



Friends of the Albert Hall Inc (FAH): Comments on the Final Draft Plan of Management (PoM) for the Albert Hall

Submission to the ACT Assembly's Standing Committee on Planning, Environment and Territory and
Municipal Services

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Friends of the Albert Hall Inc

Friends of the Albert Hall Inc (FAH) is a grassroots community organization that was formed in 2007 in direct response to public concern following the publication of the National Capital Authority's (NCA) controversial Draft Amendment 53 (DA53) and the ACT Government's then plan to tender to place the Hall in the hands of private management for 30 years. Both these proposals threatened the significant heritage values and affordable community and civic access to Albert Hall and the future of Albert Hall as Canberra's Town Hall.

Vigorous and widespread community opposition to NCA and ACT Government plans became focussed with a community petition signed by 3364 people and lodged with the Federal Parliament in May 2007.

In response to public demand for a community forum, FAH in conjunction with the National Trust of Australia (ACT), and 10 other community partners and associates organised a public meeting at Albert Hall on 24 May 2007 to discuss "A future for our Albert Hall". Attendees included representatives of many organizations and Albert Hall users whose memberships covered the diverse interests of many thousands of people in Canberra and surrounding areas. Representatives of major political parties, the ACT Government and the NCA also attended and addressed the meeting. FAH became an incorporated organisation after the public meeting.

FAH welcomed the announcement on 5 October 2007 that the ACT Government would resume public management of Albert Hall and consult with the community about a Plan of Management for Albert Hall. FAH was an active member of the Plan of Management Reference Group convened by the ACT Government and has been actively involved in public consultations about a Plan of Management.

FAH also welcomed combined ACT and Federal government funding in 2008 of \$3.2m for Albert Hall refurbishment and conservation and was represented on the ACT Government convened Capital Works Reference Group that oversaw the capital works, now completed.

Over the past eight years, FAH has focussed and given voice to wide community interest in future planning for the Albert Hall and its Heritage Precinct. FAH has a large and active network of members and supporters. FAH continues to actively campaign for the Albert Hall

and its Heritage Precinct in a variety of forums and with both the ACT and Federal Governments.

FAH actively campaigns for the community to continue to have accessible and affordable use of the Hall, including through improved provisions for improved public liability insurance, and actively encourages cultural, community and civic use of the Hall by local and touring groups.

FAH has itself organised numerous activities in the Hall in partnership with other community groups. The largest of these was a day-long celebration of the Albert Hall's 80th birthday in 2008 with participation by many community groups and attended by thousands of Canberrans. This also involved a commemorative citizenship ceremony presided over by the then Minister for Immigration.

FAH will shortly publish a seminal book, *Albert Hall: The heart of Canberra*. This important book has been partly sponsored by the ACT Government. The book will be launched on 4 December 2014 by Chief Minister Katy Gallagher MLA.

The stated objectives of Friends of the Albert Hall Inc are

- To educate and inform the community about the national, historical, heritage, social, community, cultural and civic significance of the Albert Hall Heritage Precinct.
- To advocate for community interest on maintenance, conservation, accessibility and management of the Albert Hall Heritage Precinct and changes within the Albert Hall Impact area.
- To promote effective planning and management to achieve the widest community access for cultural and civic uses of the Albert Hall Heritage Precinct.
- To ensure creative and effective planning and management for a sustainable future for the Albert Hall Heritage Precinct.
- To provide a representative organization for members and associate members who support the objects of the Friends of the Albert Hall.

More information on The Friends can be found on our website at www.ouralberthall.com

Friends of the Albert Hall Inc (FAH): Comments on the Draft Plan of Management (PoM) for the Albert Hall

Introduction

1. FAH is pleased to have the opportunity to comment on the Final Draft Plan of Management for the Albert Hall. We thank the Assembly's Planning, Environment and Territory and Municipal Services Committee for its interest in this Plan of Management (PoM) and its conduct of the Public Inquiry.
2. We also wish to take this opportunity to congratulate the ACT Government in producing the PoM under its statutory obligations specified in the ACT *Planning and Development Act (2007) (the Act)*. The FAH has welcomed the priority given by the ACT Government to redress years of neglect and to fund the restoration of the Hall as well as setting directions for its future use. The Government's support for the operation of the Hall is reflected in the growth in community use in recent years as evidenced on p 35 of Part 2 of the PoM Document.
3. Our following submission is divided into three parts.
 - A. A summary of the key points.
 - B. General Comments which reflect primarily statutory, structure and policy issues.
 - C. Specific comments under the point numbers as listed in the PoM. These comments may repeat some issues raised in (B) above but also spell out specific comments on wording and other matters under those points. While there will be some duplication of comment from Part A, we believe it will be clearer for the Committee's consideration.

A. SUMMARY OF KEY POINTS

- 1.1 FAH welcomes a number of actions identified in the PoM but also wishes to identify a number of very significant concerns, as well as make some suggestions for improving the PoM.
- 1.2 We wish to raise in particular:
 - The need to clarify if Part 2 of the Document is part of the PoM or not. We suggest it should be part of the PoM (refer to our comment below in point 2.6).
 - FAH believes it is important to clearly set out the whole legislative context of the "Albert Hall area" in Part 1 of the Document. The term "Albert Hall area" is the area of Land identified as Public Land relating to the Albert Hall. The use of the word "area" is consistent with the terminology in the Act.
 - Other legislative requirements affecting the management of the area should also be set out at the beginning of the PoM. This would assist to focus on what is required

and permitted on the Albert Hall area, to aid understanding of these matters and provide clear guidance for strategies and decisions.

