

DAREBIN PLANNING SCHEME

AMENDMENT C170dare

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Darebin City Council, which is the planning authority for this amendment.

The amendment has been made at the request of the City of Darebin.

Land affected by the amendment

The proposed amendment applies to all land within the boundaries of the City of Darebin and affects new residential, commercial, retail and industrial developments within the municipality. A mapping reference table is attached at Attachment A to this Explanatory Report.

The following developments are exempt from paying contributions in the *Darebin Contributions Plan 2019* (September 2022) (DCP):

- Land developed for a non-government school, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans of 11 October 2016.
- Land developed for housing by or for the Department of Health and Human Services, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans dated 11 October 2016.
- Social housing delivered by or for registered agencies as defined under the Housing Act 1983.
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.
- Alterations and additions to an existing dwelling.
- Outbuildings normal to an existing dwelling and fences.
- Demolition of a dwelling followed by construction of a replacement dwelling on the same land. The exemption applies to the number of dwellings demolished and does not apply to any additional dwelling(s).
- Reinstatement of a dwelling which has been unintentionally damaged or destroyed.
- Servicing infrastructure constructed by a utility authority.
- Land with an agreement executed under section 173 of the Planning and Environment Act or other deed of agreement that requires either:
 - the payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);

and explicitly excludes further development contributions to be made.

What the amendment does

The proposed amendment implements the *Darebin Development Contributions Plan 2019 (September 2022)* by:

- Replacing Schedule 1 to Clause 45.06 (Development Contributions Plan Overlay) with a new Schedule 1 to facilitate the collection of contributions.
- Amending Clause 21.02 of the Local Planning Policy Framework to reference the *Darebin Development Contributions Plan 2019 (September 2022)*.
- Amending the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to remove the City of Darebin Development Contributions Plan Version 3.0 (Darebin City Council, 2020) and to incorporate the *Darebin Development Contributions Plan 2019 (September 2022)* into the Darebin Planning Scheme.
- Amending planning scheme maps 1DCPO, 2DCPO, 3DCPO, 4DCPO, 5DCPO, 6DCPO, 7DCPO, 8DCPO, 9DCPO, 10DCPO, 11DCPO, 12DCPO, 13DCPO, 14DCPO, 15DCPO, 16DCPO, 17DCPO, and 18 DCPO to reflect the replacement of Schedule 1 to the Development Contributions Plan Overlay with a new Schedule 1.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to implement a new municipal-wide development contributions plan, *Darebin Contributions Plan 2019 (September 2022)* to help fund social and physical infrastructure to service a growing population.

The DCP applies a development infrastructure levy and community infrastructure levy to fund a range of infrastructure projects within the municipality, including roads and paths, as well as community facilities and upgrades. The identified infrastructure projects are required to service Darebin's growing and changing population and the DCP serves to share the cost of providing this infrastructure between new development and the existing community on a fair and reasonable basis.

The previous DCP, titled 'City of Darebin Development Contributions Plan, June 2004' was introduced into the Darebin Planning Scheme in 2004, through Amendment C050. It had an initial ten-year time-frame and ceased collecting levies in 2014, but was extended through subsequent amendments to the Darebin Planning Scheme to facilitate the expenditure of unexpended funds on the Darebin Multi-Sport Stadium. It expired in 2021 but remains in the Darebin Planning Scheme.

The *Darebin Development Contributions Plan 2019 (November 2022)* replaces the 2004 DCP and reinstates a levy on new development to deliver infrastructure required in the municipality to the year 2041.

The DCP will provide certainty to the council, developers and the broader community by identifying to what extent new residential, commercial, retail and industrial developments will be levied. The collection of contributions will support the timely delivery of the necessary infrastructure.

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

The proposed amendment will implement the following objectives of planning in Victoria set out in Section 4(1) of the Planning and Environment Act 1987:

- (a) *to provide for the fair, orderly, economic and suitable use, and development of the land,*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria,*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community,*
- (f) *to facilitate development in accordance with the objectives of planning in Victoria, and*
- (g) *to balance the present and future needs of all Victorians*

The amendment implements these objectives by:

- Providing a formal, lawful and equitable method to collect contributions for the provision of essential social and physical infrastructure.
- Providing certainty as to the required development contributions for residential, retail, commercial and industrial development.
- Aiding the orderly and timely provision of necessary social and physical infrastructure throughout the municipality.

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

The amendment is expected to have positive social and economic benefits for the City of Darebin and the general community. This amendment will ensure the equitable collection and distribution of development contributions throughout the municipality and provide financial contributions to community infrastructure that will be required to service the growing local residential population and facilitate participation in the social and economic life of Darebin.

The amendment will provide net community benefit as it commits the council to delivering the development and community infrastructure items included in the DCP. It will also ensure that new development contributes to both development and community infrastructure.

The method for apportioning costs to new development is designed to ensure that the cost of providing new infrastructure is shared between developers and the wider community on a fair and reasonable basis. Costs are apportioned according to share of usage of the required infrastructure.

The amendment is expected to result in positive environmental outcomes as it will fund sustainable transport infrastructure projects and public realm improvements.

Does the amendment address relevant bushfire risk?

