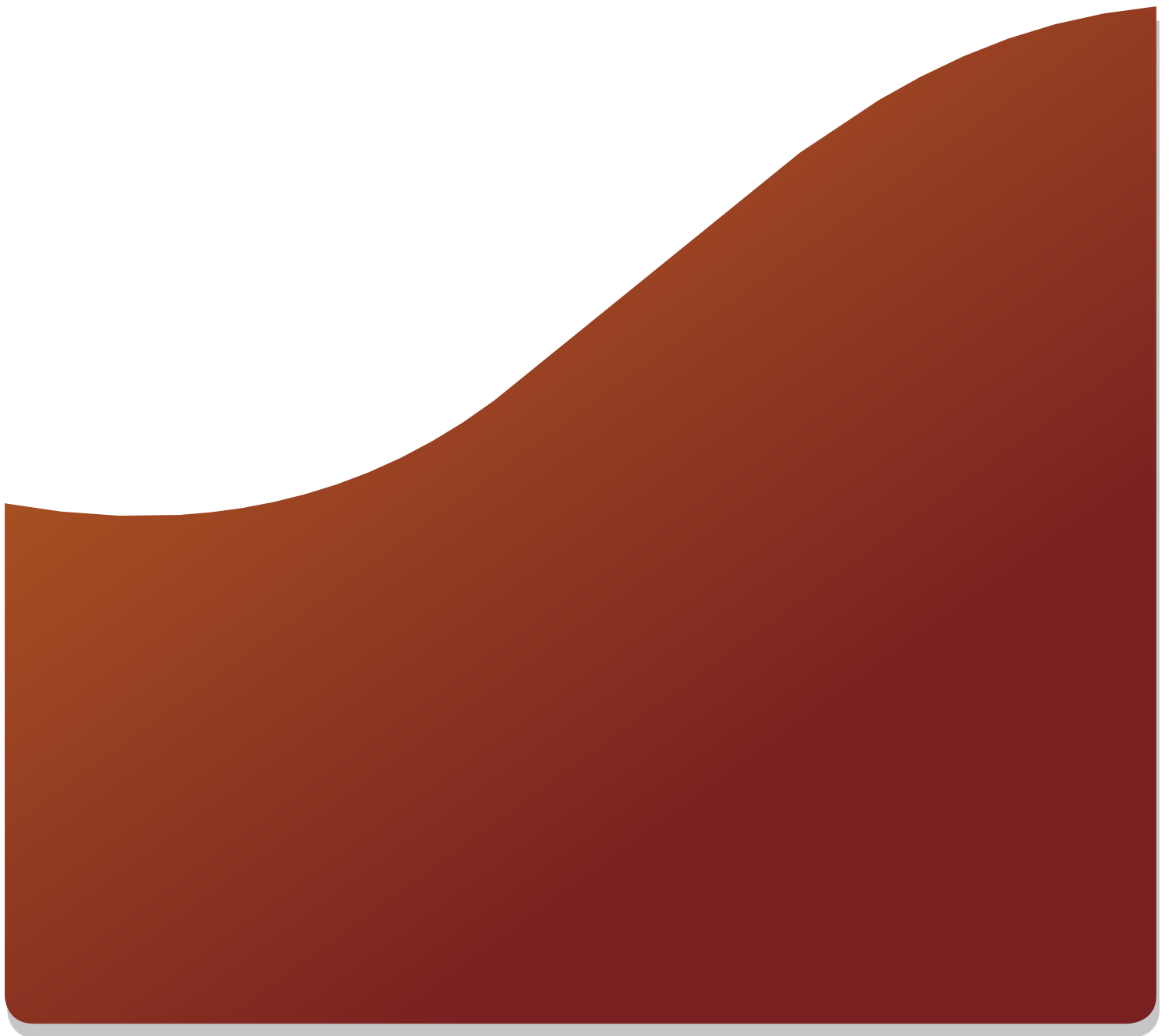


# Planning Delegated Committee Meeting Agenda

**Planning Delegated Committee Meeting**  
**Wednesday 14 May 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 14 May 2025 at 7:00 PM**

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## **Order Of Business**

<b>1</b>	<b>Acknowledgement of Country.....</b>	<b>5</b>
<b>2</b>	<b>Recording and livestreaming of this Committee Meeting.....</b>	<b>5</b>
<b>3</b>	<b>Present .....</b>	<b>5</b>
<b>4</b>	<b>Apologies .....</b>	<b>5</b>
<b>5</b>	<b>Conflicts of interest.....</b>	<b>5</b>
<b>6</b>	<b>Purpose of Planning Delegated Committee .....</b>	<b>5</b>
<b>7</b>	<b>Adoption of minutes.....</b>	<b>5</b>
<b>8</b>	<b>Reports.....</b>	<b>6</b>
8.1	Consideration of a Planning Panel - Combined Planning Scheme Amendment C147macr and Planning Permit Application PLN/2022/354 - Benetas Retirement Village .....	6



## **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 9 April 2025, as circulated.**

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## 8 REPORTS

<b>8.1</b>	<b>CONSIDERATION OF A PLANNING PANEL - COMBINED PLANNING SCHEME AMENDMENT C147MACR AND PLANNING PERMIT APPLICATION PLN/2022/354 - BENETAS RETIREMENT VILLAGE</b>
<b>Officer:</b>	<b>Daniel Hall, Strategic Planner</b>
<b>Council Plan relationship:</b>	<b>1. Connecting communities</b>
<b>Attachments:</b>	<b>1. Attachment 1 - Response to Submissions</b> <a href="#">↓</a> <b>2. Attachment 2 - Legal Notice - Equity Trustees</b> <a href="#">↓</a> <b>3. Attachment 3 - Combined Submissions - Redacted (under separate cover)</b>

### Summary

The purpose of this report is to enable the Committee to consider all submissions received during the exhibition of Amendment C147macr and planning permit application PLN/2022/354. The combined amendment and permit application seeks to facilitate the use of the site for a retirement village, representing the second stage of a two-stage aged care and retirement master plan for the site.

Various matters raised in submissions remain unresolved, and officers recommend that these be referred to an independent planning panel for further consideration. Planning Panels Victoria will provide submitters an opportunity to be heard in an informal, non-judicial setting and will offer expert advice to Council on the amendment and the submissions referred to it.

### Recommendation

**That the Committee:**

- 1. Request the Minister for Planning to appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C147macr to the Macedon Ranges Planning Scheme and planning permit PLN/2022/354.**
- 2. Refers all submissions to Amendment C147macr and planning permit PLN/2022/354 to the Panel, in accordance with Section 23 of the Planning and Environment Act 1987.**
- 3. Notifies all submitters to Amendment C147macr and PLN/2022/354 of Council's decision.**

### 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 (see Figure 1 – Site context).

This section of the Act allows a combined planning scheme amendment and planning permit to be considered concurrently. The application was submitted by Anglican Aged Care Services Group (trading as Benetas).

PLN/2020/473, which represents the first stage of the two-stage aged care and retirement master plan for the site, was approved by Council in 2023 and facilitates the nursing home component of the master plan.

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

The combined amendment and planning permit was authorised by the Minister in March 2024, and was publicly exhibited for a five-week period, between 3 June and 12 July 2024. During that time, 21 submissions were received.

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.

Council heard from three of the 21 submitters and the proponent of the amendment at the Planning Delegated Committee meeting of 9 April 2025.

### **The Proposal**

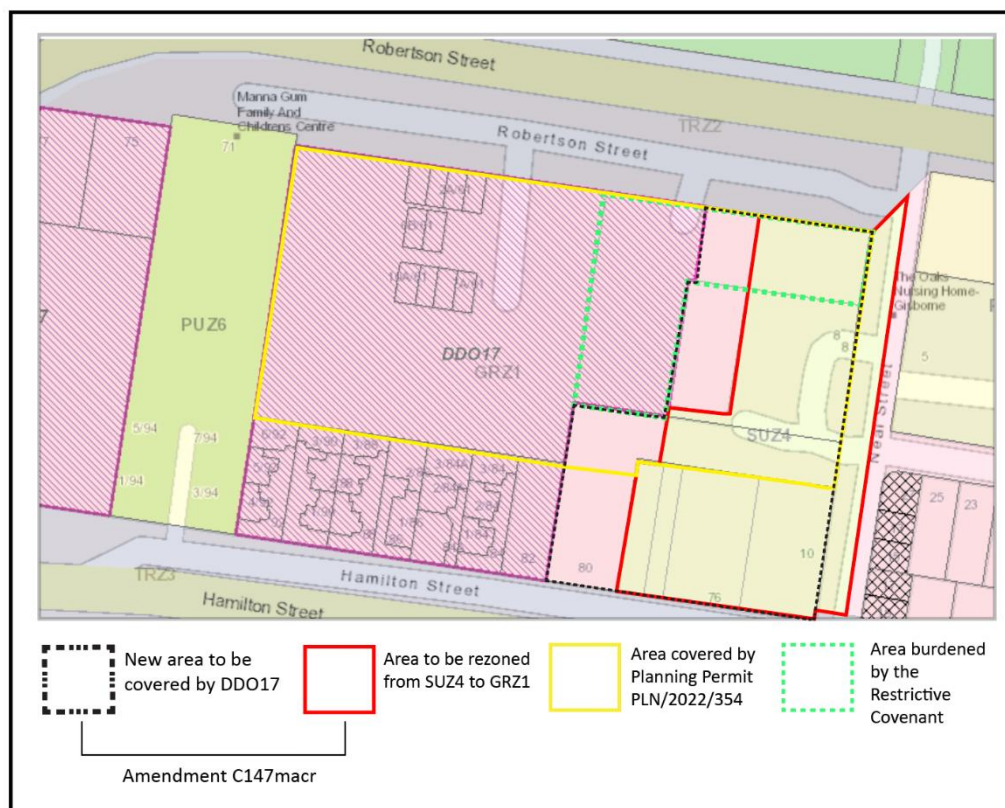
#### The amendment seeks to:

- 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 No. N077525L
- make changes to the Gisborne/New Gisborne Framework Plan at Clause 11.01-1L (Settlement – Gisborne (including New Gisborne)) to 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).

