

# **Heritage Council Registrations and Reviews Committee**

## **Federation Square**

2-20 Swanston Street, Melbourne

**Hearing** – 15-17 April 2019

**Members** – Ms Jennifer Moles (Chair), Mr Patrick Doyle, Ms Joanne Guard

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### **DETERMINATION OF THE HERITAGE COUNCIL**

After considering the Executive Director's recommendation and all submissions, and after conducting a hearing into the submissions, the Heritage Council has determined, pursuant to section 49(1)(a) of the Heritage Act 2017, that Federation Square, 2-20 Swanston Street, Melbourne is of cultural heritage significance to the State of Victoria and is to be included as a Registered Place in the Victorian Heritage Register.

**Jennifer Moles (Chair)**

**Patrick Doyle**

**Joanne Guard**

**Decision Date** – 26 August 2019

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## DECISION SUMMARY

*The Heritage Council provides a decision summary if the Registration and Reviews Committee is of the view that there are points of interest in the decision which should be identified. The summary does not form part of the decision or reasons for decision.*

The Executive Director, Heritage Victoria recommended to the Heritage Council of Victoria that Federation Square be included in the Victorian Heritage Register (the Register). Federation Square is approximately 3.8 hectares in area and bordered by Swanston Street and Flinders Street. It is made up of a complex of buildings, spaces and laneways designed around a large open space area, all built on a deck over rail lines and platforms. Federation Square was designed by LAB Architecture Studio and Bates Smart and constructed between 1998 and 2002.

Some 754 public submissions were received in response to notice of the recommendation. All but three of them supported the inclusion of the place in the Register. The Heritage Council appointed a committee to hold a public hearing into the matter. All of the persons who chose to participate in the hearing supported the inclusion of the place in the Register. There were differing views presented on why Federation Square is significant, the extent of registration, and the detail of exempt works.

The Committee has found that Federation Square is of cultural heritage significance to the State of Victoria and should be included in the Register for its historical, aesthetic, technological and social significance.

Federation Square is historically significant as the preeminent memorial to Federation in Victoria. The layout and design of the place, including artwork and complementarity of buildings, embody and commemorate Federation as a nation-shaping event. Federation Square is also historically significant for its association with endeavours to establish a permanent public square in Melbourne. As the most important and recognisable public square in Victoria it reflects the community's desire, both historic and current, for a large, open civic space allowing for mass gatherings and public events.

Federation Square is significant as a notable example of a public square. It is highly intact and its size, civic prominence and design illustrate the principal characteristics of a public square.

Federation Square is aesthetically significant for its design and prominence in the central Melbourne landscape. The Committee considers that the Place displays a high quality and individual design aesthetic. The Place adopts a design language, building materials and landscaping which together create a balanced ensemble of diverse but complementary structures and a distinctive sense of place. The ability to appreciate the aesthetic qualities are heightened by the degree of intactness and integrity of the Place. Federation Square is a place of critical acclaim having received numerous architectural awards for its design.

Federation Square is technologically significant for the use of creative and technical innovations in the design of the Deck and Labyrinth. These were highly sophisticated solutions to large and complex issues and their significance is reflected in the critical acclaim received from professional bodies.

Federation Square is socially significant as Melbourne's preeminent public square. It has provided a place for mass gatherings, events and protests. This is supplemented by its popularity as a place for people to gather informally and to engage with a range of cultural institutions and activities. It continues to be an important place for the people of Victoria.

The extent of registration and permit exemptions for parts of Federation Square proved complex given the multifaceted and intricate architectural design, the three-dimensional nature of the extent and overlaps with other places on the Register.

This is an important decision as it relates to one of Victoria's most recognisable places and a key public space in Melbourne.

The decision explores the role of the Heritage Council in the preparation and approval of statements of significance and permit policies.

## ACKNOWLEDGEMENT

As a peak Heritage body, the Heritage Council is proud to acknowledge Traditional Owners, as the original custodians of the land and waters on which we met, and to acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

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## APPEARANCES

### EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

The Executive Director was represented by Ms Nicola Stairmand, Heritage Officer, and Dr Marina Larsson, Principal – Heritage Assessments, both of Heritage Victoria.

### NATIONAL TRUST OF AUSTRALIA (VICTORIA) ('THE TRUST')

The Trust was represented by Ms Felicity Watson and Ms Caitlin Mitropolous. The Trust made written and oral submissions in support of the Executive Director's recommendation but it objected to the proposed permit exemptions.

### MELBOURNE CITY COUNCIL ('MELBOURNE')

Melbourne was represented by Ms Tanya Wolkenberg, Team Leader Heritage. Melbourne made written and oral submissions in support of the Executive Director's recommendation but it objected to the extent of registration and proposed permit exemptions.

Melbourne's submissions were supported by a peer review of the Executive Director's recommendation prepared by Mr Simon Reeves of Built Heritage Pty Ltd, and a statement of evidence from Mr Ian Travers of Extent Heritage Pty Ltd. Melbourne called Mr Travers to give expert evidence.

### RAIL PROJECTS VICTORIA ('RPV')

RPV was represented by Ms Ellen Tarasenko of Herbert Smith Freehills. RPV made written and oral submissions objecting to the extent of registration, proposed permit policy and proposed permit exemptions.

### CITIZENS FOR MELBOURNE ('CFM')

CFM was represented by Ms Tania Davidge, President of CFM. CFM made written and oral submissions in support of the Executive Director's recommendation.

### MR NIGEL LEWIS

Mr Lewis made written and oral submissions in support of the Executive Director's recommendation.

### MR ANTONY DIMASE

Mr DiMase made written and oral submissions in support of the Executive Director's recommendation.

### **ROYAL HISTORICAL SOCIETY OF VICTORIA ('RHSV')**

RHSV was represented by Emeritus Professor Charles Sowerwine, Chair, Heritage Committee of RHSV. RHSV made written and oral submissions in support of the Executive Director's recommendation, the extent of registration, and the proposed permit policy and proposed permit exemptions.

### **MR MICHAEL SMITH**

Mr Smith made written and oral submissions in support of the Executive Director's recommendation.

### **MR SIMON THEWLIS**

Mr Thewlis made written and oral submissions in support of the Executive Director's recommendation.

### **EMERITUS PROFESSOR GRAEME DAVISON**

Emeritus Professor Davison made written and oral submissions in support of the Executive Director's recommendation.

### **PROFESSOR DONALD BATES**

Professor Bates made written and oral submissions objecting to the extent of registration.

### **FED SQUARE PTY LTD ('FSPL')**

FSPL, the legal entity responsible for managing the site, and the registered proprietor for part of the site, represented by Mr Christopher Canavan QC and Mr Emrys Nekvapil of Counsel, instructed by Maddocks Lawyers. FSPL's written submissions were supported by statements of evidence from Mr Peter Lovell and Mr Adam Mornement of Lovell Chen Pty Ltd ('Lovell Chen').

Mr Canavan also made oral submissions and called Mr Lovell and Mr Mornement to give expert evidence.

### **SUBMISSIONS RECEIVED PURSUANT TO SECTION 44 OF THE *HERITAGE ACT 2017***

The Heritage Council received some 754 written submissions pursuant to section 44 of the *Heritage Act 2017* ('the Act'). The submitters are listed in **Attachment 1**.

## INTRODUCTION/BACKGROUND

### THE PLACE

01. On 11 October 2018, the Executive Director made a recommendation ('the Recommendation') pursuant to section 37 of the Act that Federation Square should be included in the Victorian Heritage Register ('the Register') as a Registered Place of cultural heritage significance to the State of Victoria.
02. Federation Square is located at 2-20 Swanston Street, Melbourne ('the Place'). It is approximately 3.8 hectares in area and generally bounded by Flinders Street to the north, Swanston Street to the west, Princes Walk to the south and the Russell Street Extension to the east. Surrounding prominent buildings include Flinders Street Station to the west, Young and Jacksons Hotel to the north-west, and St Paul's Cathedral and the Forum Theatre to the north. The Place is built on a deck above the Jolimont railyard, other rail tracks to the east of the railyard and three platforms at the eastern end of Flinders Street Station.
03. The Place consists of a series of interlocking buildings, spaces and laneways that surround an irregularly shaped large open space area ('the Square') that gradually rises by approximately six metres from Swanston Street to the eastern end of the Square. The complex of buildings that border the Square have various uses including: major cultural institutions, such as the Australian Centre for the Moving Image ('ACMI'), SBS, Ian Potter Centre, NGV Australia ('NGV') and Koorie Heritage Trust; commercial and retail tenancies largely related to food and drink; and function or event spaces, such as Deakin Edge auditorium.
04. Physical elements of the Place include:
  - a) the NGV building at the eastern end of the Place;
  - b) the Deakin Edge building at the southern end of the Atrium;
  - c) the Alfred Deakin building, which is occupied by ACMI and SBS;
  - d) the Crossbar building, situated at an angle to NGV, which acts as an entry point to NGV and facilitates pedestrian access between the Atrium and the Square;
  - e) a small two-storey building facing Flinders Street, between the Alfred Deakin building and the Atrium, which is occupied by Beer Deluxe;
  - f) the three-storey Yarra building on the southern side of the Square, which has the Koorie Heritage Trust as its main tenant;
  - g) the Transport Hotel in the south-western corner of the Place, adjoining Flinders Street;
  - h) the large digital screen mounted on the eastern wall of the Transport Hotel;
  - i) the Eastern Shard, which is a free-standing building located west of the Alfred Deakin building adjacent to St. Paul's Court;
  - j) the open, paved Square itself, located in the western part of the overall site;
  - k) the artwork *Nearamnew* comprising approximately 467,000 cobblestones of coloured sandstone on the surface of the Square;
  - l) a catenary lighting system suspended between buildings above the Square;

- m) St Paul's Court, which is an approximately triangular-shaped area located west of the Eastern Shard, opposite St. Paul's Cathedral;
  - n) the deck supporting the Place above the rail lines ('the Deck'), which consists of steel beams, concrete 'crash walls' and over 4,000 vibration-absorbing spring coils and rubber padding;
  - o) a largely passive ventilation and cooling system situated between the Deck and surface of the Square, which covers an area of 160 square metres and is constructed of corrugated concrete walls laid out in the form of a maze ('the Labyrinth'); and
  - p) a five-storey covered laneway at the eastern end of the Place ('the Atrium'), which runs north-south from Flinders Street to the Yarra River walk and connects to NGV.
05. The principal buildings in the Place are enclosed by an outer skin of cladding supported on steel framing that is folded and stepped slightly to create angular undulating surfaces. The cladding is composed of various materials, including zinc, sandstone and glass, and uses a repeating pattern of triangles forming pinwheels.
06. The north-western corner of the Square was formerly occupied by a building known as the Western Shard. This building was recently demolished to make way for the development of an entrance to a new underground station for the Metro Tunnel Project, known as the Town Hall Station. Approvals for the Metro Tunnel Project include Permit No. P29470 which was issued by the Executive Director on 21 September 2018.<sup>1</sup>

## NOMINATION

07. On 1 August 2018, the Executive Director accepted a nomination from the Trust to include the Place in the Register ('the Nomination'). The Nomination stated that the Place satisfies Criteria A, E, F and G of the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (as adopted by the Heritage Council on 7 August 2008) ('the Criteria').

## INTERIM PROTECTION ORDER

08. On 21 August 2018, the Executive Director issued an Interim Protection Order ('IPO') under section 143 of the Act for the Place. Pursuant to section 149 of the Act, the Executive Director must make a recommendation under Part 3 of the Act to include or not to include the Place in the Register within 60 days after the IPO has been served in relation to the Place.
09. Under section 143(2) of the Act, the Place is taken to be included in the Register as a Registered Place for the period of the IPO.
010. On 28 August 2018, the Executive Director determined to grant permit exemptions for certain works to the Place under section 92(3) of the Act.

## RECOMMENDATION OF THE EXECUTIVE DIRECTOR AND OTHER MATTERS

011. On 11 October 2018, the Executive Director recommended that the Place be included as a Registered Place in the Register, pursuant to section 37(1)(a) of

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<sup>1</sup> Permit No. P29470 allows 'design and construction works including piling, shaft excavation, adit connection, construction of a temporary acoustic shed, construction of station entrance, mechanical and electrical infrastructure and operational activities for the construction of the Metro Tunnel Project'.



the Act, on the basis that the Place satisfies Criteria A, D, E, F, G and H of the Criteria. The Executive Director also recommended that certain categories of works and activities to the Place be exempted from the need for a permit under Part 5 of the Act, pursuant to section 38(1) of the Act.

- 012.** After the Recommendation of 11 October 2018, notice was published on 18 October 2018 in accordance with section 41 of the Act for a period of 60 days.
- 013.** Approximately 754 submissions were received pursuant to section 44 of the Act. Most submissions supported the Recommendation while three submissions objected to the Recommendation. Fifteen submissions requested a hearing before the Heritage Council, including the submission of FSPL.
- 014.** In accordance with section 46(2) of the Act, the Heritage Council must conduct a hearing in relation to a submission if the submission includes a request for a hearing and the submitter has a real or substantial interest in the place that is the subject of the submission.
- 015.** The Heritage Council Registrations and Reviews Committee ('the Committee') was constituted to consider the Recommendation and all submissions received in response to it, and to make a determination. The Committee then invited further written submissions and a hearing was held on 15-17 April 2019 ('the Hearing').

## **PRELIMINARY, PROCEDURAL AND OTHER MATTERS**

### **DIRECTIONS HEARING**

- 016.** On 14 February 2019, the Committee held a Directions Hearing to determine several procedural matters before the Hearing. Among other things, at the Directions Hearing:
  - a) The Committee agreed to accept a late written submission received from Professor Donald Bates on 29 February 2019.
  - b) The Committee agreed to amend the date for lodging written hearing submissions to 12 March 2019.
  - c) The Committee noted that Lovell Chen Pty Ltd, unrelated to its involvement in the Hearing, had prepared a report for the Heritage Council as part of its role in considering how places and objects are assessed for State-level cultural heritage significance under Criterion G.
  - d) The Committee directed hearing participants to ensure that matters addressed in submissions and evidence related to registration matters under Part 3 of the Act, and not to permit matters under Part 5 of the Act.
  - e) After noting that the Executive Director and FSPL were proposing to meet to discuss certain Registration matters, the Committee requested that it be provided with a summary of the outcome of those discussions by 8 April 2019 which would then be made available to other hearing participants.
  - f) The Committee directed that Permit No. P29470 for the Metro Tunnel Project be circulated to all hearing participants.
- 017.** On 1 April 2019, the Committee received a summary of the discussions between the Executive Director and FSPL referred to in paragraph 16(e) above. This was circulated to all hearing participants on 2 April 2019.



## REQUESTS FOR DOCUMENTS

- 018. Following the Directions Hearing, the Committee received requests for two documents to be circulated to hearing participants.
- 019. The first request concerned the report prepared by Lovell Chen referred to in paragraph 16(c) above. This report was circulated on 26 February 2019.
- 020. The second request concerned a draft report referred to in a footnote in an expert evidence report prepared by Lovell Chen Pty Ltd for FSPL.<sup>2</sup> FSPL subsequently advised that neither it nor its expert witnesses would be relying on the draft report. The Committee did not receive a copy of the draft report.

## SITE INSPECTION

- 021. On 11 April 2019, the Committee undertook a site inspection of the Place accompanied by the Heritage Council Hearings Coordinator and Project Officer, and the hearing participants listed in **Attachment 2**.

## CRITERION G OF THE CRITERIA

- 022. On 4 April 2019, the Heritage Council adopted an updated version of Criterion G and threshold guidance. The updated Criterion G applies to nominations to the Executive Director and recommendations made by the Executive Director after that date. As the Nomination and Recommendation for the Place were made before 4 April 2019, the Committee has applied Criterion G as adopted by the Heritage Council on 7 August 2008.

## DIRECTIONS AT THE END OF THE HEARING

- 023. On 17 April 2019, at the end of the Hearing, the Committee commented that, notwithstanding its instructions to hearing participants to focus their submissions on whether or not the Place should be included in the Register, the bases for and extent of registration, and the proposed permit exemptions, there was considerable attention in submissions and evidence about permit policy, some debate about the proposed statement of significance and some suggestion that unresolved matters could be dealt with by a Conservation Management Plan.
- 024. The Committee indicated that none of the latter three documents are referred to in the Act, except to the extent that section 40(4)(a) of the Act requires the Executive Director to include 'a summary of the State-level cultural heritage significance of the place or object', among the matters to be addressed in a statement of recommendation. The three categories of documents are nevertheless commonly used in State-level heritage practice.
- 025. The Committee directed that, by no later than 6 May 2019, hearing participants who so chose were entitled to make written submissions to the Committee in relation to the following matters:
  - a) the powers of the Committee in formulating or approving permit policy;
  - b) the powers of the Committee in formulating or approving a statement of significance;
  - c) the legal consequences of any permit policy or statement of significance that may be approved by the Committee; and

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<sup>2</sup> See footnote 6 on page 16 of 'Federation Square: Heritage Council Registration Hearing, Statement of Evidence' prepared by Lovell Chen Pty Ltd for Maddocks on behalf of FSPL, dated 12 March 2019.

- d) if the Committee lacks those powers, how the Committee might seek to give effect to the outcomes that hearing participants seek to achieve via permit policy, a statement of significance or a conservation management plan.

**026.** The time for responding to this direction was later extended to 8 May 2019.

**027.** Submissions received in relation to this direction and the Committee's conclusions are discussed in paragraphs 177 to 221 below.

## ISSUES

**028.** The following 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 position that the Committee takes on each key issue.

**029.** Any reference to Criteria 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 3**).

**030.** The Committee has referred to the assessment framework in *The Victorian Heritage Register Criteria and Threshold Guidelines* (6 December 2018) ('the Guidelines') in considering the issues before it.

## SUMMARY OF ISSUES

**031.** Four key issues emerged in this review:

- a) The bases upon which the Place is of cultural heritage significance to the State of Victoria.
- b) The proposed extent of registration of the Place.
- c) The proposed categories of works and activities that should be exempted from the need for a permit under Part 5 of the Act.
- d) The powers of the Committee under the Act in relation to formulating and approving a Statement of Significance and permit policy for the Place.

## CULTURAL HERITAGE SIGNIFICANCE OF THE PLACE

**032.** There was significant common ground among many of the hearing participants that the Place is of State-level cultural heritage significance and should be included in the Register. Broadly, hearing participants:

- a) agreed that Criteria A and E are satisfied at the State level;
- b) agreed that Criteria F and G are satisfied at the State level, but for different reasons;
- c) agreed that Criteria B and C are not satisfied; and
- d) contended that Criteria D and H were satisfied at the State level, though FSPL disagreed.

**033.** Several hearing participants also made submissions about the age of the Place and whether this affects its eligibility for inclusion in the Register. This more general issue is discussed first, followed by a discussion of each Criteria.

