



10 CONSULTING GROUP

**Coptic Orthodox Church Multi-Purpose Venue
88-154 Park Road, Donvale**

**Victorian Civil and Administrative Tribunal P3135/2010
Planning Evidence**

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1 Witness Statement

The following outlines the information requirements for expert evidence as set out in the Victorian Civil & Administrative Tribunal Practice Note PNVCAT 2-Expert Evidence under s158 of the *Victorian Civil and Administrative Tribunal Act 1998*.

Name and address of the expert

Rob Milner of 10 Consulting Group Pty Ltd, 190 Gladstone Street, South Melbourne, has prepared this report. He is a Director of the consultancy.

Expert's qualifications and experience

Robert Milner has an honours diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

Relevant experience includes:

- 8 years as a planner in local government undertaking statutory and strategic work
- 29 years experience in private practice with various planning and property related consultancies
- State and National President of the Royal Australian Planning Institute
- A member of the Local Government and Planning Advisory Council
- A Curriculum Vitae is included at Attachment 2

Statement identifying the expert's area of expertise

Robert Milner is recognised as a leader and expert in the field of urban and regional planning. He has given evidence before the Victorian Civil and Administrative Tribunal, Planning Panels Victoria, and the Supreme Court on many occasions.

Statement setting out the expert's expertise to make the report

Robert Milner has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

Instructions that define the scope of the report.

I have been instructed in this matter by Michael Deidun, Senior Associate CPG Australia Pty Ltd. I have been instructed to review the planning merits of the matter.

The facts, matters and all assumptions upon which the report proceeds

I have reviewed the following material, which has assisted me in forming the basis of this report:

- The original and amended development plans

- The masterplan for the subject site
- The State Planning Policy Framework
- The Manningham Planning Scheme MSS and local policies
- Relevant strategic documents
- The officer's report on the matter
- Council's decision of refusal

I have inspected the subject site and its environ.

I have not made any assumptions other than those that are made explicit in the report.

Documents and other materials the expert has been instructed to consider or take into account in preparing his or her report and the literature or other material used in making the report

As listed above.

Identity of the person who carried out any tests or experience upon which the expert relied in making the report and the qualifications of that person

Not applicable.

Declaration

I have made all the inquiries that I believe are desirable and appropriate.

No matters of significance, which I regard as relevant, have to my knowledge been withheld from the Tribunal.

Rob Milner
January 2011

2 Overview and summary

2.1 Purpose

The purpose of this report is to review the planning merits of a proposal for the use and development of a multi-purpose venue at 88-54 Park Road, Donvale, and conduct a net community benefit assessment of the proposal. The land is affected by the Low Density Residential Zone, and is owned by the Coptic Orthodox Church – Diocese of Melbourne (hereafter referred to as “Coptic Church”).

2.2 Coptic Church

The Coptic Orthodox Church is the Church of Alexandria which was established by Saint Mark the apostle and evangelist during the 1st Century AD. Today, it is the largest Christian church in Egypt.

The Coptic Church in Australia was established when a number of people of the Coptic tradition purchased an old Methodist church at Railway Road, Sydenham. The church, which was given the name of St Mary and St Mina, was the first Coptic church to be established in Australia and one of the first to be owned by Coptic migrants outside of Egypt. The first liturgy in the newly purchased church was celebrated on 29 March 1970. The church was relocated to Bexley, NSW, in February 2001, after 31 years at the Sydenham site.

The Coptic Orthodox Church in Australia is served by over 50 parishes, two Monasteries, two Theological Colleges and five schools. It is a member of the National Churches of Australia, and it is estimated that the church has as many as 100,000 members. In November 1999, Pope Shenouda established Australia’s first Coptic Diocese of Melbourne, embracing Canberra, Adelaide, Perth and New Zealand, and appointed Bishop Suriel as Australia’s first Coptic Bishop. The diocese of Melbourne presently consists of 16 churches: seven in Melbourne, two in Perth, one in the Australian Capital Territory, one in Adelaide, and three in New Zealand.

2.3 Proposed use

The subject site is unique and strategically important in terms of location and characteristics, being a former Carmelite monastery on a lot of approximately 23 acres. The purchase and occupation of the subject site by the Coptic Church has ensured that the historical use of the site as a place of worship will be continued, and that the existing heritage monastery building will be maintained and protected by an owner who has an interested in retaining and finding a future use for the building.

The site presents an opportunity to establish a significant faith-based facility for the Melbourne Coptic community. The Coptic Church is an active religious community with varied needs. One such identified need is a venue that can provide for the sporting, recreational, entertainment and assembly needs of the congregation. The multi-purpose venue will fulfil this need.

In addition to the identified needs of Melbourne's Coptic community, a multi-purpose venue enables the Coptic Church to extend and offer a facility which can enhance the community and sporting infrastructure available for use within the local area and wider municipality. The multi-purpose venue will provide an important asset for the community by way of a sporting facility capable of meeting the unfilled demand identified by Council officers and sporting venues (discussed in detail in Section 5).

2.4 Appropriateness of location

Strategic planning policy seeks to locate major sporting and community infrastructure within activity centres. A strategic consideration in this Application for Review is therefore whether it is appropriate to locate a multi-purpose venue, including sport, function centre and entertainment facilities, on land zoned for low density residential purposes in an area of Manningham neither in nor proximate to an existing or proposed activity centre.

In considering this question, there are two important issues to bear in mind:

- The multi-purpose venue and its associated supporting facilities require a large area of land;
- The venue cannot be separated from and forms an integral part of a larger faith-based proposal able to use and gain advantage from a heritage building with limited application for other uses.

This latter consideration requires not only a more substantial piece of land, but one which is also accessible to a highly dispersed metropolitan based congregation.

The identified need of Melbourne's Coptic community and the broader surrounding community relating to sporting facilities, in addition to spaces for recreation, and social activities, have guided the design response. The proposal is, by needs, substantially higher and larger in scale in comparison to development within the surrounding area. However, this does not immediately suggest that the proposed use is inappropriate in the context of its local area.

In particular, it is considered important to balance the local features and attributes of the proposal against the strategic intent for the wider area. The proposed use is one that, due to the large floor plate required, and the considerable benefits to be realised in co-location with the existing Coptic Church facilities, would struggle to be sited in an activity centre. Due to the lack

of suitable 'in centre' or 'edge of centre' locations, faith-based uses and function centres will typically locate out of centre, or on dedicated sites, particularly those with good access to regional arterial routes. The large catchment of the proposed development – effectively all of metropolitan Melbourne – means that the subject site's location near to Eastlink is ideal, and will provide convenient access to the site from across Melbourne's urban area.

2.5 Appropriateness of design response

A key issue in this Application for Review is whether the proposed built form is an appropriate outcome in the context of the site and its surrounds.

The subject site is located within the Low Density Residential Zone, and adjoins residential properties on boundaries to the north and east. The site itself has significant heritage, landscape and vegetation values; this is reflected in the current planning controls for the site, which include the Heritage Overlay and the Significant Landscape Overlay. The character of the area is distinctly low density, with predominantly residential uses. The features of the site and surrounding context therefore require a sensitive and considered design response.

This design response has been guided by the nature of the uses proposed for the multi-purpose venue. Multi-sport courts require a minimum height clearance, necessitating a tall building. In addition, the diversity of uses proposed for the multi-purpose venue has required a flexible building design with a variety of internal spaces and configuration options.

Given that the built form outcome proposed for the site is substantially larger than surrounding uses, I consider that the multi-purpose venue has been designed and sited to appropriately respond to its context.

2.6 Summary

There are a number of competing and conflicting policy objectives to be considered in this matter, but the relevant test in this case must be one of net community benefit. The balance of this report undertakes an assessment of the planning merits of the proposal, with a view to determining whether the proposal will, on balance, deliver a net community benefit with regards to the local and wider (municipal and metropolitan) community.

It is my view that the proposed development of a multi-purpose venue on the subject site is consistent with the relevant provisions of State and local planning policy, and will deliver a net community benefit.

Specifically, the proposal will deliver the following benefits:

- The multi-purpose venue will diversify the offer of community and recreation facilities for the local area, and wider Manningham and metropolitan area;
- The proposal will fulfil an identified need with regards to additional recreation facilities within Manningham and the surrounding municipalities;
- The proposal will provide a place for members of the Coptic Church community across Melbourne to gather, socialise, and participate in leisure activities;
- The proposal supports strategic policy objectives in relation to achieving urban consolidation and synergies between complementary uses;
- The proposal will result in better utilisation of existing infrastructure;
- The overall development of the subject site will achieve net gain in terms of vegetation retention and additional landscaping; and
- The proposal will ensure the ongoing protection and enhancement of the subject site's existing heritage values.

These clear benefits need to be weighed against the potential negative impacts of the proposed development. These potential impacts can be appropriately addressed through the design of the proposed development. It is my view that the proposal has appropriately addressed these potential impacts, and that the amenity of the surrounding residential properties will be adequately protected. Outside of my area of expertise, I am informed that the building can be acoustically treated so as to not result in off-site impacts, and that the traffic expected to be generated by the development can be comfortably accommodated within the surrounding road network.

Overall, while the proposed multi-purpose venue is higher and larger than the built form in the surrounding area, it has been sited so as to minimise visual bulk; appropriately setback behind vegetation; screened from view from adjoining residences; and will ensure the ongoing protection and enhancement of the subject site's existing heritage features.

Furthermore, the proposal has appropriately responded to the sensitivities of the subject site, including:

- Vegetation, in terms of both landscape and net gain;
- Heritage qualities and assets;
- The need to protect the amenity of adjoining residential properties;
- The need to appropriately respond to traffic and car parking issues; and
- The need to contribute to the existing landscape and neighbourhood character features of the surrounding residential area.

3 Background

3.1 Subject site and surrounding context

3.1.1 The site

The subject site is approximately 23 acres and located to the north-east of the intersection of Park and Heads Roads in Donvale (Figure 1). Primary vehicular access is presently gained through a set of historic gates at the intersection, with secondary access available from Park Road at the northern end of the site and Heads Road on the eastern boundary.

Figure 1: Site plan

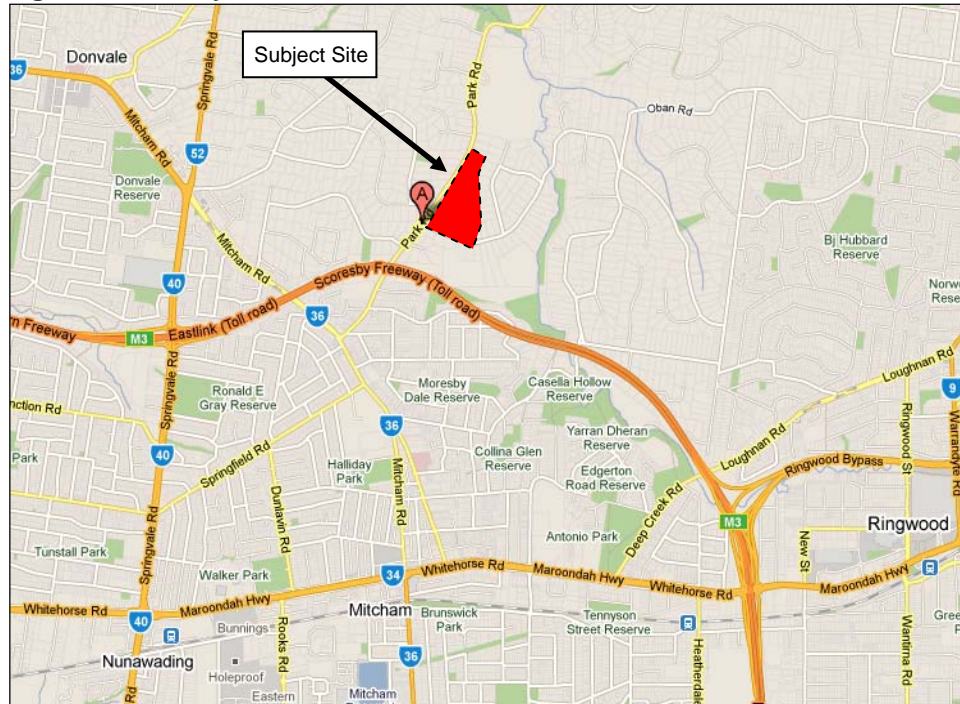


The site has historically been developed as a Carmelite Monastery, and is occupied by a monastery building complex, a shed, tennis court, and a small cemetery. The site is heavily vegetated, and screened from both Park and Heads Roads. The southern part of the site is planted with exotic and indigenous species, with a soccer oval proximate to Heads Road. The grounds in the north of the site reflect a more consistent mix of native vegetation. A ridgeline traverses the site in a north-south direction, and the monastery is located close to the highest point on the site.

3.1.2 Surrounding area

The subject site is located on Park Road, to the north of the Eastlink overpass (see Figure 2). The site is regionally accessible via Eastlink or Doncaster/Mitcham/Boronia Roads. The low density residential areas of Warrandyte and surrounding communities are located to the north of the site.

Figure 2: Locality Plan



3.1.3 Adjacent land use and development

The subject site is located within an established lower density residential area, and is surrounded by residential properties to the east, west and south. Only residences to the east share a common boundary. The properties surrounding the subject site are significantly larger than standard residential lots, consistent with the Low Density Residential Zone. Houses are typically set within spacious grounds and established canopy vegetation.

Two lots located immediately to the north of the subject site have been retained by the Carmelites. While these lots appear to be fenced within the subject site, they do not form part of the site. Land further to the north of the subject site is occupied by the Whitefriars Catholic College, a significant education institution comprising a large-scale built form within extensive grounds.

3.2 The proposal

The multi-purpose venue is intended to serve the needs of the Coptic community, while also providing a facility which can be utilised by the broader community (including sporting and school groups).

The venue will comprise the following:

- Basement level car park with 123 spaces;
- Youth lounge, swimming pool, multi-purpose room and facilities at basement level;
- Three basketball courts which are able to be converted for other sporting uses (including netball and futsal, or indoor football) and which double as a function space, including receptions and weddings;
- A café, commercial kitchen, store rooms, gymnasium, change facilities, two squash courts and an office and administration area on the ground floor; and
- Two additional squash courts, office space and a storage area at first floor.

