

**Former Oriental Hotel**  
**57 Nelson Place, Williamstown**

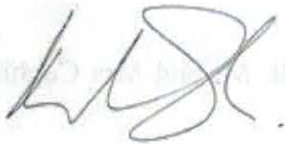
**Heritage Council Registrations Committee**

**Hearing – 4 & 5 August 2014**

**Members – Anita Smith (Chair), Don Kerr, Keir Reeves**

**DECISION OF THE HERITAGE COUNCIL**

After considering the Executive Director's recommendation, submissions received, and conducting a hearing, pursuant to Section 42(1)(c) the *Heritage Act 1995*, the Heritage Council has determined that the former Oriental Hotel is not of cultural heritage significance to the State of Victoria and does not warrant inclusion in the Heritage Register.



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**Anita  
Smith  
(Chair)**



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**Don Kerr**



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**Keir Reeves**

**Decision Date 31 October 2014**

## **APPEARANCES/SUBMISSIONS**

### **Executive Director, Heritage Victoria ('the Executive Director')**

Submissions were received from the Executive Director, Heritage Victoria. Ms Rosalind Coleman (Heritage Officer, Heritage Victoria) appeared on behalf of the Executive Director. Ms Renae Jarman (Manager – Operations, Heritage Victoria) was available to take questions from the Committee.

### **Owner ('the Owner')**

Submissions were received from the Owner - Nelson Place Village Pty Ltd. The Owner was represented by Mr Adrian Finanzio SC and Mr Andrew Walker of Counsel. Mr Finanzio called Mr Peter Lovell - Director of Lovell Chen Architects & Heritage Consultants and Mr Bryce Raworth - Director of Bryce Raworth Pty Ltd to provide expert heritage evidence.

### **Save Williamstown Group ('Save Williamstown')**

Submissions were received from Save Williamstown. Save Williamstown was represented by Ms Charmian Gaud, Mr Daniel McKinnon and Mr Brian Haynes.

### **Hobsons Bay City Council ('Hobsons Bay')**

Submissions were received from Hobsons Bay City Council. Hobsons Bay was represented by Mr Gary Testro of Counsel.

### **Mr and Mrs Coghill**

Submissions were received from Mr Ralph and Mrs Virginia Coghill. Mr and Mrs Coghill represented themselves.

### **Mr Norman Roberts**

Submissions were received from Mr Norman Roberts. Mr Roberts represented himself.

### **Ms Lynne Georgiadis**

Submissions were received from Ms Lynne Georgiadis. Ms Georgiadis represented herself.

### **Written submissions**

Written submissions were also received from Ms Val Green.

Pursuant to s38 Heritage Act, fifty four written submissions were also received during advertising of the Executive Director's recommendation. A full list of submitters is included in the table below. The s38 submissions all objected to the Executive Director's recommendation.

**S38 WRITTEN SUBMISSIONS RECEIVED DURING ADVERTISING OF THE EXECUTIVE DIRECTOR'S RECOMMENDATION**

Edwina Berry	Nancy Black	Amadeo Bugeja
Cas Bukor	Anya Carlson	Carol Challis
Lloyd Clearihan	Virginia Coghill	Felicity Debenham
Christine Dent	Jessica Dutton	Christine Ellis
Charmian Gaud	Lynne Georgiadis	Val Green
Jackie Hosking	Lloyd & Elizabeth Jones	Sheila Kadniak
Evangelia Kapparis	Joan Kirner	Leanne Kovach
Christine Lockey	Joan Lynn	Richard MacNeill
Peter Mansell	Elizabeth McKeag	Daniel McKinnon
Godfrey Moase	Tracey Newgreen	Wade Noonan
Tania Oddi	Suzanne Orange	Sheryl Payne
Elaine Peck	Simon Price	Judy Ramos
Paul Ramos	Norman Roberts	Janet Saker
Dorothy Small	Nigel Stack	Anita Stoianovska
Allison Taylor	Alison Timms	Jacqueline Travaglia
Krystyna Tyrell	Natalie Walker	Patrick Walsh
Tim Watts	Margo Welsh	John Westwood
Chloe Wilson	Rennis Witham	Ralph Coghill

## **INTRODUCTION**

### **The Place**

1. The former Oriental Hotel ('the Place') is a three storey rendered brick building with cellar. It was described in the Executive Director's assessment as being 'a simple Georgian style structure'. There is dispute about the date of the building's construction but it was accepted by the majority of parties that the hotel was constructed between 1850 and 1854. Changes to the structure over time include the removal of cornice and pediments in the 1920s/1930s and the addition of projecting window hoods, a verandah and a more modern single storey wing to the south.
2. The former Oriental Hotel is included within the Government Survey Heritage Precinct (HO8) of the Heritage Overlay of Hobsons Bay Planning Scheme. The Oriental Hotel also has an individual listing (HO211).

