



## **COUNCIL MEETING**

# **AGENDA**

<b>Date:</b>	<b>Thursday, 31 July 2025</b>
<b>Time:</b>	<b>5:45 PM</b>
<b>Location:</b>	<b>held virtually via Zoom</b>

**This meeting is convened pursuant to sub-rule 12.1 of Manningham's Governance Rules to transact the business listed below.**

**Andrew Day**  
**Chief Executive Officer**

*This meeting will be held virtually and will be livestreamed from Council's webpage :  
<https://www.manningham.vic.gov.au/events/council-meeting-31-july-2025>*

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- 1 WELCOME**
- 2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**
- 3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**
- 4 PUBLIC QUESTION TIME**

## 5 CITY PLANNING AND LIVEABILITY

### 5.1 North East Link Project: Planning Scheme Amendment C140mann

File Number: IN25/589

Responsible Director: Director City Planning and Liveability

Attachments: 1 Manningham Submission to NELP PSA C140mann [↓](#)  
2 NELP Amendment Documentation C140mann [↓](#)

#### PURPOSE OF REPORT

*To seek endorsement of Councils submission in response to the North East Link Project's (NELP) proposed Planning Scheme Amendment C140mann, and to seek support for additional actions to share and advocate for the submission.*

*To call on NELP to work with Council to preserve the existing river frontage land for walking and cycling and to avoid further permanent loss of public open space.*

#### EXECUTIVE SUMMARY

*NELP has notified Council and other key stakeholders of a new Planning Scheme Amendment (PSA) to re-zone the 'offset carpark land' to the south of the Veneto Club site.*

*The PSA also proposes a number of other changes to the planning controls for the land. The land parcel in question was originally part of Bulleen Park public open space but was divested compulsorily by the State Government for NELP in 2022.*

*It is important to note that Council accepts that the off set car park land needs to be transferred to the Veneto Club to mitigate the Project impacts and ensure that the Veneto Club have adequate car parking spaces. However, Council does not agree with the specific land boundaries in relation to this land transfer as contemplated in the Planning Scheme Amendment documentation, and note that while these discussions have been continuing in good faith, the matter remains unresolved.*

*The amendment is planned to be submitted by NELP to the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 – which enables the Minister to exempt the application from usual public notification requirements.*

*In assessing the PSA, officers have determined it is being progressed prematurely, that it fails to adhere to orderly and proper planning processes and has a number of unacceptable future implications.*

*Manningham's submission (Attachment 1) therefore objects to the PSA, and it is recommended that a direct request be made to the Minister for Planning to not support it.*

**1. RECOMMENDATION:**

**That Council:**

- A. Endorse Manningham's submission (Attachment 1) to North East Link Project's (NELP) Planning Scheme Amendment C140mann.**
- B. Delegate authority to Council's CEO to authorise minor amendments to finalise the submission prior to lodgement to NELP.**
- C. Authorise Council's CEO to write to the Minister for Planning and CEO of NELP to provide a copy of Council's submission directly, and to outline Council's concerns.**
- D. Request Council's CEO to meet with the Veneto Club to outline Council's concerns with the planning scheme amendment.**

**2. BACKGROUND**Subject Land

- 2.1 Through the Environmental Effects Statement (EES) in 2019, the subject land was shown to be largely returned to Council as passive open space, with only an access road to the Veneto Club shown within the site. The first indication that the subject land would no longer be returned to Council occurred in early 2022 ahead of the Urban Design and Landscape Plan (UDLP) for the Central Package.
- 2.2 On 11 May 2022, Council received notice that the land parcel to the south of the Veneto Club site (including the car park portion) was divested (along with several other parcels) under the *Major Transport Projects Facilitation Act 2009* (MTPF Act) for the purposes of NELP.
- 2.3 In early 2023, NELP commenced construction on the land to create the 'offset carpark', which now exists to the south of the Veneto Club site. The car-park is located within the project boundary for NELP and therefore benefited from the relevant planning permit exemptions provided by the North East Link Incorporated Document (which is effectively the permit for the Project). The purpose of the offset car park is to replace the Veneto Club parking which was lost due to the realignment of Bulleen Road.
- 2.4 Amendment C140mann and the associated matters discussed in this report relate to the Veneto Club site (191 Bulleen Road, Bulleen) and the land to the south where this 'offset' car park has been constructed by NELP.
- 2.5 NELP have committed to providing this carpark to the Veneto Club permanently, to offset impacts to the original carpark from the realignment of Bulleen Road. The land is currently within the Public Park and Recreation Zone (PPRZ). The land must be re-zoned out of a public zone to enable its transfer into the private ownership of the Veneto Club.



Figure 1 – Veneto Club site (blue) and approximate outline of offset carpark land (red)

#### NELP Boundary Negotiations

- 2.6 In October 2024, NELP contacted Council officers for a discussion on the cadastral boundaries of the offset carpark land. Discussions have since been ongoing between Council and NELP in relation to the western boundary in particular, and where it should be located in relation to the Bolin Bolin trail to the west.
- 2.7 The return of excess project land as public open space has been a key priority for Council throughout the entirety of the project to-date. Council has advocated for this outcome in the interests of achieving a net community benefit through the Environmental Effects Statement (EES) process and at all relevant project stages since.
- 2.8 In principle, Council accepts that the car park land needs to be transferred to the Veneto Club to mitigate the Project impacts and ensure that the Veneto Club have adequate car parking spaces. However, discussions on the specific land boundaries in relation to this land transfer have been the subject of discussions between NELP and Council and they remain unresolved.
- 2.9 The preferable outcome for Council to maximise the return of land for public open space, is to see the western boundary of the offset carpark (as proposed in the PSA) relocated further east to align with the as-constructed fence that runs north-south along the edge of the offset carpark. This preserves the existing river frontage land for walking and cycling and avoids further permanent loss of public open space for the broader Manningham community.

- 2.10 Another matter in relation to the boundaries for the south-west corner of the offset carpark land also remains subject to ongoing discussions between NELP and Council, due to an error during the carpark construction whereby some land outside the current project boundary was used for construction of the offset car park, and which has further impacted on Council's public open space in Bulleen Park.
- 2.11 A formal letter outlining our position on outstanding land boundary matters was sent to NELP on 2 May 2025. NELP have since responded with a letter on 3 July 2025 seeking to reassure Council that the boundaries remain 'indicative' at this stage.
- 2.12 Therefore, at the time that notice of Amendment C140mann for the subject land was received by Council (7 July 2025), there was no certainty in relation to the final boundary locations.
- 2.13 The boundaries shown by the documentation for Amendment C140mann are inconsistent with Council's preferred outcome of maximising the amount of land available for the Bolin Bolin trail. This is discussed further in the 'discussion/issue' section of this report.

#### Future Land Use and Development

- 2.14 The Veneto Club approached Council officers in 2023 with a proposal demonstrating their long-term aspirations for their site.
- 2.15 Given it was known then that NELP would transfer the car park land to Veneto Club in the future, the proposal incorporates the offset carpark land into the Veneto Club site and includes it as part of the aspirational plans.
- 2.16 Several meetings and discussions with Council officers were held between February 2023 and March 2025 to discuss the Veneto Club's future plans. NELP have participated actively in these discussions, essentially acting in the role of a planning consultant for Veneto Club.
- 2.17 Since 2023, it has been understood by all parties that the existing planning controls affecting the Veneto Club site would prohibit the Veneto Club's aspirational plans (in their current iteration) from being implemented. A Planning Scheme Amendment (PSA) to support the Veneto Club's future plans has therefore always been an expected eventuality.
- 2.18 In 2024, NELP proposed the idea of *two separate* PSAs in relation to the land, as follows:
- A NELP-led PSA to re-zone the land to allow it to be transferred into Veneto Club's ownership.
  - Then, a PSA led by Veneto Club *concurrent* to the progression of their aspirational plans.
- 2.19 A key issue for officers in these ongoing discussions with NELP and Veneto Club on the future plans for the site has been whether key authorities such as Melbourne Water, Parks Victoria and the Wurundjeri Corporation will support the aspirational redevelopment.

- 2.20 Council officers have also identified a number of specific planning, environmental and design issues to be addressed with the Veneto Club's future plans, which were communicated to Veneto Club in a formal letter on 2 May 2025.
- 2.21 This letter of advice strongly recommended that the high level concept of the proposal be tested with all relevant authorities to gauge in-principle support, before any further investment into progressing the plans is made.
- 2.22 Given there are these significant outstanding concerns with the Veneto Club's future plans., we are concerned that NELP's proposed two-stage approach to the PSA will disadvantage Veneto Club in the long term. The reasons for this are outlined in the 'discussion/issue' section of this report.

#### NELP Amendment C140mann

- 2.23 Officers have been aware of NELP's intention to undertake a PSA to re-zone the offset car park land since late 2024. More recently, NELP outlined for Council to expect the PSA in approximately September 2025. Following a series of meetings and discussions, a letter was sent outlining Council's high-level comments on the PSA, which reserved the right to comment further once the actual PSA documents were received.
- 2.24 Formal notice of the preparation of Amendment C140mann was received by email from NELP on Monday 7 July 2025 for targeted consultation.
- 2.25 The "targeted" 21 day consultation concluded on 28 July 2025. However, officers secured an initial extension from NELP until 4 August and are seeking a further extension to allow additional time to finalise the submission and for Council's resolution on Manningham's submission.

### **3. DISCUSSION / ISSUE**

#### NELP Boundary Negotiations

- 3.1 Council's longstanding, publicly-endorsed position since the outset of NELP has been to maximise the return of public land following the project, to achieve broad community benefit.
- 3.2 Protection and retention of Bulleen Park land was also a strong focus of Council's submission during the Environmental Effects Statement process.
- 3.3 As communicated to NELP on 2 May 2025, whilst Council reserves its rights, the current preference is for all project land to the west of the offset car park fence to be transferred back to Council via an agreement, so that it can be used as public open space. It is considered this approach would provide the best outcome in relation to net community benefit, which is a key priority for Council and preserve the existing river frontage land for walking and cycling.
- 3.4 The current proposal as shown in the PSA mapping is for Council to receive only a 1 metre buffer of land to the east of the Bolin Bolin trail. The remaining land between the trail and the western edge of the carpark would be provided to Veneto Club, in addition to the offset carpark itself.



- 3.5 Officers see this proposal by NELP as a lost opportunity to maximise the return of public open space for the community. This area is well suited to passive open space to provide buffer to the shared trail and to preserve the river frontage for walking and cycling. It could also include the installation of amenities such as drink taps, bicycle repair station, seating or other similar amenities along a key Yarra River trail.
- 3.6 Additionally, a substantial concern with this proposal is the safety implications for users of the shared user path, given only a 1 metre buffer is provided.
- 3.7 The Australian Guide to Road Design (AGRD) Part 6A (Paths for walking and cycling) outlines that 1 metre clearance from a bicycle operating space is the *minimum* offset distance required between the path and any obstacle, and is only appropriate on flat, straight paths with low speeds. The Bolin Bolin trail is curved at this location, speeds are not restricted, the path is unsealed and the land either side is sloped down towards the river.
- 3.8 Additionally, if the adjoining section of land between the carpark and trail land is transferred to Veneto Club, they may seek to install structures such as a fence or bollards to delineate their land. Any such structure would then be located only 1 metre away from the busy shared user path – which is considered an unacceptable safety risk and is not considered to meet the requirements of the AGRD.
- 3.9 In addition to public open space and safety considerations, there is a maintenance issue to be addressed in relation to this western land boundary matter. Under NELP's current proposal, the Veneto Club would become responsible for an irregularly shaped section of land between the offset carpark, and Council's trail land. The land in this area is sloped down towards the river with an embankment between the carpark and the trail.
- 3.10 Given the outstanding concerns and potential hurdles for the Veneto Club's aspirational plans for the site, it is expected that the offset carpark will remain in place for at least the medium term – if not permanently. During this time, (under NELP's proposal) Veneto Club will need to maintain the embankment, which may be difficult due to the slope and the irregular boundary line. Alternatively, if Council were to receive this land, the maintenance would be easily managed given maintenance of the trail land and wider Council land to the west would already be programmed.
- 3.11 Another consideration is that due to the slope, this section of land between the trail and the carpark is not of practical use to Veneto Club for their long-term planning. Due to the sensitive environmental and cultural significance of this land in proximity to the Birrarung, any works in this area are unlikely to be supported by any of the relevant authorities— regardless of any future PSAs.
- 3.12 As such, this intervening section of land would not only be a maintenance burden to Veneto Club, it is also not likely to be of any practical use for their aspirational redevelopment plans.
- 3.13 Accordingly, Council has requested that NELP amend the proposed boundaries of the offset carpark land to return all land west of the offset car park to Council due to the public open space benefits, safety considerations, maintenance reasons, and its lack of practical use to Veneto Club.

- 3.14 As mentioned, this request was made to NELP in a letter dated 2 May 2025, and NELP provided a response on 3 July 2025 claiming that the boundaries remain 'indicative'. We therefore have substantial concerns about the boundaries shown in the documentation for Amendment C140mann – which do not reflect Council's request.
- 3.15 We are concerned that if the Minister determines to approve C140mann, these boundaries will be gazetted into the Manningham Planning Scheme and their 'indicative' status, given the new land boundaries and controls, will become permanent.
- 3.16 Our draft submission to C140mann therefore raises this as a substantial concern and a reason that the Minister should not accept the PSA.
- 3.17 An additional implication if the PSA is approved prior to the land boundary negotiations being resolved is that any additional land that is negotiated to be returned to Council adjacent to the Bolin Bolin trail may then be in the Urban Floodway Zone (UFZ) rather than the Public Park and Recreation Zone (PPRZ), which may have financial implications when/if transferred at a later stage to Council.

#### Future Land Use and Development

- 3.18 As mentioned, Council officers have identified some substantial concerns with the current iteration of Veneto Club's future plans for the site. These were communicated to Veneto Club on 2 May 2025 with a view to inform their next steps.
- 3.19 Our primary recommendation to Veneto Club was that they contact all relevant authorities to seek in-principle support for the high level concept being proposed in the first instance.
- 3.20 Our concern is that Veneto Club may invest more time and resources in developing and supporting their plans, only to find that the key authorities do not support the proposal.
- 3.21 A key challenge for Council in considering and responding to this situation is the unknown nature of the advice and support being provided to Veneto Club by NELP, and whether independent, objective planning advice has also been obtained.
- 3.22 At first glance, NELP's proposed approach of two separate PSAs for the offset carpark land appears to be in Veneto Club's favour – as it means that the land can be transferred into Veneto Club's ownership sooner.
- 3.23 However, whether the land is within Veneto Club's ownership or not does not have relevance to whether the high level concept of the Veneto Club's proposal will be supported by relevant authorities.
- 3.24 In fact, in seeking to progress Amendment C140mann so quickly, NELP have proposed a set of planning controls that match those of the existing Veneto Club site. As already mentioned, it is known by all parties that this set of controls *prohibits* the Veneto Club's future plans in their current form.

- 3.25 We therefore question the benefit of proceeding with Amendment C140mann now, if the only benefit is that the land can be transferred to Veneto Club sooner.
- 3.26 If anything, we note that transferring the land provides the greatest benefit to NELP – who will be distanced from the Veneto Club and their future plans (which they will then have to pursue separately in the future with their own planning scheme amendment).
- 3.27 When/if Veneto Club do get to the stage of progressing their plans with an associated planning scheme amendment in the future, it is unclear to what extent they will be supported by NELP.
- 3.28 Additionally, we expect that *Council* would be the Responsible Authority for this future PSA by Veneto Club – which will be an incredibly challenging PSA for Veneto Club to pursue based on the planning controls that will be in place if NELP's Amendment C140mann is approved by the Minister.
- 3.29 This would place Council in a difficult future position in having to assess a PSA from Veneto Club that may not be able to be supported on its planning merits.
- 3.30 Given all parties including NELP are aware of the Veneto Club's future plans, and given the matter of land ownership is generally irrelevant to whether the highlevel concept of these plans will be supported by relevant authorities, our recommendation is that:
- Amendment C140mann be abandoned; and
  - NELP redirect their support to Veneto Club to focus on testing the high level concept of their proposal with relevant authorities; and
  - When/if in-principle support is received from relevant authorities, one PSA be pursued to re-zone the land (to allow transfer into private ownership), update the planning controls as required/appropriate, and seek endorsement of the final design outcome (as supported by authorities) as a final Development Plan for the site.
- 3.31 The above proposed approach has the additional benefit of eliminating our substantial concerns relating to orderly and proper planning (discussed further below), as well as allowing time for the outstanding land boundary matters between NELP and Council to be resolved.

#### NELP Amendment C140mann

- 3.32 As mentioned previously, Amendment C140mann is being proposed by NELP and seeks to change the planning controls of the offset carpark land to match those of the existing Veneto Club site.
- 3.33 In addition to 'matching' the controls to the main site, C140mann also proposes to introduce a *new* Specific Controls Overlay, Schedule 14 (SCO14) and an associated Incorporated Document for the carpark land.
- 3.34 The *new* controls being introduced to the carpark land therefore are:
- Urban Floodway Zone (UFZ) – *to replace the original Public Park and Recreation Zone (PPRZ).*
  - Design and Development Overlay, Schedule 2-A (DDO2-A)
  - Development Plan Overlay, Schedule 2 (DPO2)

- Specific Controls Overlay, Schedule 14 (SCO14) and an associated Incorporated Document.
- 3.35 Several original planning controls that *already* apply to the carpark land are proposed to be retained by C140mann, as follows:
- Environmental Significance Overlays, Schedule 2 and 3 (ESO2 and ESO3)
  - Significant Landscape Overlay, Schedule 2 (SLO2)
  - Design and Development Overlay, Schedule 15 (DDO15)
  - Land Subject to Inundation Overlay (LSIO)
  - Specific Controls Overlay, Schedule 12 (SCO12)
- 3.36 There are a number of planning concerns with the controls for the carpark land that are proposed by Amendment C140mann. These concerns are outlined in detail in Manningham's submission to C140mann, but are summarised as follows:
- The UFZ prohibits the use of the land as a carpark. This prohibition is proposed to be 'switched off' by the *additional* application of the new SCO14 (and associated Incorporated Document) – rather than proposing a zone for the carpark land that is actually conducive to the use.
  - The incorporated document is asserted to relate only to the maintenance of the *use* of the land as a car park, but also contains conditions relating to buildings and works. The scope of allowable works by Veneto Club or NELP (e.g. if related to the carpark use) and any intensification of the carpark use are unclear.
  - We question the retention of the SCO12 on the land, which facilitates works by NELP. If NELP is ready to transfer the land to Veneto Club, then they should also be ready to relinquish the planning controls that provide exemptions for NELP works. This is further indication that the PSA is premature.
  - We disagree with the approach to extend the DPO2 onto the carpark land, without the subsequent amendment of the existing Development Plan that is endorsed under the DPO2. The Endorsed Development Plan will now be inconsistent with the actual site boundaries affected by the DPO2. It has also not been considered how the addition of the carpark land to the subject site will address the objectives of the Endorsed Development Plan.
  - The application of the DDO2-A to the carpark land is problematic due to the inconsistency between the Overlay objectives, and the use and existing conditions of the carpark land.
  - The conditional expiry of the Incorporated Document is not an acceptable outcome, as it relies on a future Development Plan being prepared (and supported by all authorities) under the DPO2. This is also contrary to our view that a new Development Plan should be prepared to accompany the extension of the DPO2 to the carpark land.
  - The planning controls are not appropriately designed to run with the land in perpetuity. It is clear that the primary purpose of the PSA is to enable the quick transfer of land into private ownership, rather than proposing suitable long-term planning controls that protect and respond to the natural characteristics of the site and long term land use intentions of the Veneto Club.

- Insufficient regard has been given to obligations in relation to Yarra River Land in accordance with the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017*.
- The proposed controls and approach to the PSA are not in accordance with the objectives of Planning in Victoria as listed in the *Planning and Environment Act 1987*.

#### Manningham's submission

- 3.37 NELP have noted in their PSA documentation that a 'consultation summary' will be provided to the Minister for Planning with the C140mann documentation – to outline the results of their targeted consultation.
- 3.38 As such, it is recommended that Councillors support the CEO in writing to NELP's CEO and the Minister for Planning to directly provide Manningham's submission, and to express our concerns.
- 3.39 Further relevant background information not included in Manningham's submission due to confidentiality can also be provided to the Minister for Planning and NELP CEO in any correspondence.

## **4. COUNCIL PLAN / STRATEGY**

- 4.1 Ongoing work by Council to achieve a net community benefit for the community through NELP aligns with the Council Plan theme of *Liveable Places and Spaces*.
- 4.2 A key action of Council's Transport Action Plan 2021 is to *contribute to the planning of the North East Link*.

## **5. IMPACTS AND IMPLICATIONS**

### Finance / Resource Implications

- 5.1 The Integrated Planning Unit (specifically the Integrated Transport team) budget covers the costs of dedicated staff, legal advice and specialist consulting to support Manningham's interface with NELP.

## **6. IMPLEMENTATION**

### 6.1 Communication and Engagement

Is engagement required?	Yes
Stakeholder Groups	1.Councillors 2.Internal stakeholder groups, e.g. departments with an interest and/or expertise in land boundary negotiations, public open space provision, and Planning Scheme Amendments. 3. Veneto Club 4. NELP 5. Community

Where does it sit on the IAP2 spectrum?	Consult with Councillors Inform internal stakeholder groups as required (Subject to Councillor guidance) inform/consult with Veneto Club to give prior notice of our concerns. Inform community.
Approach	Direct communications and/or strategic briefings, and a Special Council Meeting (online) to endorse Manningham's submission.

## 6.2 Timelines

- 4 August – current due date for the submission to NELP (note – this matter has been escalated to seek a further extension).

## 7. DECLARATIONS OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.



# NELP Planning Scheme Amendment C140mann

Manningham Submission  
July 2025



Interpreter service

**9840 9355**

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# 1 Executive Summary

Formal notice of the preparation of Planning Scheme Amendment (PSA) C140mann was received by Manningham Council (Council) from the North East Link Project (NELP) on Monday 7 July 2025.

The notice outlined that a targeted consultation approach is being undertaken with key stakeholders including Council. The PSA will not be subject to public exhibition. The amendment is proposed to be submitted by NELP to the Minister for Planning under Section 20(4) of the *Planning and Environment Act 1987* – which enables the Minister to exempt the application from usual notification requirements, including a hearing by an independent planning panel.

The PSA proposes to change the planning controls for the 'offset' carpark land that is located adjacent to the southern boundary of the existing Veneto Club site at 191 Bulleen Road, Bulleen.

Following a rigorous assessment, Council's position on the PSA is that it should not be approved in its current form. The reasons for our objection are outlined in detail by this submission and relate to timing, future implications, and orderly planning.

Importantly, Council notes that a primary purpose of the PSA is to allow NELP to transfer the carpark land to the Veneto Club, to offset previous impacts to their car parking from the project. Council is **not** opposed to this land transfer occurring (subject to final boundaries being agreed with Council as outline in this submission). However, we seek to ensure that an appropriate and transparent process is followed, and that the PSA is fit for purpose to provide suitable planning controls for the subject land.

This submission outlines substantial concerns with the approach, details and implications of the PSA, which in our view are essential to address before a submission to the Minister under Section 20(4) of the *Planning and Environment Act 1987*.

Council strongly recommends that further discussions be undertaken by NELP with Council and other key stakeholders including the Veneto Club, to find an appropriate planning solution that is acceptable to all impacted parties. Council is eager to participate in any such discussions and is committed to working in good faith with NELP to assist in finding the best solution.

## 2 Introduction

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- 2.1 In reviewing draft Planning Scheme Amendment C140mann, Council has identified several substantial concerns relating to timing, future implications, and orderly planning. These concerns are of a nature and extent that in our view, the Amendment should not be approved.
- 2.2 Noting that Council has a productive and respectful working relationship with NELP, the decision to object to C140mann has not been made lightly. This submission has been prepared based on an objective planning merits assessment of the PSA material put forward, along with relevant local knowledge and awareness of key stakeholder needs.
- 2.3 Council has an obligation to represent the needs of the Manningham community and to make objective, fair and orderly decisions as a Planning Authority under the *Planning and Environment Act 1987* (P&E Act).
- 2.4 Council welcomes the opportunity for further discussions with NELP and other key stakeholders to progress all relevant matters towards an acceptable, integrated, long term planning solution for the subject site.

## 3 Background

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- 3.1 The subject land was shown to be largely returned to Council as passive open space through the Environmental Effects Statement (EES) for NELP in 2019, with only an access road to the Veneto Club shown within the site.
- 3.2 The first indication of the subject land no longer being returned to Council occurred in early 2022 ahead of the Urban Design and Landscape Plan (UDLP) for the Central Package.
- 3.3 On 11 May 2022, Council received notice that the land parcel to the south of the Veneto Club site (including the car park portion) was divested (along with several other parcels) under the *Major Transport Projects Facilitation Act 2009* (MTPF Act) for the purposes of NELP.
- 3.4 It has been understood since then that the carpark constructed by NELP on this land would be provided to Veneto Club to 'offset' the impacts to the original Veneto Club car park from the realignment of Bulleen Road.
- 3.5 The future ownership of this land by Veneto Club and their subsequent plans for it are a key contextual factor to consider in any decisions by a planning authority moving forwards.
- 3.6 Council is aware that Veneto Club has commenced the initial stages of long-term planning for this land. Their aspirations and plans have been discussed and shared with Council by NELP and Veneto Club over a period of time. In Council's view, it is integral that the Minister also receive full visibility on this matter due to the direct and potentially negative implications of C140mann on these ambitions.

## 4 Submission

- 4.1 In assessing proposed Amendment C140mann, Council has determined that it is being proposed prematurely, that it fails to adhere to orderly and proper planning processes and has a number of unacceptable future implications for both Council and the Veneto Club.

### Timing

- 4.2 Council was previously advised by NELP that this Amendment would be ready for targeted consultation in September. The notification received by Council in early July was therefore earlier than expected, and we therefore query the level of rigour applied during its preparation given up to 3 months was lost from the original working timeline.
- 4.3 A key indication that C140mann is being progressed prematurely is the proposal to retain the Specific Controls Overlay Schedule 12 (SCO12).
- 4.4 The purpose of the Specific Controls Overlay (SCO) is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. Schedule 12 to the SCO introduced the North East Link Project Incorporated Document, December 2019 (amended September 2023) (NELP Incorporated Document) to the Manningham Planning Scheme.
- 4.5 The NELP Incorporated Document facilitates the delivery of the North East Link Project and exempts all use and development of land associated with the project from any other Planning Scheme requirement.
- 4.6 We question the retention of the SCO12 on the offset carpark land as part of C140mann, given we understand the whole purpose of C140mann is to prepare the land for transfer into Veneto Club's ownership.
- 4.7 If the timing is appropriate for the land to be transferred into private ownership, then the timing should also be appropriate to remove the SCO12 and its blanket exemptions for the project – which will not be of any use to Veneto Club. The retention of the SCO12 may in fact *disadvantage* Veneto Club, by continuing to allow NELP to undertake works on the land with minimal approval processes.
- 4.8 Another indication that the Amendment is being progressed prematurely is the proposal to simply duplicate the existing Veneto Club site planning controls onto the carpark land without clear strategic justification, and the approach to address all subsequent inconsistencies and errors by introducing a new Incorporated Document to 'switch off' the conflicting controls. Time has clearly not allowed for a sensible and orderly planning solution to be investigated and achieved prior to this targeted consultation for Amendment C140mann.
- 4.9 Council has also been party to ongoing negotiations with NELP on the final boundary locations for the offset car park land. These negotiations remain in early stages and the boundaries of the subject land are not yet agreed. This is another clear indication that this Amendment is being progressed sooner than is sensible.

## Future Implications

### Boundaries

- 4.10 The return of excess project land as public open space has been a key priority for Council throughout the entirety of the North East Link project to-date. We have advocated for this outcome in the interests of achieving a net community benefit through the Environmental Effects Statement (EES) process and at all relevant project stages since.
- 4.11 The return of Bulleen Park land to maximise public open space in particular was a strong focus of Council's EES submission.
- 4.12 Discussions in relation to the final boundary locations of the offset carpark land have been ongoing between NELP and Council since October 2024, with Council seeking to maximise the return of land for public open space in accordance with our ongoing advocacy since the EES.
- 4.13 In particular, the intervening land between the Bolin Bolin trail and the western edge of the as-constructed offset carpark is a priority for Council, to maximise the return of land for public open space to achieve a net-community benefit. This area is well suited to passive open space to provide buffer to the shared trail and could also include the installation of amenities such as drink taps, bicycle repair station, seating or other similar amenities along a key Yarra River trail.
- 4.14 Maximising the width of this intervening land also addresses safety outcomes for users of the Bolin Bolin trail in accordance with The Australian Guide to Road Design (AGRD) Part 6A (Paths for walking and cycling). Other benefits include the easier maintenance of this land by Council given its location adjacent to an existing public open space area that is already maintained by Council. This land is also subject to undulating topography that may hinder any future development on the land, thus its most appropriate use is as public open space along the Bolin Bolin trail.
- 4.15 Additionally, there is another unresolved land boundary matter pertaining to the south-west corner of the subject land, where the offset carpark has been constructed outside of the North East Link Project boundary, on land currently owned by Council. Accordingly, an arrangement must be made for this small area of land to be purchased to enable its addition to the offset carpark land that is the subject land for this proposed PSA. Council has been participating in discussions with NELP in good faith to resolve this matter, but no final agreement has yet been reached.
- 4.16 Council received written advice from NELP on 3 July 2025 that the boundary locations for the offset carpark land remain 'indicative', in response to Council's ongoing pursuit for the return of the intervening land for additional public open space on the Bolin Bolin trail.
- 4.17 The boundary locations proposed by Amendment C140mann are not in accordance with Council's requested outcome, and ignore the outstanding matter related to the south-west corner of the carpark being constructed on Council's land. If Amendment C140mann is implemented by the Minister, these boundaries will be gazetted into the Manningham Planning Scheme and will no longer be 'indicative' as NELP has previously assured.
- 4.18 Additionally, the Practitioners Guide to Victoria's Planning Schemes (June 2024) outlines that *a zone boundary should align with title boundaries or other clearly defined feature such as a road centreline or watercourse*. Our view is that Council's proposed boundary

alignment more closely adheres to this requirement, as compared to the boundaries currently shown for Amendment C140mann. The gazettal of Amendment C140mann may also cause complications for future subdivision when/if land boundaries are amended in the future, as various exemptions that NELP currently benefits from in relation to subdivision of land may no longer apply.

- 4.19 We therefore do not accept the maps provided by C140mann and strongly object to the Amendment proceeding on this basis.
- 4.20 Additionally, *Ministerial Direction 9, Metropolitan Planning Strategy* seeks to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy, which in this case is Plan Melbourne: 2017 to 2050. Plan Melbourne has several key policies focused on enhancing the community's access to open space and nature, which is further cause for C140mann not to proceed with the boundaries as-proposed.
- 4.21 The loss of this opportunity to maximise public open space is also discordant with Manningham's Municipal Planning Strategy, which identifies the importance of improving our bike paths and pedestrian network (Clause 02.03-7, Transport) and the challenge of addressing increasing demand to expand our open space network (Clause 02.03-8, Infrastructure).
- 4.22 The State and Local Planning Policy Framework also support this priority, including the Birrarung Bolin Framework Plan – which seeks improved open space along the river corridor, and improved walking and cycling connections, and Clauses 18.02-1S (Walking) and 18.02-2S (Cycling) of the Manningham Planning Scheme.

#### **Future Land Use and Development**

- 4.23 It is understood that the Amendment C140mann is intended to prepare the land for transfer to Veneto Club, so that Veneto Club can progress with their long term planning for future land use and development for the site.
- 4.24 While this submission cannot go into detail on Veneto Club's plans, we know that planning is already somewhat progressed and that NELP are aware of the details.
- 4.25 We have concerns that the planning controls proposed by Amendment C140mann will hinder Veneto Club's future plans. While the progression of the amendment may allow the transfer of the land sooner, the land will be transferred with planning controls that may create greater difficulties for Veneto Club to achieve their plans in the long term.
- 4.26 Additionally, if Amendment C140mann progresses and the land is transferred, Veneto Club may lose their current leverage through NELP – which might have otherwise assisted them in achieving their long term plans. It is unclear how Amendment C140mann and the SCO14 Incorporated Document have had regard to Veneto Club's future plans, given NELP are aware of the details of these plans.
- 4.27 Indeed, page 6 of the Strategic Assessment Report by NELP for C140mann acknowledges that the existing *and proposed* zone and overlays are highly restrictive. Given NELP's full knowledge of Veneto Club's future plans, we question their approach of extending planning controls that prohibit these future plans.

- 4.28 This is also contrary to Clause 02.03-6 Economic Development of Manningham's Municipal Planning Strategy, given future redevelopment of the site by Veneto Club (which could improve economic development opportunities) will be constrained by the introduction of such restrictive controls.
- 4.29 This lack of consideration for Veneto Club's future plans in the choice of planning controls proposed by C140mann will place Council into a difficult position in the future as the likely Responsible Authority for any future Planning Scheme Amendment. Notably, NELP is exempted from the requirements of the *Yarra River Protection (Wilip-gin Birrarung murrnong) Act 2017* for their PSA, but Veneto Club would not benefit from the same exemption for any future PSA.
- 4.30 The *Ministerial Direction 9, Metropolitan Planning Strategy* direction to consider Plan Melbourne: 2017 to 2050 includes Principle 9 of Plan Melbourne, which is 'Leadership and partnership'. This principle notes the importance of collaborative partnerships and strong working relationships between all spheres of government, the public and private sectors, and wider community. Our view is that the approach to Amendment C140mann is not consistent with Principle 9, given the lack of transparency on future implications for Veneto Club's long term plans for the site.

## Orderly Planning and Merits

- 4.31 The documentation for C140mann is transparent on the fact that the primary purpose of the Amendment is to re-zone the land to enable its transfer into private ownership.
- 4.32 It appears that achieving this purpose as quickly as possible has been prioritised over thoroughly investigating the most appropriate long term planning solution for the Veneto Club and carpark site as a whole.
- 4.33 Extending the controls 'like for like' from the existing Veneto Club site onto the offset carpark land (with the new SCO14 to 'cancel-out' the numerous inconsistent controls) provides the most convenient option for NELP to re-zone the land, but is not necessarily the most appropriate planning outcome.

### Zone

- 4.34 We disagree with the proposed implementation of the Urban Floodway Zone (UFZ), and the statements in the Strategic Assessment Report that the UFZ is the 'most appropriate' zone choice.
- 4.35 The UFZ prohibits the use of the land for carparking and therefore is not considered to be an appropriate choice to run with the land in perpetuity. Using the newly proposed SCO14 and associated Incorporated Document to 'switch off' this prohibition, rather than selecting a zone that is conducive to the use, is not considered to be an acceptable approach that is consistent with orderly and proper planning. 'Switching off' the UFZ provision also removes the consideration of flood risk, which remains a relevant concern for the carpark.
- 4.36 This is also inconsistent with Practice Note PPN23, which specifies that if a use is prohibited in the zone, the overlay cannot remove that prohibition. It is noted that PPN23 is intended to provide guidance for the implementation of the Incorporated Plan Overlay and Development Plan Overlay only, however this key advice provides helpful guidance when applying similar overlays, including the SCO.

- 4.37 Among other options, the Special Use Zone (SUZ) could have been considered – and the Amendment could have been applied to the entire Veneto Club site (including the offset carpark land) to achieve the ‘strategic consistency’ that is sought by C140mann. The SUZ would allow for a more comprehensive planning outcome, allowing all issues relating to permeability, drainage, pedestrian access, sensitive interfaces, and Birrarung impacts to be comprehensively considered.

#### **Overlays**

- 4.38 As already mentioned, we question the retention of the SCO12 given the land is intended to be transferred to Veneto Club. There is no strategic justification provided for the maintenance of this overlay on the carpark land.
- 4.39 If it is being retained for practical reasons (ie. For NELP to continue undertaking project works), then this calls into question whether the timing is appropriate for the land transfer and associated Amendment C140mann to be considered.
- 4.40 We are concerned that despite any future land transfer to Veneto Club, the retention of the SCO12 could facilitate future works by NELP on the land, including for development specified in the North East Link Incorporated Document.
- 4.41 We are also unclear and seek clarification on whether the SCO12 or SCO14 would prevail in an instance where there might be a conflicting proposal in the future. Additionally, the PSA Instruction Sheet indicates that the SCO will be amended in accordance with the included mapping, which only shows the SCO14 and not the SCO12 also.
- 4.42 This lack of clarity on SCO application and lack of a clear hierarchy of the planning controls hinders interpretation for future planning assessments, is a significant concern for Council, and is a poor outcome in relation to orderly and proper planning.
- 4.43 We disagree with the proposal to extend the Development Plan Overlay Schedule 2 (DPO2) onto the carpark land, without an accompanying amended Development Plan.
- 4.44 Firstly, this approach will cause the existing endorsed Veneto Club Development Plan (2019) to become inaccurate, as the subject site on that endorsed plan will not include the carpark land (which will become part of the DPO2 land).
- 4.45 Secondly, it is unclear to what extent the incorporation of the car park land into the land under the DPO2 will address the objectives of the already-endorsed Development Plan.
- 4.46 The DPO2 also requires a Development Plan to be approved prior to any permits being granted for the site. However, we note this is another inconsistent provision that has been ‘switched off’ by the introduction of the SCO14.
- 4.47 The primary strategic justification for the application of the DDO2-A is to create consistency with the main Veneto Club site. While it is noted that the buildings and works for the carpark are not subject to this amendment, we seek an explanation of how the as-constructed carpark (including fencing and lighting) address the objectives of the DDO2-A.

#### **SCO14 Incorporated Document (proposed)**

- 4.48 Council submits that the Veneto Club Offset Car Park: 175-189 Bulleen Road Bulleen Incorporated Document (proposed via the SCO14) is poorly drafted and creates undue confusion in relation to the use and development of the subject land.



- 4.49 At Clause 1.0, the incorporated document proposes a division of the responsible authority and power functions between the Minister for Planning (for administration) and Council (for enforcement). This approach contrasts with the approach taken for other incorporated documents prepared by NELP including the *Bulleen Park Sporting Facilities Incorporated Document* and the *Templestowe Road Soccer Facilities Incorporated Document*.
- 4.50 These other Incorporated Documents list the Minister as the responsible authority for both administration and enforcement. We therefore question why a divisional approach has been taken for proposed SCO14 and are concerned about additional administrative burdens for Council.
- 4.51 We also note that the SCO14 Incorporated Document does not contain any permit triggers, which is also an unusual approach.
- 4.52 Council submits that the drafting of the proposed Incorporated Document creates confusion about its purpose and role in relation to any future proposed buildings and works on the subject land.
- 4.53 Clause 5.0 outlines the Incorporated Document's purpose, which is to permit the use of the land within SCO14 for the purpose of a car park ancillary to the Veneto Club. This suggests that the Incorporated Document is not intended to regulate any future development on the PSA Land.
- 4.54 Consistent with the expressed purpose of the Incorporated Document, the Explanatory Report states that extending the existing DDO2-A and DPO2 to the PSA Land '*will ensure the consistent application of overlays across Veneto land holdings, and ensures any future built form and design aligns with the design objectives and standards for the broader Veneto Club*'.
- 4.55 Despite the expressed purpose of the Incorporated Document relating only to the use of the PSA Land and the explanation of what the amendment does in the Explanatory Report suggesting the PSA will not facilitate any new development, clause 1.0 'introduction' states that the Land identified in clause 2.0 of the Incorporated Document '*may be used and developed in accordance with the specific controls contained in Clauses 5.0 and 6.0*' [emphasis added] of the Incorporated Document.
- 4.56 Additionally, the conditions listed under Clause 6.0 of the Incorporated Document include Condition 6.3 in relation to building and works. This is contrary to the numerous assertions throughout the C140mann documentation that the amendment is procedural in nature and does not facilitate anything other than the ongoing use of the land as a car park.
- 4.57 The drafting of Clause 6.3 is also of concern due to several uncertainties, including:
- What is meant by buildings and works '*associated with the Veneto Club car park*'? Was the intent to refer to buildings and works associated with the use of the PSA Land by the Veneto Club for a car park?
  - Are as-constructed plans of the car park to be included in the Incorporated Document to enable an assessment of whether proposed buildings or works '*substantially changes the constructed car park*'?



