



the place
to live

AGENDA OF THE PLANNING COMMITTEE MEETING

**Planning Committee Meeting to be held on Monday
14 February 2022 at 6.30pm.**

This Meeting will be held virtually.

**This meeting will be closed to the public pursuant to
Section 395 of the Local Government Act 2020.**

**This meeting will be livestreamed and may be accessed
from Councils website www.darebin.vic.gov.au.**



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

هذا هو جدول أعمال اجتماع المجلس المحلي لخدمة المواطنين. لأي من نود جدول الأعمال يرجى الاتصال بالهاتف 8888 8470.

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کے ایجنڈا ہے۔ کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

Table of Contents

Item Number	Page Number
1. MEMBERSHIP	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	1
5. CONSIDERATION OF REPORTS	2
5.1 DEVELOPMENT CONTRIBUTIONS PLAN - PLANNING SCHEME AMENDMENT C170DARE.....	2
5.2 STATE GOVERNMENT RESCODE REFORM - COUNCIL SUBMISSION	195
.....	195
6. OTHER BUSINESS	391
6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS	391
7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	403
NIL	403
8. CLOSE OF MEETING.....	403

Agenda

1. MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Trent McCarthy (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 13 December 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 DEVELOPMENT CONTRIBUTIONS PLAN - PLANNING SCHEME AMENDMENT C170DARE

Author: Senior Strategic Planner

Reviewed By: Chief Executive Officer

EXECUTIVE SUMMARY

Amendment C170dare to the Darebin Planning Scheme is now in the final stages to implement a new Development Contributions Plan (DCP) applying to all land in the municipality.

Following exhibition in late 2020, Council considered submissions at its meeting on 22 March 2021, and referred all submissions to an independent Planning Panel. The Panel considered objectors' and Council's submissions at a hearing in May 2021, with a report provided on July 29 (**Appendix A**). The Panel supports Council's position on the majority of issues raised by submitters, and considers that Amendment C170dare is strategically justified, well founded and should be implemented as proposed, subject to some relatively minor changes.

This report addresses the changes recommended by the Panel, which range from very minor administrative matters, some of which were identified by Council following exhibition, to more notable changes concerning the exemption mechanism. Following assessment, it is proposed that Council decline to support one of the Panel's recommendations on transitional provisions for the reasons detailed in this report.

Fundamentally, it is recommended that Council adopt the amendment with changes and submit to the Minister for Planning for approval.

The implementation of a new municipal DCP will support Council's long-term financial sustainability and its ability to deliver infrastructure necessary to meet the needs of the Darebin community over the next 20 years. The DCP relates to 70 projects with a total estimated cost of \$115.5 million. Through the DCP, future development is estimated to contribute \$28 million, or about 24% of the total costs of these projects.

Officer Recommendation

That the Planning Committee:

- (1) Considers the Amendment C170dare Panel Report (**Appendix A**), pursuant to section 27 of the *Planning and Environment Act 1987*.
- (2) Adopts Amendment C170dare and the Darebin Development Contributions Plan 2019 (November 2021) in accordance with section 29 of the *Planning and Environment Act 1987*, with changes reflected in **Appendix B and C**.
- (3) Authorise the Manager City Futures to make any further minor changes to the amendment documents where these are insubstantial but required for correctness, clarity or the like, including changes after approval of the Amendment by the Minister for Planning to ensure consistency with the approved planning provisions.

- (4) Submit the adopted Amendment C170dare, together with the prescribed information, to the Minister for Planning for approval pursuant to section 31 of the *Planning and Environment Act 1987*.
 - (5) As part of its submission requesting approval of Amendment C170dare, advise the Minister for Planning that Council has not accepted all of the Panel's recommendations, for the reasons detailed in **Appendix D**.
 - (6) Write to all submitters thanking them for their submission and advising them of Council's decision.
-

BACKGROUND / KEY INFORMATION

Implementing a new municipal-wide Development Contributions Plan (DCP) is a specific action (Action 4-22) in the Council Plan 2021-25.

The DCP will ensure that the cost of required new and upgraded infrastructure is shared equitably between developers and the wider community as the City grows. Securing developer contributions is part of a prudent financial management approach and will support Council to provide the necessary infrastructure to meet community needs.

Planning Scheme Amendment C170dare – Development Contributions Plan, was exhibited between 12 November and 14 December 2020. 12 submissions were received through this process, of which eight were in objection. At its meeting on 22 March 2021, Council considered submissions and, in accordance with the *Planning and Environment Act 1987* (the Act), referred all submissions to an independent Planning Panel.

Following the appointment of a Planning Panel, a Directions Hearing was held on 16 April and the main hearing was conducted over four-days on 24, 25, 26 and 28 May 2021. The Panel considered all submissions to the amendment and heard Panel submissions put by six parties and Council.

Following the Hearing, the Panel completed its deliberations and issued a Panel Report to Council on 29 July 2021. Under section 27 of the *Act* Council must consider the Panel's report before deciding whether or not to adopt the amendment.

More detail on the DCP project background and planning scheme amendment process can be found in **Appendix E**.

Previous Council Resolution

At its meeting held on 22 March 2021, Council resolved:

'That Council having prepared and exhibited Amendment C170dare to the Darebin Planning Scheme under section 19 of the Planning and Environment Act 1987:

- (1) *Formally considers all written submissions received in response to Amendment C170dare to the Darebin Planning Scheme.*
- (2) *Endorses the officer's response to submissions outlined in this report and attached at **Appendix A** and recommended changes to the Amendment, including the changes as attached at **Appendices B and C** of this report, to form the basis of Council's submission to an independent Planning Panel.*
- (3) *Requests that the Minister for Planning appoint an independent Panel under Part 8 of the Planning and Environment Act 1987 to consider submissions to Amendment C170dare to the Darebin Planning Scheme.*

- (4) *Refers all submissions to the Panel to be appointed by the Minister for Planning.*
- (5) *Authorises the Manager City Futures to support any minor changes to Amendment C170dare that may be required as part of Council's submission to the Panel.*
- (6) *Writes to all submitters to inform them of Council's decision to proceed to the Panel stage.*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

Strategic Direction 2: Prosperous, Liveable and Flourishing

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

Strategic Direction 1: Vibrant, Respectful and Connected

Strategic Direction 2: Prosperous, Liveable and Flourishing

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.5 We will improve the sustainability, accessibility, and design of development on private land in our city

4.2 We will ensure our assets are optimised for the benefit of our community

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

Amendment C170dare delivers on Action 4-22 to complete planning reform work to 'Introduce a developer contributions scheme'.

DISCUSSION

Post exhibition review and changes

On 22 March 2021, in considering submissions to exhibition of Amendment C170dare, Council endorsed the following changes to the DCP:

- In response to La Trobe University's submission, a provision was included in the DCP that would allow Council to defer levy payments where alternative community infrastructure was to be provided
- Revised wording for the section 173 exemption, to give greater clarity as to the types of agreements that would provide for an exemption
- Future changes to DCP project costings as a result of Council successfully securing State Government grants to deliver some projects

These changes formed part of Council's Part A submissions to Panel.

Planning Panel report

The Panel supported Council's position on the majority of issues raised by submitters and considers that Amendment C170dare is strategically justified and well-founded and should be implemented as proposed, subject to some changes.

The recommended changes range from very minor administrative matters, some of which were identified by Council, to more notable changes concerning the exemption mechanism. None of the recommendations significantly affect the operation of the DCP, however extending the exemptions to include transitional arrangements (for developments approved before gazettal) in the manner suggested by Panel is not recommended to be accepted by Council.

The following provides a summary discussion of the key issues and recommendations in the Panel Report. **Appendix D** provides a detailed account of the Panel's recommendations, officers' response and the proposed changes to the amendment.

La Trobe University

The greater portion of the Panel Hearing was dedicated to La Trobe University's (LTU) submission which contended that the university should be exempt from the DCP on the basis that it already provides a significant contribution to community infrastructure to the benefit of the wider community. On this matter, Panel agreed with Council that there is no case for granting LTU a full exemption from the DCP.

Panel supported Council's approach in providing LTU relief from paying the levy where alternative infrastructure is provided. At the request of Panel, Council put forward a further iteration of the proposed mechanism for achieving a 'middle ground' position with LTU. The Panel Report recommended the DCP be amended in accordance with this proposal, which removes the specific levy deferral criteria previously adopted by Council and introduces a provision allowing Council to accept, by agreement with LTU, a substitute project as 'works in kind' as an offset against cash levy liabilities. In combination with the ability to defer levy liabilities and/or grant an exemption by legal agreement, this gives Council flexibility to consider levy offsets, deferrals or exemptions on a case-by-case basis and according to merit, in return for La Trobe University providing alternative infrastructure.

This is very similar to the previous approach adopted by Council, but slightly more flexible to consider a broader range of infrastructure that benefits the broader community on a merits basis. Officers support this recommendation.

Changes in response

The DCP and DCP Overlay Schedule have been changed in accordance with this recommendation.

Deal Corporation

Submissions on behalf of Deal Corporation argued that the exemptions in the DCP should be extended to include:

- Use or development approved by a permit granted prior to the approval of Amendment C170dare; and
- Subdivision of building or works constructed or approved prior to approval of Amendment C170dare.

The Panel expressed agreement with Deal Corporation's arguments with respect to these exemptions and stated that it would be unreasonable to impose costs on development "*that is approved or 'exists' but may not have been subdivided...*". Therefore, the Panel recommended that similarly worded exemptions be included in the DCP.

A broad exemption of this nature is not featured in other municipal-wide DCPs and it has been standard practice that where there is a trigger to pay the DCP levy, the levy can apply, i.e. at the planning permit stage, building permit stage or subdivision permit stage. The lack of transitional provisions for the DCP has been part of Council's communications about the amendment since November 2020. Further, the long process of establishing the DCP and carrying out the planning scheme amendment, including a public exhibition process, is considered to provide enough notice of the changes to the development community to factor into their projects, ahead of them being gazetted in the Scheme.

Acceptance of this recommendation would also have a financial impact as exempting permitted development reduces the amount of levy that can be collected, while the exempted developments continue to create additional demands on community infrastructure.

Officers recommend that this recommendation is **not** accepted as:

- It is a departure from DCP practice in other municipalities and has not been supported by previous Panels
- The planning scheme amendment process provides a long lead-in time for the levy (in excess of a year from public exhibition of C170dare)
- It would reduce the revenue collected during the DCP timeframe
- If the Minister ultimately considers that such an exemption is appropriate practice for DCPs across Victoria from now on, he can make this change before approving the amendment or introduce it in the Ministerial Direction to apply to all DCPs in Victoria

Changes in response

None.

Other matters

Submitters raised issues related to the method used to prepare the DCP, including development forecasts, demand units and equivalence ratios, the nexus between infrastructure projects and development, and the charge areas.

Some submissions argued for a broadening of exemptions to include social and affordable housing provided by the private sector, and for situations where infrastructure works were/are provided by a developer as part of a rezoning process, or in satisfaction of planning permit conditions.

Panel agreed with Council's position on all of these matters in that:

- It is fair and reasonable for the DCP to apply to strategic development sites to collect contributions for broader community infrastructure, even when site specific infrastructure is provided as part of a rezoning or development process
- The DCP's current exemptions are appropriate to account for any infrastructure above and beyond what is normally required
- Any exemption for affordable housing more broadly should be made by the Minister through a Ministerial Direction

The Panel concluded that the amendment was methodologically sound and supported Council's position on additional exemptions in relation to social housing and privately provided infrastructure as part of developments.

Arising from Panel's deliberations on these matters, the Panel recommended further explanatory information about how the DCP operates regarding charge areas, strategic redevelopment sites and other exemptions. This recommendation is supported by officers.

Changes in response

Additional explanatory information has been incorporated into the DCP document.

Corrections and Clarifications

The Panel recommendations include amending project costings in the DCP to take account of any external funding received prior to adoption of the amendment (e.g. recent state government grants for projects in the DCP), and correcting minor errors identified in the DCP and DCPO Schedule. These recommendations are consistent with Council's Part A submission to Panel and are supported by officers.

Changes in response

The Amendment documentation has been updated to account for grants received for the following projects:

- Projects 6 KP Hardiman Hockey Pitch Redevelopment
- Project 14 KP Hardiman Reserve Hockey Lighting Upgrade
- Project 15 IW Dole Reserve Lighting Upgrade (reduced to \$25,000)
- Project 12 Moore Park North Lighting Upgrade (reduced to \$25,000)

Projects 6 and 14 are being delivered as one, so have been consolidated in the DCP and the overall cost reduced by \$800,000 to reflect the amount of grant funding received.

Other minor corrections have been made in the DCP and DCPO Schedule (refer **Appendix D**).

Project 7

Although not a recommendation, Panel encouraged Council to cross-check the attribution of projects to charge areas in response to a query related to Project 7, BT Connor Reserve Pavilion upgrade. On review, officers found that Project 7 had been apportioned to the wrong charge areas. Correcting this error in the DCP would have the effect of increasing levies in some charge areas when compared with what was exhibited.

Change in response

To avoid increasing levies in some areas, and the prospect of re-exhibiting the amendment, Project 7 has been removed from the DCP entirely. This is expected to reduce the overall collection of levies by approximately \$630,000 over 20 years.

Open Space Levy and the DCP

The Panel report addressed the view put by Deal Corp that open space projects should not be included in the DCP because they would be more appropriately funded through the Open Space Levy (OSL). Further, Deal Corp raised concern about the potential for 'double-dipping' from two sources of funding to deliver open space projects. The Panel concluded, in accordance the DCP Guidelines and the relevant Ministerial Direction, that inclusion of open space projects in the DCP is appropriate. In the discussion, the Panel also states that total funding for any DCP project may be sourced from multiple funding streams, including rates, DCP levies or OSL.

Council has also received legal advice that OSL funds can be used to fund open space projects included in the DCP while still avoiding 'double-dipping'. In light of this, officers recommend an adjustment to Council's previous approach in keeping OSL and DCP funding sources and projects separate. This provides Council with greater fiscal flexibility to ensure it can continue to deliver infrastructure and open space improvements in a financially sustainable and responsible way. It will also enable Council to potentially utilise OSL funds to fund infrastructure projects that are have greater capacity, a more diverse recreational offer and/or more expensive than the indicative estimates used to calculate DCP contributions.

To maintain the principle of apportionment and to avoid 'double dipping', it is proposed that Council include guidance within its internal procedures and guidelines regarding when and how OSL funds should be expended on projects within the DCP.

Change in response

Remove the wording in the DCP which states that the OSL will not be used to fund projects in this DCP.

Replacing Darebin's expired DCP

Darebin's previous DCP expired on 30 June 2021, though it remains in the Darebin Planning Scheme. The amendment documents for C170dare have been slightly changed to facilitate removal of the expired DCP and DCPO Schedule from the planning scheme at the same time as the new one is implemented. The required changes are reflected in **Appendix C**.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**Financial Management**

As the population grows, new infrastructure and expansion of existing infrastructure is needed to meet needs of a larger population. Council has legislated obligations to provide a range of infrastructure for community including drainage infrastructure, roads and other services. The implementation of a new municipal DCP will support Council's long-term financial sustainability and its ability to deliver infrastructure necessary to meet the needs of the Darebin community over the next 20 years.

The DCP has identified and is planning for 70 projects that will be required to meet infrastructure needs of Council's community. The total estimated cost of these is \$115.5M over 20 years, and financial contributions from developers would contribute \$28M, or about 24% of the total costs. The actual delivery timeline will be determined by how fast population growth occurs.

Community Engagement

Submitters to Amendment C170dare will receive:

- Notification that the Amendment will be considered by Council, in advance of the relevant meeting, and
- An email notifying them of the decision Council makes on the next steps for the planning scheme amendment.

The broader community will be able to access updates via the Council's Your Say page on the DCP project.

Overarching Governance Principles and Supporting Principles

- (g) the ongoing financial viability of the Council is to be ensured;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

Strategic Planning Principles

- (b) strategic planning must address the Community Vision;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

A number of the infrastructure projects included in the proposed DCP, such as sustainable transport projects, will contribute to sustainability outcomes. The Climate Emergency and Sustainable Transport Department has been consulted in the preparation of the DCP.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Project selection for DCP has been based on Council's long-term capital work program, is guided by Council and community priorities through existing adopted strategies and plans (including the Council Plan), many of which have been the subject of community engagement. Projects which meet set criteria for inclusion in a DCP have been selected and the DCP itself must equitably apportion the share of the cost of new infrastructure.

The Equity and Inclusion team was consulted and provided input on the Communications and Engagement Plan prior to sign-off. Key information about the DCP, including promotion of the online Community Information Sessions, was translated in 12 languages to improve reach to CALD communities. Provision was also made for requesting and using an interpreter at the online sessions.

Economic Development and Cultural Considerations

As Victoria experiences continued economic impacts related to COVID-19, it is acknowledged that the introduction of a levy on new development may be considered ill-timed by some parts of the development industry. However, the proposed levy rate is relatively modest in the context of other recent municipal DCPs and is not expected to unreasonably affect development feasibility or housing affordability. It is noted that a number of developers who objected to Amendment C170dare were supportive of a DCP as a fair and equitable mechanism to collect contributions to required infrastructure.

Identified infrastructure projects include upgrades that will support economic development in Darebin through increased accessibility, improved transport links and increased participation in sport and leisure.

In a broader sense, the DCP will support delivery of key capital works projects which can provide important stimulus for the local economy and contribute to its recovery from the impacts of COVID-19.

Operational Impacts

The DCP is concerned with funding and delivery of capital works projects. If it is introduced Council will need to manage and monitor the completion of infrastructure works in line with the DCP, which would be undertaken by operational staff.

A level of resourcing will be required to ensure the new DCP is effectively managed, monitored and reviewed once it is in place. Steps will need to be taken to ensure an accounting and management system is in place to administer the DCP prior to the amendment being approved.

Management of the DCP will require additional resources.

Legal and Risk Implications






Adopting a DCP will create an obligation for Council to proceed with the works identified. This risk has been managed through prudent project selection process in the Capital Works Plan, and again in the DCP list of works.

Should Council not accept the Panel's recommendations on Amendment C170, the relevant changes may be made by the Minister at the approval stage regardless.

IMPLEMENTATION ACTIONS

- By 8 February 2021 – submit Amendment C170dare to the Minister for Planning for approval
- TBC – Minister for Planning makes a decision on Amendment C170dare

Attachments

- Darebin C170dare Panel Report (**Appendix A**) [↓](#) 
- Darebin C170dare Darebin Development Contributions Plan 2019 (November 2021) incorporated document tracked changes (**Appendix B**) [↓](#) 
- C170dare PSA documents Approval (**Appendix C**) [↓](#) 
- Panel Recommendations and DCP changes (**Appendix D**) [↓](#) 
- Background C170dare Development Contributions Plan (**Appendix E**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Planning
Panels
Victoria**

**Darebin Planning Scheme Amendment C170dare
Development Contributions Scheme**

Panel Report

Planning and Environment Act 1987

29 July 2021



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Darebin Planning Scheme Amendment C170daredare

29 July 2021



Trevor McCullough, Chair



Nicola Ward, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment	1
1.2 Background	1
1.3 Procedural issues	2
1.4 Summary of issues raised in submissions	2
1.5 The Panel’s approach.....	3
2 Planning context	4
2.1 Planning policy framework	4
2.2 Other relevant planning strategies and policies.....	5
2.3 Planning scheme provisions.....	5
2.4 Ministerial Directions and Practice Notes	5
2.5 Discussion and conclusion	6
3 La Trobe University	7
3.1 The issues	7
3.2 Evidence and submissions	7
3.3 Discussion	16
3.4 Conclusions	18
4 Deal Corporation	19
4.1 The issues	19
4.2 Submissions	19
4.3 Discussion	23
4.4 Conclusions.....	25
5 Vicinity Centres.....	26
5.1 The issues	26
5.2 Submissions	26
5.3 Discussion	31
5.4 Conclusions.....	33
6 Issues raised by other submitters.....	34
6.1 Preston Market Developments.....	34
6.2 CES Properties.....	37
6.3 Housing Industry Association.....	39
6.4 Community group submissions.....	40
7 Form and content of the Amendment.....	42
7.1 Post-exhibition changes to the Amendment.....	42
7.2 Final form of Amendment.....	43
7.3 Recommendations.....	43

- Appendix A Submitters to the Amendment**
- Appendix B Document list**
- Appendix C Panel preferred version of the DCPO schedule**
- Appendix D Panel preferred version of the DCP**

List of Figures

	Page
Figure 1 Council proposed deferral of payment wording in DCP	13
Figure 2 Extract of Approved Development Plan for the Polaris site	19
Figure 3 La Trobe National Employment Cluster Plan from Plan Melbourne.....	27
Figure 4 Summary of Residential Dwelling Projections.....	29

Glossary and abbreviations

CIL	Community Infrastructure Levy
Council	Darebin City Council
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DIL	Development Infrastructure Levy
Guidelines	DCP Guidelines 2007
HIA	Housing Industry Association
LTU	La Trobe University
MICLUP	Melbourne Industrial and Commercial Land Use Plan
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NEIC	National Employment and Innovation Cluster
NURP	Northland Urban Renewal Precinct
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPN	Planning Practice Note
Section 173	Section 173 of the <i>Planning and Environment Act 1987</i>
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Darebin Planning Scheme Amendment C170dare
Common name	Darebin Development Contributions Plan
Brief description	The purpose of the Amendment is to introduce an approved development contributions plan into the Planning Scheme to enable a development contribution levy to be imposed on new residential, commercial, retail and industrial development.
Subject land	All land in the City of Darebin, except Commonwealth Land
The Proponent	Darebin City Council
Planning Authority	Darebin City Council
Authorisation	Conditional authorisation dated 30 July 2020
Exhibition	12 November to 13 December 2020
Submissions	Number of Submissions: 12 Opposed: 8 A list of submitters is provided at Appendix A

Panel process	
The Panel	Trevor McCullough, Chair Nicola Ward
Directions Hearing	By video conference, 16 April 2021
Panel Hearing	By video conference, 24, 25, 26 and 28 May 2021
Site inspections	No site inspections were carried out
Parties to the Hearing	<ul style="list-style-type: none"> Darebin City Council represented by Terry Montebello of Maddocks and calling expert evidence from Alex Hrelja of HillPDA Consulting Deal Corporation (Aust) Pty Ltd represented by Tania Cincotta of Best Hooper Preston Market Developments Pty Ltd represented by Chris Taylor of Planning and Property Partners La Trobe University represented by Nick Tweedie SC and Paul Chiappi of counsel, calling expert evidence from Jason Black of Insight Planning CEL Properties (Aust) Pty Ltd represented by Roger Wettenhall of Urbis Housing Industry of Australia represented by Roger Cooper Vicinity Centres represented by Laura Thomas of Urbis
Citation	Darebin PSA 170dare [2021] PPV
Date of this report	29 July 2021

Executive summary

Darebin Planning Scheme Amendment C170dare (the Amendment) seeks to implement the Darebin Development Contributions Plan (DCP) 2019 (revised October 2020) primarily through the introduction of a new schedule to the Development Contributions Plan Overlay and by incorporating the DCP into the planning scheme.

The Amendment applies a municipal wide DCP that affects new residential, commercial, retail and industrial developments within the municipality, with a number of exemptions.

Eight of the twelve submissions received in response to the exhibition of the Amendment opposed the Amendment. Key issues raised in submissions included:

- The DCP levy should not apply to all types of development
- Specific properties or developments should be exempt from the levy
- The proposed levy will negatively affect housing affordability
- The nexus to projects to be funded has not been demonstrated
- Levies should not be used to fund broader community projects not connected to a development
- The introduction of the levy is poorly timed in current economic conditions
- Lack of clarity around exemptions where a section 173 agreement is in place.

The Panel reviewed the strategic context of the proposed municipal wide DCP and concluded that the Amendment is strategically justified, well supported by the relevant sections of the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes.

The Housing Industry Association (HIA) submitted that, in principle, it objects to the Amendment as development levies are one of many costs that impact the end price of a new home and in effect act as a tax on home buyers. The HIA questioned whether, as a matter of principle, developers should contribute to community, social and regional infrastructure beyond the site boundaries of a development site. The issues raised by the HIA were more of a broad policy nature and beyond the scope of this Panel.

La Trobe University sought a general exemption from the DCP on the basis that it already provides a significant contribution to community infrastructure. The Panel concludes that there was no case for a general exemption but does endorse the Council's suggested compromise that the University could be given the opportunity to propose 'substitute' projects as an offset to the Development Infrastructure Levy (DIL) component of the DCP. The Panel supports the proposed changes to the DCPO schedule and the DCP that provide greater flexibility to provide exemption or deferral of DCP obligations on a case by case basis.

Deal Corporation raised issues about whether exemptions should apply to developments that have been approved but not yet constructed, and whether exemptions should be broadened to include all affordable or social housing projects.

The Panel concludes that:

- There should be an exemption to developments that have planning approval prior to gazettal of the Amendment but are not yet constructed.
- There should be an exemption where development has been completed 12 months before the gazettal date of the Amendment but subdivision or statement of compliance has not been obtained.

- The exemption for certain affordable and social housing is appropriate as exhibited.

Vicinity Centres (co-owners of Northland Shopping Centre) raised issues relating to whether the forecasts for dwellings, retail floorspace and commercial floor space were appropriate. Similar issues were raised by La Trobe University on dwelling forecasts as the University develops under its Master Plan and the broader La Trobe National Employment and Innovation Cluster.

The Panel concludes that the present forecasts used and the methodology of the DCP are the best currently available and appropriate for the purposes of the Amendment. The Panel however acknowledges that residential, retail and commercial projections will change over time as more strategic planning is completed. The Panel notes that future changes to the DCP will likely be required to adjust levies to account for revised projections.

The Panel notes the issues raised by Preston Market Developments and is satisfied that the Amendment does not overlap with the proposed site specific DCP being prepared for the Preston Market site as part of Amendment C182dare. The Panel notes that the section 173 exemption provisions in the C170dare amendment provide scope for a negotiated outcome.

CES Properties submitted that an exemption should apply to the development contributions levy for development that provides specified services or facilities beyond those necessary as a result of a planning permit. The Panel concludes that it is fair and reasonable for Council to require contributions via a DCP towards projects that have broader public benefit, even where a developer may be providing infrastructure that provides a benefit beyond the development site.

The Panel concludes that the proposed municipal wide DCP should be implemented as proposed subject to the changes proposed by Council and discussed in this report.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Darebin Planning Scheme Amendment C170dare be adopted as exhibited subject to the following:

1. **Amend the Development Contributions Plan Overlay Schedule as shown in Appendix C.**
2. **Amend the Development Contributions Plan exemption provisions as shown in Appendix D.**
3. **Include explanatory information in the Development Contributions Plan on:**
 - how the projects in the Development Contributions Plan have been attributed to charge areas
 - how the Development Contributions Plan is to be applied to strategic redevelopment sites (such as Northland and Preston Markets)
 - how the interrelationship with any site-specific Development Contributions Plans, social housing and other exemptions will be dealt with.
4. **Amend project costings in the Development Contributions Plan to take into account any external funding received prior to the adoption of the Amendment.**
5. **Correct any minor or drafting errors identified in the Development Contributions Plan and Schedule to the Development Contributions Plan Overlay.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the Darebin Development Contributions Plan (DCP) 2019 (October 2020).

Specifically, the Amendment proposes to:

- Introduce a new Schedule 2¹ to Clause 45.06 Development Contributions Plan Overlay (DCPO) to facilitate the collection of contributions.
- Amend Clause 21.02 of the Local Planning Policy Framework to update references to Darebin Development Contributions Plan 2019 (October 2020).
- Amend the Schedule to Clause 72.04 to incorporate the Darebin Development Contributions Plan 2019 (October 2020) into the Darebin Planning Scheme.
- Amend 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.

(ii) The subject land

The 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, with a number of exemptions.

(iii) Why is the Amendment required?

The Amendment is required to implement a new municipal wide DCP to help fund social and physical infrastructure to service a growing population. Darebin's population is expected to grow from 165,000 in 2019 to more than 230,000 in 2041.

The implementation of a new municipal wide DCP enables part of the cost of the infrastructure to be funded, supporting Council's long-term financial sustainability and its ability to deliver necessary infrastructure.

The DCP applies two levies; a Development Infrastructure Levy (DIL) and a Community Infrastructure Levy (CIL) to fund a range of infrastructure projects within the municipality, including roads and paths, as well as community facilities and upgrades. Council submitted that the identified infrastructure projects are required to service Darebin's growing and changing population and the DCP enables Council to share the cost of providing this infrastructure between new development and the existing community on a fair and reasonable basis.

1.2 Background

Council introduced a DCP into the planning scheme in August 2004, one of the first municipal wide DCPs in Victoria. The original DCP expired in 2014, although the DCP was extended to 30 June

¹ Note that Amendment C182dare also proposes to introduce a different schedule also designated DCPO2. DELWP will need to allocate the appropriate number as and when the amendments are approved.

2020, and again to 30 June 2021, to allow expenditure of excess funds collected from the scheme. No contributions were collected after 30 June 2014.

Work commenced by HillPDA in 2017 on the current DCP. A peer review was carried out on a 'final draft DCP' in mid-2020 by SGS Economics.

The Amendment was authorised on 30 July 2020 subject to it being amended to²:

Remove any infrastructure project included in the project list that has already commenced construction or is already constructed as of 7 July 2020.

Council was also advised in the letter of authorisation to:

1. update Clause 45.06 Schedule 2, Sub-clause 4.0 to provide a general exemption for the construction of a building or carrying out of works or a subdivision that does not generate a net increase in additional demand units.
2. broaden the notice provided during exhibition to include major and regular developers and planning consultants for Darebin planning permits, applicants of current planning permit applications and peak development/housing industry organisations.

Council advised that the appropriate changes were made and included in the version of the Amendment exhibited between 12 November and 14 December 2020 and the notice requirements were complied with.

1.3 Procedural issues

On the final day of the Hearing the Panel requested Council and La Trobe University to have further discussions about whether a compromise position could be arrived at on specific exemptions to the DCP for La Trobe University. Council and La Trobe University each provided a response to the Panel on 11 June 2021. Other parties were not given an opportunity to provide further written comment as the positions of Council and La Trobe University did not differ from the positions they put at the Hearing.

1.4 Summary of issues raised in submissions

A total of 12 submissions were received. Eight submissions opposed the Amendment. Three were neutral and one supportive.

Of the eight submissions raising objections about the Amendment, seven were from landowners/developers and one was a submission on behalf of two community groups.

Key issues raised by landowners and developers in submissions included:

- The DCP levy should not apply to all types of development
- Specific properties or developments should be exempt from the levy
- The proposed levy will negatively affect housing affordability
- The nexus to projects to be funded has not been demonstrated
- Levies should not be used to fund broader community projects not connected to a development
- The introduction of the levy is poorly timed in current economic conditions
- Lack of clarity around exemptions where a section 173 agreement is in place.

² Letter of authorisation DELWP 30 July 2020

Issues raised in the community groups' submission included:

- Inequitable distribution of projects between the north and south of the municipality
- Lack of consultation on the list of projects in the DCP.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- La Trobe University
- Deal Corporation
- Vicinity Centres
- Issues raised by other submitters
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework (PPF)

Council submitted that the Amendment is supported by various clauses in the PPF, as summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the Act 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.

Clause 19 (Infrastructure)

The Amendment supports Clause 19 Infrastructure, by encouraging 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 supports Clause 19.03-1S Development and infrastructure contributions plans which seeks to:

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

Clause 21 (the Municipal Strategic Statement)

The Amendment supports and is consistent with the Municipal Strategic Statement 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.
- Clause 21.03-2 Housing Development identifies the following:
 - 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.

2.2 Other relevant planning strategies and policies

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Council submitted that 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.

2.3 Planning scheme provisions

The Amendment introduces a new schedule to the DCPO. The purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

2.4 Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

The Amendment process and associated timeframes set out in Ministerial Direction No 15 Planning Scheme Amendment Process have been complied with, although some extensions of time were sought and granted.

The Amendment is consistent with the Ministerial Direction on the Preparation and Content and Reporting Requirements for DCPs.

Council submitted that the Amendment is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes. With the endorsement of DELWP, the new schedule to the DCPO was prepared and exhibited in the form and content prescribed under a previous Ministerial Direction.

In particular, the Summary of Costs Table in Section 2 and the Summary of Contributions table in Section 3 were altered from the currently prescribed DCPO Schedule:

- The Summary of Costs table at Section 2.0 is altered so that the categories of infrastructure are arranged to correspond with the project types identified in the DCP.
- The Summary of Contributions table in Section 3.0 is altered to enable the levies to be displayed for each of the DCP Charge Areas.

- Notes are included below both of the tables to provide clarity on matters relevant to each.

2.5 Discussion and conclusion

The broader strategic justification for the Amendment was not challenged by any submitter. . Submissions were generally confined to details of the DCP or aspects of the DCPO.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 La Trobe University

3.1 The issues

The issues raised by La Trobe University are:

- Should the La Trobe University land be granted a general exemption from the DCP?
- Should the La Trobe University land be granted any form of exemption in the DCP or schedule to the DCPO?
- Has the DCP been fairly applied and is there a nexus between the infrastructure being funded and the development that is to contribute to that infrastructure?

3.2 Evidence and submissions

La Trobe University was represented at the Hearing by Mr Tweedie SC and Mr Chiappi of Counsel. It relied on evidence provided by Mr Black of Insight Planning.

Council was represented by Mr Montebello of Maddocks Lawyers and called evidence from Mr Hrelja of HillPDA.

3.2.1 The case for a broad exemption

(i) Existing University infrastructure

La Trobe University acknowledged that a municipal wide DCP is an appropriate means of collecting funds for community infrastructure but submitted that La Trobe University is a special case due to the very significant contribution to community infrastructure it already makes. It argued that this ought to be taken into account in applying any DCP in Darebin. This position was supported by the evidence of Mr Black who opined that it was inequitable to seek to impose development costs on the University without regard for the facilities currently provided and maintained by the University that benefit the broader Darebin community.

La Trobe University provided an overview of the extent of the University campus and facilities provided. The University campus covers approximately 235 hectares, employs 2,500 staff and has 28,000 students. Development of the University is guided by the 2014 Campus Master Plan which is due for review in the coming year. The Master Plan envisages substantial development of: research and development; university operations; residential built form; commercial; sporting and community facilities.

La Trobe University submitted that a key part of its strategy is to bring the community into the University through the development of sporting and community facilities and the extension of pathways through the site.

Mr Black provided an overview of the existing facilities provided on the University campus, including:

- an indoor sports centre (which includes pool, netball courts, climbing wall, gym, tennis courts)
- a sports stadium completed in 2020 including six indoor highball courts, and teaching and research facilities
- an AFL oval and a soccer pitch with club rooms, change rooms and a function room
- other sports fields

- a library
- a child care centre
- a walking/running track traversing the campus (with toilet facilities)
- a 30-hectare conservation reserve/wildlife sanctuary.

La Trobe University submitted³:

These are significant facilities and they play an important role in servicing the needs of the local and broader community – well beyond just those studying or working at the University.

The Darebin City Council has, to date, not made any significant financial contribution to the costs of providing (or maintaining) this infrastructure. Nor have any other private land developers within the municipality.

La Trobe University submitted that it is unfair to apply the DCP to La Trobe University without considering the contribution the University already makes to community infrastructure.

La Trobe University did not support the Council proposal to allow exemption (or deferral) of levies as proposed in clause 4 of the DCPO schedule. It submitted it is not an exemption at all but rather a mechanism that allows the Council to accept (at its sole discretion) an alternative form of contribution.

Council rejected the notion that existing community and sporting infrastructure should provide the basis for a broad exemption from the DCP. Council did however acknowledge that the nature and extent of facilities provided by the University provide considerable value to the wider community. It submitted that the obligation to pay levies on future development should be reviewed and *“considered not at the outset by the grant of a broad exemption to any land user in the DCP as sought by the university (and others) but rather by a more focussed mechanism that enables a closer consideration and a more nuanced approach to the issue”*⁴.

Council submitted that all new development on the university campus will generate additional usage and demand for the type of infrastructure provided by Council in the broader area and therefore a broad-based exemption is not considered appropriate.

Council submitted that it may contemplate an exemption or deferment of any DCP obligations but any request for waiver of any levy or a deferment must be based on a fully supported claim in respect of particular development and not an overall claim for exemption. It submitted that the tools to enable such a request to be dealt with are within the DCP document. A modified approach to exemptions was proposed in Council’s Part B submission to the Hearing, and a further option was raised in its Part C submission. This is discussed in section 3.2.3 below.

(ii) Exemption for universities

Council submitted that a full exemption was contrary to the established policy for contribution plans as established by relevant statutory documents.

It submitted that the Ministerial Direction on the preparation of Development Contribution Plans (and Infrastructure Contribution Plans) provides clear and specific overall exemptions for certain types of land uses. They include and are limited to non-government schools and housing provided

³ La Trobe University submission to the Panel Hearing (Document 10) paras 22, 23

⁴ Council Part A submission

by the Department of Health and Human Services. An exemption is not afforded to universities or many other institutional type facilities.

Council argued that an overall exemption for the University is therefore more of a policy matter and not for individual DCPs.

Council referred to Yarra Planning Scheme Amendment C238 in which Epworth Hospital submitted that large hospitals and medical centres should be exempt from the proposed levies. The Yarra C238 Panel dismissed that submission on the basis that *“The issue of other exemptions raised by Epworth are broader policy matters and as such are not commented on”*.

In response to Council’s submission that the University land should not be exempt because tertiary institutions are not exempt under the policy, La Trobe University submitted that this position:

... mis-construes the Ministerial Direction and the Act:

- a) The Ministerial direction, at clause 4, specifies two types of development that must not be levied under a DCP. It does not say these are the only exemptions. It says nothing as to whether a DCP may otherwise exempt land or development.
- b) Section 46K(2)(a) puts the issue beyond doubt. It provides that a DCP may exempt certain land, or certain types of development, from payment of a development infrastructure levy or a community infrastructure levy or both.
- c) This is consistent with s 46K(1)(f) which provides that a DCP must specify the land and development in respect of which a levy is payable. That allows for specific land, and types of development, to be excluded.⁵

Council submitted that it had conducted a survey and found no examples of universities being exempt from currently operating DCPs. It submitted that there are a number of university campuses which are subject to levies where DCPs are in place across metropolitan Melbourne.

La Trobe University submitted that the fact that the Ministerial Direction excludes one type of educational facility (non-government schools) does not imply that it is inappropriate to exempt another type in a particular case. The University did not argue that all tertiary institutions should be exempted from DCPs but rather that there is reason to exempt La Trobe University in this case.

La Trobe University submitted that the Council’s reference to other universities that had not been exempted from other DCPs was not helpful as there may be many reasons why those institutions did not seek exemptions or did not justify exemption.

(iii) Future planning

La Trobe University submitted that the extensive future development proposals for the University, particularly in the context of the La Trobe National Employment and Innovation Cluster Framework Plan, justified special consideration and exclusion of the University land from the DCP. It submitted that any redevelopment plans would, by design, include transport and community infrastructure and be integrated with the broader community. La Trobe University noted that local planning policy recognises the important role of the University and supports the master planning of the campus.

⁵ La Trobe University Hearing submission para 70

La Trobe University submitted that for the University to be included in the DCP would create inequity as the University would pay far more than any other developer. This position was supported in the evidence of Mr Black.

Council submitted that La Trobe's future development plans are not at this stage sufficiently progressed and the nature of any future community infrastructure provision, including the level of broader community benefit, is not yet known to warrant an exemption at the outset. It submitted that, in these circumstances an up-front exemption should not be contemplated.

Council acknowledged that the La Trobe University Masterplan document envisages a 'university town' based approach to development of the University. Council suggested that a more nuanced approach may need to be taken to the University and has proposed changes to the DCP to provide a mechanism for this.

3.2.2 Issues with the preparation of the DCP

La Trobe University submitted that Council had been inconsistent with its application of the DCP Guidelines. It submitted that on one hand Council and Mr Hrelja had claimed that the DCP was consistent with the Guidelines, and on the other hand had argued that aspects of the Guidelines were out of date or too onerous and should not be applied.

More specifically, La Trobe University submitted that the DCP had not properly considered equivalence ratios or external demand. La Trobe submitted that it was incorrect to apply a floorspace ratio to educational facilities as this mis-represents the relative load on community facilities. It submitted this is an incorrect application of the Guidelines.

Mr Black gave evidence that it was not clear how external costs had been apportioned for individual projects in the DCP and was critical of the 'standardised' approach taken to apportioning 5 per cent of all projects external to the DCP catchment. He characterised this approach as "*simplistic*" and "*lazy*" and opined that this approach overstates the cost of projects that ought to be charged to the DCP.

La Trobe University submitted that it was not appropriate to treat all types of accommodation the same. It submitted that student accommodation, for example, should not be treated as a standard dwelling as the potential draw on community infrastructure would be very different.

La Trobe University submitted that⁶:

Occupiers of, or visitors to, new development on the University land may make some use of the facilities proposed to be upgraded or developed under this DCP. New members of the University hockey club will likely use the Hardiman Reserve. It is less likely that new students will use the Reservoir leisure centre given the facilities available on the campus. This is the most expensive project relevant to the charges for area 3.

With the extensive facilities available on the campus, it is simply unlikely that staff, students and visitors to the University will use external facilities to a reasonably comparable extent to the rest of the community.

The DCP treats the demand generated by all forms of residential development as the same. A student room with a bed and a desk is regarded as generating the same demand as a four bedroom house with two cars. A student room is charged the same contribution as the house.

⁶ Document 10 paras 55-57

Similarly, the type of non-residential development likely to take place at the University is unlikely to generate the same demand or use as private development external to the University. Development of lecture theatres and other education facilities on campus is unlikely to generate any new demand. This can be contrasted to off-campus commercial activity.

La Trobe University submitted that the residential dwelling projections used in the DCP did not adequately allow for future residential development at the University and therefore would result in higher than necessary levies 'per dwelling' and the collection of more levies than required. Mr Black commented on this in his evidence, venturing an estimate that the population projections for Charge Area 3 might be underestimated by as much as 3,500 dwellings by not allowing for future development on the University land. Similar issues were raised by other submitters (particularly Vicinity Centres) and are discussed in more detail in Chapter 5.

Mr Black gave evidence that future community and sporting facilities planned by La Trobe University ought to be included in the DCP project list for part funding through the DCP. He provided a list of projects in the University Master Plan that he thought would qualify on the basis that they were utilised by the broader community. He noted a recent agreement by Banyule Council to include La Trobe University infrastructure in that Council's DCP.

In response Council noted that panels have typically taken a practical and pragmatic approach to many of the key issues raised by the University. It added that the Guidelines provide some assistance but are only guidance.

Mr Hrelja's evidence provided an overview of how the DCP had been prepared including the rationale for Charge Areas, how projects were selected and the approach to equivalence ratios.

Council noted that the Panel for Yarra C238 preferred the provision of a nominal 5 per cent external apportionment rather than zero external apportionment because that Panel regarded that as being more consistent with the Guidelines which recommended taking into account external usage.

Mr Hrelja gave evidence that it was no longer common practice to work out detailed external apportionment for each DCP project as it is not practical. He opined that applying a broad common apportionment is the norm in recent DCPs, citing examples of recent Yarra, Banyule and Moreland DCPs.

Council also submitted that⁷:

- the issue of nexus has been dealt with pragmatically by focusing on the correct sizing of charge areas rather than seeking that each project be the subject of surveys of land users to determine nexus.
- calculation of demand units is based on known information derived from sound base information in the form of ID forecasts and not speculation – and Council has done that with the caveat that as planning conditions change, the DCP should be reviewed to keep abreast of those changes.

Mr Hrelja gave evidence that detailed analysis of the nexus between each project in the DCP and individual properties is not required but rather that a strategic level connection is all that is required. He confirmed this under cross examination from Mr Tweedie saying that nexus is not generally specific but can be justified through strategic documents.

⁷ Council Part C submission paras 49, 50

On the issue of equivalence ratios, Council submitted that while it would be possible to apply a student-based equivalence ratio to the University land, it is questionable that it would be worth it on the basis that for retail, commercial and industrial development there are only 3 projects funded. For housing, which pays both the CIL and DIL, it submitted that the commonly applied dwelling demand unit is appropriate.

Mr Hrelja gave evidence that it is correct to apply a floor area ratio to university development. Whilst he acknowledged that the Guidelines say the student numbers should be used for say class rooms, he opined that development would typically involve several other uses and to separate out each of the different sub uses would be too complex. He opined that the Guidelines were a general guide in this instance and do not need to be followed to the level suggested by La Trobe University and Mr Black.

Council submitted that La Trobe University’s criticism about different types of housing is unconvincing. It submitted that, at a minimum there will be one person per dwelling, and that is not unlike 1 bedroom dwellings in the rest of the municipality. Council noted that the University has quite a high reliance on vehicles to access the site rather than public transport.

Council submitted that to respond to all of the criticisms of the DCP made by La Trobe University would result in a highly detailed and expensive process and would be impractical to apply. Council argued that the modest proportion and modest list of infrastructure proposed to be included in the DCP should also be considered. It noted⁸:

The DCP is being used to fund a relatively small proportion of the cost of some of the infrastructure that is going to be required to service the growth in population in Darebin over the next 20 years. In fact it is seeking to fund 24 per cent of one quarter of the \$467M capital works identified in the 10 year Capital Works Program.

For charge area 3, the DIL is \$247 for the residential demand unit and \$584 for the CIL per residential demand unit.

However, retail, commercial and industrial development by the university does not pay for any infrastructure which is denoted “CI” or community infrastructure irrespective of whether that community infrastructure is charged as CIL or DIL. That means that if the LTU develops anything that is non-residential, it only contributes 24 per cent of the cost of three modest infrastructure projects, namely projects 97, 102 and 137. These are two road projects and one changing places building.

Council submitted, supported by the evidence of Mr Hrelja, that the DCP was very conservative in terms of the low number of infrastructure projects included and the contributions were therefore very low compared with other municipal wide DCPs.

3.2.3 Council proposed approach to exemptions

Council Part A and Part B submissions

In its Part A submission Council proposed in the DCP a mechanism whereby Council can agree, (by section 173 agreement), to defer all or part of a developer’s CIL payment liability, if it is providing alternative community infrastructure that meets specified criteria.

Council submitted that a deferral is proposed rather than an exemption “*because it is essential to ensure that the non-payment of contributions is met by a continuing obligation to provide community infrastructure especially where it is not in public ownership*”.

⁸ Council Part C submission paras 56-58

Council submitted that there may well be some merit to a claim for a limited exemption in respect of certain development that would otherwise attract liability, but then that should only be in respect of the CIL and not the DIL.

Council proposed in its Part B submission to expand the deferral mechanism in the DCP to clearly explain the type of circumstances a deferral of liability may be contemplated and respond to the issues raised by La Trobe University. The proposed wording was provided in Attachment 3 to the Part A submission as shown in Figure 1.

Figure 1 Council proposed deferral of payment wording in DCP

Deferral of Payment

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date.

Darebin City Council as collecting agency under the development contributions plan may enter into an agreement executed under section 173 of the Planning and Environment Act 1987 which is made between an owner and the responsible authority in which the Collecting Agency agrees to defer the owner’s obligation to pay the either the whole or part of the community infrastructure levy in respect of the development of land which would otherwise be payable where, and for so long as:

- Darebin City Council is satisfied that the owner is providing community infrastructure for the benefit of residents in or around a relevant charge area and that community infrastructure is owned and managed either directly by or for and on behalf of the owner; and
- Darebin City Council is satisfied that the provision of that community infrastructure is of the same type and to the same standard that Darebin City Council would normally provide to service the community in and around the charge area in which the owner’s land is located; and
- That community infrastructure is or will be and then will remain publicly accessible to residents of Darebin City Council in and around the charge area to the satisfaction of Darebin City Council

The Agreement must also provide that if that community infrastructure ceases to be maintained to a standard which is to the satisfaction of the Darebin City Council or ceases to be provided, or there is a breach of this Agreement, the payment of the deferred amount and any accrued interest becomes immediately payable.

Council submitted that its proposed rewording of the exemption provision in the DCPO was based on the following principles⁹:

- First, the discretion as to whether to enter into an agreement to defer payments is a matter for the collecting agency and not for others.
- The collecting agency must be satisfied that the type of community infrastructure in respect of which the deferral is being provided is infrastructure

⁹ Council Part B submission para 51

which is of the type and standard that Council would normally provide to service the relevant community.

- The Collecting Agency must be satisfied that that community infrastructure is and will then remain publicly accessible for the duration of the deferment period.
- Finally, the levy would become payable if the standard of the infrastructure fell below a standard which the Council regards as satisfactory or ceases to be provided.

Council noted that it is not necessary for these provisions to be included in the DCP for the Council to exercise discretion, but it does at least provide for a more transparent approach if they are included. Council noted that, on the other hand it does tend to limit the circumstances in which deferral would be contemplated.

Council also considered whether it was possible under the DCP framework to grant an exemption from paying levies on an ad hoc case by case approach. Council expressed some reservation about the ability of ad hoc decisions to cancel the statutory obligation to impose the levies once the plan is introduced by reliance on the section 173 mechanism. Council's preference was for there to be flexibility in the way the DCP is applied, but it submitted that it was not clear whether exemptions could only be applied to existing section 173 agreements or not. Council noted that *"in the Yarra DCP panel report, it is apparent that [Yarra] Council through its senior counsel (Mr Finanzio SC) submitted that the exemption for where there was a section 173 agreement in place was aimed at existing agreements. (page 28 of C238 Panel report)"*

Council Part C submission

In its Part C submission Council offered an alternative approach to exemptions in response to a request by the Panel to seek some 'middle ground'. (Council noted that this approach is not approved by Council. It is an approach that officers would be willing to recommend to Council.)

First, the exemption provision should have a minor change to also include a reference to a deed which is not a section 173 agreement so that the type of agreement within which an exemption may be provided for is expanded. The Banyule DCP adopts a similar (wider) approach.

Second, the deferral provisions should be removed so that they remain as exhibited. This increases flexibility by removing the criteria.

Third, the works in kind provisions which are at Part 7.2 under the heading Method of Payment could be amended so that Council has the ability to accept (from LTU only) a substituted project in place of projects 97, 102 and 137 where the development type is either residential, retail, commercial or industrial. Council and the LTU would need to agree on what comprised a substituted project however from Council's perspective it would have to be a project that provided a broader public benefit and not just serving an internal purpose or need. The extent of the offset would not be greater than the combined value of projects 97, 102 and 137.

Council submitted that these changes would result in:

- Council having the ability through agreements to provide an ad hoc exemption if a good case was made
- Council having the ability to defer contributions in an appropriate case
- Council having the ability to accept a substituted project from Latrobe University as an offset against its DCP DIL liability up to a maximum credit of the cost of the three DIL projects that Charge Area 3 funds.

The Panel notes that under this option the CIL would still apply to all residential development.

Council submitted that this suite of provisions would provide more flexibility in how the University could meet its DCP liability but would maintain the integrity of the DCP.

The final preferred wording of the Council in relation to exemptions and deferrals is as follows. The tracking shows changes from the exhibited version of the Amendment. The changes incorporated all changes proposed by Council in its Part A, B and C submissions.

Clause 7.5 of the DCP:

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Darebin City Council or stated below. The following development is exempt from the development contribution:

- 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~~ Department of Families, Fairness and Housing,¹⁰ 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.~~¹¹
- Land with an agreement executed under section 173 of the Planning and Environment Act or other deed of agreement that requires either:
 - The payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);

and explicitly excludes further development contributions to be made.

- ~~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.

¹⁰ This is the updated name of the government department since 1 February 2021.

¹¹ This change was proposed by Council in its consolidated list of proposed changes at page 20 of the Council Part C submission.

The same wording is proposed for Clause 4.0 of the DCPO schedule.

The 'Deferral of Payment' clause in the DCP returns to the exhibited version as follows:

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date.

Note that the reference to deferral of the CIL component of the levy as initially proposed is therefore deleted.

Finally, Council's advocate suggested the following La Trobe University specific change to the DCP 'Method of Payment' of development contributions as a possible compromise position:

7.3¹² Payment of Development Contributions

Method of Payment

Payment of development contributions is to be made in cash subject to the exceptions below.

Council may accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

In respect of any of the land comprising La Trobe University, Council may enter into an agreement with La Trobe University to accept a substituted project as "works in kind" in part or full satisfaction of the liability to pay the Development Infrastructure Levy that is payable where the development type which triggers the liability to pay is residential, retail, commercial or industrial.

The value of the credit for the substituted project (works in kind) is to be determined by the Collecting Agency but must not exceed the combined value of the infrastructure projects in respect of which a Development Infrastructure levy was otherwise payable.

The substituted project is to be agreed by Development Agency.

In a post Hearing letter to the Panel¹³, La Trobe University confirmed that it did not support the wording put by Council in its Part C submissions, adding:

It does not provide suitable recognition of the University's current provision of infrastructure for public use and is unduly constrained in its allowance for the University's future provision.

3.3 Discussion

(i) General DCP exemption

The Panel agrees that the existing facilities provided by the University that are open to the public provide a clear benefit to the community. Conversely the facilities provided (and funded) by Council provide a benefit to the University. The Panel does not, however accept the La Trobe University proposition that a general DCP exemption should therefore be provided to the University land.

The Panel agrees with Council that there is nothing in the Guidelines or legislation that suggests a general exemption should apply to land if that landowner had previously provided facilities of

¹² Council's Part C submission erroneously referred to Part 7.2 when it should have referred to Part 7.3.

¹³ Document 29

benefit to the community. The Panel sees no convincing arguments in the submissions of La Trobe University or the evidence of Mr Black that support such a position.

In relation to what the Guidelines and legislation have to say about exemptions for universities, the Panel thinks it is clear that there is not a general exemption for tertiary institutions but agrees with La Trobe University that the Guidelines and legislation do not prevent a specific exemption to land being granted if there was good reason to do so. As stated above, however, the Panel is not convinced that a case has been made for the exemption of the whole La Trobe University site.

The Panel acknowledges that the future plans for the University's development, both in its own masterplan and as part of the broader La Trobe National Employment and Innovation Cluster Framework Plan, warrant special consideration in the future implementation of the DCP (and strategic planning of Darebin more generally). The Panel however agrees with Council that planning on both those fronts is not yet sufficiently advanced to be able to be applied to the Amendment.

(ii) Issues with the preparation of the DCP

The Panel accepts that Councils approach to allocating equivalence ratios is appropriate. Whilst the Guidelines do prescribe student numbers as the appropriate metric for tertiary education uses, the Panel agrees with the evidence of Mr Hrelja that development would typically involve several different uses and to split the DCP down to cover all likely uses would be unnecessarily complex. The Panel was not provided with any evidence that to use the equivalence ratios as proposed would result in a different levy contribution or create any unfairness.

The Panel accepts Mr Hrelja's evidence that it is now common practice to adopt a 'standard' approach to external apportionment in municipal wide DCPs. The Panel agrees with previous panels that have endorsed this approach for the sake of simplicity and expedience. The Panel was not provided with any evidence that the application of the standard 5 per cent external apportionment has caused an unfair outcome for La Trobe University.

The Panel agrees with La Trobe University that not all accommodation is equal. In an ideal DCP the difference in infrastructure demands between student accommodation and a four bedroom house would be recognised. The Panel agrees with Council that both create some demand for facilities and infrastructure. The question is whether it is worthwhile making the distinction in a DCP. In this case Council has chosen not to make the distinction and so the Panel must assess whether that is acceptable. The Panel was not provided with evidence or submission on any alternative so is not in a position to assess whether a more nuanced approach to residential levies would yield a significantly different result or whether it would make any difference to project viability. Given the submission of the Council that the levy (CIL plus DIL) for residential development would be a relatively modest to \$831 per demand unit in Area 3, the Panel thinks it unlikely that this will make any development unviable.

The Panel notes that there are several instances of inconsistency with the Guidelines in the way that the DCP has been developed. Mr Hrelja's evidence was that this is a reflection that current practice has moved on and that aspects of the Guidelines are now out of date. The Panel is concerned that in applying the DCP Council and HillPDA have 'cherry picked' which parts of the Guidelines to adopt and which to ignore when it doesn't suit. This is not a criticism but rather an observation that it is perhaps time to update the Guidelines to reflect a more pragmatic approach that reflects contemporary practice.

(iii) Case by case exemption and the Council's proposed approach

While the Panel is convinced that a general exemption is not appropriate for La Trobe University it is also convinced that some sort of specific exemption is appropriate given the significance of the presence of the University in the Darebin community.

The Part C alternative approach proposed by Council provides an opportunity for Latrobe University only to propose a 'substitute' project for which it could receive an offset against the DIL under the DCP up to the total value of the DIL. The Panel thinks this is a sensible approach and properly recognises the unique status of La Trobe University in the Darebin community.

The Panel notes that the CIL would still apply to residential development. The Panel accepts that this is appropriate on the basis that all residential units would contribute to the demand for the community facilities provided by Council.

This position was not agreed to by the University, which maintained its position of seeking a general exemption from the levies. The Panel does not support a general exemption but believes the alternative 'Part C' proposition represents a sensible compromise that recognises the somewhat unique situation with La Trobe University without creating a precedent for other landowners.

The Panel agrees that any 'substitute' projects should be at the discretion of Council.

The Panel agrees with the other changes suggested by Council in the Part C submission on the basis that it provides Council with a high degree of flexibility to provide exemptions if a good case is made, defer contributions where appropriate and (specific to La Trobe University) accept substitute projects as an offset against the DIL levy.

3.4 Conclusions

The Panel concludes:

- There is no case for a general exemption to the DCP for the La Trobe University land.
- The methodology for the preparation of the DCP is acceptable.
- There is a case for some level of case by case exemptions or deferral of DCP obligations for La Trobe University.
- The proposed Council approach to providing greater flexibility for exemption and/or deferral on a case by case basis is supported.
- The proposed approach to deferral of DIL obligations for La Trobe University as suggested in the Council Part C submission is supported.

The changes put forward in the Council Part C submission been included in the Panel preferred version of the DCP and DCPO Schedule as shown in Appendices C and D.

4 Deal Corporation

4.1 The issues

The issues raised by Deal Corporation are:

- Are the projects included in the DCP appropriately attributed?
- Should exemptions apply to developments that have been approved but not yet constructed?
- Should exemptions be broadened to include all affordable or social housing projects?

4.2 Submissions

4.2.1 Background

Deal Corporation (LG) Pty Ltd (Deal Corp) was represented at the Hearing by Ms Cincotta of Best Hooper Lawyers. Deal Corporation is the developer of the land known as Polaris Town Centre and Residential Precinct at 1056-1070 Plenty Road, Bundoora. The site is the former Larundel Psychiatric hospital and development has been underway for some years, with further development to occur. The site is in a Mixed Use Zone and a Development Plan Overlay (Schedule 1) applies. The site sits in Charge Area 3. Deal Corp’s submission noted the development is being staged and that multiple stages of the Polaris Town Centre and Residential Precinct have been completed and occupied. There are three live planning permits and a further planning permit is expected to be lodged with Council in the coming months.

Figure 2 Extract of Approved Development Plan for the Polaris site¹⁴



¹⁴ Deal Corp submission (Document 6)

The position of Deal Corp, in summary was:

- The Polaris development should be exempt from the DCP on the basis it has provided benefits.
- There is an inadequate nexus between the works levied to Charge Area 3 so as to justify apportionment to Charge Area 3, as the works appear to benefit the municipality more broadly.
- Some items included as Open Space items are for existing public open space facilities and should not be covered as part of any development contribution levies, but should be paid for by Council or through the public open space levy.
- The exemptions at clause 4 to the DCPO should be amended to include specific exemptions so that no levy is triggered on approved developments that have not been constructed or subdivision of existing or approved developments.
- The exemptions contained at clause 4 to the DCPO ought be reworded to include all affordable and/or social housing projects that may not be facilitated by the Department of Families, Fairness and Housing (for example, those to be delivered by the private sector in partnership with a housing association or similar)¹⁵.

The issue of whether existing benefits provided by a development should provide a basis for an exemption from a DCP is also raised by La Trobe University, Vicinity and CES. The proposition of Deal Corp for its development most closely aligns with the CES development and the issue is discussed in Chapter 5.3.

4.2.2 Attribution of projects to Charge Area 3

Deal Corp submitted that the levy rates for Charge Area 3 are unjustified, and the area has been unfairly apportioned levies for projects which benefit the broader municipality, rather than residents of the relevant area. It noted that of the 137 projects set out in the DCP, nine are attributed to Charge Area 3, of which 3 are located within the Charge Area.

Deal Corp cited extracts of the Guidelines in support of its argument¹⁶ and submitted that the DCP identifies that *“the overarching objectives of the DCP is to ensure that there is a reasonable nexus between development and infrastructure”*, but *“neither the DCP nor Mr Hrelja’s evidence identifies the specific nexus between the projects and the charge areas and in particular charge area 3”*¹⁷.

Deal Corp submitted: *“Mr Hrelja has not undertaken a needs analysis or an assessment of the projected share of usage of projects intended to be funded by Charge Area 3”* and further *“it is inappropriate for Council to create a wishlist of items and facilitate the levying of funds from development for projects which have no nexus to the area and for projects which should be funded by Council itself”*¹⁸.

Council submitted in response that the issue of nexus in the context of a municipal wide DCP is to be determined by ensuring that the Charge Areas were appropriately defined, and that this was consistent with the approach adopted by the Moreland DCP Panel and the Yarra DCP Panel¹⁹.

On the point of nexus, Council observed:

¹⁵ Deal Corp submission page 4 (Document 6)

¹⁶ DCP page 8

¹⁷ Deal Corp para 14 (Document 6)

¹⁸ Deal Corp paras 14-16 (Document 6)

¹⁹ Moreland C133 and Yarra C238

- The Reservoir leisure centre (project 2) is a short distance from Polaris less than 2 kilometres away.
- The road upgrade at the circuit (project 102) is a park that is approximately 500 metres from Polaris’.
- The Preston Oval (project 8) is a municipal asset and the lighting of the oval enables more usage of that facility by all residents of the municipality.
- The KP Hardiman Reserve projects (3 projects) are located on Plenty Road in Kingsbury approximately 1.5 kilometres from Polaris (which is also on Plenty Road two tram stops away).²⁰

In reply to criticisms that Mr Hrelja did not undertake a needs analysis for every project, Council submitted having to undertake a needs analysis for every project in a municipal wide DCP (as distinct from a DCP for a strategic redevelopment area) is unnecessary. That approach would make the practical application of the DCP framework difficult and impractical, if not impossible. By way of example, Council highlighted the previous Darebin DCP, one of the first of the municipal wide DCPs, which had 227 Charge Areas and 879 projects. Council submitted the ‘practice’ of DCP preparation and management had evolved.

4.2.3 Inclusion of open space projects in the DCP

Deal Corp argued that, whilst it is accepted that a DCP can include public open space improvements, that does not mean that it is legitimate for particular public open space improvements to be included. It referred to Amendment C186dare to the Darebin Planning Scheme which proposes an increase of public open space contribution in the schedule to Clause 53.01 to 10 per cent.

Further, Deal Corp suggested that upgrades to public open space such as the lighting upgrade to ovals and sporting fields were more appropriately funded by public open space contributions. Deal Corp submitted that the Public Open Space improvement projects should not be funded by Charge Area 3 or alternatively should be removed from this DCP on the basis that those projects can and should be funded by Public Open Space contributions, particularly in light of the planning scheme amendment to increase mandatory Public Open Space contributions on subdivisions. In oral submission, Deal Corp raised concerns about Council potentially ‘double-dipping’ on funds to deliver projects in the DCP.

Council in response submitted there is no ‘double-dipping’, and that equating ‘double-dipping’ to sourcing funds for the one asset from two different levies is wrong. Council asserted the Ministerial Direction states that basic improvements to open space are permissible as DCP funded items for the DIL and the community facility category under a DCP is not limited to basic improvements. Council noted that Amendment C186dare concerning the open space levy was on hold.

4.2.4 Exemptions for existing subdivision

Deal Corporation submitted that the proposed clause 4.0 in DCPO *“the construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units”* does not go far enough. It argued that there was a lack of acknowledgement for the planning process and considerations that may have preceded introduction of the Amendment. Its view was

²⁰ Council’s Part C submission para 6 (Document 26)

that the exemptions as drafted did not reflect Council's intention to exclude existing development, which Deal Corporation supports.

The DCP and DCPO2 should make it clear that subdivisions should not trigger a DCP levy on subdivision of existing development or subdivision of a development already approved but not constructed or completed as at the approval date. To do so would be seeking to retrospectively apply the DCP and insofar as subdivision of existing development is concerned levy existing development which the DCP accepts should be funded by Council and should not be the subject of a DCP levy. This is a particular concern for the Deal Corp given the extensive development that has already been developed on the land to date, not all of which has been the subject of subdivision to date²¹.

Deal Corporation referenced Mr Hrelja's evidence in cross examination, that the DCP:

- Should not apply retrospectively
- Should not apply to existing development
- Should not apply to subdivisions of existing development
- Should not apply to existing planning permits and potentially amendments to existing permits.

Deal Corp provided several examples to illustrate its argument. These are not repeated in detail here and may be found in the Deal Corp submission²². In summary of its argument, Deal Corp submitted that Clause 4 of the exhibited schedule and the DCP itself should be amended to include the following exemptions:

- Use or development which was approved by a permit granted before the approval date of Amendment C170 (including an application for an amendment of an existing permit).
- Alterations or additions to a development constructed pursuant to a permit granted before the approval date of Amendment C170.
- Subdivision of building and works constructed or approved before the approval date of Amendment C170.

Deal Corp also made submission on the section 173 agreement proposed by Council. It argued that any mechanism for an exemption should be self-executing, and not require the future consent of the Council or the need for an agreement to be entered into (at Council's discretion).

In response to queries of the Panel on the permits as play in the Polaris development, Deal Corporation advised:

There has been no change of uses for buildings already completed on the Polaris site. However, there has been changes from the masterplan for different stages including Lots 8 was originally approved for student accommodation and is now dwellings, Lot S3 was originally to be student accommodation and is proposed for dwellings and Lot S9 was originally proposed as hotel/commercial uses but is now residential²³.

Council in response argued that exemptions that create significant differences between similar DCPs are undesirable. In general, the exemption should be drafted the same across DCPs.

Council submitted that the Darebin DCP should reflect the identical exemption in the Yarra DCP which ended up as:

Construction of a building or carrying out of works or a subdivision that do not generate a net increase in additional demand units, including:

²¹ Deal Corp para 40 (Document 6)

²² Deal Corp submission paras 32-39(Document 6)

²³ Email in response to Panel queries (Document 9)

- Replacement of a building;
- Renovations or alterations to an existing building;
- Construction of a fence; and
- Outbuildings normal to an existing dwelling.

Council noted that a 'self-executing exemption' is not something able to be considered under the Planning and Environment Act.

4.2.5 Broadening the exemption for social and affordable housing

Deal Corporation submitted that exemptions contained at clause 4 to the DCPO ought to be reworded to include all affordable and/or social housing projects that may not be facilitated by the Department of Families, Fairness and Housing such as those delivered by the private sector in partnership with a housing associate or similar.

In response to queries from the Panel, Deal Corp further advised:

In terms of affordable housing/social housing, at the Lunar development (known as Lot 10), 10 apartments were sold to Women's Property Initiative and 4 have been sold to the Director of Housing with settlement imminent. In the Nova development (known as Lot 8), 10 townhouses have been sold to Common Equity Housing Limited which are due for completion in late 2022 and Lot S3 is intended to be sold to the Women's Housing Association²⁴.

Council in reply submitted that the exemption in the proposed DCP does exempt all social housing as Deal has requested and cited definitions in the *Housing Act 1983*²⁵. These extracts are not repeated in this Report.

Council noted that, by definition, affordable housing is very broad and includes housing for the medium income bracket. Simply referencing affordable housing as exempt would potentially provide for a broad sweeping exemption. Council suggested that, for example, affordable housing would potentially include many of the apartments to be provided in the Preston Market Development simply because of their price point. Council's position was that, without an agreement to secure its longevity within the relevant income brackets as affordable housing, there is no guarantee a dwelling stays 'affordable housing'. It concluded that housing which should have contributed to levies, does not contribute. In summary, Council submitted that the exemption for certain affordable and social housing is appropriate in its current form and that any exemption for affordable housing more broadly should be by ministerial direction across the board, not just in the Darebin Planning Scheme.

4.3 Discussion

4.3.1 Attribution of projects to Charge Area 3

The Panel notes Mr Black's evidence (for La Trobe University) that there is some lack of transparency about how the projects have come to be in the DCP and the nexus of the projects to the Charge Areas. However, the Panel does not agree with Deal Corp's interpretation of nexus as requiring a) usage analysis of each project and detailed assessment of the projected share of usage of projects intended to be funded by Charge Area 3, and b) clear connection of that use to the Polaris development. The DCP Guidelines state:

²⁴ Email in response to Panel queries (Document 9)

²⁵ Council's Part C submission paras 15-17 (Document 26)

It must be demonstrated that the new development to be levied is likely to use the infrastructure to be provided. New development should not be considered on an individual basis, but as part of the wider community that will use an infrastructure project²⁶.

The Panel agrees with Council's submission that the projects that Charge Area 3 are contributing to are either proximate to Polaris, within Charge Area 3 or have broader municipal use, and on this basis are appropriately attributed to Charge Area 3.

4.3.2 Inclusion of open space projects in the DCP

The Panel agrees with Council that it is for Council to determine the source of the funds for investment in infrastructure within the parameters set by the funding sources. The total funding of any project in the DCP may be sourced from multiple funding pools within the parameters of those pools, whether the money is sourced from rates, grants, DCP levies or the Open Space levy. The mix of funding sources to fund Council's 10 year Capital Works Program is determined appropriately through Council's budget process, and approved by the Council. The accounting of those funds is a matter for the Council and its audit processes and not for this Panel.

4.3.3 Exemptions for existing permits and subdivision

The Panel considers the Polaris development is in a unique position because of its staging and in part agrees with the arguments of Deal Corporation regarding exemptions for already approved developments. The Panel has considered the examples of exemptions put forward by Deal Corp and notes that the circumstances of each are unique and not directly applicable to the situation with the Polaris development. The Panel does, however, consider the Port Phillip Planning Scheme example provided by Deal Corporation provides some guidance in the circumstance. DCPO1 in relation to the Port Melbourne Mixed Use Area includes the following exemption (modified extract):

4.0 Land or development excluded from development contributions plan

- any use or development which was approved before the date of gazettal of this Plan.

As a matter of principle, and consistent with the long held understanding that development contributions levies cannot be applied to existing development, the Panel agrees that there are aspects of the Polaris development that could be considered 'existing development'. In particular, where planning permission has been approved by a planning permit, and where development is complete, but subdivision has not occurred or statement of compliance issued, it would be unfair and unreasonable to apply development levies. In these circumstances costs are being imposed on a development that is approved or that 'exists' but may not have been subdivided or achieved a statement of compliance.

The Panel considers it is reasonable that an additional exemption for the payment of levies should be allowed for subdivision of any buildings or works completed in the preceding 12 months prior to the approval of the Amendment, as a transitional arrangement, to allow time for the administrative aspect of the completion of development to be executed, but not beyond that timeframe.

²⁶ DCP Guidelines 2003, as amended 2007 (Document 5)

The Panel agrees with the Council's suggested wording in line with the Yarra exemption, but with additional exemptions as follows:

- any use or development which was approved by a planning permit before the date of gazettal of this Plan
- subdivision of any buildings or works completed in the preceding 12 months before the approval date of Amendment C170dare for which statement of compliance is being sought.

