

Melissa Gojak
24 Crawford St
Newport Vic 3015
21 February 2012

VCAT
Registrar, Administrative Division
GPO Box 5408
Melbourne, VIC 3001
By e-mail: vcat-admin@justice.vic.gov.au

Dear Sirs,

VCAT: P27/2012 – 6 PAINE STREET, NEWPORT, 3015

I refer to the above proceeding and your letter dated 16 February 2012.

I confirm that I am one of four Resident Objector representatives and Deputy President Dwyer made a representative order at the Directions Hearing on 6 February 2012 that I be included.

In addition, Deputy President Dwyer made an order on 6 February 2012 that the Applicant provide evidence to substantiate the escalation in construction costs between the planning permit application and the Application to the Major Cases List. The Applicant provided a letter from Cost Control (Victoria) Pty Ltd ("CC") dated 15 February 2012 which states that CC generally agrees with the Developer's costs assessment of \$11,352,055. It should be noted that this is yet another estimate of the cost of the construction. However, this is not a sworn valuation/estimate and does not answer the question as to the discrepancy between the estimated costs listed on the planning permit, which was below \$10 million and the current estimate which now exceeds \$10 million.

The Resident objectors request that the Applicant be required to comply with the Practice Note – PNPE8 as outlined below.

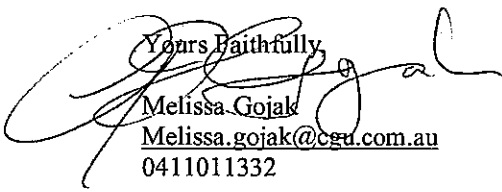
The practice note for the Major Cases List '*PNPE8- Major Cases List*' defines the 'estimated cost of development' as:

"the estimated cost of the development for which the permit or permit amendment is required, but does not include items such as land value, contingency fees or holding costs, consultants' or architects' fees, the value of any material to be extracted from the land as part of the use or development, development levies or contributions or other items not directly related to the cost of construction or carrying out of the proposed buildings or works or subdivision."

"In forming its view about the estimated cost of the development, the Tribunal will generally use the monetary figure specified in the planning permit application. A permit applicant or permit holder may be required to submit proof of the cost of development (such as a sworn valuation from a quantity surveyor) at the practice day hearing to substantiate any difference between that stated in the planning permit application and that specified in the application to the Tribunal."

I request that VCAT direct the Applicant to provide sworn evidence explaining the escalation in the estimated construction costs between the lodging of the planning permit with the Council and the filing of the Application with VCAT. In the absence of satisfactory evidence being provided, the Residents request that the Application be removed from the Major Cases List.

Yours Faithfully,


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