

Henderson + B



VOL. 8424 FOL. 334

VICTORIA

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ELTHAM is now the --
proprietor of an estate in fee simple subject to the encumbrances notified --
hereunder in ALL THAT piece of land delineated and coloured red on the map in
the margin containing Two acres Seven perches and two tenths of a perch or --
thereabouts being part of Crown Portion 13 Section 4 Parish of Nillumbik - -

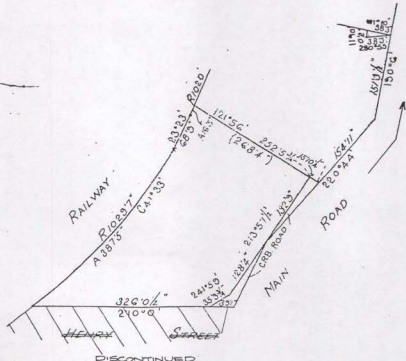
DATED the 5th day of February 1963

L. G. MacDowell

Assistant Registrar of Titles



ENCUMBRANCES REFERRED TO



MEASUREMENTS ARE IN FEET AND INCHES.

Eltham District Historical Society (elthamhistory.org.au)

Derived from Vol.2960 Fol.950
B591786

247
115



VICTORIA

REGISTER BOOK

VOL. 8479 FOL. 283

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

ELTHAM WAR MEMORIAL TRUST the Office of which is at the Shire Offices ----
Eltham is the proprietor of an estate in fee simple subject to the ----
encumbrances notified hereunder in ALL THAT piece of land coloured on the -
map hereon being Lot 2 on Plan of Subdivision No.63242 Parish of Nillumbik

Issued under Regulation 12 on the approval of the above Plan of Subdivision



Watkins

Assistant Registrar of Titles

ENCUMBRANCES REFERRED TO

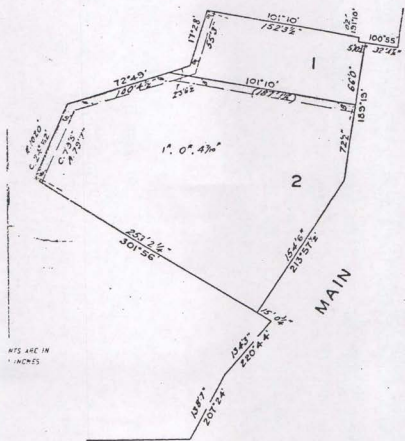
As to any land coloured blue--

ANY EASEMENTS implied under---

Section 98 of the Transfer
of Land Act - - - - -

ROAD

E N
366 238



HENRY STREET

DERIVED FROM VOL.7073 FOL.498
18/5/'64.

Extensions to shire offices will benefit all



ELTHAM Shire chief executive officer Rodney Roschollor (left) and contracts engineer Geoff Snow examine plans for extensions to shire offices behind them.

BUILDING extensions and other improvements being undertaken at the Eltham Shire offices will significantly improve public access to services and alleviate overcrowded conditions for shire staff.

The Shire President, Or Mary Grant, said the improvements were "the first major work done to the building since it was built."

"The building was never actually finished because there was not enough funds at the time. Afterwards, other priorities always took precedent," she said. The shire offices were brought to their present state of completion about 20 years ago. Part of the rear structure of the building remained without walls and floors on two levels. This supports an upper level of office space.

Growth of council services and staff numbers in the past 10 years has created the need for the building works. Every book and cranny is now being used and work conditions are extremely cumbersome. The chief executive officer, Mr Rodney Roschollor, said "It's not to the point where planning and building files are stored in the air lock to the mens toilets."

"There are many eyes about the building," he said.

"When the building was first constructed we had use of five interview rooms. Now we have none."

"People wanting to see officers on council matters are often met in open hallways where no privacy exists."

"It's affecting the public as much as the staff," he said.

Or Grant said the works on the shire offices will result in major improvements.

"The departments with most public access will have good counter contact on ground level. These will be planning, building, health, rates and valuers," she said. "We are trying to provide more counter space and generally easier access for the public."

A new meeting room and two interview rooms will be created by the changes. Car parking will be extended to allow convenient public access to the back of the building.

ing where community services staff will be housed.

The renovations will create space for some community services staff currently not accommodated within the building. This would include the shire recreation officer now at the leisure centre in Broomham.

Temporary arrangements are being made until work is completed in October. These will see by-laws officers shifted to council property in Dudley St and then returning to the main offices.

The Dudley St offices have been previously occupied by the council's three youth services officers. They will now share new office building with staff from the Community Youth Employment Scheme.

Total cost of additions and renovations will amount to \$250,000. Part of this will come from council reserve funds which have increased significantly in the last three or four years to reach nearly \$2 million.

The amount of \$100,000 from the reserves will be added to existing loans to complete the building works. The healthy reserves contrast strongly with the situation some years ago in Eltham shire.

"In 1974 and for many years after that the council had virtually no reserves and could not even replace a tractor in an emergency," Mr Roschollor said.

"The significant improvement is attributable to council officers urging and council accepting the need for long term financial strength."

Council reserves are made up of allocations for plant, equipment, building, garbage disposal, resort and recreation, long-service leave and general contingencies.

Council operated on a deficit between 1974 and 1979.

"High interest rates since September last year have contributed to the council's strong financial position," Or Grant.

"We have invested wisely and earned a lot of interest."

"This can only be attributed to the excellent management of the finance department and councillors," said Or Grant.

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Residents rally to save dam

IT might be polluted and a little unkempt, but residents of Napier St, Montmorency, are determined to save their local dam.

Following calls by some residents for the dam to be filled in, others have rallied in support of what they say is an important recreation spot and a haven for water birds.

Peck's Dam, which divides Napier St in half, is also regarded as having some historical significance. Until the 1920s it served a large farm, now the site of several hundred suburban homes.

Residents in the area who regard the dam as an environmental and recreational asset have formed the Friends of Peck's Dam to lobby for its preservation.

By HELEN GILLMAN

They say that residents who feel the dam presents a safety hazard to their children are a minority.

"For many years families living close to the dam have safely raised young children by exercising careful supervision, to see them enjoying yabbing, fishing and playing at the dam in their later years," said one resident, Mrs Judy Dodds.

Mrs Dodds said 64 residents had signed a petition calling for the preservation of the dam.

In response to suggestions that the area should be developed as a formal recreation area and fenced off, the residents have also petitioned for the dam to be left substantially as it is.



Eltham's Cr Diane Appleford said the council was looking at ways to improve the area, but did not want to see the dam filled or subjected to any major redevelopment.

"The dam area is beautiful as it is. It is part and parcel of the reasons why many people moved into the area," Cr Appleford said. "But there are a lot of things that can be done to clean it up."

She said the council was taking pollution readings of the water in the dam and could consider cleaning up the water and surrounding area.

Cr Appleford said "environmentally sensitive"

play equipment and railway sleeper seats could also improve the area.

Council had also looked at establishing a walkway from the dam through the Quinn Estate to Olympic Ave and Belmont Dve, she said.

Another resident, Mr Ian Endersby, who is president of the Montmorency Field Naturalists Club, has produced a report on the fauna of Peck's Dam, with particular reference to the wide range of dragonfly species found there.

"Once its equilibrium becomes re-established after any restoration disturbances, it would become a valuable reference area for the freshwater flora and fauna of the area," Mr Endersby said.

"There are good scientific reasons for preserving such assets and there are practical advantages in providing an adequate study area for the biology classes from local schools."

Residents will hold a working bee on August 10 from 1.30 pm to clean up the area and remove debris from the dam.

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- Types of Insolvency Administrations
- Creditors Rights at a Meeting of Creditors and their Role on a Committee of Inspection.

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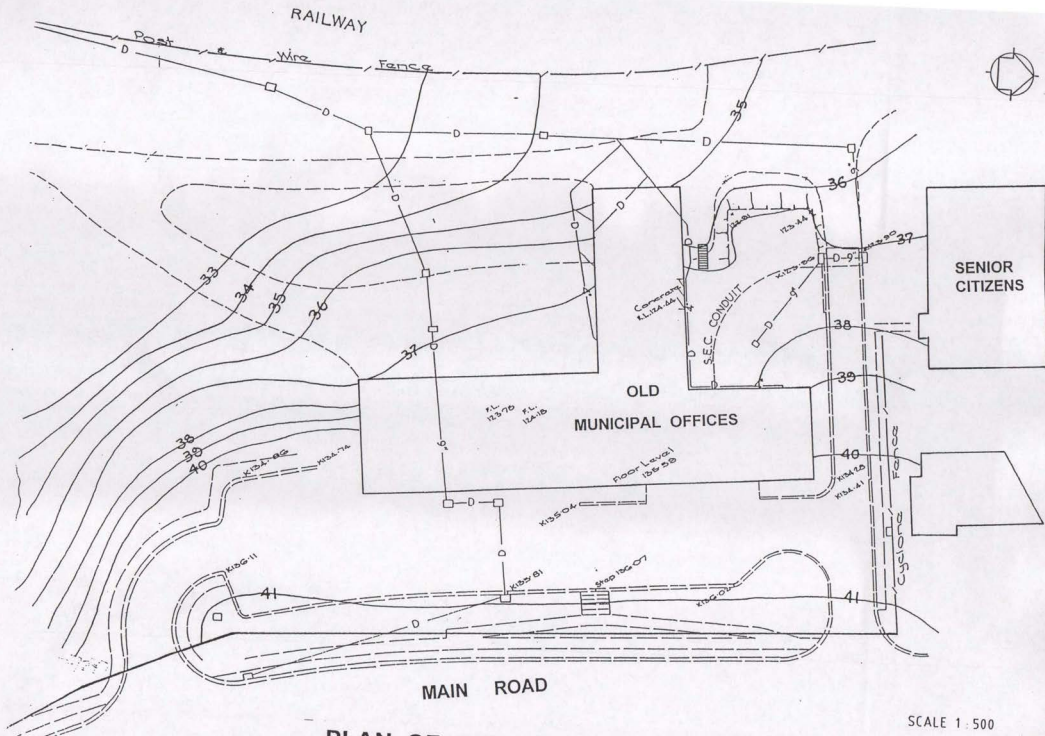
Re: Temporary Shutdown of Water Supply
Shire Offices - Tuesday 9 March 1993

As a result of works on the new library, Melbourne Water has advised that the water supply to the Shire Offices will be temporarily shutdown from 9.00 am on Tuesday 9 March 1993. It is expected that the supply will be shut down for a minimum of two hours, however the toilets in the Senior Citizens Clubrooms next to the Shire Offices will be available for use by staff.

Please advise your staff of the above immediately.


Anthony Guzzo

5 March 1993



PLAN OF OLD MUNICIPAL OFFICES

SCALE 1 : 500

JEZZA!



• **FOOTBALL legend Alex Jesaulenko** was guest speaker at the **Grand Final Breakfast** held at **Watsonia RSL** on **Saturday morning** and attended by **more than 200 supporters**. Funds raised were donated to **Legacy**, said local RSL **Admin. Manager Jim Murcutt**.

MATERNAL AND CHILD HEALTH CENTRE TIMETABLE

New hours for Maternal and Child Health Centres throughout Nillumbik Shire are listed below. The new hours ensure that at least one Maternal and Child Health Nurse is available each day.

Research 1551 Main Road 9437 1389 Mon & Fri 9:00-12:00, Wed-Fri 1:30-4:30	Eltham 903 Main Road 9439 8447 Mon-Wed 9:00-12:00 & 1:30-4:30
Eltham North 24 Glen Park Road 9439 2771 Tues & Wed 9:00-12:00, Wed & Fri 1:30-4:30	Eltham Woods Frank Street 9431 1409 Mon-Tues 9:00-12:00, Thurs 1:30-4:00
Diamond Creek East Coniston Street 9438 1994 Mon & Fri 9:00-12:00 Mon 1:30-4:30	Diamond Hills Diamond Hills Drive 9434 7031 Wed 9:00-12:00 & 1:30-4:30
Hurstbridge 12 Arthurs Creek Road 9718 2374 Mon, Wed, Fri 9:00-12:00 & Tues, Wed, Fri 1:30-4:30	North Warrandyte 184 Research/Warrandyte Road 9844 2066 Tues 9:00-12:00 & 1:30-4:30
Diamond Creek 11 Collins Street 9438 1125 Mon-Wed 9:00-12:00 & 1:30-4:30	St Andrews Main Road 9710 1550 Tues 9:00-12:00



N I L L U M B I K

Move to convert shire office for police use

POLICE are studying the feasibility of converting the former Eltham Shire offices into a modern 24-hour police complex.

H district leaders inspected the Main Rd premises recently at the request of the Member for Eltham, Mr Wayne Phillips.

Mr Phillips hopes the shire offices will be used to house the long-awaited 24-hour Eltham police station.

He said Eltham police were working in "cramped and outdated facilities" in Pryor St.

The shire offices will become vacant on June 30, when Nillumbik Council moves into the former Diamond Valley Shire offices in Greensborough.

In a letter to the State Government, Inspector Michael Dowell of H district police said the premises would be suitable for Eltham police and possibly as the H district headquarters.

But the opposition spokesman for police and emergency services and the Member for Yan Yean, Mr Andrew Haermeyer, said it would be too

by JODIE HAYTHORNE

expensive to convert the building into a police complex.

"My inquiries reveal the cost of converting the Eltham Shire office could be more than a purpose-built facility," he said.

"It is a totally inappropriate building."

In State Parliament last week, Mr Haermeyer accused Mr Phillips of "gross negligence" regarding a police complex for Eltham.

He said Mr Phillips should have intervened in 1993, when Police Minister Pat McNamara scrapped plans for a new Eltham facility as proposed by the former Labor Government.

"He (Mr Phillips) did not once stand up in Parliament to be counted after the Minister cancelled the program under which Eltham's 24-hour police complex would have been built," he said.

"He is now — after the horse has bolted — posturing as a proponent of a 24-hour police station for Eltham, suggesting that the Eltham

Shire office could be converted into a police station once it becomes redundant."

Mr Phillips said Labor Government plans for a police station were a pipe dream.

"They had 10 years to build a police complex in Eltham but they did not do it," he said.

"If it was possible it would have been done."

"It has been difficult to find a site along the main road that would be suitable and the Eltham Shire offices would make a fantastic police station."

Superintendent George Fisk of H district police headquarters said it was not a political issue.

"The fact is sometimes these plans don't go through," he said.

Mr Phillips agreed other police stations needed more urgent upgrades but said the Eltham opportunity should not be passed up.

Nillumbik Council's chief executive officer, Mr Barry Rochford, said there had been several expressions of interest for the shire offices. He said the public would be consulted before any decisions were made.

DLN May 95
1995

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Sale of Eltham office

NILLUMBIK Shire Council has applied for a planning permit to allow subdivision of the Council property containing the Eltham Library, Shillinglaw Cottage and the Council offices.

A separate title is required for the land containing the offices as they may be sold or leased.

Nillumbik will relocate to the former Diamond Valley Council offices in Greensborough, in early July.

Before the Eltham offices can be sold or leased it is necessary for council to obtain a planning permit, and approved plan of subdivision, to define the lands/asset to be sold or leased.

Sale or lease of the offices is not likely to take place before November 1995, while Council is currently looking at the feasibility of shop front facilities such as post offices and banks in Eltham as a means of making Council Services available locally for Eltham residents.

Removal of Question time

Nillumbik Commissioners, last Tuesday, resolved to remove Council's question time from Council procedures.

Commissioners cited the (repetitious) nature of questions, the difficulty in responding to questions on the spot, and the fact that Commissioners are available after each meeting to talk to, as the main reasons for the removal.

Commissioner Abbott stated that the questions from the Gallery didn't tend to be worthwhile and "we make ourselves available Wednesdays to consult with the public."

Commissioners also requested that an item entitled *Supplementary and Urgent Business* be placed on the Council and Planning Special Committee Agendas instead of General Business.

One prominent ex-councillor described the decision to drop question time as an "outrage".

"I can't believe they can shut the community out like that. Items now can be rushed through Council with no contact with the community at all. Democratic processes have been thrown out the door, again," he said.

Bid for TAFE campus

THE Nillumbik Shire Council has launched a bid for the establishment of a TAFE campus by the Box Hill TAFE in the Eltham Shire Offices, which are to become vacant next month.

Chief Executive Officer, Mr Barry Rochford said, "The Shire has received initial expression of interest from the Box Hill TAFE and we will now pursue this as a possible option for the further use of the building.

"The building, which is easily accessible, is well supported with infrastructure for a campus with provision for parking, is close to a major shopping area and extensive open space including an oval, a library and the beautifully landscaped Alistair Knox Park.

"The existing buildings provide a unique location for any institution wanting to set up a campus to establish an area for the development of small business courses, environmental studies and the arts.

"The development of a TAFE campus will bring both employment and economic activity to the Eltham centre and will certainly fit with the learning and creative atmosphere of Eltham, which historically has been recognised as a district for the arts.

"Nillumbik Shire will be seeking to discuss the matter and progress the issue with the Box Hill College of TAFE within the next few weeks."

Mr Rochford said that one other option that is being considered for the use of the buildings is a twenty-four hour police centre.

Creche s

Now, the residents have received and would look at the AAT material in the area, especially the environmental impact

Maureen points out that the "landscape" in 1991 "and all of the homes prior to 1991."

"Another cause for anger" on consultants to prepare road plans. "What the hell have you got? We can't prepare plans for a simple road plan."

Comment: We would have to spend millions on consultants to prepare road or street plans. It is a shocking waste of money.

Mountain
Views
Sept 25 1995
p8



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Nillumbik at Whit'sea Show

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the Whittlesea Show
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Commissioner
Kevin Abbott told *The
Advertiser* late last
month that the Council
was keen to promote
agricultural, pastoral and
horticultural activities in
the Shire.

His statement was
backed up by Chief
Commissioner Don
Cordell last month also,

ing show from W.A.S.
secretary Julie
Sutherland.

Dog attacks bring action

ELSEWHERE in today's
Advertiser there are
details of the blitz by
Nillumbik Council,
following wildlife killings
by dogs in the North
Warrandyte,
Warrandyte and Kan-
garoo Ground areas.
Chief Commissioner
Don Cordell tells us
there have been already
18 dog owners receiving
on-the-spot notices,
each receiving \$100
fines for alleged infringe-
ments by their dogs.

Four tenders for Yarck quarry

FOUR tenders were re-
ceived at yesterday's
(Mon.) Murrindindi
Shire Council special
meeting held at
Alexandra.

The tenders, for the
operation of the Topsy
Gully Quarry, Yarck,
were received from:

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Castlemaine;
- North Altona Rock
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The contract is for
Murrindindi Council's
production needs for the
next three years and in
the last crushing produc-
tion, some 30,000 cubic
metres were produced.



• WILL the former Shire of Eltham offices become
a TAFE College? The College Director, Andrew
Jackson will address Nillumbik Commissioners on
Wednesday at Greensborough next week.

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conducts boot-
scootin' classes at
Lower Plenty, was
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blond partner Sue
Simon from
Milwaukee.

▪ That the pair are
conducting an Open
Day at the Keon
Park Fitness
Centre, in Johnson
St, from 12 Noon to
2pm.

▪ That Nillumbik
Council is re-
advertising for a
Senior Statutory
Planner and an
Environmental
Strategist.

▪ That, given the
severe Nillumbik
planning application
back-logs, it makes
you wonder why
they ridded them-
selves of the
planners they
already had.

▪ That it was a
Whittlesea driver of
a Holden panel van
that ran over two
valuable motor-
cycles in the Panton
Hill-St Andrews
area last Wednesday
night.

▪ That investiga-
tions are continuing.

▪ That the Office of
Local Government
is asking Council
Commissioners to
include State
Government
achievements in
1995-96 rate notices.

▪ That in an August
15 letter to Chief
Commissioners,
office director
Yehudi Blacker,
said details of the
lifting of the \$100
levy should be
included in rates
notice.

▪ That our leak says
Yehudi wrote: "As
this exercise will
take some planning
to ensure that all
ratepayers receive
the letter, I am
writing to give you
as much notice as
possible of the
Government's
intention."

▪ That Local
Government
Shadow Minister
Pat Power promised
to say plenty in the
Spring Parliament
ary Session about
Nillumbik Shire
when the Legisla-
tive Council
resumed.

▪ That we await his
Hansard tran-
scripts.

▪ That Nillumbik
Shire will host a
luncheon on
Wednesday next
week when Box Hill
TAFE College chief
Andrew Jackson
will detail his plans
to use the Eltham
Shire offices.

▪ That Nillumbik
Shire Communica-
tions consultant Ron
Smith ... sorry, we
ran out of room.

Eltham may get TAFE campus in shire offices

by FIONA KAEGI
and NATALIE TOWN

BOX Hill College of TAFE could establish a campus in Eltham if its bid for the soon-to-be vacated Eltham Shire offices is successful.

Nillumbik Shire Council has described the college's bid as the "most exciting" it has received.

The commissioners said the offices were an ideal location for a TAFE college which would bring employment and economic activity to the Eltham centre.

The council has received six expressions of interest to buy or lease the property including the one from Box Hill TAFE, another from Victoria Police and four from private organisations.

The property will become vacant on October 15 when the shire moves its headquarters to the former Shire of Diamond Valley offices in Civic Drive, Greensborough.

Chief executive officer Barry Rochford said a TAFE college would fit with the learning and creative atmosphere of Eltham.

"The building, which is easily accessible, is well supported with infrastructure for a campus with provision of parking, is close to a major shopping area and extensive open space including an oval, a library and the beautifully landscaped Alistair Knox Park," he said.

"The existing buildings provide a unique location for any institution wanting to set up a campus to establish an area for the

development of small businesses courses, environmental studies and the arts.

"Nillumbik Shire will be seeking to discuss the matter and progress the issue with the Box Hill College of TAFE within the next few weeks."

Mr Rochford said another option was a 24-hour police station.

But he said the TAFE College was a preferable option.

Mr Rochford said all organisations which made an initial expression of interest would now be invited to make a full tender.

He said the council had not decided if it would sell or lease the property. This would depend on the offers made. A decision is expected in six months.

Excellent

Box Hill College of TAFE director Andrew Jackson said the college believed the property was an excellent site for establishing new a campus and a natural extension of the Doncaster campus.

"The plans we would have for that place would depend on what the community need in the way of training and education," he said.

Mr Jackson said the focus could be on anything from business and computers to arts.

He said the college had 27,000 students and he expected numbers would grow by about 3000 to 4000 students a year if a new campus was established.

Chief Superintendent of

H District Police, John Bateman, said while it would be nice to have the offices for the district police headquarters it was not the highest priority.

"Eltham, while in need of replacement, is not the highest priority in the district," he said. "Preston is by far the highest priority followed by Northcote."

With the relocation of the council's shire offices an information desk will be set up for a trial period in the Eltham Library.

Residents will also be able to pay their rates and dog registrations at any Australia Post office in the shire.

Nillumbik set for rate cuts

NINETY-FIVE per cent of Nillumbik residents will receive rate cuts with the council's decision to use site valuation as the shire's rating process.

The size of the rate cut will vary widely, with the average range falling between 6 and 20 per cent.

Corporate services manager Mick Cummins said the matter was a complex task because Nillumbik was made up of four former municipalities which did not use the same rating strategies. The council released a draft rating discussion paper on August 16 and about 30 submissions were received.

Nillumbik and Banyule have been using the site rating system which taxes the value of the property.

Another option which Nillumbik Council had considered was the capital improved value (CIV) system which takes into account the total value of the property including land, buildings and other im-

provements.

Chief commissioner Don Cordell said the commissioners had chosen the site value system rather than the capital improved (CIV) system because the shire had to move to one rating system and modelling showed site value to be the best option.

"Nillumbik Shire will appoint two small working groups of residents to assess the development and implementation of a farmland management rebate for 1995/96 and an environmental rebate for possible implementation in 1996/97," he said.

"These rebates are to assist farmers and land holders who contribute to the retention of the environmental quality of Nillumbik Shire." It was important that the rating system support and encourage the retention of the green wedge because of its intrinsic value to the people of Nillumbik and Victoria.

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Artwork in Hurstbridge: Kylie Williams, James Byrnes and Erin Williams from Hurstbridge Primary School check out Damien Curtin's sculpture. Picture: MARK FRECKER

012m025

SUPER ANNUATION

9654 3844

RYAN
CARLISLE
THOMAS
SOLICITORS

Experts in super-
annuation claims

City Dandenong Geelong
Frankston

Art for hope

ARTIST Damien Curtin brought his knowledge of art to Hurstbridge Primary School last term.

The school hosted Mr Curtin through the Artists in School program. His time at the school was spent sharing his creative talents with the children, helping them make wood burning scenes from the local surroundings and creating a sculpture depicting the "precious environment".

The pupils spent the last week of

term celebrating their theme HOPE (Help Our Precious Environment).

They took part in parades depicting scenes of indigenous flora and fauna, creating environmental artworks, an old fashioned picnic day, writers workshops and storytelling.

Last Friday Julie Nihil, the star of Channel Seven's *Blue Heelers*, gave a speech followed by the official unveiling of the sculpture and the closing ceremony of the school's HOPE week.

PERFECT MATCH?

SMOKERS WANTED

MORE TALKS ON TAFE

BOX Hill College of TAFE is keen to establish a campus in Eltham, at the municipal offices vacated at the weekend by the Shire of Nillumbik.

College Director Andrew Jackson met with Nillumbik Chief Commissioner Don Cordell and CEO Barry Rochford at the Shire's Greensborough offices last Wednesday.

Mr Jackson outlined plans for the College which he said could see an annual through-put of between 4000 and 600 students.

Also in attendance was local principals John Brennan (Eltham College), Ron Edwards (Eltham High School) and Ken Cunningham (St Helena Secondary College); politicians Peter Cleeland (McEwen), Peter Staples (Jaga Jaga) and Wayne Phillips (Eltham); Eltham Chamber of Commerce President Norm Williams; and Eltham Rotary President Peter Bishop.

Mr Jackson said the College currently worked from a number of campuses, as well as with 20 secondary schools, private colleges, in the workplace and on Channel 31.

He said the College, if successful with its tender, would survey community needs to discover what courses were needed most at an Eltham TAFE facility.



• Nillumbik Chief Commissioner Don Cordell welcomes Box Hill College of TAFE Executive Director Andrew Jackson. They are with Nillumbik CEO Barry Rochford.



• ELTHAM MP Wayne Phillips pictured with Eltham Chamber of Commerce President Norm Williams and Rotary Club of Eltham President Peter Bishop.



• ELTHAM College principal John Brennan meets with St Helena Secondary College head Ken Cunningham and Eltham High School boss Ron Edwards.

Have you got the winning look?

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Briefly

Debt truck

LIBERAL candidate Fran Bailey had the 'Debt Truck' in Diamond Creek yesterday (Mon.) to show the volume of Australia's foreign debt.

Footy merger

NORTHERN Knights will merge with the Preston Football Club in the Victorian Football League next year.

CFA review

The future of Eltham CFA station as a 24-hour service is still under review. Already, the local brigade has presented management with a compilation of detailed local service information for review.

Young gather

YOUNG people of Watte Glen are invited to a free barbecue this Friday (Oct. 20) at Pepper's Paddock, 4pm-6pm, to discuss their needs.

Mud brick tour

PANTON HILL Pres-School will offer its Mud Brick House Tour on Sunday, November 12. There will be a variety of interesting homes, as well as mud brick making demonstrations.

Local Laws

THE consumption of alcohol in public places with the Shire of Nillumbik may come under some review with new Local Laws to be introduced for consideration next month.

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Drying flowers in the microwave
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Christmas music box
Local Christmas items

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THURSDAY 19TH OCTOBER

Nillumbik Shire's environmental moves on

Black Kyme

MICHAEL CLEAND leaped mock horror when he visited Nillumbik Shire's refurbished offices at Greensborough last week.

"Where is it?" Mr Cleland asked, pointing to a blank wall which had until that morning proudly displayed the former Diamond Valley Shire house boards.

Mr Cleland was a councillor on the Diamond Valley Shire from 1975, including a term as Shire President.

Nillumbik Shire Commissioner Don Cordell and CEO Barry Rochford said the former boards have gone to the City of Banyule, as successors in law to the Shire of Diamond Valley.

Wake up at Eltham offices
THE Nillumbik Shire workers joined with Commissioners for a 'wake' at the old Eltham Shire offices on Wednesday night.

Press Room Confidential understands that as the wake progressed, so did a few of the stories of the long-time workers.

The move to the Greensborough offices started on Friday, progressed over the weekend, with the new Nillumbik Shire symbol glass doors opening yesterday (Monday) at 8.30am.

Rally for Native Forests
ELTHAM resident Geraldine Ryan, of Environment Victoria, is organising a "Rally For

NIGHT FOR CHARLES

CHARLES Sligo (pictured) will be honoured for his 21 years of Ivanhoe Grammar School headmastership at a special dinner in December. The dinner for the Rev. Mr Sligo and Mrs Anne Sligo will be held at The Grand Hyatt on Collins Street on Saturday, December 2.

The \$65-per-person black tie farewell dinner precedes the 1996 appointment of Rod Fraser (below) as Head of the Shire, established in 1915.

And yet Ron's clients love to build, But cannot find a buyer And the 'structures', flim by flim Will end up in the fire But one construction may survive And history show, in time The built a waste were set in land For savage old Jack Kyme

Sorry saga of botched relations

THE sorry saga of botched industrial relations at Nillumbik continues, with a new round of ultimatums, threatened lockouts and stand-downs from the embattled Rochford camp.

It all began, you will remember, when Mr Rochford announced to staff that their over-award payments were to cease forthwith, and that, if individual staff members did not accept this position in two days, they would be deemed to have resigned.

Then ensued the famous 10-day strike, the only such action in the past 10 years of Eltham's history. The matter was referred to the Industrial Relations Commission, which recommended a return to work, and that the matter of over-award payments be handled as part of negotiations for an enterprise agreement.

It appears that the Union was willing, but that Rochford was not, instead sticking out for the removal of over-award payments before enterprise agreement negotiations could begin.

The Council had, by this stage, offered to extend these payments for 12 months from June 1995 but the Union, quite rightly in my view, insisted upon complying with the IRC direction to commence enterprise agreement negotiations immediately.

Transfer
At a subsequent IRC hearing, it appeared that the IRC was about to give a formal direction to this effect, but Rochford & Co., despite having gratefully accepted the IRC's "return to work" direction to striking staff, now argued that the Commission had no jurisdiction to direct the commencement of enterprise agreement negotiations, and is now seeking to have the matter transferred to another tribunal.

Hence the bans, and hence the threats, lockouts and stand-downs.
Our new PR man, Ron Smith, tells me that Rochford claims that the Union will not meet him to discuss the matter, and that Union advocate Brendan O'Connor will return his calls.

Why he should be ringing the advocate to arrange meetings is hard to fathom.

With equal logic, the Union might as well ring Mark Harvey of VECIL to arrange meetings with Nillumbik, since Harvey is Rochford's advocate.

Return calls
The man Rochford is now ringing, Union Organiser Barry Miller, tells me that, despite numerous attempts, he cannot get Rochford to return his calls.

I can sympathise - I am still waiting for Rochford to answer a letter I wrote last March, and numerous phone calls have not resulted. As for the Union's refusal to meet, Mr Miller tells me that at a meeting scheduled for Friday, October 5 was cancelled by the Shire, as was a meeting scheduled for Thursday, October 12.

It's time to stop this hurtful nonsense, and for Mr Rochford to cease striving after a face-saving 'victory', which, for him, can only be pyrrhic. The community certainly does not wish to see the lowest members of our staff forced into financial hardship in pursuit of some inhuman, economic rationalist goal.

AL TEREGO
Our local Press set off by bus To view some capital works And Ronald Smith, the PR flick Could scarce conceal his smirks "Bless Barry Rochford!" quoth our Ron But withheld the information That all these wasters were set in land By the past administration!

But next year there'll be no new works For, no matter how they fledge it, they've had to use past surplus funds To balance up the budget. "So Ronnie, will you touch my car?" "Of course I will you fool!" "I'll show them all the capital works" "Accomplish them by ... er, er, Banyule!"

THE PRESS ROOM

CONFIDENTIAL

The Forests on Sunday (October 22). The rally starts at the Arts Centre in St Kilda Rd at 11am with a march to the Treasury Gardens.

Geraldine says Green Wedge citizens are working to protect Victoria's native forest, as well as stop logging and woodchipping.

More details are available from Environment Victoria on 9348 9044, or Geraldine Ryan on 9431 0624.

Car park OK at Hurstbridge
THE Education Ministry is entering an agreement with Hurstbridge Primary School to upgrade the car park next to the Hurstbridge Fire Station.

Nillumbik Shire Council gave its official nod to the project last week, after approving \$2000 to the scheme in June.

The School is continuing to allow the community use of the car park, and carriageway rights through to Ferguson's Paddock.

Asthma Week at Whiteleaf
AN Asthma Information Session will be held tonight (Tues) at the Whiteleaf Community Health Centre at 7pm. Local doctor Brian Murphy, and the centre's asthma educator will join forces to produce the session. Book on 9716 2846.

Bus to Breast Screen
NEXT bus from Kinglelake by the Whiteleaf Community Health Centre to the Breast Screen clinic is on Wednesday, November 15, and bookings have to be made on (03) 9716 2846 by Monday next week, October 23. Bus times are 8.30am and the trip lasts 9am from the Kinglelake Community Health Centre, and 9.40am from the Whiteleaf Community Health Centre. The bus returns to Whiteleaf at 1pm, and Kinglelake at 1.40pm. Breast Screen is a free breast X-ray screening program for women 50 years and over to detect breast cancer.

Spring Fete at Wattle Glen
THIS Sunday (Oct. 22) sees the Biennial Spring Fete at Wattle Glen. The Wattle Glen Primary School in Reynolds Rd. From 10am to 3pm, the fete will include attractions such as a

bouncing castle, harley rides, "smash the Jaffa" devonshire teas, a hole-in-one contest, spit roast, piggy rides and the DVS Band.

Funds will help maintain the level of education facilities for the students of the small school. More information is available on 9428 1259 and 9438 5025.

Phone system under review
SICK of the laughing koalas while you're waiting to be connected to someone... anyone... on the Nillumbik Shire phone line?

Tired of the newspaper message that other calls "are awaiting allocation to specific offices"?

Nillumbik Shire CEO Geoff Rochford is too, and has promised a review of the Council's telephone system.

The review will look at reducing the time people are waiting for calls. Telecom has been asked to assess the present configuration of the network.

The review, which is the main contact point for residents with the Council, is an important communication system and the Council will be working to lift the performance of the system which could include expansion of the network and more staff resources.

To be put on hold, or better still, be connected, note the numbers: • Office, 9432 3111; • Fax, 9432 9559.

Panton Hill appointment
RENEWED rural specialist Nant Hills Panton Hill has been appointed by Nillumbik Council to assist with enhancing roadside vegetation.

Ms Oates, who is also a member of the Nillumbik Municipal Fire Prevention Committee, will assist residents in the best the roadside environment can be best managed.

This is a vital part of the Green Wedge concept, according to Chief Commissioners Don Cordell.

A meeting for residents to "input" ideas will be held next Monday (Oct. 23) at the Civic Centre, Greensborough, at 7.30pm. Manager of Environment and Land Use Strategies, David Gold told Press Room Confidential:

"Rural vegetation is important for a number of reasons. It can provide the last known habitat for some species of plants and animals which may provide habitat for several species not protected in larger reserves."

"Roadside vegetation can form part of the 'green web' of native vegetation which can serve as corridors for native (and feral) animals and birds as well as providing shade and shelter for livestock on adjoining land."

Toilet block at Wattle Glen

DID we tell you about the approval for a toilet block at Wattle Glen, and dock in Wattle Glen, near the General Store?

Following talks with Wattle Glen locals, Nillumbik Council has agreed to spend \$60,000 on the public conveniences. The locals have pushed for the facility for the past 10 years.

Nillumbik engineering boss Stephen Plater expects completion of the block by July-August next year.

Jørgensen jottings

INTERESTING to note a few quips from ALP candidates for Eltham, Sigmund Jørgensen, at his launch last week:

• on opponent, Liberal, Wayne Phillips: "one-eyed wicked Wayne";

• on Premier Jeff Kennett: "Kennett is the most dangerous political leader this country has ever seen - a brilliant strategist who is care-

less about humanity of the democratic process";

• and on Nillumbik Council: "It is my contention that it has been purposely set up to kill environmentalists and greens will be branded as having been responsible for the failure."

What's in a name?



HAS there been a name-calling campaign against Mountain Views Journalist Stuart Chisholm? Plenty of anecdotal evidence that says so. Mr Chisholm suffered when reported to this Editor for being seen talking with citizens in the company of advertiser reporter Ash Long.

No wonder he gets called names! How reprehensible for a journalist to be consulting with readers!

Pages From The Past

From The Eltham Advertiser The Evelyn Observer

Fri., Oct. 18, 1895

ARTHUR'S CREEK

The annual meeting of the Arthur's Creek Fruitgrowers' Association is advertised to take place at 8 o'clock on Monday evening, 28th inst.

PUBLIC VACCINATION

Dr Phillips will attend at Research, Kangaroo Ground, Panton Hill, and Queenstown tomorrow (Saturday) for the above purpose.

ST ANDREW'S COMMON

Herdsmen Yates advises that he has strict orders to impound all cattle trespassing on the St Andrew's Goldfields Common.

GOLD

Hopkinson, Joyce, and Paty, of the Home-ward Bound claim, One Tree Hill, are still getting it rich. Last week they obtained 10 ozs 13 dwts from 5 1/2 tons of stone, and last Tuesday they got 50 ozs, from a small parcel of stone.

TO-NIGHT

The Australian Native Minstrel, Burlesque, Musical and Ventriloquist Entertainers announce that they will give an entertainment in the Kangaroo Ground Hall this evening to be followed by a ball. The prices of admission are fixed at a very moderate rate. This company intend appearing shortly in twenty-two engagements of which ample notice will be given.

SOUTH YAN YEAN

A football match was played at South Yan Yeon on Saturday, the 28th September, between the Union Football Club and the South Yan Yeon Club. The visitors were assisted by several senior players, prominent among whom was the redoubtable Pannam of the Collingwood Football first twenty. A very interesting game was played, the local team winning by 5 goals 6 behinds to 2 goals 3 behinds.

□ NEWS

Eltham hails TAFE take-over

by FIONA KAEGI

A PROPOSAL to establish a Box Hill College of TAFE campus in the vacant Eltham Shire offices has gained strong support from the council and community.

Supporters say the locally based tertiary institution would bring employment, business and educational opportunities to the area.

But a decision about the future of the shire offices will not be made until the end of the year.

The council has received six expressions of interest to buy or lease the property including one from Box Hill TAFE and one from Victoria Police and four from private organisations.

The groups have all been invited to make a full tender.

Nillumbik Council has described the college's bid as the "most exciting" it has received.

The commissioners said the offices were an ideal location for a TAFE college which would bring employment and economic activity to the Eltham Town Centre.

The chief executive officer, Barry Rochford, said a TAFE college would fit with the learning and creative atmosphere of Eltham.

A 24-hour police station is another option for the offices, but Mr Rochford said the TAFE was a preferable proposal.

Eltham Rotary Club representative Peter Bishop said the club was keen to see the TAFE proposal go ahead.

"Just to generate traffic in the area would be great," Mr Bishop said businesses in the area had suffered over recent years and a TAFE college would bring more customers to the area.

Eltham Chamber of Commerce president Norm Williams said people working in the light industrial area of Eltham could form relationships with the TAFE college.

He said the college could provide training opportunities for people planning to work in that area.

"I think it starts to round off Eltham as a community because we have great secondary facilities in Eltham and to get a tertiary training and educational facility would be marvellous," he said.

Mr Williams said if the TAFE proposal went ahead adequate car parking would need to be provided.

Local principals Ron Edwards from Eltham High School, Ken Cunningham from St Helena Secondary College and John Brennan from Eltham College agreed the TAFE proposal was an "interesting one".

Mr Brennan said the key to the proposal was the amount of potential there was for co-operation with other educational providers in the district.

The State member for Eltham, Wayne Phillips, said he was surprised when he first heard about the proposal.

"I have had high expectations to see the Eltham police station move in there," he said.

But Mr Phillips said either the police station expansion and the TAFE college would benefit the Eltham community.

Box Hill College of TAFE director Andrew Jackson said a number of students who attended Box Hill TAFE came from Eltham.

Mr Jackson said if a campus was set up in Eltham the training focus could be on anything from business to the arts depending on what the community wanted.

Council to hold regular briefings

FROM next month, Nillumbik Council will hold regular community briefings on local council related issues and activities.

The first briefing on Wednesday, November 1, will be on green wedge and planning issues.

Council chief executive officer Barry Rochford said the community briefings were aimed at providing information and receiving feed-

back on various issues being considered by the shire.

"While commissioners have been meeting with various groups throughout the shire on a regular basis, the community briefings will be an extension of the interaction between the council and the community," he said.

The first meeting, on November 1, will be held at the shires offices,

Civic Drive, Greensborough, from 6-8pm.

The agenda for the meeting will include the amalgamation and interfacing of planning schemes, progress on the Watson's Creek land dispute, greening strategy, vegetation protection, environmental works program and an open forum. For details, contact the shire on 9433-3111.

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Lifestyle could be at risk next

DVN
18/10/95

IF A development proposal now before the commissioners of the City of Banyule goes ahead, then the established amenity of many courts/culs-de-sac is endangered.

The future of our chosen lifestyle — that is, to buy/reside in a small, fully developed cul-de-sac — is at risk because the owner of sizeable vacant land, attached to another land title abutting the rear of the court, has bought one Kylie Place dwelling with the sole intention of using it to access his proposed 13 units located on the other land title.

To date, the officers of the City of Banyule are giving little regard to our underlying belief that, having bought in a court, we expect it to maintain its status over time.

So, current and potential court/cul-de-sac residents, look beyond the boundaries of your own properties to check for vacant land in its vicinity — your lifestyle could be at risk next!

Why not invest in protecting your future by supporting us in our battle to preserve the court status of Kylie Place? Your voice would be most welcome and may be the turning point in altering the commissioners' decision for injustice.

Helen Clark,
Kylie Place,
Montmorency.

Why no council office at Eltham?

EARLIER this year, the "News from Nillumbik Commissioners' Report" page in the March 15 *Diamond Valley News* reported that council decided at its February meeting to relocate the administrative functions to the Greensborough offices. It also reported that plans were being developed "to establish shopfront operations in Eltham, and possibly, other strategic locations in the municipality".

Later statements indicated that three locations were being considered: Eltham, Diamond Creek and St Andrew's.

In the *Diamond Valley News* of August 30, Nillumbik's chief executive officer (Barry Rochford) is quoted as stating that "a shopfront would not be set up in Eltham".

After weekly telephone calls to the CEO seeking clarification resulted in no return calls, I dropped a letter addressed to the CEO at 9am on September 18 posing the following questions. To date there has been no reply (not a good indication that the example of a "service-focused" culture is being provided at the top!).

I seek answers to the following questions:

■ What was the decision-making process that led to this decision?

■ What options were considered and what were the pros and cons of each? Why was this option selected?

■ When did the council consider the matter and change its earlier announced decision? (I

don't recall it doing so.)

■ When was the decision formally announced? (I am unaware of any press release or commissioners' weekly council item covering this matter.)

■ What actions are proposed to handle the operations originally envisaged for the local shopfront(s)?

Does this indicate a further deterioration of "service" from Nillumbik Council or does it represent a "non-response" approach by the CEO?

Mark Burnes,
Spokesperson for DNA
("promoting Democracy
in Nillumbik"),
Broadgully Rd,
Diamond Creek.

Consultation and public

AN ONGOING theme of many letters to Forum is public consultation.

It is usually directed at the Kennett Government and offshoots thereof.

However, in a recent book titled *Bad Government*, I noticed a quote from well-known cartoonist and scriptwriter Patrick Cook, who wrote: "The reassuring word 'community' has become Laborspeak for allowing a few affiliated people to formulate an unctuous letterhead and pass themselves off as representatives of their neighbors. Their neighbors do not know them or agree with them

I think those claiming to represent the community could show some evidence of just how representative they are.

Gwayne Naug,
Stringybark Rd,
Eltham.

Tail wagging the dog

IT IS good to see that the editor of *The Age* newspaper appears to read *Diamond Valley News*.

On the topic of the system of local government prior to the reforms now in place, you published a letter from me (July 5) which in part read: "In classic, tail-wagging-dog fashion, we had ever-increasing rates to pay for an out-of-control bureaucracy."

The Age editorial (September 30), referring also to excessive rates, wondered why "indulgent demands of municipal department managers were totted up annually and their total divided by the number of ratepayers to arrive at a municipal rate".

It continued: "Ratepayers are entitled to wonder why they, and their parliamentary representatives, tolerated for so long a system under which the management tail-wagged the municipal dog."

This would seem to indicate to me that *Diamond Valley News* is about 12 weeks ahead of *The Age*.

K.W. Chandler,
Stringybark Rd,
Eltham.

Stamping all over this area's festival traditions

I WAS saddened to read that the Eltham Festival has had a name change: it is now to be called the Nillumbik Festival.

Do we have to continually stamp over all the traditions of this area? My recollection is that the Eltham Festival was started in or around 1967 as a follow-on and development from the Eltham Art Show, which had been running for several years previous. This made the festival almost 30 years old.

Like all community organisations, the festival had its

ups and downs, but it had gained wide community acceptance with more than 60,000 people coming from far and wide to enjoy the ambience that many regard as special to Eltham.

It seems especially sad that the Nillumbik name has crushed Eltham. Will it do the same to the other local community festivals? Will the Diamond Creek Town Fair have now to be called the Nillumbik Town Fair?

I am proud to be associated with Eltham and the values that

had been developed over many years that are associated with the name. Like many, I was saddened to see the old Eltham Shire lost with the boundary changes, especially the loss of the important West Riding with the people of that area being unceremoniously bundled into the City of Banyule and elsewhere — for they were also important and integral to the Eltham we all had grown to love and respect.

The Eltham Shire had developed a wonderful nation-wide

reputation for concern about the environment, planning policies and life: this was the mud brick and recycled building place where people came to see and experience how it was done.

I am not afraid of change merely for change's sake and please let our community leaders, even if they are not elected, respect our past.

Sigmund Jorgensen,
Montsalvat,
Hillcrest Ave,
Eltham.

Greensborough decision was Government's, not Commissioners!

by Stuart Chisholm

CHIEF Executive Officer, Barry Rochford, last Wednesday advised that Nillumbik's move from the Eltham offices to the Greensborough offices was a decision made by the Minister for Local Government, Mr Hallam, and not Commissioners!

Mr Rochford said the decision was made last year and the order published in December creating the new Council, advised that the offices would be in Greensborough.

Comment: Don't we live in a democracy? Why should one minister decide what's good for the people of Nillumbik? Apparently this happened at Yarra Ranges and Murrumbidgee as well.

Autocracy at its best!

(Ed.)

NILLUMBIK HAPPENINGS

Future of Eltham office?

SHIRE of Nillumbik Chief Commissioner Don Cordell has advised that six expressions of interest have been received for the sale or lease of the former Eltham Municipal Offices.

These include:

Victoria Police to replace the current Eltham Police Station or as possible headquarters for the district.

Box Hill College of TAFE are interested in using the building for a campus.

Eltham Baptist Church require the building to house all current activities based in Eltham at a single location.

D.J. Thwaites (on behalf of John Lordon) - Private company who could have various possible uses dependent on market research and viability.

Davmark Nominees - Private company

who are involved in commercial development and would use the building either as offices or as a service industry.

Copperworth Pty Ltd - Copperworth Pty Ltd would use the site and the building as a centre for the Arts.

Commissioner Cordell last week said he would like an indication of the use of the former Shire Offices most preferred by the residents. Written submissions can be sent to PO Box 476, Greensborough or by contacting the Shire on (03) 9433 3102.

Writ costs paid to Jock Kyme

by Stuart Chisholm

FURTHER to Council's rather ungracious withdrawal of the Supreme Court Writ for defamation against resident Jock Kyme, costs in the vicinity of \$3000 will be paid to Mr Kyme.

Speaking last Thursday, Mr Kyme said consultant Mr Ron Smith has advised "that he would receive a cheque tomorrow." (Friday, October 20).

"I will be gratified when the matter is laid to rest to allow me to get on with other business," said Mr Kyme.

Jock to stand as Independent?

Council seeks opinions on former shire offices

by FIONA KAEGI

NILLUMBIK Council has written to the shire's businesses and community groups seeking views about possible uses for the vacant Eltham municipal offices.

Six expressions of interest have been received for the sale or lease of the offices. They include:

- The Police Department's proposal to use the building as a replacement for the present Eltham police station and as a possible headquarters for the district.

- Box Hill College of TAFE's proposal to use the building for a campus providing short-course community-based programs and for labor market programs for specific local needs.

- Eltham Baptist Church's plan to house all current activities based in Eltham at a single location with the provision for planned growth. Maximum utilisation would be obtained by encouraging appropriate community use during week-ends and evenings.

- An expression of interest by DJ Thwaites on behalf of John Lordon for various possible uses at the site and building dependent on market research and viability. The applicant is known locally and has carried out residential and commercial developments within the municipality.

- Davmark Nominees' proposal to use the building, either as offices or as a service industry. The applicant has been involved in commercial development for 20 years and is soon to start development of a major medical clinic in Eltham.

- Copperworth Pty Ltd's plan to use the site and building as a centre for the arts. The company would look at developing the whole of the station area in conjunction with the proposed centre. The applicant is a small development company with 30 years' experience.

In his letter to businesses and community groups, chief commissioner Don Cordell asked residents to put a view to the council by phoning 9433-3102 or by writing to PO Box 476, Greensborough.

Chief executive officer Barry Rochford said the groups that had submitted expressions of interest had been invited to make full tenders and give more details of their proposals.

Mr Rochford said the tenders would be assessed and then presented to the council for a decision.

He said a statutory advertising process for the sale or lease of the council property would take place.

He said the community views received by the council would form part of the assessment of the tenders. "The aim is to get the best advantages for the community," he said.

The expression of interest from the Box Hill College of TAFE to establish a TAFE campus in the offices has received wide support from the council and community.

The council held a lunch this month to enable Box Hill TAFE director Andrew Jackson to explain the proposal to local principals, business and Rotary representatives, and Federal and State Government representatives.

Shire office move

Advertiser Dec 1995

THE former Eltham Municipal Offices are now being marketed by real estate agents after the Nillumbik Council received no response to its calling of tenders for the property.

The Nillumbik Council at its meeting last week appointed licensed real estate agents to either find a buyer or lessor for the building.

Chief Executive Officer, Barry Rochford, said the Council advertised on November 15, for expressions of interest from real estate agents and attracted submissions.

Mr Rochford said after considering the submissions, the Commissioners selected Colliers Jardine in conjunction with, Graeme Hardiman, First National Real Estate Eltham, to market the property.

"The analysis of the submissions took note of the agent's proposed commission, experience in selling and leasing property, and proposed market plans," Mr Rochford said.

The property which is alongside the Eltham Library consists of a reception area and ground floor, lower ground floor, basement, and first floor including Council Chambers and meeting rooms.

Former shire offices up for sale

THE former shire offices in Main Street, Eltham are up for sale or lease.

Nillumbik Council has appointed real estate agents Colliers Jardine in conjunction with Graeme Hardiman, First National Real Estate Eltham to market the property after

the council received a limited response to its call for tenders.

The council had received six expressions of interest for the property including one from Box Hill TAFE and the Victoria Police.

But none of these groups submitted a formal tender.

The property, which includes a reception area, ground floor, lower ground floor, basement and first floor with council chambers and meeting rooms, is currently vacant.

Chief executive officer Barry Rochford said he did not foresee a problem in marketing the offices.

Local laws passed in Nillumbik

NEW local laws which reflect the wishes and lifestyle of the general community now apply in Nillumbik Shire.

Passing of the local laws by Nillumbik Council last night followed their release in draft form for community consultation and response, said Council Administration Coordinator, Jamie Sinclair.

"The local laws basically aim to provide a safe and healthy environment", Mr Sinclair said.

"There are two local laws, one covering 'Environmental Amenities' and the second for 'Road, Traffic and Building Control', he explained.

The first set of 26 regulations control activities such as smoke emissions, recreational vehicles use, fire hazards, dangerous and unsightly land, camping and temporary dwellings, circuses and festivals, animals and waste disposal.

Another 31 regulations includes traffic management, use of the roads, vehicle parking, bulk rubbish containers and noise on building sites.

Mr Sinclair said, "These laws cover those activities or processes in the municipality which aren't covered by either State and Commonwealth laws.

"They give the municipal Council the opportunity to control or regulate activities within the municipal boundaries."

The new local laws reflect the wishes of the general community, and draw heavily on those which existed previously (in the four former shires) before the formation of Nillumbik a year ago, Mr Sinclair said.

The State Government has required all municipalities created due to amalgamation under Local Government restructuring to adopt local laws within their first 12 months.

Mr Sinclair said "We've run right to the deadline and used the full 12 months to adequately prepare the local laws and maximise the consultation with the local community."

Full details of the local laws are available on request from the Nillumbik Shire Offices.

Council Regulatory Services Manager, Graeme McLindin, said a total of 15 authorised officers have been appointed by the Council to administer the local laws.

Mr McLindin said the laws in most cases make provision for people to seek a permit to allow them to go outside the generation restrictions or limits.

"There's an opportunity for people to show cause why they should be permitted to exceed the provisions of the laws," Mr McLindin said.

Any complaint being received by the Council about an alleged breach of a law will be investigated, and if deemed valid, the offender will be told to cease the activity, he said.

Failure to do so would then be followed up with a formal notice to comply with the law, and ultimately there are penalties which can be applied (he said, www.nillumbik.vic.gov.au).

Youth activities galore

A wide variety of activities for secondary school aged youth is being provided throughout January by the Nillumbik Council.

Council Youth Worker, James Scott, said the youth room at the Diamond Creek Community Centre will be open between noon and 8.00pm on Tuesdays and Thursdays.

Mr Scott said "This is a new programme which includes music, videos, electronic games and outdoor activities.

"It has taken three months to plan the activities in consultation with secondary school students in the municipality."

He said a popular activity will be "surfing the Internet" via a computer connected to the information superhighway.

On some days a community bus will also be used to transport teenagers to various sites, he said.

Anyone needing further information can contact Nillumbik Council Youth Services during office hours on telephone (03) 9433 3152.

Madeline, Matriarch?



★ Pictured is Madeline the manikin - the frantic Christmas housewife, outside Chatties Antique Jewellery and Collectables in Main Road, Hurstbridge.

Leonie the Manager of Chatties says Madeline is certain a 'head turner' and symbolises the 'marvellous work so many housewives undertake during the Christmas period.

Agents to sell shire office

THE former Eltham Municipal Offices are now being marketed by real estate agents after the Nillumbik Council received a limited response to its calling of tenders for the property.

Chief Executive Officer, Barry Rochford, said the Council advertised on November 15, for expressions of interest from real estate agents and attracted submissions.

Mr Rochford said after considering the submissions, the Commissioners selected Colliers Jardine in conjunction with Graeme Hardiman, First National Real Estate, Eltham, to market the property.

"The analysis of the submissions took note of the agent's proposed commission, experience in selling and leasing property, and proposed market plans," he said.

The property which abuts the Eltham Library consists of a reception area and ground floor, lower ground floor, basement and first floor including council chambers and meeting rooms.

Mr Rochford said he was confident of finding an owner or lessee for the office, which is vacant at the moment.

"There is no cost to the Council in leaving the building empty and we have not budgeted for its sale or lease. If it is sold or leased in this financial year that will be a bonus," explained Mr Rochford.



Nillumbik Shire Council

Proposed Sale or Lease of Eltham Municipal Offices

The Nillumbik Shire Council under sections 189 and 190 of the Local Government Act 1989 proposes to sell or lease the Eltham Municipal Offices, 895 Main Road, Eltham.

The sale price will be payable by a deposit of 10% with the residue payable within an agreed time frame. If the offices are not sold, it is proposed to enter into a long term lease of the offices. An independent valuation of the property has been arranged.

In accordance with section 223 of the Local Government Act, any person wishing to make a submission regarding the matter must do so in writing to the undersigned within 14 days of the date of this notice. Submissions should be addressed to:

Mr Barry Rochford
Chief Executive Officer
Nillumbik Shire Council
PO Box 476
GREENSBOROUGH 3088

Persons making submissions may request to be heard in support of their submissions. Any persons requesting to be heard is entitled to appear in person or by a person acting on their behalf at a meeting of Council to be held at 7.30 pm on Wednesday 31 January 1996 at the Council Chamber, Shire Offices, Civic Drive, Greensborough.

(Note: Courtesy copy of official notice published in the "Age" Friday 5 January 1996).

Barry P. Rochford
Chief Executive Officer

Real Estate Services

Sale of Pretty Hill Property

Tenders are invited from Licensed Real Estate agents for appointment as agent to market the sale of a parcel of land approx 98 hectares, known as the "Pretty Hill" property situated at 330 Wattle Glen Road, Kangaroo Ground.

Tenders must be in a sealed envelope clearly marked — Tender Real Estate Services and lodged in the Tender box located at the Reception Desk Shire Offices, Civic Drive, Greensborough by no later than 4 pm on Wednesday 24 January 1996. Late tenders and tenders transmitted by fax will not be accepted.

Tenders must include a proposed marketing plan (including advertising schedule and cost) and details of commissions proposed.

Further information can be obtained by contacting Karen Grigg on 9433 3111.

187M00000

DNV Jan 10, 1996

NO SUBMISSIONS ON ELTHAM SHIRE OFFICES

NILLUMBIK Shire Council has not received a single submission about its advertised intention to sell or lease the former Eltham Municipal Offices in Main Road.

Shire Chief Executive Officer Barry Rochford advertised in the January 5 issue of *The Age* for public submissions on sale of the former headquarters.

An advertisement also appeared in the January 10 issue of the *Diamond Valley News*.

The Council can now resolve to sell or lease out the building, which it last year hoped might become an annexe of the Box Hill College of TAFE. Police last year expressed an interest in the buildings possibly becoming their H-District headquarters, as well as accommodating local Eltham Police.

When formal expressions of interest were requested late last year, neither the TAFE College nor Police lodged documents with Council.

The property now looks set to be sold, with the buyer being asked for a 10% deposit, plus balance over an agreed timeframe. If the property is not sold, a long-term lease of the property will be negotiated.

More discussions on the future of the Council building are expected at tomorrow night's meeting.

BY - White & Advertiser Jan 30 1996 P.1.



7. Officers' Reports

7.4 SALE OR LEASE OF FORMER ELTHAM MUNICIPAL OFFICES

Summary (AdminConsultant/GM,CS/LSCR/04)

To consider submissions in relation to Council's proposal to sell or lease the former Eltham Municipal Offices.

Officer's Report

Public Notice of the proposal was published in "The Age" on 5 January 1996. A courtesy copy of the official notice appeared in the "Diamond Valley News" on 10 January 1996.

In accordance with Section 223 of *The Local Government Act 1989* the notice invited written submissions and stated persons making submissions may request to be heard in support of their submission at this meeting. No written submissions have been received and Council may now resolve to proceed with the proposal. If Council decides to proceed, the following recommendation is appropriate in this matter.

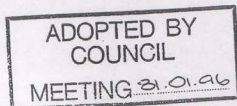
Resolution

Commr Abbott

Following publication in "The Age" newspaper on Friday 5 January 1996 of a notice of intention to sell or lease the property described in Certificate of Title Volume 10264 Folio 359 as Lot 1 on PS 338910Y and known as former Eltham Municipal Offices, 895 Main Road, Eltham, Council has not received any submissions under S.223 of *The Local Government Act 1989* in respect of the proposed sale and resolves that :

1. The property is no longer required for municipal purposes.
2. The property be offered for sale by tender on the following terms :
 - 10% deposit on signing the contract of sale and balance of purchase price paid within an agreed timeframe.
3. If the property is not sold, a long term lease of the property be negotiated.
4. Council records having obtained a valuation of the land in order to comply with S.189(2) of *The Local Government Act 1989*.

CARRIED



Herron Todd White Valuers Victoria
(Prop. Thomson Maloney & Partners Pty Ltd)
A.C.N. 006 085 141

Reply to: Surrey Hills
Our ref: 26199:10:GP:es
Your ref: LSCR/O4
Attention: Mr Garry King

Directors
Scott Keck F.V.L.E. (Val & Econ. A.R.E.)
Philip Cramer F.V.L.E. (Val F.V.L.E. Econ. A.R.E.)
Gavin Bourke F.V.L.E. (Val)
Graham Peters A.V.L.E. (Val)
Shane Close A.V.L.E. (Val)
Associate Directors
Christopher Rann A.V.L.E. (Val)
Anthony Rihan A.V.L.E. (Val)
Consultants
John Thomson F.V.L.E. (Val)
Michael Maloney F.V.L.E. (Val)

HTW VALUERS
HERRON TODD WHITE

31st January 1996

Mr Darren Martin
Group Manager, Corporate Services
Nillumbik Shire Council
Civic Drive
GREENSBOROUGH 3088

Dear Sir,

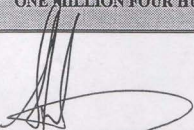
**RE: VALUATION OF COUNCIL PROPERTY
PROPERTY - FORMER ELTHAM MUNICIPAL OFFICES,
MAIN ROAD, ELTHAM**

Further to recent instructions, I have inspected the abovementioned property to assess fair Market Value, in Terms of Reference.

VALUATION

In accordance with the accompanying report, I assess value as at the relevant date to be

**ONE MILLION FOUR HUNDRED AND FIFTY THOUSAND DOLLARS
(\$1,450,000).**



GRAHAM R. PETERS A.V.L.E. (Val)
Qualified Valuer
Director
A.I.V.L.E. Member No. 551

PROFESSIONAL SERVICE AND INDEPENDENT ADVICE

Surrey Hills
1st Floor
140-148 Union Road
Surrey Hills 3127
(PO Box 190 Balwyn 3103)
Telephone: (03) 9636 0633
Facsimile: (03) 9636 0633
Ausdoc: DX 11500 Balwyn

Melbourne
3rd Floor
224 Queens Street
Melbourne 3000
Telephone: (03) 9642 5000
Facsimile: (03) 9642 5100
City of Melbourne Historical Society
www.cityofmelbourne.vic.gov.au

Perth (09) 481 3491
Adelaide (08) 212 5650
Sydney (02) 221 8911
Dubbo (068) 84 2999
Brisbane (07) 3229 6122
Gold Coast (07) 5538 1600
Sunshine Coast (074) 44 7277

Toowoomba (076) 32 1861
Gladstone (078) 72 3833
Rockhampton (078) 27 4655
Mackay (078) 57 7348
Townsville (077) 72 2722
Cairns/Pt. Douglas (070) 51 7533

New Zealand
In Association with
Diarch Valuers
Auckland, Wellington and
Christchurch

ADVERTISER EDITORIAL COMMENT

Tuesday, March 26, 1996

Mountain Views: a real story

MUCH sympathy will be focused on local newspaper publishers Mardie and Larrie Lambert who lost the fight to hold on to their Mountain Views weekly publication, after it was placed in liquidation by appointed receivers this month.

No-one feels good that the Lamberts' - Mardie aged 67, and Larrie, 69 - may lose their assets in the liquidation. At an age when they should be contemplating a happy retirement, they may lose their home.

But it also must be remembered that over the years many others have been encouraged to invest or loan their cash into that enterprise. Those local people have too lost their money.

Until about two years ago, the Healesville-based weekly newspaper had amassed incredible accumulated losses of more than \$420,000. The paper has continued to lose about \$50,000 a year - even under its 'voluntary administration' status.

The Mountain Views newspaper company's finances have been continually propped up by kindly local district people who have pumped in more hundreds of thousands of dollars.

In loans, ASC records show both interest-free and interest-bearing, more than \$147,000 of outside funds was paid into their company, ostensibly run by the Lamberts.

In shares, at least \$29,500 in outside shares were sold. Annual reports say bank borrowings of close to \$50,000 were obtained. Creditors' bills of more than \$68,000 were accumulated.

In quarterly reports to creditors, the Mountain Views Newspaper Pty Ltd directors reported of their predictions of continuing annual losses. With that great virtue of hindsight, the question begs if the Lamberts' need have put themselves, their shareholders, their backers, and their creditors, through such a tortuous seven-days-a-week process in their passion to save their newspaper! Should a newspaper morally, or legally, continue to trade in those circumstances?

When the Mountain Views newspaper placed itself into 'voluntary administration' in December, 1994, it soon expanded rather than concentrated its efforts. Yet, its advertising sales hardly changed. Traditionally a Healesville newspaper, Mountain Views expanded to also try to reach the Ethambside Shire of Nillumbik, the Yea- and Alexandra-centred Shire of Murrindindi, and even that part of the Yarra Ranges Shire taking in Belgrave and 'Puffing Billy' country.

As we remarked in a 'Media Note' last year, some people didn't even travel that far for their annual holidays! It is hard to therefore to see these wide areas in the same community of interest. Yea readers would have had little interest in Belgrave snippets. Greensborough readers can not be expected to have much empathy with Warburton local issues.

The Mountain Views experience repeats a timely lesson, to both publishers and readers, that a local newspaper must stay local, have a sound but not excessive parochial distribution, and cut its cloth to suit available revenues.

With newspapers currently at a record high, local newspaper operators would be wise not to repeat the sad mistake of hanging on for too long to a business that is not making financial sense.

With all the good intentions in the world, and the desire to do all a community service, the world of altruism is only open to those who can afford it.

Mountain Views, over its 17 years, has been full of views, and news. However, The Advertiser cannot condone the years of Mountain Views trading in hope, rather than in loss to all concerned.

No doubts, the departing proprietors will explain their fall with a shrug, and about the 'recession' we had to have. Yet, as well as readers of all ages, papers, should need no reminder that local papers cannot live beyond their means. We go on the record to record The Advertiser has continued 'in the black' since its first issue.

As our local papers survive entirely on the revenues from the local advertising they sell, they must pay all their accounts from this single source of revenue.

At The Advertiser, we trade at a reasonable price of doing business. We respectfully ask clients to remember that all publishers are bound to run a sound business on firm commercial principles. Otherwise, we all slowly kill the medium.

Responsibility for election and referendum comment is accepted by Alan G. (see page 10).

Etham District Historical Society (ethamhistory.org.au)

Pork barreling an art form

THE election pork-barrelling trick is an art form, but we couldn't help but be impressed by the \$6 million announcement made quietly by Etham MLA Wayne Phillips late last week.

Mr Phillips says \$5 million for been allocated to the Greensborough Campus of the Victorian Maritime Museum Institute of TAFE.

He told The Advertiser that the allocation will provide funds for the three-year construction of the second stage of the campus, located on Diamond Creek Rd.

The new stage of the campus will accommodate programs in business studies, hospitality, horticulture and community studies.

New G'boro, Etham places

\$5 million funding fills the hole that might have been filled by Nillumbik Council's hope that its old Etham offices might be occupied by a Box Hill College of TAFE annex.

"Many students in the Greensborough, and Etham areas will now be able to study for courses that never have been available locally," Mr Phillips said.

THOSE WHO LENT MONEY TO 'MOUNTAIN VIEWS'

INTEREST-FREE LOANS

M. Donald	1,000.00
M. Crowdy	2,000.00
D. Miller	1,000.00
M. Hernan	10,500.00
A. Davis	1,000.00
L. Morris	5,000.00
B. & M. Watson	2,000.00

5% INTEREST LOANS - UNSECURED

A.P. Sewell	5,000.00
B.J. Wastley	5,000.00
A.W. Phassey	2,000.00
C.E. Phassey	2,000.00
B.J. Phassey	2,000.00
A.A. Davis	2,500.00
L.F. Foxcroft	2,000.00
E.P. Hermans	2,000.00
K. & Z. Batten	3,000.00
B. Lockwood Pty Ltd	6,000.00
D.E. Johnston	1,000.00
P.M. Schoen	35,000.00
A. Ingles	5,000.00
P. Vestey	2,000.00
M. Wastley	5,000.00

15% INTEREST LOAN - UNSECURED

D. Miller	40,000.00
-----------	-----------

THOSE SOLD SHARES IN 'MOUNTAIN VIEWS'

CURRENT 'OUTSIDE' SHAREHOLDERS

Kathleen Gannaway, Healesville	1,000.00
Kelli Pomeroy, Healesville	2,000.00
James Darmus, Healesville	2,000.00
Veronica Groat, Yarra Junction	1,000.00
Graham Davidson, Healesville	1,000.00
Michael Norman, Healesville	1,000.00
Mal Lawrence, Yarra Glen	1,000.00
Denise Miller, Yarra Glen	3,000.00

PREVIOUS 'OUTSIDE' SHAREHOLDERS

Stephen Harris, Dixons Creek	2,000.00
Jean Shortis, Dixons Creek	3,000.00
Jenny Worthington, Marysville	500.00
Donald Lorey, Healesville	500.00
Michael Norman, Healesville	500.00
Ronald Herlage, Healesville	1,000.00
May Henderson, Marysville	1,000.00
John Young, Johnston, Healesville	1,000.00
Kitty Keogh, Healesville	1,000.00
Lois Morris, Healesville	500.00
Lan Murphy, Reservoir	1,000.00
John Robinson, Healesville	1,000.00
R. Smith, Yarra Glen	1,000.00
Richard Hardisty, Yarra Glen	1,000.00
Ray Smith, Yarra Glen	1,000.00

THOSE OWED MONEY BY 'MOUNTAIN VIEWS'

Bank Overdraft	11,256.24
Trade Creditors	42,096.78
Sundry Creditors	25,401.35
Loan - ANZ Bank	7,092.32
Loan - ANZ Bank	29,849.97

'ACCUMULATED LOSSES' OF 'MOUNTAIN VIEWS'

Accumulated Losses at 30.6.94	418,832.12
Estimated Loss for 1995-96	50,000.00

These loans, as per Special Purpose Financial Statements for the year ended June 30, 1994, are Shareholdings, as per Australian Securities Commission records, as at February 1, 1996.

• Not Shown: Loans, Shares of H. & M. Lambert.

The Advertiser's Press Room Confidential

"As well, the construction program will provide many job opportunities for the local building industry."

Mr Phillips said the State Government was backing its commitment with funding for quality training by investing around amounts in the development of existing and new further education facilities.

Jack has lost his space

HURSTBRIDGE stirrer (that sounds a lot less pretentious than 'activist') Jack Kyme wants to publish an anthology of his poems and prose.

His single theme, in his Nillumbik phase, as the world might be exempt from the broken fight against the new Shire, its Commissioners, and CEO

Barry Rochford. "With apologies to Daniel Defoe, the collection will be called A Journal of the Plague Year," a breathless Mr Kyme told our Editor.

But Jack has a problem. He's already lost a few of the items he wants to include in his book. He's lost copies of his works entitled:

- "Because I'm cast in a minor bronze"
- "Ron's magical, mystery tour," both versions;
- "A Moral and Cautionary Tale" (essay).

Nillumbik is one of the first

NILLUMBICK Council's Organisation Development Service Unit is thirst of 30 teams of staff and employees to be exposed to competition, and prove that they can provide efficient and cost effective services.

The unit includes payroll services, human resources, risk management, occupational health and safety, staff training and development.

Local Councils, six members, Fran Boyd, said: "The team has put a lot of effort into preparing for competitive tendering and we intend to win."

Mr Boyd said working with other Council staff and consultants the team has been reviewing its work practices, customer service standards and business planning.

"We are looking forward to proving that we can provide the best value for money services for council," she said.

All of Council's 33 service delivery functions involving a total of 570 employees are to be exposed to competition as required under the Local Government Act.

Quality, Competition

The exercise happening over the next six months aims to ensure that residents and ratepayers receive quality services at competitive prices.

The service units are being supported with the necessary resources as they set about specifying the services provided, and in drawing up contracts for the provision of those services in-house.

Group Manager Organisation Development, Mick Cummins, said: "Council is committed to improving the quality of services provided to the community."

"Quality will be the prime consideration in the evaluation of tenders. Our staff provide great service and this is the chance to prove it."

A decision on the Organisation Development tender is expected in April.

Action packed at Whittlesea

THE City of Whittlesea Senior Citizens' Week Committee organised an action-packed program to celebrate this year's Senior Citizens' Week.

Wendy Middleton, Manager: Aged and Disability for the City, said theme for this year's program has been 'Age: A New Adventure'.

A luncheon was held last Thursday with about 170 people, including representatives of each of the Greek, Italian, Macedonian, Mauritian and Adult Day Care Centre communities. Some national dishes were provided for the day's luncheon.

Also to perform were the Greek choir, the Macedonian Dance Group and the Lancer Dance Group.

Truth in advertising

WEVE often wondered why politicians seem to be exempt from the need to put into writing which requires truth in advertising.

Some promises in news releases to hit the Advertiser fax machine this week were made by several town councillors.

Liberal Candidate for Yea, Ben Jones, assures voters that she will be moving soon to live in the Yea town electorate. This appears not to be conditional on winning the seat.

"As a supporter of the Liberal Party, she has been able to join the team to better enable her to be an effective representative in Yea."

Yea voters who she and her family plan to relocate.

• Turn Page 5

• That a news release came in late last week about the worthy cause of the need for better toilets at Pantion Hill Primary School.

• That, as of Friday morning, no-one was prepared to put their name to the document written by local union activist Georges Bernard.

• That the Pantion Hill Football Club is planning a gala reopening of its Crankwell Reserve home on April 20.

• That the local bodies are giving long odds to Nillumbik Shire Commissioner Kevin Abbott will be the V.I.P. to perform the honours on April 20.

• That Pantion Hill locals are still smarting over his disparaging comments about the Spiders, made at the Etham Football Club Grand Final.

• That the McEwen Federal Senator of Parliament was formally given by Liberal Fran Bailey by Federal Officer Robert Berglund on Friday afternoon.

With about 350 voters to go, Mr Bailey was ahead of ALP candidate Peter Clevedale by several thousand votes.

• That the small town of Yea, included The Advertiser's weekly coverage, became a ghost town last Thursday night.

When a plain clothes Police team came to breath-test local drivers.

• That one pair - a local who enjoyed a bottle of claret for dinner, and a mate who had invested

the day in the town wisely chose to stay the rest of the night in a hotel room.

• That there are more of these town blizzards planned - especially over the Easter period.

• That library visitors boomed last month.

• That the Etham per cent up in visitors, 90 per cent up in reservations.

• That the Etham per cent more people, At Labor: 19 per cent more people.

• That the Etham per cent more people, At Labor: 19 per cent more people.

• That the Etham per cent more people, At Labor: 19 per cent more people.

Baker prosecuted for metal clip found in loaf of bread

THE PROPRIETOR of a Reservoir bakery has been prosecuted by the City of Whittlesea after a metal clip was found in a loaf of bread.

Whittlesea's Public Health Section had investigated a complaint made to it last December concerning a foreign object in the loaf from a former milk bar in Mill Park.

The complaint was made by a woman from Mill Park who suffered a chipped tooth after biting into a metal clip that had been baked into the bread, manufactured by Centenary Bakery of Hillwin Street, Reservoir.

Drawn out legal proceedings in the Preston Magistrates Court against the Bakery's proprietor were recently conducted in a successful prosecution.

The proprietor, who was charged under the

Food Act 1984, with having sold adulterated food did not enter a plea nor give evidence in the case. Magistrate Barry Maher found the charge proven and imposed a fine of \$6000 and ordered the offender to pay Council's costs of \$2800.

Speaking outside the Whittlesea Council's manager of Public Health, Neville Kurth said all the public health complaints about food received by Council are thoroughly investigated.

"Complaints are not common because food manufacturing, processing and handling is generally of a high standard," Mr Kurth said. He said Council also monitored the quality of food through a system of random sampling and site inspections.

ALP FAITHFUL AT MONSALVAT



• THE Reverend Chris Carolane (right) received his licence as a Priest in a special ceremony conducted by Bishop Andrew Cunow at Ivanhoe Grammar School - Merrind on Friday. He is pictured with the School's Head, Ian Rule.

ELTHAM'S Labor-faithful supported a fundraiser at Monsalvat on Sunday to support State candidate Sigmund Jørgensen.

Mr Jørgensen, an arts administrator, is contesting the Eltham seat against sitting member, Liberal Wayne Phillips.

Fine Sunday afternoon weather oversaw the occasion, which was addressed by ALP National President Barry Jones, and later the new Federal MHR for Jagajaga, Jenny Macklin.

A promised appearance by former Labor Premier Joan Kirner had to be cancelled as she had suffered from a nasty fall.

As at 6pm when *The Advertiser* reporter left, State Opposition Leader John Brumby had yet to make his promised appearance.

But those in attendance included Bundoora MLA Sherryl Garbutt, Scullin MHR Harry Jenkins, Batman MHR Martin Ferguson, and recently retired Jagajaga MHR Peter Staples.

Local political figures included former Eltham Shire Presidents John Graves and John Cohen, and recent Federal independent candidate Jock Kyme.

Supporters were treated to a happy afternoon of jazz and contemporary music, displays of fine arts, plus local wines and food.

In a political vein, Mr Jørgensen warned of what he sees as the perils of the State Liberal Government being re-elected in this coming Saturday's State Election.

LETTERS TO THE EDITOR

The Advertiser,
30 Glen Gully Rd,
Eltham North 3095,
Fax: (03) 9431 0885

WATSONIA R.S.L. CLUB

THIS WEEK'S HAPPENINGS

WATSONIA RSL CLUB

presents the **\$10 Budget Buster**

This includes:

- LUNCH from our Chief's Special Selection
- \$5 worth of Pokie Change
- \$5 worth of tickets in Hamper drawn at 2pm
- \$5 worth of tickets in Hamper drawn at 5pm Sunday
- \$1 Keno Ticket
- A Glass of Wine or Soft Drink
- Free Tea & Coffee

AVAILABLE TUESDAYS
ONLY BEFORE NOON

Visit Our Club - Winner of The Licensed Clubs Award for the Best RSL in Victoria for the Second Successive Year • Bookings Advisable



6 MORWELL AVE, WATSONIA
PHONE 9435 4233

ADVERTISEMENT

KEEP VICTORIA MOVING ...



Elect **BARB JONES**
in **YAN YEAN**

- for a direct say on the
issues that affect you.

**VOTE 1 FOR YOUR LIBERAL TEAM -
FOR STRONG & STABLE GOVERNMENT**



GEOFF CRAIGE
for
Central
Highlands
Province

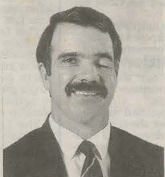


Authorised by Peter McWilliam, 220 Halesy's Gully Rd, Hurstbridge

ADVERTISEMENT



Your Liberal Team for Eltham



WAYNE PHILLIPS
for Eltham

INFORMATION

CENTRE

**284 BOLTON ST,
ELTHAM**

TELEPHONE: 9431 0125

FACSIMILE: 9431 0454



CARLO FURLETTI
Upper House Candidate
for Templestowe Province

Authorised by Alan Jones, Member of Liberal Party, 101 Ryans Road, Eltham North 3095

Legal costs a hurdle for action group

by LAETA ANTONYSEN

THE Eltham Gateway Action Group (EGAG) needed to raise an estimated \$10,000 to fund its appeal against a proposed 24-hour service-station/convenience centre on the former Eltham Shire offices site, president Jenni Mitchell said last week.

Ms Mitchell said the group had already spent about \$7000 on its fight to stop a proposed 24-hour service-station/convenience store, Hungry Jack's restaurant, retail outlet and community facility development by Dallas Price Homes Pty Ltd.

She said EGAG had lodged an appeal last year with the Administrative Appeals Tribunal (AAT) against Nillumbik Shire Council's decision to grant a permit for the development.

But last November Planning and Local Government Minister Rob Maclellan decided to call in four appeals to the AAT against the development, including two from EGAG, and appointed an independent advisory committee to receive submissions and prepare a report for him.

But Ms Mitchell said the cost of legal proceedings had now "blown out" by another \$6000 after the committee decided to extend the two-day hearing another two days to hear all evidence (*D1 News*, April 11).

EGAG is due to make its submission to the committee on Monday, April 21.

Ms Mitchell said a major fund-raising campaign, including a benefit concert and open studio, was now planned by the group in a bid to raise the extra money.

Ms Mitchell said the group believed the community would rally to help raise the funds, given the level of community support already received.

"We've gone so far," she said. "We can't just walk away at this point and I think the community would be disappointed if we did. This isn't something that a few of us are doing for ourselves. It is a few of us working very hard to hopefully bring about the right outcome for the community."

"At the end of the day all of the evidence is going to come out thoroughly, so in a way it is good that the hearing has gone on longer than expected."

A Return to Democracy Benefit Concert will be held on Sunday, April 27 from 3pm to 6pm at Montsalvat, Hillcrest Avenue, Eltham, featuring jazz, classical, new world and folk music by artists including Judy Jacques, Sebastian Jorgensen, Sally Grice and Eucalypto.

Tickets are available at the door for \$10 per person or \$20 per family.

Ms Mitchell, who is an artist, will also open her studio along with Mervyn Hannan on Sunday, May 11, from 10am to 5pm. Paintings, prints, woodcraft and silk will be on display along with a Devonshire tea, and visitors are asked to donate \$5 at the door.

TENDER DOCUMENTS

for purchase of

Former Eltham Shire Offices 895 Main Road, Eltham

Prepared for
NILLUMBIK SHIRE COUNCIL

Tenders close at 3.00pm on 24 April 1996

Maddock Lonie & Chisholm 140 William Street Melbourne Victoria 3000
Telephone (03) 9288 0555 Facsimile (03) 9670 0062 Ausdoc DX 259
International +61 3 288 0555 Our Ref GOC:AMN:363838

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Former Eltham Shire Offices 895 Main Road, Eltham

TENDER CONDITIONS

1. Definitions

1.1 In these tender conditions:

"acceptance date" means 16 May 1996;

"Agent" is Graeme Hardiman First National Real Estate of 978 Main Road, Eltham, Vic, 3095, Telephone 9431 2222 Contact - Graeme Hardiman; and Colliers Jardine of 541 Blackburn Road, Mount Waverley, Vic, 3149, Telephone 9544 8888 Contact - James Davie

"closing date" means 3.00pm on 24 April 1996;

"Contract" means the agreement for sale and purchase of the Property in the form annexed;

"Contract deposit" means an amount equal to ten per cent (10%) of the purchase price and includes the tender deposit;

"foreign person" has the meaning attributed to those words in Section 21A of the *Foreign Acquisitions and Takeovers Act 1975*;

"Property" means the land together with any improvements being Lot 1 on PS338910Y and being the whole of the land in Certificate of Title Volume 10264 Folio 359 which is more particularly described in the Contract, a short description of which appears at the head of these tender conditions;

"purchase price" means the price offered by the Tenderer for the purchase of the Property;

"Tenderer" means a person or corporate body who lodges a tender in accordance with the provisions of these tender conditions;

"tender documents" means these tender conditions, the attached tender offer, the Vendor's Statement, the Contract, all guarantees and indemnities (where appropriate) and any accompanying material;

"tender deposit" means an amount equal to one percent (1%) of the purchase price;

"tender offer" means the tender offer form at the end of these tender conditions;

"Vendor" is Nillumbik Shire Council of Civic Drive, Greensborough, Vic, 3088, Telephone 9433 3111, Contact - Mr Garry King;

"Vendor's notice of acceptance" means the notice given by the Vendor to the Tenderer in accordance with clause 7.1;

"Vendor's solicitor" is Maddock Lonie & Chisholm, Level 7, 140 William Street, Melbourne, Victoria, 3000, Telephone 9288 0555, Contact - Anne Nielsen;

"Vendor's Statement" means the statement pursuant to Section 32 of the *Sale of Land Act* 1962 in the form annexed.

- 1.2 Any terms or conditions defined in any of the tender documents shall bear the same meaning when used in any other tender document. In the event of any inconsistency the provisions of these tender conditions shall prevail.

2. Business Days and Time

- 2.1 **"Business day"** or **"business days"** means any day which is not a Saturday, a Sunday or a day which has been proclaimed as a public or bank holiday.
- 2.2 If the time for performing any action expires on a day which is not a business day then time is extended until the next business day.

3. Invitation to Tender

- 3.1 Tenders are invited for the purchase of the Property subject to and upon the terms and conditions of the tender documents by which the Tenderer by submitting a tender agrees to be bound.
- 3.2 The Vendor will accept tenders on any basis but Tenderers should be aware that the Vendor's objectives in selling the Property include the following:
- to encourage a range of commercial, professional, entertainment and other community activities to serve the population of the area surrounding the Property;
 - to provide for office facilities to complement the Eltham Town Centre - Core Retailing Zone;
 - to ensure that the Eltham Town Centre is developed in an orderly and proper manner having regard to vehicle and pedestrian movement and car parking;

3.

- to encourage and assist the restructuring of the built environment of the Eltham Town Centre to enhance:
 - use by pedestrians
 - the appearance of buildings, pedestrian ways and open areas
 - user convenience by clustering like functions and services
 - adequate off street parking and
 - management of traffic.

