

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

Author: James McNulty - Manager Development Approvals

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
3 February 2020 – hearing deferred until July 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
Compulsory Conference – 13 May 2020, Hearing – 22 July 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
7 July 2020	VCAT – P2492/2019 Council – PLP012/19	Hogan's Hotel, 88-94 High Street, Wallan	Construction of an extension, reduction in car parking, increase in licensed area and patron numbers	Conditions Appeal
10 July 2020	VCAT – P9/2020 Council – PLP205/19	8 C Emily Street, Seymour	Major Promotion Sign	Appeal against Council's refusal to grant a planning permit

VCAT decisions since last report

7 McCarthy Court, Wallan (VCAT Reference – P1085/2019)

An order was received from VCAT on 20 December to uphold Council's refusal of a seven-dwelling development at 7 McCarthy Court in Wallan.

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

In summary the member found that the proposal primarily fails to achieve a satisfactory response to neighbourhood character. The member agreed that the site could accommodate some modest change and increase in dwelling density given the zoning of the site and Wallan's location within the Urban Growth Boundary.

However, the member found that the distance of the review site from key commercial areas and community facilities, combined with a lack of footpath in McCarthy Court and connections to other paths in the area, does not support the higher dwelling density proposed on the review site. In the view of the member a reassessment of this proposed density and design response is required.

Activities Carried out Under Delegation

A list of planning permit applications dealt with under delegated powers for the months of December 2019 and January 2020 is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP102/19	75 Wallan Heights Road WALLAN	Use and development of the land for a store	Planning Permit	05/12/19
PLP281/19	8 Shepherd Street WALLAN	Single Storey Dwelling and Garage	Planning Permit	16/12/19
PLP283/19	4 Stag Place WALLAN	Buildings and works for the construction of a dwelling	Planning Permit	16/12/19
PLP287/19	49 Charles Street WALLAN	Development of the land for a dwelling	Planning Permit	16/12/19
PLP240/19	18 Speargrass Avenue WALLAN	Development of the land for three dwellings	Planning Permit	18/12/19
PLP030/19	22 Whiteside Street BEVERIDGE	Staged multi lot subdivision (259 residential lots)	Planning Permit (Delegate Committee)	19/12/2019
PLP025/19	85 Lithgow Street BEVERIDGE	Staged multi lot subdivision (257 residential lots)	Planning Permit (Delegate Committee)	19/12/2019
PLP091/19	3237 Epping Kilmore Road WANDONG	Multi-lot subdivision, creation of access to a Road Zone - Category 1 and removal of native vegetation (9 lots)	Planning Permit (Delegate Committee)	20/12/19
PLP261/19	8 Eden Place WALLAN	Removal of Native Vegetation	Notice of Decision to Grant a Planning Permit	24/12/2019
PLP282/19	11 Shepherd Street WALLAN	Buildings and works for the construction of a dwelling	Planning Permit	30/12/19

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

PLP318/19	7 Cochrane Court WANDONG	Development of the land for an extension to an outbuilding - VICSMART	Planning Permit	30/12/19
PLP286/19	27 Station Street WALLAN	Two lot subdivision	Planning Permit	30/12/19
PLP024/19	33-75 Camerons Lane, BEVERIDGE	Staged Multi-lot subdivision (428 Residential Lots)	Planning Permit (Delegate Committee)	31/12/19
PLP297/19	3241 Epping Kilmore Road WANDONG	Native vegetation removal	Planning Permit	27/12/19
PLP255/19	36 High Street WALLAN (Wallan Future Hub)	Use and development of the land for a place of assembly, reduction in car parking & business identification signage	Planning Permit	07/01/20
PLP224/19	156 High Street WALLAN	Buildings and works for a food and drink premises and display of signage	Planning Permit	10/01/20
PLP315/19	6 Shepherd Street WALLAN	Construction of a single storey dwelling	Planning Permit	10/01/20
PLP312/19	5 Shepherd Street WALLAN	Development of the land for a dwelling.	Planning Permit	17/01/20
PLP031/19	27 Lewis Street BEVERIDGE	Multi-lot subdivision (61 Residential Lots)	Planning Permit (Delegate Committee)	20/01/20
PLP275/19	4 Whiteside Street BEVERIDGE	Use of the land for a display home centre and display of signage	Planning Permit	21/01/20
PLP291/19	57 Rail Street WANDONG	Extension to an existing dwelling and construction of a shed	Planning Permit	20/01/20
PLP285/19	12 Dry Creek Crescent WANDONG	Removal of Native Vegetation	Planning Permit	17/01/20
PLP103/19	35 Hadfield Road West UPPER PLENTY	Use of the land for domestic animal husbandry	Notice of Decision to Grant a Planning Permit	17/01/20
PLP177/19	59 High Street WALLAN	Display of business identification signs	Planning Permit	24/01/20
PLP261/19	8 Eden Place WALLAN	Removal of Native Vegetation	Planning Permit	29/01/20
PLP175/19	191 William Street WALLAN	Use and development of the land for a store (car storage)	Planning Permit	29/01/20

