

*Planning and Environment Act 1987*

**Panel Report**

**Manningham Planning Scheme Amendment C111**

**383 – 395 Manningham Road, Doncaster**

Front page

**19 September 2016**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Manningham Planning Scheme Amendment C111

Rezone 383 – 395 Manningham Road, Doncaster

19 September 2016

A handwritten signature in black ink, appearing to read 'KBreen', is displayed on a light grey rectangular background.

Kevin Breen, Chair

# Contents

	Page
<b>1 Introduction</b> .....	<b>1</b>
1.1 The Amendment.....	1
1.2 Panel process.....	3
1.3 Background to the proposal.....	4
1.4 Summary of issues raised in submissions.....	4
1.5 Issues dealt with in this Report.....	5
<b>2 Planning context</b> .....	<b>6</b>
2.1 Policy framework.....	6
2.2 Planning scheme provisions.....	9
2.3 Ministerial Directions and Practice Notes.....	9
2.4 Conclusion.....	9
<b>3 Rezoning justification</b> .....	<b>10</b>
3.1 The issues.....	10
3.2 Submissions.....	10
3.3 Discussion.....	12
3.4 Conclusions.....	13
3.5 Recommendation.....	13
<b>4 Other issues</b> .....	<b>14</b>
4.1 The issues.....	14
4.2 Retain the land for open space.....	14
4.3 Loss of views.....	15
4.4 Sale of a Council asset.....	15
4.5 Negative impacts for adjoining properties.....	16
4.6 Safety concerns.....	16
4.7 Possible land swap.....	17
4.8 Conclusion.....	<b>Error! Bookmark not defined.</b>
<b>5 Planning permit</b> .....	<b>18</b>
5.1 The issue.....	18
5.2 Submissions.....	18
5.3 Recommendation.....	18

**Appendix A Submitters to the Amendment**

**Appendix B Planning Permit PL/025875 as amended**

## List of Tables

	Page
Table 1 Parties to the Panel Hearing.....	3

## List of Figures

	<b>Page</b>
Figure 1 The subject site .....	2
Figure 2 Current zoning.....	2
Figure 3 The site to be rezoned.....	3

## List of Abbreviations

LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
RGZ	Residential Growth Zone
SPPF	State Planning Policy Framework

## Executive Summary

### (i) Summary

Manningham Planning Scheme Amendment C111 (the Amendment) seeks to:

- Rezone 383 – 395 Manningham Road, Doncaster from Public Use Zone 3 (Health and Community) to the Residential Growth Zone (Schedule 2); and
- Apply Design and Development Overlay Schedule 8 – Sub-precinct 1 (DDO8-1) to the land.

Concurrent with the preparation of the planning scheme amendment, an application for planning permit (PL15/025875) has been made under section 96(A)(1) of the *Planning and Environment Act 1987* (the Act) to subdivide Lot 1 into two allotments.

The Amendment is required to facilitate the sale and redevelopment of part of the Council owned land at 383 – 395 Manningham Road, Doncaster for residential purposes. The Council is also the proponent for the Amendment.

The front portion of the Council owned land is currently vacant whilst the rear northern portion is occupied by the Manningham Centre Association's Melaleuca Lodge, a low care aged care hostel.

The Council have determined that the subject site which is the front vacant portion of the land (approximately 2440m<sup>2</sup>) is not required for municipal purposes and the Manningham Centre has indicated they are not interested in purchasing the subject land. The Council wish to sell the land for residential development and to this end propose an Expression of Interest sale process with a requirement for a minimum of 10% of the housing units developed devoted to affordable/disability housing.

The subject site was part of a larger parcel of adjacent land that was zoned Public Use (Health and Community) in 1954 to allow the development of a hospital. The hospital was not developed, but in the 1980s and 1990s the Manningham Centre was developed in stages across two parts of the site, one leased from the State Government and the other purchased by the Council. The subject site is the residual section of the Council owned land. Ambulance Victoria's communication centre has been developed on another significant section of the original larger site.

The substantive issue is whether the subject land is required under the Public Use Zone (Health and Community) and a rezoning to residential use is appropriate.

Key issues raised in submissions:

- The need to retain the land for future health facilities.
- The need to retain the land for open space.
- Lack of support the proposed sale of a Council asset.

The Panel concludes that:

- the purpose for which the land had been zoned has changed since the land was first zoned in 1954 as the intended hospital did not proceed.

- subsequent developments of both the Manningham Centre and Ambulance Victoria on the larger original site largely achieved alternative but generally conforming uses under the public use zone.
- the changing funding arrangements for aged care at a State and Federal level has altered the role for the Council in relation to residential aged care.
- the Council confirmed that the subject site is no longer required for municipal purposes.
- there is no evidence that when the Council purchased the site from the State Government in 1993 that the site had to be permanently preserved for public use.
- the decision by the Manningham Centre not to purchase the subject site means that the zoned Public Use purpose for the site is not likely and so a rezoning to a residential zone is supported.
- the Residential Growth Zone is the underlying zone for the site which demonstrates the range of characteristics relevant to higher density residential use.
- there is no case for the site to be set aside for public open space.
- issues concerning loss of expansive views and impacts on neighbouring properties are either not relevant to the Amendment or can be taken up at the subsequent planning permit stage.
- the concurrent planning permit for a two lot subdivision, as amended to meet VicRoads' requirements, is appropriate.

The Panel considers that the Amendment has planning merit and should proceed.

**(ii) Recommendations**

**Based on the reasons set out in this Report, the Panel recommends that:**

- 1. Manningham Planning Scheme Amendment C111 be adopted as exhibited.**
- 2. Planning Permit PL15/025875 be approved, subject to the changes as shown in Appendix B of this report.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment proposes to:

- Rezone the land from Public Use Zone 3 (Health and Community) to the Residential Growth Zone (Schedule 2); and
- Apply Design and Development Overlay Schedule 8 – Sub-precinct 1 (DDO8-1) to the land.

Concurrent with the preparation of the planning scheme amendment, an application for planning permit (PL15/025875) has been made under section 96(A)(1) of the *Planning and Environment Act 1987* (the Act) to subdivide Lot 1 LP 219314W into two allotments.

The Amendment and proposed subdivision affects the front portion of the site which is currently vacant. Lot 2 is proposed to have an area of approximately 2440m<sup>2</sup>.

The balance of the land (Lot 1) is to be retained within the existing Public Use Zone.

### (ii) Purpose of the Amendment

The Amendment is required to facilitate the sale and redevelopment of part of the Council owned land at 383 – 395 Manningham Road, Doncaster for residential purposes.

The front portion of the Council owned land is currently vacant whilst the rear (northern) portion is occupied by the Manningham Centre Association's (MCA) Melaleuca Lodge, a low care aged care hostel.

The front portion of the land (approximately 2440m<sup>2</sup>) is not required for municipal purposes and the MCA's 10 year business plan has indicated that the Centre is not interested in purchasing the subject land. The Council wish to sell the land for subsequent residential development. The Council proposes a sale process where an Expression of Interest would be conducted with a requirement for a minimum of 10% of housing units developed being devoted to affordable/disability housing.

The Amendment and associated planning permit application applies to the land shown in Figure 1, however only the front part of the site is proposed to be affected by the rezoning.





