

SUBMISSION TO PARLIAMENTARY COMMITTEE INQUIRING INTO PUBLIC LAND DEVELOPMENT - CARLTON RESIDENTS' ASSOCIATION & CARLTON GARDENS GROUP

This joint submission by Carlton Residents' Association and the Carlton Gardens Group seeks to show that the World Heritage Carlton Gardens (WHCG) should not be used for the Melbourne International Flower and Gardens Show (MIFGS)

The following issues are addressed:

1. As Carlton Gardens is **Australia's only World Heritage Listed Gardens** it is essential to look beyond any short-term economic gain to the long-term gain that will accrue to the public in terms of cultural, social and economic benefits through protection, preservation and conservation of the Gardens.
2. The public polity expects its elected representatives to behave with civic responsibility. Our representatives, as custodians of public assets for present and future generations, have responsibilities to the public good that are not necessarily those of business that seeks economic advantage and private profit. In this regard, government should be notable by its advocacy for the protection and preservation of our WGCG.
3. Responsible environmental management requires regard to the precautionary principle of minimizing the risk to the survival of our natural assets that are increasingly under threat from climate change. This is especially so in the case of our aging heritage trees and gardens .as we face yet another stressful summer of drought and water restrictions. The government should not be seen to be party to harming the environment that nurtures us economically and socially. While much damage done by MIFGS is immediate and obvious such as that to lawns, other damage can be hidden, but is no less significant for that such as that to tree root systems. Common sense should conclude, that permitting MIFGS to continue will in the long-term off set any short-term economic gain to private enterprise when a degraded gardens loses its attractiveness as a source of leisure and rejuvenation as well as a highly-prized tourist destination.
4. Private enterprise and activities such as MIFGS are essential for the economy. Preventing MIFGS' use of the WHCG will not affect its activities but only their location. MIFGS, if required, can relocate and prosper in one of a number of Melbourne's purpose-built venues such as the Exhibition Centre and Yarra banks, Birrarung Marr, the

renovated Showgrounds, Flemington Racecourse or even the Victorian Museum forecourts where temporary buildings were located during the great exhibition period.

Introduction

Committee's Terms of Reference relevant to this submission

The Select Committee on Public Land Development provides an opportunity to inquire into:

- alienation of the World Heritage Carlton Gardens (WHCG) for the purposes of private development; and
- any relationship this alienation may have to the Melbourne 2030 policy.

The committee is specifically asked to inquire into the appropriateness of the use by the Melbourne International Flower and Gardens Show (MIFGS) of the southern area of the Carlton Gardens and the actual and potential implications for government's approval of this use.

Location of Public Inquiry Hearings

We believe that public hearings on this issue should be held in Carlton Gardens or, in the case of inclement weather, in the Royal Exhibition Building

Victorian Government's Responsibilities for the WHCG

Within the Victorian Government ministerial responsibilities for the World Heritage Carlton Gardens (WHCG) are shared between the Ministers for Planning, Tourism, Water and Environment, Climate Change and Local Government. The Victoria Government's responsibilities are further integrated with those of the Commonwealth Government by legislation and its World Heritage citation agreements and with the City of Melbourne by legislation associated regulations and a Memorandum of Understanding.

History of MIFGS' use of the southern Carlton Gardens

The MIFGS has been held annually in the southern Carlton Gardens for 9 years. It was held in the Fitzroy Gardens in 1997 and 1998 but was moved to Carlton Gardens following objections by the East Melbourne community. Prior to that, the show was held at Burnley.

The present MIFGS has little resemblance to its humble Burnley origins. The most obvious changes have been in the size and nature of the event, the principal parties involved and the business structure and organizational arrangements. It is now a huge horticultural, leisure and variety trade fair run as a commercial enterprise. MIFGS is a company with a Board whose principals are representatives of the Nursery and Gardens Industry Association and Flowers Victoria. Some years ago, IMG America was contracted by MIFGS as event manager. At Carlton Gardens, the landscaping industry has become a major participant, as a non-rent paying exhibitor.

MIFGS is run under licence from the City of Melbourne with the approval of the State Government. The licence provides MIFGS with exclusive, enclosed use of the southern Carlton Gardens for 2 weeks and access for additional 8 weeks or more for exhibition construction, demolition and gardens' repair work. In addition, MIFGS hires separately from Museum Victoria the Royal Exhibition Building for exhibits and the adjacent western areas for exhibitors' car parking.

