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*

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Date of meeting: * Tuesday 4 October 2022

Agenda item title: 6.3 Guidelines for holding events in open space

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Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

i would like to make 2 points regarding this item

1. Heritage listed parks and gardens

Although Heritage listed parks which are included in this strategy are marked with an asterisk, they are not sufficiently differentiated in the document with regard to the specific requirements for care and preservation to maintain their qualities and status.

2. Resident fauna

re the following quoted from document

"4.1 Physical

Physical impacts refer to the impacts an event's infrastructure or its attendees may have on the short and long term biodiversity of the park and park infrastructure. Physical impacts include:

♣ Damage to grassed surfaces, shrub or garden beds, trees, tree root systems, signage, buildings, pathways and biodiversity.

- ♣ Compaction of soil in open grassed areas generally affected by the number of participants, structures and event vehicles.
- ♣ Damage to sensitive habitat e.g. smoke, noise, trampling, light.
- ♣ Pollution from waste water and litter.

As there are no known endangered or rare species within any parks or gardens and pollution from waste water and litter are considered during the permit process, criteria for these has not been included in this impact. The impacts listed above can be measured from very low to high."

Whether resident species are "endangered" or not, they can still suffer from the effects of events (noise , light, infrastructure crowds, damage to habitat. The preservation of local species within our parks and gardens is of great importance even if they are not on an endangered list.

Please indicate No
whether you
would like to
verbally address
the Future
Melbourne in
support of your
submission: *

NOTE: This email address is confidential and restricted access. Please do not share it or publish it. Thank you.

Hi Jordan,

SUBMISSION RE FMC 4 OCT 22, 6.3: Guidelines for holding events in open space

Future Melbourne Committee 4 October 2022

Please be advised that documentation in relation to the Future Melbourne Committee meeting scheduled to be held on Tuesday, 4 October is now available via Council's website.

[Future Melbourne Committee 4 October 2022 - City of Melbourne](#)

Please forward this submission, the attached pdf, without the email address, to the Lord Mayor, CEO, Councillors and key officers, City of Melbourne.

Thank you

B. McNicholas

Director, Walk in St Kilda Rd & Environs

Convenor, Heritage, Planet Ark National Tree Day, Nature Care & Lighting expert events and projects

Campaign Manager for the Nomination of Melbourne Observatory for UNESCO World Heritage listing

4 October 2022

SUBMISSION RE FMC 4 OCT 22, 6.3: **Guidelines for holding events in open space**

Future Melbourne Committee 4 October 2022

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[Future Melbourne Committee 4 October 2022 - City of Melbourne](#)

Dear Lord Mayor, CEO, Councillors and key officers of the City of Melbourne,

This is really important. The draft "*Guidelines for Holding Events in Open Space*" document attached is premature and needs much more work. It basically ignores heritage listing/registration.

Heritage registered and heritage listed places and events in their sites or impacting their sites are not managed or guidelines provided for their appropriate management are not presented as they should be in this document. It is a major flaw and omission that needs to be corrected in the draft Event Guidelines if Heritage registered/listed places are to be included.

It is requested that draft "*Guidelines for Holding Events in Open Space*" document be deferred whilst it is reviewed and rectified.

CoM has **MANAGEMENT** requirements and responsibilities for Heritage places that are different to non-heritage or 'open space' management, **including for events.**

This needs to be stated and reflected clearly, specifically, in Event Guidelines documentation.

Definitions of '*open space*' need up-dating and **heritage** introduced as a separate, higher **category** so it is managed appropriately and best practice ... that has not been done or attempted here ... and needs to be done.

Note on page 5: a major fault, error and omission in this document. There is no separation of Heritage listed/registered places, parks and gardens. These have been assessed widely over years and taken out of being general 'open space', raised to a higher level of required protection, with declared highly significant and outstanding cultural heritage values, on a City, State, National or World Heritage level - and these places need different, specific management by City of Melbourne, including for events, for listed cultural heritage values and their protection and targeted enhancement.

