

Submission to Heritage Council

Former Oriental Hotel, 57 Nelson Place, Williamstown

Virginia and Ralph Coghill, residents of Williamstown

Hobsons Bay City Council, State Member for Williamstown Wade Noonan, Williamstown Historical Society, the Inner West Branch of the National Trust, Save Williamstown and other local residents of Williamstown opposed plans by the developers Evolve/NPD (Nelson Place Developments) to demolish Williamstown's historic Oriental Hotel and build multi level units in its place.

Last year the developers took their case to VCAT. On 11 December 2013, against the wishes of Council and the local community, VCAT gave the go ahead for the developers to demolish the hotel, which we believe was built around 1851, but certainly before 1854.

VCAT found that the hotel was (1) of only local significance and (2) that it was in too degraded a state to be repaired. We argue that the VCAT decision is completely wrong in both these statements.

We believe our submission meets Heritage Council Criteria A, B, C, D, G and H. We have indicated the relevant criterion under each of the headings below.

1 Historic Significance

The building is of significance to the entire state of Victoria and nationally (*Criterion A*).

The Oriental Hotel was built in about 1850 – 51, certainly before 1854, of brick with bluestone foundations and of three stories. A second pier for shipping was built in 1853, at the end of Ann Street. It was called the New Pier. It is likely that the hotel was there the same time as the pier to provide accommodation and food to travellers and migrants arriving from overseas. It would have been a meeting place for importers and exporters and other business people. It would have provided an important 'first night' for many people on their way to the Victorian goldfields.

There is a lithograph illustration of Cox's Family Hotel, from a drawing attributed to Edward Snell, which clearly shows the building as three storeys. The lithograph is dated 1854, but we know from Edward Snell's diary (held in the State Library of Victoria) that he visited William's Town, as it was then called, on two occasions only, in September and November 1852. We believe the building must have been there in 1852 for Snell to make his drawing.

The pediment, which has been removed, is documented in several old photos so it is possible to make an accurate restoration.

We believe the building is a unique three storey example of the 'Early Victorian Regency' architectural style (*Criteria D, E*). The parapet, (originally) flat roof and stuccoed wall finish are typical of the Early Victorian Regency style, of which there are very few in Victoria.

There are only two other important examples of three storey hotels older than this in Australia and both are attached to historic ports. In The Rocks, Sydney is the Orient Hotel 1844, and in Salamanca Place, Hobart is Knopswood Retreat, 1829. Both buildings are protected by their respective State Heritage Orders and listed in the National Estate.

These old hotels are contained in historic precincts. Sydney has The Rocks as its historic precinct, Hobart has Salamanca Place and Arthur's Circus. Melbourne has no historic precinct. It could be argued that Williamstown is the historic precinct of Melbourne. That is why it is so important to protect early buildings in Williamstown including the Oriental Hotel and to class the suburb as a historic precinct. A large part of it should have state classification with Heritage Victoria. It is an important historic place for Australians and overseas tourists to visit and they enjoy the walking tours conducted by tour guides in historic costume. Every week thousands of people visit the area. They come to see the old seaport with its maritime history and to look at the historic architecture (*Criteria B, G, H*). Many of the street

corners have old hotel buildings. It is of concern that many of these are not included in the Victorian Heritage Register. Williamstown kept its old character for a long time and was considered a working class suburb, but times have changed and it is now considered desirable for redevelopment. That puts the historic precinct under threat as shown by the case of the old Oriental Hotel.

2. A sorry state of affairs – failed efforts to save the Oriental Hotel

Despite its best efforts the Williamstown community has failed to secure the future of the Oriental Hotel at the local level (VCAT ruling 11 December) and also at state level (*Assessment of Cultural Significance and Executive Director Recommendation to the Heritage Council 21 February 2014* from Heritage Victoria.)

We have failed at the local level because the developer took the matter to VCAT after the Hobsons Bay City Council refused permission for a new development by Evolve, which included demolition of the Oriental Hotel. VCAT ruled in favour of the developer.

