

The Age: Call for 'hefty fines' after illegal wreckers flatten 159-year-old Carlton pub by Clay Lucas – October 18, 2016

Heritage experts have demanded tougher penalties for developers who brazenly knock down historic buildings, after the unlawful demolition on the weekend of a Carlton pub that was built in 1857.

The Corkman Irish Pub, previously known as the Carlton Inn, was built 159 years ago and, until Sunday, stood at the corner of Leicester and Pelham streets.

Residents on Saturday night rang Melbourne City Council to complain about demolition noise from the pub, which the previous week had been partially burnt by fire.

By the time council inspectors arrived, the building had been largely demolished.

The city council still issued a stop-work order to prevent further demolition but a demolition crew returned on Sunday to finish off the job.

There was no demolition permit allowing the pub's destruction, nor was there a planning permit for a building to replace it.

"This is a very, very serious matter – that building was protected by a heritage overlay," said Lord Mayor Robert Doyle.

Hoarding had also been erected without permission on the footpath, he said.



The remains of the Corkman Irish Pub on Monday. Photo: Simon Schluter.

Planning Minister Richard Wynne said it was unacceptable the owners had knocked the pub down. He has referred the demolition to the Victorian Building Authority for investigation. He also said the state government would investigate whether existing penalties were tough enough to deter owners from knocking down heritage buildings.

Opposition planning spokesman David Davis said if current fines were not sufficient punishment, other options such as a ban on future permits or forcing the owner to rebuild the facade should be examined.



The Corkman - once known as the Carlton Inn - was almost 100 years old when this photo was taken in 1957. Photo: State Library of Victoria.

A petition demanding the owners rebuild the venue, launched by Melbourne University law students on Monday, now has almost 1000 signatures.

A recent heritage assessment of the building, which sat opposite University Square gardens and Melbourne University's law school, said it was one of the area's earliest existing buildings.



'This is a very, very serious matter', said Lord Mayor Robert Doyle. Photo: Simon Schluter.

This appears to have mattered little to Stefce Kutlesovski and Raman Shaqiri, whose company 160 Leicester Pty Ltd paid \$4.76 million for the pub last August.

Photos taken on Saturday show a company called Shaq Demolition and Excavation knocking down the pub.



The Corkman Irish Pub, formerly known as the Carlton Inn, as it was last month. Photo: James Bowering.

Mr Shaqiri was one of the owners of the now de-registered demolition company.

A man answering a mobile phone number for Shaq Demolition on Monday would not answer questions about the pub, and then hung up.



The Corkman Irish Pub in Carlton under demolition on Saturday. Photo: Lyn George.

A heritage report for the property described the pub as having been "of aesthetic significance as a good example of the Victorian period".

Melbourne City Council is now investigating the demolition and would, a council spokeswoman said, "take appropriate enforcement action".

It is unclear exactly what fines the building's owners will now face, although a serious planning breach like it can attract fines of up to \$200,000. Fines for illegal demolition can total up to \$180,000.

Heritage consultant Rohan Storey said there needed to be "hefty fines" issued against developers and property owners who carried out illegal demolition with no justification.

"Hefty should mean of an amount that would make them think twice, and make it unprofitable," Mr Storey said.

He said the building's owners should be ordered to rebuild the pub if that was possible.

Tristan Davies, president of activist group Melbourne Heritage Action, said Melbourne City Council needed to "send a clear message that they are not going to accept this sort of thing".

On top of substantial fines, the site's owner "should be directed to rebuild the facade – which has happened a few times in other parts of Melbourne, like Port Melbourne", Mr Davies said.

Pollster Gary Morgan, who is running for Lord Mayor in council elections finishing this week, said the owners had "knowingly" broken the law.

"If I was elected mayor, I would put those people in jail. If they didn't get a conviction the first time, I would try a second time," he said.

Greens councillor Rohan Leppert said no building or planning permit had been issued for the site.

"So the owner has clearly authorised demolition of a 159-year-old heritage-protected building in violation of planning and building law. It's completely unacceptable."



The Corkman Irish Pub in Carlton is demolished on Saturday. Photo: Lyn George.

The demolition of the pub has outraged a group of Melbourne University law students who drank there regularly.

One of the students, Tim Staindl, said a working group had been set up to "see what can be done".

"There has been quite a lot of interest in students taking part in any further steps," said the 25-year-old law student.

One student has already posted an eloquent piece lamenting the loss of the pub, while the change.org petition demands the site's owners "pay for the full restoration of the building" and that development of the site be stopped for now.

Recent cases of the unlawful demolition of houses resulted in owners being fined \$52,000 or ordered to rebuild a property. *The Blockwinners* Dea and Darren Jolly knocked down a heritage-listed house with only partial permission last year and were threatened with fines of up to \$180,000.

