

Reasons for reviewing the decision (Statement of Grounds)

A "statement of grounds"

- is a short but precise list of issues you wish to raise with VCAT, which contests the decision made by the responsible authority. The Planning and Environment Act 1987 and planning schemes define the issues VCAT can consider. VCAT must have regard to the matters set out in section 84B of the Planning and Environment Act 1987.
- is not required for an application under section 79 of the Planning and Environment Act 1987 (failure to grant a permit within the prescribed time). A calculation of days elapsed must be attached. See VCAT website **Calculating elapsed days in failure applications**.

Set out a short statement of the grounds you rely on to support your application. Attach a separate sheet if necessary.

Condition 1: Prior to the commencement of the use the following must occur:

- A current lease agreement being in place
- The location of the outdoor cinema is within the lease area
- Approval of the proposal by the Caulfield Racecourse Reserve Trust

Condition 1 of the planning permit links the commencement of the approved use to the lease agreement between the applicant and the public land manager and **has no relevance to land use planning**. The public land manager has granted consent for the application for the use of land for an outdoor cinema and to the use of this land for an outdoor cinema subject to a number of conditions. **These conditions should not be replicated on a planning permit as the lease agreement between MRC and the public land manager is not a land use matter.** **It is not accepted planning practice to include matters of tenure on planning permits** and it's not warranted in this instance.

Condition 5: The cinema must not operate during other events

Caulfield racecourse is a large facility that can host various functions independently of each other and with minimal impact or consequence respectively. Furthermore, **there are a number of uses that can occur within the facility and that can operate concurrently with the outdoor cinema with minimal consequence to one another including one off functions including wedding receptions, gala dinners etc.** **The term 'events' is not defined and therefore arguably refers to all other activities on site.** Further, the parking assessment showed that there was sufficient onsite parking to accommodate this use with other concurrent activities.

Attachments

Attach the following documents to this application. Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

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| ✓ Statement of Grounds, if a separate sheet is necessary | Ref. No. | As detailed above |
| ✓ Copy of the relevant notice of refusal, permit or notice of decision to grant or amend a permit (sections 77 & 80) | Ref. No. | Appendix 1 |
| X Calculation of elapsed days (section 79 only) | Ref. No. | N/A |
| ✓ Copy of the permit to be amended in its current form and in its proposed form (where application is to amend an existing permit) | Ref. No. | Appendix 2 and Appendix 3 |
| ✓ Copy of the permit application and all plans and supporting material submitted to the responsible authority | Ref. No. | Appendix 4 |