## The age of heritage places

### Summary of submissions and evidence

- 034.** In the Recommendation, the Executive Director made the following comment on the age of heritage places:<sup>3</sup>

*The assessment of a place for heritage listing within a generation of its construction is uncommon. The [Act] does not specify a minimum age for places to be nominated, assessed or registered. The age of a place is not a criterion for inclusion in the Victorian Heritage Register. The [Guidelines] states that 'as a general principle, a generation (or approximately 25-30 years) should pass after the creation of a place or object before the place or object is considered for heritage listing at any level'. The rationale for this is that 'the passing of time allows the enduring cultural heritage values of a place or object to be more rigorously and objectively assessed'. However, some exceptions to this principle have been made by statutory heritage listing agencies in Victoria, other Australian states and internationally on a case by case basis.*

- 035.** The Recommendation identified places that have been included in the Register (or predecessor registers) soon after or within a generation of their completion, such as the National Gallery of Victoria (VHR H1499), Victorian Arts Centre (VHR H1500) and Shell House, 1 Spring Street, Melbourne (VHR H2365). The Recommendation relied on these precedents to conclude that, despite its youth, the Place is eligible for assessment under the Act.
- 036.** The RHSV put forward the view that enough time has elapsed for the Victorian community to judge whether the Place is an 'integral and essential part of the fabric of Melbourne life'. Lovell Chen was more cautious in this regard, noting that making judgments about the social and historical value of more recent places can be coloured by biases and sensibilities of the time.

### Discussion and conclusion

- 037.** Even though the Place was constructed less than 20 years ago, the Committee agrees with the Executive Director and other submitters that the Place is eligible for assessment under the Act. There is no provision in the Act that requires a place to be of a minimum age before it may be nominated, assessed or included in the Register under Part 3 of the Act. Moreover, the age of a place is not a specific criterion in the Criteria.
- 038.** The Committee notes that while the Guidelines state that a generation should have passed before a place is considered for heritage listing, this is expressed as a *general principle*. The document also acknowledges that while the Guidelines will be applicable to the bulk of places, there will be instances where they are not easily applied.<sup>4</sup>
- 039.** Despite finding that newness presents no bar to registration of a place, the Committee considers it appropriate that a relatively cautious approach be taken

<sup>3</sup> 'Recommendation of the Executive Director and assessment of cultural heritage significance under Part 3, Division 3 of the Heritage Act 2017', dated 11 October 2018, p 5 ('Recommendation').

<sup>4</sup> *The Victorian Heritage Register Criteria and Threshold Guidelines* (6 December 2018) p 4 ('Guidelines').

in assessing recent places for registration. The Committee agrees with the hearing participants that, in most respects, an assessment of the heritage values of a place or object benefits from a somewhat greater passage of time.

040. This being said, the Committee is nevertheless satisfied that it is appropriate for this relatively youthful place to be included in the Register, having regard to its particular characteristics, and the application of the Criteria.

## **Criterion A – Importance to the course, or pattern, of Victoria’s cultural history**

### *Summary of submissions and evidence*

041. The Executive Director submitted that the Place is historically significant for its association with the commemoration of Australia’s Centenary of Federation (1901-2001) (‘the Centenary’). According to the Executive Director, the Place was Victoria’s principal and most enduring response to the commemoration and the State of Victoria’s and City of Melbourne’s major public commission to celebrate Federation.

042. In the Executive Director’s view, the commemoration of the Centenary is evident in the physical fabric and overall design of the Place, including the paving artwork *Nearamnew*, which incorporates symbolic and literary representations of historical and contemporary installations of Federation. In support of this submission, the Executive Director cited Mr Peter Davidson, a co-director of LAB Architecture Studio, who described the architectural design for the Place as follows:

*...the idea of a federated system is...at the heart of the entire project. It’s about independent identities that come together to form a larger whole. Something that centres around coherence and difference. Differences about individual identities, coherence about the whole they form.*

043. The Executive Director submitted that the Place satisfies the State-level threshold for Criterion A as its name, design, scale, function and public prominence allows for its association with the Centenary to be understood better than most other places in Victoria with substantially the same association. Many other submitters agreed with this assessment, including the Trust, Melbourne and RHSV.
044. The Trust noted that other public projects were commissioned in Victoria to commemorate the Centenary of Federation (such as ‘Federation Place’ in Warracknabeal and the Macedon Ranges Federation Trail) but submitted that those projects only commemorated the event at a local level. By comparison, the Place was a State-wide response to the Centenary and has become the most prominent and enduring monument to Federation in Victoria.
045. Melbourne provided an overview of other places in Victoria associated with the Centenary. It submitted that many of those places are modest in scale and were conceived as local memorials. The construction of larger structures to commemorate the event was uncommon, and habitable large structures were rarer still. Of the projects built within central Melbourne to commemorate the Centenary, Federation Arch was arguably comparable to the Place in prominence and public engagement. However, that project was smaller in scale and has since been dismantled.
046. FSPL agreed with the Executive Director’s conclusion and relied on the evidence of Lovell Chen in this regard. Lovell Chen described the Place as ‘the pre-

eminent place in the State with an explicit connection to the [Centenary]<sup>5</sup> and noted that this historical association will strengthen over time. In Lovell Chen's view, the principle of Federation is:

- a) embedded in the design rationale for the Place, which it describes as '...an ordering system informed by fractal geometries [that] lends coherence to a place composed of diverse elements with distinct qualities and characteristics';<sup>6</sup>
- b) reflected in *Nearamnew*; and
- c) artwork and inscriptions in the bluestone steps and apron near the former Western Shard. Those steps have been temporarily removed for the Metro Tunnel project but will be reinstated when those works are completed.

- 047. Lovell Chen also considered that the Place has historical significance to Victoria as a major public project that sought to consolidate Victoria's status as a centre for innovation and creativity. The Trust disagreed with this conclusion on the basis that no supporting evidence had been provided.
- 048. Mr Smith submitted that the story of the Federation of Australia is referenced directly through the architecture of the Place in that '[it is] a group of similar but different buildings coming together to form a cohesive whole'.
- 049. The RHSV, Professor Davison and others submitted that the Place also satisfies Criterion A because it represents the culmination of a more than century-long search for a grand public square for Melbourne. Relying on various documentary records, Professor Davison traced the history of what he described as 'Melbourne's search for a square' and the different proposals that city planners and others debated (and, in some cases, implemented) over time in efforts to establish a permanent city square.
- 050. Melbourne also made submissions about the significance of the Place for its association with the search for a public square, albeit in the context of Criterion D. Melbourne referred to various examples of public squares that have been developed in central Melbourne since the 1960s including:
  - a) the former City Square on the south-east corner of Swanston and Collins Streets, which began as a temporary public square in the late 1960s but was later formalised following a design competition in 1976;
  - b) Princes Plaza on the south-east corner of Swanston and Flinders Streets, which existed for three decades until it was demolished to make way for the Place;
  - c) the Southern Cross Plaza of the former Southern Cross Hotel in Exhibition Street and the National Mutual Plaza in Collins Street, neither of which still exist;
  - d) Queen Elizabeth Plaza on the south-west corner of Swanston and La Trobe Streets, which was subsequently absorbed into Melbourne Central; and
  - e) Town Hall Plaza on the north-east corner of Swanston and Little Collins Streets.
- 051. In Melbourne's view, the Place is the successful culmination of previous attempts to provide a grand public space in central Melbourne and has State-level cultural

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<sup>5</sup> Lovell Chen Pty Ltd, *Federation Square: Heritage Council Registration Hearing, Statement of Evidence*, dated 12 March 2019, p 11 ('Lovell Chen First Statement').

<sup>6</sup> Lovell Chen First Statement p 11.



heritage significance for this reason. Many other submissions echoed this view, stating that the Place has historical significance as Victoria's premier civic and cultural space.

### *Discussion and conclusion*

- 052.** For the purposes of assessment under this Criterion, the Committee considers it necessary to distinguish between the Place's association with *Federation* itself, as opposed to its association with the *Centenary* of Federation.
- 053.** In relation to Federation itself, the Committee agrees that the Place has a sufficient association with this event and that this association is evident in the physical fabric of the Place, documentary resources and oral history. In terms of physical fabric, it is evident in:
- a) the symbolic and literary references to Federation in *Nearamnew*;
  - b) the overall architectural design of the Place, which is based on the idea of a federated system and individual identities coming together as a whole;
  - c) the spatial relationship between the plaza component of the Square and the surrounding principal buildings, whereby the buildings appear as an ensemble around a 'central' or common open space area;
  - d) the use of the non-orthogonal architectural design principles and fractal geometries to enable the principal buildings to have individual identities while also displaying an overall coherence;
  - e) the use of a consistent palette of materials and colours in the external fabric of the Place to give it a unified appearance; and
  - f) the artwork and inscriptions in the bluestone steps and apron near the former Western Shard (which have been temporarily removed but are intended to be reinstated).
- 054.** Having regard to the language of Criterion A and its associated guidelines, the Committee is satisfied that Federation is an event of historical importance to Victoria – indeed it would be difficult to argue otherwise. A range of other public works have been commissioned to honour this important event, however, as pointed out by the Trust, these other works are generally modest in scale and conceived as local memorials. In contrast, the Place is the largest and most prominent memorial to Federation in Victoria, and the name, design, scale and function of the Place all reflect its association with this event. On this basis, the Committee considers that the Place allows its association with the Federation to be understood better than most other places or objects in Victoria with the same association.
- 055.** However, the Committee is not persuaded that the Place's association with the Centenary satisfies Criterion A. The Committee accepts that the Place has an association with this event, as it was a major catalyst for the construction of the Place. The association is also evident in documentary resources and in oral history. However, the basic test for Criterion A is that the event "is of historical importance, having made a *strong or influential contribution to Victoria*" (emphasis added).<sup>7</sup> The Committee is not persuaded that the Centenary of Federation was *itself* an event of particular historical importance, nor that it made a strong or influential contribution to Victoria. Rather, the Centenary was simply the commemoration of an event of historical importance to Victoria.

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<sup>7</sup> Guidelines p 5.

- 056.** Secondly, and separately, the Committee is persuaded that Criterion A is satisfied by reference to the association of the Place with endeavours to establish a permanent public square within central Melbourne. Particularly by reference to the submissions of the RHSV and Professor Davison, the Committee is persuaded that the Place has a clear association with this element of Victoria's cultural history, and that this search for a public square has had a significant influence on the development of central Melbourne, and popular perceptions of central Melbourne. Professor Davison referred to examples of previously postulated public square schemes, to illustrate how this intellectual and popular discussion evolved within the city over many years. The Committee accepts that the Place represents the culmination of attempts to establish a successful grand public space in Melbourne and has State-level cultural heritage significance for this reason.
- 057.** The Committee is not persuaded to Lovell Chen's view that the Place has historical significance to Victoria as a major public project that consolidated Victoria's status as a centre for innovation and creativity. No evidence was provided in support of this assertion.
- 058.** The Committee finds that Criterion A is satisfied at the State level because:
- a) the Place is associated with the Federation of Australia, and allows this event to be understood better than most other places or objects in Victoria with the same association; and
  - b) the Place is associated with a long-held desire for a grand public square for central Melbourne and allows this historic process to be understood better than most other places or objects in Victoria with the same association.
- 059.** The Committee determines that the Place is historically significant as the preeminent memorial to Federation in Victoria. The layout and design of the place, including artwork and complementarity of buildings, embody and commemorate Federation as a nation shaping event. The Place is historically significant for its association with endeavours to establish a permanent grand public square in Melbourne. As the most important and recognisable public square in Victoria it reflects the community's need, both historical and current, for a large, open, civic space allowing for mass gathering and public events.

## **CRITERION B – POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF VICTORIA'S CULTURAL HISTORY**

### *Summary of submissions and evidence*

- 060.** The Executive Director submitted that the Place is a rare and uncommon example of a public square in Victoria, as it contains features that are not widely replicated in other squares. However, in the Executive Director's view, the Place does not satisfy Criterion B at the State-level because the philosophies and methodologies used to design the Place have since been replicated in other projects, and because public squares are by their nature rare or uncommon. The Executive Director considered that the significance of the Place as a public square is more appropriately assessed under Criteria D and E.
- 061.** Other submitters who specifically addressed this Criterion agreed with the Executive Director's conclusion. For example, Lovell Chen observed that the principal purpose of the Place is as a place of public congregation, and that such places are not uncommon or endangered in Victoria.



### *Discussion and conclusion*

062. The Committee considers that while the scale, form and features of the Place make it somewhat unique as compared to other public squares, its significance as a public square is more appropriately assessed under Criterion D. The Committee also accepts that large civic squares are by their nature uncommon or rare.
063. The Committee finds that Criterion B is not satisfied at the State level.

## **CRITERION C – POTENTIAL TO YIELD INFORMATION THAT WILL CONTRIBUTE TO AN UNDERSTANDING OF VICTORIA’S CULTURAL HISTORY**

### *Summary of submissions and evidence*

064. The Executive Director considered the likelihood of the Place containing archaeological or other physical evidence of historical interest. The Executive Director concluded that the Place was unlikely to yield any archaeological remains of historical interest due to the high degree of surface and sub-surface disturbance that occurred at the site during the twentieth century. Because of the large amount of documentary evidence available concerning the design and construction of the Place, the Executive Director also doubted that the Place contains any other physical evidence of historical interest that is not already visible or understood. On this basis, the Executive Director concluded that the Place failed to meet the basic test for satisfying Criterion C.
065. Other submitters who specifically addressed this Criterion supported the Executive Director’s assessment. Melbourne noted that because much of the Place occupies airspace above railway lines, the subsurface of the Place is unlikely to have any archaeological potential.

### *Discussion and conclusion*

066. The Guidelines state that a place is unlikely to satisfy Criterion C if there has been, or is likely to have been, a high degree of disturbance. The hearing participants who addressed this Criterion agreed that the Place has been subject to a high degree of disturbance and is unlikely to yield any archaeological remains of historical significance. The Committee accepts this position.
067. The Committee also agrees that the design and construction of the Place has been extensively documented and so it is unlikely the Place contains other physical evidence of historical interest that is not already visible or understood. The fact that much of the Place is a man-made structure, effectively suspended above the current ground level, is also significant in this regard.
068. The Committee finds that Criterion C is not satisfied at the State level.

## **CRITERION D – IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES AND OBJECTS**

### *Summary of submissions and evidence*

069. Most submitters who specifically addressed Criterion D did so on the basis that the Place belongs to the class of ‘public square’, which the Executive Director

described as ‘a purpose designed public open space area in a city or town where people gather’.<sup>8</sup>

- 070.** In the Executive Director’s view, the Place satisfies this Criterion because it has a clear association with the search for a permanent public square for Melbourne from the 1850s onwards, and with the development of public squares in Victoria more generally. Moreover, the Place displays a range of characteristics typical of the class – for example, it contains a large, centrally-located open space area that is connected by laneways and framed by buildings – which are of a higher quality than is typical of the class. The Executive Director said:<sup>9</sup>

*Through its size, civic prominence and use as Melbourne’s pre-eminent mass gathering place, [the Place] displays the principal characteristics of ‘public squares’ in a way that allows the class to be easily understood and appreciated. There are many squares and public gathering spaces in towns throughout Victoria, but Federation Square is larger, more finely designed, supports more cultural functions and attracts people from across Victoria, nationally and internationally.*

- 071.** The Trust agreed with the Executive Director’s assessment and provided a comparative analysis of the Place against other public squares to demonstrate that the Place is a notable example of its class. In summary, that analysis made the following key points:
- a) public squares in country towns are more like formal parks than civic spaces designed to accommodate mass gatherings;
  - b) the former Melbourne City Square (at the intersection of Swanston and Collins Street) was created as a public space but ultimately was not successful and in any case has since been demolished as part of the Metro Tunnel Project;
  - c) while other places in central Melbourne are used for public gatherings – such as the grassed forecourt of the State Library of Victoria and the forecourt of the Victorian Arts Centre – they were not specifically designed for this purpose, and their use as a gathering place is secondary to their main function or purpose; and
  - d) the Place has inspired the creation of similar public squares, most notably Harmony Square in Dandenong.
- 072.** Melbourne also agreed with the Executive Director’s assessment and provided a detailed description of past attempts to establish a public square in central Melbourne. In Melbourne’s view, because the Place represents the successful culmination of these attempts, it is a notable example of its class.
- 073.** Mr Thewlis submitted that the Place is a notable example of a public square because its flexible design allows it to accommodate a wide range of interrelated events and public gatherings of varying sizes, in ways that would not be possible in other public squares. Mr Thewlis also referred to the changing levels and slope of the Square, its enclosed feeling and use of irregular surfaces.
- 074.** FSPL disputed the Executive Director’s assessment and relied on the evidence of Lovell Chen in this regard. In Lovell Chen’s opinion, because the Place was conceived to function (and in fact functions) not only as a place of public congregation, but also of cultural exchange and commercial activity, it is necessarily singular and therefore does not belong to a class. Consequently,

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<sup>8</sup> ‘Recommendation p 12

<sup>9</sup> Recommendation p 12.

Lovell Chen considered that the distinctive architectural characteristics of the Place are more appropriately assessed under Criterion E, while its social values are more appropriately assessed under Criterion G.

### *Discussion and conclusion*

- 075.** For the purposes of Criterion D, most submitters assessed the Place on the basis that it belongs to the class of ‘public square’. Despite management of the Place by FSPL, the Committee agrees with the view that the Place should be assessed as a public square. The Committee considers that the Place exhibits the characteristics typical of a public square. Those characteristics (all of which are present in the Place) include:
- a) a large open space area where people can gather, and where events can be held;
  - b) a central ‘square’ enclosed by buildings that accommodate cultural activities and other activities of a civic nature;
  - c) provision of services and facilities for visitors and tourists;
  - d) provision of spaces that can be used for a variety of functions and groups; and
  - e) being in a central, accessible location.
- 076.** As discussed under Criterion A, the Committee also considers that the Place is of State-level significance because of its association with endeavours to establish a grand public square for central Melbourne.
- 077.** The Committee considers the Place to be a ‘notable example’ of a public square for several reasons. Its size, civic prominence and provision of cultural activities are of a higher quality than are typical of other public squares in Victoria. The Square and surrounding buildings are finely designed and display a coherence that allows the class to be easily understood and appreciated. The Place is also a highly intact example of a public square. The Place offers a range of spaces that can be used for public engagement, and it makes innovative use of integrated media – most notably digital screens – to provide visual information and support live public events. Moreover, there is some evidence to suggest that features of the Place have been replicated in other public squares, most notably Harmony Square in Dandenong.
- 078.** The Committee finds that Criterion D is satisfied at the State level.