4. **Tender Procedure**

The Tenderer shall:

- 4.1 insert the relevant information in the tender offer form including the insertion of a brief description of the Tenderer's proposed use and/or development of the Property with particular reference to the selection criteria referred to at clause 3.2;
- 4.2 execute and date the Vendor's Statement annexed to the Contract in the position indicated for the Purchaser;
- 4.3 insert in the Particulars of Sale of the Contract:
 - 4.3.1 the relevant details of the Purchaser's Solicitors (if any);
 - 4.3.2 the full name and address of the Purchaser and, if the Purchaser is a company, its A.C.N.;
 - 4.3.3 the purchase price tendered;
 - 4.3.4 the Contract deposit; and
 - 4.3.5 the balance of the purchase price;
- 4.4 if the Tenderer is not a foreign person the Tenderer shall amend the Contract by deleting the special condition of the Contract headed "Foreign Persons" as required under clause 12 of these tender conditions;

4.

- 4.5 if applicable comply with the Special Condition of the Contract headed "Foreign Persons";
- 4.6 execute the Contract as Purchaser. If the Purchaser is a Company or an Incorporated Association and has not executed the Contract under seal, the capacity of the person signing on behalf of the Purchaser (for example, Director) must be stated;
- 4.7 if required by the special conditions of the Contract, procure the execution of the Guarantee and Indemnity annexed to the Contract and complete the following information on the appropriate page of the Guarantee and Indemnity:
- 4.7.1 the full name and address of the Purchaser;
 - 4.7.2 the full name, address and occupation of each guarantor;
 - 4.7.3 the name of each guarantor after the words 'SIGNED by';
- 4.8 execute or procure execution of all documents in a manner binding by law on the Tenderer and on any guarantor;
- 4.9 not date the Contract, amend any of its provisions, nor insert any words or figures in the Contract other than those referred to in this clause;
- 4.10 place:
- 4.10.1 the completed and signed tender offer form;
 - 4.10.2 the executed Contract with annexed Vendor's Statement (and Guarantee and Indemnity if applicable); and
 - 4.10.3 a bank cheque (not a personal or building society cheque) for the tender deposit -
- in a sealed envelope ("the Tender Envelope") clearly marked **"Tender for the purchase of 895 Main Road, Eltham"**; and
- 4.11 place the Tender Envelope in the tender box at Colliers Jardine, 541 Blackburn Road, Mount Waverley, Vic, 3149 by no later than 3.00pm Eastern Standard Time on the closing date.

5. Acknowledgment by Tenderer

The Tenderer acknowledges that:

- 5.1 the tender documents when lodged in accordance with these tender conditions shall constitute an irrevocable offer by the Tenderer to purchase the Property from the Vendor at the purchase price and subject to the terms and conditions of the Contract;
- 5.2 the Vendor will not accept:
 - 5.2.1 late tenders;
 - 5.2.2 tenders submitted by mail or facsimile;
- 5.3 the Vendor is not bound to accept the highest or any tender and may accept or reject any tender or withdraw the Property from sale at any time;
- 5.4 the Vendor will assess the merits of each tender by taking into account any matter, fact or circumstance which the Vendor and/or the Agent may deem appropriate, at their absolute discretion;
- 5.5 the Vendor and/or the Agent may discuss with the Tenderer any variation of the terms of the tender or the variation of these tender conditions or the Contract at their sole discretion provided that the purchase price will not in any circumstances be negotiated;
- 5.6 the Vendor and/or the Agent and/or Vendor's solicitor may at any time request the Tenderer to provide:
 - 5.6.1 such information and evidence as may be required to confirm the financial capacity of the Tenderer to complete the purchase of the Property; and
 - 5.6.2 where the Tenderer is a foreign person, evidence that the Treasurer of the Commonwealth of Australia has given his approval to the Purchaser's acquisition of the Property unless the acquisition is exempt under the *Foreign Acquisitions and Takeovers Regulations 1989*;

and to otherwise meet all other obligations of the Tenderer pursuant to these tender conditions and the terms of the Contract;
- 5.7 any or all financial information or details provided in accordance with clause 5.6 of these tender conditions is true and correct in all respects and that the Vendor will rely upon the accuracy of same;

6.

- 5.8 any request to the Tenderer in accordance with clause 5.6 of these tender conditions shall not be construed in any manner as implying an acceptance by the Vendor of the tender;
- 5.9 any clarification by a Tenderer, agreement by the Tenderer or other materials submitted by the Tenderer after the submission of the tender documents shall, where accepted by the Vendor and/or the Agent, be deemed to form part of the Tenderer's offer;
- 5.10 5.10.1 all bank cheques for tender deposits shall be held by the Agent (if any) or the Vendor's solicitor as stakeholders, or by the Vendor for safe custody; and
- 5.10.2 in the case of a successful Tenderer its tender deposit will be held as part of the Contract deposit in accordance with the terms of the Contract; and
- 5.10.3 in the case of any unsuccessful Tenderer, the tender deposit will be returned to that Tenderer in accordance with clause 8 of these tender conditions.

No interest shall accrue for the benefit of Tenderers on any moneys so held;

- 5.11 the Vendor may reject any tender documents which have been altered or which contain erasures or which contain any information which is illegible;
- 5.12 the Vendor may reject any tender where payment of the cheque for the tender deposit is refused by any bank and;
- 5.13 prior to submitting the tender the Tenderer:
- 5.13.1 was given a reasonable opportunity to inspect the Property;
- 5.13.2 inspected the Property; and
- 5.13.3 perused the tender documents, the Contract and the Vendor's Statement and is satisfied:
- A. by physical examination and inspection, as to the condition quality and quantity of the Property and each and every part of it;
- B. as to the value of the Property from its own independent valuations and reports;

[amn 3638383m.18:190396]

- C. by enquiry from all appropriate authorities, as to the zoning and planning restrictions (including all planning approvals, permits and consents) on and in respect of the Property and the use to which the Property may be put and the development of it;
- D. by perusal of the tender documents including the Contract and from advice from the Tenderer's own legal advisers, as to the significance, meaning and effect of the relevant tender documents;
- E. by the Tenderer's own estimation, as to the present and future economic feasibility, viability and economic return of the Property;

and the Tenderer shall be deemed to have entered into the Contract in reliance upon those examinations, inspections, enquiries, valuations, reports and perusals only and not upon any alleged statement, warranty, condition or representation whatsoever made or alleged to have been made by the Vendor or by the Agent or by any other agent of the Vendor;

- 5.14 the tender documents form the whole of the Tenderer's offer, and any representations by the Vendor or the Agent or any other agent of the Vendor are hereby withdrawn. Notwithstanding any other provision of the tender documents to the contrary (including notification of acceptance of a tender offer) the Vendor shall not be bound by the tender documents or to any tender offer until the Contract has been executed by the Tenderer and by the Vendor and any required guarantee or other requirement of the Vendor has been met and the Contract has been delivered to the successful Tenderer;
- 5.15 the Vendor will rely upon the accuracy of all information or details inserted in the tender offer in accordance with clause 4.1 of these tender conditions.

6. **Warranty by Tenderer**

The Tenderer warrants that:

- 6.1 any or all information or details of its proposed use and development of the Property and any other relevant information which is inserted in the tender offer in accordance with clause 4.1 of these tender conditions is true and correct in all respects; and

- 6.2 the Tenderer will use or develop the Property as stated in the tender offer.

7. Procedure for Acceptance

- 7.1 The Vendor may accept the offer made by the Tenderer by notice in writing given by the Vendor, the Vendor's solicitor or Agent to the Tenderer at the address given in the tender offer at any time prior to close of business on the acceptance date.
- 7.2 From the date upon which the Vendor's notice of acceptance is given to the Tenderer the Property shall be deemed to have been purchased by the Tenderer from the Vendor for the purchase price and on the terms and conditions contained in the Contract which shall constitute a Contract between the Vendor and the Purchaser for the sale and purchase of the Property.
- 7.3 The Tenderer authorises the Vendor to insert the date of the Vendor's notice of acceptance as the day of sale in both parts of the Contract.
- 7.4 Within seven days after the date of delivery or posting of the Vendor's notice of acceptance the Tenderer shall pay the Contract deposit less the tender deposit ("the balance deposit") by bank cheque to the Vendor's solicitor to be invested in accordance with the terms of the Contract.
- 7.5 As soon as practicable after receiving the balance deposit, the Vendor shall execute and deliver to the Tenderer a counterpart of the Contract.

8. Notification of Unsuccessful Tenderers

The Vendor shall notify those Tenderers whose tender has been unsuccessful and shall return their respective tender deposits before the expiry of 14 days after the acceptance date.

9. Companies

If the Special Condition of the Contract headed "Guarantee" applies, the tender documents must include a Guarantee and Indemnity which complies with and has been executed in accordance with that Special Condition.

10. No Assignment

The Tender offer may not be assigned by the Tenderer at any time before or after acceptance.

11. Nomination

Where a Tenderer proposes forming a company specifically to be the Purchaser pursuant to the Contract the Vendor may permit the Contract to be executed in the name of the Purchaser and/or nominee where the nominee will be the company to be formed provided that:

- 11.1 such a proposal is clearly identified in the tender documents;
- 11.2 the proposed principals of such company are clearly identified in the tender documents; and
- 11.3 both the Tenderer and the principals of that company guarantee the performance of that company pursuant to the provisions of the Contract.

12. Foreign Persons

12.1 The following shall apply:

12.1.1 if the Purchaser is a foreign person - the Tenderer shall incorporate in the Contract the provisions of the Special Condition headed "Foreign Persons"; and

12.1.2 if the Purchaser is not a foreign person - the Tenderer shall delete the Special Condition headed "Foreign Persons" from the Contract and by so doing shall be deemed to have warranted that the Purchaser is not a foreign person and that the acquisition of the Property is not subject to the *Foreign Acquisitions and Takeovers Act 1975*.

12.2 If the Purchaser breaches the warranty in clause 12.1.2, the Purchaser shall indemnify and keep the Vendor indemnified in respect of any loss, damage, penalty, fine or legal costs which the Vendor may suffer or incur as a result of the Purchaser's breach of warranty.

13. Further Information

13.1 Various documents, copies of which are contained in the tender documents or which are referred to in the tender documents, are available for inspection at the offices of the Vendor's solicitor by arrangement with the Vendor's solicitor.

13.2 The Property may be inspected by arrangement with the Agent or, if there is no Agent, with the Vendor. All enquiries should be directed

to the contact person of the Agent or the Vendor as specified in clause 1.1.

14. Confidentiality

Neither the Tenderer, the Vendor, the Vendor's solicitor nor the Agent shall disclose the terms of any tender, the acceptance or non-acceptance of it or any matters relating to the Property without the consent of the Vendor and/or the Tenderer as the case may be, except for the sole purpose of enforcing the tender.

15. Proper Law

The tender documents shall be governed by the law of the State of Victoria and the Tenderer submits the tender subject to the jurisdiction of that State.

16. Non-Merger

The tender conditions shall not merge with the exchange of the Contract and any tender condition which is capable of taking effect after completion of the Contract shall not merge on completion but rather shall continue in full force and effect.

17. Interpretation

- 17.1 All references to currency are to Australian currency.
- 17.2 The singular includes the plural and the plural includes the singular.
- 17.3 A reference to a gender includes a reference to each other gender.
- 17.4 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 17.5 If a party consists of more than one person this tender binds them jointly and each of them severally.
- 17.6 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 17.7 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this tender.

18. Notices

18.1 A notice or other communication required or permitted to be served by a party on another party or given by one party to another party shall be in writing and may be served or given:

18.1.1 by delivering it personally to that party;

18.1.2 by sending it by prepaid post addressed to that party at the address set out in these tender documents or subsequently notified to each party from time to time; or

18.1.3 by sending it by facsimile.

18.2 A notice or other communication is deemed served or given:

18.2.1 if delivered, on the next following business day;

18.2.2 if posted, on the expiration of two business days after the date of posting; or

18.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

TENDER OFFER FORM

TO: Nillumbik Shire Council ("the Vendor")
 Civic Drive,
 GREENSBOROUGH VIC 3088

TENDER FOR PURCHASE OF Former Eltham Shire Offices 895 Main Street, Eltham

[Purchaser's Name]

[Purchaser's Address]

offers to purchase the Property from the Vendor for the sum of AUS\$

This offer is made upon the terms and conditions set out in the tender conditions and is irrevocable until 3.00pm Eastern Standard Time on the acceptance date when, if not previously accepted by the Vendor, it shall become incapable of acceptance and is withdrawn. Its acceptance will constitute a binding Contract between the Tenderer and the Vendor to purchase the Property in accordance with the Contract.

The following documents are attached to this Tender:

* delete if not applicable

1. Contract with signed Vendor's Statement attached
2. * Guarantee and Indemnity
3. Bank cheque payable to the Vendor's Solicitor or to the Agent for the tender deposit

The Tenderer proposes to use and/or develop the Property as follows:

[Insert a brief description of the proposed use and/or development of the Property to enable the Vendor to assess whether or not the tender relates to any of the matters referred to in clause 3.2 of the tender conditions]

Proposed Land Use

.....

199 .

Eltham District Historical Society (elthamhistory.org.au)

Maddock Lonie & Chisholm



DATED

1996

NILLUMBIK SHIRE COUNCIL

Vendor

- and -

CONTRACT OF SALE

Property: 895 Main Road, Eltham

MADDOCK LONIE & CHISHOLM 140 WILLIAM STREET
LAWYERS MELBOURNE
VICTORIA 3000
TELEPHONE (03) 9288 0555
FACSIMILE (03) 9288 0666
OUR REF: GOC-AMN-363838 DX 259 MELBOURNE

A MEMBER OF
adviser asia
ADELAIDE, BOMBAY, COLOMBO,
HONG KONG, KUALA LUMPUR,
MANILA, MELBOURNE,
NEW DELHI, SINGAPORE, SYDNEY



CONTRACT OF SALE OF REAL ESTATE

IMPORTANT NOTICE TO PURCHASERS

Cooling-off period

Section 31 *Sale of Land Act 1962*

If none of the exceptions listed below applies to you, you may end this contract within 3 clear business days of the day that **you** sign the contract.

To end this contract within this time, you must either give the vendor or the vendor's agent **written** notice that you are ending the contract or leave the notice at the address of the vendor or the vendor's agent.

If you end the contract in this way, you are entitled to a refund of all the money you paid **EXCEPT** for \$100 or 0.2% of the purchase price (whichever is more).

EXCEPTIONS—The 3-day cooling-off period does not apply if—

- The price of the property (including chattels) exceeds \$250,000
- You bought the property at or within 3 clear business days **before or after** a publicly advertised auction
- You received independent advice from a solicitor before signing the contract
- The property is used mainly for industrial or commercial purposes
- The property is more than 20 hectares in size and is used mainly for farming
- You previously signed a similar contract for the same property
- You are an estate agent or a corporate body.

The conditions of this contract are contained in the attached—

Particulars of Sale,	and
Schedule,	and
General Conditions,	and
Special Conditions (if any).	

The vendor sells and the purchaser buys both the property and the chattels for the price and upon the conditions set out in this contract.

The Vendor's Statement required by section 32(1) of the *Sale of Land Act 1962* is attached to, and included in, this contract.

Where the signature of any party to this contract is secured by an agent, the parties acknowledge being given a copy of this contract by the agent at the time of signing.

..... Vendor

..... Purchaser

GENERAL CONDITIONS ("GC")

Encumbrances

- 1.1 The purchaser buys the property and the chattels subject to the encumbrances shown in Item 1 of the Schedule.
- 1.2 If the purchaser is taking over an existing mortgage—
 - (a) the purchaser assumes liability for the mortgage
 - (b) the price is satisfied to the extent of any mortgage money owing at the settlement date, and
 - (c) the vendor must treat any payment made by the purchaser under the mortgage as a payment made to the vendor under this contract.

Loss or Damage Before Settlement

- 2.1 The vendor carries the risk of loss or damage to the property and the chattels until settlement.
- 2.2 The vendor must deliver the property and the chattels to the purchaser at settlement date in their present condition (fair wear and tear excepted).
- 2.3 If any chattel is not in its present condition (fair wear and tear excepted) at settlement, the purchaser is only entitled to compensation from the vendor.

Finance

- 3 If a lender is nominated in the Particulars of Sale this contract is subject to the lender approving the loan on the security of the property by the approval date or any later approval date allowed by the vendor. The purchaser may end the contract if the loan is not approved by the approval date only if the purchaser—
 - (a) has made immediate application for the loan
 - (b) has done everything reasonably required to obtain approval of the loan
 - (c) serves written notice ending the contract on the vendor on or before 2 business days after the approval date, and
 - (d) is not in default under any other condition of this contract when the notice is given.All money must be immediately refunded to the purchaser if the contract is ended.

Terms Contracts

- 4 If this is a "terms contract" as defined in section 2(1) of the *Sale of Land Act 1962*, then—
 - (a) the vendor must arrange the discharge of any mortgage affecting the land by the settlement date
 - (b) all money payable under the contract must be paid to a duly qualified legal practitioner or a licensed estate agent to be applied towards discharging the mortgage
 - (c) the purchaser must pay interest to the vendor from the settlement date upon the balance outstanding at the rate, on the days, and with the adjustments set out in Item 2 of the Schedule
 - (d) the vendor must apply instalments under this contract first to pay interest and then to reduce the balance owing.

Nominee

- 5 If the contract says that the property is sold to a named purchaser "and/or nominee" (or similar words), the named purchaser may, at least 14 days before settlement date, nominate a substitute or additional purchaser, but the named purchaser remains personally liable for the due performance of all the purchaser's obligations under this contract.

Payment

- 6.1 The purchaser must pay all money (except the deposit) to the vendor, the vendor's solicitor or at the direction of the vendor.
- 6.2 The purchaser must pay the deposit—
 - (a) to the vendor's estate agent or, if there is no estate agent, to the vendor's solicitor, or
 - (b) if the vendor directs, into a special purpose banking account specified by the vendor in the joint names of the purchaser and the vendor.
- 6.3 If the land sold is a lot on an unregistered plan of subdivision then the deposit—
 - (a) must not exceed 10% of the price, and
 - (b) must be paid—
 - (i) to the vendor's solicitor or estate agent to be held by the solicitor or estate agent on trust for the purchaser, or
 - (ii) if the vendor directs, into a special purpose banking account in Victoria specified by the vendor in the joint names of the purchaser and the vendoruntil the registration of the plan.

Breach

- 7 A party who breaches this contract must pay to the other party on demand—
 - (a) compensation for any reasonably foreseeable loss to the other party resulting from the breach, and
 - (b) any interest due under this contract as a result of the breach.

Time

- 8 If the time for performing any action expires on a Saturday, Sunday or bank holiday, then time is extended until the next business day.

(continued on page 5)

General Conditions in Legislation

- 9.1 The general conditions in Table A of the Seventh Schedule of the *Transfer of Land Act 1958* apply if the land is under the operation of that Act.
- 9.2 The general conditions in the Third Schedule of the *Property Law Act 1958* apply if the land is not under the operation of the *Transfer of Land Act 1958*.
- 9.3 General Condition 9 in Table A or in the Third Schedule applies as if its second last sentence ended with the additional words, "as a resident Australian beneficial owner of the land".

Conflict Between Conditions

- 10 In case of a conflict between the conditions the order of priority is—
 - (a) any special conditions in this contract
 - (b) general conditions in this contract
 - (c) general conditions in legislation.

Conditions

- 11 These conditions prevail over the conditions in any earlier contract and any requisitions and answers properly made and given under that contract are deemed to be requisitions and answers properly made and given under this contract.

Service

- 12 Any document served by post is deemed to be served on the next business day after posting unless proved otherwise.

Transfer and Settlement

- 13.1 The purchaser must provide the instrument of transfer required by General Condition 12 of Table A, or the assurance required by the Third Schedule (as the case may be), to the vendor or the vendor's solicitor at least 10 days prior to the settlement date.
- 13.2 The vendor must pay the bank fees on all bank cheques exceeding 3 that are required by the vendor for settlement.

Law Institute of Victoria Property Law Dispute Resolution Committee Guidelines

- 1 The Committee has been established to decide disputes relating to property law matters.
Where one party does not have a solicitor representing them, the dispute cannot be heard until that party instructs a solicitor.
 - 2 An *agreed* Statement of Facts must be signed by all parties and referring solicitors and must include:
 - 2.1 A clear and concise statement of all the relevant *agreed* facts upon which the dispute is based. The Committee is unable to make any decision unless the facts are *agreed* between the parties.
 - 2.2 A copy of all relevant documents.
 - 2.3 The issues, based on the *agreed* facts, to be decided by the Committee.
 - 2.4 Applications for disputes to be decided by the Committee shall include an agreement by the referring Solicitors and the parties to be bound by the Committee's decision on any question of law or practice.
 - 3 Applications in the appropriate form must be lodged with the Secretary of the Property Law Dispute Resolution Committee C/- the Law Institute of Victoria. The form is set out in the Conveyancing Diary or may be obtained from the Property Law Section of the Institute.
 - 4 An administration fee of \$50.00 for each referring solicitor must be paid to the Institute when the application is lodged.
 - 5 The Committee's decision will be based upon the material contained in the Statement of Facts only. In making its decision the Committee shall act as an expert panel and not as an arbitrator.
 - 6 The Committee reserves the right—
 - (i) to call for further and better particulars in order to make a decision.
 - (ii) to refuse to decide any dispute, in which case any fees will be refunded in full.
 - 7 The Committee's written decision will be sent to the referring solicitors within seven days of the dispute being decided.
-

CONTRACT OF SALE OF REAL ESTATE

PARTICULARS OF SALE

VENDOR'S AGENT Colliers Jardine of 541 Blackburn Road, Mount Waverley in conjunction with Graeme Hardiman First National Real Estate of 978 Main Road, Eltham, 3095

Colliers:-

Tel: 9544 8888

Fax: 9540 0388

First National:-

Tel: 9431 2222

Fax: 9431 2186

VENDOR'S SOLICITOR Maddock Lonie & Chisholm of 140 William Street Melbourne
DX 259 Melbourne Tel: 9288 0555 Ref: GOC:AMN:363838
Fax: 9288 0666

PURCHASER'S SOLICITOR

DX

Tel:

Ref:

Fax:

VENDOR Nillumbik Shire Council of Civic Drive, Greensborough, 3088

PURCHASER

LAND Lot 1 on PS338910Y being the whole of the land in Certificate of Title Volume 10264 Folio 359 which land is also shown enclosed by continuous thick lines on the Sale Plan at Annexure "A" to this Contract.

PROPERTY ADDRESS the land together with any improvements known as
895 Main Road, Eltham

CHATELS any blinds, curtains, floor coverings and light fittings remaining on the Property at the day of sale

PRICE \$

DEPOSIT \$ being ten per cent of the price payable on the signing hereof

BALANCE \$

PAYMENT OF BALANCE on the expiry of 60 days from the day of sale or earlier by agreement.

SETTLEMENT DATE is the date upon which vacant possession of the Property and the Chattels shall be given, namely, upon acceptance of title and payment in full of the purchase price.

[amn 3638383m.16:030496]

DAY OF SALE is the date of this Contract namely the day of
19 .

SCHEDULE

ITEM 1 Encumbrances to be assumed by the Purchaser -
(GC 1.1)

1. All registered and any unregistered easements and restrictive covenants (if any).
2. The carriageway easement to be created over the part of the land sold which is marked E-1 on the Plan of Creation of Easement at Annexure "B" to this Contract ("the carriageway easement").
3. The rights (if any) of Eastern Energy Limited in relation to an electricity sub-station situated on part of the Property ("the sub-station").

SPECIAL CONDITIONS

Deposit Monies

1. 1.1 The Purchaser authorises the Vendor's Solicitor to place the deposit money in an interest bearing trust account with the Westpac Banking Corporation ("the Bank") at its branch at 360 Collins Street, Melbourne in the joint names of the Vendor and the Purchaser forthwith after the signing hereof if the Vendor elects to do so, but if the Vendor does not elect to do so, the deposit money shall be held in the Vendor's Solicitor's trust account;
- 1.2 The Vendor and the Purchaser hereby agree that if the deposit is invested in an interest bearing account any interest which accrues on the deposit money shall be paid to the party entitled to the deposit on the date on which the deposit money is released to that party and any tax credit will belong to whichever party is entitled to receive the interest on the deposit;
- 1.3 For the purposes of sub-clause 1.2 of this Special Condition the expression "interest" shall be deemed to mean all interest which has accrued in respect of the interest bearing trust account referred to in sub-clause 1.1 of this Special Condition less all stamp and other duties payable in respect of such account and any tax deducted from such account because of failure to supply any relevant tax file number;

- 1.4 The Vendor and the Purchaser shall do all things and shall execute or sign all forms and other documents necessary to enable the Vendor's Solicitor to open the interest bearing trust account with the Bank and to withdraw the said deposit and accrued interest on the date on which the deposit money is to be released and generally to give effect to the terms of this Special Condition including, without prejudice to the generality of the foregoing, supplying any relevant tax file number or numbers;
- 1.5 The Vendor's Solicitor shall not be responsible in any way for any loss occasioned by the investment of the deposit and the party entitled to the deposit on the completion or termination of this Contract (whichever in fact occurs) shall bear the risk of the loss of the deposit.

Section 32 of the Sale of Land Act 1962

2. The Purchaser acknowledges that prior to signing this Contract or any agreement or document in respect of the sale hereby made which is legally binding upon or intended legally to bind the Purchaser, the Purchaser has been given a Statement in writing containing the particulars required by Section 32(2) of the *Sale of Land Act 1962* (as amended).

Statutory Powers s.189 Local Government Act 1989

3. The land is sold pursuant to s.189 of the *Local Government Act 1989*.

Carriageway easement

4. 4.1 The Purchaser acknowledges and agrees that the carriageway easement is to be created over part of the land sold in favour of land to the north east of the Property of which Nillumbik Shire Council (as the successor at law to the President Councillors and Ratepayers of the Shire of Eltham) is the owner being the land in Certificate of Title Volume 8479 Folio 283.
- 4.2 The Purchaser agrees to include the carriageway easement in the Transfer of the land sold to the Purchaser but, if that easement is incapable of registration or is not included in the Transfer, to execute a creation of easement deed in the form of Form 13 of the *Transfer of Land (General) Regulations 1994* (or any other form which is approved by the Land Titles Office or prescribed from time to time for creation of an easement pursuant to Section 45(1) of the *Transfer of Land Act 1958*) which carriageway easement shall be in the form of the Twelfth Schedule to the *Transfer of Land Act 1958*.

- 4.3 The Purchaser agrees that the Transfer of Land which it is required to submit to the Vendor in accordance with Special Condition 15 of this Contract shall be in form T2 and shall include the carriageway easement in accordance with Annexure "B" to this Contract and the Vendor shall not be required to execute a Transfer of Land which does not include the carriageway easement.
- 4.4 The Purchaser agrees to do all things necessary to enable the carriageway easement to be registered including:-
- 4.4.1 where the carriageway easement is created by any of the means referred to in Special Condition 4.2 and the Purchaser has lodged a Caveat against the title to the land sold, consenting (where appropriate) as Caveator, as soon as reasonably practicable after being requested to do so, to the registration of the carriageway easement;
 - 4.4.2 executing any creation of easement deed submitted to the Purchaser or its Solicitors by the Vendor or its Solicitors (provided that such deed is in the form of Form 13 of the *Transfer of Land (General) Regulations* 1994 or such other form as may be approved by the Land Titles Office or prescribed from time to time for creation of an easement pursuant to Section 45(1) of the *Transfer of Land Act* 1958) within 14 days of the date of such creation of easement being submitted to the Purchaser or its Solicitors for execution by the Purchaser as Grantor;
 - 4.4.3 within 14 days of being requested to do so by the Vendor or its solicitors, procuring the consents of any mortgagees or caveators or any orders to register which may be required by the Land Titles Office in order to procure registration of the carriageway easement and, making the Certificate of Title to the land sold available or ensuring that the said Certificate of Title is made available at the Land Titles Office; and
 - 4.4.4 answering any requisition raised by the Land Titles Office regarding the carriageway easement or the Transfer of Land to the Purchaser as soon as reasonably possible after being received by the Purchaser, the Purchaser's mortgagee or their respective Solicitors and in any event within the time limit prescribed by the Land Titles Office for answering that requisition provided that such requisition is capable of being answered by the Purchaser or by any other person on behalf of the Purchaser.

The Sub-station

5. 5.1 The Purchaser acknowledges that it has been advised that the sub-station is situated on part of the Property and would normally be subject to a Lease to Eastern Energy Limited but Eastern Energy Limited has been unable to provide details to the Vendor of that Lease or of any other rights which Eastern Energy Limited may have over the sub-station.
- 5.2 The Purchaser agrees that:-
- 5.2.1 it purchases the Property subject to any rights which Eastern Energy Limited may have in respect of the sub-station;
- 5.2.2 the Purchaser may be required by Eastern Energy Limited to enter into a Lease of the sub-station in order to continue to use the sub-station after the settlement date; and
- 5.2.3 the Purchaser will not make any objection or raise any requisitions or claim any compensation from the Vendor in relation to any rights of Eastern Energy Limited in respect of the sub-station and shall not require the Vendor to produce or enter into any Lease or other documents in respect of the sub-station.

Contamination by Asbestos

6. The Purchaser:
- 6.1 acknowledges:-
- 6.1.1 that the Purchaser buys the land subject to any contamination caused by the existence or use of asbestos, on or in the land or any improvements on the land ("the Asbestos"); and
- 6.1.2 that the Vendor has disclosed the Hazardous Material Survey prepared for the Vendor dated 5 February 1996, a copy of which is attached in Annexure "C" to this Contract ("the Report"); and
- 6.1.3 that, except to the extent of that disclosure, no representation or warranty and no indemnity of any kind has been made or given by or on behalf of the Vendor concerning the existence or otherwise of any contamination of, on or in the land or any improvement on the land or concerning the risk of any possible harm or detriment which may be caused to any beneficial use of the land; and

6.2 agrees:

6.2.1 not to raise any requisition or make any objection to the Vendor's title or make any claim against the Vendor howsoever arising in respect of any contamination or any harm or detriment which may be caused to any beneficial use of the land; and

6.2.2 that the Vendor gives no warranty about the accuracy or completeness of the Report;

6.3 releases the Vendor, its officers and agents from any claims by or liability to the Purchaser whatsoever in respect of the existence or use of the Asbestos however arising including, without limitation, any costs, losses or expenses incurred by the Purchaser in relation to the Asbestos or any remedial action taken by the Purchaser in respect of the Asbestos whether in compliance with any notice or order issued by any relevant statutory authority or otherwise; and

6.4 indemnifies the Vendor against all claims, demands, proceedings, judgements, damages, costs and losses which the Vendor may suffer, sustain, or incur, however arising, in respect of the Asbestos and any contamination or any harm or detriment which may be caused to any beneficial use of the land, including the cost of complying with any notice or order issued by any relevant statutory authority after the day of sale in relation to the Asbestos.

Measurements

7. The Purchaser admits that the land as offered for sale and inspected by the Purchaser is identical with that described in the Title particulars given above. The Purchaser shall not make any requisitions or claim any compensation for any alleged misdescription of the land or deficiency in its area or measurements or any patent or latent defects in the land or call upon the Vendor to amend Title or to bear all or any part of the cost of doing so. Condition 3 of Table A of the *Transfer of Land Act 1958* ("Table A") shall not apply to this Contract.

No Warranties

8. 8.1 The Purchaser acknowledges and declares that the Purchaser has purchased the Property as a result of the Purchaser's own inspection and inquiry and that the Purchaser does not rely on any representation or warranty of any nature made by or on behalf of the Vendor or its Agents or its Consultants;

- 8.2 Without detracting from the generality of the preceding sub-clause it is agreed that the Purchaser shall not be entitled to make any objection, requisition or claim for compensation whatsoever in respect of the state of repair and condition of any building on the land sold or any items located within such building.

Whole Agreement

9. The covenants provisions terms and agreements contained herein expressly or by statutory implication cover and comprise the whole of the agreement between the parties and the parties expressly agree and declare that no further or other covenants agreements provisions or terms shall be deemed to be implied herein or to arise between the parties by way of collateral or other agreement by reason of any promise representation warranty or undertaking given or made by either party to the other on or before the execution hereof and the existence of any such implication or collateral or other agreement is hereby expressly negated.

Guarantee

10. If the Purchaser is a Company other than a Public Company and/or if the Purchaser nominates a substitute purchaser which is a Company other than a Public Company the Purchaser undertakes and agrees that it shall procure the Guarantee of two of its Directors or of two Directors of the substitute purchaser (as appropriate) in the form annexed hereto to the performance of the obligations incurred by the Purchaser pursuant to this Contract of Sale within seven (7) days of the date of this Contract or of its nomination of the substitute purchaser (as appropriate) if so required by the Vendor or the Vendor's Solicitor.

Planning Restrictions

11. 11.1 The Purchaser buys subject to the *Planning and Environment Act 1987* and to all relevant planning controls and restrictions on the use and/or development of the Property which is within the Eltham Town Centre - Retail and Office Zone, the part of the land which is shown cross-hatched marked B2 is within the Restricted Business Zone and the land remaining in Lot 1 which is neither hatched nor cross-hatched is reserved land marked POS.
- 11.2 Annexure "D" to this Contract is a copy of sheet 3 of PS338910Y. The land shown hatched on that Plan and marked 38B2 represents the part of the Property which is within the Eltham Town Centre - Retail and Office Zone, the part of the land which is shown cross-hatched marked B2 is within the Restricted Business Zone and the land remaining in Lot 1 which is neither hatched nor cross-hatched is reserved land marked POS.

- 11.3 The Purchaser acknowledges having been advised of the different zoning of different parts of the land under the Eltham Planning Scheme and agrees that none of the matters referred to in this Special Condition shall constitute a defect in the Vendor's title or affect the validity of this Contract and the Purchaser shall not make any requisition or objection nor be entitled to any compensation from the Vendor in respect of any compliance or non-compliance with all relevant planning controls and restrictions and the zoning of the Property.

Execution of necessary documents

12. Each party hereto shall execute and deliver all such documents, instruments and writings and shall do or procure to be done all such acts and things necessary or desirable or reasonable to give effect to this Contract of Sale.

Non-merger

13. Any provision of this Contract which is capable of taking effect after completion of this Contract, including Special Condition 5, shall not merge on completion but rather shall continue in full force and effect.

Indemnity

14. Subject to any provision to the contrary in this Contract the Purchaser shall indemnify and keep indemnified the Vendor against all claims, demands, proceedings, judgements, damages, costs and losses of any nature whatsoever which the Vendor may suffer, sustain or incur in connection with or relating to any liability, claim, action, demand, suit or proceedings howsoever arising made or incurred on or subsequent to the settlement date or from events or occurrences happening or arising on or subsequent to the settlement date out of or in respect of the Property or any act, matter or thing occurring thereon.

Delivering the Transfer

15. The Instrument of Transfer referred to in Condition 12 of Table A duly executed by the Purchaser shall be delivered by the Purchaser to the Vendor's Solicitors not less than fourteen (14) days prior to the settlement date. The Purchaser shall be deemed to have made default in payment of the balance of the Price if such duly executed Instrument of Transfer is not delivered at least fourteen (14) days prior to the settlement date such default being deemed to commence on the settlement date and terminate upon the expiry of fourteen (14) days from the date upon which the Instrument of Transfer is received by the Vendor's Solicitors.

Standard Requisitions

16. 16.1 Requisitions on title shall only be delivered in the copyright form prepared by the Law Institute of Victoria (revised March 1990).
- 16.2 No further or additional requisitions shall be delivered save for those which arise out of the Vendor's answers to requisitions.
- 16.3 Nothing in this Special Condition shall be deemed to relieve the Vendor of its obligation to make good title to the Property.

***[Delete Special Condition 16 where not applicable] Foreign Persons**

17. 17.1 The Purchaser acknowledges that he is a "foreign person" as defined in section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ("the Act") and that the acquisition of the Property is subject to the Act.
- 17.2 The Purchaser warrants that he has notified the Treasurer of the Commonwealth of Australia ("the Treasurer") in the form prescribed by the Act of the proposed acquisition of the Property ("the proposal") except where the proposed acquisition is exempt under the *Foreign Acquisitions and Takeovers Regulations 1989*.
- 17.3 The Purchaser agrees that he will furnish to the Treasurer as expeditiously as possible such further information as the Treasurer shall require in relation to the acquisition and shall use his best endeavours to expedite approval by the Treasurer unless the proposal is exempt from the need for prior examination under the Act.
- 17.4 If the proposal is not exempt under the Act the Purchaser shall:
 - 17.4.1 within two days after dispatch or receipt (as the case may be), produce to the Vendor a copy of all communications received from the Treasurer in respect of the proposal;
 - 17.4.2 within two days after receipt provide written notification to the Vendor of receipt of an order from the Treasurer prohibiting the acquisition of the Property by the Purchaser or of advice in writing that the Treasurer has no objection to the acquisition of the Property by the Purchaser.
- 17.5 If the proposal is not exempt under the Act and within 45 days after the day of sale:

- 17.5.1 the Purchaser has not received advice in writing from the Treasurer that the Treasurer has no objection to the acquisition of the Property by the Purchaser; or
- 17.5.2 the Treasurer makes an order prohibiting the Purchaser from acquiring the Property

the Vendor or the Purchaser may, by notice to the other party, terminate this Contract and all the rights and liabilities of the Vendor and the Purchaser under this Contract shall forthwith cease and all moneys paid by the Purchaser to the Vendor under this Contract shall be refunded forthwith except that the Vendor will be entitled to deduct his reasonable legal and other expenses associated with this Contract.

Interpretation

18. Wherever appearing in this Contract of Sale words importing persons shall include corporations, words importing the singular or plural numbers shall include plural and singular number respectively, words importing the masculine gender shall include all genders as the case may require and references to statutes shall include any statutes amending consolidating or replacing the same and any headings are for ease of reference only and shall not affect the construction of this Contract.

- 11 -

ANNEXURE "A"

Sale Plan

[amn 3638383m.16:030496]

SALE PLAN
LOT 1 PS. 338910Y
FORMER SHIRE OFFICES
MAIN STREET ELTHAM

PHOTO—REDUCED COPY

SCALE : 0 8 16 24 32 40
LENGTHS ARE IN METRES

NOTES:

1. DIMENSIONS SHOWN THUS 4.83 ARE IN METRES.
2. AREAS SHOWN 7825m² ARE IN SQUARE METRES.

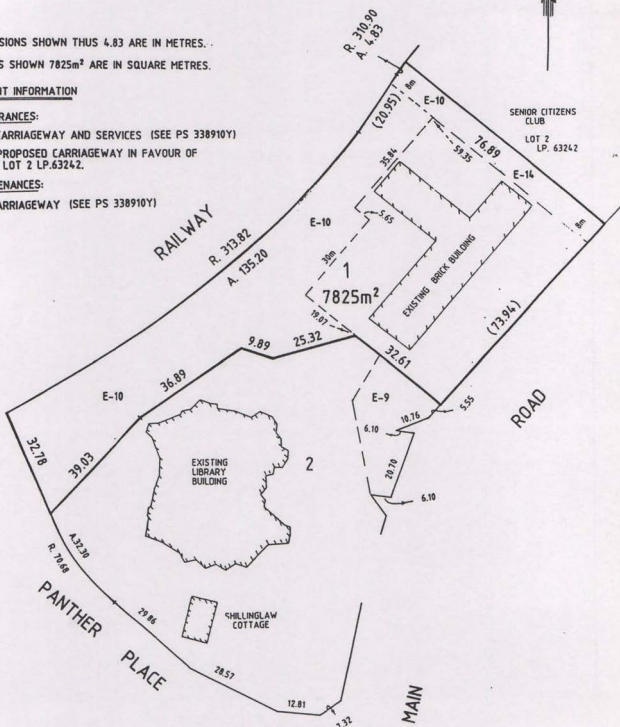
EASEMENT INFORMATION

ENCUMBRANCES:

- E-10 - CARRIAGEWAY AND SERVICES (SEE PS 338910Y)
E-14 - PROPOSED CARRIAGEWAY IN FAVOUR OF
LOT 2 LP.63242.

APPURTENANCES:

- E-9 - CARRIAGEWAY (SEE PS 338910Y)



FEBRUARY 1996
SURVEYORS REFERENCE : 4741

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD, MONTMORENCY 3094
TELEPHONE: 9435 2422

ANNEXURE "B"

Transfer of Land and
Plan of Creation of Easement

VICTORIAN LAND TITLES OFFICE

Transfer of Land

Containing a
Covenant and/or Easement

Section 45 Transfer of Land Act 1958

Lodged at the Land Titles Office by:

Name: MADDOCK LONIE & CHISHOLM

Made Available/Change Control

Phone: 9288 0555

Ref: GOC:AMN:363838 Customer Code: 1167E

Land Titles Office Use Only

The Transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easement created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easement reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land (Title)

Volume 10264 Folio 359

Estate and Interest (e.g. "all my estate in fee simple")

all its estate and interest in fee simple

Consideration

(\$)

Transferor (Full name)

Nillumbik Shire Council

Transferee (Full name and address for future notices including postcode)

Directing Party (Full name)

~~Creation and/or Reservation of Easement and/or Covenant~~ carriageway easement

The Transferor hereby reserves unto itself and the registered proprietor or proprietors for the time being of the land in Volume 8479 Folio 283 ("the dominant land") or any part thereof and his tenants, servants, agents, workmen and visitors full and free right and liberty to go pass and repass at all times hereafter and for all purposes and either with or without horses or other animals, carts, vehicles or other carriages into and out of and from the dominant land or any part thereof through over and along the road or way marked E-1 on the attached plan for creation of easement.

Dated:

Execution and Attestation

(see reverse)

Land Titles Office Use Only

T/O Approval No: 017929A

Stamp Duty Use Only

T2



* Law Perfect Pty Ltd

Eltham District Historical Society (elthamhistory.org.au)

[amn 3638381m.17:140396]

To the Registrar of Titles

Please register this dealing and upon completion issue the documents as follows:-

Signed

Firm's Name

Customer code

Creation and/or Reservation of Easement and/or Covenant (continuation if necessary)

THE COMMON SEAL of NILLUMBIK SHIRE)
COUNCIL was hereunto affixed in the presence of:)

..... Commissioner

..... Commissioner

..... Chief Executive Officer

Signed by the transferee in the presence of:)
)

PLAN OF CREATION OF EASEMENT

LTO use only

EDITION

LOCATION OF LAND

Shire: NILLUMBIK

Wardship: _____

Section: 4

own Allotment: _____

Portion: 13 (PART)

O Base Record: CHART 43

Reference/s: C/T V.10264 F.359

at Plan Reference: LOT 1, PS.338910Y

Address: 895 MAIN ROAD

(time of consolidation) ELTHAM 3095

MG Co-ordinates E 336 600

approx. centre of land N 5 823 900

Zone: 55

Council Certification and Endorsement

Council Name: **Shire of Nillumbik** 596/14

1. This plan is certified under section 6 of the Subdivision Act 1968.

2. This plan is certified under section 14(7) of the

Subdivision Act 1968.

Date of original certification under section 6 _____

3. This is a statement of compliance issued under section 21 of the Subdivision Act 1968.

Council Delegate _____

Council Seal _____

Date 6/3/1996

Re-certified under section 14(7) of the Subdivision Act 1968

Council Delegate _____

Council Seal _____

Date _____

LTO use only

Statement of Compliance/

Exemption Statement

Received ☐

Date _____

LTO use only

PLAN REGISTERED

TIME

DATE _____

Assistant Registrar of Titles

Notations

Depth Limitation: DOES NOT APPLY

PURPOSE OF PLAN

CREATION OF THE EASEMENT E-1 IN

FAVOUR OF LOT 2, LP.63242

C/T V.8479 F.283.

Survey

This plan is/is not based on survey

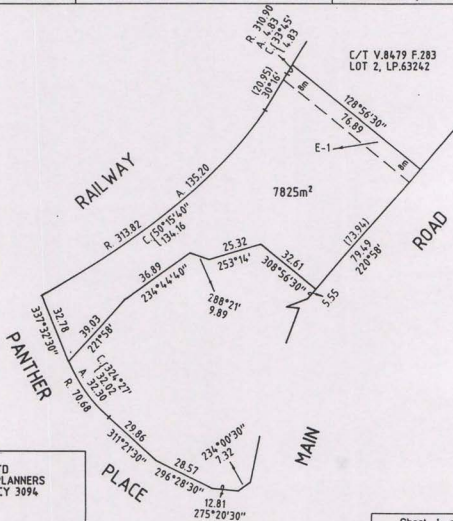
This survey has been connected to

permanent marks no(s)

In Proclaimed Survey Area No

Easement Information			
Legend	A - Appurtenant Easement	E - Encumbering Easement	R - Encumbering Easement (Road)
Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
CARRIAGEWAY	8m	THIS PLAN	LOT 2 ON LP.63242 BEING C/T V.8479 F.283

A.M.C. ZONE 55



LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD, MONTMORENCY 3094
TELEPHONE: 9435 2422

SCALE

5 0 25 50

LENGTHS ARE IN METRES

ORIGINAL

SCALE

1:1250

SHEET

SIZE

A3

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ANNEXURE "C"

Hazardous Material Survey (Special Condition 6)



Occupational Hygiene and
Ergonomics Consultants

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HAZARDOUS MATERIAL SURVEY

FORMER

ELTHAM MUNICIPAL COUNCIL OFFICES

MAIN ROAD ELTHAM

VIC


Work performed for
PINNACLE PROPERTY GROUP PTY LTD

February 1996

PGW:C:\REPORTS\ELTHAMC:14

JOB NO: 3932

Work performed by: Peter Wenborn

Signatory:.....

SUMMARY

In January 1995 Kilpatrick and Associates Pty Ltd performed a hazardous material survey of the former Eltham Municipal Offices Building, Main Road Eltham. The findings of the survey are summarised as follows:

Asbestos Containing Materials

Asbestos containing materials in the form of insulation material, vinyl floor tiles, vinyl wall tiles, fire door insulation, cement sheet and possible bituminous membrane were located during the survey.

The condition of these asbestos containing materials indicates a negligible/low exposure risk while they remain undisturbed. There is currently no reason to remove these materials. If planned maintenance, refurbishment or demolition works are likely to cause disturbance to the asbestos containing materials, they should be removed before the commencement of such works.

Synthetic Mineral Fibre Products

Synthetic mineral fibre products in the form of ceiling insulation, air conditioning duct and unit insulation and pipe insulation were located during the survey.

The presence of synthetic mineral fibre products constitutes a negligible exposure risk to employees under normal conditions of occupancy. All maintenance, refurbishment or demolition work involving synthetic mineral fibres should be carried out in accordance with the National Standard and Code of Practice for the Safe Use of Synthetic Mineral Fibre (1990).

Polychlorinated Biphenyls (PCBs)

Fluorescent light fittings were located during the survey. It is possible that polychlorinated biphenyls are present within the capacitors of the light fittings. Maintenance, refurbishment or demolition personnel should be made aware of the possibility that polychlorinated biphenyls may be present and appropriate precautionary measures should be taken.

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1. INTRODUCTION

In January 1995 Kilpatrick and Associates Pty Ltd performed a hazardous material survey of the former Eltham Municipal Offices, Lower Plenty Road, Eltham . The survey has been performed on behalf of The Pinnacle Property Group Pty Ltd.

The aim of the survey was to:

1. assess the premises for the presence of asbestos containing materials, synthetic mineral fibre products and the possible presence of polychlorinated biphenyls in fluorescent light fittings; and
2. identify, as far as practicable, the location, type and condition of these materials; and
3. make appropriate recommendations to ensure that the risk of exposure to these materials is prevented, or controlled so as to minimise the risk to health and safety.

The assessment of the asbestos containing materials has been conducted in accordance with the requirements of the Victorian Occupational Health and Safety (Asbestos) Regulations 1992.

The building is multi level concrete and brick structure with a metal roof.

2. LIMITATIONS

This report should be read in its entirety and shall not be reproduced except in full.

This report should not be used for the purpose of costing a hazardous materials removal program unless accompanied by an appropriate specification or scope of works.

Every practicable effort has been made to identify and document all asbestos, synthetic mineral fibre and PCB containing materials present on site.

Representative samples of suspect materials were collected for analysis. Not all suspect materials were sampled.

Hazardous materials may be present in areas that were inaccessible during the course of the survey. Such areas may include ceiling spaces, underfloor areas and enclosed wall cavities. Other inaccessible areas have been identified in the survey results section of this report.

In addition to areas that were not accessible, the possible presence of asbestos and/or synthetic mineral fibre in several materials or locations was not assessed because:

1. the presence of asbestos or synthetic mineral fibre was not considered to represent a significant exposure risk; and/or
2. it was not practicable because:
 - a) it would require unnecessary dismantling of equipment; and/or
 - b) it was considered disruptive to the normal operations of the building; and/or
 - c) it may have caused unnecessary damage to equipment or surfaces; and/or
 - d) the time taken to determine the presence of the asbestos or synthetic mineral fibre was prohibitive.

Asbestos containing materials not considered to represent a significant exposure risk include paints, mastics, sealants, adhesives and similar materials.

Locations where the assessment of asbestos containing materials or synthetic mineral fibre products may not have been practicable may include: internal sections of air-conditioning systems and hot water/heating systems, wall partitions, laboratory equipment, electrical light fittings, and lift shafts.

3. MATERIALS AND METHODS

3.1 Survey Methods

An investigation of materials was carried out in all accessible rooms or areas. The walls, floors, ceilings and, where practicable, ceiling spaces and wall cavities were inspected for the presence of the specified hazardous materials.

Samples of suspect materials were collected in locations where minimal damage would occur. Sampling was not performed where it would effect the structural integrity or appearance of the material.

Sampling was performed using hand tools to ensure the minimal disturbance of the material. Suspect materials were transferred to pre-numbered vials and returned to the laboratory for analysis.

3.2 Analytical Methods

Sample analysis was performed by a NATA accredited and Health and Safety Organisation, Victoria approved analyst in accordance with Kilpatrick and Associates Pty Ltd Method Manual A02.

1. Initial sample examination was carried out using a stereoscopic microscope to separate the sample into its various layers or sub-types and to tease out the sample.
2. If necessary, the sample was ignited at 450°C to remove any interfering matrix.
3. A portion of the sample was immersed in the appropriate calibrated refractive index liquid (Cargille) in preparation for polarised microscopy and dispersion staining analysis.
4. Polarising microscopic examination was carried out in order to determine the following major optical properties:
 - a) The morphological features of the fibre.
 - b) The colour and pleochroic nature of the fibre.
 - c) The strength of birefringence.
 - d) The optical orientation in relation to the fibre axis.
 - e) The optical extinction in relation to the fibre axis.
 - f) The principal refractive index of the fibre parallel and perpendicular to the fibre axis. Dispersion staining analysis was carried out, where possible, to confirm the refractive indices.

Results of asbestos analysis are reported as "Contains asbestos" or "Trace asbestos" only. The results of synthetic mineral fibre analysis are reported as "Contains synthetic mineral fibre". The methods do not allow for the reporting of percentages.

4. SURVEY RESULTS

LOCATION	MATERIAL	COMMENTS
LOWER GROUND		
Plant room.	Insulation material.	Asbestos was detected in the insulation material that surrounds the main boiler (Sample 64771).
	Synthetic mineral fibre.	The air conditioning units are insulated with synthetic mineral fibre.
	Synthetic mineral fibre.	The flow and return pipes are insulated with synthetic mineral fibre.
		The chiller units are insulated with rubber.
		The plant room fire door is internally insulated with lead sheeting.
Store room adjacent plant room.	Vinyl floor tiles.	Asbestos was detected in the blue vinyl floor tiles (Sample 64783).
Foyer area.		No asbestos detected was detected in the cream vinyl floor tiles (Sample 64765).
Community services office.		No asbestos was detected in the beige vinyl floor tiles under the office carpet (Sample 64786).
	Synthetic mineral fibre.	The air conditioning ducts and the ceiling space are insulated with synthetic mineral fibre.
Storage area adjacent printing room.	Cement sheet.	Asbestos was detected in the cement sheet that lines the studded wall between the storage area and printing room (Sample 64762).

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LOCATION	MATERIAL	COMMENTS
Records room.		No asbestos containing materials were located in the records room.
Fire door to records room.	Fire door insulation.	Asbestos was detected in the fire door insulation (Sample 64781).
Printing room.	Vinyl floor tiles.	Asbestos was detected in the beige vinyl floor tiles (Sample 64801).
		No asbestos was detected in the cream vinyl floor tiles (Sample 64768).
General office and foyer area.		No asbestos was detected in the speckled brown vinyl floor tiles (Sample 64776).
BASEMENT		
Lunch room.		No asbestos was detected in the insulation material that is adhered to the ceiling and beams (Sample 64758).
GROUND FLOOR		
Suspended ceiling space.	Synthetic mineral fibre.	The ceiling space and air conditioning ducts are insulated with synthetic mineral fibre.
Office areas under carpet.	Vinyl floor tiles.	Asbestos was detected in the beige vinyl floor tiles (Sample 64800).
North kitchen.	Vinyl wall tiles.	Asbestos was detected in the vinyl wall tiles (Sample 64757).
	Synthetic mineral fibre.	The hot water tank is insulated with synthetic mineral fibre.
South kitchen and foyer area.		No asbestos was detected in the cream vinyl floor tiles (Sample 64791).
Emergency exit door north end.		The emergency exit door has a timber core.
Strong room.	Fire door insulation.	The strong room door may be internally insulated with asbestos.

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LOCATION	MATERIAL	COMMENTS
FIRST FLOOR		
Suspended ceiling space.	Synthetic mineral fibre.	The ceiling space and air conditioning ducts are insulated with synthetic mineral fibre.
Male and female toilets.		No asbestos was detected in the cream vinyl floor tiles (Sample 64775).
Female toilet.	Vinyl floor tiles.	Asbestos was detected in the blue vinyl floor tiles (Sample 64802).
Male toilet.	Vinyl floor tiles	Asbestos was detected in the brown vinyl floor tiles (Sample 64790).
Male and female toilets and kitchen.	Vinyl wall tiles.	Asbestos was detected in the vinyl wall tiles (Sample 64797).
Office area.	Vinyl floor tiles.	Asbestos was detected in the dark blue vinyl floor tiles under the carpet (Sample 64769).
Council chambers.		No asbestos was detected in the insulation material that is adhered to the ceiling and beams (Sample 64796).
External eaves.	Cement sheet.	The eaves are lined with cement sheet.
ROOF		
		Access to the roof was not gained.
	Bituminous membrane.	It is possible that a bituminous membrane may cover some sections of the roof.

5. ASBESTOS CONTAINING MATERIALS

5.1 General

The following factors have been considered in the assessment of exposure risk associated with asbestos containing materials and their potential to generate airborne asbestos fibre.

1. Nature and friability
2. Condition
3. Location
4. Where appropriate, the asbestos type and content

Three categories have been used for the classification of exposure risk of asbestos containing materials. They are:

1. High
2. Medium
3. Low/negligible

The appropriate category(s) have been assigned to each of the asbestos containing materials located during the survey.

Where asbestos containing materials have fallen into the high or medium risk category, appropriate recommendations for removal, enclosure or encapsulation of the material have been made to ensure that the risk of exposure of employees to asbestos is controlled.

Where asbestos containing materials have fallen into the low/negligible risk category, removal, enclosure or encapsulation is currently not required provided that the material is left undisturbed and maintained in its current condition.

Removal of asbestos containing materials is recommended if maintenance, refurbishment or demolition work is likely to result in their disturbance.

It is recommended that all asbestos containing materials located during the audit be re-inspected within a 5 year period in order to reassess their condition.

5.2 Specific Recommendations

The following recommendations are based on the current condition of the asbestos containing materials.

5.2.1 Fire Doors

Sampled fire doors were identified as being both asbestos and non-asbestos insulated.

As a precautionary measure it is recommended that all fire doors not already sampled be assumed to contain asbestos. Such doors should be assessed for internal asbestos insulation before modification or disposal of the door.

Locksmiths or maintenance personnel should be informed of the presence and/ or possible presence of asbestos insulation before performing any work on fire doors. Signs placed on doors should be attached with adhesives.

If the outer casing of the door has been damaged and the internal insulation is exposed, a suitable sealant should be used to encapsulate the exposed asbestos. Alternatively the door should be replaced.

It is our opinion that asbestos insulation in fire doors represents a low/negligible exposure risk under normal conditions of occupancy provided that the casing of the door remains undamaged. Based on their current condition, there is no reason to remove the fire doors.

5.2.2 Fibrocement Materials

All sampled fibrocement materials were identified as containing asbestos. All other fibrocement materials not sampled during the audit should be assumed to contain asbestos.

When in reasonable condition, it is our experience that fibrocement materials release negligible amounts of asbestos fibre. Good cohesion exists between the asbestos fibres and the cement and significant fibre release only occurs when physically disturbed by activities such as sanding, drilling or cutting.

Broken fibrocement materials do not represent an increased exposure risk once damage occurred and do not require any specific action provided they are fixed firmly in position and further damage is unlikely.

Given that the fibrocement materials in all areas are in reasonable condition, a low/negligible exposure risk exists while they remain undisturbed. Based on their current condition, there is no reason to remove these materials.

5.2.3 Vinyl Floor and Wall Tiles

The vinyl floor and wall tiles located in the various locations throughout the building were identified as containing chrysotile (white asbestos).

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The asbestos is well bound within the vinyl matrix and it is our experience that the tiles represent a low/negligible exposure risk under normal conditions of use. If the vinyl floor and wall tiles are going to be disturbed during any refurbishment activities they should be removed prior to the commencement of such works.

5.2.4 Boiler Insulation

A boiler is present within the lower ground floor plantroom. The external surface of the boiler was found to be insulated with asbestos.

Should the boiler be considered for demolition or internal re-fit, it is recommended that the asbestos be removed prior to the undertaking of such works.

5.2.5 Bituminous Membranes

A bituminous membrane may cover some sections of the roof. If present, the asbestos is well bound within the membrane.

The presence of asbestos within the membrane represents a low/negligible exposure risk while it remains undisturbed. Based on its current condition, there is no reason to remove the membrane.

If the bituminous membrane is going to be disturbed during any refurbishment activities it should be removed prior to the commencement of such works.

5.3 Asbestos Management Plan

The Victorian Occupational Health and Safety (Asbestos) Regulations 1992 require that if an assessment indicates that there is a risk to health and safety from exposure to asbestos, an employer or occupier must develop and implement a written plan of action to control the risk.

The aim of an Asbestos Management Plan is to reduce the risk of exposure to asbestos through the effective management and control of all asbestos containing materials located on site.

The survey results of this report are an integral part of the Asbestos Management Plan as they form a register outlining the current location of asbestos containing materials.

The Asbestos Management Plan should also include policies and procedures to ensure that:

- a person(s) is appointed to manage the plan.
- the location of asbestos containing materials is clearly identified, and where practicable, by labelling.
- the asbestos register is consulted prior to any maintenance, refurbishment or demolition work.
- appropriate action is taken to minimise the risk to health and safety during maintenance, refurbishment or demolition work.
- the removal or disturbance of asbestos containing materials is carried out in accordance with the Regulations.
- the asbestos register is updated following removal of asbestos containing materials.
- relevant personnel are alerted to the possible presence of asbestos in inaccessible locations.
- future assessment activities are performed.
- records are maintained for a period of thirty years and offered to the Health and Safety Organisation in the event of the employer or occupier ceasing business.

6. SYNTHETIC MINERAL FIBRE PRODUCTS

The following synthetic mineral fibre products were located during the survey:

- Ceiling space insulation
- Air conditioning duct insulation
- Water pipe insulation
- Air conditioning unit insulation

Synthetic mineral fibre products may also be present in air-conditioning systems (internal insulation and/or woven seals), hot water systems and wall partitions.

The presence of these synthetic mineral fibre products constitutes a negligible exposure risk to employees under normal conditions of occupancy. Where maintenance, refurbishment or demolition activities are likely to result in the disturbance of synthetic mineral fibre products, the precautionary measures as listed in the National Occupational Health and Safety Commission's National Standard and National Code of Practice for the Safe use of Synthetic Mineral Fibre Products (1990) should be observed. The general requirements in relation to this document are listed in Appendix III.

7. POLYCHLORINATED BIPHENYLS

Fluorescent light fittings were noted in a number of areas within the building. The older fluorescent light ballasts can contain polychlorinated biphenyls (PCBs). These PCBs are used due to their properties of having a high dielectric constant, good chemical stability, high boiling points, low water solubility, low vapour pressure and high flame resistance. PCBs are clear, pale yellow liquids which have differing degrees of chlorination depending on their specific use.

It has been our experience that the PCBs are well sealed within the light ballasts and do not pose a health risk while the ballasts remains sealed.

PCB oils are of low volatility and do not pose a vapour exposure risk. Under conditions where the capacitor shows signs of PCB leakage, protective rubber gloves (nitrile) and disposable coveralls (tyvek) should be worn during their handling.

Where fluorescent light fittings are to be disposed of, we recommend that a chemical analysis for PCB content be carried out. Should the presence of PCB oil be confirmed, such ballasts would need to be treated as contaminated waste and disposed of accordingly.

APPENDIX I

ASBESTOS REMOVAL AND MAINTENANCE GENERAL REQUIREMENTS

Control measures should be implemented if maintenance, refurbishment or demolition work is likely to result in an exposure risk through the disturbance of asbestos containing materials. In such situations, removal of the asbestos containing material is generally recommended.

Where asbestos removal is to be carried out, the following requirements and work practices should be followed:

1. All asbestos removal work should be carried out in accordance with work practices presently adopted within the industry. These include, as a minimum, the National Occupational Health and Safety Commission, Asbestos Code of Practice and Guidance Notes, August 1988 and the Victorian Occupational Health and Safety (Asbestos) Regulations 1992.
2. The full extent of work requirements for the removal of asbestos containing materials shall be at the discretion of the Health and Safety Organisation, Victoria who should be notified prior to any removal operations taking place.
3. All major asbestos removal work should be carried out by a contractor who is approved by the Health and Safety Organisation, Victoria.
4. Asbestos removal work should entail the use of respiratory protection conforming to Australian Standard AS 1715 and AS 1716.
5. Appropriate protective clothing should be worn and full decontamination procedures followed where required.
6. Access to work areas by unprotected personnel should be restricted.
7. Air monitoring in adjacent areas, especially in areas occupied by unprotected personnel, should be performed. On completion of the asbestos removal process, the work area should be inspected by an independent party, such as a hygienist, to ensure that the work has been carried out to a satisfactory standard.

Where removal of asbestos containing materials is not practicable, the following precautionary measures should be taken:

1. The use of respiratory protection conforming to Australian Standard AS 1715 and AS 1716.
2. Appropriate protective clothing should be worn and decontamination procedures followed where required.
3. Access to work areas by unprotected personnel should be restricted.

APPENDIX II

ASBESTOS - GENERAL INFORMATION

Asbestos is the fibrous or "asbestiform" variety of a number of silicate minerals. Asbestos types occur from two groups of minerals: the serpentine minerals and the amphibole minerals.

Chrysotile (white asbestos), which accounts for approximately 95% of the world production of asbestos, is a member of the serpentine group of minerals. Crocidolite (blue asbestos), amosite (brown asbestos), anthophyllite, tremolite and actinolite are all members of the amphibole group. Of the six types of asbestos, only chrysotile, amosite, crocidolite and to a lesser extent anthophyllite are mined for commercial use. Tremolite and actinolite have not been mined commercially although can be found as impurities in other commercially available mineral products.

The presence of asbestos in commercial products varies depending upon the product's uses. While all forms of asbestos are fibrous silicates, they differ in their chemical composition and properties, crystalline structure and fibre dimensions and as such their commercially useful properties also vary. Generally, the primary useful properties of asbestos as a group relate to its thermal stability and resistance, chemical resistance, high tensile strength, abrasion resistance, low electrical and thermal conductivity, low biodegradability and good sound absorption qualities.

All asbestos types are excellent thermal insulators and have been widely used as fire proofing (on steel structural beams and soffits) and insulation materials (on boilers, ovens, kilns, steam pipes and hot water pipes). The amphibole group has considerable resistance to chemical corrosion and as such have been used in environments which are prone to attack by acids. Both chrysotile and crocidolite have high tensile strength, and as such have been widely used in the manufacture of woven asbestos products. All the asbestos types show low electrical and thermal conductivity, low biodegradability and good sound absorption properties.

The use of commercially manufactured asbestos products can be broadly divided into the following categories:

- Thermal insulation and fire-proofing materials
- Asbestos cement products
- Decorative and acoustic applications
- Electrical switchboards, insulators and fittings
- Vinyl floor coverings
- Asbestos felt products
- Friction materials
- Coatings, sealants and adhesives
- Packings and gaskets
- Textiles

All forms of asbestos containing materials are broadly divided into two groups, "friable" and "non-friable". Friability relates to the potential for the material to release asbestos fibres.

A friable asbestos material is defined as "any material that contains asbestos that can be crumbled, pulverised or reduced to powder by hand pressure when dry." Friable asbestos materials include sprayed asbestos insulation, pipe and boiler insulation, fire door insulation etc. and non-bonded asbestos fabric.

A non-friable asbestos material is defined as "being difficult to damage by hand" and includes asbestos cement sheet, vinyl floor tiles, electrical switchboards etc.

The type and percentage of the asbestos within the above materials and the friability of the material can vary substantially and as such there is also a large variation in the exposure risks associated with the use and handling of various asbestos containing materials.

APPENDIX III

SYNTHETIC MINERAL FIBRE PRODUCTS - GENERAL INFORMATION

Synthetic mineral fibre (SMF) is a generic term used to collectively describe a number of amorphous (non-crystalline) fibrous materials including glassfibre, mineral wool and refractory ceramic fibre. Much of the international literature refers to SMF as 'Man Made Mineral Fibres (MMMMF)'.

The major application of SMF materials is in thermal and acoustic insulation, and as a reinforcing agent. For these applications SMF have no effective commercial counterparts.

In some specialised instances these materials have been used as a replacement for asbestos, especially where high temperature insulation properties are required. Refractory ceramic fibre has also been used to replace refractory brick and mortar materials.

All work procedures involving synthetic mineral fibres should be carried out in accordance with the National Occupational Health & Safety Commission's National Standard and National Code of Practice for the Safe Use of Synthetic Mineral Fibre (1990).

If planned maintenance, refurbishment or demolition works are likely to result in an exposure risk through the disturbance of synthetic mineral fibre materials, the following personal protective equipment should be worn by persons working in or around SMF products.

- a) long sleeve, loose fitting clothing and gloves,
- b) goggles and head covering when overhead work is involved,
- c) half face (class P1 or P2) respirators.

It is also recommended that the area be roped off to a distance of ≈ 3 metres and sign posted. Waste material should be placed into sealed bags or containers at the removal site for subsequent disposal.

APPENDIX IV

ANALYTICAL RESULTS

KEY

Chrysotile	-	White asbestos
Amosite	-	Brown asbestos



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**RESULTS OF QUALITATIVE
IDENTIFICATION OF
ASBESTOS**

JOB NO: 3932

CLIENT: Pinnacle Property Group Pty Ltd

SAMPLED⁽¹⁾ BY: Peter Wenborn **ON:** 25th January 1996

SAMPLING LOCATION: Eltham Municipal Offices, Main Road Eltham.

TEST METHOD: Polarised light microscopy/dispersion staining as outlined in Methods Manual A02.

Sample Number	Location	Sample Description and Sample Size	Result
64756	First floor kitchen.	Grey vinyl wall tiles.	Contains chrysotile.
64757	Ground floor north kitchen.	Vinyl wall tiles. 1cm ² .	Contains chrysotile.
64758	Basement lunch room kitchen.	Insulation material.	No asbestos detected.
64762	Lower ground floor.	Cement sheet. 3cm ² .	Contains chrysotile.
64765	Lowerground floor foyer.	Cream vinyl floor tile. 5cm ² .	No asbestos detected ⁽²⁾ .
64768	Lower ground floor printing room.	Cream vinyl floor tile. 1cm ² .	No asbestos detected ⁽²⁾ .
64769	First floor office area.	Dark blue vinyl floor tiles. 1cm ² .	Contains chrysotile.
64771	Lowerground floor plant room.	Insulation Material. 2cm ² .	Contains amosite.
64775	First floor male and female toilets.	Cream vinyl floor tiles. 2cm ² .	No asbestos detected ⁽²⁾ .
64776	Lower ground floor foyer and office area.	Speckled brown vinyl floor tiles. 3cm ² .	No asbestos detected ⁽²⁾ .
64781	Lower ground floor.	Fire door insulation. <1cm ² .	Contains amosite and chrysotile.
64783	Store room lower ground floor.	Blue vinyl floor tile. 3cm ² .	Contains chrysotile.

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JOB NO: 3932

CLIENT: Pinnacle Property Group Pty Ltd

Sample Number	Location	Sample Description and Sample Size	Result
64786	Lower ground floor office area.	Beige vinyl floor tiles. 2cm ² .	No asbestos detected ⁽¹⁾ .
64790	First floor female toilet.	Brown vinyl floor tile. 2cm ² .	Contains chrysotile.
64791	Ground floor south kitchen and foyer.	Cream vinyl floor tiles. 2cm ² .	No asbestos detected ⁽²⁾ .
64796	First floor council chambers.	Insulation material. 2cm ³ .	No asbestos detected.
64797	First floor male and female toilets and kitchen.	Vinyl wall tiles. 2cm ² .	Contains chrysotile.
64800	Ground floor office area.	Beige vinyl floor tiles. 2cm ² .	Contains chrysotile.
64801	Lower ground floor printing room.	Beige vinyl floor tile. 3cm ² .	Contains chrysotile ⁽²⁾ .
64802	First floor male toilets.	Blue vinyl floor tiles. 2cm ² .	Contains chrysotile.

(1) Sampling not covered by terms of registration.

(2) Confirmation by an independent analytical method advised due to nature of sample.

Analyst: David Kilpatrick

Signatory: 

Date: 5-2-76.



This Laboratory is registered by the National Association of Testing Authorities, Australia. The test(s) reported herein have been performed in accordance with the terms of registration. This document shall not be reproduced except in full.

- 14 -

ANNEXURE "D"

Zoning of property
(Special Condition 11)

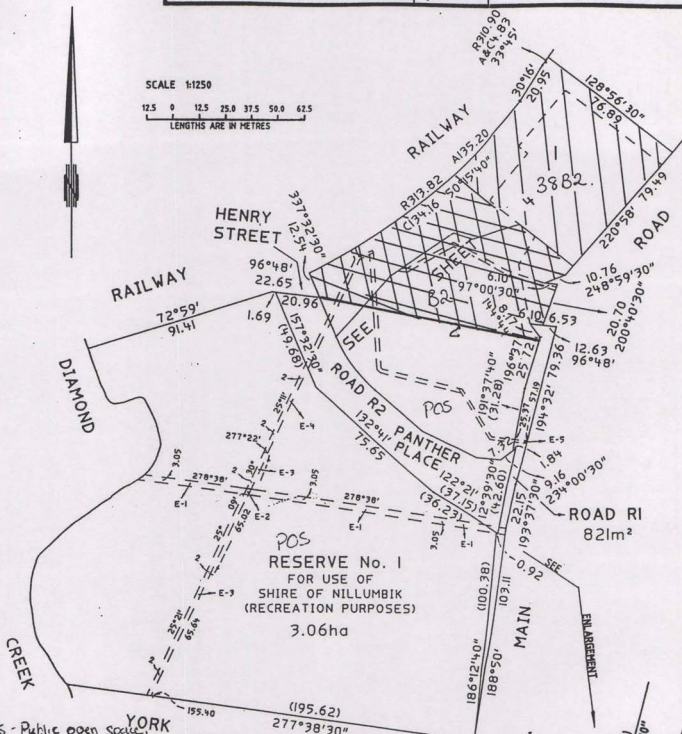
[amn 3638383m.16:030496]

PLAN OF SUBDIVISION

STAGE NO. PLAN NUMBER
PS 338910Y

SCALE 1:1250

12.5 0 12.5 25.0 37.5 50.0 62.5
LENGTHS ARE IN METRES



POS - Public open space

B2 - Restricted business

38B2 - Eltham town centre - retail + office zone

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTHERENCY
TELEPHONE: 9435 2422

This is the endorsed plan referred to in

Planning No. E95/229 of 3.6.94

Permit No. B0942

4 JUL 1995

for the Responsible Authority

ENLARGEMENT NOT TO SCALE

ORIGINAL

SCALE AS SHOWN
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY

SIGNATURE *Michael Loy* DATE 28/4/95

REF 4741

VERSION

SHEET 3 OF 4 SHEETS

DATE / /
COUNCIL DELEGATE SIGNATURE

01/11/95 PS03

GUARANTEE AND INDEMNITY

TO: Nillumbik Shire Council of Civic Drive Greensborough, 3088

IN CONSIDERATION of your entering into the within Contract of Sale ("the Contract") with the Purchaser named and described in the Schedule hereto ("the Purchaser") at the request of us, the persons named and described in the Schedule hereto ("the Guarantors"), we the Guarantors hereby jointly and severally **AGREE WITH AND GUARANTEE AND INDEMNIFY** you as follows:

1. The Guarantors shall pay you on demand by you all moneys payable pursuant to the Contract which are not paid by the Purchaser within the time prescribed in the Contract for payment thereof whether demand for the same has been made by you on the Purchaser or not.
2. The Guarantors shall observe and perform on demand by you all covenants conditions obligations and liabilities binding the Purchaser with which the Purchaser does not comply within the time prescribed in the Contract for observance or performance thereof whether demand for such observance or performance has been made by you on the Purchaser or not.
3. You may without affecting this Guarantee and Indemnity grant time or other indulgence to or compound or compromise with or release the Purchaser or any person or corporation liable jointly with the Guarantors or either of them in respect of any other Guarantee or security or release part with abandon vary relinquish or renew in whole or in part any security document of title asset or right held by you.
4. All moneys received by you from or on account of the Purchaser including any dividends upon the liquidation of the Purchaser or from any other person or corporation or from the realisation or enforcement of any security capable of being applied by you in reduction of the indebtedness of the Purchaser shall be regarded for all purposes as payment in gross without any right on the part of the Guarantors to stand in your place or claim the benefit of any moneys so received until the Guarantors have paid the total indebtedness of the Purchaser.
5. In the event of the liquidation of the Purchaser the Guarantors authorise you to prove for all moneys which the Guarantors have paid hereunder and to retain and to carry to a suspense account and appropriate at your discretion any dividends received until you have with the aid thereof been paid in full in respect of the indebtedness of the Purchaser to you. The Guarantors in your favour waive all rights against you and the Purchaser and any other person or corporation estates and assets so far as necessary to give effect to anything contained in this Guarantee and Indemnity.

6. Your remedies against the Guarantors are not to be affected by reason of any security held or taken by you in relation to indebtedness of the Purchaser being void or defective or informal.
7. The Guarantors indemnify you against any loss you may suffer by reason of the Purchaser having exceeded its powers or going into liquidation and, in particular, the Guarantors indemnify you against any loss you may suffer by reason of interest ceasing to accrue and to be payable after the Purchaser goes into liquidation.
8. Any demand or notice under this Guarantee may be made in writing signed by you or by any Director or Manager or Secretary for the time being of you and (without prejudice to any other mode of service permitted by law) may be served on the Guarantors by prepaid registered letter addressed to their last known addresses in the State of Victoria. Any notice served by post shall be deemed to have been served the next business day after the date of posting.
9. For the consideration aforementioned and as a separate and severable covenant the Guarantors **HEREBY AGREE** to indemnify you not only against the non-payment by the Purchaser of any moneys due under the Contract (including interest due on overdue instalments or principal) but also against and in respect of all costs and charges and expenses whatever which you may incur by reason of any default on the part of the Purchaser in relation to the Contract.
10. This Guarantee and Indemnity shall not be determined by the death of any of us and shall bind our respective legal personal representatives and shall enure for the benefit of you and your successors and assigns.
11. The expression "the Guarantors" shall wherever used herein mean the Guarantors or any of them and wherever the context permits shall refer to the Guarantors jointly and severally.

SCHEDULE

PURCHASER:

NAME

ADDRESS

OCCUPATION

GUARANTORS:

NAME

ADDRESS

OCCUPATION

DATED the

day of

19

SIGNED by

)

in the presence of:

)

)

.....

SIGNED by

)

in the presence of:

)

)

.....

VENDOR'S STATEMENT TO THE PURCHASER OF REAL ESTATE

VENDOR Nillumbik Shire Council of Civic Drive Greensborough

PROPERTY 895 Main Road Eltham

IMPORTANT NOTICE TO PURCHASERS

The use to which you propose to put the property may be prohibited by planning or building controls applying to the locality or may require the consent or permit of the municipal council or other responsible authority. It is in your interest to undertake a proper investigation of permitted land use before you commit yourself to buy. You should check with the appropriate authorities as to the availability (and cost) of providing any essential services not connected to the property.

1. **RESTRICTIONS** - Details of any registered or unregistered easement, covenant, caveat or other similar restriction affecting the property are as follows:
 - (a) set out in the attached copies of Title documents
 - (b) the sewer shown on the attached copy Yarra Valley Water Limited Encumbrance Statement
 - (c) the proposed carriageway easement to be created in the Transfer of Land as referred to in the Contract of Sale
 - (d) any rights which exist in favour of Eastern Energy Limited in respect of an electricity sub-station constructed on part of the property.

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant, caveat or similar restriction.

2. **PLANNING AND ROAD ACCESS** - Details of any planning instruments affecting the property are as contained in the attached Certificate.

There is access to the property by road.

3. **OUTGOINGS AND STATUTORY CHARGES** - Details concerning any rates, taxes, charges or other similar outgoings and any interest payable on any part of them are attached.

Amounts for which the purchaser may become liable in consequence of the sale:

The property is non rateable in the hands of the Vendor. The Purchaser will be rated pro rata from the date of settlement or from the date of possession by the Council and the Water Authority.

Amount owing under any other registered or unregistered statutory charge that secures an amount due under any other legislation: Nil

- | | | | |
|-----|-----------------|------------------|----------------------------|
| 4. | SERVICES | Connected | Authority |
| 4.1 | Electricity | Yes | Eastern Energy |
| 4.2 | Gas | No | Gas & Fuel Corporation |
| 4.3 | Water | Yes | Yarra Valley Water Limited |
| 4.4 | Sewerage | Yes | Yarra Valley Water Limited |
| 4.5 | Telephone | No | Telstra |

- 2 -

5. BUILDING APPROVALS - Details of any building approval granted during the past seven years under the *Building Control Act 1981* (required only where the property includes a residence) -

Not applicable but see the attached Regulation 2.10(1) Certificate.

6. NOTICES - Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal affecting the property including:

- 6.1 current land use restriction notice given in relation to the land under the *Agricultural and Veterinary Chemicals Act 1992* due to contamination;
- 6.2 notice pursuant to Section 6 of the *Land Acquisition and Compensation Act 1986*;

None to the Vendor's knowledge except as follows: Planning Permit No E95/229 issued on 24 July 1995, a copy of which is attached.

The Vendor has no means of knowing all decisions of public authorities and Government Departments affecting the Property unless communicated to the Vendor.

7. TITLE - Attached are copies of the following concerning the title:

- 7.1 the Certificate of Title;
- 7.2 PS338910Y.

DATE OF STATEMENT: This 10th day of APRIL 1996

Vendor's Signature: *Jane Martin*

GROW MARKET WEBSITE SERVICES

The Purchaser acknowledges being given a copy of this statement signed by the Vendor before the Purchaser signed any Contract.

DATE OF ACKNOWLEDGEMENT: This day of 1996

Purchaser's Signature:

PLEASE NOTE that where the property is to be sold on terms pursuant to Section 32(2)(f) of the Act and/or sold subject to a mortgage that is not to be discharged by the date of possession (or receipt of the rents and profits) of the property pursuant to Section 32(2)(a) of the act - then the Vendor must provide an additional statement containing the particulars specified in Schedules 1 and 2 of the Act.



REGISTER SEARCH STATEMENT Land Titles Office, Victoria

Page 1

Enquiry no : 245972
 Security no : 70460245976M
 Customer code: 0017F

Volume 10264 Folio 359
 Printed 16/02/1996 08:56 am

AND
 LOT 1 on Plan of Subdivision 338910Y.

PARENT TITLE(s):
 Volume 04869 Folio 789 Volume 05712 Folio 243 Volume 08424 Folio 334
 Volume 08939 Folio 963
 Created by instrument PS338910Y 03/01/1996

REGISTERED PROPRIETOR

ESTATE FEE SIMPLE

SOLE PROPRIETOR

NILLUMBIK SHIRE COUNCIL
 Registered PS338910Y 03/01/1996

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988.
 Any other encumbrances shown or entered on the plan.

SEE PS338910Y FOR FURTHER DETAILS AND BOUNDARIESUNREGISTERED DEALINGS

Obtain Final Search Statement for unregistered dealings

STATEMENT END

Unregistered _____
 Dealings NIL
 Cauts/Writs NIL
 Searched 16-2-96

SEARCH-WELL

SEARCH STATEMENT
 ENCLOSED

PLAN OF SUBDIVISION

STAGE No.

LTO USE ONLY

EDITION 1

PLAN NUMBER

PS 338910Y

LOCATION OF LAND

PARISH: NILLUMBIK

TOWNSHIP: _____

SECTION: 4

CROWN ALLOTMENT: _____

CROWN PORTION: 12 (PART) & 13 (PART)

LTO BASE RECORD: CHARTS 34 & 43 (3210)
TITLE REFERENCES:

C/T VOL.5712 FOL.243, C/T VOL.4869 FOL.789
C/T VOL.8939 FOL.963, C/T VOL.8424 FOL.334 (PART)
LAST PLAN REFERENCE/S: BP-507

POSTAL ADDRESS: 895 MAIN ROAD
(At time of subdivision) ELTHAM, 3095

AMG Co-ordinates E 336 500 ZONE: 55
(of approx centre of land in plan) N 5 823 800

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1 ROAD R2 RESERVE No.1	VICROADS SHIRE OF NILLUMBIK SHIRE OF NILLUMBIK

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: NILLUMBIK SHIRE COUNCIL

REF: S95/90

1. This plan is certified under Section 6 of the Subdivision Act 1988.
2. This plan is certified under Section 11(7) of the Subdivision Act 1988.
Date of original certification under Section 6: 1/1/1995
3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

OPEN SPACE

(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made.

(ii) The requirement has been satisfied.

(iii) The requirement is to be satisfied in Stage: _____

Council Delegate
Council Seal
Date 5/10/95

Re-certified under Section 11(7) of the Subdivision Act 1988.

Council Delegate
Council Seal
Date 1/1/1995

NOTATIONS

STAGING This is/is not a staged subdivision.
Planning permit No.

DEPTH LIMITATION DOES NOT APPLY

BEARINGS SHOWN HEREON ARE ON A.M.G. DATUM.

SUBTRACT 7°38'30" FOR C/T VOL.5712 FOL.243
SUBTRACT 6°48' FOR C/T VOL.4869 FOL.789
SUBTRACT 7°17'30" FOR C/T VOL.8939 FOL.963
SUBTRACT 7°00'30" FOR C/T VOL.8424 FOL.334

ROAD R2 (PANTHER PLACE) IS A PUBLIC HIGHWAY
VIDE GOVERNMENT GAZETTEL 1971. p2334

OTHER PURPOSE OF PLAN:

PART OF THE SEWERAGE EASEMENT CREATED BY
C/E H596504 OVER C/T VOL.4869 FOL.789,
C/T VOL.8939 FOL.963 AND C/T VOL.8424 FOL.334,
IS TO BE REMOVED

GROUND/S FOR REMOVAL :

BY DIRECTION IN SHIRE OF NILLUMBIK
PLANNING PERMIT No. E.95/1229

SURVEY THIS PLAN IS/IS NOT BASED ON SURVEY

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS
IN PROCLAIMED SURVEY AREA No.

