

YARRA CITY COUNCIL

ORDINARY MEETING OF COUNCIL

MINUTES

held on Tuesday 12 April 2005 at 7.00pm
at the Richmond Town Hall

I. ATTENDANCE

Councillors

Cr Kay Meadows (Mayor)
Cr Annabel Barbara
Cr Paul D'Agostino
Cr Jenny Farrar
Cr Jackie Fristacky
Cr Stephen Jolly
Cr Kathleen Maltzahn
Cr Judy Morton
Cr Gurm Sekhon

Officers

Geoff Cockram (Director Corporate Services)
Jane Homewood (A / Director City Development)
Craig Kenny (Director Community Development)
Bryan Lancaster (Director Asset Management)
Chris Reside (Governance Project Officer)

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil.

III. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Councillors Maltzhan and Sekhon declared a pecuniary interest in item 5.2 (confidential contractual matter) as their respective employers have an interest in the outcome.

IV. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Barbara

That the minutes of the Ordinary Meeting of Council held on 8 March 2005 be confirmed.

CARRIED

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII. COUNCILLORS' FORUM

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2.4 Edinburgh Gardens Master Plan and Conservation Management Plan

Executive Summary

Purpose

To inform Council of the development, content and implications of the Edinburgh Gardens Conservation Management Plan and the Edinburgh Gardens Master Plan.

Issues

The Edinburgh Gardens is both important historically and popular with a wide range of passive and active users. However, if the quality of the Gardens is to be maintained and improved, significant works need to be undertaken, and some management issues, especially those relating to dogs and water use, resolved.

Key gardens infrastructure elements including paths, drains and irrigation are reaching the end of their useful lives. A master plan is required to determine whether any changes to the design of the Gardens are intended which will affect the location of the infrastructure.

The areas within the Gardens previously leased by the railways to industrial tenants, and the Council depot site have been returned to the Gardens, and the ladies bowling club is now disused. A master plan is also necessary to ensure that these sites are developed in a way that reinforces the character of the Gardens.

The Garden's trees require careful management. There are a number of short-term opportunities for increasing the number of trees, especially on land previously used by the railway. In the longer term there is need to plan for the replacement of existing trees as they reach the end of their lives.

A number of buildings in the Gardens do not adequately meet the needs of users or detract from the quality of the Gardens.

Resource and Financial Implications

The total implementation cost is estimated at \$7.4m over more than 10 years.

Community Implications

Both plans are the result of extensive community consultation, and are widely supported.

Environmental Implications

Improved irrigation will save at least 3.8m litres of water every year.

City Plan, Strategy and Policy Implications

The Council Plan 2004/08 includes the implementation of the Master Plan.

PROPOSED ACTIONS

It is proposed that Council adopt the *Edinburgh Gardens Conservation Management Plan* and the *Edinburgh Gardens Master Plan*.

2.4 Edinburgh Gardens Master Plan and Conservation Management Plan

File: 70/06/142
Responsible Officer: Manager Environment and Recreation Services

Purpose

1. To inform Council of the development, content and implications of the *Edinburgh Gardens Conservation Management Plan* and the *Edinburgh Gardens Master Plan*.

Background

2. The Edinburgh Gardens in North Fitzroy are the finest Victorian gardens in the City of Yarra. They provide for a wide range of recreational activities and are highly valued by the community. However, much of the Gardens' infrastructure, such as paths, drains and irrigation systems, is nearing the end of its useful life. The trees, which give the Gardens so much of their character, need careful management and will eventually need to be replaced as they reach the end of their lives. In recent years, the National Can site, the disused depot and the ladies bowling club have all become available as additions to the Gardens, and it is important that these additions complement the existing Gardens.
3. In response to these concerns, Council approved on 9 July 2002 a consultant's brief for the preparation of a Conservation Management Plan and a Master Plan for the Gardens.
4. In October 2002 John Patrick Pty Ltd in association with Allom Lovell & Associates were appointed to prepare both plans. These plans have now been completed.
5. The Conservation Management Plan provides a history of the Gardens, and a physical survey of the buildings and landscape, including trees. This research provides the basis for an assessment of the significance of the Gardens with specific conservation policies for important elements.
6. The soft landscaping of primary significance includes the elm avenues and rows, the Peterson Oval, the English oak avenue opposite Rowe Street, the Holm oak specimens and the remnant Dutch elm circles. The hard landscaping and buildings of primary significance are the grandstand, the 19th century path layout and remnant basalt edging, the Freeman Street gatehouse, the timber entrance pavilion, the cast iron lamps standards and bollards, the tennis club pavilion and courts (excluding fabric of courts), the bowling club (excluding fabric), the war memorial harbour, the Chandler drinking fountain, the Queen Victoria pedestal and the rotunda.
7. The main emphasis of the Master Plan is on preserving the character of the Gardens and its traditional features while meeting community needs for both passive and active recreation. The Master Plan incorporates the findings of the Conservation Management Plan.

