

FOR IMMEDIATE RELEASE

MEDIA RELEASE

Thursday 6 May, 2010

WINDSOR DEVELOPER ASSERTS; NO THIRD PARTY RIGHTS TO APPEAL FOR THE TRUST

There are many unresolved questions surrounding the decisions to approve the Windsor redevelopment.

Recent articles in *The Age* have highlighted those issues and raised questions about how planning decisions are made in Victoria, particularly with reference to the Windsor Hotel.

On 7 April 2010 the National Trust of Australia (Vic) lodged at VCAT an application for review of the decision by the Minister for Planning.

As there are no third party rights of appeal at VCAT under the Heritage Act to review the decision by Heritage Victoria to issue a permit for the proposed tower, any challenge of this decision by the Trust may only be brought by application for judicial review in the Supreme Court.

CEO for the Trust, Martin Purslow says: "One article in *The Age* incorrectly reported that we have also lodged an appeal at the Supreme Court, however, the Trust is still considering its options for a Supreme Court appeal.

"The right of the Trust to appeal the Minister's decision to VCAT has been challenged by the solicitors for the developer. Despite recent comments by the Minister that parties dissatisfied with his decision can appeal, the developer is now seeking to have the Trust's appeal struck out, without adjudication, on a technicality – by arguing that '*there are no third party appeal rights in respect of the notice of decision to grant a permit [by the Minister]*'.

"The developer is claiming that the matter should be struck out on the grounds of exemption from notice and review under the heritage overlay even though the Minister's department, Department of Planning and Community Development (DPCD), provided notice of the application, and his notice of decision provided details of how a review could be lodged," he said.

While it is the developer and not the Minister seeking to have the case dismissed, if avenues of appeal are unavailable or cut off, and the merits of Heritage Victoria's decision

and the Minister's decision cannot be reviewed; then the Supreme Court may be the Trust's only option for appeal and for having the voice of the community heard.

-ends-

For further information or comment please contact: Paola Ghirelli, Media & Communications Manager on 0416 009 271 or 9656 9805.