MELB. WATER No's 4576,
4651 & 4652

EASEMENT INFORMATION

LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of
	SEE		SHEET	2

LTO USE ONLY

STATEMENT OF COMPLIANCE/
EXEMPTION STATEMENT

RECEIVED ☒

DATE 6/12/95

LTO USE ONLY

PLAN REGISTERED

TIME 2.40 pm

DATE 3/11/95

Signature
Assistant Registrar of Titles

SHEET 1 OF 4 SHEETS

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTMORENCY, 3094
TELEPHONE: 435 2422

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY

SIGNATURE _____ DATE 1/1

REF 4741

VERSION

DATE 9/10/95

COUNCIL DELEGATE SIGNATURE

ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER
PS 338910Y

EASEMENT INFORMATION

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	3.05	C/E 2510339	SHIRE OF ELTHAM
E-2	DRAINAGE SEWERAGE	2m	C/E 2510339 C/E G997646	SHIRE OF ELTHAM M.M.B.W.
E-3	SEWERAGE	2m	C/E G997646	M.M.B.W.
E-4	SEWERAGE	2m	C/E H115954	M.M.B.W.
E-5	SEWERAGE	1.20	C/E H596504	M.M.B.W.
E-6	SEWERAGE	2m	THIS PLAN	YARRA VALLEY WATER LIMITED
E-7	WATER SUPPLY	2m	THIS PLAN	SHIRE OF NILLUMBIK
E-8	CARRIAGEWAY WATER SUPPLY	2m	THIS PLAN THIS PLAN	LOT 1 SHIRE OF NILLUMBIK
E-9	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 1
E-10	WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	SEE DIAGRAM	THIS PLAN	LOT 2
E-11	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	2m	C/E H115954 THIS PLAN	M.M.B.W. LOT 2
E-12	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	SEE DIAGRAM	C/E H596504 THIS PLAN	M.M.B.W. LOT 2
E-13	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	2m	THIS PLAN THIS PLAN	YARRA VALLEY WATER LIMITED LOT 2

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTMORENCY, 3094
TELEPHONE: 435 2422

ORIGINAL

SCALE SHEET

A3

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY

SIGNATURE DATE / /

REF 4741

VERSION

SHEET 2 OF 4 SHEETS

DATE 5/10/95

COUNCIL DELEGATE SIGNATURE

0
LENGTHS ARE IN METRES

PLAN OF SUBDIVISION

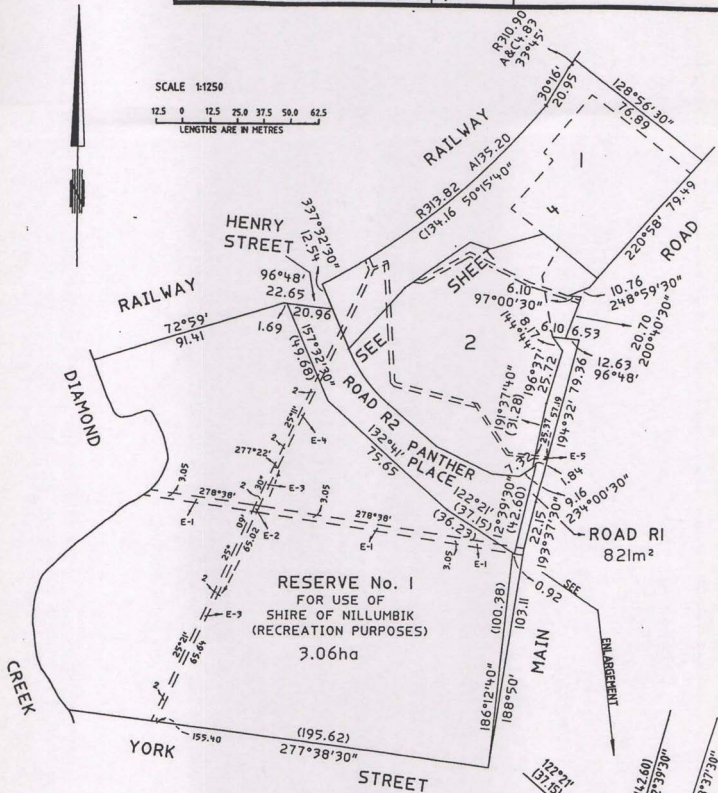
STAGE No.

PLAN NUMBER

PS 338910Y

SCALE 1:1250

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LENGTHS ARE IN METRES



LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTMORENCY, 3094
TELEPHONE: 9435 2422

ENLARGEMENT
NOT TO SCALE

ORIGINAL

SCALE AS SHOWN
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) ..MICHAEL JOHN LOY.....

SIGNATURE DATE / /

REF 4741

VERSION

SHEET 3 OF 4 SHEETS

DATE 5 / 10 / 95

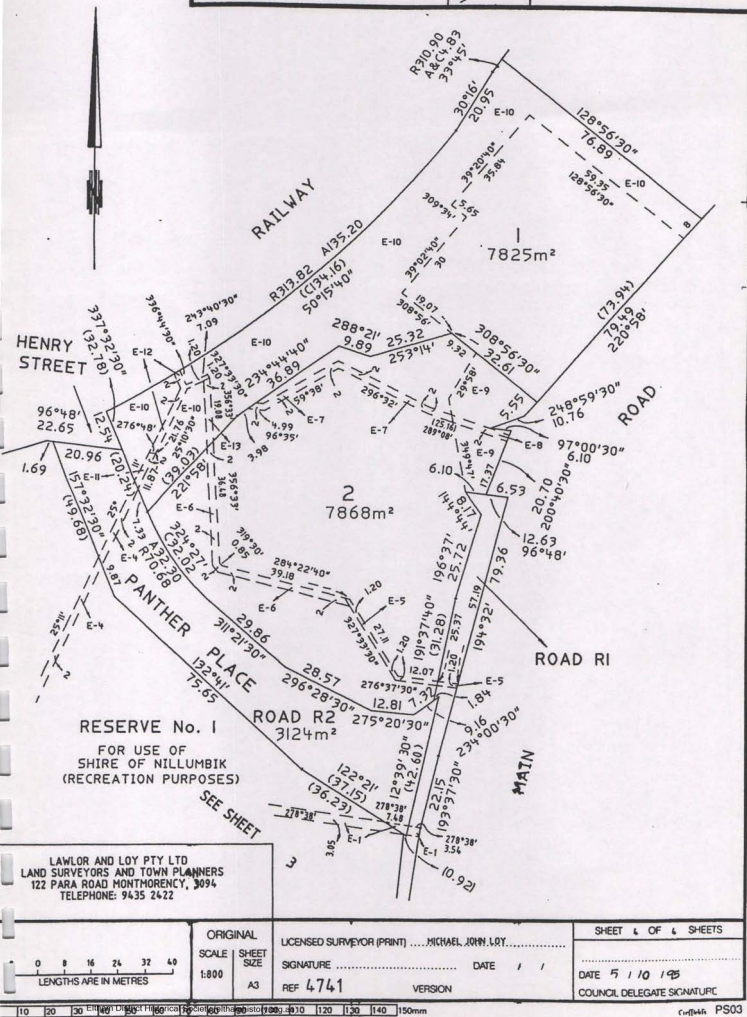
COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm
LENGTHS ARE IN METRES

PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER
PS 338910Y



ANSTAT. SPECIFIC SITE PLANNING CERTIFICATE

PLANNING SCHEMES & PROPERTY INFORMATION SERVICES

DATE: 20/02/96

Anstat Pty. Ltd., 224-226 Normanby Road, Southbank 3006
Tel: 9645 1111 Fax: 9645 2229 DX: 332 Melbourne

Client:

MADDOCK LONIE & CHISHOLM (MELB)
DX 259
MELBOURNE

Your Ref: GOC/AMN:363838

Our Ref: MADD925.1

Subject Property: 895 MAIN ROAD, ELTHAM

Title Particulars: LOT 1 PS 338910Y

Municipality: NILLUMBIK

Planning Scheme: ELTHAM

Responsible Authority for administering and enforcing the Scheme: NILLUMBIK SHIRE COUNCIL

Zone: PART ELTHAM TOWN CENTRE - RETAIL & OFFICE ZONE (38B2); PART RESTRICTED BUSINESS ZONE (B2)

Reserved Land: PART EXISTING PUBLIC OPEN SPACE (POS)

Abutal to a Main Road, Secondary Road, Proposed Road Widening, or Proposed Main or Secondary Road:
ABUTS A MAIN ROAD (MAIN ROAD)

Height Control Area: NOT APPLICABLE

Urban Conservation Area: NOT APPLICABLE

Other Overlay Control Areas: NOT APPLICABLE

Planning Scheme Conservation of Individual Buildings, Works and Sites: NOT APPLICABLE

Specific Site Controls: NOT APPLICABLE

Specific Area Controls: ELTHAM TOWN CENTRE POLICIES - PLANNING SCHEME CLAUSE 101A-1
(excluding watercourse setbacks)

Proposed Amendments: NOT APPLICABLE

Historic Buildings Council Register: NOT APPLICABLE

Register of the National Trust of Australia (Victoria): PART OF THE SUBJECT PROPERTY IS INCLUDED ON THE NATIONAL TRUST REGISTER OF CLASSIFIED LANDSCAPES - 'CENTRAL PARK - ELTHAM'

Register of the National Estate: NOT APPLICABLE

Confirmed Contaminated Site (State Register of Contaminated Sites): NOT APPLICABLE

Additional Notes: NOT APPLICABLE

The information source for each entry of this certificate has been checked and, if shown as Not Applicable, does not apply.

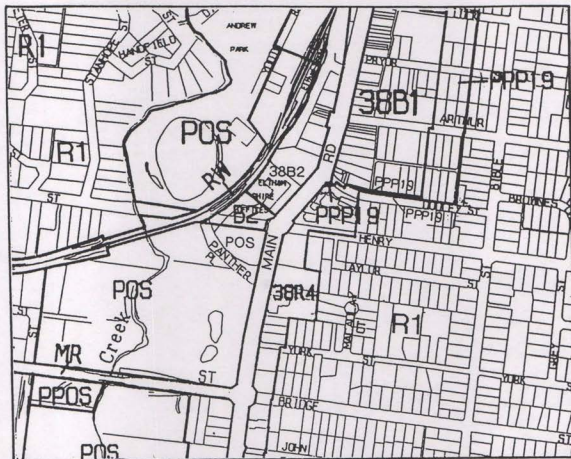
Copies of Text available on request

ANSTAT PLANNING SCHEMES & PROPERTY INFORMATION SERVICES

ANSTAT PLANNING CERTIFICATE - SPECIFIC SITE - MAP

DATE: 192.96

ZONES AND RESERVED LAND MAP



ANSTAT PROPERTY GROUP 224-226 Normanby Road, Southbank VIC 3006.

Tel: 9645 1111

Fax: 9645 2229

DX: 332 Melbourne

PLANNING PERMIT

Permit No: **E95/229**
 Planning Scheme: **Eltham Planning Scheme**
 Responsible Authority: **Nillumbik Shire Council**

ADDRESS OF THE LAND:

895 Main Road, Eltham (Pt. CP.13, Section 4, Parish of Nillumbik)

COPY

THE PERMIT ALLOWS

3 lot Subdivision and removal of sewerage easement

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. The layout of the subdivision and the size of the proposed allotments shall conform generally with the endorsed plan. (code B.1)
2. Prior to the issue of a Statement of Compliance for the subdivision, the private electricity supply line crossing Lots 1 and 2 shall be removed to the satisfaction of Eastern Energy.
3. This permit shall expire if the development hereby permitted is either not commenced within two years from the date hereof or not completed within four years from the date hereof, or within any extension of those times which upon application made before or within three months after the expiry of the permit, is granted in writing by the Responsible Authority. (code A.6)

Lawlor & Loy Pty Ltd
 C/o P O Box 242
 GREENSBOROUGH 3088

24 JUL 1995

Date Issued:

Signature for the
Responsible Authority

.....

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- * from the date specified in the permit, or
- * if no date is specified, from :
 - (i) the date of the decision of the Administrative Appeals Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if-
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if-
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if-
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision -
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal where, in which case no right of appeal exists.
- * An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- * An appeal is lodged with the Administrative Appeals Tribunal.
- * An appeal must be made on a Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the prescribed fee.
- * An appeal must state the grounds upon which it is based.
- * An appeal must also be served on the Responsible Authority.
- * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal

PLAN OF SUBDIVISION		STAGE No. /	LTO USE ONLY EDITION	PLAN NUMBER PS 338910Y				
LOCATION OF LAND PARISH: MILLUMBIK TOWNSHIP: _____ SECTION: 6 CROWN ALLOTMENT: _____ CROWN PORTION: 12 (PART) & 13 (PART) TO BASE RECORD: CHARTS 34 & 43 TITLE REFERENCES: C/T VOL.5712 FOL.243, C/T VOL.4869 FOL.789 C/T VOL.8939 FOL.963, C/T VOL.8424 FOL.334 (PART) LAST PLAN REFERENCE/S: BP-507 POSTAL ADDRESS: 895 MAIN ROAD (At time of subdivision) ELTHAM, 3095 UTM Co-ordinates E 336 500 ZONE: 55 of approx centre of land N 5 823 800 (in plan)		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: _____ REF: _____ 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage _____ Council Delegate Council Seal Date / / Re-certified under Section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / / <div style="text-align: right; font-weight: bold;">PHOTO—REDUCED COPY</div>						
VESTING OF ROADS AND/OR RESERVES <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> <tr> <td>ROAD R1 ROAD R2 RESERVE No.1</td> <td>VICROADS SHIRE OF MILLUMBIK SHIRE OF MILLUMBIK</td> </tr> </table>		IDENTIFIER	COUNCIL/BODY/PERSON	ROAD R1 ROAD R2 RESERVE No.1	VICROADS SHIRE OF MILLUMBIK SHIRE OF MILLUMBIK	NOTATIONS STAGING This is/is not a staged subdivision. Planning permit No. _____ DEPTH LIMITATION DOES NOT APPLY BEARINGS SHOWN HEREON ARE ON A.M.G. DATUM. SUBTRACT 7°38'30" FOR C/T VOL.5712 FOL.243 SUBTRACT 6°48" FOR C/T VOL.4869 FOL.789 SUBTRACT 7°17'30" FOR C/T VOL.8939 FOL.963 SUBTRACT 7°00'30" FOR C/T VOL.8424 FOL.334 ROAD R2 (PANTHER PLACE) IS A PUBLIC HIGHWAY VIDE GOVERNMENT GAZETTEL 1971. p2334		
IDENTIFIER	COUNCIL/BODY/PERSON							
ROAD R1 ROAD R2 RESERVE No.1	VICROADS SHIRE OF MILLUMBIK SHIRE OF MILLUMBIK							
OTHER PURPOSE OF PLAN: PART OF THE SEWERAGE EASEMENT CREATED BY C/E H596504 OVER C/T VOL.4869 FOL.789, C/T VOL.8939 FOL.963 AND C/T VOL.8424 FOL.334, IS TO BE REMOVED GROUND(S) FOR REMOVAL : BY DIRECTION IN SHIRE OF MILLUMBIK PLANNING PERMIT No. _____								
SURVEY: THIS PLAN IS/BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS IN PROCLAIMED SURVEY AREA No. _____								
MELB. WATER No's 4576, 4651 & 4652								
EASEMENT INFORMATION				LTO USE ONLY				
GEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED <input type="checkbox"/> DATE / /				
Easement	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of				
	SEE		SHEET					
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> This plan is the endorsed plan referred to in Permit No. <u>E552288/16</u> 24 JUL 1994 Signature for the Responsible Authority </div>				LTO USE ONLY PLAN REGISTERED TIME _____ DATE / / Assistant Registrar of Titles SHEET 1 OF 4 SHEETS				
LAWLOR AND LOY PTY LTD AND SURVEYORS AND TOWN PLANNERS 122 PARA ROAD MONTMORENCY, 3094 TELEPHONE: 435 2422				LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY SIGNATURE <u>Michael Loy</u> DATE 28 / 4 / 95 REF 4741 VERSION _____ COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3				

PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER
PS 338910Y

EASEMENT INFORMATION

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

PHOTO - REDUCED COPY

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	3.05	C/E 2510339	SHIRE OF ELTHAM
E-2	DRAINAGE SEWERAGE	2m	C/E 2510339 C/E G997646	SHIRE OF ELTHAM M.M.B.W.
E-3	SEWERAGE	2m	C/E G997646	M.M.B.W.
E-4	SEWERAGE	2m	C/E H115954	M.M.B.W.
E-5	SEWERAGE	1.20	C/E H596504	M.M.B.W.
E-6	SEWERAGE	2m	THIS PLAN	YARRA VALLEY WATER LIMITED
E-7	WATER SUPPLY	2m	THIS PLAN	SHIRE OF MILLUMBIK
E-8	CARRIAGEWAY WATER SUPPLY	2m	THIS PLAN THIS PLAN	LOT 1 SHIRE OF MILLUMBIK
E-9	CARRIAGEWAY	SEE DIAGRAM	THIS PLAN	LOT 1
E-10	WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	SEE DIAGRAM	THIS PLAN	LOT 2
E-11	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	2m	C/E H115954 THIS PLAN	M.M.B.W. LOT 2
E-12	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	SEE DIAGRAM	C/E H596504 THIS PLAN	M.M.B.W. LOT 2
E-13	SEWERAGE WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY, TELEPHONE SERVICES AND GAS	2m	THIS PLAN	YARRA VALLEY WATER LIMITED

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTMORENCY, 3094
TELEPHONE: 435 2422

Michael John Loy
PLANNING AND ENVIRONMENT ACT 1987
This is the endorsed
plan referred to in
Permit No. E95/229 B 2 of 4
24 JUL 1995
Date Signature for the Responsible

ORIGINAL
SCALE SHEET
SIZE
A3

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY
SIGNATURE *Michael John Loy* DATE 28 / 4 / 95
REF 4741 VERSION

SHEET 2 OF 4 SHEETS

DATE / /
COUNCIL DELEGATE SIGNATURE

0
LENGTHS ARE IN METRES

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

PS 338910Y

12.5 0 12.5 25.0 37.5 50.0 62.5

LENGTHS ARE IN METRES

LENGTHS ARE IN METRES

DIAMOND

CREEK

YORK

STREET

This is the end
also referred to

KQS/229 B.3.44

ENLARGEMENT
NOT TO SCALE

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARA ROAD MONTMORENCY, 2024
TELEPHONE: 9435 2422

SCALE AS SHOWN	SHEET SIZE A1
----------------------	---------------------

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY

SIGNATURE Michael J. Ray DATE 28 / 4 / 95

REF 4741

VERSION

SHEET 1 OF 4 SHEETS

DATE / /

COUNCIL DELEGATE SIGNATURE _____

LENGTHS ARE IN METRES

20	30	40	50	60	70	80	90	100	110	120	130	140	150
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PS03

PHOTO-REDUCED COPY

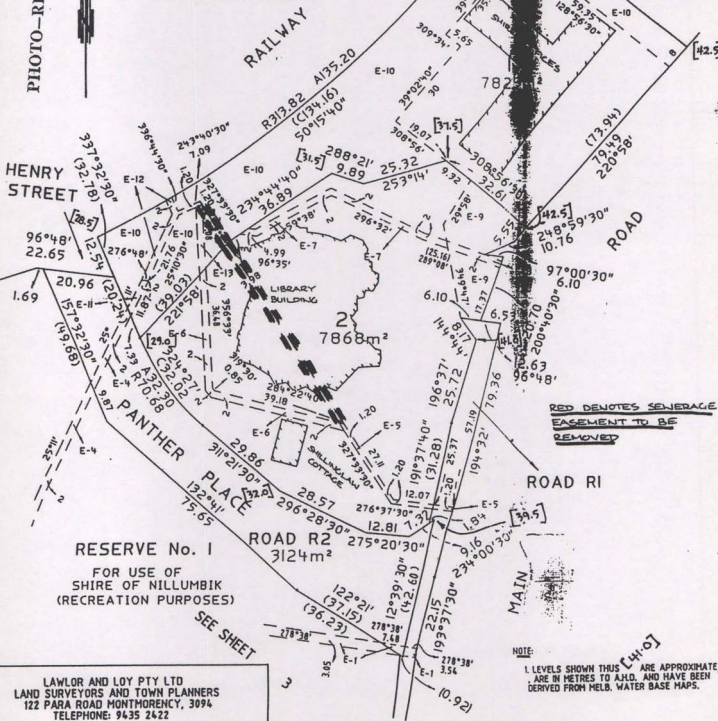
PLAN OF SUBDIVISION

STAGE No. 1 PLAN NUMBER
PS 338910Y

NILLUMBIA SHIRE, MONTMORENCY
PLAN OF SUBDIVISION

This is the proposed
plan referred to in
Permit No. *E45/229/Ref 4*
4 JUL 1995

Date: 30/07/95



RED DENOTES SEWERAGE
EASEMENT TO BE
REMOVED

NOTE:
1. LEVELS SHOWN THUS ARE APPROXIMATE,
ARE IN METRES TO A.H.D. AND HAVE BEEN
DERIVED FROM M.E.D. WATER BASE MAPS.

LAWLOR AND LOY PTY LTD
LAND SURVEYORS AND TOWN PLANNERS
122 PARK ROAD MONTMORENCY, 3094
TELEPHONE: 9435 2422

ORIGINAL
SCALE 1:800
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) MICHAEL JOHN LOY
SIGNATURE *Michael John Loy* DATE 28/4/95
REF 4741 VERSION

SHEET 4 OF 6 SHEETS
DATE
COURT CLERK DELEGATE SIGNATURE

0 8 16 24 32 40
LENGTHS ARE IN METRES

PROPERTY INQUIRY APPLICATION FORM

PORTANT - If more than one certificate required, complete
d forward one form for each certificate to relevant authorities
accordance with the Property Inquiry Information Sheet

REFERENCE	CODE	APPLICATION No.
MUNICIPAL PROPERTY NUMBER AS APPEARING ON		

Certificate/Advice Requested

State Revenue Office
505 Little Collins Street (DX 26)
MELBOURNE 3000

Certificate as to Land Tax

Fee enclosed: \$12.50

PAID 19 FEB 1996

NOTE: Generally replies will be mailed to applicant's address. However if you wish to collect a Melbourne Water Rate Certificate - available
3 business days after receipt of application - cross here ☐
If you wish to collect an Melbourne Water 239G Statement - cross here ☐

VENDOR RE:
Nillumbik Shire Council
of Civic Drive Greensborough, 3088

PURCHASER TO:
Sale purposes

REGISTERED PROPRIETOR IF NOT THE VENDOR

VENDOR'S SOLICITOR
Maddock Lonie & Chisholm
140 William Street
Melbourne

NAME & ADDRESS OF APPLICANT

Maddock Lonie & Chisholm
140 William Street
MELBOURNE 3000

DX No. 259 Melbourne

Our Reference: GOC:AMN:363838

Total Sale Price: \$

Date Required

Auction/Settlement Date:

Phone: 9288 0555

Fax: 9288 0666

DESCRIPTION OF LAND -

BE PRECISE, INSUFFICIENT INFORMATION WILL RESULT IN RETURN OF APPLICATION.
LOCALITY PLAN (COPY OF TITLE OR SKETCH) SHOWING DIMENSIONS OF WHOLE PROPERTY AND DISTANCE FROM
NEAREST STREET INTERSECTION MUST BE ATTACHED TO EACH FORM.

Plot/Unit No	Street No. 895	Street Main Road	Municipality Nillumbik Shire Council	
Lot No.	Plan No. 338910Y	C.A. No.	C.P. No.	Section Nillumbik
Urban or Suburb	Postcode 3095	Volume 10264	Folio 359	Frontage see plan
Other				Depth see over for plan

situated on see plan side of street commencing of

Area

State whether vacant land or nature
building (e.g. Dwelling, Factory)

Municipal Offices

Name of
Directory

MELWAY

Map

Reference 21 K5

FOR OFFICE USE ONLY

Certificate under Section 97 as at 23 February 1996

ARREARS	1996 YEAR	TOTAL	UNIMPR. VALUE
NIL	NIL	NIL	N/A
REMARKS			
DENZIL GRIFFITHS COMMISSIONER OF STATE REVENUE			

N

B

RP

D

R



Yarra Valley
Water

YARRA VALLEY WATER LIMITED
(ACN 066 902 501)

5

STATEMENT UNDER SECTIONS 75 & 146,
WATER INDUSTRY ACT 1994 RELATING TO ENCUMBRANCES
MMBW ACT 1958 - STATEMENT UNDER SECTION 239G

APPLICATION: 96326554

Your Ref.: GOC:AMN:363838

MADDOCK LONIE & CHISHOLM
DX 259
MELBOURNE

22 FEBRUARY 1996

PROPERTY: LOT 1, 895 MAIN ROAD ELTHAM 3095

THE FOLLOWING PARTICULARS ARE GIVEN PURSUANT TO SECTIONS 75,146& 239G(1)

Sewerage location is shown on the attached plan.



AUTHORISED OFFICER:

Rosanne Pittman

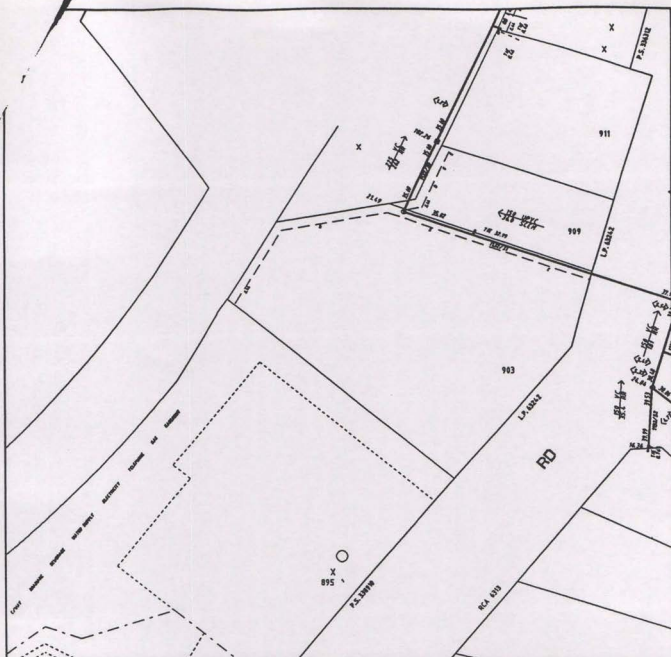
GENERAL MANAGER
CUSTOMER SERVICE
YARRA VALLEY WATER LTD

PLEASE NOTE: Unless prior consent has been obtained,
both the MMBW and the WATER INDUSTRY Acts PROHIBIT:

1. the erection and/or placement of any building, wall, bridge, fence embankment, filling, material, machinery or other structure over or under any sewer or drain
2. the connection of any drain or sewer to, or interference with, any sewer, drain or watercourse

Mitcham Office, Lucknow St, Mitcham
Private Bag 1 Mitcham Vic 3132 AUSDOC 13204 Mitcham
Telephone Enquiries: 872 1392

AMN



ENCUMBRANCE CERTIFICATE NO. 96326554

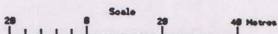
ADDRESS LOT 1 MADH ROAD ELTHAM 3895

DATE 22/02/96

SEWERS ARE INDICATED THIS ——— SUBJECT PROPERTY IS INDICATED THIS ⊗



1 of 2



**Yarra Valley
Water**

This plan is to be used for the location of sewers only and is not to be used for any other purpose.

CADASTRE DETAIL	ACCESS POINTS	OTHER FEATURES
<p>1:2500 Source EXISTING TITLE AND ROAD ALIGNMENTS</p> <p>1:2500 Source EXISTING EASEMENTS</p> <p>1:2500 Source PROPOSED TITLE AND ROAD ALIGNMENTS</p> <p>1:2500 Source PROPOSED EASEMENTS</p>	<p>⊙ ACCESS SHAFT</p> <p>○ CIRCULAR MANHOLE</p> <p>∞ GAS CHECK MANHOLE</p> <p>■ SQUARE MANHOLE</p> <p>▣ RECTANGULAR MANHOLE</p> <p>⊞ CHAMBERED MANHOLE</p> <p>⊞ INSPECTION SHAFT</p> <p>○ VENT IN-GROUND</p> <p>) END OF PIPE</p>	<p>⊗ CIRCULAR PUMP WELL</p> <p>○ PIPE JUNCTION</p> <p>▷ LONG BRANCH REDUCER</p> <p>∖ CHANGE OF GRADE</p> <p>+ PIPELINE EXTENSION</p> <p>+ PUMP</p> <p>○ ABC12-34</p> <p>○ EMERGENCY RELIEF STRUCTURE</p> <p>← DIRECTION OF FLOW ARROW</p> <p>∨ REFLEX VALVE</p> <p>⊞ ELEC CONTROL CABINET</p> <p>▲ TREATMENT PLANT</p> <p>— ABANDONED SEWER</p> <p>RENEWED RENEWED SEWER</p> <p>— RELEASED SEWER</p> <p>— UNRELEASED SEWER</p>

vic roads



Contact: Mr K Kelm
Telephone: 9345 4347

Date: 20 Feb 96

MADDOCK LONIE & CHISHOLM
Solicitors
440 COLLINS STREET
MELBOURNE VIC 3000
D.X. No. 259 MELBOURNE

PE085620536
Receipt Number

Dear Enquirer,

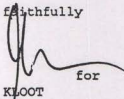
REQUEST FOR PROPERTY INFORMATION
YOUR REFERENCE : GOC:AMN:363838

I refer to your request for information and fee payment by prepaid voucher,
received at the Kew office on 19 February 1996 , concerning the property
which is located at:

895 Main Road, Eltham
Lot 1 Plan No. 338910Y
Shire of Nillumbik

As at this date, VicRoads has no approved proposals requiring any portion of
the subject property.

Yours faithfully


for
GEOFF KLOOD
REGIONAL MANAGER - METROPOLITAN NORTH WEST

08klk
Enclosure 0

560 Lygon Street, Carlton Victoria 3053. Box 1644N G.P.O. Melbourne Victoria 3001.
Telephone: (03) 9345 4070 (Property Certificates).

PROPERTY INQUIRY APPLICATION FORM

IMPORTANT - If more than one certificate required, complete and forward on one form for each certificate to relevant authorities in accordance with the Property Inquiry Information Sheet

REFERENCE	CODE	APPLICATION No.
MUNICIPAL PROPERTY NUMBER AS APPEARING ON		

TO:

Certificate/Advice Requested

The Habitation Standards Branch
Department of Planning & Development
14th Floor Myer House
250 Elizabeth Street (DX 23)
MELBOURNE 3000

Section 70 Certificate

Fee enclosed: ~~\$16.00~~ 14:21 000 6203 A
CASHIER.01
S.70 CHEQUE ~~¥16.00~~
SUBTOTAL ~~¥16.00~~
TOTAL ~~¥16.00~~

NOTE: Generally replies will be mailed to applicant's address. However if you wish to collect a Melbourne Water Rate Certificate - available

3 business days after receipt of application - cross here ☐

If you wish to collect an Melbourne Water 239G Statement - cross here ☐

VENDOR RE:
Nillumbik Shire Council
of Civic Drive Greensborough, 3088

PURCHASER TO:
Sale purposes

REGISTERED PROPRIETOR IF NOT THE VENDOR

VENDOR'S SOLICITOR
Maddock Lonie & Chisholm
140 William Street
Melbourne

NAME & ADDRESS OF APPLICANT

Maddock Lonie & Chisholm
140 William Street
MELBOURNE 3000

DX No. 259 Melbourne

Our Reference: GOC:AMN:363838

Total Sale Price: \$ Date Required

Auction/Settlement Date:

Phone: 9288 0555

Fax: 9288 0666

DESCRIPTION OF LAND - BE PRECISE, INSUFFICIENT INFORMATION WILL RESULT IN RETURN OF APPLICATION. LOCALITY PLAN (COPY OF TITLE OR SKETCH) SHOWING DIMENSIONS OF WHOLE PROPERTY AND DISTANCE FROM NEAREST STREET INTERSECTION MUST BE ATTACHED TO EACH FORM.

Flat/Unit No	Street No.	Street	Municipality	
	895	Main Road	Nillumbik Shire Council	
Lot No.	Plan No.	C.A. No.	C.P. No.	Section
1	338910Y			Parish
				Nillumbik
Town or Suburb	Postcode	Volume	Folio	Frontage
Eltham	3095	10264	359	see plan
				see over for plan
				Depth

Situated on see plan side of street commencing of

Area

State whether vacant land or nature of building (e.g. Dwelling, Factory) Municipal Offices

Name of Directory MELWAY

Map Reference 21 K5

FOR OFFICE USE ONLY

DIRECTOR OF HOUSING

I hereby certify that at the date hereof the Director has NOT in respect of the above property: (1) served on the owner a notice; (2) taken any step; or (3) charged any monies under Part VII of the Housing Act, 1983.

P. WILKIE

AUTHORISED OFFICER

(Certificate not valid unless register imprint appears hereon.)

N

B

RP

D

R

**REQUEST FOR BUILDING APPROVAL PARTICULARS**

Nillumbik Shire Council
C/- Maddock Lonie & Chisholm
140 William Street
MELBOURNE 3000

Contact: GOC:AMN:363838

Please supply information in respect of

895 Main Road Eltham
Volume 10264 Folio 359

Lot	Plan	C/A	Section
1	338910Y		

Registered Owner: Nillumbik Shire Council

Signature Date: 26 March 1996

PARTICULARS REQUESTED

1. Details of any building permit issued in the preceding 10 years.

Description	Permit Date	Permit No
Public toilets for Eltham Library	29.1.87	9700
Alterations & extensions to West Wing (basement, lower ground & ground floor)	29.5.87	9700

Final Inspection Approved: Not recorded

Occupancy Permit No: Not applicable **Date:** Not applicable

2. Details of any current notices, order or certificate issued under the Building Regulations 1994, the Building Act and/or the Building Control Act 1981 or the Victorian Building Regulations 1983.

Not applicable. However, with a change of use an assessment of the provision of fire fighting equipment and exits should be carried out to ensure compliance with the building regulations.

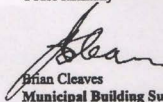
Shire Council Civic Drive Greenborough
PO Box 476 Greenborough 3068
Telephone (03) 9433 3111
Facsimile (08) 9432 9559
DX 96820

- 2 -

3. Is the property in an area which is:

- | | | |
|-----|--|-----|
| 3.1 | liable to flooding within the meaning of regulation 6.2; | No |
| 3.2 | designated under Regulation 6.3 as an area in which buildings are likely to be subject to infestation by termites; | Yes |
| 3.3 | a designated bush fire prone area under Regulation 6.4; | Yes |
| 3.4 | an area determined under regulation 6.5 to be likely to be subject to significant snow falls? | No |

Yours faithfully


Brian Cleaves
Municipal Building Surveyor

Building Act 1993 - Building Regulations 1994 - Regulation 2.10(1)

LAND INFORMATION CERTIFICATE

Section 229 Local Government Act 1989



NILLUMBIK

This certificate provides information regarding valuation, rates, charges, other moneys owing and any orders and notices made under the Local Government Act 1989, Local Government Act 1989 or under a local law or by law of the council.

This certificate is not required to include information regarding planning, building, health, land fill, land slip, other flooding information or service assessments. Information regarding these matters may be available from the council or the relevant authority. A fee may be charged for such information.

Certificate Number: 269 Date of Issue: 26-3-96

Assessment Number: 1-3050-07505 For the year ending 30 September, 1996.

Property Location: P95 MAIN RD ELTHAM VIC 3095

Title Particulars: AT CP 13 SEC 4 PSH N'AM SHIRE OFFICE Approx Area: 7325 m²

Owner as per Rate Book: NILLUMBIK SHIRE COUNCIL (FORMERLY SHIRE OF ELTHAM)

PROPERTY VALUATIONS

Valuation Date:

Capital Improved Value: 2,500,000 Net Annual Value: 238,000 Site Value: 2,500,000

RATES AND CHARGES LEVIED 1995/96	CURRENT	ARREARS	INTEREST	PAYMENTS/ REBATE	BALANCE DUE
RATE <u>General</u>	-				-
Due <u>1/1/95</u>	-				-
GARBAGE <u>Garbage</u>					
Due <u>1/1/95</u>					
SANITARY					
Due					
FIRE HAZARD					
Due					
SPECIAL RATE					
Due					
SPECIAL CHARGE					
Due					
RECOVERY COSTS					
Money owed for works under the Local Government Act 1958.	THIS PROPERTY IS NOT RATED AT PRESENT BUT WILL BECOME LIABLE FOR COUNCIL RATES FROM DATE OF SETTLEMENT				
TOTAL DUE				\$ NIL	

Applicants Reference:

ORC: AMN: 363838

Nillumbik Shire Council

c/- Maddeck Louise & Chisholm

140 William St Melbourne 3000

NOTE: IN ACCORDANCE WITH SECTION (176), LOCAL GOVERNMENT ACT 1989 THE PURCHASER MUST PAY ALL RATES AND CHARGES OUTSTANDING AT THE TIME THAT PERSON BECOMES THE OWNER OF THE LAND.

Shire Council

Civic Drive Greensborough
PO Box 476 Greensborough 3088
Telephone (03) 9433 3111
Facsimile (03) 9432 9559
DX 98820



Yarra Valley
Water

YARRA VALLEY WATER LIMITED

(ACR 066 902 301)
STATEMENT UNDER SECTIONS 75 & 146, WATER INDUSTRY ACT 1994 RELATING TO RATES AND CHARGES
PWIM ACT 1958 - CERTIFICATES UNDER SECTION 239 f

ENQUIRIES
13 1721

STATEMENT & CERTIFICATE AS TO RATES AND CHARGES

REFERENCE NO.

38-3679099-9

DATE OF ISSUE 21/02/96

APPLICATION NO.

96326554

MADDOCK LONIE & CHISHOLM
DX 259
MELBOURNE

YOUR REF.

GOC:AMN:363838

WARNING

This document is conclusive proof that no other rates or surcharges are outstanding in respect of this property as at the date of issue of this certificate

This is to certify that the sum of NO AMOUNT

as stated hereunder is payable in respect of Rates and Charges on property:

LOT 1 MAIN ROAD ELTHAM 3095

		\$	c
	RATES CURRENT FINANCIAL YEAR	0.00	
	LESS AMOUNT PAID	0.00	
	SUB TOTAL	NIL	
	BALANCE	NIL	

NOTE

- NO METER FIXED
- This property is not rated at present but may be liable for rating as from date of sale.

ISSUED BY

Rosanne Pittard

General Manager Customer Service
Yarra Valley Water Ltd

DEVELOP AN INTEREST IN ELTHAM

Tender 895 Main Road, Eltham

(Former Eltham Shire Council Offices)



- Great potential for development or immediate occupancy

- High Exposure Four Level Office building

- Total area: 1,890m² approx.

- Total land area: 7,825m² approx.

Tenders close 24th April 1996
at 3pm at the offices of Colliers
Jardine, 541 Blackburn Road,
Mt Waverley.

FOR DETAILS CONTACT

Graeme Hardiman

03 9431 2222

0411 471 855



Graeme Hardiman
FIRST NATIONAL REAL ESTATE

James Davie

03 9544 8888

0418 109 696

**COLLIERS
JARDINE**

26/6/96

22

Building's asbestos riddle

by FIONA KAEGLI

THE former Eltham Shire office building, which has been on the market for eight months, is riddled with asbestos which will cost at least \$200,000 to remove safely.

The vacant building has been up for sale since last October when staff transferred to the former Diamond Valley Shire offices in Greensborough.

Nillumbik Council's chief executive officer Barry Rochford said whoever bought the building would be responsible for the removal of the asbestos.

"I think it's fair to say the building is reasonably riddled with asbestos and asbestos products that has created difficulty with continuing to use it as an office building," he said. "It's an added factor that buyers have to take into account."

Mr Rochford said he believed the former Eltham Council had known about the asbestos, but could not comment on why it had done nothing about it.

The former offices in Main Rd, Eltham, were

built in the 1960s, at a time when asbestos was commonly used as a building material. Nillumbik Council commissioned a full-scale environmental building audit when staff moved out.

Mr Rochford said the report, released in February 1996, found asbestos in the floor and wall tiles, cement sheeting, fire door insulation and insulation material.

He said it was not possible to comment on the effects of asbestos on staff who formerly worked in the building. "While it is inert, it is not meant to be dangerous," he said.

Mr Rochford said he did not believe the former council had carried out any air samples. "Nillumbik, because of what we have inherited, could have some claims on it from previous employees," he said.

He said the council had not had any asbestos-related work claims to date. "Those claims take years to surface," he said.

"Ultimately, the shire has to pay through work care premiums or out and out civil damages."

Mr Rochford said despite the asbestos problem,

the council was reasonably confident it would sell the property, although its attempts to date to sell or lease the shire offices had been unsuccessful.

And no tenders had been received by the closing date on April 24 this year.

However, Mr Rochford said that since tenders closed, the council had received two "firm offers" which were being evaluated.

Former Eltham Shire president John Graves said he had known for a number of years that the building contained asbestos. He said the asbestos had posed no threat because no major renovations had taken place.

But former shire president Robert Marshall, who served on the council for 19 years, said he had not known about the asbestos. "It hadn't occurred to me there would be asbestos in there even though I am an architect," he said.

Mr Marshall said had he known, he would have sought to have the problem rectified.

"It does concern me because all of us were working there for so long," he said.

"If it is the sort that is safe, if it is not disturbed,

it is not as serious, but it still should have been addressed a long time ago."

Former Eltham Shire president Mary Grant said she had never been aware the building had asbestos in it. "I don't recall ever having any discussions about it," she said. "It does concern me now I have heard about it." She said the asbestos would pose a problem in the sale of the building.

Bob Manuell, another former shire president, said he had only just heard about the offices containing asbestos. "The question was never raised," he said.

A Health and Safety Victoria spokesman said all building occupiers and employers were required by law to have completed an asbestos identification and assessment process by March 1995. He said if asbestos was found, controls, including labelling, would have to be implemented.

The spokesman said he was not aware of the situation at the former Eltham Shire offices.

Mr Rochford said as far as he knew, the former shire had not carried out an asbestos identification and assessment process.

11. Confidential Items

#11.43/96 SALE OF ELTHAM OFFICES, MAIN ROAD ELTHAM

NOTE: For Confidential Officer's Report refer to Confidential Minute Book.

Recommendation

1. That the offer of Dallas Price Homes Pty Ltd for the purchase of 895 Main Road, Eltham for the sum of \$1,100,000 be accepted.
2. That the Chief Executive Officer be authorised to sign the Contract of Sale on behalf of the Council.
3. That the Common Seal of the Municipality be affixed to the Transfer of Land for the contract entered into.

Resolution

Commr Abbott

1. Noting that the Eltham Shire Offices are excess to Council requirements the offer of Dallas Price Homes Pty Ltd for the purchase of 895 Main Road, Eltham for the sum of \$1,100,000 be accepted.
2. That the Chief Executive Officer be authorised to sign the Contract of Sale on behalf of the Council.
3. That the Common Seal of the Municipality be affixed to the Transfer of Land for the contract entered into.

CARRIED



MEDIA RELEASE

COMMUNITY FACILITIES IN NEW GATEWAY TO ELTHAM

The former Shire Offices of Eltham, which have asbestos problems, are to be demolished providing an opportunity to re configure the gateway to Eltham township.

The Shire of Nillumbik today announced agreement had been reached with local developer, Mr Dallas Howgate of Dallas Price Properties Pty Ltd, that the redevelopment of the site would include a number of community facilities and see some land returned to public use.

Chief Commissioner of the Shire of Nillumbik, Don Cordell said, "the asbestos problems of the building had made it a difficult property for which to find an appropriate use."

The site will be used to develop a combined service station, convenience store and video outlet which is within the present zoning of the land.

The alternative offer was to convert the existing building into a number of flats.

Commissioner Cordell said, "under the agreement, the existing buildings would be removed providing an opportunity to realign some of the open space and organise new community facilities including a meeting area for Land Care Groups, designated parking for preschool parents, adding of public land to the library area and the development of a staffed twenty four hour a day seven day a week tourist information service."

The site has been sold for \$1.1 million.

Under the agreement in excess of 25 % of the land will be returned to Council for public use.

As part of the arrangement there will be a designated tourist information desk within the convenience store which will provide information and advice to tourists to promote tourism facilities and facilities twenty four hours a day seven days a week.

Commissioner Cordell said, "the Council was keen to ensure that the development involved quality landscaping and design to enhance the entrance to the township."

"The timing of the development will coincide with the implementation of the Shire of Nillumbik's Eltham township plan and the undergrounding of power lines in the Main Street."

Media Enquiries:

Ron Smith

Corporate Media Communications

(03) 98820164



Briefly

Tender wins

An in-house tender bid has been won at Nillumbik Shire for a contract to manage the Council's community halls network. The contract commenced yesterday (Monday, July 1).

At Banyule

Banyule Theatre last Thursday hosted the production of *All Together Now*, featuring the bands of St Helena Secondary College and Macleod Technical College, and the Watsonia Heights Primary School Choir.

Suen named

Eltham District Football Society (elthamdistfootball.org.au)

'WHOPPER' FOR ELTHAM?

Sir,

May I use your columns to congratulate Robert Marshall for alerting us to the ridiculous sale of the Pretty Hill property and also to express my dismay and anger at that sale, and also at the sale of the former Eltham Shire municipal offices in Main Road, Eltham.

The unelected commissioners of the Shire of Nillumbik have chosen to ignore the fact that the former democratically elected councillors of the Shire of Eltham land had reserved the (Pretty Hill) land for public open space.

These Spring Street appointees have sold the Pretty Hill property to developers who will undoubtedly make a considerable and very quick profit from their purchase. If a profit on the land was to be made surely it should have gone to benefit the ratepayers rather than outside developer!

We now learn that these same Commissioners have sold the old Eltham Shire municipal offices to the fast food chain "Hungry Jacks".

While Eltham township is not the most beautiful or best planned town in the Shire, it, up until now had a very pleasant green entrance - the Alistair Knox Park which offset the historic timber railway bridge, the

National Trust classified Shillinglaw Cottage and of course the very fine building designed by Greg Burgess to house the library.

This quite pleasing 'gateway' will now be destroyed with the advent of a fast food outlet which will dominate the space.

I wonder how the operators of the other Eltham fast food chain McDonalds are feeling?

Many residents will recall the fight the community, with the elected council's support, put up to try and restrict what was seen as a totally alien development - and that wasn't even on the main road.

So much for the Commissioners' promise to sustain the beauty of Nillumbik.

In these two disgraceful acts the Commissioners have shown their true colors - they obviously care little for Nillumbik (Eltham), and to make matters even worse they are not good business people or economic managers.

I pity any future elected councillors who will have to pick up the mess.

- Sigmund Jørgensen, Monsalvat, Hillcrest Ave, Eltham

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Ab... ..

Ex-shire offices to go

by FIONA KAEGI

THE asbestos-riddled former Eltham Shire offices is to be demolished to make way for a 24-hour service station/convenience store, fast food outlet and video shop.

Nillumbik Council sold the property in Main Rd to Dallas Price Properties Pty Ltd last week for \$1.1 million.

The development is expected to cost more than \$3 million and provide 100 full and part-time jobs when completed.

It will cost the developer an estimated \$200,000 to remove the asbestos.

Nillumbik Council's chief commissioner, Don Cordell, said the council had reached an agreement with the developer that the site would include a number of community facilities and see

25 per cent of the 7825 sq m site returned to public use.

He said a designated tourist information desk would be located within the convenience store to provide information and advice to tourists 24 hours a day, seven days a week.

Mr Cordell said the 200 sq m community use area, for which the council would pay a \$1 annual peppercorn rent, would house Eltham Foodshare, and provide a meeting place for Land Care groups and other organisations.

Designated parking would be provided for pre-school parents and more public land added to the library area.

Mr Cordell said the council was keen to ensure that the development involved quality landscaping and design to enhance the entrance to the township.

The council offices had been on the market since last October when staff transferred to the former Diamond Valley Shire offices in Greensborough.

"The asbestos problems of the building made it a difficult property for which to find an appropriate use," Mr Cordell said.

No tenders had been received for the sale or lease of the property by the closing date of April 24 this year.

But after tenders closed the council received two offers. The other was to convert the existing building into flats.

The managing director of Dallas Price Properties, Dallas Howgate, said he did not believe the removal of the asbestos would pose any problems.

He said his company was interested in the site

because of its Part Eltham Town Centre-Retail Office Part Restricted Business zoning.

The provision of community facilities would complement the development, he said, and he did not believe amenity issues should arise because of the site's isolation from residential areas.

The visual impact of the development would be minimal because it would be set below the level of the existing office building.

The development proposal now has to go through the usual council planning processes.

Mr Howgate said he was hoping for a "smooth sailing" planning process.

"We will be trading for Christmas if we get it up and running," he said.

Mr Howgate denied rumors that Hungry Jacks would run the food outlet, saying only that four major fast food chains had indicated an interest.



Fun gigs: Snorkel members (left to right) Steve, Kristian and Gordo are looking forward to playing an all-ages Eltham show. Picture: COLIN STUCKEY.

102a316

Fun gig for Snorkel

Eltham District Historical Society (elthamhistory.org.au)

Unsuccessful bidders criticise sale of offices

by FIONA KAEGI

NILLUMBIK Council has been criticised for its sale of the former Eltham Shire offices and the Hursbridge depot by two people who made unsuccessful bids.

The council sold the former shire offices in Main Rd Eltham for \$1.1 million to Dallas Price Properties Pty Ltd which plans to demolish the offices to make way for a 24-hour service station/convenience store, fast-food outlet and video shop.

But John Lordan, who put in a \$1 million bid for the site, has accused the council of "putting dollars before the community".

Mr Lordan said he would have removed the troublesome asbestos from the shire offices building and transformed it into a block of flats preferably for elderly people.

He said the building had historic value to the community, and creating a block of 20 flats would have allowed it to remain.

There was a need for housing for

elderly people in the community, he said. Mr Lordan denied his criticism of the council's decision was "sour grapes".

"The fellow who won (the tender) is a respectable gentleman and does a lot of good projects," he said. "My criticism is with the council."

Nillumbik Council's chief executive officer Barry Rochford said the proposed development for the shire offices was the best development offer the council had received and the best price.

The council has also come under fire for its sale of the former Hursbridge depot for \$115,000 to Applied Biotechnologies Pty Ltd and Animal Control Technologies Pty Ltd to create a centre specialising in environmental consulting, education and production of approved products for landcare.

David Perrett, who submitted a \$140,000 tender for the depot with the intention of using the site for a wholesale nursery, has criticised the council's tendering process.

But Mr Rochford said the council accepted the lowest bid, \$25,000 cheaper than Mr Perrett's, because it believed the planned use would have the most benefits for the community and because the company planned to clean up contamination on the site.

Mr Rochford said Mr Perrett wanted the council to clean up the contamination on the site, whereas the council wanted the purchaser to do this work.

Mr Perrett admitted his was a non-conforming tender, but said under the circumstances there "wasn't much option".

"The tender documents were only made available two weeks before the closing date. Up to then there was no mention of the contamination whatsoever," he said.

"We were left with no time to have another assessment done to fully evaluate the property."

Mr Rochford said everyone had been given the same time-frame to submit their tenders.

Land covenants finalised

TWO conservation covenants to protect the environmental qualities of the Pretty Hill land in Kangaroo Ground recently sold by Nillumbik Council have been finalised.

The 98ha site was sold in May for \$1.525 million conditional on its remnant bush being protected by covenants placed on the land title.

The council's manager

of environment and land use strategies David Gold said the two covenants had been implemented by the Conservation and Land Management Minister, Marie Tehan.

"These covenants have been designed in consultation with the Trust for Nature, and (are) now implemented in accord with the planning permit issued for the subdivision of the

land," Mr Gold said. "They will be binding on the current purchaser and all successive purchasers of the land when it is subdivided."

Mr Gold said the covenants were designed to:

- Ensure there would be no destruction or removal of any local indigenous plants or grasses, with specific exemptions in relation to construction of a

pedestrian access track.

- Prohibit the planting of non-indigenous flora.

- Protect the existing natural drainage patterns.

- Ban the introduction of dogs, cats or other domestic animals.

- Restrict livestock, with the exception of horses, in the designated horse trail.

- Control the display of signs, hoardings or other advertising matter.

Poor service for cat owners

HAVING paid our cat's \$20 registration fee to Nillumbik Shire Council last April and receiving the cat registration band on July 8 after a phone inquiry, I raise the question as to what services cat owners get for their money.

Dogs can be collected from the pound, reads the application form; cats do not get a mention!

Further investigation found that those of us who paid our rates/cat registration notices at the Eltham post office did not receive cat bands because our names and addresses were recorded on the section of the form that was returned to us.

I have yet to see a council public notice that alerts ratepayers of their need to chase up their cat's band.

If we had not tracked our grey cat to the Lort Smith Hospital, where it had only two days left to live, this letter would have been a "memorial letter" to council's incompetence in its registration procedures.

Harry Gilham,
Leonard Cres., Eltham.

Insensitive proposal

I AM appalled and affronted at the latest planning decision of the Nillumbik commissioners to allow a fast-food outlet (Hungry Jack's or whoever) and a 24-hour service station plus a video store to be built on the site of the Eltham Shire offices.

Have they no understanding of the extent of community involvement that has taken place over the years to ensure that Eltham township has an attractive entrance?

This insensitive proposal is one which will put a service station next to a maternal and child health centre and hall which was built by the War Memorial Trust in recognition of Eltham citizens who fought in World War II. I also assume that the historic cypress trees that were part of the Shillinglew Cottage garden in

the last century will go in the name of progress.

My feelings of outrage are compounded when the press release, in an effort to make the decision more palatable, says that space for Landcare groups to meet will be made available — just how many Landcare groups are there in Eltham? Farther north, yes, but in Eltham? If they do need a meeting place in Eltham, what about the now empty police station which was the home of the environment office?

Anyway, such groups can meet in the meeting spaces in the Library, Senior Citizens and Community Health Centre.

As for giving public open space to the library, has the library any use for extra land? Especially land way up above the building's roof!

And as for a 24-hour-a-day tourist information service, I can just see the rack of pamphlets tucked away in a corner of the service station/store — rather like the now defunct shire service desk at the Eltham library.

Crass developments have been fought off before and I hope that sufficient community outrage will be expressed to the commissioners so that adequate community consultation can take place over the disposal of another community asset.

I also hope that this development will not turn out to be a tawdry reminder of the commissioners' reign over our community.

Sue Dyet,
Leonard Cres., Eltham.

Group helps thousands

I WRITE this (with a mixture of anger and confusion) in response to "Self-serving schemes", by Andrew Trezise (Letters, July 3).

As a case manager, helping long-term unemployed clients back into employment, I have helped more than 70 clients (who have been unemployed for up to 10 years) re-enter the workforce. The key to finding employment in the '90s is having current skills and a great attitude. Once you have been unemployed



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes. Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters.

over a number of years — and received hundreds of knockbacks for jobs — both your skills and your attitude need a kickstart.

Motivational videos, meetings to assess needs and help with overcoming barriers and computer courses are some of the "stepping stones" used to help people on the journey back into full-time employment.

Incidentally, the "intervention program" mentioned was run by a "for-profit" organisation and is not in any way connected with Skill Seekers.

Yes, these programs do represent a considerable amount of taxpayers' money, but God help a country that is not willing to help its long-term unemployed people with the necessary steps to gaining full-time meaningful employment. Australia (and the dedicated staff at Skill Seekers) should congratulate ourselves; we now have the lowest "long-term unemployed" figure for the last five years.

It's hard to see how Skill Seekers is "self-serving" — we are a non-profit organisation which has helped thousands of long-term unemployed people get on with their lives.

Stuart Brinkworth,
Case Manager,
Skill Seekers, Greensborough.

7. **Officers' Reports**

7.116/96 **SALE OF ELTHAM OFFICES, MAIN ROAD, ELTHAM**

Summary (GM,CS/LSCR/04)

To appoint an agent under the *Building Control Act* 1981 for the purposes of applying for a demolition permit.

Officer's Report

As the contract of sale is conditional upon the grant of a planning permit authorising the Purchaser's proposed use and development of the property, it is in order that the purchaser be authorised to make application for a building permit to demolish the former Eltham Shire Offices and sign the application form on behalf of the Council.

Resolution

Commr Abbott

That Dallas Price Homes Pty Ltd be appointed as agent of the Council under the *Building Control Act* 1981 for the purposes of applying for a demolition permit and authorises Dallas Price Homes Pty Ltd to make application for a building permit to demolish the former Eltham Shire Offices, 895 Main Road, Eltham and sign the application form on behalf of Council.

CARRIED

Former shire office sale angers residents

NILLUMBICK residents last week staged a protest against the proposed development at the former Eltham Shire office site.

Members of the newly-formed Eltham Gateway Action Committee met at the offices last Tuesday to fight the demolition of the asbestos-riddled Main St building.

A 24-hour service station/convenience store, video shop and Hungry Jack's are planned for the site. Nillumbik Council sold the property — which had been on the market for eight months — to Dallas Price Properties Pty Ltd in June.

The site was sold for \$1.1 million, despite being valued at \$1.45 million by Herron Todd White Valuers Victoria in January.

The decision has outraged residents. But the council has justified selling the property for less than its valued price because of concessions made by the developer including a tourist information desk to be contained in the convenience store, a community use area and parking.

The council has also blamed the asbestos problems for bringing the price down.

However, residents claim the asbestos problems have been "beefed up" to justify the sale price and are angered by the proposed plans for the site.

Former Eltham councillor Jenni Mitchell said residents had paid for the offices and deserved a better return on their asset. She said: "\$1.1 million appears to be a very low price for a substantial building of this type in such a prime location."

She suggested possible uses for the site including sound recording studios, commercial design studios, architectural offices, cultural centre with bookstore, music centre, art studio, professional suites, theatre, youth support (drop-in) centre or a 24-hour police station.

Former Eltham councillor David Essex said if residents couldn't save the building, they had to save the site.

Montsalvat Trust chairman Sigmund Jorgensen said the proposed development was incompatible with the neighbouring community precinct.

"I think it is a disaster that the unelected commissioners should sell off what is essentially the most important building site in Eltham," he said.

Nillumbik chief executive officer Barry Rochford said the demolition permit was issued on July 19, and the council expected the site to be cleared within the next two weeks.

The development is expected to be completed by the end of the year.

"In the case of the project not proceeding the council will refund the developer the costs of work undertaken up to \$70,000," he said.

"If this situation did eventuate, a cleared site would be a more valuable asset to put back onto the market."

The proposed development falls within the current zoning of the land but it still has to go through the full public planning process."

Mr Rochford said funds from the sale of the building would be used for the Eltham streetscape works which would benefit Eltham residents.

The managing director of Dallas Price Properties, Dallas Howgate, said he did expect community backlash against the proposed development, but would do everything he could to appease the community's anger.

Mr Howgate, a Nillumbik resident, said Shell had agreed to put in a "one-off" design for the petrol station/convenience store.

"We have the opportunity to sit down and negotiate a change in their corporate image and they are prepared to do that," he said.

The Eltham Gateway Action Committee has organised a public protest meeting at Montsalvat on August 4 at 4pm.

□ BRIEFS

New system

A \$1.2 MILLION computer system has been installed at Nillumbik Council's Greensborough offices.

The council's information technology services manager, Tony Cox, said the system consisted of an integrated network of about 130 computers.

He said it included a microwave link and other features so staff at other locations could also access the system.

Mr Cox said the facility incorporated an electronic messaging system so council staff could contact any person in the organisation and an integrated database which brought together information from several departments.

Traders group

NILLUMBICK Council is inviting traders to attend a meeting to discuss how to go a Diamond Creek retail centre traders' group in late August.

Diamond Creek traders and the council have already talked about ideas, such as improved car parking and streetscaping, to enhance the centre and capitalise on its strengths.

Traders interested in attending the meeting should contact Peter Deligero on 9438 1249, Muriel Harmer on 9438 2652 or John Munday on 9438 2546.

Hall reopened

THE Eltham North Community Hall was officially reopened last week after a fire damaged the building two years ago.

Nillumbik's chairman of commissioners, Ron Cordell, said restoration and improved facilities at the hall cost \$400,000.

Mr Cordell said a central feature of the building was a community hall that could seat 120 people.

Building alterations included a new entrance, toilet and kitchen areas, he said.

Scout appeal

THE Scout Association is asking people to open their homes to young jobseekers from rural areas.

The Scouts Gateway Employment Project needs families who live in metropolitan Melbourne to provide accommodation for rural jobseekers aged 18 to 24.

The project is aimed to help many jobseekers who are disadvantaged due to a lack of employment opportunities in their home town.

The project provides support for up to three months and matches the family with an appropriate tenant who has secured employment and will pay full board and lodgings.

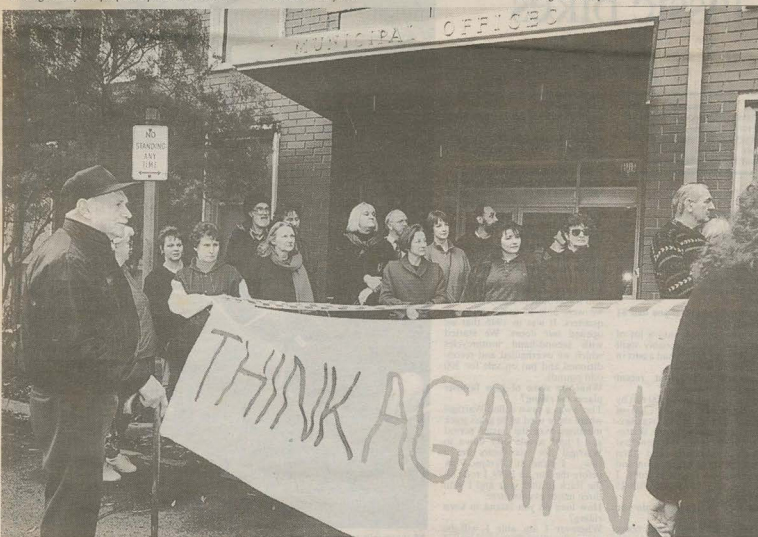
For more information contact the Scout Association of Australia, Victorian branch on 1800 640 454.

Kyme to stand

HURSTBRIDGE resident Jock Kyme has confirmed he will stand for Nillumbik Council in the 1997 council elections. Mr Kyme made the news in June last year when the Nillumbik commissioners issued a defamation writ against him. The writ was dropped in August.

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Public protest: Members of the Eltham Gateway Action Committee protest against the demolition of the former Eltham Shire offices last week. Picture: MICHELLE KELCEY/Eltham District Historical Society (elthamhistory.org.au)

ADVERTISER Eltham Offices Demolition

'YOU CAN'T DEMOLISH CITY HALL'

The Advertiser
Press Room
Confidential

EXTRA

FOCUS for those on Planet Nillumbik this week saw a good ol' community protest last Tuesday morning at the demolition-in-progress former Eltham Shire offices.

It had all the necessary theatrical elements with:

- Nillumbik 'senior' Thelma Barkway (and protest banner) being forcibly moved by a hired security guard;
- intrigue as the security men took refuge in the old municipal offices, without masks, but into a "compulsory respirator area"; and
- a speech by Jack Byrne, suggesting perhaps a substantial "whip-a-round" for an injunction to stop demolition of the Eltham edifice.

Re-wind time
HISTORY of Nillumbik Council's desire to rid itself of the Eltham building can be traced to then-Local Govern-

ment Minister Roger Hallam's directive in December 1990 that the new municipality was to be headquartered in Civic Drive, Greensborough.

Nillumbik chiefs toyed with the idea of having the building as an annex for Box Hill College of TAFE, Police district headquarters, and even named the half-dozen parties who made expressions of interest for the property.

Yet, when it came time for real (money-up-front-please) variety, little was found.

Just prior to the announcement of the conditional sale of the property to Dallas Price Homes Pty Ltd, a front-page report appeared on the Diamond Valley News.

One version of the conspiracy story is that the front-page asbestos scare was supposed to be leaked in the previous week by Advertiser



• Thelma Barkway is ordered to move by a security guard at Eltham.

Editor Ash Long ... who didn't come to the party.

(The yarn is he was told of the asbestos problems in confidence, and actually - but unexpectedly - maintained the 'secret'!)

Convenience

NEXT stop for Nillumbikians was news that the Shire had conditionally sold the property to local firm, Dallas Price Homes Pty Ltd, for a combined video store, service station, fast food outlet ... and, oh, a community information desk.

Non-sourced sources tell us that the Main Rd building will be mud-brick. Well, not actually mud brick, but mud-brick rendered.

The roof is even planned to be the same color as the award-winning Eltham Library!

Down

she comes ...

WHEN the bright pink plastic barricades went up last week, the activist brigade went into action to try and save a building that no-one has ever really liked.

Let's face it ... the former Eltham Shire building has been one of the most plain, unappealing, and unromantic buildings of 'The Magic Valley'.

Everyone seemed to express surprise when a demolition order was issued by Nillumbik Shire ... but the truth is we all missed it.

The move was

(flagged on Page 405 of the July 17 Council meeting when the Shire moved to "appoint an agent under the Building Control Act 1981 for the purposes of applying for a demolition permit".

The report, word-for-word

THE Officer's Report to the July 17 meeting said: "As the contract of sale is conditional upon the grant of a planning permit authorising the Purchaser's proposed use and development of the property, it is in order that the purchase be authorised to make application for a building permit to demolish the former Eltham Shire Offices and sign the application form on behalf of Council."

Commissioners moved: "That Dallas Price Homes Pty Ltd be appointed as agent of the Council under the Building Control Act 1981 for the purposes of applying for a demolition permit to demolish the former Eltham Shire Offices, 895 Main Rd, Eltham and sign the application form on behalf of Council."

Interjections by protestor

THE demolition order was not glossed over by Council ... indeed, our reporter's notes indicate that Chief Executive Officer Barry Rochford introduced the motion to the meeting as a "procedural matter".

NEWS RELEASE:

SHIRE ISSUES DEMOLITION PERMIT

"THE Shire of Nillumbik has issued a demolition permit for the former Shire of Eltham offices," says a news release issued by the Council.

Barry Rochford, Chief Executive of Nillumbik Shire said: "Work has commenced on the site, including the removal of asbestos on Tuesday."

"The Council expected the site to be cleared within the next three weeks," Mr Rochford said.

"In the case of the project not proceeding the Council will refund the developer the costs of work undertaken up to \$70,000."

Mr Rochford said at this situation did eventuate a cleared site would be a more valuable asset to put back on the market.

"The project, including the community facilities, are expected to be completed by the end of the year," Mr Rochford said.

We're confident that will be backed by Plenty Valley FM's recording of the meeting.

We're disgusted," Karin Gerards interjected from the Public Gallery. "If there's no discussion, well put the motion," replied Chief Commissioner Don Cordell.

There's lot of discussion ...," said Ms Gerards, just prior to the three Commissioners' hands being raised to approve the motion. Although, we note new Commissioner Vin Hefernan rarely indicates a for-or-against vote on those proposed by his colleagues.

'It's totally inappropriate'

FORMER Eltham Shire Councillor Jenni Mitchell says the building, owned by local residents - on land donated to the community, with funds from locals - should not now be sold for a commercial enterprise.

"Our rates paid for it.

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"Our rates paid for it.

We deserve a better return on our asset - either as a community-use building or in dollar value for the community."

Ms Mitchell reminded last week's rally that the former Shire of Eltham had a vision for the gateway to the Eltham township.

"A lot of work had gone into zoning regulations along the Gateway with much discussion in the community over the finer details, as to use, signage, etc."

"But a resolution was passed that satisfied the community, part of that statement of purpose read:

"... to recognise the special character of the landscape and buildings of the Eltham Gateway Area, as an entrance to the Eltham township."

Ms Mitchell said there were currently seven service stations in Eltham, with an eighth - Caltex - recently closed.

"Our rates paid for it.

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• Eltham protestor Harry Gilham

ADVERTISER Local

Briefly

Janieloff quiz
Scullin MHR Harry Jenkins has asked in Parliament about the future of Janiell.
"Will the Government continue to finance the Better Cities redevelopment of surplus institutional land at Janiell?" Mr Fahey answered: "The future of spending programs is a matter for the Budget and any decision on the Better Cities program will be announced in the Budget context."

To Chicago

St Helena Secondary College student Luke Sevier has been selected to play for the Australian All-Stars next month in Chicago at the National In-Line Championships. Luke is seeking sponsorship for the trip to Chicago.

Debates

Last night (Monday) was scheduled for the final debate, at Loyola College, between Eltham High School and St Helena S.C., represented by Rebecca Swenney, Philippa Dean and Alycia Schultz.

Baby Show

A two-day baby show is being held next week at Epping Plaza Shopping Centre. The show will be held on Monday (Aug. 5) and boys will go on show on Tuesday (Aug. 6). See the Plaza's column in this week's *Advertiser* for more details.

Top To Bottom

The Philip Adams "From Top To Bottom: Stripping on Australian Landscape" exhibition opened last Sunday (July 28) at the Eltham Wiregrass Gallery. The former Maryborough Technical College art teacher has conducted two solo exhibitions previously at the Main Rd gallery.

Emergency

Police Sgts Chris McIntyre (Diamond Creek) and Dave Arthurson (Hurstbridge) have been thanked for their 18 months service on the Nillumbik Shire Municipal Emergency Planning Committee. Steve Plater will be replaced by Brian Foster as the second level officer.

Land transfer

Nillumbik Council has officially transferred documents for the acquisition of land for road widening purposes in Ironbark Rd, Yarrambat. Compensation was paid to the land owners to May last year.

It's available

Copies of Nillumbik Shire's "Quarterly Management Report" are to be made available to any member of the public who requests one in writing.

Eltham office demolition should halt

Sir,

Nillumbik Shire has entered into a conditional contract of sale in respect of the former Eltham Shire offices. The purchaser, Dallas Price Pty Ltd, proposes to demolish the existing building, and to erect, for its client Shell, a service station and convenience store, a video shop and a Hungry Jack's fast food outlet.

Council has issued a permit for demolition to Dallas Price Pty Ltd, to act as Council's agent in carrying out the demolition. Should the conditional sale of the property be not consummated, Council will reimburse Dallas Price Pty Ltd for its demolition expenses up to the amount of \$70,000.

As a former developer myself, I can say that the most common arrangement for this type of situation is for the vendor to authorise the purchaser to carry out the desired operation or operations, subject to the purchaser providing either a bond, or bank guarantee, sufficient to cover the balance of the purchase price plus, as warranted, a sum sufficient to complete the process in the event of the purchaser failing to do so.

Had this latter course been followed, Nillumbik Shire would have been assured of receiving the balance of the contract price and the purchaser (or his bank) would be left with the task of disposing of the property. But, under the arrangement now entered into, an aborted sale will leave Nillumbik ratepayers with, at best, a cleared site for resale, and \$70,000 out of pocket. At worst, ratepayers could also be left to finish the demolition.

Given the apparent keenness of both Dallas Price Pty Ltd and the Shell company for this project to proceed, I would expect that Ministerial intervention could result in a more appropriate arrangement being negotiated, despite the present demolition contract being, apparently, 'signed and sealed'.

Poster script: Subsequent to writing the above, Mr Dallas Hovagat met with members of the Eltham Gateway Action Committee last night, and surprised us with the information that the impetus for a hasty demolition had not come from either him, or from his client, but from the Council itself!

Council, he said, had actually approached him! He said so, and we did not doubt him, but he was in no desperate hurry to have the building demolished. We asked him why the Council was so keen to demolish before settlement, and he expressed the view that it was 'political'.

Could it be that Barry Rochford and his Commissioners have wrongly assumed that opposition to the proposed development would, almost totally, from a desire to preserve the old Shire offices, and that if these are swiftly knocked down, all dissent will evaporate.

W.H. Kyme, Cherrytree Rd, Hurstbridge

Fruit Graft Day soon

A HERITAGE Fruit Grafting Day will be held at Research on Sunday, August 11. Wendy Mather says the special day will be held at 5 Cassells Rd, Research.

"This is an opportunity to purchase scion wood of a wide range of rare, non-commercial varieties of apples, pears, peaches and plums. Research scion wood is available at cost price and grafting demonstrations will be available, or selected scions can be grafted onto root stock for you."

Cost are:
• Scion Wood, \$1 per piece;
• Root stocks, \$6 each.

Guided tours will be available on the day for \$5 per person over an extensive permaculturally designed property. This property encompasses many interesting features - swales and tree planting to manage the problems associated with steep slopes, orchard, herb and vegie garden, passive solar energy house and more.

All proceeds from the tours will go to subsidise Third World delegates to enable them to attend the next Permaculture Convergence in Perth.

At the turn of the century 6000 varieties of apples were grown world wide. Similarly, 9000 varieties of pears were grown. In most cases, because of commercial pressure and the need for long-distance haulage, most of these varieties have been lost.

However, there is a very active conservation group aligned to Permaculture Melbourne - The Heritage Fruits Group. This group is dedicated to recovering rare or threatened varieties, imparting information about the fruits, and actively encouraging as many people as possible to grow more rare varieties in an attempt to ensure their long-term survival.

Early advantages of diversity are:

- early, mid- and late-season fruits;
- a world of taste sensations;
- fruits for specific purposes, that is, apples for dessert, cooking, jellies, chutney or drying, etc.;
- chosen pest or disease resistant varieties.

Also, on the day, you will have the opportunity to be listed as a conservator of your chosen varieties.

Letter to the Editor

Democracy is dead in Nillumbik

Sir,

Over the last 18 months we have witnessed many dramatic changes in Victoria and more especially in what is now known as Nillumbik.

King Kennett, the young billionaire from Spring Street, with a small army of advisers, now known as Commissioners, amalgamated the Shires of this fair State. This he said was good and was going to be more efficient. He capped the rates, so that a ratepayer council, faced with a financial problem, could not raise the rates, their only option being to cut back on staff and services or to raise the charges for Council services.

Everything has to be CCT'd (*compulsorily competitive tendered*), because (so we were told) this would bring more efficiencies and be cost effective. I guess it is politically incorrect to ask whether this is really the case!

In Nillumbik we are allowed to be allowed to have elections in March 1997, this is after two years of Commissioner rule.

The rates (Commissioners) under instructions from Spring Street, are allegedly consulting with the community, as to the methodologies of these elections.

As part of this process the Nillumbik Commissioners sent each elector an Option Paper which outlined a somewhat limited list of options relating to the number of wards, number of councillors (options) and (options) to be called warders and other associated electoral matters.

We were also offered the opportunity to partake in three workshops where these matters could be discussed and debated.

The results of these deliberations, we were told, would be used by the Commissioners as the base for their decision as to the electoral system Nillumbik would adopt.

Last week a new paper arrived on our collective desks, which indicated that the three Commissioners appear to have opted for five councillor representing five wards.

So much for the community workshops, and so called consultations. I understand that the three Commissioners have personally elected only nine to 12 Councillors, and three multi-Councillor wards, though some preferred nine to 12 single Councillor wards.

The Commissioners' latest move does invite further submissions, but what is the point when it appears that they, the Commissioners, take no notice.

I ponder on the fact that the Commissioners sent out the Option Papers to the whole community, and now the second paper informing us of their preferred option. Surely if they believed in democracy then they could have included a voting paper on which we could mark our favored choice for the future.

I note that included with the second notice I received, was a *Resident Survey on Tourism* from Latrobe University, which invited us to tick certain options. So why not a Resident Survey on Elections and Electoral Systems?

Meanwhile the Black Prince, King Kennett's Minister for Local Government, Rob Maclellan, sits brooding in his tower of power overseeing the destruction of local government democracy as we used to know it. Maclellan has let it be known that he will have more than one elected councillor for that matter Commissioner, who dares cross swords with the directives of Spring Street. Dismissal, or worse will be the order of the day!

Two World Wars and countless other incursions have been fought to protect democracy, thousands have died trying to stop totalitarian regimes from either the right (*fascists*), or left (*communists*), taking control. Now in the mid 90's those high moral ideals for democracy have been simply pushed aside by a regime who claim that their system who claim that their system will bring greater efficiency to government, and benefits to the people.

Is democracy dead? Local government certainly appears to have been high-jacked by King Kennett and his crew. His mates and those who do his bidding daily appear to have become more powerful! Certainly 'Crown' Princes, the inimitable Ron Walker and Lloyd Williams have prospered under his beneficent rule, but have we?

Perhaps the commissioners might accept this challenge to come out in the open and publish all, including the Nillumbik book of accounts which hopefully will reveal the extraordinary efficiencies they have brought to Nillumbik. I am also sure that they will be happy to have the intense scrutiny of the public-appointed workshop facilitator, Des Bethke, on the preferred option for the forthcoming elections.

Surely we have a right to know!

- Signum Jørgensen,
Hillcrest Ave, Eltham



• Jenni Mitchell calls for a fight

Eltham already had McDonald's and Red Rooster fast food outlets. Already another video store was planned opposite Luck and Cecil Streets, plus the next new one planned for the Shire site.

"Other video shops have started and failed in Eltham."

Asbestos problems

Ms Mitchell says that if the Shire offices has asbestos problems, "the older the building, the more likely it is to have any serious asbestos problems."

"The buildings next to the Shire Office, that of the Pre-School would be of more concern from a health problem."

"Does this mean the

removal of the former Shire Offices and all of the other buildings in the Shire with asbestos?"

\$1.1 million?

"\$1.1 million appears to be a very low price for a substantial building of this type in such a prime location," Ms Mitchell said.

"Given that market values are very low at present, wouldn't it be wiser to wait until they have improved before selling our community asset? We will not be able to purchase a property again in the future at this price on a prime location such as this if we act in haste now."

"Once sold, it is sold for ever. Why the urgency? What will the money be used for?"



• Jack Kyme, David Essex, urge action

Disbelief at plans

I AM outraged at what is happening to our Eltham. Having let the new plans for the town centre and other proposed developments sink in, I must express my disbelief at the following:

1. Destruction of the old shire offices for a video/convenience/fast-food/petrol outlet. I don't care how "sensitive" the development will be, it will still represent the crassest aspects of modern living. Placing Eltham Foodshare underneath is just plain "bad taste".
2. Plans for the town centre to include removal of native grasses and trees along the median strip in Main Rd and replacement with "granitic sand" and "theme trees".
3. Replacement of brick-paved footpath with asphalt and a plethora of banners, totems and sculptures.
4. Building of another mega video store opposite Caltex.

I note that in plans for the town centre in Eltham, we are to have buildings of landmark quality to define the boundaries of the shopping precinct. Somehow, I didn't have neon-lit video stores in mind!

Eltham, you deserve better than a clone of neo-kitschville!

Margaret Jennings,
Stanley Ave,
Eltham.

Lack of respect

IF PUBLIC anger, distrust, disappointment and most of all disbelief over the electoral decisions recently brought down by the Nillumbik commissioners does not boil over into open revolt, I

will be greatly surprised.

These state appointees (commissioners and chief executive officer) have taken one of the few shires whose communities worked hard for and were thrilled with the result of local government reform and made them outcasts — to be completely ignored.

This lack of respect for the communities was again blatantly exercised on July 17 when the shire electoral arrangements were put through "council".

Where are the results of the three public forums? Of course they are confidential. My understanding is that two of the forums overwhelmingly endorsed three wards and nine councillors and the other one pushed strongly for three wards and 12 councillors. What of the submissions? Available to the public? No, they are also confidential.

Libraries, child care, sports grounds, sale of assets, planning, electoral boundaries, roads — at the moment, residents have absolutely no say. Make sure you do in the future by ensuring adequate councillor representation — act now.

Object now, write and speak in support of your submission, let them see you care, be in the council chamber on August 14 and 21 and help make them nights that will be remembered in Nillumbik's history.

Mike Jansz,

C/- Smiths Gully Post Office.

Consultation farcical

I IMPORE all residents of Nillumbik to seriously consider the electoral decisions now before them. If they are not prepared to act they WILL be made on their behalf, by the commissioners and chief executive officer.

Under the CEO and the commissioners, community consulta-

tion has been farcical. Their lack of respect for community involvement has led to a high level of apathy bred of frustration and a sense of hopelessness.

Accountable democratically elected representation is coming. Be a part of the process that decides how many councillors, the type of voting system and the number of wards that will make up the new Nillumbik.

Councillors are your direct link to council: they represent the residents, groups, and communities — how many should there be? Important points to consider include: (a) the Local Government Act has not changed the roles and functions of councillors; (b) the many diverse communities across our shire; (c) the value of having a "local" on council, and that local government should mean just that — it must be local.

Diaries, to be taken in by the baseless argument put forward "that future councils MAY be best served by a lesser number of councillors than previously". The maximum number of councillors allowed is 12; for Nillumbik, each councillor would represent about 3000 voters. The minimum is five; each councillor would then represent 7200 voters.

The Local Government Board guidelines on elections strongly suggested that the community be involved in working groups. These were to be initiated in early February to present an options paper to council by April 1.

Our appointed public servants have, on our behalf, produced a document outlining a few options. Please do not be confined to the limited options offered by the "discussion" paper; the number of options available is immense.

The number of councillors should reflect the many vibrant lifestyles of Nillumbik. Take advantage of the commissioners' invitation, use the reply paid address and let them know how many councillors and wards



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Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters.

Nillumbik should have, and above all that residents want to be listened to.

Kahn Franke,
Kangaroo Ground-St Andrews Rd,
Smiths Gully.

Community opinion

AT THE council meeting on July 17, the commissioners announced their preferred option for the disposition of elections to be held in the Nillumbik Shire in March, 1997. They recommended five councillors to represent five separate wards, a far cry from the 12 councillors of the old Shire of Diamond Valley and the nine of the old Shire of Eltham. Their chosen option allows the minimum of representation to Nillumbik ratepayers, who, all the evidence suggests, preferred either nine or 12 councillors.

These preferences were expressed in a survey carried out by

Board.) I argued that this would at least demonstrate that justice would be seen to be done and would reveal a commitment to accountability and transparency, qualities of governance they have been vociferous in trumpeting when it suits them.

Their responses to my request were quite inadequate. Not only did they evade the call to make available the results of the written submissions, but Mr Rochford even said that many people had suggested to him that Nillumbik only required five councillors.

Of course, there is a place for anecdotal evidence like this, yet its veracity is untestable. This is precisely the reason written submissions are requested. They allow for some kind of verifiable measure, hence accountability. The very refusal of the commissioners to make available the results of their written and oral submissions (in the three meetings the results of which were recorded on tape) is a direct contradiction to the quest for accountability which is such

Everything has to be CCTd (compulsory competitive tendered) because (so we were told) this would bring more efficiencies and be cost-effective. I guess it is politically incorrect to say whether this is really the case! In Nillumbik we are to be allowed to have elections in March, 1997. This is after two years of commissioner rule.

The commissioners, under instructions from Spring St, are allegedly consulting with the community, as to the methodologies of these elections.

As part of this process, the Nillumbik commissioners sent each elector an option paper which outlined a somewhat limited list of options relating to the number of wards, number of councillors and other associated electoral matters.

We were also offered the opportunity to participate in three workshops where these matters could be discussed and debated.

The results of these deliberations, we were told, would be used by the commissioners as the base for their

survey on elections and consultation items? Two world wars and countless other incursions have been fought to protect democracy, and thousands have died trying to stop totalitarian regimes taking control. Now, in the mid-90s, those high moral ideals for democracy have been simply pushed aside by a regime which claims its system will bring greater efficiency to government, and benefits to the people. Is democracy dead?

Perhaps the commissioners might accept this challenge to come out into the open and publish all, including the Nillumbik book of accounts which hopefully will reveal the extraordinary efficiencies they have brought to Nillumbik. I am also sure that many in the community would be interested in the report by the council-appointed workshop facilitator, Des Bethke, on the preferred option for the forthcoming elections.

Surely we have a right to know.

Sigmund Jorgensen,
"Montsalvat",
Hilkestr. Ave,
Eltham.

'THERE WAS NO CONFLICT OF INTEREST'



• **Nillumbik Shire
Chief Commissioner
DON CORDELL**

Sir,

I write with reference to the Letter to the Editor headed "Going well ..." which appeared in the July 30 edition of your newspaper.

In that letter, it was suggested that I may have faced a conflict of interest when Council was deliberating on tenders of the purchase of the site of the former Shire of Eltham offices. In fact, no conflict of interest existed.

The following facts should be noted:

- The successful tender was Dallas Price Homes Pty Ltd, not the Shell Co of Australia Ltd ("Shell").
- I was aware that the successful tenderer proposed re-developing the site, and making provision for a service station.

It therefore occurred to me that one of the four major Australian oil companies may have been involved in the proposal. Enquiries were made of the successful tenderer, and the successful tenderer indicated that negotiations would be proceeding with all four companies. Shell was, therefore, only one of the four compa-

nies which may have become involved in the operation of the service station.

I retired from Shell's employment about seven years ago, and receive retirement income from Shell.

I caused enquiries to be made of the Office of Local Government, which advised that no "pecuniary interest" existed. This was because Shell was not involved in the tender process (recalling that Council was meeting only to consider which of the tenders should be successful), and because it was entirely speculative whether Shell would ever have a presence on the site.

- The successful tenderer has now advised that negotiations are complete, and Shell will operate the service station on the site.

This being so, if any issue concerning the service station comes before Council, I will, of course, be declaring a pecuniary interest.

I trust this dispels the suggestion that any conflict of interest may have existed.

**Don Cordell, Chairman of Commissioners,
Shire of Nillumbik, Civic Dr, Greensborough**

Labor joins battle to save offices

THE Opposition spokesman on local government, Pat Power, has joined the Eltham Gateway Action Committee's fight to save the former Eltham Shire offices from demolition.

Mr Power met protesters outside the partly demolished building last Thursday.

The asbestos-riddled building is being cleared to make way for a 24-hour service station/convenience store, video shop and Hungry Jack's outlet.

Claims by protesters that the demolition was unauthorised, and therefore illegal, have been denied by Nillumbik Council.

Mr Power said it was outrageous that the commissioners were acting in what had been reported to him as an "illegal manner".

"We (the Opposition) will do what we can to put a halt to this work until it is proved that the commissioners have acted legally," he said.

Mr Power said if the community did not show support for the project, it should be abandoned.

Eltham Gateway Action Committee member Mark Burns said there had been no community announcement, consultation, council submission or council resolution by the commissioners authorising the council to demolish the asset. "Yet the commissioners and the CEO have contracted with Dallas Price Homes to do exactly that," he said.

