

17th October 2021 Part A

Individual Submission to **MELBOURNE'S FUTURE PLANNING FRAMEWORK PLAN MFPP**

OBJECTIONS to the Northern Metropolitan Land use framework plan LUPF

Affected lands [REDACTED] Ironbark rd Diamond Creek (40 acres) [REDACTED] Ironbark rd Diamond Creek (5 acres). Purchased in early 1940's. Comprising ½ km of road frontage with urban reticulated infrastructure to the entire area of the acreages. And in opinion neighbouring acreage landowners likewise affected in Diamond Creek and Yarrambat.

I reserve all my rights. Justice does not date. I or nominee, wish to be heard on this individual submission by those responsible for the outcome of this process. This submission is being rushed in distress and I reserve my right to add, edit and clarify where needed.

Subject lands are directly relevant to this process because their paid for, established urban reticulated infrastructure guarantees their rightful place within urban Melbourne. Subject lands are an integral part of the urban suburb of Diamond Creek and have been since the 1950's. They belong within the urban area of the Northern Metro framework plan.

Subject lands have accrued urban reticulated infrastructure and associated property/development rights/entitlements from State, Regional and Local Planning. We were planned urban from Melbourne, Diamond Creek and Yarrambat.

As a first priority all planning/mapping mistakes, irregularities and anomalies in the Northern Metro LUPF and thus the Nillumbik Planning Scheme must be equitably corrected before the implementation of and legislation is passed for MFPP. This include specifically the above lands and is irrespective of any final site specific land use.

We have made submissions, presentations and representations to numerous State process and all levels of government ever since the New Format Nillumbik Planning Scheme was adopted with changes made to the State VPPs in 2000. Our issues are known and/or ought to be known.

Failure to do so will mean the Northern Metro LUPF and the Nillumbik Planning Scheme will remain flawed and the public can then legitimately question the veracity of this entire 'engage Victoria' process.

Failure to correct known mistakes, irregularities and anomalies cannot be justified with the line 'it is for the net good of the greater community'. No family or land in Nillumbik should be targeted as 'sacrificial lambs'.

Please see confidential and open evidence/professional support attached, as well as all previous substantial submissions to Plan Melbourne, Plan Melbourne Refresh, the review of Agricultural land in the Green Wedge, 30yr Infrastructure Strategy and the Yan Yean Rd upgrade stage 2.

I do not support the Nillumbik Shire Council submission in its application to subject lands, rural lands and the Diamond Creek Activity Centre Structure Plan. It was done without public input as they said there was no time for public consultation.

Subject lands must be included as part of the urban area of Diamond Creek and as such a part of the urban area in the Northern Metro Land use Framework plan, as entitles and befits old established suburbs of Melbourne with urban utility infrastructure in place.

Without correction these lands will 'knowingly' revert to infrastructure stripped, sterilised, unmanageable rural bush blocks comparatively worse in value and use to that of 80 years ago.

Subject lands have strictly urban considerations e.g. traffic, housing density, water/sewerage provision. They must keep their urban metropolitan water interests not rural regional water interests, urban reticulated water, not rural, urban land capability, not rural, urban planning, not rural, urban identity, not rural. Their distinctive urban services, urban capacity and urban land capability must be protected by their inclusion as urban within Melbourne's Urban Growth Boundary in the Northern Metro LUPF.

For some background. Our family first purchased the acreage lands as an orchard (apples, pears, plums) in Diamond Creek in the early 1940s and they were located within the City of Heidelberg. This was where my late father went on the train to pay his rates. Our family was raised on the Ironbark Rd properties. Our family all went to the local Diamond Creek primary school and took part in community activities in Diamond Creek. All our business were in original Diamond Creek suburb (Chute St being the town centre). Our social life and *long term vision* revolved around Diamond Creek and its people.

We were always considered part of original metropolitan Melbourne and were included inside the boundary for Melbourne's first metropolitan residential expansion (MMBW-see attached map). We have paid urban residential (not rural) rates from the 1970's until 2000 (with the adoption of the New format Nillumbik Planning Scheme and Victorian Planning Provisions). Our urban planning was from both Diamond Creek suburb (telecommunications, postal, electricity) and Yarrambat (water, sewerage, drainage).

