions and a hearing was scheduled for 30 and 31 March 2017 ('the hearing').

Site Inspection

9. On 30 March 2017, the Committee made a site inspection of the Place accompanied by the Heritage Council Hearings Coordinator and a building security manager. No submissions were sought, made or received at the time of the site inspection.

Conflicts of Interest

10. The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee was satisfied that there were no relevant conflicts of interests.

ISSUES

11. This section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the Committee's decision in relation to each key issue.
12. Any reference to Criteria or an individual Criterion refers to the 'Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance' (as adopted by the Heritage Council on 7 August 2008) [see **Attachment 1**].
13. Any reference to Criteria and Threshold Guidelines refers to the '*The Victorian Heritage Register Criteria and Threshold Guidelines*' (as adopted by the Heritage Council on 6 December 2012).

Criterion A - Importance to the course, or pattern of Victoria's cultural history

14. Mr Hickman was the only party to contend that the Place meets the threshold for inclusion on the Register under Criterion A.

Submissions and evidence

15. Mr Hickman's rationale in respect of Criterion A related to the degree of public controversy that accompanied the proposed development, and its manner of approval (by way of the State government, in the face of opposition from Melbourne City Council).
16. Mr Hickman's thesis is that the approval and development of the form of building represented something of a 'turning point' in planning and/or urban design terms. It was argued that the approval of this design in this location, and the surrounding controversy, influenced urban design policies and the assessment of future developments within Melbourne's CBD.
17. The plaza, opening onto the Spring Street and Flinders Street frontages, rather than a podium-type structure, meant that the proposal lacked built form to the street frontages. This aspect of the development was regarded as abhorrent by many, including representatives of Melbourne City Council.
18. While Mr Hickman relied on various articles, documents and photographs to support his submission, he did not call expert evidence on this particular Criterion.

Discussion and Conclusion

19. The Committee is not persuaded that the threshold for Criterion A is met.
20. The Committee considers that there was nothing particularly unusual about the manner of approval of the design (including the respective roles played by two levels of government). The Committee does not regard the evidence of public debate in relation to the merits of the design as significant in its own right.
21. In terms of the development representing a 'turning point' in the formulation of planning or urban design policies for the city, the Committee considers that insufficient evidence was presented to substantiate the argument that the building was directly or

indirectly linked to any shift in law or policy. To the contrary, Mr Lovell's evidence was that Melbourne City Council already had a strong policy position against setbacks at street level in the CBD by the time this proposal was being considered, and that Melbourne City Council's objection was based on this (already existing) policy position.

Criterion D –Importance in demonstrating the principal characteristics of a class of cultural places or environments

22. The Executive Director, Mr Hickman (including via Ms Lardner and Professor Goad) and the Trust argued that the Place satisfies Criterion D, whereas the Owner argued that it does not.

Submissions and evidence

23. There were various positions taken as to the appropriate characterisation of the relevant 'class of place'. Some of the possible formulations included 'late twentieth-century international style', 'late twentieth-century modernism', 'late modernism', 'late modernist skyscraper', 'late modernist office building'. Various other permutations are possible.
24. All of these characterisations relate to the particular style of architecture which the Place represents (or demonstrates). It is in that context that the debate in relation to Criterion D unfolds.
25. The Owner, relying on the evidence of Mr Lovell, contends that the Place, although a notable and meritorious architectural work, is an atypical example rather than a representative example of its architectural 'class' (however characterised). Accordingly the argument follows that the Place fails to demonstrate the principal characteristics of a relevant class of places: it is not a truly 'representative' example, and it therefore does not meet the threshold of Criterion D.

Discussion and Conclusion

26. It is the Committee's view that the Place demonstrates the principal characteristics of a class of places. The Committee opts to describe the relevant class as 'late modernist office buildings'.
27. The Committee accepts that the building is an unusual example, at least within Victoria. However the Committee finds that the building (and so the Place) demonstrates a number of important features of late modernist design. It might be said that, in a sense, some of its unusual features help to define the building as late modernist (rather than serving to disqualify it from any requisite 'class' of buildings).
28. The Committee accepts submissions made on behalf of the Executive Director to the effect that, since the 1980s, the demarcation between different architectural styles has become less defined and more fluid. This has resulted from a variety of factors, including the rise of postmodernism and advances in building techniques.
29. Despite the relative fluidity of more recent architectural styles, the Committee is satisfied that 'late modernism' is a meaningful descriptor, and that the Place sufficiently demonstrates characteristics of that style. Late modernism, as distinguished from modernism, is understood to include a more expressive design language. This can be demonstrated principally through sculptural form, use of solid concrete and other massive materials, and a variety of textural finishes.

