

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P65/2025
PERMIT APPLICATION NO. GE/DP-36420/2023

APPLICANT Axolotl Pty Ltd
RESPONSIBLE AUTHORITY Glen Eira City Council
SUBJECT LAND 139-141 Hawthorn Road
CAULFIELD NORTH VIC 3161
HEARING TYPE Compulsory conference
DATE OF HEARING 1 May 2025
DATE OF ORDER 1 May 2025

ORDER

- 1 The details set out in the Tribunal's order dated 11 February 2025 are **confirmed**.
- 2 The proceeding is listed for a hearing as detailed below.

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

Standard Cases Hearing	
Date and time	28 & 29 July 2025 10.00am – 4.30pm
Conduct	In Person
Place	VCAT Melbourne, 55 King Street MELBOURNE VIC 3000

Details of the location of the hearing will be published on the Tribunal's website, under 'Upcoming Hearings' on the afternoon of the day prior to the hearing – www.vcat.vic.gov.au/upcoming-hearings

Practice day hearing adjourned

- 3 The Tribunal's orders dated 28 April 2025 are **varied**.
- 4 The practice day hearing set down for **9 May 2025** to hear the joinder request from Rudolf William Joosten is **adjourned** to a date to be determined and no attendance is necessary.

Providing submissions and associated material before the hearing

- 5 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 Tribunal requests that the submitted material be provided in



a single PDF, if feasible. The copy for the Tribunal must be sent to admin@courts.vic.gov.au

Witness material

- 6 All expert evidence must be filed and served in accordance with the Tribunal's Practice Note – PNVCAT2 Expert Evidence.

Draft conditions for hearing

- 7 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.

The draft conditions must be provided to the Tribunal in electronic Word format and must be sent to admin@courts.vic.gov.au

Requests for procedural orders

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

Nick Wimbush
Member

APPEARANCES

For applicant	Andrew Iser, Best Hooper Lawyers
For responsible authority	Kim Piskuric, Harwood Andrews



REMARKS

- 1 This matter involves an application pursuant to s 80(1) of the *Planning and Environment Act 1987* (Vic) to review condition 1(p) in the Notice of Decision to Grant a Permit dated 10 December 2024 for development on 139-141 Hawthorn Road, Caulfield North.
- 2 At the compulsory conference, the parties raised a procedural issue related to the contested permit condition and its relationship to the permissions sought in the application.
- 3 The parties advised they will seek an urgent practice day hearing at VCAT to enable consideration of the procedural issue.
- 4 There is a joinder request under s 60 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) from Rudolf William Joosten which was to be heard on the 9 May 2025.
- 5 As the procedural issue may impact on the considerations around whether Mr Joosten should be joined or otherwise, I have adjourned the joinder practice day hearing to a date to be determined. This date may be the same as the procedural practice day hearing.
- 6 Additional orders related to the practice day hearing will follow in due course.

Nick Wimbush
Member