Figure 1 The subject site



Figure 2 Current zoning



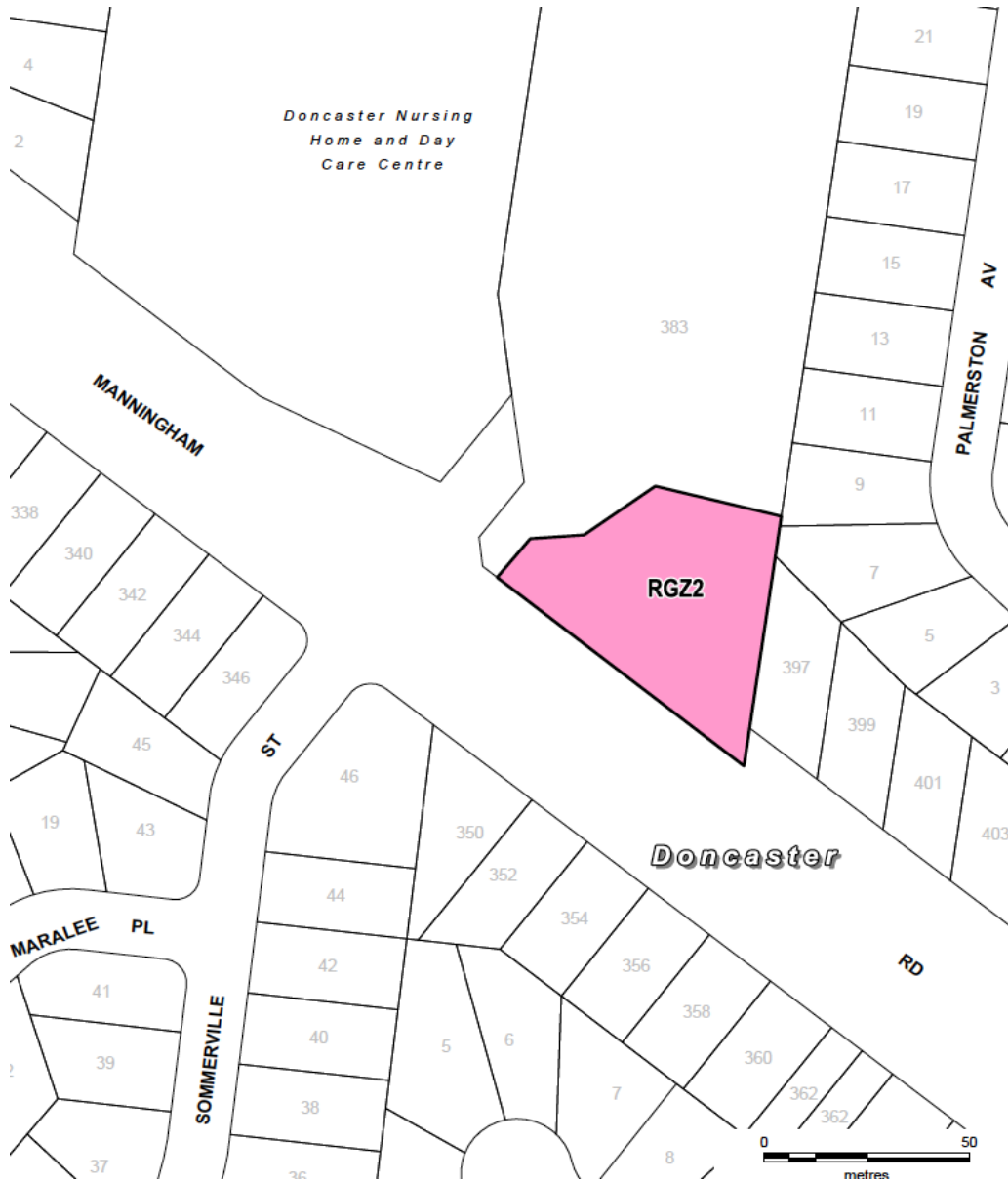


Figure 3 The site to be rezoned

## 1.2 Panel process

The Amendment was initiated and prepared by Manningham City Council and was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 9 March 2016. The Council is also the proponent for the Amendment.

The Amendment and associated planning permit application was placed on public exhibition between 7 April and 20 May 2016, with five opposing submissions received. One conditional non-objection was received from VicRoads.

At its meeting of 28 June 2016, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 20 July 2016 and comprised Kevin Breen (Chair).

A Directions Hearing was held in relation to the Amendment on 2 August 2016. Following the Directions Hearing, the Panel undertook an inspection of the subject site and its surrounds.

The Panel then met in the offices of Manningham City Council on 6 September 2016 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Manningham City Council	Ms Gabrielle O'Halloran, Senior Strategic Planner
Mr Doug McKenzie	

### 1.3 Background to the proposal

The land known is owned by Manningham City Council and fronts Manningham Road, approximately 470 metres east of the intersection of Manningham Road and High Street. It has a total area of approximately 13,890 sqm and forms part of the land on which the Manningham Centre is developed. The Manningham Centre provides a range of support services, including residential care, for older people. The Manningham Centre is developed across two parcels of land with the rear parcel accommodating Cassia House, leased from the State Government, and the parcel nearer Manningham Road, accommodating Melaleuca Lodge low care aged hostel, owned by Manningham City Council. The Melaleuca Lodge occupies the major part of the Council owned land and is set back some 65 metres from Manningham Road. A portion of the land is vacant and has an area of approximately 2,440 sqm. The Council wishes to sell this vacant part of the site for residential purposes and so seeks to rezone this part of the site from Public Use Zone to Residential Growth Zone, and subdivide the vacant section of the site from the balance of the land occupied by Melaleuca Lodge.

The vacant land would create a lot of some 2,440 sqm and is roughly triangular in shape with a frontage to Manningham Road and two other boundaries of 85 metres in length.

The subject site also adjoins the headquarters of the Metropolitan Ambulance Service.

The subject site is located at the crest of a rise with commanding 360 degree views, including expansive views to the north towards Kinglake National Park. The site has a fall to the north-east of about 5 metres.

### 1.4 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are:

#### (i) Planning Authority and Proponent

The key issues for the Council were:

- The circumstances governing Council's original intentions for the site have changed and Council no longer has need for the subject land to be retained for health services.

- There is nothing in writing to commit the Council to the utilisation of the whole site it owns for health services use, following Council's purchase of the site in 1993.
- The adjoining Manningham Centre has indicated that they do not wish to acquire the site for health and community purposes.

**(ii) Relevant agencies**

The key issue for VicRoads was:

- In relation to the concurrently exhibited planning permit application, changes to the plan of subdivision are required concerning access to the site.

The Council accepted the requested changes proposed by VicRoads and have amended the relevant planning permit conditions. No change to the Amendment to rezone the land was requested.

**(iii) Individual submitters**

The key issues by submitters were:

- The need to retain the land for future health facilities.
- Lack of support for the proposed sale of a Council asset.
- Loss of views.
- The need to retain the land for open space.
- The proposal to allow higher density residential development would result in increased traffic and have other negative impacts on adjoining properties.
- Any future development would need to take account of safety concerns associated with Ambulance Victoria's microwave communication system.
- A suggestion of a land swap that would facilitate the development of the subject site as a community aged care facility.

None of the issues were resolved prior to the Panel and this report considers the submitter issues.

## **1.5 Issues dealt with in this Report**

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from a site visit.