### **Nomination**

3. A nomination for the Place to be included in the Victorian Heritage Register ('the Register') was accepted by the Executive Director on 3 July 2013.

### **Recommendation of the Executive Director**

4. On 21 February 2014, the Executive Director, pursuant to Section 32(1)(b) of the Heritage Act, recommended that the Place not be included in the Victorian Heritage Register.
5. Fifty four submissions objecting to the recommendation were received and pursuant to s.40(2) of the *Heritage Act 1995* ('the Heritage Act') a hearing was scheduled for 4 & 5 August 2014.

### **Site Inspection**

6. On 25 July 2014, the Committee made a site inspection accompanied by the Heritage Council Hearings Manager and Mr Nick Sutton of Planning Property Partners, representing the Owners. No submissions were received. Due to the dangerous condition of the Place, Committee Members were unable to enter the site. The Committee has, however, had access to recent images of the interior and is confident that it is able to make a proper assessment of the significance of the Place.

### **Preliminary and Other Matters**

#### *New Material*

7. During the course of the hearing new verbal and written material was introduced by Ms Charmian Gaud and Mr Norman Roberts. This material consisted of a folder containing copies of historical documentation from the Public Records Office of Victoria (PROV) and images of a model created by Mr Roberts based on an early sketch. All other parties were given the opportunity to comment on the new material. As no objections were received the Committee determined to accept the new information.
8. Mr Finanzio tabled a written outline of the argument for the Owners which summarised their submissions. Ms Gaud queried whether Mr Finanzio had in fact tabled new evidence. No new evidence was included within this document and the Committee determined to accept the material.

#### *Future use of the Place*

9. A number of submissions received focused on the proposed demolition of the Place. Some submitters also presented proposals for future restoration of the building and provided information about the proposed re-development of the site.
10. The Committee appreciates that there is a large degree of community concern about the potential development of the site. However, the role of the Committee is to determine the cultural heritage significance of the Place in its current state. It is not the Committee's task to consider the future development or use. Submissions dealing with these matters have not been considered by the Committee in reaching its decision.

#### *Structural Condition*

11. A number of submissions commented on, or provided evidence of, the current structural condition of the Place, how it came to be in its present condition and the cost of its restoration/reconstruction.
12. In heritage practice there has traditionally been a distinction drawn between the 'intactness' and 'integrity' of a place. In its Guidelines for Nominators, Heritage Victoria defines the 'intactness of a place as the degree to which a place has been altered or has lost its significant fabric. It defines the 'integrity' of a place as its authenticity and the degree to which the original design or use can be discerned. Submitters made comments about both the intactness and the integrity of the Oriental Hotel.
13. The Committee considers intactness (i.e. the condition of the Oriental Hotel) only in so far as it impacts upon the integrity of the cultural heritage fabric of the Place (i.e. its authenticity). The Committee does not view the cause of the Place's deterioration or the cost of its restoration as relevant in making its determination. To this extent, the Committee agrees with the Executive Director's statement in his submission that the 'poor structural condition of the building does not necessarily diminish its heritage value' and is of the view that buildings in poor condition may still demonstrate significant heritage value and potentially warrant inclusion on the Victorian Heritage Register.

#### *Historic Precinct*

14. Mr and Mrs Coghill and Ms Green submitted that Williamstown should be considered as a historic precinct of significance to the State of Victoria and that the assessment of the former Oriental Hotel should be viewed within this context. They argued that a number of buildings in Williamstown should be included on the Victorian Heritage Register as part of a historic precinct. Pursuant to s42(1) the Committee can only consider the recommendation made by the Executive Director. As the recommendation relates only to the Oriental Hotel site, the Committee is only able to consider the Oriental Hotel.