Figure 1 Site context



## Discussion

A review of the submissions received for Amendment C147macr has been completed and responses to specific items are outlined in **Attachment 1**. No changes are recommended in response to the objecting submissions and therefore it is recommended that all submissions be referred to Planning Panels Victoria for independent review. This will provide the opportunities for all submitters to outline their concerns about the proposed amendment and provide an independent assessment of those concerns and the amendment as a whole.

## Officer response to key themes

### Donation of the land

One of the key themes raised in submissions relates to the ownership and use of the land – specifically, its donation by Humphrey Pearce Dixon to the Gisborne and District Bush Nursing Hospital in 1987. Submitters expressed concern that using the site for aged care and retirement living undermines the original intention (in the submitters' view) of the donation: that the land be used for a hospital. Further, submitters were concerned that representatives of the Dixon family were not consulted on the proposal. Some submitters suggest the land should be gifted back to the Dixon family or that the applicant should reimburse the community for any uplift in value of the land because of the rezoning.



Officer response

Council provided notice of the amendment, application and permit to affected parties in accordance with s96C of the *Planning and Environment Act 1987*. These parties include the owners and occupiers of land materially affected by the proposal as well as those benefited by registered Restrictive Covenant No. N077525L.

The parcel of land that forms part of the proposal for retirement living was donated by Mr. Humphrey Dixon to the Gisborne and District Bush Nursing Hospital in 1987. At the same time, a restrictive covenant (No. N077525L) was placed on that parcel of land by Mr. Dixon to set out the terms of the donation. As outlined in Figure 2 below,

*"...it [the transferee] will not without the written consent of the transferor or his legal personal representative –*

- a. Use or permit the use of the land hereby transferred for any purpose other than for a hospital, nursing home or similar use under the control of the transferee PROVIDED THAT should the said land have not been used for any such purpose within twenty years of the date of this transfer then it shall not use or permit the use of the said land for any purpose other than as a public park.*
- b. Subdivide sell transfer or otherwise dispose of the said land."*

<p>hereby transferred DOES HEREBY for itself its successors and transferees the registered proprietors for the time being of the land hereby transferred hereby and as separate covenants covenant with the said Humphrey Pearce Dixon ("the transferor") his successors and transferees and other the registered proprietor or proprietors for the time being of the land comprised in the said Certificate of Title Volume 9765 Folio 717 and 718 other than the land hereby transferred that it will not without the written consent of the transferor or his legal personal representative –</p>	
<p>a. Use or permit the use of the land hereby transferred for any purpose other than for a hospital, nursing home or similar use under the control of the transferee PROVIDED THAT should the said land have not been used for any such purpose within twenty years of the date of this transfer then it shall not use or permit the use of the said land for any purpose other than as a public park.</p>	<p>RECEIVED - 9 FEB 1988 With consent of Solicitor for <i>Forbes</i></p>
<p>b. Subdivide <u>sell transfer or otherwise dispose</u> of the said land</p>	
<p>and it is requested that these covenants shall be set out as encumbrances on the Certificate of Title to issue to the land hereby transferred and shall run with the land.</p>	
<p>Date <i>30<sup>th</sup> April, 1987.</i></p>	<p>(Note 13)</p>

Figure 2, Excerpt from title document and wording of instrument N077525L

The covenant on title requires approval from the legal representatives of Mr Humphrey Dixon's estate to subdivide, sell, transfer or otherwise dispose of the land. Equity Trustees, the legal representatives of Mr. Humphrey Dixon's estate, approved the land transfer to Benetas in 2018 *"for the use and development of the Property for a residential aged care facility and retirement living development"*. This satisfies the conditions set out in the covenant regarding the use of the land by Benetas. A copy of this agreement is provided at **Attachment 2**.

Further, the covenant also indicates that using the land as a park is only to be considered in the case that the land has not been used for a hospital, nursing home, or similar use within

20 years of the date of the transfer. The land has been used continuously as a nursing home or for a similar use for the past 20 years, well within the timeframe stipulated in the covenant. As such, the condition that would activate the public park use clause has not been met, and the clause no longer holds relevance to the current or future use of the land.

The matters raised by submitters about the transfer of the land and the relevance of the current restrictive covenant are recommended to be referred to Planning Panels Victoria for consideration.

#### Needs basis for additional aged care and retirement living services

Several submissions argue that there is no demonstrated need for additional aged care facilities in Gisborne.

#### Officer response

The Gisborne Community Infrastructure Assessment (SGS Economics and Planning, 2023) (“the Assessment”) states that at the time of that assessment there were two residential aged care facilities in the Gisborne District – one located in Gisborne and one in New Gisborne. In addition, five further aged care and retirement facilities are in various stages of development, which will significantly expand the range of housing and care options available to older residents.

While the Assessment projections suggest that, if all proposed facilities proceed, there may be a surplus in aged care places, the Assessment also found that this growth brings important benefits. These include greater choice for service users, diversity in care models, and opportunities for co-located health services. The Assessment also found that aged care developments contribute positively to the local economy by creating employment and supporting healthcare infrastructure.

