



12.1 ALBERT PARK COLLEGE REQUEST TO UTILISE GASWORKS ARTS PARK AND LEMNOS SQUARE

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1. PURPOSE

- 1.1 To present a request from Albert Park Secondary College to formalise utilisation of Gasworks Arts Park and Lemnos Square during school hours.

2. EXECUTIVE SUMMARY

- 2.1 Gasworks Arts Park is bordered by Graham, Pickles, Richardson and Foote streets in Albert Park with access gates located along each perimeter.
- 2.2 The park is a popular dog walking park, provides bush trails, has a number of public art pieces and is the home of the Gasworks Farmers Market and Gasworks Theatre.
- 2.3 Gasworks Arts Park has contamination within the soil profile from its days as a gasworks foundry between 1871 and 1971. Council is working with the Victorian Government to develop an ongoing solution to manage the contamination and potentially remediate some sections of the park.
- 2.4 Council has an Environmental Protection Authority (EPA) endorsed interim management plan in place to manage the human health risks associated with the contamination at the site whilst the Victorian Government is progressing with the remediation project.
- 2.5 Lemnos Square is a small parkland directly adjacent to the main campus of Albert Park Secondary College.
- 2.6 Albert Park Secondary College (APC) is a public, 1,300 student co-educational high school with their main campus located at 83 Danks Street and a secondary site at 62 Pickles Street both in close proximity to Gasworks Arts Park.
- 2.7 Access to the park is unrestricted and is open to all members of the public, including students from APS. For a number of years, students from APC have been using the park during school hours (lunchtime, etc.). APS does not have any agreement in place with Council governing this informal use.
- 2.8 There have been concerns raised by the community that school usage conflicts with other users of the park. Council has received enquiries and complaints from members of the community.
- 2.9 APC have requested that Council formally permit their use of the park through a licence agreement. A licence would enable Council to place conditions on the use of the land and potentially mitigate some of the conflicting demands and uses at Gasworks Arts Park.



- 2.10 This report formally considers the request from APC and recommends conditions and controls that would help to mitigate issues with the current informal use if Council resolves to enter into a formal agreement.

3. RECOMMENDATION

That Council:

- 3.1 Notes that considering school access of public space policy setting is highly complex and generates mixed views in the community.
- 3.2 Notes as the municipality grows so will demand and conflict with access to public open spaces.
- 3.3 Notes that any school access granted to public managed land should be non-exclusive.
- 3.4 Endorses a trial 'Option 3 – Approve a Licence to Grant Access to Lemnos Square & Gasworks Arts Park During Recess and Lunchtime Periods Only', subject to the following conditions:
 - the licence does not provide for exclusive use to the school
 - the licence covers the defined area in Gasworks Arts Park as per the Victorian Government Gazettal (Attachment 1), maintaining the majority of the park for other park uses.
 - the licence restricts access to lunchtime and recess periods only
 - the licence requires that appropriate teacher supervision be in place at all times.
 - the licence prohibits sporting games or the use of sporting equipment.
 - the licence requires appropriate public liability insurance to be in place.
 - the licence includes requirements for the school to reimburse Council for any maintenance works required due to school use.
 - the licence have an end date of no later than 31 December 2020.
- 3.5 Endorses the preparation of a policy for school access and use of Council managed public space.
- 3.6 Endorses that following the end date of the licence that a review be undertaken to assess the effectiveness of the trial and consideration be given to future licences in-line with the school use policy.

4. KEY POINTS/ISSUES

Lemnos Square

- 4.1 Lemnos Square was created in 2011 with the road closure of a section of Foote Street between Danks and Graham Streets.
- 4.2 This open space of approximately 2,300m² is directly adjacent to the Albert Park Secondary College.

