

## 9.4 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

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**File No:** CL/04/004

**Attachments:** Nil

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### 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
28 November 2019 – awaiting decision	VCAT – P1085/2019 Council – PLP344/18	7 McCarthy Court, Wallan	Buildings and works for the construction of 7 dwellings	Appeal against Council's refusal to grant a planning permit
3 February 2020	VCAT – P125/2019 Council – PLP206/18	8 Eden Place, Wallan	Development of the land for multiple dwellings	Appeal against Council's refusal to grant a planning permit
10 February 2020	VCAT – P1542/2019 Council – TP93/100	Hillview Drive, Broadford	Subdivision of the land into 25 lots and the removal of native vegetation	Appeal against Council's refusal to extend the completion date of the permit

### VCAT decisions since last report

#### 63 High Street, Broadford (VCAT Ref. P668/2019)

A decision has been received from VCAT upholding Council's refusal of a development at 63 High Street in Broadford. The application was for buildings and works for a single storey office building and the subdivision of the land into two lots. The subject site currently contains a two storey structure used as a bank. The proposal was to construct an office building between the existing building and existing supermarket.

The Member in reaching their decision identified that the proposal held both benefits and dis-benefits, so the decision was based on a balanced approach. The VCAT Member discussed the following main points in the decision:

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

- The concept of underdevelopment of the site.
- High Street activation
- Land locking and limiting further development on this site due to the subdivision.
- No car parking provided on site and the reliance of on-street car parking.

In summary the VCAT Member was not persuaded that the proposal was an underdevelopment of the site. This was due to the lack of planning policies and planning controls affecting the respective land that articulates a particular built form and/or land use outcome. Further the Member could foresee the advantages of the proposal further activating High Street and providing an office in the retail core.

However, the Member formed the view that the proposed subdivision would limit any future development opportunities of the existing building and remove the vehicle access to the rear of the existing building and site.

The proposal removes any opportunity for car parking on site. The permit applicant had called on a traffic engineer to provide expert evidence, but the evidence provided contained discrepancies and the VCAT Member was not persuaded by what was presented.

In summary, the member found while the proposal would increase commercial activity and fills in a shopfront gap along High Street, the subdivision would limit future development outcomes for the existing building and remainder of the site.

### Activities Carried out Under Delegation

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

Permit No.	Address	Description of Permit	Decision	Date Approved
<b>South Ward</b>				
PLP223/19	1 Bedford Court WALLAN	Development of the land for an outbuilding	Planning Permit	11/11/19
PLP233/19	119 Wellington Street WALLAN	Use of the land for a Medical Centre	Planning Permit	11/11/19
PLP215/19	155 Stockdale Road WALLAN	Dwelling Extension	Planning Permit	11/11/19
PLP187/19	43 Hanson Road WALLAN	Buildings and works for the construction of a shed	Planning Permit	11/11/19
PLP070/19	26 Dampiera Avenue WALLAN	Development of the land for two dwellings	Planning Permit	12/11/19
PLP149/17.01	160 Gunns Gully Road BEVERIDGE	Use and development of the land for animal breeding	Amended Planning Permit	11/11/19
PLP135/19	189 Hidden Valley Boulevard WALLAN	Staged multi-lot subdivision (50 lots)	Planning Permit (considered)	26/11/19

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

			by Delegate Committee)	
<b>Central Ward</b>				
PLP232/19	16 Sydney Street KILMORE	Use of the land for employment training centre	Planning Permit	12/11/19
PLP181/19	1040 Northern Highway BYLANDS	Use and development of the land for a store and an agricultural shed	Planning Permit	14/11/19
PLP229/18	55 Neill Road CLONBINANE	Buildings and works for the construction of a dwelling	Planning Permit	15/11/19
PLP082/19	18 Sydney Street KILMORE	Seven lot subdivision, use and development of the land for four dwellings, construction of two shops, partial demolition (existing dwelling) and vegetation removal within a Heritage Overlay and a reduction of car parking requirements	Planning Permit (considered by Delegate Committee)	19/11/19
PLP216/19	Glanville Drive KILMORE	Development of the land for five (5) warehouses and a reduction in car parking	Planning Permit	26/11/19
PLP188/19	11 Stafford Street BROADFORD	Use of the land for animal breeding	Planning Permit	28/11/19
<b>North Ward</b>				
PLP214/19	5 The Avenue SEYMOUR	Construction of a front fence	Planning Permit	06/11/19
PLP243/19	235 The Bridle Track GLENAROUA	Development of the land for a single dwelling	Planning Permit	12/11/19
PLP226/19	18 Romano Drive PYALONG	Use and development of the land for a dwelling	Planning Permit	12/11/19
PLP208/17.01	Youngs Lane TOOBORAC	Use and development of the land for a dwelling and shed, and the removal of native vegetation	Amended Planning Permit	25/11/19
PLP225/19	30/465 Tallarook Pyalong Road TALLAROOK	Use and development of the land for a dwelling	Planning Permit	28/11/19

**CHARTER OF HUMAN RIGHTS IMPLICATIONS**

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

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.