Based on these findings, the Assessment recommends that Council continue to support residential aged care developments in appropriate locations to ensure that the community is well-positioned to meet the needs of an ageing population while also enhancing service diversity and generating local economic and social benefits.

In light of this Assessment, officers consider the proposal to be well-suited to the site, given its location adjacent to the town centre. The site presents a strong opportunity to support retirement living, with its proximity providing walkable access to shops, medical facilities and community services – features that align with the needs of an ageing population.

#### Future provision of a hospital or health service based on a demonstrated need

Many submitters raised concerns that Gisborne either currently requires or may in future require additional medical facilities – specifically a hospital or ‘super clinic’ due to the growing population. Submitters are concerned that should this proposal proceed, the opportunity for a future hospital or health service facility in Gisborne (specifically at this site) will be lost.

#### Officer response

The Gisborne Community Infrastructure Assessment (SGS Economics and Planning, 2023) evaluated current community health services and projected future needs based on various population growth scenarios.

The Assessment found that the Gisborne District is generally well-served by existing community health facilities, supported by nearby services such as the new private day hospital in Sunbury, and Kyneton Health which offers a broad range of hospital and community-based health services. Higher-order health services, including full-scale hospitals, are typically located at the regional level to serve broader catchments. In addition

to this, in 2025 the Victorian State government announced the future development of a new hospital servicing Melton and surrounding areas.

While there is some projected demand for additional public health services under medium- to high-growth scenarios, the report concludes that the level of demand would not be sufficient to warrant new public community health infrastructure at this time. It also notes that existing private facilities within Gisborne already provide many of the needed services.

It is also important to note that the proposed development does not diminish the ability for a hospital to be delivered for the Gisborne area should it be deemed necessary in the future.

### Consultation and engagement

Public notice was given in accordance with s96C of the *Planning and Environment Act 1987*, and included the owners and occupiers of land benefited by the registered Restrictive Covenant No. N077525L. The combined amendment and planning permit was publicly exhibited for a five-week period, between 3 June and 12 July 2024.

A total of 21 submissions were received regarding this application, with three in support and 18 objecting to the amendment and permit or parts thereof. A copy of redacted submissions is provided at Attachment 3, and a summary and officer response to individual submissions provided at Attachment 1.

In summary, the key themes of the submissions include:

<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 for (hospital, not housing)</li> </ul>
<ul style="list-style-type: none"> <li>Concerns 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 that there is a greater need to consider future 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 fact that the management of cultural heritage assets via a 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 and claims that there are inconsistencies regarding the number of trees outlined for removal in the supporting application documents</li> </ul>
<ul style="list-style-type: none"> <li>Concerns 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 that the development (construction phase) could potentially delay or impede emergency service access to surrounding residences.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns that a memorial plaque for Muriel Joan Daly has been removed from the site.</li> </ul>

### Collaboration

The views of Greater Western Water, Downer (gas utility provider) and the Department of Transport and Planning were sought during the preparation of the combined amendment and permit.

Further, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Country Fire Authority and Transport for Victoria were all engaged during the consultation period of the amendment.

### **Innovation and continuous improvement**

N/A

### **Relevant law**

The requirements for a planning scheme amendment are set out in the *Planning and Environment Act 1987* and its regulations.

The proposed retirement village will be governed by the *Retirement Villages Act 1986*.

There were no direct and/or indirect human rights implications under the *Charter of Human Rights and Responsibilities Act 2006* because of the subject matter of this report.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

### **Relevant regional, state and national plans and policies**

N/A

### **Relevant Council plans and policies**

This report seeks to progress a priority in the Council Plan 2021-2031:

Strategic Objective 1 – Connecting Communities.

Integrate land-use planning and revitalise this underutilised site within the centre of Gisborne and responding to the housing needs of the ageing community.

### **Climate Impact Assessment**

How will the recommendation impact on Council's energy usage and greenhouse emissions profile? Not applicable in this instance.

How will the recommendations mitigate risks posed by climate change to Council operations and services? Not applicable in this instance.

How will the recommendation help to prepare the community for future climate scenarios? The proposed aged care development incorporates a range of Environmentally Sustainable Design (ESD) features that support resilience to future climate scenarios. These include energy-efficient systems, on-site solar power, water-saving fixtures, rainwater harvesting, and best-practice stormwater management to reduce environmental impact and adapt to resource pressures. Healthy indoor environments are supported through natural light, ventilation, and low-emission materials, while waste reduction and on-site footpaths encourage sustainable living.

### **Financial viability**

The Planning and Environment (Fees) Regulations 2016 set out fees to be paid at each step of the Amendment. Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the applicant.

The Planning Permit application indicates that the overall cost of development on the site is approximately \$30 million. Economic modelling completed through Remplan in 2021,

identifies that the development might bring an additional \$30 million in flow-on effects, including jobs and boosts to the local economy through local spend.

**Sustainability implications**

The amendment will have a positive social and economic impact on Gisborne by providing additional housing opportunities and the ability for older Gisborne community members to 'age in place'.

As outlined in the response to future climate scenarios, the proposed aged care development incorporates a range of Environmentally Sustainable Design (ESD) features that promote more efficient resource use, thereby reducing its environmental impact.