We believe the VCAT ruling is inconsistent as it recognised the building had local significance but ruled in favour of demolition on the grounds that the building was in too derelict a state to be retained.

Firstly we wonder how it is that VCAT has the right to rule on Historic Significance, and also the issue of whether a heritage building is in a derelict state or not and whether it should be repaired or demolished. The Heritage Council would be aware that at VCAT it is an adversarial situation where each side of a dispute brings their own experts to give evidence. The experts are paid for by those who engage them so therefore each side put arguments, on one side for demolition and on the other for restoration and repair.

Surely the fate of heritage buildings should not be decided at VCAT. We need an independent view. But the current process means that a valuable part of our history is unnecessarily put under threat when it should have been protected in the first place. If VCAT has not the expertise why can't they refer the matter to some impartial body in the first instance?

Secondly, the Williamstown community does not want this building demolished, they are appalled at the VCAT decision and it is difficult and costly for them to challenge a VCAT ruling in a higher court.

VCAT Recommends demolition of the Oriental Hotel.

The main reason for recommending demolition is the poor structural condition of the building.

In the VCAT ruling, 12 December 2013, the section of the report that deals with the Oriental Hotel (p45), asks the question "*Should demolition of the Oriental Hotel be allowed?*"

Clause 210 VCAT states "*Accordingly it is clear that the Oriental Hotel is of heritage significance.*"

In Clause 211 VCAT says it is of "*local significance*", only. They do not "*place any weight on the application to Heritage Victoria.*"

In Clause 212 VCAT says that "*While we find that the building is of local significance, that does not in itself mean that it is **not** worthy of protection. The statement of significance forming part of the 2010 heritage review sets out a clear basis to support retention of the Oriental Hotel.*"

But part of the grounds for the VCAT decision seems to rest on the Heritage Overlay Amendment C34. Within the report of the Amendment C34 panel is referral to an engineers report by Wallbridge and Gilbert in 2003, in which the engineers identify structural deficiencies of the Oriental Hotel.

It must be pointed out that this engineering assessment was commissioned by the developer, and therefore must be considered as favouring the developer's intentions.

These structural deficiencies are listed as follows:

- 1 *“The existing footings are founded on highly or extremely reactive clays which will continue to generate movements in the building’s walls.”*

However, the whole of Williamstown and other nearby suburbs are all built on these reactive clays that of course do cause cracks. Many buildings, even quite modern ones, need to do remedial works on foundations from time to time. But very old buildings of Williamstown, which have bluestone foundations, tend to cope better with these soil conditions. The foundations of the Oriental Hotel are 160 years old and are in much better state than many newer buildings in the area.

Recently the Masonic Lodge, in Electra Street Williamstown, was repaired. The cracks and movement in its front wall were much more severe than the Oriental Hotel. It has been beautifully and sensitively restored.

- 2 *“The roof drainage system is not functioning and water has penetrated the interior of the structure.”*

Yes, it is true of all buildings that if water is allowed inside it will cause damage and that is why roof gutters and drainage need to be kept in good working order. The building has been abused and neglected since 1990 when it ceased operation as a hotel. According to the *Hobson’s Bay Weekly*, (23 April and 30 April 2013) the Hobsons Bay City Council had asked the owner to fix the roof but it was not repaired. The interior of the building has been trashed and the windows smashed.

- 3 *“A combination of various factors has resulted in the foundations being over-wetted and over – dried, exacerbating the movement of the walls.”*

Again roof drainage problems have caused this. The worst cracking in the walls is in the south west corner. This is where there is damage from tree roots and a poorly built steel fire escape stair that has placed stress on the wall in that section.

The report goes on but much of the internal damage has been deliberate. Caused not by the failure of the building but by the failure of humans to maintain it and others who have caused intentional damage to internal floors, walls, ceilings and window glass and frames.

