

Darebin Planning Scheme

Amendment C210DARE

Explanatory Report

Overview

This amendment reverts to the state standard provisions of section 18 of the *Subdivision Act 1988* for determining public open space contribution requirements for subdivisions that create fewer than 5 additional lots and which are outside the Preston Market Precinct (excluding 30A Cramer St and 102 St Georges Rd, Preston). It does this by amending the schedule to Clause 53.01 to remove the existing mandatory contribution rates for subdivisions that create an additional 2, 3 and 4 lots. This allows for the determination of an appropriate discretionary public open space contribution of up to 5% for subdivisions in this category.

Where you may inspect this amendment

The amendment can be inspected free of charge at Darebin City Council website at www.yoursaydarebin.com.au

And

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

- City of Darebin (Planning Counter), Level 1, 274 Gower Street, Preston

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 22 March 2024.

A submission must be sent to:

Coordinator Strategic Planning
Darebin City Council
PO Box 91
Preston Victoria 3072

or via email to: planningservices@darebin.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 23 May 2024
- Panel hearing: 20 June 2024

Details of the amendment

Who is the planning authority?

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

The Amendment has been made at the request of Darebin City Council.

Land affected by the amendment

The amendment applies to all land in the municipality, excluding:

- Preston Market Precinct (excluding 30A Cramer Street and 102 St Georges Road, Preston).

What the amendment does

The amendment reverts the public open space contribution requirements for subdivisions that create fewer than 5 additional lots to the requirements under section 18 of the *Subdivision Act 1988*.

Specifically, the amendment makes the following change:

Planning Scheme Ordinance

- Amends the Schedule to Clause 53.01 (Public Open Space and Subdivision) to delete the mandatory sliding scale for contributions where 2, 3, and 4 additional lots are created.

Strategic assessment of the amendment

Why is the amendment required?

Access to open space is essential to people's health and wellbeing. *Breathing Space: The Darebin Open Space Strategy (2019)* was adopted by Council in September 2019 and outlines the need for improved open space in Darebin to meet the needs of a growing population. It identifies areas within Darebin where access to open space is limited in terms of the proximity to households and/or because not enough open space

is available to cater for more users.

Darebin is projected to house an additional 55,000 people by 2041 - a 35% increase over the next 18 years - to bring the total population to 215,000. Without creation of new open spaces there will be a further reduction in open space per capita and an increase in the number and proportion of residents who do not have access to open space within 500 metres. Further, the projected increase in residents living in higher density development will mean that occupants have less private open space and rely more heavily on public open spaces for their needs. Improvements are needed to make existing open space work harder and meet the needs of diverse users.

The current open space contribution rate in the Darebin Planning Scheme is not sufficient to provide for the open space needs of the future population. The schedule to Clause 53.01 specifies an open space contribution of between 2% and 5% based on a sliding scale determined by how many additional lots are created. Two additional lots attract a 2% contribution, three lots 3%, four lots 4% and 5-plus lots a 5% contribution.

The sliding scale of was introduced by Amendment C050 in 2004 and replicates an earlier provision of the Victorian Code for Residential Development – Multi-Dwellings which existed 10 years prior. It is an outdated tool that is no longer fit for purpose. In effect the current rates impose an artificial cap on contributions when compared to the provisions of s18 of the *Subdivision Act 1988*, which allow a maximum contribution of 5%.

Darebin is an established municipality where development is necessarily occurring at increasing densities and it is difficult to acquire enough land to ensure all occupants have good access to public open space. The current sliding scale artificially constrains the ability to require contributions that are more aligned with the public open space need generated by subdivision. Reverting to s18 of the *Subdivision Act 1988*, while reinstating discretionary provisions, provides a better mechanism to secure developer contributions on a fair and equitable basis and better meet community open space requirements.

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

The amendment implements the objectives of planning in Victoria contained in section 4(1) of the *Planning and Environment Act 1987* (the 'Act') as follows:

- a) To provide for the fair, orderly, economic and sustainable use and development of land;

The amendment will result in the fair, orderly, economic and sustainable use and development of land by implementing an equitable method for determining public open space contributions, as established in s18(1A) of the *Subdivision Act 1988*.

- b) To provide for the protection of natural and man-made resources and the

maintenance of ecological processes and genetic diversity;

The amendment provides for the protection of natural and man-made resources within the municipality by supporting improvements to the public open space network.

- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The amendment will support the delivery of a pleasant, efficient and safe working, living and recreational environment by providing public open space to meet the needs of the present and future population.

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

Environmental Effects

The amendment proposes a change to the funding mechanism to contribute to improving existing and acquiring new open spaces which will be conserved to support a cooler City, increased biodiversity and nature habitat corridors.

Social Effects

The amendment will provide a strong benefit for the community as there is a clear link between health and wellbeing and access to quality open space. The open space contributions will contribute to funding improvements for open spaces that cater for all of Darebin's residents regardless of culture, gender, sexual orientation, age, socioeconomic condition and disability.