- Is the condition for buildings and works to be associated with the Veneto Club and to be undertaken by or on behalf of the Veneto Club? (i.e. Are these conjunctive requirements?)
- 4.58 Notwithstanding these outstanding uncertainties, we interpret Clause 6.3 to provide permit exemptions for works by or on behalf of Veneto Club, associated with the use of the carpark, which could include (but may not be limited to): the erection of lighting, and/or the construction of a limited number of additional car parking spaces and associated drainage.
- 4.59 Lighting and any earthworks (including for drainage) in such close proximity to the Birrarung will undoubtedly create environmental impacts. This therefore raises the question of whether *Ministerial Direction 19 (Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health)* has been properly addressed.
- 4.60 The Strategic Assessment Report responds to Ministerial Direction 19 by stating that C140mann is administrative only, with no buildings or works considerations. Additionally, the Strategic Assessment Report refers to the Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs) as being sufficient to address any potential environmental impacts.
- 4.61 However, the EPRs were set in July 2021 – which is well before the offset carpark was contemplated on the subject land, in such close proximity to the Birrarung. Council's view is that seeking to retain this land for car parking *permanently* (as proposed by C140mann) has implications for long term environmental outcomes, which must be more explicitly addressed, beyond simply claiming that the EPRs will be sufficient to address them.
- 4.62 All relevant Planning Policy Frameworks stress the importance of the natural environment, including that *planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value* (Clause 12, Environmental and Landscape Value, Manningham Planning Scheme).
- 4.63 Council is also concerned that the Clause 6.0 conditions of the proposed Incorporated Document allow changes to the carpark use (and potentially associated buildings and works, per Condition 6.3) without any oversight by Council – given the consent provisions relate only to the Minister for Planning. Given Council will be the likely Responsible Authority for land within the *existing* Veneto Club site, this may cause a convoluted process and/or undue confusion for all parties in the future if consent under the Clause 6.0 conditions is required.
- 4.64 Clause 4.0 of the proposed Incorporated Document outlines that the expiry of the SCO14 is conditional on the future preparation of a Development Plan for the subject site, under the DPO2. Notwithstanding that Council disagrees with the approach to extend the DPO2 without a concurrent amendment to the previously endorsed Development Plan, there is a further concern with this conditional expiry that relates to orderly procedure and resource expenditure.
- 4.65 As already discussed, the implementation of the SCO14 prevails over all other controls, including the new controls being proposed by C140mann for the carpark land – being the DDO2-A, DPO2 and UFZ.

- 4.66 When/if a new Development Plan is prepared under the DPO2, it is expected that a *further* PSA will be required to facilitate its implementation due to the highly restrictive nature of the controls (including those proposed to be introduced by C140mann onto the carpark land).
- 4.67 Therefore, while C140mann seeks to introduce the DDO2-A and UFZ to the land, the application of the SCO14 means that in practice, they will essentially not apply until the Incorporated Document expires.
- 4.68 Then, when/if the Incorporated Document expires, it will *only* be via the implementation of a new Development Plan – at which time all controls *including* the DDO2-A and UFZ will likely be re-reviewed via a new PSA, and will potentially be changed again.
- 4.69 As such, C140mann proposes to implement several controls that will essentially be superfluous while the SCO14 is in place, and then are likely to be removed/changed when/if the SCO14 expires via a new Development Plan under the DPO2. Our view is that this is not a clear and orderly procedure, creates unnecessary complications and is not an effective use of public resources.
- 4.70 Given the identified issues in relation to orderly and proper planning, we do not accept the claim that Amendment C140mann and its outcomes have been subject to a sufficiently comprehensive strategic evaluation in accordance with *Ministerial Direction 11, Strategic Assessment of Amendments*.

#### Other considerations

- 4.71 Robust State-wide strategic planning and exhaustive collaborative work by key authorities has underpinned planning for Yarra River Land across Victoria. The response provided in the C140mann Strategic Assessment Report in relation to the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* (Birrarung Act) is extremely disappointing in this context.
- 4.72 NELP's response that they are exempt to the Birrarung Act also fails to consider the intention of C140mann to transfer the land *out* of NELP's ownership.
- 4.73 Additionally, reliance on the Tunnels UDLP (which considered the Birrarung Act) is utilised to justify the lack of consideration given to the Birrarung Act by the current amendment. However, this fails to address the more locally specific Birrarung Bolin Framework Plan – which was not published in time to be considered in the Tunnels UDLP.
- 4.74 The Birrarung and its lands are designated as a single living and integrated natural entity for protection under the Birrarung Act and Council is committed to its protection as a responsible public entity under the Act.
- 4.75 Section 4AA of the *Planning and Environment Act 1987* outlines the obligations of the Department Head in relation to Yarra River land at Subsection 1, which are that the Department Head:
- *Must not act inconsistently with any part of a Yarra Strategic Plan that is expressed to be binding on the Department Head when performing a function or duty or exercising a power under this Act in relation to Yarra River land; and*
  - *Must have regard to the Yarra protection principles and those parts of a Yarra Strategic Plan not expressed to be binding on the Department Head, when performing a function or duty or exercising a power under this Act in relation to the Yarra Strategic Plan area that may affect Yarra River land.*

- 4.76 It is noted that Subsection 2 of Section 4AA exempts the Department Head from Subsection 1 obligations in relation to a declared project within the meaning of the *Major Transport Projects Facilitation Act 2009*. However, while Amendment C140mann is related to current NELP project land, its focus is instead on a private car park for the Veneto Club and is not for the purpose of project works or facilitation.
- 4.77 Accordingly, Council submits that rigorous regard must be given to relevant principles of the Birrarung Act, including (but not necessarily limited to) Section 8 (General Principles), Section 9 (Environmental Principles), Section 10 (Social Principles), Section 12 (Cultural Principles) and Section 13 (Management Principles).
- 4.78 Council is concerned that insufficient regard has been given to the Birrarung and potential impacts to its connected system of waterways, through the failure to select appropriate planning controls that accurately reflect the characteristics of the site and long term intentions of the landowner.

#### Planning Assessment Summary

- 4.79 The submissions outlined above in relation to orderly and proper planning and planning merits are summarised in the below table for convenient review.

Amendment C140mann	Comment
<b>Urban Floodway Zone (UFZ)</b>	UFZ prohibits the use of the land as a car park and is not an appropriate long term zone for the land.
<b>Design and Development Overlay Schedule 2-A (DDO2-A)</b>	DDO2-A essentially prevents any works occurring within the offset car park land, and the location of the carpark is inconsistent with DDO2 design objectives.
<b>Development Plan Overlay Schedule 2 (DPO2)</b>	DPO2 prevents any permits from being approved for the land until a development plan is prepared. A new development plan is <i>not</i> proposed by the PSA, despite the new application of the DPO2 to cover the carpark land. The existing Development Plan endorsed under the DPO2 for the Veneto Club site will become inconsistent with the actual site boundaries.
<b>Specific Controls Overlay, Schedule 14 (SCO14)</b>	SCO14 introduces a new incorporated document to 'cancel out' any inconsistencies from the other controls, which is an inappropriate approach. The drafting of the incorporated document also creates some uncertainty in relation to the future use and development of the land.
<b>Specific Controls Overlay, Schedule 12 (SCO12)</b>	Retention of SCO12 on the land means that the NELP Incorporated Document (and all rights and exemptions for the project) will remain applicable to the land, despite the intention for it to be transferred into private ownership.
<b>Environmental Significance Overlay Schedule 2 and 3 (ESO2 and ESO3)</b> <b>Land Subject to Inundation Overlay (LSIO)</b> <b>Significant Landscape Overlay Schedule 2 (SLO2)</b>	The retention of these overlays (ESO2, ESO3, LSIO, SLO2) on the land is of lesser consequence. However, it is noted that these controls have a strong focus on protecting and enhancing the natural environment, and on addressing flooding – which are important considerations that will be 'cancelled out' by the proposed SCO14.

## 5 Conclusion

- 5.1 Council submits that Amendment C140mann is bring progressed prematurely, and that the proposed planning controls are not appropriately designed to run with the land in perpetuity to achieve a proper and orderly planning outcome.
- 5.2 It is clear that the primary purpose of the Amendment is to enable the quick transfer of land into private ownership, rather than to provide a set of well-considered, long-term planning controls that protect and respond to the natural characteristics of the site and long-term intentions of the landowner.
- 5.3 For the reasons outlined in this submission, Council's view is that the proposed controls and approach to the PSA are not in accordance with the objectives of Planning in Victoria as listed in the *Planning and Environment Act 1987*, in particular:
- (1)(a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*
  - (1)(b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
  - (1)(g) *to balance the present and future interests of all Victorians.*
- 5.4 The PSA does not balance the interests of all Victorians given it precludes an opportunity for additional land to be returned from the project for use as public open space. The PSA is not considered to be fair and does not balance present and future needs given the significant implications for Veneto Club's future plans – which NELP have visibility on. The PSA does not provide for the orderly use and development of the land due to the convoluted and conflicting planning controls proposed.
- 5.5 Council's position is that the proposed PSA C140mann should not be approved in its current form for the reasons outlined by this submission, which are generally summarised as follows:
- The proposed Amendment does not comply with several relevant Ministerial Directions.
  - The proposed Amendment is inconsistent with the objectives of Planning in Victoria under the *Planning and Environment Act 1987*.
  - The proposed Amendment is inconsistent with various State, Regional and Local policies of the Manningham Planning Scheme.
  - The timing of the proposed Amendment is inappropriate due to several outstanding matters, including resolution of land boundary matters which are a key consideration for Council.
  - The proposed Amendment results in unacceptable future implications for Council and future landowner.
  - The proposed Amendment does not provide an orderly and proper planning outcome that is suitable to run with the land in perpetuity.
  - The proposed Amendment includes an Incorporated Document that is poorly drafted to the extent that it is uncertain.
  - The proposed Amendment has not given sufficient regard to the principles of the *Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017 (Birrarung Act)*.



- 5.6 Council welcomes any opportunity to participate in further discussions with NELP and other key stakeholders and authorities in relation to progressing a suitable outcome for the offset carpark land.



## Manningham Council

**P:** 9840 9333  
**E:** [manningham@manningham.vic.gov.au](mailto:manningham@manningham.vic.gov.au)  
**W:** [manningham.vic.gov.au](http://manningham.vic.gov.au)



OFFICIAL



JULY 2025

# C140mann: Veneto Club Offset Car Park Planning Scheme Amendment

Strategic Assessment Report

[bigbuild.vic.gov.au/mrpv](http://bigbuild.vic.gov.au/mrpv)



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## 1.Introduction

Amendment C140mann (Amendment) to the Manningham Planning Scheme (the Planning Scheme) has been prepared by North East Link Program (NELP) to facilitate the continued use of a car park associated with the Veneto Club, Bulleen (Veneto). The construction and use of the land as a car park for the purposes of (or in relation to) the North East Link Project (NELP) is permitted under the NELP primary approval (*North East Link Project Incorporated Document, December 2019 (Amended September 2023)*). The ongoing use of the land as a private car park is not permitted beyond the Project.

As part of the delivery of the project, NELP must provide Veneto Club with a car park to replace the car parking lost as a result of the partial acquisition of Veneto's car park to support the project delivery. This car park has been constructed and forms part of offset land to be transferred to Veneto. This will be achieved through amending the zoning and overlay controls in the Planning Scheme allowing the transfer of land with the most appropriate planning controls while also formalising planning approvals for the car parks ongoing use through an Incorporated Document.

### 1.1 Purpose of this report

The Strategic Assessment Report (Report) has been prepared to support the assessment of Planning Scheme Amendment (PSA) C140mann to the Manningham Planning Scheme and informs the request to the Minister for Planning to intervene under section 20(4) of the Planning and Environment Act 1987 (P&E Act) to prepare, adopt and approve C140mann. This Report provides background on NELP, an overview of the site and existing conditions, the proposed amendments to the planning controls on site and a strategic assessment of C140mann.

### 1.2 Scope and limitation

*This publication is prepared to inform the public about the North East Link. This publication may be of assistance to you but the North East Link Program (a division of the Victorian Infrastructure Delivery Authority) and its employees, contractors or consultants (including the issuer of this report) do not guarantee that the publication is without any defect, error or omission of any kind or is appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.*

## 2. Project Context

### 2.1 About NELP

NELP underwent an extensive planning and environmental assessment process. An Environment Effects Statement (EES) was prepared for the Program, which involved an integrated assessment of the potential environmental, social, economic and land use planning impacts of NEL, and the proposed approach to managing these impacts.

PSA GC98 was approved by the Minister for Planning on 23 December 2019 and gazetted on 3 January 2020. PSA GC98 implemented several planning controls, including Specific Controls Overlay (SCO12), which was applied to the NEL project area, and DDOs which were applied to sections of the project area which were to contain tunnel infrastructure.

The construction of NEL will deliver a new freeway-standard road connection that completes the 'missing link' in Melbourne's Metropolitan Ring Road, giving the city a fully completed orbital road connection. Spark is the managing contractor for the Tunnelling Package and will design, build and operate the twin tunnel sections of NEL. The construction of NEL commenced in 2020 through the early works program (service relocations), and construction of NEL (as a whole) is expected to be completed in 2028.

The NEL project broadly comprises the following components:

- M80 Ring Road to the northern portal – from the M80 Ring Road at Plenty Road, and the Greensborough Bypass at Plenty River Drive, NEL will extend to the northern tunnel portal in Watsonia, utilising a mixture of above, below and at surface road sections. This includes new road interchanges at the M80 Ring Road and Grimshaw Street.
- Northern portal to southern portal (tunnels) – from the northern portal, the road transitions into twin tunnels travelling under residential areas, Banyule Flats and the Yarra River to a new interchange at Manningham Road. The tunnels will then continue to the southern portal located south of the Veneto Club.
- Eastern Freeway (east and west of Bulleen Road) – from around Hoddle Street in the west through to Springvale Road in the east, modifications to the Eastern Freeway will include widening to accommodate future traffic volumes and new dedicated bus lanes for the Eastern Express Busway. There will also be a new interchange at Bulleen Road to connect NEL to the Eastern Freeway.

NELP was declared under the Major Transport Projects Facilitation Act (MTPF Act) on 19 June 2018. NELP will not request a variation to the designated project area under the MTPF Act as a result of the Veneto Club offset land transfer (southern car park) PSA. Generally, the MTPF Act facilitates land access for the project, while the *Planning and Environment Act 1987* allows for the works to occur.

There will be a process to consider removal of the Specific Controls Overlay (SCO) and the MTPF Act designated project area. This will likely be at the end of the project. Generally, the MTPF Act facilitates land access for the project, while the *Planning and Environment Act 1987* allows for the works to occur. There are no works proposed as part of this PSA. There may be other matters unrelated to the car park PSA that will require NELP's access to the land until the end of the project.

### 2.2 About the Veneto Club Car Park

#### Veneto Club

The Veneto Club, which is located at 191 Bulleen Road, Bulleen (land parcel 1\PS406504), is a facility that contains function rooms, sporting facilities and restaurant. The Veneto Club existing land holdings are zoned Urban Floodway Zone (UFZ). Pursuant to the Manningham Planning Scheme, the 'use' of the Veneto Club is most appropriately defined as a Place of Assembly as defined at Clause 73.03 (Land Use Terms). It is noted that a Place of Assembly is prohibited under the UFZ.

The Veneto Club was established in the 1970s and it is assumed with the necessary planning permissions at the time. Veneto has been subject to a number of planning permits since 2001, accessed via the Manningham City Council Permit Register. It is unclear what planning permissions were obtained prior to 2001. Although not formally established, it is most likely that Veneto would benefit from existing use rights as a Place of Assembly, including ancillary uses and supporting infrastructure such as car parking and sporting fields, pursuant to Clause 63.05 (Existing Uses) of the Manningham Planning Scheme.

Existing Veneto land holdings (1\PS406504J) are subject to the following zone and overlays:

- Urban Floodway Zone (UFZ)

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- Development Plan Overlay – Schedule 2 (DPO2): *Veneto Club*
- Environmental Significance Overlay – Schedule 2 (ESO2): *Sites of Biological Significance*
- Environmental Significance Overlay – Schedule 3 (ESO3): *Buffer Conservation Areas Supporting Sites of Biological Significance*
- Significant Landscape Overlay – Schedule 2 (SLO2): *Yarra (Birrarrung) River Corridor Environs*
- Design and Development Overlay – Schedule 2-A (DDO2-A): *Yarra (Birrarrung) River Corridor*
- Design and Development Overlay – Schedule 15 (DDO15): *North East Project: Tunnel Protection Area 2* (part of the site)
- Specific Controls Overlay – Schedule 12 (SCO12): *North East Link Project Incorporated Document, December 2019 (amended September 2023)* (part of the site)
- Land Subject to Inundation Overlay (LSIO)

### Relocated Club Car Park

NELP was required to construct an offset car park for Veneto Club to replace car parking lost as a result of partial acquisition of Veneto's car park to support project delivery. Amendment C134mann to the Manningham Planning Scheme, prepared by NELP, obtained planning approval for car park modification works at the Veneto Club as part of the construction of NELP. The NELP design in the vicinity of the Veneto Club required permanent acquisition of the south-eastern corner of the Veneto Club and resulted in a need to modify the existing Veneto Club car park and construct a new car park to the south to offset lost car parking spaces.

The offset car park formed part of considerations within PSA C134mann to minimise business, traffic and transport impacts to the Veneto Club by ensuring the Veneto Club experienced no net loss of on-site car parking spaces, as a result of project works. The offset car park supports compliance with the project's Environmental Performance Requirements, including B6: Minimise access and amenity impacts on businesses and T1: Optimise design performance.

As part of the work undertaken by NELP to transfer the land to Veneto, it was identified that under the Victorian Government Land Transactions Policy, there is a requirement that State agencies must not offer land within a public land zone for sale. There is an exception to this, if the land is being transferred to another agency that can acquire publicly zoned land such as a local council or the Commonwealth. The offset car park is contained within the Public Park and Recreation Zone (PPRZ), a public land zone, and should not be transferred to Veneto because the Club is not a Local, State or Commonwealth body.

Additionally, NELP has engaged with the Victorian Government Land Monitor (VGLM), who have advised that a transfer of land is not a sale. This is further supported by NELP's legal advisors. VGLM's preferred approach for the land transfer is for the land to not be transferred to a private land owner while still within the PPRZ (a public land zone).

Accordingly, NELP will request the Minister for Planning to rezone the land to UFZ (amongst other planning scheme amendments) to support the transfer of land and allow for consistent planning controls across the Veneto Club land holdings. While the completion of NELP is not anticipated until 2028, to provide certainty for the Veneto Club, NELP are facilitating this PSA contemporaneously, rather than at the end of the project.

This Amendment scope also seeks to facilitate the ongoing use of the car park as part of the Veneto Club through rezoning of land, applying strategically consistent overlays and introducing an Incorporated Document '*Veneto Club Car Park – 175-189 Bulleen Road, Bulleen*' to support the ongoing use as a car park. The car park is constructed, with considerations about the building works determined through C134mann and associated NELP approvals such as Urban Design and Landscape Plans (UDLP) (the car park is shown on the approved NEL Tunnels UDLP), Environmental Performance Requirements (EPRs) and NELPs Incorporated Document

The scope of C140mann is limited to rezoning of land, application of consistent overlay controls and introduction of an Incorporated Document to support the ongoing use of the car park and does not propose any works.

### 2.3 Site and Land Parcel

The offset car park is located within an area associated with 175-189 Bulleen Road, Bulleen, and partly occupies land in the parcel formally known as 1\TP423957J.

### 2.4 Existing Planning Zones and Overlays

Table 1 sets out the planning zones and overlays relevant to the amendment and identifies proposed planning controls that would be applied to the existing Veneto Club and offset car park land.

