

**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

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**Name:** \* Paaawan Engineer

**Phone number:** \*

██████████

**Email address:** \*

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**Date of Council meeting:** \* Tuesday 27 September 2022

**Agenda item title:** Parklet Fees, Flinders Lane

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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. We encourage you to make your submission as early as possible.**

I own a cafe on ██████ Flinders Lane, which has a parklet outside on the street, previously one half of 2 loading bays. I've been here every day for the last 2.5 years and seen the shift this city has taken in terms of change in pedestrian/vehicular traffic in this area.

It's a mess, people are coming to work 1 maybe 2 days a week, and they don't come if it's too cold, too hot, too wet etc. and most offices have downsized from 3-4 floors in the building to maybe half or just moved to docklands where rent is cheap as chips.

Now that's the background. We don't have an issue in paying fees for the parklet. It helps let people know that there is a business in the vicinity. But if you're asking me to pay \$8000 a year (discounted to 50% for the first year), we are just being naive about the situation on hand. Our parklet is in need of repairs, as the parklet was made for a temporary situation and it's going to cost us \$2500+ to fix it once every year, if lucky over two years.

What I'm implying here is that your calculation used to come up with these fees, is not a simple maths solution, but it's about understanding where we are as a city currently, where we are heading and what is required to take it

forward. Charge fees, but be realistic. This is ridiculous amount for one small business.

We are managing our business with 2 good days of business. Compared to 2019 or earlier, we are in need of some serious progressive leadership, who can figure out, how to fill the city. Besides, we are located on Flinders Lane, between Elizabeth Street and Queen Street. Has anyone from your leadership team recently visited this spot. It's in shambles. Drugs, Homelessness, Violence, Empty Shops etc., you name it.

So please, before you come up with these astronomical figures, please ask yourself –

Are we really doing enough to support small businesses ?

How is this going to shape the city in a few years ?

Do we need small Businesses ?

When we say "we want to support small businesses" are we really walking the talk ?

With levels of inflations, costs etc., to get into a small business, is almost suicidal. I would never recommend anyone to get into it anymore, as it's just about paying taxes, so the officials can get their raises. I do this because of passion, but not a single day passes by when i just want to throw in the towel and get the hell out of this. So help us, by doing what you're saying you're supposed to do – Support small businesses.

Please revisit this and use some common sense, practicality and logic in your decision making...

**Do you also wish    No**  
**to attend the**  
**Council meeting**  
**in person, noting**  
**that there is no**  
**provision to make**  
**verbal**  
**submissions at**  
**Council meetings?**

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**Name: \*** Gerard Kelly

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title:** Proposal to re-introduce outdoor dining fees

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

In relation to reinstate outdoor dining fees and charges for dining parklets – as an owner of a small hospitality business that is not in the main retail precinct this would be a disaster for business like mine and similar.

There are still large parts of the city that are suffering for example areas that rely on office workers (Queen St in my instance), where occupancy is still very low.

Though we are heading to summer and hopefully improved weather conditions many business close over the Christmas period and January large parts of the CBD are quiet with offices closed.

There are already huge vacancies and empty shops and this additional cost I fear will be another nail in peoples businesses who are still trying to catch up after the last 2 / 3 years.

I understand the need for council to reintroduce charges in the future but this is not a suitable time and also the cost of the areas are too high considering the low level of office occupancy – perhaps when office occupancy resembles what it was prior to COVID then council can look at reinstating charges.

I strongly urge council to reconsider their proposal or you will face further closure of small hospitality businesses.

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**Name: \*** Paul Waterson

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title:** Review of intended re-introduction of outdoor dining and busking permit fees

\*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting**. We encourage you to make your submission as early as possible.

The council is to be congratulated on this balanced approach to re-introduction of fees. Across our 14 venues in the City of Melbourne sales have recovered to above pre-pandemic levels. This is in no small part due to the rapid approval and roll out of outdoor dining permits during the initial re-opening phase post the COVID-19 pandemic. Whilst there remains an argument for fee waivers in areas of need including the Docklands the nighttime economy has recovered strongly due to the Council's frequent programme activation, the strong sporting and event calendar and the innovative and decisive approach to outdoor dining. As an employer of 1400 people in the CBD we are grateful for the work City of Melbourne has done to assist the recovery of the late night sector.

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at**

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## Council meetings?

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**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

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**Name: \*** Joanne Gamvros

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title:** Street trading fees for Parklet

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

Thank you for your correspondence regarding permit fees going forward. As I understand what has been stated as of November 2022 we will be paying 50% of the fees per m2, my concern going forward is the 100% fees and I am unclear when this will be applied or commences?

In our current hospitality climate we are still seeing the ramifications of COVID-19 closures, lunches are slow to rebuild and inconsistent day trade are still very apparent. Even though there is definitely more life in the city and it's building, hospitality traders are still fighting with losses made over nearly three years, lack of trained staff applying for work and general customer confidence still wanes from time to time, noted frequently is customer last minute cancelations of bookings.

The reason for this acknowledgement on our behalf is the grave concerns that future costs for permits for outside trade is still a significant cost to small businesses hit the hardest in the centre of the CBD through the pandemic. As a small business owner if the City of Melbourne has the government funding to support our costs for a further year, be it postponed or reduced rates we see this as a great advantage to assist us in recovering lost income.

Weather permitting with La Niña being projected for Spring and Summer seasons, that we get to enjoy the added outside seating as currently the area is not protected from the rain. We would also be interested in considering future infra structure for our parklet to assist in making it a more viable seating area which then reflects the parklet permit fees to be applied.

We hope that these points can be addressed in the council meeting and we hope that other small business owners are also being given the opportunity to voice their concerns. We believe the City of Melbourne shares in the benefits seen in supporting small businesses in the CBD, mostly family owned, or independently owned we source our funding personally, are not supported by multi-facet corporations and we generally keep independent values, multi-cultural and generational inspiration alive and trading in the CBD.

Thank you John for bringing these discussions to light, as I am currently on leave I am hoping you can help with submitting our concerns.

Jo Gamvros.

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Council meetings?**

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**Name: \*** Paddy O'Sullivan

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title:** Review of intended re-introduction of outdoor dining and busking permit fees

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

I am writing to you on behalf of the Australian Hotels Association (Victoria), who represents the City of Melbourne's diverse and culturally significant pubs and hotels.

COVID-19 and its consequences, including the ongoing labour and skills shortage, and cost of living increases, have had a devastating impact on Melbourne and Victoria's licensed hospitality industry.

Whilst the various initiatives of the State Government, supported by the City of Melbourne, have assisted in mitigating the impact of the on-going costs of licensed businesses during "lockdowns" and restricted trading periods, significant challenges have and continue to exist in stimulating customer demand.

From an early stage in the onset of the pandemic, the increased availability of outdoor drinking and dining options was significant from both a health perspective and in instilling necessary confidence in wary customers contemplating a visit to a licensed venue.

The waiver of outdoor dining permit fees by the City of Melbourne was an important initiative in supporting the

expansion of outdoor drinking and dining areas on footpaths, parklets etc.

Whilst the increasing level of vaccination in the community has assisted in building community confidence in respect of gathering in larger groups at venues, there remains an obvious preference for outdoor drinking and dining by many.

The current waiver of outdoor drinking and dining permit fees, including parklets, by the City of Melbourne has been of considerable assistance.

With the waiver scheduled to cease on 31 October 2022, the re-imposing fees for footpath occupancy would have an untenable financial impact on venue operators and be counter-productive in respect of outdoor options being available to customers.

The long journey out of COVID-19 presents considerable and varied on-going challenges for licensed venue operators.

The Australian Hotels Association (Victoria) urges the City of Melbourne to continue its commitment to assist businesses during this period by extending the waiver of fees for parklets and outdoor drinking and dining permits until at least 30 June 2023.

Regards,  
Paddy O'Sullivan  
CEO, AHA (Vic)

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at Council meetings?**

No

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**Name: \*** Kern Kapoor

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title:** Parklet fees too high

\*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting**. We encourage you to make your submission as early as possible.

Hi there,

As an owner of a small restaurant that – we are struggling to keep up with the fluctuations of business.

Food costs have risen by 40%. There is a shortage of workforce that has meant staff wages have risen by 30%.

We're working harder than ever to just break even.

Not to mention, the concerns regarding Covid, inflation and economic downturn has impacted consumer behaviour.

It will be difficult for us to justify spend close to ten thousand dollars on top of the other licenses and registration fees that are imposed to us through the city of Melbourne.

Especially for a small mom and pop business like ourself.

Regards,

Kern

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**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

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**Name:** \* Andrew Leonedas

**Phone number:** \*

[REDACTED]

**Email address:** \*

[REDACTED]

**Date of Council meeting:** \* Tuesday 27 September 2022

**Agenda item title:** Outdoor Dining Pemit

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

The resurgence of hospitality has been slow but steady. Many businesses have yet to recover to pre-Covid trading. Small businesses in particular need more time and assistance in order to survive, let alone thrive.