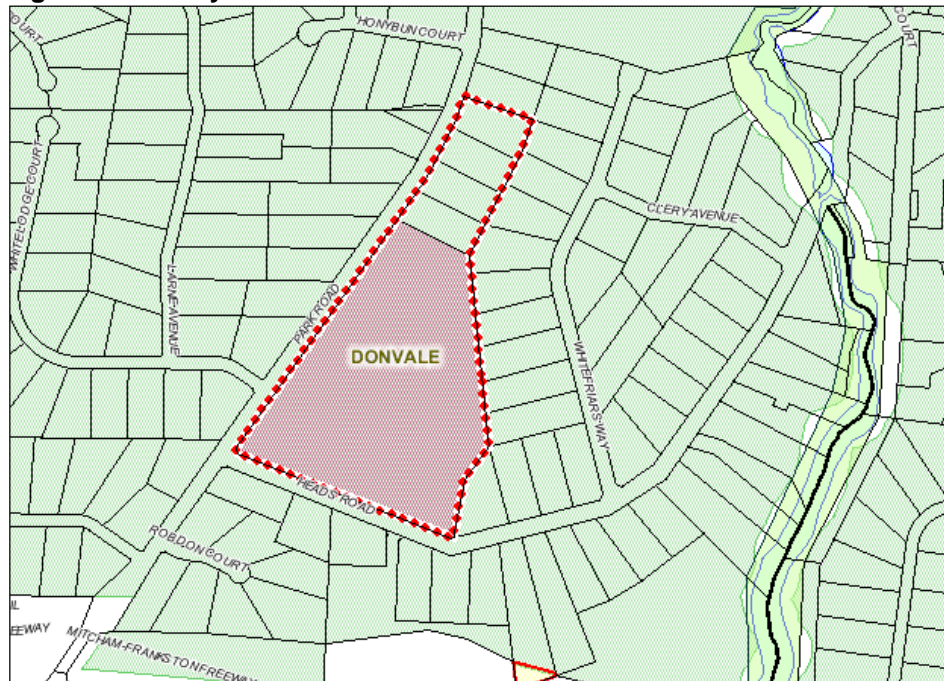
In addition, 178 car parking spaces will be provided at grade within the grounds of the larger property.

The building would have a maximum height of just over 17 metres at its highest point.

The east elevation of the multi-purpose building presents to the closest residential property at a distance of just over 37 metres. The proposal has sought to minimise the height and overall size of the east elevation in order to reduce the built form presence when viewed to the east. The outcome is an elevation that is highly varied in height and which gradually recedes from view. A 37 metre setback, combined with the existing and future vegetation located between the building and the boundary, will appropriately filter views of the building from the adjoining property.

The building will present as a highly articulated built form when viewed from the most publicly viewed aspects to the north and west. The high level of glazing and architectural detail to these elevations will present a varied built form that will sit well within the heavily landscaped surrounds and canopy vegetation. The south elevation would be less articulated, which is acceptable due to the thick screen of vegetation which exists adjacent to the southern boundary. In addition, the southern facade has been designed to blend with the surrounding landscape rather than achieve a visually articulated surface. To that end, a more simplified built form is proposed for the southern elevation, with a two step wall height employed to reduce the building's visual presence.

Figure 4: Overlays



The purposes and implications of these provisions are addressed in detail in the balance of this report.

4 Appropriateness of the use and design response

This evidence explores the appropriateness of siting a large community recreation and function venue on low density residential zoned land in an out of centre location. The appropriateness of the proposed design and development response within the context of the subject site is also discussed.

4.1 Relevant themes of policy and strategy

There are a number of themes of State and local planning policy and strategy relevant to this Application for Review. I have considered issues of recreation and open space; activity centres; cultural heritage; native vegetation; urban design and neighbourhood character; landscape and environment; and residential amenity.

These issues have been integrated within the following discussion, with relevant themes of policy identified as follows:

- Recreation;
- Settlement and recreation;
- Environmental and landscape values;
- Urban design and neighbourhood character;
- Landscape and environment; and
- Off-site amenity impacts.

5 Recreation

5.1 Policy

The overall objectives of planning in Victoria are established in Section 4 of the *Planning and Environment Act 1987*, which includes (among other matters):

- a) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- b) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- c) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- d) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- e) to balance the present and future interests of all Victorians.*

These objectives are reflected in State planning policy, which articulates objectives in relation to higher order principles of settlement and recreation as follows:

- *Planning is to anticipate and respond to the needs of existing and future communities through provision of zones and serviced land for housing, employment, **recreation and open space, commercial and community facilities and infrastructure.** (Clause 11)*

Policy clearly requires that planning for Melbourne's growth and development must respond to community needs. The provision of recreation and open space facilities is a higher order priority of planning in Victoria, and reflects strategic issues of health and provision of community services and infrastructure. The need for such facilities must be a key consideration in any net community benefit assessment.

5.2 Strategy

The Manningham MSS recognises the importance of community facilities in providing focal points for learning and a range of social activities for residents. Specifically, it is acknowledged that social clubs, associations, community groups, ethnic and cultural groups provide important networks, and that such groups "provide important networks and cater for the social, cultural and recreational needs of the community".¹

¹ LPPF Clause 21.02-5

In relation to recreation and open space, local planning policy recognises that Manningham's key tourist and recreational assets attract local and metropolitan visitors. However, the key focus for recreation strategy within the Manningham MSS is primarily in relation to open space and opportunities for passive recreation, rather than provision of dedicated sports and recreation facilities.

At Clause 21.13-2, the MSS seeks:

- *To identify existing and future active and passive recreation needs and social trends of residents and visitors.*

Outside of general settlement strategies which seek to cluster community and recreation facilities within identified activity centres, local planning policy provides little direction in terms of the location for further development of and investment in recreation and sporting opportunities.

5.3 Recreation assessment

An assessment of the net community benefit of the proposed multi-purpose venue must have reference to a needs assessment for recreation and community facilities within the local area and the wider municipal and metropolitan context. The proposal will deliver a significant recreation and community facility in Donvale, including provision for a number of sporting activities including swimming; soccer; basketball; netball; futsal; and squash.

The original permit application for the proposed multi-purpose venue undertook a supply and demand assessment of recreation facilities within the local and wider area. This assessment examined data around existing stadiums and usage patterns within a catchment area focused on the municipalities of Manningham, Maroondah and Whitehorse. The relevant points of this assessment are outlined at Appendix 1.

This study identified evidence of very strong levels of participation in sports that utilise indoor sports stadiums, and clear evidence that surrounding facilities lack the capacity to accommodate all desired programs. Specifically, the Maroondah Indoor Sports Centre, Nunawading Leisure Centre and the Warrandyte Basketball Association each provided feedback indicating that programming of activities and timetabling was a major problem, and that this has resulted in participants being turned away as demand cannot be accommodated.

The lack of supply of adequate indoor sports venues has been confirmed by officers of Manningham City Council, who have stated variously that the region is undersupplied by between 8-10 indoor basketball courts based on present demand.

The positive contributions of recreation in terms of the health and wellbeing of communities and individuals is well documented in relation to the social, economic, physiological and environmental benefits of recreation, which include improved personal health, economic growth and social connectedness. Research has identified a clear link between health and physical activity; this link is reflected in contemporary recreation policy and strategy.

The significant benefit of indoor sporting facilities is a further key factor in this assessment. Swimming and court-based sporting activities reduce the climatic and seasonal impact on participation, and provide a high use, programmable and consistently performing sporting surface. Indoor recreation facilities provide a space that addresses social pressures on participation and sedentary lifestyle impacts by improving convenience, accessibility and consistency in the opportunities for participation in sporting activities, including by older persons.

Overall, the data assessed for the original permit application (outlined at Appendix 1), in addition to the established links between participation in recreation activities and improved health reflected in current policy, demonstrates that additional recreation facilities would be of substantial benefit to the City of Manningham. There is a clear and identified need for the proposed multi-purpose venue. The faith-based and sporting facilities will be immediately utilised by the Coptic Church, and the sporting facilities will be further utilised by the local and wider community.