- The statutory requirements of Chapter 10 of the ACT **Planning and Development Act 2007** (the Act) define the process and requirements for the developing the PoM. The Draft PoM currently does not demonstrate it has met some key requirements under the Act. In particular it does not demonstrate how the Management Objective for a Special Purpose Reserve will be achieved.
- The status of other objectives in the PoM is not clear. How do they deliver the Management Objective and what is their legal status?
- The targets for actions are missing. While there are definitions of long term, short term etc, none of these are linked to any actions.
- Some further action plans and target dates for their development need to be incorporated into the PoM.
- Public Liability Insurance and the cost to incorporated community groups when hiring the Hall is still of concern.
- Charging policies need to be explicit – in particular explaining what objective 6 means in terms of “financially sustainable”. If this means full cost recovery for the Hall operations, why is this required in this instance when there is not full cost recovery on a range of municipal facilities in the ACT and elsewhere?
- FAH rejects proposals for a permanent cafe restaurant on a statutory basis and from a community hirers’ perspective.
- FAH supports proposals for the Reference Group with a strong emphasis on user experiences guiding best practice management of the facility.
- FAH emphasizes the importance of a consistent relationship with the Conservation Management and Landscape Plan (CMLP).
- FAH has concerns with the consultation process in the development of the PoM.

1.3 These summary points and others are explained in the following document. Throughout the comments we have provided specific recommendations for the Committee’s consideration. We would warmly welcome an opportunity to discuss this submission with the Committee at an Inquiry hearing.

B. GENERAL COMMENTS

1. Statutory framework

1.1 The area on which the Albert Hall is situated (Block 1 Section 39 Division of Yarralumla) is classified as Public Land in the Territory Plan. Throughout this submission we refer the area of Public Land as the “Albert Hall area” to reflect definitions of Public Land as referenced in the Act.

1.2 We note that the PoM has been developed in response to the statutory requirements for Public Land as specified in Chapter 10 of the *Planning and Development Act 2007*.

1.3 The PoM is a document which is to guide the management of the Hall, and the land on which it is situated, for the next ten years, unless reviewed earlier. It is not only a document which guides the managers of the Hall, but a document which is available to the public to show that the public's interests in the site are being addressed.

1.4 A list of statutory requirements for the "Albert Hall area" should be clearly listed with explanations at the beginning of the PoM. This would significantly aid community understanding of the statutory requirements for the Albert Hall area and remind management of its obligations. During the long consultation period of this PoM, we had to remind the consultants and some public servants of this relationship eg the need for consistency between the PoM and the CMLP and the need for the provisions for Public Land to be referenced in the CMLP.

1.5 The PoM should clarify how the CMLP is called up under the ACT ***Heritage Act 2014***. We note that the CMLP has now been revised and will, once the revised Plan has been approved by the Heritage Council, be called the Conservation Management Plan (CMP). However for the sake of consistency, given the Draft PoM refers to the earlier version as the CMLP, we will continue with this title in this submission.

1.6 **Recommendation:**

It is recommended that Section 1.1 of the PoM be amended as follows:

- **Include the full statutory framework relating to the Albert Hall eg the ACT *Heritage Act 2014* and how it calls up the *Conservation and Land Management Plan (CMLP)*; and the *Commonwealth Disability Discrimination Act 1992* in regards to access.**
- **Explain the relationship between the ACT Territory Plan and the National Capital Plan and how the Territory Plan identifies the Albert Hall area as Special Purpose Reserve and how the *Planning and Development Act 2007* specifies requirements for the management of such an area.**
- **Explain the distinction between ownership and management of the Hall and that the Albert Hall is owned and managed by the ACT Government.**

2. Statutory Requirements for Plans of Management under the Act.

2.1 Part 10 of the Act sets out the requirements for Public Land. Section 316 specifies that Public Land:

"must be managed in accordance with

- (a) **management objectives applying to the area; and**
- (b) **any plan of management for the area”.**

2.2 The Albert Hall area is classified as **Special Purpose Reserve** under the Territory Plan. The Management Objective for Special Purpose Reserve is listed in Schedule 3 to the Act as

“to provide for public and community use of the area for recreation and education”.

2.3 To assist in general understanding of the basis for the PoM, and further to our comments above, it would be helpful if the PoM commenced with an explanation of the status of Public Land, identify the area of Public Land which the PoM relates to and list the requirements for developing a PoM as spelt out in the Act. It is here that we suggest the Public Land area should be identified and its classification as Special Purpose Reserve stated.

2.4 Other requirements of the Act specified under section 319, list the required contents of Plans of Management. These requirements should be listed here and addressed in the POM. eg Section 319 specifies that a PoM should include **“how the management objectives for the area are to be implemented or promoted in the area”**. Such advice is not specifically drawn out in the Draft PoM.

2.5 Section 320 (3) of the Act states that **“the custodian must consider any comment by the planning and land authority or the conservator of flora and fauna in relation to the area or the Draft Plan.”** If there are no comments by either, then an explanation as to why must be given to the Minister. There is no reference to these matters in the Draft PoM. FAH asks if such an explanation has been given and if not why not and if so could this be included in the PoM?

2.6 It is unclear if part 2 of the Document is within the PoM or not. The whole document is entitled **“Plan of Management for the Albert Hall”**. Section 1.1.1 of the Draft PoM under the heading **“Structure”** states that:

“This document contains two main sections. Section 1 contains the Plan of Management itself.”

“Section 2 sets out the context for the Plan of Management”

2.7 FAH would argue that both Sections should be included in the PoM as Section 2 informs the actions in Section 1. As the PoM is a legislative requirement for the management of the area we believe Section 2 should be included in the PoM and the words in point 1.1.1 of the Document amended to clarify this.

