

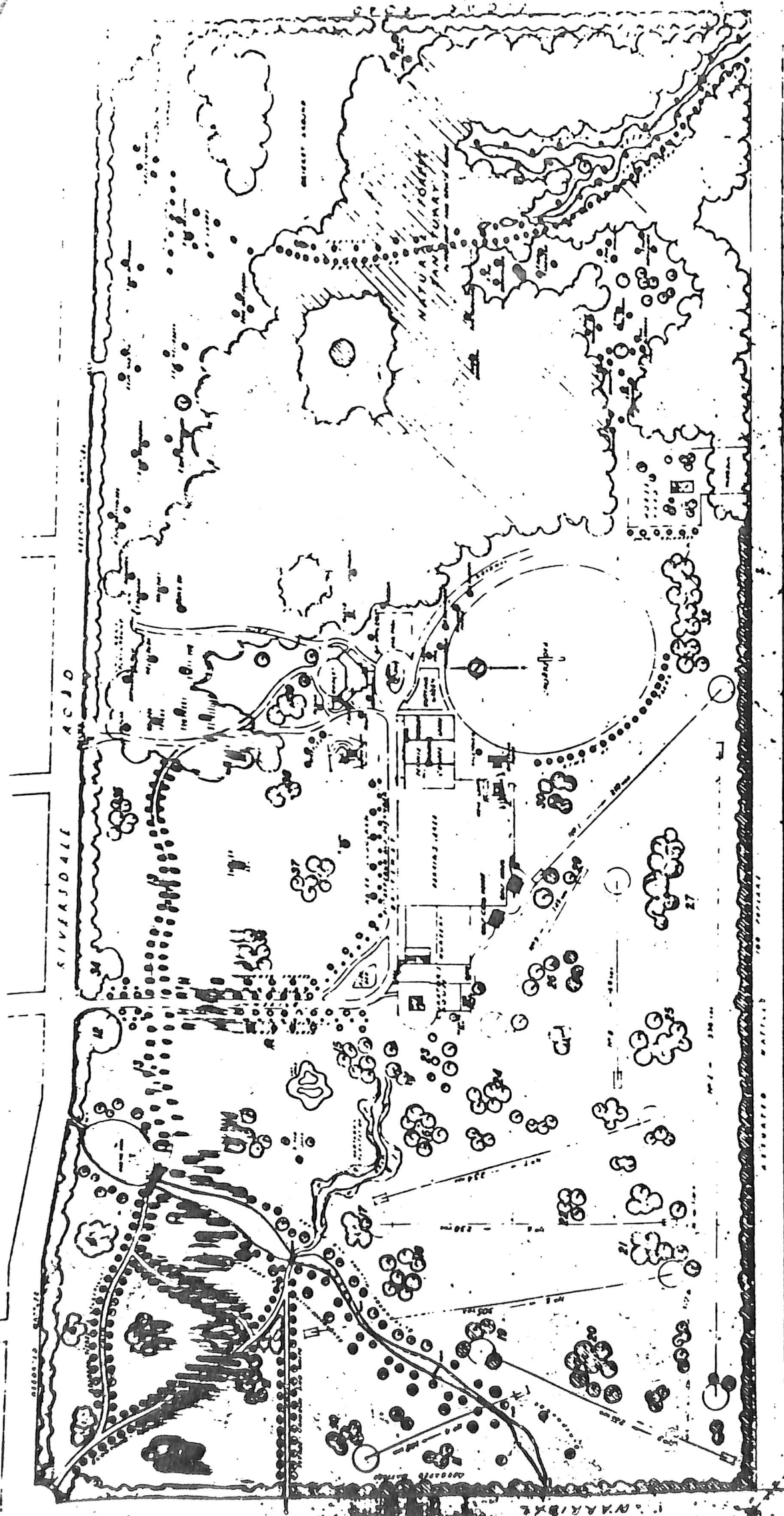


The Met.

AN AUTHORITY OF VICTORIA TRANSPORT

WATTLE PARK

HISTORY



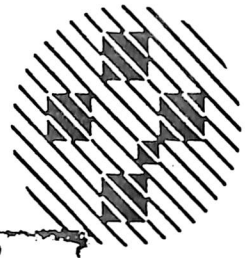
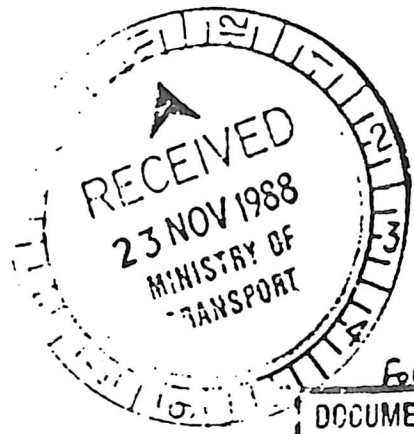
WATTLE PARK
LAYOUT OF PLANTING

Minister for Planning and Environment Victoria
Olderfleet Buildings
477 Collins Street
Melbourne
Victoria 3000
PO Box 2240T
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Telephone (03) 628 5111

Reference:

22 NOV 1988

Hon. Jim Kennan MP
Minister for Transport
Transport House
589 Collins Street
MELBOURNE VIC 3000



Dear Jim

WATTLE PARK IMPROVEMENTS

FOUO

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TO	EXEM
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ACKNOWLEDGED	

At the launch on 13 September 1988 of the Metropolitan Open Space Plan, the Government announced several initiatives including the upgrading of Wattle Park. \$250,000 has been allocated in 1988-89 and there is a commitment to allocate a further \$250,000 next year. I have written to the Treasurer suggesting that these funds should be directed to your Ministry which would be responsible for the improvement program. I enclose a copy of this letter. I also enclose a copy of an article published in "Progress Press" (20 September 1988) specifically about the Wattle Park program.

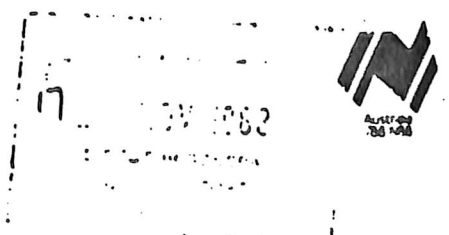
You may be aware that Wattle Park is specifically mentioned in the Metropolitan Open Space Plan as follows:

"5.9 The Government will upgrade and rejuvenate Yarra Bend Park and Wattle Park by 1995, protecting and re-establishing native vegetation. The historical character of Wattle Park (including its association with the former Tramways Board) will be preserved, and possible co-operative management arrangements between the MTA and other park management agencies, including the City of Box Hill, will be investigated."

The Metropolitan Open Space Plan also gives a commitment to the preparation of management plans for all major public parks, of which Wattle Park is one. (Action 5.11, p.35).

I believe it would be most desirable for a portion of the \$250,000 in 1988-89 to be allocated for the preparation of a management plan. Consideration could be given to spending the remaining funds on improvements within the park (including the Chalet, golf course and other facilities). The Melbourne and Metropolitan Board of Works (MMBW) and Box Hill City Council would be able to offer some degree of assistance with the improvement program. The MMBW may be in a position to carry out works under a contract arrangement.

→ J.B.K.



19

The issue of the future management of Wattle Park should ideally be addressed as part of the preparation of the management plan. There are a number of precedents for the management of a park of this type to be overseen by a committee. This would ensure a continuing role for the MTA, as well as providing a mechanism to involve Box Hill City Council and relevant interest groups.

Please let me know if the Ministry can be of any assistance with this program.

Yours sincerely



TOM ROPER
MINISTER FOR PLANNING AND ENVIRONMENT

Encl.

"MELBOURNE'S WATTLE PARK WAS ONCE A COW PADDOCK."

A former generation of Melbourne citizens found infinite enjoyment in the long tram ride to such outer Melbourne resorts as Wattle Park and the old Violet Farm at East Balwyn. Romance as well as wattle and violets blossomed in such places and sixpence was the fare.

But today the Violet Farm has gone. Wattle Park, however, will go on forever; its sale or exchange is prohibited by Act of Parliament.

This lovely park, until quite recently, was on Melbourne's outer fringe. Today it is situated in a thickly populated new Housing Commission area - a green and gold oasis in a desert of brick and mortar.

Four eastern suburban councils and the Melbourne City Council showed commendable foresight in purchasing this land for the people and providing a lung in an area where no parkland provision had been made.