6 Settlement and recreation

6.1 Policy

There is an explicit and repeated expectation in metropolitan planning policy at both a State and local level that a network of activity centres is to be planned and established; that these centres will be the focus of retail, residential, community and cultural developments among other uses; and that they will constitute a range of sizes and functions highly accessible to the community.²

Specifically, it is policy to:

- *Encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.* (Clause 11.01-2)

The State Planning Policy Framework (SPPF) discourages the development of retail, commercial and recreational facilities outside activity centres in favour of locations in or on the edge of activity centres.³

Policy further seeks to ensure that out of centre proposals are only considered where the development will be of net benefit to the community in the region served by the proposal. Large sports and entertainment facilities of metropolitan, State or national significance are discouraged from locating out of centre, unless such developments are on the Principal Public Transport Network *and* in locations that are highly accessible to their catchment of users.

Such an approach to metropolitan planning is the basic platform upon which more sustainable communities are to be delivered.

6.2 Strategy

- **Recreation facilities in activity centres**

The City of Manningham has a network of established activity centres. Local planning policy notes that increasing pressure for development outside of activity centres impacts on the viability of existing activity centres, and that such out of centre development is often poorly located in terms of access to appropriate services and public transport.⁴ The objectives and strategies of Clause 21.09 of the Manningham MSS reinforce the expectations and policy of the SPPF which seek to consolidate and strengthen the role of activity centres.

² SPPF Clauses 11.01-1, 11.02-2, 11.05-4 and 17.01-1

³ SPPF Clause 17.01-2

⁴ LPPF Clause 21.09-1

- **Recreation and community uses in residential areas**

Clause 22.05 of the Manningham MSS includes a policy basis for the development of non-residential uses in residential areas, as follows:

- *Residential zones are encouraged to accommodate a range of non-residential uses that service local community needs. (Clause 22.05-1)*

This objective is, however, clarified by policy which notes that non-residential uses in residential areas have the potential to adversely impact on the amenity of an area through high levels of on-site activity, traffic generation, the emission of noise, odour, light and visual disorder (storage of waste). It is further noted that the development of residential land must respond to the characteristics of residential and low density environments identified in the MSS, in order to enhance existing features of streetscape and neighbourhood character.

Clause 22.05 includes a number of policies to manage the location of non-residential uses in residential areas, in relation to the following:

- Location;
- Neighbourhood and streetscape character;
- Urban design principles;
- Residential interface; and
- Traffic, car parking and driveway construction.

Local strategy recognises the positive advantages and benefits of locating non-residential land uses in residential areas. However, the design and operation of such developments must be appropriately managed to ensure that residential amenity is not adversely affected, and that that development is required to respond to existing features and characteristics of established residential areas.

6.3 Settlement assessment

Having regard to the above policy and strategy considerations, the proposed use and development is on balance appropriate for the subject site.

At the outset, it is important to emphasise that the Coptic Church – a major denominational group – has already established a significant use, being its regional headquarters, on the subject site. The proposed multi-purpose venue is intrinsically linked to, and represents a planned extension of, this existing use. The proposal cannot therefore be considered an entirely new concept for the use and development of the subject site. Furthermore, the ongoing use of the site for religious purposes has strong historical links to the former Carmelite monastery established on the site.

State and local policy clearly encourages recreation and entertainment functions – particularly those of wider community significance – to locate in or at the edge of activity centres. However, the scale of the building required to facilitate the range of uses proposed for the multi-purpose venue, combined with the desire to cluster related Coptic Church facilities and buildings on the subject site as per the masterplan concept, practically eliminates the possibility of finding an equivalent in centre or edge of centre site.

The amount of land required to deliver the total building area is 6,102 square metres. Land is also required to be set aside for the 301 car parking spaces associated with the development. If it is assumed that a conservative estimate of 25 square metres is required for each space, inclusive of the parking bay in addition to landscaping and internal access, a total of 7,525 square metres of parking is required to be provided for the multi-purpose venue. This generates a total land requirement of 1.36 ha.

I therefore consider that the ability of the Coptic Church to locate the proposed multi-purpose venue and associated car parking within an activity centre, consistent with policy objectives, is severely limited. Furthermore, this land requirement is for the multi-purpose venue only, dissociated from the existing church. The Coptic Church is a faith-based community organisation, and therefore not in a financial position to purchase commercially priced land on such a large scale within a designated activity centre.

Given that it is not reasonable to expect an organisation seeking to establish a significant community facility to compete for commercially zoned land in activity centres, and given the lack of strategic direction for the location of recreation and community facilities outside of activity centre policy, the question is thus: **what is an appropriate location for facilities of this type?** In the absence of suitable sites, other Church communities have reverted to either cheaper metropolitan fringe sites or industrial sites, neither of which are an appropriate outcome.

While not located in or at the edge of an existing activity centre, the subject site enjoys excellent access to the established road network, including the Eastern Freeway and Doncaster/Mitcham/Boronia Roads. The subject site is also serviced by three bus routes (routes 160, 271, 306 Peak). The subject site is therefore highly accessible to the Melbourne Coptic community, which is distributed throughout the wider metropolitan area.

The site enjoys existing use rights for a range of uses, including: place of worship; place of assembly; education centre; office; and minor sports and recreation facility. While the planning permit application does not seek to utilise these existing use rights as a basis for the Application for Review, it is important to note that there is an existing strategic justification for the proposed use and development of a non-residential use within the Donvale residential area and

this locality, particularly having regard to the Whitefriars Catholic College to the north.

The proposed use of the land for a multi-purpose venue is intrinsically linked and essential to the Church for the overall use of the former Carmelite monastery site for religious purposes. The development of a multi-purpose venue will ensure the continued presence of the Coptic Church on the site. It is further considered that the ongoing occupation of the subject site by the Coptic community will achieve the protection and maintenance of existing heritage assets.

In addition to meeting the needs of Melbourne's Coptic community, the multi-purpose venue will also provide facilities available for use by the wider public, as discussed in the assessment of recreation needs above. It is anticipated that the multi-sport highball facilities will be used and appreciated by members of the nearby Donvale and wider municipal community.

The proposal appropriately satisfies the objectives of Clause 22.05, and will achieve a development outcome that responds to existing features and characteristics of the surrounding residential areas. The design elements of the proposed built form, including how the proposal addresses its context to ensure that nearby residential properties are not negatively impacted by the proposal, are discussed in detail in later sections of this report.

7 Environmental and landscape values

7.1 Policy

The ongoing protection and conservation of biodiversity values and significant landscapes, including native vegetation retention, the protection of landscapes, and the provision of habitats for native plants and animals, is a pervading theme of State and local planning policy.

Specifically, key objectives of State policy in relation to environmental and landscape values seek:

- *To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.*
- *To achieve a net gain in the extent and quality of native vegetation.*
- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*
- *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment. (Clause 15.01-2)*

7.1.1 Strategy

- **Native vegetation**

Local policy identifies that Manningham's substantial areas of remnant indigenous vegetation support a wide variety of indigenous flora and fauna, particularly in areas affected by the Significant Landscape Overlay and Vegetation Protection Overlay.⁵ It is policy to maintain the integrity of Manningham's biodiversity, and to protect and enhance indigenous vegetation and fauna populations within the municipality.

