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11 August 2011

Mr Jim Gardner
Chairperson
Steering Committee REB & CG
c/- Heritage Victoria
GPO Box 2392
MELBOURNE VIC 3001

heritage.victoria@dpcd.vic.gov.au

Dear Jim,

**Royal Exhibition Building and Carlton Gardens World Heritage
Management Plan**

Please find attached the City of Melbourne submission to the World Heritage
Management Plan and a "Request to be Heard" form for the Panel hearing.

I can be contacted as per the details below if you require any other information from
the City of Melbourne.

Yours sincerely

Rob Adams

Director, City Design

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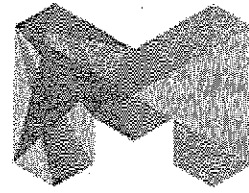
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CITY OF MELBOURNE

CITY OF MELBOURNE SUBMISSION

**ROYAL EXHIBITION BUILDING AND CARLTON
GARDENS WORLD HERITAGE MANAGEMENT PLAN**

AUGUST 2011

Introduction

The City of Melbourne has had a long involvement in the world heritage process at the Royal Exhibition Building and Carlton Gardens, from being the instigator of the original World Heritage nomination in 1997 to the present day, where Council works with the Museum of Victoria to ensure that the world heritage values of the site are understood and promoted in the community.

Council is the Committee of Management for both South and North Carlton Gardens, which cover approximately two thirds of the World Heritage site.

Comment is offered on both the World Heritage Management Plan and the Conservation Management Plan.

World Heritage Management Plan.

1. Proposed Statement of Universal Value

Council supports the draft Statement of Outstanding Universal Value (Section 4). When the Management Plan is adopted it is proposed that the statement be incorporated as a reference document for both the Melbourne Planning Scheme and the forthcoming City of Melbourne Open Space Strategy.

2. Future Legislative inconsistencies

The Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008, Part 4A Carlton Gardens Reserve - Special Event Management allows for the Governor in Council to declare that an event or series of events deemed of significance to the State be held in Carlton Gardens Reserve, and appoints the Melbourne Convention and Exhibition Trust to manage the declared Event. (Full table of Provisions included at Appendix one)

The provision was introduced by the State Government in 2008 to assist in providing the organisers of Melbourne International Flower and Garden Show ('MIFGS') with certainty in the planning of future events. The provision has never actually been used to enable MIFGS to be held.

The current situation is that Council, as Committee of Management, has recently resolved to enter into a further 3 year licence agreement with MIFGS for 2012-14, with the option available to extend the licence for another 3 years beyond that (from 2015-17). This arrangement provides a high degree of certainty for the show organisers and is in place for the same period of time as the World Heritage Management Plan, which is also proposed for review in 2017 (Section 9.3).

With the preparation of the World Heritage Management Plan to guide the future direction and management of the site, it could be argued that Part 4A and the amendments to the Crown Land (Reserves) Act made by it are now obsolete. The directions and principles in the World Heritage Management Plan are underpinned by the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) which would take precedence over any specific State provisions.

Retaining Part 4A in the existing form has the potential to confuse the overall objectives and purposes of the World Heritage Management Plan as Part 4A refers to ANY event deemed to be of state significance, involves temporary removal of the Council as Committee of Management under certain circumstances and it does not recognise the World Heritage status of the site.

To ensure consistently good governance arrangements and management of the site it is proposed that Part 4A is either:

- i) removed from the Crown Land (Reserves) Act
- or
- ii) amended to ensure that it is consistent with the Commonwealth legislation and the World Heritage Management Plan directions.

3. Monitoring Review and Reporting

The City of Melbourne supports reviewing the Carlton Gardens Master Plan in line with the proposed full Management Plan review in 2017 as proposed in clause 9.3.