4.3.4 Broadening the exemption for social and affordable housing

The Panel notes that there have been changes in department structures and the state agency for housing, Homes Victoria, sits within the portfolio of the new Department of Fairness, Families and Housing. Council has indicated it will make the appropriate changes in its final drafting.

The Panel supports Council's position on the exemption for delivery of social housing. If a developer delivers social housing that is vested or transferred to a housing association or Homes Victoria (by commercial arrangement or otherwise) then the exemption should apply. Without transfer of ownership there is no guarantee or mechanism to ensure the housing is not sold down in the general market and at market price. Developers may still be incentivised to deliver social housing through other mechanisms and funding, if an exemption from development contributions is not available. That remains a decision for the developer where the security of the status of the dwelling, through vesting in a social housing provider, is not guaranteed.

Similarly, it is encouraging that developers like Deal Corporation are seeking to deliver affordable housing as part of their development. However, the Panel is not familiar with any mechanism in Victoria that secures the ongoing availability of such affordable housing at a price below market value on an ongoing basis. The (ongoing) relative affordability of any house therefore cannot be guaranteed. There is no basis for any exemption of developer contributions in this circumstance.

The Panel notes that, whether or not a dwelling is social or affordable housing, it is the occupancy of a dwelling that triggers demand on infrastructure and therefore levying contributions towards provision of infrastructure on these categories of dwellings is justified, unless an exemption is granted.

4.4 Conclusions

The Panel concludes:

- The projects included in the DCP are appropriately attributed to Charge Area 3.
- The inclusion of open space project in the DCP is appropriate.
- There should be an exemption to developments that have planning approval prior to gazettal of the Amendment but are not yet constructed.
- There should be an exemption where development has been completed 12 months before the gazettal date of the Amendment but subdivision or statement of compliance has not been obtained.
- The exemption for certain affordable and social housing is appropriate as exhibited.

The recommended additional exemptions for previously approved development are included in the Panel preferred version of the DCPO schedule in Appendix C.

5 Vicinity Centres

5.1 The issues

The issues raised by Vicinity Centres are:

- Whether the residential dwelling, and retail and commercial floor space forecasts used in the DCP are appropriate.
- Whether the methodology underpinning the retail forecasts is sound.
- Whether draft strategic documents and documents not in the planning scheme, should be used to determine demand units in Charge Areas in the DCP.
- Whether a separate DCP should be considered for the Northland site.

5.2 Submissions

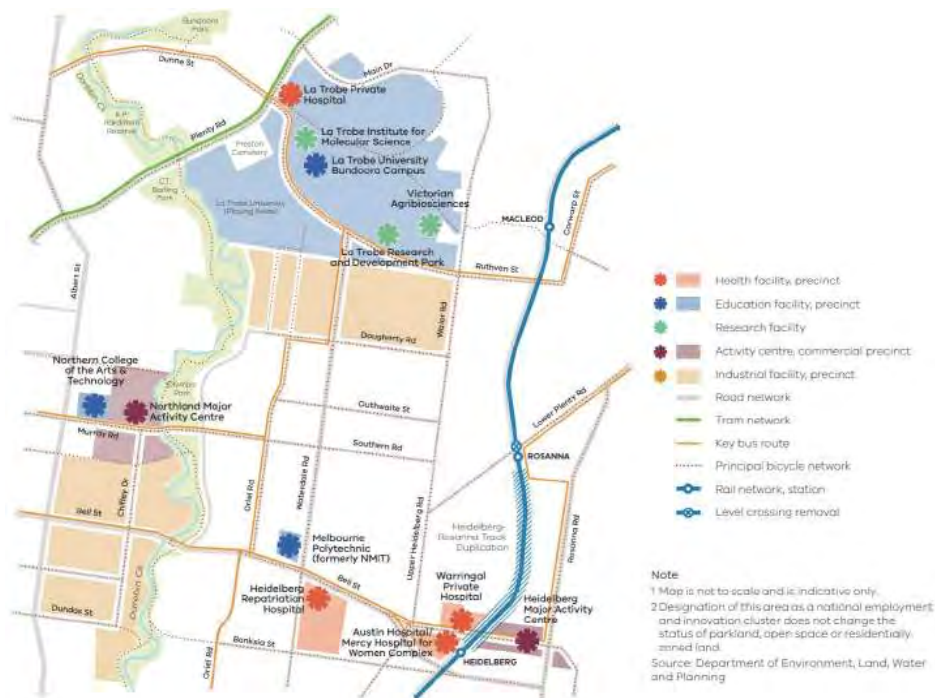
Vicinity Centres was represented in the Hearing by Ms Laura Thomas of Urbis. Vicinity Centres are co-owners, with GPT, of the Northland Shopping Centre. Northland is a regional shopping centre and forms part of the Northland-Preston Major Activity Centre. The site is zoned Commercial 1 Zone. Northland sits in Charge Area 8 of the DCP.

5.2.1 Planning context

Plan Melbourne identifies Northland as a Major Activity Centre. The La Trobe National Employment and Innovation Cluster (NEIC) is one of seven NEICs identified in Plan Melbourne. Northland Shopping Centre is recognised in the NEIC as having “*significant capacity to accommodate new jobs and housing*”.

The Latrobe NEIC draft Framework Plan, prepared by the VPA, was released in 2017 (see Figure 3). The ‘Vision’ for the NEIC states that it is expected that Northland employment precinct will strengthen its current role as high-value retail, commercial and social spaces. It is also expected that higher density and diverse homes will be integrated in the cluster to enable more people to be able to live and work in the same area.

Figure 3 La Trobe National Employment Cluster Plan from Plan Melbourne²⁷



Vicinity’s submission sets out the PPF relevant to Northland and the Amendment²⁸. Of note, Clause 21 (Municipal Strategic Statement) points to intensification of the Northland site for mixed-use and residential development. Clause 21.01-6 Strategic Framework Plan identifies Northland and surrounds as ‘Areas of urban Intensification’ and ‘Key urban renewal area’. In Clause 21.03 - Housing, the Northland site and surrounding land is identified as being within a Substantial Housing Change Area. Objective 1 in Clause 21.04 – Economic Development encourages strategies to “Promote Northland East Preston Activity Centre as regional centre and key node in the La Trobe National Employment Cluster for retail, commercial office, entertainment and related uses which supports consolidation of jobs and housing in proximity.”

Council has been undertaking strategic planning for the Northland Urban Renewal Precinct (NURP) project for some time. Vicinity acknowledged that this work has not resulted in a formally adopted framework or structure plan to date.

The VPA has prepared the La Trobe NEIC Draft Framework Plan (March 2017). The Vision for the Northland Employment Precinct is for the Northland Area to be an important diverse mixed-use precinct including higher density housing. Council indicated it understood the lead agency is now the Department of Jobs, Precincts and Regions and there is no indication of any further progress towards finalising the draft Framework Plan.

The Department of Environment, Land, Water and Planning (DELWP) released the Melbourne Industrial and Commercial Land Use Plan (MICLUP) in 2020. The MICLUP nominates the NURP as having regionally significant industrial land that should be retained for employment uses.

²⁷ Submission for Vicinity Centres (Document 24)

²⁸ Vicinity paras 13-24 (Document 24)

5.2.2 Appropriateness of the forecasts used in the DCP

Vicinity submitted that the development projections in the proposed DCP (Charge Areas 8 and 11) do not reflect the high level of growth anticipated in Council's planning work on the NURP project. It queried why the NURP planning documents are not referenced in the proposed DCP. This concern was also raised by Tract for BWP Trust²⁹ in its submission on the Amendment.

La Trobe University made a similar argument, supported by the evidence of Mr Black, that the proposed DCP has not adequately considered the La Trobe NEIC draft and that residential projections for Charge Area 3 did not reflect the anticipated residential development identified in the Campus Master Plan.

Vicinity pointed to DCP Charge Areas 8 and 11 where, over the period of 2021-2041, a total increase of 3,236 dwellings is forecast. This forecast includes the NURP area and, according to Vicinity, the forecast also allows for infill development in the existing suburbs in these precincts. By way of contrast, Vicinity referenced a 2016 Council report that suggested that the NURP would result in 10,000 – 15,000 new residents by 2035-2050 (not including infill development). Further, Vicinity indicated the NURP Transport and Movement Strategy draft (2018) was based on an expectation of intensification up to a possible 12,000 to 19,000 residents and 10,000 to 24,000 jobs by 2050 under a 'high capacity' scenario.

Vicinity argued that if the NURP population projections were used in the preparation of the DCP, the number of demand units within the relevant Charge Areas would tend to be higher and therefore the levy per demand unit would be lower. Vicinity submitted:

If the number of dwellings projected for an area is substantially underdone, it results in an unfair situation for the owners as there will be a substantial amount of money collected from Area 8 that goes beyond what is required for that Area³⁰.

La Trobe University noted a similar issue:

Residential dwelling projections in the DCP, at section 4.3, have been made with dwelling distribution channelled towards structure plan areas – but not including the University. Given the support in policy for housing growth on the university land, this appears to understate the projections for area 3. An understatement will result in the actual collection of significantly more in levies than required³¹.

Mr Black's evidence was that:

Based on the strategic role the LTU campus plays in delivery the objectives and outcomes of the National Employment and Innovation Cluster planning, I believe the projections (demand units) for Charge Area 3 are significantly underestimated at 1,600 dwellings, 5,300sqm of retail floor space and 49,000 of commercial floor space. The resultant outcome of underestimating the growth is that the levy for Charge Area 3 is greater than it should be as the total cost of infrastructure is spread over less demand units³².

La Trobe University referenced the University Masterplan 2014 which envisages significant areas of the campus for residential development as part of the concept of a University Town. The BWP Trust submission showed a NURP Concept Masterplan (2017) prepared for its site.

²⁹ BWP Trust amendment submission 8

³⁰ Vicinity Centres submission para 51 (Document 24)

³¹ La Trobe University submission para 59 (Document 10)

³² Mr Black's evidence para 23 (Document 3)

The residential forecasts are found at Table 2 in the DCP³³. Vicinity noted that while Preston Activity Centre (Area 10) has been identified with significant growth (63 per cent), the two precincts that make up the NURP are forecast at 40 per cent and 43 per cent (Area 8 and Area 11).

Table 1 in Vicinity's submission (Figure 4 below) provided a useful 'Summary of the Residential Dwelling Projections' and the percentage changes.

Figure 4 Summary of Residential Dwelling Projections³⁴

Area	Area Name	2021	2041	Total Growth	% Change
Area 1	Reservoir (Merrilands)	4,038	4,952	914	23%
Area 2	Reservoir (Cheddar)	6,567	8,414	1,847	28%
Area 3	Bundoora - Macleod	3,217	4,815	1,598	50%
Area 4	Reservoir (Edwardes Lake)	3,256	4,281	1,025	31%
Area 5	Kingsbury	2,382	2,990	608	26%
Area 6	Reservoir (Edwardes Lake)	3,317	4,265	948	29%
Area 7	Reservoir (Oakhill)	3,000	3,926	926	31%
Area 8	Reservoir (Oakhill)	4,769	6,694	1,925	40%
Area 9	Preston West	4,307	5,715	1,408	33%
Area 10	Preston Activity Centre	4,962	8,082	3,120	63%
Area 11	Preston (East)	3,033	4,344	1,311	43%
Area 12	Thornbury (West) - Preston (West)	4,915	7,233	2,318	47%
Area 13	Thornbury (East)	5,673	7,261	1,588	28%
Area 14	Northcote (West)	6,404	8,995	2,591	40%
Area 15	Northcote (East)	7,109	9,022	1,913	27%
Area 16	Fairfield-Alphington	4,042	5,322	1,280	32%
Total		70,991	96,311	25,320	36%

Council in reply noted that considerable strategic work had been undertaken for the NURP with a view to enabling substantial land use change and diversification over a long-term planning horizon, including accommodation of residential development. Background and engagement documents have been prepared but a Structure Plan or Precinct Framework Plan for the NURP has not been finalised and adopted by Council.

Council indicated that it needs to review the NURP work in the context of the *Melbourne Industrial and Commercial Land Use Plan (MICLUP)* because the MICLUP substantially limits the potential for

³³ Council's Part A submission Attachment 3 Darebin Development Contributions Plan 2019 (version for Panel) p 19 (Document 1c)

³⁴ Submission of Vicinity Centres (Document 24)

residential mixed-use development. The extent of the NURP precinct will have to be reconsidered, and further work will be required to understand the appropriate scope of opportunity for the area. Council intends to review the potential for urban renewal in the NURP area, but further municipal wide economic work is needed first³⁵.

Vicinity maintained that the MICLUP nominates the NURP as regionally significant industrial land but that this applies to the land south of Murray Road and not the Northland site. It argued that there is still considerable potential for additional development at the Northland site. Vicinity submitted there is clear strategic State, VPA and local policy direction for significant residential and commercial growth, and that the forecasts in the DCP is not commensurate with the likely intensification of development for the Northland site. On this basis, Vicinity's position was that a site specific DCP would be appropriate for the Northland site to enable Northland to continue to develop without waiting for master planning of the rest of the NURP.

Council noted that much of the land in the NURP area is currently zoned in a way that prohibits residential development and that in respect of areas such as the NURP, if a strategy is incorporated into the Planning Scheme which proposes and clearly identifies significant additional demand units, then the DCP would be revisited at that time to ensure that the DCP reflects that strategic work. Council indicated in reply that planning for a mechanism for Northland's future development to be considered, additional to the municipal DCP, was supported.

With respect to the University Master Plan and the draft NEIC Framework Plan, Council argued that the Campus Master Plan is not adopted by Council, nor does it have a status in the planning scheme. Council's position with respect to submissions made by Vicinity, La Trobe University and BWP Trust is that it is not appropriate for the proposed DCP to factor in the scale of growth and change that may have been contemplated as part of the previous vision for the NURP, the Campus Master Plan or the draft NEIC Framework Plan.

5.2.3 The methodology underpinning the Commercial and Retail floor space area forecasts

Vicinity Centres also raised concerns that the accuracy of the Commercial and Retail Forecasts in the DCP do not take into consideration the retail hierarchy and there was no clear methodological basis for a universal 33 per cent increase across DCP Areas. It submitted that the forecasts do not take into consideration those precincts which are likely to achieve a higher proportion of commercial uses (such as Northland and Preston) compared to suburbs without an activity centre focus. It submitted that the effect of this "*simplistic application*" is that it is more likely that some areas will not achieve the floorspace projected and there will be reduced contributions, and some areas will 'overachieve', providing Council with more contributions than have been planned. It raised concerns with how this 'extra money' would be spent.

Council argued in response that Vicinity did not raise any methodology concerns with Mr Hrelja by way of cross examination so that he could respond to them. Council's position was that its expert has properly carried out the forecasts based on the ID population data to 2041 and based on the trend methodology.

Vicinity indicated it supported Council's exhibited position that Council, at its discretion, may consider accepting works and/or land in lieu of a cash contribution. Vicinity also supported

³⁵ Council's Part B Submission

Council's post-exhibition change of a clearer mechanism which excludes land that has a section 173 agreement in place.

5.2.4 Other matters raised

Vicinity queried the nexus between Charge Area 8 (in the east of the municipality) and contributions to the BT Connor Reserve which is located in the north-west of the municipality. It also suggested that monies from Charge Area 8 could potentially be used to upgrade a recreation reserve in neighbouring Banyule that would provide more immediate benefit to local residents, but noted it may be beyond the scope of options available to Council under the Ministerial Direction on Preparations and Content of DCPs.

Vicinity also made brief submissions on the contribution Northland has made to infrastructure beyond that directly associated with the land. This issue was raised by CES Properties and is addressed in Chapter 6.2 of this report.

Submissions from community groups made a point about lack of transparency and consultation on the projects included in the DCP.³⁶ They submitted that the DCP document needs to include explicitly how the DCP applies to a vacant strategic development site (such as Preston Market and others) where there may potentially be hundreds of dwellings in each residential tower with multiple towers. They also submitted it would be pertinent to clearly state how the inclusion of a section 173 Agreement or social housing will impact the total DCP amount payable.

5.3 Discussion

5.3.1 Appropriateness of the forecasts used in the DCP

The Panel acknowledges there could be some degree of uncertainty in residential, commercial and retail floor space projections at the present time, due a range of strategic planning factors raised by submitters. The documents referred to by Vicinity were however not tabled and therefore the data contained in the figures was not tested in the Hearing. The Panel notes that, in any case, the documents are drafts.

The Panel notes that there is clear direction in the Darebin Planning Scheme and Plan Melbourne that points to an intensification of residential, retail, commercial and other employment land use for Northland and surrounding areas. However, the Panel agrees with Council's position that documents underpinning work on the NURP and the NEIC, while confirming that direction, have not at this time led to a Structure or Framework Plan with anticipated growth figures that is adopted by Council or confirmed by the state government or its agencies.

The Panel agrees with Council that the release of strategic documents such as the MICLUP requires Council to revisit its assumptions and its regional planning work to date, notwithstanding that the strategic direction for Northland still appears to be supported.

Strategic planning work for precincts of this scale, and in a period of development uncertainty, will take time. That strategic work may or may not require a revision of the DCP in future. It is not for this Panel to speculate on what the likely outcome of the strategic work will be. The Panel is satisfied that Council has provided a mechanism by which it can engage with Vicinity on the future development of Northland and the appropriate contributions that might be made.

³⁶ Submission 3, paras 11, 17-18.

The Panel also agrees with Council's position that it cannot rely on the La Trobe University Campus Master Plan to set demand units in the DCP. Council and the University can confirm future residential, commercial and retail development at an appropriate time in the future as the campus develops.

5.3.2 The methodology underpinning the Commercial and Retail floor space area forecasts

The Panel was not presented with an alternate methodology that would provide different retail floor space projections in the DCP in general, or alternate floor space projections for Charge Area 8 where Northland is located.

On face value, the Panel is inclined to agree with Vicinity's observation that a blanket 33 per cent increase in retail floor space across all Charge Areas would seem a simplistic approach considering the dynamic nature of demand for retail floorspace. However, in absence of a more substantial challenge to the methodology and figures used in the DCP, the Panel considers the issue is not material enough to warrant further investigation.

The projections set out in the DCP are based on data sourced by Council from a reputable and experienced firm used by many Councils. The data has been reviewed by HillPDA and Mr Hrelja to prepare the DCP. Further, Council advised that the DCP had been reviewed by another reputable firm, although it acknowledged this review was not presented as expert evidence. Collectively this indicates a not insignificant effort by Council to ensure the strategic work underpinning the Amendment and the levy charges, including retail, commercial and employment floor space projections, was sound. The Panel is satisfied with the Council's assurances that the municipal DCP will need to be reviewed as the intensity and location of development across the municipality is confirmed through adopted strategies and future rezoning amendments.

5.3.3 Other matters raised

The Panel is unable to assess whether attribution of the BT Connor Reserve pavilion upgrade (Project 7) to Charge Area 8 is reasonable. The Panel acknowledges that there may be some validity in the criticism of Mr Black – that the DCP is not transparent enough nor does not have enough detail to test whether Council's allocation of projects to Charge Areas is reasonable.

Vicinity however did not call evidence or cross-examine Mr Hrelja and so the proposition that there is a misattribution to Charge Area 8 cannot be tested. The Panel relies on the strategic work underpinning the projects which can be found in the DCP Appendix. In the case of Project 7, the Darebin Outdoor Sports Infrastructure Framework 2020 is the supporting strategic document. The evident distance from Charge Area 8 to Project 7, a pavilion upgrade, marks this query as different in nature to those raised by Deal Corporation, where the proximity of the projects to the Charge Area are apparent. The Panel encourages the Council to undertake a thorough final cross-check of the attribution to Charge Areas of each project, particularly where some doubt has been raised by submitters.

The Panel considers that for the benefit of transparency the DCP should include explanatory information at a high level:

- how the projects in the DCP have been attributed to Charge Areas
- how the DCP is to be applied to strategic redevelopment sites (such as Northland and Preston Markets)

- how the interrelationship with any site specific DCPs, social housing and other exemptions will be dealt with.

Other matters raised by the community groups are briefly addressed in Chapter 6.4.

5.4 Conclusions

The Panel concludes:

- The residential, commercial and retail forecasts in the DCP are appropriate.
- The methodology in the DCP that underpins the retail projections used in the DCP is reasonable.
- The methodology for retail projections should be reviewed as part of a future review of the DCP when other strategic documents may be finalised, and the development intentions of Northland are known.
- Council should cross-check the attribution of each project to Charge Areas.
- The DCP should include explanatory information on:
 - how the projects in the DCP have been attributed to Charge Areas
 - how the DCP is to be applied to strategic redevelopment sites (such as Northland and Preston Markets)
 - how the interrelationship with any site specific DCPs, social housing and other exemptions will be dealt with.

A Panel recommendation has been made covering this last dot point.

6 Issues raised by other submitters

6.1 Preston Market Developments

(i) The issues

The issues are:

- whether the Preston Market precinct should be exempted from the municipal DCP
- whether a site specific, high public open space levy is a consideration for an exemption from the municipal DCP.

(ii) Submissions

The Preston Market precinct is bound by Murray Road to the north, Cramer Street to the south, St Georges Road to the west, and an access road to the rear of shops fronting High Street to the east. It excludes Preston Rail Station and associated railway land as well as 104 St Georges Road, Preston.

The Victorian Planning Authority (VPA) is the planning authority for the redevelopment of Preston Market and Amendment C182dare, to facilitate development of the Preston Market precinct, was exhibited (18 May to 13 July 2021) at the time of the Amendment C170dare Hearing. Amendment C182dare proposes to, among other things:

- Insert a Schedule 2 to Clause 45.06 Development Contributions Plan Overlay (DCPO2) and apply the overlay to all land within the Preston Market Precinct
- Amend the Schedule to Clause 53.01 to require a 10 per cent contribution for public open space for the Preston Market precinct.

The VPA did not appear at the Hearing but its submission does not object to the proposed Amendment as it relates to the Preston Market Precinct.

The VPA submission noted that the draft DCP for the Preston Market Precinct only includes a DIL and that a Community Infrastructure Levy (CIL) is not proposed as part of the C182dare levy package. The VPA observed that, if a CIL was to be contemplated, no further levies could be collected by the Preston Market Precinct for a period of years because the CIL rates in Amendment C170dare consume 100 per cent of the maximum CIL permissible under the relevant Act³⁷.

The VPA further noted that Amendment C170dare focuses levying efforts on the municipal scale and does not differentiate beyond Charge Areas. It raised the potential to introduce additional Charge Areas/levies to the proposed DCPO Schedule for site specific development (such as the Preston Market Precinct) to potentially streamline the operation of DCPs in Darebin and the collection of funds, noting such a proposal would be subject to a separate planning scheme amendment process.

Preston Market Developments Pty Ltd is the owner of the Preston Market and 30 Cramer Street, Preston and was represented by Mr Chris Taylor of Planning and Property Partners. Preston Market Developments submitted that *“the requirement that all new residential, commercial, retail, and industrial developments within the municipality must be subject to a Development Infrastructure Levy ... is inappropriately broad in its application and inherently excessive in its*

³⁷ Part 3B of the Planning and Environment Amendment (Public Land Contributions) Act 2018

amount³⁸". Preston Market Developments opposed the Amendment and raised the following issues in its submission:

- the length of the DCP period
- the nexus between the levy and the land to be developed
- the unclear nature of the exhibited section 173 exemption, and
- broader planning and commercial concerns as a result of the imposition of the levies.

Preston Market Developments contained its oral submission to the issue of exemptions. It noted that the precinct will be subject to significant development contributions through the C182dare Amendment and a high open space levy. It submitted that, on this basis, an exemption for the site from development contributions under the C170dare Amendment was reasonable. In the event that the Panel did not agree with an outright exemption, it submitted that the section 173 exemption should be similar to an exemption in the Yarra Planning Scheme that gives scope to a negotiation with Council on what might be a reasonable development contribution of the Preston Market precinct, or works in lieu. It provided a marked-up version of the exhibited Schedule 2 to Clause 45.06 of the DCPO for the C170dare amendment. The extract of Part 4 is below:

Land with an agreement executed under section 173 of the Planning and Environment Act 1987 that exempts development from this Schedule due to the development having met its DCP obligations through a requirement for the payment of a development contributions levy or the provision of specific works, services or facilities beyond those necessary on or to the land or other land. This includes the value of any land on which the works, services or facilities are located.

The relevant extract from the Yarra Planning Scheme is:

4.0
6/1/02/2021
C238yara

Land or development excluded from development contributions plan

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Yarra City Council or stated below. The following development is exempt from a development contribution:

- 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 applies to social housing development delivered by and 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;
- Land which has a section 173 Agreement under the Planning and Environment Act 1987 and/or a Deed of Agreement which:
 - requires the payment of a development contributions levy; or
 - requires the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - requires the payment of any development contributions or the provision of specified works services or facilities required to be provided public and/or community infrastructure by any other provision of this scheme.
 - requires the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988); or
 - explicitly excludes further development contributions to be made.

³⁸ Property and Partners submission on Amendment C170dare for Preston Market Development Pty Ltd

Preston Market Developments endorsed the submission made by Deal Corporation for a broader exemption for social and affordable housing provided by the private sector.

Council in reply noted that the Preston Market DCPO2 (draft) has no external apportionment to any project. All projects are 100 per cent charged to Preston Market precinct. Council suggested that this indicated that the infrastructure projects funded by the development contributions plan for Amendment C182dare are all internal to the development and bear no relationship to a municipal wide DCP. Council also noted that that the DCP on exhibition does not include the exemptions sought by Preston Market for the municipal wide DCP.

In response to the argument that the Preston Market precinct will be making a 10 per cent Public Open Space contribution, Council suggested that this was likely because the very high density of the development requires a higher level of amenity than the usual 5 to 8 per cent. Council submitted that the argument was not relevant to a municipal wide DCP and that even if it were relevant, the open space contribution should not be regarded as an 'over and above' contribution.

Council submitted that some of the changes in the marked-up draft sought by Preston Market Development are "*innocuous but not really required*". With respect to the alternate drafting of the section 173 exemption, Council preferred the drafting it proposed for consistency with other planning schemes. It noted that, were the drafting proposed by Preston Market Development to be supported, the reference to the 'responsible authority' should be changed to the 'collecting agency'.

(iii) Discussion

The development of the Preston Market precinct will significantly increase residential and commercial floor space in the precinct alongside the redevelopment of the market. With this development will come demand on municipal infrastructure. The Panel is of the view that it is reasonable for development in the Preston Market precinct to contribute to provision and improvement of municipal infrastructure through the Darebin C170dare DCP. The Panel agrees with the Council that the DCP contemplated by Amendment C182dare is directed towards infrastructure internal to the precinct, which is required to facilitate a more intensive built form. Should development in the precinct seek to provide infrastructure that is 'above and beyond' what is required, the proposed section 173 exemption provides scope for an outcome to be negotiated with the Council.

The Panel agrees with Council's submission on the Public Open Space levy. The open space levy and levies under a DCP are distinct. The Panel considers an exemption for a development or site from a development contributions levy because of obligations to pay a Public Open Space levy is not a relevant consideration.

The issue of a broader exemption for social and affordable housing provided by the private sector has been addressed in Chapter 4.

The Panel has considered the drafting changes to the Schedule to the DCPO and supports their inclusion to continue to improve consistency across planning schemes. The final Panel preferred version is shown in Appendix C.

(iv) Conclusions

The Panel concludes:

- The section 173 exemption provides scope for an outcome to be negotiated with Council where infrastructure is agreed to be delivered that is 'above and beyond' what is required for the precinct.
- The Public Open Space levy contemplated for the Preston Market precinct is not a relevant consideration for an exemption to development contributions under this Amendment.

6.2 Provision of services or facilities beyond those necessary**(i) The issues**

The issues are:

- whether an exemption should apply to the development contributions levy for development that provides specified services or facilities beyond those necessary as a result of a planning permit.

(ii) Submissions

CES Properties (AUS) Pty Ltd is the owner of land at 217-223 Separation Street, Northcote. The site, along with an adjoining site under different ownership, is the subject to a proposed Planning Scheme Amendment to rezone the land from Industrial 3 Zone to Residential Growth Zone and apply the Development Plan Overlay (DPO) and the Environmental Audit Overlay. The site is located in Charge Area 15. The site is identified in Clause 21.03 – Housing, of the Darebin Planning Scheme as a strategic site in Council's Strategic Housing Framework Plan³⁹.

CES Properties opposed the Amendment in its exhibited form on the basis that the DCPO would apply to all new development within the municipality (with the exception of the development exemptions) and the application of the exhibited version of the s173 exemption in the proposed Schedule to the DCPO was not clear.

CES indicated that, as part of its discussions with the Council, development proposed for the site may deliver the following community benefits (in summary):

- Affordable Housing
- A green corridor through the site linking McDonnell Park to the north and Rubie Thomson Reserve to the south, including shared path infrastructure for pedestrian and bicycle riders
- Financial contributions towards the provision of a shared path through McDonnell Park
- Planning and maintenance period for trees in McDonnell Park
- Further infrastructure contributions subject to Council requirements.

CES Properties submitted that a site specific exemption for its development site should therefore be considered. More generally, it argued that where a development site provides social and physical infrastructure that could be considered to deliver a public benefit, the part or full payment of the levy could be offset. In the absence of a site specific exemption in the DCPO2, CES submitted that the post-exhibition changes to the wording of the proposed exemptions (as

³⁹ Urbis on behalf of CES Panel submission p9 (document 25)

proposed by Council in its Part A submission) could be regarded as a fair and reasonable mechanism to provide social and physical infrastructure in Darebin.

Vicinity Centres raised similar issues, observing in its submission that through the process of planning scheme amendments and planning permit requirements, Northland has contributed infrastructure beyond what was directly associated with the use of the land such as an upgraded bus interchange on the Northland title.

Council in reply to CES noted that developers will often provide more infrastructure (especially amenity infrastructure) to attract purchasers to their development, but that councils need to plan for the orderly delivery of municipal wide infrastructure. Council argued that the site is adjacent to significant community facilities that will benefit the development and some of that infrastructure is being improved and funded via the DCP.

Council submitted that if infrastructure contributions are required as part of an amendment process affecting the CES land, and that obligation is secured by a section 173 agreement that fits within the exemption provision, then an exemption would apply.

(iii) Discussion

Panel agrees with Council that the planning and funding of municipal wide infrastructure cannot be conflated with the delivery of infrastructure on a site through a rezoning process. Where a council can be satisfied that the delivery of infrastructure by a developer materially contributes to its overall strategic planning for infrastructure delivery, then it is reasonable for credit to be given for that infrastructure delivery by way of partial or full exemption from a development contribution levy. However, it is not reasonable for developers to assume 'as-of-right' that a credit should be given, or that provision of infrastructure beyond that required from a planning permit, of itself, merits a full or partial exemption from payment of development contributions.

The Panel makes no comment on the merits of the infrastructure proposed on or near the CES site through its redevelopment and any proposed amendment for the rezoning of CES land is a matter for a future panel.

The Panel observes that the bus interchange upgrade example provided by Vicinity Centres is not unique to Northland and that proximate and safe public transport facilities within a large shopping centre provides a transport benefit to workers and customers as parking spaces do. It is a matter for another forum as to whether provision of public transport infrastructure constitutes an 'over and above' contribution by shopping centres in the context of the land use.

(iv) Conclusions

The Panel concludes:

- It is fair and reasonable for Council to require contributions via a DCP towards projects that have broader public benefit, even where a developer may be providing infrastructure that provides a benefit on or beyond the development site.
- The proposed Planning Scheme Amendment for the rezoning of land at 217-233 Separation Street, Northcote is not a consideration of this Panel.

6.3 Housing Industry Association

(i) The issues

The issues are

- whether development as a matter of principle, should contribute to community, social and regional infrastructure beyond the site boundaries of a development site
- whether a standardised approach to levies across municipalities should be supported.

(ii) Submissions

The Housing Industry Association (HIA) submitted that, in principle, it objects to the Amendment as development levies are one of many costs that impact the end price of a new home and in effect act as a tax on home buyers. Its position was that any levies that are passed onto the new home buyer are based on a fair and justified set of principles. It noted that notwithstanding its objection, were the Amendment to proceed, the proposed exemptions are considered appropriate.

HIA submitted that development-specific infrastructure, within the boundaries of a development, which provides essential access and service provisions and without which the development could not proceed, are considered to be core requirements for housing development and should be provided in a timely manner to facilitate development. HIA argued however, that the costs of broader community, social and regional infrastructure should be borne by the whole community and funded from general rate revenue, borrowings or alternative funding mechanisms.

HIA contended that the imposition of levy requirements for community, social and regional infrastructure through the Amendment will have a negative impact on housing affordability. HIA further suggested a risk of 'double-dipping' whereby such infrastructure items may already be provided for under existing levies/revenue avenues (i.e. rate collections).

The HIA also noted that Amendment C186dare (currently on hold) proposes all subdivision be required to provide a public open space contribution rate of 10 per cent. HIA's position is that, in pursuing Amendment C170dare and Amendment C186dare, Council is eroding housing affordability in Darebin.

Council responded that the development contribution levy proposed is covering 24 per cent of the total cost of the projects, with Council funding the remaining 76 per cent. Council is also funding other infrastructure not funded by the DCP. Council's position was that this supports the proposition that infrastructure funding is being borne by the whole community. Council noted that funding infrastructure from multiple sources does not equate to 'double-dipping' and confirmed, at any rate, that Amendment C186dare was on hold.

Council referenced Mr Hrelja's evidence that the levies proposed are similar to levies payable in other municipalities and are comparatively smaller per unit than other similar municipalities.

Council submitted that it is appropriate to pursue an amendment to levy development for the purposes of funding infrastructure projects required to service Darebin's growing population, and the DCP serves to share the cost of providing infrastructure between new development and the existing community on a fair and reasonable basis.

Council noted HIA's position about a standardised approach to levies and submitted this position supports the proposition that as far as it is possible to do so, the machinery provisions of the DCP document should be alike across different municipalities.

(iii) Discussion

The Panel notes the HIA's view on housing affordability and acknowledges its position and advocacy on development contribution levies.

The Panel agrees with Council that the *Planning and Environment Act 1987* and the Victoria Planning Provisions provide for the preparation and implementation of development contributions plans to contribute to planned infrastructure and that it is legitimate that development contributions contribute to community, social and regional infrastructure beyond the site boundaries of a development site.

The HIA's arguments are more of a broad policy nature and it is not appropriate for the Panel to comment on such matters.

(iv) Conclusions

The Panel concludes

- whether development as a matter of principle, should contribute to community, social and regional infrastructure beyond the site boundaries of a development site is not a matter for this Panel to comment on.
- whether a standardised approach to levies across municipalities should be supported is a policy matter beyond the scope of this Panel.

6.4 Community group submissions

Save the Preston Market and Darebin Appropriate Development Association made a joint submission to the Amendment. The submissions raised the following issues (in summary):

- Lack of transparency and consultation on the projects included in the DCP.
- The DCP document needs to include explicitly how the DCP applies to vacant strategic development sites.
- The DCP should state how the inclusion of a section 173 Agreement or social housing will impact the total DCP amount payable.
- The delay in introducing a new DCP after the previous DCP stopped collecting levies.
- Inequal distribution of projects between the north and south of the municipality.

The groups submitted that the Council needs to look at how the DCP and open space levy works in tandem in order that funds are directed to where they needed and on a more "*fair and equitable outcome basis*".

The first three issues are addressed by the Panel at Chapter 5.3.3.

Council in response to the remaining two Issues indicated that the matter of the time gap between the former DCP and the commencement of the new proposed DCP is not a relevant to the question of whether the new DCP should be approved. Council submitted that the various DCP infrastructure projects represent a relatively small number of capital works projects identified in Council's 10 year Capital Works Plan and the distribution of projects needs to be equitable to all

the Charge Areas, rather than have a focus on infrastructure in any one Charge Area⁴⁰. The Panel accepts Council's response.

⁴⁰ Council's Part B submission paras 19-21 (Document 4)

7 Form and content of the Amendment

7.1 Post-exhibition changes to the Amendment

In response to a submission raising concerns about exemptions where a section 173 agreement is in place, Council made changes to the wording of proposed exemption and deferral provisions in its Part A and B submissions.

Changes from the exhibited version of the Amendment included in the Council Part A and B submissions were as follows:

- Expanded deferral mechanism in the DCP (see Figure 1 of this report in Chapter 3).
- Changes to exemption provisions relating to section 173 agreements in the DCP to provide greater clarity on when the provisions would operate.
- Council advised that, since the preparation of the DCP, the KP Hardiman Hockey Pitch Redevelopment project had received state government funding. As the DCP cannot include costs to be met through external funding, Council noted that an adjustment will need to be made to reduce the project cost in the DCP. Council proposed that all project costing be reconciled prior to adoption of the Amendment to allow for any external funding that may be received. The Panel supports this approach.
- Council noted that a small number of minor errors had been identified in the DCP and Schedule to the DCPO and proposed that these errors also be corrected prior to adoption.

Council subsequently changed its position on deferral and exemption provisions in its Part C submission as discussed in Chapter 3. The Panel adopts Council's final version for the reasons set out in Chapter 3.

In its Part C submission, Council identified the following further minor changes to the DCP and DCPO Schedule in response to issues raised by submitters:

- Delete the exemption for Darebin City Council delivered projects.
- Amend the section 173 exemption to include the words "or other deed of agreement" after the reference to "Act".
- Amend the exemption for housing developed by the Department of Health to include the updated name of the department as at the date of the approval of the DCP.
- Make the same changes as set out above to the DCPO exemptions set out in Part 4.0 of the Schedule.
- In the DCPO Schedule:
 - amend the reference to gross floor space to gross floor area as per the Planning and Property Partners submission for Preston Market
 - amend the clause beginning with "Payment of the Development Infrastructure Levy" as per the Planning and Property Partners submission for Preston Market except that the reference to "Responsible Authority" should be a reference to "Collecting Agency"
 - insert "or" after the first and second bullet points.

The Panel accepts that each of these minor changes is appropriate and recommends that they be included in the final form of the Amendment.

7.2 Final form of Amendment

Appendix C shows the Panel preferred form of the DCPO Schedule which incorporates changes recommended throughout this report.

This includes two additional exemptions in clause 4 of the schedule to the DCPO as follows:

- Use or development which was approved by a permit granted before the approval date of Amendment C170dare
- Subdivision of any buildings or works completed in the preceding 12 months before the approval date of Amendment C170dare for which statement of compliance is being sought

The Panel preferred version of the DCP is shown in Appendix D.

7.3 Recommendations

The Panel recommends that Amendment C170dare to the Darebin Planning Scheme be adopted as exhibited, subject to the following:

1. **Amend the Development Contributions Plan Overlay Schedule as shown in Appendix C.**
2. **Amend the Development Contributions Plan exemption provisions as shown in Appendix D.**
3. **Include explanatory information in the Development Contributions Plan on:**
 - **how the projects in the Development Contributions Plan have been attributed to Charge Areas**
 - **how the Development Contributions Plan is to be applied to strategic redevelopment sites (such as Northland and Preston Markets**
 - **how the interrelationship with any site specific Development Contributions Plans, social housing and other exemptions will be dealt with.**
4. **Amend project costings in the Development Contributions Plan to take into account any external funding received prior to the adoption of the Amendment.**
5. **Correct any minor or drafting errors identified in the Development Contributions Plan and Schedule to the Development Contributions Plan Overlay.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Environment Protection Authority
2	Melbourne Water
3	Darebin Appropriate Development Association and Save Preston Market
4	Urbis on behalf of CES Properties
5	Planning and Property Partners on behalf of Preston Market Developments
6	Urbis on behalf of La Trobe University
7	Housing Institute of Australia
8	Tract for BWP Trust
9	Victorian Planning Authority
10	City of Yarra
11	Vicinity Centres
12	SJB on behalf of Deal Corporation

Appendix B Document list

No.	Date	Description	Presented by
1	17/5/21	Council's Part A submission including: <ul style="list-style-type: none"> a) Chronology of Events (Attachment 1) b) Explanatory Report (Attachment 2) c) Darebin Development Contributions Plan 2019 (Attachment 3) d) Schedule 2 to the Development Contributions Plan Overlay (Attachment 4) 	Maddocks
2	17/5/21	Expert Evidence of Alex Hrelja, HillPDA for City of Darebin	Maddocks
3	17/5/21	Expert evidence of Jason Black, Insight Planning for La Trobe University	Minter Ellison
4	23/5/21	Council's Part B Submission	City of Darebin
5	24/5/21	Development Contributions Guidelines 2003, as amended 2007	Mr Tweedie SC
6	25/5/21	Submission of Deal Corp (LG) Pty Ltd re. 1056-1140 Plenty Road, Bundoora: (Polaris Town Centre and Residential Precinct) including: <ul style="list-style-type: none"> a) Attachment 1 Master Plan of site b) Attachment 2 List of Planning Permits and status 	Best Hooper Lawyers
7	25/5/21	Documents tabled by Preston Market Developments Pty Ltd: <ul style="list-style-type: none"> a) Draft (amended) Schedule 2 to Clause 45.06 Development Plan Contributions Overlay, Darebin Development Contributions Plan (Preston Market marked-up version) b) Exhibited draft Schedule 2 to Clause 45.06 Development Contributions Plan Overlay, Preston Market Precinct Development Contributions Plan, April 2021 	Planning and Property Partners
8	25/5/21	Draft (amended) Schedule 2 to Clause 45.06 Development Plan Contributions Overlay, Darebin Development Contributions Plan (Deal Corporation marked-up version)	Best Hooper Lawyers
9	25/5/21	Two emails on behalf of Deal Corporation in response to Panel queries	Best Hooper Lawyers
10	25/5/21	Submission of La Trobe University	Minter Ellison
11	25/5/21	Copy of Section 19.03-15 VPP Development and Infrastructure Contribution Plans	Minter Ellison
12	25/5/21	Copy of Section 36.01 Public Use Zone and Schedule to Clause 36.01 (Darebin)	Minter Ellison
13	26/5/21	Part 3B Planning and Environment Act (corrected)	Minter Ellison

No.	Date	Description	Presented by
14	26/5/21	La Trobe University Master Plan 2014	Minter Ellison
15	26/5/21	La Trobe University Melbourne Campus Planned Path Network 2020	Minter Ellison
16	26/5/21	La Trobe University Melbourne Campus Map	Minter Ellison
17	26/5/21	La Trobe University Melbourne Campus Pedestrian-Vehicles Pathways - Masterplan	Minter Ellison
18	26/5/21	Moreland C133 Panel Report	Minter Ellison
19	26/5/21	Banyule Development Contributions Plan	Minter Ellison
20	26/5/21	La Trobe University Community Benefits Presentation	Minter Ellison
21	26/5/21	Submission of La Trobe University – Completed Works	Minter Ellison
22	27/5/21	Planning Panel email concerning lockdown and email responses Maddocks, Urbis and Best Hooper	Planning Panels
23	27/5/21	Submission of Housing Industry Association (HIA)	Housing Industry Association (HIA)
24	27/5/21	Submission of Vicinity Centres	Urbis
25	28/5/21	Submission of CEL Australia	Urbis
26	28/5/21	Council's Part C Submission	City of Darebin
27	2/6/21	Email providing suggested changes to proposed wording of exemptions in DCPO2	Urbis
28	7/6/21	Email advice regarding review of policy <i>Infrastructure Charges and Levies on Residential Development</i>	HIA
29	11/6/21	Letter in response to Panel verbal direction to provide advice on wording to be included in Amendment	Minter Ellison
30	11/6/21	Email responding to material provided by Minter Ellison in Document 29 on behalf of City of Darebin	Maddocks
31	23/07/21	Council final marked-up versions of the DCP and DCPO schedule	City of Darebin

Appendix C Panel preferred version of the DCPO schedule

The Panel recommends the following changes:

Clause 4.0 Land or development excluded from development contributions plan

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Darebin City Council or stated below. The following development is exempt from the development contribution:

- 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~~ Department of Families, Fairness and Housing, 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 or other deed of agreement that requires either:
 - The payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);

and explicitly excludes further development contributions to be made.

- ~~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~~
- Use or development which was approved by a permit granted before the approval date of Amendment C170dare
- Subdivision of any buildings or works completed in the preceding 12 months before the approval date of Amendment C170dare for which statement of compliance is being sought
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.

Appendix D Panel preferred version of the DCP

Clause 7.3 Payment of Development Contributions

The Panel recommends the following change to the 'Method of Payment':

Method of Payment

Payment of development contributions is to be made in cash subject to the exceptions below.

Council may accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

In respect of any of the land comprising La Trobe University, Council may enter into an agreement with La Trobe University to accept a substituted project as "works in kind" in part or full satisfaction of the liability to pay the Development Infrastructure Levy that is payable where the development type which triggers the liability to pay is residential, retail, commercial or industrial.

The value of the credit for the substituted project (works in kind) is to be determined by the Collecting Agency but must not exceed the combined value of the infrastructure projects in respect of which a Development Infrastructure levy was otherwise payable.

The substituted project is to be agreed by Development Agency.

The 'Deferral of Payment' sub-clause in the DCP remains as exhibited, as follows:

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date.

Clause 7.5 Exemptions

The Panel recommends the following version as proposed by Council:

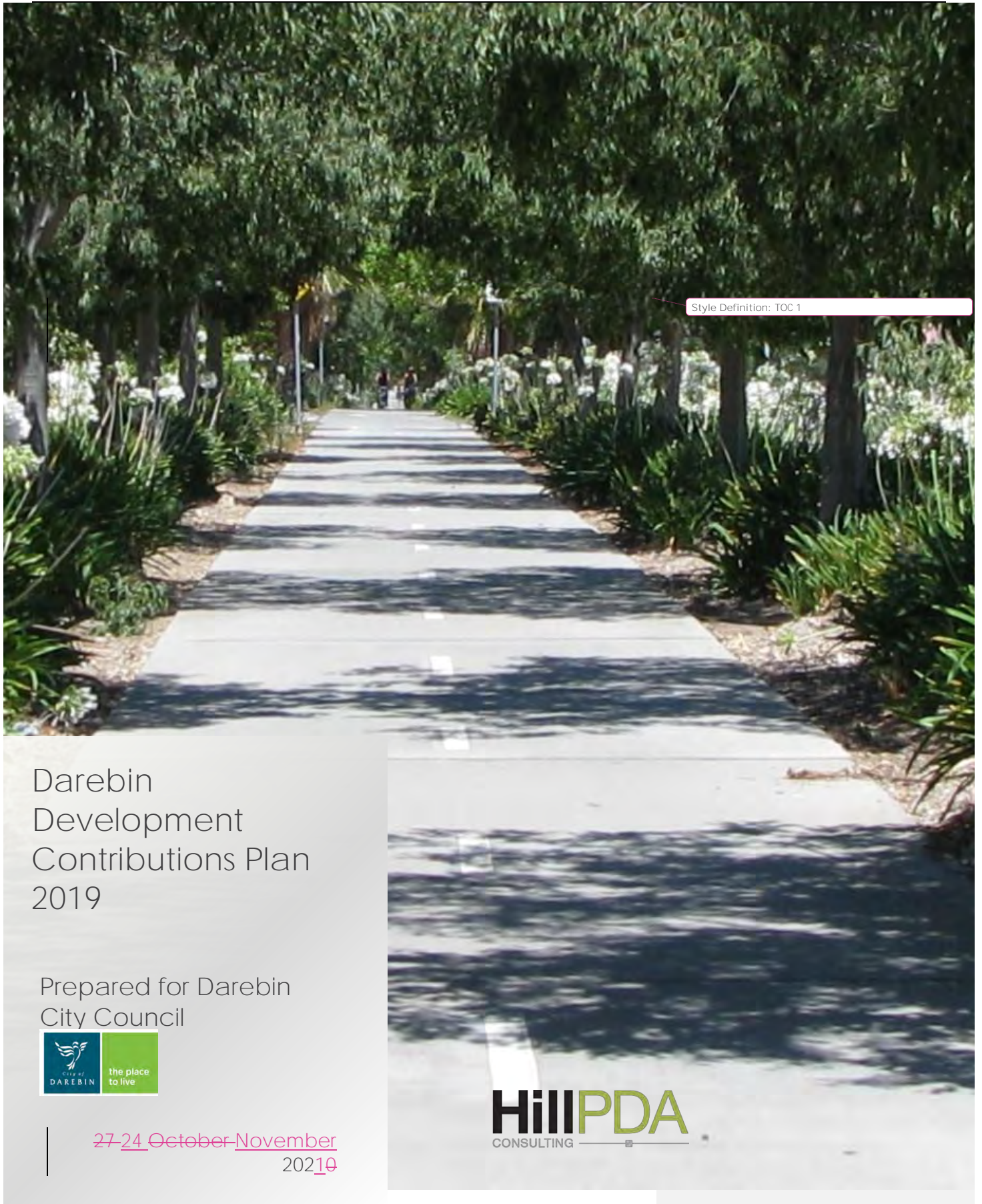
No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Darebin City Council or stated below. The following development is exempt from the development contribution:

- 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~~ Department of Families, Fairness and Housing, 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 or other deed of agreement that requires either:
 - The payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);

and explicitly excludes further development contributions to be made.

- ~~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~~
- Use or development which was approved by a permit granted before the approval date of Amendment C170dare
- Subdivision of any buildings or works completed in the preceding 12 months before the approval date of Amendment C170dare for which statement of compliance is being sought
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.



Style Definition: TOC 1

Darebin Development Contributions Plan 2019

Prepared for Darebin
City Council



27-24 October-November
2021⁰





Contents

1.0	INTRODUCTION	6
1.1	Background	6
1.2	Purpose of the DCP	6
1.3	DCP Area	7
1.4	Acknowledgement	7
1.5	DCP and Strategic Redevelopment Sites	7
1.6	Interrelationship with Other DCPs and Exemptions	7
2.0	INFRASTRUCTURE FUNDING PRINCIPLES.....	10
2.1	Context.....	10
2.2	DCP System in Victoria.....	10
2.3	Infrastructure Subject to this DCP.....	11
2.4	Cost Apportionment Principles.....	11
3.0	STRATEGIC BASIS FOR THE DCP	13
3.1	Policy Directions.....	13
3.2	Council Plan.....	13
3.3	Darebin Planning Scheme (Municipal Strategic Statement).....	13
3.4	Plan Melbourne 2017-2050	14
3.5	Capital Works Program and DCP Infrastructure Project List.....	16
3.6	Other Policies, Strategies and Reports.....	16
4.0	CHARGING AREAS AND DEVELOPMENT SCENARIO	21
4.1	Analysis Area and Charge Area	21
4.2	Development Conditions and Projections	21
4.3	Residential Sector	22
4.4	Retail Sector	22
4.5	Commercial Sector.....	23
4.6	Industrial Sector.....	24
4.7	DCP Demand Units.....	25
4.8	Total Demand Units	26
5.0	INFRASTRUCTURE PROJECTS.....	27
5.1	Projects Included in the DCP.....	27
5.2	Project Timing and Delivery	34
5.3	Other Conditions and Contributions.....	34
6.0	DEVELOPMENT CONTRIBUTION LEVIES	35
6.1	Calculation Method.....	35
6.2	Nexus and Apportionment Process.....	35
6.3	Project Catchments.....	35
6.4	DCP Levies.....	37



6.5	Indexation of DCP Levies	39
6.6	Summary of DCP	39
7.0	PROCEDURAL MATTERS	40
7.1	Collecting Agency and Development Agency	40
7.2	Liability for Development Contributions	40
7.3	Payment of Development Contributions	40
7.4	Charge Areas	41
7.5	Exemptions	41
7.6	Funds Administration	42
7.7	Funding the Gap	42
7.8	Annual Reporting	43
7.9	DCP Review	43
7.10	DCP Projects Deemed Not Required	43
Appendix A : INFRASTRUCTURE PROJECT DETAILS		46
Appendix B : EQUIVALENCE RATIOS		53
Appendix C : INFRASTRUCTURE PROJECT CALCULATIONS		54
Appendix D : DEMAND UNIT AND LAND USE DEFINITIONS		60
Appendix E : ANNUAL REPORTING REQUIREMENTS		63
1.0	INTRODUCTION	4
1.1	Background	4
1.2	Purpose of the DCP	4
1.3	Acknowledgement	5
1.4	DCP Area	5
2.0	INFRASTRUCTURE FUNDING PRINCIPLES	7
2.1	Context	7
2.2	DCP System in Victoria	7
2.3	Infrastructure Subject to this DCP	8
2.4	Cost Apportionment Principles	8
3.0	STRATEGIC BASIS FOR THE DCP	10
3.1	Policy Directions	10
3.2	Council Plan	10
3.3	Darebin Planning Scheme (Municipal Strategic Statement)	10
3.4	Plan Melbourne 2017-2050	11
3.5	Capital Works Program and DCP Infrastructure Project List	13
3.6	Other Policies, Strategies and Reports	13
4.0	CHARGING AREAS AND DEVELOPMENT SCENARIO	18
4.1	Analysis Area and Charge Area	18
4.2	Development Conditions and Projections	18
4.3	Residential Sector	19



4.4	Retail Sector	19
4.5	Commercial Sector	20
4.6	Industrial Sector	21
4.7	DCP Demand Units	22
4.8	Total Demand Units	23
5.0	INFRASTRUCTURE PROJECTS	24
5.1	Projects Included in the DCP	24
5.2	Project Timing and Delivery	30
5.3	Other Conditions and Contributions	30
6.0	DEVELOPMENT CONTRIBUTION LEVIES	31
6.1	Calculation Method	31
6.2	Project Catchments	31
6.3	DCP Levies	31
6.4	Indexation of DCP Levies	33
6.5	Summary of DCP	33
7.0	PROCEDURAL MATTERS	34
7.1	Collecting Agency and Development Agency	34
7.2	Liability for Development Contributions	34
7.3	Payment of Development Contributions	34
7.4	Charge Areas	35
7.5	Exemptions	35
7.6	Funds Administration	36
7.7	Funding the Gap	37
7.8	Annual Reporting	37
7.9	DCP Review	37
7.10	DCP Projects Deemed Not Required	38
	Appendix A - INFRASTRUCTURE PROJECT DETAILS	40
	Appendix B - EQUIVALENCE RATIOS	47
	Appendix C - INFRASTRUCTURE PROJECT CALCULATIONS	48
	Appendix D - DEMAND UNIT AND LAND USE DEFINITIONS	53
	Appendix E - ANNUAL REPORTING REQUIREMENTS	56

Tables

Table 1: Summary of Selected Policies, Strategies and Reports	1613
Table 2: Summary of Residential Dwelling Projections	2219
Table 3: Summary of Retail Floorspace Projections	2320
Table 4: Summary of Commercial Floorspace Projections	2421



Table 5: Summary of Industrial Floorspace Projections	2522
Table 6: Equivalence Ratios.....	2522
Table 7: Summary of Projects.....	2724
Table 8: List of DCP Projects	2724
Table 9: DCP Levies (30 June 2019\$)	3832
Table 10: DCP Summary	3933
Table 11: Strategic Basis of Projects and Cost Estimate Source.....	4640
Table 12: DCP Project Calculations	5448

Figures

Figure 1: Darebin Development Contributions Plan 2019 Area	96
Figure 2: Darebin Strategic Framework Plan.....	1512
Figure 3: DCP Project Locations	3229



1.0 INTRODUCTION

1.1 Background

The City of Darebin incorporated a Development Contributions Plan (DCP) within its Planning Scheme in 2004. The DCP covered the whole municipality (using 225 separate charge areas) and committed to deliver around \$78m in new infrastructure in the categories of roads, traffic & road safety, drains, open space and buildings. The DCP was expected to recover around 12% of committed expenditure from new development (with 88% being funded from other Council sources). The DCP levies ranged from \$42 per dwelling to \$3,987 per dwelling, with the average levy being \$852 per dwelling. The 2004 DCP has now ceased in terms of collection of levies but remains within the Planning Scheme in order to allow the expenditure of collected funds on the Darebin Multi-Sport Stadium project.

Darebin City Council seeks to develop a new 2019 DCP. The City has a significant capital works expenditure challenge, which includes keeping pace with new demands generated by a growing resident and workforce population.

As part of prudent financial management, the City seeks to recover a fair share of income from new development as a contribution towards selected infrastructure items that will be used by new development.

1.2 Purpose of the DCP

The purpose of this DCP is to list needed infrastructure items Darebin City Council will deliver over the next two decades (to the end of 2041) and nominate levies that will be applied to new development over the DCP timeframe using the state government's approved cost apportionment method.

The method 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.

This DCP has been developed in accordance with relevant legislation, directions and guidelines to:

- Identify the infrastructure and facilities needed within the City of Darebin to meet contemporary standards and community expectations of service delivery
- Apportion the cost of the required infrastructure over likely users of the infrastructure to the end of the planning horizon, being 2041 in this DCP
- Determine the levy for all development types
- Explain the method of DCP preparation and levy calculation
- Document DCP payment and administrative procedures.



The Darebin Development Contributions Plan (DCP) 2019 applies to all land and new development within the City of Darebin, unless specific exemptions apply.

1.3 DCP Area

The area to which the Darebin Development Contributions Plan (DCP) 2019 applies is shown in Figure 1 below. The DCP Area is divided into 16 separate charging areas for the purpose of this DCP.

1.3.1.4 Acknowledgement

This document has been prepared by HillPDA with the assistance of Darebin City Council officers. Council officers provided infrastructure project information and advice regarding project specifications and selection. Council officers also assisted with charge area development and project catchment selection.

1.5 DCP and Strategic Redevelopment Sites

The DCP applies to strategic redevelopment sites as it does any other land or development in the municipality (if not listed in DCP exemptions). Any site may have site-specific conditions (and / or legal agreements) for infrastructure in kind or contributions that relate specifically to the development on site, whether it be a small housing subdivision to a large strategic redevelopment site.

In addition to site-specific conditions, the Darebin municipal DCP would apply to each non-exempt site / development to help deliver community-wide infrastructure that is committed for delivery by Council, as listed in the DCP. This is the same model that has applied in Victoria since DCP legislation was enacted in 1995. No variation to this approach is proposed in this DCP.

It is noted that some strategic redevelopment sites may have more than one land owner and therefore cost sharing for site-specific works may be needed. Such localised cost-sharing could be addressed by a legal agreement or in some cases a DCP cost apportionment approach could be used. If the latter is the case, the "site-specific" DCP would address site-specific infrastructure that is separate to the Darebin municipal DCP. Such land would be covered by both the site-specific DCP and Darebin Municipal DCP, or alternatively, site-specific conditions/legal agreement and Darebin Municipal DCP. The outcome is the same albeit via different mechanisms.

1.6 Interrelationship with Other DCPs and Exemptions

As outlined in section 1.5, other DCP overlay schedules can be used with this municipal DCP because it is possible for multiple DCP overlays to apply to land. This would be the case should the site-specific DCP proposed by the Victorian Planning Authority for the Preston Market precinct come into effect.



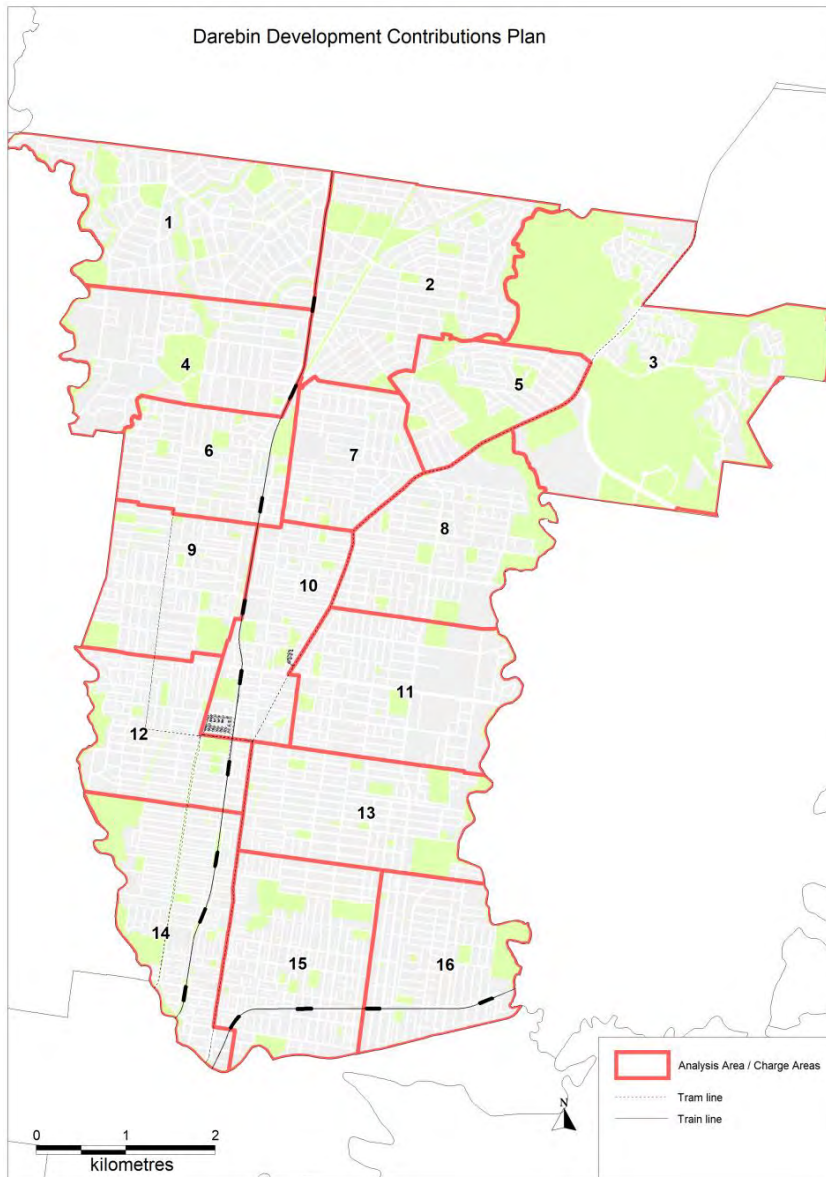
The exemptions that apply to this municipal DCP are listed in Section 7.5. These are drawn from Ministerial Directions and other exemptions and clarifications that are used in DCPs across the state. While it is not possible to detail the exemptions that will apply to potential future site-specific DCPs, consistency between DCPs is generally desirable and all DCPs must include exemptions specified by Ministerial Direction, such as social housing and non-government schools. There is no need to list any other DCP in the exemptions for this municipal DCP because it relates to a unique list of infrastructure that is not captured in any other existing or proposed DCP.

1.41.1 DCP Area

The area to which the Darebin Development Contributions Plan (DCP) 2019 applies is shown in Figure 1 below. The DCP Area is divided into 16 separate charging areas for the purpose of this DCP.



Figure 1: Darebin Development Contributions Plan 2019 Area





2.0 INFRASTRUCTURE FUNDING PRINCIPLES

2.1 Context

A Development Contribution Plan (DCP) is a mechanism used to levy new development for contributions towards planned infrastructure needed by the community.

As part of the implementation of Darebin's land use and development planning framework, Council will collect development contributions from new development through an approved DCP, which is contained within the Planning Scheme. The funds collected will be used to help deliver the nominated infrastructure projects in the DCP.

2.2 DCP System in Victoria

This DCP has been prepared in accordance with the Victorian Government's approved DCP system, which is defined by the following legislation and directions.

Planning and Environment Act 1987

The Planning and Environment Act 1987, Part 3B states the purpose of a Development Contributions Plan for 'levying contributions for the provisions of works, services and facilities'. The Act sets out the broad structure and requirements for a DCP.

According to the Act, projects are classified as either:

- Development infrastructure (DI); or
- Community infrastructure (CI).

Development infrastructure is defined as infrastructure required for basic community health, safety or wellbeing. This may involve roads, paths, drainage and basic community infrastructure items.

Community infrastructure includes construction of all other buildings or facilities used for community or social purposes. Some community facilities are defined by Ministerial Direction as Development Infrastructure for DCP purposes. This includes kindergartens, childcare centres and maternal and child health care facilities.

The Act states the Community Infrastructure Levy is capped (currently at \$1,190 per dwelling for the 2019-20 financial year).

No cap applies to the Development Infrastructure Levy.

Ministerial Direction on the Preparation and Content of Development Contributions Plans and Ministerial Reporting Requirements for Development Contributions Plans, Minister for Planning, 11 October 2016

The Ministerial Direction has two parts. The first gives direction on the preparation and content of development contributions plan, with a focus on defining Development Infrastructure and Community Infrastructure. The second sets out the requirements for annual DCP reporting.



Development Contributions Guidelines 2007 (State of Victoria)

The document provides detailed guidance on the method to prepare a full cost apportionment DCP. The Guidelines provide principles, information and examples.

Building Act 1993

The Act requires Building Surveyors to ensure any Planning Scheme requirement is met before issuing a building permit. This includes enforcing the payment of a Community Infrastructure Levy and / or a Development Infrastructure Levy to Council under a DCP.

Past Practice

This DCP has been prepared with regard to similar adopted DCPs over the past two decades. This includes consideration of Planning Panel recommendations and past peer reviews of the methodology used to prepare similar municipal DCPs.

2.3 Infrastructure Subject to this DCP

In accordance with the DCP system as summarised above, the types of projects that are able to be funded through a DCP must be 'capital works', which can be defined as:

- A new item of infrastructure
- An upgrade to the standard of provision of an existing infrastructure asset or facility
- An extension to an existing asset or facility
- The replacement of an infrastructure item after it has reached the end of its economic life.

To determine infrastructure projects that are included in the DCP, the infrastructure must be used by a broad cross section of the community and serve a neighbourhood sized catchment area or larger area.

The types of infrastructure projects that may be included within a DCP must be either:

- Basic to health, safety or well-being of the community, or
- Consistent with the community expectations of what is required to meet its health, safety or well-being.

The infrastructure projects that are covered in this DCP are roads, paths (i.e. streetscape or urban design works) and community facilities.

2.4 Cost Apportionment Principles

The overarching objective of the DCP is to ensure that there is a reasonable nexus between development and infrastructure.

Nexus is defined as occupants of or visitors to a development site being likely users of specified infrastructure, as defined by DCP Guidelines 2007. This is assessed having regard to the 16 DCP Areas as the basis for defining the catchment area for each infrastructure project.



The cost of a project is apportioned to all total demand units within its catchment area to the end of the DCP timeframe (2041). An allowance is made for external usage of infrastructure from outside the catchment area and from beyond the time horizon of the DCP.

This means that the cost of infrastructure is allocated to:

- Existing development - the share of cost attributed to existing development is paid by Council given there is no means by which to charge such development
- External demand allowance - the share of cost that is attributed to external demand is paid by Council on behalf of such users of infrastructure
- New Development - will pay its share of the cost of infrastructure via the planning and / or building permit process.

Section 6 of this document explains in more detail how the above principles are applied to generated DCP levies.



3.0 STRATEGIC BASIS FOR THE DCP

3.1 Policy Directions

Overarching policy directions with respect to land use and development are provided by the Council Plan, Planning Scheme and the related state planning strategy (Plan Melbourne). These documents are summarised below.

3.2 Council Plan

Council has adopted the 2017-2021 Council Plan, which has the overarching vision for “A greener, bolder, more connected city”.

The Council Plan outlines goals, supported by a range of specific actions, to create a sustainable city, improve community wellbeing, facilitate high-quality sustainable development, support economic diversity, and lead on equity and community diversity.

The creation of a development contributions scheme is identified as a ‘Big Action’ in the Council Plan.

3.3 Darebin Planning Scheme (Municipal Strategic Statement)

The Strategic Vision for Darebin is set in the MSS as “Darebin, the place to live” which is to be realised through Council’s mission of “Working with our diverse community to build a sustainable and liveable city”.

More specific goals are as follows:

- A vibrant city and innovative economy, with physical infrastructure that is both well maintained and appropriately regulated.
- A physical, social and economic environment that supports and enhances community health and wellbeing.
- A safe, inclusive and equitable community where all feel socially well connected, respected and valued.
- Sustainable and resilient neighbourhoods as part of achieving rapid transition to an environmentally sustainable city.
- A thriving artistic and creative culture that supports economic prosperity and enhances social connections, sense of inclusion, pride of place, and cultural tourism.

A Strategic Framework Plan is provided to identify the general pattern for land use and development that reflects the Strategic Vision. This includes:

- Enhanced network of activity centres, with preferred economic and land use roles
- Distinctive and attractive strategic corridors in response to different physical contexts



- Regionally-significant land uses to support and intensify, including La Trobe University, Melbourne Polytechnic and areas within the Emerging La Trobe Employment Cluster
- Areas identified as strategic locations to maximise opportunities for 'urban intensification' through higher density building forms accommodating a range of residential and commercial uses
- Industrial zoned areas that will provide a key employment and value- added role
- Major landscape features to be protected and enhanced, including areas of biological significance, regionally significant recreational open space and key vistas
- Major transport links and future priorities for transport infrastructure investment
- Relationships and access to key destinations in adjoining municipalities to achieve mutual benefits for the community.

The Strategic Framework Plan is shown overleaf.

3.4 Plan Melbourne 2017-2050

Plan Melbourne is the metropolitan planning strategy. It identifies areas of state significance and areas of local significance.

Darebin forms part of the Northern Sub-Region of Melbourne and is noted to have activity centres, employment areas, community facilities and transport corridors. Major Activity Centres in the municipality are Northcote, Preston-High Street, Preston-Northland and Reservoir. These areas are planned to be a focus for growth and change.

Darebin - along with state government, Banyule City Council, La Trobe University and Austin Health – are also planning the delivery of the La Trobe National Employment and Innovation Cluster. The cluster has strengths in education, research, health and retail.



Figure 2: Darebin Strategic Framework Plan



Source : Darebin Planning Scheme



3.5 Capital Works Program and DCP Infrastructure Project List

The list of projects included in this DCP has been prepared based on Council's long-term capital works program and the specific principles, criteria and guidelines under the established DCP system (refer 2.2 DCP System in Victoria). Darebin's long-term capital works program is guided by Council and community priorities, the directions and outcomes outlined in Council's adopted strategies and policies, and forecast resourcing and delivery capacity.

3.6 Other Policies, Strategies and Reports

Documents that provide more specific direction or information on selected topics, many of which have development and / or infrastructure implications, are summarised below.

Documents that specifically relate to DCP projects are listed in Appendix A.