#### *Other Issues*

16. Fifty four conforming s38 Submissions were received. The Committee has considered the s38 Submissions in making its decisions. The Committee notes that key issues raised in s38 submissions included that the building is a rare example of its style constructed in the early c.1850s, and that the building is significant to Williamstown, Melbourne and the State of Victoria.
17. The Committee is aware that a hearing about the proposed re-development of the site was held at the Victorian Civil and Administrative Tribunal ('VCAT') over two days on Tuesday 25 June and Thursday 4 of July 2013. The Committee is also aware that,

during the course of that hearing, the heritage values of the place were considered by VCAT. The Committee wants to stress that while there has been some overlap between the material considered by VCAT and the material considered by this Committee, the two hearings are held for very different purposes. The VCAT hearing considered an application for a planning permit under the *Planning and Environment Act 1987*. This hearing is to determine whether the place warrants inclusion on the Victorian Heritage Register. The Committee is of the view that as long as the material goes to the cultural heritage significance of the Place it is not important whether or not it has previously been presented to VCAT.

## ISSUES

19. This section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each issue.
20. Any reference to Criteria refers to the 'Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance' (see Attachment 1 to this report).
21. Any reference to Criteria and Threshold Guidelines refers to the 'The Victorian Heritage Register Criteria and Threshold Guidelines' (as adopted by the Heritage Council on 6 December 2012).

## Summary of issues

22. The Executive Director submitted that the Place has historical and architectural significance at a local level but does not satisfy any of the Criteria at a State level for inclusion in the Register.
23. Ms Gaud for Save Williamstown submitted that the Place is of significance at a State level and meets the threshold for inclusion in the Register under Criteria A, B, C, D, E, F, G and H.
24. Mr Roberts is of the view that the Place is of significance to the State of Victoria and should be included in the Register under Criterion A, B, E, G and H.
25. Ms Georgiadis is of the view that the Place is of significance to the State of Victoria and should be included in the Register under Criterion A, B, E, and G.
26. Mr and Mrs Coghill submitted that the Place is of significance to the State of Victoria and meets the threshold for inclusion under Criterion A, B, C, D, G and H.
27. Mr Testro (on behalf of Hobsons Bay City Council) submitted that the Heritage Council should take into account the new information submitted by the Nominator and others and find that the Oriental Hotel is of cultural heritage significance to the State and should therefore be included in the Register under Criterion A, B, C, D, E and G.
28. The Owner agreed with the Executive Director's recommendation and submitted that the Place does not satisfy any of the Criteria for inclusion in the Register and is of no more than local significance. This view was supported by Mr Lovell and Mr Raworth as expert witnesses.

### **Criterion A – Importance to the course, or pattern of Victoria's cultural history**

29. The parties agreed that the Oriental Hotel is of historical importance but disagreed on the level of significance.

#### *Submissions and evidence*

30. The Executive Director is of the view that the Oriental Hotel is historically significant at a local level. The Executive Director submitted that the Place is locally significant 'as one of a group of six remaining corner hotels in Williamstown erected during the gold rush period (1850s-1860s)'.
31. Ms Gaud (on behalf of Save Williamstown) submitted that the former Oriental Hotel was originally built as a private residence between 1849 and 1851 and is of significance to the State of Victoria as the only large three storey dwelling remaining in Victoria dating from this period. This view was supported by Mr Roberts in his written and verbal submissions.
32. Ms Gaud also argued that the hotel is historically significant for its association with Edward Snell and as an illustration of the aspiration of immigrants to move through the social classes.
33. Ms Green submitted that the Oriental Hotel is of importance to the course of Victoria's history for the role it played in the early establishment of Williamstown and because it contributed to the economic and social wellbeing of Victoria. Further she argued that the Place is significant for its association with migration in the Victorian gold rush era (1850s-1860s).
34. In written submissions the Owners agreed with the Executive Director's recommendation that the Place is of local significance. It is their view that the conclusions reached by other submitters are speculative and 'drawn from facts which in no way conclusively support the contentions advanced'. Further, even if the conclusions reached are correct it is their view that they do not result in the Place being considered to be of State significance and worthy of inclusion in the Register.

