

**Planning and Environment List
(Major Cases)
Administrative Division**

**Application for Review to the Major Cases List by a Permit Applicant
or Permit Holder under section 77, 79 or 80 of the *Planning and
Environment Act 1987***

Information about Applications in the Major Cases List

The Major Cases List is a sub-list of the Planning and Environment List that has been established to expedite the resolution of applications. Fees in the Major Cases List are higher and it operates on a user-pays fee basis so that its operation does not materially disadvantage the finalisation of other applications in the Planning and Environment List.

An application to the Tribunal is eligible for inclusion in the Major Cases List if the proceeding is in respect of a use or development of any kind irrespective of the cost of development.

Once an application has been included in the Major Cases List, the permit applicant or permit holder cannot seek the removal of the proceeding from the Major Cases List or 'opt out' of the List.

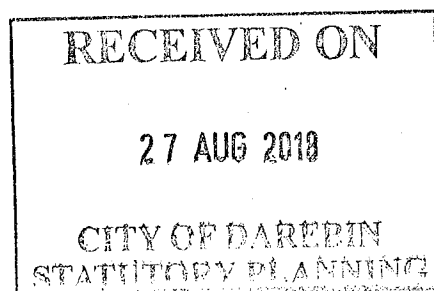
After you lodge your application for review, the Tribunal will issue an initiating order setting out dates for the hearing, compulsory conference and practice day hearing, and giving directions about steps that you and other parties to the proceeding must comply with. The initiating order will set dates by which each step must be completed.

If you fail to comply with the Tribunal's initiating order by the dates specified in the order, your application may be struck out without further notice. If you are unable to comply with any aspect of the initiating order, you must apply to the Tribunal in writing for an extension of time. You cannot change dates without an order by the Tribunal.

If you intend to apply to amend the plans which form part of the permit application, you may only do this in accordance with VCAT's Practice Note PNPE9 – Amendment of Plans and Applications after you have given notice of your application for review as directed by the Tribunal.

The fees for applications in the Major Cases List are prescribed under the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2016* (Fees Regulations). The fees are also set out on the Tribunal's website.

A daily hearing fee is payable under the Fees Regulations for each day or part day of a hearing in the Major Cases List. This includes a preliminary hearing or an accompanied site inspection forming part of a hearing, but does not include a practice day hearing, or compulsory conference.



Planning and Environment List (Major Cases)
Administrative Division
Section 77, 79 or 80

VCAT Reference Number (Office Use Only) P /

Cost of the Development

The estimated cost of this development is: \$78,000,000

The cost of development will normally be the cost specified in the permit application.

Details of Applicant(s)

If the name below is not identical to the name on the permit application lodged with the responsible authority, you will require leave of the Tribunal to amend the name of the permit applicant to accord with the name below. Include the complete name if the applicant is a company: e.g. XYZ Co. Pty Ltd.

Full Name The Churches of Christ Vic/Tas

Do you require leave of the Tribunal to amend the name of the permit applicant?

Yes No

Address of Applicant(s)

All correspondence will be sent to the applicant(s) at this address, unless the 'Details of Representative' section is completed, in which case all correspondence will be sent to the representative address or email.

Address for service

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Business phone		After hours phone	
Mobile		Fax number	
Email			

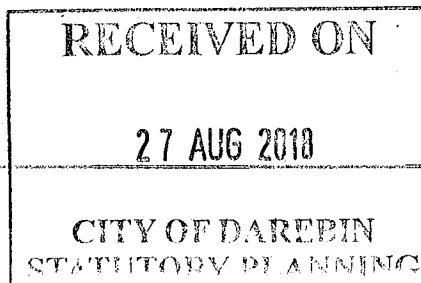
Details of Representative

Name/Firm Hall & Wilcox Lawyers
Reference Number/ Contact person Rory O'Connor - 143200

Address for service

Level 11, 525 Collins Street, Melbourne VIC 3000
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Business phone	9603 3567	After hours phone	
Mobile		Fax number	
Email	Rory.oconnor@hallandwilcox.com.au and Bridget.Negri@hallandwilcox.com.au		



Statutory basis of the application

You must attach a copy of the responsible authority's decision (except for an application under section 79) No more than one box may be ticked. If your application does not fall under the following sections, do not use this form.

What are you requesting VCAT to review?

- Refusal to grant a planning permit or an amendment to a planning permit under section 77 *Planning and Environment Act 1987*
- Failure to grant a permit within the prescribed time under section 79 *Planning and Environment Act 1987*
- Conditions in a permit under section 80 *Planning and Environment Act 1987*. List disputed conditions below:

Information about the land to which this application and the permit applies

If there is no conventional address (street number, street and locality) insert a land description:

- Certificate of Title volume and folio;
- Lot and lodged plan number;
- Crown allotment; or
- Section number /Township/Parish.

Address or description of the land

582 Heidelberg Road, Alphington VIC 3078

RECEIVED ON

27 AUG 2018

CITY OF DAREBIN
STATUTORY PLANNING

Responsible Authority

City of Yarra

Details of the permit application

Permit application number

PLN17/0858

Proposal

Development of the land for the construction of a multi-storey building, use of the land for dwellings and an indoor recreational facility (gymnasium) and reduction in the statutory car parking requirement.

Is the permit application an application to amend an existing permit? If yes, you need to insert the existing permit number and attach copies of the permit in its current and proposed form.

Yes

No

Existing permit number

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Please provide the following information and material about the permit application to assist the Tribunal to process your application as expeditiously as possible.