"We believe the decision of the commissioners and CEO in arranging for the demolition of this major public asset are not in the community's best interests, do not protect the value of these public assets, have not been publicly considered and are not legally authorised."

Nillumbik's chief executive officer, Barry Rochford, said the protesters assertions were incorrect.

"We have acted with propriety and within the bounds of the council's authority in the proper management of the council's assets," he said.

"If we have acted illegally, where is the proof?" — FIONA KAEGI

Council compromise on child care subsidy

by JODIE GUEST

THE Diamond Creek Occasional Child Care Centre has won a partial victory in its battle to avoid having its council subsidy cut by 54 per cent.

But the Nillumbik Council subsidy to the centre has still been cut by about 35 per cent and the financial arrangements for the 1997/98 financial year remain unclear. At its last meeting the council approved a \$60,000 subsidy for the centre for this financial year, with future funding yet to be determined.

The council also approved changes to fees, operating hours and a reduction in staffing hours.

The centre's administration officer, Chris Bates, said last week the reduced funding level appeared to be "workable".

She said a 54 per cent funding cut would have resulted in significantly increased fees and reduced services at the centre. The centre, founded in 1978 by the now-defunct Shire of Diamond Valley, had previously received a council subsidy of \$80,000 each year.

According to the council, the subsidy equated to \$3.24 per child per hour, while the centre maintained it received only \$2.95 for each child per hour.

Citing "equity and fairness for childcare centres in the municipality", the council wanted to reduce its annual subsidy to about \$36,900, or \$1.50 per child per hour.

Other centres in the shire offering occasional care, although not as many hours as the Diamond Creek service, receive subsidies of \$1.08 and \$1.52 per child per

hour. The council said the new \$60,000 subsidy was equal to \$1.66 per child per hour.

The subsidy will be implemented in two stages. The centre will be funded at its current level for this term (\$20,000) and will receive \$40,000 for the next three terms (term four this year and terms one and two next year). Ms Bates said the centre's board of management was pleased to come to a "fairly amicable" compromise with the council.

"It's more user pays," she said.

"The council is paying less and the community, more."

She said the subsidy would see a "minor staff restructuring" with a reduction of up to three hours a day.

The fee structure will also change, with a flat hourly fee to be introduced from the beginning of term four (October 7). Fees were previously charged on a sliding scale. The new fees will be \$4 an hour for one child and \$6 an hour for two children.

The centre will also increase operating hours by an hour-and-a-half each day.

In a press release, the council's chief executive officer, Barry Rochford, said the \$60,000 annual subsidy equated to \$1.66 per hour per child.

Mr Rochford said the funding arrangement was a "satisfactory outcome following negotiations that began more than 12 months ago". The Diamond Creek centre has 200 members and is used by up to 40 children each day, catering for a maximum of 28 at any one time. It offers short-term child minding for up to six hours a day.

Chamber supports plans

by FIONA KAEGI

THE Eltham Chamber of Commerce has given "qualified support" to the development planned for the former Eltham Shire office site.

The asbestos-riddled former Eltham Shire offices will be demolished.

The site will make way for a 24-hour service station/convenience store, Hungry Jack's and video shop.

The plans have sparked angry protests from Nillumbik Shire residents who believe the develop-

ment is not compatible with the Eltham environment.

But Eltham Chamber of Commerce president Norm Williams said, if the development were treated sensitively, the chamber would support it.

"If it was a normal Hungry Jack's or a normal convenience store we would be horrified, because it is a prime site right at the start of the town," he said.

"So it has to be treated sympathetically."

Mr Williams said he didn't think the residents

should stop fighting for what they wanted, but believed they should try to resolve their differences with the developer rather than by taking the matter to the Administrative Appeals Tribunal.

He said that if the matter went to the AAT the residents might lose the case and have no control whatever over what happened to the site.

He said companies such as Shell and Hungry Jack's could bend their rules.

"I think the community has a real responsibility to make its views known."

Mr Williams said the Chamber of Commerce had pushed for a TAFE campus to be established on the site, but those plans had fallen through.

He said the convenience store would affect local milk bars, but most other traders would prefer it to a number of small shops.

"That would fragment the town even more," he said. "But this has to be sympathetic to the Eltham environment."

Mr Williams said the development would free funds for capital works in Main Rd, Eltham.

DVN 7/8/96

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Area being torn apart

IT HAS taken a while to emerge from the Nillumbik Shire-induced state of shock sufficiently to put pen to paper. To say I am outraged, speechless, in a state of deep melancholy and bitterly heartbroken is more than understatement. The area I love and adore is being torn apart, surely and steadily and frighteningly fast.

What exactly are the commissioners and chief executive officer of Nillumbik guilty of? Let's list just a few:

- First up, council elections with five wards and five councillors must be regarded as diametrically opposed to overwhelming community wishes for nine councillors and three wards — this seems almost like childish nose-thumbing at the community. The wards split our rural townships in the worst possible way of any option — we must not let this be implemented.

- Sale of Pretty Hill open space land.

- Sale of Hurstbridge depot.

- Various inappropriate subdivisions allowed

through, by commissioners or officers on temporary contract with no knowledge of local precedent and practice.

- Pathetic maintenance to our rural bitumen roads, more dangerous now than before work was done.

- Zilch maintenance to our rural unmade roads — unless you ring and demand five or six times, that is. (People, are you aware there is NO budget allocation for regular maintenance of unmade roads by our commissioners? They have "solved" this by stating all unmade roads will be made within five years — and paid for by residents, of course.)

■ Widening and straightening of the Windy Mile — we must stop this before work begins also. This is the entrance to the rural area, the "cork in the neck of the bottle". The planned and budgeted works will simply open the development floodgates. (Nice straight road? Ooh, let's build more little houses round it!)



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- Big garbage wheely-bins, totally inappropriate for the rural and many township areas which allow MORE rubbish to be put out rather than achieving waste reduction.

- And the final slap in the face? To sell the old Eltham Shire Offices, at the entrance to Eltham township commercial area, which I thought was planned for enhancement, to the buyer most extremely unsuitable of all — 24-hour traffic for convenience and fast food. The commissioners must be doubled up with laughter at this effort to foist totally inappropriate development on Nillumbik.

I sometimes dream that I will wake from this nightmare and find it's not true. WHY is this straighten, concrete, subdivide and develop program being implemented in the shire created to be a green jewel? It doesn't make any sense, does it?

Jenni Bundy,
St Andrews.

7/8/96

Adding to the price

I WAS reading the July 17 issue of *Diamond Valley News* when I came across an article about the latest vandalism incident at the Eltham library. It reported that this time 26 windows were smashed, causing \$5000 in damage.

Then I found out that the council was going ahead with plans to allow a fast-food outlet, a video store, and a 24-hour service station on the site of the old Eltham Shire Offices.

Wasn't even a thought given that this will attract more people to that area at late hours of the night and early morning when more damage could be caused?

I believe that Eltham has enough fast-food outlets with their related rubbish problems in our street. We moved to this area to escape those problems! We already have enough video stores and service station/convenience stores in Main St at both ends of Eltham.

It was pleasing to see the recent closure of the last service station in the centre of Eltham opposite the railway station. The last thing we need is to replace it with another eyesore!

With the ever-increasing cost of vandalism to our community, Nillumbik Shire should be doing all it can to ensure that it is not creating environments that will add to the price already being paid by ratepayers.

Kelly Fitzpatrick (aged 13),
Narrawa Close, Eltham.

'Atrocious assault of commercialism'

Sir,

Residents of Nillumbik, at an overwhelming meeting to protest the plans to replace the former Eltham Shire offices with a Shell service station, Hungry Jack's and a video store, saw this atrocious assault of commercialism, on the "Gateway to Eltham" concept, as quite unacceptable.

The Shire offices, and the site, belong to the residents whose views on the "development" are paramount. The answer in this case is quite clear - it is no thank you!

Nillumbik Commissioners, in their continued selling-off of the people's assets, have this time really stirred up community anger at the loss of their democratic rights to have a meaningful say in the affairs of the Council.

This sweeping away of democracy has come as a result of the Liberal Party's dominance in the Victorian Parliament; and we are threatened with the same disregard on the Federal scene.

Democracy is something we have almost taken for granted up-to-now. Suddenly faced with the fragility of democracy, our voting at local Council, State and Federal elections becomes a most serious responsibility if we are to stop this galloping erosion of democratic rights.

Secretary, Jaga Jaga Branch, Aust. Democrats, 2 Symes St, Lower Plenty



LETTERS TO THE EDITOR

The Advertiser,
30 Glen Gully Rd,
Eltham North 3095,
Fax: (03) 9431 0885

Poisons 'hypocrisy'

Sir,

I was fascinated by the two articles in 'Press Room Confidential' (Advertiser, July 30) relating to Applied Biotechnologies.

It seems the height of hypocrisy to now complain about chemical poisons only because they might be made in our backyard. Only myself, Harry Collins and Susie Scoullar-Greig have ever publicly protested about the awful chemical poisoning program of Nillumbik Shire. Not even a wimp has been uttered by these writers about Foxoff.

Dr Tim Ealey, a Foundation Member of the Bend of Islands Co-Operative, and a renowned ecologist, took 40 tertiary students to investigate the effects of Foxoff on native animals. "The emus loved it," said Tim, "and followed our tractor line around, grabbing it as fast as we dropped it."

Centuries of browsing on toxic native plants had given them genetic immunity from the active ingredient. Likewise they found no other dead native animals in a wide radius of the drop.

Hopefully current research into biologically induced fox sterility will reduce the need for chemical baits like Foxoff.

About Dencofume, a carbon monoxide cartridge: carbon monoxide is continually produced in our exhaust fumes and is an undesirable air pollutant. Who but the suicidal would undertake prolonged concentrated exposure? Better it be used to fumigate rabbits than poisoning with Pindone (the eating of which killed Susie's dog) as it doesn't invade the food chain.

Perhaps the writer of "Fumigator Factory" would stop using his car to indicate his sincerity and goodwill.

In the meantime, let Biotechnologies address the problems of pest plants and animals using integrated pest management so we can avoid killing our environment by perpetuating our present myopic culture of using only chemical poisons.

- June English,
9 Godalmin St, Eltham

June replies to Jock Kyme

Sir,

Perhaps I might respond to Jock Kyme's let-

ter (Advertiser, July 30) in the following way:

Oh Jock, how could you? Would that you could get your facts straight. I did not promise you to ring Dr Staples (Biotechnologies Director - Ed.) to get my facts straight, let alone publish a correction as you requested of me.

Why should I? I had already been in contact with him. You gave him my number, didn't you?

Why don't you come clean Jock and admit you have no interest in the environmental or other effects of chemical poisons on animal welfare. You are worried only that your land values might depreciate when ABT becomes your neighbour. After all, you did say, Jock: "You'd have no trouble if the baits were manufactured elsewhere."

As I said to you, my letter clearly stated that integrated pest management "used mechanical, biological and chemical methods which are mutually beneficial" and hopefully Applied Biotechnologies would "help us reduce chemical pollution of our environment" by their biocontrol initiatives.

I do not withdraw from that position.

- June English,
9 Godalmin St, Eltham

We need ABC

Sir,

The continuation of the ABC as an independent broadcaster is an absolute necessity.

Any diminution of that independence reduces the ABC's ability to present the different aspects of the wide range of interests and knowledge that it currently covers.

As committed Radio National listeners (we seldom watch or listen to commercial outlets), we find the programs intellectually interesting, diverse and informative. Our lives would be much poorer if the Radio National services were curtailed in any way.

The scope and diversity of the ABC is unique. It may be the only truly public broadcaster left in the world. We can be proud of it. It is of immense to all Australians. Do let's keep it that way.

- Lois and Geoffrey Loftus-Frily,
2 Symes St, L. Plenty

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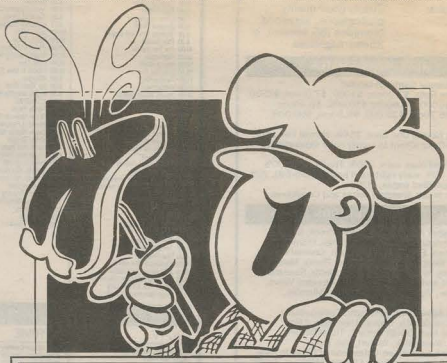
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FOR a fun-filled, entertaining evening, be at the Nillumbik Shire Offices at 6.30 on Wednesday, August 14, Listen to hard-working, community-minded individuals who care about their shire and its future as they attempt to influence (it's never been done before) our commissioners on the proposed electoral arrangements.

See Mark Burns from the Democratic Nillumbik Association, see Kahn Franke from the Green Wedge Protection Group, see Richard Marshall, ex-councillor of Eilham, see Jeph Neal from Christmas Hills, see Signalee Jorgensen from Eilham and many other luminaries strut their stuff. Come one. Come all.

Be thrilled by consultation Nillumbik style, marvel at the open minded commissioners hang on every word of the animated speakers, hear the "diversity of views from across the spectrum" (Barry Rochford, *Diamond Valley News*, July 23) - truly a spectacle not to be missed.

A very special invitation is forwarded to all those who support five councillors, five ridings (oops, wards), shire office demolition, settling of shire assets for a song (compulsory competitive tendering), the commissioners, huge wheeled bins, the executive officer, and a video store on every corner. Those who don't support one or all of these ideas are also most welcome. Be there or be square.

Witness the breathtaking sight of community consultation, stand in awe as our commissioners canvas views, be amazed by their non-interaction. Don't let apathy, a feeling of futility or powerlessness stop you. Don't miss this night of nights; come and see our leaders, those lucky individuals born to rule.

On a more serious note, the Green Wedge Protection Group would very much like to see every community member at the council meeting on August 14.

Hope to see you there.
Kahn Franke,
Kangaroo Ground-St Andrews Rd,
Smiths Gully.

Thanks for turn-out

I WISH your paper to thank the people of Eilham and district who turned out in force at Montsalvat on Sunday, August 4, to protest at the destruction of the Eilham Gateway.

For those who did not sign the

attendance sheets, or phoned with apologies or encouragement, please call 9439 2436 and leave details so that we can keep you informed as to what is happening.

Far from being part of a small group of whingers, I accepted change and got involved, attending the 2020 seminars, getting the response document from the commissioners on putting in a submission on the electoral proposals, attending the presentation of plans for the town centre - doing all I could to be a part of the new shire.

For the last year, I have wasted my time, I believe I have been deceived into thinking my opinions on our future were worthwhile. This is for putting in a submission on the building of landmark quality to occupy the site of the old shire offices.

I received correspondence on August 6 from chief executive officer Barry Rochford and I noted the name of the file under which it seems to categorise me: *old-jedg-karenfranks*. What hope is there now of a democratically elected council putting in a CEO who, if I am to judge from this, shows such contempt for those who pay his commission to support to protect our interests?

Well, Mr Rochford, ferals are in the shire offices and I know why. I think the ferals are. You appear to me to be trying to rip the guts out of Eilham but its heart and spirit are in a safe place out of your reach.

Margaret Jennings,
On behalf of the Eilham
Gateway Action Committee,
Stanley Ave, Eilham.

Way past time

THE chief executive officer and commissioners of Nillumbik are to be roundly condemned for the sale and early demolition of the previous Eilham Shire shire offices building to make way for a Shell service station and associated stores.

Just how long has this on the drawing board prior to any sale documents being completed? For chief executive officer Barry Rochford to be reported as saying the project will be completed before the end of the year, when it is August already and no permits have even been issued, is just amazing.

Much has already been said regarding the inappropriateness of the

proposed site use. Obviously, you cannot expect that pleasant part of Eilham's entry to have loud signage under any circumstances whatsoever, justifies the way it was imposed that people have to find with-out any screaming signage? I think not. There is simply no way that residents will allow this to go ahead matters of signage and traffic alone are problems which have no solution in this sensitive area.

If residents are to succeed in stopping just this one of the things imposed by our diatrical council, this is the one. It was past "enough" time - I think not. There is simply no way that residents will allow this the time fragments left by the bull.

Jenni Bundy,
Buttermars Track,
St Andrews.

Angry at the vandalism

THE Eilham community is alive and fighting. The powers that be over at Nillumbik. Shire offices are telling this community that it is dead and finished.

Only if the commissioners and the chief executive officer had been able to stop the community meeting at Montsalvat on August 4. Four hundred local people braved the rain and had a magnificent time at Montsalvat because they are angry at the vandalism of our former Shire Council.

They are angry on many levels. The former shire offices belong to the community. We built them and paid for them. Those offices are a symbol of a democratic process. They represented decisions made for and by this community. We don't want to see a cross development of American culture built on our land - a Hungry Jack's, a video store, a petrol station and convenience store.

This is the entrance to Eilham: as the planning scheme now states, a special piece of land that should have a building of the highest quality.

No matter how attractive the developer promises to make the petrol station, it is not the appropriate use for that piece of land.

The new library is a building of landmark quality. This should be setting the example. The library is a unique and individual building. It is like the Eilham community.

We don't want to live in a clone of another city. Eilham is Eilham because of the people who live here now, and have shaped it in the past: people such as Alistair Knox, who helped put Eilham on the international map by his renewed interest in mud brick architecture; Dorian Le Gallion, the music composer; Tim Burdall, the film-maker, and

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ADVERTISER Letters

'Enough is enough' states John Cohen

Sir,

The "New Etham Gateway" as proposed in the latest Nillumbik Council Media Release strikes another blow at the very heart - and soul - of Etham.

To erect another petrol-24 hour convenience store etc., right next to our beautiful library, Shillingham Cottage and Knop Park is a quite insensitive attempt to destroy the very image of Etham, and turn our township into just another business strip.

This is far removed from the Etham Gateway concept which has had overwhelming support from our community.

No wonder that hundreds of people recently turned up a recent public meeting to protest against the Commissioners' proposal.

This is not just another McDonalds project established in the industrial part of Etham; this is right in the heart of the township, and adjacent to some of our major community facilities.

Besides, one might well ask: do we another petrol station-convenience store? Apart from all environmental and aesthetic considerations, what impact is such a project likely to have on many of the "small businesses nearby"?

How can the Etham Chamber of Commerce be so insensitive to the needs? Is this the vision of our Etham ratepayers and residents; is this the direction we want to go for the development of our municipality?

The proposed development would set a most disastrous precedent - it would be open matter from then on!



• **JOHN COHEN**, former Etham Shire President, Councillor

One of the most disturbing aspects of this proposed project has been the total lack of community consultation - suddenly the demolitioners were on the job, with their security guards. Before anyone had a chance of voicing community opposition.

One wonders whether, having spent huge sums on redundancy payments to get rid of 90 per cent of the Shire's previous staff, the new Nillumbik administrators now find themselves so strapped for funds as to be forced to sell off our community assets for well below their true value.

We are now witnessing the demolition of our erstwhile Shire Offices, and there is now not much we can do about it.

However, we can protest this site from a quite unsuitable and unwanted project, and we must exert all our efforts to prevent the present proposal from going forward.

We must demand from our Commissioners to refuse a permit for the proposed petrol station, etc., and to allow our community enough time to con-



LETTERS TO THE EDITOR

The Advertiser,
30 Glen Gully Rd,
Etham North 3095,
Fax: (03) 9431 0885

sider alternative projects for this central site - hopefully one that would, like our beautiful library, add something of significant community value to the

life of our people.
No more wilful destruction, no more - enough is enough!

• **John Cohen**,
65 Luck St, Etham

CLEELAND HITS AT BAILEY OFFICE SPEND

Sir,

Tonight (Aug. 20) the Federal Member for McEwen, Fran Bailey, will be in Canberra loudly supporting Howard's savage \$4 billion budget cuts. In the next two years the Federal Division of Melbourne will lose \$67 million in Commonwealth expenditure.

Medicare and CES offices will be lost and the most disadvantaged side further down the social side.

Of course, Fran Bailey campaigned as a champion of the unemployed, especially the young. Who will forget her claims of 27 per cent youth unemployment? Liberal crocodile tears were shed in abundance about the shocking level of youth unemployment.



• **PETER CLEELAND**

Remember the solution; let small business be unshackled from the constraints imposed by the Keating government and jobs galore would be created. The reality is different. Industry programs designed to assist business are being abolished.

More Mail

'Ferals' flack

Sir,

After the disclosure that people such as myself are filed under 'Ferals' by Nillumbik Shire PR flack Ron Smith has attempted to explain it away with his totally weak 'Former Etham Residents Advising Letter Sent' (Diamond Valley News, Aug. 14).

Oh, Ron! Poor Ron! The signs of battle-weariness are showing! Last week he pushed before me the unfortunate kidie who is supposed to have invented the filename, and made her 'confess'.

But as I told them, Barry Rochford has been referring to us as 'Ferals' long before the kiddie, or even Ron himself, joined the Shire!

What about running a 'Fill Out The Acronym' contest? My entry is: 'Flack Envis Resident Amusement, Laughs and Snickers'.

• **Joek McFarl Kyme**,
72 Cherrytree Rd,
Hurstbridge

Contributed to the Diamond Valley News

Now the truth is apparent, the young are being targeted. Education cuts and increased fees would ensure the clever country will become a dream. The

• **Turn To Page 7**

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Robert Marshall

PANTON HILL, the centre of the universe and place of my childhood, is in celebratory mood for the next few weeks. Seized on so many birthdays coincide, and for that we can marvel at the creative spirit of the residents towards the end of the gold digging days in the last century.

The weatherboard Primary School is celebrating 125 years, with a concert on August 29 and an Open Afternoon on August 31. The buildings and teaching programs have expanded a lot since my vintage played along in the dust, but the school retains a strong and friendly community spirit. The old bell still stands, and the pine trees are gone.

The little weatherboard Anglican church is 100 in September. It is typical of the proud township architecture of rural Australia of the day, with its steep iron roof, porch and arched windows. It was until 20 years ago one of three, when the Catholic church moved to Strathewen and became a house and the Methodist Church was converted to a house where it stood. Celebrations will include a barbecue and bonfire, old time games and races, a dinner dance on September 27 and the Archbishop at church on September 29.

And at least 100 years ago, or longer, for no-one is quite sure, the Pantion Hill Cricket Club was formed. The early locals carved out a crude oval straddling the hills, with picks and shovels, and chased the balls down the sloping ground as they were hit to the boundary. The foundation members would never have guessed that Pantion Hill would field an international team, but just that it has - last summer a young team toured New Zealand, and soon a veterans team will play in England. With 100 years behind it, the Cricket Club boasts numerous teams, of all ages, and provides a strong community togetherness. Many premises are part of the history.

It is communities such as Pantion Hill that our local government planning, engineering and social strategies must enhance and protect, for such townships are a crucial part of the way of life in our Green Wedge.

Ash Long's

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Police rush to Montmorceny

PREGNANT WOMAN 'ASSAULTED'

GREENSBOROUGH and Eltham Police rushed to the Coventry Street area of Montmorceny late last night when there were reports of a pregnant woman having been assaulted, just before midnight. More details in later editions.

TRADE BOOST AT DIAMOND CREEK

A MEETING of businesses in the Diamond Creek centre has been called for early next month to seriously consider a plan of action aimed at ensuring the future success of local trading precinct.

The meeting's primary aim is to discuss the formation of a chamber of commerce or trader's association to represent businesses and co-ordinate co-

operative advertising and promotional activities.

Nillumbik Council Chief Executive Officer, Barry Rochford, said he welcomed the initiative of several traders who have held informal discussions with Council and now moved to form a representative body.

"The retail and service industries are important

aspects of the economic development of the Shire and as Diamond Creek is one of the prime business centres in Nillumbik, its future success is vital," Mr Rochford said.

He said an association would not only give individual business operators a united voice to express their ideas and concerns, but also enable them to join in group advertising or promotional projects.

The meeting will be held at the Diamond Creek Community centre, Main Road, Diamond Creek, on Tuesday, September 3, starting at 6pm.

Inquiries are welcomed by Muriel Harner of All About Flowers on 9438 1763; Albert DiPietro, Nillumbik Cellars, 9438 1249; John Munday of John Munday Jewellers, 9438 2546; or Jenny Hodges, Nillumbik Council on 9433 3315.

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• BEHIND the cyclone security fence at the demolished Eltham Shire offices, amongst the piles of bricks, stands a sign which tells the whole story. Ironically, the accompany sign warns 'No Standing Any Time'. Protesters said they didn't realise this meant the building!

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...of the commu-
...did not want an extension.

Public opinion sought

NILLUMBIK Council has called for public submissions on the council's controversial rating strategy for 1996-97 which was declared at a special meeting last night (Tuesday).

More than half of the shire's rate-payers can expect rate rises of between five and 10 per cent as a result of the council's switch from a site value rating system to capital improved value (CIV) announced in last month's budget (*DIV News*, August 28).

Under the CIV system rates will be based on the worth of the land and any improvements — the site's market value — rather than the former system which treated land as undeveloped.

Submissions regarding the proposed rate will be heard at a special council meeting on Thursday, September 26, at 6pm.

Following this, the 1996-97 rates and charges will be officially adopted at a special council meeting on Monday, September 30, also at 6pm.

Definitions of the declared rates and charges are available from Nillumbik Shire Council in Civic Drive, Greensborough, from today (Wednesday).

...one
...Council
...development program. 'Creat-
...community leadership for the
twenty-first century' aims to provide the
skills needed to develop leadership vi-
sions, and stimulate leadership networks.

The initial program will be held from October to December. Nominations close on Monday, September 23. For further information call Karen McEvey on 9433 3111.

Creek support

A GROUP of Diamond Creek residents has affiliated with the Friends of Diamond Creek to help protect and enhance the creek and its surrounds. The working party will focus on the Diamond Creek area. A 'walk, talk and gawk' stroll along the creek and barbecue will be held on Sunday, September 22. For more information, call Glen Terry on 9433 3111.

Public meeting

THE Eltham Gateway Action Group will hold a public meeting next weekend to discuss the latest plans to develop the former Eltham Shire office site from 4pm on Sunday, September 15, at Montsalvat, Hillcrest Ave, Eltham. Plans for the development are available from Nillumbik Shire offices or at the Eltham library in the Eltham Gateway Action Group's folder. For more information, call 9439 9853.

Train death

A 21-year-old South Morang man, Glenn Fleming, was killed in Diamond Creek last Friday, September 6, when he was struck by a city-bound train about 5.15am.

Hurstbridge line trains were delayed for about three hours. Eltham police would like to hear from anyone with information on Mr Flemming's movements prior to the tragedy, phone 9431 1377.

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Years over shortage of public housing

by FIONA KAGGI

LOCAL housing workers are concerned about the state's lack of public housing for people leaving emergency accommodation.

Julia Cauty and Mandy Walmsley, from Berry Street's Sutherland Community Resource Centre in Watsonia, said the waiting lists for public housing exceeded the length of time people could stay in emergency accommodation.

Ms Walmsley said a survey carried out by the Watsonia-based centre found that in 1993, 35 per cent of families leaving the centre's accommodation went into public housing. In 1995 the percentage of people going into public housing had decreased to 6 per cent.

In public housing tenants pay about 20 per cent of their income.

Ms Cauty and Ms Walmsley will discuss the state's shortage of public housing at a national conference this week.

The pair will present a paper called *Housing options for people exiting emergency housing: zero and none*.

The paper is a response to the lack of adequate housing options facing people in housing crises," Ms Walmsley said.

It highlights the current difficulties for people accessing both public and private rental accommodation.

"We just want to make people aware of the difficulties faced by families on low incomes in terms of their housing options."

Maximum of three months

Ms Walmsley said the Sutherland Community Resource Centre had for emergency houses provided by the Office of Housing.

She said these were leased for a maximum of three months to families in housing crisis.

In the last financial year the centre received 320 requests for emergency housing and only 17 could be placed in emergency accommodation.

"The biggest problem is access to public housing after they leave (the emergency accommodation)," she said.

"The public housing waiting system is plagued by a shortage of stock and this directly contributes to lengthy waiting lists."

"Many housing services are choosing to extend the stay of families in their accommodation in order to facilitate a transition into public housing," she said, "this is creating a bottleneck in crisis accommodation."

Housing worker Julia Cauty said the Federal Government's plan to change the way it funded the State Government's housing assistance through the Commonwealth State Housing Agreement could result in public housing stock being sold off.

Ms Cauty said problems with the private rental market included low vacancy rates, no security of tenure, no minimum standard of rental accommodation and discrimination against some people trying to gain access to private rental accommodation.

□ BRIEFS

Triathlon success

ELTHAM'S Emma Carney came second in the world triathlon championships in Cleveland, USA, on August 25. The world number one-ranked triathlete, who had not lost a race in this season's 12-event world cup competition, was upset about her second placing to Queensland's Jackie Gallagher. Carney completed the 1.5km swim, 40km bike ride and 10km run in one hour, 51 minutes and 43 seconds, almost a minute behind Gallagher.

Plant visitors

BUNDOORA MP Sherry Garbutt last week encouraged Diamond Valley residents to make a contribution to an inter-parliamentary environment and natural resources committee which is investigating pest plants and habitat water. Ms Garbutt was appointed to the committee in June. Public advice to the committee, which will advise Conservation and Land Management Minister Marie Tehan of its findings, close on September 16. Terms of reference and guides for making submissions can be obtained by calling 9655 6859.

Planning scheme

NILLIMBIK Council is preparing a municipal strategic statement to be incorporated into the Nillimbik planning scheme. A draft statement will be available for public comment from Monday, September 30 for four weeks.

Diligence audit

NILLIMBIK Council last week accepted a tender from Day Neilson Chartered Accountants to conduct a due diligence audit to start on September 3. The audit will make a summary of the council's assets, liabilities, cash flow and reserve funds status.

Library not for sale

NILLIMBIK Council Commissioner Don Cordell has rejected claims that the council plans to sell Eltham Library. "Reports have been filtering through that some community members are engaging in scaremongering," he said.

Greens branch

The Australian Greens formed a new branch in St Andrews, at an inaugural meeting on August 20, at an inaugural meeting on August 20. Local resident Karin Gerards who was elected branch convenor is now planning activities for the coming months. The next meeting is on Tuesday, September 17, at 7.30pm at the St Andrews Community Centre. Inquiries: Karin on 9718 2803.

Call for sailors

AHOY, sailors! The Young Endeavour Youth Scheme last week called for Diamond Valley young people aged from 16 to 23 to join the Young Endeavour tall ship on one of its 17 voyages off the Australian coast next year. Prospective sailors do not have to have sailing experience but should be healthy and able to swim at least 50 metres. A 10-day voyage costs \$860 but financial assistance is available. For application forms and voyage programs call 1800 267 909.

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Public viewing

PLANS for the development of the former Eltham Shire offices have been released for public viewing.

The developer of the Main Rd site, Dallas Howgate, last week released for public viewing the proposed layout for the new service station, convenience store and fast food outlet. The development will also include community facilities, such as an information desk and meeting area.

In a press release, Mr Howgate said detailed plans for the site were on view at the Nillimbik Council offices in Civic Drive, Greensborough.

The plans, including artists' impressions, a landscape plan and town planning and traffic reports, were included with an application for a planning permit for the site.

His company, Dallas Price Properties, bought the former shire offices from the council for \$1.1 million in late June.

The offices had been on sale for more than eight months.

The demolition of the offices, paid for by Dallas Price Properties, sparked community uproar including protests at the offices.



Recruitment drive: Brian Furmston and Sara Molloy have recently joined the Plenty CFA but more members are needed. Picture: LAWRENCE PINDER, 7086/306

Calling all volunteers

PLENTY Country Fire Authority (CFA) wants new members — and prospective volunteers don't necessarily have to know anything about fighting fires.

Plenty station captain Max McLean said last week the station needed new members in the operations support and firefighting categories.

Captain McLean said no firefighting experience was required for the operations support area, which could include volunteering to teach fire prevention in schools, servicing private fire appliances, managing brigade funds or helping with station publicity.

He said the Plenty group needed new members to "spread the load over existing members".

"We need to build a future for the brigade — some of our members have been in it for up to 20 years," Captain McLean.

A five-week training course for new members will begin at the Diamond Creek CFA on September 9. New members also undertake a day-long practical training session.

Once fully logged, members are required to attend regular training nights, monthly meetings and Sunday morning maintenance sessions. But the recruitment drive will be kicked off with a sausage sizzle at the station from 11am on Sunday, September 8.

People from Greensborough and Plenty who want to attend the barbecue or need more information should call Captain McLean on 9435 2539. People from other areas should contact the local brigade captain.

A lasting memorial

"WARD outrage" is a feeling we share (*Diamond Valley News*, July 23). Nilumbik Shire commissioners' preference for five single-member council wards fails to accord with democratic principles for maximising participation in decision-making and represents an outdated centralist mode.

It runs against current ideas for promoting community. Its adoption would seem to fly in the face of expressions of community support for at least nine councillors and multi-member wards.

We ask the commissioners to supply objective data to which their preferred position was based. We know the commissioners are under pressure from the State Government to impose a limited representative model. We urge Nilumbik Shire commissioners to re-consider their decision and opt for at least a nine-member council.

We are also outraged by the major community asset sell-off which effectively destroys the Eltham Gateway. The lack of sensitivity in this decision is almost beyond comprehension. This will be the Nilumbik Shire commissioners' most lasting memorial.

Ken and Laurel Ekersall,
Henry St, Eltham.

Exploring tourism

I WRITE in reply to a letter from Jack Lawton, of Hursbridge (*Diamond Valley News*, July 23).

In answer to his queries, may I say that the Plenty Yarra Community Tourism Association (PYCTA) was set up to explore and develop tourism in an area that takes in the cities of Prahran, Banyule, Wertheim, Launceston and the Shires of 'N'umbik and Murrindindi.

PYCTA now has a membership of 55 which is made up of 34 individual community members, eight non-profit community interest groups and 23 business affiliates.

Interestingly, of all the tourism associations in Australia, PYCTA is the only one that includes community in its name.

PYCTA does not see itself as the sole custodian of this wonderful place. Quite obviously, this is the whole community's responsibility, of which PYCTA is but a part.

It is true that if there is to be a tourist industry in the area, then it must be properly organised and managed.

aged. We the community need to be vigilant to see that any development is sensitive and in tune with the environment and that the community shares and ultimately benefits from any development.

Sadly, tourism in Australia has sometimes developed a bad reputation, often due to the over-exploitation of attractions and the careless disregard by many operators to the needs of their resident communities.

The committee at PYCTA will do everything in its power to see that this does not occur in the Plenty Yarra region.

We invite any group or individual who is interested to join PYCTA by writing to the Secretary, 7 Hillcrest Ave, Eltham 3095, for more information.

Sigmond Jorgensen,
Secretary,
Plenty Yarra Community
Tourism Association,
Hillcrest Ave, Eltham.

Another bad blackspot

I WRITE regarding the council list of 10 worst blackspots.

I have long believed that the Main Hursbridge Rd at Diamond Creek from the railway crossing to the 10 is an outstandingly hazardous area. Much to my amazement, it did not feature in the council's list (*Diamond Valley News*, May 22).

I contacted the police "H" District statistics section and was promptly provided with accident statistics for the relevant Melways map reference (Map 12 B6). I have summarised these for the piece of road referred to above:

Main Rd intersection with Wendys and George streets: 1990-91 (two years), 11; 1992-95 (four years), 13; 1990-95 (total), 24.

Diamond Creek Plaza car park area: 1990-91 (two years), 3; 1992-95 (four years), 10; 1990-95 (total), 13.

Main Rd intersection with Brook and Fyffe streets: 1990-91 (two years), 6; 1992-95 (four years), 3; 1990-95 (total), 9.

Total for above areas: 1990-91 (two years), 20; 1992-95 (four years), 18; 1990-95 (total), 38.

Of the 18 accidents in the recent four-year period, one was fatal and 11 caused injury. Of the 20 accidents in the preceding two years, eight caused injury. A fatal accident has already occurred in 1996.

These figures are significant and should have placed this stretch of road in the top three on the council's list of the 10 worst in mind. In fact, this is a much shorter piece of road than either Windy Mile or Ironbark

Rd which were numbers one and three on the police list. This would suggest that the council needs to check its figures more thoroughly.

I am sure that many residents would share my view that Windy Mile is a rather pleasant stretch of road that does not require upgrading into a major road which will only encourage more heavy vehicles into the area. The millions of dollars required would be better spent on duplicating bridges on the existing Greensborough Bypass Rd.

What Windy Mile needs to make it safe is a little rat sealing on the road edge and a bicycle/walking track in the bush to one side of the road.

My suggestion for improving the road outside the Diamond Creek Plaza is to reduce the number of entrances and exits to Main Rd, namely by converting the Mitre 10 access into a plaza entrance, using the other Plaza entrance as an entrance only.

Exit traffic from the Plaza should use a new exit to be created on to Wensley St. Exit traffic from Mitre 10 should use George St. A roundabout should be installed in Main Rd where George and Wensley streets join it.

ViRoads informs me that planning of maintenance and traffic safety measures along Main Rd is a council function. ViRoads supplies funding on a 50:50 basis to the council to formulate an integrated traffic management plan for the Diamond Creek Plaza area and implement it before more fatalities occur.

Mark Stokes,
Nilumbik Square, Diamond Creek.

People lost the wars

WHATEVER the real political/commercial causes may have been, both World War II and the subsequent catastrophic Cold War were fought on the basis of a conflict between democratic ideals and totalitarianism — in which an elite, having sufficiently incontestable power, imposes its views or decisions upon the collective on the pretension of greater wisdom, and frequently special claims to efficiency.

Present politics, from local to federal, demonstrates that despite appearances and official dogma, we the people are still in the Cold War. We are in a war. Authoritarianism and its high priests of so-called rational economics have globally stolen the march.

In fact, the unholy speed with which appointed "local commissioners" have been installed in mindless community assets precipitately ahead of the election of new councils demonstra-

ically representing their communities, demonstrates how far the rot has gone, and indicates the urgent need to check its progress with ends at the expense of process: an arrogant disregard of the ethical (as distinct from merely legal) limitations on power in democracy, which rests on consent through negotiation and a Coke-culture ignorance of what social cohesion entails.

The exclusive domination of commercial values, measured solely in money and driven necessarily by self-interest, and the dogma-driven authoritarian rush to "privatisation", especially of local utilities, will inevitably destroy the sense of a shared "commons" on which a democratic and mutually considerate community ultimately depends — and subsequently destroy most of the vast resource of voluntary and community work, which binds us communally as well as creating real "wealth" not counted by the (irrational) economists.

Thus, as Eva Cox (1995 Boyer Lecturer) and others have warned, our



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes.

Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters.

invisible "social capital" is being squandered, along with hard-won community assets, for commercial benefit and short-term gain, leaving what steps at a highly suspect "bottom line".

So Yarra Plenty Library Board chairman Julian Stokes's apparently well-intended and reasonable defence of proposals for privatisation under communal negotiation misses the real though subtle issues of democratic process, and social cohesion. But most of what we hear these days from our local political commentators, from Kennett to Canberra does, too.

Perhaps our consent, by vote or default, makes most of US unfit for democracy, too. Or are we all merely like the frogs, upon whom the fatal boiling crooks up by slow degrees?

Eric Mack,
John St, Eltham.

Stripping assets

YET again I am amazed at the actions of Nilumbik's senior administration and commissioners, in their continuing exercise of "asset stripping", particularly those assets which belonged to the former Shire of Eltham.

When the decision was made to sell the Eltham Shire Office, a number of proposals were mooted, including a 24-hour police station, and a TAFE (Technical and Further Education) campus. In relation to both these suggestions, serious concern was expressed. The council and its various problems, due to the topography and layout of Main Rd. Now we are faced with a 24-hour convenience store, video library and fast-food outlet.

In April, the commissioners resolved, quite calmly and sensibly that prior to sale of Cherry Tree Rd depot, the site should be rezoned to Landscape Interest C. They also resolved to have an Environmental Assessment and Environmental Audit conducted.

After fairly limited advertising, council resolved to accept not the highest tender, but one which was some 17 per cent lower, and considered by many to be a giveaway price.

Why was the lower offer accepted? Because they believe it to "have the most benefits for the community". The primary uses stated for the depot are to be manufacture of poison baits, and provision of offices for environmental consultants. Under the Eltham Planning Scheme, which I believe still applies, both these uses are prohibited in Landscape Interest C.

Does the council intend to rezone the land to Landscape Interest C?

Were the environmental assessment and audit carried out, and what were the results? Were any undertakings regarding issue of permits, or rezoning or sale, given to the purchaser prior to his tendering?

What value does the Valuer-General place on this site? Would an existing landowner/ratepayer be permitted to set up this establishment in a rural zone?

If it is reasonable to reduce the price of the Cherry Tree Rd depot by 17 per cent for perceived community benefit, why not reduce the price of the Main Rd office by 9 per cent for the same reason? It is bad enough that we are rapidly losing assets we have paid for over the years; it is disastrous that they appear to be given away at rockbottom prices, for uses which are at best questionable in planning terms.

Jack Lawson,
Flat Rock Rd, Hursbridge.

ADVERTISER Letters

Nillumbik: in the eye of the beholder

Sir,

Betty Roland wrote a biography of my father Justus Jørgensen which was called *The Eye of the Beholder*. In her writings she interpreted the creation of Mønsalvat by Jørgensen. Her recollections of these activities were substantially different from mine and the many others who knew both my father and Mønsalvat.

In reading your reports of the Nillumbik Council meetings, in the past two editions of the *Diamond Valley Advertiser*, I had a sense of déjà vu, and was reminded of how we all interpret situations differently.

But in all this we often lose sight of the 'proverbial ball', that is, why did some of the members of the gallery become so frustrated as to vent their anger on the Commissioners?

The public gallery's feelings were obviously diverse, hopefully genuine, and I am sure heartfelt. Many were provoked by the way in which the meeting was being conducted.

Although I arrived late and missed most of the action, I could feel the tension and also felt quite ill as I became aware of what had, and was happening.

Why did we, as a community, have to resort to this instead of rational debate? Why couldn't the Commissioners have answered the questions from the gallery and explain their actions instead of running from the room? Why couldn't they have tried to reason with the gallery?

But this is now history, a very sad moment in the democratic process for Nillumbik!

We must of course move on and address the more pressing issues, one of which is the changes to the Eltham Gateway with the projected construction of a series of buildings on the old Shire Office in Eltham.

As your readers may already know the Eltham Gateway Action Group was formed to try and protect this 'gateway' from unsympathetic development. The group has worked hard to try and find a positive solution. We have consulted with the developer, local MP's, the wider community and the Eltham Chamber of Commerce, and, of

SHIRE POLITICS



• Sigmund Jørgensen

course, the Nillumbik Council. At last the developer's plans are on public display and we can see what our community is faced with. The developer's planning application can be viewed at the Nillumbik Shire Offices for the next week or so.

I have great concern at these plans. Architects draw pretty plans and carefully soften their concepts with mature trees and other images in the foreground. These trees, of course, will, if planted, take many years, possibly decades, to grow.

And in this case the architects have conveniently left out the signage - I urge anyone who harbors any misgivings, to drive past any similar development and have a look at the signs.

Without exception, the signs are large and brightly lit, and more often quite garish.

It is the signs, not the trees, that will dominate the landscape, and hence Eltham's gateway!

Finally your leading piece in this week's *Advertiser* makes mention of a woman who apparently rang your advertisers to complain about your reporting of the Council meeting. May I assure you, and your readers, that this activity did not emanate, or have the sanction of the Eltham Gateway Action Group.

- Sigmund Jørgensen,
'Mønsalvat', Hillcrest Ave, Eltham

'Crying inside' over Eltham Shire office

Sir,

"Don't bin it - recycle." "Save this load - recycle." These are the messages that have passed my door weekly over the past two or three years. Nothing wrong with that, a good idea thought up by the unpaid Councillors that we elected to look after our interests.

Recently I watched as a huge machine with a large claw like arm tore into what had been the offices of the Shire of Eltham, which our earlier Councillors had worked so hard to build only 30 years ago.

One felt sick as double glazed windows, bricks and plaster fell victim to this great mechanical monster. The air was clouded with particles of mortar and plaster which fell to the ground at will. Light fittings, pieces of timber from fittings, anything in line was pushed out of the building by a small bob cat machine inside the building, to be picked up by a grab and placed into skips.

Curtains still hanging fluttered appealingly from broken windows, rolls of carpet lay on the roadway area, open to all weathers.

As one of the group of people standing

and watching this destruction, we who were not shedding tears openly, were crying inside. How could any responsible people do this? No doubt that once proud building is crying too as its debris fills a large portion of some unnamed land fill.

R.I.P. in its unmarked grave. *

I am wondering what to make of our recycling slogans.

- Grace Mitchell,
Mt Pleasant Rd, Eltham

Encouraging youth to develop

Sir,

Students in Victorian Government secondary colleges will soon have the opportunity to participate in training programs offered by some of the State's leading community service providers.

I encourage secondary college communities to consider expressing an interest in the Victorian Youth Development Program (VYDP) launched recently by the Premier, Mr Kennett.

The VYDP is a Government initiative to provide secondary school students in Years 8 to 12 with accreditation in leadership, team building, first aid and cardio-pulmonary resuscitation skills, in addition to training programs offered by high profile community services agencies.

Secondary colleges can choose to operate one of the following 10 programs: **Environment Corps** - offered by the National Parks Service; **Police Rangers** - offered by Victoria Police; **State Emergency Service Corps**; **Country Fire Authority Corps**; **Future Leaders Program** - offered by the Scout and Guide Associations; **Life Saving - Victoria**; **St John Ambulance Cadets**; **Army Cadets**; **Naval Reserve Cadets**; **Air Training Corps Cadets**.

All the VYDP service providers are committed to giving students activities which will excite their interest, promote greater participation in community service.

- Carlo Furetti, MLC for Templestowe,
Upper Heidelberg Rd, Ivanhoe

Architectural monstrosity

I WISH to record my first impressions of the plans and elevations for the proposed Shell service station and other stores at the old Shire office site.

It had not occurred to me until now that the concourse of the proposed service station would be located at a level higher than at the ground-level occupied by the old building. The plans and elevations show an architectural monstrosity, which has a service station concourse at a level built up to around the first-floor level of the old building. (Setting it back about another 10 metres and down two metres would improve it slightly.)

Put simply, the whole service station is clearly visible at street level.

No elevation plans in my possession shows all the signage which is referred to, which is a little deceptive to the unwary when perusing them. However, the Shell logo and illuminated lighting on and under the service station bays would be seen, as would (and make no mistake about these dimensions) and eight metre high Shell sign and 2.5 metre high price board at the entrance.

No mention is made of signage for the fast-food takeaway drive-through store but no doubt they would want their usual height and amount of display as well on the street frontage of the complex.

The finishes specified do nothing to make me feel that this complex could meld with its surroundings. Its built form is just a giant sore thumb which relates to nothing.

Five architects have looked over my shoulder at these drawings and there was not one complimentary word. Not one. Unfortunately, I cannot repeat what some of them did say.

This huge combined service station/drive through fast food take away complex does not belong at the entrance to Eltham township. No doubt readers are familiar with a similar complex (not Shell) on Lower Plenty Road at Yallambie. Well, it's a lot bigger than that!!

If you object to this proposal to deface the entrance to Eltham, make sure you object in writing to Nillumbik Shire Council by the due date, which will be 14 days after the proposal is formally advertised. (Closing date for objections is not known as I write).

Jenni Bundy,

Buttermere Track, St Andrews



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes.

Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters.

Bargain price

THE official reply/media release/asbestos document which I recently received from Nillumbik Council in regard to my interest in the old Shire Offices leaves several interesting points unclear.

Having witnessed part of the demolition of the "asbestos-riddled" offices, it concerns me that neither the workers or security guards were wearing respirators or protective clothing. There was no evidence of a decontamination unit on the site. Dust was allowed to blow freely from the site. Is this risk to workers and the public in breach of the requirements as listed in Appendix 1 of the hazardous materials survey?

It appears that the community-owned land and building were not re-offered at lower price to any of the other tendering parties i.e. Police, TAFE or Community groups before being sold at the bargain price of \$1.1m to Dallas Price Homes, as an agent for Shell Oil.

Does this best serve the interest of the community, or the vested interests of the corporate sector?

There are currently two Shell outlets, two 24 hour convenience stores and three Corporate food outlets within easy distance of the Alistair Knox Park. Have other local businesses been consulted regarding the impact of yet another outlet opening in their immediate vicinity?

The land was donated to the Shire

by a past resident for community use. Successive elected councils have maintained the Eltham Gateway concept. The new Town Centre Concept plan identifies the site as worthy of a building of Landmark Quality. Is a petrol station/24 hour corporate burger stall really a suitable landmark for the Nillumbik Gateway?

Gavin Gray,
Bolton St, Eltham.

Paying for road works

IN JUNE this year the Nillumbik Council launched its vision for the Eltham Main Rd shopping centre. It proposed a "significant" building at each end of the shopping area — now we know that this means a video shop at one end and another video shop plus 24-hour service station, fast-food outlet and convenience store at the other.

What we weren't told in this vision were plans to install up to three roundabouts in Main Rd to serve these significant buildings together with all the usual through traffic congestion.

Roundabout one at Luck St has been considered for many years but it has needed the impetus of this latest development to get it restarted.

The change from traffic lights to Roundabout two, at Dudley St will mean, depending on which version of the current investigation plans go ahead, that the War Memorial Trust Kindergarten will lose, if not all of its front yard, some of it and be overshadowed by a retaining wall to prevent speeding cars or truck loads landing on their roof or through the windows. Sadly, in either version, the War Memorial Gates will have to go.

Roundabout number three, planned for Panther Place, in the words of the local member Wayne Phillips, "could serve the traffic coming down from Research so they can get into the proposed fast food outlet" — to be located on the site of the old Eltham Shire offices.

I sincerely hope that the Commissioners can deny that neither they as individuals, nor the council officers nor private consultants hired by the Council, are investigating these proposals. I am concerned that it will mean that we, taxpayers and ratepayers, will have to pay for these road works to enable multinational companies to make even greater profits. I wonder how the owners and employees of the current video shop and other local fast-food outlets are feeling?

Sue Dyet,
Leonard Cres., Eltham.

PUBLIC NOTICES

PUBLIC NOTICES



**COMMUNITY
DEVELOPMENT
AND OLD PERSONS
RECREATIONAL
GRANTS**

Nillumbik Shire Council invites applications for 1996 Community Grants and Older Persons Recreational Grants from groups and organisations within the municipality.

Community Development Grants will be allocated to groups/organisations whose focus may include: service provision, self help, community development, networking, advocacy or social action.

Older Persons Recreational Grants are available to groups or clubs for them to provide innovative activities and programs and to assist in meeting running costs.

Application forms and guidelines are available on request from Council's Cultural and Community Services Department, telephone 9433 3126. Completed forms should be forwarded to:

**Group Manager
Cultural and Community Services
Nillumbik Shire Council
PO Box 476
Greensborough 3088**

By Wednesday October 2nd 1996

**CHANGING ROAD
NAME:
OLD AQUEDUCT ROAD**

Council resolved on 15 May 1996, to rename part of Aqueduct Road between Diamond Creek Road and Marina Way as indicated on the plan below.



Further information may be obtained by contacting Simone Spradon on 9433 3272.

**PROPOSED SALE OF
LAND**

Notice is hereby given that the Nillumbik Shire Council pursuant to section 189 (2) of the Local Government Act 1989, intends to sell the following property: Reserve for Municipal Purposes (P123263 — (Abutting Aqueduct Road, Diamond Creek).

Submissions regarding the proposal will be considered in accordance with section 223 of the Local Government Act 1989.

Written submissions should be forwarded to Chief Executive Officer at PO Box 476 Greensborough 3088, by 26 September 1996. Any person who makes a submission incorporating a request to be heard will be entitled to appear in person, or be represented by a person acting on their behalf, before a meeting of Council. For further inquiries contact Miss Natasha Wilson on 9433 3272.

**NOTICE OF AN APPLICATION FOR
PLANNING PERMIT**

Details about the application

The land affected by the application is located at:

895 Main Road, Eltham (site of the former Shire of Eltham Municipal Offices)

The application is for a permit to:

To undertake buildings and works, to use the land for a Petrol Station, Shop and Community Facility and to alter vehicle access to a main road reservation

The applicant for the permit is:

Dallas Price Homes Pty Ltd

The application reference number is **960376**. You may look at the application and any documents that support the application at the office of the Responsible Authority.

**Nillumbik Shire Council
Civic Drive, Greensborough,
Post Office Box 476, Greensborough,
Victoria 3088**

This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must:

- be sent to the Responsible Authority in writing
 - include the reasons for your objection, and
 - state how the objector would be affected
- The Responsible Authority will not decide on the application before 26th September, 1996. If you object, the Responsible Authority will tell you its decision.

**NOTICE OF AN APPLICATION FOR
PLANNING PERMIT**

Details about the application

The land affected by the application is located at:

895 Main Road, Eltham (site of the former Shire of Eltham Municipal Offices)

The application is for a permit to:

Erect and display Advertising Signs

The applicant for the permit is:

Dallas Price Homes Pty Ltd

The application reference number is **960377**. You may look at the application and any documents that support the application at the office of the Responsible Authority.

**Nillumbik Shire Council
Civic Drive, Greensborough,
Post Office Box 476, Greensborough,
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 - include the reasons for your objection, and
 - state how the objector would be affected
- The Responsible Authority will not decide on the application before 26th September, 1996. If you object, the Responsible Authority will tell you its decision.

To gain the Queen's Guide award is a very high achievement — something that Nicola Blay knows and understands.

Nicola was the first guide from Greensborough's Hyper-Red Ranger Guide unit to receive the award and the first in the Greensborough District to be named a Queen's Guide since 1976.

A district presentation was held in July and Nicola will be presented with the award at Government House on October 5.

To complete the badge, which took a year and a half, Nicola worked on a variety of different tasks.

These included air activities, canoeing on the Murray for two days and the Red Cross Senior First Aid Certificate.

Nicola is studying Science at Melbourne University as well as being chairperson of her Ranger Guide unit.



Queen's guide: Nicola Blay. Picture: MICHELLE KELCEY. 709mk316

She likes the outdoors and plays the piano and flute. The Hyper-Red Ranger Guide unit was established only three years ago.

A lot has changed about the badge since the last one was awarded in the Greensborough District

20 years ago. Modern times are proving very challenging for girls in their development and Guides provides them with the self-esteem they need to help them later in life.

Guides is there for girls who want to learn



organisation and other skills to help them in caring for others and building self-confidence.

Ranger Guides is for all girls aged between 14 and 18.

For more information phone leader Dianna Walker on 9432 1032.

OUR local area has a nice setting — bushland and two main waterways, the Plenty River and the Diamond Creek.

Unfortunately the environment is changing for the worse.

Walking along the riverbank you see rubbish in trees, grass and in the river itself.

In places where there used to be lots of trees, the trees are gone.

But there are ways we can help. At Briar Hill Primary School we dug up the front garden and each grade had a good time replanting the garden with new native trees and flowers.

This not only looks nice, but it attracts native birds and provides shade.



by FELICITY THOMSON
NEWSHOUND



Sometimes the whole school is assigned to areas and everyone picks up rubbish in the yard and the street outside the school.

Like most schools, we also have working bees to clean up and make the school look nice.

The school participated in Clean Up Australia Day earlier in the year as well. We also have a bin for cans and bottles in the school yard.

At home, most people recycle things — you often see the yellow and green or plain black recycling bins provided by the council around the streets.

I surveyed 25 people to see what they do to clean up our land.

Of the 25, 21 recycle glass products, 22 recycle plastic, 20 recycle paper, 23 people use compost bins, 19 recycle cans and 23 mulch or use greenery on their gardens.

Most of the people I surveyed recycle things at home and Banyule Council does its part too.

Apart from recycling bins, it also organises newspaper and paper collections.

There are collections for garden and household rubbish too.

The council also makes plans for parks and sports facilities.

Although it is great to see so many people doing things to clean up and restore our environment, it is not quite enough, so next time you drop some rubbish on the ground, pick it up and put it in the bin.

After all, what would the community look like if we didn't care for it at all?

HYPNOTHERAPY

Nervous Conditions: eg emotional problems, stress, tension, anxiety, phobias and fears, lack of confidence, shyness, insomnia, impotency, prem. ejac.



BYTE THIS
COMPUTER REPAIRS

"WE COME TO YOU"

DVNS 11/9/96

Timing was the problem: chief

NILLUMBIK chief executive Barry Rochford has dismissed an Eltham resident's claims that the council failed to follow correct statutory procedure when announcing the release of development plans for the former Eltham Shire offices.

Bev Marshall said she first learned of the plan's release in last week's *Diamond Valley News*. She believed the council had failed in its legal obligations of advertising its actions in the public notices and placing a sign on the site advising the community of its plans.

"From what I understand they have not done either of these, yet the statutory requirements are they have to advertise their plans for at least 14 days," Ms Marshall said.

"As a concerned resident I would like to know why they're (the council) not following the proper procedure and when they propose to do so."

But Mr Rochford dismissed Ms Marshall's claims as "circumstantial" and said the council would advertise plans for the site development this week. Mr Rochford said the plans were on display at the Nillumbik Council offices last week but due to the "timing of the paper" council had been unable to coincide the required advertisements.

A service station, convenience store, fast food outlet and community facilities, including an information desk and meeting area, have been proposed for the Main Rd site by developer Dallas Howgate. The former shire offices were bought from the council for \$1.1 million in late June and demolished in late July, sparking an outcry.

— L A E T A
ANTONYSEN

ELTHAM PHARMACY

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ELTHAM HUB PLANS ON SHOW



READ IT FIRST IN THE ADVERTISER

PLANS to re-develop the former Eltham Shire Offices released last week show proposed works totalling more than \$4 million.

Planners, Contour Consultants, said the multi-purpose development will be "sympathetic to its surroundings".

The centre includes a Shell service station, convenience store, restaurant with drive-through, and a retail shop expected to be a video outlet.

"We see Eltham Hub as a unique new gateway to Eltham's town centre which as far as possible is designed to complement the surrounding buildings and environment," said Andrew Biacsi, spokesman for the planners.

"It incorporates a number of special features including extensive landscaping and plantings of indigenous species, two feature arbors, seating and

rest areas plus a building which is sympathetic to the roof color and roof lines of Eltham's quite spectacular library."

Mr. Biacsi said "Eltham Hub" would be a high quality project purpose designed for the site and "not simply another service station with add ons".

He said there will be a feature arbor over red gum steps providing pedestrian access from Main Rd; a second feature arbor; seating overlooking the library; "a corrugated iron cylindrical wall screening the service yard at one end of the building, balanced by a corrugated iron inclining roof at the other end"; a raised circular roof over the cafe allowing natural light into the stair well.

Horace Wright



"Since my entire fortune crashed on the floor of the Stock Exchange, pitching me out of my home, I have been minding other people's."

Apology to the Ferals

THE so-called 'Ferals' are owed an apology from Nillumbik City Hall. You'll recall the Municipal Memo-Machine got caught with its codes down, when it identified the vocal veterans with the computer file-name of 'Ferals'.

We'd say they would be better known as the Cave-people. CAVE: Committee Against Virtually Everything!

Where there's smoke, there is fire

More smoke than usual coming from the 'Left Bank' at Saturday's *St Andrews Markets* recently. Don't know whether they're getting into the gear more than usual, but the Left's latest noise is complaining about local Council's increasing prices for the services they pay on behalf of ratepayers.

Horace hears!

The Wright-wing party that one of the *Notable Nillumbik* Jacks has paid local government rates for years. Shire debt collectors are on the case.

Gateway gossip

Developers for the big service station/Hungry Jack's/video store, in place of the old Eltham Shire offices, have put the town on show.

They have enlisted former Premier John Cain aide Ken Hickey to assist with the public relations battle to establish 'Etham Hub'.

Who, if anyone, owns that business name? And, incidentally, after seeing last month's closure of Etham's Caltex service station, this month saw the Mobil shut.

As of 'right'

Wright has more bad news for the CAVE-people who don't want the super servo at Etham's own sacred site.

What they are planning an *ATV* appeal against the development, the use conforms with the land's zoning. Only exception is the four petrol pumps!

• Horace Wright is a Nillumbik watcher. His opening quote is from 'The Satiation of Horace and Persius', 65-8 B.C. case.

ADVERTISER Local News

BLEEDING HALTED: COMMISSIONER

THE haemorrhage of escalating municipal rate costs across Victoria has been 'held and stopped' by Commissioner Vin Heffernan today last week's meeting of Nillumbik Council.

Mr Heffernan's comments came as he complimented Nillumbik Shire

Chief Executive Barry Rochford and officers on their schedule of rates and charges for the 1996-97 financial year.

"Nillumbik is in a very strong position," Mr Heffernan said in the local government now in place was one which Labor Premier John Cain, Minister Jim Simmonds and Commission head Stuart Morris had been

frustrated in fulfilling Commissioner Kevin Abbott said the Order-in-Council which had created Nillumbik Shire was accompanied by a local government model which preferred Capital Improved Value rating across the State.

This would produce the same rates funding from ratepayers, save for the adjustment of the quarter in this nine month financial 'year' of Councils.

Mr Abbott said Com-

missioners believed that CIV represented a fair and equitable rating system.

Chief Commissioner Don Cordell told the meeting that Nillumbik Shire was collecting the same amount of rates money for each type of property: "There will be some over obviously, some under."

He said the rates revenue for Nillumbik Council was the same as six years ago for last year, allowing for the odd quarter.



• VIN HEFFERNAN, Commissioner, Shire of Nillumbik



• KEVIN ABBOTT, Nillumbik Commissioner



LETTERS TO THE EDITOR

The Advertiser,
30 Glen Gully Rd,
Eltham North 3095,
Fax: (03) 9431 0885

Signum's credibility gap

The Nillumbik Council meeting of Wednesday August 21 was described by your Editorial as having, "some disturbing parts" to the credit of Signum's credibility gap.

• SIGMUND JORGENSEN

'Double standards' Sir,

Your columnist Robert Marshall is undoubtedly interested in democracy and Nillumbik Shire Council. Most of his articles since last April mention one or both of these words, including his most recent column (*Advertiser*, Sept. 10).

However, Robert Marshall's double standards are clear. He has chosen to ignore criticisms (a letter right before his column, *Advertiser*, Sept. 3) concerning the lack of democratic principles in the former Eltham Shire Council, when he was a prominent councillor.

Those criticisms include the Eltham Council's de facto endorsement of an assault against a council worker by unionists, misuse of a Government grant and a serious lack of community consultation about a major project.

The question this raises for me is one of integrity: Does Robert Marshall defend all democracy or just when it suits him?

Does Robert Marshall have one rule for Nillumbik Shire Council and another for the former Eltham Shire Council?

• Ros Harris,
Short Cut Rd,
Eltham

Language grants for local schools

ELTHAM M.L.A. Wayne Phillips yesterday (Mon), congratulated local schools which have been awarded grants to increase the study of language amongst students.

Mr Phillips said that grants have been awarded as follows:

- **Studies of Asia Grants** - Montmorency Secondary College, \$7200; Eltham High School, \$2172; Montmorency Secondary College, \$1200.
- **Language Other Than English (LOTE) Resources Grants** - Eltham Primary School (Indonesian), \$500; Greenhills Primary School (Indonesian), \$500; Sherbourne Primary School (Japanese), \$500.
- **LOTE Project Grants** - Eltham High School (Indonesian/French), \$2000; Montmorency Primary School (Indonesian), \$8000.

Studies of Asia resource grants were made available for the purchase of teacher references, student texts, audio visual resources and computer software.

LOTE resources grants were available to all schools introducing a LOTE program for the first time this year, extending the teaching of a language into VCE for the first time, or introducing a new language to increase opportunities for students.

"The Government is increasing the opportunities for young people by making more funding available in this vitally important area," Mr Phillips told *The Advertiser*.

"With Victoria increasingly doing more business with our Asian neighbors, it is imperative that the next generation of Victorians is well equipped to meet the challenges ahead."

PM praises Fran

PRIME Minister John Howard last week praised McEwen MHR Fran Bailey (pictured) for her interest in the Federal Government's "Supermarket to Asia" Strategy.

Mr Howard used his Question Time reply last week to place on record his appreciation for "the interest that Mrs Bailey, as representative on a regional area, had taken in the Government's 'Supermarket to Asia' initiative."

Mr Howard said there were great opportunities to be won for regional and rural Australia, providing resources were marshalled effectively and competitively.

He said the combination of enormous economic growth and natural population increases in the Asia Pacific region meant there were great opportunities to be won.

The total East Asian food market is projected to be \$685 billion by the turn of the century, \$83 billion of that is just by imports. (Parliament was told.)



• SIGMUND JORGENSEN

Sir,

The Nillumbik Council meeting of Wednesday August 21 was described by your Editorial as having, "some disturbing parts" to the credit of Signum's credibility gap.

• SIGMUND JORGENSEN

Well, those of us who read *The Advertiser* know the answer to that one. To 27. "Yelling abuse at the Nillumbik Shire Commissioners, the interjectors made it impossible for Commissioner Kevin Abbott to deliver the explanations some residents had demanded" and later "...the Commissioners were refused a hearing."

Another newspaper wrote: "When Commissioner Abbott tried to explain the Council's decision, he was interrupted." Mr Jorgensen has been accused in the past of being a "bush thumper." In similar vein, I believe his letter lacks credibility and his statements therein about Eltham Council should be seen in that light.

• David Nolte,
185 Lwr Heidelberg Rd
East Ivanhoe

Advertiser
News Tips
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9439 9927

Public meeting

Child Care

Hosted by Jenny Macklin
Federal Member for Jagajaga
Shadow Minister for the Aged,
Family and Community Services

The Howard Government has abolished operational subsidies for community based long day care centres and introduced charges for the Payment of the Child Care Rebate and Child Care Assistance

What does this mean for you?

When: 7.30pm, Friday, September 25
Where: Eltham Child Care Co-operative
Panther Place, Eltham
Eltham, Melways Ref. 21, J5

For further information, please contact Jenny Macklin's Office on 9459 1411



What's On At Epping Plaza Shopping Centre

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- **Rare Beauty** for all of your beauty requirements;
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We look forward to welcoming some new stores at Epping Plaza in the coming weeks, including *Pure Corner, Kearney's Shoes and Westco*. Coming soon are *Brown Childs and Westpac Bank*.

The all new Epping Plaza not only offers a fantastic variety in shopping and conveniences, but Epping Plaza also has a great list of promotions for you to enjoy during September.

Now on is the great Home Show Expo. If you are renovating, building or simply improving your home, the *Home Show Expo* will have you looking up to date. Epping Plaza has fashion for all the family, from the newborn baby to grandma and everyone in between. With your new fashions, team them with great accessories including jewelry, bags, hair design and shoes. The *Fashion on Show* event has also begun until **Saturday, Sept. 21**, displaying the latest and greatest in fashion.

School holidays will be upon us soon. They commence on **Monday, September 23**. There is a great holiday program for kids of all ages, including Epping Plaza's favorite *Holiday Meal Deal* available at *Takeaway food stores or eat-in at the Food Plaza*.

• **For further information about Epping Plaza, please call 9401 4111.**

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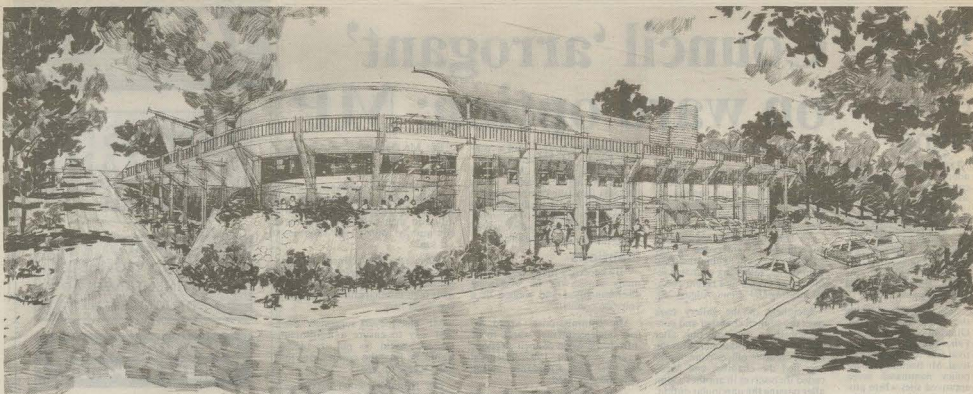
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SUN, OCT 27 - The Echoes

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A view of the proposed convenience centre in Eltham.

Gateway to the future

Plans on display, public comments sought

by LAETA ANTONYSEN

FUTURE visitors to Eltham could be greeted by a sandstone-colored, three-level service, station and convenience store with red gum and corrugated iron features as the new "gateway to Eltham" if current plans for the development of the former Eltham Shire office site are approved by Nillumbik Council.

The council sold the property in Main Rd to Dallas Price Properties Pty Ltd for \$1.1 million in June, making way for a proposed \$4 million, 24-hour Shell service station, convenience store and Hungry Jacks restaurant.

Plans for the site were advertised in the *Diamond Valley News* last Wednesday (September 11) as well as on site, but they were on view at Nillumbik Council for two weeks before that.

Contour Consultants spokesman Andrew Biacsi, who is in charge of the development, said the plans would be displayed formally for a 14-day period, enabling people to make submissions.

Mr Biacsi said the development was "sure to create a great deal of interest" because from Main Rd it appeared to be a single level building.

"It actually has a total floor area of about 1300 sq m over three levels, incorporating a take-away food outlet and eat-in cafe facilities with seating for 60 people, an internal play ground for children, an auto-banking facility and a video store," Mr Biacsi said.

"The architects have gone to a great deal of trouble to enhance the look of the place and to link the proposal in with the surrounding area."

— Contour Consultants
spokesman Andrew Biacsi

The plans show an area of 200sqm on the building's lower level has been set aside for community facilities, with access from the service lane at the rear of the building only.

The proposal also includes four fuel pumps and an LP gas facility under a weatherproof canopy, 83 car parking spaces, a service yard, a

drive-through service lane for the Hungry Jacks restaurant around the upper level of the building and separated points of access off Main Rd, he said.

Features of the proposal include a red gum pathway with red gum arbors providing access to the adjacent library, a raised cylindrical roof over the convenience store, corrugated iron screening walls, varied roof lines and substantial planting of indigenous trees.

"The architects (Baldesso Cortese Pty Ltd) have gone to a great deal of trouble to enhance the look of the place and to link the proposal in with the surrounding area," Mr Biacsi said.

"They (the architects) were very conscious about recognising the previous use of the site and its historical base, as well as its delicate position in relation to the Eltham town centre and the need to complement the surrounding buildings and environment."

"This is a planning issue now and as such it will go through a formal process of consultation, enabling people to have their say before council makes its final decision."

The proposal has already received a mixed response from the community, with members of the newly formed Eltham Gateway Action group labeling it a "monstrous over-development".

"It may even have a detrimental effect on the various shopkeepers struggling to stay alive in Eltham Village which again will change the culture of the township."

— Eltham Gateway Action
group vice president
Sigmund Jorgensen

Group vice president Sigmund Jorgensen said the development was "not in keeping with Eltham's position as the centre of the green wedge" and felt it was an "inappropriate use of a wonderful piece of land".

"It is ridiculous that we the ratepayers paid so much money to have

the library and community centre built which are quite distinguished in their own right and created the whole Eltham gateway, only to have it dominated by a brightly lit service station and Hungry Jack store," Mr Jorgensen said.

"The development's most dominating feature will inevitably be the signage on the roads for Shell and Hungry Jacks."

"The architects have tried to pretty up the proposal by planting lots of trees but in reality they'll take years to grow, and instead of a green gateway to Eltham we'll be hit with the corporate red and yellow colors of Shell."

From a planning point of view the proposal would also create a "monstrous problem" in terms of traffic and parking, he said.

"It may even have a detrimental effect on the various shopkeepers struggling to stay alive in Eltham Village which again will change the culture of the township," Mr Jorgensen said.

Nillumbik Council chief executive officer Barry Rochford said he would reserve judgment of the proposal until he received "advice from council's professional planners".

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Policy limits event signs

NILLUMBICK Council has adopted its new policy for community event advertising signs.

Nillumbik's manager of development approvals, Michael Bismine said the new policy would allow only three signs advertising any one event except for major shire events which would be permitted up to six signs.

Major events include the Nillumbik Festival, Diamond Creek Town Fair, Montsalvat Jazz Festival and Warrandyte Festival. Mr Bismine said the policy nominated seven approved sites where promoters could put advertising signs that met size and design specifications.

He said promoters could apply to erect signs at other locations.

Council 'arrogant' on ward option: MP

by LAETA ANTONYSEN

NILLUMBICK Council's recent decision to adopt a five single-councillor-ward option in the face of strong opposition, has been labelled "arrogant" by Yan Yean MP Andre Haermeyer.

Mr Haermeyer has called on the government to intervene in the council's decision to alter the ward boundaries at a recent council meeting (D/V News, August 28).

Members of the gallery took over the council chamber and conducted their own meeting after Nillumbik commissioners and the chief executive officer council officials fled the chamber and barricaded themselves in another room, after passing the unpopular option.

Mr Haermeyer described the council's decision as "oversteering the fairly fundamental principles of democracy."

"A local council is meant to be a

representative body — not a company board," Mr Haermeyer said.

"In trying to treat the council like a board of directors on a business they (the commissioners) in fact that it is a wide-spreading municipality made up of a number of communities with a diversity of interests they are representing."

Elections

"By necessity many people and many areas will be effectively disenfranchised and robbed of a voice on council."

The commissioners voted for five single-councillor wards to be introduced when council elections return in March, 1997. Triennial elections and attendance voting were also adopted.

At the time the council's chief commissioner Don Cordell told D/V News that the decision was made following "extensive consultation" with "all residents' views being canvassed twice".

But Mr Haermeyer said it was more a case of "phony canvassing".

"It's absolutely outrageous and arrogant for the commissioners to say they've consulted the community and then override what the community wants," Mr Haermeyer said.

"They (the new council) will be cleaning up this mess long after the commissioners have gone back to their own municipalities — a long way from here."

Mr Haermeyer suggested the best way to ensure legitimate process would be put in place would be for "the community to have a vote on this".

But Nillumbik chief executive officer Barry Rookford said as far as the council was concerned the final decision had been made and it was now up to Planning and Local Government Minister Rob Maclellan to ratify the decision.

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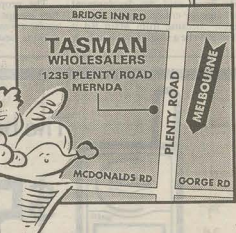
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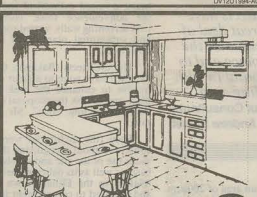
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DNN

18/9/96

19 on council inquiry list

NILLUMBIK Council has established a specific list of people, including the chief executive of a neighboring council, whose inquiries will be dealt with only by the shire's chief commissioner or chief executive officer.

Council group managers and managers were instructed on Friday, September 6, that questions from 19 people were to be dealt with only by CEO Barry Rochford or chief commissioner Don Cordell.

Mr Rochford last week denied that the list was an attempt to censor council information.

The *DI News* has obtained a copy of the list, which was not printed on council letterhead and did not have any written instruc-

tions. Those listed include Banyule Council CEO Doug Owens and his wife, former Eltham councillor Mary Grant, members of the Democratic Nillumbik Association (DNA) and the Eltham Gateway Action Group, and local identities.

Mr Rochford said there was "nothing sinister or special about the list"; it was just one of a "wide range of management lists, part of management protocol" in existence. He said it was aimed at ensuring "a consistent message" was given to people asking similar questions of council officers.

Ensuring a consistent message was not censorship, Mr Rochford said, because "everything ultimately becomes public anyway" in local government.

He said the list was also designed to save council officers wasting time on duplicated questions.

"There's a group of people asking a lot of very similar questions and it is important that council officers not be distracted from their jobs, to be fair to the full 55,000 or so ratepayers," Mr Rochford said.

He said the council's restriction was realistic, given how busy both he and Mr Cordell were, because they had made a commitment and would make the time available to the people on the list.

Mr Owens, the Banyule CEO, was overseas and not available for comment.

— JODIE GUEST

LETTERS TO THE EDITOR



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ADVERTISER Letters to the Editor

Eltham is wonderful

Over the past few weeks much has been written about the happenings in Nillumbik, especially in relation to the old Shire offices. Sometimes I feel that the three Spring Street-appointed Commissioners have an agenda which includes the expunging of Eltham as an identifiable place - but I am sure this is my own paranoia.

I have summarised the events around the sale and planned redevelopment of the Shire Offices as follows, and indicate the level of problem that I personally perceive:

• The Commissioners decide to call for expressions of interest in the Shire Office - *no problem.*

• As no party can be found to take on the building, it is put up for sale by tender - *no real problem, although I suspect they might have tried a little harder.*

• June 26, (Nillumbik Shire) CEO Barry Rochford tells the world that the building is riddled with asbestos - yet he has a report saying that there is little or no danger from the asbestos! Now why would the vendor (Nillumbik) allow their CEO to talk down the property that they hold in trust, when they knew what he said wasn't supported by the report they had commissioned? - *big problem.*

• Two tenders arrive: one for \$1.1 million, Dallas Price; and the other for around \$900,000 from John Lordon. They chose the highest tenderer - *some problem here in that the Dallas Price development was not suitable for the site, the Lordon proposal seemed more appropriate as it was less intrusive on the local environment, as he wanted to use*

the existing building.

• With terrifying urgency, and despite the fact that the sale is dependant on the granting of the building permit, the Council issues permits and indemnities to have the building demolished, even though the losing tenderer was to use the existing building - *huge problems here.*

• Suddenly the Council shows a renewed interest in putting in the roundabout at the intersection of Dudley Street and Main Road. This will mean the destruction of the War Memorial Garden at the Pre-School, Maternal and Child Health Centre - *more big problems!*

• Rumors float around the town that the real agenda for the land covered by the old Eltham Shire Offices, the Senior Citizens Hall, the Dental Clinic and the War Memorial Garden and Pre-School, Maternal and Child Health Centre are to be replaced by a large retail development which would cover the whole site - *real problems with this idea - which would totally fragment the shopping centre.*

• The Nillumbik budget papers show that the money from the sale is to be used to 'beautify' the main street in Eltham - the only capital works expenditure item that is 'tied' (in this

case to the sale of the Eltham Shire Offices site). Could one be forgiven for possibly thinking that this might have been a bit of a sop for both the Eltham Chamber of Commerce, which had tirelessly lobbied for the past 20 years to have a Council tidy up Eltham. Also it might be seen as a possible way of allaying community angst. • Interestingly, the "Concept Plan for the Eltham Town Centre" shows a roundabout at Dudley Street. The plan indicates that the Shire offices should be re-designed as a landmark quality building to reinforce the Gateway. Ho hum! *More problems.*

• Am I being too cynical when I ask - why does our Council employ consultants when they take no notice of them? With the asbestos: Kilpatrick & Associates; with the Town Plan: John Curtis P/L.

I have lived in Eltham all my life and I am terribly afraid that the culture

of the place is changing, with some wanting to destroy its unique qualities and environment. Yet what they offer in place is arid, close, unimaginative and unspectacular. Eltham is a wonderful place, let's not destroy it!

As a child I can remember towns like Ringwood, Croydon and Fer tree Gully - all have, in my view, been lost to bad design and awful town planning. To what Robin Boyd referred to as "the great Australian ugliness".

Does this have to be inevitable or can we not in some way rethink and come up with better answers.

I can accept change. Indeed, I love the challenge that change can bring - but change has been carefully thought out, not change simply for its own sake.

- Sigmund Jorgensen,
Eltham Gateway
Action Group Inc,
7 Hillcrest Ave,
Eltham

Custard tart politics and faulty powers

(To The Editor)



**Kinglake
State
Emergency
Service
Unit**
with Lyn Gunter

STORM ASSISTANCE - 30 CALLS IN 15 HOURS

Wednesday, September 11, will be remembered by many for the ravaging winds that caused so much destruction. Those residents who personally had property destroyed are all too aware of the feeling of helplessness and distress at seeing their homes damaged.

The Unit began receiving calls for help at 9.30am and

OBJECTION TO GRANT OF PLANNING PERMIT

OFFICE USE
Date Received
25 SEP 1996NILLUMBIK SHIRE COUNCIL
PLANNING & ENVIRONMENT

RECEIVED

WHO IS OBJECTING?

I/We (Names in block letters) ELTHAM DISTRICT HISTORICAL SOCIETY INC.
 of (Address) P.O. BOX 137 ELTHAM
 (RUSSELL YEOMAN, SECRETARY) Fax No. : -
 Postcode 3095 Telephone No. 9439 9717 (Home) - (Work)

WHAT APPLICATION DO YOU OBJECT TO?

WHAT IS THE PERMIT APPLICATION NUMBER? 960376
 WHAT IS PROPOSED? PETROL STATION, CONVENIENCE SHOP, RETAIL
SHOP ETC.

WHAT LAND IS PROPOSED TO BE USED OR DEVELOPED? 895 MAIN ROAD ELTHAM

WHO HAS APPLIED FOR THE PERMIT? DALLAS PRICE HOMES PTY.
LTD.

WHAT ARE THE REASONS FOR YOUR OBJECTION?

SEE ATTACHED

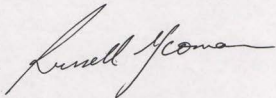
(If there is not enough room, attach a separate page.)

REASONS FOR OBJECTION. APPLICATION 960376

The proposal should provide for the retention and protection of the three Cypress or Pencil Pine trees near the front of the site. These trees have considerable local heritage significance being the only remnants of the former garden of Shillinglaw Cottage in the original location of the cottage. The trees are beleived to be over 100 years old. Photos taken early this century show them as established trees, taller than the cottage. The trees were specifically preserved during construction of the former Eltham Shire Office. The Shire of Eltham Cultural Heritage Study recommends preservation of the trees and it is understood this recommendation will be carried over to the Nillumbik Cultural Heritage Study.

We beleive that the trees should be preserved by lowering the level of the building forecourt and altering the site layout. A second best option would be to provide wells around the trees in conjunction with raising surrounding surface levels. Whilst we would prefer relocation of the trees rather than destruction this would devalue the significance of the trees to a large extent.

Council should request a report from its Heritage Consultant prior to making a decision on this matter.



Minister orders sale probe

by JODIE GUEST

THE Local Government and Planning Minister, Rob Maclellan, has ordered an independent investigation into the valuation and sale of the former Eltham Shire offices.

Mr Maclellan ordered that the Office of the Land Monitor look into the circumstances of the sale after meeting a deputation of local politicians, residents and activists in his office last Thursday.

But the results of the investigation will not be made public because the Land Monitor's office will report to a Cabinet sub-committee which oversees sales of major public assets, and all Cabinet dealings are confidential and exempt even

from Freedom of Information requests.

Mr Maclellan's spokesman would not comment when asked if the findings would be made public if it was found that any impropriety had surrounded the sale.

Eltham MP Wayne Phillips, other politicians, Eltham Gateway Action Group president Jenni Mitchell, Democratic Nillumbik Association spokesman Mark Burns, former Eltham councillor Ken Hines and Green Wedge Protection Association spokesman Jack Lawson made up the delegation.

The Minister's spokesman, Gavan Clancy, confirmed Mr Maclellan had asked the Office of the Land Monitor – which oversees all real estate sales by state government agencies – to investi-

gate the sale of the former shire offices.

Mr Clancy said the Minister had not specified a time by which the Land Monitor's report was to be completed.

The Eltham Gateway Action Group (EGAG), which vigorously opposed the demolition of the offices after the sale, has greeted the investigation with jubilation.

After being on the market for eight months, the old shire offices were sold to Dallas Price Properties in late June for \$1.1 million, despite being valued at \$1.45 million by Herron Todd White Valuers Victoria. The sale came a week after the council announced that the building contained asbestos, which would cost at least \$200,000 to remove safely.

At the time, council chief executive officer Barry Rochford told *Diamond Valley News* the building was "reasonably riddled with asbestos and asbestos products" (*News*, June 26).

But the EGAG subsequently questioned Mr Rochford's comments, saying a consultant's report released in February had stated the asbestos risk was minor. The group said the report, by occupational hygiene and ergonomic consultants Kilpatrick and Associates, stated that while asbestos was present in the building, it fell into the "low/negligible" risk category.

The offices were demolished in July and Dallas Price Properties proposes to build a \$4 million service station/conve-

nience store, Hungry Jack's restaurant and video shop development on the site. Plans for the proposed development are on display at the Nillumbik offices and the council is due to consider a planning permit application at its meeting on October 9.

EGAG president Jenni Mitchell said she was delighted the Minister has decided to launch the independent investigation.

"We're very satisfied with the outcome of the meeting," Ms Mitchell said.

Mr Rochford said last week he "welcomed" the inquiry and was "quite confident the investigation would prove council had acted with the highest degree of integrity".

ADVERTISER Letters

Headline could mislead

Sir,

I wish to refer to the headline 'minister orders sales probe in the Diamond Valley News' (Oct. 2).

This headline could give the impression that the Minister and I have some concerns about the handling of the sale of the former Eltham Shire Offices.

I would like to inform the community that this is not the case. As the local State Member for Eltham, it is my role to facilitate deputations to Ministers irrespective of my personal views.