In the VCAT decision, Clause 221, Helen Lardner, for Hobsons Bay Council, suggested that the external shell of walls was still worthy of retention. VCAT rejected this idea saying it was *“‘Facadism’ an approach not to be encouraged.”*

But we argue that the façade is important because the streetscape is important. The Oriental Hotel is in the high visibility location on the corner of Nelson Place and Ann Street. The old town had several pubs in this area in the corner position. Also the Oriental is closest to the old Government Pier at the end of Ann Street and was linked to the pier as the closest place for meals, drinks and lodging for new arrivals to the colony (*Criteria B, G, H*).

In Clause 224 VCAT finds *“the reality is that the vast majority of the fabric of this building must be removed”* and that *“the extent of fabric to be removed is so great, the heritage value of the remnant building is severely compromised.”*

They conclude in Clause 225 *“that the extent of fabric which could be retained is insufficient to warrant retention of the building.”*

It is our belief that the VCAT ruling over-emphasises the deterioration of the building. We understand that the panel did not do an internal inspection. We are unaware that any safety experts have warned that the building is too unsafe to be inspected inside, but with the barriers put around it by the developer, it would have been difficult to gain access. We think more assessment, including an internal inspection, needs to be undertaken by an independent heritage expert and safety experts.

Beauchamp, Hogg and Spano, in their engineering report dated October 2012 for the Hobsons Bay Council say *“our assessment is that there are internal parts of the building safe for the purposes of access for inspection and carrying out remedial works.”*

Although structural engineers and experts have been reporting that the hotel is in a bad condition and that it needs imminent repairs, none of the owners of the building over the period from 2003 to the present have carried out repairs to protect the building. So far the old hotel still stands solid and has defied predictions that it is about to fall down. We as local residents who see a lot of neglected buildings in our suburb see buildings in worse state than this one repaired and re-used. Surely in a heritage precinct we should try and keep our old buildings. We are sick of the tactic of neglect we have seen employed by owners to gain approval for demolition, so that bit by bit our heritage is whittled away.

Heritage Victoria recommends that the Oriental Hotel NOT be included in the Victorian Heritage Register.

Executive Director of Heritage Victoria Recommendation 21 February 2014

In the recommendation reasons on p 7, it notes *“The form of the three storey corner hotel building is substantially intact from its construction in 1854.”*

Yes, it is! Surely that is a good reason for retaining the building.

It further notes (p 7): Condition *“ The building is in very poor condition both externally and internally. Due to safety concerns, the interior of the former Oriental Hotel, Williamstown has not been accessed in the preparation of this assessment report. However detailed engineering reports have been undertaken and these indicate that the building has suffered deterioration particularly in the walls with leans, bulges and cracking all easily identifiable. In addition, water ingress (both falling damp and lateral damp) has affected finishes and internal structure.”*

Note that The Executive Director has relied heavily on the reports to the 2013 VCAT panel hearing in which the experts *for the developer* argued for demolition. The Executive Director did not go inside the building. The previously mentioned 2012 study by Beauchamp et al for the Hobsons Bay Council said it was safe to go inside the building and make assessment and investigations and to carry out remedial works and which they recommended be done.

One Recommendation Reason is that the Oriental Hotel does not have sufficient cultural heritage value at state level (p 2). If it is considered as part of a historic precinct linked to the old port then surely it has statewide significance (*Criterion A*).

Another Reason is that it is an *“architecturally undistinguished building.”*

The Executive Director states (p 9) *“that examples of three storey hotels in Geelong are significant as sophisticated and ambitious architectural designs from the gold rush period and are highly intact in form and detail.”*

But what is wrong with a plain and simple building like the Oriental? Are not many colonial buildings from this period ‘plain’? Should it be downgraded because it is ‘plain’? The troubles with the Geelong examples are (a) they are not as old, (b) they are post-separation from New South Wales, and (c) that they are in Geelong.

While the building may look ‘plain’, it is a very rare example of a three-storey ‘Early Victorian Regency’ building in Victoria. Is that not worth retaining? (*Criterion E*).