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Rezoning justification
- Other issues
- Planning permit

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

##### 11. Settlement

*Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

##### 11.04-2 Housing choice and affordability

Objective:

*To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

##### 16. Housing

*Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*

##### 16.01 Residential Development

*New housing should have access to services, and be planned for the long term sustainability, including walkability to activity centre, public transport, schools and open space.*

*Planning for housing should include providing land for affordable housing.*

##### 16.01-1 Integrated housing

Objective:

*To promote a housing market that meets community needs.'*

##### 16.01-2 Location of residential development

Objective:

*To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

#### 16.01-3 Strategic redevelopment sites

Objective:

*To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*

#### 16.01-4 Housing diversity

Objective:

*To provide for a range of housing types to meet increasing diverse needs.*

#### 16.01-5 Housing affordability

Objective:

*To deliver more affordable housing closer to jobs, transport and services.*

### 18. Transport

#### 18.02-3 Principal Public Transport Network

Objective:

*To upgrade and develop the Principal Public Transport Network and local public transport services in Metropolitan Melbourne to connect activity centres, link activities in employment corridors and link Melbourne to the regional cities.*

In the Council's assessment against the SPPF, the Amendment:

*is consistent with the objectives of the above Clauses as the subject site represents under-utilised vacant land that is located close to shops, community facilities and public transport services. The proposed amendment and subdivision will assist in providing housing diversity for various households in an area that is within easy walking distance to the Macedon Square Activity Centre. Recreational opportunities are provided nearby at Crawford Reserve, north-east of the subject site and the new open space proposed at the former Eastern Golf Course site, situated less than 500 metres away. Aquarena, Council's Aquatic and Leisure Centre, is located 1 kilometre away.*

*Furthermore, the Amendment consolidates the existing urban area by facilitating an increased housing yield on the site, whilst reducing pressure on the urban fringe of Melbourne. Through the Expression of Interest process for the future sale of Lot 2, Council will advocate for a preferred minimum 10% of the residential dwellings to be allocated for affordable and/or disability housing.<sup>1</sup>*

The Panel agrees with the Council assessment and concludes that the Amendment is supported by, and implements, the relevant sections of the State Planning Policy Framework.

---

<sup>1</sup> City of Manningham, Part A submission pp 7/21

**(ii) Local Planning Policy Framework**

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.05-1 identifies that a key issue facing Council is managing change and growth in Manningham's residential areas, whilst protecting the areas that have environmental values. Council's Local Planning Policy Framework encourages infill residential development and redevelopment of key strategic sites that consolidate the role of the established urban area.

21.05-2 Housing

Key issues

Accommodating population growth as outlined in Melbourne 2030 Planning for Sustainable Growth (2002) [now replaced with Plan Melbourne].

Providing a diversity of appropriate housing to meet changing lifestyles and housing needs.

Need for urban consolidation to address housing growth.

Potential impact of new development on the surrounding area.

Objectives:

- To accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.
- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- To encourage development of Key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.

The Council's assessment of against the LPPF states that:

*The Amendment will assist in implementing the policy directions outlined in the Local Planning Policy Framework and the Municipal Strategic Statement by providing housing choice at a higher density in areas close to activity centres and accessible to public transport services<sup>2</sup>.*

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Local Planning Policy Framework.

---

<sup>2</sup> City of Manningham, Part A submission pp 7/21

## **2.2 Planning scheme provisions**

### **(i) Zones**

The Amendment proposes to rezone the subject site at 383 – 395 Manningham Road, Doncaster from Public Use Zone (Health and Community Services) to Residential Growth Zone 2.

### **(ii) Overlays**

It is proposed to apply the Design and Development Overlay (DDO8-1) Main Road Sub Precinct to the site.

## **2.3 Ministerial Directions and Practice Notes**

### **(i) Ministerial Directions**

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

#### **Ministerial Direction No 11 - Strategic Assessment of Amendments**

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

#### **The Form and Content of Planning Schemes (s7(5))**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

### **(ii) Planning Practice Notes**

#### **PPN9 - Metropolitan Strategy**

Council submitted that the Amendment is consistent with PPN9 as it responded to Objective 2: Housing Choice and Affordability and Objective 4: Liveable Communities and Neighbourhoods.

## **2.4 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed.



## **3 Rezoning justification**

### **3.1 The issues**

Is there adequate strategic justification to rezone the subject site from the Public Use Zone - (Health and Community) because the purpose for which the land had been zoned been adequately fulfilled or is no longer relevant?

Is the choice of the Residential Growth Zone appropriate for the subject site?

### **3.2 Submissions**

In their written submission, the Council provided a history of the subject site and adjacent sites that has bearing on the current Amendment.

The salient aspects of history are that the subject site originally was part of a larger parcel of land comprising some 4.836 hectares owned by the State Government's then Health Commission of Victoria. The entire parcel of land was zoned for a hospital between 1954 and 1985 however a hospital was never constructed. In 1983, the Council leased the rear portion of the total site from the former Health Department for a 50 year period and developed a nursing home and day care centre for the aged. This facility, now known as Cassia House, opened in 1985 and forms part of the Manningham Centre. This part of the original large site remains in the ownership of the State Government but is leased to the Council.

The western part of the balance of the land, fronting Manningham Road, was developed for Ambulance Victoria's communication centre in 1988.

In 1989 the Council resolved to provide funds to develop an aged care hostel as an extension to the Manningham Centre and following agreement with the Department of Health the site was sub divided to create what is Lot 1. The Council purchased the Lot 1 site in 1993 and accordingly developed Melaleuca Lodge however the 2,440 sqm subject site which fronts Manningham Road was not required to be part of the development.

The Council advised that the Manningham Centre undertook a feasibility study in 2003 that investigated a proposal to develop the subject site for affordable housing for older people. In 2008 another proposal was investigated to establish a community centre on the site that included administration offices and rehabilitation services for the Manningham Centre; a wellness centre; and 53 affordable housing units. This was not pursued because of lack of funding support from the State Government.

In response to an objecting submission that there is a community expectation that the site be preserved in perpetuity for medical purposes for the community, the Council argued through their submission that the development of the Manningham Centre, including the Melaleuca Lodge, demonstrated Council's commitment to providing health services for the community, particularly for the elderly. The Council also stated that:

*Other than the zoning of the site, however, there is nothing in writing to commit Council to devote the entire Lot 1 to health uses.<sup>3</sup>*

Further, they submitted:

*Whilst it is acknowledged that the past records indicate a former Council's intention to develop the site for community and health related uses, circumstances have since changed, and Council no longer has the need for this land to be retained for health purposes. Furthermore, the business model for the provision of health related facilities is very different today to that of previous decades. Nowadays there is a preference for health related uses to form part of a larger building complex that includes a range of uses, rather than being restricted to a single purpose building. The Manningham Centre has indicated that it does not need the land subject to the rezoning, but may be interested in using a component of any future building for a health / administrative use.*

The Council advised that they had consulted with the Manningham Centre in a meeting between the Centre's CEO and Council's Director of Community Services at which Council's intention regarding the future of the subject site was made clear. The Council submitted that the stated priority for the Manningham Centre is to improve facilities at Cassia Lodge and Melaleuca Lodge.

The Council also referenced the Manningham Centre's 10 year Business Plan which does not indicate the Centre's interest in purchasing the subject site but the Council noted that the Centre may be interested in ground level space for administrative and outreach activities.

At the Hearing, it was stated by the Council that the Manningham Centre will be a party to the planned Expression of Interest sale process being contemplated by the Council for the sale of the site that will include a requirement for a preferred minimum of 10% of the housing to be dedicated to affordable/disability housing.

The objecting submission from Mr McKenzie provided background history of the broader site including the campaign in which he was a community representative on a Council committee that opposed a proposal by the then State Government's urban development agency in the mid 1980s to rezone and develop the broader site for higher density residential housing. He advised that the State Government abandoned the residential development concept but instead allowed the site to be developed for its current uses by the Manningham Centre for aged care and Ambulance Victoria's communication centre, in line with the original Public Use (health services) Zone designation. He stated that the argument by the then Council against the residential development concept was that *there was a community expectation that this site would be preserved in perpetuity for 'medical purposes' for the benefit of the people of this city.* Consequently, he believed that the current Amendment proposal to rezone the subject site to residential use *would be breaching faith with the earlier councils and communities who fought so hard to preserve the site for future medical-related amenities.* In his presentation at the Hearing, Mr McKenzie reiterated his view that the site should be retained for broader health related uses, and

---

<sup>3</sup> City of Manningham, Part B submission pp 3/12

particularly made available to the Manningham Centre. He believed that the rejection by the Manningham Centre, a not for profit organisation, of the offer from the Council to sell them the site was not a reflection of the Centre's interest in the site but more because the Centre did not have the ways and means to purchase the site. If the site was free to the Centre then they would clearly have an interest in utilising it.

Three other written objections also stated that the site should be retained for aged care or health purposes because of an ageing community and increasing need for aged care services.

In relation to the issue regarding the choice of the Residential Growth Zone, the Council submitted that as the subject site is not required for municipal purposes, the Manningham Centre did not wish to purchase the site and neither the Manningham Centre or Ambulance Victoria objected to the Amendment then it is appropriate to support a rezoning. The Council submitted that:

*The subject land is predominantly surrounded by residential uses to the north, east and south, and is strategically located close to a range of shopping facilities, including the Macedon Square Activity Centre and Westfield, Doncaster, which are situated 545 metres and 850 metres away respectively. The site is serviced by a comprehensive bus network, with the closest bus stop situated 20 metres to the west of the site. The site is also nearby to Aquarena and public open space opportunities. Given the site's locational attributes, it is considered reasonable that the site be redeveloped for residential purposes.*

Further, the Council identified that the Residential Growth Zone (RGZ2) and the Design and Development Overlay – Schedule (DDO8-1) Main Road Sub-Precinct already apply to the residential properties that front Manningham Road to the east and west of the subject site, and on the opposite side of the road. They stated that it was logical that a similar RGZ2 and DD08-1 should also be applied to the subject land. They also observed that the Residential Growth Zone also allows for the potential for non-residential uses, such as medical suites or a convenience shop, which is generally in line with the Manningham Centre's statement that they may utilise part of a redeveloped site for health/administrative uses.

No specific arguments were raised in objecting submissions against the proposed Residential Growth Zone other than generally expressed views that there are already enough higher density apartment developments developed or under construction in the area.

### **3.3 Discussion**

The Panel notes the history of the broader sites that make up the area originally set aside and zoned for a hospital in 1954. It is apparent that with the original plan for a hospital not being realised there have been successful efforts to utilise over 80% of the total site for broader health and community purposes, including Ambulance Victoria's communication use. There is evidence that the Council and the Manningham Centre have made substantial efforts to investigate a complementary use of the subject site with a focus on affordable housing and community services.

The Panel also notes the Council's view that the business model for contemporary health services prefers a larger building complex that includes a range of uses and does not favour a

stand alone building. Further, the State and Federal Government funding environment has changed and for the Council to achieve an affordable housing outcome it has led to the proposed process where an Expression of Interest would be conducted with a requirement for a minimum of 10% of housing units developed being devoted to affordable/disability housing.

In the Panel's opinion, the original intention for which the original total site was zoned Public Use for use as a hospital has now expired or been adequately fulfilled. As the Manningham Centre have indicated they do not wish to purchase the residual undeveloped subject site and did not make a submission in respect of the Amendment, the site does not have the likelihood of being utilised for the original intent and it is reasonable to pursue the pathway Council has determined to achieve a balanced outcome for the site that contributes to implementing key aspects of the SPPF and LPPF. Therefore, the Panel supports the rezoning from Public Use Zone to a residential zone.

The next question is whether the designation of the Residential Growth Zone is the appropriate residential zone for this site. In the Panel's view the choice of Residential Growth Zone with the Design and Development Overlay is appropriate for the rezoning of the subject site. The Panel agrees with the Council's assessment of the site's characteristics including the pattern of similar zoning along both sides of Manningham Road in the vicinity of the subject site; the size of the site; the proximity to Macedon Square Activity Centre; excellent access to the public transport network; and access to public open space and recreation facilities. The use of the DD08-1 Main Road Sub-Precinct refines the RGZ to ensure development under the zone is tailored to the Manningham Road frontage. Planning Practice Note 78 confirms that the subject site is appropriately proposed for the RGZ as it is a location offering good access to services, transport and other infrastructure; it is an area which provide a transition between areas of more intensive use and development and areas of restricted housing growth; and it is an area where there is mature market demand for higher density outcomes as evidenced by other developments along Manningham Road.

### **3.4 Conclusions**

The Panel concludes:

- The subject site is no longer required for municipal purposes
- The purpose for which the broader site was originally zoned, Public Use Zone (Health and Community), has been substantially fulfilled and there is little likelihood that the balance of the land represented by the subject site can be utilised for its original zoned purpose. Therefore, the Panel supports the rezoning of the subject site.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. The Amendment is well founded and strategically justified, and the Amendment should proceed.

### **3.5 Recommendation**

The Panel makes the following recommendation:

**Manningham Planning Scheme Amendment C111 should be adopted as exhibited.**

## 4 Other issues

### 4.1 The issues

Submitters raised a number of other issues in response to the Amendment's exhibition:

- The need to retain the land for open space.
- Loss of views.
- Lack of support for the proposed sale of a Council asset.
- The proposal to allow higher density residential development would result in increased traffic and have other negative impacts on adjoining properties.
- Any future development would need to take account of safety concerns associated with Ambulance Victoria's microwave communication system.
- A suggestion of a land swap that would facilitate the development of the subject site as a community aged care facility.

### 4.2 Retain the land for open space

#### (i) Submissions

Two submitters identified that the subject site should be preserved as open space. One submitter considered that the site should be left as open space pending a study about future uses of the site for medical purposes. The open space with the panoramic views available from the site would be available to residents of the Manningham Centre. A second submitter stated that the site *should be left as a little bit of green* for future residents.

In its written submission Council provided information regarding the 10 year Manningham Open Space Strategy (2014) that sets direction for the planning and provision of open space across the municipality. The strategy does not identify the subject site for future open space although the strategy does detail required open space improvements and additional provision of open space for the Finns Precinct in which the subject site sits. The Council stated that that the poor connectivity to nearby open spaces reserves means that the subject site does not have the characteristics necessary as additional open space. The Council highlighted that the general approach of the Open Space Strategy is to consolidate existing open space by expanding existing reserves or improving pedestrian connections. The subject site was stated to have good accessibility to the existing and planned open space network. A copy of the relevant chapter covering the Finns Precinct of the Open Space Strategy was provided by the Council to assist understanding of the open space issues for this area.