## **CRITERION E – IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS**

### *Summary of submissions and evidence*

- 079.** The Executive Director submitted that the aesthetic characteristics of the Place are embodied in its form, scale, massing, colour palette, texture, geometry, topography and materials, and in the complex interplay between the Square, buildings and landscaping. The Executive Director referred to the use of non-orthogonal architectural design principles and fractal geometries to achieve a complex architectural aesthetic for the Place that displays both coherence and difference.
- 080.** The Executive Director in supporting the aesthetic importance of the Place relied on the numerous design awards that the Place has received, including five major

urban design and architectural awards in 2003. In the Executive Director's view, the degree of critical acclaim that the Place has received for its architectural qualities, both nationally and internationally, clearly demonstrates that Criterion E is satisfied at the State level. Many other submitters agreed with this assessment.

- 081.** Melbourne submitted that the large number of awards received by the Place is a clear indicator that its aesthetic characteristics have received critical recognition for being of an outstanding quality. Melbourne also submitted that the regular depiction of the Place in artworks and publications by professional, semi-professional and amateur artists is evidence of the wider community's appreciation of the aesthetic qualities of the Place.
- 082.** Lovell Chen agreed that the Place is of aesthetic significance at the State-level and identified the following architectural qualities that contribute to this significance:
- a) the external fabric of the Place, particularly that of the principal buildings that surround the Square;
  - b) the composition of the Square, including the areas of sandstone paving rising to a crest, the catenary lighting system and the six integrated planter beds. Collectively, these elements exhibit qualities that are widely appreciated by design professionals and the wider public; and
  - c) the application of fractal geometries in the three-dimensional form of the Place, particularly its building façade system, to enable individual elements of the Place to be differentiated, while maintaining an overall coherence.
- 083.** Professor Bates is a Director of LAB Architecture Studio and was involved in all stages of the design of the Place – from conception to construction. He described the architectural design process for the Place as follows:<sup>10</sup>
- ...the design process and logic was in the development of relationships rather than objects; in the balancing of emergent forms rather than fixed geometries; the promotion of coherence and difference; of permeability and linkages; of overlapping and embedded spaces; and of provisionality rather than absolutes.*
- 084.** Professor Bates suggested that any recommendation to include the Place in the Register needs to be based on a nuanced understanding of the architectural and aesthetic characteristics of the Place.
- 085.** Many submitters highlighted aesthetic characteristics of the Place that they considered to be significant. For example, it was submitted that:
- a) the aesthetic and architectural significance of the Place relies on its presentation as a unified whole, which in turn depends on the coherence of the buildings constituting an ensemble;
  - b) the Place is an exemplar of the adaption of the deconstructivist style of architecture to the creation of a civic square;
  - c) the Place is a composition of built form and spatial elements that have come together to form a balanced composition of companion structures;
  - d) the cohesion and modelling of the principal buildings that surround the higher levels of the Square are crucial to its significance;

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<sup>10</sup> Written hearing submission by Professor Donald Bates, dated 23 December 2018.

- e) the use of geometric forms in the building façade system gives the Place a 'lightness' and masks the bulkiness of the walls surrounding the Square itself; and
- f) the cobblestone paving and pinwheeled tiled building facades are unique characteristics of the Place.

#### *Discussion and conclusion*

- 086.** There was a very strong consensus among submitters that the Place satisfies Criterion E for its aesthetic characteristics. The Committee shares that view and considers that the aesthetic qualities of the Place lie in its scale, three-dimensional geometric form, materials, topography, building massing, landscaping and lighting, and the overall design rationale that underpins them.
- 087.** The Committee agrees that the Place is of significance to the State of Victoria as a place of critical acclaim having received numerous architectural awards for its design. As stated by the Executive Director, the Place is 'one of the most awarded projects in the history of the Royal Australian Institute of Architects (RAIA) Victoria'.
- 088.** Specific aesthetic features or qualities of the Place that are appreciated and valued by design professionals and the wider community include:
  - a) the application of fractal geometries in the three-dimensional form of the Place, particularly its building façade system, to enable individual elements of the Place to be differentiated, while maintaining an overall coherence;
  - b) the external fabric of the principal buildings that surround the Square, particularly the 'outer skin' (or fractal façade) that can be folded and bent to accommodate the interior aspects of the building;
  - c) the use of specific materials in the building facades and paving (for example, zinc, sandstone and glass), again to differentiate between buildings and spaces, while maintaining an overall coherence;
  - d) the use of built form to enclose the Square and give it a sense of intimacy;
  - e) the slope of the Square, which gradually rises from Swanston Street to the eastern end of the site, to create an urban amphitheatre;
  - f) the artwork *Nearamnew* and the use of sandstone paving to differentiate the main part of the Square from other spaces;
  - g) the catenary lighting system;
  - h) the integration of landscaping into the overall design of the Place; and
  - i) the provision of multiple access points and thoroughfares within and between buildings to enable people to move through the Place and engage with it in different ways.
- 089.** The Committee considers that the Place displays a high quality and individual design aesthetic. The Place adopts a design language, building materials and landscaping which together create a balanced ensemble of diverse but complementary structures and a distinctive sense of place. The use of 'fractal facades' as a second skin to each building is a design approach which has and should continue to allow built form changes to be accommodated in the Place without loss of its overall design coherence. The ability to appreciate the aesthetic characteristics of the Place is enhanced by its high degree of intactness.



090. The Committee finds that Criterion E is satisfied at the State level.

## **CRITERION F – IMPORTANCE IN DEMONSTRATING A HIGH DEGREE OF CREATIVE OR TECHNICAL ACHIEVEMENT AT A PARTICULAR PERIOD**

### *Summary of submissions and evidence*

091. In the Executive Director's view, the fabric of the Place clearly demonstrates a high degree of creative and technical achievement for the time in which it was created. The Executive Director referred to several achievements, including:
- a) the design and construction of the Deck, which it said was the first large scale expanse of railway decking in Victoria and which incorporated techniques to achieve a high degree of acoustic and vibrational tuning;
  - b) the design and construction of the building façade system using non-orthogonal geometries in plan and elevation, which were innovative and technically complex achievements for their time;
  - c) the use of three-dimensional computer modelling to create complex design patterns and built form; and
  - d) the scale and design of the Labyrinth.
092. The Executive Director considers that the Place meets Criterion F at the State level for the combination of creative and technical innovations, breakthroughs and adaptations of 'lost' technology that were achieved at the time, and because the Deck and Labyrinth were significant technical achievements in their own rights (as demonstrated by the design or engineering awards that each received).
093. Many other submitters also nominated the construction of the Deck and the Labyrinth, and the use of non-orthogonal geometries in the architecture of the Place, as elements of the Place that demonstrate a high degree of technical achievement.
094. The Trust submitted that the Deck provided a highly successful solution to a technical problem that extended the limits of technology existing at the time, and its significance is reflected in the critical acclaim it received for engineering excellence. Similarly, the Trust submitted that the significance of the Labyrinth is evidenced by the critical acclaim it has received.
095. Lovell Chen agreed with the Executive Director's assessment in terms of the significance of the Place for its architectural achievement, stating:
- ... [the Place] demonstrates a high degree of creative and technical achievement...specifically as related to the innovative architectural language adopted. This language, incorporating non-orthogonal geometries and the development of a multi-media civic precinct, was innovative and 'beyond the ordinary' for the period (late-1990s).*
096. However, Lovell Chen was more circumspect about whether the Deck, Labyrinth and use of three-dimensional computer modelling meet the threshold requirements for State-level significance for Criterion F. In its view:
- a) while the Deck was a successful engineering solution, it is not clear that the scale of the Deck was the outcome of an engineering innovation or breakthrough;
  - b) while the use of acoustic and vibrational tuning in the footings of the Alfred Deakin building was also a successful and well-resolved solution, the technology had been in use for many years and its application to the Place is

not known to have advanced understanding of that aspect of structural engineering;

- c) while the Labyrinth was a sophisticated solution for the storage and circulation of ambient air, there is no evidence to suggest it has had subsequent widespread application; and
- d) three-dimensional computer modelling had been widely used in design for many years before the Place was designed.

#### *Discussion and conclusion*

- 097. The Committee is satisfied that the Place contains physical evidence that demonstrates a high degree of creative and technical achievement for the time it was created. The design and construction of the Deck and the Labyrinth were highly sophisticated solutions applied to a very large and complex site with specific structural, acoustic, cooling, noise and vibrational requirements, and their significance has been reflected in the critical acclaim that each has received.
- 098. The Committee also agrees that the architectural design of the Place, particularly the use of non-orthogonal geometries in plan and elevation, was a creative and technical achievement for its time. As described by Professor Bates, the application of the fractal facade system as an 'outer skin' allowed the façade to operate independently from the building interiors and to be manipulated to accommodate the shape, use, location and environmental constraints of each building. The pinwheel grid design allowed for a high degree of variation in the building façade and could be fabricated off-site. The principal buildings in the Place have clear spatial volumetric differences but present as a composite whole. The Committee considers that these and other aspects of the architectural language of the Place were 'out of the ordinary' for the time.
- 099. The Committee also accepts that the use of three-dimensional computer modelling for the architectural design of the Place was 'out of the ordinary' for the time because it allowed complex design patterns and different volumetric forms to be created and applied to a large civic space.
- 0100. The Committee finds that Criterion F is satisfied at the State level.

#### **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**

#### *Summary of submissions and evidence*

- 0101. The Executive Director submitted that the Place has a direct and strong association with the Victorian community because it regularly hosts large crowds to celebrate, mourn and protest significant state, national and international events. Moreover, the Executive Director considers this to be a particularly strong association by reason of the nature and scale of those public gatherings, which have included the Iraq War demonstration in 2003, the live broadcast of the Commonwealth Games in 2006, and the live broadcast of the Federal Government Apology to the Stolen Generations in 2008.
- 0102. The Executive Director also contended that the Place has a direct and strong association with communities connected with ACMI, NGV, the Koorie Heritage Trust and Deakin Edge, as evidenced by the regular use of those spaces for a



variety of performances, exhibitions, festivals, lectures and other events. In addition, because of the importance of these institutions as places for experiencing and interpreting art, design, literature, music, film and performing arts, the Executive Director submitted that this association satisfies Criterion G at the State level. Many submitters agreed with this conclusion.

- 0103.** The Trust agreed with the Executive Director's assessment but submitted that the Place is also socially significant to the Victorian community for its 'landmark value'. The Trust contended that this value can be seen in the use of the pinwheel grid pattern in branding strategies used by Metro Trains and Public Transport Victoria, and in Melbourne-themed merchandising.
- 0104.** Melbourne submitted that the Place has also developed a strong association with the Aboriginal community, which should be explicitly acknowledged in any assessment under Criterion G. It said this association is evidenced by the number of events connected with indigenous issues that have been held at the Place – most notably, the annual Tanderrum ceremony – and by the presence and activities of the Koorie Heritage Trust in the Yarra building.
- 0105.** Melbourne relied on the evidence of Mr Travers to support this aspect of its submission. Mr Travers expressed the view that:
- a) the Traditional Owners and wider Aboriginal community have been increasingly involved with the Place through various events and programs of protest, ceremony, commemoration and celebrations;
  - b) these activities and events – particularly the Tanderrum ceremony – represent the continuation of an ancient Aboriginal connection with the Place and its surrounds; and
  - c) the Place has become the pre-eminent contemporary location for Aboriginal community events in Victoria.
- 0106.** CFM submitted that the significance of the Place to the Victorian community is evidenced by its analysis of two on-line petitions that it organised as part of its 'Our City, Our Square' campaign. CFM contended that the results of that analysis clearly show that the broader community value the nature, character and architecture of the Place, see it as a unique part of Melbourne, and regard it as a key precinct for culture and community.
- 0107.** Mr Thewlis submitted that the social significance of the Place is evidenced by its regular use for major events, rallies, protests and other mass gatherings. In support of this contention, he provided a detailed list of major events that have been held at the Place since 2002.
- 0108.** Lovell Chen submitted that the Place satisfies Criterion G at the State-level, based on its social value to the 'Melbourne community' at large, but that more research is required to understand the extent to which the Place is valued by more readily identifiable groups. Based on the community's use of the Place to date, Lovell Chen suggested that the Square has been embraced as a place to meet and congregate in times of celebration, protest and reflection, and a focus for community engagement, particularly around sporting events. Based on the available evidence, it was Lovell Chen's view that the 'community' for whom the Place is valued is large, amorphous and difficult to define.

#### *Discussion and conclusion*

- 0109.** The Committee agrees that the Place satisfies Criterion G for its direct and strong association with the Victorian community at large. As Melbourne's pre-eminent

public square, it regularly hosts mass gatherings and events to celebrate, mourn and protest significant State, national and international events. As noted by many submitters, those public gatherings have included the Iraq War demonstration in 2003, the live broadcast of the Commonwealth Games in 2006, and the live broadcast of the Federal Government Apology to the Stolen Generations in 2008. This association of the Place is also strong by reason of its popularity as a place for people to gather informally and to engage with a range of cultural institutions and activities.

- 0110.** The Victorian community of course includes Aboriginal Victorians and the Committee agrees that the use of the Place for events associated with Victoria's Aboriginal community is an important part of the social significance of the Place to the Victorian community as a whole. Melbourne argued that the Traditional Owners of the Place and the wider Aboriginal community have such a strong and special association with the Place as to satisfy Criterion G at the State level beyond the association of the Place for other members of the Victorian community. The Committee is conscious of the enduring and important connection with place of Traditional Owners within the Aboriginal community and acknowledges that the Place is of significance to the Traditional Owners consulted by Mr Travers (and likely others in the Victorian Aboriginal community). However, it falls to this Committee to consider, based on the evidence presented, whether this significance meets the State threshold. Although the evidence of Mr Travers was of assistance in this regard, the Committee did not feel that a compelling argument was made as to why this Place should be elevated above other similar sites.
- 0111.** In this respect, the Committee notes that there was limited consultation and comparative evidence presented evaluating the Aboriginal community's association with the Place as compared to other important meeting places in Melbourne and Victoria. The Committee feels that additional research and consultation would have been required in order for Criterion G to be satisfied specifically by reference to the Aboriginal community.
- 0112.** The Place is in fact located upon a platform or deck raised above the Jolimont railyard and does not include the land underneath the Place or the nearby banks of the Yarra River. There is, of course, in the public domain a wealth of evidence as to the deep and enduring connection of Traditional Owners to the nearby banks of the Yarra River and indeed to nearby land that is now within central Melbourne. The Committee notes that in Victoria sites of cultural heritage significance for their association with Aboriginal tradition are recognised and managed pursuant to other governing legislation, namely the *Aboriginal Heritage Act 2006*.
- 0113.** The Committee finds that Criterion G is satisfied at the State level for its association with the Victorian community at large.

## **CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR A GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA'S HISTORY**

### *Summary of submissions and evidence*

- 0114.** In addressing this criterion, the Executive Director focused on the Place's association with LAB Architecture Studio ('LAB'), which was one of five architectural firms shortlisted for Stage One of the Federation Square design competition, and Bates Smart, with whom LAB partnered during Stage Two of the design competition.

- 0115.** In the Executive Director's view, LAB has made a strong and influential contribution to the course of Victoria's history because of its architectural achievements in relation to the design and construction of the Place.
- 0116.** The Executive Director acknowledged that Bates Smart also made a significant contribution to the design of the Place. However, the Executive Director submitted that the work of Bates Smart is more readily appreciated through other buildings that are already included in the Register (for example, ICI House and the State Library of Victoria).
- 0117.** Melbourne agreed with the Executive Director's assessment, both in relation to LAB and Bates Smart. In describing the history of LAB's architectural work in Victoria, Melbourne noted that few (if any) of these projects have come to fruition. Consequently, the Place remains the largest, most prominent and most well-known LAB project and so allows this association to be appreciated more readily than for all other places in Victoria.
- 0118.** Melbourne also submitted that the Place also has a special association with Karres+Brands, a landscaping and urban design firm with whom LAB collaborated in designing the Place.
- 0119.** Lovell Chen disagreed with the Executive Director's assessment, noting that it is rare for the architects of a place of cultural heritage significance to be individually recognised under Criterion H for their work on that place. In Lovell Chen's view, the starting point for satisfying this criterion is whether the person or group has made a strong or influential contribution to the course of Victoria's history. While the architectural and landscaping design work of LAB and Karres+Brands was undoubtedly important to the Place, Lovell Chen did not think that either firm satisfied the basic test for this criterion.

### *Discussion and conclusion*

- 0120.** The basic test in the Guidelines for satisfying Criterion H is that the place must have a direct association with a person or group of persons who have "made a strong or influential contribution to the course of Victoria's history" (emphasis added).<sup>11</sup>
- 0121.** LAB and Bates Smart were the principal architectural firms for the Place, while Karres+Brands was the principal landscape architectural firm. The Committee accepts that they have a clear association with the Place.
- 0122.** However, the Committee is not persuaded that LAB has made a strong or influential contribution to the course of Victoria's history. Although LAB made a significant contribution to the architectural design of the Place, the delivery of that project was a collaborative effort, involving substantial contributions from various other firms and people. Also, on the available evidence, it does not appear that other work undertaken by LAB in Victoria (as summarised in the Peer Review provided by Melbourne),<sup>12</sup> has had a significant or strong influence on Victoria's history.
- 0123.** To the extent that the Place demonstrates LAB's architectural achievements, this can be properly recognised under Criteria E.

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<sup>11</sup> Guidelines p 19.

<sup>12</sup> 'Peer Review of Executive Director's Recommendation for Inclusion on Victorian Heritage Register' prepared by Built Heritage Pty Ltd, dated 19 November 2018, p 19-21 ('Melbourne Peer Review').

- 0124.** For similar reasons, the Committee is also not persuaded that Bates Smart and Karres+Brands satisfy the basic test for Criterion H. Further, the Committee accepts the Executive Director's position that the work of Bates Smart is more readily appreciated through other buildings that are already included in the Register.
- 0125.** In general terms, the Committee finds it unnecessary and undesirable for architects, or architectural firms, to be recognised by way of Criterion H, solely on the basis that those architects or firms are responsible for a place that warrants inclusion on the Register (on the basis of the place meeting one or more of the other Criteria). Such an approach is clearly circular and is unlikely to particularly advance an understanding or recognition of heritage. Of course, it is quite possible for architects – as much as anyone else – to make a 'strong or influential contribution to the course of Victoria's history',<sup>13</sup> in which cases places sufficiently associated with those architects may warrant registration by reference to Criterion H. However, for the purpose of meeting that Criterion, ordinarily the Committee would expect some contribution over and above the fact of having designed a place which is ultimately found to warrant inclusion in the Register.<sup>14</sup>
- 0126.** The Committee finds that Criterion H is not satisfied at the State level.

