

# STATEMENT OF GROUNDS PLANNING

Use this form to set out your reasons for contesting a planning case (other than for an enforcement order) at VCAT. These written reasons are called your statement of grounds.

## CASE DETAILS

<b>Date the statement of grounds must be received by VCAT</b> This is on the notice you received or the sign at the site. If your statement of grounds is received by VCAT after this date, you will <b>not be a formal party</b> to the case.		
VCAT reference number	P1303/2020	
Site address	79 High Street Woodend, 3442	

## HELP WITH YOUR STATEMENT OF GROUNDS

If you have any questions about completing this form, contact our Customer Service team:

- email [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)
- call 1300 01 8228 (1300 01 VCAT) between 9am and 4.30pm Monday to Friday
- go to the Victorian Civil and Administrative Tribunal, Ground Floor, 55 King Street, Melbourne VIC 3000. We are open Monday to Friday from 8.30am to 4.30pm

## WHO IS MAKING THIS STATEMENT OF GROUNDS?

1. Full name of the person, company, authority or other making this statement of grounds.

2. Are you?

- A person who objected to the original application to the council
- A person who did not object the original application to the council but now wants to object  
**Note:** You are not a formal party to the VCAT case and you must attend the hearing to be considered to be added to as a formal party. You must also submit your own statement of grounds, separate to a person who objected to the original application to the council
- A person required to be notified of the application for review under VCAT order
- A person responding to an application to amend plans or make other changes to an existing application
- A person responding to a notice by a permit holder to amend a permit
- A permit applicant responding to an objector's application for review
- A permit holder responding to a non-permit holder's application to amend or cancel a permit
- Determining referral authority
- Recommending referral authority
- Other, please specify:

3. Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?

- Yes  No

#### 4. What is your address?

This will be the address VCAT uses to correspond with you. It must be an address in Victoria. If you have a representative, we will send all our notices to your representative's address instead.

Street address	<input type="text"/>				
Suburb/Town	<input type="text"/>	State	<input type="text" value="VIC"/>	Postcode	<input type="text" value="3442"/>
Phone number	<input type="text"/>				
Email	<input type="text"/>				

#### 5. Is someone representing you?

Yes  No – skip to Question 7

#### 6. Details of your representative:

Organisation name (if applicable)	<input type="text"/>				
Full name of representative	<input type="text"/>				
Street address	<input type="text"/>				
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>
Phone number	<input type="text"/>				
Email	<input type="text"/>				

### IS THIS A JOINT STATEMENT OF GROUNDS?

#### 7. Complete this section if you are a spokesperson for people lodging a joint statement of grounds. We will only communicate with the nominated representative for a joint statement of grounds.

I have attached a list of the names and addresses of all the people you represent, demonstrating the consent of each person.

I certify that I have consent to act as a spokesperson for the attached list of people where this is a joint statement of grounds.

Yes  No

### WHAT GROUNDS DO YOU INTEND TO RELY UPON?

#### 8. State your grounds:

Our position is that conditions 6 & 9 be reinstated.  
This position is based on the following brief reasons:  
There are existing car parking issues that will be exasperated if more diners/tables are added to the venue affecting other businesses.  
There has already been a substantial addition of tables and an extension of the red line.  
Collier street (a residential street) already takes the overflow from High street and Anslow streets. More overflow from these streets will add to more congestion.  
The Visitors and tasting centre was part of the original planning application that is supposed to be crucial to the claim of being a tourism 'draw-card'.  
The impacts of any change have not been advertised to the wider community, for example the Macedon Ranges Residents' Association Inc. to comment on.  
A more detailed submission will follow.

## YOUR PARTICIPATION IN HEARINGS

### 9. Do you intend to participate in hearings?

I intend to appear and present a submission at the hearing

Note: A fee applies if you intend to participate in hearings, and VCAT will send you further correspondence and orders.

I do not intend to participate in the hearing but want VCAT to consider my statement of grounds.

Note: You will not be a party and no fee applies. VCAT will not send you further correspondence and orders. Skip to Question 14.

### 10. How much time will you need to present your entire case at a hearing?

Estimate the time you need to present, including time needed by any expert witnesses you will call.

hours     minutes

### 11. How many expert witnesses will you call?

### 12. List the areas of expertise for your expert witnesses.

## HEARING ASSISTANCE

We offer a range of support services for people with disability, language difficulties and to help with accessibility. Let us know of your needs so we can make arrangements for the hearing.

