

Ms Simone Benstead  
Subdivisions Officer  
Manningham City Council  
PO Box 1  
Doncaster Vic 3108

24 December 2009



Dear Simone

## **Objection to Removal of Reserve Status - 898A Doncaster Road, Doncaster East - Permit Application PL09/020654**

We refer to the above planning permit application, which was notified to us through your letter of 8 December 2009 ("Application").

We are the tenant of a large shop currently occupied by a Dan Murphy's liquor outlet, which is located in the vicinity of the land that the Application relates to.

The land that Application relates to is currently shown as 'reserved for parking' on plan number LP 33809. It is currently the subject of a car parking reserve in favour of the owners of other lots shown on the same plan.

We understand that the Application seeks to remove this reserve status from a large portion of the land affected by the Application, and to subdivide the car parking reserve into two separate allotments. Of the subdivided allotments:

- one will become a new lot of 2109 m<sup>2</sup> which will not be subject to the reserve for parking; and
- the other lot, which will be 3,475m<sup>2</sup>, will remain subject to a reserve for parking.

We are objecting to the Application for the following reasons:

### **1 Ongoing need for car parking**

As stated above, the land which is the subject of the Application is currently reserved and used for car parking.

If a permit is granted in response to the Application, and the reservation is removed from a large part of the land, it is likely that a significant proportion of the car parking currently available will be lost. This will impact on customers and staff of businesses in the surrounding area, including Dan Murphy's.



The loss of this car parking will have a substantial detrimental affect on many businesses, including Dan Murphy's. We are concerned that the remaining car parking facilities will not be adequate to meet the demand stemming from the businesses located in the general area.

## **2 Purpose for planning permit not disclosed**

The Application does not disclose the purpose for removing the car parking reserve.

As the grant of a planning permit in response to the Application will result in an outcome likely to have a substantial impact on the precinct, the purpose for which the removal of the reserve status is to occur should be publicly disclosed. This should be done in either the Application, or in the documentation accompanying the Application.

## **3 Rights of lot owners**

From the note on sheet 1 of the current registered plan of the land, it appears that the land that the Application relates to has been set apart for the benefit of purchasers of other lots on LP33809. The note on sheet 2 of LP33809 indicates that the land has been reserved for parking.

As the land affected by the Application has been reserved for the benefit of the owners of other allotments, it seems that the reservation would act as a restriction on the uses that the land can be put to.

If this is the case, then Manningham City Council will not be able to grant a planning permit in response to the Application if the purchasers of other lots shown on LP33809 might suffer detriment if a planning permit is granted. We understand from the DSE website that this is a very stringent test, and it can be hard to prove that no detriment will be suffered in any given case.

In the circumstances, we believe that the granting of a planning permit in response to the Application would lead to purchasers of other lots on LP33809 suffering detriment, as they will lose the benefit of some of the car parks currently provided in the reserve. We therefore do not believe that the Manningham City Council will be able to show that there is no detriment to one or more of the purchasers of the lots shown on LP33809.

For this reason, we believe that the grant of a planning permit in response to the Application would be futile, as Manningham City Council is not able to grant a permit that allows the variation or removal of a restriction like the reserve for parking, unless it can be sure that the people benefited by the restriction will not suffer detriment.

These are our main grounds of objection. We would be happy to discuss these further at any time.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'John Robinson', written in a cursive style.

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