



Objection 4I

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1J page•

Submission to the Federal Electoral Boundary Re-division 2021

Material impact on [REDACTED]
[REDACTED] to be referred to as 'subject lands'.

We reserve all our rights. Justice does not date.

I/we wish to be heard on this submission.

We were most distressed to see subject lands and adjoining areas in Plenty and Diamond Creek have been removed from their correct urban electorate of Jaga Jaga for the federal electoral districts as part of the proposed changes. We vigorously object to this change. Subject lands must remain as part of Jaga Jaga and suburban Melbourne (this will correspond to our urban requests for the State re-divisions and also those for any potential re-division of local council boundaries).

Subject lands are urban with urban reticulated infrastructure and associated development rights/entitlements. This serious planning mistake must be rectified. See attached hard evidence. Subject lands and their precious urban infrastructure cannot be protected in rural electorates outside of Melbourne's metropolitan urban boundary.

Subject lands must have **urban** political representation at all levels of Government. If this fails to occur these lands will become infrastructure stripped, unmanageable bush blocks worse in value and use to that of 80 years ago when first purchased. And thus be susceptible to major amenity and financial advantage/exploitation by others at our expense.

I understand the Commission has no role in correcting past planning mistakes. *It does however, have a crucial role to play in ensuring subject lands have Metropolitan Melbourne suburban representation in the Federal Parliament.* Subject lands have strictly urban considerations, they cannot be represented by rural interests. We call on this commission to leave the Jaga Jaga boundary line as it was prior to this proposed re-division. At the very least subject lands should remain as part of the suburban area of Jaga Jaga, along with the old established suburbs of Melbourne with utility infrastructure in place e.g. Greensborough, Watsonia, Rosanna and Heidelberg.

We were alarmed to see the amended new version of Jaga Jaga is substituting Nillumbik's current Plenty, Diamond Creek and Wattle Glen areas with that of Eltham, Research and Kangaroo Ground areas. We object to this, as this latter area was always part of the Eltham Shire and is largely rural. The former areas were always part of the Diamond Valley Shire which is correctly reflected in the current Jaga Jaga.

Without the correct placement in an urban federal electorate it is impossible for us to gain proper representation and support in parliament. As we have experienced in the past when we were incorrectly placed in the electorate of McEwen in a past re-division. We found there was no understanding whatsoever from federal members dealing with Melbourne metropolitan issues, such as ours, in a rural electorate.

Our continued inclusion in Jaga Jaga will provide the correct foundation to ensure we are able to protect subject lands precious urban infrastructure (and capacity). Doing so will protect subject lands community interest, urban history, identity, sense of place, urban residential land use and interrelated urban reticulated infrastructure and associated accrued development rights/entitlements.

Such a placement will also ensure the correct *urban* consideration is given to Melbourne's integrated strategies and issues such as bushfire management, traffic, transport, major roads and land use planning.

Subject lands must stay urban, they must maintain urban land capabilities, not rural. They must keep urban values, not rural. They have urban water, not rural. They must have urban sewerage provisions, not rural. They must be included in Melbourne's urban strategies and policies, not rural Victoria or hinterlands. They must maintain their urban electricity, telecommunications and other.

I must emphasise that lands [REDACTED] originally on one title) when they were purchased in the early 1940's were located within the City of Heidelberg. This was where my late father went on the train to pay his rates and where the Plenty Yarrambat Waterworks Trust was established for the provision of services (water and sewerage) for the townships of Yarrambat and Plenty (see our hard evidence examples proving our lands inclusion in the Ironbark rd. extension of the urban district and Waterworks Trust district of this trust). The Water Trust was taken over by MMBW in approx. 1981, then Melbourne Water (with all its liabilities, responsibilities and duties to us).

[REDACTED] was purchased in 1989 because together with Ironbark Rd properties it provided dual road frontages and dual supply of reticulated infrastructure to enable distinctive combined residential land use. Relied on in the families long term financial planning.

We were always considered part of metropolitan Melbourne and were included inside the boundary of Melbourne's first metropolitan planning scheme (MMBW). We have paid urban rates and charges from the 1970's until 2000 (with the adoption of the New format Nillumbik Planning Scheme when our urban status was translated in error to rural conservation).

From the mid 1950's we were an integral part of the original urban area of the suburb of Diamond Creek north of its town centre of Chute St. We should not be gerrymandered out of Jaga Jaga or our position as urban Diamond Creek by the current (or proposed) development East of the original town centre as well as that development east of Ironbark rd.

In the mid 1960's Heidelberg's North Ward broke away and became the pro-development Shire of Diamond Valley (which included subject lands), followed by City of Banyule (where we should have remained) and now Shire of Nillumbik. This urban history is reflected in the correct 1992 State division map showing the lands within the urban Victorian electoral district of Greensborough (see map 1) for the Legislative assembly, together with the

original Melbourne suburbs (see Map 2). Likewise the State Legislative Council representative was an urban electorate as Northern metropolitan. The mistake was the transfer to Northern Victoria in 2014. Which we are currently asking to be corrected.

