

1 AM C238 - GLISMANN ROAD DEVELOPMENT PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN AUTHORISATION REQUEST

FILE REFERENCE INT1960403

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RECOMMENDATION

That:

- Authorisation be sought from the Minister for Planning under Section 9(2) of the Planning and Environment Act 1987 to prepare and exhibit 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 (GRZ1)
 - Remove the amendment area from the Environmental Significance Landscape Overlay (ESO1)
 - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 'Glismann Road Development Plan'
 - Amend the Schedule to Clause 45.06 (Development Contributions Plan Overlay) to include 'Glismann Road Development Contributions Plan'
 - Amend Planning Scheme Maps 12, 12DCPO, 12DPO and 12ESO.
- Council's request to seek authorisation 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to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 15 October 2018 has now been superseded by Council's resolution of the 19 August 2019.
- Officers may make changes to the Glismann Road Development Plan (Rev. M dated 29 January 2018) (Attachment 2) that do not change the intent or direction of the plan.

Attachments

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| 1 Glismann Road Proposed DCP Items August 2019 | 1 Page |
| 2 Glismann Road Development Plan (Rev. M dated 29 January 2018) | 1 Page |

EXECUTIVE SUMMARY

The development of land within the proposed Glismann Road DP area triggers the need for additional infrastructure such as public open space, roads and traffic management both within and on the boundary of the development plan area.

Over the last few years there has been ongoing discussion and debate about what is the most appropriate planning tool that 'could' be used to fund and deliver infrastructure within the Glismann Road Development Plan area. There has been significant change in planning legislation with regards to infrastructure contributions, in particular:

- current legislations with regard to development contribution plans (DCPs) has been amended
- new legislation with regard to infrastructure contribution plans (ICPs) has been introduced
- 'new legislation' with regard to ICPs has been amended.

An analysis of the potential cost of a DCP for the Glismann Road DP area was undertaken and several factors influenced Council's position to not support a DCP, in particular the fragmented ownership, the high cost of non-negotiable infrastructure (that was required at the outset) and the 'potential' future financial risk to Council during the amendment process. As a result of this analysis, Council advised the Minister that it did not support a DCP or an ICP for the Glismann Road DP area. Council's preferred option was to use the Development Plan provisions in the planning scheme to provide guidelines that specify the type of development that is expected for the area and place a requirement with regard to the delivery of key infrastructure.

In March 2019, DELWP advised Council that it did not support Council's preferred option and directed Council to prepare a DCP for the Glismann Road DP area.

It is important to note that since the assessment was made by Council (October 2018) to not support a DCP (or an ICP) for the Glismann Road area there has been a significant event that impacts on the proposed development of this area. Specifically, funding has been 'secured' for the signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue. As a result of this funding, this infrastructure item no longer needs to form part of the Glismann Road DCP and significantly reduces Council's financial risk/liability and the significant upfront costs for developers.

This report addresses the investigations/assessment and significant milestones that have taken place since a report was presented to Council on the 15 October 2018 seeking authorisation from the Minister for Planning to prepare an amendment to facilitate the development of the Glismann Road area (Amendment C238 to the Cardinia Planning Scheme).

BACKGROUND

Glismann Road is an unsealed road and any future development within the Glismann Road area not only triggers the need for road construction and traffic management but also additional infrastructure such as public open space and shared paths both within and on the boundary of the development plan area.

There are several complex planning issues that have placed a significant delay on the Glismann Road project. Specifically, over the last few years there has been:

- a great deal of discussion about the type and extent of infrastructure required within the Glismann Road DP area
- significant change in planning legislation with regards to infrastructure contributions, in both development contribution plans (DCPs) and infrastructure contribution plans (ICPs)
- an assessment of what 'planning tool' should be and/or could be used to facilitate the provision of the infrastructure for the Glismann Road DP area. The 'planning tool' ultimately influences what infrastructure can or can't be funded through a particular infrastructure contribution.

As a result of the changes in legislation (and anomalies in the revised wording of the legislation), Council has:

- sought legal advice on two occasions in relation to what planning tool should be used for the Glismann Road DP area
- undertaken a substantial amount of work to determine the cost of infrastructure items (which included alternative development/design scenarios to determine the most cost effective option) and financial risk to Council in relation to the use of a Development Contribution Plans (DCP), Infrastructure Contribution Plans (ICP) and Section 173 Agreements.

Table 1: Provides a summary of key decisions for the Glismann Road Development Plan area with regards to the planning tool used to collect infrastructure contributions.