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

PLP346/19	12 Ram Circuit WALLAN	Development of the land for a dwelling	Planning Permit	30/01/20
PLP032/19	16 Lithgow Street BEVERIDGE	Staged multi-lot subdivision (71 Residential Lots)	Planning Permit (Delegate Committee)	31/01/20
Central Ward				
PLP272/19	39 Sydney Street KILMORE	External painting in a heritage overlay	Planning Permit	04/12/19
PLP208/19	3 Louis Rise KILMORE EAST	Construction of shed & removal of native vegetation	Planning Permit	05/12/19
PLP288/19	150B Jones Road BROADFORD	Dwelling extension	Planning Permit	05/12/19
PLP184/19	11 Branigan Drive KILMORE	Extension to a dwelling	Planning Permit	10/12/19
PLP090/19	21 Pinniger Street BROADFORD	Demolition of existing dwelling and garage	Planning Permit	10/12/19
PLP201/18.01	12A Melrose Drive KILMORE	Development of the land for a dwelling and outbuilding	Amended Planning Permit	18/12/19
PLP306/17.01	95 Sydney Street KILMORE	Alterations and extensions to an existing motel and alteration of access to Road Zone Category 1	Amended Planning Permit	18/12/19
PLP262/19	42 Kellys lane KILMORE	Use and development of the land for a caretaker's residence	Planning Permit	31/12/19
PLP194/19	265 Kennys lane BROADFORD	Buildings and works for the installation of solar panels	Planning Permit	30/12/19
PLP180/19	Hamilton Street KILMORE	Multi-lot subdivision (28 Residential Lots)	Planning Permit (Delegate Committee)	07/01/20
PLP172/19	10 Lumsden Street KILMORE	Subdivision of the land into three lots	Planning Permit	09/01/20
PLP203/19	64 Pinniger Street BROADFORD	Development of the land for an additional dwelling	Planning Permit	20/01/20
PLP076/19	40 McKenzie Street BROADFORD	Development of the land for the construction of three dwellings	Notice of Decision	20/01/20
PLP252/19	84 Sutherland Street KILMORE	Development of land for four dwellings	Planning Permit	16/01/20
North Ward				

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

PLP220/19	8150 Goulburn Valley Highway TRAWOOL	Buildings and works associated with an existing hotel (outdoor decking) and an increase to the existing licensed area for the consumption of liquor (extended red line)	Planning Permit	03/12/19
PLP019/18	Upper Goulburn Road TALLAROOK	Development of the land for a dwelling and outbuilding	Planning Permit	04/12/19
PLP269/19	10 Bush Pea Drive SEYMOUR	Use and development of the land for a dwelling an out building	Planning Permit	05/12/19
PLP258/19	370 Tallarook Pyalong Road TALLAROOK	Development of the land for an outbuilding	Planning Permit	10/12/19
PLP257/19	Panyule Road PYALONG	Development of the land for a dwelling and outbuilding	Planning Permit	10/12/19
PLP319/19	1065 Panyule Road PYALONG	Construction of a hay shed	Planning Permit	16/12/19
PLP320/19	8-10 Victoria Street SEYMOUR	Construction of a Pergola	Planning Permit	18/12/19
PLP343/19	4300 Northern Highway PYALONG	Development of the land for an outbuilding	Planning Permit	27/12/19
PLP260/19	32 Emily Street SEYMOUR	Construction of a spa and associated safety fence	Planning Permit	09/01/20
PLP210/19	735 Upper Goulburn Road WHITEHEADS CREEK	Three lot re-subdivision	Planning Permit	13/01/20
PLP335/18	555 Schoolhouse Lane TALLAROOK	Use and development of the land for a dwelling and domestic animal boarding (cattery) and display of signage	Planning Permit	17/01/20
PLP243/19.01	235 The Bridle Track GLENAROUA	Development of the land for a single dwelling	Amended Planning Permit	17/01/20
PLP280/19	Doyle Crescent SEYMOUR	Removal of reserve status	Planning Permit	21/01/20
PLP323/19	20 Watson Street SEYMOUR	2 Lot Subdivision	Planning Permit	17/01/20
PLP256/16.03	49 Emily Street SEYMOUR	Buildings and works associated with motor vehicle repairs and	Amended Planning Permit	22/01/20

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

		sales and display of signage		
PLP166/17.01	175 Racecourse Road PYALONG	7 Lot subdivision and removal of native vegetation	Notice of Decision to Amend Planning Permit	29/01/20

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.