Table 1: Summary of Selected Policies, Strategies and Reports

Document	Summary
Northcote Activity Centre Structure Plan - April 2007	The Northcote Activity Centre Structure Plan has been prepared to guide the future development of the Northcote Activity Centre as a designated Major Activity Centre.
Plenty Road Integrated Land Use and Transport Study - March 2013	The City of Darebin sees opportunities to support more efficient, accessible and reliable public transport, and provide opportunities for housing revitalisation and supporting commercial activities along Plenty Road. At present, Plenty Road has a number of distinct areas that require tailored responses. The recommendations of this report reflect these distinct areas to set a preferred future for Plenty Road.
Preston Central Structure Plan - September 2006	The Preston Central Structure Plan sets out objectives and initiatives for the activity centre to strengthen its role as the main focus for community activity, independent shops and civic and business services for the northern suburbs, while supporting it to become more socially inclusive, economically prosperous and environmentally sustainable.
Reservoir Structure Plan - August 2012-2030	The Reservoir Structure Plan has been prepared to guide future land use and development in the Reservoir Major Activity Area.
Road Management Plan 2013-2017	The Road Management Plan is a comprehensive document that describes Darebin's policies, practices & standards for maintaining the existing road assets, the processes relating to road asset maintenance and the responsibilities of Council Managers and other authorities .
Libraries Strategy 2014-2019	The Libraries Strategy proposes a new vision and mission statement for Darebin Libraries along with four overarching goals to guide and focus decision making. The Strategy also includes an action plan divided into six key result areas to ensure the goals are achieved and can be measured.
Community Safety Strategy 2012-2016	The Darebin Community Safety Strategy will respond to local issues and focuses on groups that are at greater risk of actual or perceived safety concerns. Best practise strategies that address social and environmental factors will be implemented in partnership with the community and service providers to prevent crime and enhance perceptions of safety.
Early Years Infrastructure Plan 2011-2031	The Early Years Infrastructure Plan provides a local area service mapping and infrastructure audit identifying opportunities and timeframes for facility development. The plan details strategic recommendations around infrastructure



Document	Summary planning based on demographic research and population projections for the coming 20 years.
Heatwave Strategy 2013-2017	Benefits of heatwave planning in Darebin will include information distribution, increased understanding of heat risks and preventing heat related harms, the development of partnerships to respond to Darebin's community, increasing Darebin's community's capacity to improve health and safety and the development of sustainable behaviours to reduce climate change and minimise the impacts of heatwaves.
Leisure Strategy 2015-2020 Action Plan - October 2015	The Leisure Strategy 2015-2020 Action Plan is a detailed document that identifies projects and tasks which will enable Council to build upon the achievements delivered through Darebin's 2010-2014 action plan; and successfully deliver the Leisure Strategy 2010-2020 - a ten-year plan which provides a broad framework and vision for identifying and addressing the key leisure needs of the Darebin community. Council has developed this document in consultation with Darebin's key stakeholders, to ensure the document reflects the community's priorities for sport and recreation in Darebin.
Bundoora Park Precinct Master Plan - April 2013-2025	The Bundoora Park Precinct Master Plan identifies a vision for the precinct and associated actions including advocacy to other levels of government. Implementation of the master plan will lead to enhanced facilities with greater usage by and engagement with the community.
Donath and Dole Reserves Master Plan - August 2014	The purpose of the Master Plan project for Donath and Dole Reserves is to discuss/document existing values, opportunities, constraints and design principles, as understood through the analysis and consultation process, prepare a visual master plan showing areas for upgrade/actions and future 'blue sky' goals; and develop a series of realistic actions prioritised and laid out over 5 years.
Development Contributions Plan June 2003 (Revised 2015)	The Development Contribution Plan is a municipality wide charge scheme which requires developers to contribute to public infrastructure. The Renewal project aims to revise the current Development Contributions Plan in accordance with updated infrastructure projects and population forecasts, amend the Development Contributions Plan Overlay in the Darebin Planning Scheme to enable the continued collection of development contributions, and develop an effective model to efficiently manage the development contributions collected. The project will also simplify the Charge Area boundaries and include an exemption for all dwelling extensions and replacement dwellings.
Asset Management Strategy - May 2015-2019	The objectives of the Asset Management Strategy are to provide a way forward for Council to meet its responsibility for the stewardship of its public assets, to ensure that all residents have equal access to all public assets and to enable the delivery of sustainable and effective services, programs and activities that contribute to Darebin's quality of life.
Building Asset Management Plan - August 2007-2010	The purpose of the Building Asset Management Plan (BAMP) is to ensure Council's Building Assets fulfil their intended purpose and life expectancy at the most economical cost to the community. The plan balances financial, engineering, and technical practices with community expectations to achieve this purpose. The BAMP will be reviewed 3 years from the adoption of this version, building in improvements achieved over that time.
Property Asset Management Strategy - May 2014	The Property Asset Management Strategy sets out a strategic view of Council's property management activities. This Property Asset Management Strategy provides a 'whole of Council' view of the management of property assets. It sets out a structure and guiding principles for the alignment of the Council's property



Document	Summary asset portfolio with service delivery objectives, through the development of service asset strategies that identify each service's property requirements.
Cycling Strategy 2013-2018	The Darebin Cycling Strategy is Darebin Council's five-year plan to create a culture of cycling by making riding in the City of Darebin enjoyable, relaxing and safe, and by making Darebin a place where using a bicycle is the best travel option for short and medium trips for most people.
GreenStreets Streetscape Strategy 2012-2020	The GreenStreets Streetscape Strategy 2012-2020 sets the strategic vision for street tree planting in Darebin while considering contemporary issues such as increasing urban population, climate change, urban habitat creation, urban food production, varied species selection, water security, Melbourne @5million as well as other Council strategies and policies. This strategy also contains a revised Nature Strip Policy to guide and direct the development of nature strips by residents and developers.
Junction Urban Master Plan : From Pavement to Place - March 2014	The Junction Urban Master Plan (JUMP) has been developed by Darebin Council in partnership with the community to improve the liveability and attractiveness of public space and streetscapes in the Junction. 'The Junction' refers to the area in Preston generally bound by Bell Street to the north, Plenty Road to the east, Dundas Street to the south and Railway Place to the west. The Master Plan presents a vision to transform the Junction over the next ten years into a place that is green, community focused and memorable for its street life and unique urban feel.
Open Space Asset Management Plan - February 2010-2014	The purpose of the Open Space Asset Management Plan (OSAMP) is to ensure Council's Open Space Assets fulfil their intended purpose and life expectancy at the most economical cost to the community.
Playspace Strategy - July 2010-2020	The Playspace Strategy is the major planning document for playspace provision across the Municipality. The Playspace Strategy is both a review of the previous Playground Strategy and establishes a move for Council to deliver playspaces rather than just play equipment into the future. This strategy is intended to inform and guide the strategic development of the more than 130 Council playspaces in public parks, children's services centres, and neighbourhood houses within the City over a 10-year period.
Public Toilet Strategy 2015-2025 - April 2016	The Public Toilet Strategy outlines for the community how Darebin City Council manages Darebin's public toilets. The Strategy will guide Council staff and policy makers to prioritise, implement and upgrade the network of public toilets throughout the Municipality. This includes facilities within a sports ground, sports pavilion, playspace, public open space, public building, streetscape master plan or open space Master Plan. It should guide capital works submissions and provide a clear answer to public requests about public toilets.
Reservoir Streetscape Master Plan - September 2014	The Reservoir Streetscape Master Plan will assist in making Reservoir a more attractive and accessible place to live, work, socialise, visit and invest. The Reservoir Streetscape Master Plan looks at beautifying the Reservoir Activity Centre. The study area will extend from Crompton Street / Edwardes Street in the west, to Whitelaw Street / Broadway in the east.
Transport Strategy October 2007-2027	The Darebin Transport Strategy (DTS) identifies and outlines eight key objectives to guide future decisions about transport in Darebin. The objectives are: To improve local and metropolitan accessibility; To increase the role of sustainable transport modes; To build new developments that reduce transport demands; To increase social inclusion for residents; To improve health and environmental outcomes; To improve community safety; To integrate quality urban design, economic



Document	Summary development and access; and To engage stakeholders through effective communication.
Transport Strategy October 2007-2027 Review - Appendix 1 - December 2015	The DTS is Darebin’s plan for managing transport and traffic throughout the municipality over a 20-year period. Since the release of the Darebin Transport Strategy (DTS) in 2007, a number of changes have occurred at a local and state government level. Acknowledging the changing demographics in Darebin, Council resolved to review the DTS and prepare an addendum report summarising any changes to the policies and actions.
Walking Strategy 2018-28	The Darebin Walking Strategy specifically focuses on pedestrians and the pedestrian network and considers how to shift towards more sustainable travel, make walking a viable means of transport and what features streets and footpaths should have to encourage more walkers. It includes the development of a Principal Pedestrian Network (PPN) that highlight prioritised routes and footpaths in Darebin.
Safe Travel Strategy 2018-2028	The Darebin Safe Travel Strategy considers the impact on safety and vulnerability of all road users, with pedestrians and cyclists identified as being the most vulnerable and having the lowest road safety impact on others. It reflects the move towards a high uptake of lower impact modes of transport (walking and cycling) in Darebin and uses an innovative approach to protect these vulnerable road users and make Darebin a safer place.
Breathing Space: The Darebin Open Space Strategy (2019)	The strategy provides the overarching framework and strategic direction for open space planning in the City of Darebin. The strategy reviews the municipality’s existing public open space network and provides the strategic basis for Council’s future open space needs.
Health and Wellbeing Plan 2017-2021	Council has been and continues to work to address the social determinants of health across many of its existing policies and service delivery areas, including the recognition of the impact of the built environment’s effect on people’s wellbeing and health. This new Plan builds on Council’s existing policies, practice and relationships with partner organisations.
Strategic Resource Plan 2019-2023	The Strategic Resource Plan (SRP) 2019-2023 is a plan of the resources for at least the next four years required to achieve the strategic objectives in the Council Plan. The SRP informs the preparation of the budget which is a plan that describes the services and initiatives to be funded and how they will contribute to the achieving the strategic objectives in the Council Plan.
Darebin Outdoor Sports Infrastructure Framework (June 2020)	The Darebin Outdoor Sports Infrastructure Framework aims to help guide and inform future capital contributions for redevelopment. The framework makes use of previously completed audit reports, relevant policies and frameworks and findings from site visits
Road Asset Management Plan - June 2016	The purpose of the Road Asset Management Plan (RAMP) is to ensure that Council’s Road Assets fulfil their intended purpose and life expectancy at the most economic cost to the community. The RAMP balances engineering, technical practices, financial and community expectations to achieve this purpose.
Climate Emergency Plan - 2017-2022	Darebin’s Climate Emergency Plan outlines the leadership, advocacy and mobilisation directions this Council is taking to respond urgently, and at the scale required to address the climate emergency.
Darebin Creative and Cultural Infrastructure Framework 2017	This report provides Council with a framework for arts and culture, with a view to providing strategic direction on the delivery of creative and cultural infrastructure, a decision-making tool for Council to use to prioritise investment and to build a network of partners for infrastructure delivery. The framework includes assessment of the following sectors (as defined by the



Document	Summary
	<p>Victorian Creative Industries Taskforce, 2015): museums, environmental heritage, libraries and archives, literature and print media, performing arts, design, broadcasting, electronic or digital media or film, music composition and publishing, visual arts and crafts, fashion, cultural goods, manufacturing & sales and supporting activities.</p>
<p>A Joint Community Infrastructure Plan for the La Trobe National Employment and Innovation Cluster, 2017</p>	<p>The JCIP seeks to integrate community infrastructure planning and provision within the Darebin Creek corridor and surrounds to respond to the future growth of the La Trobe National Employment and Innovation Cluster. Short term initiatives include:</p> <ul style="list-style-type: none"> • Create better connections; • Develop Joint Community Facilities, • Undertake La Trobe University Sports Precinct projects; • Boost the role of the creek system to accommodate a number of different functions that contribute to social and economic well-being.
<p>Access and Inclusion Plan 2015- 2019 - Master Document - March 2015</p>	<p>The Access and Inclusion Plan builds on Darebin's vision to make the Municipality a more liveable, accessible and inclusive place, and to reduce the social barriers experienced by people with a disability. During its lifetime, this Plan will support Darebin staff to provide equitable and dignified access to all parts of community life in keeping with the Disability Discrimination Act 1992.</p>
<p>Access and Inclusion Plan 2015- 2019 - Action Plan - March 2015</p>	<p>The Access and Inclusion Action Plan will help Council make sure that Darebin's services, processes and facilities meet the needs of people with a disability. It also helps Council raise the voice of the community of Darebin. The Plan was developed through community engagement with Council Advisory Committees; disability agencies; community groups, children and young people, and people with a disability and carers.</p>
<p>Active Healthy Ageing Strategy 2011-2021</p>	<p>The Active and Healthy Ageing Strategy describes Council's approach to start building Darebin's community over the next 10 years to be an 'Age Friendly City', one that fully embraces and celebrates older people and values their wisdom and contribution. This is in line with The World Health Organisation which describes an Age Friendly City as having policies, services, settings and structures that support and enable people to age actively and respectfully.</p>
<p>Housing Strategy 2013-2033 - September 2014</p>	<p>The Housing Strategy 2013-2033 will guide Council's role in relation to housing issues and ensure that Darebin is well placed to respond to the range of housing issues as well as meet the needs of its diverse and changing population. The Strategy forms part of an integrated architecture of Council policies that span land use, environment, social and cultural realms to ensure that Darebin's residential neighbourhoods continue to meet the changing needs and expectations of Darebin's community.</p>



4.0 CHARGING AREAS AND DEVELOPMENT SCENARIO

4.1 Analysis Area and Charge Area

This DCP has 16 analysis areas and charging areas, being the areas shown in Figure 1 above. DCP area definitions follow:

- DCP area - This is the total area covered by a DCP Overlay in the Planning Scheme.
- Analysis area - This area is used to define infrastructure project catchments in a DCP, separately for each project. A project catchment can be the whole DCP area or part of it. An analysis area is the smallest potential project catchment. Multiple analysis areas can be aggregated to define larger catchments for infrastructure projects that have larger catchments.
- Charge area - This is an area for which a unique DCP charge is set in the Planning Scheme. In most cases and in this DCP, charge areas are exactly the same as analysis areas.

The areas are suburb-based data areas within the municipality and include the Preston Activity Centre area. The DCP Areas are deemed small enough to represent a community of interest and avoid the prospect of serious cross-subsidisation within the context of DCP cost apportionment.

Development in the DCP Areas will be required to pay a contribution in accordance with estimated share of use of the scheduled infrastructure. The scheduled infrastructure is assessed to service users outside of the DCP Areas to some extent. As such, a nominal allowance for the cost attributable to external use is discounted from the DCP calculations to ensure development within the DCP Area is charged fairly.

4.2 Development Conditions and Projections

The development data is provided for the period 2021 to 2041, which is defined as the end state of the DCP.

The data is based on actual observed conditions for data points (i.e. 2010, 2016 and 2020) and the projections method shown in this part of the report for the 2041 period, for residential, retail, commercial and industrial land uses.



4.3 Residential Sector

Dwelling projections have been generated for a 20-year period for the purpose of the DCP, that is, 2021 to 2041.

The dwelling projections shown in Table 2 have been based on Forecast id data with trend extrapolations and checked against Victoria in Future 2019 data.

Dwelling distribution is generally channelled towards the Preston, Northcote, Northland and Reservoir structure plan areas.

Table 2: Summary of Residential Dwelling Projections

Area No.	Area Name	2021	2041
Area 01	Reservoir (Merrilands)	4,038	4,952
Area 02	Reservoir (Cheddar)	6,567	8,414
Area 03	Bundoora - Macleod	3,217	4,815
Area 04	Reservoir (Edwardes Lake)	3,256	4,281
Area 05	Kingsbury	2,382	2,990
Area 06	Reservoir (Edwardes Lake)	3,317	4,265
Area 07	Reservoir (Oakhill)	3,000	3,926
Area 08	Reservoir (Oakhill)	4,769	6,694
Area 09	Preston (West)	4,307	5,715
Area 10	Preston Activity Centre	4,962	8,082
Area 11	Preston (East)	3,033	4,344
Area 12	Thornbury (West)-Preston (West)	4,915	7,233
Area 13	Thornbury (East)	5,673	7,261
Area 14	Northcote (West)	6,404	8,995
Area 15	Northcote (East)	7,109	9,022
Area 16	Fairfield-Alphington	4,042	5,322
Total		70,991	96,311

Source: Population and household forecasts, .id Consulting; HillPDA

4.4 Retail Sector

The retail sector includes uses such as shops, cafes, restaurants, supermarkets, shopping complexes, convenience stores and other similar activities. The retail audit excludes industrial and commercial uses.

Council's rates databases for the years 2010, 2016 and 2020 were used to provide an audit of all retail floorspace located in each of the 16 Analysis Areas in the City of Darebin.

The total retail floorspace at each of these points in time were compared with the corresponding population in order to develop a ratio of retail floorspace per resident.



A ratio of retail floorspace per resident was adopted for the purposes of forecasting retail floorspace development in the City of Darebin over the DCP period. This was assessed against trends in past development and capacity of land to generate a future floorspace estimate.

For each DCP Analysis Area, the distribution of retail floorspace was allocated based on their share of total floorspace in the audit.

Overall, the estimated existing retail building stock of approximately 651,000 sqm in Darebin in 2021 is anticipated to expand to approximately 865,000 sqm in 2041.

Table 3: Summary of Retail Floorspace Projections

Area No.	Area Name	2021	2041
Area 01	Reservoir (Merrilands)	6,112	8,112
Area 02	Reservoir (Cheddar)	9,970	13,232
Area 03	Bundoora - Macleod	16,309	21,645
Area 04	Reservoir (Edwardes Lake)	21,214	28,156
Area 05	Kingsbury	5,487	7,282
Area 06	Reservoir (Edwardes Lake)	11,766	15,616
Area 07	Reservoir (Oakhill)	23,978	31,823
Area 08	Reservoir (Oakhill)	123,858	164,384
Area 09	Preston (West)	12,292	16,314
Area 10	Preston Activity Centre	99,977	132,689
Area 11	Preston (East)	137,346	182,286
Area 12	Thornbury (West)-Preston (West)	27,560	36,577
Area 13	Thornbury (East)	23,009	30,537
Area 14	Northcote (West)	48,173	63,935
Area 15	Northcote (East)	54,115	71,821
Area 16	Fairfield-Alphington	30,175	40,048
Total		651,339	864,458

Source: Darebin City Council; HillPDA

4.5 Commercial Sector

Commercial floorspace includes office, health, education, civic, places of worship, commercial accommodation, banks and recreation uses.

The commercial floorspace audit and projections adopted a method similar to that shown for retail above. Alternative ratios were used, based on number of jobs and relationship of retail to commercial floorspace.

Overall, the estimated existing commercial building stock of approximately 881,000 sqm in Darebin in 2021 is anticipated to expand to approximately 1,169,000 sqm in 2041.



Table 4: Summary of Commercial Floorspace Projections

Area No.	Area Name	2021	2041
Area 01	Reservoir (Merrilands)	13,516	17,939
Area 02	Reservoir (Cheddar)	27,375	36,333
Area 03	Bundoora - Macleod	150,015	199,100
Area 04	Reservoir (Edwardes Lake)	103,040	136,754
Area 05	Kingsbury	10,130	13,444
Area 06	Reservoir (Edwardes Lake)	4,041	5,364
Area 07	Reservoir (Oakhill)	8,538	11,332
Area 08	Reservoir (Oakhill)	42,305	56,147
Area 09	Preston (West)	14,103	18,717
Area 10	Preston Activity Centre	130,425	173,100
Area 11	Preston (East)	131,941	175,112
Area 12	Thornbury (West)-Preston (West)	40,027	53,124
Area 13	Thornbury (East)	53,083	70,452
Area 14	Northcote (West)	55,271	73,355
Area 15	Northcote (East)	52,924	70,240
Area 16	Fairfield-Alphington	43,905	58,270
Total		880,639	1,168,785

Source: Darebin City Council; HillPDA

4.6 Industrial Sector

Council's rates databases for the years 2010, 2016 and 2020 were used to provide an audit of all building floorspace (by use) located in Darebin's industrial zones. The audit included industrial uses such as factories, warehouses, workshops, maintenance depots and other similar activities.

The industrial floorspace figures were compared to provide indicative take-up rates for each identified DCP Analysis Area over the data period. Vacant land stock by Analysis Area was estimated through an audit of Council's rates database. The amount of vacant Commercial 2 (C2Z), Industrial 1 (IN1Z) and Industrial 3 (IN3Z) zoned land in each Analysis Area was analysed, noting that land vacancy figures do not take into consideration constraints on existing vacant parcels such as access, easements and drainage. It is further noted that Areas 4 and 11 were the only DCP Analysis Areas to have more than one hectare of vacant land stock.

Site coverage ratios (i.e. floorspace to site area) were examined to define a future potential coverage ratio for vacant industrial land. For the purposes of projections, vacant land stock is assumed to achieve a 75% site coverage ratio in order to provide estimated future building projections and this result was compared against construction rates experienced between 2010 and 2020 to provide an indication of potential development.

Overall, the existing industrial building stock of approximately 1,401,000 sqm in the City is anticipated to expand to approximately 1,542,000 sqm in 2041.



Table 5: Summary of Industrial Floorspace Projections

Area No.	Area Name	2021	2041
Area 01	Reservoir (Merrilands)	0	0
Area 02	Reservoir (Cheddar)	293	293
Area 03	Bundoora - Macleod	0	0
Area 04	Reservoir (Edwardes Lake)	368,604	442,826
Area 05	Kingsbury	1,450	1,450
Area 06	Reservoir (Edwardes Lake)	3,727	3,727
Area 07	Reservoir (Oakhill)	1,472	1,472
Area 08	Reservoir (Oakhill)	274	928
Area 09	Preston (West)	1,964	1,964
Area 10	Preston Activity Centre	56,791	56,791
Area 11	Preston (East)	542,840	588,250
Area 12	Thornbury (West)-Preston (West)	36,594	42,250
Area 13	Thornbury (East)	91,102	98,376
Area 14	Northcote (West)	66,464	66,620
Area 15	Northcote (East)	19,784	20,261
Area 16	Fairfield-Alphington	209,986	216,747
Total		1,401,347	1,541,957

Source: Darebin City Council; HillPDA

4.7 DCP Demand Units

The common demand unit selected for this DCP is one dwelling.

The above development data has been used for DCP levy calculations.

The calculation process involved converting the land uses into common demand units in cases where more than one land use type is deemed a user of an infrastructure category for DCP purposes. This applies to roads and paths. Community facilities are linked to only residential development in a DCP.

The equivalence ratios for road and path infrastructure categories by the four land use types are shown below. The basis for these ratios is shown in Appendix B.

Table 6: Equivalence Ratios

	Residential	Retail	Commercial	Industrial
	dwelling units	sqm floorspace	sqm floorspace	sqm floorspace
Community Facility CFCI	1	-	-	-
Community Facility CFDI	1	-	-	-
Path PADI	1	75	50	500
Road RDDI	1	19	121	67

For example, this shows that 19 sqm of retail space is deemed to generate the same demand loading on the road system as does 1 dwelling. Therefore, if a development proposes 190 sqm



of retail space it would be assessed to have the same demand loading on the road system as 10 dwellings; that is, $190 \text{ sqm} / 19 = 10$ equivalent dwellings for the purposes of road use.

4.8 Total Demand Units

The next step is to determine total demand units for each category of infrastructure. The total demand unit figure is used to calculate the levy (i.e. it is the number to apportion costs over). This is determined by dividing the development data by the equivalence ratios. The total number of demand units for each project is shown in Appendix C.



5.0 INFRASTRUCTURE PROJECTS

5.1 Projects Included in the DCP

As noted above, numerous strategic studies have been undertaken in relation to the municipality over a number of years. Many of those studies have identified infrastructure projects, improvements and upgrades, and other initiatives to accommodate anticipated levels of new development, and to improve the overall appearance and function of the municipality. Of the list of projects, Council identified, some of the projects have been selected for inclusion in this DCP.

In total, the DCP comprises ~~702~~ projects with a value of ~~\$119,115.58m~~ as at June 2019.

Projects are coded DI or CI in this DCP. The Planning and Environment Act 1987 requires that infrastructure be classified under two categories:

- Development infrastructure (DI), or
- Community infrastructure (CI).

A summary of projects by category is shown below. Some community facility projects fall under Development Infrastructure and some under Community Infrastructure. All path and road projects are Development Infrastructure.

Table 7: Summary of Projects

Facility Type and Code	Total Cost	No. of Projects	Average Cost
Community Facility CFCI	\$94,630,278 \$98,465,918	1042	\$9,463,028 \$9,205,493
Community Facility CFDI	\$712,000 \$1,162,000	4	\$178,000 \$290,500
Path PADI	\$6,481,616	34	\$190,636
Road RDDI	\$13,690,697	22	\$622,304
Total	\$115,514,591 \$119,800,231	7072	\$1,650,208 \$1,663,892

~~It should be noted that the projects shown in this DCP do not overlap with Council's Open Space Levy. The Open Space Levy will not be used for funding of projects in this DCP or vice versa.~~

The list of projects is shown below. The location of projects included in the DCP is shown in Figure 3 below.

Table 8: List of DCP Projects

Project Number	Project Category	Project Name	Location	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)
1	BUILDINGS	Northcote Aquatic and Recreation Centre (NARC) Redevelopment	Northcote (East)	\$63,500,000	CFCI	Area 09 Area 10 Area 11 Area 12 Area 13 Area 14 Area 15 Area 16
2	BUILDINGS	Reservoir Leisure Centre (RLC) Redevelopment	Reservoir (Cheddar)	\$15,500,000	CFCI	Area 01 Area 02 Area 03 Area 04 Area 05 Area 06 Area 07 Area 08
3	BUILDINGS	Bill Lawry Oval Pavilion Upgrade	Northcote (East)	\$5,910,000	CFCI	Area 14 Area 15 Area 16



Project Number	Project Category	Project Name	Location	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)
4	BUILDINGS	KP Hardiman Reserve Hockey Pavilion Redevelopment	Kingsbury	\$3,457,000	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08
5	BUILDINGS	Moore Park South Pavilion Upgrade (female change)	Reservoir (Edwardes Lake)	\$1,373,000	CFCI	Area 01 Area 04 Area 06
6	LAND IMPROVEMENTS AND OPEN SPACE	KP Hardiman Synthetic Hockey Pitch Redevelopment and Lighting Upgrade	Kingsbury	\$1,789,278,300,000	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08
7	BUILDINGS	BT Conner-Main Pavilion Upgrade	Reservoir (Merrilands)	\$3,035,640	CFCI	Area 08 Area 09 Area 10 Area 11 Area 12
8	OPEN SPACE (recreation, leisure & community facilities)	Preston City Oval Lighting Renewal	Preston Activity Centre	\$460,000	CFCI	Area 01 Area 02 Area 03 Area 04 Area 05 Area 06 Area 07 Area 08 Area 09 Area 10 Area 11 Area 12 Area 13 Area 14 Area 15 Area 16
10	OPEN SPACE (recreation, leisure & community facilities)	McDonnell Reserve West Oval New Lighting	Northcote (East)	\$265,000	CFDI	Area 13 Area 15 Area 16
11	OPEN SPACE (recreation, leisure & community facilities)	John Hall Oval Lighting Upgrade	Kingsbury	\$397,000	CFDI	Area 02 Area 03 Area 05
12	OPEN SPACE (recreation, leisure & community facilities)	Moore Park North Lighting Upgrade	Reservoir (Edwardes Lake)	\$250,000	CFDI	Area 01 Area 04 Area 06
13	OPEN SPACE (recreation, leisure & community facilities)	John Cain Memorial West New Lighting	Thornbury (East)	\$265,000	CFCI	Area 11 Area 13 Area 15 Area 16
14	OPEN SPACE (recreation, leisure & community facilities)	KP Hardiman Reserve Hockey Lighting Upgrade	Kingsbury	\$289,278	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08
15	OPEN SPACE (recreation, leisure & community facilities)	IW Dole Reserve Lighting Upgrade	Reservoir (Cheddar)	\$250,000	CFDI	Area 02
17	BUILDINGS	LE Catchin Reserve Pavilion Upgrade (female friendly)	Reservoir (Merrilands)	\$576,000	CFCI	Area 01 Area 02 Area 04
19	BUILDINGS	Merrilands West Neighbourhood House Redevelopment	Reservoir (Merrilands)	\$1,800,000	CFCI	Area 01 Area 02
25	BRIDGES	Replace Kendal-Harding Bridge	Thornbury (West)-Preston (West)	\$1,700,000	PADI	Area 09 Area 12
50	CYCLEWAYS	Streets for People - Preston Activity Link	Preston (East)	\$250,000	PADI	Area 09 Area 10 Area 11
51	CYCLEWAYS	Cycling Facilities	Thornbury (East)	\$82,246	PADI	Area 10 Area 11 Area 12 Area 13



Project Number	Project Category	Project Name	Location	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)
52	CYCLEWAYS	Creek Corridor Shared Paths Audit (Darebin Creek)	Reservoir (Oakhill)	\$46,250	PADI	Area 08
54	FOOTPATHS	Pedestrian Crossings	Thornbury (West)-Preston (West)	\$350,000	PADI	Area 12
55	FOOTPATHS	Walking Initiatives - raised threshold	Reservoir (Edwardes Lake)	\$74,166	PADI	Area 04
56	FOOTPATHS	Walking Initiatives - raised intersection	Reservoir (Edwardes Lake)	\$63,125	PADI	Area 06
57	FOOTPATHS	Walking Initiatives - pedestrian crossing	Northcote (East)	\$36,250	PADI	Area 14 Area 15
58	FOOTPATHS	Walking Initiatives - raised threshold	Preston Activity Centre	\$84,166	PADI	Area 10
59	FOOTPATHS	Walking Initiatives - footpath	Northcote (East)	\$108,333	PADI	Area 15
60	FOOTPATHS	Walking Initiatives - pedestrian crossing	Northcote (East)	\$223,333	PADI	Area 15
61	FOOTPATHS	Walking Initiatives - pedestrian crossing	Preston Activity Centre	\$39,166	PADI	Area 10
62	FOOTPATHS	Walking Initiatives - pedestrian crossing	Northcote (East)	\$39,166	PADI	Area 15
63	FOOTPATHS	Walking Initiatives - pedestrian crossing	Reservoir (Edwardes Lake)	\$39,166	PADI	Area 06
64	FOOTPATHS	Pedestrian Crossings	Northcote (East)	\$365,000	PADI	Area 14 Area 15
65	FOOTPATHS	Pedestrian Crossings	Northcote (East)	\$258,333	PADI	Area 15
66	FOOTPATHS	Pedestrian Crossings	Thornbury (West)-Preston (West)	\$258,333	PADI	Area 12 Area 13
67	FOOTPATHS	Pedestrian Crossings	Northcote (West)	\$258,333	PADI	Area 13 Area 14
68	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Preston Activity Centre	\$100,000	PADI	Area 10
69	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Northcote (West)	\$84,167	PADI	Area 14
70	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Reservoir (Oakhill)	\$84,167	PADI	Area 08
72	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Northcote (West)	\$84,167	PADI	Area 14
73	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$154,166	PADI	Area 12
74	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$154,166	PADI	Area 12
75	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$154,166	PADI	Area 12



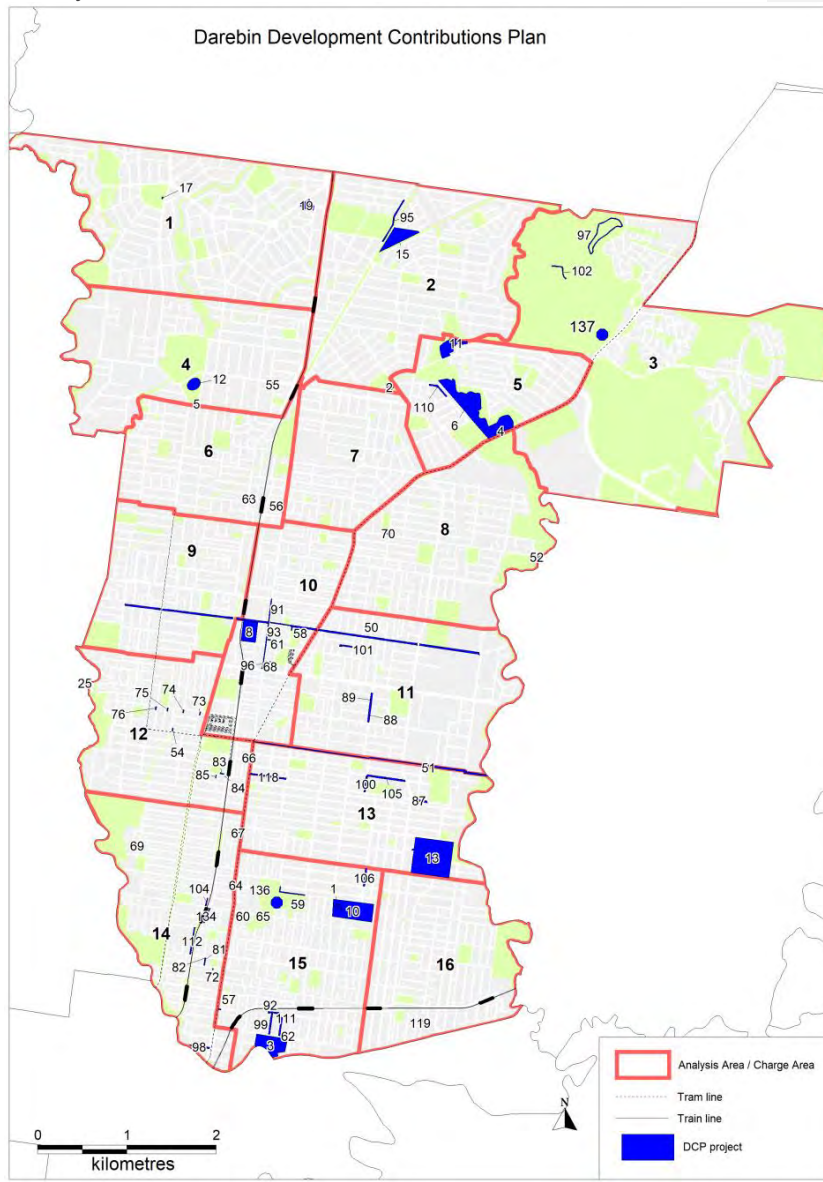
Project Number	Project Category	Project Name	Location	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)
76	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$154,166	PADI	Area 12
81	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Northcote (West)	\$74,167	PADI	Area 14
82	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Northcote (West)	\$84,167	PADI	Area 14
83	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$84,167	PADI	Area 12
84	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$84,167	PADI	Area 12
85	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	Thornbury (West)-Preston (West)	\$84,167	PADI	Area 12
87	ROADS	Road Rehabilitation Construction Program	Thornbury (East)	\$353,000	RDDI	Area 13
88	ROADS	Road Rehabilitation Construction Program	Preston (East)	\$1,000,000	RDDI	Area 11
89	ROADS	Road Rehabilitation Construction Program	Preston (East)	\$1,583,000	RDDI	Area 11
91	ROADS	Road Rehabilitation Construction Program	Preston Activity Centre	\$510,819	RDDI	Area 10
92	ROADS	Road Rehabilitation Construction Program	Northcote (East)	\$427,000	RDDI	Area 15
93	ROADS	Road Rehabilitation Construction Program	Preston Activity Centre	\$770,000	RDDI	Area 10
95	ROADS	Road Rehabilitation Construction Program	Reservoir (Cheddar)	\$828,439	RDDI	Area 02
96	ROADS	Road Rehabilitation Construction Program	Preston Activity Centre	\$1,650,000	RDDI	Area 10
97	ROADS	Road Rehabilitation Construction Program	Bundoora - Macleod	\$1,325,000	RDDI	Area 03
98	ROADS	Road Rehabilitation Construction Program	Northcote (West)	\$280,000	RDDI	Area 14
99	ROADS	Road Rehabilitation Construction Program	Northcote (East)	\$318,439	RDDI	Area 15
100	ROADS	Road Rehabilitation Construction Program	Thornbury (East)	\$335,000	RDDI	Area 13

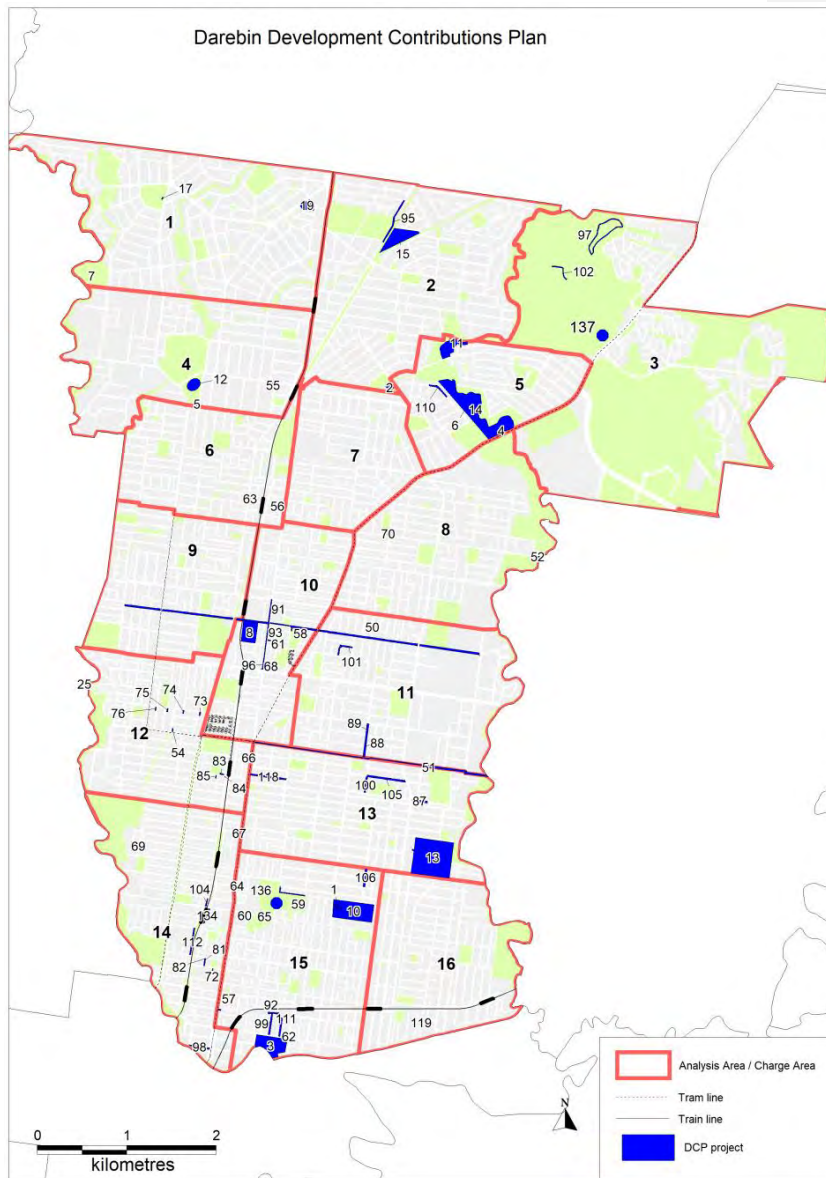


Project Number	Project Category	Project Name	Location	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)
101	ROADS	Road Rehabilitation Construction Program	Preston (East)	\$200,000	RDDI	Area 11
102	ROADS	Road Rehabilitation Construction Program	Bundoora - Macleod	\$325,000	RDDI	Area 03
104	ROADS	Road Rehabilitation Construction Program	Northcote (West)	\$250,000	RDDI	Area 14
105	Roads	Road Rehabilitation Construction Program	Thornbury (East)	\$610,000	RDDI	Area 13
106	ROADS	Road Rehabilitation Construction Program	Northcote (East)	\$825,000	RDDI	Area 13 Area 15
110	ROADS	Road Rehabilitation Construction Program	Kingsbury	\$400,000	RDDI	Area 05
111	ROADS	Road Rehabilitation Construction Program	Northcote (East)	\$480,000	RDDI	Area 15
112	ROADS	Road Rehabilitation Construction Program	Northcote (West)	\$480,000	RDDI	Area 14
118	ROADS	Road Rehabilitation Construction Program	Thornbury (East)	\$475,000	RDDI	Area 13
119	ROADS	Road Rehabilitation Construction Program	Fairfield-Alphington	\$265,000	RDDI	Area 16
134	CYCLEWAYS	Cycling Facilities	Northcote (West)	\$26,250	PADI	Area 14
136	BUILDINGS	Changing Places Facilities	Northcote (East)	\$400,000	PADI	Area 13 Area 14 Area 15
137	BUILDINGS	Changing Places Facilities	Bundoora - Macleod	\$400,000	PADI	Area 02 Area 03 Area 05



Figure 3: DCP Project Locations







5.2 Project Timing and Delivery

The infrastructure projects listed in this DCP have been selected to ensure that facilities are provided when demand thresholds are achieved and / or at the time existing assets have passed their effective operating life.

Council commits to delivering the projects in the timeline between 2019 and 2041 (December 31).

5.3 Other Conditions and Contributions

Planning permit conditions and agreements for other infrastructure, as part of development approvals, may be applicable to development projects in addition to this DCP.

This may cover any matter that is deemed necessary and justified in order to grant a permit. This could include site specific matters that will be applied on a case by case basis to specific development projects in addition to relevant DCP charges.



6.0 DEVELOPMENT CONTRIBUTION LEVIES

6.1 Calculation Method

In accordance with DCP Guidelines 2007, the method to calculate DCP levies is as follows:

- List the infrastructure projects and costs included in the DCP
- Identify the main catchment area for each infrastructure project
- Quantify development in each main catchment area
- Where necessary, make an allowance for external demand for infrastructure by adjusting the cost attributable to the DCP down in line with external demand
- Where necessary, convert the development into common demand units to quantify the total demand for infrastructure
- Calculate the infrastructure levy payable for each infrastructure project by dividing the DCP cost of the project by the total number of demand units in the main catchment area
- Calculate the total infrastructure levies in each area by adding up levies by area (by community infrastructure and development infrastructure classifications where necessary).

Appendix C shows the calculation data and results for each project.

6.2 Nexus and Apportionment Process

The standard land development to infrastructure nexus principles are applied in this DCP, whereby (subject to being in a catchment):

- Residential development is deemed to use all of the infrastructure categories in this DCP
- Non-residential development is deemed to use two of the infrastructure categories in this DCP: Path PADI and Road RDDI.

6.26.3 Project Catchments

The catchment for each scheduled DCP Project is shown in Table 8 and Appendix C (showing levy calculations). Appendix C provides technical information on the method of apportionment and levy calculation and includes data on:

- Main Catchment Area (MCA)
- Demand Units
- External Demand or Use Allowance
- Levy per Demand Unit by Project.



Each scheduled DCP Project has either one or more charge areas comprising the main catchment area. For some projects the main catchment is a single charge area while other projects have a broader catchment from a few charge areas to the whole municipality. The identification of the main catchment area for scheduled DCP infrastructure involved:

- Assessing catchment information in relevant policies and strategies
- Undertaking radius assessment from project locations
- Capturing catchment information from infrastructure-category experts
- Comparing catchment size to those in other approved DCPs.

Road and footpath projects not located on a charge area boundary or passing through multiple charge areas are assessed to have a catchment made up of the charge area in which they project is located. For other projects, a catchment radius was estimated based on the type of project and nature of the infrastructure. For example, local facilities were assigned a catchment radius of 500 metres based on a maximum 10 minute walk and larger facilities a two kilometre radius based on a five minute drive time. The initial catchment for each project was plotted using GIS and a visual assessment of the catchment was made. Catchment radii which included similar infrastructure were adjusted to exclude that facility and its catchment. This process identified the charge areas that make up the main catchment area of a project, as described in the DCP Guidelines.

This was an iterative process the results of which were compared to the relevant strategies or policies and validated by Council staff. This process required a best estimate judgement for the purpose of DCP cost apportionment. The following text box provides a summary of the main type of catchment that applies in this DCP.

Catchment Size	Description
Local	Projects that service one area are contained in the area. Examples: local roads.
Local (at boundary)	Projects that service a local area but are not fully contained in the area. These projects cross-over, connect with or run-along a boundary. The project's catchment includes the abutting area(s). Example: local road at a boundary.
Sub-Area	Projects that are designed to service a sub-area of the municipality and therefore multiple but not all DCP Areas form the main catchment area. Example: Northcote Aquatic and Recreation Centre (NARC) Redevelopment in south of municipality.
Municipal	Individual projects that are designed to service the municipality. These projects include large facilities or major works. Example: Works to Preston City Oval.

A unique project catchment was identified for each project in this DCP (see Appendix C for details). The catchment identification process was undertaken in collaboration with Council officers.

The 16 DCP Areas provide the geographic basis for defining catchments. Projects were classified as serving local, sub-regional or municipal areas based on their intended purpose. A



catchment was defined based on the project location and its service area was defined by using one or more DCP Areas for each project.

6.36.4 DCP Levies

The DCP levies are shown in Table 9 below. This shows the charges summed for each project to levy categories and areas.



Table 9: DCP Levies (30 June 2019\$)

Residential

AREA		LEVIES PAYABLE BY RESIDENTIAL DEVELOPMENT		
No.	Name	Development Infrastructure	Community Infrastructure	All Infrastructure
		Per Dwelling	Per Dwelling	Per Dwelling
Area 01	Reservoir (Merrilands)	\$2\$18	\$625	\$627\$643
Area 02	Reservoir (Cheddar)	\$127\$153	\$714\$743	\$841\$895
Area 03	Bundoora - Macleod	\$247	\$555\$584	\$802\$831
Area 04	Reservoir (Edwardes Lake)	\$10\$26	\$497	\$507\$523
Area 05	Kingsbury	\$149	\$555\$584	\$704\$723
Area 06	Reservoir (Edwardes Lake)	\$23\$39	\$466	\$489\$505
Area 07	Reservoir (Oakhill)	\$0	\$555\$584	\$555\$584
Area 08	Reservoir (Oakhill)	\$12	\$555\$674	\$568\$686
Area 09	Preston (West)	\$114	\$1,082\$1,172	\$1,196\$1,286
Area 10	Preston Activity Centre	\$186	\$1,082\$1,172	\$1,268\$1,258
Area 11	Preston (East)	\$119	\$1,092\$1,182	\$1,211\$1,301
Area 12	Thornbury (West)-Preston (West)	\$252	\$1,082\$1,172	\$1,335\$1,425
Area 13	Thornbury (East)	\$237	\$1,092	\$1,329
Area 14	Northcote (West)	\$138	\$1,190	\$1,328
Area 15	Northcote (East)	\$209	\$1,190	\$1,399
Area 16	Fairfield-Alphington	\$34	\$1,190	\$1,224

Non-Residential

AREA		LEVIES PAYABLE BY NON-RESIDENTIAL DEVELOPMENT		
No.	Name	Retail	Commercial	Industrial
		Per Square Metre (SQM) of Floorspace	Per Square Metre (SQM) of Floorspace	Per Square Metre (SQM) of Floorspace
Area 01	Reservoir (Merrilands)	\$0.00	\$0.00	\$0.00
Area 02	Reservoir (Cheddar)	\$4.63	\$1.04	\$1.28
Area 03	Bundoora - Macleod	\$11.09	\$2.05	\$3.11
Area 04	Reservoir (Edwardes Lake)	\$0.11	\$0.17	\$0.02
Area 05	Kingsbury	\$5.94	\$1.24	\$1.65
Area 06	Reservoir (Edwardes Lake)	\$0.28	\$0.42	\$0.04
Area 07	Reservoir (Oakhill)	\$0.00	\$0.00	\$0.00
Area 08	Reservoir (Oakhill)	\$0.17	\$0.25	\$0.02
Area 09	Preston (West)	\$1.52	\$2.28	\$0.23
Area 10	Preston Activity Centre	\$8.79	\$1.83	\$2.45
Area 11	Preston (East)	\$5.88	\$1.09	\$1.65
Area 12	Thornbury (West)-Preston (West)	\$3.36	\$5.05	\$0.50
Area 13	Thornbury (East)	\$10.32	\$2.32	\$2.86
Area 14	Northcote (West)	\$4.55	\$1.96	\$1.17
Area 15	Northcote (East)	\$7.23	\$2.58	\$1.91
Area 16	Fairfield-Alphington	\$1.19	\$0.19	\$0.34



6.46.5 Indexation of DCP Levies

Where the DCP provides for a Community Infrastructure Levy of \$1,190, Council will charge the maximum amount which will be determined in accordance with Part 3B of the Planning and Environment Amendment (Public Land Contributions) Act 2018 ('the Act'). Where the DCP provides for a Community Infrastructure Levy of less than \$1,190, that amount will be adjusted on July 1 using the Producer Price Index for Non-Residential Building Construction in Victoria as published by the Australian Bureau of Statistics in accordance with Part 3B of the Act.

The Development Infrastructure Levy will be adjusted annually on July 1 each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics. All adjustments will occur and take effect from the date of index publication.

6.56.6 Summary of DCP

The following table provides a summary of likely DCP performance over a nominal 2019 to 2041 period. This is based on development estimates used in this DCP and suggests a collection rate of approximately 24% is expected. The majority of DCP project cost (76%) will need to be funded by Council rates and other funding sources.

Table 10: DCP Summary

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 CFI	\$94,630,278 \$98,465,918	2019-2041 2019-2041	\$23,107,394 \$24,209,493	24.4% 24.6%
Community Facility CFDI	\$712,000 \$1,162,000	2019-2041 2019-2041	\$160,265 \$252,911	22.5% 21.8%
Path PADI	\$6,481,616	2019-2041	\$1,668,313	25.7%
Road RDDI	\$13,690,697	2019-2041	\$3,132,133	22.9%
Total	\$115,514,591 \$119,800,231		\$28,068,105 \$29,262,850	24.3% 24.4%



7.0 PROCEDURAL MATTERS

7.1 Collecting Agency and Development Agency

Darebin City Council is Collecting Agency for this DCP and all its projects.

Darebin City Council is Development Agency for this DCP and all its projects.

7.2 Liability for Development Contributions

The main land use types identified in the DCP are Residential, Retail, Commercial and Industrial land use developments. Commercial refers to Office or Other Commercial uses.

Additional information on demand unit and land use definitions is provided in Appendix D.

For land uses not included within the Planning Scheme definition of the above uses, the development contribution that applies to 'Commercial' will be used unless the Collection Agency agrees to vary that rate based on a submission by a permit applicant.

7.3 Payment of Development Contributions

Method of Payment

Payment of development contributions is to be made in cash [subject to the exceptions below](#).

Council may accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

[In respect of any of the land comprising La Trobe University, Council may enter into an agreement with La Trobe University to accept a substituted project as "works in kind" in part or full satisfaction of the liability to pay the Development Infrastructure Levy that is payable where the development type which triggers the liability to pay is residential, retail, commercial or industrial.](#)

[The value of the credit for the substituted project \(works in kind\) is to be determined by the Collecting Agency but must not exceed the combined value of the infrastructure projects in respect of which a Development Infrastructure levy was otherwise payable.](#)

[The substituted project is to be agreed by Development Agency.](#)

Basis for Payment

Each net additional demand unit shall be liable to pay the DCP levy (unless exemptions apply). This includes a new dwelling or building or an extension to an existing non-residential building.

Payment of the Development Infrastructure Levy

Payment of the Development Infrastructure Levy may be required at [either](#) Subdivision stage or Planning Permit stage or Building Permit stage [or as otherwise agreed by the Collecting Agency as follows:-](#)



- Development Infrastructure Levy at Subdivision stage: Payment of the levy is to be made prior to the issue of a statement of compliance for the approved subdivision; or-
- Development Infrastructure Levy at Planning Permit stage: Payment of the levy is to be made prior to issue of a building permit; or-
- Development Infrastructure Levy at Building Permit stage where no planning permit is required: Payment of the levy is to be made prior to issue of a building permit under the Building Act 1993.

Payment of the Community Infrastructure Levy

Payment of the Community Infrastructure Levy is to be made prior to issue of a building permit under the Building Act 1993.

Deferral of Payment

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date.

7.4 Charge Areas

The Charge Areas for this DCP are the 16 areas of the municipality as shown in Figure 1 of this document.

7.5 Exemptions

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Darebin City Council or stated below. The following development is exempt from the development contribution:

- 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 Families, Fairness and Housing~~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 Families, Fairness and Housing~~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 or other deed of agreement that requires either:
 - The payment of a development contribution levy; or
 - The provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - The payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - The provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);
and explicitly excludes further development contributions to be made.
- ~~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, including:
 - Replacement of a building;
 - Renovations or alterations to an existing building;
 - Construction of a fence; and
 - Outbuildings normal to an existing dwelling.

7.6 Funds Administration

Funds collected through development contributions will be held in a specific DCP interest-bearing account in accordance with the provisions of the Local Government Act 1989 (Part 3B section 46Q(1)(a)). All monies held in this account will be used for the provision of infrastructure as itemised in this DCP.

7.7 Funding the Gap

The funds received from contributions will fund part of the infrastructure projects identified in the DCP. Council will source funds to cover the balance of the costs required to construct the items of infrastructure through other mechanisms such as Council rates.



7.8 Annual Reporting

Darebin City Council will provide for regular monitoring and reporting of the DCP in accordance with Ministerial Direction on the Reporting Requirements for Development Contributions Plans of 11 October 2016.

Appendix E shows the template reporting tables in relation to the following directions:

- “A report must be prepared each financial year and given to the Minister for Planning within 3 months after the end of the financial year reported on
- If the collecting agency or development agency is a municipal council, the report must be included in the report of operations contained in the council’s annual report prepared under the Local Government Act 1989
- A collecting agency must report on: a) any infrastructure levy paid to it under Part 3B of the Act in a financial year in accordance with Table 1 in the Annexure; b) any land, works, services or facilities accepted by it in a financial year in accordance with Table 2 in the Annexure
- If a development contributions plan is approved on or after 1 June 2016, a collecting agency must report on the total amount of infrastructure levies paid to it, the total amount of land, works, services or facilities accepted by it, and the total amount of infrastructure levies expended by it under Part 3B of the Act in accordance with Table 3 in the Annexure
- A development agency must report on: a) its use of any land, works, services or facilities accepted as works-in-kind under section 46P of the Act; and b) the expenditure of any infrastructure levy paid to it under Part 3B of the Act; in accordance with Table 4 in the Annexure.”

7.9 DCP Review

The DCP will be reviewed on a regular basis to ensure the general nature of the document is reasonably consistent with estimates of future development and project needs and costs, but accepting that future conditions will invariably depart from the future estimates generated for the DCP to some extent.

Should the DCP significantly depart from the future estimates shown in this document, as defined by Darebin City Council, Council will consider options to revise the DCP in full or part as deemed necessary.

7.10 DCP Projects Deemed Not Required

Should Council not proceed with any of the infrastructure projects listed in this DCP, the funds collected for these items will be either:

- Used for the provision of other infrastructure as approved by the Minister responsible for the Planning and Environment Act, or



- Refunded to owners of land subject to these DCP charges.

APPENDICES



APPENDIX A: INFRASTRUCTURE PROJECT DETAILS

The table below provides details of the reference document for the DCP projects and source of the costing estimates shown in this DCP.

An enhanced description of major and large projects included in this DCP follows the table below.

Table 11: Strategic Basis of Projects and Cost Estimate Source

Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
1	Northcote Aquatic and Recreation Centre (NARC) Redevelopment	Major New Facility Development Northcote Aquatic and Recreation Centre	Leisure Strategy 2010-2020, Northcote 2017-2021 Big Action (Goal 2.2)	Northcote Aquatic and Recreation Centre (NARC) Redevelopment - design and construction for full redevelopment of the Northcote Aquatic and Recreation Centre, consisting of demolition of the existing outdated building and infrastructure and the development of a new indoor aquatic and leisure centre. The redevelopment will provide modern facilities with additional capacity and improved leisure and health and wellbeing opportunities for the community.	Base on Quantity Surveyor estimate
2	Reservoir Leisure Centre (RLC) Redevelopment	RLC Renewal	Leisure Strategy 2010-2020	Reservoir Leisure Centre (RLC) Redevelopment - multi-year project: significant refurbishment of the RLC to ensure facilities meet the needs of the community over the next 20 years.	Cost estimate based on feasibility study
3	Bill Lawry Oval Pavilion Upgrade	Pavilion Redevelopment Projects	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Multi-year project; Includes renewal of most aspects of existing facilities, including social space, viewing room, community room, kitchen, change rooms, new female friendly change rooms, a community room, medical room and store.	Based on Quantity Surveyor estimate
4	KP Hardiman Reserve Hockey Pavilion Redevelopment	Pavilion Redevelopment Projects	Darebin Outdoor Sports Infrastructure Framework (June 2020)	KP Hardiman Reserve Hockey Pavilion Upgrade - new pavilion, including amenities, kitchen kiosk, storage, social room.	Cost based on building assessment undertaken during the Outdoor Sports Infrastructure Framework audit process. 10% Contingency and 8% PM fees included in price.
5	Moore Park South Pavilion Upgrade (female change)	Pavilion Redevelopment Projects	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Moore Park South Pavilion Upgrade (female friendly upgrade to include unisex, accessible changerooms)	Cost based on building assessment undertaken during the Outdoor Sports Infrastructure Framework audit process. 10% Contingency and 8% PM fees included in price.
6	KP Hardiman Synthetic Hockey Pitch Redevelopment and Lighting Upgrade	Synthetic Playing Surfaces and Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Full replacement of synthetic pitch to industry standard; surrounding fencing and construction of a technical bench. KP Hardiman Reserve Hockey Field Lighting Upgrade - install 300 lux LED lighting for training and competition to coincide with pitch upgrade.	Based on Quantity Surveyor estimate; Lighting Design Consultant Opinion of Cost
7	BT-Connor-Main Pavilion Upgrade	Pavilion Redevelopment Projects	Darebin Outdoor Sports Infrastructure Framework (June 2020)	BT-Connor-main pavilion upgrade - multi-year project. Design & construction of a new sports pavilion, including changerooms, amenities, kitchen and storage.	Based on Quantity Surveyor estimate
8	Preston City Oval Lighting Renewal	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Preston City Oval Lighting Renewal	Lighting Design Consultant Opinion of Cost
10	McDonnell Reserve West Oval New Lighting	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Install new LED lighting which meets 100 lux level for training and competition	Estimates made in-house by officers using consultants opinion of cost based on previous similar projects



Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
11	John Hall Oval Lighting Upgrade	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Install new LED lighting which meets 100 lux level for training and competition	Lighting Design Consultant Opinion of Cost
12	Moore Park North Lighting Upgrade	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Install new LED lighting which meets 100 lux level for training and competition	Estimates made in-house by officers using consultants opinion of cost based on previous similar projects
13	John Cain Memorial West New Lighting	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Install new LED lighting which meets 100 lux level for training and competition	Estimates made in-house by officers using consultants opinion of cost based on previous similar projects
14	KP Hardiman Reserve Hockey Lighting Upgrade	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	KP Hardiman Reserve Hockey Field Lighting Upgrade - install 300 lux LED lighting for training and competition to coincide with pitch upgrade.	Lighting Design Consultant Opinion of Cost
15	IW Dole Reserve Lighting Upgrade	Sport Field Lighting	Darebin Outdoor Sports Infrastructure Framework (June 2020)	Install new LED lighting which meets 100 lux level for training and competition	Estimates made in-house by officers using consultants opinion of cost based on previous similar projects
17	LE Cotchin Reserve Pavilion Upgrade (female friendly)	Pavilion Redevelopment Projects	Darebin Outdoor Sports Infrastructure Framework (June 2020)	LE Cotchin Reserve Pavilion upgrade and extension, including change room and amenities upgrade, additional storage, umpires change upgrade (female friendly), accessibility & access to premises improvements, covered viewing area extension, external public toilet upgrade.	Cost based on building assessment undertaken during the audit process for the Outdoor Sports Infrastructure Framework. 10% Contingency and 8% PM fees included in price.
19	Merrilands West Neighbourhood House Redevelopment	Neighbourhood House Redevelopment Projects	Council Plan Action Plan 2018-19 (Goal 2.2)	Merrilands West Neighbourhood House refurbishment	Quantity surveyor estimate based on concept design
25	Replace Kendall-Harding Bridge	Council Plan (Goals 1.2 and 3.3)	Road Asset Management Plan	Replace Kendall-Harding Bridge. Council Contribution only (Total cost \$3,500,000. Project managed by Moreland)	Estimate based on known cost of Beavers St Bridge
50	Streets for People - Preston Activity Link	Cycling	Darebin Safe Travel Strategy 2018-2028	Preston Activity Link - construction of pedestrian and cycling improvements on and to Cramer St to improve safety for cyclists and full road closure on James Street between Eric and Cramer	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
51	Cycling Facilities	Cycling	Darebin Cycling Strategy 2013-2018	Construct Dundas St line marking	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
52	Creek Corridor Shared Paths Audit (Darebin Creek)	Cycling	Darebin Cycling Strategy 2013-2018, Darebin Safe Travel Strategy 2018-2028	Improving safety of Tyler Street connections to Darebin Creek Trail.	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
54	Pedestrian Crossings	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct Miller Street / Bracken Ave Signalised Pedestrian Crossing	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
55	Walking Initiatives - raised threshold	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct Raised threshold at Olive St/ Edwards St, Reservoir	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
56	Walking Initiatives - raised intersection	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct raised intersection, Robinson Rd at Bus exit from Regent Station	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects



Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
57	Walking Initiatives - pedestrian crossing	Walking Initiative	Darebin Walking Strategy 2018-2028	Design and construct zebra crossing across union street east side at High Street	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
58	Walking Initiatives - raised threshold	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct raised threshold Gower / Cooma Streets Preston	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
59	Walking Initiatives - footpath	Walking Initiative	Darebin Walking Strategy 2018-2028	Design and construct Brickworks Lane footpath	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
60	Walking Initiatives - pedestrian crossing	Walking Initiative	Darebin Walking Strategy 2018-2028	Design and construct Separation Street / Plaza Entrance removal of Zebra crossings	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
61	Walking Initiatives - pedestrian crossing	Walking Initiative	Darebin Walking Strategy 2018-2028	Puffin Installation at High / Dalgety Street	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
62	Walking Initiatives - pedestrian crossing	Walking Initiative	Darebin Walking Strategy 2018-2028	Puffin Installation at Westgarth St at Bill Lawry Oval, between Simpson and Green st	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
63	Walking Initiatives - pedestrian crossing	Walking Initiative	Darebin Walking Strategy 2018-2028	Puffin Installation at Spring / Verdun Grove	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
64	Pedestrian Crossings	Walking Initiative	Darebin Walking Strategy 2018-2028	Design and construct signalised pedestrian crossing at High Street / Langwells Parade	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
65	Pedestrian Crossings	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct Separation St and Breavington Way pedestrian crossing	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
66	Pedestrian Crossings	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct High / Pender / Blyth pedestrian crossing	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
67	Pedestrian Crossings	Walking Initiative	Darebin Walking Strategy 2018-2028	Construct High / Woolton pedestrian crossing	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
68	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold/wombat at Clifton Grove (Sacred Heart – existing crossing)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
69	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold/wombat at Emmaline/Leinster Streets (Croxtan)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
70	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold/wombat at McColl/Steane (Holy Name)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
72	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct crossing point opposite James Street school gates (St Joseph's)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects



Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
73	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Design and construct pedestrian crossing at Oakover - Newman	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
74	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Design and construct pedestrian crossing at Oakover - Austral Ave	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
75	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Design and construct pedestrian crossing at Oakover - Scotia St	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
76	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Design and construct pedestrian crossing at Oakover - Mitchell St	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
81	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct McIntosh Street raised threshold at Westbourne Grove (St Joseph's PS)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
82	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct McIntosh at James Street (St Joseph's PS)	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
83	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold Clapham Street (north) at Hutton Street	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
84	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold Clapham Street (south) at Hutton Street	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
85	School Safety Audits (treatment)	Safe Travel Strategy	Darebin Safe Travel Strategy 2018-2028	Construct raised threshold Rayment Street at Hutton Street	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
87	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Flinders St - Station to Walsh: construction of new kerb and channel, footpath and road pavement	In house engineers estimate
88	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Victoria St - 130m from Bell St to 230m from Bell St: pavement reconstruction	In house engineers estimate
89	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Victoria St - 230m from Bell St to Raglan St: pavement reconstruction	In house engineers estimate
91	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	High St, Preston - Murray Rd to Gower St: reconstruction of existing kerb and channel and footpath; new traffic control and pedestrian safety enhancements, drainage upgrading, landscaping and pavement resurfacing.	In house engineers estimate
92	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Farnan St - full length: reconstruction of existing kerb and channel, drainage upgrade and pavement resurfacing	In house engineers estimate
93	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	High St, Preston - Gower St to David St: reconstruction of existing kerb and channel and footpath; new traffic control and pedestrian safety enhancements, drainage upgrading, landscaping and pavement resurfacing.	In house engineers estimate
95	Road Rehabilitation	Road Rehabilitation	Road Asset Management Plan	Cheddar Road, Reservoir - Harmer St to Lloyd Ave: pavement reconstruction.	In house engineers estimate



Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
	Construction Program				
96	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	High St, Preston - David St to Bell St: reconstruction of existing kerb and channel and footpath; new traffic control and pedestrian safety enhancements, drainage upgrading, landscaping and pavement resurfacing.	In house engineers estimate
97	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Mt Cooper Scenic Drive: complete reconstruction of existing road	In house engineers estimate
98	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Walker St - McLachlan St to High St: rehabilitation of kerb and channel and pavement damage by street trees and pavement resurfacing.	In house engineers estimate
99	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Jessie St - Westgarth St to Farnan St: kerb and channel reconstruction, stormwater drainage upgrading and pavement resurfacing	In house engineers estimate
100	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Harry St - Flinders St to Collins St: kerb and channel reconstruction and pavement resurfacing	In house engineers estimate
101	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Sinnott St - rear 13 Vondale Rd to Nicoll St: kerb and channel construction and pavement resurfacing	In house engineers estimate
102	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	George Circuit, Bundoora Park - golf course entrance to rear of club house carpark: pavement upgrade	In house engineers estimate
104	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Scott St Right of Way - Arthurton Rd to Elm St: construction of unmade ROW	In house engineers estimate
105	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Collins St - Harry St to Station St: kerb and channel reconstruction, drainage upgrade and pavement resurfacing.	In house engineers estimate
106	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Wilmoth St - Christmas St to Darebin Rd: kerb and channel reconstruction, pavement strengthening and pavement resurfacing.	In house engineers estimate
110	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Winter Cres - Arcadia Ave to Kyneton Ave: kerb and channel reconstruction, stormwater drainage and pavement resurfacing	In house engineers estimate
111	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Green St - Westgarth St to end: kerb and channel reconstruction on reduced road width, drainage upgrade, and pavement resurfacing	In house engineers estimate
112	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Hartington St - Hawthorn Ave to Westbourne Grove: kerb and channel construction, pavement construction and pavement resurfacing	In house engineers estimate
118	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Flinders St, Thornbury - St David St to High St: construction of new and footpath to remove excessive crossfall and pavement resurfacing.	In house engineers estimate
119	Road Rehabilitation Construction Program	Road Rehabilitation	Road Asset Management Plan	Perry St - Tuckett St to dead end: full construction including kerb and channel, drainage, pavement and surfacing.	In house engineers estimate
134	Cycling Facilities	Cycling	Darebin Cycling Strategy 2013-2018	Herbert Street bike ramp near Croxton Station - pram ramp	Costing estimates for walking and cycling projects prepared in-house by officers/transport engineers based on recent experience delivering similar projects
136	Changing Places Facilities	Darebin Toilet Strategy	Darebin Toilet Strategy & Council Plan 2017-2021	New Changing Places Facility	Officer estimates based on previous similar projects



Project Number	Project Name	Strategy Program	Linked Strategy	Project Description	Costing Method
137	Changing Places Facilities	Darebin Toilet Strategy	Darebin Toilet Strategy & Council Plan 2017-2021	New Changing Places Facility	Officer estimates based on previous similar projects

Major Projects

Northcote Aquatic and Recreation Centre Redevelopment

This project consists of a full redevelopment of the Northcote Aquatic and Recreation Centre, consisting of demolition of the existing outdated building and infrastructure and the development of a new indoor aquatic and leisure centre. The redevelopment will provide modern facilities with additional capacity and improved leisure and health and wellbeing opportunities for the community. Facilities will include:

- Outdoor 10 lane 50m pool with ramp entry and an outdoor nature play splash deck
- Indoor 8 lane 25m pool with ramp entry, learn to swim pool with ramp entry, aqua play and toddler pool
- Warm water pool with integrated spa and ramp entry, steam and sauna rooms
- Larger Gymnasium
- Three multipurpose Health and Wellness rooms including for group exercise and Pilates
- Long day care / occasional care room
- Café
- Change rooms, including
- Dedicated school drop off and change rooms
- Reception / retail / administration
- Private consult rooms

The redevelopment will incorporate Environmentally Sustainable Design outcomes and universal design initiatives and is aiming for a 6-star green star ranking. The estimated cost is based on the Quantity Surveyors cost plan.

Reservoir Leisure Centre

This project includes significant refurbishment of the Reservoir Leisure Centre to ensure the facilities meet the needs of the community over the next 20 years. Facilities include a gym, social spaces (including café), group fitness rooms, indoor and outdoor pools (including warm water pool) servicing learn to swim, lap swimming, recreational swimming and rehabilitation.

Large Projects

Bill Lawry Pavilion Upgrade



Includes renewal of most aspects of existing facilities, including social space, viewing room, community room, kitchen, change rooms, new female friendly change rooms, a community room, medical room and store.

KP Hardiman Hockey Pitch Redevelopment

This project will bring the pitch to industry standard through a full replacement of the synthetic pitch and surrounding fencing and construction of a technical bench.

~~BT Connor Pavilion Upgrade~~

~~Demolition of existing pavilion and construction of a new sports pavilion comprising four female friendly accessible change rooms, social room, kitchen, toilets and storage that are in line with Football Victoria's NPL Facility Guidelines.~~

KP Hardiman Pavilion Upgrade

Provision of a new pavilion including:

- Social room
- Kitchen kiosk
- Four Change rooms
- Public amenities
- Accessible amenities
- Storage

Moore Park South Pavilion Upgrade (Female Change)

Pavilion upgrade and extension. The project will include change room and amenities upgrade, new social room with unisex public toilet provision and kitchen / kiosk, new storage, accessibility & access to premises improvements (accessible toilet, disabled parking, paths of travel), replace / repair terracing, extend veranda.

LE Cotchin Reserve Pavilion Upgrade

Pavilion upgrade and extension. The project will include change room and amenities upgrade, additional storage, umpires change upgrade (female friendly), accessibility & access to premises improvements (accessible toilet, paths of travel and ramp to pavilion), covered viewing area extension, external public toilet upgrade.

Merrilands West Neighbourhood House Redevelopment

Internal refurbishment, including upgrades to bathrooms, kitchen, reception and building security, extension of computer room and new prayer room.



APPENDIX B: EQUIVALENCE RATIOS

The following sources of information were used for the equivalence ratios in this DCP.

Common Demand Unit

- The common demand unit selected for the DCP is one dwelling. A dwelling unit is used in most if not all DCPs prepared in respect of established areas.

Community Facilities and Open Space

- No ratios are used for community facility and open space projects because only residential development is deemed a user of such facilities, and as such, only dwelling units are used in the cost apportionment process. This is consistent with the direction provided by the DCP Guidelines (2007, p45).

Paths

- The ratios adopted for path use in this DCP is measured by residents in dwellings and workers in non-residential floorspace. These people are deemed to user paths in their area. The adopted ratios are as follows.
 - One dwelling has on average 2.5 residents.
 - Retail: 30 sqm of floorspace per one retail worker; therefore 75 sqm of retail floorspace achieves 2.5 workers.
 - Office: 20 sqm of floorspace per one office worker; therefore 50 sqm of office floorspace achieves 2.5 workers.
 - Industry: 200 sqm of floorspace per one industrial worker; therefore 500 sqm of industrial floorspace achieves 2.5 workers.

Roads

- The ratios adopted for road use in this DCP correspond with the standard equivalence ratios specified in the DCP Guidelines (2007, p45):
 - Residential 1 dwelling.
 - Retail premises 19 sqm floorspace.
 - Office / service industry 121 sqm floorspace.
 - Industry (other than service industry) 67 sqm floorspace.



APPENDIX C: INFRASTRUCTURE PROJECT CALCULATIONS

The information shown in the table is as follows:

- Project Number
- Project Name
- Delivery Horizon
- Estimated Cost
- Project Type
- Main Catchment Area (MCA)
- Demand Units
- External Demand Allowance
- Share of Use to MCA
- Cost Apportioned to MCA
- Cost Per Demand Unit.

The cost per demand unit for each project is summed for each project category (i.e. CFCI, CFDI, PADI and RDDI) to derive a total charge by category as shown in the body of this DCP document.

