

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

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File No: CL/04/004

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
6 August 2019 – awaiting decision	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
14 & 15 August 2019 – awaiting decision	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
10 October 2019	VCAT – P668/2019 Council – PLP129/18	63 High Street, Broadford	Buildings and works for the construction of an office building, 2-lot re-subdivision, reduction of car parking requirements and alteration of access to a Road Zone Category 1	Appeal against Council's refusal to grant a planning permit
28 November 2019	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
30 January 2020	VCAT – P1474/2019 Council – PLP212/18	Bunnings proposal, 63 Anzac Avenue, Seymour	Use and Development of the land for trade supplies and restricted retail premises, alteration of access to a Road	Appeal against Council's notice of decision to grant a planning permit

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

			Zone - Category 1, reduction of bicycle parking requirements and display of signage	
New hearing date – 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**8 Eden Place Wallan (VCAT Reference P125/2019)**

On 13 August 2019 a hearing was held in regards to Council's refusal to grant a planning permit for the development of land at 8 Eden Place in Wallan for multiple dwellings.

At the hearing questions were raised as preliminary matters about the removal of native vegetation as a result of the proposal which was not currently applied for. As a result of these outstanding questions the matter has been adjourned until 3 February 2020 including an administrative mention on 10 September 2019 where parties must address the following:

- *how the applicant is to proceed in addressing the matter of native vegetation under clause 52.17 of the Mitchell Planning Scheme;*
- *whether the hearing scheduled to commence on Monday 3 February 2020 is likely to proceed;*
- *whether any other procedural orders are required; and*
- *whether a further practice day hearing or mention is requested.*

Activities Carried out Under Delegation

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

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP174/19	40 Mathiesons Road WANDONG	Earthworks associated with a dam	Planning Permit	09/08/19
PLP073/19	60 Wellington Street WALLAN	Use and development of the land for a car park	Planning Permit	09/08/19
PLP157/19	20 Pavonia Avenue WALLAN	Two (2) lot subdivision	Planning Permit	13/08/19

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

PLP132/19	36A Wandong Avenue WANDONG	Construction of a carport within 3 metres of a boundary	Planning Permit	13/08/19
PLP074/19	51 Stanley Street WALLAN	2 lot subdivision SPEAR S137092S	Planning Permit	23/08/19
PLP005/19	280 South Mountain Road UPPER PLENTY	Use and development of the land for a dwelling and removal of native vegetation	Planning Permit	23/08/19
Central Ward				
PLP120/19	140 Strath Creek Road BROADFORD	Alterations and additions to the existing warehouse	Planning Permit	08/08/19
PLP183/14.02	60 Reservoir Road BROADFORD	64 lot subdivision and removal of native vegetation	Amended Planning Permit	08/08/19
PLP221/19	945 Dry Creek Road BROADFORD	Construction of a carport	Planning Permit	08/08/19
PLP164/19	508 Broadford Wandong Road CLONBINANE	Extension to an existing dwelling	Planning Permit	14/08/19
PLP144/19	1 Highfield Way KILMORE	Development of the land for an outbuilding	Planning Permit	13/08/19
PLP061/19	14 Church Street KILMORE	Two lot subdivision	Planning Permit	22/08/19
PLP200/19	43-45 Sydney Street KILMORE	Advertising signage (replace existing internally illuminated sign in a heritage overlay)	Planning Permit	23/08/19
PLP297/18	110 White Street KILMORE	Development of the land for three (3) dwellings	Planning Permit	23/08/19
PLP142/19	79 Hamilton Street KILMORE	Subdivision of the land	Planning Permit	28/08/19
PLP098/19	280 Jeffreys Lane KILMORE EAST	Use of the land for animal training and development of an associated building (horse arena, storage and workshop)	Planning Permit	28/08/19
PLP211/18	50 Highgate Road KILMORE	Multi-lot subdivision, removal of easements and removal of native vegetation (62 lots)	Planning Permit (considered by Delegate Committee)	28/08/19
PLP182/19	215 Diggings Road WILLOWMAVIN	Extension to an existing dwelling	Planning Permit	30/08/19

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

North Ward				
PLP155/19	8 Edward Street SEYMOUR	Development of the land for two (2) outbuildings	Planning Permit	13/08/19
PLP268/18.01	5 Bush Pea Drive SEYMOUR	Use and development of the land for a dwelling and vegetation removal	Amended Planning Permit	13/08/19
PLP147/19	3 Majors Line Road TOOBORAC	Native vegetation removal	Planning Permit	12/08/19
PLP020/18.01	40 Manse Hill Road SEYMOUR	Use and development of the land for a dwelling	Amended Planning Permit	20/08/19
PLP062/19	90 Wimble Street SEYMOUR	Development of the land for two dwellings	Planning Permit	27/08/19

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.