

## **Amendment C102 - Montgomery Street Proposal to Rezone Land - Consideration of Submissions**

Responsible Director: Director Planning & Environment

File No. T15/191

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### **SUMMARY**

*The purpose of this report is for Council to consider the submissions received in respect to the exhibition of Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196 and to make a decision with respect to changing the Amendment/Application in the manner requested by the submissions, abandoning the Amendment or referring the submissions to an Independent Panel for review.*

*On 21 April 2015 Council resolved to seek authorisation to amend the Manningham Planning Scheme as it relates to the Council owned land at 6-10 Montgomery Street, Doncaster East, in order to facilitate the future sale of most of that land for residential purposes, through an Expression of Interest process. In particular it is proposed to:*

- retain in Council ownership and rezone the majority of the land known as 6 Montgomery Street, which is currently used for public car parking, from a General Residential Zone Schedule 2 to a Public Use Zone 6;*
- rezone 8 Montgomery Street from a Public Use Zone 6 to a General Residential Zone Schedule 2;*
- apply a new Design and Development Overlay (Schedule 13) to the Council owned land at 6 (part of) – 10 Montgomery Street proposed to be included in the General Residential Zone Schedule 2, as well as to the adjoining properties at 12-16 Montgomery Street, with a mandatory building height of 13.5 metres (4 storeys) and;*
- amend the MSS at Clause 21.05 Residential accordingly to reflect the introduction of DDO13 and provide clarity regarding the areas identified within Precinct 2; and*
- apply for a planning application to resubdivide the land proposed to be sold, including 6 (part of) to No.10 Montgomery Street.*

*Exhibition of the combined Amendment and Application occurred between 20 August and 1 October 2015. Three submissions have been received objecting to the proposed Amendment/Application, primarily relating to the loss of parking in the area.*

*It is recommended that all submissions be referred to an Independent Panel for consideration. Furthermore, It is recommended that Council endorse minor changes to the exhibited MSS, investigate and implement a carparking management plan for the Montgomery Street precinct and also commit funds from the sale of 6 (part) – 10 Montgomery Street to the upgrading of the laneway.*

## 1 BACKGROUND

### Subject land

- 1.1 Council owns five parcels of land at 2-10 Montgomery Street, Doncaster East, which have a total area of approximately 4,600sqm. (Refer **Attachment 1**). The subject land forms part of the Doncaster East Village Activity Centre and is commonly referred to as the Montgomery Street sub-precinct. The land comprises:
- 2 Montgomery Street – a small park with an area of approximately 900sqm. The park is encroached on slightly by the adjoining Pre-school.
  - 4 Montgomery Street – occupied by Doncaster East Pre-school.
  - 6 Montgomery Street – public carpark with no formal line-marking.
  - 8 Montgomery Street – a building formerly occupied by Doncare and currently leased by Doncaster City Church. The building has a floor area of around 350sqm and 17 car spaces. The property is leased until December 2015.
  - 10 Montgomery Street – carparking providing for about 13 spaces with no formal line-marking.
- 1.2 The Council-owned land in Montgomery Street is currently in two zones in the Manningham Planning Scheme. Land at 2, 4 and 8 Montgomery Street is within a Public Use Zone (PUZ6), whilst land at 6 and 10 Montgomery Street is within a General Residential Zone Schedule 2 (GRZ2) in conjunction with a Design and Development Overlay – Schedule 8 (DDO8-2), which encourages apartment style development of up to 11 metres in height on lots with an area of at least 1,800sqm (Refer **Attachment 2** for existing planning controls).
- 1.3 Investigations, discussions, community consultation and briefings with Councillors have been occurring since at least 2003 with regard to the future of this Council owned land.
- 1.4 In 2009, Council commenced discussions with Places Victoria to identify potential development opportunities within the municipality. During those discussions Council identified the need to cater for specific housing markets where demand was higher than supply, in particular young and downsizing home owners. As part of that work, the land at 2-10 Montgomery Street, Doncaster East, was identified as a potential strategic redevelopment site.
- 1.5 In September 2011, Places Victoria provided background information on work undertaken in relation to the subject land and outlined the issues that would influence the preparation of a draft masterplan for the site. In-principle support was also provided by Council to execute a Memorandum of Understanding (MoU) to progress due diligence for the subject land, which was signed in October 2011.
- 1.6 At its meeting in November 2011, Council endorsed the *Doncaster East Village Structure Plan (2011, updated July 2012)*. Amongst other things, that plan confirmed the identification of the subject land as a strategic redevelopment site. It also included actions to finalise a masterplan for the Montgomery Street sub-precinct and to investigate a partnership with Places Victoria to develop the Council owned land, to provide for a diversity of housing, a pre-school replacement, carparking spaces for traders and an open space plaza.