Clause 21.06 of the Manningham MSS relates to the municipality's low density residential areas, and seeks:

- *To ensure that land is developed in a way that is compatible with the character of the area, its landscape quality, pattern of vegetation and environmental values.*
- *To ensure the retention of existing trees, where appropriate, and that any landscaping complements the character of the area.*
- *To protect and enhance landscape quality, view lines and vistas. (Clause 21.06-4)*

⁵ LPPF Clause 22.02-1

The strategy to manage native vegetation in Victoria requires that development achieve a net gain in terms of the extent and quality of native vegetation. This is to be achieved through the approach outlined in *Victoria's Native Vegetation Management – A Framework for Action*, which encourages a three step approach: avoiding native vegetation removal; minimising the loss of native vegetation; and identifying appropriate offsets for the vegetation lost.

The MSS defines Manningham's identity as one with a strong focus on indigenous vegetation at Clause 22.02, and outlines a number of strategies to ensure that this feature is retained and enhanced, including: protection and enhancement of areas of botanical or zoological significance; conservation of indigenous vegetation; revegetation; and enhancement of vegetation/wildlife corridors.⁶

- **Landscape and environment**

Relevant strategies in relation to landscape and environmental qualities generally seek to ensure that built form responds to the particular features of the landscape, and that development does not compromise the environmental and landscape character of the surrounding area.

Specifically, strategies contained within the Manningham MSS seek to:

- *Require that buildings and works minimise visual impact by locating away from ridgelines and exposed slopes, incorporating screening treatments and non-obtrusive materials and colours. (Clause 21.06-4)*
- *Ensure that the implementation of development proposals provide for replanting of vegetation that complements the area's landscape and environmental qualities. (Clause 21.06-5)*
- *Ensure that buildings are set back appropriate distances from property boundaries to provide for landscaping and the inclusion of canopy trees. (Clause 21.06-5)*

In addition to the provisions of the MSS, the subject site is also contained within Schedule 1 to the Significant Landscape Overlay (SLO1). This overlay identifies areas of significant visual, landscape and environmental attributes, and describes such significant landscape areas within the municipality as:

- *"...often attractive, low density residential areas that form an attractive backdrop against surrounding urban form. Generally, visual impacts of housing in these areas are softened by vegetation cover, and fences are unobtrusive. This assists in maintaining the environmental and landscape charm of these areas". (SLO1)*

⁶ LPPF Clause 22.02-3

The SLO1 relevantly seeks:

- *To ensure that the visual impact of development is minimised.*
- *To provide for the conservation and enhancement of the landscape qualities of the area through the sensitive siting of buildings, access and earthworks and through the restoration of significant vegetation where necessary.*
- *To ensure that the development of land and the removal of vegetation are not detrimental to the natural environment, character of the area, heritage values or any other environmental features or identified values.*
- *To encourage development in keeping with the character and appearance of the area and to discourage development which is intrusive to the landscape character of the area.*

7.1.2 Environmental and landscape assessment

The proposal is consistent with the various provisions which seek to protect and enhance environmental and landscape values.

Expert evidence has been provided to address net gain and ecology issues in detail. The proposed vegetation removal attracts a habitat hectare offset target of 0.31 habitat hectares, which can be achieved within the subject site provided that retained native vegetation is permanently protected by way of an on-title agreement, and a conservation management program undertaken for a period of 10 years.

The multi-purpose venue has been sited so as to avoid, as much as possible, the significant vegetation along the site's southern boundary, while still maintaining an appropriate setback to the heritage building on site (the former Carmelite monastery).

The multi-purpose venue will achieve the landscape character objectives outlined under the LPPF and provisions of the SLO1. The retention of existing vegetation and the additional planting proposed as part of the overall landscape plan will ensure that the building is appropriately screened from nearby roads and adjoining properties.

In particular, the significant setback of over 37 metres from the closest residential property on the site's eastern boundary is considered appropriate to address this sensitive interface, and filter views to the building. The design response of the proposal has sought to minimise the height and overall size of the east elevation, which effectively reduces the scale and bulk of the building when viewed from the east. The outcome is an elevation that is highly varied in height and which gradually recedes from view.

The existing heritage building will be considerably benefited by the proposed multi-purpose venue. The continuing use of the subject site for religious purposes will ensure the ongoing protection of the important landmark that is the former Carmelite monastery.

The development proposal will result in the retention of significant open space; I considered this to be consistent with the low intensity pattern of development in the surrounding Low Density Residential Zone.

Overall, the proposal will achieve an outcome that contributes to the established character of the area. The SLO1 describes the environmental and landscape characteristics of development in the surrounding area as predominantly “softened by vegetation cover”. The proposal will continue to rely heavily on canopy vegetation, and externally the site will still present to all aspects as one that is heavily vegetated with large areas of open space.

The proposal will result in an appropriate outcome in terms of environmental and landscape features.

8 Urban design and neighbourhood character

8.1 Policy

The subject site is located within an identified low density area of Manningham, with valued neighbourhood character and urban design elements comprising low intensity development, significant canopy vegetation, and diverse landscape features.

Ensuring that land use and development appropriately responds to its context is a strong theme of State and local planning policy. In relation to urban design and neighbourhood character, State planning policy seeks to:

- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate. (Clause 15.01-1)*
- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. (Clause 15.01-2)*
- *To recognise and protect cultural identity, neighbourhood character and sense of place. (Clause 15.01-5)*

8.2 Strategy

Clause 21.06 applies to Manningham's Low Density Residential zoned land. This strategy identifies that existing landscape and environmental characteristics of these areas significantly contribute to the preferred neighbourhood character of low density residential areas.

In order to achieve the high quality of urban design and architecture as articulated in State and local planning policy, and to ensure that development respects preferred elements of neighbourhood character, the LPPF includes a local planning policy in relation to non-residential uses in residential areas at Clause 22.05. Relevant strategies are outlined as follows:

- *The design, scale and appearance of uses are encouraged to complement the housing styles and general character of the area.*
- *Development complement the surrounding built form with respect to building form, colours and materials, height, massing, setbacks, roof form and window and door proportions.*
- *The choice of colours and materials be appropriate to the neighbourhood character, and where appropriate reflect the natural environment.*
- *Canopy trees be included throughout the development, where appropriate.*

- *Indigenous and other mature vegetation, including ground-storey, be retained on-site wherever possible.*
- *Landscape buffers are encouraged to ensure that the streetscape character and amenity of abutting residential properties is maintained. (Clause 22.05-3)*

8.3 Urban design and neighbourhood character assessment

The height and scale of the building is substantially greater than development in the surrounding low density residential area. However, I am of the view that the urban design response is sensitive to this context, and that appropriate measures have been employed to ensure that the proposal will respect and enhance the existing preferred neighbourhood character of the area.

Given that the proposed use differs from the established pattern of low density residential land use⁷, it is not reasonable to expect that the proposal will achieve a built form outcome that is in keeping with surrounding residential development. The majority of the subject site will be retained as open space, an outcome which is consistent with the low intensity pattern of development in the surrounding LDRZ.

Local planning policy identifies the vegetation and landscape features of the Donvale low density residential area as a unique and defining characteristic of existing neighbourhood character. The proposed design response respects this feature, and employs diverse presentations to sensitive elevations; retains significant on-site vegetation; provides for future planting as outlined in the landscape plan; and presents a varied and interesting built form that will sit well within the overall landscape and surrounding canopy vegetation.

The proposal is consistent with strategies which seek to ensure that new developments achieve appropriate setbacks, provide buffers to screen potential noise and light impacts to adjoining sensitive uses, and employ design elements including colours and finishes which are consistent with surrounding development.

The Manningham LPPF encourages residential zones to accommodate a range of non-residential uses. The proposal is consistent with the strategic intent of the LDRZ, in that the site will be serviced by sewer; the environmental values will be maintained; and additional infrastructure will be established to service the needs of the Coptic and wider community.

⁷ A notable exception to this pattern of residential land use is the Whitefriars College located directly to the north of the subject site.

Overall, the proposed built form of the multi-purpose venue will represent a positive contribution to the surrounding context of the subject site in terms of urban design and neighbourhood character.

9 Cultural heritage

9.1 Policy

The subject site is of historic and cultural significance. The former Carmelite monastery building located on the site is an identified heritage building, and exists within an important landscape and vegetation setting.

State planning policy seeks:

- *To ensure the conservation of places of heritage significance. (Clause 15.03-1)*

9.2 Strategy

The Manningham MSS states that the cultural heritage of the municipality will be protected by the retention of significant buildings, precincts, trees, gardens and landscapes, and also seeks to protect and enhance cultural heritage places.

Specific objectives include:

- *To enhance cultural heritage through the retention and protection of significant buildings, precincts, trees and landscape.*
- *To minimise impacts on heritage places as a result of changes to adjoining land uses and development.*
- *To protect sites of archaeological significance. (Clause 21.11-3)*
- *Identify and assess the cultural significance of heritage places and sites of archaeological significance.*
- *Discourage the demolition and destruction of heritage places.*
- *Encourage the retention of heritage fabric in development proposals. (Clause 21.11-4)*

The MSS also includes a local planning policy in relation to cultural heritage at Clause 22.03, with relevant strategies to ensure that:

- *Additional buildings or works on the site of a heritage building and/or located within a heritage precinct conserve, enhance and be responsive to the heritage place and/or precinct.*
- *The development of cultural heritage places be compatible with and not adversely affect the heritage value and significance of the cultural heritage place and/or precinct.*
- *Development adjacent to heritage places and precincts responds positively to the heritage place in terms of its bulk, setbacks, materials, colour scheme and form. (Clause 22.03-3)*

The former Carmelite monastery and the southern portion of the subject site is also affected by Schedule 128 to the Heritage Overlay (HO128).

9.3 Cultural heritage assessment

This evidence is supported by specialist cultural heritage advice provided by Bryce Raworth.

The proposed multi-purpose venue will result in the retention and protection of the important heritage qualities of the subject site, being:

- The former Carmelite monastery;
- The entrance gates and associated fence; and
- The trees, including the landscaping setting leading from the gates to the monastery building.

The monastery will be retained intact, and an appropriate buffer maintained in order to ensure that the heritage building can be properly appreciated within its current historic setting. Importantly, the gardens that form the forecourt to the monastery will remain largely unaffected by the proposed development.

The existing primary access point at the intersection of Park and Heads Roads will be discontinued for vehicular access, but retained for pedestrian access. This aspect contributes to the heritage values of the site in terms of both the gates that flank this access point, and for the setting that is created by the driveway leading from this entrance to the former Carmelite monastery.

The use and development of the subject site with the multi-purpose venue that is the subject of this Application for Review is supported strategically by State and local planning policy. The ongoing use of the site for religious purposes is essential to maintaining and enhancing the heritage features of the subject site.

10 Off-site amenity impacts

10.1 Policy

The subject site is located within a sensitive context, being situated within an established low density residential area, and adjoining residential properties on the eastern and southern boundaries.

As discussed above, a strong theme of State planning policy is ensuring that land use and development appropriately responds to its context and does not result in detrimental off-site amenity impacts. It is policy:

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. (Clause 15.01-2)*

10.2 Strategy

Local strategy seeks to protect the existing level of residential amenity in Manningham's low density residential areas by minimising the impact of new development and, in particular, by ensuring that non-residential uses do not adversely impact the amenity of residential uses. The LPPF relevantly includes strategies to ensure that:

- *Uses should not adversely affect the amenity of nearby residents by way of noise, loss of privacy, traffic, car parking, lighting, odours or disturbance associated with hours of operation.*
- *A respectful interface be created with residential areas by:*
 - *Providing appropriate noise attenuation measures that inhibit the transmission of noise from buildings, car parking areas and external plant equipment (e.g. exhaust fans, air conditioning units)*
 - *Maintaining the privacy of adjoining properties through the sensitive siting and design of car parks, windows, doors, service areas, outdoor areas and the use of appropriate techniques including the treatment of windows, boundary fences, screening, and landscaping techniques*
 - *Designing and siting security lighting to minimise light spill to adjoining properties*
- *Development be set back sufficient distances from side and rear boundaries to prevent detrimental impacts on neighbouring properties by way of building bulk and overshadowing and to enable appropriate landscape treatment to be provided. (Clause 22.05-3)*

Furthermore, in relation to the aspects of traffic and car parking relevant to this Application for Review, Clause 22.05 includes strategies to ensure that:

- *Any expected increase in traffic should not adversely affect the amenity, environment or safety of the residential neighbourhood.*
- *The demand for on-street car parking should not adversely affect the amenity, environment or safety of the neighbourhood.*
- *Car parks, accessways and set down areas should provide for safe and efficient traffic movement. (Clause 22.05-3)*

As discussed above, Clause 22.05 recognises that the location of non-residential uses in residential areas can potentially generate adverse amenity impacts. The LPPF articulates policy in relation to managing these potential impacts, and includes objectives and strategies in relation to the protection of residential amenity and the need to respect existing neighbourhood character features.

Specifically, the objectives of this policy seek:

- *To ensure that design, scale and appearance of development reflects the residential character and streetscape of the area.*
- *To retain existing vegetation where possible when sites are developed for non-residential purposes and ensure that a high standard of landscaping is achieved.*
- *To provide for a high level of privacy and protection from unreasonable overlooking and noise for abutting or nearby residents.*
- *To ensure that residential amenity is not detrimentally affected by the operation of non-residential uses including the effects of noise, car parking and traffic, odour and waste.*
- *To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on-site car parking.*
- *To ensure that land used for vehicle access and parking is properly designed, constructed and drained. (Clause 22.05-2)*

The foregoing discussion has identified the context, identity and particular features and characteristics of the subject site and surrounding residential area of Donvale.

The proposal will achieve an appropriate outcome in terms of built environment and heritage, and in particular will minimise potential adverse impacts on residential amenity; respect and contribute to existing preferred elements of urban design and neighbourhood character; and protect and enhance the identified heritage features of the site. These are elaborated in the following assessment.

10.3 Off-site amenity impacts assessment

The potential adverse negative amenity impacts of the proposal are appropriately resolved through the built form and design response. The retention of significant vegetation on the subject site, and the generous setbacks to adjoining residential properties, will ensure that there are no inappropriate levels of scale or bulk visible from adjoining properties or Heads Road.

While it can be expected that some noise will emanate from the multi-purpose venue as a result of its use as a function centre or sporting facility, I defer to the acoustic evidence provided in support of the Application for Review which concludes that noise impacts can be appropriately contained on site.

Overshadowing associated with the multi-purpose venue will fall within the subject site between 9.00am and 3.00pm at the equinox, and therefore no unreasonable overshadowing will affect the surrounding residential area.

