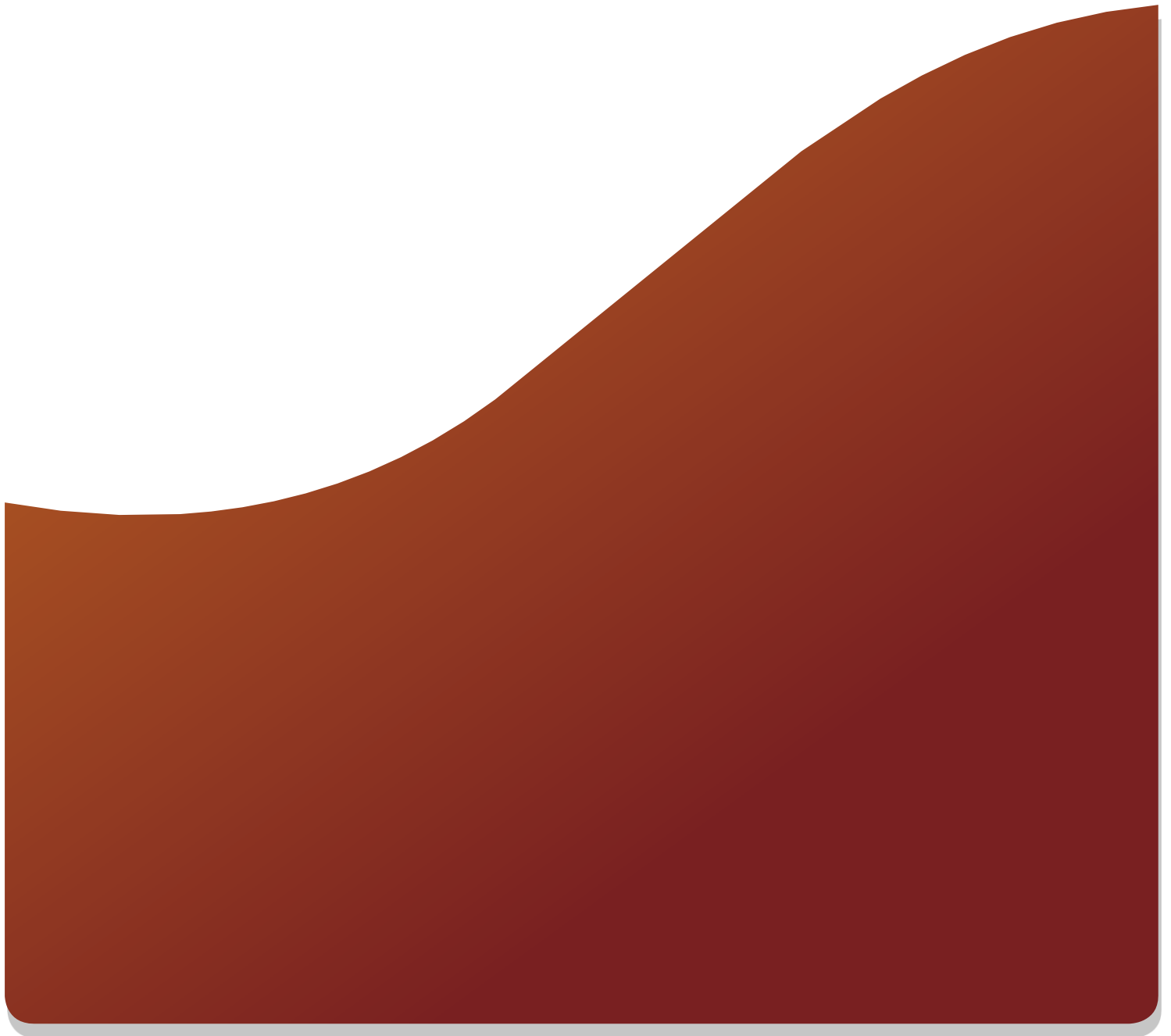


# Planning Delegated Committee Meeting Agenda

**Planning Delegated Committee Meeting**  
**Wednesday 9 April 2025 at 7:00 PM**  
**Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au)**





**Notice is hereby given that a Planning Delegated Committee Meeting will be held in the Held online and livestreamed at [mrsc.vic.gov.au](https://mrsc.vic.gov.au) on:  
Wednesday 9 April 2025 at 7:00 PM**

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## **Order Of Business**

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, and present.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

## **2 RECORDING AND LIVESTREAMING OF THIS COMMITTEE MEETING**

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

## **3 PRESENT**

## **4 APOLOGIES**

## **5 CONFLICTS OF INTEREST**

## **6 PURPOSE OF PLANNING DELEGATED COMMITTEE**

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and Planning Scheme amendments only in relation to the Planning and Environment Act 1987. Its purpose is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, planning applications and to determine other planning matters.

## **7 ADOPTION OF MINUTES**

### **Recommendation**

**That the Committee confirm the minutes of the Planning Delegated Committee of Macedon Ranges Shire Council held on 12 March 2025, as circulated.**

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**8 HEARING OF SUBMITTERS**

<b>8.1</b>	<b>HEARING OF SUBMITTERS - AMENDMENT C147MACR AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE</b>
<b>Officer:</b>	<b>Daniel Hall, Strategic Planner</b>
<b>Attachments:</b>	<b>C147macr - Exhibition - Combined Submissions - Redacted <a href="#">↓</a></b>

**Summary**

To hear from submitters in relation to combined Planning Scheme Amendment C147macr and Planning Application PLN/2022/ 354

The combined amendment and planning permit application seeks to facilitate the development of a retirement village on land bound by Robertson Street, Neal Street and Hamilton Street in Gisborne

**Recommendation**

**That the Committee:**

- 1. Notes the submissions received in relation to Amendment C147macr and Planning Application PLN/2022/ 354; and**
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the 14 May 2025 Planning Delegated Committee Meeting.**

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**Background**

An application under Section 96A of the Planning and Environment Act 1987 (the Act) was received by Council on 6 August 2021 for the land at 5, 6 & 10 Neal Street, 80 Hamilton Street and 61 Robertson Street, Gisborne. This section of the Act allows a combined planning scheme amendment and planning permit to be considered concurrently.

On 12 April 2023, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment 147macr and combined planning permit PLN/2022/354.

The combined amendment planning permit was authorised by Minister in March 2024, and was publicly exhibited for a five-week period, between 3 June and 12 July 2024.

Following the exhibition period, at the request of the applicant the amendment was put on hold while the Cultural Heritage Management Plan (CHMP) was progressed with Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation.

On 19 March 2025, Council was notified that in-principal support was reached between the parties in relation to the CHMP.

**Summary of proposal**

The amendment seeks to:

- rezone the land from its current Special Use Zone, Schedule 4 Private Hospital (SUZ4) to the General Residential Zone (GRZ1)

- apply DDO17 to all GRZ1 land within the block
- remove the redundant restrictive covenant
- make changes to the Gisborne/Gisborne Framework Plan (amend errors and include updates in-line with this amendment).

The permit seeks:

- the use of land for a retirement village
- buildings and works associated with a retirement village
- the removal of native vegetation (one tree)
- alterations to access to a Transport Zone 2 (TRZ2 – Principal road network).

### **Summary of submissions**

A total of 21 submissions were received to this application with three in support and 18 objecting to the amendment and permit or parts thereof. They are summarised as follows:

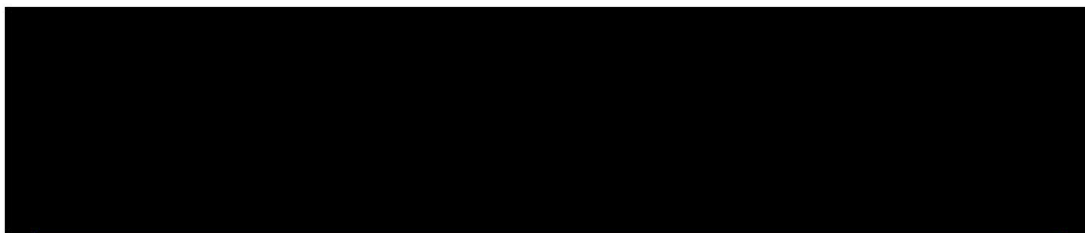
Objection/concern regarding application
<ul style="list-style-type: none"> <li>• Concerns that the land donated by the Dixon family is not being used for what it was originally intended (hospital, not housing).</li> </ul>
<ul style="list-style-type: none"> <li>• Concern with the ownership of this land and that it is being “handed over” to Benetas.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns with the proposed use (residential) and claims there is a greater need for medical facilities.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns regarding the potential impact on the cultural heritage values of the site and the management of cultural heritage assets, via a Cultural Heritage Management Plan (CHMP) had not been finalised (this has since been resolved).</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns with the removal of trees – inconsistencies with findings of the supplied arborist report.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerned with the scale of development and its impact on surrounding residents – specifically increased building heights and perceived reduction in public amenity.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns that the proposed narrow internal road widths, and the service lane adjacent to the site, do not support future public transport (bus) use.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns with the development (construction phase) could potentially delay or impede emergency service access.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerned that a memorial plaque for Muriel Joan Daly has been removed from the site.</li> </ul>

### **Officer declaration of conflicts of interest**

All officers involved in preparing this report have declared that they do not have a conflict of interest relating to the subject matter.

**COMBINED SUBMISSIONS C147MACR - BENETAS**



**SUBMISSION 1**

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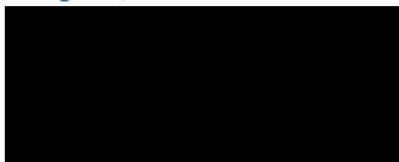
Good Afternoon,

The Cultural Heritage Unit Elders at the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation have reviewed the proposed amendment to planning scheme C147macr (and associated planning permit application PLN 2022/354).

The Elders note that the amended area is in an area of cultural heritage sensitivity (as defined under the Aboriginal Heritage Act 2006), and as such, a mandatory Cultural Heritage Management Plan (CHMP) will be required for development works within this area. In addition, a large artefact scatter is registered within the property parcel immediately west of the amended area. This artefact scatter contributes to the high cultural heritage sensitivity of this area and contains over 900 artefacts. The CHMP associated with this artefact scatter and the proposed retirement village is currently still in preparation.

Thank you for your consideration of these matters.

Regards,



**Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation**

675 Victoria Street | Abbotsford VIC 3067 | [wurundjeri.com.au](http://wurundjeri.com.au)

Reception: 03 9416 2905



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**SUBMISSION 2**

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear strategic Planning team,

I write with my OBJECTION of the rezoning of the old Gisborne hospital land.

As the land was donated by the Dixon Family with the condition that it was always used for medical purposes. rezoning it laughs in the face of the Dixon Family's wishes, and also opens up whether other families would do the same and donate important things like land etc when the MRSC don't have the decency to honour there wishes.

"Council agreed to support this rezoning, after discussions around the morality of overriding the Dixon Family's wishes. and On balance the council view was that it was unlikely that a new hospital would be built in Gisborne, therefore the practicality of making the area available for residential use outweighed the act of overriding the family's wishes." (Quote from the Gisborne gazette).

This is just pure rubbish and is pandering to Benetas and them wanting the entire block for there own practicality, development and financial being.

How can Council justify that quote with a straight face and say that the parcel of land

the old hospital is on won't be able to be used as some sort of medical service. ( I already think it bad form that the old community built hospital was even allowed to fall into such disrepair). With the rate that Gisborne is growing thanks to council allowing so many major subdivisions and even on large residential blocks near us, we are going to need more medical services than ever. As it is now, good luck trying to see a doctor in Gisborne, or a psychologist or specialist or allied health, and it's only going to get worse.

