

President: **Mr David Zerman** MPH FFIA CFRM FAIM  
(Chair, Membership & Fundraising Committee)

Email [rsv@rsv.org.au](mailto:rsv@rsv.org.au)

Address **8 La Trobe Street, Melbourne 3000**

Dear Mr Zerman,

I write on behalf of the Friends of Royal Exhibition Building and Carlton Gardens (FREBCG) – Our World Heritage site. The FREBCG wish to convey dismay at the way in which the Royal Society of Victoria (RSV) appears to be pursuing a craven development agenda which is contrary to World Heritage values and a development that has already been dismissed by the Minister for Planning.

The community has not had an opportunity to be involved and to put our position on this development proposal. As your Conference on the development is imminent, I write now to tell you of our views, raise some issues that concern us and to ask questions to which we trust, you will reply.

**The RSV holds a perpetual lease for the site.**

The Council, executive and RSV members actions are limited by professional standards legislation. To what extent are you satisfied that your actions have and will comply with these liabilities and have these liabilities been canvassed with and understood by members?

The RSV's property is held under a perpetual lease; the *Land Act 1958, Amendments 30 August 1958*, applies. The Act describes responsibilities of parties including the lessee, and the leaser.

*137AD. Leases may not be assigned etc. without Minister's consent*

*A lessee under this subdivision shall not transfer or assign his interest under the lease or sub-let or encumber the land without first obtaining the written consent of the Minister.*

Richard Wynne, the Minister for Planning, in conversation, made it clear to me that *the development is not on*. Moreover, Minister Wynne said that he had told the Executive also the *development was not on*. How do you continue to justify your actions, and how have you or will you, explain to the members, the obvious conflict with the Minister's views, especially as the Minister's consent is required?

**Development on site of temporary buildings**

The Royal Society Land Act 1915, version 24 February 2003, prescribes the grant and statutory authority. The original crown land grant would specify what the RSV is capable or not capable of doing. Under the Act, is it that you are relying on Section 2C of the Act?

*Notwithstanding anything in any Act or in the said recited Crown grant the trustees for the time being of the land described in the Schedule hereto are hereby authorized— ...*

*(C) to permit from time to time and on such terms and conditions as the trustees think fit the **temporary** use of any buildings the property of the said Society erected on the land the subject of the Crown grant notwithstanding that such use is for purposes other than those specified in the Crown grant.*

I note the word ‘temporary’ use of any building. How does the RSV interpret section 2C as it relates to buildings being temporary? The development is for apartments and without evidence to the contrary, the apartments will be sold with separate titles.

### **RSV’s 21st century strategy: Concord and Progress**

I have noted with interest, on your website, the RSV’s Strategy - *Concord and progress* prepared over 2015-16. The Strategy sets out the directions for RSV in the 21st century.

Surprisingly, the strategy makes no reference to the 60 storey development. Nor in the objectives is there evidence of the financial imperative that is a key driver in the RSV’s extraordinary commitment to become property developers.

But of considerable relevance is RSV’s objectives specifically Objective 7 and key activities.

Our Objectives: Increasing the visibility, value of and regard for Science in Victoria.

*Objective 7.*

*7. We will maintain our heritage listed building, develop our facilities and advocate to protect significant science heritage in support of science, innovation and STEM literacy in Victoria.*

*Key activities:*

- ●□ *Developing a fully costed, ten-year building maintenance and development plan for the RSV Hall, Caretaker’s Cottage and Grounds in consultation with appropriate statutory bodies and state trustees*
- ●□ *Establishing a “friends” group to help maintain and develop our grounds and facilities in line with our development plan.*
- ●□ *Partnering with Heritage Victoria to identify and protect sites and materials of significance to Victoria’s science heritage.*

Given objective 7 and key activities, there are striking contradictions with the proposed development.

- The entire RSV site is on the Victorian Heritage Register. Any development therefore requires the Executive director, Heritage Victoria to approve any development.
  - It is normal practice that a body such as RSV proposing such a development, would have extensive discussion with HV as part of preparing the development proposal.
  - Has RSV held any such discussion?

### **World heritage REB and Carlton Gardens and the WH environs Area**

The RSV conference information omits any reference to the WH listing of Royal Exhibition Building and Carlton Gardens. This omission cannot be an oversight and it speaks volumes about the RSV's tactics deployed. The entire site is in the World Heritage precinct.

Principal decisions on planning and heritage will be determined by the RSV site being in the WH precinct. The precinct of the WH Environment area, is the most sensitive area for protection. It is immediately opposite the WH site, adjacent to the principal processional plane tree avenue, and as such contributes significantly to the WH values.

The site has been declared by UNESCO to have universal values for the world. In accepting the WH citation the Australian government undertook obligations to protect these WH values. To take account of the WH listing of Royal Exhibition Building and Carlton Gardens, governments enacted legislative changes.

Australian government, through the responsible federal Minister and the Victoria government through the responsible State Minister, have responsibilities for approving development of the RSV site.

- The federal government amended the CEBC Act, and
- The State Government amended the Heritage Act, 2017.

