

# GENERAL APPLICATION TO THE PLANNING AND ENVIRONMENT LIST

VCAT reference number (Office use only):

## WHAT DO YOU WANT VCAT TO DO?

### 1. What Act and Section are you applying under?

Section 149(1)(a) of the Planning and Environment Act 1987 - Review decision that a matter must not be done without the consent or approval of the specified body

If you selected Other, please specify Section and Act (eg. *Local Government Act 1989* or *Subdivision Act 1988*).

## WHO IS MAKING THIS APPLICATION?

### 2. Who is making this application?

An individual

### 3. Full name of the individual, body corporate, company or authority making this application.

Mr Ajaz Haq

### 4. Do you wish to be identified as a person of Aboriginal and/or Torres Strait Islander descent?

No

### 5. What is your address?

This will be the address VCAT uses to correspond with you. It must be an address in Victoria. If you have a representative, we will send all our notices to your representative's address instead.

Street address

Suburb/Town  State  Postcode

Phone number

Email

### 6. Is this a joint application?

No

## IS SOMEONE REPRESENTING YOU?

If you nominate a representative, we will send all our correspondences to your representative's address instead of your address. It must be an address in Victoria.

**7. Is someone representing you? If No, skip to Question 9.**

Yes

**8. Details of your representative:**

Organisation name (if applicable) Field Consulting Group Pty Ltd

Full name of representative Charles Shinkfield

Street address 114 Govans Lane

Suburb NEW GISBORNE

State VIC

Postcode 3438

Phone number 0419107740

Email chas.shinkfield@fieldcg.com.au

## ABOUT THE APPLICATION

**9. Are you asking the Tribunal to review a decision, or failure to make a decision, by a responsible authority or relevant authority? If Yes, skip to Question 11.**

Yes

**10. Are you asking the Tribunal to review a defect in procedure relating to a planning scheme amendment? If No, skip to Question 13.**

Yes

**11. Name of responsible authority or relevant authority:**

Whittlesea City Council

**12. When did the responsible authority or relevant authority refuse the application, or make its decision, if relevant:**

16/07/2024

**13. Address of the land the application relates to, if relevant:**

230 Cookes Road, Doreen Victoria 3754

**14. Planning permit number, if relevant:**

**15. What are you asking the Tribunal to do?**

Review the decision of Council to approve the Development Plan for the Mernda 2A area and instruct Council to (refer to submission) -

1. Vary the layout plan by including an area of residential development in the northern section of 230 Cookes Rd, Mernda; and
2. Provide for land equalisation as a means of fairness in compensation, so that each landowner contributes in cash or land to the provision of public open space and not just those individual landowners who are to contribute land.

**16. What are your reasons for making this application?**

The request for review is based on the following contentions –

1. That the merits of the objection to Council dated 12th May 2023 and seeking a variation of the plan, to allow residential development at the Cookes Road frontage, have not been fully considered, or alternatively
2. That options which retain trees but also enable reasonable lot yield have not been considered; and
3. As a result, the Development Plan approved by Council on 16th July 2024 should be further varied to allow residential development on the Cookes Road frontage as indicated in the objection lodged; and further
4. The process for considering the Development Plan is deficient because there is no consideration of land equalisation so that all landowners equally contribute towards the provision of public open space by some landowners.

**17. Give the name and address of other persons who may have an interest in the outcome of this application.**

Name	Email	Address	Phone number

Name	Interest

## HEARING ARRANGEMENTS

Your application will be listed for a Practice Day Hearing and listed for a Hearing.

**18. Tell us if there is anything else you want us to consider when we arrange a hearing.**

For example, provide details of any related current VCAT cases or ask for the hearing to take place at a specific VCAT venue.

VCAT in Melbourne is fine

## PRESENTING YOUR CASE

**19. How much time will you need to present your entire case at a final hearing?**

Estimate the time you need to present, including time needed by any expert witnesses you will call.

0.00

hours

30.00

minutes

**20. How many expert witnesses will you call?**

1

**21. List the areas of expertise for your expert witnesses.**

Charles Shinkfield - Civil Engineer with 48 years experience as a consulting engineer and local government engineer. Current position - Manager Planning & Development, Paroissien Grant & Associates Pty Ltd.