- 1.7 Following execution of the MoU, Places Victoria, in conjunction with Council, engaged a team of consultants to progress the due diligence.
- 1.8 At its meeting in August 2012, Council resolved to, interalia:
- A) *Support the proposed redevelopment of 2-10 Montgomery Street, generally in accordance with the commercial terms set out in the draft Project Delivery Agreement (PDA);*
  - B) *Endorse the partnership model and associated commercial terms in accordance with the draft PDA; and*
  - C) *Endorse progressing a combined planning scheme amendment and planning permit application.*
- 1.9 A Project Development Agreement (PDA) was executed in September 2012 and detailed:
- the shared objectives to be met by both parties;
  - the conditions precedent outlining the obligations required to be met as part of each phase;
  - the shared responsibilities and timing of the completion of the community facilities, including the pre-school, open space plaza; public car parking spaces and laneway;
  - subdivision and sale of the land; and
  - dispute resolution.
- 1.10 In late 2012, in conjunction with Places Victoria, Council undertook targeted consultation on the proposal to redevelop the Council owned land. Places Victoria also undertook additional market research for the project.
- 1.11 The development model agreed in principle between Council and Places Victoria included the comprehensive redevelopment of the Council owned land at 2-10 Montgomery Street to provide for medium density housing, a pre-school replacement, provision of carparking spaces and a new open space plaza.
- 1.12 Both Council and Places Victoria sought changes to the 'exhibited concept design' in response to the outcomes of the consultation and market research. In particular, Council requested a minimum of 15 additional car spaces be incorporated into the development, with the loss of car parking being raised as a key issue by the traders and the preschool. In addition, Council officers committed to investigating car parking restrictions within the local area as part of a longer-term strategy to manage car parking requirements in the vicinity.
- 1.13 However in August 2014, Council and Places Victoria decided that, despite best efforts of both parties, the outcomes agreed upon in the Project Development Agreement (PDA) were not able to be delivered. The project was not considered to be financially viable under revised Treasury and Places Victoria Board parameters. Further, Council was not prepared to deviate from the agreed PDA (as executed between the parties in September 2012).
- 1.14 It was also recognised that there were significant challenges and difficulties in navigating the approvals process for the business case and, as a result, Council and Places Victoria agreed to mutually terminate the PDA governing the proposed redevelopment of the subject site.