8. Key recommendations of the Master Plan are as follows:
- (a) short-term tree planting to replace missing sections of avenues or poor specimens of trees, and to increase planting around the southern end of the gardens and the National Can site. The opportunity will be taken to introduce some new species, especially *Zelkova serrata*, to minimise the possible impact of Dutch elm disease, and other species such as *Jacaranda mimosifolia* and *Magnolia grandiflora* to provide flowers;
 - (b) long term tree planting to replace trees at the end of their lives will be undertaken after the short term plantings have reached early maturity in 10-15 years. The most sensitive replacements will be on major avenues. Every tree in a section will be replaced if 30% of trees are dead or dying. For the major avenues the same cultivar of Dutch elm will be used as currently grows in each section, but in other areas various species are to be planted;
 - (c) protection of the grandstand by installation of automatic sprinklers. (There were originally two grandstands at WT Peterson Oval, one of which was destroyed by fire in 1977. The original timber entrance gatehouse was destroyed by fire in 1996, but was subsequently re-constructed);
 - (d) the war memorial arbour is to be conserved with its original decorative elements being re-instated and its setting improved by redesigning the landscape and path layout in front of it, and by relocating the substation to the west of the tennis courts;
 - (e) reinstatement of the Queen Victoria statue, the diagonal path layout the base of the rotunda and surrounding garden bed;
 - (f) in the longer term, reinstatement of the diagonal path layout on the site of the MCHC and construction of water features at this site and north of the Rowe Street entrance. These water features will be interpretations of historic designs;
 - (g) the ladies bowling club and the former Council depot site are to be returned to parkland;
 - (h) upgrade of informal sporting facilities including an extension to the skate park, a new multi-purpose court to replace the existing basketball court, an upgrade of the informal soccer ground opposite the primary school, and some playground upgrades including shade;
 - (j) improved accessibility for people of all abilities;
 - (j) the bike path is to be widened and realigned to improve safety;
 - (k) a perimeter path to create a circuit pedestrian route around the outside of the Gardens;
 - (l) vehicle access to be restricted for safety reasons, especially adjoining the children's playground, by automatic boom gates;
 - (m) dogs are to be banned from the WT Peterson Oval, the Alfred Cres Oval, the soccer practice ground and playgrounds, with the rest of the Gardens

divided between on-leash and off-leash areas. A fenced area for dogs is to be provided on the National Can site;

- (n) ugly and inappropriate buildings are to be progressively removed or rebuilt;
- (o) a feasibility study into the potential for International House (the ex caretaker's house in the middle of the Gardens) to be redeveloped as multi-purpose community centre is recommended. The redevelopment could free space in the grandstand area for use by local sporting clubs;
- (p) the undergrounding of power and the installation of new lighting fixtures;
- (q) greater efficiency in water use will be achieved through new irrigation systems which target trees rather than grass, better turf variety selection and soil improvements;
- (r) recognition of the indigenous community is supported, for both the Wurrundjeri as traditional owners and the local indigenous Australians since the nineteenth century; and
- (s) personal safety will be improved by the upgraded lighting, new toilet designs and the revised layout of the Brunswick Street entrance.

Consultations

9. The first stage consultation was undertaken in late 2002 to identify community concerns before any design work was undertaken. The first event was a community information day in the park that provided an informal opportunity for park users to raise issues with the planning team. About 150 questionnaires were returned from this event.
10. A more formal evening workshop was also held. A Reference Group meeting was poorly attended. However, the groups which were expected to attend met the consultants in a series of further meetings. A meeting with Council staff was also held. The overall result was a direction from the community to maintain and enhance the Gardens, but not to change their essential character.
11. At the completion of the draft Conservation Management Plan and the draft Master Plan, second stage consultations were held in August 2003. A community information day in the park was again held, which generated 95 completed feedback sheets. An evening community workshop was also held which attracted 70-80 people. Subsequently another 50 questionnaires were returned. 40 written submissions were also received. Another workshop for Council staff was held.
12. After a petition signed by 91 people was received objecting to the proposal to make the WT Peterson oval a "No Go" zone for dogs, a meeting to discuss dog issues was held. An amended proposal was developed at the meeting, and this proposal was further amended by the Steering Committee.
13. The final draft Conservation Master Plan and Master Plan that are the subject of this report are now on Council's web site. Over two hundred letters and emails have been sent to notify interested parties of the status of the plans. The response indicates that the Plans enjoy widespread community support.

