

TOWN PLANNING**1 CARDINIA PLANNING SCHEME AMENDMENT C238
REZONE THE LAND TO ALLOW FOR RESIDENTIAL DEVELOPMENT
AND IMPLEMENT THE GLISMANN ROAD DEVELOPMENT PLAN**

FILE REFERENCE INT189657

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Lorna Lablache

RECOMMENDATION

That:

1. Authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare amendment C238 to the Cardinia Planning Scheme to facilitate the following in the Glismann Road Development Plan area:
 - Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ2)
 - Rezone 11 Mahon Avenue from General Residential Zone (GRZ1) to General Residential Zone (GRZ2)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Insert Planning Scheme Map 12EAO (Environmental Audit Overlay)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include the Glismann Road Development Plan, February 2018 and include the development plan as a reference document
 - Amend Planning Scheme Maps 12, 12ESO and 12DPO
2. The Minister be advised that Council's request for authorisation is subject to the Minister's approval that:
 - an Infrastructure Contributions Plan (ICP) is applicable to the Glismann Road Development Plan area and not a Development Contributions Plan (DCP)
 - an Infrastructure Contribution Plan (ICP) for the Glismann Road Development Plan area will be implemented at a later stage via a separate amendment
 - should the future amendment for the Infrastructure Contribution Plan (ICP) for the Glismann Road Development Plan area impose only a standard levy and be in accordance with the Ministerial Direction that the Minister prepare an amendment under section 20A of the *Planning and Environment Act 1987 (the Act)*.
3. Council adopt the draft Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 1), as the 'plan' to form the basis of the Glismann Road Development document which is to be exhibited alongside Amendment C238 to the Cardinia Planning Scheme.
4. Officer's may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 1) that do not change the intent or direction of the plan.
5. That a Glismann Road Development Plan document be presented to Council prior to the exhibition of the Amendment seeking Council adoption of the document.

Attachments

1 Glismann Road Development Plan (Rev. M dated 29 January 2018) 1 Page

EXECUTIVE SUMMARY

In December 2013 the Beaconsfield Structure Plan was adopted by Council. An action of the structure plan is to rezone land in the 'Glismann Road area' from the Rural Living Zone to a residential zone to allow for residential subdivision through the use of a development plan and infrastructure plan.

The amendment is required to achieve this action and proposes to rezone the land from the Rural Living Zone (RLZ) to the General Residential Zone (GRZ) and apply a Development Plan Overlay (DPO) to the Glismann Road Development Plan area

The Glismann Road Development Plan will be exhibited as part of this amendment. The development plan is a planning tool used to ensure that properties are developed in a cohesive manner. The current title boundaries of the lots do not lend themselves to be developed in isolation of each other.

The amendment will also ensure development proponents within the amendment area will be bound to an Infrastructure Contributions Plan (ICP) via a separate planning scheme amendment.

Council is requested to seek authorisation from the Minister for Planning for Council to prepare Amendment C238 to the Cardinia Planning Scheme to rezone the land to allow for residential development and implement the Glismann Road Development Plan.

BACKGROUND

On 18 July 2016, Council resolved to undertake a number of actions in order to finalise the Glismann Road development plan. Since this time, a large amount of work has been undertaken which has resulted in a revised development plan and a change in direction of key elements of the plan, specifically in relation to public open space, the road network, housing densities and the DCP.

At the Council Briefing on the 25 September 2017 officers recommended that the pending council report to Council be considered 'in camera' due to the sensitive nature of the content that would be discussed. Council supported that a confidential report be presented to the 16 October 2017 Council Meeting regarding the Glismann Road Development Plan (DP) and Development Contributions Plan (DCP) – Preliminary Development Plan (July 2016) versus the Revised Development Plan (August 2017), pursuant to Section 89(2)(h) of the Local Government Act 1989.

Council resolved that to ensure transparency, the resolutions from this closed Council meeting would be made public at the Council meeting scheduled for the 19 February 2018 (this meeting).

