

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NOS. P790/2017, P794/2017,  
P795/201, P796/2017, P798/2017, P805/2017 &  
P877/2017

**APPLICANT**

P796/2017

Landfill Operations Pty Ltd

**RESPONDENTS**

P796/2017

Melton City Council  
Mount Atkinson Holdings Pty Ltd  
Middle Hopkins Investments Pty Ltd  
Eyal Cohen  
Brimbank City Council  
Stop The Tip Inc

**APPLICANT**

P790/2017

Melton City Council

P794/2017

Mount Atkinson Holdings Pty Ltd

P795/2017

Middle Hopkins Investments Pty Ltd

P798/2017

Eyal Cohen

P805/2017

Brimbank City Council

P877/2017

Stop The Tip Inc

**RELEVANT AUTHORITY**

Environment Protection Authority

**RESPONDENT**

P790/2017, P794/2017,  
P795/201, P798/2017,  
P805/2017 & P877/2017

Landfill Operations Pty Ltd

**SUBJECT LAND**

1154-1198 Christies Road  
RAVENHALL and  
408-506 Hopkins Road  
TRUGANINA VIC 3029

**WHERE HELD**

55 King Street, Melbourne



**BEFORE** Helen Gibson, Deputy President  
Ian Potts, Senior Member

**HEARING TYPE** Practice Day Hearing

**DATE OF HEARING** 26 May 2017

**DATE OF ORDER** 29 May 2017

### **ORDER**

#### **Practice day hearing**

<b>Item</b>	<b>Hearing</b>	<b>Date/Detail</b>
<b>A</b>	Practice day hearing date	<b>9 June 2017</b>
	Commencement time	2.15pm
	Duration	30 minutes
	Location	55 King St, Melbourne

- 1 This proceeding is listed for a practice day hearing in accordance with the details set out in **item A** above. Any changes to the hearing details will be notified by further order of the Tribunal.
- 2 VCAT will publish a detailed schedule of hearing times and room numbers on its website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) at about 5pm the day before the hearing. As this hearing may be listed to a later time on the day, possibly in the afternoon, parties should consult the detailed schedule.
- 3 The purpose of the practice day hearing is:
  - To consider the request by the applicants for review in each of these proceedings for a direction pursuant to sections 80(3) and 81(1) of the *Victorian Civil and Administrative Tribunal Act 1998* that the Environment Protection Authority and the Minister for Planning provide the Tribunal and each applicant with a copy of the report of the joint planning panel and section 20B conference considering the Melbourne Regional Landfill Expansion, Ravenhall, Planning Permit Application PA2016/5118 and Works Approval Application 1002191
- 4 Parties should attend the practice day hearing with the following:
  - Advice as to any related applications.
  - All evidence and documentation in case the application is heard on the day.
  - If any party is seeking directions, a copy of the orders or directions sought.

- A draft of terms of settlement, if the matter is likely to be settled by consent on the day.

**Helen Gibson**  
**Deputy President**

**APPEARANCES:**

For Landfill Operations Pty Ltd	Mr C Canavan QC with Ms E Porter of counsel, instructed by Norton Rose Fulbright Australia
For Environment Protection Authority	Ms J Lardner of counsel, by direct brief
For Brimbank City Council	Mr Stefan Fiedler, solicitor, of Russell Kennedy
For Melton City Council	Mr Greg Tobin, solicitor, of Harwood Andrews
For Middle Hopkins Investments Pty Ltd & Mount Atkinson Holdings Pty Ltd	Mr Jeremy Gobbo QC, instructed by Rigby Cooke Lawyers
For Eyal Cohen	Ms L Hicks of counsel, by direct brief
For Stop The Tip Inc	Mr Paul Chiappi of counsel, instructed by Merrylees Legal



## APPENDIX A

### IMPORTANT INFORMATION FOR ALL PARTIES

#### Non-compliance with orders and directions

Please read the orders and following information carefully. Non-compliance with these orders may result in an application being struck out, or other sanctions under the *Victorian Civil and Administrative Tribunal 1998*, including an award of costs.

#### Attendance at the practice day hearing

If you do not appear or are not represented at the practice day hearing, the Tribunal may make orders, including final orders, that may affect your interests. In particular, the Tribunal may make any of the following orders under the *Victorian Civil and Administrative Act 1998*:

- If you are the applicant to VCAT, your application may be dismissed or struck out.
- If you are not the applicant, you may be struck out as a party to the proceeding. This means that you can take no further part in any compulsory conference or hearing.
- You may be ordered to pay costs in certain circumstances.

If you wish your interests to be taken into account or wish to make submissions:

- You must file with the Tribunal and serve on all other parties a submission in writing by close of business on the Wednesday prior to the date of the practice day hearing; and/or
- Appear at the practice day hearing. An applicant should normally attend or be represented at the hearing.

#### Adjournments

Applications for adjournment of a hearing are not encouraged and you should not expect that an adjournment will be granted even if all parties consent.

VCAT may refuse an adjournment if it considers that the adjournment is:

- not in the public interest
- prejudicial to the interests of one or more parties or the expeditious determination of the proceeding
- contrary to efficient case management, or
- otherwise not justified.

If you wish to apply for an adjournment, choose the **Application for Consent to adjournment** form on the VCAT website or call us for a hard copy. Any application for adjournment must follow the procedures set out in **VCAT Practice Note PNVCAT1 – Common Procedures**. Refer to the VCAT website for more detail.

#### Providing your email address

VCAT will send copies of all orders, including the final decision, to a party's email address. VCAT will not send a hard copy in addition.

A party's email address will be available on VCAT's records for other parties to access. If you do not want other parties to have access to your email address, do not provide your email address. If VCAT does not have your email address, you will be sent a hard copy of any order, but you may receive it after other parties have received the order by email and after the order has been published.

VCAT does not accept any responsibility for emails not received due to changes in address, firewall or other security measures that may be attached to your email account.

#### Victorian Civil and Administrative Tribunal (VCAT)

55 King Street Melbourne VIC 3000  
GPO Box 5408 Melbourne VIC 3001  
Ausdoc DX 210576 Melbourne

Website [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)  
Email [vcat-admin@vcat.vic.gov.au](mailto:vcat-admin@vcat.vic.gov.au)

Telephone 9628 9777  
Facsimile 9628 9789

**Inspecting VCAT's file**

Any party to the proceeding may inspect the VCAT file relating to the proceeding without a fee. Anyone else can inspect the file, but they must pay a fee. There is a charge for photocopying. To arrange an inspection time, complete the **File and Document Access Request Form** available on the VCAT website.

**Communications with VCAT**

All communications to VCAT about this proceeding must quote the VCAT reference number included in this order (see page 1, top right corner).

A party who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication must state that a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

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