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20 October 2009

Adrian Salmon
Assistant Director Statutory Approvals
Department of Planning and Community Development
GPO Box 2392
MELBOURNE VICTORIA 3001

Dear Mr Salmon,

RE: HOTEL WINDSOR, PLANNING APPLICATION NO. 2009001687

Introduction

The National Trust wishes to object to the permit application for part demolition, alteration and extension of the Hotel Windsor ('Windsor') and construction of a replacement wing to the north and 91metre tower to the west.

The Windsor was bought by the Victorian Government in 1976 due to the threat of demolition and was not returned to private ownership until 1990. When owned by the State in 1989, it was the then Labor government that refused to sell the property to a developer who was assembling land behind to construct a 25 level tower addition; at the time it was also stated that construction over the 23m height limit would not be approved. Given the State of Victoria's previous active commitment to preserving the hotel, and the considerable public finances expended upon it, it is lamentable that a substantial proportion is now proposed to be demolished. It is also of great concern that consideration is being given to a proposal well over the height limit – a limit that was once so strongly defended by government.

The Trust has always strongly supported the planning controls that ensure that the Bourke Street Hill precinct retains its heritage character and low scale. The height of the new tower does not meet the local policy objectives and scheme requirements of the

Melbourne Planning Scheme. The height limit and controls in the Bourke Hill Precinct, in place since 1982, have served the city very well, preserving the low scale that the parliamentary buildings, Windsor Hotel and Princess Theatre warrant whilst still facilitating an active business and recreational district. The Trust is extremely concerned that an approval for the proposed tower will encourage further detrimental relaxation of controls.

The Windsor was originally known as the Grand Hotel and later as the Grand Hotel Coffee Palace. This is the grandest of Australia's great 19th century hotels. The loss of other 19th century luxury hotels such as the Menzies, Oriental and Federal makes the Windsor unique amongst Melbourne hotels, indeed the only survivor in Australia. The Windsor is not only the largest and grandest of Australia's 19th century luxury hotels, but also forms part of an architecturally valuable precinct which also includes Parliament House, the Old Treasury, and the Princess Theatre. Historically it has associations with prominent figures such as James Munro, the Hon James Balfour, MLC as well as Sir John Monash, Alfred Deakin and Robert Menzies.

The Trust recognises the contribution the Windsor makes to the tourism potential of Melbourne City and acknowledges the need to refurbish the hotel and upgrade the standard of the facility. An investment in the historic and architecturally significant Windsor hotel is welcome to ensure a viable future for it as a luxury hotel. The Trust recognises that luxury hotels must be periodically refurbished and that such an upgrade is overdue at the Windsor. Spending \$32 million on the heritage sections of the hotel is a significant investment. However this should not be at the expense of altering the consistent scale of the Bourke Hill Precinct that has up until now been successfully protected by both the Local and State Government.

The heritage controls throughout the State and Local sections of the Melbourne Planning Scheme were created to protect the key attributes of Melbourne City and recognised the negative impact any new inappropriate development could have on the cultural and historic identity of Melbourne. The Minister has a responsibility to ensure that any new development is compliant with all of the policies, objectives and guidelines of the Scheme. From our reading, a 91 metre tower in the Bourke Hill precinct skyline behind the Windsor, together with the replacement building on the intersection higher than the existing, is not compliant.

Planning assessment

Clause 43.02 Design and Development Overlay – Schedule 2 – Height Controls – Capital City Zone

To ensure the protection of the individually heritage listed buildings and heritage precincts recognised in the local heritage policies and overlays of the Melbourne Planning Scheme, height controls are applicable to many areas in the Capital City Zone. In accordance with Clause 43.02 – Schedule 2 to the Design and Development Overlay all buildings and works should not exceed the maximum height set out in Table 2 of

Schedule 2. The schedule provides that all building and works in the Bourke Hill Precinct should be no higher than 15m along the Bourke Street and Little Bourke Street frontage, and 23 metres along Little Collins Street, and in a central area between Bourke and Little Bourke, unless it can be demonstrated that a development which exceeds this limit meets the specific design objectives and outcomes of this schedule.