Table 1: Summary of existing planning zones and overlays

Planning Control	Purpose	Proposed Changes/Planning Considerations
<b>Zone</b>		
Public Parks and Recreation Zone (PPRZ)	<ul style="list-style-type: none"> <li>Recognise areas for public recreation and open space</li> <li>Protect and conserve areas of significance where appropriate</li> <li>Provide for commercial uses where appropriate</li> </ul>	<p><b>Proposed Amendments:</b></p> <p>Rezone offset car park land from PPRZ to UFZ.</p> <p><b>Planning Considerations</b></p> <ul style="list-style-type: none"> <li>Publicly zoned land cannot be transferred to a private land owner (i.e. Veneto Club)</li> <li>Use of land as a car park is a section 3 use which is prohibited, under the PPRZ</li> <li>The Existing Use Rights under which the Veneto Club operates cannot be extended to include the offset land.</li> <li>Existing planning provisions (DPO2, Clause 52.06 or Clause 63.05) cannot provide for the use of the offset land for car parking associated with the Veneto Club's as a Place of Assembly. Place of Assembly and car park are prohibited in the UFZ.</li> <li>The Schedule to the UFZ cannot be amended under the state standard provisions to make a Place of Assembly or car park a Section 1 or 2 use under the zone.</li> <li>Rezoning allows for consistent zoning across land associated with the Veneto Club.</li> </ul>
Urban Floodway Zone (UFZ)	<ul style="list-style-type: none"> <li>To identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.</li> </ul>	<p>Retain primary Veneto Club site in the UFZ supporting the consistent application of zones across Veneto land holdings.</p>
<b>Overlays</b>		
Environmental Significance Overlay – Schedules 2 and 3 (ESO2 & ESO3)	<ul style="list-style-type: none"> <li>Identify areas where the development of land may be affected by environmental constraints.</li> <li>Ensure that development is compatible with identified environmental values</li> </ul> <p>ESO2 relates to areas of significant intact native vegetation in Manningham. ESO3</p>	<p>No amendments are proposed to this control under the PSA. ESO2 &amp; ESO3 will continue to apply across all Veneto land holdings.</p>

Planning Control	Purpose	Proposed Changes/Planning Considerations
	relates to buffer conservation areas of environmental significance.	
Significant Landscape Overlay – Schedule 2 (SLO2)	<ul style="list-style-type: none"> <li>Identify significant landscape</li> <li>Conserve and enhance the character of significant landscapes</li> </ul> <p>SLO2 applies to Yarra (Birrarung) River Corridor.</p>	No amendments are proposed to this control under the PSA. SLO2 will continue to apply across all Veneto land holdings.
Design and Development Overlay – Schedule 2-A (DDO2-A)	<ul style="list-style-type: none"> <li>To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space.</li> <li>To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting.</li> <li>To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths. To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.</li> </ul>	<p>Application of DDO2-A is proposed to apply to the car park to ensure strategic consistency with the primary site.</p> <p>The building and works considered under C134mann and NELPs primary approvals did not require an assessment against the provisions of DDO2-A.</p> <p>C134mann concluded that a specific surface water impact assessment was not required to support the PSA, provided the works were undertaken in accordance with the NELP Surface Water Environment Performance Requirements.</p>
Design and Development Overlay – Schedule 15 (DDO15)	<ul style="list-style-type: none"> <li>To avoid direct contact with and to provide a safe working clearance around the North East Link Infrastructure.</li> <li>To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Project or North East Link Infrastructure.</li> <li>To prevent development and construction methods that could generate unacceptable levels of vibration in North East Link Infrastructure.</li> </ul>	No amendments are proposed to this control under the PSA. DDO15 will continue to partly apply across Veneto land holdings.
Development Plan Overlay – Schedule 2 (Veneto Club)	<ul style="list-style-type: none"> <li>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</li> </ul>	<p>Veneto has an approved Developed Plan (DP) approved under DPO2 which was endorsed on 25 September 2019.</p> <p>The existing endorsed DP will not be amended as part of the Amendment because the car park was constructed</p>

Planning Control	Purpose	Proposed Changes/Planning Considerations
	<ul style="list-style-type: none"> <li><i>To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.</i></li> </ul>	and approved through other NELP approvals (C134mann, Incorporated Document and Urban Design and Landscape Plans (UDLP)). NELP's Incorporated Document prevails over any contrary or inconsistent provision in the planning scheme (Clause
Land Subject to Inundation Overlay (LSIO)	<ul style="list-style-type: none"> <li><i>Identify flood prone land in a riverine or coastal area affected by the 1 in 100 year flood or any other area determined by the flood management authority</i></li> <li><i>Ensure that development maintains the free passage and temporary storage of floodwaters, minimised flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood levels for flow velocity</i></li> <li><i>Protect and conserve areas of significance where appropriate</i></li> </ul>	No amendments are proposed to this control under the PSA.
Specific Controls Overlay – Schedule 12 (SCO12)	<ul style="list-style-type: none"> <li><i>To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.</i></li> </ul> <p>SCO12 facilitated the 'North East Link Project Incorporated Document, December 2019 (amended September 2023)'.</p>	No amendments are proposed to this control under the PSA. SCO12 will continue to partly apply to Veneto land.
Specific Controls Overlay – Schedule 14 (SCO14)	SCO14 proposes to introduce the 'Veneto Club Car Park – 175-189 Bulleen Road, Bulleen' Incorporated Document to the planning scheme.	Introduction of SCO14 and associated Incorporated Document supports the ongoing use of the land as a private car park.

## 2.5 Planning Permit Requirements

The existing planning controls contain multiple planning permit triggers for use and buildings and works. If the standard statutory operation of the Manningham Planning Scheme applied, a planning permit cannot support a process to modify planning provisions to facilitate the transfer and ongoing use of the offset land to Veneto. As a result, a PSA is sought to facilitate the transfer and support ongoing car park operations. Similarly, as discussed above, some provisions associated with the amendment would be prohibited under the standard operation on the planning scheme. Application of SCO14 and associated Incorporated Document enables the land use outcomes required to compensate Veneto for lost car parking given the highly restrictive nature of both existing and proposed zones and overlays.

## 3.Planning Scheme Amendment

This section provides an overview of the PSA and provides a strategic assessment of the PSA against the Minister's Directions.

### 3.1 Overview

The Amendment seeks to facilitate the transfer and continued use of the car park associated with the Veneto Club through a site-specific Incorporated Document and applying the most appropriate zone and overlays to the land. As discussed in Section 2.2, NELP constructed an offset car park for the Veneto Club to replace car parking lost due to partial acquisition. To facilitate the transfer the land must be rezoned from the existing public use zone (PPRZ) as directed by VGLM.

The amendment seeks to extend the UFZ, Design and Development Overlay (DDO2- A) and Development Plan Overlay (DPO2) and introduce a Specific Controls Overlay (SCO) to the offset land; to support the transfer and ongoing use of the offset car park associated with Veneto.

The amendment proposes to:

- Rezone land south of the Veneto Club, that is currently being used as a car park, at 173A Bulleen Road, Bulleen, from PPRZ to UFZ.
- Extend the DDO2-A and DPO2 to apply to the car park land.
- Introduce and apply SCO14 and associated Incorporated Document '*Veneto Club Car Park – 175-189 Bulleen Road, Bulleen*' to the car park land.

### 3.2 Who is the planning authority

This Amendment has been prepared by the Minister for Planning, who is the planning authority for this Amendment. The Amendment has been made at the request of NELP, a division of the Victorian Infrastructure Delivery Authority (VIDA).

NELP will request the Minister for Planning to exercise their powers under section 20(4), 29 and 35 of the P&E Act. Section 20(4) of the P&E Act enables the Minister for Planning to exempt an Amendment from any of the requirements of section 17, 18 and 19 of the P&E Act or the Regulations, if it is considered that compliance with any of these requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

### 3.3 Land affected by the Amendment

The land affected by the Amendment is indicated at Figure 1.



Figure 1: Land affected by the amendment

### 3.4 What the Amendment does

The Amendment applies the UFZ, DDO2-A, DPO2 and SCO14 to the land.

The proposed PSA seeks to facilitate the ongoing use of the car park as part of the Veneto Club by amending the zoning and overlay controls in the Planning Scheme. The Amendment addresses the following changes:

#### Rezoning of land

- Rezoning the offset car park from the PPRZ to UFZ. This reflects the intended divestment of the car park area to the Veneto Club and ensures consistency in zoning across land associated with Veneto.

#### Extension of DDO2-A and DPO2

- Extending the existing DDO2-A and DPO2 to the offset carpark. This will ensure the consistent alignment of the overlays across Veneto land holdings, and ensures any future built form and design aligns with the design objectives and standards for the broader Veneto Club.

#### Apply SCO14

- Application of SCO14 supports the ongoing use of the car park within the UFZ. The use within this zone would otherwise be prohibited.
- The Incorporated Document will enable the continued use of the existing car park for the Veneto Club within the SCO14 footprint and sets out the purpose, objectives and controls specifically for the land.

### 3.5 Proposed Planning process

This PSA seeks to amend the zones and overlays that currently apply to the offset carpark to support the transfer of land to the Veneto Club and supports the ongoing use of the carpark. NELP will request the Minister for Planning to prepare, adopt and approve the Amendment under Section 20(4) of the P&E Act.

### 3.6 Appropriateness of ministerial intervention

NELP will request the Minister for Planning to prepare, adopt and approve the Amendment under Section 20(4), 29 and 35 of the P&E Act. Section 20(4) of the P&E Act which enables the Minister for Planning to exempt an Amendment from



any of the requirements of sections 17, 18 and 19 of the P&E Act of the regulations, if it is considered that compliance with any of these requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

It is appropriate for the Minister for Planning to exercise this power in C140mann because compliance with those requirements is not warranted and/or the interests of Victoria make such an exemption appropriate. In particular:

Compliance with any of the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations is not warranted because:

- Interested parties, including Veneto and affected agencies, impacted by the amendment will be given the opportunity to comment during the consultation process undertaken by NELP.
- Further notification and consultation would be unlikely to result in changes to the amendment.

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

- NELP is a project of State significance (North East Link Minister's assessment of environmental effects, November 2019) and the Project is part of the NELP program.
- The approval will allow the Veneto Club, who was impacted by NELP, to maintain their car parking provisions.
- The car park is existing with no works proposed. The amendment is limited to allowing the ongoing use of the offset carpark. Any potential impacts to the community as a result of the proposed Amendment will be negligible.

### 3.7 Strategic assessment of the amendment

During the preparation of the Amendment, NELP will seek views affected parties. NELP will undertake targeted consultation on the Amendment and engage with potentially affected stakeholders. A consultation summary will be provided to DTP following this process.

A list of stakeholders and purpose of consultation is provided at Table 2 below:

**Table 2: Targeted Consultation**

Stakeholder	Purpose of consultation
Veneto Club	Future land owner and operator of car park.
Manningham City Council	Local government area where the amendment will apply and responsible authority for planning matters associated with the land.
Melbourne Water	Determining referral authority under updated zone (UFZ) recommending referral authority under updated overlay (DDO2).
Parks Victoria	Adjoining public land manager.
Environment Protection Authority (EPA) Victoria	Ministerial Directions requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments.
Department of Transport and Planning (Infrastructure Assessment Unit)	Planning authority for the amendment.
Department of Transport and Planning (Head, Transport for Victoria)	Referral authority under Clause 66.03 to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the Road Management Act 2004.

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Stakeholder	Purpose of consultation
Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	Registered Aboriginal Party.

## 4.Strategic Assessment of Amendment

In preparing the Amendment, consideration has been given to how the Amendment addresses the strategic considerations of the relevant Ministerial Directions. Table 3 below outlines how this Amendment responds to these requirements, for further details please refer to the explanatory report.

**Table 3: Strategic Assessment**

Strategic Consideration	Response
<b>Why is an amendment required?</b>	<p>An Amendment is required to facilitate the ongoing use of the existing offset car park as part of the Veneto Club.</p> <p>NELP acquired part of the original Veneto Club car park which was located within the Project Boundary and SCO12 area to support the delivery of NELP. To compensate for the loss of car parking, an offset car park was constructed to support continuity of parking facilities for the Veneto Club.</p> <p>To support the ongoing use of the car park, a PSA is required to:</p> <ul style="list-style-type: none"> <li>• Rezone the land to UFZ and introduce SCO14 allowing the continued use of a car park which would otherwise be prohibited.</li> <li>• Extending the DDO2-A and DPO2 will integrate the offset car park are into the broader Veneto Club area and ensure strategic consistency across Veneto's land holding.</li> </ul>
<b>How does the amendment implement the objectives of planning in Victoria?</b>	<p>The draft amendment appropriately implements the objectives of planning in Victoria as set out in sections 4(1) and 12(1)(a) of the <i>Planning and Environment Act 1987</i> (P&amp;E Act).</p> <p><u>Provide for the fair, orderly, economic and sustainable use, and development of land</u></p> <ul style="list-style-type: none"> <li>• The Amendment enables the continued use of a car park associated with a long-established use, ensuring that land is developed and used sustainably to meet current and future community needs. By aligning the zoning and overlay controls, the Amendment supports coordinated and orderly planning for land associated with the Veneto.</li> </ul>
<b>How does the amendment address any environmental, social and economic effects?</b>	<p>No works are proposed as part of the Amendment. SCO14 is proposed to be applied to the offset car park to support its continued and to enable the land to be transferred to Veneto. Any potential environmental, social or economic impacts associated with the car park were considered under C134mann and are addressed through associated NELP approvals (such as UDLPs, EPRs and Incorporated Document).</p>
<b>Does the amendment address relevant bushfire risk?</b>	<p>The Amendment meets bushfire policy in Clause 13.02 of the Manningham Planning Scheme and will not result in an increase to the risk of life, property, community infrastructure or the natural environment from bushfire.</p>
<b>Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?</b>	<p>Section 12(2)(a) of the P&amp;E Act requires that in preparing an amendment, a planning authority must have regard to relevant Minister's Directions. The following Minister's Direction is relevant to the amendment:</p> <p><u>Ministerial Direction on the Form and Content of Planning Schemes</u></p>

Strategic Consideration	Response
	<p>The draft amendment is consistent with Ministerial Direction on the <i>Form and Content of Planning Schemes</i> under Section 7(5) of the P&amp;E Act and continues to apply planning controls within the Victoria Planning Provisions (VPPs).</p> <p><u>Ministerial Direction No. 9 – Metropolitan Planning Strategy</u></p> <p>In preparing a planning scheme amendment a planning authority must have regard to the Metropolitan Planning Strategy. <i>Plan Melbourne: 2017 to 2050</i> (Plan Melbourne) is the current Metropolitan Planning Strategy and provides guidance on the development and growth of Melbourne over the next 35 years. NELP is supported by a number of strategies within Plan Melbourne. The amendment is consistent with the Ministerial Direction because it is required to support the delivery of NELP.</p> <p><u>Ministerial Direction No. 11 Strategic Assessment of Amendments</u></p> <p>The amendment complies with Ministerial Direction No. 11 (<i>Strategic Assessment of Amendments</i>) under section 12 of the P&amp;E Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. Requirements to be met are addressed in the explanatory report and associated amendment documents.</p> <p><u>Ministerial Direction 19: Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health</u></p> <p>C140mann can be viewed as an administrative process to amend planning provisions as a result of buildings and works considered pursuant to C134mann. No buildings or works are proposed pursuant to C140mann.</p> <p>EPA provided advice to the C134mann planning process to deliver the offset car park. EPA considered the potential construction and operation impacts are likely to be minor and would be managed in accordance with the wider Project Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs).</p> <p>NELP do not consider Ministerial Direction 1 – Potentially Contaminated Land (MD1) nor Ministerial Direction No. 19 – Preparation and content of amendments (MD19) that may significantly impact the environment, amenity and human health apply to this PSA as the proposal seeks to amend planning provisions, rather than to consider buildings and works.</p>
<p><b>How does the amendment support or implement the Planning Policy Framework and any adopted State policy?</b></p>	<p>The Amendment supports the following policies contained in the Planning Policy Framework:</p> <p><u>Clause 18.02-4S: Roads</u></p> <ul style="list-style-type: none"> <li>• Aims to ensure the provision of an adequate supply of car parking that meets the needs of the community and does not negatively impact the amenity of the surrounding area.</li> <li>• The Amendment achieves this provision as it supports the continued use of the Veneto Club car park. The offset car park provides an adequate supply of car parking which meets the needs of the community and Veneto Club users. This Amendment will not result in a negative impact on the amenity of the surrounding area because the car park is existing and does not have any residential interfaces.</li> </ul> <p><u>Clause 19.02-4S: Social and Cultural Infrastructure</u></p>

Strategic Consideration	Response
	<ul style="list-style-type: none"> <li>This policy supports the distribution of and access to social and cultural infrastructure. The policy encourages the planning and design of community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.</li> <li>The Amendment achieves these policy objectives by supporting the continued use of the car park associated with the Veneto Club which contributes to social and cultural infrastructure.</li> </ul>
<b>How does the amendment support or implement the Municipal Planning Strategy and Local Planning Policy?</b>	<p>The following Clauses of the Municipal Planning Strategy (MPS) and Local Planning Policy are relevant to the amendment:</p> <p><u>Clause 02.01: Context</u></p> <ul style="list-style-type: none"> <li>This provision identifies that Manningham has no rail based public transport and is highly dependent on the road network and car parking facilities.</li> <li>The Amendment responds to the Context of the MPS by supporting the ongoing use of the Veneto Club Park which has limited public transport links and is heavily dependent on the road network. Appropriate car parking rates ensures Veneto can continue to operate at comparable volume prior to NELP.</li> </ul> <p><u>Clause 02.02: Vision</u></p> <ul style="list-style-type: none"> <li>Manningham's Vision supports land use and development that supports community access to high quality, responsive services and infrastructure, to meet changing needs.</li> <li>Vision also encourages equally accessible land use and development that achieves social interaction and cohesion, and the provision of safe and healthy environments that contribute to community enjoyment and well-being.</li> <li>The Amendment achieves Manningham's Vision as it supports ongoing community access to the Veneto Club fostering continued social interaction and cohesion.</li> </ul> <p><u>Clause 02.03-6: Economic Development</u></p> <ul style="list-style-type: none"> <li>Commercial economic development strategic directions outline that Manningham contains an extensive range of eating and entertainment premises that reflect the diversity of the population.</li> <li>The Amendment is consistent with the strategic direction because the offset car park provides Veneto Club patrons with ongoing access to a venue that promotes diverse cultural and sporting entertainment. This provides the community with opportunities for social and community interaction at the Veneto Club.</li> </ul> <p><u>Clause 11.01-1L-02: Green Wedge and Yarra River corridor – Manningham</u></p> <ul style="list-style-type: none"> <li>The Veneto Club and offset car park is within the 'Yarra River Corridor' as indicated on the map to Green Wedge and Yarra River Corridor plan.</li> <li>This policy encourages the design of car parking areas and accessways to be sealed and drained; and to be setback from the river corridor.</li> <li>The Amendment is limited to the use of the car park with works consideration previously determined. Notwithstanding, the completed car parking is substantially consistent with the design and siting objectives of these provisions.</li> </ul>

Strategic Consideration	Response
	<p><u>Clause 11.03-6R: Birrarung-Bolin Framework Plan</u></p> <ul style="list-style-type: none"> <li>• Veneto Club and the offset car park share an interface to the Birrarung-Bolin Framework Plan on the northern and western interfaces.</li> <li>• Victoria's <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i> (YRP Act) provides an overarching policy and planning framework to coordinate planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity.</li> <li>• An exemption (section 64JA of the MTPF Act) from the provisions of the YRP Act applies to NELP. Nonetheless, NELP has had regard to the YRP Act. NELP's primary Incorporated Document required the Urban Design Strategy to have regard to and respond to relevant principles of the YRP Act.</li> <li>• Furthermore, the Tunnels UDLF has regard to the Bulleen Land Use Framework Plan which considered NELP alignment. This plan was superseded by the Birrarung Bolin Framework Plan.</li> </ul>
Does the amendment make proper use of the Victoria Planning Provisions?	<p>The Amendment makes proper use of the Victoria Planning Provisions (VPP) by selecting the most appropriate zone and overlay provisions to ensure the ongoing use of the Veneto Club offset car park, while achieving the strategic directions of the planning scheme.</p> <p>The UFZ is the most appropriate zone for the offset car park. As previously discussed, the land should not be transferred to Veneto in a public use zone. The UFZ is a continuation of the zoning of the Veneto's primary site. Works to construct the car park have been completed and compliance requirements are subject to other approvals.</p> <p>The introduction of SCO14 (and associated Incorporated Document) is an appropriate tool to support the ongoing use of a car park in the UFZ, which would otherwise be prohibited. The purpose of the SCO is to achieve a particular land use outcome in extraordinary circumstances. The offset car park is required to support the delivery of NELP, a project of state significance and a declared project under MTPF Act and would be prohibited under both the existing and proposed zoning.</p> <p>Application of SCO14 is the most appropriate planning tool to achieve the land use outcomes required to compensate Veneto for lost car parking given the highly restrictive nature of both existing and proposed zones and overlays.</p> <p>The application and extension of the DPO2 and DDO2-A ensures strategic consistency across Veneto Club landholdings. These overlay schedules specifically relate to Veneto and direct future-built form outcomes and siting objectives (in relation to the Yarra River) for Veneto. A condition of the Incorporated Document stipulates that the SCO will expire if the strategic redeveloped of the land is approved under DPO2.</p>
How does the amendment address the views of any relevant agency?	<p>The following agencies will be consulted with during the preparation of the Amendment:</p> <ul style="list-style-type: none"> <li>• Manningham City Council</li> <li>• Department of Transport and Planning (Infrastructure Assessment Unit)</li> <li>• Head, Transport for Victoria</li> <li>• Environmental Protection Authority (EPA) Victoria</li> <li>• Melbourne Water</li> <li>• Parks Victoria</li> </ul>

Strategic Consideration	Response
	<ul style="list-style-type: none"><li>Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation</li></ul>
<b>Does the amendment address relevant requirements of the Transport Integration Act 2010?</b>	The amendment supports a project that was developed having regard to the transport system objectives and decision-making principles under the Transport Integration (TIA) Act 2010 during the EES and GC98 process. Further considerations on these requirements were undertaken during the assessment of C134mann. The amendment remains consistent with the established response to the TIA Act under previous NELP PSAs.
<b>What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?</b>	The Amendment will have minimal impact on the resources and administrative costs of the responsible authority. The amendment supports the ongoing use of an established car park and does not require further planning approvals. The Minister for Planning will be the responsible authority of Incorporated Document and Manningham City Council will continue to be responsible for enforcement.