## HEARING ASSISTANCE

If you are concerned about being in the same room as someone who will attend the hearing, we can make special arrangements to ensure your safety.

We can also arrange to have an interpreter for anyone who needs to attend the hearing or assist people with disability (eg. hearing loops).

These special arrangements are free.

### 22. Does anyone attending the hearing need an interpreter?

Don't know

If yes, tell us who needs an interpreter and in what language/dialect:

### 23. Does anyone attending the hearing require any other type of special assistance?

E.g. Hearing loop, wheelchair access, additional arrangements for personal safety.

Don't know

If yes, tell us who needs any other type of special assistance and what they require:

## ACKNOWLEDGEMENT

By completing this application, I understand and acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act 1998* to knowingly give false or misleading information to VCAT.

Full name of person completing this form:

Charles Shinkfield

Date of acknowledgement:

13/08/2024

## ABOUT VCAT FEES

VCAT fees are charged according to three levels:

- **corporate fees** for businesses and companies with a turnover of more than \$200,000 in the previous financial year, corporate entities and government agencies

- **standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$200,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **concession fees** for people who hold the Australian Government Health Care Card. You must provide a copy of your card with your application. We do not accept Pensioner Concession Cards or Department of Veteran Affairs health cards.



To find out if you need to pay an application fee and how much it costs, go to [www.vcat.vic.gov.au/fees](http://www.vcat.vic.gov.au/fees)

## FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. You can also apply for fee relief if paying the fee would cause you financial hardship. For more information about fee relief, go to [www.vcat.vic.gov.au/feerelief](http://www.vcat.vic.gov.au/feerelief).

If you are applying for fee relief, complete the [Fee Relief form](#) and attach it to this application. You can do so at the bottom of the form.

### Are you applying for fee relief?

No

## WHAT HAPPENS NEXT

If you have provided your email address, you will shortly receive an email from us with instructions about next steps including how to make payment (if applicable). If you have not provided an email address and payment is required, VCAT will contact you by telephone about making payment.

After we receive your application and open a VCAT case, we will send you and all other parties an order setting out what happens next, including dates to come to VCAT. The order will tell you the venue, time and date you must go to VCAT.

The order will also have your VCAT reference number. The number starts with 'P' and ends with the year the application was lodged (eg. P1/2020). Quote the reference number in all correspondence and documents about your case.

Contact us if you do not hear from us within two weeks of submitting your application.

## ATTACH THESE DOCUMENTS TO YOUR APPLICATION

You must attach the following:

- Copy of the responsible authority's/relevant authority's decision, if relevant
- Copy of section 173 agreement, and proposed amendments, if relevant
- Copy of development plan, if relevant
- Copy of the VicPlan Planning Property Report that details the planning controls that apply to the land (such as zoning and overlays) and whether the land is in an area of Aboriginal Cultural Heritage Sensitivity or is identified as being bushfire prone, if relevant

- Copy of other relevant correspondence, documents and reports as relevant to your application

In addition to the above, please attach any other documents in support of your application.

Keep a copy of these documents for your records.

**Attachments to this application:**

Title	File Name
	240806 - Council decision on Precinct 2A Development Plan.msg
	scheduled-council-meeting-16-july-2024-part-2-compressed.pdf
	VCAT Submission - 230 Cookes Rd, Doreen - Mernda 2A Development Plan.pdf
	Lot 253 Working Drawing Rev-11.pdf
	Lot 20110 Working Drawing Rev-4.pdf

**Large files**

For any file larger than 128MB a sharing link is required.

Please list (by line) the name of each file that is bigger than 128MB followed by the hyperlink.

**NEED HELP WITH YOUR APPLICATION?**

If you have any questions about completing this form, contact our Customer Service team:

- email [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)
- call 1300 01 8228 (1300 01 VCAT) between 9 am and 4.30 pm Monday to Friday
- go to the Victorian Civil and Administrative Tribunal, Ground Floor, 55 King Street, Melbourne VIC 3000. We are open Monday to Friday from 8.30 am to 4.30 pm.

**PRIVACY INFORMATION**

For a copy of VCAT's privacy statement, go to [www.vcat.vic.gov.au/privacy](http://www.vcat.vic.gov.au/privacy).