Table 12: DCP Project Calculations

Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
1	BUILDINGS	Northcote Aquatic and Recreation Centre (NARC) Redevelopment	2019-2041	\$63,500,000	CFCI	Area 09 Area 10 Area 11 Area 12 Area 13 Area 14 Area 15 Area 16	55,973	5.0%	95.0%	\$60,325,000	\$1,078
2	BUILDINGS	Reservoir Leisure Centre (RLC) Redevelopment	2019-2041	\$15,500,000	CFCI	Area 01 Area 02 Area 03 Area 04 Area 05 Area 06 Area 07 Area 08	40,338	5.0%	95.0%	\$14,725,000	\$365
3	BUILDINGS	Bill Lawry Oval Pavilion Upgrade	2019-2041	\$5,910,000	CFCI	Area 14 Area 15 Area 16	23,339	5%	95%	\$5,614,500	\$241
4	BUILDINGS	KP Hardiman Reserve Hockey Pavilion Redevelopment	2019-2041	\$3,457,000	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08	26,839	5.0%	95.0%	\$3,284,150	\$122
5	BUILDINGS	Moore Park South Pavilion Upgrade (female change)	2019-2041	\$1,373,000	CFCI	Area 01 Area 04 Area 06	13,498	5.0%	95.0%	\$1,304,350	\$97



Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
6	LAND IMPROVEMENTS AND OPEN SPACE	KP Hardiman Synthetic Hockey Pitch Redevelopment and Lighting Upgrade	2019-2041	\$1,789,278,300.00	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08	26,839	5.0%	95.0%	\$1,699,814,521,185.00	\$63,581
7	BUILDINGS	BT Connor Main Pavilion Upgrade	2019-2041	\$3,035,640	CFCI	Area 08 Area 09 Area 10 Area 11 Area 13	33,068	5%	95%	\$2,883,858	\$90
8	OPEN SPACE (recreation, leisure & community facilities)	Preston City Oval Lighting Renewal	2019-2041	\$460,000	CFCI	Area 01 Area 02 Area 03 Area 04 Area 05 Area 06 Area 07 Area 08 Area 09 Area 10 Area 11 Area 12 Area 13 Area 14 Area 15 Area 16	96,311	5.0%	95.0%	\$437,000	\$5
10	OPEN SPACE (recreation, leisure & community facilities)	McDonnell Reserve West Oval New Lighting	2019-2041	\$265,000	CFDI	Area 13 Area 15 Area 16	21,604	5.0%	95.0%	\$251,750	\$12
11	OPEN SPACE (recreation, leisure & community facilities)	John Hall Oval Lighting Upgrade	2019-2041	\$397,000	CFDI	Area 02 Area 03 Area 05	16,219	5.0%	95.0%	\$377,150	\$23
12	OPEN SPACE (recreation, leisure & community facilities)	Moore Park North Lighting Upgrade	2019-2041	\$250,000	CFDI	Area 01 Area 04 Area 06	13,498	5%	95%	\$237,500	\$182
13	OPEN SPACE (recreation, leisure & community facilities)	John Cain Memorial West New Lighting	2019-2041	\$265,000	CFCI	Area 11 Area 13 Area 15 Area 16	25,948	5.0%	95.0%	\$251,750	\$10
14	OPEN SPACE (recreation, leisure & community facilities)	KP Hardiman Reserve Hockey Lighting Upgrade	2019-2041	\$289,378	CFCI	Area 02 Area 03 Area 05 Area 07 Area 08	26,839	5.0%	95.0%	\$274,814	\$10
15	OPEN SPACE (recreation, leisure & community facilities)	IW Dole Reserve Lighting Upgrade	2019-2041	\$250,000	CFDI	Area 02	8,414	5.0%	95.0%	\$237,500	\$283
17	BUILDINGS	LE Cotchin Reserve Pavilion Upgrade (female friendly)	2019-2041	\$576,000	CFCI	Area 01 Area 02 Area 04	17,647	5%	95%	\$547,200	\$31
19	BUILDINGS	Merrilands West Neighbourhood House Redevelopment	2019-2041	\$1,800,000	CFCI	Area 01 Area 02	13,366	5.0%	95.0%	\$1,710,000	\$128
25	BRIDGES	Replace Kendal-Harding Bridge	2019-2041	\$1,700,000	PADI	Area 09 Area 12	15,178	5.0%	95.0%	\$1,615,000	\$106
50	CYCLEWAYS	Streets for People - Preston Activity Link	2019-2041	\$250,000	PADI	Area 09 Area 10 Area 11	31,190	5.0%	95.0%	\$237,500	\$8
51	CYCLEWAYS	Cycling Facilities	2019-2041	\$82,246	PADI	Area 10 Area 11 Area 12 Area 13	43,022	5%	95%	\$78,134	\$2



Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
52	CYCLEWAYS	Creek Corridor Shared Paths Audit (Darebin Creek)	2019-2041	\$46,250	PADI	Area 08	10,011	5.0%	95.0%	\$43,938	\$4
54	FOOTPATHS	Pedestrian Crossings	2019-2041	\$350,000	PADI	Area 12	8,868	5.0%	95.0%	\$332,500	\$37
55	FOOTPATHS	Walking Initiatives - raised threshold	2019-2041	\$74,166	PADI	Area 04	8,277	5.0%	95.0%	\$70,458	\$9
56	FOOTPATHS	Walking Initiatives - raised intersection	2019-2041	\$63,125	PADI	Area 06	4,588	5%	95%	\$59,969	\$13
57	FOOTPATHS	Walking Initiatives - pedestrian crossing	2019-2041	\$36,250	PADI	Area 14 Area 15	22,873	5.0%	95.0%	\$34,438	\$2
58	FOOTPATHS	Walking Initiatives - raised threshold	2019-2041	\$84,166	PADI	Area 10	13,427	5.0%	95.0%	\$79,958	\$6
59	FOOTPATHS	Walking Initiatives - footpath	2019-2041	\$108,333	PADI	Area 15	11,425	5.0%	95.0%	\$102,916	\$9
60	FOOTPATHS	Walking Initiatives - pedestrian crossing	2019-2041	\$223,333	PADI	Area 15	11,425	5%	95%	\$212,166	\$19
61	FOOTPATHS	Walking Initiatives - pedestrian crossing	2019-2041	\$39,166	PADI	Area 10	13,427	5.0%	95.0%	\$37,208	\$3
62	FOOTPATHS	Walking Initiatives - pedestrian crossing	2019-2041	\$39,166	PADI	Area 15	11,425	5.0%	95.0%	\$37,208	\$3
63	FOOTPATHS	Walking Initiatives - pedestrian crossing	2019-2041	\$39,166	PADI	Area 06	4,588	5.0%	95.0%	\$37,208	\$8
64	FOOTPATHS	Pedestrian Crossings	2019-2041	\$365,000	PADI	Area 14 Area 15	22,873	5%	95%	\$346,750	\$15
65	FOOTPATHS	Pedestrian Crossings	2019-2041	\$258,333	PADI	Area 15	11,425	5.0%	95.0%	\$245,416	\$21
66	FOOTPATHS	Pedestrian Crossings	2019-2041	\$258,333	PADI	Area 12 Area 13	18,142	5.0%	95.0%	\$245,416	\$14
67	FOOTPATHS	Pedestrian Crossings	2019-2041	\$258,333	PADI	Area 13 Area 14	20,722	5.0%	95.0%	\$245,416	\$12
68	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$100,000	PADI	Area 10	13,427	5%	95%	\$95,000	\$7
69	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 14	11,448	5.0%	95.0%	\$79,959	\$7



Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
70	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 08	10,011	5.0%	95.0%	\$79,959	\$8
72	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 14	11,448	5.0%	95.0%	\$79,959	\$7
73	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$154,166	PADI	Area 12	8,868	5%	95%	\$146,458	\$17
74	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$154,166	PADI	Area 12	8,868	5.0%	95.0%	\$146,458	\$17
75	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$154,166	PADI	Area 12	8,868	5.0%	95.0%	\$146,458	\$17
76	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$154,166	PADI	Area 12	8,868	5.0%	95.0%	\$146,458	\$17
81	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$74,167	PADI	Area 14	11,448	5%	95%	\$70,459	\$6
82	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 14	11,448	5.0%	95.0%	\$79,959	\$7
83	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 12	8,868	5.0%	95.0%	\$79,959	\$9
84	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 12	8,868	5.0%	95.0%	\$79,959	\$9
85	TRANSPORT & ROAD SAFETY	School Safety Audits (treatment)	2019-2041	\$84,167	PADI	Area 12	8,868	5%	95%	\$79,959	\$9
87	ROADS	Road Rehabilitation Construction Program	2019-2041	\$353,000	RDDI	Area 13	10,919	5.0%	95.0%	\$335,350	\$31
88	ROADS	Road Rehabilitation Construction Program	2019-2041	\$1,000,000	RDDI	Area 11	24,165	5.0%	95.0%	\$950,000	\$39
89	ROADS	Road Rehabilitation Construction Program	2019-2041	\$1,583,000	RDDI	Area 11	24,165	5.0%	95.0%	\$1,503,850	\$62
91	ROADS	Road Rehabilitation Construction Program	2019-2041	\$510,819	RDDI	Area 10	17,344	5%	95%	\$485,278	\$28
92	ROADS	Road Rehabilitation Construction Program	2019-2041	\$427,000	RDDI	Area 15	13,685	5.0%	95.0%	\$405,650	\$30
93	ROADS	Road Rehabilitation Construction Program	2019-2041	\$770,000	RDDI	Area 10	17,344	5.0%	95.0%	\$731,500	\$42



Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
95	ROADS	Road Rehabilitation Construction Program	2019-2041	\$828,439	RDDI	Area 02	9,415	5.0%	95.0%	\$787,017	\$84
96	ROADS	Road Rehabilitation Construction Program	2019-2041	\$1,650,000	RDDI	Area 10	17,344	5%	95%	\$1,567,500	\$90
97	ROADS	Road Rehabilitation Construction Program	2019-2041	\$1,325,000	RDDI	Area 03	7,600	5.0%	95.0%	\$1,258,750	\$166
98	ROADS	Road Rehabilitation Construction Program	2019-2041	\$280,000	RDDI	Area 14	13,961	5.0%	95.0%	\$266,000	\$19
99	ROADS	Road Rehabilitation Construction Program	2019-2041	\$318,439	RDDI	Area 15	13,685	5.0%	95.0%	\$302,517	\$22
100	ROADS	Road Rehabilitation Construction Program	2019-2041	\$335,000	RDDI	Area 13	10,919	5%	95%	\$318,250	\$29
101	ROADS	Road Rehabilitation Construction Program	2019-2041	\$200,000	RDDI	Area 11	24,165	5.0%	95.0%	\$190,000	\$8
102	ROADS	Road Rehabilitation Construction Program	2019-2041	\$325,000	RDDI	Area 03	7,600	5.0%	95.0%	\$308,750	\$41
104	ROADS	Road Rehabilitation Construction Program	2019-2041	\$250,000	RDDI	Area 14	13,961	5.0%	95.0%	\$237,500	\$17
105	ROADS	Road Rehabilitation Construction Program	2019-2041	\$610,000	RDDI	Area 13	10,919	5%	95%	\$579,500	\$53
106	ROADS	Road Rehabilitation Construction Program	2019-2041	\$825,000	RDDI	Area 13 Area 15	24,604	5.0%	95.0%	\$783,750	\$32
110	ROADS	Road Rehabilitation Construction Program	2019-2041	\$400,000	RDDI	Area 05	3,506	5.0%	95.0%	\$380,000	\$108
111	ROADS	Road Rehabilitation Construction Program	2019-2041	\$480,000	RDDI	Area 15	13,685	5.0%	95.0%	\$456,000	\$33
112	ROADS	Road Rehabilitation Construction Program	2019-2041	\$480,000	RDDI	Area 14	13,961	5%	95%	\$456,000	\$33
118	ROADS	Road Rehabilitation Construction Program	2019-2041	\$475,000	RDDI	Area 13	10,919	5.0%	95.0%	\$451,250	\$41
119	ROADS	Road Rehabilitation Construction Program	2019-2041	\$265,000	RDDI	Area 16	11,146	5.0%	95.0%	\$251,750	\$23
134	CYCLEWAYS	Cycling Facilities	2019-2041	\$26,250	PADI	Area 14	11,448	5.0%	95.0%	\$24,938	\$2



Project Number	Project Category	Project Name	Delivery Horizon	Estimated DCP Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit
136	BUILDINGS	Changing Places Facilities	2019-2041	\$400,000	PADI	Area 13 Area 14 Area 15	32,147	5%	95%	\$380,000	\$12
137	BUILDINGS	Changing Places Facilities	2019-2041	\$400,000	PADI	Area 02 Area 03 Area 05	21,762	5.4%	95.0%	\$380,000	\$17



APPENDIX D: DEMAND UNIT AND LAND USE DEFINITIONS

Dwelling Unit

A dwelling unit is defined by Section 46H of the *Planning and Environment Act 1987* as follows:

"dwelling" means a building that is used, or is intended, adapted or designed for use, as a separate residence, (including kitchen, bathroom and sanitary facilities) for an occupier who has a right to the exclusive use of it but does not include

(a) a building that is attached to a shop, office, warehouse or factory and is used, or is intended, adapted or designed for use, as a residence for an occupier or caretaker of the shop, office, warehouse or factory; or

(b) any part of a motel, residential club or residential hotel or residential part of licensed premises under the Liquor Control Reform Act 1998.

Gross Floor Area

Gross floor area (or gross floorspace) is defined using the Darebin Planning Scheme definition as:

The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

Residential

Residential development is defined in accordance with the definition of Dwelling Unit, as described above, and also defined by the Darebin Planning Scheme nesting diagram definitions as follows:

- Dependent person's unit (within Accommodation Group)
- Dwelling (within Accommodation Group)
- Caretaker's house (within Accommodation Group)
- Boarding house (within Accommodation Group)
- Residential building (within Accommodation Group)
- Nurses' home (within Accommodation Group)
- Residential village (within Accommodation Group)
- Retirement village (within Accommodation Group)
- Display home (within Land Use Terms That Are Not Nested)
- Home based business (within Land Use Terms That Are Not Nested).

**Retail**

Retail development is defined to include the Darebin Planning Scheme nesting diagram definitions as follows:

- Retail Premises Group (all definitions within)
- Retail Premises Group (Sub-Group of Shop) (all definitions within).

Commercial

Commercial development is defined to include (but is not necessarily limited to) the Darebin Planning Scheme nesting diagram definitions as follows:

- Camping and caravan park (within Accommodation Group)
- Corrective institution (within Accommodation Group)
- Bed and breakfast (within Accommodation Group)
- Group accommodation (within Accommodation Group)
- Host farm (within Accommodation Group)
- Backpackers' lodge (within Accommodation Group)
- Hostel (within Accommodation Group)
- Residential aged care facility (within Accommodation Group)
- Nursing home (within Accommodation Group)
- Residential college (within Accommodation Group)
- Residential hotel (within Accommodation Group)
- Motel (within Accommodation Group)
- Office Group (all definitions within)
- Place of Assembly Group (all definitions within)
- Education Centre Group (all definitions within)
- Leisure and Recreation Group (all definitions within)
- Child Care Centre Group (all definitions within)
- Marina (within Recreational Boat Facility Group)
- Land Use Terms That Are Not Nested (all definitions within apart from Display home- and Home-based business)

Industrial.

Industrial development is defined to include the Darebin Planning Scheme nesting diagram definitions as follows:

- Industry Group (all definitions within)
- Transport Terminal Group (all definitions within)



- Warehouse Group (all definitions within)
- Renewable Energy Group (all definitions within)
- Agriculture Group (all definitions within)
- Earth And Energy Resources Group (all definitions within)
- Utility Installation Group (all definitions within)
- Recreational Boat Facility Group (all definitions within apart from Marina).

Non-residential development

Non-residential development (i.e. retail, commercial and industrial development) will be levied (unless exempt) on the basis of gross floorspace.

Works and development that do not deliver gross floorspace will not be levied. For example, infrastructure assets like power poles, sub-stations, telecommunications facility, retaining basin, energy facility and other installations will not be subject to DCP levies.



APPENDIX E: ANNUAL REPORTING REQUIREMENTS

Ministerial Reporting Requirements as at 11 October 2016 are shown below.

Annexure MINISTERIAL REPORTING REQUIREMENTS

Table 1 – Total DCP levies received in [Insert Financial Year]

DCP name and year approved	Levies received in [Insert Year] financial year (\$)
Total	

Table 2 – DCP land, works, services or facilities accepted as works-in-kind in [Insert Financial Year]

DCP name and year approved	Project ID	Project description	Item purpose	Project value (\$)
Total				

Table 3 – Total DCP contributions received and expended to date (for DCPs approved after 1 June 2016)

DCP name and year approved	Total levies received (\$)	Total levies expended (\$)	Total works-in-kind accepted (\$)	Total DCP contributions received (levies and works-in-kind) (\$)
Total				

Table 4 – Land, works, services or facilities delivered in [Insert Financial Year] from DCP levies collected

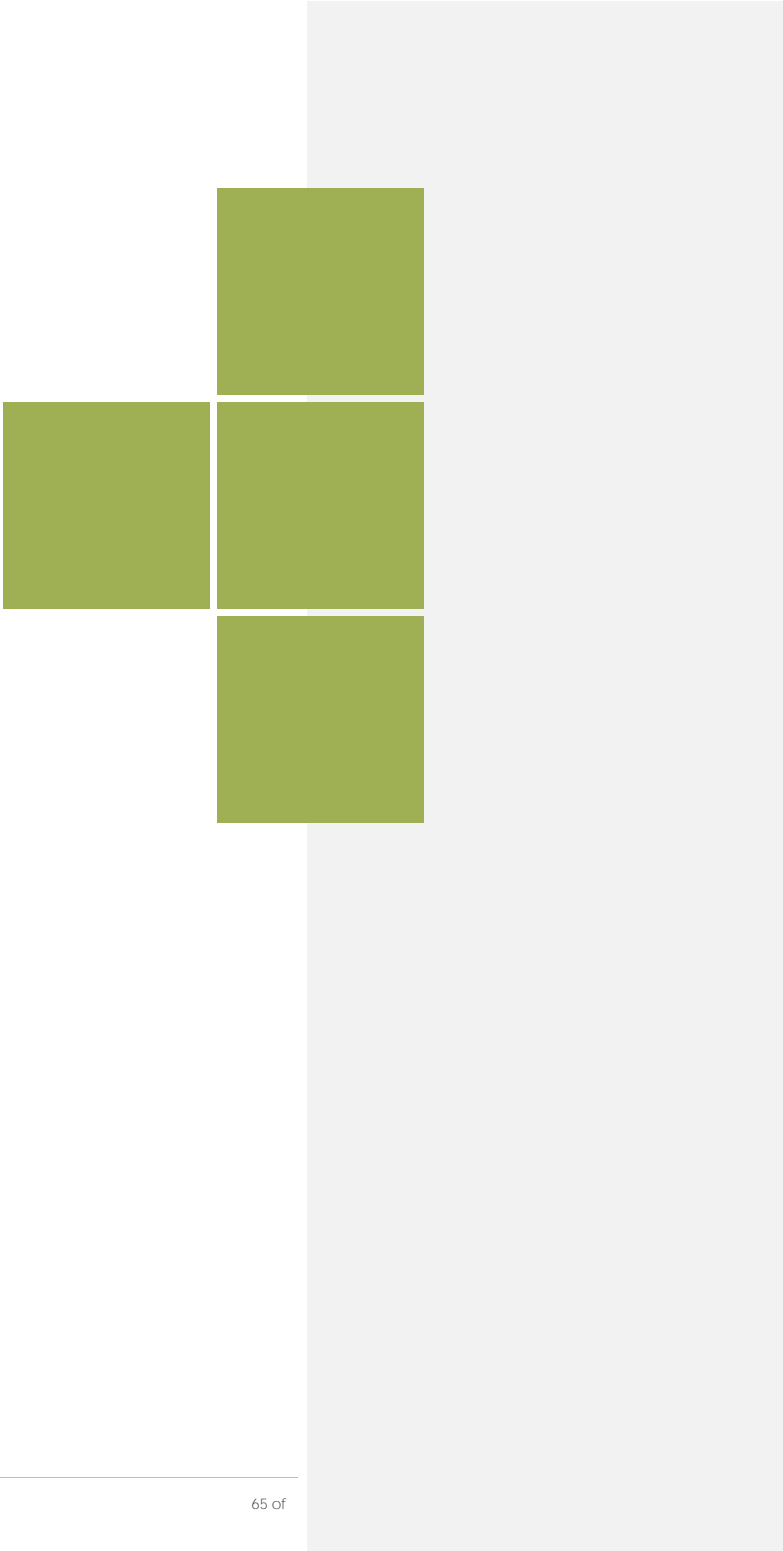
Project description	Project ID	DCP name and year approved	DCP fund expended (\$)	Works-in-kind accepted (\$)	Council's contribution (\$)	Other contributions (\$)	Total project expenditure (\$)	Percentage of item delivered
Total								



Disclaimer

1. This report is for the confidential use only of the party to whom it is addressed ("Client") for the specific purposes to which it refers and has been based on, and takes into account, the Client's specific instructions. It is not intended to be relied on by any third party who, subject to paragraph 3, must make their own enquiries in relation to the issues with which this report deals.
2. HillPDA makes no representations as to the appropriateness, accuracy or completeness of this report for the purpose of any party other than the Client ("Recipient"). HillPDA disclaims all liability to any Recipient for any loss, error or other consequence which may arise as a result of the Recipient acting, relying upon or using the whole or part of this report's contents.
3. This report must not be disclosed to any Recipient or reproduced in whole or in part, for any purpose not directly connected to the project for which HillPDA was engaged to prepare the report, without the prior written approval of HillPDA. In the event that a Recipient wishes to rely upon this report, the Recipient must inform HillPDA who may, in its sole discretion and on specified terms, provide its consent.
4. This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by HillPDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. HillPDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, HillPDA does not present them as results that will actually be achieved. HillPDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.
5. Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.
6. This report does not constitute a valuation of any property or interest in property. In preparing this report HillPDA has relied upon information concerning the subject property and/or proposed development provided by the Client and HillPDA has not independently verified this information except where noted in this report.
7. HillPDA makes no representations or warranties of any kind, about the accuracy, reliability, completeness, suitability or fitness in relation to maps generated by HillPDA or contained within this report.

Liability limited by a scheme approved under the Professional Standards Legislation



MELBOURNE

Suite 114, 838 Collins Street
Docklands VIC 3008
t: +61 3 9629 1842
f: +61 3 9629 6315
e: melbourne@hillpda.com

SYDNEY

Level 3, 234 George Street
Sydney NSW 2000
GPO Box 2748 Sydney NSW 2001
t: +61 2 9252 8777
f: +61 2 9252 6077
e: sydney@hillpda.com

WWW.HILLPDA.COM

Planning and Environment Act 1987

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 Families, Fairness and Housing 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 Families, Fairness and Housing 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 or other deed of agreement that requires either:
 - the payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);
- and explicitly excludes further development contributions to be made.

- ~~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, including:
 - Replacement of a building;
 - Renovations or alterations to an existing building;
 - Construction of a fence; and
 - Outbuildings normal to an existing dwelling.

What the amendment does

The proposed amendment implements the *Darebin Development Contributions Plan 2019* (~~October November 2021~~) by:

- ~~Replace introducing a new~~ Schedule ~~12~~ to Clause 45.06 (Development Contributions Plan Overlay) ~~with a new Schedule 1~~ 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 November 2021~~).
- Amending the Schedule to Clause 72.04 to ~~remove the City of Darebin Development Contributions Plan Version 3.0 (Darebin City Council, 2020) and to~~ incorporate the *Darebin Development Contributions Plan 2019* (~~October November 2021~~) 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 to reflect the replacement of~~ ~~S~~schedule ~~1~~ to the Development Contributions Plan Overlay with a new Schedule ~~1~~ ~~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

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.

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

or online at 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

*Planning and Environment Act 1987***DAREBIN PLANNING SCHEME****AMENDMENT C170dare****INSTRUCTION SHEET**

The planning authority for this amendment is the City of Darebin.

The Darebin Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 18 attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map Nos. 1DCPO, 2DCPO, 3DCPO, 4DCPO, 5DCPO, 6DCPO, 7DCPO, 8DCPO, 9DCPO, 10DCPO, 11DCPO, 12DCPO, 13DCPO, 14DCPO, 15DCPO, 16DCPO, 17DCPO, 18 DCPO in the manner shown on the 18 attached maps marked "Darebin Planning Scheme, Amendment C170dare".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Local Planning Policy Framework** – replace Clause 21.02 with a new Clause 21.02 in the form of the attached document.
3. In **Overlays** – Clause 45.06, ~~replace Schedule 1~~ insert with a new Schedule 2-1 in the form of the attached document.
4. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document

End of document

DAREBIN PLANNING SCHEME

21.02

31/08/2017
GC42

ENVIRONMENT

This Clause provides local content to support Clause 11.03 (Open Space), Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management) and Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

21.02-1

15/10/2015
C138

Strategic Environment Framework

‘The environment’ encompasses all the circumstances, objects or conditions that surround us as we live, work and recreate – from the climate, soil, water and other living things to open spaces, buildings, and urban streetscapes. In land use planning, ‘natural’ and ‘built’ environments are generally distinguished separately as they are in the objectives. However, they are interconnected in how they interface and collectively contribute to the experience of life in Darebin. Council supports an approach to natural and built environments that:

- Protects and enhances natural environmental assets, in particular creek and habitat corridors, and manages visual and physical impacts from land use and development in a way that does not preclude accessibility and, where appropriate, the physical and visual integration between urban and natural environments.
- Promotes urban environments and open spaces designed for liveability and environmental sustainability, and making a positive contribution to the health and wellbeing of Darebin residents, workers and visitors.
- Recognises and protects areas and sites of natural, cultural and built heritage value.

Objectives and strategies for these are set out in the clauses below.

21.02-2

31/08/2017 - [redacted]
GG42 Proposed C170dare

Natural Environment

Overview

Areas of natural environmental significance in Darebin include native grasslands at Central Creek Reservoir and Cherry Street Macleod; two major creek systems (Merri and Darebin); significant remnant vegetation (River Red Gums at Mount Cooper and Bundoora Park); and native habitat forest (Gresswell Forest and Hill, and La Trobe Wildlife Sanctuary) which also support significant native animal species.

The Merri and Darebin Creeks, Gresswell Habitat Link and Hurstbridge Rail Reserve provide a cohesive network of natural spaces and corridors. Appropriate landscape and water management on land adjoining this network can contribute to the protection of these habitats. Additionally, areas around Darebin and Merri Creeks that are popular for recreation, cycling and walking require planning to ensure they are safe spaces to access.

Refer to the Strategic Framework Plan at Clause 21.01-6 showing areas of natural environment significance.

Key Issues

- Protection of remnant natural areas in Darebin from the impacts of development.
- Pressure for redevelopment of residential creek-side lots.
- Impact of industrial development on creek-side environs with regard to location of storage areas, car parking and design of the built form.
- Maintaining long term protection of remnant native vegetation in estates such as Springthorpe in Macleod and Mt. Cooper and Lancaster Gate in Bundoora.
- Impacts of land use activities on local and regional waterways through substances released into the stormwater system, run-off from roads, and litter.

DAREBIN PLANNING SCHEME

- Maintaining a cohesive network of linked natural spaces and corridors to provide havens and corridors for wildlife and enhance water quality in the creeks.
- Balancing the need for preserving a natural landscape feel with the need for passive surveillance at interfaces between natural and built environments.

Objective 1 – Protect and Enhance

To protect, maintain and enhance Darebin’s natural environment including the major creek systems.

Strategies

- Ensure that remnant vegetation is identified and conserved.
- Ensure that places and areas of natural heritage significance are conserved and enhanced.
- Encourage the use of indigenous vegetation and planting on private and public land to increase biodiversity.
- Manage landscapes in ways that contribute to the creation of a more ecologically sustainable natural environment.
- Ensure development of urban areas maintains or improves river and wetland health, waterway protection and flood plain health through appropriate stormwater and overland flow management and integrated water management planning of precincts.
- Provide for a consistent and coordinated planning approach to protect, maintain and enhance the natural, landscape, cultural and built character of the Darebin and Merri Creek environs.

Objective 2 – Interfaces

To achieve a balance between the protection of the natural environment and the safety and surveillance objectives of recreational users of public open space.

Strategies

- Ensure that land use and development is compatible and appropriately integrated with areas of natural heritage and environmental significance.
- Ensure that development adjacent to the Darebin and Merri Creeks retains and enhances each creek’s unique contribution to the community and wider ecology.
- Balance the need to ensure the aesthetic impact of development adjacent to creeks is sensitive to existing creek environs, view lines and landscape works with the need to provide passive surveillance over creek-side environs, particularly around access points to public land and along pedestrian and cycling pathways.
- Consider fencing strategies for development adjacent to parks and reserves, which ensures fencing not only defines the transition from public to private realm but promotes good surveillance.
- Ensure development of private land adjoining the perimeter of Bundoora Park is designed and orientated to provide frontage to the park and avoid high fencing and expanses of wall at the park interface. Development should provide visual and physical connections to the park (via active frontages with appropriate land uses at ground level, pedestrian paths and links, and windows, terraces/balconies orientated to overlook the park) wherever possible.

Implementation

The strategies in relation to natural environment will be implemented through the planning scheme as follows:

DAREBIN PLANNING SCHEME

Policy Guidelines

Apply Clause 22.03 Darebin Creek – Adjacent Land Design and Development in considering applications for development or subdivision of land adjacent to Darebin Creek.

Application of Zones and Overlays

- Apply the Public Conservation and Resource Zone over the Gresswell Habitat Link, Gresswell Forest Nature Conservation Reserve and Central Creek Grasslands.
- Apply Vegetation Protection Overlays to provide for the long term preservation of significant vegetation on the Mount Cooper, Springthorpe and Lancaster Gate Estates and the former Kingsbury Centre.
- Apply Environmental Significance Overlays to protect remnant vegetation sites and other areas of identified environmental significance.
- Apply Design and Development Overlays over private and public land adjacent to the Darebin and Merri Creeks to manage the impact of development on and provide appropriate interfaces with creek-side areas.
- Apply the Urban Floodway Zone and Land Subject to Inundation Overlay provisions as appropriate around waterways to minimise flood-related soil erosion, sedimentation and silting and to protect water quality.

Further Strategic Work

- Review the application of the Urban Floodway Zone along parts of the Merri, Darebin and Edgars Creeks.
- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Review the Darebin Creek Design and Development Guidelines (2000) to inform preparation of a Design and Development Overlay for land adjacent to Darebin Creek.
- Review the Development Guidelines for Merri Creek (Merri Creek Management Committee, 2004) to inform preparation of a Design and Development Overlay for land adjacent to Merri Creek.
- Include an integrated water management plan and ecological improvement initiatives for Darebin Creek in the formulation of the Northland Structure Plan.

Reference Documents

Bundoora Park Master Plan 2012

Central Creek Grassland 5 Year Management Plan 2011-2016

Darebin Creek, Design and Development Guidelines, City of Darebin, 2000

Darebin Litter Plan 2011-2013

Darebin Open Space Strategy, 2007-2017 (2008)

Darebin Development Contributions Plan 2019 (November 2021)

Development Guidelines for Merri Creek, Merri Creek Management Committee, 2004

Lower Darebin Creek Concept Plan, Parks Victoria/Melbourne Water, 1996

Merri Creek and Environs Strategy 2009-2014, Merri Creek Management Committee, 2009

Springthorpe Conservation Plan, February 2001

Springthorpe Tree Conservation Plans

DAREBIN PLANNING SCHEME

Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025

Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

21.02-3

27/08/2021
C161dare

Built Environment**Overview**

The design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes plays an important role in enhancing civic pride, liveability and social connectedness, and provides opportunities for creating a more sustainable city.

Good urban design acknowledges the collective impact of development both within and beyond the boundaries of individual sites and enables positive outcomes for the public realm that enhance people's wellbeing and experience of the built environment.

Darebin City Council is committed to environmental sustainability and actively encourages sustainably-designed buildings that reduce energy consumption and water use, encourage recycling and sustainable transport and that use recycled and sustainable materials.

Key Issues

- Achieving high-quality design in development across a variety of urban environments, including activity centres and industrial/employment precincts.
- Impacts of large-scale development on streetscape amenity and pedestrian experience, and increased reliance on the public realm in providing visual appeal and amenity.
- How design might improve the interface and interaction of new developments with the public realm (including parks and open spaces).
- Incorporating Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthening requirements at planning permit stage.
- Striking a balance between the understandable need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter.

Objective 1 – Urban Design Excellence

To ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.

Strategies

- Encourage high quality design and buildings that respond to characteristics of the locality.
- Develop and implement detailed design guidelines for areas where substantial housing change and growth is encouraged.
- Ensure that important public views and vistas, where identified in a strategy or guideline adopted by Council, are recognised, protected and enhanced.
- Apply urban design principles when developing structure plans, land use strategies, and urban design guidelines.
- Promote land use and development in activity centres, strategic corridors and strategic development precincts in accordance with adopted Structure Plans, precinct plans or strategies.
- Ensure development in activity centres, strategic corridors and strategic development precincts:
 - is responsive to its environment with a high quality appearance
 - promotes an urban scale and character that is appropriate to the role and function of the activity centre or strategic corridor precinct

DAREBIN PLANNING SCHEME

- encourages consolidation of commercial areas along strategic corridors to create strong, vibrant hubs to serve the local community
- manages negative off-site impacts and interface issues with surrounding sensitive land uses
- promotes visual and physical improvements to the public realm
- encourages a safe and accessible environment for pedestrians, cyclists, public transport users and motorists.
- Ensure that development in industrial and commercial areas:
 - achieves a high standard of building design and provides for suitable landscaping and treatments to improve the visual character, function and layout of such areas
 - minimises the impact of traffic, noise and emissions from industrial land uses on the amenity of surrounding residential areas
 - reduces and minimises conflict between industrial and non-industrial land uses.
- Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged.
- Collect development contributions from private development for streetscape upgrades.
- Undertake streetscape upgrades to Edwardes Street, Broadway and other streets in Reservoir Activity Centre.

Objective 2 – Safe Urban Environments

To promote safety through well-designed and well-maintained urban environments.

Strategies

- Encourage designs that incorporate elements that promote safety, such as clear sightlines, safe movement, passive surveillance, good connections, good access, mixed use and activities that promote public use.
- Ensure that public spaces, access routes and areas in the vicinity are attractive, safe, uncluttered and work effectively for all.
- Ensure new retail and/or mixed use development incorporates verandahs over footpaths where appropriate.
- Ensure that buildings at ground level provide active frontages and a high level of pedestrian amenity.
- Encourage day and evening activity in activity centres, other precincts and key development.
- Consider the above strategies in assessments and when developing strategies and urban design guidelines.

Objective 3 – Environmentally Sustainable Design

To promote and facilitate development that incorporates best practice environmentally sustainable design and promotes sustainable living and business practices.

Strategies

- Encourage the adaptive reuse of buildings to reduce the amount of waste going to landfill.
- Encourage the design of new and retrofitted buildings and public spaces to incorporate high standards of energy efficient design, water sensitive urban design, sustainable transportation, waste reduction and protection of biodiversity.
- Promote the integration of land use and sustainable transport (walking, cycling and public transport) in accordance with the strategies in Clause 21.05-1.

DAREBIN PLANNING SCHEME

- Encourage best practice industrial and commercial development to minimise amenity impacts and achieve long term environmental sustainability.
- Require the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential and non-residential development as part of the planning permit approval process.

Objective 4 - Signage

To ensure signage is integrated into development and streetscapes.

Strategies

- Minimise visual clutter and prevent the proliferation of signs, particularly along major gateways, road reservations, commercial/retail areas and industrial estates.
- Ensure that outdoor signage presents a coordinated and high quality image.
- Ensure outdoor signage is located on the land to which it relates.
- Encourage simple, clear, consistent and non-repetitive advertising that is displayed in appropriate locations and planned as an overall signage package for a site.
- Ensure outdoor advertising is appropriate with regard to the architectural design of buildings on which signs are displayed.
- Incorporate outdoor advertising into the design of new buildings and major renovations and ensure signage is planned for at the beginning rather than at the end of development.

Implementation

The strategies in relation to built environment will be implemented through the planning scheme as follows:

Policy Guidelines

- Apply Clause 22.01 Junction Framework Plan in considering applications for use and development in the Junction Strategic Development Precinct.
- Apply Clause 22.04 Industrial and Commercial Activity in considering applications for use and development in the Industrial 1, Industrial 3 and Commercial 2 Zones.
- Apply Clause 22.05 High Street Corridor Land Use and Urban Design in considering applications for use and development in the High Street corridor.
- Apply Clause 22.06 in considering applications for Residential or Mixed Use Development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and, where considered relevant, General Residential Zone.
- Apply Clause 22.08 Northcote Activity Centre in considering applications for use and development in the Northcote Activity Centre.
- Apply Clause 22.09 Preston Central (Incremental Change) in considering applications development in residential precincts of the Preston Activity Centre.
- Apply Clause 22.12 Environmentally Sustainable Development in considering applications for residential and non-residential development.

Application of Zones and Overlays

- Apply the Activity Centre Zone to activity centres, incorporating urban design frameworks and guidelines.
- Apply the Design and Development Overlay to ensure that key public views and vistas are protected and enhanced.

DAREBIN PLANNING SCHEME

- Apply the Design and Development Overlay to sites and precincts to achieve specific desired built form outcomes, design principles and treatment of interfaces (as required by structure plans, strategies, or site studies).
- Apply Design and Development Overlays along strategic corridors to achieve high quality development in accordance with relevant urban design frameworks.
- Apply the Development Plan Overlay to strategic redevelopment sites and precincts.

Further Strategic Work

- Develop an Environmentally Sustainable Development Strategy that will:
 - establish a framework to coordinate the various environmental policies of Council and provide strategic directions for energy efficiency, waste management and integrated water management
 - set design guidelines for achieving sustainable development that minimises energy and water consumption and encourages reuse of water and waste; and
 - provide the basis for other planning measures such as overlays for achieving sustainable development at both site and precinct scale.
- Prepare and implement Urban Design Frameworks and guidelines for development in:
 - Northland Activity Centre
 - Reservoir Activity Centre
 - Miller-on-Gilbert Neighbourhood Centres
 - Heidelberg Road Corridor
 - The Junction – South Preston and Oakover Village Strategic Redevelopment Precincts.
- Review the *Preston Structure Plan 2006 (as amended)* and *Northcote Structure Plan (2007)* to ensure the strategic directions in these plans address contemporary issues and reflect the broader strategic vision for municipal growth and change.
- Review the *High Street Urban Design Framework (2005)* and implement Design and Development Overlay controls for intermodal areas of High Street.
- Review the *Bell Street Corridor Strategy(2006)* and implement Design and Development Overlay controls to encourage high quality development along the Bell Street Corridor.
- Identify important public views and vistas in the municipality.
- Explore opportunities to incorporate public art elements in high profile developments.
- Identify and support the delivery of streetscape upgrades in Substantial Housing Change areas.

Reference Documents

Bell Street Corridor Strategy, Hansen Partnership, 2006
Climate Change and Peak Oil Adaptation Plan, 2009
Community Climate Change Action Plan 2009-2020
Community Health and Wellbeing Plan 2009-2013
Darebin Community Safety Strategy 2012-2016
Darebin Housing Strategy 2013 (revised 2015)
Darebin Waste and Litter Strategy 2015-2025
Fairfield Village Built Form Guidelines, 2017 (amended 2019)
Green Streets Strategy 2013

DAREBIN PLANNING SCHEME

High Street Urban Design Framework and High Street Study Precinct Guidelines, 2005
 Northcote Activity Centre Structure Plan, 2007, and Medium and Low Change Residential Areas Precinct Guidelines, 2008
 Northland Residential Neighbourhood Precinct Structure Plan, 2014
 Plenty Road Integrated Land Use and Transport Study, 2013
 Preston Central Structure Plan 2006 (as amended) and Urban Design Framework and Guidelines, 2006
 Reservoir Structure Plan, 2012
 Residential Built Form Guidelines, 2014
 Urban Design Guidelines for Victoria, 2017
 Urban Design Charter for Victoria, 2010
 Urban Design Framework 2015 St Georges Road and Plenty Road Corridors
 Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025
 Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

21.02-4
 27/08/2021
 C161dare

Heritage

Overview

Darebin municipality's rich and diverse natural heritage and history of human settlement, from pre-contact inhabitation, through European colonisation to the modern era, has created a heritage fabric characterised by many layers and types of significance.

The extensive stock of older buildings can provide opportunities for redevelopment that demonstrate principles of cultural and ecological sustainability, possibly through adaptive reuse, urban design and architectural excellence. Some heritage places have the potential to increase and enhance local and regional tourism opportunities.

Key Issues

- Providing a balance between conservation needs and capacity for new infill development within heritage precincts to deliver a good design outcome.
- Balancing diversity of experience and conservation of biodiversity values around natural heritage assets.

Objective 1 – Heritage Places and Areas

To ensure that places and areas of cultural and natural heritage significance are conserved and enhanced.

Strategies

- Encourage the retention of any significant original fabric in development proposals.
- Discourage demolition or relocation of locally significant heritage buildings.
- Encourage appropriate use of heritage places in keeping with heritage significance.
- Identify and protect sites of identified Aboriginal cultural heritage significance.
- Identify and protect sites of natural heritage significance.

Objective 2 – Development and Heritage

To promote sympathetic infill and redevelopment of heritage places and areas.

DAREBIN PLANNING SCHEME

Strategies

- Ensure development within heritage areas is sympathetic with the heritage character of the area.
- Ensure that redevelopment of heritage buildings and areas is visually compatible with existing forms.
- Promote innovative responses that makes a positive contribution to the heritage places and areas.
- Facilitate designs that are sensitive to heritage and urban character.
- Require conservation management plans for key sites prior to approval and commencement of works.

Implementation

The strategies in relation to heritage will be implemented through the planning scheme as follows:

Application of Zones and Overlays

- Apply the Heritage Overlay to places of local, regional, State or national heritage significance.
- Apply the Environmental Significance Overlay to places of natural heritage significance and culturally significant landscapes, trees and/or vegetation.

Further Strategic Work

- Review the Darebin Heritage Strategy, which should include the development of design guidelines on demolition and redevelopment of heritage places, and provide the strategic basis for development of a local policy to guide decision making.
- Prepare a Natural Heritage Study to identify sites of natural heritage significance and form strategies for ongoing conservation and management.

Reference Documents:

City of Darebin Heritage Study: Volume 3, Historic Heritage Places, 2011

City of Darebin Heritage Study: Volume 4a, Preston Central Heritage Assessment, Key Findings and Recommendations, 2008

City of Darebin Heritage Study, Volume 4b, Preston Central Heritage Place Citations, 2008

Darebin Heritage Review Volumes 1, 2, & 3, 2000

Darebin Housing Strategy 2013 (revised 2015)

City of Darebin Citations for Individually Significant Buildings, 1996

Fairfield Village Heritage Assessment 2017 (amended 2019)

21.02-5 Open Space

04/06/2017 - / - / - -
C137 Proposed C170 dare

Overview

Access to and enjoyment of open space is a key contributor to quality of life and local amenity. Council aims to improve the quality of open space and encourage the use and development of waterways and linkages. Priorities for managing open space are guided by the Darebin Open Space Strategy 2007-2017, which identifies and categorises open spaces by state down to local role, and the range of functions each space should fulfil.

DAREBIN PLANNING SCHEME**Key Issues**

- Darebin is a developed municipality with limited opportunities for creating additional open space. Existing open space is highly valued by the community.
- Provision of sufficient open space, particularly in higher density living precincts where there is higher reliance on for communal facilities for outdoor activities and recreation.

Objective

To provide a safe, accessible and high quality open space network that is equitably distributed across the municipality.

Strategies

- Encourage opportunities for public and communal open spaces adjacent to the creek environs.
- Protect and enhance existing open spaces where possible.
- Encourage linear open space linkages along waterways including pedestrian and bicycle access.
- Include provision for acquisition and improvement of open space in Development Contributions Plans.
- Consider opportunities for ‘greening’ in areas of higher density development, including alternative to traditional ground level landscaping e.g. green roofs and walls.

Implementation

The strategies will be implemented through the planning scheme as follows:

Application of Zones and Overlays

- Apply the Public Park and Recreation Zone to all municipal reserves.
- Apply the Public Conservation and Resource Zone to undeveloped municipal reserves which contain significant levels of indigenous vegetation or high biodiversity values.
- Apply the Heritage Overlay to open space of recognised cultural and social heritage value.

Further Strategic Work

- Review and rezone public open space in accordance with relevant strategies.
- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Undertake an assessment of the heritage significance of the City’s older reserves as a basis for conservation planning and management, including Oldis Gardens, Johnson Park, LW Williams Reserve, JS Grey Reserve, Adam Reserve, Batman Park, Penders Park and AG Davis Reserve.

Reference Documents

Bundoora Park Precinct Master Plan, 2012

Darebin Open Space Strategy, 2007-2017 (2008)

Darebin Development Contributions Plan 2019 (November 2021)

Leisure Strategy 2010-2020

Playspace Strategy 2010-2020

DAREBIN PLANNING SCHEME

21.02-6

31/08/2017
GC42**Environmental Risk****Overview**

Environmental risk in land use planning encompasses a broad range of issues, including the efficient management and protection of natural resources, dealing with contaminated land and developing resilience to impacts of climate change and peak oil.

Key Issues

- Consideration in planning strategies and permit assessments about potential environmental risks, such as land contamination, noise and air pollution, as well as the impacts of climate change including flooding, soil erosion, wildfire and heatwaves.
- Efficient management and protection of natural resources and ensuring risks of contamination, soil erosion, oil spill and industrial runoff into water bodies are considered in assessments.

Objective

To ensure appropriate development in areas prone to environmental risk.

Strategies

- Require assessment of environmental risk, and as appropriate require environmental audits be undertaken, where a sensitive use is proposed on potentially contaminated land.
- Assess risk prior to development in flood prone areas, in accordance with relevant flood management plans.

Implementation

The strategies in relation to environmental risk will be implemented through the planning scheme as follows:

Application of Zones and Overlays

- Apply the Environmental Audit Overlay to potentially contaminated land that may be used for sensitive uses in accordance with the requirements of *Ministerial Direction No.1 – Potentially Contaminated Land*.
- Apply the Special Building Overlay to land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

Further Strategic Work

- Compile a register of non-conforming industrial sites for which a change to a sensitive land use is likely, with a view to applying the Environmental Audit Overlay.
- Develop a local planning policy for consideration of use or development of land which has potential for contamination to ensure proposed uses and developments are suitable, and require remediation of contaminated land to a level that is compatible with the desired future uses of the site.

Reference Documents

Climate Change and Peak Oil Adaptation Plan, 2009

Ministerial Direction No.1 – Potentially Contaminated Land

Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025

Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025

DAREBIN PLANNING SCHEME

28/05/2024
C185dare

SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCP01**.

CITY OF DAREBIN DEVELOPMENT CONTRIBUTIONS PLAN

1.0

19/01/2006
V637

Area covered by this development contributions plan

The development contributions plan applies to all land contained within the municipality as shown on Planning Scheme Maps 1 to 18 **DCP01**

2.0

05/05/2016
C148

Summary of costs

Facility	Total cost-\$	Time-of-provision	Actual cost contribution including discount + GST attributable to development-\$	Proportion of cost attributable to development (including existing development) %
Roads	37,114,024	Over 10 years as shown in the Development Contributions Plan	2,123,337	5.7%
Traffic & Road Safety	2,993,199	Over 10 years as shown in the Development Contributions Plan	79,481	2.7%
Drains	5,118,854	Over 10 years as shown in the Development Contributions Plan	304,742	6.0%
Open Space	7,992,332	Over 10 years as shown in the Development Contributions Plan	100,532	1.3%
Buildings	25,334,172	Over 16 years as shown in the Development Contributions Plan	7,148,136	28.2%
Feasibility Studies	79,623	Over 10 years as shown in the Development Contributions Plan	5,957	7.5%
TOTAL	\$78,632,204		\$9,762,185	12.4%

Total Cost (\$) is the actual cost of completed projects attributable to the DCP area.

Total Cost of Buildings includes the cost of the proposed Darebin Outdoor Multi-Use Sports Stadium Project.

Actual cost contribution refers to collections attributed to completed projects.

Actual cost contribution for Buildings includes the excess/unspent funds collected under the DCP.

3.0

28/05/2024
C185dare

Equivalence Ratios

As the Development Contributions Plan relates to all development types, it is necessary to express non-residential development in terms of equivalent dwellings:

Development Type	Equivalent to One Dwelling (Charge Unit)
For Roads and Ancillary Infrastructure	
Retail	19sqm floor area

DAREBIN PLANNING SCHEME

Development Type	Equivalent to One Dwelling (Charge Unit)
Office/Service Industry	121sqm floor area
Industrial	67sqm floor area
Primary School	3.42 students
Secondary School	3.48 students
Tertiary Institution	5.70 students
Hospital	0.67 beds
For Drainage Infrastructure	
Retail	300sqm site area
Office/Service Industry	360sqm site area
Industrial	540sqm site area
Primary School	540sqm site area
Secondary School	540sqm site area
Tertiary Institution	540sqm site area
Hospital	540sqm site area
For Community Infrastructure	
Retail	Not applicable
Office/Service Industry	Not applicable
Industrial	Not applicable
Primary School	Not applicable
Secondary School	Not applicable
Tertiary Institution	Not applicable
Hospital	Not applicable

4.0
19/04/2006
V637

Summary of contributions

<i>Note:</i>	<i>Residential developments are subject to all levies below.</i>
<i>Note:</i>	<i>Non-residential developments are exempt from charges relating to Community and Parkland Infrastructure.</i>

DAREBIN PLANNING SCHEME

LEVIES PER CHARGE UNIT PAYABLE BY THE DEVELOPMENT

	Community Infrastructure	Development Infrastructure		
Charge Area (GGD)	*Community	*Parkland	Drainage	Road
2330101	\$126.49	\$0.45	\$0.00	\$1.36
2330102	\$126.49	\$0.45	\$0.00	\$998.73
2330103	\$126.49	\$29.28	\$0.00	\$389.99
2330104	\$126.49	\$0.45	\$0.00	\$1,888.47
2330105	\$126.49	\$0.45	\$0.00	\$444.60
2330106	\$126.49	\$0.45	\$0.00	\$328.04
2330107	\$126.49	\$29.28	\$0.00	\$1,940.54
2330108	\$126.49	\$0.45	\$0.00	\$584.41
2330109	\$126.49	\$0.45	\$0.00	\$966.17
2330110	\$126.49	\$0.45	\$0.00	\$2,111.41
2330111	\$126.49	\$0.45	\$0.00	\$1.36
2330112	\$126.49	\$0.45	\$0.00	\$3,695.25
2330113	\$126.49	\$0.45	\$0.00	\$1,257.20
2330114	\$126.49	\$0.45	\$0.00	\$1,479.02
2330201	\$175.02	\$0.45	\$0.00	\$398.80
2330202	\$126.49	\$29.28	\$0.00	\$675.17
2330203	\$126.49	\$0.45	\$0.00	\$1,053.24
2330204	\$126.49	\$0.45	\$0.00	\$513.91
2330205	\$126.49	\$0.45	\$0.00	\$2,217.98
2330206	\$126.49	\$0.45	\$0.00	\$2,098.00
2330207	\$132.06	\$0.45	\$0.00	\$583.07
2330208	\$126.49	\$29.28	\$0.00	\$264.32
2330209	\$126.49	\$0.45	\$0.00	\$224.77
2330210	\$126.49	\$0.45	\$0.00	\$668.87

**Non-residential developments are exempt from Community and Parkland Infrastructure charges*

	Community Infrastructure	Development Infrastructure		
Charge Area (GGD)	*Community	*Parkland	Drainage	Road
2330211	\$126.49	\$0.45	\$0.00	\$680.42

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGD)	*Community	*Parkland	Drainage	Road
2330301	\$175.02	\$7.40	\$0.00	\$167.97
2330302	\$30.30	\$0.45	\$23.02	\$485.31
2330303	\$35.77	\$0.45	\$0.00	\$1,011.95
2330304	\$35.77	\$45.98	\$0.00	\$1,169.55
2330305	\$30.30	\$45.98	\$21.27	\$153.09
2330306	\$30.30	\$0.45	\$0.00	\$99.12
2330307	\$175.02	\$7.40	\$0.00	\$631.54
2330308	\$35.77	\$45.98	\$0.00	\$1,784.05
2330309	\$175.02	\$7.40	\$0.00	\$346.24
2330310	\$35.77	\$0.45	\$0.00	\$64.47
2330401	\$137.53	\$0.45	\$0.00	\$228.60
2330402	\$131.96	\$0.45	\$0.00	\$542.32
2330403	\$131.96	\$0.45	\$0.00	\$807.43
2330404	\$131.96	\$0.45	\$0.00	\$1,137.89
2330405	\$131.96	\$0.45	\$0.00	\$894.55
2330406	\$131.96	\$0.45	\$0.00	\$1,104.37
2330407	\$131.96	\$0.45	\$0.00	\$1,038.84
2330408	\$126.49	\$0.45	\$0.00	\$250.09
2330501	\$126.49	\$0.45	\$0.00	\$511.39
2330502	\$131.96	\$0.45	\$107.93	\$726.48
2330503	\$126.49	\$0.45	\$0.00	\$489.89
2330504	\$126.49	\$0.45	\$52.56	\$311.91
2330505	\$30.30	\$8.24	\$173.04	\$1,219.38
2330507	\$280.72	\$0.45	\$507.94	\$325.85
2330508	\$131.96	\$0.45	\$0.00	\$350.40
2330509	\$126.49	\$0.45	\$0.00	\$889.64
2330601	\$35.77	\$0.45	\$0.00	\$3,940.65
2330602	\$30.30	\$0.45	\$339.92	\$504.24

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

DAREBIN PLANNING SCHEME

Charge Area (GSD)	Community Infrastructure	Development Infrastructure	Drainage	Road
	*Community	*Parkland		
2330603	\$30.30	\$0.45	\$85.68	\$1,037.47
2330604	\$30.30	\$0.45	\$0.00	\$1,523.37
2330605	\$30.30	\$0.45	\$0.00	\$1,247.28
2330606	\$30.30	\$0.45	\$0.00	\$667.27
2330607	\$30.30	\$8.24	\$0.00	\$112.67
2330608	\$30.30	\$0.45	\$173.04	\$1,286.56
2330609	\$30.30	\$0.45	\$0.00	\$1,940.23
2330610	\$30.30	\$0.45	\$0.00	\$467.15
2330611	\$30.30	\$0.45	\$106.95	\$1,275.02
2330612	\$30.30	\$0.45	\$0.00	\$485.25
2330702	\$126.49	\$0.45	\$0.00	\$1,810.72
2330703	\$30.30	\$0.45	\$639.95	\$2,129.31
2330704	\$30.30	\$0.45	\$220.26	\$409.77
2330705	\$30.30	\$0.45	\$0.00	\$522.95
2330706	\$30.30	\$0.45	\$0.00	\$51.04
2330707	\$126.49	\$0.45	\$0.00	\$1,919.34
2330708	\$30.30	\$0.45	\$639.95	\$2,307.48
2330709	\$30.30	\$0.45	\$0.00	\$562.42
2330801	\$280.72	\$85.01	\$0.00	\$604.07
2330802	\$280.72	\$0.45	\$0.00	\$340.85
2330803	\$280.72	\$0.45	\$0.00	\$1,095.13
2330804	\$126.49	\$0.45	\$0.00	\$3,029.03
2330809	\$30.30	\$8.24	\$0.00	\$3,587.60
2330805	\$126.49	\$0.45	\$0.00	\$2,277.70
2330806	\$30.30	\$0.45	\$0.00	\$568.94
2330807	\$30.30	\$0.45	\$0.00	\$722.47
2330808	\$280.72	\$85.01	\$0.00	\$605.33
2330901	\$126.49	\$0.45	\$382.99	\$256.24
2330902	\$126.49	\$0.45	\$0.00	\$429.74

**Non-residential developments are exempt from Community and Parkland Infrastructure charges*

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGB)	*Community	*Parkland	Drainage	Road
2330903	\$126.49	\$0.45	\$0.00	\$889.15
2330904	\$280.72	\$0.45	\$0.00	\$848.75
2330905	\$280.72	\$0.45	\$0.00	\$193.79
2330906	\$126.49	\$0.45	\$0.00	\$1,000.22
2330907	\$126.49	\$0.45	\$0.00	\$1,320.14
2330908	\$160.54	\$0.45	\$0.00	\$2,700.11
2330909	\$246.70	\$0.45	\$0.00	\$201.31
2330910	\$126.49	\$0.45	\$0.00	\$587.67
2330911	\$280.72	\$0.45	\$0.00	\$1,403.01
2334001	\$252.19	\$0.45	\$808.52	\$214.35
2334002	\$252.19	\$7.62	\$351.28	\$1,088.28
2334003	\$252.19	\$0.45	\$0.00	\$990.05
2334004	\$30.30	\$0.45	\$0.00	\$76.59
2334005	\$111.31	\$0.45	\$0.00	\$48.02
2334006	\$111.31	\$11.28	\$132.13	\$80.91
2334007	\$111.31	\$11.28	\$186.59	\$26.21
2334008	\$111.31	\$0.45	\$54.46	\$33.13
2334009	\$111.31	\$0.45	\$0.00	\$1.36
2334010	\$111.31	\$36.60	\$54.46	\$77.50
2334011	\$252.19	\$0.45	\$0.00	\$91.17
2334101	\$252.19	\$0.45	\$0.00	\$188.21
2334102	\$252.19	\$0.45	\$0.00	\$302.67
2334103	\$252.19	\$37.01	\$216.47	\$296.10
2334104	\$252.19	\$7.62	\$351.28	\$157.89
2334105	\$252.19	\$28.38	\$0.00	\$235.69
2334106	\$252.19	\$0.45	\$863.64	\$43.61
2334107	\$252.19	\$0.45	\$0.00	\$92.48
2334108	\$256.33	\$0.45	\$0.00	\$1.36
2334109	\$256.33	\$0.45	\$0.00	\$130.97
2334110	\$252.19	\$28.38	\$216.47	\$344.03

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGD)	*Community	*Parkland	Drainage	Road
2334111	\$256.33	\$7.62	\$216.47	\$1,187.96
2334112	\$252.19	\$0.45	\$0.00	\$200.88
2334113	\$252.19	\$7.62	\$216.47	\$26.80
2334201	\$256.33	\$26.18	\$0.00	\$128.52
2334202	\$256.33	\$145.04	\$0.00	\$233.35
2334207	\$256.33	\$0.45	\$0.00	\$462.49
2334203	\$256.33	\$183.48	\$1,158.22	\$103.27
2334204	\$256.33	\$69.87	\$0.00	\$470.47
2334205	\$256.33	\$0.45	\$83.77	\$783.70
2334206	\$256.33	\$0.45	\$83.77	\$452.08
2334208	\$256.33	\$26.18	\$0.00	\$797.51
2334209	\$256.33	\$26.18	\$0.00	\$667.14
2334210	\$256.33	\$0.45	\$646.91	\$370.71
2334211	\$256.33	\$0.45	\$0.00	\$884.78
2334212	\$256.33	\$26.18	\$189.30	\$103.92
2334213	\$252.19	\$0.45	\$0.00	\$851.65
2334301	\$256.33	\$0.45	\$208.20	\$29.95
2334302	\$256.33	\$0.45	\$0.00	\$1,424.61
2334303	\$256.33	\$0.45	\$101.84	\$290.92
2334304	\$256.33	\$0.45	\$0.00	\$168.61
2334305	\$256.33	\$0.45	\$0.00	\$1.36
2334306	\$256.33	\$0.45	\$0.00	\$25.67
2334307	\$256.33	\$0.45	\$0.00	\$1.36
2334308	\$256.33	\$0.45	\$0.00	\$54.01
2334309	\$256.33	\$0.45	\$0.00	\$420.41
2334310	\$256.33	\$0.45	\$0.00	\$1.36
2334311	\$252.19	\$0.45	\$0.00	\$130.45
2334401	\$256.33	\$0.45	\$173.46	\$563.28
2334402	\$252.19	\$20.49	\$6.86	\$254.20
2334403	\$252.19	\$0.45	\$841.01	\$1.36

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGB)	*Community	*Parkland	Drainage	Road
2331404	\$252.19	\$0.45	\$6.86	\$38.21
2331405	\$252.19	\$0.45	\$870.49	\$1.36
2331406	\$252.19	\$0.45	\$0.00	\$242.12
2331407	\$252.19	\$0.45	\$0.00	\$423.34
2331408	\$252.19	\$0.45	\$6.86	\$226.80
2331409	\$252.19	\$0.45	\$0.00	\$1.36
2331501	\$252.19	\$0.45	\$0.00	\$144.04
2331502	\$252.19	\$0.45	\$0.00	\$1,165.29
2331503	\$252.19	\$0.45	\$0.00	\$217.52
2331504	\$252.19	\$0.45	\$0.00	\$94.63
2331505	\$252.19	\$0.45	\$0.00	\$170.61
2331506	\$252.19	\$0.45	\$0.00	\$1.36
2331507	\$252.19	\$45.98	\$0.00	\$1,165.29
2331508	\$252.19	\$45.98	\$0.00	\$650.64
2331509	\$252.19	\$0.45	\$0.00	\$925.65
2331510	\$252.19	\$99.06	\$0.00	\$168.07
2331511	\$252.19	\$0.45	\$54.46	\$5.04
2331605	\$252.19	\$0.45	\$231.90	\$336.88
2331601	\$252.19	\$66.02	\$6.86	\$469.27
2331602	\$252.19	\$45.98	\$6.86	\$482.25
2331603	\$252.19	\$45.98	\$0.00	\$175.41
2331604	\$252.19	\$52.14	\$461.66	\$115.57
2331606	\$284.86	\$0.45	\$236.09	\$63.76
2331607	\$284.86	\$0.45	\$406.44	\$357.14
2331608	\$284.86	\$24.58	\$0.00	\$48.99
2331609	\$284.86	\$76.71	\$0.00	\$306.54
2331610	\$284.86	\$24.58	\$852.33	\$1.36
2331701	\$256.33	\$37.74	\$0.00	\$7.41
2331702	\$256.33	\$0.45	\$1,111.92	\$1,449.40
2331703	\$256.33	\$36.96	\$0.00	\$43.70

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGB)	*Community	*Parkland	Drainage	Road
2331704	\$256.33	\$17.16	\$162.57	\$485.87
2331705	\$289.01	\$55.07	\$1,812.27	\$58.65
2331706	\$289.01	\$17.16	\$68.15	\$780.14
2331707	\$289.01	\$60.78	\$999.26	\$189.96
2331708	\$256.33	\$0.45	\$579.28	\$2,442.51
2331709	\$256.33	\$36.96	\$212.67	\$494.12
2331710	\$252.19	\$0.45	\$162.65	\$824.61
2331801	\$256.33	\$0.45	\$0.00	\$715.01
2331802	\$256.33	\$44.07	\$0.00	\$772.86
2331803	\$289.01	\$60.78	\$229.09	\$242.98
2331804	\$284.86	\$17.16	\$0.00	\$209.58
2331805	\$252.19	\$0.45	\$396.48	\$7.41
2331806	\$252.19	\$0.45	\$607.24	\$209.58
2331807	\$252.19	\$0.45	\$0.00	\$143.79
2331808	\$252.19	\$0.45	\$0.00	\$210.92
2331809	\$252.19	\$0.45	\$0.00	\$320.85
2331810	\$256.33	\$0.45	\$0.00	\$548.67
2331811	\$252.19	\$44.07	\$0.00	\$7.41
2331901	\$30.30	\$0.45	\$26.22	\$692.03
2331902	\$30.30	\$0.45	\$224.68	\$48.51
2331903	\$30.30	\$3.49	\$0.00	\$98.67
2331904	\$30.30	\$3.49	\$437.09	\$273.75
2331905	\$30.30	\$29.28	\$0.00	\$174.89
2331906	\$30.30	\$0.45	\$0.00	\$27.38
2331907	\$30.30	\$3.49	\$0.00	\$335.20
2331908	\$30.30	\$3.49	\$0.00	\$129.70
2331909	\$30.30	\$54.86	\$195.61	\$260.46
2331910	\$30.30	\$0.45	\$195.61	\$83.52
2331911	\$30.30	\$0.45	\$0.00	\$329.82
2332001	\$30.30	\$0.45	\$294.26	\$112.72

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

DAREBIN PLANNING SCHEME

	Community Infrastructure	Development Infrastructure		
Charge Area (GGP)	*Community	*Parkland	Drainage	Road
2332002	\$30.30	\$91.07	\$0.00	\$51.05
2332003	\$30.30	\$91.07	\$0.00	\$51.05
2332004	\$30.30	\$47.86	\$0.00	\$1.36
2332005	\$30.30	\$114.57	\$0.00	\$59.11
2332006	\$62.98	\$0.45	\$169.23	\$59.11
2332007	\$30.30	\$0.45	\$0.00	\$49.88
2332008	\$30.30	\$3.49	\$674.47	\$90.89
2332009	\$30.30	\$3.49	\$107.05	\$232.40
2332102	\$30.30	\$3.49	\$26.13	\$38.59
2332103	\$30.30	\$3.49	\$700.60	\$27.66
2332104	\$35.87	\$45.51	\$375.55	\$207.02
2332105	\$35.87	\$7.40	\$0.00	\$19.86
2332106	\$78.83	\$49.42	\$58.93	\$71.00
2332107	\$35.87	\$42.47	\$315.17	\$18.35
2332201	\$30.30	\$0.45	\$74.74	\$10.16
2332202	\$30.30	\$0.45	\$0.00	\$189.54
2332203	\$30.30	\$0.45	\$0.00	\$11.65
2332204	\$30.30	\$0.45	\$0.00	\$11.65
2332205	\$30.30	\$0.45	\$402.45	\$15.34
2332206	\$30.30	\$3.49	\$26.13	\$87.50
2332207	\$30.30	\$3.49	\$26.13	\$21.00
2332208	\$30.30	\$0.45	\$23.02	\$50.15

**Non-residential developments are exempt from Community and Parkland Infrastructure charges.*

5.0

30/06/2020
C490dare

Land or development excluded from development contributions plan

Exemptions from payment of development contributions apply in the following circumstances:

- ▣ results in a development that is less than the charge unit specified in Schedule 1 to the Development Contributions Plan Overlay;
- ▣ Non-residential development is exempt from Community and Parkland infrastructure charges.
- ▣ The carrying out of residential building works associated with an existing dwelling, including the replacement of a dwelling;

DAREBIN PLANNING SCHEME

<i>Notes:</i>	<p><i>This schedule sets out a summary of the costs and contributions prescribed in the City of Darebin Development Contributions Plan, Version 3.0 (Darebin City Council, 2020). Refer to the incorporated development contributions plan for full details.</i></p> <p><i>As specified in Part 3.1 of the City of Darebin Development Contributions Plan, Version 3.0 (Darebin City Council, 2020), no contributions are to be collected after 30 June 2014. Refer to the incorporated development contributions plan for full details.</i></p>
---------------	--

6.0

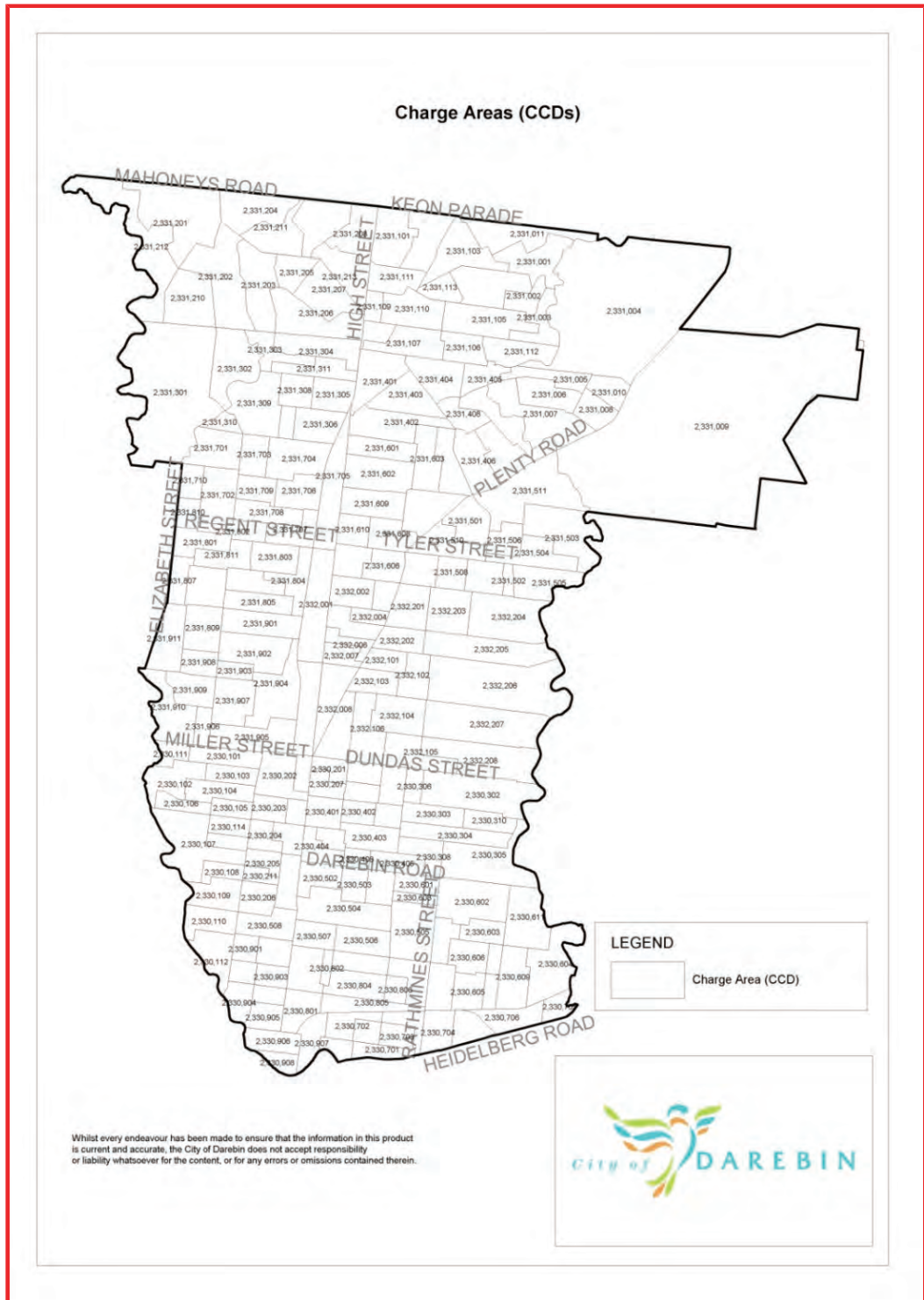
28/05/2024
C185dare

Background Documents

- City of Darebin Development Contributions Plan: Audit and Management of Unspent Funds, 2015, SGS Economics and Planning

DAREBIN PLANNING SCHEME

Map 1 to the Schedule to Clause 45.06



DAREBIN PLANNING SCHEME

--/20--
Proposed
C170dare

SCHEDULE 2.1 TO THE DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

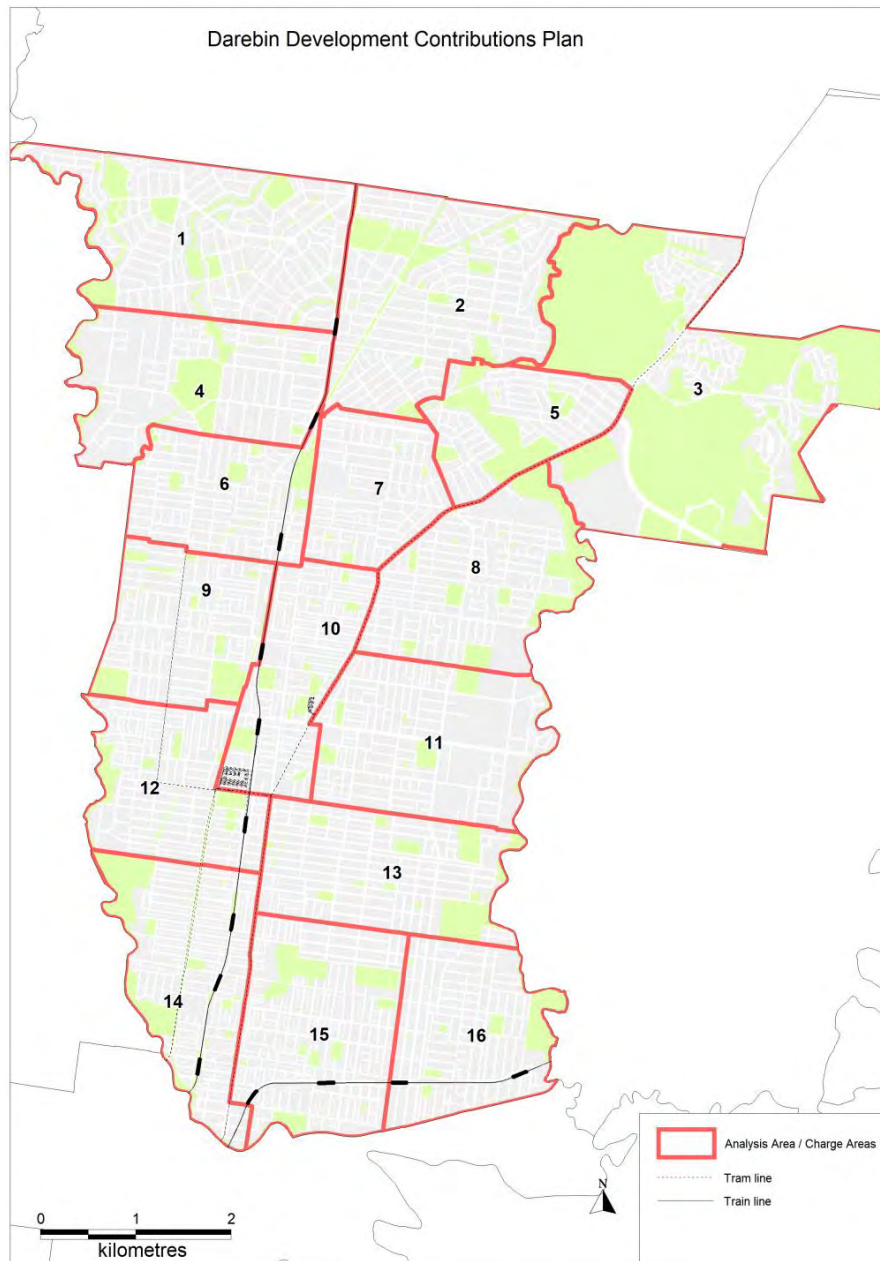
Shown on the planning scheme map as **DCPO12**.

