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RESPONSE TO REFERRAL FOR ADVICE FROM THE  
MINISTER FOR PLANNING  
in relation to  
A PERFORMANCE REVIEW OF THE DONCASTER HILL  
STRATEGY

REPORT OF THE PRIORITY DEVELOPMENT PANEL  
REFERENCE: PDP07-16

December 2007

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# TABLE OF CONTENTS

<b>1</b>	<b>FOREWORD</b> .....	<b>1</b>
<b>2</b>	<b>BACKGROUND</b> .....	<b>3</b>
2.1	Doncaster Hill Principal Activity Centre .....	3
2.2	Doncaster Hill Strategy .....	4
2.3	Doncaster Hill Statutory Controls .....	4
2.4	Minister's Referral .....	5
<b>3</b>	<b>PDP PROCESS</b> .....	<b>6</b>
<b>4</b>	<b>KEY ISSUES, IDENTIFICATION AND ASSESSMENT</b> .....	<b>7</b>
4.1	Precinct 1 - Civic and Education .....	7
4.2	Doncaster Road .....	9
4.3	Public Transport .....	10
4.4	Statutory Planning Framework .....	10
4.4.1	Uses .....	11
4.4.2	Heights and Setbacks .....	12
4.4.3	Extent of the CDZ .....	13
4.4.4	Restrictive Covenants .....	14
4.4.5	The Currency of the ESD Provisions .....	15
4.5	Development Facilitation .....	16
<b>5</b>	<b>CONCLUSIONS &amp; RECOMMENDATIONS</b> .....	<b>18</b>
5.1	Opportunities for the Civic Centre Precinct and environs .....	18
5.2	Performance review of current planning provisions .....	18
5.3	A suite of provisions to replace the interim controls .....	19
5.4	An appropriate process for planning scheme amendment .....	19
5.4.1	The interim CDZ provisions .....	19
5.4.2	The restrictive covenants .....	19
5.4.3	Simplification of the existing planning controls .....	20
<b>6</b>	<b>ENDORSEMENT</b> .....	<b>21</b>

## Figures

Figure 1: Doncaster Hill Activity Centre - Aerial Photograph

Figure 2: Comparison between the Doncaster Hill Activity Centre boundary and the CDZ

## APPENDICES

- 1 Precinct Map
  - 2 Minister's letter of referral
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## 1 FOREWORD

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At Manningham Council's request, the Minister asked the Priority Development Panel (PDP) to undertake a performance appraisal of the Council's interim planning controls for the Doncaster Hill Principal Activity Centre, and to provide advice on opportunities for the Council's Civic Precinct and environs. The Minister also sought advice on an appropriate suite of provisions to replace these interim controls and on a process for a planning scheme amendment.

This has been a different assignment for the PDP, providing opportunity to work with Manningham's elected representatives as well as with Council staff, including participating in a significant number of PDP and Council sponsored forums attended by both public and private sector interests.

The current \$600m refurbishment of Westfield's Doncaster Hill Shopping Centre and a realisation that the Doncaster Hill property market is showing positive trends, have served to highlight the redevelopment opportunities inherent in Manningham's Doncaster Hill Strategy Plan.

This in turn has drawn attention to the Centre's current suite of planning controls, raising the question as to how they have been performing in relation to giving effect to the Strategy and whether or what might be opportunities for improvement.

The PDP's principal conclusions are that the existing suite of planning controls would benefit from a simplification exercise, supplemented by more proactive development facilitation and place management on the part of Council.

Manningham Council is by no means alone in having developed very detailed controls in response to activity centre structure planning. The PDP has observed a general trend in Victoria for structure planning to add to the complexity of places earmarked for substantial change, making their regeneration, in line with the Government's Melbourne 2030 expectations, potentially more onerous.

Instead of establishing the principal structure or skeleton for the future of these centres, there has been a tendency to specify the flesh, skin and indeed hair colour as well. A result has been the great deal of time and expense involved in the preparation of such plans and their statutory translation into planning scheme controls and policies. Given the twenty years and more timeframes for the regeneration envisaged, and the likelihood in that time for there to be significant social and technological change that could affect this detail, the PDP has concerns that council's and their communities are setting themselves up for disappointment.

Better by far is the development of a bare bones strategy, or road map for a centre's future regeneration, underpinned by proactive place management and development facilitation on the part of the Council, with support as necessary from the State.

This should included identification of key redevelopment opportunities, the setting of targets for housing and employment, site assembly and partnerships arrangements with State and private sector interests.

The targets set for Doncaster Hill are for 4080 new dwellings and 10,000 new jobs by 2020, in other words 340 dwellings and 833 jobs per year for the next 12 years. Only by proactive

approaches can this be realised. Hoping that complex statutory controls will in themselves deliver such outcomes is not enough.

The PDP therefore commends Manningham Council for identifying the need for this performance review and believes the Council should be supported and encouraged to continue and consolidate its place management and development facilitation activities, in conjunction with assistance to simplify its suite of planning controls.

Likewise the PDP commends the Council for identifying its Civic Precinct as an opportunity for partnering with the State, including Doncaster Primary School, to showcase the regeneration of this part of Doncaster Hill as a more sustainable place for living, learning, recreation and business. The Council should be supported in its efforts to forge relationships with relevant State agencies and private sectors partners. In this regard the recent creation of the Department of Planning and Community Development (DPCD) represents a timely opportunity.

Another issue raised through this PDP referral and with parallels elsewhere (for example Knox, Ringwood and Frankston), is that of the role of VicRoads in such Principal and Major Activity Centres. Doncaster Hill is dissected by a Metropolitan arterial road. To give effect to the Government's Metropolitan Strategy, for Principal and major activity Centres to regenerate as places for investment, new housing and jobs it will be imperative for roads such as Doncaster Road to be provided with a 'destination' or 'place' rather than through road character. VicRoads should be supported and encouraged to work closely with the Council, and with input from DPCD's Urban Design Unit, to find ways for traffic calming Doncaster Road, so that it can provide the necessary setting for the realisation of Doncaster Hill as a key 'destination' in Melbourne's east.