- In the Event Guidelines City of Melbourne is failing to properly manage its heritage listed places, and particularly its heritage parks, gardens and green spaces. It needs to be rectified.

HERITAGE MATTERS!

- In the draft documentation City of Melbourne is badly failing in its duties and obligations for managing Heritage listed places and the events in these places
 - Many of the issues of community, public and residents arise from this - CoM ignoring Heritage listing/registration in their management, including event management strategies and plans, and treating them like general space.
 - As managers of heritage listed places Council has a responsibility and duty of care for their special management and requirements. CoM should show leadership and take responsibility for these unique and precious places, including in their Event Management Guidelines.

Note that “Domain Parklands, Carlton Gardens South and Fitzroy Gardens”, mentioned in the Category “Capital City” need to be moved to a new, higher category of heritage listed places, parks and gardens. They need to be managed very differently to non-heritage listed parks and gardens. Domain Parklands is also included in the National Heritage list, and Carlton Gardens South is on the National Heritage list and the UNESCO World Heritage list.

See page 9: **Exemptions:** there is not enough detail here, and this is a real issue. So is the word “temporary” in relation to damage etc ...

- Heritage places are also not treated **holistically** in the Guidelines document, and they should be

eg on page 12: Carlton Gardens North and Carlton Gardens South are listed as ‘State/Regional’ and ‘Capital City’ respectively, separately – but no mention is made of Melbourne’s only UNESCO World Heritage Place: **Royal Exhibition Building & Carlton Gardens**, which includes both, and the requirements for integrated, holistic management!

See requirements for management, including event management, National Heritage Management Principles, and Management Objectives and Arrangements required for each Australian property included on the World Heritage List, below, pages 4 to 6. These need to be included in Event Guidelines documentation that includes National or World Heritage listed places. For example:

*“4. The management of National Heritage places should **ensure that their use and presentation is consistent with the conservation of their National Heritage values.**”*

“Royal Park, Princes Park, Fawkner Park and Flagstaff Gardens”, as well as Fitzroy Gardens, are on the Victorian State Heritage Register, and need different event management to non-heritage places or general open space.

*“We are committed to our role as custodians of VHR heritage places and have recently finalised an action plan to **ensure our heritage is appropriately considered at all stages of project planning and delivery.**”*

<https://www.melbourne.vic.gov.au/building-and-development/heritage-planning/Pages/state-listed-heritage.aspx>

Yet these promises and commitments by City of Melbourne (CoM) “to **ensure our heritage is appropriately considered at all stages of project planning and delivery**”, including in Event Guidelines, have not been enacted and included in this draft Events Guidelines document, and they should be.

Additionally, the recommendations and responsibilities for National and World Heritage listed places and their managers and management, which includes event management, need to be incorporated in the Events Guidelines document that relates to them. The up-dated draft “*Guidelines for Holding Events in Open Space*” document needs to be separated into a second document for Heritage Registered and Heritage listed places, and this document amended for non-heritage or ‘open space’ places and events there, **or** this document needs to add another higher category for Heritage Places and the draft Event Guidelines re-written to accommodate this.

The word ‘heritage’ I think is only mentioned on page 15 (of the pdf CoM report), in the draft revised Event Guidelines:

“Notes:
^ Crown land
* **Victorian Heritage Registered site**
~ **World Heritage Registered site**”

-
- **Why is National Heritage listing not included?**

Where is the clear labelling of National Heritage listed sites?

Yet, Point 5, page 1 of the report acknowledges it is a key issue re “the guidelines, it was recognised that while out of date, **the guidelines were widely used and were a key resource for making decisions about specific event applications and requirements**”

This has resulted in many wrong actions /activities/ works by City of Melbourne in that time, since 2007, and has caused community, residents and the public considerable work, worry and loss, including financial and opportunity costs for Heritage places of outstanding cultural heritage significance.

