

CASEY PLANNING SCHEME

AMENDMENT C269case

EXPLANATORY REPORT

Who is the planning authority?

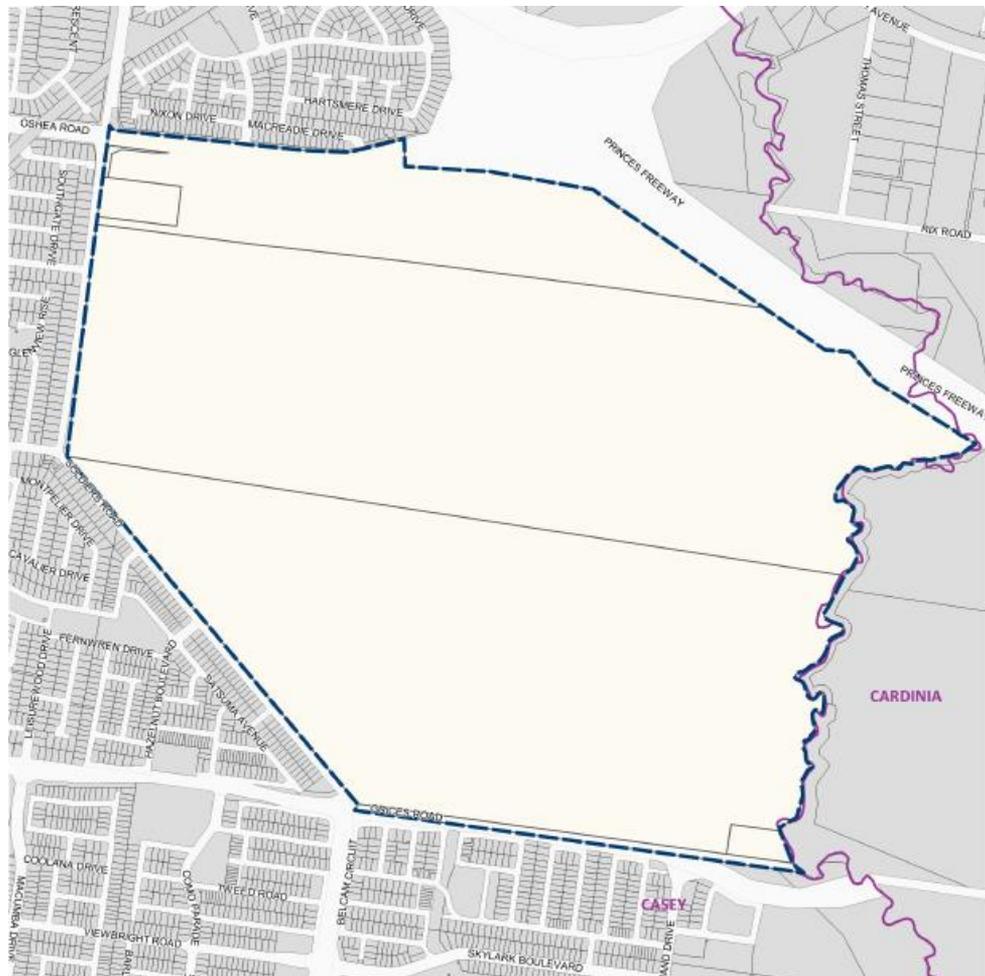
This amendment has been prepared by the Victorian Planning Authority, which is the planning authority for this amendment.

The amendment has been made at the request of the Victorian Planning Authority.

Land affected by the amendment

The amendment applies to land within the boundaries of the Minta Farm Precinct Structure Plan, as depicted Map 1 below:

Map 1 – Casey C269case Amendment Area (Minta Farm)



What the amendment does

The amendment makes changes to the Casey Planning Scheme to replace an Infrastructure Contributions Plan (ICP) that applies to land affected by the Minta Farm Precinct Structure Plan (PSP). This ICP will replace the 'interim' ICP incorporated in the Casey Planning Scheme.

The Minta Farm PSP has been approved by the Minister for Planning and gazetted on 17 January 2019 under Casey Amendment C228.