**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.

## Attachment 1 - Response to Submissions

Sub. #	Summary of Submission	MRSC Response
1	1. Concerned that the Cultural Heritage Management Plan (CHMP) had not yet been finalised	1. This issue has been resolved. In-principle support has been reached on the conditions of the CHMP  <b>Officer recommendation:</b> Resolved
2	1. Objects to the rezoning of old Gisborne hospital land on the basis that donor family donated the land for medical purposes only. 2. The land should be used for future medical services and not for residential purposes.	1. See Council Report response to – Donation. 2. Noted  <b>Officer recommendation:</b> No change – refer to Panel
3	1. Concerned that Gisborne is becoming overdeveloped – particularly at its centre. 2. States there is no need for additional aged care facilities in Gisborne. 3. Development in opposition to 'Dixons family wishes' for the site to be used as a hospital. 4. Argues Gisborne needs a larger, more comprehensive medical centre to serve the growing population.	1. Planning for township growth is a complex task that involves balancing community perspectives with broader state and local policy objectives. Council officers consider the proposal to be well-suited to the site, given its location adjacent to the town Centre. The site presents a strong opportunity to support retirement living, with its proximity providing walkable access to shops, medical facilities, and community services—features that align with the needs of an ageing population. 1. See Council Report response to – Retirement Living. 2. See Council Report response to – Donation. 3. See Council Report response to – Hospital  <b>Officer recommendation:</b> No change – refer to Panel.
4	Supports the amendment on the basis that it: 1. <b>Improves facilities for the</b>	Support noted.

Sub. #	Summary of Submission	MRSC Response
	<p><b>aged</b> - The site will provide Gisborne locals the opportunity to stay in Gisborne and provides the option to 'age in place'.</p> <p>2. <b>Improves amenity of the local area</b> - The location of the site is perfect for elderly people, being close to the centre of town and amenities and provides public facing cafes.</p> <p>3. <b>Utilisation of land and provides local employment</b> - The site can provide for jobs within the town and possible career paths for young locals.</p>	<p><b>Officer recommendation:</b> No change – do not refer supporting submission to Panel</p>
5	<p>DTP is likely to support the amendment – suggest that Council should consider the following comments:</p> <ol style="list-style-type: none"> <li>1. There must not be direct vehicle access from the subject land to Robertson Street.</li> <li>2. The impact of the generated traffic movements from the site must not adversely impact the operational efficiency of Neal Street/ Robertson Street</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed access to the site is via Neal Street and the Robertson Street slip lane. This is not to be confused with the main Robertson Street thoroughfare.</li> <li>2. The traffic report supplied by the proponents indicates that there is a low level of traffic impact on the surrounding network as a result of the proposed development.</li> <li>3. Footpaths currently exist along both sides of Neal Street and are to be retained as part of the proposed development.</li> <li>4. Draft Permit Condition 24(b) requires the applicant to provide a pedestrian crossing on Neal Street. However, Council officers do not consider the provision of a pedestrian crossing on Robertson Street to be the responsibility of the applicant.</li> </ol> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>roundabout.</p> <p>3. Recommends that Council require footpath provisions along the Neal Street frontage of the subject land.</p> <p>4. Recommends providing for safe pedestrian crossing opportunities at or near the Roberston Street/Neal Street intersection to access Dixon Field Reserve.</p>	
6	1. Supports the Amendment	<p>Support noted.</p> <p><b>Officer recommendation:</b> No change – do not refer supporting submission to Panel</p>
7	<p>1. Objects to amendment on the basis that rezoning is not in line with the intention of the donation and believes that the land should be for public use.</p> <p>2. Concerns with transparency – believes Council was gifted the land and has engaged in an 'undisclosed commercial arrangement' regarding the rezoning.</p> <p>3. Is concerned that Benetas has gained an unfair commercial advantage due to having a premises adjacent</p>	<p>1. See Council Report response to– Donation.</p> <p>2. Noted – Council does not own, nor has it previously owned, the land associated with the 'old bush hospital'.</p> <p>3. Noted - As outlined in Council's response to Theme 1, legal representatives of Humphrey Dixon's estate agreed to the transfer of land to Benetas in 2018.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>



