

19 August 2013

The Hon Mathew Guy  
Minister for Planning  
Department of Planning and Community Development  
1 Spring Street  
Melbourne VIC 3000  
[matthew.guy@parliament.vic.gov.au](mailto:matthew.guy@parliament.vic.gov.au)

Dear Mr Guy,

**RE: Planning Application Ref no. 2013/006318. 20-30 and 30A Bourke Street, Melbourne.  
Proposed demolition and construction of 30 storey hotel development.**

Melbourne Heritage Action strongly objects to this proposal and believe that the application should be refused.

We believe that it is :

1. completely unsympathetic to the heritage values of the Bourke Hill precinct,
2. destroys a building (and a part of a second building) of local heritage significance
3. ignores height controls designed to protect the low scale of the precinct, which help maintain its heritage character.

### **1. Effects on Bourke Hill Precinct**

#### **Significance of the Precinct**

The site sits in the centre of the Bourke Hill heritage precinct (HO500), which was established in the early 1980s due to the high number, relative intactness, and coherent streetscapes formed by the older, mostly Victorian era, buildings. While the precinct includes major landmarks, namely the Princess Theatre and the Windsor Hotel, and a portion of Little Bourke Street, it is obviously focussed on the streetscape of Bourke Street itself.

The Statement of Significance for the precinct has not been reviewed since the early 1980s, and does not capture this fully. It highlights the major buildings and the Little Bourke Street buildings, and the vista to Parliament House (which has little to do with the precinct itself) rather than the character of the city block streetscape which forms its heart. Nevertheless, there are many lines which clearly show that this section of the precinct has a special character, being low scale and historically associated with entertainment, cafes and bookshops (the latter two beginning in the 20<sup>th</sup> century).

It is important to note that many of the buildings (both Victorian and early 20<sup>th</sup> Century) have individual HOs, a situation that also dates from the early 1980s, and clearly is intended to further protect the whole of those buildings, and therefore the intactness of the precinct.

The Statement of Significance for the Bourke Hill precinct with relevant sections underlined:

“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). [this is a misprint and should read 1848-53]

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.”

It is worth re-iterating that ‘the theatres’ and the entertainment history of the precinct are identified as part of its significance.

### **Impact of tower on the Precinct**

The Local Policy for the precinct identifies how the heritage values of the precinct should be maintained, though again these were written in 1999 for the new format planning scheme and could well do with review to be more accurate and useful.

The overall objectives of policy are (relevant sections underlined) :

- To conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards.
- 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.

It then states that for the Bourke Hill precinct, the “Key Attributes” are :

- Low-scale Victorian buildings. [this should be reviewed to include all older buildings, since some, including those with individual overlays are early 20th century]
- The visual dominance of the parliamentary buildings on the Bourke Hill skyline, and the vista along Bourke Street to Parliament House.

The objectives are clearly not met. Since the project involves the demolition of a graded heritage place, and part of another that has an individual overlay, it cannot be said “to conserve all heritage places”.

Furthermore, a strongly modernist building, clad entirely in glass, that is 31 storeys tall, and would be visible from all of the Bourke Street part of the precinct, cannot be said to “conserve and enhance the character and appearance of [the precinct]” because it does not “complement their character, scale, form and appearance.” Only the podium element has a scale that is compatible, but even that is not complementary, since it is clad in vertical sheet of glass and is designed to be transparent, in opposition to the masonry, structured window openings of the facades in the street generally.

The 'Key Attributes' are not met either. A 31 storey tower is hardly enhancing the "Low scale [19th and early 20th century] buildings."

We would also argue that the tower is so close to Bourke Street that it does in fact impinge on the "the vista along Bourke Street to Parliament House." The setback is only 8m, and the image in the documents showing the view before and after from the middle of Bourke Street at Exhibition clearly shows it to be a dominating presence in this highly significant view.



**Vista up Bourke Street, Urban Context Report, p131**

### **Impact of demolition of the Palace on the Precinct**

#### **Loss of facade**

The demolition would remove a prominent historic element of the streetscape.

While the facade is the result of alterations over the years, the main features, dating from the 1952 alterations, are 'Art Deco' in style. This is a style that now widely regarded as 'historic', a situation that did not prevail in the 1970s when it was assessed as 'out of scale' and 'unsympathetic'.

The City of Melbourne has recently committed to a review of the gradings of the buildings and even the boundaries. We believe that such a re-assessment of the precinct will no doubt find that the Palace Theatre would be 'contributory' to the precinct, instead of the lowly-sounding 'D'. Similarly, the 'C' graded Art Deco building at 85 Bourke would also be graded 'contributory', as would the 'D' graded Edwardian shop at no. 21, 'D' graded 1860 shop at 72, 'D' graded 1920's bookshop at 86, and 'E' graded Victorian shops at 51-53 and Edwardian shops at 39-43. It is likely that the precinct will be widened to include Crossley Street and other lanes and so would include among others the 1950's Sapphire House in as 'contributory' as well.

It is clear from a number of current low gradings and outdated boundaries both in this precinct and in the wider CBD that much of the heritage grading system is decades out of date, and so a 'D' grading can not be read as a reason for demolition.

#### **Loss of entertainment venue**

We also note that the demolition of the Palace Theatre would remove a place that has and still does contribute to the significant historical uses of the precinct as identified in the Statement.

The Palace has a long history as a place of entertainment, whether as a theatre, cinema or live music venue since 1912, and must be seen as an essential element of the precinct. As noted in the Statement : 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 and.... The area also comprises part of the entertainment precinct of the central city and .... the theatres, hotels, cafes and quality bookshops contribute to the relaxed and elegant character of the eastern end of the city."

The Palace is one of two theatres within the precinct; if it were demolished then any mention of entertainment or theatre heritage would relate only to the Princess Theatre.

## Impact of demolition of 30a Bourke Street

As well as demolition of the Palace Theatre, the loss of the easternmost bay of the adjoining 3 storey 1892 Victorian terrace would have a detrimental impact on the Precinct, but more particularly on the building itself, protected by an Individual Heritage Overlay, (no 529).

This significance of this terrace is not greatly examined in the Lovell Chen heritage report, but it is obvious that it is an unusually elaborate and large shop-row of three storeys, a type that can be found only the CBD, and at limited locations outside the CBD (eg. Brunswick Street, Auburn Village).

To demolish one bay of this symmetrically arranged terrace row will destroy its architectural integrity. It will also devalue one of the major Victorian era elements of the precinct, and so affect the precinct itself.

We note that Lovell Chen's final recommendation is against the demolition, though they state that *"The retention and integration of this elevation [the façade], within the context of a new development is strongly recommended."* This would be an unsatisfactory compromise of 'facadism'.

The justification for demolition is not compelling, as it appears to be mainly about allowing more openness into the proposed 'laneway' : *"The facade over the lane is proposed to be removed. This will allow for the widening of roadway, a more open reception and raised canopy which will create interest and draw activity into the laneway."* (Town Planning Report p79). The laneway however is mainly for vehicle access off Bourke Street, and is unlikely to draw many pedestrians. Though not mentioned, the demolition of the whole bay obviously allows a larger area for the Hotel functions on the next three levels, and this also must be a major reason for the proposed demolition.

We would submit that the terrace building should certainly not be facaded, as this devalues the building as a whole, and indeed any building. The idea of the façade being retained with some new construction rising up directly behind should be rejected.

Indeed, though there is no significance to the interior, the front section of the structure dates back to 1892, is integral with the other four bays, and so should be retained in its entirety.



The intact row of 1892 terraces, next to the Art Deco facade of the Palace

## **2. Individual heritage value of the Palace Theatre**

A very comprehensive report in the history and fabric of the building is provided in the heritage report by Lovell Chen.

The conclusion is that the theatre is a place 'local interest' which is essentially saying that the place has local level significance, and one that warrants its current place as a graded building within a heritage precinct, and therefore one that is 'protected'.

We believe that its significance is understated by this report, and that the façade is as much a part of the heritage of the precinct as other facades in the precinct, that the interior has significance in its own right, and that furthermore its historic and current use is an essential component of the heritage of the precinct.

### **The Façade**

As stated previously, the main features of the façade, though dating from the 1952 alterations, are 'Art Deco' in style. This is a style that is recognisably 'historic', and widely valued. It is important to note that it also contains other earlier heritage features, namely the leadlight windows, which date from 1916, retaining some memory of the beginnings of the site as a live theatre.

### **The Interior**

It is the interior however that has the greatest significance. As the report shows but does not highlight, the layout of the auditorium dates from 1916, when the theatre got its most extensive overhaul. The auditorium retains much of its decoration from 1916, while the first floor foyer and stairs retain their matching decoration from 1923.

The auditorium interior is older than all of the other historic theatres in Melbourne. The auditoriums of the Athenaeum and the Princess are the next oldest, dating from the early 1920s, decorated in an Adam style (and designed by the same architect as the Palace, Harry White).