The family all went to Diamond Creek Primary School and Diamond Creek sporting activities. All our businesses were in original Diamond Creek (Chute St). Our families' investments were in the suburb of Diamond Creek (houses, commercial). Our social life revolved around Diamond Creek and its people. Our telephone and post code is Diamond Creek. Our land use planning is from Diamond Creek as is our electricity.

We have no connection now or in the past with McEwen, rural North Victoria or the City of Whittlesea (Mernda or Doreen etc). These were the hinterlands of rural Victoria, not Diamond Creek. We also had no identity with Wattle Glen, Hurstbridge or those as part of the Eltham Shire.

Please see the hard evidence of our urban status attached showing the necessity of our inclusion back in all urban electoral boundaries.

Please see also maps of our proposed boundary division lines.

It is a mistake to place our urban lands within a rural electorate.

At the very least Plenty and Diamond Creek must remain within the electorate of Jaga Jaga.

Gila Schnapp nee Freeman and on behalf of owners stakeholders of above properties.

Being sent with 3 attachments.

DIAMOND CREEK

B... DIAMOND CREEK

C... YARRAMBAT

D... YARRAMBAT

Attachment 1

1/ Include back as
"urban" for lower
house

Legislative Assembly

2/ Include
back into
Melbourne's
Northern Metropolitan
region

Legislative

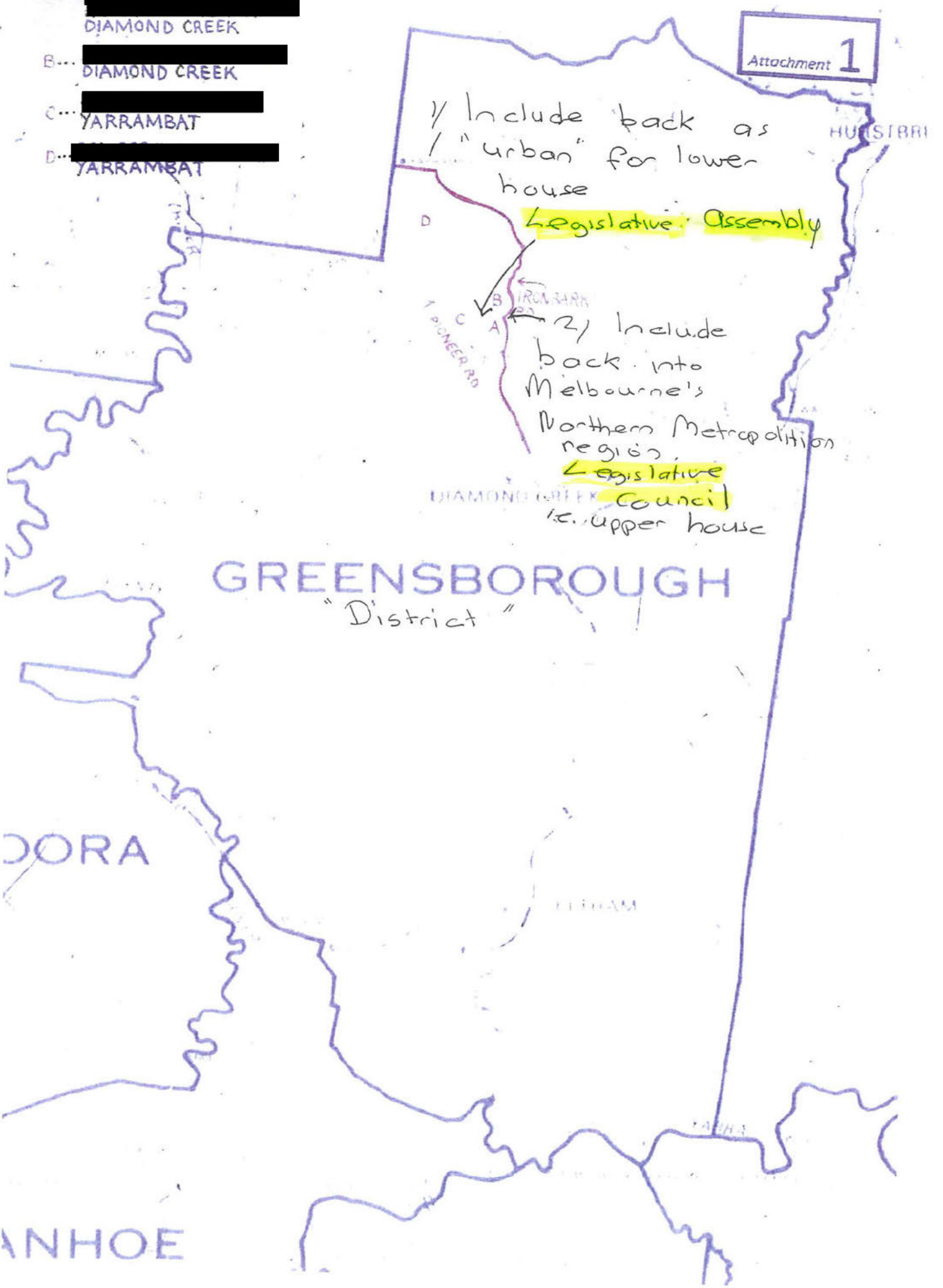
Council
i.e. upper house

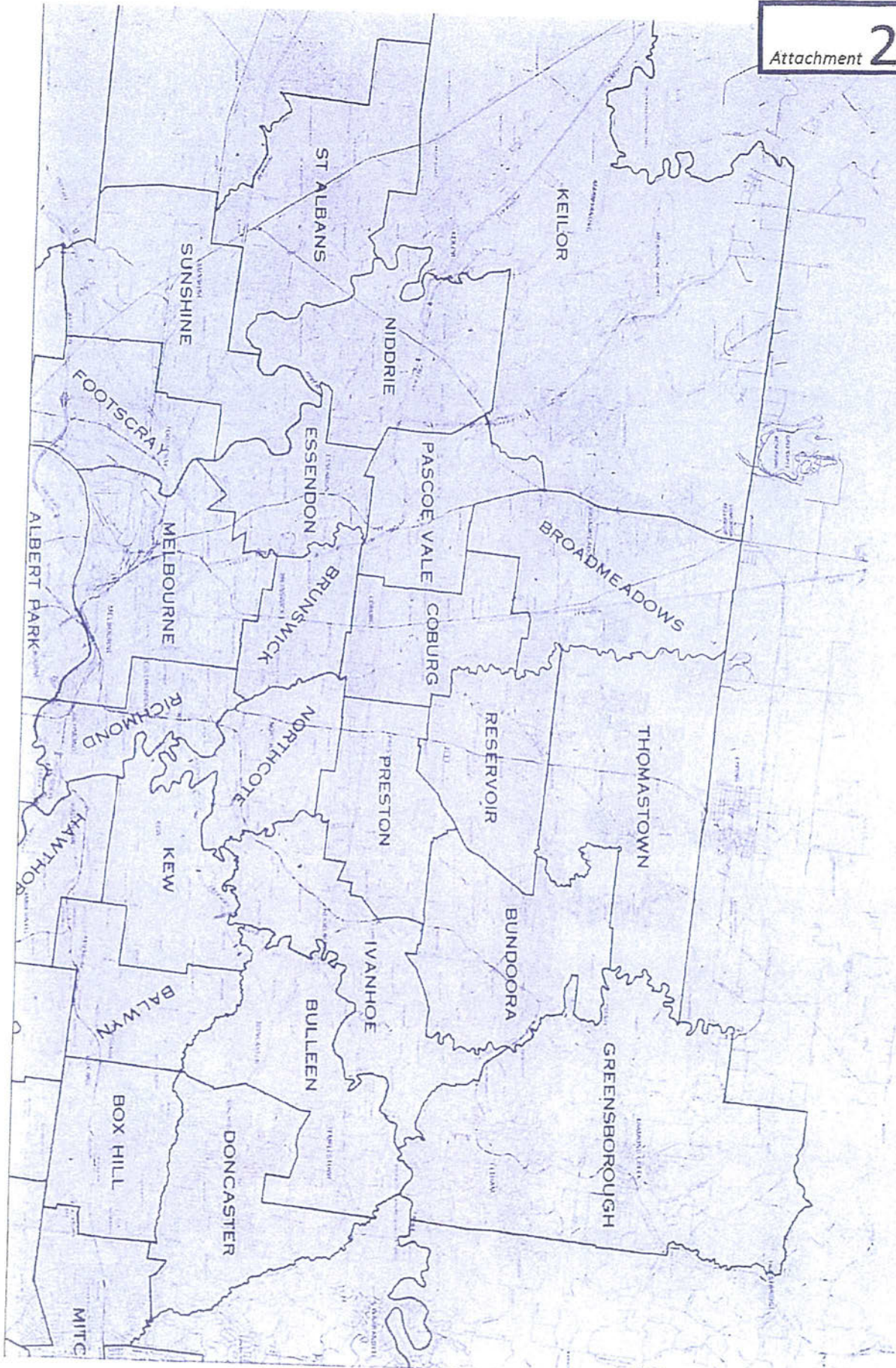
GREENSBOROUGH
"District"

DORA

ELTHAM

ANHOE





Hard Evidence A to N
Of
Current Urban Status of
properties

attachment F

WATER ACT 1958

PLENTY-YARRAMBAT WATERWORKS TRUST

Notice under the provisions of Section 310A of the Water Act 1958

To: Nysen FRENCH,
of: 175/215 Ironbark Road,
DIAMOND CREEK, 3089.

as owner of the land being Crown Allotments 46F, 50B & Part 50 Section
A Parish of Greensborough comprised in Certificate of Title Volume 7030
Folio 903

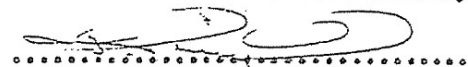
WHEREAS the Plenty-Yarrambat Waterworks Trust (hereinafter referred to as "the Authority"), in accordance with the provisions of Section 310A of the Water Act 1958 has prepared a scheme for the construction of works for the supply of water to the land abutting the portion of Ironbark Road between its intersection with DeFredericks Road to a point approximately 24 chains southerly from the more southerly of the intersections of Ironbark Road with Pioneer Road and the portion of Black Gully Road from its intersection with Ironbark Road to a point approximately 24 chains easterly from such last mentioned intersection.

