

MITCHELL PLANNING SCHEME

DRAFT AMENDMENT C161mith

EXPLANATORY REPORT

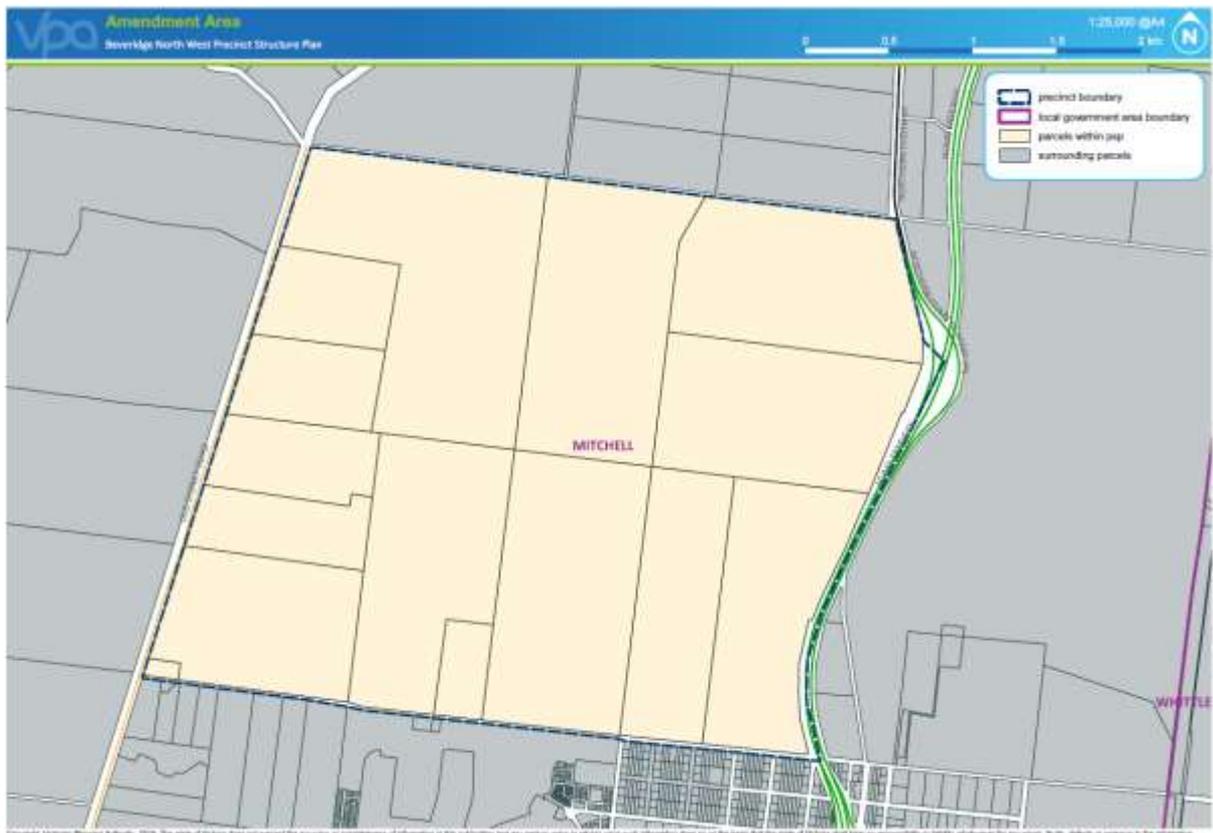
Who is the planning authority?

This draft amendment (the amendment) has been prepared by the Victorian Planning Authority.

Land affected by the amendment

The amendment applies to land within the boundaries of the Beveridge North West Precinct Structure Plans (PSP), as depicted in Map 1 below:

Map 1 - Mitchell C161 Amendment Area (Beveridge North West)



What the amendment does

The amendment proposes to make changes to the Mitchell Planning Scheme to introduce an Infrastructure Contributions Plan (ICP) that applies to land affected by the Beveridge North West PSP.

More specifically the proposed amendment:

- Inserts Clause 45.11 Infrastructure Contributions Overlay
- Inserts Schedule 3 (ICO3) to Clause 45.11 Infrastructure Contributions Overlay.

- Amends the Schedule to Clause 72.04 to include a new incorporated document titled *Beveridge North West Infrastructure Contributions Plan, November 2021*.