2.8 Recommendation:

That the PoM clearly set out in the beginning of the document all statutory requirements relating to the management of “the Albert Hall area” ensuring they are listed in a hierarchical manner starting with the provisions of the National Capital Plan.

That the statutory provisions are explained and their linkages spelt out.

That the requirements of the Act in developing a PoM be specified to aid public understanding of the process.

That it be clarified that Section 2 of the document is part of the PoM.

3. Objectives

3.1 The Management Objective for a Special Purpose Reserve, as detailed in Schedule 3 of the Act, is

“to provide for public and community use of the area for recreation and education”.

It is concerning that the final draft PoM does not comply with Section 319 (b) of the Act which requires that a PoM must include how the Management Objectives are to be **implemented and promoted** in the area of Public Land.

3.2 While the PoM does (in point 1.1 Introduction), refer to the Management Objective for the area, it does **not specify how this is to be implemented and promoted**. Instead it states the Management Objective and then does not link it to any of the other objectives or actions specified in the Draft PoM. It appears that the objectives listed in the PoM were developed in isolation of the Management Objective. It is important to show how the actions and other objectives relate to the Management Objective in order to meet the requirements of the Act and to ensure the PoM delivers the Management Objective.

3.3 Section 1.1.4 of the PoM lists three main objectives set by the ACT Government for the preparation and implementation of the PoM for the Albert Hall. However, FAH believes that objective number 3, “Deliver these objectives in a financially sustainable way,” is a strategy. It tells “how” not “what” will be delivered. It could also be inconsistent with the Management Objective. This objective is also adopted in point 1.3 as Objective number 6 in the list of six Plan of Management Objectives identified in the PoM.

3.4 FAH is concerned how this objective number 3 (or 6) is interpreted. Some may believe that it means the Hall must recover its operational costs. If the statement is to remain as an objective in the PoM, it is essential that the term “**financially sustainable**” be defined to enable the management of the area to be compatible with that strategy.

3.5 We would argue strongly that it is not in accord with the ACT Government's provision of community facilities that the Albert Hall is operated on a cost recovery basis. Many municipal community facilities in the ACT and elsewhere are not run on a full cost recovery basis eg swimming pools, community halls, sportsgrounds and city and National Parks. The ACT Government also provides large grants to professional sporting bodies such as football clubs. Such provisions demonstrate that it is a policy decision regarding what will be subsidised and what will not be subsidised.

3.6 Nowhere in the PoM is this strategy of financial sustainability clarified and addressed. Reference is made to it in Part 2 P30 of the attachment to the PoM.

3.7 We believe in order to meet the Management Objective for the area, it is essential to specify in the PoM that it is not intended to run on a full cost recovery basis for not for profit community activities. Hire charges must be based on a charging philosophy which encourages community access. Such principles should be spelt out in the PoM in a section addressing charging policies.

3.8 While appreciating that the 3 objectives in point 1.4 were "**for the preparation and implementation**" of the PoM, it is confusing to then find another set of objectives defined for the PoM under section 1.3. Some of these are not incompatible with the three objectives for the preparation of the PoM referred to above; however, they are not linked to the Management Objective.

3.9 The Act also permits that Management Objectives can be set by the Conservator of Flora and Fauna under Section 317 (1) (b) as follows:

"(2) The conservator of flora and fauna may determine management objectives for an area of public land reserved for a purpose mentioned in schedule 3.

Note A power given under an Act to make a statutory instrument (including a determination of management objectives) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

(3) A determination of management objectives is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Note 2 An amendment or repeal of a determination of management objectives is also a disallowable instrument (see Legislation Act, s 46 (2))

3.10 FAH is unaware that the Conservator has set new Management Objectives for the area and we assume that the above stated Management Objective is the one that must be addressed in the PoM.

3.11 We note that the objectives defined in point 1.3 of the PoM are not necessarily incompatible with the broader Management Objective identified in schedule 3, with the

possible exception of Objective 6. However, in order for these objectives to be incorporated in the PoM, we believe they need to follow the statutory processes outlined in Section 317 subsections 2 and 3 or at least show how they support the achievement of the Management Objective.

3.12 Recommendation:

That this matter be referred to the Attorney General's Department for advice on the status of the objectives and their relation to the Management Objective.

That the PoM be amended to show how the objectives deliver the Management Objective.

That objective number 6 be clarified as a strategy and explained that it is not intended that non-commercial use be charged for on a full-cost recovery basis

4. Lack of Targets, policies and some actions

4.1 We are particularly concerned that there are no targets for actions specified in the PoM. We are also concerned that some major policies and strategies are not included with actions in the PoM.

4.2 Strategies in the PoM are expressed as actions with no dates for their completion. FAH is concerned that there needs to be specific action plans for the conservation and accessibility of the Hall. If there are no targets then these actions will most likely not be given a priority and in many instances not be undertaken.

4.3 Such targets are a major feature of Plans of Management in other jurisdictions. For example the Kur-ring-gai Council Plan of Management for Community Halls and Meeting Rooms, see:

http://www.kmc.nsw.gov.au/Plans_regulations/General/Community_land_plans_of_management

4.4 We note that on page 12 of the PoM there is a statement saying "Actions will be delivered over the following time frames;

"Short Term 1 -3 years, Medium Term 4-7 years, Long Term 8-10 years".

Yet these timeframes are not linked to any actions. We fear that this may be reflective of the somewhat uncommitted attitude some areas of the Government have given to the development of this PoM over a long period of time.