**Jane Monk**

**Chair Priority Development Panel**

## 2 BACKGROUND

### 2.1 Doncaster Hill Principal Activity Centre

The Victorian Government's Metropolitan Strategy, Melbourne 2030, identifies Doncaster Hill as a Principal Activity Centre. Such centres, due to their size and location, are identified as having 'an especially important role to play as a focus for community activity, services and investment, including priority government investment'.

Doncaster Hill Activity Centre straddles the arterial road corridors of Doncaster, Williamsons and Tram Roads. It has an area of approximately 58 ha and is located 12 km east of the Melbourne CBD. The centre is at one of the highest points in Metropolitan Melbourne. It enjoys panoramic views of the Dandenongs, Kinglake Ranges and Melbourne City skyline.

Key elements of the centre are the Manningham municipal offices at the centre's eastern end, with Shrams Reserve to its north and Doncaster Primary School to its west, Westfield's, Doncaster Shoppingtown (currently undergoing a \$600m refit) is at the north-east corner of Williamsons and Doncaster Roads and the high rise Sovereign Point and Crest apartments are located on Williamsons Road, opposite Westfield.



Figure 1: Doncaster Hill Activity Centre - Aerial Photograph

## 2.2 Doncaster Hill Strategy

The Doncaster Hill Strategy represents the culmination of many years of strategic work on the part of the Council, including community consultations in March and August 2001 and again in December 2002. The Council formally approved the Strategy in October 2002.

The Strategy's vision for the centre is that it will develop as an integrated, 'state of the art', high density residential and mixed use precinct with new development showcasing best practice ESD (Ecologically Sustainable Development) principles. The intention is for Doncaster Hill to become a 'sustainable urban village' that by 2020 will be home to some 8,300 residents, as well as providing 10,000 new jobs. With 4,080 new dwellings and an additional 20,000sqm of commercial/office floor space and 10,000sqm retail (excluding Westfield's permissible floor area up to 90,000sqm), an aspiration is for Doncaster Hill to become a key destination in Melbourne's east.

As depicted in the map at Appendix 1, the strategy divides the centre into 7 precincts and gives guidance as to the expected outcome for each including, mix of uses, built form and scale. Key to the Strategy is for Doncaster, Williamsons and Tram Roads to adopt a tree lined, boulevard character, flanked by new, multi storey, commercial and residential buildings. A mix of ground floor uses would provide pedestrian activity and interest at street level. Importantly the Strategy embodies a strong commitment to sustainability with an objective for new use and development to embody ESD principles in their design, construction and operation.

## 2.3 Doncaster Hill Statutory Controls

To give effect to the Strategy the Council initiated a number of planning scheme amendments. Amendment C33 (February 2004) introduced a Design and Development Overlay (DDO6). This control sets mandatory set backs and building heights - 29 m to 40 m fronting Doncaster Road, with transitions to 21m at the Doncaster Road edges and down to 14.5 m and 11.0 m at the abutting residential interfaces - for all precincts, as well as design requirements to achieve the desired treed boulevard character on Doncaster, Williamsons and Tram Roads.

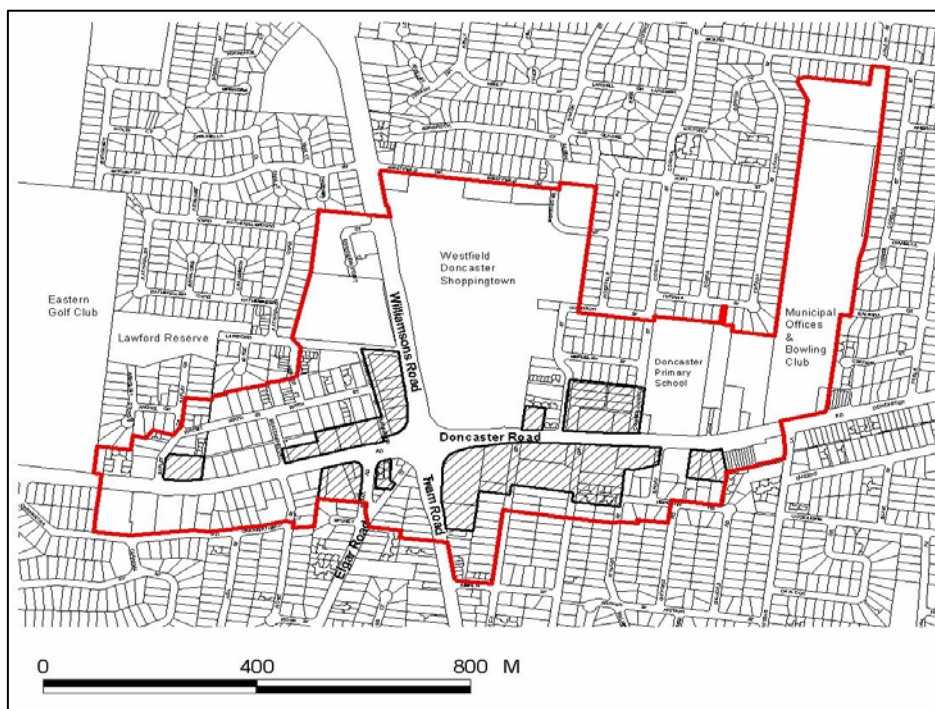


Figure 2: Comparison between the Doncaster Hill Activity Centre boundary and the CDZ

At the same time a local policy was introduced (CI 22.13), requiring the provision of a Sustainability Management Plan, as a means for documenting and delivering sustainability outcomes. Amendments C30, C37 and C35 introduced a Development Plan Overlay, a Public Acquisition Overlay, and Parking Precinct Plan, respectively.

Later, a Comprehensive Development Zone (CDZ) was applied across parts of the activity centre (an area of approximately 8.2 ha) fronting Williamsons and Doncaster Roads adjacent to and east of Tram Road. The map at Figure 1 above shows the extent of the CDZ compared to the Activity Centre as a whole. The CDZ and its associated schedule and incorporated plan were introduced without notice (under s 20(4) of the *Planning and Environment Act 1987*), via Ministerial Amendment C45 (March 2005). The CDZ Schedule provides for new development to comprise a mix of at least three land uses. Its introduction followed concerns in relation to permit applications thought likely to give rise to an 'under development' of the centre – thereby preventing or prejudicing the Council's sought after housing and employment targets. The Schedule was introduced on an interim basis and is due to expire on 31 December 2007.