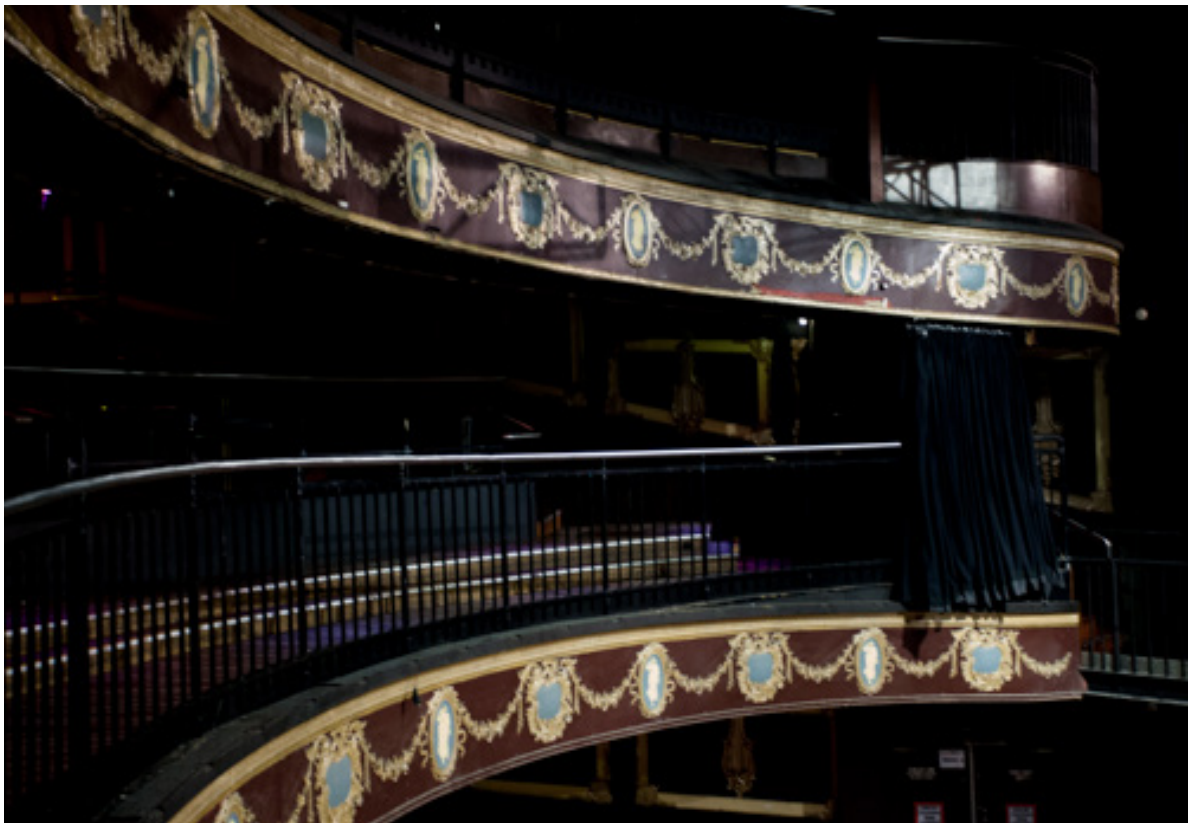
The decoration is particularly notable. It is mostly executed in a florid, almost Rococo style; this includes the 1916 decoration and the 1923 decoration which appears to match. This style is similar to that found in the theatres of the great UK vaudeville theatre architect Frank Matcham, who was no doubt an inspiration.

The fabulous dome inset into the ceiling is perhaps the most elaborate element of this style, and was not, as the caption to its photograph (figure 36) "reinstated after the introduction of a new plaster ceiling in the 1950s", since the plans from that date clearly show the dome stayed where it was, and the ceiling patched.

There is also no indication that the remarkable frieze above the proscenium was moved; it was simply left where it was and the portion of proscenium below it removed in 1955.



The 1916 auditorium dome and proscenium frieze are still in their original locations.  
The florid Rococo style unique to this theatre is seen in the dome.



Balconies dating from 1916



the 1916 auditorium retains much original decoration



First floor lobby and stairs retain much of the original 1923 decoration, also Rococo in style matching the 1916 decoration of the auditorium.



**The leadlight windows also date from 1916.**

Melbourne is particularly lucky to have so many historic venues in the city centre; no other Australian capital city comes even close.

All four of the other historic purpose-built theatres (whose auditoriums date from the 1920s), and the three former 'picture palaces' (also from the 1920s) which are now used for other purposes in Melbourne's CBD, are all on the Victorian Heritage Register.

While the interiors of the Palace have been altered, with especially the boxes and proscenium lost, many original elements remain, some of these older than any other historic theatre interior in Melbourne.