This help should not necessarily be in the form of handouts, rather waiving of costly fees such as outdoor, parklet permit and license fees would be of great help.

Hospitality still suffers from staff shortages impacting on the number of days and services they operate. Costs incurred are 365 days a year and it is a struggle to keep up. Every little bit if assistance is greatly appreciated.

In addition, some parklets are suffering from erosion under foot due to rain. Parklets are supposed to be rain-proof but costly damage has occurred where parklets are barely a year old. Council now says the cost of repairs lies with the business owner. This is unfair as they have inherited a faulty product. Where is the protection? Why don't council or parklet contractors take rightful responsibility? These costly repairs will otherwise impact greatly on struggling businesses. Some help would be not only appreciated but the right thing to do.

I understand that this impacts on council revenue but small businesses already pays significant fees by way of council rates, for instance, which are not cheap.

It is time to pay back small businesses for all it has done for the city of Melbourne. We have paid our dues and ask that council use our money already contributed to continue assistance.

I believe council would be providing a great community service by encouraging the resurgence of hospitality by doing everything in its powers to ensure small businesses survive.

Regards

Andrew Leonedas

Small businesses Owner

**Do you also wish**    No

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**verbal**

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**Council meetings?**

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Dear City of Melbourne Meeting Group Team

This is a written response in regards to Agenda Item 6.1 Review of intended re-introduction of outdoor dining and busking permit fees.

Thanks for all the incredible support City of Melbourne gives to the musicians and street performers, it is very much appreciated.

Best regards  
Chris Thrum

**Privacy acknowledgement: \*** I have read and acknowledge how Council will use and disclose my personal information.

**Name: \*** Joseph Kornides

**Phone number: \*** [REDACTED]

**Email address: \*** [REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title: \*** Outdoor Dining Fees – Parklet

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.** I own a small hospitality business in the CBD. We were given the opportunity to use a parklet out the front which can seat a maximum of 8 customers. It has been invaluable in helping to get the business back off it's feet after all the lockdowns and capacity restrictions of Covid. I understand that fees can not be waived indefinitely but am opposed to such a high fee per square meter, it should be much less for small business.

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at Council meetings? \*** No



**Privacy acknowledgement: \*** I have read and acknowledge how Council will use and disclose my personal information.

**Name: \*** Felicity Watson


**Phone number: \*** [REDACTED]

**Email address: \*** [REDACTED]

**Date of Council meeting: \*** Tuesday 30 August 2022

**Agenda item title: \*** Agenda Item 6.1 Melbourne International Flower and Garden Show proposed new licence 2024—2029

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.** Please see attached.

**Alternatively you may attach your written submission by uploading your file here:**  [2022\\_08\\_29\\_ntv\\_submission\\_to\\_agenda\\_item\\_6.1\\_mifqs\\_licence\\_renewal\\_20242029.pdf](#)  
513.77 KB · PDF

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal** No

submissions at Council  
meetings? \*

29 August 2022



Lord Mayor Sally Capp and Councillors  
City of Melbourne

Submitted online

██████████  
East Melbourne  
VIC 3002

Email: ██████████  
Web: [www.nationaltrust.org.au](http://www.nationaltrust.org.au)

T ██████████

File No: G13000

**Re: Agenda Item 6.1 Melbourne International Flower and Garden Show proposed new licence 2024–2029**

Dear Lord Mayor and Councillors,

On behalf of the National Trust of Australia (Victoria), I write to request that consideration of the proposed new licence for the Melbourne International Flower and Garden Show is postponed, pending the outcome of the current World Heritage Management Plan Review for the Royal Exhibition Building and Carlton Gardens World Heritage Site.

The National Trust of Australia (Victoria) (National Trust) is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing more than 40,000 members and supporters across Victoria.

The National Trust has a long history of advocating for the protection of the Royal Exhibition Building and Carlton Gardens World Heritage Site. The Trust was appointed as a member of the Royal Exhibition Building & Carlton Gardens World Heritage Site Steering Committee (Steering Committee), with the role of Community Advisor, following the finalisation of the 2012 World Heritage Management Plan. The City of Melbourne is also a key member of the Steering Committee.

As you are aware, the City of Melbourne has recently undertaken a review of the Carlton Gardens Master Plan as part of the current World Heritage Management Plan review. While the Master Plan was endorsed by the Future Melbourne Committee on 7 June, it is a component document of the World Heritage Management Plan for the Royal Exhibition Buildings and Carlton Gardens, which is currently being finalised by the Steering Committee.

Under the *Heritage Act 2017*, the Steering Committee is responsible for publicly advertising the World Heritage Management Plan for a period of no less than 60 days, and conducting a public hearing to consider submissions. After considering submissions and any other matters it considers relevant, and conducting any hearing, the Steering Committee can adopt the draft plan with or without amendments, and provide it to the Minister for Planning for approval.

The public exhibition of the World Heritage Management Plan has not yet been undertaken. As such, the public consultation process for the World Heritage Management Plan and component documents including the Carlton Garden Master Plan has not yet concluded.

We therefore believe the renewal of the licence for the Melbourne International Flower and Garden Show should be postponed, pending the outcome of the public hearing process for the World Heritage Management Plan which is expected in 2023, noting that the existing licence extends to 2023. This cautious approach will enable due process to take its course, and ensure that any relevant matters arising from the review can be considered by Council.

Should you require any clarification on our position, I welcome you to contact me at [REDACTED] or on [REDACTED]

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Felicity Watson  
Executive Manager, Advocacy  
National Trust of Australia (Victoria)

To: Lord Mayor Sally Capp, Councillors, CEO, Justin Hanney and relevant officers,  
the City of Melbourne

29 August 2022 + 27 September 2022

also re: Council Mtg, scheduled 27 Sept. 22, 11am-6pm

**RE: Council Meeting, 30 August 2022, Agenda item 6.1 Melbourne International Flower and Garden Show proposed new licence 2024 – 2029**

<https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/Pages/Council-Meeting-30-August-2022.aspx>

**REQUEST FOR DEFERRAL/WITHDRAWAL OF THIS AGENDA**

**item 6.1** + 6-6 (27/9/22)

We request that this Agenda item be withdrawn from Tuesday's Agenda and be deferred for consideration following completion of the World Heritage Management Plan review for *Royal Exhibition Building & Carlton Gardens* which is currently in process.

The matter and relevant issues are under review and due for further consideration in this review. Tuesday 30 August 2022 is not the time to resolve to "*enter into a new six year licence with Flower and Garden Show Limited (the Licensee) for the Melbourne International Flower and Garden Show (MIFGS) to be held in Carlton Gardens South*" (1.1, page 1 Report)

We note that the current lease runs until end of 2023 ("*licence covered the period from 2018 – 2023*").

This matter is included in considerations and submissions within the World Heritage Review and these are not resolved yet, so this issue is premature for consideration or decision on issuing future licences for 2024-2029.

1.2 "*assessment of MIFGS and the Licensee's past performance*" is included in submissions and considerations yet to be completed in the World Heritage Review.

The Council Report acknowledges under 'Issues', on page one, that "*an event of the size of MIFGS has the potential to have a high impact on Carlton Gardens South*".

The Report quotes surveys that have been questioned as not being statistically valid and not representative of the community, and, as the Council Report states, these are included in the WH Review currently underway.

*“(11. As part of the engagement undertaken in 2020 for the **World Heritage Management Plan Review**, survey participants were invited to comment on the following statement...*

Therefore, we ask, in respect of the community and the World Heritage Management Plan Review process, that Council defers decision on Agenda item 6.1/6-6 until the World Heritage Review is completed.

**We strongly oppose that this be resolved at this time**, ie before completion of the World Heritage Management Plan Review of the place.

Thank you,

Sincerely,

Fiona Bell, President, **Protectors of Public Lands (Vic)**

Dr Barry Clark, **vision scientist, committee member of the International Dark Sky Association (IDA), Vic. chapter.**

Mary-Lou Howie

B. McNicholas, Director, **Walk in St Kilda Rd & Environs; Convenor, Planet Ark National Tree Day, Nature Care, Heritage & Lighting Expert events**

Margaret O'Brien, for **Friends of Royal Exhibition Building and Carlton Gardens**

The Hon. Kelvin Thomson, Convenor, **Planning Democracy**

26 September 2022

To the Lord Mayor, Deputy Lord Mayor, Councillors, CEO and relevant staff  
City of Melbourne

Dear Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece,  
Councillors, CEO Justin Hanney, key relevant staff, City of Melbourne

Please see below and also the attached submissions Re: [City of Melbourne Council meeting – 27 September 2022](#)

- The **entire scheduled Council Meeting**
- Item 6.6 **MIFGS proposed Licence 2024-2029**
- Item 7.1 **Notice periods for significant reports**

All the attached submissions are relevant. RE 6.6 - It is simply not true that the decision of issuing a Licence cannot wait for 6 months. It is also not true or accurate that a six year Licence must be issued. A one-year Licence could be issued, preferably following further considerations after April 2023.