## THE EXTENT OF REGISTRATION

### Recommended extent of registration

- 0127.** The Executive Director's recommended extent of registration (Recommended Registration Area) for the Place is expressed by reference to Crown land parcels and a plan (Diagram 2390 on page 3 of the Recommendation) (**Attachment 4**).
- 0128.** The relevant land parcels were described as follows:
- a) part of Lot 2 on Title Plan 018290 (also identified as Certificate of Title Volume 10652 folio 490, owned by Victorian Rail Track);
  - b) part of Crown Allotment 6, Section 19E, City of Melbourne, Parish of Melbourne (which the Committee understands to be Crown land);
  - c) all of Crown Allotment 2140, City of Melbourne, Parish of Melbourne North (also identified as Certificate of Title Volume 10663 folio 025, owned by FSPL); and
  - d) part of Crown Allotment 2035 (which the Committee understands to be Crown land).
- 0129.** As the Executive Director's diagram illustrated, the intention was for the registered area to be generally located within the area bounded by Swanston Street, Flinders Street, Russell Street Extension and Princes Walk, and parts of the Flinders Street and Swanston Street road reserves. The Committee understands that those road reserve areas are separate to (and additional to) the land descriptions in the previous paragraph.

### Issues relating to the extent of registration

- 0130.** There was significant common ground between the parties as to the extent of registration for the Place. It was broadly agreed that the extent of registration

<sup>13</sup> Quoting the 'basic test' for Criterion H, from the Guidelines.

<sup>14</sup> Consistent with the Heritage Council's decision regarding *1 Spring Street, Melbourne* (formerly *Shell House*), 13 June 2017, paragraphs [45] to [50].

should generally align with the boundaries of land managed by FSPL, including the Deck, but should not include the multi-storey carpark to the east of Russell Street Extension as this was not designed or delivered by LAB and Bates Smart and does not express or reflect the overall design rationale for the Place.

- 0131.** The Committee intends to deal only with those issues where there was some significant disagreement as to the extent of registration, namely:
- e) Should the extent of registration include portions of the Flinders Street and Swanston Street road reserves (to the extent that existing footpaths, contiguous with Federation Square, extend into those road reserves)?
  - f) Should the extent of registration include the site of the Town Hall station, now under construction?
  - g) The appropriate description of land parcels, including whether the extent of registration should include the railway assets underneath the Deck?
  - h) Should the extent of registration encompass land that is already included in the Register because it forms part of the extent of registration for the Princes Walk Vaults (identified as H0646 in the Register) or the Flinders Street Railway Complex (identified as H1083 in the Register)?
  - i) Should the southern end of the eastern boundary of the Recommended Registration Area be modified to align with the eastern side of a roadway that leads to the Federation Square multi-storey carpark?

### Flinders Street and Swanston Street Road Reserves

- 0132.** The Recommended Registration Area extends beyond the boundaries of the land managed by FSPL to include the footpath and kerb within the Flinders Street and Swanston Street road reserves (see **Attachment 4**).

### *Summary of submissions and evidence*

- 0133.** The Executive Director submitted that these portions of the road reserves should be included in the extent of registration as curtilage for the Place because they are among the most heavily used access points to the Place and their visual management is important for the protection of the cultural heritage values of the Place. The Trust agreed with this submission.
- 0134.** Melbourne submitted that, apart from the free-standing blade sign located within the footpath on the southern side of Flinders Street, these road reserves do not contain elements associated with the original development of the Place and should be excluded from the extent of registration. This conclusion departs from the Peer Review prepared by Built Heritage Pty Ltd for Melbourne, which concluded that:<sup>15</sup>

*As the development includes a number of elements that are located quite close to the edge of its two principal street frontages (including stone paving, blade signage and bluestone bench seating), it is deemed appropriate for the extent of registration to extend to the edge of the kerb along both Swanston Street and Flinders Street.*

- 0135.** Melbourne further submitted that, if the road reserves are included in the registered area, appropriate permit exemptions should be provided in relation to

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<sup>15</sup> Melbourne Peer Review, p 22.



the installation of landscaping within the Flinders Street road reserve, and repair and maintenance works within both road reserves.

#### *Discussion and conclusion*

- 0136.** The Committee accepts the position of the Executive Director that part of the abutting road reserves should be included in the extent of registration as curtilage for the Place, to the extent that those road reserves include existing footpaths which are contiguous with Federation Square. While the road reserves themselves may only include one element associated with the original construction of the Place (the blade sign), many original built form elements (including building facades, steps and paving) are located close to the road reserves, and these footpaths effectively comprise part of the Federation Square, from the perspective of a casual observer. Flinders Street and Swanston Street are principal frontages and major access points to the Place and works within those road reserves have the potential to impact on the cultural heritage significance of the Place.

#### **Town Hall Station Entrance**

- 0137.** The Recommended Registration Area includes the site of the former Western Shard building, which was demolished to make way for the construction of the new Town Hall Station entrance (in accordance with Permit No. P29470). At the time of the Recommendation, the Western Shard had been vacated and site preparation works for its demolition had commenced.

#### *Summary of submissions and evidence*

- 0138.** RPV submitted that as the Western Shard is no longer present, and construction of the new Town Hall station entrance has not substantially commenced, this part of the Place does not retain any structures or features that contribute to its cultural heritage significance. RPV also contended that existing documents approved for the construction of Metro Tunnel have established a regime to ensure that any new structures on the site are appropriately designed having regard to the architectural and heritage values of the Place (amongst other considerations). On this basis, RPV submitted that the area of the Town Hall station entrance – both above and below deck level – should be excluded from the extent of registration.
- 0139.** RPV further submitted that, if the site is included in the extent of registration:
- a) only that part of the site above the Deck should be included; and
  - b) appropriate permit exemptions should be provided to manage the ongoing development and future operations of the Town Hall Station and railway infrastructure.
- 0140.** The Executive Director and several other submitters disagreed with this submission, stating that any works on the site beyond those allowed by Permit No. P29470 could have an impact on the cultural heritage significance of the Place.

#### *Discussion and conclusion*

- 0141.** The Town Hall Station entrance site is in a highly visible and prominent location within the Place. It is a key entry point into the Place from Flinders and Swanston Streets, and a key point from which people can view and appreciate the overall

scale, form and appearance of the Place. In addition, while the site no longer includes the Western Shard, it abuts or is very close to original buildings and other built form elements (most notably the Eastern Shard and paving and steps leading to and within the Square).

- 0142.** Having regard to the above, the Committee considers that any new works on the site have the potential to harm the cultural heritage significance of the Place (particularly its significance as assessed by the Committee under Criteria A, D and E). On this basis, the Committee agrees with the Executive Director that the Town Hall Station site should be included in the extent of registration.
- 0143.** The Committee acknowledges that, from a heritage perspective, the portions of the Town Hall Station site below deck are likely to be less critical, assuming they are less likely to be visible from the Federation Square environs. It is the Committee's understanding that the 'below deck' elements of Town Hall Station do not form part of the 'above deck' Certificate of Title (Volume 10663 folio 025), so they do not form part of the extent of registration that has been generally agreed by all parties. The Committee finds this acceptable, despite at least a theoretical risk of 'lower' elements of the Town Hall Station being visible from the Square itself, depending on the ultimate design.

### **Railway assets underneath the Deck**

- 0144.** The Recommended Registration Area includes Lot 2 on the Title Plan more accurately referred to as 018290B (Volume 10652 folio 490), which sits below Crown Allotment 6, Section 19E, City of Melbourne, Parish of Melbourne North (Volume 10663 folio 025). Lot 2 is owned by Victorian Rail Track while Crown Allotment 6 is owned by FSPL.
- 0145.** Part of that area, within both of those titles, is already included in the Register, comprising part of the registration for Flinders Street Railway Complex (H1083), including platforms 12, 13 and 14, to the east of Swanston Street.

### *Summary of submissions and evidence*

- 0146.** RPV, in its submission, took issue with the relevant land parcel description, on the basis that it included a parcel that need not be included, namely Lot 2 on Title Plan 018290B. Ms Tarasenko, on behalf of RPV, gave an explanation of the nature of that parcel, comprising railway assets and airspace, below the level of the Federation Square 'deck', and excluding the beams, piers and piles supporting that deck.
- 0147.** RPV submitted that as Lot 2 only contains surveyed railway assets and does not include any structural elements supporting the Deck above, it does not contribute to the cultural heritage significance of the Place. It also relied on the Executive Director's written description for the Recommended Registration Area, which expressly states that the 'railway lines and platforms below Federation Square are not included in the recommended extent of registration'.
- 0148.** With the benefit of Ms Tarasenko's explanation, the Executive Director and other interested parties subsequently agreed that it is appropriate for Lot 2 to be excluded from the extent of registration.

### *Discussion and conclusion*

- 0149.** The Committee accepts the position of RPV that Lot 2 on Title Plan 018280B should be excluded from the extent of registration as it only contains surveyed



railway assets and those assets do not contribute to the cultural heritage significance of the Place.

- 0150. The Committee understands that there will, nevertheless, be overlap between the Registered Place and the registration for Flinders Street Railway Complex (H1083). This is because the Flinders Street Railway Complex registration is not limited to a certain stratum; rather, it includes land above the rail lines (and, implicitly, above the 'deck' (unless or until this registration is amended).

### Princes Walk Vaults

- 0151. The Recommended Registration Area extends to the southern boundary of Princes Walk and includes land that forms part of the extent of registration for the Princes Walk Vaults (H0646). The Princes Walk Vaults are included within a title in respect of which FSPL is the registered proprietor.
- 0152. The Statement of Significance for the Princes Walk Vaults identifies that they are of historical significance to the State of Victoria as a major component of the engineering works undertaken in association the construction of the (then) new Princes Bridge. It also states that they are aesthetically significant as a self-contained space 'divorced from the tumult of the Flinders Street Station and Swanston Street intersection above'.

### *Summary of submissions and evidence*

- 0153. The Executive Director submitted that the Recommended Registration Area is not intended to include the vaults themselves, but only the Princes Walk thoroughfare above the vaults (being the location of the former Batman Avenue, which previously connected to Swanston Street). This area is depicted by the red dotted line in Figure 3 of the Peer Review prepared by Built Heritage Pty Ltd for Melbourne.<sup>16</sup>
- 0154. Melbourne submitted that, from the perspective of the heritage significance of the Place, there is nothing significant *per se* about Princes Walk, and that it would not make much difference whether the extent of registration terminated on the north side of Princes Walk or extended south to the bluestone balustrade. Melbourne suggested that the bluestone kerb on the north side of Princes Walk provides a visible dividing line between Princes Walk and the Federation Square environs to the north, other than near the Transport Hotel. For simplicity of mapping, Melbourne also suggested that it may be preferable to modify the southern boundary of the extent of registration for the Place so that it abuts (but does not overlap) the extent of registration for the Princes Walk Vaults.
- 0155. In Lovell Chen's written evidence, it recommended that the Princes Walk Vaults be included in the extent of registration for the Place.
- 0156. Noting that the Princes Walk thoroughfare and accompanying landscaping were separately implemented by Melbourne between approximately 2001 and 2003, Lovell Chen suggested that Princes Walk is significant only as a setting for the Place, and not because it forms part of the significant fabric of the Place, from a heritage perspective.

### *Discussion and conclusion*

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<sup>16</sup> Melbourne Peer Review p 25.

- 0157.** The Committee agrees with the position of the Executive Director that the extent of registration should not include the vaults themselves. The vaults are significant in their own right, for reasons unrelated to the cultural heritage significance of the Place. Moreover, they are located beneath and visually separated from Princes Walk. As pointed out by FSPL, it is difficult to conceive a scenario where works to the vaults themselves would cause harm to the cultural heritage significance of the Place.
- 0158.** However, the Committee considers that Princes Walk thoroughfare is part of the immediate setting of Federation Square, and consequently any new works within this area may have the potential to harm the cultural heritage significance of the Place. For these reasons, the Committee agrees with the Executive Director that the extent of registration should be as described in paragraph 0153 above (and shown by the red dotted line in Figure 3 of the Peer Review prepared by Built Heritage Pty Ltd).
- 0159.** As noted with the Flinders Street Registration, despite not including the vaults themselves in the extent of registration for the Place, the two registrations will still overlap, as the extent of the Princes Walk Vaults registration is not limited to a certain stratum. It therefore includes the land above the vaults themselves, now being part of the Place.
- 0160.** Although the Committee considered the alternative option of including the Princes Walk Vaults within the area of the registration, but subject to permit exemptions to avoid the need for proposed works to be assessed in the context of the heritage significance of the Place, this alternative raised potential difficulties in relation to compliance with s 49(3) of the Act. Those difficulties do not arise given the Committee's decision to exclude the vaults from the extent of registration for the Place.

### **Modification to the eastern boundary of the Place**

- 0161.** The eastern boundary of the Recommended Registration Area runs along the eastern side of Russell Street Extension, from Flinders Street in the north to Princes Walk in the south.

#### *Summary of submissions and evidence*

- 0162.** Lovell Chen recommended that the alignment of the eastern boundary be modified between Princes Walk and the southern entrance of the Federation Square carpark so that it follows the eastern edge of the road connecting them. Landscaping and other assets managed by Melbourne as part of the Artplay and Birrarung Marr parkland are located east of this road and do not form part of the original development of the Place.
- 0163.** The Executive Director accepted this suggested modification.

#### *Discussion and conclusion*

- 0164.** The Committee agrees to this modification as the road edge is a clearly identifiable physical boundary and provides an appropriate curtilage for the Place.
- 0165.** The area of registration as defined by the Committee is shown in Diagram 2390. This is shown in **Attachment 5**.

### **PERMIT EXEMPTIONS**

- 0166.** Section 40(4) of the Act enables the Executive Director as part of his recommendation to the Heritage Council concerning a place proposed for registration to include recommendations concerning the categories of works and activities which should be exempt from the need for a subsequent permit under Part 5 of the Act (see also section 38). The Executive Director must not make such recommendations if it is considered that the works or activities may harm the cultural heritage significance of the place.
- 0167.** The Heritage Council is similarly enabled by section 49(3) to include permit exemptions.

#### *Summary of submissions and evidence*

- 0168.** The Executive Director included a comprehensive list of works which might be excluded from the need for permission as part of his submission to the Hearing, within considerable input from FSPL. There was a considerable degree of common ground between the respective submissions of the Executive Director and FSPL, albeit with some differences in approach and drafting preferences.
- 0169.** Submissions were also received from RPV, Melbourne and other parties, but no interested person made submissions contrary to the contentions of the Executive Director and FSPL in this regard.
- 0170.** The Committee adverted to the relevant constraints of section 49(3) of the Act during the course of the Hearing and invited relevant submissions from interested persons in relation to whether the (then) proposed exemptions were likely to harm the cultural heritage significance of the Place. No person submitted that any of the proposed exemptions would offend section 49(3) in that way.

#### *Discussion and conclusion*

- 0171.** The Committee has broadly accepted the proposed exemptions put forward by the Executive Director and FSPL, and tacitly accepted by others.
- 0172.** The result is an unusually extensive and detailed list of exemptions. The Committee has been persuaded of the appropriateness of those exemptions, having regard to the nature of the Place, and the fact that it is a complex and multi-faceted site requiring ongoing maintenance and management.
- 0173.** The specification of permit exemptions for Federation Square has proven not to be easy due to the complexity of built form on the site, three dimensional title considerations, the registered place extending onto surrounding roadways and land in other ownerships, and works already underway including those under exemptions provided as part of the existing IPO, and also by way of permits under the Act.
- 0174.** The Committee has found it convenient to address the exemptions in tabular format. The table is included as **Attachment 6** to this report.
- 0175.** In respect of all of the categories of works and activities which the Committee has determined to exempt, the Committee has satisfied itself that those works and activities would not harm the cultural heritage significance of the Place, having regard to the constraints of section 49(3) of the Act.
- 0176.** The Committee has not seen fit to include works or activities which are authorised by existing permits pursuant to the Act. Once authorised by permits under the Act, the Committee accepts that such permits will continue to operate, so there is no need for those works or activities to be the subject of any section 49(3) exemption. The reference which appears at the beginning of the table in

Attachment 6 to current works being exempt from permit is a reference to works commenced under exemptions put in place at the time the IPO was introduced. The Committee believes it appropriate that they be permitted to be completed.

## STATEMENT OF SIGNIFICANCE AND PERMIT POLICY

- 0177.** At the conclusion of the Hearing, the Committee raised with the participants the absence of explicit recognition in the Act of permit policies, statements of significance and Conservation Management Plans to which some participants had referred as part of their submissions and evidence. The Committee acknowledged that, despite there being no reference to them in the Act,<sup>17</sup> these documents have nevertheless been common components of heritage management practice for many years. Particularly in relation to permit policies and statements of significance, submitters were requesting the Committee to approve such documents, as part of this decision, in the event that the Committee saw fit to include the Place on the Register.
- 0178.** As discussed in paragraphs 23 – 27 above, the Committee invited hearing participants to make written submissions to the Committee by no later than 8 May 2019 in relation to the following matters:
- a) the powers of the Committee in formulating or approving permit policy;
  - b) the powers of the Committee in formulating or approving a statement of significance;
  - c) the legal consequences of any permit policy or statement of significance that may be approved by the Committee; and
  - d) if the Committee lacks those powers, how the Committee might seek to give effect to the outcomes that hearing participants seek to achieve via permit policy, a statement of significance or a conservation management plan.

### *Summary of submissions and evidence*

- 0179.** Four responses to the Committee direction were received. The submissions of the Trust and RHSV were brief and general, and do not warrant further discussion in the circumstances. The submissions of the Executive Director and FSPL were more substantial and are summarised below.
- 0180.** The Executive Director submitted that:
- a) The Committee is empowered to formulate and endorse or approve a document containing the information currently set out in the ‘permit policy’ and a ‘statement of significance’ (irrespective of what they may be called) either under section 11(2) of the Act or by providing reasons for its determinations under s.49(1) and (3) of the Act.
  - b) Such documents (‘permit policies’ and ‘statements of significance’) are non-binding, ought not be binding and are currently not treated as binding. Statements of significance do not purport to be exhaustive statements of the cultural heritage significance of a place or object. These documents provide a stable record of the State-level cultural heritage significance of a place or object at the time of registration to serve as starting point for future assessment and consideration of permit applications.
  - c) ‘Permit policies’ became a feature of the Executive Director’s standard form of recommendation to the Council in 2010.

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<sup>17</sup> Or its predecessor Acts.