NOW THEREFORE, the Authority, in pursuance of Section 310A of the said Act, hereby gives you notice in writing-

- (i) that a scheme has been prepared for the construction of the said works and may be inspected at the office of the Authority situate at the office of E.T.M. Stevens, Esq., the Authority's Consulting Engineer, at Charteris House, No. 216 Lower Heidelberg Road, East Ivanhoe;
- (ii) that the estimated amount which is to be recovered from you as an owner as your share of the cost of the scheme and by way of an amount assessed by the Authority to be a fair and reasonable contribution towards the cost of the headworks and distribution systems of the Authority is \$3084.13
- (iii) that within one month of the service of this notice you may by notice in writing to the Authority object to such scheme or any part thereof;
- (iv) that the grounds upon which any such objection may be made are-
 - (a) that the amount to be recovered from you is excessive or has been incorrectly calculated;
 - (b) that any owner intended to be made liable under the scheme should not be so liable or that any owner not intended to be made liable under the scheme should be so liable;
 - (c) that the portion of the cost of the scheme to be recovered from you is unreasonable.

DATED at IVANHOE this Eighth day of July 1975.

For and on behalf of the Authority



(F. Phillips) Secretary.

NOTE

You may by a request in writing signed by you and lodged with the Authority within one month from the date of your being notified in writing of the amount of your contribution elect to pay the amount of such contribution by forty quarterly instalments bearing interest on such portion as from time to time remains unpaid at a rate not exceeding one per centum more than the rate of interest payable by the Authority for the time being on moneys borrowed by it for the purpose, pursuant to the said Act.

PLENTY-YARRAMBAT WATERWORKS TRUST.

*At the Executive Council Chamber, Melbourne, the
seventh day of October, 1975.*

PRESENT:

His Excellency the Governor of Victoria.

Mr. Dickie

|

Mr. Dunstan.

EXTENT OF WATERWORKS AND URBAN DISTRICTS
INCREASED.

Under the powers conferred by the Water Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby declare, order and direct that the extent of the Waterworks and Urban Districts of the Plenty-Yarrambat Waterworks Trust be increased by adding to the same the lands shown bounded by red colour on a plan approved by the Governor in Council and deposited in the office of the State Rivers and Water Supply Commission, Melbourne (Corr. No. 73/1745/75), and as on and from the date hereof, the extent of such Districts shall be deemed to be increased.

And the Honorable Frederick James Granter, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

L. G. HOUSTON,
Acting Clerk of the Executive Council.

Attachment C

RATEABLE PROPERTY: Lot 46F, 50B, Pt. 50 - RATE NO. 738
175/199 Ironbark Rd. DATE OF ISSUE: 26 MAR 1981

Under powers conferred by the Water Act the Plenty-Yarrambat Waterworks Trust on 25th Feb., 1981 made a Water Rate for the year ending 30th September 1981 of 4.3 cents for each dollar of the Net Annual Value of all lands and tenements within the Plenty-Yarrambat Waterworks and Urban District, provided that the minimum amount of rate payable in respect of any tenement shall be \$66.00. The Trust also made a Special Charge of \$30.00 for each service more than one serving any tenement. The Rate and Special Charge are due and payable on 10th March, 1981.
The following amount is due and payable in respect of your property:

RATE - on N.A.V. OF \$4,750	\$	204.25
Rate - Arrears	\$	
Special Charge - extra services	\$	
Interest - to date	\$	
Other amounts -	\$	
TOTAL AMOUNT DUE AND PAYABLE	\$	204.25

PLENTY-YARRAMBAT
WATERWORKS TRUST
Received 15/04/81
A. G. BOYD
Secretary

If Rates and Charges are not paid within fourteen days of the date of issue of this notice, legal proceedings may be taken for their recovery without further notice. Rates are a charge on the land and, unless the current rate is paid on or before 10th July, 1981, it will bear interest at the rate of ten per cent per annum from the due date until paid, provided that Rates and Special Charges may be paid by installments as indicated on the back of this notice. The arrears of Rate and Excess Water Charges will continue to bear interest until paid. For method of payment see back.

A. G. BOYD,
Secretary.

attachment
D

AMOUNT RECEIVED

SHIRE OF DIAMOND VALLEY

TELEPHONE
435 7411

CIVIC DRIVE
GREENSBOROUGH 3089
P.O. BOX 115, GREENSBOROUGH

VALUATION GENERAL RATE AND SANITARY CHARGE NOTICE 1974/75

Take notice that in accordance with the provisions of the Local Government Act 1958 (as amended) and the Health Act 1958 (as amended). Council did for the amounts stated below make a General Rate, Farm Rate, Urban Farm Rate and a Sanitary charge for the collection of night soil for the year ending 30th September, 1975. These sums are due and payable on the date stated below and are hereby demanded and application made for same. Unless such rates and charges are paid WITHIN FOURTEEN DAYS of service of this demand legal proceedings may be taken for the recovery of amounts stated hereon without further notice.