Economic Effects

The amendment will result in more financial resources to fund new open spaces and improve existing open space. The amendment will provide an equitable collection of contributions from subdivisions across the municipality.

Does the amendment address relevant bushfire risk?

The changes proposed in the amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

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

In accordance with section 12 (2) (a) of the Act, The Minister's Directions relevant to the Amendment are:

Ministerial Direction No. 9 – Metropolitan Planning Strategy

The amendment complies with Ministerial Direction No. 9, which requires the planning authority to have regard for the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050* in preparing a planning scheme amendment.

The following are considered relevant to the amendment:

Outcome 2: Melbourne provides housing choice in locations close to jobs and services.

- Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.

The amendment seeks to equitably fund and ultimately deliver public open space for all residents of Darebin, particularly in areas of identified need. Providing additional open space through appropriate contributions will ensure that new housing is provided with adequate open space to meet residents' needs.

Outcome 4: Melbourne is a distinctive and liveable city.

The amendment will facilitate the improvement and expansion of open space in Darebin that contribute to the metropolitan network of open spaces.

Outcome 5: Inclusive, vibrant and healthy neighbourhoods.

- Direction 5.1 – Create a city of 20-minute neighbourhoods.
- Direction 5.2 - Create neighbourhoods that support safe communities and healthy lifestyles.
- Direction 5.4 – Deliver local parks and green neighbourhoods in collaboration with communities.

The amendment will support accessible, high quality open space enabling healthy lifestyles, and creating successful 20-minute neighbourhoods.

Outcome 6: Melbourne is a sustainable and resilient city.

- Direction 6.4 – make Melbourne cooler and greener.

The amendment will support a cooler Melbourne by enabling the greening of urban areas and strengthening the integrated open space network.

- Direction 6.5 – protect and restore natural habitats.

The amendment will improve and add to Darebin's network of green spaces, supporting biodiversity conservation and providing opportunities to connect with nature.

Ministerial Direction No. 11 – Strategic Assessment of Amendments

The amendment complies with Minister Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

Ministerial Direction No. 15 – The planning scheme amendment process

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

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

The amendment supports the following provisions of the Planning Policy Framework:

Clause 11 – Settlement.

The amendment is consistent with the following objective of this Clause, 'Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'. The amendment supports this clause by requiring new subdivisions to contribute to the future open space needs of the municipality.

Clause 12 – Environmental and Landscape Values.

The objective at clause 12.05-2S Landscapes is 'to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments'. The amendment supports this clause by improving valued open spaces in the municipality.

The amendment is consistent with the following objectives:

- Clause 12.01L which seeks to 'maintain a cohesive network of linked natural spaces and corridors to provide havens and corridors for wildlife and enhance water quality in the creeks.
- Clause 12.03-1L which seeks to 'protect and enhance Darebin's major creek systems and creek environs as a waterway and open space corridor'.

The amendment achieves this by funding improvements to protect the municipality's important natural assets and facilitate the creation of new open spaces.

Clause 15 – Built Environment and Heritage.

The objective at clause 15.01-3S subdivision design is 'to ensure the designs of subdivision achieves attractive, safe accessible, diverse and sustainable neighbourhoods'. The amendment supports this clause by providing the funding to create a network of open spaces and by protecting and enhancing native habitat.

Clause 19 – Infrastructure.

The objective at clause 19.02-6S Open space is 'to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community'. The objective at clause 19.02-6R Open space – Metropolitan Melbourne is to strengthen the integrated metropolitan open space network'. The amendment supports this clause by providing for funding to improve and acquire new open spaces that meet the needs of the community.

The amendment is also consistent with the objective at Clause 19.02-6L which seeks to 'provide a safe, accessible and high-quality open space network that is equitably distributed across the municipality.

How does the amendment support or implement the Municipal Planning Strategy?

The Amendment is consistent with the vision of the Municipal Planning Strategy which emphasises the protection of natural assets and ecosystems in response to the climate emergency and for the benefit of the community.

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

The Amendment makes changes to the schedule to clause 53.01 that will facilitate a more equitable open space contributions regime which responds more appropriately to the need generated by subdivisions.

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

The exhibition of the Amendment will provide a formal opportunity for all relevant agencies to comment on the Amendment. The Amendment does not create any new referral agencies or referral requirements.

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

The requirements of the *Transport Integration Act 2010* are not considered to be relevant to 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 amendment may have a small impact on the legal and administrative costs of the responsible authority. Removing the existing mandatory contribution rates and deferring to the guidance of the *Subdivision Act 1988* requires that a determination of an appropriate levy occurs on a case-by-case basis during assessment of subdivision applications. Contributions required through permit conditions may be challenged through VCAT and a response to appeal will need to be resourced should this occur.