880019

APPEAL NO :	P87/2206
APPEAL BY :	Woodleigh Heights Resort Development Pty. Ltd.
ADDRESS OF LAND :	Melville Drive, Kyneton
PROPOSED USE :	Detached house on each lot
APPEAL AGAINST :	Refusal
APPLICATION NO :	PP6111

WRITTEN SUBMISSIONS ON BEHALF OF THE COUNCIL OF THE SHIRE OF KYNETON AND THE KYNETON WATER BOARD

These submissions will be dealt with in two parts.

The first part cover the submissions made on behalf of the Shire of Kyneton (the Council) as the Responsible Authority under what was previously the Shire of Kyneton Interim Development Order (the IDO) and, after the coming into operation of the Planning and Environment Act 1987, the Kyneton Planning Scheme (the Planning Scheme), and will address the planning issues in relation to the application and the Council's refusal.

The second part deals with the submissions made on behalf of the Board and set out the current position in regard to the supply of water and sewerage services to the land and what the position of the Board would be if the land were to be developed for normal residential purposes with a detached house on each allotment.

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THE APPLICATION

Woodleigh Heights Resort Developments Pty. Ltd. (Woodleigh Heights) made application to the Council as the Responsible Authority under the IDO on the 6th July 1987 to erect a dwelling on each of the lots described in the schedule. There were a total of 34 allotments described in the schedule, being allotments on Cluster Plan No. 1134, and the location of the allotments was shown on the plan which was attached to the application, a copy of which is tendered herewith and marked Appendix 'A'.

The application was accompanied by a covering letter from Ken Faulkner, Barrister and Solicitor, of the 3rd July 1987 which stated as follows :-

> "As you are aware Woodleigh Heights Resort Developments have been involved in the sale of timeshares for a number of years and no doubt you agree that the Resort is an asset to the area.
>
> Notwithstanding the Company's efforts over the past five years the Company has sustained substantial financial loss.
>
> Since December of last year the Company has been negotiating with the Kyneton Water Board for the supply of water and sewerage services to the land at Melville Drive. As a result the Board have agreed that they will honour the Agreements entered on the 1st January, 1982 with respect to such services. This will enable the Company to sell some of its assets (vacant land) so as to protect the existing development by reducing the amount of funds owed by the Company.
>
> The Company advertised this week for the auction of some of its land on the 25th July next, however they have been informed that they did not have a Planning Permit which would allow the construction of a private dwelling on the relevant land.
>
> It is noted that a permit issued in June, 1984 permitting the erection of dwellings on each allotment with the Cluster Subdivision. The Company advertised the land on this basis in the belief that the requisite permit existed.

...3/.

Accordingly on behalf of the Company I enclose application for a planning permit to erect dwellings on all the allotments.

I stress that it is essential that the Company be able to sell the relevant land so as to generate sufficient income in order to reduce its commitments and thus enabling the existing Resort Development to continue. Any delay in the granting of such a permit places the future of the Company and the development at immediate risk and trust that the Council can oblige by granting approval of the Company's application at your July meeting. As you may be aware the Company has entered into a Contract with Petite Pty. Ltd. for the sale to them of all unsold timeshares in existing units and units under construction. Settlement of such contract takes place over the next eighteen months.

Enclosed for your perusal are copies of recent correspondence from the Kyneton Water Board including the relevant Agreements for your assistance.

The Company is of the opinion that the sale of the relevant allotments as presently proposed will be beneficial rather than detrimental to the district. Please note also that the majority of the marketing will be directed toward existing timeshare owners and it is expected that such timesharers will represent the greater majority of the future purchasers.

On behalf of the Company I would be grateful if you could give the enclosed Application your urgent attention and if you require any additional information please do not hesitate to contact this office."

The Council being of the opinion that the grant of a permit may cause substantial detriment, required notice of the application to be given pursuant to Section 18B of the Town and Country Planning Act. The notice which was required to be given was to -

.1 abutting and adjoining property owners;

.2 all timeshare owners on the estate;

.3 notice in the Midland Express and Age.

