



Heritage Council Regulatory Committee

Carnegie Swim Centre

Moira Avenue, Carnegie, Glen Eira City

Hearing – 17 May 2022

Members – Prof Philip Goad (Chair), Ms Anna Foley, Mr Justin Naylor

DETERMINATION OF THE HERITAGE COUNCIL

That the place is not to be included in the Victorian Heritage Register but refer for consideration for an amendment to a planning scheme – After considering the Executive Director’s recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(b) of the *Heritage Act 2017*, that the Carnegie Swim Centre, located at Moira Avenue, Carnegie, Glen Eira City, is not of State-level cultural heritage significance and is not to be included in the Victorian Heritage Register. The Heritage Council refers the Recommendation and all submissions to the Glen Eira City Council for consideration for an amendment to the Glen Eira Planning Scheme.

Philip Goad (Chair)

Anna Foley

Justin Naylor

Decision Date – 11 August 2022

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

APPEARANCES / HEARING SUBMISSIONS

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

Written submissions to the hearing were received from the Executive Director, Heritage Victoria ('the Executive Director'). Mr Geoffrey Austin, Manager – Heritage Register, and Ms Carissa Goudey, Heritage Officer – Assessments appeared at the hearing and made verbal submissions on behalf of the Executive Director.

DR JOHN STEHLE

Written submissions were received from Dr John Stehle, who appeared and made verbal submissions at the hearing.

GLEN EIRA CITY COUNCIL ('GECC')

A statement of evidence was received from the Glen Eira City Council ('GECC'). Mr Niall McDonagh, Director of Community Assets and Leisure, appeared at the hearing and made verbal submissions on behalf of the GECC. Mr McDonagh called Dr Kim Roberts of GML Heritage Pty Ltd to give expert witness evidence.

OTHER INTERESTED PARTIES

The following persons made written submissions pursuant to section 44 of the *Heritage Act 2017* in support of the Executive Director's recommendation but did not participate in the hearing:

- Mr Alex Goldsworthy
- Mr Peter Canny

Correspondence in relation to the place was also received from Mr Justin Castelan who did not participate further in the matter.

INTRODUCTION/BACKGROUND

THE PLACE

1. On 16 November 2021, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to section 37(1)(b) of the *Heritage Act 2017* ('the Act') that the Carnegie Swim Centre, also known as the Caulfield Memorial Swimming Pool ('the Place'), should not be included in the Victorian Heritage Register ('the Register').

2. The Place is described on page 4 of the Recommendation as follows:

'Carnegie Swim Centre (Caulfield Memorial Swimming Pool) is located at the western end of Koornang Park, Carnegie, in Melbourne's south-eastern suburbs. It is bounded by Koornang Park to the east, Lyons Street to the south, Moira Avenue to the west and Munro Avenue to the north. The place comprises a single-storey, rectilinear red brick entry building with four outdoor swimming pools to the east and a carpark to the west and south.'

3. The following historical summary is taken from page 10 of the Recommendation:

'Until the construction of a municipal pool in Koornang Park, residents of Caulfield City likely travelled to the nearby beaches and sea baths at Brighton, Mordialloc, Elwood and St Kilda. The demand for a more convenient swimming facility was apparent by the 1920s, with the Caulfield Racecourse and the abandoned Rosstown railway reserve on Booran Road as two locations proposed by residents. However, it was not until 1963 that Koornang Park was chosen as Caulfield City's first municipal swimming pool.

Between 1964 and early 1966, appointments were made for the construction of the place – ETN Stevens as consulting engineer, RW Woods for the construction of the pools and the installation of a recirculating water system, and Alfred W Hunt for the construction of the onsite facilities. The initial concept included a 55-yard main pool, built in accordance with Australian standards, a 16-foot-deep diving pool, an intermediate pool and a toddler pool. A memorial fountain was initially planned for the pool's entrance, but did not eventuate. The place was opened as the Caulfield War Memorial Swimming Pool on 19 November 1966 by the Mayor of Caulfield, EM Parton.

Since the early 1980s, various upgrades have occurred at Carnegie Swim Centre (Caulfield Memorial Swimming Pool) including the installation of a twin flume water slide (c.1981, removed c.2000s) and tennis courts (c.1981, removed c.2019), the conversion of the former women's change rooms to a carpeted fitness studio (1982), and the construction of a beach volleyball court (c.1990s, relocated c.2010s).'

4. While the above material is not endorsed by the Heritage Council, it has been considered by the Committee in making its determination.
5. Pursuant to the *Aboriginal Heritage Act 2006 (Vic)*, the Registered Aboriginal Party for the land on which the Place is located is the Bunurong Land Council Aboriginal Corporation.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

6. The Executive Director recommended to the Heritage Council, pursuant to section 37(1)(b) of the Act, that:
 - In accordance with section 49(1)(b) of the Act the Place is not of State-level cultural heritage significance and should not be included in the Register.
 - The Place may be of potential local significance and, pursuant to section 49(1)(c)(i) of the Act, the Heritage Council may wish to refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

7. After the Recommendation, notice was published by the Heritage Council on 19 November 2021 in accordance with section 41 of the Act for a period of 60 days.
8. Four (4) submissions were received by the Heritage Council pursuant to section 44 of the Act in response to the Recommendation ('section 44 submission/s'). Of the section 44 submissions received, three (3) submissions, received from the GECC, Mr Goldsworthy and Mr Canny, supported the Recommendation, while one (1) submission, received from Dr Stehle, objected to the Recommendation, and requested a hearing before the Heritage Council.
9. In accordance with section 46(2)(a) of the Act, a hearing was required to be held.
10. The Heritage Council Regulatory Committee ('the Committee') was constituted to consider the Recommendation and submissions received in response to it, and to make a determination pursuant to section 49 of the Act.
11. Prospective hearing participants were notified that a hearing would be conducted, and the Committee requested that all persons who wished to participate in the process lodge a completed *Heritage Council Form B – Registration Hearing Participation Form* ('Form B'). Three (3) interested parties responded that they wished to participate in the hearing process ('Hearing Participants').
12. The Committee advised Hearing Participants that a Heritage Council Registration Hearing ('the Hearing') would be held on 17 May 2022 and invited further written submissions.

