*Planning and Environment Act 1987*

**BANYULE PLANNING SCHEME**

**AMENDMENT C115**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by Banyule City Council, who is the Planning Authority for this amendment. The amendment has also been made at the request of Banyule City Council.

**Land affected by the amendment**

The amendment applies to all land within the municipality and affects new residential, commercial and industrial land development.

Land developed for a non-government school or housing by or for the Department of Health and Human Services, as defined in Part 3 of the Ministerial Direction on Development Contributions Plans (11 October 2016) are exempt from the DCP.

Land which has an existing section 173 under the Planning and Environment Act 1987 and/or Deed of Agreement, which requires the payment of a contributions levy and/or construction of a community and/or physical infrastructure, is also exempt from the DCP.

Certain types of developments (renovations, alterations, demolition and construction of a replacement building, normal outbuildings, and reinstatement of a damaged building) are also exempt.

Other exemptions include minor changes to non-residential development of less than 50sqm net change as well as cohousing developments that meet a minimum threshold defined by the Responsible Authority.

**What the amendment does**

The amendment:

* Inserts a new Schedule 1 to the Clause 45.06 Development Contributions Plan Overlay into the Banyule Planning Scheme.
* Amends the Schedule to Clause 61.03 to include new Planning Scheme Maps: 1DCPO1, 2DCPO1, 3DCPO1, 4DCPO1, 5DCPO1, 6DCPO1, 7DCPO2, 8DCPO2, 9DCPO2, 10DCPO1, 11DCPO1, 12DCPO1, 13DCPO1, 14DCPO1, 15DCPO1, 15DCPO1, 16DCPO1, 16DCPO1, 17DCPO1, 18DCPO1, 19DCPO1 and 20DCPO1 into the Banyule Planning Scheme.
* Amends the Schedule to Clause 81.01 to incorporate the *Banyule Development Contributions Plan (December 2017)* into the Banyule Planning Scheme.

**Strategic assessment of the amendment**

**Why is the amendment required?**

The amendment implements the municipal-wide *Banyule Development Contributions Plan 2016-17 (December 2017).*

This Development Contributions Plan (DCP) introduces adevelopment infrastructure levy and/or a community infrastructure levy to help fund social and physical infrastructure throughout the municipality.

The DCP includes capitalinfrastructure projects such as roads, footpath, streetscape works as well ascommunity infrastructure projects such as community centres.

The infrastructure is required to cater for Banyule’s changing population and the consequential increased demand on infrastructure.

The DCP will improve certainty for Council, developers and the broader community on how and to what extent new residential, commercial and industrial developments will be levied to ensure the necessary infrastructure is delivered in a timely manner.

The DCP will further remove the uncertainty and resource intensity associated with the current case-by-case voluntary negotiations and agreements between Council and a developer.

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

The amendment seeks to implement the following objectives set out at Section 4 of the

*Planning and Environment Act 1987,* to:

(a) Provide for the fair, orderly, economic and sustainable use and development of land;

(c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

(e) Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;

(f) Balance the present and future interests 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 required development contributions; and
* Aiding the provision of necessary social and physical infrastructure throughout the municipality.

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

*Social and economic effects*

This amendment will ensure the equitable collection and distribution of development contributions throughout the municipality and provide for a significant financial contribution to community infrastructure required to service the local residential population.

*Environmental effects*

The amendment is also expected to result in positive environmental outcomes as it will fund new and upgrade of existing drainage infrastructure.

**Does the amendment address relevant bushfire risk?**

This 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*.

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

*Clause 19 Infrastructure*

This clause highlights Council’s obligations to plan for the development of urban physical and community infrastructure in an efficient, equitable, accessible and timely manner.

Councils are required to consider the use of development contributions (levies) in the funding of required infrastructure.

In particular the amendment is consistent with *Clause 19.03-1 Development contributions plans* which seek ‘to facilitate the timely provision of planned infrastructure to communitiesthrough the preparation and implementation of development contributions plans’.

Councils should have regard to the Development Contributions Guidelines when preparing a DCP (Department of Sustainability and Environment, June 2003 – as amended March 2007).

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

Amendment C115 is consistent with the following Clauses contained in Council’s Local Planning Policy Framework:

Clause 21.04-2, *Commercial economic development,* has an objective:

*To support a diversity of viable, high-quality Activity Centres and Neighbourhood Centres offering a range of retail, business, entertainment, community and tourist-related goods, services and employment.*

Clause 21.04-4, *Availability of community facilities*, has an objective:

*To provide a wide range of high-quality cultural, health, educational and institutional uses responsive to the existing and likely future needs of the community.*

Clause 21.04-4, *Recreational, cultural and leisure facilities*, has an objective:

*To provide recreational, cultural and leisure facilities and activities, that meets the community’s needs and expectations, without causing detriment to the natural environment.*

Clause 21.06-1, *Safe, attractive and high quality built environment*, has an objective:

*To provide a safe, attractive and high-quality built environment*

Clause 21.06-1, *Sustainable design,* has an objective:

*To encourage a built form that delivers more environmentally sustainable construction.*

Clause 21.07-1, *Accessibility*, has an objective:

*To promote a safe, efficient and effective integrated transport network.*

In addition to the above objectives, Clause 21.06-3 identifies *Further Strategic Work* to:

*Pursue the development of a development contributions scheme for the provision of local social and community infrastructure.*

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

The Amendment makes proper use of the Victoria Planning Provisions by applying the Development Contributions Plan Overlay to all land and introducing a Development Contribution Plan to equitably collect funding for community and development infrastructure throughout the municipality.

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

The views of relevant agencies will be sought during the formal exhibition process of Amendment C115.

**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 the amendment.

**Resource and administrative costs**

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

Council will establish an accounting and auditing process to monitor income and expenditure from the DCP. 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.

The Amendment will represent a cost saving to Council in so far as it is presently required to negotiate on a case by case basis for contributions to infrastructure. The Amendment will be effectively resourced when it comes into operation.

## Where you may inspect this Amendment

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

Greensborough Service Centre

3rd Floor, 1 Flintoff Street, GREENSBOROUGH

Ivanhoe Service Centre

275 Upper Heidelberg Road, IVANHOE

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 5pm on 30 March 2018.

A written submission must be sent to:

Banyule City Council

PO Box 94

GREENSBOROUGH 3088

and marked with “**Submission to C115**”

Alternatively, an electronic submission can be made by using the form on the Banyule City Council website at:

## <https://shaping.banyule.vic.gov.au/>

## Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following prescheduled panel hearing dates have been set for this amendment. It should be noted that these dates may be subject to change:

* directions hearing: Week starting Monday 28 May 2018
* panel hearing: Week starting Monday 25 June 2018