

## 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

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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
26 October 2018 – awaiting decision	VCAT – P768/2018 Council – PLP199/17	530 Arkells Lane, Bylands	Use and development of the land for a transfer station	Appeal against Council's notice of decision to grant a planning permit
22 November 2018	VCAT – P1079/2018 Council – PLP298/17	440 Doctors Creek Road, Clonbinane	Use of the land for a place of assemble (recreation use) and accommodation	Appeal against Council's notice of decision to grant a planning permit
14 January 2019	VCAT – P1364/2018 Council – PLP328/17	9 Eden Place, Wallan	Construction of 6 dwellings on a lot	Appeal against Council's refusal to grant a planning permit
1 April 2019 (2 days) – Hearing 4 February 2019 – Compulsory Conference	VCAT – P1751/2018 Council – PLP015/18	Wallara Waters, 170 Wallan Whittlesea Road, Wallan	Staged Multi-lot subdivision	Appealing VicRoads Conditions included on the permit

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

5 February 2019	VCAT – P1835/2018 Council – PLP177/17	67 High Street, Wallan	4 lot subdivision	Appeal against Council's refusal to grant a planning permit
Compulsory Conference – 31 January 2019 Hearing Date – 21 March 2019	VCAT – P2029/2018 Council – PLP218/13	85 Reservoir Road, Broadford	Staged multi-lot subdivision, removal of easements and removal of native vegetation	Appeal against Council's refusal to grant a planning permit

**VCAT decisions since last report**Trawool Resort, 8100 & 8150 Goulburn Valley Highway, Trawool

In regards to the appeal of Council's refusal to grant a planning permit for the Use of the above property for a place of assembly (Respite and Recovery Centre) and accommodation, Council received an order from the Tribunal that the applicant sought leave to withdraw their appeal and that leave is given. Therefore, the decision of Council to refuse the planning permit application stands and no hearing is required.

**Activities Carried out Under Delegation**

A list of planning permit applications dealt with under delegated powers for the month of October 2018 are included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
<b>South Ward</b>				
PLP209/18	1280 Wallan Whittlesea Road UPPER PLENTY	Buildings and works for an agricultural building	Planning Permit	11/10/18
PLP132/17	Station Street WALLAN	17 lot subdivision SPEAR S104425P	Planning Permit	11/10/18
PLP120/18	4 Stanley Street WALLAN	Multi unit development	Planning Permit	15/10/18
PLP113/18	2/6 Freeway Drive WALLAN	Use of the land for a restricted recreation facility	Planning Permit	15/10/18
PLP251/17	71 Darraweit Road WALLAN	Multi-lot staged subdivision of the land and removal of native vegetation	Planning Permit	17/10/18
PLP119/18	646 Northern Highway WALLAN	Removal of an easement	Planning Permit	24/10/18
PLP173/18	99 Rail Street HEATHCOTE JUNCTION	Building and work for an outbuilding	Planning Permit	23/10/18
PLP203/18	22 Whiteside Street BEVERIDGE	Erect and display advertising signage (3 major promotion signs, 2 pole signs, 2 promotion signs)	Planning Permit	23/10/18

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

PLP189/18	6 Milne Court WALLAN	Subdivision of the land and creation of an easement	Planning Permit	23/10/18
<b>Central Ward</b>				
PLP245/18	33 The Elms Boulevard KILMORE	Building and work associated with a residential building	Planning Permit	05/10/18
PLP179/18	9 Meade Court KILMORE	Development of the land for an outbuilding	Planning Permit	11/10/18
PLP241/18	42 Melbourne Street KILMORE	Two lot subdivision - SPEAR S130238S	Planning Permit	11/10/18
PLP272/16.01	100 Forbes Moranding Road KILMORE	Use and development of a dwelling (replacement dwelling) and associated shed	Section 72 Amendment	11/10/18
PLP152/17	25 Powlett Street KILMORE	Development of the land for 4 units and alterations to existing structure on site, partial demolition and creation of access to a Road Zone - Category 1	Planning Permit	15/10/18
PLP251/13.03	33 Jamieson Street BROADFORD	Residential subdivision in stages and removal of native vegetation	Section 72 Amendment	04/10/18
PLP201/18	12A Melrose Drive KILMORE	Development of the land for a dwelling	Planning Permit	23/10/18
PL6278/06.02	70 Kilmore Lancefield Road KILMORE	Use and development of the land for the purpose of a nursing home (aged care facility) and a Retirement Village and associated car parking and to alter access to a Road Zone (Category 1) within a Residential 1 Zone	Notice of Decision to Amend	24/10/18
<b>North Ward</b>				
PLP239/18	62 Station Street SEYMOUR	VICSMART Buildings and works for the construction of a fence and demolition of existing fence	Planning Permit	03/10/18
PLP213/18	65 West Road PYALONG	Development of the land for an outbuilding	Planning Permit	11/10/18
PLP192/18	32-34 Tallarook Street SEYMOUR	Alterations to a building and advertising signage	Planning Permit	11/10/18
PLP1983/18	Hume Freeway TALLAROOK	Alterations and additions to a service station	Planning Permit	18/10/18
PLP237/17	1090 Heathcote East Baynton Road GLENHOPE	Use and development of the land for a dwelling	Planning Permit	22/10/18
PLP187/17	70 Hilldene Lane HILLDENE	Use and development of the land for accommodation (host farm), farm shed, hot house, prayer rooms and swimming pool	Planning Permit	22/10/18

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P306963/12.01	595 Homewood Road WHITEHEADS CREEK	Use and development of a wind energy facility and associated infrastructure and removal of native vegetation	Section 72 Amendment	29/10/18
PLP198/18	McIntosh Road NULLA VALE	Buildings and works for a dwelling	Planning Permit	31/10/18

### 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.