

9.2 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

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Attachments: Nil

SUMMARY

The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

RECOMMENDATION

THAT Council receive and note the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation.

Victorian Civil and Administrative Tribunal (VCAT) activity update.

Upcoming appeals

The following is an update of the upcoming VCAT appeals.

APPEAL DATE	REFERENCE NOS.	ADDRESS	PROPOSAL	APPEAL AGAINST
19 July 2019	VCAT – P2664/2018 Council – PLP027/18	51 Tootle Street, Kilmore	Multi lot subdivision & removal of native vegetation	Appealing conditions included in the permit
24 July 2019	VCAT – P57/2019 Council – PLP207/18	5 Springridge Boulevard, Wallan	2 lot subdivision	Appeal against Council's refusal to grant a planning permit
6 August 2019	VCAT – P323/2019 Council – PLP252/18	127A Northern Highway, Kilmore	Installation and display of a major promotion sign	Appeal against Council's refusal to grant a planning permit
11 August 2019	VCAT – P510/2019 Council – PLP003/18	38-50 Mill Road, Kilmore	Staged multi-lot subdivision and removal of native vegetation	Appeal against Council's refusal to grant a planning permit

VCAT decisions since last report

67 High Street, Wallan (Reference Nos. VCAT – P1835/2018, Council – PLP177/17)

On 5 February a hearing was held following an appeal of Council's refusal of a four lot subdivision at 67 High Street in Wallan. An order has now been received from VCAT setting aside Council's decision to refuse the subdivision and directing that a planning permit be issued.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

Council's argument focused upon the strategic intent for the development of the Wallan town centre and to allow the subdivision would represent an under utilisation of a rare large lot in the town centre. Council representatives did also argue that the current controls also did not support the proposal but the tribunal member did not concur which is most disappointing.

In summary in making their decision the member stated - *Overall, I find that the proposed subdivision does not undermine the future land use, design and development outcomes envisaged for the Wallan Town Centre by proposed Amendment C128 to the planning scheme.*

Activities Carried out Under Delegation

A list of planning permit applications dealt with under delegated powers for the month of March 2019 is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP165/18	34 Wombat Avenue HEATHCOTE JUNCTION	Buildings and works for the construction of a domestic shed	Planning Permit	04/03/19
PLP292/18	175 Northern Highway WALLAN	Development of the land for a dwelling and a boundary realignment	Planning Permit	04/03/19
P306980/10.02	87 Sydney Street KILMORE	Buildings and works comprising an office and retail development with associated reduction to the standard car parking requirements and alteration of access to a road in road zone category 1	Amendment to Planning Permit	05/03/19
PLP337/17	49 Stanley Street WALLAN	Development of the land for multiple dwellings on a lot	Planning Permit	07/03/19
PLP015/19	60 Berry Saltbush Drive WALLAN	Two (2) lot subdivision and creation of a restriction	Planning Permit	12/03/19
PLP295/18	8 Raglan Street WALLAN	4 lot subdivision SPEAR S131808V	Planning Permit	12/03/19
PLP177/17	1/67 High Street WALLAN	4 lot subdivision SPEAR S106854P	Planning Permit	12/03/19
PLP092/18	19 High Street WALLAN	Buildings and works for the construction of a	Planning Permit	21/03/19

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

		commercial building, display of signage and creation of access to a Road Zone - Category 1		
PLP307/18	75 Siena Ridge WALLAN	Development of the land for a dwelling	Planning Permit	25/03/19
PLP257/18	31 Stanley Street WALLAN	Buildings and works for a carport	Planning Permit	20/03/19
PLP279/18	62-70 Glenburnie Avenue HEATHCOTE JUNCTION	Development of the land for an outbuilding	Planning Permit	22/03/19
PLP330/18	1290 Wallan Whittlesea Road UPPER PLENTY	Use and development of the land for a dwelling and outbuilding	Planning Permit	20/03/19
PLP003/19	9 Pretty Sally Drive WALLAN	Subdivision of the land into two (2) lots	Planning Permit	29/03/19
PLP086/13.03	92 Queen Street WALLAN	Development and use as a medical centre	Amendment to Planning Permit	27/03/19
Central Ward				
PLP334/18	8 Marions Lane KILMORE EAST	Removal of vegetation	Planning Permit	04/03/19
PLP276/18	12 Robert Court WATERFORD PARK	Development of the land for an outbuilding	Planning Permit	04/03/19
PLP027/19	27/33 The Elms Boulevard KILMORE	Construction of a verandah	Planning Permit	12/03/19
PLP037/19	23 Violet Lane BROADFORD	Development of the land for a dwelling	Planning Permit	15/03/19
PLP339/18	19 Anvil Avenue KILMORE	Building and works for the construction of a warehouse and installation and display of business identification signage.	Planning Permit	22/03/19
PLP319/18	24 Violet Lane BROADFORD	Development of the land for a dwelling	Planning Permit	22/03/19
PLP045/15.02	10 Reservoir Road BROADFORD	68 lot subdivision and removal of native vegetation	Planning Permit	25/03/19

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PLP283/17.01	110-120 Kilmore Lancefield Road KILMORE	Staged subdivision of the land, removal of easement and alteration of access to a Road Zone Category 1	Amendment to Planning Permit	25/03/19
PLP346/18	67 Ferguson Street BROADFORD	2 lot subdivision	Planning Permit	27/03/19
North Ward				
PLP247/18	75 Paddys Dam Road TOOBORAC	Use and development of the land for a dwelling and associated outbuilding	Planning Permit	04/03/19
P306569/11	13 Sanctuary Road TALLAROOK	To subdivide the land into fifteen lots and to remove vegetation on the land	Planning Permit	12/03/19
PLP315/18	850 Upper Goulburn Road TALLAROOK	Extension to a carport	Planning Permit	12/03/19
PLP254/18	1655 Seymour Tooborac Road GLENAROUA	Use and development of the land for a dwelling and outbuilding	Planning Permit	12/03/19
PLP177/18	105 Hardings Road NULLA VALE	Use and development of the land for a dwelling, construction of a farm shed and associated earthworks	Planning Permit	18/03/19
PLP066/19	190 Delatite Road SEYMOUR	Buildings and works for the construction of a dwelling extension	Planning Permit	18/03/19
PLP182/18	80 Emily Street SEYMOUR	Buildings and works associated with an existing landscape garden and timber supplies (construction of timber cantilevered storage)	Planning Permit	25/03/19
PLP142/18	44 Emily Street SEYMOUR	Buildings and works associated with an existing service station and display of signage	Planning Permit	27/03/19
PLP006/19	39 Goulburn Street SEYMOUR	Alteration to an existing dwelling	Planning Permit	28/03/19

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report. Failure to comply with the Child Safe Standards and associated legal responsibilities would be a breach of human rights.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.