DAREBIN DEVELOPMENT CONTRIBUTIONS PLAN 2019

1.0 Area covered by this development contributions plan

--/20--
Proposed
C170dare

This Development Contributions Plan (DCP) applies to all new development within the 16 Charge Areas as shown below.



DAREBIN PLANNING SCHEME

2.0 Summary of costs

--/20--
Proposed
C170dare

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	\$9 4,630,2788,465,948	2019-2041	\$23,107,3944,209,493	24.46%
Community Facility CFDI	\$712,0004,462,000	2019-2041	\$160,265252,944	224.58%
Path PADI	\$6,481,616	2019-2041	\$1,668,313	25.7%
Road RDDI	\$13,690,697	2019-2041	\$3,132,133	22.9%
Total	\$115,514,5919,800,234		\$289,068,105262,850	24.34%

Notes: This table sets out a summary of the costs prescribed in the Development Contributions Plan. Refer to the ~~Background-incorporated~~ document (Darebin Development Contribution Plan 2019) for full details.

This Development Contributions Plan is in addition to any other Development Contributions Plan Overlay Schedule(s) applying to the land as shown in the Planning Scheme.

Darebin City Council commits to delivering the Development Contributions Plan projects by December 31 2041, but may deliver projects earlier. It is likely that projects will be progressively delivered over the Development Contributions Plan period.

Darebin City Council is Collecting Agency and Development Agency for this Development Contributions Plan.

3.0 Summary of contributions

--/20--
Proposed
C170dare

AREA		LEVIES PAYABLE BY RESIDENTIAL DEVELOPMENT		
Charge Area Number and Name		Development	Community	All
		Infrastructure	Infrastructure	Infrastructure
		Per Dwelling	Per Dwelling	Per Dwelling
Area 01	Reservoir (Merrilands)	\$2\$48	\$625	\$627\$643
Area 02	Reservoir (Cheddar)	\$127\$153	\$714\$743	\$841\$895
Area 03	Bundoora - Macleod	\$247	\$555\$584	\$802\$834
Area 04	Reservoir (Edwardes Lake)	\$10\$26	\$497	\$507\$523
Area 05	Kingsbury	\$149	\$555\$584	\$704\$733
Area 06	Reservoir (Edwardes Lake)	\$23\$39	\$466	\$489\$505
Area 07	Reservoir (Oakhill)	\$0	\$555\$584	\$555\$584
Area 08	Reservoir (Oakhill)	\$12	\$555\$674	\$568\$686
Area 09	Preston (West)	\$114	\$1,082\$1,172	\$1,196\$1,286
Area 10	Preston Activity Centre	\$186	\$1,082\$1,172	\$1,268\$1,358
Area 11	Preston (East)	\$119	\$1,092\$1,182	\$1,211\$1,304
Area 12	Thornbury (West)-Preston (West)	\$252	\$1,082\$1,172	\$1,335\$1,425
Area 13	Thornbury (East)	\$237	\$1,092	\$1,329

DAREBIN PLANNING SCHEME

Area 14	Northcote (West)	\$138	\$1,190	\$1,328
Area 15	Northcote (East)	\$209	\$1,190	\$1,399
Area 16	Fairfield-Alphington	\$34	\$1,190	\$1,224

AREA Charge Area Number and Name		LEVIES PAYABLE BY NON-RESIDENTIAL DEVELOPMENT		
		Retail Per Square Metre (SQM) of Floorspace	Commercial Per Square Metre (SQM) of Floorspace	Industrial Per Square Metre (SQM) of Floorspace
Area 01	Reservoir (Merrilands)	\$0.00	\$0.00	\$0.00
Area 02	Reservoir (Cheddar)	\$4.63	\$1.04	\$1.28
Area 03	Bundoora - Macleod	\$11.09	\$2.05	\$3.11
Area 04	Reservoir (Edwardes Lake)	\$0.11	\$0.17	\$0.02
Area 05	Kingsbury	\$5.94	\$1.24	\$1.65
Area 06	Reservoir (Edwardes Lake)	\$0.28	\$0.42	\$0.04
Area 07	Reservoir (Oakhill)	\$0.00	\$0.00	\$0.00
Area 08	Reservoir (Oakhill)	\$0.17	\$0.25	\$0.02
Area 09	Preston (West)	\$1.52	\$2.28	\$0.23
Area 10	Preston Activity Centre	\$8.79	\$1.83	\$2.45
Area 11	Preston (East)	\$5.88	\$1.09	\$1.65
Area 12	Thornbury (West)-Preston (West)	\$3.36	\$5.05	\$0.50
Area 13	Thornbury (East)	\$10.32	\$2.32	\$2.86
Area 14	Northcote (West)	\$4.55	\$1.96	\$1.17
Area 15	Northcote (East)	\$7.23	\$2.58	\$1.91
Area 16	Fairfield-Alphington	\$1.19	\$0.19	\$0.34

Notes: *Square metres of floorspace (SQM) refers to gross floor space area.*

The above listed contribution amounts are current as at 30 June 2019.

Where the Development Contributions Plan provides for a Community Infrastructure Levy of \$1,190, Council will charge the maximum amount which will be determined in accordance with Part 3B of the Planning and Environment Amendment (Public Land Contributions) Act 2018. Where the Development Contributions Plan provides for a Community Infrastructure Levy of less than \$1,190, that amount will be adjusted on July 1 using the Producer Price Index for Non-Residential Building Construction in Victoria as published by the Australian Bureau of Statistics in accordance with Part 3B of the Planning and Environment Amendment (Public Land Contributions) Act 2018.

The Development Infrastructure Levy will be adjusted annually on July 1 each year to cover inflation, by applying the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics. All adjustments will occur and take effect from the date of index publication.

A list showing the current contribution amounts will be held at Council's Planning Department.

Payment of development contributions is to be made in cash. Council, at its discretion, may consider accepting works and / or land in lieu of cash contributions.

Payment of the Development Infrastructure Levy may be required at either Subdivision stage or Planning Permit stage or Building Permit stage or as otherwise agreed by the Collecting Agency as follows:-

- Development Infrastructure Levy at Subdivision stage: Payment of the levy is to be made prior to the issue of a statement of compliance for the approved subdivision; or-*

DAREBIN PLANNING SCHEME

- *Development Infrastructure Levy at Planning Permit stage: Payment of the levy is to be made prior to issue of a building permit; ~~or:~~*
- *Development Infrastructure Levy at Building Permit stage where no planning permit is required: Payment of the levy is to be made prior to issue of a building permit under the Building Act 1993.*

Payment of the Community Infrastructure Levy is to be made prior to issue of a building permit under the Building Act 1993.

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date.

4.0 Land or development excluded from development contributions plan

--/20--
Proposed
C170dare

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Darebin City Council or stated below. The following development is exempt from the development contribution:

- 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~~Families, Fairness and Housing, 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~~Families, Fairness and Housing 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 or other deed of agreement that requires either:
 - the payment of a development contribution levy; or
 - the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or
 - the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or
 - the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);
and explicitly excludes further development contributions to be made.
- ~~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, including:-

DAREBIN PLANNING SCHEME

- Replacement of a building;
- Renovations or alterations to an existing building;
- Construction of a fence; and
- Outbuildings normal to an existing dwelling.

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporate document development contributions plan for full details.

DAREBIN PLANNING SCHEME

31/07/2018
VC148

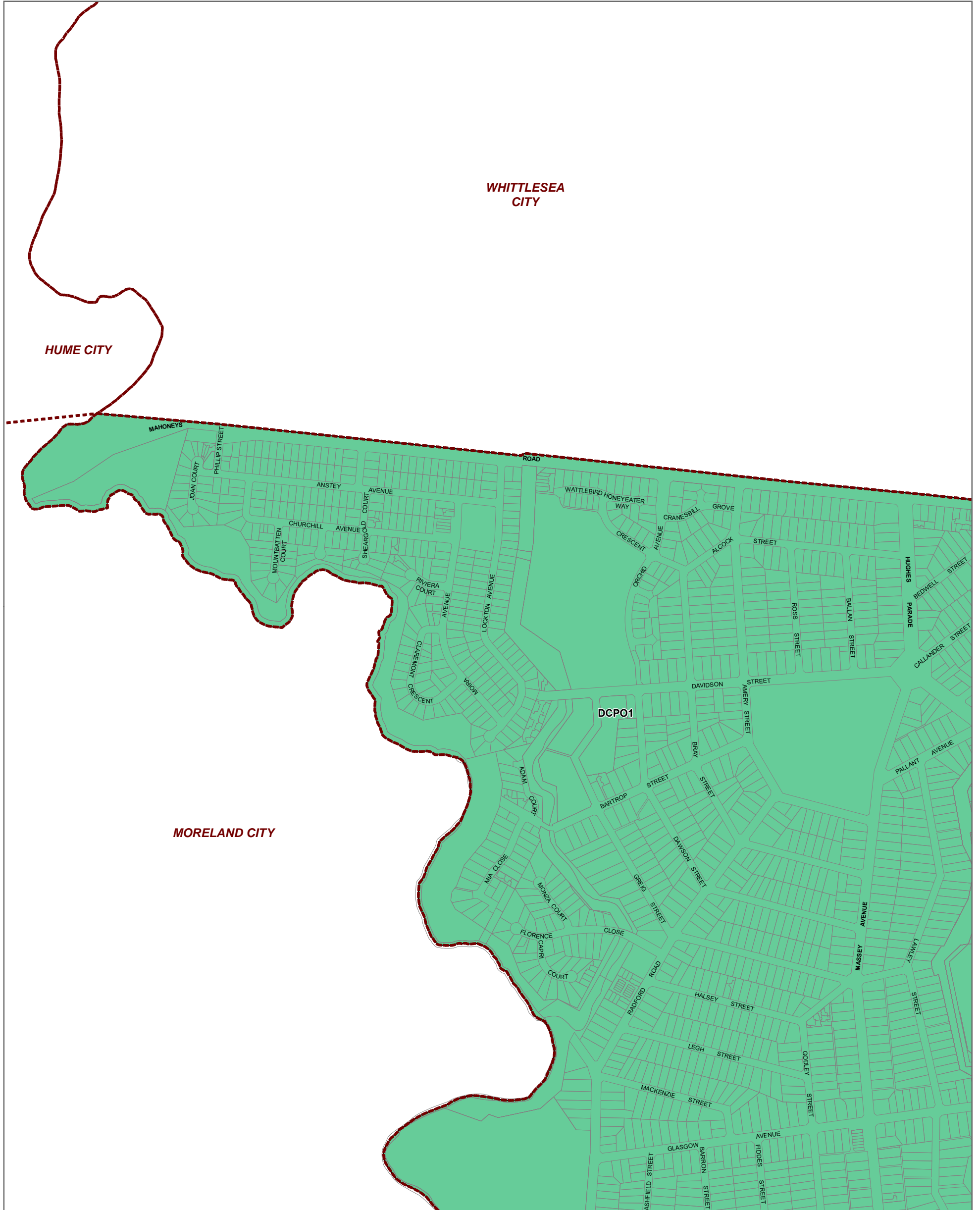
SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0 Incorporated documents

30/09/2021 - / - / - - -
C201dare Proposed C170dare

Name of document	Introduced by:
5-9 Nisbett Street, Reservoir - September 2020	C193dare
29-31 Clingin Street, Reservoir - September 2020	C193dare
48-50 Clingin Street and 37-45 Nisbett Street, Reservoir - October 2020	C195dare
Assessment of Trees for VPO Update in Mount Cooper, Bundoora 3 December 2009	C105
Assessment of Trees for VPO Update in Springthorpe Estate, Macleod 16 May 2010	C105
Biosciences Research Centre Incorporated Document, June 2008	C94
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Darebin Development Contributions Plan, Version 3.0 (Darebin City Council, 2020)	C190dare
City of Darebin Heritage Study Incorporated Plan – Permit Exemptions (2021)	C161dare
Concept Plan and Building Envelope Plan, Northland Plan No 3, September 2000	C21
Darebin Development Contributions Plan 2019 (November 2021)	C170dare
High Street, Reservoir Level Crossing Removal Project Incorporated Document, March 2018	GC86
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Document - Preston Residential Heritage Precincts Permit Exemptions, February 2008	C68
La Trobe Sports Park Stage 3 - September 2021	C201dare
Lancaster Gate Tree Protection Layout Plan – Stages 3 and 4 – 1 September 2003	C51
Lancaster Gate Tree Protection Plan – Stages 1 and 2 – 1 September 2003	C51
Preston Central Incorporated Plan March 2007 (as amended 2014)	C135
Preston Market Incorporated Plan March 2007	C67
Vegetation Survey – Former Kingsbury Centre Site, Bundoora - Map 2	C5

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1

Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
 © The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

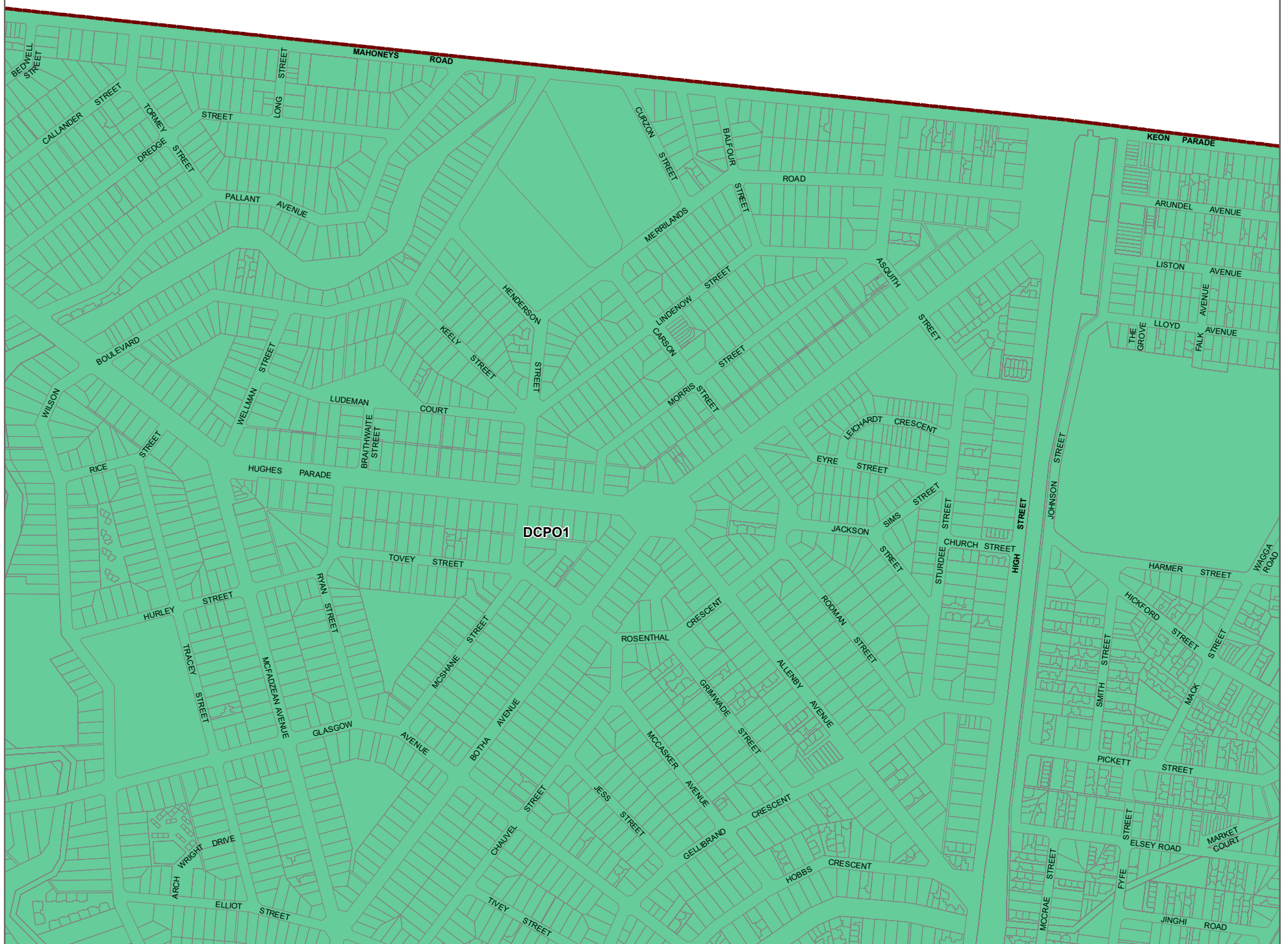
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare

**WHITTLESEA
 CITY**



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
 © The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

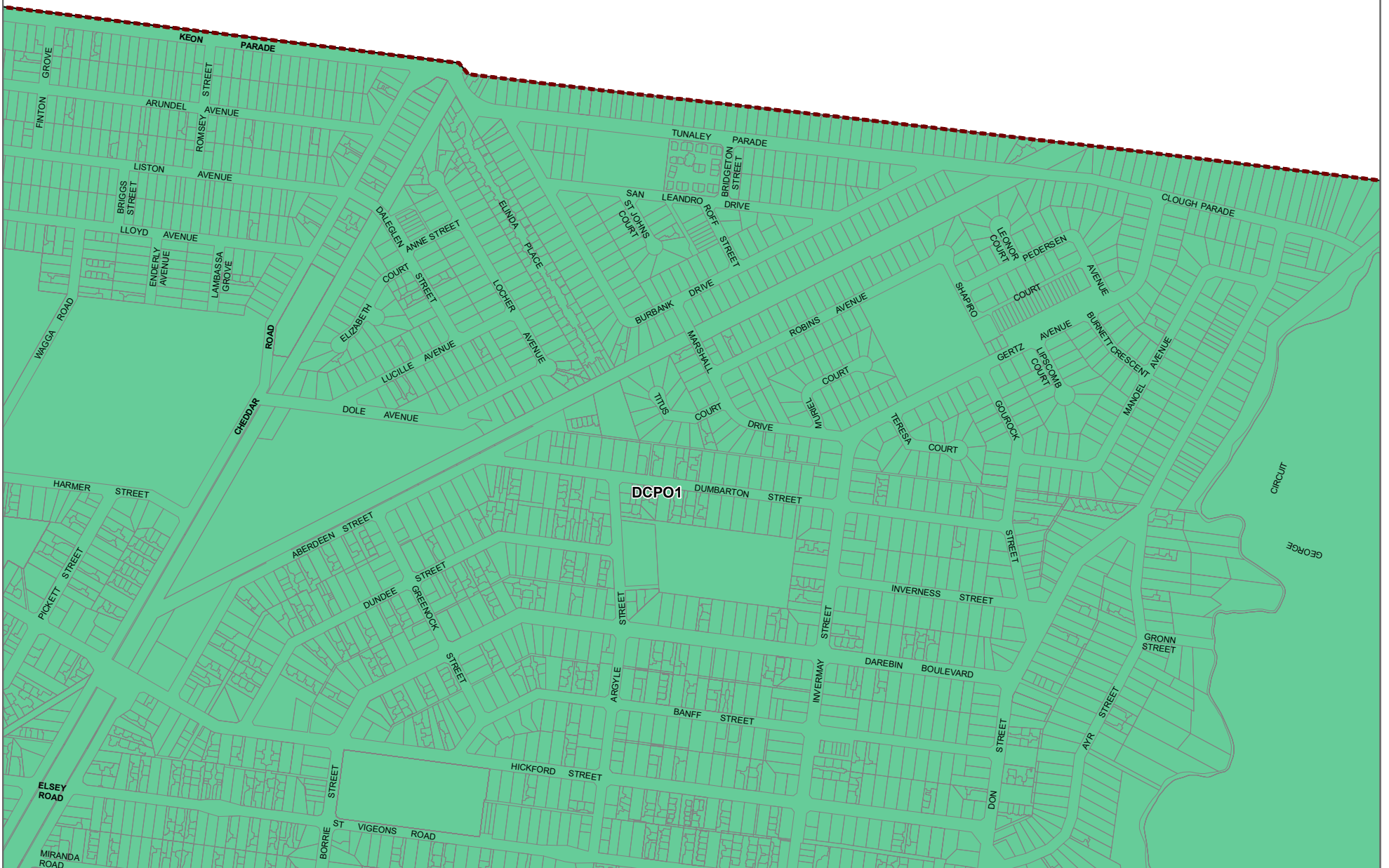
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare

WHITTLESEA
CITY



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA
 State Government

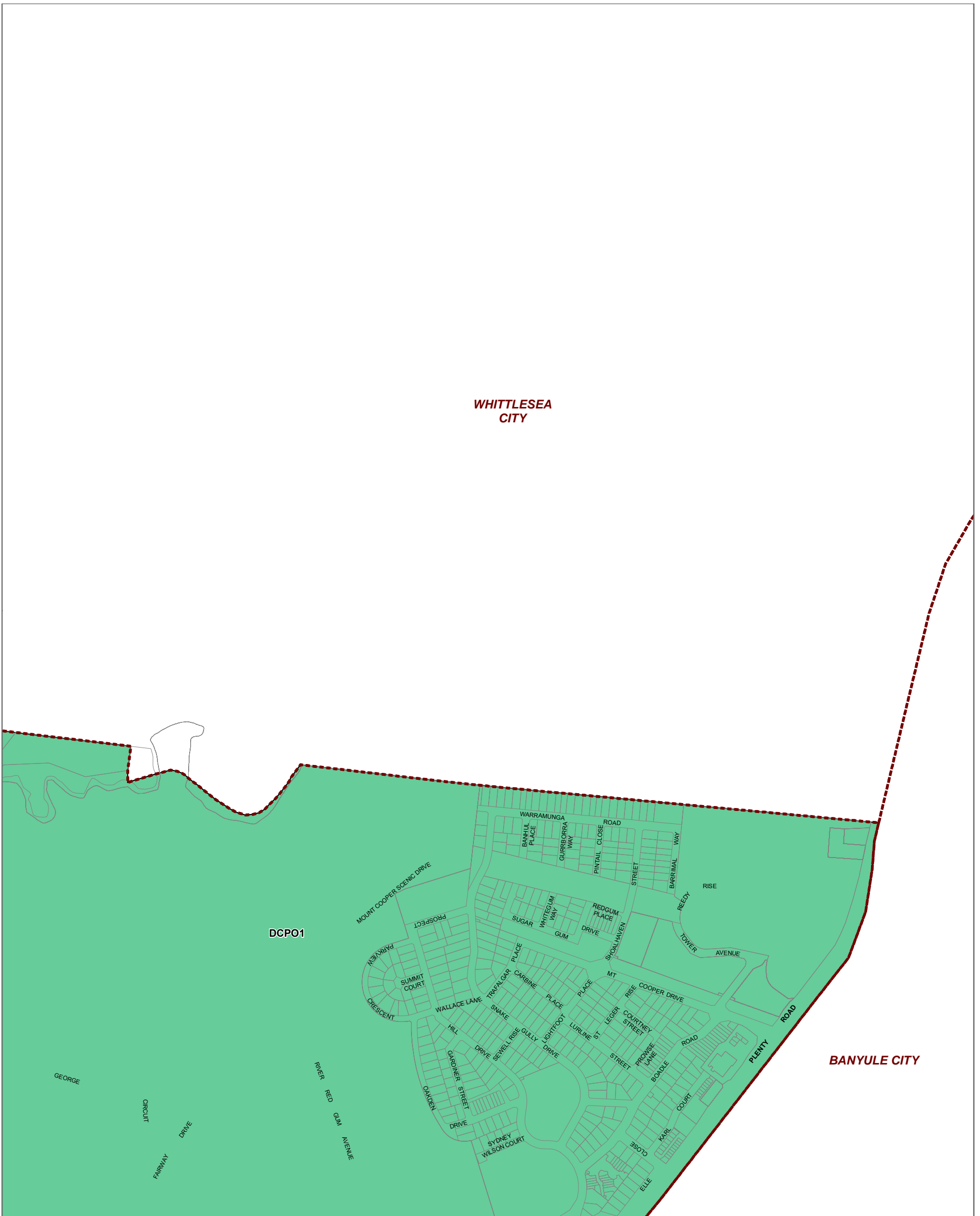
Environment,
 Land, Water
 and Planning

INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY MAP No 3DCPO

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

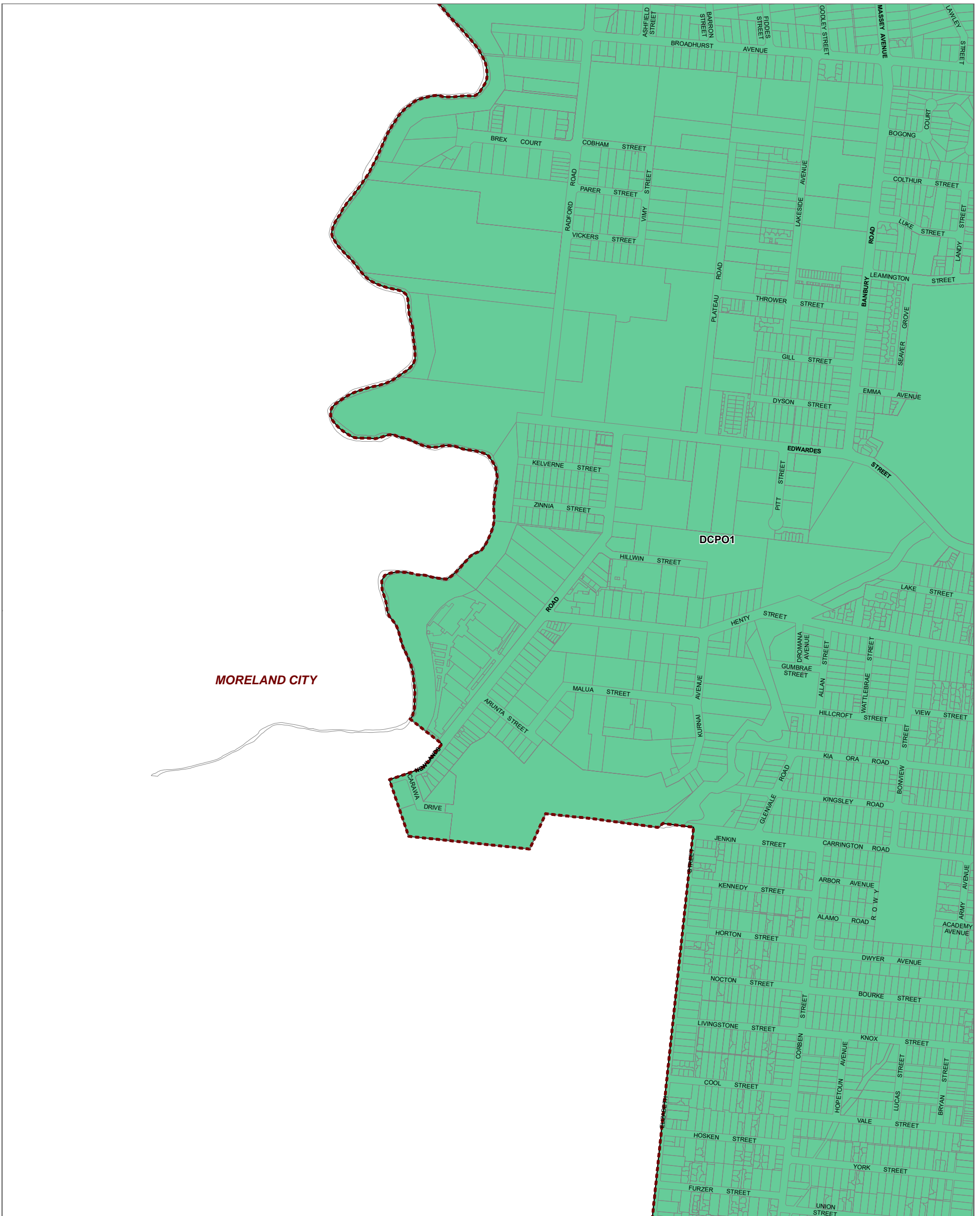
VICTORIA
 State Government

Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



LEGEND
■ DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
 © The State of Victoria Department of Environment, Land, Water and Planning 2021

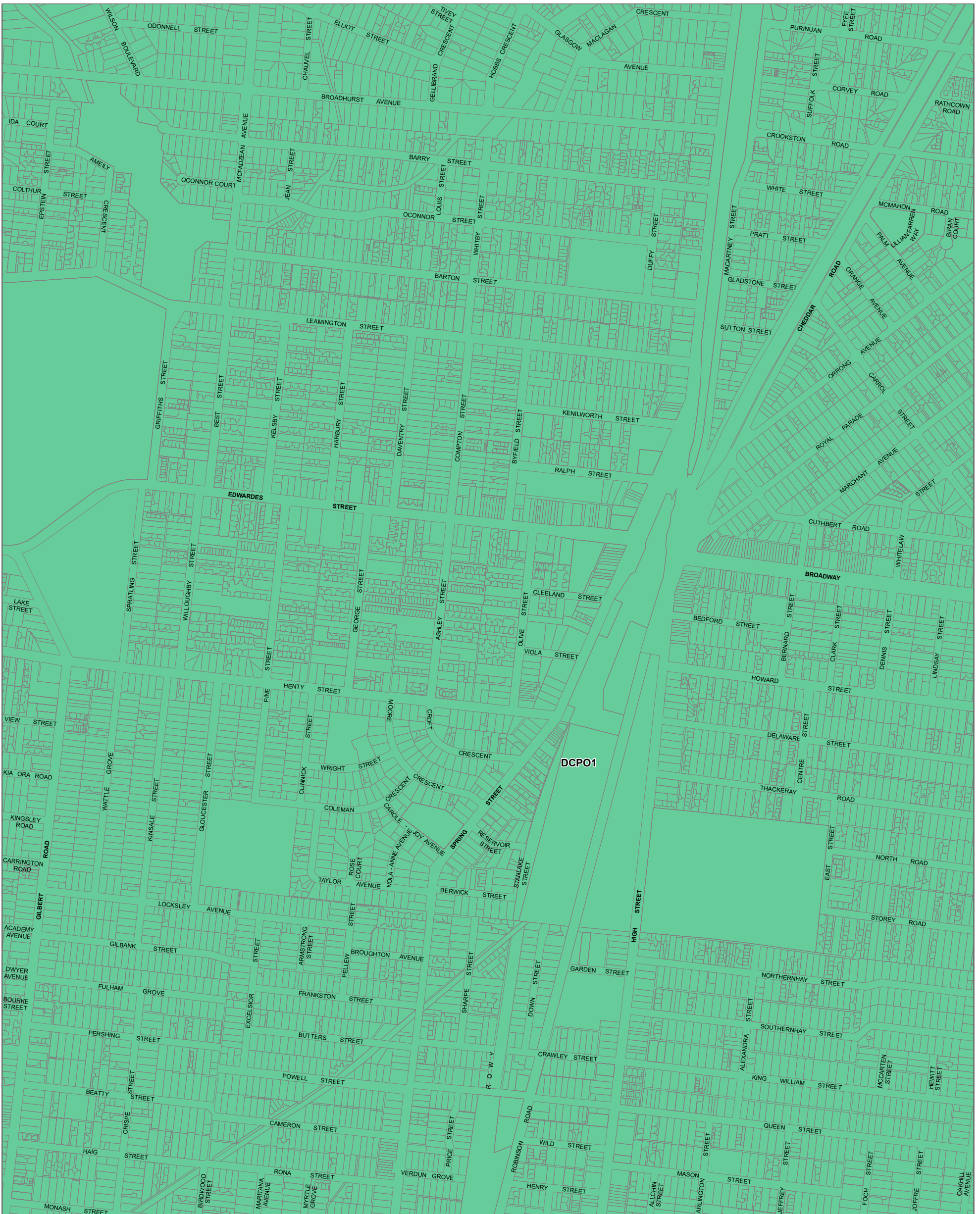
0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA
 State Government

Environment, Land, Water and Planning


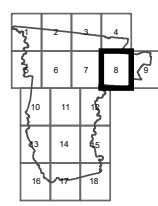
INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

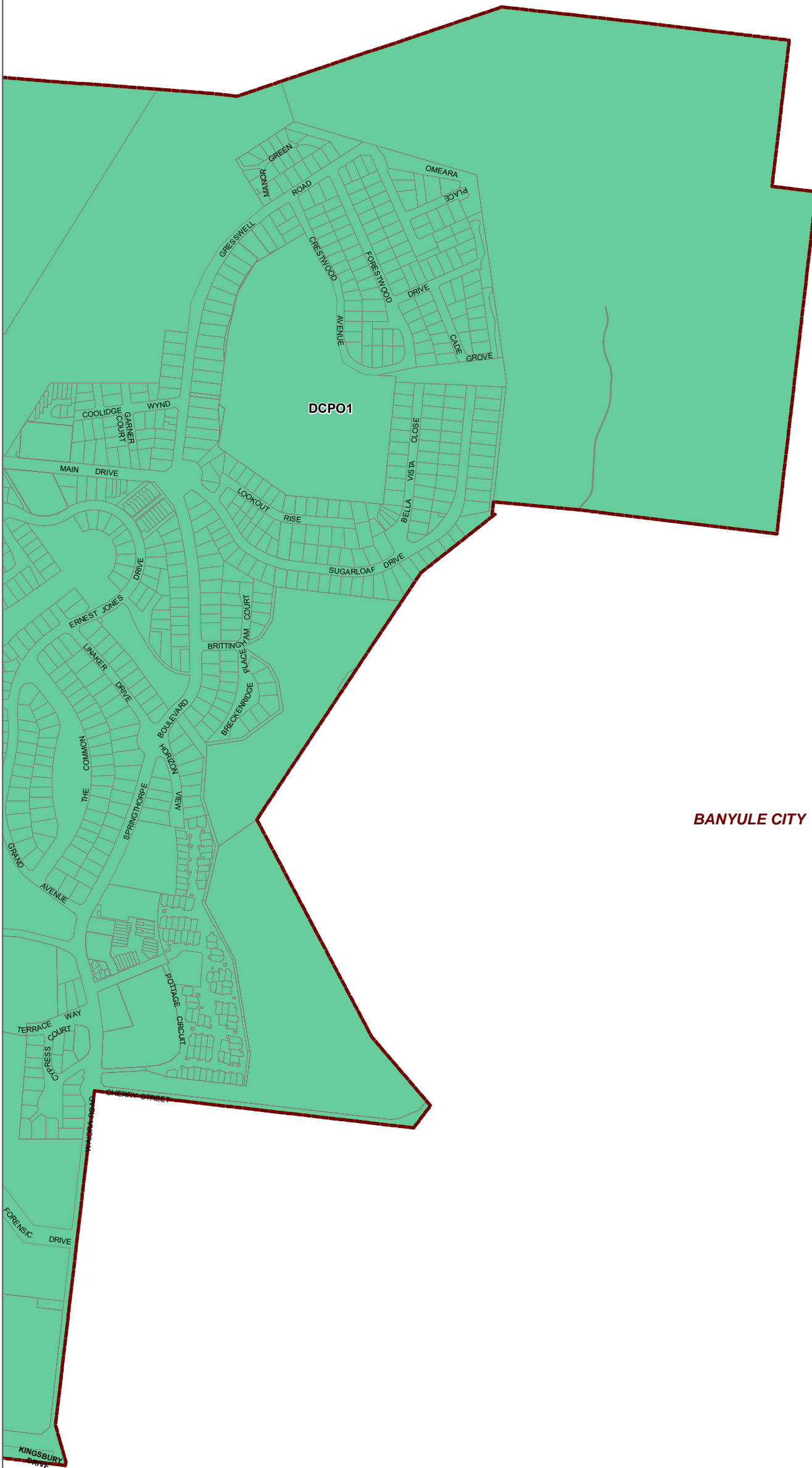
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY MAP No 6DCPO

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



<p>LEGEND</p> <p>DCPO1 - Development Contributions Plan Overlay - Schedule 1</p> <p>Municipal Boundary</p>	<p><small>Disclaimer</small> This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.</p> <p><small>© The State of Victoria Department of Environment, Land, Water and Planning 2021</small></p>	<p>0 225 450 Meters</p> <p>Australian Map Grid Zone 55</p> <p>NORTH</p> <p>Planning Group Printed: 1/12/2021 Amendment Version: 3</p>  <p>Environment, Land, Water and Planning</p>	<p>INDEX TO ADJOINING SCHEME MAPS</p> 
---	---	--	--

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



BANYULE CITY

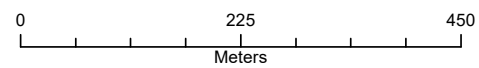
LEGEND

DCPO1 - Development Contributions Plan Overlay - Schedule 1

Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

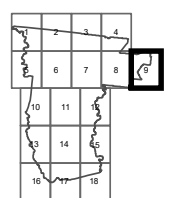
© The State of Victoria Department of Environment, Land, Water and Planning 2021



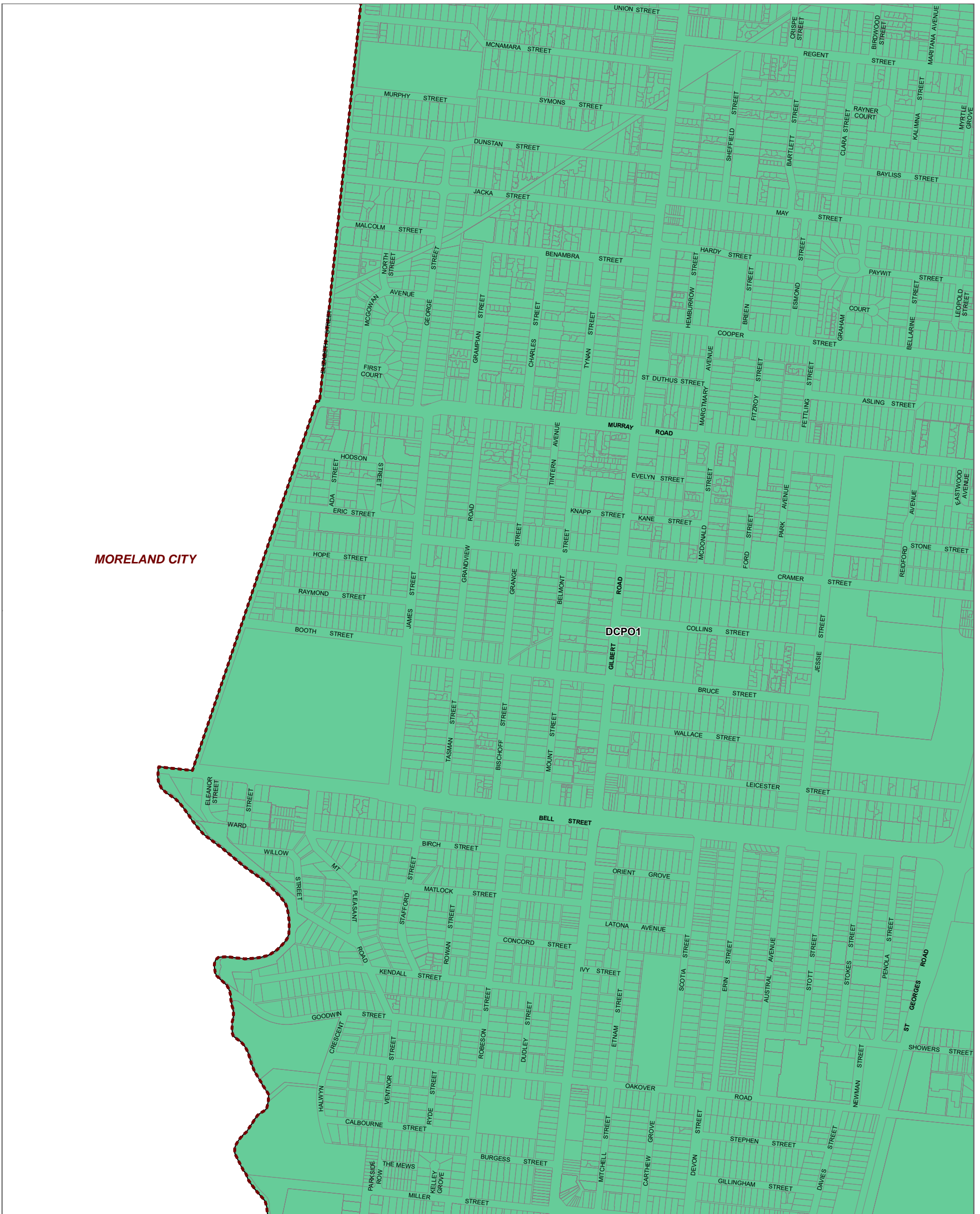
Planning Group
 Printed: 1/12/2021
 Amendment Version: 3



INDEX TO ADJOINING SCHEME MAPS



DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



MORELAND CITY

DCPO1

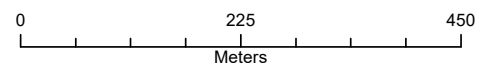
LEGEND

DCPO1 - Development Contributions Plan Overlay - Schedule 1

Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021



Australian Map Grid Zone 55



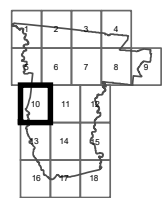
Planning Group
Printed: 1/12/2021

Amendment Version: 3

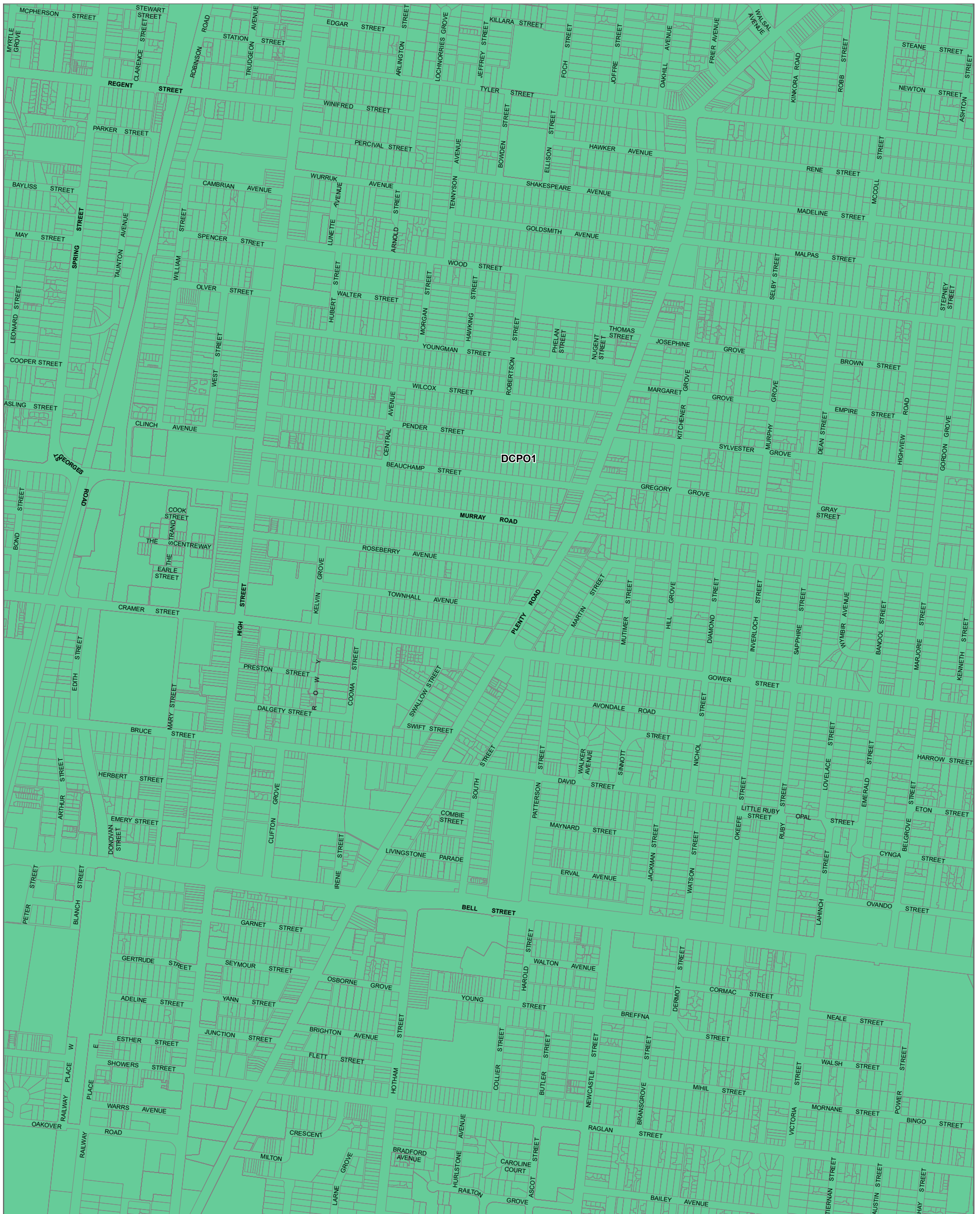


Environment,
Land, Water
and Planning

INDEX TO ADJOINING SCHEME MAPS



DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
Meters
 Australian Map Grid Zone 55

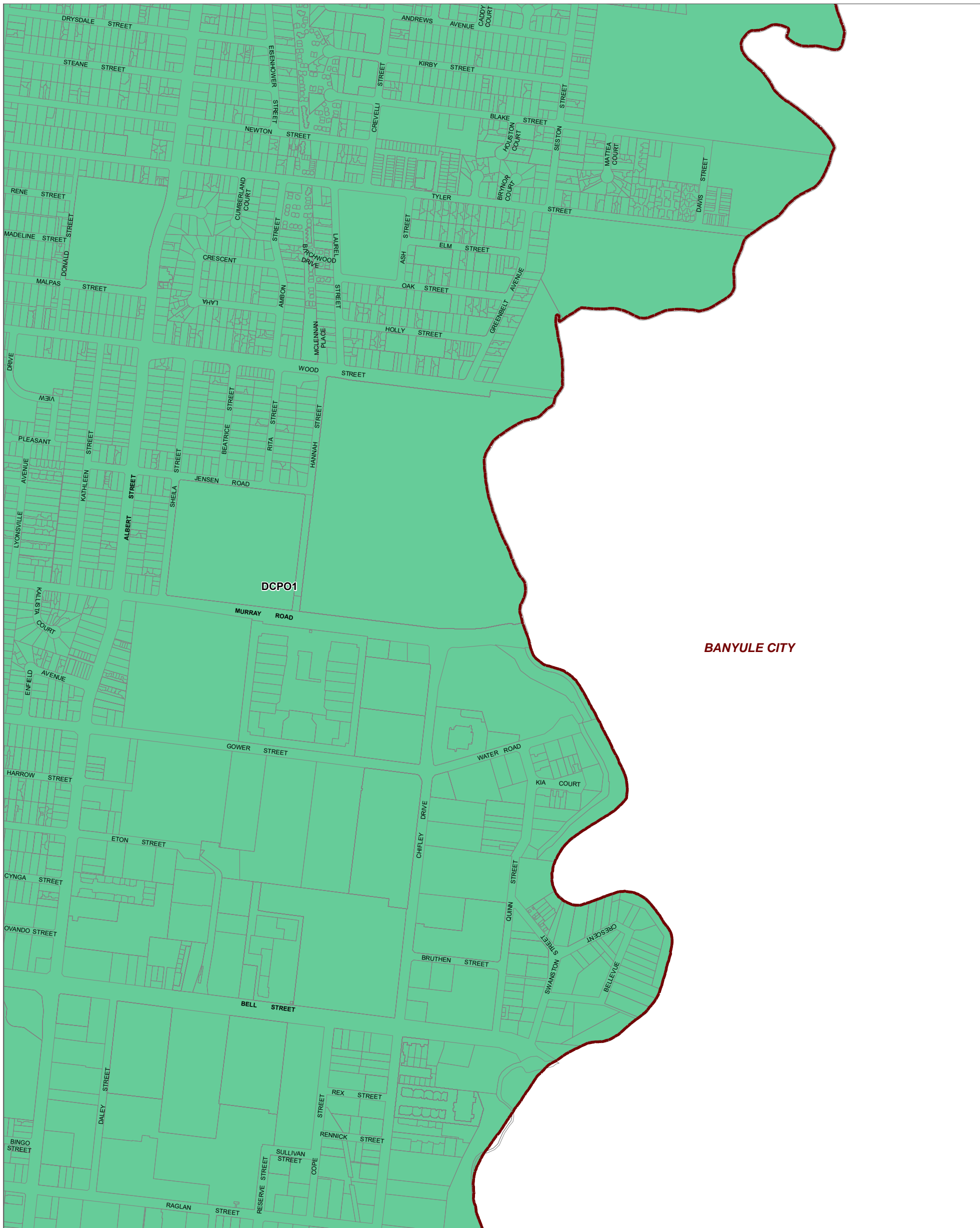
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY **MAP No 11DCPO**

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare

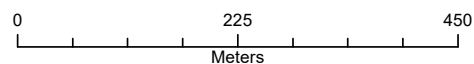


LEGEND

- DCPO1 - Development Contributions Plan Overlay - Schedule 1
- Municipal Boundary

Disclaimer
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021



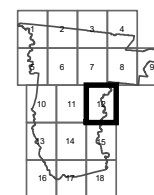
Australian Map Grid Zone 55



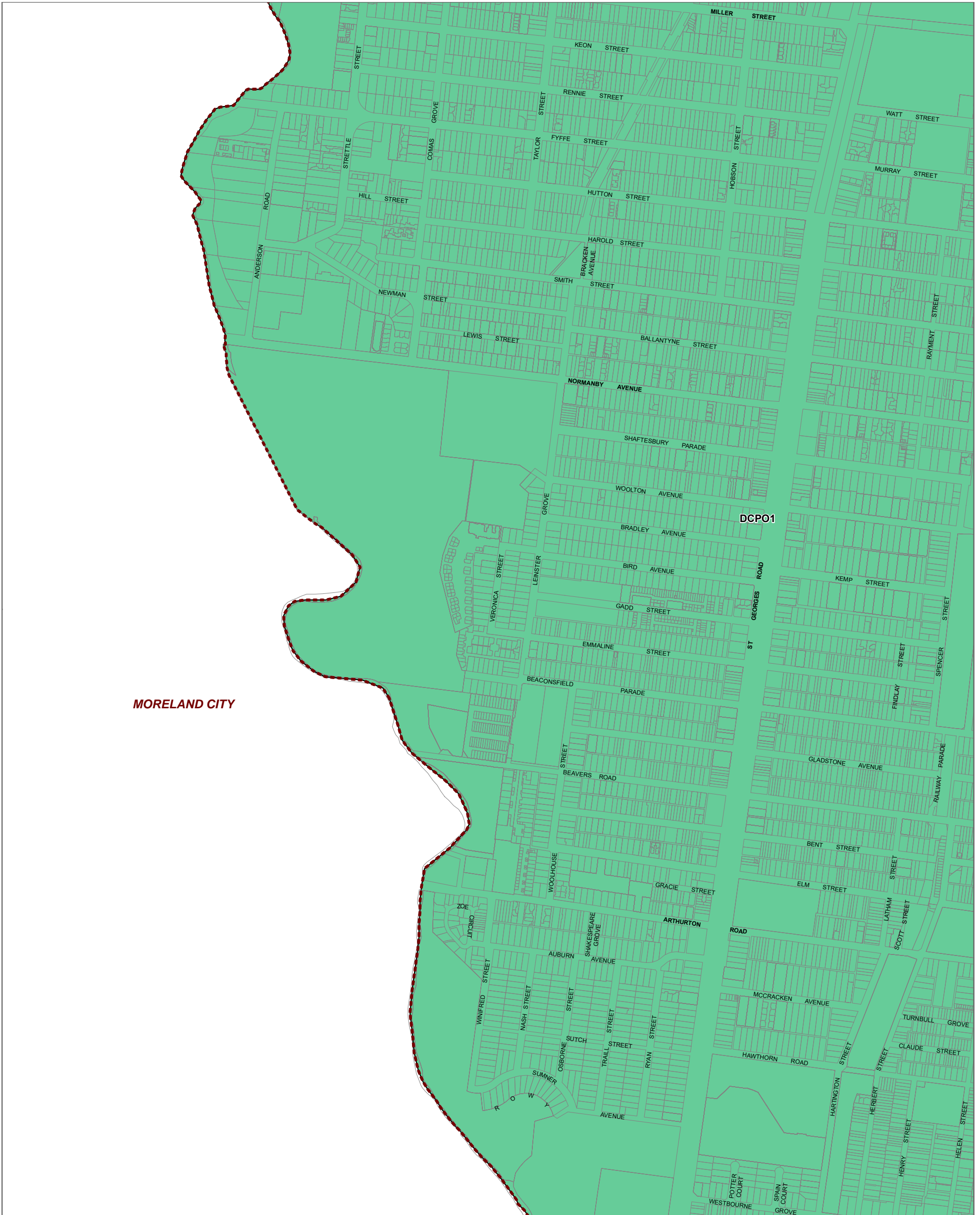
Planning Group
Printed: 1/12/2021
Amendment Version: 3



INDEX TO ADJOINING SCHEME MAPS



DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



LEGEND
■ DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.
 © The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

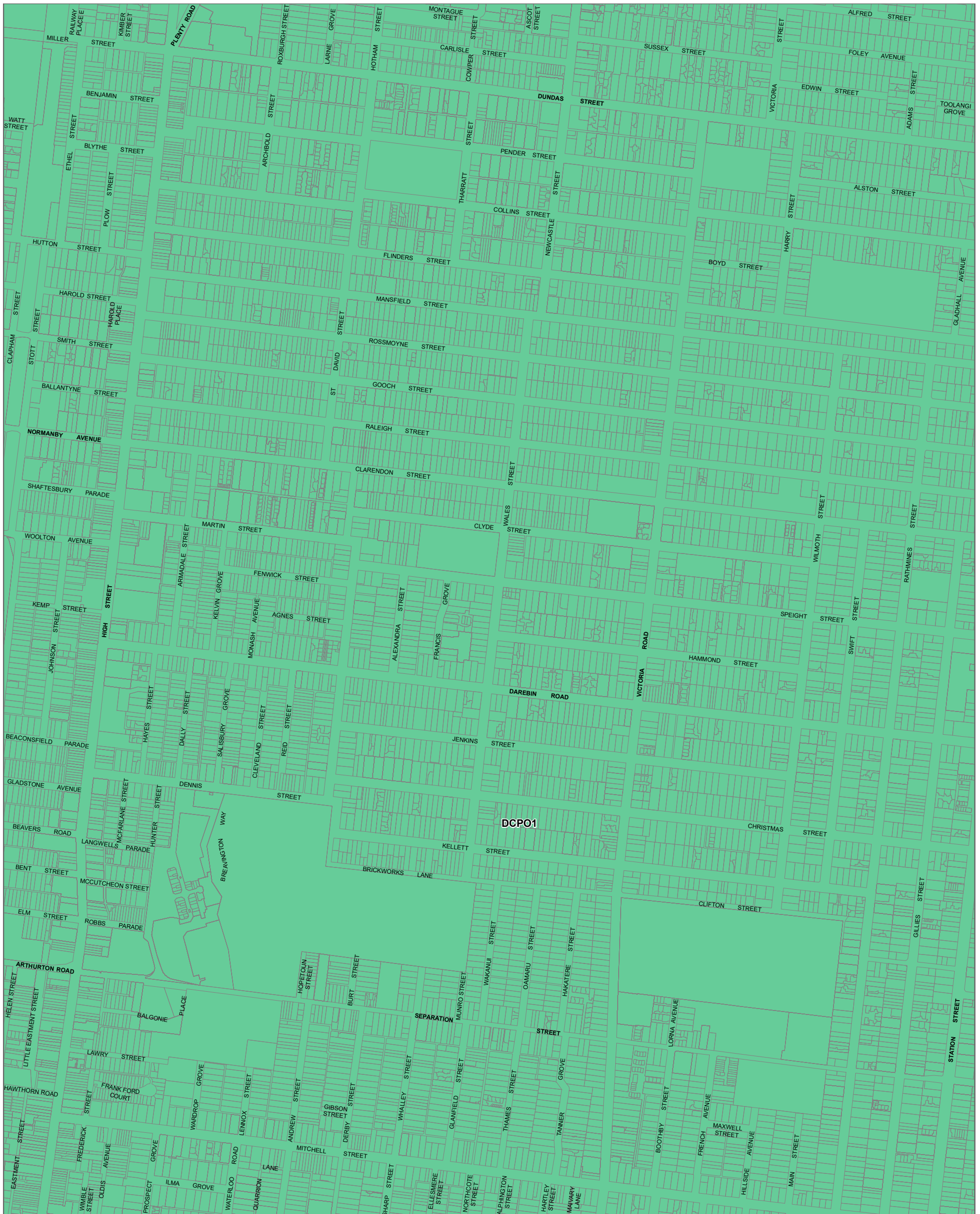
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



LEGEND
 DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

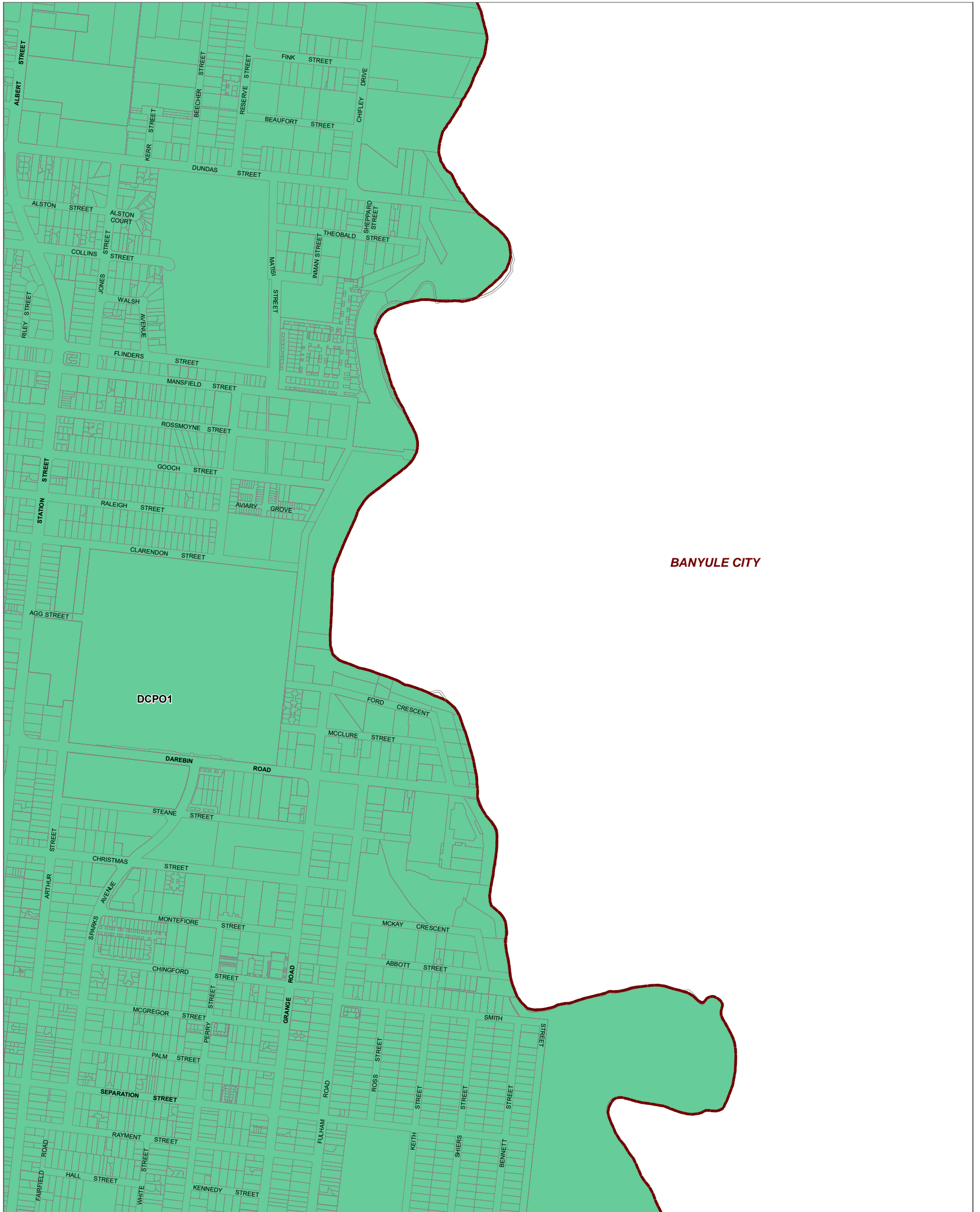
0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



BANYULE CITY

DCPO1

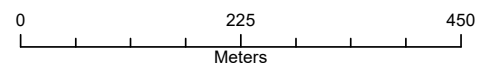
LEGEND

DCPO1 - Development Contributions Plan Overlay - Schedule 1

Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

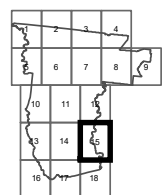
© The State of Victoria Department of Environment, Land, Water and Planning 2021



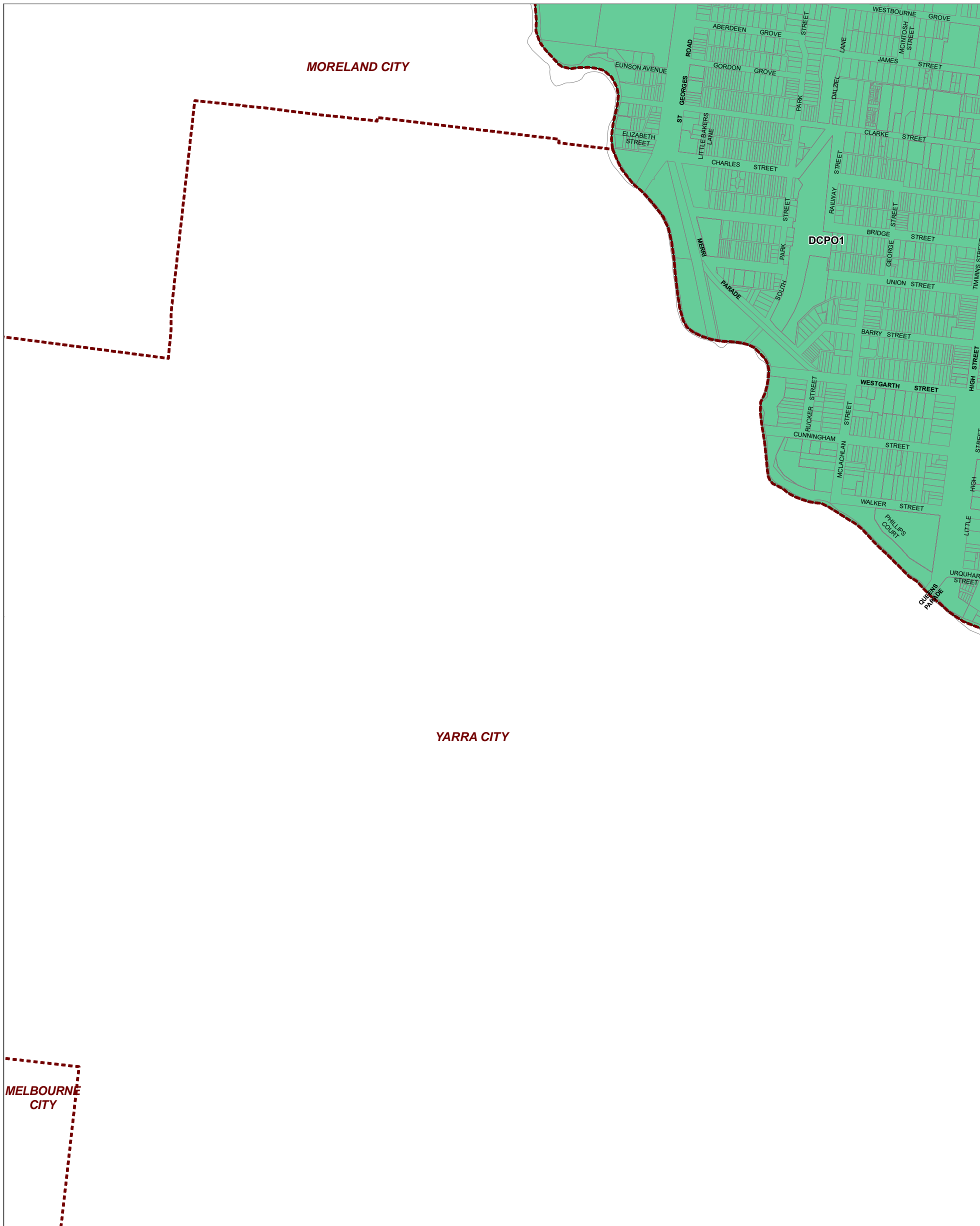
Planning Group
 Printed: 1/12/2021
 Amendment Version: 3



INDEX TO ADJOINING SCHEME MAPS



DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



LEGEND
■ DCPO1 - Development Contributions Plan Overlay - Schedule 1
 Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

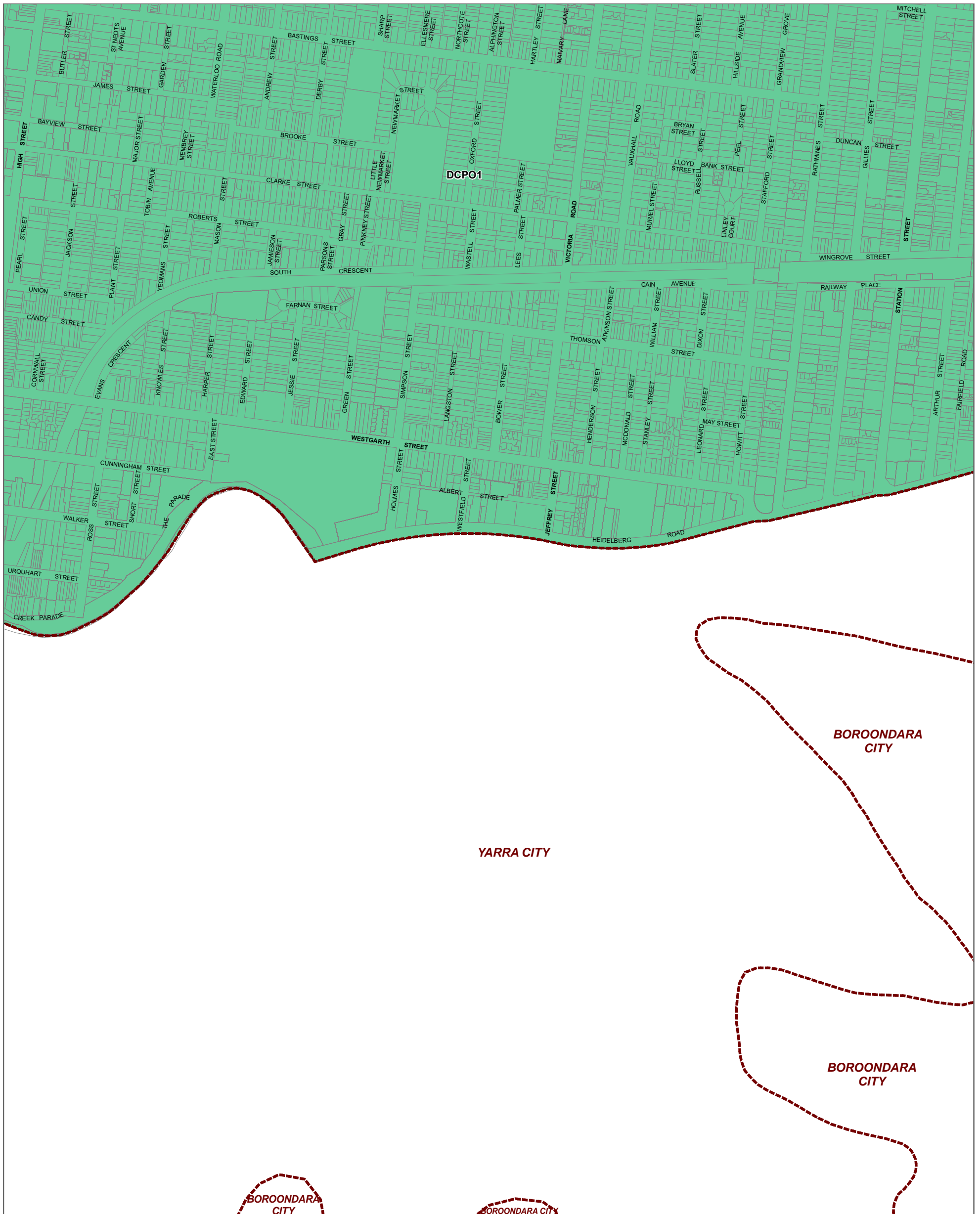
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

