

## MARIBYRNONG PLANNING SCHEME

### AMENDMENT C164mari

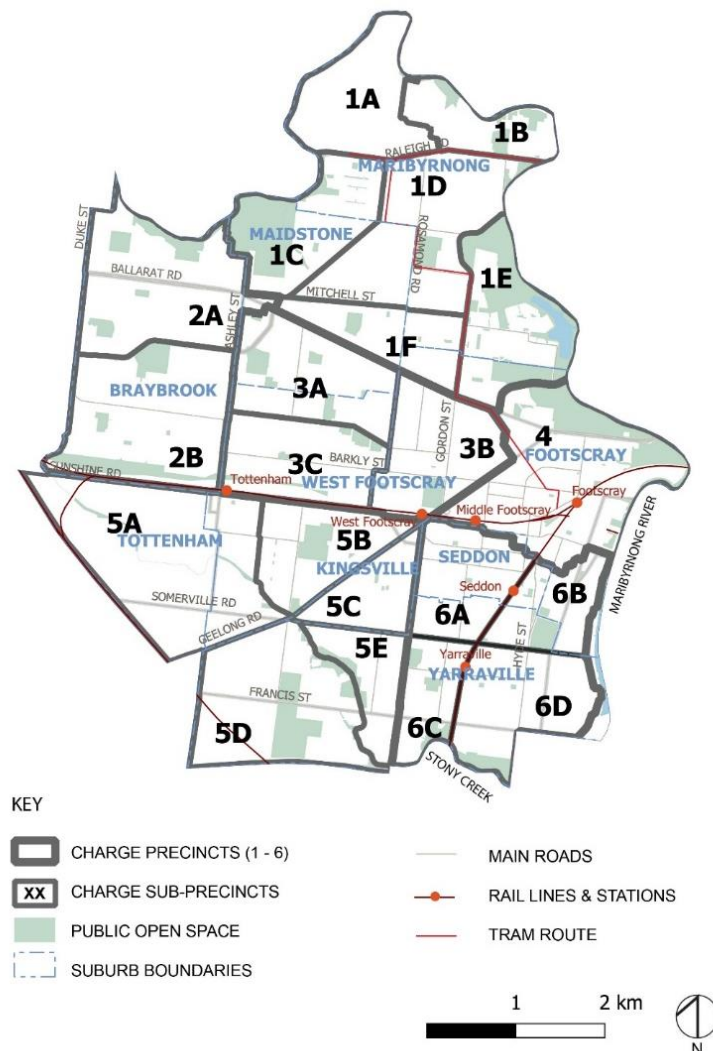
### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by Maribyrnong City Council, which is the planning authority for the amendment. The amendment has also been made at the request of Maribyrnong City Council.

#### Land affected by the amendment

The amendment applies to all land within the boundaries of Maribyrnong City Council, except Commonwealth land at 2 Cordite Avenue in Maribyrnong (known as the Defence Site Maribyrnong) and at 53 Hampstead Road in Maidstone (formally a detention centre). The amendment affects new residential, commercial, retail and industrial developments within the municipality. The map below shows the proposed charge areas.



The following development is exempt from contributions under the **Maribyrnong Development Contributions Plan 2020** (the 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* of 11 October 2016. This does not apply to private dwellings enabled by the Department of Health and Human Services or registered housing associations.
- Existing dwellings replaced in a development, this does not apply to net additional dwellings in the development.
- Outbuildings and fences normal to an existing dwelling.
- Alterations and additions to an existing dwelling, which do not create additional dwellings.
- Alterations and additions to an existing non-residential building, which increase the gross floor area by up to:
  - Retail: 50sqm
  - Commercial: 100sqm
  - Industrial: 200sqm
- Community Infrastructure constructed by Maribyrnong City Council
- Childcare Centre
- Sign
- Servicing infrastructure constructed by a utility authority
- Land with an agreement executed under section 173 of the *Planning and Environment Act*, or a Deed of Agreement with Council which:
  - Provides for specific works and / or land in lieu of a DCP cash payment, and
  - Explicitly states all future DCP contributions are not to be made.
- Where Council advises in writing that an existing demand unit credit or previously paid contribution means no further contribution is payable under this DCP.

## What the amendment does

The amendment proposes to:

- Insert a new Schedule 2 to the Clause 45.06 Development Contributions Plan into the Maribyrnong Planning Scheme.
- Amend the Schedule to Clause 72.03 to provide for new planning scheme maps, 1DCPO, 2DCPO, 3DCPO, 4DCPO, 5DCPO, 6DCPO, 7DCPO, 10DCPO, 11DCPO, 12DCPO into the Maribyrnong Planning Scheme and provide for revisions to existing 8DCPO and 9DCPO planning scheme maps.
- Amend the Schedule to Clause 72.04 to include a new Incorporated Document **Maribyrnong Development Contributions Plan 2020** into the Maribyrnong Planning Scheme.