30. The Committee considers it appropriate to qualify the reference to the late modernist style by reference to the function of the building (ie an office building). The Committee is again satisfied that the Place sufficiently demonstrates the principal characteristics of the relevant class of place (late modernist office buildings).
31. The ability to appreciate the relevant characteristics is enhanced by the high degree of intactness and integrity of the Place, both internally and externally.
32. The Committee finds that Criterion D is satisfied.

Criterion E – Importance in exhibiting particular aesthetic characteristics

33. All parties agreed that the Place satisfies Criterion E.

Submissions and evidence

34. There was a broad consistency in the positions taken by the various parties in this regard.

Discussion and Conclusion

35. The Committee accepts that several features of the design contribute to a Place which meets the threshold for Criterion E. These include the sculptural qualities of its overall curvilinear form (both inside and out), the underlying geometry and apparent simplicity of form, the tapered pier at the Spring and Flinders Street frontage, the incorporation of artworks including the Arthur Boyd mural and the Charles O Perry sculpture, and the generous landscaped areas on various levels of the building.
36. Again, the ability to appreciate the relevant aesthetic characteristics is enhanced by the high degree of intactness and integrity of the Place, both internally and externally.
37. The Committee finds that Criterion E is satisfied. The Place exhibits notable aesthetic characteristics which together achieve a highly-resolved skyscraper design on a prominent CBD site. Although the design has polarised opinions, both professional and general, the Committee is satisfied that the aesthetic characteristics of the Place meet the requisite threshold so as to satisfy Criterion E.

Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period

38. Various parties contended that the Place met the threshold for Criterion F, with the exception of both the Executive Director and the Owner. Those two parties argued the contrary.

Submissions and evidence

39. The kinds of achievement relied upon in relation to Criterion F were technical rather than creative. Examples included the particular method of floor construction using clear span beams, the provision of access space below each floor (and above each ceiling), thermally efficient design, and an advanced access control, lighting and cooling systems.
40. Reliance was placed on the building winning various architectural and engineering awards.
41. In response, both the Executive Director and the Owner submitted that the building does not demonstrate a level of achievement ‘beyond the ordinary’ for the period in which it was undertaken. Rather, it was argued, the evidence only demonstrates that the

building was designed and constructed by a highly accomplished architect, using advanced technology that was available at the time, as could be expected for a building of this type and of that period.

Discussion and Conclusion

42. The Committee is not satisfied that the threshold for Criterion F has been established.
43. Evidence to demonstrate the alleged technical achievements was somewhat equivocal. There was no clear outstanding example of technical achievement. Rather, reliance was placed on a combination of various technical achievements, none of which was necessarily a 'break-through' in its own terms, but which were said to cumulatively amount to a building demonstrating considerable technical achievement.
44. The Committee was not persuaded by that argument. The Committee broadly accepts the position of the Executive Director and the Owner that the building was designed and constructed in a manner that made very good use of existing technology. The available evidence has not persuaded the Committee that the building extended the limits of existing technology in any particular way.

Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria's history

45. All of the parties argued that the Place satisfied Criterion H, except for the Executive Director.

Submissions and evidence

46. It was argued by various parties that the Place has a special association with the life, and more particularly the works, of Harry Seidler and that, in light of his contribution to the practice of architecture, Mr Seidler was a person of importance in Victoria's history.
47. The Executive Director contested those submissions largely on the basis that Mr Seidler was not a person of sufficient importance in Victoria's history. In particular, by reference to the Criteria and Threshold Guidelines, the Executive Director challenged whether Mr Seidler made a 'strong or influential contribution to the course of Victoria's history'.

Discussion and Conclusion

48. The Committee accepts the submissions of the Executive Director in relation to Criterion H.
49. The Committee accepts that Mr Seidler's association with the Place is clear, and that Mr Seidler was an architect of considerable accomplishment and merit. His architectural achievements were influential, not just in Australia but also internationally.
50. However the Committee is not persuaded that Mr Seidler should be regarded as a person of such importance in Victoria's history, so as to satisfy Criterion H. To the extent that the Place demonstrates Mr Seidler's architectural achievements, this can be properly recognised by way of Criteria D and E.