In addition, a copy of the application was referred by the Council to -

(a) the Regional Manager of the Department of Conservation Forests and Lands;

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(b) the Secretary of the Loddon Campaspe Regional Planning Authority;

(c) the Manager, Corporate Affairs Office;

(d) the Regional Manager of the Ministry for Planning and Environment;

(e) the Secretary of the Rural Water Supply Commission.

The Council received a number of objections to the proposal and also comments from the statutory authorities and Government departments to whom the application was referred, to which reference will be made in more detail later on in these submissions.

The Council, after considering the application and supporting material, the objections, the comments from the statutory authorities and Government departments and a report from its Town Planning Officer, which recommended against the grant of a permit, issued a notice of determination to refuse the application on the following grounds :-

"1. The proposed development is incompatible with the existing Time Share Resort and will detrimentally effect other Time Share owners.

2. The proposed development is incompatible with the surrounding area and will detrimentally affect surrounding landowners and occupiers.

3. The proposed development does not conform with Council policy regarding subdivision in the area. The minimum density required for permanent residential development is one dwelling per 1.2 hectares (3 acres) as granted previously in Planning Permit No. PP2191.

4. Insufficient physical and human services are available to the site.

5. The proposed development will have unfavourable effects on the environment."

.../5.

THE SUBJECT LAND AND THE SURROUNDING AREA

The application, as has been stated above, is for the construction of detached houses on 33 existing cluster lots. The cluster subdivision has been developed by Woodleigh Heights as a timeshare resort in the late 1970's and early 1980's. The estate is situated in a rural area approximately 3 kilometres from Kyneton township.
The situation of the land is shown on the locality plan tendered herewith and marked Appendix 'B'.
There are a total of 134 allotments on the cluster plan of which, to date, 44 have dewllings constructed on them, together with an existing recreation centre consisting of squash courts, indoor pool and games room. The timeshare resort is therefore about one-third developed. The surrounding land in the area is rural and mainly used for grazing purposes with some rural residential development on allotments ranging in size from 2.4 hectares and upwards.

THE PLANNING CONTROL

At the time of the application the land was the subject of the IDO which was in effect a blanket type Interim Development Order. The Kyneton Planning Scheme, which was declared on the 16th February 1988 pursuant to the Planning and Environment Act, substantially incorporates the provisions of the IDO. Under the IDO all subdivision and development requires the grant of a planning permit. The only control on allotment size is in that part of the IDO which is within the catchment area of the Coliban water supply system operated by the Rural Water Commission. Otherwise, there is no minimum allotment size under the IDO or Planning Scheme.

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The Council has adopted a policy or guidelines regulating the size of subdivisional allotments in different areas under its planning control. That policy as applied to the subject land provides for a minimum allotment size of 3 acres (with reticulated water) and 6 acres (without reticulated water).

The allotments the subject of the application vary in size, but on average have an area of approximately 2/3rds of an acre.

Details of the planning permits issued in respect of the subject land are set out in the Schedule hereto. In summary, however, the position is that in 1976 the land was subdivided into 17 allotments ranging in size from 2.43 ha. to 3.81 ha. (i.e. average of 7 acre lots). Subsequently, there was an application for the cluster subdivision of the land into 45 allotments (of 2 acres each) having an overall lot density of 1 allotment per 3 acres. One of the conditions of that development required water to be provided by a large on-site dam and internal reticulation.

The next stage was an application for a cluster re-development dividing the existing cluster lots into 3, making a total of 134 lots with an average lot size of 2/3rds of an acre. That application was in the context of the land being developed for holiday/ recreational homes plus common recreational facilities. The Council treated it as an overall development of a tourist/holiday development, and on that basis did not apply its policy which prescribed minimum allotment sizes.