Regarding the sale of the



• WAYNE PHILLIPS

former Shire Offices, I believe that the Commissioners have acted in the best interest of the wider community and I have no doubt that they have complied with all statutory requirements.

It would be wrong for me to prejudice the current planning application for a service station and convenience store, however, if one is required I would prefer it to be located on a main road in the commercial precinct on an industrial or commercial zoned land like the former Shire Office site.

The situation regarding the current planning application, that is being addressed, is a difficult one and it is important that due process takes place.

Wayne Phillips,
Member for Eltham,
Arthur St, Eltham

Memo Editor: 'The Advertiser' is a forum 'for personal attacks, muck dredging, mud-slinging, innuendo and false accusations'

Sir,

I really feel that your paper has stepped way over the line. Sadly, and disturbingly, it has become a forum for personal attacks, muck-dredging, mud-slinging, innuendo and false accusations. What could have been a great alternative, with lots of local news and information, has failed.

The 'Horace Wright' column turns my stomach. I found the comment at the end of last week's letter from Claire Lenne particularly nauseating and offensive. To attack the vulnerable and disadvantaged in our community displays extraordinary weakness, and an intolerance usually associated with Extreme Right Wing ideology.

The tone of your paper is apparently attracting like minds. Surely the Gina Wilson of Eltham, who last week wrote to condemn Robert Marshall second-hand, is one and the same Gina Wilson of Eltham who contributed to 'Access' on July 5, 1996, commenting on an article the day before describing an extended family from Vietnam, now living in Melbourne state. Congratulations to the Federal Government for reducing migrant intake. If Mrs Bob was so concerned about splitting up her family and keeping relatives close to her family nest, the whole lot should have stayed in the over-populated place they came from.

I think it's time to turn things around. We don't need more division in our community. We need to work together, co-operate, and celebrate our diversity. Let's bring to the fore all those marvelous virtues of yesterday, like love, harmony, justice, compassion, peace, gentleness, sharing. It's well and truly time to leave behind and behave in a civilised manner.

Karin Gerards, 6 Caroline Cres, Hurstbridge
Editor (on leave) replies: We are not talking, Ms Gerards, but perhaps you are. If our letters columns have become a forum for personal attacks, muck dredging, etc, etc, perhaps it's because you and your co-siders write so many of those letters. I don't write the Letters to the Editor; you do. I'm glad you've decided it's time to 'calm down and behave in a civilised manner'.

Claire's letter is on a fridge

Sir,

Point taken, tit for tat. Your response to my facetious letter to Horace Wright (Advertiser, Oct. 1) - 'I promise to take care crossing the road, if you promise to keep taking the tablets has reminded me to take those Executive B vitamins. Sadly, if you perceive me as a dissident who does not agree with much of what is happening in Nillumbik, it is the only way of coming to terms with that is to cast doubt on my sanity publicly, then alas, I do inform opinions from such source.

Thank you for printing all letters that I have sent to you; I enjoyed writing them, and someone told me the other day he had a recent one on his fridge, secured by a magnet. Horace seems to be a rather vigilant stone thrower. I have given in my garden. Thanks

Claire Lenne, 90 Patullo Lane, Hurstbridge

Landscape bond: fact or fiction?

Sir,

Horace Wright seems to be a very knowledgeable fellow. Does he share my interest in gardens? If not, he won't be interested to know that a spec. builder rang up and quizzed the planning department of the Nillumbik Council about their role in promoting local indigenous plants as residential landscaping. He was pleased to learn that the Landscape bond of \$3000 to be held over two years, was a myth.

However the myth popped up again last week in an article in the Diamond Valley News. In an article, 'Residents lose the appeal against unions' - 'The AAT granted the appeal and deleted four conditions, including fencing, paint stipulations and a landscape bond'.

A list of the plants is provided by the Shire for people to use in their gardening plans. I have it on bona fide green authority that a landscape bond is lodged with a garden permit, to ensure the plants utilised in the plan are actually grown. The garden permit is issued at the same time as a building permit.

Alma Shanahan, P.O. Box 354, Hurstbridge

• THAR SHE BLOWS! Mal Meikle's photo captures a fire hydrant blowing on St Helena Road this week, before emergency crews arrived.



NOTICE OF INFORMATION SESSIONS FOR DRAFT MUNICIPAL STRATEGIC STATEMENT

Council has prepared a draft Municipal Strategic Statement (MSS) as part of the overall planning reform program. The MSS establishes the broad principles for future land use development of the municipality.

Council is holding two information sessions to discuss the MSS. The information sessions will be held on Thursday 17 October and Monday 21 October, 1996 from 7.30pm to 9.00pm in the Reception Room at Nillumbik Shire Offices, Civic Drive, Greensborough. Please confirm attendance by Tuesday 14 October, 1996 by contacting Ms Lisa Ryan on 9433 3212.

Barry P. Rochford
Chief Executive Officer



NILLUMBIK SHIRE COUNCIL

CLEANING OF FIRE HAZARDS AND FIREBREAKS CONTRACT NO 96/97 - 036

Tenders are invited from experienced contractors for the clearing of fire hazards and firebreaks throughout the municipality.

In carrying out the work, contractors shall provide all necessary supervisory labour, materials, equipment, and plant. Further information and copy of the Tender Documents may be obtained by contacting Ms Vanessa Di Pietro on telephone (03) 9433 3301 at the Council Offices.

A non-refundable deposit fee of \$50.00 will apply. Tenders close at 4.00pm on Monday 28th October 1996.

Tenders received after the closing time or by facsimile WILL NOT be considered. The lowest or any tender shall not necessarily be accepted. An in-house bid MAY be submitted. Convincing of Commissioners, Tender Evaluation Panel Members or any officer of the Council either directly or indirectly will disqualify Tenders from being considered.

Barry P. Rochford
CHIEF EXECUTIVE OFFICER

Eltham District Historical Society (elthamhistory.org.au)

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QUESTION TIME AT COUNCIL MEETINGS

The Council sets aside time at its meeting to consider written submissions submitted by the public gallery. These are collected at 6.15pm on the night of the Council Meeting. Questions received after this time will not be considered at that Council Meeting.

Where possible, answers will be given at the meeting, but on occasions a written reply may be necessary.

Please Note:

- The person signing the question form will be required to indicate his or her presence in the gallery.
- There is a limit of two questions per person.
- Members of the public present in the gallery will be permitted to ask questions of the council when the item 'Questions from the Public Gallery' is dealt with as it appears on the Business Paper provided that questions are submitted in writing by 6.15pm on the night of the Council Meeting.
- Questions not answered, either answered, placed on notice or disallowed.
- Questions may be disallowed by the chairperson upon the grounds that they:
 - relate to a matter outside Council power;
 - are defamatory, indecent, abusive or objectionable in language or obscene;
 - are a repetition of a question already answered whether at the same or an earlier meeting.
- are asked to embarrass a Commissioner or the Officer concerned; or
- relate to a matter which the Council has discussed or proposes to discuss after closing the meeting to members of the public in accordance with Section 89 (2) of the Local Government Act.

SUBMISSIONS

Council reminds all residents and ratepayers that all submissions call for by Council must be received prior to the time specified or they will not be considered, e.g. See 223 Submissions.

Barry P. Rochford
Chief Executive Officer

WATSONIA R.S.L. CLUB THIS WEEK'S HAPPENINGS

QUALITY \$7 MEALS

Monday Tuesday Wednesday
(Lunch & Dinner)

\$10 BUDGET BUSTER DEAL

Every Tuesday Lunch
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COMING EVENTS

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Catexp96

Few jobs for young

I BRING to your attention the misinformation circulated via the pamphlet put out by the proponents of the new proposed development on the site of our former Eltham Shire Offices.

There will be few if any extra jobs for our young people. They have lost jobs through recent closures at Caltex and Mobil and will lose more through the intended closure of the other two Shell stations in Eltham.

The new petrol station is only a series of eight self-serve pumps — hardly providing the same level of employment as driveway-attended pumps and mechanical services such as we had.

Regarding the fast-food outlet, Hungry Jacks takes business only from McDonald's.

Of course, if the presently unoccupied retail space present on the plans plus the obvious potential for expansion is

realised, we will in fact have a shopping centre there that should make the Eltham traders very nervous.

Our shopping centre then runs the risk of becoming further fragmented and again people lose their jobs there as businesses drops and moves over the road.

To create jobs in this area, we need to have businesses that we do not now have so that we can keep our dollar in Eltham.

According to the architect, "there will be up to 15 full-time jobs", but these will come at expense to other businesses in Eltham.

Finally, the architect has told me the building must be highly visible from the road, with a 26 foot (8 metre) high sign on Main Rd which will be illuminated 24 hours, but the building is designed to "blend in". This seems incongruous to me.

It was also indicated to me that the plants and trees at the front of the building would be taken out as they "look terrible and untidy".



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes. Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters. Readers can now send their letters by E-Mail. The address is: editor@leadernews.com.au

ist's impression" showing no 26-foot-high sign. Watch out for edwarding of the library by this overdevelopment.

Margaret Jennings,
Stanley Ave,
Eltham.

The whole truth

I WRITE to express my dismay at receiving, with *Diamond Valley News*, the glossy brochure, *Eltham Hub*.

Knowing the contentious nature of this subject, as you would, it is difficult to understand the paper apparently adding support to this project.

The brochure reads as though this scheme was a fait accompli, which is very definitely not so.

As reported on Page 7 of your same edition, an "Information Night" was to be held on Monday (presumably September 30) at 6pm, hosted by the developer and the architect, but without council participation.

The brochure fails to stress

that this matter is due to come before the planning committee on October 9.

When will somebody associated with this venture acquaint ratepayers of the truth, the whole truth and nothing but the truth?

Alan N. Ramsay,
Ryans Rd,
Eltham.

Editor's note: The *Diamond Valley News* continues to distribute the pamphlet. This, however, does not indicate our endorsement of the development.

Protecting wedge

AS CHAIRMAN of commissioners of the Nillumbik Shire, I reaffirm Nillumbik's position of protecting the green wedge of Nillumbik and ensuring that any long-term solutions to traffic management in the area are sympathetic to the shire.

The comments made by Banyule City Council's chairman of commissioners, Julian Stock, were unfortunate and misrepresented the position of the Regional Roads Group of which Nillumbik Shire is a member (as reported in *Diamond Valley News* on October 2).

Nillumbik Shire Council recognises that a holistic solution needs to be developed that will deal properly with transport from the port to the airport, and would welcome involvement in any discussions on the matter.

I stress that this would be undertaken only in consultation with all involved parties. I believe the overall transport plan would be dealt with by VicRoads and I look forward to this body consulting with the Nillumbik Shire in due course.

Finally, I look forward to seeing the results of the Regional Working Party which deals with regional road strategies.

Don Cordell,
Chairman of Commissioners,
Shire of Nillumbik.

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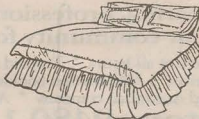
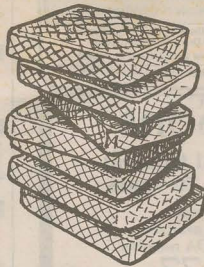
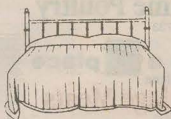
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PUBLIC OUTCRY AT ABBOTT VETO WITH 'RESERVE'

200 RESIDENTS YELL ABUSE AS COMMISSIONERS GIVE OK TO ELTHAM SERVICE STATION

SPECIAL REPORT



By Ash Long

NILLUMBIK Commissioners last Wednesday used "reserve powers" to permit the controversial Shell service station-Hungry Jack's restaurant development at the former Shire Offices in Main Rd, Eltham.

The public gallery, which at one stage numbered more than 200 people, protested loudly at the Commissioners' decision. Developer Dallas Howgate, who applied to convert the former Eltham Shire office site, was spat upon by protesters during the six-hour marathon

meeting.

Some 32 personal submissions were made to the Council's marathon six-hour Planning Special Committee meeting, whose members indicated a 3-2 vote against Community members Jim Connor, Bronwyn Smith and Janet Mattiske

voted against the proposal, but their vote was effectively overruled by Commissioners Vin Helfferan and Kevin Abbott.

Chief Commissioner Don Cordell, a former Shell employee, said he had no pecuniary interest, but absented himself

from the vote because of what he called "perceptions and misconceptions".

In what is thought to be the third time during his Commission, Mr Abbott used special delegation powers to take the matter out of the Committee's hands.

Janinne hits the boards



• GREENSBOROUGH'S own international comedian and promoter Mal Meikle introduces renowned singer and danger Janinne Butler, who is now producing a prominent modelling career.



Robert Marshall

ELTHAM fought back last Wednesday, fought back against the abuse of Eltham by the Commissioners and their CEO, all of whom are outsiders imposed upon the community over the transition of the new Shire of Nillumbik. The gallery at Council was overflowing with furious residents, come along to witness the processing of the permit application for an intensive 24-hour commercial development on the site of the former shire office. For three hours Eltham residents put forward enlightened and visionary submissions as to the utter inappropriateness of this development in a community precinct and adjacent parkland.

Frank Burgoyne, his family 142 years in Eltham, said that there would be much creaking and rumbling in the Eltham cemetery, the writings of those who wisely gave Eltham much of its character by commencing the process of setting aside the valley as open space. Ordinary Eltham people - not only the usual locals - were in the gallery in great numbers. One speaker said he had spent the last 20 years in his armchair when Eltham's planning was being debated, but not for this one. Several speakers firmly said that the approval of this monstrosity would directly contradict much of its recent Nillumbik policy created by the Commissioners themselves, and be of profound detriment to Eltham.

But did the Commissioners listen? Even after inspired speeches from the public members on the Planning Committee, the Commissioners voted to deny those public members the vote that they (the three public members) have exercised at every other Planning Committee for two years, and then approved the permit. Just like that. It was a disgraceful performance, although chaired in a gentlemanly way by the Chief Commissioner, and clearly highlighted just how out of step the Commissioners are with the aspirations of the Eltham people.

No doubt some will now turn the criticism onto the loud and angry outbursts from Eltham residents in the gallery. But before they do so, they should carefully examine the fact that the current regime in our local government is not elected. They should look at the belief that at Nillumbik the public has been excluded from the processes of its own Council (how any public submissions over 18 months changed the initial direction of the CEO and Commissioners?), that many of the services and much of the co-operation and vision offered at Eltham have been lost at Nillumbik, and of the feeling that there is an attempt to remove the Eltham ethos of Nillumbik. The extraordinary and angry criticism of Eltham and its people by Commissioner Helfferan during the debate would indicate that he is here to change us, not to enhance that which we hold dear.

Let us all understand one thing clearly. The major criticism should be against the imposed process, not against the rowdy behaviour of those objecting to the process. It is human nature that frustration turns to outrage when people are denied a role in a participatory democracy. That role is denied at Nillumbik, and the arrogant refusal to listen to the people is the issue.

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WAYNE PHILLIPS M.P.

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Fax: 9431 0505
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Eltham District Historical Society (elthamhistory.org.au)

Bee-wae of the buzzing swarm

THE onset of mild spring weather during the past week has brought with it numerous reports of bee swarms throughout the Nillumbik Shire.

Nillumbik Council's Environmental Health Officer, Becky Gray, said numerous telephone calls have been received from residents worried about the presence of bees.

"At this time of the year bees swarm around their queen as they look for a new nest or hive," Miss Gray said.

One Diamond Creek resident had a swarm in the wall cavity of her house, while another call-

er faced difficulty reaching the family car because of bees swarming from low lying branches.

She said it is important to stay away from swarms and do not disturb them, because the bees may attack humans in large numbers to protect their queen. In many cases the bee swarms may move to another area within a few hours.

Miss Gray said anyone concerned about a bee swarm on their property should contact a pest controller, or bee keeper, who has the expertise and equipment to deal with such incidents.

She said there has been reports of European wasps, although this insect more commonly appears in late spring and during the summer months. Inquiries about bee swarms or European wasps can be directed to Nillumbik Council's Regulatory Services Department on telephone 9433 33301.

Care needed in backyard

RESIDENTS should be careful when planting trees in backyards.

A recent example high-

lighted the need for residents to be aware of any Council drains that may be located on easements that pass through their properties.

Nillumbik Council received a report from Eltham residents of flooding on her property. Council workers inspected the Council drains on the affected properties and found that the roots of inappropriately planted trees had blocked the drains.

Nillumbik Infrastructure manager Brian Foster says "Council has approximately 6500 drains pipes and 450 kilometres of drains within Nillumbik that need to be maintained."

Every endeavour is made to inspect all drains and pits at least once a year. Known trouble spots are inspected on a more regular basis."

ADVERTISER Letters

'Bah humbug' over bid to stop local Christmas carols

Sir,

I am disappointed to find that Banyule City Council will not be organising Christmas Carols at St Mary's in Greensborough this year.

These carols have provided entertainment for families for about 70 years. Carols provide a great opportunity for the community to meet and celebrate Yuletide and there is no real cost to Council.

The Public Health Plan recently released by Banyule Council talks of providing greater opportunities for the community to meet together and form relationships.

This is the sort of event that builds community

spirit and I feel that Council should be actively encouraging people to get together in the festive season.

It's Banyule Council provided the same level of service to residents in the northern parts of the city as they do for residents of the former City of Heidelberg.

There is still some time before Christmas and hopefully Council will realise the importance of this event and do something positive for the Greensborough community.

What say you Commissioners of Christmas spirit? Bah humbug?

- Colin Brooks,
2 McDowell St,
Greensborough

Eltham Hub brochure has 'trees that are a fiction'

Sir,

An attractive brochure, distributed through the Diamond Valley News, gives an artist's depiction of the front and rear views of the proposed development of the site of the former Eltham Shire offices.

What is not disclosed in the brochure is that instead of the front of the building lying on ground level for the former offices, it is at the level of what was the upper floor of the old building. This will give a clear, uninterrupted view of the place from the roadways.

As well, the signs, which are also planned for the site, are not drawn in. You have to imagine the illuminated, large, boldly colored signs which could be erected, no doubt for each of the commercial undertakings operat-

ing there. The three top crosses trees, more than 100 years old, dating from the time of Shilart's Cottage and now placed on the Eltham historical preservation list, would be moved - but experts say this would result in their demise.

The mature trees growing in the illustration, are a fiction - the roadside verge is to be further cut into leaving only 1.5m which is insufficient for the spread of roots of mature trees.

Don't be taken in by this advertising brochure. With all the facts in mind, surely this is not the best that can be done for this prime site which could be made a community owned facility forming the heart of Eltham.

- Lois Luffus-Hills,
2 Symes St, Lower Plenty

The Advertiser Press Room Confidential

Shire of Eltham areas are being advised that their current weekly hardwaste collection arrangements will not be provided at the end of this month," Mr Plater said.

The current service arrangement does not provide any incentive to recycle hardwaste placed out for collection, if it goes to landfill.

He said a greater emphasis on recycling of hardwaste will result from the new service whereby households within Nillumbik Shire will be entitled to one hardwaste collection between the months of October and December each year.

"This service is a performance based contract where the contractors must pay Council fee for all hardwaste it deposits at a tip," Mr Plater said.

"It is therefore the contractors interested to recycle as much of the waste placed out as part of the hardwaste collection.

"Although there are restrictions on the type of waste that will be collected, there is no limit on the quantity of material residents can put for collection.

He said environmental harmful refrigerant gas will be decanted by the contractor from old refrigerators and air conditioners using approved methods before they are collected.

For further information about the new hardwaste collection service, please contact Gary Hocking on telephone number 9436 1266.

New look Council staff say it's a 'new start'

RESIDENTS of Nillumbik will be seeing a new look from Council's outdoor staff. The Greensborough Maintenance Department recently decided to upgrade their appearance by getting new uniforms.

The decision to upgrade their uniforms signifies a new beginning for the Nillumbik Depot said Brian Foster.

The uniforms will be green with a colored logo emblem on them. This will make it easier for Council employees to be recognised. All outdoor staff will be wearing the new uniforms by December.

The staff were involved in the selection process and are all looking forward to wearing the new uniforms. "I believe the new uniform will create a stronger sense of identity amongst the team which will be of benefit to the community," Mr Foster said.

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Residents have their say on former shire offices

by JODIE GUEST

THE depth of resident opposition to the service station, convenience store and fast food restaurant development at the former Eltham Shire Office site was made clear at last week's special planning committee.

Thirty-two people made verbal submissions to the committee, which comprises the three Nillumbik commissioners, three community members and council officers. All people making submissions were restricted to a three-minute speech.

Several speakers noted that while they had lived in Eltham for many years they had never before been moved by an issue to attend council or committee meetings or make submissions.

Other speakers told of long-term family ties to the area and their fears should the development be approved.

Speaking on behalf of the Eltham Gateway Action Group (EGAG), which was formed to oppose the sale and demolition of the former shire offices and the development, Russell Yeomans said the "overt commercial nature" of the plan was not suitable for the area. He said the group had concerns about traffic and parking problems if the development went ahead.

Mr Yeomans, who also repre-

sented the Eltham and District Historical Society, said he was concerned about significant trees near the office site being destroyed if they were moved to another site to enable the development to go ahead.

Representing the Eltham senior citizens, Des Ryan expressed fears about increased noise levels from extra traffic and a lack of disabled parking spaces for incapacitated older people.

Some speakers were troubled about increased danger to pedestrians from more traffic, particularly to students from Our Lady Help of Christians Primary School who had to cross Main Rd and would have to pass the development to get to sports ovals.

Others were concerned that residents from Judge Book Village would have to dodge traffic to get the library, which is next door to the site.

Several residents were fearful that the service station had the potential to pollute nearby waterways and land through leaching of fuel and that increased traffic at the station and Hungry Jack's restaurant would create further air pollution.

A proposal by Angela Newhouse that "such a contentious issue" be postponed until a referendum could be held with the return of elected councils in March next year was greeted with

applause from the gallery.

Another speaker, Tom Munro, pointed out that while the proposal could "address all (planning) requirements, it could still be inappropriate" for Eltham. He described the proposal as "sneaky" and a "takeover" by two multinational companies.

Ian Jennings called on the committee to take into account the effect of new 24-hour trading laws on convenience stores.

"What if, in five years, supermarkets are all 24 hour convenience stores? In five years time we might be left with a dud," Mr Jennings said.

Margaret Ball, who appeared close to tears at one point, said she was a fifth generation member of the Shillinglaw family, one of the area's founders.

She said that in the 1960s, land owned by the family had been acquired by the council and the Shillinglaw cottage condemned.

"Now the land that was so badly wanted has been discarded... the family would love to have it back," she said. "I would object to any privately-owned building on the land; it is owned by all the local people."

Another obvious crowd favorite was Frank Burgeone, who told of his family's 142-year connection with the area and described the plans as "bit of a monstrosity".

"I believe my family would never forgive me if I didn't speak against the plans — the site has nothing going for it," Mr Burgeone said. He feared the development would force traffic into Eltham side streets.

"There will be a lot of creaking and rumbling in the cemetery if this goes through. So many old people who have done so much for Eltham are buried up there and it is up to us to pass on what they left to the younger generation. Eltham is a beautiful spot; why louse it up?"

Town planning consultant for the developer, Dallas Price Properties, Andrew Biasci, had trouble putting across the developer's point of view because of constant interjections from the gallery.

Mr Biasci said the developer was conscious of the site's sensitivity and had undertaken an "extensive and intensive consultation program" with many groups from the local community.

He noted that while there was opposition to the plan, it did have "some support". He said the developer could "accept and understand" the views of objectors. Mr Biasci acknowledged petrol stations had experienced problems with seepage and leaching in the past, but said double-skinned tanks and "sub-slab interceptor systems" would minimise the possibility of pollution.

Anger over reserve power

by LAETA ANTONYSEN

MEMBERS of Nillumbik Council's special planning committee said they were "extremely disappointed" when the council failed to take on board their views when deciding the future of the former Eltham Shire office site last week.

Former Eltham Shire councillor, Jim Connor, said it was the first time he could recall the council acting on a reserve power contained in the committee's terms of reference.

The reserve power enabled the decision to be referred to the (full) council meeting and prevented the community members of the committee from voting on the issue.

"I was shocked but in terms of the way the whole process has been handled I wasn't surprised," Mr Connor said.

"I felt the way it was handled left quite a degree of doubt in the gallery's minds and if council had intended to proceed in that way it would have been beneficial to explain that from the start."

Mr Connor said he felt the commissioners had directly antagonised the community on a



Flashback: Residents protested outside the former Eltham municipal offices in July against plans to demolish the buildings.

number of issues, and the shire office site was no exception.

"I must say I was extremely heartened though by the amount of community representation on the night and the broad range of issues that were clearly expressed with such passion for the Eltham community."

Fellow committee members, Bronwyn South and Janet Mattiske, said they were also pleased so many people had been prepared to speak out, but they did not believe the council's views were acknowledged by the council.

"I don't consider the process ever allowed us to vote or acknowledge the community input and I believe as it (local government) is structured, there is obviously no democracy left," Ms South said.

"I believe the whole process has been conducted with total disregard to the attributes of the site," Ms Mattiske said there was obviously a difference in the way the community and the council believed Eltham should be developed in the future.

But Nillumbik Council chief executive officer Barry Rochford defended council's decision to exert its reserve power.

"It was such an important decision we took the matter to council," Mr Rochford said.

"The community members were not gagged, the reserve power has always been there."

"This was the first time the reserve power had been exercised since the committee has been going; it indicates what a success the committee has been."

Shrewd tactics row

by JODIE GUEST

NILLUMBIK Council last week used shrewd tactics to prevent community members of a council committee voting against the controversial former Eltham Shire offices site development.

Normally, the special planning committee, which is made up of three community members, the three shire commissioners and council officers, can make decisions without needing ratification at a formal council meeting.

But the council employed little-used reserve powers contained in the committee's terms of reference to allow the item, at the request of "no less than two commissioners", to bypass the committee and be referred instead to the next (full) council meeting for decision.

The full council meeting followed

immediately the marathon five-and-a-half-hour committee meeting ended. It began at around midnight and finished minutes later, after commissioners alone had voted on – and approved – the shire offices development.

The approval came despite 32 verbal submissions from residents opposed to the petrol station, convenience store and fast food restaurant development by Dallas Price Properties Pty Ltd.

The council's move to effectively gag the community members' vote and give the development the go-ahead was greeted with angry taunts of 'social vandals', 'shame', 'disgraceful', 'corrupt', 'scum' and 'you had this all worked out beforehand' from the 200-strong public gallery.

Because of accusations of pecuniary interest, which he denied, Nillumbik's chief commissioner Don Cordell left

the council chamber and did not vote either to defer the matter to the council meeting or to approve the development. He abstained from voting after gallery members claimed that as a former Shell employee, he had a conflict of interest in the shire offices development in which Shell is involved.

Mr Cordell took the rare step of allowing all committee members to state their stance, in turn, on the issue.

As the community members spoke, it became clear the matter would not be approved if all members of the planning committee voted.

Committee member and former Eltham councillor Jim Connor foreshadowed an unsuccessful motion that the matter be deferred and dealt with by an elected council after March.

"The land is owned by the community – its future should be decided by

the community. It is not appropriate, I believe, for the decision to be made at this time – it is a decision for an elected council," Mr Connor said.

He expressed concern about the visual impact of the development, potential pollution and spillage from the service station, fast food store and its users, appropriate signs and effects on pedestrians including students from a nearby primary school.

Fellow community representative Bronwyn South, who supported Mr Connor's motion, spoke of her long-term family ties to Eltham and said she could not support the proposal.

The other community member, Janet Mattiske, was also against the development, believing the concept of a convenience centre and the town centre to be "at odds".

Site developer Dallas Howgate, of

Dallas Price Properties, said the reaction was "not unexpected", but that he and his town planning consultant Andrew Biasci had "tried to do the right thing in a very difficult situation".

Mr Howgate said he believed objectors did not understand that the proposal was "the first time" any major company had been prepared to vary its standard designs to accommodate resident objections.

"The Eltham gateway has lost direction," he said. "The retail sector needs to be revamped, the gateway has some houses in disrepair and with old car bodies in front. I certainly don't think the development is non-Eltham."

Mr Howgate said he expected residents to appeal the decision, but was "very confident" the Administrative Appeals Tribunal would uphold the council's decision.

Office sale report will not be made public

THE confidential investigation into the sale of the former Eltham Shire offices, ordered by Planning and Local Government Minister Rob Maclellan, has been completed.

Mr Maclellan told State Parliament last Wednesday night he had received the report from the Office of the Land Monitor, which he ordered to undertake the investigation.

He ordered the investigation after a deputation of residents and activists visited him to express their concerns about the council (DV News, October 2).

But Mr Maclellan has not yet presented the report to the Cabinet sub-committee which oversees sales of major public assets.

The report's findings will not be made public because all Cabinet dealings are confidential and exempt even from Freedom of Information requests.

Mr Maclellan said the report would be presented to the Cabinet sub-committee in "due course".

It appears unlikely Nillumbik Council will be informed of the report's outcome because of its confidentiality.

The Minister's comments about the status of the report came in response to a request in the parliament by Yan Yean MP Andre Haermeyer for him to "examine the behavior" of the three Nillumbik Council commissioners following the approval of the controversial plans for the former Eltham Shire offices site (DV News, October 16).

Mr Haermeyer accused the council of "behaving like a South American junta" in using shrewd tactics to ensure the petrol station, convenience store and fast food restaurant development was approved at its October 9 meeting.

The council effectively gagged three community members of the special planning committee from voting on the issue by implementing a little-used reserve power of the committee.

The community members

would have out-voted the two remaining commissioners on the committee because chief commissioner Don Cordell had abstained from voting following accusations of pecuniary interest, which he denied.

The reserve powers allowed commissioners Kevin Abbott and Vin Heffernan to refer the issue to the next full council meeting which immediately followed the committee meeting, ensuring the plans were approved by the commissioners alone.

Mr Haermeyer described the plans' approval as "questionable and controversial" and said the meeting was an "extremely farcical exercise".

He told parliament the approval was "an abuse of the council process set up by the commissioners".

"Community participation is a charade that is tolerated so long as community representatives uphold the position taken by commissioners. If not, it is ignored," he said.

Best to leave snakes alone

SNAKES have been spotted in the urban fringe areas of Banyule and Nillumbik. But help is at hand — Nillumbik Council has released a guide to 'living with snakes'.

The best course of action for people who find a snake is to leave it alone, environment officer Tim Bloomfield said last week. He said snakes were protected under the

Wildlife Act (1975), which made it illegal to kill or remove them from the wild without authority.

People who see snakes should contact the Department of Natural Resources and Environment or the council, which has a list of qualified snake handlers available.

The fact sheets and guides will be available at the council's Greensborough offices.

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NILLUMBIK youth development officer Ian Patching believes the face of youth services is changing.

Mr Patching, who was a youth worker with the former Shire of Eltham, is adamant that council youth services departments must move with the times to reflect the changing needs of the younger generation.

The past 12 months have seen a massive revamp of the way youth services are delivered in the area with the joining of the Nillumbik and Banyule youth service departments, but Mr Patching believes the changes are only the tip of the iceberg.

"For the first time in Victoria we have a service that is run on a regional basis, rather than by an individual council," Mr Patching said.

"We see that as really, really important in this day and age, with money becoming tighter, we are able to provide a quality service."

"Linking all services means that we are able to do it (provide services) much better and with CCT (compulsory competitive tendering) we are able to look at a much wider resource for young people."

Mr Patching said there needed to be many more changes in youth services delivery before the community would have the best service possible.

One change Mr Patching would like to see is



Youth development officer Ian Patching.

people viewing youth service provision as part of the community, rather than isolating young people.

"We are revising the role of how we work with young people from a local government perspective to one of more community involvement and particularly more community decision-making and using one of our most valuable assets — young people — as a resource to that decision making."

Nillumbik has already taken steps to embrace young people in the community by changing their involvement in the annual Nillumbik Festival, Mr Patching said.

"In the past, youth services have been expected to put things on specifically for young people, but what we are doing is to look at young people as being an integral part (of the festival)."

Mr Patching said the changes to youth services would mean the council department would be bet-

The Nillumbik Council
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WRITERS'
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ter able to act as an advocate for the needs of young people, particularly when governments were making infrastructure decisions like new public transport routes.

"Banyule and Nillumbik have not seen this (the amalgamation of youth services) as an opportunity to cut back on youth services, but more as an opportunity to deliver a more up-to-date type of service."

Mr Patching is one of the judges in the Nillumbik Council-Leader Newspapers Young Writers' Competition.

"This type of award is an opportunity for young people to gain confidence to be able to move on with their endeavors — it is not as judgmental as an adult type of award."

"Writing is probably one of the best methods of expression for young people and being a judge will give me an opportunity to explore the views of youth today."

■ The Young Writers' Competition closes on October 31. For more details see the entry form on page 17.

Getting ready for the fire season

EMERGENCY services and Nillumbik Council are gearing up for the summer bushfire season.

The council, State Emergency Service and Red Cross recently tested their preparation for responding to bushfires and other emergencies in a 'desk top' emergency training exercise.

Council acting emergency management officer Norm Golgerth said last week the organisations dealt with a hypothetical fire in the Plenty Gorge, with up to 100 people needing evacuation.

He said the exercise refreshed the knowledge of emergency procedures. The council emergency management plan was used during the simulation.

A follow-up live exercise based at the Kangaroo Ground emergency centre will be held on Sunday, November 17. The police and Country Fire Authority will be included in the live simulation.

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Happening in a hurry

BOY — when you have three state government-appointed bureaucrats running the City of Nillumbik, and you don't have to worry about all that slow, tedious democratic nonsense, you can sure get things happening in a hurry... just as long as they are things on YOUR agenda, and not on the public agenda! Here are just a few examples:

■ You can sell the centrally situated piece of prime real estate with the old Eltham Shire offices on it, out of public ownership and into the hands of a property developer (for tens of thousands of dollars less than its market value) and then tidy up all the paperwork in just a few months.

■ You can sit in majesty at the recent planning sub-committee, throw away your scruples, close your minds to common sense, logic and "the bleeding obvious" and pass the property developer's application in what must be the biggest pseudo-democratic sham process I have ever seen or heard of in relation to the workings of local government.

In one example of illogical bombast at the meeting, that had little if any relevance to planning issues, one commissioner bellowed his disgust at the fact that his family drive into the Eltham area a few days before was spoiled by the sight of a row of clothing collection bins near the shopping strip at the bottom of Bolton St. The bins have been there, performing a valuable charity

service, for at least 10 years. By noon on Saturday — that's three days later — three of the bins had been moved away.

I'm sure the charities concerned and the people they helped are feeling a bit stunned. Then again, it was probably just a coincidence. So I apologise for jumping to such illogical conclusions about the commissioner... sorry, commissioner.

Peter Dodds,
Pedersen Way,
Montmorency.

Development unsuitable

AFTER a planning committee meeting which lasted more than five hours, and despite the 179 written objections, plus 1400 petition objectors, about 35 articulate verbal submissions and a gallery of about 150 to 200 people, plus the opposition of all three community representatives on the planning committee, the commissioners rammed through approval of the "Hub" redevelopment proposal of the former Eltham Shire offices site.

It is significant that, apart from the developer, not a single submission was made in support of the development applications.

A number of gratuitous and inflammatory non-planning comments by commissioner Vin Heffernan drew many responses from the large gallery.

In summation, each member of the planning committee (except chief commissioner Don Cordell) had spoken, giving their reasons and their voting intentions. Mr Cordell then stood down and left



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes. Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters. Readers can now send their letters by E-Mail. The address is: editor@leadernews.com.au

the chamber for the vote, due to community perceptions that he had a conflict of interest in respect of his pre-retirement employer, Shell.

Since it had become clear the resolutions for approval would be defeated 3-2 by the three community representatives, commissioner Kevin Abbott moved the matter be deferred to the next council meeting (due to follow immediately after), thus bypassing the embarrassment and need for council to publicly reject the planning committee's outcome/recommendations.

The gallery erupted with shouts of "Shame" derision and disbelief at this mockery of democracy they had just witnessed. Most of the gal

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F.J. COLLINGS

lery either left in disgust or simply ignored the council meeting farce that then followed.

* The commissioners had closed the planning meeting and opened the council meeting, at which they immediately rubber-stamped their approval of the planning permit for the proposed 24-hour convenience centre development, which includes a Shell service station/convenience store, a restaurant/fast-food outlet, a retail shop and a community facility.

Many members of the gallery were attending their first planning or council meeting and witnessed the statements, attitudes and actions of the commissioners first hand.

The reactions of these new gallery members ranged from anger to stunned disbelief.

Such is the state of democracy in Nillumbik under the reign of our unresponsive and unaccountable commissioners who are supposed to be "our servants".

Given the strong community view that the development is both inappropriate and unsuitable for this specific site, it seems certain that the issuing of these planning permits will be contested at the Administration Appeals Tribunal.

PS: Nillumbik's council elections are now only five months away.

Mark Burns,
Democratic Nillumbik Association
spokesperson,
Broadgully Rd,
Diamond Creek.

Vale, those dreamers

ON WEDNESDAY, October 9, Nillumbik Shire Council's planning committee heard public submissions

in opposition to the planning application by Dallas Price Homes to redevelop the site of the former Eltham Shire offices into a Shell petrol station, convenience store and a Hungry Jack's fast-food outlet.

The Eltham township, the gateway to the green wedge of Melbourne, will now be dominated by the familiar sign of Shell and Hungry Jack's perched on a seven-metre-high sign.

The award-winning Greg Burgess-designed mud brick library, which nestles into the former municipal centre, and complemented by the historic Shillinglaw cottage with a backdrop of one of the last wooden trestle railway bridges in use in Victoria, will now have a new neighbor with the plasticised Hungry Jack's and glitzy Shell and convenience shops.

The commissioners faced the angry residents, with the mantra that it was all the previous council's fault and that they were only responding to the needs of the community.

No mention was made of the four service stations that have just closed and that there are other fast-food outlets close by.

The inimitable crowd-pleaser, commissioner Vin Heffernan, worked the crowd into a frenzy of rage with an inflammatory speech, which he appeared to enjoy.

"Go back to Spring St," someone shouted.

Commissioner Kevin Abbott had the appearance of any angry but ever-so-bored potentate.

Over these proceedings sat chairman Cordell, sometimes the stunned rabbit, sometimes the benign grandpa, interposed with occasional bouts of real anger.

A very angry local approached the table and with calculated preci-

sion pointed to each commissioner and shouted "bastard".

Who cares about pedestrians, about motor cars and the terrible congestion this development will cause, not to mention the destruction of the lovely Eltham gateway? Certainly not the commissioners one, two, three.

"Shame!" came the anguished chorus from the ratepayers.

For four hours it went, with a record 40 individual submissions, some spoken with great emotion and others coolly dispassionate, all carefully thought and addressing the planning issues. None found anything good in this development.

The planning committee is six: three commissioners, in favor, and three community, against.

Mr Cordell excused himself because of a possible perceived pecuniary interest, so the voting should have been 3-2 to reject.

Amid cries of disgrace and shame and allegedly in the name of democracy, the Nillumbik Planning Committee was abruptly adjourned, with no care for a motion already before the planning committee chair.

With great solemnity the Nillumbik Council meeting cranked up, with the requisite prayer.

The commissioners and officers calmly stood and bowed their heads, presumably calling on another for guidance.

A vote was taken without Mr Cordell: result, 2-0 to develop.

Cries of "Shame" as the great Australian ugliness raised its hoary head in Eltham.

Vale, Alistair Knox and all those dreamers who thought Eltham could be special.

Sigmund Jorgensen,
Hillcrest Ave,
Eltham.

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Group to fight council decision on office site

THE Eltham Gateway Action Group (EGAG) has vowed to fight Nillumbik Council at the Administrative Appeals Tribunal (AAT) over its recent decision to approve a controversial development on the former Eltham Shire office site.

EGAG vice-president Sigmund Jorgensen said last week that the group was seeking legal opinion over council's decision to allow a petrol station, convenience store and fast food restaurant development by Dallas Price Properties Pty Ltd at the Main Rd site (*DV News*, October 16) despite "overwhelming opposition" from local residents.

"We will almost certainly be lodging an appeal with the AAT unless a more suitable use for the site is developed," Mr Jorgensen said. "We haven't approached (site developer) Dallas Howgate ourselves, but we might be prepared to try and negotiate a better solution rather than having to go through the expense of taking the matter to the AAT."

However, Mr Jorgensen said although EGAG was an incorporated association with a "substantial membership" it did not necessarily reflect the opinion of all of Eltham. "Someone else may also decide

the matter should be appealed as part of the due process," he said.

More than 200 residents sat through a marathon 5½-hour committee meeting at the council recently awaiting a decision on the matter, only to see council commissioners have the item bypass the committee using reserve powers contained in the committee's terms of reference. Minutes later, at a full council meeting, two of the commissioners approved the \$4-million development, despite 32 verbal submissions from residents opposed to the proposal.

— LAETA ANTONYSEN

College burgled two nights in a row

ST HELENA Secondary College was hit twice last week when burglars stole items valued at \$1975.

In the first incident between 7.30pm on October 14 and 9am on October 15, the burglars took cricket bats, footballs and alchemy sets valued at \$1475.

A motorcycle belonging to a staff member was stolen from a locked store room the following night.

The motorcycle was a red Honda solo with a licence plate number SV 455.

□ JEWELLERY, compact discs and other items valued at \$5500 were stolen from a property in Coronation Court, Bundoora, between 10.45am on October 12 and 8.30pm on October 13.

□ A HANDBAG containing jewellery worth \$2000 was stolen from a retiree

ment home on St Helena Rd, Greensborough, between 9am on October 11 and 8am on October 14.

□ A VIDEO recorder, compact discs and mobile phone valued at \$2190 were taken from Mountain View Rd, Briar Hill, between 7.30am and 9pm on October 14.

□ Other burglaries and thefts last week included:

● Power tools valued at \$1500, taken from a vehicle inside a garage on Rattray Rd, Montmorency;

● A watch, cash and other items valued at \$1200 stolen from Phipps Cres., Diamond Creek; and

● \$1180 cash taken from a bakery in Commercial Place, Eltham.

Society in 80th birthday

ANY Diamond Valley people or families who have benefitted from services offered by the Travellers' Aid Society are encouraged to contribute to the society's 80th birthday celebrations.

The city-based society is looking for input from travellers who have used its services over the past 80 years for birthday celebrations next month.

If you have been helped by the society or know someone who had been, call 9654 2600.

Petition seeks 'Bend of Islands' place name

by LAETA ANTONYSEN

SOME Kangaroo Ground and Christmas Hills residents may soon be able to say they 'live around the bend' if they are successful in convincing authorities to rename a section in the environmental living zone area the "Bend of Islands".

Nillumbik Council commissioner Kevin Abbott said the new "Bend of Islands" would take in an area bounded in the south and east by the Yarra River; in the west by Watson's Creek, Henley and Calwell roads, and in the north by Sugarloaf Reservoir, Skyline Rd and the Nillumbik Shire boundary to the point where it meets the Yarra River.

Mr Abbott said the council recently supported a 112-signature petition from residents requesting a name change, but the matter needed first to be approved by the Place Names Committee of Victoria and Conservation and Land Manage-

ment Minister, Marie Tehan, before a new name was adopted under the Survey Co-ordination Act.

If adopted it would be the first time an area had changed its name in the shire since Nillumbik Council was formed from amalgamations in December 1994, he said.

"Residents have requested a name change because of the mix-match of names given to the area and the fact that mail for the area was being sent to both the Kangaroo Ground and Yarra Glen post offices," Mr Abbott said.

"The name was chosen because of the fact that bends in the Yarra create an island effect on the north side of the river."

Kangaroo Ground resident Hilary Jackman said the area's renaming would help "clear up anomalies" with postal deliveries and also provide a "separate identity for what is a very special pocket of land".

Mrs Jackman said the area to be

renamed was "tucked away in a part of the Yarra which is virtually inaccessible, and physically quite different from the surrounding area" "The residents who live there feel it is more of a bushland community than a rural community such as Kangaroo Ground and the area's name should therefore recognise the difference," she said.

"Sometimes I say that I live at Kangaroo Ground, sometimes Christmas Hills — but I'd love to say Bend of Islands."

Mr Abbott said if the area was officially renamed, postal addresses, street directories, maps and telephone book entries would need to be changed, but there would be "minimal cost" to Nillumbik Council except for "small administrative costs and a few new signs".

Place Names Committee of Victoria secretary Ron McLeod said most name change requests were completed within two to three months, depending on objections.

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Study grants for schools

TWO more Diamond Valley schools have received language study grants.

Diamond Creek East Primary school and the Diamond Valley Secondary College received grants as

part of the Language Other Than English (LOTE) scheme. The primary school received a \$6000 grant to boost its Indonesian program and the secondary college was given

\$500 for Italian studies.

The grants were announced by the Member for Central Highlands, Geoff Craig.

The schools were part of 670 schools to receive

funding from the LOTE scheme statewide, and followed the announcement (DV News, September 25) that six other Diamond Valley schools received varied funding.

Asthma plan

ONE in seven young people in Victoria is affected by asthma. And Diamond Valley adolescents were last week urged to understand and manage their asthma better during national asthma week.

The Asthma Foundation of Victoria said teenagers

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Three days allowed to hear objections

THE Administrative Appeals Tribunal will allow three days to hear Nillumbik residents' appeals against plans for a petrol station, convenience store and fast food restaurant development on the former Eltham Shire office site.

Nillumbik Council passed Dallas Price Homes' development plans for the Main Rd site at its October council meeting. It received one petition and 179 objections to the proposal.

Subsequently the Eltham Gateway Action Group (EGAG), Francis Burgoyne and Thelma Barkway lodged objections with the AAT on a number of grounds. These included that the proposal is contrary to the Eltham Town Centre policy in the planning scheme, an inappropriate use of land within the special environment of the Eltham Gateway and community precinct and

detrimental to the amenity and operation of the Eltham Senior Citizens club.

The hearing is set for February 21 to 24.

EGAG has organised a number of events to raise money to fund its legal representation at the AAT.

Symbolic show

EGAG president Jenni Mitchell said people had donated money to fund the group's legal representation at the AAT during the Nillumbik Festival and at the recent 'Hands Around the Site' event when more than 400 people linked hands and surrounded the site in a symbolic show of support.

"It gives me great encouragement in our battle to know that there is so much continuing support from the Eltham communi-

ty," Ms Mitchell said.

"It was an uplifting feeling that a community can give you, when all those locals joined hands together, around the outside of the fence.

"If we didn't think we had a chance of winning this appeal at the AAT, we would not be continuing."

The next event planned by EGAG is a 'Celebrities 10 x 12' exhibition of art work.

"We have invited 100 artists and celebrities to complete a canvas 10 x 12 inches each, and we will be exhibiting and auctioning them at Montsalvat on December 15," Ms Mitchell said.

EGAG's other fundraising activities include the sale of raffle tickets, t-shirts, car stickers and cook books.

— JOHN DUBOIS

Owners should check numbers

NILLUMBIK Council has warned property owners they could be fined for failing to display street numbers under the Local Government Act.

Nillumbik Council valuer David Way said property owners were urged to check that numbers had not been obscured by overgrown shrubs, defaced, faded or were missing.

Mr Way said failure to clearly display street numbers could also delay the arrival of an emergency service and inconvenience others. "It could mean the difference between life and death, or losing a house due to a fire," Mr Way said. For more information call 9433 3291.

LASER Vision Correction



Dr Mark Medownick

Leading Laser Eye Specialist, Dr Mark Medownick, continues his regular column answering questions about this exciting new treatment. Dr Medownick is Director of the Epworth Eye Centre and Medownick Laser Clinic. He has 12 years experience in refractive surgery and has performed laser surgery on 2000 eyes.

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Q: What is LASIK - or "lap and zap"?

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Q: How do I find out exactly what is suitable for me?

A: Call our toll free number 1800 673 937 24 hours a day, seven days a week. You can arrange a free assessment at the Clinic which is situated at Epworth Eye Centre, corner Hoddle Street and Bridge Road in Richmond. Our trained staff will spend as much time as is necessary with you. By the time I perform your laser treatment, you should have the confidence, the knowledge and the enthusiasm for this procedure which can help free your eyes.

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Eltham District Historical Society (elthamhistory.org.au)

Uncertainty on schools

RECENT speculation about school merger proposals has created some uncertainty in the local community about the fate of their local schools.

Bundoora Secondary College was involved in restructuring discussions however at a recently held meeting of the college council it was decided that the college would remain as a 7-12 stand-alone campus. The college will offer a comprehensive range of VCE subjects for 1997 plus dual recognition School Tale links in the Certificate Of Automotive Studies Electronics, Office Administration and Hospitality.

The college's close proximity to the Urban Land Authority's developments at the Larundal, Mont Park and Bundoora Repatriation sites will result in increased enrolments at the college. Departmental projections are for a college population of 500 students over the longer term.

The college has recently changed its name from Greenwood Secondary College to Bundoora Secondary College to better identify its location as a local community school serving the residents living close to the suburb of Bundoora. The college which began with 50 students in 1971 has just celebrated 25 years of education within the local community. A reunion ball was held at the City of Whittlesea's new community function centre with over 400 guests in attendance. Congratulations must go to the small but enthusiastic committee responsible for the planning and organisation of the night.

During 1996 the college master plan was completed and the Department Of Education have allocated \$920,000 for a major upgrade of the buildings both internal and external. The upgrade will begin shortly and be completed during 1997. The year 7 information night will be held at the college on December 5. If any



Letters to the Editor must be signed and supplied with a full name, address and a contact phone number for validation purposes. Preference is given to legible letters of no more than 300 words. We reserve the right to edit letters. Readers can now send their letters by E-Mail. The address is: editor@leadernews.com.au

readers are interested in an inspection of the college facilities please call the school on 9467 1511 to arrange an appointment with the principal.

Greg Ralton,
Lenox Cres,
Bundoora,
Council President,
Bundoora Secondary College.

Site traffic dangers

I WRITE about the development of the site of the demolished shire office in Main Rd. Eltham.

Perhaps many residents are unaware that the site was zoned 'commercial' by the elected councillors who probably never thought that the shire offices would ever be demolished.

The zoning also includes the war memorial land. The proposal to build a petrol station. Hungry Jack's restaurant and shops on the site can only be classed as unsuitable.

The extra traffic created by this

project will create a dangerous situation on the already overloaded Main Rd.

Try and imagine — traffic banked up at the Bridge St lights perhaps some time in the near future a roundabout at Panther Place, lights at Dudley St, pedestrian lights at the post office and possible lights at Diamond St to cater for the traffic from the railway car park which has been moved to Diamond St. It all this comes to pass it will be all due to the granting of a permit for the development of the aforementioned site.

I believe the local traders are the ones to suffer — who can blame people shopping elsewhere in a situation like this.

All in all, this project if developed can sound the "death knell" for Eltham.
Fred Gurgayne,
Diamond St,
Eltham.

Thanks for support

WE WISH to thank the large number of supporters of the Eltham Gateway Action Group who turned out to hold hands around the site of the former Eltham Shire Offices.

Your presence and support reminds us why this area, the heart of Eltham is so precious and worthy of protection from such an awful development. It was noted that the developer's consultant thought it worthwhile to come along and make sure it wasn't just a few noisy agitators.

No, we were more than 400 concerned but calm residents, knowing that our council has not acted to protect us from this intrusive development.

The poetry, singing and hand holding reflected a unique community spirit — we just want good development to coincide with this.

We deserve better than this hideous affront to our senses and we will get it with your support. Please come along to Montsalvat

at 5pm. Sunday, December 15 to our Celebrities 10x12 art exhibition/auction. We will also have the recent unearthed Shillinglaw cookbooks "Flavour of Eltham", our new stickers and plenty of membership forms. We look forward to meeting everyone there.

Margaret Jennings,
33 Stanley Ave,
Eltham,
(Sec. Eltham Gateway Action Group)

Confusion on rates

THE change to the Capital Improved Value system in calculating rates within the City of Banyule has resulted in much resident confusion. Some residents rates have decreased whilst others have increased markedly.

The calculation of rates over a nine-month period as opposed to the usual 12-month period has deceived some residents into believing that they had received a rate decrease when in fact their rated had increased.

The large increase in rates for some residents is of concern and if the CIV were to be introduced, it should have been done so over a two or three-year period to lessen the impact of the rate increase.

The council should have also given special consideration to pensioners and low income earners who will feel the increase in rates the most.

For residents living in Montmorency and Lower Plenty, the reduction in rates after the split from the Shire of Eltham in 1995 was long overdue. For far too long Montmorency and Lower Plenty residents had subsidised services in the Shire of Eltham.

Rates are now at levels that better reflect the residents use of Council services rather than being the "bread basket" of the Eltham Shire.

Dale Peters,
Kinnear Court,
Montmorency.

Making it easy to recruit

FEDERAL Government changes to the JobStart wage subsidy program will make it easier for local businesses to recruit unemployed people, Greensborough CES manager Andrea White said last week.

Employers could be eligible for subsidies of up to \$325 a week for 20 weeks, Ms White said.

"JobStart is a flexible wage subsidy program designed to help employers hire extra staff, both full-time and part-time, without being squeezed financially," she said.

For more information call Jeff Liversidge at the Greensborough CES on 9433 6621.

What about that link, asks council

by NATALIE TOWN

BANYULE Council has called on the State Government to conduct an environmental effects statement on the "missing link" in the outer ring road between Greensborough and Ringwood.

The council's three commissioners last week criticised the government for failing to put the north east ring road on the agenda and include it in the *Transporting Melbourne* document released earlier this year.

Commissioner John Pizze appeared "reticent" on the issue and needed "to get on with it".

"This is one issue this current government has not embraced as it should have," he said.

But Gavin Clancy, a spokesman for Roads and Ports Minister Geoff Craigie, said an environmental effects statement for an outer ring road was "premature".

"We have not decided if the project would go ahead," he said.

"When the need is there we will take all appropriate steps...

but the project is not on the books so to do an environmental effects statement... is premature."

Mr Pizze said the "missing link" was "absolutely necessary" to connect industrial and commercial areas with the airport, ports and the Hume Highway.

He said it was also needed so the Shire of Nillumbik could progress its long term strategy planning.

Mr Pizze made the comments at a council meeting last week when the commissioners made a formal response to the *Transporting Melbourne* document.

While the commissioners were generally supportive of the report they were critical it did not identify the north east link of the Melbourne Orbital Transport Corridor.

They voted to advise the Department of Infrastructure they objected to the statement in the document to rely on "existing links for the foreseeable future" between Greensborough and Ringwood.

They called on the government for "clearer direction" on the issue and to conduct an environmental effects statement similar to the one being prepared for the Scoresby Transport Corridor.

The commissioners also want the State Government to include the three sections of single track on the Hurstbridge rail line in the investigation by the task force into bottlenecks on the rail network.

President of the Public Transport Users Group, Paul Mees, said an environment effects statement was "sensible".

"I believe if we conduct one we will establish A) there is no need for it (a north east ring road) and B) it will be environmentally destructive," he said.

Anti Ring Road Organisation spokesman Stephen Clendinning said while ARRO did not support a ring road he believed there should be an overall plan.

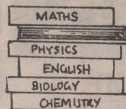
He said Melbourne freeways had been built in a piecemeal approach allowing them to go ahead with little opposition.

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Minister to rule on proposal

by FIONA KAEGI

PLANNING Minister Robert Maclellan will decide if the Shell Service Station and Hungry Jacks planned for Eltham will go ahead, taking the matter out of the hands of the Administrative Appeals Tribunal.

The Eltham Gateway Action Group and residents Thelma Barkway and Frank Burgoyne had lodged appeals at the AAT against developer Dallas Price Homes' plans to build a petrol station, convenience store and fast-food restaurant at the former Eltham Shire office site.

Nillumbik Council, which received one petition and 179 objections to the proposal, had approved the development plans at its October meeting.

A spokesman for Mr Maclellan said the minister had called the matter in because the policy and planning issues it raised were of State significance.

He said the minister would be inviting written submissions over the coming weeks, and would make his decision early in the new year.

President of the Eltham Gate-

way Action Group, Jenni Mitchell, said the group would request a hearing with the minister to discuss the matter.

"We are writing to the minister to request an explanation as to why he has taken this extraordinary action by calling in this matter," she said.

"We can only assume that the minister has taken this action because he has become aware that there is a feeling of disquiet across the community with the Nillumbik commissioners granting the permit."

Fund-raiser

Ms Mitchell said the group, which had organised an art exhibition and auction to raise money for its AAT appeal, would go ahead with its fund-raiser because the money could be used for other aspects of its fight to stop the development.

Ms Mitchell said she was not disillusioned by the minister calling in the appeal.

"I think we have a fair chance," she said.

Eltham Senior Citizens' president, Thelma Barkway, said she would write to the minister to

express her concerns about the development.

Mrs Barkway said its location next to the Eltham Senior Citizens hall, would create noise and traffic problems.

Mrs Barkway said she was afraid she would not have her chance to be heard.

Eltham resident Frank Burgoyne, who had objected to the proposal saying it was an overdevelopment of the area and would create traffic problems, also feared his concerns would not be heard.

Andrew Biaci the director of Contour Consultants Australia, consultants for developer Dallas Price Homes, said he hoped the matter could be resolved as quickly as possible, but did not wish to comment any further.

Eltham MP Wayne Phillips said the community should be pleased the minister was taking control of the matter.

Mr Phillips said some concerns had been raised by residents about the development and the planning process which would be investigated thoroughly by the minister.

Nillumbik Council chief commissioner Don Cordell declined to comment.

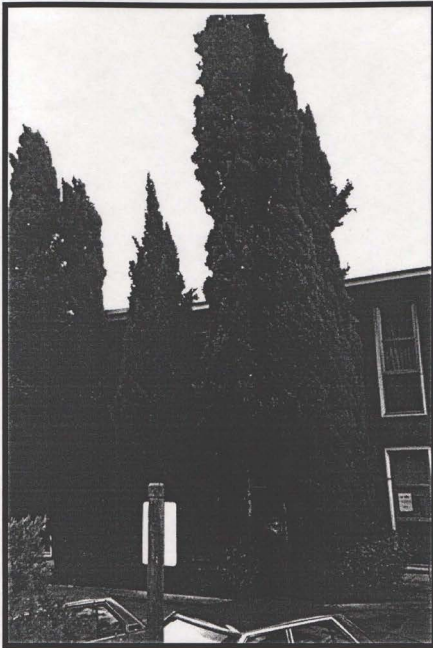


Figure 1 cypress 1996

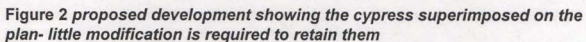
CONVENIENCE CENTRE DEVELOPMENT PROPOSAL: ITALIAN CYPRESS AT FORMER ELTHAM SHIRE OFFICES SITE, MAIN RD., ELTHAM

PROPOSED REDEVELOPMENT SITE:

Development Proposal

The proposed development is at the former Eltham Shire offices site which includes three Italian cypress (*Cupressus sempervirens*). The trees are mature and form a row.

The proposed redevelopment of the site will mean removal of these trees. The site plan (July 1996, see Fig. 2) shows a large paved driveway and parking area fronting



The Shire of Eltham Heritage Study (David Bick, 1996) described the site as a "group of three pencil pines- *Cupressus sempervirens*" (sic). Their cultural significance was described as:

Eltham District Historical Society (elthamhistory.org.au)

cottage they are still significant as indicators of this earlier site use where the Council offices now stand¹.

The study management guidelines stated:

Protect from any future site development. The trees appear to have had an excess of soil built up around their trunks and over the root zone. This should be removed as much as practicable and if necessary, further root zone aeration should be introduced².

Bick states that the trees were planted by c1920 during the major ownership and occupation period of the adjacent Shillinglaw Cottage by the Shillinglaw family. Shillinglaw Cottage was moved in 1963 to its present nearby location soon after the Eltham Council purchased the site from the Phillip Shillinglaw Estate. The Shillinglaw building was moved to its present site through public subscription but these trees remained and were incorporated in the new development. The three Italian cypress trees (*Cupressus sempervirens*) are the only physical markers of the former cottage site (and the former Shire Offices entry).

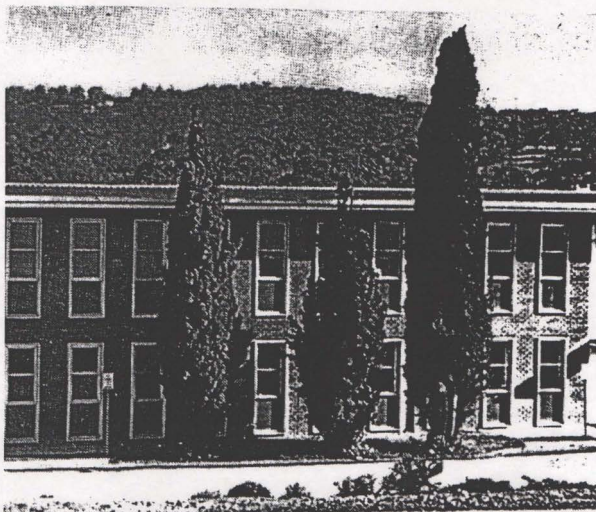


Figure 3 Three cypress c1968 (Bick, p.1302)

¹ D. Bick, Shire of Eltham Heritage Study, 1996, p.1304

² *ibid.*

Early photographs of the site show the three Italian cypress in their present location probably early this century and again in 1968 (see *Figure s 3-5*) The trees appear little changed after seventy years. If the photo (*Figure 4*)³, showing the trees as mature, was taken in the period c1900-1920, the trees may have been planted earlier, soon after the construction of Shillinglaw Cottage in c1878-80 by George Stebbing. Similar cypress are also planted at the entry to the notable and early Ellis cottage in nearby Diamond Creek, further supporting a nineteenth century origin for the Eltham cypress.

Bick identified the trees as local significant, having met the following Eltham study criteria:

- evocation of the area's history
- rarity within the former Eltham shire
- illustration of the historical theme which is identified as 'private planting'
- contribution to the historical streetscape.

Bick recommended local planning protection to the extent of the three trees and the surrounding site to a radius of ten metres.

Analysing Bick's assessment, the three Italian cypress trees may date from the same period as the construction of Shillinglaw Cottage and were probably planted by the Shillinglaw family (owners c1882-1963), thus associating the trees with two important names in Eltham's history, Shillinglaw and Stebbing the owner-builder (*evocation of the area's history*). As mature exotic plantings, more typical of the nineteenth century, trees of this type and age are not common in the Nillumbik Shire (ie. *rarity*). The study's '*private planting*' theme is strongly reflected in that the cypress are major plantings from the 40 acres of cultivated land once attached to the Shillinglaw Cottage⁴. The early photographs confirm that the trees have been an important streetscape element on the Main Road for over 100 years (*historical streetscape*).

The cultural significance of the cypress trees is specific to this site, in that they appear to date from the same period as the construction of the locally significant Shillinglaw Cottage and that they are the sole indicators of the original location of the building. They are also important elements which contribute to the Eltham cultural landscape and the 'Gateway' heritage precinct to the south and west which itself has significance resulting from the collection of individually significant buildings and structures (see appendix).

³ ELHPC photograph no. 708

⁴ mature planing in front of the library may have been on the site but removed from the house, including an oak, loquat and pepper trees- only the pepper trees were identified in the Eltham study



Figure 1 ELTHAM GATEWAY HERITAGE PRECINCT



Figure 4 Main Road, Eltham c1900-20? (Bick, p.1303, ELHPC) see detail

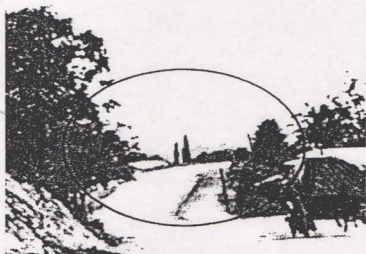


Figure 5 detail showing trees and cottage

Site context:

The original site of the Shillinglaw Cottage (the subject site) is within Josiah Holloway's important 1850s subdivision, known as Little Eltham, which became the centre of the first Eltham township⁵. Adjacent to the former Council offices is the Eltham Library, designed by architect Greg Burgess and officially opened in May 1995. This mud brick and recycled timber building won the Royal Australian Institute of Architects

Institutional Architecture Award in 1995⁶. The building is not listed in the Shire of Eltham Heritage Study but may be considered for addition to the Nillumbik Shire's list of heritage assets because of its recognised architectural importance within the architecture profession.

Close to the Library is the relocated Shillinglaw Cottage, identified as of local significance within the Bick study⁷.

⁵ Bick, p.1294f.

⁶ Nillumbik Shire Council brochure, *The Townships of Nillumbik*

⁷ Bick, p.1294

Immediately west of the Council offices is the timber trestle railway bridge, built in 1901-2 and now one of the few remaining examples of this type of railway bridge construction in the Melbourne metropolitan area. This forms a visually prominent backdrop and a visual buffer to the Eltham Gateway heritage precinct and has been identified in the Eltham study as of individual significance⁸.

Other elements which contribute to this sense of period include mature planting (oak etc.) near the library and are also potentially contemporary with the cottage.

Recommendation:

To preserve this cultural significance, the Italian cypress should be retained in any redevelopment of the site with a sufficient buffer area to allow them heritage expression and an assurance of future health. Any proposed relocation of the trees would result in the loss of cultural significance and would again severely threaten the future health of the trees. Relocation or loss of the trees would also reflect on the significance of the notable Shillinglaw Cottage, as there would be no historical marker to its original site. This species of cypress is particularly long-lived and would be a lasting heritage asset to the precinct. There is an opportunity to incorporate the trees in a design which maintains their significance to the Shire of Nillumbik and Eltham residents.

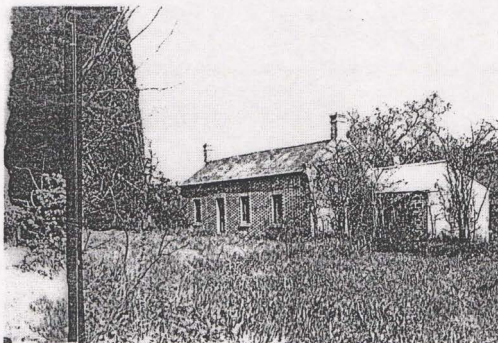


Figure 6 Shillinglaw's cottage pictured prior to removal on this site, with the cypress to the left of the view (ELHPC)

GRAEME BUTLER

Heritage Consultant

01.04.97

⁸ Bick, p.1382

APPENDIX

Gateway Heritage Precinct contributory sites listed in the Eltham Heritage Study

- Road Bridge Over Diamond Creek, Main Road Eltham
- Lim Joon House, Former, Main Road Eltham
- Lombardy Poplars- 'Populus Nigra' Var. 'Italica' (2), Main Road Eltham
- Wingrove Cottage & Pencil Pines (Sic)- 'Cupressus Sempervirens' (2), & Planting, Main Road Eltham
- Eltham State School No.209 Residence (Former) & Monterey Pines - 'Pinus Radiata' (2), Main Road Eltham
- Jarrold (Or White Cloud) Cottage, Shop & Rear Matcham Skipper Studio, Main Road Eltham
- Plane Tree Avenue (Of Honour?), - 'Platanus Axc Acerifolia', Main Road, Dalton & Pitt Streets Eltham
- Adobe Building, Main Road Eltham
- Police Residence & Rear Stable (Former), Now National Park Service Office, Main Road Eltham
- Brick Shop & Dwelling, Main Road Eltham
- Living And Learning Centre, Main Road Eltham
- Eltham Community Centre, Peppercorn Tree ('Schinus Molle'), Planting & Wheel Rim (Tying) Tool In Grounds, Main Road Eltham
- Eltham Hotel (Pre 1940 Section), Main Road & Pitt Street Eltham
- Eltham First & Second World War Memorial, Front Of Eltham R.S.L.. Building, Main Road Eltham
- Bank, Former, Main Road Eltham
- Uniting Church, Former Methodist Church, Main Road Eltham
- Shop (J.N. Burgoyne), Main Road Eltham
- Shop, York Street & Main Road Eltham
- Alistair Knox Park, Bridge Street & Main Road Eltham
- Weatherboard House, Main Road Eltham
- Shillinglaw Cottage, Main Road Eltham
- Railway Timber Trestle Bridge, Over Diamond Creek, Panther Place Eltham
- St. Margaret's Anglican Church, Former Vicarage (Dendy House), Adobe Hall & Grounds, Formerly Christ Church, Pitt Street Eltham
- Peter Garner Adobe Studio & Adjacent Shed, Brougham Street, Eltham.
- Wingrove Park, Main Road Eltham

ARBORICULTURAL
INSPECTION AND REPORT

ITALIAN CYPRESS

COPY

FORMER SHIRE OFFICES
MAIN ROAD,
ELTHAM

MARCH 1997

**ARBORICULTURAL INSPECTION
& REPORT**

ITALIAN CYPRESS

**FORMER SHIRE OFFICES
MAIN ROAD,
ELTHAM**

REPORT & ASSESSMENT PREPARED BY:

GLENN WATERS
PRINCIPAL CONSULTING ARBORIST
ARBORCO Pty.Ltd.

REPORT & ASSESSMENT COMMISSIONED BY:

SHIRE OF NILLUMBIK
PO BOX 476,
GREENSBOROUGH 3088

MARCH, 1997

ARBORICULTURAL REPORT

Terms of Reference:

- (a) To inspect the site in question, namely the three(3) Italian Cypress located in the grounds of the former Shire Offices at Main Road, Eltham.
- (b) To provide an objective appraisal of the trees in question and provide recommendations for the future management of the trees.

Procedure:

The three trees were inspected and observations of the surrounding area was made.

No samples of tree or soil were taken for analysis.

Introduction:

The management of tree assets, whatever their condition is a responsibility that falls upon the owner of the property in which the tree or trees grow.

In this case the owner of the property, the Shire of Nillumbik, has not only the responsibility to see that the trees are kept in a safe, aesthetic and pleasing manner but they also have a responsibility for the long term viability of their tree assets.

In such a case as this the Shire has to take into account the concerns of a whole range of interested parties and make decisions with regard to those concerns. This becomes more of an issue if the trees in question are significant.

In this situation we have trees being significant not only because of their age or size but also the fact that they have historical significance with regard to the site together with their visual impact in this area.

The trees in question are providing many benefits, however they have been prone to many of the stresses placed on them by the urban environment. In this case these influences range from wind stress, deoxygenation of the surrounding soils and changed underground water movement patterns and all of these plus others we may be unable to see such as root loss or deformities are adding to the decline of these trees.

With this in mind it is vital to prepare a tree management strategy which focuses on controlled management rather than just action on any perceived 'threat'.

However, in public open space such as this, the safety of persons must be given due priority and if a tree exhibits a major structural fault or is at a point of physiological decline where amenity has been lost or the tree may fail, then removal is often the only option.

On a site like this the main concern is with the redevelopment of the site and the significance of the trees in connection with the site.

This report will examine the current condition of the trees, their long term viability on the site, particularly given the proposed redevelopment, and whether the trees can be transplanted with any chance of survival.

Observations:

With regard to the specific problems with each of the trees, the following observations and recommendations are made with a view to provide a balanced management plan for this area.

For the purposes of clarity the trees have been numbered as per the site plan which is included with the report.

The trees in question are mature Italian Cypress (*Cupressus sempervirens subsp. Sempervirens*). All three trees show the distinctive structure of this species with the typical shape and form.

All three trees are somewhat one-sided probably due mainly to their proximity to the recently demolished buildings. This has seen the trees being left in only average-poor form.

There has been a major excavation of the North side of the trees with a steep decline starting approximately 1.0 metre from the tree's trunks. The South side of the trees has the remains of a asphalt roadway with a concrete kerb and channel located approximately 1.5 metres from the trunks.

Tree 1. (East Tree)

This specimen has an approximate height of 10.5 metres with an average canopy spread of 3.0 metres and a trunk calliper of 700mm. This tree has average form and average health and condition. However, the canopy does seem to be starting to thin and this could be the beginning stages of decline.

Tree 2. (Middle Tree)

This specimen has an approximate height of 8.0 metres with an average canopy spread of 3.0 metres and a trunk calliper of 500mm. This tree has average form and poor health and condition. The canopy is starting to thin and the structure is opening slightly. The tree does seem to be in the beginning stages of decline.

Tree 3. (West Tree)

This specimen has an approximate height of 11.0 metres with an average canopy spread of 3.0 metres and a trunk calliper of 700mm. This tree has average form and average health and condition. However, the canopy also seems to be starting to thin and this could be the beginning stages of decline.

Discussion:

These tree trees are considered significant for several reasons:

- Marking the original location of the Shillinglaw Cottage.
- The likelihood that the trees were planted at the time of the construction of the Cottage.
- The advanced age of the trees (probably in excess of 100 years).
- The rarity of this species within the Shire.
- Their contribution to the landscape of the Eltham Gateway Area.

These criteria have been noted both by David Dick's Eltham Heritage Study (1996) and in the report by Graeme Butler and Associates (1996).

I would certainly concur with the comments in the report of Butler and Associates - Management Aspects, with respect to the retention of the tree and the reasons for the current condition of the trees.

Further to this it should be understood that the works that have already occurred during the demolition of the site will have caused added stress to the trees. This is due to the extra compaction and root severance within the Critical Root Zone area.

Options for Future Management.

Option 1. Retention of the Trees in their Current Location.

This option would see the trees remain in their current location with appropriate measures put in place to allow for retention of root zone areas. This would need to be done together with remedial works to improve the site conditions and tree health and condition.

The retention of the trees would need to be planned into the redevelopment and guidelines are included in the recommendations below. There are also recommendations for further remedial works required at the completion of the construction works.

Retaining and preserving mature trees on construction sites can be fraught with problems. This is something that is often done poorly and with little consideration given to the condition that trees require for survival and subsequently the survival rate is normally extremely low.

Certain basic requirements must be met if the trees are to survive. A sustainable root system with access to water, nutrients and oxygen and space to continue to grow and an allowance for the spread of the canopy are often elements that are neglected and lead to tree failure.

Issues which will effect the survival of the trees on a site such as this will be the following:

- Tree Root Severance (through grade changes, trenching, preparing sub-grades, excavation for footings, etc.)

- Soil Compaction

Compaction of the soil on a site such as this is caused as a result of the mechanical compression of the soil profile (particularly at the surface) by vehicles and heavy equipment and pedestrians. If compaction occurs it can result in reduced or arrested water infiltration, poor gaseous exchange between the root environment and the atmosphere, increases in the penetrative resistance to root growth through the soil and the deoxygenation of the soil profile.

Any or all of these factors can lead to tree decline and depending upon individual tree tolerances or site conditions, the eventual death of the trees effected. This condition needs to be avoided at all costs

- Tree Canopy Damage (through injury from vehicles/equipment or excessive pruning, etc)

Glenn Waters - Consulting Arborist

- Inadequate or Excessive Soil Moisture (through changed drainage patterns or underground water backup)

If these issues cannot be resolved prior to the start of the proposed construction then the trees will not be able to be retained in its current state and should be removed.

Option 2. Transplanting of the Trees to a new Site.

This option should only be considered in an extreme situation due to the following factors.

- The significant root loss involved with any transplanting works (even in a best possible scenario situation).
- The age of the trees and its relevance on the ability of the trees to deal with major environmental changes.
- The cultural significance of the trees existing at their current location, particularly as markers of the original Cottage location.

Option 3. The Complete Removal of the Trees.

Given the condition of the trees and the fact that they are probably entering the first stages of decline (as mentioned above), this option will probably have to be considered in the near future.

The trees will certainly be detrimentally effected by the recent demolition works and even with proper planing and remedial works after development, the tree may decline further.

If this option is considered the site of the trees could be marked with some type of memorial (structural or planted). There may even be scope for this memorial to utilise timber from the actual trees.

Conclusions & Recommendations:

It is my firm opinion that the best option for the future management of these trees is for their retention in their current location.

The transplanting of the trees (Option 2) has an extremely low survival percentage and should not be considered other than as a last resort.

The removal of these trees (Option 3) is not yet warranted but must it must be understood that this will have to be undertaken at some point in the future. There needs to be thought given to this scenario so that when this occurs there are plans already in place to deal with this issue.

Retention Guidelines.

To preserve mature trees within a construction site certain precautions must be taken to assure that neither the trunk, limbs nor root system of the tree are excessively damaged. The root system of a tree is the most vital and the most delicate part of the plant, and the most easily damaged.

The root system of the tree extends far from the trunk, often beyond the dripline of the tree. The fine absorbing roots, those that collect water and nourishment for the tree, are located primarily within the top 150 - 300mm of the soil. The roots and the soil in this surface layer must be protected from injury.

Any encroachment, disturbance, or compaction of the soil around the tree will damage or destroy the fine absorbing roots. Injury caused by cutting, crushing, suffocation, poisoning, or moisture stress by inundation or dehydration can result in the death of the tree. Injuries caused during construction projects may not be finally apparent for many years after the completion of the project, but can ultimately kill the tree.

Grade changes can also be particularly damaging to trees. Even as little as 50mm of fill can cause the death of a tree. Lowering the grade can destroy major portions of a root system. Any grade changes proposed should be approved before construction begins, and precautions taken to mitigate potential injuries.

The protection and preservation of the existing trees will require many criteria to be met but by far the most important issue is that of Tree Protection Zones and the actual Tree Protection Fences.

The Tree Protection Zones are normally delineated by a consulting arborist and the Tree Protection Fences should be constructed along the following lines.

The actual fence specifications should be a minimum of 1.2 - 1.5 metres of chain mesh or like fence with 1.8 metre star pickets every 3-4 metres and a top line of high visibility plastic hazard tape. This fence will deter the entry of heavy equipment and vehicles and also the entry of workers and/or the public into the Tree Preservation Zone.

These fences should only be removed or shifted by the consent of the Site Manager and consultant arborist.

The area inside this Tree Preservation Zone should be mulched with a covering of at least 100mm -150mm of woodchip or like material.

The following are guidelines that must be implemented to minimise the impact of the proposed construction works on the existing trees.

- The Tree Preservation Zone is fenced and clearly marked at all times (according to the specification above).
- A consultant arborist is onsite to supervise all excavation works around the trees.
- A layer of organic mulch (woodchips) to a depth of 100mm - 150mm should be placed over all root systems (not just in the Tree Preservation Zones) of the trees so as to assist with moisture retention and to reduce the impact of compaction. This is particularly important where there will be constant construction vehicle traffic.
- No persons, vehicles or machinery to enter the Tree Preservation Zone without the consent of the Site Manager and the consulting arborist.
- Any underground service installations should be bored and utility authorities should common trench where possible.
- No fuel, oil dumps or chemicals shall be allowed in or stored on the Tree Preservation Zone and the servicing and refuelling of equipment and vehicles should be carried out away from the root zones wherever possible.
- No storage of material, equipment or temporary building should take place over the root zone of any tree.
- Nothing whatsoever should be attached to any tree including temporary services wires, nails, screws or any other fixing device.
- Supplementary watering should be provided to all trees through any dry periods during and after the construction process.

- All root excavation should be carried out by hand digging or with the use of Air-Excavation techniques, and roots should be severed by saw cutting or with a sharp axe and not with a backhoe or any machinery or blunt instrument.

If these maintenance works and the preservation works are carried out the trees will be able to be retained in a safe and aesthetically viable condition. If any of these works cannot be completed or are neglected the trees will either be killed during the construction process or will suffer a lingering decline and eventual death within 5 - 10 years.

The retention of a significant trees such as this requires a commitment both in terms of time and money and if these resources are not available then the trees should be removed prior to the start of the construction.

The above guidelines are for works during construction and following the completion of the proposed development these further works should be undertaken to ensure the long term survival of the trees.

This will involve:

- The core drilling of the complete remaining areas to facilitate decompaction and oxygenation.
- The addition of a complete slow-release fertiliser to the cores.
- A root hormone and bio-stimulant treatment for the remaining areas to stimulate new root initiation.
- Mulching of the complete areas with organic mulch to a depth of approximately 100-150mm.
- The provision of extra irrigation during the Summer months. This irrigation should be drip style watering specific to the deeper needs of the tree roots and not just the spray watering normally used for plants in garden beds
- The area of the Tree Preservation Zone around the trees should not be planted with additional landscape plants for at least 12-18 months to allow for new feeding root colonisation.

Glenn Waters

Arboricultural Consultancies and Reporting Assumptions and Limiting Conditions

ARBORCO PTY.LTD.

PO BOX 80.

GLEN IRIS 3146

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2. It is assumed that any property/project is not in violation of any applicable codes, ordinances, statutes or other government regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however the consultant can neither guarantee nor be responsible for the accuracy of the information provided by others.
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8. This report and any values expressed herein represent the opinion of the consultant and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
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**CULTURAL LANDSCAPE ASSESSMENT OF ITALIAN CYPRESS
AT FORMER ELTHAM SHIRE OFFICES, MAIN RD., ELTHAM**

PROPOSED REDEVELOPMENT SITE

The former Eltham Shire offices building has been recently demolished with the retention of three Italian cypress trees (*Cupressus sempervirens*) at the front of the building. The trees are mature specimens, and in good health, although of varying size (probably due to their maturity and now close proximity) and their shape has been affected for the past thirty years by the proximity of the former building and subsequent reduction of sunlight to one side.

The site is now subject to a private development application having been sold by Nillumbik Council subject to a permit being granted for the construction of a commercial petrol station.

This report has been commissioned by Russell Yeomans, representing the Eltham Gateway Action Group, as an assessment of the cultural significance of the cypress trees (*Cupressus sempervirens*) located in front of the former Shire of Eltham Council offices (and prior to that Shillinglaw's Cottage), Main Road, Eltham.

BACKGROUND

The site was identified and described in the Shire of Eltham Heritage Study by David Bick, January 1996. It was listed as a "group of three pencil pines-*Cupressus sempervirens*" (sic) and their cultural significance was described as:

*These trees are the sole remains of the garden of historic Shillinglaw Cottage which was on this site previously. Although they do not date from the time of construction of the cottage they are still significant as indicators of this earlier site use where the Council offices now stand.*¹

The Conservation Guidelines recommended to protect this significance were:

*Protect from any future site development. The trees appear to have had an excess of soil built up around their trunks and over the root zone. This should be removed as much as practicable and if necessary, further root zone aeration should be introduced.*²

¹ D. Bick, Shire of Eltham Heritage Study, 1996, p.1304

² *ibid.*

D. Bick believes the trees to be of local significance to the former Shire of Eltham (now part of Nillumbik Shire) as they represent certain criteria. As described in his report, these are:

- evocation of the areas history
- rarity within the former Eltham shire
- illustration of the historical theme which is identified as 'private planting'
- contribution to the historical streetscape.

Bick recommended that the extent of significance be applied to the three trees and surrounding site to a radius of ten metres with local planning protection.

In July 1996 a report was commissioned from Graeme Butler & Associates by the Nillumbik Shire Council to advise on the cultural significance of the Italian cypress trees in their present location and a management plan for their retention and, alternatively, their proposed removal. Francine Gilfedder was a cultural landscape and horticultural subconsultant to the Butler report. This report found that the trees dated from c1870-80, were culturally significant at a local level to the Shire of Nillumbik, and strongly recommended that the trees be retained in their present location to retain their significance and that the trees were unlikely to survive any relocation. It was also recommended that the tree's health and on-going management during the construction phase be assessed by an arborist. A report was prepared by Glen Waters, Arborco Pty. Ltd., in September 1996, although this was after demolition of the former council offices. This report recommended that "the best option for the future management of these trees is for their retention in their current location"³. Specific retention guidelines were also provided.

HISTORICAL CONTEXT OF SITE

The original site of the Shillinglaw Cottage, the subject site, is within Josiah Holloway's important 1850s subdivision known as Little Eltham, which became the centre of the first Eltham township⁴.

The cypress trees were believed to have been planted around 1920, according to the Bick 1996 report, which would mean during the major ownership and occupation period of the formerly associated Shillinglaw Cottage by the Shillinglaw family. In 1963 the Shillinglaw Cottage was moved to its present nearby location soon after the Eltham Council purchased the site from the owners, the Phillip Shillinglaw Estate. The Shillinglaw building was moved to its present site through public subscription financing, an early example of the special regard of Eltham residents for their local historic buildings. The three Italian cypress trees (*Cupressus sempervirens*) are therefore the only physical marker identifying and physically locating the original site of the historic cottage.

Bick's report includes photographs of the site showing two, possibly three, Italian cypress in their present location (probably) early this century and

³ Arborco Pty. Ltd., 1996, p.6

⁴ Bick, p.1294f.

again in 1968, when three trees are distinctly visible⁵ The relatively slow growth rate of the trees can be seen from comparison of these photographs, taken approximately seventy years apart. Assuming the ELHPC photograph no. 708 was taken c1900-1920 (which shows the cypress trees as already mature) these trees would have been planted c1870-80. It seems likely that they were therefore planted at the same time as the Shillinglaw Cottage was built c1878-80 by George Stebbing, a local builder. An interesting parallel is the siting of similar trees at the entry stair to the contemporary Ellis cottage in Diamond Creek.