HEARING HELD VIA VIDEOCONFERENCE

13. Prior to the Hearing, Hearing Participants were advised that the Microsoft Teams™ online platform would be used to conduct the Hearing by videoconference. Further specific technical guidance on how the Hearing would be conducted was provided.
14. On 17 May 2022 the Hearing was conducted using the Microsoft Teams online platform.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

SITE INSPECTION

15. On 16 May 2022, the Committee undertook a site inspection of the Place accompanied by the Heritage Council Hearings Manager. An officer of the GECC was also present for the purpose of facilitating access to the Place.
16. No submissions were made, sought, or received at the time of the site inspection.

DECLARATIONS OF INTEREST

17. The Chair invited Committee members to make declarations, written or otherwise, in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. Professor Goad and Ms Foley were satisfied that there were no relevant conflicts of interests and made no such declarations.
18. Mr Naylor declared that his current employer, Grassports Australia Pty Ltd, had previously been engaged by the GECC to undertake work within the City of Glen Eira. Mr Naylor noted that all contractual arrangements between the GECC and Grassports Australia were concluded prior to his employment with the latter.
19. Hearing Participants were invited to make submissions in relation to Mr Naylor's declaration. No submissions were made or received.

HEARING-RELATED CORRESPONDENCE RECEIVED

20. On 11 April 2022 a late Form B was received from Mr Justin Castelan, a local resident to Glen Eira, indicating that he sought to lodge a submission to the Hearing. The Committee ruled to accept Mr Castelan's Form B and afforded Mr Castelan until 22 April 2022 to lodge a submission to the Hearing.
21. On 20 April 2022 email correspondence was received from Mr Castelan in support of the Recommendation. On this date, Mr Castelan confirmed with the Heritage Council that, other than lodging the aforementioned email correspondence for the Committee's consideration, he did not wish to participate further in the matter. In accordance with *Heritage Council Protocol 1 – Registration Hearings* ('Protocol 1'), which states that '...other hearing-related correspondence received will be circulated...unless it is of a purely administrative nature', Mr Castelan's correspondence was provided to the Committee and all Hearing Participants.
22. Mr Castelan did not lodge written hearing submissions, appear, or make verbal submissions at the Hearing.

PARTICIPATION OF DR ROBERTS IN THE HEARING

23. On 23 February 2022, the GECC lodged Form B with the Heritage Council indicating that Dr Roberts would appear at the Hearing on behalf of the GECC and that, for the purposes of the Hearing, the GECC would not be lodging expert witness evidence.
24. On 19 April 2022, a report, prepared by Dr Roberts and titled 'Statement of Evidence', was tendered with the Heritage Council by the GECC. On 3 May 2022 the Heritage Council sought clarification from the GECC as to the participation of Dr Roberts in the Hearing, noting the GECC's Form B which set out that Dr Roberts was to appear at the Hearing on behalf of the GECC and *Heritage Council Protocol 6 – Expert Evidence* (Protocol 6), which states:

'...A person participating in a Hearing cannot be an expert witness, nor give expert evidence, for the purpose of that Hearing.'
25. On 4 May 2022, the GECC confirmed that it would be calling Dr Roberts as an expert witness at the Hearing and noted that Mr McDonagh would represent the GECC for the purposes of the Hearing.

CONSIDERATION OF DR ROBERTS' EVIDENCE

26. In giving evidence at the Hearing, Dr Roberts declared that she has professional association with the GECC, being contracted as a Heritage Advisor to provide independent heritage advice to the organisation.

27. Following the conclusion of the Hearing, the Heritage Council received correspondence from Dr Stehle, which, in reference to Dr Roberts' engagement by the GECC for the provision of independent heritage advice, stated that, in Dr Stehle's opinion, 'the independence of her opinion [in relation to the Hearing] is put in to doubt'. Dr Stehle requested 'that [Dr Roberts'] opinions be disregarded, or otherwise treated as not from an independent source'.
28. The Committee notes Dr Roberts' declaration as to her engagement by the GECC for the provision of independent heritage advice. The Committee also notes the correspondence received from Dr Stehle requesting Dr Roberts' expert evidence be disregarded. The Committee confirms that it has taken Dr Roberts' professional association with the GECC into consideration in making its determination.

LATE MATERIAL TO THE HEARING

29. On 8 May 2022, the Committee received a request from Dr Stehle for a copy of a Context Pty Ltd report in relation to the Place, dated September 2021 ('the 2021 Context Report'), referred to in Dr Roberts' *Statement of Expert Evidence*. The Committee agreed to the request, and on 11 May 2022 a copy of the report was received by way of the GECC and circulated to the Committee and all other Hearing Participants.
30. On 11 May 2022, Dr Stehle tendered late material to the Hearing, described by him as an 'online petition and associated list of supporters and statistics, and a list of supporters comments' ('the Change.org petition'). At that time the Chair of the Committee ruled to circulate the material to the Committee and all other Hearing Participants. Hearing Participants were afforded the opportunity to make verbal submissions at the Hearing in relation to the late receipt and circulation of this material. No such submissions were made or received and the Committee ruled to accept the late material.
31. During the Hearing, it was noted that an appendix to Dr Roberts' *Statement of Expert Evidence*, being her curriculum vitae, had been omitted from her report. In the days following the conclusion of the Hearing, Dr Roberts' curriculum vitae was received by way of the GECC and provided to the Committee and all Hearing Participants.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

32. It is not the role of the Committee to consider future proposals or to pre-empt any consideration of any potential future permit applications or other processes under the Act, or indeed any matters relating to *Planning and Environment Act 1987 (Vic)* ['P&E Act'] considerations. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and whether it is, or is not, to be included in the Register.

