

# **1 AMENDMENT C238 - GLISMANN ROAD PLANNING SCHEME AMENDMENT - REZONING, OVERLAY CONTROLS, GLISMANN ROAD DEVELOPMENT PLAN (DP) AND MECHANISM TO DELIVER INFRASTRUCTURE INTO THE DEVELOPMENT PLAN AREA**

FILE REFERENCE INT1870374

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Lorna Lablache

## **RECOMMENDATION**

- That 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)
  - Amend the Schedule to Clause 43.04 (Development Plan Overlay) to include schedule 19 (DPO19) 'Glismann Road Development Plan'
  - Amend Planning Scheme Maps 12, 12ESO and 12DPO.
- That the Minister be advised that Council's request for authorisation is subject to the Minister's approval that:
  - 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to prepare amendment C238 to the Cardinia Planning Scheme as resolved by Council on the 19 February 2018 has now been superseded by Council's resolution of the 15 October 2018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.
- Officers 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.

## **Attachments**

1	Cardinia Planning Scheme Amendment C238	1 Page
2	Council Meeting Minutes 19 February 2018	1 Page
3	Comparison table of Council Resolution of 19 February 2018 versus Council Recommendation for 15 October 2018	2 Pages

## **EXECUTIVE SUMMARY**

The Glismann Road Development Plan project (Glismann Road DP) has a very long planning history spanning over 11 years.

This report addresses the further investigations/assessment that have taken place since a report was presented to Council on the 19 February 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).

When the initial assessment was carried out for the Glismann Road DP area (pre February 2018 Council resolution) an ICP was considered to place Council in a better financial position than a DCP and was consistent with legal advice received on the applicable approach as per the Ministerial guidelines. This position was reflected in Council's resolution of the 19 February 2018, whereby the Minister was advised that its request to seek authorisation to prepare an amendment was subject to an ICP and not a DCP.

The Department of Environment, Land, Water and Planning (DELWP) advised Council that C238 required further review, in particular with regards to the following:

- matters to be addressed with regards to the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay
- the *Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans* will be amended on the 2 July 2018
- an ICP will not be able to be prepared for the land affected by this amendment (C238)
- it is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

Council has 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, which has determined that:

- the changes made via the 2 July 2018 amendment (to the *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* and the *Ministerial Reporting Requirements for Infrastructure Contributions Plans*), does not prevent Council from applying to prepare an ICP for the Glismann Road area
- an ICP for Glismann Road would be complex and difficult to prepare due to the absence of a PSP (Glismann Road is a DP) and the 'land' component of an ICP (which was amended by the Minister for Planning on 2 July 2018).

Now that Council is not in a position to apply an ICP to the Glismann Road DP area, an assessment needs to be made on what is the best mechanism to fund future infrastructure within the Glismann Road DP area.

Pursing a Development Contributions Plan (DCP) for the Glismann Road DP area at this point in time is not supported for the following reasons:

- Elements of a DCP (need, nexus, equity, accountability and costs) are subject to examination during the planning scheme panel process.
  - The panel process for a DCP is a time intensive and costly exercise, both in terms of officer input and external support. It is not considered to be a cost effective use of council resources at this point in time.
  - The panel process exposes Council to a future financial risk/liability
  - There is no guarantee that all sites within the Glismann Road DP area will develop, resulting in the DCP failing to collect its full potential, which is an additional financial risk/liability to Council.
- It is not considered that a DCP for the Glismann Road DP area is cost effective for developers at this point in time. The upfront costs are extremely high and the potential for reimbursement with DCP funds in the short or medium term is unlikely.
- Future development applications for other sites impacting on the Glismann Road / Old Princes Highway / Beaconsfield Avenue intersection may be required to deliver (i.e. trigger) this

intersection. If the signalised intersection is delivered through another source, the development of the Glismann Road DP area may become more financially viable.