## 2.4 Minister's Referral

On 12 April 2007 representatives of Manningham City Council, including the Mayor and CEO, gave a presentation to the members of the PDP, with DSE (now DPCD) officers in attendance also. The council representatives drew attention to the pending expiry of the interim Doncaster Hill CDZ controls. They also raised the possibility of the PDP providing, among other things, a performance review of the Strategy's statutory controls, as well as advice in relation to opportunities for progressing and value adding to the redevelopment of the Civic Precinct and its environs – Precinct No 1 in the Strategy.

Subsequently, and in response to a formal request by the Council, the Minister for Planning, on 22 June 2007, asked the PDP to:

- Conduct a performance review of the Doncaster Hill interim controls, having particular regard to the application of the zones and overlays (such as the boundary of the Comprehensive Development Zone) and the requirement for a mix of uses in a single development.
- Provide advice on the opportunities for the Civic Centre Precinct and its environs.
- Provide advice on the appropriate suit of provisions to replace the interim controls; and
- Provide advice on an appropriate process for a planning scheme amendment.
- A copy of the Minister's letter is at Appendix 2.

At the same time, the Department's Development Facilitator, Ms Jillian Smith was appointed as a "champion" within the Department, to provide assistance and act as a liaison between Council and government.

The Minister asked the PDP to consult with the Council and other relevant key stakeholders and provide its advice within 4 months. He also encouraged the Council to seek guidance, including from the City of Banyule, on opportunities to engage with the community and private sector to realise major regeneration in a Principal Activity Centre.

### 3 PDP PROCESS

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After receiving the Minister's request for advice, the PDP Chair, Jane Monk nominated herself and Members Ken McNamara, Rob McGauran and Stephen Sully as a PDP working group to investigate the issues and report back to the PDP. David Hodge, property development consultant and former Director, Property and Development with Major Projects Victoria, was invited to assist the working group. The inquiry was project managed by Peter Sagar, PDP Senior Project officer.

Jillian Smith, DPCD's Development Facilitator, having been nominated by the Minister as a central liaison person to act as a "champion", also provided assistance to the PDP working group as did Stuart Niven and Craig Gillette of DPCD's Urban Design Unit.

The working group worked closely with Council throughout its inquiry, including a number of sessions where councillors were in attendance. During the inquiry, Council also convened a number of meetings and forums of its own, which complemented the PDP's workshops and discussion groups.

During its inquiry, the working group also met with land owners, developers, real estate agents and relevant government agencies, including from Health, Education, Roads and Public Transport.

The main meetings and events are listed below:

- 29 June 2007 Initial meeting to scope the nature and extent of the inquiry
- 11 July 2007 Internal working group meeting
- 13 July 2007 Developers Breakfast (Council hosted)
- 20 July 2007 Workshop 1: Performance Appraisal with developer feedback
- 24 July 2007 Luncheon with Real Estate Agents (Council hosted)
- 24 July -2007 Education Department representatives (Council hosted)
- 3 August 2007 Workshop 2: Civic and Education Precinct – design exploration
- 22 August 2007 Workshop 3: Review of Planning Scheme Provisions
- 23 August 2007 Sustainable Design Taskforce (Council hosted)
- 6 September 2007 Meeting regarding Doncaster Road matters with Council, VicRoads & DOI (Council hosted)
- 19 September 2007 Workshop 4: Opportunities for Doncaster Road
- 23 October 2007 Presentation of preliminary findings and feedback session/discussion with Councillors.

## 4 KEY ISSUES, IDENTIFICATION AND ASSESSMENT

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The PDP has identified and assessed the following key issues:

### 4.1 Precinct 1 - Civic and Education

This precinct fronts Doncaster Road at the activity centre's eastern end. It contains the existing Municipal Offices, Function Centre and Gallery, Schrams Reserve, the Doncaster Playhouse and the Doncaster Primary School. It is home also to two historically significant structures, the original Shire Hall and school. The Municipal Offices/gallery have cultural significance as well.

The Doncaster Hill Strategy's vision is for the precinct to become a consolidated, prominent and accessible civic centre, with expanded community and education facilities, a major civic urban space, and well defined pedestrian links to Precinct 2 - on the opposite side on Doncaster Road - and to Precinct 3 and Westfield to the west.

The warrant to redevelop Precinct 1, including funding, staging and car parking, has been under review within Council. Council has nevertheless renegotiated with Westfield to maintain a municipal library within the Civic Precinct - rather than within Westfield's expanded shopping centre as previously arranged. Maintaining the library provides an 'anchor' use for Precinct 1's redevelopment and a focus for day/night community activity. A library in this location is also consistent with the Community Schools policy objectives for Government to enhance educational and community outcomes through co-location of assets such as this. Council has also engaged architect, Peter Elliot, to prepare a master plan for the Council owned land in the precinct.

The PDP was asked to provide advice on the 'opportunities' for the Precinct and its environs. To inform its advice the working group conducted a one day workshop at the Civic Centre on 3 August 2007. In addition to councillors and relevant council staff (planning, engineering, community services etc), attendees included Peter Elliot, and representatives from the Victorian Government Architect's Office, Education Department, Doncaster Primary School, VicRoads, Sustainability Victoria and DPCD's Community Services and Urban Design Units.

The workshop affirmed significant co-location and shared use opportunities for civic, education, cultural and community services, as well as the potential to rationalise parking and access within and around the precinct. It served to demonstrate how new development onto Doncaster Road can activate the centre, transforming its image from a through traffic arterial to a new destination/place, where the Manningham community can meet, learn, recreate and do business. It also provides an opportunity to demonstrate the ESD outcomes being championed by Government and the Council.

Specific opportunities included:

- New buildings to address Doncaster Road, incorporating/referencing the two heritage buildings, and turning north-south into the site to also front a new 'green spine' urban/civic space stepping up to Doncaster Road. The buildings will need to create a critical mass of activity to Doncaster Road, relating and interacting with any new bus stop and pedestrian crossing.