Sub. #	Summary of Submission	MRSC Response
	<p>to the 'old bush hospital site'.</p> <p>4. Proposes that this land should be used for a public park/space and should go through a 'public tender process'.</p> <p>5. Does not object to the need for aged care facilities in Gisborne.</p>	
8	<p>1. Concerned that the proposal will restrict the access of emergency services to the submitters' residence and parents accessing the Kindergarten via the slip lane (Robertson Street).</p> <p>Requests that a Construction Management Plan and a Traffic Management Plan contain:</p> <ul style="list-style-type: none"> <li>○ Clear designation of alternative access routes.</li> <li>○ Detailed construction schedule.</li> <li>○ Details for direct communication to construction management team.</li> </ul>	<p>1. Noted – The draft permit conditions state that, before any works associated with the development commence, a Construction Management Plan must be approved and endorsed by Council. Additionally, for any construction activity within the public road reserve that impacts a road, street, lane, or walkway, a Traffic Management Plan (TMP) must be submitted to Council for approval. The TMP must include specific details on how access to the site and surrounding residences will be managed. Advance notice must also be provided to residents of any works that may impact their access.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
9	<p>1. Concerned that the rezoning</p>	<p>1. See Council Report response to – Donation.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>undermines the original intent of the land donation which was to provide a community benefit (community health care).</p> <p>2. Suggests that if rezoning occurs, the land's current value should be paid by the developer and reinvested into the community.</p> <p>3. Concerned that the rezoning will act as disincentive for future significant land donations.</p>	<p>2. Noted – this sits outside of the scope of this project. Further, Council's powers as a planning authority do not allow it to prescribe such requirements.</p> <p>3. Noted. This is not a planning consideration.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
10	<p>1. Concerned with the proposed removal of native vegetation (trees) – states that there are inconsistencies with the number of trees outlined for removal in the supporting application documents.</p> <p>Further, specifically highlights that tree 35 may have cultural significance and the "...Moderate A, ARB rating" of the tree is a classification that suggests it should be retained.</p> <p>2. Concerned that the plans attached to the application do not include critical details that display the impact on</p>	<p>1. Clause 52.17 of the Macedon Ranges Planning Scheme requires a permit to remove, destroy, or lop native vegetation, including dead native vegetation. However, this requirement does not apply to native vegetation that was planted or established through direct seeding.</p> <p>The supplied arborist's report (Tree Logic, 2018) indicates that of the trees that are proposed to be removed, only one is considered as potentially remnant in origin. To offset the removal of this tree - No. 35 - Mountain White Gum – the conditions of permit include requirement for native vegetation offsets.</p> <p>All other trees that have been earmarked for removal do not require a permit for their removal. This is why the supporting documentation indicates the permit is for the removal of one tree rather, than multiple trees.</p> <p>Several existing large exotic canopy trees are proposed be retained, and additional trees planted.</p> <p>2. Architectural plans containing design and engineering details were available for viewing via the Council's website as outlined in the letters to affected parties.</p> <p>3. See response to Theme 1 - Donation.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>dwellings that border the proposed – specifically:</p> <ul style="list-style-type: none"> <li>○ proposed setbacks from the southern fence line.</li> <li>○ proposed roof heights compared to the existing dwellings.</li> </ul> <p>3. Proposal goes against the wishes of the land donor's family.</p> <p>4. Considers it unreasonable to presume that Gisborne will not require a hospital.</p>	<p>4. Noted.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
11	<p>1. Concerned with the removal of the restrictive covenant applied to the former bush hospital site – believes that it should remain in place to ensure this land can assist in meeting the healthcare needs of a growing population.</p> <p>2. Concerned that the applicant is making a significant profit on donated land.</p>	<p>1. See Council Report response – Donation. and Theme 3 – Hospital.</p> <p>2. Noted. This is not a planning consideration.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
12	<p>1. Concerned that the rezoning undermines the Dixon family's intention that the land be used for medical purposes and for the benefit of the</p>	<p>1. See Council Report response to – Donation.</p> <p>2. See Council Report response to – Hospital.</p> <p>3. See Council Report response to – Retirement Living.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>community.</p> <p>2. Concerned that the rezoning disregards any future need for a hospital or health services on the site.</p> <p>3. Concerned that the proposed retirement living development is a medium density residential development and there is no demonstrated need for this type of development in Gisborne.</p>	<p><b>Officer recommendation:</b> No change – refer to Panel.</p>
13	<p>1. Concerned that the rezoning goes against the wishes of the Dixon family that the land is retained for medical purposes.</p> <p>2. Concerned that this rezoning could encourage the rezoning of other donated lands.</p> <p>3. Proposes that the land be used purely for medical purposes, specifically in conjunction with the Oaks.</p> <p>4. Proposes that the area is "sacred ground" due to the ashes of Ashes of Muriel Joan Daly being buried there.</p>	<p>1. See Council Report response to – Donation and – Future hospital.</p> <p>2. Noted.</p> <p>3. See Council Report response to – Hospital.</p> <p>4. Noted. This is not a planning consideration.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>

Sub. #	Summary of Submission	MRSC Response
14	<ol style="list-style-type: none"> <li>1. Concerned that the proposal reduces the capacity (resilience) to respond to future crises– proposes that the existing building on the site may be used in times of high need.</li> <li>2. Concerned that the rezoning may limit future bequests from Gisborne Citizens.</li> <li>3. Concernment the rezoning is against the wishes of the Dixon Family.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted – Council acknowledges the importance of maintaining strong emergency response and recovery capabilities. This proposal is not considered to impact Council's ability to manage emergencies or provide community support during times of high need.</li> <li>2. Noted. This is not a planning consideration.</li> <li>3. See Council Report response to – Donation.</li> </ol> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
15	<ol style="list-style-type: none"> <li>1. Concerned that the proposal will restrict the access of emergency services to the submitters' residence and parents accessing the Kindergarten via the slip lane (Robertson street). <ul style="list-style-type: none"> <li>o Requests that a Construction Management Plan and a Traffic Management Plan contain</li> <li>o Clear designation of alternative access routes.</li> <li>o Detailed construction schedule.</li> <li>o Detail for direct</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Noted – The draft permit conditions state that, before any works associated with the development commence, a Construction Management Plan must be approved and endorsed by Council. Additionally, for any construction activity within the public road reserve that impacts a road, street, lane, or walkway, a Traffic Management Plan (TMP) must be submitted to Council for approval. The TMP must include specific details on how access to the site and surrounding residences will be managed. Advance notice must also be provided to residents of any works that may impact their access.</li> </ol> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>

