

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1713/2007

APPLICANT	Mr A Carswell
RESPONSIBLE AUTHORITY	Yarra Ranges Shire Council
RESPONDENT	MEEPPA Inc, Mount Evelyn IGA Supermarket & Others
SUBJECT LAND	25-29, 35-39,41,41A Wray Cres, 16-18 Station St & 3 Snowball Ave, MOUNT EVELYN
WHERE HELD	Melbourne
BEFORE	Helen Gibson Deputy President
HEARING TYPE	Directions Hearing
DATE OF HEARING	24 August 2007
DATE OF ORDER	29 August 2007

ORDER

- 1 Leave is given to any objectors to the planning permit application who have not yet filed a statement of grounds and who wish to become a party to this application for review to file with the Tribunal and serve on the responsible authority and the permit applicant a statement of grounds within 28 days of the date of this order.
- 2 Pursuant to section 127 of the *Victorian Civil and Administrative Tribunal Act 1998*, the application for review is amended so that the subject land is described as follows:

35-39, 41, 41A Wray Crs, 6-12, 12A, 16-18 Station St, 25-29 Wray Crs, 3 Snowball Ave, Mt Evelyn.
- 3 This matter is listed for hearing for 6 days commencing on 12 November, 2007 before a two member Tribunal.
- 4 The applicant/permit applicant has foreshadowed that it intends to make an application to substitute amended plans for the permit application plans in this proceeding. It shall be sufficient compliance with clause 11.1 of Practice Note PNPE1 – General Procedures if the applicant/permit applicant

by no later than 30 business days prior to the hearing gives notice of its application to amend plans in accordance with the following:

- (a) File with the Tribunal and serve on all parties to the proceeding and the responsible authority the following documents:
 - *A Notice of Application to Amend Plans* in the form of Form A to Schedule 3 of Practice Note PNPE 1 – General Procedures with the relevant details completed;
 - A statement in writing describing the changes from the previous plans;
 - Advice that copies of the amended plans can be inspected during business hours at the main office of the responsible authority;
 - Advice that a party may obtain a copy of the amended plans upon request to the permit applicant.
 - (b) File and serve the specified number of clearly readable scaled copies of the amended plans upon the following persons:
 - file with the Tribunal 2 copies;
 - serve 4 copies on the responsible authority;
 - serve 1 copy on Mount Evelyn IGA Supermarket, c/- DLA Phillips Fox, solicitors;
 - serve 2 copies on MEEPPA Inc.
 - serve 1 copy on Robyn Taylor;
 - serve 1 copy on Con Clavant;
 - serve 1 copy on Clare Worsnop.
- 5 The responsible authority shall make available for inspection at its offices copies of the amended plans filed and served herein, and the permit applicant shall upon request provide a clearly readable scaled copy of the amended plans forthwith to any party, objector or person notified of the permit application whether that request is made orally or in writing.
- 6 It will be sufficient compliance with the requirements of Clause 4.2 of Practice Note PNPE-1 General Procedures for parties to file and serve the specified number of reports or statements containing the evidence in chief of any expert upon whose evidence they intend to rely at the hearing upon the following persons (as relevant):
- file with the Tribunal 2 copies;
 - serve 4 copies on the responsible authority;
 - serve 2 copies on the applicant/permit applicant c/- Urbis
 - serve 1 copy on Mount Evelyn IGA Supermarket, c/- DLA Phillips Fox, solicitors;

- serve 2 copies on MEEPPA Inc.
- serve 1 copy on Robyn Taylor;
- serve 1 copy on Con Clavant;
- serve 1 copy on Clare Worsnop.

Expert witness reports should be filed and served 10 business days before the date of the hearing.

- 7 The responsible authority shall make available for inspection at its offices copies of all the expert reports filed and served herein, and each party shall upon request provide a copy of its reports to any other party to these proceedings forthwith whether that request is made orally or in writing.

Helen Gibson
Deputy President

APPEARANCES:

For Mr A Carswell	Mr Maugan Bastone and Ms Julia Dickson, town planners of Urbis
For Yarra Ranges Shire Council	Mr Angus McGuckian
For MEEPPA Inc.	Mr M Belmar of counsel, by direct brief
For Mount Evelyn IGA Supermarket	Mr Greg Tobin, solicitor, of DLA Phillips Fox
Robyn Speering, C Clavant, John Stroud, Robyn Taylor, Clare Worsnop, Francis Smith, Jennifer Brill, Margaret Newman, Gwenda Donaldson	In person