- 1.15 In a joint media release (September 2014) and a letter dated 5 September 2014 to all stakeholders, Council indicated that it still believed that the precinct had the potential to achieve the original vision and objectives, and that further options will be considered in the coming months.
- 1.16 Although the agreement between Places Victoria and Council for a joint venture was terminated, Council considered that there was still the potential for the redevelopment of the Montgomery Street sub-precinct generally in line with the original vision and objectives.
- 1.17 Council considered options for the site at its meeting of 21 April 2015 and resolved to:
- A) *Reaffirm its commitment identified in the Doncaster East Structure Plan (November 2011, update July 2012) to the Montgomery Street Precinct as a key strategic redevelopment site which provides the greatest opportunity in the short term for redevelopment of currently underutilised land.*
- B) *Seek authorisation of the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare and exhibit a combined Amendment to the Manningham Planning Scheme (Amendment C102) and Application for Planning Permit to:*
- *amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 in Precinct 2;*
  - *rezone the land at No. 8 Montgomery Street, Doncaster East to the General Residential Zone Schedule 2;*
  - *rezone the western part of the site at No. 6 Montgomery Street, Doncaster East to the Public Use Zone 6;*
  - *apply a DDO Schedule 13 to the land including the eastern part of No. 6, 8, 10, 12, 14 and 16 Montgomery Street, Doncaster East; and*
  - *resubdivide the land proposed to be sold, including part of No. 6 to No.10 Montgomery Street, Doncaster East, to facilitate the sale of the land for residential purposes,*
- C) *Subject to authorisation of the Minister for Planning, exhibits Amendment C102 to the Manningham Planning Scheme and the application for planning permit in accordance with section 96C of the Planning and Environment Act 1987 for a minimum of 6 weeks.*
- D) *Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to an expression of interest process and the following principles for future development of the site:*
- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
  - *Demonstrated ability to address local market needs;*
  - *Need for high quality, sustainable urban design features; and*

- *Vehicular access to be provided off Montgomery Street only.*
- *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East;*

E) *Notes that:*

- *the public park at No. 2 Montgomery Street will be upgraded to coincide with the redevelopment of the subject land at 6 – 10 Montgomery Street ; and*
- *consultation will be held with landowners and business owners to progress improvements to the laneway as part of the economic development of the activity centre and the Montgomery Street sub precinct.*

1.18 Amendment C102 and draft Planning Permit (PL 15/025196) were subsequently placed on public exhibition from 20 August to 1 October 2015. Notices were sent to affected owners and occupiers and to the prescribed Ministers on 17 August 2015. Notices were placed in the Manningham Leader and the Government Gazette and an article appeared in Manningham Matters. Two notices were also erected across the subject sites.

1.19 A total of three submissions have been received in response to the public exhibition of the Amendment and draft Planning Permit.

1.20 The exhibition period has now closed and Council is required to consider all submissions received.

## 2 PROPOSAL/ISSUE

2.1 The proposal is for a combined Planning Permit and Planning Scheme Amendment request under Section 96(A) of the *Planning and Environment Act 1987* (the Act), which seeks to facilitate the sale and redevelopment of Council owned land at 6 (part) – 10 Montgomery Street, Doncaster East for residential development. The Amendment also affects the privately owned land at 12 – 16 Montgomery Street Doncaster East.

### Proposed Planning Scheme amendment

2.2 More specifically, the amendment proposes to:

- Rezone (part) 6 Montgomery Street, Doncaster East from the General Residential Zone 2 to a Public Use Zone 6, and amend Planning Scheme Map 8 accordingly.
- Rezone 8 Montgomery Street, Doncaster East from a Public Use Zone 6 to a General Residential Zone 2, and amend Planning Scheme Map 8 accordingly;
- Delete Design and Development Overlay Schedule 8 (DDO8 and DDO8-2) from 6, 10, 12, 14 and 16 Montgomery Street, Doncaster East, and amend Planning Scheme Map 8DDO accordingly;
- Apply a new Design and Development Overlay (DDO13) to the land at 6 (part) – 16 Montgomery Street, Doncaster East to manage built form outcomes including maximum building height and front setbacks, and amend Planning Scheme Map 8DDO accordingly;

- Amend the MSS at Clause 21.05 Residential to reflect the introduction of DDO13 - *Residential Areas Interfacing Commercial Areas in Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads.*

2.3 Refer to **Attachment 3** for exhibited Amendment.

Planning Application for Subdivision and consolidation

- 2.4 Application is also being made concurrently for a planning permit to create a lot for sale by Council for residential redevelopment. The application for a planning permit proposes to resubdivide the land at 6 – 10 Montgomery Street to create a lot for sale by Council for residential redevelopment. (Refer **Attachment 4** for exhibited Planning Application).
- 2.5 Pursuant to section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made in respect to an amendment. Where a submission requests a change to the Amendment, Council must:
- Change the Amendment in the manner requested or
  - Refer the submissions to a Panel appointed under Part 8 of the Act; or
  - Abandon the Amendment or part of the Amendment.
- 2.6 It is proposed that Council consider all submissions made to the Amendment C102 and Planning Permit No. PL 15/025196 (refer to Section 8 of this report) and refer all submissions to an Independent Panel for consideration.

