

SURF COAST PLANNING SCHEME

AMENDMENT C139SURF

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to all land within the boundaries of the 26 'charging areas' designated in Map 1 of Schedule 2 to Clause 45.06 – Torquay-Jan Juc Development Contributions Plan Area.

Land and development identified in Map 1 of Schedule 2 to Clause 45.06 as excluded from the Torquay-Jan Juc Development Contributions Plan is exempt from this DCP.

What the amendment does

The amendment proposes to amend the Torquay-Jan Juc Development Contributions Plan (DCP) by updating Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay) and replacing the DCP as an Incorporated Document in the Surf Coast Planning Scheme.

Specifically, the amendment proposes to:

- Amend Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay).
- Amend the Schedule to Clause 72.04 to replace the Incorporated Document titled 'Torquay Jan Juc Development Contributions Plan, 16 May 2011 (Revised July 2017)' with the new Incorporated Document 'Torquay-Jan Juc Development Contributions Plan 2021'.

Strategic assessment of the amendment

Why is the amendment required?

The existing DCP has been in effect since 2013. In 2017, Council commenced a review of the content of the DCP to ensure that the infrastructure funded by the DCP remains relevant to community needs, is accurately costed, and is transparent in the way infrastructure is described and levies calculated.

The review identified several changes to infrastructure items and costs required, and recommended changes to the way levies are calculated and changes to some administrative provisions, necessitating updates to the DCP and resulting levies. The review did not recommend any changes to the way costs are apportioned, meaning that the revised DCP is based on the same cost apportionment principles as the existing DCP.

The amendment is therefore required to update the Torquay-Jan Juc DCP to reflect the changes recommended by the review in the Surf Coast Planning Scheme.

The amendment is supported by the revised DCP and technical descriptions of the necessary scope of work and cost estimates for each infrastructure precinct.

The updated DCP includes 43 infrastructure items with a total value of \$80.3 million across the infrastructure categories of roads and traffic management, community facilities, open space, pathways and other.

The cost of each DCP item is apportioned to existing and new residential, business and industrial development based on the catchment that each item is designed to service, resulting in separate levies for each land use across 26 Charge Areas.

New development will contribute approximately 28 per cent of the cost of the DCP infrastructure items, with the balance to be funded by Council on behalf of the community.

The DCP will apply until the end of 2034.

The amendment is needed to ensure that the infrastructure delivered through the DCP meets changing community needs and reflects changing infrastructure delivery circumstances, and to provide greater transparency to the community, developers and Council regarding the infrastructure to be funded, how levies are calculated and how the DCP will be implemented.

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

The objectives of planning in Victoria are to:

- provide for the fair, orderly, economic and sustainable use, and development of land;
- provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 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;
- facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- facilitate the provision of affordable housing in Victoria;
- balance the present and future interests of all Victorians.

The amendment implements these objectives by supporting the provision of infrastructure which secures a pleasant, efficient and safe working, living and recreational environment for residents and visitors to Surf Coast Shire, and by enabling the orderly provision of public infrastructure for the benefit of the community.

The updated DCP supports the fair, orderly, economic and sustainable use and development of land by providing certainty regarding levies payable, by equitably apportioning infrastructure costs between all beneficiaries, by improving the transparency of the DCP, and by clarifying how the DCP will be implemented by Council.

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

The amendment facilitates an update to the existing DCP and therefore does not introduce any material new effects.

The levies payable are at levels which are similar to the existing levies payable under the existing DCP (as indexed) and will not negatively impact investment or housing affordability.

The changes to the DCP will improve the ability of Council and development proponents to ensure the orderly and timely provision of civil infrastructure commensurate to community and business expectations across residential and employment areas, a practice which contributes to the economic well-being of the municipality and supports the ongoing attractiveness of the Shire as a residential and employment location.

Adjustments to the community and recreation facilities funded by the DCP will support positive social outcomes for a broad cross-section of the Surf Coast community.

Several infrastructure programs included in the original DCP support environmental objectives, such as encouraging active transport. These benefits are retained in the revised DCP

Does the amendment address relevant bushfire risk?

The amendment will not result in any changes to the locations in which land use or development is permitted and therefore will not increase bushfire risk.

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

The amendment is consistent with the Ministerial Direction on the Preparation and Content of Development Contribution Plans made under the *Planning and Environment Act 1987* and the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

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

The amendment ensures that the DCP continues to implement state planning policy objectives regarding infrastructure provision and development contributions.

Clause 11.02-3S seeks to “manage the sequence of development in areas of growth so that services are available from early in the life of new communities”, including by requiring “new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.”

Clause 19.03-1S seeks to “facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans”, including by preparing “development contributions plans and infrastructure contributions plans to manage contributions towards infrastructure.”

Clause 19.03-1S references the Development Contributions Guidelines (2003, amended 2007), a policy document to be considered as relevant. The Guidelines encourage regular review of the content of DCPs so that updates can be made if necessary.

Clause 19.02-4L seeks to “distribute services and facilities among the established and new growth areas in Torquay-Jan Juc to cater for the needs of people in different life stages”.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment directly implements the Municipal Planning Strategy at Clause 02 relating to provision of community and development infrastructure.

Clause 02.03-9 states that Council seeks to “facilitate the provision of development infrastructure in a timely manner” and to “facilitate the timely provision of a range of community and recreation facilities including public open space”.

Clause 02.03-9 states that Council seeks to “Integrate walking and cycling pathways with public transport and public open space” and “facilitate a pedestrian and cycling network that improves connectivity between and within settlements and access to the foreshore”.

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

The amendment makes proper use of the Victorian Planning Provisions by continuing to apply the Development Contributions Plan Overlay to land in Torquay and Jan Juc and updating the content of the DCP and DCP Overlay to ensure its relevance and currency.

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

During preparation of the DCP Review, the following agencies and stakeholders were consulted:

- The Great Ocean Road Coast Committee (now the Great Ocean Road Coast and Parks Authority) (as part of its role as Development Agency for certain infrastructure items)
- The Department of Environment, Land, Water and Planning
- Major developers and landowners in Torquay-Jan Juc

The views of these stakeholders informed the recommendations of the DCP Review and subsequently the amendment where possible.

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

There are no particular requirements of the Transport Integration Act 2010 that are of relevance to the introduction of this amendment.

There are no applicable statement of policy principles of the Transport Integration Act 2010 that are of relevance to the introduction of this amendment.

Resource and administrative costs

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

The amendment is expected to reduce overall resource costs to Council by updating infrastructure cost estimates to accurately reflect expected costs, thereby reducing the likelihood of Council being required to provide additional funding to cover a cost shortfall.

Council has been responsible for the ongoing administration of the existing DCP, including levy collection, accounting, reporting and delivery of infrastructure. The amendment is expected to result in a reduction in Council's administrative and legal costs as a result of the greater transparency in the revised DCP regarding infrastructure projects, levy calculation, indexation and implementation of works in-kind.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast Shire Council website at www.surfcoast.vic.gov.au.

And

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

- Surf Coast Shire Municipal Offices, 1 Merrijig Drive, Torquay

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 800 789 386 to arrange a time to view the amendment and permit documentation.

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 **5:00pm on 15 November 2021**.

A submission must be sent to:

Coordinator Strategic Planning
Surf Coast Shire
PO Box 350
Torquay Vic 3228

or emailed to info@surfcoast.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week of Friday, 11 February 2022
- panel hearing: week of Friday, 11 March 2022