From the mid 1950's we were an integral part of the original urban area of the suburb of Diamond Creek (not township!). In the late 1960's we paid for the extension of the high voltage electricity from Diamond Creek. We were part of the original Plenty Growth Corridor on the east of Yan Yean Rd. Following a full statutory process subject lands were gazetted in 1975 by the Governor in Council (i.e. Cabinet) as an extension to both the Plenty Yarrambat Urban District and Waterworks Trust District. High costs necessitated our participation in a Commonwealth Government Loan Scheme (11.5% interest) to fund the infrastructure required. Subject lands were made compulsorily liable for the highest contribution based on them having the highest urban residential land value and thus capability (NB: Values presented in evidence are at their dated year prices).

Our urban planning history as part of Metropolitan Melbourne, corresponded with our political representation as such at all levels. From 1967-1992 our lands were 'rightly' included within the District of Greensborough (Legislative Assembly) and Templestowe Province (Legislative Council).

Given our 80 year family connection to the area, we would expect our accounts to reveal a history that demands recognition and thus accurate correction.

It is most important to me that the lands I have an interest in, those west and north-west of the creek/ train station that were also part of original Diamond Creek suburb of Melbourne, are kept together and not further divided as part of ANY boundary changes (be they State or Federal electoral or Local Council). Should they be changed we expect to be included as part of the City of Banyule.

I am always happy that new areas are added to the suburb of Diamond Creek (urban part) but I strenuously object to any new boundary lines that exclude or come at the expense of the original part of Diamond Creek (See map attached- especially including those lands in which I have an interest). Such gerrymandering is unacceptable and inequitable. Instead of cohesion in the area it will create division, friction and competition. This division will negatively impact residential development, housing strategies, commercial development, community infrastructure and urban reticulated infrastructure for the areas of original Diamond Creek west and North West of the train station.

We have relied on the promise and certainty of maintaining our Metropolitan Melbourne and Diamond Creek urban identity, community interests, sense of place, connectivity and urban land use with utilisation of our distinctive urban reticulated infrastructure and associated property/development rights in our long term financial planning. There is a huge difference between our lands inappropriate and incorrect inclusion as frozen and sterilised rural conservation land in the Green Wedge of the Northern Metro LUF and its rightful inclusion within the UGB.

There is a pandemic going on and no one knows where it is going to go, what it is going to change and we need to be realistic about peoples need to survive. Additional considerations such as changing housing aspirations, the effects of Climate change (especially Bushfire risk/management) and the leapfrogging of development in the adjacent growth corridor must also inform Housing strategies in the Northern metro LUF.

Whilst we maintain subject lands must be removed from the Green Wedge there needs to be more emphasis on a fair and workable Green Wedge in the Northern Metro region, with understanding and reasonable, sustainable land use changes for those acreage landowners forced to provide it.

Our family too chose to live in Nillumbik (previously City of Heidelberg then Diamond Valley) since the 1940's when the Green Wedge did not exist. I was born in Diamond Creek, it has always been my home town and I challenge anyone who thinks I don't

treasure the area and the properties I am a stakeholder of. My family and I have held on to this land with blood, sweat and tears. This has been our life time vision for myself, family members, friends and other with the expectation of its fulfilment. I continue to enjoy and share this beautiful land every-day.

Please see relevant objective suggestions/additions in G. Schnapp submission as they apply to these properties. I also advocate for these entirely.

I give permission for this submission and the document 'Equitable correction to legal irregularity brief with evidence and brief explanation' to be made public. All other attachments however must remain confidential and not be made available to the public unless otherwise advised in writing.

Please note this experience has for me been stressful and traumatic. Yet another process has again discarded our pleas sending us backwards.

We need your help to right this wrong.

Attachments

'Equitable correction brief with evidence and brief explanation'

'Additional Evidence'

'Redacted legal town planning letters'

1955 MMBW boundary map

City of Heidelberg Map showing the north ward

1992 Map Showing old electorates' incl Greensborough

Map Showing the Plenty Growth Corridor

Esther Caspi nee Freeman

[REDACTED]

[REDACTED]

[REDACTED]

PS See Part B for my comments on specifics on MFPF Vision, Strategies, Policies etc

