

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO.
P510/2022, P511/2022
PERMIT APPLICATION NO.
PLN/2021/616

P510/2022

APPLICANT ID Ross Watt Road Pty Ltd
RELEVANT AUTHORITY Macedon Ranges Shire Council
REFERRAL AUTHORITY Greater Western Water

P511/2022

APPLICANT ID Ross Watt Road Pty Ltd
RESPONSIBLE AUTHORITY Macedon Ranges Shire Council
REFERRAL AUTHORITIES Country Fire Authority (CFA)
Department of Education and Training
Department of Environment, Land, Water and Planning
Department of Jobs, Precincts and Regions
Downer Tenix
Environment Protection Authority
Greater Western Water
Head, Transport for Victoria
Melbourne Water Corporation
Powercor
Southern Rural Water

SUBJECT LAND 89 Ross Watt Road
GISBORNE VIC 3437

DATE OF ORDER 5 July 2022

ORDER

- 1 The Compulsory Conference for these combined proceedings scheduled to be held on 28 June 2022 is deemed to have been vacated.
- 2 These applications are listed for a further practice day hearing¹ 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.

¹ A different member will be dealing with this PDH and also the main hearing of this matter.



Practice Day Hearing (P510/222 & P511/2022):	
Date	29 July 2022
Start time	For details of the start time, please refer to the Tribunal's website (www.vcat.vic.gov.au/todays-hearings) after 5.00pm on the day before the hearing
Duration	60 minutes
Conduct	Online platform

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

- 3 The purpose of the practice day hearing is:
 - To deal with any follow up aspects arising from the further steps required by the various procedural orders set out below.
 - To resolve whether the existing three scheduled hearing days 29-31 August 2022 should be vacated.
 - If such vacation occurs and new hearing dates are set, whether the two proceedings should be heard together or separately, how many hearing days will be required and the preferable time of year for the hearing(s) to be scheduled.
 - Otherwise to deal with the future conduct of these combined proceedings.

- 4 Parties must attend the practice day hearing with the following information:
 - details of any other applications at the Tribunal that are related to this application;
 - submissions, including any supporting evidence and documents, relating to the specific purpose of the practice day hearing (where relevant);
 - if any party is seeking procedural directions, a copy of the directions sought.
 - a draft of terms of settlement, if the matter is likely to be settled by consent on the day.

- 5 If it has not already done so, the Responsible Authority must immediately give the following to the applicant and to the Tribunal:
 - The names and addresses of occupiers and owners of the properties on the list in the relevant Schedule A;
 - A list of any relevant referral authority that may be affected by the proposed development plan;

- The local newspaper for which an advertisement is to be published by the applicant pursuant to Order 8 below;
- Map showing the locations for the Council’s ‘Notice of Application’ signs on the land;
- Provide Council’s ‘Notice of Application’ sign which will be displayed pursuant to Order 7 below.

6 By **8 July 2022** the applicant must give notice of the Development Plan (inclusive of any modifications made by further information responses and consistent with the revised Subdivision Layout Plan prepared by Breese Pitt Dixon, Revision 8.2 dated 8 June 2022) review application (P510/2022) to all those on the Responsible Authority’s lists provided to the applicant under Order 5 above. The notice must include:

- a copy of the application for review (the attachments do not need to be given);
- a copy of this order;
- a copy of the Development Plan (inclusive of any modifications made by further information responses and consistent with the revised Subdivision
- Layout Plan prepared by Breese Pitt Dixon, Revision 8.2 dated 8 June 2022)
 - via a link;
- a letter that must:
 - explain that two applications for review have been made to the Tribunal;
 - include a description of the proposals in each application for review;
 - explain that a copy of the Development Plan and all reports lodged in support of the Development Plan and associated correspondence are available on the Macedon Ranges Shire Council website for a period of not less than 14 days;
 - advise that in relation to the development plan application proceeding (P510/2022), the Development Plan Overlay (Schedule
 - 4) of the Macedon Ranges Planning Scheme states the following process requirement:

“The development plan and any amendment to the plan must be publicly exhibited for a period of two weeks prior to approval. The responsible authority must take into account any comments received when considering the development plan or any amendment to the plan”.



- advise that they can make any comments to the development plan application (P510/2022) by **22 July 2022**, which must be given to the Tribunal, Responsible Authority and the applicant;
- advise with reference to the related permit application proceeding (P511/2022), that clause 43.04-3 of the Development Plan Overlay of the Macedon Ranges Planning Scheme states as follows:

“If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act”.

7 By **8 July 2022**, the applicant must display the signs provided by the Tribunal on the land in locations identified on a map provided by the Responsible Authority to the applicant pursuant to Order 5 above. The applicant must maintain the sign in good order and condition for not less than 14 days from the day it is put on the land. This sign must be completed to include all the required information and must:

- explain that two applications for review have been made to the Tribunal;
- include a description of the proposals in each application for review;
- advise that in relation to the development plan application proceeding (P510/2022), the Development Plan Overlay (Schedule 4) of the Macedon Ranges Planning Scheme states the following process requirement:

“The development plan and any amendment to the plan must be publicly exhibited for a period of two weeks prior to approval. The responsible authority must take into account any comments received when considering the development plan or any amendment to the plan”.

- advise that they can make any comments to the development plan application (P510/2022) by **22 July 2022**, which must be given to the Tribunal, Responsible Authority and the applicant; and
- advise with reference to the related permit application proceeding (P511/2022), that clause 43.04-3 of the Development Plan Overlay of the Macedon Ranges Planning Scheme states as follows:

“If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act”.



- 8 By **8 July 2022**, the applicant must advertise a notice within the local newspaper as advised by the Responsible Authority pursuant to Order 5 above. The advertisement must:
- explain that two applications for review have been made to the Tribunal;
 - include a description of the proposals in each application for review;
 - advise that in relation to the development plan application proceeding (P510/2022), the Development Plan Overlay (Schedule 4) of the Macedon Ranges Planning Scheme states the following process requirement:

“The development plan and any amendment to the plan must be publicly exhibited for a period of two weeks prior to approval. The responsible authority must take into account any comments received when considering the development plan or any amendment to the plan”.
 - advise that they can make any comments to the development plan application (P510/2022) by **22 July 2022**, which must be given to the Tribunal, Responsible Authority and the applicant; and
 - advise with reference to the related permit application proceeding (P511/2022), that clause 43.04-3 of the Development Plan Overlay of the Macedon Ranges Planning Scheme states as follows:

“If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act”.
- 9 By **21 July 2022**, the applicant must give to the Tribunal:
- a completed statement of notice;
 - a list of names and addresses of all persons who were notified;
 - a sample of the letter sent with the documents; and
 - all other information required by the statement of notice.

Philip Martin
Senior Member



HELP AND SUPPORT

Information for all parties is available at the Tribunal's website
www.vcat.vic.gov.au

For information about what happens after you make your application, visit
www.vcat.vic.gov.au/afterapplyplanning

For information about responding to an application visit
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