Also, regarding the significance to the gold rush period, is it not true that most arrivals seeking to make their fortune in the Victorian goldfields arrived at Williamstown? In that case would not the Oriental be one of the first hotels they saw? (*Criteria A, G, H*).

Another Recommendation Reason is that *“five other hotels remain in Williamstown from the gold rush period. These are in better condition than the former Oriental Hotel and are able to demonstrate at least as well the form and function of a hotel of this period.”*

It is simply unprofessional for the Executive Director to make such a statement. This building is of a unique architectural style. Surely each building must be considered on its specific characteristics and not just categorised into ‘houses’, ‘hotels’, etc.?

We just hope that we are not going to ration numbers for our old hotels. Five is all right but six might be too many? Williamstown was a place of many hotels. That was its historic character. The other hotels have been repaired and maintained by their owners.

But, most importantly, the Oriental Hotel pre-dates the gold rush period. No other existing Williamstown hotel buildings are this old.

Report on the Oriental Hotel of Beauchamp, Hogg and Spano Engineering Consultants, for Hobsons Bay City Council, October 2012

Section on Recommendations and costs. P13-15

The engineers put forward 3 possibilities:

1. *“Retain the building but carry out no remedial works. Prop the SE wall and cordon off that area. Monitor the rest of the building.”*
Note: they did not recommend cordoning off the whole building as was done by the developer.
2. *“Retain the building and carry out appropriate remedial works for an adaptation design for the building as part of the larger development proposed at the site.”*
They believe this is possible and an indication of cost would be around \$1.5 million. For the community of Williamstown, retaining and re using the building would be a very desirable outcome.
3. *“Demolish the building and replace with a new building.”*
This is not an outcome desired by the community due to the loss of a historic building and erosion of the historic precinct.

We are of the opinion the building can be repaired and we set out our reasons in the Appendix.

Summary

In summary, we believe the former Oriental Hotel meets several of the key criteria for Heritage Listing. We are strongly of the opinion that VCAT erred in ruling that demolition of the building be permitted and we believe it could be repaired for a relatively modest outlay, which would be quickly recouped by the developer.

We ask that the Heritage Council not accept the recommendations of the Executive Director of Heritage Victoria, and ask that the building be protected from demolition and added to the Heritage Register.

APPENDIX

A lay person's appraisal of the state of dereliction of the Oriental Hotel

Evidence of historic significance

We have taken a common sense approach to the issue of the level of dereliction of the Oriental Hotel. As lay persons who know a bit about living in and maintaining old buildings we made a small survey of our own. We had to limit our survey to the exterior of the building. The structure does not appear to be as derelict as the VCAT report states and every effort needs to be taken to ensure this valuable piece of our heritage is saved.



Figure 1. The Oriental Hotel as it currently stands

Evidence of the age of the building is found in the simple styling of the building (Figure 1), the bluestone foundation blocks (Figures 2 and 3) and the parapet. The proportions and symmetry are typical of the 'Victorian Regency' style of architecture.



Figure 2. Bluestone blocks on Ann Street side



Figure 3. Large bluestone block foundations on corner of Nelson Place and Ann Street.

The timber window of six panes of glass for top and bottom light on the south side of the building is typical of the 1840s - 50s (Figure 4).



Figure 4. Window on South-East side with 1840s - 50s six pane light.

Current condition of the building

A. The bluestone block foundations

These blocks, which support the external walls are clearly visible. They can be seen on the corner of Nelson Place and Ann Street. The blocks appear level, in good condition and nearly all the mortar joints are in good condition. See Figures 2, 3.

B. Window openings

Although many windows have been vandalised the window openings and masonry are still in good condition. The sills are still in place (Figures 6, 7).



*Figure 6. Parapets and window shading treatments still in evidence.
The verandah is of a later period*



Figure 7. On the Nelson Place frontage there are signs of vandalism to windows but the main structure of the external wall appears to be in reasonable condition.

C. Condition of walls

Figures 8, 9 and 10 illustrate the general condition of exterior walls.

