

## WHITEHORSE PLANNING SCHEME

### AMENDMENT C241WHSE

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by Whitehorse City Council which is the planning authority for this Amendment.

The amendment has been made at the request of Whitehorse City Council.

#### Land affected by the amendment

The amendment applies to all land within Whitehorse City Council and affects new residential, retail, commercial and industrial development within the municipality.

Certain types of development are exempt from the requirement to make contributions. Social housing and land developed for a non-government school (as specified in the Ministerial Direction on the Preparation and Content of Development Contributions Plans) is exempt. Whitehorse City Council delivered infrastructure, a dependent person's unit and where a dwelling had been demolished and the land is vacant (for no longer than two years) are also exempt.

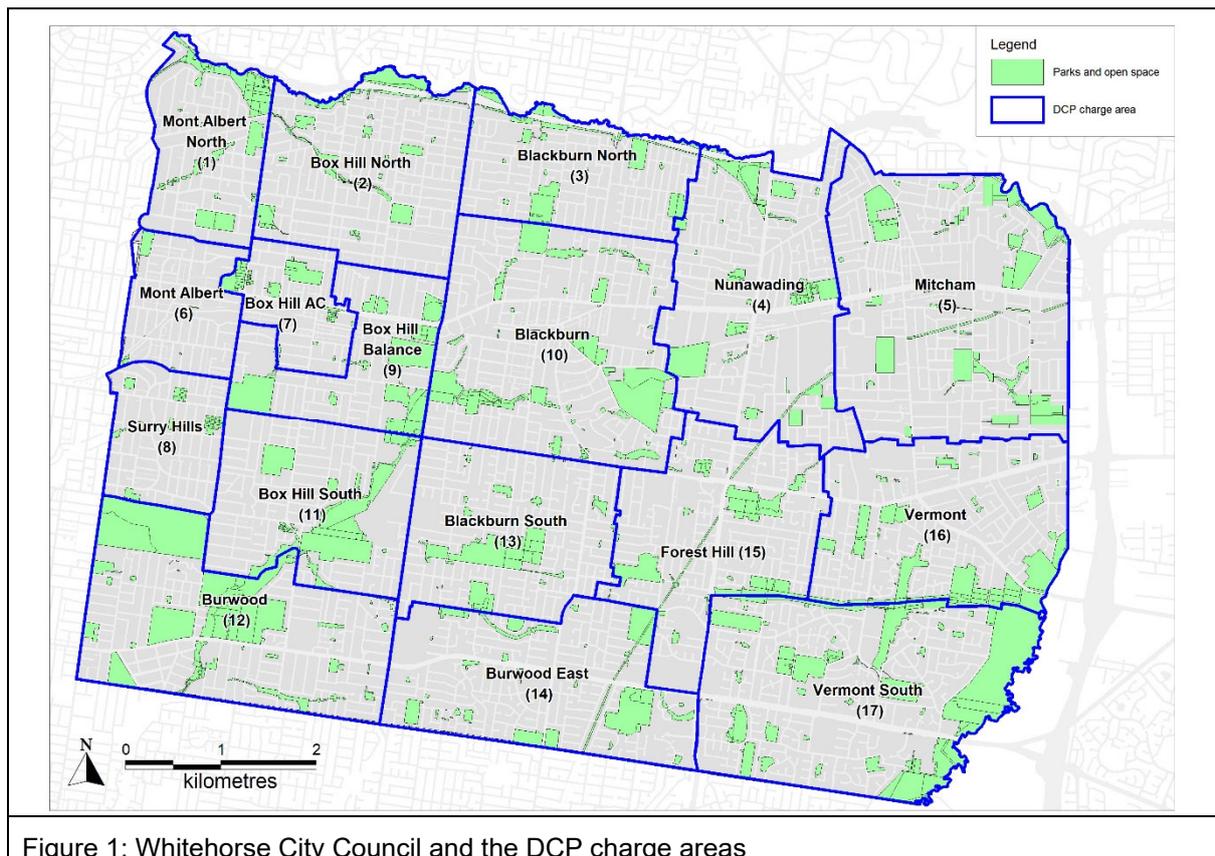


Figure 1: Whitehorse City Council and the DCP charge areas

#### What the amendment does

The amendment implements the *Whitehorse Development Contributions Plan* (Whitehorse City Council, 2022) (DCP) by applying Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (DCPO1) to all land within the municipality.