A relevant issue is the potential for overlooking into adjoining properties from the subject site, given that the boundaries of the site are presently fenced within open post and wire fencing. In response to this concern, it is proposed to contain all pedestrian activity associated with the multi-purpose venue some distance away from nearby residential properties. In conjunction with the landscape plan for the site, which includes retention of significant vegetation and additional planting, it is considered that no overlooking will result from the proposal.

Separate traffic evidence concludes that the traffic and car parking demand associated with the development can be accommodated within the site and the surrounding road network. I am satisfied that such can occur without undue amenity impacts on surrounding residential properties. Park Road presently experiences a substantial amount of traffic, including local access and high daily peaks resulting in access to and from the Whitefriars Catholic College. As such, the proposed increase in traffic associated with the proposal is consistent with the character of the area,

Overall, the development proposal addresses and mitigates the potential adverse impacts to residential amenity in an appropriate manner.

11 Net community benefit assessment

As previously discussed, I consider that the relevant test is one of net community benefit. The following matrix outlines my assessment of whether, having weighed all considerations, the proposal will deliver a net community benefit.

Table 1: Net community benefit assessment

Elements of proposal	Assessment		Comment
	Neighbourhood	Municipal/Metropolitan	
Settlement and community			
• Recreation			<i>Significant sporting facility available to be utilised by Coptic and wider community</i>
• Settlement and recreation			<i>Highly accessible site with metropolitan catchment and good local access</i>
Environmental and landscape values			
• Native vegetation		N/A	<i>Net gain will be achieved on site and retained vegetation will be enhanced and protected</i>
• Landscape and environment		N/A	<i>Proposal will contribute to the landscape and environmental characteristics through sensitive siting and landscape plan</i>
Urban design & neighbourhood character		N/A	<i>Proposal will respect urban design and neighbourhood characteristics</i>
Cultural heritage			<i>Protection of existing heritage assets will be achieved for the benefit of local and wider community</i>
Off-site amenity impacts			
• Visual bulk		N/A	<i>Visual bulk of building minimised through varied elevations and landscape screening</i>
• Overshadowing		N/A	<i>Sufficient setbacks to site boundaries prevents overshadowing</i>
• Overlooking		N/A	<i>Sufficient setbacks to site boundaries prevents overlooking</i>
• Noise		N/A	<i>Noise expected to be generated by proposal appropriately mitigated through siting of venue and acoustic treatments</i>
• Traffic		N/A	<i>Increase in traffic able to be accommodated within road network and confined to major/arterial roads</i>

Key:

	Minor community gain
	Major community gain
	Appropriate response
	Minor impact
	Major impact
	N/A
	Not applicable at scale assessed

On the basis of the above assessment, the proposed development of a multi-purpose venue will deliver a net community benefit. Specifically, the proposal will deliver the following benefits:

- The multi-purpose venue will diversify the offer in community and recreation facilities for the local area, and wider Manningham and metropolitan area;
- The proposal will provide a place for members of the Coptic Church community to gather, socialise, and participate in leisure activities;
- The proposal supports strategic policy objectives in relation to achieving urban consolidation and synergies between complementary uses;
- The proposal will result in better utilisation of existing infrastructure;
- The overall development of the subject site will achieve net gain in terms of vegetation retention and additional landscaping; and
- The proposal will ensure the ongoing protection and enhancement of the subject site's existing heritage values.

Further, the proposal has appropriately responded to the sensitivities of the subject site, including:

- Vegetation, in terms of both landscape and net gain;
- Heritage qualities and assets;
- The need to protect the amenity of adjoining residential properties;
- The need to appropriately respond to traffic and car parking issues; and
- The need to contribute to the existing landscape and neighbourhood character features of the surrounding residential area.

The data reviewed for the purposes of this report suggests that the development of a significant sporting facility and function venue would immediately fill an existing gap in terms of local and wider community demand.

The proposed multi-purpose venue, while substantially higher and larger than the built form in the surrounding area, will be sited so as to minimise visual bulk; appropriately setback behind vegetation; screened from view from adjoining residences; and ensure the ongoing protection and enhancement of the subject site's existing heritage features.

I conclude that the proposal will significantly contribute to the recreation and community infrastructure available for use by the local and wider community, while achieving a built form outcome that is respectful of the existing characteristics of the Donvale low density residential area. The proposal is worthy of the grant of a permit, having regard to the matters within my areas of expertise.

Robert Milner
January 2011

12 Appendix 1 – Recreation needs analysis

The City of Manningham has 11 courts, 5 stadiums, and over 7,000 participants. Interviews conducted suggested that stadium use is at approximately 80%, which indicates full capacity use given that Friday nights and most Sunday afternoons are ‘down times’ which are difficult to fill. The Warrandyte Basketball Association indicated that they are turning people away and reducing the competition artificially as the facility lacks training and competition times at many of the single court venues share with netball.

The City of Maroondah has 6 courts, 2 stadiums and over 5,000 participants. Maroondah Indoor Sports Centre, the larger of the two stadiums within the municipality, provided information that 224,000 visits occurred each year, and that 88% of these are directly attributable to the sports surfaces. This represents full capacity use of the facility, and management are looking elsewhere to site programs. Maroondah Indoor Sports Centre is located 6.8 kilometres or approximately 12 minutes drive from Park Road, Donvale. Any new stadium within this proximity could well be immediately utilised for overflow programs from the Maroondah Indoor Sports Centre.

The City of Whitehorse has 4 courts and 2 stadiums. Data was not available to suggest the number of participants within the municipality. However, Whitehorse Council provided evidence that of the two stadiums noted above, occupancy is at 75-80%, with the Nunawading Leisure Centre forced to turn people away and limit competitions.

It is considered that projected population growth is a clear indicator of anticipated demand. The data reviewed describes municipalities with modest growth rates, which will generate an overall increase in population of 50,636 people by 2031. It is reasonable to expect that this population growth will translate to an increase in the real numbers of people participating in recreation pursuits within the community. Each municipality is also expected to have an increasing ageing cohort over time. It is considered that the proposal represents an opportunity to provide a facility protected from the elements for activities suitable or currently popular with older adults, such as swimming, strength training programs and indoor bowls.

Table 2: Projected population growth to 2031

Municipality	Current Population	Expected Population 2031	Annual growth rate
Manningham	116,449	136,489	.65%
Maroondah	106,279	127,993	.80%
Whitehorse	151,322	160,204	.23%

Indoor stadiums typically cater for basketball, netball, futsal (indoor soccer), and often volleyball and badminton. It is prudent in this case to examine some of the trends in these sports to clarify current participation levels and growth rates. This will provide some evidence and direction on what expectations of use may be, and whether higher rates of participation can be expected for the future. Data reviewed indicates that there has been a progressive decline in basketball and netball in the 'under 15' age bracket. However, frequency of participation has increased between 2000 and 2006 with average weekly participation rising from 5.2 hours to 6.4 hours over the same period. Information suggests therefore that less children are participating in some of the sports, however the length of participation frequency has *increased* for those participating.

The following table details participation rates (as a percentage of the total population) for selected activities.

