

## **7 PLANNING ENFORCEMENT MATTERS**

FILE REFERENCE INT1859182

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### **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, the breaches may give rise to criminal liability, which may result in infringements being issued, or charges being filed in the Magistrates Court of Victoria.

If Council cannot obtain appropriate remediation by consent, Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT enforcement actions will usually be delayed until Magistrates' Court proceedings are completed.

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

### **Current Enforcement cases**

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

<b>Property Address</b>	<b>Nature of Contravention</b>	<b>Status</b>
65 Ure Rd, Gembrook  (OH:JALF:18407)	Failed to comply with planning permit.	Magistrates' Court proceeding, listed for mention on <b>6<sup>th</sup> September 2018</b> , alleging that the owner has placed signage and vehicles in prohibited locations and failed to submit SEMP, all in contravention to the permit.
1 Walker Street, Koo Wee Rup  (OH:SM:18409)	Land that was developed without a permit in contravention of	Magistrates' Court proceeding, listed for mention on <b>6<sup>th</sup> September 2018</b> alleging that the owner has constructed an extension of the

	planning scheme - Heritage Overlay (43.01)	dwelling, developed the land and lopped a tree, without a permit.
Unit 1/4A Whitstable Street, Lang Lang  (OH:AB:18412) (OH:JALF:18401)	Land that was developed without a permit AND without a building permit	Magistrates' Court proceeding, listed for mention on <b>6<sup>th</sup> September 2018</b> alleging that the owner has constructed an outbuilding without a planning permit and without a building permit.
65 Moody Street, Koo Wee Rup  (OH:JALF:18395)	Failed to comply with planning permit	Magistrates' Court proceeding, alleging that the owner commenced work without approval from responsible authority (CEMP, TMP and haulage strategy)  The Magistrates Court has listed the matter for further mention on <b>20<sup>th</sup> September 2018</b> .
765 Gembrook Rd, Pakenham Upper  (OH:LK:16299)	Native vegetation removal, and earthworks creating driveway and hardstand, in breach of Rural Conservation Zone – Schedule 2, Environmental Significance Overlay Schedule 1, and Clause 52.17	Magistrates' Court proceeding, alleging that the owner has conducted earthworks that require a permit, and cleared native vegetation, both without a permit.  The Magistrates Court has listed the matter for special mention on <b>15<sup>th</sup> August 2018</b> , to consider how a related HCA application is proceeding.