## 5.Flooding considerations

The site is located within the LSIO and proposes to extend the UFZ and DDO2-A to cover the southern offset car park associated with Veneto. Melbourne Water will become a determining referral authority under the UFZ and recommending referral authority under DDO2-A and has been briefed as part of the PSA process. Melbourne Water will be given the opportunity to provide a formal submission during the consultation period.

NELP are already required to consider overland flow and flood risk as part of the EPRs which apply to project land. The PSA is limited to the rezoning of land to support the transfer and ongoing use of the offset car park and does not require further flood impact assessments.



## 6. Conclusion

The proposed Amendment seeks to facilitate the ongoing use of the existing and constructed southern offset car park as part of the Veneto Club by amending the zoning and overlay controls in the Manningham planning scheme. This will allow for the transfer of publicly zoned land to private ownership and integrates the car park with other Veneto landholdings. This is achieved by updating planning controls to allow for consistent zoning and overlays across Veneto land holdings, as well as allowing for the use of the car park in the UFZ through SCO14 and associated Incorporated Document (*Veneto Club Car Park – 175-189 Bulleen Road, Bulleen*).

The amendment is largely administrative and is required to align the offset car park zoning and overlay provisions with the primary Veneto site while facilitating the transfer of public land. The introduction of the SCO14 and associated Incorporated Document supports the ongoing use of the car park which would otherwise be prohibited.

Stakeholder views, including affected agencies and Veneto, will be sought as part of the amendment process. It is requested that the Minister for Planning exercise their powers under section 20(4), 29 and 35 of the P&E Act and prepare, adopt and approve C140mann.

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*Planning and Environment Act 1987*

## **Manningham Planning Scheme**

### **Amendment C140mann**

### **Explanatory Report**

#### **Overview**

Amendment C140mann to the Manningham Planning Scheme seeks to facilitate the continued use of a car park associated with the Veneto Club. There are no physical works proposed as part of this amendment.

Amendment C134mann to the Manningham Planning Scheme prepared by North East Link Program (NELP) obtained planning approval for car park modification works at the Veneto Club as part of the construction of NEL. The NEL design required permanent acquisition of the south-eastern corner of the Veneto Club and resulted in a need to modify the existing Veneto car park. A new car park was constructed to the south of Veneto Club to replace the parking lost due to the partial acquisition.

The offset land where the offset car park is currently located is proposed to be transferred to the Veneto Club, however, this land is currently zoned Public Park and Recreation Zone (PPRZ) and requires rezoning prior to the transfer. The proposed rezoning is required to enable the land that is currently owned by a public entity to be transferred to a private land holder and to ensure consistency of controls across the land parcels.

The amendment extends the planning controls that currently apply to the Veneto Club land which includes the Urban Floodway Zone (UFZ), Design and Development Overlay – Schedule 2-A (DDO2-A) and Development Plan Overlay – Schedule 2 (DPO2), and introduces a Specific Controls Overlay – Schedule 14 (SCO14) to support the continued use of the Veneto Club car park. Maps are provided to illustrate the proposed changes.

Key elements of the amendment include:

- Rezoning land south of the Veneto Club that is currently being used as a car park, at 175-189 Bulleen Road, Bulleen, from PPRZ to UFZ, to enable the transfer of land to the Veneto Club.
- Extending the DDO2-A and DPO2 to ensure consistency of controls across all Veneto Club land.

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- Creation of SCO14 to apply an Incorporated Document 'Veneto Club Car Park – 175 – 189 Bulleen Road, Bulleen'.

**Where you may inspect this amendment**

The amendment and any documents that support the amendment can be inspected during the Targeted Consultation period, and are available free of charge.

The amendment documentation will be attached to the email advising of the Targeted Consultation period.

**Submissions**

Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for NELP to consider submissions.

If you would like to speak to a NELP officer about the amendment, please email your request to arrange a time to [NELP-Planning@northeastlink.vic.gov.au](mailto:NELP-Planning@northeastlink.vic.gov.au)

The closing date for submissions is **11:55pm Monday 28 July 2025**.

A submission must be sent to: Email: [NELP-Planning@northeastlink.vic.gov.au](mailto:NELP-Planning@northeastlink.vic.gov.au) (preferred) OR

Post: North East Link Program GPO Box 2392 Melbourne VIC 3001

**Details of the amendment****Who is the planning authority?**

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment. The amendment has been made at the request of NELP, a division of the Victorian Infrastructure Delivery Authority (VIDA).

**Land affected by the amendment**

The amendment applies to the portion of land indicated in Attachment 2. The Site is located at 175-189 Bulleen Road, Bulleen, and is within land parcel 1\TP423957J.

A mapping reference table is attached at Attachment 1 to this Report.

**What the amendment does**

The amendment applies the UFZ, DDO2-A, DPO2, SCO14 and associated

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Incorporated Document to the land.

The amendment seeks to facilitate the ongoing use of the car park that is ancillary to the Veneto Club by extending the applicable zone and overlay controls in the Manningham Planning Scheme. The amendment addresses the following key changes:

- Rezoning of land:
  - Rezoning the offset car park from PPRZ to UFZ reflects the intended divestment of the car park area to the Veneto Club and ensures consistency in zoning across land associated with the Veneto Club.
- Extension of DDO2-A and DPO2:
  - Extending the existing DDO2-A and DPO2 to the offset carpark will ensure the consistent application of overlays across Veneto land holdings, and ensures any future built form and design aligns with the design objectives and standards for the broader Veneto Club.
- Introduction of Specific Controls Overlay (SCO14):
  - Application of SCO14 supports the ongoing use of the car park within the UFZ. The use within this zone would otherwise be prohibited.
  - The Incorporated Document will enable the continued use of the existing car park for the Veneto Club within the SCO14 footprint and sets out the purpose, objectives and controls specifically for the land.

It is noted that any exemptions from requiring a planning permit for use and buildings and works or subdivision under Clause 51, Clause 52.03, Clause 52.16, Clause 52.29, Clause 52.30, Clause 52.31, Clause 52.35, Clause 52.36 and Clause 62 of the Planning Scheme will continue to apply providing the relevant responsible authority, Minister, public authority, Council or referral authorities have agreed in writing to the proposed use.

## Strategic assessment of the amendment

### Why is the amendment required?

This amendment is required to facilitate the ongoing use of the existing offset car park as part of the Veneto Club. NELP acquired part of the original Veneto Club car park which was located within the project boundary and Specific Controls Overlay - Schedule (SCO12) area to support the delivery of NELP. To compensate for the loss of car parking, an offset car park was constructed to support continuity of parking facilities for the Veneto Club.

To support the ongoing use of the car park, a Planning Scheme Amendment (PSA) is required to:

- Rezone the land to UFZ and introduce SCO14, allowing the continued use of a car park which would otherwise be prohibited.

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- Extending the DDO2-A and DPO2 will integrate the offset car park into the broader Veneto Club area and ensure strategic consistency across Veneto's land holdings.

**How does the amendment implement the objectives of planning in Victoria?**

The draft amendment appropriately implements the objectives of planning as outlined in sections 4(1) and 12(1)(a) of the *Planning and Environment Act 1987* (P&E Act).

- Facilitating orderly and sustainable development:
  - The amendment enables the continued use of the car park, ensuring that land is used sustainably to meet current and future community needs. By aligning the zoning and overlay controls, the amendment supports coordinated and orderly planning for land associated with the Veneto.
- Balancing economic, social, and environmental conditions:
  - The amendment supports infrastructure development associated with NEL. It also incorporates appropriate controls, such as the SCO, DDO and DPO to address the surrounding conditions.
- Providing for community needs:
  - The amendment ensures that essential infrastructure is maintained, supporting access and functionality for community members.
- Integrating land use and development planning:
  - The amendment achieves consistency between zoning and overlay controls across the Veneto Club, aligning with the strategic intent of the Manningham Planning Scheme.
  - The application of the UFZ, DDO, DPO and SCO ensures integrated and site-specific planning outcomes.
  - The amendment achieves consistency between zoning and overlay controls across the Veneto Club, aligning with the strategic intent of the Manningham Planning

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

No works are proposed as part of the amendment. SCO14 is proposed to be applied to the offset car park to support its continued use and to enable the land to be transferred to the Veneto Club. Any potential environmental, social or economic

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impacts associated with the car park were considered under C134mann and are addressed through associated NELP approvals such as Urban Design and Landscape Plans (UDLPs), Environmental Performance Requirements (EPRs) and the NEL Incorporated Document.

**Does the amendment address relevant bushfire risk?**

The amendment meets bushfire policy in Clause 13.02 of the Manningham Planning Scheme and will not result in increased risk to life, property, community infrastructure or the natural environment from bushfire.

**Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?**

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes issued under section 7(5) of the Act.

*Ministerial Direction 9, Metropolitan Planning Strategy*

In preparing a PSA, a planning authority must have regard to the Metropolitan Planning Strategy. *Plan Melbourne: 2017 to 2050* (Plan Melbourne) is the current Metropolitan Planning Strategy and provides guidance on the development and growth of Melbourne over the next 35 years. Direction 5.3 notes the importance of public and private sectors in the operation and maintenance of community facilities. The ongoing use of the Veneto Club car park supports the needs of the community. The importance of access to is further noted in Outcome 3 Melbourne has an integrated transport system that connects people to jobs and services and goods to market, which the amendment further supports.

Additionally, the amendment supports NEL as a Project, which is mentioned as key infrastructure under Policy 3.1.5 Improve the efficiency of the motorway network.

*Ministerial Direction 11, Strategic Assessment of Amendments*

The amendment also complies with *Ministerial Direction 11, Strategic Assessment of Amendments*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a PSA and the outcomes it produces. This Explanatory Report and the Strategic Assessment Report prepared for the PSA, provides a comprehensive strategic evaluation of the amendment and the outcomes it produces.

*Ministerial Direction 19, (Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health)*

C140mann can be viewed as an administrative process to amend planning provisions as a result of buildings and works considered pursuant to C134mann. No buildings or works are proposed pursuant to C140mann.

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EPA provided advice to the C134mann planning process to deliver the offset car park. EPA considered the potential construction and operation impacts are likely to be minor and would be managed in accordance with the wider Project Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs).

NELP do not consider Ministerial Direction 1 – Potentially Contaminated Land (MD1) nor Ministerial Direction No. 19 – Preparation and content of amendments (MD19) that may significantly impact the environment, amenity and human health apply to this PSA as the proposal seeks to amend planning provisions, rather than to consider buildings and works.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports the following policies contained in the Planning Policy Framework:

- Clause 11.02-2S – *Structure Planning*
  - Aims to facilitate the use of existing infrastructure and services.
  - The amendment supports this as the car parking is provided to service the existing Veneto Club.
- Clause 18.02-4S – *Roads*
  - Aims to ensure the provision of an adequate supply of car parking that meets the needs of the community and does not negatively impact the amenity of the surrounding area.
  - The amendment achieves this provision as it supports the continued use of the Veneto Club car park. The offset car park provides an adequate supply of car parking which meets the needs of the community and Veneto Club users. This amendment will not negatively impact the amenity of the surrounding area because the car park is existing and does not have any residential interfaces.
- Clause 19.02-4S – *Social and Cultural Infrastructure*
  - This policy supports the distribution of and access to social and cultural infrastructure. The policy encourages the planning and design of community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.
  - The amendment achieves these policy objectives by supporting the continued use of the car park associated with the Veneto Club which contributes to social and cultural infrastructure.

### **How does the amendment support or implement the Municipal Planning Strategy and Local Planning Policy?**

The following Clauses of the Municipal Planning Strategy (MPS) and Local Planning Policy are relevant to the amendment:

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Clause 02.01: Context

- This provision identifies that Manningham has no rail based public transport and is highly dependent on the road network and car parking facilities.
- The amendment responds to the Context of the MPS by supporting the ongoing use of the Veneto Club Park which has limited public transport links and is heavily dependent on the road network. Appropriate car parking rates ensures Veneto can continue to operate at comparable volume prior to NELP.

Clause 02.02: Vision

- Manningham's Vision supports land use and development that supports community access to high quality, responsive services and infrastructure, to meet changing needs.
- Vision also encourages equally accessible land use and development that achieves social interaction and cohesion, and the provision of safe and healthy environments that contribute to community enjoyment and well-being.
- The amendment supports Manningham's Vision as it supports ongoing community access to the Veneto Club fostering continued social interaction and cohesion.

Clause 02.03-6: Economic Development

- Commercial economic development strategic directions outline that Manningham contains an extensive range of eating and entertainment premises that reflect the diversity of the population.
- The amendment is consistent with the strategic direction because the offset car park provides Veneto Club patrons with ongoing access to a venue of promoting diverse cultural and sporting entertainment. This provides the community with opportunities for social and community interaction at the Veneto Club.

Clause 11.01-1L-02: Green Wedge and Yarra River corridor – Manningham

- The Veneto Club and offset car park is within the 'Yarra River Corridor' as indicated on the map to Green Wedge and Yarra River Corridor plan.
- This policy encourages the design of car parking areas and accessways are to be sealed and drained and to be setback from the river corridor.
- The amendment is limited to the use of the car park with works consideration previously determined. Notwithstanding, the completed car parking is substantially consistent with the design and siting objectives of these provisions

Clause 11.03-6R: Birrarung-Bolin Framework Plan

- Veneto Club and the offset car park share an interface to the Birrarung-Bolin

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Framework Plan on the northern and western interfaces.

- Victoria's *Yarra River Protection (Wilip-gin Birrarung murrong)* Act 2017 (YRP Act) provides an overarching policy and planning framework to coordinate planning for the use, development and protection of the Yarra River, its parklands and other land in its vicinity.
- An exemption (section 64JA of the MTPF Act) from the provisions of the YRP Act applies to NELP. Nonetheless, NELP has had regard to the YRP Act. NELP's primary Incorporated Document required the Urban Design Strategy to have regard to and respond to relevant principles of the YRP Act.
- Furthermore, the Tunnels UDLP has regard to the Bulleen Land Use Framework Plan which considered NELP alignment. This plan was superseded by the Birrarung Bolin Framework Plan.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions (VPP) by selecting the most appropriate zone and overlay provisions to ensure the ongoing use of the Veneto Club offset car park, while achieving the strategic directions of the planning scheme. The UFZ is a continuation of the zoning of the Veneto's primary site. Works to construct the car park have been completed and compliance requirements are subject to other approvals.

The introduction of SCO14 and associated Incorporated Document is an appropriate tool to support the ongoing use of the car park in the UFZ, which would otherwise be prohibited. The purpose of the SCO is to achieve a particular land use outcome in extraordinary circumstances. The offset car park is required to support the delivery of NELP, a project of state significance and a declared project under MTPF Act and would be prohibited under both the existing and proposed zoning.

Application of SCO14 is the most appropriate planning tool to achieve the land use outcomes required to compensate Veneto for lost car parking given the highly restrictive nature of both existing and proposed zones and overlays.

The application and extension of the DPO2 and DDO2-A ensures strategic consistency across Veneto Club land holdings. These overlay schedules specifically relate to Veneto and direct future-built form outcomes and siting objectives (in relation to the Yarra River) for Veneto. The application and extension of the DPO2 and the DPO2 and DDO2-A ensures strategic consistency across Veneto Club land holdings. These overlay schedules specifically relate to Veneto and direct future built-form outcomes and siting objectives (in relation to the Yarra River) for Veneto.

### **How does the amendment address the views of any relevant**

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**agency?**

The following agencies will be consulted with during the preparation of the amendment:

- Manningham City Council
- Department of Transport and Planning (Infrastructure Assessment Unit)
- Department of Transport and Planning (Head, Transport for Victoria)
- Environmental Protection Authority (EPA) Victoria
- Melbourne Water
- Parks Victoria
- Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC)

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment supports a project that was developed having regard to the transport system objectives and decision-making principles under the *Transport Integration Act 2010* (TI Act) during the EES and GC98 process. Further considerations of these requirements were undertaken during the assessment of C134mann. The amendment remains consistent with the established response to the TI Act under previous NELP PSAs.

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

The amendment will have minimal impact on the resources and administrative costs of the responsible authority. The amendment supports the ongoing use of an established car park and does not require further planning approvals. The Minister for Planning will be the responsible authority of Incorporated Document.

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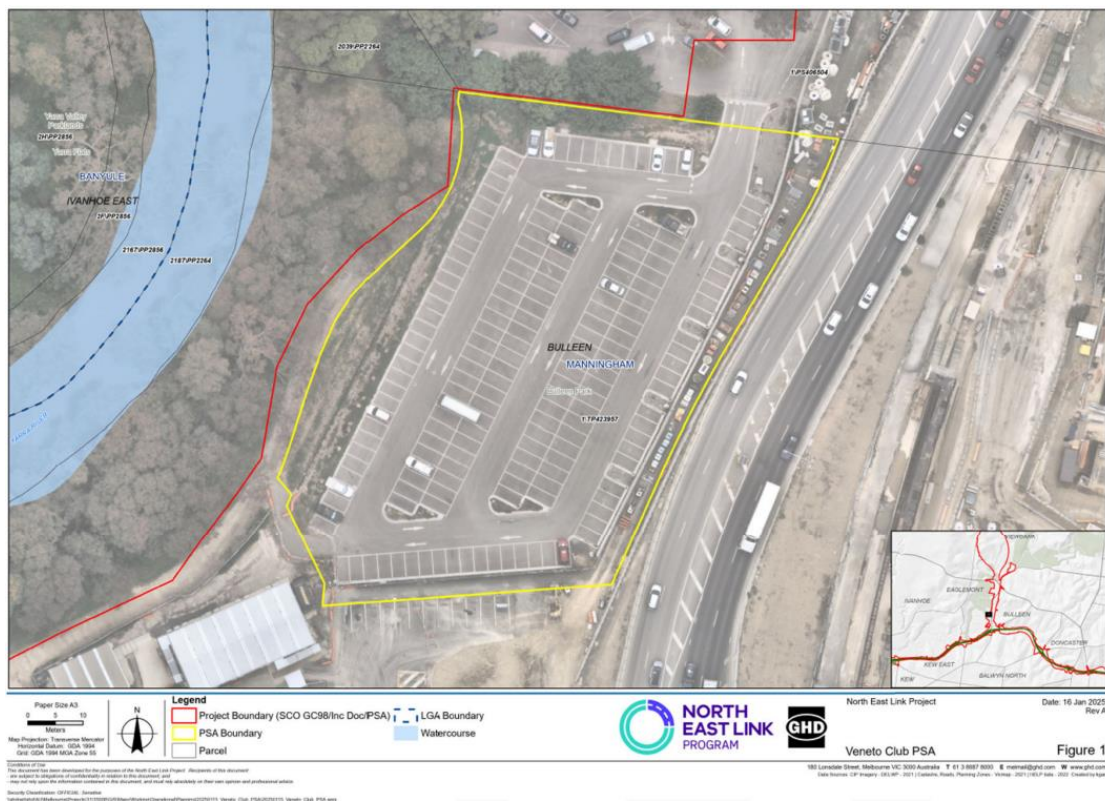
**Attachment 1 – Mapping reference table**

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Manningham City Council	Section of land within 1\TP423957J (See mapping reference)	06ZN	175-189 Bulleen Road, Bulleen	Change PPRZ to UFZ	N/A	N/A
Manningham City Council	Section of land within 1\TP423957J (See mapping reference)	06DDO	175-189 Bulleen Road, Bulleen	N/A	Extension of DDO-2A	N/A
Manningham City Council	Section of land within 1\TP423957J (See mapping reference)	06DPO	175-189 Bulleen Road, Bulleen	N/A	Extension of DPO2	N/A
Manningham City Council	Section of land within 1\TP423957J (See mapping reference)	06SCO	175-189 Bulleen Road, Bulleen	N/A	Insert SCO14	N/A

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## Attachment 2 – Land which this amendment applies to



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*Planning and Environment Act 1987*

## **Manningham Planning Scheme**

### **Amendment C140mann**

#### **Instruction sheet**

The planning authority for this amendment is the Minister for Planning.