#### *Construction purpose and date*

35. Ms Gaud submitted that, based on historical research undertaken by Save Williamstown including analysis of mortgages, Building Society membership, Edward Snell's diary and an 1854 lithograph, it has been determined that construction of the Oriental Hotel began sometime between 1849 and 1851. She argued that as such the Place is the oldest hotel in Williamstown and historically significant to the State of Victoria for its association with the development of Williamstown as the first port of Melbourne in the 1830s and 1840s. This view was supported by a number of other submitters. Ms Gaud argued that, as a result, the comparative analysis undertaken in the Executive Director's recommendation is no longer as relevant as it does not take into account an earlier construction date.
36. In written and verbal submissions Mr Testro also acknowledged the possibility of an earlier construction date and the possibility that the building may have originally been constructed as a warehouse.
37. Mr and Mrs Coghill also supported the hypothesis that the building was constructed earlier than had been determined by the Executive Director. They argued that this conclusion was supported by an 1854 lithograph depicting the building which they

attribute to Edward Snell. Mr and Mrs Coghill argued that an analysis of Snell's diaries indicated that the drawing on which the lithograph was based must have been completed by Snell in 1852, making the construction date of the building c1850-51.

38. The Owners and the Executive Director acknowledged the research undertaken by the various submitters, but argued that the inferences drawn from the material were incorrect.
39. Mr Lovell in verbal submissions agreed that the building may have been 'built or nearing completion in late 1852'. In response to the argument raised by Mr Coghill that the building was initially constructed as a private residence (prior to its conversion to a Hotel) Mr Lovell submitted that while he could not discount the proposition, in his view, based on the building layout and internal detailing, it was unlikely that the building was designed as a residence.
40. In regards to the assertion of an earlier construction date Mr Raworth submitted that he was not convinced by any of the evidence put forward to support the supposition that the Place was constructed prior to 1851.
41. Ms Gaud expressed the view that Mr Raworth's expert evidence was flawed as it does not consider a date of construction prior to 1854 and as such the comparative examples used to determine the significance of the Hotel are inappropriate. Further, in response to Mr Lovell's written submissions for the Owner, Ms Gaud took issue with the accuracy of Mr Lovell's statement regarding the measurements and the footprint of the building as taken from the Surveyor field book referred to by Mr Lovell.
42. In response to the above claims the Executive Director argued that the assertions presented by Ms Gaud are subjective and that there is no evidence to indicate that the Place dates from the 1840s nor that it was originally built as a private residence. Ms Coleman stated that upon consideration of the new material the Executive Director maintains the view that the earliest substantiated date for construction is 1854.
43. In verbal submissions Mr Finanzio reiterated the Owners' view that the argument that the Place was constructed earlier is speculative and that even if the Place does date to prior to 1851 (prior to the separation of the Colony of Victoria from the Colony of New South Wales), this does not necessarily mean that it is of State level significance. Mr Lovell supported this view in his submission stating that he was not convinced that a definition of pre or post-separation is an indication of significance or that a pre-separation building is automatically elevated to the level of State level significance.

#### *Historical events*

44. Ms Gaud and others submitted that the former Oriental Hotel is of importance to the course of Victoria's history for its use as a venue and its association with historical events such as the arrival and departure of the Duke of Edinburgh in 1867. It was also contended that the use of the Place as a morgue, viewing/photography platform and meeting venue, illustrates the development of Williamstown at the time and therefore satisfies Criterion A for its importance to Victoria's cultural history. Ms Gaud also submitted that the Place is of significance for its association with more recent events such as the filming of the 'Blue Heelers' television series.
45. Mr Roberts submitted that the Place is of significance to Victoria's cultural history for its use as accommodation for gold seekers and its association with trade union meetings.



46. The Executive Director argued that the uses of the hotel outlined above are of interest at a local level only and do not make it of significance at a State level. Further at this time many hotels were associated similar activities and should therefore not be used to elevate one site above another.
47. In verbal submissions Mr Lovell supported the Executive Director's recommendation submitting that although the Place may have a fascinating history there are many other sites of which this could be said. It is Mr Lovell's view that the former Oriental Hotel is not historically significant at a State level.