E. N. BLAKE, Rate Collector.

ASSESSMENT NUMBER	DATE DUE AND PAYABLE	GENERAL RATE C in \$ on Unimproved Capital Value	URBAN FARM RATE C in \$ on Unimproved Capital Value	FARM RATE C in \$ on Unimproved Capital Value	PROPERTY NUMBER
14214	10/12/74	2.599			4,5020,51750

NORTH RIDING
1974/75

FREEMAN N,
175/219 IRONBARK RD,
DIAMOND CREEK,

3089

LOCATION AND LOT No. OR AREA

175/219 IRONBARK RD, LOT 46F/PT50/50B-GREENSBOROUGH,

VALUATIONS ASSESSED AT VALUES DATED 31st DEC. 1969	SITE VALUE	UNIMPROVED CAPITAL VALUE	IMPROVED CAPITAL VALUE	NET ANNUAL VALUE	THESE VALUATIONS MAY BE USED BY OTHER AUTHORITIES FOR THE PURPOSE OF ASSESSING A RATE OR TAX BY THAT AUTHORITY
	\$ 35800	\$ 34000	\$ 40000	\$ 2000	

ST.		GENERAL RATE	GARBAGE CHARGE	SANITARY CHARGE	INTEREST TO	TOTAL DUE
R	CURRENT	\$ 883.66	\$	\$	\$	\$ 883.66
	ARREARS	\$	\$	\$	\$	\$

INTEREST: Rates are a charge upon the property and unless paid on or before the 10th Day of April 1975 will bear interest, from the date on which they became due and payable, at the rate of eight per cent. per annum. If rates are being paid by four equal instalments and the instalment is not paid on or before the last day of December 1974, February, May and August 1975 respectively, the instalment will bear interest from the date on which rates became due and payable at the rate of eight per cent per annum.



PAYMENT: The collector attends at the Shire Office, Civic Drive, Greensborough from 8.25 a.m. to 4.00 p.m. and 5.30 p.m. to 8.00 p.m. Monday; and 8.25 a.m. to 4.00 p.m. Tuesday to Friday. When remitting by post please do not include bank notes but forward Money Order, Endorsed Postal Order or Crossed Cheque. Make all remittances payable to Shire of Diamond Valley. Telephone Enquiries: 435 7411 - Monday; 10.00 a.m.-12.30 p.m., 1.15 p.m.-5.00 p.m., 5.30 p.m.-8.00 p.m. Tuesday to Friday; 10.00 a.m.-12.30 p.m., 1.15 p.m.-4.00 p.m.

P.40.

Attachment
E

Payment of each instalment must be made not later than

1st Instalment	31/12/74 (or within 14 days from date hereof)
2nd Instalment	28/2/75
3rd Instalment	31/5/75
4th Instalment	31/8/75

NOTICES WILL BE FORWARDED FOR THE REMAINING THREE INSTALMENTS.

APPEAL AGAINST VALUATION

I hereby give notice that the property described hereon owned or occupied by you has been valued as set out hereunder. Any person aggrieved therewith may lodge an objection with the council in the manner set out in Division 4 of Part III of the Valuation of Land Act (as amended) during the months of February and March next after this notice of valuation was given, or where the valuations in the notice given appear for the first time—within Two Months after the notice is given. Any such objection must be in or to the effect of the prescribed form, copies of which are available at the office of the council during the normal hours of business.

T. MILLIKEN, F.C.I.V., Valuer.

APPEAL AGAINST RATE

If aggrieved by any matters included in or omitted from any rate other than in respect of the assessment of the value of the rateable property any person may, within two months after notice of the amount of rate payable by him is given, give notice in writing to the council of his intention to appeal to the Magistrates Court in the manner set out in Section 304 of the Local Government Act, as amended by section 7 of the Valuation of Land (Appeals) Act 1965.

E. N. BLAKE, Rate Collector.

STATUS CODE FOR RATING PURPOSES

R - GENERAL RATE
F - FARM RATE
B - URBAN FARM RATE
Q - SANITARY CHARGE ONLY



City Drive
P.O. Box 115
Greensborough 3088

Attachment 1991/92

RATES & CHARGES FOR PERIOD
1st OCTOBER 1991 to 30th SEPTEMBER 1992

Page 435/431

DATE 1/4/92

Take notice that the Council of the Shire of Diamond Valley made and levied the following rates and charges for the property described on this notice. These rates and charges are due and payable on 11/11/91. Payment of this demand is now requested.

S.E. DEAN
Rate Collector

METHOD OF PAYMENT

(A) Payment through any Bank

- Payment of either amount 1 or 2 may be made at any Bank.
- You do not need to hold an account with the Bank or branch at which you make your payment.
- Complete the details on the Bank deposit slip below.
- Take this notice to any Bank for payment. Commonwealth Bank will not charge a transfer fee. Other Banks may.
- The Bank will stamp "Ratepayer's Copy" and return it to you as a receipt.

(B) Payment through Mail 1 or 2

- Make cheque payable Shire of Diamond Valley and crossed "Not Negotiable".
- Mail payment to:
Shire of Diamond Valley
P.O. Box 115,
GREENSBOROUGH, 3088

- If receipt not required mail payment with deposit slip below and retain "Ratepayer's Copy" for your record.
- If receipt required place tick (✓) in box and return notice intact.
- (DO NOT DETACH DEPOSIT SLIP.)