The Manningham Planning Scheme is amended as follows:

#### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 4 attached map sheets.

##### **Zoning Maps**

1. Amend Planning Scheme Map No.6 ZN in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C140mann."

##### **Overlay Maps**

2. Amend Planning Scheme Map No.6 DDO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C140mann."
3. Amend Planning Scheme Map No.6 DPO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C140mann."
4. Amend Planning Scheme Map No.6 SCO in the manner shown on the 1 attached map marked "Manningham Planning Scheme, Amendment C140mann."

#### **Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

5. In **Overlays** – Clause 43.02, replace the Schedule with a new Schedule in the form of the attached document.
6. In **Overlays** – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.

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7. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

**End of document**

## MANNINGHAM PLANNING SCHEME

20/04/2021  
VC197**SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO2**.**YARRA (BIRRARUNG) RIVER CORRIDOR****1.0**20/04/2021  
VC197**Design objectives**

To ensure new buildings, tennis courts, swimming pools and other structures are appropriately set back from the banks of the Yarra River and adjacent public open space.

To ensure buildings are presented at a variety of heights, avoid visual bulk, are stepped back from the frontage of the Yarra River and adjacent public open space and use colours and finishes which do not contrast with the natural landscape setting.

To avoid additional light spill and overshadowing from buildings on the banks and water of the Yarra River, its adjacent public open space, pedestrian and bicycle paths. To ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.

To minimise impervious surfaces to allow for the filtration of water and retention and establishment of vegetation and canopy trees.

**2.0**20/04/2021  
VC197**Buildings and works**

~~Proposed C140mann~~ A permit is required to construct a fence that:

- is set back less than the minimum setback distance specified in the applicable table to this schedule; or
- abuts public open space.

This does not apply to a fence that:

- does not exceed a maximum height of 1.4 metres at any point above ground level; and
- is of timber post and rail, timber post and wire, or metal post and wire construction.

A permit is required to construct a swimming pool or tennis court associated with a dwelling which is not in accordance with the requirements of this schedule.

**Requirements that cannot be varied by a planning permit**

The following requirements must be met:

- Buildings and works must not cast any additional shadow across the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) between 11:00am and 2:00pm on 22 June.
- New buildings must not exceed the maximum building height specified in the applicable table to this schedule. A building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
- New buildings (including basements and projections) must be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.
- The complete or partial replacement of an existing building within the minimum setback distance specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway) must not:
  - Exceed the maximum building height specified in the applicable table to this schedule.
  - Reduce the existing setback of the building from the Yarra River and public open space.

## MANNINGHAM PLANNING SCHEME

- Increase the existing gross floor area of the existing building.

**Requirements that can be varied by a planning permit**

The following requirements should be met:

- Buildings and works should not cast any additional shadow across any public open space between 11:00am and 2:00pm on 22 September.
- Buildings should not exceed the discretionary maximum building height specified in the applicable table to this schedule, except for sloping sites where a building may exceed the maximum building height by up to 1 metre if the slope of the ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
- Fencing within the minimum setback specified in the applicable table to this schedule (as measured from the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway), should not:
  - Impede the flow of flood waters.
  - Exceed a height of 1.4 metres above ground level.
  - Be less than 25 per cent visually permeable.
  - Use reflective colours and finishes.
- The site area covered by buildings, tennis courts, swimming pools and other impervious surfaces within a Residential Zone or on land used for accommodation should not exceed 40 per cent of the lot area.
- Tennis courts, swimming pools and other outbuildings associated with a dwelling should be set back from the Setback Reference Line (the closest parallel property boundary aligned to the banks of the waterway) the minimum distance specified in the applicable table to this schedule.
- Building materials should utilise non-reflective colours and finishes that blend with the natural landscape.

**Table 1**

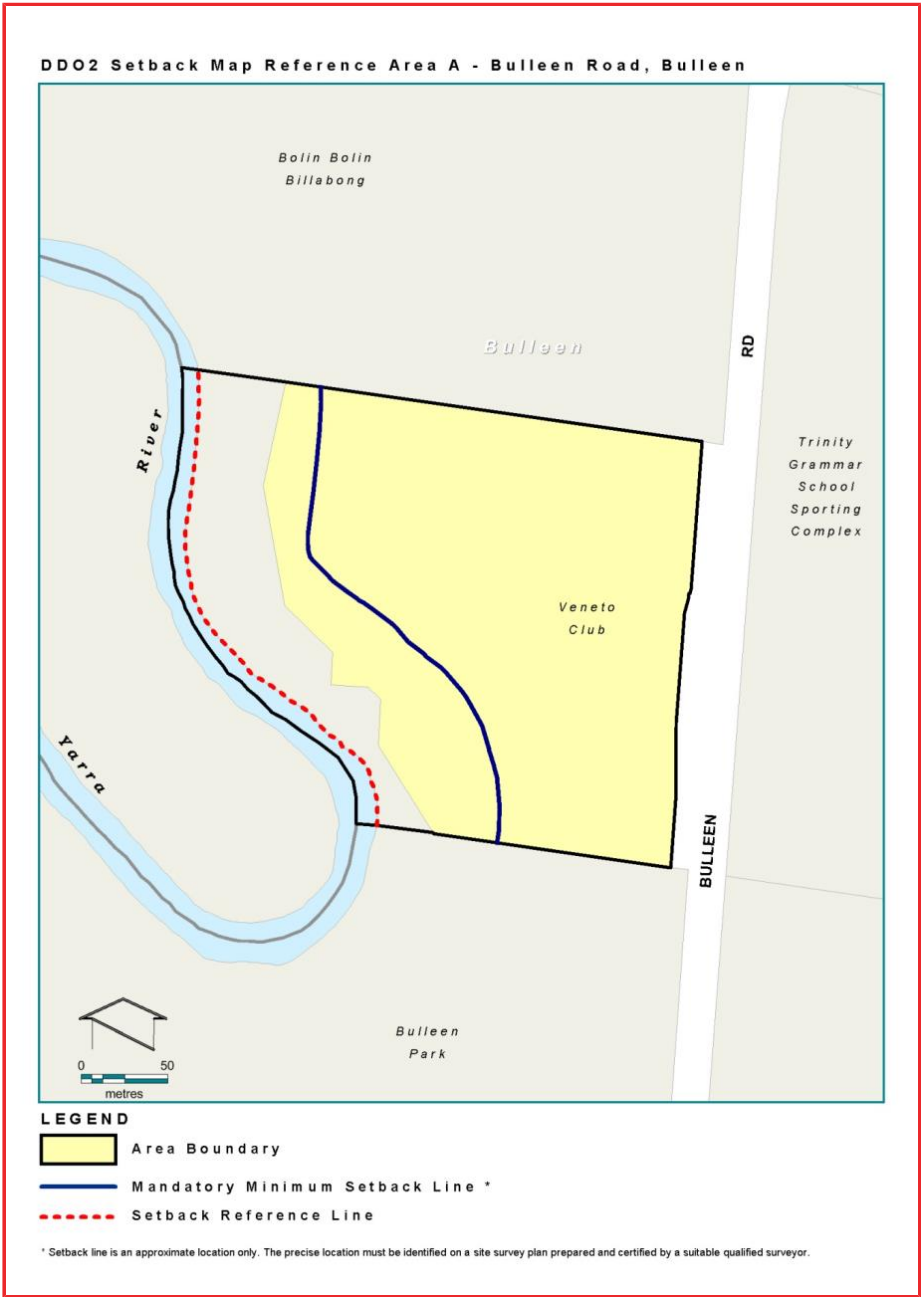
DD02 Map Ref	Location	Minimum Setback	Maximum Height
A	Bulleen Road, Bulleen	70 metres	8 metres
B	Greenaway Street Precinct, Bulleen Road, Bulleen:		
	Land within UFZ	the property boundary as indicated at Map Reference Area B of this schedule	8 metres
	Land within RGZ2	-	13.5 metres
	Land within GRZ1	-	9 metres
	Land within INZ1	-	12 metres
	Land within RCZ1	-	8 metres
C	Templestowe Road (West), Bulleen		
	Land within SUZ1	the 18 metre contour (measured to Australian Height Datum)	8 metres
	Land within UFZ	the 18 metre contour (measured to Australian Height Datum)	8 metres



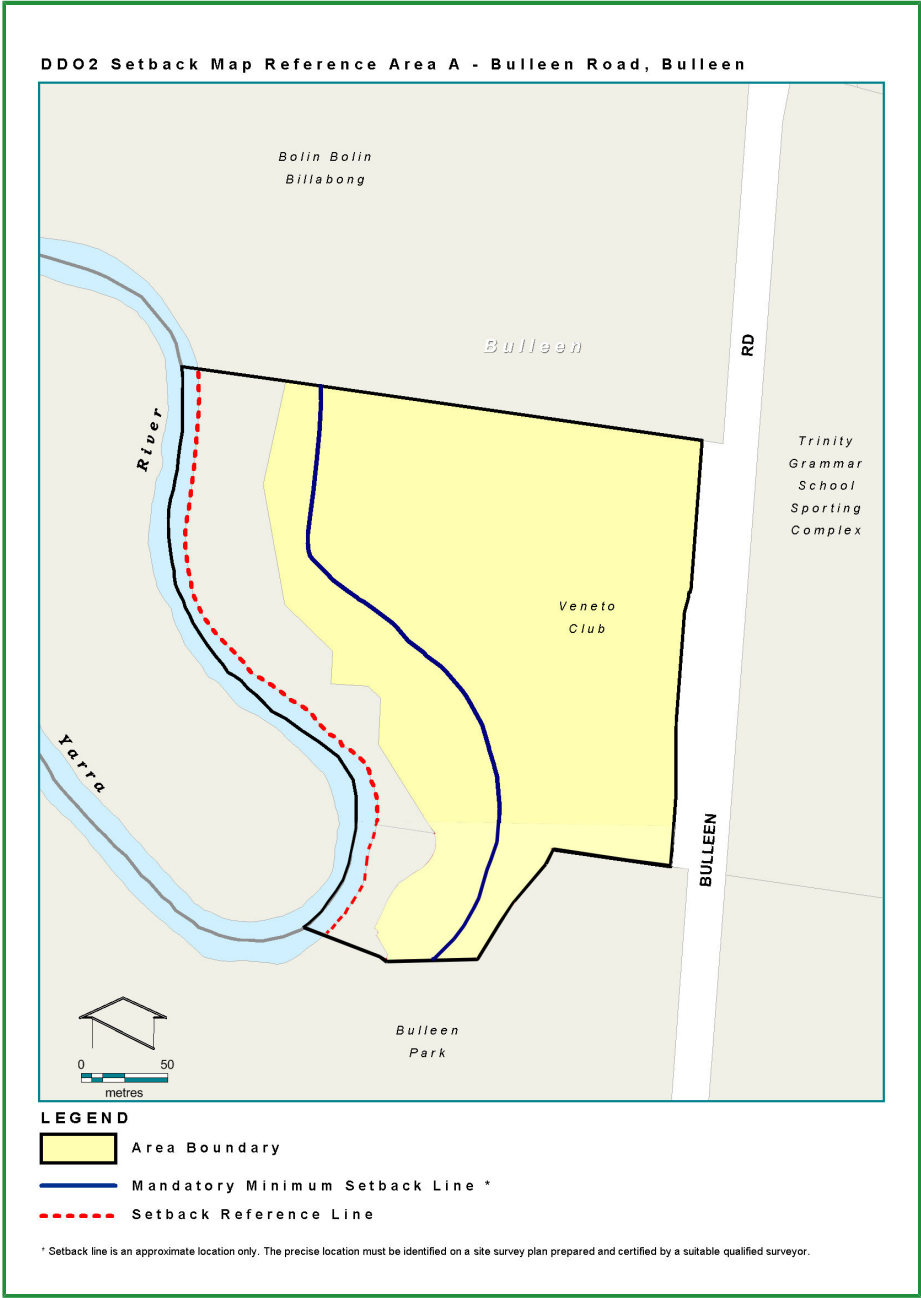
## MANNINGHAM PLANNING SCHEME

DD02 Map Ref	Location	Minimum Setback	Maximum Height
	Land within INZ1	-	8 metres
	Land within RCZ1	the 18 metre contour (measured to Australian Height Datum)	8 metres
D	Templestowe Road (East), Bulleen		
	199-219 Templestowe Road	100 metres	8 metres
	249 Templestowe Road	40 metres	8 metres
E	Dellas Avenue, Templestowe	30 metres	8 metres
F	Homestead & Alexander Roads, Warrandyte	100 metres	8 metres
G	Naughton Avenue, Warrandyte		
	Land within NRZ1	100 metres	8 metres
	Land within RCZ1	80 metres	8 metres
H	Pound Bend Road, Warrandyte	100 metres	8 metres
I	Yarra Street, Warrandyte	30 metres	8 metres
J	Tills Drive, Warrandyte	100 metres	8 metres
K	Nelson Drive, Warrandyte	100 metres	8 metres