Table 1: Summary of Key Decisions for the Glismann Road DP area

Milestone	Council resolution/correspondence re DCP or ICP
<p>16 October 2017 Council Meeting (In Camera) Purpose of report:</p> <ul style="list-style-type: none"> • Present 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. 	<p>Council resolved: That the DCP for the Glismann Road Development Plan (GRDP) area include the following:</p> <ul style="list-style-type: none"> • The full cost of the construction of Glismann Road as an access street. • The GRDP'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.
<p>19 February 2018 Council Meeting Purpose of report:</p> <ul style="list-style-type: none"> • Make public the resolutions from the closed Council meeting (16 Oct 17), to ensure transparency. • Seek authorisation from the Minister for Planning for Council to prepare Am C238 to rezone the land to allow for residential development and implement the Glismann Road Development Plan. • Council was 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). • The amendment area will be bound to an Infrastructure Contributions Plan (ICP) via a separate planning scheme amendment 	<p>Council resolved: The Minister be advised that Council's request for authorisation is subject to the Minister's approval that:</p> <ul style="list-style-type: none"> • 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).
<p>29 March 2018 Council letter to Minister</p>	<p>Authorisation request and proposed amendment documentation submitted to Minister for Planning.</p>

Milestone	Council resolution/correspondence re DCP or ICP
12 April 2018 Letter from Minister to Council	DELWP advised Council that C238 required further review and that a decision on the authorisation application would be made as soon as possible following further review.
16 April 2018 Council letter to landowners	Landowners and occupiers within and surrounding the Glismann Road area were advised of DELWPs correspondence.
6 June 2018 Letter from Minister to Council	DELWP advised that: <ul style="list-style-type: none"> • the Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans was to be amended on the 2 July 2018. As a result of these changes, an ICP will not be able to be prepared for the land affected by this amendment (C238) • it was recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).
9 July 2018 Council sought further legal advice	Council sought further legal advice with regard to the new Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and the Ministerial Reporting Requirements for Infrastructure Contributions Plans issued by the Minister for Planning on 2 July 2018.
15 October 2018 Council Meeting Purpose of report: <ul style="list-style-type: none"> • Addresses the further investigations /assessment that have taken place since a report was presented to Council on the 19 February 2018. • An assessment of what is the best mechanism to fund future infrastructure within the Glismann Road DP area. 	Council resolved: <p>That the Minister be advised that Council's request for authorisation is subject to the Minister's approval that:</p> <ul style="list-style-type: none"> • Council's request to seek authorisation 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 as resolved by Council on the 19 February 2018 has now been superseded by Council's resolution of the 15 October 2018 • an Infrastructure Contributions Plan (ICP) or a Development Contributions Plan (DCP) is not proposed for the Glismann Road Development Plan area • the proposed Development Plan Overlay (DPO) will ensure that any development must demonstrate how services and infrastructure will be delivered as part of the site development.
30 October 2018 Council letter to Minister	Authorisation request and revised amendment documentation submitted to Minister for Planning.
1 November 2018 Council letter to landowners	Landowners and occupiers within and surrounding the Glismann Road area were advised:

Milestone	Council resolution/correspondence re DCP or ICP
	<ul style="list-style-type: none"> of Council's updated position (outcome of 15 October 2018) that Council submitted the revised documentation to DELWP DELWP has advised Council that the Minister for Planning will not be able to make a decision about the Glismann Road amendment during the 'caretaker period'
February 2019 Media release - \$121 million to bust congestion in East and South-East Melbourne	\$17.8 million for eight intersection upgrades along the Princes Highway at Beaconsfield Avenue; O'Neil Road; Brunt Road; Bayview Road; Tivendale Road; McMullen Road; Arena Parade; and Thewlis Road.
14 March 2019 Letter from Minister to Council	<p>DELWP advised that it has revised the request and considers that there are still outstanding issues that need to be addressed before the authorisation request can be considered further:</p> <ul style="list-style-type: none"> It is not clear how the infrastructure items are to be funded and how it will be proportioned to each landowner A DCP is the most suitable funding arrangement to ensure a coordinated delivery of infrastructure, transparency between council and landowners and to ensure the proper and orderly planning for the area.
16 April 2019 Council letter to landowners	<p>Landowners and occupiers within and surrounding the Glismann Road area were advised:</p> <ul style="list-style-type: none"> of DELWPs correspondence (DELWP letter attached) that further correspondence will be sent with regards to the Council Meeting date that will address the matters raised by DELWP and the anticipated next steps for Amendment C238.