#### *Discussion and conclusion*

48. The Committee finds that Criterion A is not satisfied at the State level.
49. It was accepted by all parties that the Place is of historical importance for its association with the gold rush and development of Williamstown in the second half of the 19<sup>th</sup> century. The Executive Director and the Owner submitted that this is of local significance and that no evidence has been provided which elevates the Place to State level significance.
50. A number of other submitters argued that new historical evidence indicates the Place was constructed between 1849-52 and was originally built as a large private dwelling before being converted to a hotel. Based on this information it was submitted that the Place is of State level significance as the earliest three storey hotel and for its association with the development of Williamstown pre-settlement. Separation
51. The Committee is of the view that the Oriental Hotel is locally significant to Williamstown for its historical association with the gold rush era and development of Williamstown. The Committee agrees that this association is evident in the fabric of the Place but are of the view that the Oriental Hotel is not unique and this association is displayed better and with more integrity in other buildings making it of local significance only.
52. The Committee commends the large amount of historical research undertaken by Save Williamstown, however it was not convinced by the arguments or evidence presented that the building was constructed prior to 1852 or that it was originally constructed as a private residence. ??
53. With regards to the arguments presented linking the former Oriental Hotel with historical events, the Committee notes that many hotels in Victoria are associated with similar events and there was no evidence presented which distinguished the Place from other hotels of a similar era.

#### **Criterion B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history**

54. The parties disagreed as to whether the Place satisfied Criterion B.

#### *Submissions and evidence*

55. A number of parties submitted that the Place is of State level significance due to its rarity as a three storey Georgian or Victorian Regency style hotel. Ms Gaud on behalf of Save Williamstown submitted that the Place is significant as 'the oldest pre-separation remnant three storey dwelling or hotel in Victoria' with a revised construction date of c1850 – 1851.

56. The Executive Director argued that rarity should not be judged on a narrow definition of site type and submitted that there are many other hotels in Victoria dating from this period which are more intact and provide a better understanding of the form and function of this building type.
57. The Owners agreed with the Executive Director stating that in the submissions 'the categories of significance that are sought to be established for the comparative analysis are too narrow and/or not of significance to the history of the State'. This view was further supported by Mr Raworth who did not believe 'that there is fundamental and key significance to be associated with the fact that any building is either of one, two or three storeys'.
58. Mr Roberts submitted that the Place satisfies Criterion B for its use as a morgue, as a venue for inquests, boxing matches and performances of the 'Australian Blondin', for its association with the 'crimping' of sailors and with the Greasy Point push.

#### *Discussion and conclusion*

59. The Committee finds that Criterion B is not satisfied at the State level.
60. Each building is unique in some way. All places have different features and all have distinct characteristics that point to different aspects of, and have different associations with, Victoria's cultural history. In assessing the significance of this Place, the Committee has compared the Oriental Hotel to other hotels constructed in Victoria in the 1850s. As was noted by a number of Parties there are other 1850s era hotels remaining in Williamstown, such as the former Prince of Wales Hotel in Nelson Place and the former Napier Hotel in Stevedore Street, as well as a number of others around the state. The Oriental Hotel cannot be considered rare in this regard. Nor is the building more intact or better able to display the characteristics of 1850s hotels than some of other places in this class. It is the Committee's view that both the intactness and integrity of the Oriental Hotel are substantially compromised.
61. Under Criterion A the Committee determined that there was not enough evidence to confirm a construction date circa 1850; however, even if the Committee assumes that the building was constructed pre-1851 (and is one of the earliest buildings in Williamstown), it is the Committee's view that this in itself does not make the building of cultural heritage significance at a State level.

#### **Criterion C – Potential to yield information that will contribute to an understanding of Victoria's cultural history**

62. The parties disagreed on whether the Place satisfied Criterion C.

#### *Submissions and evidence*

63. In written submissions Ms Gaud argued that archaeological investigations of the site would allow details of the original construction, and any later alterations, of the building to be uncovered. She is of the view that further research could uncover important cultural heritage relating to the use of the land post-settlement. Mr McKinnon supported this view in verbal submissions stating that it is possible the building was constructed using convict bricks from Tasmania. He is of the view that this could be established through archaeological investigation.
64. Finally, it was suggested by Ms Gaud and Mr McKinnon that further investigation of the hotel might enable a definitive finding about the date of the hotel's construction to be made. The Executive Director's submission in reply rejected this view, stating that

that any further examination or analysis as to the date of construction and original use of the building would be highly unlikely to differentiate between earlier and later dates. Mr Raworth, as expert witness for the Owners, also submitted that there was no physical evidence to suggest that the building was constructed prior to separation in July 1851.