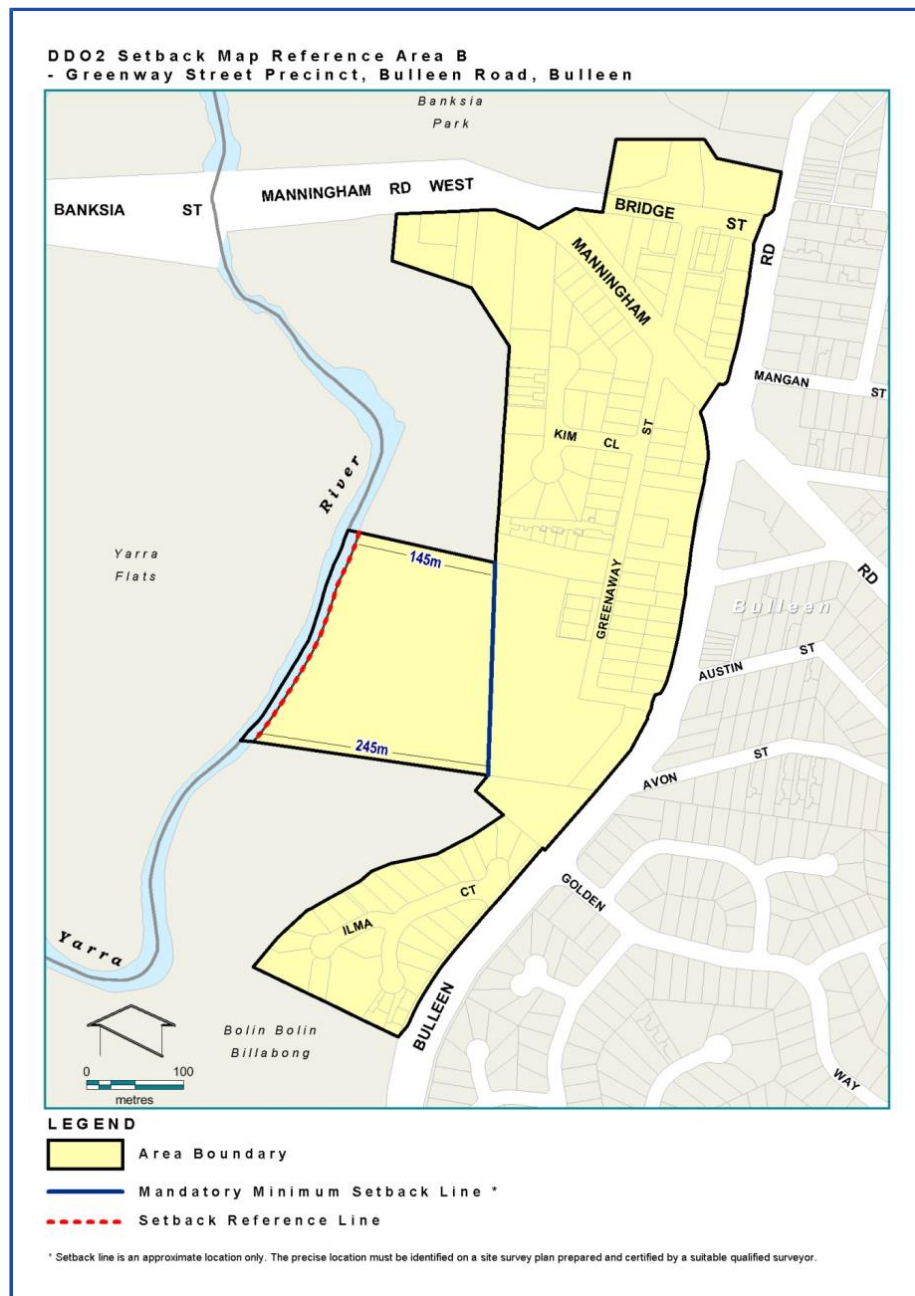
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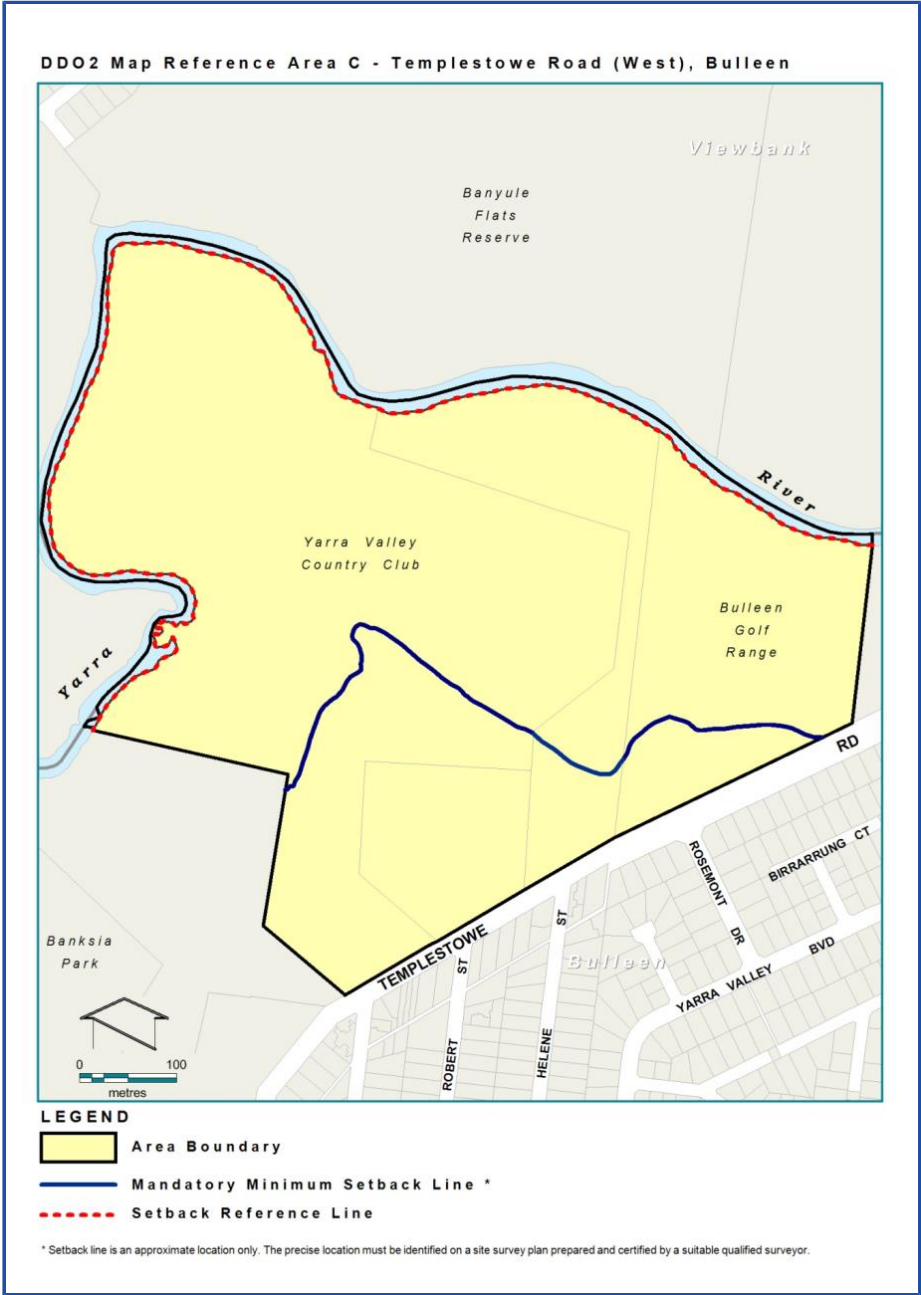
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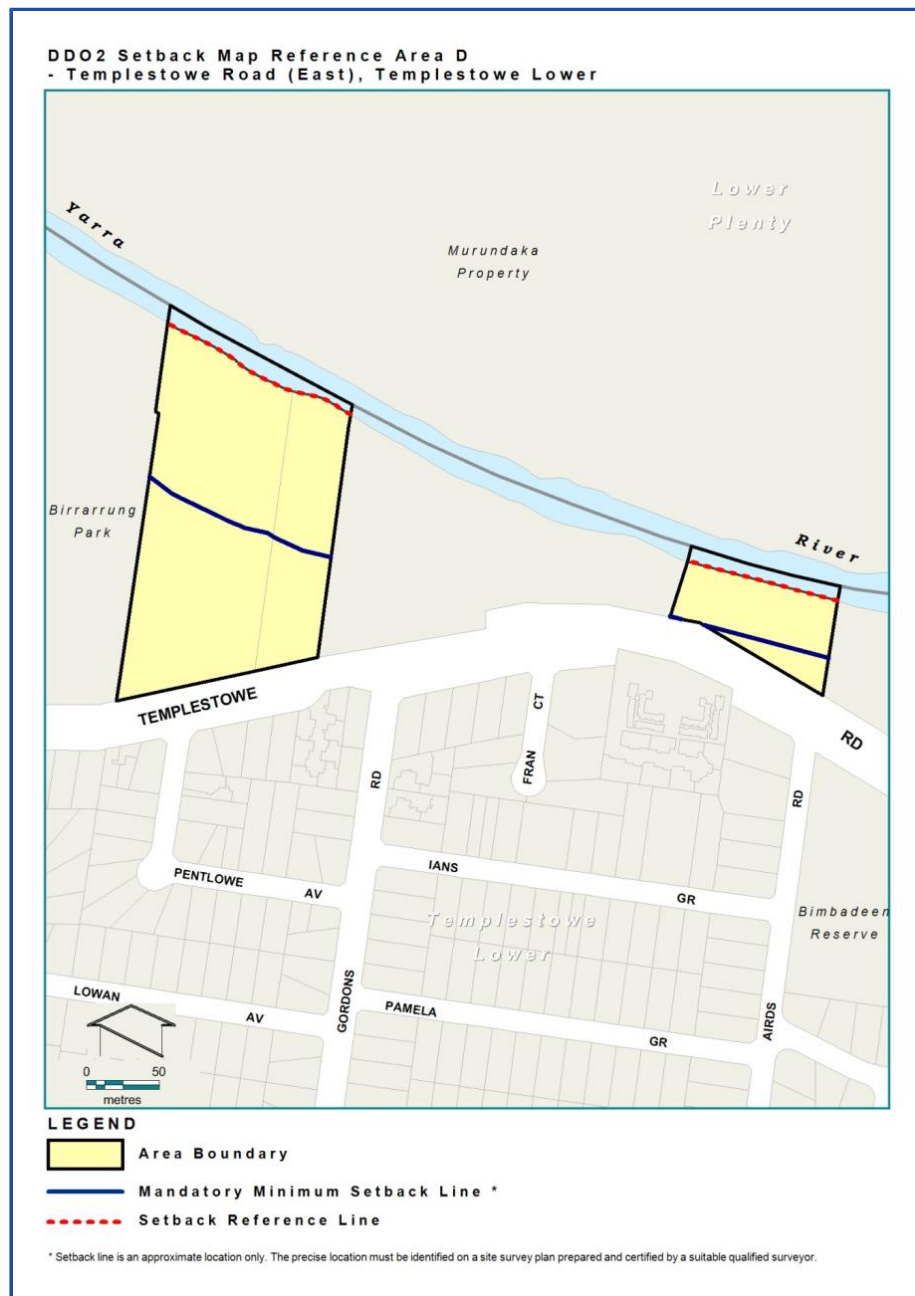
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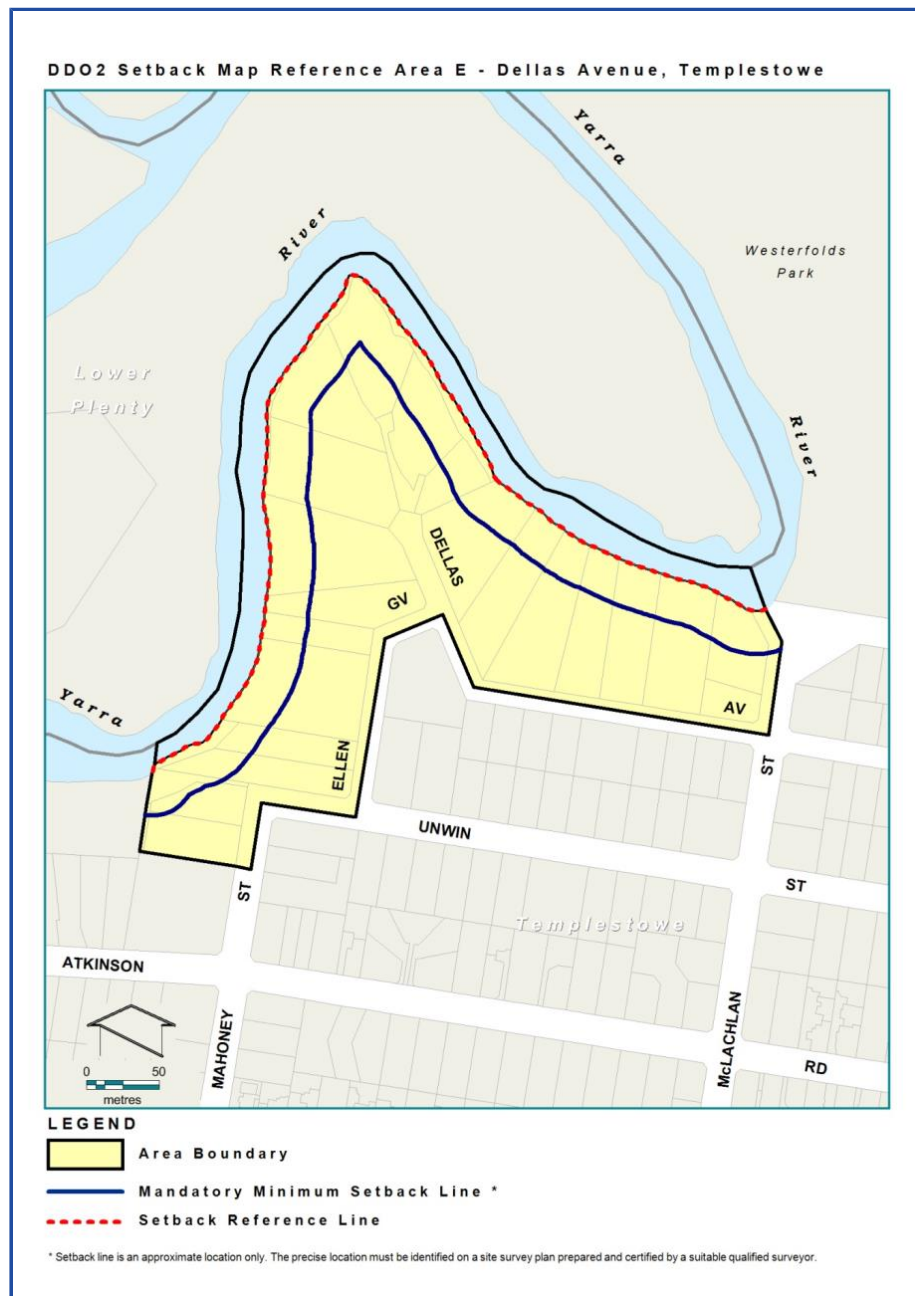
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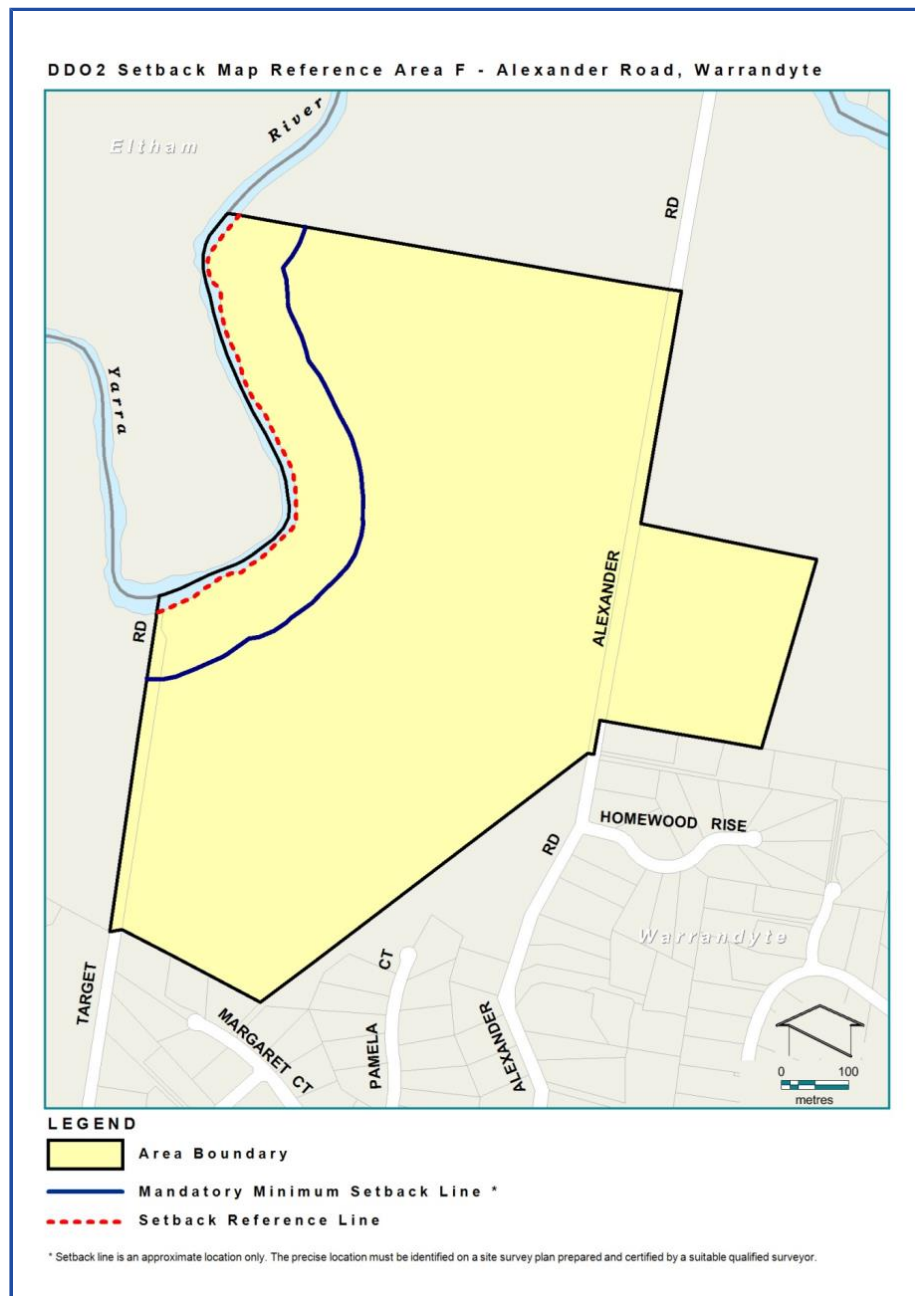
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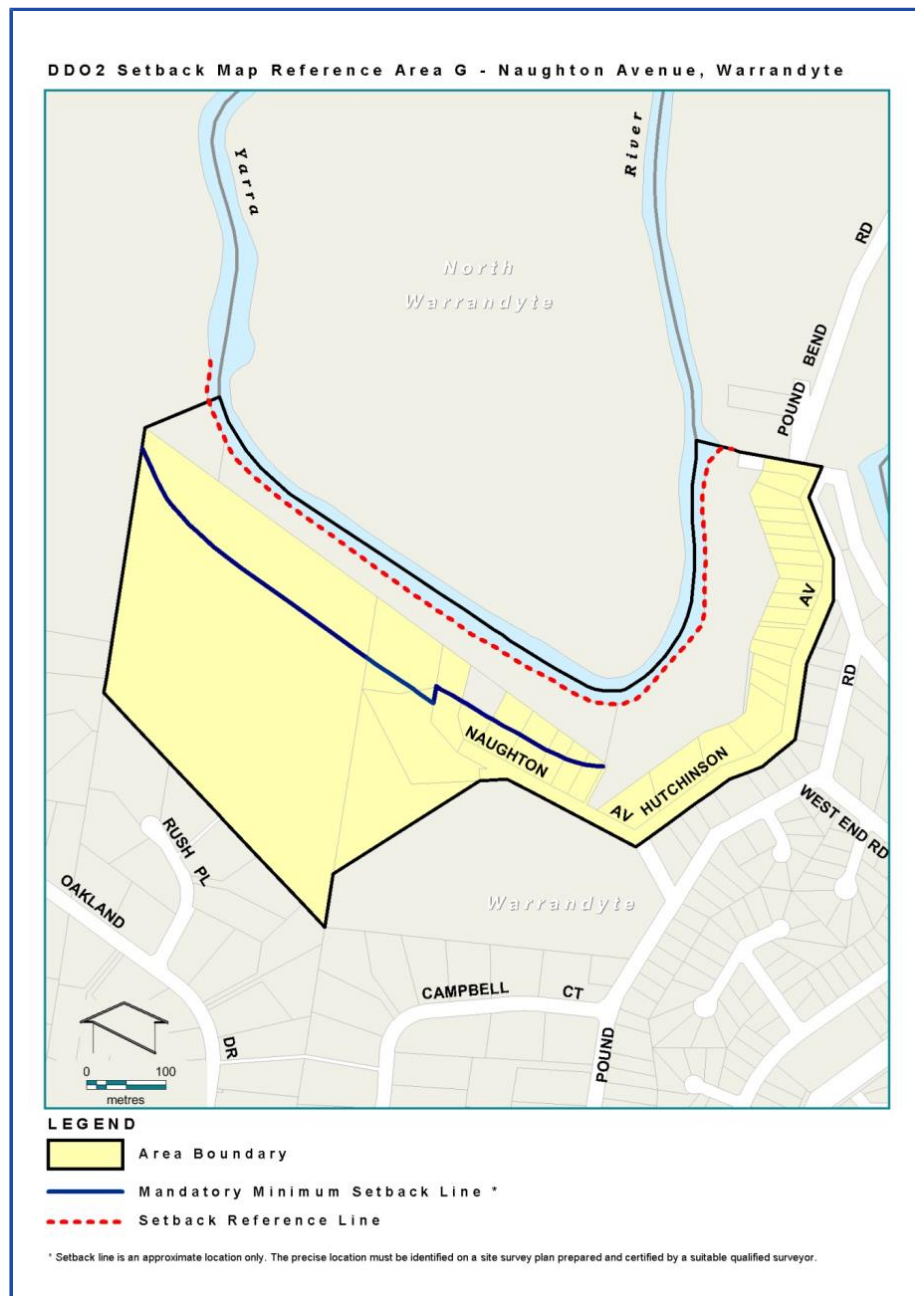


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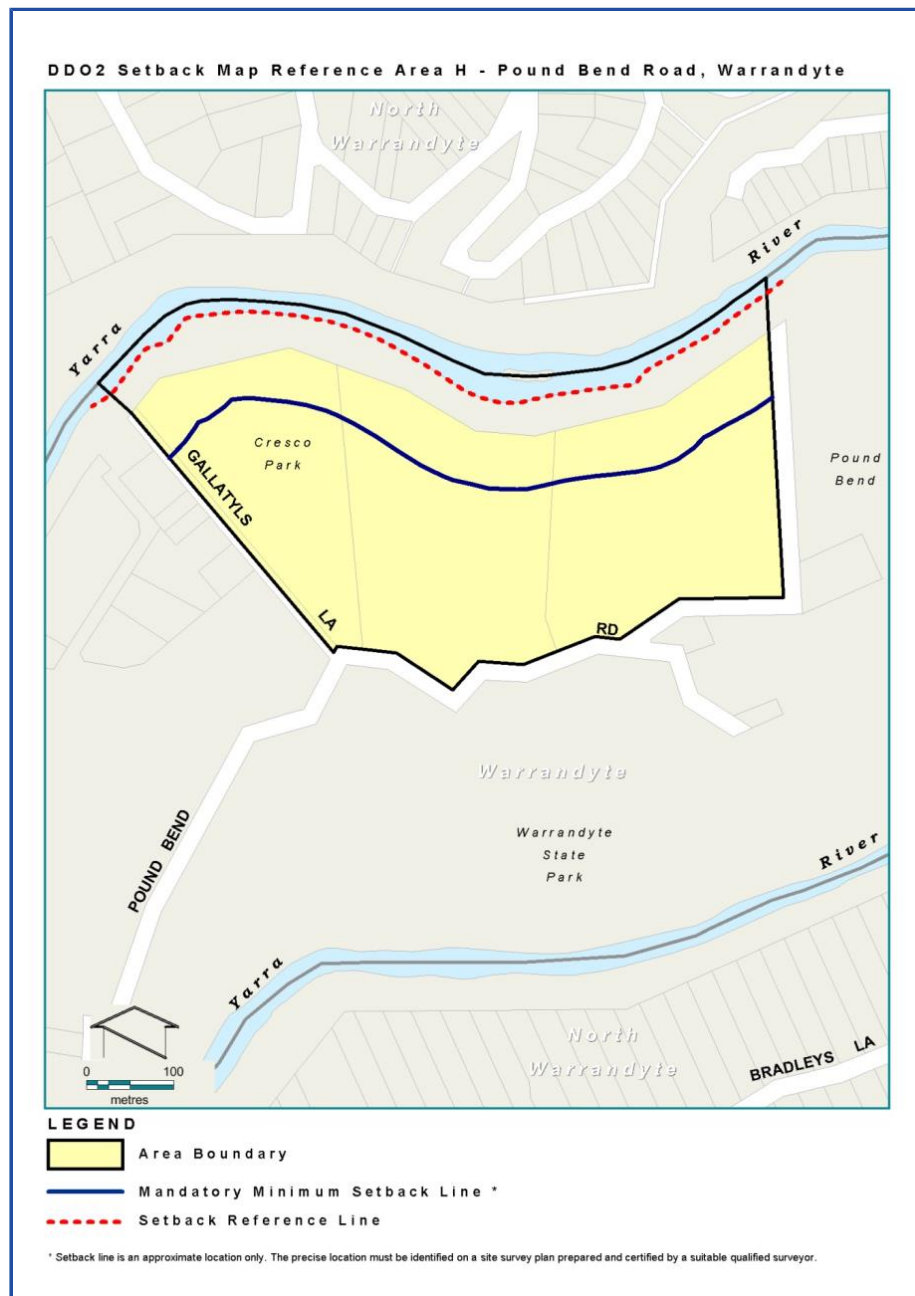