MIFGS charges an entrance fee for public admission and with the exception of the landscaper exhibitors, rents space to exhibitors, stall holders and participating businesses. MIFGS receives sponsorship in monetary grants and in kind from the City of Melbourne and other businesses.

Recent matters for committee's information

The current licence expires in 2008. In June 2007, the City of Melbourne resolved to not renew the licence. Council made this decision after much consideration including years of unsuccessfully requesting MIFGS to reduce its impact on the Gardens by moving to the adjacent Museum Victoria's hard stand areas. Council finally concluded that MIFGS' use of the WHCG was no longer appropriate or sustainable especially because of the event's high impact and increased risks to the gardens from drought and water restrictions. The Council made it clear that it continued to support the MIFGS but would work with them to seek another site.

MIFGS has publicly lobbied to have this decision reversed and has asked government to influence council to change its decision. In particular, the Minister for Tourism, has stated his support for the MIFGS continuing in the Carlton Gardens.

Suggested areas for committee's inquiry

This submission asks the committee to inquire into a number of matters relating to:

- MIFGS commercial and exclusive use of the WHCG;
- the public's alienation from the gardens;
- the potential loss of value of the gardens as a public asset caused by this commercial use; and
- any consequential loss of government and council's reputation.

Committee's inquiries might include government's:

- responsibilities for the WHCG;
- its obligations to represent the public interest; and
- the requirements of legislation and regulations, government policies, and plans and strategies;

that may relate to a decision to extend MIFGS use of the Gardens.

Matters into which the committee might inquire

Inquire into the unintended use of the WHCG

The committee might firstly and most importantly, inquire as to the reasons Melbourne's, and Australia's only World Heritage Carlton Gardens has been, and continues to be, used annually for a high impact commercial event that causes damage to the gardens and which excludes the public use of the gardens. The Gardens were never intended for such a purpose. Most notably, the Gardens during the great exhibition period, for which the site received its citation, were designed as traditional formal botanic leisure gardens in the European tradition.

With its World Heritage listing, along with the Royal Exhibition Building, Carlton Gardens, should be the premier gardens among Melbourne's many heritage gardens and public parks. The Gardens are also listed on the National and State Heritage Registers to ensure their protection, preservation and conservation for future generations.

Inquire into extent government is meeting its responsibilities and obligations to preserve and protect the heritage gardens.

The Victorian Government has responsibilities, under its:

- International obligations – the **UNESCO convention**;
- *Heritage (World Heritage) Act 2004*, and the *Commonwealth Environment Protection and Biodiversity Act (1999)*; and
- *Victorian Heritage Act (1995)*;
- Under *Crown Lands (Reserve) Act 1978*;
- Regulations supporting the Act, Melbourne Parks and Gardens (joint Trustee Reserves) Regulations 1994.

UNESCO can withdraw world heritage listing if obligations are not met and there are penalties within the legislation associated with damage to the site. In particular, are the responsible departments, agencies and the COM, complying with legislation, obligations and related policies. For example:

- legislation appears to require the responsible federal minister to approve the use of WHCG for purposes such as MIFGS. Has the Commonwealth Minister for Heritage approved such a use?
- In granting a Heritage Planning Permit by what standards has Heritage Victoria assessed the effect on WHCG's significant heritage values? It seems that Heritage Victoria's acceptance of risk to trees and gardens, its tolerance of actual damage, the gardens' enclosure, the impact of exhibition's constructed and heavy vehicular presence, and the loss of public access and amenity, is at odds with the basic integrity of the site's historic and heritage use. Surely, heritage Victoria's standards are unacceptably low?

- How has MIFGS been licenced to hold the event for 10 years when the regulations supporting the Crown Lands (Reserve) Act 1978 provide only for a 3 year use and are silent on further or repeated use. Regulations also restrict use to horticultural purposes. Surely this does not include the sale of Ford cars and Tupperware, nor was it intended to permit exhibitions on lawns weighing upwards of 80 tonnes including houses complete with rockeries and swimming pools.

Inquire into why MIFGS has been able to solicit government support when commonsense would conclude that its use of WHCG is fundamentally inappropriate

From recent public statements, it appears MIFGS wants government support, and COM's approval, for permanent use of the WHCG. Such an expectation does not make sense given both COM and Museum Victoria are committed to conservation and restoration works that would exclude availability of WHCG and the currently used REB open spaces. How is government going to respond to such an expectation?

