

## *Protectors of Public Lands Victoria Inc.*

### **Attachment 2**

#### **Background to Dispute Over Carlton Gardens:**

Until 1996 the Exhibition Trustees (a statutory authority) managed the Royal Exhibition Building (**REB**). 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 (**CoM**) had then and still has responsibility for the Carlton Gardens (**Gardens**), which is part of the World Heritage listed precinct of the REB. Hence there are two authorities responsible for the precinct.

In 2005 Protectors of Public Lands Victoria (**PPL VIC**) and a number of inner Melbourne community and resident groups became increasingly alarmed over the rampant commercialism evident in the CoM's management of parks and gardens. The administration of events was 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, following advice from our lawyer, PPL VIC queried the CoM why no planning permit had been issued for the Melbourne International Flower and Garden Show (**MIFGS**) - representing private horticultural industry interests - to stage the event in the Gardens in 2006. As a result the CoM's planning section issued notice of a decision to give a planning permit to MIFGS for the event. Six community and resident groups, including PPL VIC, 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 Gardens' Group gave evidence to Council, including photos, of the damage done to the Gardens over the previous two years. PPL VIC made a number of submissions over the failure of the CoM to recognise its heritage obligations.)

Despite objections, CoM issued a planning permit to the MIFGS to stage their show in the Gardens in April 2006. 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 2005. 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 was ironic that the Council failed to realise that the Gardens had been declared a Commonwealth Games venue and that the staging of the MIFGS in late March to early April 2006 would clash with the Marathon whose route was through the Gardens. (PPL VIC alerted the Commonwealth Games Office to the fact that fences were to be erected around the Gardens thus barring runners and spectators from entering the venue. Hasty arrangements were made to delay MIFGS)

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. Our legal advisor maintained that then Heritage Minister Campbell was required to issue a permit if there was any danger of a World Heritage listed place being damaged by an event scheduled for the precinct. We received no satisfactory answer.

At various times it was proposed by CoM Councillors that the 2006 and 2007 MIFGS be located on the hard surface areas of the carpark and Museum forecourt to avoid damaging the Gardens but this proposal was defeated in Council. Heritage Victoria started restoration of part of the Gardens (the "parterres") but the work has not progressed for some months. An area of the Gardens has been fenced off.

The threat to the Gardens has been symptomatic of the intractable problem of the damage being inflicted on Melbourne's inner city heritage parks by major events. The CoM started allowing rave/dance parties, rock concerts, exhibitions and firework displays in heritage parks and gardens. It has been suggested on many occasions that the MIFGS could be relocated to the revamped, refurbished, purpose built Showgrounds or a racecourse, such as Caulfield where the Australian Garden Show is held annually in early October. But such suggestions have been strenuously opposed by MIFGS.