4. Aboriginal Heritage Definition

It is noted that at section 6.1 the Plan states that "...the Kulin Nation is the Traditional Owner of the land on which the Royal Exhibition Building and Carlton Gardens is situated." Given that the RAP for the general area of inner Melbourne is still to be determined, it is suggested that as part of the finalisation of the World Heritage Management Plan the traditional owner status is checked to ensure it is accurate at that time of the Management Plan completion.

5. Interpretation

Section 10.1 of the plan describes the current range of education and interpretation programs either available or proposed for the site. There is the potential to do a large range of actions which would highlight the importance of the building and the site to both residents and visitors to Melbourne.

It is suggested that in addition to the existing offer, a number of key actions be selected as the major focus for the duration of this Management Plan, all aimed at enhancing the public's appreciation of the site.

Council suggests the following new projects and policies as priorities for the period of this World Heritage Management Plan:

1. Identification and management of the key internal views and vistas within the site. The Carlton Gardens Master Plan identifies a number of potential views and vistas (Plan 2, page 12) of importance, but work needs to be done to confirm their importance and develop strategies to achieve a positive outcome
2. Implementation of projects to provide a greater frequency of public access to areas of the Royal Exhibition Building which are currently under-utilised, for example the Dome promenade. It is understood that additional funding will be required to open the area, but that procuring funding would have to be part of the project plan.

3. Develop substitute promotional signage or arrangements for the banner signage currently in use on the Royal Exhibition Building. The current use of banner signs on the Royal Exhibition Building to promote events is cheap and simple, but can detract from the overall presentation of the Building.

Conservation Management Plan

1. Updating and Revision

1. The Conservation Management Plan ('CMP') was prepared in 2008, and even in that short time, some of the descriptive information about the Gardens is out of date, which in turn means that some of the specific policies are out of date, as certain recommended actions have been completed. For example, Policy 8.6.5 - the Parterre Bed reconstruction is now finished, and Council is finalising a maintenance plan for the beds. Works relating to Policy 8.5.13 (relocation of the depot in the northern gardens) and 8.5.10 (palisade fence, gates and plinth) have also been completed.

The Exhibition Gardens Meeting Place, now listed on the Aboriginal Heritage Register, needs to be cross-referenced to the CMP.

It is recommended that, as part of the completion of the World Heritage Management Plan process, the CMP be updated to reflect current conditions on the site.

2. Events

The South Carlton Gardens are clearly the setting for the Royal Exhibition Building, and the Gardens and the Building areas are intrinsically linked, with the seamless presentation of the area as a whole highly important to the understanding of the World Heritage values of the place. In policy 6.4 *Use Adaptation, New Works and Development* Council recommends that this objective recommend use of the Gardens in association with the Royal Exhibition Building for 'exhibitions, trade fairs and the like' be amended to state that integrated major events be confined to South Carlton Gardens and the Royal Exhibition Building only. While the original Exhibition Halls covered virtually the whole Gardens to Carlton Street, at least on a temporary basis, in the present time including the North Carlton Gardens in such an arrangement would have a major impact on both the operation of the Melbourne Museum and also the amenity of, and access to, open space for neighbouring residents and businesses.

Other suitable events and public gatherings not linked to the Royal Exhibition Building could continue be held in either the North or South Gardens (but not both at the same time) in accordance with Council's current event guidelines.

It would also be useful for some key 'heritage impact' indicators relevant to major events to be listed in the CMP. For example, in the current management of the Melbourne International Flower and Garden Show (MIFGS) the key matters addressed annually are primarily focused on tree protection, soil compaction, and general best practice systems for show bump in and bump out and management of the event itself. These are all highly important however one matter that is commented on regularly by the general public, but falls outside the scope of these arrangements, is the visual impact on the lawns resulting from MIFGS and the re-instatement of the lawn areas in the South Gardens after the event. While the most rapid way to re-establish lawn using instant turf is specified, it can take two months for the lawns to come back to the usual level of presentation, and in the interim present as a patchwork

of brown and different shades of green, with significant areas roped off from public use. This affects the overall visual presentation of the site and accordingly may not be consistent with the “views and vistas” policy at 4.2; however it is hard to assess this without more specific guidelines or indicators in place.