Glismann Road DCP

Glismann Road is an unsealed road and any future development within the Glismann Road DP area not only triggers the need for road construction and traffic management but also additional infrastructure such as public open space and shared paths both within and on the boundary of the development plan area.

The intersection of Old Princes Highway / Glismann Road / Beaconsfield Avenue currently operates unsatisfactorily (i.e. above theoretical capacity) and this intersection must be signalised prior to any further development.

February 2019 - Media release - \$121 million to bust congestion in East and South-East Melbourne

\$17.8 million has been allocated for eight intersection upgrades along the Princes Highway at Beaconsfield Avenue; O'Neil Road; Brunt Road; Bayview Road; Tivendale Road; McMullen Road; Arena Parade; and Thewlis Road.

Council officers are currently working with representatives from the Federal Government's infrastructure group around the funding requirements for the Princes Highway intersections (including the programming and delivery of these projects). At this stage there has been no further development on the prioritisation for delivery nor the exact timelines.

Original elements of a DCP for Glismann Road (October 2018)

Figure 1 provides the costing assessment that was provided in the Council report (15 October 2018) (Table 1: Infrastructure items that could be funded through a DCP). The table clearly identifies that the cost of the signalised intersection is not only the most expensive item in the DCP list and significantly higher than all the other items listed.

Figure 1: Extract from Council Report 15 October 2018

Table 1. Infrastructure items that could be funded through a DCP

Development Infrastructure Items (DIL)	Estimated Cost
• Glismann Road - Construction of the section of the from Old Princes Highway to the first roundabout	\$1,492,262
• Signalised intersection - Glismann Road/Old Princes Highway/Beaconsfield Avenue (was \$2,273,500 but now increased based on more recent costings for Princes Highway intersections)	\$3,260,243
• Roundabout - 1st roundabout located on Glismann Road and the proposed west loop road	\$25,000
• Shared path - from Glismann Road to O'Neil Road Recreations Reserve (230m @ \$200 l/m)	\$46,000
• Local park & embellishment	\$1,400,000
• Cost of preparation of the Glismann Road DCP	\$70,000
• O'Neil Road Recreation Reserve Masterplan - 10% all facilities (excluding pavilion which would form part of a Community Infrastructure Levy (CIL))	\$192,500
<i>Estimated amount of Development Infrastructure Items that could possibly be funded by the DCP for Glismann Road</i>	<i>\$6,486,005</i>
Community Infrastructure Items (CIL)	Estimated Cost
• O'Neil Road Recreation Reserve Masterplan -10% of cost of pavilion	\$ 276,000

Elements of a DCP for Glismann Road (August 2019)

Items within a DCP must be justified and comply with principles such as equity, strategic justification and projected share of use. The proposed list of items to be included in the DCP for the Glismann Road area is as follows:

- Glismann Road from Old Princes Highway to the first roundabout - construction within existing road reservation
- First roundabout on Glismann Road - construction and purchase of land (splays) on the eastern side of Glismann Road
- Part of west loop road southern end (from Glismann Road first roundabout to the west loop road along the easement) - construction and purchase of land
- Part of west loop road northern end (from Glismann Road second roundabout to the west loop road along the easement) - construction and purchase of land
- Local park - embellishment and purchase of land
- Shared path (from Glismann Road to O'Neil Road Recreations Reserve) - construction
- Cost of preparation of the Glismann Road DCP
- A financial contribution (percentage) to O'Neil Road Recreation Reserve

The location of these items are provided in Attachment A. The cost and specifications of the listed items will form part of the planning scheme amendment and will be made available during the exhibition period for public comment. All elements of a DCP, such cost, specifications, assessment of equity, strategic justification and/or projected share may be challenged through the planning scheme amendment process.

POLICY IMPLICATIONS

The land in the Glismann Road DP 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.

In addition to this, the Beaconsfield Structure Plan (2013) identifies that the Glismann Road area is to be rezoned for residential use with a Development Plan (master plan) and infrastructure plan.

Proceeding this this amendment ensures that:

- the Glismann Road DP area is suitable for urban development
- in the interim, the land is not used or developed in a manner which could prejudice its future urban purposes.

RELEVANCE TO COUNCIL PLAN

Preparation of the Glismann Road Development Plan was a specific action of the Council Plan for 2014-15.

The Glismann Road DP process is consistent with the Council Plan 2018-19:

3.5.2 Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

CONSULTATION/COMMUNICATION

A letter was sent out to all affected landowners on the 16 April 2019 advising that:

- a response has been received from DELWP (in response to Council's documentation submitted 30 Oct 2018)
- DELWP has advised that outstanding issues need to be addressed before the authorisation request can be further considered
- Council is reviewing the matters raised in DELWP's letter
- further correspondence will be sent to them with regards to the Council Meeting date that will address the matters raised by DELWP and the anticipated next steps for Amendment C238.

