



FCG File Ref: M2A:AH

12th August 2024

VCAT
(by online lodging)

Dear Sir/Madam

Request for a Review under Section 149 of the Planning & Environment Act of the Whittlesea City Council's decision to approve a Development Plan for Precinct 2A in Mernda/Doreen at its meeting on 16th July 2024

I am acting for Mr Ajaz Haq, owner of 230 Cookes Road in Doreen, who is adversely affected by the layout of the Development Plan in so far as his property is concerned. A review of the decision by Council to approve the Development Plan in its current form is requested.

The Development Plan shows that a Local Park, or Council Reserve, is proposed on the northern Half of 230 Cookes Road, which is Property 12 as depicted in the Development Plan. Extracts from the Development Plan are shown at **Attachment 1**.

The Council report indicates that appeals would be under Section 149 of the Planning & Environment Act.

Mr Ajaz Haq has previously objected to Council on 12th May 2023 on the layout of the Development Plan. The desire is to have a Local Park restricted to the middle of the property with residential development at the Cookes Road frontage and at the south end of the property as identified in **Attachment 2**.

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.

The Development Plan has identified a number of trees on the property. As shown in the attachment, these are tree numbers –

- In the north of the property – 340 and 341. These are low value trees.
- In the centre of the property – 338, 339, 342, 343, 344, 345, 346, 347. These are medium value trees.

The following points are submitted in support of a review –

1. Trees in the north of the property are both *Melaleuca Armilaris* (Bracelet Honey-Myrtle), identified as Victorian natives of fair health, fair structure, and low value as rated by the arborist –
 - a. It is contended that these trees do not warrant being set aside in a Local Park and should be allowed to be removed for residential development in the north of the property.
 - b. Allowing for the acquisition of land along the Cookes Road frontage, the first 30m back from the adjusted frontage would be sufficient for residential development. The type of double-fronted residential development could be –
 - i. Preferred medium density development (less than 300m² lots in area) along the lines of the attached 8.5m house design at another site (refer to **Attachment 3** as an example) but modified for double-fronting to both Cookes Road and to the Local Park in the middle of the site. This would for example allow 6 lots having a minimum area of 8.5m x 30m = 255m² per lot.
 - ii. Alternatively, conventional residential development (greater than 300m² lots in area) along the lines of the attached 10.5m house design at another site (refer to **Attachment 4** as an example) but modified for double-fronting to both Cookes Road and to the Local Park in the middle of the site. This would allow 5 lots having a minimum area 10.5m x 30m = 315m² per lot.
2. To the immediate south of the northern residential land is proposed to be a 3m wide “paper road” containing a 1.5m footpath as well as allowing for installation of underground drainage and sewerage.
3. Trees in the centre of the property have a moderate B rating by the arborist with variable assessment of health and structure. It is agreed that these trees have a higher value and should be set aside in a Local Park.
4. The walkway provides pedestrian access through the Local Park.
5. Property 11 to the west also contains area for a Local Park. The two Local Park spaces are still continuous between two roads and are accessible.
6. The double-fronted lots proposed in the north of the property assist provide surveillance of the public open space.
7. There is precedent elsewhere in the Development Plan for residential development fronting Cookes Road and having local parks at the centre of lots – e.g. Properties 5, 6 and 19 on the Development Plan.
8. It is inequitable that some landowners have to provide a portion of their land for public open space when others do not. A form of land equalisation is required so that all landowners contribute equally. This should include compensation for those landowners who supply an above average area of land for public open space.

In summary, Mr Ajaz Haq seeks the following from a review of Council’s decision –

1. That the Development Plan be varied to identify –
 - a. Residential development in a 30m depth of lots from the adjusted Cookes Road frontage in the northern portion of the site.
 - b. A “paper road” of 3m in width located along the south side of the northern residential land.
 - c. Medium density development on this northern portion of the site.
2. That the Development Plan, or some other suitable mechanism, be further extended to include provisions to equalise the provision of land for public open space covering the provision of Local Parks across all of the developable land within the limits of the Development Plan area.



On behalf of Mr Ajaz Haq.

Yours sincerely,

A handwritten signature in black ink on a light blue background. The signature reads "C. Shinkfield" in a cursive, flowing script.

Chas Shinkfield
Managing Director

ATTACHMENTS –

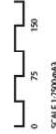
1. Extracts from the Development Plan
2. Proposed Property 12 Layout
3. Example of an 8.5m lot development (separate file – Lot 253)
4. Example of a 10.5m lot development (separate file – Lot 20110)

ATTACHMENT 1 – Extracts from the Development Plan

230 Cookes Road,
Doreen



Figure 8. Property Reference Map

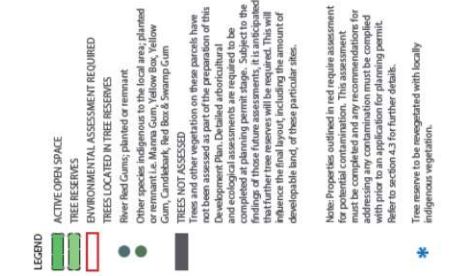


TREES NOT ASSESSED
 Trees and other vegetation on these parcels have not been assessed as part of the preparation of this Development Plan. Detailed arboricultural and ecological assessments are required to be completed at planning permit stages. Subject to the findings of those future assessments, it is anticipated that further tree reserves will be required. This will influence the final layout, including the amount of developable land, of these particular sites.

230 Cookes Road,
 Doreen



Figure 7. Open Space Plan - Tree Reserves
 SCALE 1:2000(A3)



4.7 OPEN SPACE PLAN - TREE RESERVES

The Development Plan seeks to provide a visually appealing network of public open spaces. The open space strategy is centred on the retention of existing high value trees within the public realm while including the existing encumbered open space in the south-east corner of the Development Plan. The high-value trees will be retained within public open space as tree reserves or pocket parks and include off-road pedestrian linkages and added amenity for the surrounding residents. The distribution of the pocket parks allow for all residents to be within a 400m walkable catchment to an area of public open space for passive recreation purposes.

Doreen Recreation Reserve sits in the south-east corner of the site and is intersected by the transmission line easement.

A landscape masterplan has been prepared for the reserve to guide future development of the site. It includes the provision of accessible public toilets, new tennis courts, picnic facilities, shelters, a new playground, improved pathways and open space for sporting and community events. An off-road trail is located within the transmission line easement, as per the Mernda Strategy Plan, connecting the Development Plan to surrounding areas, including the Plenty Gorge Parklands.

AGENDA - Scheduled Council Meeting 16
July 2024

Tree ID	Species	Common Name	Age Class	Origin Type	DBH (cm)	Basal O (cm)	Height (m)	Width N (m)	Width S (m)	Width E (m)	Width W (m)	Health	Structure	Arb. Rating	LLE (yrs)	Comments	TPZ SS (m)	Property
1	Eucalyptus mannifera	Brittle Gum	Early-mature	Australian native	45	50	12	2	5	4	4	Fair	Fail to Poor	Mod C	11-20y	Past powdery mildew clearance	6	174

328	Eucalyptus leucoxylon	Yellow Gum	Early-mature	Victorian native	23.20	33	5	2	3	1	4	Fair	Poor	Low	6-10y		2.5	204
329	Eucalyptus camaldulensis	River Red Gum	Semi-mature	Planted Indigenous	27	33	8	4	5	4	3	Fail to Poor	Fair	Mod C	11-20y		4.5	224
330	Eucalyptus camaldulensis	River Red Gum	Maturing	Planted Indigenous	27	33	21	4	7	7	7	Fair	Fair	Mod B	21-40y	Acute forke	10.5	224
331	Eucalyptus camaldulensis	River Red Gum	Early-mature	Planted Indigenous	44	47	11	4	4	6	5	Fail to Poor	Fair	Mod C	11-20y		5.5	224
332	Eucalyptus camaldulensis	River Red Gum	Semi-mature	Planted Indigenous	29	34	8	2	3	5	4	Fail to Poor	Fair	Mod C	11-20y		4.5	224
333	Grevillea robusta	Silky Oak	Early-mature	Australian native	29	33	8	4	4	3	3	Fair	Fair	Mod B	21-40y		4	204
334	Corymbia citriodora	Lemon-scented Gum	Early-mature	Australian native	37	44	14	5	4	6	4	Fair	Fair	Mod B	21-40y		7	204
335	Eucalyptus camaldulensis	River Red Gum	Maturing	Planted Indigenous	71	83	16	6	6	7	5	Good	Fair	Mod A	>40y		8	224
336	Eucalyptus leucoxylon	Yellow Gum	Early-mature	Victorian native	23	25	5	3	3	6	1	Fair	Fail to Poor	Low	11-20y		3.5	224
337	XCupressocyparis leylandii	Leyland Cypress	Maturing	Exotic conifer	35	40	15	5	5	5	5	Fair	Fair	Mod B	21-40y		7.5	230
338	Corymbia maculata	Spotted Gum	Early-mature	Victorian native	25.33	48	14	4	4	4	4	Fair	Fail to Poor	Mod C	11-20y	Codominant stems	7	230
339	Eucalyptus camaldulensis	River Red Gum	Early-mature	Planted Indigenous	51	62	16	4	7	5	7	Fair	Fair	Mod B	21-40y		8	204
340	Melaleuca arillaris	Bracelet Honey-myrtle	Maturing	Victorian native	18.15	36	5	3	3	3	3	Fair	Fair	Low	11-20y		3	230
341	Melaleuca arillaris	Bracelet Honey-myrtle	Maturing	Victorian native	18.14	34	4	4	1	3	4	Fair	Fair	Low	11-20y		3.5	230
342	Eucalyptus camaldulensis	River Red Gum	Maturing	Planted Indigenous	10	58	16	3	9	4	7	Fair	Fair	Mod B	21-40y		8	204
343	Eucalyptus mannifera	Brittle Gum	Maturing	Australian native	52	60	15	5	4	3	4	Fair	Fair	Mod B	21-40y		7.5	230
344	Eucalyptus bicostata	Victorian Blue Gum	Maturing	Australian native	50	58	12	6	5	5	3	Fair	Poor	Low	6-10y	Bracket hung/Congezed primary union	6	230
345	Eucalyptus camaldulensis	River Red Gum	Maturing	Planted Indigenous	60	68	16	3	6	4	5	Good	Fair	Mod B	21-40y		8	204
346	Eucalyptus camaldulensis	River Red Gum	Semi-mature	Planted Indigenous	21	27	10	1	6	3	3	Fair	Fair	Mod C	21-40y	Suppressed	5	230
347	Eucalyptus saligna	Sydney Blue Gum	Early-mature	Australian native	42	50	16	4	5	6	4	Fair	Fair	Mod B	21-40y		8	230
348	XCupressocyparis leylandii	Leyland Cypress	Maturing	Exotic conifer	40	52	12	4	5	4	4	Fair	Fair	Mod B	21-40y		6	260
349	Eucalyptus botryoides	Southern Mangogany	Over-mature	Victorian native	50	58	15	4	3	6	4	Poor	Fail to Poor	Low	1-5y	Declining	7.5	230





ATTACHMENT 2 – Proposed Property 12 Layout

Refer to the next page for an example Layout for Medium Density.

This yields 6 lots – from left to right 11.47m, 4 No x 8.5m, 10.5m.





Refer to the next page for an example Layout for Conventional Density.

This yields 5 lots – from left to right 11.97m, 3 No x 10.5m, 12.5m.



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08709 FOLIO 121

Security no : 124117360782L
Produced 12/08/2024 12:59 PM

LAND DESCRIPTION

Lot 21 on Plan of Subdivision 071327.
PARENT TITLE Volume 08596 Folio 944
Created by instrument LP071327 28/02/1968

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
AJAZ UL HAQ of UNIT 1 41 HORNE STREET CAMPBELLFIELD VIC 3061
AT787867C 19/11/2020

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT787868A 19/11/2020
COMMONWEALTH BANK OF AUSTRALIA

CAVEAT AU017467K 05/02/2021

Caveator
AMMI HOLDINGS PTY LTD ACN: 627245541
Grounds of Claim
AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
06/11/2020
Estate or Interest
INTEREST AS CHARGE
Prohibition
ABSOLUTELY
Lodged by
MEADOW HEIGHTS CONVEYANCING SERVICES
Notices to
MEADOW HEIGHTS CONVEYANCING SERVICES of 5 WATTLE CLOSE MEADOW HEIGHTS VIC
3048

