

## **The Heritage Case for the Eltham Second World War Memorial Children's Precinct**

By Andrew Lemon, May 2019

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### **The Site**

Let's start by being absolutely clear about the site that I am talking about.

The original Eltham Second World War Memorial Site on Main Road was purchased from the Shillinglaw farm in 1945 for the specific purpose of creating a children's services precinct in a garden setting in the heart of the town of Eltham, near the railway station.

In the next 20 years the site was compromised three times by loss of land to

- Road Widening – a 33 foot strip from by the frontage (1950s)
- Country Fire Authority building – a 66 foot strip along the northern side (1950s)
- Senior Citizens' Centre – site for the building on the south-west corner (1960s)

Eltham's new Shire Office was built on adjacent Shillinglaw Estate land purchased by the Shire in the 1960s. The Office was demolished in the 1990s and the site remains open space.

That leaves three children's buildings still standing on the remaining part of the original Eltham War Memorial site:

- Baby / Infant Welfare centre (1952) – square, flat roof
- Pre School building (1956-7) now connected to:
- 'War Memorial Hall' (1959-61) which began its life as a children's library. The latter two, seen from above, now present as a single building.

A key section of the Main Road frontage since as recently as 2012 has been occupied by the Eltham War Memorial obelisk in a small memorial garden, occupying much of the frontage of the Second World War Memorial. This was not part of the original 1945 concept.

So the site has been severely compromised. The question is whether so severely as to warrant destruction of the buildings and alienation of the site.

Looking from Main Road, despite some children-friendly art work, the complex looks unimposing and difficult to read. The safety fences are practical but hardly Eltham at its artistic best.

The approach to the 2012 cenotaph garden is via the memorial gates, originally built for and oriented towards the children's precinct. Now their focus is on the cenotaph area.

### **The Original Concept**

Photos from Eltham District Historical Society show the gates in their original 1950s setting. Is this suburban butt-ugly or period charm? – that's a question for your own artistic opinion, but you can see that originally the gates had context and meaning which has largely vanished from their current placement. A second photo shows the 1950s domestic

aesthetic of the landscaped front garden with low stone wall, ramp, low cyclone fence, children-size seat, open to a quieter Main Road.

I want to remind you of the original early 1950s version of the first building on the site – the Baby Health Centre - pretty easy to work out its purpose then. Not so now. That original design, derided by some as embarrassing, plain and austere, possesses a style quite appealing to current taste trends. A couple of examples from the period are on the Victorian Heritage Register. [ Tallangatta Memorial Hall].

Architecturally, Eltham’s Baby Health Centre originally spoke to the previous Eltham Shire Offices and Hall that were built only ten years earlier, on the other side of Main Road, nearly opposite. That property was sold off in the 1960s to fund what we are currently calling the ‘Old Shire Office’. So the 1940s Shire Office lasted barely twenty years; the next Shire Offices barely thirty years. But the original Eltham Baby Health Centre still does duty, now hidden behind the cenotaph area, behind bushes and a faux façade, nearly 70 years after it was built.

The whole of the children’s precinct was evidently designed in keeping with the 1940s Shire Offices, together making a statement that here was the community’s town centre of Eltham.

Next we have the Pre School, sometimes called at the time of its construction in the mid 1950s, the creche or kindergarten. Next to this, now joined to it by a continuous roof, is the small brick building first used as a children’s library but soon rebranded as the War Memorial Hall. It became redundant as children’s library after the municipal library branch opened in the adjacent Shire Office. The Hall building is small, typical of its late 50s early 60s period. It served a term as a Dental Clinic and has been used for various community purposes. Right now it is sitting empty, and buildings that sit empty are an open invitation to vandalism and arson. The property manager is the Shire of Nillumbik.

It is important to emphasise that the Pre School and the Maternal Welfare Centre both remain in operation: this place remains active as a children’s precinct, as its founders intended.

For some people, it apparently beggars belief that there is strong informed community pressure to have these modest buildings and the site protected as part of our State’s heritage, and restored to their proper status as a community war memorial, which is why they were built in the first place. This hostility to the site is uninformed.