Expression of Interest Process

- 2.7 In respect to the Expression of Interest (Eol) process, Council at its meeting of 21 April 2015 resolved to:
- “Subject to a further report authorising the commencement of statutory proceedings under section 189 of the Local Government Act 1989, gives in principle support to sell the parcel of land shown in Attachments 3a and 3b, known as (part of) No. 6 to No. 10 Montgomery Street, Doncaster East for residential purposes, subject to an expression of interest process and the following principles for future development of the site:*
- *A preferred minimum 10% of the development to comprise affordable/disability housing;*
  - *Demonstrated ability to address local market needs;*
  - *Need for high quality, sustainable urban design features; and*
  - *Vehicular access to be provided off Montgomery Street only.*
  - *Endorses the provision of a minimum of 28 Council carparking spaces on the remaining land at No. 6 Montgomery Street, Doncaster East;*
- 2.8 The statutory process will be enacted for the Eol under Section 189 and 223 of the *Local Government Act 1989* (sale of land and public advertising).
- 2.9 Prior to the Eol process commencing, a further report on the final details of the Eol (documents and process) and the commencement of statutory proceedings under section 189 of the *Local Government Act 1989* will need to be considered and endorsed by Council at the time that Council considers the Panel Report and whether to adopt the Amendment. This is likely to be in March 2016. In this way greater certainty would be provided for any

prospective purchasers regarding the rezoning and fundamental details of the land to be sold.

### **3 PRIORITY/TIMING**

- 3.1 Ministerial Direction No. 15 sets the timeframe for completing the various steps in the Planning Scheme amendment process.
- 3.2 Pursuant to Clause 4(3) of the Ministerial Direction, Council must request the appointment of a Panel within 40 business days of the closing date for submissions unless a Panel is not required.
- 3.3 As submissions closed on 1 October 2015, it will be necessary to request the appointment of a Panel no later than 26 November 2015.
- 3.4 Once a decision has been made by Council to refer the submissions to an independent panel, a formal request to appoint a Panel will be made. This will also be the trigger used to commence the investigation and implementation of a carparking management plan for the Montgomery Street precinct.

### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The Municipal Strategic Statement (MSS) forms part of the Manningham Planning Scheme and is a statement of the key strategic planning, land use and development objectives for the municipality. The MSS recognises that activity centres are integral to the local economy and local employment generation and are an important focal point for community life and interaction.
- 4.2 Clause 21.05 Residential of the MSS recognises that managing change and growth in the residential areas of Manningham is a key issue facing Council. Infill residential development and redevelopment of key strategic sites that consolidates the role of established urban areas is encouraged.
- 4.3 In accordance with Council's *Residential Strategy (2012)*, the MSS notes that there will be a need for a greater mix of housing in the form of medium and higher density residential developments and that higher density housing will be encouraged in close proximity to activity centres.
- 4.4 Clause 21.09 Activity Centres and Commercial Areas of the MSS identifies that key challenges for Manningham's network of activity centres are to ensure that existing centres remain vibrant, viable and sustainable into the future. The identified activity centres will be the focus of increased residential growth and development.
- 4.5 Activity centres like Doncaster East Village, provide a limited mix of uses to meet local convenience needs. A key issue for these centres is to ensure that these centres remain viable and can evolve to meet the future needs of the community. These centres will continue to be community hubs and meeting places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged.
- 4.6 The MSS notes that development in these types of activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability and address scale and identity through site responsive design.

### **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The proposed rezoning and sale of the land would aim to deliver residential development that caters for under-represented markets in Manningham and

assist in encouraging renewal of the shopping precinct. The development would act as a demonstration project to showcase high quality urban design and best practice in sustainability and affordability and facilitate the provision of affordable housing opportunities within an activity centre.

- 5.2 The community has had an opportunity to comment on the Amendment and Application and make submissions during the exhibition process. Further opportunity for community input will occur as part of the subsequent planning application for development. Consultation with key stakeholders who have a direct interest in the development of the precinct, was included in the planning amendment process and will again include affected stakeholders during future application processes.
- 5.3 All submitters to Amendment C102 and Planning Permit Application (PL 15/025196) will be invited to make a presentation at an Independent Panel hearing if Council resolves to request that a Panel be appointed.

## **6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 Planning Scheme amendments are prepared and administered by the Economic and Environmental Planning (EEP) Unit. The EEP Unit will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2000*, including any fees associated with a panel hearing.
- 6.2 Council will be responsible for all costs associated with its representation at a panel hearing.
- 6.3 Council will also be responsible for costs associated with carparking provision and management, and will also commit funds from the sale of the land to assist with the upgrade of the laneway.

## **7 SUSTAINABILITY**

- 7.1 It is expected that the proposed Amendment would result in development that would have positive social, environmental and economic outcomes. The Amendment would support the objectives and implements key aspects, of the *Doncaster East Village Structure Plan* by providing new housing opportunities for underrepresented markets including some provision of affordable housing and an upgraded public carpark.
- 7.2 The sub precinct is also expected to be improved with an upgraded open space/plaza and pre-school facility which would benefit the broader community.

## **8 CONSULTATION**

- 8.1 The public exhibition period for the combined Amendment and Application was for 6 weeks from 20 August – 1 October 2015. Public notice of the combined Amendment and Application was placed in the Manningham Leader on 17 August and in the Government Gazette on 20 August 2015. Two public notices were also erected across the sites for the duration of the exhibition period.
- 8.2 Notice of the combined Amendment and Application was also sent by mail to approximately 80 people, including land owners and occupiers surrounding the site in the area bounded by Doncaster Road, Churchill Street, Montgomery Street and Blackburn Road. This included owners and occupiers within the



- Doncaster East shopping centre. Notice of the Amendment and Application was also given to the prescribed Ministers and relevant statutory authorities.
- 8.3 Two information sessions were conducted on 26 August 2015 for the traders and 2 September 2015 for the residents, to explain the proposal and to respond to enquiries. Only one owner of a commercial property in the Doncaster East shopping centre attended these sessions.
- 8.4 The Amendment documentation, including the draft planning permit, was placed on the *Your Say Manningham* website and was available for viewing at the Council offices and branch libraries. A total of 86 visits to the Council web site to view the relevant documentation were recorded.
- 8.5 A total of three submissions have been received in response to the public exhibition of the Amendment. Two submissions are from owners/occupiers of commercial properties on the north side of Doncaster Road. One submission is from an owner/occupier of a commercial property on the south side of Doncaster Road. No submissions have been received from residents of Montgomery Street or Churchill Road.
- 8.6 The table included at **Attachment 5** summarises the issues raised by the submitters and includes a recommended response to all submissions.
- 8.7 In summary, the main issues raised by the objecting submissions relates to:
- The proposed reduction of public car parking will have a negative impact on the Doncaster East Village shopping precinct and the surrounding residential streets.
  - The proposed residential development on the development site at 6 (part) – 10 Montgomery Street will exacerbate parking problems in the area.
  - Council should make provision for additional parking over and above the public carparking spaces proposed to be provided and upgrade the laneway.
  - The proposed sale of land is an attempt by Council to generate income and is self serving.
- 8.8 In response to these submissions, the history of the provision of public carparking in the precinct needs to be discussed and understood.
- 8.9 Public carparking is currently provided on Council owned land in the precinct as follows:
- 6 Montgomery Street – 28 public parking spaces provided with no formal line marking
  - 8 Montgomery Street – 17 spaces available for used by the Doncaster City Church (traders use these spaces but they are not technically public parking).
  - 10 Montgomery Street – 13 public parking spaces with poor line marking.
- 8.10 A total of 41 spaces are therefore currently available for public parking in the precinct.
- 8.11 In late 2012, in conjunction with Places Victoria, Council exhibited a concept plan and undertook targeted consultation and market research with residents,