#### (ii) Discussion and conclusion

The Panel is satisfied with Council's advice that the subject site is not required for the purposes of open space provision for this area of Manningham. The 2014 Manningham Open Space Strategy does not identify the site or its immediate area for future inclusion in the open space network. New open space is identified to service the neighbourhood around the Macedon Square activity centre. The open space strategy rightly looks to prioritising consolidation of and connectivity to existing open space areas rather than the addition of more parks. The situation of the subject site on Manningham Road with no opportunity for

on-road parking are further factors militating against serious consideration of the subject site as future open space.

The Panel concludes that the subject site is not appropriate for future use as part of the Manningham open space network.

### **4.3 Loss of views**

#### **(i) Submissions**

Two submitters raised the issue that a future development on the subject site would remove the vista currently available because of the location of the site at the top of a ridge that allows expansive views to the north and other points.

The Council acknowledged that while the subject site does indeed provide expansive views the ongoing urban development in the area since it was an orchards area have continued to change view lines. They stated that any development on the site will likely diminish the current view lines. Further, they stated that in land use planning terms, a development cannot be rejected because it may result in loss of a view.

#### **(ii) Discussion and conclusion**

The Panel agrees that while the existing vacant subject site does afford expansive views from the highest point there are no controls in the planning scheme that specifically limits the ability to develop the site because of view lines. For example, there is no Design and Development overlay on the site to protect valued public views and vistas from unreasonable encroachment by nearby buildings.

The Panel concludes that the potential loss of the existing view lines does not represent a planning ground to prevent the rezoning of the site as proposed by the Amendment.

### **4.4 Sale of a Council asset**

#### **(i) Submissions**

One submission objected to the Council intention to sell the site *“as there was a community expectation that this site would be preserved in perpetuity for ‘medical purposes’ for the benefit of the people of the city”* and so that the Council *“would be breaching faith with earlier councils and communities by selling the site”*.

In their submission, the Council pointed to the discussions held with the Manningham Centre which confirmed that they wanted to focus on improving their existing facilities rather than expanding and so did not wish to purchase the site. The Centre expressed some interest in the potential for use of part of a new development for administrative/health purposes. They also have highlighted that there is nothing in writing that commits the Council to retaining the site in perpetuity for medical/health purposes.

#### **(ii) Discussion and conclusion**

The Panel does not consider the potential sale of the subject site by the Council is a planning matter that falls within the purview of its consideration of the Amendment.

The Panel notes that there are provisions under the *Local Government Act, 1989* and the *Subdivision Act, 1988* that govern the sale of Council land that afford the submitter the ability to make separate submissions as part of a public process.

#### **4.5 Negative impacts for adjoining properties**

##### **(i) Submissions**

Two objecting submissions were made that raised concerns over the increase in traffic and negative impacts on adjoining properties that may occur because of the development of the subject site with an apartment style development.

The Council submitted that any future residential development that occurs on the subject site if the Amendment proceeds would go through a separate planning permit process where matters such as traffic management and impacts such as overlooking, overshadowing and car parking provisions would need to be satisfied.

##### **(ii) Discussion and conclusion**

The Panel agrees with the Council that traffic and amenity issues as they may affect adjacent properties would be properly dealt with at a subsequent planning permit application stage. Therefore, these matters are not relevant to consideration of the merits of the current Amendment.

#### **4.6 Safety concerns**

##### **(i) Submissions**

One submitter raised a concern over the possible effects of microwave radiation from 'line of sight' communication equipment at the adjacent Ambulance Victoria site on future residents of a redeveloped subject site.

The Council indicated that any future building would be set back from the Ambulance Victoria site. Further, Ambulance Victoria had been notified of the current Amendment and planning permit process but made no submission. As the eventual redevelopment of the site would be subject to a planning permit application, notice to affected landowners would occur.

##### **(ii) Discussion and conclusion**

The Panel notes the Council response to this matter and agrees that Ambulance Victoria have received notice of the current Amendment proposal and determined not to make a submission and, further, that at the development stage of any development proposal flowing from this Amendment, a planning permit application process will occur that will provide notice to adjoining property owners, including Ambulance Victoria.

The Panel concludes that this is not a matter that is determinative when considering the merits of this Amendment and the planning permit stage of any future development will provide for the matter to be considered.



## **4.7 Possible land swap**

### **(i) Submissions**

A submitter proposed that Council should consider an effective land swap by retaining and developing an aged care facility on the subject site and sell an existing Council owned senior citizen's centre further along Manningham Road.

The Council responded by stating that sale of the senior citizens centre has not been recommended by any Council strategy and Council would not develop or operate an aged care facility.

### **(ii) Discussion and conclusion**

The Panel considers that the concept of a land swap as outlined is not relevant to the matter at hand of considering the particular planning merits of the current Amendment and consequently cannot provide comment. The land swap proposal is not a planning matter.

## 5 Planning permit

### 5.1 The issue

Concurrent with the preparation of the planning scheme amendment, an application for planning permit PL15/025875 was made under section 96(A)(1) of the *Planning and Environment Act 1987* (the Act) to subdivide Lot 1 into two allotments. Is the draft planning permit sufficient and consistent with the Amendment?

### 5.2 Submissions

The Council stated that during the exhibition period, VicRoads identified that it had no objection in principle to the proposed rezoning, provided that Condition 1 of the proposed planning permit PL15/025875 be amended to include the following:

1. Prior to the Certification of Plan of Subdivision, amended subdivision plan to the satisfaction of VicRoads must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan will form part of the permit.
2. The Plan must generally be in accordance with the plan of subdivision PS719948Y Version 3 prepared by Lawlor and Loy Pty Ltd but modified to:
  - (a) Show the ROAD RESERVE (R-1) proposed in the south-east corner deleted.
  - (b) The RESERVE No. 1 extended to the east for the entire frontage of Manningham Road.
  - (c) A restriction on Lot 2, created under Section 23 of the Subdivision Act 1988, prohibiting vehicular access to the Manningham Road service road.

The Council accepted that the changes requested by VicRoads were appropriate and the draft planning permit was amended accordingly to include the changes. The Council noted that no changes to the Amendment were proposed by VicRoads.

Further, in relation to requirements regarding open space contributions regarding the site the Council advised that no open space contribution has been made for the site to date but:

*Council will impose an open space contribution on any future planning permit to redevelop the site for residential development.<sup>4</sup>*

No other submissions were made in relation to the draft planning permit.

### Discussion and conclusion

The Panel is satisfied that the planning permit as amended and included as Appendix B to include the changes required by VicRoads is sufficient and consistent with the Amendment.

