

C129 SMC

19 December 2017

Planning Panels Victoria
Attention: Panel Coordinator
Level 5, 1 Spring Street
MELBOURNE 3000

Dear Ms Moles

Monash Planning Scheme Amendment C129
1221-1249 Centre Road, Oakleigh South

Further to the Panels additional direction of 4 December and the further information that was required to be provided I am writing to provide commentary on the information provided by Earth Resources.

Council is in receipt of the information provided by Earth Resources (ER). However, we are of the view that the material provided is not consistent with the undertaking to provide legal advice on the status of the Works Authority that is potentially applies to part of the site (Zone 4). At the hearing day of 30 October ER stated that it was presently seeking written legal advice as to the status of the Works Authority. The information that has been circulated to the Panel does not constitute legal advice and is inconclusive as to the status of the Works Authority and as such is entirely unhelpful.

Should the Panel wish to continue to investigate the status of the Works Authority as part of this panel hearing it is respectfully suggested that ER be requested to provide comprehensive legal advice on the Works Authority and any impact it may or may not have on the amendment.

It is noted however that:

- At the panel ER initially stated that they were a determining authority for the 2015 planning permit applications. After questioning by the panel and other parties, this statement was amended to only needing notice of the application.

- When asked about the 2015 planning permits, ER stated that they did not have an issue with the permits. Outside of the recently submitted “legal assessment” submitted by ER to the panel, Council has not received any further correspondence from ER on the permits.
- The Amendment was referred to ER and no submission was made.
- ER stated at the panel that they had no substantive issue with the rezoning. Since the hearing of 30 October, Council has not received any further correspondence from ER on the Amendment.

Should you have any questions about this matter please contact Sherry Hopkins, Coordinator Strategic Planning on 9518 3071.

Yours sincerely



SEAN MCNAMEE

Manager Strategic Planning & Economic Development

CC: Panel circulation list