The DCP has 21 charge areas. A summary of costs is shown in the table below.

Facility Type and Code	Total Cost	Time of Provision	Actual Cost Contribution Attributed to New Development	Proportion of Cost Attributed to New Development*
Community Facility CFCI	\$20,527,000	2018-2041	\$6,630,949	32.3%
Community Facility CFDI	\$13,540,000	2018-2041	\$2,766,018	20.4%
Path PADI	\$40,668,136	2018-2041	\$12,847,049	31.6%
Road RDDI	\$41,152,290	2018-2041	\$8,405,059	20.4%
Open Space DI	\$31,524,251	2018-2041	\$9,911,960	31.4%
<b>Total</b>	<b>\$147,411,676</b>		<b>\$40,561,034</b>	<b>27.5%</b>

\*Assumes 20 year collection period

Payment of the Development Infrastructure Levy may be sought by Council at the planning permit stage, subdivision stage or building permit stage. This payment must be made no later than the date of issue of a building permit under the Building Act 1993. If Council seeks payment at the:

- Planning Permit Stage, it must be made before the start of construction.
- Subdivision Permit Stage, it must be made before a statement of compliance is issued for the subdivision.

Payment of the Community Infrastructure Levy must be made no later than the date of issue of the building permit under the Building Act 1993. More detail is in the proposed Incorporated Document and DCPO2 Schedule.

The DCP is a 20-year municipal wide plan and will apply from date of Gazettal and expire on 31 December 2041.

## Strategic assessment of the amendment

### Why is the Amendment required?

The amendment is required to implement the municipal-wide **Maribyrnong Development Contributions Plan 2020** into the Maribyrnong Planning Scheme.

The DCP enables a Development Infrastructure Levy and Community Infrastructure Levy to fund various infrastructure projects in the municipality. This infrastructure is required to service Maribyrnong's growing population and accommodate the increased demand population growth places on infrastructure. The infrastructure categories in the DCP are roads, paths, open space and community facilities.

The DCP has been prepared to ensure the costs of providing the infrastructure is shared between new development and the existing community on a fair and reasonable basis. Costs are apportioned according to share of usage of the required infrastructure.

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 ensure the necessary infrastructure is delivered in a timely manner. This will result in a net community benefit. The DCP will also

reduce the use of Council resources associated with the current case-by-case voluntary negotiations and agreements between Council and a developer.

The DCP has been informed by various Council plans and strategies, including the 2018/19 Annual Budget, 2019/20 Annual Budget, Strategic Resource Plan for 2020/21 to 2022/23 and the 2019/20 to 2028/29 Long Term Financial Strategy. The DCP addresses emerging gaps in long term planning, infrastructure and service delivery. It identifies a Council commitment to deliver infrastructure projects for the future of Maribyrnong.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendments will implement the following objectives of planning in Victoria, set out in Section 4(1) of the *Planning and Environment Act 1987* to:

- (a) Provide for the fair, orderly, economic and suitable use, and development of the land,
- (c) Ensure 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 co-ordination of public utilities and other facilities for the benefit of the community, and
- (f) Facilitate development in accordance with the objectives of planning in Victoria.

The amendment seeks to implement these objectives by:

- Providing a fair and reasonable basis between existing development and new development according to the share of usage of the infrastructure project.
- Providing a lawful and equitable method to collect contributions.
- 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.

The amendment implements Part 3B of the *Planning and Environment Act 1987* by enabling a Development Infrastructure Levy and Community Infrastructure Levy for land development in the municipality.

### **How does the Amendment address any environmental, social and economic effects?**

This amendment will ensure the equitable collection and distribution of development contributions throughout the municipality and provides financial contributions to infrastructure required to service a growing population and continued economic development.

The amendment will provide net community benefit as it compels Council to deliver the development and community infrastructure items included in the DCP. It will also ensure new development contributes to both development and community infrastructure.

The amendment is expected to result in positive environmental outcomes, as it will fund open space and other infrastructure projects which provide environmental benefits.

### **Does the Amendment address relevant bushfire risk?**

The land affected by the amendment is not located within an area of identified bushfire risk.

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

### **Direction on the Form and Content of Planning Schemes**

The amendment is generally consistent with the *Ministerial Direction on 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 has been slightly modified to show facility types that are charged under this DCP. This is to enable the categories in the prescribed schedule to match the project types in the DCP. The project types that are included are consistent with those allowed under the Ministerial Direction on the Preparation and Content for Development Contributions Plans.