### **Why No Local Heritage Protection?**

As an Eltham resident I would have objected in any case to the current plans, to alienate this significant piece of community land and the adjacent former Shire Office site for commercial development, no matter how sweetly wrapped up with honey and plenty of money. As an historian and as a former member of the Heritage Council itself, I strongly support the nomination of the War Memorial site to the Heritage Register. Since my time on that Council, a new piece of legislation is in place: the Heritage Act 2017 replaced the 1995 Act. It sets out detailed procedures that have to be followed. Rigorous tests are set before a property can be heritage registered at the State level. The place must be of value to Victoria,

not just to the immediate locality. The material I presented at earlier public meetings has rehearsed most of the reasons. If anyone is in doubt about details of the history, please ask.

At present this site – which I am arguing *is* of State significance – does not even enjoy heritage protection at the local or Shire level. Local councils possess flabby powers to impose ‘heritage overlays’ over sites or precincts which planners deem to be of local heritage importance. There are many such overlays in Nillumbik. They impose some small constraints over the automatic rights of owners to destroy or modify these properties. Across this site and the former Shire Office site, the only local heritage overlay relates to the three, surviving Shillinglaw trees outside here on the carpark, and to the obelisk cenotaph area at the front of the property, which, as mentioned, has been here now at this location for all of seven years. There is a reason for this lack of local heritage recognition, though not an excuse, which I will explain.

You will know that the future of the Old Shire Office site has been batted around since the offices were vacated and demolished. This followed the 1994 amalgamation of Eltham and Diamond Creek into the Shire of Nillumbik and the unilateral decree of the unelected commissioner, in power at the time, to demolish the building. Because of the Council amalgamation, Shire admin had moved into the former Diamond Creek offices on Civic Drive, Greensborough – at no capital cost to the new Nillumbik. Attempts then to sell the Eltham Shire Office site for commercial development were thwarted through community protests organised by ECAG. In time, councillors, like hobbits, returned to the Shire.

Around 2011 the Nillumbik Shire Council again contemplated what *it* might do with the Old Shire Office Site. Looking at the site and the neighbouring War Memorial, it commissioned an expert heritage report. There are established protocols around researching and writing such reports. Following accepted professional practice, the independent consultants Samantha Westbrook and Peter Mills researched the history of the War Memorial site and buildings, identifying most of the points that make this place special, indeed unique.

Around that same time the Shire Council made another decision that seemed to have logic at first glance, but which has come back to endanger this site. That decision was to accede to the powerful demand by the local RSL to allow Eltham’s obelisk cenotaph to be relocated from its previous site into a small memorial garden setting in the front section of the children’s precinct, the Second World War Memorial.

There is a big flaw in heritage legislation: a local Council can make decisions about whether or not to apply heritage overlays to private property in its municipality but it is also the body that decides whether to apply a local heritage overlay to its own properties. Any pragmatic Council CEO would be nuts to create future red tape by imposing a heritage overlay onto Council property if they think they can get away with ignoring it. The heritage consultants were unambiguous in their recommendation that all of the Second World War site and buildings should be protected. They noted that the recently relocated obelisk and associated landscaping compromised appreciation of the heritage values of the rest of the site. The Eltham District Historical Society backed the expert consultants’ recommendation, but the Council did not place a heritage overlay on the site – except on the obelisk.

A Council with a different set of attitudes came to power in 2016, eyeing off town assets such as public open space in various parts of the Shire, created long ago by the community, that could now be sold off to build a fund for other projects on their wish list. Luckily this was resisted by community dissent. It was similarly easy for the new Council to plead that it was not it, but a previous Council, who had decided that the rest of this place was not of heritage significance. That earlier Council of course never decided any such thing. Simply, it had not decided to impose heritage protection on this property.

### **The Obelisk and Cenotaph, and how it got here**

A quick reminder of the history of the obelisk which until 2011-12 had no previous association with this site: created from Harcourt granite as a memorial to Eltham soldiers killed on active service in the First World War, first erected near the corner of Bridge Street in 1919 – initiated and paid for by a specially constituted Peace Committee. After the Second World War the memorial obelisk had the names added of those killed in the Second World War. Some time after this conflict, in prospect of Main Road being widened, the memorial was dismantled from its original site and was eventually rebuilt in the forecourt of the RSL's own headquarters just up the road from here.

Around 2010 the local RSL sold its property and joined forces with Montmorency. Hence the need to find a new local home for the obelisk. With collaborative support from the RSL, the Council at the time allowed the obelisk to be inserted here, with interpretive panels amid a new memorial garden. The RSL helped repair the crumbling entrance gates to the Second World War Memorial, integrating these into the new setting. We all know that Anzac Day dawn services at this site attract a big local crowd, with Main Road closed off for the duration.