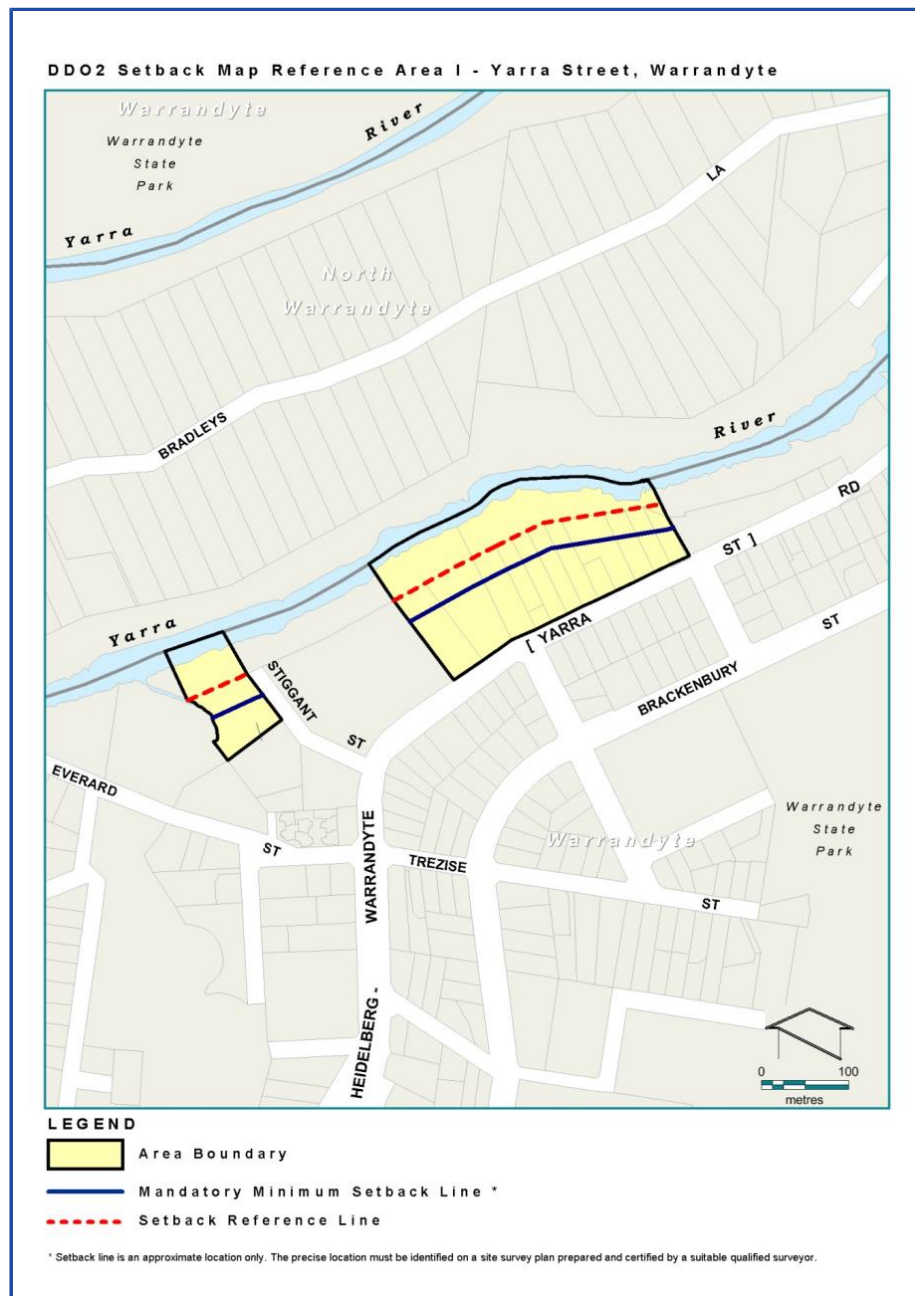
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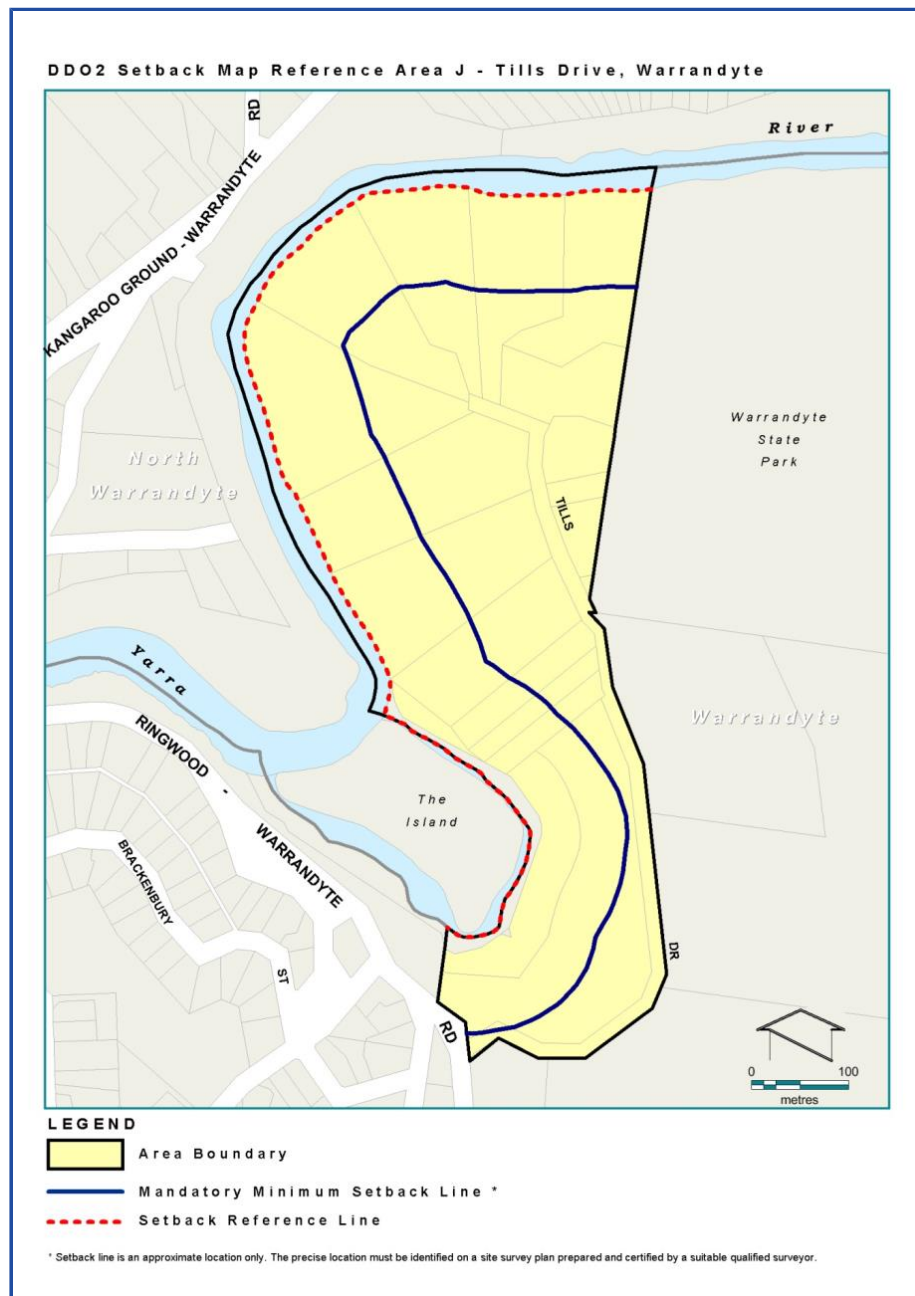
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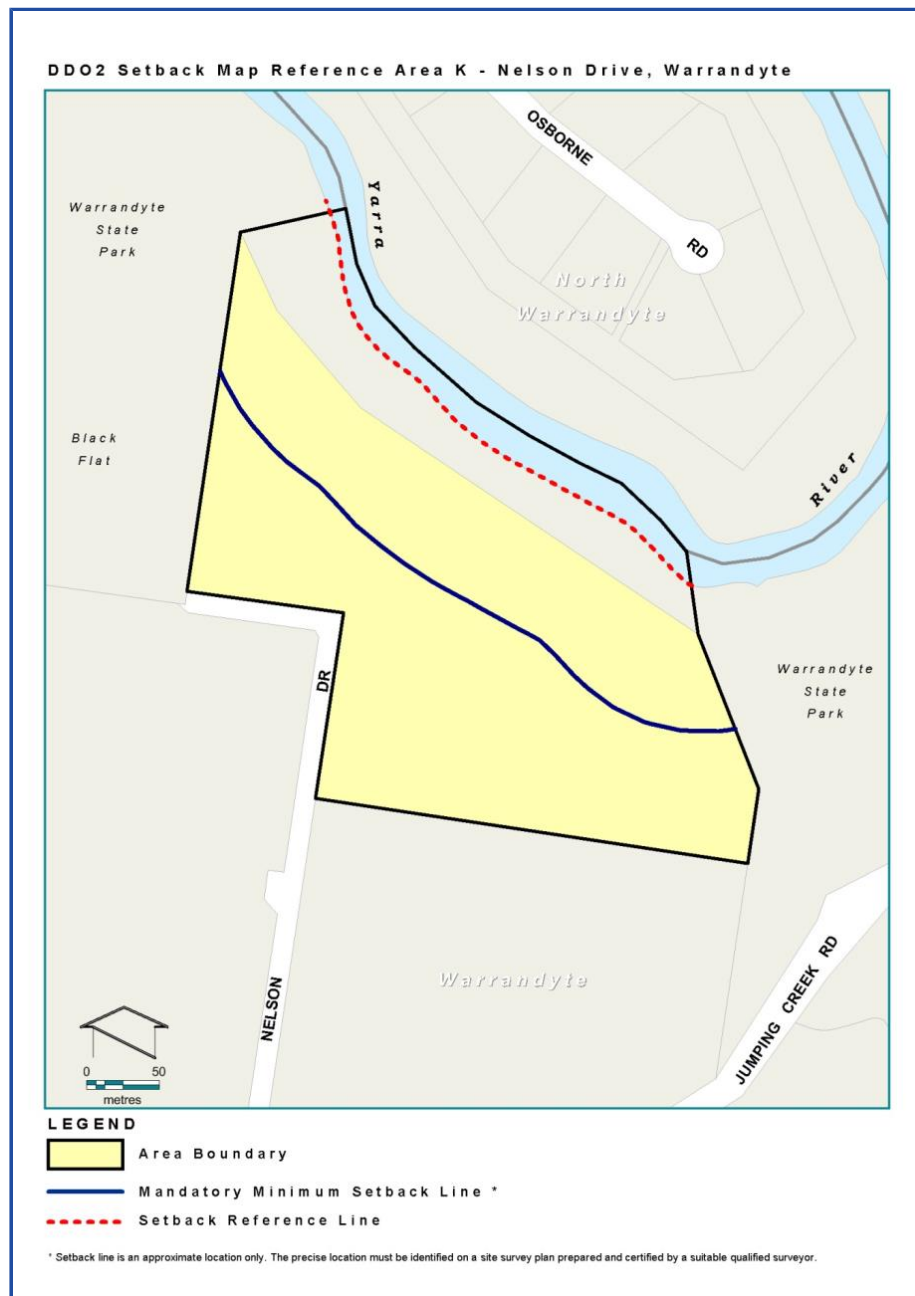
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## MANNINGHAM PLANNING SCHEME



## MANNINGHAM PLANNING SCHEME



## MANNINGHAM PLANNING SCHEME

**3.0**27/05/2019  
C126mann**Subdivision**

None specified.

**4.0**27/05/2019  
C126mann**Signs**

None specified.

**5.0**20/04/2021  
VC197**Application requirements**

An application must be accompanied by the following information, as appropriate:

- A written assessment demonstrating how the proposal meets the objectives and requirements of this overlay.
- A site survey plan, certified by a qualified surveyor, showing:
  - all existing and proposed buildings and works.
  - The location of the Setback Reference Line, being the closest parallel property boundary aligned to the banks of the waterway.
  - The location of the minimum setback specified in the applicable table to this schedule, as measured from the Setback Reference Line away from the waterway.
- A site plan and elevations showing proposed building heights and the maximum building heights specified in the applicable table to this schedule using the Australian Height Datum (AHD) measured from ground level and including any proposed areas of cut and fill.
- A schedule of proposed materials and finishes.
- Shadow diagrams demonstrating how the proposed buildings and works meet the overshadowing requirements of this schedule.
- A visual impact assessment of proposed buildings and works from public viewing points within the Yarra River corridor as determined by the responsible authority .
- The percentage of the site occupied by buildings, tennis courts, swimming pools and other existing or proposed impermeable surfaces.
- A landscaping plan, including a written explanation, which shows:
  - The type, location, quantity, height at maturity and botanical names of all proposed plants and details of any proposed tree protection zones.
  - How natural landforms will be protected, including appropriate approaches to vegetation retention and planting, ground preparation and minimising ground disturbance.
  - How erosion will be managed and stability maintained or improved using soft landscaping techniques.
  - How the rate and quantity of stormwater leaving a property will be controlled and pollutants filtered, during and post construction.
- Where the complete or partial replacement of an existing building does not meet the minimum setback specified in the applicable table to this schedule, the application must be accompanied by a report which:
  - Provides a calculation of the existing and proposed gross floor area of all buildings.
  - Explains why the proposed building or works cannot be set back at least the minimum distance specified in applicable table.
  - Identifies any impacts on existing vegetation, the land, the flow of floodwaters or other environmental matters.

## MANNINGHAM PLANNING SCHEME

- Explains how any environmental impacts will be mitigated.

**6.0**20/04/2021  
VC197**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The views of Melbourne Water as a recommending referral authority in accordance with section 55 of the Act for all applications within 100 metres of the Yarra River, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and Melbourne Water.

Before deciding on an application, the responsible authority must consider as appropriate:

**Landscape protection**

- The visibility of any proposed buildings and works when viewed from the Yarra River and adjacent public open space, pedestrian and bicycle paths and bridge crossings.
- Whether sufficient space is provided between buildings to maintain views of the Yarra River and allow for the planting and growth of vegetation, including large canopy trees.
- Whether the siting of buildings and works avoids the removal of existing riparian vegetation. Whether any earthworks will affect public views of the river corridor.
- The need for additional landscaping or new vegetation screening to filter views of proposed buildings and works.

**Siting and design**

- Whether any additional overshadowing of public open space can be avoided by redesigning or relocating a proposed building or parts of it.
- Whether siting of proposed buildings impacts the river's natural flood and watercourse characteristics.
- Whether any proposed garages and outbuildings ancillary to a dwelling are integrated into the overall design to minimise the appearance of built form impacting public views of the river corridor.
- Whether the location, bulk, outline and appearance of any proposed building or works are in keeping with or enhance the natural landscape character and appearance of the Yarra River.
- The appropriateness of proposed materials and finishes for any proposed buildings and works in reducing contrast.

**Site coverage and permeability**

- The need to minimise impervious surfaces to allow for filtration of water and retention and establishment of indigenous vegetation and canopy trees.
- The need to limit areas, (including tennis courts and swimming pools) and other impervious surfaces within the minimum setback distance specified in a table to this schedule to allow for replanting and vegetation growth.
- Whether adequate spacing is provided between buildings to maintain and create views to the Yarra River and its corridor.

## MANNINGHAM PLANNING SCHEME

03/01/2020  
GC98

## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

## 1.0

## Specific controls

16/02/2024  
VC244 Proposed C140mann

PS Map Ref	Name of incorporated document
SCO1	'On Luck' Chinese Nursing Home, January 2010
SCO2	127a Tindals Road, Donvale
SCO3	75 Alexander Road, Warrandyte
SCO4	Incorporated Document No 3: 3-9 and 11 Mitchell Street, Doncaster East - June 2015
SCO5	Fitzsimons Lane (Foote Street, Porter Street, Main Road and Leane Drive) Upgrade Project Incorporated Document, December 2019
SCO6	Templestowe Road Soccer Facilities Incorporated Document, October 2020
SCO12	North East Link Project Incorporated Document, December 2019 (amended September 2023)
SCO13	Bulleen Park Sporting Facilities Incorporated Document, August 2022
SCO14	Veneto Club Car Park - 175-189 Bulleen Road, Bulleen (Department of Transport and Planning, February 2025)



## MANNINGHAM PLANNING SCHEME

15/01/2024  
VC249

## SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

## 1.0

## Incorporated documents

14/11/2024  
G439mann Proposed C140mann

Name of document	Introduced by:
Bulleen Park Sporting Facilities Incorporated Document (Department of Transport and Planning, August 2022)	C139mann
City of Manningham – Statements of Tree & Garden Significance (2006)	C61
Development in Areas of Possible Slope Instability Resident Information Guide, Shire of Lillydale, November 1993	NPS1
Doncaster Activity Centre Development Strategy – Final Report, October 1990	NPS1
Doncaster Activity Centre Town Centre Project, April 1994	NPS1
Doncaster Hill Development Contributions Plan, Manningham City Council, February 2005	C30
Donvale Christian College, Master Plan, September 2013	C103
Fitzsimons Lane (Foote Street, Porter Street, Main Road and Leane Drive) Upgrade Project Incorporated Document, December 2019	GC158
127a Tindals Road, Donvale (Manningham City Council, December 2023)	VC244
75 Alexander Road, Warrandyte (Manningham City Council, December 2023)	VC244
Incorporated Document No. 3: 3-9 and 11 Mitchell Street, Doncaster East – June 2015	C106
Manningham Centre Structure Plan, December 1996	NPS1
'On Luck' Chinese Nursing Home, January 2010	C88
North East Link Project Incorporated Document, December 2019 ( <i>amended September 2023</i> )	GC223
Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008	C74
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57
Proposed Ring Road Landscape Concept, Chris Dance Land Design Pty Ltd, Ref Nos LA1 & LA2, June 1996	NPS1
Templestowe Road Soccer Facilities Incorporated Document, October 2020	C132mann
Veneto Club Car Park - 175-189 Bulleen Road, Bulleen (Department of Transport and Planning, February 2025)	C140mann
Warrandyte Township Heritage Guidelines, Parts 1 to 7, July 2007	C60

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## Veneto Club Offset Car Park: 175-189 Bulleen Road, Bulleen

Department of Transport and Planning, February 2025

### MANNINGHAM PLANNING SCHEME

#### Incorporated Document

This document is an incorporated document in the Manningham Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

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## 1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 - Specific Controls Overlay (SCO) and Clause 72.04 - Incorporated Documents of the Manningham Planning Scheme (scheme).

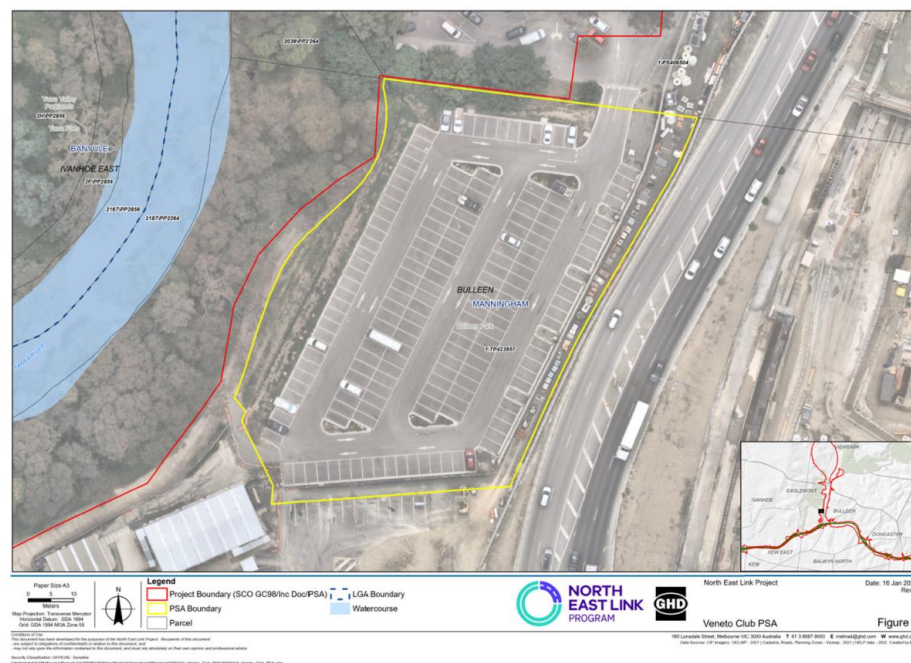
The land identified in Clause 2.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 5.0 and 6.0 of this document.

The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Manningham Planning Scheme with respect to this Incorporated Document except that:

- a) Manningham City Council is the Responsible Authority for the enforcement of the Incorporated Document.

## 2.0 LAND DESCRIPTION

This document applies to a portion of the land at 175-189 Bulleen Road, Bulleen known as 'the land' being all of the land within SCO14. The land affected by the amendment is located south of the existing Veneto Club and features a constructed car park. The land is within the parcel formally known as 1\TP423957J as shown in Figure 1.



**Figure 1: Map of land subject to this Incorporated Document, outlined in Yellow**

## 3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls contained in this document.

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In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

**4.0 EXPIRY OF THIS SPECIFIC CONTROL**

This specific control will not expire unless the use of the car park approved under SCO14 is superseded by, or incorporated into, the strategic redevelopment of Veneto Club approved under Schedule 2 to Clause 43.04 of the Manningham Planning Scheme.

**5.0 PURPOSE**

The purpose of this incorporated document is to permit the use of the land within SCO14 for the purpose of a car park ancillary to the Veneto Club.

**6.0 CONDITIONS**

The following conditions apply to the use allowed by this incorporated document:

- 6.1 The use permitted by this incorporated document must be undertaken to be generally in accordance with the purpose outlined at Clause 5.0 and must not be altered without the prior written consent of the Minister for Planning, to the satisfaction of the Minister for Planning.
- 6.2 Any use that is not associated with the Veneto Club car park and is not by or on behalf of the Veneto Club, is subject to the requirements of the Manningham Planning Scheme, the Minister for Planning may consent in writing to vary this requirement.
- 6.3 Building and works that are not associated with the Veneto Club car park, are not undertaken by or on behalf of the Veneto Club or substantially changes the constructed car park, are subject to the requirements of the Manningham Planning Scheme, the Minister for Planning may consent in writing to vary this requirement.

**END OF DOCUMENT**

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