(C) Personal payment to council 1 or 2

- Present notice intact to Cashier at Shire of Diamond Valley Offices.
- (DO NOT DETACH DEPOSIT SLIP.)
- Cashier will return "Ratepayer's Copy" with an official receipt.

GENERAL RATE per \$ of N.V.	URBAN FARM RATE per \$ of S.V.	SPECIAL RATEABLE PROPERTY per \$ of N.A.V.	RESIDENTIAL RATE per \$ of S.V.	
1.7040				
VALUATION DATE	30/06/86			
ASSESSMENT No	2159	SITE VALUE 83000	CAPITAL IMPROVED VALUE 83000	RESIDENTIAL VALUE 4150

RATING TYPE GENERAL NORTH RIDING
PROPERTY DESCRIPTION LOT No 1-LP117036-GREENSBOROUGH
LOCATION 201-219 IRONBARK ROAD

1990/91	INTEREST	GENERAL	SANITARY	OTHER CHARGE
ARREARS				
CURRENT		1202.17		
LESS PENSION REBATE				
LESS CREDITS				
BALANCE CURRENT		1202.17		

Late payments will attract interest penalty
at 16.00% p.a. from 11/11/91

1 PAYMENT IN FULL
BY 10th APRIL 1992
1202.17
OR
2 XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX



N FREEMAN
"HILLSLEY" 175 IRONBARK ROAD
DIAMOND CREEK 3089

SEE
REVERSE
SIDE OF
NOTICE

OTHER OWNERS/
OCCUPIERS

DO NOT DETACH

PROPERTY NUMBER
4502120106

842

attachment 5

5

Attachment

PROPERTY: 175/99 IRONBARK ROAD, DIAMOND VALLEY

5(c) 94-2198294-7

PRIN. \$ 434.79
INT. \$ 57.94

57

RECEIPT REQUIRED

RECEIVED AMOUNT PRINTED ABOVE

PROPERTY: 175/99 IRONBARK ROAD, DIAMOND VALLEY

94-2198294-7

MR N FREEMAN
175/99 IRONBARK ROAD,
DIAMOND CREEK VIC. 3089

Telephone:

MELBOURNE AND METROPOLITAN
BOARD OF WORKS

Head Office:
525 Lt. Collins Street,
Melbourne, 3001

Costs and expenses incurred in connection with Water Supply Scheme under Section 310A of the Water Act.

Instalment of Principal
Interest on Balance of Principal at 11.4% pa

ARREARS

362 33
72 46
57 94

Balance of Principal Outstanding was \$1950.00 on 1/10/82 inclusive of the above instalment (s) but exclusive of Interest. If desired, the unpaid balance (with interest to date of payment) may be paid at any time.

RECEIPT REQUIRED \$

492 73

PAYMENT IS REQUIRED TO BE MADE WITHIN 14 DAYS FROM THE SERVICE OF THIS NOTICE (FOR DETAILS SEE NOTES ON BACK)

PLEASE SIGN & RETURN TO:

Date of Service

M. J. [Name]

Total Pages

43

NOTE

attachment H(a)

*Consumers made liable for total costs of this scheme under 310A of water act. Attachment 5 (b)

ESTIMATE AND ALLOCATION OF TOTAL COST

TERMS OF REFERENCE

Trust Minutes dated 27th May 1975

"that the cost be allocated on the following basis:- half on the Unimproved Valuation of properties and half on a unit basis and further that enquiries be made to ascertain if properties which may be subdivided could be included on an area basis."

Tender for trenching and laying etc. dated 1/8/74	29642.24	
Plus 18% in accordance with rise and fall clause	<u>5336.00</u>	34978.24
Additional crushed rock required by Share of Diamond Valley		1400.00
Pipes costed at June 1975		11830.00
Fittings costed at June 1975		<u>1500.00</u>
		49708.24
Plus 20% contingency for future increases in cost		<u>10835.00</u>
		60543.24
Fees		7077.00
Administrative costs of scheme (7.5%)		<u>3728.00</u>
	Total	<u>71348.24</u>

ALLOCATION

To be financed by Trust	11750.24
To be recovered from owners	<u>59598.00</u>
	<u>71348.24</u>

R.T.M. Stevens
(R.T.M. Stevens)
Consulting Engineer

24/6/75

944

David Fairbairn Consulting Engineer
9 Roslyn Street, Brighton, 3186

**NILLUMBIK PLANNING SCHEME
AMENDMENT C81 SIGNIFICANT LANDSCAPE OVERLAY**

PANEL HEARING

WITNESS STATEMENT: Prepared by David Fairbairn Consulting Engineer

SERVICING STRATEGY

1.0 INTRODUCTION

I act on behalf of the owners of 175-199 (16 Ha)(Adjungbilly Pty Ltd – ACN 005 236 993 – Trustee for the Freeman Family Trust), 201-219 Ironbark Road (2 Ha)(Caspi, Schnapp and Freeman) and 40-60 Pioneer Road, Diamond Creek (6 Ha)(D Schnapp). I have inspected the proposed Amendment C81 documents and wish to support my client's objection to the amendment. I consider that the proposed Amendment C81 limits the highest and best use of the land given the availability of existing infrastructure to the properties and the ability to extend other infrastructure to service the land. I also consider that the uncertainty associated with the status of the overall zoning of the land expressed in the submission made by our clients makes it additionally important to resolve this issue prior to any new controls being introduced to ensure that the overall servicing strategies developed by the various authorities for the region are not compromised by planning decisions taken independently of them.