Note in **point 6 – it does not state that any heritage input or considerations have been made – but they should be.**

Document title RECOMMENDATION:

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- **That the title ‘Guidelines for Holding Events in Open Space’ be changed to ‘Guidelines for Holding Events in Heritage Places and in Open Space’**

Otherwise:

- That a separate document be produced – ‘Guidelines for Holding Events in Heritage Places, Parks, Gardens & Green Spaces’
-

National:

“Heritage management principles

The National Heritage management principles provide a guiding framework for excellence in managing heritage properties. They set the standard and the scope of the way places should be managed in order to protect heritage values for future generations.”

<https://www.dcceew.gov.au/parks-heritage/heritage/about/national/managing-national-heritage-places>

“National Heritage management principles

1. The objective in managing National Heritage places is to identify, protect, conserve, present and transmit, to all generations, their National Heritage values.
 2. The management of National Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on their National Heritage values.
 3. The management of National Heritage places should respect all heritage values and seek to integrate, where appropriate, any Commonwealth, state, territory and local government responsibilities for those places.
 4. The management of National Heritage places should ensure that their use and presentation is consistent with the conservation of their National Heritage values.
 5. The management of National Heritage places should make timely and appropriate provision for community involvement, especially by people who:
 - a. have a particular interest in, or associations with, the place, and
 - b. may be affected by the management of the place.
 6. Indigenous people are the primary source of information on the value of their heritage and the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.
 7. The management of National Heritage places should provide for regular monitoring, review and reporting on the conservation of National Heritage values.”
-

To ensure this occurs with City of Melbourne in their Management, including Event Management of our highly valued Heritage places:

RECOMMENDATION:

When Council re-does this draft adding the new top Category of Heritage (or producing a separate document for Heritage places), they should also add to the document the above as a requirement, ie compliance with these National Heritage Management Principles BEFORE an event is presented to FMC or HV or approved or licenced in any way.

For example, this has not been done in proposing to issue a Licence to 2029 for MIFGS in Carlton Gardens South, nor has the impact on the whole place been assessed under these required management guidelines BEFORE proposing to issue a Licence. These Principles for Management “*set the standard and the scope of the way places should be managed in order to protect heritage values for future generations*”, so City of Melbourne is failing in their duties as Heritage manager of the place and needs to modify this draft Guidelines.

World Heritage:

<https://www.dcceew.gov.au/parks-heritage/heritage/about/world/management-australias-world-heritage-listed>

“Management of Australia's world heritage properties

Management arrangements are required for each Australian property included on the World Heritage List. The Commonwealth considers such plans as vital in implementing Australia's obligations under the [World Heritage Convention](#).

Management objectives

The primary management objectives for World Heritage properties are part of Australia's general obligations under the World Heritage Convention:

8. **to protect, conserve and present the World Heritage values** of the property
9. **to integrate the protection of the area into a comprehensive planning program**
10. to give the property a function in the life of the Australian community
11. to **strengthen appreciation and respect of the property's World Heritage values**, particularly through educational and information programs
12. to keep the community broadly informed about the condition of the World Heritage values of the property
13. to take appropriate scientific, technical, legal, administrative and financial measures necessary for achieving the foregoing objectives.

In achieving these primary objectives due regard is given to:

14. ensuring the provision of essential services to communities within and adjacent to a property
15. allowing provision for **use of the property which does not have a significant impact on the World Heritage values and their integrity**
16. recognising the role of current management agencies in the protection of a property's values
17. **the involvement of the local community in the planning and management of a property."**

Recommendation:

That the above copy be included in revised Event Guidelines that include World Heritage listed places and that events in these WH listed places need to be pre-assessed as compliant with all of these Management Objectives before being approved, before being presented to FMC or Council for endorsement.