The relevant design Objectives are as follows:

- *'Ensure that the height of new buildings reinforces the built form and character of unique areas; and*
- *maintain the visual dominance of prominent landmarks.'*

The proposal is within the area covered by the 23m limit, which has an 'Outcome' that "the Parliament buildings remain the dominant feature in the skyline." The National Trust believes that this outcome means not just that the view to the Parliament building up Bourke Street should be protected, but that the whole area should remain low-scale in order to ensure that the Parliament Building remains the dominant feature generally. Clearly the height limits were not created just to protect this Bourke Street vista, or they would be more like DDO HC-5 for the block of Bourke Street between Russell and Exhibition. The outcome for that control is "The Parliamentary buildings remain dominant in vistas along Bourke Street."

We note that the height limits were established in 1982, but it was not until 1997, as part of the New Format Planning Scheme process, that specific objectives were given to the height limits. The specific Outcome attached to the 23m limit area could, in our view, have been better expressed, mentioning not only the dominance of the Parliament Buildings, but retaining the generally low-scale character of the precinct. The Outcome for the 15m limit (HC-2) clearly indicates the intended purpose of the limits in the area, stating "The low-rise, high-density and pedestrian oriented built form of the ... Bourke Hill... precinct is maintained."

It is the National Trust's view that the Design and Development Overlay provisions, which were developed to protect the identified characteristics of significant precincts within the Central City Zone, would not be satisfied by the proposed development.

Clause 43.03 Heritage Overlay H0500

It is unclear to the National Trust if the Minister for Planning as Responsible Authority will be considering the impact of the proposed development on the heritage overlay precinct H0500 (Bourke Hill Precinct). The Windsor is included in two heritage overlay schedules, one being the Bourke Hill Precinct, H0500, the other its individual listing as H0739 (a place included in the Victorian Heritage Register.) Under the *Heritage Act* the Executive Director Heritage Victoria *may* consider the extent to which the application for a registered place would affect the cultural heritage significance of an adjacent place subject to a heritage control in the relevant planning scheme. If the Minister will not be

considering the provisions of the heritage overlays (because of an exemption triggered by the *Planning & Environment Act* whereby Heritage Victoria will deal with all heritage aspects of the proposal) then the National Trust submits to the Minister that the Executive Director *must* consider the impact of the proposal on the heritage precinct as well as the individual place, and in doing so have regard for all relevant State Planning Policy Framework and Planning Scheme clauses.

Alternatively, if the *Planning & Environment Act* application does not exempt the need for a permit under the provisions the heritage precinct HO500, then the Minister must consider the impact of the proposal on the heritage precinct, and in doing so have regard for all relevant State Planning Policy Framework and Planning Scheme clauses.

State Planning Policy Framework (SPPF) Clause 15.11-2 - Heritage

In accordance with the SPPF as it relates to heritage matters, planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development.

It is considered that any approval of such a tower in the city skyline behind the Windsor facade is inappropriate and does not meet the States objectives.

Clause 21.05-1 – City Structure and Built Form - Heritage

Whilst the National Trust recognises that the Central City is identified an area when substantial change is envisaged, the policy also recognises the importance of maintaining the key elements of the heritage attributes of the city centre. As noted in the Scheme, heritage features, buildings and streetscapes are a significant part of Melbourne’s attraction. The streetscapes, precincts and individual buildings are identified and protected because of their high cultural heritage value. Any new development should be sensitive to the heritage buildings and precincts, local landmarks as well as character and views.

To achieve this outcome, objectives and strategies should be met with any new development proposal including ‘to conserve and enhance places and precincts of identified cultural heritage significance.’ Relevant strategies to achieve these objectives include:

- *Maintain the visual prominence of historic buildings and local landmarks.*
- *Protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of built form both within precincts and from adjoining areas.*

It is the National Trust’s view that the proposed 91 metre tower to be erected at the Windsor site, located within the low-scale Bourke Hill Precinct, does not meet these

objectives. The attached annotated image clearly shows how the low level heritage precinct HO500 has been preserved.

Clause 21.08 - 1 – Local Areas – Central City.

As part of the built form implementation strategies for heritage in the Central City the Responsible Authority in assessing any new development must:

'Protect the scale of important heritage precincts, boulevards and other unique precincts that rely on a consistency of scale of their image, including the Retail Core, China town, Hardware Lane, Flinders Lane, Bourke Hill, Parliament, the Melbourne Town Hall, the Queen Victoria Market and the churches on Flinders and Collins Streets.'

The approval of a 91 metre tower will detrimentally alter the image of the Bourke Hill precinct by allowing an intrusive element to significantly alter the consistent scale of buildings in this part of the city.