DAREBIN PLANNING SCHEME - LOCAL PROVISION AMENDMENT C170dare



LEGEND
■ DCPO1 - Development Contributions Plan Overlay - Schedule 1
- - - Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

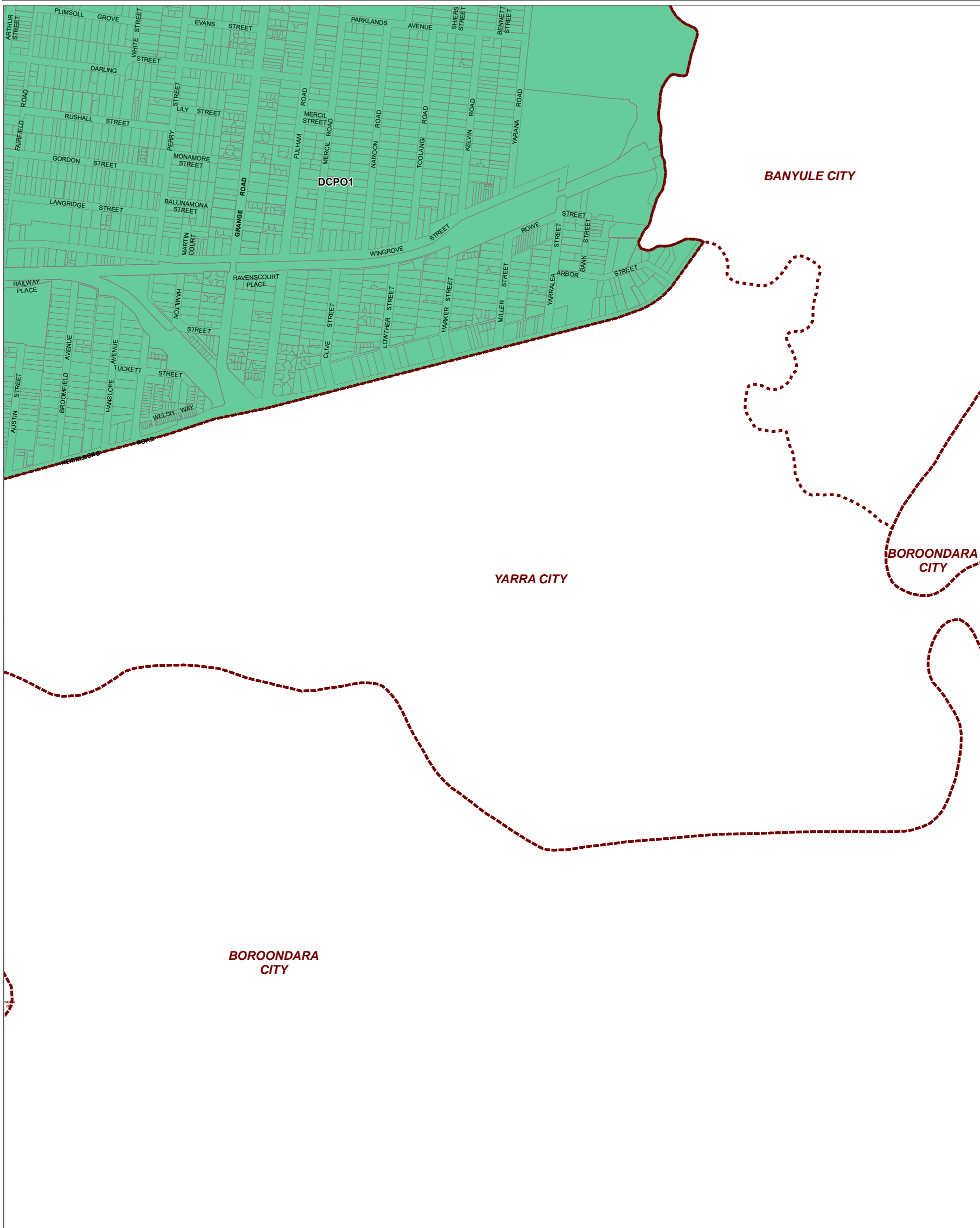
NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA
 State Government

Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DAREBIN PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C170dare



LEGEND
■ DCPO1 - Development Contributions Plan Overlay - Schedule 1
- - - Municipal Boundary

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2021

0 225 450
 Meters
 Australian Map Grid Zone 55

NORTH
 Planning Group
 Printed: 1/12/2021
 Amendment Version: 3

VICTORIA State Government
 Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

Panel Recommendation	Council response
<p>Recommendation 1: Amend the Development Contributions Plan Overlay Schedule as shown in Appendix C (of Panel’s report)</p> <p>Recommendation 2: Amend the Development Contributions Plan exemption provisions as shown in Appendix D (of Panel’s report).</p>	
<p>Details</p> <p>DCP Section 7.5 and DCPO Schedule part 4.0</p> <ul style="list-style-type: none"> • Add the following exemptions: • <u>Use or development which was approved by a permit granted before the approval date of Amendment C170dare</u> • <u>Subdivision of any buildings or works completed in the preceding 12 months before the approval date of Amendment C170dare for which statement of compliance is being sought</u> 	<p><u>Officer response</u></p> <p>Other recent municipal wide DCPs in established areas have not included transitional provisions such as these and previous DCP Planning Panels¹ have not supported exemptions of this nature. This recommendation is departing from established practice.</p> <p>Use or development which has a planning permit at the date of approval of the amendment is charged the Community Infrastructure Levy at building permit stage, in accordance with section 46O(1) of the <i>Planning and Environment Act 1987</i>.</p> <p>For a development which is already built but not subdivided at the date of approval of the amendment, only the Development Infrastructure Levy is charged at subdivision stage.</p> <p>Council considers that the planning scheme amendment process - including opportunities for developers to participate in exhibition and planning panel - which regularly takes 12-18 months, provides a reasonable transition period prior to the DCP levies being introduced.</p> <p>If an exemption of this nature is to be introduced, Council is of the view that transitional provisions should be consistent across all DCPs and therefore should be prescribed by the Planning Minister through Ministerial Direction.</p> <p><u>Officer Recommendation</u></p> <p>Do not support. No change recommended.</p>

¹ City of Yarra Amendment C238, City of Banyule Amendment C115, City of Moonee Valley Amendment C194, City of Moreland Amendment C133

<p>DCP Section 7.3</p> <ul style="list-style-type: none"> • ‘Deferral of Payment’ to remain as exhibited • Change to the ‘Method of Payment’, as follows: <p>Method of Payment</p> <p>Payment of development contributions is to be made in cash <u>subject to the exceptions below</u>.</p> <p>Council may accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.</p> <p><u>In respect of any of the land comprising La Trobe University, Council may enter into an agreement with La Trobe University to accept a substituted project as “works in kind” in part or full satisfaction of the liability to pay the Development Infrastructure Levy that is payable where the development type which triggers the liability to pay is residential, retail, commercial or industrial.</u></p> <p><u>The value of the credit for the substituted project (works in kind) is to be determined by the Collecting Agency but must not exceed the combined value of the infrastructure projects in respect of which a Development Infrastructure levy was otherwise payable.</u></p> <p><u>The substituted project is to be agreed by Development Agency.</u></p>	<p><u>Officer response</u></p> <p>Endorses officers’ proposed approach in response to Panel’s request for a middle-ground position on La Trobe University’s submissions.</p> <p>In this approach, the additional wording that had been inserted post-exhibition under ‘Deferral of Payment’ in section 7.3 of the DCP is removed to allow Council greater flexibility in the use of the deferral mechanism.</p> <p>Additional wording is added to ‘Method of Payment’ so that Council has the ability to accept a substitute project from La Trobe University as an offset against cash levy liabilities.</p> <p><u>Officer recommendation</u></p> <p>Support. Changes made as recommended.</p>
<p>DCP Section 7.5 and DCPO Schedule part 4.0</p> <ul style="list-style-type: none"> • Change reference to Department of Health and Human Services to Department of Families, Fairness and Housing, to reflect changes to State Government department responsible for social housing • Remove exemption for Darebin City Council delivered projects 	<p><u>Officer response</u></p> <p>The reference to Department of Families, Fairness and Housing corrects the outdated reference to Department of Families, Fairness and Housing as the department responsible for social housing.</p> <p>It is not established practice to exempt Council delivered projects from DCP levies. It is therefore considered appropriate to remove this exemption. Council is both Collection Agency and Development Agency under the DCP. So, for Council delivered projects that attract a levy, Council will both collect levy payments and apply those funds collected to projects identified in the DCP.</p> <p><u>Officer recommendation</u></p> <p>Support. Changes made as recommended.</p>
<p>DCP Section 7.5 and DCPO Schedule part 4.0</p>	<p><u>Officer response</u></p> <p>Reflects Council’s adopted post-exhibition exemption wording in response to submissions. The wording provides more clarity about</p>

<p>Amend the wording of the exhibited section 173 exemption as follows:</p> <ul style="list-style-type: none"> ■ <u>Land with an agreement executed under section 173 of the Planning and Environment Act or other deed of agreement that requires either:</u> <ul style="list-style-type: none"> ■ <u>The payment of a development contribution levy; or</u> ■ <u>the provision of specified works services or facilities beyond those necessary on or to the land or other land as a result of the grant of any permit; or</u> ■ <u>the payment of any development contributions or the provision of specified works services or facilities required to be provided for public and/or community infrastructure by any other provision of this scheme; or</u> ■ <u>the provision of land for works services or facilities (other than land required to be provided as public open space pursuant to clause 53.01 or section 18 of the Subdivision Act 1988);</u> <u>and explicitly excludes further development contributions to be made.</u> ■ 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. 	<p>the circumstances where agreements can provide for an exemption from DCP levies.</p> <p>During Panel, the additional words ‘or other deed of agreement’ were suggested by officers on advice from Council’s advocate. The wording expands the range of agreements (beyond just section 173 agreements) that can provide for an exemption where it is merited. This not only gives Council more flexibility in considering case by case exemptions for La Trobe University (as part of Council’s middle-ground position), but also more broadly should circumstances justify it.</p> <p><u>Officer recommendation</u> Support. Changes made as recommended.</p>
<p>Recommendation 3: Include explanatory information in the Development Contributions Plan on:</p> <ul style="list-style-type: none"> ● how the projects in the Development Contributions Plan have been attributed to Charge Areas ● how the Development Contributions Plan is to be applied to strategic redevelopment sites (such as Northland and Preston Market) ● how the interrelationship with any site specific Development Contributions Plans, social housing and other exemptions will be dealt with 	<p><u>Officer response</u> Additional information would improve users’ understanding of the methodology employed to prepare the DCP and how it can operate with other DCPs.</p> <p><u>Officer recommendation</u> Support.</p> <p>Additional sections 6.2, 6.3, 1.5 and 1.6 have been added to the DCP with more information on:</p> <ul style="list-style-type: none"> ● the principles followed in terms of which types of development are deemed to use (and therefore contribute to) the different categories of infrastructure included in the DCP ● the method employed for defining project catchment areas ● the relationship between this DCP and strategic redevelopment sites, including where development at such sites is providing (or contributing to) site-specific infrastructure through separate mechanisms

	<ul style="list-style-type: none"> • the potential for multiple DCPs to apply to the same land within Darebin • how exemptions in potential future site-specific DCPs may relate to this DCP and how exemptions in this DCP relate to future DCPs
<p>Recommendation 4: Amend project costings in the Development Contributions Plan to take into account any external funding received prior to the adoption of the Amendment</p>	<p><u>Officer response</u> Aligns with the recommended action in Council’s Part A submission.</p> <p><u>Officer recommendation</u> Support.</p> <p>The following changes have been made to DCP projects:</p> <ul style="list-style-type: none"> • Project 14 has been combined into Project 6 to reflect their delivery as one project, and the total DCP project costs reduced to \$1,789,278 to reflect \$800,000 of State Government funding support received. • DCP costs for Project 15 and Project 12 have been reduced to \$25,000 each to reflect state government funding received.
<p>Recommendation 5: Correct any minor or drafting errors identified in the Development Contributions Plan and Schedule to the Development Contributions Plan Overlay</p>	<p><u>Officer response</u> Aligns with the recommended action in Council’s Part A submission.</p> <p><u>Officer recommendation</u> Support.</p> <p>Minor formatting updates have been made and drafting errors in the DCP and DCPO Schedule have been corrected. Minor mapping errors relating to Projects 88, 89 and 101 have been corrected.</p>

Other post-panel changes	Details
<p>DCP</p> <p>The exhibited DCP treats OSL and DCP funding sources and projects as totally separate, stating that the Open Space Levy (OSL) will not be used to fund projects in the DCP and vice versa. However, the Panel Report and legal advice subsequently received by Council indicates that the Open Space Levy can be used to fund open space projects included in the DCP. Officers recommend amending the DCP to reflect this advice.</p>	<p>The wording in the DCP which states that the OSL will not be used to fund projects in this DCP has been removed.</p> <p>This provides Council flexibility to ensure it can continue to deliver infrastructure and open space improvements in a financially sustainable and responsible way. Council’s DCP accounting and monitoring processes will ensure that double-dipping does not occur.</p>
<p>DCPO Schedule (and DCP section 7.3)</p> <p>In section 7.1 of its report, Panel endorsed the following minor changes identified by Council in response to issues raised by submitters:</p> <ul style="list-style-type: none"> • In the DCPO Schedule: <ul style="list-style-type: none"> - amend the reference to gross floor space to gross floor area as per the Planning and Property Partners submission for Preston Market - amend the clause beginning with “Payment of the Development Infrastructure Levy” as per the Planning and Property Partners submission for Preston Market except that the reference to “Responsible Authority” should be a reference to “Collecting Agency” - insert “or” after the first and second bullet points. <p>In this part of its report (refer Appendix A), Panel accepts these changes as ‘appropriate and recommends that they be included in the final form of the Amendment’ (p 42). Though these changes are not reflected in ‘the Panel preferred form of the DCPO Schedule’ in Appendix C of Panel’s report, it can be assumed they were intended to be.</p>	<p>The minor changes to the DCPO Schedule referred to and endorsed by Panel in section 7.1 of have been made, along with related minor changes to section 7.3 of the DCP.</p> <p>The changes improve clarity and completeness, particularly in terms of timing of payment of the Development Infrastructure Levy.</p>

<p>DCP Section 7.5 and DCPO Schedule part 4.0</p> <p>In section 4.3.3 of its report (Appendix A), Panel agreed with Council’s suggestion that the wording of the exemption relating to works or a subdivision that do not increase demand units should be worded the same as in Yarra’s DCP.</p>	<p>Exemption wording has been changed in the DCP and DCPO Schedule to align with the City of Yarra municipal DCP, as shown:</p> <ul style="list-style-type: none"> ■ The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units, <u>including</u>: <ul style="list-style-type: none"> ■ <u>Replacement of a building;</u> ■ <u>Renovations or alterations to an existing building;</u> ■ <u>Construction of a fence; and</u> ■ <u>Outbuildings normal to an existing dwelling.</u> 					
<p>DCP and DCPO Schedule</p> <p>In response to a query raised about Project 7, Panel encouraged Council to cross check the attribution of projects to Charge Areas. On review, Officers’ found that Project 7 had been incorrectly attributed on the exhibited DCP.</p>	<p>Project 7 has been removed from the DCP.</p>					
<p>DCP Table 11.</p> <p>Amendment of project description for Project 50 to align with Council resolution on Cramer St treatments.</p>	<p>Project description changed as follows in the DCP:</p> <table border="1" data-bbox="1205 962 1993 1070"> <tr> <td data-bbox="1205 962 1288 1070">50</td> <td data-bbox="1288 962 1424 1070">Streets for People - Preston Activity Link</td> <td data-bbox="1424 962 1563 1070">Cycling</td> <td data-bbox="1563 962 1702 1070">Darebin Safe Travel Strategy 2018-2028</td> <td data-bbox="1702 962 1993 1070">Preston Activity Link - construction of <u>pinch-points-along</u> <u>treatments on and to Cramer St to improve safety for cyclists and full road closure on James Street between Eric and Cramer</u></td> </tr> </table>	50	Streets for People - Preston Activity Link	Cycling	Darebin Safe Travel Strategy 2018-2028	Preston Activity Link - construction of <u>pinch-points-along</u> <u>treatments on and to Cramer St to improve safety for cyclists and full road closure on James Street between Eric and Cramer</u>
50	Streets for People - Preston Activity Link	Cycling	Darebin Safe Travel Strategy 2018-2028	Preston Activity Link - construction of <u>pinch-points-along</u> <u>treatments on and to Cramer St to improve safety for cyclists and full road closure on James Street between Eric and Cramer</u>		

Background: C170dare – Development Contributions Plan

In the Darebin Council Plan 2017-21, Council committed to creating a new municipal Development Contributions Plan, to ensure that the cost of required new and upgraded infrastructure is shared equitably between developers and the wider community as the City grows.

Planning Scheme Amendment C170dare proposes to action a new Development Contributions Plan for Darebin by bringing it into the Darebin Planning Scheme.

What is a Development Contributions Plan?

A Development Contributions Plan (DCP) places a levy on new development to contribute to the cost of essential city infrastructure for the growing Darebin community, including roads and paths, and community facilities. New development generates additional usage of Council's infrastructure with new residents and increased commercial activity, so it is important that developers contribute to a share of this cost.

A DCP identifies required infrastructure to be funded through development contributions over the life of the plan. The cost of infrastructure is apportioned to new development according to its expected share of usage. So, new development will only pay a portion of infrastructure project costs through the DCP, with the balance to be funded from Council rates and other funding sources.

Who will the levy apply to?

The levy will apply only when development results in additional dwellings and/or non-residential floorspace. This is to fairly share the cost of providing new or upgraded community infrastructure needed for a larger population.

The levy does not apply where existing dwellings are being replaced, extended or renovated, where fences or outbuildings normal to a dwelling are being constructed, or where social housing is being developed.

The DCP will apply to all land within the City of Darebin, except Commonwealth land.

The levy does not apply to existing development.

Other exemptions include:

- 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.
- Servicing infrastructure constructed by a utility authority.
- Darebin City Council delivered projects, building or works.
- Land with a legal agreement that exempts the development from one or more DCP Overlay Schedules due to the development having met its DCP obligations.

What is Amendment C170dare?

Amendment C170dare is the name given to the planning scheme amendment process used to amend the Darebin Planning Scheme to introduce the new Darebin Development Contributions Plan 2019.

It will do this by adding a new Schedule to the Development Contributions Plan Overlay (DCPO) into the scheme and adding the *Darebin Development Contributions Plan 2019* as an incorporated document. This will allow Council to collect levies from new developments proposing to increase the number of dwellings and/or increase leasable commercial, retail or industrial floor area.

Project progress

The project list for the DCP was developed from Council's 10 Year Capital Works Plan, in consultation with Managers across Council. Project selections made according to DCP criteria. Once the project

list and costings were established, the DCP was finalised with levies being calculated based on projected development over the course of the DCP’s 20-year time frame.

Table 1: Key project activities and timing

Initial project selection in consultation with Managers	Late 2019
Project list refinement and updated development projections	Jan-March 2020
Draft DCP project list	March 2020
Final draft DCP	June 2020
DCP Peer Review	June 2020

Planning Scheme Amendment process

Following the finalisation of the DCP, Planning Scheme Amendment C170dare was commenced to give effect to the DCP in the Darebin Planning Scheme.

On July 30 2020, Council received conditional authorisation from the Department of Environment, Land, Water and Planning (under delegation from the Minister for Planning) to prepare and exhibit the amendment.

Amendment C170dare was exhibited in late 2020 and in considering submissions, Council resolved to refer the amendment to an independent Planning Panel.

A Planning Panel hearing was held in May 2021 we are now at the stage where Council considers the Panel’s report and makes a decision on adoption of the amendment.

Figure 1: Amendment C170dare – steps and timing



5.2 STATE GOVERNMENT RESCODE REFORM - COUNCIL SUBMISSION

Author: Principal Planner

Reviewed By: General Manager City Sustainability and Strategy

SUMMARY

On 8 November 2021 the Department of Environment, Land, Water and Planning (DELWP) started consultation on *Improving the operation of ResCode*. It is seeking feedback on proposed changes outlined in its discussion paper.

DELWP's discussion paper proposes a new process for ResCode assessments (Clauses 54, 55 and 58 of all Victorian Planning Schemes). The proposed new model seeks to standardise how the assessment provisions operate.

Assessment of the proposed changes to ResCode has found that they could undermine current local planning policy and in particular make it very hard to consider and reflect local neighbourhood character in planning permit decisions. One of the effects of the changes proposed is that for elements of a building design like height, overlooking, and setbacks, standard 'rules' would apply and consideration of local context or neighbourhood character would not be considered. It would reduce Council's ability to in making planning decisions to balance various objectives and needs and respond to local issues or aspirations.

This report recommends that Council makes a submission that raises key concerns about the state government's proposed changes.

In line with its resolution of August 2021, Council is actively advocating to the state government for significant change to several other proposed State Government reforms to the planning system, and for full consultation with community and local government. This broader advocacy is a Council priority, however is not the subject of this report or decision.

Officer Recommendation

That the Planning Committee endorse Darebin City Council's draft submission to Victorian Department of Environment, Land, Water and Planning's 'Improving the Operation of Rescode' project, included at Attachment A.

BACKGROUND/KEY INFORMATION***Broader context: State Government planning reform***

This report focusses on proposed changes to ResCode. More broadly, there is a much wider range of planning system reforms the State Government is progressing, and this broader context is valuable to understand.

The State Government has provided some - but not sufficient - public information about a wide range of proposed reforms to the planning system in Victoria. Public information is high level and not sufficient to fully understand impacts, risks or benefits of the reforms. Darebin City Council and many other councils have raised concerns about this reform agenda and are continuing to advocate for consultation with local government, and for significant changes to a number of proposed reforms.

The State Government's messaging about its reform agenda includes:

- That these reforms arise from the red tape commissioner's report and implementation of the 27 recommendations
- That these reports are about boosting economic recovery and jobs. (see announcement from 24 November at 2021)

Changing the operation of ResCode – consultation on a discussion paper

In parallel, the State Government is currently consulting on proposed changes to ResCode.

The State Government has sought feedback from councils on a Discussion Paper (Attachment B). An extract from DELWP's communications about the proposed changes includes:

"DELWP has developed a new assessment model that is introduced in the discussion paper - Improving the operation of ResCode. The discussion paper proposes to apply the new model to residential development planning permit applications by replacing the ResCode assessment requirements based on objectives, standards and decision guidelines with a new Performance Assessment Module (PAM).

The new model will provide a more clear, certain and efficient way to assess planning permit applications under clauses 54, 55 and 58 (ResCode) of the VPP and could also be applied to other parts of Victoria's planning schemes, such as overlays and particular provisions."

Previous Council Resolution

At its meeting held on 23 August 2021, Council resolved:

"That Council:

- 1) *Notes that the Victorian government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform.*
- 2) *Strongly voice its concern that:*
 - a) *Consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.*
 - b) *The community's voice must remain central in planning decisions.*
 - c) *Strong community consultation must be a core part of major planning decisions.*
 - d) *Community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies.*
- 3) *Urgently calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made.*
- 4) *Urgently writes to the Minister for Planning, the shadow Minister for Planning and all local Members of the Victorian Parliament to advocate Council's position.*

- 5) *Request the CEO or delegate coordinate with other local governments in regards to advocacy.*
- 6) *Requests a report to Council, within 3 months, with an update and advice on any action Council could take to advocate effectively on this matter.”*

What is ResCode?

Rescode refers to Clauses 54 and 55 contained within all Planning Scheme’s across Victoria. Rescode comprises a suite of controls that apply to dwellings and multiple dwellings including standards relating to basic amenity for residents, together with requirements for building heights, setbacks, overlooking and overshadowing. Other fundamental elements of Rescode include neighbourhood character and design, environmental standards relating to energy efficiency, stormwater run off and solar access.

Clause 54 sets out the requirements that apply to single dwellings that require a planning permit (20 standards).

Clause 55 sets out the requirements that apply to multi dwelling planning applications (34 standards).

Proposed ResCode Changes

The existing ResCode framework requires consideration of a proposed planning application against the relevant objective, standard and decision guidelines which are contained under each standard within Clauses 54 and 55.

In the case of Clause 55, thirty-four standards are assessed, twenty of which are common to single dwelling assessments (Clause 54). Each element has an objective – a general aim which must be achieved and each objective has a standard which if met would indicate the achievement of the objective. Under the current system it is possible to meet the standard but not the objective.

The discussion paper proposes to alter the operation of ResCode. The proposed change to ResCode seeks to translate all 20 standards under Clause 54 and all 34 standards under Clause 55 to a Performance Assessment Model (PAM). Under the proposed PAM, the existing ResCode objectives will be split into consideration of ‘Performance Measures’ (quantitative) and ‘Performance Criteria’ (qualitative). Critically, the key difference would be that, if the ‘Performance Measure’ is met, the proposal is deemed to have met the objective and therefore comply. No further consideration could be given to the ‘Performance Criteria’.

This is a fundamental change to the operation of ResCode, one that would alter much of the nuance and discussion on important considerations such as neighbourhood character and design and the impact of development upon amenity.

The model will standardise how assessment provisions operate, with the aim of improving clarity for all users according to DELWP. It is proposed to apply this model first to the ResCode provisions at Clauses 54, 55 and 58 of all Victorian Planning Schemes.

It is important to note that there are no changes proposed to permit triggers, third party notice or review rights, nor the quantitative ResCode standards.

The discussion paper also proposes a number of smaller changes aimed at improving decision making, including standardised digital application templates and proforma “pattern book” of neighbourhood character and design detail variations.

DISCUSSION:

Officers have reviewed the discussion paper and while acknowledging the need to improve the operation and assessment provisions in planning schemes, there are a number of key concerns with what is being proposed.

Significant impact on ability to consider Neighbourhood Character and local policies

Firstly, it is considered that the proposal places too much emphasis on standardised quantitative measures, while removing Council's ability to undertake a nuanced, qualitative assessment.

The proposal represents the first step to a "code assess" model which would limit Council's ability to assess development proposals against Council's Neighbourhood Character Policy, Good Design Guide and other relevant local policies, design response and local context.

There are concerns that rather than strengthening the consideration of local planning policies (e.g. neighbourhood character and urban design) it could result in those policies being excluded from the planning permit assessment process. It is therefore considered that the proposed model is not suitable to apply to all of the current ResCode standards, particularly those that relate to Neighbourhood Character and Urban Design.

Secondly, there are concerns about the implementation process including its timing and the need for further detailed consultation. While the inclusion of the neighbourhood character policy objectives in the relevant residential zone schedule is supported, it is unclear to what extent and how quickly existing neighbourhood character policies could be translated into the residential zone schedules. Council will need time to undertake further strategic work, likely including a significant planning scheme amendment(s) to update the local neighbourhood character controls in response to these changes. DELWP would need to ensure this work is supported and completed prior to the proposed new ResCode model coming into effect. Otherwise, Council might find itself in the position of having extensive neighbourhood character policies within their planning schemes that cannot be considered or enforced.

The report prepared by DELWP focuses on *improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions.*

Amongst other matters at **Clause 11.01-1S** of the Planning Scheme, the scheme highlights that planning is *to recognise the need for, and as far as practicable contribute towards a high standard of urban design and amenity.* Further, the overall objective of ResCode is to produce better residential design outcomes.

These objectives and the local policies contained with all Planning Schemes should be central to any considered revision to the current operation and format of ResCode.

It is officer's view that the focus of any reforms to improve the current operation of ResCode should consider and undertake an analysis of the evolving and emerging residential development outcomes across a broad spectrum of metropolitan and regional contexts. Such an analysis should consider design and environmentally sustainable development and the internal amenity and liveability of housing for all housing types.

Since ResCode's inception the form, scale and type of housing outcomes has evolved considerably. This is in response to external factors such as housing affordability and a greater acceptance of other housing types particularly apartments and 'reverse living' townhouses.

It is evident that the results have been mixed with some housing types such as 'reverse living' townhouses often offering poorer outcomes including substandard internal amenity compared to many earlier forms of infill housing.

Specific concerns

Neighbourhood Character

The proposed performance measure for **Neighbourhood Character** imbeds other standards found within Rescode: Street setback, Building height, Site coverage, Side and rear setbacks, Walls on boundaries and Front fences. The aim of this approach appears to be to remove discretion in favour of more standardised outcomes.

The consideration of neighbourhood character requires discretion. It is typically required to manage complex matters in a varied context. Removing discretion from the process could minimise Council's ability to consider nuances of character and context in particular situations.

Council recently adopted a deliberate and proactive Design Excellence program aimed at delivering improved design outcomes. One of the key deliverables for the program includes development of two documents including the Darebin Good Design Guide – Medium Density Development. These guidelines build on existing objectives and standards in the planning scheme as well as fill the gap where required by providing diagrams and images of preferred design outcomes.

The success of Council's Design Excellence program has received much support from the development industry. This is evident across a range of residential development outcomes which display simplicity in form and materials. The program also emphasises the importance of community and interaction between residents as central to good design. Other solutions within the program seek to centralise car parking, to limit driveways and hard-standing and provide greater space for landscaping.

These approaches mesh well with the other requirements within the Planning Scheme, including garden area requirements, the role and importance of landscaping to manage off site visual impacts, provide shading and a healthy environment and the encouragement of the many laneways in Darebin for vehicle access.

The change to the current Neighbourhood Character provision and other Rescode provisions could undermine this program by emphasising a quantitative approach to assessment.

Detailed design

In relation to **Detailed Design**, it is unclear how the architectural design features listed in the PAM will be incorporated into a quantitative measure. Concern is raised in relation to how Council's program to improving the quality of design could be undermined by a 'tick a box' approach to design elements that could discourage innovative design solutions.

Access

For **Access** the performance measure is problematic as it specifies “no more than one single-width crossover is provided for each dwelling fronting a street”. This is not considered to achieve the outcome desired as it means a very narrow (e.g. 15 metre) site could essentially have two crossovers as of right, without any consideration of neighbourhood character, limiting Council’s ability to negotiate the use of laneways for vehicle access. The performance objective refers to respecting the neighbourhood context, however none of the performance measures consider neighbourhood character. These performance measures are more appropriately considered as performance criteria to allow neighbourhood character assessments. Alternatively, a measure could be introduced to allow a zone schedule to vary these requirements.

Building Height and visual impact of height

Regarding **Building Height**, the aim is to *ensure that the height of the building respects the existing or preferred neighbourhood character.*

The performance measure indicates that a building’s height should not exceed the maximum height specified in the zone. Most commonly across Darebin the maximum allowable building height is 11 metres as expressed in the General Residential Zone (Schedule 2).

The performance measure also requires that *changes of building height between existing buildings and new buildings should be graduated.* This translation maintains the existing conflict within the current standard between the quantitative element and the consideration of graduated building heights.

Given the assessment emphasises a quantitative consideration of all criteria there is a concern that such a shift in emphasis will result in an assessment of building height which is more akin to an assessment undertaken for a building permit – i.e. greater weight is given to the quantitative element of the standard. Furthermore, the performance measure does not consider the visual impact of the building height on the streetscape, nor the interaction of the building height with the building articulation, including sheer walls.

Regarding internal and external impacts of development the following concerns are raised.

Overlooking

Overlooking deals with limiting views from development proposals into neighbouring gardens and habitable room windows. The standard requires the provision of 1.7 metre screen and windows sills to attain an acceptable outcome. The decision guidelines require a consideration of, amongst matters, the effect of screening measures *upon the internal daylight to and amenity of the proposed dwelling.*

Officer’s view is that the provision of screening measures will result in poor internal amenity outcomes particularly when applied to a high proportion of windows and balconies within residential proposals. This is particularly the case for many developments in Darebin which adopt a side loaded orientation combined with a ‘reverse living’ internal layout. This is a common design approach for many developments along Darebin’s major thoroughfares and on mid-block sites located elsewhere. This design approach necessitates that the majority of first-floor (and above) windows and balconies serving living, entertainment and kitchen areas are provided with screening measures and/or high window sills. Despite the Darebin Planning Scheme’s attempt to discourage this type of outcome through local policy and its interpretation of the current provisions, Council is often not supported in forming this view at the Tribunal.

Overlooking measures should be a last resort design solution. Such measures should only be applied where a design led solution is not a reasonably attainable outcome in a given context.

The current ResCode provision allows for a consideration of the appropriateness of overlooking measures in regard to their impact upon internal amenity, particularly outlook and access to daylight. Under the proposed provision the performance criteria are only able to be considered if the quantitative performance measure is not met. This is a significant concern which will only entrench and encourage further poor outcomes.

The gap or separation between buildings is one of the biggest issues affecting the natural light and outlook for developments which adopt a side loaded 'reverse living' layout. There are no requirements in ResCode regarding setbacks between buildings and opposing balconies. On regular residential lots this can cause issues around equitable development in terms of existing developments compromising the development potential for adjacent sites as well as new developments compromising the amenity of existing developments by significantly affecting access to natural light and outlook. Officers strongly support a provision which promotes street facing development outcomes, promotes surveillance and greater opportunities for healthy interaction between occupants.

Side and rear setbacks

Regarding **side and rear setbacks**, the performance measure is only considered if the quantitative performance measure is not met. That means if the setback meets the numerical standard, "*the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings*" is unable to be considered. This is a clear example where meeting the quantitative performance measure is not guaranteed to achieve either of the listed performance objectives or result in an acceptable outcome.

Overall visual impact

Officers are of opinion that complying with the minimum requirements relating to **side and rear setbacks, building height, height and length of walls on boundaries** and **overshadowing** would not in many Darebin contexts negate the visual impact of two or three storey building forms upon adjacent rear gardens.

While ResCode is designed to facilitate change, the degree of change which could simply be allowed without question or debate would in officer's view result in excessive outcomes which would detrimentally impact neighbouring amenity and character.

The given performance measures are inadequate to achieve the objectives, given they do not afford the consideration of neighbourhood character. They do not consider the third dimension of the building (how long it spans for) nor its impact on visual bulk. They provide no consideration of backyard character and do not treat the interface to the rear boundary or backyard any differently to a side boundary. They do not differentiate particularly sensitive interfaces such as habitable room windows and private open spaces.

Under the current ResCode provisions, the question should be asked, does a proposal which passes all criteria equate to an acceptable design outcome? Does the sum of the parts equate an acceptable overall whole? In many cases it does not which highlights the failure of the current ResCode provisions. This is in part the result of an accumulation of unintended consequences arising from many of the current standards. The proposed changes to ResCode removes Council's ability to intervene and partake in a reasonable debate on what constitutes an appropriate outcome in favour of quantitative based approach. This is a major concern.

The proposed reforms to ResCode share some features of the **Future Homes** pilot program which seeks to provide greater certainty for applicant's and to streamline the planning assessment process for developments that use exemplar designs. There is an expectation from DELWP that Future Homes projects would be determined under delegation to guarantee timely decisions and possibly with third party appeal rights switched off. While the approach sought under Future Homes could be supported on basis of its focus on improved design outcomes and amenity, the opposite is true of the proposed reforms to ResCode which appear to be seeking a one size fits all approach to development proposals at the same time weakening officers ability to provide input to resolve issues and offer solutions.

The role of local planning policy

The proposed Rescode restructure would have the effect of eroding local policies by significantly reducing their policy weight in the assessment of planning applications. The proposal does not allow adequate consideration of qualitative policy objectives or strategies, or anything beyond readily quantified measures. This is a significant problem for Council, not just in relation to Neighbourhood Character Policy, but also broader policy objectives such as Environmentally Sustainable Design.

It is important that Council can continue to use the Local Planning Policy for Neighbourhood Character as per the current ResCode decision guidelines. Similar to the draft translation of 'Standard B2 - Residential Policy' (which enables the consideration of relevant local housing policies in the Planning Policy Framework and Municipal Planning Strategy), it is imperative that the role of Council's neighbourhood character local policy (and others as relevant) is not weakened and still able to be rightfully assessed.

Uncertainty regarding translation of local content

The discussion paper fails to clearly articulate what local policy content DELWP will and will not support being translated to zone schedules. Without knowing whether all existing neighbourhood character policy can be included in the relevant zone schedule, it is difficult to provide support to the proposal.

Neighbourhood character policy and preferred character is a critical part of Council's integrated housing strategy ensuring new housing is accommodated in our cities in a sensitive way. Officers have sought assurance from DELWP that the zone schedules would continue to apply to the neighbourhood character statements (e.g in the NRZ).

OPTIONS

- 1) The Planning Committed can endorse the draft submission to DELWP as attached (recommended)
- 2) The Planning Committee can endorse the draft submission with amendments. The benefits or drawbacks of any amendments would depend on the nature of the amendments
- 3) The Planning Committee can choose not to make a submission to this consultation. The main draw back of this option is that Council would miss the opportunity for its views to be heard via this formal consultation process
- 4) Note that should the Planning Committee decide to defer this decision, it would have the effect of choosing not to make a submission (option 3 above)

POLICY IMPLICATIONS

Environmental Sustainability

The proposed ResCode restructure may diminish Ecological Sustainable Design outcomes by eroding local polices because their policy weight in planning assessment would be significantly reduced.

Social Inclusion and Diversity

Similar to environmental sustainability, reducing the effect of local policies – designed to promote inclusion – may diminish social inclusion and diversity outcomes.

The proposed access improvement measures could make cross-overs an as of right, which is inconsistent with Darebin's policy that seeks to limit crossovers where laneways can be used to access a property. Increasing cross-overs increases risk to vulnerable community members, such as children and senior citizens.

FINANCIAL AND RESOURCE IMPLICATIONS

Darebin is contributing to the ResCode consultation using existing resources.



FUTURE ACTIONS

Officers will continue to consult with DEWLP on Darebin's position on the ResCode.

RELATED DOCUMENTS

- <https://engage.vic.gov.au/improving-operation-rescode>

Attachments

- Draft Submission - Improving ResCode (**Appendix A**) [↓](#) 
- DELWP Discussion Paper - Improving ResCode (**Appendix B**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Officer Draft



the place
to live

Improving the operation of ResCode Discussion paper - November 2021

Note: this submission has not been endorsed by Council.

Officer Draft

Acknowledgement of Traditional Owners

Darebin City Council acknowledges the Wurundjeri Woi Wurrung people as the traditional owners and custodians of the land and waters we now call Darebin and pays respect to their elders, past, present and emerging.

Council affirms that Wurundjeri Woi Wurrung people have lived on this land for millennia, practising their ceremonies of celebration, initiation and renewal.

Council respects and recognises all Aboriginal and Torres Strait Islander communities and their values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination.

Background

The City of Darebin welcomes the opportunity to provide feedback on the Department of Environment, Land, Water and Planning's (DELWP) discussion paper *Improving the operation of ResCode*. This submission has been prepared by Council officers and is not the result of a formal resolution of Darebin City Council.

Council has reviewed the discussion paper and acknowledges opportunities and the need to improve the operation of assessment provisions in planning schemes. In the past few years, Darebin City Council has undertaken extensive work to respond to the growing number of medium density housing applications and address design quality.

The report prepared by DELWP focuses on *improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions*.

Amongst other matters at **Clause 11.01-1S** of the Planning Scheme, the scheme highlights that planning is *to recognise the need for, and as far as practicable contribute towards a high standard of urban design and amenity*. Further, the overall objective of ResCode is to produce better residential design outcomes.

These objectives and the local policies contained with all Planning Schemes should be central to any considered revision to the current operation and format of ResCode.

It is Council's view that the focus of any reforms to improve the current operation of ResCode should consider and undertake an analysis of the evolving and emerging residential development outcomes across a broad spectrum of metropolitan and regional contexts. Such an analysis should consider design and environmentally sustainable development and the internal amenity and liveability of housing for all housing types.

Since ResCode's inception the form, scale and type of housing outcomes has evolved considerably. This is in response to external factors such as housing affordability and a greater acceptance of other housing types particularly apartments and 'reverse living' townhouses.

It is evident that the results have been mixed with some housing types such as 'reverse living' townhouses offering poorer outcomes including substandard internal amenity compared to many earlier forms of infill housing.

*****Officer Draft*****

City of Darebin

Discussion

In the case of Clause 55, thirty-four issues are assessed, twenty of which are common to single dwelling assessments (Clause 54). Each element has an objective – a general aim which must be achieved and each objective has a standard which if met would indicate the achievement of the objective. Nevertheless, under the current system it is possible to meet the standard but not the objective.

The proposed performance measure for **Neighbourhood Character** imbeds other standards found within Rescode: Street setback, Building height, Site coverage, Side and rear setbacks, Walls on boundaries and Front fences. The aim of this approach appears to be to remove discretion in favour of more standardised outcomes.

The consideration of neighbourhood character requires discretion. It is typically required to manage complex matters in a varied context. Removing discretion from the process could minimise Council's ability to consider nuances of character and context in particular situations.

Darebin Council has recently adopted a deliberate and proactive Design Excellence program aimed at delivering improved design outcomes. One of the key deliverables for the program includes development of two documents including the Darebin Good Design Guide – Medium Density Development. These guidelines build on existing objectives and standards in the planning scheme as well as fill the gap where required by providing diagrams and images of preferred design outcomes.

The success of Council's Design Excellence program has received much support from the development industry. This is evident across a range of residential development outcomes which display simplicity in form and materials. The program also emphasises the importance of community and interaction between residents as central to good design. Other solutions within the program seek to centralise car parking, to limit driveways and hard-standing and provide space for landscaping.

These approaches mesh well with the other requirements within the Planning Scheme, including garden area requirements, the role and importance of landscaping to manage off site visual impacts, provide shading and a healthy environment and the encouragement of the many laneways in Darebin for vehicle access.

The change to the current Neighbourhood Character provision and other Rescode provisions could undermine this program by emphasising a quantitative approach to assessment.

In relation to **Detailed Design**, it is unclear how the architectural design features listed in the PAM will be incorporated into a quantitative measure. Concern is raised in relation to how Council's program to improving the quality of design could be undermined by a 'tick a box' approach to design elements that could discourage innovative design solutions.

For **Access** the performance measure is problematic as it specifies "no more than one single-width crossover is provided for each dwelling fronting a street". This is not considered to achieve the outcome desired as it means a very narrow (e.g. 15 metre) site could essentially have two crossovers as of right, without any consideration of neighbourhood character, limiting Council's ability to negotiate the use of laneways for vehicle access. The performance objective refers to respecting the neighbourhood context, however none of the performance measures consider neighbourhood character. These performance measures are more appropriately

*****Officer Draft*****

City of Darebin

considered as performance criteria to allow neighbourhood character assessments. Alternatively, a measure could be introduced to allow a zone schedule to vary these requirements.

In regard to **Building Height**, the aim is to *ensure that the height of the building respects the existing or preferred neighbourhood character.*

The performance measure indicates that a building's height should not exceed the maximum height specified in the zone. Most commonly across Darebin the maximum allowable building height is 11 metres as expressed in the General Residential Zone (Schedule 2).

The performance measure also requires that *changes of building height between existing buildings and new buildings should be graduated.* This translation maintains the existing conflict within the current standard between the quantitative element and the consideration of graduated building heights.

Given the PAM based assessment emphasises a quantitative consideration of all criteria there is a concern that such a shift in emphasis will result in an assessment of building height which is more akin to an assessment undertaken for a building permit – i.e. greater weight is given to the quantitative element of the standard. Furthermore, the performance measure does not consider the visual impact of the building height on the streetscape, nor the interaction of the building height with the building articulation, including sheer walls.

In regard to internal and external impacts of development the following concerns are raised.

Overlooking deals with limiting views from development proposals into neighbouring gardens and habitable room windows. The standard requires the provision of 1.7 metre screen and windows sills to attain an acceptable outcome. The decision guidelines require a consideration of, amongst matters, the effect of screening measures *upon the internal daylight to and amenity of the proposed dwelling.*

Council's view is that the provision of screening measures will result in poor internal amenity outcomes particularly when applied to a high proportion of windows and balconies within residential proposals. This is particularly the case for many developments in Darebin which adopt a side loaded orientation combined with a 'reverse living' internal layout. This is a common design approach for many developments along Darebin's major thoroughfares and on mid-block sites located elsewhere. This design approach necessitates that the majority of first-floor windows and balconies serving living, entertainment and kitchen areas are provided with screening measures and/or high window sills. Despite the Darebin Planning Scheme's attempt to discourage this type of outcome through local policy and its interpretation of the current provisions, Council is often not supported in forming this view at the Tribunal.

Overlooking measures should be a last resort design solution. Such measures should only be applied where a design led solution is not a reasonably attainable outcome in a given context.

The current ResCode provision allows for a consideration of the appropriateness of overlooking measures in regard to their impact upon internal amenity, particularly outlook and access to daylight. Under the proposed provision the performance criteria are only able to be considered if the quantitative performance measure is not met. This is a significant concern which will only entrench and encourage further poor outcomes.

*****Officer Draft*****

City of Darebin

The gap or separation between buildings is one of the biggest issues affecting the natural light and outlook for developments which adopt a side loaded 'reverse living' layout. There are no requirements in ResCode regarding setbacks between buildings and opposing balconies. On regular residential lots this can cause issues around equitable development in terms of existing developments compromising the development potential for adjacent sites as well as new developments compromising the amenity of existing developments by significantly affecting access to natural light and outlook. Council would strongly support a provision which promotes street facing development outcomes, promotes surveillance and greater opportunities for interaction.

In regard to **side and rear setbacks** the performance measure is only considered if the quantitative performance measure is not met. That means if the setback meets the numerical standard, "the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings" is unable to be considered. This is a clear example where meeting the quantitative performance measure is not guaranteed to achieve either of the listed performance objectives or result in an acceptable outcome.

Council is of opinion that complying with the minimum requirements relating to **side and rear setbacks, building height, height and length of walls on boundaries and overshadowing** would not in many Darebin contexts negate the visual impact of two or three storey building forms upon adjacent rear gardens.

While ResCode is designed to facilitate change, the degree of change which could simply be allowed without question or debate would in Council's view result in excessive outcomes which would detrimentally impact neighbouring amenity and character.

The given performance measures are inadequate to achieve the objectives, given they do not afford the consideration of neighbourhood character. They do not consider the third dimension of the building (how long it spans for) nor its impact on visual bulk. They provide no consideration of backyard character and do not treat the interface to the rear boundary or backyard any differently to a side boundary. They do not differentiate particularly sensitive interfaces such as habitable room windows and private open spaces.

Under the current ResCode provisions, the question should be asked, does a proposal which passes all criteria equate to an acceptable design outcome? Does the sum of the parts equate an acceptable overall whole? In many cases it does not which highlights the failure of the current ResCode provisions. This is in part the result of an accumulation of unintended consequences arising from many of the current standards. The proposed changes to ResCode removes Council's ability to intervene and partake in a reasonable debate on what constitutes an appropriate outcome in favour of quantitative based approach. This is a major concern.

The proposed reforms to ResCode share some features of the **Future Homes** pilot program which seeks to provide greater certainty for applicant's and to streamline the planning assessment process for developments that use exemplar designs. There is an expectation from DELWP that Future Homes projects would be determined under delegation to guarantee timely decisions and possibly with third party appeal rights switched off. While the approach sought under Future Homes could be supported given its focus on improved design outcomes and amenity, the opposite is true of the proposed reforms to ResCode which appear to be seeking a one size fits all approach to development proposals and at the same time a weakening of Council's ability to provide input to resolve issues and offer solutions.

*****Officer Draft*****

City of Darebin

The role of local planning policy

The proposed Rescode restructure would have the effect of eroding local policies by significantly reducing their policy weight in the assessment of planning applications. The proposal does not allow adequate consideration of qualitative policy objectives or strategies, or anything beyond readily quantified measures. This is a significant problem for Council, not just in relation to Neighbourhood Character Policy, but also broader policy objectives such as Environmentally Sustainable Design.

It is important that Council can continue to use the LPP for Neighbourhood Character as per the current ResCode decision guidelines. Similar to the draft translation of 'Standard B2 - Residential Policy' (which enables the consideration of relevant local housing policies in the PPF and Municipal Planning Strategy), it is imperative that the role of Council's neighbourhood character local policy (and others as relevant) is not weakened and still able to be rightfully assessed.

Uncertainty regarding translation of local content

The discussion paper fails to clearly articulate what local policy content DELWP will and will not support being translated to zone schedules. Without knowing whether all existing neighbourhood character policy can be included in the relevant zone schedule, it is difficult to provide support to the proposal.

We seek assurance that the schedules to the zones would still be able to apply the neighbourhood character statements (e.g in the NRZ) to these ResCode assessments to be able to implement neighbourhood character policy and preferred character which is a critical part of the neighbourhood character framework, and integrated housing strategy to be able to ensure new housing is accommodated in our cities in a sensitive way.

Conclusion:

Given the limited timeframe for consultation the above discussion is not exhaustive, and rather serves to highlight just some of the issues Council foreshadows with the proposal.

Darebin would like to reaffirm its commitment to attaining improved design outcomes for development proposals subject to ResCode. Particularly as the population increases and we all move forward with the challenges of COVID-19. The submission outlines areas where there is scope to improve the amenity of new developments.

The submission also highlights some of the work that Darebin City Council is undertaking in terms of achieving design excellence to deliver sustainable and resilient city. The need for improved design and amenity for medium density housing developments has been experienced by many in the past 18 months of the pandemic where people have had to spend more time in their homes and work from home.

Council is happy to present and elaborate on any of the issues identified in this submission.

Improving the operation of ResCode

A new model for assessment



November 2021



Environment,
Land, Water
and Planning

Contributors

Helen Gibson, Peter Allen, Andrew Natoli (Equipe Lawyers), Paul Beeson (Equipe Lawyers), DELWP Planning Systems Reform Branch.

Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



Contents

Glossary	4
Executive Summary	5
1. The purpose of this report	13
Purpose.....	13
2. The new model	17
The proposed model.....	18
Benefits for the future of the VPP.....	22
3. Understanding ResCode	25
Where did ResCode come from?.....	25
How does ResCode work.....	27
Problems with the operation of ResCode.....	28
Bringing clarity to the operation of ResCode.....	29
Neighbourhood character.....	30
4. Applying the model to ResCode	34
How the new model can apply to ResCode.....	34
Considering neighbourhood character under the new model.....	37
5. Considerations for implementation	42
Updating the drafting rules.....	42
Other consequential actions.....	42
6. Appendices	43
Appendix 1: An overview of residential reforms since 2000.....	44
Appendix 2: Overview of ResCode standards.....	45
Appendix 3: Draft Clause 71.XX.....	46
Appendix 4: Test translating of Clause 54.....	48
Appendix 5: Test translating of Clause 55.....	76
Appendix 6: Test translating of Clause 58.....	143

Department of Environment, Land, Water and Planning

Glossary

The Act	The <i>Planning and Environment Act 1987</i>
An application	An application for a planning permit lodged under section 47 of the Act or an application to amend a planning permit under section 72 of the Act
Building Regulations	<i>Building Regulations 2018</i>
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
Notice and review	The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act
NCO	Neighbourhood Character Overlay
NPR	No permit required
NRZ	Neighbourhood Residential Zone
PAM	Performance Assessment Module
Planning scheme	The relevant local planning scheme
Permit	A planning permit granted under Part 4 of the Act
PPARS	The DELWP Planning Permit Activity Reporting System
Practitioners Guide	<i>A Practitioners Guide to Victorian Planning Schemes</i> , DELWP April 2020
Regulations	The <i>Planning and Environment Regulations 2015</i>
ResCode	Clauses 54, 55 and 56 of the VPP and all planning schemes
RGZ	Residential Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VicSmart	The application assessment process under clause 71.06 and other provisions of a planning scheme
VPP	Victoria Planning Provisions

Executive summary

The Victoria Planning Provisions (VPP) and ResCode have served Victorians well for more than two decades.

They have delivered simpler, more consistent and usable planning schemes based on state standard provisions. However, as expectations on the planning system have grown, the complexity of issues and how some scheme provisions have responded has created uncertainty, hindered usability and created an obstacle to delivering digital ready planning schemes.

This report sets out how the operation of assessment provisions in planning schemes can be improved through the introduction of a new Performance Assessment Model (the model) that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work, improving clarity for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions.

The model is made up of a new Performance Assessment Module (PAM) and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to make an assessment of that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The performance assessment model



Both these new provisions will significantly reduce uncertainty about what is expected for each design matter and whether a design response meets those expectations.

Department of Environment, Land, Water and Planning

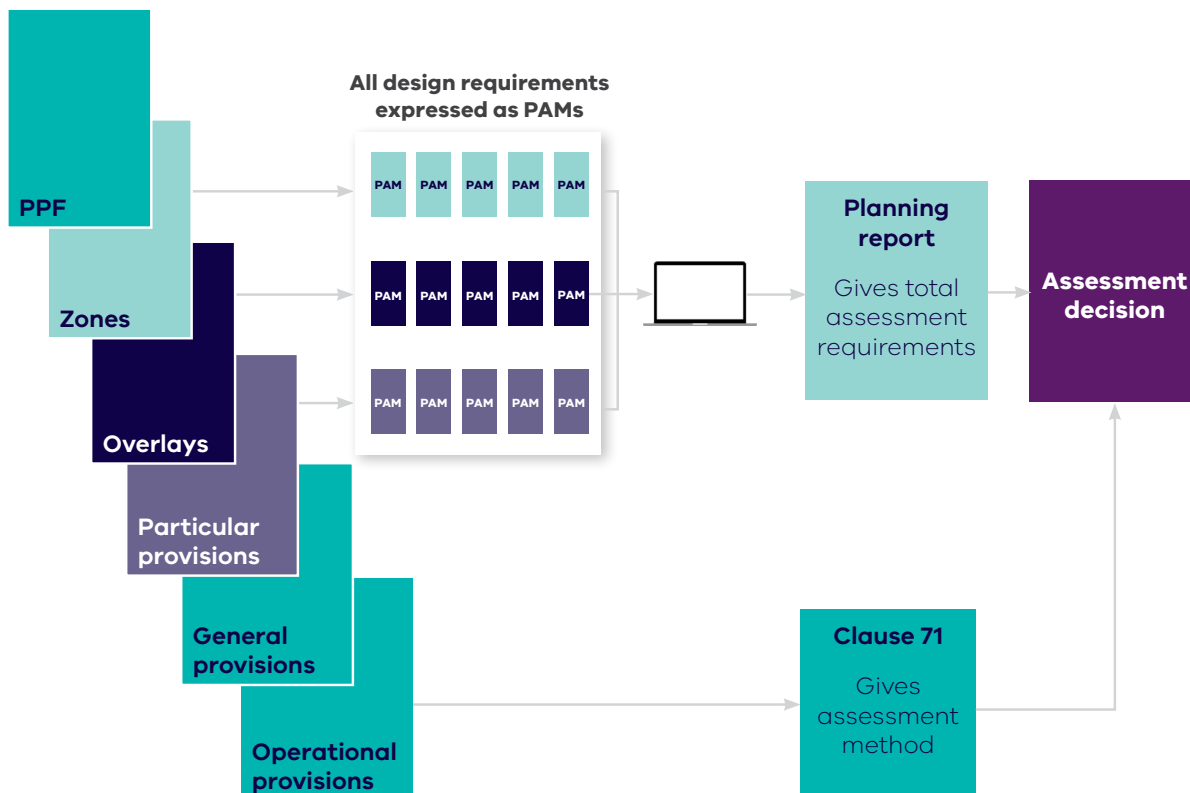
Converting assessment provisions to the proposed model will have the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective Performance Measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A consistent structure and format for discretionary provisions that will support the long-term development and delivery of fully digital planning schemes.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- an applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- the responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- the community to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

Overview of how the proposed model will work



Why start with ResCode?

Residential development proposals make a significant contribution to the number of planning applications made each year. Of the 40,000 new permit applications received in 2019/20, about 30% included a residential element that was assessed against the residential development standards in ResCode.

This report shows how the operation of ResCode can be improved by using the model to update the format of the ResCode standards to be clearer about their expectations and to be better aligned with the principles of the VPP. This will lead to more certain and more efficient development assessment and decision making.

The proposed model builds and improves upon the operational model that currently underpins ResCode.

Translating the ResCode standards to PAMs will not change the content of established standards or affect the procedural settings that currently apply to the assessment of proposals, including third party notice or appeal rights.

What is ResCode?

Clauses 54 and 55 are commonly referred to as ResCode and were introduced in August 2001, shortly after the rollout of the VPP and new format planning schemes. These two initiatives marked the beginning of a new era in preparing and administering local planning schemes based on user friendly provisions that are consistent statewide.

In the two decades since the introduction of the VPP and ResCode, Victoria has undergone significant change. The Victorian population has increased by 1.9 million people to 6.6 million people. It is estimated that by 2051 Melbourne's population will increase by another 4 million people. Plan Melbourne (Direction 2.4) has highlighted the critical role the planning system plays in ensuring an adequate supply of well located, affordable housing, while maintaining Victoria's liveability. Plan Melbourne has identified the need to better streamline approvals for housing proposals that do not raise strategic policy issues through more code-based approaches to assessment.

Advances in technology over the last 20 years have also brought profound change in the way citizens interact with public services and the law. The ability to 'design out' complexity and improve access to the law using digital platforms offers significant efficiency and effectiveness benefits for the way that the planning system delivers desired housing outcomes. To realise this potential, clearer and more consistent approaches to the operation and drafting of planning provisions is needed to make them 'digital ready'.

The role of planning reform is to ensure that the planning system is calibrated to meet the current and future needs and expectations of the Victorian community, specifically so that:

- Provisions clearly describe desired planning outcomes that are consistent with those needs and expectations.
- Provisions and processes are consistently applied in a manner that is proportionate to risk and to efficiently deliver the desired outcomes.
- Provisions and processes, and any supporting initiatives, are designed to meet the needs of the system's users.

Since its introduction, there have been a number of reforms to the VPP affecting residential development, including the introduction of reformed residential zones, and a new assessment pathway (VicSmart), and new standards for apartment developments.

Against this background local councils have accumulated and refined a substantial body of strategic work on housing and neighbourhood character. This work has, to varying extents, been implemented in local planning schemes or supporting guidance documents, through neighbourhood character policies and associated variations to ResCode standards.

The ResCode standards are now well accepted and understood and have served Victorians well. ResCode's long use and the familiarity users have with its application to local neighbourhoods are significant assets. They provide a strong basis on which to recalibrate and improve its statutory operation in line with the VPP principles (including *User Focussed, Proportional and Digital First*).



What is a PAM?

The PAM is built on four components:

- **Performance Objectives** – that clearly describe acceptable design outcomes.
- **Performance Measures** – that specify quantitative measures or objectively ascertainable conditions. Compliance with performances measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** – where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Where the model is applied, a PAM must include one or more:

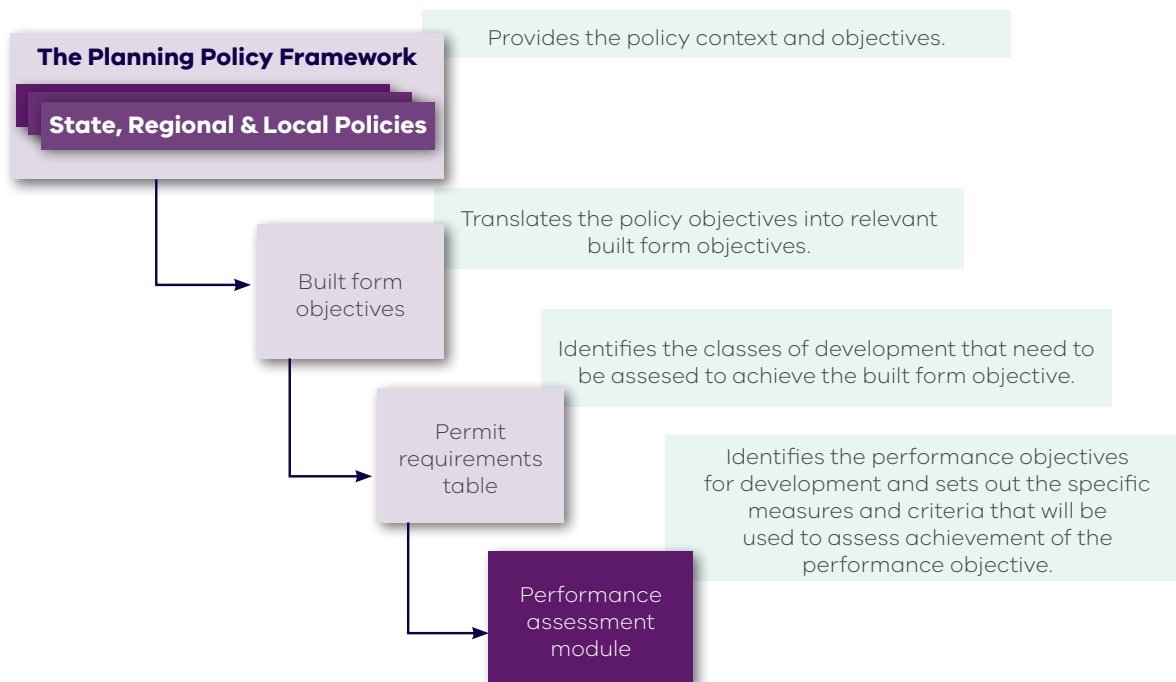
- Performance Objective
- Performance Criteria

The PAM may include one or more:

- Performance Measure
- Information Requirements

How a PAM is created is shown below. In drafting a PAM, it will be essential that the Performance Objective being sought is well thought out and can be clearly expressed. The PAM also ensures that the planning authority can express the measures that, if achieved, show that the Performance Objective is achieved. This will remove doubt and debate about whether certain design responses are acceptable or not.

Building a PAM



B27 Daylight to new windows	
Identifies specific quantitative measures that, if met, mean the performance objective is met.	Performance Objectives New habitable room windows receive adequate daylight
	Performance Measures A window in a habitable room is located to face: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah, provided the verandah is open for at least one third of its perimeter, or A carport provided it has two or more open sides for at least one third of its perimeter.
Identifies any specific information needed to inform a decision about whether the performance objective is met.	Performance Criteria The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
	Information required The design response.

Identifies specific performance objective determined to contribute to achieving the built form objective.

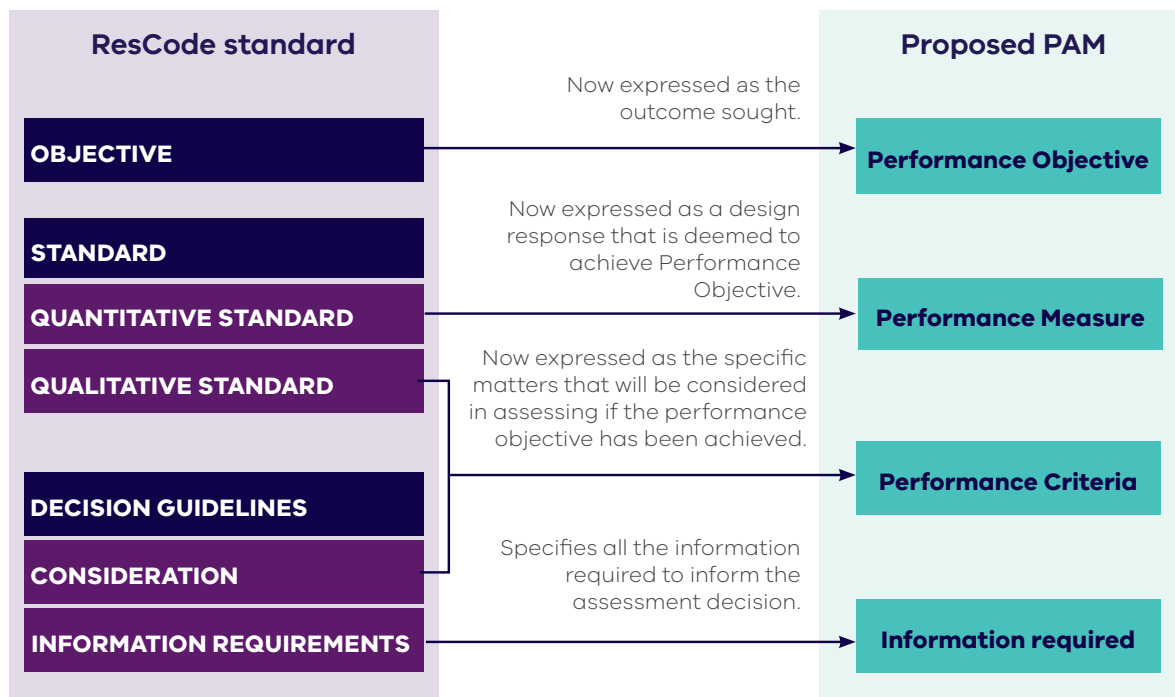
Identifies specific performance criteria that will inform a decision about whether the performance objective is met.

This report has found that all current ResCode standards can be expressed as a PAM (see APPENDICES 4, 5 and 6).

Department of Environment, Land, Water and Planning

Translating a ResCode standard to PAM

The difference between a ResCode standard and a PAM



Changes to apply the model

The proposed changes needed to introduce the model are summarised in the tables and diagrams below. How the model can be applied to ResCode is described in section 4.

1. A NEW PAM FOR DISCRETIONARY PROVISIONS IN THE VPP	
Proposal	<p>Implement a new PAM in the operational provisions of the VPP.</p> <p>The new model creates a PAM built on four components:</p> <p>Performance Objectives – that clearly describe acceptable residential development outcomes.</p> <p>Performance Measures – that specify quantitative measures or objectively ascertainable conditions. Compliance with the Performances Measures is deemed to achieve the relevant Performance Objective.</p> <p>Performance Criteria – where Performance Measures cannot be specified or are not complied with, Performance Criteria will specify qualitative standards for determining whether a proposal achieves the Performance Objective.</p> <p>Information Required – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.</p>
Current issues	<p>Discretionary provisions are inconsistently articulated across the VPP and planning schemes, creating uncertainty regarding their intended outcomes and operation.</p> <p>The need to promote streamlined, code-based assessment for low risk applications where standards are well understood and accepted.</p> <p>A more consistent structure and operation of discretionary provisions can promote code-based assessment and digital ready provisions.</p>
Proposed changes	<p>A new operational provision (clause 71.XX – Performance Assessment (see APPENDIX 3)) to provide for:</p> <ul style="list-style-type: none"> • The use of the new PAM across the VPP and planning schemes. • Specification of a standard operation and decision-making framework where a PAM is applied.

Department of Environment, Land, Water and Planning

2. TRANSLATE EXISTING RESCODE PROVISIONS TO THE NEW PAM	
Proposal	<p>Translate the existing ResCode objectives and standards into PAMs.</p> <p>This translation will not change the existing ResCode quantitative standards and procedural settings, including third party notice and review rights.</p>
Current issues	<p>Existing quantitative ResCode standards and local variations are well understood and accepted.</p> <p>A divergence of views has created some uncertainty regarding the operation of some aspects of ResCode.</p> <p>The current expression of standards does not sufficiently facilitate approval for residential development that complies with an accepted standard or local variation.</p>
Proposed changes	<p>Translate clauses 54, 55 and 58 into the proposed new PAM format. APPENDICES 4, 5 and 6 set out drafts of how these would look.</p>

3. INTRODUCE A NEW OPPORTUNITY TO SPECIFY NEIGHBOURHOOD CHARACTER PERFORMANCE MEASURES	
Proposal	<p>Provide a new opportunity for councils to more precisely specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31), within the planning scheme in the schedules to residential zones.</p>
Current issues	<p>Councils have accumulated substantial bodies of work that identify important features of neighbourhood character for local areas.</p> <p>Neighbourhood character study documents largely exist outside planning schemes or are imprecisely expressed in local policies.</p> <p>Opportunity to elevate important neighbourhood character elements to Performance Measures and facilitate appropriate residential development.</p>
Proposed changes	<p>Amendments to residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to provide head of power for schedules to specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31).</p> <p>Updates to Neighbourhood Character (A1 & B1) (clauses 54 and 55) to refer to Performance Measures specified in zone schedules.</p> <p>Amendment to Ministerial Direction (form and content of planning schemes) to vary schedule format for residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to allow schedules to specify Performance Measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31).</p>

It is important to note that the proposals in this report have only been developed to a 'proof of concept' stage. It will be necessary to ensure that any final package of statutory and operational provisions is developed and introduced in a coordinated way with all stakeholders and practitioners. As well, some of the proposed statutory drafting and decision-making changes are subtle. A substantial communication and training program will be essential for successful implementation.

1. The purpose of this report

Purpose

Operational experience and stakeholder feedback has identified aspects of the operation of assessment provisions that contribute to uncertainty and inconsistency of decision making, inconsistent expectations and outcomes, process inefficiencies and avoidable time and cost impacts.

Ongoing enhancement of the VPP and planning schemes for digital delivery is easier if provisions are consistent and modular.

The purpose of the report is twofold:

- To develop an improved statutory and operational model for assessment provisions
- To demonstrate the benefits of the model by applying it to ResCode.

The purpose is not to change any of the ResCode standards but to restructure the component elements to aid the process of efficient and consistent decision making.

The evolution of planning schemes and ResCode

It is over 20 years since the VPP and ResCode were introduced. During that time the provisions of both have evolved to address issues and shortcomings of the original concept. Planning schemes, including ResCode, are now far more sophisticated instruments than they were 20 years ago. However, the growth in volume and complexity has contributed to long timeframes for decision making, lack of certainty for proponents and the community and policy confusion, all of which cause frustration and add to development time and costs.

Many reports and reviews have emphasised the need to improve the planning system and streamline decision making especially for residential development¹. An overview of reviews and residential reforms since 2000 is set out in APPENDIX 1.

Why streamlining residential approval is important

The purpose of a planning assessment and approval process is to ensure that a proposed development is appropriate for its site and context, is aligned with state and local policy objectives and meets expected standards for matters such as amenity and community safety.

Good regulation should ensure that the process pathway for making this assessment is efficient and effective for proponents, the community and the decision maker (the responsible authority, usually a council). This is important both for the community generally and for the economic benefit that flows from both efficient facilitation of appropriate development and effective protection from inappropriate development.

¹ Such as Better Decisions Faster (August 2003), Cutting Red Tape in Planning (August 2006), Making Local Policy Stronger (June 2007), the DAF Leading Practice Model for Development Assessment in Australia (March 2005), the DELWP Smart Planning Program, and Turning best practice into common practice, BRV (2019).

Department of Environment, Land, Water and Planning

Recent planning permit activity²

	2018/19	2019/20	Change
Total applications	50,844	45,659	Down 10%
% of new permits that required assessment against ResCode (cl 54, 55 or 58).	na	About 30%	-
Total cost of works	Over \$34 billion	Over \$33 billion	Down 3%
Average cost of works per permit	About \$829,000	About \$756,000	Down 10%

Best practice decision making

To meet the economic, environmental and social challenges that lie ahead, the planning system needs application assessment and decision-making processes that ensure:

- Decision making occurs at the most effective level.
- The considerations guiding decision making are as targeted and simple as possible having regard to the potential impacts of the proposal.
- Decision makers are appropriately informed about the policy objectives, economic, environmental and social impacts and community aspirations relevant to the proposal being considered.
- The community has appropriate opportunity to be informed about and comment on proposals that may impact them.
- The cost of the assessment process for the proponent, the assessor and the community is kept as low as possible.
- The limited resources in the planning system are applied efficiently and where it matters most.

These considerations have informed the proposals in this report.

² Data does not include Central Goldfields, Hepburn, Minister for Planning, Mornington Peninsula, Mount Alexander, Southern Grampians, Stonnington.



The VPP Principles

The six principles for the VPP are set out in *A Practitioner's Guide to Victorian Planning Schemes* (DELWP 2020, page 10) and reproduced below. The proposals in this report have been measured against and support a number of these principles.

The six principles of the VPP

<p>Digital first</p>	<p>User focused</p>	<p>Consistent</p>
<p>Provisions are optimised for efficient access and processing of planning information, including through better technology, digital interfaces and the user experience, to move from document driven to database driven planning schemes.</p>	<p>Provisions are user focused and provide transparent and understandable pathways to navigate the planning approval process. Planning schemes are structured so users can easily and intuitively access relevant information, using spatial means wherever possible.</p>	<p>Provisions are written and applied in a logical and consistent way, regardless of the content, so that a provision is easily understood and applied. Drafting rules and technology ensure that new and amended provisions are created in a way that maintains the integrity of the system and delivers the desired policy outcomes.</p>
<p>Proportional</p>	<p>Land use focused</p>	<p>Policy and outcome focused</p>
<p>Provisions and approval processes only impose a level of regulatory burden proportional to the planning and environmental risk of the proposal. Simple and low risk applications are assessed against objective criteria through a code assessment process.</p>	<p>Provisions focus on land use and development and do not conflict with or duplicate other legislation and regulatory instruments.</p>	<p>Provisions ensure requirements have a clear policy basis and are planning outcome driven. Technology and information data is applied to achieve strategy clarity and to create and apply requirements in a precise way.</p>

Department of Environment, Land, Water and Planning

The rules for planning schemes

A Practitioner’s Guide to Victorian Planning Schemes also sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions. The opportunities in this paper support and, in some cases, ‘hard wire’ these rules into the proposed new provisions.

The entry rules seek to ensure the intended outcome sought by the provision is within the power of Planning and Environment Act 1987 (the Act) and has a sound basis in strategic planning and policy.

The application rules seek to ensure that an amendment to a planning scheme is necessary and proportional to the intended outcomes and applies the VPP in a proper manner.

The drafting rules seek to ensure that a provision is drafted clearly and unambiguously and will be effective in achieving the intended outcome.

The planning scheme rules

Entry Rules



- 1. A provision must be within the scope of the objectives and power of the Act.
- 2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
- 3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

Application Rules



- 4. The application of a provision must be necessary and proportional to the intended planning outcome.
- 5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
- 6. The application of a provision must be clear.

Drafting Rules



- 7. The requirements of a provision must be clear and unambiguous.
- 8. A provision must be structured to be clear and unambiguous.
- 9. A provision must be written to be clear and unambiguous.

2. The new model

The need for more consistent assessment provisions

The VPP and planning schemes have grown considerably in length since the introduction of new format planning schemes, reflecting responses to emerging state and local policy priorities and more nuanced approaches to regulation generally.

The growth in planning scheme length and the additional demands placed on the planning system in an increasingly complex public policy environment have also led to a rise in complexity, primarily because of the inconsistent use of language and different drafting adopted across new state standard provisions and schedules.

Over the years, courts and tribunals³ have confirmed that the Act, the VPP and the principle of 'integrated decision making' necessarily provide equal status to controls (or permit requirements) and discretionary provisions in planning schemes. Despite variations in subject matter or drafting, no control or clause takes precedence over another and a responsible authority must determine whether a proposal will result in an 'acceptable outcome' under each control.

Despite this fundamental commonality, discretionary provisions across the VPP and planning schemes are not consistently expressed or structured, which can give rise to confusion as to how they should be weighed or determined.

Uncertainty can arise when operational provisions, or provisions drafted in language implying operational consequences, are combined with substantive provisions, such as occurs in ResCode and increasingly in local schedules. In particular, when deontic modal verbs such as 'should' and 'must' are used differently across the VPP, confusion can arise in relation to the effect of that provision (for example, whether it is mandatory or discretionary) and the scope of matters required to be considered. This is particularly so when the use of these verbs is multiplied or layered across multiple provisions.

Inconsistent language has contributed to some uncertainty about the operation of ResCode and the scope of considerations in circumstances where quantitative standards are met.

Variations in the format and structure of discretionary provisions can also hinder the usability of planning schemes and their potential to be accessed with digital platforms. While ResCode might rely on an internally consistent format, discretionary provisions exist in various structural formats across other state standard provisions and schedules. In each instance, applicants and decision makers are required to understand the significance of each discretionary component and their role in decision making.

The adoption of more consistent and digital friendly provision formats can mitigate the effects of the increasing size of planning schemes, by enabling users to more easily access and understand provisions directly relevant to their proposals.

Consistency is a key VPP and usability principle. If provisions are expressed and operate in the same way, no effort is required in understanding how they work. There is an opportunity to establish a more consistent model for drafting discretionary provisions across the VPP that removes uncertainty about their operation.

³ For example, see *Boroondara City Council v 1045 Burke Road Pty Ltd & Ors* [2015] VSCA 27

Department of Environment, Land, Water and Planning

The proposed model

This report sets out how the operation of development assessment in planning schemes can be improved through the introduction of a new Performance Assessment Model that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all development provisions across the VPP and local provisions.

The PAM

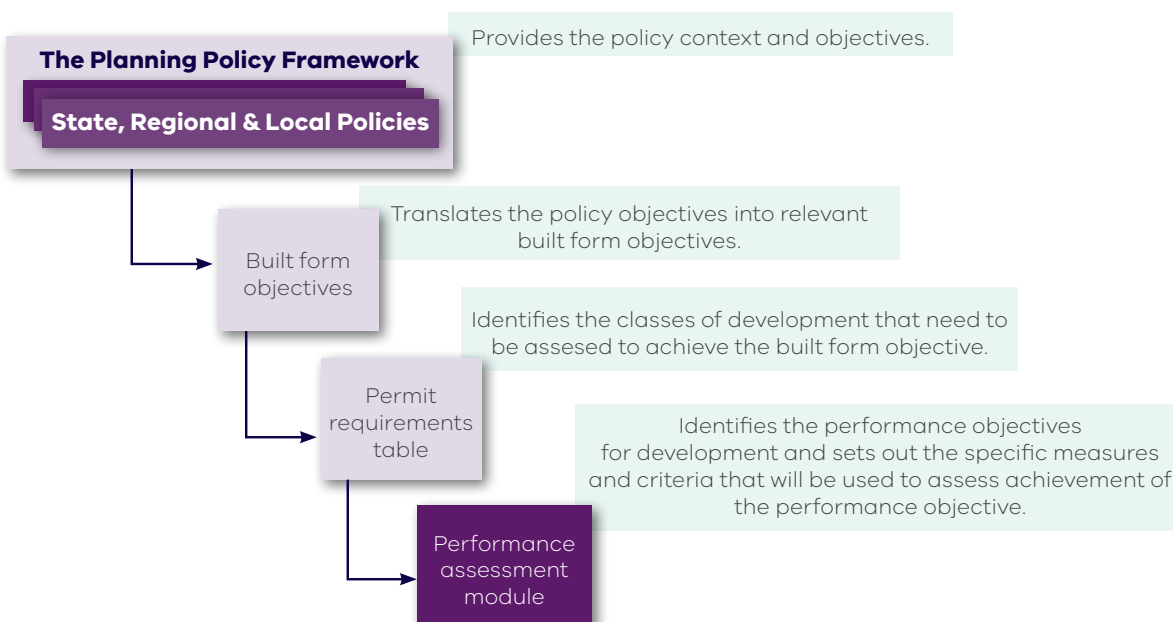


The model is made up of a new PAM and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to assess that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The PAM is built on four components:

- **Performance Objectives** - that clearly describe acceptable residential development outcomes.
- **Performance Measures** - that specify quantitative measures or objectively ascertainable conditions. Compliance with Performances Measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** - where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Building a PAM



A27 Daylight to new windows																									
Identifies specific quantitative measures that, if met, mean the performance objective is met.	<table border="1"> <tr> <td style="background-color: black; color: white;">Performance Objectives</td> <td style="text-align: right;">←</td> </tr> <tr> <td colspan="2">New habitable room windows receive adequate daylight</td> </tr> <tr> <td style="background-color: black; color: white;">Performance Measures</td> <td></td> </tr> <tr> <td colspan="2">A window in a habitable room is located to face:</td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah, provided the verandah is open for at least one third or its perimeter, or A carport provided it has two or more open sides for at least one third of its perimeter. </td> </tr> <tr> <td style="vertical-align: top;">Identifies any specific information needed to inform a decision about whether the performance objective is met</td> <td style="vertical-align: top;"> <table border="1"> <tr> <td style="background-color: black; color: white;">Performance Criteria</td> <td></td> </tr> <tr> <td colspan="2">The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.</td> </tr> <tr> <td style="background-color: black; color: white;">Information required</td> <td style="text-align: right;">←</td> </tr> <tr> <td colspan="2">The design response.</td> </tr> </table> </td> </tr> <tr> <td></td> <td style="vertical-align: top;">Identifies specific performance objective determined to contribute to achieving the built form objective.</td> </tr> <tr> <td></td> <td style="vertical-align: top;">Identifies specific performance criteria that will inform a decision about whether the performance objective is met.</td> </tr> </table>	Performance Objectives	←	New habitable room windows receive adequate daylight		Performance Measures		A window in a habitable room is located to face:		<ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah, provided the verandah is open for at least one third or its perimeter, or A carport provided it has two or more open sides for at least one third of its perimeter. 		Identifies any specific information needed to inform a decision about whether the performance objective is met	<table border="1"> <tr> <td style="background-color: black; color: white;">Performance Criteria</td> <td></td> </tr> <tr> <td colspan="2">The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.</td> </tr> <tr> <td style="background-color: black; color: white;">Information required</td> <td style="text-align: right;">←</td> </tr> <tr> <td colspan="2">The design response.</td> </tr> </table>	Performance Criteria		The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.		Information required	←	The design response.			Identifies specific performance objective determined to contribute to achieving the built form objective.		Identifies specific performance criteria that will inform a decision about whether the performance objective is met.
Performance Objectives	←																								
New habitable room windows receive adequate daylight																									
Performance Measures																									
A window in a habitable room is located to face:																									
<ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah, provided the verandah is open for at least one third or its perimeter, or A carport provided it has two or more open sides for at least one third of its perimeter. 																									
Identifies any specific information needed to inform a decision about whether the performance objective is met	<table border="1"> <tr> <td style="background-color: black; color: white;">Performance Criteria</td> <td></td> </tr> <tr> <td colspan="2">The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.</td> </tr> <tr> <td style="background-color: black; color: white;">Information required</td> <td style="text-align: right;">←</td> </tr> <tr> <td colspan="2">The design response.</td> </tr> </table>	Performance Criteria		The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.		Information required	←	The design response.																	
Performance Criteria																									
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.																									
Information required	←																								
The design response.																									
	Identifies specific performance objective determined to contribute to achieving the built form objective.																								
	Identifies specific performance criteria that will inform a decision about whether the performance objective is met.																								

How will the new model work?

Where the model is applied, a PAM must include one or more:

- Performance Objectives
- Performance Criteria.

The module may include one or more:

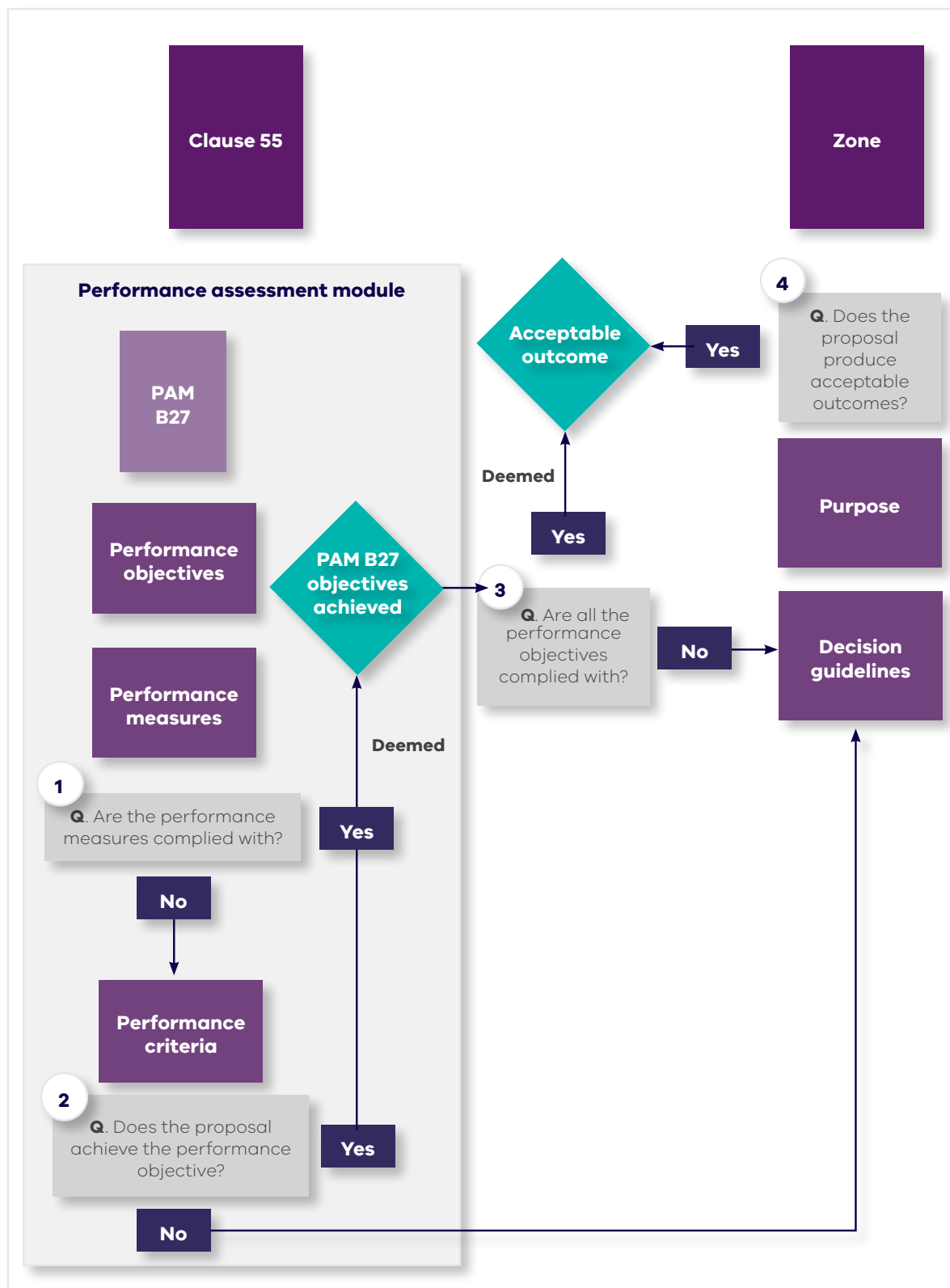
- Performance Measures
- Information Requirements.

The model also includes a new state standard Performance Assessment operational provision (clause 71.XX, see APPENDIX 3) that will enable any provision of a scheme to specify a PAM for a use or a class of development. Wherever a PAM is used in a provision, the same operational rules will apply. They cannot be varied by any other provision of the scheme.

How the Performance Assessment Module would operate is summarised in the tables and diagrams below.

Department of Environment, Land, Water and Planning

Making a decision using a performance assessment module



Please note: The version of this document published on the 8 November 2021 included an error in box 3 of this diagram, which has been amended above. The previous version read 'Q. Are all other PAMs complied with?'

Operation of the performance assessment module

Performance Objectives	
What is the role of a Performance Objective in decision making?	Describes an acceptable outcome that the provision seeks to deliver. A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
What happens if a proposal achieves all specified Performance Objectives?	If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant zone provision.
What if a proposal does not achieve a Performance Objective?	The responsible authority must decide whether the proposal will still produce acceptable outcomes having regard to decision guidelines in the zone.

Performance Measures	
What happens if a proposal complies with Performance Measures?	If the proposed use or class of development complies with any specified Performance Measures, it is deemed to achieve the relevant Performance Objective. The responsible authority must not consider any Performance Criteria or decision guidelines.
What happens if a proposal does not comply with Performance Measures?	The responsible authority must decide whether the proposal achieves the Performance Objective having regard to any specified Performance Criteria and any relevant information requirements.
What if there are no Performance Measures specified?	As above.

Performance Criteria	
When are Performance Criteria applied?	As noted above, Performance Criteria can only be considered where no Performance Measures have been specified or any Performance Measures have not been complied with.
How should Performance Criteria be used?	The responsible authority must use Performance Criteria to decide whether the proposal achieves a Performance Objective.
What else can be considered?	In assessing a proposal against Performance Criteria, a responsible authority can only consider any specified information requirement. Any Decision Guidelines must not be considered.
What if a responsible authority decides that a Performance Objective has not been achieved?	As noted above, the responsible authority must then decide whether the proposal will still produce acceptable outcomes having regard to Decision Guidelines in the zone.

By standardising all residential performance objectives in the zone, relevant overlays and in ResCode into a standard modular format, the complete package of performance expectations can be consolidated into a consistent set of requirements that all operate in the same way and can be clearly related and aligned to each other.

Department of Environment, Land, Water and Planning

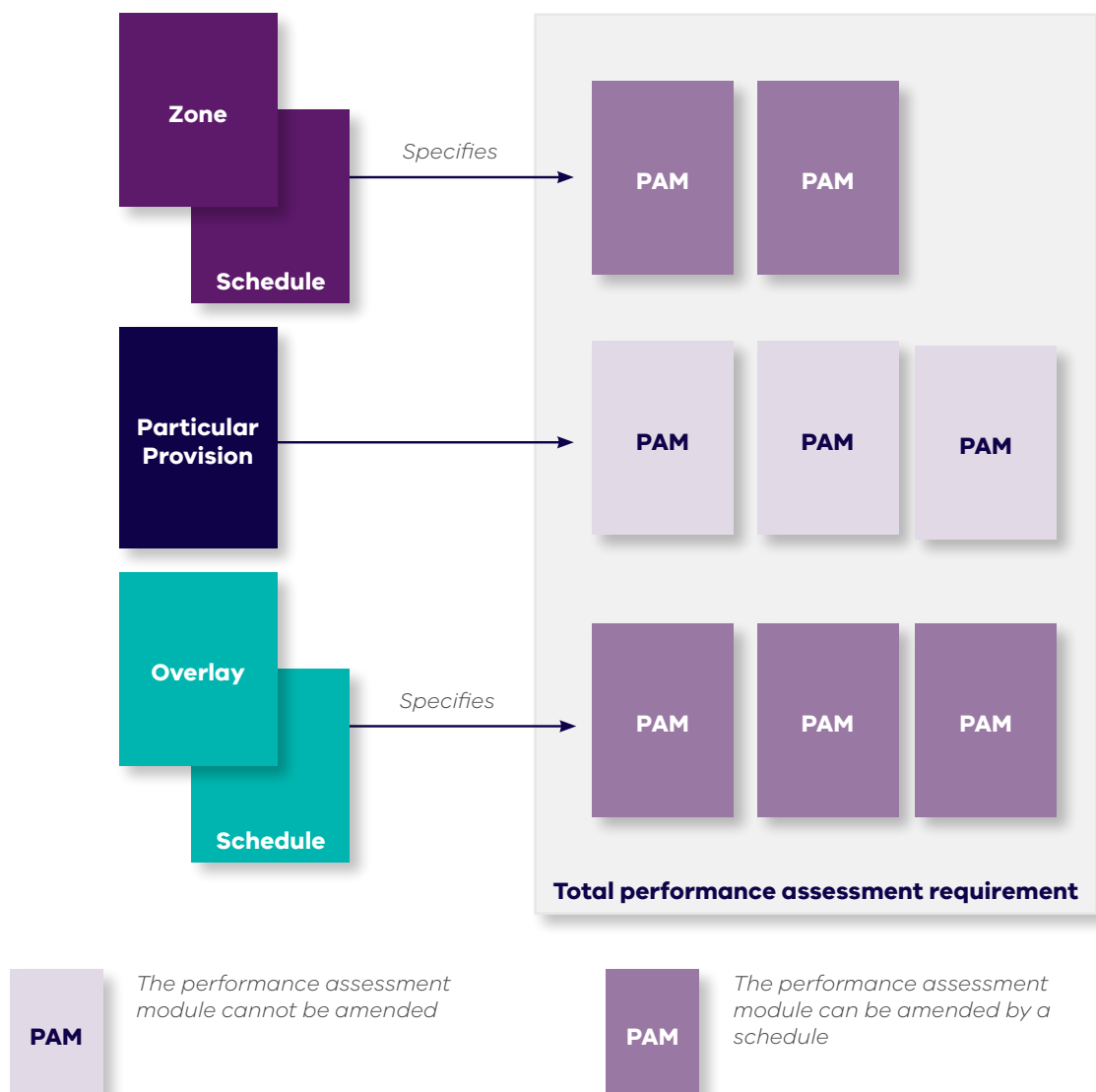
Benefits for the future of the VPP

The proposed reforms focus on improving how ResCode and local planning scheme provisions describe and facilitate desired planning outcomes. The model also has potential for broader application across the VPP and local provisions.

The new model provides the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective performance measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A more consistent structure and format for discretionary provisions that will help the long-term development and delivery of fully digital planning schemes.

How the model can apply to non-residential provisions



A standard modular format for more focussed assessment

Beginning with ResCode, PAMs will provide a consistent format for the preparation of discretionary provisions for the VPP and local planning schemes.

The new format focusses on facilitating outcomes that are clearly described in each PAM. It will simplify the matrix of considerations that might otherwise need to be considered, in particular where a proposal complies with Performance Measures and delivers an acceptable outcome.

Providing clearer boundaries for the assessment of specific classes of proposals will reduce the administrative burden for decision makers and provide for more proportional levels of assessment for simpler proposals.

The model is also flexible and will allow for more complex, merit based assessments, where competing policy considerations might need to be weighed and integrated into a single planning permit.

To realise these benefits the model will need to be supported by clear drafting rules.

A clear operation that promotes streamlined assessment

The model will establish a clear operational framework for the operation of ResCode and other discretionary provisions across planning schemes.

Operational language and clauses will be removed from ResCode and standardised in a central operational provision that cannot be modified or altered. Once applied scheme-wide, users will no longer be required to study the operational model of each VPP or schedule assessment tool or schedules to determine how they work.

The proposed model would remove any uncertainty about the consequences of complying with existing quantitative standards.

In this way, it will promote the use of quantitative and objective Performance Measures as a means of signalling outcomes that are deemed to be acceptable. Where Performance Measures cannot be specified or are not complied with, Performance Criteria will establish qualitative expectations of what alternative design outcomes are likely to be considered acceptable for achieving a Performance Objective.

Digital ready provisions

The consistent format and operational framework for discretionary provisions that the PAM format will create across ResCode and planning schemes will facilitate future access through digital platforms.

When provisions are structured consistently and operate in an identical way, individual components that are relevant to the assessment of a proposal can be more easily identified for decision makers and proponents by electronic means.

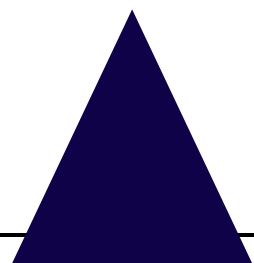
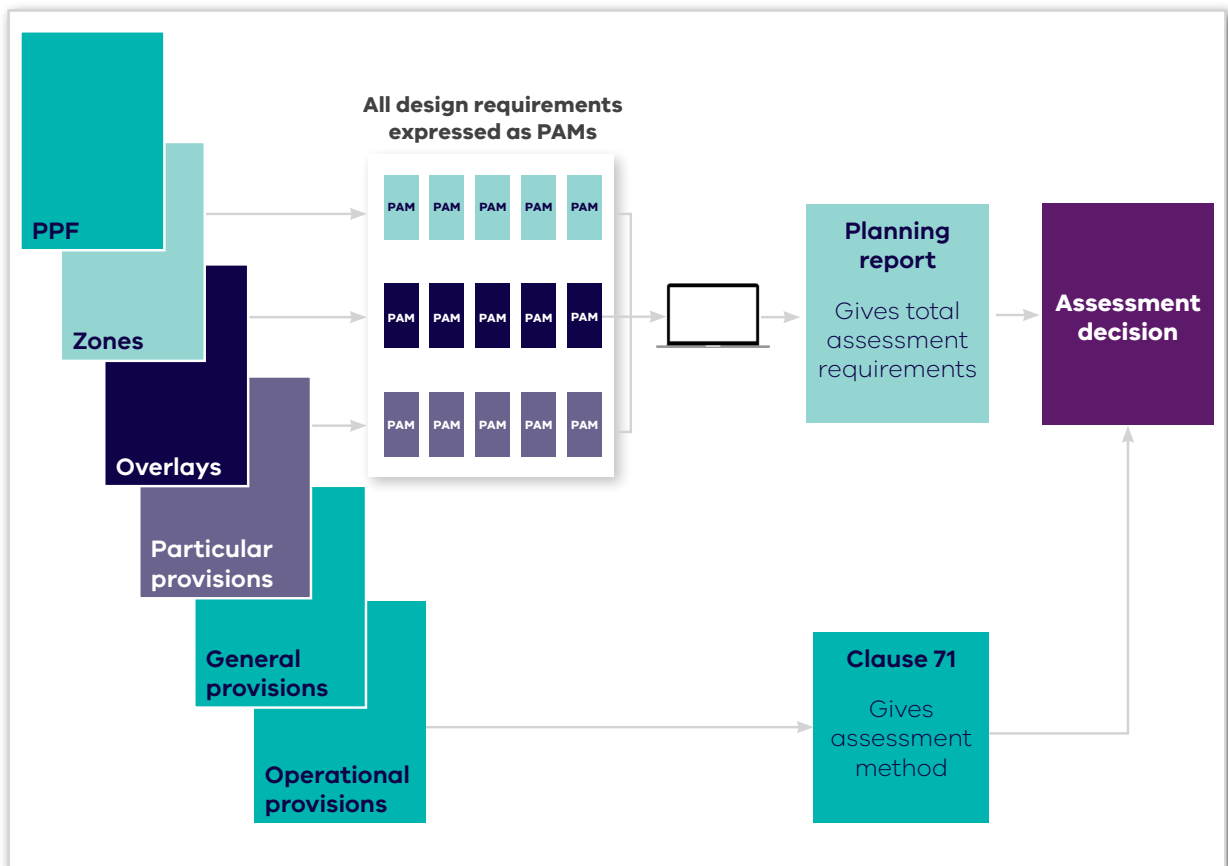
Over time, as other components of the VPP and planning schemes are also optimised, digital platforms have the potential to dramatically reduce complexity and provide more efficient access to planning schemes for all users.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to ‘collect’ all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- An applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- The responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- The community will be able to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

Department of Environment, Land, Water and Planning

Overview of how the proposed model will work





3. Understanding ResCode

Where did ResCode come from?

When the new format planning schemes based on the VPP were introduced they represented a shift from a prescriptive based planning system to a performance based system. Decision making was intended to be strategic and to be based on how a proposal meets relevant objectives. The application of planning controls by way of zones, overlays and particular provisions was intended to be an implementation of planning policies in the Act and the planning scheme, rather than an end in itself. Local planning policies were intended to guide decision making; they were not intended to be a de-facto control. Planning schemes were intended to facilitate decision making that met objectives and provide certainty for permitted development. Many more land uses than previously were now permitted by the zones, consequently decision makers were invested with a much wider range of discretion.

From the outset, this approach faced challenges, particularly with respect to the use of policy and the lack of certainty that a discretionary, performance based system of decision making entailed. There was strong community preference for more prescription and more opportunity for local variation to the standard planning controls, rather than a one-size-fits-all approach. Over the years, these preferences have resulted in the proliferation of local policies and increasingly detailed modifications to standard provisions. There has been ongoing tension between the flexibility inherent in discretionary performance based planning controls and the desire for certainty offered by mandatory controls.

In 1999-2000, The Good Design Guide and VicCode 1 were reviewed to test whether the techniques and performance measures they contained were meeting the community's expectations about public and private amenity. A key outcome of this review was the recommendation that there should be a single comprehensive code for the subdivision of land and the siting and design of all dwellings, and there should be no distinction in the standards that apply to dwellings based only on the fact of whether there is one or more dwellings on a lot. This led to the development of ResCode.

ResCode was prepared in response to Government commitments that communities should be provided with a choice of well-designed houses and, at the same time, the character of Victoria's streets, suburbs and towns should be protected. These commitments were made in response to widespread public concern that the previous Government's controls over housing and subdivision available under The Good Design Guide and VicCode 1 did not sufficiently protect areas of valued character and that the emphasis on urban consolidation outweighed consideration of the intrinsic value of streets and suburbs.

To provide greater certainty in development, the consultation Draft ResCode adopted mandatory standards with prescriptive requirements wherever possible. The Advisory Committee examining ResCode rejected this approach. It considered that this shift from an emphasis on the quality of outcomes to an emphasis on compliance with rules was a retrograde step which would promote a formula driven approach to both the design and assessment processes for residential development. It concluded that the exhibited ResCode would impose inefficient and unnecessary constraints on a major part of the housing market without guaranteeing better outcomes.

The preferred option recommended by the Advisory Committee was to develop new provisions and use the existing tools in the VPP, including a new Neighbourhood Character Overlay (NCO), and to facilitate a stronger local policy imperative for councils to develop a range of options for the location and management of new development.

Department of Environment, Land, Water and Planning

It was a framework that would seek a balance between the objectives of certainty and accommodating designs that respond to their context by:

- building on the existing performance based system;
- maintaining discretion to accommodate site responsive or innovative design solutions;
- recognising the desire for certainty regarding specific requirements by maintaining techniques or benchmarks that will normally meet objectives; and
- enhancing consistency and certainty through the inclusion of additional decision guidelines where alternative approaches are proposed.⁴

The introduction of ResCode involved: new provisions in the Building Regulations 2018 (the Building Regulations); new provisions in the residential zones in all planning schemes; three new Particular Provisions of all planning schemes (clauses 54, 55 and 56); and the new NCO. In particular, it incorporated: basic amenity standards, a greater emphasis on neighbourhood character, mandatory neighbourhood and site description and design responses for all applications, and new environmental standards. A number of the standards within the ResCode provisions could be varied at a local level by councils by way of schedules to residential zones and by applying the NCO.

Councils have enthusiastically embraced the opportunity to modify standard ResCode provisions, adding additional decision guidelines and requirements and introducing local planning policies. Numerous strategic reviews and neighbourhood character studies underpin such changes. Often, they have been driven by community concerns to protect existing neighbourhood character and residential amenity, and to provide more certainty of outcome for residents about the location of new development.

As a result, Design and Development Overlays (DDOs), NCOs and schedules to zones modifying ResCode standards have proliferated. There are approximately 408 residential zone schedules and 401 NCO and DDO schedules affecting land in

residential zones. This results in 1,438 permutations or variations to ResCode requirements in the parent zone.

At the heart of community concern about residential development, which has driven these controls and the proliferation of local policies, has been a desire to limit more intensive residential development in certain areas of valued neighbourhood character. Various reports⁵ identified that the onus ought to be on councils to identify where new residential development should be directed to provide certainty to communities and plan strategically for more housing. Councils were encouraged to plan for housing growth according to the following criteria:

- Areas where substantial change may be expected.
- Areas where incremental change within the framework of existing character may be expected.
- Areas where minimal change may be expected.

In 2017, new residential zones (the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ)) were introduced to implement relevant strategic planning, reflect the true development capacity of the land, and provide the opportunity to apply local requirements to achieve preferred built form outcomes identified in the Planning Policy Framework.

4 ResCode Advisory Committee Report: Part 1: Response to terms of reference (December 2000) pp 6-7"

5 For example, see Monash Planning Scheme: Local Variations to The Good Design Guide Advisory Committee Report (August 1998); Good Design Guide and VicCode 1 Issues and Options Paper: (August 1999); Review of The Good Design Guide and Viccode 1: Final Report (March 2000); Making Local Policy Stronger: (June 2007)



How does ResCode work

While not identified as such in the VPP, 'ResCode' is the label given to the residential development standards introduced in 2001 to replace *The Good Design Guide*, *VicCode 1* and the array of local provisions that existed at the time.

The new ResCode standards consisted of:

- Clause 54 One Dwelling on a Lot
- Clause 55 Two or More Dwellings on a Lot
- Clause 56 Residential Subdivision.

Clause 58 Apartment Developments was subsequently added by Amendment VC136 in 2017.

ResCode applies to the development of one or more dwellings on a lot, and to the subdivision of land in residential zones. It establishes basic amenity, siting and design standards for new dwellings and requires preparation of a mandatory neighbourhood and site description and a design response to the neighbourhood and site context and the ResCode objectives. Quantitative siting and amenity standards from ResCode are replicated as regulations in the Building Regulations to ensure they apply in circumstances where a planning permit is not required.

An overview of the current standards in clauses 54, 55 and 58 is set out in APPENDIX 2.

Where a planning permit is required for a single dwelling, in addition to the siting and amenity standards, qualitative and quantitative standards covering neighbourhood character, energy efficiency, landscaping and the like are also required to be considered. Where two or more dwellings are proposed, additional standards applicable to multi-dwelling issues also require consideration (such as dwelling diversity and common property).

The siting and amenity standards in the Building Regulations are 'deemed to comply'; that is, where the quantitative standard is met, the regulation is considered to be met. Where a variation is sought to a siting or amenity regulation, a 'report and consent' process is required where an application to a reporting authority (usually a council) is required.

For a single dwelling on a lot that requires a planning permit, and a multi-dwelling application, the permit requirement is found in the applicable zone. The permit requirement also establishes that the requirements of clause 54 or 55 must be met (or clause 58 in the case of an apartment development of five or more storeys). The zone also provides the power for a schedule to the zone to vary a number of ResCode standards that will apply in place of the usual requirements⁶.

The zone requires that the neighbourhood and site description and the design response from ResCode are submitted with an application for residential development, and that the objectives, standards and decision guidelines of ResCode be considered by the responsible authority in determining any application for dwellings and residential buildings.

Both clause 54 and 55 include the following purposes:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that is responsive to the site and the neighbourhood.

Both clauses then specify to which type of application they apply, with clause 54 to single dwellings and clause 55 to two or more dwellings on a lot. Both clauses provide:

Operation

The provisions of this clause contain:

Objectives. An objective describes the desired outcome to be achieved in the completed development.

Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an

⁶ Standards A3, A5, A6, A10, A11, A17 and A20 of clause 54, and Standards B6, B8, B9, B13, B17, B18, B28 and B32 of clause 55.

Department of Environment, Land, Water and Planning

application for an alternative design solution meets the objective, the alternative design solution may be considered.

Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

In the case of both clauses 54 and 55, objectives *must* be met, while standards *should* be met, and the decision guidelines must be considered. A permit may not be granted unless all the objectives are met. Clause 56, which relates to the subdivision of residential land, operates differently in that it contains objectives and standards but does not include decision guidelines that must be considered as part of the assessment of a residential subdivision.

Problems with the operation of ResCode

Over time, uncertainty about the proper operation of the ResCode standards and how they relate to the objectives has arisen. In particular, the relevance of the decision guidelines in circumstances where a standard is met has been the subject of a number of significant and well discussed determinations at VCAT. These include differing views about whether compliance with standards will be deemed to comply with objectives.

Some relevant cases include:

- Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274 (30 June 2005) (corrected by Li Chak Lai v Whitehorse CC (No.2) [2005] VCAT 1438 (18 July 2005), in which the Tribunal found in relation to satisfying the standard:

...where the standards are met, the considerations against the proposal cannot include failure to meet the objectives to which the standards relates.⁷

- Lamaro v Hume CC & Anor (includes Summary) (Red Dot) [2013] VCAT 957 (13 June 2013), where the Tribunal attempted to rectify the mandatory requirement to consider the decision guidelines when assessing a standard:

...Reliance on the quantitative standards that apply everywhere do not necessarily achieve a design response that is respectful of the existing neighbourhood character or contributes to a preferred neighbourhood character; or a design that is responsive to its site and its neighbourhood

⁷ Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274, at [33]

⁸ Lamaro v Hume CC & Anor (includes Summary)(Red Dot) [2013] VCAT 957, at [16]

⁹ 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673, at [86]⁹

¹⁰ As recognized in the Planning and Building Approvals Process Review: Discussion Paper BRV 2019

context. Therefore, whilst there may remain some question as to whether the three dot points under the 'operation' heading in clause 55 should be read sequentially or collectively, it is my view that they need to be taken as a whole and read collectively in order to achieve the purpose of clause 55. The decision guidelines therefore need to be considered in all cases irrespective of whether the standard is met.⁸

- Red Star Beaumaris Pty Ltd v Bayside CC (Correction) [2015] VCAT 305 (17 March 2015), where the Tribunal discussed if the approach in Lamaro was inconsistent with that taken in Li Chak Lai; determining in the end the question was not immediately relevant and that if there was any inconsistency, Li Chak Lai would be the preferred approach.
- 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673 (22 June 2020), a more recent decision where the Tribunal again battled with how to reconcile the mandatory requirement to consider the objective, standard and decision guidelines:

Whilst I give significant weight to the proposal's compliance, and indeed, exceedance of the preferred 5.5 metre setback, I find that an assessment cannot merely look at the quantitative outcome. The objective under clause 55.03-1, and the decision guidelines of this clause as well as both the ACZ1 and SLO1 require a qualitative assessment to be undertaken. ...⁹

The consequence of these conflicting interpretations of the operation of ResCode is that circumstances can arise where a residential development proposal may comply with a standard but is rejected because it is not deemed to meet the relevant objective having regard to the decision guidelines. Because ResCode requires that a development must meet all the objectives that apply to the application, this means that a permit cannot be granted.

More broadly, the cumulative result of this layering of controls and multiplicity of matters to be considered in the decision-making process is that users can incur significant costs and delays as they navigate the system.¹⁰ Decision making is protracted and made uncertain by the complicated, overlapping and sometimes contradictory policy settings. Conflicting views about the meaning of provisions result in uncertainty both for developers and residents. The mix of quantitative and qualitative criteria for decision making can mean that even if a proposal meets all the quantitative standards of

ResCode, it may still be rejected because it fails to meet the relevant objectives of those standards.

The issues highlighted above manifest most prominently when reconciling proposals with the neighbourhood character objectives contained in ResCode.

Bringing clarity to the operation of ResCode

Need for more focussed assessment

A maxim of statutory planning is that matters addressed through the assessment of a proposal must be directed to achieving the purpose of the permit requirement - the reason why the permit is required.

ResCode presently includes a range of decision guidelines that direct decision makers to consider broad categories of issues and documents. For example, the decision guidelines of some objectives of ResCode include the following:

Any relevant neighbourhood character objective, policy or statement set out in this scheme.

For residential matters, the decision guidelines of clause 65 and the zones can also bring into play the array of considerations set out in these clauses in addition to those in ResCode.

For applicants this can mean that, despite a proposal responding positively to specific standards or more specific decision guidelines, other unknown or vaguely defined matters might be weighed against it. For decision makers, it can also require a much broader inquiry (such as a range of PPF considerations) than is warranted by a proposal that might only raise a discrete set of amenity issues.

It will often be necessary for decision makers to conduct broader inquiries where proposals require multiple permissions that raise complex or competing policy outcomes, which need to be integrated into an overall decision and planning permit.

However, where provisions such as ResCode have established a comprehensive and well understood set of standards for a specific class of development, the consideration of broader decision guidelines is unlikely to be necessary nor yield any planning benefits given the purpose of the control. The administrative burden this level of inquiry imposes can also undermine the efficiency and usability of the system for all users.

Quantitative vs Qualitative

More streamlined approaches to assessment will work best and most efficiently if the standards to be assessed are quantitative or objective in character.

ResCode currently includes a combination of quantitative and qualitative standards, which contain the requirements to meet a given objective.

Quantitative standards, such as Side and rear setbacks (A10 and B17), require an assessment to determine whether a proposal will comply with a requirement delimited by a height and setback metric or profile. Quantitative standards effectively identify a pre-set or accepted level of performance to satisfy an objective. The quantitative standards and their operation are also reflected in Part 5 (Siting) the Building Regulations.

Qualitative standards on the other hand, such as Neighbourhood character (A1 and B1) and Detailed design (A19 & B31), require an exercise of discretion in their interpretation and determination as to whether the standard has been met, and consequently the objective. These types of standards usually require a finer grain consideration of contextual matters identified on the design response and neighbourhood context plans.

Where standards are quantitative, the relevant decision guidelines will often point to contextual factors that might justify a departure from the numeric standard to an alternative outcome that is acceptable. For example, the existence of an abutting laneway is identified as a decision guideline for A10 and B17 and will often support decisions to not require strict compliance with the standard. In this way, decision guidelines perform a similar role to qualitative standards and require the same level of inquiry into relevant contextual factors.

Presently no operational distinction is made between quantitative and qualitative standards, despite the different type of assessment required for each category. There also appears to be considerable overlap between the function and scope of qualitative standards and decision guidelines.

Similar issues can be observed in other provisions and local schedules, which also raise uncertainty about the function of quantitative standards and the consequences of compliance with them.

To facilitate more streamlined assessment, there is a need to clarify and better promote the use of quantitative standards for assessing residential development proposals.

Department of Environment, Land, Water and Planning

Neighbourhood character

ResCode evolved from a set of quantitative standards that were primarily directed at ensuring the provision of adequate infrastructure and facilities for new residential development and appropriate standards of amenity for existing and future residents.

In response to community concerns that a one-size-fits-all approach to development proposals failed to respond adequately to existing neighbourhood character, a greater emphasis on neighbourhood character was incorporated into ResCode in subsequent reforms. Respect for and response to neighbourhood character is now embedded in the purpose and many of the design and siting objectives in ResCode.

In addition to the ResCode provisions, references to neighbourhood character are dispersed throughout the planning scheme where they are firmly embedded in the Planning Policy Framework, zone provisions and overlays.

Planning policy framework

The Planning Policy Framework includes neighbourhood character in clause 15.01-5S. It provides:

Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

Many planning schemes also include local policy about neighbourhood character in the Planning Policy Framework, often in great detail.

Zones

Neighbourhood character is included in many residential zone provisions as well. For example, see the following residential zones purposes:

Mixed Use Zone:

To encourage development that responds to the existing or preferred neighbourhood character of the area

Township Zone and General Residential Zone:

To encourage development that respects the neighbourhood character of the area.

Neighbourhood Residential Zone:

To recognise areas of predominantly single and double storey residential development. To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

The Mixed Use Zone, Township Zone and GRZ may, and the NRZ must, contain neighbourhood character objectives to be achieved for an area in a schedule. A schedule to the NRZ must also contain the heritage, environment, or landscape character objectives to be achieved for the area. A schedule to the RGZ must contain the design objectives to be achieved for the area.

Overlays

The NCO is designed to specifically address neighbourhood character. The purpose of the NCO includes:

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

A schedule to the NCO must contain a statement of the key features of the neighbourhood character and the neighbourhood character objectives to be achieved for the area affected by the schedule.

The NCO can be used to rewrite most clause 54 and clause 55 standards, except for several standards specified in the overlay at clause 43.05-3. Any rewritten standard must be consistent with the relevant objective and decision guideline in clause 54 or clause 55. The NCO cannot be used to rewrite the objectives or decision guidelines in clause 54 and clause 55. The objectives and decision guidelines continue to apply to a rewritten standard. Additional local neighbourhood character objectives and decision guidelines may be specified in the schedule to the NCO to achieve a preferred neighbourhood character.

The DDO, while not specifically designed to protect or enhance neighbourhood character, is also often used for this purpose.

Since its introduction in 2002 the NCO has only been applied in 15 planning schemes (out of 79) with 56 schedules. When considering residential land area, the application of the NCO affects an average of 3.10% of residential land in the 15 identified planning schemes and the impacts statewide are even less significant.

While there may be benefits to considering amendments to the NCO and its relationship with other overlays, the sparse application of this overlay across the state will limit the overall impact of such reforms. The greatest influence from the consideration of neighbourhood character on decision making for residential development comes from the zone provisions, the operation of ResCode and the opportunities to modify ResCode provisions by way of schedules to the residential zones.

Department of Environment, Land, Water and Planning

Understanding neighbourhood character

Since ResCode was introduced, a much greater understanding has developed of the built form and spatial elements that help to define neighbourhood character. They include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

The following elements, which have quantitative standards specified in ResCode, are identified in the residential zones as capable of modification in a schedule to the zone to better reflect the existing or preferred neighbourhood character of an area – Street setbacks (A3 and B6); Site coverage (A5 and B8); Permeability (A6 and B9); Side and rear setbacks (A10 and B17); Walls on boundaries (A11 and B18); Private open space (A17 and B28); and Front fences (A20 and B32).¹¹

Height has quantitative standards in A4 and B7 of ResCode of 9 metres unless specified in a zone.

Garden areas are now recognised as another element of neighbourhood character. Minimum garden area requirements are specified in the NRZ and GRZ. A schedule to the GRZ may specify an exemption from the minimum garden area.

If the opportunity to customise standards in the residential zones to reflect the existing or preferred neighbourhood character of specific areas by modifying key quantitative standards in ResCode is not considered adequate, councils have the option to apply a DDO or NCO.

Another important element of neighbourhood character is design detail, which includes matters such as facade articulation and detailing, window and door proportions, roof form and verandahs, and eaves and parapets (standards A19 and B31). Many councils refer to these details in local planning policies and policy documents that sit outside the planning scheme, such as design guidelines.

Local policies and design guidelines will often detail other elements of existing and preferred neighbourhood character, which are not referenced in ResCode, such as a preference for a sense of separation and space between buildings or for multi-dwelling developments to read as a single detached dwelling from the street.

How do ResCode standards deliver neighbourhood character?

In most settings the basic ResCode standards will deliver developments that respect the neighbourhood character of the many locations where it applies.

The built form and spatial elements that help to define neighbourhood character include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

Most of the standards in ResCode that affect these aspects of neighbourhood character are quantitative standards. They are all standards that can be modified in a schedule to the zone. Other standards that affect neighbourhood character, which have qualitative standards only, are the neighbourhood character objective itself,¹² and objectives relating to landscaping¹³ and design detail.¹⁴

Clauses 54 and 55 provide that an objective describes the desired outcome to be achieved by a development and a standard contains the requirements to meet that objective. Logically, if these quantitative ResCode standards affecting neighbourhood character are applied, it must be presumed that they will deliver development which produces an acceptable outcome in neighbourhood character terms. If the objective is, for example:

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character ...; or To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character ..., then on this basis, compliance with the relevant standard will comply with this objective.

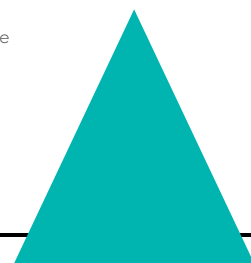
In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then there is the ability to modify the standards either by way of a schedule to the zone or an overlay.

11 Landscaping (B13) is also capable of having different requirements specified in a schedule even though the standards are more qualitative and quantitative

12 A1 and B1

13 A8 and B13

14 A19 and B31



Improving how neighbourhood character is applied

Neighbourhood character is an important element of ResCode, but its assessment remains vague compared to other objectives and standards. Resolving neighbourhood character outcomes has been a key source of uncertainty in ResCode's operation, particularly where design responses that exceed compliance with other quantitative standards are proposed.

The many reports that have emphasised the need to improve the planning system and streamline decision making for residential development highlight the need for certainty in decision making. Greater certainty in decision making can be achieved if it is accepted that the role of ResCode is to ensure that residential development provides reasonable standards of amenity for existing and new residents, that it is responsive to the site and its context; and that development which complies with ResCode standards will produce an acceptable response to neighbourhood character.

Development which does not comply with ResCode standards should be able to be considered on its merits having regard to ResCode objectives and ultimately the purposes of the zone and the policy framework of the zone.

Such an approach would consolidate the experience that has been gained in identifying and understanding the quantitative and design measures which will result in development that reflects and respects neighbourhood character. It provides an opportunity to:

- make ResCode the primary repository for provisions relating to the built form of residential development that focus on the provision of adequate infrastructure and facilities for new development and appropriate standards of amenity for existing and future residents
- make zones the primary repository for provisions relating to neighbourhood character considerations that depart from the ResCode standards, supplemented by overlays such as the DDO and the NCO
- create greater certainty for development proposals that comply with the quantitative measures of ResCode by deeming them to comply with relevant performance objectives and neighbourhood character purposes, and streamlining their approval
- retain the opportunity to consider proposals that do not comply with ResCode standards on their merits.

Restructuring ResCode and the residential zone provisions along these lines would not involve change to the substance of any of the ResCode standards or zone requirements. Rather, it offers an opportunity to introduce more certainty and make decision making more structured and consistent, and more focussed on outcomes and objectives, which was how the VPP was always intended to operate.

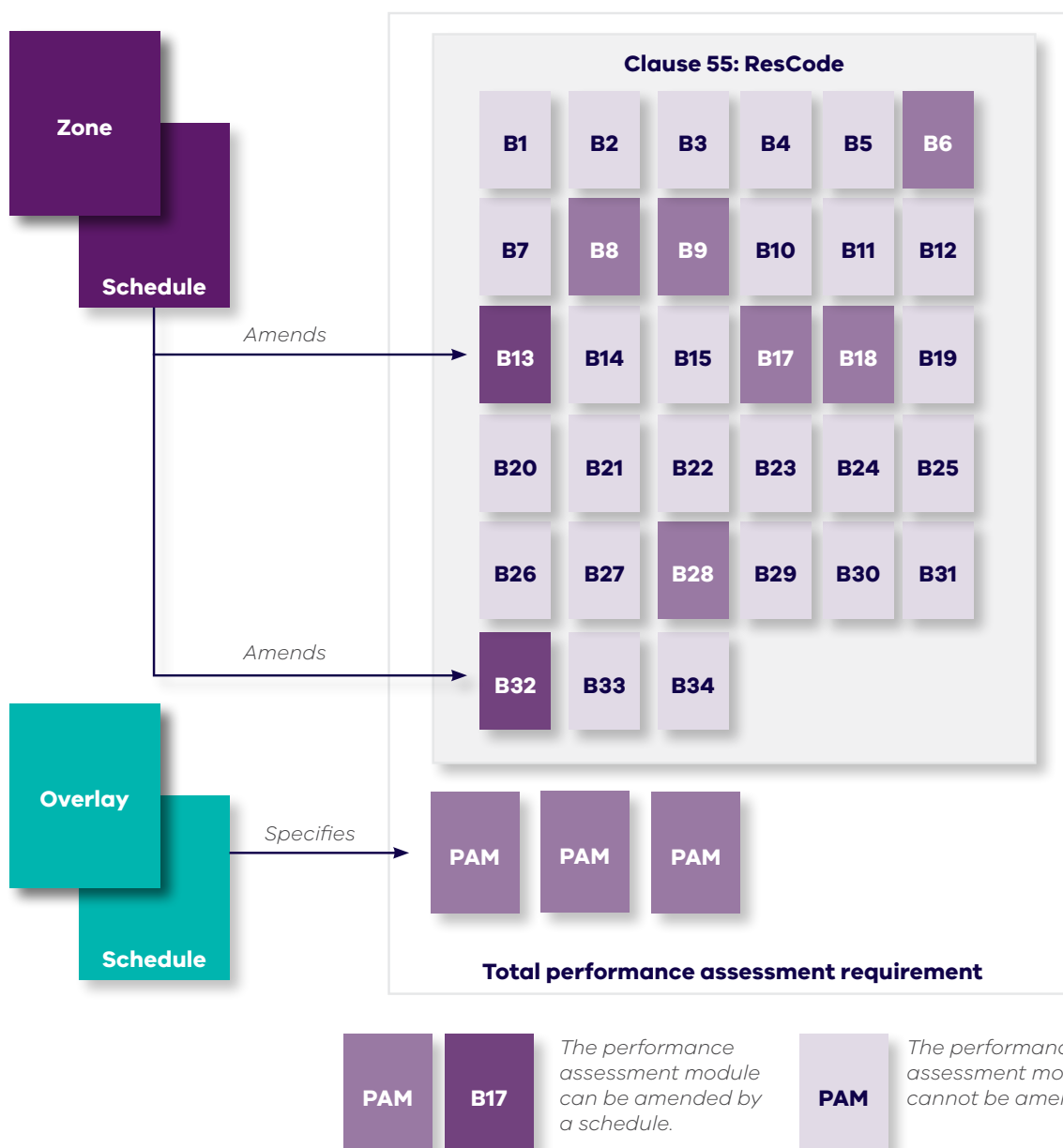


4. Applying the model to ResCode

How the new model can apply to ResCode

By repackaging all the built form standards that apply to a residential development into a set of consistent PAMs, the total performance assessment requirement for a residential development can be assembled and assessed in a comprehensive and consistent way. Both the designer and the assessor will be able to easily assemble all the PAMs relevant to a proposal and be clear about what is expected, what information is needed and how compliance will be assessed.

The total performance assessment requirement for a residential development



Translating the ResCode standards to PAMs

Currently, each ResCode standard is expressed as:

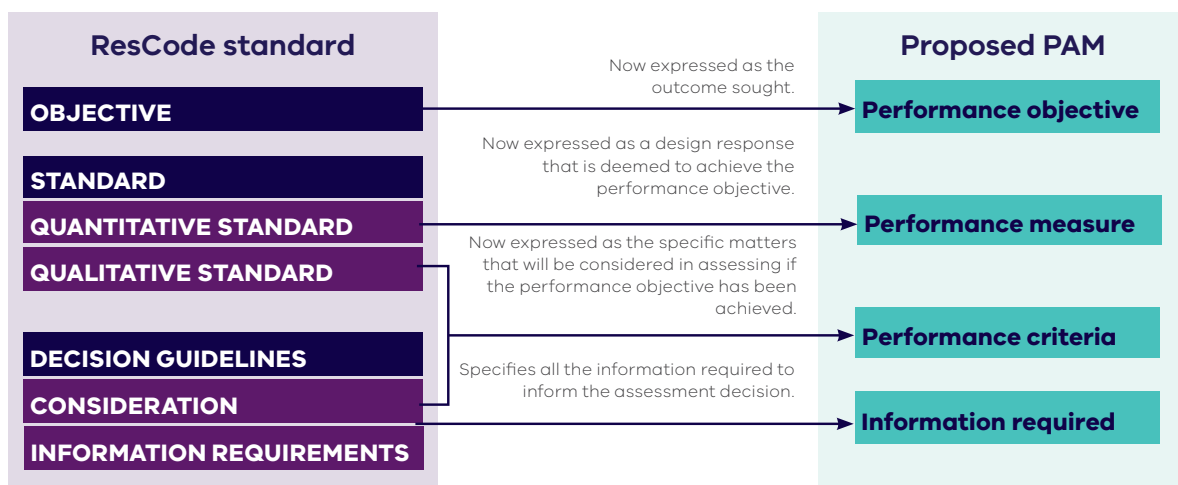
- An **Objective** that expresses an aspiration about what the design will achieve.
- A **Standard** that says what a proposal must or should do.
- **Decision Guidelines** that indicate what matters will be considered in assessing a proposal.

While this system is effective and understood, it can create uncertainty for all stakeholders about when a ‘should’ is really a ‘must’, about what information needs to be submitted with an application in relation to specific standards and what the specific criteria are that will be applied in assessing whether each standard has been achieved.

Translating the current provisions to the PAM format will significantly reduce the potential for uncertainty around such issues. In simple terms, the translation of a ResCode Standard to a PAM would follow the method in the table below.

Translating a ResCode standard

The difference between a ResCode Standard and a PAM



Department of Environment, Land, Water and Planning

Example of a current standard: Standard A6

CURRENT

54.03-4 Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.
 To facilitate on-site stormwater infiltration.

Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Example of a translated standard: Standard A6

TRANSLATED

A6 Permeability
Performance objective
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site.
Performance measure
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site.
Performance criteria
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
Information required
The design response. If not included in the design response, a statement documenting: <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

The PAM format also makes the expression of requirements more precise by activating the concept that if a Performance Measure is complied with, then the Performance Objective is achieved. This has been an ongoing issue of uncertainty. Similarly, the extent of information and further information that is required before a decision can be made has also been an issue of uncertainty. Careful drafting of the PAM provisions will significantly improve that aspect of decision making.

The differences between the current and translated PAM provisions are in some cases subtle, but they are important. In particular:

- The translation removes the subjectivity embedded in the current standards about what should or should not happen. Performance Objectives and Performance Measures are expressed in neutral terms and clearly state an outcome or a measure.
- Similarly, the Performance Criteria clearly state what will be considered in assessing a proposal against the Performance Objective if the Performance Measure is not complied with. These are not expressed as 'guidelines' but as statements.
- In many cases, the current Decision Guidelines imply the need for certain information, but do not specifically state what is required. The proposed model more clearly states for each standard what specific information is required. Sometimes this is standard information, such as the design response, sometimes it is more specific, such as 'The capacity of the drainage system to accommodate additional stormwater'. In all cases, the information must directly relate to the standard being assessed.

It is important to note that neither the requirements of the model nor the draft translations in APPENDICES 4, 5 and 6 change the content or intent of any standard.

Draft translations of all the standards in clauses 54, 55 and 58 are included in APPENDICES 4, 5 and 6. Generally, each ResCode standard translates well to the PAM format.

Considering neighbourhood character under the new model

Schedule to residential zones

The new model starts from the premise that in most settings, the quantitative ResCode standards that refer to neighbourhood character will deliver developments that respect the neighbourhood character of the many locations where they apply.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, the standards can be modified either by way of a schedule to the zone or an overlay.

The model proposes a modified schedule to the residential zones that interacts more comprehensively with the assessment provisions of clauses 54 and 55. It specifies:

- The name of the particular element – Neighbourhood character; Minimum street setback; Site coverage; Permeability; Landscaping; Side and rear setbacks; Walls on boundaries; Private open space; Front fence height; and Design detail.
- The relevant Performance Objective – for example, A3 and B6, A5 and B8
- The Performance Measure, which must be a measure or standard that is quantitative or can be objectively ascertained or measured. If there is no performance measure, then the words "None specified" must be inserted.

The schedule will continue to make provision for neighbourhood character objectives.¹⁵ They must be completed if any Performance Measures are included in the schedule.

The neighbourhood character objectives set out in the zone schedule will form the basis for the Performance Measures in the schedule.

¹⁵ Or design objectives in the case of the Residential Growth Zone.

Department of Environment, Land, Water and Planning

For example, a schedule could read:

4.0

Assessment provisions of Clause 54 and Clause 55

—/120—
C-

	Performance objective	Performance measure
Neighbourhood character	A1 and B1	Only one dwelling faces the street Provide driveways to the side of the dwelling Site garages adjacent to or behind the dwelling A garage or carport is set back at least 1 metre behind the front wall of a dwelling There is no more than one vehicle crossover per site
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified

A modified zone schedule will provide an opportunity for a council to be more specific about those particular design details or neighbourhood character elements that will respect existing or preferred neighbourhood character.

For developers, it will provide more certainty as to exactly what Performance Measures will be deemed to achieve Performance Objectives. If they choose a design that does not meet the Performance Measures, there is still an opportunity, having regard to the Performance Criteria, for the council to consider whether the Performance Objectives are met. If the Performance Objectives are still not met, then a proposal may be considered on its merits having regard to the decision guidelines set out in the zone.

However, if the Performance Measures are met, either as set out in the assessment provisions or a schedule to the zone, it will not be open to councils to seek additional ‘beyond compliance outcomes’ in the name of intangible ideas of neighbourhood character.

Focus on objectives

Each element of the assessment provisions is focussed on achieving the objectives for that element. Many objectives include reference to neighbourhood character. Others deal solely with particular design, infrastructure and amenity features of the development. Taken together, the combination of Performance Objectives will facilitate residential development outcomes that are deemed to be acceptable.

The objectives of all the ResCode standards that refer to neighbourhood character are to ensure that aspects of the development respect the existing or preferred neighbourhood character. They may also include a more site-specific design based objective or context objective.

The model retains these existing ResCode objectives as Performance Objectives in the assessment provisions.

Treatment of decision guidelines

Wherever a ResCode standard includes a reference to neighbourhood character, it includes the following decision guideline¹⁶.

Any relevant neighbourhood character objective, policy or statement set out in this scheme.

The decision guidelines will also usually contain a reference to the design response and relevant site-specific or neighbourhood context considerations.

The model removes all decision guidelines from the assessment provisions. Decision guidelines are instead converted to Performance Criteria where they relate to site-specific or neighbourhood context matters, or how to achieve the specific Performance Objective of the assessment provision other than neighbourhood character. Specifically, the decision guideline, which relates to consideration of any relevant neighbourhood character objective, policy or statement set out in the scheme, has been omitted.

This decision guideline is omitted from the proposed model because it is no longer necessary.

The reference in the ResCode decision guidelines to any relevant neighbourhood character objective, policy or statement set out in the scheme, is not a reference to neighbourhood character 'at large'. It refers to something more specific that is set out in the planning scheme.

This decision guideline is not referring to the site-specific or neighbourhood context of the proposed development because consideration of this context is encompassed and made relevant by other decision guidelines. Rather, the consistent wording of this decision guideline is in all the quantitative neighbourhood character objectives, and the fact that all these standards can be modified by a schedule to the zone, means that the neighbourhood character in question must be ascertainable by reference to the planning scheme.

The proposed model is based on the premise that compliance with Performance Measures will achieve the Performance Objectives, which include respecting the existing or preferred neighbourhood character. If Performance Measures are met, there is no need to consider a neighbourhood character objective or policy outside the assessment provision.

It is only if the Performance Measures are not met, that it becomes relevant to consider the Performance Criteria to decide if the particular Performance Objective is achieved. Under the model, this will be decided having regard to site-specific or neighbourhood context considerations, not broad neighbourhood character considerations.

It is only if, having considered the Performance Criteria, it is decided that the Performance Objective is not achieved, that an application must be considered on its merits having regard to the broader planning policy framework. In these circumstances, any neighbourhood character objectives in the zone or within the planning policy framework will be relevant. They will need to be considered and balanced as part of the integrated decision making required by clause 71.02-3. In this circumstance, any decision guidelines set out in the zone will be relevant.

Neighbourhood character objective

The neighbourhood character objective in ResCode (A1 and B1) is retained as a PAM. The Performance Objectives remain the same:

The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

The development responds to the features of the site and the surrounding area.

The Performance Measures provide as follows:

The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:

- *Street setback (A3).*
- *Building height (A4).*
- *Site coverage (A5).*
- *Side and rear setbacks (A10).*
- *Walls on boundaries (A11).*
- *Front fences (A20).*

The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.

¹⁶ A1 and B1, A3 and B6, A4 and B7, A5 and B8, A8 and B13, A10 and B17, A11 and B18, A19 and B31, A20 and B32

Department of Environment, Land, Water and Planning

The Performance Criteria are:

A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description.

The PAM for neighbourhood character is based on the premise, which underpins the proposed model, that in most settings, the existing quantitative ResCode standards referring to neighbourhood character will, without modification, deliver development that respects the neighbourhood character of the location.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then the standards can be modified either by a schedule to the zone or an overlay. This approach will also remove the uncertainty inherent in the reliance on neighbourhood character studies that exist outside planning schemes.

The proposed PAM for neighbourhood character recognises and embodies this premise.

Design detail objective

The design detail objective in A19 and B31 is:

To encourage design detail that respects the existing or preferred neighbourhood character.

Standards A19 and B31 provide:

The design of buildings, including:

- *Façade articulation and detailing,*
- *Window and door proportions,*
- *Roof form, and*
- *Verandahs, eaves and parapets,*

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

The decision guidelines include:

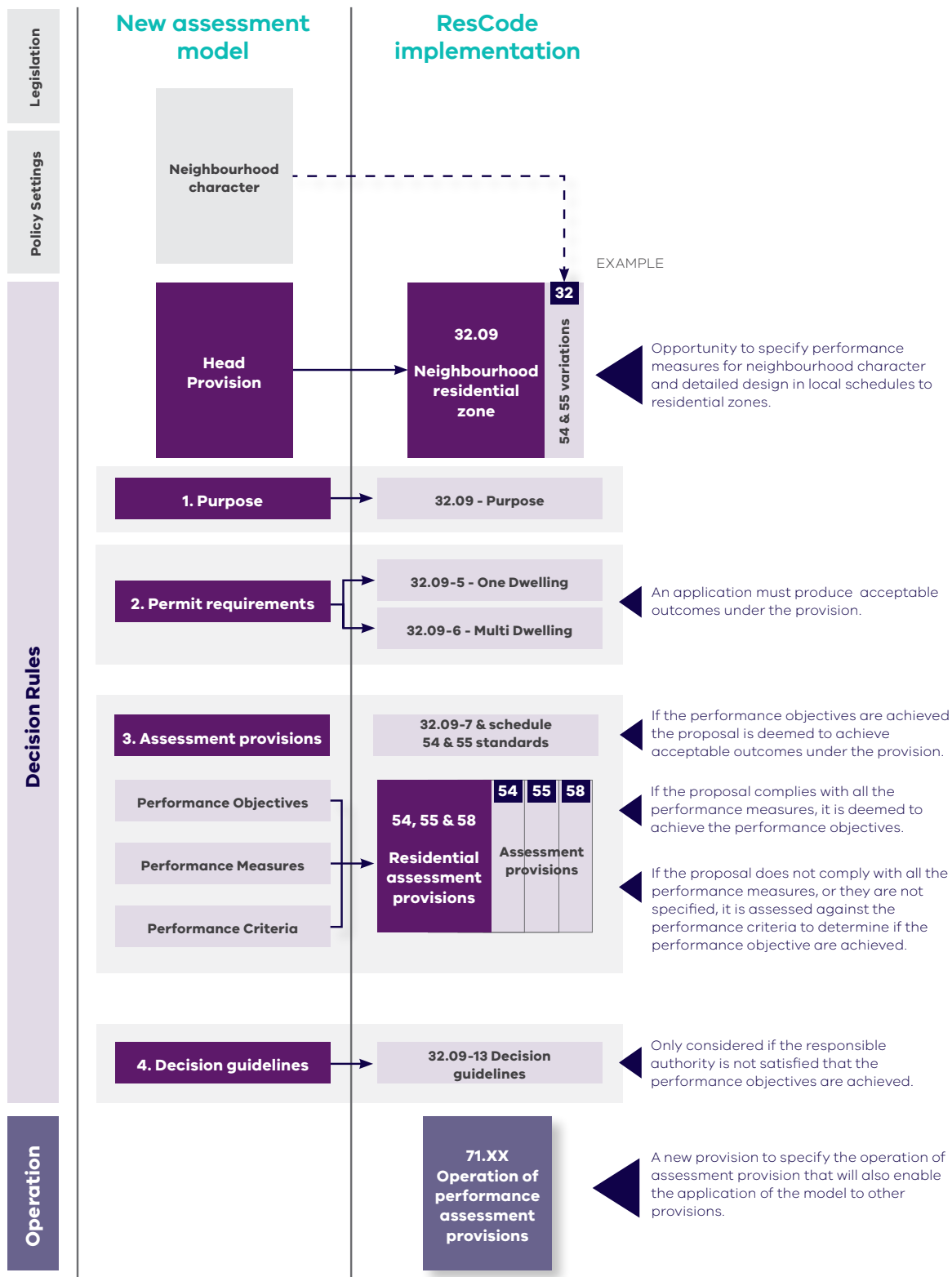
Any relevant neighbourhood character objective, policy or statement set out in this scheme.

The design of buildings is often an important aspect of neighbourhood character. However, to understand the type of design features such as façade articulation and detailing, window and door proportions, roof form, and verandahs, eaves and parapets, that will reflect existing or preferred neighbourhood character, these design features need to be adequately identified and described.

The model provides an opportunity to identify and describe such design features in the schedule to the residential zones. The Performance Objective in the PAM version of the design detail standard is less generic than the design detail objective of A19 and B31. It refers to design detail that respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context. The Performance Measures relate to any design details included as Performance Measures in a schedule to the zone.

If there are no Performance Measures included in a schedule to the zone, then this Performance Objective must be considered according to the Performance Criteria. The Performance Criteria relate to whether design details are acceptable in the neighbourhood context.

A new performance assessment model



5. Considerations for implementation

Updating the drafting rules

The benefits of the new model will rely on clear drafting rules to ensure a consistent implementation and fully realise its benefits. The *Practitioner's Guide to Victorian Planning Schemes* sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions.

The new model seeks to better align ResCode and other discretionary provisions with the VPP principles and 'hardwire' the drafting rules set out in section 4 of the Practitioner's Guide into their structure and operation. More detailed drafting rules will need to be developed to support the introduction of the model into the VPP and local provisions, in particular to provide guidance for drafting Performance Objectives, Measures and Criteria.

It may be possible to develop a pattern book of standard PAMs to address common planning issues, such as roof and architectural forms and other design matters. Standard PAMs such as these could be easily adapted to implement local requirements, reduce the potential for errors and enhance the consistency and usability of schemes.

Other consequential actions

Other actions to support the efficient operation of the new model could include the following.

Update Clause 54.01 and 55.01 (Neighbourhood and site description and design response)

These clauses will require amendment to reflect the new model. There is also an opportunity to include a table that explains how the Performance Measures for each PAM are complied with, and if they are not complied with, how the proposal responds to the Performance Criteria. Such a requirement would streamline the assessment of proposals against each PAM.

Create a standard digital assessment proforma

To take that concept further, a standardised electronic assessment proforma could be created that an applicant can pre-populate as part of the Neighbourhood and Site Description and Design Response and provide to the responsible authority with an application. This could include space for the council's assessment response and be designed in a way that allows embedding in a council's report. This would save administrative effort for the council and act as a checklist for applicants to ensure that every PAM is responded to and all the required information is provided.