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It was therefore treated as a tourist related industry and because the Council wanted to see recreational/tourist related development within the municipality relaxed its standards in relation to minimum allotment sizes. Subsequently, the Woodleigh Heights Estate was developed as a timeshare resort, but that did not alter the layout of the existing development.

Since 1978 there have been a series of permits issued on the basis of the development and use of the land for holiday/recreational purposes and as a timeshare resort. At no stage has the Council considered the development of the subject land as a conventional residential sub-division with permanent occupiers.

THE PROVISION OF SERVICES TO THE LAND

By an agreement on the 1st January 1982 the then Shire of Kyneton Waterworks Trust (the Waterworks Trust) entered into an agreement with Woodleigh Heights under which it was provided that the Waterworks Trust -

> "shall ..... so far as it is able to do so subject to the provisions hereof and of the Water Act 1958 and regulations made thereunder and any By-Laws and Regulations made by the Trust ....."

supply to Woodleigh Heights and that the Company would take from the Waterworks Trust water for domestic purposes. Under Clause 2 of the agreement it was provided that Woodleigh Heights would provide and install all pipes and fittings which may be necessary for obtaining such supply from the Trust's pipeline at the corner of Edgecombe Road and Dettman's Lane.

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Under Clause 4 of the agreement it was provided that the Company would pay to the Trust a headworks levy of $10,000.00 for the first stage of development of 25 allotments and subsequent payments when subsequent stages of development were commenced.

By a similar agreement made between Woodleigh Heights and the Kyneton Sewerage Authority (the Sewerage Authority) of the same date it was agreed that the Sewerage Authority would accept from the Company domestic sewage from the land. The agreement provided for the construction of sewerage works including -

(i) a gravity sewer of 150mm diameter;

(ii) parallel rising mains - 50mm and 100mm diameter;

(iii) a pumping station;

(iv) reticulation sewers; and

(v) sanitary plumbing and drainage.

Under Clause 3 the gravity sewer was to be taken over and maintained by the Sewerage Authority, but all the remaining works were to be operated and maintained to the satisfaction of the Sewerage Authority by the Company. The agreement provided under Clause 3 for the Company to pay to the Sewerage Authority an outfall disposal levy of $200.00 per building, and further, under Clause 5 the Company was to pay a further annual sum calculated in accordance with that clause.

The Board is now the successor to both the Sewerage Authority and the Waterworks Trust pursuant to the provisions of the Water and Sewerage Authorities (Restructuring) Act 1983.

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The intention of the Waterworks Trust and the Sewerage Authority at the time the agreements were entered into was that the agreements were to deal only with Woodleigh Heights for the purpose of assisting a decentralized industry, namely, the tourist resort.

The Waterworks Trust and Sewerage Authority constructed the water supply and sewerage mains. It is to be noted that under the agreements the Company was responsible for the construction of internal reticulation, so the mains only connect to the land and the internal reticulation is not controlled or operated by the Board.

It is to be noted that under Clause 3 (a) of the water supply agreement it is specifically stated that nothing in the agreement is deemed to impose on the Trust any obligation to supply to the consumer water "at or in any specific quantity or of any specific pressure or at all .....", and further, under Clause 3 (b) the Trust can supply water "according as conditions and circumstances shall enable it from time to time conveniently so to do .....".

Further, both the water agreement and the sewerage agreement provide that either party can determine the agreement -

> "..... on the 30th of September, 1984 or any subsequent 30th day of September thereafter."

(See Clause 10 and Clause 8 respectively).

The development on site to date consists of the following :-

.1 Approximately 40 units have been constructed and used and occupied as part of the timeshare resort.

.2 One house for the Manager of the resort.

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.3 A recreational development including two tennis courts, indoor heated pool, sauna, games room and squash court.

The original proposal was to build approximately 120 units in two stages, the first stage of 24 units and the second stage to bring it up to a total of 120 units. The resort has been, therefore, approximately one-third developed.

