

# Carlton Inn Stakeholder Summit

21 October 2016, 9.30–11.00am

Tasma Terrace, 6 Parliament Place, East Melbourne

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## Attendees:

	<b>Representative</b>	<b>Organisation</b>
1	Greta Bird	Carlton Residents Association
2	Lynn Cracknell	Carlton Residents Association
3	Warren Green	Carlton Residents Association
4	Shaun Reardon	CFMEU
7	Anthony van der Craats	City of Melbourne Council Candidate
19	Anthony Leong	City of Melbourne Council Candidate—Strengthening Melbourne
20	Robin Matthews	City of Melbourne Council Candidate—Strengthening Melbourne
21	Michael Kennedy	City of Melbourne Council Candidate—Team Morgan
5	Cr Ken Ong	City of Melbourne Incumbent Councillor
6	Cr Rohan Leppert	City of Melbourne Incumbent Councillor
9	Phil Cleary	City of Melbourne Mayoral Candidate
22	Abigail Belfrage	Consulting Historian, The History Dept.
8	Geoff Austin	Department of Environment, Land, Water & Planning
10	René Spoors	Melbourne Heritage Action
11	Tristan Davies	Melbourne Heritage Action
12	Felicity Watson	National Trust of Australia (Victoria)
13	Paul Roser	National Trust of Australia (Victoria)
14	Samantha Westbrooke	National Trust of Australia (Victoria)
15	Simon Ambrose	National Trust of Australia (Victoria)—CEO
16	Duncan Wallace	Resurrect the Corkman/University of Melbourne Law School
23	Scott Colvin	Resurrect the Corkman/University of Melbourne Law School
17	Margaret Anderson	Royal Historical Society of Victoria
18	Sean Bedlam	Social Media Producer/Activist
24	Thomas Whiteside	University of Melbourne Graduate Student Association
25	Jasmine Ali	University of Melbourne Law School; Centre for Urban Research, RMIT
26	Luke Hilakari	Victorian Trades Hall Council

## Apologies:

	<b>Representative</b>	<b>Organisation</b>
1	Susan Crowe	Carlton Community History Group
2	Cr Jackie Watts	City of Melbourne Incumbent Councillor
3	Ewan Ogilvy	Carlton Residents Association
4	Cr Susan Riley	City of Melbourne Incumbent Councillor
5	Cr Robert Doyle	City of Melbourne, Incumbent Lord Mayor
6	Jessica Adams	Community representative
7	Asha Judah	Property Council of Australia (Victoria)—Deputy Executive Director
8	Rebecca Leslie	Save the Palace
9	Adam Ford	City of Melbourne Council Candidate—The Heritage Agenda

Chair: Simon Ambrose, CEO, National Trust of Australia (Victoria) (NTAV)

## Agenda:

1. Welcome, objective, apologies, and brief introductions around the table
2. Clarification of current legal situation
3. Discussion of legal and heritage objectives
4. Strategies for achieving objectives
5. Next steps

## Minutes

**Paul Roser** Gave an overview of the current situation and asked the group to consider what outcomes we want to see in relation to prosecution and remedy. Noted that group needs to consider what we're asking of the Minister for Planning.

**Ken Ong** Cr Ong reported that the Council is shocked, and that the Property Council has condemned the actions of the owner. Confirmed that a Stop Work order was issued by Council that wasn't obeyed.

**Shaun Reardon** Reported that a Green Ban has been placed on the site, and said that the Union would like to see the site acquired by the Council or State government to put into public hands. Noted that it's not possible to rebuild the pub to its original condition (eg rebuilding an antique piece of furniture).

**Ken Ong** Argued that the key pathway is through the Planning & Environment Act. Triggers for compulsory acquisition are clear in the Act. Said any potential compulsory acquisition should be based on the last valuation prior to demolition.

**Phil Cleary** Expressed concerns about public health risks posed by asbestos

contamination. Also noted that prior to demolition there were rumours that the pub was going to be demolished.

- Luke Hilakari** Expressed concerns regarding union firefighters who were put at risk while extinguishing recent fire.
- Anthony Leong** Noted that there is not enough “carrot and stick”. Need to ask developers what incentives deterrents will actually work, and educate them about why it’s important to respect heritage because that’s what the community expects and wants. Raised the issue of potential criminal implications flowing from what has occurred, eg reckless endangerment.
- Simon Ambrose** Agreed that good incentives should be provided for good development.
- Ken Ong** Noted that improvements to heritage protection principles and education about these principles is key.
- Duncan Wallace** Raised issue of sustainable development and protecting cultural assets. Eg: In UK Localism Act 2011 enables community to identify assets, and when they go up for sale, they get 6 months to put together a business case to buy them. In the Carlton Inn case, the developers beat out Melbourne University to purchase the site. Law reform potential—Localism Act giving community option to purchase sites.
- Phil Cleary** Mentioned that the University of Melbourne has chair of Irish History, and suggested a partnership to develop an Irish museum.
- Simon Ambrose** Noted that it is important to ensure the naming of the pub is consistent across campaigns and media messaging. Suggested Carlton Inn as the most appropriate name, with Corkman/Corkman Irish Pub also identified in communications to ensure the message reaches a range of people who have been associated with the site. (Rohan Leppert noted that this was an issue with the Palace/Metro Theatre campaign, as many people only know the place as the Metro Theatre.)
- Shaun Reardon** Confirmed that Green Ban will be in place until an acceptable outcome is achieved, based on what the community wants.
- Warren Green** Noted that the Carlton Residents Association is outraged. Commented that this has happened because it’s lucrative enough to be successful for investors regardless of current penalties. Penalties don’t make these actions unprofitable. Fines will not stop this from going ahead—there needs to be a greater deterrent. Maybe there should be covenant dictating that if building illegally demolished new building can’t be bigger than existing envelope. Noted that the Minister can enact planning amendment to restrict development on site.
- Geoff Austin** Offence in the Heritage Act that might be relevant for future Planning & Environment act reform. Under the Heritage Act, if an offence is created in relation to a building on heritage register and they’re found guilty of offence, you can limit further development on that site. Geoff isn’t aware of any precedents under this provision.