As the only other purpose-built live theatre in all of Melbourne, and one with much remaining historic fabric, the interior of the Palace should logically be covered by local heritage controls. While the City of Melbourne has not yet listed a single interior anywhere in the municipality (unlike most other councils), we believe that it will be doing so in the foreseeable future, and that the interior of the Palace would definitely end up protected.

The interior of the Palace should therefore be treated as if it was protected, and retained for future generations to enjoy.

In summary we believe that the Palace has local heritage value, and one that contributes to the precinct, and it should not be demolished.

### **3. Height Controls**

We believe the height controls on the site and the precinct in general are essential to the maintenance of the heritage values of the precinct, and should not be exceeded to the extent proposed. Thirty one storeys where the maximum is about 5 storeys is clearly way beyond anything envisaged for the area when the controls were written in the early 1980s. It is important to note that the controls were originally mandatory, indicating their original importance.

The proponents do not make a very convincing argument for exceeding these controls to such an extent. Instead they simply note that they are 'discretionary' and then quote the Ministerial Committee that was convened to assess the controversial Windsor Hotel proposal. That committee only heard from the Windsor owners, and the Department itself, and briefly from the National Trust. It was not a Panel, and did not hear from all parties, nor advise itself of the history of the development of the height controls. Therefore the Ministerial Committee's view that "It is no longer clear (if it ever were clear) how the specified heights in DDO2 related to the objectives and outcomes to be achieved' is not the last word on the matter.



## History of the height controls

These controls were first established in the early 1980s as mandatory controls, at a time when Planning Schemes did not include much explanation, and their purpose was considered self evident. The 'objectives' were added in 1999, and were not subject to much scrutiny during their preparation, since they were part of an overhaul of the entire Melbourne planning scheme. Many controls in Victorian Planning Schemes were made 'discretionary' and based on objectives at this time, rather than being mandatory, and self evident.

Looking at the controls over the precinct as a whole, the majority of the 15m, and 23m height limits coincide with the Heritage Overlay area. It is clear that it was intended that the whole of the precinct, especially the Bourke Street frontages and the centre of block between Bourke and Little Bourke, would remain low scale, basically a 'belt and braces' approach to preserving the heritage buildings, and ensuring that they were not dominated by the height of any new development.

The 15m height limit does not 'skirt' the block as the proponents argue, but is generally as deep as the buildings facing the main streets. The 23m limit area is a discrete area set well back from Bourke, Little Bourke, and especially Spring Street.

## Assessment of height controls

Given this history, the objectives for the 15m height control are clear and unambiguous, namely that "the low rise, high density and pedestrian oriented built form of the ... Bourke Hill ... precinct is maintained".

While the proposed podium may meet these criteria, it is important to note that it is only 8m deep, about 1/4 the depth of the 15m height control on the subject site. This brings a large part of the tower, perhaps 1/3, within the 15m limit area. A 31 storey tower cannot possibly be said to meet the objective that the 'low rise ... built form...of the precinct is maintained'.

The proponents rely on the notion that the most critical objective is that "the Parliamentary buildings remain dominant on the Bourke Hill skyline", and argue that the tower is sufficiently setback to achieve this.

However, the dominance of the Parliamentary buildings is an objective only of the 23m height limit area, which covers only the rear half of the subject site. A tower that was set back to within this area would be unlikely to impinge on any views of Parliament House, but one that is set back only 8m from the Bourke Street frontage unquestionably does.

We feel that the proponent's own perspective rendering clearly shows that a tower with such a limited setback would completely dominate the Bourke Hill skyline:



Vista up Bourke Street, Urban Context Report, p132 (red outline added)

