

## **DAREBIN PLANNING SCHEME**

### **AMENDMENT C170dare**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the City of Darebin, 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, except Commonwealth Land, 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* (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. This applies to social housing delivered by or for registered housing associations. This exemption does not apply to private dwellings developed by the Department of Health and Human Services or registered housing associations.
- 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.
- Darebin City Council delivered projects, building or works.
- Land with an agreement executed under section 173 of the Planning and Environment Act that explicitly exempts the development from one or more DCP Overlay Schedules due to the development having met its DCP obligations.
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.

##### **What the amendment does**

The proposed amendment implements the *Darebin Development Contributions Plan 2019* (October 2020) by:

- Introducing a new Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay) to facilitate the collection of contributions.
- Amending Clause 21.02 of the Local Planning Policy Framework to update references to *Darebin Development Contributions Plan 2019* (October 2020).
- Amending the Schedule to Clause 72.04 to incorporate the *Darebin Development Contributions Plan 2019* (October 2020) 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 as a result of the new schedule being introduced.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to implement a new municipal-wide *Darebin Development Contributions Plan 2019* 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 does not collect levies but remains in the Darebin Planning Scheme to provide for the continued expenditure of remaining unspent funds. The '*City of Darebin Development Contributions Plan, June 2004*' was introduced into the Darebin Planning Scheme in 2004, through Amendment C050. The 2004 DCP had an initial ten-year time-frame and ceased collecting levies in 2014, but was kept in place through Amendment C148 to the Darebin Planning Scheme to facilitate the expenditure of unexpended funds on the Darebin Multi-Sport Stadium which is still underway.

The *Darebin Development Contributions Plan 2019* seeks to reinstate a levy on new development to deliver infrastructure required in the municipality to the year 2041.

The DCP will provide certainty to 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 seeks to implement 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 proposed 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 provides financial contributions to community infrastructure that will be required to service the growing local residential population and facilitate their participation in the social and economic life of Darebin.

The amendment will provide net community benefit as it commits 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 amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of 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.

#### 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 seek 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 introducing a new schedule (Schedule 2) to the Development Contributions Plan Overlay, and by inserting the *Darebin Development Contributions Plan 2019* to the Darebin Planning Scheme.

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

The views of the relevant agencies will be 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 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 Council to assist in delivering essential community and development infrastructure and will be integrated into Council's capital works planning and reporting processes. Furthermore, the DCP will collect contributions to assist 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 is available for public inspection, free of charge, at:

- the Darebin City Council website at [www.darebin.vic.gov.au/c170dare](http://www.darebin.vic.gov.au/c170dare)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 14 December 2020.

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](mailto:planningservices@darebin.vic.gov.au)

or online at [www.darebin.vic.gov.au/c170dare](http://www.darebin.vic.gov.au/c170dare)

### **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: week commencing 12 April 2021
- panel hearing: week commencing 24 May 2021

**ATTACHMENT A - Mapping reference table**

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