### 13. Does anyone mentioned in this application need special assistance at the hearing?

Help accessing the venue (e.g. wheelchair access)

Interpreter required

Language:

Assisted communication (e.g. assistive listening device or hearing loop)

Attend the hearing by phone or video link

Other

Provide more detail about who needs the forms of assistance you have indicated and why.

## CERTIFICATION

**14. You must send a copy of your statement of grounds to both the applicant and the council by the date that appears in the notice you received including on any sign at the site. If not, we may not be able to hear your views or consider your objection.**

I certify that I have served a copy of this statement of grounds.

Date served on applicant (DD/MM/YYYY):

Date served on respondent (DD/MM/YYYY):

## ACKNOWLEDGEMENT

**15. By completing this statement of grounds, I understand and acknowledge that:**

- To the best of my knowledge, all information provided in this application is true and correct.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this form:

Date of acknowledgement (DD/MM/YYYY):

## ABOUT STATEMENT OF GROUNDS FEE

**Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging this form, you will not be a formal party and will not be entitled to take part, even if you indicated that you wanted to participate.**

You do **not** have to pay a fee if you are:

- a permit applicant or holder
- the determining or recommending referral authority.

To find out if you need to pay a statement of grounds fee and how much it costs, go to [www.vcat.vic.gov.au/planningfees](http://www.vcat.vic.gov.au/planningfees).

## FEE CATEGORIES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies.
- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Small businesses and companies must provide a current statutory declaration to support this claim.
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card (front and back) with your Statement of Grounds. If more than one person is named on the Statement of Grounds, this card needs to be provided for each person. We do not accept Pensioner Concession Cards or Department of Veteran Affairs health cards.



## FEE RELIEF

We can reduce or not charge (waive) a VCAT fee for individuals experiencing financial hardship. Any application to reduce or waive the fee should be made as soon as possible to avoid delays. For more information about fee relief and to complete the form, go to [www.vcat.vic.gov.au/feerelief](http://www.vcat.vic.gov.au/feerelief).

### Are you applying for fee relief?

- No, go to **Fee payment** section
- Yes, complete **Fee relief form** and attach it to this statement of grounds form

## FEE PAYMENT

Complete this section unless you are applying for fee relief, no fee is payable or you wish to pay using another method. For other payment options, see [www.vcat.vic.gov.au/howtopay](http://www.vcat.vic.gov.au/howtopay).

Choose the fee level:  Standard  Corporate  Concession

Fee amount charged

\$

### Card details

Cards accepted:  VISA  MasterCard

Cardholder name:

Card number:

Card expiry (mm/yy):

**REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PEOPLE**

## SUBMITTING THIS APPLICATION

If you have supplied your credit card details, send your completed form to us by post or give it to us in person.

If you have not provided your credit card details on this form, you can submit your application to us by email, post or in person.

To protect yourself, do not send credit card details over email.

### **By email**

Email [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

### **By post**

Send to:

The Registrar  
Planning and Environment Division  
Victorian Civil and Administrative Tribunal  
GPO Box 5408 Melbourne VIC 3001

### **In person**

Go to:

Victorian Civil and Administrative Tribunal  
Ground Floor, 55 King Street, Melbourne VIC 3000  
Office hours: 8.30am to 4.30pm Monday to Friday (except public holidays)

## WHAT HAPPENS NEXT

VCAT will process your statement of grounds and/or fee payment.

VCAT will provide you with details on how you can become a formal party to the VCAT case if any of the following applies to you:

- you have not submitted an original objection with the council
- your statement of grounds was submitted after the closing date
- your fee payment was received after the closing date.

You can then decide if you wish to become a formal party to the VCAT case.

## PRIVACY INFORMATION

For a copy of VCAT's privacy statement, go to [www.vcat.vic.gov.au/privacy](http://www.vcat.vic.gov.au/privacy).

# VCAT P1303/2020

MRSC REFERENCE: PLN2014/28/C

**This objection represents three objectors listed as Joint Consent submitted with Statement of Grounds.**

Even before the new brewery was built there were existing car parking issues in High, Anslow and Collier streets.