ISSUES

33. The following 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 that the Committee takes on each key issue.
34. Any reference to 'Criteria' or to a particular 'Criterion' refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 4 April 2019) ['Criteria for Assessment']. Please refer to **Attachment 1**.

35. The Committee has referred to the assessment framework and ‘steps’ in *The Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 3 December 2020) [‘the Guidelines’] in considering the issues before it. Any reference to ‘steps’ 1 or 2, ‘exclusion guidelines’ or ‘threshold for inclusion’ refers to the Guidelines.

SUMMARY OF ISSUES

36. The Executive Director recommended that the Place not be included in the Register. The Executive Director found that the Place, as a local community swimming facility and local, functional war memorial, was not of cultural heritage significance at the State level in relation to any of the Criteria.
37. Dr Stehle objected to the Recommendation, advocating for the inclusion of the Place in the Register. Dr Stehle submitted that the Place meets the State-level threshold and warrants inclusion in the Register in relation to each of Criteria A, B, D, E, G and H, respectively. It was Dr Stehle’s position that the Recommendation mistakenly compares the Place to indoor, architect-designed swimming pools and that the Place, as an outdoor engineer-designed swimming pool, warrants inclusion in the Register when compared to other, similar facilities.
38. The GECC relied on the evidence of Dr Roberts for the purposes of the Hearing. It was Dr Roberts’ evidence that she concurred with the Recommendation that the Place does not meet the State-level threshold for inclusion in the Register. Dr Roberts further gave evidence that the Place ‘possesses [local] historical and social heritage significance to the City of Glen Eira’.

CRITERION A – IMPORTANCE TO THE COURSE, OR PATTERN OF VICTORIA’S CULTURAL HISTORY

Summary of submissions and evidence

39. The Executive Director assessed the Place in relation to Criterion A for a direct association with the development of municipal swimming pools and functional war memorials in post-war Victoria.
40. The Recommendation assessed that the construction of post-war municipal swimming pools, influenced by the 1956 Melbourne Olympic Games, is of historical importance in Victoria, having made a strong contribution to the recreational lives and water safety education of Victorians. The Executive Director found that the association of the Place to this phase is evident in the fabric of the Place, including in its overall design and layout, utilitarian amenity building, pools of varying sizes and depths, diving tower, grassed lawns, and municipal recreation reserve setting. However, the Executive Director assessed that over 170 outdoor municipal swimming complexes, all constructed across the State throughout this period, ‘share’ similar characteristics with the Place. It was the view of the Executive Director that the ‘great majority’ of these places allow an association with the development of outdoor municipal swimming pools to be understood in a similar way to the Place, including at complexes such as the Pakenham Pool (1962), the Garfield Public Pool (1963), the Koo Wee Rup & District Memorial Swimming Pool (1974–5), the Coburg Pool (1965) and the Doveton Pool (1968).
41. The Executive Director also assessed that the ‘manner in which towns and suburbs in Victoria have memorialised those who served and died in war’ is of historical importance in Victoria, with the construction of ‘practical’ amenities as war memorials representing communities’ ‘evolving views’ on the memorialisation of the world wars in the post-war era. The Recommendation found that the association of the Place with the development of functional war memorials is evident in

documentary sources, in the name of the Place, and in commemorative plaques attached to the entrance building at the Place. However, the Executive Director assessed that a 'great number' of community facilities were constructed as war memorials in Victoria following World War II and, of these, more than 30 memorial swimming pools remain extant today. Comparing the Place to other functional war memorials, including but not limited to the 'particularly outstanding example' of the Dunkeld Memorial Park and Pool (c.1960), as well as the Seymour War Memorial Swimming Pool (1965–66), the Rutherglen War Memorial Pool (c. 1949) and the Yackandandah Memorial Pool (c. 1949), it was the view of the Executive Director that such places allow the association with functional war memorials to be understood in a similar or better way than the Place, memorialising soldiers, and the wars, via not only place names and plaques, as seen at the Place, but a range of other features including memorial gates, fountains, cenotaphs, reflective pools, objects, historical interpretation, and monuments.

42. The Executive Director recommended that Criterion A is not likely to be satisfied at the State level.
43. In objecting to the Executive Director's assessment that the Place does not warrant inclusion in the Register, Dr Stehle submitted that there are 'no post-war outdoor memorial swimming pools as good as [the Place] in Victoria'. In support of this position, Dr Stehle submitted that the Place 'is recognised in many publications, media articles and petition signatories as being of great local, statewide and national significance'. It was Dr Stehle's opinion that, as the 'best example' of a 'rare typology', the evidence that the Place satisfies the State-level threshold in relation to Criterion A 'is overwhelming'.
44. Dr Stehle further submitted that the Recommendation incorrectly compares the Place to 'facilities of far lesser quality and size', many of which, in the opinion of Dr Stehle, are 'closed most of the time and in remote locations which are only understand [sic] by a few locals and clearly not worthy enough to attract many non-local visitors even if possessing a strong heritage motivation'.
45. It was Dr Roberts' evidence, relied on by the GECC for the purposes of the Hearing, that while the memorial function of the Place should be acknowledged in assessing its cultural heritage significance, this should be considered secondary to the association of the Place with the development of municipal swimming pools in the post-war period. It was the opinion of Dr Roberts that, when compared to other, similar post-war municipal swimming pools, she did not believe that 'adequate evidence' had been uncovered or provided throughout the course of the Hearing to demonstrate that the Place is 'a preeminent historical example of its type' for inclusion in the Register in relation to Criterion A.
46. In response to Dr Stehle's submission that the Executive Director's comparative examples for assessing the historical significance of the Place were inadequate, it was Dr Roberts' opinion that the Executive Director's examples 'are all directly comparable with the [Place] in historical terms', all demonstrating for Dr Roberts, a 'clear association with a common historical period and function'. Dr Roberts' *Statement of Expert Evidence* did not provide a comparative analysis of the Place at the State level. However, Dr Roberts relied on the 2021 Context Report in relation to the Place which assessed the cultural heritage significance of the Place at the local level. Although noting that there is a 'general under acknowledgement' of the type of place at both the state and local level, this report assessed the historical significance of the Place as comparable at the local level to that of the Pakenham Pool, the Koo Wee Rup & District Memorial Swimming Pool, the Garfield Public Pool, the Coburg Pool, and the Oakleigh Pool. The 2021 Context Report assessed that the Place is of local historical significance to the City of Glen Eira.

