

Victorian Planning Authority
Re: Amendment C234 or Pakenham East PSP
Level 25, 35 Collins Street
MELBOURNE VIC 3000

Thursday, 22 February 2018

To whom it may concern,

I wish to make the following submissions regarding the **Pakenham East Precinct Structure Plan C234**, specifically regarding property 6 ([REDACTED]).

I make these submissions on behalf of [REDACTED] who is the current owner of this property. [REDACTED] was born and raised on the property and has lived there all of her 65 years of life. I too was born and raised on this property and I lived there for more than 20 years.

The property at [REDACTED] was previously owned by [REDACTED] Father, Walter Stuart Duff and prior to this by Francis Alexander Duff ([REDACTED] Grandfather and Father of Walter Stuart Duff) and has been held by my family for more than 84 years.

Our family has worked tirelessly to farm this land. Eighty Four years of blood, sweat and tears have gone into maintaining and running our farming operations on this property. Sadly as a result of this new development, not only are we losing our land, but we are also losing our lifestyle. A life we were born to live. Five generations of our family have lived and worked on this land at one time or another. Our children and our grandchildren will miss out on the opportunities we had growing up here: drinking fresh cows milk from the vat, picking acorns underneath the tree, mushrooming with butter knives and ice cream containers, milking a cow, driving the tractor, collecting eggs from the chickens - the list is endless. One day soon, all that will remain are our memories.

Whilst we are extremely sad to lose our families land holdings through this new development, we are ultimately supportive of it. We simply and humbly request that the heritage of our property is respected and protected to ensure that our memories are passed down to the new land owners who will call our little farm home.

As such, we wish to make the following submissions for your consideration:

1. Amendments / Corrections to Background Reports

As stated, property 6 [REDACTED] was previously owned by my Great Grandfather, Francis Alexander Duff. I note that page 72 of the Post Contact Heritage Assessment by Context dated October 2017, states:

“On 4 May 1945 Mary Ellen Dore transferred to title to Frances ‘Frank’ Alexander Duff, Princes Highway, farmer (Titles V5852/F255; V5849/F714). Walter Stuart Duff, farmer of Mt. Ararat Road, is listed as owner in 1958 (Titles V8204/F778). The property remains in the Duff family (Titles V10036/F743).”

Firstly, I note that Francis is spelt incorrectly. Secondly, the title of this property was transferred to my Great Grandfather, **Francis** Alexander Duff in 1945, however he actually purchased the property and lived here from approximately 1933-1934. The title was only changed into his name in 1945 because it took him until then to be able to save up enough money to pay the previous owner, Mary Dore, for the purchase. (Source: [REDACTED] & [REDACTED], 2018)

Page 72 of the Post Contact Heritage Assessment goes further to say:

“Members of the Duff family believe that the current house (which appears to date from c1920) was moved here by Frank Duff in 1934 from his family’s property in Cardinia (Frank Duff - grandson of FA Duff, Pers. Comm., 2013).”

This statement is confusing. The current house referred to in this statement, was moved here by Francis Alexander Duff (FA Duff) also known as “Frank”, as opposed to [REDACTED] whom is also known as [REDACTED] (the Grandson of Francis Alexander Duff and the source quoted.) By referring to Francis as “Frank Duff” rather than the fore-mentioned Francis Alexander Duff, I believe the statement could be misunderstood and may confuse readers as both family members are named Francis but were/are more commonly known as “Frank”.

Page 72, further states:

“Considering that Frank only purchased the property in 1945, the relocation of the house may have been later.”

Again, this should be Francis Alexander Duff, not “Frank”. However, more importantly, the relocation of the house was not later. The house was relocated in approximately 1934, because as previously stated, it is the belief of my family that Francis Alexander Duff had been living on the property whilst he paid off the purchase of the property to Mary Dore. In 1934, it was not possible to obtain a bank loan to purchase the property and it is believed that Mary Dore entered into a private lease type arrangement for the repayment of the loan. (Source: [REDACTED] 2018)

The property at [REDACTED] has therefore been held by my family for more than 84 years. My family firmly believe that it is extremely important that this historical information is correct to ensure that future generations and others reading and using this report understand the history of our property. As a result of this, we request that the Post Contact Heritage Assessment (and any other relevant reports) be amended and corrected to include this information.