4.5 Areas where Action Plans are yet to be developed should be listed in the PoM together with the date they will be developed by. Given the heritage status and fragility of the Hall, it is important that there be Operational Plans, such as cleaning and maintenance

schedules. Much of the information for such plans is contained in the CMLP which is currently being reviewed. A visit to the Hall will demonstrate how it can deteriorate without proper cleaning and maintenance. Photos in **attachment A** to this submission, show examples of how the Hall has not been protected or cleaned to a desired standard and, despite extensive recent refurbishment, is in a bad state of repair.

4.6 Details of the plans/schedules should not require the full PoM statutory process to amend but be referenced in the PoM with target dates established. Each schedule should be able to be amended as long as it conforms to the principles identified in the PoM. For instance the PoM could specify "The Albert Hall Cleaning Strategy defines cleaning regimes which are compatible with the Hall's Heritage Status and enhance the preservation and display of its Heritage elements. This strategy will be completed 6 months after the PoM is notified."

4.7 Recommendation:

While some items on the list below are already included in the PoM, Schedules/Plans for the following, with target dates, need to be included in the PoM:

- **Marketing**
- **Heritage interpretation**
- **Cleaning**
- **Landscape Design and Maintenance. (this Plan is important to ensure the surrounding gardens reflect the heritage nature of the Hall and its setting and prevents inappropriate ad hoc plantings and garden restructures such as the previously installed mossy rocks and petunias)**
- **Operational Plan ie how to use the facilities of the Hall**
- **Booking and Charging Strategy (who gets priority and who is subsidised with commercial use cognisant of what other Municipal Halls interstate provide)**
- **Traffic and Parking**
- **Maintenance**
- **Major new works proposals**

4.8 Timeframes for developing these strategies should be in the plan eg "within 6 months of the PoM notification".

4.9 Key management outcomes need to be identified in the PoM and the PoM should specify that assessment of these will be provided in the Custodial Agency's Annual Report. This will help ensure agencies continue to action, monitor and review the PoMs.

4.10 The PoM should be reviewed following the approval of the Hall's Conservation and Landscape Management Plan (CMLP). The CMLP has a recommended review date of every 5

years. The current CMLP has been reviewed and waiting final approval and the PoM should be reviewed concurrently.

5. Cafe / Coffee Cart Proposal

5.1 Ancillary use – cafe. It is inconsistent to include in a PoM (a statutory document) an activity which is not allowed under current planning laws. The National Capital Plan does not permit permanent use of this type. As stated above the National Capital Plan only allows for **short term ancillary commercial use** on the site.

5.2 There have been discussions over possible future scenarios for increasing Hall operations, such as a cafe or coffee stand. FAH believes that this is not the role of the Plan of Management. While there may be reference to some possible uses to explore eg use of the depot area, a PoM, as set out in the legislation, is specifically for management of the Land and facilities on it. If there is to be a review of the use of the Public Land and facilities on it, then that is a different exercise and the review of the PoM would take place after it is agreed. A permanent cafe/restaurant is not a permitted activity under current statutory provisions for the area and as such should not be included in the PoM as an action.

5.3 In any consideration of future uses, FAH would like to stress that we do not support removing the option of Hall hirers providing their own catering service.

5.4 The ability for Hall hirers to undertake their own catering arrangements must be guaranteed. We wish to stress that this is a very important aspect of the use of the Hall with groups using the kitchen facilities to provide low cost catering and fund raising opportunities.

5.5 There is already the opportunity to bring in short term catering facilities and this works well for certain Hall hirers.

5.6 FAH understands that there are alternative views about the cafe and arguments will be made to support it. However, the strong prevailing opinion in FAH is that, realistically an on-site commercial cafe would prevent self-catering (as happens at other sites in Canberra) and that would effectively deny community access to Hall users who rely on the self-catering option. We are not convinced that any initial “guarantee” to allow self-catering would long survive in a competitive economic environment.

5.7 Recommendation:

That, based on the current National Capital Plan and other statutory provisions not allowing such an activity, and the concerns raised by our members, all reference to permanent commercial catering arrangements be removed from the Draft PoM.

6. Public Liability Insurance (PLI)

6.1 FAH applauds the changes to PLI made by the ACT Government in recent years. This has made it much cheaper for some community hirers and increased access to the Hall as evidenced in the increased use reported in Section 2 of the Draft.

6.2 However, we are most concerned that the current PLI provisions do not cover incorporated community groups. The cost of PLI insurance for such groups, especially smaller ones, is often a prohibiting factor in their hiring the Hall. Quotes of up to \$1400 have been given to such groups for PLI for a weekend hire of the Hall.

6.3 To hire some other ACT Government facilities operated by community groups there is no charge to the hirers for PLI insurance. The Government should negotiate with its insurers to provide PLI insurance for incorporated groups or subsidise the hire for these groups.

6.4 Recommendation:

The policy currently concerning non incorporated community groups and individuals should be extended to cover those community organisations that are not for profit incorporated under the *Associations Incorporations Act* and corporations that are not profit companies limited by guarantee under the *Corporations Law*.

7. Financial Plan

7.1 It is most disappointing that there is no financial plan with clear objectives and principles in the PoM. Charging principles should be set ensuring commercial use subsidises community use. Charging policies should be linked to use priorities ie who has priority for booking, given the Management Objective for the area. We note that municipal councils in some other areas spell out their charging priorities in their Plans of Management.

7.2 In establishing hire cost principles, cognisance should be given to charges for similar facilities which recognise the physical limitations of a heritage building such as the Albert Hall.

7.3 Charges for community use should ensure the Hall is accessible and community use is not priced out of the Hall.

7.4 Recommendation:

That the PoM includes the requirement to develop a financial plan within a six months timeframe of notification and the plan set priorities for use and bookings which are reflected in the pricing structure.

