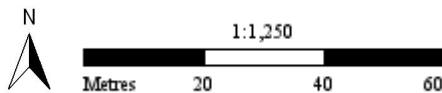
 **Subject Land** **Address:** 23-29 Parker Street, TEMPLESTOWE LOWER 3107

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.



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5. LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

The *Planning and Environment Act 1987* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

Section 60 of The *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *Any decision and comments of a referral authority which it has received; and*
- *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the *Planning & Environment Act 1987* the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

5.2 MANNINGHAM PLANNING SCHEME

Clauses of the Manningham Planning Scheme the Responsible Authority must consider:

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 32.08 General Residential Zone, Schedule 3
- Clause 43.01 Heritage Overlay, Schedule HO130
- Clause 52.28 Gaming
- Clause 65 Decision Guidelines

Zones

Clause 32.08 General Residential Zone (Schedule 3)

The *purpose* of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To encourage development that respects the neighbourhood character of the area;*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport;*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Overlays

Clause 43.01 Heritage Overlay (Schedule HO130)

The *policy purpose* is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To conserve and enhance heritage places of natural or cultural significance;*

- To conserve and enhance those elements which contribute to the significance of heritage places;
- To ensure that development does not adversely affect the significance of heritage places;
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The requirements of this overlay apply to both the heritage place and its associated land:

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2?	Aboriginal heritage place?
HO130	Templestowe Hotel-23-29 Parker Street, Templestowe	No	No	Yes	No	No	No	-	No

Planning Policy Framework

Clause 13.02-1S Bushfire Planning

The policy objective is:

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 17.01-1R Diversified economy- Metropolitan Melbourne

The policy strategies are:

- To facilitate the development of National Employment and Innovation Clustered by ensuring they are supported by good public transport services and integrated walking and cycling paths;

Clause 17.01-1S Diversified Economy

The policy objective is:

- To strengthen and diversify the economy.

The policy strategy is:

- To improve access to jobs closer to where people live.

Clause 17.02-1S Business

The policy objective is:

- To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Local Planning Policy Framework

Municipal Strategic Statement

Clause 21.11 Heritage

The policy *objective* is:

- *To enhance cultural heritage through the retention and protection of significant buildings, precincts, trees and landscapes.*

Clause 21.14 Community Health and Well-Being

The relevant policy *objective* is:

- *To minimise adverse impacts associated with the location and operation of gaming venues and machines.*

Local Planning Policy

Clause 22.06 Eating and Entertainment Premises Policy

This policy applies to the use and development of land for eating and entertainment premises.

This Clause sets policy direction for the use of land for entertainment purposes.

Clause 22.18 Gaming

This policy applies to all applications to install or use a gaming machine or use land for the purpose of gaming.

This policy identifies that gaming machine gambling is a legal form of recreation for adult members of the community and needs to be planned for among other forms of entertainment available within Manningham. While gaming can bring social and economic benefits, problem gambling can also have negative impacts on some individuals, their families and the broader community. In response to these potential negative impacts, Manningham has adopted a policy based on the principle of harm minimisation.

The policy *objectives* are:

- *To ensure that the social and economic impacts of gaming are considered when determining applications for gaming venues and machines.*
- *To support the social and economic wellbeing of Manningham's communities.*
- *To locate gaming machines in a manner consistent with Manningham's activity centre hierarchy as part of the overall range of entertainment facilities and activities available in the municipality.*
- *To ensure that gaming venues and machines are located, designed and operated in a manner that minimises opportunities for convenience gaming.*
- *To discourage the location of gaming machines where they are readily accessible from or highly exposed to disadvantaged areas or gambling-sensitive uses.*
- *To ensure that gaming venues and machines are located, designed and operated so the community has a choice of non-gaming entertainment and recreation facilities and activities within the gaming venue and in the local area.*
- *To protect the operation and amenity of existing uses surrounding gaming venues.*

Particular Provisions

Clause 52.28 Gaming

The policy *purpose* is:

- *To ensure that gaming machines are situated in appropriate locations and premises.*
- *To ensure the social and economic impacts of the location of gaming machines are considered.*
- *To prohibit gaming machines in specified shopping complexes and strip shopping centres.*

(Schedule to Clause 52.28 Gaming)

Pursuant to Table 1 of paragraph 1.0 of the Schedule, the installation or use of a gaming machine is prohibited on the following land:

Name of shopping complex and locality	Land description
Westfield Doncaster Shoppingtown, Doncaster	Land on the northeast corner of Doncaster Rd and Williamsons Rd, Doncaster
The Pines Shopping Centre, Doncaster East	Land on the northeast corner of Blackburn Rd and Reynolds Rd, Doncaster East
Bulleen Village Shopping Centre, Bulleen	Land on the northwest corner of Grant Olson Avenue and Manningham Rd, Bulleen

As specified in Clause 52.28-4, a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.

General Provisions

Clause 65 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*