The date of planting as c1870-80 can be confirmed by another two photographs taken of the cottage and trees on or before 1906⁶. Both of these show the cottage from the main road with a timber picket fence, two mature Italian cypress at the south west corner of the building and a small fruit tree, probably an apple, south east of the main house. The age of the photograph can be established from the death in 1906 of the elderly lady in the foreground of one of the photographs. Hence they were both taken prior to her death and as the features all appear to be of the same age, the photographs date from the same time. In both photographs the fence is worn which indicates an age of at least ten to twenty years and the tree's maturity indicates an age of fifteen to twenty years. Hence it seems more than likely that the Italian cypress were planted at the same time as Shillinglaw Cottage was constructed between 1878-1880, or earlier (Stebbing owned the land from 1875).

The site of the Shillinglaw Cottage was until recently occupied by the former Eltham Shire Offices, a building which had limited known individual cultural significance. Adjacent to the proposed development site is the Eltham Library, designed by architect Greg Burgess and officially opened in May 1995. This mud brick and recycled timber building won the Royal Australian Institute of Architects Institutional Architecture Award in 1995⁷. The building is not listed in the Shire of Eltham Heritage Study but may be considered for addition to the Nillumbik Shires list of heritage assets because of its recognised architectural importance within the architecture profession. Adjacent to the Library and south west of the proposed development site is the relocated Shillinglaw Cottage, identified as of local significance within the Bick study⁸.

Immediately west of the former Council offices building is the timber trestle railway bridge, built in 1901-2 and now one of the few remaining examples of this type of railway bridge construction in the Melbourne metropolitan area. This forms a visually prominent backdrop to the buildings and has been individually identified in the Eltham study⁹. Much of this adjacent parkland area is a National Trust Classified Landscape .

⁵ *ibid.* p.1302 and 1303, taken from the ELHPC nos. 708 and 657 respectively.

⁶ Copies held by Russell Yeomans.

⁷ Nillumbik Shire Council brochure, *The Townships of Nillumbik*

⁸ Bick, p.1294

⁹ Bick, p.1382

DISCUSSION

Although the Shillinglaw Cottage was moved to a site nearby, to allow for construction of the former Eltham Shire Offices in the 1960s, D. Bick describes it as an important landmark to which the cypress trees would have contributed, as shown by their visual prominence in the streetscape in the c1900-1920 photograph. The cypress trees are closely associated with the cottage and are an important element of the historic streetscape.

D. Bick's report states that the cypress trees do not date from the time of construction of Shillinglaw's Cottage, c1878-80, but this seems to be incorrect given a knowledge of the general habit and growth rate of *Cupressus sempervirens* in Victoria and the photographs of 1906 or earlier mentioned in the preceding section. D. Bick also states that, as the sole remains of the garden of the historic cottage, the trees are still significant as indicators of the earlier site use¹⁰. The trees remain the sole indicators of the cottage's original site, and would be essential markers if any relocation of the cottage was proposed.

CULTURAL SIGNIFICANCE

As noted by D. Bick, the trees represent certain criteria as detailed in the Shire of Eltham Heritage Study, which are 'history', 'rarity', illustrate the theme of 'private planting' and 'streetscape'.

The three Italian cypress trees date from the same period as the Shillinglaw Cottage or earlier and were probably planted by the original builder George Stebbing, during his occupation of the site between 1875-1882. The trees were certainly on the site during the Shillinglaw family's period of occupation, 1882-1963. As exotic plantings more typical of the nineteenth century, trees of this type and age are not common in the Nillumbik Shire. The private planting theme is particularly strongly reflected in that the trees are the only identified remnants of the once 40 acres of land attached to the Shillinglaw Cottage¹¹. As indicated by early photographs, the trees have been an important streetscape element on the Main Road for over 100 years.

The cultural significance of the cypress trees is specific to the site, in that the trees date from the same period as the construction of the Shillinglaw Cottage and they are the sole indicator of the original location of the building. They are also important elements which contribute to the streetscape and are considered to be of local significance.

MANAGEMENT ASPECTS

The long term health of the trees has previously been compromised by the building of the former Shire Offices which has probably caused some compaction to the roots and resulted in some loss of vigour due to loss of sunlight, drainage and other factors. Raising of the soil level around the trunks and over the root zone has also occurred at some stage, possibly due

¹⁰ Bick, p.1304

¹¹ Mature planting in front of the library may have also been originally part of the Shillinglaw Cottage site. Trees include an oak, loquat and pepper trees- only the pepper trees were identified in the Bick Eltham study. Note that Bick stated 40 acres was owned by the Shillinglaw's in 1915 whereas Russell Yeomans says the land was 30 acres.

to the building's construction or other earthworks and embankment alterations associated with the re-alignment of Main Road.

Since the recent demolition of the former Shire Offices, without any on-site supervising arborist, some additional stress may result in a detrimental effect on the trees. Despite the recommendations in the Butler & Associates report, that an arborist should inspect the site and provide a report *before* any physical or planning works commence, an arborist was called in *after* the building demolition was completed. The tree retention guidelines in the Arborco Pty. Ltd. report were not followed.

In the Butler & Associates report, it was recommended that to preserve the cultural significance of the trees, they should be retained in any redevelopment of the site by provision of a minimum planted area, adequate soil and water, and appropriate provision to minimise root zone compaction and protection of the above ground trees, during and after the construction phase. The subsequent Arborco report concurred with these proposals. At this early stage of the proposals (only a very rough sketch was provided), tree retention could have been easily incorporated into any detailed design.

The present site plan and landscape development plan for the proposed convenience centre in Main Road Eltham do not propose to retain any on-site trees¹². A very minor modification of the plans, which would result in the loss of one carparking space and the relocation of the pedestrian crossing, would allow for the retention of the three Italian cypress trees. The ground level at this point is proposed to be raised by one metre but lowering of the proposed total design to retain the existing soil level around the trees is recommended. As the trees are a slim, columnar shape there are no branches extending to interfere with moving traffic and the trees are well clear of any proposed canopy.

RECOMMENDATIONS

It is strongly recommended that the three cypress trees be retained in their present and original location. Any relocation of the trees would result in the loss of all cultural significance and would severely threaten the future health of the trees. Any relocation of the trees could not recapture this cultural significance as it is specific to the trees original location. Relocation or loss of the trees would also reflect on the significance of Shillinglaw Cottage, as there would be no historical or physical marker of its original site. This species of cypress is particularly long-lived and would be a lasting heritage asset. Its columnar shape means that it could more easily be incorporated into a future redevelopment of the site than other trees.

It is not recommended that any attempt be made to move the trees as they are evergreen, not deciduous, and with a mass of fine fibrous roots. Also the age of the trees and the species makes them unsuitable to be successfully moved, particularly without advance root preparation. The trees must not only survive relocation but must remain viable in the longer term.

The trees must be allowed to overcome the recent stress from the building demolition and immediate implementation of the Arborco retention

¹² TPA1 Site Plan, Baldasso Cortese Pty. Ltd. Architects, July 1996; Landscape Development Plan, Graeme Bentley Landscape Architects, August 1996.

guidelines is essential. It is recommended that the on-going management for retention of the trees on site during any construction phase is overseen by a qualified arborist (member of the Arboricultural Association of Australia).

FRANCINE GILFEDDER

Master of Landscape Architecture (University of Melbourne)
Diploma of Applied Science (Amenity Horticulture) (VCAH - Burnley)
Cultural Landscape & Heritage Consultant
20.1.96

Italian Cypress Assessment, Main Road, Eltham

DEVELOPMENT PROPOSAL: 'PENCIL PINES' (ITALIAN CYPRESS) AT FORMER ELTHAM SHIRE OFFICES, MAIN RD., ELTHAM

PROPOSED REDEVELOPMENT SITE:

Former Eltham Shire offices building and three cypress (*Cupressus sempervirens*) trees at the front of the building. The trees are mature specimens, and in good health, although of varying size (probably due to their maturity and now close proximity).

REPORT REQUIREMENTS:

This report, commissioned by the Nillumbik Shire Council, requires research and advice to Council on the following matters:

- the significance in terms of the Nillumbik Shire of the three cypress trees (*Cupressus sempervirens*) located in front of the former Shire of Eltham Council offices, Main Road, Eltham. This includes research into the historical value of the trees and their value in their current location;
- the most suitable management plan assuming that the cypress will have to be moved due to the new development. Options include whether the trees should be retained on the subject site or could be relocated to another location¹.

Council has stated that the proposed redevelopment of the site will require removal of all three trees. Council officers envisage that there will be little scope for negotiation for their retention, but there is opportunity for negotiation regarding their relocation.

A sketch plan of the proposed development was enclosed. Essentially the new building will have three tenancies and incorporates a petrol station canopy at the front of the development.

BACKGROUND:

The site was described in the Shire of Eltham Heritage Study by David Bick, 1996. This was identified as a "group of three pencil pines- *Cupressus sempervirens*" (sic). Their cultural significance was described as:

These trees are the sole remains of the garden of historic Shillinglaw Cottage which was on this site previously. Although they do not date from the time of construction of the cottage they are still significant as indicators of this earlier site use where the Council offices now stand².

In light of this significance the Conservation Guidelines were:

Protect from any future site development. The trees appear to have had an excess of soil built up around their trunks and over

¹ Council letter of appointment, 10.7.96

² D. Bick, Shire of Eltham Heritage Study, 1996, p.1304

the root zone. This should be removed as much as practicable and if necessary, further root zone aeration should be introduced³.

The trees are believed to have been planted c1920, according to the Bick report, which is during the major ownership and occupation period of the associated Shillinglaw Cottage by the Shillinglaw family. More recently the Shillinglaw Cottage was moved in 1963 to its present nearby location soon after the Eltham Council purchased the site from the owners, the Phillip Shillinglaw Estate. The Shillinglaw building was moved to its present site through public subscription financing, an early example of the special regard of Eltham residents for their local historic buildings. The three Italian cypress trees (*Cupressus sempervirens*) therefore are the only physical marker identifying the former location of the cottage.

Bick's report includes photographs of the site showing the three Italian cypress in their present location (probably) early this century and again in 1968⁴. The relatively slow growth rate of the trees can be seen from comparison of these photographs, taken approximately seventy years apart. Assuming the ELHPC photograph no. 708 was taken c1900-1920 (which shows the three cypress trees as already mature) these trees may have been planted c1870-80. It seems likely that they were therefore planted at the same time as the Shillinglaw Cottage was built c1878-80 by George Stebbing, a local builder. An interesting parallel is the siting of similar trees at the entry stair to the contemporary Ellis cottage in Diamond Creek.

D. Bick believes the trees to be of local significance as they represent certain criteria. These are:

- evocation of the area's history
- rarity within the former Eltham shire
- illustration of the historical theme which is identified as 'private planting'
- contribution to the historical streetscape.

Bick recommended that the extent of significance be applied to the three trees and site to a radius of ten metres and local planning protection.

Existing Planning Controls

The proposed redevelopment site is within the Eltham Gateway Zone in the Local Section of the *Eltham Planning Scheme*⁵. The purpose of the amendment is:

- To recognise the special character of the landscape and buildings of the Eltham Gateway Area as an entrance to the Eltham Township;
- To promote development complementary to the character of the area;
- To provide an opportunity for the development of a variety of residential densities and dwelling types.

incorrect

³ *ibid.*

⁴ *ibid.* p.1302 and 1303, taken from the ELHPC nos. 708 and 657 respectively].

⁵ see local planning Scheme, 28 March 1996, pp 49-52 and also Planning Scheme Map, s.1e marked as 38R4.

Under the Eltham Gateway Zone, permits are required for a majority of non-residential, commercial uses. These include uses such as a convenience shop, office, take-away food premises. A large range of uses are prohibited in this zone, which include motor vehicle repairs, office (if column 2 conditions are not met) and shop other than an art gallery, convenience shop or take-away food premises (112-1.3). A permit is required to subdivide land (112-2).

Under Guidelines for permit (112-4), Council must consider a number of factors which include "whether proposed landscaping or planting of trees, shrubs and gardens will be in keeping with the character and appearance of the zone".

incorrect

Tree controls apply within the Eltham Gateway Zone (112-5). A permit is required to remove, destroy or lop a tree more than 3 metres in height. This requirement is relevant to the three cypress trees at the subject site. .

Other controls may apply (see other development and use controls in the State, Regional and Local sections). Controls such as car-parking apply to all zones.

SITE CONTEXT:

The original site of the Shillinglaw Cottage, the subject site, is within Josiah Holloway's important 1850s subdivision known as Little Eltham, which became the centre of the first Eltham township⁶.

The site of the Shillinglaw Cottage is now occupied by the former Eltham Shire Offices, a building which has limited known individual cultural significance. Adjacent to the former Council offices is the Eltham Library, designed by architect Greg Burgess and officially opened in May 1995. This mud brick and recycled timber building won the Royal Australian Institute of Architects Institutional Architecture Award in 1995⁷. The building is not listed in the Shire of Eltham Heritage Study but may be considered for addition to the Nillumbik Shire's list of heritage assets because of its recognised architectural importance within the architecture profession.

Adjacent to the Library, and within the Eltham Gateway Zone, is the relocated Shillinglaw Cottage, identified as of local significance within the Bick study⁸.

Immediately west of the Council offices is the timber trestle railway bridge, built in 1901-2 and now one of the few remaining examples of this type of railway bridge construction in the Melbourne metropolitan area. This forms a visually prominent backdrop and visual enclosure to the Eltham Gateway precinct and has been identified in the Eltham study⁹.

DISCUSSION:

Although the Shillinglaw Cottage was moved to a site nearby, to allow for construction of the former Eltham Shire Offices, D. Bick describes it as an important landmark to which

⁶ Bick, p.1294f.

⁷ Nillumbik Shire Council brochure, *The Townships of Nillumbik*

⁸ Bick, p.1294

⁹ Bick, p.1382

the cypress trees would have contributed, as shown by their visual prominence in the streetscape in the c1900-1920 photograph. The cypress trees are associated with the cottage and are an important element of the Eltham Gateway Zone although this contribution is not recognised in the Bick study (see attached list of contributory sites from the study). Other elements which are individually significant and appear to contribute to this Zone are the Eltham Library (civic role) and associated earlier planting (oak etc.).

D. Bick's Statement of Cultural Significance states that the cypress trees do not date from the time of construction of Shillinglaw's Cottage, c1878-80, but this seems to be incorrect given a knowledge of *Cupressus sempervirens* general habit and growth rate in Victoria. D. Bick also states that, as the sole remains of the garden of the historic cottage, the trees are still significant as indicators of the earlier site use¹⁰

CULTURAL SIGNIFICANCE

As noted by D. Bick, the trees represent certain criteria as detailed in the Shire of Eltham Heritage Study, which are 'history', 'rarity', illustrate the theme of 'private planting' and 'streetscape'.

The three Italian cypress trees would appear to date from the same period as the Shillinglaw Cottage and were probably planted by the original builder George Stebbing, 1875-1882, or the Shillinglaw family, 1882-1963. More detailed historical research may reveal a more accurate date of planting. As exotic plantings more typical of the nineteenth century, trees of this type and age are not common in the Nillumbik Shire. The private planting theme is particularly strongly reflected in that the trees are the only identified remnants of the once 40 acres of land attached to the Shillinglaw Cottage¹¹. As indicated by early photographs, the trees have been an important streetscape element on the Main Road for over 100 years.

The cultural significance of the cypress trees is specific to the site, in that they date from the same period as the construction of the Shillinglaw Cottage and that they are the sole indicator of the original location of the building. They are also important elements which contribute to the streetscape and the Eltham Gateway Zone, which itself has significance resulting from the collection of individually significant buildings and structures. They are considered to be of local significance.

MANAGEMENT ASPECTS

To preserve this cultural significance, the trees could be retained in any redevelopment of the site by provision of a minimum planted area, adequate soil and water, and appropriate provision to minimise root zone compaction and protection of the above ground trees, during and after the construction phase. Given the obviously early stage of the proposals (sketch provided with brief), this could be easily planned into any development, particularly given the zone's stated objectives and guidelines.

¹⁰ Bick, p.1304

¹¹ mature planing in front of the library may have been on the site but removed from the house, including an oak, loquat and pepper trees- only the pepper trees were identified in the Eltham study

The long term health of the trees has previously been compromised by the building of the Shire Offices which has probably caused some compaction to the roots and resulted in some loss of vigour due to loss of sunlight, drainage and other factors. Raising of the soil level around the trunks and over the root zone has also occurred at some stage, possibly due to the building's construction or other earthworks and embankment alterations associated with the re-alignment of Main Road.

RECOMMENDATION:

It is strongly recommended that the three cypress trees be retained in their present and original location. Any proposed relocation of the trees would result in the loss of cultural significance and would severely threaten the future health of the trees. Any relocation of the trees could not recapture this cultural significance as much of it is specific to the trees original location. Relocation or loss of the trees would also reflect on the significance of Shillinglaw Cottage, as there would be no historical marker to its original site. This species of cypress is particularly long-lived and would be a lasting heritage asset to the precinct.

It is not recommended that any attempt be made to move the trees as they are evergreen, not deciduous, and with a mass of fine fibrous roots. Also the age of the trees and the species makes them unsuitable to be successfully moved. The trees must not only survive relocation but must be viable in the longer term.

It is recommended that the tree's health be assessed by an approved independent and qualified arborist (member of the Arboricultural Association of Australia).

It is also recommended that the on-going management for retention of the trees during any construction phase at the site is overseen by a qualified arborist (member of the Arboricultural Association of Australia). The arborist should inspect the site and provide a report *before* any physical or planning works commence.

FRANCINE GILFEDDER & GRAEME BUTLER

Heritage Consultants

11.7.96

ATTACHMENT:

Gateway Heritage Precinct contributory sites listed in the Eltham Heritage Study

ROAD BRIDGE OVER DIAMOND CREEK, MAIN ROAD ELTHAM
LIM JOON HOUSE, FORMER, MAIN ROAD ELTHAM
LOMBARDY POPLARS- 'Populus nigra' VAR. 'Italica' (2), MAIN ROAD ELTHAM
WINGROVE COTTAGE & PENCIL PINES (sic)- 'CUPRESSUS SEMPERVIRENS'
(2), & PLANTING, MAIN ROAD ELTHAM
ELTHAM STATE SCHOOL NO.209 RESIDENCE (FORMER) & MONTEREY PINES
- 'PINUS RADIATA' (2), MAIN ROAD ELTHAM
JARROLD (OR WHITE CLOUD) COTTAGE, SHOP & REAR MATCHAM
SKIPPER STUDIO, MAIN ROAD ELTHAM
PLANE TREE AVENUE (OF HONOUR?), - 'Platanus axo acerifolia', MAIN ROAD,
DALTON & PITT STREETS ELTHAM
ADOBE BUILDING, MAIN ROAD ELTHAM
POLICE RESIDENCE & REAR STABLE (FORMER), NOW NATIONAL PARK
SERVICE OFFICE, MAIN ROAD ELTHAM
BRICK SHOP & DWELLING, MAIN ROAD ELTHAM
LIVING AND LEARNING CENTRE, MAIN ROAD ELTHAM
ELTHAM COMMUNITY CENTRE, PEPPERCORN TREE ('Schinus molle'),
PLANTING & WHEEL RIM (TYRING) TOOL IN GROUNDS, MAIN ROAD ELTHAM
ELTHAM HOTEL (PRE 1940 SECTION), MAIN ROAD & PITT STREET ELTHAM
ELTHAM FIRST & SECOND WORLD WAR MEMORIAL, FRONT OF ELTHAM
R.S.L. BUILDING, MAIN ROAD ELTHAM
C.B.A. BANK, former, MAIN ROAD ELTHAM
UNITING CHURCH, former METHODIST CHURCH, MAIN ROAD ELTHAM
SHOP (J.N. BURGOYNE), MAIN ROAD ELTHAM
SHOP, YORK STREET & MAIN ROAD ELTHAM
ALISTAIR KNOX PARK, BRIDGE STREET & MAIN ROAD ELTHAM
WEATHERBOARD HOUSE, MAIN ROAD ELTHAM
SHILLINGLAW COTTAGE, MAIN ROAD ELTHAM
RAILWAY TIMBER TRESTLE BRIDGE, OVER DIAMOND CREEK, PANTHER
PLACE ELTHAM
ST. MARGARET'S ANGLICAN CHURCH, FORMER VICARAGE (DENDY HOUSE),
ADOBE HALL & GROUNDS, formerly CHRIST CHURCH, PITT STREET ELTHAM
PETER GARNER ADOBE STUDIO & ADJACENT SHED,, BROUGHAM STREET,
ELTHAM.
WINGROVE PARK, MAIN ROAD ELTHAM

People unite to battle project

by FIONA KAEGI

THE Opposition spokesman on Planning and Major Projects, Demetri Dollis, plans to help Eltham residents in their fight against a proposal to build a Hungry Jack's, Shell service station and convenience store on the former Eltham Shire offices site.

Mr Dollis met on-site with members of the Eltham Gateway Action Group (EGAG) last Tuesday.

Despite strong community protest the site was sold to developer Dallas Price Homes last year by the Nillumbik commissioners, subject to the granting of a planning permit.

The matter was 'called in' by Local Government and Planning Minister Rob Maclellan at the end of last year.

Mr Dollis said he would argue the 'health component' rather than other issues such as traffic, heritage, the number of people opposed to the site or the way the demolition of the offices and granting of the permit had been carried out by the council.

"This site is surrounded by two child care centres, a library, an elderly citizens club and a school," he said.

Mr Dollis said petrol fumes could threaten the health of people using those community facilities.

He said he would invite Mr Maclellan to visit the site and meet members of the EGAG.

"The one person who is absent is the local member (Wayne Phillips) and it is his duty to represent the wishes and aspirations of the community," Mr Dollis said.

But Eltham MP Wayne Phillips said the comments showed how naive and ill-informed Mr Dollis was.

Issues

Mr Phillips said he was the one who had instigated a deputation to the minister on behalf of a number of residents to discuss issues including the former shire office site.

He said he was happy to attend meetings, but he had not been notified about the one last Tuesday.

Mr Phillips said he was 'reasonably supportive' of the proposed Main Rd development because it would bring money and employment to the area.

'Inappropriate'

He said he hoped the minister would consider all of the evidence and make a decision in the best interests of ratepayers as soon as possible.

Eltham Gateway Action Group president Jenni Mitchell said the group still strongly believed a Hungry Jack's, a service station and a convenience store was an inappropriate development for the site.

"We are optimistic the Minister in his greater wisdom will make the right decision, to disallow such a

hideous development," she said.

A spokesman for Local Government and Planning minister Rob Maclellan said the Minister had appointed an advisory committee to report back to him before he made a recommendation to the Governor-in-Council.

The committee was expected to sit within a month, he said, and would have six weeks after its last day of hearing to report to the Minister.

The spokesman said the Minister would consider Demetri Dollis' invitation to visit the site when he received it.

Nillumbik's chief commissioner Don Cordell said the demolition of the former shire offices had been the subject of a much publicised protest campaign, but had not been an issue of concern to the Nillumbik community.

"Market research commissioned by Nillumbik Council last September by Roy Morgan Research found that in each of the five wards the demolition of the shire offices was a concern to only 1 per cent of survey respondents," he said.

Above: Opposition spokesman on Planning and Major Projects Demetri Dollis talks to the Eltham Gateway Action Group about their fight to prevent a Hungry Jack's, petrol station and convenience store planned for Main Rd, Eltham. Picture: LAWRENCE PINDER. 734LP310



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DIAMOND VALLEY NEWS

ATTENTION: FIONA KAEGI

TO BE PRINTED IN "LETTERS TO THE EDITOR"

EDITION DATED WEDNESDAY 26th MARCH 1997

I was shocked and horrified on Monday 17th March to discover that the old Community Health Centre at 7 Dudley Street Eltham had been completely demolished over the weekend. I attended the Special Council Meeting held on 13 March and Item S/17/97 was a report on the Sale of 5-7 Dudley Street with Council declaring this land surplus to its requirements. How convenient just one day before our local election to restore democracy to our Shire. The commissioners had no right to order that the building be demolished, in anticipation of yet another community asset sell off, so close to the return of elected Councillors. What a way to finish their unelected term of office. Their two year term has seen the demolition of the Shire Offices (sale of this land still pending), sale of the Pretty Hill land for subdivision, sale of the Hurstbridge depot, sale of the Eltham depot, the unnecessary extensive refurbishment of Main Road Eltham (including the removal of many trees), and now demolition of the old Community Health Centre. Surely this building could have been put to use as emergency housing or a call in centre for local community groups. What happened to community consultation at this crucial stage of reform? The commissioners have left a path of destruction and devastation throughout our Shire. I pray that our newly elected Council will be strong and bind together with the people of Nillumbik and that through a full consultation process DEMOCRACY WILL BE RETURNED.

**Ms B Martin
Eucalyptus Road
Eltham**

ph: 9431-2690

Fiona please do not hesitate to call me if you require further information.

Diamond Valley News

Attention: Fiona Kaegi

To be printed in "Letters to the Editor"

Edition dated Wednesday 26th March 1997

At the Special Council Meeting on March 13th 1997 the Commissioners of Nillumbik voted in favour to the sale of Council/Community owned property at 5-7 Dudley Street Eltham. Thus the demolition of the old Community Health Centre took place on the weekend of our Council elections. Monday 17th March there was not a stick left on this property. I would like this newspaper to seek answers to the following questions.

1. When was the tender for the demolition of this building publicly advertised?
2. Why was there no "Notice of Intention" or Permit Application sign erected on the site?
3. Why was a Council owned house further up Dudley Street slowly demolished? This site included advertising signs stating that material from the site was for sale to the general public.

The house at 7 Dudley Street was in a reasonable state of repair until vacated some 12 months ago when the Community Health Centre relocated to it's new site on the opposite side of Main Road Eltham. Why was this building demolished so quickly? (the decision to sell the land was only made on Thursday 13th March.) These circumstances are similar to the demolition of the old Shire Offices. Thank goodness the Commissioners have gone. I sincerely hope that a return to Democracy and commonsense will prevail.

Thelma Barkway
Brougham Street
Eltham

ph: 9439-9780

Fiona please do not hesitate to call me if you require further information.

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LEGAL BATTLE

by FIONA KAEGLI

NILLUMBIK Council is mounting a legal battle against the commissioners' decision to turn the former Eltham Shire office site into a "convenience centre".

The commissioners last year decided to grant planning permits for a development of a Shell service station and convenience store, and Hungry Jack's restaurant at the Main Rd site.

But last week, after receiving legal advice, the newly-elected council decided to "vigorously oppose" the granting of permits for the development and signs at the site.

However, the final decision is in the hands of Planning Minister Rob Maclellan who called the matter in last December. He has appointed an independent advisory committee to consider the development proposal. The hearing was due to start yesterday (April 1).

Cr Margaret Jennings, a former member of the Eltham Gateway Action Group which was formed to fight the development, moved the motion to prepare a case against the proposed convenience centre.

Cr Lex de Man spoke against the motion. Cr de Man said he did not want to oppose the development because of the financial risk to the council.

He said overturning the decision made by the commissioners could result in legal action by the developer, which would affect ratepayers. Cr de Man said he also had concerns about passing the motion on the basis of "where the shire stood financially".

Planning permits

The sale of the council property for \$1.1 million is dependent on the planning permits being granted.

Shire president Robert Marshall said the 1996/97 council budget had a \$14,000 surplus based on the sale of the shire offices going ahead. If the sale did not go ahead, the council would go into deficit.

"We have asked the council to advise on how we can overcome the projected deficit (if the sale does not go ahead) which should have been done in the first place," he said. "It is a legacy we have been left (by the commissioners)."

Cr Jennings said while she shared Cr de Man's concerns, it was "a matter of principle" to oppose the development. Cr de Man called for a division.

Cr Jennings, Cr Marshall and Cr Graves voted to oppose the development and Cr de Man and Cr Woodley voted to stand by the commissioners' decision.

Cr Marshall said he was mindful of a precedent at Camberwell where a developer sued the local council when a previous decision to approve the redevelopment of Camberwell Junction was overturned.

But in this case, it was the minister who would make the decision, he said. The council was "merely giving advice to the panel".

Developer Dallas Price Homes' managing director, Dallas Howgate, would not confirm whether the company would take legal action against the council if the permits were not granted. "We will be seeking all types of professional advice to see that we are covered," he said.

A spokesman for the planning minister said the government has no intention of intervening in the matter.

Diamond Valley News

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SITE ROW SAGA

by LAETA ANTONYSEN

THE sale of the former Eltham Shire offices site was "purely a commercial decision" with no regard for the strategic future of the site, an independent advisory committee heard last week.

A public hearing on a proposal by Dallas Price Homes Pty Ltd to build a convenience centre along Main Rd was held in Greensborough last week.

Former Eltham Shire councillors and town planners "never envisaged the sale of the site" to commercial developers.

Concerns about the visual impact of the development and landscaping problems, excessive noise, inadequate parking, traffic impact, the removal of locally historic trees and inappropriate signage were presented at the hearing by Nillumbik Council and residents.

The \$1.1 million property deal is dependent

on planning permits being approved after the committee reports on the issue to Planning and Local Government Minister Rob Maclellan.

Planning permits for a 24-hour service station/convenience store, Hungry Jacks fast food and retail outlet, community facility and associated advertising signs on the land were supported last year by Nillumbik commissioners.

However, the proposal attracted appeals to the Administrative Appeals Tribunal from the Eltham Senior Citizens Club, Eltham resident Frank Burgoyne, and two appeals from the Eltham Gateway Action Group in relation to the development and associated signage.

Nillumbik Council's newly elected councillors decided to "vigorously oppose" the granting of permits for the development and signs at the site one week before the hearing was due to start (*DV News*, April 2).

Council's solicitor, Terry Montebello, said the proposal was incompatible with the intent

of the council's long-term Eltham Town Centre and Gateway planning, and would have a "significant impact on maintenance of the gateway".

Mr Montebello acknowledged that the site was zoned Eltham Town Centre - Retail and Office Zone, and was a commercial zoning, with part of the land also in a Restricted Business Zone. However, "the sale of the municipal offices was simply (never) envisaged" and it was not the intent of the former Eltham council to see a commercial development on the site, he said.

Representing Dallas Price Homes Pty Ltd, Andrew Biacsi of Contour Consultants argued the subject land was zoned commercial and not included in any gateway zone or precinct.

Mr Biacsi said the cafe and take-away food premises were "as-of-right" uses under the zone, while the shop and petrol station were specified Section 2 and subject to a permit.

"The proposed development is consistent with this role in terms of the convenience retail, dining, take-away, playground and community facilities provided as part of an integrated development," he said.

Mr Biacsi also said the proposed development would lead to a number of community benefits, including the use of the community facility area, some land to be transferred back to council, a tourist information/internet facility, the display of a piece of public art work and a historic plaque and the upgrade of the Main St/Dudley St intersection and roadworks at Main Rd/Panther Place.

The proposal would generate employment for up to 100 full or part-time positions as well as flow on benefits during construction, he said.

The hearing is due to continue on Monday and Tuesday, 21 and 22 April at Nillumbik Shire Offices.

■ More reports pages 6 & 7.

Debate erupts over service station plan

by LAETA ANTONYSON

A PROPOSAL to build a 24-hour service station/convenience centre on the former Eltham Shire offices site has erupted into a dispute over the interpretation of planning controls.

An independent advisory committee appointed by the State Government to hear submissions on the proposal was advised it would need to consider the "integrity of the strategic planning" surrounding the site and its location within the Eltham Town Centre and proximity to the Eltham Gateway.

Nillumbik Council solicitor, Terry Montebello, told the advisory committee they should "go beyond the proposal based on existing zoning and look at the surrounding uses and ... the underlying zoning of the land".

Mr Montebello argued although the site was not in the formally zoned Eltham Gateway or Eltham Town Centre, the site nonetheless formed part, "if not one of the most important parts, of the gateway to the Eltham Town Centre".

The former Eltham Shire offices

at 895 Main Rd, Eltham, was zoned Eltham Town Centre — Retail and Office in 1993, following the adoption of Amendment L14 to the Eltham planning scheme which introduced planning policies on the Eltham Town Centre.

Previously the land was zoned Public Purposes from 1955 to 1958 and then Restricted Business from 1958 to 1993. Since 1958 it has had a commercial zoning.

Explained

Mr Montebello said the sale of the municipal offices was "simply never envisaged" which explained the commercial zoning of the site.

"This land was always envisaged to be the civic hub of the Town Centre, not a commercial part of the Town Centre," Mr Montebello said.

He said one of the provisions of the Eltham Town Centre — Retail and Office Zone was to provide for office, civic, emergency service and public transport interchange facilities to complement the core retailing zone.

"The (former Eltham shire of-

fices) area was more or less accepted as one which was to stay devoted to civic type uses rather than constitute a further extension of the commercial part of the Eltham Town Centre southwards.

"It is in this context which the proposal needs to be considered."

But Contour Consultants director, Tim Biles, speaking on behalf of developer Dallas Price Homes Pty Ltd, said the proposal was "sensitive to the site and its context" and appropriate to the zone.

Mr Biles said when looking at the 'context' of the site it could be described as the site's zoning, geography and its immediate environs, location in relation to other activities and the marketing and "end use" objective of the applicant.

"To assert that the proposed use and development is inconsistent with the requirements of the 'Eltham Gateway' is to totally misunderstand the context of the site," Mr Biles said.

"When the context is analysed the building design and site layout emerge as a well designed convenience centre at one entrance to the Eltham commercial centre."

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'No' to rates hike proposal

by JOHN DUBOIS and
LAETA ANTONYSEN

NILLUMBIK Shire president Robert Marshall has labelled the State Government hypocritical if it allows individual councils to raise rates beyond current limits to help pay for a \$330 million shortfall in superannuation funds.

Banyule Council mayor Cr Don McLean also refused to accept the State Government's suggestions to increase rates.

Under law, councils cannot increase rates by more than 1 per cent below the consumer price index (CPI), but Local Government Minister Robert Maclellan has approved exemptions from the rate cap in several "hardship" cases where municipalities struggled to raise much-needed revenue.

Finance Minister Roger Hallam told Parliament last Tuesday councils would have to meet their responsibilities for superannuation but may be able to argue for similar exemptions from the cap.

"I suggest there would be a good case to be mounted on the issue of unfunded liabilities applying to long-service leave," Mr Hallam said.

The revelation follows claims that councils would have to cut services drastically and increase charges, or face bankruptcy if forced to cover the enormous shortfall in superannuation funds.

Cr McLean said Banyule Council would not be interested in increasing rates.

"Clearly what they (the State Government) is doing is shifting the responsibility for the unfunded liability from State Government to local government, even though it is ultimately a result of the council amalgamations and CCT process whereby redundancies increased," Cr McLean said.

Cr McLean said Banyule Council supported the Municipal Association of Victoria's (MAV) resolutions that local government "would reluctantly accept a share of responsibility for the unfunded portion of the scheme on the basis that Government shares that responsibility".

Cr McLean said it was inappropriate for liability to be based on average figures across other municipalities and Banyule Council would push to see that the State Government shared the responsibility.

Nillumbik Council's superannuation unfunded liability as of 30 June 1996 was about \$1.7 million, while Banyule Council's is about \$5.7 million.

Major financial blunder

Mr Marshall said Nillumbik Council was currently preparing a report on the superannuation unfunded liability but it was too premature to say how council would approach the shortfall.

He said the shortfall was a major financial blunder which "seemed to be a legacy" of the municipal restructuring process undertaken by the State Government, and affirmed he would not support any increase in rates to make up for the "black hole".

"The State Government has been telling us for the last year that elected councils will not be able to increase rates," Mr Marshall said.

"I think it is hypocritical for the State Government to now say they will allow councils to increase the rates so the financial black-hole can be filled by ratepayers' money."

MAV chief executive Robert Barnes said the government, the Local Authorities Superannuation Board and the MAV were due to meet late last week on the issue.



Robert Marshall

"Your front-page last week is considerably inaccurate ... a surplus of \$14,000 is expected at 30 June 1997."

LETTER TO THE EDITOR The Advertiser

Dear Editor,

Your front page last week is considerably inaccurate. Contrary to your story, \$1.3 million expenditure has been put on hold due primarily to the Commissioners including \$1.1 million from the sale of the Eltham Shire Office as income in this financial year, when the sale is based on a conditional contract. If a planning permit for the Shell/Hungry Jacks development is not granted by the Minister for Planning (who has decided to personally handle the permit approval) the \$1.1 million income will not be available to Council. It is entirely inappropriate that this possible income be used to balance this year's books until we know that the income is available.

Advice to the new Council from the time of Commissioners is that a surplus of \$14,000 is expected at 30 June 1997 (sic). However, Councillors have not yet been appraised of Council's financial dealings since 31 December 1996. As Councillors arrived in office on 19 March 1997, Council feels that it is prudent to thoroughly explore the financial projections to 30 June to ensure that we meet our overriding intention of finishing the year with a balanced account. With only two months for evasive action, we have therefore deferred \$300,000 of capital works and put on a hold a \$1,024,000 capital debt repayment until the financial picture is clear.

Your assertion that "Councillors have been warned that community projects will have to be scrapped" is entirely incorrect. It is the Councillors who have directed that this action be taken.

The newly elected Nillumbik Council intends to look forwards, and we can do that best by commencing on a sound footing from a position of full knowledge of the inherited facts.

I hope that as the weeks pass that your paper will provide the community with a factual account of municipal affairs.

- Robert Marshall, Shire President

7 DAY TV GUIDE INSIDE

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Ashton's Advertiser
April 22, 1997 p.1.

Diamond Valley News

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\$1.1m DEBT PLAN

by FIONA KAEGI

NILLUMBIK Council will defer six capital works programs to fund a potential budget shortfall of \$1.1 million if its push to stop the sale of the former Eltham shire office site is successful.

The council is seeking to stop the Shell service station and convenience store and Hungry Jacks restaurant planned for the Main Rd land

— a decision which could see it facing legal action from the developers.

Soon after being elected, councillors Margaret Jennings, Robert Marshall and John Graves voted to mount a legal battle against the commissioners' earlier decision to grant the permits for the development.

The sale of the property for \$1.1 million is dependent on planning permits being granted.

However, the final decision is in the hands of

the Planning Minister, Rob Maclellan, who called the matter in last December. An independent advisory committee appointed by the Minister held a hearing this month which was expected to finish yesterday (April 22).

The new council also voted last week to postpone reducing its debt by \$1 million this financial year to avoid going into deficit.

Shire president Robert Marshall said the deferral of projects and debt retirement was

brought about by "the accounting practices of the time of commissioners", not the elected council.

Cr Marshall said the commissioners had informed the new council the 1996/97 council budget had a \$14,000 surplus based on the sale of the \$1.1 million shire office site going ahead. If the sale did not proceed, the council would go into deficit.

■ Continued on P24

Shire to defer works programs

□ From page 1

The new council did not believe it appropriate to include the sale money as income, he said, because the sale could fall through.

"So we have to find \$1.1 million this year," he said.

Cr Marshall said the council had deferred \$1,326,000 in projects including debt retirement of \$1,024,000.

He said more than \$1.1 million had been deferred because the council had financial figures only up to December 31, 1996, and had to cater for any shortfall (other than the \$1.1 million) to the end of the financial year.

He said the council officers were preparing financial projections to June 30, 1997, which would take four to six weeks.

After the council had this information the capital works projects would continue this financial year if there was enough money, he said.

If there was not enough money the projects would "continue to be deferred

and be a priority in next financial year's budget".

Cr Marshall said it was essential the council finish the financial year with a balanced budget.

"Under no circumstances does council want to go into deficit," he said.

Cr Marshall said the capital works items which had been deferred were projects which had not yet started and could be stopped with no financial penalties.

One was a \$100,000 pavilion in Wattle Glen. Another was a \$20,000 creek crossing at Proctor St, St Andrews.

Cr Marshall said deferment of payment for the pavilion would not be detrimental to the people of Wattle Glen because it would still be built: "it might just be delayed for six weeks or to July 1 at worst".

He said St Andrews residents were disappointed about the postponement of the Proctor St culvert, but the project would be "first on the list" when money was available.

Jobs on hold

NILLUMBIK Council last week voted to postpone the following capital works projects:

- Dudley St traffic lights (\$120,000).
- Proctor St creek crossing (\$20,000).
- York St Local Area Traffic Management (\$17,000).
- Signage upgrades (\$20,000).
- Playground upgrades (\$25,000).
- Wattle Glen Pavilion — defer part payment (\$100,000).

The council, which has a debt of \$5,229,387, also decided to defer the debt retirement of \$1,024,000 proposed in the budget.

Diamond Valley News

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A view
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PAGE 8

INSIDE

BLAST FOR COUNCIL

by LAETA ANTONYSEN

LAWYERS defending a proposed commercial development on the former Eltham Shire office site have asked an independent advisory committee to dismiss Nillumbik Council's case against the proposal, saying it is "flawed".

Marilyn Warren, representing Dallas Price Homes Pty Ltd, told the panel the council had changed its position on the proposal "on the very eve of the panel hearings" and was now in breach of its planning duties and powers.

Planning permits for the proposal were supported last year by Nillumbik commissioners, but the newly-elected councillors last month decided to "vigorously oppose" the granting of permits and mount a legal battle against the proposal (*DV News*, April 2).

In his opening submission to the panel on April 2, the council's solicitor, Terry Montebello, said the responsible authority was now a different council to that which had decided to issue the planning permits last year.

He said the new council felt the commission-

ers had given too much emphasis to the commercial uses of the site and, accordingly, it had formally resolved to argue against the proposal.

Eltham Senior Citizens Club, Eltham resident Frank Burgoyne and the Eltham Gateway Action Group (EGAG) had earlier appealed to the AAT in relation to the development and associated signage.

Planning and Local Government Minister Rob Maclellan called the matter in last December and appointed an independent advisory

committee to consider the development proposal.

The final two days of a four-day public hearing on the proposal to build a 24-hour service station-convenience store at the former Eltham Council site in Main Rd were held in Greensborough last week.

Ms Warren told the committee and a packed gallery that the newly elected council's approach to the proposal was "unprecedented and unhelpful" and should be dismissed.

■ Continued on Page 7.

'Experts' oppose plans for shire site

by LAETA ANTONYSEN

HERITAGE consultants and landscape architects were among expert witnesses called by the Nillumbik Council and Eltham Gateway Action Group in the closing stages of a public hearing last week into a proposed commercial development on the former Eltham shire offices site.

While some chose to encapsulate the "unique" cultural and historical significance of the site, others sought to demonstrate why the proposed commercial development was inappropriate.

Architect Gregory Burgess, who designed the internationally acclaimed Eltham library, said the proposed development "laughed in the face of the whole ethos of (the) community".

"It could be a transplant from

anywhere," he said. "It does not appear to have grown out of this place in respect to its environment."

Mr Burgess said the proposal contained a serious lack of sensitivity with "superficial architectural gimmickry" and was a poor urban design and an inappropriate land use.

But Mr Burgess' submission was dismissed by the developer's solicitor, Marilyn Warren, who said the witness's personal pride in the neighboring Eltham Library had led him to a point of limited objectivity when assessing the appeal site.

Landscape architect Stuart Green, representing Nillumbik Council, also referred to Eltham's special "sense of place", which he said was a combination of natural and man-made elements, whether

through the "distinctive local physiography" or the use of natural building materials such as that seen at Montsalvat or the Eltham library.

Mr Green said the proposed convenience centre would "dominate the area" and have a "critical effect on the 'bush village' identity of Eltham".

Ms Warren defended the proposed development by dismissing any reference to a "unique Eltham feeling".

"It (the feeling) is a perception, and it may very well be a desire, but it does not exist when you look at the hard commercial feel along Main Rd," Ms Warren said.

"We submit that this is a valuable commercial site. Accordingly, it attracts a substantial commercial development.

"Evidence we have heard dem-

onstrates the need to balance the commercial imperatives of the site with other factors such as the surrounding environment.

"So far as balancing the commercial imperatives and local design issues, this design achieves that balance."

Arborist Glenn Waters and heritage consultant Graeme Butler also provided information about three Italian cypress trees on the Main Rd site, destined to be removed if the proposal goes ahead.

Mr Waters said that while all three trees were in the beginning stages of decline, they could be saved if appropriate action was taken.

Mr Butler said the trees were important because they were the sole indicators of the original site of the historical Shillinglaw Cottage.



Uncertainty: the future of the former Eltham Shire office site is still to be decided by Planning Minister Rob Maclellan.

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☐ **NILLUMBIK PAGE**

Not your average convenience store

by LAETA ANTONYSEN

ONLY one thing was certain when a public hearing into a proposed 24-hour convenience centre-service station in Main Rd, Eltham, concluded last week — both the developers and objectors agreed it was not a standard convenience centre.

On one side the Eltham Gateway Action Group's legal counsel Chris Wren labelled the proposal "ad-hoc and opportunistic", while on the other side the developer's solicitor, Marilyn Warren, described it as a "unique design" recognising its "commercial gateway role".

Both sides agreed there was nothing in metropolitan Melbourne which fully compared with the proposed development, in size or design.

For this reason, the traffic implications of the proposal were hotly debated by both sides.

Traffic engineer for Grogan Richards Pty Ltd, Stephen Hunt, said traffic surveys of similar centres in Kensington and Vermont South last year had indicated traffic peaked on Friday afternoons about 5pm.

Mr Hunt said when these figures for parking and traffic demands were analysed and applied to the proposal it was concluded that "safe and efficient traffic movements into and out of the site" could be provided without impacting on existing traffic along Main Rd. It also found that the proposal would provide sufficient parking for peak demand.

But a traffic engineering assessment prepared by Turnbull Fenner Pty Ltd for the EGAG disputed Mr Hunt's findings.

Civil engineer Alan Prentice, on behalf of Turnbull Fenner, said the proposed development was an over-development of the site in traffic engineering terms.

Mr Prentice said the likely traffic generation of the proposal would exceed the capacity of Main Rd unless the intersection was signalised at the Main Rd exit as well as the Dudley St and Main Rd intersection as proposed.

Even with a signalised exit at Main Rd, queue lengths of up to 65m would need to be accommodated which would require a complete re-arrangement of the site, he said.

Mr Prentice said the proposed parking was inadequate and impractical for the likely demand on the centre and would impede the car-parking demands of the adjacent senior citizen and child care centres.

The Eltham Senior Citizens Club president Thelma Barkway also presented a second submission in response to two previously unseen traffic reports on a proposed bus bay.

Mrs Barkway said despite the additional information and recommended modifications the proposed development would be "detrimental" to the amenity and operations of the senior citizens centre because of excessive noise, inadequate parking, lack of disabled parking, creation of dangerous traffic situations and inappropriate fencing.

☐ NEWS BRIEFS

Special edition

THE *Diamond Valley News* is planning a special edition to celebrate 100 years of newspapers in the district.

Anyone with historical photographs or information on events and happenings over the past 100 years are invited to submit details for inclusion in this special edition.

Residents and business houses who feel they have some significant 'historical' information are also sought.

Nominations for inclusion in the special edition, or further information, should be directed to Jim Bruce, Leader Newspapers, 160 Whitehorse Rd, Blackburn, or ring 9875 8286.

Shire site decision soon

A DECISION on the future of a proposed 24-hour convenience centre on the former Eltham Shire offices site in Main Rd, Eltham, is expected next month.

Last November, Local Government and Planning Minister Rob Maclellan called in an appeal to the Administrative Appeals Tribunal against the former Nillumbik Council commissioners' decision to grant a permit for the development.

Department of Infrastructure spokeswoman, Fiona Hando, said an independent advisory committee's report on the proposal was due to be completed next week.

Mr Maclellan would then have 28 days to consider the report before making a final decision. Ms Hando said.

28 May 1997
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Classifieds

□ LETTERS TO THE EDITOR

Recognition for Claire

MANY of your readers were pleased to see in a recent issue, a reference to Claire Fitzpatrick's move from Pitt St to Southern Cross Homes in Macleod. She is so well known around Eltham that this really was a major news item, and should be recognised as such.

Claire is a woman of warmth, intelligence and vibrant personality, who has achieved an extraordinary amount in many areas and had a major impact on almost all of them: In the 1920s in student affairs; surveying in the bush; as a girl journalist on the Melbourne "Morning Post" and other papers here and overseas. Later on came many more occupations including teaching, farming, goat-breeding and exhibiting, and judging in major agricultural shows.

She has always been the complete activist; has made herself expert in all her functioning areas and has more than willingly advised, guided and helped anyone else encountered along the way. Many now middle-aged Eltham people started their working lives as her goatpen boys and girls, greatly encouraged by her unshakeable belief in their potential. All her ducklings, ugly or not, were headed for swanship.

In local government affairs, nothing moves in or around Eltham without Claire finding out about it and either helping it along if it seems good, or mobilising loud and effective protests if not. Her moving to Macleod may dampen this activism a little, but I wouldn't bet on it. One of her more minatory phrases is "I have my networks!". She certainly does, and knows how to use them, too.

What her extraordinary number and diversity of friends will now miss is being

able to visit her in the lovely house she created, and its magic garden.

But if we feel sad about this, we have only to go as far as Macleod to find ourselves feeling quite at home again - in Claire's room. She has seen to that, most effectively. And we can be quite sure, that after a few weeks' peace and quietness, any possums around Macleod (or, for that matter, anywhere else) that need stirring, will be getting her concentrated attention.

Barbara Sturmfels,
Allendale Rd,
Diamond Creek

Features to protect

"SHOPPING strips to share in funding" (*Diamond Valley News*, May 2, 1997), reported the commendable measure aimed at revitalising community retail centres.

In my submission to the hearing re-development of

the ex-Eltham Shire Office site, I gave an inventory of the dozen significant features which enhance the 'heritage mile', the Eltham Gateway, leading from the south, Wingrove Cottage and Park, the Court House and Police Lock-up, Australia's first public mud brick building, the Community Centre, the Uniting Church and Old Bank, Alistair Knox Park, Shillinglaw Cottage, Eltham Library, the Catholic Church, the War Memorial, etc.

I argued that the proposed development for the ex-shire office site was incongruous with the inherent heritage and bush values and contravened the Planning and Environment Act's Heritage Objectives. Further, I proposed a development for celebrating the year 2000 or the centenary of Australian Federation, 2001, one attractive to tourists.

Ideally, such expressions of Eltham's unique heritage should be complemented by the retail centre, for local ap-

peal and tourism. After all, Eltham retains the best heritage features; one has to travel find something comparable.

My suggestion for Eltham's retail centre is for traders to work for a 'town heritage image'. The council \$1 mil. unnecessarily spent on Main Rd 'beautification' would better have been put into a fund for such a purpose.

Ken Eckersall,
Henry St, Eltham.

Flower pot thieves

I AM only one person who lives in our village of Ministry of Housing units in Hurstbridge. We are pensioners.

Please, whoever is taking our flower baskets and pot plants, tell them to keep their sticky little fingers off.

Go play with your toys somewhere else.

M. Colthup,
Anzac Ave, Hurstbridge.

□ OFF THE CUFF

Costly bun fight over shire offices

by LAETA ANTONYSEN

THE former Eltham shire office site has cost ratepayers more than \$115,000 since the former Nillumbik commissioners put it on the market two years ago — yet the site is still vacant and its future unknown.

Last week the newly elected Nillumbik Council revealed it would face a further \$72,000 in demolition costs for the July 1996 removal of the former shire office building, if a permit for a proposed 24-hour petrol station, convenience store and fast food outlet on the site was refused by Planning and Local Government minister Rob Maclellan.

And the site developer Dallas Howgate has also indicated he could bring a personal damages claim of up to \$10 million against the council or Shire president Robert Marshall and Crs Marg Jennings and John Graves who voted to oppose the new development, if the proposal does not proceed.

The future of the site rests with minister Maclellan, who called the matter in last December and appointed an independent advisory committee to consider the develop-

ment proposal after a number of residents appealed to the Administrative Appeals Tribunal (AAT).

The independent advisory committee is expected to release its findings to Mr Maclellan this week.

Last week Nillumbik Council chief executive officer Barry Rochford defended the costs of the sale of the former Eltham shire office site as "relative to the size of the asset".

Mr Rochford said more than \$96,000 of the total costs of the sale were "just part of the sale of any major asset".

He said the \$96,000 included \$10,610 for a building audit, \$30,726 for security during the former shire office building's demolition, \$13,780 for advertising, about \$5000 for staff wages and \$9260 for legal costs.

In March the newly-elected Nillumbik councillors joined objectors in "vigorously opposing" the granting of permits and mounted a legal battle against the proposal.

Mr Rochford said an additional \$19,375 was spent on legal costs, consultants' fees and staff wages during the panel hearing so the council could "defend its position".

"The council believes they were acting in the best interests of the

community," he said.

Nillumbik Shire president Robert Marshall said the extra cost was "well worth it" if it resulted in the community having "an appropriate development on that site and not one of great detriment to the township of Eltham".

Last month the council was forced to defer six capital works programs totalling \$1.1 million in its 1997/98 budget to fund a potential budget shortfall should the sale of the former Eltham shire office site fall through.

Mr Rochford said while there was no monetary cost in deferring the capital works program there was a "community cost" but it was "not easily quantifiable in dollar terms".

He said if the developer decided to sue the councillors individually or as a whole, "either way the councillors will be relying on the insurance policies held by council to protect them from any financial loss".

The proposed development in Main Rd, Eltham, has also cost the Eltham Gateway Action Group about \$17,000 in legal costs after the organisation turned to the AAT to fight the former Nillumbik Council commissioners' decision to grant a permit.

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Montsalvat plans season of festivals

by FIONA KAEGI

THE annual Montsalvat Jazz Festival which was cancelled this year is to be replaced by a season of festivals and events, Montsalvat Trust chairman Sigmund Jorgensen said last week.

Mr Jorgensen cancelled the annual jazz festival, traditionally held on the Australia Day weekend, when he discovered Melbourne Water had organised a new government-backed jazz festival for the same weekend.

Agencies that had previously backed the Montsalvat festival had switched their support to the new jazz event, the Marvellous Melbourne Jazz Festival, Mr Jorgensen told the DV News last November.

But last week Mr Jorgensen told the News that after discussions with musicians and artists he had been persuaded to resurrect the idea of holding a smaller jazz festival at Montsalvat.

Mr Jorgensen said the festival would be renamed the "Improvised Music Festival".

In addition, four new festivals and two established festivals would be held at Montsalvat.

But instead of being on one weekend the festivals would be spread over seven weekends, Mr Jorgensen said.

"It will be very different from previous festivals," he said.

"All the idioms will be represented in some form or another."



Key player: The annual jazz festival may be gone but Montsalvat Trust chairman Sigmund Jorgensen has bigger plans in mind.

The season of festivals will include:

- The Montsalvat Festival of Improvised Music in October 1997;
- The Montsalvat National Poetry and Song Festival in December 1997;
- The Montsalvat Community Music Festival in December 1997 (new);
- The Montsalvat Creative Music Festival in December 1998 (new);
- The Montsalvat Chamber Music Festival in April 1998;
- Celebrate the Environment at Montsalvat (new); and
- The Montsalvat Festival of Early Music (new).

Mr Jorgensen said Montsalvat could not handle large visitor numbers because of its lack of car parking. "I am segmenting

the audience," he said. "People with specific interests can come to specific festivals."

Mr Jorgensen said it would be counter-productive to attempt to compete with the Marvellous Melbourne Jazz Festival.

He said having Montsalvat's improvised music festival in October rather than January would hopefully prevent the two festivals "poaching" each other's audiences.

"What I am trying to do is sell the whole thing as a package to sponsors so they are still getting the same numbers they had in the past," he said.

Mr Jorgensen said even if no one was willing to sponsor the season of festivals, elements of it would still go ahead.

"There are a lot of artists and musicians out there who are keen to see it happen," he said.

"We have always felt the need to change the direction and emphasises in the festival and we have done that over the years.

"If it didn't change it would become dull."

Mr Jorgensen said the new festivals would give Montsalvat a wider range of music and art and also overcome car parking problems.

"We have always had little festivals, but it is new to put them into a kind of season," he said.

Mr Jorgensen said he hoped the new festivals would not only entertain people but also would confront and challenge them.



No to demolition: the Eltham Gateway Action Group held a protest at the former Eltham Shire office in July, 1996.

Shire office shemozzle

FORMER Eltham shire office site timeline:
June 1995: Nillumbik Council commissioners put former Eltham shire office site in Main Rd, Eltham, on the market.
December 1995: Due to lack of interest property put out to tender.
January 1996: Site valued at \$1.45 million by HTW Valuers.
February 1996: Environmental building audit discovers asbestos in various parts of building.
June 26, 1996: Nillumbik Council announces sale of property to Dallas Price Homes Pty Ltd for \$1.1 million. Property developer Dallas Howgate announces plans for a 24-hour service station/convenience store, fast food outlet and video shop.
July 19, 1996: Nillumbik Council issues demolition permit for former Eltham shire offices.
July 23, 1996: Newly formed Eltham Gateway Action Group (EGAG) stages protest at the former Eltham shire offices site against the demolition and proposed development.
August 4, 1996: More than 400

attend EGAG public protest meeting at Montsalvat.
September 2, 1996: Dallas Price Homes Pty Ltd applies to Nillumbik Council for two permits to build a petrol station, shop and community facility with on-site parking.
September 14, 1996: Second EGAG public protest meeting. About 300 people attend.
Late September, 1996: Planning and Local Government minister Rob Maclellan orders an independent investigation into the valuation and sale of shire offices.
October 9, 1996: The commissioners use reserve powers to prevent a special planning committee voting and grants two permits to Dallas Price Homes.
October 30, 1996: EGAG and Eltham residents Thelma Barkway and Francis Burgoyne lodge appeals against the council's decision with Administrative Appeals Tribunal (AAT).
November 26, 1996: Minister Maclellan calls in the appeals and directs the AAT to refer the appeal to the Governor in Council because the matter raised a "major policy issue".

December 17, 1996: Objectors, developers and the council invited to make written submissions for the minister's consideration before a recommendation to the Governor in Council.
February 28, 1997: Independent advisory committee, comprising Dimity Reed and Margaret Pitt, appointed by the minister to consider submissions.
March 26, 1997: Newly elected Nillumbik Council votes 3-2 to fight commissioners' decision to grant a permit for the proposed development. Developer Dallas Howgate indicates he may take legal action against the council.
April 1, 1997: Independent advisory committee hearing begins.
April 16, 1997: Nillumbik Council announces decision to defer six capital works programs to fund a potential budget shortfall of \$1.1 million if the sale of the former Eltham shire office site is stopped.
April 21 and 22, 1997: The last two days of the independent advisory committee hearing are held.

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LAW SUIT THREAT

by FIONA KAEGLI and LAETA ANTONYSEN

NILLUMBIK Council could be sued for up to \$10 million for breach of contract by a developer, Dallas Price Homes.

A State Government appointed panel has now rejected the controversial 24-hour Shell petrol station and Hungry Jack's development planned for the former Eltham Shire office site in Main Road.

Dallas Price Homes, could sue the shire for breach of contract, if the panel's recommendations are upheld by Planning and Local Government Minister Rob Maclellan.

Shire president Robert Marshall and councillors Marg Jennings and John Graves, who voted to oppose the new development, also face hefty personal damages claims.

A permit for the multi-million dollar development was granted by the former Nillumbik commissioners last October, following the demolition of the shire offices. Mr Maclellan appointed an independent

advisory committee last November to consider the development proposal after a number of residents appealed to the Administrative Appeals Tribunal.

The battle intensified in March when councillors Marshall, Jennings and Graves voted to mount a legal case against the commissioners' decision to grant the permit.

Nillumbik Council chief executive officer Barry Rochford said the council received a letter from solicitors Arnold Bloch Leibler on behalf of Dallas Price Homes earlier this year, stating the council was in breach of contract and the developer "reserved their right to sue individually, jointly and severally".

The State Government-appointed panel last week found the proposed development to be "totally inappropriate" for the Main Rd site.

It recommended the minister refuse a permit for the proposed convenience centre, comprising a 24-hour petrol station, convenience store, cafe/take-away food premises, a retail facility and a community facility. The panel's report said the shop and petrol

station were "unacceptable uses" within the Eltham Town Centre - Retail and Office Zone.

It recommended the land be rezoned for public purposes and remain in the community's ownership for community use.

However, developer Dallas Howgate said Mr Maclellan still had to decide whether he would accept the recommendations of the panel and said Mr Maclellan had been known to overturn panel recommendations in the past.

"It has got to the stage where the umpire has control of the project, the umpire being Maclellan," he said.

"We are happy to abide by his decision."

"We believe the minister will take appropriate steps to make sure the best outcome happens."

Mr Howgate indicated legal action was still a possibility.

Shire president Robert Marshall said he hoped the minister would approve the panel's recommendations.

"The panel has recognised this site is one of the most important sites in the township of Eltham," he said.

"It (the recommendation) is fantastic because it recognises the qualities we believe make Eltham attractive.

"The panel has also recommended the site be rezoned to public purposes which I strongly support."

Cr Marshall said the developer should "respect the umpire's decision" and not "vindictively flog a dead horse" by suing the council.

"I think it is an outrage that a developer would threaten to sue councillors individually for merely doing their job by representing the views of the community," he said.

A spokeswoman for the Department of Infrastructure said the Minister would now consider the panel's recommendations and make a finding "in due course".

9/7/97

Report rejects store plan

"OFFENSIVE", "inappropriate" and "awful" were just some of the words an independent advisory panel used to describe a proposal for a 24-hour service station and convenience store in Main Rd, Eltham.

In a report to Planning and Local Government Minister Rob Maclellan last week the panel members, Dimity Reed and Margaret Pitt, advised the minister to refuse a permit for the development.

The proposed development by Dallas Price Homes includes a

Shell petrol station with undercover fuelling facilities, convenience shopping, a Hungry Jack's fast food store with drive-through service, an 80-seat cafe, automated banking, a children's play area, retail space and a community facility, with car parking over two levels for 83 cars.

The panel recommended the permit be refused and the former Eltham Shire office site be rezoned for public purposes to enable future community use.

The site is currently zoned El-

tham Town Centre — Retail and Office Zone.

In its report, the panel said it was "reasonable to surmise" that, at the time the zone boundaries were drawn, the (former Eltham) council would have incorporated the site into the Gateway Zone, if the sale of the site had been envisaged.

"It is clear that this land is of enormous symbolic and cultural importance to the Eltham community," the panel said.

"A superficial interpretation of the term 'Retail and Office Zone'

might lead to the belief that the intended use of this land should be commercial, (but) the committee's view is that the underlying intent of the zone is not commercial but community based."

The panel also said in its report that a development of the type and scale proposed was "totally inappropriate" and "would undermine forever the view the community has of its history" and "demean" the Eltham township.

The panel also found the proposed design of the development was verging on "awful".

Residents with panel

ELTHAM residents have welcomed an independent advisory panel's report which recommends a 24-hour Shell petrol station/convenience store and Hungry Jacks restaurant planned for the former Eltham Shire office site be refused.

Residents have been fighting the controversial development for about a year.

The permit for the development was approved by the former commissioners of the council last October, and residents lodged appeals at the Administrative Appeals Tribunal (AAT) shortly after that.

In November the matter was called in by Planning and Local Government Minister Rob Maclellan, and in March this year the newly elected council voted to fight the commissioners' decision to grant the permits.

During that time, residents continued their battle to prevent the proposed development from going ahead.

Jenni Mitchell, president of the Eltham Gateway Action Group (EGAG) which has been instrumental in fighting to stop the development, was rapt at the panel's findings.

Ms Mitchell said the findings showed how "the strength and tenacity of a group of people working tirelessly sometimes pays off".

"This proves that determination can win through," she said.

Montsalvat Trust chairman Sigmund Jorgensen, also an EGAG member, and Cr Margaret Jennings, a former EGAG member, also expressed their happiness at the report's recommendations.

Former Eltham councillor Jim

Connor, who represented Eltham resident Thelma Barkway at the panel hearings, also praised the panel's report.

Mrs Barkway, the president of the Eltham Senior Citizens, was one of two Eltham residents (excluding EGAG) to lodge an appeal at the AAT against the commissioners' decision to grant the permit.

"I believe the panel's report strongly supports the position taken by Mrs Barkway and acknowledges the adverse impact it would have on the adjoining senior citizens building," Mr Connor said.

Eltham MP Wayne Phillips admitted he was surprised at the panel's recommendations.

Mr Phillips said a commercial development such as the one proposed would bring jobs and income to the area.



Input on new planning scheme

Councillors meet Shell developer

by LAETA ANTONYSEN

NILLUMBIK residents can find out how the proposed new Nillumbik planning scheme will affect their properties at a series of ward information days.

Planning controls in Nillumbik Shire will be brought into line with the rest of Victoria over the next year as part of State Government reforms (*DV News*, July 9).

Nillumbik Council adopted the proposed new scheme in June, based on the government's Victorian Planning Provisions.

Ratepayers have two months to make submissions on the new planning format which affects all properties in the shire.

Council officers and councillors will attend the ward information days at:

■ Arthurs Creek — from 2-9pm, Thursday, August 28, at the Arthurs Creek Hall, Arthurs Creek Rd, Arthurs Creek;

■ Diamond — from 2-9pm, Tuesday, September 2, at the Diamond Creek Community Centre, Main Rd, Diamond Creek;

■ Mt Pleasant — from 2-9pm, Monday, August 18, at the Eltham Community and Reception, corner of Pitt St and Main Rd, Eltham;

■ Sugarloaf — from 2-9pm, tomorrow (Thursday) at the Pantom Hill Living and Learning Centre, Bishops Rd, Pantom Hill; and

■ Wattle — from 2-9pm, Monday, August 11, at the Eltham Community and Reception Centre, corner of Pitt St and Main Rd, Eltham.

NILLUMBIK Council and a consultant for the proposed 24-hour Shell service station/convenience centre and Hungry Jacks restaurant in Eltham met for the first time last week to discuss the controversial project whose future is now in the hands of Planning Minister Rob Maclellan.

The meeting between the five Nillumbik councillors and Contour Consultants' Andrew Biacsi on behalf of the Main Rd site developer Dallas Price Homes, was organised at the minister's suggestion.

Nillumbik shire president Robert Marshall said it was the first time the elected council had sat down and had "face-to-face" negotiations with the developer and the discussions had proven "very amicable".

"The developer and the council put a lot of issues on the table for discussion," Cr Marshall said.

"Both sides made it clear that we're quite prepared to discuss all matters surrounding the development."

Cr Marshall said the council and developer were due to meet again today (Wednesday) to discuss the issue further.

"I am sure both the developer and the council will make independent reports to the minister of the outcome of the talks."

Mr Biacsi declined to comment on the meeting.

A permit for the multi-million-dollar development was granted by the former Nillumbik commissioners last October, following the demolition of the shire offices and

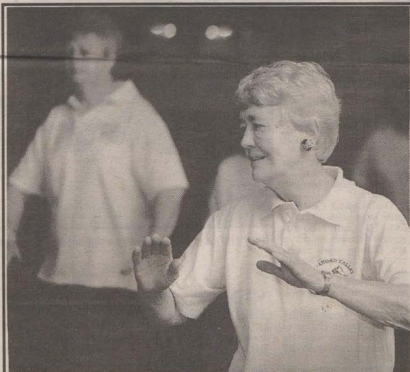
conditional sale to Dallas Howgate.

Mr Maclellan appointed an independent advisory committee last November to consider the development proposal after residents appealed to the Administrative Appeals Tribunal.

In March the newly-appointed shire president Robert Marshall and councillors Marg Jennings and John Graves voted to mount a legal case to overturn the commissioners' decision to grant the permit.

This led to threats by the developers to sue the council.

Earlier this month, the advisory committee recommended Mr Maclellan refuse to grant a permit for the development (*DV News*, July 9), but Mr Maclellan had not announced his decision when *DV News* went to press.



Fit 50s: Lorna McQuarley takes part in exercises organised by the Diamond Valley 50s Plus Club.

Eltham District Historical Society (elthamhistory.org.au)

50-plus and loving it

THE Diamond Valley 50s plus club turned 16 last week.

About 130 people attended the club's birthday celebrations on July 21.

Club president Alan Pearce said the club provided friendship and companionship to people in the 50-plus age group.

The club has regular weekly activities including line dancing, bowls, table tennis, badminton, thai chi, keep fit exercises, ballroom dancing classes and cards.

It also organised day trips and interstate trips, Mr Pearce said.

The club has a membership of 350. Inquiries: Mr Pearce on 9467 3378.

Headline extended to allow more talks

by FIONA KAEGI

THE future of the former Eltham shire office site might not be known until the end of October following Nillumbik Council's decision last week to extend its contract with the developer.

The council also voted to spend \$5000 to employ architect Greg Burgess, who designed the award-winning Eltham library, to prepare a "sketch concept" for possible uses for the land in Main Rd, Eltham. Plans to build a 24-hour Shell petrol station and Hungry Jacks on the site have been surrounded in controversy since October when the former commissioners granted approval for the multi-million-dollar development following demolition of the shire offices.

Planning Minister Rob Maclellan appointed an independent advisory committee last November to consider the development proposal after a number of residents appealed to the Administrative Appeals Tribunal.

The battle intensified in March when then newly elected councillors Robert Marshall, Margaret Jennings and John Graves voted to mount a legal case to overturn the commissioners' decision to grant the permit.

Last month the advisory committee released a report which rejected the current plans for the site, but the council, community and developers are still awaiting the minister's final decision.

Under the original arrangement the contract could have been declared invalid had the permit not been granted by August 30, but the date has now been extended to October 30.

Speaking after the council meeting, Cr Jennings said the council had met with the minister and he had suggested the councillors talk with Shell.

Extending the contract gave both parties more time to try to resolve the situation, she said.

Cr Jennings said the minister had also asked the councillors whether they had considered what they wanted on the site.

She said the council had not decided what it wanted the site used for, but some of the ideas generated by the community included an art gallery, an Internet cafe and other youth- or employment-oriented ideas.

Employing Greg Burgess to prepare a concept sketch would show the minister the council was think-

ing about alternative uses for the land, she said.

However, Cr Lex de Man and Cr Natalie Woodley opposed spending \$5000 on a concept sketch.

Cr de Man said the council had already spent a lot of money on its battle against the development, and its budget was tight.

"I don't know where we will get \$5000 from," he said.

Cr Woodley said the council should submit its ideas to the minister "verbally" rather than spend another \$5000.

Contour Consultants' Andrew Biacci, acting on behalf of developer Dallas Price Homes, said the developers had requested the contract be extended and were pleased the council had granted their wish.

"Now we can continue discussions (with the council) without the pressure of a looming deadline," he said.

Eltham Gateway Action Group president Jenni Mitchell said she was "surprised and somewhat disappointed" at the council's decision to extend the contract.

A spokeswoman from the Department of Infrastructure said the minister was still considering the issue and was "exploring all options".

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Curves to stay in link road

NILLUMBİK Council's realignment plans for Diamond Creek's notorious "windy mile" will ensure the road retains some curves, shire president Robert Marshall said last week.

Cr Marshall said the "windy mile" section of Diamond Creek Rd provided the transition from Greensborough to Diamond Creek and it was important the character of the road be retained after its upgrade.

"While we want the road to be safe, we don't want it to be a straight alleyway — we want to put curves back into it," he said.

The council recently received \$1 million from VicRoads to realign the dangerous 1.8km stretch of Diamond Creek Rd, after seeking funds for many years.

The works will improve the safety of Diamond Creek Rd between Larch Cres. and Sutherland Rd.

The "windy mile" was last year declared the shire's worst accident blackspot, with more than 20 accidents, including one fatality, reported since 1990. The winding road took more than 15,000 vehicles a day.

Nillumbik Council construction co-ordinator Steven White said the proposed road would retain "sweeping curves" along most sections of its length. "We are aware of the scenic importance of the

windy mile section of the road and we have drafted our plans accordingly," he said.

"The roadway will be a single carriageway with one lane in each direction. Provision has been made in the design for a second carriageway in the future."

Roadworks are expected to begin in January and take about three months to complete.

Plans will be displayed in October for comment.

— FIONA KAEGI

NOTICE OF COUNCIL MEETINGS

Meetings are open to the public and are normally followed by

Shire tightens grants scheme

by LAETA ANTONYSEN

A SURGE in the number of people requesting sporting grants from Nillumbik Council has forced the shire to tighten the policy for its sport and recreation achievements grants scheme.

Under the new policy, the maximum any one person can obtain is a \$200 grant and teams will be restricted to \$400 in a bid to spread the funds over a wider range of sports people.

Cultural and community services group manager Garry King said the council's sporting grants were available to individual sports people living in Nillumbik who were chosen to represent their country, state or region at interstate or overseas competitions.

He said the grants recognised the work Nillumbik athletes were putting into their sport and helped them to achieve higher standards.

The sum of \$4000 had been made available in the 1997/98 budget for the grants scheme, \$1000 less than last year's budget allocation, he said.

But Mr King said the reduced funds were due to a "necessary" tightening,

rather than a lack of support from the council towards the sporting community.

"When formulating the budget this year less funds were allocated to what is called 'non-recovered' items," he said.

As a result, a number of leisure services had taken a "little bit of a reduction".

Mr King said last year's budget allocation of \$5000 was fully spent, although it did last year.

"Due to the popularity of these grants, the council thought it would be a good idea, for equity purposes, to clarify the sporting grants policy, particularly when it comes to teams," he said.

"In the past, if we had a football team of 20 people apply for a grant it could have wiped out the grants in one hit.

"Now it will be a little bit fairer."

New regulations also stipulate the grants can be made available only to sports people recognised by the regional, state or national bodies, and previous funding must be taken into account when assessing the allocation of any grant.

Professional sports people are ineligible for the grants.



Smoke gets in your eyes: Richard Hurrey and James Pyle cook damper at the country theme day at Arthurs Creek Primary School. Picture: LAWRENCE PINDER.

Theme for friends

HOW do pupils from a country school of 50 pupils get to meet up with their peers from a city school of 400 pupils?

Arthurs Creek Primary School principal Carol Cardile said pupils from the small rural school had developed a sister school relationship with Preston Primary School through the Internet and letter-writing.

For the first face-to-face meeting of the sister schools, Ms Cardile said the Arthurs Creek school had organised a country theme day last week.

Grade six pupils from Preston were treated to a spinning demonstration and a presentation of animals including a horse, cockatoo and sheep.

On the menu for the day was damper and the offerings of a traditional Aussie barbecue.

Ms Cardile said Arthurs Creek pupils would get the chance to see how a city school operated when Preston Primary reciprocated the visit later this term.

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\$10m option for shire office site

by LAETA ANTONYSEN

A NEW community centre with a focus on arts, crafts and the youth has been flagged by Nillumbik Council as an option for the former Eltham Shire office site in Main Rd.

Shire president Robert Marshall last week said the centre, which would cost an estimated \$10 million, would house three cinemas, an art gallery, a restaurant, a wine bar, studios, offices and retail shops, and would be set in terraced gardens.

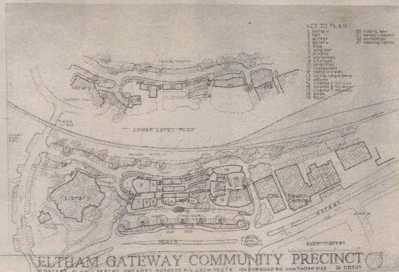
Cr Marshall said the centre was designed by award-winning Eltham Library architect, Greg Burgess, and it would be complementary to the area's "natural surroundings", including the neighboring library.

A council-owned building to the north of the site, currently housing the Eltham Senior Citizens Club and Foodshare, would be demolished to make way for the joint community-commercial venture.

The senior citizens would be relocated to the new centre and a war memorial in the area would be incorporated into the grounds of the new proposal, he said.

Plans to build a 24-hour Shell petrol station and Hungry Jacks on the site have been surrounded by controversy since October.

The former commissioners approved the



New plans: An alternative proposal for the former Eltham Shire office site.

multi-million dollar development following demolition of the shire offices.

Residents appealed to the Administrative Appeals Tribunal over the proposal and Planning Minister Rob Maclellan appointed an independent advisory committee last November to arbitrate.

The battle intensified in March when newly elected councillors Robert Marshall, Margaret Jennings and John Graves voted to mount a legal case to overturn the commissioners' decision.

The advisory panel recommended rejecting the current plans for the site in

July, but Mr Maclellan has until the end of October to make a final decision.

Nillumbik Council employed Mr Burgess to prepare the "sketch concept" for an alternative use of the site.

Cr Marshall said the urgent need for concept plans meant only limited community consultation had been possible.

He said the new design was only a "very good starting point" and would be submitted to Mr Maclellan, with reports on ongoing negotiations with the sites' current developer, Dallas Price Homes.

Contour Consultants' Andrew Bacsic, acting on

behalf of developer Dallas Price Homes, said he had not yet been invited to see the new proposal but was "very interested".

Cr Marshall said work on the development would begin if the minister upheld the panel's decision. However, the project would not proceed if the council was required to fund it completely.

"We don't have that sort of money and we could not justify spending that much in one area of the shire," Cr Marshall said.

Instead, the council would seek government funding and interest from private enterprise.

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New plan for shire office site

by LAETA ANTONYSEN

NILLUMBIK Council's alternative proposal for the development of the former Eltham Shire office site in Main Rd has received a mixed response from residents and community groups.

The Eltham Gateway Action Group (EGAG) has backed the council's \$10 million proposal for a community centre with a focus on arts and the youth, including cinemas, art galleries and workshops, a wine bar, offices and retail shops (*DV News*, Sept. 10).

The Greg Burgess-designed centre, which would be built in several stages, would incorporate adjoining land currently housing the Eltham Senior Citizens Club and the war memorial hall and the Eltham Pre-School.

The new proposal, which is

still at a basic concept stage, is instead of the Shells/Hungry Jack's convenience centre originally proposed for the old shire office site.

The future of the site is in the hands of Planning Minister Robert Maclellan who will decide in coming weeks whether to uphold a panel recommendation to refuse the permit which was granted by the former Nillumbik Council commissioners last year.

EGAG president Jenni Mitchell said she realised the council's proposal for the site was still in concept form but thought the long term vision was “brilliant”.

But Montsalvat Trust chairman and EGAG vice president, Sigmund Jorgensen, said he could not support the use of the old war memorial site.

“I think the concept is a terrific idea but I am very concerned it appears to run over on to the area

between the CFA and the former shire office site,” Mr Jorgensen said.

“That land contains the old war memorial building and although I don't find it to my personal taste, it is still part of the history and heritage of Eltham and I don't think it is proper for it to be demolished.”

Eltham Historical Society president Harry Gilham said it was up to the community to decide what sort of buildings should exist on the war memorial site and he hoped it would be retained as a memorial site for community use.

Jim Connor, who represented Eltham Senior Citizens president Thelma Barkway during the AAT panel hearing, said it was important that the needs of the existing users of the site, including the senior citizens, were catered for in accessible premises.

Eltham Pre-school president Karen Nelsen said the pre-school would continue to operate and it would have to be incorporated into the new proposal along with the senior citizens and other users.

But Nillumbik shire president Robert Marshall said the design was only a basic concept “to show the minister there (was) a more appropriate use of the site than a Hungry Jack's/Shell development” and people should not be too concerned about the details yet.

Cr Marshall said any existing users of the site, including the Eltham Pre-school, “would have to be incorporated into any new buildings” if the proposal were to proceed.

The council is due to meet with Mr Maclellan tomorrow to submit their alternative proposal.

Council refuses to do trade with developer

DALLAS Price Homes, the company behind the proposed Hungry Jack's-Shell service station development in Main Rd, Eltham, offered Nillumbik Council a trade-off.

Managing director Dallas Howgate told the *DV News* last week his company had offered to buy an existing Shell service station site in Mt Pleasant Rd, Eltham, from Shell and turn it into a community use site incorporating an art gallery and associated shops.

“We would lease the site to the shire and they could run it as they please — it would be their Eltham

Gateway gallery,” Mr Howgate said.

Mr Howgate said the offer was not the first compromise his company had made to the council.

“The minister instructed us to compromise and that is what we are trying to do,” he said.

Mr Howgate said Dallas Price Homes had also offered to close the existing Shell service station in Mt Pleasant Rd and sell the land to the council.

“Then the council would have had a large piece of land freed up in the middle of the Eltham Gateway for their own use to do with as they pleased.”

Mr Howgate said the offer had been rejected by the council.

Instead, the council asked Dallas Price Homes to relocate their proposed development to the existing Shell service station site in Bridge St.

“Had Bridge St carried the same traffic flow as Main Rd, been in the correct zoning, been the correct size and in a better position it may have been a good idea,” Mr Howgate said.

“Their counter-proposal did not meet our needs. I guess we will have to wait and see what the reaction is to the latest proposal.”

Nillumbik Council shire presi-

dent Robert Marshall said the council would be happy to meet with the developer to discuss the proposal.

However, Cr Marshall said he believed the latest proposal “still missed the point of the inappropriateness of the Hungry Jack's development”.

“I'd like to invite the developer to make a positive contribution to the community by joining in a financial partnership with the council to build the facility proposed by the council for the former Eltham shire office site.”

— LAETA ANTONYSEN

Mixed reaction to kangaroo culling

by LAETA ANTONYSEN

RECENT kangaroo culling in St Andrews has concerned neighbors and Nillumbik Council who are questioning whether or not more culling should go ahead.

The Department of Natural Resources and Environment's (DNRE) flora, fauna and fisheries co-ordinator, Mark Winfield, said two wildlife destruction permits had been granted to cull 40 kangaroos on one property and 20 kangaroos on another in St Andrews.

Mr Winfield said both properties were close to the King Lake National Park.

The three-month permits were based on the sighting of more than 200 kangaroos in those areas, he said.

But many residents, who were not direct neighbors, have expressed anger at not receiving prior notification of the cullings.

Neighboring property owner, Rae Bateman, said she was horrified to hear gun shots about 9.30pm on Tuesday, August 26.

Ms Bateman said she had been quite frightened and had rung the police to notify them.

"It was not until the next day while I was out walking that I noticed dead kangaroos on a neighboring property," Ms Bateman said.

Ms Bateman said she was also upset that the animals were shot so close to a national park.

She said the cullings were unnecessary

and that kangaroos were not a problem in the area.

But St Andrews winegrower, Neil Roberts, who has a permit to cull 20 kangaroos on his property, said it was the first time he had culled kangaroos.

Mr Roberts said his direct neighbors and the police had been notified of the cull in accordance with the permit.

The kangaroo culling had been necessary in order to stop "further commercial damage", he said.

"We've been growing wine grapes commercially for 17 years and we have never engaged in kangaroo culling in that period," Mr Roberts said.

"I'm sympathetic to the conservation element. We do this with the greatest of regret and the greatest element of care."

At last week's council meeting, Cr John Graves moved the motion that the council was "concerned" at the culling of kangaroos in Nillumbik Shire.

Cr Graves said the council should be advised of the DNRE's policy on the issuing of permits and that the council and all neighboring properties should be advised when any permits were issued.

But Cr Jennings, who voted against the motion, said Cr Grave's motion was "not strong enough".

"I'm appalled at the fact that we're just 'concerned' to the culling of kangaroos," Cr Jennings said.

"We've set ourselves up as a conservation force. We're not just concerned; it's an absolute disgrace."

Traders voice their concerns

ABOUT 40 retailers attended a public forum in Ivanhoe to discuss the issues facing small businesses last week.

The forum was organised by Jagajaga MP Jenny Macklin and attended by trader representatives from Greensborough Plaza, Northland, Warrinall, West Hei-

respond to the fair trading inquiry recommendations at the next sitting of Parliament later this month.

These recommendations included drafting a national retail tenancy code and amending the Trade Practices Act to prohibit unfair conduct

HEALTHY Lifestyle

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SKIN and ACNE TREATMENT - SPOT ON

Are you one of the many people who has unsuccessfully tried every cream, pill, potion and soap to get rid of acne and skin eruptions?

If so you will be glad to hear that health stores around Australia have been successfully combating teenagers' skin problems with a remarkable skin treatment, produced by Martin & Pleasance, the homoeopathic company which has specialised in natural medicines since 1855.

"It is really making a difference to peoples' skin and their lives," says Jane Carroll, manager. "We have had many positive reports Australia wide. My sons both

could be given without ill effect their greatest benefit is when taken individually as often as necessary. They also drink plenty of water, wash their face in clear glycerin soap and use Martin & Pleasance Tea Tree Herbal Cream on the spots. Tea Tree herbal cream acts as an antiseptic and removes bacteria lodged in pores."

The results have been outstanding, not only for acne, but other skin complaints in both humans and animals. From dogs cannibalizing themselves with eczema, Combination D cleared the skin within 10 days. One lady in Blackburn reported that for the first time in twenty years

□ BRIEFS

Aged care

A NEW \$4 million aged care hostel in Bundoora will hold open days on October 26 and 27 before it is officially opened in November.

Villa Maria, situated on the existing Villa Madonna campus, will comprise 51 beds in four separate villa-style houses providing independent living for older people.

Inquiries: Manager Christine Delany on 9467 8011.

Child health

BANYULE Council will launch its new maternal and child health initiatives this Thursday.

Gateway plan review

by LAETA ANTONYSEN

THE State Government has appointed a second advisory committee to consider the future of the former Eltham Shire office site in Main Rd.

The one-man panel, consisting of Paul Jerome, was given one week to "consider the merits" of the Nillumbik Council-sponsored Eltham Gateway Community Precinct Concept Plan. Mr Jerome was due to report back to Planning Minister, Rob Maclellan, by 4pm yesterday (Tuesday).