**1. Re: "Notice periods for significant reports": Agenda item 7.1, Council Meeting 27 September 2022**

This is strongly supported. It is a long-running, heartfelt community campaign for earlier release of reports and documentation to the public, and this is critically needed.

See attached suggestions for amendments to make it more effective and secure its success.

2. It is requested that the **Council Meeting be re-scheduled as CoM failed to change and adjust its schedules and communications to accommodate the Public Holiday 22 September 2022.**

See attached.

Council's compliance with the Local Government Act, your regulations and Federal and State declared Public Holidays, is very important, hence re-

scheduling the Council meeting proposed for 27/9 should occur as there has not been compliance.

Obviously, CoM should not be allowed to deny declared State and National Public Holidays to the public, neither should Council want to do so!

3. It is particularly important that Agenda Item 6.6 *Melbourne International Flower and Garden Show proposed new licence - 2024 – 2029*, PDF 18.84 MB (large document), be withdrawn and re-scheduled, as notice was not provided '5 days prior', as required. See above and attached.

Adequate time is thus denied for public access, consideration, consultation, communications to groups and friends, and submissions.

Further, for your information, there are additional unfulfilled process and due process matters in relation to this Agenda item, including promised information and documentation not yet provided by CoM, Minutes still to be mutually shared and confirmed, follow-up promised ...

Additionally, separately, I was to have a meeting with the CEO, Justin Hanney, as asked by the Lord Mayor Sally Capp. It is new, includes new information, involves integration with Melbourne International Flower & Garden Show (MIFGS) Etc ... The meeting has not been held yet, and **the CEO's reply is awaited from Tuesday 20 September 2022** (also impacted by the 3 day working week last week last week, no doubt). I tried to call his office all afternoon, without response, so perhaps CEO Justin Hanney is still away. See attached.

Note that, besides having a three-day working week last week, with two Public Holidays (one announced only about 2 weeks before, so requiring Council to make adjustments and changes, which they failed to do), Jewish New Year began on Sunday evening and it is also the School Holidays.

**Suggestions of serious failures and the urgent and desperate need for better, targeted, strategic management for Melbourne's ONLY UNESCO World Heritage listed place, Royal Exhibition Building and Carlton Gardens**



**(REB&CG) , by City of Melbourne, are very important, and have yet to be considered.**

- The CoM Report (6.6) still misrepresents matters, including confusing REB and its exhibitions in an appropriate, compatible space with Carlton Garden South (CGS), **the decorative garden setting** for REB, but **NOT** a place to fence off and cover with event infrastructure.
  - We need to have this event moved OUT OF CARLTON GARDENS SOUTH. While MIFGS is well suited to REB and its surrounding paved areas, plaza and forecourt, it must NOT be in CGS.
  - Yet the 2024-2029 Licence Council wrongly proposes to issue – see 6.6 - is, wrongly and irresponsibly, for CGS!!
- Options include:
  - **considering the new MIFGS licence between April and mid-2023.** (the current Licence runs until 2024). This is what should occur.
  - containing the MIFGS event at the REB i.e. NOT to be in CGS
  - The Showgrounds as the new site for MIFGS (all prepared and ready)
  - **Federation Square- Birrarung Marr, and Greenline Site 1: launching in 2024.**
    - This offers a perfect, compatible, targeted solution with massive room for MIFGS growth, with coherence and integration – and this would allow REB&CG to be managed for its cultural heritage values too.

We could start accessing the extremely lucrative, valuable, cultural heritage tourism and visitor opportunities that would open up if this best practice management occurred. It cannot occur if City of Melbourne, wrongly and irresponsibly, *knee-jerk* issues a Licence for 2024-2029, that is 6 years, for occupation/event siting of MIFGS in Carlton Garden South, as outlined in 6.6.

- Should Council issue the Licence for MIFGS in CGS as proposed in 6.6 it will bring into sharp focus serious

questions to address on their fitness as a Manager of the  
World Heritage place.

# **HERITAGE MATTERS!**

## **Melbourne Deserves Better**

Thank you,

Regards,

B. McNicholas

Director, Walk in St Kilda Rd & Environs

Convenor, Heritage, Planet Ark National Tree Day, Nature Care and Lighting Expert

Panels and Projects

To: Lord Mayor Sally Capp, Councillors, CEO, City of Melbourne, Justin Hanney and officers, City of Melbourne

27 September 2022

**RE: scheduled Council Meeting 27 September 2022, Agenda item 6.6**

**Melbourne International Flower and Garden Show proposed new licence 2024 – 2029**

In addition to the group submission sent to you requesting that you do not resolve a new licence at this time but consider this matter following completion of the World Heritage Management Plan review which is underway, I submit the following additional matters that should be explored and additional information that should be provided to Council and the community before a decision is made on this.

A final draft proposal should be presented to the public later at a FMC meeting, prior to resolution to issue a licence.

Additional issues include:

- the damage to the Gardens
  - these issues and condition of the gardens are not resolved yet and this should be done with the public and community groups prior to consideration of this Agenda item. See, for example, the submission by Fiona Bell, President Protectors of Public Lands (Vic.), 14 September 2022.
- the significant issue of the closing off of public access to Carlton Gardens South
  - public access to these Gardens is much needed by the public, local residents and workers, increasingly so in the Post-Covid world, and this needs to be assessed and re-considered.
  - This is extensive, also including a month prior to the scheduled event, as well as clean up and damage rectification time afterward, with damage to lawn reported as lasting 6 months or more, and vehicle damage to trees considered a significant concern by many including Dr Greg Moore, arguably Australia's foremost arborist. See page 9. Health and well-being of the community should be a Council priority and that means open access to these Gardens year round.
- The negative impacts on views and vistas of Carlton Gardens and the REB.

- Disruptive, unattractive fencing, signage and event infrastructure blocks landscape views and vistas of REB&CG, Melbourne's only World Heritage listed place
- These matters, increased viewline protections, reconsideration of 'temporary' in terms of impact, are under review in the World Heritage Management Plan Review currently, and a decision should not be made on a 2024-2029 licence until the WH Review is completed. It is also part of the current Parliamentary Inquiry, in process.
- very significant extensions of the program and land space occupied are proposed for the MIFGS and these should be subject to community groups consultation and public participation before such decisions are made. This has not occurred and that is not consistent with Council policy and Strategies.
- Changes to Lighting Standards and current research on health, well-being and nature care warrant, indeed demand, a full review of the proposals prior to considering a resolution.
  - This includes changes to CoM's Public Lighting Strategy 2021, plus changes to those standards being currently considered
  - compliance with AS/NZS 4282: 2019 (Control of the Obtrusive Effects of Outdoor Lighting), which does not have any exemptions for 'temporary' lighting.

See advice by Dr Barry Clark below, on page 7.

- Proposed extensions of the MIFGS are extensive and these MIFGS actions and uses all have implications and impacts on the Outstanding Universal Values of the site and its listed Buffer Zone\* - on Carlton Gardens South and on the Royal Exhibition Building & Carlton Gardens (REB&CG). NOTE: \*this has recently been extended by the Minister, requiring a re-assessment by Council, which has not yet been done.
- There have not been adequate independent reports and assessments
- A business and financial plan and plan for reporting to council should be prepared and presented to the public and FMC before you table and consider this Agenda item

The proposal needs to be re-submitted to the public at FMC following the above and provision of these reports and information.

Page 9, part of the submission for a Licence from the MIFGS management states: "*MIFGS ... continues to utilise the entire venue to host an exhibition/event which reflected the original purpose it was built for as part of the World Expos of the 1880's.*" But that is not the case, it is not correct.

Carlton Gardens South was a landscaped gardens for walking in a garden and strategically designed as a decorative garden setting for viewing the dominance and grandeur of the REB Building. CoM changing this by staging MIFGS in Carlton Gardens South presents significant issues and disruption and is not consistent with the purpose and appropriate use of the place and its Gardens setting.

### **“World Heritage Listing**

The Royal Exhibition Building and Carlton Gardens was inscribed in the World Heritage List under Criterion (ii). The ‘Justification for Inscription’ reads:

Criterion (ii): The Royal Exhibition Building and **the surrounding Carlton Gardens**, as the main extant survivors of a Palace of Industry and **its setting**, together reflect the global influence of the international exhibition movement of the nineteenth and early twentieth centuries. The movement showcased technological innovation and change, which helped promote a rapid increase in industrialisation and international trade through the exchange of knowledge and ideas.”