Extent of Registration

Submissions and evidence

51. Having recommended a certain defined physical extent of registration, the Executive Director modified this position, primarily in response to the relevant evidence of Mr Lovell.
52. Firstly, the Executive Director agreed with Mr Lovell that the area to be registered should exclude all underground easements.
53. Accordingly, the Executive Director agreed with the following verbal formulation of the appropriate extent of registration, as put forward by Mr Lovell:

All of the place shown hatched on Diagram 2365 encompassing part of Lot 1 on Title Plan 800196 and all of Lot 1 on Title Plan 841342 (but not E-8).

54. Secondly, the Executive Director agreed with Mr Lovell that the area to be registered should include a greater extent of the northern (Flinders Lane) plaza (immediately to the east of the building known as Milton House (VHR H0582)) as well as the area immediately to the south of Milton House.
55. Neither the rationale, nor the verbal formulation above, was ultimately contested by any party.

Discussion and conclusion

56. The Committee agrees that the extent of registration should be amended in the manner set out above.
57. The Committee notes the intention of the Executive Director to take steps towards amending the extent of registration of Milton House (VHR H0582), so as to remove certain land that is currently included within the Milton House registration (effectively by way of curtilage, although the area of registration to the south of Milton House is entirely built upon). The Committee understands this rationale, but recognises that the amendment of the extent of registration for VHR H0582 is not a question properly before the Committee. Unless or until the extent of registration for VHR H0582 is reduced, the effect of this decision will be that certain land around Milton House will be subject to two 'overlapping' registrations pursuant to the Act.
58. The Committee accepts the verbal formulation quoted above, and agreed between the parties. However the Committee also notes that the plan referred to in that formulation (Diagram 2365) will need to be modified in respect of the discrepancy in the vicinity of Milton House (as discussed above). A revised form of Diagram 2365 is included as Attachment 2.
59. That diagram depicts the extent of registration only in a two-dimensional sense. It will also be necessary for the reader to refer to title documents (as referred to in the verbal formulation above) in order to understand the extent of registration at underground strata.

Permit Policy and Permit Exemptions

Submissions and evidence

60. The following recital of submissions and evidence largely reflects the positions taken in written submissions received prior to the hearing, in the ordinary course. To an extent

the position of some parties altered slightly in the course of the hearing, which has not been entirely reflected below.

61. The Executive Director submitted that the Place exhibits a ‘relatively uniform level of intactness internally and externally’ and recommended that the proposed extent of registration should affect the whole of the Place, including land and the interior and exterior of the building, all of which the Executive Director identified as having ‘primary cultural heritage significance’. In a section entitled ‘Overview of significance’, the Executive Director ‘encouraged’ the retention of several specific parts of the Place. The Executive Director also recommended that a Conservation Management Plan be prepared in relation to the Place. The Executive Director’s proposed permit exemptions were of a standard nature and proposed to exempt a variety of categories of relatively minor works to the Place from the need for a heritage permit. Generally, the Executive Director submitted that works to all parts of the Place, with the exception of minor categories of works, should be subject to the permit application process under the Act.
62. Responding to Mr Lovell’s evidence in particular, the Executive Director submitted that broad-scale changes to the interior should not be exempt, on the basis that the interior aesthetic of the Place remains intact and part of the design as a whole. Responding to Mr Lovell’s comparison with the Former Hoyts Cinema Centre (VHR H2335), the Executive Director submitted that the comparison is not useful as the integrity and intactness of the Former Hoyts Cinema Centre had been substantially diminished by the time of registration, and works to its interior therefore would not have had a negative impact on its cultural heritage significance.
63. Mr Hickman was supportive of the Recommendation in respect of permit policy and permit exemptions.
64. In her evidence responding to the Owner’s submissions, Ms Lardner agreed with the Executive Director that interior fabric should not be excluded from the requirement for a permit and agreed that the appropriate time for consideration of impacts on cultural heritage significance should be the heritage permit application process. Ms Lardner also stated that all of the plazas contribute equally in terms of Harry Seidler’s design approach to the Place.
65. The Trust also supported the Executive Director’s proposed permit policy and permit exemptions.
66. The Owner submitted that only ‘the key public spaces’ should be identified by the permit policy for the Place as having cultural heritage significance and submitted that the Executive Director’s proposed permit exemptions for the interior of the Place are ‘unduly limited’. The Owner, also relying on the evidence of Mr Lovell, submitted that the majority of the interior of the Place should be exempt from the requirement for a heritage permit under the Act.
67. Mr Lovell stated that the Executive Director’s use of the words ‘the retention of the following is encouraged’ in relation to certain elements is undesirable. Mr Lovell stated that the three plazas should be identified as having differing levels of significance, in particular identifying the plaza off Flinders Lane. Mr Lovell further stated that elements of primary and secondary significance should be identified and suggested that this approach be adopted in order to manage works at the Place. Mr Lovell also proposed a list of revised permit exemptions in relation to works (other than structural works and