- The buildings should accommodate education spaces for the school as well as a learning exchange/library and media centre and community/school performance spaces. Flexible usage could extend to community/shop front office spaces, plus space for State agency functions, a café and book shop.
- Opportunities for east west linkages at the north of the precinct in the longer term. These have significant potential to link schools, open spaces, new residential, civic and Westfield, creating active, north facing frontages and pedestrian spaces – a new High Street.
- The option at a later stage to 'fill-in' the space to the front of the existing municipal offices, enabling the creation of an active frontage to Doncaster Road at the Precinct's eastern end.
- Options for reducing the current dominance of at-grade car parking around the municipal buildings, including its incorporation into sub floor areas or under existing open space/playground areas. Care would be required to ensure that parking structures were appropriately screened or 'laminated' with active uses and did not prevent opportunities for east-west and north-south pedestrian/cycle access, including links to Precinct 3 and Westfield.
- The opportunity to slow traffic through the activity centre and particularly in the environs of the education/community/civic hub
- A wide at-grade pedestrian crossing, including bus stop, on Doncaster Road to link the two sides of the road, calm traffic, provide public transport access to the school and civic precinct and integrate with the new civic space. The existing pedestrian underpass was seen to reinforce Doncaster Road as a through traffic arterial and as such was not supported as a long term measure.
- Relocating the bowling club, possibly to a 'green' roof top plus open air cinema level – enjoying significant views – to enable new, more integrated redevelopment possibilities for the existing site.
- The option, including with landowner participation, to enhance Schrams Reserve - currently surrounded by back fences – through innovative redevelopment of surrounding residential properties.

The first two suggestions in particular require the establishment of closer ties between civic, education and other government interests within and around the precinct. Such joint venture combinations are increasingly being recognised, including within DPCD, as having the potential to offer more dynamic and over the longer term, adaptable and robust community spaces and places.

**To progress beyond vision through to reality and ongoing operation, will require commitment on the part of both State and local government, with potential also for private sector involvement.**

**The PDP strongly recommends the early creation of a project steering committee, supported by an executive project manager with a clear brief and authority to progress the project.**

## 4.2 Doncaster Road

Doncaster Road is a major east-west arterial road in the metropolitan road system and has a number of important roles in the overall planning and future of the Doncaster Hill Activity Centre. It plays an important role in providing for public transport, both to the centre and in a wider metropolitan context. In addition, the Principal Bicycle Network, located parallel to the Eastern Freeway, has linkages into Doncaster Road and the Doncaster Hill Centre that need to be accommodated. The road currently provides for six lanes of traffic, three in each direction and a kerbside parking lane in off peak periods. A speed limit of 70 KPH currently applies.

The challenge for the Council is to find solutions that provide for all these requirements i.e. through traffic, access to the centre, public transport, bicycles, at the same time providing improved amenity along and across Doncaster Road.

The Doncaster Primary School also has a frontage to Doncaster Road and an entry gate that it has closed owing to the perceived threats to child safety arising from the current traffic speeds through the centre. Current Government Policy would suggest that the traffic speed rather than the arrangements of the school should be the subject of modified behaviour and change.

Traffic volumes on Doncaster Road have fallen following the completion of the Eastern Freeway extension east of Doncaster Road and are expected to decrease further with the anticipated completion of EastLink in 2008. Annual growth in traffic volumes may see the pre Eastern Freeway opening volumes again apply by the year 2021.

This reduction in traffic volumes provides a window of opportunity to reassess the role of Doncaster Road

The Doncaster Hill Strategy envisages Doncaster, Williamsons and Tram Road developing a strong, tree-lined boulevard, character with active frontages to Doncaster and Williamsons Roads. These active street frontages are to be 'the focal point for vibrant entertainment strips', including cafés, shops and leisure activities, with offices and apartments above.

The PDP agrees that Doncaster Road is critical to the issue of place making for this centre. By not currently having the character of a strip centre, i.e. with the associated traffic calming of parked cars, pedestrians, cycle ways and public transport that accompanies such centres, Doncaster Road has developed as more of a through road than a destination in its own right. The tendency in such situations is for development to 'turn its back' to the road - the antithesis of the outcomes sought by the Doncaster Hill Strategy and contrary to DSE's (now DPCD's) Activity Centre Guidelines.

To give effect to the Government's 2030 Strategy ( and as signed-off by all Government agencies in the Structure Plan); if Doncaster Hill, is to operate as a Principal Activity Centre displaying the more pedestrian friendly qualities envisaged for such centres, access needs to be more 'destination' rather than through traffic focussed. From a road management perspective, an access strategy for Doncaster Hill as a 'destination' will serve to counter the otherwise mono-directional am and pm peak traffic flows that VicRoad's current, and more Melbourne-centric traffic strategies, foster.

In terms of road capacity, the use of Victoria Street/King Street and Wetherby Road as traffic carrying alternatives to Doncaster Road provides an opportunity to reduce through traffic lanes in Doncaster Road to four with centre or side public transport transit lanes. The PDP

recommends that any redesign of Doncaster Road also make provision for bicycle access to the centre.

The PDP strongly supports a reduction of the speed limit for Doncaster Road from 70KPH to 50 KPH to help create an environment more conducive for pedestrians. In discussion VicRoads has suggested a speed reduction strategy based on development trigger points. Through a memorandum of understanding VicRoads will agree to reduce the speed limit as and when various criteria are met. It must be stressed however that an initial speed reduction is likely to be a trigger in its own right, giving project proponents more confidence to include active ground floor uses.

Finally, the PDP supports the provision of trees and vegetation to assist in creating a scale which is calibrated to the pedestrian. It nevertheless encourages Council to review the concept of median trees. Given its proximity to the path of moving vehicles, including ones with high loads, the Doncaster Road median is not wide enough for trees to become a major landscape element.