The Summary of Contributions table has been modified because the prescribed schedule does not enable Council to insert DCP levy values for more than one DCP charge area. To improve useability, the table has been adapted to allow critical information for the 21 charge areas to be shown together. A note has been included at the bottom of the table to direct the user to refer to the DCP incorporated document, which includes details such as the location and types of projects to be funded.

### **Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans**

The amendment is consistent with the *Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans* in the following ways:

- The DCP is not applied to land affected by any infrastructure contributions plans.
- The appropriate exemptions for the development of land for non-government school and certain types of social housing have been included.
- The DCP limits the collection of levy to works, infrastructure, and facilities listed in the direction, such as transport and bike infrastructure, drainage works, basic improvements to public open space and community facilities.

### **Direction No. 9 Metropolitan Strategy**

The amendment is consistent with the *Ministerial Direction No. 9 Metropolitan Planning Strategy*, which seeks to ensure that Amendments have regard to the *Plan Melbourne 2017-2050*. The Amendment will implement the following directions by enabling a range of infrastructure investments that supports sustainable population growth while improving the City's environmental, social, and economic well-being.

*Direction 1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.*

*Direction 2.2 Deliver more housing closer to jobs and public transport.*

*Direction 3.3 Improve local travel options to support 20-minute neighbourhoods.*

*Direction 4.1 Create more great public spaces across Melbourne.*

*Direction 5.1 Create a city of 20-minute neighbourhoods.*

*Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles.*

*Direction 5.3 Deliver social infrastructure to support strong communities.*

*Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities*

*Direction 6.4 Make Melbourne cooler and greener.*

### **Direction No. 11 Strategic Assessment of Amendments**

The Amendment has been prepared having regard to *Ministerial Direction No. 11 Strategic Assessment of Amendments* under Section 12 of the *Planning and Environment Act 1987*.

### **Direction No. 15 The Planning Scheme Amendment Process**

The Planning Scheme Amendment Process has been followed in the preparation of this amendment.

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

Clause 19 of the Planning Policy Framework highlights the need to plan for the development of social and physical infrastructure in an efficient, equitable, accessible and timely manner. It also requires Planning Authorities to *consider the use of development contributions in the funding of infrastructure*.

Specifically, the amendment is consistent with the following:

- **Clause 19.02-2S (Education facilities):**  
Objective:
  - *To assist the integration of education and early childhood facilities with local and regional communities.*Strategy:
  - *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
- **Clause 19.02-6S (Open space):**  
Objective:
  - *To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.*Strategies:
  - *Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.*
  - *Ensure that open space networks:*
    - *Are linked, including through the provision of walking and cycling trails.*
    - *Are integrated with open space from abutting subdivisions.*
    - *Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.*
  - *Create opportunities to enhance open space networks within and between settlements.*
  - *Improve the quality and distribution of open space and ensure long-term protection.*
- **Clause 19.03-1S (Development and infrastructure contributions plans):**  
Objective:

- *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*

**Strategy:**

- *Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.*

The amendment supports these objectives and strategies by implementing the Maribyrnong DCP, which will ensure that contributions are available for the provision and maintenance of needed infrastructure works to support sustainable growth and development of the City. These works include but are not limited to upgrades to early years facilities, playgrounds and sport fields, open space landscaping, footpaths and bike paths, drainage structures and roadworks.

In preparing the amendment, Council has had regard to the *Development Contributions Guidelines* (Department of Sustainability and Environment, June 2003 – as amended March 2007) and the *Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans*.

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

The amendment is supported and consistent with the Local Planning Policy Framework and Municipal Strategic Statement (MSS), in particularly the following:

- **Clause 21.04-4 (Open space network):**

**Objective:**

- *To expand and improve the network of open space throughout the municipality.*

**Strategy:**

- *Upgrade existing public open space to meet changing community needs including the condition, accessibility, facilities and character/aesthetics.*
- *Develop shared path linkages between existing and new open space, community recreation facilities and activity centres.*
- *Ensure that new development contributes to the planned open space network.*

**Objective:**

- *To provide a continuous linear open space network along the Maribyrnong River and Stony Creek.*

**Strategies:**

- *Complete the gaps in the linear open space and trail network along the Maribyrnong River with connections to the adjoining urban areas, regional trail system, adjacent open space, community facilities and activity centres.*
- *Develop a linear open space corridor and shared trail along Stony Creek with connections to surrounding urban areas.*
- *Improve the biodiversity values along the Maribyrnong River and Stony Creek.*

The amendment supports Clause 21.04-4 by ensuring new development provides funding to open space and network improvements including footpath works, playground equipment

upgrades and additional facilities. Examples of projects funded under this DCP include footpath and lighting works at Footscray Park, and concrete path upgrades along the Maribyrnong River Trail.