#### *Discussion and conclusion*

65. The Committee finds that Criterion C is not satisfied at the State level. In order for the Oriental Hotel to be of archaeological significance there needs to be the potential for further investigation to uncover physical evidence of historical interest to the State of Victoria which is not currently visible or well documented. The Committee was not persuaded that additional investigations would either yield information not already included within the documentary evidence or yield evidence which would be of archaeological significance at a State level.
66. The Committee believes that the potential use of convict bricks is of interest, but even if it could be determined that the bricks were convict made; the Committee does not believe that this would be sufficient to 'Contribute to an understanding of Victoria's cultural history'.
67. In regards to determining the date of construction of the building the Committee is of the view that given the potential construction dates are at the most around five years apart it is highly unlikely that any further analysis would provide definitive evidence relating to date and that, even if it did, the new information would not mean that the Place met the threshold required to satisfy Criterion C.

#### **Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places and objects**

68. The parties disagreed as to whether the Place satisfied Criterion D.

#### *Submissions and evidence*

69. The Executive Director submitted that the Place does not satisfy Criterion D at the State level. It was the Executive Director's view that the building is 'architecturally undistinguished' and that while the building is an example of a gold rush era corner hotel there are a number of other sites in Victoria which better display the principal characteristics of this class of place. Further, the Executive Director submitted that many of these sites are already on the Register and are of 'greater architectural interest' than the former Oriental Hotel.
70. Ms Green submitted that the former Oriental Hotel is of State significance for its importance as a rare three storey Georgian style building.
71. Ms Gaud also submitted that the Place is important for its demonstration of the characteristics of 'large buildings and hotels in Williamstown's foundation, settlement and early development'.
72. In written submissions Mr Raworth, as expert witness for the Owners, stated that in his opinion the Place 'has been substantially altered in appearance, is of little architectural distinction' and that there are a number of other hotels that display similar historical associations more clearly.

#### *Architectural Style*

73. Mr and Mrs Coghill and Ms Gaud submitted that the Place is an example of the early Victorian Regency style rather than the Georgian style. Ms Gaud is of the view that the window heights, flat roof and parapet indicate that the Place is early Victorian Regency with Italianate influence.
74. In expert evidence for the Owners, Mr Raworth expressed the view that the former Oriental Hotel expresses the Colonial Georgian architectural style, of which numerous examples remain.
75. Mr Lovell submitted that in his view the term Victorian Regency would be a correct definition of the style of the building. Further Mr Lovell noted that the seminal architectural detail of this building has been lost over time and this has impacted on the significance of the Place. Mr Lovell argued that the Place may have warranted registration if it were still intact but the degradation of the structure has resulted in a loss of significance.
76. In verbal submissions Ms Coleman (on behalf of the Executive Director) stated that though the Regency style is similar, in her view the hotel exhibits the simple plain facades of the Georgian style. Further, she argued that the integrity of the building has been compromised as a result of changes over time including the removal of pediments and addition of a verandah.
77. As stated in both verbal and written submissions the Executive Director is of the view that there are other buildings in Victoria, including some included in the Register, which better display the characteristics of a gold rush era hotel.

#### *Discussion and conclusion*

78. The Committee finds that Criterion D is not satisfied at the State level. The Committee recognises that the Place may be classified as either a Georgian or early Victorian Regency style building however it is of the view that either definition does not materially affect the determination of significance under this Criterion. As has been noted earlier, every building is unique in some respect. To be meaningful, stylistic categories of buildings must be sufficiently broad to allow for comparison. The endless refinement of stylistic categories has the potential to allow any place or object to be deemed unique at a State level. This is not, in the Committee's view, the intention of the Heritage Act and the narrowing of a class of buildings by multiple qualifiers is not useful here.
79. In the Committee's view the Place is best understood as a c1850s example of a gold rush era hotel constructed in a Georgian or early Victorian Regency Style. The Committee believes that it is best compared to hotels constructed in a similar style at a similar time. This comparative exercise was undertaken by the Executive Director and the Owners in written and verbal submissions. The Committee does not accept that the Place is an outstanding or unusual example of a Georgian or early Victorian Regency style hotel. The Committee is satisfied that there are a number of other buildings that better display the characteristics of this class of place.

