

FCG Ref: M2A:AH
VCAT Ref: P875/2024

2nd September 2024

To admin@vcat.vic.gov.au

Dear Sir/Madam,

VCAT Order of 26th August 2024 – P875/2024
APPLICANT: AJAZ UL HAQ
SUBJECT LAND 230 Cookes Road, Doreen Vic 3754

In response to the Order, I am writing on behalf of my client, Mr Ajaz Ul Haq, to address the specific purpose of the practice day hearing set down for 13th September 2024 as set out in section 2 of the Order.

In relation to the land, the submission relates to the extent of proposed public open space at the Cookes Road frontage. It is considered that the land immediately fronting Cookes Road should be allocated for residential use as identified in the submission. Attached photos provide information and further support the submission.

The submission also identified that the documentation for the Development Plan does not deal with equalisation in dealing with the provision of public open space across the area of the Development Plan. It would seem reasonable for all landowners to contribute land or cash-in-lieu for provision of public open space. Cash contributions should then compensate those landowners contributing land that is above the average requirement. This aspect affects all landowners.

In relation to the applicable sub-clause within clause 149 of the Planning and Environment Act, my client is open to direction on whether the review should apply to clause 149, 149A or 149B.

In relation to the processes undertaken by the Whittlesea City Council leading to the decision to approve the Development Plan, it is submitted that –

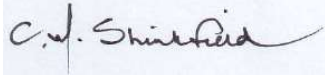
- Consideration of a mechanism to achieve land equalisation in supply of public open space should have been identified.
- It is disappointing that not all properties had trees assessed in order to firm up on the total extent of public open space that will be necessary.

In relation to the three applications for review (P875, P873 and P881), there is no objection to these applications being heard together as they all relate to the one development plan.

In relation to the Fast Track List, considering the length of time that landowners have been waiting for the development plan itself, it would be good to continue with a fast track process if possible.

If any clarification to the above is needed please contact me further.

Yours sincerely,



Chas Shinkfield
Managing Director

ATTACHMENTS –

1. VCAT Submission
2. Site photographs