Strategic assessment of the amendment

Why is the amendment required?

The ICP system has been revised to improve the method for securing land for public purposes. On 2 July 2018, the *Planning and Environment Amendment (Public Land Contributions) Act 2018* came into operation. This Act requires all public land identified in an ICP to be provided as a direct land contribution, thereby removing a monetary contribution (i.e. the existing public land standard levy amount) from the ICP system. The Act also prescribes the method by which the cost of providing all public land is equalised across all landowners with a PSP area.

A Supplementary Levy ICP has now been prepared and is the subject of this amendment and includes the following:

- Supplementary rate of \$69,065.13 for transport construction.
- Includes five intersection projects and two culvert and bridge projects.

Overall there are:

- 5 community building projects
- 4 open space projects
- 7 road projects
- 15 intersection projects (including two pedestrian crossings)
- 5 culvert and bridge projects
- 20 transport inner public purpose land items
- 32 community & recreation inner public purpose land items

ICPs and the associated planning controls are required to ensure collecting agencies can lawfully collect infrastructure contributions from landowners. This amendment incorporates an ICP to Melbourne's north growth area and applies it to land affected by a PSP currently on consultation (draft Amendment C158mth). This amendment incorporates a supplementary levy ICP, which will be applied to the Beveridge North West PSP area by inserting Schedule 1 to Clause 45.11 – Infrastructure Contributions Overlay (ICO1)

The ICP is necessary to deliver all the infrastructure items required within the Beveridge North West PSP area. Specifically, the supplementary levy component is included to cover the costs of construction of supplementary ICP transport items, due to sodic soils being present in the precinct.

The total net developable area is 793.22 hectares and the total contribution land is 918.21 hectares. 'Residential' is the only development class in the precinct. There is no Commercial and Industrial class of development area.

The ICP provides timeframes (short 0-5 years, medium 5-10 years and long term 10 years onwards) for the delivery of ICP funded infrastructure projects.

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

The amendment will implement an infrastructure contributions scheme to fund community and development infrastructure to service the future urban land within the approved PSP, which is within the Urban Growth Boundary of Metropolitan Melbourne.

It will implement applicable objectives of planning in Victoria under section 4 of the *Planning and Environment Act 1987* (Act) through the implementation of a contributions collection scheme to facilitate the delivery of infrastructure to service the approved precinct structure plan.

The amendment applies the necessary planning controls to implement the ICP, which will provide a clear structure of contributions required to fund development and community infrastructure within the precincts for residential and commercial development and will ensure the fair and equitable provision of community and development infrastructure.

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

Environmental effects

The amendment does not result in environmental impacts as it seeks to introduce mechanisms to allow the responsible authority to collect financial contributions towards infrastructure required for the PSP areas.

The infrastructure required and its environmental impacts are to be considered concurrently as part of draft Amendment C158mith, which seeks to introduce the Beveridge North West PSP into the Mitchell Planning Scheme.

Economic effects

This amendment proposes to update the ICP for the PSP area, which identifies the financial levy required to be paid by developers to fund the infrastructure required for the precinct, and thus sets out an equitable and transparent means of collecting financial contributions towards servicing the future community. This reduces the burden on the responsible authority and existing communities to fund future local infrastructure.

Social effects

The approved PSP identifies the infrastructure necessary to service the future communities, including sports and community facilities, road and trail upgrades and parks. The new infrastructure items will ensure that new residents do not place an unfair burden on existing community assets in the area. The infrastructure will maximise opportunities for new residents to safely and efficiently access employment and everyday services, including shopping and engaging in locally based social activities.

Does the amendment address relevant bushfire risk?

The amendment updates the mechanism to collect infrastructure contributions and will not result in an increase to the risk of life as a priority, property, community infrastructure and the natural environment as a result of bushfire.

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

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. The amendment also complies with the following relevant Ministerial Directions:

Direction No. 9 - Metropolitan Strategy

Direction 9 has been considered in preparing this amendment and it complies with this direction.

The amendment will facilitate the collection of developer levies to fund the required infrastructure to service the future urban land within the Urban Growth Boundary (UGB).

Direction No. 11 - Strategic Assessment of Amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This report addresses the requirements outlined in this direction.

Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans

The *Planning & Environment Amendment (Public Land Contributions) Act 2018* introduced a land contribution model for the ICP system. The land contribution model enables land for public purposes to be provided as part of an infrastructure contribution when land is developed. It changes the way land is acquired for public purposes, instead of requiring a monetary levy it will require a percentage, similar to the operation of Clause 53.01 of the Mitchell Planning Scheme.

The ICP system came into effect on 2 July 2018. The system is based on standard levies that are pre-set for particular development and land uses in order to fund the construction of basic and essential infrastructure to service the growing urban communities. This system also allows for a supplementary levy, in addition to the standard levy, if required to fund infrastructure that cannot be adequately funded by the standard levy.

This direction guides planning authorities in relation to the preparation and content of developer contributions.

This amendment proposes to amend the Infrastructure Contributions Overlay schedule to update the monetary component and levy rate payable within the amendment area. The overlay reflects the Planning & Environment Amendment (Public Land Contributions) Act 2018 model for collection of infrastructure contributions.

The proposed ICP sets out funding of infrastructure works for the precinct and levies a certain amount from developers in the precinct with the balance of funding being the responsibility of the council and other state agencies, as well as directly funded by developers through developer works. The PSP provide the strategic justification for the ICP items.

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

This amendment is consistent with Clause 19.03-1S – Development and infrastructure contributions plans Infrastructure of the Planning Policy Framework as it will implement mechanisms to collect developer contributions to fund infrastructure throughout the PSP.

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

The amendment will ensure developers financially contribute to the necessary infrastructure for the precincts, which has considered the Local Planning Policy Framework of the Mitchell Planning Scheme during the preparation of the PSP.

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

Yes, the ICO is the appropriate mechanism for giving effect to the ICP in the Mitchell Planning Scheme.

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

All relevant agencies will be notified during the exhibition of the amendment and invited to make submissions. If submissions are unable to be resolved, they will be referred to an independent Ministerial Advisory Committee (MAC) for review and recommendations.

The ICP affects land that is subject to the Beveridge North West PSP (draft Amendment C158mth), which is on concurrent consultation and will be subject to the same consultation and Advisory Committee processes, to identify infrastructure items to be funded. All relevant agencies, including Mitchell Shire Council, were extensively involved in the development of the PSP and the infrastructure items specified.

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

The amendment implements mechanisms to collect financial developer levies to fund essential transport infrastructure that are identified in the Beveridge North West PSP.

Resource and administrative costs

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

The amendment will assist the responsible authority as it ensures the collection of infrastructure contributions by developers to fund necessary infrastructure to be delivered by the responsible authorities.

Where you may inspect this Amendment

The draft amendment is available for public inspection between 16 November – 17 December 2021 online at:

Engage Vic

engage.vic.gov.au/beveridgenorthwest

[The draft amendment is available for public inspection](#), free of charge, during office hours at the following places:

Victorian Planning Authority

Victorian Planning Authority
Level 25, 35 Collins Street
Melbourne, VIC 3000
www.vpa.vic.gov.au

Mitchell Shire Council

Mitchell Shire Civic Centre
113 High St
Broadford, VIC 3658
www.mitchellshire.vic.gov.au

Should you not have access to the internet and the above offices are closed or not accessible during office hours, please contact the VPA on 9651 9600 to make alternative arrangements to obtain a copy of this draft amendment.

These extra measures have been put in place to ensure accessibility of this amendment in the context of COVID-19 and any changes to office hours.

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, 17 December 2021.

A submission must refer to Beveridge North West or Draft Amendment C161mth and be sent to:

Online: engage.vic.gov.au/beveridgenorthwest

Post: Victorian Planning Authority
c/- Beveridge North West PSP
Level 25, 35 Collins Street
Melbourne, VIC 3000

Ministerial Advisory Committee hearing dates

This project will be subject to the Beveridge North West Precinct Structure Plan, Supplementary Levy Infrastructure Contributions Plan and Quarry Planning Permit Application (BNW MAC), appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred plans, associated draft planning scheme amendments and the quarry planning permit application.

While the VPA will seek to resolve any issues raised, unresolved issues or particular matters will be referred to the BNW MAC.

The BNW MAC will provide advice on the draft amendment to the VPA and Minister for Planning.

If required, dates for the BNW MAC are reserved for:

- Directions Hearing: Week commencing 21 February 2022
- Hearing: Starting week commencing 4 April 2022