


Standing Committee on Planning,
 Environment and Territory and Municipal Services
 ACT Assembly
 London Circuit
 ACT 2600

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	7
DATE AUTH'D FOR PUBLICATION	12/11/14

**SUBMISSION FROM GINA PINKAS TO THE INQUIRY INTO THE PLAN OF
 MANAGEMENT FOR THE ALBERT HALL**

Dear Committee

Thank you for the opportunity to provide comment to your Inquiry on the Plan of Management for the Albert Hall. I apologise for the delay in sending this submission. Absence from Canberra and other matters prevented me lodging these comments earlier. I hope you are able to include my submission in your Inquiry. I would welcome the opportunity to discuss this submission with you in person as I have had a lengthy involvement in all aspects of the management of the Albert Hall and its status as Public Land as detailed below. With this background I believe I can assist in providing useful information on the importance of the Plan of Management and what it should provide.

My Background Relevant the Inquiry

Starting in 1980 I have had many years experience managing areas in the Commonwealth and (after Self Government) ACT Governments with responsibility for a range of sport, recreation, community development, cultural and heritage programs and facilities including the Albert Hall both at a Section and Branch Manager level. At the time of Self Government, I identified sport and recreation facilities, including the Albert Hall, to be included in the new Territory Plan as Public Land.

Later after some years in NSW Sport and Recreation, I returned to Canberra to work in planning and land management. I later worked in the Legislative Assembly. Following my retirement in 2007, I joined the newly formed Friends of the Albert Hall. This was at a time when the ACT Government was considering leasing out the Hall for a period of 30 years. At the time I knew that, as with many areas of land classified on the Territory Plan as Public Land, there was no Plan of Management for the Albert Hall.

Under the relevant legislation at the time (currently the ACT *Planning and Development Act 2007*) Draft Plans of Management were required for all areas identified as Public Land as soon as practicable after the area became Public Land. For most of the Public Land in the ACT this was identified at the time of Self Government.

Since 2008 I have been working, as a member of the Friends of the Albert Hall Inc, with various ACT Government Agencies to ensure a Plan of Management was developed for the Albert Hall.

Importance of Plans of Management

Plans of Management are not only important in setting out how the land is to be managed and guiding managers but also most important to protect the public interest in areas of Public Land. Some municipal sport and recreation facility leases, in particular swimming pools, have been sold to the private sector without the public awareness of their assets being sold and at times without the knowledge of the then Assembly.

As Plans of Management, and any reviews of them, have to be allowed by the Assembly, where such plans exist any major changes to the ownership or use of the area of Public Land will need the Assembly's agreement to change the Plan. In addition, given the need for Assembly allowance, it is expected that private operators may be wary of purchasing a lease which has to be operated according to such plans.

It is therefore particularly concerning that apparently no government since self government has made a determined effort to ensure statutory requirements have been met and Draft Plans developed for many areas of Public Land. Not only is this in apparent contravention of the requirements of *the Planning and Development Act 2007*, but it means that the areas are often not managed in accordance with the requirements expected for such land and public interest in the land is not as protected. In raising such matters with relevant Departmental officers, I found many are unaware of the legislation in provision for Public Land.

Issues in Relation to the Plan of Management for the Albert Hall

(a) Requirements of the Act in relation to Plans of Management

While it is good to finally get a Draft Plan, it is particularly disappointing to see that after many years, since 2008, of working with the various agencies responsible to develop the Plan, the Plan does not meet the provisions of the Act.

The Albert Hall public land is classified as "Special Purpose Reserve". The Act requires the Plan to show how the land will be managed in relation to the Management Objective specified in Schedule three to the Act. There is no linkage between the Management Objective and the rest of the Plan. The Management Objective is referenced once but no objectives or strategies actions are linked to it. Other requirements of the Act, spelt out in Chapter 10, also appear to have not been addressed in the Plan. It would help in checking this if a list of requirements was put into a table and actions believed to be in the Plan identified against each one. My view is that the statutory requirements are not met. Advice from the Attorney General's Department on this matter would be useful.

