

**MANNINGHAM PLANNING SCHEME**

**AMENDMENT C73**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning and the Minister for Planning 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 Comprehensive Development Zone located within the Doncaster Hill Activity Centre and comprises approximately 8.2 hectares of land.

**What the amendment does.**

The amendment proposes to:

- Replace the existing Schedule 1 to the Comprehensive Development Zone with a new Schedule 1 with a new expiry date of 31 December 2009; and
- Change the Zone provisions whereby the condition requiring a mandatory mix of uses in the Table of Uses is reduced from a mix of three uses on a site to two.

**Strategic Assessment of the Amendment.**

**Why is the amendment required?**

Amendment C73 is required to extend the time in which Schedule 1 to the Comprehensive Development Zone applies, whilst a permanent zone solution is developed for the Doncaster Hill Principal Activity Centre.

Presently, Schedule 1 to the Comprehensive Development Zone is due to expire after 31 December 2007. Amendment C73 replaces the existing Schedule 1 with a new Schedule 1 to the Comprehensive Development Zone so that there will be a new expiry date of 31 December 2009.

On 24 March 2005, a Ministerial Amendment C45 was introduced into the Manningham Planning Scheme. The amendment applies to land formerly included in a Business 2 Zone (which applies to 8.2 hectares) and introduced the Comprehensive Development Zone and Schedule 1 Doncaster Hill Comprehensive Development Plan (Clause 37.02) into the Manningham Planning Scheme. The Schedule also refers to the 'Doncaster Hill Comprehensive Development Plan' (September 2004), which is an incorporated document in the Scheme.

Amendment C73 also proposes to make a minor change to the zone provisions, whereby the mix of use condition in the Table of Uses is reduced from the mandatory mix of three uses on a site to two uses.

The minor change to the zone provisions would involve altering the condition associated with Section 1 and 2 uses from:

*“Must be in conjunction with two or more other uses in Section 1 or 2.”*

to

*“Must be in conjunction with one or more other uses in Section 1 or 2.”*

This condition applies to ‘Accommodation’ (other than Caretaker’s house and Corrective institution) and ‘Office’ use in Section 1 and ‘Office’ - if the Section 1 condition is not met, ‘Place of assembly’ (other than Carnival and Circus), ‘Retail Premises’ (other than Postal agency, Shop and Timber yard) and ‘Shop’ (other than Adult sex bookshop) in Section 2.

Council engaged independent economic advice in 2006 to examine the compatibility and viability of retail and community activity in conjunction with residential uses in Doncaster Hill. The advice considered the likely profile of new Doncaster Hill residents, the required mix of uses set by the CDZ, and the mix of uses at other successful larger-scale activity centres. The recommendation to Council was that having two uses within a building, such as office and retail, or housing and retail are quite common and commercially viable, but that it was uncommon to have three uses, such as retail, housing and office. He further advised that having three uses also posed a number of design challenges, in terms of separate access, car parking, and different floor to ceiling heights. It was further stated that ownership and leasing arrangements may be complex, reducing the market viability and therefore the value of such buildings.

Therefore, it is considered that requiring developers to meet a mandatory condition of three uses on a site is burdensome and potentially restricts the commercial viability of developing in the Doncaster Hill Principal Activity Centre. Instead, allowing a mandatory mix of two uses will still satisfactorily achieve State and Local planning policy objectives to encourage a mix of uses within Principal Activity Centres, whilst providing some flexibility for developers and to attract investment on the Hill.

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

The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7 of the Act.

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

The amendment seeks to ensure an integrated planning response to the social, economic and environmental issues facing the Doncaster Hill Activity Centre. Based on a triple bottom line approach, the Doncaster Hill Activity Centre aims to promote positive economic, environmental and social performance over the long term. It is intended that Doncaster Hill will eventually house 8,300 residents and provide 10,000 employment opportunities by 2020. Developments that comprise of a mixed land uses and higher density residential development are critical to achieving the Doncaster Hill Strategy vision and population and employment targets.

Making minor changes to the zone provisions, whereby the mix of use condition in the Table of Uses is reduced from the mandatory mix of three uses on a site to two uses will provide greater flexibility for developers and help to attract investment in Doncaster Hill.

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

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

The amendment is affected by Ministerial Direction No.9 – Metropolitan Strategy and meets the requirements of this Direction. In accordance with this Direction, the Metropolitan Strategy has been considered as follows:

*Melbourne 2030* plans for the sustainable growth of metropolitan Melbourne. 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 increasingly concentrate 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.

**Direction 1, 'A more compact city'**

The changes to the zone control are intended to attract an increased number of development proposals for residential, commercial and retail purposes in Doncaster Hill, and to help improve the viability of such developments by providing more realistic land use requirements.

**Direction 4, 'A more prosperous city'**

The amendment facilitates increased growth of commercial land uses based on a compatible mix of retail, commercial, social, community, entertainment uses and apartment style living. The introduction of mixed land use developments will help to attract investment to Doncaster Hill.

All aspects of *Melbourne 2030* Advisory Note, Implementation in the Planning System, October 2002 have been taken into account and the amendment is fully consistent with it.

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.

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 C73 makes proper use of the Victoria Planning Provisions. The Amendment (C73) replaces the existing Schedule 1 with a new Schedule 1 to the Comprehensive Development Zone so that there will be a new expiry date of 31 December 2009. It aligns zone controls to the existing policy intent as expressed in the MSS and scheme provisions.

The amendment is also in accordance with the following relevant Planning Practice Notes:

- Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004);
- Strategic Assessment Guidelines for planning scheme amendments (August 2004).

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

The amendment aligns zone controls to the existing policy intent as expressed in planning provisions contained in Amendment C33 (Part 1). Amendment C33 was subject to extensive stakeholder consultation including referral authorities.

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

Amendment C73 will continue to provide suitable statutory mechanisms to align zone controls to the existing policy intent as envisaged for Activity Centres by Melbourne 2030. It is considered that Amendment C73 is critical to preserving the integrity of this Principal Activity Centre as identified in Melbourne 2030. Reducing the number of uses from three to two will further assist in facilitating development in Doncaster Hill and will further support the objectives of 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.

Department of Planning and Community  
Development  
Planning Information Centre  
Ground Floor  
8 Nicholson Street  
East Melbourne

Manningham City Council  
PO Box 1  
699 Doncaster Road  
Doncaster VIC 3108