



Heritage Council Registrations and Reviews Committee

Former Carlton Inn

154–160 Leicester Street, Carlton, Melbourne City Council

DETERMINATION OF THE HERITAGE COUNCIL

After considering a request to review the Executive Director's decision to refuse to accept a nomination to include the Former Carlton Inn at 154–160 Leicester Street, Carlton in the Victorian Heritage Register, pursuant to Section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the nomination.

Stuart Macintyre (Chair)
Penelope Smith
Natica Schmeder

Decision Date – 7 November 2019

INTERESTED PARTIES

EXECUTIVE DIRECTOR, HERITAGE VICTORIA

Further information was received from the Executive Director, Heritage Victoria ('the Executive Director') in relation to the refusal of the nomination.

NOMINATOR

The Nominator, Mr Gary Vines, provided additional information in relation to the nomination for the Place.

OTHER INTERESTED PARTIES

MELBOURNE CITY COUNCIL

Melbourne City Council were notified of the matter as the responsible authority for the Place. No additional information was received from Melbourne City Council.

INTRODUCTION/BACKGROUND

THE PLACE

01. The Former Carlton Inn, located at 154–160 Leicester Street, Carlton ('the Place') previously consisted of a circa 1856 single-storey brick inn, later single- and double-storey additions and associated outbuildings. The Place was used as an inn throughout the 19th and 21st centuries. All structures have been demolished and removed from the Place, and the land is currently vacant apart from building rubble and a remnant wall on the east boundary.

NOMINATION

02. On 19 July 2019, an application to nominate the Place for inclusion in the Victorian Heritage Register ('the Register') was lodged with the Executive Director, pursuant to s. 27 of the *Heritage Act 2017* ('the Act'). The Place was identified in the nomination as meeting Criteria A and G of the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (as updated by the Heritage Council on 4 April 2019) [see **Attachment 1**].

DECISION OF THE EXECUTIVE DIRECTOR

03. Pursuant to s. 29 of the Act, the Executive Director may refuse to accept a nomination if the Executive Director considers that the nominated place or object has no reasonable prospect of inclusion in the Register. On 4 September 2019, the Executive Director notified the Nominator of his refusal to accept the nomination on the grounds that the Place does not have a reasonable prospect of inclusion in the Register as a place of State-level cultural heritage significance.

REQUEST FOR REVIEW

04. On 24 September 2019, the Heritage Council received a request for a review of the Executive Director's refusal to accept the nomination for the Place, pursuant to s. 30 of the Act. The Heritage Council Registrations and Reviews Committee ('the Committee') was constituted to consider the request for review, information received in response to it, and to make a determination, as delegated by the Heritage Council under ss. 13 and 15 of the Act.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

05. The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee members were satisfied that there were no relevant conflicts of interests and made no such declarations.

REQUEST FOR INFORMATION

06. On 1 October 2019, the Committee requested additional information from interested parties to assist in determining the matter. Parties were also afforded the opportunity to respond to additional material provided to the Committee. Responses were received from the Executive Director and the Nominator.

ISSUES

- 07.** The following section is not intended to be a complete record of information provided 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 key issue.

SUMMARY OF ISSUES

- 08.** Interested parties provided the Committee with a range of additional material in relation to whether or not the Place has a reasonable prospect of inclusion in the Register pursuant to s. 29(1) of the Act.

FUTURE DEVELOPMENT OR RECONSTRUCTION OF THE PLACE

- 09.** Information received from the Nominator made reference to the future development of the Place, specifically seeking its reconstruction should it be included in the Register.
- 010.** It is not the role of the Committee to consider the future development of the Place, nor does the Act allow for the forced reconstruction of places or objects in the Register following demolition. Pursuant to s. 30(5) of the Act, the role of the Committee is to determine whether or not the Place has a reasonable prospect for inclusion in the Register.

NO REASONABLE PROSPECT

Information received

- 011.** The Executive Director provided the Committee with the original nomination documentation received for the Place and confirmed, in response to the information provided by the Nominator, his position that the Place has no reasonable prospect of inclusion in the Register under any Criteria.
- 012.** The Nominator provided the Committee with additional material in support of the inclusion of the Place under Criteria A and G. In particular, the Nominator provided evidence for the social value of the Place, at the state level, to present-day community groups and the broader Victorian community (Criterion G).

Lack of extant fabric

- 013.** The original nomination stated that the Place is of state-level historical significance under Criterion A for its long association with the development of the Melbourne University legal community and as one of the earliest buildings erected in Carlton.
- 014.** In refusing to accept the nomination, the Executive Director stated that the lack of extant hotel fabric remaining at the Place means that it no longer allows a clear association with hotel-keeping to be understood better than most other places or objects in Victoria with substantially the same association (Criterion A). Although not identified by the Nominator, the Executive Director further stated that the Place had no reasonable prospect for inclusion under Criterion D and E for the same reason.
- 015.** In requesting a review of the Executive Director's refusal to accept a nomination for the Place, the Nominator stated that the absence of extant fabric at the Place does not preclude its inclusion in the Register, arguing that the Place, in its current state, retains its significance at the state level.

