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**MEDIA RELEASE**

**Tuesday 29 June, 2010**

**NATIONAL TRUST OF AUSTRALIA (VIC) SEEKS SUPREME COURT REVIEW**

**On Friday 25 June the Trust made an application to the Supreme Court for review of a decision made by VCAT on 27 May, 2010 in relation to the Hotel Windsor.**

Victorian Civil and Administrative Tribunal (VCAT) has ruled that no permit is required under the Heritage Overlay for the development of the Windsor even if the development extends 26 stories into the air – and irrespective of the effect that this may have on the area as a whole, if it stays within the site's current boundaries.

If VCAT is correct, the Trust has no right to object at VCAT to the merits of the proposed development (except to the limited extent that the proposed development extends outside the current hotel boundaries).

In practice, this means that no one in the decision-making process is forced to take into account the effect of the proposed development on the whole of the Bourke Hill Heritage Precinct.

CEO for the Trust, Martin Purslow says: "The Supreme Court application is the Trust's ONLY opportunity to have the merits of the Windsor Hotel redevelopment tower heard by VCAT. We are a not for profit community group and the ONLY organisation that is pursuing a review of this matter."

On 7 April, 2010 the Trust filed, with the VCAT under section 82 of the Planning and Environment Act 1987, an application for review of the decision by the Minister for Planning for the Windsor Hotel redevelopment.

In early May, the Halim Group (the owner of the site) and Hotel Windsor Holdings Pty Ltd (the developer of the site) brought a 'strike-out' application to VCAT on "an issue of jurisdiction of an objector bringing an appeal" and requested that this matter be dealt with at a preliminary Practice Day hearing.

The VCAT directions hearing, held on 21 May, subsequently determined there is no jurisdiction at VCAT to hear a merits appeal on heritage overlay grounds for that part of the proposed development that is within the current Hotel site, and that the Trust can only appeal the merits of the proposed 'recreation stick' which will protrude out over the Windsor Place Laneway to the rear.

This was contrary to the opinion of the Minister's Department, the Department of Planning and Community Development, which was of the opinion that review rights existed under the Heritage Overlay.

"We are of the opinion that the decision is a matter of general importance involving the interpretation and operation of the Planning & Environment Act and its relationship of the Heritage Act and will have general application to other sites and other parties across the City of Melbourne and other municipalities," says Mr Purslow.

**-Ends-**

For more information please call Paola Ghirelli, Media & Communications Manager, The National Trust of Australia (Vic) on 9656 9805 or on 0416 009 271.