

**Yarra Park**

**Wellington Parade (south of railway reserve), Punt Road, Vale Street, Jolimont Terrace,  
Brunton Avenue and Jolimont Street; East Melbourne**

**Heritage Council Registrations Committee**

**Hearing – 2 March 2010**

**Members – Ms Amanda Johns, Ms Gaye McKenzie, Prof. William Logan**

**DECISION OF THE HERITAGE COUNCIL**

The Heritage Council has considered a recommendation and submissions received in respect of Yarra Park and has conducted a hearing into those submissions. The Heritage Council, pursuant to Section 42(1)(a), has determined that Yarra Park is of cultural heritage significance and should be included in the Heritage Register.

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**Ms Amanda Johns**  
**(Chair)**

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**Ms Gaye McKenzie**

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**Prof. William Logan**

**Decision Date – 19 April 2010**

## **APPEARANCES**

### **Executive Director, Heritage Victoria**

Ms Roslyn Coleman, Conservation Officer and Mr John Hawker, Horticulturalist appeared for the Executive Director. Ms Frances O'Neill, Manager, Assessments was available for questions from the Committee.

### **Nominator**

Mr Anthony Southall, QC appeared for the East Melbourne Group and called as expert witnesses Professor Robert Pascoe and Ms Meredith Gould.

### **Other parties that appeared**

Mr Paul Roser, Conservation Manager, appeared for the National Trust of Australia (Victoria) and called Dr Helen Doyle as an expert witness.

Mr John Patrick, Director of John Patrick Pty Ltd appeared for the City of Melbourne. Ms Cathy Kiss, Senior Parks Planner, City of Melbourne was available for questions from the Committee.

### **Written submissions**

A written submission was received from Mr Tony Ware, Executive Manager – Turf Development and Environment, Melbourne Cricket Club.

## **INTRODUCTION**

### **The Place**

- 1 The place subject to consideration by the Heritage Council is the part of Yarra Park, East Melbourne bordered by the southern boundary of the railway reserve adjacent to Wellington Parade, Vale Street, Punt Road, Brunton Avenue, Jolimont Street and Jolimont Terrace.
- 2 The nominated area does not include the Melbourne Cricket Ground (VHR 1928), Richmond Cricket Ground (Punt Road Oval), the railway reserve south of Wellington Parade, Jolimont Station or the Cabman's Shelter on Brunton Avenue (VHR 849). Subsequent references to 'Yarra Park' or 'the place' in this document refer to the nominated area.
- 3 Yarra Park is included as part of a broader precinct in a heritage overlay in the Melbourne Planning Scheme (HO2 East Melbourne and Jolimont Precinct). Two scarred River Red Gums (HO12 and HO13) within Yarra Park are included in the heritage overlay on an individual basis.

### **Nominations**

- 4 A nomination for the place was received from the East Melbourne Group on 26 May 2009.

### **Recommendation of the Executive Director**

- 5 On 16 September 2009, the Executive Director recommended that the place not be included in the Heritage Register and that the place be referred to the relevant planning authority for inclusion in the Melbourne Planning Scheme.

### **Preliminary/Other Matters**

- 6 A late submission was received from the Melbourne Cricket Club on 1 March 2010. After consulting with the parties at the hearing and there being no objections, the Registrations Committee agreed to consider this submission.
- 7 At the hearing, the Committee noted a discrepancy in the nomination documents relating to the boundaries of the nominated place. The nominator confirmed and all parties agreed that the area subject to consideration was that bordered by the southern boundary of the railway reserve to the north, Vale Street and Punt Road to the east, Brunton Avenue to the south and Jolimont Street and Jolimont Terrace to the west. All parties agreed that the nominated area does not include the Melbourne Cricket Ground (VHR 1928) or Richmond Cricket Ground (Punt Road Oval).
- 8 It was put to the Committee at the hearing that the extent of registration of the Melbourne Cricket Ground should be amended to include Yarra Park. However, the matter before the Committee was the registration of Yarra Park, not an amendment to the extent of the MCG and the Committee could not consider the latter.

### **Site Inspection**

- 9 The Registrations Committee made an unaccompanied site visit on 25 February 2010.

## SUBMISSIONS RECEIVED

- 10 A number of submissions received made reference to activities and structures that did not occur on or were not located in the nominated area, and are therefore not relevant to the Heritage Council's consideration. These activities and structures include:
- Captain William Lonsdale's house;
  - Native Police Corps camp;
  - East Melbourne Cricket Club;
  - Yarra Bank (also known as Speaker's Corner);
  - 'Jolimont', the estate of Governor Charles La Trobe;
  - Police barracks and gaol;
  - Melbourne Cricket Ground (MCG);
  - Richmond Cricket Ground (RCG);
  - Zoological Gardens/Friendly Society Gardens;
  - Gosch's Paddock.
- 11 References to these activities and structures have not been included in the summary of submissions below.

### Nominator

- 12 The East Melbourne Group, a residents' association for East Melbourne and Jolimont, nominated Yarra Park for inclusion in the heritage register for its historical, social, and aesthetic significance to the State of Victoria. Mr Anthony Southall QC appeared for the East Melbourne Group and submitted that Yarra Park satisfies a number of the Heritage Council's *Criteria for the Assessment of Cultural Heritage Significance* (see Attachment 1).
- 13 Mr Southall put to the Committee that Yarra Park is historically significant (Criterion A) for its association with the indigenous population before European settlement.
- 14 According to Mr Southall's submission, Yarra Park also has historical significance for its sporting associations with, for example, the Melbourne Cricket Club, early games of inter-colonial cricket and spectators coming to and from the MCG. Furthermore, it was put to the Committee that the first known game of Australian Rules Football was played in Yarra Park in 1858. Mr Southall pointed the Committee to evidence in the *Argus* in 1858 indicating that the game was played in the nominated area, in the vicinity of but not inside the MCG. Mr Southall put to the Committee that given evidence that earthworks for the railway south of the nominated area commenced in July 1858, it is likely that the game was played in the nominated area.
- 15 Mr Southall submitted that Yarra Park is also historically significant as part of a ring of parks around Melbourne and as Melbourne's first recreation reserve.
- 16 It was put to the Committee that the place has potential to yield information that will contribute to an understanding of Victoria's cultural history (Criterion C), especially that relating to indigenous users of the area, the design and materials of early settlement buildings, recreation and the designed landscape.

- 17 It was also submitted that Yarra Park is aesthetically significant (Criterion E) for its network of pathways, overall plantings (especially trees) and design, and as a large open space in close proximity to the central business district of Melbourne.
- 18 Mr Southall argued that the place is significant for its associations with people and groups of importance in Victoria's history (Criterion H) including early surveyor Robert Hoddle; the first Police Magistrate, William Lonsdale; members of the indigenous mounted police force; Victoria's first Governor, Charles La Trobe; former Lord Mayor of Melbourne, Sir William Brunton; and Thomas Wills and his associates who drew up the first set of rules for Australian Rules Football.
- 19 Mr Southall concluded his submission by rejecting the Executive Director's assertion that the integrity of the place has been reduced by the intrusion of sporting facilities and transport routes in and around Yarra Park. He reasoned that the nominated area remains completely intact.

#### Evidence of Ms Gould

- 20 Ms Meredith Gould, director of Meredith Gould Architects Pty Ltd, was called by Mr Southall to give expert heritage evidence. According to her evidence, Yarra Park is of cultural heritage significance to the State of Victoria and satisfies a number of the Heritage Council criteria.
- 21 Ms Gould submitted that the place is of historical significance to the State of Victoria (Criterion A) as the recreation reserve within Hoddle's first Town Reserve plan for Melbourne in 1837. She argued that by the 1850s the area was a well established recreation reserve for the town and she compared Yarra Park with the traditional English 'village green' and argued that it is the best example of this tradition in Victoria.
- 22 Her evidence stated that the first use of the Government Paddock was for the grazing of police horses before the Police Paddock was fenced and became known as the Richmond Paddock.
- 23 Ms Gould also argued that the site has played an important role in the development of Australian Rules Football and has remained the focus for players and spectators of a number of sports. She put to the committee that these early games of football make the place of particular significance as Australian Rules Football is a truly Australian sport.
- 24 She submitted that the place has further historical significance as an important Aboriginal contact site that retains evidence of Aboriginal use.
- 25 According to Ms Gould's evidence, Yarra Park is the location of rare pre-settlement vegetation uncommon within the centre of Melbourne and as such, satisfies Criterion B.
- 26 It was put to the Committee that the place is important in demonstrating the characteristics of parks designed by Clement Hodgkinson (Criterion D). Hodgkinson is associated with the ring of parks around Melbourne. Ms Gould put to the Committee that she could confirm Hodgkinson designed Yarra Park, as there are a number of items in the *Argus* that indicate he was responsible for the layout and design of plantings and paths in the 1870s.

- 27 Ms Gould submitted that Yarra Park is also significant for its association with local aboriginal groups (Criterion G).

#### Evidence of Professor Pascoe

- 28 Professor Robert Pascoe, a Professor of History and Dean Laureate at Victoria University, was called by Mr Southall to give expert historical evidence. Professor Pascoe put to the Registrations Committee that Yarra Park is of historical significance to the State of Victoria for a number of reasons:
- it is part of the ‘holding belt’ or ‘emerald necklace’ of parkland around the city and demonstrates an important part of the history of Melbourne;
  - it is the site where Australian Rules Football originated and there is compelling evidence that the first game of what became Australian Rules Football was played in Yarra Park between the MCG and Wellington Parade;
  - as a place where festive fireworks were released;
  - as the site of a contentious war memorial erected in 1917 which was removed soon after under pressure from local residents against conscription [Professor Pascoe did not clarify whether this memorial was located in the nominated area].
- 29 Finally, Professor Pascoe rejected as anachronistic the Executive Director’s claim that the introduction of sports grounds and transport routes in and around the nominated area has fragmented and reduced the integrity of the place. He put to the Committee that these insertions predate the existing layout of pathways and plantings of Yarra Park.

#### **The Executive Director**

- 30 On 16 September 2009, the Executive Director recommended that Yarra Park not be included in the Heritage Register and that the place be referred to the relevant planning authority for inclusion in the planning scheme. Ms Roslyn Coleman and Mr John Hawker appeared for the Executive Director and put to the Committee that Yarra Park has historical, aesthetic and social significance at a local level.
- 31 It was submitted that the place has historical significance at a local level as part of a group of Melbourne parks reserved for public purposes in the mid-nineteenth century and thereby is also significant for its association with Governor Charles La Trobe. It was further submitted that the place is historically significant at the local level as a setting for the Melbourne Cricket Ground, for the two scarred trees that reflect early use of the site by indigenous people and for its path network reflecting early desire lines. Ms Coleman argued that there is no conclusive evidence for the exact location of the first recorded match of football played in 1858. She put to the Committee that the game may have been played on the nominated land, but that this was speculation only.
- 32 Ms Coleman asserted that Yarra Park has some aesthetic significance as a fine example of an informal park with diverse planting and avenues of trees. It was submitted that there are a number of parks in Melbourne’s inner suburbs which display similar qualities and Ms Coleman gave Flagstaff Gardens (VHR 2041) as an example. Flagstaff Gardens also have an informal design; however, the avenues of trees there are of greater quality than at Yarra Park and moreover, the Gardens are of greater historical

significance as the location of Melbourne's first cemetery and an early signal station and flagstaff.

- 33 It was submitted that Yarra Park has social significance at a local level as its character and heritage is valued by the community.
- 34 Ms Coleman submitted that although Yarra Park is in his style, there is little evidence of the involvement of Clement Hodgkinson in the planting design for Yarra Park as alleged by the East Melbourne Group and the Trust. She put to the Committee that no plans exist and Hodgkinson was unwell at the time. Moreover, Ms Coleman informed the Committee that if evidence arose confirming Hodgkinson as the designer of Yarra Park, the Executive Director would not consider this sufficient to change his position. Ms Coleman put to the Committee that at least two examples of Hodgkinson's designs are already included in the Victorian Heritage Register - the Fitzroy Gardens (H1834) and Treasury Gardens (H1887), both of which are in a more complete state than Yarra Park.
- 35 It was argued that the integrity of the place has been reduced by the intrusion of transport routes, in particular the construction of railway lines to the south of the nominated area which alienated Yarra Park from a broader area of parkland. Ms Coleman argued that the nominated area's significance was reduced by the exclusion of this land and the granting of land within the nominated area to sporting clubs.
- 36 Finally, it was submitted that notwithstanding the evidence for local significance above, the cultural heritage significance of Yarra Park does not reach the threshold for listing on the Victorian Heritage Register.
- 37 Mr Hawker advised the Committee that there are a number of significant trees in Yarra Park, including at least twelve dating from before European settlement and some River Red Gums that may date from the 1850s. The Committee noted that apart from two scarred trees protected by individual heritage overlays, there are no overlays protecting any other vegetation.

### **City of Melbourne**

- 38 Mr John Patrick, appearing for the City of Melbourne, the current manager of Yarra Park, submitted that the place is of cultural heritage significance to the State of Victoria for its historical importance, its potential to yield historical information and its special association with individuals and groups of people important in Victoria's history.
- 39 Mr Patrick argued that Yarra Park is historically significant at a state level (Criterion A) as a reflection of nineteenth century city planning and the vision of Charles La Trobe and Robert Hoddle for Melbourne's open space.
- 40 It was put to the Committee that Yarra Park is of social significance (Criterion G) for its paths reflecting desire lines and in the way its form and history of use contrast with the nearby Fitzroy Gardens.
- 41 Mr Patrick also argued that the place is of scientific significance as it includes a number of old and/or rare trees.

42 Ms Kiss assisted the Committee in identifying the land and referred to the *Melbourne Cricket Ground and Yarra Park Amendment Act 2009* which appointed the Melbourne Cricket Ground Trust as the committee of management for the land.

### **Other submitters**

#### National Trust of Australia (Victoria)

43 The Trust submitted that Yarra Park is of cultural heritage significance to the State of Victoria and should be included in the Victorian Heritage Register. Mr Paul Roser appeared for the Trust.

44 Mr Roser put to the Committee that Yarra Park is of social, historical, aesthetic and scientific significance to the State for the following reasons:

#### 45 *Historical significance*

- As a place traditionally used by the Wurundjeri as a ceremonial and camping place and for its use by the wider community since the nineteenth century for a range of public events such as concerts, political demonstrations and festivals;
- as an area of public parkland near the centre of the city of Melbourne, which, along with other inner parklands that form a ring around the central city, has been critical in shaping the physical character of Melbourne and its distinctive character;
- as one of the earliest parks in Victoria that has been continuously used and as part of the parkland for which Melbourne and Victoria has become famous;
- for its layout and planting scheme devised in the 1870s by Clement Hodgkinson;
- for its avenue of English and Algerian oaks planted by British team members in 1956 to commemorate the Melbourne Olympic Games;
- as a ‘shrine’ to sport, especially through links to cricket, and football and as a venue for the 1956 Melbourne Olympic and the 2006 Commonwealth Games;

#### 46 *Scientific Significance*

- For its collection of important exotic plantings, especially Chir Pine (*Pinus roxburghii*) and remnant indigenous trees, in particular River Red Gums (*Eucalyptus camaldulensis*).

#### 47 *Aesthetic Significance*

- For its largely undeveloped form, extensive area and layout featuring wide axial paths and shaded walks;
- as the parkland setting for the national heritage listed Melbourne Cricket Ground;
- as a cultural landscape.

48 It was also put to the Committee that Yarra Park has the potential to yield significant archaeological remains associated with the early colonial period and public recreation since the 1850s (Criterion C).

49 Mr Roser rejected the Executive Director’s claim that the significance of the place has been reduced by the intrusion of sporting grounds and transport links. He put to the



Committee that as Yarra Park was not reserved until 1867, incursions before this time do not have any implications for the significance of the place.

#### Evidence of Ms Doyle

- 50 Ms Helen Doyle was called by Mr Roser to provide expert historical evidence.
- 51 Ms Doyle put to the Committee that Yarra Park is historically significant (Criterion A) for the following reasons:
- As a site used by the Wurundjeri which appears to be the earliest example in Victoria of appropriation of an important Aboriginal site for the purposes of a government reserve and subsequently, public recreation;
  - as an early government reserve set aside for government purposes in 1837 and as part of the earliest reservation of public parkland in Melbourne;
  - as an example of a Clement Hodgkinson design (confirmed according to Ms Doyle, by reporting in the *Argus* and a thesis by Georgina Whitehead) where, although trees in Yarra Park today are of different ages, most reflect his influence;
  - as part of the two rings of parks surrounding central Melbourne of which there are no comparable examples in Victoria or the rest of Australia;
  - as the first policing in Victoria was at this reserve [the Committee noted that this may not have been on the land subject to consideration];
  - as the location of the first games of what was to become Australian Rules Football in 1858.
- 52 According to Ms Doyle, the overall collection of trees in Yarra Park is important and a number of trees are significant at State level, for example, three Chir Pines of around eighty years of age, 'Queen's Walk' and the row of fifteen oaks associated with the 1956 Olympic Games. Ms Doyle argued that the two latter plantings are of scientific significance (Criterion B) as knowledge of their exact planting dates provides rare information about growth rates and size.
- 53 Ms Doyle put to the Committee that Yarra Park is of aesthetic significance (Criterion E) as the setting for the MCG.
- 54 Ms Doyle submitted that the place has remained essentially unchanged since the 1870s (excepting the insertion of the Cabman's Shelter and Brunton Avenue).

#### **Other written submissions**

- 55 A written submission was received from Mr Tony Ware of the Melbourne Cricket Club (MCC). As Mr Ware's submission noted, the MCC assumed management of Yarra Park on 15 March 2010. The MCC supports the recommendation of the Executive Director not to include Yarra Park in the Heritage Register and put to the Committee that the arrangements that are in place will ensure that Yarra Park is maintained and enhanced as one of Melbourne's great public assets.

## REASONS

- 56 The Committee is required to assess whether Yarra Park, East Melbourne is of sufficient cultural heritage significance to the State of Victoria to warrant inclusion in the Victorian Heritage Register. Having carefully considered the submissions made to it, and having inspected the place, the Committee has concluded that Yarra Park should be included in the Victorian Heritage Register.
- 57 The Committee is of the view that Yarra Park is of historical significance to the State of Victoria (Criteria A and H). The historical significance of Yarra Park is evidenced by the following:
- It is part of the system of parks that Governor Charles La Trobe envisaged surrounding Melbourne. His vision was to establish a city set within public open space, reflecting nineteenth century planning mores.
  - It is the result of the first application in Victoria of the reservation of a large open area for public/government use. It was set aside as a reserve within Robert Hoddle's first Town Reserve Plan for Melbourne in 1837 noted as 'Government Reserve' and then shown in more detail in Hoddle's 1843 Plan of North and South Melbourne as 'Government Paddock'.
  - By the 1850's it was a well established recreation reserve for Melbourne. It was temporarily reserved for public recreation on 27 January 1862 and is significant as noted by Ms Gould in her evidence, as the 'village green' for Melbourne. The establishment of the MCG and Richmond Cricket Ground can be seen as consistent with attempts to create a space for public recreation.
  - Its role in the development of Australian Rules Football, being the place where the earliest games were played in 1858.
  - As an important Aboriginal ceremonial, camping and contact site that retains evidence of Aboriginal use i.e. two scarred red river gums.
  - Its associations with William Lonsdale and the mounted police force.
- 58 The Committee is also of the view that the following elements contribute to the significance of the place, but do not in themselves meet the threshold for State significance:
- the presence in Yarra Park of rare pre-settlement vegetation uncommon within the centre of Melbourne (Criterion B);
  - the demonstration within the place of characteristics of parks designed by Clement Hodgkinson (Criterion D);
  - the aesthetic significance of the place (Criterion E) for its layout of pathways, its planting and as a large open space close to the central business district of Melbourne.
- 59 It was put to the Committee that Yarra Park has significance for its association with various local groups (Criterion G); however, the Committee is of the view that these associations, while they may be found to be of local significance with further examination, are not of significance to the State of Victoria.

- 60 With regard to Yarra Park's potential to yield information that will contribute to an understanding of Victoria's cultural history (Criterion C), on the basis of the submissions put to it the Committee was not persuaded that this criterion was satisfied.
- 61 The Committee appreciates that the original area set aside as a government reserve was larger than the nominated area, in that it extended south of Brunton Avenue and the railway to the Yarra River. The Committee is of the view that the reduction in area has not compromised the significance of the nominated place.
- 62 The Cabman's Shelter (HO849) is already listed on the Heritage Register, though the land that it is situated on is not. This registration decision applies only to the land upon which the shelter is situated
- 63 Given these findings the Committee has prepared a Statement of Significance (see Attachment 2).

## **CONCLUSION**

- 64 The Committee finds that Yarra Park is of historical significance to the State of Victoria and is also significant for its association with a number of persons of importance in Victoria's history. It meets the significance threshold for inclusion in the Heritage Register according to Heritage Council criteria A and H.
- 65 A Statement of Significance, Permit Policy and Exemptions and the Extent of Registration are provided as Attachments 2 to 4.

## ATTACHMENT 1

### HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**

## ATTACHMENT 2

### Statement of Significance

#### *What is significant?*

Yarra Park, East Melbourne is bordered by the southern boundary of the railway reserve adjacent to Wellington Parade, Vale Street, Punt Road, Brunton Avenue, Jolimont Street and Jolimont Terrace. This site is part of the traditional land of the Wurundjeri people.

Yarra Park was part of a proposal to surround the city of Melbourne with a ring of parks and gardens. This is largely credited to Charles La Trobe, who was appointed to govern the Port Phillip District in 1839, and responded to instructions to make sufficient land available for public purposes. The result was an inner ring of gardens, including the Fitzroy, Treasury, Parliament, Alexandra and Royal Botanic Gardens and the Domain, and an outer ring including Yarra, Albert, Fawkner, Princes and Royal Parks. The former were generally designed spaces, intended for passive recreation, while the latter were developed in a less sophisticated manner for both active and passive recreation.

Yarra Park developed on the Government Paddock which was east of the adjacent Police Magistrate's Paddock. This land, of some 157 acres, was recommended for reservation in 1862. It became known as Richmond Park before being temporarily reserved and renamed Yarra Park in 1867. It was not permanently reserved until 1873.

A network of paths developed through Yarra Park, along desire lines. The first of these, from Punt Road to Wellington Street, were established as early as 1852. These grew in complexity as north-south pathways were developed, as the sporting venues grew in popularity and the railway stations were established at the park's boundaries. These pathways generally continue to be used. Yarra Park has been used for the provision of parking for sporting events since the 1920s and continues to be used in this manner.

The place has associations with a number of people and groups of importance in Victoria's cultural history such as the mounted police force, Police Magistrate William Lonsdale, Governor Charles La Trobe, surveyor Robert Hoddle, and Clement Hodgkinson, who designed the park's plantings and pathways in 1873.

Yarra Park contains a mixture of open space with turf and trees. Avenues of trees, probably from the late nineteenth century, line many of the paths. Significant plantings include Chir Pine (*Pinus roxburghii*) and remnant indigenous trees, in particular two scarred River Red Gums (*Eucalyptus camaldulensis*).

Structures on the site include an electrical substation (1938), two drinking fountains at either end of Brunton Avenue (1938) and a commemorative Olympic plaque in Brunton Avenue (1959).

#### *How is it significant?*

Yarra Park is of historical significance to the State of Victoria.

*Why is it significant?*

Yarra Park is historically significant as part of the system of parks that Governor Charles La Trobe envisaged surrounding Melbourne. His vision was to establish a city set within public open space, reflecting nineteenth century planning mores. The park has further significance as it is the result of the first application in Victoria of the reservation of a large open area for public/government use. It was set aside as a reserve within Robert Hoddle's first Town Reserve Plan for Melbourne in 1837 noted as 'Government Reserve' and then shown in more detail in Hoddle's 1843 Plan of North and South Melbourne as 'Government Paddock'.

Yarra Park is historically significant as the 'village green' for Melbourne and for its role in the development of Australian Rules Football, being the place where the earliest games were played in 1858.

The park is an important Aboriginal ceremonial, camping and contact site that retains evidence of Aboriginal use, such as the scarred river red gums.

Yarra Park has significant historical associations not only with Governor La Trobe but also with early Police Magistrate William Lonsdale, the mounted police force and Clement Hodgkinson, whose design allowed for active and passive recreation.

## **ATTACHMENT 3**

### **PERMIT POLICY**

The registered area does not include the separately registered Melbourne Cricket Ground (VHR 1928), Cabman's Shelter (VHR 849) or Richmond Cricket Ground (Punt Road Oval).

Permit exemptions are declared on the basis that the works proposed will not have an impact on the stated significance of the heritage place. Works which establish new structures within the park may have an impact on the stated cultural significance and will require a permit. Works which may interfere with the scarred trees are not exempt.

### **PERMIT EXEMPTIONS**

General Conditions: 1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Conditions: 2. Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

Note: All archaeological places have the potential to contain significant sub-surface artefacts and other remains. In most cases it will be necessary to obtain approval from the Executive Director, Heritage Victoria before undertaking any works that have a significant sub-surface component.

General Conditions: 3. If there is a conservation policy and plan endorsed by the Executive Director, all works shall be in accordance with it. Note: The existence of a Conservation Management Plan or a Heritage Action Plan provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

General Conditions: 4. Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions.

General Conditions: 5. Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable.

#### **Minor Works**

Note: Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works may submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the

requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.

#### Landscape

\*Repairs, conservation and maintenance to hard landscape elements, buildings and structures, fountains and monuments, steps, paths and gutters, drainage and irrigation systems, edging, fences and gates.

\*The process of gardening; mowing, hedge clipping, bedding displays, removal of dead plants, disease and weed control, emergency and safety garden works.

\*New or replacement planting which conserves the historic landscape character including specimen trees, avenues, rows, shrubberies, beds, and lawns.

\*Management of trees in accordance with *Australian Standard; Pruning of Amenity Trees AS 4373*.

\*Installation, removal or replacement of garden watering and drainage systems outside the canopy edge of significant trees.

\*Vegetation protection and management of the possum and rabbit population.

\*Removal of plants listed as noxious weeds in the *Catchment and Land Protection Act 1994*.

#### Regular Site Maintenance

The following site maintenance works are permit exempt under section 66 of the Heritage Act 1995:

\*Regular site maintenance provided the works do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits.

\*The maintenance of an item to retain its conditions or operation without the removal of or damage to the existing fabric or the introduction of new materials.

\*Cleaning including the removal of surface deposits, organic growths, or graffiti by the use of low pressure water and natural detergents and mild brushing and scrubbing.

\*Repairs, conservation and maintenance to plaques, memorials, roads and paths, fences and gates and drainage and irrigation.

\*The replacement of existing services such as cabling, plumbing, wiring and fire services that uses existing routes, conduits or voids, and does not involve damage to or the removal of significant fabric. Note: Surface patina which has developed on the fabric may be an important part of the item's significance and if so needs to be preserved during maintenance and cleaning. Note: Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance. Repair must maximise protection and retention of fabric and include the conservation of existing details or elements.

#### Fire Suppression Duties

The following fire suppression duties are permit exempt under section 66 of the Heritage Act 1995:

\*Fire suppression and fire fighting duties provided the works do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits.

\*Fire suppression activities such as fuel reduction burns, and fire control line construction, provided all significant historical and archaeological features are appropriately recognised and protected; Note: Fire management authorities should be aware of the location, extent and significance of historical and archaeological places when developing fire suppression and fire fighting strategies. The importance of places listed in the Heritage Register must be considered when strategies for fire suppression and management are being developed.



### Weed and Vermin Control

The following weed and vermin control activities are permit exempt under section 66 of the Heritage Act 1995:

\*Weed and vermin control activities provided the works do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits; Note: Particular care must be taken with weed and vermin control works where such activities may have a detrimental affect on the significant fabric of a place. Such works may include the removal of ivy, moss or lichen from an historic structure or feature, or the removal of burrows from a site that has archaeological values.

### Public Safety and Security

The following public safety and security activities are permit exempt under section 66 of the Heritage Act 1995:

\*Public safety and security activities provided the works do not involve the removal or destruction of any significant above-ground structures or sub-surface archaeological artefacts or deposits.

\*The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the place including archaeological features.

\*Development including emergency stabilisation necessary to secure safety where a site feature has been irreparably damaged or destabilised and represents a safety risk to its users or the public. Note: Urgent or emergency site works are to be undertaken by an appropriately qualified specialist such as a structural engineer, or other heritage professional.

### Signage and Site Interpretation

The following Signage and Site Interpretation activities are permit exempt under section 66 of the Heritage Act 1995:

\*Signage and site interpretation activities provided the works do not involve the removal or destruction of any significant above-ground structures or sub-surface archaeological artefacts or deposits.

\*The erection of non-illuminated signage for the purpose of ensuring public safety or to assist in the interpretation of the heritage significance of the place or object and which will not adversely affect significant fabric including landscape or archaeological features of the place or obstruct significant views of and from heritage values or items.

\*Signage and site interpretation products must be located and be of a suitable size so as not to obscure or damage significant fabric of the place.

\*Signage and site interpretation products must be able to be later removed without causing damage to the significant fabric of the place; Note: The development of signage and site interpretation products must be consistent in the use of format, text, logos, themes and other display materials. Note: Where possible, the signage and interpretation material should be consistent with other schemes developed on similar or associated sites. It may be necessary to consult with land managers and other stakeholders concerning existing schemes and strategies for signage and site interpretation.

## ATTACHMENT 4

### EXTENT OF REGISTRATION

1. All of the land comprising Yarra Park to the extent marked L1 on Diagram 2251 held by the Executive Director and comprising part of Crown Allotment 2B Section 19C Parish of Melbourne at East Melbourne, and all of Crown Allotments 2019 and 2037 Parish of Melbourne at East Melbourne.