Specifically, the proposed amendment seeks to:

- Introduce new planning scheme maps 1DCPO1, 2DCPO1, 3DCPO1, 4DCPO1, 5DCPO1 and 6DCPO1.
- Make minor policy changes to Clauses 21.07 (Economic Development) and 21.08 (Infrastructure) to reference the *Whitehorse Development Contributions Plan* (Whitehorse City Council, 2022).
- Include the Whitehorse DCP as a Reference Document in Clauses 21.07 (Economic Development) and 21.08 (Infrastructure)
- Introduce new Clause 45.06 Development Contributions Plan Overlay and new Schedule 1 to Clause 45.06.
- Amend Schedule to Clause 72.03 What Does This Planning Scheme Consist of? to include new Planning Scheme Maps 1DCPO1, 2DCPO1, 3DCPO1, 4DCPO1, 5DCPO1 and 6DCPO1.
- Amend Schedule to Clause 72.04 Incorporated Documents to incorporate the *Whitehorse Development Contributions Plan* (Whitehorse City Council, 2022).

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment implements a municipal-wide DCP to apply a development infrastructure levy and a community infrastructure levy. The levies will fund a range of social and physical infrastructure throughout the municipality, including capital infrastructure projects such as roads, footpath, streetscape works as well as community infrastructure projects (for example, a community centre).

The infrastructure is required to cater for the growing population of the municipality and the consequential increased demand on infrastructure.

Whitehorse City Council population is projected to grow by 22 per cent from approximately 183,100 in 2021 to 223,300 in 2041. However, a recent decline in population numbers is attributed to the impacts of COVID-19 on inter-state and international migrations across the nation. Population growth in Whitehorse will continue to recover as the borders have opened.

Based on the Forecast ID data, the number of dwelling in Whitehorse City Council is expected to increase from approximately 71,200 in 2020 to 90,500 by 2041. For the purpose of preparing the DCP, HillPDA Consulting extended this data using the linear trend method for the DCP period. A significant share of the residential growth is expected in the Box Hill Metropolitan Activity Centre, Burwood East, Blackburn, Mitcham and the key residential growth corridors - within the Residential Growth Zone (RGZ) areas - along Burwood Highway and Whitehorse Road. Similarly, retail, commercial and industrial developments are predicted to increase predominantly within activity centres to meet the needs of the growing community.

The predicted increase in population growth, dwelling stock and retail, commercial and industrial development is expected to precipitate demand for additional community and development infrastructure and put pressure on the existing infrastructure for upgrades, expansion or even replacement to meet the growing demand.

The DCP will provide certainty for Council, developers and the broader community about how and to what extent new residential, retail, commercial and industrial developments will be levied to ensure the necessary infrastructure is delivered in a timely manner. The DCP will further reduce the uncertainty and resource intensity associated with the current case-by-case voluntary agreements for contributions between Council and proponents.

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

The amendment seeks to implement the following objectives set out at Section 4 of the *Planning and Environment Act 1987*, to:

- a) *Provide for the fair, orderly, economic and sustainable use and development of land;*
- b) *Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- c) *Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;*
- d) *Balance the present and future interests of all Victorians.*

The amendment seeks to implement these objectives by:

- Providing a structured, fair and equitable method to collect contributions for the provision of essential social and physical infrastructure;
- Providing certainty as to required development contributions; and
- Aiding the provision of necessary social and physical infrastructure throughout the municipality.

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

This amendment will ensure the equitable collection and distribution of development contributions throughout the municipality and provide for a significant financial contribution to community infrastructure required to service the local residential population.

The amendment will provide net community economic benefit by supporting Council to deliver the development and community infrastructure items included in the DCP. It will also ensure that new development contributes to both development and community infrastructure which will subsidise the cost of infrastructure provision to Council.