- d) The Act obliges the Council to form a view that a place or object is of State-level significance for it to be included in the Register and the basis for this. It contemplates that the assessment will be sufficiently detailed that it will guide the identification of categories of works and activities which would not harm its cultural heritage significance.
- e) After registration, the information contained in any statement of significance and the permit policy have an important practical function as a stable record of the State-level cultural heritage significance of the place or object as at the time of registration. This serves as a starting point for future consideration and assessment of permit applications under Part 5 and for landowners to understand how to make informed decisions around the development of their land.
- f) As such, it is open to the Heritage Council to continue to settle (or 'endorse' or 'approve') a final form of the information currently set out in permit policy and statement of significance documents, and it is important for the proper and effective administration of the Act that it continue to do so.
- g) The issues raised have broad implications for all places included and proposed for inclusion in the Register and there are potential effects upon general practice.
- h) The ICOMOS Practice Note 118 and Burra Charter<sup>19</sup> documents recognise and discuss the role of statements of significance.
- i) Overall, the Executive Director's submission supports the practice of the Council approving statements of significance and permit policies from a policy perspective (in terms of the fair and efficient administration of the Act). That is to say, subject to the Council being persuaded that this practice is within the Council's legal powers, the Executive Director considers it desirable that the Council continue that practice.
- j) The Executive Director submitted that:  
*If the Heritage Council does not wish to continue endorsing or approving statements of significance or permit policy, the Executive Director respectfully requests that it produce an alternative record of its reasons. This would serve the function of providing a contemporaneous record of the assessment of the cultural heritage significance of the place or object to guide (but not bind) future decisions on the place or object and to benefit owners of registered objects and places.<sup>20</sup>*
- k) Conservation Management Plans (CMPs) differ from statements of significance and permit policies in that they are usually produced by external consultants, contain a much higher level of technical detail and are explicitly designed to guide future works. It has not been the practice of the Executive Director or the Heritage Council to endorse CMPs at the time of registration because of the substantial resources required to adequately assess such technical documents.

**0181.** In summary, FSPL submitted:

<sup>18</sup> ICOMOS is International Council of Monuments and Sites

<sup>19</sup> Australia ICOMOS Burra Charter, 2013. See for example Practice Note 1 Version 1: Understanding and Assessing Cultural Significance, November 2013, page 5

<sup>20</sup> Paragraph 41 of the Executive Director's submission dated 8 May 2019.



- a) The Act does not oblige the Heritage Council to formulate, evaluate or approve a permit policy or a statement of significance. But section 9(2) of the Act, together with sections 9(1)(c), (d), (g), (h), (j) and (p) and sections 14(1)(c) and (d) empower it to do so.<sup>21</sup>
- b) It is highly desirable that the Heritage Council evaluate and adopt a permit policy and a statement of significance for the Place, and consider relevant conservation management plans, because doing so promotes the good administration of the Act. That is because a permit policy and statement of significance provide valuable guidance to those making future decisions about a registered place – including the Executive Director on permits, and the Heritage Council concerning permit reviews and registration amendments. They provide information as to the nuances of the registration determination that are not apparent from the information in the Victorian Heritage Register.
- c) The legal consequence is that the Heritage Council, when it determines under section 49(1)(a) that a place (or part of a place) is of State-level cultural heritage significance and is to be included in the Register, has power to evaluate and adopt a permit policy or statement of significance. It may also have regard to a conservation management plan.
- d) In future decision-making about the registered place, those documents would be permissible and often highly relevant considerations. Whether they would constitute a mandatory consideration is a more difficult question, that does not need to be determined by the Committee in this matter.

**0182.** FSPL's submissions included a useful examination of the history of relevant provisions of the predecessor legislation to the Act, from 1974 onwards. Through the course of that legislative history, there was a shifting over time, in terms of the relevant functions of the Executive Director, the Heritage Council (and its predecessors), and the responsible Minister.

**0183.** In the course of those submissions, FSPL referred to the *Historic Buildings (Further Amendment) Act 1991*, which amended the *Historic Buildings Act 1981* ('the 1981 Act'). Under the 1981 Act, it was the Council that had the function of making recommendations in relation to the registration of buildings, with the decision-making power vested in the Minister at that time. FSPL identified that 1991 amendment to the 1981 Act as having charged the Council with responsibility for producing a written statement of reasons for a recommendation to include a building on the Register, including a '*statement of significance in respect of the building*',<sup>22</sup> and submitted that this was the likely origin of the Council including 'statements of significance' in its decisions.<sup>23</sup>

**0184.** FSPL submitted that, given the Council's consistent practice of evaluating and adopting statements of significance and permit policies, perhaps since 1991, this practice should be taken to have been understood and accepted by Parliament when it enacted the Act.

**0185.** While conceding that the Act does not oblige the Heritage Council to consider or approve statements of significance or permit policies, FSPL contends that this practice is within the statutory powers of the Heritage Council, as broadly

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<sup>21</sup> The Committee assumes that these references to s 9(1)(c), (d), (g), (h), (j) and (p) and s 9(2) of the Act are intended to refer to the various provisions of s 11 of the Act.

<sup>22</sup> Section 18(8)(b) of the 1981 Act.

<sup>23</sup> Paragraph 30 of the submission of 8 May 2019.

construed, relying on section 9(2) of the Act, together with sections 9(1)(c), (d), (g), (h), (j) and (p) and sections 14(1)(c) and (d) of the Act.<sup>24</sup>

- 0186.** In placing reliance on s 14(1)(c) and (d) of the Act, FSPL emphasised the origins of these provisions in the 1991 amendment to the 1981 Act. FSPL submitted that those powers should be construed broadly and noted that they originated from a time that the predecessor to the Council had responsibility for preparing relevant recommendations, including statements of significance.<sup>25</sup>
- 0187.** FSPL also relies on the *Heritage Regulations 2017*, in particular the prescribed forms at Schedule 1 and Schedule 2, which make reference to statements of significance and permit policies.
- 0188.** FSPL notes the absence of an explicit mandate, within the Act, for the Heritage Council to provide reasons in respect of its decision in respect of registration. Given the legal and administrative desirability (or indeed necessity) for reasons to be given in respect of such decisions, FSPL argues that the Heritage Council's approval of statements of significance and permit policies represents a suitable and appropriate mechanism by which the Council should give such reasons.<sup>26</sup>

#### *Discussion and conclusion*

- 0189.** It is convenient to first set out the current legislative requirements relating to this issue. The Heritage Council, as a creature of statute, has only the powers and functions conferred by statute.
- 0190.** The general power at section 11(2) to which the submitters refer is:  
*Subject to this Act, the Heritage Council has the power to do all things necessary or convenient to be done for, in connection with or incidental to, the performance of its functions.*
- 0191.** The functions or responsibilities of the Heritage Council referred to in section 11(2) are those at section 11(1) and include:
  - (c) to promote public understanding of the State's cultural heritage and develop and conduct community information and education programs; and*
  - (d) to advise government departments and agencies, municipal councils and other responsible authorities on matters relating to the protection and conservation of cultural heritage; and*
  - (g) to include places or objects in the Heritage Register; and*
  - (h) to remove places or objects from the Heritage Register, or to amend the registration of a place or object; and*
  - (i) to remove sites from the Heritage Inventory; and*
  - (p) to perform any other functions conferred on the Heritage Council under this Act or any other Act.*
- 0192.** Sections 14(1)(c) and (d) provide:
  - (1) In performing its functions or duties or exercising its powers under this Act, the Heritage Council or a committee may do any of the following—*

<sup>24</sup> Again, the references to s 9 are understood as intended to refer to s 11 of the Act.

<sup>25</sup> Paragraphs 27 and 65 to 69 of the submission of 9 May 2019.

<sup>26</sup> Paragraphs 71 to 73 and 84-84 of the submission of 8 May 2019.



*(c) prepare, commission the preparation of or adopt any guidelines, statements of policy, reports, studies and conservation plans it considers appropriate;*

*(d) have regard to any information it considers relevant.*

- 0193.** So far as is relevant here, section 49(1) relates to determinations to include places and objects in the Register. A determination is to be made after considering the Executive Director's recommendation (made under section 40(1)) and any submissions and conducting any hearing. Section 49(3) enables the Heritage Council at time of registration to specify categories of works or activities which are exempt from the requirement to obtain a permit under the Act.
- 0194.** The Committee accepts that the powers of the Heritage Council are relatively broad, in many respects. However, in the context of the prescriptive statutory process that applies to the inclusion of places and objects in the Register, the Committee considers it more prudent to be guided by the specific provisions of the Act that apply to that process. The Committee is not persuaded that it is appropriate to construe the more general powers at sections 11 and 14 of the Act as modifying or supplementing the more specific powers, functions and duties that are set out in Part 3 of the Act, in the context of this specific statutory process.

#### *Statements of significance*

- 0195.** The Committee's preferred view is that the Heritage Council lacks the legal power to approve or amend statements of significance, in respect of places or objects to be included in the Register, as part of its decision-making under s 49 of the Act. Accordingly, the Committee declines to approve any statement of significance, as part of its decision in this case.
- 0196.** The Act, at section 40(1), provides for the Executive Director, subsequent to the making of a nomination for registration, to prepare for presentation to the Heritage Council, a statement of recommendation concerning the place. Section 40(3)(c) requires the statement of recommendation to include the reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the place or object. Further, where the place is being recommended for inclusion in the Register, the statement must contain a summary of the State-level cultural heritage significance of the place and the categories in which the place should be included (section 40(4)(a)). In practice, either or both of these statements are typically referred to as a 'statement of significance'. Under the Act, the legal authorship of the document clearly lies with the Executive Director. The clear purpose of that document is to support or inform a recommendation from the Executive Director to the Heritage Council (in relation to the proposed inclusion of a place or object in the Register). This understanding of the nature of statements of significance is consistent with previous Court and Tribunal decisions.<sup>27</sup>
- 0197.** The Heritage Council, in considering the Executive Director's recommendation concerning registration, is not given any explicit power to endorse or approve the Executive Director's summary of significance, nor is it required to accept any assessment or summary presented as part of the Executive Director's recommendation (sections 46-47). The Heritage Council is in effect required to come to its own conclusions about whether or not the place or object should be

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<sup>27</sup> *Rajendran v Tonkin* [2002] VSC 585 at para [47]; *Staged Developments Pty Ltd v Minister for Planning* [2001] VCAT 1447 at paras [67] and [98]-[99].

included in the Register, albeit informed by the Executive Director's recommendation, and any submissions made in response.

- 0198.** Clearly, neither the Act, nor its predecessor the *Heritage Act 1995* ('the 1995 Act'), contemplated such a statement as falling within the remit of the Council. Neither Act gave the Council the power to approve or amend any such statement (either before or after inclusion of the relevant place or object in the Register).
- 0199.** FSPL may be correct to point to the 1991 amendment as the origin of the Council's 'ownership' of the 'statement of significance'. However, assuming that analysis is correct, that period came to an end relatively shortly thereafter, upon the commencement of the 1995 Act, when that statutory function was reallocated to the Executive Director (i.e., both the *recommending* function, and with it, the authorship of the 'statement of significance'). It would be contrary to the clear intent of the legislature for the Heritage Council to continue exercising a function that was conferred on its predecessor in 1991, subsequent to that function having been taken away and re-allocated to a different statutory body (since 1995).
- 0200.** The Committee's understanding of its role is not materially assisted by the reference to 'statements of significance' in the Regulations.<sup>28</sup> The relevant prescribed form, referred to by FSPL, is the form for a person nominating a place or object to be included in the Register. Given the relevant obligations incumbent on the Executive Director, under sections 40(3)(c) and 40(4)(a) of the Act, it is not surprising that a nominator might be required to turn their mind to a 'statement of significance' at that stage. The Committee does not consider this to have any relevant implications for the nature or content of the decision of Heritage Council, which takes place subsequent to the Executive Director's recommendation.
- 0201.** It is also important to recognise that neither Act has explicitly given these statements any particular ongoing statutory force, e.g. by requiring that decisions in relation to permits give any particular weight to the relevant statement of significance. This issue is discussed in the decision of *Rajendran v Tonkin* [2002] VSC 585. A committee of the Council, in the course of conducting a hearing, had refused to 'look behind' or revisit the basis for the statement of significance that related to the place. The Supreme Court found this element of the committee's reasoning to be unlawful, and it was one of the bases upon which the Court saw fit to quash the committee's decision.<sup>29</sup> Such an error is inherently more likely to be repeated in the event that such statements are purportedly approved by the statutory-decision making body (i.e. the Heritage Council) rather than being made by the recommending body (i.e. the Executive Director) in the way that the Act contemplates.
- 0202.** When it comes to making a determination to include a place or object in the Register, the Heritage Council may explicitly agree or disagree with the Executive Director's relevant statement of significance, either in part or in whole. In circumstances where the statement of significance is central to the Executive Director's recommendation, it may in some cases be appropriate or convenient for the Heritage Council to express its opinion in relation to that statement of significance (including overall agreement, overall disagreement, or any particular aspects in which the Council disagrees). However, this is not the same as the Heritage Council issuing an 'approved' or 'amended version' of the statement of significance. This Committee regards it as inappropriate for the Heritage Council to do so, as it confuses the nature of the document, suggesting that it becomes a

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<sup>28</sup> Schedule 1.

<sup>29</sup> See paragraphs 47 and 51 to 53 of the Court's decision.

creature of the Heritage Council at that point, rather than remaining a creature of the Executive Director, in accordance with the Act.

- 0203.** Related to this, if the Heritage Council purports to approve, review and amend statements of significance, on the understanding that they will be published as part of, or in conjunction with, the Register, this would give rise to danger of the Heritage Council elevating statements of significance above and beyond their legitimate function under the Act. The Committee considers there to be a real risk of the Heritage Council effectively giving a patina of legal authority to this class of document that it does not enjoy under the Act. This practice seems bound to confuse and mislead users of the system.
- 0204.** None of the foregoing is intended to have any bearing on the practices of the Executive Director in terms of publishing statements of significance, nor in terms of what details or materials should be included in the Register or published alongside entries in the Register. The Committee accepts submissions to the effect that there is a continued useful role for summaries and statements in the management of State-level heritage, given that they potentially provide a valuable understanding of the assessed heritage value of a place. The Committee also accepts the Executive Director's submission that such statements must be recognised as non-exhaustive and non-binding.
- 0205.** In terms of the ongoing publication of statements of significance, potentially, whether as part of the Register or 'alongside' the Register in some sense, those are clearly considerations for the Executive Director.
- 0206.** The Committee is not persuaded by the submissions that the Heritage Council should approve a statement of significance as the appropriate mechanism by which it should give reasons for its decisions under section 49 of the Act. The Heritage Council routinely gives reasons for its determinations under section 49. In the context of contested hearings, the Heritage Council's reasons typically demonstrate a level of detail that is commensurate with the submissions made by interested persons. There is no reason the Heritage Council would not (or could not) continue to give adequate reasons in respect of its decisions, if the Council was to decline to approve or amend statements of significance. The Heritage Council, in forming its opinion as to the State-level cultural significance of a place or object, will assess the place or object against the State-level Criteria and give findings in its reasons for decision in relation to each criterion. Such an assessment addresses the principal component of what is understood to be the content of a statement of significance. In this the Committee agrees with the submission by the Executive Director that section 49(1) provides the vehicle for the Heritage Council to consider and make findings on the cultural heritage significance of a place or object and the reasons for it. The 'statement of significance' is therefore not necessary as a mechanism for the giving of suitable reasons for the Council's determinations under s 49 of the Act.
- 0207.** For all of those reasons, the Committee prefers the view that the Heritage Council lacks legal power to approve or amend statements of significance, when making determinations pursuant to section 49 of the Act. The Committee considers that to do otherwise would be beyond the scope of the statutory provisions which establish the powers, functions and duties of the Council.
- 0208.** The Committee is conscious of the extent to which submissions argued in favour of the desirability of the Council's approval of statements of significance, from a policy perspective. Ultimately those considerations do not influence the Committee's interpretation of the relevant provisions of the Act. If the Government considers that it is preferable for the Heritage Council to approve

statements of significance, then it is clearly open to the Government to put forward an amendment to the Act to that effect.

- 0209.** Finally, even if the Committee is wrong in relation to its understanding of the Council's relevant powers, that is to say, even if the Heritage Council is lawfully able to approve a statement of significance (for example, on the basis that the practice might be regarded as '*necessary or convenient to be done for, in connection with or incidental to*'<sup>30</sup> the performance of its decision-making function under s 49 of the Act, this Committee would decline to exercise its discretion to do so. This is mainly on the basis that the approval of 'statements of significance' appears prone to elevate the perceived status of those statements above their true legal status, making it more likely that statutory decision-makers and others will be misled, and indeed led into legal error.

#### *Permit policies*

- 0210.** The Committee considers that there is no proper basis for the Heritage Council to draft or endorse any policy in relation to possible future applications for permits. The Committee finds that the Heritage Council lacks legal power to do so and it would potentially divert the Council from its principal responsibility at time of registration.
- 0211.** While the Act makes some reference to 'statements of significance', albeit not in those precise terms, it makes no reference to 'permit policies' at all. The Committee notes that permit policies are nevertheless routinely drafted in the style of regulatory instruments, and they are routinely published, and found, amongst other documents which do have statutory force (i.e. the requisite components of a relevant registration, pursuant to the Act). The Committee understands that the purpose of preparing and publishing permit policies is to provide guidance to those submitting and assessing permit applications. Like statements of significance, permit policies are presented in such a way that gives them the patina of a document with statutory force. Approval or amendment of permit policies by the Heritage Council would reinforce this appearance of statutory force.
- 0212.** Both the Executive Director and the Heritage Council are required to exercise discretion under the Act in relation to permit applications for places and objects included in the Register. The Executive Director is required to exercise discretion by reference to the matters prescribed by section 101(2). The same considerations also become relevant to the Heritage Council in the event of a review (see section 108(8)). Those provisions include no explicit reference to permit policies.
- 0213.** A separate concern which arises from the Heritage Council purporting to approve or amend permit policies is that it leads to a departure from the correct approach of disregarding possible future land use or development proposals at the time of registration. At the time of making a registration decision, the focus of the Heritage Council is, and should be, on the heritage significance of the place or object,<sup>31</sup> informed by the relevant assessment criteria.<sup>32</sup> If the Council, in determining to include a place in the Register, was to spend considerable time and attention on formulating suitable permit policies, the Heritage Council may stray from its primary focus. Perhaps the same might be said in relation to the Heritage Council's determination in relation to permit exemptions, however the

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<sup>30</sup> Section 11(2) of the Act.

<sup>31</sup> Under s 49 of the Act.

<sup>32</sup> Published pursuant to s 11(1)(k), in light of s 12 of the Act.



clear and essential difference is that there is a statutory mandate for the Council to turn its mind to the question of exemptions at the time of registration.