### 5.3 Recommendation

**The Panel recommends that Planning Permit PL15/025875 be approved, subject to changes as shown in Appendix B to this report.**

---

<sup>4</sup> City of Manningham, Part A submission pp 19/21

## Appendix A Submitters to the Amendment

No.	Submitter
1	Ms Roberta McKibbin
2	Ms Denyce Douglas
3	Ms Ann Bruce
4	Mr Doug McKenzie
5	Ms Tina Gard
6	VicRoads, Metropolitan South East Region

---

## Appendix B Planning Permit PL15/025875 as amended

---

# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

---

Permit No.: PL15/025875

Planning scheme: Manningham Planning Scheme

Responsible authority: Manningham City Council

ADDRESS OF THE LAND: 383-395 MANNINGHAM ROAD DONCASTER

THE PERMIT ALLOWS: Section 96 Amendment for the re-zoning of land, a 2 lot subdivision, and the creation of reserves to vest in Manningham City Council

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

---

### Amended Plans

1. Before the Certification of the Plan of Subdivision, amended plans to the satisfaction of [VicRoads and the Responsible Authority](#), must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and a copy must be provided. The plans must be generally in accordance with the plan of subdivision PS719948Y Version 3, prepared by Lawlor and Loy Pty Ltd (Ref. No. 7349) but modified to show:
  - 1.1 The creation of a 2m long by 3m wide drainage easement in favour of Manningham City Council within the north-eastern corner of Lot 2;
  - 1.2 [The deletion of the proposed Road Reserve R-1 from the south-eastern corner;](#)
  - 1.3 [The Reserve No.1 extended to the east for the entire frontage of Manningham Road;](#)
  - 1.4 [A restriction on Lot 2, created under Section 23 of the Subdivision Act 1988, prohibiting vehicular access to the Manningham Road service road.](#)

### Endorsed Plans

2. The layout of the subdivision as shown on the approved plan must not be altered or modified without the prior written consent of the Responsible Authority.

### Service Utilities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage sewerage facilities, electricity, and gas services to each lot shown on the approved plan in accordance with that authority's requirements and relevant legislation at the time.

---

Date issued:

Date permit comes into  
operation:

(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

Signature for the responsible  
authority:

---

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Telecommunications Conditions 6-7**

6. The owner of the land must enter into an agreement with:
  - 6.1 A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - 6.2 A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - 7.1 A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - 7.2 A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Stormwater**

8. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

**Drainage**

9. Prior to the issue of a Statement of Compliance, a legal point of discharge for Lot 2 must be created by constructing an outfall drain between the north-eastern corner of Lot 2 and the nominated Council drain within Lot 1, in accordance with an engineering construction plan approved by the Responsible Authority.
10. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.

**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

### Permit Expiry

11. Unless the subdivision approved by this permit is commenced within two (2) years of the date of this permit, and completed within five (5) years from certification of the plan, then this permit will lapse. The Responsible Authority may extend the commencement period referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

### Permit Notes:

- The commencement of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.
- Under Section 69 of the Planning and Environment Act 1987 the owner or occupier of the land may apply to extend a permit either:
  - before it expires; or
  - within 6 months of the expiry if the permit has not been acted on; or
  - within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.
- Manningham Council is the Responsible Authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840-9242.

---

**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

---

## IMPORTANT INFORMATION ABOUT THIS PERMIT

---

### WHAT HAS BEEN DECIDED?

---

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C111 to the Manningham Planning Scheme.

---

### WHEN DOES THE PERMIT BEGIN?

---

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

---

### WHEN DOES A PERMIT EXPIRE?

---

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

---

### WHAT ABOUT REVIEWS?

---

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit



*Planning and Environment Act 1987*

## **MANNINGHAM PLANNING SCHEME**

### **AMENDMENT C111**

#### **PLANNING PERMIT APPLICATION NO PL 15/025875**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Manningham City Council, which is the planning authority for this amendment.

##### **Land affected by the Amendment**

The amendment applies to the front portion of the Council owned land at 383-395 Manningham Road, Doncaster, more particularly described as Lot 1 on LP 219314W on Certificate of Title Volume 10059 Folio 460, and which is currently occupied by the Manningham Centre Association's (MCA) Melaleuca Lodge, low care aged hostel.

##### **What the amendment does**

The amendment proposes to:

- Rezone the site from a Public Use Zone – Health and Community (PUZ3) to the Residential Growth Zone (RGZ2); and
- Apply the Design and Development Overlay (DDO8-1) main road sub-precinct to the site.

Concurrent with the preparation of the planning scheme amendment, an application for planning permit (PL15/025875) has been made under section 96(A)(1) of the *Planning and Environment Act 1987* (the Act) to subdivide Lot 1 LP 219314W into two allotments. The Amendment and proposed subdivision affects the front portion of the site which is currently vacant. Lot 2 is proposed to have an area of approximately 2440m<sup>2</sup>.

##### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

The amendment is required to facilitate the sale and redevelopment of part the Council owned land at 383 – 395 Manningham Road, Doncaster for residential purposes.

The front portion of the Council owned land is currently vacant whilst the rear northern portion is occupied by the Manningham Centre Association's (MCA) Melaleuca Lodge, a low care aged care hostel, which is setback an estimated 65 metres from the front boundary.

The front vacant portion of the land (approximately 2440m<sup>2</sup>) is not required for municipal purposes and the MCA's 10 year business plan has indicated that the Centre is not interested in purchasing the subject land.

In order to facilitate the sale and future development of the front portion of the Council owned land, it is proposed that Council prepare an amendment to the Manningham Planning Scheme to rezone that part of the site from a Public Use Zone 3 (Health and Community) to a Residential Growth Zone (Schedule 2) and apply the Design and Development Overlay Schedule 8 (DDO8-1).

It is also necessary to apply for a planning permit to subdivide Lot 1 into two lots to enable the sale of the newly created lot. Accordingly, it is proposed to undertake a combined planning scheme amendment and planning permit application under section 96(A) of the *Planning and Environment Act 1987*.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of Clause 4 of the *Planning and Environment Act 1987*. In particular, the amendment supports the following objectives:

- (a) *'to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- (c) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (d) *to balance the present and future needs of all Victorians.'*

### **How does the Amendment address any environmental, social and economic effects?**

The amendment will have positive social and environmental effects by providing residential opportunities at a range of dwelling densities on a strategic redevelopment site that has good access to services and public transport.

In facilitating the future use and development of this land, the amendment will encourage a range of positive economic effects. These include increased investment activity and employment creation associated with the future construction activities on the land.

### **Does the Amendment address relevant bushfire risk?**

The amendment is not expected to result in an increase in bushfire risk to life or property. The site is not affected by the Bushfire Management Overlay or within a Bushfire Prone area.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the following:

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- Ministerial Direction No. 9 Metropolitan Strategy.
- Direction No. 11 Strategic Assessment of Amendments.

Ministerial Direction No. 9 requires all planning scheme amendments in the metropolitan area to have regard to *Plan Melbourne: Metropolitan Planning Strategy (2014)*. *Plan Melbourne* outlines a vision for Melbourne's growth to the year 2050.

#### Outcome and Objective 2: Housing Choice and Affordability

The objective is to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

Direction 2.2 – Reduce the cost of living by increasing housing supply near services and public transport

Direction 2.4 – Facilitate the supply of affordable housing

The amendment proposes to facilitate apartment style development on a strategic redevelopment site and assist in providing greater housing choice in close proximity to the Macedon Square neighbourhood activity centre. The site is also within reasonable walking and cycling distance to a range of community facilities, including Aquarena (Acquatic and Leisure Centre), public open space provided on the former Eastern Golf Course, and is well serviced by a comprehensive bus service that exists along Manningham Road.