It may be more practical and beneficial, to adopt a sculptural or urban element for the centre of Doncaster Road, such as structures for banners, lighting or artwork, creating a unifying feature that serves to distinguish the centre. Such an element could be tied in with the Doncaster Hill Strategy's other objective for an 'iconic artwork' at the Williamsons, Doncaster and Tram Road intersection. The DPCD's Urban Design Unit should be asked to advise on possible approaches.

**In summary, the Council and VicRoads should be encouraged and supported to pursue an agreement whereby the pedestrian environment and destination qualities of Doncaster Road are improved over time. Given the likelihood that this work will have application to other Principal and Major Activity Centres straddling arterial roads, DPCD's Urban Design Unit should be asked for advice and input in relation to possible design solutions.**

### 4.3 Public Transport

The Panel appreciates the Council's desire to have Doncaster Hill connected to Melbourne's fixed rail public transport network. Irrespective of this long term and aspirational desire, the Panel considers that the Council should be encouraged to work with the Department of Infrastructure to ensure that the treatment and promotion of SmartBus services to Doncaster Hill assists in delivering a shift in the community's perception of the SmartBus model. This should include ensuring that stops and transit lanes are well located and that their design integrates with the desired Boulevard character. Again DPCD's Urban Design Unit could be asked for advice on design options.

**The objective should be to give as much prominence as possible to the bus stops, interchange and transit lanes, while at the same time allowing them to work seamlessly, in an urban design sense, with the Boulevard's other elements.**

### 4.4 Statutory Planning Framework

The statutory framework for Doncaster Hill Activity Centre includes an extensive reference within the Municipal Strategic Statement (MSS), at Clause 21.21 of the Planning Scheme, to the Strategy, its vision and key issues. There is also a local policy at Clause 22.13 to give effect to the Council's ESD objectives for the centre. In addition, very detailed Design and

Development Overlays, DDO6 and DDO8, apply to the centre and to abutting residential areas respectively.

The interim CDZ 1 applies to significant parts of the centre's core, while other parts remain zoned Residential 1, Business 1 or Industrial 1. The CDZ includes the Doncaster Hill Comprehensive Development Plan, which is incorporated under Clause 81 of the Scheme.

The centre also has its own Parking Precinct Plan and Development Contributions Plan Overlay. Westfield's Shopping Town has an Incorporated Plan Overlay, there are some modest public acquisition overlays for open space and road widening, and the former Shire Hall, original school, a church opposite and the Municipal offices, are protected by heritage overlays.

Key issues identified in respect of the statutory framework are listed and then discussed below:

- The requirement for there to be at least three different uses on each land parcel.
- The prescriptive and detailed nature of the height and setback provisions.
- The extent of the CDZ, which covers only part of the Activity Centre, and the opportunity to consolidate and simplify its provisions and those of DDO 6.
- The existence of restrictive covenants that preclude development to the intensity sought by the Strategy.
- The currency of ESD requirements.

#### 4.4.1 Uses

The Council and a number of the developers interviewed by the working group expressed concern about the workability of a provision in the Schedule to the CDZ, directed towards achieving a mixed, land use outcome. In the case of the preferred uses for the centre, i.e. accommodation, office, place of assembly, shop, food and drink and other retail premises, the Schedule to the zone provides that these 'must be in conjunction with two or more other Section 1 or 2 uses'. In the case of accommodation, the default is that a permit is required. In the case of the rest, unless in conjunction with two 'other uses', the use is prohibited. The theory is to obtain a mix of uses at ground level, that activate the street, and in effect compel the construction of upper levels – most likely office or residential – to give effect to the Strategy's housing and employment targets and prevent 'underdevelopment'.

This triple mix of uses has proved difficult to achieve. There is also a lack of clarity about whether sub-sets of activities within the 'nest' of uses count as different uses. For example under accommodation, are a residential hotel and apartments different uses? There is concern too about what might happen should one of the uses fail. Investor confidence is likely to wane if the failure of one activity could result in the other two uses taking on the status of prohibited uses. From the point of view of traditional construction practice, Victorian developers are also less experienced with mixed use projects and the market for mixed use at Doncaster is untested.

The PDP accepts that the three uses mix requirement has been undermining the confidence of persons contemplating developing or occupying land within the centre. In discussion there was greater support for a two use mix, with one being either office or accommodation. The PDP considers this approach could work, particularly if an additional restriction, currently preventing

the use of shops in excess of 15% of the lot area, was amended to allow shops 'as of right' up to 25% of the building floor area. The current restriction virtually prevents shops, despite their potential to activate the street. At 25% of building floor area, there is an incentive to construct a four level building. A ground level uses plan could also be included in the zone schedule, particularly if the extent of the CDZ is broadened, as discussed later. This plan would control the extent of non-residential uses outside of the boulevard frontages/precincts, as well as indicate the preferred range of uses for the boulevard frontages.

**A way forward would be:**

- For two uses forming part of an integrated development to be as of right, i.e. exempt from the need for a permit, provided one was either from the accommodation or office 'nests' of uses and the ground level was used for a purpose shown in the ground level uses plan for the centre, with any shop not exceeding 25% of the floor area of the building.
- For preferred uses, to require a permit if sought as single uses, again provided the ground level use was for a purpose shown in the ground level uses plan for the centre and any shop did not exceed 25% of the floor area of the building.
- For Clause 2 of the CDZ Schedule to require a noise and waste disposal management plan, to the satisfaction of the responsible authority, for food and drink premises and places of assembly.
- For decision guidelines, in the case of permit required uses, to refer to the need to maximise the development opportunity of a site and not prejudice the achievement of the Doncaster Hill Strategy's housing and employment targets and for options to include foundations designs that enable future upper floor construction.