<p>Provide a copy of the permit application, all supporting material submitted to the responsible authority and the latest set of plans which currently form part of the application. Plans must be in not less than A3 size.</p>	<p>Please refer to Attachment C.</p>
<p>What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?</p>	<p>The subject land is situated within Commercial 1 Zone under the Yarra Planning Scheme. The subject land is not affected by any planning overlays.</p>
<p>Set out each specific provision under the planning scheme pursuant to which a permit is required.</p>	<p>A permit is required pursuant to Clauses 34.01-1 and 34.01-4 of the C1Z. A permit is also required in accordance with Clause 52.06-3 (Car parking).</p>
<p>Is the proposal exempt from the notice requirements or review rights under the <i>Planning and Environment Act 1987</i>? - If so, specify by what provision in the planning scheme.</p>	<p>No.</p>
<p>Was notice of the current application given under relevant provisions of section 52 of the <i>Planning and Environment Act 1987</i> by you or the responsible authority?</p>	<p>The responsible authority issued letters to residents of the surrounding area advising of the proposal. The applicant also posted 3 signs on the site.</p>
<p>In relation to Aboriginal Cultural Heritage and the need for a Cultural Heritage Management Plan (CHMP):</p> <p>(a) Is the location of the proposed use and / or development on or partly on an area of Cultural Heritage sensitivity as defined under Divisions 3 or 4 of the <i>Aboriginal Heritage Regulations 2007</i>?</p> <p>(b) Is the proposed use and / or development of the land a high impact activity as defined under Division 5 of the <i>Aboriginal Heritage Regulations 2007</i>?</p> <p>(c) Is the activity exempt from a CHMP under Division 2 of the <i>Aboriginal Heritage Regulations 2007</i>?</p> <p>(d) Is the activity exempt from a CHMP because of significant ground disturbance?</p> <p>(e) If a CHMP is required, has CHMP been provided and approved? If so please provide a copy.</p>	<p>No.</p> <div data-bbox="922 1512 1353 1803" style="border: 1px solid black; padding: 10px; text-align: center;"> <p>RECEIVED ON</p> <p>27 AUG 2018</p> <p>CITY OF DAREBIN STATUTORY PLANNING</p> </div>
<p>Are there any questions of law likely to arise? If so, provide details.</p>	<p>No.</p>

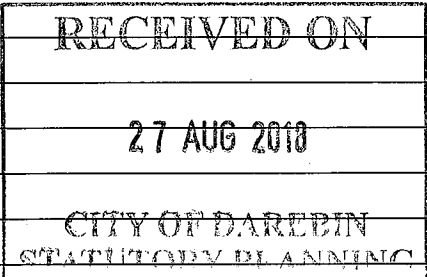
Reasons for reviewing the decision (Statement of Grounds)

A "statement of grounds"

- is a short but precise list of issues you wish to raise with VCAT, which contests the decision made by the responsible authority. The Planning and Environment Act 1987 and planning schemes define the issues VCAT can consider. VCAT must have regard to the matters set out in section 84B of the Planning
- is not required for an (failure to grant a permit within the prescribed time) application under section 79 of the Planning and Environment Act 1987.

Set out a short statement of the grounds you rely on to support your application. Attach a separate sheet if necessary.

Please refer to **Attachment A**.



Attachments

Attach the following documents to this application. Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

<input checked="" type="checkbox"/> Statement of Grounds, if a separate sheet is necessary	Ref. No.	Attachment A
<input checked="" type="checkbox"/> Copy of the relevant notice of refusal, permit or notice of decision to grant or amend a permit (sections 77 & 80)	Ref. No.	Attachment B
<input type="checkbox"/> Calculation of elapsed days (section 79 only). See VCAT website Calculating elapsed days in failure applications .	Ref. No.	
<input type="checkbox"/> Copy of the permit to be amended in its current form and in its proposed form (where application is to amend an existing permit)	Ref. No.	
<input checked="" type="checkbox"/> Copy of the permit application, all supporting material submitted to the responsible authority and the latest set of plans which currently form part of the application. Plans must be in not less than A3 size.	Ref. No.	Attachment C
<input checked="" type="checkbox"/> Copy of any council report about the permit application (if available)	Ref. No.	Attachment D
<input type="checkbox"/> Copy of Cultural Heritage management Plan (if relevant)		
Other attachments (if relevant)		
<input type="checkbox"/>	Ref. No.	
<input type="checkbox"/>	Ref. No.	
<input type="checkbox"/>	Ref. No.	

Hearing time and complexity

Estimate the time it will take you to present your complete case at the hearing (submissions plus witnesses) and the number of expert witnesses you intend to call, if any.

Time to make submissions & present evidence: Hours Minutes

Number of witnesses: Expertise:

See VCAT's Practice Note PNVCAT2 – Expert Evidence for information about the obligations of expert witnesses and what must be included in the report of an expert witness.

Acknowledgement

I acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct and that no details relevant to the application have been left out.
- I approve the information that has been provided.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Category of person completing this application:

Applicant in person Authorised Representative

Name of person completing this application (print)

Date

Checklist

Before you lodge this application, make sure that:

- ✓ You have completed all details and responded to all questions.
- ✓ All documents regarding fees (e.g. fee waiver documents, credit card form or cheque) are supplied with your application.
- ✓ You have attached and properly referenced all of the attachments listed in this form.

Fees

You must pay the relevant application fee at the same time you lodge this form. Fees may change each year. To find out about the current fee, visit the VCAT website www.vcat.vic.gov.au or call VCAT on 9628 9777.

Application Fee

Fees can be paid via money order, cheque, cash or credit card.

Money orders and cheques are to be made payable to 'VCAT'. Cash payments will only be accepted if you are delivering this application in person to VCAT. Do not send cash in the mail. If faxing the application, you can only pay by credit card.

If you wish to pay the fee by credit card, please fill in the details on the next page.