Government ministers, most recently the Minister for Tourism, have confirmed their support for the continuation of MIFGS in Carlton Gardens. By all objective measures, including government's own, the event should not be held in the heritage gardens. This has never been more so than now with climate change and particularly in the world heritage site which council and governments are obliged and committed to conserving and restoring: With greatest respect to the Ministers, perhaps the scrutiny of the committee inquiry can report on all the relevant factors some of which Ministers may not be aware.

Surely no one is contemplating risking the survival of the gardens and putting off the much needed improvements and development for a commercial event that should and could be held elsewhere?

Inquire into reasons the Minister for Tourism supports MIFG continuing in the Carlton Gardens.

Notwithstanding the issues of public access canvassed below, the committee might inquire why the government's tourism plans, most notably the Nature Based and Cultural Heritage Plans and Strategies, make little reference to the World Heritage Carlton Gardens or any of Melbourne's heritage gardens and public parks. Surely, with climate change imposing pressure on the environment globally, Melbourne's heritage gardens and parks would be increasingly sought after by local and international visitors? Surely they are an asset to be nurtured and vigorously marketed? Yet they are not. How can the value of a World Heritage site be so starkly overlooked?

Anywhere else but in Victoria, a world heritage citation would signal that a site was prized and a magnet to local and overseas tourists. No doubt New South Wales will use the recent listing of the Sydney Opera House as such an opportunity. However, not only is there no evident marketing of the WHGG

but the state government has put no funds into the development of its significant heritage elements or more urgently, into any drought mitigation measures. Even the World Heritage Management Plan, required by UNESCO, has still not been completed by Heritage Victoria, more than 3 years after World Heritage listing.

Last year government launched a heritage strategy with \$10 million budget but there is no mention of how it might benefit the World Heritage listed Gardens. This is despite government having leadership of the world heritage planning process and having responsibilities under national and state heritage legislation.

Inquire into the approval by government of MIFGS effectively using WHCG rent free

While the City of Melbourne (COM) is the licensor, the responsible Victoria Government Minister approves the licence and the responsible federal Minister should also approve a variation of the WHCG's use.

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Costs to MIFGS are the licence fee of \$67,000 (2007), the sinking fund of \$25,000 a year for the past 3 years, and over recent years the cost of make-good repairs to lawns. For its part, as a sponsor of MIFGS, the COM makes a cash grant (\$100,000 in 2008) and provides resources in kind of traffic and site superintendent management, marketing and an operational project team. In effect, MIFGS gets the WHCG as a free good.

This practice by COM must disadvantage less favoured similar businesses. In addition, other event venues often largely built by public funds, such as the newly refurbished show grounds, convention centre, Flemington race course and the REB/Museum, have to charge commercial-like prices when their sites are used by commercial businesses. For example, using Museum Victoria's current rent rate for its adjacent open space, the charge for MIFGS to use the WHCG for the 7 weeks, covering construction, event and demolition, would be about \$1 million.

Surely government should expect COM to have a commercial-like approach to commercial and business use of public assets for events' venues and to encourage the use of publicly funded event sites to provide return from public expenditure?

Inquire into the MIFGS cost and pricing structures and consequential effects on the WHCG

While the MIFGS is profit taking aided by its negligible rental cost, the public interest suffers from MIFGS's use of the WHCG. There is a devaluing of an irreplaceable heritage gardens and asset, loss of public's access for weeks and loss of amenity for months each year, precinct traffic congestion while public rates and taxes have paid for the profit taking to a total of \$1 million in COM sponsorship to date.

The overall effect of COM's favoured rental conditions and generous sponsorship has been a diverting of budget and resources from COM's implementing its master plan for the upgrade of the Carlton Gardens especially the restitution of the Gardens' significant heritage elements.

To date there has been very little progress in implementing the improvements and none in drought proofing the WHCG. Now, faced with the full effects of another long dry summer, Council will struggle to maintain an aging degraded gardens. .

Inquire into the loss of public access and use of Gardens

MIFGS's exclusive use of the southern gardens imposes total loss of public access for 2 weeks each year. MIFGS impact further severely reduces access and amenity for many additional months during periods of exhibits' construction, demolition, site restitution and ongoing rehabilitation. After MIFGS the whole of the southern gardens requires some form of repair as a result of damage from exhibits, construction works, vehicular traffic and heavy pedestrian foot traffic.

With government's polices of 2030, council's policies of increasing city's residential population, and increasing numbers of city workers, there is huge pressure on the public use of Carlton Gardens. The loss of use of the southern gardens is felt by many. By the council's own estimation, 2 million people visit the WHCG's annually. The enclosing and the associated ongoing reduction in amenity must therefore affect hundreds of thousands of visitors.