In September the council presented concept plans for a new community centre with a focus on arts, crafts and the

youth to Mr Maclellan as an alternative use of the site.

Plans to build a 24-hour Shell petrol station and Hungry Jack's on the site have caused controversy since October last year when the former commissioners approved the multi-million-dollar development.

Mr Maclellan appointed the first independent advisory committee last November to consider the original development proposal after several residents appealed to the Administrative Appeals Tribunal.

The battle intensified in March when the newly elected shire president Robert Marshall and councillors Margaret Jen-

nings and John Graves voted to mount a legal case to overturn the commissioners' decision.

The first panel recommended the original proposal be refused because parts of the development were "unacceptable uses" of the land.

Instead, it recommended the land be rezoned for public purpose and remain in the community's ownership.

The second advisory committee's terms of reference were to "compare and contrast planning merits of both proposals with particular regard for net community benefit".

The advisory committee was told it

should inform itself "in any way it sees fit", but "consult" with the council.

Proposed community centre developer, Dallas Price Homes managing director Dallas Howgate, said he was pleased the minister had appointed a second panel because "it shows there is obviously some doubt in people's minds" as to the first panel's decision.

Eltham Gateway Action Group president, Jenni Mitchell, said she was "disgusted" that the advisory committee could pick and choose who it wanted to speak to.

An extended contract between the council and Dallas Price Homes is due to expire next week.

Top planner calls for rethink on office site

by JODIE GUEST

A PROMINENT Nillumbik resident has spoken out against the proposed development on the former Eltham Shire offices site.

Architect and town planner John Pizzezy, who is also a Banyule Council commissioner, last week hit out at the approval of a petrol station, fast food restaurant and convenience store on the Main Rd site.

The development was approved amid controversy on October 9 after the council's special planning committee, which includes three community members, was prevented from voting on the proposal. It was later approved by commissioners alone (*DV News*, October 16).

Mr Pizzezy stressed that he was speaking as an Eltham resident of 30 years, rather than as a commissioner in a neigh-



John Pizzezy: "Think again."

boring municipality. He also emphasised that he was not apportioning blame over the matter, but wanted a better outcome for Eltham than the present proposal.

He called on Nillumbik Council and the site developer to "take a step back and enter into real consultation with the community".

Mr Pizzezy said there was still great opportunity

to formulate alternative plans for the site of the former shire offices.

"I think we can do better," he said. "The shopping centre has struggled for years. The context of the building will do little, if anything, to give a sense of entry to the Eltham shopping centre. Petrol stations come and go. They're not absolutely essential."

Mr Pizzezy said that while the Eltham shopping centre had "not reflected the aspirations of many people" with low amenity and visual pollution, the proposed plans would be additionally detrimental.

"The proposal is less than satisfactory in a number of ways," he said.

"The vision of Alistair Knox and others will be substantially reduced if this development goes ahead."

He said the vista looking north from Bridge St was at present nothing

but park. The proposed development would "do nothing but interrupt the view, predominate the park and overshadow the library and Shillinglaw Cottage".

Mr Pizzezy said he was not opposed to development on the site but believed a more sensitive plan was needed.

"I'll get a kick in the behind for saying this, but if the applicant and the council take a step back, slow the procedure down and enter into real consultation with the community, they'll turn the passion of the people opposing the development into a more positive outcome for Eltham."

He said a development with "more landscaping, a timber or brick approach... a gentler facility" would be more suitable for the site.

Mr Pizzezy said he felt compelled to speak out because Eltham deserved better.



In limbo: Opposition leader John Brumby and Nillumbik shire president Robert Marshall at the Eltham Gateway site. Picture: JO PATTERSON.

Opposition offers help on planning

by JAMIE DUNCAN

THE State Opposition has pledged to assist communities to fight contentious planning decisions under an initiative launched at the Eltham Gateway site last week.

Opposition leader John Brumby told the *News* the Shell/Hungry Jack's development proposed for the Eltham Gateway was one of the prime reasons for setting up the new plan.

"Your living environment here is so important... we don't want people to think that Eltham is unsympathetic and insensitive when it comes to development," Mr Brumby said.

"We don't want people to think Eltham is built around a Hungry Jack's fast food outlet and petrol station."

"Despite two panel reports which clearly suggest that a Shell service

station and Hungry Jack's development is an inappropriate use of the site, the Minister has still not made a decision on the issue.

"It's time Mr Maclellan listened to the local council and residents and moved to end the uncertainty surrounding this project."

Under the new initiative, opposition backbenchers with experience in planning or local government will form a committee to liaise with residents, councils and interest groups to investigate controversial planning matters across the state.

The appropriateness of dual occupancy and medium density housing, high rise developments, heritage issues and "interference" in planning disputes by Planning and Local Government minister Rob Maclellan will be examined.

Mr Brumby said the rise of dual

occupancy and medium density housing in areas such as Nillumbik Shire had affected the character of some suburbs.

"The Government has got the balance wrong here. This week I've heard the issue (of dual occupancy or medium density housing) brought up again and again — planning was discussed in the council today and planning comes to the fore time and time again," he said.

"Nillumbik is at the cutting edge of this debate because this is where we see most graphically quality of life will be affected. The Shire of Nillumbik is much different to other councils because of its quality of life and its position in the green wedge."

The opposition leader also accused Mr Maclellan of setting himself up as judge, jury and appeal court in many controversial planning decisions.

"Mr Maclellan has made an art form of meddling in local planning issues by personally calling in nearly 100 planning decisions," he said.

But a spokesman for Mr Maclellan said the Minister had intervened in 100 of the 8000 major planning decisions made across Victoria in the last five years. "That's a very small percentage," he said.

The spokesman said the opposition planning policy required Mr Brumby, planning spokesman Demetri Dollis and three backbenchers to tackle the portfolio handled solely by Mr Maclellan in government.

He said Labor should become more fully aware of the processes and procedures of planning issues rather than making a few quick comments which added nothing to the debate.

● For more stories on the shadow cabinet visit, see Page 23.

**ELTHAM DISTRICT
HISTORICAL SOCIETY
INCORPORATED**

P O Box 137 ELTHAM VIC 3095

15 November 1997

Mr B Rochford
Chief Executive Officer
Nillumbik Shire Council
P O Box 476
GREENSBOROUGH VIC 3088

Dear Mr Rochford

re Former Eltham Shire Office Site
 895 Main Road Eltham

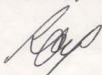
We have noted that the contract of sale of this site has been rescinded and that the future of the site appears now to be in the hands of the Council. We are concerned for the health of the three cypress trees on the site known as the "Shillinglaw Trees". We request that the Council take action to maintain these important trees particularly during the summer months.

We have discussed this matter with arborist Nick Archer of A & R Tree Surgeons. As well as regular watering of the trees, he has suggested the following actions to keep the root zone of the trees cooler:

- Break out asphalt over the eastern part of the root zone
- Build retaining structure round western part of the root zone and fill up to car park level with wood chips or similar mulch material.

We would be grateful if you are able to carry out these works to ensure the survival of the trees pending resolution of the future of the site. If for some reason the Council is unable to do this, we request that you contact us as a matter of urgency. We are willing to discuss the use of volunteer labour arranged by the Society for some of the work involved.

Yours faithfully



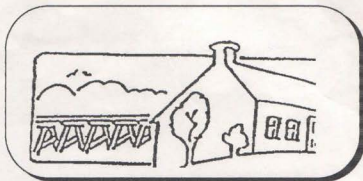
Russell Yeoman
Secretary

Copies

Cr R Marshall, Shire President;

Cr J Graves;

Cr M Jennings



Puzzlement over delay on office site

19/11/97

PLANNING and Local Government Minister Robert Maclellan's silence on the future of the former Eltham Shire office site in Main Rd, has bewildered the Eltham Gateway Action Group (EGAG).

During a ministerial visit to Nillumbik Shire four weeks ago, Mr Maclellan told residents at a

packed public meeting that they could expect a decision on the controversial site "within a fortnight".

Mr Maclellan was referring to the proposal for a 24-hour Shell-Hungry Jack's development on the site that he had "called in".

EGAG vice-president, Sigmund Jorgensen, said he was

in "complete bewilderment" as to why Mr Maclellan had been so reticent on the issue because it had been on his desk for months.

Since Mr Maclellan called in the matter from the Administrative Appeals Tribunal in November last year, he has appointed two independent

advisory committees to consider the proposed multi-million-dollar development.

Both panels have returned recommendations to the minister to refuse the permit.

One panel has also recommended that Mr Maclellan consider a fresh proposal, put forward by Nillumbik Council, for

a community centre with a focus on arts, crafts and youth.

Late last week a spokesman for the minister, Jason Laird, said the matter was still under consideration.

He said he was unable to suggest a date when the decision could be expected.

— LAETA ANTONYSEN

potential effects of a GST on small business, he said.

Plan forum

A MEETING for Wattle ward residents will be held in Eltham tonight to discuss Nillumbik Council's draft Corporate Plan.

The plan outlines the council's priorities over the next three years.

The meeting will start at 7pm at the Eltham Community and Reception Centre in Main Rd.

Developer pulls out

by LAETA ANTONYSEN

THE developer of a controversial 24-hour Shell/Hungry Jacks centre withdrew from a contract of sale with Nillumbik Council last week, ending an 18-month battle by Eltham residents to stop the proposal.

Dallas Price Homes' solicitors notified the council of the decision at 5pm last Wednesday - pre-empting by three hours, the council's decision to announce its withdrawal from the contract.

A contract of sale between Nillumbik Council and Dallas Price Homes expired on November 28 and was not renewed by either side.

The contract had previously been extended twice to allow Planning and Local Government Minister Robert Maclellan more time to make a final decision.

The developer's decision to rescind the contract and revert the Main Rd land to Nillumbik Shire's ownership was announced by shire president Robert Marshall at last week's council meeting.

Cr Marshall said the developer's withdrawal from the \$1.1 million contract would not affect the council's financial operations.

But he warned that the ratepayers would have to pay \$58,000 to the developer for the demolition of the site's former Eltham Shire offices last year.



End in sight: The former Eltham Shire Office site goes back to the Nillumbik Council. Picture: LAWRENCE PINDER.

The council would also have to return to the developer a \$50,000 deposit for the land that had been kept in a trust account since last year.

But property developer Dallas Howgate told the *DV News* the matter was "not over" just because the contract had been rescinded.

Mr Howgate said the minister had never refused the proposed Hungry Jacks/Shell development as a use for that site.

"Technically the minister can't approve it (the development) now because we don't have control of the land, but he has other alternatives," Mr Howgate said. He predicted a

development would occur on the shire office site next year.

Cr Marshall said he hoped the minister would respect the fact that Nillumbik Council, on behalf of the residents, was once again the legal owner of the site.

"Therefore, a development could only occur on the site with the approval of Nillumbik

Shire, unless the minister were to compulsorily acquire the site," Cr Marshall said.

He was also concerned the land "could be taken out of the hands of the council" by the minister for another use such as a police station.

The Minister was not available for comment.

IN BRIEF

Weed hotline

NILLUMBIK Council has set up an information hotline on noxious weeds and how to remove them.

The move was prompted by residents' concerns over the increase of Paterson's Curse in the area.

Contact the hotline on 9433 3318.

New water tanks

THREE new 125,000-litre water tanks have been installed in remote areas of Nillumbik to help firefighters.

Two of the biggest in the shire, have been located at Christmas Hills and one at North Warrendale.

Nillumbik Council's emergency management officer, Norm Golgerth, said the tanks would greatly assist the CFA.

Cross action

THE Inaugural Junior Nillumbik Council meeting was held last week with students from four schools.

The students studied local government, met Cr Jennings and Cr Woodley, were taught council protocols and received a special award.

They debated the Diamond Valley Shopping Centre, cleaning up the Diamond creek and programs at Eltham.

Hillclimb success

THE sixth annual Rob Roy Hillclimb attracted more than 7000 spectators last week, including racing champion Peter Brock.

Race winner Leo Bates recorded the fastest time of the day of 22 seconds in his Lobito.

Auction night

THE ELTHAM Chamber of Commerce raised more than \$1700 for the bone marrow registry at its annual auction of goods last week.

Chamber president Norm Williams said the auction was a regular feature of its annual general meeting.

All goods auctioned on the night were donated by Chamber of Commerce members.

Council uproar over officers

by LAETA ANTONYSEN

THE serious rift that has developed between Nillumbik Shire's councillors and council officers deepened at last week's council meeting when shire president Cr Robert Marshall refused to express "total confidence" in the staff.

The council's chief executive officer, Barry Rochford, said Cr Marshall's refusal to reassure the staff had "done nothing to help matters".

Last week's council meeting was one most councillors would probably prefer to forget as

questioned their level of confidence in the council staff and demanded to know what the councillors had done to reassure staff.

In an attempt to calm the situation, Cr Marshall said the council was "working through the problems" that had "got into the paper".

But Cr Marshall refused to answer further questions as to whether he and the other four councillors had total confidence in the staff, choosing to say only that he thought every councillor had "confidence in the organisation".

Speaking after the meeting,

Mr Rochford said it was "difficult to see where a resolution could lie" after Cr Marshall had refused publicly to support the staff.

Despite Cr Marshall's "slap in the face", Mr Rochford said his focus was "with the troops" and he was glad the issue was out in the open.

"Whilst the leaking of the documents is an absolute act of treachery, the positives of the action are that the matter is now out in the open and there have been hundreds of calls of support for the staff from the community," Mr Rochford said.



CEO Barry Rochford: glad the issue is out in the open.



Shire president Robert Marshall: not confident in staff



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Final victory

JENNI Mitchell resigned as president of the Eltham Gateway Action Group (EGAG) last week after it was announced Dallas Price Homes had pulled out of a contract of sale for the former Eltham Shire office site.

Ms Mitchell said she was "absolutely thrilled" that the Main Rd, Eltham, land had been returned to the ownership of Nillumbik Council. Ms Mitchell said she had helped form EGAG because she was concerned an "inappropriate development", such as the Dallas Price Homes' Shell/Hungry Jacks proposal, would ruin Eltham.

"If other people want to continue the group that is good but now I can breathe a sigh of relief..." she said.

Ms Mitchell said she would be delighted to be part of community consultation on the future of the site if invited.

EGAG vice-president, Sigmund Jorgensen, said he was also happy with the outcome although he would be asking for an inquiry into last year's demolition of the former Eltham shire office.



Resigned: Former EGAG president Jenni Mitchell.

"Despite this wonderful outcome we remember the community has still been deprived of an asset worth about \$1 million," he said.

Jim Connor, speaking for Eltham Senior Citizens president Thelma Barkway who had appealed to the ACT against the proposal said she was

very pleased with the result.

Mr Connor said the challenge now would be to achieve a viable community-based development for the site which would complement the Eltham Gateway and town centre.

— LAETA ANTONYSEN

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range of fabric and timber colours



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\$249

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GREENSBOROUGH'S CES has closed with job placement services contracted to private employment agencies.

The Federal government has scrapped the CES in favor of 'Employment National' which will provide \$16.2 million funding for private agencies over the next five months.

The changes are transitional, with a fully computerised 'Employment National' being introduced on May 1 1998 to compete with private employment agencies.

Greensborough's Skill

Seekers Inc has been contracted for \$48,750 to provide 195 jobs in the area by May 1, 1998.

Skull Seeker's CEO Nicholas West said the CES transition would have little affect on Greensborough's CES clients.

"The Greensborough CES has shut down technically, but the new Centrelink system is still in the same building," he said.

"Private agencies now list job vacancies on Centrelink but clients still access the service for free."

The Federal Minister for Employment, Dr David Kemp, said the first stage of the government's overhaul of employment services would see up to 65,000 unemployed people placed in jobs by 300 private agencies.

But Jaga Jaga MP Jenny Macklin has blamed the closure of the CES for increasing unemployment in the area.

"Abolishing the CES will not create one new job, in fact it will add to the queues," she said.

"Nationally, 3500 jobs will be lost."

— TRACEY REEVE

Job seekers lose local CES office

Readers can send letters to the editor by post or e-mail to editor@leadernews.com.au. All letters must be signed and supplied with a full name, address and phone number for validation purposes. Preference is given to short, typed letters. We reserve the right to edit letters.

the sale of the old Eltham Shire offices, we appear to have won, as Minister Maclellan has allowed the time for the granting of a building permit to lapse.

The community and its elected council are now faced with the problem as to what should now happen with the site and whether some sort of inquiry, judicial or otherwise, should be held to find out why the sale was handled in the way it was.

Why a judicial inquiry? Well it does appear that misleading information was leaked to the press in regard to the sale and the contents of the building. This could well have affected the sale price and the future use of the building by purchasers.

The question must be answered as to why were the old municipal offices demolished before the planning and building permits were finalised.

On the council's own valuations, the building alone was worth around \$1 million, which was of course, lost once the building was demolished.

Also who is responsible for the \$70,000 spent to demolish this asset?

Who is responsible for

this monumental mess, and who ultimately has to bear the costs?

The Kennett Government has made much of a policy that councils and officers will be held responsible for any decisions that they make, and that individual councillors can be sued for dereliction of duty.

If this is the now accepted philosophy, then it is time for those who were responsible for the decisions on the municipal site to come forward to accept the responsibility.

The Nillumbik Council must immediately form an advisory committee to ponder on the above and also on the future development of the site.

Please let us not squander this golden opportunity.

Let us create for the Nillumbik Shire a building that is accepted and available to the community, that is user-friendly, and that makes a strong architectural statement about what Eltham and Nillumbik stand for.

**Sigmund Jorgensen,
Hillcrest Avenue,
Eltham.**

Asset of pride

AFTER two years of struggle and debate over

Shell shocked as Eltham planning protest is upheld

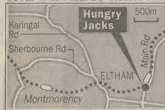
By GABRIELLE COSTA,
local government reporter

Shell Australia's plan for a \$4 million fast-food and petrol outlet in Eltham has been rejected by a State Government-appointed advisory committee.

Ms Jenni Mitchell, president of the Eltham Gateway Action Group, said the committee's report was a victory, and she urged the Government to respect its findings.

The Minister for Planning and Local Government, Mr Rob Maclellan, appointed the com-

THE DEVELOPMENT



mittee. He will now make a recommendation to the Governor-in-Council, the body responsible for the final decision.

Nillumbik's shire president, Mr Robert Marshall, said the panel report "loudly condemned" the Hungry Jacks store and petrol station on the former shire offices site. The buildings were demolished after a permit was granted by commissioners, which Mr Marshall said was an "atrocious" decision.

He said the shire, when elected representatives were returned in March, had overturned permits granted by commissioners. He said the report clearly indicated the values

of the people of Eltham.

In its recommendations, the committee headed by a Melbourne architect, Professor Dimity Reed, said a development of the type and scale proposed was totally inappropriate.

"Eltham holds a special place in the social and artistic history of Melbourne, which must never be lost," she said. The committee's report said this was the strongest argument it heard; it said the land should be set aside for community use.

Ms Mitchell, an artist, said the community had endured a year-

long battle. The action group believes the design of the building would detract from surrounding facilities such as an award-winning mudbrick library, next door in Main Road.

She said people came to Eltham, a cultural centre on Melbourne's north-eastern outskirts, to experience something different. "It is out of context with the Eltham ethos. One of the main things is, when people drive into Eltham what are they going to see? Whatever they just left."

She said the group did not

object to fast-food stores and large developments per se — she said this one would measure 800 square metres — but felt one on that site would undermine the town's appeal.

A spokeswoman for Shell Australia said yesterday the company was disappointed by the panel's recommendation and would await the verdict of the Government. The developers can pull out of the sale — which was conditional — if a permit is not granted by the end of next month.

"An enormous effort was put

into the design and character of the facility — it is not a typical service station," the spokeswoman said.

"Community consultation was extensive and a preparedness to compromise and negotiate was demonstrated in interaction with neighbors and local residents."

But, said the report: "Sadly, some of the advantages attributed to this design move into the realm of being offensive..."

A spokesman for Mr Maclellan said there was no time frame on a final decision.

Minister 'no' to plan

by LAETA ANTONYSEN

PLANNING and Local Government Minister Rob Maclellan has rejected a proposal to develop the former Eltham Shire office site in Main Rd for commercial use.

Mr Maclellan's recommendation to the Governor-in-Council comes 15 months after he first called the proposal in from the Administrative Appeals Tribunal (AAT).

His decision also comes three

months after the developer of the proposed 24-hour Shell petrol station and Hungry Jacks, Dallas Price Homes, withdrew from a contract of sale with Nillumbik Council.

But Mr Maclellan has retained his role as the sole planning authority for the controversial site, despite the land returning to the council's ownership in December.

Mr Maclellan's decision to turn down the commercial development is in line with recommendations from

two separate advisory committees, appointed by the Government, which recommended the proposal be rejected and that any activities on the land should be of a community nature.

Nillumbik Council shire president, Robert Marshall, and Eltham Gateway Action Group president, Sigmund Jorgensen, congratulated the minister on his decision.

But Cr Marshall said he hoped the minister would take into account the

needs of the community when he ruled on the future development of the site.

"The community owns the land via the local council, therefore, it should be the community that makes the decision on what goes on the site," he said.

Dallas Price Homes' property developer, Dallas Howgate, could not be contacted before *DV News* went to press.

IN BRIEF

Electoral roll update

A TEAM of 23 people will be employed by the Australian Electoral Commission to visit homes in McEwen to update the electoral roll.

Divisional returning officer Robert Berglund said the move was an effort to catch up with people who were unaware they needed to update the roll if they changed address.

He said those who had not enrolled did not need to worry — they could enrol to vote on the spot if an electoral commission representative called at their door. In rural areas, the update will be conducted by mail.

The last review in McEwen, conducted in 1995, yielded 4600 changes to the electoral roll.



Bid for community facility: the Nillumbik Council will establish an advisory committee to examine preferred uses for this site.

Land review

by LAETA ANTONYSEN

NILLUMBIK Council will press on with its bid to develop a community facility on the former Eltham Shire office site, despite the Minister for Local Government and Planning, Rob Maclellan, having the final say on what goes on the site.

At the council's last meeting, shire president Robert Marshall and councillors Marg Jennings and John Graves voted by majority to establish an advisory committee to examine preferred uses for the site.

The committee, comprising five community members and the three councillors, will review sketch plans previously prepared by local architect Greg Burgess as a proposed option for the site.

The committee will hold public meetings, receive submissions from residents, seek expert advice on design, mix of uses, financial feasibility and other relevant matters, and explore avenues of funding.

The council referred \$10,000 to its 1998-99 estimates budget for consultant advice on the issues.

The ownership of the land was handed back to the council in December when the proposed developer of a 24-hour Shell petrol station and Hungry Jack's withdrew from a contract of sale with the council.

But the council was kept on tenterhooks until February when Mr Maclellan formally rejected the proposal, one month after he had appointed himself the sole planning authority for the site.

Despite the minister's intervention, Cr Marg Jennings, who moved the motion, said it was time the site was made usable for residents.

But councillors Natalie Woodley and Lex de Man, who opposed the resolution, said it was a waste of ratepayers' money to do anything when it was in the minister's hands.

Cr de Man also questioned the \$10,000

earmarked in next year's budget, but Cr Marshall said the council would need to discuss whether it was an appropriate amount before the budget was finalised. Speaking after the meeting, Cr Marshall said the council and the community had the right to decide what should go on the land.

Cr Marshall said the council had not received any advice from the minister as to what he considered appropriate for the site. But, he said, in rejecting the Shell application the minister had upheld recommendations that any activities on the land should be of a community nature.



Bid to move shire offices to new site

by LAETA ANTONYSEN

NILLUMBIK Council will hold a public meeting in August to discuss the possibility of relocating the shire offices from Greensborough to a "more appropriate location".

At last week's council meeting the councillors unanimously rejected an officer's recommendation that the shire offices and library remain at Civic Drive, Greensborough, for at least the next 15 years.

They also voted against a recommendation to retain the land surrounding the shire offices and library as public open space.

Instead, a public meeting will be

held at the Diamond Creek Community Centre to discuss the possible relocation of the shire offices and provision of some additional council service centres.

The decision follows previous suggestions by the shire president Robert Marshall that the shire offices be relocated to a more central part of the shire such as Hurstbridge or Diamond Creek (*DV News*, June 3).

Cr Marg Jennings, who moved the motion, said she thought it was important the council and community discussed the proposal.

"It may be that it is discounted by the community or it could be that

we are seizing an opportunity," she said.

Shire president Robert Marshall disputed a council report which indicated it would cost around \$8 million to relocate the offices.

"It depends on many factors as to what the cost would be," Cr Marshall said.

But CEO Barry Rochford said the council could not expect more than \$2 million for the sale of the current site and he stood by the cost of relocation as indicated in the report.

What about us?

OOPS! Minister Maclellan, your credibility gap is showing. You say that you launched a planning package that "gives councils and the community greater say (and) also encourages greater involvement and accountability?" (DVN, May 13). Well, Nillumbik Council tried to become involved and be accountable for the old shire office site on Main Rd, Eltham. The council commissioned Greg Burges, the architect for the Eltham library, to design a regional art gallery, cafe, wine bar, artist studios and an arthouse cinema for the site. But, for reasons known only to himself, Minister Maclellan decided to ignore the council's innovative plan and declare himself the sole authority for that community-owned site. Now Mr Maclellan alone will decide what he considers best for us to have on our site, in our shire.

Does Minister Maclellan consider the 55,000 residents of Nillumbik incapable of making intelligent informed choices? His actions speak louder than his words and seem to indicate that he doubts the community's capabilities. I wonder how Eltham managed to become renowned as a centre for earth buildings, native gardens, arts and culture without Minister Maclellan's guiding hand? Or is that heavy hand?

**Gayle Blackwood,
Main Rd,
Eltham.**

Sad and sorry

LAST week, the father of a good friend of mine died of cancer. I went to the funeral. I said "sorry" to my friend. I was acknowledging her grief, and feeling empathy and compassion for what she had gone through. I was not taking responsibility for her father's death.

When we say sorry to the Wurundjeri and to all the indigenous people of Australia, that is what we are doing. And the acknowledgment is not only of things that happened 200 years ago. Many Aborigines living today have either been personally affected, or have living relatives whose lives have been damaged by the actions of private citizens or Government.

Some of the stolen generation have benefited from the education they obtained as a result of being

LETTERS

taken away, but what does that tell us? That conditions for Aboriginal children living in their communities were so appallingly lacking that they were better off being taken away to live in homes with no family? This is not 200-year-old history — these people are alive today to tell their story — and they have. And their stories are heart-breaking. I'm sorry.

**P. Reynolds,
Proctor St,
St Andrews.**

Offensive language

I AM writing in response to two letters that were published on June 3 regarding the Nillumbik Shire's apology to Aboriginal people.

It never ceases to amaze me that people who are uneducated about Aboriginal issues have such strong and unfounded opinions. I am offended by the type of language used in the letters: "some past Aboriginal group", "for what the Europeans were supposed to have done to a group of people some 200 years ago", and "supposed past ill treatment of Aborigines in the area".

This type of language objectifies Aboriginal people and confines them to the past. Aboriginal people were murdered, raped, dispossessed and up until as late as the 1970s, children were stolen from their families. Their suffering still continues. These are the facts.

"We must be one nation, under the one flag, the Australian Flag which has allowed us to enjoy the freedom we and our children do today" was the concluding statement from Eric Butler's letter.

Perhaps we should be questioning the nation and the flag that has allowed us to massacre, steal and destroy Aboriginal people and then deny any responsibility and pretend it never even occurred. Whose freedom is this writer referring to?

I am convinced these types of opinions stem from ignorance, people choosing not to acknowledge the past and choosing not to understand the implications of their actions. It is not an issue of guilt, or taking a "black arm band" view of history or being responsible for the actions of the early Europeans. It is

Readers can send letters to the editor by post or e-mail to editor@leadernews.com.au.

All letters must be signed and supplied with a full name, address and phone number for validation purposes. Preference is given to short, typed letters. We reserve the right to edit letters.

an issue of acknowledging the past and learning from it. If we are to have an accurate perspective of ourselves as human beings in the modern world, the past matters. It is where we have come from and it determines essentially who we are.

Everyone is entitled to an opinion. However, I am concerned with the amount of space that was allocated to these uneducated views and the lack of attempt to balance these opinions with facts. Having attended the Gayip ceremony in Wingrove Park, I was disappointed at the lack of coverage the event received in our local paper, particularly before the event. The news-paper has a responsibility to present a balance of opinions, particularly to portray educated views, rather than reinforcing negative, prejudicial opinions.

Although we today are not personally responsible for the acts committed by the European settlers, we are all guilty if we choose to be ignorant and condone these acts. The media is certainly guilty if they continue to misinform the public. Facts do not cease to exist because we choose to ignore them.

**Nerissa Broben,
Brandon Court,
Briar Hill.**

● **Editor's note:** In the news section of the DVNews we always strive to present a balanced view of events. However, the Letters column is a forum for people's opinions, with which other readers may or may not agree.

The Gayip ceremony was widely covered beforehand in five articles, including a front page color picture, and an extensive page 8 spread. It was also reported after the event.

Sigmund Jörgensen

Montsalvat

Wednesday, July 01, 1998

Kahn Franke

Dear Kahn,

RE: ADVERTISEMENT

Here is the updated list for the advertisement. I have asked people to send me the money which I will pass on to you. Andre Haermeyer wants to see final wording – he has suggested that councillors be changed to council and also thought you should drop the bit about Robert Marshall. Perhaps you might like to give him a ring.

No.	Name	Yes/No	Amount (\$)	Comment
1	Jenni Mitchell	Yes	20	
2	Jean Hakens	Yes	20	
3	Rebekah Skipper	Yes	20	
4	Jenny Ellis	Yes	20	
5	Prof. Brian Ellis	Yes	20	
6	John Cohen OAM	Yes	20	
7	Shirley Cohen	Yes	20	
8	Gwen Ford	Yes	20	
9	Gordon Ford	Yes	20	
10	Sue Giffney	Yes	20	
11	Ken Hines	Yes	20	Don't use name
12	Sue Dyet	Yes	20	
13	Harry Gilham	Yes	20	
14	Pam Hanney	Yes	20	
15	Derek Rollins	Yes	20	
16	George Shaw	N/A	0	
17	Jim Connors	Already asked	50	
18	Alan Grimes	Yes	20	Don't use name
19	Andre Haermeyer	Will get back	0	
20	Sheryl Garbutt	Will get back	0	
21	Jenny Macklin	Yes	20	
22	Sigmund Jörgensen	Yes	100	
23	Louise Jade	Yes	20	
24	Imelda & Alan Ramsay	Yes	20	
25	Bill & Kate Boyce	Yes	20	
26	Margaret & Greg Johnson	Yes	20	
27	Thelma Barkway PSM	Yes	0	Money from Sig's 100
28	Beryl Martin	Yes	0	Money from Sig's 100
29	Benita & Peter Carter	Yes	20	
30	Ken & Laurel Eckersall	Yes	20	
31	Russell & Marion Yeoman	Yes	20	
32	Flanagan Family	Yes	20	
Total money committed			650	

Regards,

Sigmund Jörgensen

Montsalvat
7 Hillcrest Avenue, ELTHAM VIC 3095
Tel: 61 3 9439 7712 Fax: 61 3 9431 0290
Email: montsalvat@cybatron.com.au

IMPORTANT

**RALLY IN FRONT OF THE
OLD ELTHAM SHIRE OFFICE SITE,
MAIN ROAD, ELTHAM**

**SATURDAY 17 OCT. 1998
at 2.00 p.m.**

**SUPPORT THE DEMOCRATICALLY ELECTED
COUNCILLORS OF NILLUMBIK WHO WERE
SUSPENDED LAST TUESDAY 13/10/98**

**SHOW THAT
DEMOCRACY IS NOT
DEAD IN NILLUMBIK!!!**

**BRING YOUR FRIENDS, AND JOIN THE PROTEST
AGAINST THIS OUTRAGEOUS ATTEMPT TO STIFLE
THE DEMOCRATIC WILL OF THIS SHIRE.**

Arts dream shattered

“Sure we could do it. We could probably do a really good job of it, knowing the artists and actors in this area, but we just can't afford it.”

Cr Michael Hall



Art on hold: Nillumbik Council look set to dump plans for an arts centre at the former Eltham shire offices site (above). Left: Cr Michael Hall.

Pictures: LAWRENCE PINDER, NOD3V107

by NATALIE BIRCH

AN iconic arts centre on the site of the former Eltham Shire offices was the dream, but last week residents who opposed the vision urged the "new guard" to wake up to the cold light of reality.

They told the policy and services committee that Nillumbik could not afford the \$10 million cost of developing the centre, or the future expense of running it.

"Art patronage always represents the icing on the cake," Eltham resident June English said.

"The trouble is Nillumbik has no cake to ice because it's in hock for \$12 million."

She said rates could not finance the building, how would we finance the recurrent expenditure?" she asked. "If we borrow more from the

ACTORS, ARTISTS LOBBY

IN a bid to save the cultural centre concept, actor Bruce Hughes read to the committee letters from members of the shire's arts community, urging the council to hold the dream.

Eltham filmmaker and screenwriter of the Oscar-winning movie *Shine*, Jan Sardi, wrote: "The building that stands on this site will serve as a gateway to our town and more importantly will be a symbol of who we are as a shire and what we value."

St Andrews artist Deborah Russell, whose work hangs in the National Gallery in Canberra, said a cultural centre could be used by local schools and would restore the

shire's reputation as a "hub of cultural and artistic activity".

A letter from actor Rod Mullinar and Penny Ramsey (former councillor Penny Mullinar) said an arts centre was a creative and financial necessity.

"There are no spaces for performers, artists or musicians in this shire," they said. "There are no rehearsal rooms. There are no spaces to encourage national art exhibitions. There is nowhere to showcase our films, particularly for our students."

And St Andrews screenwriter and playwright Mac Gudgeon said an arts centre could be a revenue raiser for the shire.

limitless money tree, how will we repay the debt? Private citizens who base their lifestyles on continued borrowing either go broke or flee the country to escape their debt.

"These councillors have a duty of care to act responsibly. Put the arts centre on the backburn until rivers of gold flow."

In a dig at the proposed rate hike, she said: "And my 8.6 per cent rate rise might start that flow very soon."

The previous council said ratepayers would not be expected to fund the building costs, but Anne Stoneman told the committee residents had already paid \$50,000 for a consultant's feasibility study.

"Nillumbik ratepayers need a cultural centre like they need a hole in the head," she said. "They simply can't afford this fanciful dream."

"The more viable option would be to abandon the project, sell the site and use the money to reduce debt."

Nillumbik Ratepayers' Association secretary Brian Murray agreed.

"The association believes that the proposed cultural centre would be financially unviable and financially irresponsible," he said.

The committee voted by a majority to end any further investigation into developing an arts centre on the old Eltham shire offices site and to seek further community comment on redeveloping the Eltham Community and Reception Centre for cultural activities.

Mayor Lex de Man said Tourism Victoria had expressed doubt about the feasibility of the project and the council should focus its attention on developing existing facilities.

Cr Greg Johnson, who supported the arts centre, said it had become a casualty of the recent election campaign.

But Cr Michael Hall said: "Sure we could do it. We could probably do a really good job of it, knowing the artists and actors in this area, but we just can't afford it."

The project's future will be decided at tonight's full council meeting.

This site belongs to the people

IT IS quite a few years since the former Eltham shire offices were pulled down – a sharp reminder of the unwarranted loss of a valuable community asset.

Since then the site has stood there, and ratepayers are still in the dark as to its eventual use.

It is time this issue became a matter of community involvement and not left to just a few people to decide. More important, it has become common knowledge that there are some who, for short-term gain, want to sell the site. Once sold, like so much of the "Australian Farm", it is no longer a community asset.

Before even contemplating selling off this property, how about consulting its owners – the community? Whatever the eventual development of this site, it must be preserved to serve broad community interests.

In a municipality that prides itself on being a centre for tourism and the arts, where is there a tourist information centre? Where is there a citizens advisory

bureau? And our ratepayers could surely do with a municipal branch office so that residents from Hurstbridge and beyond do not have to travel to Greensborough for service.

It is time for community involvement in this issue, or should we just sit and wait until some decision is made without our ratepayers having been consulted?

**John Cohen, former shire president,
Eltham.**

Pro-development

JUNE English (*D V Leader*, April 30) implies that the Ratepayers'

Association is not pro-development and that council is doing the right thing by wasting vast sums of money. Make no mistake, office bearers of the association continue to publicly lobby for further development of land in rural zonings. Some of these people have developed, or are developing, their land already within allowed zonings but wish to see our Green Wedge carved up

HAVE YOUR SAY



Readers can write, fax or e-mail to the Diamond Valley Leader letters page.

write: 83A Main St,
Greensborough, 3088

fax: 9432 0164

e-mail: diamondvalley@ldr.newsltd.com.au

Preference is given to short, typed letters. We reserve the right to edit letters. Letters must carry full name, address and phone number.

and ruined by subdivision of land well beyond approved growth areas.

Four years go, a planning panel made many recommendations, some inconsistent with the main report and established planning principles. The then council, after intensive strategic work, largely rejected some recommendations.

It confirmed that no further rural land would be handed over for

subdivision, first, because it was not needed, and second (and critically), because it would be detrimental to preservation of our Green Wedge.

Following that, the State Government introduced Melbourne 2030 and conducted further analysis. The resultant Urban Growth Boundary reflects the outcome of strategic planning decisions that make the aberrant, one-off recommendations from 1999 redundant.

However, since its election last year, this council, in full knowledge of all this, has ploughed ahead regardless, despite warnings from the government. It has spent large sums of money on subdividing our Green Wedge.

Meanwhile, work that should have been completed already in preparation for Melbourne 2030 has not begun.

**Jenni Bundy,
St Andrews.**

DISCUSSION PAPER: COMMUNITY USE OF SITE, 895 MAIN ROAD ELTHAM

1. BACKGROUND

These background notes provide the context of present considerations and offer insights for present and future planning and development of the site, 895 Main Road Eltham. They recognise the axiom: 'If we don't know where we've come from, how can we know where we're going?'

The year 1939 saw the opening of Eltham Shire Hall, corner of Arthur Street and Main Road, the hall built and paid for as a community project. The site passed to Woolworths (called Woolworths Arcade); the first stage of Eltham Shire Offices at 895 Main Road commencing in 1964 (completed in 1965). The new siting had meant demolition of the historic Shillinglaw Cottage (purchased by Eltham Council) and its brick by brick re-erection, supported by local fundraising, notably sales of a cookery book, *The Flavour of Eltham*. The Shire Council chambers now became part of the community precinct which included the Eltham War Memorial to the men and women who served between 1939 and 1945, called the 'War Memorial Hall', with wrought iron memorial gates; this community precinct was added to with the parklands built on a land-fill tip in the 1970s, later named Alistair Knox Park, and in 1994, the Eltham Library, designed by Greg Burgess, which won an award for design excellence and was a model of collaboration of Council with governments at other levels. The year 1996 saw the demolition of the 'Old Shire Offices', under the Commissioner regime. Then followed the Shell Petrol and Hungry Jacks controversy, with hundreds of Nillumbik residents joining hands around the site in public protest against the 'sell-off' and 700 submitting written objections. The then Liberal Planning Minister 'called in' the issue and, at his instigation, the Advisory Committee hearing by Dimity Reed, the town planning and architecture expert, met over four days during April 1997 (for documentation see Dimity Reed, Report of the Advisory Committee Hearing on Permit Applications 96/0376 and 96/0377, and on Planning Appeals 96/40724 and 96/40812 re a proposed convenience centre at 895 Main Road Eltham. Hearings held 1-2, 21-22 April 1997).

It is argued that Ms Reed's report should have laid to rest for all time the issue of retention for community use of 895 Main Road Eltham. This designated Landmark Site, adjoining the Eltham War Memorial and the award-winning Eltham Library, forms a strategic part of Nillumbik's unique built and natural heritage, the score or more significant sites identified along Eltham's Main Road 'Heritage Mile', stretching south along the Avenue of Honour to the urban forest at Falkiner Street Reserve. Can anyone match, with Eltham, a metropolitan township with such a pleasing landscape entry which, to quote Ms Reed, 'takes us beyond our everyday concerns to see something larger than our daily lives'? The June 2003 article in *The Age* newspaper, with its livability and tourism themes, gave similar suggestion but with a local economic prosperity note.

To further quote Ms Reed:

It is our view that Eltham remains special because it sees and understands its past...Additionally, Eltham holds a special place in the social and artistic history of Melbourne which must never be lost...for four crucial decades from the 1920s to 1960s...Melbourne's intellectual and creative vigour emanated from Eltham.

So Eltham [indeed Nillumbik] has an import which is beyond itself, and is maybe what the Japanese would place in the National Treasure category. It is easy to decry such aspirations as pretensions, to say that it was all in the past. But if we can't respect and learn from the past, from where do we get the understanding that our future can be better.

The feasibility study, Nillumbik Shire Council, Nillumbik Cultural Centre, Background Paper and Business Plan, December 2001 (SGS Economics and Planning in Conjunction with Gregory Burgess Architects Iconica), reflected cultural, heritage and tourism values, auditing cultural assets including Eltham Library, Eltham Community and Reception Centre (conceived as a replacement 'town hall'), Eltham Living and Learning Centre, Lenister Farm and the site, corner Bridge Street and Main Road. It considered options: A. Status Quo; B. Landmark Cultural Facility on the Former Municipal Office Site; C. Key Cultural Facility in a Redeveloped Community and Reception Centre; D. General Redevelopment and Enhancement of Cultural Facilities. The study also considered the Eltham War Memorial Complex. This feasibility study and its centrepiece project, the New Cultural Heritage/Cultural Tourism Facility, with municipal rates, became the key issue of the 2002 Nillumbik Council Elections. In 2002 Council sold the corner site, Bridge Street and Main Road, to private developers, with provisos of building height setback and access requirements, proceeds to be used to repay \$400,000 borrowings used to fund the site purchase, then to reimburse the Public Open Space Reserve Account by up to \$509,000, with any surplus to be paid into the Property Sales Reserve to be applied towards strategic land acquisitions, capital works projects, or debt retirement. As reported in the *Diamond Valley Leader*, 2 July 2003, 'No decision on site', the future use of the former municipal office site, 895 Main Road Eltham was being considered by Council.

2. NILLUMBIK SHIRE COUNCIL PLAN 2002-2005

Relevant sections considered of Nillumbik Shire Council, *Council Plan 2002-2005* include: Community Health, Culture, Sport and Leisure, Land Use Planning and Environment, Transport and Infrastructure, Economic Development and Governance (see Appendix 1).

3. PROPOSALS CONSIDERED

(i) Community education

This community education facility would enable participants to interact with leading-edge digital technologies. An architect-designed, purpose-built, dedicated digital technology complex is envisaged. The digital technologies offer not as yet fully realised advances, visual - including photography, animation, television - audio and computer. The facility would include a commercially-operated Internet Cafe. Such a Nillumbik community education facility would cater for youth and adult participants. Negotiations are envisaged for collaboration with, and support from, TAFE and/or a university and private sponsors.

(ii) Community housing

This scheme of community housing would be in line with the State Government's 'Twenty-Thirty' strategy for maximising housing land utilisation in town centres, ie close to public transport, shops, health, leisure facilities, etc. Such a scheme would represent best practice in housing, with respect to social and environmental criteria. Negotiations are envisaged for collaboration with, and support from, the Department of Human Services. Other consultative bodies could include Hanover Housing, the Australian Conservation Foundation and specialist architects. CAVE (Community and Volunteers of Eltham), within the Community Health Centre, would be an active participant. A Nillumbik Community Housing competition might be possible.

(iii) Indigenous interpretive centre

Such a scheme would require the collection of local or regional Aboriginal stories and artefacts to be 'interpreted'. Advice would be required from Aboriginal representatives and the various Nillumbik historical societies. Eltham District Historical Society, *A Chronology of Known Local Events 1835 - Early 2000* (2000), Mick Woiwod's, *Kangaroo Ground: the highland taken* (1994), Ellender's monograph, The Plenty Gorge Metropolitan Park: the archaeological assessment of Aboriginal sites (1991), Ken Eckersall's history, *Eltham Inhabitants* (2000), and Shire of Eltham, Conservation and Heritage Resource Document (ud) are some resources. The scheme might be assisted through support from the Museum of Melbourne. Negotiations might lead to the Nillumbik Aboriginal Interpretive Centre being a designated Museum of Melbourne annexe.

(iv) Community and Tourism Facility - the recommended proposal

4. OUTLINE OF THE COMMUNITY AND TOURISM FACILITY PROPOSAL

This Nillumbik Community and Tourism Facility would consist of a modest, albeit 'iconic', scheme of development, architect designed, built in mud brick and/or other natural materials, incorporating a Shop Front of the Shire and a Nillumbik and Yarra Valley Tourism Information Desk and wall space for publicity. Such a complex would be set in an indigenous suburban garden, with amphitheatre, linking Shillinglaw Cottage and Eltham Library. }

The Shop Front would assist Nillumbik Council communications and encourage greater participation and sense of community, being accessible by foot, train and bus public transport as well as car; and it would bring people to a local shopping and activity centre, including the Community Health Centre, library, cafes and restaurants. It is envisaged that there could be set days for meeting with Ward Councillors.

The Shire of Nillumbik and Yarra Valley Tourism Information Desk would enhance Nillumbik's position as the Gateway to the Yarra Valley by fostering on-site outdoor events, with the major event being a Seasonal Farmers' and Produce Market, held in spring, summer, autumn and winter. This Seasonal Farmers' and Produce Market would attract support from right across Nillumbik Shire and the Yarra Valley, including wine, olive, and organic fruit and vegetable growers.

It is envisaged that a tourism officer would be responsible for this Seasonal Farmers' and Produce Market, with other on-going responsibilities including negotiating with city hotels and tourist bodies to bring tourists to Nillumbik on packaged tours providing heritage, cultural and gastronomic experiences, eg visits to the War Memorial Tower and Park, Montsalvat, Pantom Hill Winery, walks to Diamond Creek and Warrandyte mines, nature walks and township heritage walks in Eltham, Diamond Creek, Hurstbridge. — K G

The facility amphitheatre would house music events, a 'speakers' corner', and 'art in public places', eg sculpture. Volunteers would vitally assist in running the Facility.

The new Community and Tourist Facility, with the Community Health Centre, the Post Office, the CFA, the War Memorial, Shillinglaw Cottage and Eltham Library and Community Gallery, would complement this Community Precinct, and the modest nature of building development would allow for further community input on any future scheme for the site, in the interests inclusion.

It is envisaged that support would be sought from the Victorian Government, under its Community Building Victoria, Community Support Fund, Community Building Grants, in order to demonstrate best-practice in local government community building and consolidation, including Business and Economic Development. The project could involve the local Chamber of Commerce. A specific funding source exists through the Community Support Fund (CSF) to support Community Building. The project meets key issue or focus criteria, including Arts and Culture, Business and Economic and Evaluation. Under this program submissions may be made by community organisations and local government, funds either provided as Seeding Grants, up to \$10,000, or substantive initiatives.

5. GOALS AND OBJECTIVES OF THE COMMUNITY AND TOURISM FACILITY SCHEME MATCHED AGAINST THOSE OF NILLUMBİK COUNCIL PLAN 2002-2005

Community Health, Culture and Leisure

The scheme strongly meets criteria under Objectives 2, 3, and 4: maximising partnerships, opportunities and participation in the development and provision of arts; cultural, educational and recreational opportunities; nurturing a vibrant, innovative, creative and community which encourages involvement in community life; and, importantly, being in accord with Council's Municipal Public Health Plan for improving the health and wellbeing of the community.

Land Use Planning and Environment

Again, the scheme strongly affirms criteria under Objectives 1-5: delivering excellence in land use planning and environmental conservation; ensuring the protection and enhancement of natural and built environments with forward planning, sustainable development and conservation; encouraging participation and facilitating understanding of the planning process by the community and other stakeholders; promoting the benefits of local habitat, biodiversity, ecological sustainability and the environmental values of Nillumbik; and focussing Council's environmental programs to ensure practical outcomes at the local level which protect and enhance the natural environment.

Infrastructure

The scheme is strongly in line with Objective 2: to optimise the performance of Council's infrastructure assets through best practice in their management with respect to environmental and financial sustainability.

Economic Development

The scheme very strongly addresses criteria Objectives 1-4: ensuring a strategic approach by Council and local business to economic development; enhancing the capability and competitiveness of local business in terms of the quality and diversity of enterprises, the skills of operators, and the standard of supporting infrastructure; building sustainable partnerships with key local and regional business groups and economic development agencies; and, importantly, increasing the market profile of local business, with emphasis on Nillumbik's positioning as part of the greater Yarra Valley region.

The scheme recognises these underlying aspirations: to increase local employment and maintain low unemployment levels; to improve access to services and products for the local and wider community; and to attract new business investment to develop the economic base of Nillumbik.

Note

Governance

The scheme endorses Objectives 1, 2, 3 and 8: to ensure that Council's communication, resource management and organisational effectiveness is reflective of community expectations; to recognise the diversity of views within our community and ensure our systems for engaging people in decision-making are respectful of this diversity, and are effective and inclusive; to form partnerships with community groups and agencies to assist Council in achieving the best outcomes for the community; and to ensure the ongoing financial viability and accountability of the Shire in the context of the ten year financial plan.

6. NILLUMBIK COMMUNITY AND TOURISM FACILITY BUSINESS PLAN - ISSUES TO BE FURTHER CONSIDERED

1. Financial viability - partnerships, governmental, public, private.
2. Social benefits.
3. Economic benefits.
4. Governance/Management issues.
5. Implementation.

Gayle Blackwood, Sue Dyet, Ken Eckersall
25 August 2003

APPENDIX 1

Relevant sections considered of Nillumbik Shire Council, Council Plan 2002-2005.

Community Health, Culture, Sport and Leisure

Goal 1

Objectives

1. To provide and promote integrated health and human services in response to community needs which are based on sound research.
2. To maximise partnerships, opportunities and participation in the development and provision of arts; cultural...educational and recreational opportunities.
3. To nurture a vibrant, innovative, creative and community which encourages involvement in all aspects of community life.
4. To implement identified strategies and actions from Council's Municipal Public Health Plan which result in improved health and wellbeing of the community.

Land Use Planning and Environment

Goal 2

Objectives

1. To deliver excellence in land use planning and environmental conservation.
2. To ensure the protection and enhancement of natural and built environments with forward planning, sustainable development and conservation.
3. To encourage participation and facilitate understanding of the planning process by the community and other stakeholders.
4. To promote the benefits of local habitat, biodiversity, ecological sustainability and the environmental values of Nillumbik.
5. To focus Council's environmental programs to ensure practical outcomes at the local level which protect and enhance the natural environment.
6. To offer best practice building services to our community.

Transport and Infrastructure

Goal 3

Objectives...

2. To optimise the performance of Council's infrastructure assets through best practice in their management with respect to environmental and financial sustainability.

Economic Development

Goal 4

Objectives

1. To ensure a strategic approach by Council and local business to economic development.

2. To enhance the capability and competitiveness of local business in terms of the quality and diversity of enterprises, the skills of operators, and the standard of supporting infrastructure.
3. To increase the market profile of local business, with emphasis on Nillumbik's positioning as part of the greater Yarra Valley region.
4. To build sustainable partnerships with key local and regional business groups and economic development agencies.

Our Aspirations

Increased local employment and continuing low unemployment levels.

Improved access to local services and products for the community.

Attraction of new business investment to develop the economic base of Nillumbik.

Governance

Goal 5

Objectives

1. To ensure that Council's communication, resource management and organisational effectiveness is reflective of community expectations.
2. To recognise the diversity of views within our community and ensure our systems for engaging people in decision-making are respectful of this diversity, and are effective and inclusive.
3. To form partnerships with community groups and agencies to assist Council in achieving the best outcomes for the community...
8. To ensure the ongoing financial viability and accountability of the Shire in the context of the ten year financial plan.



Nillumbik Council's plan to sell the Eltham World War II memorial and former shire office sites has brought public outrage.

Picture: LAWRENCE PINDER, NBO/105

Shire plan 'sacrilegious'

By Dave Crossthwaite

RESIDENTS have declared war on Nillumbik Council over its plan to sell two landmark Eltham sites.

The publicly owned Eltham war memorial and former shire office site will be sold to the highest bidder under the council's 20-year vision for the town centre.

The policy and services committee last week voted to implement the shire's Eltham Major Activity Centre structure plan despite condemnation from the meeting's public gallery.

The full council will vote tonight to adopt or reject the recommendation. More than 20 people attended the

Residents fight war memorial sale

councillors to keep the Main Rd sites in public hands, labelling the proposed sell-off as "sacrilegious".

Several called for a shire-wide referendum on the issue.

Returned World War II serviceman and a former Eltham Shire president John Cohen said moves to sell a war memorial to private developers would "resonate throughout the nation".

Mr Cohen said the memorial precinct, with a hall, gardens, preschool, child health centre and a senior citizens' centre, was bought by

who fought and died, and for the children they died to protect".

Ownership of the site was transferred "in trust" to Eltham Shire Council in 1965.

Mr Cohen said the trust clearly stated that it must be used for community purposes.

"This council will be judged on how it keeps that trust," Mr Cohen said. "It is sacred ground."

Mayor Tony Raunic acknowledged the need for a war memorial at Eltham but he questioned the relevance of the present site.

"The fact that it was appropriate in the 1950s does not mean it is the best site now or for the year 2020," Cr Raunic said.

Former Nillumbik mayor Sigmund Jorgensen, who once proposed a \$10 million art and cultural centre for the former shire office site, warned the council that it faced public outrage if it endorsed its sale.

Mr Jorgensen reminded councillors of the public outcry in 1996 that followed the proposed sale of the site by state-appointed commissioners.

"The community rose against them,

fought the Kennett Government and won," Mr Jorgensen said. "The community will go down that path again."

Cr Raunic said proceeds from the sale would help fund road improvements identified in the structure plan.

"People have called for a referendum and I think there will be one," Cr Raunic said. "This will be an election issue."

Committee chairman Mike Irwin used his casting vote to break a deadlock after councillors Bob Stubbings and Belinda Clarkson voted against implementing the structure plan. Cr Mike Hall was absent.

■ **More on Page 7.**

Land sales to come under more debate

By Dave Crossthwaite

NILLUMBIK Council is set to debate two competing rezoning motions on its decision to sell publicly owned land in Main Rd, Eltham.

Cr Bob Stubbings will ask colleagues at tonight's council meeting to delete the proposed sale of the Eltham War Memorial area from the council's Eltham major activity centre structure plan.

Cr Greg Johnson wants the council to scrap plans to sell both the war memorial and the former Eltham Shire office sites and rezone both from business to public use.

Cr Johnson will call on councillors to heed a 1997 state advisory panel recommendation that the office site "remain in community ownership for community use".

His motion will set the scene for the latest act in a saga that has plagued successive councils since Nillumbik was formed in 1994.

The 6000sq m former shire office site is regarded by many as the civic heart of the old Eltham shire; the last remnant of a proud 150-year history of self-determination.

The fact that state-appointed commissioners built the shire offices, with little or no public consultation, has lent the site a special status.

When the commissioners moved to sell it to a private developer in July, 1996, they

prompted a bitter 18-month stand-off between residents and the then Kennett government.

In April, 1997, Nillumbik's first elected council voted 3-2 to fight the decision to grant a planning permit.

Cr Natalie Woodley and Cr Lex de Man voted to stand by the proposed sale because they feared the council might be sued by the developer.

In February, 1998, after several independent panel hearings, the then local government minister Robert Maclellan finally rejected the proposed development.

An arts and cultural centre, mooted for the site by the second Nillumbik Council, under then mayor Sigmund Jorgensen, was attacked by opponents, including present mayor Tony Raunic, as a monumental waste of ratepayers' money.

The plan proved a pivotal issue in a landslide election in which Mr Jorgensen's green-dominated council lost office in March, 2002.

Now, in the final weeks of its term, Cr Raunic's council is under siege after announcing plans to sell the site to help fund its 20-year development plan for the town.

Cr Raunic dismissed similarities between his council's plan and previous proposals for the site.

■ See 10 turbulent years, Pages 8-9.



The former Eltham Shire office site.

Picture: LAWRENCE PINDER. N320V108

Why I'm supporting Fran Bailey...

"There is no better representative than Fran Bailey. She and her staff are always ready to listen and help. Having Fran as a Federal Minister is a first for our area and a real bonus."
- Barry Henwood

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Council saves ex-office site, axes club plan

NILLUMBIK Council has moved to retain ownership of the former shire office site on Main Rd and has deleted a proposed community sports club at Central Oval from its Eltham activity centre plan.

Cr Helen Coleman said most Eltham-based councillors had campaigned for election on the future of the shire office site and the activity centre plan.

"It was a clear message from the community that they did not want their community-owned war memorial or former shire office sites sold off," Cr Coleman said. "The previous council did not listen and was prepared to sell the old shire office site to its detriment."

Speaking after the meeting, Mayor Greg Johnson said a proposed Central Oval community club at Panther Place was unworkable. He said the plan, which would have involved senior citizens and RSL members sharing space with footballers, would have had a detrimental impact on the amenity of central Eltham.

A lovely reminder

BEING a long-time reader and resident, I was pleasantly rewarded when reading the *DV Leader*, March 16, Valley Voices section to see an opinion piece by Steven Katsineris of Hurstbridge.

His words brought home an essential truth to me: that we still have a beautiful world where the simple things in life can renew us and bring joy and peace. It makes me realise how fortunate we are that our natural environment is still relatively intact and safe. It is a reminder to appreciate, protect, and, most of all, enjoy what we still have left of our natural world.

It is so refreshing to read positive passages such as Stephen's. In fact, I have noticed the *DV Leader* has been publishing quite a few similar articles lately. Well done I say, and thank you.

**Lyn Clements,
Diamond Creek.**

Ask the people

IT'S good news that Nillumbik's new council is now having another look at what to do with the old shire office site in Eltham.

The previous council's plan for an "activity centre", comprising both commercial and residential development of the whole area, selling the office

site to the highest bidder and pulling down the war memorial and senior citizens' buildings, raised widespread community opposition.

It is true that before making its decision, the previous council did hold some community "consultation", but the outcome in no way reflected community views that strongly favoured that the area in question be preserved for community, not commercial, purposes.

There is no doubt the outcome of the recent council elections, when this issue became a matter of debate, clearly indicated where the community stands.

So, what now? First, the new council must realise that the area in question is community

Have your say

Readers can write, fax or email to Diamond Valley Leader letters page.

■ **Write:** 1st floor, 18 Sherbourne Rd, Briar Hill, 3088

■ **Fax:** 5996 7212

■ **email:** diamondvalley

@dr.news1td.com.au

Preference is given to short, typed letters. We reserve the right to edit letters. Letters must carry full name, address and phone number.

property and its future must be determined by community consultation, where the outcome truly reflects community views. In addition, the new council would also be well advised to deal cautiously with this matter, giving serious consideration to the views recently expressed by two Monash University academics who regard "activity centres" as "a recipe to ruin our suburbs."

**John Cohen, Eltham,
former Eltham shire president.**

Popular ride

WE want to thank the more than 2500 patrons, young and old, who attended the Diamond Valley Railway's annual night run in Eltham Lower park.

Never before in the club's history have so many enjoyed so much of so few volunteers to make it happen! Unfortunately totally inadequate parking space in the vicinity of the little railway stretched our resources beyond anything we have experienced before.

We thank patrons for their patience and good humour as they waited for their ride.

If anyone who enjoyed their ride – tradesmen or ticket-sellers, old or young or anywhere in between – would like to join our club and provide

enjoyment for others while pursuing a great hobby involving trains, we would love to hear from them.

**Gloria Gallacher,
Montmorency,
member, Diamond Valley
Railway.**

Sold out

I BELIEVE Banyule City Council has sold out its ratepayers in Briar Hill for a development that will destroy the character of Woodlands Homestead in Doon Court. (*DV Leader*, March 16)

The council should have refused to allow this development around such a historic site, stood up for Briar Hill ratepayers and done all in its power to preserve the character in this area.

I have lived most of my life in this suburb and have returned back home to be with my folks after being away for a time.

My parents, who have lived in Briar Hill all their married lives, will soon enter retirement and intend to remain in the suburban environment they first chose to live in. Aren't they entitled to live out their days in this environment?

Have'n't they earned that right?

The strength of residents' original objections to the pro-

Doon and gloom as fight lost

Lyndal Cairns

TWELVE homesites will be built around an historic Briar Hill homestead after the Victorian Civil and Administrative Tribunal – save developers the go-ahead last month. Resident groups had opposed to the tribunal to overturn Banyule Council's decision last year to approve development of the 12ha site at 11 Doon Court that includes the 130-year-old Woodlands homestead.

The tribunal upheld the council's decision to approve the development. But in a double blow to residents, it ruled the developer be allowed to build the 12 homesites on the site, as originally requested – two more than the 10 approved by the council.

Friends of Doon Court and the Briar Hill Residents' Association joined forces to fight the controversial development at the tribunal.

Residents' Association secretary Julie Morgan described the decision as discouraging and upsetting, but said members had vowed to keep fighting inappropriate development in suburban streets.

The developer's planning consultant, Ian d'Oliveira, said his client was relieved and looking forward to starting the development.

"The owners are relieved this exercise is over," Mr d'Oliveira said. "They went to a lot of effort to come



Doon Court residents when the fight began in 2002.

"I think they deserve credit for going a lot further than developers would usually be expected to go

IAN D'OLIVEIRA

to terms with their neighbours. I think they deserve credit for going a lot further than developers would usually be expected to go."

He said 12 two-storey detached houses would now be built around the homestead on blocks of about 200sq m. Banyule Development services manager Scott Walker said the density of the development was not dissimilar to that of the surrounding area.

posals should have shown the council how committed local people are to maintaining their suburb's present character. There are many areas around Banyule suited to town-house and detached living developments and, in fairness, it is the council's prerogative to stimulate growth in the city.

But Briar Hill is not the

appropriate setting for such developments.

If the council is deaf to the argument that this site is of historical significance, surely it will recognise that the increased traffic that will go with such a development is not suited to Doon Court and the connecting roads.

**Andrew Lanigan,
Briar Hill.**

Shire moving for public use zoning on Eltham landmark sites

TWO controversial Eltham landmarks could soon be public land.

The former Eltham Shire office site and war memorial land in Main Rd will be rezoned to public use under a Nillumbik Council plan to return the land to the community.

Community uproar arose two years ago when the former council voted to sell off the

assets and proposed to build a service station and takeaway store.

Nillumbik Mayor Greg Johnson said the community backlash was reflected at the polls and helped deliver a different council to office.

The sites, at 895 and 903-907 Main Rd, Eltham, are now zoned Business 2.

The council is set to seek authorisation

from Planning Minister Rob Hulls to amend the zoning.

Cr Johnson said community consultation would then follow.

"If there is significant opposition to the idea, we would be obliged to call a panel," Cr Johnson said.

The war memorial land, which includes a memorial hall, preschool, senior citizens'

centre, historic gates and garden, was bought by the community after World War II to establish a permanent memorial to war veterans.

Ownership of the site was transferred "in trust" to the former Eltham Shire in 1965.

Cr Johnson said rezoning the land made sense. "It will simply straighten up the zoning to reflect the current use," he said.

Opinion

Diamond Valley Leader

22/5/2007



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Leader Community Newspapers reserves the right to edit letters. Letters must carry correspondent's full name, address and daytime phone number.

Consultation a sham

THE proposed civic site plan is outrageous.

This council has not acknowledged or included any of the requests from Apollo community residents.

We all gave up a lot of time and energy to attend public workshops and they were a sham. Our petition of more than 1200 signatures opposing the sale of this land has been totally ignored.

High- and medium-density housing is not appropriate for this site – it is not in an activity centre and public transport is not good.

This site was purchased by the old Diamond Valley Shire and is appropriately zoned "local government – public use".

With enhancements, that is how we would like it used.

Nillumbik Council went into this venture with the outcome already decided – the sale of this land would fund the new shire offices at Eltham.

It was completely dollar driven and the community will bear the major cost of this new whiz-bang building in Eltham.

With elections coming up in November, I hope shire residents see this "band" for what they are and sweep them out of office.

Carol Doherty, Greensborough.

Parking spaces to go

HOW many residents who use the Civic Drive precinct for shopping, the library, sports complex or picking up/dropping off kids from Apollo Parkways Primary School realise the proposed sell-off and development of the land by Nillumbik Council will mean about 80 per cent of existing parking spaces in this area will go?

Then add the proposed Civic Drive on-street parking redevelopment and resultant re-



An artist's impression of the proposed "whiz-bang" new civic centre in Eltham.

duction to one lane in either direction, which will cause an embolism in this vital arterial.

Apollo Parkways residents and users of the amenities in this area need to speak up against Shire of Eltham Mark II and the sell-off of our vital community asset.

Steve Kirby, Greensborough.

Residents ignored

I FIND it frustrating that Nillumbik Shire treats its Apollo Parkways residents with such disdain.

The small area of Greensborough that belongs to Nillumbik (as opposed to Banyule) pays the higher rates to be part of the shire and yet receives very few of the supposed benefits of belonging to the Green Wedge Shire.

In the recent Budget Report Card 2007-08, I turned to read the section "what happened in your town?" Nothing, it seems.

Most of Nillumbik's budget is spent in areas such as Eltham and Diamond Creek and not one single upgrade/facility in the Greensborough/Apollo Parkways area.

The shire estimates it will make \$17.85 million from the sale of the civic centre in Apollo Parkways.

How nice that it will make so much money and leave behind 64 townhouses, 80 apartments and 32 detached houses in place of Apollo Parkways parklands.

Nillumbik is finally giving us something – high-density living and less parklands.

Thanks, Green Wedge Shire, for looking after your forgotten residents.

Nyree Gill, Greensborough.

Civic centre excellent

"IT'S heartening that the proposed Apollo Parkways development will add to the already

generous amount of open space now enjoyed by the nearby residents." So states the officer report for the council meeting of June 24.

Open space will be 16.6 per cent, which is more than the existing public open space of 13.9 per cent (not including the Civic Drive land or the primary school grounds).

The Subdivision Act says the overall standard for public open space is 5 per cent. Nillumbik Council's Open Space Strategy recommends it be increased to 10 per cent.

The planned new civic centre for Eltham is excellent because of its closeness to the most populated part of Nillumbik and to public transport, making it easier to access by residents from other areas, its sound environmental design and it won't require increased rates.

Marguerite Marshall, Eltham.

Only Eltham counts

NILLUMBİK Council has now shown its true colours – only Eltham matters.

The release of plans for the proposed new council offices in Eltham and the plans for the Civic Drive site could not have been more of a contrast. The Eltham development has a poetic preamble, whimsical commentary and multiple full-coloured 3D drawings. These plans detail "sunken courtyards", "wetland plants", "water cascades" and careful relocation of existing trees.

The Apollo Parkways presentation has a flat drawing of Civic Drive with insipid rectangles, an aerial view of Diamond Hill's footy oval and minimal, barely readable comments.

These plans (if you can decipher them) detail the demolition of most of the site and filling it with 176 medium-density houses.

No talk of saving trees and open space.

The Green Wedge philosophy applies only in Eltham.

Carmel Jacobson, Greensborough.

Three weeks getting around in a wheelchair gave Nillumbik councillor Bo Bendtsen a little insight into what it is like to have a disability. Here is his account of the experience

Disability a test for councillor

ON MOTHER'S Day (May 11), I had an accident on my bicycle that resulted in a broken hip.

After an operation to screw the fractured bone together I have to convalesce for three months, allowing the bone to heal.

My experiences as a disabled person, first in a wheelchair for three weeks, then on crutches, have been interesting and thought-provoking.

"Disabled" parking spaces are generally in good locations, although sometimes there are not enough of them and some unscrupulous people use their "disabled" sticker long after it is necessary.

Looking for wheelchair access to get from the asphalt car park to the footpath would sometimes leave me fending off drivers whizzing around

searching for a spot. Access to well-used public facilities is generally good, but there is room for improvement.

Nillumbik Council has several programs, including a disabilities committee, to guide development of new buildings and improve access to existing facilities. I am supportive of developers and governments putting in more effort than just the bare minimum, particularly if the benefits of more thought come at minimal cost.

I was very impressed with the concern and help strangers would offer, from assistance with carrying things to holding doors, getting out of the way and increased courtesy.

Naturally there is a minority of able-bodied people who do not give a fig, but they are few and far between.



Injured Nillumbik councillor Bo Bendtsen has a little difficulty getting around in his wheelchair.

READER REPORT



Staff, parents and children celebrate.

Red Nose Day was our first

REPORT and picture: Emma Hedley, Diamond Creek.

SMARTIE Pants Early Learning and Development, a long day care and kindergarten, teamed up with SIDS and Kids for what will be our annual Red Nose Day event.

It was our first Red Nose Day and we gathered all the children, families and staff together for a photo of us all wearing red noses.

Each year we hope to increase the amount of people in the photo and the amount of money raised for SIDS.

For the past month we have been selling red noses and collecting donations for SIDS.

We raised more than \$400 on Red Nose Day to donate to SIDS.

This is a very important cause to our centre as we follow the SIDS safe-sleeping policy.

There are so many families out there who are touched by sudden infant death syndrome.

Cost: \$15 (includes morning tea)
Bookings essential on 9430 1313 – Living & Learning Nillumbik

Nillumbik Planning Scheme

Approval of Amendment C49

Nillumbik Shire Council has approved Amendment C49 to the Nillumbik Planning Scheme.

The Amendment rezones 895 and 903-7 Main Road, Eltham from Business 2 Zone to Public Use Zone Schedule 6 – Local Government and updates reference to the Eltham Major Activity Centre Structure Plan in Clause 21.05 of the Municipal Strategic Statement and Clause 22.07 (Eltham Major Activity Centre Local Planning Policy).

The Amendment was approved by Nillumbik Shire Council on 4 July 2007 in accordance with authorisation given by the Minister under section 11(1) of the *Planning and Environment Act 1987* on 6 December 2006. The authorisation has not been withdrawn.

The Amendment was gazetted on 16 August 2007 and came into effect on that date.

A copy of the Amendment can be inspected free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne and at Nillumbik Shire Council, Civic Drive, Greensborough.

If you have any enquiries regarding Amendment C49 please contact Paul Fyffe, Strategic Planner, on 9433 3218.

www.nillumbik.vic.gov.au

9433 3111

DIAMOND VALLEY LEADER September 5, 2007 7

DVL 5/9/07



An artist's impression of the proposed Nillumbik civic centre in Main Rd. The drawing does not show surrounding buildings.



Eltham College principal Dr David Warner and students Rachel, college captain Belinda Sharrock, James, Natasha, Bethany and Maia look forward to a close relationship with the Melbourne City School.

Picture: MARK FRECKER N52DV411

City link with learning

Engel Schmidt

AN ELTHAM private school is driving plans to set up a new school to cater to working parents in the city.

Eltham College principal Dr David Warner said the Melbourne City School would be a

progressive education model for the 21st century. He said the school's city-based year 9 campus had shown the benefits students could get from studying in a "resource-rich" environment in the heart of the city.

"Part of the experience we bring is that we've grown up in

the city," he said. "We've seen how the students have grown from that experience. What we will also see ... is that students will be able to spend time out in the Green Wedge."

The new school is already taking enrolments - fees begin at \$16,000 - and will start with a

prep year in 2009. Dr Warner said the school had three possible sites in mind, including one near RMIT and Melbourne universities.

He said the new school would be based on the forward-thinking philosophy pursued at Eltham College since it opened in 1973.

Civic centre forecast withdrawn

NILLUMBIK Council has backflipped on a forecast figure that predicted a windfall from the mooted sale of its civic centre site.

The inclusion of the \$17.85 million forecast for the land sale in 2010-11, contained in the draft Council Plan 2007-2011, drew criticism from some councillors and the Friends of Apollo Parkways, as reported in the *DV Leader* last week.

References to the figure have been removed from the amended council plan adopted at last week's council meeting.

Deputy Mayor Peter Yates told the *DV Leader* the inclusion of the figure in the draft plan might have given the impression the land sale was a certainty.

"It doesn't need to be in there until someone makes a decision," Cr Yates said.

The Greensborough site's sale would fund the council's new civic centre in Eltham, estimated to cost \$16.9 million.

A decision has yet to be made about the sale and the project is still up for community consultation.

■ Civic centre anger: Page 8

Budget passed

NILLUMBIK Council has adopted its next Budget, despite the objections of three councillors.

Councillors Howard Bulmer, Bo Bendtsen and Helen Coleman voted against adopting the Budget, which will see an increase of 6 per cent in rates and charges, at last week's council meeting.

Deputy Mayor Peter Yates told the *DV Leader* the \$36.5 million Budget would meet the challenges the council faced in a responsible manner.

"We've spread that money around the wards, even with those councillors who have never supported the Budget," Cr Yates said.

Permits to stay

PARKING meters will not be installed on the new Eltham circulatory road.

Nillumbik Wingrove Ward councillor Greg Johnson said council officers would investigate extending a permit-based system for the all-day parking needs of Eltham traders and their staff.

He said the decision to have council officers investigate the permit system would "put an end to speculation about parking meters for Eltham".

Cr Johnson said increased parking demand from people using the Eltham station meant a permit system would help provide continued parking for traders and employees.

A report to the council is expected next month.

Enquiries: Neville Slade
Telephone: 9433 3129
Reference: 80/18/004



5 September 2008

Dear Sir/Madam

Re: Our Civic Future Project

I write to inform you of Council's recent decision in relation to the Our Civic Future Project.

You may have been involved in the recent community consultation on the draft Master Plan for the Apollo Parkways precinct in Greensborough and the concept design for a new building at 895 Main Road, Eltham.

Council received 223 submissions and two petitions in response to this consultation and about 35 submitters made presentations to the Policy and Services Committee on 12 August 2008.

At the Ordinary Meeting of Council on 26 August, Council decided to refer all investigations, research, documentation and the outcomes of community consultation on the Civic Centre project to a future Council for consideration.

The very clear message that emerged from the recent public consultation is that any move to Eltham should not be at the cost of an overdevelopment of the Civic Drive site. Other key themes included loss of open space and trees, impact upon neighbourhood character and the density of proposed housing, increased traffic adding to further congestion, car parking, the inequity of the funding model, with the burden seen to be unfairly borne by Apollo Parkways residents, the level of financial detail available and cost escalations. Concerns were also raised regarding the Reference Group and consultation processes.

Further work would need to be done to ensure that robust project, financial and risk management principles are applied, along with a comprehensive consultation framework that seeks to engage more with the Apollo Parkways community and also residents of the wider Shire.

Council has rejected Versions C and D of the Apollo Parkways Precinct Master Plan due to their housing density and other issues that were raised in submissions. It has also recommended that any further work on the project that may be undertaken by a future Council should involve an investigation of new funding models to spread the financial cost across the Shire and also to consider reconvening the Community Reference Group that was appointed to work on the Apollo Parkways Precinct Master Plan.

..12

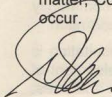
2.

There has been recognition that the proposition for a new Civic Centre in Eltham has merit and that Council would be seen as a leader in environmental best practice by building a six-star energy rated facility that responds well to the Eltham site and its surrounds. However, it is acknowledged that there was a very clear, strong message from submitters that the Apollo Parkways Master Plan is an overdevelopment of the site.

Given the magnitude of the project, this Council has progressed as far as it reasonably can. It is appropriate for an incoming Council to determine the next steps in the project and the additional work required.

All information relating to this project, including copies of consultants' reports, Council Meeting Minutes and the report that Council considered at its last meeting on 26 August 2008, will continue to be available on Council's website. However, in the event that you would like to obtain hard copies of any relevant documents, please either contact Jon Miller on 9433 3119 – email jonathon.miller@nillumbik.vic.gov.au or myself on 9433 3129 - email neville.slade@nillumbik.vic.gov.au and the relevant documents will be mailed to you.

On behalf of Council, thank you for your involvement and interest in this project. As a member of the community that has shown an interest in the matter, Council will keep you informed of any future developments that may occur.



Neville Slade
Manager,
Major Projects & Business Services

Enquiries: Neville Slade or Andrew Port
Telephone: 9433 3119 or 94333129
Reference: 80/18/004



5 October 2007

Russell Yeoman
Secretary
Eltham District Historical Society

Dear Russell Yeoman
Secretary

Re: Civic Centre Project

I write to thank you for your recent submission to Council on the Civic Centre project. After reading all submissions and hearing presentations at the Policy and Services Committee meeting on 11 September 2007, Council at its meeting on 25 September 2007, decided to proceed with more detailed work on this project.

Having weighed up all the issues, Council has concluded that the best option is to consider building a new Civic Centre on the former Shire office site in Eltham and has, therefore, formally resolved to proceed with work on a design for a new Civic Centre in Eltham.

As a result of submissions from Apollo Parkways residents, Council has also formally resolved to amend the financing proposal for the project, which was initially proposed to be entirely from the sale of surplus Council land at Civic Drive, Greensborough. Council has resolved that it will consider some other funding options, as long as these other options do not result in a rates increase.

Council has also resolved to undertake the development of a Master Plan for the Apollo Parkways precinct, including the Diamond Hills Reserve. The plan will give guidance to Council on protecting the character and amenity of the precinct, the upgrading of parks and public facilities, and development options for surplus land.

All of the above work is expected to be reported back to Council by May next year, and decisions on the project will be taken then. In summary, Council has now moved to a stage of gathering more information.

Council has not resolved:

- To sell land at Civic Drive, or;
- To build a new Civic Centre in Eltham

Nillumbik Shire Council Civic Drive (PO Box 476), Greensborough Vic 3088 Telephone: 9433 3111
Facsimile: 9432 9559 Email: nillumbik@nillumbik.vic.gov.au Website: www.nillumbik.vic.gov.au

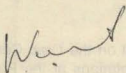
Nillumbik is proud to be SafetyMAP accredited and a Waste Wise organisation.

The recent reports to Council's Policy and Services Committee and the full Council meeting, including the responses to submissions, can be accessed on Council's website at www.nillumbik.vic.gov.au if you require more detailed information concerning Council's recent decision.

There will be opportunities for local residents to become involved or stay informed with the project, the details of which are now being finalised and will be forwarded to you shortly.

I sincerely thank you for your interest and input into what is a major and complex project, and I would urge you to maintain an interest in the processes that will take place in the near future.

Yours sincerely



Cr. Warwick Leeson
Mayor

cdh to
RJH

Birrarung
Kangaroo Ground. 3087.
17/04/09

The Mayor and Councillors,
Shire of Nillumbik
Civic Centre.
Greensborough. 3088.

Dear Councillors,

Ref Former Eltham Shire Office Site.
Main Road. Eltham.

The site readily lends itself to be retained for The Common Good.
Parking is currently available on the upper level, easily accessible from the Main Road and the Elderly Citizens Centre also The kindergarten. Whilst the lower level is accessible to the Library and Community Health Centre.

Now to the middle level. The site of the original Shillinglaw Cottage and existing Shillinglaw Trees.

Having been instrumental in the preservation of the Cottage I am proposing to the Council that the middle level site be preserved as the Shillinglaw Park. It would be possible to build a gazebo, provide some seating, maybe a BBQ and plant some shade trees on this site, replant the grass, all to the benefit of users of the surrounding areas.

This should be at little cost to the Shire and provide a benefit to the district. Maybe as the living War Memorial is adjacent, so too a green oasis could become a fitting living memorial to the Firefighters and Volunteers of the district.

Please give this proposal your earnest consideration..

Yours sincerely,

DB-S

Mrs D. Bassett-Smith.

To be tabled at Next Council Meeting.
D.

895 MAIN RD
ELTHAM

Eltham District Historical Society

Incorporated No. A0016285F

Local History Centre

728 Main Road (PO Box 137) Eltham Victoria 3095 Australia

Email: edhs1@bigpond.com Website: www.tinyurl.com/elthamdhhs



1 August 2009

Mr Bill Forest
Chief Executive Officer
Nillumbik Shire Council
PO Box 478
Greensborough 3088

Dear Mr Forest,

Former Eltham Shire Office Site
Main Road Eltham

This Society has considered a letter to the Council by Diana Bassett-Smith requesting that the former Eltham Shire Office site be preserved as public parkland that commemorates its earlier role as the site of Shillinglaw Cottage. The Society supports utilization of the site in this way as a fitting recognition of the historical importance of the site and a memorial to the Shillinglaw family.

Shillinglaw Cottage was removed from this site in 1964 to provide a site for the now demolished shire office. Until that time it had been owned and occupied by successive members of the Shillinglaw family for about 90 years. The removal of the cottage and re-erection on its present site was funded by community donations. The only remaining link on the site with the Shillinglaw occupation is the three cypress trees that stood at the front of the cottage. It is appreciated that one of these trees is nearing the end of its life. The trees are covered by a heritage overlay under the planning scheme and its important that the two healthier trees are protected and preserved.

This Society holds the remaining funds of the former Shillinglaw Cottage Preservation Committee and it has been intended to apply the funds to some fitting commemoration of the Shillinglaw family and cottage once the future of this site is decided by the Council.

We can think of no better use of the site than the Sillinglaw Park suggested by Diana Bassett-Smith. This would assist in the preservation of the trees and also provide an assured home for the Eltham Market which currently uses the site.

We are happy to provide any additional information needed by Council or to discuss the matter if required. Please ring me on 0409 021 063 to initiate either of these options.

Yours faithfully

Russell Yeoman
Secretary

895 MAIN RD.
ELTHAM

Enquiries: Lynne Gullan
Telephone: 9433 3101
Reference: M006/00/895Q
Doc ID: C242130



12 August 2009

Mr Russell Yeoman
Secretary
Eltham District Historical Society
PO Box 137
ELTHAM VIC 3095

Dear Mr Yeoman

Re: Former Eltham Shire Office site

Thank you for your letter dated 1 August 2009 regarding the above. Your suggestion of preserving the former Eltham Shire Office site as public parkland commemorating its earlier role as the site of Shillinglaw Cottage has been noted. I have also forwarded a copy of your letter to each Councillor for their information.

You may be aware that the site has been rezoned from the Business 2 Zone to Public Purposes Local Government, and as such this more broadly reflects a view that the highest and best use for the land would reflect some public usage, rather than parkland, having regard also to the extent of existing public open space such as Alistair Knox Park and the Eltham oval in the immediate vicinity.

Council has not formed a view on the future use of the site at the moment, however, the current zoning would not necessarily exclude the possibility of some aspect of the site being used to recognise its historical past if that was considered appropriate. Council would be in a better position to determine that when it forms a view on the future usage of the site, recognising also that there is an existing Heritage Overlay on part of the land in relation to the Shillinglaw trees.

Whilst Council has determined that a new Civic Centre will not be built on the former Eltham Shire Office site and its future use has not yet been resolved, I can assure you that any decision regarding future use of the site will be done in consultation with the community.

Thank you for your interest in this matter.

Yours sincerely

Bill Forrest
Chief Executive Officer

ELTHAM

Hotel mooted for site

Brittany Shanahan

Unused council land could also house a big convention centre and art gallery

A MULTIMILLION-dollar redevelopment to a suburban precinct, which would include a 120-room hotel, could kick off as early as this year.

Nillumbik Council plans to offload surplus land to pay off its \$13.46 million debt, including the old shire office site on Main Rd in Eltham.

Mayor Peter Clarke is hoping for a hotel to be built by

developers on the site, which would also include a convention centre and art gallery.

He said a feasibility study had been completed and indicated it could be a low level structure with 120 rooms.

He said there had been no design work done yet and options could be explored.

Community consultation could start this year.

Cr Clarke said the idea stemmed from conversations with the arts community, including Sigmund Jorgenson, son of Montsalvat founder Justus Jorgensen.

Cr Clarke said external consultants believed it would be sustainable.

The plan is part of the Eltham Town Centre redevelopment.

It has been broken up into sections – medical, recreational, commercial, transport and old shire offices site – which would include major contributions from the private sector for the revamp.

A private hospital could also be in the pipeline.

Cr Clarke said he would like to replace extra train stabling with car parking at El-

tham Train Station before building one to two levels above the carpark for medical uses.

“In those precincts we’re looking at about a \$120 million upgrade using private sector funds,” Cr Clarke said.

“The Council is not looking to borrow anything.

“We will sell land and end up using that to pay off debt.”

Feb 14 2018

diamondvalleyleader.com.au

Conversations

TELL US



EMAIL diamondvalley@leadernewspapers.com.au
WEB diamondvalleyleader.com.au



MAIL The Editor, Diamond Valley Leader,
Level 3, 340 Bell St, Preston 3072



FAX (03) 9495 9540



SMS 0402 967 387



DiamondValleyLeader



@DVLeader

HOT TOPIC

Fury, surprise and support for Eltham development

RE: Grand plan for Eltham's jewel
(February 7)

RESIDENTS in Nillumbik are absolutely furious.

We live in the green wedge for a reason. We pay some of the highest rates in Victoria. What are they using this rates money for?

We don't even get a weekly bin collection for more than \$3000 per year.

Friends of mine have been putting posters around promoting opposing the land sales and they keep mysteriously being ripped down overnight.

This council is so out of touch with its voters and it's scary that they can get away with selling these environmental assets.