[https://www.heritage.vic.gov.au/\\_data/assets/pdf\\_file/0015/512151/World-Heritage-Environs-Area-Strategy-Plan.pdf](https://www.heritage.vic.gov.au/_data/assets/pdf_file/0015/512151/World-Heritage-Environs-Area-Strategy-Plan.pdf)

**“The formal Carlton Gardens, with its tree-lined pathways, fountains and lakes, is an integral part of the overall site design and also characteristic of exhibition buildings of this period.”**

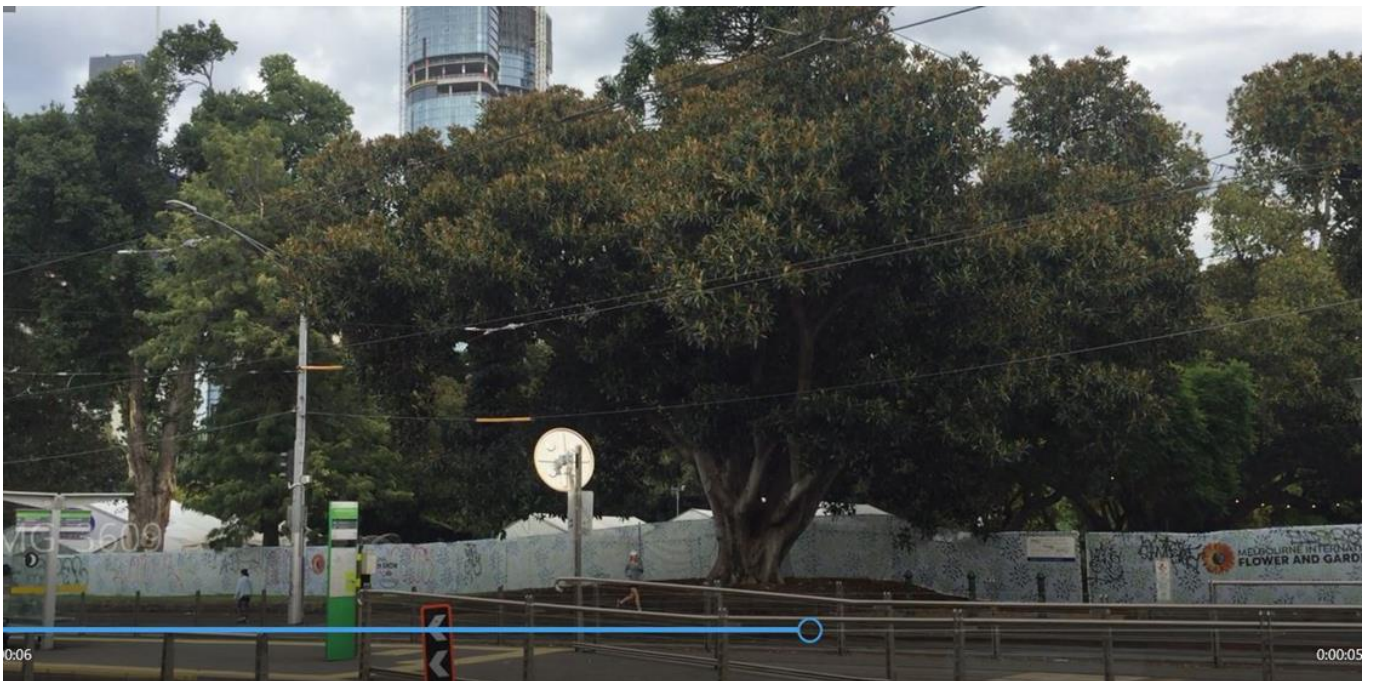
**“The scroll and parterre gardens on the southern side of the exhibition building, which were part of the 1880 Melbourne International Exhibition, have been restored. As part of the restoration of the 1880 German Garden, an extensive water harvesting and storage system has been installed that involved the installation of underground water tanks in the western forecourt to capture roof and surface runoff. The formal ornamental palace garden, being the southern part of the Carlton Gardens, provided the context for the Palace of Industry and is substantially intact in form including its treed avenues. These works contribute to maintaining the integrity of the Royal Exhibition Building and Carlton Gardens.”**

<https://whc.unesco.org/en/list/1131/>

...so, why is MIFGS in **Carlton Gardens South?!**

- It is not its historic use, not what was intended. It is the wrong location for MIFGS. See photos of the event in Carlton Gardens South below.

- City of Melbourne needs to rectify their mistakes, wrong and misleading narrative and the poor management of this place of outstanding world cultural heritage significance – and NOT issue this Licence for Carlton Gardens South.



Australia ICOMOS's International Cultural Tourism Committee (ICTC) "promotes **the sustainable development and responsible management of cultural tourism** at places of cultural heritage significance – historic towns, cultural landscapes, archaeological sites and cultural routes – including World Heritage Sites"

<https://australia.icomos.org/resources/australia-icomos-heritage-toolkit/cultural-tourism/>

Tourism is one of the world's fastest growing industries and is a major source of income for many countries. Being a people-oriented industry, tourism also provides many jobs, which have helped, revitalize local economies.

Sustainable tourism is defined as “**tourism that respects both local people and the traveler, cultural heritage and the environment**” (UNESCO).

<https://en.unesco.org/fieldoffice/almaty/silkroads/cultural-heritage>

We at City of Melbourne need to start assessing and achieving that - the **sustainable development and responsible, strategic management** of cultural tourism at Carlton Gardens South, at REB&CG. It does not look like the above photos of MIFGS in Carlton Gardens South, REBCG – these show a matter of international embarrassment for Melbourne and Australia, with the photos of MIFGS in Carlton Gardens South revealing a disregard for UNESCO World Heritage places and their listed values.

It is proposed that re-consideration be given to:

- Considering holding MIFGS **IN** the Royal Exhibition Building and REB forecourt and paved areas **ONLY**. (but not in Carlton Gardens South, and with disruption control on the forecourt)
- **Conducting a review and presenting options on a different location** for the Melbourne International Flower and Garden Show in the City of Melbourne. (It is a good event, in the wrong place – it must not be in CGS).

Consideration has not been given to the **economic and tourism loss**, the opportunity costs, short term and long-term of the MIFGS event occupying Carlton Gardens South at the expense of preventing best practice authentic cultural heritage tourism opportunities at REB&CG, Melbourne's only world heritage listed place. Council has not even assessed this yet. It is a duty of care, a serious Management duty and a fiscal responsibility to do so before resolving a decision on a future 6 year licence for MIFGS. It is premature to do so.

**Cultural heritage tourism** is widely acknowledged as a major area of economic growth worldwide, holding its place even in the new Covid world. It cannot be developed, exploited and enjoyed when for 2-3 months, or 6 (or more) of a year the place is disrupted, occupied and recovering from the damage of MIFGS taking over Carlton Gardens South. With the opening of the new Dome Walk and completion of its costly renovations, with its panoramic view lines over the area, the view of the genuine landscape and setting, of Carlton Gardens South and REB in its designed landscape context would be lost and diminished, tragically, with MIFGS in Carlton Gardens South. These very significant impacts need to be formally assessed and costed, and shared with the public, prior to a decision on a licence 2024-2029. This is not a decision that needs to be made this year.

Council should present formal assessments of the projected losses and opportunity costs, in the short term and long-term, before making a decision on a future licence.

*“World Heritage sites across the world are utilised for a myriad of events, tourism, and commercial use in general”*, Report Pdf, page 9. However, we need to make sure they are targeted, responsible, sustainable, appropriately located and do not diminish the place. eg cf Greenwich.

This Council report and recommendation is disjointed planning, and the community has not been adequately included. It is also contrary to Council’s inclusion and communication policies.

**The 1 September 2020 unanimous FMC resolution for a Review and Reform of the way Council manages CoM heritage listed parks and gardens and to ensure community participation in forming plans is now two years overdue! That resolution made it clear that this was an urgent priority.** To proceed with plans and propose a licence for 2024-2029 in Carlton Gardens, Melbourne’s only World Heritage listed place, whilst the World Heritage Review of the place, including these matters, is in progress and not yet completed, is very wrong conduct, and poor management. We expect better from the City of Melbourne. Royal Exhibition Building & Carlton Gardens deserves much better.

The following report from Margaret O’Brien, for Friends of REB&CG documented an unfulfilled commitment made by CEO, Justin Hanney, who she states committed to meeting her/FREBCG/the community for discussions re possible re-licencing of MIFGS **“when CoM began to consider whether to re-licence”**:

**“See below, CEO’s note re consulting on MIFGS prior to relicencing from #2 of FREBCG submission.**

*in April 2019, in response to an email by Margaret O’Brien for the FREBCG, **Justin Hanney CEO CoM, gave an undertaking to meet with the community when CoM began to consider whether to re-licence.***

*From Justin Hanney to Margaret O’Brien 11<sup>th</sup> April 2019: “Notwithstanding the points you raise in your email, a meeting closer to the point that we will begin considering whether or not to recommend a new licence to Councillors would seem a more appropriate time to discuss FREBCG’s policy positions that you refer to below, and I invite you to contact me again then.”*

*We took the opportunity to alert councillors to **this commitment to community by the CEO** but, without CoM taking the time for completion of a genuine mutual consideration of matters it rings hollow and worryingly indicates a pattern of systemic exclusion of community in decision-making at Council and an attitude of perfunctory concession only when pressured, without a dedicated real participation and inclusion of the public being allowed or intended.*



As asked to do by the Lord Mayor, I await a meeting with the CEO, who has not yet replied to the email 20 September 2022 seeking that time and alerting Mr Hanney that:

*“Meanwhile it is critical that you hold off decisions and presentation at Council re a new Licence for MIFGS for another month to allow this meeting and due considerations. With the unexpected three-day work week this week that is critically important.”*

This seems to have been ignored, but these matters impact on the public and, respectfully, time needs to be taken to complete them, with the community. We appeal to the CEO to do this now.