[REDACTED]

As a result of the brewery being built approximately 20 car parks were lost from the rear of the hotel. These car parks were used by hotel workers, hotel customers and accommodation guests.

Whilst there was a monetary contribution for car parking in the original application PLN2014/28A, this was used to bitumen a side portion of Collier street. It was said at the time its purpose was to create more car parking by making angled car parks. Since cars already parked on an angle in that location there was no increase in any new car parks.

[REDACTED]).

As the owner and resident of the [REDACTED] this [REDACTED] I have seen the growth in the town and the increased traffic and car parking issues.

As with many of the surrounding businesses the [REDACTED] [REDACTED] require a higher turnover of car parks due to the nature of their business.

There has been a decrease in business because hotel diners park their cars [REDACTED] [REDACTED] Hence not only is the spot taken by the hotel patron it is taken for a long time. This exasperates the situation.

The majority of the car parking in High street (west side) between Urquhart and Anslow streets is sign posted as ½ hour however this is rarely enforced. And the restriction ends at 5pm. [REDACTED]. Customers say that it is difficult to find a car park on High or Anslow streets.

If a customer can't park to get their fish & chips, pizza, milk, cigarettes etcetera they just go down the one way where there are ample car parks and three more shops that sell the same thing or similar.

Customers want to park as close to where they want to shop; that is human nature. Hence, availability of car parking dictates to a certain degree the patronage of a business.

Businesses opposite and next door to the hotel in Anslow street are also affected by the car parking situation. Anslow street on the hotel side has unrestricted all day car parking. Hence reducing spots and car park turn over for other businesses.

[REDACTED] :

Many times cars are forced to double park in High and Anslow streets whilst adults and kids run into the [REDACTED]. Shoppers ring and ask whether their orders can be brought out to their car whilst they are double parked.

[REDACTED].

The one way road adjacent to the High street take away food shops also takes the spillover from High street indicating the competition for car parks.

[REDACTED].

Holgates consistently park their own cars in Anslow street outside the hotel as do some of their staff. The bike racks are rarely used by staff. This shows the indifference to the car parking situation and its impact to the rest of the surrounding businesses.

[REDACTED]. Holgates land cruiser and subaru parked outside the pub and wine store in Anslow street.

By deleting conditions 6 and 9 there will be an increase in diners frequenting the hotel limiting car park turnover and reducing the opportunities for other shoppers to patronise the other local businesses such as the flower shop, wine store, hair dresser etcetera.

The hotel has already been granted a substantial addition of tables and the extension of the red line (PLN2019/422). Substantial grass nature strips have been removed in Anslow street to accommodate more tables adding 128 seats/persons. The pub has four existing dining rooms (one unused) and a forecourt used for meals.

[REDACTED].

The Visitors and Tasting centre was supposed to be a crucial part of the tourism 'draw card'. Having long lunches and evening meals from 12 noon to 11pm turns the Visitor centre into a dining room. Why in 2014 did they accept these conditions (because it suited their push for a tourism focus and state government grant) yet in 2018 they tried to change those conditions? Holgates have a history of trying to change things via the 'back door' by using Application to Amend to avoid scrutiny by adjacent land owners and the community for example (PLN2014/28B&C).



Collier street is a residential street which currently takes a lot of ring road traffic (circling around to Anslow and High streets looking for car parks. Shoppers who can't find a car park in High or Anslow streets will also park in Collier street.

On any given day the cars are parked half way down Collier street. That equates to approximately 24 cars parked in the street each day including weekends. High and Anslow streets have car park challenges during the week and weekends.

Two hour car parking signs have been placed on a portion of the residential zoned (west side) of Collier street. They were put there as acknowledgement that there are car parking issues associated with the brewery. That means there are restrictions on car parking outside my house which also affects visitors to the houses in that part of the street.

A VIC Roads letter re the original planning permit (PLN2014/28A) to Council dated 24/2/2014 stated that "there will be an impact on the local road network..." Also the Brown Report stated that there will be an overflow into Collier street.

Part of the request of PLN2014/28C is a waiver of car parking and deletion of conditions 6 and 9 which means that this development has avoided providing additional car parking twice. A monetary contribution to pave a small portion on the side of the street does not constitute additional car parking.

