

MANNINGHAM PLANNING SCHEME

AMENDMENT C123

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 whole municipality apart from the former Eastern Golf Course, now known as Tullamore Estate. It will apply to all non-exempt residential, mixed use, commercial and industrial subdivisions within the municipality.

What the Amendment does

The Amendment implements Action 1.4.1 of the *Manningham Council Open Space Strategy (2014) – Parts 1 and 2* (Open Space Strategy (2014)) that seeks to introduce public open space contribution rates across the municipality to meet the needs of the existing and future population.

More specifically, the Amendment:

- Amends Clause 21.09-2 (Activity Centres and Commercial Areas) to delete reference to require a 5% public open space contribution for subdivision in the Doncaster Hill Activity Centre.
- Amends Clause 21.13 (Open Space and Tourism) to:
 - Vary the section relating to 'strategy' to add reference to seeking a contribution specified in the Schedule to Clause 52.01.
 - Insert an implementation action to use the Schedule to Clause 52.01 to specify the amount of contribution for public open space for any subdivision of land.
 - Replace reference to the Public Open Space Strategy (2004) with the Open Space Strategy (2014) and include reference to SGS Economics and Planning (2017) Manningham Council Open Space Contributions Plan (Open Space Contributions Plan (2017)).
- Amends Clause 21.16 (Key References) to delete reference to the Public Open Space Strategy (2004) and inserts two reference documents: Open Space Strategy (2014) and Open Space Contributions Plan.
- Replaces the Schedule to Clause 52.01 Public Open Space Contribution and Subdivision with a new Schedule that specifies a rate of 8% for Doncaster Hill and substantial change areas (being DDO8, DDO9 and DDO13) and 5% levy for the rest of municipality, apart from the Tullamore Estate, for all non-exempt subdivisions.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required because projected population growth and increased residential density will place greater demand on existing public open spaces. Council is seeking to expand and improve existing public open space areas to meet the needs of the existing and future population.

The Manningham Council Open Space Strategy (2014) is divided into two parts. Part 1 provides the strategic direction for open space planning in the municipality over the next ten years, while Part 2 provides an analysis and recommendations of specific open space precincts.

The Strategy refers to a report prepared by Victorian Environmental Assessment Council (VEAC) titled '*Melbourne Metropolitan Investigation*' that identifies Manningham as having a high percentage of open space when compared with other middle ring suburbs, even when only considering the western part of Manningham. However, over half of the open space in the municipality (60 per cent) is owned by the Crown and managed by Parks Victoria, which is provided for the broader population. The Yarra Valley Parklands (Crown Land) is the largest connected area of open space in Manningham and is managed by Parks Victoria.

The Strategy further concludes that while open space is provided across the municipality, there is an undersupply in some areas where increased population is expected. Other areas may be relatively close to open space but it is not easily accessible given the presence of main roads, or lack of pedestrian links.

Population experts, .id Consulting, identified Manningham's population is forecast to increase from 116,748 in 2011 to 148,236 in 2036, representing a 27% increase. Community consultation has regularly identified how much public open space is valued, as it is a key contributor to liveability and community connectedness.

Currently, the *Subdivision Act 1988* (the Act) provides the legislative framework for a council to collect an open space contribution. The contribution is intended as compensation for the increased demand for open space that will result from a subdivision.

Under the Act a council can request a maximum 5% open space contribution rate for land being subdivided into three lots or more, provided that it can be justified. The Schedule to Clause 52.01 of the Manningham Planning Scheme is a planning mechanism that enables Council to stipulate a requirement that meets local circumstances, and can exceed the 5% limit of the Act.

Doncaster Hill currently has a mandatory 5% public open space contribution rate specified in a Schedule to Clause 52.01 of the Manningham Planning Scheme in relation to any subdivision.

In the rest of the municipality no rate is currently specified in the Schedule to Clause 52.01 and Council applies a sliding scale open space contribution rate to any subdivision of three or more lots ranging from 0 – 5% depending on the number of lots proposed to be created. This approach makes it difficult to strategically plan for future open space provision and in some instances, has led to inconsistent and poor open space outcomes.

Following the adoption of the *Open Space Strategy (2014)*, SGS, Economics and Planning, prepared the *Manningham Council Open Space Contributions Plan (2017)*. The report recommends two separate open space rates: 8% for areas that are forecast to experience a substantial level of development, including Doncaster Hill and land covered by Design and Development Overlay Schedules 8, 9 and 13; and a 5% in the balance of the municipality where less growth is anticipated. These rates are considered fair and equitable, and simple to administer. Furthermore, prescribing rates in the Manningham Planning Scheme means

that Council will have a clear policy direction and planning mechanism to require an open space contribution which will enable Council to better plan for open space provision across the municipality.

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

The Amendment seeks to implement the following objectives outlined in Section 4 of the *Planning and Environment Act 1987*.

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (g) *to balance the present and future interests of all Victorians'.*

The Amendment helps to implement these objectives by:

- Providing a formal and equitable method to collect contributions for open space based on increased demand;
- Providing certainty as to required open space contributions; and
- Improving public open space areas to enhance the liveability and recreational environment to meet the existing and future needs of residents.

