

31 March 2021

Mr Steven Avery  
Executive Director  
Heritage Victoria

heritage.permits@delwp.vic.gov.au

6 Parliament Place  
East Melbourne  
VIC 3002

Email: [conservation@nattrust.com.au](mailto:conservation@nattrust.com.au)  
Web: [www.nationaltrust.org.au](http://www.nationaltrust.org.au)

T 03 9656 9818

## **Re: Objection to P33300 Shell House, 1 Spring Street, Melbourne**

Dear Mr Avery,

The National Trust of Australia (Victoria) objects to above permit application for a permit to construct a new office tower on the northern part of the registered site, including demolition of the northern plaza, level three garden plaza, theatre and part of the conference centre to 1 Spring Street (Shell House) and works to link the two buildings.

The National Trust of Australia (Victoria) (National Trust) is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing more than 30,000 members and supporters across Victoria. As Victoria's premier heritage and conservation organisation, the National Trust has an interest in ensuring that a wide range of natural, cultural, social and Indigenous heritage values are protected and respected, contributing to strong, vibrant and prosperous communities.

The National Trust supported the nomination of Shell House to the Victorian Heritage Register in 2017, and was a party to the Heritage Council review for this registration. Harry Seidler remains one of the most successful and influential architects in Australia's history. In particular, he made a significant contribution to Australian architecture through his exploration of skyscraper design over a period of 40 years. Shell House is the only example of a Seidler-designed skyscraper in Victoria, and remains remarkably intact to its original design.

### **1.0 Summary of National Trust Position**

- The National Trust strongly and fundamentally objects to the current permit application. Primarily, we believe that the adverse impact on the building and its setting, including its ability to be viewed and experienced in the round, would be unacceptable, and is not justified by the case for reasonable or economic use.
- We believe that the application must be refused, and that the adverse impacts contemplated in this proposal cannot be mitigated through changes to the design of the proposed development, with respect to considerations under the *Heritage Act*

2017. Our submission therefore primarily responds to the basis of the proposal, and not the detailed design.

## **2.0 Response to the Conservation Management Plan and Statement of Design Principles**

Following a review of the supporting documentation, the National Trust has concerns that rather than *informing* the proposal, it appears that the Conservation Management Plan (CMP) has been prepared *in response* to the proposal, as suggested by the dates outlined in the Quality Assurance Register on the inside cover of the report (Work-in progress draft 15/10/2020; Final report 10/11/2020). Notably, the working draft of the CMP post-dates the Pre-Application plans by Architectus (23/06/2020).

We also note that the Conservation Management Plan was prepared in response to feedback from the Design Review Panel provided in the latter half of 2020 (Heritage Impact Statement pp 37-38).

The National Trust strongly supports the preparation of Conservation Management Plans to guide the future conservation and development of heritage places. We also commend the initiative to develop Design Principles to provide a framework for the conservation and management of a heritage place, in consultation with relevant stakeholders.

However the preparation of a Conservation Management Plan in response to—or even in parallel with—a development proposal is in conflict with the *Burra Charter Process*, outlined at Article 6.1 of *The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance)*, 2013:

*Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.*

In this case, it appears that significant decisions have been made about the proposed management of the place prior to the development of policy to guide such decision-making. We therefore argue that limited weight should be given to policies outlined in the Conservation Management Plan, particularly in relation to "opportunities for change".

## **3.0 Response to Heritage Impacts**

As acknowledged in the Heritage Impact Statement, the proposal would result in significant heritage impacts on the registered place:

*The proposal involves the redevelopment of the northern arm of the 1 Spring site and the erection of a new 31 level office tower. The proposal necessitates the demolition of much of the existing structure which extends over this area and construction of the tower above the existing basement car park. [p 15]*

In summary, we believe that the proposal would have an irreversible and unacceptable impact on the representative and aesthetic values of the place (Criteria D and E), and would significantly erode the high degree of intactness and integrity which is recognised in the Statement of Significance included in the Victorian Heritage Register:

*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. [Our emphasis.]*

We believe that the application should be refused on this basis, and that the adverse impacts contemplated in this proposal cannot be mitigated through changes to the design of the proposed redevelopment.

A detailed response to the proposed impacts is outlined below.

### **3.1 Impacts on views to Shell House**

We submit that the proposed second tower would adversely impact on views of the sculptural northern facade of Shell House, and the ability to read Shell House in the round, in line with its original design intent. This would diminish the significance of Shell House to an unacceptable degree.

