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October 2 2007

Mr Richard Willis
Legislative Council Select Committee on Public Land Development
Parliament of Victoria
Spring Street
MELBOURNE 3002

Dear Secretary

**SUBMISSION AND INQUIRY INTO SALE AND DEVELOPMENT OF
PUBLIC LAND AND PUBLIC OPEN SPACE IN VICTORIA**

re topic – **The sale or alienation of public land for development and the
relationship to the Victorian Government's Melbourne 2030
policy and Green Wedges**

201-219 Ironbark Road, Diamond Creek 3089 Victoria. (Mala Freeman)
175-199 Ironbark Road, Diamond Creek 3089 Victoria. (Adjungbilly Pty Ltd)
ACN 005 236 993

40-60 Pioneer Road, Yarrambat 3091 Victoria. (Dale Schnapp)
221-233 Pioneer Road Yarrambat 3091 Victoria. (David & Christine Bennett)

We wish to be heard both individually and as a group on this Submission with the
option of choosing to submit evidence at a public hearing.

- We believe public land should remain in public ownership as an irreplaceable asset for the benefit of all citizens. The only exception should be if land in a particular area is sold with a view to exchanging it for land that better-fits new community and Green Wedge aspirations for the benefit of citizens in that same area.
- However, often public land is being sold for profit at optimum prices for development while private landowners, as a result of Melbourne 2030 and Green Wedge policies, have become de facto open public space suppliers frozen with unfair burdens and costs to them against their will. This is a denial of natural justice particularly more so with landowners who have been forced to prepay for* valuable reticulated Urban infrastructure (with associated Urban values and costs) for planned urban development. With such unique infrastructure assets and associated land capabilities, *the sky is the limit* as to the varied land use opportunities and values.

* Including landowners who are inheritors-in-law of properties or those who bought the land with the attached distinctive infrastructure assets.

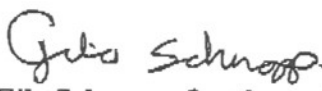
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- Such an example is the above-mentioned properties situated in Ironbark Road and Pioneer Road of Diamond Creek and Yarrambat that were historically part of the extension to the Plenty-Yarrambat Urban District and Waterworks Trust District. These previously 'Urban' category lands were inequitably and incorrectly translated into Environmental Rural Zone (ERZ₃) instead of Residential I (or Township) as the correct promised closest-fit zone, in June 2000 (with gazettal of the New Format Nillumbik Planning Scheme). Despite continual pleas including petitions to Parliament for correction, this has not yet occurred. They have now been effectively and unfairly frozen into Rural Conservation land preventing them from any further land use and development opportunity, resulting in unjust enrichment to other parties.
- We ask that the inquiry be extended to investigate why equitable corrective actions have not occurred to outstanding infrastructure and planning irregularities in regard to the above-mentioned properties. These properties had been gazetted as an extension of both the Plenty-Yarrambat Urban District and associated Urban Waterworks Trust District and understood to have had Urban infrastructure and associated development privileges/rights/entitlements. Hence, it appears that the properties may have been back-zoned against legislation applicable at the time. The ERZ₃ zoning of these properties has resulted in further back-zoning to Rural Conservation and omission from the new Melbourne 2030 Urban Growth Boundary. This has the effect of creating free de facto public open space while public land is sold for profit. It is **not a just cause** to back-zone such previously valuable Urban category lands, with privately prepaid for Urban reticulated infrastructure, into Rural Conservation zoning. This enables the unfair redirection of the properties' attached valuable infrastructure assets for financial gain to other parties and to the detriment of the above landowners.
- We believe that any new community and Green Wedge aspirations can still be achieved by designation of lands, such as the above-mentioned properties, in the overall development plans of any residential area, but with **recognition of their true Urban Residential values**.

As you can see from the above comments, our case must be addressed and not swept under the topsoil! **It cannot be disassociated from the sale of public land for development and loss of public open space.** We are reminded that the Australian Constitution guarantees justice for all and now welcome the opportunity of making this Submission as a means of bringing this about. Finally, the above owners should not be disadvantaged for having protected the environmental values of their properties.

Yours sincerely


Gila Schnapp & others (on their behalf)