

Carlton Gardens Group's Submission to Productivity Commission 8th August 2005

Position

The Carlton Gardens and the Royal Exhibition is World Heritage listed and is the first site on the Australian Government's new National Heritage List. The Gardens are substantially degraded and many significant heritage features have been lost. There are no agreed standards required for the Gardens. Funding for capital improvements and recurrent management is inadequate. The present custodial arrangements have failed to protect the site. Accountabilities have not been set up between the three levels of government responsible. Its continued use for high impact events is inappropriate and causes further damage to the Gardens, the natural assets.

The Carlton Gardens/REB site is a test case for the effectiveness of the legislation and government as custodians, to protect our national heritage. To this point there is no evidence that the listings are going to ensure the Gardens' future as a heritage site.

Unless the Carlton Gardens are looked after, the non replacable natural asset will be lost, the public and visitors will not be attracted and the economic benefit will not flow.

Solutions:

- Policies and mechanisms in place that ensure all three level of government work together.
- An agreed definition for standards required for the Gardens as a world heritage and national estate site.
- Formal and effective accountabilities in place including an audit regime.
- Funding for capital to restore significant heritage elements and to accommodate contemporary uses including by Museum Victoria.
- Formal community involvement at strategic and operational levels of site's management.

Heritage Gardens or an Event Site?

The Melbourne International Flower and Gardens Show (MIFGS) has been held in the southern part of Carlton Gardens since 1999. The use of the Gardens by MIFGS. is of great concern to community groups and some members of the public. The MIFGS is classed as a major Melbourne event and as such the damage to the Gardens and the loss of public amenity is tolerated by the City of Melbourne. This event is a clear example of the contradictions between government's commitments to heritage values and pressure by business.

The grass roots reality is that each year the Gardens are treated as a construction site and take months to recover. Funding goes into repairs instead of improvements. Surely this is not sustainable?

Key Issues concerning MIFGS use of the Gardens:

- **Heritage** The heritage listed Carlton Gardens are not the place for MIFGS
 - The MIFGS damages the Gardens, is an inappropriate use and excludes the public from access and amenity for much of the year
 - Use by MIFGS is in direct conflict with statutory responsibilities and Council's policies.
 - No evidence that Council has the approval of the Commonwealth Min of Environment and Heritage to licence MIFGS
 - No evidence that State Executive Director of Heritage Victoria has granted a permit exemption for MIFGS works/constructions in Gardens
 - Does MIFGS licence comply with the Crown Land Reserves Act for uses and public access?
 - Council's master plan states no commercial event but MIFGS. It allows MIFGS as a modern expression of exhibition. This justification is fundamentally flawed: During the periods of site's significance, southern Gardens were pleasure gardens and of botanic standard. No built forms were in the Gardens.
 - Deliberate damage of heritage gardens can not be justified or tolerated

- **Conflicted roles:** Council and State Government are potentially in positions of conflict.
 - As custodians both are required by statutes to value heritage and protect the Gardens
 - Yet both Premier and Council accepted exhibits from MIFGS eg Terry Bracks Garden and Celestial Garden. Both were high impact exhibits built into the lawns and were contrary to licence conditions. Surely Council should lead by having its exhibit on hard surface?
 - As licensor Council required by licence to ensure compliance.
 - The licence defines event as horticultural – it does not include for example new motor vehicle displays or promotions, or sale of display buildings
 - Council allows many infringements of this licence condition
 - Clause 1.15 - no damage to gardens. All exhibits including tents caused some compaction to lawns. Many exhibits of heavy constructions involved supporting foundations being dug into the lawns. 150,000 visitors to the MIFGS compacted large areas of lawn.
 - The fix-up requirement is being interpreted as an 'out clause' to allow damage.
 - Clause 1.25 - apply best endeavours in relocating heavy and more demanding uses from the gardens to the hard surfaces. After two years there has been zero relocations and MIFGS has indicated none will be forthcoming. No exhibit requires a lawn surface. An increasing number of sites have no relationship to flowers or gardens: These include large areas for food outlets and seating and heavy product advertising such as Ford cars and Tupperware kitchens.
 - Council has been unable to use its authority to require compliance. Council is either unwilling or the licence is inadequate. Either way, council has failed as licensor.
 - Council must review licence prior to 2006.
 - Section 17 and 23 provides for Council to both terminate the Agreement or refuse its extension past 2006. Most notably, MIFGS has failed to comply with 1.25 no high impact exhibit has been moved.

- Community reps on the EAG have yet to see the superintendent's report. We expect the full report to demonstrate the wide range of infringements and damage caused to gardens and infrastructure.
 - We will be interested in the total cost of the restoration works (contract and assets replacement)
 - Was occupation fee paid by MIFGS for period of occupation in excess of 14 day licence period? Site was occupied in excess of 4 weeks.
 - As sponsors Council
 - loses its objectivity to enforce compliance with licence and
 - by the nature of the event within and on top of the Gardens, it is prejudicing its statutory responsibilities to the values of the heritage site and its protection.
 - Council's lack of preparedness to distance itself from the false and misleading public comments attributed to MIFGS organisers on channel 10 news on Thursday 31st March could be construed as an indicator of a conflicted position.
- **False and misleading public comments**

We continue to be concerned about public comments made on Channel 10 News Thursday, 31 March 2005 explicitly linking MIFGS to World Heritage citation. This link is spurious.