The potential impacts of any changes to conditions 6 and 9, have not been advertised to the wider community, for example the Macedon Ranges Residents' Association Inc. and the residents in general who have a view on the increased congestion and car parking issues in the town.

By deleting conditions 6 and 9 effectively allows more potential diners use more scarce car parks that will be occupied between 12 noon to 11pm for two to three hours at a time. The effect being removing more car parks spaces for other shoppers to shop at other businesses that require a quicker turn over of spots. This will compound an existing problematic situation.

In conclusion this joint submission wants conditions 6 and 9 reinstated.

Regards





End Submission



GIVE WAY

16.04.2016 12:52



23.04.2016 14:18



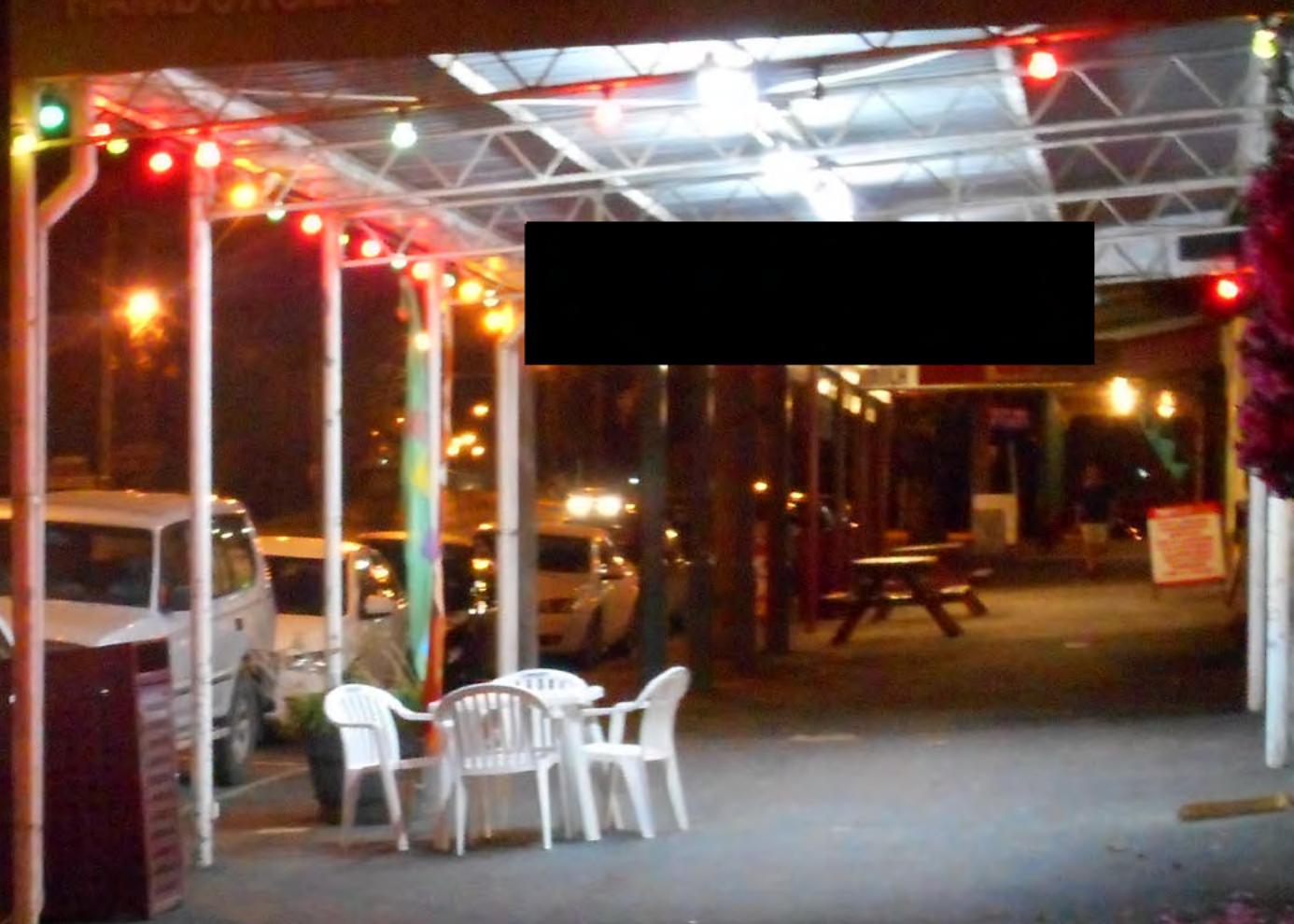
07.05.2016 12:09

Coke  
CAFE MILK BAR TAKE  
HAMBURGERS FISH & CHIPS PIES



08.06.2014 14:06

CAFE MILK BAR TAKE AWAY  
HAMBURGERS FISH & CHIPS PIES DRINKS



17.06.2014 19:50



09.04.2021 20:19





09.04.2021 20:23



12.06.2014 18:56



12.06.2014 18:57



02.04.2016 11:30



12.04.2021 19:27



22.04.2021 19:59



24.04.2021 19:59



29.04.2021 19:15



CAFE  
HAMBURGER



31.05.2014 12:50



29.04.2021 19:39



09.04.2021 20:23



08.04



07.04.2021 10:48



07.04.2021 10:56



07.05.2016 12:08



08.11.2019 10:23





23.04.2021 15:02



23.04.2021 15:01



02.04.2016 11:30

**VCAT - P1303/2020**  
**MRSC REFERENCE: PLN2014/28/C**

**Statement of Grounds Planning**

I seek favourable consideration and support the Councils reinstatement of Conditions 6 & 9 of the original application under section 87 of the *Planning and Environment Act 1987* to **Macedon Ranges Shire Council (MRSC) planning permit PLN/2014/28**

This position is based on the following reasons:

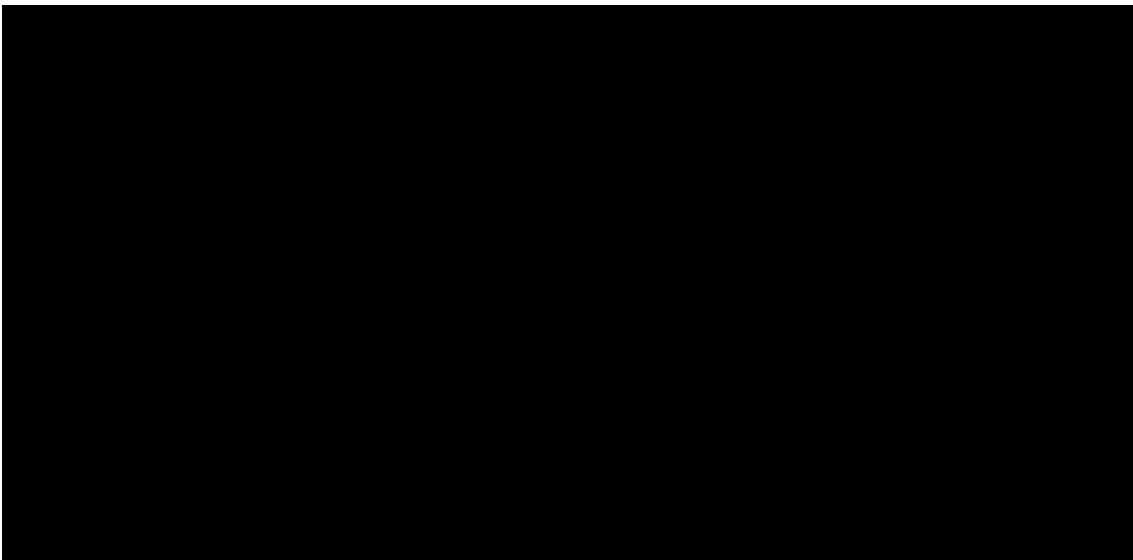
Although not entirely in the context of specific application, as a small business owner myself [REDACTED]

[REDACTED] I wish that all businesses in the region do well and are successful, however, not at the expense of and being totally insensitive to other small businesses and to the needs of the residents in the local vicinity and for this reason I feel that my reasons for the support of and the reinstatement of Conditions 6 & 9 should be considered and as follows:

1. Car park in Anslow Street, Collier & High streets was ill considered.
  - a. Our bank of business's directly across the road from Holgate's has a 2-hour maximum Parking time limit Mon - Saturday. These are often filled by Holgate's Trade people and personnel, Patrons, Visitors & Hotel Residence often all day which ensures that our Customers and other visitors to the Town are quite often disadvantaged and businesses effected.
  - b. Delivery Trucks frequenting to Holgate's are often negligent in their parking practices creating for road safety issues.
2. Current car parking along the west side of Anslow street, Collier Street and High Street are already strained and cannot cope with the current traffic and looking forward, with the increase of Visitors to the area the parking problem will be exacerbated given the exclusion of Conditions 6 & 9.