Clause 22.04 – Heritage Places within the Capital City Zone

The Windsor site is subject to the objectives of Clause 22.04 – Heritage Places within the Capital City Zone which seeks to protect the many heritage precincts in the Capital City Zone area.

One of the objectives of Clause 22.04 is

'to conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.'

One of many matters to consider in assessing an application for works to a heritage place is the impact any new development will have on a recognised heritage precinct and the need to enhance the character of the area. The Windsor is located within the Bourke Hill Precinct (HO500). The key attributes of this precinct is the association with Parliament House, the vistas and the sympathetic scale of surrounding buildings. Clause 22.04 of the Melbourne Planning Scheme provides a statement of significance for the Bourke Hill Precinct:

Bourke Hill Precinct Statement of Significance

This precinct derives much importance from its association with Parliament House, which was built progressively from 1856. This 19th century complex dominates the Bourke Street vista from as far away as William Street, and is emphasised by the sympathetic scale of the buildings on either side of the Bourke Street Hill. The precinct also includes such stylish and prominent buildings facing Spring Street as the Princess Theatre (1886) and the Hotel Windsor (1883). These contribute to the high level of amenity of Spring Street and its gardens. The buildings on either side of Bourke Street reflect the variety of social activities that have taken place in this area since the mid-19th

century. The scale of the City's buildings prior to the boom era of the 1880s is seen in the simple design and low scale of the two-storey Crossley's Building (1884-1853). The area also comprises part of the entertainment precinct of the central city, and buildings such as the Salvation Army Temple (1890) reflect the interest of social reformers in the nearby 'back slums' epitomised by the nearby former Gordon House (1883-1884). A philanthropic venture built by a syndicate headed by the actor-manager and politician George Coppin, it was named after the martyr of Khartoum and was an ambitious venture intended to provide family accommodation for the respectable poor. However, the venture was not successful in achieving its purpose and Gordon House later became a shelter for homeless men and now a hotel. It survives as a unique social document in the narrow confines of Little Bourke Street, and is complemented by the low-scale of surrounding red brick buildings. The juxtaposition of the Parliament, the former deprived areas of Little Bourke Street and the style of Bourke Street gives the precinct an unrivalled historic texture and overall the theatres, hotels, cafes and quality bookshops contribute to the relaxed and elegant character of the eastern end of the city.

Key Attributes

- *Low-scale Victorian buildings.*
- *The visual dominance of the parliamentary buildings on the Bourke Hill skyline, and the vista along Bourke Street to Parliament House.*

The Bourke Hill Precinct is recognised as significant for its prominent buildings including Parliament House. As noted in the Statement of Significance, *the 19th century complex dominates the Bourke Street vista from as far away as William Street, and is emphasised by the sympathetic scale of the buildings on either side of the Bourke Street Hill.*

A number of references are made about the number of low scale buildings within the precinct. The enclosed photograph and montage clearly show the low scale heritage precinct. Overall, it is the low scale buildings of this precinct which contribute and maintain the character of the eastern end of the city.

The National Trust does not object to the demolition of the 1961 corner building (Windsor Annexe) and sees some merit in the proposed replacement, with a contemporary façade treatment and proposed re-entrant to create setback from the hotel. With some modifications, such a structure will not necessarily be detrimental to the heritage values of the hotel. However, modifications are critical, and require that the height be reduced by two levels to match the existing. The pool and roof enclosure as proposed would also be very dominant, and are considered unnecessary and intrusive. The height of the pool enclosure roof stems from the desire to hide a large plant room above. This plant could be located elsewhere, and the pool could be open, or have a lower roof, or be placed internally.

Threat to maintaining the low scale of the Bourke Hill precinct

The Trust is most concerned that if the tower is approved, it will act as a precedent for further applications and approvals for structures over the height-limit in the Bourke Hill area. Whilst the applicant will argue that the Windsor is a special case, so too no doubt will other applicants.

The Trust recognises that there has previously been a breach in the 23m height limit at 16-22 Liverpool Street. This is an apartment complex of about 12 levels (~40m) where the height limit is 23m. It is however in a tight location fronting only narrow lanes, and has been designed with setbacks above the 23m level such that the upper floors are *not* visible from the lanes, and are only visible from Bourke or Little Bourke from restricted angles. This development has clearly been designed to meet the over-riding criteria to preserve the street-scale and not dominate the existing low built-form character.

The proposed Windsor tower makes no attempt to preserve the streetscape and low built form character. If approved in its current form it would simply raise the expectation that the height limits are entirely negotiable, and encourage proposals of perhaps similar heights, without setbacks on laneways, resulting in visual intrusion into the once low-scale area. Indeed, such towers on the north side would also cast shadows over Bourke Street itself, reducing its current high amenity for businesses, pedestrians and outdoor diners.

Approval of the application may put undue financial pressure on the unique and indeed historic array of dining venues such as Florentino's and Pellegrinis, and such long established business such as the Hill of Content and Thomas' music store. There is even the possibility that the buildings that house these very 'Melbourne' institutions themselves would be reduced to retained frontages to larger developments. Not only would the continued presence of the historic fabric be uncertain, but so too would the social history as well.

The view of the Windsor from the east demonstrates the low scale character that the height controls seek to protect. The introduction of a tower well over the limit within this precinct would undermine the design objectives of the DDO, threatening the existing low scale nature of the Bourke Hill Precinct.

We have attached a view clearly showing the low-scale of the precinct, as well as an outline of what the future might hold, were the height limit to be broken many times, and effectively abandoned.

Conclusion

In conclusion, the National Trust would support an alternative scheme for redevelopment of the hotel that retained the current building in its entirety and on current footprint, incorporating more rooms but accepting the need for the rear (west) of the hotel to be

substantially redeveloped. Modern facilities such a small pool, gymnasium could be purpose built and located in the new corner wing and its basements.

Historic hotels around the world have adapted to the 21st century without the need for extensive demolition and addition of large towers. Is demolition of a significant proportion of the hotel and construction of a new tower the only way to give the Windsor a viable future?