## **4 Other matters**

### **Effect on views of the Princess Theatre**

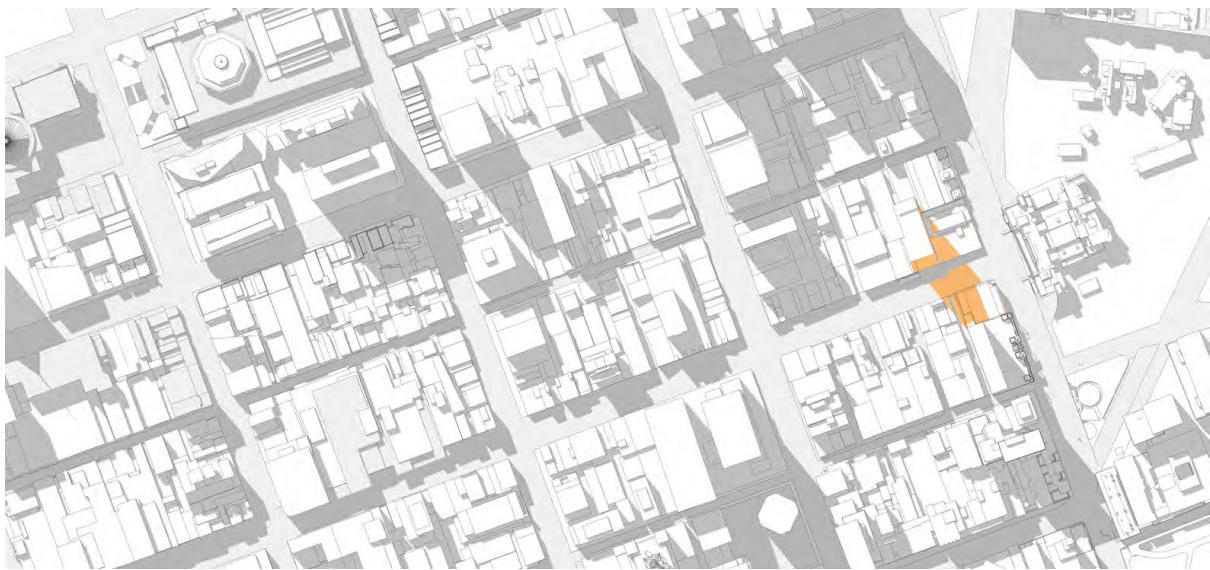
The proponents have not provided a perspective rendering of the view towards the Princess Theatre from the direction of Albert Street. While the 1980s fly tower extension already impinges somewhat on this view, the proposed tower would sit behind almost the entire theatre in this view, and of course would be far higher and light in colour, rather than recessive.

While protection of the skyline of the Princess is not explicitly protected by the precinct controls, it clearly would be safe from any new construction looming up behind if the controls were adhered to. Even in direct views, the new tower would dominate the Princess in much the same way as the proposed Windsor tower will dominate the Windsor Hotel.

### **Effect of shadows cast on Bourke Street**

A major effect of exceeding the height controls by so much is that a significant portion of the south side of Bourke Street would be literally overshadowed for more than six months of the year.

This runs counter to the objective of the height limit that seeks to protect the ".... pedestrian oriented built form" since it will make the precinct less attractive to pedestrians. The Bourke Hill precinct is almost unique in the central city context that the south side remains in sunlight throughout the year. This has encouraged the establishment of eateries and bars with outdoor seating, which in turn continues the precinct's historical role as a location for cafes and bars.



**Shadows at 2pm at the Equinox. This means that the south side of Bourke Street will be overshadowed during the critical lunchtime periods, for more than 6 months of the year.**

### **New 'Laneway'**

The new 'laneway' is presented as a positive addition to the precinct through the provision of a pedestrian thoroughfare, and an addition to Melbourne's laneway culture.

However, it is nothing like a traditional laneway, since it is covered for the entire length of the development, and only one floor high, and so is really a tunnel-like space. It is principally designed as a driveway as a feeder to a private carpark, for hotel drop-offs, and truck access, and that is what it will look like. With a bend in the middle, and only a narrow footpath, pedestrians would not have a view through to Little Bourke and so would have little idea that it could be used as a thoroughfare.

Furthermore, and has no activities on it other than hotel and apartment entries. This is hardly a laneway in a sense any Melbournians would understand.

## **Shadowing of Parliament House**

While there are no provisions in the planning scheme against overshadowing Parliament House, it is notable that currently it is only overshadowed in the late afternoon in the depth of winter by towers some distance away on Spring Street.

This tower, being quite tall and so close to Parliament, will cast a shadow after about 3pm for at least 6 months of the year, when the shadows from the other towers fall far short.

It would certainly be preferable that the major public building in the city, indeed the major public building in Victoria, remain free of further overshadowing.

## **Value of W Hotel brand.**

Much is made of the economic benefits that a 'W' brand hotel might make.

However, only the lower half of the building, up to level 17, is to be occupied by the hotel. The rest is to be apartments for sale.

There is little justification for the apartments except that they will of course have wonderful views, created by the fact that no other buildings have been allowed to exceed the height limit.

## **5. Conclusion**

Melbourne Heritage Action calls upon the Minister to reject this proposal outright.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Mann', with a horizontal line underneath.

Rupert Mann  
**President**  
**Melbourne Heritage Action**

cc. Statutory Planning, City of Melbourne, [planning@melbourne.vic.gov.au](mailto:planning@melbourne.vic.gov.au)