

# Fast Track List

Planning and Environment Division FACT SHEET

Version 1.0 – issued 1 July 2022

## What is the Fast Track List?

The Fast Track List (FTL) will quickly and efficiently deal with post-permit applications in the Planning and Environment Division (but excluding applications under Section 80 and Section 87A of the *Planning and Environment Act 1987*).

The duration of a hearing in the FTL will vary depending, for example, on the number of parties and the complexity of the issues.

Most hearings in the FTL will be listed for a hearing within approximately 9 to 12 weeks of the application being lodged.

## What types of matters will be included in the FTL?

The FTL has been established to deal with applications with the following characteristics:

- there are limited parties
- where amended plans will not be filed (Practice Note PNPE9 does not apply to any of the types of applications proposed for the FTL)
- any Cultural Heritage Management Plan requirements have been addressed or are unlikely to be relevant.

The following applications under the *Planning and Environment Act 1987* will be included within the FTL:

- Section 81(1) failure or refusal to extend the time of a permit
- Section 81(2) refusal to extend the time by which information must be given in a planning permit application
- Section 87 or 89 cancellation or amendment of a permit (including stop order requests pursuant to section 93)
- Section 97P failure or refusal to issue a certificate of compliance
- Section 97Q cancellation or amendment to a certificate of compliance
- Section 149(1) 'to satisfaction of the responsible authority' matters.
- Section 149A application for declaration.
- Section 184, s184A – s184D applications to amend or end an agreement.

## How is a case included in the FTL?

An application will be included in the FTL automatically on lodgement, provided it is made pursuant to Sections 81, 87, 89, 93, 97P, s97Q, 149(1), 149A, 184 or 184A-184D of the *Planning and Environment Act 1987*.

The Tribunal's initiating order will confirm that the application has been included in the FTL.

### Can plans in FTL applications be amended?

There will be no opportunity to amend the plans associated with the review as the nature of the proceeding renders this process irrelevant. (Practice Note PNPE9 does not apply to any of the types of applications proposed for the FTL.)

### Can evidence be called at FTL hearings?

Any party wishing to call expert evidence in a case included in the FTL must still comply with VCAT's Practice Note PNVCAT2 - Expert Evidence. The Practice Note is available on the VCAT website.

### What are the pre-hearing procedures in FTL cases?

When a case is listed in the FTL, VCAT will issue an initiating order that will advise the parties of the date, time, length and place of the hearing.

The initiating order will also include directions about the required actions to be carried out by the applicant, the responsible authority and other parties. In order to meet the objective of listing FTL cases approximately 9 to 12 weeks after lodgement of the application, the times for completing these actions will be much shorter in the FTL than for standard cases.

For the FTL, the initiating order will usually require that:

- not less than 5 business days before the hearing, all parties must provide VCAT and all other parties with written submissions addressing the key issues relevant to that party
- no further written submissions will be required at the hearing
- expert evidence filed and served in accordance with Practice Note PNVCAT2 - Expert Evidence.

### Will there be a site inspection?

A site inspection will not normally be undertaken unless the member considers it is necessary.

### Is a hearing always required?

As an alternative to FTL hearings, parties may request the Tribunal to decide the case 'on the papers' under section 100 of the *Victorian Civil and Administrative Tribunal Act 1998*, without attending a hearing.

### When will a decision in the FTL be made?

The member may give an oral decision at the conclusion of the FTL hearing. If this does not occur, the decision will be reserved and provided in writing within 2 weeks for less complex matters and 6 weeks for more complicated matters.