

PLANNING PANELS VICTORIA

**CASEY PLANNING SCHEME
AMENDMENT C231**

**WITNESS STATEMENT
of
JOHN DAVID CHIPPERFIELD**

I, **JOHN DAVID CHIPPERFIELD** of 1235 Westernport Road, Heath Hill in the State of Victoria, **STATE** as follows:

Background

1. My family trust and my business partner, Trevor Burr, were previous owners of the land known as 54-60 Manuka Road, Berwick in the State of Victoria (**property**).
2. We purchased the property in 1974 and I, together with my family, lived at the property from the time of purchase until February 2017.
3. We purchased the property from Nuriel Tuckfield (**Mrs Tuckfield**). Mrs Tuckfield's husband, Fred Tuckfield, had passed away by the time of the purchase.
4. In 12 May 2016, we sold the property to Mr Jinguang Pan (**Mr Pan**) and settlement occurred in November 2016.
5. We leased the property from Mr Pan and remained living there until February 2017.
6. I undertook the majority of the garden construction work on the property over the 40 years that I and my family lived at the property.
7. Around the time of purchasing the property, I had a number of conversations with Mrs Tuckfield.
8. I saw and also was informed by Mrs Tuckfield that the property was used partly as a farm. Mrs Tuckfield had sold lemons and citrus to Montague Orchards and flowers to Taradin Florist in Dandenong.

9. I continued to sell fruits and flowers after we bought the property.
10. Mrs Tuckfield also informed me that when she and Mr Tuckfield bought the property it consisted of a homestead garden with some established trees.
11. Mrs Tuckfield told me she had engaged a part time gardener whose name was Charlie Barnes to look after the property.
12. I continued to employ Mr Barnes as a part time gardener and his wife as a part time gardener for many years. They both provided me with great source of knowledge in respect to the history of the property.
13. I last visited the property on 22 November 2017 when I met with various people assisting Mr Pan in relation to this matter including Mr John Patrick and Mr Michael Cook of Mr Patrick's office.

The Stone Terrace Garden in front of the restaurant - state of the property in 1974

14. At the time of the purchase of the property, the only trees or plants in this area were the Cypress trees, Cedar tree and Pine tree at the western boundary of the property.
15. The branches of these trees covered what is now the car park. Back then, the area which now constitutes the carpark was not accessible due to tree branches.
16. Other than these trees, the only notable feature was the lawns.

The main lawn with island and perimeter display bed – state of the property in 1974

17. At the time of the purchase of the property, the central area was a large lawn with a number of trees.
18. In terms of notable trees, there was the Oak tree located outside of what became the Strawberry Terrace, the *Quercus Macrocarpa* Burr Oak which is now located next to the restaurant and a Cedar tree located towards the front and southern boundary.

The former Camellia shelter - state of the property in 1974

19. Mrs Tuckfield told me the former Camellia shelter was built by Mr Tuckfield. I also got the same information from other locals who had helped to build the Camellia shelter.

20. At the time I came to live at the property, the Camellia shelter was very dangerous due to the potential for the roofing of the shelter to collapse. In my opinion, the quality of the construction of the shelter was poor.
21. At the time of purchasing the property, there were lots of pots and biscuit tins in the Camellia shelter filled with plants including predominantly Camellias.
22. On the date of the settlement, I conducted a final inspection of the property and I noticed a lot of plantings including Camellias had been removed.
23. I was upset that the plants had been removed and refused to settle. I confronted Mrs Tuckfield. She did not deny my allegations that plants had been removed. She said her brother had taken them.
24. Despite this, there were a lot of infant Camellias left in pots and in biscuit tins in the shelter.

Cottage – state of the property in 1974

25. Mrs Tuckfield and previous owners told me that the cottage was remodelled by Mr Tuckfield around 1965.
26. I was told that interior walls were removed and that the orientation of the cottage was turned around.
27. There was a Japanese Maple tree near the cottage when we purchased the property.

Red Brick Glass House – state of the property in 1974

28. At the time of the purchase of the property, there was a glass house located at the property to the rear of the cottage.
29. Mrs Tuckfield told me the Red Brick Glass House was built around 1967 about the same time as the wooden Camellia shelter was built by Mr Tuckfield.

Rear lawn – state of the property in 1974

30. The area to the east of the Camellia shelter through to the Cardinia Creek included rough native plantings consisting of low growing Australian plants which was significantly overgrown with blackberries and housed a lot of rabbits as a result of poor maintenance by Mrs Tuckfield.

31. This area mainly consisted of weeds and had not been properly maintained.

The Stone Terrace Garden in front of the restaurant – improvements between 1974 until 2016

32. During 1977, I removed the overgrown branches of the Cypress trees to create a carpark made from a half metre of clay generated from the excavation associated with construction of the restaurant.
33. I installed the 2 driveway gates and a fence to the north and south of the property boundary.
34. In 1978, I also installed the green iron fencing and gate in order to comply with a condition of the liquor licence. Around 1982, I installed the fountain which is located just inside the green gate at the entrance of the restaurant. At this time, I removed the farm fence on the roadway which was located towards the western boundary of the property and installed the wooden picket fence and gateways.
35. I installed the stonework around the fountains.
36. I also installed the metal fence between the restaurant and the gardens in order to obtain a liquor licence.

The main lawn with island and perimeter display bed – improvements between 1974 until 2016

37. During this time, I planted some Silver Birch trees in the main lawn area.
38. In 1979, I built the Clover Cottage restaurant and in 1983, the Strawberry Terrace was built. No garden area was disturbed during construction of these buildings although part of the lawn was removed.
39. I planted a lot of trees and shrubs in this area throughout the years I lived at the property.
40. I undertook constant replanting of shrubs, azaleas and other small bulbs in the garden.
41. In or around 1985, I built the pavilion located between the restaurant and cottage in this area of the garden.
42. Except for the cottage, the garage, which was turned into another house and the glass house, all other buildings which are presently located on the property were built during the time I lived at the property.

43. Every piece of garden edging, fountain and stone work was constructed by me.

The former Camellia shelter – improvements between 1974 until 2016

44. I tried to maintain the original Camellia shelter which, as I have said was in my opinion, built out of poor material, was badly constructed and had become very dangerous.

45. After 1985, I could no longer prevent the timber roof from collapsing. The last of the roofing material was removed in 1990.

46. There were also electrical wiring inside the shelter. It was hazardous because it was an open roof with electrical wiring just hanging on the roof exposed to the weather.

47. The large gates at the front of the Camellia shelter had rotten away and cannot be opened now.

48. The structure of the shelter was removed to the extent that only a bare perimeter fence now exists. Part of this fencing has also been removed.

49. I purchased some underplanting, azaleas, shrubs and planted them in the Camellia shelter on a continuous basis.

50. Further, I removed some of the Camellias from the pots and biscuit tins in which they were planted and gave them away.

51. Most of the Camellias that did not flower true were destroyed.

Cottage – improvements between 1974 until 2016

52. In respect to the cottage, I installed:

- a. concrete blocks under the floor;
- b. 2 new bathrooms inside the house;
- c. new verandas including the iron work;
- d. central heating;
- e. new electrical wiring;
- f. sewage connections; and

g. a diesel electric generator that serviced both the cottage and restaurant.

53. I also repainted the cottage approximately every 10 years.

Red Brick Glass House – improvements between 1974 until 2016

54. I did not have a use for the Red Brick Glass House as I did not propagate any plants.

55. Over the years the glass in the glass house was broken during hail storms and I did not replace any of the broken panes.

56. When I last visited the property, I noticed that the red brick glass house is now in a derelict condition. This was the condition of the “glass house” at the time I left the property in February 2017.

Rear lawn – improvements between 1974 until 2016

57. From around 1975 and beyond, I cleared the weeds and blackberries located to the east of the Camellia shelter and replaced them with grass lawn.

58. The fountain to the east of the Camellia shelter was installed by me. Although the fountain looks old, it was installed by me after 1985 and was imported second hand from England.

59. The plantings around the fountain including the stonework was done by me.

60. The stonework around all the trees in the rear lawn was also done by me.

61. I planted almost all of the trees in this rear lawn except for the Murray River Cypress, the 2 Monterey Pines with one just north-west of the cottage and another one on the north-west boundary.


 JOHN DAVID CHIPPERFIELD

Dated: 2/2/2018