

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P2691/2006

<b>APPLICANT</b>	Synergy Wind Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Wellington Shire Council
<b>RESPONDENT</b>	Faye Vyner and John Danuser, Gary McVean, Sharon Dohnt & others, Terry Willmott
<b>SUBJECT LAND</b>	144 Ingles Road DEVON NORTH VIC 3971
<b>WHERE HELD</b>	55 King Street, Melbourne
<b>BEFORE</b>	Helen Gibson, Deputy President
<b>HEARING TYPE</b>	Directions Hearing
<b>DATE OF HEARING</b>	30 March 2007
<b>DATE OF ORDER</b>	4 April 2007

**ORDER**

- 1 These orders are in substitution for the orders of the Tribunal dated 8 December 2006.
- 2 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. Any such application must be made by no later than 30 May 2007. It shall be sufficient compliance with clause 11.1 of Practice Note PNPE1 – General Procedures if the applicant/permit applicant 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, any objector to or person notified of the permit application who is not a party 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 form of *Application to be Joined as a Party and Statement of Grounds* in the form of Form B 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 3 copies on the responsible authority;
  - serve 2 copies on Sharon Dohnt of 13 Royalden Close, Boronia 3155 (on behalf of the group of objectors)
  - serve 1 copy on Elizabeth Heibert of 655 Bolgers Road, Devon North 3971.
- (c) If practicable, a copy of the amended plans must be given to Sharon Dohnt in electronic form.
- 3 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.
- 4 (a) 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:
- file with the Tribunal 2 copies;
  - serve 3 copies on the responsible authority;
  - serve 2 copies on Sharon Dohnt of 13 Royalden Close, Boronia 3155 (on behalf of the group of objectors)
  - serve 1 copy on Elizabeth Heibert of 655 Bolgers Road, Devon North 3971.
- (b) Expert witness reports must be filed and served by the applicant/permit applicant by no later than 30 May 2007. All other witness reports must be filed and served not later than 10 business days before the date of the hearing.

- 5 The responsible authority shall make available for inspection at its offices copies of all the expert reports filed and served herein. Ms Sharon Dohnt will also make available for inspection copies of all expert reports filed and served herein by arrangement.
- 6 This matter will be listed for hearing in Gippsland before a two member Tribunal comprising members with planning and scientific/environmental expertise for three days commencing on a date to be advised.

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

**APPEARANCES:**

For the Applicant	Ms Virginia Jackson, town planner, Harlock Jackson Pty Ltd
For the Responsible Authority	Mr Tim Peggie, town planning consultant, of The Planning Group (Vic) Pty Ltd
For Faye Vyner and John Danuser, Gary McVean, Sharon Dohnt & Others	Ms J Lardner of counsel by direct brief