"An online framework guide to best practice World Heritage management

"The World Heritage Convention recognises that it is the duty of States Parties to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage situated on its territory. "

<https://www.dcceew.gov.au/parks-heritage/heritage/about/world/management-australias-world-heritage-listed/managing-world-heritage-australia>

also, see: <https://www.dcceew.gov.au/parks-heritage/heritage/about/world/management-australias-world-heritage-listed/managing-world-heritage-australia/protecting-world-heritage#management-arrangements>

"When preparing or updating management plans for **World Heritage properties**, it is important to follow the Australian World Heritage management principles which are set out in the **EPBC Regulations**. The **General Principles** are as follows:

1.01	The primary purpose of management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to the future generations and, if appropriate, rehabilitate the World Heritage values of the property.
1.02	The management should provide for public consultation on decisions and actions that may have a significant impact on the property.
1.03	The management should make special provision, if appropriate, for the involvement in managing the property of people who: a) have a particular interest in the property; and b) may be affected by the management of the property.
1.04	The management should provide for continuing community and technical input in managing the property.

RECOMMENDATION:

That City of Melbourne include the above in this Event Guidelines document under the new top category: "Heritage" and ensure compliance PRIOR to proposing an event in a World Heritage listed place. A World Heritage place also needs to be considered holistically, as WH listed, as above.

The Council report re 6.3 states:

"Recommendation from management

9. That the Future Melbourne Committee:
 - 9.1. revokes the Sustainability Guidelines for Holding Events in Parks and Gardens (2007)
 - 9.2. approves the Guidelines for Holding Events in Open Space 2022, to be managed under existing delegations."
-

RECOMMEDATION

I am proposing:

- that 9.1, **the revocation of the Guidelines (2007), be supported**
 -
 - and that
 - **9.2 is opposed and not supported, but that it be deferred whilst City of Melbourne**
 - Consults with Heritage Victoria, the National Trust and ICOMOS, and
 - Adds a new highest category: Heritage registered/listed places, parks, gardens and green spaces; otherwise that a separate document should be produced – a *Guidelines for Holding Events in Heritage Places, Parks, Gardens & Green Spaces*, and this draft attached be revised and only be used for non-heritage 'open space'.
 - that CoM re-defines "open space", separating Heritage listed/registered places and managing them differently.
 - That it is then re-submitted to FMC for public comment
-

In Conclusion

It is premature to recommend this revised draft document. The document needs to be re-worked to incorporate separate, appropriate management for heritage places included and re-submitted to FMC.

We also need to have the more-than-one year - overdue 1 September 2020 unanimous Future Melbourne Committee resolution for heritage places completed and implemented, as an urgent, critical priority. Had that been done in a timely manner, as resolved at FMC, this document would have been better up-dated, along with including appropriate Heritage place event management guidelines.

In this Resolution (attached, appendix 1) the Future Melbourne Committee noted:

“It has become evident that at times this decentralised approach has led to difficulties in understanding and adequately planning for meeting relevant Heritage legislative requirements in a timely, consistent, informed and prepared manner.

This motion therefore commissions a review, seeking to improve the way all work areas can be equipped with the information and processes necessary to accurately predict and plan for Heritage legislative requirements, and be aware of good management practices for land and properties with high levels of Heritage protection.”

Yet CoM continues with heritage place impacting decisions, including this resolution, that includes these heritage places, without having responsibly completed this Review and Reform in a timely manner as stated as needed.

“1.1. Notes the extensive tracts of public parkland added to the Victorian Heritage Register in the last seven years for which the City of Melbourne is the Committee of Management.”

These were not considered when the out-dated 2007 Event Guidelines were resolved and they have not been given due consideration in a revised Guidelines yet. It is a critical part of the update of this document to revise it to appropriately include Heritage places and their required event management.

In this 2020 Council Resolution you resolved:

“...that a review of internal processes and protocols in relation to planning for works on land on the Victorian Heritage Register is timely.

Requests that management conduct a review of the internal processes and protocols across all work areas that manage the planning and delivery of building and works to places on the Victorian Heritage Register and report the outcomes of this review to councillors by September 2021.”

This includes ‘temporary’ infrastructure, fencing, lighting and works such as for events. Thus, the failure to complete this 1/9/2020 Resolution in a timely manner, yet Council continuing with decisions on Heritage places and events in their spaces without having completed the Review, Report, Reform, is poor management practice and wrong priorities. It puts our heritage places, parks and gardens at risk. We urge you to prioritise completing the Heritage Review now.