A letter was sent out to the affected residents on the 31 July 2019 advising them of this Council Meeting agenda item.

It is anticipated that once authorisation has been received from the Minister to prepare this amendment, the Amendment C238 documents will be exhibited to the public for a period of 8 weeks.

FINANCIAL AND RESOURCE IMPLICATIONS

Extensive internal and external council resources have been allocated to this project.

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

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

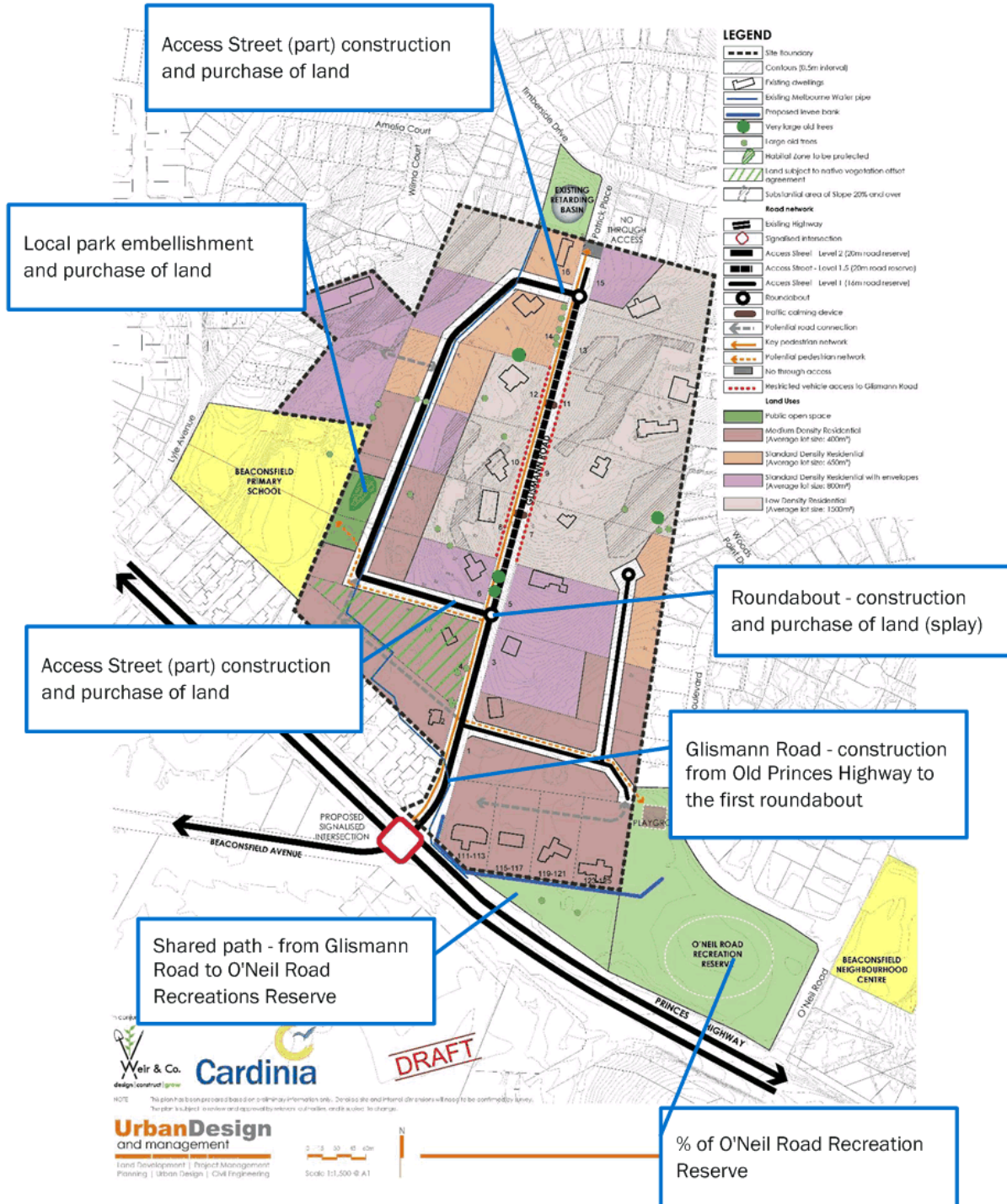
Over the last few years there has been ongoing discussion about what planning tool should be used to fund the provision of infrastructure within the Glismann Road DP area.