(b) Targets

There are no dates to achieve actions by in the Plan. This leads one to fear actions will not come to fruition during the life of the Plan. In order to ensure actions are addressed, it is necessary to specify when they will be completed by. There are no performance indicators to measure the effectiveness of the Plan.

(c) Objectives

The Friends of the Albert Hall Inc submission goes into some detail on the issues in relation to objectives. The main point being the Plan does not specify how the management objective set out in Schedule 3 to the Act for a Special Purpose Reserve will be met. It also leaves questions around the objective which seeks to have the Hall managed in a financially sustainable manner. What is meant by this is not spelt out in the body of the Plan.

If it is intended that the Hall recover operational costs then I strongly object on the grounds of inequity and cost to the community hirer. Many sport and recreation facilities and services in the ACT and municipalities around Australia are not offered on a full cost recovery basis. Furthermore the ACT Government heavily subsidises cultural and sporting groups including professional sports clubs. As such it should also subsidise informal community groups undertaking recreation activities such as embroidery or dance.

At no stage was this objective discussed in terms of full cost recovery in any of the Reference Group meetings attended by Friends of the Albert Hall. The hire costs for community groups are already too excessive and many can find cheaper accommodation in other facilities managed by the community sector. There should be a policy review of the cost of hiring Government owned facilities in the ACT including those owned by the Government yet operated by community groups.

I note that the term cost recovery has been added to this version of the Plan at the end of the attachment (not the actual Plan) for the first time. It was not in earlier versions put out for community consultation.

(d) Operational Plans

Given the fragile nature of the Hall, it is important that it be treated with the care received by other Government managed heritage listed facilities, such as Lanyon and Calthorpes house. It should be managed to a similar standard. It is extremely disappointing to see the very poor state of disrepair the Hall is in currently after the recent major refurbishment program. The cleaning of the Hall has been a source of major complaint, to no apparent response in improvement.

Schedules should be either contained in the Plan or referenced in it with target dates for their completion. Such schedules should include a cleaning plan to preserve the fabric of the Hall, specifying such things as frequency of polishing brass and cleaning lights, an operational manual for Hall hirers, a regular maintenance plan and a garden plan reflective of the original garden at the Hall.

(e) Reporting on Plans of Management

Some 25 years have elapsed since much of the land classified as Public Land became Public Land. Much of that land does not have Plans of Management despite a statutory requirement for Draft Plans as soon as possible after the land becomes public. There is a need for public scrutiny and accountability to ensure the Plans are developed as required to protect public interest in the land. I suggest each custodial agency report annually in their annual reports on the status of their Plans of Management for the Public Land under their Custodianship. The lack of progress on this matter is indicative of the lack of commitment to developing such plans despite the statutory requirement to do so.

(f) The Theatre Organ

The organ was placed in the Hall at the end of the 1970s in response to a request from the Theatre Organ Society for a place to house the Organ. There was no assessment made of the impact the placement of the organ would have on stage operations at the Hall, neither was there any assessment of the benefits to be achieved from placing it the Hall. The Albert Hall has been both a storage facility and a workshop space for the organ and until recently there was little public benefit from its location in the Hall. It may be more appropriate to house the Organ in a place where it does not impact on the use of the Albert Hall as a performance space. The objective for the organ's location in the Hal should be specified. Is it in the Hall as a place to store it and maintain it or as an instrument to be played in the Hall for the Public? At a minimum a review should be included in a strategy of the Plan to determine the best location for the organ. Any license agreement with the Theatre Organ Society should specify the rent for space and any obligations for public performances and ensure clear lines on insurance responsibility are spelt out as the asset is not a Government asset.

(g) Coffee shop/ restaurant proposal

It is amazing that, despite many comments to the contrary in discussions with the Plan Reference Group, this proposal is still in the Plan of Management. While it is appropriate for reviews to be held from time to time, a Plan of Management is not the place to determine future use of an area of Public Land when such a use is not permitted under the legislative framework pertaining to the area. A Plan of Management should reflect the statutory provisions for the land and not reflect what is not permitted. If that changes, then the Plan can change.