Resolution of 16 October 2017 Council Meeting

The resolution of 16 October 2017 Council Meeting is as follows:

That Council:

- l'Hasupport the direction of the revised Glismann Road Development Plan (August 2017) and proceed with this plan in order to prepare for a future planning scheme amendment.
- support the following key elements of this plan which are as follows:

Public open space

- Reduce the amount of land allocated for public open space to 0.3 ha.
- Deliver public open space contributions through the schedule to Clause 52.01 of the Cardinia Planning Scheme which requires an 8% contribution for land allocated for standard and medium density and a 5% contribution for low density developments.

Road network

- Pedestrian and bicycle links from Patrick Place to the development plan area but no vehicular through road access.
- An access street level road is to follow the alignment of the Melbourne Water pipe (west of Glismann Road) and provide connectivity within the development plan area.
- Glismann Road is to be constructed at an access street level road and is to be designed having regard to the constraints of the current road reserve.

Housing density

- Unless the site is constrained by topography or other site conditions, residential densities should be either standard or medium.
- Steep areas to have limited development potential and be developed as low density.
- The development plan is to:
 - include a range of residential concepts with specifically relate to the varying undulating land form.
 - provide a greater level of detail to inform future subdivision for areas of steep and very steep slope in order to protect and retain qualities of this area and reduce visual scarring from earth works associated with cut and fill.

Development Contributions Plan (DCP)

- That the DCP for the Glismann Road Development Plan area include the following:
 - The full cost of the construction of Glismann Road as an access street.
 - The DP's share of the signalised intersection at Glismann Road / Old Princes Highway and Beaconsfield Avenue.
 - The full cost of the embellishment works of the public open space area located within the development plan area.
 - The full cost of the preparation of the Glismann Road Development Plan DCP.
- That Council Officers liaise with Beaconsfield Primary School and the Education Department, to explore the option for additional land to be provided to Beaconsfield Primary School through the amendment process to bring the school site to a comparable scale for all new primary schools and provide another street frontage to the school.
- That Council immediately commence a master plan for the O'Neil Road Reserve so it can be a supporting document when the Glismann Road amendment is exhibited.
- That a report be prepared on the timing of the construction of the O'Neil / Old Princes Hwy intersection for councillor's information.

Letter to the community

In a letter dated 27 October 2017 all owners and occupiers within and abutting the Glismann Road DP area (as well as those who had previously made a submission or responded to a survey in 2015/2016) were advised that a report would be presented to Council on 19 February 2018 (this report). The letter advised that Council would seeking authorisation from the Minister for Planning to place an amendment on exhibition to facilitate the development of the Glismann Road area. The letter also stated that Council proposed to allocate an eight-week community consultation/exhibition period for the future amendment (instead of the standard four-week exhibition period).

Amendment C238 to the Cardinia Planning Scheme

The Amendment applies to the 21 hectares of land in Beaconsfield. The amendment area contains large rural living style lots in Glismann Road. It also includes the 4 lots fronting Old Princes Highway road reserve at the southern end of Glismann Road and an irregular shaped lot which has a narrow frontage to Mahon Avenue. The land is currently held in 21 individual title lots (by 21 landowners).

The Amendment seeks to rezone land from Rural Living (RLZ) to the General Residential Zone (GRZ). The rezoning is supported by a Development Plan Overlay to guide the future development of the land.

More specifically, the amendment will:

What does the amendment do?	What does this achieve?
<p>Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ2)</p> <p>Rezone 11 Mahon Avenue from General Residential Zone (GRZ1) to General Residential Zone (GRZ2)</p>	<ul style="list-style-type: none"> The schedule links the land to the Glismann Road Development Plan, specifically areas that have site constraints where the standard setback, site coverage, etc of 'standard residential' development would not be suffice or the desired outcome.
<p>Remove the amendment from the Environmental Significance Landscape Overlay (ESO1)</p>	<ul style="list-style-type: none"> Areas along either side of the ridgeline close to Glismann Road, as well as some lower lying areas near Old Princes Highway have been identified as the highest visual sensitivity of the amendment area. A visual impact appraisal and landscape assessment has informed the development plan and the content of this amendment to ensure future development within the amendment area retains identified significant landscape qualities.
<p>Insert Planning Scheme Map 12EAO (Environmental Audit Overlay)</p>	<ul style="list-style-type: none"> An assessment on the potential for environmental contamination was completed in 2015. Two (2) properties have a high potential contamination risk from the historic storage of fuels and the use of the land as a poultry farm. An Environment Audit Overlay for these sites form part of this amendment.
<p>Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include the Glismann Road Development Plan, February 2018</p>	<ul style="list-style-type: none"> A development plan ensures best practice planning initiatives and solutions are considered in relation to subdivision layout, service provision and environmental considerations. A development plan also streamlines the future planning permit process by removing notice requirements and third-party review rights from planning permit applications for proposals that conform to the requirements of the development plan.
<p>Amend Planning Scheme Maps 12, 12ESO, 12DPO</p>	<ul style="list-style-type: none"> Updates Cardinia Planning Scheme maps
<p>In General Provisions – Clause</p>	<ul style="list-style-type: none"> Introduces a new map to the Cardinia Planning

61.03, insert a new overlay map 12EAO	Scheme
** Infrastructure Contributions Plan (ICP)	<ul style="list-style-type: none"> The ICP for the Glismann Road Development Plan area will be implemented at a later stage via a separate amendment (this is discussed further detail later in this report).
** Glismann Road Development Plan	<ul style="list-style-type: none"> The development plan will be presented to Council for adoption prior to formal exhibition of the planning scheme amendment Details project items that are be delivered via a future Infrastructure Contributions Plan (ICP) and what items must be provided by the developer. Will be exhibited as part of the amendment and be a reference document in the Cardinia Planning Scheme.

An infrastructure plan for the Glismann Road Development Plan area

Throughout the investigative work of the Glismann Road Development Plan area it was envisaged that a Development Contributions Plan (DPC) would be the mechanism used for the infrastructure plan for the area.

Council engaged Urban Enterprise to prepare a development contributions plan (DCP) for the Glismann Road Development Plan area. At the suggestion of Urban Enterprise, Council sought legal advice to confirm what mechanism Council must apply to collect an infrastructure contribution for land within the Glismann Road development area - would it be a development contributions plan (DCP) or the new system via an infrastructure contributions plan (ICP).

Council has been advised, that based on the assessment of the *Planning and Environment Act 1987* and the Ministerial Direction, Council *must* apply for an infrastructure contributions plan (ICP) and not a development contributions plan (DCP).

What is an Infrastructure Contributions Plan (ICP)?

The Infrastructure Contributions Plans (ICP) system has been designed to ensure :

- a more consistent and transparent approach to the application of infrastructure levies through access to new standard levy rates
- planning authorities, infrastructure providers and the development industry have more certainty about the levies payable and the type of infrastructure they will fund
- a reduced risk of escalating infrastructure charges by specifying the rates of indexation for the levies
- a simpler and faster process for preparing and approving infrastructure contribution plans to impose a levy.

Infrastructure Contributions Plans (ICP) took effect on 27 October 2016 and the system is based on standard levies that are pre-set for particular development settings and land uses, in order to fund the provision of essential infrastructure that will support new or growing communities. The ICP system applies to defined development settings and can only fund specified infrastructure, known as allowable items. The development settings and allowable items are both defined in the Ministerial Direction.

The infrastructure levy may be made up of a standard levy, a supplementary levy or both. The standard levy is a pre-set monetary rate that may be used to fund basic and essential local infrastructure. The supplementary levy is an optional levy that may be applied to fund infrastructure that cannot be adequately funded through a standard levy or that is required to 'unlock' the growth opportunity of an area.

If an ICP only proposes to impose a standard levy, the amendment will be dealt with under section 20A of the Act. A section 20A amendment is prepared by the Minister and is exempt from the notice requirements. A normal amendment process will apply for an ICP where a supplementary levy is proposed.