---

Statement and advice from Dr Barry Clark, vision scientist, committee member of the International Dark Sky Association (IDA), Vic. chapter:

“Like the Melbourne International Flower and Garden show itself, the proposed Autumn Night Garden will clearly be in breach of the CoM's Public Lighting Strategy unless the Strategy has a loophole for temporary lighting. I can't recall seeing any. The lighting will also be in breach of AS/NZS 4282: 2019 (Control of the obtrusive effects of outdoor lighting), which doesn't have any exemptions for temporary lighting. The Autumn Night Garden will also bring with it a new and substantial increase, albeit temporary, in city outdoor lighting and the associated greenhouse gas emissions as the electrical power supply is still largely fuelled by brown coal. Furthermore, it is well beyond doubt in the scientific literature that artificial light at night (ALAN) is inimical to human, wildlife and plant health, inter alia, and a major factor in global biodiversity losses. The Precautionary Principle, as given in Section 6 of the Public Health and Wellbeing Act 2008 (Vic), requires action even if the science is ongoing.

The events at issue are contrary to Commonwealth and Victorian government policies and laws about carbon abatement and biodiversity conservation. What offsetting permanent lighting reductions are CoM committed to make in this financial year to compensate for these ecologically and environmentally damaging activities? If there are none, why is dealing with climate change and the extinction crisis so unimportant to the CoM, especially for activities that are supposed to promote human wellbeing and horticulture?

Perhaps there should be a parliamentary inquiry into all of the CoM's activities that involve increased use of ALAN?

On top of all this, why does the CoM appear to have little or no regard for the adverse effects that the MIFGS has and the Autumn Garden will have on the heritage of Melbourne's only UNESCO World Heritage place?”

We are increasingly concerned as the above has not been considered, information and communications to community from Council are outstanding, yet the matter has appeared, without the required 5 days' notice, prematurely, on today's scheduled Council meeting.

We request you consider all the above and we ask that you *do the right thing*, defer or withdraw this Agenda item 6.6, and certainly do not resolve to issue a licence 2024-2029 as in the proposal, at this time.

Thank you,

Sincerely,

B. McNicholas

Director, Walk in St Kilda Rd & Environs,  
Convenor, Heritage, Planet Ark National Tree Day, Nature Care, and Lighting Expert  
events and projects

Sunday, 11 September 2022, 12:16:33 pm AEST, Gregory Moore  
[REDACTED] wrote to B. McNicholas:

## ENDORSEMENT OF RE-LOCATION OF MIFGS FROM CARLTON GARDEN SOUTH: Dr Greg Moore

Re: **Re-location of MIFGS from CGS from 2024,  
to *Federation Square-Birrarung Marr, Riverside,  
part of Greenline:***

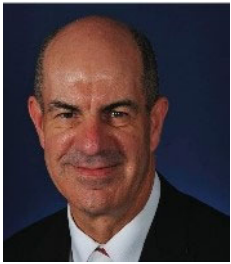
"It is a good suggestion. The sand-based surface would be very good for stands and displays. The elm trees along the river are vulnerable but could be protected as necessary with ease and the space available in this new proposed location is so large that you would not need to encroach on other vegetation. It could provide a suitable alternative to Carlton Gardens South for MIFGS and other events which **would avoid the potential damage to soils, trees and other vegetation.**"

11 September 2022

Dr Greg Moore, School of Ecosystems and Forest Sciences, Burnley campus, University of Melbourne; Director of the National Trust of Australia (Vic.) Significant Tree Committee, formerly Director of Burnley College.

Previously Dr Moore, as Director of Burnley College, hosted the Garden Life event at Burnley.

Dr Moore considered the damaging impact on trees of paving and built environments in parklands and the effects of artificial lighting on tree health: '*Public Green Spaces, Surfaces and Lighting*'. Walk in St Kilda Rd & Environs Planet Ark National Tree Day Nature Care Event 2021: Lighting and Green Spaces - an Expert Panel Presentation on new research and challenges, Sunday 27 June 2021, Prahran Mechanics Institute.



**The Hon. Kelvin Thomson**

[Redacted]

Pascoe Vale, VIC, 3044.

[Redacted]

Dear City of Melbourne

I have been approached by resident action groups within the City of Melbourne seeking a deferral of consideration of the proposed new licence for the Melbourne International Flower and Garden Show from 2024-2029, which I understand is Agenda Item 6.6 on Council's meeting tonight.

Strong grounds for deferral have been set out in other correspondence already received by Council – in particular that it is irresponsible to resolve this matter ahead of the completion of the World Heritage Management Plan Review for Royal Exhibition Building and Carlton Gardens. Carlton Gardens are part of Melbourne's only World Heritage listed site, and the Review is a major milestone which should be accorded more respect.

Resident action groups are particularly concerned that the notification process for tonight's meeting does not comply with natural justice principles. Both Thursday and Friday last week were Public Holidays. I understand that notification of the Agenda Items was only provided to residents and the public last Thursday afternoon. Given that this was Australia's National Day of Mourning for Queen Elizabeth, residents could not reasonably have expected (1) that the City of Melbourne would use this day to send out notices with potentially far-reaching impacts, (2) that residents would be sitting at their computers reading emails, and (3) that even if they were reading Council Agendas that they were in a position to then pass on messages to resident action groups, or that members of those groups were in a position to respond to them over a weekend which included the Aussie Rules Grand Final Holiday, the Grand Final itself, and the commencement of school holidays. The co-incidence of the death of the Queen and the Grand Final has made the last week very similar to the period between Christmas and New Year, and decision-makers using such times to push through controversial decisions undermines respect for the institution and the community engagement process.

Finally, it is self-evident that a licence which doesn't start till 2024, the year after next, and then runs for 5 years, is both a big decision, and one which requires no haste. Resident action groups believe more consideration needs to be given to alternative locations for the Festival, such as the Showgrounds or Federation Square. Deferral of this item would be greatly appreciated by these groups.

Yours sincerely

Kelvin Thomson

**Privacy acknowledgement: \***

I have read and acknowledge how Council will use and disclose my personal information.

**Name: \***

FIONA BELL

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \***

Tuesday 27 September 2022

**Agenda item title: \***

MIFGS 6.6

Alternatively you may attach your written submission by uploading your file here:



[mifgs\\_2\\_2022\\_permit\\_mcc.docx](#) 9.85 MB · DOCX

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at Council meetings? \***

No



**PROTECTOR'S OF PUBLIC LANDS VICTORIA INC.**

██████████ PARKVILLE VIC 3052

**PROTECTION OF THE ROYAL EXHIBITION BUILDING AND CARLTON GARDENS.**

**EPBC ACT ISSUES DUE TO THE PROPOSED Melbourne International Flower and Garden Show MIFGS EVENTS.**

**Melbourne International Flower and Garden Show(MIFGS) proposed new licence 2024—2029 Meeting of 27-9-2022 Agenda Item 6.6**

**Fiona Bell, President PPL Vic.Inc.**

**27-9-2022**

Dear Lord Mayor and Councillors,

I write to request that consideration of the proposed new licence for the Melbourne International Flower and Garden Show is deferred until a later date, after the outcome of the current World Heritage Management Plan Review for the Royal Exhibition Building and Carlton Gardens World Heritage Site. This new plan will be published early next year and in plenty of time to give certainty to MIFGS being able to be staged in Melbourne.

Firstly we consider that it is **inappropriate** to renew the licence for MIFGS to be held in the World Heritage (WH) Carlton Gardens while the World Heritage Management Plan is not completed.

We understand that MIFGS want certainty after next year, and suggest that they can get that.

We consider that having MIFGS in the Royal Exhibition Building and surrounding hard surfaces of the courtyard **is** appropriate and gives people an opportunity to admire this amazing historic building. In addition, additional displays could be at a second location. There are various other locations possible for a large part of MIFGS that would allow it to grow and have a larger range of displays. The Showgrounds, Birrarung Marr, Greenline and Federation Square are all possibilities which we certainly hope you will look into.

The Carlton Gardens need to remain as World Heritage Gardens, undamaged and open for all to see at all times.

We consider there are issues related to the EPBC Act, and believe that MIFGS in the Carlton Gardens needs to be referred to the Federal Minister, Minister Tanya Plibersek.

## Policy Guidelines 1.1 Apply

It is our position that EPBC Act policy Guidelines 1.1 apply to the proposed action of having the MIFGS in the Royal Exhibition Building and Carlton Gardens.