More specifically, the Amendment seeks to:

- Amend Schedule 2 (ICO2) to Clause 45.11 Infrastructure Contributions Overlay which applies to land within the amendment area to include the details specified in the *Minta Farm Infrastructure Contributions Plan, July 2019*.
- Amend the Schedule to Clause 72.04 to delete the existing incorporated document titled *Minta Farm Infrastructure Contributions Plan, May 2019* and include a new incorporated document titled *Minta Farm Infrastructure Contributions Plan, July 2019*.
- Apply a Public Acquisition Overlay in favour of Casey City Council (PAO3) consistent with the north-south arterial road identified in the Minta Farm PSP.

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.

An 'interim' Minta Farm ICP was approved under section 20(4) of the Act to ensure that, following legislative changes, collecting agencies can lawfully collect infrastructure contributions from landowners.

A final ICP has now been prepared and is the subject of this amendment and makes the following updates to the interim ICP:

- Standard Levy Rate adjusted to 2019/20 rate and associated changes to the supplementary rate;
- Apportionment of IN-03 to the standard levy changed;
- Updated costing for the Major Culvert;
- Updated costing for the Pedestrian bridge;
- Updated costing for the pedestrian signals and
- Costing sheets and designs included at Appendix 3.

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 south-eastern growth area and applies it to land affected by a PSP, which has been approved by the Minister for Planning and gazetted on 17 January 2019 under Casey Amendment C228.

This amendment incorporates a supplementary levy ICP, which will be applied to the Minta Farm PSP area by amending Schedule 2 to Clause 45.11 – Infrastructure Contributions Overlay (ICO2).

The changes to the legislation regarding the land contribution model and associated changes to levy amounts has meant that transport costs would not be fully covered under a standard

levy, therefore triggering the need for a supplementary levy. All supplementary levies must undergo a full planning scheme amendment process.

The ICP is necessary to deliver all the infrastructure items required within the Minta Farm precinct. Specifically, the supplementary levy component is included to cover the costs of construction of supplementary ICP transport items.

The ICP provides timeframes (short 0-5 years, medium 10-15 years and long term 15 years onwards) for the delivery of ICP funded infrastructure projects. The timeframes have been updated since the gazettal of the Minta Farm PSP to better reflect the projected urban development growth fronts within the precincts.

Casey City Council has requested that a Public Acquisition Overlay is included in their favour to deliver the north-south arterial road identified in the Minta Farm PSP. A PAO is an appropriate tool in the Victoria Planning Provisions to identify land required for a public purpose and allow for its early acquisition.

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 area.

The infrastructure required and its environmental impacts were considered as part of Casey Amendment C228, which introduced the PSP into the Casey Planning Scheme.

Economic effects

This amendment applies an 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 does not impact upon bushfire risk.

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.

Direction No. 12 - Urban Growth Areas

This Direction is not applicable as this amendment does not seek to introduce or change the schedules to the Urban Growth Zone (UGZ).

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 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 presently incorporated Minta Farm 'interim' ICP sets out funding of infrastructure works for the precinct. The proposed 'final' ICP will continue to levy a certain amount from developers in the precincts 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 provides 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 – 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 contribute to the necessary infrastructure for the precincts, which have considered the Local Planning Policy Framework of each 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 incorporating the ICP in the Casey Planning Scheme.

A PAO is an appropriate tool in the Victoria Planning Provisions to identify land required for a public purpose and allow for its early acquisition to deliver the north-south arterial road identified in the PSP.

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

The ICP affects land that is subject to an incorporated PSP. Each PSP was subject to an extensive consultation processes, including formal exhibition and panel hearings, to identify infrastructure items to be funded. All relevant agencies, including Casey City Council, have been involved in the development of the PSP and the infrastructure items specified in the ICP reflect those identified in the incorporated PSP.

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 Minta Farm precinct.

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 authorities (each council) 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 amendment is available for public inspection, free of charge, during office hours at the following places:

Victorian Planning Authority

Level 25
35 Collins Street
Melbourne 3000

www.vpa.vic.gov.au

Casey City Council

Bunjil Place, 2 Patrick NE Drive
Narre Warren
VIC 3805

<https://www.casey.vic.gov.au>

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at 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 **9 September 2019**.

A submission referencing Casey Amendment C269case must be sent to:

Victorian Planning Authority

Level 25,
35 Collins Street
Melbourne VIC 3000

Or via email: amendments@vpa.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: **Week commencing 4 November 2019**
- Panel hearing: **Week commencing 10 February 2020**