traders and key stakeholders. The loss of carparking as a result of the joint Council and Places Victoria proposal was one of the key issues raised. In response to feedback, Council considered that 28 public carparking spaces (an increase of 15 spaces above the 13 exhibited), should be provided as a component of any development proposal for the precinct. In addition, Council officers committed to investigating carparking restrictions within the local area as part of a longer term strategy to manage carparking requirements in the vicinity.

- 8.12 The 29 (plus one disabled) spaces currently proposed to be provided as part of Amendment C102 is therefore consistent with Council's 2012 position on the provision of carparking in the precinct. In respect to how the 29 (plus one disabled) spaces are derived, it can be reasonably concluded that 30 spaces reflects the number of spaces that can physically be accommodated on No. 6 Montgomery Street. It is also noted that any new residential development in the precinct will need to provide on site parking in accordance with Clause 55 of the Planning Scheme.
- 8.13 Whilst it is acknowledged that the number of spaces currently available for public parking on the subject land is proposed to be reduced by 11 spaces, there is no statutory requirement for Council to provide off street public carparking. The 41 spaces that currently exist in Montgomery Street are more a product of circumstance than in response to any statutory requirements in the Planning Scheme.
- 8.14 One of the submissions suggests that Council could provide additional parking to mitigate against the net loss of public parking by reducing the size of the development parcel of land by subdividing a further strip of the development site on the southern boundary which adjoins the lane way at the rear of the shops along Doncaster Road to make way for further parking (potentially 12-15 spaces).
- 8.15 It is considered that the provision of 29 (plus one disabled) public carparking spaces on No. 6 Montgomery Street is satisfactory. Providing further spaces abutting the laneway as submitted will further encumber and compromise the traffic function, safety, visual amenity and vehicular access in the laneway and is not supported.
- 8.16 It is also noted that DDO8 "*Residential Areas Surrounding Activity centres and Along Main Roads*", includes a condition requiring a minimum land size of 1800sqm to be provided and where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. These parameters have been reflected in DDO13 which is proposed for the site (although the land size of 1800sqm is discretionary). If Council were to consider making available additional parking spaces abutting the laneway, this would reduce the proposed development site at (part) 6 – 10 Montgomery Street below the 1800sqm threshold. Although this is discretionary, it is important that Council be consistent with its desire to have 1800sqm minimum land size for development.
- 8.17 It is also acknowledged that on street parking restrictions in the precinct should be reviewed to assess the capacity of the surrounding streets to yield additional parking for traders and shoppers. To this end, it is recommended that Council investigate and implement on street and public car parking management and improvements within the local area as part of a strategy to

manage car parking requirements in the vicinity. This management plan would be implemented ahead of any sale being finalised.

- 8.18 Finally, officers have identified following exhibition that additional changes to the MSS at *Clause 21.05 Residential* are required as follows:
- 8.18.1 Under *Clause 21.05-1 Built form and neighbourhood character*, it is noted that the heights specified under DDO8 and DDO9 refer to 'storeys' as well as 'heights in metres'. The exhibited amendment proposes to include a paragraph on the application of DDO13, however refers only to a height of '*up to four storey apartment style*' without referring to the height in metres. It is therefore recommended that the height of '*13.5m*' be added for consistency with the references to the other DDO schedules.
  - 8.18.2 Under *Clause 21.05-2 Housing – Zones and overlays*, an amendment to the exhibited amendment is required to reflect the application of *DDO13 - Residential Areas Interfacing Commercial Areas in Precinct 2: Residential Areas Surrounding Activity Centres and Along Main Roads*.

