VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P221/2021permit application no. TPA/51717 |

|  |  |
| --- | --- |
| APPLICANT | Chinh Mai |
| responsible authority | Monash City Council |
| SUBJECT LAND | 517 High Street RoadMOUNT WAVERLEY VIC 3149 |
| DATE OF ORDER | 1 March 2021 |

# Order

### Hearing

1. This application is listed for a hearing as detailed below.

The hearing will be at 55 King Street, Melbourne.

If there is any change to these details, the Tribunal will notify you.

|  |
| --- |
| **Hearing:** |
| Date and time | 1 September 20212:15 pm – 5:00 pm |
| Conduct | Online platform |

The details of the online platform will be provided to the parties before the hearing.

### What the applicant must do

1. By **23 March 2021** the applicant must give the following documents to the responsible authority:
* a copy of the application and all attachments; and
* any other material given to the Tribunal; and
* a copy of this order.
1. By **8 April 2021** the applicant must give the following documents to any referral authority and every person who lodged a written objection to the grant of the permit (objectors):
* the application for review, including the applicant’s statement of grounds (the attachments do not need to be included); and
* a blank Statement of Grounds form (available at [www.vcat.vic.gov.au/](http://www.vcat.vic.gov.au/)respondplanning); and
* a copy of this order; and
* a letter which must:
	+ explain that an application for review has been lodged and the Tribunal requires the documents to be given to any objectors and any referral authorities; and
	+ explain that a statement of grounds may be lodged with the Tribunal and specify **29 April 2021**  as the closing date by which a statement of grounds must be given to the Tribunal, the responsible authority and the applicant; and
	+ specify the date/s and time/s of the hearing contained in Order 1; and
	+ if applicable, include a statement setting out those matters within the permit application for which there is no right of review under section 82 of the *Planning and Environment Act 1987*.

If the relevant planning scheme fully exempts the permit application from review rights under section 82 of the *Planning and Environment Act 1987*, the documents in order 3 must only be given to referral authorities. This is the case even if objections were lodged with the responsible authority.

1. By **15 April 2021** the applicant must give to the Tribunal:
* a completed statement of service; and
* a list of names and addresses of all persons and authorities to whom the documents were given; and
* a sample of the letter sent with the documents.

If a statement of service is not given to the Tribunal by **15 April 2021**, this application may be struck out without further notice. No reminder will be sent.

### What the responsible authority must do

1. By **30 March 2021** the responsible authority must give the Tribunal and the applicant a list of any referral authorities and the names and addresses of all persons who were entitled to, and who did lodge, a written objection to the grant of the permit.
2. By **8 April 2021** the responsible authority must give the information required by the Tribunal’s Practice Notice **PNPE2 – Information from Decision Makers** (**PNPE2**)to the Tribunal, unless this material has already been given in another related proceeding. The responsible authority must give a copy of the completed table of PNPE2 to the applicant. The attachments do not need to be given to the applicant.
3. No later than **5 business days** before the hearing the responsible authority must give the Tribunal and all parties a draft of the conditions to which the permit should be subject if it is granted.

The draft conditions must be provided to the Tribunal in electronic Word format and must be sent to planningconditions.vcat@courts.vic.gov.au

(Note: this does not apply in applications under section 80 of the *Planning and Environment Act 1987* for a review of conditions in a permit.)

### What objectors and referral authorities must do

1. If you are entitled to become a party to this proceeding and want to take part, you must give a completed Statement of Grounds form (available at [www.vcat.vic.gov.au/](http://www.vcat.vic.gov.au/)respondplanning) to the Tribunal, the responsible authority and the applicant by **29 April 2021**.

(Note: you must also pay a fee. Information regarding fees is available at [www.vcat.vic.gov.au/](http://www.vcat.vic.gov.au/)fees. A fee does not apply to referral authorities.)

### What all parties must do

1. No later than **5 business days** before the hearing, the parties must provide an electronic copy of their submissions and associated material (such as supporting documentation, case law and photographs) to the Tribunal and all parties. The copy for the Tribunal must be sent to admin@vcat.vic.gov.au

All expert evidence must be filed and served in accordance with the Tribunal’s Practice Note PNVCAT2 Expert Evidence.

### Requests for procedural orders

1. Any request for procedural orders from the Tribunal must be made in writing and a copy must be given to all parties.

Claire Bennett

**Member**

# Help and support

Information for all parties is available at the Tribunal’s website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

For information about what happens after you make your application, visit

[www.vcat.vic.gov.au/afterapplyplanning](http://www.vcat.vic.gov.au/afterapplyplanning)

For information about responding to an application visit [www.vcat.vic.gov.au/](http://www.vcat.vic.gov.au/)respondplanning

If you are not able to access the website, contact the Tribunal on 1300 01 8228 Monday to Friday 9.00am to 4.30pm to request a paper copy.

To find out about the Tribunal’s support services such as interpreters, disability support and security, visit [www.vcat.vic.gov.au/support](http://www.vcat.vic.gov.au/support)

# VCAT_LOGO_BLACK

**PLANNING AND ENVIRONMENT LIST**

# STATEMENT OF SERVICE

To be completed by or for the Applicant

|  |  |  |
| --- | --- | --- |
| **Subject Land** | **517 High Street RoadMOUNT WAVERLEY VIC 3149** | **VCAT Ref:** P221/2021 |

I, ………………………………………………………….……………..(Print full name)

of ………………………………………………………………………..(Print name of firm, if relevant)

…………………………………………………………………………..(Print address)

…………………………………………………………………………..

**STATE** to the Victorian Civil and Administrative Tribunal (VCAT) that:

1. On …………………………… ***(date of service)*** I served a copy of the application and all attachments and other material filed with the Tribunal and a copy of the initiating order on the responsible authority.
2. On …………………………… ***(date of service)*** I served the following documents on each of the persons specified below by post\*/by email\*/in person\*. ***(\*delete whichever does not apply)***

**Documents served:**

* + a cover letter;
	+ a copy of the application (excluding attachments) and any other relevant documents required to be served by VCAT’s initiating order;
	+ a copy of the VCAT initiating order;

**Persons served: *(tick as appropriate)***

|  |  |
| --- | --- |
|  | any referral authorities |
|  | any person who lodged a written objection to the application for permit set out in the attached list, which I obtained from the relevant responsible authority |
|  |
|  | any person directed by the Tribunal |
|  | any other person or authority |

1. I attach copies of the following documents.

**Documents attached: *(tick as appropriate)***

|  |  |
| --- | --- |
|  | list of names and addresses of all persons or authorities served  |
|  | copy of sample cover letter sent with documents served |

**ALTERNATIVELY**

1. There are no objectors or referral authorities to serve because:

|  |  |
| --- | --- |
|  | No objections were lodged with the responsible authority to the permit application  |
|  | The permit application is exempt from third party notice and review rights |

I understand that knowingly giving false or misleading information to VCAT may result in imprisonment or fine (section 136 of the *Victorian Civil and Administrative Tribunal Act1998*).

Signature ……………………………………………………………Date………………………………..