#### **4.4.2 Heights and Setbacks**

The Doncaster Hill Strategy and as a consequence DDO6, contain very prescriptive height and setback provisions. These are broken into 31 sub-precincts covering the Strategy's 7 main precincts and are directed towards achieving or providing for:

- The boulevard concept on Tram, Williamsons and Doncaster Roads. This is for a uniform, mandatory 5.0m front setback (including 3.6m wide paved 'promenade' and two rows of trees), terminating at a 'podium' of at least 12.0m, with the building above being set further back to accommodate a 'tower' element.
- A variety of mandatory maximum building heights, the highest being adjacent and to the east of Tram Road, with transitions to the east and western ends of the centre and more substantial reductions at the residential interfaces.
- An opportunity for 'Design Elements' to extend above the mandatory heights in certain of the sub-precincts. A mandatory maximum height for these extensions applies.
- Mandatory front set backs for the Tram, Williamsons and Doncaster Road 'tower' elements, that vary depending on the sub-precinct. The variations are seemingly to enable city views to the east. They range from 6.0m to 15.0m

- Preferred side and rear setbacks, being mostly 4.5 m from the side and 4.5m to 5.0m from the rear. In two instances the side setback is 4.1m and in four instances the rear setback is 8.0m.
- The prevention of overshadowing on the south (i.e. north facing) side of Doncaster Road, between 11.30 am and 1.30 pm mid-winter.
- The avoidance of shadows to properties **outside** the activity centre between 11.00am and 2.00pm at the equinox (22 March and 22 September).

Analysis of the DDO provisions reveals significant opportunities for simplification. The PDP doubts the level of prescription - to the extent of a unique envelope for each of the 31 sub-precincts - is warranted.

To send a clearer message without stifling innovation, a more simple formula would comprise:

- **mandatory boulevard set-backs, mandatory maximum heights, preferred side and rear setbacks and design element heights, and an identified overshadowing outcome,**
- **an exemption from third party notice and review for compliant developments, giving an incentive to meet the preferred outcome**
- **the inclusion of a mandatory 'height plan' within the schedule using number of storeys rather than heights above ground, and with opportunity to add one additional level in response to topography - the preferred 'design element' height could be identified on the height plan as well.**

#### 4.4.3 Extent of the CDZ

The current Schedule to the Doncaster Hill CDZ is primarily a 'use' control mechanism. Unlike DDO 6, which covers the entire Activity Centre, its extent is limited to land previously zoned Business 2, having been introduced without exhibition. Council has expressed a desire for a longer term zoning solution, suggesting that the Department prepare an Activity Centre Zone for inclusion in the VPPs, and for application across all Principal Activity Centres. Another option is the Mixed Use Zone. However, its promotion of industry as part of the use mix and for development that *respects* existing neighbourhood character, runs counter to the active frontage strategy and for a new and more intensive character.

In the absence of an 'Activity Centre' Zone, the Comprehensive Development Zone has capacity to be applied as a centre wide control. So too has the Priority Development Zone (PDZ), which is now in use in such other activity centres as Footscray, Fountain Gate and Preston. The PDZ's purpose; 'to recognise or provide for the use and development of land for projects and precincts of regional or State significance' is apt, given the regional significance of Melbourne's principal and major activity centres. The Comprehensive Development Zone is however a known at Doncaster Hill and its use and application can be modified, if thought more appropriate.

Of greater relevance to the PDP's inquiry is the extent of the CDZ within the activity centre. In addition to the Minister's request for advice about 'an appropriate suite of provisions to replace the interim controls', advice has been sought on 'the boundary of the Comprehensive Development Zone'

Given the clarity of the Strategy Plan's vision for the entire precinct, it is anomalous for this significant change area to be treated in a multitude of ways. Putting all of the Activity Centre into the one zone and including the design and development provisions within the same instrument would be a means for signalling that the whole of the Doncaster Hill Activity Centre has been earmarked for substantial change (including the School and Council sites in the Civic Precinct. At the same time this would enable a simplification of the MSS. The incorporated plan could become the means for articulating the vision for each precinct and potentially, the means for articulating the strategy's desired ESD outcomes.

To enable an integrated approach to the facilitation and assessment of the centre as a whole, it is appropriate that:

- The CDZ be expanded to cover the entire activity centre - with the exception of Westfield (given its state of completion and its existing and very detailed Incorporated Plan Overlay provisions).
- At the very least, the critical change precincts, namely the whole of Precinct 3, between the Civic Centre and Westfield, and precinct 7's non-residential land between Elgar and Tram Roads, should be included.
- The design and development provisions of DDO 6 should be transferred into the widened zone, enabling the centre's entire use and development provisions to be read and understood in the one instrument.
- The incorporated plan can then be the means for articulating the vision for the 7 precincts and ESD outcomes, rather than the MSS and local policy.
- Alternatively the PDZ could be selected, providing opportunity to further streamline the centre's planning controls. The PDZ enables other provisions of the scheme to be disregarded while allowing the inclusion of especially tailored, substitute provisions.

#### 4.4.4 Restrictive Covenants

The PDP was advised by Council that a number of lots (approximately 8) within the centre are burdened by one of four restrictive covenants, with many other properties being beneficiaries and therefore able to claim the benefit of the restrictions. In summary the covenants provide:

- 1 "...not erect nor allow or permit to be erected on the said lot any building other than one dwelling house together with usual outbuildings and that such dwelling house shall have external walls of brick and roof of slate or tile..."
- 2 "...not erect or cause to be erected on the said land any dwelling or dwellings unless such dwelling or dwellings are enclosed by walls of brick or brick veneer..."
- 3 "...not build construct or erect or cause to be built constructed or erected on the said land ...any building in such a manner that any part thereof is within thirty feet off the southern boundary of Doncaster Road shown on PS40437..."
- 4 "... not use or permit to be used or erected, constructed or operate or permit to be erected, constructed or operated on the land ...a Service Station, Convenience Shop, Car Wash, or Liquid Fuel Depot or a service station for the resale of petroleum products or an oil company agency depot or convenience shop or any such business..."

Quite clearly these covenants are inappropriate for a centre identified for significant change, as envisaged in the Doncaster Hill Strategy, and have had their day. Rather than a piecemeal

approach to their removal, i.e. as and when a development application is made, the better approach is to seek their removal by means of a planning scheme amendment.

**Rather than wait for the zone and associated DDO and MSS changes to be drafted, an amendment to remove these covenants should be commenced immediately, with all beneficiaries given notice, and with submissions, if received, referred to an independent panel.**

#### 4.4.5 The Currency of the ESD Provisions

Sustainability is central to Manningham City Council's vision for Doncaster Hill. It is given effect to via; the Local Planning Policy Framework, the Council's Doncaster Hill Sustainability Guidelines and the work of its Sustainable Design Taskforce.