The concern of the Board is that at the time the agreements were entered into it designed and constructed the water supply on the basis of an estimated demand for a timeshare resort being considerably less than the demand for water as compared to a normal residential development. The development of the land as a conventional residential development, as opposed to its development and use as a timeshare resort, will therefore result in substantially increased demands for water. Attached hereto and marked Appendix 'C' is a statement setting out the works which would have to be carried out and the estimated cost to upgrade the sewerage and water supply facilities to the subject land to all lots on the cluster subdivision. It is to be noted, therefore, that that estimate would include the supply of services to the existing cluster lots which are currently not developed and are not the subject of the present application (approximately 47 in number).

THE OBJECTIONS

A total of 9 objections were received with 11 signatories. A summary of the grounds of objection is as follows :-

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1. Objectors were not aware of any intention by developers to sell allotments for private residential use.
2. The proposal would nullify concept of holiday resort as a place of rest and recreation.
3. Residential development would detract from the resort, i.e. fences, outbuildings, pets, etc.
4. Destruction of flora and fauna.
5. Increased traffic.
6. Possible conflicts between time shares and permanent residents over the use of facilities.
7. Ability of water and sewerage systems to cope adequately with increased demand by permanent residents.
8. The proposal is not in conformity with Council policy regarding subdivision in the surrounding areas.
9. Rights of similar subdivision do not apply to surrounding landowners.
10. A reduction in the value of the timesharers assets.

COMMENTS FROM THE REFERRAL AUTHORITIES

1. Ministry for Planning and Environment

The Regional Manager of the Loddon-Campaspe/Mallee Region replied to the Council in a letter of the 16th October 1987. That letter states, inter alia, as follows :-

"..... I wish to make several comments which Council might consider with regard to the present application.

(1) It must be seen as a precedent; a decision should be made now which will apply to all the lots which are as yet undeveloped.

.../12.

(2) The lots at present range in size from about 2,300 m2 up to about 3,500 m2. The usual minimum size acceptable for effluent disposal on site is 4,000 m2; even this is not adequate in some cases.

(3) Even if all these lots were capable of absorbing effluent on site, and were supplied with reticulated water, they would still be remote from the town and from other physical and human services. Such a development density would also significantly alter the character of the time-share resort, and would be incompatible with Council's policies for nearby land.

(4) For the above reasons, we would regard a development density of one house per existing lot as excessive and quite inappropriate.

(5) A possible compromise which allows a reasonably generous level of development would be to group the lots essentially into threes, generally in accordance with the earlier subdivision, and to allow one house on each of these larger lots. Generally speaking, each of these large lots could dispose of effluent; however, soil tests should be required if there is any doubt about the absorptive capacity of any lot. A reticulated water supply is needed to every house. Lot 100 should be consolidated with the manager's lot and not developed as a separate site.

(6) Development in 'threes' would result in a maximum of about 25 additional houses. Council should consider whether this would be appropriate and, if so, what conditions should be applied to ensure preservation of the environmental quality and the interests of the time-share owners.

(7) The siting and design of new houses on this land must be of a high quality and subject to the consent of Council. Perhaps some guidelines could be prepared by Council for this purpose.

(8) Council may agree in principle that one house may be permitted per three existing lots as a maximum density; this should be subject to satisfactory water supply reticulation and effluent disposal capacit buffers of common land between the time-share resort and residential land, adequate open space and recreational land, and appropriate siting and design of individual houses. Each 'three' must be consolidat

(9) The mechanics of such an approach need to be worked out. I suggest that suitable approaches would be either to refuse a permit for the present proposal (without prejudice to a different later application),

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or to grant a notice of determination to permit a maximum of ten houses on the 34 lots in the present application, subject to appropriate conditions regarding matters in paragraph (8) above. Of course, Council may be prepared to consent only to a lesser density of development - if so, this must be specified on the notice, again with appropriate conditions.

.....".