2.0 BACKGROUND INFORMATION - EXISTING INFRASTRUCTURE

The properties at 175-199 and 201-219 Ironbark Road were included in the Plenty-Yarrambat Waterworks Trust district and were supplied with an urban standard reticulated water supply via a 100mm dia AC main located on the west side of Ironbark Road and which was connected directly to the Trust supply system. This occurred after the above Waterworks and Urban Districts were extended to include this land (gazetted in 1975).

The property at 40-60 Pioneer Road is connected to a 225mm dia main in Pioneer Road.

The Freeman family, owners of 175-199 and 201-219 Ironbark Road, contributed their share of the total costs of construction of the extension of the Trust water supply system to supply their properties at the time and were rated as urban consumers by the Trust.

The original Waterworks Trust was transferred to the Melbourne Metropolitan Board of Works (MMBW) in 1981 with the MMBW becoming the successor body.

The properties were also supplied with urban standard power and telecommunications.

Sewerage is not currently directly available to the properties but they are all able to be connected to the existing system in Diamond Creek. Capacity for the development of the properties was available in the Eltham trunk sewer but is slowly being reduced by diversion of flow from the South Morang catchment into the Eltham trunk sewer. There is a sewerage rising main running past the properties in Ironbark Road that serves the Doreen/Mernda system. It would be possible to pump directly into this main from these properties provided there is sufficient capacity available. We also understand that another rising main will be constructed in the future to further augment the system as part of the Mernda Strategy plan. Yarra Valley Water have indicated that they would not allow such a connection to take place however it is our opinion that such a connection is technically feasible. Connection of the properties to the gravity sewerage system via a rising main is also feasible. Therefore connection to sewerage should not be an issue.

Land was acquired from 201-219 Ironbark Road in 1976 for an easement for way of road, drainage and sewerage. This was necessary for the upgrade of Ironbark Road including widening, straightening, sealing and to allow for the infrastructure establishment. The road is therefore suitable for access to any future land development on the subject properties.

3.0 PLANNING STATUS OF THE LAND

My clients continue to dispute the planning background of their properties with the Shire of Nillumbik that sees the current zoning as rural conservation. While my clients' expected development scenario is to be granted a corrected zoning to an appropriate residential or township zone, they wish to emphasise that whilst a revised zoning is not occurring they wish to proceed with other development options which could include other commercial uses or more intensive agricultural uses. They would therefore wish to be able to ensure that suitable infrastructure remains available for these options and that they be able to develop the land to the highest and best use available. I am informed by the owners that the development options currently being considered includes their 112 lot Subdivision covering all three properties which they continue to pursue. It is the opinion of this report that Amendment C81 and the associated guidelines for assessment of design will significantly limit options available for such development of the subject properties even though infrastructure is available to support such development.

4.0 CURRENT PLANNING ISSUES UNDER DISCUSSION

1. An anomaly does exist related to the land at 175-199 and 201-219 Ironbark Road in that, in the opinion of my clients, there is some doubt about the legitimacy of the current zoning. The land is covered by urban standard infrastructure which is inconsistent with a non urban zone. The land was also originally included in the Plenty-Yarrambat Waterworks Trust District which would normally indicate that the land was within a suitable urban zone. As a result of the availability of the infrastructure and proximity of the properties to other urban areas, the effect of changing the planning status of the

property to an urban zone, as desired by the owners, would be consistent with other planning decision making for the local area.

2. Our clients have also argued that the properties were not part of the green wedge concept but were part of the Plenty Growth Corridor and were provided with urban infrastructure to support this growth strategy. Implementation of the Amendment will therefore severely limit the potential to further develop these properties.

For these reasons the implementation of the Amendment C81 further limits the planning options available to the owners and creates a further impediment to the resolution of their wish to resolve the planning issues associated with the properties.

5.0 IMPLEMENTATION OF THE SIGNIFICANT LANDSCAPE OVERLAY

The subject properties are currently entirely within the SLO10 area that is Undulating Agricultural as defined in the Amendment. The Design Guidelines for the SLO10 area are generally aimed at preservation of a predominantly rural character of the area. My clients have argued for some time that their properties should be recognised as urban rather than rural and therefore that this Amendment is not appropriate for their land as it is only being applied to land outside the urban growth boundary. Therefore the design guidelines will have significant impact on the potential of the properties for further development in the following manner:

1. The restrictions on vegetation removal will not only affect any future plans for development but will also restrict the use of the land for agricultural purposes. The preservation of dense vegetation is also in conflict with the Wildfire Management Overlay which also applies to the properties.
2. The restriction of development on hillsides and ridges coupled with the restriction of vegetation removal further limits the land uses and development of these properties.
3. Building and structure siting guidelines would impact heavily on possible infrastructure construction such as for roads and buildings associated with future development.