8. Consultation and development of the Draft PoM

8.1 The Act specifies that in preparing a draft plan of management for an area,

“the custodian for the area must consider any comment by the planning and land authority or the conservator of flora and fauna in relation to the area or the draft plan.

Note If the draft plan of management does not incorporate any comments by the planning and land authority or the conservator, an explanation of why must be given to the Minister (see s 325).”

It would be useful to the public if this information was addressed in the PoM

8.2 We are disappointed in the specific actions taken in respect to development and consultation of the PoM as follows:

- (i) the very long period of time it has taken to prepare the first Draft PoM. The Act required a Draft PoM to be prepared as soon as practicable after the area has become Public Land. In relation to the Albert Hall area, this was in 1989 with the implementation of the Territory Plan.
- (ii) the very long time it has taken to prepare this Draft PoM when consultation with the FAH commenced over 6 years ago. We note that the PoM has to be reviewed at least every 10 years as a minimum. Six years to prepare a PoM, which is lacking and with so much of the desired content still not developed, is unacceptable.
- (iii) the time taken and the number of consultancies to develop a PoM which lacks much of the actions and targets needed is most disappointing.
- (iv) the consultation summary released with this version of the Draft PoM point 1.1 states that a Draft PoM was released for Public Comment in April 2011. FAH has received and commented on two previous Draft PoMs, one dated 9 November 2011 and one dated May 2012. The two years it has taken for this version of the Draft PoM to be released, after consultation on the April/ May 2012 Draft, is unacceptable. We note that there has been very little change between the two documents. Certainly there is nothing that would require a 2 year delay. We assume that the PoM has not been given a priority and hope this will be rectified with the requirement for custodial agencies to report on the status of PoMs for all Public Land they manage in Annual Reports.
- (v) it is disappointing that, following public consultation, a copy of the Draft was not provided for comment prior to submitting the Draft PoM to the Minister. This has meant that many matters we consider not appropriately addressed now have to be put forward to the Committee instead of being considered prior to tabling in the Assembly.

(vi) we would like to see recognition of the length of time FAH and others have contributed to the development of the PoM including attending many meetings of a Reference Group. We have been contributing in various forms to the need for, and the development of, the PoM since 2008. The Elton Draft Plan of Management issued in November 2011 acknowledges the contribution of the Reference Group yet the Final Draft PoM does not.

(vii) the inadequate notification of the Committee's Inquiry. This is of major concern. We understand that the Committee's Inquiry was notified in the Public Notices in the Canberra Times in early September. Unfortunately we did not see this Notice and only became aware of the Inquiry when advised by the Office of Mr Rattenbury MLA in late September. FAH then acted quickly to notify its members and our extensive supporter base.

(viii) that notification to those who provided comment on the Draft PoM and to the Hall hirers from the last two years was only sent out by the Territory and Municipal Services Directorate in the evening of 3rd October 2014, the Friday before a long weekend. This notice was not sent to FAH until requested on 7 October 2014.

(ix) FAH appreciates the responsiveness of the Committee and the Secretariat in allowing an extension of time to lodge comments.

8.3 Recommendation:

That a more effective notification protocol for identified interested parties be proposed for Assembly Inquiries

That reporting on the status of PoMs for all areas classified in the Territory Plan as Public Land be reported in agencies' annual reports.

That it be noted that the limited notification, other than a newspaper advertisement, with most interested parties only receiving one week's notice has restricted the consultation and comment opportunities able to be made on the Draft PoM.

C. SPECIFIC COMMENTS ON THE DRAFT POM

(Note the numbering below reflects numbering as in the PoM.)

Front page

The title page should state *Final Draft Plan* etc as per the Act.

1. Introduction

See comments in Section B above

In Paragraph 2 second line – change the word “use” to “planning”. Use can also be limited by the Territory Plan and any lease.

Last paragraph. The Conservation Management and Landscape Plan needs an explanation as this is the first reference to it in the PoM. It would be helpful if a summary of the key actions in the CMLP was annexed to the PoM so that there could be cross referencing.

1.1.1 Structure

We have detailed above the need to have all the statutory provisions as an introduction to Section 1. This reflects the practice in other ACT Government Plans of Management such as the Tidbinbilla Plan of Management. We have also asked that the remainder of Section 2 be incorporated into the PoM at the end.

1.1.4 Objectives

Refer to comments above.

1.1.5

While the management of the Hall was contracted out to the private sector for 10 years, ownership has remained with the Government, initially the Commonwealth Government then after Self Government, the ACT Government.

At the beginning of the PoM it should be stated that the Hall is an ACT Territory asset. It should also be stated that as the current custodial agency, Territory and Municipal Services is responsible for the management of the whole area of Public Land referred to in the PoM. It can contract out aspects, such as landscape management or repairs to the Hall, but the Custodial Agency is responsible for the whole Public Land area and legally bound by the policies and strategies in the Final PoM.

1.1.6

FAH was advised, after providing initial comment when the Draft PoM was released in 2011, that the final draft was held over pending the review of the CMLP. There was significant delay due to this matter. However we can find no reference to the revised version of the CMLP. We have recently been advised that it has just been consideration by the Heritage Council and will be finalised very shortly. The Draft PoM should consider the CMLP when it has been finalised. The wording here needs to reflect that and any updates to the PoM made prior to its notification. Advice should be given here how to access the CMLP.