Sub. #	Summary of Submission	MRSC Response
	communication to construction management team	
16	<p>Note – in response to Gisborne Gazette article July 2024.</p> <p>1. Concerned that the rezoning goes against the wishes of the Dixon family – further, concerned that the family has not been consulted.</p> <p>Makes the points that:</p> <ul style="list-style-type: none"> <li>○ “Used for medical purposes does not mean a hospital would have to be built on that land”</li> <li>○ Council should consult donors’ descendants before any support is given to rezone the land.</li> </ul>	<p>1. See Council Report response to – Donation.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>
17	<p>1. Concerned about accessing after-hours emergency medical care due to distance to the nearest hospital – proposes that this land should be kept for a future hospital or medical clinic.</p> <p>2. Concerned with the proposed number of retirement units and two-storey units along fence lines that abut existing</p>	<p>1. See Council Report response to - Hospital.</p> <p>2. The majority of units proposed along the southern fence line are single storey. The only two-storey building in this area, which is adjacent to surrounding residential properties, complies with Clause 55.04-4 of the Macedon Ranges Planning Scheme regarding overlooking, as it has been designed to prevent direct views into neighbouring private open space.</p> <p>3. The traffic report submitted to Council concludes that the additional traffic generated by the development is unlikely to affect the normal flow of traffic on Neal Street, Robertson Street, Hamilton Street, or the surrounding road network.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>residential lots.</p> <p>3. Concerned that the proposed retirement village will contribute to increased traffic congestion on Hamilton Street and Neal Street.</p>	<p><b>Officer recommendation:</b> No change – refer to Panel.</p>
18	<p>1. Concerned with the proposed increase in residential density – specifically that it will impact the quality of life for surrounding residents due to reduced natural light and open space.</p> <p>2. Concerned with the proposed height (natural ground level), drainage and privacy for the Manna Gum childcare centre (overlooking). Further, that it does not reflect the established character of the area. Suggests that the proposed development should maintain consistent levels with the childcare centre.</p> <p>3. Concerned with public transport access -</p> <ul style="list-style-type: none"> <li>o Suggests that the proposed internal road network be made wide enough to support public</li> </ul>	<p>1. Noted – Shadow diagrams submitted to Council for the proposed development indicate that the open space areas of surrounding properties will not be adversely affected by overshadowing, due to the height and setbacks of the proposed residential units.</p> <p>Council has not designated this site as future open space. Dixon Field Reserve provides open space and recreation opportunities for residents.</p> <p>2. Council has worked closely with the applicant to ensure the height of proposed development responds to the established height, form and scale of the area – which is single to two storeys. Single storey residential living units are proposed in areas that abut the western and southern boundaries. This is consistent with the current height of the Manna Gum childcare facility.</p> <p>3. Public Transport Victoria (PTV) is responsible for managing public transport services. A west–east public transport stop is located within 200 metres of the site. Council can advocate that any future review of the public transport routes and stops consider this site – specifically Neal Street.</p> <p>4. A roundabout currently exists at the intersection of Robertson Road and Neal Street. Council has included conditions that requires the provision of a pedestrian crossing along Neal Street as part of this development.</p> <p>The traffic report submitted to Council concludes that the proposal is unlikely to affect the normal flow of traffic on the surrounding road network. Council is not considering the inclusion of a roundabout at the Hamilton Street and Robertson Road intersection as part of this development. Any upgrade of this intersection should be considered separately to this proposal.</p>

Sub. #	Summary of Submission	MRSC Response
	<p>transport.</p> <ul style="list-style-type: none"> <li>○ Suggests that the service lane on Robertson Rd should be made wide enough to support public transport.</li> </ul> <p>4. Concerned with pedestrian safety (of elderly residents) at the junction of Robertson Rd / Hamilton St due to truck traffic. Suggests that a roundabout and traffic calming should be included at this intersection.</p>	<p><b>Officer recommendation:</b> No change – refer to Panel.</p>
19	<p>1. Concerned that Council has overlooked the historical significance of the Bush Hospital – particularly the level of community funding contributed to the service.</p> <p>2. Concerned that Council is underestimating the future need for health services in the Gisborne area - advocates for using the site for future health services to support the expanding community.</p> <p>3. Concerned that conditions associated with donation of land for the Bush Hospital – that the land is to be used for</p>	<p>1. Noted.</p> <p>2. See response to Theme 3 – Hospital.</p> <p>3. See response to Theme 1 – Donation.</p> <p>4. Noted.</p> <p><b>Officer recommendation:</b> No change - refer to Panel.</p>



Sub. #	Summary of Submission	MRSC Response
	<p>"medical purposes" - are not being upheld. Specifically, states that overlooking these conditions of donation are "...morally and ethically unsound as well as potentially illegal".</p> <p>4. Concerned that Benetas is benefiting from "free land".</p>	
20	<p>1. Concerned that the rezoning goes against the wishes of the Dixon family – further, suggests that if the land is not being used for "medical purposes" the land should be returned to the Dixon family.</p> <p>2. Further, claims that a plaque which notes the burial place for Muriel Joan Daly has been removed by the current owner.</p>	<p>1. See Council Report response to – Donation.</p> <p>2. Council will work with the applicant to encourage appropriate recognition of the site's historical significance and the contributions of those associated with it, which may include an interpretive display or other forms of on-site acknowledgment.</p> <p><b>Officer recommendation:</b> No change - refer to Panel.</p>
21	<p>1. Concerned that the rezoning overrides the wishes of the Dixon family that the land is retained for community health purposes.</p> <p>2. Concerned with the amount and type of residential housing being proposed.</p> <ul style="list-style-type: none"> <li>o Further, suggests that</li> </ul>	<p>1. See Council Report response to – Donation.</p> <p>2. Noted. See Council Report response to – Retirement Living.</p> <p>While this proposal is targeted at residents aged 55 and over, aged care and retirement villages offer important economic and community benefits. They create local employment opportunities, contribute to the local economy, and respond to the increasing demand for senior housing diversity and support services.</p> <p>These types of development can contribute to housing diversity within the Shire, helping to free up existing housing stock as older residents downsize, which can indirectly support</p>

Sub. #	Summary of Submission	MRSC Response
	<p>this benefits over 50s and does not support young people or provide affordable housing options to families.</p> <ul style="list-style-type: none"><li>States that there is no demonstrated need for further housing of the type proposed for the site.</li></ul> <p>3. Concerned that the future need for a hospital (super clinic) is not being considered.</p> <ul style="list-style-type: none"><li>Further, suggests that Council's position - that a future hospital for the site is unlikely - has no evidence base.</li></ul>	<p>broader housing availability for younger people and families.</p> <p>3. See Council Report response to – Hospital.</p> <p><b>Officer recommendation:</b> No change – refer to Panel.</p>

Our ref: ES002717

18 June 2018

To Whom It May Concern

Dear Sir or Madam



**Estate of Humphrey Pearce Dixon**

**Property: 61 Robertson Street, Gisborne, Victoria, 3437 (Property)**

**Title Particulars: Certificate of Title Volume 9765 Folio 715 (Title)**

**Covenant NO7755L (Covenant)**

Equity Trustees Limited ACN 004 031 298 (formerly called The Equity Trustees Executors and Agency Company Limited) is the legal personal representative of the donor, Humphrey Pearce Dixon late of Dumbarton, Gisborne, Victoria, Farmer deceased who died on 26 April 1997.

Gisborne & District Bush Nursing Hospital Incorporated is currently registered as the sole proprietor of the Property.

The Covenant is registered as an encumbrance on the Title, and records the terms on which the donor donated the Property. The Covenant relevantly provides:

*The said Gisborne & District Bush Nursing Hospital Incorporated ("the transferee") with the intent that...the burden of this covenant shall be annexed to and run at law [and] in equity with the land hereby transferred DOES HEREBY for itself its successors and transferees the registered proprietors for the time being of the land hereby transferred hereby and as separate covenants covenant with the said Humphrey Pearce Dixon ("the transferor") his successors and transferees...that it will not without the written consent of the transferor or his legal personal representative –*

- a. *Use or permit the use of the land hereby transferred for any purpose other than for a hospital, nursing home or similar use under the control of the transferee...;*
- b. *Subdivide sell transfer or otherwise dispose of the said land...*

Equity Trustees consents to the transfer of the Property to Anglican Aged Care Services Group (trading as Benetas)(**Benetas**) for the use and development of the Property for a residential aged care facility and retirement living development.

To avoid doubt, Equity Trustees confirms that it has sighted a written commitment by Benetas (as the proposed transferor) that states:

*Benetas acknowledges that the [Property and improvements on the Property] are Transferred to Benetas for the purposes of furthering residential aged care, health care and related support services in the Macedon Ranges area, by a not-for-profit service*

*provider registered with the ACNC, and the formation of strategic relationships with aligned organisations.*

Equity Trustees authorises this letter to be produced to any other party as part of any application by Benetas or a related party for any or all of:

- Planning approval;
- Rezoning approval; and
- Any other approval,

required to be obtained to proceed with the proposed use of the Property.

If you require any further information, please Adrian Green, Head of Legal at Equity Trustees (telephone 03 8623 5359, or email [AGreen@eqt.coml.au](mailto:AGreen@eqt.coml.au)).

Equity Trustees Limited ABN 46 004 031 298 (ACN 004 031 298) in its capacity as the legal personal representative of Humphrey Pearce Dixon by its attorneys under Power of Attorney dated 27 May 2016:



Signature of attorney

**Mercia Diane Chapman**  
Authorised Signatory (Schedule II)

Name of attorney and office held



Signature of attorney

**Aaron Tunks**  
Authorised Person - Schedule II

Name of attorney and office held