- At our meeting of 7 April 2005 the Lord Mayor distanced himself from such comments attributed to event organisers. However, we have had no response to our request to the Lord Mayor that Council take action to correct such statements. Our view is that such incorrect public statements mislead the public and such statements must be challenged and stopped. We again ask that the Lord Mayor to write to Channel 10 confirming neither he nor the Council is linked to the statement concerning MIFGS being mentioned in the world heritage listing nor Greg Hooten comments on the impact of the MIFGS foot traffic. We ask that the Lord Mayor inform Councillors and Council officers of this error and require them to actively disabuse those who make such comments.
- **Damage to Gardens and assets**
 - One measure is repair works done
 - value of the post MIFGS repairs probably in excess of \$50 000 in 2005
 - areas repaired. It appears most of the lawns were scoured and aerated because of compaction from heavy use by both exhibits and people, more than half was either returfed or reseeded
 - number of irrigation breakages.
 - Less easy to cost is the level of residual damage from years of inadequate repair, and
 - Hidden damage to trees especially tree root systems (if irrigation pipes are damaged by penetrating pegs and building supports, so too will tree roots)
 - Gardens' paths built for pedestrians and light and occasional traffic, take heavy and intensive vehicular loadings (trucks up to 40 tonnes carrying builders sand etc)
 - Lawns damaged by heavy vehicles inc fork lifts
 - Insidious damage to trees, lawns, flower beds, access areas with costs spread over years of additional repairs and tree loss.

- **Public Safety in Gardens and Traffic management in adjacent neighbourhood**
 - Pedestrian access during construction and demolition; mix of pedestrians and vehicles on small garden paths is a hazard
 - traffic management; heavy vehicles up to 40 tonnes, construction vehicles parked in pathways, loading and unloading of materials, use of electrical and building equipment
 - do exhibits comply with the usual planning approval for occupation of built exhibits eg load bearing for public to walk on and into
 - What review has been done of Gardens' users and visitors to assess their views of MIFGS and impact for them?
 - What assessments have been made of traffic management in adjacent streets? Complaints have been made
 - of congestion throughout the precinct, and
 - dangerous driving to avoid street closures.

- **Public access and use of Gardens**
 - While 125,000 people are cited by organisers as visiting MIFGS, in its master plan, Council cites Gardens as having 2 million visitors in a year. MIFGS imposes total loss of access for 2 weeks and severely reduces access and amenity for many months each year.
 - Given additional responsibilities to meet world heritage obligations of public access, Council can expect State and Commonwealth governments to require improved accessibility of Gardens
 - All levels of government must conclude that the effect by MIFGS on levels of public access is unsustainable.

- **Costs** are not sustainable. Instead of funds being used to improve our most significant but old and degraded gardens, money goes on repair work. We consider this unsustainable and illogical. Repair costs have recently been shifted to the MIFGS. It is clear though, that despite the profit taking by the Show, (125,000 visitors at \$17.50 for an adult ticket) the council is out of pocket and the Gardens don't get any benefit from the MIFGS presence. Far from it. The MIFGS is a parasite on the Gardens and is sapping its life.
 - The licence fee of \$60,00 and sinking fund of \$25,000 a year is in total significantly less than the \$80,000 Council grant and Council resources in kind.
 - In addition to grant, Council provides traffic and site superintendent management, marketing and an operational project team
 - There is both a hidden cost of diverting gardening contractors to prepare southern gardens in the months prior to MIFGS and an opportunity cost to the northern gardens

- **Carlton Gardens Master Plan.** The plan recognises the degraded state of the Gardens and expresses a commitment to conserve and restore the Gardens and improve standards and management. However Council has demonstrated its compromised position by
 - not funding the master plan for capital works in 2005. The community does not know if a detailed budget proposal including forward years to 2013, has been prepared.
 - its decision to include MIFGS in the master plan.
 - This is quite contradictory when considering the Council's stated principles and policies elsewhere in the plan. Statements reinforce the heritage significance and values, the importance of its accessibility to the public and restrict uses to passive and non commercial. However an exception is made for MIFGS

- The justification for MIFGS that it is a contemporary example of exhibition is misguided. The southern gardens during the exhibition period were pleasure gardens of a botanical gardens standard. Surely Council can't seriously sustain such a position.
- spending funds to support MIFGS, yet not funding for expenditure on capital and recurrent costs to conserve, restore and maintain Gardens at either
 - the level appropriate for world heritage listed Gardens
 - nor to even meet its own standards set for rating 1 Carlton Gardens

Importantly in not funding the master plan, Council has prejudiced its ability to lobby State and Federal governments for additional funding for improvements and management arising from the world heritage listing of the Gardens.