*QUOTE "An action is likely to have a significant impact on the World Heritage values of a declared World Heritage property if there is a real chance or possibility that it will cause:*

- *one or more of the World Heritage values to be lost*
- ***one or more of the World Heritage values to be degraded or damaged, or***
- *one or more of the World Heritage values to be notably altered, modified, obscured or diminished.*

## World Heritage properties with cultural heritage values – Actions with significant impacts

An action is likely to have a significant impact on cultural heritage values of a World Heritage property if there is a real chance or possibility that the action will:

- 1 permanently remove, destroy, damage or substantially alter the fabric of a World Heritage property
- 2 extend, renovate, refurbish or substantially alter a World Heritage property in a manner which is inconsistent with relevant values
- 3 permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a World Heritage property
- 4 **involve activities in a World Heritage property with substantial and/or long-term impacts on its values**
- 5 **involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a World Heritage property which are inconsistent with relevant values, and**
- 6 **make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a World Heritage property which are inconsistent with relevant values.**

It is our position, that based on the evidence, points 4, 5 and 6 of the above criteria, apply.

[https://www.awe.gov.au/sites/default/files/documents/nes-guidelines\\_1.pdf](https://www.awe.gov.au/sites/default/files/documents/nes-guidelines_1.pdf)

**We have made a submission to previous Federal Minister in 2022 regarding this, and plan to also make a submission to the present Minister, Tanya Plibersek.**

The Minister and her department know that climate change and escalating development are imposing increasing pressures on our many Australian World Heritage Sites. Further delays and inaction to mitigate losses to our World Heritage is no longer an option. If Australia does not take its own action, UNESCO has demonstrated that it is serious in initiating action.

The local communities have a history of objecting to the permit applications for the MIFGS. After 20 plus years, despite changing circumstances including of climate stressors, population increases, and developments dominating and degrading the REB and CG WH sites, and the obvious damages done, the permits are approved and with conditions that only **marginally mitigate**.

Left to local decision making by Heritage Victoria and the City of Melbourne, the status quo has prevailed. This event is entrenched, and the process is institutionalised. The parties expect that the permit will be granted, with monitoring notionally in place. It seems, however, that there is a high tolerance of impact risks.

The community formal involvement stopped 8-10 years ago because COM disbanded the community representatives' event's committee.

There is no longer any pretense to supporting the World Heritage Charter and the 5<sup>th</sup> strategic objective of valuing and involving community. **We also consider that this community consultation be reinstated.**

The Melbourne International Flower and Garden Show (MIFGS) is a five day event (with a further 20 days for 'bump in' and 'bump out') run by the International Marketing Group of America (IMG).

The effect of the MIFGS occupation is that the Carlton Gardens is **unavailable for public use for at least 25 days**. This results in depriving one of Australia's most densely populated areas of a large area of a popular and major green open space.

Furthermore, as the Heritage Victoria permit application reads, it is our belief that it puts at risk the **outstanding universal values (OUV)** of the Carlton Gardens and the Royal Exhibition Building (REB). There is no evidence in the documents on the citation nor the OUV's statements of significance, that UNESCO knows the extent of the MIFGS event: That it has sole use of one half of the total world Heritage site for construction of high impact fixtures, while also excluding and obscuring the site from the public.

The use for MIFGS of the Royal Exhibition Building (REB) is clearly compliant with its heritage values, however the use of the Carlton Gardens is clearly **not compliant**. However, the obscuring of the REB from the public's view by the event's enclosures and paraphernalia does impact on the OUV. The damage caused to the fragile heritage gardens and trees, exacerbates the increasing climate stressors.

**The EPBC Act provides that "a person proposing to take an action that is likely to have a significant impact on the World Heritage values of a declared World Heritage property should refer the action to the Environment Minister".**

I am quoting from the documents concerning the MIFGS events in 2022, and the writing in blue and red are from those documents.

## **GARDEN PROTECTION**

The Flower and Garden Show has been undertaking Soil Compaction tests since 2004 and all have backed the fact there is no compaction nor adverse effects on the gardens due to the hosting of the event.

The 2019 report states "from year to year these changes vary slightly up and down but over the long term they do not amount to systematic unfavourable trends."

These soil compaction tests need to be conducted and reviewed by an independent body to avoid any bias. The locations and extent of compaction need to be completely objective. Arborist **Robert Galbraith** has considered that the compaction had not been properly investigated and reported on. Arborist Dr. Greg Moore has stated the potential for damage to soils, trees and vegetation.

The use of the Carlton Gardens for the MIFGS displays involves very heavy infrastructure being put on the grassy areas but also under trees. The grass is deprived of light and dies when covered for possibly weeks. There is also heavy foot traffic on much of the lawns, under trees as well as in the display areas.

We believe lasting damage has occurred due to MIFGS including the very likely premature death in the past of many trees in the Southern gardens. The photos show even the **temporary**



**structures** can cause lasting damage to grassy areas as well as grass death from underneath trees. The photos show this and indicate where the displays have been that have **not respected the Tree Protection Zone (TPZ) and the SRZ(Structural root zone)**.

We see from the map of the proposed displays that many heavy displays are put on soft surfaces and many are extremely close to trees, and under their canopies.

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ARBORICULTURE

Search

Introduction to Trees & Tree Protection Zones  
for Architects & Designers

The Tree Protection Zone is the area where most of the tree's roots are located which provide the tree's water, oxygen and nutrient requirements

The Structural Root Zone is the area where the roots are located which provide the tree's structural stability

Tree Protection Zone

Structural Root Zone

Foliage

Stem & Branches

Note: Sample measurements have been used for this example.

500mm DARB (Diameter above root buttress)

Measure from centre line of trunk

400mm DBH (Diameter at breast height / 1.4m)

Roots

2.5m radius

4.8m radius

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Roots absorb water, air and nutrients, and provide structural support  
Foliage (leaves) photosynthesise to feed the tree  
Trunk and branches transport the water, nutrients and sugars and provide the tree's structure

See the above diagram of a tree and zones for reference.

Over the years MIFGS has implemented many measures to ensure the protection of the gardens and this will continue in 2022 with the appointment of a consulting arborist who will have a presence onsite plus manage a Tree Protection Plan (TPP) based on Australian Standards for the management of trees on a development site.(AS4970 2009)

It has been noted in the TPP that MIFGS is not a development site and is of temporary nature, therefore **allowances can be made at the discretion of the consulting arborist.**

This above statement is alarming as it would allow the MIFGS paid arborist to **not** follow the TPP and make so called “allowances” which can be very damaging for the trees of Carlton Gardens. This has no doubt been done in the past and I will now show many instances where the Tree Protection Zone (TPZ) has not been respected and even the SRZ (Structural root zone) is not respected. **Even short term, or temporary lack of protection can cause lasting damage. This is incremental damage that is difficult to assess, but photos show damage is present but then attempts made to remediate it.**

The photographs shown below are after the 2016 MIFGS. We see below dead grass and heavy wooden objects directly under trees, inside the dripline, the TPZ and the SRZ. It is not just that these heavy objects, flooring for displays etc are there but they were put there by heavy machinery.





Here is a blatant example of damage to surface roots under the tree canopy. This is in the TPZ and SRZ. Heavy graders and diggers have been observed driving across the root zone and removing the top surface area, displacing and cutting roots before laying turf. This could cause serious stress to the tree.



Unsightly areas with dead grass and bare earth after the MIFGS and after the area was supposedly “repaired.” The damage was not very temporary.

Photos from 2022.



Setting up with concrete blocks directly underneath the canopy of trees. No matting.



Very long spikes.



Hammering in spikes directly under a tree. These spikes can pierce roots.



Above is a large and heavy display directly underneath the trees. Some matting is present but people walk on areas with no matting.







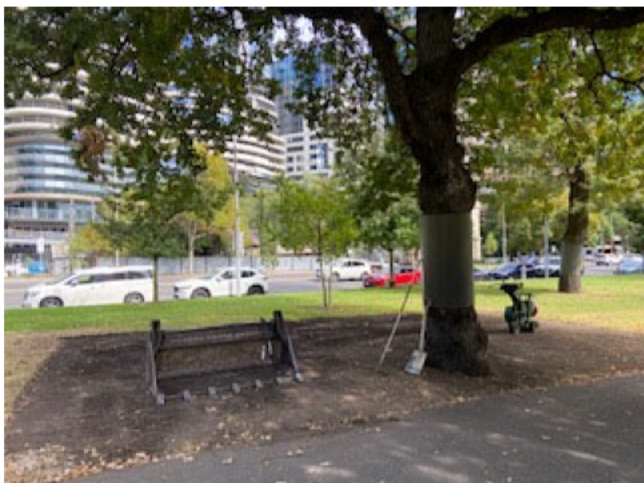
The photos above show displays placed directly under the ancient elms that are over 100 years old. Many of these in the Carlton Gardens have already become damaged or structurally unsound

and been removed. I was appalled that even these trees were having installations put directly under them within the TPZ. This was no doubt due to the discretion of the MIFGS arborist.





No respect shown for the Tree Protection Zone above with displays right up next to the trunk.