3. Recreational facilities in North Carlton Gardens

The policies relating to recreational facilities in the North Carlton Gardens, particularly the tennis club, half basketball court and playground, cause Council some concern, particularly as there are some differences in recommendations between the Carlton Gardens Master Plan (2005) and the CMP.

The CMP policies are guided by the general objective that the prime period of significance for the site is 1892 to 1901. Policy 8.2 *Conservation Objectives* notes that in the current day there are different management requirements for both the North and South Gardens, however these different requirements should be clarified in the CMP.

At the World Heritage Level, the North Carlton Gardens are significant because of the layout of broad tree-lined avenues and lawns re-established in 1892 which according to the *Statement of Outstanding Universal Value* is essentially unchanged. It should also be noted that in addition to the physical layout the North Gardens have primarily been used for recreation since 1892, particularly for residents of the Carlton area, with various structures and facilities coming and going during the last 120 years.

While an important part of the site, the current contribution of the North Gardens to the setting of the Royal Exhibition Building is disconnected, due to the siting of the Melbourne Museum Building between the North Gardens and the Royal Exhibition Building.

The Carlton Gardens are reserved under the *Crown Land (Reserves) Act* as Public Gardens for the purpose of public recreation, and this is the current use of the area. While it is not Council’s intention in the Carlton Gardens Master Plan to increase the overall size or number of facilities, it is our intention to provide recreational opportunities consistent with the reservation purpose, the heritage context and the current needs of the community. This may involve consideration of structures and facilities relevant to particular uses from time to time. Current residential population growth forecasts for the City of Melbourne indicate that between 2011 and 2026 the residential population of Carlton will increase by 62% and the residential population of the CBD by 67%. It is anticipated that the level of use in all existing open spaces will increase as a consequence of the residential population increases and it is unrealistic to expect Council to not provide suitable recreational facilities in Carlton Gardens. It is unlikely that facilities such as the tennis courts and the half basketball court will be able to find alternative locations nearby which is the preferred long term direction implicit in the CMP and to a lesser extent the Council’s own Master Plan, and this approach may need to be revised to accommodate changes to the demographic and development in Melbourne.

It is also noted that at page 116 the wrong playground has been nominated as ‘now removed’. (The playground in Figure 81 has been removed, and not the one at Figure 80.) The playground in Figure 80 is on the site of the former lake in the Northern Gardens, which is recommended for re-instatement in the CMP at policy 8.5.8. This policy is silent on the future of the playground. The Carlton Gardens Master Plan

(section 4.3 vii) states that the lake could be re-instated, and if that was the case, then the playground could be relocated to a less intrusive site closer to the Melbourne Museum.

Council's view is that the CMP should be changed to recognise that these kinds of facilities will need to be sited somewhere in the Gardens, and would be happy for preferred locations and development guidelines to be nominated if necessary.

4. Management framework

Policy 6.3.4 Integrated Management refers to the need for an integrated and co-operative approach to the management of the Royal Exhibition Building, Exhibition Reserve and Carlton Gardens. In practice the signing of an Memorandum Of Understanding in 2004 between Council and the Museum has lead to a high degree of co-operation between the two organisations, and many projects of mutual benefit, including the water harvesting and re-use scheme and the self-guided walk brochure have resulted from this co-operative approach.

With the finalisation of the World Heritage Management Plan, consideration needs to be given to the right structure to ensure this arrangement continues into the future and is recognised in the final World Heritage Management Plan.