- A future ICP is proposed to be delivered by the Minister for strategic development areas. Whilst there is no commitment from the government with regards to the timing of this ICP, this may be an option for the Glismann Road DP area in the future.

It is possible to proceed with the Glismann Road DP amendment without a DCP or an ICP. The proposed amendment will still deliver the same outcome.

An alternative planning statutory mechanisms can be put in place as part of this amendment to effectively and efficiently deliver infrastructure to the Glismann Road DP area.

As part of this amendment (C238) it is proposed to introduce a Development Plan Overlay (DPO) for the Glismann Road area. The DPO for this amendment will have a schedule detailing specific requirements to be met prior to development of Glismann Road area.

The DPO will also include requirements with regard to infrastructure delivery and staging, in particular the requirement to demonstrate how services and key infrastructure will be delivered as part of the site development. The use of the DPO will not only reduce the future financial liability to Council, but it will also 'future proof' the Glismann Road DP area by allowing developers / landowners to coordinate the delivery of infrastructure as development of this area becomes viable.

Other elements raised by DELWP (with regards to the documentation of the proposed amendment), for the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay can be addressed at officer level and does not change the intent of the original council resolution in February 2018.

The revised elements of amendment proposed in this report still propose to rezone land to allow residential development. Through the provisions of a detailed development plan overlay (DPO), development within the Glismann Road Development Plan area will develop through the guidance of a future development plan that will:

- be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1
- consist of written text, plans and drawings
- provide clear direction and certainty for the fair and orderly provision of the road network, public open space and traffic management
- ensure that all major planning issues are resolved prior to the commencement of subdivision development
- safeguard natural features by carefully integrating them into the development of the land to minimise adverse impact on the amenity of the area
- balance the need for new housing against the environmental constraints and opportunities of the area
- ensure that the proposed use, development and/or subdivision is viewed in a holistic manner rather than a series of smaller planning approvals.

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.

## BACKGROUND

The Glismann Road Development Plan project (Glismann Road DP) has a very long planning history spanning over 11 years.

### **Development Contributions Plan (DCP) versus Infrastructure Contributions Plan (ICP)**

Throughout the investigative work of the Glismann Road DP area it was envisaged that a Development Contributions Plan (DCP) would be the mechanism used for the collection of funds to deliver infrastructure plan for the area. However, the Infrastructure Contributions Plan (ICP) system took effect on 27 October 2016. The ICP system is based on standard levies that are preset for particular development settings and land uses.

Three development settings are proposed for ICPs:

- metropolitan greenfield growth areas
- regional greenfield growth areas, and
- strategic development areas.

The development settings are defined in the Ministerial Direction. The ICP system currently operates only in metropolitan greenfield growth areas.

Council sought legal advice to confirm what mechanism Council must apply to collect an infrastructure contribution for land within the Glismann Road development area (a development contributions plan (DCP) or the new system via an infrastructure contributions plan (ICP)).

In January 2018 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).

### **Council report 19 February 2018 - seeking authorisation from the Minister to prepare an amendment**

A report was presented to Council on the 19 February 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 (C238)). Council minutes for the 19 February 2018 meeting is provided as Attachment 2.

In summary, Council resolved that Amendment C238 to the Cardinia Planning Scheme proposes to:

- rezone the land from the Rural Living Zone (RLZ) (and General Residential (GRZ1)) to the General Residential 2 Zone (GRZ2)
- apply a Development Plan Overlay (DPO) to the area
- remove the Environmental Significance Landscape Overlay Schedule 1 (ES01)
- introduce an Environment Audit Overlay (EAO) on a property that has identified as having a high potential contamination risk

Specifically with regard to the ICP, Council resolved that 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).

### **Amendment C238 lodged with the Minister for Planning**

The authorisation request and proposed amendment documentation was submitted to the Minister for Planning on the 29 March 2018.

In a letter dated, 12 April 2018 the Department of Environment, Land, Water and Planning (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.