Link: <http://www.theage.com.au/victoria/call-for-hefty-fines-after-illegal-wreckers-flatten-159yearold-carlton-pub-20161017-gs4a5o.html>

154 comments

Comment are now closed

- **Wal**

Oct 17 2016 at 7:24pm

Make them rebuild it, or else ban that company from building anything else on the site. A 200 grand fine is a mere slap on the wrist to cowboys like this.

- **Princess Fiona**, Hawthorn
Oct 18 2016 at 8:29am

Agreed ... but banning the construction of 'anything else' on site is likely to mean the site will remain a vacant 'bomb site' while the owner wait for the land to appreciate in value. The enforcement order that will hopefully follow from the prosecution of these rogues (mild language, I know) should ensure that building is reconstructed as it was at the time or its demolition, with its heritage values intact.

The Corkman was a well-loved local haunt for Melbourne Law School and Melbourne Business School students alike. Vale The Corkman.

- **Wal**
Oct 18 2016 at 8:42am

@ Princess Fiona I bet the Council or Government agency involved won't have the guts to make them rebuild, or even have the power legally to make that happen. That's exactly why vandals do this, knowing they will only get a financial slap on the wrist. It's up to the 'powers that be' to change the law if they are serious about stopping this. Watch this space hey?

- **Darren**, Melbourne
Oct 18 2016 at 9:03am

Laws need to change! I'm so sick to death of this sort of thing happening. Our heritage protections are vital, and more important than the short term interests of developers. Aside from huge fines, jail penalties are now needed to deter those that think they can declare bankruptcy or insolvency to avoid fines, for example.

- **Think about it**, Sensibletown
Oct 18 2016 at 9:18am

True Fiona - they have cleared the way for someone else if they are forced to get rid of it. The fine should be that they can seize the land in question - that would make them do the right thing as there would be nothing to gain.

- **Dave**
Oct 18 2016 at 11:23am

Why doesn't the council place a caveat on the property that it or any subsequent development can't be sold until the building is restored to an agreed state.

- **JpC**
Oct 18 2016 at 11:42am

Make them rebuild and if they refuse confiscate the site and seek applications from industry to rebuild the pub and operate it as their own.

The developers should also be banned from being directors or being involved in developments within Melbourne. The law obviously mean nothing so remove them from the sector.

- **Suzanna**
Oct 18 2016 at 1:08pm

If they "can't afford" to rebuild it in a similar manner to the building that was there (not a cheap glass and steel box) then the council should compulsorily acquire it (no legal need for compensation either) and construct a park on the site. Message clearly sent to other potential offenders, and the locals get some green space.

- **Dennis, Ballarat**
Oct 18 2016 at 2:56pm

Rebuild an exact copy of the old building; there should be plenty of photographs to go by if the original plans can't be found. If they can't afford it then the council should compulsorily acquire the land for public use with no compensation and the owners should be banned from building anything within the municipality for 10 years.

- **BusterH, CBD**
Oct 18 2016 at 5:28pm

I fully agree that they should rebuild it, but it'll never be the same. The old adage of 'easier to ask forgiveness than ask permission' fits here.

The problem with imposing heftier fines or making them rebuild at considerable cost is that they'll just declare bankruptcy & get away with it anyway. Our Laws are weak in this regard.

- **Numbat, Melbourne**
Oct 17 2016 at 8:15pm

I think my parents operated that pub in the 70s)-:

- **Andrew**
Oct 18 2016 at 2:02pm

Great pub. I used to get hammered there after Law School. What a shame.

- **Robert, Kew**
Oct 17 2016 at 8:34pm
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Fines of total maximum 380K; that's the profit on one of the many ugly units they'll build on that site. No, not enough. The construction firm needs to have its building licence revoked. That'll hit them where it hurts.

In the meantime, every right thinking, decent individual and company should avoid Shaq Constructions. This company has vandalised our heritage.

- **Kez**
Oct 18 2016 at 8:48am

Agree

- **Funny How**
Oct 18 2016 at 9:44am

Guess what happens when the construction firm has its building licence revoked? It shuts down and starts up again under a new name and a new licence. It's exactly how dodgy builders have operated for decades.

- **Tristan, Melbourne**
Oct 18 2016 at 11:36am

"The construction firm needs to have its building licence revoked. That'll hit them where it hurts."

Robert,

Lots of good ideas on this comment thread including yours.

I like it.

"In the meantime, every right thinking, decent individual and company should avoid Shaq Constructions. This company has vandalised our heritage."

Never heard of them. More information?

