

14 September 2018

Victorian Planning Authority  
Attn: Ben Hawkins  
Level 25, 35 Collins Street  
Melbourne VIC 3000

Dear Ben,

**RE: SUBMISSION TO AMENDMENT GC102  
DONNYBROOK WOODSTOCK ICP – EXHIBITION VERSION AUGUST 2018  
DONNYBRAE ESTATE**

We refer to the above matter and confirm that DFC (Donnybrook) Pty Ltd is a related entity of Dennis Family Corporation (DFC) and is in a development agreement with the owner of the property known as 875 Donnybrook Road, Donnybrook.

DFC (Donnybrook) Pty Ltd is the project manager for the subdivision and development of the entirety of the subject property, known as Donnybrae Estate. We confirm that DFC (Donnybrook) Pty Ltd is authorised to make this submission on behalf of both DFC and the landowner<sup>1</sup>.

Our substantive submissions in relation to the exhibited ICP are as follows:

- i. The subject development received planning approval on 10 May 2018, following issue of Planning Permit 717126 by the City of Whittlesea. The '*Donnybrook-Woodstock Metropolitan Greenfield Growth Area Standard Levy Infrastructure Contributions Plan, August 2017*' was in operation at the time of issue of the permit. We note that the revised 'Interim' ICP was introduced into the Planning Scheme via Amendment GC101 on 2 July 2018. We understand that the exhibited version of the ICP is a further progression of the 'Interim' version.
- ii. Works associated with Donnybrae have commenced, with the construction of the Donnybrook Road intersection underway. Commencement of civil works associated with the initial stages of the estate is now imminent.
- iii. Previous discussions between the VPA and DFC has indicated that DFC (Donnybrook) Pty Ltd has the option of either adopting the 'Interim' ICP or continuing with prior legislation (as it was prior to 2 July 2018) in order to meet infrastructure contributions and other conditional obligations.
- iv. With these prior discussions in mind, DFC (Donnybrook) Pty Ltd seek to explore the removal of the property known as 875 Donnybrook Road, Donnybrook (PSP Parcel ID 16) from the final Donnybrook Woodstock ICP. Consequently, the following modifications to the exhibited ICP are suggested:
  - a. The subject land should be removed from the public purpose land total, with the public purpose land credits and equalisation amounts specified at Tables 3 & 11 updated accordingly.
  - b. LP02 and LP04 should be removed from Table 8, with the public land total updated accordingly.

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<sup>1</sup> Refer to DFC Development Agreements previously circulated to the VPA for confirmation.



- c. The area value of IN-02 within Table 8 modified to exclude the portion of land found within the subject land (i.e. reduction of 0.0125 Ha).
- v. We are of the view that all passive public open space found onsite (total of 0.75 Ha) could continue to be levied through Clause 52.01 of the Planning Scheme. It is our intention that all remaining 'public land' (total of 0.0125 Ha associated with IN-02) will be set aside in favour of the acquiring authority. It is understood that this outcome may be facilitated by Condition 14 of Planning Permit 717126, which reads as follows:

**14. Precinct Infrastructure Plan**

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:

- a) The implementation of the Public Infrastructure Plan approved under this permit.
- b) The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to Clause 52.01.
- c) The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the ICP or the public open space account.

- vi. We note that no ICP infrastructure items are found within the subject land, other than the minor land contribution towards IN-02 previously noted.
- vii. Consistent with the provisions at Section 4.4 of the August 2017 ICP, we suggest a monetary levy of \$334,300 per NDHA (subject to indexation) is adopted for the purposes of this development and no land equalisation payment is liable.

In summary, we are of the understanding that the VPA has previously entertained the notion that permits which pre-date the introduction of the 'Interim' ICP are able to continue to operate under the prior legislation. We wish to pursue this opportunity and are of the view that this represents a fair outcome given the conditions of Permit 717126 do not reflect the current ICP legislation or requirements.

We look forward to further discussions regarding this matter with the VPA and Council. Should the Minister appoint a Panel we reserve the right to make a further submission on the matters included herein, and any other matter relevant to proposed Amendment GC102.

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Your sincerely,

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