generally outside of principal lobby, circulation and entrance areas) to the interior of: basement areas; lower lobby; main lobby; and, levels 1-28.

Discussion and conclusion

68. It is the Committee's view that, in this case, permit exemptions should mainly be limited to categories of minor works, rather than excluding large parts of the Place from permit requirements. This conclusion is influenced by the fact that the Place as a whole displays a high degree of intactness and integrity.
69. The Committee agrees with the Executive Director that a relatively conservative approach should be taken in this case, in relation to the granting of exemptions from the requirement for a permit. For similar reasons the Committee prefers a holistic approach to particular elements within the Place and determines to amend (remove) the section of the proposed permit policy referring to the retention of certain elements being 'encouraged' for permit policy purposes.
70. For practical purposes, the main area of contention was whether certain internal space should be entirely exempted from permit controls, as urged by the Owner. The Owner, through Mr Lovell, cited a number of examples of CBD office buildings on the Register, and noted the extent to which internal spaces were either captured or exempted by those registrations. Although the Committee was assisted by those examples, none of them provided an entirely apt comparison to the Place.
71. The Committee accepts, however, that in the present case it is reasonable to exempt categories of works that relate to the proper, safe and efficient functioning of the Place and its services. The Committee agrees, therefore, that works to the lift services core, basement areas and heating and cooling systems should be exempt from the requirement for a heritage permit, as recommended by the Executive Director, along with other exemptions.
72. With respect to Mr Lovell's submissions in relation to the use of the terms 'primary' and 'secondary', the Committee agrees that particular parts of the Place should not be identified as being of either 'primary' or 'contributory' cultural heritage significance within the Permit Policy. Accordingly, the Committee declines to apportion different levels of significance to the three plazas and determines that all the plazas at the Place contribute to its cultural heritage significance.
73. The Committee prefers the Executive Director's approach broadly to permit policy and permit exemptions for the Place, but has made amendments as explained above and as attached (Attachment 2).

Statement of Significance

Submissions and evidence

74. The Executive Director included a proposed Statement of Significance in the Recommendation and a number of parties made submissions suggesting certain amendments and additions.
75. All parties made submissions in relation to the Criteria that would, if accepted by the Committee, perhaps result in changes to the Statement of Significance for the Place.
76. Mr Lovell gave evidence that the Statement of (State level) Significance content should not be followed by a consideration and comment as to the 'local significance' of the Place.

Discussion and conclusion

77. The Committee recognises that some submissions relating to permit policy are relevant to a consideration of the Statement of Significance for the Place and vice versa.
78. The Committee agrees with Mr Lovell that the use of the phrase ‘retention of the following elements should be encouraged’ is undesirable in the overall context of this case.
79. The Committee agrees with Mr Lovell that the Statement of Significance should not include assertions of significance at a local level (rather than a State level).
80. The Committee notes the submissions and evidence given as part of this hearing relating to the proposed Statement of Significance for the Place and suggesting changes to it.
81. The Committee determines to modify the draft Statement of Significance as proposed by the Recommendation and appends the Statement of Significance accordingly to reflect its determination as to the matters above (Attachment 2).

