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constructed. Each of these was notified of the application pursuant to a direction made by the Shire of Kyneton. Of these, nine objected to the Responsible Authority. However, none carried forward their objection by appearing at the hearing of the appeal.

On the hearing Mr G Garde of Counsel appeared on behalf of the Appellant/Applicant and Mr Ian Lonie, Solicitor, appeared on behalf of the Shire of Kyneton and the Kyneton Water Board. In addition, the Tribunal permitted Mr G Thompson, who is a former owner of part of the site but was not an Objector, to make a submission to it. Written submissions were presented by Mr Garde and Mr Lonie. It is unnecessary to refer to these in detail. They will remain on the file as part of the permanent record of these proceedings. Mr Garde called Mr W H M Barr, a Town Planning Consultant, and Mr F L McGuire, an Engineer specialising in water supply and sewerage services. Mr Lonie called Mr Peter Everist, also an Engineer specialising in water supply and sewerage services, and Mr A Kuru, Town Planner to the Shire of Kyneton.

Before proceeding further we should say that we can only regard the present situation as a mess which has been brought about by the coincidence of an over-optimistic developer and a municipality which was prepared to stretch rules because it believed that the municipality was in need of just such a development as that provided.

We say this because it seems to us pointless to go back in point of time with the benefit of hindsight and say *'if we had known this was going to happen we would not have done that'*. The fact is that it was done and done in a fairly permanent form. This Division of the Tribunal has often stressed that however well-meaning the applicant for a subdivision and the responsible authority may be it is, subject to it not being old and inappropriate, of a permanent nature. We say this by way of preface because we do not think that we are called on to go back and attempt to unravel a skein which has been unravelled by others, albeit with the best of intentions and unwittingly. We must take our stand at the present time.

The matters which we regard as of importance in this appeal are as follows:

- 1 The difference between Time Share accommodation and ordinary residential accommodation.

The Responsible Authority stressed that it has always dealt with the matter on the basis of a Time Share Resort and not as a conventional residential subdivision with permanent occupiers. It emphasised that the physical services include water, sewerage, and gravel roads, all of which relate to a holiday resort development and not to an area containing permanent residents.