

WITNESS STATEMENT

IN THE VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL AT
MELBOURNE
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST

VCAT REF NO. P1946/2007
VCAT REF NO. P1174/2007
PERMIT APPLICATION NO. 231/2007

Regal Hotel Pty Ltd & Ors
161 Fitzroy Street Pty Ltd
Jonathan Raymond
Australian Institute of Management
David Myer C/ - St. Kilda Park Primary School

Applicants

and

Port Phillip City Council

Respondent

STATEMENT OF MEYER EIDELSON

I, Meyer Eidelson, of St Kilda Historical Society, St. Kilda, in the State of Victoria, President, say as follows:

1. I am the current President of the St Kilda Historical Society ("Society").
2. I advise on behalf of the Society, that the Committee of Management ("Committee") supports the benefits to the youth population of the municipality of skating and outdoor recreation.
3. I advise the Committee is extremely concerned that the choice of location for the construction of a Skate Park and Urban Plaza ("Skate Park") is inconsistent with the heritage of the particular area of Albert Park Reserve specifically in relation to its highly significant indigenous heritage.
4. I understand the proposed site for the construction of the Skate Park is on the City of Port Phillip Aboriginal Federation Trail ("Trail") which travels from the Canterbury Road underpass to Fitzroy Street crossing at Lakeside Drive and Fitzroy Streets and continuing to the Corroboree Tree and looping back to Cleve Gardens and passing through or beside the proposed location for the Skate Park.
5. The Committee is of the opinion that the Trail is an important heritage commitment by the City of Port Phillip to indigenous history and the construction of a Skate Park of the proposed size is inconsistent with the purpose and layout of the Trail and will result in a significant negative impact on the Trail's heritage value (please see attached plan).

6. The Committee is deeply concerned that the construction of a Skate Park is culturally insensitive to and inconsistent with the purpose and layout of the Trail which is in the process of being upgraded in an attempt to create a more visible trail with plantings and markers together with employment opportunities for indigenous guides.
7. The Committee believes that the area of Albert Park Reserve bordering Fitzroy Street and both sides of Lakeside Drive and Queens Road is the most significant indigenous heritage area in the City of Port Phillip and should be preserved as a distinct heritage precinct for future generations and as for an area to promote heritage including reconciliation, education and indigenous culture. The proposed construction would be inconsistent and insensitive with these aims.
8. I acknowledge that several trees located at the site, the subject of the permit application, have been removed by the Council. The Committee believes that the cluster of remnant trees which are survivors of pre-history woodland around Lakeside Drive and Fitzroy Street make it an extremely important heritage area which would be diminished by the construction of the Skate Park. I understand that proximate to Fitzroy Street near Lakeside Drive is a living remnant (pre-1835) tree, plantings from which have been propagated nearby since the 1980s to commemorate indigenous heritage and as such all these trees are important additions to the trail and the heritage area.
9. The Committee believes the construction of the Skate Park will have a significant visual effect on the open park land and the heritage significance of the Corroboree Tree which is listed on the National Estate together with the Billabong Garden Project.
10. The Committee are of the opinion that the park at the base of St Kilda Hill was a meeting place of native trails and as such maintaining non-development on the western side of Fitzroy Street provides a desirable balance of European and Pre-European themes (please see attached plan).
11. I advise that on the northern side of Lakeside Drive exists an indigenous grasslands project and ceremonial sculptures auspiced by the Community Parks Association extending to the junction and commemorating the Kulin Nation. Further, this area of Lakeside Drive provides a linear heritage link connecting the ceremonial circles, Corroboree Tree, Kulin Nation grasslands, the Remnant Tree on the proposed Skate Park Site and Cleve Gardens and will be broken by the proposed construction.
12. It is my understanding that 19th Century records indicate the Albert Park Lake area as an Aboriginal camping, hunting and gathering area. Further, it is reasonable to expect that archeological material may therefore be present and should be the subject of an archeological survey prior to any construction commencing. It is the strongly held view of the Committee that appropriate consultation be conducted with representatives of appropriate St Kilda indigenous residents as well as traditional owners regarding the proposal.
13. The Committee strongly objects to the construction of the Skate Park at the Albert Park Reserve location because the proposal is unsympathetic and has failed to adequately consider the heritage significance and value of this particular area of St Kilda to the municipality's indigenous population.