In a letter dated 16 April 2018, landowners and occupiers within and surrounding the Glismann Road area were advised that:

- the authorisation request and proposed amendment documentation had been submitted to the Minister for Planning.
- Council can only prepare an amendment if authorised to do so by the Minister for Planning.
- The Department of Environment, Land, Water and Planning (DELWP) had advised Council that proposed Amendment C238 requires further review and that a decision on the authorisation application will be made as soon as possible following further review.
- A copy of the DELWP letter was attached.

In a further letter to Council dated 6 June 2018, DELWP advised that:

- some matters needed to be addressed with regards to the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay
- the *Ministerial Direction on the Preparation and Content of the Infrastructure Contributions Plans* will 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 is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

#### **Changes to the Ministerial Direction on the Preparation and Content of the ICPs**

On 2 July 2018, the *Planning and Environment Amendment (Public Land Contributions) Act 2018* came into effect, introducing:

- a land contribution model for the ICP system that replaces the monetary component of the standard levy for public land.
- changes to the community infrastructure levy (CIL) and increases the maximum amount of the CIL that may be imposed under a Development Contribution Plan (DCP) for the construction of a dwelling from \$900 to \$1150 an amended annual indexation method.

On the 9 July 2018, 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.

Council has been advised that:

- As a matter of law and fact, there is no reason why an ICP cannot be prepared for the Glismann Road area.
- Given the small size of the Glismann Road area and the lack of a precinct structure plan for the area, **it would be complex and difficult to prepare an ICP**, in particular with regard to the 'land' component.
- Council will need to seek a Ministerial exemption to apply for a Development Contributions Plan (DCP) for the Glismann Road area (i.e. to depart from clause 3 of the Ministerial Direction on the Preparation and Content of Development Contributions Plans).

#### **Glismann Road DP constraints**

The Glismann Road DP (as adopted by Council in February 2018) is provided as Attachment 1.

There are important elements of the Glismann Road DP that must be considered when assessing the future funding mechanism:



- The DP has small lots with fragmented landownership - there are 21 individual lots/landowners, with lots ranging from 0.41 ha to 1.47 ha, with an average lot size of 0.94 ha.
- 7 lots contain a cluster of slope greater than 20% and is considered to be encumbered land - 2.09 ha of land falls within this category.
- The net developable area (NDA) of the Glismann Road DP is 17.28 ha.
- A varied density is proposed (which is based on the slope of the land) and around 250 lots will ultimately be provided in the DP area.
- Old Princes Highway / Glismann Road / Beaconsfield Avenue intersection currently operates unsatisfactorily (i.e. above theoretical capacity) - the intersection must be signalised prior to any further development.
- Glismann Road is currently a gravel road with an approximate width of 6.0m with open drains on both sides - the road must be sealed prior to any further development.
- An area of 0.3ha has been designated for public open space within the DP area to cater to immediate local needs.

#### What if a DCP was proposed for Glismann Road DP area?

The following items that could be funded through a DCP is listed in Table 1.

**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>	<b>\$6,486,005</b>
Community Infrastructure Items (CIL)	Estimated Cost
• O'Neil Road Recreation Reserve Masterplan -10% of cost of pavilion	\$ 276,000

It is envisaged that the Net Developable Area (NDA) for the Glismann Road DP area will be 17.28 ha. Based on list of items in Table 1 the DCP rate collected for the Glismann Road area could be around \$375,347 per ha (based on the assumption that 100% of the signalised intersection would be funded by the DP area). However, the rate per ha would reduce if the percentage allocation of the traffic signals for the Glismann Road area was to vary.

This estimate figure of a DCP for the Glismann Road area is in line with Council's 2 existing DCPs.

- Cardinia Road DCP (as at December 2017 and updated January 2019) is up to \$300,853 per ha
- Officer DCP (as at June 2017 and updated July 2018) is \$356,455 per ha

With regards to a Community Infrastructure Levy (CIL), it is envisaged that the Glismann Road DP will allow around 250 new dwellings. As at June 2018 the CIL payment was capped at \$1,150 which equates to \$287,500. The money collected through the CIL would meet the 10% contribution of the Glismann Road DP towards the O'Neil Road Recreation Reserve pavilion.