DELWP supports the use of a DCP for the Glismann Road area. Now that funding has been 'secured' for the signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue Council's financial risk/liability with a DCP for Glismann Road has been significantly reduced.

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.

General Council meeting -19 August 2019

Attachment 1 - Glismann Road proposed DCP items August 2019

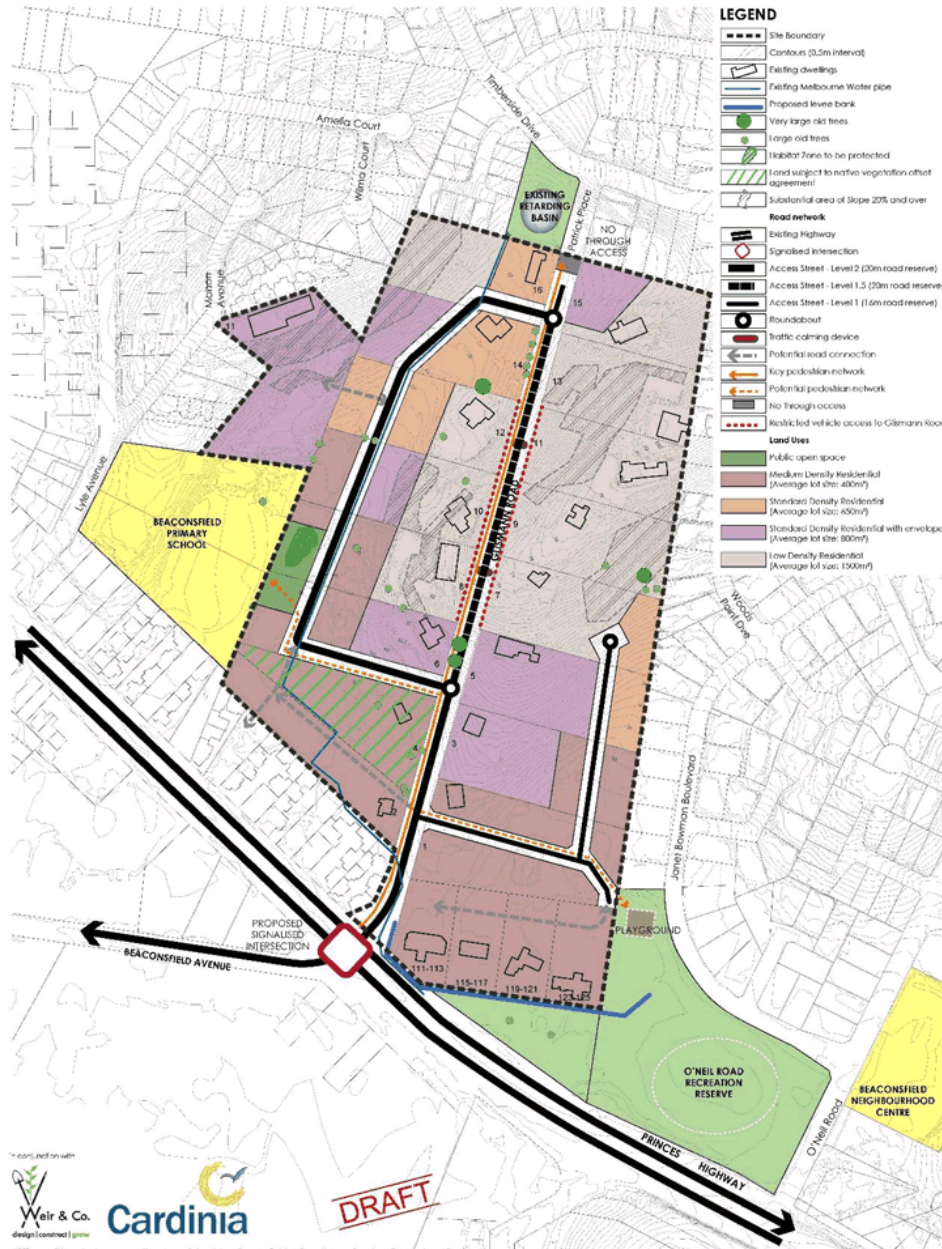




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General Council meeting -19 August 2019

Attachment 2 - Glismann Road Development Plan (Rev. M dated 29 January 2018) (adopted by Council 19 February 2018)



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 and management
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Scale 1:1,500 @ A1

Development Plan
Glismann Road Development Plan
 Plan No: 1427 LP Rev. M Date 29 January 2018 Drawn M254
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