### **Lack of Communication and Consultation with responsible parties and the public**

The RSV site is on Crown Land. The RSV holds a perpetual lease. The site is in fact public land and leased in trust. The public has a natural interest. Any proposed change in use or any development must comply with planning and heritage laws. Where proposal for development will transfer public land to private ownership, such proposals will be taken especially seriously.

The Victoria Minister for Planning (and Heritage) has said he would not approve the development.

Despite RSV's strategy objective 7, Heritage Victoria seems not to have been involved nor consulted. be a partner as in again in Despite the Executive Director being the principal responsible officer

There is no evidence that the RSV has had discussions with the federal Minister.

There is no evidence that, RSV has taken steps to establish a friends group, nor taken action under UNESCO WH charter, strategy 5 to involve and consult with the community on WH.

Nor despite the extraordinary public interest in the proposed development has the RSV made any attempt to involve the public.

- To the contrary the conference is for members only.

### **Extent of RSV Members involvement and consultation**

The conference is run over two sessions each of a day: Sessions are on Friday 1<sup>st</sup> and 8<sup>th</sup> February. Conference documents describe methodology a co-creation process. This raises a number of questions in my mind again referencing the RSV's Concord and progress statement.

To what extent will the conferences and the co-creation process deliver best results for the RSV as a whole especially into the 21<sup>st</sup> century? The CEO's information on the conference, gives insights into the RSV's executive's current thinking and approach and topics to be covered at the sessions. Omissions on the agenda in themselves speak volumes. In particular;

- Who are the principal drivers and beneficiaries of this development?
  - How could the RSV position as expressed by CEO in August 2015 change to that expressed by the same CEO, in May 2018?
  - EOI in 2015 for WH respectful minimal proposal for site, in 2018 morphed into a 60-storey development.
- Who initiated the conference methodology, agenda and timings?
- Who of the members and how many, will attend for those 2 whole days?
- Conference is members only invitations, but CEO has asked external colleagues with suitable expertise to contribute to the planning.
  - Those invitee experts are representing scientific and technical case.
  - There are no invitees from the responsible authorities or principal heritage experts or heritage advocates.

Again, based on the CEO's information, financial and accountability and contractual matters are not included in the agenda - note para 2. How extraordinary that membership, surely liable for contracts and financial commitments made in RSV's name, will not be addressing this. What of the RSV's constitution and the responsibilities members have for contracts especially business partnerships with complex financial and property and ownership implications? As noted previously liability is limited by professional standards legislation.

There is no mention of world heritage and heritage and statutory planning in the CEO's information. Yet, together, the world heritage, and heritage and statutory planning laws will be the determining factors in this development proposal and in permit decision making by the responsible authorities.

How can members not have this information in the first instance? Without it, discussions and decisions are in a vacuum even invalid. As scientists they know that, lack of complete data, delivers *false conclusions and are valueless*.

Based on information we have, and track record to date, the goal of the CEO board and partners, appears to be to involve members to the extent required by the RSV rules: And leave the hard realities to the development team.

## Conclusion

Members are actually being led to consider a development “*opportunity*” in a vacuum devoid of facts: Not the planning and heritage laws, not finances and not business the case for the development or RSV. Most critically there is no mention of world heritage obligations and public accountability.

The irony is inescapable that an august organisation like RSV - a scientific peak body, appears to be intent on preparing a development ‘case’ for consideration by members yet the management strategically and deliberately omits much relevant data? Members are being asked to “*go on this journey with experts from a number of fields as well as our architect partners from DeciBel. They are keen to deliver a design for the site that is influenced by, informed by and steeped in our scientific knowledge and approach*” Is this convincing?

Make no mistake, the RSV is occupying public land. It is not ‘as of right’ any development option. Just because historically the RSV has occupied the site, that does not mean the RSV has the right to develop part of the site, that to some eyes, is somewhat vacant. But the entire site is on the Victorian Heritage Register and the heritage significance statement on the plot intended for development is unequivocal.

Members need to know what they are being asked to agree to. It would be reaffirming if members sought out and critically interrogated all the facts and as well considered the future implications for Melbourne’s only World Heritage site.

As members must surely know, our heritage is expendable and frail. Once our heritage has gone, it is gone forever. The extent and escalation of losses to Melbourne’s built heritage to make way for high rise development, is seemingly insatiable. The vested developer interests have well-honed methods and resource capabilities to most often succeed in their development goals. So, heritage needs advocates who stand up for heritage values despite the prevailing odds. Surely among the RSV members, are such advocates: Their scientific credentials and collective wisdom, their commitment to be leaders in our society and their underpinning personal belief systems, gives us optimism that once members, and perhaps also the Council, have reflected further, the development will not proceed.

Mr President, in the hope of this outcome, I ask you, to convey my letter to the membership for their consideration.

Yours faithfully

Margaret Ruth O’Brien  
on behalf of the  
Friends of Royal Exhibition Building and Carlton Gardens

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30th January 2019

Copies to

Hon Melissa Price, Minister of Environment

Hon Richard Wynne, Minister for Planning

Mr Steven Avery, Executive Director, Heritage Victoria

Ms Lynley Marshall, CEO Museums Victoria

Ms Sally Capp, Lord Mayor, City of Melbourne

Mr Simon Ambrose, CEO National Trust (Victoria)