

Protectors of Public Lands Victoria Inc

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Senator Ian Campbell
Minister for the Environment and Heritage
Parliament House
Canberra ACT 2600

4 January 2006

Dear Minister

I am writing to you, on behalf of Protectors of Public Lands Victoria Inc., concerning the threat to the World Heritage listed Royal Exhibition Building and Carlton Gardens from the staging of the Melbourne International Flower and Garden Show. This event is scheduled from 5 April to 9 April 2006 and the works involved in preparation for the Show, then in dismantling it, are to be undertaken between 14 March and 14 April 2006.

We understand that you are required to provide a permit for the operation of the Flower and Garden Show, or any other event held in the Royal Exhibition Building and Carlton Gardens, if it is anticipated that the event will have a significant impact on the World Heritage value of the place. May we enquire if you have provided such a permit for the operation of the 2006 Flower and Garden Show?

We consider that, in past years, the event has caused significant damage to the Carlton Gardens. Recently, the City of Melbourne's Planning and Environment Committee heard an application by the Flower and Garden Show promoters to hold the 2006 event at the Royal Exhibition Building and Carlton Gardens. In opposing the application community groups provided well-documented evidence of the damage inflicted on the Carlton Gardens in past years by the installation of temporary buildings, structures and fences for the Flower and Garden Show and maintained that the Carlton Gardens should not be further subjected to this destructive treatment.

The Protectors of Public Lands Victoria find it extraordinary that the Royal Exhibition Building and Carlton Gardens will be off limits to the public, including interstate and international visitors, during the Commonwealth Games. This precinct is one of Melbourne's great heritage glories and should be kept open for our Commonwealth Games visitors.

I look forward to your reply. You may care to contact Julianne Bell, PPL VIC Secretary in my absence on the above numbers or by email.

Yours sincerely

Kevin Chamberlin
President
Protectors of Public Lands Victoria Inc.

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Mr Neil Byron
Presiding Commissioner
Heritage Enquiry
Productivity Commission
PO Box 80
Belconnen ACT 2616

14 February 2006

Dear Mr Byron

Submission to the Public Hearing of the Heritage Enquiry by the Productivity Commission on the Conservation of Australia's Historic Heritage Places

Introduction:

In speaking for Public Lands Victoria Inc. (PPL VIC) I thank you for allowing our organization to make a submission on the Productivity Commission 2005, *Conservation of Australia's Historic Heritage Places*, Draft Report, December.

We asked that we be permitted to speak on how the Draft Report addresses the future protection and conservation of the Royal Exhibition Building and Carlton Gardens, which are inscribed on the World Heritage List. The Carlton Gardens, part of the precinct, are under threat of irreversible damage from the use for staging the annual Melbourne International Flower and Garden Show (MIFGS).

The second related issue is the protection and conservation of the City of Melbourne's heritage parks and gardens now being threatened with damage when used for inappropriate, commercial, private events such as rock concerts, rave parties and exhibitions. Also firework displays held by the City of Melbourne.

We understand that community groups made a submission to the initial Productivity Commission enquiry.

Commonwealth Heritage Legislation Ignored

The failure of government both local and State to protect the Royal Exhibition Building and Carlton Gardens demonstrates how Commonwealth legislation is being ignored. We are of the view that our international obligations are such that we cannot allow this scandalous situation to continue. Community groups have written to UNESCO alerting the organization to the damage being inflicted on a World Heritage listed place.

A Separate Category Needed for International

As far as we can see in the Draft Report (Page XXXIII overview) world and national heritage lists are included together whereas we consider that there should be a separate category for "International". The Royal Exhibition Building and Carlton Gardens is the only World heritage listed building in Australia and needs, we should have thought, a separate category. Other buildings may well be listed in future for instance the Sydney Opera House.

Additionally the Draft Report refers to the "*new three tier framework for government involvement*" but only gives a "*national*" tier not a fourth international tier nor any guarantee that Local and State governments will observe Commonwealth legislation and international obligations.

State and Local Governments Failing to Protect Heritage Places

The Draft Report apparently considers that “*Nationally significant places ... are largely in public ownership. They are well recognised and maintained, and their heritage values are under little threat from inappropriate use or development*” (Page XXV under Listing). Nothing could be further from the truth in Victoria. We will demonstrate that the Carlton Gardens are under threat from being dug up and bulldozed annually for the Melbourne International Flower and Garden Show.