That hospital land could very easily be used for some sort of new medical service/s. And SHOULD NOT be meekly handed over to Benetas so that they can have a little Benetas Village of services.

so in answers to the questions that were asked in the Gazette.

1. Is there a demonstrable need In Gisborne for further high/medium density housing.

NO I think that need is being addressed in subdivisions, gee Ross Watt Rd - Rosalia. That will have medium to high density housing according to what I've seen. So NO council is allowing enough subdivisions already to cater for this.

2. Is the need great enough to justify discarding the condition put on the land by the donor family.

Again absolutely NO we already have enough with land subdivisions, without the need to disregard the wish of the donating family.

3. Is it certain that a hospital or other medical service would never require or seek to use the site.

NO it's absolutely NOT CERTAIN. As I have already pointed out that the area NEEDS MORE MEDICAL SERVICES . Even asking that question makes the council look ridiculous.

In closing as the council are our representatives and also representing the donor family's condition on that land, and you are doing neither in this instance, you are not representing us for the best outcome for us or the donor and are purely pandering to Benetas who already have there hands on The Oaks and the old MR community health centre.

I really object to the council rezoning this site for this purpose.

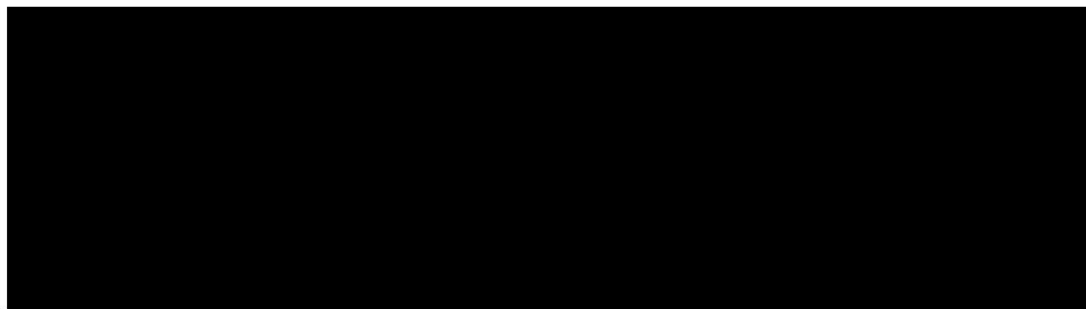
And I cannot believe that at the meeting the discussions lead to that a hospital ( could you not even envisage a different medical service) would unlikely be built in

Gisborne and therefore the practicality of making the area residential outweighed the donor family's condition. WE NEED MORE INFRASTRUCTURE AND SERVICES NOT MORE RESIDENTIAL, we have grown too much already.

You are bowing to Benetas, and will benefit with more rates, (as im positive retirement villages pay rates too) and not considering the original donor wishes or the needs of the ever increasing community for further medical facilities.

Another example of how badly we are represented by council.



**SUBMISSION 3****1. High/medium density housing.**

With 12,000 new homes to be built in Gisborne in the near future, does Gisborne require more development in its centre?

Gisborne is now congested, parking and traffic showing the pressure. Pedestrians, in particular children who now walk to school or ride a bike will not be welcome.

**2. Environment**

There are magnificent trees on this site, they will be removed, development over environment again and again.

Is there not another Residential development at the old Macedon house in Gisborne ( heritage trees removed illegally) going ahead? We also have Warrina in New Gisborne, do we need more residential Aged Care Facilities?

3. Benetas removed Allied Health services at MRH ( or do they say reduced). Closed St Mary's clinic at the hospital and left the facility in disrepair. As stated to pursue redevelopment plans.

4. Benetas will greatly benefit from this redevelopment. Does anyone ask what they purchased the Oaks Aged Care Centre, Macedon Ranges Health and the Gisborne Hospital site for?

5. Is the need for another Retirement village more important than the wishes of the Dixon family?

Gisborne has grown extensively in a short expanse of time, we will need a larger medical centre to cope with the explosion in the population. I then ask why have we just built a new state of the art ambulance centre?

How can Macedon Ranges Shire and the Government allow Benetas, who have taken over multiple small nursing homes and have a monopoly of ownership and assets allow the justification of the removal of a bequest from a family such as the Dixon's who were very generous to the people of Gisborne.

Yours sincerely,

A black rectangular box redacting the signature.



**SUBMISSION4****Amendment C147macr and Planning Permit Application No. PLN/2022/354**

I write in strong support of this amendment and application.

I am a [REDACTED] involved in the Gisborne volunteer community with a good appreciation of the demographic make-up of our community. My background is in engineering and telecommunications and I have no connection whatsoever to the Health/Aged Care industry nor to MRSC.

**IMPROVING FACILITIES FOR THE AGED**

Gisborne has few suitable facilities for its older people, and many of these are well past their use-by date. This proposal goes some way to improve that situation.

The proposal would provide increased opportunities for Gisborne's older population to have options to continue living here rather than being forced to move away – potentially leaving family and friends behind at a stage of life that is already difficult.

Further, the potential for a co-located Aged Care facility is very exciting, capable of delivering a version of 'ageing-in-place'. We know from family experience how advantageous this arrangement is, which provides further reason to support the proposal.

**AMENITY OF THE LOCAL AREA**

Currently the area West of Neal St. is at best run down and tired. The old hospital appears to be derelict, and the areas to the West of it that are occupied are in poor condition.

From what can be seen in the documentation, this proposal would reverse this situation by providing a public-facing Café, Courtyard etc. This is an excellent improvement and should be supported by MRSC and locals alike.

The end result will be a far more attractive streetscape; I support the removal of native vegetation in order to achieve the desired outcome.

The location of the proposed facility is near-perfect:

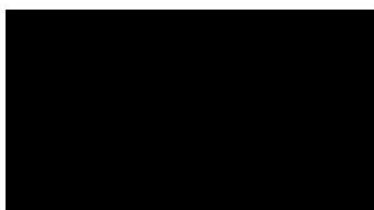
- It is metres away from the Neal St clinic and Macedon Ranges Health, which together provide a wide range of professional medical and health services
- It is close to the centre of Gisborne, with its many shops, cafes and other services
- It is close to the indoor swimming pool and other recreational facilities
- It is not in the middle of a residential area

**INCREASED LAND UTILISATION AND LOCAL EMPLOYMENT**

The area under discussion is currently under-utilised. Successful development of this proposal in full would redress that.

Implementation of the proposal would open up many new employment opportunities in the many and varied roles required to run a complex such as this. The jobs are not just basic entry-level, but provide potential career paths for our young locals.

Yours faithfully



**SUBMISSION 5**

PLANNING APPLICATION NO.: C147MACR, PLN/2022/354  
DEPARTMENT REFERENCE NO: PPR 46261/24  
PROPERTY ADDRESS: ROBERTSON STREET, GISBORNE VIC 3437

**RE: AMENDMENT C147MACR AND PLANNING PERMIT APPLICATION PLN/2022/354**

Thank you for referring documentation for the combined amendment and planning permit application received by the Department of Transport and Planning (Head, Transport for Victoria) on 03 June 2024.

Please quote the reference number in all correspondence and contact with the Head, Transport for Victoria.

The purpose of the proposed amendment is to rezone land (land bound by Robertson Street, Neal Street and Hamilton Street) from the Special Use Zone, Schedule 4 (Private Hospital) to the General Residential Zone, Schedule 1. In addition to the retirement village, the amendment will facilitate the removal of native vegetation (one tree) and alterations to access to a Transport Zone 2 (TRZ2 – Principal Road network) in line with planning application PLN/2022/354.

Although the proposed amendment is likely to be supported by the Head, Transport for Victoria, the following comments are provided to address road safety impacts when assessing any future residential development of the subject land:

**ROAD NETWORK**

As per the Traffic Impact Assessment Report submitted by Cardno ref V181318 dated 24 January 2024:

- There must not be direct vehicle access from the subject land to Robertson Street.
- The impact of the generated traffic movements from the site must not adversely impact the operational efficiency of Neal Street/ Robertson Street roundabout.

**ACTIVE TRANSPORT**

DTP notes that no pedestrian access or footpath exists along the Neal Street frontage of the subject land and recommends that Council require such provision as part of any planning approval which may issue.

DTP also notes that there is currently no provision for occupants of the subject land to safely access the significant public open space area on the north side of Robertson Street by foot.

Council is therefore strongly encouraged to provide for safe pedestrian crossing opportunities at or near the Robertson Street/Neal Street intersection.

Should you have any enquiries regarding this matter, please contact [REDACTED]  
[REDACTED]





## SUBMISSION 6

Department of Energy, Environment  
and Climate Action

189-229 Lyttleton Terrace Bendigo  
Box 3100, Bendigo DC, VIC 3554  
Telephone: 035430 4444  
[pe.assessment@delwp.vic.gov.au](mailto:pe.assessment@delwp.vic.gov.au)

Ref:00005151  
20240702 CN



**AMENDMENT NO.:** C147MACR  
**PLANNING PERMIT NO.:** PLN/2022/354  
**PROPOSAL:** PLANNING SCHEME AMENDMENT C147MACR AND PLANNING  
PERMIT APPLICATION PLN/2022/354  
**LAND AFFECTED:** ROBERTSON STREET, NEAL STREET AND HAMILTON STREET  
GISBORNE

Thank you for your correspondence dated on 30 June 2024 to the Minister for Environment regarding the above planning scheme amendment.

In accordance with section 96C of the *Planning and Environment Act 1987* (the Act), the Macedon Ranges Shire Council has provided notice of its preparation of an amendment to the planning scheme and notice of an application being considered concurrently with the amendment under this Division, to anyone it believes may be materially affected by the amendment.

The amendment proposes to rezone land from Special Use Zone (SU4) to General Residential Zone and apply the Design and Development Overlay (DDO17) to all of the affected land. Clause 11.01-1L and Clause 52.02 will also be amended. The purpose of the amendment is to facilitate the use of the land for a retirement village.

The permit application PLN/2022/354 is for use and development of a retirement village and removal of native vegetation (one tree) and alterations to a Transport Zone (TRZ2).

Response

The Department of Energy, Environment and Climate Action wishes to advise that it supports the proposed amendment.

If you have any questions regarding this matter, please email me at [pe.assessment@delwp.vic.gov.au](mailto:pe.assessment@delwp.vic.gov.au).

Yours sincerely



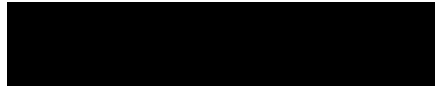
Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

**SUBMISSION 7**

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Macedon Ranges Shire Council

7<sup>th</sup> July 2024

Please find my objection to the application for the rezoning of the public hospital zoned location (currently zoned SUZ4) to that of a private enterprises application to that of an aged care facility (Zone GRZ1).

The objection relates to the donated land to the bush hospital component only.

The basis of the objection is that the rezoning should have fully disclosed the original donation and the basis of the donation. Not downplaying the current zoning as that of a 'disused' bush hospital.

The founders of this town did not donate land to the council for public use so that the council could through an undisclosed commercial arrangement hope that the residents and rate payers of this town would forget that the reason they received the benefit was for the greater good of the community.

The land for the **Gisborne & District Bush Nursing Hospital** was generously donated by Mr. and Mrs. W. H. (Bill) **Brockwell**.

The land that the private enterprise (namely Anglican Aged care services group t/a benetas) under the applicants [REDACTED] want to rezone was originally donated to the Shire of Gisborne for public use.

The land was developed as a public hospital on that basis and while not in use as a public hospital as the application identifies since 1997, this does not change the underlying purpose of the donation for public use, nor should it give the council the ability at a later point to either sell the land or lease the land to another enterprise without disclosing to the public, that they did not pay for the land or the reasons for the original covenants.