Thank you for the opportunity to make a submission.

Please note that when David Callow mentioned at a meeting last month that he would *in future* be revising the Events Guidelines, I specifically requested of him that he kindly presents a first rough draft to myself and other key community groups (with a lot of early notice/release) before finalising his draft or presenting it on a FMC Agenda, and I mentioned key issues. That did not happen. It is disappointing that committed heritage community groups and the public have not been allowed input in the planning stages or had the early release of documentation requested, but, again, have been put under (effectively) two-work-day pressure by CoM or excluded.

We have requested, including in the over-due Report, Review and Reform of how heritage is managed at CoM, that **Community Advisory Groups** are instituted and embedded, effectively, in the planning stages at Council, so we can work with CoM before such important matters are listed on a FMC or Council meeting Agenda. We have asked for years now for a Community Advisory Group for Heritage, for Melbourne's only UNESCO World Heritage listed place, Royal Exhibition and Carlton Gardens, and for Queen Victoria Market. Again, we request these be set up.

There was inadequate stakeholder consultation on this document, as stated:

“Stakeholder consultation

5. The draft new guidelines were considered by the PGC in March 2022 and the feedback received was incorporated into the final document. As the new guidelines remain consistent with CoM's policies, no further external stakeholder consultation was undertaken”, page 2

-It is not true that “the new guidelines remain consistent with CoM's policies”, as heritage places and guidelines for their responsible, required and best practice management are not met in this draft document. There has also been inadequate stakeholder consultation, failure to comply with Council engagement and participation guidelines.

“Relation to Council policy

6. The new guidelines align with the 2021-24 Council Plan objectives to: focus on an Economy of the future and to celebrate Melbourne's Unique identify and place: and are consistent with and fall under both the Open Space Strategy (2012) and the Event Assessment Framework (2013).”

The last two documents mentioned are put-of date.

Heritage registered and listed places, parks, gardens and green spaces and *National Heritage management principles*, which “*provide a guiding framework for excellence in managing heritage properties*” have not been considered, incorporated, included, and they should be. “*They set the standard and the scope of the way places should be managed in order to protect heritage values for future generations*” but are, wrongly, omitted from the Guidelines document.

<https://www.dcceew.gov.au/parks-heritage/heritage/about/national/managing-national-heritage-places>

Your assistance and support in resolving to re-do this Event Guidelines document and getting it right is requested.

It is hoped you will show your appreciation of Melbourne's precious Heritage registered and listed places and their role as the heart, soul and face of the City of Melbourne and understand they have been taken out of being general open space and raised higher, along with requirements

for their different management, including event management. If you include heritage places in the Events list covered by the Guidelines, you need to include their separate requirements and event management principles.

I would be pleased to work with your team to do this.

Sincerely,

B. McNicholas

Director, Walk in St Kilda Rd & Environs

Convenor, Heritage, Planet Ark National Tree Day, Nature Care & Lighting expert events and projects

Campaign Manager for the Nomination of Melbourne Observatory for UNESCO World Heritage listing



Resolutions of the Future Melbourne Committee meeting held on Tuesday 1 September 2020

Agenda item 7.1

Notice of Motion, Cr Leppert: Council projects on land on the Victorian Heritage Register

Resolved:

1. That the Future Melbourne Committee:
 - 1.1. Notes the extensive tracts of public parkland added to the Victorian Heritage Register in the last seven years for which the City of Melbourne is the Committee of Management.
 - 1.2. Notes that the City of Melbourne's requirement to seek permits and exemptions in accordance with the *Heritage Act 2017* has increased considerably as a result of these additions, given the extent of projects for works required and proposed to be carried out in accordance with Council plans and policy.
 - 1.3. Expresses the view that **the City of Melbourne can improve how it goes about applying for Heritage permits and Heritage permit exemptions, and that a review of internal processes and protocols in relation to planning for works on land on the Victorian Heritage Register is timely.**
 - 1.4. Requests that management conduct a review of the internal processes and protocols across all work areas that manage the planning and delivery of building and works to places on the Victorian Heritage Register and report the outcomes of this review to councillors by September 2021, including by reporting to this Committee or the Council any proposed changes to Council policy that require formal resolution. In conducting the review, **management is requested to consider the matters raised in the notice."**

