

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT DIVISION**

VCAT REFERENCE NO. P337/2019

PLANNING AND ENVIRONMENT LIST

APPLICANT	ID-FLK Gisborne Pty Ltd
RESPONSIBLE AUTHORITY	Macedon Ranges Shire Council
SUBJECT LAND	39 Willowbank Road, Gisborne
WHERE HELD	Melbourne
BEFORE	Sarah McDonald, Member
HEARING TYPE	Hearing
DATE OF HEARING	28 and 29 August 2019
DATE OF ORDER	4 September 2019

ORDER

- 1 The Application for Review pursuant to section 149(1)(d) of the *Planning and Environment Act 1987* is allowed.
- 2 The Gisborne Area 4B Development Plan dated 26 July 2019 is approved subject to the following changes:
 - (a) The Subdivision Layout Plan at Figure 29 as amended by Revision 23 dated 21 August 2019 be further amended by:
 - i reducing the overall number of lots to 615; and
 - ii redesigning the land in development Phase 5 so that no lot is less than 500 square metres in area and the rear western boundaries to generally match the alignment of the rear eastern boundaries of the neighbouring land.
 - (b) Those changes contained within the Gisborne Area 4B Development Plan dated 29 August 2019 attached to the consent orders of the parties filed with the Tribunal on 29 August 2019.
- 3 Each party must bear their own costs.

Sarah McDonald
Member



APPEARANCES

For applicant	Jeremy Gobbo QC and Jennifer Trehella of counsel, instructed by Norton Rose Fulbright.
For responsible authority	Darren Wong, solicitor of Planology.



REMARKS

- 1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that the responsible authority is of the opinion that the Development Plan is appropriate having regard to the matters it is required to consider under the Development Plan Overlay – Schedule 4 and the relevant policies and provisions of the Macedon Ranges Planning Scheme, and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Sarah McDonald

Member