- Simon Ambrose** Question to the group—what do we want to see happen to this site in the future?
- Luke Hilakari** Commented that this should be a decision for the Carlton Community that should be discussed more broadly.
- Abigail Belfrage** Noted that it would be good to document the history of the site and different relationships to get an understanding of the place over a long period of time as well as recently to connect with relevant communities. Personal preference is to have a pub there, emphasising the social significance of the place—a gentle place you can go to socialise.
- Ken Ong** We need to get the community to think about what they want. It is possible for the Minister to use a site specific planning scheme amendment under Section 20 Part 4 of the Planning & Environment Act that prescribes use, as long if it isn't overruled by Supreme Court.
- Geoff Austin** Noted that we need to be clear about what provisions you want Minister to bring in
- Rohan Leppert** Commented that any policy application has to be based on a strong planning outcome.
- Tristan Davies** Noted that this is a wider community issue—not just a Carlton issue.
- Shaun Reardon** Clarified the status of building materials on site—material now classed as contaminated waste; in order to be reused would have to be taken to toxic waste dump to be decontaminated, expensive process. Noted that materials have been taken from site already, not clear where they have been taken. Being investigated by EPA.
- Geoff Austin** Noted that provisions under planning scheme allow VCAT to order places to be reinstated to condition before offence occurred.
- Paul Roser** Commented that there is a good argument to that the pub should be rebuilt to the form as it was best last understood, even though it will be different to the original. Strongly of the opinion that it's a fantastic opportunity to develop a living conservation program for tradition skills to be showcased and developed for training programs and education to come out of it; builds on current NTAV programs to keep traditional skills going, working with members of CFMEU to provide training opportunities. The "Carlton Inn 2.0" would be a brand new building with an identity of its own. Without those skills, opportunity to repair buildings properly is limited, so wider benefits would flow from the program.
- Resurrect the Corkman** Noted that Melbourne Law School and Melbourne Business School are across the road from the site, with other schools/facilities in the immediate vicinity. Their petition calling for the pub to be rebuilt has attracted 15k signatures since Monday. Noted that as members of the community, they seeing big push for rebuild.
- Duncan noted that the pub is more than just bricks and mortar. The community aspect behind facade is important. This is a chance to connect

histories and build communities.

- René Spoors** Commented that Melbourne Heritage Action supports rebuild. Justice and deterrent factors in rebuilding.
- Carlton Residents' Association** Asked who is going to fund rebuilding, and what happens if developers go bust?
- Resurrect the Corkman** Reported that VCAT application has been submitted and they are waiting for a listing. Group is receiving lots of legal support from academic staff and alumni and will need a heritage expert for the hearing.
- Simon Ambrose** Asked how the groups want to maintain momentum. Commented that the National Trust of Australia (Victoria) can provide space for future meetings. Noted that the group's consensus that there needs to be appropriate community consultation. Put forward the Trust's view that if it's appropriate, the pub should be rebuilt as part of a skills education program.
- Tristan Davies** Commented that it's important that not just the façade is rebuilt. Has social heritage that's almost more important than architecture; no point just rebuilding a couple of walls.
- Carlton Residents Association** Noted the more immediate problem of what is going to happen in terms of this developer. How specific to we have to be? Can we initiate the process now without committing to outcome?
- Ken Ong** Noted that Council can request Minister to initiate Section 20 Part 4 of the Planning & Environment Act. Council is currently in caretaker mode, and suggests that NTAV and community groups officially write to CEO requesting Council to approach the Minister with a number of reasons to invoke Section 20 Part 4, as well as writing directly to the Minister.
- Tristan Davies** Commented that NTAV should pen the letter and circulate to the group for potential cosignatories.
- Geoff Austin** Noted that it is important to articulate what it is you want the Minister to do.
- P Roser** Noted that it's important to come to a firm position, and to be as united as possible to advocate for that position.
- Agreed Actions**
- **NTAV happy to provide meeting space for future meetings**
  - **NTAV to draft letter to Minister and CEO of the City of Melbourne**
  - **NTAV to seek legal advice on the letter**
  - **NTAV to join VCAT proceedings**
  - **Melbourne Law School students to convene future meeting with academics to explore legal options.**

The Minister may exempt himself or herself from any of the requirements of sections 17, 18 and 19 and the regulations in respect of an amendment which the Minister prepares, if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate

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