### **What are the risks associated with a DCP for the Glismann Road DP area?**

#### **Costings**

A DCP for the Glismann Road DP area would need to be 'fully' costed. These costs are subject to scrutiny during the panel process. This exposes Council to a future financial risk/liability.

#### **Apportionment allocated to the DP area versus external demand**

A DCP allocates the apportionment of the cost for each item based on its projected share of use. An item can be included in a development contributions plan regardless of whether it is within or outside the DCP area. All items set out in the DCP need to ensure that they have a relationship or nexus to proposed development in the DCP area.

Whilst it has been identified that the intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue currently operates unsatisfactorily (i.e. above theoretical capacity) if a DCP was sought for Glismann Road Council would propose that the DCP fund 100% of the traffic signals. The basis for this allocation is based on the fact that it is the future subdivision of the Glismann Road DP that is the 'trigger' for the construction of the signalised intersection (at this point in time).

Also, as identified in Table 1 a 10% funding contribution would be sought from the DCP (which includes a DIL and CIL payment) to assist with the O'Neil Recreation Reserve Masterplan.

Apportionment of costs are subject to scrutiny during the panel process. This exposes Council to a future financial risk/liability.

#### **Upfront costs required are not cost effective**

An important objective of any DCP is to ensure that the timing of infrastructure delivery appropriately supports development.

There are two key, **non-negotiable infrastructure items** within the Glismann Road DP area that are required at the outset (prior to creation of any new lots):

- Glismann Road construction up to the point of any development site. If a DCP was introduced it would fund the section of Glismann Road from Old Princes Highway to the first roundabout.
- The signalised intersection at Glismann Road / Old Princes Highway / Beaconsfield Avenue.

In addition to this, the Glismann Road DP area is currently fragmented with 21 individual lots / landowners, with lots ranging in size from 0.41 ha to 1.47 ha (with an average lot size of 0.94 ha).

These constraints (in addition to other levies from other agencies and development costs) make financing the development of the Glismann Road DP problematic. Furthermore it is unlikely that the development of the Glismann Road will be viable if it is developed one parcel of land at a time due to the small size of the lots and fragmented ownership.

Projects required early on in the subdivision process are generally provided by a development proponent as 'works-in-kind', which is done 'in lieu of cash contributions' (subject to the satisfaction of Council). The 'value of the works' provided are 'off-set' against the development contributions liable to be paid by the development proponent. In some circumstances there may be a credit for the provision of 'works-in-kind'. This is common practice in Council's implementation and management of its DCPs.

However, in the case of Glismann Road, the 'value of works' (i.e. 'works-in-kind') required at the outset (being the delivery of the signalised intersection and the construction of Glismann Road) will substantially exceed the contributions liable to be paid by a developer, especially if the net developable area is nominal.

For example (based on the projects items and estimated costs in Table 1):

- Estimated rate for the Glismann Road DCP area could be around \$375,347 per ha.
- Lots in the Glismann Road DP area range in size from 0.41 ha to 1.47 ha (with an average lot size of 0.94 ha).
- The estimated 'value of works' (i.e. 'works-in-kind') of the two key, non-negotiable infrastructure items required at the outset is estimated at \$4,752,505.
- 1.0 ha of net developable land could generate \$375,347

Therefore, over 70% of the 17.28 ha (within the Glismann Road DP area) would need to be developed to recover the cost of the signalised intersection and the construction of the first section of Glismann Road alone.

#### **What is the preferred course of action re the funding of infrastructure for Glismann Road?**

Correspondence from DELWP (dated 6 June 2018) stated that an ICP will not be able to be prepared for the land affected by this amendment (C238) and that it is recommended that Council prepare a Development Contributions Plan for the land affected by this amendment (C238).