We often have kangaroos and kookaburras in the reserve near us.

Once they are gone they are gone forever.

I don't usually get worked up by many issues, but this is actually a disgrace.

CATH MCLARDY, email

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An artist's impression of what development could look like on the old Eltham Shire office site.

GREAT decision by council. I for one can't stand paying extra rates to keep vacant blocks.

Exceptionally high rates was the number one issue with the majority of Nillumbik residents when I was doorknocking about 15 months ago (a lot of these residents are elderly and not on Facebook).

Well done Nillumbik for looking

after your residents instead of bowing down to the vocal minority.

RICHARD STOCKMAN, Facebook

AN OPEN letter to Nillumbik Council: Dear mayor and councillors of Nillumbik Shire

You did not come and ask us first if we valued or used our reserves.

You did not say at the last council

election that you wanted to sell our reserves — this is Nillumbik, after all. This is Eltham. If you had done so, you would not have been elected.

You will be removed from the council at the earliest possible opportunity — you can be assured that affected residents will campaign vigorously and

YOUR SAY

You did not explain that many of these small and medium reserves are not just unused spare blocks of land but are part of the shire-wide network of walking tracks and passive open spaces.

— ANDREW LEMON

effectively against any councillor who supports the sale of any public reserve unless such specific sale is supported by all affected residents.

You did not do your due diligence in informing us why these reserves had been put aside and protected in the first place. Did you ask?

Why were they worth putting aside for open space when fewer people lived here but are considered disposable as the population increases?

You did not tell us how future generations in this shire are to benefit by your selling off increasingly precious open space as our suburb becomes cluttered by more cars and medium density housing.

You did not explain that many of these small and medium reserves are not just unused spare blocks of land but are part of the shire-wide network of walking tracks and passive open spaces.

Leader Community News reserves the right to edit letters. Letters should carry correspondent's full name, address, email address and daytime phone number.

BLACK SATURDAY

The devastation on that February day in 2009 will always stay in Steve Warrington's mind. He recalls the tragedy

Learning from the fateful day

EVERY time I wear my CFA dress uniform, I make sure I pin a yellow ribbon to my jacket. The ribbon was from the campaign organised by the *Herald Sun* in the days after Victoria's worst natural disaster, Black Saturday, nine years ago (on February 7).

In those days after the horrific fires, yellow ribbons were worn in a show of unity and hope and to commemorate the 173 people who died on that day.

I still wear that yellow ribbon because while the years may pass, I will never forget the devastating events of that February and never lose sight of the significance of Black Saturday on both the Victorian community and the Country Fire Authority.

With time, our memories become faded, details become lost, but I know for many in our ranks the details remain eerily clear: the ferocious heat and winds, then the fires, so many fires followed by wave after wave of frenzied and hectic activity from emergency responders across Victoria, desperately trying to protect lives.

The events of that Saturday spilt into Sunday, as crews worked through the night and barely stopped in the days after.

The Black Saturday tragedy and the intense emotions that accompany it had a profound impact on those in the CFA on that day. I reflect on it a lot and seldom does a day pass that something about the day doesn't cross my mind.

The CFA charter is to protect lives and property and there remains a sense in me, and probably others, that we didn't uphold our duty to the community.

As the years have passed, that sense of grief has been channelled into a determination to ensure we keep learning and keep evolving.

Black Saturday was an unprecedented occurrence that reset standards internationally; and as a fire service, we had to review, reflect and improve on what we did.

Those fires didn't operate by any playbook we were accustomed to: the science and tried-and-tested methods to corner and extinguish blazes were no match for the fer-



The Black Saturday bushfires. Picture: ALEX COPPEL

ocity of February 7, 2009. Conventional firefighting practice and procedure, all the advice and information we had in our arsenal, were no match for Black Saturday.

And it wasn't just here in Victoria. Those fires re-

defined how wildfires are understood and mapped and also reset fire standards in many jurisdictions.

I understand that the force of nature was such that we simply could not compete; we were outfoxed by a devilish

inferno on that fateful day. But even the most pragmatic of us carries a sense of burden because of the lives lost.

The impact of that day, which claimed so many lives and razed about 2000 homes, is immense.

It will continue to weigh heavily on us and many in the CFA family continue to carry a profound sense of loss. As an organisation, we had to reset, rethink, redo and replan to make sure the community could rely on us in the future.

We have learnt much from that fateful day and while it is doubtful we will ever master the capacity to control our fire-prone and often unpredictable landscape, the community should take comfort in the fact we have some of the best firefighters in the world ready to protect people and property.

We will continue to build our knowledge and capability so we are ready when fire comes to our door.

When I fix that yellow ribbon to my uniform, it serves as a visible and poignant reminder of the tragedy of Black Saturday, but I also know I speak for many in the CFA when I say we carry the memories of so many with us all the time and that will us to always strive to be better prepared.

Steve Warrington is Chief Officer of the Country Fire Authority

LETTER OF THE WEEK

Plan to fight council on land sell-off

I LIVE opposite one of the reserves — Renshaw St — and do not want it sold as it would be likely to end up with more than one house or unit on it.

It is on a bend and at the top of a hill.

We don't need any more houses with cars accessing this area to cause more congestion.

The council talks of the reserves as being "unused land" but many contain significant trees and home

for wildlife or are used for walking tracks. A number of my neighbours and my family are banding together to fight the council over the proposed sale of our reserve.

JENNIFER AMBRIDGE, Eltham

You did not tell us how much the consultation process is costing ratepayers — measured in our time and distress as well as in the council's administrative budget.

You have already admitted that your scheme will be "unpopular". You are correct.

We do not want it.

You did not tell us how you can already be planning to spend big sums on infrastructure projects (most are actually "structure projects"), few of them near the places where land is earmarked for sale, when at the same time you are railing against debt carried by the shire.

Why do we need a commercial palace on the old shire site in Eltham?

You did not tell us who stands to benefit financially from these plans. It is not us.

Where is your policy for enhancing our reserves, caring for them properly, maintaining them in an environmentally appropriate way, making them places in which we all take pride?

None of us has a crystal ball into the future. You have no idea of what our neighbourhood will look

like 40 or 50 years from now. It is not your job nor your right to sell off our common land. Once sold, gone forever.

ANDREW LEMON, Eltham

I THINK financial responsibility is important, and selling unused land for development to fund unfunded priorities is a terrific way to give the community what it wants without putting us into further debt.

NARELLE CAMPBELL, Facebook

COUNCIL has advertised its intention to sell 17 parcels of land in the shire that have been owned by us, the ratepayers, for many years.

This intention appeared in the hard copy edition of the *Diamond Valley Leader* that was on the streets by the afternoon of Tuesday, January 30.

So council must have submitted the copy well before councillors had a chance to debate this issue during the council meeting that same night.

This is not due process and augurs badly for this council elected on promises of open and transparent government.

Clearly this is a pro-development council.

Though some blocks have little environmental merit, many are treed and people use them for access and open space.

In many cases the environment will suffer should they be developed. Public open space is vital for health and wellbeing.

Furthermore, most ratepayers would consider selling off community owned assets to be fiscally irresponsible, irresponsibility on a par with charging Diamond Valley Railway, a commercial business, a peppercorn rental for use of our valuable asset, Eltham Lower Park. Or indeed hosting an extravagant gala cocktail event to which few ratepayers were invited.

This is a sorry state of affairs, it is poor governance and akin to selling off the family farm.

HENRY HASZLER FOR FRIENDS OF MILLMEIK

WELL, I live in Eltham and I for one would like sewerage. So if they have to sell off some land to do it, then so be it.

JACQUIE BELL CHAMBERS, Facebook

Drop and duplicate

RE Rail pain set to go on
(diamondvalleyleader.com.au)

DROP the railway line and have a bridge over the top to try and keep the traffic moving.

CHRISTINE DUCLOS, Facebook

WE NEED to make this an election issue. As a marginal seat, we might be in with a chance.

NATHAN PAN, Facebook

WITH only a couple of trains an hour and only a single track, it's nowhere near as high priority as some of the genuinely busy level crossings.

CATH FISHER, Facebook

WE urgently need duplication so that we can have reasonable frequency of services on our line.

Once you're past Eltham, it seems as though we no longer exist.

SARAH LE PAGE, Facebook

IT desperately needs to be removed.

The bottleneck every day there is out of control. Hate it with a passion.

KIRSTY HOPLEY, Facebook

CAN increase train services online without creating more traffic delays and reduce danger of level crossing.

SIMON VDV, Facebook

DUPLICATE the line at the same time. There's increased road and train usage in this area.

JO LEPORE, Facebook

WE NEED this more than some shebang thing in Eltham.

SAMANTHA MCCALL, Facebook

trending
online



BRIDES LEFT IN LIMBO

THE popular International of Brighton is shutting its doors after being bought by a Chinese developer and it's left brides-to-be scrambling.

WATCH ON WEAPONS

POLICE say they will charge anyone found to have illegal weapons after it was revealed armed vigilantes are patrolling a Cranbourne street in response to escalating crime.

FOODIE FUN FOR CHILDREN

THE new \$80 million dining precinct at Mill Park's Westfield Plenty Valley is almost open for business, and children will be the first to road test the new food and fun.

PAIN OVER HOT ROD HEIST

A DEVASTATED Lyndhurst man has described the pain of coming home from holiday to find his rare and distinctive 1923 Ford T Bucket hot rod had been stolen.

For all your local news go to
leadernews.com.au

Sept 5 2018

NILLUMBIK

Plans for site urged

Brittany Shanahan

Call for 'substantial community benefit' in project

NILLUMBIK Council is "testing the market", calling for expressions of interest to develop the old Eltham shire office site which has left part of the community seeing red.

Mayor Peter Clarke said the council planned to shortlist about five developers and ask them to prepare a proposal for 895 and 903-7 Main Rd, Eltham.

Cr Clarke said it would have to provide a "substantial community benefit" which could include an amphitheatre or a significant art gallery.

"I'm not keen to put it on the market and get a standard vanilla residential development. We need to have outcomes that are visionary," he said.

All councillors, except for John Dumaresq, supported the plan. "I think it's ironic we're bringing this up on the day we look at Graysharps Rd where we saw it was inappropriate to have a residential development in the middle of Hurstbridge," Cr Dumaresq said.

"They'll buy site for \$1 and they'll give us a 1600s qm art

gallery and a space such as Anzac square, then we'll pay for that with six to seven storeys of residential apartments in Eltham."

Deputy Mayor Karen Egan said an art gallery was the top priority for residents she spoke to in an economic development meeting. Cr Peter Perkins said it was "worth seeing what's possible".

Eltham Community Action Group president Carlota Quinlan said community consultation on the potential land sale of the site didn't close until September 16 and there had been no mention of the social and environmental history of the site.

"As with the vote on the sale of reserves, it appears the process had already been set in motion before the vote was taken," she said.

DVC Sept 19 2018

Approach under fire

Brittany Shanahan

Council plans for historic shire site raises eyebrows

AN ADVERTISEMENT to "revitalise" the old Eltham Shire office site has sent some residents into a tailspin as it ignores key features of the site, they say.

Eltham preschool, senior citizens hall, maternal and child health centre, war memorial and three 100-year-old Shillinglaw trees were left off the advertisement, which has raised eyebrows.

Some have questioned whether

they are valued and if they will remain on the site.

The notice says the site at 895 and 907 Main Rd, Eltham, is surrounded by a plethora of retail, brimming with parks and running tracks. "The development will need to reflect Eltham's unique sense of place ... it would also need to provide public spaces that could support community uses," it stated.

The Eltham District Historical

Society was "disappointed" the historical value of the Eltham War Memorial and the Shillinglaw trees weren't disclosed.

"Our society is of the firm opinion that the original Eltham War Memorial complex of buildings including the entrance gates should not be sold, nor demolished," the society said in a statement.

"These (Shillinglaw) trees

represent a navigational beacon between the past, present and future landscape and history of the district and are covered by a heritage overlay."

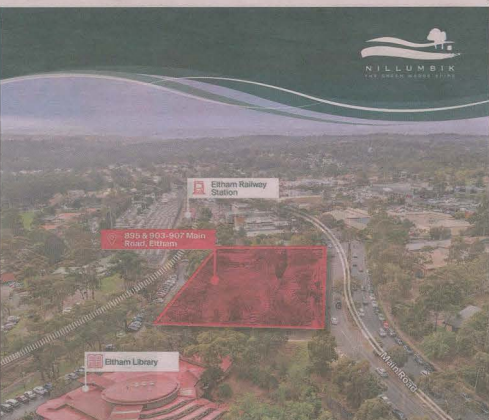
Eltham state Labor MP Vicki Ward said women of Eltham and surrounding townships helped build the Eltham preschool, memorial hall and senior citizens hall after World War II.

She said it was a symbol of how

they held their families together while husbands, brothers and fathers fought in the war.

"I am frustrated at Nillumbik Council's approach to selling this land. Council processes should start with the community, not with big developers," Ms Ward said.

Nillumbik Council Mayor Peter Clarke told the *Leader* they were in "very early stages" of working with the private sector to consider options to revitalise the "run-down" site.



Our plan for a revitalised Eltham

The old Shire Office site at 895 Main Road Eltham, has sat vacant for over 20 years. The adjoining property at 903 – 907 houses the senior citizens, maternal and child health, preschool and cenotaph. These buildings constructed in the 50s and 60s are old and tired. Our community deserves a modern kindergarten, maternal and child health facilities and a cenotaph precinct that accommodates RSL commemorations and improved spaces for community markets.

To achieve an Eltham style precinct, which includes information, arts and cultural services and a range of social, community and every day business activities we are considering a joint venture arrangement with the private sector so there will be no cost to ratepayers. This means we will remain in control of any re-development throughout the process.

Commercial development such as retirement living, aged care, tourist accommodation, conference facilities or retail, could be developed on parts of this site to fund the new vision.

We have always been clear that any proposal will need to reflect Eltham's unique sense of place and character and meet our criteria of



linkages to the library, train station and town centre



retain the cenotaph and enhanced civic plaza



a community building (possibly an art gallery)



\$1.5 million for Council to relocate the preschool and maternal and child health centre



retain historical trees and create a landscaped environment



environmentally sustainable design principles within the current planning scheme

To make sure this is even possible, we are seeking expressions of interest for an initial concept so that we have something to take to you for input.

We're also looking forward to working with the preschool, maternal and child health and senior citizens to create an exciting new purpose built facilities that they can call home located nearby.

We are committed to getting this right; the whole process is being overseen by an expert advisory panel including a probity auditor. This will enable us to deliver on our vision of making Nillumbik the most liveable Shire in Australia.

ELTHAM COMMUNITY TOWN MEETING

SATURDAY 13th OCTOBER 4-5pm

Senior Citizens Hall, 903 Main Road, Eltham

Developers have put in proposals for our community land and buildings– the old Shire Office Site; and demolition of the historical Eltham Living War Memorial Buildings

A developer will want to build high density accommodation, along with shops or similar, covering all of the 1 hectare of *OUR* community space at 895 – 907 Main Road, Eltham

OUR TOWN, OUR COMMUNITY – LET'S NOT LET THEM DESTROY IT!

Speakers Include:

Bill McKenna, Past President - Montmorency-Eltham RSL

Jim Connor, President - Eltham District Historical Society

Eltham Pre School Committee - site user for over 62 years



www.elthamaction.org.au

Facebook/savecommunityreserves

#SaveElthamTown

Be informed, unite and be heard!



Eltham Community Action Group

Eltham Community Action Group consists of locals who are active in the Eltham community and who work to protect and maintain its character.

We take an interest in local planning issues and seek to ensure that when change does happen, it reflects community values and the best of local Eltham character.

To find out more, or donate, please visit our website elthamaction.org.au, search for us on Facebook or email us at elthamcag@yahoo.com or to PO Box 4, Eltham

You can subscribe to our newsletter [here](#).



Should we now let a developer bulldoze a War Memorial?

The Council wants developers to use public land including: *the old Shire Office site* (Scene of public outcry in the 1990's), *the 62 year old Eltham preschool, senior citizens hall, maternal and child health centre & war memorial hall*. Parents, children, senior citizens and others using these public buildings would need to make way for commercial interests with some community facilities built on 'residual land' according to Council.

The War Memorial hall, 60 year old Eltham preschool, maternal and child health centre was built by the War Memorial Trust as a 'Living Memorial' for future generations, to recognise those who fought in WW2. The fundraising for the buildings and land came from the 7,000 Eltham Shire residents in the 1940's & 50's. Sold to Council for £1 This Memorial needs our protection from developers who will clear, build and leave.

You can write, call or email your local Councillor or the Mayor about your concerns. Council Office 9433 3111

Donate to ECAG so that we can continue to
fight on your behalf.

Banking details: BSB 633-000 A/C 141 735 845

An essay addressed to the Councillors of Nillumbik Shire, October 2018:

About the Eltham War Memorial and the adjacent community-owned sites in Eltham that the Council threatens to sell

'I wonder how many of you will remember our beginnings?'

- *Mrs Cairns Officer, first President of the Eltham War Memorial Trust, reminiscing 20 years later, in 1965.*

Who was 'Mrs Cairns Officer'?

Louise Officer (1888-1968) was one of the most distinguished and politically powerful women in Victoria in her time. She was an empire loyalist, long-term senior vice president of the conservative Victoria League and the Australian Women's National League, a consistent advocate statewide for children's health and welfare, and for country library services. An Eltham resident from 1936, she presided over numerous district service and political organisations. In 1945, on the foundation of the Eltham branch of the Liberal Party of Australia, she became secretary and delegate to its state council.

Mrs Officer and her husband, Adam Cairns Officer, lived at Lavender Park, Eltham – a large timber house, on ten acres on the Diamond Creek opposite Eltham Lower Park. When they left Eltham for Tasmania in 1951, the property was sold and the grounds were subsequently subdivided. Though many others shared in the Eltham War Memorial story, Mrs Cairns Officer was its motive force.

These are 'the beginnings' she was recalling:

Eltham's War Memorial

Eltham's Progress Society, at a well-attended meeting yesterday, decided that its war memorial should take the form of a baby health centre, with a crèche and a children's library. More than £300 was subscribed, and a committee will take in hand the raising of the necessary extra money and the selection of a site.

- *Argus, (Melbourne), 28 March 1945*

Seven months later...

Health Centre as War Memorial

A Baby Health Centre as a war memorial is planned at Eltham. Efforts to raise funds have begun...

- *Herald (Melbourne), 21 November 1945.*

When the Nillumbik Shire Council in January 2018 voted to take the first steps to destroy the Eltham War Memorial and its associated buildings, did the councillors really understand what they proposed destroying? Did they know the difference between this remarkable memorial and the RSL obelisk that now sits at the front of the site? Did they know why this memorial differs from all the rest - the other, more conventional memorials in the Shire that we honour and maintain?

(Let's call the site and the concept the 'Eltham War Memorial' for reasons of historical accuracy and consistency. Other titles and functions have been part of its collective history including Baby Health Centre, Infant Health Centre, Creche, Children's Library, War Memorial Hall and the current Eltham Pre-School and the Eltham Maternal and Child Health Centre.)

The Eltham War Memorial is unique, not just in the shire. It is the only one of its kind in Victoria.¹ It is a family memorial. It is a town memorial. It is a people's memorial. It is not a military memorial. It is a memorial that came to life chiefly through the actions of women. It remembers and grieves for the past but because its focus is on children it has never, ever stopped looking towards the future. Until now.

In practice it came into existence in 1945. And yet ever since its earliest stages there have been threats to the integrity of this very special memorial.

Oh yes, every time there was a good reason to over-ride the needs of the children for whom it was established. The original intention was to provide spacious grounds in the centre of town for a Baby Health Centre, a Pre-School and a Children's Library set in a garden of remembrance.

Consecutively, institutions have taken away, piece by piece, slabs of the Eltham War Memorial grounds. To the Country Roads Board for road widening. To the Country Fire Authority for a fire station. To the Elderly Citizens' Club for a meeting hall. To the RSL, via the local Council, to allow it to relocate its own war memorial.

Now the Nillumbik Council seeks to grab the last portion and pretend the history does not matter.

There is ignorance, and apparent confusion between the Eltham War Memorial and the RSL's memorial obelisk and its surrounds that now occupy much of the Main Road frontage.

This RSL obelisk began life as a World War One memorial on a different location in Eltham and was never part of the Second World War Eltham Memorial concept. There are virtues in its current placement where it now enjoys its own small heritage overlay; with interpretive panels and added names from later military conflicts, it

¹ Elsewhere in Australia there were just three designated Second World War Memorial crèches – two in Tasmania, one in Newcastle NSW. In Victoria there were some other baby centres designated as 'war memorials' post WW2, but none was part of a discrete complex of buildings dedicated to infant, child and maternal welfare.

now brings together the generations blasted by war, and is currently honoured and cared for – but it has been relocated twice in its existence, ending up here as recently as 2012 after the controversial closure of the nearby Eltham RSL building.

One result of that recent relocation is that Councillors, and Council officers in making their reports to Council, have utterly failed to research and recognise the importance of the separate Eltham War Memorial site whose buildings are now partially obscured by the formal setting in front of them.

Ironically it is only the obelisk and immediate surrounds that are protected by the current heritage overlay, and which in some undefined way the council is promising to respect. The unique Eltham War Memorial behind is ignored. This is the place that needs protection. This is the place created by the community specifically to honour those local servicemen who gave their lives in the Second World War, for the benefit of 'the little ones for whom they fought and died'.

Once again, as with the debacle over our community reserves earlier this year, Council and officers have failed to apply due diligence in their cavalier dismissal of the real significance of this property, locally and statewide. Cavalier, because the War Memorial status of the building complex was not even mentioned in the briefing paper presented to Councillors at their meeting on 30 January 2018. A simple referral to the Eltham District Historical Society would have put the council straight.

Subsequently, in an attempt to do so, Jim Connor, President of the Society, made a detailed presentation to Councillors and to Council officers outlining the layered history of the Eltham War Memorial Complex, the Elderly Citizens' Hall, and the adjacent former Eltham Shire Offices site, currently also in contention. All these properties have a common history along with the Eltham Library, Shillinglaw Cottage, the trestle railway bridge and Alistair Knox Reserve, being once part of the historic Shillinglaw farm.

Jim Connor told Council directly of the special purpose of this memorial as expressed in the words of its creators at the time:

Those who have had a member of their family in the fighting services will want to see that the form of memorial we are concerned with will be a constant reminder to us of those who fought for us and the little ones for whom they fought and died.

Was it too late when he spoke to Council? Were Councillors already committed to private development? Is the epitaph of their four years in office as Nillumbik councillors to be their grandiloquent slogan 'Millions on Pavilions'? Millions we don't have and which Council has sought to procure at the cost of real public assets. Most residents see such projects for what they are – vanity asserted in the face of clear community preference.



Source: EDHS Collection

Here is a young boy holding a ceremonial spade, setting out to dig a hole – to turn the first sod of the Eltham War Memorial Infant Welfare Centre. It is a ceremonial yet human occasion. The date is 8 July 1950.

This boy is the son of a man from our town, Theo Feldbauer, who died as a Prisoner of War in Japanese-occupied Borneo, just five years earlier on the infamous Sandakan death march. The boy could only have been four years old when he saw his father for the last time. He was eight when his father died.

I am sure the boy's widowed mother is in the crowd pictured in the background of the photo, watching proudly.

The boy Theodore, named for his father, has just turned thirteen.² Young Theo lives in Research with his mother and his two older teenage sisters, June and Valerie. Their mother, Violet Feldbauer, has been looking after them on her own since her husband joined the AIF in 1941 to serve in the fighting forces overseas.

In the photo, young Theo is accompanied and gently encouraged by the state president of the RSL, Major Frank Stevens. It is an important day for the family and for Eltham.

Here is his father, Theodore Albert 'Curly' Feldbauer, on the day he enlisted in 1941, as VX51733, a soldier in the 2nd Australian Infantry Force.

² In some records from the time his name is incorrectly given as 'Albert Feldbauer'. His correct name was Theodore Henry Feldbauer. He attended Research State School from 1942.



AUSTRALIAN WAR MEMORIAL

P02468.515

I don't want to depict Curly Feldbauer as especially heroic. He was, like many of his compatriots who joined up during the war, an ordinary Australian doing his duty. In reality he saw little or no military action before his capture by the Japanese.

Curly was born in Melbourne in 1909: his naturalised German parents moved several times during his childhood. Before he was 20 he was living and working in the Eltham district. He became a well-known local sportsman. He played cricket for the Montmorency Imperials in 1929 and 1930 in the Eltham Cricket Association, and excelled as a footballer and football coach. There are press references at the time to minor misdemeanours and accidents: evidently he was up for a brawl or two, but he was also able to do a recitation at a social night to launch the Eltham Girls Club in 1932. He married a local girl, Violet Teague, in 1933. Their first child, June, was born the following year. By 1935 Curly was honorary secretary of the Research Cricket Club. He continued playing cricket regularly, mainly for Research, through till the 1940 season, after the war had begun. The girls started at Research State School in 1939 and 1940 respectively.

Violet's sister married one of the Ingram family of Research, in 1936. The Teague family lived in Beard Street, Eltham.

You can see from the photo that Curly was a well-built young man, 32 years of age when he joined up. Despite the army short-back-and-sides, the unruly hair on top took him to a height of just under 6 feet.

The Australian War Memorial records provide some bare facts about his military service.

Curly was assigned to the 2/10th Ordnance Workshops, Australian Corps of Electrical and Mechanical Engineers, attaining the rank of Sergeant. Only months after his enlistment, Sgt Feldbauer was among the thousands of Allied troops captured by the Japanese in the fall of Singapore, early in 1942. His loved ones knew nothing of his fate until July that year, when his name appeared in the long list of those 'officially missing'. A glimmer of optimism revived when he was officially reported as a Prisoner of War in mid-1943. It proved to be a false hope.

He was one of over 2000 Allied prisoners of war held in the Sandakan POW camp in north Borneo, having been transferred there from Singapore as part of B Force. The 1,494 POWs that made up B Force were transported from Changi [Singapore] on 7 July 1942 on board the tramp ship *Ubi Maru*, arriving in Sandakan Harbour on 18 July 1942. Sergeant Feldbauer, aged 35, died as a prisoner of the Japanese on 27 March 1945.

- *Australian War Memorial*

His death was not reported in Australia until some months later. In the *Age* (17 November 1945) "MRS. T. A. Feldbauer and Family wish to express their sincere THANKS for sympathy in the loss of their loved one. Sgt. T. A. Feldbauer, 2/10th Batt., P.O.W., Borneo."

We don't have details of his death but if Curly died of 'illness', as recorded at the AWM, it was because he was one of the thousands of Australian victims of the infamous forced Death Marches from Sandakan, January - May 1945, of which there were only six survivors.

Tuesday 27 March 1945, when the Eltham Progress Association's public meeting put in motion its plans to create the Eltham War Memorial Baby Health Centre, Pre-School and Children's Library, was the exact date of Curly Feldbauer's death at Sandakan.

Records from the Australian War Memorial state that Sgt Feldbauer is commemorated on Panel 28 of the Labuan War Memorial Cemetery in Malaysia. His name is included on our local RSL obelisk. But the most meaningful commemoration is the actual fact of the Eltham War Memorial in Main Road, Eltham, where his young son and namesake, Theo, officially turned the first sod and started the building process on that winter day in 1950 - the 'constant reminder to us of those who fought for us and the little ones for whom they fought and died'.

The Heart of the Shire of Eltham

Six months after that simple ceremony, the Governor of Victoria travelled to Eltham to lay the foundation stone. It was rare for the State Governor to make this trek to our Shire. We can be sure Mrs Cairns Officer was behind the invitation. The event was reported in the *Melbourne Age*:

Children Featured in Eltham's Day

The Governor, (Sir Dallas Brooks) won 800 new friends yesterday when he told children in the shire of Eltham that they could have a holiday on Monday in honour of his laying the foundation stone of the Eltham war memorial.

The Governor was greeted by officials. He met the chief guests and then passed along the guard of honour of guides, brownies, scouts and cubs, shaking hands with many of them. Then came the turn of the school children and they clapped and cheered for several minutes when told about the holiday in store for them...

Addressing the adults, Sir Dallas Brooks said that just as a human being must have a heart, so must a shire, town or city.

"This memorial, based on the absolute determination that we of our generation will do our utmost for the next generation, will be the heart of the Shire of Eltham", he said.

A baby health centre is the first part of the war memorial, and as finances become available other buildings will be provided. These will include, a crèche, soldiers' rest rooms, kindergarten and children's library, surrounded by a Garden of Remembrance.

- Age (Melbourne), November 1950



Source: Billion Graves

Violet Feldbauer died 32 years later and is buried in the Eltham Cemetery. Her headstone carries its one-word declaration. 'Re-United.'

Her son, Theo junior, died in Echuca in 1999. He is buried at Taradale Cemetery.

What will the Nillumbik Shire Council tell the families, the descendants of Curly Feldbauer, and of his son Theo Feldbauer who turned the first sod? The RSL stone obelisk is no substitute for the living Eltham War Memorial.

The Women of Eltham

The Eltham War Memorial Pre-School is very much a memorial created by the efforts of the women of Eltham. That is another particular circumstance that makes this

memorial special. The public-spirited men who succeeded Mrs Cairns Officer as president of the Trust went out of their way to emphasise that fact.

Foremost among those men who praised her was Stanley Simpson Addison, distinguished resident of Kangaroo Ground, an Eltham Councillor (1949-56), Shire President (1952), and a president of the Eltham War Memorial Trust (from 1957). Addison made it his duty to be a careful chronicler of the War Memorial Trust, of which the Nillumbik Shire Council is so ignorant. His work has informed this account.

Addison himself had a fine record of public service: he understood better than many the indirect suffering caused by war, over and above the death and injuries suffered by combatants. In the First World War 'he was among those selected and trained to inquire after missing soldiers. He served on Lemnos, at Gallipoli, in Egypt and France, and was mentioned in dispatches.'³ He is included in the *Australian Dictionary of Biography*, especially because of his work with Australian Red Cross:

As secretary-general in 1938-39, he played a major role in preparing its early wartime organization and emergency services. He was assistant-director, Central Bureau for Prisoners of War, in 1940, chief controller of Voluntary Aid Detachments for the Commonwealth in 1942-47, research officer for postwar reconstruction in 1943 and joint secretary of the Australian Council for United Nations Relief and Rehabilitation Administration in 1944.

The new tragedies involving Australian prisoners of war, such as Curly Feldbauer, and the effects of these on their families, had particular significance for Stanley Addison.

The Eltham War Memorial Trust, he always pointed out, was initiated by a woman. The earliest and most effective fund-raising and community consciousness raising was done by women. The Trust's Women's Auxiliary remained the predominant fund-raising body until finally its objective was achieved.

Earlier informal discussions, and the first related fund-raising efforts by the women of Eltham, dated back as far 1943, maybe even earlier. Eltham District Historical Society has in its collection the telegram hand-delivered on 3 May 1941 to Mrs Annie Castledine at her home 'Araluen' on the Old Eltham Road, Lower Plenty. It informed her that her 26-year-old son George had been killed in action, in Greece. He was the first soldier from the Shire to be killed in the war. The Society has recently chronicled his story, which concludes with these words:⁴

³ See *Australian Dictionary of Biography* - <http://adb.anu.edu.au/biography/addison-stanley-simpson-9312>. See also Jim Connor on Addison in *Fine Spirit and Pluck: World War One stories of Banyule, Nillumbik and Whittlesea*, Yarra Plenty Regional Library 2016.

⁴ The Eltham District Historical Society website will be telling this story on its '#ThrowbackThursday' post for 8 November 2018.

It is in memory of George and all the other fallen soldiers of our district that the Eltham Women's Auxiliary first banded together to raise funds for the establishment of the Eltham War Memorial as a living memorial....

Vera Addison, Stanley's wife, later described the 1945 meeting as the culmination of 'the activities of a small group of public-minded people... who saw the opportunity of realizing a dream.'

The Progress Association meeting appointed a sub-committee, and Mrs Cairns Officer took command. She enlisted the help of three men with strategic skills: local Eltham medico, Dr Ron Bradbury; businessman Eric Siggins;⁵ and a university expert in company law, Mr G. Rogers. To keep the purposes of the Trust on track, they swiftly registered a limited liability company, 'The Eltham War Memorial Trust Limited'.

Decision-making powers of the Trust were vested in a 20-member Council (not to be confused with the Shire Council, though there was some overlap of personnel). In time the RSL was invited to nominate one member of the Trust Council.

As a legal entity, the Trust in October 1945 was able to negotiate the purchase of 1 ½ acres of land on Main Road from the Shillinglaw family, whose colonial cottage stood nearby and whose farmland still stretched from today's former CFA building to Bridge Street. It was a perfect location for its purpose, near the railway line and potentially forming a precinct with Eltham's new Shire Hall (built in 1941 on the opposite side of Main Road at Arthur Street). The price paid was £1225.

As Vera Addison later said,

The Memorial is in a really wonderful position, and a constant reminder to all who pass by of the sacrifice freely given, while at the same time a Centre of practical service to the community.

Fund raising for the memorial fell, as it so often did, to a Women's Auxiliary, also known at the time as a Ladies' Committee. Mrs Cairns Officer was its first president too. Among its leading figures was Mrs C.L. (Dorothy) Tingate, wife of the Eltham Shire Secretary. Others recruited to the cause included Beatrice Morrison ('Mrs J. Morrison'), of Killeavey on the Yarra. She was the daughter of Eltham's most distinguished citizen, Sir William Irvine (1858-1943) former Premier, Chief Justice and Lieutenant Governor of Victoria. A long list of Eltham and district women joined the cause.

Among the hardest workers was Mrs D.H. Lyon: she was born Ada Apted, part of the well-known family of orchardists in the countryside on Arthur's Creek. In Vera Addison's words, Ada Lyon 'lived for the completion of the Memorial, it seemed to

⁵ Siggins's company manufactured 'Malties' breakfast cereal in Richmond.

all of us, working and planning as she did right up to the time of her final illness.' There is a small monument to Ada Lyon in the grounds of the Pre-School, still. She died in 1962.

It was at the 20th anniversary event in 1965 that Vera Addison summarised this history. Like her husband, she made particular mention of the work of the women;

The auxiliary worked hard for 20 years raising money towards the cost of establishing and completing the memorial.

The Auxiliary was endlessly inventive, organising card parties, plays, concerts, dances, street stalls, fashion displays, raffles and the annual Springtime Fete in the Eltham Shire Hall – the main money spinner. Year after year they baked and embroidered, made jams and marmalades, published a cookery book, potted up seedlings, made dresses and hats, and badgered their neighbours to come to the events.

All was for what they called the Living Memorial. Vera Addison added:

The men supporters of the Trust organised each year the Easter Gymkhana in the Eltham Park, a function successfully carried on for many years. They gave service with excellent returns, much appreciated, but no words of mine could adequately express what the Women's Auxiliary meant to the Trust. It was indeed a band of hard working people inspired by an ideal.

To achieve its ambitions, The Eltham War Memorial Trust consulted regularly with relevant government departments, both to seek additional funding and to ensure that standards were met. Again, women played an important part. A key ally was a distinguished practitioner in child health, Dr Doris Officer. Dr Officer's husband was a cousin of Adam Cairns Officer. Another was Dr Barbara Meredith, Director of the Infant and Maternal Welfare Branch of the Dept of Health.

The Buildings

Less than two years after Sir Dallas Brooks had laid the foundation stone, Dr Barbara Meredith officially opened the first stage of the Eltham War Memorial project, the Baby Health Centre. The date was 15 November 1952. She spoke proudly of:

'The fine and beautiful centre for an indispensable public service which would contribute to the health of the coming generation'.

Through 1953 and 1954, fund-raising and construction work continued. A front fence, coloured pillars and wrought-iron entrance gates were installed, supplied by the Chuck Fence Company, along with an ornamental archway inscribed 'Eltham War Memorial'. Each addition was hard-won. This was a small outer suburb with very basic services, dealing with an influx of young families, creating its own war memorial through self help.

The Trust commissioned an honour board recording (in gold-painted lettering) the names of 'the fallen' in the Second World War. It asked the Forests Commission to help supply 20 Torulosa pines for the grounds. The original conception was to make full use of the whole spacious site.

The architectural firm of A.K. Lines, MacFarlane and Marshall (Flinders Street Melbourne) was now at work on plans for the next structure, the Pre-School building. It opened in 1957.

Arthur Keith Lines deserves further comment in this story. He resided in nearby Greensborough and had strong local connections. Lines served as a councillor in both the City of Heidelberg and Shire of Diamond Valley (part of which was later incorporated into the current Shire of Nillumbik). A.K. Lines Reserve in Watsonia is named after him. He served as President of the Victorian Society of Architects. He died in 1981. His earlier partnership, Lines and Marshall, had designed the 1941 iteration of the Shire of Eltham Offices on the corner of Main Road and Arthur Street. Regrettably this was demolished for a supermarket in the late 1960s. This modest late art-deco structure was in red brick. With the war memorial buildings designed by these architects, a comparable aesthetic was at work.

Further to the crucial role of local women in bringing this project to fruition, Lines's architectural partner Jessica MacFarlane was one of the first women in Victoria to enter into an architectural practice.

The third and final building for the site was the Children's Library. This was opened in 1959. In the following decade the building was repurposed as the Eltham War Memorial Hall when the Shire finally established its own municipal library branch in its then new, adjacent, Shire Offices.

As with the Eltham Baby Health Centre, both the Pre-School and the Children's Library were up and running in temporary quarters before their purpose-built premises on Main Road were ready to occupy. Today we are inclined to take kindergartens and libraries for granted, with local council support. In the 1940s and 1950s few communities the size of Eltham enjoyed such facilities.

The unpretentious buildings created on the Eltham War Memorial site are disparaged in today's Council jargon as 'aging and stand-alone'. They are not to be despised. They are exactly what the community wanted and could support, financially, in the post-war decades. They were correctly acclaimed at the time as 'bright' and 'modern', reflecting the emerging ethos of Eltham. It was the period when Alistair Knox and fellow thinkers were making a name for Eltham as a place where people could make their own homes from natural materials to a modest format.⁶

⁶ Knox's first mud brick houses were provisionally approved by the Shire of Eltham in March 1948. (Shire of Eltham Minutes 8 March 1948).

The War Memorial buildings are not mud brick but nevertheless they authentically represent Eltham in this period. They speak to us still of good community values. Properly maintained and respectfully renovated, there is no reason why they should not continue to fulfil their original functions and be honoured as fit for purpose.

Interconnection with the other sites under threat

The threat to demolish the Eltham War Memorial buildings is more insidious than just the breach of trust it represents with the community which funded and gave time and labour to create these facilities – and those citizens who continue to depend on them.

In some commentary about this precinct, it has been assumed that the Eltham Elderly or Senior Citizens' Club hall and facilities are not part of the Eltham War Memorial complex. This is not historically so.

Stanley Addison's detailed account of the history tells us that the building of the club's hall was achieved only with the approval of the Trust. The club requested a small site, 100 feet by 60 feet, behind the existing buildings. It was approved on this condition:

The Trust desires, in a strongly held opinion, that the building to be erected accord, as nearly as possible, with those already on the Trust's property.

This resolution – 'strongly held' – was respected in the modern domestic scale of the hall as constructed. In other words, it was designed to harmonise with the buildings for the children, and it does.

The request to use this land came at the very time that the Eltham War Memorial Trust was in the process of transferring ownership – and trusteeship – of the whole site to the Shire of Eltham. This took place not because the Trust was in debt or in trouble, but because it confidently felt that its work was done and that surely the local Shire Council would be the community body that would now take care of what had been achieved. That is really a sacred trust.

Ironically the Elderly Citizens' Club – while it respected the wishes of the Trust in the form of its building – had to wait until the Shire owned the property before it could apply for the government grants it needed to help pay for the hall it wanted.

As for the former (1960s era) Shire Office site adjacent, the Eltham community is entitled to claim a moral share and a proper say in its future too. It may be 'Council property' but, as with the Eltham War Memorial, it represents a very long history of community contribution. It should not be sold out of that common ownership.

Briefly, back in 1934 the former Shire of Eltham moved its office quarters from Kangaroo Ground to Eltham. It acquired a small block of land on Main Road (corner of Arthur Street, site of section of the current Coles arcade), built art-deco style Shire Offices designed by Lines and MacFarlane in 1941, but did not have the funds to include a Public Hall. The Shire Hall (pictured below as part of the complex) was included only through public fund-raising through a Public Hall Committee – and, again, it was a Women's Auxiliary who did most of the work to raise those funds.

A meeting of the Eltham Public Hall Committee as early as 1940 urged the Council to agree to incorporate a Hall with the Shire Offices, the building to include provision for a Baby Health Centre. It offered some initial funds and it proposed financing the rest of the hall project through a loan to be organized by the Council, to be repaid by the Hall Committee from rental of the hall and other fund-raising activities.

When it came to the official opening of the Shire Offices and Hall complex in November 1941, the local newspaper made clear the role of the residents on the Public Hall Committee. (*Eltham and Whittlesea Shires Advertiser*, 21 November 1941

"They have paid £1500 in cash to the Council which has borrowed a further £1000 to complete the work. The £1000 is to be repaid to the Council by instalments of £100 a year for 10 years, after which time the building will be handed over to the Council as a gift from the people. It is doubtful if such a gesture has ever been made by the residents of any district in Australia.



Source: EDHS Collection

Two cramped ante-rooms to this Shire Hall became home to that first temporary Baby Health Centre in Eltham, two hours a week under Sister Houghton, in 1945, until the Eltham War Memorial Baby Health Centre opened in 1952.

Shire of Eltham Minutes for the period are specific in detailing the separate roles of the Council and the Public Hall Committee. The committee was responsible for leasing out and maintaining the hall, which was used for many community functions. It served as Eltham's movie theatre and dance hall.

The point here is that it was the community, not the Council, who paid for the 1941 Hall. As with the Eltham War Memorial Trust, the Eltham Public Hall Committee achieved its goals and entrusted its contribution to the Shire Council.

In 1952 the Committee transferred assets and ownership of the Shire Hall into the care of the Eltham Shire Council. This, consequently, represented real community capital when in 1960 the next Shire of Eltham Offices were constructed on Shillinglaw land – the Shire Office site now in contention, next to the Eltham War Memorial complex. Funds from the sale of the 1941 Shire building helped pay for the new site and new 1960 Shire Office. The public purposes and investment in the old site were transferred to the new.

In this way the current Council must understand that it is only in the legal sense the 'owner' of the Shire Office site. Morally it is simply the custodian of the site, on behalf of the community. This is the point that the community is asserting.

The Current Shire's Process

A final word on the current Shire of Nillumbik's method of trying to dispose of this site. On the record, that process began on the very same night, 30 January 2018, that the Nillumbik Shire Council set out to sell 17 community reserves. As part of that same packed agenda, up came consideration of this site.

In a briefing paper, council officers stepped the councillors through the stages of – what seems to the outsider – illusory community consultation that would be undertaken before reaching a predetermined conclusion.

That predetermined conclusion was that the former Shire Office site and the war memorial site next door, should be sold out of community ownership into private hands to enable some kind of landmark semi-commercial building to be constructed, with some gestures towards including public spaces.

In that briefing the history does not appear. The councillors were not properly apprised of the complex background story. Claims were made that those old standbys, 'stakeholders' would be consulted. Representatives of both the Eltham Pre-School and of the Senior Citizen's Club have stated publicly that they have been seriously let down by a consistent lack of meaningful consultation.

This is certainly not the first time that 'the old Shire Office site' (the 1960s version) has been under contention, but at least on the previous occasion the Eltham War Memorial was not included in the land grab.

In the briefing, no mention was made of the community anger in August 1996 when the Eltham Shire Office was clandestinely demolished by the decision of the unelected Council commissioner who had local government power over the Shire at the time. Nor was admission made that the site was offered for private sale at that time, resulting in the forced reversal of that sale after pressure from the local community.

No admission was made that the Shire Office site in 2007 was rezoned (and gazetted) to Public Use by a Council listening to its citizens. The purpose then was to ensure that this site remained in community hands.

The next steps in the Council process seem designed to obscure and obfuscate. How could expressions of interest from architects and developers meaningfully have been obtained in the space of just a few weeks without prior knowledge? Was the land, as advertised by real estate agents, actually 'For Sale'? How can decisions be made when a so-called community consultation on the future of Eltham's Activity Centre remains incomplete?

Little wonder that the residents and ratepayers are bewildered, dismayed and angry. Once again.

The naked state of the former Shire Office site offends the current councillors, bringing to mind that now infamous expression invoked in the description of community reserves as 'unused grass'. It is no more 'vacant' than the adjacent Alistair Knox park. The simple fact is that the original Shillinglaw cottage once occupied that site, followed by the Shire of Eltham offices for a mere 30 years. There is no imperative for buildings to go onto this site.

If it were to remain perpetually as open space, with some gestures towards Eltham-style landscaping, it would provide at little expense a superb and inviting approach from the commercial part of town to the current Shillinglaw Cottage, the Library, the park, ovals, trestle bridge and walking trails along the Diamond Creek.

This would be consistent with the State Government's Practice Planning Note 56 which deals with the best usage of Public Land within defined Activity Zones.

Or it could, within that space, accommodate Judith Cordingley's brilliant idea of a low-profile, essentially inground bushfire shelter, a place of last resort, for local emergency workers and co-ordinators in the event of advancing bushfire in the Shire. There is a model for such a functional building in the beautiful glass-fronted inground library at John Marsden's Candelbark school at Romsey, or in a comparable refuge (used ordinarily as classrooms) at Geelong Grammar's Timbertop campus in bush near Mt Buller. Such a building in Eltham could spend most of its life as a secure setting for a modest art gallery. Councillors have all been circulated with this

proposal via the council's chief planning officer and by the good offices of Jim Connor.

In short there are vitally necessary, constructive options for these sites that would truly serve the community and honour the inspiration of the Eltham War Memorial Trust, consistent with the spirit of Eltham, appropriate to the town.

The dissenting vote of Cr John Dumaresq at several key moments in this series of events has been heartening. The community has told the Council in no uncertain terms earlier this year: we do not want our Council to sell our community assets. And the Eltham War Memorial cannot be allowed to be summarily destroyed.

I wonder how many of you will remember our beginnings?

Andrew Lemon

LittD, MA, BA Hons (Melb), FRHSV

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Eltham 3095

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30 October 2018

cc: Eltham District Historical Society

cc: for public circulation

**Important Addendum and Correction to the essay addressed to the Councillors of
Nillumbik Shire, October 2018:**

**About the Eltham War Memorial and the adjacent community-owned sites in Eltham that
the Council threatens to sell**

Thanks to the amazing power of community, the essay on the real story of the Eltham War Memorial site has been reaching a large audience in and beyond the Shire of Nillumbik.

In one crucial point, I was wrong. But the new information only adds to the power of the argument being made and the story being told.

The little boy pictured with the ceremonial spade, turning the first sod of ground in July 1950 on the site where the Eltham War Memorial was to be built, was not Theodore Henry Feldbauer (13 at the time) but rather his younger brother *Albert* Feldbauer – exactly as the Eltham District Historical Society had said when it catalogued the photo.

The good news is that Albert Feldbauer is alive and well and living in Western Australia. Albert is now 78 years old, and has been on the phone to me. His father Theodore 'Curly' Feldbauer, who died as a Prisoner of War in the infamous Sandakan death march in 1945, had left four small children behind him when he enlisted in 1941, not three as I had stated.

Albert was the youngest. The reason for my error is that I found only the three eldest children listed on the Research State School register. Albert began his schooling in 1945 directly at Our Lady Help of Christians in Eltham. Born in 1940, he was one year old when his father enlisted. His mother Violet was left to cope with four children under eight.

That ceremonial turning of the first sod took place on 8 July 1950. It was Albert Feldbauer's tenth birthday. One of his daughters, in Brisbane, still treasures that ceremonial spade.

The family lived in Thomas Street, Eltham East. Albert grew up to play cricket for Research, as his father had done before him, and football for Eltham. He recalls playing in a grand final in his late teens. But he long ago left the district to make his life in Western Australia. He has four children and six grandchildren.

While Albert's sister June and brother Theodore have both passed away, his eldest sister Mrs Valerie Waller lives in Healesville. For her, the memories of her late father remain personal, as she was five years old when he left to serve in the war. Four years ago, Valerie and one of her daughters made the pilgrimage to Borneo to the site of the Sandakan POW camp. If you are not aware of the shocking history of this place, explore the story.

These are the people for whom the Eltham War Memorial – in its special form as a material claim on the future, as a place for the children of the next generations – meant so much. Albert forgives me for leaving him out of the story. Valerie Waller tells me that if there were to be a protest march to prevent the loss of this memorial, she would willingly be there.

Andrew Lemon, 7 November 2018.

The story behind 895 and 903-907 Main Road, Eltham - the heart of Eltham's Town Centre

The former Eltham shire office site has been vacant for more than 20 years, and the buildings at 903-907 Main Road were built in the 1950s and 1960s.

To achieve an Eltham-style, revitalised precinct Council is considering a joint venture with the private sector at no cost to ratepayers. Council will remain in control of any redevelopment throughout the process.

No decision has been made yet about what can be built on the site.

Any proposal will need to reflect Eltham's unique sense of place and character and meet our criteria of:

- linkages to the library, train station and town centre
- retain the cenotaph and enhanced civic plaza
- retain Shillinglaw historical trees
- a community building (possibly an art gallery)
- \$1.5 million for Council to relocate the preschool and maternal and child health centre
- a landscaped environment
- environmentally sustainable design principles within the current planning scheme.

If the private sector is able to demonstrate a feasible project that addresses these criteria, Council will engage the community for feedback on the proposal.

VISION

Precincts 3 and 4 will be locally cherished as a highly accessible, convenient and attractive location in Eltham Town Centre to catch public transport and access information, art and civic services and conduct a range of social, community and everyday business activities.

The precincts will be well connected, both visually and physically, with the rest of the Eltham Town Centre, the surrounding parkland, nearby sporting facilities and the Diamond Creek Trail. The precincts will be highly accessible, particularly for pedestrians and cyclists and will reflect Eltham's local environment and heritage.

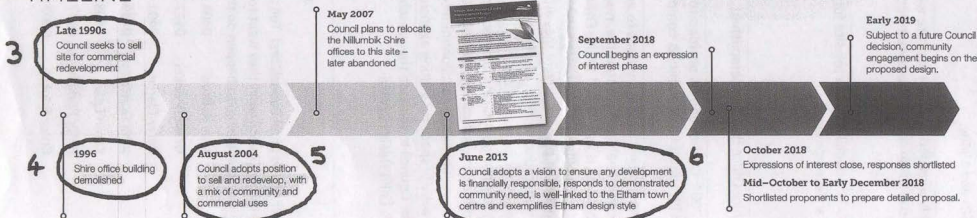
Most principles adopted by Council in 2013 are consistent with today's vision including:

- Draw upon the bushland character of the area;
- Be of landmark quality and positively contribute to the image of the Eltham town centre;
- Retain the cenotaph and obelisk and create an integrated indoor and outdoor civic space;

- Consider making provision in Precinct 4 for: an auditorium, art gallery, community cinema, community arts venue, community kitchen, office and activity space for visiting agencies, customer service/community health centre, restaurant/bar, small meeting spaces, Council tourist and services office.
- Investigate the advantages and resources required to develop the former Eltham shire office site for a range of community facilities.

Abstract from Council's adopted Vision and Key Principles 2013

TIMELINE



This Council sign is by the Shillinglaw trees, we have comments on wording or left unwritten! - See over

The story behind 895 and 903-907 Main Road – the Council sign next to the Shillinglaw trees. *And the story behind the story which wasn't included on the sign*

Council says	Left unsaid or we comment
1)... the buildings at 903-907 Main Road were built in the 1950s and 1960s.	<i>Fundraised and built by and for the community of Eltham to commemorate those who fought in the Second World War.</i>
2) Council is considering a joint venture with the private sector at no cost to the community	<i>Council is currently ignoring the thousands of residents who argue that the loss of public space is actually a huge cost to the community.</i>
3)Late 1990s: Council seeks to sell site for commercial development	<i>The unelected, imposed Commissioners proposed this. The community objected to the sale of public land for commercial interests. The Victorian Government refused to allow the inappropriate development.</i>
4) 1996: Shire Office building demolished	<i>It was demolished by a hurried decision of the imposed, unelected Commissioners.</i>
5) August 2004: Council adopts position to sell & develop, with a mix of community & commercial uses	<i>2007: Council adopts a position NOT to sell or develop but to retain the site in Council ownership for public use.</i>
6) June 2013: Council adopts a visions to ensure any development is financially responsible, responds to community need, is well-linked to the Eltham town centre and exemplifies Eltham design style 2013 vision: Investigate the advantages and resources required to develop the former Eltham shire office site for a range of community facilities.	<i>2013 vision does NOT include the sale/development of the War Memorial complex.</i>
7)2013 vision: Consider making provision in Precinct 4 for: an auditorium, art gallery, community cinema, community arts venue, community kitchen, office and activity space for visiting agencies etc...	<i>The 2013 vision does NOT include 'vertical retirement' or a hotel which have been suggested by Council in 2018.</i>
8) \$1.5m for Council to relocate the preschool & Maternal & Child Health Centre	<i>Ignores the Seniors Citizens Hall which is not only used by the Senior Citizens but many other community groups in the evenings and weekends.</i>

What Next?

Contact your or any or all Councillors! Tell them you are surprised that they are proposing to have developers telling Council what they want to do on our land **before** Council have asked the community what they want (if anything) to happen on the two central Eltham sites.

Jane Ashton	0404 177 500	jane.ashton@nillumbik.vic.gov.au
Grant Brooker	0427 207 819	grant.brooker@nillumbik.vic.gov.au
Peter Clarke	0401 100 141	peter.clarke@nillumbik.vic.gov.au
John Dumaresq	0439 556 733	john.dumaresq@nillumbik.vic.gov.au
Karen Egan	0408 058 899	karen.egan@nillumbik.vic.gov.au
Peter Perkins	0437 455 064	peter.perkins@nillumbik.vic.gov.au
Bruce Ranken	0402 384 006	bruce.ranken@nillumbik.vic.gov.au

May 29 2019

Calls to fix 'outdated' site

Negotiations cease with developers amid renewed push to improve civic space at Main St, Eltham

Anthony Piovesan

A World War II memorial and a preschool in Eltham will remain safe from developers for now, but Nillumbik Council is still left searching for a solution to improve the "outdated" site.

The council revealed on May 20 negotiations with developers had ceased for the land at 895, 903-907 Main Rd in Eltham, also known as the

old Eltham Shire office site.

Mayor Karen Egan said "market conditions and funding difficulties" resulted in no feasible outcome.

"Changed market conditions including a fall in property prices across the state, tighter lending requirements following the Financial Services Royal Commission and the distance from the CBD all played a part in the project's feasibility," she said.

Cr Peter Clarke said the council would need to continue to look at ways to revitalise the site, which occupies buildings "no longer fit for purpose".

"The council is facing the same issues we started with," he said.

Cr Clarke said The Senior Citizens building was not compliant to the Disability Discrimination Act, while Eltham Preschool was too

small and could no longer cope with demand.

"We have upgraded a lot of other community infrastructure, so we need to decide on how we do that to this site going forward," he said.

While the Eltham District Historical Society president Jim Connor celebrated the outcome, he also called for urgent improvements to the site. "We encourage the council to now restore and

improve this complex to provide functional community facilities to continue to honour the intent of the original reasons these buildings were constructed," he said.

The council asked for expressions of interest from potential developers last September. The council received 14 expressions of interest. Of those, five were asked to proceed to the Request for Proposal stage.

DVL
Oct 30
2019
3

Ex-council site flagged for hospital

Councillor suggests former Eltham headquarters would be ideal spot

The former shire offices in Eltham could be used to house a community hospital earmarked for the suburb, according to a Nillumbik councillor.

Cr Peter Clarke said the site, which has been empty since the council's shift to Greensborough, would be an ideal spot for the hospital.

The hospital, which would be managed by Austin Health, is one of 10 planned in major growth areas as part of a \$675 million State Government investment.

"The council's preferred site is that old shire office site (895 Main Rd, Eltham) or somewhere around that town centre," Cr Clarke said.

"Alternatively, they could buy the current shire offices and we could relocate into our old office site in Eltham."

Nillumbik Mayor Karen Egan said the council had recommended seven sites where the 35-bed hospital could go, including the Greensborough and Eltham shire offices.

She said the old council offices was her personal

Anthony Piovesan

anthony.piovesan@news.com.au

preference and would help bring more jobs to Eltham.

"The flow-on effect would be fantastic – the hospital would be in the heart of Eltham, close to transport and local businesses and would help bring more jobs into the area," Cr Egan said.

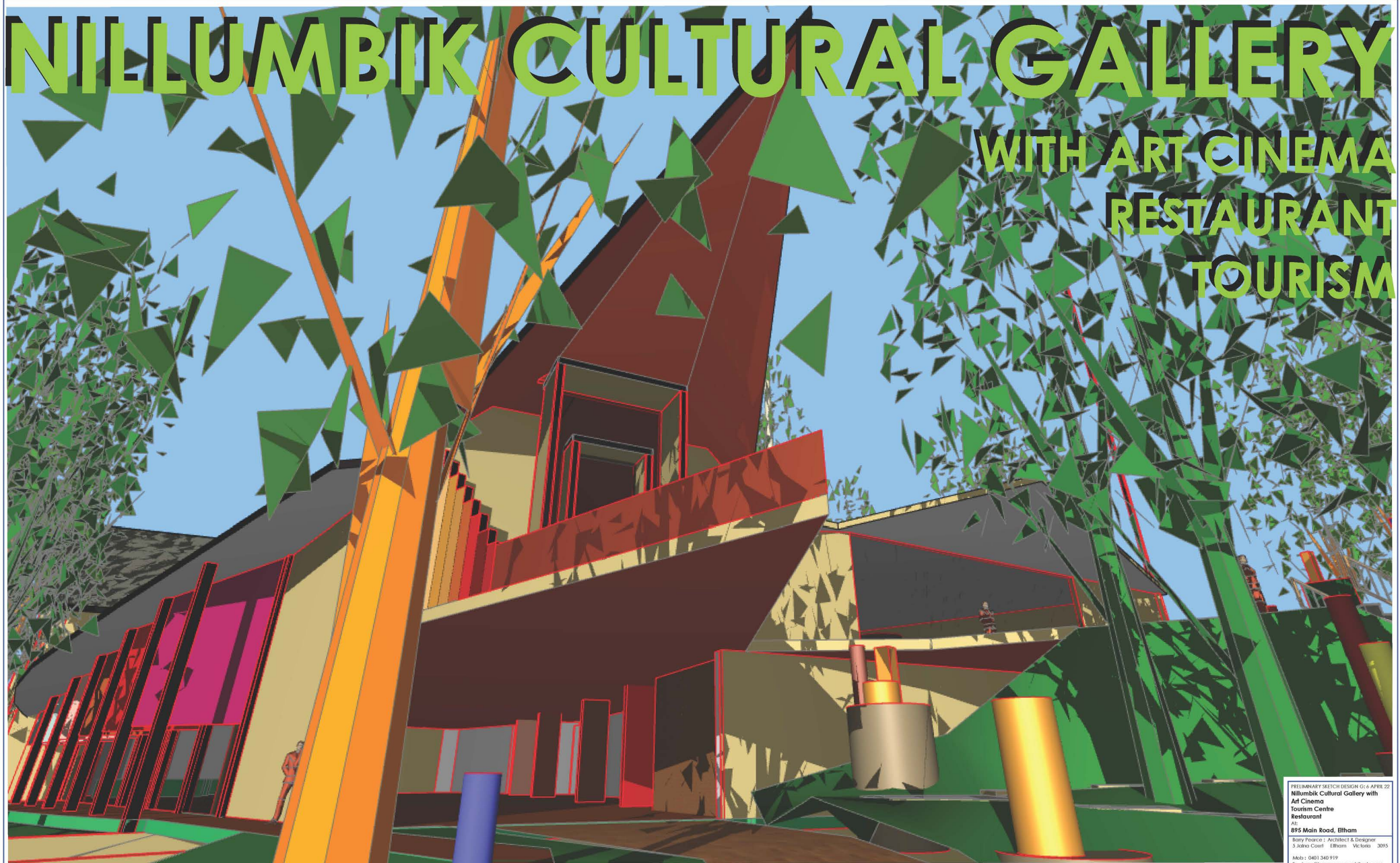
"In a perfect world it would be great to have the hospital in that space, upgrade the station and provide more carparking."

Eltham state Labor MP Vicki Ward said the hospital would provide more access to in-demand services, closer to home.

Eltham hospital's community consultative committee member Jennifer Barry said the group was determined to find the best outcome. "The State Government has shown they are serious about offering quality community care by sourcing people with the knowledge and aligned values that can be trusted," she said.

NILLUMBIK CULTURAL GALLERY

WITH ART CINEMA
RESTAURANT
TOURISM



Preliminary Sketch Design G

PRELIMINARY SKETCH DESIGN G: 6 APRIL 22
Nillumbik Cultural Gallery with
Art Cinema
Tourism Centre
Restaurant
At
895 Main Road, Eltham
Bony Pearce & Architects & Designers
5 Jandra Court, Eltham, Victoria 3095
Able to: 0461 540 919
E1: bony@bonypearceandarchitects.com
Arch. Reg. No. 12071 Arch. Design Member

A1 SHEET
Scale: 1:50.34
Gallery G: Title Page

Sheet No. **G01 G**
Job No.
8/04/2022 22/027



PRELIMINARY SKETCH DESIGN G: 6 APRIL 22
Nilumbik Cultural Gallery with
Art Cinema
Tourism Centre
Restaurant
 895 Main Road, Eltham
 Barry Pearce & Architect & Designer
 5 Jolim Court - Eltham - Victoria 3095
 Mobs: 0481 340 919
 E: barry@barrypearcearchitect.com
 Arch. Reg. No. 12071 Archileon Member

A1 SHEET
 Scale: 1:500 A2
 Gallery G: Photographic Site
 Plan

Sheet No. **G02G**
 Job No.
 B004/2022 22/027

OVAL

EXISTING RAILWAY

LIBRARY PLACE

EXISTING ROAD

EXISTING TRESTLE BRIDGE
← 12metres

EXISTING ROAD

EXISTING ROAD

MAIN ROAD

ELTHAM LIBRARY

FIRST FLOOR PLAN



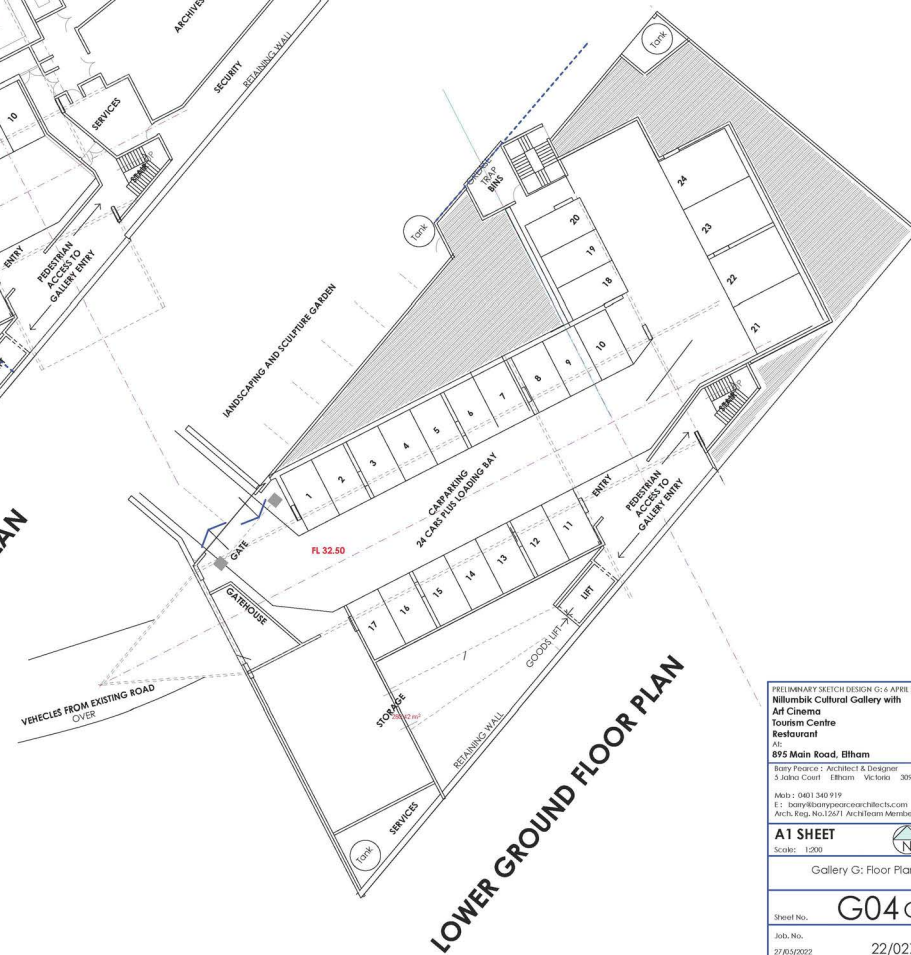
PRELIMINARY SKETCH DESIGN G: 6 APRIL 22
**Nilumbik Cultural Gallery with
Art Cinema
Tourism Centre
Restaurant**
At
895 Main Road, Eltham
Bony Pearce Architects & Designer
5 Joana Court, Eltham, Victoria 3095
A/bs: 0461 340 919
E: bony@bonypearcearchitects.com
Arch. Reg. No. 12071 Archileam Member

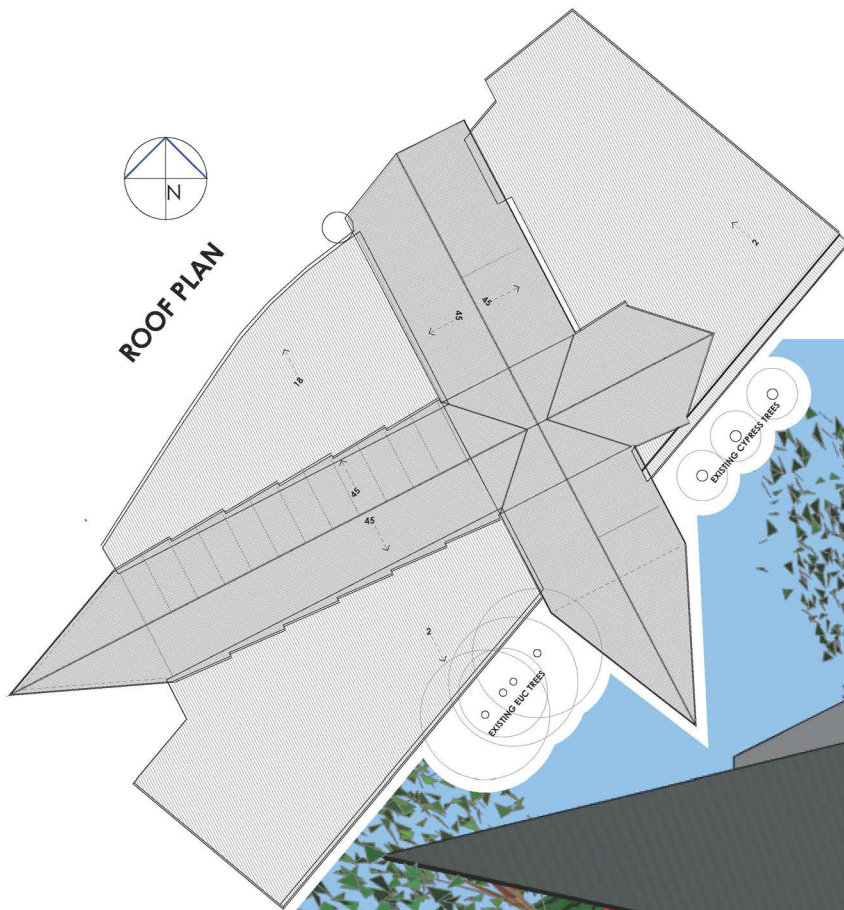
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Gallery G: Site Plan

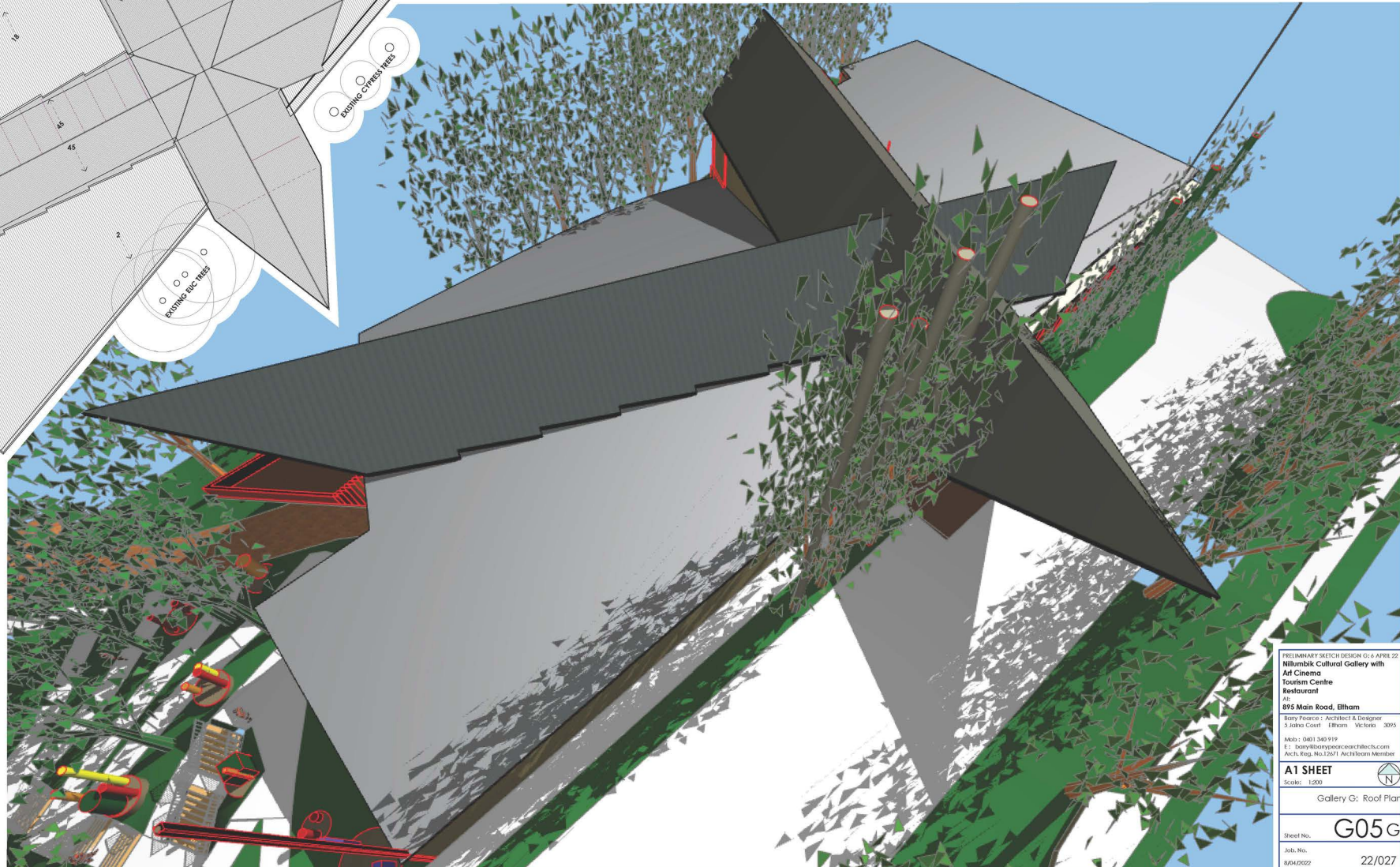
Sheet No. **G03G**
Job No.
8/04/2022

22/02/27





5A: AERIAL PERSPECTIVE FROM SOUTH at 10am

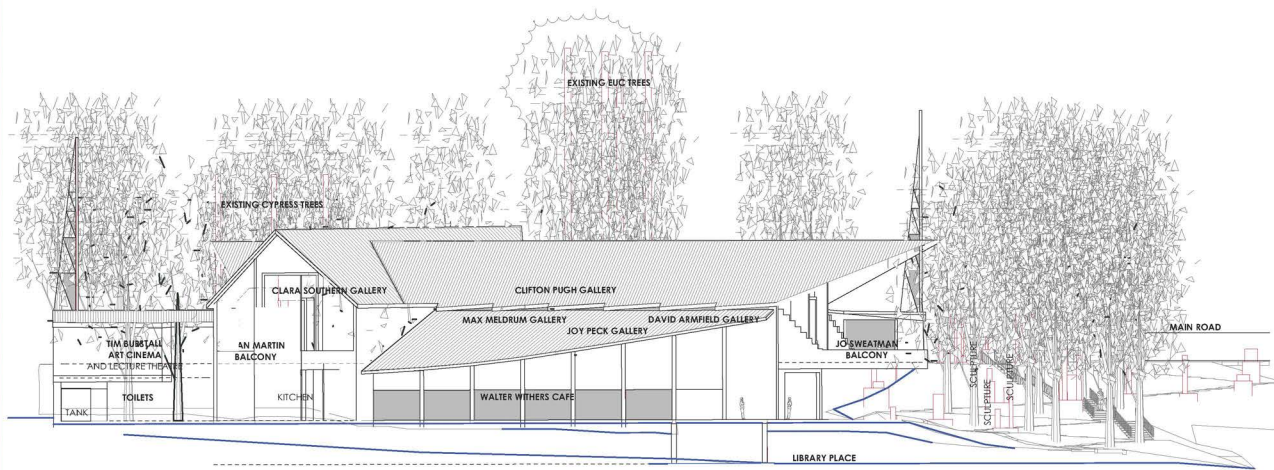


PRELIMINARY SKETCH DESIGN G: 6 APRIL 22
**Wumbuk Cultural Gallery with
 Art Cinema
 Tourism Centre
 Restaurant**
 895 Main Road, Eltham
 Bony Pearce & Architects & Designers
 5 Janna Court, Eltham, Victoria 3095
 Mob: 0461 340 919
 E: bony@bonypearcearchitects.com
 Arch. Reg. No. 12071 Archileam Member

A1 SHEET
 Scale: 1:200

Gallery G: Roof Plan

Sheet No. **G05G**
 Job No.
 B004/2022 22/027



NORTH-WEST ELEVATION

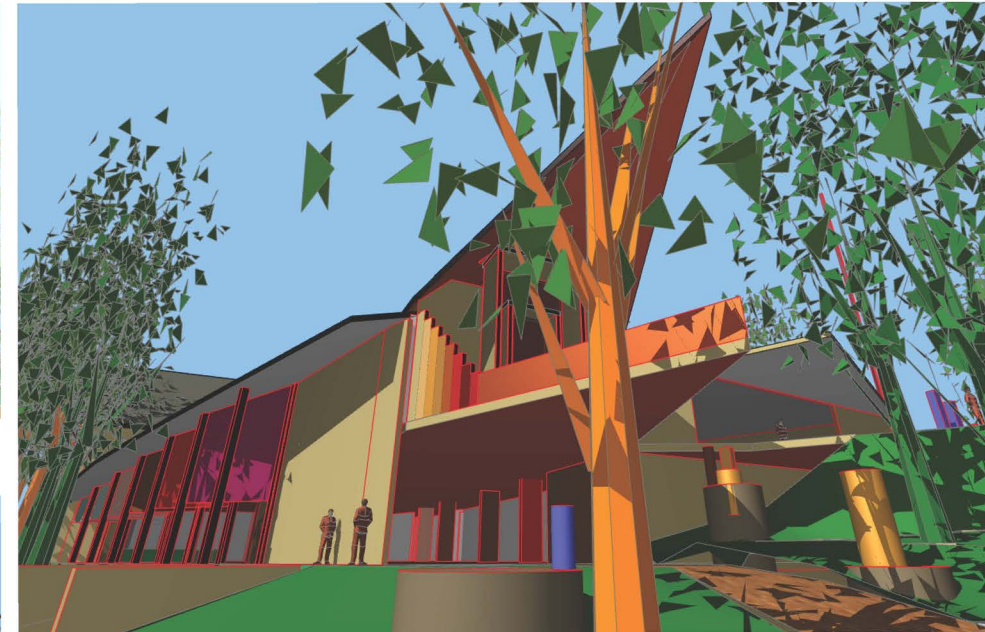


6C: AERIAL PERSPECTIVE FROM SOUTH-WEST at 5pm



6A: PERSPECTIVE FROM SOUTH-WEST at 2pm

6B: PERSPECTIVE FROM SOUTH-WEST at 5pm

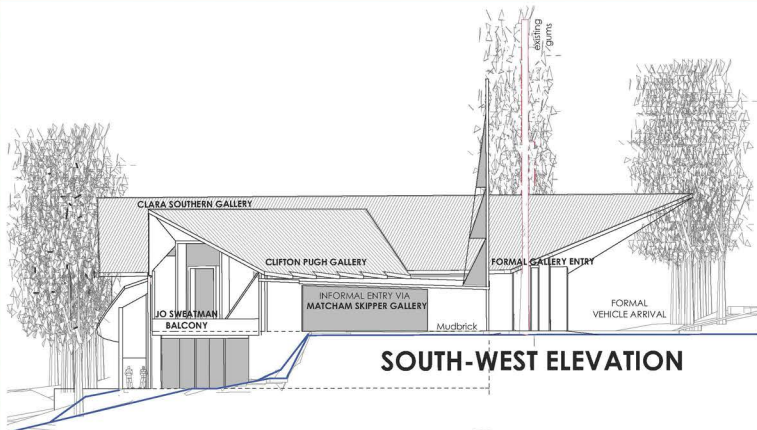


6C: PERSPECTIVE FROM SOUTH-WEST at 2pm

6D: AERIAL PERSPECTIVE FROM SOUTH at 5pm



PRELIMINARY SKETCH DESIGN G: 6 APRIL 22	
Nillumbik Cultural Gallery with Art Cinema	
Tourism Centre	
Restaurant	
895 Main Road, Eltham	
Bony Pearce & Associates Architect & Designer	
5 John Court, Eltham, Victoria 3095	
Mob: 0461 348 919	
E: bony@bonypearcearchitect.com	
Arch. Reg. No. 12071 Archileam Member	
A1 SHEET	
Scale: 1:500	
Gallery G: Elevations	
Sheet No.	G06G
Job No.	
8/04/2022	22/027

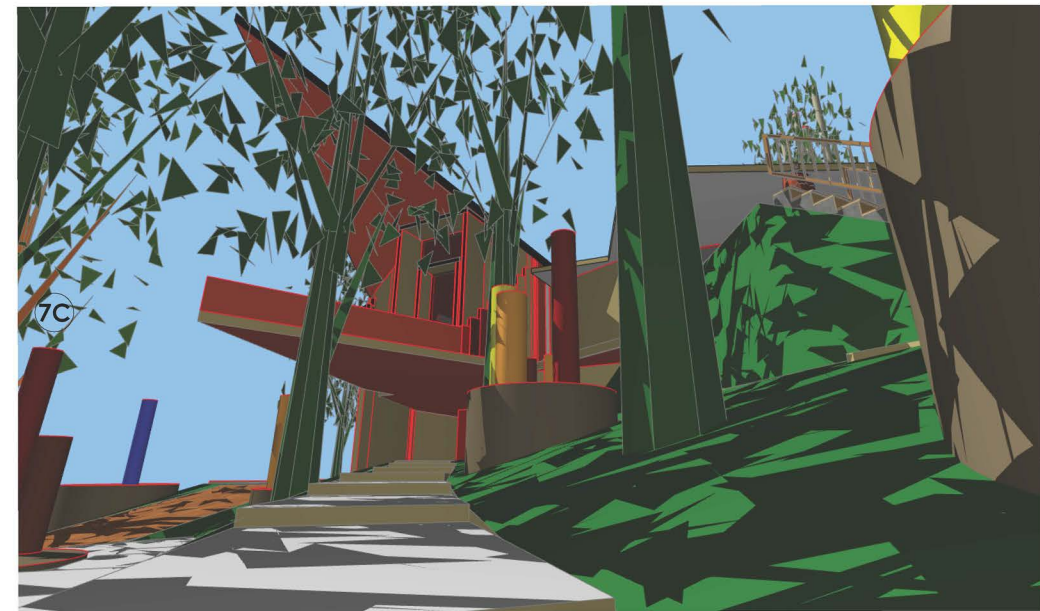


7A: AERIAL PERSPECTIVE FROM PATHWAY TO LIBRARY at 5pm

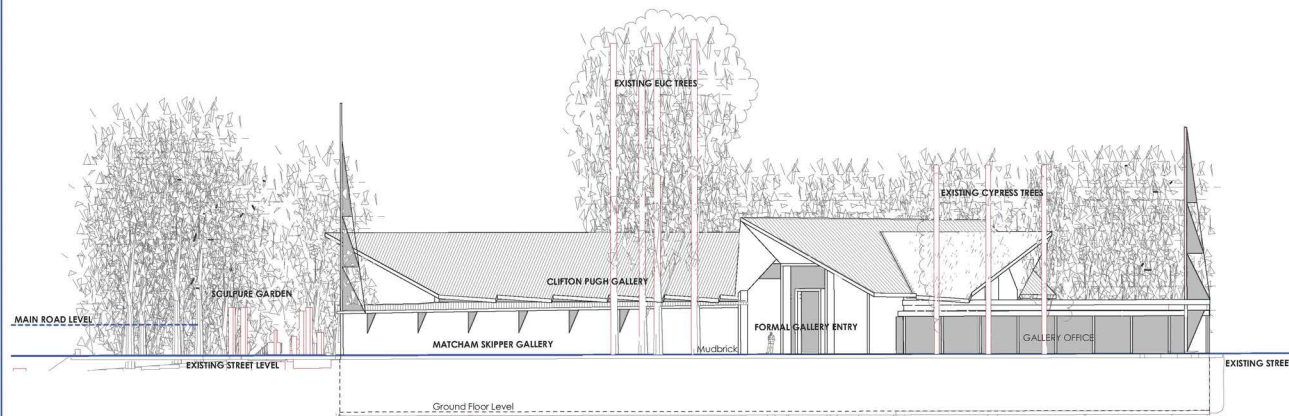


7B: PERSPECTIVE FROM PATHWAY TO LIBRARY at 5pm

7D: AERIAL PERSPECTIVE FROM S-E OF 1-IN-20 PATHWAY TO LIBRARY at 5pm



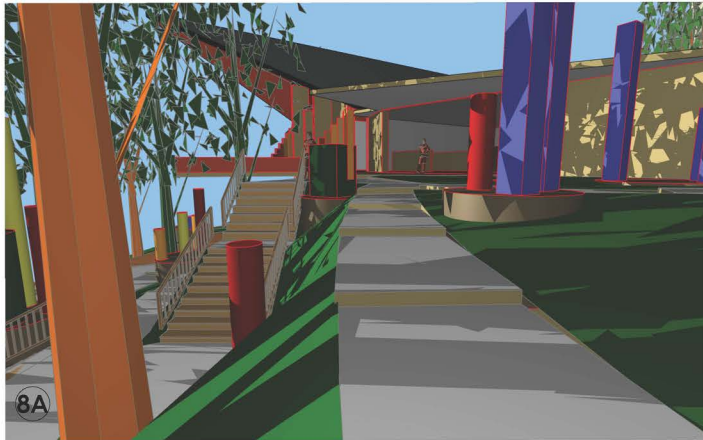
7C: PERSPECTIVE FROM PATHWAY TO LIBRARY at 5pm



SOUTH-EAST ELEVATION

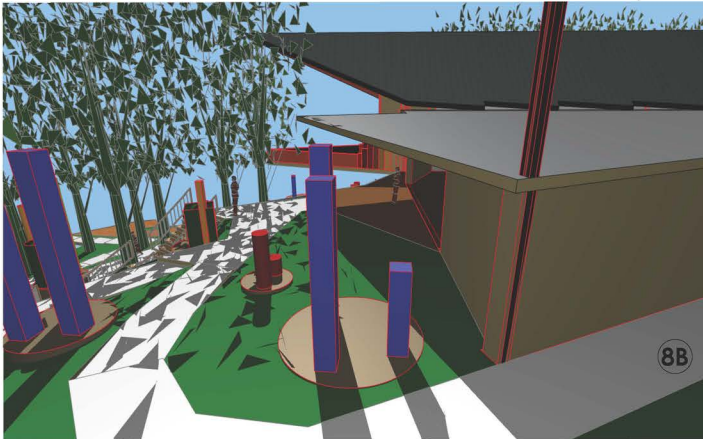


8C: VIEW FROM MAIN ROAD TO FORMAL ENTRY at 10am



8A: APPROACH FROM UPPER 1-IN-20 PATHWAY at 5pm

8B: PERSPECTIVE FROM EAST TO INFORMAL ENTRY at 5pm



8D: VIEW FROM MAIN ROAD TO TOURISM AND FORMAL GALLERY ENTRY at 10am



8E: VIEW FROM NORTH OF ROADWAY TO TOURISM AND FORMAL ENTRY at 10am