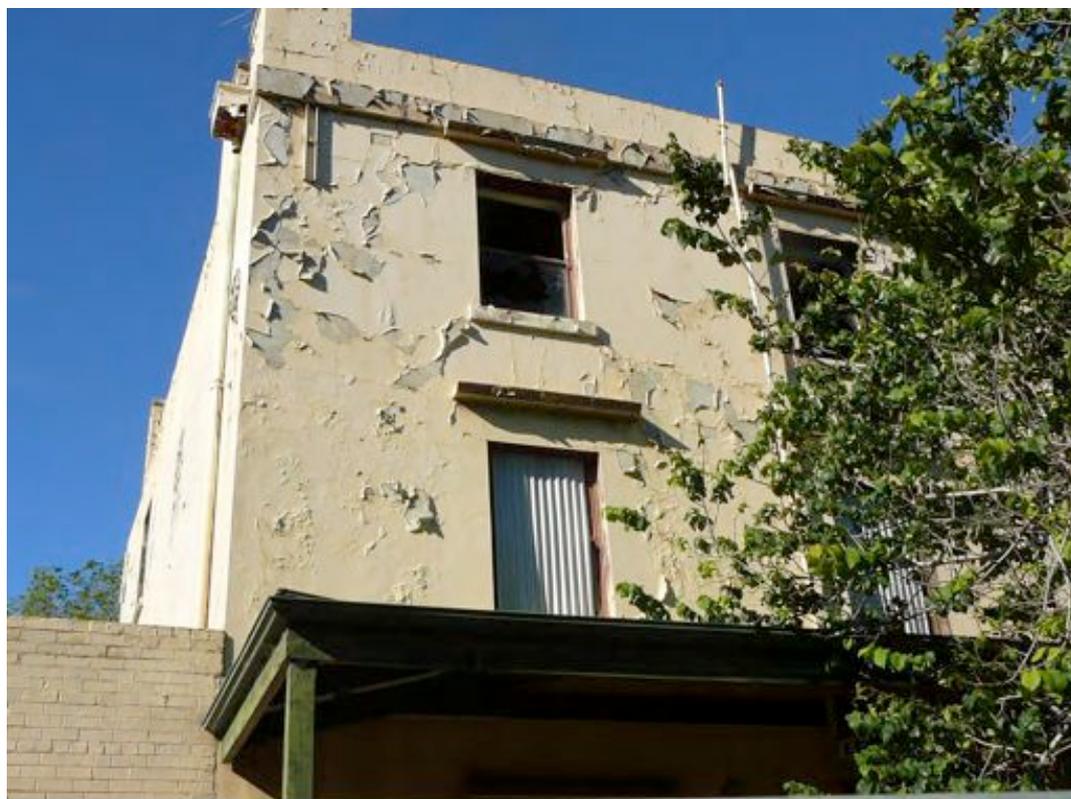


Figure 8. On the Nelson Place frontage the cement render is in good condition although the paint is peeling.



Figure 9. View of the south-west side, the rear of the Oriental Hotel. The verandah and ground floor addition in the foreground are not original.



Figure 10. On the south-east side where a small section of render has fallen it is easy to see the brick construction on the south wall. The bricks are in good condition and the mortar joints are good.

The south west corner at the back of the building shows cracks and has the worst damage (Figure 9) but is not worse than many other heritage buildings which have been repaired and saved.

Other historic buildings in Williamstown have been retained and repaired.

We put forward the example of the restoration of the Masonic Lodge in Electra Street as an example of a much more derelict façade which was repaired in 2011 (Figure 11). There were major cracks in the front wall and pediment approximately 100mm wide.



Figure 11. The recently repaired Masonic Lodge in Electra Street

Another example is the Bristol Hotel in Ferguson Street, which has a badly cracked façade which has moved a great deal and caused great distortion in supporting columns (Figure 12). The Bristol Hotel is planned for extensive apartment redevelopment, and in this case VCAT has ordered that the façade be retained.



*Figure 12. The Bristol Hotel in Ferguson Street.
Note the extensive cracking and bulging to the façade.*