

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1340/2022

<b>APPLICANT</b>	Hongxing Springvale Road Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Monash City Council
<b>RESPONDENT</b>	Owners Corporation PS738885P
<b>SUBJECT LAND</b>	251-261 Springvale Road GLEN WAVERLEY VIC 3150
<b>HEARING TYPE</b>	Compulsory conference
<b>DATE OF HEARING</b>	No hearing
<b>DATE OF ORDER</b>	21 February 2023

### ORDER

- 1 The proceeding is listed for a hearing on the dates and for the times as detailed below.

The in-person hearing will be conducted at 55 King Street Melbourne.

Details will be published in the law list late on the afternoon of the day prior to the hearing.

<b>Major Cases Hearing:</b>	
Date and time	<b>11, 12, 13, 14, 18 and 20 April 2023</b> 10.00 am – 4.30 pm
Conduct	<b>In person – 55 King Street Melbourne</b>

### Administrative mention

- 2 The proceeding is listed for administrative mention on **24 March 2023**. By that date each party must advise the Tribunal in writing:

- whether the matter is resolved or is proceeding to a hearing,
- if the matter is resolved, the orders sought by consent,
- whether any other procedural orders are required; and
- whether a further compulsory conference and/or directions hearing or mention is requested.

No attendance is necessary.

- 3 Any party may request that the administrative mention be converted to a Practice Day Hearing. The relevant form is available at the Tribunal's website [www.vcat.vic.gov.au/documents/forms/practice-day-request-form](http://www.vcat.vic.gov.au/documents/forms/practice-day-request-form)

## Variation of PNPE9 – amendment of permit application and plans

- 4 The requirements of order 5 of the Tribunal’s order dated 14 February 2023 are varied.
- 5 If the applicant makes an application to amend the permit application by substituting new plans for the permit application plans this must be undertaken in accordance with VCAT Practice Note – PNPE9 *Amendment of Planning Permit Applications and Plans* (as amended on 1 July 2022), except for the following requirements which are varied as follows:
  - (a) The timeframes in column 3 of Table 1 are varied as follows:
    - (i) **Notice given by standard post:** must be put in the post by no later than **22 February 2023**.
    - (ii) **Notice given in person or by email:** must be delivered or emailed to the recipients by no later than **27 February 2023**.
    - (iii) **Notice given by EXPRESS POST:** must be put in the post by no later than **4.00pm on 27 February 2023**.
- 6 The permit applicant must, upon request, provide a clearly readable, scaled copy, with dimensions, of any amended plans, highlighting where changes have been made or other supporting material to any party, objector or person notified of the permit application whether that request is made orally or in writing.
- 7 The permit applicant must provide the responsible authority with a copy of the plans and/or other material in electronic PDF form and the responsible authority must publish the plans and material on its website as soon as practicable after receiving them.

## Providing submissions and associated material before the hearing

- 8 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](mailto:admin@vcat.vic.gov.au)
- 9 All expert evidence must be filed and served in accordance with the Tribunal’s Practice Note PNVCAT2 Expert Evidence.

## Draft Conditions

- 10 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.
- 11 The draft conditions must be provided to the Tribunal in electronic Word format and must be sent to [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au).

## **Tribunal Book**

- 12 No later than **5 business days** before the hearing, the applicant must provide an electronic copy of a Tribunal Book to the Tribunal and all parties. The electronic copy for the Tribunal must be sent to [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

Information on the content and format requirements of the Tribunal Book is available at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

## **Requests for procedural orders**

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

S. R. Cimino  
**Senior Member**