The local policy at Clause 22.13 - Doncaster Hill Activity Centre Sustainability Management Plan Policy - requires applicants for new use and development within the Activity Centre to prepare a Sustainability Management Plan as a means of documenting and delivering sustainable outcomes in:

- Building Energy Management
- Water Sensitive Urban Design
- Construction Materials
- Indoor Environment Quality
- Waste Management
- Quality of Public and Private Realm
- Transport
- Demolition and Construction

The Sustainability Guidelines are directed towards assisting proponents in their preparation of a Sustainability Management Plan. The Sustainability Design Taskforce has been established to provide feedback to both Council and development proponents in relation to specific applications.

The Taskforce is an advisory body comprising Council representatives and external, independent advisors, including architects, urban designers and environmental consultants. Like the PDP its preference is for early engagement, so that ESD opportunities can be incorporated at the beginning of a project's design process, rather than less efficiently as an add-on once the design parameters are more fixed.

Some of the developers interviewed by the PDP working group expressed concern at what they regarded as the seemingly mandatory nature of attendance before the Taskforce as well as the waiting time before a Taskforce meeting. While noting that the commercial construction market is changing and becoming more supportive and desiring of 'green buildings', the Council nevertheless sought advice on how to improve enthusiasm and participation levels.

The PDP commends Manningham Council for its commitment to ESD and for its proactive use of a multidisciplinary taskforce. This said, the outcomes identified by the Taskforce will often go beyond the State's, still developing, regulatory requirements, making development at Doncaster Hill in some senses more 'onerous' than in other centres, particularly if the Taskforces' feedback is made a mandatory 'requirement'.

The Council should be cautious about 'institutionalising' the service, making it an onerous and additional 'process' requirement rather than an experience aimed at delivering a positive benefit for the proponent, the project and future occupants.

The more proactive approach to development facilitation outlined in the next section, reinforces the benefits of earlier engagement with proponents and their design processes. Being more on the front foot in relation to development opportunities within the centre, puts the Council in a better position to influence and draw attention early on to the benefits and opportunities for improved environmental performance, especially when combined with a streamlined approvals process. There may be scope also to widen the Task Force's brief, making it an upfront urban design as well as ESD advice service.

**In summary, the council should be encouraged to:**

- **'Refresh' those aspects of its ESD provisions and practices in light of recent and upcoming regulatory changes and community awareness,**
- **Promote the Taskforce as more of an opportunity than a threat, with consideration given to a widened 'design advice' brief; and**
- **Embrace development facilitation as a means for obtaining 'good design' (which by definition should include ESD) on the table early in the design/development process, thereby integrating ESD into pre-application development facilitation.**

## **4.5 Development Facilitation**

Activity centres such as Doncaster Hill are complex, ever evolving, multi dimensional entities with a broad range of roles and a diverse array of stakeholders, creating the need for on going management and pursuit of a multitude of initiatives. Their ongoing success and support by the marketplace and the local community requires constant attention to a broad mixture of tasks of which urban planning is but one. The PDP believes that the successful implementation of the Doncaster Hill strategy requires the creation of an ongoing management regime for the centre with the capacity to:

- attract and facilitate appropriate investment and development,
- coordinate the pursuit of all implementation initiatives,
- advocate and lobby for the centre with the private and public sector,
- nurture ongoing partnerships with the community, business operators and property owners in the centre,
- integrate the delivery of Council programs and services to the centre,
- market and promote the centre.

The appointment of an appropriately skilled and experienced Place Manager, to lead and coordinate this management approach is critical to its success. It is also important to ensure that the Place Manager has the appropriate level of support, status and credibility necessary for him or her to achieve the objectives. A successful Place Manager requires the capacity to range across the entire Council organisation and have direct access to the Council Executive and Council and appropriate status and credibility to engage with the private sector investors and developers.

The Minister's has recently announced the provision of funding towards a place manager for Doncaster Hill. More recently, Council has made arrangements for the creation of a Doncaster Hill Implementation Committee and a Doncaster Hill Issues Forum.

The Implementation Committee is to be made up of five Councillors (including the Mayor) and twelve Council Officers, including the Chief Executive, three directors, six managers, the Doncaster Hill Project Manager and the Doncaster Hill Marketing and Communications Project Manager. Its brief is to progress the Doncaster Hill project. The Issues Forum is more community and developer based, providing updates and an opportunity to give advice and raise issues on the Strategy's implementation.

The PDP believes that care will be required to prevent the Implementation Committee from becoming unwieldy. A Committee of this size would be better to meet say once or twice a year, to agree an annual plan and to review progress. A good place manager is better supported through small group discussions with direct reports to the CEO and Mayor.

**In summary, it is timely to move beyond the preparation of plans and policies towards an integrated implementation process that will involve the Council in active promotion, attraction and facilitation of appropriate development and activities in the centre. This is best supported by a an appropriately skilled place manager and will require the establishment of an ongoing management model for the centre, to facilitate the many and varied tasks that need to be pursued, in an effective, coordinated and integrated fashion.**

## 5 CONCLUSIONS & RECOMMENDATIONS

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The Doncaster Hill Strategy envisages a bold future for the centre and its underlying policy assumptions are sound. Market cycles have had an impact at Doncaster Hill. These however are changing and the time is ripe for the Council to act and be proactive. Aligned with Westfield's redevelopment there is renewed development interest, particularly when compared with other centres.

Based on the investigations and analysis described in the previous section, and in response to the specific matters which the Minister sought advice on, the PDP's conclusions and recommendations follow:

### 5.1 Opportunities for the Civic Centre Precinct and environs

The Council should be encouraged and supported to complete its master-planning for the sub-precinct, addressing and connecting Doncaster Road and delivering integration with and permeability through, to the school site and to Precinct 3.