Future Melbourne Committee	Agenda item 7.1
1 September 2020	
Notice of Motion, Cr Leppert: Council projects on land on the Victorian Heritage Register	

Motion

That the Future Melbourne Committee:

1. Notes the extensive tracts of public parkland added to the Victorian Heritage Register in the last seven years for which the City of Melbourne is the Committee of Management.
2. Notes that the City of Melbourne's requirement to seek permits and exemptions in accordance with the *Heritage Act 2017* has increased considerably as a result of these additions, given the extent of projects for works required and proposed to be carried out in accordance with Council plans and policy.
3. Expresses the view that **the City of Melbourne can improve how it goes about applying for Heritage permits and Heritage permit exemptions, and that a review of internal processes and protocols in relation to planning for works on land on the Victorian Heritage Register is timely.**

4. Requests that management conduct a review of the internal processes and protocols across all work areas that manage the planning and delivery of building and works to places on the Victorian Heritage Register and report the outcomes of this review to councillors by September 2021, including by reporting to this Committee or the Council any proposed changes to Council policy that require formal resolution. In conducting the review, management is requested to consider the matters raised in the notice.

Background

The four large tracts of public parkland (and boulevard) added to the Victorian Heritage Register within the last seven years, for which the City of Melbourne carries some or total Committee of Management control, are:

Domain Parklands	Added July 2013	#H2304
Royal Park	Added October 2014	#H2337
Fawkner Park	Added September 2016	#H2361
St Kilda Rd	Added September 2016	#H2359

Together these lands constitute a significant proportion of the municipality, which include a large number of Council owned and managed structures, trees, infrastructure and objects.

As part of the City of Melbourne's project and service delivery programs multiple teams are involved in the preparation of Heritage permit applications and requests for permit exemptions. Responsibility for the implementation of Conservation Management Plans is also dispersed throughout the organisation.

It has become evident that at times this decentralised approach has led to difficulties in understanding and adequately planning for meeting relevant Heritage legislative requirements in a timely, consistent, informed and prepared manner.

This motion therefore commissions a review, seeking to improve the way all work areas can be equipped with the information and processes necessary to accurately predict and plan for Heritage legislative requirements, and be aware of good management practices for land and properties with high levels of Heritage protection.

A review of policies and processes should consider:

1. How work areas can be better equipped to know how to factor in *Heritage Act 2017* permission into project planning, and know when and how to identify where permit requirements, or permit exemption opportunities, exist.

2. **The current decentralised approach to making Heritage permit and exemption applications, and whether one work area or officer should have oversight of applications made, or at least be in a position to provide advice and expertise to the relevant work area making the application.**

3. The often highly political nature of heritage permit applications, and the need to be able to clearly and publicly demonstrate how any application aligns with Council policy, plans or resolutions and not only rely on the materials advertised with the Heritage permit, as well as **the need to ensure that councillors as public representatives are aware of and briefed on Heritage permit applications prior to their lodgement and the public advertising process.**

4. The lack of a consistent formal approach to the collection, secure storage and access to Conservation Management Plans (CMPs), noting that the current informal approach is that the relevant work area keeps the CMP for the building or land in their portfolio, and that this had led to the existence of some CMPs falling out of knowledge of other parts of the organisation. Some CMPs have also not been lodged with Heritage Victoria. CMPs have been commissioned over the years at great cost and are important in their guidance to Council in how works on heritage properties should be undertaken, and these documents should be internally and publicly accessible and guide decisions.

5. The ideal timeline and forward plan for the commissioning and completion of Conservation Management Plans for land and buildings on the Victorian Heritage Register managed by the City of Melbourne, where CMPs do not yet exist.

6. Heritage Victoria's advice.

Mover: Cr Rohan Leppert

Secunder: Cr Nicholas Reece