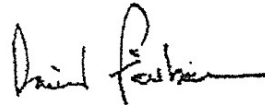
6.0 CONCLUSIONS

Therefore on behalf of my clients, the owners of 175-199 and 201-219 Ironbark Road and 40-60 Pioneer Road, Diamond Creek, I wish to support their objection to the provisions of the Nillumbik Planning Scheme proposed C81 Amendment on the grounds outlined in this report. My clients therefore request that the panel not approve the proposed Amendment C81 so as to not detrimentally affect the current and future potential of the land for development and the best use of infrastructure available to the properties.

David Fairbairn Consulting Engineer
9 Roslyn Street, Brighton, 3186

7.0 DATE

This report is dated 29th January, 2016.

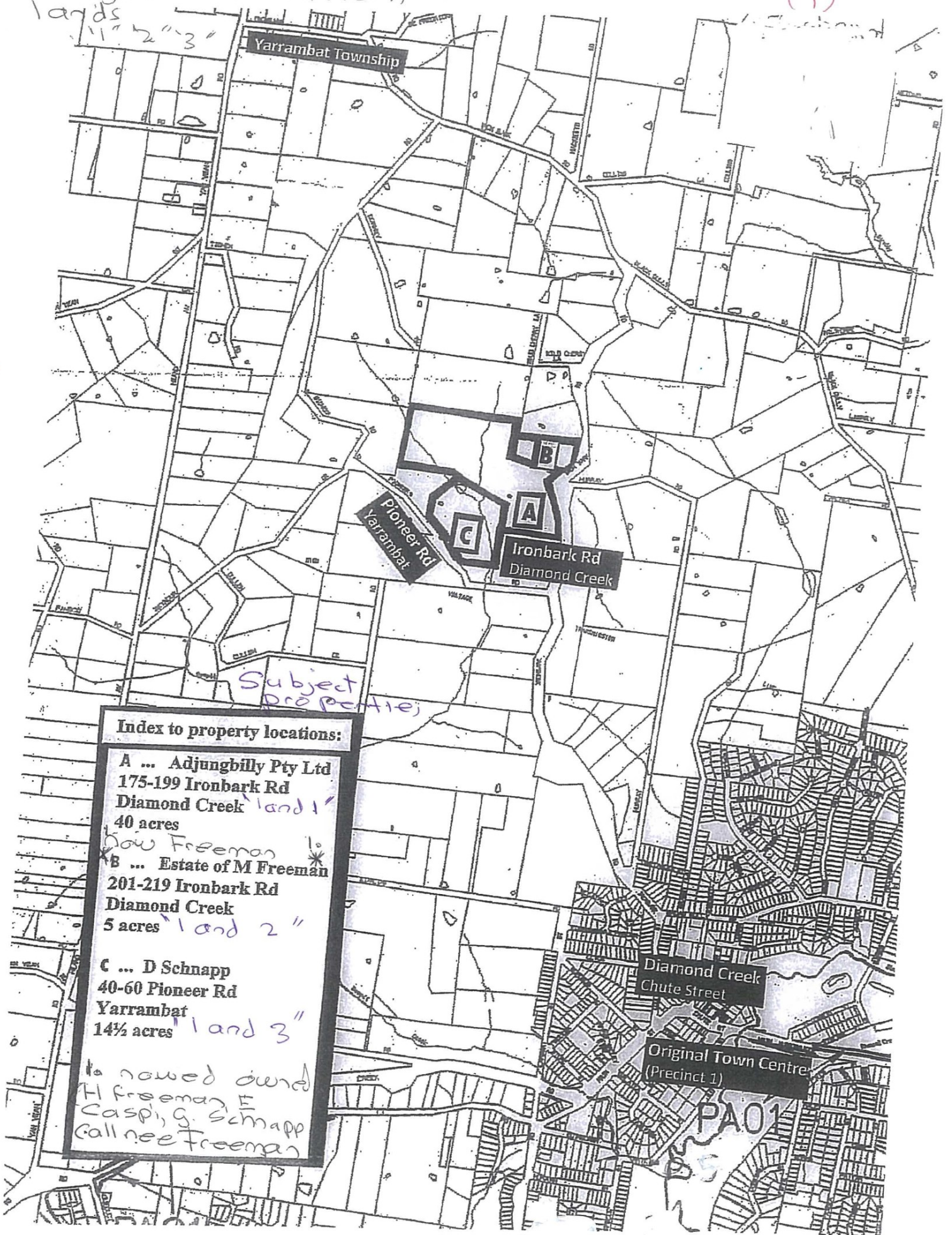


David Fairbairn Consulting Engineer

Subject Attachment 1

lands

(1)



Index to property locations:

- A ... Adjungbilly Pty Ltd**
175-199 Ironbark Rd
Diamond Creek land 1
40 acres
- B ... Estate of M Freeman**
201-219 Ironbark Rd
Diamond Creek
5 acres land 2
- C ... D Schnapp**
40-60 Pioneer Rd
Yarrambat
14½ acres land 3

to nowed owned
H Freeman, E
Caspri, G. Schnapp
Call nee Freeman

Diamond Creek
Chute Street

Original Town Centre
(Precinct 1)

PA01

URBAN Iron Bark road Subject lands "1" and "2"

1

201-219

175-199

Attachment (J)

50

201-219 50