Specifically:

- The opportunity to integrate the primary school and municipal activities to create a shared civic centre resource and new community and commercial development opportunities should be supported across government, in particular through DPCD, as a means for showcasing more robust community place making.
- The early establishment of a project steering committee, supported by an executive project manager with a clear brief and authority to progress the project is strongly supported
- The Council and VicRoads should be encouraged and supported to pursue an agreement whereby the pedestrian environment and destination qualities of Doncaster Road are improved over time, including through lowered speed limits to 50kph.
- DPCD's Urban Design Unit should be made available for advice and input in relation to options to distinguish the centre and raise the profile of public transport, through tailored road treatment, bus stop design and community education and marketing.

### 5.2 Performance review of current planning provisions

The planning provisions for Doncaster Hill have proven overly complex, preventing negotiation of potentially worthwhile development.

Specifically:

- The provisions should be simplified to provide a clear development framework with in-built flexibility to negotiate outcomes consistent with the Strategy and consideration given to a wider 'good design' brief for the Sustainability Taskforce.

- The council should be encouraged to move beyond the preparation of plans and policies towards an integrated implementation process involving active promotion, attraction and facilitation of appropriate development and activities in the centre, supported by an appropriately skilled place manager and the establishment of an ongoing management model for the centre

### **5.3 A suite of provisions to replace the interim controls**

In the absence of a specific Activity Centre Zone, it is appropriate to:

- Fine tune the existing schedule to the Comprehensive Development Zone and its Incorporated Plan, to accommodate the land use, design and development provisions for the majority of the centre.
- This would necessitate removal of DDO6. It provides opportunity also to simplify the MSS references to the Strategy at Clause 21.21 of the scheme.
- A further option would be to translate the provisions into a Priority Development Zone. This would provide an opportunity to further tailor the centre's statutory framework, at the same time signalling the centre's development readiness, and regional importance.

The PDP has not inquired to any extent into the other provisions applicable to the centre, i.e. the existing Development Contributions Plan and Parking Precinct provisions, as these were not raised as issues of concern.

### **5.4 An appropriate process for planning scheme amendment.**

Three discrete opportunities for planning scheme amendments have been identified.

#### **5.4.1 The interim CDZ provisions.**

These are due to expire on 31 December 2007. An **immediate** amendment is required to address this.

- It is appropriate for the sunset clause to be removed.
- The amendment should also provide for immediate changes to shop area and the three uses mix requirement as these are unwarranted and unworkable, and are preventing useful negotiation of current applications.
- The amendment should be introduced, without notice, under s 20(4) of the Planning and Environment Act 1987.

#### **5.4.2 The restrictive covenants.**

These should be addressed without delay by Council's preparation of an amendment to have them removed.

- The amendment must be exhibited as all beneficiaries must be notified.
- When requested by Council, Ministerial approval to prepare the amendment should be granted without delay.

### 5.4.3 Simplification of the existing planning controls.


This should be facilitated through the Council being given priority support from the Department of Planning and Community Development, with assistance from the Priority Development Panel or the Expert Assistance Program, to draft the necessary amendment documentation to:

- Extend the schedule to the Comprehensive Development Zone across all land within the Doncaster Hill Activity Centre, except for Westfield.
- Consolidate and simplify the Design and Development Overlay requirements into the schedule to the Comprehensive Development Zone (or a Priority Development Zone).
- Insert a “ground level uses floor plan” into the schedule to the Comprehensive Development Zone.
- Insert a “height and preferred design element plan” into the schedule to the Comprehensive Development Zone.
- Maintain mandatory heights but use number of storeys, plus a one level concession for topography.
- Refine the Doncaster Hill Incorporated Plan.
- Refresh the ESD policy.
- Introduce an exemption from the Act’s notice and review requirements for applications consistent with the “ground floor uses plan” and for buildings and works consistent with side setbacks and overshadowing requirements and mandatory boulevard and height controls.
- Because the amendment removes notice and review provisions and extends the zone boundary, it should be exhibited.

## 6 ENDORSEMENT

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This report is the advice of the Priority Development Panel provided as part of its response to the Minister's request of 22 June 2007. The report was presented to the PDP as a whole on 25 October 2007. The findings were supported in principle with suggestions for changes included in this final report.

A handwritten signature in black ink, appearing to read 'Jane Monk', with a large, sweeping flourish extending to the left.

**Jane Monk**  
**Chair, Priority Development Panel**

10 / 12 / 2007

**Appendix 1 – Precinct Map**



## **Appendix 2 – Minister’s Letter of Referral**



## Minister for Planning

8 Nicholson Street  
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22 JUN 2007

Ms Jane Monk  
Chair, Priority Development Panel  
P O Box 500  
EAST MELBOURNE VIC 3002

Dear Ms Monk 

### DONCASTER HILL STRATEGY – PRIORITY DEVELOPMENT PANEL REFERRAL REQUEST

Manningham City Council has requested assistance on a review of statutory planning matters and implementation of the Doncaster Hill Strategy.

I understand that the existing controls are due to expire on 31 December 2007 and that there are some concerns about the operation and extent of the planning controls and their effectiveness in facilitating appropriate outcomes in accordance with the Doncaster Hill Strategy.

I ask the Priority Development Panel to:

- conduct a performance review of the Doncaster Hill interim controls, having particular regard to the application of the zones and overlays (such as the boundary of the Comprehensive Development Zone) and the requirement for a mix of uses in a single development;
- provide advice on the opportunities for the Civic Centre Precinct and its environs;
- provide advice on an appropriate suite of provisions to replace the interim controls; and
- provide advice on the appropriate process for a planning scheme amendment.

In preparing its advice, I expect the PDP to consult with Manningham City Council and other relevant key stakeholders. I request the PDP to provide its advice within four months of this letter.

Further to Council's request, and for your information, Jillian Smith, Development Facilitator has been nominated as a central liaison person in the Department of Sustainability and Environment to act as a "champion" within Government for Doncaster Hill. I have also encouraged Council to nominate a lead person within Council to assist in progressing the strategy and have strongly encouraged Council to speak to Doug Owens, CEO of Banyule City Council to obtain guidance on how a council can innovatively engage with the community and private sector to realise major regeneration of a Principal Activity Centre.

Yours sincerely

  
JUSTIN MADDEN MLC  
Minister for Planning

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