The amendment does not have an impact on bushfire risk.

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

The amendment is consistent with each of the *Ministerial Directions on Development Contribution Plans* made under the *Planning and Environment Act 1987*.

The requirements of Ministerial Direction No 15 are addressed through complying with the specified planning scheme amendment process and associated timeframes.

The amendment has been evaluated in accordance with the strategic considerations set out in Minister's Direction No.11 Strategic Assessment of Amendments and is consistent with those considerations.

The amendment is generally consistent with the Ministerial Direction - the Form of Content of Planning Schemes except in the format of the Summary of Costs table in Section 2 and the Summary of Contributions table in Section 3 of the prescribed Development Contributions Plan Overlay (DCPO) Schedule. The Summary of Costs table is varied to show facility types that are tailored to the projects included under this DCP and the Summary of Contributions table is varied to replace 'Facility' with 'Change area number and name'. These variations tailor the levy information to the charge area-based structure of this municipality wide DCP, providing more user-friendly and accessible levy information for planning scheme users. The DCPO Schedule includes a note directing the user to refer to the DCP incorporated document which includes full details of the projects to be funded, including their locations.

Direction No: 9 Metropolitan Planning Strategy

The Amendment is consistent with Ministerial Direction No.9, Metropolitan Planning Strategy that requires planning authorities to have regard to the Metropolitan Planning Strategy. The amendment is consistent with, supports and gives effect to the relevant aspects of Plan Melbourne as follows:

- Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles: This direction seeks to improve neighbourhoods to enable walking and cycling as part of everyday life, and acknowledges a whole-of-population approach to health planning.
- Direction 5.3: Deliver social infrastructure to support strong communities: This direction seeks to ensure that future growth in Melbourne is supported with improvements and upgrades in

local social infrastructure that meets the needs of this growing population and supports the health and wellbeing of communities.

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

The amendment is consistent with the Planning Policy Framework (PPF). Relevant clauses include:

Clause 19: Infrastructure

This clause encourages the provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner and encourages authorities to consider the use of development contributions to fund the provision of infrastructure. In particular the amendment is consistent with *Clause 19.03-1S Development contribution plans* which seeks to 'facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans'.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports and is consistent with the LPPF and specifically the MSS as follows:

- Clause 21.02-3 (Built Environment): promotes the role of the design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes, in enhancing civic pride, liveability and social connectedness, and identifies the role of development contributions in supporting streetscape upgrades.
- Clause 21.05-2 (Integrated and Sustainable Transport): includes objectives to integrate transport and land use, and improve access, safety and quality of environment for walkers, cyclists and people with limited mobility.
- Clause 21.05-3 (Physical and Community Infrastructure): has the objective of ensuring the provision and planning for physical and community infrastructure meets existing and future needs of the community and identifies the strategy to: Require a development contribution from developers to fund the provision of physical and community infrastructure in accordance with an adopted Development Contributions Plan

In addition to the above, Clause 21.03-2 identifies the following in Other Actions: Review and update the municipal Development Contributions Plan Overlay and Capital Works 10 year budget to ensure ongoing efficacy to address local infrastructure needs and public realm improvements in accordance with residential growth outcomes.

The Amendment does not change any objectives or strategies in the Local Planning Policy framework or Municipal Strategic Statement.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) by replacing the Schedule 1 to the Development Contributions Plan Overlay, and by amending the Schedule to Clause 72.04 to incorporate the *Darebin Development Contributions Plan 2019* (September 2022) into the Darebin Planning Scheme.

How does the amendment address the views of any relevant agency?

The views of the relevant agencies were sought through the formal exhibition process.

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

There are no particular requirements of the *Transport Integration Act 2010* that are of relevance to the introduction of this amendment.

Resource and administrative costs

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

The DCP will impact Council's administrative costs and resources as a result of the council acting as both the collection and development agency. Systems will need to be implemented to collect, monitor and report the income and expenditure.

The DCP will generate revenue for the council to assist in delivering essential community and development infrastructure and will be integrated into the council's capital works planning and reporting processes. Furthermore, the DCP will collect contributions to assist the council in delivering essential infrastructure that would otherwise have been funded without contribution from development. The amendment will result in cost savings to council overall.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Darebin City Council website at www.darebin.vic.gov.au/c170dare; or

The amendment is available for public inspection, free of charge, during office hours at the following place:

- Darebin City Council, 274 Gower Street, Preston

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

ATTACHMENT A - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|----------|--|--|
| Darebin | All land in the municipality of Darebin. | C170dare 001dcpoMap01 C170dare 002dcpoMap02 C170dare 003dcpoMap03 C170dare 004dcpoMap04 C170dare 005dcpoMap05 C170dare 006dcpoMap06 C170dare 007dcpoMap07 C170dare 008dcpoMap08 C170dare 009dcpoMap09 C170dare 0010dcpoMap010 C170dare 0011dcpoMap011 C170dare 0012dcpoMap012 C170dare 0013dcpoMap013 C170dare 0014dcpoMap014 C170dare 0015dcpoMap015 C170dare 0016dcpoMap016 C170dare 0017dcpoMap017 C170dare 0018dcpoMap018 |