

Our ref: **20090878**  
Your ref:

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9 December 2022

The Manager City Design and Strategy  
Melton City Council  
PO Box 21  
MELTON VIC 3337

**By email: [citysupport@melton.vic.gov.au](mailto:citysupport@melton.vic.gov.au)**

Dear Sir/Madam

**740-794 and 796-830 Mt Aitken Road, Diggers Rest  
Objection to Amendment C231 to the Melton Planning Scheme**

We act on behalf of the G. Adams Enterprises Aust. Pty Ltd (ACN: 006 823 936) (**Owner**), the owner of land at 740-794 Mt Aitken Road, Diggers Rest (**East Lot**) and 796-830 Mt Aitken Road, Diggers Rest (**West Lot**) or (collectively, the **Land**).

Amendment C231 proposes to apply HO141 to portions of land at the southern end of both the East Lot and the West Lot.

It also proposes to delete a portion of HO60, which presently applies to the entirety of the East Lot, to allow for the soldier settlement house and a 10m curtilage at the southern end of the East Lot to be included in HO141. The West Lot is not currently affected by any Heritage Overlay.

We object on the following basis:

1. **Criterion A** - Lack of nexus between the place to be protected and purported Statement of Significance.

The proposed Statement of Significance attributes historical significance under Criterion A, stating that the place demonstrates “...*the break-up of large nineteenth century pastoral estates in the municipality, and the twentieth century shift to small farm holdings.*”.

However, the proposed Heritage Overlay is to apply only to the settlement housing structures and a small curtilage, representing a planning control that is spatially much smaller than the respective broader landholdings on which they are sited. In other words, the Overlay appears to be crafted with the objective of protecting the physical fabric of the residences. While it is agreed that the residences are evidence of post-war soldier settlement housing in Melton, we do not agree that the structures intrinsically demonstrate the breakup of large pastoral estates into smaller holdings. This is evidenced by the fact the houses were of a ‘standard type’ and constructed well after the subdivision of the land.

2. **Criterion B** – inadequate comparative analysis and lack of evidence to demonstrate rarity

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The comparative analysis presented in the Heritage Assessment (Lovell Chen, January 2022) is cursory; and does not provide any convincing evidence that the Mount Aitken Estate Soldier Settlement Housing provides a better understanding of soldier settlement schemes compared to other soldier settlement housing in the municipality.

Under Criterion B the Heritage Assessment states:

*“There are a number of examples of earlier soldier settlement schemes in Melton, but the Mt Aitken Estate Soldier Settlement Housing is one of a small number of examples of post-war soldier settlement in the municipality. It has not been established that other examples of post-war soldier settlement residences remain extant and intact in the municipality; however, it appears likely that this group is a rare example and as such satisfies this criterion at a local level”.*

We do not agree that any conclusions can be made about the relative significance of the Mt Aitken Estate Soldier Settlement Housing based on the above statement and submit there is insufficient evidence to substantiate that the place meets Criterion B.

Further, and importantly, the lack of any site inspection and limited visibility of the residences from the public domain indicates that there has not been a robust process to address this Criterion.

The residences on the Land have limited visibility from the public domain. We therefore consider that their ability to be appreciated by the community of Melton to be restricted, and in such instances one would hope that only the highest and best, and the most intact, examples would warrant the introduction of heritage controls.

### 3. **Criterion D** – generic characteristics do not sufficiently demonstrate class of place

We consider that the descriptors for the residences as “*..modest, single-storey weatherboard construction, often double or triple fronted, and with verandahs and brick chimneys*” to be generic, and demonstrative that the residences lack special or unique aesthetic qualities that distinguish them from many other places of the same era. This description could equally apply to any non-settlement 1950’s houses across the municipality, as well as the broader metropolitan region. Accordingly, we do not consider that the residences adequately demonstrate a class of place being soldier settlement housing.

Our client reserves the right to amend or further elaborate on these objections at a later date.

Should you have any queries regarding this objection, please do not hesitate to contact Rhodie Anderson on 9321 7832.

Yours faithfully



Rigby Cooke Lawyers