Signed Meyer Edelstein

Dated 23 October 2007

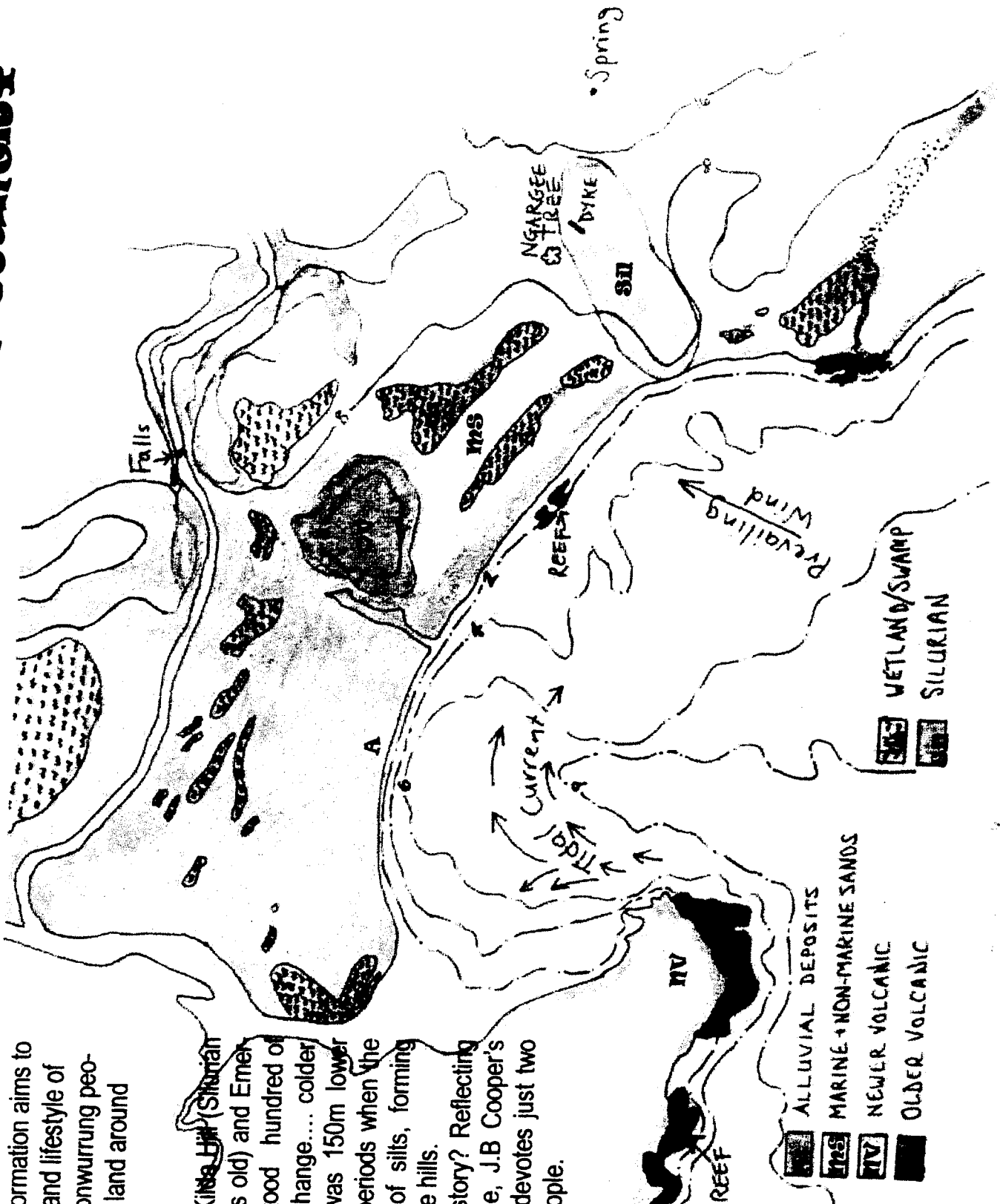
Witness [Signature]

NATURAL FEATURES OF THE PALAESTIC WILAM COUNTRY

This map and accompanying information aims to provide insight to the economy and lifestyle of the Yalukit Wilam clan of the Boonwurrung people, the traditional owners of the land around northern Port Phillip Bay.

Modern science tells us the St Kilda Hill (Silurian bedrock of up to 65 million years old) and Emerald Hill (of volcanic origin) withstood hundred of thousands of years of climate change.... colder drier periods when sea level was 150m lower than now; and warmer, wetter periods when the river flows deposited masses of silts, forming swamps and wetlands around the hills. But what of the Boonwurrung story? Reflecting the dominant culture of his time, J.B Cooper's 'History of St Kilda 1840-1850' devotes just two paragraphs to the indigenous people.

In the History of St Kilda there are clearly many chapters still to be written. The Port Phillip EcoCentre is committed to working with the Boonwurrung to ensure their story is heard. We welcome anyone interested in supporting this goal. www.ecocentre.com