Issues

14. Some proposals put forward during the consultation have not been incorporated into the Master Plan. These are:
- (a) a road link between Alfred Cres and Freeman Street was rejected because vehicle access would be not be consistent with the heritage character of the Gardens, and would be unsafe for elderly pedestrians from the adjoining housing development;
 - (b) a large lake or wetland in the area of the main drain between Fergie Street and Jamieson Street was rejected because it would not be consistent with the identified heritage character of the Gardens and would require extensive disturbance of the existing gardens including mature trees. The cost would also be prohibitive, given the need to spend considerable sums on the rest of the Gardens, and the need to invest equitably in the remainder of Council's park system; and
 - (c) the north-south path east of the tennis courts will not be moved to its original alignment because this would remove two tennis courts and the mound on the east of the oval.
15. The proposed dog management measures are not a consensus view, but are considered to be a reasonable compromise between strongly held positions. For the dog controls to be effective more enforcement resources will need to be made available. The Master Plan dog control zones are shown in Attachment 1 which includes areas designated for "time share off leash zones" for use between the hours of 6am and 8am.
16. The recognition of the indigenous community will require a further process involving Council's Aboriginal Advisory Group to ensure that the recognition is in a form that respects the views of the indigenous community.

Resource and Financial Implications

17. The estimated cost of implementing the complete Master Plan is \$7,364,456. However, the Master Plan recommends actions over a long time frame and the scheduling of the expenditure. This information is shown below.

| | Time Frame | Expenditure (\$) |
|---------------------------------|----------------------|------------------|
| Immediate | (within 1 year) | 189,255 |
| Short Term | (1-2 years) | 1,381,875 |
| Medium Term | (3-5 years) | 3,259,190 |
| Long Term | (6-10 years) | 1,365,703 |
| Future | (more than 10 years) | 1,168,431 |
| Total (including contingencies) | | 7,364,456 |

Table 1

18. These totals include \$2.2m of building works. The largest expenditures on open space are paths (\$1,028,710), underground power and lighting (\$1,195,500), irrigation (\$452,000), playgrounds (\$197,000) and drainage (\$158,000). The rest of the budget is made up of a number of smaller works.

19. If the dog management elements of the Master Plan are to be effective additional enforcement resources will be required.

Environmental Implications

20. The introduction of improved irrigation systems and practices will save at least 3.8m litres of water per annum.

City Plan, Strategy and Policy Implications

21. The Council Plan 2004/08 seeks to:

“1.6.2 Implement the key recommendations of the management plan for:

Edinburgh Gardens

- *restore former Ladies Bowling Club site*
- *design and replant the Queen Victoria Bed*
- *construct a fence on the National Can Site*
- *complete design and obtain planning permits for new irrigation, path, drainage infrastructure and tree planting renovation & replacement.”*

Legal Implications

22. Legal advice in relation to the operation of the *Crown Grant and Fitzroy (Edinburgh Gardens) Land Act 1967* applicable to the Edinburgh Gardens, is that a public library, art gallery or concert space, as forms of passive recreation, and meeting rooms for public sporting purposes, are permissible uses of land reserved for recreation, a public park or garden. However, use of meeting rooms for business purposes would be outside the grant purpose as would a child care centre or use that was restricted to selected groups and not to the public generally. Council is required to seek the consent of the Governor in Council for any structural works in the Gardens, and these must be of benefit to a substantial proportion of residents. Works are also subject to planning and building approvals.
23. The changes to the dog controls will require Council to make an order under Clause 26 (2) of the *Domestic (Feral and Nuisance) Animals Act 1994*.

Proposal

24. It is proposed that the Edinburgh Gardens Conservation Management Plan and the Edinburgh Gardens Master Plan be adopted.

RECOMMENDATION

25. That the Edinburgh Gardens Conservation Management Plan and the Edinburgh Gardens Master Plan be adopted.
26. That an order under the *Domestic (Feral and Nuisance) Animals Act 1994* be prepared to give effect to the Master Plan recommendations relating to dog control.

