

Major Cases List Planning and Environment Division

Application to the Major Cases List by a Permit Holder to cancel or amend a permit under section 87A of the *Planning and Environment Act 1987*

Information about Applications in the Major Cases List

The Major Cases List is a list of the Planning and Environment Division 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 Division.

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.

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.

**Major Cases List
Planning and Environment Division
Section 87A**

VCAT Reference Number (Office Use Only)

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Cost of the Development

The estimated cost of this development is:

\$50 million plus

The cost of development means the estimated cost of the whole of the development to which the permit relates.

Details of Applicant(s)

Include the complete name if the applicant is a company: e.g. XYZ Co. Pty Ltd.

Full Name **DCF Developing Entity 28 Albert Road South Melbourne Pty Ltd**

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

Business phone

After hours phone

Mobile

Fax number

Email

Details of Representative

Name/Firm

Planning & Property Partners Pty Ltd

Reference Number/ Contact person

Nick Sutton; Scott Edwards

Address

Level 13, 1 Collins Street

MELBOURNE 3000

Business phone

8626 9000

Fax number

Mobile

Email

**sutton@pppartners.com.au; edwards@pppartners.com.au;
admin@pppartners.com.au**

Category of applicant(s)

Please tick in which category you are making this application. More than one box may be ticked if relevant. If you are not one of the following, do not use this form.

- ☒ Owner of the land
- ☐ Occupier of the land
- ☐ Person who is entitled to use or develop the land

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.*

A title search of the land not more than 14 days old must be attached.

Address or description of the land

28-32 Albert Road, South Melbourne

Responsible Authority

Port Phillip City Council

Information about the permit to be cancelled or amended.

Only permits issued at the direction of VCAT may be cancelled or amended under section 87A. A permit issued by a predecessor of VCAT (Planning Appeals Board or Administrative Appeals Tribunal) cannot be amended under section 87A. An application may be made to the responsible authority under section 72 Planning and Environment Act 1987.

Relevant Decision: [Popular Pastimes Pty Ltd v Melbourne CC \(Red Dot\) \[2008\] VCAT 1184](#)

You must provide a copy of the permit to be amended in its current form and the current endorsed plans with your application.

Permit details

Permit number

1051/2017

Date issued

20 February 2019

Was the permit issued at the direction of VCAT?

☒ Yes ☐ No

If yes, please cite the VCAT reference number and/or AustLii citation

VCAT reference number

P2072/2019

AustLii citation

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

Provide a copy of the permit in its current form and a track-changes version of the proposed amended permit (where relevant)	Refer to Attachments 'A' and 'B'.
When does the permit expire? (The Tribunal cannot extend an expired permit.)	20 February 2023
What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?	Port Phillip Planning Scheme Commercial 1 Zone Design and Development Overlay Schedule 26 Special Building Overlay Schedule 2
Identify any additional permission required under the planning scheme for the amended proposal, which the permit does not already include.	Use of the land for 'residential hotel' Sale and consumption of liquor
Is the proposal exempt from the notice requirements or review rights under the <i>Planning and Environment Act 1987</i> , and if so, specify by what provision in the planning scheme.	No.

Details of cancellation or amendment

You must attach a precise description of the amendment(s) you propose if you want to:

- amend what the permit allows, by stating what the permit allows now and what changes you want;*
- amend, delete or add conditions, by setting out the draft conditions which are to replace existing conditions;*
- amend plans, by submitting with the application a clearly readable, identifiable copy of the amended plans drawn to scale with dimensions, and a statement in writing describing the changes from the previous plans.*

You are advised to discuss any proposed amendment of the permit with the responsible authority before submitting an application. If the responsible authority consents to the changes and you can submit evidence of that consent, it may be possible to make an order on the papers without the need for a hearing.

Do you want the permit to be cancelled?

☐ Yes ☒ No

If yes, is the cancellation applied for as a condition in another permit?

☐ Yes ☐ No

If yes, that permit number is:

If you want the permit amended, is an amendment required in respect of:

- ☒ What the permit allows
- ☒ Conditions of the permit
- ☒ Plans referred to in the permit or endorsed under the permit

Does the responsible authority consent to the cancellation or amendment?

☐ Yes ☐ No ☒ Don't know

Details of person(s) potentially affected by the amendment

VCAT will require you to serve the application on any person who appears to it to have a material interest in the outcome of the application. In determining who may have a material interest, VCAT will consider the effect of the proposed amendments on other people. If you do not provide an accurate response to this enquiry, and VCAT subsequently determines that there are additional persons to those you have named who should be served, this may delay your application.

You should contact the responsible authority for details of persons it considers should be given notice of the application before lodging this application.

Please provide the name and address of other persons who may have a material interest in the outcome of this application. Attach a separate list if necessary.

Name of interested person	Address
As directed by the Responsible Authority	

Other Proceedings affecting the land

Do you know of any other planning proceedings, such as an application for review or enforcement order application, relating to or affecting the land? If so, give details including Tribunal reference numbers, if possible.

Reference numbers

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"/> A copy of the permit in its current form	Ref. No.	A
<input checked="" type="checkbox"/> A track-changes version of the proposed amended permit	Ref. No.	B
<input checked="" type="checkbox"/> A copy of the plans approved pursuant to the Tribunal's orders in proceeding P2072/2018	Ref. No.	C
<input checked="" type="checkbox"/> Details of proposed amendment(s) and any amended plans as required by this application form	Ref. No.	D
<input type="checkbox"/> List of interested persons, if a separate sheet is necessary	Ref. No.	
<input checked="" type="checkbox"/> A title search of the land not more than 14 days old	Ref. No.	E
<input checked="" type="checkbox"/> A copy of the VCAT decision relating to the permit	Ref. No.	F
<input checked="" type="checkbox"/> Supporting documents: - Sustainable Management Plan prepared by Ark Resources.	Ref. No.	G
<input type="checkbox"/> Copy of cultural heritage management plan and approval (if relevant)	Ref. No.	

Other attachments (if relevant)		
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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: Days 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)

Nick Sutton, Planning & Property Partners Pty Ltd

Date

23 December 2019

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 1300 01 8228.

Application Fee	\$4,546.70
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There are instances where the Tribunal can waive the requirement to pay a filing fee. Please refer to the website for more information about a request to waive the filing fee. If you think you are eligible for a fee waiver, you should apply for a waiver at the same time that you lodge this form.

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 you wish to pay the fee by credit card, please fill in the details below.

Payment by Credit Card

Lodgement and Contact Information

Lodge this completed form, any attachments and the applicable fee by:

Email to:	admin@vcat.vic.gov.au
Mail to:	The Principal Registrar VCAT Planning and Environment Division GPO Box 5408 MELBOURNE VIC 3001
DX delivery to:	The Principal Registrar VCAT Planning and Environment Division DX 210576 MELBOURNE Victoria
Deliver in person during office hours to:	The Principal Registrar VCAT Planning and Environment Division Ground floor, 55 King Street MELBOURNE VIC 3001 Office Hours: Monday to Friday from 8:30am to 4:30pm