Last paragraph. It should be stated here that the two plans must be compatible ie the CMLP cannot have actions incompatible with the PoM and vice versa. There is no statutory reason given why the heritage provisions should take precedence over the *Planning and Development Act 2007*. This statement is a new addition to the latest version of the PoM

and FAH questions its basis. If there is no statutory basis for this statement, then it should be removed. If it is not removed then the statement will become a statutory requirement by the fact that it is included in the PoM.

1.3

FAH comments as detailed under General Comments Section point 3 above apply here. We believe that the Objectives must, at a minimum, demonstrate a link to achieving the Management Objective.

This part of the PoM should refer to the Management Objective of Special Purpose Reserve. The first paragraph should build this in.

1.4.1

We disagree with the fourth paragraph. It should be stated that these events are primary use if they can be accommodated within existing infrastructure and any infrastructure which can temporarily be bought to the site. The organisers will not book the event if it cannot be fitted into existing infrastructure. It is the use that should be categorised here, not the facility requirements.

Why would primary uses be necessarily the focus of any promotional etc material? It may be that marketing is required to fill vacant spaces during weekdays and this may mean a concentrated campaign to promote non-primary uses. Primary uses should be demonstrated as consistent with the Objectives for a Special Purpose Reserve. Many uses considered not primary can be accommodated within the existing infrastructure of the Hall so the last sentence in paragraph one should be amended.

There is a reference to allowing **rehearsals** for events in the Hall. There is no reason why rehearsals for events not being held in the Hall (such as practices for children's concerts elsewhere) should not be on this list. Rehearsals would be an appropriate use for the downtime periods, like mid week days/nights.

Also delete the word "University" before "exam". There is no reason why other exams are not included ie do not limit it to University exams.

It also should identify that it is not just government and civic bodies that organise public meetings. Community and political groups have also held meetings in the Hall

1.4.2

Ancillary uses

The definition of these should not depend on the ability of the Hall to accommodate them but on their purpose in relation to the Objectives for the Public Land. For instance a large

charity dinner may be considered a not-for-profit event and possibly charged a lower hire fee than a trade fair. It is the **use** which should specify the type of event primary or facility. The infrastructure requirements should not be a factor in determining this classification.

In any event last line paragraph one, the word "as" should change to read "if"

Under the use "Commercial Events" heading "Comments", the second line should be "consistent" not "inconsistent".

Depot: An explanation should be provided in the PoM why this use is not "desirable".

Cafe: Refer comments above. It is not "ENABLED" at all. It is not permitted under current statutory provisions. It is not "subject to planning approval", it is not allowed. The National Capital Plan would have to be amended to allow it with subsequent amendments to the Territory Plan and the Management Objective for a Special Purpose Reserve. The last sentence under "Comments" is the only accurate part here and the remainder should be removed. See previous comments.

We support the views expressed by our member, the ACT Embroiderers' Guild, in relation to catering as follows in their submission to the Inquiry.

"We rely on catering for part of our fund raising and having a café could raise issues if there are any exclusive trade rights. Also, we would not want the kitchen downgraded because there are alternative facilities nearby."

Delete the limiting rider in relating to rehearsals in other venues as discussed above.

1.5.1

The PoM should specify that the Albert Hall will remain in the **ownership and management** of the ACT Government. While ownership could remain, the management could be contracted out as it was in previous years. FAH would strongly oppose this.

The words "its surrounds" should be amended to be consistent with the terminology in the legislation to state the area of the Albert Hall as identified as Public Land in the ACT Territory Plan and specify the block and section descriptors.

This section ignores the Act. The Act identifies that the Custodian has to prepare a PoM and while we recognise the Custodian may change, whichever agency is the Custodian is responsible for the area of Public Land. The Custodian can contract out items of management, eg maintenance, but it is responsible for the overall area.

1.5.2

FAH welcomes the concept of a Management Reference Group. We believe the PoM should clearly state its terms of reference and its composition. We suggest it be established within

6 months of the PoM's notification so the Group can commence important work such plans and schedules for budgets, maintenance, hire charges etc.

The Group should monitor implementation of the PoM, recommend action plans as identified in the PoM and review the PoM in line with the Management Objective of a Special Purpose Reserve. Given the need to input the budget process and the amount of work to be done, we suggest the Group meet a minimum of 4 times a year.

Some suggested terms of reference are:

- To monitor, implement and contribute to a review of the PoM.
- To advise the Custodial Agency on the development of actions and strategies in the PoM such as a marketing plan and policies on hire charges.
- To advise, based on user surveys and recommendations in the CMLP, priorities for maintenance and capital works prior to budget proposals being considered within the ACT Government.
- To provide technical advice where required on capital projects needs for special use such as theatre lighting and audio visual.
- To consider and advise on any other relevant matters brought to the attention of the Reference Group by one of its members.
- To examine documentation for major works before procurement is commenced.

With reference to the last proposed term of reference, technical advice from Hall hirers is very important to capture and respond to. It is important to avoid works, both Capital and Minor, decisions that are costly to reverse or rectify or improve. It is essential that the Custodian be advised on technical options from hirers or their advisors and/or other sources.

Possible membership of the Group should include 5 representatives of users groups spread over performance, exhibitions, dance, youth and meeting groups; a representative of the FAH, or its successor, and a representative of the ACT Heritage Council; a representative from a local indigenous group and a representative from a non-English speaking background cultural group. Expertise could be co-opted on a needs basis eg a marketing member when the marketing plan is being developed.

