

MANNINGHAM PLANNING SCHEME

AMENDMENT C72

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Manningham City Council.

Land affected by the amendment.

The amendment applies to the following properties:

- 16 Hepburn Road, Doncaster
- 18 Hepburn Road, Doncaster
- 20 Hepburn Road, Doncaster
- 22 Hepburn Road, Doncaster
- 24 Hepburn Road, Doncaster
- 1 Short Street, Doncaster

All of these properties are located within the Doncaster Hill Activity Centre.

What the amendment does.

All of the lots to which the amendment applies (except 20 Hepburn Road) is subject to a restrictive covenant which allows only one dwelling on each lot and requires the dwellings on each lot to be constructed of only specified materials. The restrictive covenant for 20 Hepburn Road only contains a restrictive covenant which requires the use of specified materials.

The amendment seeks to facilitate the removal of the restrictive covenant from each of the lots to which the amendment applies by removing the need for a planning permit to remove the restrictive covenant. This is proposed to be done by amending the schedule to clause 52.02 of the Manningham Planning Scheme. Consequently, it will be possible for the owner of each of the lots affected by this amendment to lodge a plan of removal of restriction for certification under section 23 of the Subdivision Act 1988 showing the restrictive covenants as removed. Upon that plan of subdivision being lodged and registered at the Titles Office, the restrictive covenants affecting each lot will be removed.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C72 is required to remove the restrictive covenants from 16, 18, 20, 22 and 24 Hepburn Road and 1 Short Street, Doncaster to enable the subject properties to be developed in accordance with the planning scheme controls applying to the property and to facilitate development consistent with the objectives of the Doncaster Hill Strategy (October 2002 and revised October 2004).

How does the amendment implement the objectives of planning in Victoria?

Amendment C72 is consistent with the objectives of planning in the Planning and Environment Act 1987. The amendment seeks to facilitate the removal of a restrictive covenant from the subject properties to enable development in accordance with the objectives of the Doncaster Hill Strategy (October 2002 and revised October 2004) and the planning provisions that apply to the subject land.

Clause (1) of Section 4 of the Planning and Environment Act 1987 outlines the objectives of planning in Victoria. The relevant objectives are:

- (a) *'to provide for the fair, orderly, economic and sustainable use, and development of land;'*
- (g) *'to balance the present and future needs of all Victorians;'*

Clause (2) outlines the objectives of the planning framework established by the Act. The relevant objectives are:

- (a) *'to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;..'*
- (e) *'to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;'*
- (g) *'to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;..'*

How does the amendment address the environmental effects and any relevant social and economic effects?

The Doncaster Hill Strategy aims to create a 'state of the art' contemporary, sustainable, high-density, mixed-use village that enhances the social, environmental, economic and cultural elements of the region. Based on a triple bottom line approach, Doncaster Hill aims to promote economic, environmental and social performance over the long term.

The amendment seeks to facilitate development opportunities to fulfil the objectives of the Doncaster Hill Strategy and associated planning provisions that apply to the subject land.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment is affected by Ministerial Directions No. 9 Metropolitan Strategy and Direction No.11 Strategic Assessment of Amendments. This amendment meets the requirements of both these Directions.

Ministerial Direction No. 9 Metropolitan Strategy relates to *Melbourne 2030 – Planning for sustainable growth*.

Specifically, *Melbourne 2030* aims to achieve an additional 620,000 households in metropolitan Melbourne over the next 30 years whilst protecting and enhancing existing suburbs. A key aspect of this goal is to focus development at strategic sites such as Activity Centres. Furthermore, *Melbourne 2030* suggests a trend towards increased demand for well-located apartment living, based on a reduction in household size and demographic changes in the population. *Melbourne 2030* identifies Doncaster Hill as a Principal Activity Centre. Doncaster Hill will be a 21st century urban village for 8,300 residents and provide 10,000 employment opportunities by 2020.

Direction 1, ‘A more compact city’

Policy 1.1 – Build up activity centres as a focus for high-quality development, activity and living for the whole community.

Policy 1.3 – Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

This amendment will provide the opportunities for an increased density to be developed on the subject sites. The sites at 1 Short Street, and 20, 22 and 24 Hepburn Road are located in a precinct whereby the maximum building height is 40 metres, whereas 16 and 18 Hepburn Road are in a precinct where the maximum building height is 14.5 metres. The removal of the restrictive covenants will provide opportunities for high density development to occur as well as providing a range of housing options within the Doncaster Hill Activity Centre, which has been identified as a Principal Activity Centre in *Melbourne 2030*.

Direction 5 A Great Place to Be

Policy 5.1 Promote good urban design to make the environment more liveable and attractive.

Policy 5.5 Promote excellent neighbourhood design to create attractive, walkable and diverse communities.

The Doncaster Hill Strategy, together with the planning provisions in the Manningham Planning Scheme outline building siting and urban design requirements to create a well designed, attractive, safe and walkable urban village.

Direction 7 A Greener City

Policy 7.6 Ensure that land use and transport planning and infrastructure provision contribute to improved air quality.

The Doncaster Hill Strategy promotes integrated land use planning that focuses activity along transport networks that is supplemented by an extensive network of pedestrian and cycle paths, all of which will contribute to a reduced dependence on the motor vehicle and contribute to an improved air quality.

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

How does the amendment support or implement the State Planning Policy Framework?

The State Planning Policy Framework (SPPF) identifies principles of land use and development planning relevant to the Doncaster Hill Activity Centre. They include:

Clause 11.03-1 Settlement: Providing appropriately zoned and serviced land for housing, employment, recreation and open space, commercial, community facilities and infrastructure.

Clause 11.03-3 Management of Resources: Planning is to assist in the conservation and wise use of resources to support sustainable development over the long term through judicious decisions on the location, pattern and timing of development.

Clause 11.03-5 Economic well-being: Planning should foster economic growth and development through the decision making process and resolving of land use conflicts to ensure that an area can build on its strengths and achieve its economic potential.

Clause 14.01-2 Settlement - General implementation: Planning authorities should encourage higher density and mixed-use development near public transport routes.

Clause 17.01-2 Economic Development - General implementation: Activity Centres should be planned to maximise opportunities for the co-location, multiple use and sharing of facilities.

Clause 17.02-1 Business: To encourage developments which meet the community's need for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

How does the amendment support or implement the Local Planning Policy Framework?

Clause 21.03 'Key Influences' recognises the on-going need to consolidate, promote and enhance Activity Centres along Doncaster Road.

Clause 21.12, 'Established Urban Areas' acknowledges Doncaster Hill as the prime location for redevelopment for residential, commercial and community uses, and is identified as the only Principal Activity Centre within the municipality.

Clause 21.21 'Doncaster Hill Activity Centre' recognises the opportunity to showcase Doncaster Hill as an integrated land-use planning and development framework, which provides well located housing, more local jobs and increased reliance upon public transport.

Does the amendment make proper use of the Victoria Planning Provisions?

Amendment C72 makes proper use of the Victoria Planning Provisions.

How does the amendment address the views of any relevant agency?

Amendment C72 is a result of a recommendation of the Priority Development Panel Report (December 2007) to prepare and exhibit a planning scheme amendment to remove the restrictive covenants from the relevant properties to ensure that all land in the Doncaster Hill Activity Centre is development ready.

The Priority Development Panel was appointed by the Minister for Planning in June 2007, to review the Doncaster Hill Strategy and associated planning controls.

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

The amendment will not have a noticeable impact on the resource and administrative costs of the responsible authority. Amendment C72 would facilitate development in accordance with the Doncaster Hill Strategy and is consistent with the development framework for the Doncaster Principal Activity Centre as identified in *Melbourne 2030*.

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

The amendment can also be viewed at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.

Any person that may be affected by the amendment may make a submission to Manningham City Council.

Any submission you wish to make about this amendment should be in writing and must be sent to:

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

Before 27 May 2008