- 0214.** The Committee notes FSPL's submission in relation to sections 14(1)(c) and (d), which empowers the Heritage Council to prepare '*statements of policy*' (amongst other things), and FSPL's submission that this provision has effectively survived from 1991, at which time a predecessor to the Council was charged with the making of recommendations in relation to registration of buildings. FSPL's implication appears to be that this provision has operated to empower the Council (and its predecessors) to make permit policies since the 1991 amendment, and that this power has been undisturbed by legislative amendments subsequent to 1991, including the enactment of the 1995 Act. The Committee finds this submission unpersuasive, particularly noting the general nature of the section 14 power, as distinct from the specific provisions of Part 3 of the Act, which apply specifically to the registration process. The Committee also notes the Executive Director's observation that the 'permit policy' practice began in 2010, in which case the argument that the practice should be allowed to continue since it was specifically authorised by the 1991 amendment is further weakened.
- 0215.** Different issues arise in relation to the extent that some permit policies include an explanation or justification for permit exemptions. That kind of document is less problematic, in that it clearly relates to a legitimate statutory decision, albeit it may not be necessary in every case. However, the Committee does not accept that any such explanation should be included in a 'permit policy' approved by the Heritage Council. Any such explanation could be conveniently contained within the report which sets out or explains the relevant Executive Director's recommendation. To the extent that the Heritage Council might include exemptions which differ from those recommended by the Executive Director, again the Committee would expect the Council's relevant reasons to contain sufficient explanation for any such exemptions, to the extent that explanation might be necessary or useful. In neither case is it necessary for the Heritage Council to approve a 'permit policies' document.
- 0216.** The Committee's understanding of its role is not materially assisted by the reference to 'permit policy' in the Regulations.<sup>33</sup> This reference is found in a prescribed form for persons to make submissions to the Heritage Council in relation to whether a place or object should or should not be included in the Register. The Committee finds it curious that this is the only reference to 'permit policy' either in the Act or the Regulations. The Committee considers it appropriate to give this reference very limited weight, in terms of the Committee's understanding of the nature and content of the decision of Heritage Council in this context.
- 0217.** Accordingly, the Committee does not agree to adopt or endorse permit policies advising on how future permit decisions in relation to the Place are likely to be made.
- 0218.** As in relation to statements of significance, even if the Committee is mistaken, and if, contrary to our findings, the Heritage Council is lawfully able to approve a permit policy, this Committee would decline to exercise its discretion to do so. Firstly, as in relation to statements of significance, this is on the basis that the Council's approval of such a document appears prone to elevate their perceived status in such a manner that makes it more likely that statutory decision-makers and others will be led into legal error. Secondly, any focus on approving or amending permit policy at the time of registration is prone to divert the Council's

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<sup>33</sup> Schedule 2.



attention from the more relevant considerations, namely the question of the cultural heritage significance of the place or object.

#### *Conservation Management Plans*

- 0219. Neither the submission by the Executive Director nor FSPL was supportive of any Heritage Council endorsement of CMPs though there was support for their consideration at the time of a permit application.
- 0220. The Committee broadly accepts those submissions.
- 0221. The Committee considers that, in the context of permit applications, there is scope to consider CMPs under section 101(2)(f) and possibly 101(3)(b) of the Act. Clearly, they are documents which add a layer of further understanding about the nature of a place and its possible management.

## **CONCLUSION**

- 0222. After considering the Executive Director's recommendation and all submissions, and after conducting a hearing into the submissions, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Federation Square, 2-20 Swanston Street, Melbourne is of cultural heritage significance to the State of Victoria and is to be included as a Registered Place in the Victorian Heritage Register.

## ATTACHMENT 1

### LIST OF SUBMITTERS

The Heritage Council received 754 written submissions pursuant to section 44 of the Act. The submitters are listed below.

1.	Miss	Jessica	Adams	19.	Mr	Arthur	Andronas	37.	Prof	Donald	Bates
2.	Ms	Lisa	Adams	20.	Dr	Hamideh	Anjomshoa	38.	Mrs	Antje	Bauer
3.	Mr	Paul	Addis	21.	Mr	Hilmar	Anton	39.	Ms	Kirsten	Bauer
4.	Mr	David	Ahmed	22.	Dr	Anne	Appelbe	40.	Mrs	Shelley	Baulch
5.	Mr	Matteo	Aiazzo	23.	Miss	Kimberly	Arellano	41.	Mr	Sean	Beasley
6.	Mr	John	Aivaliotis	24.	Ms	Hanna	Ashton-Lawson	42.	Ms	Leanne	Beesley
7.	Ms	Robyn	Aldrick	25.	Mrs	Dorothy	Aspin	43.	Ms	Tina	Belivanis
8.	Mr	Grant	Alexander	26.	Mr	Deryk	Atkinson	44.	Ms	Lisa	Bell
9.	Miss	Holly	Alexander	27.	Mr	Peter	Bailey	45.	Ms	Sharni	Bennett
10.	Ms	Alison	Alexander	28.	Mrs	Kirsten	Bak	46.	Ms	Lynne	Bennett
11.	Mr	Dan	Alexie	29.	Mr	Senduran	Balachandran	47.	Mr	Gediminas	Bereznevicus
12.	Mr	Mohammed	Ali	30.	Ms	Elena	Balcaite	48.	Mr	Avi	Berman
13.	Mr	Shah	Ali	31.	Ms	Christine	Banks	49.	Ms	Cate	Berriman
14.	Mr	Tony	Allen	32.	Miss	Sarita	Barnett	50.	Mrs	Carol	Berry
15.	Mrs	Linda	Allen	33.	Ms	Andrea	Baroncelli	51.	Mr	Kenneth	Betts
16.	Ms	Esther	Anatolitis	34.	Mr	Peter	Barrett	52.	Ms	Jo	Beverage
17.	Ms	Faith	Anderson	35.	Mr	Simon	Barwick	53.	Ms	Susanna	Bevilacqua
18.	Ms	Margaret	Anderson	36.	Mr	Ryan	Bate	54.	Mr	Rajat	Bhalla

55.	Mrs	Megan	Billington	78.	Mr	Pablo	Brait	101.	Ms	Katarina	Campbell
56.	Ms	Greta	Bird	79.	Ms	Ann	Brennan	102.	Mr	Allan	Campion
57.	Mr	Matthew	Bird	80.	Ms	Stephanie	Britton	103.	Ms	Wendy	Carey
58.	Dr	Judith	Bishop	81.	Mrs	Elizabeth	Brogno	104.	Mr	Alan	Carter
59.	Mr	Colin	Bisset	82.	Mr	Matthew	Broughton	105.	Ms	Margaret	Casey
60.	Mr	James	Bittner	83.	Ms	Gabi	Brown	106.	Mr	Neil	Catford
61.	Mr	Tony	Black	84.	Ms	Louise	Brown	107.	Mr	Gavin	Cerini
62.	Ms	Anna	Black	85.	Ms	Holly	Brown	108.	Ms	Helen	Cester
63.	Mr	Kevin	Blackburn	86.	Ms	Anne	Brown	109.	Mr	Terence	Chadwick
64.	Mrs	Eunice	Blanchard	87.	Mr	Philip	Browne	110.	Ms	Catherine	Champion
65.	Mr	Andrew	Bleby	88.	Mrs	Linda	Brownstein	111.	Ms	Jessica	Chapman
66.	Ms	Michal	Bloch	89.	Ms	Jayka	Bugay	112.	Mr	Aram	Charchut
67.	Mr	Christopher	Bolte	90.	Mr	Scott	Burchell	113.	Mr	Maja	Charchut
68.	Mr	Matthew	Bolton	91.	Mr	Marc	Buret	114.	Ms	Mei Ling	Cheah
69.	Ms	Janne	Bonnett	92.	Ms	Avory	Burke	115.	Ms	Cassandra	Chilton
70.	Mr	Andre	Bonnice	93.	Ms	Kim	Burrell	116.	Miss	Stephanie	Chin
71.	Mr	Nathan	Booth	94.	Mr	Douglas	Burt	117.	Ms	Sherrill	Christensen
72.	Mr	Brendan	Borg	95.	Mr	Justin	Bush	118.	Ms	Sarah	Christie
73.	Ms	Nina	Bove	96.	Mr	Jackson	Caish-Sadlek	119.	Mr	Michael	Ciesielski
74.	Mr	James	Bowering	97.	Ms	Sandy	Caldow	120.	Mr	Nick	Clark
75.	Ms	Stephanie	Bradford	98.	Mrs	Sheridan	Calleja	121.	Mr	Michael	Clarke
76.	Mrs	Helene	Bradshaw	99.	Mr	Dean	Camenzuli	122.	Mr	Ben	Clarke
77.	Ms	Dianne	Braine	100.	Mr	Malcolm	Campbell	123.	Ms	Pauline	Clarke

124.	Ms	Penelope	Clay	147.	Mr	Ron	Cruickshank	170.	Mr	Andrew	Del Mastro
125.	Ms	Alison	Cleary	148.	Mr	Paul	Csarics	171.	Ms	Donna	Deland
126.	Miss	Sophie	Cleland	149.	Mr	Sean	Cunningham	172.	Mr	Oliver	Dennis
127.	Mr	Heath	Clemson	150.	Mr	Michael	Curtis	173.	Ms	Anne-Claire	Deville
128.	Ms	Gennivieve	Collier	151.	Mr	Paul	Custance	174.	Mr	Mark	Devlin
129.	Mr	Peter	Collings	152.	Mr	Andrew	Cyple	175.	Mr	Trenten	Dick
130.	Ms	Joanne	Collins	153.	Mr	Jack	Dale	176.	Ms	Jacinta	Dimase
131.	Mr	Richard	Collmann	154.	Ms	Fifi	Dallas	177.	Mr	Antony	Dimase
132.	Miss	Cushla	Comer	155.	Mr	Luciano Migeul	D'Amico Rebord	178.	Mr	Mark	Dods
133.	Ms	Andria	Connell	156.	Mrs	Rita	Davey	179.	Ms	Cathy	Dodson
134.	Mr	Lloyd	Connolly	157.	Mr	Peter	Davidge	180.	Ms	Kath	Dolan
135.	Mr	Mitchell	Connolly	158.	Ms	Tania	Davidge	181.	Ms	Susan (Lisa)	Dombroski
136.	Ms	Alyssa	Coombs	159.	Mr	Terry	Davidson	182.	Ms	Kathleen	Donegan
137.	Ms	Geraldine	Corridon	160.	Mr	Andrew	Davidson	183.	Ms	Catherine	Dorian
138.	Mr	Jacob	Coughlan	161.	Ms	Christine	Davis	184.	Mr	Simon	Dow
139.	Ms	Kathleen	Couttie	162.	Mr	Will	Davis	185.	Miss	Caroline	Downes
140.	Ms	Laura	Couttie	163.	Prof	Graeme	Davison	186.	Mrs	Jennifer	Downes
141.	Mr	Adam	Coutts	164.	Ms	Jasmine	De Boni	187.	Ms	Natalie	Doyle
142.	Ms	Willow	Coventry	165.	Mr	Brett	De Hoedt	188.	Ms	Helen	Drinoczky
143.	Mr & Mrs	Ken and Roberta	Crawford-Condie	166.	Ms	Bridie	De Vecchi	189.	Dr	Jennifer	Drysdale
144.	Mr	Leo	Crnogorcevic	167.	Ms	Catherine	Dean	190.	Mr	Graeme	Drysdale
145.	Mr	Zachariah	Crombie	168.	Ms	Jesse	Dean	191.	Mr	Andrew	Dunn
146.	Mr	Rob	Cross	169.	Ms	Felicity	Debenham	192.	Mr	Darcy	Dunn

<b>193.</b>	Mr & Mrs	Judith & Ivan	Durant	<b>216.</b>	Mr	Luke	Favre	<b>239.</b>	Mr	Andrew	Frost
<b>194.</b>	Mr	Matthew	Dwyer	<b>217.</b>	Ms	Megan	Feeley	<b>240.</b>	Mr	Goutham	Gali
<b>195.</b>	Mr	Brad	Dyer	<b>218.</b>	Mr	Patrick	Fensham	<b>241.</b>	Mr	Robin	Gallagher
<b>196.</b>	Mr	Darren	Earley	<b>219.</b>	Mr	Andy	Fergus	<b>242.</b>	Dr	Cristina	Garduno Freeman
<b>197.</b>	Mr	Lindsay	Eden	<b>220.</b>	Mr	Shashaka	Fernando	<b>243.</b>	Mr	Peter	Garnick
<b>198.</b>	A/Prof	David	Edgar	<b>221.</b>	Mr	Dylan	Findlay	<b>244.</b>	Mr	Andrew	Garton
<b>199.</b>	Miss	Tiarn	Edwards	<b>222.</b>	Mr	Leon	Fink	<b>245.</b>	Mrs	Hannah	Gates
<b>200.</b>	Mr	Ilan	El	<b>223.</b>	Mr	Michael	Fink	<b>246.</b>	Ms	Claire	Gaynor
<b>201.</b>	Mr	Ross	Elford	<b>224.</b>	Miss	Emilia	Firus	<b>247.</b>	Miss	Louise	Gaynor
<b>202.</b>	Ms	Christine	Elliott	<b>225.</b>	Mr	Adrian	Fittolani	<b>248.</b>	Mr	Ian	George
<b>203.</b>	Mr	Jay	Ellis-James	<b>226.</b>	Mr	Brian	Fitzgerald	<b>249.</b>	Ms	Kate	Gerritsen
<b>204.</b>	Mr	Daniel	Ellul	<b>227.</b>	Mr	Nicholas	Fleming	<b>250.</b>	Ms	Zoe	Geyer
<b>205.</b>	Ms	Azin	Emam	<b>228.</b>	Mr	Marcus	Fogarty	<b>251.</b>	Mrs	Penny	Gibson
<b>206.</b>	Ms	Erin	Ender	<b>229.</b>	Mr	Joshua	Foley	<b>252.</b>	Mr	Laurence	Giddings
<b>207.</b>	Ms	Michelle	Endersby	<b>230.</b>	Ms	Jennifer	Foord	<b>253.</b>	Ms	Natasha	Giles
<b>208.</b>	Mr	Neil	England	<b>231.</b>	Mr	James	Fowler	<b>254.</b>	Mr	Mitch	Gillett
<b>209.</b>	Ms	Robyn	English	<b>232.</b>	Ms	Melissa	Fowler	<b>255.</b>	Mr	Paul	Gioia
<b>210.</b>	Ms	Tania	Ennor	<b>233.</b>	Mr	David	Fowler	<b>256.</b>	Mr	Thomas	Gleeson
<b>211.</b>	Mr	David	Evans	<b>234.</b>	Mr	Andrew	Frahn	<b>257.</b>	Mrs	Catherine	Glenister
<b>212.</b>	Mrs	Fiona	Ewings	<b>235.</b>	Ms	Shelley	Freeman	<b>258.</b>	Prof	Philip	Goad
<b>213.</b>	Mr	David	Ewings	<b>236.</b>	Mr	Neil	Freestone	<b>259.</b>	Mrs	Natasha	Godfrey
<b>214.</b>	Mr	Geoffrey	Falk	<b>237.</b>	Mr	Kevin	Frey	<b>260.</b>	Mr	Romi	Goldschlager
<b>215.</b>	Ms	Jane	Farago	<b>238.</b>	Mrs	Rosemary	Frood	<b>261.</b>	Ms	Sophie	Good



<b>262.</b>	Ms	Janet	Graham	<b>285.</b>	Ms	Nellie	Harbourd	<b>308.</b>	Ms	Sarah	Hobday-North
<b>263.</b>	Mr	Sascha	Grant	<b>286.</b>	Ms	Karen	Harbutt	<b>309.</b>	Mr	Ryan	Hodgman
<b>264.</b>	Ms	Victoria	Gray	<b>287.</b>	Mr	John	Harper	<b>310.</b>	Mr	David	Hofmann
<b>265.</b>	Mr	Eben	Greaves	<b>288.</b>	Mr	Ryan	Harris	<b>311.</b>	Mr	Lawrence	Hogan
<b>266.</b>	Mr	Michael	Greer	<b>289.</b>	Ms	Jennifer	Harris	<b>312.</b>	Mr	Nathaniel	Hoh
<b>267.</b>	Dr	Merilyn	Grey	<b>290.</b>	Ms	Deborah	Hart	<b>313.</b>	Mr	James	Holdsworth
<b>268.</b>	Mrs	Jam	Grg	<b>291.</b>	Ms	Rebecca	Hart	<b>314.</b>	Mr	Mark	Holleley
<b>269.</b>	Ms	India	Grigg	<b>292.</b>	Mr	Colin	Harte	<b>315.</b>	Mrs	Nina	Holleley
<b>270.</b>	Mr	Ishani	Gunasekara	<b>293.</b>	Ms	Maike	Harwardt	<b>316.</b>	Mr	Michael	Holmes
<b>271.</b>	Mr	JB	Gurung	<b>294.</b>	Ms	Anneliese	Hastings	<b>317.</b>	Mr	Brad	Hooper
<b>272.</b>	Miss	Shannen	Haber	<b>295.</b>	Mr	Paul	Hauff	<b>318.</b>	Ms	Sieglinde	Hopkins
<b>273.</b>	Miss	Paris	Hadfield	<b>296.</b>	Mr	Peter	Hawkins	<b>319.</b>	Dr	Kathy	Horadam
<b>274.</b>	Mrs	Christine	Haines	<b>297.</b>	Mr	Vishnu	Hazell	<b>320.</b>	Dr	Michael	Hornblow
<b>275.</b>	Mr	John	Hall	<b>298.</b>	Ms	Prue	Heam	<b>321.</b>	Mr	Graeme	Houghton
<b>276.</b>	Miss	Coralee	Hall	<b>299.</b>	Mr	Julian	Hedt	<b>322.</b>	Mr	Peter	Hourigan
<b>277.</b>	Ms	Joanne	Hall	<b>300.</b>	Mr	John	Henshall	<b>323.</b>	Dr	Leanne	Howard
<b>278.</b>	Mr	Gary	Hall	<b>301.</b>	Ms	Kate	Higgins	<b>324.</b>	Dr	Jim	Howe
<b>279.</b>	Miss	Amelia	Halloran	<b>302.</b>	Ms	Penapa	Hildebrand	<b>325.</b>	Mr	James	Hoyling
<b>280.</b>	Ms	Andrea	Hamilton	<b>303.</b>	Mr	Gregory	Hill	<b>326.</b>	Ms	Annabelle	Hudson
<b>281.</b>	Mr	Edward	Hamilton	<b>304.</b>	Mr	Ross	Hill	<b>327.</b>	Mr	Neil	Hudson
<b>282.</b>	Ms	Jemimah	Hamilton	<b>305.</b>	Ms	Martha	Hills	<b>328.</b>	Mrs	Heather	Huggins
<b>283.</b>	Dr	Olivia	Hamilton	<b>306.</b>	Mr	Ho Fai	Ho	<b>329.</b>	Ms	Pia	Hughes
<b>284.</b>	Mr	Redmond	Hamlett	<b>307.</b>	Mr	Ian	Hobbs	<b>330.</b>	Dr & Mrs	Peter & Mary	Hughes