Gasworks Arts Park and Soil Contamination project



- 4.3 The City of Port Phillip is committed to the ongoing management and response to the known contamination of the Gasworks Arts Park. The site was once part of the former South Melbourne Gasworks and the site is contaminated with the by-products of coal gas production.
- 4.4 At its Ordinary Council meeting on 9 December 2014, Council considered the next steps for Gasworks Art Park and resolved to formally requested that the State of Victoria, as the original polluter of the former South Melbourne Gasworks (Albert Park) to project manage the soil remediation of the site. This included finalising a Remediation Action Plan (RAP) to be agreed by Council's Chief Executive Officer in accordance with EPA Victoria's expectations, and subject to Council's CEO being satisfied with the Victorian Government's process to:
- keep as many mature trees on the site as possible
 - ensure a transparent process with open communication with Council and the community throughout the remediation process
 - maintain a commitment to retaining the land as an off-leash dog park in a native bush setting.
- 4.5 The Environment Protection Authority (EPA) Victoria has deemed the site safe for ongoing use as a public park, and it will remain open to the community whilst further investigations and any works required to manage the contamination occur.
- 4.6 Adding to the environmental assessments undertaken by Council prior to 2015, the State Government has undertaken extensive testing and analysis to establish a comprehensive understanding of the surface (top 300mm) soil and the human health risks associated with exposure to contaminants in the soil.
- 4.7 The extensive testing and analysis to establish comprehensive knowledge of contamination has presented an opportunity to revisit the human health risk assessment with the EPA auditor, by:
- reducing the assessment depth for soil contamination across the site with international benchmarking and a more comprehensive data set (e.g. contaminants within the top 300mm layer, previously this was 500mm)
 - defining and controlling usage on the site (e.g. vehicle traffic)
 - developing a draft Park Plan to demonstrate compliance to a draft Contamination Management Action Plan (CMAP).
- 4.8 Although wide spread contamination has been confirmed within the soil profile, the preliminary findings of the draft CMAP will likely conclude that there is a low risk to human health. This means that subject to EPA review and approval of the draft CMAP, the park can be safely managed through controlled usage and park improvements such as paths, irrigation, lawn, garden beds fencing and park infrastructure, including a playground.
- 4.9 Further work to determine the extent and management options for groundwater contamination is still needed. An EPA accredited auditor is currently overseeing the preparation of a RAP to address the groundwater contamination. It's expected that any works required to manage groundwater contamination will be restricted to targeted areas of the park.



- 4.10 The draft CMAP and the future groundwater RAP will address contamination in different ways. The draft CMAP considers the environmental and human health risks associated with exposure to contaminated soil, whilst the groundwater RAP will predominately address the potential environmental risks as a result of the contaminated groundwater, which is located far below the surface.
- 4.11 The preliminary findings of the draft CMAP are consistent with the interim management plan for Gasworks Arts Park. The EPA Victoria has deemed the site safe for ongoing use as a public park.
- 4.12 In-line with Council's endorsed position, the State Government CMAP and RAP documents will be made publicly available when completed and approved by the EPA. Additionally, Council officers are currently working with the State Government to develop a Park Plan that will be compliant with the CMAP and RAP. The Park Plan will be subject to community feedback.

School Use of Public Open Space

- 4.13 The City of Port Phillip has a growing population, increasing the demand and conflict of uses within the city's limited open spaces. This is reflected in increasing student numbers at schools within the municipality. Increasingly, existing schools are converting open space to class rooms to accommodate this growth, and new vertical schools are being built, both of which reduce the amount of open space available per student on school premises.
- 4.14 As a result, many schools are using or seeking to use Council parks and sports grounds to supplement their own provisions of open space.
- 4.15 APC is one of these schools and has been utilising open space at Gasworks Arts Park and Lemnos Square for their students' passive recreation and play.
- 4.16 At present, there is no formal use agreement between Council and APC for the use of Gasworks Arts Park and Lemnos Square. The school is currently accessing and using the open space without any conditions or controls.

Impacts on Other Park Users

- 4.17 The open space at Gasworks Arts Park is well utilised by various groups in the community, particularly dog walkers and playground users. The park is also a popular location for general passive recreation. The Gasworks Market is held monthly at the park along with various other events.
- 4.18 Council has received a significant number of concerns and complaints from the community about the conflict of different uses at the park.
- 4.19 Gasworks Arts Park is a much loved and iconic community space. Through consultation with the community as part of the contamination management project, and through correspondence sent to Council, members of the community have expressed they would like the natural native bush land setting to be maintained, protected and preserved and have raised concerns that the park is not used as an overflow space for the adjacent school.
- 4.20 Members of the community have also expressed the lack of open space is a challenge that should be addressed by the APC and not at what they perceive as being at the expense of broader community access and enjoyment of the park.