The five shires and cities - Nunawading, Hawthorn, Camberwell, Richmond and Melbourne - each contributed an equal share of £1,800 towards the £9,000 required to buy the 137 acres of what is now Wattle Park from ~~Miss Effie Eliza Ball~~. the Estate of Mrs ELIZA WELCH (aunt of Miss Ball)

At today's values this land would be worth at least £500,000. Even in 1916, on the open market the land would have brought much more than the price paid for it. There can be little doubt that Miss Ball, a connection of the Ball and Welch family, sold the land at this low figure because she was assured that it would be used for the common good.

The old Hawthorn Tramways Trust, as first controller of the Park, planned the creation of an attractive area to encourage passengers to pay their sixpence to travel to the outer extremity of its City-Warrigal Road tramway.

In those years, however, little was done. The park with its untidy little creek and rough tussocky pastures was known locally as "the cow paddock".

But in 1920, when it was taken over by the Melbourne and Metropolitan Tramways' Board, things began to change, and one of those responsible for the improvement was Mr. Hector Bell, Works Chairman, who later became chief of the Melbourne and Metropolitan Tramways Board.

Speaking recently of those early years, Mr. Bell, who lives in retirement in Hawthorn said: "We planned to get the people out of the City rather than into the City. Our idea was to provide a little sport for everyone - cricket, tennis, croquet, hockey, golf and play-grounds for the children.

How well those excellent plans were put into effect must earn the grateful acknowledgment of this and many generations to come.

The cricket oval was constructed in 1927, while social activities were provided for in the old English style chalet erected in 1928. This picturesque structure, a mecca for bridal parties and other social functions, was constructed largely of material from an old cable-tramway enginehouse.

In one recent year more than 14,000 people used the chalet for wedding, birthday and other functions.

The nursery and plant houses were built in 1930. Roads were constructed and the land was drained in 1931. The quaint little curator's cottage on the main driveway appeared in 1932, and followed in the next two years by the tennis courts, the croquet and putting greens.

The nine-hole golf course was laid out and the cricket pitches were put down in 1937.

Last year more than 60,000 rounds of golf were played over this beautifully kept course, golfers providing the main direct source of revenue.

After the last war, reafforestation of the sanctuary east of the oval was begun to offset natural losses which, among the short-lived wattles, are very high.

The park is a sanctuary for birds and native animals, and high up in the trees here and there may be seen nesting boxes for feathered or furred inmates.

These boxes, one of which is at present tenanted by a silver-grey possum, were built by a nature-lover and former curator of Wattle Park, Captain C.A. Curtis. A former Indian Army Officer, Captain Curtis was succeeded in 1939 by the present curator, Mr. W. Ellis who has personally planted many hundred trees in the park.

The Wattle League of Victoria also takes a proud interest in the area, and the League's secretary, Miss Elizabeth Campbell and fellow members, recently planted a large number of wattles there.

Any one of the park's 30 picnic sites may be used by children's parties without charge. Their popularity may be gauged by the delighted shouts and happy laughter of children who enjoy the freedom of the playgrounds amid bushland as lovely as any one would find in Victoria.

The Tramways Board carries many picnic parties to the park in special trams. Last year the Board estimated that 134,000 people used the park but as an official ruefully remarked: "Not all of them went by tramcar."

Of all the thousands who visit the park, few explore its western portion which, although not as well known as the popular chalet area, holds many pleasant surprises.

We have been fortunate that successive curators and park controllers have been men of imagination. All buildings, gateways, shelters and other structures have been planned to fit artistically into the parkland atmosphere. Chief of these are the chalet, the curator's cottage, the stone shelter and the stone clock near the tennis courts.

Even an old tramway cable has been made to fit neatly into the scheme, forming a border to the main drive. The shelter and clock were donated by Mrs. Zilpah Bennet in memory of her son who died fighting in World War II.

MEMORANDUM TO COUNSEL

Nimal, greetings.

Your advice is once again sought on the vexed question of the Authority's responsibilities concerning the control and upkeep of land in Riversdale Road, Burwood, known as "Wattle Park".