After 2022. Needing to reurf directly under trees. What sort of heavy machine moved the large metal scraping implement in the photo?

Below are the heavy pallets of turf.



## TREE PROTECTION

At all times, direction to exhibitors and contractors in regard to the care and protection of the venue is clearly indicated to ensure the impact on the gardens is **minimised**. Individual measures IMG will implement to avoid damage to the park include:

- One Heritage tree within the gardens that will have no garden sites placed in its vicinity
- Use of No Fuss Flooring under retail exhibits to protect the ground
- Use of Hessian matting under all landscape exhibits to protect the ground
- No Fuss Flooring laid down in high traffic areas such as toilets and catering areas

The flooring and matting is all delivered by relatively heavy vehicles and equipment, which impacts the soil and vegetation. The aim is to **minimise damage** and certainly does **not eliminate it**, hence the probability of incremental damage over time, in the only World Heritage garden in Melbourne





Examples of vehicles and heavy equipment used to lay flooring and other infrastructure. Mats were not put down prior to the installation of these and wheel tracks often evident.



We consider it appalling that marquees, with flooring, and needing to be anchored by concrete blocks or pegs/spikes will be placed within the TPZ and SRZ. This is unsafe for the future of the tree and no so called mitigation effects can adequately protect the trees. There also seems to be a disregard for the safety of the public. It is well recognised that many trees are subject to sudden and unexpected **limb drop or even total failure involving the tree falling over**. It is well known that fatalities have occurred in Melbourne quite recently due to such occurrences. It is most unwise to have large numbers of people gather under many of the trees.

**Minimising damage** and impacts within the World Heritage Carlton Gardens is not good enough.

The displays should be only on the hard surfaces and the Carlton Gardens should remain open to the public at all times.

### **PERIMETER FENCING**

Otter Fencing have been responsible for the erection and dismantling of fencing for the last 17 years. A six foot high, mesh fence will be installed around the perimeter of the Carlton Gardens and Royal Exhibition Building.

The fence will have shade cloth attached to it, which will cut down visibility through the fence as additional security.

It is fenced off to restrict access to the Carlton Gardens for approximately 3 to 4 weeks so it is accessed only by fee paying customers. It reduces the visibility of the Carlton Gardens as well as the Royal Exhibition Building. This is contrary to the Outstanding Universal Values of this World Heritage area.



I conclude with the wish that you can relocate part of the MIFGS out of the Carlton Gardens. Keeping MIFGS in the REB and surrounding hard surfaces, but having all the Carlton Gardens open, unfenced and uncluttered will show it off to great advantage.

Yours sincerely,

Fiona Bell

President

Protectors of Public Lands Victoria Inc.

Ph. [REDACTED]

**Privacy acknowledgement: \*** I have read and acknowledge how Council will use and disclose my personal information.

**Name: \*** Rafael Camillo

**Phone number: \*** [REDACTED]

**Email address: \*** [REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title: \*** now proposed new licence – 2024 – 2029 7 General Business 7.1  
Notice of Motion, Cr Leppert: Notice periods for

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

Dear Lord Mayor and Councillors,

On behalf of Residents 3000 group I would like to support this motion.

We value the rights and fairness of our community and we support that consultation time of 2.5 days should be changed to at least 10 working days. We believe that a lot of people are frustrated and excluded from best local Government decision-making, because of this constraint rule.

It will be a balanced, inclusive and democratic decision if council goes in favour of this decision.

Yours truly,

Rafael Camillo  
President | Residents 3000 group.

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at Council meetings? \*** No





**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

\*

**Name: \*** Mary-Lou Howie

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title: \*** 7.1 Notice of Motion, Cr Leppert: Notice periods for significant reports

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

We support this long overdue motion in the interest of governance improvements.

This motion is in the interest of democratic process and community engagement, inclusion and expectations.

An 'extra week's notice' – 7 business days – that is, 7 full business days, excluding all public holidays and weekends, would allow the community to effectively read, analyse, discuss and respond to documents on issues that concern them.

This motion is long overdue and I urge the Council to accept this motion.

Mary-Lou Howie

President

Friends of Queen Victoria Market Inc

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Do you also wish    No  
to attend the  
Council meeting  
in person, noting  
that there is no  
provision to make  
verbal  
submissions at  
Council meetings?

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26 September 2022

To the Lord Mayor, Deputy Lord Mayor, Councillors, CEO and relevant staff  
City of Melbourne

Dear Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece,  
Councillors, CEO Justin Hanney, key relevant staff, City of Melbourne

Please see below and also the attached submissions Re: [City of Melbourne Council meeting – 27 September 2022](#)

- The **entire scheduled Council Meeting**
- Item 6.6 **MIFGS proposed Licence 2024-2029**
- Item 7.1 **Notice periods for significant reports**

All the attached submissions are relevant. RE 6.6 - It is simply not true that the decision of issuing a Licence cannot wait for 6 months. It is also not true or accurate that a six year Licence must be issued. A one-year Licence could be issued, preferably following further considerations after April 2023.

**1. Re: "Notice periods for significant reports": Agenda item 7.1, Council Meeting 27 September 2022**

This is strongly supported. It is a long-running, heartfelt community campaign for earlier release of reports and documentation to the public, and this is critically needed.

See attached suggestions for amendments to make it more effective and secure its success.

2. It is requested that the **Council Meeting be re-scheduled as CoM failed to change and adjust its schedules and communications to accommodate the Public Holiday 22 September 2022.**

See attached.

Council's compliance with the Local Government Act, your regulations and Federal and State declared Public Holidays, is very important, hence re-

scheduling the Council meeting proposed for 27/9 should occur as there has not been compliance.

Obviously, CoM should not be allowed to deny declared State and National Public Holidays to the public, neither should Council want to do so!

3. It is particularly important that Agenda Item 6.6 *Melbourne International Flower and Garden Show proposed new licence - 2024 – 2029*, PDF 18.84 MB (large document), be withdrawn and re-scheduled, as notice was not provided '5 days prior', as required. See above and attached.

Adequate time is thus denied for public access, consideration, consultation, communications to groups and friends, and submissions.

Further, for your information, there are additional unfulfilled process and due process matters in relation to this Agenda item, including promised information and documentation not yet provided by CoM, Minutes still to be mutually shared and confirmed, follow-up promised ...

Additionally, separately, I was to have a meeting with the CEO, Justin Hanney, as asked by the Lord Mayor Sally Capp. It is new, includes new information, involves integration with Melbourne International Flower & Garden Show (MIFGS) Etc ... The meeting has not been held yet, and **the CEO's reply is awaited from Tuesday 20 September 2022** (also impacted by the 3 day working week last week last week, no doubt). I tried to call his office all afternoon, without response, so perhaps CEO Justin Hanney is still away. See attached.

Note that, besides having a three-day working week last week, with two Public Holidays (one announced only about 2 weeks before, so requiring Council to make adjustments and changes, which they failed to do), Jewish New Year began on Sunday evening and it is also the School Holidays.

**Suggestions of serious failures and the urgent and desperate need for better, targeted, strategic management for Melbourne's ONLY UNESCO World Heritage listed place, Royal Exhibition Building and Carlton Gardens**

**(REB&CG) , by City of Melbourne, are very important, and have yet to be considered.**

- The CoM Report (6.6) still misrepresents matters, including confusing REB and its exhibitions in an appropriate, compatible space with Carlton Garden South (CGS), **the decorative garden setting** for REB, but **NOT** a place to fence off and cover with event infrastructure.
  - We need to have this event moved OUT OF CARLTON GARDENS SOUTH. While MIFGS is well suited to REB and its surrounding paved areas, plaza and forecourt, it must NOT be in CGS.
  - Yet the 2024-2029 Licence Council wrongly proposes to issue – see 6.6 - is, wrongly and irresponsibly, for CGS!!
- Options include:
  - **considering the new MIFGS licence between April and mid-2023.** (the current Licence runs until 2024). This is what should occur.
  - containing the MIFGS event at the REB i.e. NOT to be in CGS
  - The Showgrounds as the new site for MIFGS (all prepared and ready)
  - **Federation Square- Birrarung Marr, and Greenline Site 1: launching in 2024.**
    - This offers a perfect, compatible, targeted solution with massive room for MIFGS growth, with coherence and integration – and this would allow REB&CG to be managed for its cultural heritage values too.

We could start accessing the extremely lucrative, valuable, cultural heritage tourism and visitor opportunities that would open up if this best practice management occurred. It cannot occur if City of Melbourne, wrongly and irresponsibly, *knee-jerk* issues a Licence for 2024-2029, that is 6 years, for occupation/event siting of MIFGS in Carlton Garden South, as outlined in 6.6.

- Should Council issue the Licence for MIFGS in CGS as proposed in 6.6 it will bring into sharp focus serious

questions to address on their fitness as a Manager of the  
World Heritage place.