The land should either return to that of a public space/ park,  
or a public tender process should be engaged to ensure the maximum funds are received by the council and if Anglican Aged Care Services Group win the tender, then they should be required to pay to the council / rate payers the increased market value of the land that

rezoning would provide the owners & also purchase public land for public use and donate that land to the council.

This land is prime land in Gisborne and hoping memories are short should not negate the requirements of what the land was donated for.

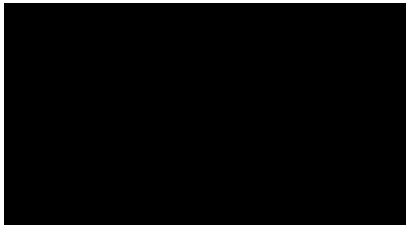
The rezoning of the land should not be carried out in an underhanded way to gain advantage for a registered charitable enterprise, if the ratepayers are not receiving the maximum commercial value.

I am not objecting to the need for aged care facilities in this town, just that this gives a 'charity' an unfair commercial advantage being located next door to that of public land donated.

Further to this the application should be deemed invalid as the proposal, page 1 "The proposal" point I Estimated cost of any development for which the permit is required states "Cost \$35,000,00.00 Is this supposed to be \$3.5M or \$35M or is the hope people will not see the missing 0 meaning it's only \$3.5m

Any amended proposal will carry the same objections, the this should be addressed first.

Regards



**SUBMISSION 8**

T: (03) 5422 0333 | [mrsc.vic.gov.au](http://mrsc.vic.gov.au) | ABN 42 686 389 537

## Objection to a Planning Permit Application

Any person who may be affected by the grant of a permit may object. Provided your objection is received prior to the application being decided, your objection will be considered and you will be notified of the decision when it is made. This form has been designed to assist with collecting the required information for an objection, but you are not required to use this form.

For assistance completing this form, call Statutory Planning on (03) 5421 9699.

### Objector Details

Name/s\*: [REDACTED]

Organisation: [REDACTED]

*\* If multiple people are making this objection please list your preferred contact person first as we will only send correspondence regarding the objection to this person.*

### Planning Permit Application Details

Application Number: **PLN/** 2022/354

Property Address: 61 Robertson Street Gisborne Vic 3437

### PRIVACY COLLECTION NOTICE

Macedon Ranges Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of registering and considering your objection.

Where required, in accordance with the Planning and Environment Act 1987, a copy of your objection will be provided to:

Available to	Information provided
Council staff and external agencies involved in the planning process.	Full copy of objection.
The applicant for the planning permit and their representatives.	Copy showing objector name/s and address with other personal information redacted.
To any persons who wish to inspect your objection prior to a decision being made for the application.	Copy with all personal information redacted available to view/inspect only.
On Council's website if the application goes to a Planning Delegated Committee or Council Meeting.	Copy with all personal information redacted.

If your objection contains personal information of any other parties you must gain their consent to include their personal information in your objection and provide them with a copy of this notice.

Your personal information will not be disclosed to any other external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter, any personal information you have supplied on this form, contact us on (03) 5422 0333.

You can access Council's Privacy Policy at [mrsc.vic.gov.au/privacy](http://mrsc.vic.gov.au/privacy)

**Objection Details**

Ensure that you clearly understand the application prior to objecting. You can view all planning applications at our Gisborne office during business hours. During the 14 day advertising period (where applicable) documents are available to view online at: [mrsc.vic.gov.au/planning-register](https://mrsc.vic.gov.au/planning-register)

**Describe the reason/s for your objection including how you would be affected by the grant of the permit:**



**SUBMISSION 8**

Dear Sir/Madam,

Re: Objection to Planning Permit PLN/2022/354

I am writing to formally object to Planning Permit PLN/2022/354 on the grounds of significant concerns regarding access to my property and the safety and well-being of my family and community members. The proposed development poses critical issues that must be addressed to ensure continuous, unhindered access to the slip lane leading to my residence.

**Access Concerns and Health Requirements**

Our household includes several retirees and a 96-year-old grandmother with significant health concerns. It is imperative that we maintain unobstructed access to our property at all times to accommodate any potential emergencies. The presence of my elderly mother necessitates frequent visits from healthcare providers and, in some cases, emergency services. Any hindrance in access could have severe consequences for her health and well-being.

**Kindergarten Access**

Additionally, the slip lane also serves as an access route to a nearby kindergarten. It is crucial for the safety and convenience of parents, children, and staff that this route remains clear and accessible. Interruptions due to construction activities could disrupt the daily routines of many families and potentially endanger the children attending the kindergarten.

**Emergency Services Accessibility**

Given the health needs of my mother, it is essential that emergency services have unrestricted access to our property at all times. Delays caused by construction activities could have life-threatening implications. Therefore, it is vital to ensure that any development plans include provisions for continuous emergency access.

**Construction and Traffic Management Plans**

The proposed building project appears to be extensive and may take a considerable amount of time to complete. Prior to considering the withdrawal of this objection, I request the submission of both a Construction Management Plan (CMP) and a Traffic Management Plan (TMP). These plans must demonstrate detailed measures to ensure that access to our property and the kindergarten is maintained without disruption throughout the entire construction period. Specifically, these plans should outline the following:

1. Access Routes: Clear designation of alternative routes for residents and emergency services if the slip lane access is temporarily obstructed.
2. Timetable: A detailed construction schedule with specific times and dates when access might be impacted, along with measures to mitigate these disruptions.
3. Communication: Regular updates and direct communication channels between the construction management team and affected residents to address any arising concerns promptly.

In conclusion, while we recognize the importance of development and progress, it must not come at the expense of the safety, health, and convenience of current residents. I urge the planning department to consider these critical points and ensure that appropriate measures are put in place to mitigate the impact on our community before approving Planning Permit PLN/2022/354.

Thank you for your attention to this matter. I look forward to your prompt and favorable response.

[Redacted Signature]

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Good afternoon Councillors.

I am forwarding you an email I sent to Strategic planning, Mayor Death and local member and Minister for Health Mary-Anne Thomas.

Please see the below regarding the provision of land (specifically) for the Gisborne Bush Nursing Hospital in 1955 by our family.

Please also see page 45 of <https://www.mrsc.vic.gov.au/files/assets/public/v/1/council/our-council/meeting-attachments/2023/05/10-may-2023-planning-delegated-meeting-attachments.pdf>

Who are the benefitting parties listed, have they been notified last or this year?

I have spoken to my family, the Dixons, direct descendants of Humphrey Dixon, and in no way do they support the zoning changes. They will also be in touch.

The possible rezoning is an affront to the gifting of a significant asset for whole of community benefit. What would the valuation of this land be today? How could that value of that asset be used for community benefit today?

Should the land be rezoned the current value of the land should be paid for by the developer and used for the greater Gisborne community, perhaps in trust for ongoing development of Dixon field?

Rezoning for Benetas' benefit would create a disincentive for future community minded donations of significance. The 1950s is not that long ago.

Please consider.

Good evening.

[REDACTED] resident, [REDACTED] "Uncle" Humphrey Dixon who  
town of Gisborne for a hospital. Where I was born in 1968.

Please find attached a copy of the original document from 1955 detailing the hospital proposal and the Dixon donation to enable the hospital to occur.

I would like to discuss with you my family's continuing connection to the town/hospital and the appropriateness of future use/s for the site for community health care. While time and eras pass the fundamentals of this site, the intention of donation and sentiment continue.

(I would also like to discuss the pine plantation next to the Secondary College, another parcel of land my family were active in donating to the people of Gisborne.)

Thank you,

[REDACTED]



**SUBMISSION 10**

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Macedon Ranges Shire Council Planning Department,

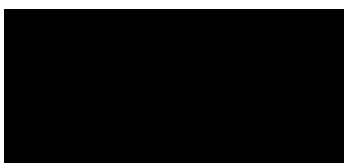
[REDACTED] am writing to you to object to the proposed Amendment C147macr and Planning Permit PLN/2022/352 on behalf of myself [REDACTED]

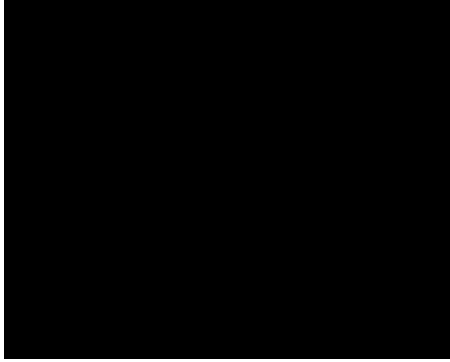
The following reasons are why we object to Amendment C147macr and Planning Permit PLN/2022/352:

1. The cover letter of the application incorrectly lists that the amendment will result in "the removal of native vegetation (one tree)". This incorrect statement is throughout the documentation. The Native Vegetation Removal Report also only states that one native tree will be removed. The Amended Arboricultural Assessment and Report contradicts the Native Vegetation Removal Report by listing multiple Australian Native Trees and 4 Indigenous trees that are shown to be removed in the supporting documentation. All Indigenous trees on this land parcel will be removed if this application is approved.
2. Tree No. 35 is one of the 4 indigenous trees that has been marked for removal. Tree No. 35 has a Moderate A, ARB rating. This classification suggests that the tree should be retained and may have cultural significance.
3. In addition to this, the design and development overlay DD017 states in its requirements "To ensure existing significant vegetation is protected". The fact that the highest ARB rated Indigenous tree is being removed is in complete contradiction to this requirement.
4. The plans attached to the application for the proposed retirement village do not show critical details that display the impact on dwellings that border the proposed development. These missing details include:
  - i. Proposed setbacks from the Southern fence line.
  - ii. Proposed roof heights compared to the existing dwellings.
5. The amendment also goes against the wish of the Dixon family who donated the land that is bordered by Hamilton St and Neal St on the provision it remains as land for medical practices. Given the current trend of urban sprawl, and the increasing population of Gisborne and surrounds, it is unreasonable to presume that Gisborne will never require a hospital or additional medical facilities.

I look forward to your feedback on my objection.

My best contact method is via the following email: [REDACTED]





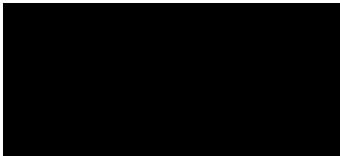
**SUBMISSION 11**

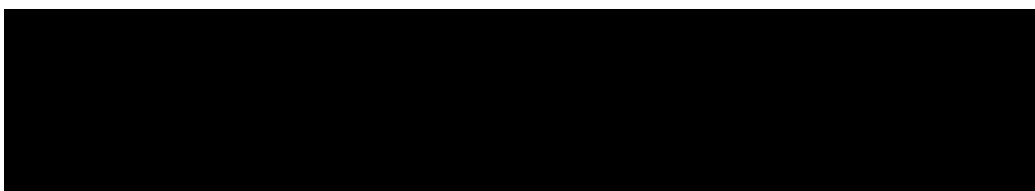
**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Macedon Ranges Shire Council,

I am writing in opposition to this amendment C147macr to planning application PLN/2022/354, as a local resident and as a health professional. The applicant is seeking removal of the restrictive covenant Lot 1 on LP205979 (known as 61 Robertson Street). This land was gifted to the Gisborne community in the 1950s on the condition it always be used for medical purposes. Removing this restrictive covenant is short sighted and not in the interest of the local community. The Gisborne community is growing rapidly with many multi dwelling developments recently built or currently in development. The Gisborne township area is earmarked for ongoing growth. While there is unlikely to be a hospital at this site after the closure of the previous hospital in 1997, there is an ongoing need for future expansion and development of medical and Allied Health services to support the growing population size of Gisborne.

The restrictive covenant should remain in place to ensure this land can assist in meeting the healthcare needs of the Gisborne community into the future. The removal of this covenant supports the applicant in making a significant profit on donated land, but does not support future planning for health care needs of the local community.



**SUBMISSION 12**

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
**Cc:** [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

**Subject:** Opposition to Rezoning of Land on the Corner of Hamilton and Neale Streets from Special Use to General Residential (Amendment C147macr, Planning Permit Application PLN/2022/354)

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Council

**Re: Opposition to Rezoning of Land on the Corner of Hamilton and Neale Streets from Special Use to General Residential (Amendment C147macr, Planning Permit Application PLN/2022/354)**

We are writing to express our strong opposition to the proposed rezoning of land located at the corner of Hamilton and Neale streets from special use to general residential, as outlined in Amendment C147macr and Planning Permit Application PLN/2022/354. This land, generously donated in the 1950's by the Dixon family was intended to be used for medical purposes, and its proposed rezoning undermines the family's wishes and the broader interests of our community.

The history of this land is significant. It was donated by the Dixon family with the explicit condition that it always be used for medical purposes. Up until the closure of the Gisborne Hospital in 1997, this condition was honoured. Following the hospital's closure, the land continued to serve the community's health needs, being repurposed for doctors' surgeries and allied health services until 2020, when Benetas cancelled the tenancies to pursue redevelopment into a retirement "lifestyle village." This planned redevelopment is not in keeping with the spirit of the family's donation and will primarily benefit the landholder, rather than serving the entire community.

Overriding the Dixon family's wishes and stated purpose for this valuable piece

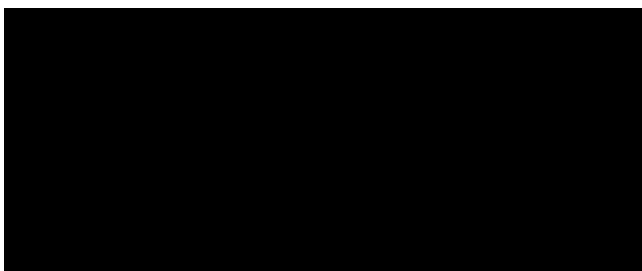
of land, which was donated for the benefit of the whole community is unjustifiable. The argument that a hospital is unlikely to be built in Gisborne does not outweigh the original purpose of the donation, which was to facilitate medical services for the community. Supporting this rezoning is not only short-sighted but also disingenuous and bordering on morally corrupt.

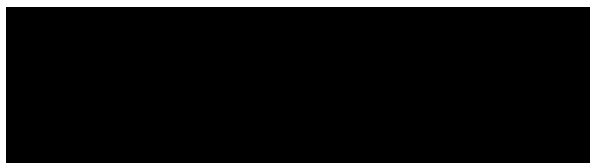
As the Gisborne community continues to develop and its population grows, the need for medical facilities and appropriate land to develop them on will only increase. The rezoning proposal disregards this future necessity. Additionally, there is no demonstrated need for more high or medium-density housing in Gisborne. The proposed retirement village housing type is restrictive, being age-limited to over-50s. Retirement villages are purely residential ventures and do not fulfil the medical use intended for this land. With numerous houses either completed or under construction around Willowbank Road, including two retirement villages, an additional 800 houses approved for New Gisborne, and the Rosalia Ross Watt development of 700 houses and future aged housing development it seems there is no pressing need or justification for this rezoning.

The land in question runs along Neal Street between Hamilton Street and Robertson Street. The council's decision to support the rezoning on the basis that a new hospital is unlikely to be built in Gisborne is not evidence-based and seems to be based on current circumstances without any thought what may occur in the future. When the Sunbury hospital closed, community lobbying led to the establishment of a day hospital in Sunbury. In 2022, designs and consultations were held for expanding this facility as part of a state government-funded program to build community hospitals in growth areas. Gisborne is indeed a growth area, and to claim that a hospital will never be built here is disingenuous at best.

This land is ideally located for a future hospital or, in the meantime, for medical clinics and allied health services. The Dixon family has also donated other land to Gisborne, such as the Dixon Field sports grounds, demonstrating their long-standing commitment to the community. We owe the Dixon family a debt of respect and gratitude for their generosity and community spirit.

We strongly urge the council to refuse the rezoning proposal and honour the Dixon family's wishes. This land should continue to serve its intended purpose of providing medical services to the people of Gisborne, now and in the future.



**SUBMISSION 13**

Strategic Planning <strategicplanning@mrsc.vic.gov.au>

**Subject:** PLN/2022/354

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Submission to the Amendment C147macr. PLN/2022/354

'I object to the above Amendent on the following grounds

1. The Dixon family were a generous family in donating this land with the proviso that it be retained for medical purposes

2. The Dixon family's wishes were made in good faith that their gift to the town and people of Gisborne would be effective and everlasting

3. To make this Amendment as suggested, to residential or any other zoning, is immoral

4. To make this Amendment will be detrimental for future philanthropic gestures

5. To endorse this Amendment could set in an excuse to change other existing zones which have been generously made over the years

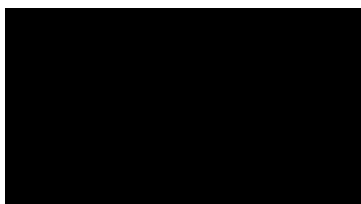
6. The only way forward with this Amendment would be to use the land for purely medical purposes in specific conjunction with the Oaks

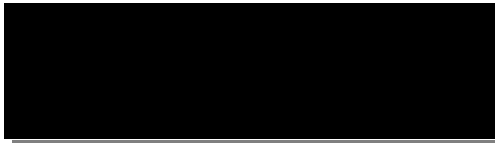
(eg on-site nursing rooms/in-house doctor surgery/a sick-bay to be used for isolation during covid and/or influenza outbreaks)

This would comply with the Dixon family, enhance the virtues of the Oaks, and would not require any high building structure permits

7. The original Bush Hospital on this site was greatly supported by generous financial donations by the people of Gisborne and the current population have the right to 'have their say'

8. I hereby request that attention be brought to the fact that the Ashes of Muriel Joan Daly, widow of Mr Ulick Lord Daly, MBE., are buried on the corner of Hamilton and Neale Streets, beneath a tree especially planted in her memory. There is also a plaque to mark her life membership and is therefore 'sacred ground' Muriel Joan Daly (nee Kimpton) was the governess to Sir Rupert Murdoch, and worthy of much respect'



**SUBMISSION 14**

To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
Subject: PLN/2022/354 Benetas etc

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Councillors

I am amazed and worried that Council is even considering this application of doing away with the current buildings/former Hospital

It's morally wrong that this land bequest from the Dixon family that was made for a specific use is now being considered to be overturned.

Why ?

So if this goes ahead does it bode well for future bequests from Gisborne Citizens to be considered with possibility of future Councils overturning the requested use ?

I don't think so..

In this new world of cyber attacks, natural disasters and supply chain disruption to name a few wouldn't it be appropriate to have some capability like this hospital/building for possible use?

This facility could be renovated/refurbished for many other uses as Speciality Clinic in times of high need.

We just came out of the Covid 19 epidemic by the skin of our teeth as an example.

We hear the talk of needing resilience so much now, yet this proposed action would seem to be the opposite.

Actually this smacks of the similar scenario of the Kennett Government sell off of Victoria of past and the cost of that to Victorians

Again I strongly object to this Proposal going ahead

Yours Sincerely



**SUBMISSION 15**

[REDACTED]  
To: [Macedon Ranges Shire Council](#)  
Subject: Objection: PLN/2022/354  
Date: Thursday, 11 July 2024 8:05:36 PM  
[REDACTED]

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached my Objection to a Planning Permit Form for the application PLN/2022/354.

If you have any questions or queries about this objection please don't hesitate to email me.

Regards







T: (03) 5422 0333 | [mrsc.vic.gov.au](http://mrsc.vic.gov.au) | ABN 42 686 389 537

## Objection to a Planning Permit Application

Any person who may be affected by the grant of a permit may object. Provided your objection is received prior to the application being decided, your objection will be considered and you will be notified of the decision when it is made. This form has been designed to assist with collecting the required information for an objection, but you are not required to use this form.

For assistance completing this form, call Statutory Planning on (03) 5421 9699.

### Objector Details

Name/s\*:

Organisation:

Phone:

Email:

Address:

*\* If multiple people are making this objection please list your preferred contact person first as we will only send correspondence regarding the objection to this person.*

### Planning Permit Application Details

Application Number: PLN/ 2022/354

Property Address: 61 Robertson Street Gisborne Vic 3437

### PRIVACY COLLECTION NOTICE

Macedon Ranges Shire Council is committed to protecting your privacy. The personal information you provide on this form is being collected for the primary purpose of registering and considering your objection.

Where required, in accordance with the Planning and Environment Act 1987, a copy of your objection will be provided to:

Available to	Information provided
Council staff and external agencies involved in the planning process.	Full copy of objection.
The applicant for the planning permit and their representatives.	Copy showing objector name/s and address with other personal information redacted.
To any persons who wish to inspect your objection prior to a decision being made for the application.	Copy with all personal information redacted available to view/inspect only.
On Council's website if the application goes to a Planning Delegated Committee or Council Meeting.	Copy with all personal information redacted.

If your objection contains personal information of any other parties you must gain their consent to include their personal information in your objection and provide them with a copy of this notice.

Your personal information will not be disclosed to any other external party without your consent, unless required or authorised by law. If you wish to gain access to, or alter, any personal information you have supplied on this form, contact us on (03) 5422 0333.

You can access Council's Privacy Policy at [mrsc.vic.gov.au/privacy](http://mrsc.vic.gov.au/privacy)

**Objection Details**

Ensure that you clearly understand the application prior to objecting. You can view all planning applications at our Gisborne office during business hours. During the 14 day advertising period (where applicable) documents are available to view online at: [mrsc.vic.gov.au/planning-register](https://mrsc.vic.gov.au/planning-register)

**Describe the reason/s for your objection including how you would be affected by the grant of the permit:**

Dear Sir/Madam,

Re: Objection to Planning Permit PLN/2022/354

I am writing to formally object to Planning Permit PLN/2022/354 on the grounds of significant concerns regarding access to my property, my in-laws next door and the safety and well-being of my family and community members. The proposed development poses critical issues that must be addressed to ensure continuous, unhindered access to the slip lane of Robertson Street leading to my residence.

#### Access Concerns and Health Requirements

Our household includes young children, as well as next door [REDACTED] our mother [REDACTED] and father [REDACTED] as well as our 96-year-old grandmother all with significant health concerns. It is imperative that we maintain unobstructed access to our property at all times to accommodate any potential emergencies. The presence of my elderly grandmother necessitates frequent visits from healthcare providers and, in some cases, emergency services. Any hindrance in access could have severe consequences for her health and well-being.

#### Kindergarten Access

Additionally, the Robertson Street slip lane also serves as an access route to a nearby kindergarten and maternal health care clinic. It is crucial for the safety and convenience of parents, children, and staff that this route remains clear and accessible. Interruptions due to construction activities could disrupt the daily routines of many families and potentially endanger the children attending the kindergarten.

#### Emergency Services Accessibility

Given the health needs of my parents and grandmother, it is essential that emergency services have unrestricted access to our property at all times. Delays caused by construction activities could have life-threatening implications. Therefore, it is vital to ensure that any development plans include provisions for continuous emergency access.

#### Construction and Traffic Management Plans

The proposed building project appears to be extensive and may take a considerable amount of time to complete. Prior to considering the withdrawal of this objection, I request the submission of both a Construction Management Plan (CMP) and a Traffic Management Plan (TMP). These plans must demonstrate detailed measures to ensure that access to our property and the kindergarten is maintained without disruption throughout the entire construction period. Specifically, these plans should outline the following:

1. Access Routes: Clear designation of alternative routes for residents and emergency services if the slip lane access is temporarily obstructed.
2. Timetable: A detailed construction schedule with specific times and dates when access might be impacted, along with measures to mitigate these disruptions.
3. Communication: Regular updates and direct communication channels between the construction management team and affected residents to address any arising concerns promptly.

In conclusion, while we recognize the importance of development and progress, it must not come at the expense of the safety, health, and convenience of current residents. I urge the planning department to consider these critical points and ensure that appropriate measures are put in place to mitigate the impact on our community before approving Planning Permit PLN/2022/354.

Thank you for your attention to this matter. I look forward to your prompt and favorable response.

Yours sincerely,

27

**SUBMISSION 16**

Dear Council

I refer to the article Crunch time for Gisborne hospital site on page 5 of the Gisborne Gazette July 2024.

I note the council concerns regarding the rezoning of the land that was donated to Gisborne by what appears to be the very generous Dixon family. The donation came with an agreement that the land always be used for medical purposes.

I note councils concerns regarding the morality of rezoning the land and their view that it was unlikely that the new hospital would be built in Gisborne, and therefore the practicality of making the area available for residential use outweighed the act of overriding the family's wishes. I consider this view to be premature in that it could possibly influence the public during a consultive process.

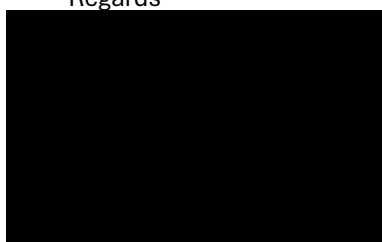
I make the following points:

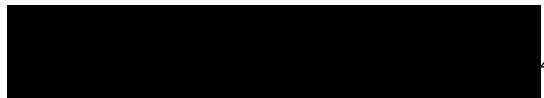
- Used for medical purposes does not mean a hospital would have to be built on that land.
- Has there been any consultation between Council and the Dixon family (or their descendants) that would support removal of the Special Use zone.

I understand we must progress with our evolving changes and therefore it may be appropriate to make changes of this nature, but you must first deal with the noted morality issue of possibly withdrawing from an agreement that was made as part of a gift to the Gisborne community. At a minimum, consultation and the blessing of the Dixon descendants should be made before there is any suggestion of Council supporting such change.

I would appreciate if you could keep me informed of any progress on this matter.

Regards



**SUBMISSION 17**

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**Sent:** Friday, July 12, 2024 12:32 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** Submission for permit PLN/2022/354

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Attn: Strategic Planning

Good afternoon MRSC

I write to you in regards to permit number PLN/2022/354.

In the first instance I oppose the application to rezone the land at Robertson Street, Neal Street and Hamilton Road from Special Use Zone to General Residential Zone.

This land was donated by the Daly family for use as a hospital or medical facilities, and this request/instruction should not be disregarded.

Gisborne is a growing town with a large number of new estates with young families. As someone with a young son, when medical assistance is required after business hours, the nearest hospital that has doctors on duty (Bacchus Marsh Hospital, Kyneton Hospital only has nurses after hours) is over 30 minutes away, on a back country road that is in poor state and dangerous to drive especially in the dark let alone wet weather. Macedon Ranges Shire Council should not approve this application and ensure that this land is kept free for a future hospital or medical clinic to be built.

However, if the permit is approved and the land is rezoned, as a landowner that backs onto the land in question, I oppose the amount of retirement units that has been proposed to be built. If the land is being rezoned to accommodate persons that do not require medical assistance, there needs to be more open/green spaces and less retirement units being built and no two storey units along the fence line that backs onto existing home owners.

The permit application speaks to each unit having car spaces available, as a

landowner in this area, Hamilton Street and Neal Street are already congested at all times without the extra traffic that this retirement village would bring. The infrastructure surrounding the development would need to be expanded for this extra traffic.





**SUBMISSION 18**

**F** **E**

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**Sent:** Friday, July 12, 2024 4:42 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** PLN/2022/354

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

RE: Gisborne Hospital Site.

Good Afternoon,

As an owner/occupier on Hamilton St., the following clarifications/considerations are kindly put forward:

- Early Childhood Centre (Manna Gum) has an established block level. The current plan does not consider the existing established level already set by the Child Centre. It is reasonably expected that this level would be consistent from an aesthetic, drainage and privacy perspective for the Child centre.

This level of consideration should be for all blocks accessing Road05, Road04 and Road 03. In other words: this should be the level for proposed development.

- Service Lane on Robertson Rd should be wide enough for Public Transport (given this is for the elderly residents who may / may not be mobile, in keeping with accessibility/carbon design considerations.

- Road05, Road04 and Road 03 should be wide enough for Public Transport (given this is for the elderly residents who may / may not be mobile, in keeping with accessibility/carbon design considerations.

- At the junction of Robertson Rd / Hamilton St consideration for a roundabout or speed reduction device to allow for safe enjoyment of the adjoining parks. Further to this, no crossing is mentioned (even in passing). There are many trucks who use Bacchus Marsh / Gisborne Road (C704) and given the demographics of the residents this requires consideration.

- Given the number of existing medium-density housing adjacent to Road05 reduction of the density of RV along south boundary. This is to ensure ample access to light and existing enjoyment of natural surroundings and space. Given these residents did not purchase "affordable housing" with a medium-density footprint

across an entire block (just a small strip was medium density). Whilst greater good is a compelling argument, given the size of the space this nonetheless takes away from the existing feel and initial intent of the design overlay for these residents.

Thank-you





**SUBMISSION 19**

[REDACTED]

To: Strategic Planning <[strategicplanning@mrsc.vic.gov.au](mailto:strategicplanning@mrsc.vic.gov.au)>

[REDACTED]

**Subject:** re Amendment 147macr. Planning Permit Application PLN/2022/354

Good Afternoon,

We would like to strongly object to the proposal to rezone the Gisborne Bush Nursing Hospital site from Special Use to Residential.

The [REDACTED] family, and its' descendants, have lived in the area for over 180 years. Anne, was amongst the first to be born at the 6 bed hospital in 1959 and was also fortunate to give birth to her son there in 1996 before it closed 1997. Over the years it was a blessing to have the hospital services available and widely used.

The land was donated to the Community by the generous Humphrey Dixon who was able to foresee the growth of the town and need to provide essential health services to support the community. The hospital was built without any Government funding and was a credit to the strong, loyal and resourceful community at the time. I feel that Council are taking advantage of the majority of Gisborne's current population being unaware of the history surrounding this matter. Only the long standing members of the community will know, understand and appreciate the historical significance of the gift bestowed to us. The community have been grateful for Mr Dixon's foresight and incredible generosity and have always been aware of the condition of the bequest that the land was always to be used for medical purposes.

We are at a loss to understand how Council think they can override this clear stipulation of how the land is to be used. You have no right to ignore the clear direction given by the Dixon family regarding the specific use of the site. It is morally and ethically unsound as well as potentially illegal. If the site is not to be used as intended then the land should be given back to the family.

The population of the Gisborne area is predicted to be over 65000 within the next 12 years, far exceeding even the foresight of the Dixon family. Council's inference that there will not be a need for a hospital in the future seems naïve. Given this projected growth, it is clearer than ever that more health and allied health services will be needed to support our expanded community. What better place to locate them but on this site.

With regard to Benetas wanting the site for their Residential Retirement Village, of course they do! Free land in the heart of the town that they will use to prosper from financially!

We hope that the Dixon family's generosity will not be disregarded and that the sight will remain, as intended, for medical facilities and an asset for future generations.

Yours Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**SUBMISSION 20**

**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>

**Subject:** Amendment C147macr. PLN/2022/354 - objection

**CAUTION:** This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear MRSC,

I am vehemently opposed to the rezoning of this parcel of land.

This land was donated by the Dixon family to the community of Gisborne explicitly for medical reasons.

If it ceases to be used for medical purposes, then the land should be returned to the descendants of the Dixon family.

The bush nursing hospital grounds is the final resting place of Muriel Joan Daly who was a major contributor and supporter of the hospital, a plaque which notes this has been removed by the current owner - a photograph is attached.

Please refuse this application to rezone the land against the purpose of the original donation.



**SUBMISSION 21****Objection to rezoning****Amendment C147macr.****Planning permit application PLN/2022/354**

Address: former hospital site, Hamilton Street and Neal Street, Gisborne.

12 July 2024

**I wish to lodge my objection to this land being rezoned Residential, on two grounds: 1) the land was given to the community on the proviso that it always be used for community health purposes; and 2) there is no demonstrated need for further housing of the type proposed for the site.**

**1. The zoning change sought from Special Use to General Residential overrides the wishes of the family who donated the land. It was donated to the people of Gisborne – and accepted by the council on their behalf – on the specific condition that the land always be used for medical purposes. It goes against basic morality to override the family's wishes, particularly when there is no need to do so.**

- After the hospital closed in 1997, the building was used for over 20 years for doctors' surgeries and allied health. Those doctors moved in 2021 only after the landholder (Benetas) evicted them. Another small building on the site remained in use by a weekly specialist youth clinic until Benetas shut the clinic down in 2024.
- In its deliberations on whether to support rezoning, the council on balance decided it did not believe a new hospital would ever be built in Gisborne. This is not an evidence-based belief. For example (1) when the Sunbury hospital closed a decade or so ago, community lobbying led to the establishment of a day hospital in Sunbury. (2) In 2022, a state government funded program to build community hospitals in growth areas was announced. While Gisborne was not included in the 2022 program, it does show that regional community hospitals are at various times exercising the state government mind, and as growth continues in the Gisborne area, there is no basis to claim there will never be a hospital built here.

As a growing population in the Gisborne area will require more and more medical services, facilities such as long-hour superclinics, a day hospital, potentially a full hospital, could well be prescribed by government. There is already a move to locate emergency medical services in regional areas in the hope of reducing the burden on the major hospitals in Melbourne. There is currently one in Sunbury and one in Melton. The government is looking for more clinics to join this program. There is no reason to believe, given the critical issues that everyone knows exist in the metropolitan hospitals, that this push will not become stronger and more urgent in the years to come.

This land is a well-sited, central spot for a hospital or large emergency clinic, and in the meantime can be used for medical clinics and allied health as it was before the applicant closed them down.

The land was given to the Gisborne community by the Dixon family, who were important figures historically in the township and part of the community for over a century. They had a business in the town since 1861, and over several generations showed their public-spirited nature, serving on the council; contributing to the purchase of 4 acres in 1927 for forestry purposes/bird sanctuary to aid

the secondary school; donating land which is now the sportsground (Dixon Field) in Gisborne; and donating the land which is the subject of this application. Gisborne owes an enormous debt of gratitude to the Dixon family for their generosity and community spirit. This family clearly were concerned that the whole community, into the future, should be the beneficiaries of their gift and it is repugnant in the extreme to consider dishonouring their wishes and the condition on which they gave their land to this community.

**2 There is no demonstrated need for more housing in Gisborne.** There is a great deal of development currently taking place. There are two developments of several hundred houses already in progress in South Gisborne, and another new development of I believe 800 houses is just about to turn the first sod. There are any number of unit developments that are generally between four and eight units occurring in the older parts of town on larger blocks that formerly had only one house on them. There is at least one other retirement village complex under consideration by the council in South Gisborne. The Retirement Village housing type is restrictive in any case, being age-limited to over-50s. The proposed development will do nothing to help the younger demographic that we hear so much about who are struggling to get into the housing market across the entire country, or indeed to cater for the clear need for affordable housing for families across the entire country.

If this rezoning is approved, the community of Gisborne loses something of enormous value to the community at large, and gets something in return which does not assist the community in general, but is targeted to a small, specialised segment of the population.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

9 REPORTS

<b>9.1</b>	<b>PLN/2023/402 - 131 SHANNONS LANE KERRIE</b>
<b>Application Details:</b>	<b>Part Use and Development of the land for Group Accommodation</b>
<b>Officer:</b>	<b>Lipi Patel, Senior Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>3. Improve the built environment</b>
<b>Attachments:</b>	<b>Proposal plans and supporting documents (under separate cover)</b>
<b>Triggers for a planning permit</b>	<p>Clause 35.06-1 (Rural Conservation Zone) – Use of the land for a group accommodation.</p> <p>Clause 35.06-5 (Rural Conservation Zone) – Buildings and works associated with a Section 2 use (group accommodation).</p> <p>Clause 42.01-2 (Environmental Significance Overlay – Schedule 5) – Construct a building or carry out works for a building (used for accommodation) that is not connected to reticulated sewerage.</p> <p>Clause 42.03-2 (Significant Landscape Overlay – Schedule 5) – Construct a building or construct or carry out works.</p>
<b>Zones and Overlays</b>	<p>Rural Conservation Zone – Schedule 1</p> <p>Environmental Significance Overlay – Schedule 5</p> <p>Bushfire Management Overlay</p> <p>Significant Landscape Overlay – Schedule 1</p> <p>Vegetation Protection Overlay – Schedule 9</p>
<b>No. of objectors</b>	Seven
<b>Trigger for report to the Committee</b>	Councillor Call-in
<b>Key Considerations</b>	<p>Whether the proposed use of the land is consistent with the purpose and decision guidelines of the Rural Conservation Zone and other relevant State and Local Planning Policy that deals with the protection of rural land with high environmental values.</p> <p>Whether the design and siting of the group accommodation is consistent with the purpose and decision guidelines of the Rural Conservation Zone and other relevant State and Local Planning Policy that deals with development in a rural context.</p> <p>Whether the proposed land use and development is consistent planning policy regarding bushfire risk.</p> <p>Whether the proposed car parking is satisfactory.</p>



	Whether the proposal complies with the requirements of the Environmental Significance Overlay and Significant Landscape Overlay.
	Objector concerns.
Conclusion	Advise VCAT Council would have issued a Notice of Refusal to Grant a Planning Permit
Date of receipt of application:	25 October 2023

## Summary

The application seeks approval for the part use and development of the land for group accommodation.

The application has been appealed at the Victorian Civil and Administrative Tribunal and as such Council's role is no longer to decide whether to issue a Notice of decision to grant a permit or Notice of decision to refuse to grant a permit. Rather, the decision will be whether Council resolves to support or oppose the grant of planning permit application PLN/2023/401 for the purpose of the VCAT proceedings.

The key issues for consideration relate to whether the proposed land use and development are consistent with the planning controls affecting the site and broader planning policy framework which seek to protect rural land with high environmental values and ensure appropriate development outcomes within a rural context.

The proposal is not in accordance with the purpose of the Rural Conservation Zone and relevant planning policy framework and if approved, would result in a permanent and irreversible change in land use. The application fails to satisfactorily demonstrate that the proposal would protect and enhance the environmental values, natural resources, biodiversity and landscape values of the area in any meaningful way. The proposal also fails to reduce bushfire risk to an acceptable level.

## Recommendation

### That the Committee

1. Notes that the application is subject to VCAT proceedings to be determined.
2. Resolves to advise VCAT that Council opposes the Part Use and Development of Land for Group Accommodation at LOT 1 LP 83026 P/Kerrie, 131 Shannons Lane Kerrie on the following grounds:
  - a) The actions contained within the Environment Management Plan fail to appropriately respond to the conservation values and environmental sensitivity of the site and locality and protect and enhance the natural environment to a level which would support a permanent change in land use. This is contrary to the following Clauses contained within the Macedon Ranges Planning Scheme:
    - Clause 02.03-1 (Settlement)
    - Clause 02.03-2 (Environmental and Landscape Values)
    - Clause 11.03-5S (Distinctive areas and landscapes)

- Clause 12 (Environmental and Landscape Values)
  - Clause 16.01-3L (Rural residential development – Macedon Ranges)
  - Clause 35.06 (Rural Conservation Zone)
- b) The proposal would result in the site containing five dwellings which is contrary to the purpose of the Rural Conservation Zone along with Clauses 12.01-1L, 14.01-1S and 16.01-3 which seek to achieve the following:
- Limit residential development on existing lots within the Living Forest area.
  - Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
  - Prevent inappropriately dispersed urban activities in rural areas.
  - Limit residential development of rural land that is not in a Rural Living Zone, unless related to the use of land for agriculture or other compatible economic development activities.
- c) The siting of the car park from the group accommodation dwellings would not result in a practical or orderly planning outcome and fails to prioritise the protection of human life due to the distance of travel which does not allow for safe and efficient movement or evacuation. This is contrary to Clause 13.02-1S (Bushfire Planning) and 52.06 (Car parking).
- d) The proposal fails to prioritise the protection of human life over all other policy considerations and direct development to low risk locations which is contrary to Clauses 13.02 (Bushfire planning) and 71.02-3 (Integrated decision making) in the following manner:
- The proposal would introduce four additional dwellings to a site with an identified bushfire risk (Bushfire attack level BAL-29).
  - The proposed group accommodation dwellings have not been sited in proximity to a public road.
  - The proposal fails to provide safe access to the dwellings for vehicles, including emergency service vehicles.
  - The proposal seeks to rely on an Emergency Management Plan to address bushfire risk in lieu of the fundamental principles of considering appropriate siting and design.

## **Existing conditions and relevant history**

### **Subject land**

The subject site formally referred to as Lot 1 PS083026, and is one of five lots which make up 131 Shannons Lane, Kerrie. The site is irregular in shape with an area of approximately 35.38 hectares, and is bordered by Shannons Lane to the north-west, and Bolinda Creek to the west/south-west.





Figure 1 Subject Site



Figure 2 Existing dwelling on-site

The site contains an existing dwelling and associated outbuildings which are located within a clearly defined domestic zone, with a further outbuilding located within the balance of the land which largely comprises open pasture. The site has moderately undulating topography and is heavily vegetated within the south-west portion of the site and along Bolinda Creek.

Vehicle access currently exists via Shannons Lane which is an unsealed road.

### Surrounds

The site is located within the Rural Conservation Zone, with the surrounding area displaying a rural character comprising of larger allotments used for varying forms of agriculture (cattle

grazing, small-scale agricultural operations etc.) with some lots containing dwellings and associated outbuildings.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

A current copy of title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions have been registered on the title to this property.

Previous planning permit history

A search of Council's records has found the following permit history:

Permit No.	Description
PLN/2008/625	Use of land for a dwelling and animal husbandry (horse stables) and construct associated buildings and works

**Proposal**

The proposal is for use and development of the land for group accommodation. The group accommodation will comprise of four dwellings proposed to be within the north-east section of the site, approximately 200 metres from Shannons Lane. The group accommodation would provide short-stay accommodation by provider 'Shacky', where visitors/guests would book the accommodation in advance and reside for a temporary period. The arrival of guests would occur between 11:00am and 5:00pm with no guests permitted for arrival prior to these times. There is no food/drink services or entertainment proposed as part of the proposal. Maintenance (including cleaning, waste management) of the accommodation would be undertaken by a third-party contractor.

All four dwellings would be identical in terms of layout, design, materials, and form. The dwellings will be:

- Single storey with a maximum height of 4.079 metres.
- Comprising one bedroom, one bathroom, an open plan kitchen/living area, and attached deck.
- In the form of tiny homes (a structure on axle and wheels with 14 inch tyres).
- Constructed of custom ORB metal cladding.

Four car parking spaces are proposed to be provided in a small carpark in proximity to Shannons Lane, in excess of 280 metres from the dwellings themselves.

An Environmental Management Plan has been provided as part of the application material that outlines strategies, goals and a timeline to manage the land associated with the construction and operation of the group accommodation. A regenerative tree corridor is proposed along the eastern property boundary.



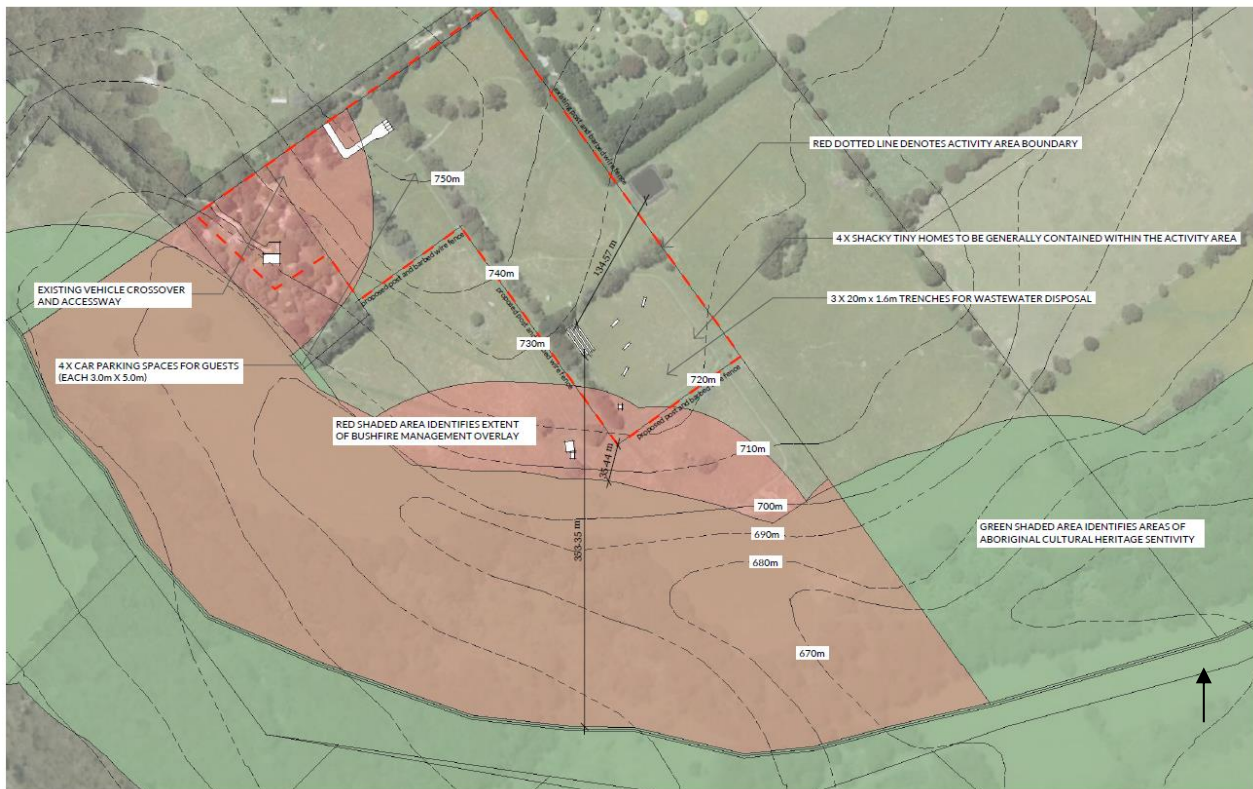


Figure 3 Proposed site plan

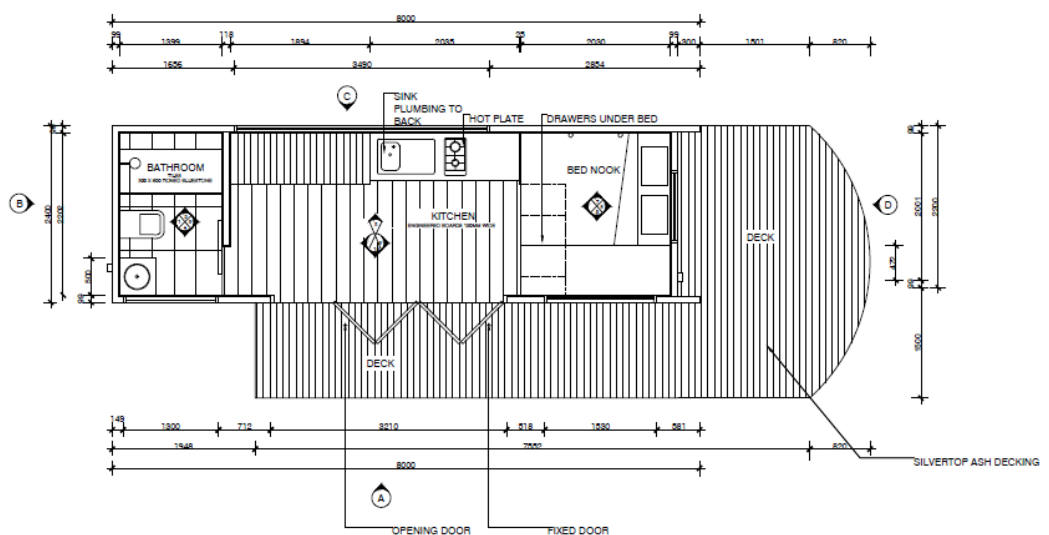


Figure 4 Proposed Floor Plan

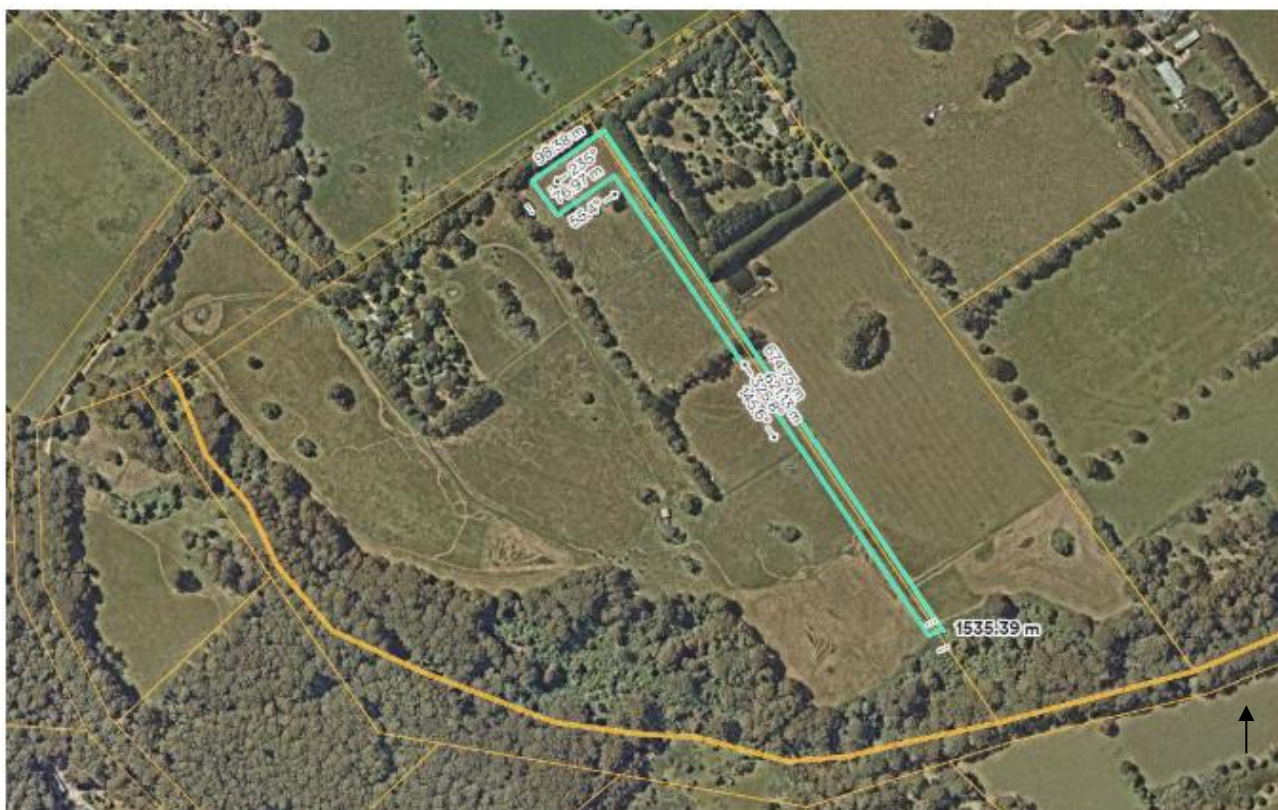


Figure 5 Proposed Regenerative Tree Corridor

### Relevant Macedon Ranges Planning Scheme controls

#### Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision-making powers.

The SOPP sets out a series of objectives that need to be considered, the key one being Objective 1 which seeks to ensure the declared area's natural and cultural landscapes are conserved and enhanced. The key consideration is the view corridors to significant landscape features from the key view corridors. The subject site is located well away from the view corridors and thus the impacts on the landscape are consistent with this aspect of the SOPP.

Objective 8 of the SOPP is also of some relevance and states that settlement growth in the declared area should be planned and managed in accordance with the protection of the area's significant landscapes and biodiversity, as well as the unique character, role, and function of each settlement. Whilst the subject site is located outside of the settlement boundaries identified within Clause 02.03-1 of the Macedon Ranges Planning Scheme, the scale of the development proposed is one that can be contemplated as part of the planning controls that relate to the site and is therefore consistent with the SOPP.

#### Planning Policy Framework

Clause no.	Clause name
02.02	Vision
02.03-1	Settlement

02.03-2	Environment and Landscape Values
02.03-3	Environmental risks and amenity
02.03-4	Natural Resource Management
02.03-6	Housing
11.03-3S	Peri-Urban Areas
11.03-5S	Distinctive areas and landscapes
12.01-1S	Protection of biodiversity
12.01-1L	Protection of biodiversity – Macedon Ranges
12.05-2S	Landscapes
12.05-2L	Landscapes – Macedon Ranges
13.02-1S	Bushfire Planning
14.01	Agriculture
15.01-6S	Design for Rural Areas
16.01-3S	Rural residential development
16.01-3L	Rural residential development – Macedon Ranges
17.04-1S	Facilitating tourism

#### Zoning

Clause no.	Clause name
35.06	Rural Conservation Zone – Schedule 1

#### Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay – Schedule 5
42.02	Vegetation Protection Overlay – Schedule 9
42.03	Significant Landscape Overlay – Schedule 1
44.06	Bushfire Management Overlay

#### Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.06	Car parking

#### General provisions

Clause no.	Clause name
65	Decision Guidelines

**Cultural Heritage Management Plan assessment**

	<b>Assessment criteria</b>	<b>Assessment response</b>
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Partially – the site where the use is proposed is outside the area of cultural heritage sensitivity.
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	No
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

As per the *Aboriginal Heritage Regulations 2018*, an ‘activity area’ means the area or areas to be used or developed for an activity. The application is for the part use and development of the land for “Group Accommodation”. The site where the use and development is proposed is outside the area of cultural heritage sensitivity. The applicant has advised in the planning report that fencing is proposed around the activity area to confine the guests to only that part of the property intended for the use to prevent them from entering the area of Aboriginal Cultural Heritage Sensitivity on the site.

Based on the above assessment, a mandatory cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

**The process to date**Referral

<b>Authority (Section 55)</b>	<b>Response</b>
Greater Western Water	No objection, subject to conditions
Southern Rural Water	no response till date

<b>Internal feedback/comments</b>	<b>Response</b>
MRSC Health Unit	No objection, subject to conditions
MRSC Engineering Unit	No objection, subject to conditions

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days. Seven objections have been received to date.

The following is a summary of the objections received:

- Notice of the application not sufficient.
- Non-compliance with the planning scheme regarding number of dwellings.
- Inaccuracies in the planning submission (width of Shannons Lane, surrounding land uses).
- Amenity impacts (increased traffic, noise, visual appearance).
- Impacts on the natural environment and wildlife habitat.
- Fire risk - insufficient access and emergency evacuations.
- Use not consistent with rural character and amenity.
- The precedence set by this application, if approved.

### Officer assessment

Whether the proposed use of the land is consistent with the purpose and decision guidelines of the Rural Conservation Zone and other relevant State and Local Planning Policy that deals with the protection of rural land with high environmental values.

The relevant State and Local policies outlined in the Planning Planning Policy Framework seek to support and enhance environmental values and sustainable agriculture by ensuring that future development (particularly residential) does not result in degradation of environmental values or the permanent removal or confining of sustainable agricultural operations.

These objectives are reiterated in the purpose of Rural Conservation Zone (RCZ) which has a strong emphasis on protecting and conserving the natural environment.

The subject site has been identified as part of the Living Forest at Clause 02.04 (Strategic Framework Plans). The importance of the distinctive landscape character of the Macedon Ranges to the state of Victoria is highlighted at Clause 11.03-5S (Distinctive areas and landscapes) which seeks to recognise important landscape areas and *protect and enhance the valued attributes of identified or declared distinctive areas and landscapes*. Strategies to support this objective include to:

- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of the land in these areas.*

Clause 12.01-1L (Protection of biodiversity – Macedon Ranges) seeks to protect the biodiversity of the Macedon Ranges through various strategies. The following area relevant to this application

- *Enhance the forest mosaic of the Living Forest area identified on the Rural Framework Plan at Clause 02.04 by encouraging revegetation.*
- *Limit residential development on existing lots within the Living Forest area.*

Policy at Clause 12.05-1S (Environmentally sensitive areas) further emphasises the need to protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values.



In assessing this application, policy relating to agricultural land must also be considered as suitable agricultural uses are supported on land within the Rural Conservation Zone as identified in the purpose to the zone. Clause 14.01-1S (Protection of agricultural land), relates to the protection of agricultural land and aims *to protect the state's agricultural base by preserving productive farmland*. The strategies associated with this objective include:

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*

following strategies are of relevance:

- *Limit residential development of rural land that is not in a Rural Living Zone, unless related to the use of land for agriculture or other compatible economic development activities.*
- *Support rural residential development that provides supporting infrastructure, including sealed roads, road / junction improvements, path networks, fire access tracks, lighting and reticulated water (or an alternative potable water supply with adequate supply for domestic use) in addition to that required for firefighting purposes.*

Clause 17.04-1S (Facilitating Tourism) seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state by promoting tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions. Further, Clause 17.04-1L provides the following relevant strategies:

- *Encourage accommodation, tourism developments and tourist related industries that protect the natural environment, heritage and town character.*
- *Enable accommodation and tourism developments in non-urban areas that enhance environmental values and protect significant landscapes.*
- *Encourage tourism developments related to food and wine, holistic well-being, arts and crafts, viticulture and other agricultural based tourism.*

It is evident from a review of the relevant broader planning policy that residential development should be directed towards established settlement areas, that do not harm the environmentally significant areas of the municipality and avoid the removal of productive agricultural land. Any tourism related developments must enhance environmental values and can be supported by local policy where they are related to another agricultural based business. Currently, there is no agricultural activity taking place on the site, which means the group accommodation use is not associated with an agricultural-based tourism business. It is acknowledged that there are a number of wineries and eateries in the surrounding region, however there are better located areas for accommodation to be sited that can serve these facilities. The siting of accommodation on an environmentally sensitive site like this, outside of a settlement area is not appropriate.

The purpose of the Rural Conservation Zone further supports these objectives. The Rural Conservation Zone is primarily concerned with protecting and conserving rural land for its environmental features or attributes and all other land uses must not diminish the primary objective. It is important to emphasise that in this zone, all uses are subordinate (secondary) to the environmental values of the land which is why any applications for use and development must be carefully considered. Any land use or development that occurs must be consistent with sustainable land management and land capability practices which considers the conservation values and environmental sensitivity of the locality. The implementation of the Rural Conservation Zone is a very strong strategic policy direction to protect rural lots from intensive residential development as evidenced by the very limited range of uses that do not require planning permission.

Schedule 1 to the zone stipulates that the existing forest mosaic is to be protected and enhanced, that proposed development will not compromise water quality, to protect the unique flora, fauna and landscapes, to protect the character and landscape values of the area

Any development that occurs must be consistent with sustainable land management and land capability practices which considers the conservation values and environmental sensitivity of the locality.

The key matters for consideration in this case are:

- *Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds and*
- *whether the group accommodation will result in detrimental impacts on the environmental values, both on the site and on the area.*
- *Whether the use will result in loss or fragmentation of productive agricultural land.*

1.

The applicant has submitted an Environmental Management Plan (EMP) to support the application. The EMP seeks to identify potential environmental impacts associated with the installation and operation of the group accommodation buildings and “establish mitigation measures to prevent, minimise, or offset adverse environmental impacts” and it includes a Land Management Plan Schedule of Works. The EMP lists action items relating to the management of weeds, erosion, wildfire, fencing and feral animals. The actions listed can be managed on the land at present as there is already an existing dwelling on the site from which these items can be regularly monitored as part of the general land management practices that you would expect to see in a rural area.

The EMP goes on to state that the owners wish to implement a ‘regenerative tree corridor’ along the eastern boundary of the lot. Whilst the EMP includes a list of recommended species to be used there is no detailed revegetation plan provided that includes the number of plants and where they are to be located. The location of the regenerative tree corridor has been selected to screen the proposed use from the neighbouring property, rather than because it is the best location for enhancing the environmental values of the site. The subject site has some heavy vegetation along the Bolinda Creek and it is understood that suitable land management practices have been taking place on the site prior to this application being made. The measures outlined in the Environment Management Plan (EMP) do not demonstrate sufficient rehabilitation of the land where the group accommodation would be sited in terms of improving and enhancing the land that was previously used for grazing.

Allowing group accommodation (4 additional dwellings) on the land would undermine the environmental values and detrimentally impact the locality due to a permanent and irreversible change to the way the land is used. Further to this, the proposed group

accommodation has the potential to limit the operation or expansion of agricultural activities on surrounding and nearby parcels of land.

Objectors raised concern with the access to the site and other services. The Rural Conservation Zone sets out mandatory requirements for a dwelling with regards to access and connection to services. Access to a dwelling use must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. Whilst unsealed, Shannons Lane is an all-weather road that is maintained by Council. Council's Engineering Department were satisfied that the road could accommodate the additional traffic movements that would result from the proposal. With regard to services, the Land Capability Assessment (LCA) provided with the application is acceptable and any other service connections could be provided subject to a condition being included if a planning permit were to issue.

It is evident that the relevant planning policy framework and Rural Conservation Zone requires the careful consideration of applications of this nature in this location, to ensure that any proposed land use is supported by the zone and supports the very clear policy objectives that seeks to protect rural land with high environmental values. Officer Assessment is that the proposal would result in a permanent change in land use that is not in accordance with the relevant policy and would not result in any meaningful conservation and enhancement of the natural environment. The proposal would result in a total of five dwellings on a single parcel of land, which would contribute to the proliferation of dwellings in the area.

Whether the design and siting of the group accommodation is consistent with the purpose and decision guidelines of the Rural Conservation Zone and other relevant State and Local Planning Policy that deals with development in a rural context.

The broader planning policy framework seeks to ensure that rural residential development is appropriately sited and designed to sit within the rural landscape.

The Rural Conservation Zone outlines the following relevant design and siting issues that must be considered in the assessment of an application:

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.*

As detailed in Clause 35.06-5 (Rural Conservation Zone), buildings should be setback a minimum of 20 metres from a road, 5 metres from a boundary and 100 metres from a dwelling not in the same ownership. The four dwellings proposed meet these setbacks, are modest in scale, well separated from roads and internal boundaries, do not require any significant earthworks and use materials appropriate for a rural environment. In short, the proposal meets the recommended setback requirements. The proposed colours and materials outlined are generally acceptable within a rural environment.

Concerns were raised by objectors with regards to potential amenity impacts arising from the proposal. The size and location of the group accommodation in relation to surrounding properties is not expected to result in adverse amenity impacts with regards to noise, privacy or visual amenity.

Access to the site is proposed via Shannons Lane which runs along the northern boundary of the site. The objectors shared concerns in relation to increased traffic and risk to road accidents on Shannons Lane arising from the proposal. Council's Engineering Department have advised that upgrades to Shannons Lane would not be required as the site already has an existing access onto Shannons Lane and is located within the Rural Conservation Zone, which is very low density living (40 Ha minimum Lot size with subdivision). Therefore, it is anticipated that the road will not receive significant amounts of future traffic. In addition to these points, Shannons Lane is very densely planted out with native vegetation and any earthworks or compaction activities would have detrimental impacts to the native vegetation and could cause the decline of many trees in order to facilitate a road upgrade.

Whilst the siting of the dwellings themselves is appropriate in the rural context, the siting of the dwellings in relation to the carpark (in excess of 280 metres) is impractical and has not been well considered. Guests would be required to carry their bags/belongings from the car park to the dwellings.

Whether the proposed land use and development is consistent planning policy regarding bushfire risk.

State policy through Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Clause 21.02-3 (Integrated Strategic Planning) includes the following policy statement which signifies the weight that considerations of bushfire risk should be given in deciding on planning permit applications:

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

The site is partially affected by a Bushfire Management Overlay and is located within a bushfire prone area. Clause 13.02 (Bushfire planning) has the objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The policy specifically requires an application for accommodation that is located within a bushfire prone area to appropriately consider bushfire risk. It is evident that an application for group accommodation requires careful consideration with regards to planning for bushfire and other emergencies, particularly given the policy has a strong emphasis on prioritising the protection of human life.

The application has been accompanied by a Bushfire Assessment Report which identifies the site as having a Bushfire Attack Level of BAL-29. A Bushfire Attack Level is a way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. BAL-29 is the fourth highest (of six) bushfire attack level.

One of the identified strategies contained within the policy framework is to direct development to low risk locations. The proposal would introduce four additional dwellings to a site with a high level of bushfire risk.

The information contained within the Bushfire Assessment Report conflicts with the application plans and associated documentation in the following manner:

- The Bushfire Assessment Report makes reference to the need to maintain easy access to the main road, which is not reflected in the application plans.
- The Bushfire Assessment Report makes reference to an Emergency Management Plan which has not been provided.

- The Bushfire Assessment Report states that all-weather access requirements will apply, which are not reflected in the application plans.

The location of the proposed dwellings (group accommodation) is at a significant distance from the main road and proposed car park (approximately 280 metres). This distance is problematic given the site has an identified level of risk from bushfire and evacuation of the tenants/guests would likely be difficult in the event of an emergency or bushfire which is contrary to policy requirements. There must be sufficient measures considered to direct the additional residents on site to low-risk locations and ensuring availability of and safe access to areas where human life can be better protected from the effects of bushfire.

#### Whether the proposed car parking is satisfactory

Clause 52.06 (Car parking) of the planning scheme requires that a suitable number of car parking spaces are provided for any new uses proposed. There is no specified car parking rate for 'group accommodation' under Table 1 of Clause 52.06-5 and therefore the car parking must be provided to the satisfaction of Council.

Four car spaces have been provided which is consistent with the car parking rate for one or two bedroom dwellings, and the car spaces and accessway can largely meet the design requirements of the Planning Scheme.

As outlined above, the location of the car park at a significant distance from the dwellings themselves is not convenient, poorly lit and there is no clear pedestrian path between the car park and the dwelling. This would not result in an orderly planning outcome and fails to comply with Design standard 6 (Safety) of Clause 52.06.

#### Whether the proposal complies with the requirements of the Environmental Significance Overlay and Significant Landscape Overlay

The site is affected by Environment Significance Overlay – Schedule 5 which applies to properties within the water supply catchments and aims to ensure the protection and maintenance of water quality and water yield within regional water supply catchments. Vegetation also has a role to play in improving and assisting in the maintenance of water quality.

The site is not connected to reticulated sewerage and therefore any building would require wastewater management system to be installed on-site. The decision guidelines specified in the planning scheme require Council to consider the impact of the use and development on the water catchment; the need to protect or retain vegetation; and any land capability study. The applicant has provided sufficient information to demonstrate that the dwellings can be appropriately serviced for wastewater disposal without resulting in any adverse impacts on the water catchment. The proposal has been reviewed with no objection (subject to conditions) by Council's Health Unit and Greater Western Water. As such, the requirements of the overlay have been met.

The purpose of the Significant Landscape Overlay (SLO) is to identify significant landscapes and ensure the character is conserved and enhanced. The Overlay requires consideration to be given to the significance of the landscape, the impact of the proposed buildings and works due to height, bulk, colour, general appearance and vegetation removal, and the extent to which the buildings are designed to enhance or promote the landscape character. The existence of the Significant Landscape Overlay reflects the sensitivity of the area and the importance of preserving the view corridors and general character. The proposal is acceptable based on the requirements of the SLO due to the siting and design of the buildings as previously discussed.

Objector concerns

In addition to the objector concerns that have been discussed above, concerns were raised in relation to notice of the application, inaccuracies in the planning submission and the precedent set by the application which are addressed in turn below.

*Notice of the application not sufficient*

Notice or advertising of the application was undertaken in accordance with the requirements of Section 52 of the *Planning and Environment Act 1987*, and as such Council is satisfied that appropriate notice was provided.

*Inaccuracies in the planning submission*

Whilst it is acknowledged that there were inaccuracies within the application material, Council is satisfied that it has sufficient information to make an informed decision on the application.

*Precedent set by application*

Each planning permit application is assessed based on its merits and therefore precedence is not a relevant consideration.

Conclusion

It is evident that planning policy seeks to protect and conserve rural land for its environmental features and attributes which have been identified through the planning controls affecting the property as well as the broader state and local policy frameworks. Planning proposals must be carefully considered to prevent inappropriate land use and development from occurring and direct such proposals to appropriate locations.

The subject site and surrounding area is rural land with high environmental values and some productive agricultural operations in the surrounding area. Allowing group accommodation on the land would undermine the environmental values of the site and detrimentally impact the current and future use of the surrounding area for agriculture due to a permanent and irreversible change in land use which would allow for a total of five dwellings on the site. The proposal is inconsistent with the relevant local and state policies that require residential development to be directed to established settlement areas and to protect the health of ecological systems and the biodiversity and productive agriculture land.

The land management practices and procedures outlined in the Environment Management Plan (EMP) are of not of a sufficient scale to outweigh the disbenefits of the group accommodation use and arguably could be undertaken without the need for group accommodation as a dwelling already exists on the subject site. The detrimental impact on the environmental values of the site and surrounding area outweighs the minor benefit of providing accommodation relating to tourism in the area.

The proposed car parking arrangement would not result in a practical or orderly planning outcome and fails to prioritise the protection of human life due to the distance of travel which does not allow for safe and efficient movement or evacuation. This is contrary to policy requirements.

Officer assessment is that on balance the proposal is contrary to the relevant policy contained within the Macedon Ranges Planning Scheme and should not be supported.

**Officer declaration of conflicts of interest**

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.