<b>331.</b>	Ms	Lauren	Hunt	<b>354.</b>	Miss	Janine	Johnston	<b>377.</b>	Ms	Djurdjica	Kesic
<b>332.</b>	Mr	Rodney	Hunter	<b>355.</b>	Ms	Olwyn	Jones	<b>378.</b>	Ms	Fooi-Ling	Khoo
<b>333.</b>	Ms	Suellen	Hunter	<b>356.</b>	Ms	Llbbby	Jones	<b>379.</b>	Mr	Adam	King
<b>334.</b>	Ms	Shauna	Hurley	<b>357.</b>	Mr	Christopher	Jones	<b>380.</b>	Mr	Christopher	King
<b>335.</b>	Ms	Joanne	Hutton	<b>358.</b>	Mr	Thomas	Jones	<b>381.</b>	Mr	Steven	Kirkbright
<b>336.</b>	Mr	Matthew	Huxtable	<b>359.</b>	Ms	Sally	Joep	<b>382.</b>	Mr	Paul	Kneebone
<b>337.</b>	Ms	Maurine	Iakoviodis	<b>360.</b>	Ms	Alison	Joseph	<b>383.</b>	Mr	Aodren	Knight
<b>338.</b>	Mr	Andrew	Iliett	<b>361.</b>	Mr	John	Jovic	<b>384.</b>	Ms	Christine	Kosmak
<b>339.</b>	Mr	Graeme	Inglis	<b>362.</b>	Ms	Doris	Jovic	<b>385.</b>	Miss	Lidya	Kovacic
<b>340.</b>	Ms	Melissa	Ireland	<b>363.</b>	Mr	Chris	Judd	<b>386.</b>	Dr	Melissa	Kozul
<b>341.</b>	Ms	Julia	Irwin	<b>364.</b>	Mr		Jung	<b>387.</b>	Ms	Debbie	Kraushofer
<b>342.</b>	Mr	Nathan	Iseppi	<b>365.</b>	Mr	John	Kachami	<b>388.</b>	Mr	Patryk	Krolewski
<b>343.</b>	Mr	Daniel	Izev	<b>366.</b>	Ms	Neriman	Kashouli	<b>389.</b>	Mr	Dirk	Kuiper
<b>344.</b>	Mr	Tully	Jagoe	<b>367.</b>	Mr	Yaniv	Kaufman	<b>390.</b>	Mr	Stephen	Kulakowski
<b>345.</b>	Mr	Nick	Jahnecke	<b>368.</b>	Mr	Graeme	Kaufman	<b>391.</b>	Ms	Susie	Kumar
<b>346.</b>	Dr	Margaret	James	<b>369.</b>	Ms	Dana	Keamy	<b>392.</b>	Ms	Michelle	Kusch
<b>347.</b>	Ms	Alex	Jamieson	<b>370.</b>	Mr	Paul	Keisler	<b>393.</b>	Ms	Phoebe	LaGerche-Wijsman
<b>348.</b>	Ms	Corinna	Jane	<b>371.</b>	Ms	Ravenna	Keller	<b>394.</b>	Mr	Geoff	Lamb
<b>349.</b>	Ms	Kerrin	Jefferis	<b>372.</b>	Mr	John	Kemp	<b>395.</b>	Mr	Barry	Lambert
<b>350.</b>	Ms	Jessica	Jen	<b>373.</b>	Mr	Ange	Kenos	<b>396.</b>	Mrs	Penina	Lamm
<b>351.</b>	Ms	Jenny	Jenny	<b>374.</b>	Ms	Jane	Kenrick	<b>397.</b>	Ms	Carole	Lander
<b>352.</b>	Ms	Bernadette	Jess	<b>375.</b>	Mr	Graeme	Kentish	<b>398.</b>	Ms	Adeline	Lane
<b>353.</b>	Ms	Kathleen	Jessop	<b>376.</b>	Mr	Linton	Kern	<b>399.</b>	Dr	Beryl	Langer

<b>400.</b>	Mr	John	Langer	<b>423.</b>	Mr	Graeme	Lock	<b>446.</b>	Ms	Meredith	Mahoney
<b>401.</b>	Ms	Penelope	Langmead	<b>424.</b>	Dr	Cameron	Logan	<b>447.</b>	Ms	Sarah	Mallory
<b>402.</b>	Mr	David	Lapthorne	<b>425.</b>	Mr	Caro	Lopiccolo	<b>448.</b>	Miss	Nina	Marben
<b>403.</b>	Mr	Michael	Lavery	<b>426.</b>	Mr	Graeme	Lovell	<b>449.</b>	Ms	Anna	Margin
<b>404.</b>	Mrs	Jen	Lawrie-Smith	<b>427.</b>	Mr	Jude	Lovell	<b>450.</b>	Miss	Kate	Markovska
<b>405.</b>	Mr	Michael	Lawson	<b>428.</b>	Mr	Paul	Low	<b>451.</b>	Ms	Megan	Marks
<b>406.</b>	Ms	Melanie	Lazarow	<b>429.</b>	Ms	Suzanne	Lowndes	<b>452.</b>	Ms	Alanna	Marshall
<b>407.</b>	Ms	Alice	Leake	<b>430.</b>	Ms	Christine	Lucas	<b>453.</b>	Ms	Freda	Marshall
<b>408.</b>	Dr	Matthew	Lear	<b>431.</b>	Mr	Graham	Lucas	<b>454.</b>	Mrs	Karissa	Marston
<b>409.</b>	Mr	Dabin	Lee	<b>432.</b>	Mr	Sean	Lynch	<b>455.</b>	Ms	Deborah	Martin
<b>410.</b>	Ms	Katrina	Lee	<b>433.</b>	Ms	Rachel	Lynskey	<b>456.</b>	Ms	Fiona	Martin
<b>411.</b>	Ms	Rhonda	Leonard	<b>434.</b>	Mr	Sai	Ma	<b>457.</b>	Mr	Kruno	Martinac
<b>412.</b>	Dr	James	Lesh	<b>435.</b>	Ms	Eileen	MacDonagh	<b>458.</b>	Mrs	Ann	Martindale-Vale
<b>413.</b>	Ms	Rebecca	Leslie	<b>436.</b>	Ms	Lisa	Macdonald	<b>459.</b>	Mr	Tony	Mason
<b>414.</b>	Miss	Gabrielle	Leslie	<b>437.</b>	Dr	Helen	MacDonald	<b>460.</b>	Ms	Brenda	Mason
<b>415.</b>	Prof	Hannah	Lewi	<b>438.</b>	Miss	Maddie	Machell	<b>461.</b>	Dr	Gill	Matthewson
<b>416.</b>	Ms	Meredith	Lewis	<b>439.</b>	Mrs	Alison	MacLeod	<b>462.</b>	Mrs	Jane	May
<b>417.</b>	Mr	Nigel	Lewis	<b>440.</b>	Mrs	Diana	Macmillan	<b>463.</b>	Mr	Garry	May
<b>418.</b>	Ms	Erin	Lewis-Fitzgerald	<b>441.</b>	Mr	Wayne	Madden	<b>464.</b>	Mr	Simon	Mayhew
<b>419.</b>	Ms	Xiaopei	Li	<b>442.</b>	Mr	Gerard	Magner	<b>465.</b>	Mr	Luke	McAloon
<b>420.</b>	Mrs	Carolyn	Liberati	<b>443.</b>	Ms	Sarah	Magner	<b>466.</b>	Miss	April	McCabe
<b>421.</b>	Mr	Matthew	Lichtig	<b>444.</b>	Mr	Brett	Maher	<b>467.</b>	Mr	Peter	McCormick
<b>422.</b>	Mr	Yicheng	Liu	<b>445.</b>	Mrs	Yvonne	Maher	<b>468.</b>	Mrs	Anita	McCrohan

<b>469.</b>	Ms	Siobhan	McCuskey	<b>492.</b>	Mr	Peter	Moylan	<b>515.</b>	Mr	Hamish	O'Shea
<b>470.</b>	Ms	Michelle	McGowan	<b>493.</b>	Ms	Ruth	Mules	<b>516.</b>	Miss	Zoe	Pace
<b>471.</b>	Mr	Robert	McKechnie	<b>494.</b>	Ms	Susan	Mulligan	<b>517.</b>	Ms	Caroline	Packham
<b>472.</b>	Ms	Kay	McKenzie	<b>495.</b>	Mrs	Anna	Mumford	<b>518.</b>	Mr	Richard	Pannell
<b>473.</b>	Mr	Scott	McKenzie	<b>496.</b>	Dr	Angela	Munro	<b>519.</b>	Mrs	Sujatha	Pannell
<b>474.</b>	Mr	Gerry	McLoughlin	<b>497.</b>	Mr	Jerome	Murphy	<b>520.</b>	Dr	Nivethitha	Parameswaran
<b>475.</b>	Mr	Michael	McManus	<b>498.</b>	Mr	Kevin	Murray	<b>521.</b>	Mr	George	Parastatidis
<b>476.</b>	Mr	Kevin	McNamara	<b>499.</b>	Dr	Kali	Myers	<b>522.</b>	Dr	Jan	Pardy
<b>477.</b>	Mr	Don	McNaughton	<b>500.</b>	Ms	Linda	Neill	<b>523.</b>	Ms	Merilyn	Parker
<b>478.</b>	Mr	Don	McNaughton	<b>501.</b>	Dr	Veronika	Nemes	<b>524.</b>	Ms	Ruth	Parker
<b>479.</b>	Mr	David	McRae	<b>502.</b>	Mr	David	Nettelbeck	<b>525.</b>	Ms	Frances	Parry
<b>480.</b>	Ms	Lyn	Meadley	<b>503.</b>	Ms	Anna	Nevegna	<b>526.</b>	Ms	Leanne	Parry-Roberton
<b>481.</b>	Mr	Jorge	Mercado	<b>504.</b>	Ms	Sandra	Nicolaides	<b>527.</b>	Mr	Ketul	Patel
<b>482.</b>	Ms	Rosalie	Mickan	<b>505.</b>	Mrs	Terry	Norris	<b>528.</b>	Mr	Oliver	Pateras
<b>483.</b>	Ms	Tanja	Milbourne	<b>506.</b>	Mr	Jeffrey	Norris	<b>529.</b>	Mr	Travis	Paterson
<b>484.</b>	Mr	Ian	Miller	<b>507.</b>	Mr	Matt	Novacevski	<b>530.</b>	Mr	Nicholas	Paton
<b>485.</b>	Ms	Deeana	Mingerulli	<b>508.</b>	Mrs	Natalie	Oakley	<b>531.</b>	Dr	Mark	Patterson
<b>486.</b>	Mr	Matthew	Miosis	<b>509.</b>	Mr	Shane	O'Brien	<b>532.</b>	Miss	Katherine	Peacock
<b>487.</b>	Mrs	Cynthia	Mitchel	<b>510.</b>	Mr	Jesse	Oehm	<b>533.</b>	Mr	Scott	Peacock
<b>488.</b>	Mr	Andrew	Mitchell	<b>511.</b>	Ms	Naomi	Ogilvie	<b>534.</b>	Mr	Danil	Peade
<b>489.</b>	Ms	Lorelei	Mitchell	<b>512.</b>	Ms	Claire	Oliver	<b>535.</b>	Mrs	Josephine	Peake
<b>490.</b>	Dr	Paul	Morgan	<b>513.</b>	Ms	Mandy	Oliver	<b>536.</b>	Ms	Michaela	Peake
<b>491.</b>	Mr	Paul	Motion	<b>514.</b>	Ms	Helen	Oliver-Skuse	<b>537.</b>	Ms	Elizabeth	Pearce-Power

538.	Mr	Ray	Peck	561.	Mr	Damian	Quittner	584.	Ms	Karen	Roe
539.	Mr	Thomas	Peddie	562.	Mr	Bill	Ramsay	585.	Ms	J	Rose
540.	Mr	Ross	Perry	563.	Mr	Tim	Randall	586.	Ms	Judith	Rossell
541.	Mr	Savas	Petrakis	564.	Miss	Stephanie	Rapose	587.	Mr	Luigi	Rosselli
542.	Ms	Tessa	Petrides	565.	Mr	Ashleigh	Rawlings	588.	Mr	Alex	Rossen
543.	Dr	Alison	Petrou	566.	Ms	Jenny	Rayment	589.	Miss	Lauren	Rowett
544.	Mr	Liam	Phillips-Garde	567.	Mr	Matthew	Read	590.	Mrs	Margaret	Rush
545.	Ms	Andrea	Pink	568.	Dr	Susan	Rechter	591.	Ms	Liz	Rushen
546.	Ms	Georgia	Pitliangas	569.	Mrs	Thessalie	Reeders	592.	Ms	Sally	Ruth
547.	Ms	Nicola	Platt	570.	Ms	Tania	Renda	593.	Mr	Ric	Ruwhiu
548.	Ms	Maria	Poletti	571.	Ms	Annie	Rentos	594.	Mr	Leo	Sadlek
549.	Ms	Wendy	Pollock	572.	Mr	Simon	Reus	595.	Mr	Chrisentiae	Saint-Piaf
550.	Mr	Lynn	Pollock	573.	Mr	Roman	Revyakin	596.	Mr	Philip	Salom
551.	Mr	Patrick	Poppins	574.	Mr	Peter	Reynolds	597.	Ms	Ellen	Sandell
552.	Mr	Craig	Porter	575.	Mr	Tim	Richards	598.	Mr	Shashi	Sarda
553.	Ms	Carol	Porter	576.	Mr	Michael	Rigg	599.	Mr	Michael	Sargeant
554.	Ms	Fiona	Poulton	577.	Mr	Dean	Rizzetti	600.	Ms	Amy	Saunders
555.	Mr	Geoffrey	Poynter	578.	Mr	Josh	Robbins	601.	Mr	Graeme	Savage
556.	Ms	Tamar	Primoratz	579.	Mr	Paul	Roberton	602.	Miss	Aleksandra	Savic Rakocevic
557.	Ms	Lynne	Pryor	580.	Ms	Lily	Robertshawe	603.	Mr	Alex	Sawicki
558.	Ms	Julie	Pugh	581.	Ms	Anne	Robertson	604.	Mr	Daniel	Schembri
559.	Mrs	Lynne	Pullan	582.	Prof	Libby	Robin	605.	Mr	Darren	Schlipalius
560.	Mrs	Moira	Purcell	583.	Mr	Aaron	Robinson	606.	Mr	Patrick	Schneppensiefen



607.	Ms	Clair	Schultz	630.	Mr	Damian	Smith	653.	Ms	Maila	Stivens
608.	Dr	Kallista	Sears	631.	Mr	Will	Smith	654.	Ms	Emma	Stone
609.	Ms	Elizabeth	Seuseu	632.	Mr	Barry	Smith	655.	Mr	Rohan	Storey
610.	Mr	Rohan	Sharp	633.	Dr	Dianne	Snow	656.	Miss	Chloe	Street
611.	Mrs	Antoinette	Sharp	634.	Ms	Ria	Soemardjo	657.	Mr	Michael	Strelnikov
612.	Mr	Darren	Sharp	635.	Ms	Jody	Soh	658.	Ms	Catherine	Stutterheim
613.	Dr	Julie	Shaw	636.	Ms	Nicolette	Solomon	659.	Ms	Louise	Sundermann
614.	Mr	Peter	Shepherdley	637.	Prof	Charles	Sowerwine	660.	Ms	Bernadette	Suter
615.	Mr	Varun	Simons	638.	Miss	Harriet	Speakman-Rush	661.	Mr	Anthony	Sweeney
616.	Ms	Lauren	Simpson	639.	Ms	Amy	Spencer	662.	Mr	David	Sweetnam
617.	Mr	Mark	Simpson	640.	Mr	Elliet	Spring	663.	Ms	Patrick	Sykes
618.	Mr	Dan	Simpson	641.	Mr	Rachit	Srivastava	664.	Mr	Morgan	Sylen
619.	Mr	Mark	Simpson	642.	Mrs	Ann	St Leon Cain	665.	Mr	Robert	Taylor
620.	Ms	Lydia	Sims	643.	Mr	Bruce	Stabb	666.	Ms	Allison	Taylor
621.	Mr	Mark	Skiba	644.	Mr	Michael	Staindl	667.	Ms	Delia	Teschendorff
622.	Ms	Julia	Skoraczynski	645.	Miss	Denine	Stanbridge	668.	Mr	Simon	Thewlis
623.	Ms	Katharine	Sleeman	646.	Mr	Adrian	Stavovy	669.	Mr	Max	Thomas
624.	Dr	Simon	Sleight	647.	Mr	Chris	Steinfort	670.	Mr	Morgan	Thomas
625.	Ms	Kate	Sloggett	648.	Ms	Linda	Stem	671.	Mr	Steve	Thorne
626.	Ms	Danielle	Smelter	649.	Mrs	Virgina	Stevens	672.	Ms	Joanna	Thorne
627.	Ms	Kylie	Smith	650.	Mr	Grant	Stevenson	673.	Dr	James	Thyer
628.	Mr	Glendon	Smith	651.	Ms	Natalie	Stewart	674.	Ms	Hazel	Todd
629.	Mr	Michael	Smith	652.	Mr	Wade	Stewart	675.	Ms	Kirrily	Todhunter

676.	Mr	David	Toma	699.	Ms	Coral	Waight	722.	Mr	Brian	Williams
677.	Ms	Carla	Tooley	700.	Mrs	Ana	Wansink	723.	Mr	Ian	Williams
678.	Ms	Bonnie	Tormey	701.	Mr	Maitiu	Ward	724.	Mr	Geoffrey	Williams
679.	Ms	Belinda	Trainor	702.	Ms	Karoline	Ware	725.	Ms	Kate	Williams
680.	Ms	Fiona	Trask	703.	Mr	Richard	Warren	726.	Mr	Kenneth	Williams
681.	Mr	Steve	Truter	704.	Mr	Edmond	Washington	727.	Mrs	Vicki	Williams
682.	Mr	Art	Truter	705.	Mrs	Kirsten	Wats	728.	Mr	Robert	Willmott
683.	Ms	Margaret	Tse	706.	Ms	Felicity	Watson	729.	Mr	Mark	Wills
684.	Ms	Liz	Turner	707.	Mr	Tarkyn	Watt	730.	Mr	Trent	Willson
685.	Mrs	Debra	Turner	708.	Mr	Cameron	Watt	731.	Mr	Gary	Wilson
686.	Ms	Helen	Tutton	709.	Dr	Yvette	Watt	732.	Ms	Rachel	Wilson
687.	Mr	Ben	Van Der Linde	710.	Mr	Joshua	Webb	733.	Ms	Shauna-Marie	Wilson
688.	Mr	Rupert	Veitch	711.	Ms	Jacinta	Wernert	734.	Dr	Katherine	Wilson
689.	A/Prof	Anthony	Verberne	712.	Mr	Malte	Weyhe	735.	Mrs	Jacqueline	Winter
690.	Ms	Fiona	Villella	713.	Ms	Emma	White	736.	Sr	Joan	Winter
691.	Mrs	Ksenija	Viojisavljevic	714.	Mr	Rohan	White	737.	Mr	Ralf	Wischnat
692.	Mr	Maurice	Virduzzo	715.	Exec Dir	Ruth	White	738.	Mrs	Alison	Witcombe
693.	Mr	Sal	Vitts	716.	Mr	Anthony	Whittaker	739.	Ms	Veronica	Witteveen
694.	Mr	Dmitry	Vladimirov	717.	Mrs	Fenella	Whittaker	740.	Ms	Judy	Wolff
695.	Ms	Roula	Vlassis	718.	Ms	Alison	Whitten	741.	Dr	Margaret	Wood
696.	Ms	Vicky	Vuong	719.	Mr	Kelvin	Wicks	742.	Mr	Angus	Woodyard
697.	Mrs	Ruth	Wachtel	720.	Mr	Ian	Wight	743.	Miss	Hannah	Wright
698.	Mr	Robert	Waddell	721.	Mrs	Sandra	Willers	744.	Ms	RuRu	Wu

745. Mr Noel Wyndom

746. Ms Yeet Yeet

747. Mr Demetris Yiapanis

748. Mr Christopher Young

749. Ms Natalie Young

750. Mr Keith Young

751. Mr John Young

752. Mr Yi Zhang

753. Ms Qian Zhu

754. Dr Leanne Zilka

## **ATTACHMENT 2**

### **LIST OF SITE INSPECTION ATTENDEES**

On 11 April 2019, the following parties attended the site inspection of the Place:

- Ms Tanya Wolkenberg of Melbourne.
- Mr Alister Campbell of RPV.
- Ms Tania Davidge of CFM.
- Ms Nicola Stairmand on behalf of the Executive Director.
- Ms Felicity Watson of the Trust.
- Professor Charles Sowerwine of RHSV.
- Ms Sharon Pollard of FSPL.
- Mr Christopher Canavan QC and Mr Emrys Nekvapil, barristers for FSPL.
- Mr Peter Lovell and Mr Adam Mornement of Lovell Chen Pty Ltd, expert witnesses for FSPL.

