

This submission is on behalf of the owner of the property at (redacted)

SUBMITTOR'S PROPERTY

The submittor's property is approximately 12.7 hectares in area. It has a frontage to (redacted) of approximately 213 metres and an approximate depth of 594 metres. The property does not contain a dwelling, although a large agricultural shed is constructed towards the north-west corner of the property. Electricity and telephone is connected to the shed. The property was purchased in 1982 at about the time the area on the north side of (redacted) was subdivided into allotments of around 30 acres (12.5 hectares). Improvements to the property include boundary fencing, internal access tracks, a second small dam, perimeter plantings of trees and removal of rocks. The property has been continually maintained in accordance with the requirements of the City of Wyndham in regards to the control of environmental weeds and the like.

There has been a significant and continuing investment of time, energy and money into the property over a long period of time.

LOCALITY

The (redacted) subdivision forms a narrow band of rural residential properties running west from (redacted) and wedged between larger agricultural properties. Of the 9 properties in this subdivision 6 include dwellings.

The area is zoned Green Wedge (GWZ) and is also included in Environmental Significance Overlay ESO5 (Grasslands within the Werribee Plains hinterland). ESO1 (Waterway Corridors) also applies along the eastern bank of (redacted). Heritage Overlay (HO53) applies to the area to the north of the subdivision comprising the shearing shed, bluestone building and dry stone walls of the former (redacted). The overlay also applies to some existing dry stone walls contained within the smaller allotments. To the immediate south-east of the subdivision is the Freshwater Swamp, a large area of wetlands. Part of this wetlands is Crown Land (zoned PUZ) and is designated as a Wildlife Reserve.

It is submitted that there are significant constraints acting against the use of this immediate area for extractive industry including:

- The number of dwellings on relatively smaller landholdings
- The need to consolidate individual properties
- Environmental factors
- Heritage factors.

PROPOSED PLANNING CONTROLS

The proposed planning controls, specifically the State Resource Overlay, will have a significant detrimental impact on the future use, enjoyment and development of the submitter's land.

In seeking to provide protection for stone resources and certainty for future extraction activities the proposed planning provisions have tipped the balance too far against residents and property owners. There is too little detail as to the likelihood and timeframe for any utilisation of specific areas for extractive industry.

The approach is also too broad brushed in that it does not differentiate between areas, such as (redacted), that have different characteristics, different planning objectives (e.g. heritage) and a different environmental context (e.g. Freshwater Swamp)

There is currently no dwelling on the submitter's property. At some point in the future there will be a desire to construct a house on the land. The submitter has serious concerns as to whether under the imposition of the SRO they would ever obtain a permit for a dwelling on the land. At first view it may appear that on a lot of this size and dimensions there would be a suitable location for a building envelope that would ensure suitable buffers (500 metres) from future extractive operations. But if there were proposals for operations both to the north and south of the property this may not be able to be achieved.,

Imposition of the SRO has the potential to sterilise the future opportunities to use and develop the land in ways that are normal and acceptable for a rural residential property of this size. It is also likely to be detrimental to the management of the land by limiting and blighting its future use and thereby removing economic and social incentives to appropriately care for the land. This is particularly the case where there is as yet no dwelling on the land and there is no economically viable agricultural activities undertaken. Property owners should not be placed in a position where their use and enjoyment of their land is seriously curtailed and effectively they become caretakers until, or if, an extractive operation is proposed nearby.

(redacted)

July, 2020