



## **Windsor redevelopment – timeline of events**

July 2015

Owners of Windsor Hotel threaten to close the hotel for good if a permit extension to complete works beyond January 2017 is not approved by the Minister for Planning. Minister Wynne has refused to extend the permit.

August 2014

### **“Latest VCAT decision threatens Windsor Hotel tower”**

The owners had applied to have their 2010 permit to demolish part of the historic hotel and build a 26-storey tower extended until late 2016, possibly delaying the start of the redevelopment by another year or more.

But their bid for a permit extension was foiled by the minister's new laws drastically limiting the height of new buildings proposed for the Bourke Hill heritage precinct.

Victorian Civil and Administrative Tribunal deputy president Helen Gibson said the new laws would mean the Windsor Hotel redevelopment would not be approved today if a fresh application were made.

That is because new laws enforce a mandatory height limit of 23 metres for the site, well short of the 93-metre tower allowed by the current permit.

Owner Halim Group will now have to start construction by January 10 next year or its permit will expire.

The National Trust's Paul Roser said the decision showed that Mr Guy's

interim height controls "had teeth".

"The minister's decision to implement the mandatory height controls has already had a big impact on the Palace Theatre redevelopment; now it's going to have a big impact on the Windsor," he said.

Although "disappointed" by the decision, Halim Group has vowed the revamp will still go ahead

21 June 2014

### **Mandatory height controls for Bourke Hill precinct**

Current discretionary height limits will become mandatory

The interim controls apply to the precinct east of Exhibition Street

A formal Planning Scheme Amendment process will now take place, allowing for public submissions and an independent Planning Panel process

Mandatory height limits will be introduced to the Bourke Hill heritage precinct through a Ministerial amendment to the planning scheme.

Minister for Planning Matthew Guy said the controls would give certainty to the community about the form of future developments in the precinct.

"The Labor Party's handling of the Windsor Hotel permit showed their blatant disregard for this precinct," Mr Guy said.

"There has been too much uncertainty for too long about what can be built at Bourke Hill.

"By introducing mandatory height controls, we are protecting the uniquely Melburnian built form of this area."

The Minister's action will convert to mandatory the existing discretionary height limits of 15 metres, 23 metres and 60 metres, east of Exhibition Street.

September 2013

### **Floors and walls to go**

The final piece of the jigsaw has been fitted - replacing timber floors with concrete floors in the retained section of the hotel. The decision to require the heritage suites to not be altered is too little too late...our

unsuccessful appeal to the Supreme Court in 2010 sealed the major change - Heritage Victoria's approval of the tower development.

June 2013

**Permit sought for interior works.** We have made a submission objecting to the level of demolition of historic fabric that this permit proposal involves. If it is permitted, the only interiors of any heritage value or even appearance will be the dining room, the stair-hall, the 1920s lifts and a partly-reconstructed corridor. Everything else, from the lobby and lounge to all the rooms themselves would be completely demolished and rebuilt in a 'non-historic' style.

July-August 2012

**VCAT has granted Windsor Hotel owners an extension** until January 2015 to get the redevelopment under way. "I am unable to conclude there are any compelling reasons to refuse to extend the time as requested," VCAT senior member Jeanette Rickards said in her ruling.

Minister Guy refuses to extend time allowed on permit for redevelopment. Planning Minister Matthew Guy says he never agreed with the original plan, which was approved by the previous Labor government. "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," he told ABC local radio on 13 January 2012.

January 2012

**The amended design for the corner building** has been approved by Heritage Victoria. Construction may commence by mid-2013.

12 February 2011

**Ombudsman releases investigation** into the probity of The Hotel Windsor redevelopment

December 2010

**'Finance hitch muddies Windsor revamp'** - The Age reports that "doubts cloud the financial viability of the \$260 million Windsor Hotel project". A redesign may be in the offing

23 September 2010

**Supreme Court rules against the Trust's appeal**

After a year of advocating against the \$260 million redevelopment of the Windsor Hotel, on Wednesday 22 September, the Trust lost its Supreme Court legal bid as the construction of a 91-metre tower and the demolition of parts of the historic hotel were given the 'go ahead'. The Trust went to the Supreme Court as a last measure to attempt to overturn a VCAT decision that a heritage permit was not required for the redevelopment. The Age reported CEO Martin Purslow saying that he believed that the ruling would help set a precedent allowing 100-metre buildings in the Windsor precinct. "It is clearly a political issue now and a political matter as to whether this tower should be allowed at the top end of town," he said

5 August 2010

**The National Trust of Australia (Vic.) vs the Victorian Civil and Administrative Tribunal (VCAT) will be heard at 10.00am on Friday 6 August 2010 at the Supreme Court.** The Trust is seeking a review (under Administrative Law Act) of the VCAT decision that ruled that no appeal to the planning permit (for redevelopment of the historic Windsor Hotel) could be heard under the heritage overlay provisions of the Planning and Environment Act 1987.

**On 25 June 2010 the National Trust of Australia (Vic) 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**

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’s boundary). 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.”

7 April, 2010

**The Trust filed with the Victorian Civil and Administrative Tribunal** 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 that 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.

The Trust is 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.

April 2010

**Minister for Planning Justin Madden and Heritage Victoria issue respective permits** allowing for part demolition and redevelopment of the hotel and construction of 91m tower at four times the precinct height limit.