CONCLUSION

82. In accordance with s 42(1)(a) of the Act, the Committee determines that the land at 1 Spring Street, Melbourne, formerly known as Shell House, is of cultural heritage significance to the State of Victoria and warrants inclusion in the Register as it meets the State-level threshold for inclusion in the Register under Criteria D and E.
83. The Committee amends the Statement of Significance, extent of registration, permit policy and permit exemptions as they had been proposed by the Recommendation (see **Attachment 2**).
84. The Committee wishes to record its thanks to all parties and their representatives in relation to the conduct of this hearing, including in relation to the constructive and informed approach that was a hallmark of all submissions and evidence. Parties were well-researched, well-informed and conscientious in informing the Committee as to their respective positions. All parties engaged respectfully and constructively with the submissions and evidence of other parties. The approach adopted by parties has considerably assisted the Committee in carrying out its role.

ATTACHMENT 1



HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

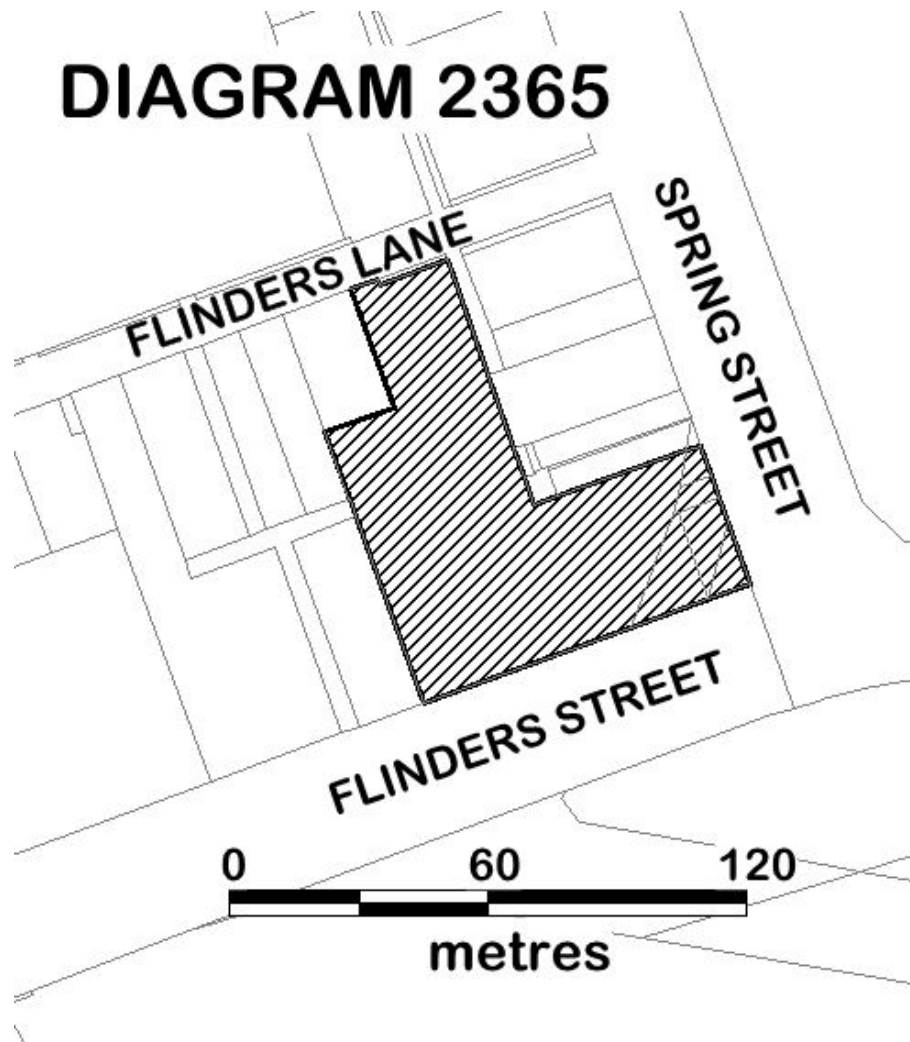
These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.

ATTACHMENT 2

Registration documents (showing changes from Executive Director's Recommendation)

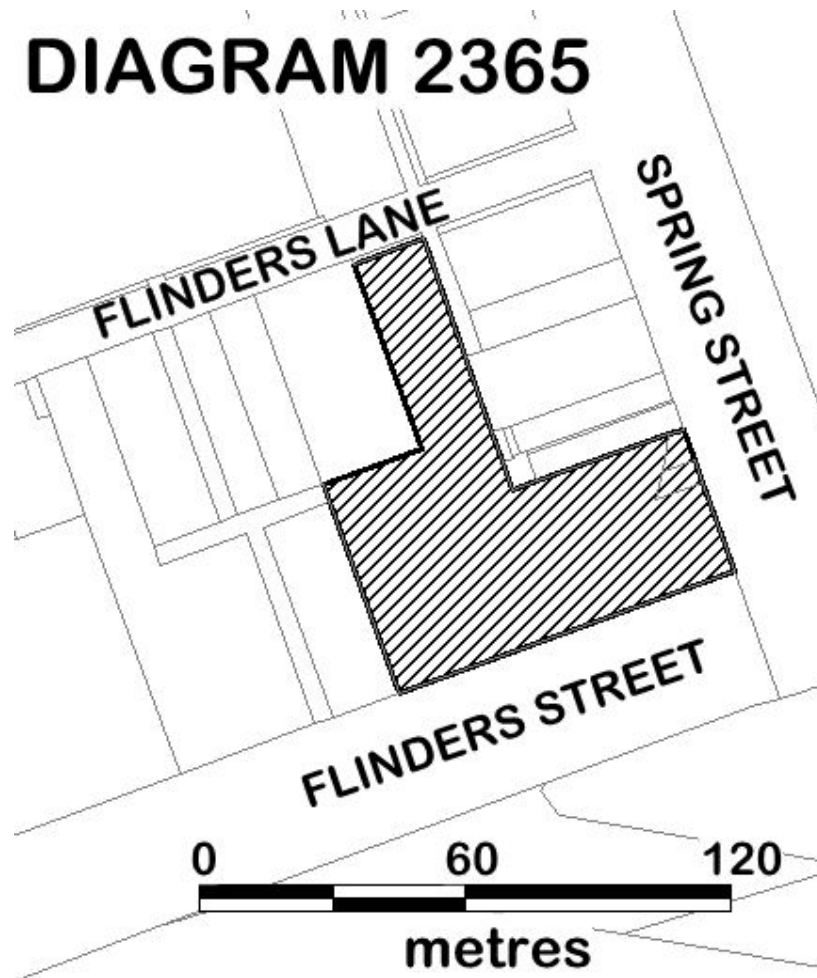
EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2365 encompassing part of Lot 1 on Title Plan 800196 and all of Lot 1 on Title Plan 841342 (but not E-8).



EXTENT OF REGISTRATION AS WAS RECOMMENDED BY THE EXECUTIVE DIRECTOR (FOR INFORMATION PURPOSES ONLY)

All of the place shown hatched on Diagram 2365 encompassing part of Lot 1 on Title Plan 800196 and all of Lot 1 on Title Plan 841342



AERIAL PHOTO OF THE PLACE SHOWING EXTENT OF REGISTRATION



AERIAL PHOTO OF THE PLACE SHOWING EXTENT OF REGISTRATION AS WAS RECOMMENDED BY THE EXECUTIVE DIRECTOR (FOR INFORMATION PURPOSES ONLY)



STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE (SHOWING CHANGES FROM EXECUTIVE DIRECTOR'S RECOMMENDATION)

WHAT IS SIGNIFICANT?

~~Shell House~~ 1 Spring Street, Melbourne ~~including comprising~~ an office tower and ~~side-northern~~ podium, main foyer with Arthur Boyd mural 'Bathers and Pulpit Rock' and ~~three~~ external plazas including a ~~primary-large~~ external plaza at the Spring Street corner containing the Charles O Perry sculpture 'Shell Mace'. The building was originally known as Shell House, and is referred to as such below.

History Summary

Shell House was the third headquarters building erected for the Shell Company of Australia Ltd in Melbourne. Constructed in 1985-89, the building replaced earlier headquarters constructed in 1933 and 1958 and was occupied by Shell until ~~its relocation to Perth in 2014~~ 2003-2004. The company commissioned the highly regarded commercial architect and leading Australian modernist, Harry Seidler, to design Shell House. Seidler was trained by Modernist architects in the United States before arriving in Australia in 1948 and throughout his career his work continued to display the ideals of this movement. This included the use of basic geometric shapes, sculptural and simple form, visual expression of structure and generous civic spaces. Seidler continued to explore skyscraper design from the 1960s to the 1990s, producing a series of office buildings in Australia and overseas. Shell House is the only example of these built in Victoria. Shell House won a number of awards including the Royal Australian Institute of Architects Victoria Merit Award in 1991 and the National RIAA Award in the same year.

Description Summary

Located on a sloping L-shaped site at the south-eastern corner of the Melbourne city grid, Shell House is a late twentieth century International style office tower with side podium, basement carpark and external plazas. The building is a concrete structure with granite-faced lower facades and a repetitive floor construction system of clear span beams of equal length. With an interest in geometry, simplicity of form and clear expression of structure, Harry Seidler designed the building using two counterpoint curved sections to maximise views to the south and east, to accommodate existing underground railway tunnels and to present a commanding entry point to the city. 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.

The building integrates dramatic level changes for public access from the south, south east and north through a central control point located in the main Spring Street foyer. This foyer is accessed via stairs from Flinders Street or directly from the primary external entry plaza at the corner of Flinders and Spring Streets. ~~which~~ The main entry plaza contains a dominant structural and sculptural building pier and a specially commissioned sculpture, 'Shell Mace' by American sculptor and architect, Charles O Perry (1989). ~~The~~ is main foyer has soaring ceilings, ~~a crowning~~ with a mural, 'Bathers and Pulpit Rock' by Arthur Boyd (1988) and sets of escalators which lead to the mezzanine ~~level and then to the~~ and conference centre level. ~~The conference centre~~ 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 office tower uses a repetitive floor construction system of clear span beams of equal length, resulting in a uniform 15 metre wide column-free space from the services core to the external windows. This, along with the concealment of computer cabling and electrical wiring under a 250 mm access floor, creates an interior aesthetic which is open, light and spacious. All office floors have expansive views to the south and east of the city. The top two floors of the office tower contain an executive suite with external terrace

garden, garden court and spiral granite staircase between levels. ~~Changes have been made to the office floor configurations and fittings, including the executive suite.~~ A variety of quality finishes have been used throughout the building for paving, floor and wall cladding, including Italian granite and travertine, and much of this has been retained.

Some changes have been made to the office floor configurations and fittings, including the executive suite.

This site is part of the traditional land of the people of the Kulin Nation.

HOW IS IT SIGNIFICANT?

Shell House is of architectural and aesthetic significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Criterion E

Importance in exhibiting particular aesthetic characteristics.

WHY IS IT SIGNIFICANT?

Shell House is significant at the State level for the following reasons:

Shell House is architecturally significant as an outstanding example of a late ~~twentieth-century International style~~ modernist office building in Victoria, designed by one of the style's most accomplished proponents, the renowned Australian architect, Harry Seidler. Late modernism, as expressed in Shell House is demonstrated principally through sculptural form, use of solid concrete and other massive materials, and a variety of textural finishes ~~The International style advanced the principals of Modernism and incorporated ideas of simplicity of form and use of geometry. Shell House reflects these ideals in the building's clear expression of structure and lack of adornment.~~ Shell House is also significant for the clarity with which it expresses particular themes and motifs characteristic of Seidler's work in skyscraper design. These include the use of opposing curvilinear forms and the generous planning of public areas, both externally and internally.

Shell House is one of an important series of high rise tower projects designed by ~~renowned architect~~ Harry Seidler both nationally and internationally from the 1960s to the 1990s, and is the only one located in Victoria. Shell House is of architectural significance for its innovative design response to a difficult site and for its ~~clever~~ integration of dramatic level changes for public access from surrounding streets through a central lower foyer control point. Shell House won a number of awards including the Royal Australian Institute of Architects Victoria Merit Award in 1991 and the National RAI Award in the same year. Seidler is considered to be one of the major talents in Australian architectural history who made a substantial contribution to Australian architecture ~~by continuously exploring skyscraper design.~~ [Criterion D]

Shell House is aesthetically significant for the sculptural effect created by the interlocking curvilinear form of the building that is reflected in the interior planning. The quality of the interior spaces and their relationship to the extensive outdoor terraces at several levels of the building is of high aesthetic value, both visually and experientially. ~~and by~~ The location at the south-east corner of the Hoddle Grid is highlighted by elements such as the large tapered pier at the Spring Street/Flinders Street entrance.