You may recall that on 11th August, 1988 you provided advice (copy attached) to the effect that the MTA could not develop part of the Wattle Park reserve into a bus and tram stabling depot. Your reasoning was that the land had been inherited by the Authority as Trustee for the purposes set out in section 2 of the Melbourne to Burwood Tramways Act 1914, a view which incidentally has been shared by various MTA solicitors over the years. The relevant section of the Act reads as follows :-

"2. Notwithstanding anything in any act the Hawthorn Tramways Trust is authorised and empowered to purchase the land described in the schedule to this Act and shall keep and use the same for the purposes of a park".

Recently, the MTA's curator of the park was approached by a building contractor working on neighbouring land who asked for permission to drive heavy vehicles through the park in order to gain access to the rear of a construction site. The contractor assured the curator that access would only be required for a short time and that reinstatement work would be promptly carried out afterwards. I gather that on the strength of these assurances permission was granted without the matter being sanctioned by the Authority's Group Manager, Property, and that for around eight weeks thereafter a good deal of heavy traffic passed over a 200 metre strip of land running just inside the park's south western boundary with the resulting in the obliteration of grass and plants growing there and the formation of a temporary roadway.

Following complaints made by a concerned resident of the area to the Minister of Transport, a meeting of MTA and company

representatives was called which resolved to allow the company to continue to use the park access for a further 10 days. The agreement thus reached was confirmed in the Authority's letter dated 26/4/89 a copy of which is also attached. The matter did not however end there; the company did not vacate the land until 17th May and local residents apparently stepped up their campaign of protest leading the Director-General to seek advice about the Authority's responsibilities towards the management of the land.

It is in relation to this request that I have been instructed to obtain your opinion in relation to the following questions:

- (a) The first question, asks simply that you confirm your previous opinion that the MTA is still required to keep and use the Wattle Park land for the purposes of a park as a originally provided under section's 2 & 3 of the Melbourne to Burwood Tramways Act 1914.

You may be interested to know that in the light of comments on page nine of your 11/8/88 advice, an application under section 59 (2) of the Transfer of Land Act 1958 was lodged in order to bring the property into the name of the MTA. The application has been registered and I have been instructed to seek your view as to whether such registration in any way dilutes the tenor of the MTA's responsibilities towards the land as outlined in the 1914 Act.

- (b) If you still retain the view that the Authority holds the property as trustee for the purposes mentioned above, would you please advise whether you consider the Authority has committed any breach the terms of its trust by allowing the above mentioned contractors to drive vehicles over a portion of it. If you consider that a breach has been committed, would you also provide support for your opinion in the form of some general advice about the duties and responsibilities of trustees of urban park land. Your comments in relation to this last point will greatly assist the Authority to brief external consultants who are shortly to be commissioned to prepare proposals for upgrading the area.

- (c) Finally, in view of the attention which has focussed upon the MTA's management of Wattle Park some concern exists about the status of the commercial activities currently conducted there, namely the golf course and tennis courts in relation to which users are charged fees and the lease by the MTA of the 'Chalet' reception centre.

My research into old MMTB annual reports indicates that for about 10 years after the land was acquired it was developed from a "cow paddock" into a nature reserve through intensive tree planting programs. In the late 1920's and early 1930's sporting facilities for cricket, tennis and golf were created and it seems that around that time the substantial Chalet building was also constructed for use as a palatial cafe or tea room. Fee charging for use of the sporting facilities seems to have begun in the early 1930's but was initially limited to the golf course.

Would you please let me have your opinion as to whether these developments and activities are in any way inconsistent with the Authority's role as trustee. I add that I was unable to find much in the way of case law dealing with the question; the Canadian case mentioned in my advice is *Winnipeg City v St.Vital Rural Municipality* [1945] I.W.W.R. 161. An Australian case which appeared to place a strict burden of responsibility upon trustees and which may also be useful is *A.G .v. Cooma Municipal Council* [1963] N.S.W.R. 1657

To assist you in this matter I have attached to these instructions the following:

- (a) A copy of your advice of 11/8/1988.
- (b) A copy of a short form of opinion prepared by me and dated 30/11/1988 which advised on the Authority's ability to charge fees and somewhat superficially considered the definition of 'a park'.
- (c) Copy letter dated 26/4/1989 setting out the understanding reach between the MTA and the Project Manager.

I trust that the background information and attachments are enough to allow you to commence work on your advice however if further details are required then I may be contacted on direct line 610 2364.



PETER ANDRISKE

SOLICITOR TO THE
METROPOLITAN TRANSIT AUTHORITY