

Attachment 3: VCAT involvement in planning applications – St Kilda Road North Precinct compared to the rest of City of Port Phillip

The following information demonstrates that a greater proportion of DDO26 applications are being decided at VCAT, compared to the rest of the municipality.

Data notes:

- The data differentiates between mediated outcomes (where the applications were approved at a compulsory conference) and merits hearings where decisions are made at VCAT (by Tribunal Member(s)).
- Regarding Council decisions:
 - Withdrawn, lapsed, vacated, permit not required decisions and notices of decision are not included.
 - Only actual approvals or refusals not decided at VCAT are included.
- Regarding VCAT decisions:
 - Withdrawn and struck out appeals are not included.
 - Struck out appeals mean there was no basis for the appeal on technical grounds (eg appeal lodged after the deadline), so the merits of the application itself are not debated. Minister appeals to which Council were a party (as opposed to the Responsible Authority) are not included (not that there have been any such applications in DDO26).
 - Some applications have more than one appeal, which is why the number of VCAT decisions (success table) is greater/less than number of applications decided at VCAT.
 - “Favourable” refers to decisions where Council’s decision was affirmed or varied. In some cases, this occurred via a compulsory conference (mediation) and the presiding VCAT member did not make the decision.
 - “Unfavourable” refers to Council decisions that were ‘set aside’ by the presiding VCAT member (never a mediated outcome). The application was considered at a full hearing.

Number of planning applications with final decisions (approval or refusal)

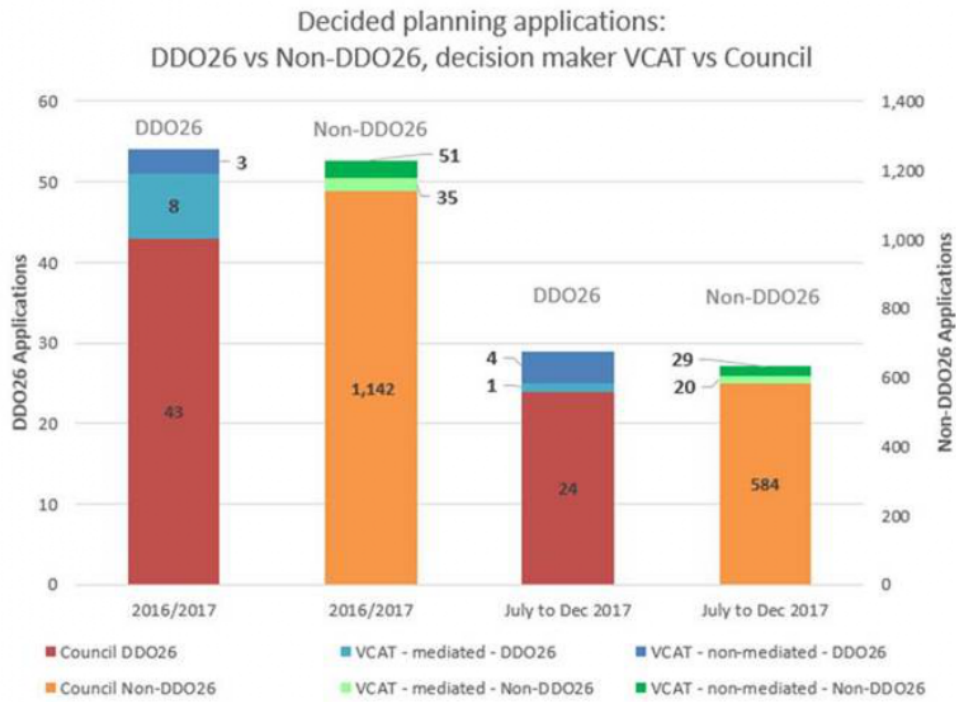
Period	VCAT mediated DDO26	VCAT non-mediated DDO26	Council DDO26	VCAT mediated Non-DDO26	VCAT non-mediated Non-DDO26	Council Non-DDO26	Total Apps DDO26	Total Apps Non-DDO26	Total Apps
2016/2017	8	3	43	35	51	1,142	54	1,228	1,282
July to Dec 2017	1	4	24	20	29	584	29	633	662

Period	DDO26	Non-DDO26
2016/2017 – VCAT mediated	14.81%	2.85%
2016/2017 – VCAT non-mediated	5.56%	4.15%
2016/2017 - Council	79.63%	93.00%
July to Dec 2017 – VCAT mediated	3.45%	3.16%
July to Dec 2017 – VCAT non-mediated	13.79%	4.58%
July to Dec 2017 - Council	82.76%	92.26%

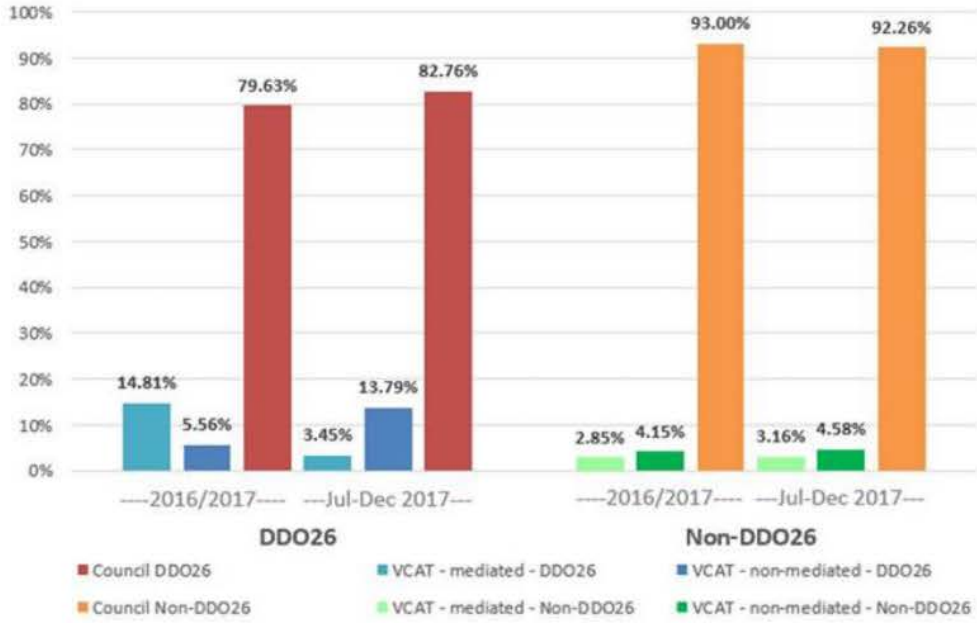
VCAT appeal success (NB some applications have more than one appeal)

Period	Favourable mediated DDO26	Favourable non-mediated DDO26	Unfavourable DDO26	Favourable mediated Non-DDO26	Favourable non-mediated Non-DDO26	Unfavourable Non-DDO26	Total DDO26	Total Non-DDO26	Total VCAT Decisions
2016/2017	10	2	2	42	44	14	14	100	114
July to Dec 2017	1	1	2	21	21	9	4	51	55

Period	DDO26	Non-DDO26
2016/2017 – Favourable mediated	71.43%	42.00%
2016/2017 – Favourable non-mediated	14.29%	44.00%
2016/2017 - Unfavourable	14.29%	14.00%
July to Dec 2017 – Favourable mediated	25.00%	41.18%
July to Dec 2017 – Favourable non-mediated	25.00%	41.18%
July to Dec 2017 - Unfavourable	50.00%	17.65%



Decided planning applications:
DDO26 vs Non-DDO26, decision maker VCAT vs Council



VCAT appeal success:
DDO26 vs Non-DDO26, favourable vs unfavourable