Notwithstanding this increase in local public use, world heritage listing should generate further interest and visitors should expect that a public Gardens would be accessible 365 days of the year. For this reason alone, to meet its world heritage obligations, why does government or council agree to its exclusion for private use especially when this use encloses and camouflages the WHCG. Surely government recognises it has additional responsibilities for our WHCG and would want to capitalize on increased public interest from the Gardens' world heritage listing?

What is the cost to the reputation of government and to council when visitors find the gardens enclosed and camouflaged and used as a construction site?

Inquire into the sustainability of use of gardens and parks under stressful conditions of drought and water restrictions.

Government and council are being confronted by the difficulties of protecting gardens and parks from the consequences of climate change and the increasing threats of drought and water restrictions. They must be seen as leading in the preservation of water and protection of natural assets so critical to Melbourne's quality of life.

Confronted by these new pressures even traditional and previously acceptable uses of gardens and parks for events will no longer be sustainable or tolerated by public. How can large events like MIFGS be permitted in the gardens when there are many purpose built event venues sites that have infrastructure and support services suited to large high impact events?

MIFGS' damage to lawns and vulnerable surfaces is increasingly problematic because lawn repairs require rain or failing that, transported water which is costly. Even an exemption for water use that is discretionary because MIFGS uses the gardens site rather than a durable purpose built hard stand surface, might be perceived by the public as politically hypocritical and contradicting other government policies on climate change mitigation?

Inquire into the damage to the WHCG and loss of asset value

MIFGS maintains there is no damage done by its use of the WHCG. It cites the results of an independent report. A separate horticultural review of this report, identifies technical faults in measurements and report conclusions that are inconsistent with data results.

However one undisputed measure of damage is the cost of repair works done to the lawns and infrastructure:

- average annual cost of the post MIFGS repairs for 2005, 2006 and 2007 was \$55 000, or approximately \$500 000 for lawn repairs for period MIFGS has used the WHCG;
- less easy to cost is the level of residual damage from years of inadequate repair, and hidden damage to trees especially tree root systems from heavy buildings and constructions some of which weigh 80 to 100 tonnes;
- Gardens' paths built for pedestrians and light and occasional traffic, take heavy and intensive vehicular loadings (trucks up to 40 tonnes carrying building materials);
- Lawns damaged by heavy vehicles including fork lifts and pedestrian traffic of some 100 000 visitors over 5 days of the MIFGS; and

- Insidious damage to trees, lawns, flower beds, access areas with costs spread over years of additional repairs and tree loss.

How can this level of expenditure and potential loss of the capital asset value be tolerated?

Conclusions

Perception of conflicts between government policies

The government is currently conflicted by its various responsibilities that relate to the WHCG, and these conflicts appear not to be resolved. COM suffers similarly from its conflict of interest both as a sponsor of the commercial event and as the custodian of the WHCG?

The committee would be applauded if its report raises these unresolved and sometimes contradictory policies and practices and makes recommendations in favour of the long term preservation, conservation and restoration of the World Heritage Carlton Gardens.

If we can't protect Carlton Gardens for the future what hope is there for our other heritage Gardens and public parks?

Recommendations

We ask that the committee's report recommends that government makes a decision that puts heritage before commercial benefit? In doing so government and the public will reap the long term benefit from having a beautiful natural and historically significant asset, and as well, the economic benefit from having an internationally valued tourist attraction.

Government can achieve this by:

- Supporting the COM in its decision to not renew the licence to MIFGS and assisting the event to relocate to another venue;
- Committing funds to the conservation, restoration and preservation of the WHCG to make it the premier gardens in Australia;
- Marketing the attractions of the WHCG as a cultural and heritage location; and
- Lobbying the Australian Government, as the principal party responsible to UNESCO, to commit funds to the preservation and ongoing development of the World Heritage Carlton Gardens and Royal Exhibition Building.

Attachments

The following additional material is offered for the committee's information:

- Hard copy photographs taken during periods of MIFGS's occupation of the southern Carlton Gardens;
- A power point presentation that also includes photos of the Gardens as it was during the significant grand exhibition period for which it and the Royal Exhibition Building, were given the world heritage listing;
- Digital photographs of specific years 2004, 2005 and 2007 to demonstrate extent of the MIFGS impact and how MIFGS's annual occupation overwhelms the gardens leaving it in a chronic state of degradation.

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