The irony of all this is that the current Council specifications for the sale and development of this site, which the RSL does not and never has owned, demand the retention of some kind of open plaza to accommodate the obelisk and cenotaph. It is a classic case of the Cuckoo's Nest. This is not the RSL's site, yet the RSL seeks to dictate its fate.

The Council plans, vaguely stated, appear to meet the needs of the RSL and might even improve the setting of the cenotaph – so on those grounds the RSL has supported the Council plan in principle, and has told people like me in as many words that it is their role not mine to decide how to honour those who have served our country in time of conflict.

I know, on the other hand, that our Eltham Second World War Memorial children's precinct was set up not by the RSL but by the residents of Eltham, particularly I might say by the women of Eltham, as a community memorial to the dead and 'an earnest', as they used to say, of faith in the future – for those bereaved mothers and fathers, widows, fatherless children and all the families of that damaged, brave generation. So by all means let us honour the RSL's efforts to support its national constituency, the returned soldiers and servicemen and women, to remind us of their sacrifices. In return, let the RSL honour Eltham's own community memorial, whose story we have been rediscovering.

It is true that this Second World War Memorial had been allowed to become run down and compromised. It is true that its original purpose was neglected to the point of being almost

forgotten. That is no justification to destroy it now altogether. Indeed, on the contrary, it is a wake-up call for us to revitalise this children's precinct and realise the potential of its facilities and its location at the centre of our town.

### **Steps in the Heritage Evaluation**

Briefly now let me step us through Heritage Victoria process. Here is the cast of characters whom you need to know:

1. The Nominee – any citizen of Victoria
2. The Property Owner – in this case the Nillumbik Shire Council, morally holding this property in trust on behalf of the citizens of the Shire
3. Heritage Victoria – State Government experts knowledgeable about historic buildings and sites
4. The E.D. or Executive Director of Heritage Victoria who directs and authorises the findings of the officials.
5. The Heritage Council – a Noah's Ark panel of experts, appointed for set terms by the State Government: these include such people as architects, specialists in property law, engineers, town planners, historians and a nominee of the National Trust. Apart from this the National Trust has no role in this process.

There is also a Federal Heritage Council, but this matter will not become their concern.

So what happens? There are several steps.

1. STEP ONE: Already completed: individuals, with the blessing of ECAG, nominated the site and buildings, which involved a detailed formal application to Heritage Victoria. Nomination forms include a long check list that sets out criteria for successful registration – one or more of these criteria must be met if the matter is to be advanced. Nomination of the war memorial site was accepted, that is to say received, late last year and, under the Act, the owner was officially advised.
2. STEP TWO: Delay – like most big organisations, Heritage Victoria has a backlog. The Act has provision for intervention if sale or demolition of the property is imminent. The Council position is that – despite last year advertising the site and Old Shire Office Site for sale – the site is not yet for sale but that expressions of interest have been invited, under certain set requirements, from potential developers, producing we understand one contender. At the Council end, hidden in commercial secrecy, the leaves have been rustling and no doubt at the end of this month a triumphant developer will emerge from the bushes as the sole candidate with a whizzbang proposal designed to have us all wondering why we were so alarmed by the idea. We will be reassured madly that it meets all the Council requirements. We may then have another one of those famous community consultations where we all make comments before the Council makes the decision it wants to make. Meanwhile we have no idea how long the Heritage delay might be, could be weeks or months. Realistically the Shire Council would be foolish to enter into a sale contract before Heritage Victoria deals with the nomination.

