

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P709/2023

APPLICANT	Hillview Rise Pty Ltd
RELEVANT AUTHORITY	South Gippsland Shire Council
SUBJECT LAND	99 Bena Road KORUMBURRA 3950
HEARING TYPE	Compulsory conference
DATE OF HEARING	19 September 2023
DATE OF ORDER	19 September 2023

ORDER

- 1 The details set out in the Tribunal's initiating order are **changed**.
- 2 The compulsory conference conducted on 19 September 2023 is adjourned and scheduled to recommence in accordance with the information below
- 3 The proceeding is listed for hearing on the date and for the time as detailed below.

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

Compulsory Conference	
Date and time	10 October 2023 10:00am - 1:00pm
Conduct	On Line

Standard Cases Hearing:	
Date and time	4, 5 & 6 December 2023 10:00am - 4:30pm
Conduct	On Line

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

Administrative mention

- 4 The proceeding is listed for administrative mention on **3 October 2023**. By no later than 4pm on that date the applicant must advise the Tribunal and each party to the proceeding in writing:



- whether there is any utility in proceeding with the adjourned compulsory conference on 10 October 2023
- or is the matter proceeding to a hearing,
- whether any other procedural orders are required; and
- whether a further directions hearing or mention is requested.

No attendance is necessary.

- 5 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/

Further and better particulars

- 6 The responsible authority is directed to provide further and better particulars in respect to the matters it is unsatisfied with in respect of the proposed development plan to the applicant by no later than 4pm on Monday 25 September 2023. The material is to include any correspondence it currently has from any referral or statutory body.

Notice of Development Plan

- 7 The Responsible Authority is directed to give notice as soon as possible to any statutory and/or referral authority and any person it considers appropriate in the circumstances of this proposed development plan. The Responsible Authority is to give notice to the applicant as to whom it has served notice on within seven days of the giving of notice.

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
- 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.

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.)



Tribunal Book

- 11 No later than **5 business days** before the hearing, the applicant must provide a Tribunal Book to the Tribunal and all parties. One electronic copy and one colour, paper copy of the Tribunal Book must be provided to the Tribunal. The electronic copy for the Tribunal must be sent to admin@vcat.vic.gov.au

Information on the content and format requirements of the Tribunal Book is available at www.vcat.vic.gov.au

Requests for procedural orders

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

Variation of PNPE9 – amendment of permit application and plans

- 13 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).

Nicholas Hadjigeorgiou
Member

APPEARANCES

For applicant	Paul Chiappi, Barrister, instructed by Glen Kell Town Planner, and assisted by Matt Brosnan, Engineer
For responsible authority	Jan Cussen, Town Planner, SMEC