27. That Council write to all submitters advising them of this decision and thanking them for their contribution.

Submissions

The following people addressed the Committee on this item:

James Kilby;

Chris Goodman; and

Ian Wood.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

Seconded: Councillor Maltzahn

That the matter be deferred to Council for further consideration.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor D'Agostino

1. That the comprehensive Edinburgh Gardens Conservation Management Plan and the Edinburgh Gardens Master Plan be noted with appreciation expressed to the Consultants and officers for their work on these reports to Council.
2. Further, that Council acknowledges the efforts of those in the community who provided feedback to the Steering Committee and participated in its work in developing these reports.
3. That the Edinburgh Gardens Master Plan:
 - (a) be corrected and updated: to match plans with index (plans, 1, 2, 20); to update information to the date of writing including on the Steering Committee membership, dog zone plan and text, dates, action on resurfacing the W T Peterson Community Oval, construction of the Office of Housing Development and other matters; and include Table of Contents before the Executive Summary;
 - (b) clarify that a road link between Alfred Crescent and Freeman Street has not been rejected; rather that while a vehicle link is not supported, a road link is recommended by way of a pedestrian and cycle path to separate the gardens from the adjoining housing development delineating the boundary between public and private space while providing access for non car based transport and that this link should respect the original Edinburgh Garden plans;
 - (c) support initiatives on sustainable water management in sections 5.1.1, 5.1.2, 5.4.1, 5.4.2 and 5.6.4 with further work to be commenced as in

section 5.4.2 to take advantage of technology including sewer mining and utilization of natural drainage and that a lake, wetland and/or underground storage of water in the Gardens not be rejected but be further explored in conjunction with this work on sustainable water management principles;

- (d) endorse removal of redundant and inappropriate structures from the gardens such as the Ladies' Bowling Club House, International House, adjacent car park and brick shelter, Emily Baker Infant Welfare Centre and adjacent toilets, but consider redevelopment of a single multipurpose community centre in an appropriate location;
 - (e) while options for the Gate House are resolved, that the Fitzroy Junior Football Club be granted use of the Gate House pending redevelopment of the Grandstand undercroft;
 - (f) explore the scope for re-instatement of the War Memorial Arbour (erected by the Cricket, Football, Bowling, Baseball and Tennis Clubs in 1919) to its original location over the main path entrance to the Gardens on Brunswick Street, where it can provide a more visible and defined entrance which the Master Plan states is lacking;
 - (g) "Proposed Dog Control Zones Plan 13 attached to this report be substituted for Plan 13 at page 42 of the Edinburgh Gardens Master Plan with the further substitution of dog off leash time share zones of 9.00pm to 8.00am for 6.00-8.00am and that the Executive Summary and sections 5.1.3 and 6.3.8 be revised accordingly;
 - (h) set out the outcome of legal advice sought (see Executive Summary) on implications of the Reserve provisions for the Master Plan proposals. Any future plans for the construction of other works or buildings in the Gardens to be subject to community consultation.
 - (i) more detailed historical and natural heritage information to be included, as provided by community professionals and Heritage Victoria; and
 - (j) that Heritage Victoria be asked to help incorporate heritage information into the Master Plan.
4. That following incorporation of the amendments listed above and endorsement by the Steering Committee, the Plan be posted on Council's web site and that Council write to all submitters inviting them to a further consultation meeting to provide formal input to Council on the draft plans prior to their adoption by Council.
5. That finalization of the Edinburgh Gardens Master Plan be considered in the context of, and delayed until the adoption of, the Council's Open Space Strategy and Strategy for Linear Park, given implications for path linkages, wildlife and vegetation corridors.
6. That an order under the *Domestic (Feral and Nuisance) Animals Act 1994* be prepared to give effect to Master Plan recommendations relating to dog control;
7. That notwithstanding the need for resolution of the above issues before finalization of the Edinburgh Gardens Master Plan, Council endorse through the

2005/06 budget, subject to budget priorities and funding, works to cover: path and drainage maintenance (where these will not be effected by on-going development of the masterplan), the water management review; the pedestrian and cycle path or closed road linking Alfred Cr to Freeman St with appropriate changes to reflect original layout plans as above; dog off-leash fenced area, planning associated with redevelopments including the Grandstand undercroft and relocation of the sub-station, and demolition of the Ladies Bowling Club House and fencing.

CARRIED

Attachment 1 – Proposed Dog Control Zones (Plan)



Adobe Acrobat
Document