- **Tristan, Melbourne**
Oct 18 2016 at 11:37am

"Guess what happens when the construction firm has its building licence revoked?"

Funny How,

Then let's ban the individuals behind the company from operating in the industry.

- **Peter**
Oct 18 2016 at 12:47pm

Fines and punishment don't work. That is just a right wing authoritarian response. it won't be any more successful than punishing drug addicts.

- **Tim**

Oct 17 2016 at 9:07pm

Should be prison terms for this.

- **Wal**
Oct 18 2016 at 7:25am

Here here. Fines are meaningless. Just another cost to be passed on at the end to the consumer

- **Fizz**
Oct 18 2016 at 8:21am

Too right, bugger the "hefty fines" there should be hefty jail time. Those "hefty fines" if they're ever enforced are an absolute joke that's why they're treated with such contempt.

- **Gobsmack**
Oct 18 2016 at 9:01am

Or the land confiscated.

- **Mozza, Highton**
Oct 18 2016 at 10:20am

Exactly.

You can be thrown in jail for other forms of vandalism, so why not this? What is the difference?

- **the Lorax**
Oct 18 2016 at 10:21am

I agree completely - we have been repatriating cultural items to India which were in our national gallery - but OUR cultural heritage is just being demolished.
Millions of dollars - what does a paltry fine do - absolutely nothing - just gets built into their cost structure.

- **Siilk**
Oct 18 2016 at 10:45am

This is ridiculous! Those people must be fined into the ground, period.

- **ChrisG**
Oct 18 2016 at 1:39pm

Exactly. You could go to jail for doing graffiti on this building but escape with a slap on the wrist for knocking the whole thing down.

- **Tom, Carlton**
Oct 17 2016 at 10:05pm
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Petition to resurrect the historic Corkman <https://www.change.org/p/city-of-melbourne-resurrect-the-corkman-pub>

- **xyz12345678910**
Oct 17 2016 at 10:48pm
-

It is possible for these cowboys to be ordered to reconstruct the building. But a fine should also be applied for the conduct.

Any order regarding reconstruction should be buttressed by ensuring assets are secured through orders to secure assets so that the cowboys can't phoenix the company or anything of the like.

- **Castor**
Oct 18 2016 at 10:22am

Not just a fine for the company but personal fines applying to the directors of the company too

- **Tristan, Melbourne**
Oct 18 2016 at 12:02pm

"Not just a fine for the company but personal fines applying to the directors of the company too."

Castor,

I like it.

- **MJM**
Oct 18 2016 at 2:04pm

@castor I agree. And there should be bans imposed on their entitlements to be directors. If they cannot be directors for, say, a period of ten years then that will hurt far more than small fines.

- **peterh_oz**
Oct 18 2016 at 2:28am
-

Those fines are chicken feed. They are merely "the cost of doing business". How about compulsory acquisition with zero compensation ie they are forced to surrender the property for zero dollars. That might make these cowboys think twice! The cost to the City (legal, cultural and heritage) outweighs the value of the property.

- **Tempus Fugit**
Oct 18 2016 at 12:03pm

That is the only penalty that will bite.

Everything else they will just get around, and mysteriously politicians will let them move right on after a suitable period of outrage.

You can't force them to rebuild it, that was tried in Stanmore in Sydney. All they do is a shonky cheap substitute. Cost what it will take to accurately restore and fine the them 200% and get Public Works or a qualified Architect put it back.

- **Wolf**, Melbourne
Oct 18 2016 at 4:19am
-

It's a heritage site & no permits issued? the council must throw the full force of the law onto these owners and demolition company for this illegal act.

- **Nitro Gangster**
Oct 18 2016 at 2:00pm

Absolutely.

- **Rebecca**, Melbourne
Oct 18 2016 at 5:41am
-

The fine will not hurt them. They should be prevented from re-building on the site... turn it into a park.

- **Shemp**
Oct 18 2016 at 9:02am

Great idea

- **mitch of ACT**
Oct 18 2016 at 8:07am
-

The council &/or State gov't should confiscate the property with no compensation and turn it into a public amenity, e.g. green space with a plaque in the middle showing the pub. That will serve as a lesson to any other cowboys who seek to flout planning laws. No penalties will be paid as the entities responsible will likely all go into administration. That's the usual practice. Do the deed then go bust. The persons responsible will still seek to re-develop the site using other entities, phoenixing, but if the property is resumed they can do nothing.

- **Rich**, Melbourne
Oct 18 2016 at 8:38am

That is a quite excellent idea!

- **Ralph**
Oct 18 2016 at 8:50am

Yes ...they deserve to lose any rights to the site after this atrocious disregard for the law.