Appendix one

Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008 Part 4A

Appendix two

Maps of Exhibition Reserve and Carlton Gardens 1880, 1945 and 2010

Appendix One

Crown Land (Reserves) Amendment (Carlton Gardens) Act
2008 Part 4A

Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008 No. 14 of 2008

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Victoria

Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008[†]

No. 14 of 2008

[Assented to 23 April 2008]

The Parliament of Victoria enacts:

1 Purpose

The main purpose of this Act is to amend the **Crown Land (Reserves) Act 1978** to provide for the management of land in the Carlton Gardens Reserve for special events.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 New definitions inserted

In section 3 of the **Crown Land (Reserves) Act 1978** insert the following definitions—

"*Carlton Gardens Reserve* means the balance of the land described in Crown Grant Volume 600 Folio 905;

declaration period means the period specified in a special event management declaration as the period for which the declaration is to apply;

event organiser means a person who organises or conducts events;

special event management area means the area specified in a special event management declaration as the area to which the declaration is to apply;

special event management declaration means a declaration under section 29J(1);

special event period means a period specified in a special event management declaration as a period during which the special event is to take place;

Trust means the Melbourne Convention and Exhibition Trust established by the **Melbourne Convention and Exhibition Trust Act 1996**."

4 New Part 4A inserted

After Part 4 of the **Crown Land (Reserves) Act 1978** insert—

"PART 4A—CARLTON GARDENS RESERVE— SPECIAL EVENT MANAGEMENT

29J Special event management declarations

- (1) The Governor in Council, on the recommendation of the Minister, may, by Order published in the Government Gazette,

See:
Act No.
9212.
Reprint No. 8
as at
9 February
2007
and
amending
Act Nos
64/2004,
24/2006 and
57/2006.
LawToday:
www.
legislation.
vic.gov.au

declare an event or series of events to be a special event for the purposes of this Part.

- (2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that—
- (a) the event or events are suitable to be held in the Carlton Gardens Reserve; and
 - (b) the event or events are of significance to the State.

29K Content of special event management declarations

A special event management declaration must specify—

- (a) the name and a short description of the special event; and
- (b) the date, at least 14 days after publication in the Government Gazette, on which the declaration takes effect; and
- (c) the period (not exceeding 3 years) for which the declaration is to apply; and
- (d) the period or periods during the declaration period in which the special event is to take place; and
- (e) by means of a description, map or other document, the area of the Carlton Gardens Reserve to which the declaration is to apply.

29L Management of Carlton Gardens Reserve

Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008
No. 14 of 2008

- (1) A special event management declaration may provide that the Secretary or the Trust is to have specified functions, powers and duties in relation to the Carlton Gardens Reserve during the whole or specified parts of the declaration period.
- (2) The functions, powers and duties may include—
 - (a) a power, with the consent of the Minister, to enter into agreements or arrangements with an event organiser; and
 - (b) any power required to undertake, organise or facilitate a special event; and
 - (c) any function, power or duty conferred by any other Part of this Act or any other Act on the trustees or the committee of management of the Carlton Gardens Reserve in that capacity; and
 - (d) a power to fix opening and closing times for public access to the special event management area or part of that area.
- (3) A special event management declaration cannot confer power to permit the use of the Carlton Gardens Reserve for a purpose that is inconsistent with the reservation of the land unless it is a purpose that is, or is connected with, an exhibition purpose.
- (4) The functions, powers and duties conferred on the Trust by a special event management declaration are in addition to those set out in the **Melbourne Convention and Exhibition Trust Act 1996**.

29M Suspension of functions, powers and duties

- (1) A special event management declaration may provide for—
 - (a) all or specified functions, powers and duties of the trustees or the committee of management of the Carlton Gardens Reserve to be suspended for a special event period; and
 - (b) all or specified functions, powers and duties of the trustees or the committee of management of the Carlton Gardens Reserve to be suspended for any other specified part of the declaration period.
- (2) The Minister must not make a recommendation under section 29J(1) for a declaration to suspend the functions, powers and duties of the trustees or the committee of management unless the Minister is satisfied that this is necessary for the purposes of the special event.
- (3) The trustees or the committee of management of the Carlton Gardens Reserve must not—
 - (a) exercise or perform any function, power or duty that is suspended under this Part during the period of the suspension; and
 - (b) exercise or perform any other function, power or duty in a manner that is inconsistent with a special event management declaration or the purpose of that declaration.