2. Relocation of Open Space LP-02 located on property 6 to encompass a Significant Tree:

I refer to the Significant Tree Assessment Report by John Patrick Pty Ltd dated November 2013. According to page 5, the author of this report notes that an English Oak tree located to the North West of property 6 is recommended to be retained for “*amenity value*” as it has a “*high landscape contribution*”.

A further report, the Post Contact Heritage Assessment by Context and dated October 2017, further supports the retention of this tree, where it states on page 5:

“The... trees... are considered to have the ability to positively contribute to the new urban landscape. It is recommended that these trees be retained and integrated into the new development of Pakenham East.”

Page 17 of the Significant Tree Assessment Report (Nov 2013) states that:

“Established trees should be retained within public open space where generous room well beyond the calculated Tree Protection Zone (TPZ) can be accommodated around the tree, maximising the potential for successful retention.”

Page 18 goes on further to say:

“The successful retention is further enhanced by the potential for ongoing management by the Shire Council which has in-house arboricultural expertise as well as sufficient resources to provide appropriate ongoing maintenance inputs. Established trees also provide immediate amenity within a park or reserve that can be enjoyed by the local community.”

I note that the current version of the Pakenham East Precinct Structure Plan (PSP) fails to offer any protection in the form of Open Space to this particular tree. Instead, Open Space LP-02 is located elsewhere on the property and its location does NOT encompass the tree in question.

As stated, this property has been held by my family for more than 84 years. It is our belief, that this tree may have been planted by Francis Alexander Duff. As a descendant of the Duff family, I have fond childhood memories of collecting acorns from underneath this tree as does my mother [REDACTED]. The family certainly supports the retention of this tree, but believes it should be offered the safe haven provided by an Open Space. As I once played here as a child, it would make me extremely happy to know that other children can have the same experience that I once had.

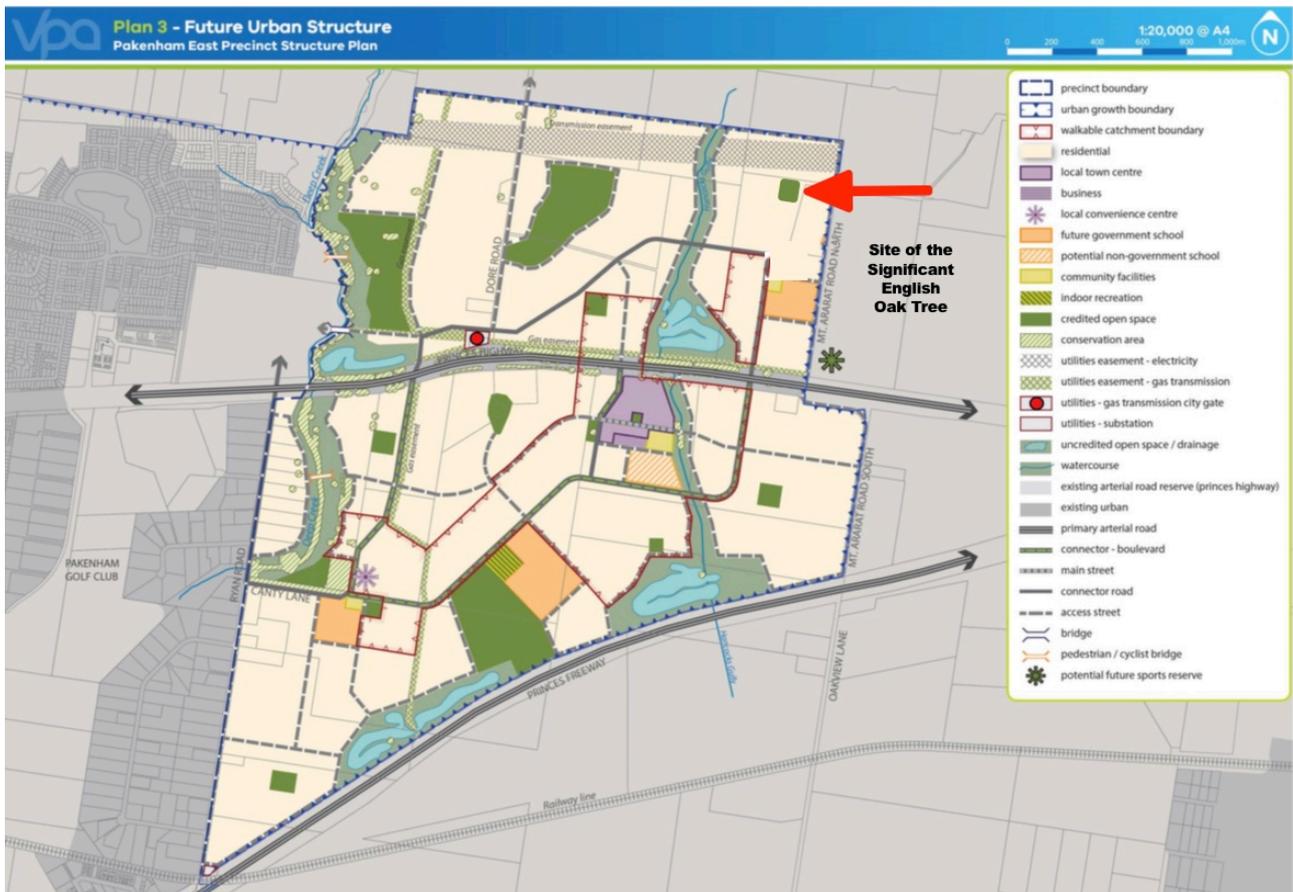
I also note that page 5 of the Significant Tree Assessment Report (Nov 2013) states that the tree is located in a “*prominent location near the crown of hill.*” It is therefore the opinion of my family that this location would be more suitable for an Open Space and that LP-02 should be relocated to encompass the English Oak tree situated in the North West of property 6.