### **3.2 Podium Amenities**

We strongly object to the proposed part demolition of the conference centre, truncation of the former cafeteria space on level 1, and full demolition of the theatrette. These elements are integral to the registered place, expressing significant architectural and aesthetic characteristics, and allowing the history of the building as the former headquarters of Shell to be understood.

We do not agree with Professor Philip Goad's conclusion that the theatrette, cafeteria, some of the meeting rooms and northern plaza Shell House, proposed for removal, are "of secondary significance to the overall heritage significance of Tower 1" (Philip Goad Design Review p 3), noting that the Statement of Significance for the place in the Victorian Heritage Register does not make distinctions between elements of primary or secondary significance.

These corporate amenities, which were included in Shell's brief to Harry Seidler, provide important evidence of Shell House's significance as a late-modernist office building, recognised under Criterion G. The applicant has not demonstrated that further activation or adaptive re-use of these spaces is not possible, and that their ongoing conservation cannot be supported by the ongoing function of the building as commercial offices.

In particular, the Heritage Impact Statement seems to down-play the significance of the theatrette, arguing on one hand that "valued aspects of the interior design ... are duplicated elsewhere in the former corporate amenities retained within Tower 1", such as the use of high contrast primary colours and the curvilinear partition wall (p 24), while also acknowledging the unique (pejoratively referred to as "incongruous") design expression in response to the purpose and acoustic requirements of the space:

*The theatrette's curviform timber ceiling is a somewhat incongruous internal resolution that is not found elsewhere in the original Seidler design for 1 Spring Street (it is an element specific to the provision of lighting and acoustic control within the theatre space). [p 24]*

Further, we have concerns regarding the cumulative impacts of the works contemplated in the current proposal on the representative and aesthetic values of the place (Criteria D and E), in addition to previous refurbishment works—which included the adaptive re-use of the former cafeteria—again noting that the Statement of Significance included in the Victorian heritage Register concludes that:

*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. [Our emphasis.]*

### **3.3 Plazas**

We strongly object to the demolition of the level 3 and northern plazas, which are integral to the registered place. We do not consider that the provision of external and internal “public” space as part of the current design adequately mitigates the loss of the existing plazas, given the adverse impacts the proposal would have on the overall architectural and aesthetic intactness and integrity of the place.

The Statement of Significance in the Victorian Heritage Register highlights the importance of the plazas to the significance of the place, noting that “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.”

The significance of the plaza spaces is further articulated in supporting documentation provided with the application.

As outlined in the Statement of Design Principles prepared by Lovell Chen, November 2020:

*For Seidler, the brief for any major work necessarily included the architectural consideration and resolution of the entirety of the site programme, including the integration of the building plan with its surrounding environment, and the articulation and design of external spaces, pedestrian connectivity and sequencing, and key internal spaces as part of this total environment of the site. [p 21]*

Further, the CMP states:

*Centred on the monumental presentation of the tower, **the entirety of the site** is curated to make maximum effect of the tower, to ensure the efficiency of the building systems, and to provide suitable entry into an internal circulation pattern and common amenities. All common elements were delivered to a consistently high design and material standard, as demonstrated in the preceding description of the place. But more than this, **across the site these elements were considered and resolved holistically**, so that they were rendered within a coherent set of methodologies and material systems. [p 23] [our emphasis]*

However the HIS then goes on to argue that the northern plaza is a lesser or secondary element of the design. The HIS reiterates that “the plaza was delivered within the holistic design of 1 Spring Street”, yet goes on to say that “it is not a key element in the visual composition of the place”, and is “little more than back door access to the site” (p 26). We

strongly disagree with this assertion, and no further analysis is provided to support this position.

We argue that the northern plaza, which has a high level of intactness and integrity to its original design, is a key element of the overall design, deliberately providing a public entrance to the tower which contrasts with, yet complements, the more formal plaza and entrance presenting to Spring Street. The Flinders Lane plaza also provides access to, and has a relationship with, the podium amenities discussed above.

With regard to the northern plaza, we also note the following views of the Design Review Panel:

*The review commented that in their assessment the plaza spaces around the building were all of equal significance and that there was not a hierarchy of higher or lower significance. [HIS p 38]*

With respect to the elevated landscape space on level 3, we argue that this space is also integral to the holistic design, and that its demolition would result in an adverse and unacceptable impact. The HIS claims that this area has "from its inception failed to deliver a usable space" (p 26), however no evidence has been provided to suggest that a review of access and activation has been considered.

#### **4.0 Response to Reasonable Use**

We agree that the use of 1 Spring Street as a commercial office building is a reasonable use—and indeed this is the current use of the registered place, in its entirety. However we do not agree that it follows that this "reasonable use" extends to the development of an additional commercial tower on the site.