Discussion and conclusion

- 47.** The Committee, broadly, agrees with the Executive Director's assessment of the Place in relation to Criterion A. The Committee accepts that the Place has an association with the development of municipal swimming pools and functional war memorials in post-war Victoria and that these phases are of importance to the course or pattern of Victoria's cultural history.
- 48.** The Committee agrees that the association of the Place to the development of municipal swimming pools in the post-war era is evident in the fabric of the Place, including in its overall design and layout, utilitarian amenity building, pools of varying sizes and depths, diving tower, grassed lawns, and municipal recreation reserve setting. The Committee was not convinced by Dr Stehle's submission that the size of the Place elevates its significance at State level in relation to Criterion A, noting that the comparative examples provided by the Executive Director and Dr Roberts for the purposes of assessing the cultural heritage significance of the Place were of varying sizes. The Committee is also of the view that it was not provided with sufficient evidence to confirm Dr Stehle's position that no other post-war outdoor memorial swimming pool in Victoria is 'as good as' the Place, nor that other, similar, places are only understood, frequented, or appreciated 'by locals'. Having considered the Executive Director's comparative examples, the Committee accepts that many facilities retain similar characteristics as the Place and the Committee is of the view that, in this instance, no submission, information or evidence before it demonstrated that the Place allows an association with the development of outdoor municipal pools to be better understood than most other places with a similar association in Victoria.
- 49.** The Committee accepts the position of the Executive Director that a high number of functional war memorials remain extant across the State, including more than 30 memorial swimming pools. The Committee was not convinced by Dr Roberts' evidence that the association of the Place with the development of functional war memorials in the post-war era should be considered secondary to its association with the development of outdoor municipal swimming pools. The Committee is of the view that the memorial function of the Place is a notable aspect of its cultural heritage. However, the Committee accepts the position of the Executive Director that, when compared to other memorial swimming pools built to include a range of memorial elements including gates, fountains, reflective pools, cenotaphs and objects, such as the Dunkeld Memorial Park and Pool, the Seymour War Memorial Swimming Pool, the Yackandandah Memorial Pool, the memorial elements evident at the Place do not allow the phase of the development of functional war memorials to be understood better than most other places with substantially the same association. The Committee does not accept Dr Stehle's position that the Place is the 'best example' of its type in the State, noting that, in this instance, no evidence was provided by Dr Stehle throughout the course of the Hearing to corroborate this position. The Committee is of the view that the association of the Place with the development of functional war memorials, in particular memorial swimming pools, is better understood at other places.
- 50.** The Committee finds that Criterion A is not satisfied at the State level.

CRITERION B – POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF VICTORIA’S CULTURAL HISTORY

Summary of submissions and evidence

51. In assessing the Place in relation to Criterion B, the Executive Director set out that the Place has a clear association with the construction of municipal swimming pools in Victoria in the post-war era and, while this association is evident in the fabric of the Place and in documentary sources, the Place is ‘one of approximately 170 similar places that can be found in towns and suburbs across Victoria that also demonstrate this phase’. It was the position of the Executive Director that most post-war municipal swimming complexes in Victoria, including the Place, exhibit characteristics that were widely replicated across the State. In particular, the Executive Director noted that while less common in regional areas, diving pools, like that at the Place, remain extant at other post-war pools in metropolitan Melbourne, including at Malvern, Coburg, and Oakleigh.
52. The Executive Director recommended that the Place is not likely to meet the State-level threshold in relation to Criterion B.
53. In support of the inclusion of the Place in the Register for possession of uncommon, rare, or endangered aspects of Victoria’s cultural history, Dr Stehle submitted that the Place meets the State-level threshold in relation to Criterion B on the basis that of the *City of Glen Eira Post-War & Hidden Gems Heritage Review 2020* (*Glen Eira Post-War Heritage Review*), prepared by Built Heritage Pty Ltd for the GECC, refers to the Place as one of a ‘rare typology’¹. It was also the position of Dr Stehle that several features of the Place, including the ‘diving board structure’, the format of the utilitarian bathrooms, office, and plant rooms and the ‘red brick buildings, paving and tiling materials’, are all rare within this ‘typology’ and, in the opinion of Dr Stehle, ‘such a comprehensive range of period amenities’ is ‘uncommon/rare’.
54. In response to the submissions of Dr Stehle, it was the position of the Executive Director that it was not the purpose of the *Glen Eira Post-War Heritage Review* to identify places within the City of Glen Eira that are of State-level cultural heritage significance. The Executive Director acknowledged that the Place, as an outdoor post-war municipal swimming pool, may be uncommon within the ‘metropolitan Melbourne’ region but, the Executive Director submitted, ‘this is not the test for establishing cultural heritage significance at the State level’.
55. The GECC relied on Dr Roberts’ *Statement of Expert Evidence* in relation to Criterion B. Dr Roberts agreed with the Recommendation that the Place does not meet the State-level threshold for inclusion in relation to this Criterion. In reference to Dr Stehle’s statement that the *Glen Eira Post-War Heritage Review* refers to the Place as of a ‘rare typology’, Dr Roberts gave evidence that ‘this statement has been taken out of context’ by Dr Stehle in submissions to the Hearing. It was Dr Roberts’ opinion that while the typology of the Place is ‘relatively uncommon’ insofar as a ‘restricted number of such facilities were typically built in any one local area’, ‘within a Victorian rather than local context the type hardly qualifies as rare’.
56. Dr Roberts further gave evidence that the characteristics of the Place are not rare or uncommon, nor, in her opinion, is the brick construction or concrete tiling at the Place uncommon for its type, with ‘many comparative examples display[ing] a similar array of amenities and a similar planning format’, including the Pakenham Swimming Pool, the Koo Wee Rup & District War Memorial Swimming Pool, the Garfield Public Pool, the Coburg Pool, the Oakleigh Pool and the Doveton Pool.