It will be seen, therefore, that the Ministry considers the construction of one house per lot as excessive and suggests, by way of a compromise, a restructuring proposal where one house could be constructed on three lots subject to satisfactory water supply reticulation and effluent disposal.

2. Loddon-Campaspe Regional Planning Authority

That Authority replied by letter dated the 21st July 1987 and states, inter alia -

".....

(i) Previous planning permits, although not precisely clear, have been issued in good faith on the basis that the development proposed will be operated as a time share resort.

(ii) Planning permits that may have conferred a development right of a certain level of residential development have expired and new permits are now required. Previous planning permits may still apply to the time share development. This point should be clarified with your solicitor prior to Saturday's auction of the 34 allotments.

(iii) The site has been subdivided and services provided on the basis that the land will be used as a time share resort. Road widths and access, common land, sewerage and particularly water supply are not designed to cater for a potential 134 permanently occupied houses.

(iv) Fragmentation of the site into residential, part-time residential and time share users could result in sub-standard levels of water and sewerage supply and conflict between the different groups.

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(v) Development of this site into a permanently occupied 134 house subdivision is totally inappropriate in relation to its isolation from town, the policy of Council for 2.8 hectare (7 acre) allotments in this area and the costs of providing human and physical services to the site.

(vi) Substantial detriment should be cosnidered by Council because of the potential of permanent residents to detrimentally affect time share residents. It is recommended that Council does not, therefore, determine to grant permits at this stage but considers 2 options :

(a) Refuse to grant permits for 34 houses applied for on the grounds that :

(i) it is not in accordance with the orderly and proper development of the site and will detrimentally effect the neighbourhood.

(ii) there is insufficient servicing available

Other more detailed grounds should be developed.

(b) Resolve to advertise the applications to allow adjacent land owners to object and further information to be collated.

(vii) A suitable compromise may be to achieve a density of 1 permanently occupied dwelling per 1.2 hectares (3 acres). This will need to be developed in relation to :

(a) Sewerage and water arrangements.

(b) Existing time share units constructed and to be constructed.

(c) Appropriate buffers of common land between the time share resort and residential land and the need to consolidate allotments.

(d) The possibility that existing time share units may be sold to permanent residents.

I would strongly urge Council not to determine to grant permits for houses at this stage and that this be made clear to the developer before Saturday's auction of the 34 allotments. The development of the site as proposed by the planning permit application and the likelihood of further applications for this type of development will have long term detrimental affects on the orderly development of the township of Kyneton and will lead to increased servicing costs."

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Subsequently, by letter of the 5th August 1987 further advice was received as follows :-

".....

(i) This matter is unlikely to affect development in adjacent municipalities or have adverse regional affects on the environment. The Authority considers that the proposal is not a matter of regional significance and it should, therefore, properly be determined by Council.

(ii) The Authority does concur with the points that its officers have raised with Council and recommends that these points be adequately addressed before Council determines the application.

(iii) Authority officers are available to assist Council officers in dealing with this particular proposal.

.....".

3. Corporate Affairs - Victoria replied by letter of the 9th October 1987 stating as follows :-

".....

This Office is presently considering an application from the company to proceed with Stage 3 of the Resort Development.

Attached is a table comparing the lots comprising Stage 3 of the development with the Lots the subject of the planning application before your Council.

It can be seen from this table that Lots 84-89 and Lot 100 are common to each application.

In view of this, it is suggested that the Council seek an explanation from the company of this apparent duplication."

A copy of the table attached to that letter is attached hereto and marked Appendix 'D'.

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4. Rural Water Commission of Victoria

The Commission replied by letter of the 24th August 1987 stating as follows :-

"I refer to your letter dated 27th July, 1987 relating to an application to construct 34 dwellings on various lots of land on Melville Drive, Kyneton and advise that the Commission raises no objection to this application. However, considering the size of development, it is essential that reticulated water is supplied to this property. In this regard the Kyneton water Board should be contacted."