Recommendation:

That the terms of reference for the Management Reference Group include items listed above

That the Group first meet within 6 months of notification of the PoM and meet a minimum of 4 times per year

That the Group have representations from community sectors as listed above

1.5.4

Note our comment under point 1.5.1. Concerning the division of management into four key functions. As defined in the Act, one agency, the Custodial Agency, should have overall responsibility for the Hall's management. This is to ensure priorities for action are determined and coordinated. While other agencies may be contracted to provide services, such as landscape management, the function should be coordinated from the Custodial Agency in keeping with the recommendations of the CMLP /PoM. The area requires integrated management.

We applaud the venue manager concept on site. This concept worked well when the Hall was directly managed by the Commonwealth and the ACT Government, with the on-site manager ensuring the Hall was protected from misuse and hirers were assisted with technical advice, set up and clearance as well as the providing the ability to show the Hall to potential hirers. For accountability, bookings were confirmed through a central office. It is not agreed that a venue manager who has janitorial work would have the marketing skills necessary. A Marketing Plan should be part of the PoM. Programming will be determined by hirers unless specific priorities are given to some hirers eg earlier booking times for preferred users.

FAH believes it is important to have an onsite manager, at least to oversee set up of the Hall to ensure that the special fabric of the Hall is not damaged and to assist operations with special operation requirements for eg lighting. The on-site manager could also take bookings, oversight repairs and accept hand back of the building after bookings. As afterhours work would be required, remuneration may be preferable on an hourly basis. Attachment A has photos demonstrating damage to the Hall and poor cleaning practice which could be partly prevented with an onsite manager.

We believe the development and implementation of a marketing strategy is a separate matter to a venue manager. There could, however, be a consultant engaged to develop a venue marketing strategy, which is targeted at promoting use, to deliver on agreed objectives in the PoM eg community.

A Plan of Management is not a discussion document on possible options; it is a plan on how the area will be managed. The PoM should specify management arrangements on either a trial basis or permanent basis with the PoM being amended if these arrangements change. Such matters should have been finalised BEFORE the final draft PoM

Cleaning should be done under the supervision of the venue manager to ensure compliance with PoM specifications and any references in the CMLP. Cleaning is currently an issue of concern with the Albert Hall, as demonstrated in the attached photos.

We disagree with the emphasis on the funding model for venue management taking 10 years (the term of the PoM) to determine the venue management model.

1.5.5

Hire costs should be based on principles which are agreed as part of the PoM to deliver optimal use to meet the Management Objective. While it is understood charges are set as part of the Government's budget process, they should be based on some clearly identified principles.

Use of smaller areas of the Hall: While FAH appreciates in principle, the concept of multiple use or hiring only one or two rooms, we agree with the PoM that there are feasibility issues. FAH would not wish to see hire of the whole facility compromised by such hireings. Booking of the smaller facilities may impact on use of the main Hall if booked concurrently and may also preclude later requests for the whole facility. We suggest any policy in this regards only allow bookings of the smaller areas no more than a specific time ahead of the booking to enable bookings for the whole facility to have precedence.

Piano: FAH suggests no fee be charged for the use of the **piano** and play it as it is - but if anyone wants it tuned they have to pay for the tuner.

Advanced audio system: Rather than charge extra for this, we suggest this to be operated by an accredited operator who could be advised to the hirer by TAMS (TAMS would have list of low cost accredited suppliers) or charge a fee to train an operator to use it. Otherwise it will get broken and will be expensive to fix.

1.5.6

Para 2 We have not seen the specific reference in the CMLP 2007, however it should also recognise the statutory restrictions in relation to commercial proposals. This is an important illustration for the need for both the CMLP and the PoM not to be incompatible and why the statement earlier in the PoM that the CMLP has precedence in respect to Heritage matters should be removed. There is no definition of the term "Heritage matters". Does this mean everything in the CMLP? While respecting the Heritage provisions, equal respect must be given to the planning provisions.

Last 2 paragraphs. We are pleased the PoM confirms the self-catering right for Hall hirers (although we note this part of the Document as it currently stands is possibly not part of the PoM – refer comments above).

With respect to the National Capital Plan, it specifically prohibits such long term commercial use. The word "may" is incorrect. This paragraph in the PoM should be specific in detailing any changes to current statutory provisions needed to permit such an activity.

1.6

Again our concern here is that there are no targets for the actions. Our comments above apply. We generally support the Actions listed with some exceptions as mentioned below.

Again there is no linking to the Management Objective.

As a matter of format, it may be more effective to list the actions just once and then attribute the objective number it will achieve to each strategy as applicable, rather than repeat actions several times under different objectives.

Objective 1

- Action 4 - the reference to the CMLP – ensure it reflects the status of Public Land and the Management Objectives and Planning framework.
- What is the “Heritage Matters Action Plan”?

Objective 2

- Action - review conditions of hire and PLI - to do what ie what is the review to do?

Objective 3

- We support a review of the placement of the Theatre Organ to determine it best location in terms of the needs of the users of the Albert Hall and the needs of TOSA.

Objective 4

- It may be useful to actually develop and implement the Heritage Interpretation Strategy, not just involve people in it.

Objective 5

- Second action. Who develops a program of events? Who runs and funds them?

Objective 6

- We strongly disagree with Action 5 as stated earlier. How would this assist in the financial sustainability of the Hall? There is already provision for temporary food provisions via hirers who can, if they wish, bring in a coffee cart or other commercial catering in for their hire of the Hall. This action should be deleted.

1.7.1

It is the responsibility for the Custodial Agency, as per the Act, to monitor the PoM. We are pleased that it is proposed that annual reporting will be set in place to monitor the provision and amendment of PoMs for each custodial agency's Public Land including that of the Albert Hall.

1.7.2

The Act provides for technical variations to a PoM and defines what they are. Other amendments need to go through the process of review outlined in the Act. "Minor amendments" are not specifically permitted under the Act and so, if made, must follow the process for review as outlined in the Act.