3. STEP THREE: Heritage Victoria experts make a recommendation to its Executive Director who will communicate the decision to the parties. The ED will either recommend placing it ON the Register or NOT ON the Register.
4. STEP 4: Aggrieved parties one way or the other will have a certain period to ask for this decision to be reviewed by the Heritage Council. If the ED recommends to put the property on the Register, you can bet your bottom ratepayers' dollar that the Council will demand a hearing, and find some eloquent and expensive legal advice. If the ED recommends NOT to put the site on the Register, it DOES NOT mean that the place is not of local heritage significance and can be demolished, but in practice that would be the outcome. But before that can happen, if indeed the ED recommends NOT to Register the site, the nominee can and in this case will request a Heritage Council hearing. I would support such an appeal.
5. STEP FIVE: Heritage Council delegates its hearings to a registrations committee, so matters such as this are never heard by the full Heritage Council. A public hearing, akin to VCAT hearings, would then be scheduled. The ED will be asked by the hearing to explain and justify the recommendation. Representatives of both sides will be asked to state their cases, and there is provision to hear expert witnesses. The HC committee will in due course announce its decision – and that decision is final. The Heritage Council might recommend to the local Council that the buildings and site, while not of State heritage significance, should be included under a local heritage overlay. The local Council theoretically can blithely ignore this recommendation.
6. STEP SIX: There is some provision under the Act for the responsible State Minister to call in particular matters for ministerial decision, but in practice this happens rarely and only when the broader public interest is materially affected.
7. STEP SEVEN: If the property is registered, detail will be provided as to exactly what is being placed on the Register – buildings, exteriors, interiors, fittings, extent of land etc.
8. STEP EIGHT: Even if a building or place is included on the Heritage Register, it does not mean that the place can never be sold, altered or buildings demolished. It does mean that permits must be obtained from Heritage Victoria before such works can be undertaken. If wholesale demolition is requested, compelling grounds must be given for seeking the permit including economic hardship. The refusal of Heritage Victoria to grant such permits can be appealed again to the Heritage Council.

I am not going to rehearse here the case for Heritage Registration. We have outlined the unique history of this site and its building at previous public meetings, have explained how it happened. When it comes to making the case to Heritage Victoria, there are arguments of local concern that may not carry much weight for State registration, though they ought to be properly considered by our local Shire Councillors.

There are seven basic tests that Heritage Victoria uses under the Act to determine whether a place is of State significance. The place does NOT have to meet all of these criteria. Meeting one of them can be sufficient. In making the case, evidence not assertion has to be

offered. Having seen the submission made by ECAG, I can assure you that this groundwork has been securely done.

### **Why is Council Seeking to Sell and Demolish this Memorial?**

Returning finally to the bigger question which is only partly within the ambit of the heritage application. No one on Council has ever convincingly explained the imperative for this sale of community land, except that it represents money, is an unresolved matter and an opportunity to create an amorphous development whose alleged benefits to our community cannot be quantified but only asserted. Cr Clarke, our local ward councillor, has been one of the most strenuous advocates of this process. He is constantly annoyed by ECAG and complained not so long ago, I am told, to ECAG president Carlota that ECAG's policy is 'do nothing' whereas he is one for action. I think the policy of ECAG is more akin to the medical Hippocratic oath, which is not 'do nothing' but 'do no harm'. Without ECAG's interventions over the recent decades, much harm would have been done to the fabric of Eltham.

As a community, as a Shire, we are owed not one dollar by the two sites here. As our researches have shown, it was community fund raising back in the 1940s through to the 1960s, not even ratepayers' money, that paid for the War Memorial land and its buildings, and which also subsidised construction of the 1940s Shire Hall. When the War Memorial and buildings were fully paid off, the property was donated by the War Memorial Trust to the then Shire Council in trust. There is no imperative to cash in. We do not have to sell these sites to pay off the current Shire Council premises. Our public meetings have shown overwhelmingly that we do not want large scale structures built on these sites.

### **Solutions**

The solution to this mess is bleedingly obvious, achievable at no great expense to ratepayers and residents, without sacrifice of community assets.

Nothing should be sold.

The children's precinct should be restored, re-landscaped and revitalised, using the heritage buildings on the site – if necessary by sympathetic modern additions inspired by the ethos of 1950s architectural style.

It should be devoted to the use and needs of families, a showpiece for Eltham, something we're proud of. We build on what we already have.

The story of its creation as a Second World War Memorial would be refreshed and retold to the current and future generations, illustrated and exemplified by the way the community enjoys the site. Our community would get behind this, help raise the funds, help tell the stories, with the right leadership.

The obelisk and cenotaph area, which honestly is not beautiful in its current location, should one last time be moved – just a few metres down the road, maybe near those heritage listed Shillinglaw trees, facing onto a re-landscaped beautified Old Shire Office site, which becomes (as a beautified public open space) a natural auditorium suitable still for Farmers'

Markets, the jazz festival, song and dance – a pedestrian link from the town commercial centre to the Library, railway bridge, park, playground and football ground. Once the cenotaph is moved from the front of Eltham's Second World War Memorial, that unique space can breathe again. Eltham retains the gateway to which it is entitled.