In stating that “*The majority of iconic historic heritage places are owned and managed by governments*” the Draft Report goes on to admit that “*It is necessary for them to ensure that individual government agencies with heritage places do not have incentives to neglect or unnecessarily dispose of their properties in order to avoid heritage conservation obligations and the related costs.*” (Page XXVII under Government-owned heritage places). The incentives for Local and State governments to ignore iconic heritage buildings is the commercial gain that can be derived from hire of parks and gardens and the political kudos derived for Councillors and State members of Parliament in staging popular rock concerts, rave parties and exhibitions.

Background to Dispute Over Carlton Gardens:

It might be useful to explain that until 1996 the Exhibition Trustees (a statutory authority) managed the Exhibition Building. The Museum was built in the Carlton Gardens North and under the Museum Act took over management of the Exhibition Building. The City of Melbourne had then and still has responsibility for the Carlton Gardens, which as has been mentioned, is part of the World Heritage listed precinct of the Exhibition Building. Hence there are two authorities responsible for the precinct.

PPL VIC and a number of inner Melbourne community and resident groups have grown increasingly alarmed recently over the rampant commercialism evident in the City Of Melbourne’s management of parks and gardens. The administration of events has been transferred to Council’s Marketing, Tourism and Major Events' section from Parks and Recreation where care of the parks and gardens was the prime consideration.

At the end of November 2005 the City of Melbourne planning section issued notice of a decision to give a planning permit to the Melbourne International Flower and Garden Show (MIFGS) to stage the event in the Carlton Gardens South. Six community and resident groups objected chiefly on the grounds of the damage being done to the Gardens over the past years during the MIFGS.

A representative of the Carlton Residents’ Association will give evidence of the damage done to the Gardens over the past two years. We feel that it is imperative that you understand the extensive, possibly irreversible, damage being done to the Gardens. (See photos attached)

Despite objections, Council issued a planning permit to the MIFGS to stage their show in the Carlton Gardens in April. Our six organizations appealed to the Victorian Civil and Administrative Tribunal (VCAT) again the chief grounds of objection being damage to the Gardens. Unfortunately on 22 December 2006 State Planning Minister Hulls effectively aborted our appeals by amending the planning scheme to permit events in parks without a planning permit thus removing the community’s third party appeal rights.

It is ironic that the Council failed to realise that the Carlton Gardens has been declared a Commonwealth Games venue and that they will clash with the Marathon whose route is through the Carlton Gardens. It is obvious that Games organisers took absolutely no notice of the standing of the Carlton Gardens as a World Heritage listed place.

Appeal to Federal Heritage Minister to Protect Carlton Gardens:

In January 2006 PPL VIC appealed to Federal Heritage Minister Campbell and Federal Heritage Council Chair to invoke Commonwealth legislation to protect the Exhibition Building and Carlton Gardens World Heritage listed precinct. Copies of our correspondence are attached. Our legal advisor maintains that Heritage Minister Campbell is required to issue a permit if there is a danger of a World Heritage listed place being damaged by an event scheduled for the precinct. We have not had a reply.

Damage to Heritage Parks and Gardens by Events:

A second and more intractable problem is the damage now being inflicted on Melbourne's inner city heritage parks by major events. Parks affected are under heritage overlays, which are being ignored by the Council. The City of Melbourne is now allowing rave/ dance parties, rock concerts, exhibitions and firework displays. On 3 January 2006 the commercial rave party Summadayze reportedly did \$6,000 worth of damage to King's Domain and on 27 January 2006 the Big Day Out rock concert with 39,000 patrons wrecked Princes Park doing \$93,000 damage and taking the Park out of commission for months. In the case of The Big Day Out, Planning Minister Hulls intervened and "called in" the application, amending the Melbourne Planning Scheme to allow the event to proceed and thus blocking any appeals by community organizations opposed to the event being staged in the Park. The Planning Minister has ignored questions PPL VIC raised concerning the legality of the process. There has been clear demonstration of both State and Local Government are overriding heritage provisions in the Melbourne Planning Scheme.

Solutions and Recommendations:

We hope that the Productivity Commissioners might be able to recommend adoption of a mechanism to ensure that the Local and State Government comply with Commonwealth Heritage Legislation and block permits for major events in the Carlton Gardens thus calling a halt to their destruction and ensuring the protection of a World Heritage listed precinct. Also we hope that solutions can be found as to how we may require the local and State government to respect the heritage overlay of Melbourne's parks and gardens and so afford adequate protection.

Our legal adviser has been away so that we have not been able to come up with any detailed recommendations. We hope that the Productivity Commissioners may consider our concerns and develop remedies accordingly.

Yours sincerely

Julianne Bell
Secretary
Protectors of Public Lands Victoria Inc