1.7.3

We think the indicators should be linked to the Management Objective, Objectives and Actions.

"The level of maintenance is sustained" is not a useful indicator. It is preferable to specify what level is desired as per a possible maintenance plan or the CMLP. We understand maintenance and capital works are dependent on budget priorities. However, whether funded or not, there should be a priority list of works.

We think the Management Reference Group should meet more often, as advised above.

Again such work on indicators should have been done in the period it has taken to develop this PoM. They should be developed prior to finalisation of the PoM or it will need to be reviewed when they are completed, as indicators are not technical amendments.

Section 2 of the Document

2.4.1

Paragraph 3. Complete hire records were also kept when the Hall was directly managed by the Commonwealth and ACT Governments.

2.4.3

Comparative venues

The Erindale theatre, the Q in Queanbeyan and the Playhouse do not have a similar capacity to the Albert Hall. They are all dedicated performance theatres with tiered fixed seating; the Albert Hall is not. It is a flat floor performance space.

In reference to point three, these other halls may also have hire fees based on not requiring PLI and based on other cost structures. Certainly price is a disincentive for some potential hirers of the Albert Hall.

2.4.4

The question should be addressed re the organ. What objective does it deliver in its current location? Would it be better situated elsewhere?

Given cleaning and set up times and pack up times, it is really difficult to see how there can be more than one hiring a day.

Delete all reference to a cafe in this PoM. IF it is investigated and considered feasible and the legislation is changed THEN it can be included in the PoM.

2.5.1

Reference should be made to the PoM Reference Group which the FAH attended over several years. Consultation on the PoM began in 2008 and it is frustrating that many of the issues raised then have not been actioned in the Draft PoM.

2.5.2

Cafe: See earlier comments.

2.5.3

PLI is not available to incorporated community groups and this is a major disincentive for small incorporated community groups to use the Hall due to the very high costs.

Charges are randomly set, not based on priorities or comparison with similar venues.

2.6.3

The PoM should specify a charging policy to encourage community use and meet management strategies. We also wish to see a priority booking system as functioned previously under the ACT Government management where community use bookings were open earlier than private or commercial bookings. We support the views put forward to the Committee by the ACT Embroiderers' Guild:

*"While we appreciate that bookings cannot be made years in advance, could some arrangements be made for regular users to be **approached** early and asked for their requirements or a rolling three year booking system put in place. We have been using the Albert Hall for nearly ten years and, except for one three year period, we have always had to take the only vacancy available."*

2.6.4

It should be noted the relatively higher charges for the Albert Hall in most cases and action taken to reduce them.

2.6.5

While not in the actual PoM, but in Section 2 attachment, we find the statement **“Requirement of the cost of the Albert Hall to be recovered through hire fees.”** This statement is hidden away as a constraint on the last page. There needs to be some debate about the validity of this statement, given the level of subsidy for other municipal facilities and events as listed earlier. We totally oppose this constraint. Why has this been added? Nowhere has this been stated in the PoM except here.

Similarly we question the first dot point on this page under the heading “opportunities” about raising hire fees to improve income, given that hire fees for similar community halls in NSW are considerably lower, it is questionable why they are at this high level for Albert Hall. How have these charges been determined?

Conclusion

The FAH appreciates the Committee’s time in examining our submission. We appreciate that this Draft PoM has been through an enormous amount of time in its preparation and that it has been accepted by the Custodial Minister at the time. However, given some of the important issues still outstanding in relation to the PoM, as identified above and highlighted in our opening summary, we ask that the Inquiry determine which issues it agrees with and consider recommending that the draft PoM be accepted for the short term of a year, on the basis that a PoM is needed now, and that the Committee seeks the agreement of the Minister and the Assembly that the PoM be fully reviewed within the next 12 months to address all remaining unresolved matters.

Attachment A

The attached photos were taken on 19 October at the Albert Hall and demonstrate the FAH's concerns and disappointment that the refurbishment program funded in recent years has resulted in the Hall looking worse than pre-restoration in some aspects, such as the poor external painting and careless staining of paving bricks.

The photos also show the need for an onsite venue manager to ensure the walls, surrounds and other areas are protected.

Other photos demonstrate the need for a cleaning program and show a lack of proper maintenance.

Photos from left to right are:

- Page 26,
 - Row 1. External light under gutters which have overflowed, showing build up of debris; External wall with flaking paint and poor repair of cracked wall.
 - Row 2. Stained surrounds from leaking and/ or overflowing gutters along the side of the building ; Side steps not cleaned regularly with build up of debris.
 - Row3. Internal walls with paint pulled off by notices stuck to walls; Cavity leading to entrance left with bare dirt and trap for rubbish particularly cigarette butts;
- Page 27
 - Row 1 . Unpolished brass rails and dirty and paint /plaster stained steps giving a poor image at the entrance of the building; Stained walls from overflowing/ leaking guttering.
 - Row 2. Management notices stuck on internal walls encouraging users to do the same and peel paint off walls; Front steps with paving bricks stained from poor painting/plastering practice;
 - Row 3. Vehicles parked on grass compacting soil around trees and killing grass;
- Page 28
 - Row 1. Rubbish collected in cavity between ramp and wall at entrance; Rear door trash area with broken glass and rubbish.
 - Row 2. Brass door plate unpolished and dirty – dirt eroding the brass. All brass inside and outside, including door footplates, not polished or cared for adding to the dilapidated look of the building; Cobwebs not cleaned from the walls.
 - Row 3. Flaking paint under window and poorly patched wall crack; Entrance light not cleaned.