~~This significance is~~ The aesthetic qualities of the place are enhanced by the incorporation of large scale artworks which complement the architecture ~~of the building~~ and were ~~designed specifically for Shell House~~ selected by Seidler for the building. Significant pieces include the foyer mural 'Bathers and Pulpit

Rock' by Arthur Boyd (1988) and the external plaza sculpture 'Shell Mace' by Charles O Perry (1989).
[Criterion E]

[The ability to appreciate the relevant aesthetic characteristics is enhanced by the high degree of intactness and integrity of the Place, both internally and externally.](#)

PERMIT POLICY (SHOWING CHANGES FROM EXECUTIVE DIRECTOR'S RECOMMENDATION)

Preamble

The purpose of the Permit Policy is to assist when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

The extent of registration of Shell House in the Victorian Heritage Register affects the whole place shown on Diagram 2365 including the land and building (interior and exterior), [but excluded certain easements, as referred to in the recorded extent of registration.](#) Under the *Heritage Act 1995* a person must not remove or demolish, damage or despoil, develop or alter or excavate, relocate or disturb the position of any part of a registered place or object without approval. It is acknowledged, however, that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director, Heritage Victoria for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a **permit exemption** is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under s.42 of the Heritage Act) or after registration (under s.66 of the Heritage Act).

It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Conservation management plans

It is [strongly](#) recommended that a Conservation Management Plan is developed to manage the place in a manner which respects its cultural heritage significance.

Aboriginal cultural heritage

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact the Office of Aboriginal Affairs Victoria to ascertain requirements under the *Aboriginal Heritage Act 2006*.

Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

Cultural heritage significance

Overview of significance

The cultural heritage significance of Shell House lies in its clear demonstration of the International architectural style in Victoria by renowned architect Harry Seidler. All of the land identified in Diagram 2365 is of primary cultural heritage significance. The retention of the following is encouraged:

Interior

- ~~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, theatre 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.~~

Exterior

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

PERMIT EXEMPTIONS UNDER SECTION 42 OF THE HERITAGE ACT (NO CHANGES FROM EXECUTIVE DIRECTOR'S RECOMMENDATION)

It should be noted that Permit Exemptions can be granted at the time of registration (under s.42(4) of the Heritage Act). Permit Exemptions can also be applied for and granted after registration (under s.66 of the Heritage Act)

General Condition 1

All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Condition 2

Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

General Condition 3

All works should ideally be informed by a Conservation Management Plan prepared for the place. The Executive Director is not bound by any Conservation Management Plan, and permits still must be obtained.

General Condition 4

Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.

General Condition 5

Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

Specific Permit Exemptions:

Exterior

- Repairs and maintenance which replaces like with like.
- Removal, replacement, repair or installation of building and fire services in a manner that does not affect the cultural heritage significance of the place.
- Repair or replacement of water proofing in a manner that does not affect the cultural heritage significance of the place.
- Maintenance of plazas, walls, garden beds and other landscape elements.
- Repair or replacement of existing glass including glass walling, windows and doors (revolving, fixed and hinged).

Interior

- Painting of previously painted walls and ceilings.
- Installation, removal or replacement of carpets and/or flexible floor coverings.
- Demolition or removal of partition walls, suspended ceilings, screens, doors, built-in cupboards, computer and office fitout and equipment and the like.
- Refurbishment of existing bathrooms, toilets and kitchens including removal, installation or replacement of sanitary fixtures and associated piping, mirrors, wall tiling and floor coverings and the like.
- Removal of concrete slabs in wet areas provided there is no damage to or alteration of original structure or fabric.
- Installation, removal or replacement of all information technology, communication, security and cleaning infrastructure and equipment, including electric clocks, public address and speaker systems, detectors, alarms, lights, emergency lights, exit signs and the like.
- Installation, removal, repair or replacement of building and fire services in a manner that does not affect the cultural heritage significance of the place.
- Repair or replacement of lifts and escalators.
- Installation, removal or replacement of way-finding signage and signage relating to building security and the identification of tenants. Installation of new signage must be readily reversible without damage to original fabric of significance.
- The installation and relocation of lightweight partitioning to allow for meetings rooms, offices, staff kitchenettes and the like.
- All works in the basement excluding works to the internal structure required to support the building.