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP071327 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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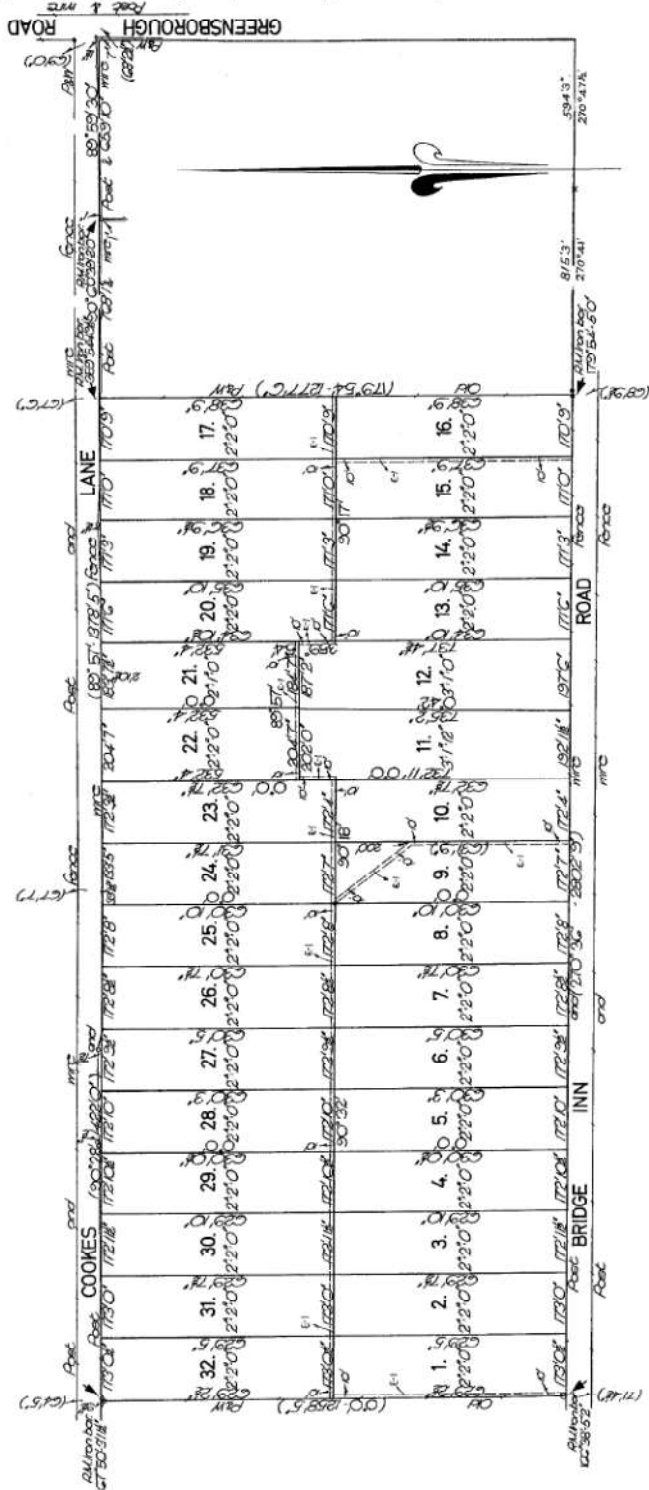
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LP 71327

EDITION 1
 APPROVED 28/12/167
 VLS 6395 161 160
 PARSHETT SHIRPCHART
 COLOUR CONVERSION
 BLUE = E-1

**PLAN OF SUBDIVISION OF
 PART OF CROWN PORTION I SECTION 4
 PARISH OF VAN YEAN
 COUNTY OF BOURKE**

SCALE 1:200



Note: The land coloured blue is set apart for drainage purposes.



ATTACHMENT 3 – Example of an 8.5m lot layout

Refer to separate file – Lot 253 (separate project) which would be modified to show double fronting to Cookes Road and to the Paper Road.



ATTACHMENT 4 – Example of a 10.5m lot layout

Refer to separate file – Lot 20110 (separate project) which would be modified to show double fronting to Cookes Road and to the Paper Road.