*Parking* as a stand-alone matter should be considered for review, discussion and assessment by both Council and Holgate's in consultation with business and residents.

3. On several occasions to no real effect - I have contacted both the Holgate's Proprietor, Manager and MRSC regarding the illegal parking of cars and trucks including in that of the only one Disabled car park provided.
4. As I am aware, there are no and never have been any Consultation protocols put into place by Holgate's to inform of any changes or Events which may impact on the overall enjoyment and trade of both Residents and Business directly affected.
5. On several occasions I have been witness to and subjected to inebriated patrons entering & requesting entrance to my premises uninvited after my trading hours. Should the Conditions 6 & 9 be removed, and extension of Trading be allowed I feel this will create for I feel that both business and residence may be subjected to this unwelcome behaviour and not a conducive & safe environment for '*family*' patronage to the Holgate Visitors centre.
6. Covid - 19 Regulations. As a business owner who enforces current Government Covid 19 regulations and CovidSafe practices, I feel that given the increase of patronage to The Visitors Centre and Tasting Room; if Conditions 6 & 9 are not reinstated I have concerned that current requirements may not be able to be monitored, enforced, or regulated for the overall safety of all who attend and the public who visit our town.





## Joint Statement of Grounds

This statement is made on behalf of the owner-occupiers of six private residences on Anslow Street, Woodend, [REDACTED] of the Holgate brewery extension.

1. Our interest in the matter pertains to the material detriment and loss of enjoyment and amenity of our homes caused by the deletion of Conditions 6 and 9 from the original Macedon Ranges Shire Council (MRSC) planning permit PLN/2014/28. Given the proximity of the Holgate extension to [REDACTED], we consider these conditions to be fair and reasonable limits on the purpose and use and hours of operation of the brewery and visitor's centre. Accordingly, we support the Shire Council's application under section 87 of the *Planning and Environment Act 1987* to have the deleted conditions reinstated.
2. Let it be noted that none of the parties to this joint statement objected to the original application by Holgate's because it was considered that Conditions 6 and 9 were sufficient to safeguard the enjoyment and amenity of our homes. Had the application to delete these conditions been publicly advertised we would most certainly have objected, but the decision of a planning officer of the MRSC to proceed without advertising meant that we had no knowledge of it at the time. Residents only learned retrospectively of the deletion of these conditions when, around September 2019, a subsequent application by Holgate's for an extension of their Liquor Licence Red Line to include the new brewery and visitor centre and the Anslow Street public pavement was advertised.
3. Condition 9 restricted the hours of operation, ensuring that the Brewery building would function as declared in the application, as a brewery operation geared to the regional tourism market. Such facilities typically offer tours of the brewery, tastings, and the sale of beer for takeaway purposes. When Conditions 6 and 9 were deleted and the Red Line matter resolved in Holgate's favour the way was opened up for the brewery facility on Anslow Street to operate under the terms of their General Liquor Licence. This licence potentially allows for liquor to be consumed on the premises between 7:00 a.m. and 1:00 a.m. the following morning, and on the street between 7:00 a.m. and 11:00 p.m. from Monday to Saturday. These incremental changes made it possible for the brewery to operate as an extension or function room of the Holgate public bar on High Street. And this is precisely what happened.
4. Around November 2019 Holgate's began advertising and operating the brewery and visitor centre as a venue for large public functions. This included the sale of food and alcohol and the playing of amplified music into the night and early morning. As neighbouring residents, we found the levels of crowd and music noise and of artificial light emanating from the building had a significant detrimental effect on the normal enjoyment [REDACTED] the night. Several of the residents, including the writer, lodged complaints to this effect with MRSC.
5. This excessive and unreasonable impact on the enjoyment and amenity of our homes was resolved when, following complaints to MRSC, Holgate's temporarily ceased holding after hours functions in the brewery hall and visitor centre. It is our hope that this situation will be made permanent through the reinstatement of Conditions 6 and 9.
- 6.