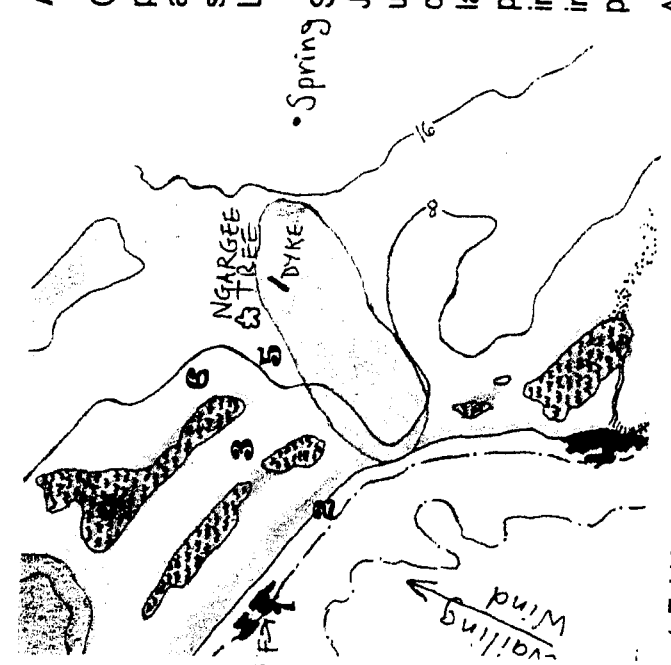
NGARGEES: WHY HERE?

Thankfully, the fact that indigenous people gathered for ceremony near the Ngargee Tree (aka Corroboree Tree) was recorded in the white man's history. But the reasons why this was a gathering place were never really considered. This brochure points to evidence of resources in the general vicinity which would cater for a large gathering. Between the beach and the Ngargee Tree there are 5 distinct habitats providing diversity of resources to sustain the Yalukit Wilam through the year.

- 1. Offshore areas of 'bare reef'** occur in relatively shallow waters at Middle Park and Point Ormond. Rocky reefs attract a range of shellfish which can be easily gathered. The otherwise sandy seabed is likely to be inhabited by scallops and mussels.
- 2. Beach and dunes:** Sand and shell fragments are deposited on shore by wave action and then blown inland by winds to form dunes exposed to wind and saltspray. Coast Tea Tree, Coast Saltbush, Hairy Spinifex and Coast Tussock grass occurred on fore dunes with food plants including Bower Spinach and Karkalla.

- 3. Dry Heathland** occurred on crests and slopes of undulating hills and ridges of deep well-drained sand lacking in nutrient. This community may include Coast Manna Gum and Silver leaf Stringybark on lower slopes of dunes, but is generally dominated by shrub species up to 3m high. These include Silky Tea-Tree, Silver Banksia, Common Correa, Common Heath, and Wedding Bush. Southern Brown Bandicoot, Echidna and Blotched Blue-tongued Lizards forage in this habitat and neighbouring woodland.

- 4. Wetlands:** on lower-lying boggy soils composed of silts and debris deposited by streamflows from inland. Abundant fauna in this habitat included Eels, Yabbies, Rakali and Swamp Rat. Birds such as Emu, Brolga and a variety of waterfowl such as Pacific Black Duck, Chestnut Teal, Swan, Purple Swamphen, and Sacred Ibis all would have bred here. Reptiles including Brown Snake, Black Snake, Tiger Snake, and Long-necked Turtle, would be attracted to wetlands by the many frog species.



- 5. Yellow Box Grassy Woodland** and
- 6. Red Gum Grassy Woodland** both have an understory of Kangaroo Grass, Wallaby Grass and other herbs existed in the area, with Yellow Box being more dominant on the higher and drier soils. Red Gums were more prevalent in the lower-lying, wetter areas on alluvial swamp deposit soils along creeks and occasionally waterlogged drainage lines. A drier form occurred on gentle slopes. Mixed Red Gum and Yellow Box Woodland on the St Kilda Hill ridge and slopes suggest relatively moist soils and the presence of groundwater. Eastern Grey Kangaroo, Black Wallaby, Brushtail Possum, Dingo, and Goanna.

Availability of fresh water

Geological features in the vicinity of the Ngargee Tree point to the high likelihood of fresh ground water being available. The Ngargee Tree is located around 8m above sea level, 450m from the southern end of Albert Park Lake, and 1,200m from the beach.

Sewerage bores drilled by the MMBW in the St Kilda Junction - Prahran area have shown that a granitic mass underlies thin Tertiary deposits in this area. A common cause of the existence of springs is the presence of a layer of almost impervious rock, through which water can pass only slowly. Where the top of the impervious layer intersects the ground surface, a spring is formed, draining the groundwater that has accumulated above the impervious bed.

A Dyke (a vertical sheet of rock that controls the flow of groundwater) is located on St Kilda Road, north of the Alma Road intersection Chamwood Road, directly up the slope above the Ngargee Tree.

References:

Blake, S & Ball D. Seagrass mapping of Port Phillip Bay, June 2001. *Marine and Freshwater Resources Institute Report #39*.
 Marine Invertebrates of Southern Australia Part 2. Shepherd S.A & Thomas I.M (Eds). 1989. South Australian Museum.
 Indigenous Plants of the Sandbelt, Scott et al. *Earthcare St Kilda 2002*.
 The Physiography of Victoria. Sherbon Hills E. Whitcombe Tombs. 1960
 J.L. Neilson, pers comm. *Geology of the Melbourne District, Victoria. 1967*, Geological Survey of Victoria, Bulletin 59).