Table 3: Under 15 participation rates

Sport	2000 (%)	2003 (%)	2006 (%)	Pop. (2006 rate) in catchment
Basketball	7.6	7.7	6.6	4,682 children
Netball	9.1	9.1	8.5	6,030 children
Futsal	1.4	1.9	3.3	2,341 children
Total				13,053 children

(Source: "Children's participation in organised sport 2000-2003-2006, National Centre for Culture and Recreation Statistics)

Table 4: Over 15 participation rates

Sport	2000 (%)	2003 (%)	2006 (%)	Pop. (2006 rate) in catchment
Basketball	No data	3.6	3.3	10,002 adults
Netball	No data	3.9	3.6	10,912 adults
Futsal	No data	1.7	1.9	5,759 adults
Total				26,673 adults

(Source: ERASS Survey 2003 and 2006, Australian Government)

Generally, from a national perspective this data indicates that these sports are relatively static in terms of their participation rates, with some evidence of growth in futsal. There is also some evidence that the frequency of participation in these sports is increasing whilst the number of people participating in them may be remaining static.

Importantly, when these participation rate percentages are applied to actual population numbers within the catchment area, the numbers of children and adults taking part in these sports is substantial (39,726), which strongly suggests that a new stadium would be of immediate and ongoing benefit to this area, given the evidence of an already strong level of competition in these sports.

It is further noted that these figures represent those participating in a competitive manner. When informal use is taken into account, participation levels increase dramatically.

13 Appendix 2 – Rob Milner Curriculum Vitae

Robert Milner – Director

Qualifications and Positions

- Director 10 Consulting Group Pty Ltd and The Milner Group Pty Ltd
- Diploma in Town and Country Planning (First Class Honours) Liverpool Polytechnic
- Life Fellow Planning Institute of Australia
- Fellow of the Victoria Planning and Environmental Law Association
- Former State and National President of the Planning Institute of Australia
- Member, Planning and Local Government Advisory Council (1994 – 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)

Employment History

2010 – Current	Director 10 Consulting Group Pty Ltd
1999 – Current	General Manager, Senior Principal and Adjunct Senior Planning Counsel – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group)
1994 – 1999	Director, Rob Milner Planning Pty Ltd and Savage Milner
1991 – 1994	Project Director, Collie Planning and Development Services
1988 – 1991	General Manager, Town Planning, Jones Lang Wootton
1980 - 1988	City Planner, City of Box Hill
1977 – 1980	Planner, Perrott Lyon Mathieson, Architects and Planners
1976 – 1977	Planner, Kirklees Metropolitan Borough Council

Career Overview

Rob Milner is a respected strategic and statutory planner. He is equally competent in urban and regional practice.

He is recognised as a leader of the planning profession in Victoria. He has had a high profile career spanning over 30 years with extended periods of experience working for local government and private practice.

Over the last decade he has worked with CPG Australia building that planning team to be one of the larger and most respected strategic and statutory practices in Victoria. The team was twice awarded planning consultant of the year in Victoria. Rob continues to work with CPG to deliver larger multi disciplinary strategic projects.

He has provided the strategic direction to many innovative multi-disciplinary policy and strategy-based projects for public sector clients.

He is an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to insure a viable and timely outcome.

He is also regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of planning and compensation issues.

His ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

His clients have included many State government agencies (including planning, community development, justice, growth areas and regional development), municipalities throughout metropolitan Melbourne and regional Victoria, as well as a broad range of corporate and other private sector interests.

Robert Milner brings a high level of integrity to his work, choosing to participate on those projects that accord with his professional opinion.

Areas of Expertise and Experience

Strategic studies, policy development and statutory implementation

Rob is widely acknowledged for his capacity to take a strategic perspective to urban and regional and planning challenges and provide direction and leadership that is responsive, creative and thoughtful in its strategic intent and detail. When combined with his depth of experience with strategic policy based planning schemes he is powerfully equipped to deliver sound advice on the spectrum of land use and development planning issues.

His strategic planning skills are ground in work experience at the State, regional, local and site specific levels dealing with the issues that affect a town or sub region or examining themes or subjects that span geographical areas. While working for CPG Australia he lead multi disciplinary planning teams that worked for clients that included DPCD, Department of Justice, Department of Innovation, Industry and Regional Development, and many municipal councils in metropolitan Melbourne and regional Victoria.

In 1994 he lead the planning consultancy that recommended the model for the Victorian Planning Provisions, the strategic policy driven planning scheme that is now consistently used throughout Victoria.

In 2009 Robert served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning. That work addressed a broad range of issues facing the next three decades of land use and development in regional Victoria. Projects that he has lead or made a major contribution to have included the following:

- Settlement strategies for regions and municipalities
 - Moyne and Warrnambool (2009 – 2010)
 - Colac Otway (2009 – 2010)
 - Macedon Ranges (2010)
- Structure Plans
 - Broadmeadows Central Activities District 2010
 - Wonthaggi and Dalyston 2006 and 2009
 - Wonthaggi Development Plan 2009
 - Cobram 2006
 - Cowes Ventnor and Silverleaves 2008
- Strategies
 - Greater Shepparton 2030
 - City of Bairnsdale – Building a Better Bairnsdale

Expert evidence and advocacy

Rob is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity or as an advocate in over 800 cases during his career.

He is often retained to provide the strategic perspective to planning disputes. He is equally capable in commenting on matters of urban design, design detail and compliance with planning policy and provisions.

The scope of matters that he has addressed in this capacity is extremely diverse and includes the following.

- Medium density and high rise residential development
- Greenfield, master planned communities in growth areas
- Waste management, quarries and landfill proposals
- Major shopping centres and mixed use developments
- Industrial and residential subdivisions
- Hotels, motels, restaurants and other leisure facilities
- Retirement villages
- Coastal developments
- Office and CBD projects
- Heritage projects
- Compensation and land acquisition matters
- Liquor licence and gaming proposal
- Freeway service centres and petrol stations
- Agribusiness centres

Legislative and planning scheme reviews and amendments

Aside from Rob's leadership of the consultant planning team that conceived the model for the Victorian Planning Provisions, he has been associated with many reviews of municipal planning schemes and amendments.

Planning scheme review usually takes the form of comprehensive research examining both the merits of the strategic policies as well as the statutory provisions. Wide ranging consultation is involved in the task.

Work associated with planning scheme amendments usually includes strategic justification of the proposal as well as statutory documentation and management of the process. The provision of expert evidence to independent panels is often involved.

In more recent times Rob has been involved in projects that entail a review of allied legislation as well as amendments to planning schemes. Recent relevant projects have included the following:

Reviews of Victorian planning provisions and allied legislation

- Activity Centre Zone construction and application in Footscray, Doncaster, Knox and Sunshine
- Tramway infrastructure and the VPP's
- Higher density living adjacent to tramway corridors
- Liquor Licensing legislation and planning provisions
- Gaming (EGM) policy and provisions for Councils
- Review of the Farming and Green Wedge zones for their economic implications

Planning scheme reviews

- Shire of Surf Coast 2007
- Shire of Wellington 2009 -10
- Rural City of Horsham 2010

Organisation audits and process reviews

Rob has a long and established career providing reviews of planning documents, teams and processes, particularly in a local government environment. Trained as a LARP facilitator in 1990 as part of a Commonwealth Government initiative his experience in this area commenced with the development of planning and building specifications for tenders as part of Compulsory Competitive tendering process and the coaching of bid teams. Since then Rob has developed a specialisation in providing reviews and recommendations to State and Local Government, which audit planning schemes, the performance of planning teams and departments and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities; he prepared the model audit process for the Department of Sustainability and Environment in 2003 and recently provided a facilitated program for the Department of Planning and Community Development reviewing how it processes planning scheme amendments. He has worked with Councils in Victoria, New South Wales and South Australia. He uses a range of audit techniques, extensive consultation with users of the processes and provides detailed strategies on necessary reforms.