- 4.21 Currently, students from APC access the park in the same manner as any other member of the public. Access to the park is not restricted, and the ability of Council to manage the use is limited to enforcing the Local Law.
- 4.22 The lack of control over the use of the park presents a number of challenges, these include:
- No way to control times of use or to set a defined area where students could utilise the open space in a manner than reduces potential conflict with other park users.
 - No way to restrict certain activities that increase the likelihood of potential conflict with other park users, such as ball sports.
 - Limited ability to reduce damage to park vegetation (trees and grass) and infrastructure.
 - Lack of mechanism to require relevant public liability insurance.
 - No ability for Council to recover costs or gather contributions to maintenance and repair directly linked to school use of the park.
- 4.23 Formalising the use of the park through a licence agreement between Council and APC would provide the opportunity for Council place conditions that would help to ameliorate the aforementioned concerns.

Land & Agreements

- 4.24 Lemnos Square is Council managed land, a licence can be implemented under officer delegation.
- 4.25 Gasworks Arts Park has a combination of Crown and Council freehold land parcels.
- 4.26 Council is the Committee of Management of the Crown Land and has authorisation to enter into agreements as long as it has approval from the Department of Environment Land Water and Planning (DELWP).
- 4.27 A Victoria Government gazettal is attached of the proposed area deemed appropriate for casual student recreation use at Gasworks Arts Park. (Attachment 1)
- 4.28 A licence for Gasworks Arts Park use can be entered into under officer delegation

School Use of Public Open Space – Policy Development

- 4.29 Officers are currently preparing a Public Space Strategy. This draft strategy will be released for community feedback in the coming months. The draft strategy will recognise that as the City's population grows more people will use public spaces. The draft strategy will highlight the need to design and manage Council's open spaces to embrace a diversity of uses. Ultimately, the aim must be to encourage respect and consideration of all sharing the open spaces.
- 4.30 Recognising that conflicts such as between school use and other users of open space is likely to increase, and to help manage this in a consistent and fair manner, it is proposed that a specific policy be developed to guide future requests for school use of open space.
- 4.31 There are opportunities for Council in providing school use of open space through charging an appropriate fee and potentially through reciprocal access to their sports facilities and open spaces for community use outside of school hours.



- 4.32 Any agreement for open space use developed with a school would be non-exclusive, so public open space can remain fully accessible to the community.
- 4.33 Such a policy for school use of open space would outline how best to assess, manage and negotiate school use of Council open spaces and the potential for future reciprocity. The policy will be developed to align with the adopted resolution of this school request and the future Public Space Strategy.

Albert Park Secondary College Request - Options

- 4.34 The following options are open to Council in respect of APC's request for a formalised agreement for the use of the Gasworks Arts Park and Lemnos Square.
- 4.35 Option 1 – Decline the Request
- Officers will formally notify the school principle, school president and Department of Education that Council does not support their use of Gasworks Arts Park or Lemnos Square.
- 4.36 Option 2 – Approve a Licence to Grant Access to Lemnos Square & Decline Gasworks Arts Park Request.
- Council officers will enter into a licence agreement for access to Lemnos Square under delegation. The licence will place conditions on the use of the site by the school.
 - Council officers will formally notify the school principle, school president and Department of Education that Council does not support the use of Gasworks Arts Park.
- 4.37 Option 3 – Approve a Licence to Grant Access to Lemnos Square & Gasworks Arts Park During Recess and Lunchtime Periods Only.
- Council officers will enter into a licence agreement for access to Lemnos Square and Gasworks Arts Park. The licence will place conditions on the use of the sites by the school.
 - The licence will document the conditions of use at Gasworks Arts Park and define the area of use as per Victorian Government Gazettal (Attachment 1).
- 4.38 Option 4 – Approve the usage of Lemnos Square and Gasworks Arts Park during all school hours for passive recreation programming.
- Council officers will enter into a licence agreement for access to Lemnos Square and Gasworks Arts Park. The licence will place conditions on the use of the sites by the school.
 - The licence will document the conditions of use at Gasworks Arts Park and define the area of use as per Victorian Government gazettal (Attachment 1).