We reject the argument that the site should "reasonably be expected to be developed to expand the office floorspace on site to support the key economic role of the CBD", as claimed in the Reasonable or Economic Use Assessment by Urbis, revised February 2021 (p 10).

The purpose of the *Heritage Act 2017*, as stated at Section 1(a), is "to provide for the protection and conservation of the cultural heritage of the State". The purpose is clearly not to facilitate the "highest and best use" of the registered place, with respect to broader planning considerations such as tenant demand and the availability of development sites.

The case for reasonable or economic use seeks to delineate between the existing tower, and what is referred to as the "under-developed land" (podium and plaza), yet both are integral parts of the registered place, as defined by the Act.

The HIS asserts that:

*This proposal has been designed to effectively make use of land which was underdeveloped in the 1989 development. [p 13]*

We strongly reject the assumption underpinning this proposal, that the land is "under-developed". It has been developed as intended by Seidler, and all of the key elements of the

design, including northern plaza and podium, are recognised in the Victorian Heritage Register as being integral to the significance of the heritage place.

The case for reasonable or economic use argues that the northern plaza is underutilised and “non-functional”. We argue that this is a mischaracterisation of the space, which is integral to Seidler’s original design, and provides a setting for Shell House, as well as a transitional space between the street and the building. Seidler’s design intent is articulated in the Conservation Management Plan (p 34):

*To build a one storey structure right out to the street would be a most unsightly infill... There is no need or use for such additional space... As designed, this route [from Flinders Lane to the core of the building] is divided into a beautifully landscaped approach plaza and an internal concourse leading to escalators and lifts.*

Comparable examples include the landscaped area at the western entrance to ICI House (VHR HO706), or the public plaza of Former BHP House (VHR H1699). Both of these modernist office towers remain in use, and have been able to be successfully used and maintained without the need to develop the landscaped areas which contribute to their significance.

## **5.0 Economic Use**

The case for economic use argues that:

*the under-developed part of 1 Spring Street could remain as it is. However this is not a feasible outcome for any rational landowner who purchased this or any other site with capacity for intensification in the CBD where land prices are at a premium. Intensive development potential is built into land prices and is expected in this location.*  
[Reasonable or Economic Use Assessment, p 15]

We reject the premise that this site necessarily has “capacity for intensification”. Like all Registered places, its capacity for intensification is limited by its inclusion in the Victorian Heritage Register. While we recognise that the status of the property as a registered place has changed since the current owners purchased the building, it has been through a thorough and appropriate process of assessment and testing against the relevant criteria and thresholds, resulting in a significant change to the planning context.

The case for reasonable or economic use outlined in the Urbis report in no way demonstrates that the future maintenance and conservation requirements of the building cannot reasonably be supported by the current use of the place as a commercial office tower.

## **6.0 Response to Design Review**

We note that advice regarding the proposed design has been sought from a number of relevant experts, including Harry Seidler & Associates, Professor Philip Goad, and the Office of the Victorian Government Architect Design Review Panel.

However the advice sought from these parties is in relation to the design of the proposed tower, rather than the premise that the application relies on—that it is appropriate to develop the site in the manner entertained by this proposal.

The letter from Greg Holman on behalf of Harry Seidler & Associates dated 28 October clearly indicates that their advice was sought in relation to the proposed design and its interface with Shell House. Similarly, the conclusion of the Architectural Design and Heritage Review provided by Professor Philip Goad states that that he is in a position to “support the current design proposal”, but does not address the issue of whether it is appropriate to build a tower on this site.

We believe that the correct question to be asked is not *how* the redevelopment should proceed, but *whether* it should proceed, with respect to the heritage values of the place, as protected under the *Heritage Act 2017*. With due respect to the experts that have been consulted as part of this application, including the office of Harry Seidler & Associates, this commentary is therefore of limited value in relation to the fundamental question of whether the development is appropriate.

## **7.0 Conclusion**

The National Trust of Australia (Victoria) strongly and fundamentally opposes this application on the basis that it would have an adverse and irreversible impact on the heritage significance of the place, and that this impact is not justified by the case for reasonable or economic use.

We therefore respectfully call on Heritage Victoria to refuse the application.

Should you require any clarification on our position, I welcome you to contact me at [felicity.watson@nattrust.com.au](mailto:felicity.watson@nattrust.com.au) or on 9656 9802.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'F. Watson', with a long horizontal flourish extending to the right.

Felicity Watson  
Executive Manager, Advocacy  
National Trust of Australia (Victoria)