Refer to image below.

English Oak tree situated on Property 6:



Proposed relocation of Open Space LP-02:



3. Retention of Gum trees situated on property 6 ([REDACTED])

Located on property 6 ([REDACTED]), situated in a double row running North - South off Princes Highway (running parallel with Mount Ararat North Road), are a number of mature Gum trees. (The photographs attached show the trees in question.)

West row:

- The west row consists of 12 Gum trees.
- Ten of these trees are planted close together in a perfectly straight line.
- There is a gap between the 10 closely planted Gums and the other 2 which are further along.

East row:

- The east row consists of 8 Gum trees, but many have died.
- The east row are a different species of Gum.
- They are much smaller in size than those in the west row.
- This row is randomly spaced (as many have died).

It is the belief of my family, that these trees were planted in the 1920's by brothers Richard and Wally Savage who leased the property from the then owner, Mary Dore. The Savage brothers leased the property with the intention of buying it, but it is believed that this agreement failed (possibly due to financial issues) and as a result it was later leased and subsequently purchased by my family. (If you refer to the historical title information in the Environmental Site Assessment Report dated June 2013 on Appendix C page 62, you will see that one of the brothers, Richard Savage, subsequently purchased property 7, 8 & 9 for a period of time from 1959, but even after Richard Savage's name was removed from the title in 1969, he continued to live there until his death.) It is reported that when Drovers passed through the area, they referred to the row of Gum trees as "Avenue of Honour" or "Memorial Drive" as it was thought that this row of trees was in honour of the fallen soldiers of the World Wars. (Source: [REDACTED] 2018)

I have personally read all of the background material and reports provided by Cardinia Council which support and underpin the Pakenham East PSP, and not one report makes mention of these trees - it appears as if they do not even exist.

I believe there to be two reports relating to trees:

- Significant Tree Assessment by John Patrick Pty Ltd dated November 2013
- Native Vegetation Precinct Plan by Ecology and Heritage Partners Pty Ltd dated December 2017