Glismann Road ICP

It is proposed to only apply a standard levy to the Glismann Road Development Plan, specifically the projects funded through the ICP will be;

- Plan preparation costs - preparing the ICP and the development plan. The Ministerial Direction fixes a cap on the standard levy that may be spent on plan preparation costs, which is up to 1% of the overall standard levy rate.
- The signalised intersection at Glismann Road and Old Princes Highway.
- The land for the local park.

The construction of Glismann Road is to be provided by the developers and will not be funded through the ICP. Glismann Road would not be an 'allowable item' of the standard levy and can only be introduced as a 'supplementary levy'. Introducing a 'supplementary levy' will require a 'normal' amendment process that would be a time consuming and costly exercise.

The Glismann Road Development Plan (exhibited as part of this amendment) will detail the project items that are to be delivered via a future Infrastructure Contributions Plan (ICP) and those that must be provided by the developer. Developers will be bound by an Infrastructure Contributions Plan (ICP) via a separate planning scheme amendment.

It is envisaged that the future amendment will be in accordance with this Ministerial Direction, therefore prepared under section 20A of the *Planning and Environment Act 1987*. The amendment will introduce an ICP for the Glismann Road Development Plan area into the Cardinia Planning Scheme via Infrastructure Contributions Plan Overlay and schedule.

POLICY IMPLICATIONS

The land in the development plan area is currently zoned Rural Living Zone (RLZ), which is an anomaly under the current planning provisions. It is also inconsistent with the surrounding areas (zoned General Residential Zone (GRZ)) and with State planning policy which is focused on reducing urban sprawl by promoting increased urban densities and maximising the use of existing infrastructure, particularly in areas that are close to public transport.

RELEVANCE TO COUNCIL PLAN

The development plan process is consistent with the vision for the Council Plan 2017 (April 2017), which is:

Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the shire.

CONSULTATION/COMMUNICATION

It is anticipated that Planning Scheme Amendment C238 documents will be exhibited to the public from late March 2018 for a period of 8 weeks.

FINANCIAL AND RESOURCE IMPLICATIONS

The development facilitated by this amendment triggers the need for additional infrastructure such as public open space, roads and traffic management within and on the boundary of the development plan area.

The amendment facilitates the Glismann Road Development Plan and the future infrastructure contributions plan (ICP) that provides certainty to developers, affected landowners and Council with regard to:

- the infrastructure that must be provided by the developer
- the infrastructure funded through the ICP
- standards and specifications of the infrastructure within the development plan area
- the timing of delivery.

This information ensures that the cost of this infrastructure is distributed in a fair and reasonable manner.

As Council has requested the planning scheme amendment, Council is liable for all the planning scheme amendment fees. Council resources will also need to be allocated towards the preparation of the amendment documentation, including supporting information and possibly expert witness reports for any future panel hearing if required.

CONCLUSION

The proposed amendment is a response to an action of the council adopted Beaconsfield Structure Plan.