29N Powers in relation to agreements and arrangements

The power conferred on the Secretary or the Trust to enter into agreements or arrangements with an event organiser may include agreements or arrangements relating to—

- (a) the organisation and conduct of the special event; and
- (b) the occupation and use and period of occupation and use by the event organiser of any part of the special event management area; and
- (c) the fees to be charged by the event organiser for entry into the special event management area; and
- (d) the fees for the occupation and use of the special event management area to be paid by the event organiser to the Secretary or the Trust.

290 Regulations and local laws to be suspended

- (1) A special event management declaration may provide that all or any regulations made under section 13 or local laws made under the **Local Government Act 1989** are to be suspended during the whole or any specified part of the declaration period to the extent that they apply to the Carlton Gardens Reserve.
- (2) Despite anything to the contrary in the **Local Government Act 1989** and without limiting subsection (1), a local law made after the making of a special event management declaration does not apply to the Carlton Gardens Reserve during the declaration period unless the special event management declaration otherwise provides.

29P Transitional provisions

A special event management declaration may contain provisions of a transitional nature consequent on the making of the declaration, including—

- (a) provisions for the construction of references in any instrument or in any other document of any kind; and
- (b) provisions relating to the end of a special event period or the declaration period.

29Q Effect of special event management declaration

A special event management declaration has effect according to its terms.

29R Minister to give copy of declaration to committee of management

The Minister must give a copy of the special event management declaration to the committee of management of the Carlton Gardens Reserve within 7 days after the declaration is published in the Government Gazette.

29S Special event management area to be restored

- (1) The event organiser of a special event must immediately after each special event period, restore, or ensure the restoration of, the special event management area to a condition reasonably comparable to its condition before the beginning of the special event period.
- (2) If the event organiser does not comply with subsection (1), the Secretary or the Trust may carry out the restoration works and

Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008
No. 14 of 2008

s. 5

recover the costs of those works from the event organiser as a debt due to the Secretary or the Trust.

5 Repeal of amending Act

This Act is **repealed** on the first anniversary of its commencement.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

Endnotes

Minister's second reading speech—

Legislative Assembly: 6 February 2008

Legislative Council: 13 March 2008

The long title for the Bill for this Act was "A Bill for an Act to amend the **Crown Land (Reserves) Act 1978** to provide for the management of land in the Carlton Gardens Reserve for special events and for other purposes."

REQUEST TO BE HEARD BY THE STEERING COMMITTEE

I have made a written submission in relation to the draft Management Plan for the Royal Exhibitions Building and Carlton Gardens and I wish to be heard by the Steering Committee. I provide the following information to enable the Steering Committee to prepare a timetable for any hearing.

Please send this form with your written submission by 5.00pm on Monday 8 August 2011 to

**Chairperson
Steering Committee REB&CG
C/O Heritage Victoria
GPO Box 2392
Melbourne 3001**

Or via email to heritage.victoria@dpcd.vic.gov.au

For further information, contact the Heritage Council Hearings Officer on 03 8644 8921 or at heritage.council@dpcd.vic.gov.au.

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E-Mail Address	robada@melbourne.vic.gov.au	
Length of time requested to present submission Give total time including time required by any witnesses	20/30 minutes	
Will you be represented by anyone? (If so, please provide details of their name/s and expertise)	No	
Will you be calling an expert witness? (If so, please provide details of their name/s and expertise.)	No	
Do you require any audio/visual equipment? (If so, please tick your requirements or specify)	Video: VCR / DVD / CD Rom	
	Data Projector	Power point presentation
	Other	

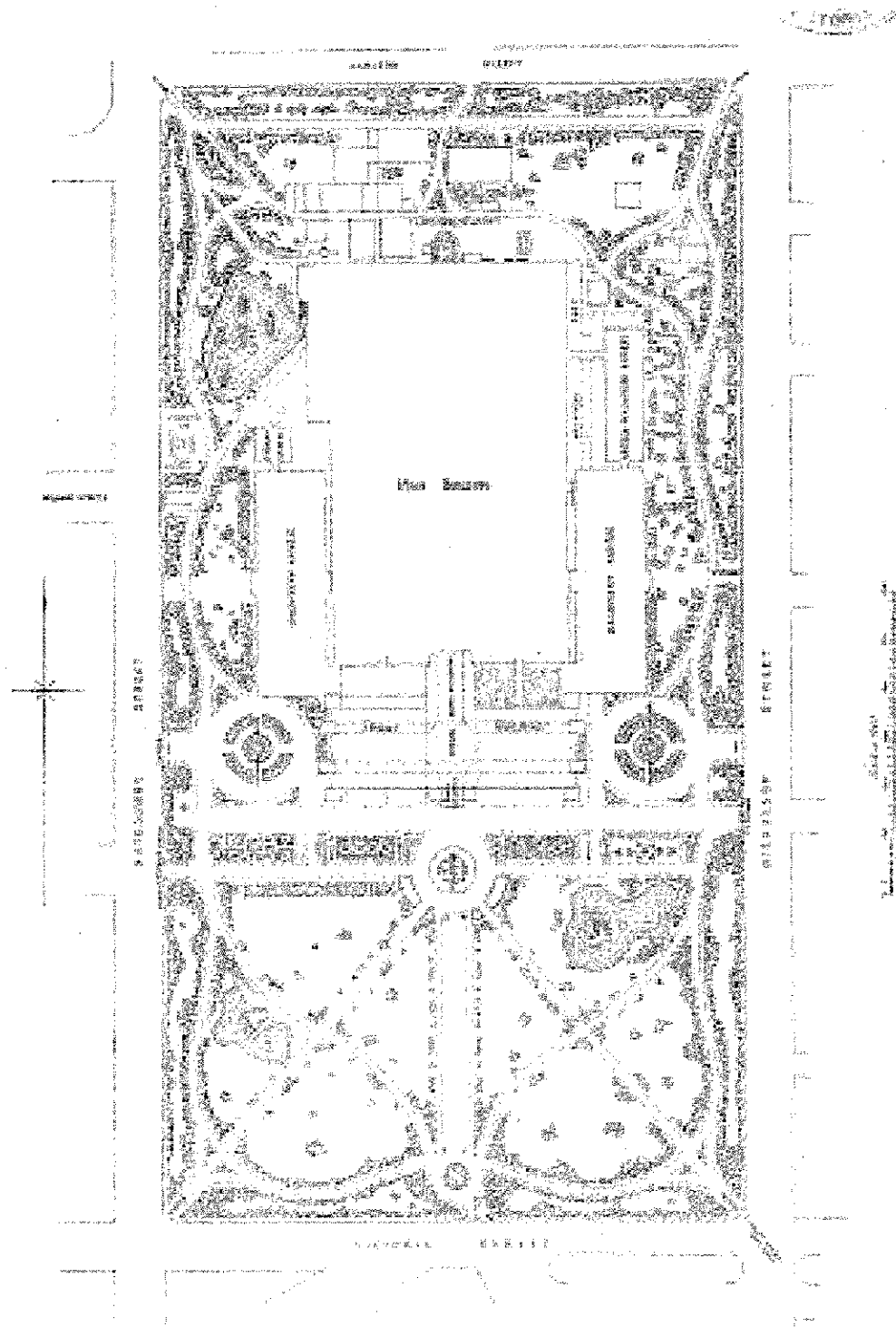
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Appendix two

Maps of Exhibition Reserve and Carlton Gardens 1880, 1941 and 2010

Carlton Gardens 1880



THE METROPOLITAN INTERNATIONAL EXHIBITION 1882

Plan of Gardens

By J. G. & J. G. GARDNER

J. G. & J. G. GARDNER
1882

Carlton Gardens 1941

APPENDIX D

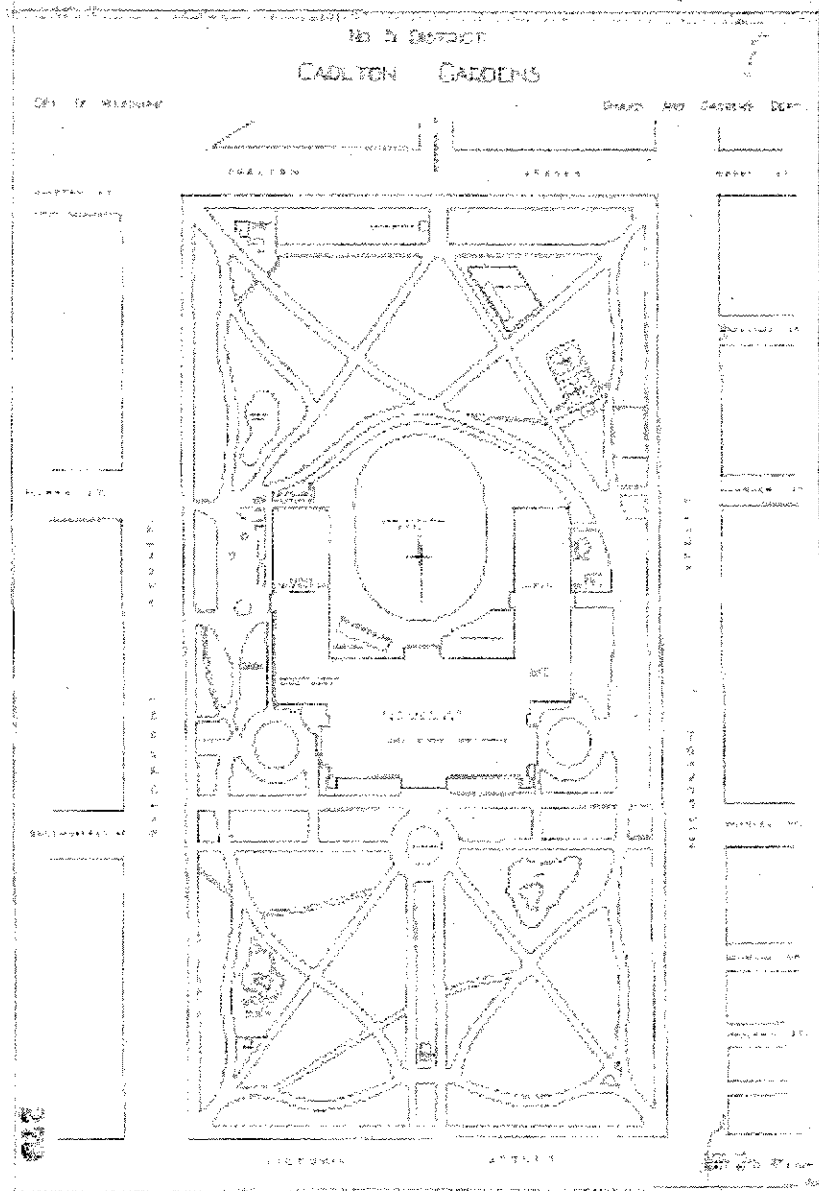
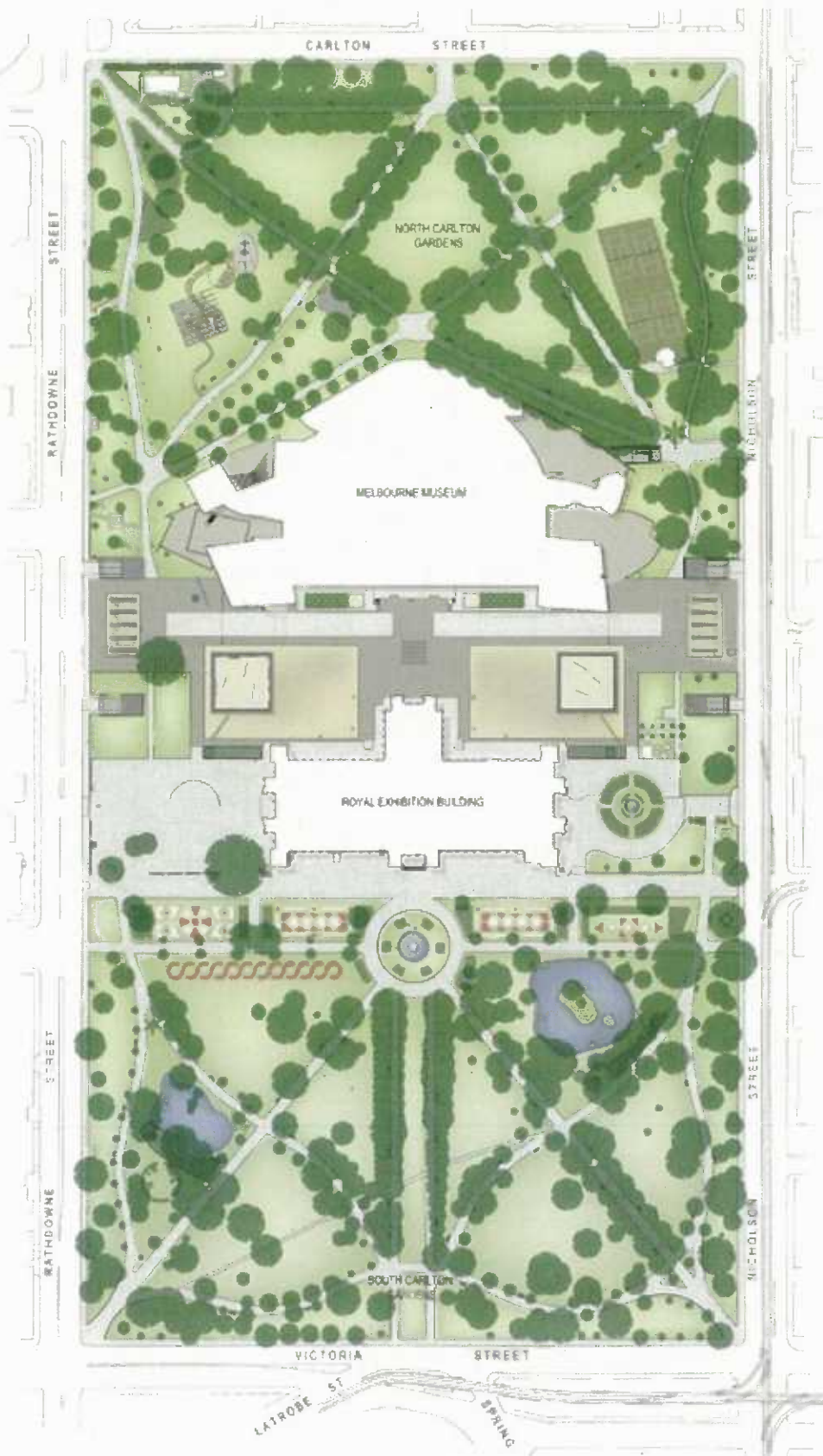


Figure 19 Plan of Carlton Gardens, January 1941
Source: City of Melbourne, Parks and Gardens Department.



Carlton Gardens - Existing Conditions 2010

20 40 60 80 100 north