Conditions and controls Gasworks Arts Park

- 4.39 It is recommended that if Council resolves to grant a licence to APC, that the following conditions for usage be included:
- The usage area would be limited as per the gazetted area (Attachment 1), maintaining the majority of the park for other park users.
 - Limited to time as per the adopted resolution



- Require appropriate teacher supervision to be present at all times.
- Exclude sporting games or the use of sporting equipment.
- Would not provide exclusive use of the space.
- Require appropriate public liability insurance
- Require the school to contribute to Council for any maintenance works required due to school use.

Officer Recommendation

- 4.40 It is recommended that Council proceed with Option 3, approve the formalisation of usage of Lemnos Square and Gasworks Arts Park during recess and lunchtime periods only.
- 4.41 It is proposed that the length of the agreement be for the remainder of the current school and calendar year, 31 December 2020, as a trial. Thus, enabling a review at the end of the trial period to assess potential impacts and benefits of the licence agreement.
- 4.42 It is also proposed that Council advertise the agreement with signage onsite and seek feedback from the community on the effectiveness of the agreement.
- 4.43 During this time a school use of public space policy can be developed and adopted post this trial to ensure consistently across the municipality.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 APC have requested the formalisation of access and been notified there will be a Council resolution considered on the 18 March 2020.
- 5.2 Friends of Gasworks and Gasworks Arts Inc Board are a critical stakeholder for the soil contamination project and have been informed about the request from APC. Both stakeholders have been informed Council will consider this on 18 March 2020.
- 5.3 If a trial agreement is resolved a notification will be sent to the interested persons database for the Gasworks Soil Contamination Project and signage placed onsite to inform users of Gasworks Arts Park, invite them to provide feedback and provide a contact for any enquiries.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The proposal to formalise APC's access to the park will ensure that appropriate public liability insurances are in place.

7. FINANCIAL IMPACT

- 7.1 A formal agreement with APC would likely require the school to reimburse Council for any costs associated with the school's use of the grounds.
- 7.2 An appropriate fee structure for school use of public space will be addressed as part of the policy development.

8. ENVIRONMENTAL IMPACT

- 8.1 There is a risk that unregulated use may not be in line with the draft Contamination Management Plan. Additionally, Council has received reports of damage to vegetation at Gasworks Arts Park.



- 8.2 The formalisation of the use of the open spaces by APC provides an opportunity to mitigate potential environmental impacts through placing conditions on a licence. This could include supervision requirements and cost recovery mechanisms.
- 8.3 It is noted that if the State Government require land for further testing of the soil contamination, that would take precedence over any agreement to provide formalised school access.

9. COMMUNITY IMPACT

- 9.1 Formalising APC's use of Gasworks Arts Park may result in higher use and more foot traffic through the park. It is imperative that this be balanced so that all users can continue to enjoy this public space.
- 9.2 Council supports equitable access to open space for all members of the community, including schools, community groups and individuals. Council is committed to providing facilities and opportunities for all community segments to be active in a safe environment.
- 9.3 Should Council endorse the formalisation of an agreement with APC, conditions will be included to minimise the impact of the school use and to ensure that several types of use (including dog walking and passive play) can occur simultaneously and safely.
- 9.4 The City of Port Phillip has limited open space and limited opportunity to purchase new land for open space. With a growing population, our open spaces will need to work harder in the future and support multiple use by many groups.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Strategic Direction 1 - We embrace difference and people belonging.
- 10.1.1 A safe and active community with strong social connections. Providing access to flexible, multipurpose facilities that support participation in community life through sport, recreation and lifelong learning.
- 10.2 Strategic Direction 4 - We are growing and keeping our character.
- 10.2.1 Liveability in a high-density city. Designing and activating well managed, safe and liveable public spaces for people to enjoy. Extending connecting and diversifying our open space network to cater for increased demand.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- Enter into a licence agreement with conditions stipulated in this report
- Develop Council policy position on future school use of open space before the trial period concludes.

11.2 COMMUNICATION

- Send a notification to interested community database for Gasworks Arts Park and install signage at the site.
- Inform essential stakeholders including Albert Park College, Friends of Gasworks Arts Park and Gasworks Arts Inc Board of the outcome of this decision and implementation steps.



ORDINARY MEETING OF COUNCIL 18 MARCH 2020

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

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ATTACHMENTS 1. Gasworks Arts Park APC Gazettal