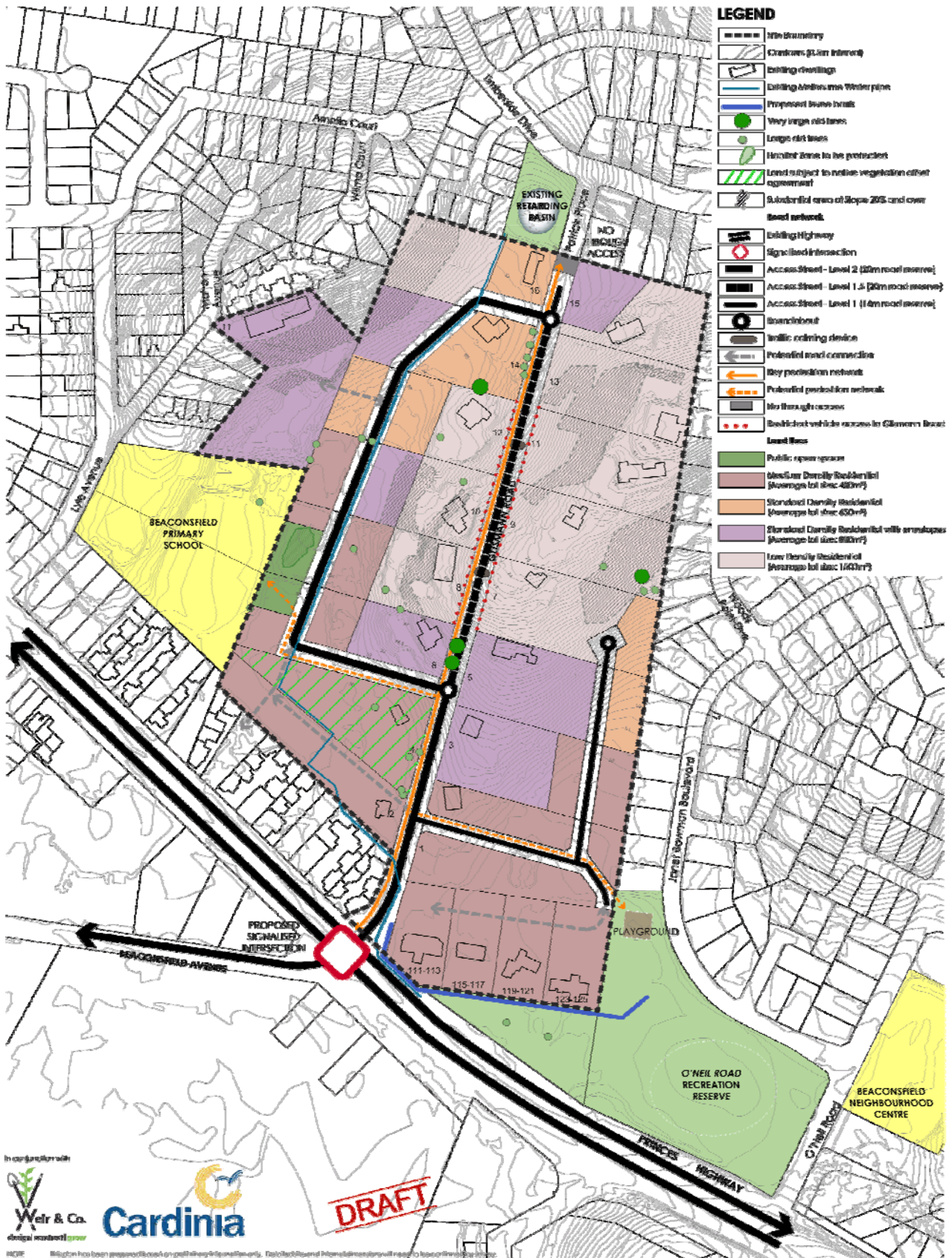
The amendment:

- seeks to rezone land to all residential development
- develop land through the guidance of a development plan (DP) and the funding of infrastructure through an infrastructure contributions plan (ICP)
- provides clear direction and certainty for the fair and orderly provision of the road network, public open space and traffic management
- ensures that all major planning issues are resolved prior to the commencement of subdivision development
- safeguards natural features by carefully integrating them into the development of the land to minimise adverse impact on the amenity of the area
- balances the need for new housing against the environmental constraints and opportunities of the area.

It is recommended Council:

- seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Cardinia Planning Scheme, subject to specific requirements as outlined in the recommendation.
- adopt the draft Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 1), as the 'plan' to form the basis of the Glismann Road Development document which is to be

exhibited alongside Amendment C238 to the Cardinia Planning Scheme. The Glismann Road Development Plan document will be presented to Council prior to the exhibition of the Amendment seeking Council adoption of the document.



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NOTE: This plan has been prepared based on public information only. The Council and its members will need to consider the plan and its implications before making any decisions on the plan. The plan is subject to review and approval of the Council and its members, and is subject to change.



Development Plan
Glismann Road Development Plan
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