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

Social

The Amendment will provide positive social benefits. The provision of open space is fundamental to the liveability and identity of Manningham. Access to high quality and diverse open space within walking distance of home and work is important to health (mental and physical) as it provides opportunities for social interaction, recreation, sport and relaxation. The Amendment will allow Council to improve the quality and increase the amount of open space to meet the needs of the existing and future residents.

Economic

The Amendment will have a positive economic benefit as it will provide a clear and fair policy direction in relation to Council's open space contribution rates. It will also provide a vehicle to generate more funds for Council for public open space than currently occurs.

Environmental

The Amendment will assist in upgrading existing open spaces, including vegetation restoration, leading to increased biodiversity. The increase in area set aside for open space will provide opportunities for the planting of more vegetation, including trees, to assist in reducing global warming.

Does the Amendment address relevant bushfire risk?

The Amendment does not have a direct impact on bushfire risk, however planning of open spaces in bushfire risk areas will take into consideration bushfire management issues.

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.
- Ministerial Direction No. 9 Metropolitan Strategy.
- Direction No. 11 Strategic Assessment of Amendments.

Ministerial Direction No. 9 requires that planning scheme amendments in the metropolitan area have regard to *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land Water and Planning, 2017).

The Amendment accords with the following:

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

Direction 5.1 – Create a city of 20-minute neighbourhoods

The 20-minute neighbourhood is about ‘living locally.’ The hallmark of a 20-minute neighbourhood is one that is: safe, accessible and well connected for pedestrians and cyclists; offers high quality public realm and open space; has access to quality public transport that connects people to jobs and higher- order services; and supports vibrant neighbourhood activity centres.

Other relevant directions are:

Direction 5.2 - Create neighbourhoods that support safe communities and healthy lifestyles

Direction 5.4 - Deliver local parks and green neighbourhoods in collaboration with communities

Policy 5.4.1 identifies the need to develop a network of accessible, high-quality, local open spaces that is fair and equitable and provides access for all members of the community.

Outcome 6 - Melbourne is a sustainable and resilient city

Direction 6.4 – Make Melbourne cooler and greener

Policy 6.4.2 ‘Strengthen the integrated metropolitan open space network’ identifies the need to better plan, design and use new and existing open space and to ensure that open space is distributed fairly and equitably so that it is accessible for members of community, regardless of age, gender, ability or a person’s location.

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

The Amendment is consistent with the following objectives and strategies:

Clause 11 Settlement, in particular, Clause 11.04-1 Open space planning which includes the objective ‘*to assist creation of a diverse and integrated network of public open space commensurate with the needs of the community*’. The relevant strategies include the need:

- to set land aside in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities; and
- to improve the quality and distribution of open space and ensure its long-term protection.

Clause 11.06 Metropolitan Melbourne, in particular, Clause 11.06-5 Neighbourhoods: The objective of this Policy is to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs. A relevant strategy is to create a city of 20-minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home. Another strategy is to develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment.

The Amendment is also consistent with Clause 15 Built Environment and Heritage, particularly Clause 15.01-3 'Neighbourhood and subdivision design' that has an objective '*to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable*'. This objective is achieved by '*creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible*'.

The Amendment supports and implements these policies by ensuring new development, resulting in the creation of three or more lots, provides a certain percentage of open space that will contribute to improving the quality and distribution of open space and ameliorate the under supply of open space in areas. The Amendment will result in the upgrade of existing open space as well as the expansion of the existing open space reserves.

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

Clause 21.13 (Open Space and Tourism) of the Municipal Strategic Statement identifies that Council's vision for open space is to provide a range of active and passive recreation opportunities for current and future generations which is readily accessible, conserves and enhances natural and cultural resources, contributes to the local economy, and provides a high-quality environment in which to live, work and visit. Clause 21.13-1 identifies that the extension and enhancement of the open space network are vital in meeting the needs of existing and future residents and visitors. A key objective is '*to identify existing gaps in the public open space network and develop a program for how they can be addressed*'. (21.13-2).

The Amendment supports the policy directions of the MSS by providing a vehicle to generate funds for Council to improve the quality and amount of open space in accordance with council's open space program to meet the needs of the existing and future residents.

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

The Amendment makes proper use of the Victoria Planning Provisions (VPPs). The Schedule to Clause 52.01 allows councils to establish open space contribution rates appropriate for local circumstances. The Amendment ensures a consistent and fair approach to calculate open space contribution rates across the municipality.

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

The views of relevant agencies were sought as part of the amendment process.

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

The Amendment is unlikely to have a significant impact on the transport system as defined Section 3 of the *Transport Integration Act 2010*. It will however facilitate improved linkages to open space areas.

Resource and administrative costs

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

The introduction of this Amendment into the Manningham Planning Scheme will result in more efficient use of existing resources, as it clearly specifies the rate for the open space contribution to be applied across the municipal area. By stipulating the amount of

contribution required upfront will also simplify the process for officers assessing applications for subdivision, in addition to simplifying the process for property owners/applicants.

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 Doncaster/The Pines/Bulleen/Warrandyte branch libraries and the Box Hill branch library
- at the Manningham website at www.yoursaymanningham.com.au/amendment-C123

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.