The amendment is also expected to result in positive environmental outcomes as it will fund improvements to Whitehorse City Council environment, public realm and drainage infrastructure.

### **Does the amendment address relevant bushfire risk?**

This 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 the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* and complies with the requirements of the Ministerial Direction on the Preparation and Content of Development Contributions Plans 2016 made under the *Planning and Environment Act 1987*.

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

#### *Clause 19.03-1S – Development and infrastructure contributions plan*

This clause includes the objective: *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*

This amendment gives effect to this objective through the preparation and implementation of a development contributions plan across the municipality of Whitehorse. This will require the collection of development contributions on the basis of approved development and the development contributions plan. The DCP will replace the current ad hoc approach of negotiations on a permit-by-permit basis. Future developments that are not exempted from DCP will have consistent application of the DCP charges through enforceable permit conditions. This will provide certainty for developers, landowners and the community of contributions to be made by new developments and will save officer time negotiating with development proponents.

## **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

Amendment C241whse is consistent with the following Clauses contained in Local Planning Policy Framework of the Whitehorse Planning Scheme:

Clause 21.07-6 Economic Development - Further Strategic Work:

*Investigate appropriate tools and locations for requiring Development Contributions across the municipality.*

Clause 21.08 Infrastructure - 21.08-2 Key Issues emphasises that:

*Council needs to further investigate the opportunities to introduce Development Contributions to ensure that appropriate facilities are provided where new development is occurring within the City.*

21.08-6 Further Strategic Work:

*Investigate appropriate tools and locations for requiring Development Contributions across the municipality.*

This amendment is a direct response in implementing the above requirements in the Local Planning Policy Framework of the Whitehorse Planning Scheme. The amendment makes minor policy changes to these two clauses to reference the *Whitehorse Development Contributions Plan* (Whitehorse City Council, 2022) and include the DCP as a reference document in both Clauses 21.07 Economic Development and 21.08 Infrastructure.

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

The amendment makes proper use of the Victoria Planning Provisions by applying the Development Contributions Plan Overlay to all land and introducing a Development Contribution Plan to equitably collect funding for community and development infrastructure throughout the municipality.

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

The views of relevant agencies will be sought during the formal exhibition process of Amendment C241whse.

## **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 the amendment.

## **Resource and administrative costs**

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

The introduction of the DCP will require Council to set up a new accounting and auditing system to monitor the income and expenditure from the DCP. However, the DCP will also generate revenue for Council to assist in delivering essential community and development infrastructure. The amendment will represent a cost saving to Council in so far as it is presently required to negotiate on a case by case basis for contributions to infrastructure. This ad hoc and negotiated approach provides no certainty in appropriating developer contributions. The amendment eliminates this uncertainty and provides clarity for landowners, developers, community and Council.

## **Where you may inspect this amendment**

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

- at the office of the Planning Authority, Whitehorse City Council, Planning Counter, 379-399 Whitehorse Road, Nunawading

- at the Whitehorse City Council Service Centres at Box Hill Town Hall (1022 Whitehorse Road, Box Hill) and Forest Hill Chase Shopping Centre (Level 2, Shop 275, 270 Canterbury Road, Forest Hill)
- at libraries in Whitehorse City Council at Nunawading, Vermont South, Blackburn and Box Hill
- at the Whitehorse City Council website at <https://www.whitehorse.vic.gov.au/amendment-c241>, and

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](http://www.planning.vic.gov.au/public-inspection)

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the proposed amendment must be received by **Monday 12 December 2022**.

A submission must be sent via one of the options below:

Online: <https://yoursay.whitehorse.vic.gov.au/amendment-c241>

Mail: Strategic Planning Unit - Amendment C241whse  
Whitehorse City Council  
Locked Bag 2  
Nunawading VIC 3131

Email: [customer.service@whitehorse.vic.gov.au](mailto:customer.service@whitehorse.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 beginning of 6 February 2023
- Panel Hearing – week beginning of 6 March 2023

Anyone who has made a submission that has been referred to a Panel has an opportunity to be heard.

All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.