#### **Criterion E - Importance in exhibiting particular aesthetic characteristics**

80. The parties disagreed as to whether the Place satisfied Criterion E.

#### *Submissions and evidence*

81. In their written submissions Mr and Mrs Coghill and Ms Green argued that the former Oriental Hotel is of aesthetic significance as an example of a three storey early Victorian Regency building.
82. Ms Gaud also argued that the building exhibits the 'relatively austere mid-Victorian period aesthetic'.
83. Mr Roberts submitted that the Place is significant for both its aesthetic and architectural values. It is his view that the building is a 'simple, austere but impressive, Georgian-proportioned hotel with "classical" details'.
84. The Executive and Owner argued that the hotel was not of aesthetic significance at a State level.

*Discussion and conclusion*

85. The Committee finds that Criterion E is not satisfied at the State level. It is the Committee's view that the style exhibited in the Place does not result in aesthetic characteristics that are exceptional or distinctive enough to satisfy the requirements for State level significance.
86. The Committee also notes that a number of the arguments submitted under Criterion E relate more to architectural style than aesthetic significance and have been considered under Criterion D.

**Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period**

87. The parties disagreed as to whether the Place satisfied Criterion F.

*Submissions and evidence*

88. Ms Gaud submitted that the design of the hotel, including the use of a flat roof, and the fact that the building is still standing are evidence that the former Oriental Hotel demonstrates a high degree of technical achievement for the period.
89. The Executive Director and the Owner argued that the hotel did not satisfy Criterion F at a State level.

*Discussion and conclusion*

90. The Committee finds that Criterion F is not satisfied at the State level. In order for Criterion F to be satisfied the place should contain visible physical evidence that demonstrates technical achievement for the time. The Committee is of the view that the former Oriental Hotel is a good example of its type but does not contain fabric that demonstrates a high degree of creative or technical achievement for the period.

**Criterion G – Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions**

91. The parties disagreed as to whether the Place satisfied Criterion G.

*Submissions and evidence*

92. In written submissions Ms Green stated that the Place was significant for its role in the community during the establishment of the Colony. Further Ms Gaud submitted that the Place is also significant for its associations with the filming of the TV series 'Blue

Heelers', as a meeting point for seamen's unions and as an area with Aboriginal cultural heritage.

93. Mr Roberts submitted that the Place has a special association with artists and image-makers. He is of the view that the hotel's roof was used as a viewing platform from which early images of the area may have been created.
94. The Executive Director and the Owner argued that the Criterion was not satisfied at a State level.

*Discussion and conclusion*

95. The Committee finds that Criterion G is not satisfied at the State level. The Committee is of the view that the arguments for social significance are relevant only at the local level. The Committee does not believe that any of the associations submitted are sufficient to elevate the Place to State level significance.

**Criterion H - Special association with the life or works of a person, or group of persons, of importance in Victoria's history**

96. The parties disagreed as to whether the Place satisfied Criterion G.

*Submissions and evidence*

97. Ms Gaud submitted that the Place is of significance for its association with Edward Snell, the artist, diarist and engineer. Mr Roberts submitted that the Place is significant for its association with the photographer Andrew Rider.
98. In written and verbal submissions, the Executive Director and Owner noted that Mr Snell and Mr Rider were of importance to Victoria's history, but that their association with the Place was not evident in the fabric of the Place.

*Discussion and conclusion*

99. The Committee finds that Criterion H is not satisfied at the State level. The Committee does not believe that the nature of the associations, as presented by Ms Gaud and Mr Roberts, is sufficiently significant to warrant the inclusion of the hotel on the Victorian Heritage Register.

**CONCLUSION**

100. The Committee finds that the former Oriental Hotel does not meet the significance threshold for inclusion in the Victorian Heritage Register in relation to any of the Heritage Council's Criteria. The Committee is of the view that, in accordance with s42(1)(c) Heritage Act, the Place is not of cultural heritage significance at a State level and does not warrant inclusion in the Victorian Heritage Register.
101. The Committee agrees with the Executive Director and is of the view that the former Oriental Hotel is of **local** cultural heritage significance for its historical and architectural values. The local significance of the Place is already recognised through its inclusion in the Hobsons Bay Heritage Overlay (HO8 and HO211).

## ATTACHMENT 1

### HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history.
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or objects.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.