The National Capital Plan specifies the Land Use permitted for the Albert Hall area. In relation to commercial use, only short term ancillary commercial use is allowed. It does not permit a commercial restaurant permanently located on the site. Similarly the Territory Plan, which must not be inconsistent with the National Capital Plan, also does not permit such a use. Under the current Public Land status, as Special Purpose Reserve, a commercial restaurant is also not a provision under the management objective for a Special Purpose Reserve.

There are other reasons why this proposal is not only not permitted, but is also impractical. The users of the Hall, when holding events which need to be catered for, bring in caterers or cater themselves, often fund raising through the service. Any permanent commercial catering arrangement would, by economic necessity, require all catering to be done by the permanent caterer. There is no way that the rights of Hall hirers to self cater could be guaranteed. At any stage pressure could be put on the Government of the day to allow the commercial caterer total catering rights.

There is also the question of demand for such a facility. Who would it serve? What is its objective in relation to the Albert Hall? There is no passing trade with little foot traffic in the area, restaurants and kiosks are provided in nearby public service offices or in the Hyatt hotel. Coffee carts for many community events are bought in for the event. If the proposal is considered as a means of raising operational funds for the Hall, there are better locations to site a commercial restaurant with better access, and more consistent demand for services. ACT Treasury would not permit hypothecation of rent to support Albert Hall operations.

In addition, there are other major disadvantages to the idea. The land which the Albert Hall is sited on is unleased Public Land which must be managed in accordance with a Plan of Management. The Area is owned and managed by the ACT Government. It is designated land which means the National Capital Commission (NCA) sets the land use and any development proposal must have the agreement of the NCA. The ACT Government would have to fund any Capital Works on the land. Nowhere has the ACT Government built a commercial stand alone restaurant. It, or its predecessor the Commonwealth Government, has in the past provided ancillary cafe facilities in some halls such as at Tuggeranong, Belconnen and CMAG. However, no such facility has received funding as a follow up stand alone facility. They are constructed at the time the facility is constructed as an integrated part of the hall or facility, ancillary to the main use of the facility. It should be noted that such cafés are in facilities in central locations and attract passing trade and have constant use not intermittent use as at the Albert Hall.

If a restaurant was to be funded and constructed by private enterprise then, a segment of the Albert Hall Public Land Area would have to be excised and leased to the private sector to allow for the Restaurant construction. Any facility constructed on unleased land is the property of the Government.

A possible option would be for a second Hall facility to be constructed to the rear of the Albert Hall with a café included. This could provide economies of scale advantages for the hall operations from booking, janitorial and cleaning services. However current Hall hirers oppose permanent commercial catering facilities and there is no demand for an additional Hall on the site. If there was a demand and a Government priority, then that would be the time to review land use and other statutory provisions. The current Plan, for the above reasons, should not flag this possibility which is not permitted.

(h) Janitor/ manager

An onsite manager is essential to protect the fabric of the Hall, oversight cleaning, assist hirers in advising when setting up and dismantling, managing bookings and providing advice on use. When the

Hall was managed by the Commonwealth and ACT Governments prior to contracting out the management of the Hall to private sector there was always an onsite manager and the condition of the Hall was maintained to a high level.

(i) Marketing

An essential feature of keeping the Hall utilized is advertising on the exterior of the Hall where and how to book the Hall. The current sign is hidden when the Hall doors are open. It is also essential to ensure links on the ACT Government website are kept up to date when changes are made to organisations within Government. Charges for community uses are also a factor to consider.

(j) Charging

The Plan should require charging policy to be developed which differentiates between local community users including not for profit groups and commercial or national uses. Currently the Plan refers to defining users based on if their activity can be accommodated in the Hall. That is a matter for the hirer. The costs should be based on who gets priority access. If the ACT budget subsidises the capital works and operations, then priority use should be given to ACT residents who are not using the Hall for profit or commercial purposes. Booking opening times should also give priority to such users over commercial and other use. Previously users, such as annual art shows, were given a lead time to book for the following year prior to opening bookings generally.

Thank you for considering this submission.

Yours faithfully

Gina Pinkas