- **Clause 21.05-1 (Landscape values):**

*Objective:*

- *To enhance the landscape character along the Maribyrnong River and Stony Creek.*

*Strategy:*

- *Create a diverse mix of environments within the Maribyrnong River valley from a natural indigenous vegetation corridor in the upper reaches to more hard-edged urban environments in the lower reaches.*

The amendment supports Clause 21.05-1 by ensuring new development provides contributions to softscape and hardscape works along Maribyrnong River and Stony Creek. Examples of water-edge projects include Stony Creek path works from Waratah to Roberts Streets, and public realm works along the Maribyrnong River in Footscray wharf.

- **Clause 21.06-1 (Urban design)**

*Objective:*

- *To create activity centres with a high quality public realm.*

*Strategies:*

- *Provide friendly and safe access pathways, good lighting, quality landscaping, street furniture, conveniences and spaces for people to meet.*
- *Improve the appearance, comfort and safety of public spaces.*

The amendment supports Clause 21.06-1 by funding infrastructure projects that will improve the design and appearance of the public realm in activity centres. These projects include upgrades to footpaths, lighting and landscaping for streets in the Footscray and Highpoint Activity Centres.

- **Clause 21.09-1 (Transport)**

*Objective:*

- *To support and promote cycling and walking.*

*Strategy:*

- *Provide high quality pedestrian and cycling path networks between frequently used local destinations and throughout the municipality*
- *Improve access into activity centres from surrounding areas particularly in relation to pedestrian and cycling routes and links with public transport.*

*Objective:*

- *To develop a safe, efficient and accessible transport network.*

*Strategy:*

- *Improve access to and within core employment areas to cater for industrial development.*
- *Upgrade activity centre access roads and pathways.*

The amendment supports Clause 21.09-1 by ensuring new development provides contributions to needed road projects. Examples include upgrades to road pavement, drainage and kerbs along Pilgrim Street in Seddon and Cambridge Street in Maidstone.



- **Clause 21.10-1 (Community facilities)**

*Objective:*

- *To provide facilities which meet the needs of the community.*

*Strategy:*

- *Provide new community facilities, where needed, in strategic redevelopment sites and in areas of population growth and development.*

The amendment supports Clause 21.10-1 by ensuring new development provides contributions to renew ageing, maintain existing and provide new community facilities to support a growing population. Examples of community facility projects funded under this DCP include upgrades for the Angliss Early Years Centre and the Church Street Early Years Centre.

- **Clause 21.10-5 (Development Infrastructure):**

*Objective:*

- *To provide physical infrastructure to meet the needs of future communities.*

*Strategy:*

- *Ensure new development provides sustainable new infrastructure or improvements to existing infrastructure.*
- *Improve existing and create new infrastructure to facilitate increased development in the city.*
- *Obtain development contributions towards new infrastructure.*

The amendment supports Clause 21.10-5 by ensuring new development contributes to infrastructure improvements that meet the needs of future communities.

- **Clause 21.11-1 (Footscray Metropolitan Activity Centre):**

*Objective:*

- *To accommodate an increased residential population in Footscray MAC and a more diverse dwelling mix.*

*Strategy:*

- *Ensure new housing is adequately serviced by physical and community infrastructure.*

The amendment supports Clause 21.10-5 as the implementation of the DCPO will ensure Council has sufficient funding to provide for physical and community infrastructure in the Footscray Metropolitan Activity Centre.

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions by applying the Development Contributions Plan Overlay to all land, excluding Commonwealth land, and by inserting the *Maribyrnong Development Contributions Plan 2020* as an Incorporated Document into the Maribyrnong 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.

There are no applicable statement of policy principles 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. New systems will be implemented to collect, monitor and report the income and expenditure. Notwithstanding this, 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, as it will remove the intense use of Council resources associated with the current case-by-case voluntary negotiations and agreements between Council and a developer.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge at:

Maribyrnong City Council website: [www.maribyrnong.vic.gov.au/AmendmentC164](http://www.maribyrnong.vic.gov.au/AmendmentC164)

Maribyrnong City Council community engagement site: [yourcityyourvoice.com.au](http://yourcityyourvoice.com.au)

The Department of Environment, Land, Water and Planning website at:  
[www.planning.vic.gov.au/public-inspection](http://www.planning.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 **Friday 11 September 2020**.

A submission must be sent by:

Post: Strategic Planning team – Amendment C164  
Maribyrnong City Council  
PO Box 58  
Footscray VIC 3011

Email: [AmendmentC164@maribyrnong.vic.gov.au](mailto:AmendmentC164@maribyrnong.vic.gov.au)

Online: [www.yourcityyourvoice.com.au](http://www.yourcityyourvoice.com.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 of 19 October 2020
- panel hearing: week of 23 November 2020