¹ J. Stehle, *Heritage Council Form A – Submission to the Heritage Council*, 27 November 2021, pg 4.

Discussion and conclusion

57. The Committee notes Dr Stehle's submission that the Place warrants inclusion in the Register for the possession of rare, uncommon, or endangered aspects of Victoria's cultural history. The Committee acknowledges that Dr Stehle's position in relation to Criterion B relied on reference to the Place in the *Glen Eira Post-War Heritage Review* as one of a 'rare typology'. However, having reviewed the relevant section of the *Glen Eira Post-War Heritage Review*, the Committee agrees with Dr Roberts that this statement has been taken out of context. The Committee notes that the stated purpose of the *Glen Eira Post-War Heritage Review* was to identify and protect 'outstanding heritage sites' within the municipality, in particular, 'underrepresented architectural...styles and periods'. The Committee also notes that the reference to the Place in the report sets aside the Place from further heritage assessment, stating:

'The Carnegie Swimming Pool (1962), while technically rare in a typological sense, was deemed to be of limited architectural significance, and thus eliminated from further consideration.'

58. The Committee agrees with the Executive Director and Dr Roberts that the class of place may be uncommon in a local context or indeed in metropolitan Melbourne. However, the Committee finds that, in this instance, no information, submission, or evidence before it demonstrated that the Place, or indeed the class of place, possesses uncommon, rare, or endangered aspects of Victoria's cultural history at the State level for inclusion in the Register.
59. The Committee further agrees with Dr Roberts that many of the elements of the Place, including the diving board structure, the progressive layout of the pools, spectators' hill, and crazy paving, are characteristic of the class of place and are not rare or uncommon, being readily identifiable at many other places in the class, particularly in metropolitan Melbourne.
60. The Committee agrees with the Executive Director that, for the purposes of Criterion B, the Place cannot be considered rare, uncommon, or endangered and finds that Criterion B is not satisfied at the State level.

CRITERION D – IMPORTANCE IN DEMONSTRATING THE PRINCIPAL CHARACTERISTICS OF A CLASS OF CULTURAL PLACES AND OBJECTS

Summary of submissions and evidence

61. In assessing the Place in relation to Criterion D, the Executive Director noted that functional war memorials 'took many forms', including but not limited to community halls, bowling clubs, swimming pools, and other civic facilities. The Recommendation set out that while such places share an association with the phase of construction of war memorials following the world wars, they 'belong to different classes of place and have varying principal characteristics'. The Executive Director, therefore assessed the Place in relation to Criterion D in the class of post-war municipal swimming pools.
62. As set out above in relation to Criterion A, the Executive Director assessed that the construction of municipal swimming pools in the post-war era is of historical importance, having 'made a strong contribution' to Victoria. In relation to Criterion D, the Recommendation found that the principal characteristics of the class are evidenced in the physical fabric of the Place, including in its:
- Low-profile, rectilinear brick entry building, reflecting the priorities of the post-war years and

- Restrained landscaping, optimising the safety of patrons and maintenance.
63. In assessing the Place under step 2 of this Criterion, however, the Executive Director found that the Place ‘cannot be described as a notable example of its class’. It was the position of the Executive Director, noting Reference Tool D in the Guidelines, that the principal characteristics of municipal swimming pools were ‘already widely replicated’ at municipal pools across Victoria by the time of the construction of the Place and that the economic priorities of the post-war years and a desire to cater to the specific needs of the community ‘can also be appreciated’ across similar places within the State. It was for these reasons that the Executive Director assessed that the Place cannot be considered a fine, influential, or pivotal example of its class. It was also the position of the Executive Director that while the Place is ‘reasonably intact’ this is not sufficient to determine whether or not the Place is ‘notable’ at the State level for its intactness, as required by this Criterion.
64. The Executive Director recommended that the Place is not likely to meet the State-level threshold in relation to Criterion D for inclusion in the Register as a notable example of a post-war municipal swimming pool.
65. Although not submitted directly in relation to Criterion D, it was the position of Dr Stehle that, as post-war municipal swimming pool complexes were usually designed by local government-engaged engineers, rather than architects, the class of the Place should be considered ‘engineer-designed facilities’. It was Dr Stehle’s position that engineer-designed facilities ‘should be protected as a matter of higher priority than architect-designed pools’ and that the Place meets the State level threshold for inclusion in the Register in relation to Criterion D as a fine example of this class.
66. Dr Stehle submitted that the Place exhibits a large number or range of characteristics typical of the class, retaining,
- ‘the most comprehensive collection of characteristics of the typology in Victoria on the one site including the diving boards, multiple pools, building structures, iron features and fencing, paving and spectator hill’.*
67. In addition, Dr Stehle submitted that Place displays characteristics that are of a higher quality than typical of the class in its iron fencing, red brick entrance building, paving, and tiling and, in the view of Dr Stehle, such characteristics are easily understood or appreciated on the basis that,
- ‘the site is easily accessible to large amounts of visitors, is well viewed from the spectator hill, is in a largely original condition, and is not hidden by any renovations’.*
68. Finally, Dr Stehle took issue with the Executive Director’s consideration of the intactness of the Place in relation to Criterion D, submitting that the Place should be considered ‘highly intact’ and warrants inclusion in the Register in relation to Criterion D on this basis.
69. Responding to Dr Stehle’s submission that the Place should be considered within the class of ‘engineer-designed facilities’, Dr Roberts gave evidence that, regardless of whether a place is designed by an architect or an engineer,
- ‘the key question to be answered...is whether the Place is a ‘NOTABLE EXAMPLE’ of a postwar public swimming pool complex within a statewide context. The idea of a sub-categorical splitting off post war swimming pools into those designed by architects and those designed by engineers is unhelpful here’ (original emphasis).*

70. In response to the submissions of Dr Stehle in relation to Criterion D, it was Dr Roberts' opinion that there is no evidence to suggest that the 'generic characteristics' of the post-war municipal swimming pool typology demonstrated by the Place were 'formative, influential or pivotal to the development or evolution of the type within the Victorian context'. Dr Roberts gave evidence that, in her opinion, the characteristics of the class evident at the Place are 'typical' and 'not uncommon'. In relation to the intactness of the Place, it was Dr Roberts' position that,

'...With a moderate level of intactness marred by incremental alterations and accretion, the [Place] is not particularly notable when compared to other examples'.

71. Finally, in response to Dr Stehle's submission that the Place is highly intact and warrants inclusion in the Register on this basis, the Executive Director submitted that he agreed with Dr Stehle that the Place is a highly intact example of a post-war municipal swimming pool but reiterated his view that places and objects should not be included in the Register on the basis of intactness alone. When questioned by the Committee during the Hearing as to the representativeness of post-war municipal swimming pools in the Register, Mr Austin submitted that the Executive Director has recently accepted a number of nominations for the inclusion of municipal pools in the Register, all of which display similar characteristics, and represent the class in many similar ways. It was Mr Austin's position, submitted on behalf of the Executive Director, that, with such a high degree of similarity across the class, it was difficult to posit what elements or characteristics may elevate one place, or a selection of places, to the threshold of State-level significance.

Discussion and conclusion

72. The Committee is of the view that, for the purposes of assessing the representativeness of the Place in relation to Criterion D, the appropriate class of place is that of post-war municipal swimming pools. The Committee agrees with Dr Roberts that, in this instance, the dissection of the class into 'architect-designed' and 'engineer-designed' subcategories does not aid the assessment of the cultural heritage significance of the Place.
73. The Committee was not convinced by the Executive Director's position that, due to the high degree of similarity in the class of post-war municipal swimming pools, it is difficult to posit what might elevate one or some places within the class to the threshold for State-level significance. The Committee is of the view that, despite similarities across the class, the Guidelines provide sufficient scope for the elevation of one or more examples to State-level significance in any class of place or object; examples could include, the first of a class which directly influenced the design or construction of subsequent examples, an example that encapsulates a key evolutionary stage in the development of a class, or, perhaps, an example that displays higher quality characteristics of historical relevance than typical for a class.
74. Notwithstanding this, the Committee was not convinced, on the information, evidence, and material before it, that the Place is a notable example of a post-war municipal swimming pool. The Committee disagrees with Dr Stehle that the Place is a fine example of the class, noting that it was not provided with any material to corroborate Dr Stehle's position that the Place retains 'the most comprehensive collection of characteristics' of the class within the State. In relation to Dr Stehle's submission that the Place is a fine example of its class on the basis that the principal characteristics of the class are 'easily accessible' and 'well viewed' at the Place, the Committee notes that reference to 'easily understood/appreciated' in the Guidelines refers not to the visibility or functional accessibility of such characteristics, but in fact requires the principal characteristics of the class to be of

such a quality as to allow the cultural heritage significance of the class to be easily understood.

- 75.** Finally, the Committee notes Dr Roberts' position that the Place is 'moderately' intact, and the position of Dr Stehle, accepted by the Executive Director throughout the course of the Hearing, that the Place is 'highly intact'. The Committee, having reviewed the material before it and having undertaken a site inspection of the Place, disagrees with Dr Stehle that, for the purposes of Criterion D, the Place can be considered 'highly intact'. Noting the range of changes that have been undertaken at the Place over time, the Committee agrees with Dr Roberts that the Place should be considered 'moderately' intact. Notwithstanding this, in this instance, the Committee was not convinced on the information, material and evidence before it, that the intactness of the Place is notable at the State level for inclusion in the Register in relation to Criterion D.
- 76.** The Committee finds that the Place is not a notable example of its class, not being a notable at the State level as a fine, highly intact, influential, or pivotal example of its class. The Committee finds that Criterion D is not satisfied at the State level.

CRITERION E – IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS

Summary of submissions and evidence

- 77.** The Executive Director, in assessing the Place in relation to step 1 of Criterion E, found that the Place exhibits particular aesthetic characteristics associated with the era of its design, namely in its:
- Low-profile, rectilinear brick entry building, reflecting the economic austerity of the post-war years.
 - Restrained landscaping, optimising the safety of patrons and maintenance and areas of crazy paving.
- 78.** However, in assessing the Place in association with step 2 of this Criterion, the Recommendation found that although appreciated by the local community, the aesthetic qualities of the Place have not received the critical recognition or wide public acknowledgement of exceptional merit required to meet the threshold for inclusion in the Register. The Executive Director recommended that the Place is not likely to meet the State-level threshold in relation to Criterion E.
- 79.** In support of the inclusion of the Place in the Register for aesthetic significance in relation to Criterion E, Dr Stehle submitted that,
- 'there is wide public acknowledgement of exceptional merit in Victoria in medium such as print media, in particular via publications in The Age (1999), The Herald Sun (2019, 2021) and The Sydney Morning Herald (2016). Furthermore, overwhelming widespread petition support on the Change.org platform from across Victoria provides further substantiation'.*
- 80.** In verbal submissions to the Hearing, Dr Stehle submitted that the 2021 Change.org petition launched in response to the decommissioning of the Place highlighted that the aesthetic characteristics of the Place were 'highly valued' by the community.
- 81.** In response to the submission of Dr Stehle, the Executive Director submitted that although the Place has been mentioned in various state and national print media articles, this is also applicable to many other places in the class. The Executive Director was of the view that the print media articles referred to by Dr Stehle

‘constitute limited public recognition’ of the aesthetic qualities of the Place and do not demonstrate that these qualities exceed those of its class.

