

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

MANNINGHAM PLANNING SCHEME AMENDMENT CXX

The Planning and Environment Act 1987, the Heritage Act 1995 and the Victorian Civil and Administrative Tribunal Act 1998 provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising my powers of intervention, in accordance with the Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note, I have agreed to:

- Make publicly available written reasons for each decision; and
- Provide a report to Parliament at least every twelve months detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. The Coptic Orthodox Church, Diocese of Melbourne has requested Ministerial Intervention to provide a set of planning controls to the land at 88-154 Park Road, Donvale to facilitate the timely establishment of its headquarters on the site.

WHAT POWER OF INTERVENTION IS BEING USED?

2. I have decided to exercise my powers to exempt myself from all the requirements of sections 17, 18 and 19 of the Planning and Environment Act 1987 and the regulations in respect to Amendment C[insert amendment number] to the Manningham Planning Scheme.
3. Section 20(4) of the Planning and Environment Act 1987 enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the regulations.
4. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

5. 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 Amendment is to facilitate such an overlay and Masterplan process.
6. The Amendment proposes to apply an Incorporated Plan Overlay onto the site to facilitate the development of the land as the headquarters of the Coptic Orthodox Church, Diocese of Melbourne.
7. A Masterplan will become an Incorporated Document into the Manningham Planning Scheme to provide certainty to all parties as to the nature of the future use and development of the land.

8. The Manningham City Council will remain the Responsible Authority for the consideration of planning permit applications made on the land.

BENEFITS OF EXEMPTION

9. The exemption will facilitate the development of the site in a manner which achieves the objectives of planning in Victoria by improving the recreation environment for Victorians, providing for the conservation of a heritage place, providing for the protection of significant native vegetation, and facilitating a significant development of the land that will provide economic and community benefits.
10. The exemption will also provide for a timely approvals process of the development of the land, thus ensuring that the Coptic Orthodox Church, Diocese of Melbourne, being a not-for-profit religious organisation, can proceed with the development of the site without having to fund further Tribunal or Panel hearings.

EFFECTS OF EXEMPTION ON THIRD PARTIES

11. The Masterplan that forms the basis for the Incorporated Document has already been through a public process as part of a planning permit application to Manningham City Council. During this process third parties received statutory notification of the application, were invited to a number of information and consultation meetings, were invited to address Councillors, had an opportunity to lodge Statements of Grounds to the Tribunal and appear at a Tribunal Hearing.
12. The Masterplan has been amended to respond to some of the issues raised in the Tribunal decision.
13. The Masterplan is well known amongst third parties, and their views on the Masterplan are also understood.
14. The outcome is likely to be the same if the Amendment had proceeded through a Panel process.

ASSESSMENT AS TO WHETHER BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

15. The proposed development has the potential to bring significant benefits to the Victorian Coptic Community, and the broader Manningham Community, through the provision of valuable community facilities for a range of purposes.
16. Given the extensive public process that has already occurred, it is appropriate to allow the Amendment in a timely process so that the Coptic Orthodox Church, Diocese of Melbourne may proceed to commence provision of these community facilities.
17. Accordingly I consider that the benefits of exemption myself from sections 17, 18 and 19 of the Act outweigh any effects of the exemption on third parties.

DECISION

13. I have decided to exercise my power to exempt myself from all the requirements of sections 17, 18 and 19 of the Planning and Environment Act 1987 and the regulations in respect of Amendment C[insert amendment number] to the Manningham Planning Scheme.

REASONS FOR INTERVENTION

14. In accordance with the Ministerial Powers of Intervention in Planning and Heritage Matters Practice Note I provide the following reasons for my decision to exercise my power under section 20(4) of the Planning and Environment Act 1987.
15. I am satisfied that -

Compliance with any of the requirements of sections 17, 18 and 19 of the Act and the regulations is not warranted because:

- Substantial notice of the Masterplan has previously occurred, there have been a number of opportunities for the community to hear about and comment on the Masterplan, and the views of affected parties are well known.
- The timely application of a planning framework on the land to facilitate the development will avoid the need for the expenditure of further resources by the Coptic Orthodox Church, Diocese of Melbourne on Tribunal or Panel processes.

The interests of Victoria or any part of Victoria make such an exemption appropriate because:

- The exemption will facilitate the development of the site in a manner which achieves the objectives of planning in Victoria by improving the recreation environment for Victorians, providing for the conservation of a heritage place, providing for the protection of significant native vegetation, and facilitating a significant development of the land that will provide economic benefits.
- The exemption will facilitate a development which will bring considerable benefit to the Victorian Coptic Community and the broader Manningham Community.

MATTHEW GUY MLC

Minister for Planning

Date: