

9 PLANNING MATTERS THE SUBJECT OF APPEAL AT VCAT

FILE REFERENCE INT175265

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Debbie Tyson

RECOMMENDATION

That the report be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Hearing Date	App No.	Address	Proposal	Council Decision	Appealed By	Current Status
17-Oct-16	T130036-1	Bridge Road Officer	Use and development of the land for a restricted place of assembly, installation and use of 60 electronic gaming machines and sale and consumption of liquor (full club licence)	Refusal	Applicant	Council Decision set aside - Permit issued
29-Jul-16	T140723	1 Bridle Place, Pakenham	Cancellation of Planning Permit - issued in breach of covenant	Initiated cancellation	Applicant	Awaiting hearing
22/04/2016 Hearing 5/10/16 Compulsory Conference - 10/08/16	T080447-1	11-15 Vista Court Gembrook	The use and development of land for the purpose of twenty (20) dwellings, of which ten (10) are to be used as a retirement village (over 55's) and associated earthworks exceeding one (1) metre. – amend to delete retirement village requirement	Refusal	Applicant	Awaiting Decision
24-Apr-17	T130758-2	5 & 6 Spencer Place, Pakenham	The development of the land for the purpose of five (5) dwellings, generally in accordance with the approved plans	Refusal	Applicant	Awaiting hearing
20-Mar-17	T160196	Timbertop Blvd, Officer	Multi lot subdivision of the land and the removal of one native tree	Refusal	Applicant	Awaiting hearing

15-Mar-17	T160197	32 Racecourse Road, Pakenham	Development of the land for a service station, development and use for a convenience restaurant and convenience shop, car parking variation and works to alter and create access to a Road Zone category 1	Failure to Determine	Applicant	Awaiting hearing
17-Jul-17	T140337	65 Pioneer Road, Lang Lang	Use and development of the land for extractive industry (sand quarry) removal of vegetation and alter access to a road in a Road Zone, Category 1	Failure to Determine	Applicant	Awaiting hearing
20-Mar-17	T160150	70 Croft Road, Nar Nar Goon North	Development of the land a dwelling extension (pergola) and outbuilding (shed)	NOD - Approval	Objector	Awaiting hearing
22-Feb-2017	T150734	7 Henry Street Koo Wee Rup	Subdivision of land into two (2) lots and creation of an easement	Refusal	Applicant	Awaiting hearing

10 PLANNING ENFORCEMENT MATTERS

FILE REFERENCE INT175269

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Owen Hardidge

RECOMMENDATION

That the list of enforcement matters currently before VCAT & the Magistrates' Court (and the County Court) be noted

Attachments

Nil.

EXECUTIVE SUMMARY

The following list of enforcement matters currently before VCAT & the Magistrates' Court is submitted for Councillors information

BACKGROUND

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

These matters can take several forms and the following are the usual steps in the enforcement process.

Where breaches are sufficiently serious, criminal proceedings in the Magistrates' Court will be commenced, and if so, the successful criminal proceedings will usually be followed by VCAT proceedings (criminal proceedings taking precedence over "civil" proceedings).

1). Multi-purpose Hearing

This is the first stage of the VCAT process, and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

2). Admin Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

3). Adjournment

An adjournment will be asked for where there has been some discussion between Council and the Respondent, and more time is to be allowed for the Respondent (or Council as the Applicant) for a variety of reasons.

4). Offset plan

An Offset Plan goes by a few different names, including a Property Management Plan or a Property Remediation Plan. These plans are used when a Respondent has removed vegetation or otherwise damaged vegetation on the Land and Council is seeking a