#### **A DCP is not supported for Glismann Road**

However, pursuing a DCP for the Glismann Road DP area is not supported for the following reasons:

- Elements of a DCP (need, nexus, equity, accountability and costs) are subject to examination during the planning scheme panel process.
  - The panel process for a DCP is a time intensive and costly exercise, both in terms of officer input and external support. It is not considered to be a cost effective use of council resources at this point in time.
  - The panel process exposes Council to a future financial risk/liability
  - There is no guarantee that all sites within the Glismann Road DP area will develop, resulting in the DCP failing to collect its full potential, which is an additional financial risk/liability to Council.
- It is not considered that a DCP for the Glismann Road DP area is cost effective for developers at this point in time. The upfront costs are extremely high and the potential for reimbursement with DCP funds in the short or medium term is unlikely.
- Future development applications for other sites impacting on the Glismann Road / Old Princes Highway / Beaconsfield Avenue intersection may be required to deliver (i.e. trigger) this intersection. If the signalised intersection is delivered through another source, the development of the Glismann Road DP area may become more financially viable.
- A future ICP is proposed to be delivered by the Minister for strategic development areas. Whilst there is no commitment from the government with regards to the timing of this ICP, this may be an option for the Glismann Road DP area in the future.

#### **A DPO schedule can address the funding of infrastructure with the Glismann Road DP area**

An alternative planning statutory mechanisms can be put in place as part of this amendment to effectively and efficiently deliver infrastructure to the Glismann Road DP area. This alternative mechanism will not only reduce the future financial liability to Council, but it will also 'future proof'



the Glismann Road DP area by allowing developers / landowners to coordinate the delivery of infrastructure as development of this area becomes viable.

As part of this amendment (C238) it is proposed to introduce a Development Plan Overlay (DPO) for the Glismann Road area. A DPO is used to identify an area which requires the form and conditions of future use and development be shown on a development plan before a permit can be granted to use or develop the land. It is also a tool used to exempt an application from notice and review if it is generally in accordance with a development plan.

The DPO for this amendment will have a schedule detailing specific requirements to be met prior to development of Glismann Road area. The development plan will need to address the requirements in the DPO schedule and be generally consistent with a proposed development concept plan (shown in Attachment 1). The DPO also includes a schedule of requirements such as subdivision layout, movement network, image and character, etc.

The DPO can also include requirements with regard to infrastructure delivery and staging. For example, a DPO can specify how the infrastructure delivery and staging could be implemented, whether it be through a formal agreement between landowners outlining cost sharing of infrastructure provision or provided by one developer who may have purchased multiple properties. The arrangement for coordination between landowners and/or agreement regarding cost sharing and timing of infrastructure provision is a matter for and between developers / landowners, depending on the circumstances at the time.

#### **Other elements of the amendment raised by DELWP**

It is considered that other elements raised by DELWP (with regards to the documentation of the proposed amendment), for the Development Plan Overlay Schedule, the General Residential Zone Schedule 2 and the Environmental Significance Overlay can be addressed at officer level and does not change the intent of the original council resolution in February 2018.

#### **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.

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 this Glismann Road DP area is suitable for urban development. A DPO will ensure that, 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

It is anticipated that Planning Scheme Amendment C238 documents will be exhibited to the public early November for a period of 8 weeks (although regard will also need to be given to the lead up to the Christmas period).

## FINANCIAL AND RESOURCE IMPLICATIONS

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

The development facilitated by this amendment triggers the need for of 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 DP and the future infrastructure requirements through the provision of a Development Plan Overlay (DPO). The DPO provides certainty to developers, the standards and specifications of the infrastructure within the development plan area.

The issue of Council's financial liability has been discussed in this report.

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

It is imperative that this project moves forward in a timely manner. This report identifies that it is possible to proceed with the Glismann Road DP amendment without a DCP or an ICP.