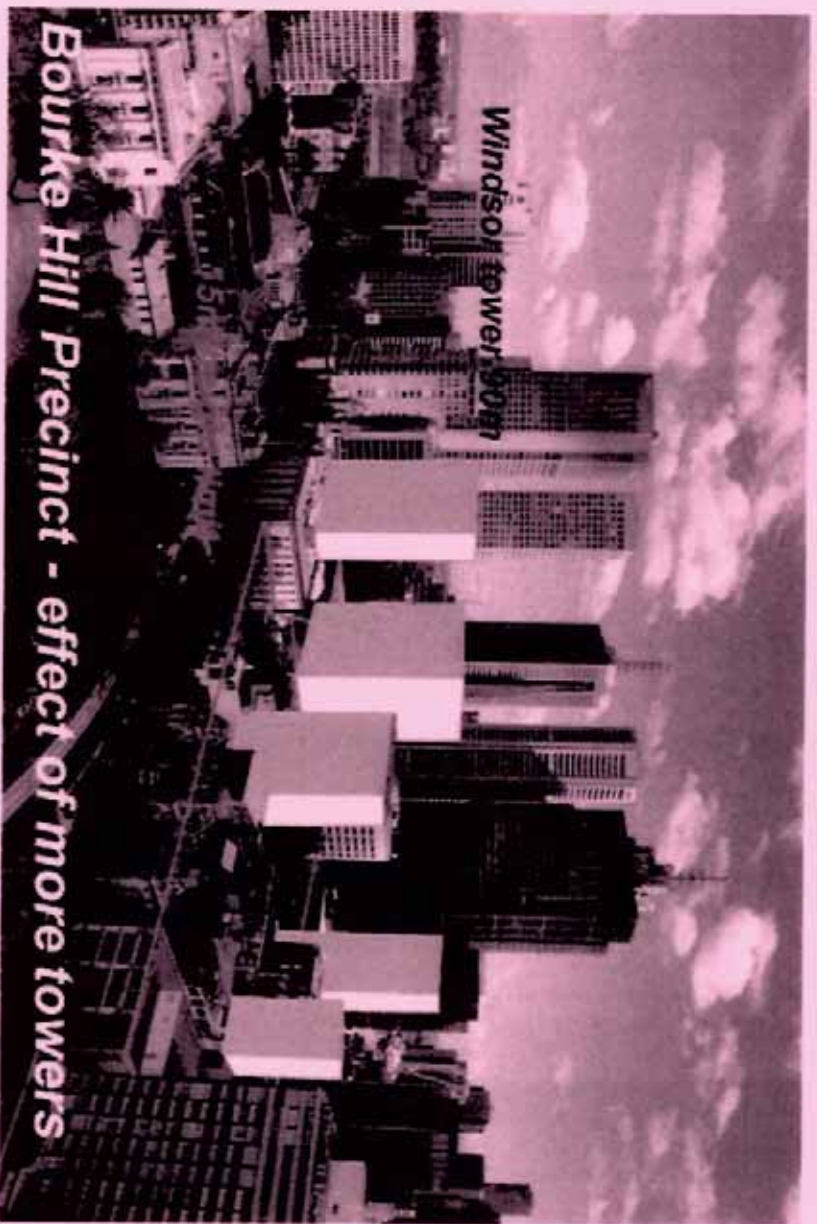
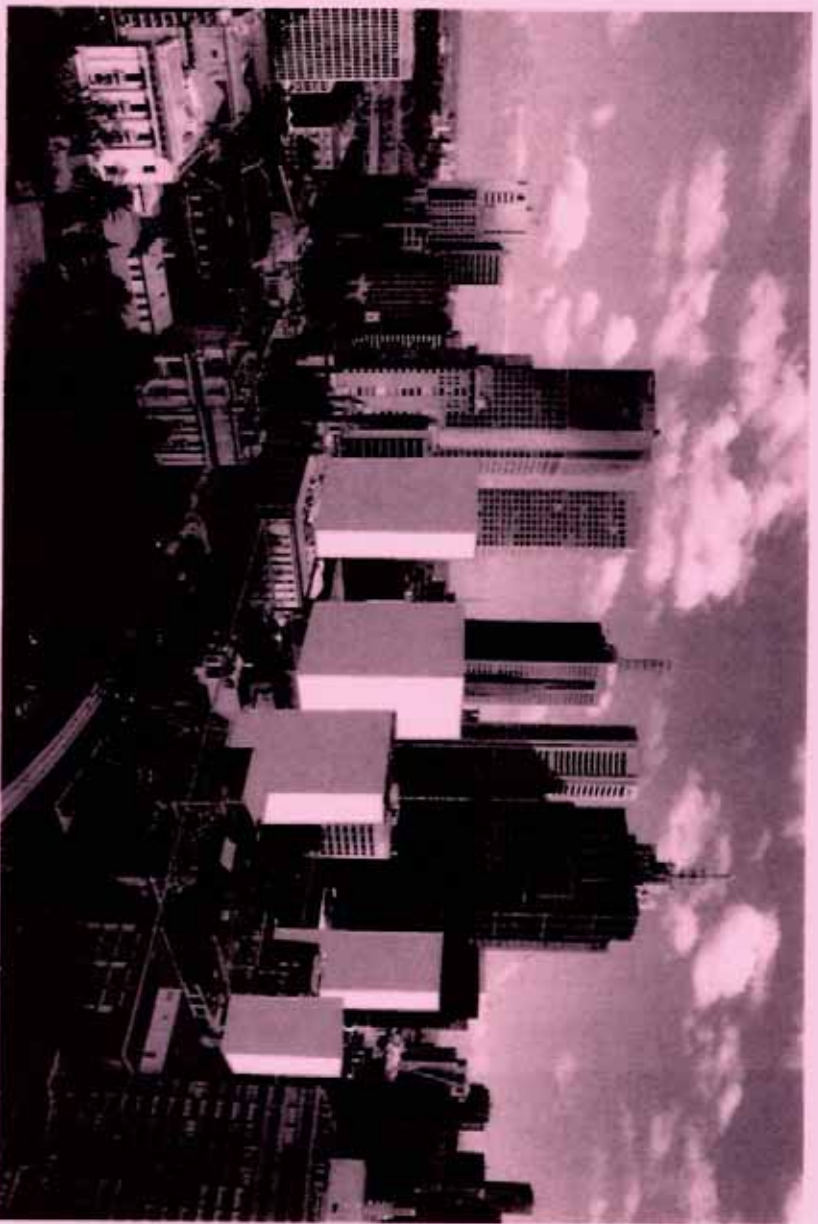
I urge the Minister to refuse the permit and encourage the applicant to come forward with an alternative scheme that balances the future needs of both the hotel and the city.

Yours sincerely,



Martin Purslow
Chief Executive Officer

Enc.



Bourke Hill Precinct - effect of more towers

Windsor tower 200m