

Attention: Mr Sean Coley

All correspondence to:  
Gila Schnapp, c/o E Caspi, P O Box 2142  
Templestowe Heights Vic 3107  
and to Fax No 9857 5331  
October 8 2009

Outer Suburban Interface Services & Development Committee

Submission Part I to:

Inquiry into impact of the State Government's decision to change the  
Urban Growth Boundary

**WE WISH TO BE HEARD ON THIS SUBMISSION AT THE PUBLIC  
HEARING - OUR PREFERENCE IS FOR THE AFTERNOON OF  
22<sup>nd</sup> OCTOBER 2009 BUT WILL ACCEPT OTHER TIME**

**Concerning stakeholders of / and below listed properties -**

201-219 Ironbark Road, Diamond Creek 3089 (Freeman) 5 acres

175-199 Ironbark Road, Diamond Creek 3089 (Adjungbilly Pty Ltd) ACN 005 236 993

Trustee for the Freeman family 40 acres adjoining -

40-60 Pioneer Road, Yarrambat 3091 (Schnapp) - may have been referred to as

Tanks Corner, Plenty or Diamond Creek in past planning texts 14½ acres approx  
(The above three properties are Freeman-related, adjoining each other and distinctive as  
a group.)

221-233 Pioneer Road, Yarrambat 3091 (Bennett)

- and, in our opinion, in support of others in both Ironbark Road & Pioneer Road,  
Diamond Creek & Yarrambat who have been in the process with us requesting planning  
correction.

**Impact of Urban Growth Boundary change and Proposed Increased Development  
Contribution for land in designated growth areas.**

**Please see our submissions to the Growth Areas Authority on our objection to the  
(a) Proposed Urban Growth Boundary without first correcting the above  
properties within the Urban Growth Boundary or other growth and**

**(b) Objection to application of New Growth Areas tax on the above properties as  
they have already paid for growth and hereby request current and future  
exemption.** It is not stakeholders' fault that equitable corrections for their properties (and in their  
opinion neighbours' like-properties) as requested for approximately nine years, have not yet taken  
place. They should not be penalised by this non-action with new charges. Once New Growth Areas  
taxes or other increased development contributions become law, then it is feared they may be applied  
elsewhere, including newly designated, or rezoned, growth areas.

**(c) We reinforce these same objections to this Inquiry and therefore resubmit these submissions rather than duplicate them by re-writing.** Please see all our submissions to the Growth Areas Authority on the changes to the Urban Growth Boundary (including Melbourne at 5 Million and Planning Melbourne objections to growth areas tax).

**(d) Some additional points addressing your terms of reference.**

### **Possibly unintentional consequences**

d) Impact on landowners

We object to this tax being paid by the landowner

a) the landowners will already be burdened with increased municipal rates when rated as residential land (instead of rural or farm land)

b) landowners may be unfairly forced off their land with new taxes and be prevented from developing themselves

c) landowners may become vulnerable for cheap acquisition and possible exploitation by purchasers particularly large developers

d) may deprive long term and generational landowners fair values and financial returns for their properties

### **Alternative options**

a) it would therefore be best to apply this tax as a **developers tax** to be paid as a net percentage of profit from each sold residential lot after settlement

b) it is unfair and inequitable to apply a flat tax per hectare as lot yields will vary

c) a flat tax per hectare may be detrimental to the environment as it may encourage landowners to sabotage rather than protect sensitive lands in order to achieve greater lot yields, in order to spread the burden of the tax.

**We submit that this proposed tax and increased area contributions only be applicable to the current investigation areas in the growth shires being described as Melbourne's newest communities.** It is unfair to then apply this tax arbitrarily or automatically to new areas that become incorporated in the new urban growth boundary. Those outside the boundary currently may consider themselves irrelevant to this process and therefore be deprived of being heard on a major tax that could impact seriously on them in the future.

**The tax should not be applied to residential land that is used as open space or designated for environmental or other non-residential purposes in the overall development plan of that residential area.**

**We look forward to being heard on our submission**

Gila Schnapp, Esther Caspi & others.