Attachment 3 provides a comparison of the Recommendations of the Council on the 19 February 2018 against the 15 October 2018 (this report). The proposed amendment will still deliver the same outcome.

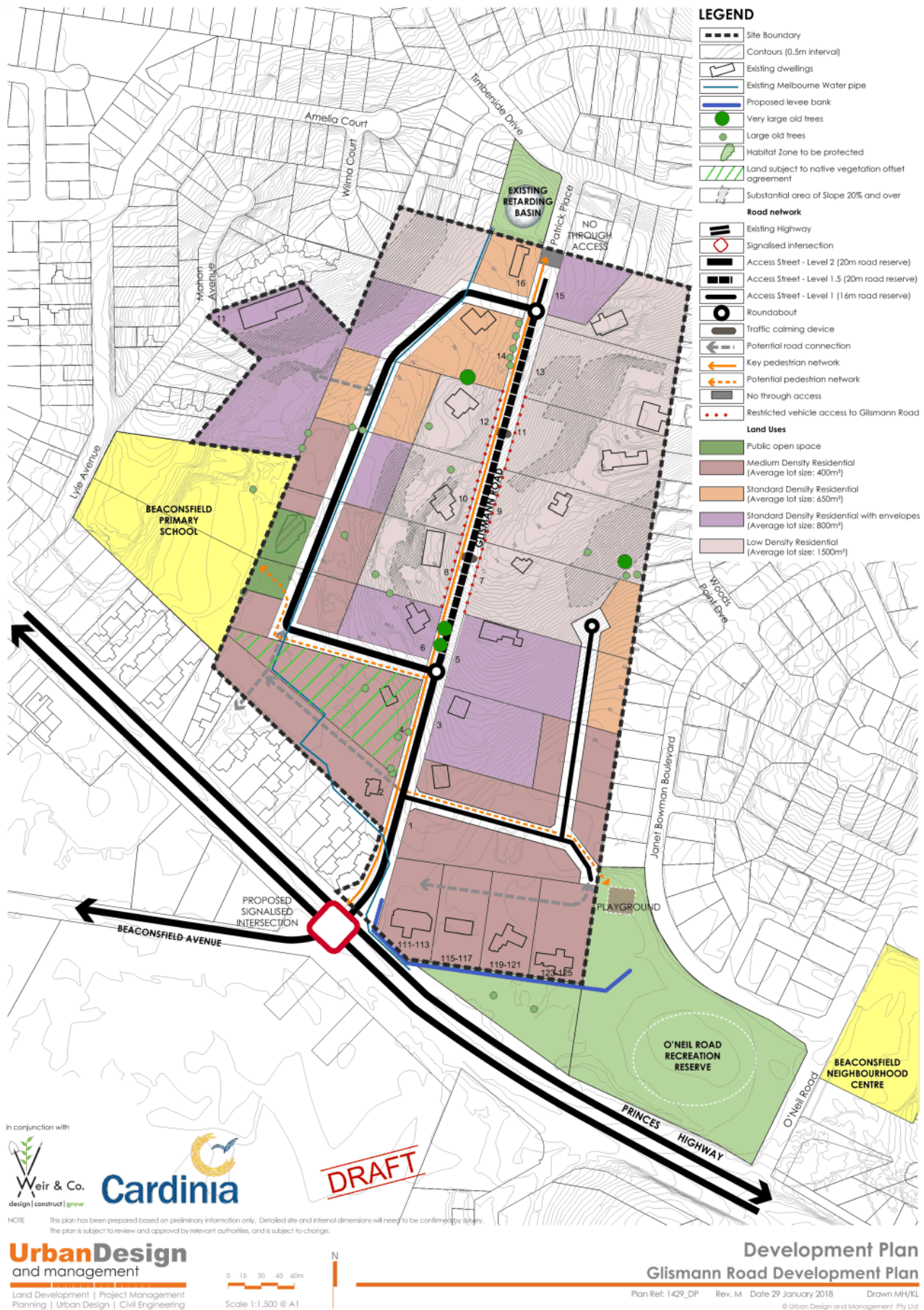
The revised elements of amendment still seeks to rezone land to all residential development. Through the provisions of a detailed development plan overlay (DPO), development within the Glismann Road Development Plan area will develop through the guidance of a future development plan that will:

- be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1
- consist of written text, plans and drawings
- provide clear direction and certainty for the fair and orderly provision of the road network, public open space and traffic management

- ensure that all major planning issues are resolved prior to the commencement of subdivision development
- safeguard natural features by carefully integrating them into the development of the land to minimise adverse impact on the amenity of the area
- balance the need for new housing against the environmental constraints and opportunities of the area
- ensure that the proposed use, development and/or subdivision is viewed in a holistic manner rather than a series of smaller planning approvals.

Once the land has been rezoned and the Development Plan Overlay is in place (with guidelines that specify the type of development that is expected for the area and places a requirement with regard to the delivery of key infrastructure), the market will guide when the area will be viable for development and how the provision of infrastructure will be funded.

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 FEBRUARY 2018



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

Moved Cr B Owen Seconded Cr L Wilmot

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.

Cd.



**Attachment 3 - Comparison table of Council Resolution of 19 February 2018 versus Council Recommendation for 15 October 2018**

<b>Recommendation 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:</b>	
<b>Council Resolution 19 February 2018</b>	<b>Council recommendation 15 October 2018 (this report)</b>
<ul style="list-style-type: none"> <li>Rezone land from the Rural Living Zone (RLZ2) to the General Residential Zone (GRZ2)</li> </ul>	No change
<ul style="list-style-type: none"> <li>Rezone 11 Mahon Avenue from General Residential Zone (GRZ1) to General Residential Zone (GRZ2)</li> </ul>	No change
<ul style="list-style-type: none"> <li>Remove the amendment area from the Environmental Significance Landscape Overlay (ES01)</li> </ul>	No change  These requirements will form part of DPO19
<ul style="list-style-type: none"> <li>Insert Planning Scheme Map 12EAO (Environmental Audit Overlay)</li> </ul>	No longer required  Any requirements in relation to an Environment Audit will form part of DPO19
<ul style="list-style-type: none"> <li>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</li> </ul>	Amended  A Development Plan for Glismann Road will not be prepared by Council.  DPO19 will require that a future development plan will be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1. The future development plan will consist of written text, plans and drawings.  DPO19 will outline requirements with regard to the preparation of a Development Plan for the Glismann Road DP area. The requirements will assist landowners, developers and the community in understanding what Council expects to see when a Development Plan is submitted for Council's assessment.
<ul style="list-style-type: none"> <li>Amend Planning Scheme Maps 12, 12ESO and 12DPO</li> </ul>	No change

<b>Recommendation 2. The Minister be advised that Council's request for authorisation is subject to the Minister's approval that:</b>	
<b>Council Resolution 19 February 2018</b>	<b>Council recommendation 15 October 2018 (this report)</b>
<ul style="list-style-type: none"> <li>an Infrastructure Contributions Plan (ICP) is applicable to the Glismann Road Development Plan area and not a Development Contributions Plan (DCP)</li> </ul>	No longer applicable
<ul style="list-style-type: none"> <li>an Infrastructure Contribution Plan (ICP) for the Glismann Road Development Plan area will be implemented at a later stage via a separate amendment</li> </ul>	No longer applicable
<ul style="list-style-type: none"> <li>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).</li> </ul>	No longer applicable
<b>Recommendation 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.</b>	<p>No longer applicable</p> <p>A Development Plan for Glismann Road will not be prepared by Council.</p> <p>DPO19 will require that a future development plan will be generally in accordance with the Council adopted 'Glismann Road Development Plan' (Rev. M dated 29 January 2018) provided in attachment 1.</p>
<b>Recommendation 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.</b>	No change
<b>Recommendation 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.</b>	No longer applicable