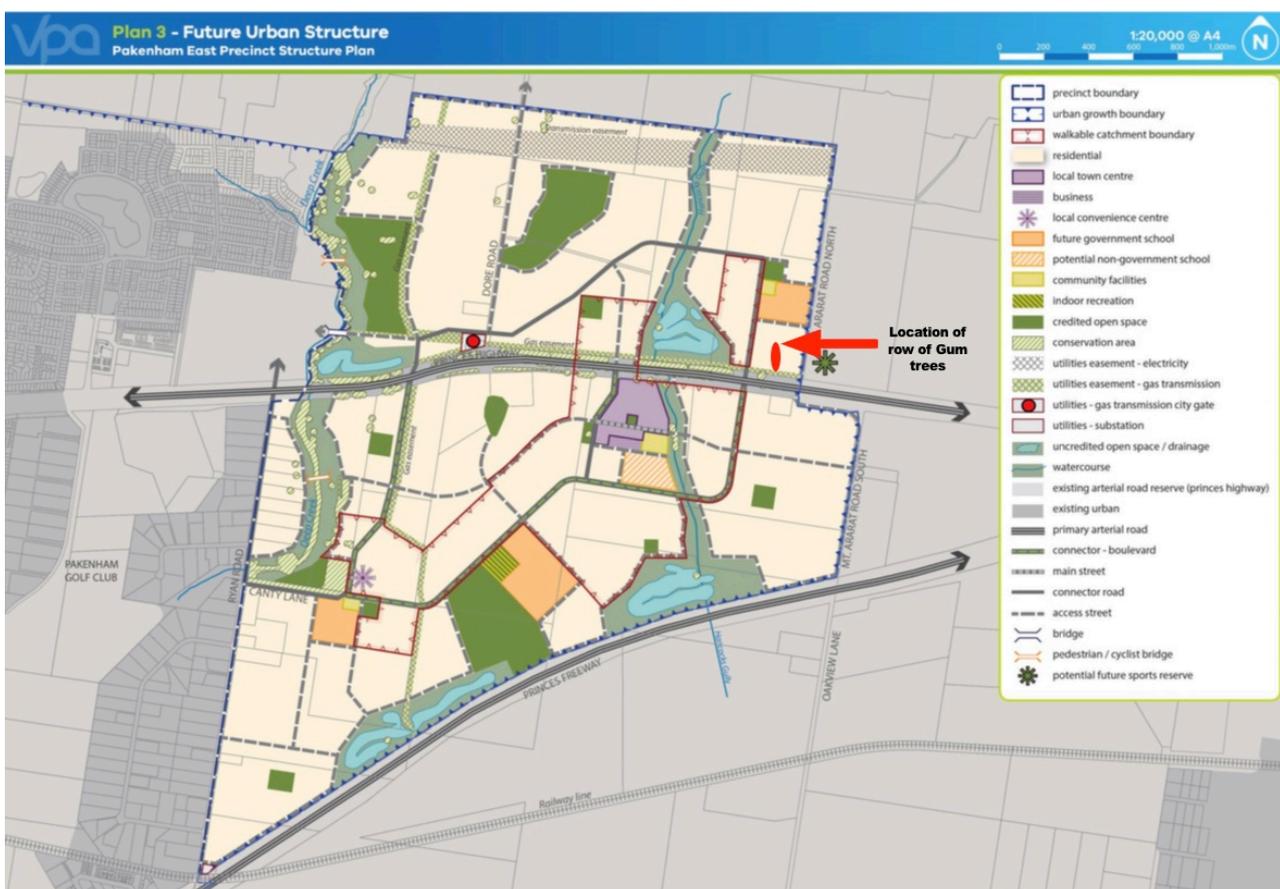
It appears that these trees were not considered to be of heritage value in the Significant Tree Assessment - possibly because my family were NOT consulted nor given an opportunity to provide this historical information to the report writers.

The Native Vegetation Precinct Plan also fails to make any mention of these trees. The Cardinia Council Planning Department have contacted the writers of this report for clarification who have since advised that because these trees were "planted" rather than being wild growing natives, they have not been considered nor included in this particular report.

It is the opinion of my family, that given the age of these trees (almost 100 years old) that they should be further assessed for heritage value and as many as possible should be retained. We believe that these trees should be incorporated into the Pakenham East PSP, preferably as an entrance / roadway into the estate.

Refer to attached photo of trees and annotated Precinct Plan.

Location of Gum Trees:



West row of mature Gum trees:



Gap between first 10 Gums and additional 2 Gums:



Two Additional Gums in the West row:



Size difference between East and West row:



East row of mature Gum trees:



SUMMARY

- Background Reports detailing the history of the property 6 ([REDACTED]) are to be amended/corrected.
- Open Space LP-02 should be relocated to ensure protection of English Oak tree on the North West of property 6.
- Retention of Gum trees located on property 6 running North–South off the Princes Highway, parallel with Mount Ararat North Road, for historical reasons.

We are extremely passionate about protecting the history of our property and acknowledging its historical elements. We respectfully request that the above submissions are considered and investigated thoroughly. We will strongly and passionately argue these points if required.

If you wish to discuss any of these submissions further, please contact: [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]