#### Outcome and objective 4: Liveable Communities and Neighbourhoods

Direction 4.1 – Create a city of 20 minute neighbourhoods

Direction 4.3 – Create neighbourhoods that support safe communities and healthy lifestyles

An important aspect of Plan Melbourne's vision is the creation of a 20 minute neighbourhood so people can access services within 20 minutes of home. The amendment would encourage an increased housing density in an area that is well serviced by shops, community facilities and public transport opportunities. Development on the subject land would encourage future residents to walk and cycle to nearby community and retail facilities and hence create a more inclusive and healthier community.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment supports and implements the following Clauses of the State Planning Policy Framework:

Clause 11 – Settlement

Clause 16 – Housing

Clause 17 – Economic Development

Clause 18 – Transport

Clause 19 – Infrastructure

The amendment will facilitate the supply of housing on a strategic redevelopment site that is well serviced by retail and community facilities, including Macedon Square neighbourhood activity centre, Westfield Doncaster, Aquarena and public transport networks.

Through the Expression of Interest process for the future sale of Lot 2, Council will advocate for a minimum 10 per cent of the residential dwellings to be allocated for affordable housing. This is consistent with objective 16.01-5 that seeks to 'deliver more affordable housing closer to jobs, transport and services'. A specific strategy is to '*encourage a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.*'

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment will assist in implementing the policy directions outlined in the Local Planning Policy Framework and the Municipal Strategic Statement by providing housing choice at a higher density close to activity centres and along main roads. This is consistent with the following objectives of Clause 21.05-2:

- *'To accommodate Manningham's projected population growth through urban consolidation, in infill developments and Key Redevelopment Sites.*
- *To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.*
- *To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.'*

The Amendment is also consistent with Clause 21.12 that seeks to increase the usage of public transport.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment is consistent with the use of the Victorian Planning Provisions and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

### **How does the Amendment address the views of any relevant agency?**

The views of relevant agencies will be sought throughout the amendment process.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The site is well serviced with public transport, with three bus routes to the City, Westfield, Doncaster, Eltham, Heidelberg and Box Hill. Manningham Road has a dedicated bus lane, with the closest bus stop being located 20 metres to the west of the site.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is expected that the new planning provisions will not have a significant impact on the resource and administrative costs of the responsible authority. The responsible authority will be required to process a planning scheme amendment/planning permit application for the use and development of the subject land.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Manningham City Council, 699 Doncaster Road, Doncaster;
- at the Manningham website at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au); and
- at the Doncaster/The Pines/Bulleen/Warrandyte branch libraries.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Friday 20 May 2016.

A submission must be sent to:

Manager Economic and Environmental Planning  
Manningham City Council  
PO Box 1  
DONCASTER VIC 3108

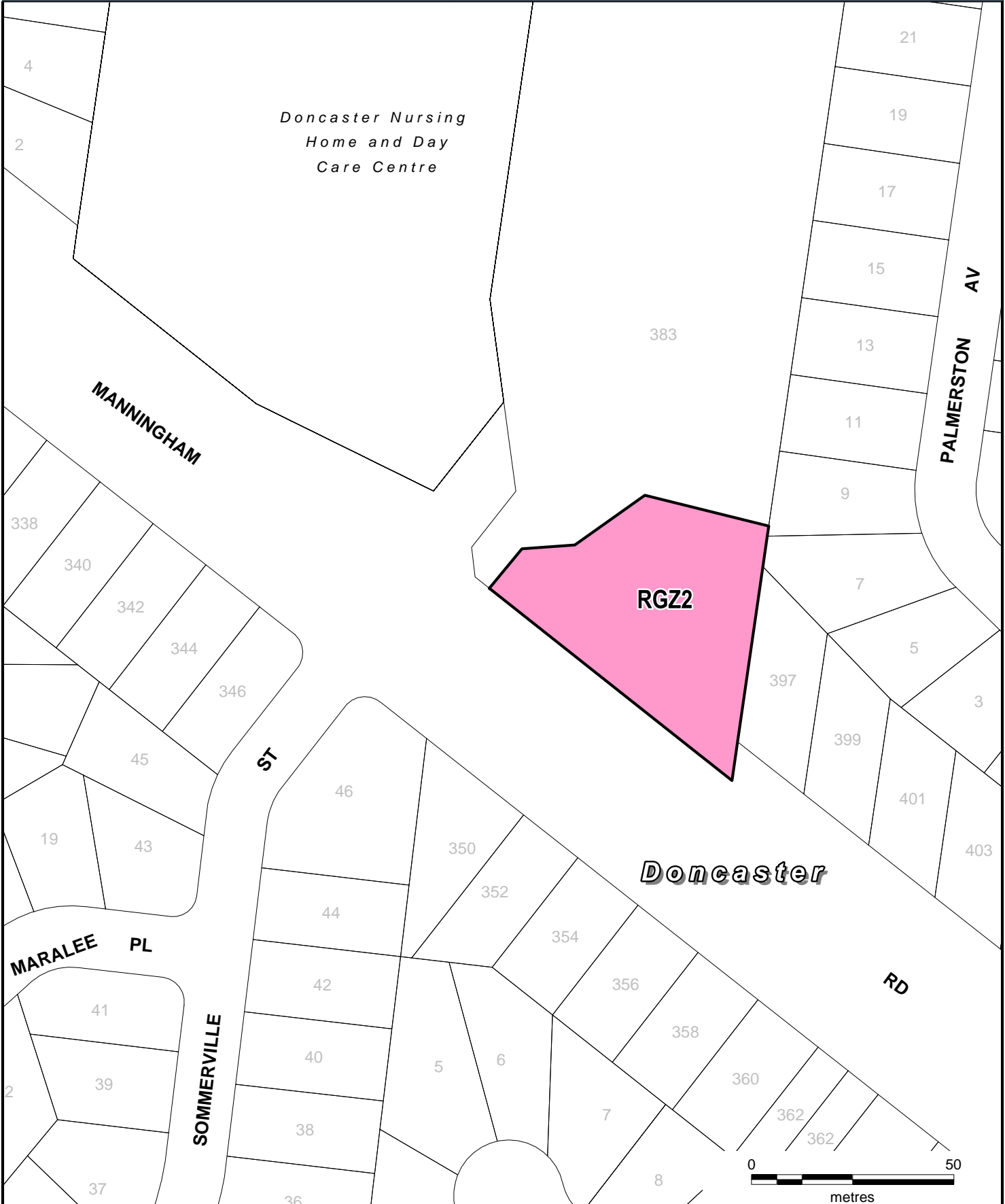
or submitted online at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 8 August 2016
- panel hearing: 12 September 2016

