Submitter 1

[redacted]

Attention: Rosa Zouzoulas
Shire of Nillumbik
(by email)

Dear Rosa,

Submission in response to the "Notice of Preparation of an Amendment" for Planning Scheme Amendmant C126

Thank you for your letter dated 07-01-2021 informing us of the opportunity to make submissions on this matter. I support the proposed amendment and I applaud the council for pursuing it, but I identity a change that would improve it, and indeed might be vital to it.

This is my response on several important aspects. The proposed changes are very important to members of the local community, and we have watched the proposal when advanced at the **Future Nillumbik Committee 04-07-2020**. We noted that what was published at that time was just the motion, and that the details for submissions to the public did not emerge for some months.

Many households in the immediate neighbourhood had banded together to fight a VCAT case in 2019, and once banded together, resolved to continue with the causes that we had fought the VCAT case over. We have planned to set up a "Friends' Group" to look after some public land, and the pages about Friends' Groups on the Shire web site seemed to provide a clear and easy path forward. However, our Ward councillor (of the time) informed us that such an initiative must come from the shire, and in spite of a council resolution about this, that has not happened.

As well as the opportunity to contribute to vegetation management and see an improvement of the natural values of the land used for walkways, we saw it as important to see that the land was to be used only for walkways and the support of those natural values into the future, and that proposals for vehicular use be stopped.

I was the person who brought these matters to our Ward councillor and initiated the activity that led to the five resolutions that were passed as a motion at the council meeting in February 2020.

The actual wording of the resolutions did not exactly hit the mark, and we did not know if the deviations resulted from the officer who drafted them not reading the briefing material, or whether there were legal reasons that constrained the wording. Our resolve in February 2020 had been to make the best of what we had.

As all the necessary details were not in the resolutions, I sought instructions from our councillor about who to discuss the details with. This led to telephone discussions and email traffic with officers Jonathan Miller and Joseph Emmanuel. At first, I was told that the resolutions did not involve the establishment of new boundaries. I sent drawings and highlighted the details that came into play in deciding where new boundaries were to be.

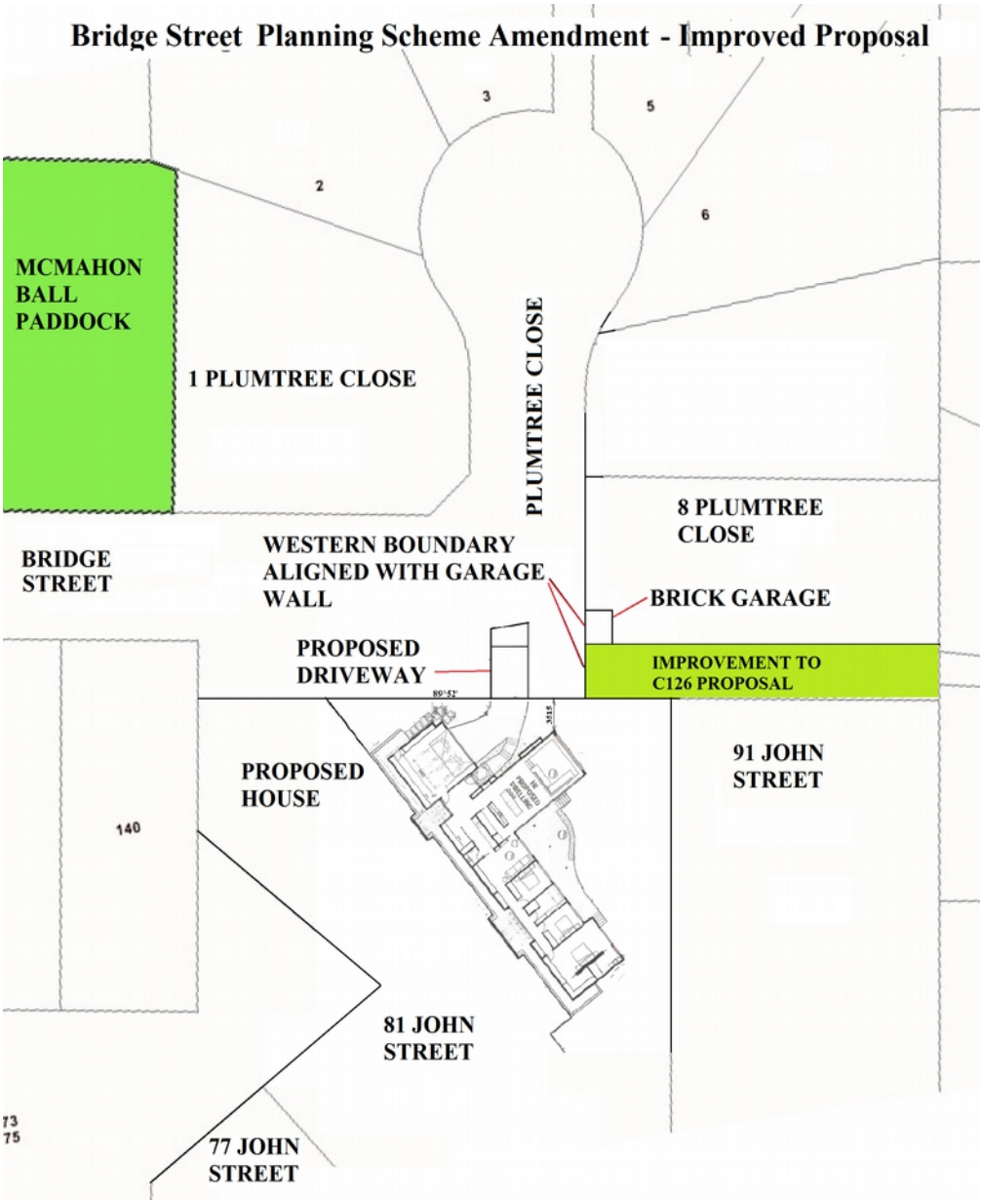
Unfortunately, the proposed amendment C126 did not take into account all the details that the officers had been informed of. We resolved that when the opportunity arises for public comment,

