

An International Conference to explore approaches to the preservation of urban built heritage, with a focus on Melbourne

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An Intervention: The National Trust and the Windsor Hotel

Owners, government and advocates have been arguing about the Windsor Hotel over a period of five decades, and its future redevelopment is still alive as a heritage planning issue. The National Trust was first involved in the campaign to save the Windsor Hotel (designed by architect Charles Webb for George Nipper 1883-87) in late 1971, and the campaign was central to the Trust's wider push for heritage legislation at a time when there was no statutory heritage protection available.

In the early 1970s the Windsor was struggling financially. A shareholder in the Windsor Hotel Ltd at the time contacted the Trust, concerned that some nominee companies in Sydney had acquired a substantial holding in the shares as 'a prelude to the acquisition and demolition of the building and replacement no doubt by a modern complex of offices and shops'.

By 1974 the Windsor owners announced plans for a 38-storey office tower on part of the site. Premier Dick Hamer and the Trust came out strongly against the tower. Hamer called the plan for the 150 metre high office block 'a disaster', and said that his government would use 'its present power or legislate for new power to stop the tower'.ⁱ The Public Works Minister, Mr Robert Dunstan, was also against the plan for a 38-storey office tower on part of the site, instead favouring a casino in the hotel.ⁱⁱ The Trust was blamed by the owners for its plummeting fortunes, making the hotel 'unlikely to attract the cupidity and imagination of investors.'ⁱⁱⁱ The Trust objected to the proposed tower redevelopment and the application was refused by the City on the grounds of excessive plot ratio and detriment to amenity.

In December 1976 Rodney Hamer government's finally stepped in to purchase the hotel for \$4.5 million and it was subsequently leased to Oberoi Hotels. In 1982 extensive and award-winning restoration work was undertaken as Oberoi Hotels spent more than \$8 million on the restoration work and the Victorian Government contributed another \$3 million.

In 1988 *The Herald* revealed that Sydney property developer Warren Anderson had a multi-million-dollar plan to redevelop the Windsor by building a tower behind the hotel.^{iv} The speculation regarding Anderson's proposal lasted a year until, after 14 years of public ownership, the government sold the hotel in 1990 to the Oberoi Hotels group for \$17 million.^v

Following several phases of further upgrades in the 1990s, in 2009 an application for a \$260 million redevelopment was proposed by new owners Halim Group. This was to include a 91 metre high tower (to be four times the discretionary height limit of 23 metres) and demolition of a substantial part of the 1880s hotel, and the entire (1961) corner building (considered by just about everyone as not worthy of preservation). Two permits were required – one from Heritage Victoria under the Heritage Act 1995, and one from the Minister for Planning under the Planning and Environment Act 1987.

We were struck by the inadequacy of the Heritage Act to deal with this issue, and the reliance on supposed economic benefits enumerated in the business case (which of course was not a public document). We held a rally in March 2010 on the steps of Parliament opposite the hotel. We characterised the scheme as a scene from *Alice in Wonderland* – with the Minister for Planning as the Mad Hatter, Heritage Victoria as the sleeping dormouse, and Alice as the Victorian community – increasingly bewildered as things got curiouser and curiouser.

To public consternation, Heritage Victoria said they could not consider the impact of the development on the Bourke Hill heritage precinct, and issued a heritage permit. Minister for Planning Justin Madden issued a planning permit, but made a mess of the decision-making process, including revelations about a sham public consultation, which led to an enquiry by the Ombudsman.

The Heritage Act has no third party appeal rights. In April 2010 the Trust applied to VCAT to have the Minister's planning decision overturned, but the application was denied in May 2010. In June 2010 the Trust made an Application to the Supreme Court for a review of the VCAT decision. In September 2010 the Supreme Court ruled against the Trust's appeal and the Trust's advocacy in the courts had reached its final conclusion.

Following the change in government in November 2010, new Minister for Planning Matthew Guy refused to extend the time allowed on the permit for the redevelopment to commence. Guy told ABC local radio on 13 January 2012 'what harm is done by granting an extension? It's tacit support for the original permit and I don't support the original permit and that's very clear.' On appeal, VCAT granted an extension until January 2015.

In June 2013 a permit was sought for revised interior works. The extent of demolition triggered building codes that overrode heritage exemptions. The only interiors of any heritage value to be retained will be the dining room, the stair-hall, the 1920s lifts and a partly-reconstructed corridor. Everything else will be completely demolished and rebuilt.

In August 2014 the new mandatory controls impacted the Windsor redevelopment when the Halim Group applied for yet another extension of time for the permit. Minister Guy refused again, and the matter went off to VCAT again. This time VCAT upheld the refusal by the Minister, on the basis that a fresh application would not be allowed because of the now enforceable mandatory height limit. The extension was refused, and Halim Group must start work by January 2015.

ⁱ *The Herald*, 8 March 1974

ⁱⁱ *The Sun*, 9 March 1974

ⁱⁱⁱ Lovell Chen, *Hotel Windsor, Conservation Management Plan*, 2007, p.133

^{iv} *The Herald*, 16 September 1988

^v *The Age*, 28 April 1990