## ATTACHMENT 3

### HERITAGE COUNCIL CRITERIA

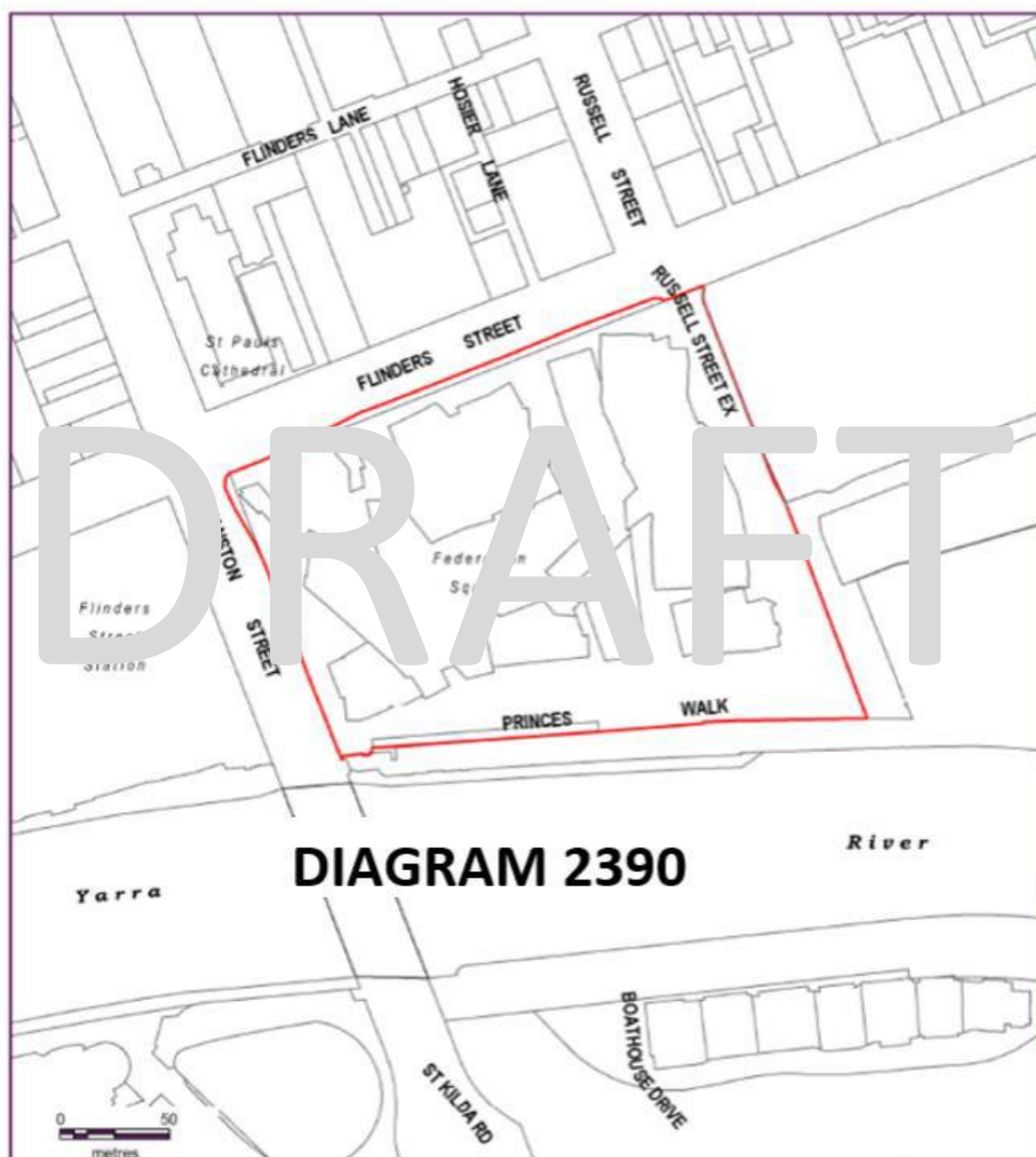
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION 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 4

### PROPOSED REGISTRATION AREA AS RECOMMENDED BY THE EXECUTIVE DIRECTOR



## ATTACHMENT 5

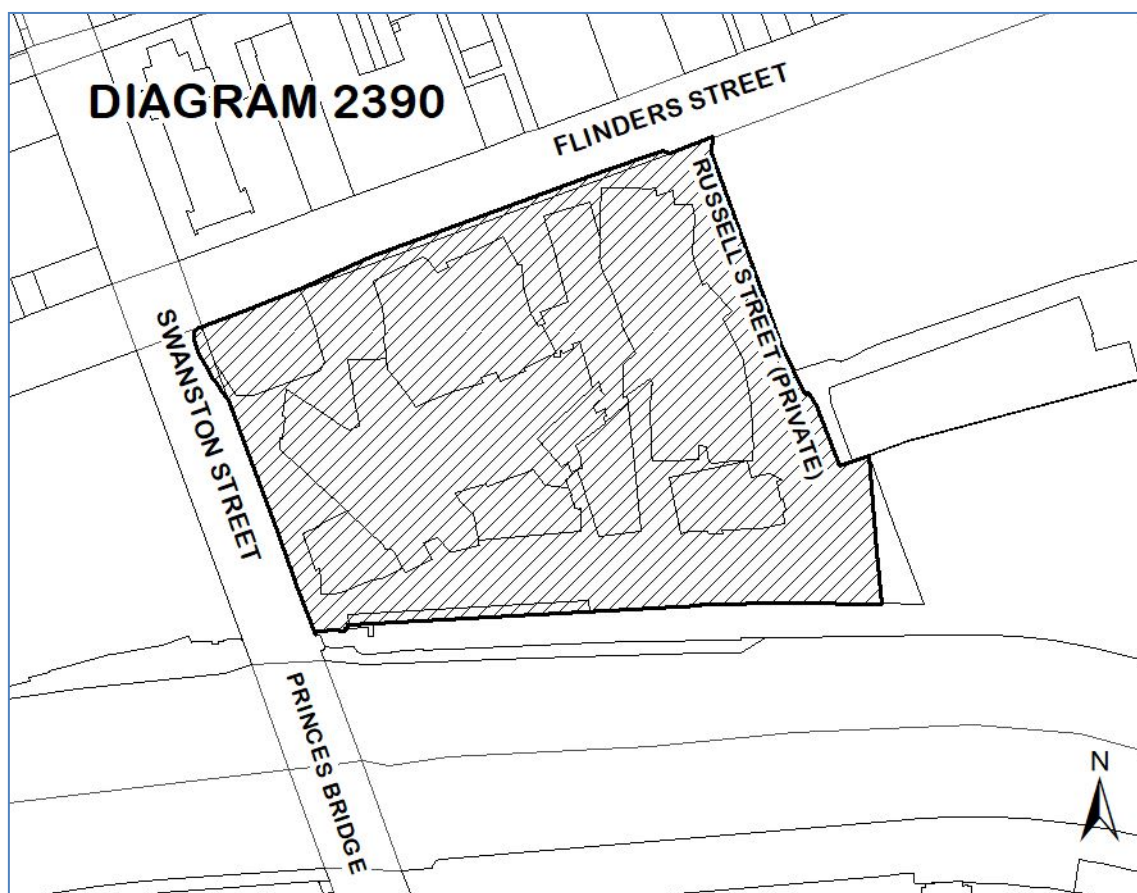
### EXTENT OF REGISTRATION

Part of the land shown hatched on Diagram 2390, comprising:

- All of Crown Allotment 2140, City of Melbourne, Parish of North Melbourne
- Part of Crown Allotment 2035, City of Melbourne, Parish of North Melbourne;
- Part of Crown Allotment 6, 19E, City of Melbourne, Parish of North Melbourne (Certificate of Title Volume 10663 folio 025)
- Part of Road Casement No. 218507701 (Flinders Street road reserve)
- Part of Road Casement No. 218504542 (Swanston Street road reserve)

But excluding all of the following:

- All land within Certificate of Title Volume 10652 Folio 490, being lot 2 on Title Plan 018290B (which comprises railway assets generally located below the level of the deck);
- The balustrade along the southern edge of Princes Walk; and
- All strata below ground level along the alignment of Princes Walk.



## ATTACHMENT 6

### PERMIT EXEMPTIONS UNDER SECTION 40(3)

The Committee determines that the following categories of works and activities may be carried out in relation to the Place without the need for a permit under the Act

Category or location of works and activities	Exemptions
<b>1) Current works (2018-2019)</b>	<ul style="list-style-type: none"> <li>• Internal works associated with the SBS relocation (West Block, Alfred Deakin Building, Levels 2 and 3).</li> <li>• Internal works associated with the ACMI refurbishment excluding works to theatres) (East Block, Alfred Deakin Building, Basements 1 and 2 and Ground Level Tenancies Nos 6, 7, 8 and 9).</li> <li>• Internal works associated with the Koorie Heritage Trust relocation (Yarra building, Tenancy Nos 24A and 24C strip out and new fit out to Level 2, Alfred Deakin Building).</li> <li>• Internal works associated with the Chocolate Buddha refurbishment (Alfred Deakin Building, West Block, Ground Level, Tenancy No 22).</li> <li>• Internal works associated with the Beer Deluxe refurbishment (Atrium, Tenancy No 17; the Square, Tenancy No 23).</li> <li>• Internal works associated with upgrades to the Atrium toilets.</li> </ul>
<b>1) Maintenance, repair and replacement works throughout the Place</b>	<ul style="list-style-type: none"> <li>• Routine cleaning and maintenance activities including repair of glazing and cladding where the fabric, design, size, form and method of fixing is repaired or replaced like-for-like.</li> <li>• Repair and maintenance of hard landscaping, including paving and footpaths, where the fabric, design, size, form and method of fixing is repaired or replaced like-for-like.</li> </ul>

Category or location of works and activities	Exemptions
	<ul style="list-style-type: none"> <li>• Maintenance and replacement of services such as plumbing, electrical cabling, surveillance systems, pipes or fire services, where replacement will not result in an increase in size, or a substantially new location.</li> <li>• Installation, removal or replacement of garden-watering, fire and other services to the external areas, where replacement will not result in an increase in size, or a substantially new location.</li> <li>• Repair and maintenance of existing lifts and escalators including mechanisms and associated elements.</li> <li>• Repainting of previously painted surfaces (internal and external) in the same colour and quality of finish (not including the gallery and foyer of the Ian Potter Centre for which specific exemptions apply).</li> <li>• Works or activities, including emergency stabilisation, necessary to secure safety where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public, provided no damage is caused to significant fabric</li> <li>• Repair and maintenance to all existing promotional elements, including billboards and flagpoles.</li> <li>• Repair and maintenance to areas of the carpark that fall within the extent of registration.</li> <li>• Maintenance and replacement of existing roof-mounted plant on the Crossbar Building, and Alfred Deakin and NGV buildings, including solar panels and communications installations.</li> <li>• Maintenance, retrofit and modification works to the deck support structure in order to facilitate continuing railway operations.</li> <li>• All works within the service slot structures and other parts of the sub-structure which have been separated from railway operations</li> </ul>

Category or location of works and activities	Exemptions
	and are managed as part of Federation Square.
<b>2) Building interiors</b>	<ul style="list-style-type: none"> <li>• Installation, removal or replacement of electrical wiring provided that all new wiring in public areas is fully concealed.</li> <li>• All non-structural works within concealed wall and roof cavities.</li> <li>• Installation, removal or replacement of plant provided that its size, scale and location is consistent with any existing plant.</li> <li>• Removal or replacement of carpets and/or flexible floor coverings.</li> <li>• Removal or replacement of window furnishings such as blinds or curtains and associated hardware.</li> <li>• Internal works to toilet and washroom spaces throughout.</li> <li>• Internal works provided there is no impact on the exterior, except within the Ian Potter Centre (NGV Building), Atrium, Alfred Deakin Building and Deakin Edge.</li> </ul>
<b>3) Ian Potter Centre, NGV Building</b>	<ul style="list-style-type: none"> <li>• Internal works in NGV gift shop, café and back-of-house areas.</li> <li>• Document displays, provided the works are reversible.</li> <li>• Replacement of superseded technology to interior areas of the building, including LED signage panels and the like, provided the scale and configuration of the panel is retained.</li> <li>• Temporary installation for six months or less, and subsequent removal of all structures and equipment required to stage an event or performance in any area, provided the installation methods are reversible.</li> <li>• Activities associated with the installation of exhibitions in all gallery and foyer spaces provided they are reversible including: <ul style="list-style-type: none"> <li>○ Reconfiguration of existing moveable walls and construction of new moveable walls.</li> <li>○ Installation of plinths, display cases, suspended works and</li> </ul> </li> </ul>

Category or location of works and activities	Exemptions
	<p>works attached to walls and floors provided the methods of fixing are reversible.</p> <ul style="list-style-type: none"> <li>○ Lighting for exhibition purposes.</li> <li>○ Repainting existing painted gallery walls (excluding grey plastered walls).</li> </ul>
<b>4) Atrium (Tenancies Nos 3B, 15, 16, 17, 32 and 3D)</b>	<ul style="list-style-type: none"> <li>• Works to interiors of commercial tenancies, provided there is no impact on the exteriors, including the shared space of the Atrium.</li> </ul>
<b>5) Alfred Deakin Building (Tenancies Nos 6, 7, 8 and 9)</b>	<ul style="list-style-type: none"> <li>• Internal works, excluding works to the main exhibition space entry stair, the central triple volume space at ground level and theatres, the lining of the walls and the pattern of coloured seating in the ACMI theatres provided there is no impact on the exteriors, including the shared space of the Atrium.</li> </ul>
<b>6) Deakin Edge</b>	<ul style="list-style-type: none"> <li>• Temporary installation and removal of all structures and equipment required to stage an event, provided the activities are reversible</li> <li>• Works to back of house spaces including dressing rooms, green room and toilet areas.</li> </ul>
<b>7) Crossbar Building</b>	<ul style="list-style-type: none"> <li>• Internal works, excluding the main stair and stairwell, provided there is no impact on the exterior buildings.</li> </ul>
<b>8) Landscape works</b>	<ul style="list-style-type: none"> <li>• The process of gardening, mulching, removal or dead plants, disease and weed control, and pruning.</li> <li>• Like for like replacement of Red Flowering Yellow Gums (<i>Eucalyptus leucoxylon</i> ssp. <i>megalocarpa</i> ‘Rosea’) with advanced stock specimens of the same variety in the six planter beds within the central plaza.</li> <li>• Replacement of plantings with matching species (excluding Red</li> </ul>



Category or location of works and activities	Exemptions
	<p>Flowering Yellow Gums).</p> <ul style="list-style-type: none"> <li>• The removal or pruning of dead or dangerous trees to maintain safety and the management of trees in accordance with Australian Standard: Pruning of Amenity Trees AS 4373-1996. Note: The Executive Director, Heritage Victoria, must be notified of these works within seven days of commencement of works.</li> <li>• Subsurface works involving the installation, removal or replacement of watering systems or services outside the canopy edge of significant trees in accordance with AS4970.</li> <li>• Management of trees in accordance with Australian Standard: Protection of Trees on Development Sites AS 4970-2009.</li> <li>• Removal of plants listed as noxious weeds in the <i>Catchment and Land Protection Act 1994</i>.</li> <li>• Vegetation protection and management of possums and vermin.</li> <li>• Non-structural alterations to roadways including River Terrace and Russell Street Extension.</li> <li>• Maintenance and repair of bollards.</li> </ul>
<b>9) Other exemptions</b>	<ul style="list-style-type: none"> <li>• To the extent that they are not already permitted by permit no P29470 works to the interior of the future Town Hall Metro station provided they are not visible from outside the station building and works below deck level associated with future rail services.</li> </ul>
<b>10) Venue operations</b>	<ul style="list-style-type: none"> <li>• Introduction of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety for not more than 6 months provided that the works are reversible.</li> </ul>

Category or location of works and activities	Exemptions
	<ul style="list-style-type: none"> <li>• Installation of temporary exhibits for not more than 6 months provided that the works are reversible.</li> </ul>
<b>11) Signage</b>	<ul style="list-style-type: none"> <li>• Placement, display and removal of signage within all parts of the Place which are not generally accessible to the public.</li> <li>• Construction, placement, display and removal of signage in the nature of decals/vinyl film and temporary signage (small and large scale) for 6 months or less on internal and external facing areas provided the works are reversible.</li> <li>• Construction, placement, display and removal of other signage in a publicly accessible area provided it is in accordance with a signage policy endorsed by the Executive Director, Heritage Victoria.</li> </ul>