82. Glen Eira adopted Dr Roberts’ evidence in relation to Criterion E. Dr Roberts agreed with the position of Executive Director and further stated that,

‘...citation of these [print media] sources does not constitute an assessment of the aesthetic characteristics of the [Place] and its setting. They do not substantiate the application of Criterion E at State-level’.

Discussion and conclusion

83. The Committee agrees with the Executive Director that although the Place exhibits particular aesthetic characteristics associated with the era of its design, these qualities have not received the critical recognition or wide public acknowledgement of exceptional merit required to meet the State level threshold for inclusion in the Register.
84. The Committee acknowledges that the Place has been mentioned in print media articles on several occasions since the 1990s. However, in reference to exclusion guideline XE1, for a place or object to be included in the Register in relation to Criterion E, there must be evidence to demonstrate that the aesthetic characteristics of a place or object exceed those of the general class to which it belongs. The Committee agrees with the Executive Director and Dr Roberts that the evidence provided throughout the course of the Hearing does not demonstrate that the aesthetic characteristics of the Place exceed those of other, similar places nor that such characteristics are appreciated or valued by the wider community or an appropriately related discipline.
85. The Committee finds that Criterion E is not satisfied at State level.

CRITERION G – STRONG OR SPECIAL ASSOCIATION WITH A PARTICULAR PRESENT-DAY COMMUNITY OR CULTURAL GROUP FOR SOCIAL, CULTURAL OR SPIRITUAL REASONS

Summary of submissions and evidence

86. In assessing the Place in relation to step 1 of Criterion G, the Executive Director found that there is evidence of a strong attachment between the Place and the ‘local community in the present-day context’. Referring to the Change.org petition in relation to the Place, the Recommendation also noted that the Place resonates as a ‘local war memorial’. However, in assessing the Place in relation to step 2 of Criterion G, the Recommendation found that:

‘While deeply valued by the local community, there is no evidence that the social value of the [Place] resonates at a State level. It is unlikely that the social value of the [Place] has exerted an influence beyond the local community’.

87. The Executive Director recommended that the Place is not likely to meet the State-level threshold in relation to Criterion G.
88. In supporting the inclusion of the Place in relation to Criterion G, Dr Stehle submitted that reference to the Place in print media as well as the responses received to the Change.org petition, demonstrate that the Place meets the State-level threshold for inclusion in the Register in relation to this Criterion. Further, Dr Stehle submitted that the National Trust of Australia (Victoria)’s *World War II at*

Home – Response, Reflection and Rejuvenation project² ‘shows that the [Place] is an important cultural experience that forms part of the fabric of our society’.

89. In response to the submissions of Dr Stehle, the Executive Director acknowledged that ‘there is a deeply felt attachment between the [Place] and some in the local community’. However, referring to the Heritage Council’s *Guidance on identifying places and objects of state-level social value in Victoria* (2019) [*Guidance on social value*], it was the position of the Executive Director that the Change.org petition arose in response to the proposed development of the Place and cannot be considered as evidence of a long-standing attachment between the Place and the community. It was the position of the Executive Director that the strongest attachment to the Place is found within the local, Carnegie community, and ‘this is likely the case of the vast majority of similar facilities across the state’.
90. It was the opinion of Dr Roberts, relied on by the GECC for the purposes of the Hearing, that while non-local responses to the Change.org petition were received, and the Place ‘may well have received mention’ in print media articles, ‘this does not in and of itself demonstrate the required ‘strong or special associations with a particular present-day community or cultural group for social, cultural or spiritual reasons’, for inclusion in the Register in relation to Criterion G. In response to Dr Stehle’s submission that the *World War II at Home – Response, Reflection and Rejuvenation* project demonstrates the social importance of the Place, Dr Roberts gave evidence that, in relation to swimming facilities, this resource focuses on the design of the 1956 Olympic Swimming Stadium (H1977) and makes no mention of the Place.

Discussion and conclusion

91. The Committee notes the position of Dr Stehle that the Place warrants inclusion in the Register in relation to Criterion G on the basis that the Place has received recognition in state and national print media and that non-local responses were received to the Change.org petition. The Committee, however, notes the Heritage Council’s *Guidance on social value*, which sets out that while the intensity and nature of a community’s attachment to a place or object may be dynamic and may vary over time, attachment ‘as a response to proposed change should not in and of itself necessarily be accepted as evidence of social value’. The Committee agrees with the Executive Director and the evidence of Dr Roberts that the Change.org petition initiated in response to the decommission and potential redevelopment of the Place does not demonstrate that the social value of the Place resonates across the broader Victorian community as part of a story that contributes to Victoria’s identity.
92. The Committee also notes that while the *World War II at Home – Response, Reflection and Rejuvenation* project demonstrates the importance of the function of municipal swimming pools broadly in the post-war period, the Committee agrees with Dr Roberts that this resource, which makes no reference to the Place, cannot be considered evidence for the social value of the Place itself at State level.
93. The Committee agrees with the Executive Director’s assessment that, in this instance, while valued by the local community, there is no evidence that the social value of the Place resonates across the broader Victorian community and finds that Criterion G is not satisfied at the State level.

² National Trust of Australia (Victoria), 2020, <https://wwiiathome.com.au/index.html>.

CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA’S HISTORY

Summary of submissions and evidence

- 94.** In relation to Criterion H, the Recommendation assessed that the Place has a direction association with former local swimming instructor John Robert Beddoe (1941–1997). It was the view of the Executive Director that although Beddoe made a valuable contribution to the water safety education of the local community, ‘this contribution cannot be said to have resonated across Victoria more broadly’. The Executive Director recommended that the Place is not likely to meet the State-level threshold in relation to Criterion H.
- 95.** In written submissions to the Hearing, Dr Stehle submitted that step 1 of Criterion H is satisfied in relation to the Place for an association ‘with the memorial of soldiers who served in the world wars’. Subsequently, it was Dr Stehle’s position that step 2 of this Criterion is satisfied and the Place warrants inclusion in the Register on the basis that the Place ‘allows the clear association with the person or group of persons to be readily appreciated better than most other places or objects in Victoria of the typology’.
- 96.** In response to Dr Stehle’s submissions, the Executive Director acknowledged the ‘strong contribution’ made by WWI and WWII soldiers to the course of Victoria’s history, noting that most towns and suburbs in Victoria commemorate those who served in the world wars. It was the view of the Executive Director, however, that the role of the Place as a memorial to soldiers who served in the world wars is better understood in relation to Criterion A and the cultural history of the Place, rather than Criterion H for an association with the life or works of a person or group of persons.
- 97.** Again, the GECC relied on Dr Roberts’ *Statement of Evidence* in relation to Criterion H. It was Dr Roberts’ opinion that, despite the function of the Place as a war memorial, no evidence was provided or came to light throughout the course of the Hearing to demonstrate that the Place has a direct association with the life or works of soldiers who served in either of the world wars. Dr Roberts also set out that no association between the Place and a specific cohort of soldiers, any individual soldiers, or indeed the Australian armed forces more broadly ‘is evident in the physical fabric of the place, in documentary sources or in oral history’ to demonstrate that the Place meets the threshold for satisfying Criterion H at State level.
- 98.** In response to the submissions of Dr Stehle, it was Dr Roberts’ evidence that a large number of ‘fine examples’ of local, functional and non-functional war memorials remain extant in Victoria today. Given this, it was the view of Dr Roberts that,

‘...Even if a direct association of the Carnegie Swim Centre with the soldiers who fought in the war could be substantial [sic] it is highly unlikely that the [Place] would demonstrate this association better than most other places or objects in Victoria’.

Discussion and conclusion

- 99.** The Committee notes the submissions of Dr Stehle that the Place, as a war memorial, has an association with soldiers who served in the world wars. The Committee, however, agrees with the Executive Director that this association should more appropriately be considered in relation to Criterion A, rather than Criterion H. The Committee agrees with Dr Roberts that no evidence came to light

throughout the course of the Hearing demonstrate that the Place has a special association with the life or works of any individual soldier, group of soldiers, or indeed the Australian armed forces.

- 100.** The Committee finds that Criterion H is not satisfied at the State level.

OTHER CRITERIA

Summary of submissions and evidence

- 101.** In addition to the above assessment of the Place in relation to Criteria A, B, D, E, G and H, the Executive Director also assessed the Place in relation to all other Criteria, namely Criteria C and F. The Recommendation found that the Place is unlikely to meet the State-level threshold for inclusion in the Register in relation to these Criteria, for the reasons set out below.
- 102.** In relation to Criterion C, the Executive Director found that it is unlikely that the Place contains physical evidence of historical interest that is not currently visible or understood, with the form, function and cultural heritage values of the Place being clearly evidence in its physical fabric and in documentary sources.
- 103.** In assessing the Place in relation to Criterion F, the Executive Director noted that while the Place retains a high degree of integrity, it does not demonstrate creative or technical achievement for the time in which it was built, exhibiting design principles and construction techniques 'commonly used in the immediate post-war years'.
- 104.** No participant to the hearing advanced submissions or evidence that the Place should be included in the Register for State-level cultural heritage significance in relation to these Criteria.

Discussion and conclusion

- 105.** The Committee agrees with the Executive Director's assessment of the Place in relation to Criteria C and F, noting that no evidence or submissions received throughout the course of the Hearing demonstrated that the Place should be included in the Register for State-level cultural heritage significance in relation to these Criteria. The Committee finds that Criteria C and F are not satisfied at the State level.

SECTION 49(1)(C)(I) REFERRAL TO GLEN EIRA

Summary of submissions and evidence

- 106.** In recommending the Place not be included in the Register, the Executive Director also recommended that, in the event that the Heritage Council determine not to include the Place in the Register, it may wish to consider exercising its powers pursuant to section 49(1)(c)(i) of the Act and refer the Recommendation to Glen Eira for consideration for an amendment to the Heritage Overlay of the Glen Eira Planning Scheme.
- 107.** It was Dr Roberts' evidence, relied on by the GECC for the purposes of the Hearing, that although the Place does not meet the threshold for inclusion in the Register for significance at the State level, it does appear to 'possesses historical and social heritage significance' at the local level.
- 108.** In verbal submissions to the Hearing Dr Stehle submitted that, at the least, the Place should be included in the Heritage Overlay of the Glen Eira Planning Scheme

but reiterated his position that the most appropriate protection for the cultural heritage values of the Place is its inclusion in the Register.

Discussion and conclusion

- 109.** The Committee notes that it is not within its remit to determine whether or not the Place is of cultural heritage significance at a local level. The Committee, however, is of the view that, in this instance, given the current lack of permanent heritage controls for the Place in the Glen Eira Planning Scheme, it is appropriate for the Recommendation to be referred to the GECC.
- 110.** The Committee therefore determines to refer the Recommendation and all submissions received to the GECC for consideration for an amendment to the Glen Eira Planning Scheme.

CONCLUSION

- 111.** After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(b) of the *Heritage Act 2017*, that the Carnegie Swim Centre, located at Moira Avenue, Carnegie, Glen Eira City Council, is not of State-level cultural heritage significance and is not to be included in the Victorian Heritage Register. The Heritage Council refers the Recommendation and all submissions to Glen Eira City Council for consideration for an amendment to the Glen Eira Planning Scheme.

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 December 2012

end