5. Department of Conservation Forests and Lands

The Department replied in two letters - in a letter of the 15th October 1987 under the heading 'Recommendations to Council' it was stated as follows :-

"1. The Department of Conservation, Forests and Lands considers that this Planning Application involves planning matters which basically involve settlement between the applicant and Council.

2. The Department of Conservation, Forests and Lands has no land use control categories to implement over this land because there has never been a Land Use Determination made for this part of the proclaimed Eppalock Water Supply Catchment.

3. It is suggested that the proposed development of this Planning Application is inappropriate considering the fair to poor capability of the land for all waste, on site effluent disposal and the undesirability of having erodible, unsealed road surfaces and storm water channels.

4. The increased human population within the area could have an unfavourable impact on the environment, including aesthetic and wildlife considerations."

That letter refers to an earlier letter of the 14th September 1987, a copy of which is attached hereto and marked Appendix 'E'.

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6. Kyneton Water Board

The Board replied by letter of the 6th July 1987 stating as follows :-

"The Board advises that public notice has disclosed that Woodleigh Heights Resort Developments wishes to sell twelve lots in the Woodleigh Heights Estate at auction on the 25th July 1987.

The Board is most concerned that the ability of the water supply system to adequately provide water for these twelve lots and certainly for future residential development is most doubtful.

You are referred to Clauses 3a) and 3b) of the Water Agreement with Woodleigh Heights Resort Developments Pty. Ltd., which state :-

"3. (a) Nothing in this Agreement shall be deemed to impose on the Trust any obligation to supply to the Consumer water at or in any specific quantity or of any specific pressure or at all and this paragraph shall apply whether or not the Trust knows the purpose for which the Consumer uses or intends to use the water supplied.

3. (b) The Trust shall give such supply of water according as conditions and circumstances shall enable it from time to time conveniently so to do and shall not be bound to supply any specific quantity of water or to make supply during specific hours on any day and be liable to any penalty or damages for not supplying water at all or for supplying a deficient quantity thereof."

The Board seeks that you take great care in the issuing of building permits for these lots as water supply is not guaranteed as is the case for residential development within the Kyneton Urban Water District."

REASONS IN SUPPORT OF THE COUNCIL

1. The application relates to small allotments having an average size of 0.27 ha. which were allowed in the context of a holiday/tourist development. The Council is concerned that if the nature of the development is changed to that of permanent residential ownership and

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occupation, there will not only be an increased demand for services such as water supply and sewerage, but there will also follow a demand for commercial, community and municipal facilities and services which do not currently exist and which, of course, are not required in the context of the development being for holiday/ tourism purposes. Whilst some of the problems relating to the lack of services can be overcome, e.g. in regard to water supply by the Board implementing a chargeable scheme as outlined above, there is a complete lack of physical and human services to the area which would be required by residents including such things as schools, infant welfare centres, libraries, construction of roads and social services.

2. For those reasons the Council considers that conventional residential development should occur in a properly planned and developed area adjacent to the existing township. It is contrary to sound planning in the submission of the Council to allow residential development of a conventional density to establish within an area which is absically rural some distance from the existing Kyneton township and, in effect, creating a leap frogging type situation. The Council wants residential development within the municipality to be carried out in an orderly and proper fashion and not because of financial expedience for developers to be allowed to change the whole nature of a development from a holiday/recreational one to a mini suburb of Kyneton township, but in a location which is

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separated by the facilities and services provided to the existing urban area.

3. The subject land was established as a holiday/recreational facility. It has been developed as a timeshare resort and the proposal to change a substantial portion of the subject land from a resort development to a conventional residential development will conflict with the objectives of the timeshare resort and the By-Laws of Club Kyneton Ltd. This is evidenced by the objections which have been received from a number of persons who are timeshare owners, and also is supported by the attitude taken by officers. Not only are the physical services, including water and sewerage and gravel roads, related to a holiday/resort development, but also it will create conflict between the interests of the timeshare users and the permanent residents. It also appears from the letter from the Corporate Affairs - Victoria that the application runs counter to an application from the Company to proceed with Stage 3 of the timeshare resort development.