These proposed changes should be submitted to the Panel as post exhibition changes to the Amendment. These changes are required for clarification purposes and for consistency between the MSS and the proposed DDO. The amended MSS Clause 21.05 with the proposed changes is attached at **Attachment 6**.

- 8.19 For the reasons above, it is recommended that the exhibited Amendment not be changed in response to the submissions received, with the exception of the minor changes proposed to the MSS.
- 8.20 Council is not able to adopt the amendment at this point, given there are objecting submissions that are unresolved. It is therefore recommended that Council refer the submissions to an Independent Panel for consideration. This option would enable the statutory process to continue, provide for on-going community input.

## **9 COMMUNICATIONS STRATEGY**

- 9.1 All submitters to the Amendment and Application will continue to be kept informed about the Amendment process. A letter was sent to all submitters advising them of Council's resolution in relation to the course of the Amendment and at other key stages of the Amendment process. If the Amendment and Application proceeds to a Panel hearing, all correspondence relating to the Hearing will be initiated by Planning Panels Victoria. All submitters will be invited to make a verbal submission to the Independent Panel.

## **10 CONCLUSION**

- 10.1 In September 2014, Council and Places Victoria agreed to mutually terminate a Project Development Agreement (PDA) which governed the proposed redevelopment of Council owned land at 2-10 Montgomery Street, Doncaster East, however, the site is still considered to have significant potential for achieving the agreed vision and objectives for the precinct.

- 10.2 Proposed changes to the zones and overlays applicable to the Council owned land will facilitate the sale, by EoI, of a 2000sqm site and its future residential redevelopment of a height consistent with the *Doncaster East Village Structure Plan*. The proposed Design and Development Overlay is also proposed to be applied to adjoining privately owned land in the Montgomery Street precinct as recommended in the Structure Plan.
- 10.3 A total of three submissions have been received in response to the public exhibition of the Amendment and Application. The submissions are based primarily on parking concerns and the loss of public carparking as a result of the Amendment/Application. In response to the submissions, it is not recommended that any changes be made to the exhibited Amendment at this stage with the exception of minor changes to the MSS.
- 10.4 As any changes be made to the Amendment in response to the submissions are not supported, it is therefore recommended that Council refer the Amendment/Applications and submissions to an Independent Panel for consideration.

#### **OFFICER'S RECOMMENDATION**

##### **That Council:**

- (A) Notes all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;**
- (B) Endorses the officers' recommended responses to the issues raised by submitters as shown in Attachment 5 and endorse these responses as the basis for Council's submission to an Independent Panel;**
- (C) Endorses the recommended post exhibition changes to the MSS at *Clause 21.05 Residential* for inclusion in Council's submission to an Independent Panel generally in accordance with Attachment 6;**
- (D) Requests that the Minister for Planning appoint an Independent Panel under part 8 of the *Planning and Environment Act 1987*, to consider all submissions received in response to Amendment C102 to the Manningham Planning Scheme and Planning Permit Application PL15/025196;**
- (E) Writes to all submitters, informing them of Council's decision to proceed to the Panel stage;**
- (F) Subject to the successful resolution of the necessary Statutory processes, agrees to investigate and implement a carparking management plan for the Montgomery Street precinct and to commit funds from the sale of the proposed development site at 6 (part) – 10 Montgomery Street towards the upgrading of the laneway.**

**Attachment 1: Site Context**

**Attachment 2: Existing Planning Scheme Controls**

**Attachment 3: Exhibited Amendment C102**

**Attachment 4: Exhibited Planning Permit Application PL15/025196**

**Attachment 5: Summary of Submissions**

**Attachment 6: Post exhibition changes to MSS Clause 21.05 Residential**