this would be addressed, but in the meantime, we immediately sent briefing material to our councillor.

Now, unfortunately, the most serious error has arisen again as the amendment proposal has come forward.

The Planning Scheme amendment before us does not completely meet the requirements that motivated this whole process in the first place, and not even the requirements of the Council Motion Item 2.

The Motion Item identifies the **"non trafficable eastern end of Bridge Street"**, yet the proposal is for dealing only with part of that. The proposal shows the Western boundary of the area for the Bridge Street discontinuance as being a line drawn North of the boundary line between 83 and 91 John Street. This boundary line is very significant to the owners of those two properties, but it has no significance at all to the North of their northern boundaries.



When I spoke and corresponded with your officers in March, I identified the need to take many factors into account in choosing a line for the Western boundary of this discontinued road. It

appears that this had not been done.

This has now been attended to in the community. The concerned residents have been polled, and come up with a boundary location that is considered satisfactory to all of them. This is to set the boundary to be in line with the Western face of the brick garage at number 8 Plumtree Close. (This is the Western boundary of that property.) This gives us a clean rectangular end to the road reserve and the rezoned land.

The owners of [redacted] John Street which has frontage on Bridge Street as well, have a planning permit for a house to be built which will have Bridge Street access. This boundary location has been discussed with them, and meets with their approval.

My drawing of the area has been constructed by combining the boundary locations as shown in the planning scheme map with the drawing from the VCAT ruling which led to granting of the planning permit for the new house at 83 John Street. VCAT Order P1121/2019 dated 25 February 2020.

If the Western boundary of the discontinued road were to be placed as shown in your letter, it would look as if this were merely a vexatious campaign directed at one land owner. It is much more important than that. There is also the possibility of the land immediately to the west of the new zone being used for car parking in the future, and that would thwart most of the purpose of the rezoning.

In discussions with officers dealing with the rezoning and officers dealing with the road discontinuance, I have asked if there is any reason in logic or law or in standard practice for the Western Boundary of the Bridge Street part to be placed as shown. I have suggested that if there is some reason, then I could take that into account in developing my response. I have been given one reason from each of the departments. The two reasons are:
1. This is the best location for the boundary of the road discontinuance as it agrees with the boundary of the changed zone.
and
2. This is the best location for the boundary of changed zone as it agrees with the boundary of the Road Discontinuance.

With respect, I put it to you that these two reasons, put together, and in the absence of any other reasons, are not sufficient support for placing the Western boundary of either of the changes part way along the land concerned.

Please Extend the Bridge Street part of the rezoned land at the Western end up to the intersection with Plumtree Close.

yours faithfully,

[redacted]