4. The Council already has problems with existing inappropriate subdivisions. In the context of Kyneton, the development of the subject land for residential purposes would create a township having a population of 400 - 500 permanent residents. Such a township would be comparable to other townships in Kyneton, such as Malmsbury and Trentham, and exist without any proper commercial, community or recreational facilities which one would expect in a township of that size. It is submitted it is contrary to orderly and

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proper planning to grant a permit for approximately one-quarter of the existing allotments to be used for conventional residential development which will obviously create a precedent for the balance of the undeveloped lots to be developed in a similar manner and for the nature of the use of the existing developed cluster lots to be changed from holiday/ recreational to permanent. If the subject land was being developed as a residential subdivision in the first instance, it would clearly have to show not only that it was an appropriate location but that the developer would provide all necessary services and facilities, including shopping and commercial centres and community and recreational facilities. This is not the case here, and it is submitted that the Tribunal should not treat this application in any different way merely because the cluster lots already exist having regard to the fact that they exist because they were created for a specific purpose. A change of use from an area of land which has been developed and used for holiday/ recreational purposes to a conventional residential subdivision should not be allowed without proper provision being made for the needs of the permanent residents for the facilities which are not provided either on the subject land or in the locality.

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FUTURE USE OF THE LAND

It appears that the change in use and development of the land is motivated by financial considerations only, i.e. Woodleigh Heights having a better return from the sale of residential allotments than proceeding with the development of the land as a timeshare resort. It is submitted, however, that the financial position of the developer is not a good planning reason for the Tribunal to allow a development which is contrary to proper planning and contrary to the views of the Council as the local planning authority, the Regional Planning Authority and the Ministry for Planning and Environment. If the situation is that for financial or other reasons it is not possible for the balance of the land to be developed as a holiday/resort type development, then it is submitted,having regard to all the factors outlined above, a second best planning result would be achieved by limiting permanent residential development in the manner suggested by the Ministry for Planning and Environment in paragraph (5) of their letter referred to above, i.e. the restructuring of the existing lots to allow one house per three cluster lots. Such a compromise would allow further development and use of the land, but at a density which is more compatible with the existing development, surrounding development and at a level compatible with the provision of services and facilities to the area.

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CONCLUSION

Having regard to the foregoing, it is submitted that the Tribunal should disallow the appeal and direct that no permit issue.

DATED this 7th day of March 1988.

Maddock Lonie & Chisholm,
Solicitors & Agents for the
Shire of Kyneton and the
Kyneton Water Board.

SCHEDULE

Woodleigh Heights History

21.6.76	- 17 lot plan of subdivision (2.43ha. - 3.81ha.) - PP 1436 issued 21.7.76.
17.1.78	- Amendment to PP 1436 to 13 lot plan of subdivision (2.428 ha. - 2.833 ha.) - Some areas excluded from subdivision.
10.11.78	- 45 lot plan of subdivision (cluster) - proposal includes water supply (1 dwelling per 1.07 ha.) (3 per 8 acres approx.) (Average lot size = 2 acres). - PP 2191 issued 15.11.78.
27.10.80	- Erect dwelling on Lot 9 - PP 2773 issued 21.11.80.
5.11.80	- 3 holiday units per existing cluster - PP 2784 issued 21.11.80.
21.10.81	- 4 lot subdivision for restaurant, indoor lawn bowling, tennis court and 'future development'. - PP 3056 issued 20.11.81.

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9.5.84	- Motel, rental accommodation and development as with PP 3056. - PP 4669 issued 16.5.84.
4.10.84	- 5 residential units - PP 4792 issued 17.10.84
27.8.87	- Renewal of PP 4669. - PP 5953 issued 17.6.87.
3.7.87	- Application to erect dwellings - PP 6111 refused 21.10.87.