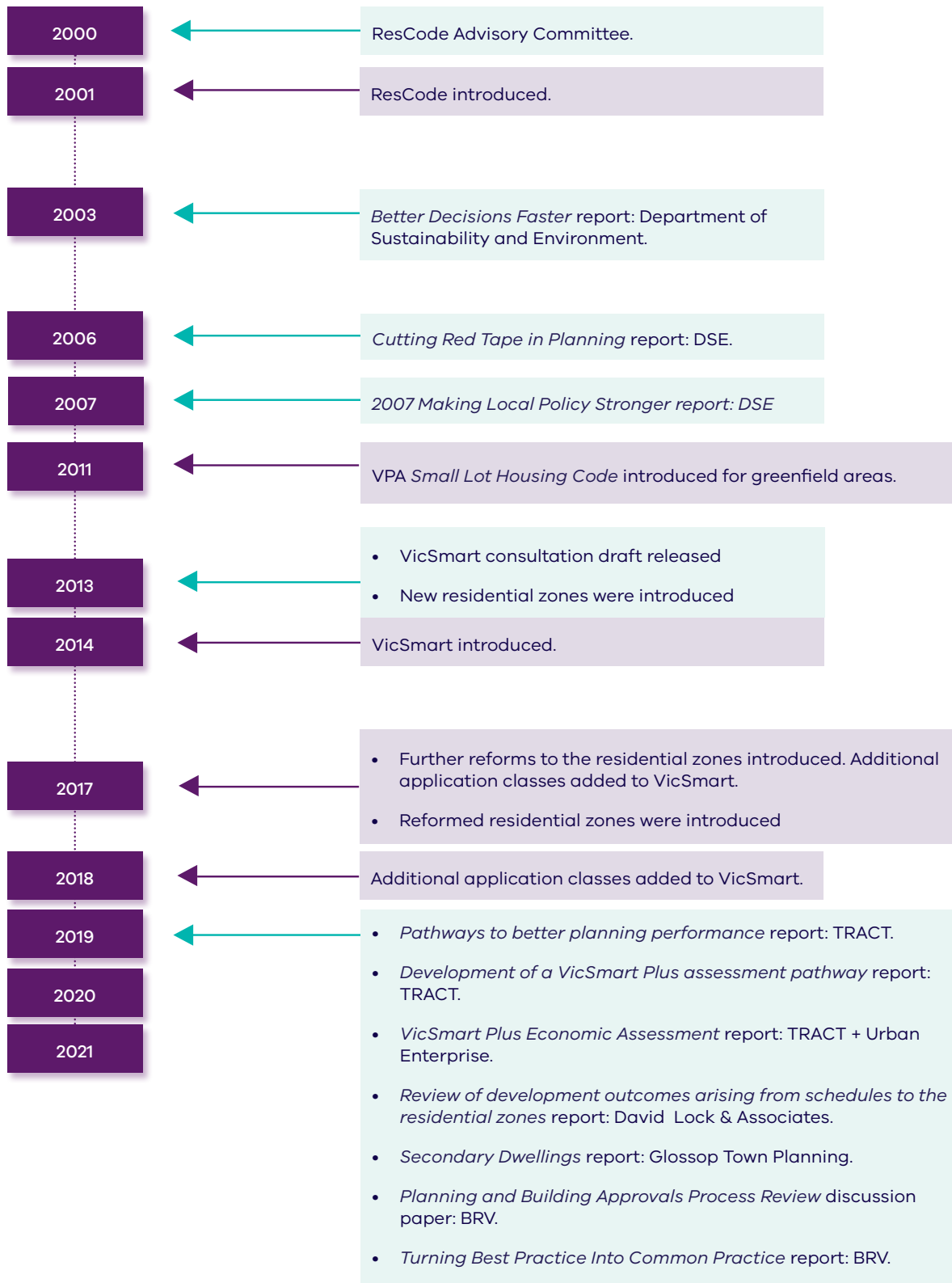


Appendices

Department of Environment, Land, Water and Planning

Appendix 1

An overview of residential reforms since 2000



Appendix 2: Overview of ResCode standards

Clause 54 One dwelling on a lot	Clause 55 Two or more dwellings on a lot and residential buildings	Clause 58 Apartments	Clause 55 Two or more dwellings on a lot and residential buildings
A1 Neighbourhood character	B1 Neighbourhood character		D1 Urban context
	B2 Residential policy		D2 Residential policy
	B3 Dwelling diversity		D3 Dwelling diversity
	B4 Infrastructure		D4 Infrastructure
A2 Integration with the street	B5 Integration with the street		D5 Integration with the street
A3 Street setback	B6 Street setback		
A4 Building height	B7 Building height		
A5 Site coverage	B8 site coverage		
A6 Permeability	B9 Permeability and stormwater management	B35 Energy efficiency	D6 Energy efficiency
A7 Energy efficiency protection	B10 Energy efficiency	B36 Communal open space	D7 Communal open space
	B11 Open space	B37 Solar access to communal outdoor open space	D8 Solar access to communal outdoor open space
	B12 Safety		D9 Safety
A8 Significant trees	B13 Landscaping		D10 Landscaping
	B14 Access		D11 Access
	B15 Parking Location		D12 Parking location
A9 No content	B16 No content	B38 Deep soil areas and canopy trees	
A10 Side and rear setbacks	B17 Side and rear setbacks		
A11 Walls on boundaries	B18 Walls on boundaries		
A12 Daylight to existing windows	B19 Daylight to existing windows		
A13 North facing windows	B20 North facing windows	B39 Integrated water and stormwater management	D13 Integrated water and stormwater management
A14 Overshadowing open space	B21 Overshadowing open space		D14 Building setback
A15 Overlooking	B22 Overlooking		
A16 Daylight to new windows	B23 Internal views		D15 Internal views
	B24 Noise impacts	B40 Noise impacts	D16 Noise impacts
	B25 Accessibility	B41 Accessibility	D17 Accessibility
	B26 Dwelling entry	B42 Building entry and circulation	D18 Building entry and circulation
	B27 Daylight to new windows		
A17 Private open space	B28 Private open space	B43 private open space above ground floor	D19 Private open space
A18 Solar access to open space	B29 Solar access to open space		
	B30 Storage	B44 Storage	D20 Storage
A19 Detail design	B31 Detail design		
A20 Front fences	B32 Front fences		
	B33 Common property		D21 Common property
	B34 Site services		D22 Site services
		B45 Waste and recycling	D23 Waste and recycling
		B46 Functional layout	D24 Functional layout
		B47 Room depth	D25 Room depth
		B48 Windows	D26 Windows
		B49 Natural ventilation	D27 Natural ventilation

* Standard may be modified by schedule

Department of Environment, Land, Water and Planning

Appendix 3

Draft Clause 71.XX

71.XX OPERATION OF ASSESSMENT PROVISIONS

71.XX-1 Assessment provisions

Any provision of this scheme may specify assessment provisions for a use or a class of development.

An assessment provision must include one or more:

- Performance objectives
- Performance criteria.

An assessment provision may include one or more:

- Performance measures
- Information requirements.

71.XX-2 Performance objectives

A performance objective describes an acceptable outcome for a use or a class of development.

71.XX-3 Performance measures

A performance measure is a measure or a standard that is quantitative or can be objectively ascertained or measured.

71.XX-4 Performance criteria

A performance criterion specifies a qualitative standard of performance for a use or a class of development.

71.XX-5 Information requirements

Information requirements set out the information that an application must include to enable an assessment against any relevant performance objective, performance measure or performance criterion.

71.XX-5 Making decisions about an assessment provision

Where a provision of a scheme specifies assessment provisions for an application:

- A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
- If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant provision.
- If the proposed use or class of development complies with any specified performance measures, it is deemed to achieve the relevant performance objective and the responsible authority must not consider and is exempt from considering:
 - Any performance criteria specified for the use or class of development under that assessment provision.
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.

Department of Environment, Land, Water and Planning

- The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
- The decision guidelines in Clause 65.
- Where performance measures are not complied with or are not specified, the responsible authority must decide whether the use or class of development achieves the performance objective having regard to any specified performance criteria and any relevant information requirements.
- In deciding whether a proposed use or class of development achieves a performance objective, the responsible authority must not consider and is exempt from considering:
 - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
 - The Municipal Planning Strategy and Planning Policy Framework.
 - The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
 - The decision guidelines in Clause 65.
- If a responsible authority decides that the use or class of development does not achieve a performance objective, it must decide whether the use or class of development will produce acceptable outcomes having regard to decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.

Department of Environment, Land, Water and Planning

Appendix 4

Test translation of Clause 54

NOTE: This translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before coming into operation.

54.02 NEIGHBOURHOOD CHARACTER

CURRENT

54.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

A1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.

<p>Performance measure</p> <p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> • Street setback (A3). • Building height (A4). • Site coverage (A5). • Side and rear setbacks (A10). • Walls on boundaries (A11). • Front fences (A20). <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>
<p>Performance criteria</p> <p>A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.</p>
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.02-2 Integration with the street objective

To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

<p>A2 Integration with the street</p>
<p>Performance objective</p> <p>The development integrates with the street.</p>

Department of Environment, Land, Water and Planning

Performance measure
Dwellings are oriented to front existing and proposed streets. There is no high fencing in front of dwellings. Dwellings promote the observation of abutting streets and any abutting public open space.
Performance criteria
The layout of development is integrated with the street.
Information required
The neighbourhood and site description. The design response.

54.03 SITE LAYOUT AND BUILDING MASSING

CURRENT

54.03-1 Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable

<p>The site is on a corner.</p>	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>
---------------------------------	---	---

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

TRANSLATED

<p>A3 Street setback</p>
<p>Performance objective</p>
<p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character.</p>
<p>The setbacks of buildings from a street make efficient use of the site.</p>

Department of Environment, Land, Water and Planning

Performance measure		
<p>All building walls are set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table A1; <p>except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.</p>		
Table A1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
Performance criteria		
<p>The building setback is appropriate considering:</p> <ul style="list-style-type: none"> • Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. • The visual impact of the building when viewed from the street and from adjoining properties. • The value of retaining vegetation in the front setback. 		

Information required
The neighbourhood and site description.
The design response.

CURRENT

54.03-2 Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

A4 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.
Performance measure
The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.
Any change of building height between existing buildings and new buildings is graduated.

Department of Environment, Land, Water and Planning

<p>Performance criteria</p> <p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.03-3

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

<p>A5 Site coverage</p>
<p>Performance objective</p> <p>The site coverage respects the existing or preferred neighbourhood character.</p> <p>The site coverage responds to the features of the site.</p>

Performance measure
The site area covered by buildings does not exceed: <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
Performance criteria
The site coverage is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
Information required
The neighbourhood and site description. The design response.

CURRENT

54.03-4 Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.
To facilitate on-site stormwater infiltration.

Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Department of Environment, Land, Water and Planning

TRANSLATED

A6 Permeability
Performance objective
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site.
Performance measure
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site.
Performance criteria
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
Information required
The design response. If not included in the design response, a statement documenting: <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

CURRENT

54.03-5 Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

TRANSLATED

A7 Energy efficiency protection
<p>Performance objective</p> <p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
<p>Performance measure</p> <p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>
<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

Department of Environment, Land, Water and Planning

<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
--

CURRENT

54.03-6 Significant trees objectives

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

<p>A8 Significant trees</p> <p>Performance objective</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>Existing significant trees on the site are retained where possible.</p> <p>Performance measure</p> <p>Existing significant trees on the site are retained.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p>
--

<p>Performance criteria</p> <p>The removal of a significant tree is acceptable considering:</p> <ul style="list-style-type: none"> • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the health of any tree that is proposed to be removed or has been removed in the 12 months prior to the application being made.</p>

54.04 AMENITY IMPACTS

CURRENT

54.04-1 Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

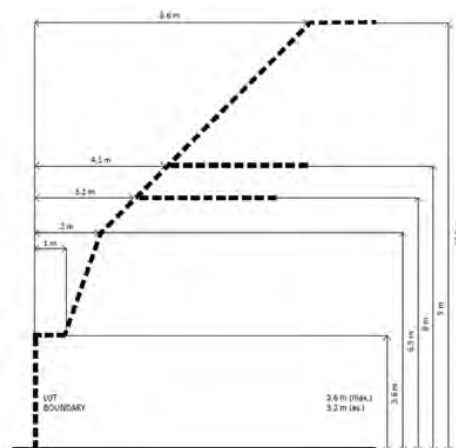
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks



Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

A10 Side and rear setbacks
<p>Performance objective</p> <p>The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.</p> <p>The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
<p>Diagram A1 Side and rear setbacks</p> <p>The diagram illustrates a lot with a boundary on the left and bottom. A building footprint is shown with setbacks of 1m, 2m, 3.2m, 4.5m, and 6.6m. A dashed line represents the required setback based on building height. The lot width is 13.5m. A note indicates that sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback. Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>
<p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>

<p>Performance criteria</p> <p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-2 Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a

Department of Environment, Land, Water and Planning

- boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

TRANSLATED

A11 Walls on boundaries
<p>Performance objective</p> <p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>

<p>Performance criteria</p> <p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-3 Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

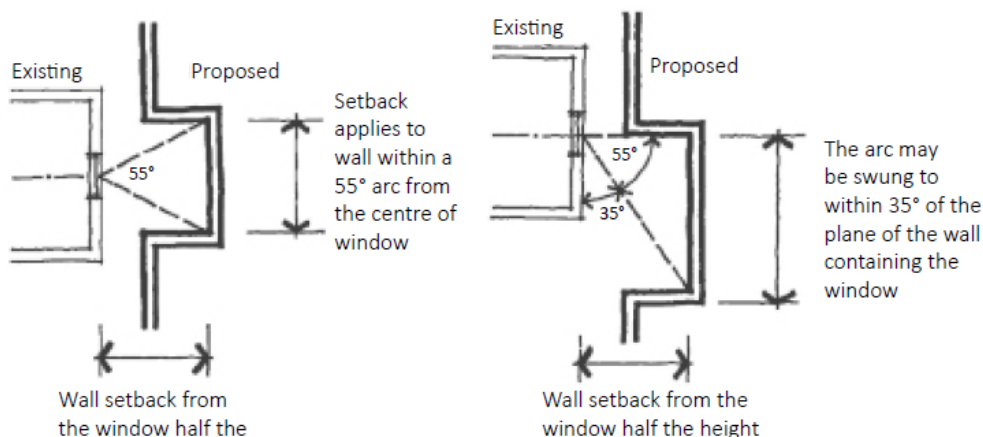
Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows



Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

TRANSLATED

A12 Daylight to existing windows
Performance objective
Existing habitable room windows receive adequate daylight.
Performance measure
<p>Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>
Diagram A2 Daylight to existing windows
<p>Existing Proposed</p> <p>Setback applies to wall within a 55° arc from the centre of window</p> <p>Existing Proposed</p> <p>The arc may be swung to within 35° of the plane of the wall containing the window</p> <p>Wall setback from the window half the height of the wall</p> <p>Wall setback from the window half the height of the wall</p>
Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwelling
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

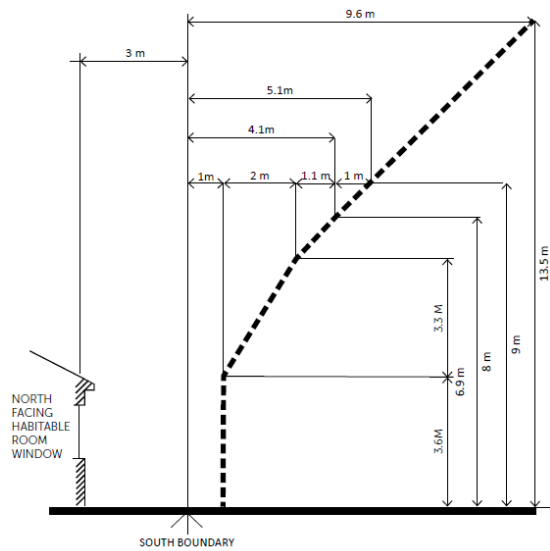
54.04-4 North facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram A3 North-facing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

TRANSLATED

A13 North facing windows
Performance objective
Existing north facing habitable room windows have adequate solar access.

Department of Environment, Land, Water and Planning

<p>Performance measure</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p>Diagram A3 North-facing windows</p>
<p>Performance criteria</p> <p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings. <p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-5 Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the

requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

A14 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this assessment provision, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering:
<ul style="list-style-type: none"> • The impact on the amenity of the existing dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space.
Information required
The neighbourhood and site description.
The design response.
Overshadowing diagrams.

CURRENT

54.04-6 Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the

Department of Environment, Land, Water and Planning

window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

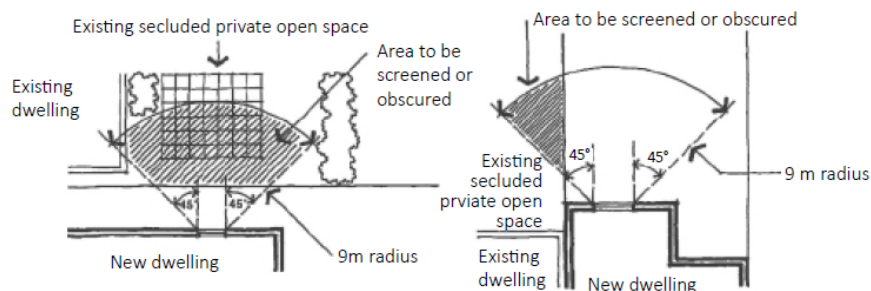
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram A4 Overlooking open space



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.

TRANSLATED

A15 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.

<p>Performance measure</p>
<p>Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p><i>Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</i></p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this performance measure.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development.
<p>Diagram A4 Overlooking open space</p>
<p>This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
<p>Performance criteria</p>
<p>Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling.

Department of Environment, Land, Water and Planning

Information required
The neighbourhood and site description.
The design response.

54.05 ON-SITE AMENITY AND FACILITIES

CURRENT

54.05-1 Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

A16 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight..
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

CURRENT

54.05-2 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

A17 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.
Performance measure
Each dwelling has private open space with the area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, each dwelling has private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. If no area or dimensions are specified in a schedule to the zone, at least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
Performance criteria
The private open space available to each dwelling is acceptable considering: <ul style="list-style-type: none"> • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun.
Information required
The neighbourhood and site description. The design response.

Department of Environment, Land, Water and Planning

CURRENT

54.05-3 Solar access to open space objective

To allow solar access into the secluded private open space of a new dwelling.

Standard A18

The private open space should be located on the north side of the dwelling, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

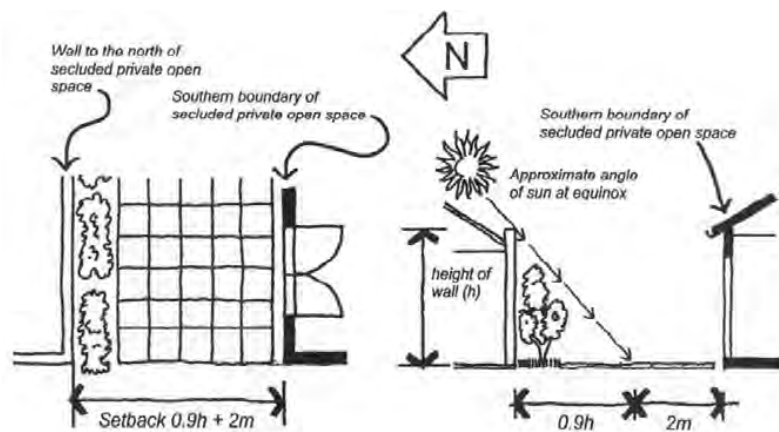
Diagram A5 Solar access to open space

Decision guidelines

Before deciding on an application, the responsible authority must consider:

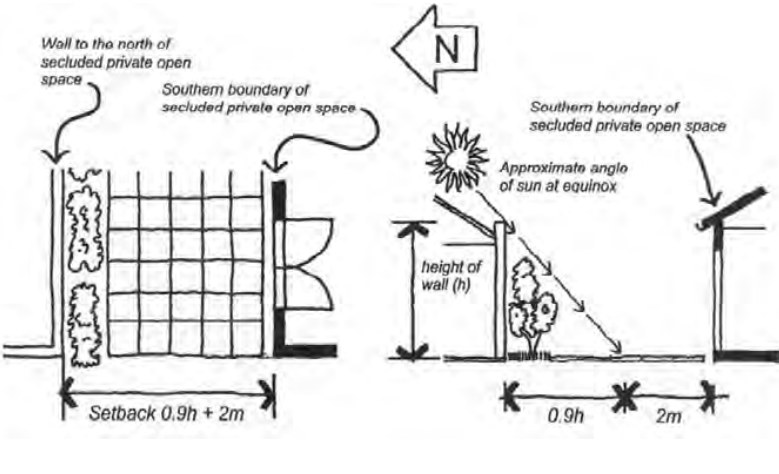
- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

Diagram A5 Solar access to open space



TRANSLATED

A18 Solar access to open space
Performance objective
The secluded private open space of a new dwelling has adequate solar access.

<p>Performance measure</p>
<p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>
<p>Diagram A5 Solar access to open space</p> 
<p>Performance criteria</p>
<p>The solar access to the secluded private open space of any dwelling is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.</p>
<p>Information required</p>
<p>The design response.</p>

54.06

DETAILED DESIGN

CURRENT

58.06-1

Detail design objective

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this

Department of Environment, Land, Water and Planning

scheme.

- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

A19 Detail design
Performance objective
Design detail respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context..
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
The design detail of buildings is acceptable in the neighbourhood context considering: <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. Garages and carports are visually compatible with the development and the neighbourhood context.
Information required
The neighbourhood and site description.
The design response.

CURRENT

54.06-2 Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

A20 Front fences	
Performance objective	
Front fence design respects the existing or preferred neighbourhood character.	
Performance measure	
A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2. 	
Table A2 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering: <ul style="list-style-type: none"> • Whether the fence complements the design of the dwelling and any front fences on adjoining properties. • The setback, height and appearance of front fences on adjacent properties. • The extent to which slope and retaining walls reduce the effective height of the front fence. • Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

Department of Environment, Land, Water and Planning

Appendix 5

Test translation of Clause 55

NOTE that this translation is an initial ‘proof of concept’ version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

CURRENT

55.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

TRANSLATED

B1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.
Performance measure
The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:
<ul style="list-style-type: none"> • Street setback (B6). • Building height (B7). • Site coverage (B8). • Side and rear setbacks (B17). • Walls on boundaries (B18). • Front fences (B32).
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.

Performance criteria
A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.
Information required
The neighbourhood and site description. The design response.

CURRENT

55.02-2 Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard B2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified.
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response. If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Department of Environment, Land, Water and Planning

CURRENT

55.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

TRANSLATED

B3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.
Performance measure
Developments of ten or more dwellings provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, a bath or shower and a toilet and wash basin at ground floor level.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT

55.02-4 Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

B4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not exceed the capacity of utility services and infrastructure, including reticulated services and roads.
Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
A report on the capacity of the existing infrastructure. If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

CURRENT

55.02-5 Integration with the street objective

To integrate the layout of development with the street.

Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

B5 Integration with the street
Performance objective
The layout of new development is integrated with the street.
Performance measure
Dwellings are oriented to front existing and proposed streets. There is no high fencing in front of dwellings. Dwellings promote the observation of abutting streets and any abutting public open space. New development provides vehicle and pedestrian links that maintain or enhance local accessibility.
Performance criteria
New development integrates with the street. New development next to existing public open space is laid out to complement the open space.
Information required
The neighbourhood and site description. The design response. If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

55.03 SITE LAYOUT AND BUILDING MASSING

CURRENT

55.03-1 Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

Department of Environment, Land, Water and Planning

TRANSLATED

B6 Street setback		
Performance objective		
The setbacks of buildings from a street respects the existing or preferred neighbourhood character.		
The setbacks of buildings from a street make efficient use of the site.		
Performance measure		
All building walls are set back from streets:		
<ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table B1; except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.		
Table B1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

<p>Performance criteria</p> <p>The building setback is appropriate considering:</p> <p>Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation in the front setback.</p>
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-2 Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

TRANSLATED

<p>B7 Building height</p>
<p>Performance objective</p> <p>The height of buildings respects the existing or preferred neighbourhood character.</p>

Department of Environment, Land, Water and Planning

<p>Performance measure</p> <p>The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.</p> <p>Any change of building height between existing buildings and new buildings is graduated.</p>
<p>Performance criteria</p> <p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and from adjoining properties. • The effect of the slope of the site on the height of the building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-3

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8

The site area covered by buildings should not exceed:

The maximum site coverage specified in a schedule to the zone, or

If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

TRANSLATED

<p>B8 Site coverage</p>
<p>Performance objective</p> <p>The site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>

<p>Performance measure</p> <p>The site area covered by buildings does not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</p>
<p>Performance criteria</p> <p>The site coverage is acceptable considering:</p> <ul style="list-style-type: none"> • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. • The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.
<p>Information required</p> <p>The neighbourhood and site description. The design response.</p>

CURRENT

55.03-4 Permeability and stormwater management objectives

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.
- To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

- The site area covered by the pervious surfaces should be at least:
- The minimum area specified in a schedule to the zone, or
 - If no minimum is specified in a schedule to the zone, 20 percent of the site.
- The stormwater management system should be designed to:
- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
 - Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines

- Before deciding on an application, the responsible authority must consider:
- The design response.
 - The capacity of the site to incorporate stormwater retention and reuse.
 - The existing site coverage and any constraints imposed by existing development.
 - The capacity of the drainage network to accommodate additional stormwater.
 - The capacity of the site to absorb run-off.
 - The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Department of Environment, Land, Water and Planning

- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B9 Permeability and stormwater management
Performance objective
<p>The impact of increased stormwater run-off on the drainage system is reduced.</p> <p>Stormwater is infiltrated on-site.</p> <p>Stormwater is retained and reused on the site.</p>
Performance measure
<p>The site area covered by pervious surfaces is at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone; or • If no minimum area is specified in a schedule to the zone, 20 per cent of the site. <p>The stormwater management system is designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
Performance criteria
<p>Stormwater discharge is acceptable considering:</p> <ul style="list-style-type: none"> • The capacity of the site to incorporate stormwater retention and reuse. • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The capacity of the site to absorb run-off. • The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres. • Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater.

CURRENT

55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

TRANSLATED

B10 Energy efficiency
Performance objective
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
Performance measure
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>

Department of Environment, Land, Water and Planning

<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and slope of the lot. • The availability of solar access to north-facing windows on the site. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.03-6 Open space objectives

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

TRANSLATED

B11 Open space
Performance objective
The layout of development is integrated with any public and communal open space provided in or adjacent to the development.
Performance measure
Any public or communal open space provided in the development: <ul style="list-style-type: none"> • Is substantially fronted by dwellings. • Provides outlook for as many dwellings as practicable. • Protects any natural features on the site. • Is accessible and useable.
Performance criteria
The layout and design of any public and communal open space provided in or adjacent to the development is acceptable considering: <ul style="list-style-type: none"> • Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework. • How the any public and communal open space integrates with dwellings. • The accessibility and useability of the public and communal open space. • The natural features of the site.
Information required
The neighbourhood and site description. The design response. If not included in the design response, a statement describing how the development is consistent with any relevant policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.

CURRENT

55.03-7

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard B12

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

Department of Environment, Land, Water and Planning

TRANSLATED

B12 Safely
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified
Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

CURRENT

55.03-8 Landscaping objectives

To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

TRANSLATED

B13 Landscaping
Performance objective
<p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p>
Performance measure
<p>Landscaping is provided in accordance with a landscaping layout and design that:</p> <ul style="list-style-type: none"> • Specifies landscape themes, vegetation (location and species), paving and lighting. • Takes into account the soil types and drainage patterns of the site. • Allows for intended vegetation growth and structural protection of buildings. • Maintains existing mature vegetation. • Replaces any significant trees that have been removed in the 12 months prior to the application being made. • The habitat of plants and animals in locations of habitat importance is maintained and enhanced. • Landscaping complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.
Performance criteria
<p>The proposed landscaping layout and design of the development is acceptable considering:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework. • The location and size of gardens and the predominant plant types in the neighbourhood. • The health of any trees that have been or are proposed to be removed. • Whether a tree was removed to gain a development advantage.

Department of Environment, Land, Water and Planning

<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the development is consistent with any relevant policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>If not included in the design response, a statement describing whether the site is in a location of habitat importance identified in this scheme and how the landscaping maintains and enhances the habitat of plants and animals.</p>

CURRENT

55.03-9 Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Standard B14

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

B14 Access
Performance objective
The number and design of vehicle crossovers respects the neighbourhood context.

<p>Performance measure</p> <p>The width of accessways or car spaces does not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
<p>Performance criteria</p> <p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.03-10

Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

Department of Environment, Land, Water and Planning

TRANSLATED

B15 Parking location
Performance objective
Residents and visitors have access to convenient parking. Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are close and convenient to dwellings. Car parking facilities are secure. Car parking facilities are well ventilated if enclosed. Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

55.04 AMENITY IMPACTS

CURRENT

55.04-1 Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

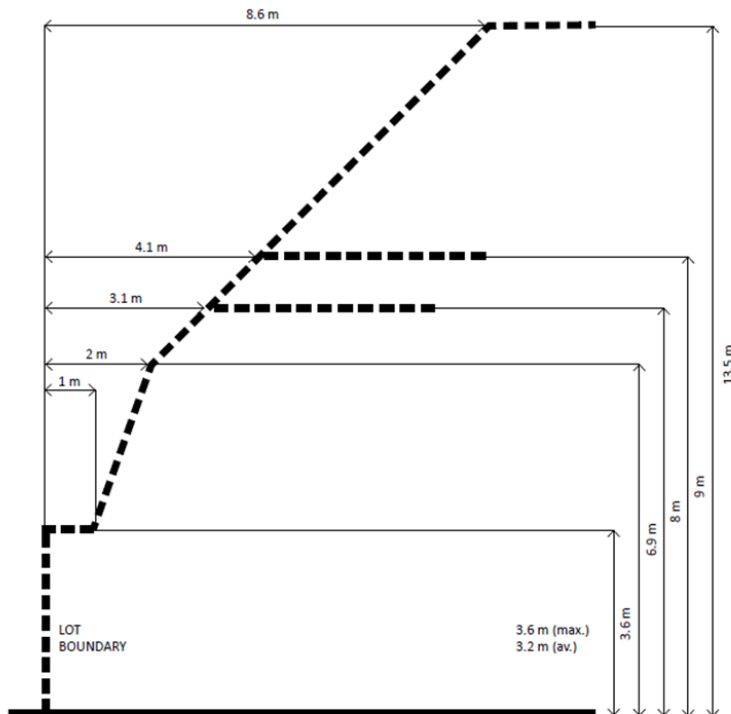
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

TRANSLATED

B17 Side and rear setbacks
Performance objective
The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.
The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.

Department of Environment, Land, Water and Planning

<p>Performance measure</p>
<p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
<p>Diagram A1 Side and rear setbacks</p>
<p>The diagram illustrates the side and rear setbacks for a building on a lot. The lot boundary is shown as a dashed line on the left. The building footprint is shown as a solid line. The setbacks from the left boundary are 1m, 2m, 3.1m, 4.1m, and 8.6m. The setbacks from the bottom boundary are 3.6m (max.), 3.2m (av.), 6.9m, 8m, and 9m. The total width of the lot is 13.5m.</p>
<p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>
<p>Performance criteria</p>
<p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane.
<p>Information required</p>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT**55.04-2 Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

Department of Environment, Land, Water and Planning

TRANSLATED

B18 Walls on boundaries
<p>Performance objective</p> <p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
<p>Performance measure</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>
<p>Performance criteria</p> <p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which walls on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-3 Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

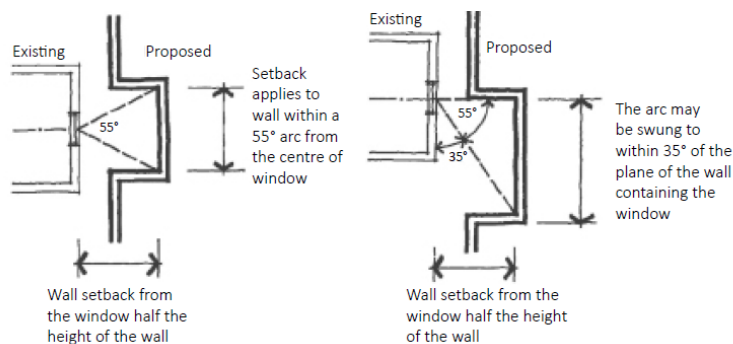
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

Department of Environment, Land, Water and Planning

TRANSLATED

B19 Daylight to existing windows	
Performance objective	Existing habitable room windows receive adequate daylight.
Performance measure	<p>Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><i>Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>
Diagram B2 Daylight to existing windows	
Performance criteria	<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings.
Information required	<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

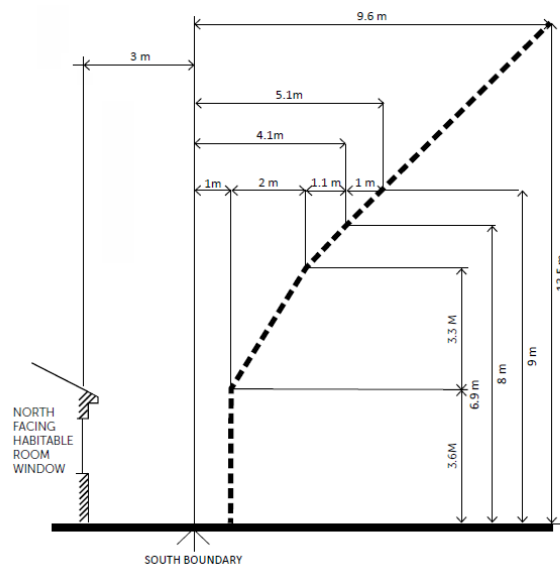
55.04-4 North facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Diagram B3 North-facing windows



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

Department of Environment, Land, Water and Planning

TRANSLATED

B20 North facing windows
Performance objective
Existing north facing habitable room windows have adequate solar access.
Performance measure
<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p>
Diagram B3 North-facing windows
Performance criteria
<p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"> Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-5 Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

TRANSLATED

B21 Overshadowing open space
Performance objective
A new building does not unreasonably overshadow existing secluded private open space.
Performance measure
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this performance measure, the amount of sunlight is not further reduced.
Performance criteria
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering:
<ul style="list-style-type: none"> • The impact on the amenity of existing the dwelling. • The existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space
Information required
The neighbourhood and site description.
The design response.

Department of Environment, Land, Water and Planning

CURRENT

55.04-6 Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

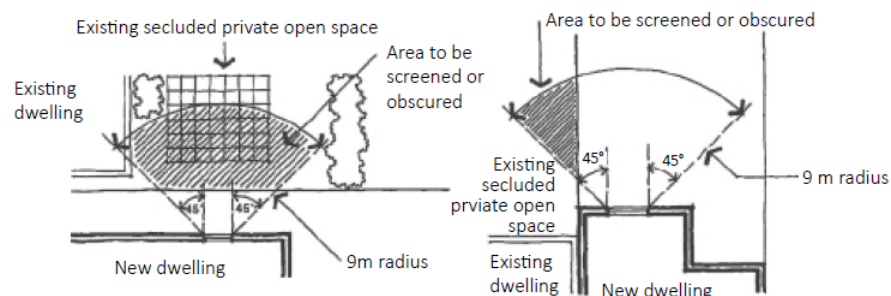
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Diagram B4 Overlooking open space



Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

- The internal daylight to and amenity of the proposed dwelling or residential building.

TRANSLATED

B22 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.
Performance measure
<p>Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p>Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or • Have sill heights of at least 1.7 metres above floor level, or • Have obscure glazing in any part of the window below 1.7 metres above floor level, or • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>Diagram B4 Overlooking open space</p> <p>This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>

Department of Environment, Land, Water and Planning

<p>Performance criteria</p> <p>Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling or residential building.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

55.04-7 Internal views objective

To limit views into the private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

<p>B23 Internal views</p>
<p>Performance objective</p> <p>Views into the private open space and habitable room windows of dwellings and residential buildings are limited.</p>
<p>Performance measure</p> <p>Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>
<p>Performance criteria</p> <p>Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.</p>
<p>Information required</p> <p>The design response.</p>

CURRENT

55.04-8 Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

Standard B24

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B24 Noise impacts
Performance objective
Noise sources in developments that may affect existing dwellings are contained. Residents are protected from external noise.
Performance measure
Noise sources, such as mechanical plant, are not located near the bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings are not located near noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry are designed to limit noise levels in habitable rooms.
Performance criteria
The noise impacts are acceptable considering: <ul style="list-style-type: none"> • The location of noise sources, such as mechanical plant. • Noise sources on immediately adjacent properties. • Other noise sources such as busy roads, railway lines or industry.
Information required
The neighbourhood and site description. The design response.

Department of Environment, Land, Water and Planning

55.05 ON-SITE AMENITY AND FACILITIES

CURRENT

55.05-1 Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

TRANSLATED

B25 Accessibility
Performance objective
People with limited mobility can access new dwellings and residential buildings.
Performance measure
The entry to each ground floor dwelling and residential building is accessible or able to be easily made accessible to people with limited mobility.
Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
The design response.

CURRENT

55.05-2 Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

TRANSLATED

B26 Dwelling entry
Performance objective
Each dwelling or residential building has its own sense of identity.
Performance measure
The entry to each dwelling and residential building is visible and easily identifiable from streets and other public areas.
The entry to each dwelling and residential building provides shelter, a sense of personal address and a transitional space around the entry.

Performance criteria
The entry to each dwelling and residential building is acceptable considering: <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed.
Information required
The design response.

CURRENT

55.05-3 Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

TRANSLATED

B27 Daylight to new windows
Performance objective
New habitable room windows receive adequate daylight.
Performance measure
A window in a habitable room is located to face: <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah, provided the verandah is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter.
Performance criteria
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

55.05-4 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

TRANSLATED

B28 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.

<p>Performance measure</p> <p>Each dwelling or residential building has private open space with the area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building has private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. • If the development is not an apartment building, a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room
<p>Performance criteria</p> <p>The private open space available to each dwelling is acceptable considering:</p> <ul style="list-style-type: none"> • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun.
<p>Information required</p> <p>The design response.</p>

CURRENT

55.05-5 Solar access to open space objective

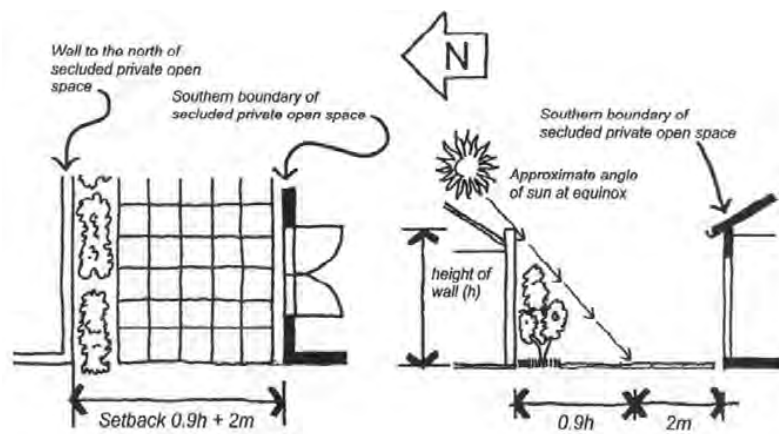
To allow solar access into the secluded private open space of new dwellings and residential buildings.

Standard B29

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Diagram B5 Solar access to open space



Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

TRANSLATED

B29 Solar access to open space
Performance objective
The secluded private open space of a new dwelling or residential building has adequate solar access.
Performance measure
<p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>
Diagram A5 Solar access to open space
<p>The diagram illustrates the solar access requirements for a secluded private open space. It consists of two parts: a plan view and a cross-section view. In the plan view, a wall is shown to the north of the open space. The southern boundary of the open space is set back from the wall by a distance of $0.9h + 2m$. In the cross-section view, a wall of height h is shown. The sun is at an approximate angle at equinox. The setback is divided into two segments: $0.9h$ and $2m$. A north arrow is also present.</p>
Performance criteria
The solar access to the secluded private open space of any dwelling or residential building is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.
Information required
The design response.

CURRENT

55.05-6

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

TRANSLATED

B30 Storage
Performance objective
Each dwelling has adequate storage facilities.
Performance measure
Each dwelling has convenient access to at least 6 cubic metres of externally accessible, secure storage space.
Performance criteria
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.
Information required
The design response.

Department of Environment, Land, Water and Planning

55.06 DETAILED DESIGN

CURRENT

55.06-1 Detail design objective

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

TRANSLATED

B31 Detailed design
Performance objective
Design detail respects any existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or the neighbourhood context.
Performance measure
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
Performance criteria
<p>The design detail of buildings is acceptable in the neighbourhood context considering:</p> <ul style="list-style-type: none"> • Façade articulation and detailing • Window and door proportions • Roof form • Verandahs, eaves and parapets • Whether the design is innovative and of a high architectural standard. <p>Garages and carports are visually compatible with the development and the neighbourhood context.</p>

Information required
The neighbourhood and site description.
The design response.

CURRENT

55.06-2 Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table B3 Maximum front fence height

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

TRANSLATED

B32 Front fences
Performance objective
Front fence design respects the existing or preferred neighbourhood character.

Department of Environment, Land, Water and Planning

Performance measure	
A front fence within 3 metres of a street should not exceed:	
<ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	
Table B3 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering:	
<ul style="list-style-type: none"> The design of the dwelling or residential building. The setback, height and appearance of front fences on adjacent properties. The extent to which slope and retaining walls reduce the effective height of the front fence. Whether the fence is needed to minimise noise intrusion. 	
Information required	
The neighbourhood and site description.	
The design response.	

CURRENT

55.06-3 Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

B33 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
Performance measure
None specified.

Performance criteria
Developments clearly delineate public, communal and private areas.
Common property, where provided, is functional and capable of efficient management.
Information required
The design response.

CURRENT

55.06-4 Site service objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

B34 Site service
Performance objective
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings and residential buildings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

Department of Environment, Land, Water and Planning

55.07 APPARTMENT DEVELOPMENTS

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard B35

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.

- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

TRANSLATED

B35 Energy efficiency	
Performance objective	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
Performance measure	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table B4 does not exceed the maximum NatHERS annual cooling load specified in Table B4.</p>	
Table B4 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i></p>	

Department of Environment, Land, Water and Planning

<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
<p>Information required</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies the existing amount of solar access to abutting properties and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

CURRENT

55.07-2 Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard B36

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

Any relevant urban design objective, policy or statement set out in this scheme.

The design response.

- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

TRANSLATED

B36 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to:
<ul style="list-style-type: none"> • Provide passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management.
The amount of communal open space of new development is acceptable considering:
<ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

Department of Environment, Land, Water and Planning

CURRENT

55.07-3 Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

B37 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

55.07-4 Deep soil areas and canopy trees objective

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.

- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table B5 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Department of Environment, Land, Water and Planning

TRANSLATED

B38 Deep soil areas and canopy trees		
Performance objective		
Landscape design and water management is climate responsive.		
New development supports thermal comfort and reduces the urban heat island effect.		
Performance measure		
Heat absorption is reduced using landscape opportunities such as green walls, green roofs and roof top gardens.		
On-site storm water infiltration is provided.		
Planting and water management are integrated.		
Deep soil areas for planting of canopy trees are maximised and the deep soil areas and canopy trees specified in Table B5 are provided.		
Table B5 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades. 		

<p>Performance criteria</p> <p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • Responds to the site context. • Integrates planting and water management. • Provides a safe, attractive and functional environment for residents. • Reduces heat absorption by means such as green walls, green roofs and roof top gardens. • Improves on-site stormwater infiltration. • Maximises deep soil areas for planting canopy trees.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT

55.07-5 Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated

Department of Environment, Land, Water and Planning

water sensitive urban design.

- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

B39 Integrated water and storm water management
<p>Performance objective</p> <p>Alternative water sources such as rainwater, stormwater and recycled water are used.</p> <p>Stormwater is collected, used and infiltrated within the development.</p> <p>Stormwater run-off from the site is reduced.</p> <p>Stormwater is filtered for sediment and waste before being discharged from the site.</p>
<p>Performance measure</p> <p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas</p>
<p>Performance criteria</p> <p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.

CURRENT

55.07-6 Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B6 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.

Department of Environment, Land, Water and Planning

- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

B40 Noise impact	
Performance objective	
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.	
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.	
Performance measure	
Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.	
Noise transmission within the site is minimised by the layout of new dwellings and buildings.	
Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	
New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.	
A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table B6, achieves the following noise levels:	
<ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. 	
<i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	
Table B6 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i>	

<p>Performance criteria</p> <p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant performance objectives having regard to the amenity of the dwelling and the site context.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

CURRENT

55.07-7 Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B41

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

Department of Environment, Land, Water and Planning

Table B7 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

B41 Accessibility		
Performance objective		
The design of new development meets the needs of people with limited mobility		
Performance measure		
At least 50 per cent of dwellings have:		
<ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7. 		
Table B7 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum area of 1.2 metres by 1.2 metres. • Located in front of the shower and the toilet. • Clear of the toilet, basin and the door swing. • The circulation area for the toilet and shower can overlap. 	A clear circulation area that is: <ul style="list-style-type: none"> • A minimum width of 1 metre. • The full length of the bathroom and a minimum length of 2.7 metres. • Clear of the toilet and basin. • The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Department of Environment, Land, Water and Planning

Performance criteria
The accessibility of new development is acceptable considering the needs of people with limited mobility.
Information required
None specified

CURRENT

55.07-8 Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

B42 Building entry and circulation
Performance objective
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

<p>Performance measure</p> <p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> • Clearly distinguishes entrances to residential and non-residential areas. • Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> • Include at least one source of natural light and natural ventilation. • Avoid obstruction from building services. • Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
<p>Performance criteria</p> <p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed. • How entrances to residential and non-residential areas are distinguished. • The proposed windows and lighting to building entrances and lift areas <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> • The visibility, safety and attraction of stairs from the entry area. • The useability, lighting, ventilation and sight lines of common areas and corridors.
<p>Information required</p> <p>The design response.</p>

CURRENT

55.07-9 Private open space above ground floor objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B43

A dwelling should have private open space consisting of:

- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Department of Environment, Land, Water and Planning

Table B8 Balcony size

Dwelling type	Minimum area	Minimum demension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED

B43 Private open space above ground floor
Performance objective
Residents have adequate private open space for their recreatoin and service needs.
Performance measure
Each dwelling has private open space consisting of: <ul style="list-style-type: none"> • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table B8 and convenient access from a living room. • If a cooling or heating unit is located on a balcony, the balcony provides an additional area of 1.5 square metres.
Performance criteria
The private open space provided above ground floor is acceptable considering: <ul style="list-style-type: none"> • The useability and functionality of the private open space, including its size and accessibility. • The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive. • The availability of and access to public or communal open space.
Information required
The design response.

CURRENT

55.07-10 Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

Table B9 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

B44 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table B9.		
Table B9 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

Department of Environment, Land, Water and Planning

CURRENT

55.07-11 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

B45 Waste and recycling
<p>Performance objective</p> <p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<p>Performance measure</p> <p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>
<p>Performance criteria</p> <p>The waste management facilities provided for the development are acceptable considering:</p> <ul style="list-style-type: none"> • Any Waste Management Plan approved by the responsible authority. • The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.</p>

Department of Environment, Land, Water and Planning

CURRENT

55.07-12 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard B46

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table B10 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

Table B11 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

B46 Functional layout
Performance objective
New dwellings include functional areas that meet the needs of residents.

Performance measure		
Each bedroom has the minimum internal room dimensions specified in Table B10.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
Table B10 Bedroom dimensions		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table B11.		
Table B11 Living area dimensions		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
Performance criteria		
Habitable rooms are useable, functional and have acceptable amenity.		
Information required		
The design response.		

CURRENT

55.07-13 Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard B47

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

Department of Environment, Land, Water and Planning

- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

B47 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.
The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:
<ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
<i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i>
Performance criteria
Daylight to habitable rooms is acceptable considering:
<ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

55.07-17 Windows objective

To allow adequate daylight into new habitable room windows.

Standard B48

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

B48 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows, and whether any overhangs above habitable room windows limit daylight access. The dwelling is useable and functional, and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

CURRENT

55.07-4 Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard B49

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context. .

TRANSLATED

B49 Natural ventilation
Performance objective
New dwellings are able to be naturally ventilated. An occupant can effectively manage the natural ventilation of their dwelling.
Performance measure
At least 40 per cent of dwellings provide effective cross ventilation that has: <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>
Performance criteria
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site. The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate. The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
Information required
The design response.

Appendix 6

Test translation of Clause 58

NOTE that this translation is an initial 'proof of concept' version.

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

58.02 URBAN CONTEXT

CURRENT

58.02-1 Urban context objectives

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

TRANSLATED

D1 Urban context
Performance objective
New development responds appropriately to the urban context and the site.
New development responds to the features of the site and the surrounding area.
Performance measure
None specified
Performance criteria
The design of new development respects the existing or preferred urban context.
The design of new development responds to the features of the site and the surrounding area
The design responds to any relevant urban design objective, policy or statement set out in this scheme.
Information required
The urban context report.
The design response.

Department of Environment, Land, Water and Planning

CURRENT

58.02-2 Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines

Before deciding on an application, the responsible authority must consider: The Municipal Planning Strategy and the Planning Policy Framework. The design response.

TRANSLATED

D2 Residential policy
Performance objective
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
Performance measure
None specified
Performance criteria
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Information required
The design response. If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

CURRENT

58.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

TRANSLATED

D3 Dwelling diversity
Performance objective
New developments of ten or more dwellings include a range of dwelling sizes and types.

Performance measure
Developments of ten or more dwellings include a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
Performance criteria
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
Information required
None specified.

CURRENT

58.02-4 Infrastructure objectives

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard D4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

TRANSLATED

D4 Infrastructure
Performance objective
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
Performance measure
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

Department of Environment, Land, Water and Planning

Performance criteria
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
Information required
A report on the capacity of the existing infrastructure. If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

CURRENT

58.02-5 Integration with the street objective

To integrate the layout of development with the street.

Standard D5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

TRANSLATED

D5 Integration with the streets
Performance objective
The layout of new development is integrated with the street.
Performance measure
None specified.
Performance criteria
Dwellings are oriented to front existing and proposed streets. There is no high fencing in front of dwellings. New development provides vehicle and pedestrian links that maintain or enhance local accessibility. New development next to existing public open space is laid out to complement the open space.

Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

58.03 SITE LAYOUT

CURRENT

58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

TRANSLATED

D6 Energy efficiency	
Performance objective	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
Performance measure	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table D1 does not exceed the maximum NatHERS annual cooling load specified in Table D1.</p>	
Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i></p>	

<p>Performance criteria</p> <p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> • The size, orientation and layout of the site. • How buildings are oriented to make use of solar energy. • The availability of solar access to north-facing windows on the site. • The annual cooling load for each dwelling. <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> • The existing amount of solar access to abutting properties. • The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the existing amount of solar access to abutting properties, the availability of solar access to north-facing windows on the site and the annual cooling load for each dwelling.</p>

CURRENT

58.03-2 Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Department of Environment, Land, Water and Planning

TRANSLATED

D7 Communal open space
Performance objective
Communal open space is accessible, practical, attractive and easily maintained. Communal open space is integrated with the layout of the development.
Performance measure
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser. Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
Performance criteria
The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to: <ul style="list-style-type: none"> • Give passive surveillance opportunities. • Provide outlook for as many dwellings as practicable. • Avoid overlooking into habitable rooms and private open space of new dwellings. • Minimise noise impacts to new and existing dwellings. • Protect any natural features on the site. • Maximise landscaping opportunities. • Be accessible, useable and capable of efficient management. The amount of communal open space of new development is acceptable considering: <ul style="list-style-type: none"> • The availability of and access to public open space. • The reasonable recreation needs of residents.
Information required
The design response. If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

CURRENT

58.03-3

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

TRANSLATED

D8 Solar access to communal outdoor open space
Performance objective
Communal outdoor open space has appropriate solar access.
Performance measure
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Performance criteria
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
Information required
The design response.

CURRENT

58.03-4

Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D9 Safety
Performance objective
The layout of development provides for the safety and security of residents and property.
Performance measure
None specified

Department of Environment, Land, Water and Planning

Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

CURRENT

58.03-5 Landscaping objectives

- To encourage development that respects the landscape character of the area.
- To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
- To provide appropriate landscaping.
- To encourage the retention of mature vegetation on the site.
- To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

Standard D10

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

Table D2 Deep soil areas and canopy trees

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

Department of Environment, Land, Water and Planning

TRANSLATED

D10 Landscape		
Performance objective		
<p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p> <p>Climate responsive landscape design and water management is promoted.</p> <p>New development supports thermal comfort and reduces the urban heat island effect.</p>		
Performance measure		
<p>Trees that are part of the urban context are retained or replaced.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p> <p>The landscape design specifies landscape themes, vegetation (location and species), paving and lighting.</p> <p>The deep soil areas and canopy trees specified in Table D2 are provided.</p>		
Table D2 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p>		

<p>Performance criteria</p> <p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> • responds to the site context. • Responds to any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework. • protects any predominant landscape features of the area. • considers the soil type and drainage patterns of the site • integrates planting and water management • considers intended vegetation growth • provides structural protection of buildings • maintains existing habitat and provides for new habitat for plants and animals In locations of habitat importance • provides a safe, attractive and functional environment for residents. • considers landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens • considers landscaping opportunities to improve on-site stormwater infiltration. • maximises deep soil areas for planting canopy trees. <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> • Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements. • Vegetated planters, green roofs or green façades.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The location and size of gardens and the predominant plant types in the area. • The health of any trees to be removed. • The suitability of the proposed location and soil volume for canopy trees. • The ongoing management of landscaping for the development. • The soil type and drainage patterns of the site.

CURRENT

58.03-6

Access objective

To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a

Department of Environment, Land, Water and Planning

street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

TRANSLATED

D11 Access
Performance objective
The number and design of vehicle crossovers respects the urban context.
Performance measure
The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. No more than one single-width crossover is provided for each dwelling fronting a street. The location of crossovers maximises the number of on-street car parking spaces retained. The number of access points to a road in a Road Zone is minimised. Access for service, emergency and delivery vehicles is provided.
Performance criteria
Access to the development is acceptable considering: <ul style="list-style-type: none"> • The impact on the neighbourhood context. • The reduction of on-street car parking spaces. • The effect on any significant vegetation on the site and footpath. • How access is provided for service, emergency and delivery vehicles.
Information required
The design response.

CURRENT

58.03-7 Parking location objectives

To provide convenient parking for resident and visitor vehicles.
 To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

D12 Parking location
Performance objective
Residents and visitors have access to convenient parking. Residents are protected from vehicle noise in the development.
Performance measure
Car parking facilities are reasonably close and convenient to dwellings. Car parking facilities are secure. Car parking facilities are well ventilated if enclosed. Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
Performance criteria
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> • The convenience to dwellings • Security • Ventilation • The proximity of shared accessways and the car parks of other dwellings to habitable room windows.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

58.03-8 Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

TRANSLATED

D13 Integrated water and storm water management
Performance objective
Alternative water sources such as rainwater, stormwater and recycled water are used.
Stormwater is collected, used and infiltrated within the development.
Stormwater run-off from the site is reduced.
Stormwater is filtered for sediment and waste before being discharged from the site.

<p>Performance measure</p> <p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>
<p>Performance criteria</p> <p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> • How the development has utilised alternative water sources and incorporated water sensitive urban design. • Whether stormwater discharge from the site will adversely affect water quality entering the drainage system. • The capacity of the drainage network to accommodate additional stormwater. • Whether the stormwater treatment areas can be effectively maintained. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • Any relevant water and stormwater management objective, policy or statement set out in this scheme. • The capacity of the drainage network to accommodate additional stormwater. • Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.

58.04 AMENITY IMPACTS

CURRENT

58.04-1 Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Department of Environment, Land, Water and Planning

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

TRANSLATED

D14 Building setback
Performance objective
The setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
New dwellings receive adequate daylight.
Views into habitable room windows and private open space of new and existing dwellings are appropriately limited.
New buildings have a reasonable outlook.
Buildings are setback to provide appropriate internal amenity for residents.
Performance measure
None specified.

<p>Performance criteria</p> <p>The built form of the development respects the existing or preferred urban context.</p> <p>The built form of the development responds to the features of the site.</p> <p>Buildings are set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight into new habitable room windows. • Avoid direct views into habitable room windows and the private open space of new and existing dwellings without relying on screening. • Provide an outlook from each dwelling that creates a reasonable visual connection to the external environment. • Ensure each dwelling meets the objectives of clause 58.
<p>Information required</p> <p>The urban context report.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> • The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways. • The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows. • The impact of overlooking on the amenity of existing and proposed dwellings. • The existing extent of overlooking into existing dwellings and private open space.

CURRENT

58.04-2 Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

TRANSLATED

<p>D15 Internal views</p>
<p>Performance objective</p> <p>Views into the private open space and habitable room windows of dwellings are limited.</p>
<p>Performance measure</p> <p>Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>

Department of Environment, Land, Water and Planning

Performance criteria
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
Information required
The design response.

CURRENT

58.04-3 Noise impact objectives

To contain noise sources in developments that may affect existing dwellings.
 To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

TRANSLATED

D16 Noise impacts
Performance objective
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.

Department of Environment, Land, Water and Planning

Performance measure	
<p>Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.</p> <p>Noise transmission within the site is minimised by the layout of new dwellings and buildings.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.</p> <p>A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table D3, achieves the following noise levels:</p> <ul style="list-style-type: none"> • For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am. • For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm. <p><i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i></p>	
Table D3 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<p><i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i></p>	

<p>Performance criteria</p> <p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> • How the impact of potential noise sources within a development has been mitigated through design, location and siting. • The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling. • How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings. • How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. • How noise transmission within the site is minimised by the layout of new dwellings and buildings. • Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources. • How any alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
<p>Information required</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

58.05 URBAN CONTEXT

CURRENT

58.05-1 Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Department of Environment, Land, Water and Planning

Table D4 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

TRANSLATED

D17 Accessibility
Performance objective
People with limited mobility can access new dwellings.

Performance measure		
<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> • A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. • A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. • A main bedroom with access to an adaptable bathroom. • At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4. 		
Table D4 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
Performance criteria		
The accessibility of new development is acceptable considering the needs of people with limited mobility.		
Information required		
The design response.		

Department of Environment, Land, Water and Planning

CURRENT

58.05-2 Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D18

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
 - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

TRANSLATED

D18 Building entry and circulation
Performance objective
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

<p>Performance measure</p> <p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> • Clearly distinguishes entrances to residential and non-residential areas. • Provides windows to building entrances and lift areas. <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> • Include at least one source of natural light and natural ventilation. • Avoid obstruction from building services. • Maintain clear sight lines. <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
<p>Performance criteria</p> <p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> • Visibility and identification from streets and other public areas. • The shelter, sense of personal address and transitional space around the entry proposed. • How entrances to residential and non-residential areas are distinguished. • The proposed windows and lighting to building entrances and lift areas <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> • The visibility, safety and attraction of stairs from the entry area. • The useability, lighting, ventilation and sight lines of common areas and corridors.
<p>Information required</p> <p>The design response.</p>

Department of Environment, Land, Water and Planning

CURRENT

58.05-3 Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

TRANSLATED

D19 Private open space
Performance objective
Residents have adequate private open space for their reasonable recreation and service needs.

Performance measure		
<p>Each dwelling has private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or • An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or • A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room. <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>		
Table D5 Balcony size		
Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres
Performance criteria		
<p>The private open space available to each dwelling is useable, functional and accessible.</p> <p>The private open space is of adequate size considering the availability of and access to public or communal open space.</p> <p>The private open space has adequate amenity, considering the orientation of the lot, the wind conditions and the sunlight the space will receive.</p>		
Information required		
The design response.		

CURRENT

58.05-4

Storage objective

To provide adequate storage facilities for each dwelling.

Standard D20

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

Department of Environment, Land, Water and Planning

3 or more bedroom dwelling	18 cubic metres	12 cubic metres
----------------------------	-----------------	-----------------

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

TRANSLATED

D20 Storage		
Performance objective		
Each dwelling has adequate storage facilities.		
Performance measure		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table D6.		
Table D6 Storage		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
Performance criteria		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
Information required		
The design response.		

58.06 DETAILED DESIGN

CURRENT

58.06-1 Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard D21

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

TRANSLATED

D21 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. Areas in common ownership do not have management difficulties.
Performance measure
None specified.
Performance criteria
Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
Information required
The design response.

CURRENT

58.06-2 Site service objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard D22

The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

Department of Environment, Land, Water and Planning

TRANSLATED

D22 Site service
Performance objective
Site services can be installed and easily maintained. Site facilities are accessible, adequate and attractive.
Performance measure
None specified.
Performance criteria
The design and layout of dwellings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development. Mailboxes are provided and located for convenient access as required by Australia Post.
Information required
The design response.

CURRENT

58.06-3 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
 - Adequate in size, durable, waterproof and blend in with the development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

TRANSLATED

D23 Waste and recycling
<p>Performance objective</p> <p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<p>Performance measure</p> <p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> • Adequate in size, durable, waterproof and blend in with the development. • Adequately ventilated. • Located and designed for convenient access by residents and made easily accessible to people with limited mobility. <p>An adequately ventilated facility is provided for bin washing.</p> <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>

Department of Environment, Land, Water and Planning

Performance criteria
The waste management facilities provided for the development are acceptable considering: <ul style="list-style-type: none"> Any Waste Management Plan approved by the responsible authority. The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.
Information required
The design response. If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.

58.06 INTERNAL AMENITY

CURRENT

58.07-1 Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

TRANSLATED

D24 Functional layout		
Performance objective		
New dwellings include functional areas that meet the needs of residents.		
Performance measure		
Each bedroom has the minimum internal room dimensions specified in Table D7.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
Table D7 Bedroom dimensions		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table D8.		
Table D8 Living area dimensions		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
Performance criteria		
Habitable rooms are useable, functional and have acceptable amenity.		
Information required		
The design response.		

CURRENT

58.07-2 Room depth objective

To allow adequate daylight into single aspect habitable rooms.

Standard D25

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Department of Environment, Land, Water and Planning

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

TRANSLATED

D25 Room depth
Performance objective
Any single aspect habitable room has adequate daylight.
Performance measure
<p>The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> • The room combines the living area, dining area and kitchen. • The kitchen is located furthest from the window. • The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p><i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i></p>
Performance criteria
<p>Daylight to habitable rooms is acceptable considering:</p> <ul style="list-style-type: none"> • the number, size, location and orientation of windows, • the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms • any overhang above habitable room windows that limits daylight access.
Information required
The design response.

CURRENT

58.07-3 Windows objective

To allow adequate daylight into new habitable room windows.

Standard D26

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

TRANSLATED

D26 Windows
Performance objective
New habitable rooms have adequate daylight.
Performance measure
Each habitable room has a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window.
Performance criteria
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows. The dwelling is useable and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
Information required
The design response.

Department of Environment, Land, Water and Planning

CURRENT

58.07-4 Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context. .

TRANSLATED

D27 Natural ventilation
Performance objectives
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
Performance measures
At least 40 per cent of dwellings provide effective cross ventilation that has:
<ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area.
<i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i>

<p>Performance criteria</p> <p>The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.</p> <p>The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.</p>
<p>Information required</p> <p>The design response.</p>



© The State of Victoria Department of Environment, Land, Water and Planning 2021

This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit creativecommons.org/licenses/by/4.0/

ISBN 978-1-76105-827-1 (pdf)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136 186, or email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677, www.relay.service.com.au. This document is also available on the internet at www.delwp.vic.gov.au

6. OTHER BUSINESS

6.1 GENERAL PLANNING INFORMATION: SCHEDULED VCAT APPLICATIONS

The General Planning Information attached at **Appendix A** contains lists of:

- Scheduled VCAT appeals for the information of the Planning Committee. The table includes appeals heard as well as those scheduled for the coming months (but does not include mediations and practice day hearings).

Officer Recommendation

That the General Planning Information attached as **Appendix A** be noted

Attachments

- APPLICATIONS DETERMINED BY VCAT (**Appendix A**) [↓](#) 

Delegate Decisions before VCAT

AUGUST 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
10/08/2021 (Compulsory Conference)	D/635/2020	3 Furzer Street, Preston West	Medium density development comprising the construction of eight (8) dwellings within a part 2 part 3 storey building above a basement, as shown on the plans accompanying the application.	Failure Appeal – Council has formed a position to oppose the application.	Council's decision set aside – Permit granted
Result	Did not settle				
17/08/2021	D/410/2020	32 Wood Street, Preston Central	The construction of a medium density housing development comprised of four (4) triple storey dwellings; and The reduction of the car parking requirements;	Refusal – Applicant Appeal	Council's decision set aside – Permit granted
Result	In setting aside Council's decision, the Tribunal found that the 'residential growth' policy context outlined in the Darebin Planning Scheme supported medium density housing in this location. The Tribunal considered the issues raised by Council including design response, equitable development, internal amenity and car parking layout were acceptable in this instance.				
18/08/2021	D/696/2020	48 High Street, Northcote South	Proposed multi storey mixed-use development	Failure Appeal – Council has formed a position to oppose the application.	Council's decision set aside – Permit granted
Result	In setting aside Council's deemed refusal, the Tribunal found that the proposed six (6) storey development was not supported by policy in respect of the height. As a result, a condition requiring the deletion of Level 3 was imposed on the planning permit. The Tribunal noted that the deletion of Level 3 will also result in an acceptable outcome in respect of overshadowing and views from the existing north-facing habitable room window of the adjoining property.				

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

AUGUST 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
31/08/2021	D/476/2020	231A Dundas Street, Thornbury South East	Proposed use of land to sell and consume liquor in association with a Take-Away Food and Drink Premises within an industrial zone as shown on the plans accompanying the application.	Refusal – Applicant Appeal	Awaiting Decision
Result					

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

SEPTEMBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
2/09/2021	D/253/2020	70 O'Connor Street, Reservoir North West	Proposed four (4) double storey dwellings	Refusal – Applicant Appeal	Council's decision set aside – permit granted.
Result					
21/09/2021 (Compulsory Conference)	D/299/2018	1 Timmins Street, Northcote South	Application to Amend a Permit: Double storey extension to the rear of the existing shop/residence comprising additional commercial floorspace and a new dwelling above and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Objector Application to Cancel or Amend a Permit	
Result	Did not settle				

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

OCTOBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
7/10/2021	D/280/2020	2 McNamara Street, Preston West	Construct a medium density housing development comprising of four (4) double storey dwellings	Notice of Decision – Objector Appeal.	Council' decision affirmed – permit granted
Result					
8/10/2021 (Compulsory Conference)	D/113/2021	3-5 Cambrian Avenue, Preston Central	Proposed construction of five dwellings and a reduction in the visitor parking requirement	Failure Appeal – Council formed a position to oppose the application.	Council's decision set aside – Permit granted
Result					
25/10/2021	D/635/2020	3 Furzer Street, Preston West	Medium density development comprising the construction of eight (8) dwellings within a part 2 part 3 storey building above a basement, as shown on the plans accompanying the application.	Failure Appeal – Council has formed a position to oppose the application.	Council's decision set aside – Permit granted
Result					
25/10/2021	D/167/2020	171 Victoria Road, Northcote South Central	Construction of two double storey dwellings on the lot	Refusal – Applicant Appeal	Adjourned
Result					

Planning Committee Decisions before VCAT

AUGUST 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
5/08/2021 (Compulsory Conference)	D/103/2020	24A & 26 Habury Street, Reservoir West	A medium density housing development comprised of the construction of ten (10) double storey dwellings and a reduction in the visitor car parking requirement, as shown on the plans accompanying the application.	Committee (contrary Officer Recommendation) – Applicant Appeal	Council's decision affirmed - no permit is granted
Result	Did not settle				
12/08/2021 (Compulsory Conference)	D/727/2020	57 Martin Street, Thornbury South Central	Construction of six double storey dwellings and a reduction in car parking requirements, as shown on the plans accompanying the application.	Committee (contrary Officer Recommendation) – Applicant Appeal	Council's decision set aside (by consent) – Permit granted
Result	The parties were able to reach agreement as to a suitable form of development, as such, they were in position that Council's refusal could be set aside by consent.				

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

AUGUST 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/08/2021 (Compulsory Conference)	D/474/2020	25 Separation Street, Northcote South Central	A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement.	Committee (in line with Officer Recommendation) – Applicant Appeal	
Result	Did not settle				
26/08/2021	D/352/2020	31 Albert Street, Preston Central	Declaration proceeding	Committee (in line with Officer Recommendation) – Applicant Appeal	Awaiting Decision
Result					

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

SEPTEMBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
8/09/2021 (Compulsory Conference)	D/474/2020	25 Separation Street, Northcote South Central	A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement.	Committee (in line with Officer Recommendation) – Applicant Appeal	
Result	Did not settle				

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

OCTOBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
11/10/2021	D/103/2020	24A & 26 Habury Street, Reservoir West	A medium density housing development comprised of the construction of ten (10) double storey dwellings and a reduction in the visitor car parking requirement, as shown on the plans accompanying the application.	Committee (contrary Officer Recommendation) – Applicant Appeal	Council' decision affirmed – no permit granted
Result	In affirming Council's decision, the Tribunal found that the proposal did not respond to the existing and preferred neighbourhood character, set out in Council's Neighbourhood Character Study. In particular, the extent of double storey form extending through the length of the site was considered excessive in the context.				
13/10/2021	D/200/2019	24-26 Rathcown Road, Reservoir North-East	Construction of a medium density housing development comprising eight (8) double storey dwellings	Committee (contrary Officer Recommendation) – Applicant Appeal	Council' decision affirmed – no permit granted
Result	The Tribunal found that the bulk and massing throughout the site is inconsistent with the scale of development nearby, including multi-dwelling developments. The intensity of development throughout the site, particularly at first floor level, will not complement the scale of existing dwellings or other multi-dwelling developments nearby				

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

OCTOBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
15/10/2021 (Preliminary Hearing)	D/474/2020	25 Separation Street, Northcote South Central	A mixed-use development comprised of the: * Use of land for accommodation (dwellings); * Use of land for the purpose of place of assembly (library) * Use of land for the sale of packaged liquor; * Construction of buildings and works comprised of six (6) buildings ranging in height between 4-28 storeys plus two (2) basement levels containing a Library, Retail Premises (nine (9) shops and a supermarket), an eight (8) storey office building, 660 dwellings and associated car parking; * A reduction in the statutory car parking requirement.	Committee (in line with Officer Recommendation) – Applicant Appeal	Application Allowed
Result	The purpose of this preliminary hearing was to consider whether amended plans circulated by the Applicant were a transformation of the Application and thus raised a jurisdiction issue for the Tribunal. An oral decision was provided at the conclusion of the hearing. In finding that the amended plans did not offend the relevant VCAT Practice Note and could therefore be substituted, the Tribunal adjourned the hearing until April 2022 to allow the parties more time to prepare for the hearing.				
25/10/2021	D/420/2020	38 Oakhill Avenue, Reservoir North Central	Partial demolition and construction of buildings and works for an extension to existing dwelling in a Heritage Overlay (HO172) and a new detached garage, in accordance with the endorsed plans.	Committee (contrary Officer Recommendation) – Applicant Appeal	Awaiting Decision
Result					

NOVEMBER 2021					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

10/11/2021	D/425/2020	58 Cining Street, Northcote North Central	Proposed construction of a medium density development comprising four dwellings, as shown on the plans accompanying the application.	Failure Appeal - Council has formed a position to oppose the application.	Council's decision set aside – Permit granted
------------	------------	---	--	---	---

DECEMBER 2021

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
13/12/2021	D/474/2020	1 Timmins Street, Northcote South	Double storey extension to the rear of the existing shop/residence comprising additional commercial floorspace and a new dwelling above and a reduction to the car parking requirement, as shown on the plans accompanying the application.	Section 87 appeal (Amendment to existing permit)	Withdrawn

JANUARY 2022

Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision
18/01/2022	D/217/2021	2 Jacka Street, Preston West	A medium density housing development comprised of the construction of two (2) side-by side double storey dwellings	Failure Appeal – Council has formed a position to oppose the application.	Council's decision set aside.
19/01/2022	D/352/2020	31 Albert Street, Preston Central	Proposed change of Liquor Licence trading hours pursuant to clause 52.27 of the Darebin Planning Scheme	Failure Appeal – Council has formed a position to oppose the application.	Awaiting Decision

PLANNING COMMITTEE MEETING

13 DECEMBER 2021

21/01/2022 Preliminary hearing	D/461/2020	620-622 High Street, Preston Central	A mixed-use development comprising construction of a five (5) storey building plus a basement level; use of land for the purpose of 27 dwellings and two (2) retail premises (shop); and reduction in the car parking requirement	Notice of Decision – Objector Appeal.	
Result	The purpose of this preliminary hearing was to, among other things, consider an extension of time for lodging the application for review. At the Hearing, the objector indicated that they were not aware that the application may have been lodged outside the required timeframe and were not therefore prepared to argue their case. Accordingly, VCAT decided to re-list the preliminary hearing to enable the applicant, and other parties, to prepare submissions as to whether the application was lodged outside the required timeframes and, if so, whether the Tribunal should exercise its powers to extend the time for lodgement.				
27/01/2022	D/167/2020	171 Victoria Road, Northcote	Construction of two double storey dwellings on the lot	Refusal – Applicant Appeal	Awaiting Decision
28/01/2022 Compulsory conference	D/672/2020	12 Carson Street	Construction of a three (3) storey mixed-use development (comprised of two (2) dwellings above a shop) and a reduction of car parking	Notice of Decision – Objector Appeal.	Council' decision affirmed – permit granted with amended condition
Result	The parties were able to reach agreement by consent.				

FEBRUARY 2022					
Date of Hearing	App. No.	Property/Ward	Proposal	Council Decision/Nature of Appeal	VCAT Decision


7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

NIL


8. CLOSE OF MEETING

**CITY OF
DAREBIN**

274 Gower Street, Preston
PO Box 31, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

العربية	italiano	Soomali
繁體中文	Μακεδονικά	Español
Ελληνικά	नेपाली	اردو
हिंदी	ភាសាខ្មែរ	Tiếng Việt