MANNINGHAM PLANNING SCHEME

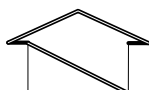


LEGEND

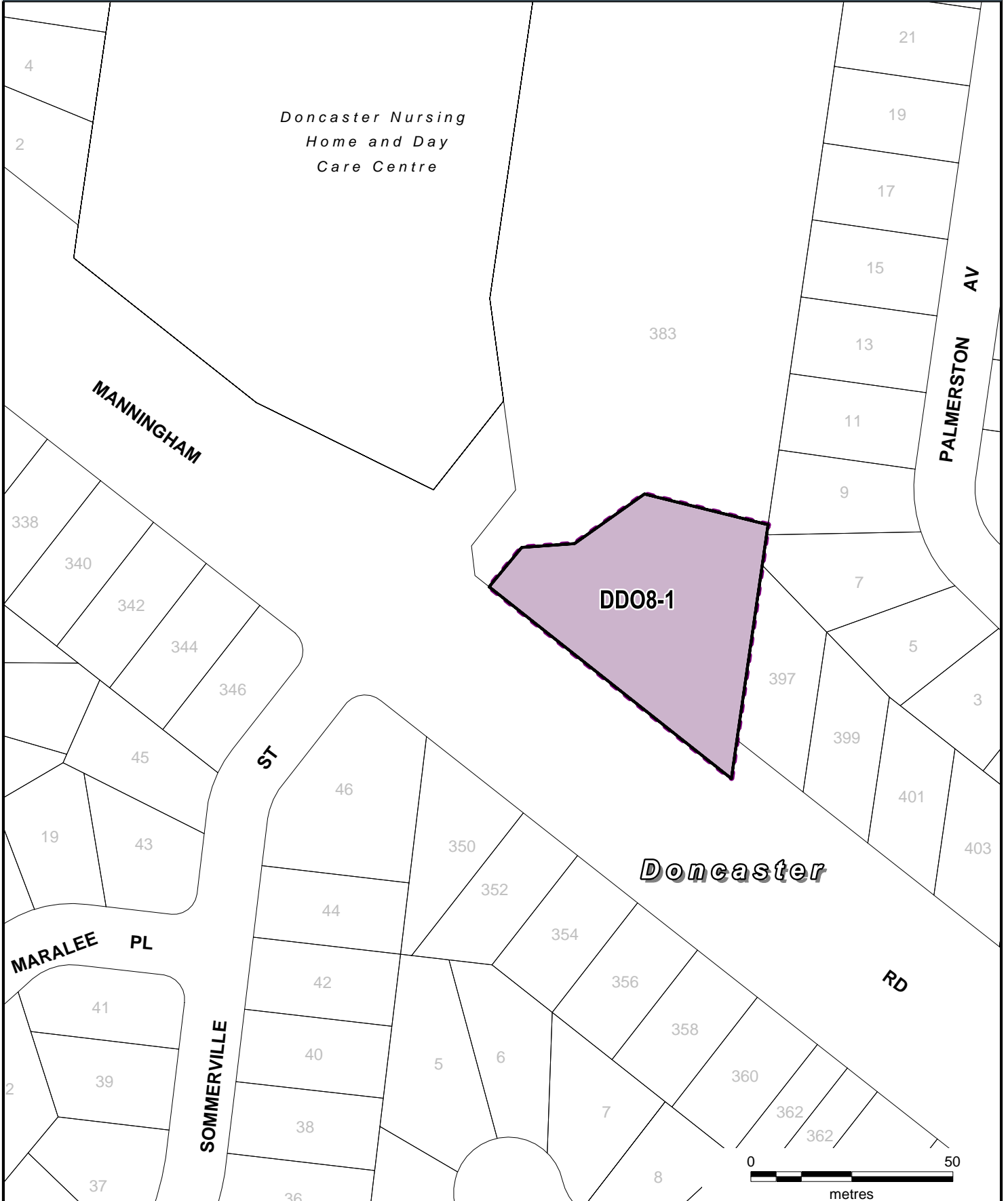
**RGZ2** Residential Growth Zone - Schedule 2

Part of Planning Scheme Map 7

AMENDMENT C111



MANNINGHAM PLANNING SCHEME

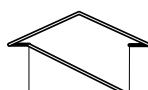


LEGEND

**DDO8-1** Design and Development Overlay - Schedule 8-1

Part of Planning Scheme Map 7DDO

AMENDMENT C111



## INSTRUCTION SHEET

The planning authority for this amendment is the Manningham City Council

The Manningham Planning Scheme is amended as follows:

### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

### **Zoning Maps**

1. Amend Planning Scheme Map No 07ZN in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C111".

### **Overlay Maps**

2. Amend Planning Scheme Map No 07DDO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C111".

End of document



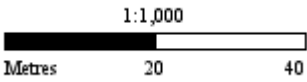


# Maps of Manningham

## Map Report



Whilst all care has been taken in the preparation of this cadastral base map, Manningham and the State of Victoria accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to validate information shown on this map. This information is for Demonstration only.



08/05/2015 11:20 AM



## Appendix B Planning Permit PL15/025875 as amended

# PLANNING PERMIT

Permit No.: PL15/025875

Planning scheme: Manningham Planning Scheme

Responsible authority: Manningham City Council

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

ADDRESS OF THE LAND: 383-395 MANNINGHAM ROAD DONCASTER

THE PERMIT ALLOWS: Section 96 Amendment for the re-zoning of land, a 2 lot subdivision, and the creation of reserves to vest in Manningham City Council

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Amended Plans

1. Before the Certification of the Plan of Subdivision, amended plans to the satisfaction of VicRoads and the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and a copy must be provided. The plans must be generally in accordance with the plan of subdivision PS719948Y Version 3, prepared by Lawlor and Loy Pty Ltd (Ref. No. 7349) but modified to show:
  - 1.1 The creation of a 2m long by 3m wide drainage easement in favour of Manningham City Council within the north-eastern corner of Lot 2;
  - 1.2 The deletion of the proposed Road Reserve R-1 from the south-eastern corner;
  - 1.3 The Reserve No.1 extended to the east for the entire frontage of Manningham Road;
  - 1.4 A restriction on Lot 2, created under Section 23 of the Subdivision Act 1988, prohibiting vehicular access to the Manningham Road service road.

### Endorsed Plans

2. The layout of the subdivision as shown on the approved plan must not be altered or modified without the prior written consent of the Responsible Authority.

### Service Utilities

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage sewerage facilities, electricity, and gas services to each lot shown on the approved plan in accordance with that authority's requirements and relevant legislation at the time.

Date issued:

Date permit comes into  
operation:

Signature for the responsible  
authority:

(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Telecommunications Conditions 6-7**

6. The owner of the land must enter into an agreement with:
  - 6.1 A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - 6.2 A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - 7.1 A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - 7.2 A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Stormwater**

8. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

**Drainage**

9. Prior to the issue of a Statement of Compliance, a legal point of discharge for Lot 2 must be created by constructing an outfall drain between the north-eastern corner of Lot 2 and the nominated Council drain within Lot 1, in accordance with an engineering construction plan approved by the Responsible Authority.
10. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.

---

**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

**Permit Expiry**

11. Unless the subdivision approved by this permit is commenced within two (2) years of the date of this permit, and completed within five (5) years from certification of the plan, then this permit will lapse. The Responsible Authority may extend the commencement period referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

**Permit Notes:**

- The commencement of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.
- Under Section 69 of the Planning and Environment Act 1987 the owner or occupier of the land may apply to extend a permit either:
  - before it expires; or
  - within 6 months of the expiry if the permit has not been acted on; or
  - within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.
- Manningham Council is the Responsible Authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840-9242.

---

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
---------------------	---	---

---

## IMPORTANT INFORMATION ABOUT THIS PERMIT

---

### WHAT HAS BEEN DECIDED?

---

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C111 to the Manningham Planning Scheme.

---

### WHEN DOES THE PERMIT BEGIN?

---

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

---

### WHEN DOES A PERMIT EXPIRE?

---

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

---

### WHAT ABOUT REVIEWS?

---

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit