

The Hon. Peter Batchelor,  
Minister for Major Projects,  
GPO Box 2797Y,  
MELBOURNE 3001.

Dear Mr Batchelor,

re: **ROYAL PARK PSYCHIATRIC HOSPITAL SITE**

Thank you for the letter, received today, from Mr Cain of 30th May, who replied on your behalf to my letters of 21st October and 25th November 2002.

The letter cites a study performed by Milles Kellaway and Summerton, and draws some conclusions.

May I point out that the study was incomplete, and in particular that —

- the authors did not search the “minutes, despatches and registers of Governor La Trobe’s Executive Council”, (p. 3) as insufficient funds were provided by the Office of Major Projects.
- Nor was the research thorough, as the authors did not, for example, resolve when La Trobe left Melbourne (5th May 1854, a fact that is simply and quickly verified from primary sources including *The Argus*<sup>1</sup> and *The Melbourne Morning Herald*). (p. 9)
- A crucial piece of evidence was overlooked, namely, the government map of 1855 produced by the Office of the Surveyor-General.
- the authors failed to investigate those official documents in London cited by W. A. Sanderson and which record the reservation of Royal Park in 1854. (p. 3)
- the authors note that “no completely reliable data source exists in reference to Crown land reserves for the period 1836-84”, and that the “Reserve files ... are disappointingly deficient in crucial papers relating to these matters”. (p. 2) A map of proposed parklands of the City was not found. (p. 10) Nor can the plan for the 1862 gazettal of the Reserve. (p. 14)

Mr Cain’s letter mentions that the Kellaway-Summerton report was referred to the Office of the Surveyor-General who “confirmed that the findings of the Report are consistent with its records”.

The Surveyor-General failed to advise that its own office produced a map in 1855, which showed that the Royal Park Psychiatric Hospital site was included in Royal Park. This map was produced in the year following that in which Royal Park was reserved. Even the Kellaway-Summerton Report overlooked the fact that the 1855 map was produced under the imprimatur of the Surveyor-General. (p. 10) The authentication of the map is engraved in the bottom margin: “Compiled by James Kearney, Draughtsman. Engraved by David Tulloch and James D. Brown. Captain Andrew Clark, R. E. Surveyor-General. 1855”. The map measures 125 cm × 145 cm, and includes considerable detail such as individual buildings.

This map shows Royal Park extending the entire length of Park Street west, Brunswick, and with the Moonee Ponds Creel as the western boundary. *This area includes the site of the Royal Park Psychiatric Hospital.*

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<sup>1</sup> *The Argus*, 6 May 1854, p. 4 column 6.



The reservation of Royal Park in 1854 can be considered permanent, as La Trobe refused to allow any part of it to be used for a market and for various other non-park purposes.<sup>2</sup>

Mr Cain's letter states:

- "The former Royal Park Hospital Site formed part of the Experimental (Model) Farm which was identified as a separate site by an Order — In Council [sic] in 1858 and listed in 1859/60 as not being included in the Government's funding for Royal Park."

The statement erroneously implies that the land in 1859-60 was not in Royal Park. In fact, the Model Farm was then within Royal Park, confirmed by the note that the sums expended on Royal Park did not include the Model Farm area.<sup>3</sup>

It should be noted that the Experimental Farm did not commence until mid-1858, and that the *sum quoted included expenditures incurred prior to mid-1858 on landscaping etc and fencing in that part of Royal Park subsequently occupied by the Experimental Farm.*

The reply ignores the fact that the Gazette of 1862 confirmed that the site was part of Royal Park.<sup>4</sup>

The reply ignores the important facts that Royal Park was fenced in 1854-5 and that landscaping etc was carried out in 1857.

The reply ignores the fact that on 6th October 1856, a "PREMIUM of One hundred pounds [was] offered for the best designs for laying out the Royal Park, Prince's Park, South Park, and the Government House Reserve, South Yarra".<sup>5</sup> *This Notice was issued by the Surveyor-General's office.*

The cost of "Supplying and spreading manure, and planting trees in the Royal and Prince's parks" in 1857 *was charged to "Fencing, forming and planting public parks, &c., Melbourne district"*.<sup>6</sup> The cost of "Picking and digging in the Royal Park" in 1857 *was charged to "Public Parks and Places of Recreation, Melbourne District"*.<sup>7</sup> Particulars of the contract were available from the office of the Commissioner of Crown Lands.<sup>8</sup>

The government began to improve and develop Royal Park soon after it was reserved. On 29th August 1854, John Foster of the Colonial Secretary's Office called tenders to fence Royal Park.<sup>9</sup> On 7th November 1854, a contract was awarded for the sum of £2,177.<sup>10</sup>

The fact remains that the Experimental Farm was still part of Royal Park in 1859/60.

May I draw your attention to the *Votes and Proceedings of the Victorian Legislative Assembly 1859-60*. It states: "PUBLIC PARKS, MELBOURNE. ... A RETURN of all public lands within five miles of Melbourne Post Office reserved as PARKS or PLACES of PUBLIC RECREATION, showing the Area of each ...".<sup>11</sup> (emphasis added)

<sup>2</sup> H. Lewis, *South Parkville*, The Parkville Association, Melbourne, 1996, p. 1.

<sup>3</sup> C. Kellaway & M. Summerton, *The Royal Park*, Melbourne, February 2003, Appendix 5.5.

<sup>4</sup> *The Victoria Government Gazette*, Vol. XXIII, 1862, p. 529.

<sup>5</sup> *The Victoria Government Gazette*, 1856, p. 1705; re-advertised with a new deadline, p. 1870.

<sup>6</sup> *The Victoria Government Gazette*, 1857, p. 1608.

<sup>7</sup> *The Victoria Government Gazette*, 1857, pp. 1023, 1284.

<sup>8</sup> *The Victoria Government Gazette*, 1857, pp. 1023.

<sup>9</sup> Tenders were called on 29 August 1854 for "FENCING PARK RESERVES": "Royal Park, Prince's Park, Fitz Roy Square, [and] Carlton Gardens", *The Victoria Government Gazette*, 1854, p. 1950.

<sup>10</sup> *The Victoria Government Gazette*, 1854, p. 2509.

<sup>11</sup> *Votes and Proceedings of the Victorian Legislative Assembly 1859-60*, Vol. 1 C 14, reproduced in C. Kellaway & M. Summerton, *The Royal Park*, Melbourne, February 2003, Appendix 5.5. The Proceedings contain an anomaly, namely, that Royal Park and the Zoo are separately itemised.



In the list, Royal Park is shown *first*, along with other parks including Carlton Gardens, Botanic Gardens, etc. The report was produced by the Deputy Surveyor-General, Department of Lands and Survey.

The attempted reservation in 1863 for the Experimental Farm was void in terms of the Act, as the use of the land for non-park purposes was not permitted.

- "There is no gazettal evidence confirming that Governor La Trobe reserved the Parkville site for park purposes before he left the colony in 1854."

Whether or not a gazettal notice that La Trobe reserved Royal Park can be found, Kellaway & Summerton point out that "The absence of a gazettal notice however is irrelevant; before 1860, there was no requirement to gazette actions regarding 'reserves' within the settled districts".<sup>12</sup>

As to the "Parkville site", *the Surveyor-General's map of 1855<sup>13</sup> unequivocally puts the Royal Park Psychiatric Hospital site in Royal Park.*

Furthermore, the 1862 gazettal confirms that the Hospital site was within Royal Park.<sup>14</sup>

The fact that the Psychiatric Hospital site was included in Royal Park is also confirmed from the areas of the components.

Royal Park as per 1862 map <sup>15</sup>	.. .. .	550 acres
Experimental Farm <sup>16</sup>	.. .. .	140 acres 2r 8p
Area of land bounded by Grattan St, Flemington Road, Park Drive, <sup>17</sup> Royal Parade	.. .. .	41 acres approx.
Total	.. .. .	731 acres approx.
Area of Royal Park as reserved in 1854 <sup>18</sup>	.. .. .	730 acres.

- "The site was not included in [the] permanent reservation of Royal Park in 1876."

This is completely irrelevant, as the status of the Royal Park Psychiatric Hospital site was not changed by the 1876 reservation. It is covered by the 1854 reservation.

- "In relation to the temporary reservation of the land for park purposes in 1887 ... land which is temporarily reserved can be reserved for other purposes by approval of an order by the Governor-in-Council."

That would mean that the reservation was void, as permanently-reserved park land cannot be changed to temporary by an order of the Governor-in-Council.

- "... in so far as its legal status, the former Royal Park Psychiatric Hospital Site has never been part of the permanent reservation of Royal Park."

This statement is at worst erroneous and at best misleading, as the 1854 reservation must

<sup>12</sup> C. Kellaway & M. Summerton, *The Royal Park*, Melbourne, February 2003, p. 31.

<sup>13</sup> J. Kearney, *Melbourne and its Suburbs*, Surveyor-General, 1855.

<sup>14</sup> *The Victoria Government Gazette*, Vol. XXIII, 1862, p. 529.

<sup>15</sup> Department of Lands and Survey map, reproduced in W. A. Sanderson, "Royal Park" in *The Victorian Historical Magazine*, Vol. XIV, No. 3, May 1932, pp. 124-5.

<sup>16</sup> *Victoria Government Gazette*, 1862, p. 1829.

<sup>17</sup> Park Drive is an approximation to the 1862 park boundary of Park Street.

<sup>18</sup> W. A. Sanderson, "The Alienation of the Melbourne Parks", in *The Victorian Historical Magazine*, Vol. XIV, December 1932, p. 148.

be regarded as permanent. The 1876 gazettal reserved an entirely different area from the R. P. Psychiatric Hospital site.

Royal Park (including the R. P. Psychiatric Hospital site) was reserved for park purposes solely: Mr La Trobe refused to permit the alienation of Royal Park for a Council market and wood and hay market, on the grounds that the land "had been set aside as a portion of a reserve for garden and recreation grounds for the general benefit of the health of the inhabitants of the city and therefore he was not prepared to sanction its alienation to another purpose".<sup>19</sup> (emphasis added) Furthermore, "... on 21st October, 1856, the [Melbourne City] Council obtained a definite statement from the Surveyor-General, Captain Clarke ... that the following sites, namely, Royal Park, Princes Park, ... Carlton Gardens, ... Lincoln Square, Argyle Square, ... were intended for *park or ornamental purposes*."<sup>20</sup> (emphasis added) Royal Park then included all the land occupied by the Experimental Farm. All the land now occupied by the former Royal Park Psychiatric Hospital was then part of Royal Park.

The immutable fact remains that the Royal Park Psychiatric Hospital site was part of Royal Park reserved in 1854. Royal Park (including the Psychiatric Hospital site) was reserved for *park or ornamental purposes for the general health of the inhabitants. This reservation precluded use as an experimental farm and as a hospital and other non-park uses.*

*The government has an obligation to return the Royal Park Psychiatric Hospital land to park uses, as part of Royal Park, not to use it for a housing development.*

Yours sincerely,

Robin Vowels

Hand delivered at 4.40pm, 10 June 2003.

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<sup>19</sup> H. Lewis, *South Parkville*, The Parkville Association, Melbourne, 1996, p. 1.

<sup>20</sup> W. A. Sanderson, "The Alienation of the Melbourne Parks", in *The Victorian Historical Magazine*, Vol. XIV, December 1932, p. 149.