### **Keeping Faith with the Founders**

In this presentation I have tried to explain the facts around the Heritage process. Too many people have tended to see this site as some sort of old-fashioned eyesore that needs to be redeveloped. I hope I have begun to show why this view is wrong-headed. I have also tried to explain how important it is that we keep faith with those who created this community memorial, for all the best reasons, as they emerged from the calamity of the Second World War. At previous public meetings I told the story of one of the 11 families represented by this memorial, the Feldbauers. Since our last meeting I received this letter (4/12/2018) from Val Waller, the eldest daughter of Eltham resident Theo Feldbauer who lost his life in 1945 as a prisoner of war in the notorious Sandakan death march. It corrects a couple of details that I had wrong in my earlier essay.

With her permission, I share it with you tonight, as one powerful reason why I am standing up for preservation of this memorial. Val's story must represent the others.

### **Valerie Waller's Letter**

Dear Andrew

Thank you for sending me the information about the War Memorial...

The Dad I knew looks nothing like his official photograph. His father only was German. The story goes that his father stowed away on a ship as a teenager and arrived in Australia. Maybe that was possible in the 1800's. His mother was born in Collingwood (Go, 'Pies).

My mother's name was Violet TEAGLE before she married Dad. She was the 12<sup>th</sup> of 13 Teagle offspring. The house was in Frank Street. When her father died and his land was subdivided among his 11 living children, Thomas Street came into being, after him, John Thomas Teagle, but always called Tom.

Alb's birthday is July 18<sup>th</sup>.<sup>1</sup> I have few memories of my Dad, but they are all of a kind, caring person, with some strange habits. He ate jam and onion sandwiches!!

He owned a car and couldn't bear to think anyone should walk if he could give them a lift. More and more people would be crammed into the car. Mum would complain as there was not much room for her, and, at the time, her three small children.

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<sup>1</sup> Albert Feldbauer was Val's youngest brother, the fourth child in the family, born 1940. Alb is the boy who turned the ceremonial first sod of the Eltham War Memorial (children's precinct) in 1950 – he was selected as the youngest living child of the men honoured by this memorial.



She would also complain when he brought home her “New Idea” and insisted on reading it before she did. It was a more informative, less celebrity gossip magazine in those days.

We lived near my Teagle grandparents, who had a cow. Dad took over the milking. He would rest his head against the cow and sing to her. When he left to join the army, it took weeks before she would settle down to allow anyone else to milk her.

Before he sailed to Singapore, Mum would travel by train, to Seymour, to spend a few hours with him. He sent her postcards and called her his “dear love”. His idea was that the sooner everyone eligible joined up, the sooner the war would be over. He had a great love for Australia.

While he was a prisoner, Mum received a few postcards from him, not in his neat handwriting, but in block letter printing, to tell her he had received no mail or parcels from her. He must have felt we’d forgotten him, because, of course, Mum had sent lots of parcels and letters, and the Japanese hadn’t handed them on.

I will never forget the sound my mother made when she received the telegram saying Dad had died months earlier, ostensibly from Malaria, but he died during the march. The sound still haunts me.

I wanted to see where Dad had spent his last days, to re-assure him he wasn’t forgotten. There’s little of the Sandakan Camp which hasn’t been developed. I took my eldest son to visit the camp. Our Chinese guide told us no Chinese would live on the land because the spirits of the men still roamed the area. I knew what he meant. I could feel Dad’s presence.

We have no idea where he died. I wanted to drive to Ranau, hoping there’d be some clue, but we were advised against it because of bad roads and heavy timber trucks.<sup>2</sup>

Before we received news of Dad’s death, one of our neighbours had returned from the war, and told Mum he’d seen Dad in Singapore, and he’d be home soon. Despite the telegram, Mum never really believed he was dead. She was sure he’d lost his memory, and, when it returned, he’d come back to her.

The war was a big part of my early childhood. I’m amazed, sometimes, at how knowledgeable some people are about it in hindsight, and how it can be brushed aside so carelessly. But it was real for those wonderful young men like Dad, and the families who still weep for them, as I am now, writing this.

I wonder if, in hindsight, those young men would wonder why they made the effort and sacrifice. My reaction to a lot of life’s crises is to write bad poetry about them. It’s a great release.

Yours sincerely,  
Val Waller.

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<sup>2</sup> Ranau was the intended destination of the POWs being marched from Sandakan.