# **HERITAGE MATTERS!**

## **Melbourne Deserves Better**

Thank you,

Regards,

B. McNicholas

Director, Walk in St Kilda Rd & Environs

Convenor, Heritage, Planet Ark National Tree Day, Nature Care and Lighting Expert

Panels and Projects

26 September 2022

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

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Dear Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece, all Councillors, CEO Justin Hanney, key relevant staff, City of Melbourne,

**1. Re: "Notice periods for significant reports": Agenda item 7.1, Council Meeting 27 September 2022**

Thank you to Councillors Leppert and Le Liu. This is strongly supported. It is a long-running, heartfelt community campaign and critically needed.

The following are suggestions for amendments:

- We need to ensure that the "Notice Periods" stated **exclude Public Holidays and weekends**. (there are, additionally, health, inclusion and well-being considerations)
- We need to ensure that "Significant Reports" is clearly defined, unambiguously e.g. to include not just 'plans', but state "... plans/Master Plans/Conservation Management Plans/proposals that will need to go to Heritage Victoria and/or may be considered under the EPBC Act, ..."

For example:

8.1.2. – add – (the 5 days prior \* **excluding Public Holidays and weekends**)

8.3.2 – add: ...plan/**MP/CMP/proposals requiring submission to Heritage Victoria and/or under the EPBC Act,** or policy ....

Re: 8.2.5: I understand this has been proposed to be deleted, as there is a line through it.

(Obviously, an exemption for undefined 'special meetings' could potentially render the changes ineffective, as we see with the (unsuccessful) trialling of voluntary *early release* ...)



It is requested that these matters, above, be considered, clarified and rectified via **amendments made to the draft, 7.1.**

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## 2. Procedural Failure re Council Meeting Scheduled for 27 September 2022

= disadvantage for community, exclusion of the public in the meeting, considerations and decision-making.

As discussed, I am concerned that City of Melbourne has failed to allow the community and public the two declared Public Holidays on Thursday 22 September 2022 and Friday 23 September 2022.

They sent Council Meeting advice:

*“that documentation in relation to the Council meeting scheduled to be held on Tuesday, 27 September 2022 at 5.30pm is now available via Council’s website”* electronically **on “Thu, 22 Sept at 2:17 pm”**.

However, Thursday 22 was a Public Holiday, a Public Holiday declared by the Prime Minister and by the Premier, so there was no expectation or requirement for the public to check their email boxes for work from CoM or to be required to do work for CoM on Thursday, or on the Friday Public Holiday either.

See the City of Melbourne Meeting notification below, from my email inbox:

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● CoM Meetings

★ Now Available: Documentation in relation to the Council ...

22 Sept

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### **“Now Available: Documentation in relation to the Council meeting - 27 September 2022**

CoM Meetings [com.meetings@melbourne.vic.gov.au](mailto:com.meetings@melbourne.vic.gov.au)

**Thu, 22 Sept at 2:17 pm**

Please be advised that documentation in relation to the Council meeting scheduled to be held on Tuesday, 27 September 2022 at 5.30pm **is now available via Council's website.**

[City of Melbourne Council meeting – 27 September 2022](#)

.....”

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Council today stated:

:"The rule in relation to notice and publication of agenda items for Council meetings is:

## **8. Availability of Council meeting documentation**

8.1. Council meeting documentation:

8.1.1. will be circulated internally to Councillors and executives six days prior to a scheduled meeting

8.1.2. **will be available to members of the public electronically, via Council's website, and in hard copy (on request), from 2pm five days prior to a scheduled meeting."**

It is understood and has been advised that 'days' does not include Public Holidays, otherwise that would mean that CoM can deny declared Public Holidays to the public/the community. That would not be right!

Also note:

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**"The Council's Community Engagement Policy<sup>1</sup> includes the following principles:**

**We will communicate in a clear and timely manner so our community can easily understand what we are asking, what level of influence they have and how it will impact them.**

**We will report back to our community on what we did and what we heard during consultation via Participate Melbourne and other relevant channels, as well as ensuring that those who have formally engaged in consultation processes are informed when a decision will go to Council to be endorsed.**

**Everyone has a right to be involved in decisions that affect where and how they live. Everyone should feel supported and comfortable to have their say in council decision making.**

**The Governance Rules provide that, for all Council and Delegated Committee meetings, reports be distributed to Councillors on the Wednesday prior to a Tuesday Ordinary meeting, and, other than for confidential reports, be published by 2pm on the Thursday prior to a Tuesday Ordinary Meeting."**

**From Agenda item 7.1:, City of Melbourne**

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But in this case, the Thursday was a Public Holiday (the Queen's Day of Mourning) and CoM needed to make adjustments to accommodate that, but this was not done,

so '5 days prior' has not been provided to members of the public as required and promised.

**As Council is not in compliance with the Act and the Public Holiday declaration, we ask that this meeting be re-scheduled,**

For **due process** and to allow adequate time for the public/community to access, read, consult, communicate to their members, make submissions - **the Council Meeting scheduled for 27 September 2022 should be re-scheduled.**

It is particularly important that Agenda Item 6.6 *Melbourne International Flower and Garden Show proposed new licence - 2024 – 2029*, PDF 18.84 MB (large document), be withdrawn and re-scheduled, to allow the required adequate time for public access, consideration, consultation, communications to groups and friends, and submissions, stated as due by 10.00am tomorrow. (this does not even leave fair and reasonable time to communicate with members).

Further, there are additional unfulfilled process and due process matters in relation to that Agenda item, including promised information and documentation not yet provided by CoM, Minutes still to be mutually shared and confirmed. A meeting with the CEO not yet held, as reply is awaited from Tuesday 20 September 2022 ...

This is important. Indeed, it is fundamental to Council and its stated policies, principles and purposes.

We look forward to hearing from you.

Thank you,

Regards,

B. McNicholas

Director, Walk in St Kilda Rd & Environs

Convenor, Heritage, Planet Ark National Tree Day, Nature Care and Lighting Expert Panels and Projects

**Privacy acknowledgement: \*** I have read and acknowledge how Council will use and disclose my personal information.

**Name: \*** Stan Capp

**Phone number: \*** [REDACTED]

**Email address: \*** [REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title: \*** Item 7.1 Notice of Motion, Cr Leppert: Notice periods for significant reports

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting.** As President of EastEnders I am pleased to support the notice of Motion by Cr Leppert on notice periods for significant reports.

**We encourage you to make your submission as early as possible.** By recognising that short notice does not align with Council's stated value of openness and transparency, this motion will ameliorate the issues raised and ensure better and more informed inputs from interested parties, including residents.

I urge council to vote in favour of Cr Leppert's motion.

Stan Capp

**Do you also wish to attend the Council meeting in person, noting that there is no provision to make verbal submissions at Council meetings? \*** No

**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

\*

**Name:** \* Bob Evans

**Phone number:** \*

[REDACTED]

**Email address:** \*

[REDACTED]

**Date of Council meeting:** \* Tuesday 27 September 2022

**Agenda item title:** General Business Item 7.1 Notice Periods for Significant Reports

\*

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. We encourage you to make your submission as early as possible.**

I wish to thank Councillor Leppert for responding positively to appeals made by members of the public in November 2021 when we protested at the short public notice given (ie from 2:00pm Thursday to 10:00am Tuesday) to assess and respond to a program that would significantly change the operation of the Queen Victoria Market and potentially destroy the defining heritage features of the market by installing shipping containers and cement barriers throughout five of the market's most historic sheds.

In moving this motion to extend notice periods for reports on significant changes to policy, strategy and/or programs Councillor Leppert has recognised that such short notice does not align with Council's stated value of openness and transparency, providing opportunities for the community to take part in its activities and decision making.

I urge council to vote in favour of Cllr Leppert's motion and ensure that the maximum time possible is allowed for thorough and well-informed assessment of significant issues before council. In supporting Cllr Lepperts motion I also ask council consider defining what is a "significant" report and count the notice periods in the number of business days.

**Do you also wish to attend the** No

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Council meeting  
in person, noting  
that there is no  
provision to make  
verbal  
submissions at  
Council meetings?

\*

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**Privacy acknowledgement:** I have read and acknowledge how Council will use and disclose my personal information.

\*

**Name: \*** Michael Kennedy

**Phone number: \***

[REDACTED]

**Email address: \***

[REDACTED]

**Date of Council meeting: \*** Tuesday 27 September 2022

**Agenda item title: \*** 7.1 Notice periods for significant reports

\*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** We encourage you to make your submission as early as possible.

I write on behalf of the Coalition of Residents and Business Associations (CoRBA).

With regard to Item 7.1, it is CoRBA's recommendation that Councillors support this Item.

It is CoRBA's suggestion that for clarity, the removal any ambiguity, or confusion that where a day or number of days is given that it be described a 'business days' (for example: '8.1.1. will be circulated internally to Councillors and executives six business days prior to a scheduled meeting.') rather the possible reading of calendar days (which would include weekends and public holidays).

regards

Michael JG Kennedy

Chair

Coalition of Residents and Business Associations – Melbourne

**Do you also wish to attend the** No

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Council meeting  
in person, noting  
that there is no  
provision to make  
verbal  
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\*

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