Discussion

- 016.** The Committee notes the information provided by the Nominator and the Executive Director in relation to the lack of extant fabric at the Place, and the historical significance of the Place under Criteria A, D and E.
- 017.** The Committee agrees with the Executive Director that any significance the Place may have had under Criterion A, and further, Criteria D and E, was lost with the demolition of the Place in 2016.
- 018.** The Committee therefore found that the Place does not have a reasonable prospect of inclusion in the Register for State-level cultural heritage significance under Criteria A, D or E.

The significance of possible archaeological deposits

- 019.** Material provided by the Nominator primarily discussed the State-level cultural heritage significance of the Place under Criteria A and G. However, the Nominator did refer to the potential for archaeological deposits to remain *in situ* at the Place and that such deposits may be both rare and may yield technical information about Victoria's history.
- 020.** In refusing to accept the nomination for the Place, the Executive Director stated that while there is potential for archaeological deposits to remain *in situ* at the Place, no evidence was provided to demonstrate the rarity, or high level historical or technical significance of any potential archaeological deposits remaining at the Place, concluding that there is no reasonable prospect for the inclusion of the Place in the Register under Criteria B, C or F, respectively.

Discussion

- 021.** The Committee notes that in response to the Nomination, the Place has since included in the Victorian Heritage Inventory as a historical archaeological site pursuant to s. 118 of the Act.
- 022.** The Committee agrees with the position of the Executive Director that no evidence was provided to demonstrate the State-level cultural heritage significance of any potential archaeological deposits that may remain *in situ* at the Place, and determines that the Place has no reasonable prospect for inclusion in the Register under Criteria B, C or F.

Criterion G

- 023.** The Nominator gave evidence for the association of the Place with several Victorian community groups, including the Melbourne University legal community and the Irish music community. The Nominator argued that the Place is significant at the state level under Criterion G as a result of the strong attachment these communities had to the Place for over 25 years.
- 024.** The Nominator further argued that the social significance of the Place resonates through the connection the Victorian heritage advocates community has to the Place today, as demonstrated by the petition to have the Place rebuilt and extensive media coverage following the demolition of the Place.
- 025.** In his refusal to accept the nomination, the Executive Director stated that it is not possible to identify one place of congregation for the Melbourne University legal

community or the Irish music community, so much so that the connection these communities had to the Place cannot be said to be either strong or special.

- 026.** In relation to the heritage advocates' "community of concern", the Executive Director stated that this community was temporary and has now dispersed. The Executive Director further expressed the view that insufficient time has passed since the demolition of the Place to assess whether or not it has enduring cultural heritage values to the broader Victorian community under Criterion G.
- 027.** As previously discussed at paragraph 015, in refusing to accept the nomination for the Place, the Executive Director stated that the Place had no reasonable prospect for inclusion in the Register because the lack of extant fabric remaining at the Place. It was the view of Executive Director that regardless of any social values the Place may have, such values need to be able to be demonstrated through the physical fabric of the Place to warrant inclusion in the Register.

Discussion

- 028.** The Committee notes the information provided by the Nominator for the association of the Place with the Melbourne University legal community, the Irish music community and the Victorian heritage advocates' "community of concern".
- 029.** The Committee agrees with the position of the Executive Director that the Place has no reasonable prospect for inclusion in the Register under Criterion G for its association with the Melbourne University legal or Irish music communities. The Committee agrees that no evidence was provided to demonstrate that the association these communities had with the Place was strong or special, or that the social value attributed to the Place by these communities resounds with the broader Victorian community.
- 030.** The Committee, however, disagrees with the position of the Executive Director that the Victorian heritage advocates' "community of concern" was temporary, noting that the petitions provided by the Nominator demonstrate that the community is still active and has not dispersed.
- 031.** The Committee notes the recent Heritage Council determination for Preston Market and the position of the Executive Director that evidence for social, cultural or spiritual values under Criterion G are required to be demonstrated through the physical fabric of the Place for inclusion in the Register. The Committee, however, understands that in this instance, it was the position of the Nominator that the values of the Place both endure beyond, and are in some cases the result of, the removal of the physical fabric of the place.
- 032.** Despite this, the Committee found that there was insufficient analysis provided to demonstrate a strong or special attachment to the Place in its current state, particularly given the recent time depth since its demolition.
- 033.** The Committee therefore has formed the view that the information provided does not demonstrate that the Place a reasonable prospect of inclusion in the Victorian Heritage Register for State-level cultural heritage significance under the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance*.

CONCLUSION

- 034.** After considering a request to review the Executive Director's decision to refuse to accept a nomination to include the Former Carlton Inn at 154–160 Leicester Street, Carlton in the Victorian Heritage Register, pursuant to Section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the nomination.

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 environments.
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 present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.