



CPG

Our Reference 133297

Your Reference

25 August 2011

Minister Matthew Guy
Minister for Planning
GPO Box 2392
Melbourne, 3001

Dear Minister,

**Request for Ministerial Amendment
88-154 Park Road, Donvale**

CPG Australia acts on behalf of the Coptic Orthodox Church, Diocese of Melbourne, in relation to the site referred to above.

The subject site is a former Carmelite Monastery that was purchased by our clients in 2002 with the express intention of establishing the headquarters of the Diocese of Melbourne on the site. At the time the purchase was praised by various groups, including the Manningham City Council, as it ensured that the historic use of the site for a place of worship continued, and would result in an improved outcome for the heritage values of the land, including the Monastery, as compared to a commercial development or subdivision.

The Diocese of Melbourne covers Victoria, Tasmania, South Australia, Western Australia, ACT, New Zealand and Fiji. The land at 88-154 Park Road Donvale is intended to be the spiritual, recreational, administrative and theological home to the congregations within that Diocese.

The Coptic Orthodox Church, Diocese of Melbourne has been pursuing a planning permit for a multipurpose building constituting Stage 1 of a longer term vision for the site. On appeal the Victorian Civil & Administrative Tribunal determined to decline to grant a permit, primarily on the basis that the development of the site as a whole should be considered in the framework of an appropriate overlay.

The purpose of this request for a Ministerial Amendment is to seek the application of an Incorporated Plan Overlay which will introduce the Masterplan into the Manningham Planning Scheme by way of an Incorporated Document. The Incorporated Plan Overlay will then facilitate planning permit applications to the Manningham City Council for the individual stages of development that constitute the Masterplan.



It is submitted that it is appropriate that the Minister undertake such an Amendment for the following reasons:

- The Coptic Orthodox Church, Diocese of Melbourne is a not for profit organisation that cannot continue to fund Tribunal and Panel Hearings to facilitate the development of its Headquarters. A Ministerial Amendment is seen as an appropriate vehicle to provide for the timely and cost efficient application of a suitable planning control to the land, which can then facilitate the lodgement of planning permit applications to Manningham City Council as the Responsible Authority, for the stages comprising the Masterplan.
- The development will provide much needed facilities to both the Regional Coptic Community as well as the broader surrounding community. The Stage 1 Multipurpose Venue will provide 3 indoor multi-sport courts to a community which, according to the Manningham City Council, is currently underprovided by approximately ten such courts according to current demand. The provision of these courts, as well as other recreational facilities within the multipurpose venue, will assist to provide appropriate recreational facilities to the wider community and encourage a healthy lifestyle. The Coptic Orthodox Church, Diocese of Melbourne will also have a Function Venue which can hold a substantial portion of its local parishioners as needed. A recent example of this need was in relation to the bombing of the Coptic Orthodox Church in Alexandra in January 2011, and the concurrent threats made to churches in Sydney. At that stage Bishop Suriel needed to speak to and calm his Diocese, but had no venue in which he could gather such a number of people. The proposed multi-purpose venue will provide for this need.
- The development is supported by Manningham City Council and a wide range of community organisations, including the Whitefriars College and the Park Orchards Basketball Club, both of which seek to use the Stage 1 development, the multi-purpose venue. The Park Orchards Basketball Club in particular is currently operating out of a number of different venues, which is difficult to manage logistically. Our client is keen to make the multi-purpose venue the 'home' for the Park Orchards Basketball Club, which will be a great support for this local club and have the effect of encouraging further local participation in such sports. The Manningham City Council is also supportive of the proposal which will assist to bridge the gap in the local provision of high ball courts without drawing on public resources.
- The Masterplan has been through an extensive community consultation process involving:
 - A community consultation day held on site by the Coptic Orthodox Church, Diocese of Melbourne, prior to the lodgement of the recent planning permit application. At this event large scale copies of the Masterplan were displayed and representatives of the Church and its consultants were available to answer questions;
 - Formal notice of the Masterplan, which formed part of the planning permit application, was given by Manningham City Council under Section 52 of the Planning and Environment Act 1987;

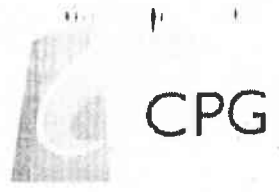
- All submitters were invited to an information evening at the Manningham City Council where questions regarding the planning permit application including the Masterplan were put and answered;
- All submitters were also invited to a consultation meeting where the planning permit application including the Masterplan were again discussed at length;
- The matter was debated at two meetings of the Manningham City Council, which were open to the public. On the evening prior to each Council Meeting submitters were invited to address the Councillors;
- An Application for Review to the Victorian Civil and Administrative Tribunal was held whereby all objectors were invited to lodge statements of grounds, and make oral and written submissions in relation to the planning permit application, including the Masterplan.

The application of an Incorporated Plan Overlay is preferred over a Development Plan Overlay for a number of reasons. Firstly, the IPO will provide certainty to both our clients and the surrounding community as to the likely outcomes on the land, through the application of the Masterplan into the Manningham Planning Scheme through an Incorporated Document. Our client understands the limitations that then apply to changing the vision set out in the Incorporated Document, and are happy to abide by those limitations.

Secondly, the approval of an Incorporated Document will avoid the scenario which would apply under the application of a Development Plan Overlay, whereby our client would still have to negotiate with local political groups about the form of the Development Plan. These local groups have expressed a clear desire to obstruct any form of development on the site, and will undoubtedly take any proposed Development Plan to appeal and a forum which will require significant financial burden for our client, which is a not for profit organisation. It is likely that if the development of the site cannot be achieved without further Tribunal or Panel Hearings, then our client may walk away from the development of the site, and its potential community benefits will be lost.

We therefore formally make a request for a Ministerial Amendment to the subject site to apply an Incorporated Plan Overlay and adopt the Incorporated Document (Coptic Orthodox Church, Diocese of Melbourne Headquarters Masterplan) to the Manningham Planning Scheme. We enclose a draft Incorporated Document, which includes the Masterplan, as well as the relevant Amendment documentation.

In recognition of the likelihood that the Minister will seek to be assured of the merits of the proposed Masterplan, we also submit an analysis of the Masterplan in relation to the achievement of net gain on site and the traffic and car parking implications of the proposed developments. The potential for off-site amenity impacts are sought to be dealt with by the Incorporated Document, which seeks to control the height and setback of future development. We submit that more micro issues such as acoustic measures can be dealt with as part of the assessment of individual planning permit applications.



We note that while the majority of the site is affected by a Heritage Overlay, the Tribunal in the decision of *Ammache Architects v Manningham CC* [2011] VCAT 407 determined that there would be no impact on the significance of the heritage place from the proposed Stage 1 multipurpose venue. We submit that the heritage impacts of the other stages are best dealt with at the planning permit applications for each individual stage, when built form impacts from the proposed buildings are better understood and can be appropriately assessed.

Finally, we ask that the Minister waive the fees associated with a Planning Scheme Amendment, having regard to the not-for-profit status of our client, and the costs that have been incurred in lodging this Amendment request.

We thank you for your time. If you have any questions please contact myself on 9993 7833.

Yours sincerely

Michael Deidun
Principal