

# Amendment C232melt to the Melton Planning Scheme

Expert Evidence Report, Chris De Silva Executive Director, Mesh Planning

Melton City Council

August 2024



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Client	Melton City Council
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Project	Amendment C232melt to the Melton Planning Scheme
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Version	1.0
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Prepared By	Chris De Silva & Jo Fisher
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Reviewed By	Chris De Silva
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Date	14 August 2024
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## Acknowledgement

Mesh acknowledges and celebrates the Traditional Owners of the land and waters on which we meet. We pay our respects to their Elders past, present, and emerging, whose profound knowledge systems can teach us much about how we care and design for Country. As committed learners and active listeners, we seek opportunity to integrate the wisdom of First Nations peoples into our policy and place making work.

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## **1. EXPERT STATEMENT**

### **1.1 Name & Address**

1. Chris De Silva, Executive Director, Mesh, Level 2, 299 Clarendon Street, South Melbourne, VIC 3205.

### **1.2 Qualifications and Experience**

2. I hold a Bachelor of Applied Science (Planning) (Honours) from RMIT University. I have worked as a strategic planner, principally in the field of metropolitan and regional growth area planning for approximately 32 years.

A CV is included at Appendix 5.

### **1.3 Area of Expertise**

3. I have a broad range of experience in strategic planning and development matters (including preparation and implementation of numerous forms of growth plans including Comprehensive Development Plans, Local Structure Plans, Precinct Structure Plans, Development Plans and infrastructure funding plans of various types).
4. I started my career in a planning consultancy and thereafter was employed by the City of Whittlesea over an extended period (approximately 20 years). At the City of Whittlesea, I occupied various positions including Manager Strategic Planning and Director Planning and Development. After leaving Council I occupied a specialist strategic planning role in a privately-owned development company for a year.
5. I established Mesh in 2009 and have since occupied the position of Executive Director and owner/joint owner of the company.
6. Mesh acts for a combination of public and private sector clients on a broad range of metropolitan and regional growth area projects, infill redevelopment projects, urban design of all scales and infrastructure funding frameworks including preparation and implementation of Development Contributions Plans (DCPs) and Infrastructure Contributions Plans (ICPs).
7. I was a member of the Standard Development Contributions Advisory Committee (SDCAC) that was appointed by the then Minister for Planning in 2011/12 and I was subsequently appointed as a member of the three-person Ministerial Advisory Committee that was appointed by the former Minister for Planning and the current Treasurer to review the entire infrastructure contributions system across the State of Victoria.
8. I have been responsible for provision of advice to Local and State Government and developers to assist with preparation and implementation of various forms of growth area plans and infrastructure funding plans including a number of appearances as an expert witness in relation to these matters.

### **1.4 Other Contributors**

9. This evidence statement has been prepared by Chris De Silva with assistance from Jo Fisher.

### **1.5 Instructions for scope of work**

10. I have been engaged by Harwood Andrews and I have been requested to prepare a statement of evidence and appear as an expert planning witness for Council in relation to planning and Development Contributions matters.

11. More specifically, I have been requested to prepare an expert witness statement, participate in any relevant conclave and provide evidence at the upcoming planning panel hearing.
12. I have been advised that my witness statement must comply with the requirements of Planning Panels Practice Note 1 and in addition to any other matter that I consider relevant, I have been asked to address the following:
  - Outline my previous involvement with the Amendment;
  - Provide a peer review of the Draft DCP indicating whether I am able to support the DCP either in its exhibited form or with changes; and
  - Consider and respond to the issues raised in submissions as relevant to my expertise in development contributions and strategic planning.

### **1.6 Completion of tests or experiments upon which the expert has relied**

13. No additional test or experiments have been completed.

### **1.7 Declaration**

If relevant, in giving my evidence, I confirm that:

14. I will be alone in the room from which I am giving evidence and will not make or receive any communication with another person while giving my evidence except with the express leave of the Advisory Committee;
15. I will inform the Advisory Committee immediately should another person enter the room from which I am giving evidence;
16. During breaks in evidence, when under cross-examination, I will not discuss my evidence with any other person, except with the leave of the Advisory Committee;
17. I will not have before me any document, other than my expert witness statement and documents referred to therein, or any other document which the Advisory Committee expressly permits me to view; and,
18. I have made all enquires I believe are desirable and appropriate and confirm that no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Advisory Committee.



Chris De Silva  
Executive Director

## **2. SUMMARY OF OPINION**

19. In summary, it is evident based on the findings of the peer review that is contained within this statement that the proposed changes to the current DCP and the associated PSP (as required) are complex.
20. The proposed changes to the DCP include proposed addition of new projects, deletion of some existing projects, changes to project descriptions and costs, changes to project apportionment and changes to the land budget.
21. Setting aside the detail of the changes, it is evident that review of the DCP is timely and without review it is likely that there will be a significant funding gap that will need to be met by Council.
22. The implications associated with an increasing funding gap are significant and include matters beyond the future financial position of the Council such as:
  - delay in delivery of the higher order infrastructure due to underfunding of projects; and
  - proponents of works in kind will be discouraged from taking on the obligation to deliver infrastructure due to shortfalls in credit values.
23. The combined impact of these consequences are significant barriers to achievement of the timely delivery of infrastructure to meet the needs of newly emerging communities which is contrary to the objectives of State policy and the objectives of the PSP and DCP.
24. In terms of the more significant changes that are proposed, I particularly support the objective of delivering a more complete and connected transport 'network' and reclassification of the community activity centres.
25. The lack of updating the proposed charges to current dollars is a significant limitation of the exhibited material however I note in Council's Part A Submission (para 44) that Council intends to use 2024/25 financial year values in the Day 1 DCP.
26. I do not take issue with Council's assessment or preference to continue with use of the DCP system rather than convert the Current DCP to an ICP.
27. I support the proposed Amendment subject to the changes as recommended.

## **3. SUMMARY OF AMENDMENT**

28. The primary purpose of Amendment C232 to the Melton Planning Scheme is to update the Toolern PSP and DCP
29. More specifically, the proposed Amendment seeks to make the following changes to the Melton Planning Scheme:
  - a. Revise Schedule 3 to the Urban Growth Zone
  - b. Revise Schedule 3 to the Development Contributions Plan Overlay
30. It is also important to note that the proposed Amendment seeks to make a number of additional changes to the Melton Planning Scheme and those changes are summarised on pages 10 – 12 of the Council Part A Submission.

## **4. POLICY FRAMEWORK**

31. There are several policy directions relevant to the preparation of the revised Toolern PSP and DCP. A summary of the most relevant policies is provided below.

### **Local and State Planning Policy**

32. There are a number of State Planning Policies relevant to the Amendment, including Clause 11 Settlement, Clause 16 Housing, Clause 17 Economic Development, Clause 18 Transport and Clause 19 Infrastructure.
33. Clauses 11.01-1R Settlement, 11.02 Managing Growth and 11.03 Planning for Places are particularly important. Cobblebank is identified as a metropolitan activity centre and is to be the focus for investment and growth. The Draft PSP and DCP facilitate the logical and efficient provision of infrastructure.
34. Clause 16.01-1R Housing Supply and Clause 16.01-2S Housing affordability. The proposed Amendment seeks to facilitate well-located, integrated and diverse housing that meets community needs and deliver affordable housing closer to jobs, transport and services.
35. Clause 17.01-1R Diversified Economy – Metropolitan Melbourne. The proposed Amendment retains the employment precinct and future Cobblebank metropolitan activity centre and will deliver over 20,000 jobs within the PSP area.
36. Clause 18 Transport (Clause 18.02-3S), active travel (Clause 18.02-1S and 18.02-3S), transport and land use integration (Clause 18.01-1S) and sustainable transport (Clause 18.01-3R). The proposed Amendment seeks to deliver an integrated and efficient transport system that promotes multi- modal transit.
37. Clause 19 Infrastructure. The proposed Amendment seeks to ensure that the growth and redevelopment of settlement is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure.

**Plan Melbourne 2017 – 2050**

38. Plan Melbourne identifies the Cobblebank as a future Metropolitan activity centre.
39. Plan Melbourne includes a number of key principles that are relevant to the Amendment including Principle 5 Living Locally – 20 minute neighbourhoods, Principle 7 Strong and healthy communities and Principle 8 Infrastructure investment that supports balanced growth.
40. The following Directions from Plan Melbourne are relevant to the Amendment:
  - a. Direction 2.1 – manage the supply of new housing in the right locations to meet population growth and create a sustainable city
  - b. Direction 2.2 – Deliver more housing close to jobs and public transport
  - c. Direction 5.1 – Create a city of 20 minute neighbourhoods
  - d. Direction 6.3 – Integrate urban development and water cycle management to support a resilient and liveable city.
  - e. Direction 6.5 – Protect and restore natural habitats

**5. CONTEXT**

41. Before setting out details in relation to the proposed Amendment, it is important to establish some of the particulars in relation to the development setting and also some important points about the review process.
42. First of all, in relation to the development setting, it is important to acknowledge that the Toolern Precinct Structure Plan (PSP) area is one of, if not, the largest PSPs in Metropolitan Melbourne.
43. The Toolern PSP occupies an area of approximately 2,200ha with, at the time of its preparation, a forecast population of approximately 55,000 residents to be accommodated in approximately 24,000 dwellings.
44. The PSP area is divided by an existing railway line with land to the north of the railway line is identified as an employment and mixed-use precinct and adjacent land on the south side of the railway line identified and partially developed as the Cobblebank Metropolitan Activity Centre.



45. The Toolern PSP (**Existing PSP**) and the accompanying DCP (**Existing DCP**) can be generally described as 'first generation' plans that were prepared by the Victorian Planning Authority that were gazetted 14 years ago in 2010.
46. It is important to acknowledge that the infrastructure project scope and costing process at that time was far less rigorous than the current process where it is generally the case that functional designs are prepared along with detailed project sheets/costings including contingencies all of which are subject of review by one or more quantity surveyors.
47. At the time of gazettal of the DCP in 2010 the DCP charges were:

Table 1- Summary of Charges in 2010

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
2010 DIL charges per NDHa	\$145,059	\$146,782	\$137,330	\$84,016

48. According to the Council Planning Report<sup>1</sup> it is understood that the Existing PSP and the DCP have been subject of a number of changes since 2010 however a complete review of PSP and the DCP have not previously been undertaken.
49. The review of the Existing PSP and the DCP that was conducted by Council sought to understand 'how the development of the Toolern area has been progressing and whether changes are required in the strategic direction of the PSP and the levy rates within the DCP to improve its effectiveness.'<sup>2</sup>
50. The outcome of the review process was a recommendation that:
  - *The Toolern DCP be changed to incorporate new infrastructure projects required to service the rapidly growing community, delete redundant infrastructure projects, new land areas for infrastructure projects, new land acquisition values for infrastructure projects, new construction costs for infrastructure projects, and the incorporate ion functional layout plans/road cross sections/project sheets.*
  - *The Toolern be refreshed to ensure it is up to date. The changes to the PSP have aimed to be light handed and includes the removal of references to redundant state plans and strategies, and changes to names of state government departments and agencies to reflect their current names.*

*The changes to the Toolern PSP and DCP document has focussed on refreshing the existing content in the plans, rather than rewriting the plans.<sup>3</sup>*

51. Returning to the development setting of the PSP area, it is noted that whilst the PSP is adjacent to Melton South, that the PSP is separated from Melton South by the Toolern Creek with limited road based connectivity via Bridge Road and Greigs Road and the railway line separates the PSP area from the Western Highway.
52. When viewed in its broader strategic context it is evident that (*see attached plan*):

<sup>1</sup> Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, February 2024

<sup>2</sup> Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, February 2024, pg 4

<sup>3</sup> Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, February 2024, pg 4

- The majority of the PSP area is yet to be developed (it is estimated that only 21% of the PSP area has been developed);
  - The majority of development that has occurred is residential development within Charge Areas 1 and 2 either side of the Toolern Creek;
  - Large scale development is located to the west of Ferris Road;
  - Other small scale development fronts are located to the east of Ferris Road;
  - Land to the north of the railway line is yet to be developed and may be partially constrained by some existing land uses;
  - The upgrade of the Cobblebank train station has been delivered by the State Government but the majority of the town centre is yet to be developed;
  - The Thornhill Park project is a relatively large development front to the north of the railway line and south of the Western Freeway and east of Mount Cottrell Road; and
  - Progressive development within the PSP area effectively between the Western Freeway to the north, Ferris Creek/Ferris Road to the west and Thornhill Park to the east will rely on staged delivery of a connected transport network including a number of grade separated bridges.
53. Whilst only approximately 21% of the PSP has been developed, it is understood that approximately 64% of the PSP<sup>4</sup> is subject of existing subdivision permits.
54. Table 3 of the Council Planning Report<sup>5</sup> contains a useful summary of the significant changes to the Toolern PSP context from 2005 to June 2022.
55. The significant implications that are associated with the context for the Toolern PSP and DCP review are:
- The DCP has not been substantially reviewed since gazettal in 2010 notwithstanding that the DCP includes a 5 yearly review provision;
  - There have been significant increases in land costs and construction costs since 2010;
  - The majority of the PSP area is yet to be developed and the majority of the DCP funded projects are yet to be delivered; and
  - There have been a range of changes to the land use and policy context.
56. In my opinion without review and adjustment to the Existing DCP (and the PSP as required) there is the definite likelihood of three negative consequences:
- Firstly, an increasing gap in infrastructure funding capacity that will need to be met by the Council;
  - Secondly, delay in delivery of the higher order infrastructure due to underfunding of projects; and
  - Thirdly, proponents of works in kind will be discouraged from taking on the obligation to deliver infrastructure due to shortfalls in credit values.
57. The combined impact of these consequences are significant barriers to achievement of the timely delivery of infrastructure to meet the needs of newly emerging communities which is contrary to the objectives of State policy (19.03-1S) and the objectives of the PSP which specifically seek to:
- a. *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans...*

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<sup>4</sup> Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, February 2024, pg 10

<sup>5</sup> Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, February 2024, pg 8

58. In terms of implications for the PSP, noting that the majority of the land is yet to be developed but is in large part subject of existing planning permit approvals, it is likely that the PSP will play an increasingly important role in seeking to achieve co-ordinated development outcomes.
59. In this context, I note that the review of the PSP has been characterised as a 'Refresh' rather than a wholesale review or substantive change in land use and transport direction.
60. Notwithstanding this characterisation one of the contemporary issues that needs to be addressed is the shift in expectations regarding the density and broader composition of greenfield development over the last 14 years.
61. Other important issues (that are addressed following in the substantive issues part of this statement) include need for the review, need for the infrastructure projects, affordability of the proposed charges, the status of the town centre, possible conversion to an Infrastructure Charges Plan (ICP), consistency with the PSP Guidelines and impacts associated with increases in density.

## 6. PREVIOUS INVOLVEMENT

62. Mesh Planning (Mesh) was engaged by Harwood Andrews on behalf of the Melton City Council (Council) to complete a peer review of the Draft Toolern Precinct Structure Plan (**Draft PSP**) and Development Contributions Plan (**Draft DCP**), in June 2022.
63. The Project brief provided by Harwood Andrews at that time specifically requested that the following tasks be undertaken by Mesh: -
  1. *Review the draft amendment and supporting materials. In undertaking your review, you should consider the drafting of the amendment (including revised PSP and DCP) from a planning perspective, and the form and content of the revised DCP including questions of strategic justification.*
  2. *Meet in conference prior to 15 August to provide your preliminary views on the draft amendment;*
  3. *Prepare a memorandum of advice outlining your preliminary views;*
  4. *Consider submissions following exhibition (expected second half 2022);*
  5. *Prepare an expert witness statement;*
  6. *Provide expert evidence before Planning Panels Victoria.*
64. The advice that was provided in response to tasks 1-3 in August 2022 is appended to this statement (see Appendix 1).
65. The overall findings of the review that was conducted in 2022 were:
  - *The Toolern Precinct Structure Plan area is a large, strategically important growth area of Metropolitan significance.*
  - *Review of the Precinct Structure Plan and the Development Contributions Plan is necessary and timely given that the documents were first approved in 2010.*
  - *At the time of their preparation the documents represented best practice however by comparison to more recent approaches are properly described as second generation documents that are potentially lacking in ability to gather sufficient funds to enable delivery of needed infrastructure (land and construction).*

- *The need for review of the documents and the proposed increases in development levies or contributions are the result of 3 considerations:*
  - a. *Firstly, the need to include additional land and construction projects that were not initially included within the DCP (including transport projects within the Cobblebank Metropolitan Activity Centre and Cobblebank Mixed Use Urban Design Framework areas);*
  - b. *Secondly, the need to update project descriptions and costs (land and construction) to ensure that the DCP levy reflects the true cost of the infrastructure (land and construction) and to increase the likelihood of works in kind as the preferred method of infrastructure delivery; and*
  - c. *Thirdly, review of projected household sizes and associated yields to assess whether the planned infrastructure is capable of meeting the needs of the future community and in accordance with general expectations and Government policy.*
- *None of the projects that are proposed to be funded are considered to fall outside the definitions of development and community infrastructure or to offend the objective of a development contributions plan seeking to fund 'basic and essential' infrastructure.*
- *In reflecting on whether appropriate strategic justification has been established for the resultant additional projects and increase in costs the following points should be noted:*
  - a. *The additional intersection and bridge projects are associated with the planned transport network that has remained largely unchanged and as such the new projects can be generally characterised as completing or addressing omissions in the transport network (save for the proposed changes on the eastern boundary which may require closer review in terms of external apportionment) that will need to be delivered to enable the network to be progressively delivered;*
  - b. *The re-scoping of the intersection and road projects (including land take requirements) are in keeping with what has become established as acceptable/necessary design standard to support costing for DCP/ICP purposes;*
  - c. *The distribution and broad functions of the community and indoor recreation facilities has previously been established in the approved PSP and DCP and the proposed changes are the result of a combination of increased costs (land and construction), changes in Government policy and increases in projected population (based on projected increase in household size) all of which can be demonstrated in terms of impact on the overall charges;*
  - d. *The significant increase in land costs is a well understood reality throughout Melbourne's growth areas noting that the proposed active sporting reserves constitute a reasonably low percentage of the net developable area but also noting that passive open space contributions are not included in the DCP; and*
  - e. *The increased construction costs for outdoor recreation are commensurate with other recent ICPs.*

- *Notwithstanding the likelihood of a funding gap being attributable to Council (if an increased levy is introduced) as a result of land that has already been developed, continuing to gather the current contributions is not considered to be a viable option taking into account the financial and implementation risks and limitations.*
- *The proposed increases in levies or development charges across all infrastructure types are significant and will attract criticism and submission having regard to the extent of increase relative to broader affordability considerations however the increases are considered to be justifiable.*

66. The overall findings of the review were accompanied by 13 recommendations including:

- *Prepare one or more plans and a brief explanatory document which clearly show the proposed changes to the PSP urban structure and which depict any additional and/or deleted infrastructure projects (land and construction).*
- *Review and determine a deliberate position with regard to whether the revised PSP and DCP acknowledge and support implementation of the revised Precinct Structure Plan Guidelines.*
- *If the revised PSP Guidelines are supported, revise the projected yield and population capacity projections accordingly and reference the Guidelines in support of the proposed infrastructure requirements and review the relevant sections of the PSP.*
- *Consider conversion of the revised DCP into the ICP framework.*
- *If conversion to an ICP is not preferred, undertake some comparative modelling to explain how the proposed projects and charges would theoretically translate into the ICP system and use the Amendment to ventilate the process by which the value of land has been established and used as an input to the revised charges.*
- *Review the proposed additional proposed transport projects that are located on the eastern boundary of the PSP area to determine whether any external apportionment should apply.*
- *Consider simplification of the DCP by implementing only two main catchment areas – one for residential and (including activity centres) and the other for employment land.*
- *Assess whether external apportionment should apply to the new roads and intersection projects that are located on the eastern boundary of the DCP.*
- *Consider the need to include whether it is necessary to specify any exemptions from payment of contributions.*
- *That the specified indexes and the land valuation method be revisited before the DCP is implemented.*
- *Consider whether there is a need to include reference to the likelihood of interim works and how any such proposals will be addressed in relation to DCP obligations.*
- *Correct the errors that are noted in section 6.5.3.*
- *Introduce a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies and the timeframe for implementation of the DCP.*

67. Importantly, the proposed increases in the Draft DCP charges were defined at that time with reference to the 2010 charges, the indexed 2021/22 charges and the proposed charges (see Table 2 below).

Table 2: Existing DCP gazetted charges (2010) and indexed charges in 2021/22 compared to proposed Amended DCP charges

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
Existing DCP charges (2010 \$) as per gazetted DCP	\$145,059	\$146,782	\$137,330	\$84,016
Indexed current charges (21/22 FY)	\$270,536	\$279,474	\$259,691	\$124,616
Proposed Amended DCP charges (21/22 FY)	\$439,563	\$441,988	\$369,529	\$228,563
Increase between indexed existing charges and proposed Amended DCP charges (21/22 FY)	\$169,027	\$162,514	\$109,838	\$103,947
Percentage increase	62%	58%	42%	83%

68. It is noted that the majority of the recommendations that are contained in the 2022 Mesh document were adopted or have been addressed in the proposed Amendment and/or the Planning Report as is set out following.

## 7. PEER REVIEW OF THE DRAFT DCP

69. Whilst Table 2 above summarises the proposed increases in charges (when compared to the Existing DCP indexed charges in 21/22) it is very important to understand the reasons for the increases that are proposed.
70. The peer review process required that a very detailed examination of the proposed changes to the list of projects and the associated costs be undertaken in order to properly understand the reasons for the proposed increases and their impact on the Existing DCP.
71. The result of the detailed examination is that the reasons or the proposed changes are more complex than simply an increase in charges due to escalation of project costs.
72. The sections to follow set out a summary of the key changes and their impact on the DCP.

### 7.1 Summary of Key Changes

73. The Draft DCP has been updated to reflect the Cobblebank Metropolitan Activity Centre Urban Design Framework including: -
- Relocation of the Indoor Recreation Centre and Civic Facility to the east side of Ferris Road on existing Council land so no land cost has been attributed to Draft DCP projects CI01 and CI02.
  - Add new intersection on Ferris Road – Draft DCP project IT29.
  - Add two new rail overpasses at Ferris Road and East Road – Draft DCP projects BD15 and BD16. In 2022, however the State Government announced that the Ferris Road level crossing will be removed by

2026 and as such it understood that all land and constructions costs for BD15 have been removed from the Draft DCP.

d. Minor changes to the road reserves throughout.

74. Incorporate the following shared transport projects from the Paynes Road DCP (2016): -
  - a. BD19 and BD20 – relating to land purchase for the Mount Cottrell Road Freeway interchange and rail overpass.
  - b. BD21 – Mount Cottrell level crossing upgrade prior to completion of BD20, 25% apportioned to Paynes Road DCP, 75% to the Draft DCP. The project description states that this relates to construction of an upgrade however the Draft DCP includes \$1M for land. Clarification is required as to why a land cost has been included for BD21.
  - c. 50% apportionment of projects RD12, IT10 and IT19 between Draft DCP and Paynes Road DCP.
75. Incorporate the shared transport projects from the Rockbank DCP (2016) including: -
  - a. Projects RD22, RD23, RD24, IT30, IT31, IT32,(all 50%) BD17, BD18 (both 25%) – relating to Paynes Road
  - b. Update project IT07 (50%) to reflect the scope and cost included in the Rockbank DCP.
76. Remove 8 projects that are no longer required including: -
  - a. Projects RD09, RD10, IT08 and IT09 – these will all be included in the future Rockbank South DCP.
  - b. Project BD09 is replaced by BD16;
  - c. Project BD11 is to be delivered as part of the Thornhill Park (Paynes Road DCP) Train station;
  - d. BD12 and BD13 – no longer required.
77. Reflect the reduction to road reservations across the precinct
78. Reflect the change in size of various modifications to community and recreation infrastructure due to the increase in population yield including: -
  - a. Upgrade Weirs Views South Community Centre, Draft DCP project CI06, to a Level 2 facility and increase the size from 0.8ha to 1ha.
  - b. Reduce Weirs Views South active recreation reserve, Draft DCP project OS03, from 9.16ha to 8.96ha
  - c. Upgrade Cobblebank East Community Centre, Draft DCP project CI15, to a Level 2 facility and increase the size from 0.8ha to 1ha
  - d. Increase Cobblebank Central active recreation reserve, Draft DCP project OS07, from 7.9ha to 8.19ha.
79. Reflect the costs of projects already constructed, including: -
  - a. 9 community and recreation projects
  - b. 12 transport projects and land for RD20.
80. Update the property specific land budget and calculation of net developable area (NDA) to reflect the land use changes including: -
  - a. incorporate the outputs of the revised Melbourne Water Drainage Services Scheme review. Whereby the initial three catchments have been divided into eight catchments and an overall increase in land take of approximately 9 hectares;
  - b. reflect the change in land area requirements of numerous DCP projects outlined above;
  - c. the land use layout included in the approved Cobblebank Metropolitan Activity Centre UDF;
  - d. reflect minor changes to the size and location of public and private schools.



81. Update project descriptions to reflect current practice and prepare functional layout plans for transport items (Cardno), concept plans for the community centres (HEDE Architects) and recreation projects (apply the VPA Benchmark Infrastructure Costs, 2019). All construction costs have been updated based on detailed cost sheets. All land values have been updated based on a re-valuation by a registered valuer (Charter Keck Cramer).
82. The DCP construction and land costs have been updated to ensure that the DCP levy reflects the true cost of the infrastructure (land and construction).

## 7.2 DCP Land Budget

83. The Current DCP land budget has been compared to the Draft DCP land budget – a summary of the comparison is provided in Appendix 2.
84. In summary, the NDA has been **reduced by 12.27 ha** and is now **1,534.06 ha**, comprising **1,189.47NDHa of residential land** and **344.59 NDHa of employment land**.
85. The main land budget changes include: -
  - a. An increase of 4.04ha for road and intersection projects.
  - b. An increase of 0.79ha for community facilities, 0.4ha is allocated to the expansion of CI06 and CI15. The balance of 0.39ha is allocated to property 24 for the indoor recreation facility CI02.
  - c. Increase in land required for the indoor recreation facility CI02 from 2.5ha to 2.89ha. This land has been relocated to property 24 which is owned by Council and as a result the land cost for this project has been removed from the DCP.
  - d. Decrease in land required for Civic Facility CI01 (for the library) the land required has reduced from 4 ha to 1.5ha as per the parcel specific land budget. This land has been relocated to property 24 which is owned by Council and as a result the land cost for this project has been removed from the DCP.
  - e. Decrease of 0.21ha for the government school in Cobblebank east.
  - f. Increase of 9.11ha required for the revised Development Services Scheme prepared by Melbourne Water.
  - g. Increase of 0.7ha of active open space for project OS07 as the non-government school identified on properties 33 and 34 is to be removed and replaced as active open space.
  - h. Increase in non-government schools to reflect schools already delivered.

## 7.3 Development Projections

86. The Draft PSP is expected to accommodate 68,000 people in approximately 25,000 homes, and generate 25,000 jobs in the PSP area.
87. This is an increase of 13,000 additional residents compared with the development projections included in the Existing DCP.
88. The increase in residential population projections is due to an increase in density which results in an additional 1,000 dwellings compared to the Existing DCP and an increase in persons per household rate.
89. The Existing DCP assumed 2.3 persons per household which is well below the current provision rate and ASR Research (2021) have recommended that a household size of 2.7 persons be applied.



#### 7.4 Draft DCP Projects

90. The Draft DCP proposes to fund a large number of projects, these projects are categorised in the DCP as roads, intersections, bridges, public transport, unencumbered local active open space, community and indoor recreation, outdoor active recreation, off-road pedestrian and cycle trails and structure planning.
91. In summary, the changes to the Existing DCP projects include: -
  - a. Inclusion of an additional 16 transport projects including 3 road projects (RD22, RD23, RD24), 4 intersections (IT29, IT30, IT31, IT32) and 7 bridges (BD15, BD16, BD17, BD18, BD19, BD20, BD21) – noting the costs of BD15 have been removed as this will be delivered by the State Government as part of the Ferris Road level crossing.
  - b. Removal of 7 transport projects no longer required including RD09, RD10, IT08, IT09, BD11, BD12, BD13 and project BD09 is replaced by BD16.
  - c. Removal of CI05, CI08, CI09, CI14 and CI17 as Council no longer provides childcare rooms in Early Childhood Centres.
  - d. Increase in scope of the five remaining community centres due to be constructed to include four kinder rooms, rather than three as per the VPA benchmark design and costs, based on the additional demand due to the increase in population.
  - e. The increased community centres have been scoped and costed by HEDE and these costs have been included in the Draft DCP.
  - f. Minor increase of 0.38 ha to the active open space area.
  - g. Removal of the land costs from the Draft DCP projects CI01 and CI02 as these facilities have been relocated onto council owned land (property 24); and.
  - h. Overall increase in external apportionment percentage due to the inclusion of projects on the eastern boundary that are jointly funded with the Paynes Road DCP or Rockbank DCP.

#### 7.5 DCP Project Costs

92. The Draft DCP includes a total project cost of **\$664M** comprising **\$197M of land** and **\$468 of construction costs** (in 2021/22 \$).
93. Cardno have prepared Functional Layout Plans and cost sheets for the transport projects based on the VPA's Benchmark Infrastructure Report, April 2019.
94. The planning report notes that \$12M is due to increase in scope of the five remaining community centres and based on HEDE Architects scope and costs.
95. The active recreation projects have been costed based on the Victorian Planning Authority (VPA) benchmark design and costs which results in an additional \$43M in project costs and \$2.6M increase for the construction of pavilions in 21/22 \$<sup>6</sup>.
96. Council officers have calculated that the review of the 2010 DCP has resulted in an increase of the total project costs of approximately \$223M in 2021/22 \$<sup>7</sup>.
97. Whilst some of the increases have been specified as per the above paragraphs no clear breakdown of the cost changes by infrastructure category were provided as part of the exhibition material.

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<sup>6</sup> Planning Report (2024), City of Melton, Table 9 and 10, page 30,31

<sup>7</sup> Planning Report (2024), City of Melton, Table 31, page 45.

98. Council's Part A Submission (para 44) provides an overview of the indexed costs for both the Current DCP and Draft DCP in 24/25 \$ and shows that the Draft DCP proposed to collect **\$732M** in total project costs compared to the Current DCP of **\$518M**, leaving a funding gap of approximately **\$213M**.
99. Whilst a full copy of the detailed DCP tables for the Existing DCP or Draft DCP in present day costs has not been provided, I note that the Council Part A Submission (para 44) states that a Day 1 version of the DCP will be in July 2024 \$.

## 7.6 .Key Findings

### 7.6.1 Identification of Projects

#### Strategic Basis

100. Section 1.0 of the Draft DCP sets out the strategic basis for the DCP. Unlike other more recent DCPs, Section 1.0 of the Draft DCP does not include a list of the key strategies and technical reports that have been used to determine the infrastructure projects list.
101. It is noted however that the Draft DCP is supported by some important background reports including:
  - a. Toolern Precinct Structure Plan Review – Community Infrastructure Recommendations Report, January 2021, ASR Research;
  - b. HEDE architects;(2021)
  - c. Toolern DCP project cost sheets, Cardno, March 2022; and
  - d. Land Acquisition Assessment, Toolern Development Contributions Plan (DCP) Land Assessment – Proposed Review Charter Keck Cramer.
102. These reports are comparable to those that would be required to support preparation of a new DCP.
103. It is recommended that Section 1 also include an overview of the Existing DCP and the changes made to it and reflected in the Draft DCP and any significant Section 173 Agreements as this is important contextual information.

#### Transport Projects

104. The additional road, intersection and bridge projects are associated with the planned transport network that has remained largely unchanged (but with the addition of improved north-south connectivity) and as such the new projects can be generally characterised as completing or addressing omissions in the transport network.
105. The projects located on the eastern boundary have been apportioned between the Draft DCP and the adjoining DCPs – either Paynes Road DCP or Rockbank DCP.
106. The re-scoping of the intersection and road projects (including land take requirements) are in keeping with what has become established as acceptable/necessary design standards to support costing for DCP purposes.
107. It is noted that the majority of the road reservations have been reduced to reflect the road cross section widths identified in the VPA Benchmark Infrastructure Report.
108. The Draft DCP includes a cost for land for two projects that are to be delivered by the State Government<sup>8</sup>
  - a. BD19: Mount Cottrell Road Freeway Interchange, land cost \$750,000, DIL charge \$488 per NDHa; and

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<sup>8</sup> Planning Report, 2024, Melton Council

b. BD20: Mount Cottrell Road Rail Overpass, land cost \$225,000, DIL charge \$146 per NDHa.

109. The inclusion of these projects is supported as it reflects the coordination between government and the development industry to deliver these key infrastructure items and reflects the approach adopted by the adjoining DCPs. The DIL charges associated with the inclusion of these two projects is modest with a combined charge of \$634 per NDHa (21/22 \$).
110. It is noted that RD11 and RD24 both extend to the southern boundary of the PSP and it is recommended that RD17 be extended to the boundary of the PSP as Ferris Road is the main north south road that links the PSP and areas to the south through to the CMAC and Toolern train station.

#### Community & Recreation Projects

111. The distribution and broad functions of the community and indoor recreation facilities has previously been established in the Existing PSP and DCP and the proposed changes are the result of a combination of changes in Government policy and increases in projected population (based on projected increase in household size and dwelling density).
112. Since approval of the Existing DCP the Cobblebank MAC UDF has been approved and as a result many of the key land uses have changed location including the key civic facilities (Project CI01) and indoor recreation centre (Project CI02 that has been constructed) and justice precinct.
113. It is recommended that the PSP/DCP land budget be amended to ensure they are aligned with the public land take requirements that are depicted in the approved Cobblebank MAC UDF.
114. Whilst the estimated residential population has increased the amount of proposed open space has only increased by 0.7 ha as illustrated in Table 3. Taking into account the minor changes to the NDA the passive and active open space equates to 6.6% of NDA.
115. As a result, the amount of proposed unencumbered active and passive open space provided per person has reduced from 18.4m<sup>2</sup> to 15m<sup>2</sup>.

Table 3: Provision of Open Space

	Existing DCP (July 2011)	Draft DCP (June 2022)	Difference
<b>UNENCUMBERED LAND AVAILABLE FOR RECREATION</b>			
Active Open Space (Ha)	52.8	53.5	0.70
Passive Open Space (Ha)	48.3	48.3	0.00
<b>SUBTOTAL OPEN SPACE</b>	<b>101.05</b>	<b>101.75</b>	<b>0.70</b>
Other - Regional Park	46.9	46.9	0.00
<b>SUBTOTAL OPEN SPACE incl. REGIONAL</b>	<b>46.9</b>	<b>46.9</b>	<b>0.00</b>
Active Open Space (% of NDA)	3.4%	3.5%	0.00
Passive Open Space (% of NDA)	3.1%	3.1%	0.00
Total active & passive open space (% of NDA)	6.5%	6.6%	0.00
<b>OPEN SPACE PER RESIDENT</b>			
Total open space per resident (sqm)	26.9	21.9	-5.0
Total active + passive open space per resident (sqm)	18.4	15.0	-3.4

Source: Current DCP and Draft DCP

116. The Cobblebank MAC UDF nominates a show oval on property 24 however this land use is not reflected in Plan 2 or the land budget. I am instructed that Council will directly deliver this oval and therefore it is not identified in the Draft DCP. Notwithstanding this the land use should be specified in the parcel specific land budget.

### **Drainage Development Services Scheme (DSS)**

117. Melbourne Water have reviewed the DSS and as a result the Existing three catchments have been divided into eight sub-catchments.
118. A comparison between the Existing DCP and Draft DCP land budget illustrates that an additional 9.11ha of land is required for the revised infrastructure.
119. In their submission Melbourne Water note that the area and shape of several drainage assets in the Draft PSP/DCP do not reflect the latest version of the Stormwater Asset Plan.
120. It is recommended that the Draft PSP and DCP land uses and respective land budget reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021.

### **7.6.2 Project Costs**

121. All project descriptions have been updated to reflect current practice and functional layout plans have been prepared for transport items (Cardno), concept plans for the community centres (HEDE Architects) and recreation projects (VPA Benchmark Infrastructure Report, 2019). All construction costs have been updated based on detailed cost sheets and the sporting pavilions have been updated to reflect the VPA benchmark costs.
122. All land projects have been re-valuation by a registered valuer (Charter Keck Cramer).
123. The significant increase in land costs is a well understood reality throughout Melbourne's growth areas noting that the proposed active sporting reserves constitute a reasonably low percentage of the net developable area but also noting that passive open space contributions are not included in the Draft DCP.
124. The majority of the project cost increase proposed is due to the inclusion of an additional 17 transport projects.
125. The land and construction updates ensure that the DCP levy reflects the true cost of the infrastructure (land and construction) in 21/22 dollars.
126. I am instructed that Council intends to call separate expert evidence on infrastructure costings.
127. It is recommended that the project costs are updated to present day costs prior to gazettal.

### **7.6.3 Charge Areas**

128. The Draft DCP proposes to maintain use of four charge areas as per the 2010 DCP. Three of the charge areas are residential and the fourth is employment land. Charges areas three and four are located north of the railway line and the basis of these charges areas appears to be land use as area 3 covers the residential and MAC land and area 4 is the employment precinct.
129. I note that whilst multiple charge areas were commonly associated with earlier growth area based DCPs most of the more recent DCPs and ICPs tend to adopt one or possibly two charge areas.
130. Given the size of the Toolern growth precinct and the additional growth that is projected to occur it is considered appropriate that the DCP retains the existing charge areas.
131. It is noted that Payne Road PSP/DCP area is shown on Plan 3: Charge Areas and it is recommended that this area be removed as it is subject to a separate approved DCP and does not form a charge area in the Draft DCP.

### **7.6.4 Development Projections**

132. The Draft PSP is expected to accommodate 68,000 people in approximately 25,000 homes, and generate 25,000 jobs in the PSP area.

133. This is an increase of 13,000 additional residents compared with the development projections included in the Existing DCP.
134. The additional 13,000 will be accommodated within 25,000 homes, an increase of 1,000 dwellings compared to the Existing DCP.
135. Table 4 illustrates that average dwelling density per hectare across the entire residential NDA has increased slightly from 19.9 to 21 which has resulted in the additional 1,000 dwellings. The proposed average density aligns with what is currently being achieved within the PSP area<sup>9</sup>.
136. However, the majority of population the increase is due to the increase in persons per household from 2.3 to 2.7 persons. A household rate of 2.7 persons is considered reasonable and comparable to other greenfield PSPs.

Table 4: Proposed Development Projections

	Existing DCP (July 2011)	Draft DCP (June 2022)	Difference
<b>NET DEVELOPABLE AREA (NDA) ha</b>	<b>1,546.33</b>	<b>1,534.06</b>	<b>-12.27</b>
Net Residential Area (NDA) ha	1,205.31	1,189.47	-15.8
Net Employment Area (NDA) ha	341.02	344.59	3.6
<b>YIELD</b>			
Estimated Dwellings	24,000	25,000	1000.0
Dwelling Density per Residential NDHa	19.9	21.0	1.1
Estimated Residential Pop.	55,000	68,000	13000.0
Persons per Dwelling	2.3	2.7	0.4
Estimated Jobs	25,000	25,000	0.0

Source: Existing Toolern DCP, Draft Toolern DCP

137. The matter of density is discussed further in the substantive matters section.

#### 7.6.5 Demand Units

138. The Existing and Draft DCP use net developable hectares as the demand unit, this approach is considered appropriate for a greenfield growth area DCP.

#### 7.6.6 Land Use Budget

139. As noted in Section 6.2 there has been a reduction in the NDA of approximately 12.7 ha.
140. It is recommended that the PSP/DCP land budget be amended to ensure they are aligned with the public land take requirements that are depicted in the approved Cobblebank MAC UDF.
141. The Draft DCP land budget does not clearly identify the total land area required for the proposed DCP projects. This level of transparency is standard practice, and it is recommended that the parcel specific and precinct land budget tables be updated to include this detail.
142. Several clerical errors have been identified in relation to the land use budget, these include: -
- It is noted that the justice precinct has been relocated from property 123 to property 31 and increased in land allocation from 2ha to 4ha.

<sup>9</sup> Planning Report, Melton Council, 2024:page 19,

- b. Reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021.
- c. Remove the non-government school from properties 33 and 34 and replace with a school and open space.
- d. Update property 27 (regional park) to reduce the regional park area from 15.66ha to 13.46ha reflect that new 2.2ha drainage reserve.
- e. Reduce the amount of passive open space on Property 86 and 87 by 0.06ha respectively.
- f. Show 0.45ha of land is required for arterial roads and bridges for Property 126.
- g. Amend the tables to reflect RD19 land take as 3,203m<sup>2</sup> as per the FLP.
- h. Reflect the correct land area for RD12.

#### 7.6.7 External Apportionment

- 143. The Draft DCP includes 18 DCP projects with an external apportionment allocation of between 25%-75%.
- 144. Five community and recreation projects have retained a 30% external apportionment to existing residents, four projects are apportioned 25-50% to Paynes Road DCP and nine projects are apportioned between 50-75% to the Rockbank DCP.
- 145. The level of external apportionment included in the Draft DCP has increased compared with the Current DCP due to the inclusion of shared transport infrastructure located on the eastern boundary. This has resulted in the level of external apportionment increasing from 90% in the Existing DCP (based on 2010 \$) to 91% in the Draft DCP.
- 146. Based on the 21/22 costs, approximately \$66M is attributed to external apportionment, the majority of which will be collected via the adjoining DCPs.

#### 7.6.8 Calculation of Charges

- 147. Table 4 of the Amended DCP sets out all projects to be funded via the DCP by category, describes the project scope and land and/or construction costs, estimated external apportionment, total value apportioned to the DCP, main catchment areas, development types making a contribution and the number of the NDHa in the contributing MCA. Table 5 sets out the proportion of each DCP projects to be funded via each charge area and Table 6 sets out the charge rates for each project by charge area and the total DIL charges payable.
- 148. Table 4: Calculation of Costs is missing the \$3.3M allocated to PT01 and as a result the total value attributed to the DCP MCA should be \$598,352,234 not \$595,052,234. Table 5 has the correct total value and it appears that this has flowed through the calculation of the charges.
- 149. Table 6 does not clearly show the charge for the community infrastructure levy projects and it is recommended that the table is updated to be transparent and show this and include a final row at the bottom of the table clearly setting out the CIL payment amount.
- 150. Table 6 incorrectly categorises the following projects CI01, CI02, CI04, CI07, CI10, CI13, CI16 as 'development' when they are in fact 'community'. This is simply a typographical error.
- 151. The previously identified changes to the land use budget will affect the final NDA which will in turn affect the final charge rates.

### 7.6.9 Charges Proposed

152. The Draft DCP seeks to introduce increased DIL charges for residential and industrial land uses and a CIL charge for residential development across the four charge areas. A summary of the proposed charges is set out following in Table 4.
153. The residential DIL charges are proposed to increase between \$110,000 and \$169,000 per net developable hectare and the employment DIL charge will increase by approximately \$104,000 per net developable hectare compared with the Current DCP indexed 21/22 levies.
154. Council's Part A Submission (para 74 and 75) provides the indexed 24/25 DIL charges for both the Current and Draft DCP which are set out in Table 6.
155. Table 6 illustrates that the residential DIL charges are proposed to increase between \$107,000 and \$178,000 per net developable hectare and the employment DIL charge will increase by approximately \$118,000 per net developable hectare when compared with the Current DCP indexed 24/25 levies.
156. Appendix 4 compares the proposed charge rates with other DCPs within Melton and Wyndham (Melbourne's western growth corridor). Appendix 4 demonstrates that the proposed charges are comparable to other greenfield DCP charge rates based on the 21/22 and 24/25 charges.
157. The Draft DCP proposes a CIL charge of \$873 per dwelling (21/22 \$) and this has not been indexed to present day costs.
158. The current cap set by the Minister for Planning is \$1,450 per dwelling for the 24/25 financial year.
159. Whilst inclusion of CIL funding up to the CIL cap is not a requirement, most growth area DCPs seek a CIL charge commensurate with it to cover the cost of pavilions. I am instructed that Council intends to call separate expert evidence on infrastructure costings.

Table 5: Proposed DCP Charges (21/22 \$)

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 - Residential	Charge Area 4 - Employment
Proposed Draft DCP DIL charges (21/22 FY) per NDHa	\$439,563	\$441,988	\$369,529	\$228,563
Proposed Draft DCP CIL charges (21/22 FY) per Dwg	\$873	\$873	\$873	n/a

Source: Toolern Draft DCP (June 2022)

Table 6: Proposed DCP DIL Charges (24/25 \$)

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 - Residential	Charge Area 4 - Employment
Current indexed charges (2024/25)	\$357,976	\$396,046	\$339,935	\$171,107
Proposed Draft DCP DIL charges (24/25 FY) per NDHa	\$536,027	\$538,411	\$447,110	\$288,714
Difference	\$178,051	\$142,365	\$107,176	\$117,606

Source: Council Part A Submission – para 74 &75 (August, 2024)

#### **7.6.10 Open Space Contributions**

160. Active open space land is funded via the Draft DCP, passive open space is currently funded and is to continue to be funded via Clause 53.01.
161. Clause 53.01 of the Melton Planning Scheme requires an open space contribution of 3.97% of site value for all land except that located within Charge Area 4. It is noted that no change is proposed to Clause 53.01.

#### **7.6.11 Funding Gap**

162. The Draft DCP will result in a funding gap that will be attributed to Council. This gap is due to the fact that Council has already collected 21% of the DIL from permitted areas (Planning Report, 2024) and any increase to the levy will not be able to be applied retrospectively. Therefore, any difference between contributions that have been gathered based on an earlier reduced rate and a later increased rate will become a funding gap that will need to be met by Council.
163. Council officers calculate that the Draft DCP results in an additional \$213M worth of project costs and estimate that the funding shortfall is approximately \$78M<sup>10</sup> due to collection of existing levies. As a result, of the additional \$213M of project costs, Council anticipates it will recover approximately \$136M in 24/25 \$.
164. It is noted that Council will need to fund this gap through a mixture of funding grants and rates.
165. It is recommended that Council as the nominated development agency adopt a proactive approach as to how they will fund and manage this gap to ensure the timely delivery of infrastructure to support the growth of this important precinct.

#### **7.6.12 Exemptions**

166. Most DCPs have defined explicit circumstances within which exemptions for payment of contributions will apply. It is noted that Section 2.2.5 exempts non-government schools from paying a DIL and Section 3.1 exempts land for the development of a small second dwelling from paying a DIL, however there are no further exemptions included.
167. It is recommended that the Draft DCP include a specific section that sets out the exemptions that apply in the single section. The new exemptions section should be consistent with the current Ministerial Direction and also have regard to: -
  - a. existing Section 173 Agreements
  - b. contributions already paid under the Existing DCP;
  - c. specify that where land identified to be developed for a non-government school is not development for this purpose is required to pay a DIL;
  - d. any other exemptions Council deem appropriate.

#### **7.6.13 Payment of Levies**

168. It is recommended that Section 3.1.1 is updated to reflect current best practice wording and that it includes a section specifying that where contributions have been made and the obligation is fully satisfied under the existing DCP that no further contributions are required.

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<sup>10</sup> Council Part A Submission (para 44), August 2024



#### **7.6.14 Indexation**

169. The Draft DCP levies are proposed to be indexed annually by utilising different methods for land and construction projects. All construction projects are to be indexed annually using the Rawlinsons Building Price Index.
170. It is common practice for recent DCPs to apply the ABS Building Price Index and to specify different indices depending on the infrastructure category i.e. a different category for roads and bridges compared to recreation buildings however it is acknowledged that the proposed index is consistent with the Current DCP, Paynes Road DCP and Rockbank DCP.
171. With regard to land indexation it is noted that only a generic reference to annual site-specific valuations is included in the Draft DCP.
172. It is recommended that this section of the DCP is updated to specify in more detail the land valuation methodology that has been used as this will be useful in future valuation processes.
173. In addition, it is noted that several projects have been completed in the last 14 years and that Council intends to adopt the Current DCP 2021\$ cost for these projects rather than the actual delivery cost but that these costs will be indexed into the future.

#### **7.6.15 Project Timing & Delivery**

174. Table 3 identifies the indicative provisions trigger for each project, the triggers included are supported however it is recommended that the projects constructed as noted as such. Section 3.1.7 identifies a long term delivery horizon to the year 2040.

#### **7.6.16 Review Period**

175. Section 3.1.7 of the Draft DCP proposes that the DCP is reviewed every 5 years or more often if necessary. This approach is supported.

#### **7.6.17 Interim Works**

176. DCPs often include reference to the likely need for interim works and how any such proposals will be addressed in relation to DCP obligations – this is a matter that Council may wish to consider.

#### **7.6.18 Change in Project Scope**

177. It is common for DCPs to include a section relating to adjustment of project infrastructure scope. This section will set out that whilst the DCP projects have been costed to sufficient detail all projects will require a detailed design process prior to construction and that as part of that process development agency and collecting agency may agree to modify some aspects of the projects. It is recommended that such a section is added to the Draft DCP.

#### **7.6.19 Collecting Agency**

178. It is noted that Melton Council remains the Collecting Agency for all levies and this is supported.

#### **7.6.20 Development Agency**

179. Section 3.1.9 of the Draft DCP states that Melton Council is the Development Agency for all projects.
180. I note that this includes projects BD19 and BD20 where the land will be secured by Council and funded via the Draft DCP but the State Government will construct the projects.

#### **7.6.21 Works in Kind**

181. The Draft DCP includes Section 3.2 which sets out an implementation strategy and includes reference to the circumstances under which works in kind will be supported by Council. Whilst this sort of commentary is common and necessary, the Draft DCP includes Table 7 which includes a specific list of projects that will be supported as works in kind.
182. It is unusual to be so specific about which projects may be delivered via works in kind – Council may wish to revisit the need for and purpose of Table 7 in the Draft DCP.

#### **7.6.22 Update of the Document**

183. The Draft DCP would benefit from introduction of a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies and the timeframe for implementation of the DCP.
184. Given the Cobblebank MAC UDF has been approved it is recommended that these land uses be shown in Plan 2 to clearly illustrate the proposed land uses in this area and how they integrate with the train station and broader precinct.

### **8. SUBSTANTIVE ISSUES**

185. In response to the peer review that has been conducted and the content of a number of the lodged submissions there are a number of substantive issues that warrant further consideration. The relevant issues are addressed following.

#### **8.1 Need for Review of the DCP and PSP**

186. Whilst most approved DCPs in growth areas have a recommended 5 yearly review provision, it has been my consistent experience that Councils are often reticent to initiate review of approved DCPs due to a range of reasons including:
  - Lack of resources and/or expertise;
  - Cost;
  - Pressure to direct attention elsewhere including facilitation of applications within the relevant PSP area;
  - Concern regarding the impact of changed policy and strategy directions; and
  - Uncertainty regarding potential outcomes of the exhibition and review process including a concern that previous approved land use and other directions may be 'unwound' creating uncertainty.
187. I note in this context that Council initiated the review in 2020 and as such that it has taken a significant commitment to progress the review to this point in the process approximately 4 years later.
188. Notwithstanding the potential constraints to undertaking review of an approved DCP, and by association any necessary review of the accompanying PSP, I am of the view that the Council had effectively no choice but to commission the review process due to the implications associated with the existing funding gap (of \$213M in 24/25 \$) and the prospect that the gap will increase over time.
189. Whilst the existing funding gap, and the desire to avoid future increases, is reason enough to initiate the review it is noted that the potential impacts extend beyond the Council's financial position and as stated previously also include:
  - delay in delivery of the higher order infrastructure due to underfunding of projects; and
  - proponents of works in kind will be discouraged from taking on the obligation to deliver infrastructure due to shortfalls in credit values.

190. As stated previously, I am of the opinion that the combined impact of these consequences are significant barriers to achievement of the timely delivery of infrastructure to meet the needs of newly emerging communities which is contrary to the objectives of State policy (19.03-1S) and the objectives of the PSP which specifically seek to:
- a. *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans...*
191. Specifically in terms of delayed delivery of higher order infrastructure projects, it is important to acknowledge that the Toolern PSP area has a specific challenge that needs to be overcome.
192. Notwithstanding that a significant proportion of the PSP is subject of existing approved planning permits but is yet to be subdivided, as noted previously, the majority of the land to the east of Ferris Road is more fragmented than land to the west of Ferris Road (*see Figure 3 on page 10 of the Council Planning Report*).
193. An important implication associated with the apparent level of land fragmentation is that developers within the various permit areas will, in my opinion, be more likely to pay stage by stage monetary contributions rather than adopting responsibility for delivery of works in kind.
194. The reason for this likelihood is the lack of scale of the smaller landholdings and the associated implication is that Council will be required to act in a proactive manner into the future as the delivery agency particularly in relation to transport projects (roads, intersections and bridges), community centres and active recreation projects.
195. In order to be effective in this role, it is likely in my opinion that Council will need to forward fund some projects that will in turn place extra pressure on Council's capital works program.
196. Returning to the implications associated with a significant proportion of the PSP area being subject of existing planning permits (*see page 10 of the Council Planning Report*), it is my understanding that DCP levies are paid on a staged basis.
197. Without review of the Current DCP charges the impact of this condition will be to increase the funding gap.
198. With regard to 'review' of the PSP it is clear that the primary focus of the review process has been to address the funding and delivery of the issues rather than seeking to initiate a complete review of the land use and other directions that are contained within the PSP.
199. In this context, in my opinion, the primary objective of the review process is to ensure that needed infrastructure can be delivered in a timely and efficient way and to ensure that its costs are equitably shared such that the broader objectives of the PSP can be achieved.
200. I would characterise the focus of the review process as 'implementation based'.
201. This implementation based focus of the review process is in accordance with the intent of the 5 yearly review provisions of the DCP and accounts for why the PSP directions have been maintained such that only a clean up or 'refresh' of the PSP is proposed.
202. According to the review provision that is contained within the approved DCP, the DCP contains an expectation that the DCP will be monitored and reviewed at least every 5 years:
- The DCP should be reviewed and, if necessary, updated every five years (or more if required). This process will require an amendment to the Melton Planning Scheme and this incorporated document. This review is anticipated to include:*
- *Update any aspect of the plan which is required;*
  - *Review of projects required, as well as their costs and scope (as relevant) and indicative provision trigger;*
  - *Review of estimated net developable area (this will also be required if the Precinct Structure Plan is subject to a substantive amendment); and*

- *Review of land values for land to be purchased through the plan.*<sup>11</sup>

203. Other than the proposed changes to the infrastructure project descriptions and associated costs, what distinguishes the proposed Amendment are the breadth and relative complexity of the proposed changes, both inclusions and exclusions, changes to external apportionment and overall reduction in the net developable area as set out in the peer review section of this statement.
204. For the reasons outlined above however, I support the need for the more holistic review the review of the DCP and the associated refresh of the PSP noting the emphasis on the 'delivery focus' of the review process to ensure that infrastructure can be provided in a timely, efficient and equitable way.
205. Notwithstanding this general support for the need for the review it is a significant omission that the proposed charges in the exhibited amendment were expressed in 21/22 \$'s but it is acknowledged that the updated costs for the current financial year have been provided in the Part A Submission.
206. It is recommended that the proposed charges be updated to present day costs before the revised DCP is approved in order to avoid a widening funding gap along with consideration of a number of other recommendations as set out following.
207. What remains is to comment on the need for the various infrastructure projects, to assess consistency with the Precinct Structure Plan Guidelines and to consider the implications associated with increases in density as is set out following.

## 8.2 Need for Infrastructure Projects

208. As set out in the peer review of the DCP section of this statement, the proposed changes to the DCP projects are relatively complex but they can be generally summarised as:
- Transport network (projects, scope, costs and apportionment);
  - Community and recreation infrastructure (scope and costs); and
  - Town Centre (projects, scope and costs).
209. With regard to the proposed changes to the transport projects, I maintain the view that was expressed in the Mesh 2022 review that *the planned transport has remained largely unchanged and as such that the new projects can be generally characterised as completing or addressing omissions in the transport network.*<sup>12</sup>
210. Proposed changes to project costs and cost apportionment on the eastern boundary of the PSP area will ensure that the transport network is progressively delivered to meet the needs of the combined PSP areas.
211. With regard to proposed contributions toward land costs for what may be loosely referred to as State infrastructure projects (such as freeway interchanges) whilst there is no means by which the State may be compelled to direct Growth Area Infrastructure Charges (GAIC) toward these projects (land or construction) it is reasonable in my opinion for the land cost for the interchanges to be included in the Draft DCP as proposed.
212. Where the proposed changes to the transport network are more complex, changes to the proposed charges for community infrastructure (DIL projects) are directly associated with increases in density and population and changes in Government policy.
213. In this context, it is important to acknowledge that the approach toward community facilities, in terms of the number of community centres and their distribution, was established as part of the initial PSP process and that the overall approach has remained unchanged.

<sup>11</sup> Toolern Development Contributions Plan, July 2011, Amended June 2022, section 3.1.7, pg 58

<sup>12</sup> Toolern Precinct Structure Plan and Development Contributions Review, Mesh Planning, August 2022, pg 4

214. What has changed however are the community centre types, the project descriptions and the associated costs (land and construction).
215. I am satisfied that the proposed changes have been based on the findings of the ASR report<sup>13</sup> and that the proposed changes will respond to the anticipated increases in yield and population and the changes to Government policy.
216. As set out previously, the Cobblebank Town Centre now assumes the status of a Metropolitan Activity Centre (MAC) and that following approval of the Current DCP in 2010 a more detailed Urban Design Framework (UDF) has been prepared for the town centre.
217. The approved UDF incorporates changes to the land use framework for the town centre that are inconsistent with the Current DCP and PSP land budget as previously described in the peer review section of this statement.
218. Ordinarily it would not be appropriate for a document such as a UDF to make significant changes to land use patterns or land take requirements for public purposes that would differ from what is set out in a document such as a DCP and/or a PSP.
219. In this instance however it is appropriate to 'formalise' the refinement that has occurred during the UDF process in the Draft DCP.
220. This is particularly important where changes, such as the relocation of projects CI01 and CI02 onto Council owned land and relocation and increase in size of the justice precinct onto property 31, that will have an impact on the land budget and/or the calculation of charges that are contained within the DCP.
221. Upon review of the combined proposed changes to the DCP I am of the opinion that the justification or need for the projects has been established either by the Current PSP process or that the new projects are intended to 'complete' the transport network (with appropriate external apportionment) and that arguably these projects should have been included in the Current DCP.
222. In this context I am satisfied that the projects that are proposed to be funded are needed by the future population of the PSP area.

### **8.3 Affordability of the Proposed Charges**

223. As set out in section 7.5.9 of this statement, the Draft DCP seeks to introduce increased DIL charges for residential and industrial land uses and a CIL charge for residential development across the four charge areas.
224. Table 6 illustrates that the DIL charges are proposed to increase between \$107,000 and \$178,000 per net developable hectare and the employment DIL charge will increase by approximately \$118,000 per net developable hectare compared with the Current DCP indexed 24/25 levies.
225. Appendix 4 compares the proposed charge rates with other DCPs within Melton and Wyndham.
226. Appendix 4 demonstrates that the proposed charges are comparable to other greenfield DCP charge rates based on the 24/25 charges.
227. As stated previously the proposed charges in present day dollars have been provided in the Part A Submission.
228. It is noted that the the 24/25 charges are comparable to other growth area charges (see Attachment 4) noting that the larger PSP areas (such as in Wyndham for example) tend to have higher charges than the smaller PSP areas.

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<sup>13</sup> Toolern Precinct Structure Plan Review – Community Infrastructure Recommendations Report, January 2021, ASR Research

- 229. It is noted in this context that at the time of gazettal of the Current DCP in 2010, the DCP charges were quite low on a comparative basis.
- 230. At least in some part this reflected the relative low land values in Melton at the time and the relative lack of maturity of Melton's growth areas.
- 231. Since that time however significant projects such as Woodlea, Thornhill Park and Atherstone for example along with delivery of the Toolern railway station and part of the town centre have lifted the profile of Melton as a growth area of metropolitan significance and increasing maturity.
- 232. In this context increasing land values and increasing construction costs have been commonly reported throughout Melbourne's growth areas.
- 233. The relative increases in land values and construction costs are impacting on affordability levels throughout Melbourne's growth areas generally however the proposed increases in charges are essential in my opinion to avoid creation of poorly serviced communities.
- 234. With the outcome in mind in relation to creation of sustainable communities and with reference to other growth areas, I am of the opinion that the proposed 24/25 charges (subject to the other recommendations that are contained within this statement) are appropriate notwithstanding some variability in land values when comparisons are made to other growth areas.

#### **8.4 Impacts of increases in Density of Development**

- 235. Before commenting on the issues relating to increases in density it is necessary to set out some summary information about potential density increases.
- 236. At the time of its approval in 2010 it was assumed that there would be a dwelling yield of 24,000 dwellings and 2.3 persons per household such that the PSP area would accommodate approximately 55,000 people.
- 237. At that time a density of a minimum of 15 lots per hectare was assumed for calculation purposes.
- 238. According to analysis that has been conducted by Council it is my understanding that the impact of the proposed revisions to the DCP and/or the PSP has the potential to yield an additional 1,000 dwellings.
- 239. An addition of 1,000 dwellings across a growth area with the capacity to accommodate 24,000 dwellings is well within acceptable tolerances in infrastructure capacity.
- 240. What is more significant however is the revised projection of persons per household which has increased from 2.3 persons per household to 2.7 persons per household.
- 241. This increase in the number of persons per household, which I consider to be more consistent with outcomes in other growth areas, has the potential to more significantly increase the population within the PSP area.
- 242. Returning to density of development it has been my consistent experience over the last 30 years and in particular over the last 10 years, that the density of development has steadily increased and the diversity of housing products has also steadily increased but that the diversity in housing types is variable depending on the scale of the project (to the extent that larger scale projects typically offer increased diversity of housing options).
- 243. As has often been observed, the increase in density in growth areas has been reflected in decreasing lot sizes but the size of houses have often increased at the same time hence the attractiveness of the growth areas for families and as a consequence the increase in number of persons per household.
- 244. This tendency is reflected in the analysis that has been undertaken by Council which indicates that the permitted land is yielding approximately 21 lots per hectare.

245. This density is consistent with my experience in other growth areas where yields of 18-22 lots are commonly being achieved.
246. If this yield were to be assumed for the remainder of the growth area there would be potential for an additional 13,000 persons.
247. It should be acknowledged at this point that use of a land area (ie hectare of NDA) rather than dwelling was consciously adopted in growth areas to promote increases in density and diversity such that irrespective of the precise yield on a given land holding (that would be assessed against site conditions and PSP objectives etc) the development contribution would be the same.
248. Notwithstanding this, an additional 13,000 persons is a significant increase in overall population that warrants consideration from an infrastructure capacity perspective.
249. The review process has consciously addressed the impacts of this increase in population in a number of ways including:
- commissioning of the ASR report in relation to community activity centres and active open space;
  - reviewing the transport network; and
  - involving servicing authorities such as Melbourne Water.
250. As discussed previously the recommendations and proposed approach toward the community activity centre network are supported.
251. With regard to open space implications I note that the addition of 13,000 people has been assessed by ASR Research as requiring a significant additional area of open space (active and passive open space).
252. It appears that a decision has been made not to pursue changes to the PSP/DCP and/or clause 53.01 to facilitate the requirement to set aside additional land for open space purposes but rather to focus on updating of active open space project construction costs.
253. In relation to open space it is noted, as stated previously, that as a result of the projected increase in population, the amount of proposed unencumbered active and passive open space provided per person has reduced from 18.4m<sup>2</sup> to 15m<sup>2</sup>.
254. This per capita open space provision is comparatively low noting that the PSP has a combined active and passive open space requirement of 6.6% (noting that clause 53.01 specifies a passive open space contribution of 3.97%).
255. The combined contribution of 6.6% is low by comparison to other growth area PSPs that more commonly have open space contributions of approximately 10%.
256. I am concerned about the future liveability implications associated with a comparatively low open space requirement however the proposed amendment has not been accompanied by any proposal to amend the proposed approach toward open space.
257. In this context however I do note the intention of Council to accommodate and fund the show oval that is located on property 24 (Council owned land) and I also note the presence of the regional parkland that is located along the Toolern Creek that has a total area of 110ha of which approximately half is within the PSP area.
258. With regard to the transport network, whilst I am not aware of an overall traffic impact assessment report, I support the approach that has been adopted by the City in reviewing each of the transport projects to achieve the following outcomes:
- Delivery of a connected, more complete transport network, including additional north-south connectivity (as can be seen in the DCP transport network plans);



- Refinement of the road cross sections and intersections to be more aligned with the VPA benchmarks (that has resulted in some reduction in road widths); and
  - Resolution of the eastern boundary of the PSP and its interface with the adjoining PSPs.
259. The emphasis on progressive completion of a connected, grid-based transport network is particularly important within and adjacent to the Toolern PSP area given the short to medium term need to connect the large-scale development fronts and to create additional connectivity in the vicinity of the existing train station.
260. In relation to the involvement of servicing agencies such as Melbourne Water, I note that some relatively significant changes are proposed to the Development Services Scheme (DSS) that will impact on the DCP land budget.
261. Land take that is required for establishment of the main drainage network is a primary input into formulation of the PSP Future Urban Structure Plan and as such it is recommended that the PSP and the DCP are amended to define the land that is required to be set aside for drainage purposes.
262. Returning to the potential impacts (beyond those that have been assumed by Council) of increases in density beyond approximately 21 lots per hectare I am of the opinion that the increase in density from 15 lots per hectare to around 20 lots per hectare has been relatively easily achieved via a general reduction in lot size as previously discussed.
263. Whilst there is some further potential for additional increases in density via extension of this concept the step change toward delivery of significantly higher development densities (such as multi-level apartments for example) in my opinion is less likely within the life of the PSP area.
264. Should such development outcomes become viable however I am satisfied that the PSP provides sufficient direction that they be delivered within the town centre area noting that there are relatively few sites within the town centre that are not identified for other purposes in the approved UDF.
265. I expect that other applications for more conventional development will be assessed in accordance with the objectives, requirements and guidelines that are contained within the PSP noting that the density of 15 lots per hectare is expressed as a minimum.

### **8.5 Land Use Changes**

266. A number of submitters have raised concerns and/or issues about how to deal with refinement or changes to the PSP that have occurred during the course of the planning permit process.
267. More specifically, it is understood that some submitters are requesting that the PSP be amended to reflect these changes where other submitters are requesting that changes to land take and other requirements that may affect the future development potential of land are included within the proposed Amendment.
268. As a matter of general practice, it is not common in my experience for documents such as a PSP Future Urban Structure and/or a DCP to be progressively updated to ensure that the documents accord with planning permit approvals.
269. The minor and at times more important changes that at times occur in the transition from PSP/DCP to planning permit approvals are usually assessed under the 'generally in accordance with' provisions.
270. Other than the planning assessment process what is important is to manage any land budget implications but there is usually no expectation that the PSP or DCP will be updated.
271. With regard to other changes that may affect the future development potential of land (such as for example increased land take for public purposes such as drainage land or inclusion of an additional project) it is recommended that the PSP and/or DCP be updated.



272. I note in this regard that the revised Melbourne Water DSS may result in additional area of approximately 9 hectares of land being needed for drainage purposes.
273. I support inclusion of such changes due to the spatial, land budget and cost implications.
274. With regard to the submission from Lend Lease which is seeking inclusion of the southern section of Ferris Road (to the southern boundary of the PSP), I support inclusion of this section of Ferris Road as a DCP project as it is clear that Ferris Road is an important part of the grid network of roads within the PSP area.
275. While it is probable that Ferris Road will adopt a broader network role into the future via its southerly extension and upgrade, I am satisfied that future processes will resolve whether contributions are applicable but that upgrade of the section of Ferris Road to the southern boundary of the PSP will deliver a shared benefit to the PSP area.

### **8.6 Conversion to an ICP**

276. A question was raised within the 2022 Mesh advice that consideration be given to whether the DCP should be converted to an Infrastructure Charges Plan (ICP).
277. The reason for raising this matter was within the context that the majority of the PSP area is yet to be developed and taking into account the greater protection that the ICP system offers in relation to land values for future public purposes.
278. It is noted however that potential conversion from a DCP to an ICP presents some significant challenges in relation to contributions from developed land and land that is subject of existing planning permits.
279. These issues have been raised in the Council Planning Report<sup>14</sup> where it is indicated that it is Council's preference to continue with use of the DCP system.
280. I note this preference and do not take issue with Council's assessment or preference to continue with use of the DCP system.

### **8.7 Consistency with the PSP Guidelines**

281. The general intent of the revised PSP Guidelines is to implement the 20 min neighbourhood objectives and principles.
282. I note that the PSP incorporates some existing structural conditions and planned land use/transport directions that will support creation of 20 minute neighbourhoods including:
- A higher order town centre with a range of planned community and other land uses;
  - An existing train station that has been upgraded in advance of development;
  - Distributed community facilities and active open space;
  - A grid-based transport network; and
  - A distributed passive open space network.
283. Specifically with regard to density of development, the current PSP Guidelines require that development achieves an average density of 20 dwellings per hectare.
284. Taking into account the earlier discussion regarding density and resultant population increase and the layout and key objectives of the PSP I do not consider that there is an explicit need to amend the PSP to reflect the objectives of the PSP Guidelines however inclusion of a general reference may be appropriate.

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<sup>14</sup>Planning Report, 2024, pg 38, Melton City Council

## 9. CONCLUSION

285. In conclusion, it is evident based on the findings of the peer review that is contained within this statement that the proposed changes to the current DCP and the associated PSP (as required) are complex.
286. The proposed changes to the DCP include proposed addition of new projects, deletion of some existing projects, changes to project descriptions and costs, changes to project apportionment and changes to the land budget.
287. Setting aside the detail of the changes for the moment it is evident that review of the DCP is timely and without review it is likely that there will be a significant funding gap that will need to be met by Council.
288. The implications associated with an increasing funding gap are significant and include matters beyond the future financial position of the Council such as:
- delay in delivery of the higher order infrastructure due to underfunding of projects; and
  - proponents of works in kind will be discouraged from taking on the obligation to deliver infrastructure due to shortfalls in credit values.
289. The combined impact of these consequences are significant barriers to achievement of the timely delivery of infrastructure to meet the needs of newly emerging communities which is contrary to the objectives of State policy and the objectives of the PSP and DCP.
290. In terms of the more significant changes that are proposed, I particularly support the objective of delivering a more complete and connected transport 'network' and reclassification of the community activity centres.
291. The lack of updating the proposed charges to current dollars is a significant limitation of the exhibited material however it is noted that the review process has required a significant commitment from Council over the last 4 years.
292. There are a range of recommendations contained in this statement that are summarised in Table 6.
293. I support the proposed Amendment subject to the changes as recommended.

## 10. SUMMARY OF RECOMMENDATIONS

294. Table 7 sets out my recommendations.

Table 7: Recommended changes to the Draft DCP

No.	Page Number	Section	Recommended Change
	2	New Summary of Charges Section	- The document would benefit from introduction of a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies, charge areas and the timeframe for implementation of the DCP.
	3	Section 1.0 Introduction	- Section 1.0 of the revised DCP does not include a list of the key strategies and technical reports that have been used to determine the infrastructure project list. It is recommended that the key technical documents used to inform the DCP are listed
	4	Plan 1: Regional Context	- That this plan be updated to include all the approved PSPs in the corridor and the Toolern Park PSP area.
	6	Plan 2: Future Urban Structure	- Given the Cobblebank MAC UDF has been approved it is recommended that the DCP projects within this area be shown in Plan 2 to clearly illustrate where they are located. - It is recommended that the Draft PSP and DCP land uses and respective land budget reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021.
	7	Section 1.3	- Update the site area from 2,200 hectares to 2,100 hectares to reflect the PSP/DCP land budget. - Include a new section outlining the Current DCP and the changes made and reflected in this DCP along with existing S.173 Agreements and infrastructure completed as this is important contextual information.
	8	Plan 3: Charge Areas	- Remove Paynes Road DCP from this plan as it is not a charge area under this DCP.
	10	Plan 4: Roads and Intersections	- Add in project label RD18 - Update the FUS base plan to include the DCP projects located within the MAC UDF area. - RD17 be extended to the boundary of the PSP as Ferris Road is the main north south road that links the PSP and areas to the south through to the CMAC and Toolern train station.
	12	Plan 5: Bridges & public transport	- Add in project BD19 - Update the FUS base plan to include the DCP projects located within the MAC UDF area.
	16	Plan 7: Active Recreation Facilities	- Update the FUS base plan to include the DCP projects located within the MAC UDF area.
	18	Section 1.4.9, 2 <sup>nd</sup> para	- Recommend text is updated to reflect current annual indexation of the CIL by the Minister for Planning
	20	Plan 8: Land Budget	- Update the land budget plan to include the DCP projects located within the MAC UDF area.

No.	Page Number	Section	Recommended Change
	21	2.2.1 Calculation of Costs	<ul style="list-style-type: none"> <li>- That the 21/22 projects costs are updated to present day costs prior to gazettal</li> <li>- That the current valuation methodology key assumptions/instructions are outlined in the report so that future valuation reports are consistent.</li> </ul>
	21	2.2.3 Cost Apportionment	<ul style="list-style-type: none"> <li>- This section should explain the apportionment of projects across the Draft DCP and Paynes Road DCP and Rockbank DCP.</li> </ul>
	22	2.2.6	<ul style="list-style-type: none"> <li>- Amend heading to read "Total Contributions Payable by Charge Area and Development Type"</li> </ul>
	Page 23+	Table 1: Precinct Specific Land budget Table 2: Parcel Specific Land Budget	<ul style="list-style-type: none"> <li>- The Daft DCP land budget does not clearly identify the total land area required for the proposed DCP projects. This level of transparency is standard practice and it is recommended that that parcel specific and precinct land budget tables be updated to include this detail.</li> <li>- The land budget tables should reflect the DCP projects and key public land uses located within the MAC UDF. e.g. that the justice facility is no longer located on property 123 and is now on property 31 and the size has increased to 4ha, CI01 and CI02 have been relocated to property 24 etc</li> <li>- Reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021.</li> <li>- Remove the non-government school from properties 33 and 34 and replace with a school and open space.</li> <li>- Update property 27 (regional park) to reduce the regional park area from 15.66ha to 13.46ha reflect that new 2.2ha drainage reserve.</li> <li>- Reduce the amount of passive open space on Property 86 and 87 by 0.06ha respectively.</li> <li>- Show 0.45ha of land is required for arterial roads and bridges for Property 126.</li> <li>- Amend the tables to reflect RD19 land take as 3,203m2 as per the FLP.</li> <li>- Reflect the correct land area for RD12.</li> </ul>
		Tables 3,4,5 and 6	<ul style="list-style-type: none"> <li>- That all construction and land costs are updated to present day costs prior to gazettal.</li> <li>- Projects CI04, CI07, CI10, CI13, CI16 are nominated incorrectly as development infrastructure need to be changed to community infrastructure.</li> <li>- BD21 – Mount Cottrell level crossing upgrade project description states that this relates to construction of an upgrade however the Draft DCP includes \$1M for land. I have been instructed that this land allocated is incorrect and should be added to BD20.</li> <li>- RD17 be extended to the boundary of the PSP as Ferris Road is the main north south road that links the PSP and areas to the south through to the CMAC and Toolern train station.</li> </ul>
	28-35	Table 3: Strategic Justification	<ul style="list-style-type: none"> <li>- Show the land area required for each DCP project</li> <li>- Update the provision trigger to 'completed' for the relevant projects.</li> <li>- The MCA column on page 31 is replicating the provision triggers and needs to be updated</li> </ul>
	36-43	Table 4: Calculation of Costs	<ul style="list-style-type: none"> <li>- This table does not show the CIL cost attributed to the MCA and this should be included.</li> <li>- The table should include two final rows at the end of the table, one should identify the total costs for DIL projects and the</li> </ul>

No.	Page Number	Section	Recommended Change
			other CIL projects so it is clear what total cost is attributed to each levy.
	44-49	Table 5: Schedule of Costs	- The table should include two final rows at the end of the table, one should identify the total costs for DIL projects and the other CIL projects so it is clear what total cost is attributed to each levy.
	50-	Table 6: Summary of Charges	- This table should clearly show the actual CIL charge breakdown for each CIL project, it is important this level of transparency is included.
		Section 3.1.1	<ul style="list-style-type: none"> <li>- It is recommended that this section is updated generally to reflect wording in recent DCPs.</li> <li>- Given the current DCP has been operating for 14 years there needs to be a section explaining what happens to land subject to an existing 173 agreement. e.g. confirm that Council will not seek 'top up' payments</li> </ul>
	Section 3	Add new section Exemptions	<ul style="list-style-type: none"> <li>- Include a new section setting out all exemptions in the one place that should be consistent with the current Ministerial Direction and have regard to existing Section 173 Agreements and contributions already paid under the Existing DCP.</li> <li>- Also include additional note stating what happens if land designated for a non-government school is not developed for that purpose. Example wording provided below</li> <li>- Where land is subdivided to enable a non-government school to be accommodated and the use of that land is subsequently for a purpose other than a non-government school, the owner of that land must pay to the collecting agency a development infrastructure levy in accordance with the provision of this DCP. The Development infrastructure levy must be paid prior to the commencement of the construction of any buildings or works for that alternative use.</li> </ul>
		Add a new section Interim Works	- That a new section is added regarding interim works and how any such proposals will be addressed in relation to DCP obligations
		Add a new section Adjustment of Infrastructure Scope	- Include a section relating to adjustment of project infrastructure scope. This section will set out that whilst the DCP projects have been costed to sufficient detail all projects will require a detailed design process prior to construction and that as part of that process development agency and collecting agency may agree to modify some aspects of the projects.
	58	3.1.6: Indexation	<ul style="list-style-type: none"> <li>- Consider applying the ABS PPI different indices to the respective infrastructure categories i.e. a different index for transport items compared to community infrastructure.</li> <li>- Specify current land valuation methodology/ assumptions as this will be useful in future valuation processes.</li> </ul>
	58	3.1.8	- Update text to reference section 46K(1)(fa) and Section 46QC
	60-61	Table 7	- Remove to provide flexibility to Council regarding future works in kind projects.
	81	BD19 FLP in Appendix 1	- The plan be corrected to state that property 126 in the Toolern DCP.

**11. APPENDIX 1**

# Toolern Precinct Structure Plan and Development Contributions Plan Review

Melton City Council

**DRAFT**

**August 2022**



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# Toolern Precinct Structure Plan and Development Contributions Plan Review

## Toolern Precinct Structure Plan and Development Contributions Plan Review

Melton City Council

**August 2022**

<b>Client</b>	<b>Melton City Council</b>
Project	Toolern Precinct Structure Plan and Development Contributions Plan Review
Version	1.0
Prepared By	Chris De Silva
Reviewed By	Chris De Silva
Date	<b>August 2022</b>

### Acknowledgement

Mesh acknowledges the Traditional Owners of the lands on which we work, and pay our respects to Elders past, present and emerging.

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## 1. OVERALL FINDINGS & RECOMMENDATIONS

### 1.1 Findings

1. The Toolern Precinct Structure Plan area is a large, strategically important growth area of Metropolitan significance.
2. Review of the Precinct Structure Plan and the Development Contributions Plan is necessary and timely given that the documents were first approved in 2010.
3. At the time of their preparation the documents represented best practice however by comparison to more recent approaches are properly described as second generation documents that are potentially lacking in ability to gather sufficient funds to enable delivery of needed infrastructure (land and construction).
4. The need for review of the documents and the proposed increases in development levies or contributions are the result of 3 considerations:
  - a. Firstly, the need to include additional land and construction projects that were not initially included within the DCP (including transport projects within the Cobblebank Metropolitan Activity Centre and Cobblebank Mixed Use Urban Design Framework areas);
  - b. Secondly, the need to update project descriptions and costs (land and construction) to ensure that the DCP levy reflects the true cost of the infrastructure (land and construction) and to increase the likelihood of works in kind as the preferred method of infrastructure delivery; and
  - c. Thirdly, review of projected household sizes and associated yields to assess whether the planned infrastructure is capable of meeting the needs of the future community and in accordance with general expectations and Government policy.
5. None of the projects that are proposed to be funded are considered to fall outside the definitions of development and community infrastructure or to offend the objective of a development contributions plan seeking to fund 'basic and essential' infrastructure.
6. In reflecting on whether appropriate strategic justification has been established for the resultant additional projects and increase in costs the following points should be noted:
  - a. The additional intersection and bridge projects are associated with the planned transport network that has remained largely unchanged and as such the new projects can be generally characterised as completing or addressing omissions in the transport network (save for the proposed changes on the eastern boundary which may require closer review in terms of external apportionment) that will need to be delivered to enable the network to be progressively delivered;
  - b. The re-scoping of the intersection and road projects (including land take requirements) are in keeping with what has become established as acceptable/necessary design standard to support costing for DCP/ICP purposes;
  - c. The distribution and broad functions of the community and indoor recreation facilities has previously been established in the approved PSP and DCP and the proposed changes are the result of a combination of increased costs (land and construction), changes in Government policy and increases in projected population (based on projected increase in household size) all of which can be demonstrated in terms of impact on the overall charges;
  - d. The significant increase in land costs is a well understood reality throughout Melbourne's growth areas noting that the proposed active sporting reserves constitute a reasonably low

percentage of the net developable area but also noting that passive open space contributions are not included in the DCP; and

- e. The increased construction costs for outdoor recreation are commensurate with other recent ICPs.
7. Notwithstanding the likelihood of a funding gap being attributable to Council (if an increased levy is introduced) as a result of land that has already been developed, continuing to gather the current contributions is not considered to be a viable option taking into account the financial and implementation risks and limitations.
8. The proposed increases in levies or development charges across all infrastructure types are significant and will attract criticism and submission having regard to the extent of increase relative to broader affordability considerations however the increases are considered to be justifiable.

## **1.2 Recommendations**

1. Prepare one or more plans and a brief explanatory document which clearly show the proposed changes to the PSP urban structure and which depict any additional and/or deleted infrastructure projects (land and construction).
2. Review and determine a deliberate position with regard to whether the revised PSP and DCP acknowledge and support implementation of the revised Precinct Structure Plan Guidelines.
3. If the revised PSP Guidelines are supported, revise the projected yield and population capacity projections accordingly and reference the Guidelines in support of the proposed infrastructure requirements and review the relevant sections of the PSP.
4. Consider conversion of the revised DCP into the ICP framework.
5. If conversion to an ICP is not preferred, undertake some comparative modelling to explain how the proposed projects and charges would theoretically translate into the ICP system and use the Amendment to ventilate the process by which the value of land has been established and used as an input to the revised charges.
6. Review the proposed additional proposed transport projects that are located on the eastern boundary of the PSP area to determine whether any external apportionment should apply.
7. Consider simplification of the DCP by implementing only two main catchment areas – one for residential and (including activity centres) and the other for employment land.
8. Assess whether external apportionment should apply to the new roads and intersection projects that are located on the eastern boundary of the DCP.
9. Consider the need to include whether it is necessary to specify any exemptions from payment of contributions.
10. That the specified indexes and the land valuation method be revisited before the DCP is implemented.
11. Consider whether there is a need to include reference to the likelihood of interim works and how any such proposals will be addressed in relation to DCP obligations.
12. Correct the errors that are noted in section 6.5.3.
13. Introduce a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies and the timeframe for implementation of the DCP.

## 2. REPORT PURPOSE

Mesh Planning (Mesh) was engaged by Harwood Andrews on behalf of the Melton City Council (Council) to complete a peer review of the Revised Toolern Precinct Structure Plan (PSP) and Development Contributions Plan (DCP), June 2022.

The Project brief provided by Harwood Andrews specifically requests that the following tasks be undertaken by Mesh: -

- 1. Review the draft amendment and supporting materials. In undertaking your review, you should consider the drafting of the amendment (including revised PSP and DCP) from a planning perspective, and the form and content of the revised DCP including questions of strategic justification.*
- 2. Meet in conference prior to 15 August to provide your preliminary views on the draft amendment;*
- 3. Prepare a memorandum of advice outlining your preliminary views;*
- 4. Consider submission following exhibition (expected second half 2022);*
- 5. Prepare an expert witness statement;*
- 6. Provide expert evidence before Planning Panels Victoria.*

This advice constitutes the draft outcome of tasks 1-3 and as such should be read as preliminary views only and subject of further change.

## 3. CONTEXT

The Toolern Precinct Structure Plan area is a large precinct (approx.2200ha<sup>1</sup> in area) located to the south-east of the Melton Township – south of the Western Freeway.

The precinct is irregular in shape and is bisected by a railway line. In terms of underlying conditions that are likely to influence the location of development, it is noted that Ferris Road (an existing north-south road) is generally accepted as the dividing line between the ‘western and eastern’ precincts.

Whilst the eastern and western precincts are not defined within the Precinct Structure Plan for land use planning or infrastructure related reasons, the defining feature is that land within the eastern precinct is generally more fragmented than the western precinct and the eastern precinct has some more complex drainage challenges that will need to be progressively overcome.

Due to the presence of the more positive underlying development conditions in the west, much of the existing development is taking place within the western precinct by larger scale developers where economies of scale can be achieved.

The Toolern PSP and DCP were initially approved in 2010 and subsequently amended in 2015 and 2020.

As of January 2020, the development status of the PSP was described as:

- Approximately 65% of the Toolern PSP area is covered by active planning permits;*
- There are in excess of 60 current planning permits associated with residential estates;*
- A further 27 residential estates have been identified to date with more to come; and*
- Two employment area subdivisions are under consideration.<sup>2</sup>*

Based on conversation with Council officers, it is understood that Council has collected approximately 20% of the Development Infrastructure Levy from within the permitted areas however the general approach that Council is adopting is to apply the relevant DCP rates that are applicable at the time of development. That is, as a statement of compliance is reached (for a residential subdivision) for a stage of subdivision payments will be required at the applicable rate at the time.

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<sup>1</sup> Toolern Development Contributions Plan, July 2011 amended December 2015, pg7

<sup>2</sup> Toolern Precinct Structure Plan Review – Community Infrastructure Recommendations Report, ASR Research, January 2021, pg 6

Notwithstanding adoption of this approach, it is noted that introduction of an increased levy will create a 'funding gap'. That is, any increase to the levy will not be able to be applied retrospectively therefore any difference between contributions that have been gathered based on an earlier reduced rate and a later increased rate will become a funding gap that will need to be met by Council. The implications associated with this situation will be addressed following.

#### 4. WHAT HAS PROMPTED THE PROPOSED REVISIONS TO THE PSP AND THE DCP

As stated previously, the Toolern PSP and DCP were approved in 2010 and as such they might be appropriately described as first or second generation documents. Over a 10-12 year period it is likely that implementation experience is likely to have raised some issues or limitations with the DCP and the increase in construction costs are likely to have exceeded the increases in the levy that have been achieved as a result of indexation (particularly in recent years).

In this context, it is important to note that the DCP contains an expectation that the document will be monitored and reviewed at least every five years. In terms of the scope of any such review, the DCP states that:

*The DCP should be reviewed and, if necessary, updated every five years (or more if required). This process will require an amendment to the Melton Planning Scheme and this incorporated document. This review is anticipated to include:*

- *Update any aspect of the plan which is required;*
- *Review of projects required, as well as their costs and scope (as relevant) and indicative provision trigger;*
- *Review of estimated net developable area (this will also be required if the Precinct Structure Plan is subject to a substantive amendment); and*
- *Review of land values for land to be purchased through the plan.<sup>3</sup>*

In discussion with Council officers, it is understood that the need for the review of the DCP (and by association the PSP) has arisen in response to three important issues:

- Firstly, the need to include additional land and construction projects that were not initially included within the DCP (including transport projects within the Cobblebank Metropolitan Activity Centre and Cobblebank Mixed Use Urban Design Framework areas);
- Secondly, the need to update project descriptions and costs (land and construction) to ensure that the DCP levy reflects the true cost of the infrastructure (land and construction) and to increase the likelihood of works in kind as the preferred method of infrastructure delivery; and
- Thirdly, review of projected household sizes and associated yields to assess whether the planned infrastructure is capable of meeting the needs of the future community and in accordance with general growth area expectations and Government policy.

In terms of severity of financial and other implementation implications, the second issue is the most significant such that the benefits of increasing the levy may considerably outweigh the issues associated with creation of a funding gap as described above particularly if the infrastructure is significantly under funded.

In this context, it is important to acknowledge my understanding that Council has sought to review and update the PSP and the DCP rather than to completely restructure and/or rewrite the documents.

Having regard to the matters that are described in the 5 yearly review and the three issues above, it is understood that the review of the PSP and DCP has been supported by preparation of the following primary documents:

- Toolern Precinct Structure Plan Review – Community Infrastructure Recommendations Report, January 2021, ASR Research;

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<sup>3</sup> Toolern Development Contributions Plan, July 2011, Amended June 2022, section 3.1.7, pg 58

- Recommended Changes to Toolern PSP and DCP Documents Toolern PSP, Cardno, March 2022
- Land Acquisition Assessment, Toolern Development Contributions Plan (DCP) Land Assessment – Proposed Review Charter Keck Cramer.

I have undertaken a preliminary review of the revised documents to ensure they align with the statutory framework for development contributions, in particular the Planning and Environment Act 1987, the DCP Guidelines (2007), the Ministerial Direction on the Preparation and Content of Development Contributions Plans (2016), recent Planning Panel recommendations and to ensure that the documents compare well with contemporary practice.

This report provides a brief overview of the current DCP before focusing on the key findings and recommendations.

## 5. OVERVIEW OF EXISTING AND REVISED TOOLERN DEVELOPMENT CONTRIBUTIONS PLAN

### 5.1 Existing DCP

Some of the features of the existing DCP (July 2011 and Amended in 2015) include:

- 4 main catchment areas
- Very limited external apportionment (10-30% across 7 projects)
- Development Infrastructure Levy and Community Infrastructure Levy
- Multiple indicative provision triggers
- Residential and Employment development types making a contribution
- NDA of approximately 74%
- Active (unencumbered) open space of 3.4%
- Passive (unencumbered) open space of 3.12% (not administered by DCP)
- Regional open space of 3.03%
- Various types of encumbered land
- Property specific land use budget
- Relatively detailed project descriptions and separate land and construction costs
- 10-30% contingency fees

A summary of the calculation of costs and the summary of charges are set out below in tables 1 and 2 including the results of indexation over time.

Table 1- Calculation of costs summary 2010 (2009 \$'s)

Infrastructure type	Est. land cost	% of overall land cost	Est. Construction cost	% of overall construction cost	Total Project Cost
Roads	\$18M	32%	\$77M	41.8%	\$95M
Intersections	\$424,530	0.77%	\$23M	12.5%	\$23.4M
Bridges	\$0	0	\$20M	10.8%	\$20M
Public Transport	\$1.5M	2.7%	\$0	0	\$1.5M
Unencumbered Local Active Open Space	\$28M	50.9%	\$0	0	\$28M
Community & Indoor Recreation Facilities	\$7M	12.7%	\$29M	15.7%	\$36M

Infrastructure type	Est. land cost	% of overall land cost	Est. Construction cost	% of overall construction cost	Total Project Cost
Outdoor Active Recreation	\$0	0%	\$33M	17.9%	\$33M
Off-road pedestrian & cycle trails	\$0	0%	\$682,500	0.37%	\$682,500
Structure Planning	\$0	0%	\$0	0.54%	\$1M
<b>TOTAL (approx.no rounding)</b>	<b>\$55M</b>		<b>\$184M</b>		<b>\$239M*</b>

\*No allowance for external apportionment (total cost attributed to main catchment area with allowance for external apportionment is \$218M)

Table 2 - Summary of Charges in 2010 and indexed charges in 2022/23

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
2010 charges	\$145,059K/NDHa	\$146,782K/NDHa	\$137,330K/NDHa	\$84,016K/NDHa
Current indexed charges (2022/3)	\$304,065K/NDHa	\$313,972K/NDHa	\$289,840K/NDHa	\$140,364K/NDHa

### 5.1 Revised DCP

The City of Melton has prepared a revised DCP for the Toolern PSP area to implement the revised Toolern Precinct Structure Plan. The key components of the revised DCP include: -

- > It applies to approximately 2,200ha's of land.
- > It seeks to introduce a Development Infrastructure Levy (DIL) and a Community Infrastructure Levy (CIL) across a 4 charge areas;
- > New residential and industrial development within the precinct will be required to pay the respective DIL and CIL charges.
- > It is set to operate on an on-going basis (although no timeframe is specified).

### 5.2 DCP Infrastructure Projects to be Funded

The revised DCP proposes to fund a large number of projects, these projects are categorised in the DCP as roads, intersections, bridges, public transport, unencumbered local active open space, community and indoor recreation, outdoor active recreation, off-road pedestrian and cycle trails and structure planning.

The total value of the Draft DCP projects is \$680M, however the DCP will only collect 89% of this which equates to approximately \$611M, leaving a funding gap of \$147M which will be met by Council via other funding sources (excluding any funding gap associated with a potential increase in the levy as discussed previously).

A simplified version of the summary of costs table is provided below in Table 3.

Table 3: Revised DCP Summary of Costs (June 2022)

Infrastructure type	Est. land cost	% of overall land cost	Est. Construction cost	% of overall construction cost	Total Project Cost
Roads	\$23M	11.6%	\$97M	20.1%	\$121M
Intersections	\$29M	14.7%	\$147M	30.5%	\$176M
Bridges	\$3M	1.5%	\$89M	18.5%	\$92M
Public Transport	\$3M	1.5%	\$0	0%	\$3M
Unencumbered Local Active Open Space	\$120M	60.9%	\$0	0%	\$120M
Community & Indoor Recreation Facilities	\$17M	8.6%	\$53M	%11.0	\$71M
Outdoor Active Recreation	\$0	0%	\$91M	18.9%	\$91M
Off-road pedestrian & cycle trails	\$0	0%	\$916,463	0.19%	\$916,463
Structure Planning	\$0	0%	\$0	0%	\$1.67M
<b>TOTAL (approx. no rounding)</b>	<b>\$197M</b>		<b>\$481M</b>		<b>\$680M*</b>

\*No allowance for external apportionment (total cost attributed to main catchment area with allowance for external apportionment is \$611M)

### 5.3 Proposed DCP Charges

The Draft DCP seeks to introduce specific DIL charges for residential and industrial land uses and a CIL charge for residential development across 4 charge areas. A summary of the proposed charges is set out following in Table 5.

Table 4: Proposed Revised DCP Charges (June 2022)

Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
\$450K/NDHa	\$452K/NDHa	\$380K/NDHa	\$239K/NDHa

If the proposed charges are compared to the existing charges as is presented following, the significance of the proposed increases become more obvious.

Table 5: Proposed Revised DCP Charges (June 2022) compared to existing charges

	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
2010 charges	\$145,059K/NDHa	\$146,782K/NDHa	\$137,330K/NDHa	\$84,016K/NDHa
Current indexed charges (2022/3)	\$304,065K/NDHa	\$313,972K/NDHa	\$289,840K/NDHa	\$140,364K/NDHa



	Charge Area 1 - Residential	Charge Area 2 - Residential	Charge Area 3 – Residential	Charge Area 4 – Employment
Proposed charges	\$450K/NDHa	\$452K/NDHa	\$380K/NDHa	\$239K/NDHa
<b>Increase b/w current indexed charges and proposed charges</b>	<b>+\$145,935/Ha</b>	<b>+\$138,028K/Ha</b>	<b>+\$90,160K/Ha</b>	<b>\$98,636K/Ha</b>
<b>Percentage increase</b>	<b>+47%</b>	<b>+44%</b>	<b>+31%</b>	<b>+70%</b>

Table demonstrates the results of the proposed increases to the levies in the order of \$90-\$145K/NDHa.

## 6. KEY FINDINGS

### 6.1 Strategic Justification

Section 1.0 of the revised DCP sets out the strategic basis for the DCP. Unlike other more recent DCPs and ICPs, Section 1.0 of the revised DCP does not include a list of the key strategies and technical reports that have been used to determine the infrastructure project list.

It is noted however that the revised DCP is supported by some important background reports (that are referenced in Table 3) including:

- Toolern Precinct Structure Plan Review – Community Infrastructure Recommendations Report, January 2021, ASR Research;
- Recommended Changes to Toolern PSP and DCP Documents Toolern PSP, Cardno, March 2022
- Land Acquisition Assessment, Toolern Development Contributions Plan (DCP) Land Assessment – Proposed Review Charter Keck Cramer.

These reports are commensurate to those that would be required to prepare a new DCP/ICP however it is noted that the quantum of proposed increase in the per hectare charges are significant and are likely to attract criticism and submission.

In this context, it is important to acknowledge that the PSP has not been subject of significant change in overall structure however the changes that have contributed to the increase in costs can be summarised as:

- Inclusion of additional road and intersection projects centrally and along the eastern boundary of the PSP area;
- Refined/revised design of most of the intersections and road projects with deliberate regard to land take and construction costs;
- Inclusion of a number of new and re-costed bridge crossings of the railway line;
- Revised scope and increased costs of the community hubs taking into account policy requirements and increased standards and increased land costs;
- Increased land values for active recreation land and other public land; and
- Increased construction costs of outdoor active recreation construction.

In reflecting on whether appropriate strategic justification has been established for the resultant additional projects and increase in costs the following points should be noted:

1. The additional intersection and bridge projects are associated with the planned transport network that has remained largely unchanged and as such the new projects can be generally characterised as completing or addressing omissions in the transport network (save for the proposed changes on the eastern boundary which may require closer review in terms of external apportionment) that will need to be delivered to enable the network to be progressively delivered;

2. The re-scoping of the intersection and road projects (including land take requirements) are in keeping with what has become established as acceptable/necessary design standard to support costing for DCP/ICP purposes;
3. The distribution and broad functions of the community and indoor recreation facilities has previously been established in the approved PSP and DCP and the proposed changes are the result of a combination of increased costs (land and construction), changes in Government policy and increases in projected population (based on projected increase in household size) all of which can be demonstrated in terms of impact on the overall charges;
4. The significant increase in land costs is a well understood reality throughout Melbourne's growth areas noting that the proposed active sporting reserves constitute a reasonably low percentage of the net developable area but also noting that passive open space contributions are not included in the DCP; and
5. The increased construction costs for outdoor recreation are commensurate with other recent ICPs.

In this context, it is not considered that any of the proposed projects exceed the general expectation that infrastructure that is proposed to be funded is 'basic and essential' to the needs of the future community. With regard to rationale or strategic justification for the proposed infrastructure in a general sense it is noted that the revised PSP and DCP are silent with regard to the impact of the revised PSP Guidelines (November 2021).

It is assumed that the documents are silent with regard to the revised Guidelines as they had not been released at the time that the key background documents were prepared and the documents revised accordingly. With reference to the impact of the Guidelines however it is important to acknowledge that there is a significant emphasis upon delivery of increased densities throughout Melbourne's growth areas. The density targets are likely to result in a yield and associated population that will exceed the projected increases in household size that have been identified by ASR (but do not appear to have been referenced in the revised DCP) which could be used as further justification for the proposed infrastructure and the associated costs.

In any event, as a minimum, it will be necessary to determine a position with regard to whether the revised PSP and DCP acknowledge and support implementation of the revised Guidelines.

The other strategic questions that arises is whether consideration should be directed toward conversion of the current DCP into an ICP. If it is acknowledged that the general strength of the ICP system is more deliberate resolution of public land take requirements (funding and process by which public land is valued and secured) there would appear to be merit in actively considering whether to convert the DCP to an ICP.

Whilst it is generally understood that Council is not experiencing extreme difficulties in gaining access to land for public purposes, the 'gifted' percentage of public land that arises from application of an ICP could be attractive in reducing the overall levies and the protection that the ICP system offers in relation to escalating land values may be valuable however it is acknowledged that the change in approach would create some uncertainty and the need to effectively administer two systems to deal with pre and post approval date planning permits.

Again, as a minimum, it would be prudent for review purposes to have a definite position with regard to why conversion to an ICP is not supported and secondly to undertake some comparative modelling to explain how the proposed projects and charges would theoretically translate into the ICP system. This comparative exercise may usefully enable a direct comparison to be made to one or more recent ICPs given that on face value the proposed increases will appear excessive.

If retention of the DCP approach is favoured, it is recommended that the Amendment process be used to ventilate the process by which the value of land has been established and used as an input to the revised charges. This process could be used to effectively invite assessment and review by affected landowners noting that proposed reserves affect multiple landholdings.

In terms of comparison to other comparable DCPs please see some relevant examples following, see Table 6.

Table 6 - Current 2022 DCP DIL Charges per hectare of residential for greenfield growth area DCPs

DCP Name	Council	Status	Year Gazetted	NDA (Ha)	Yield - dwellings	Yield - population	Total Residential DIL Charge (land and construction) 2022 \$
Ballarat West	Ballarat	Gazetted	2017	947.51	14276	40000	\$271,557
Horseshoe Bend	Greater Geelong	Gazetted	2014	464.079	7085	20000	\$381,462
Armstrong Creek East	Greater Geelong	Gazetted	2011	474.53	7236	17761	\$302,791
Armstrong Creek West	Greater Geelong	Gazetted	2013	368.85	5699	13963	\$332,490
Armstrong Creek Town Centre	Greater Geelong	Gazetted	2014	69.76	1479	4000	\$411,792
Merrifield West	Hume	Gazetted	2016	454	6877	20000	\$391,684
Lockerbie	Mitchell	Gazetted	2012	690	10221	29000	\$457,109
Wyndham North	Wyndham	Gazetted	2014	2816	40921	110000	\$516,495
Wyndham West	Wyndham	Gazetted	2015	1724	26827	75000	\$408,689-\$502,432

## 6.2 Charge Area Catchments

It is noted that the revised DCP proposes to maintain use of four main catchment areas (MCA's). Three of the catchment areas are residential and the fourth is employment land (the only difference being that the employment area will not be required to contribute to community and recreation projects).

Whilst multiple charge areas were commonly associated with earlier growth area based DCPs most of the more recent DCPs and ICPs tend to adopt one or possibly two main catchment areas (that are typically determined based on land use types such as residential and employment).

While there is no real impediment to retention of the four main catchment areas, preparation of the revised DCP may offer an opportunity to simplify the document by implementing only two main catchment areas – one for residential land (including activity centres) and the other for employment land.

## 6.3 External Apportionment

The revised DCP currently attributes external apportionment to a relatively limited number of projects. This approach is not uncommon in growth areas where the majority of the infrastructure needs are generated by the planned growth.

As mentioned previously there may be some need to assess whether external apportionment should apply to the new roads and intersection projects that are located on the eastern boundary of the DCP area however this is considered to be a minor matter.

Based on our understanding of the extent of external apportionment, it is estimated to have a dollar value of approximately \$28M if the proposed levies were introduced.

## **6.4 Administration and Implementation**

### **6.4.1 Exemptions**

Some ICPs and DCPs have defined explicit circumstances within which exemptions for payment of contributions will apply. This may be a matter that could be addressed, if necessary, in the implementation section of the DCP.

### **6.4.2 Funding Gap**

As indicated previously, the proposal to introduce an increase levy will result in a funding gap that will be attributed to Council. In a sense this is no different to a funding gap that can emerge over time as the value of contributions is crystallised at the time of payment whereas the value of those payments can decrease whereas the cost of land and works can increase over time.

The proposed increase nonetheless would result in a more significant funding gap emerging that will need to be actively managed by Council.

### **6.4.3 Indexation**

As per the revised DCP the levies are proposed to be indexed annually by utilising different methods for land and construction projects. At this stage only one construction index is referenced where in other DCPs and ICPs it is no uncommon for multiple indexes that are specific to construction types (such as bridges for example) are utilised.

With regard to land only a generic reference to annual valuation is included in the revised DCP. The ICP system includes a specific land valuation methodology that is specified within an annexure to a Ministerial Direction. This valuation method may be useful in future valuation processes noting the limitations of the DCP system in relation to land values.

It is recommended that the indexes and the land valuation methods be revisited before the DCP is implemented.

## **6.5 Other Matters**

### **6.5.1 Works in Kind**

The revised DCP includes an implementation strategy part of which includes reference to the circumstances under which works in kind will be supported by Council. Whilst this sort of commentary is common and necessary, the revised DCP includes Table 7 which includes a specific list of projects that will be supported as works in kind. It is unusual to be so specific about which projects may be delivered via works in kind – Council may wish to revisit the need for and purpose of this table.

### **6.5.2 Interim Works**

Some DCPs and ICPs include explicit reference to the likely need for interim works and how any such proposals will be addressed in relation to DCP obligations – this is a matter that Council may wish to consider.

### **6.5.3 Errors**

Page 21 of the revised DCP includes reference to the charges being based on 2009 \$'s – this reference needs to be updated. Four formulas in the excel tables need to be corrected.

Section 3.1.7 of the revised DCP states that the full development horizon to the year 2025 has been adopted within the DCP – this reference should be updated.

#### **6.5.4 Format of the Document**

The revised DCP would benefit from introduction of a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies and the timeframe for implementation of the DCP.

## 12. APPENDIX 2: - COMPARISON OF EXISTING DCP AND AMENDED DCP LAND BUDGETS

DESCRIPTION	Current DCP (July 2011)	Draft DCP (June 2022)	Difference	
	TOTAL PRECINCT Hectares	TOTAL PRECINCT Hectares	Hectares	
<b>TOTAL PRECINCT AREA (incl existing road reserves)</b>	<b>2,090.69</b>	<b>2,090.69</b>	0.00	
<b>TRANSPORT</b>				
Arterial Roads and Bridges	0.00	21.66	21.66	Reclassification of roads and intersections in Draft DCP. No distinction between existing road reserves and land required for new road reserves and intersections. Overall the Draft DCP includes an increase of 4.04ha for all road and
Intersections	0.00	25.56	25.56	
6 Lane Arterial Roads	19.37	0.00	-19.37	
4 Lane Arterial Roads	23.81	0.00	-23.81	
Local Bus Interchange	1.00	1.00	0.00	
Railway Corridors / Easements	23.49	23.49	0.00	
<b>SUB-TOTAL</b>	<b>67.67</b>	<b>71.71</b>	<b>4.04</b>	
<b>COMMUNITY FACILITIES</b>				
Community Services Facilities	7.30	8.09	0.79	Increase of C106 (0.2ha) and C115 (0.2ha)
Civic	4.00	1.50	-2.50	Civic + Indoor Rec now on Council owned land
Justice	2.00	2.00	0.00	
Major Activity Centre Public Space	0.40	0.40	0.00	
Emergency	1.00	1.00	0.00	
<b>SUB-TOTAL</b>	<b>14.70</b>	<b>12.99</b>	<b>-1.71</b>	
<b>GOVERNMENT EDUCATION</b>				
Government Schools	38.08	37.87	-0.21	Decrease Govt school in Cobblebank East (0.2ha)
<b>SUB-TOTAL</b>	<b>38.08</b>	<b>37.87</b>	<b>-0.21</b>	
<b>OPEN SPACE</b>				
<b>ENCUMBERED LAND AVAILABLE FOR RECREATION</b>				
Power Easements	0.00	0.00	0.00	
Gas Easements	0.00	0.00	0.00	
Water / Sewer Pipe Easement	0.00	0.00	0.00	
Waterway / Drainage Line / Wetland / retarding	136.71	145.82	9.11	MW DSS revision requires additional land
Heritage	1.06	1.06	0.00	
Conservation	38.72	38.72	0.00	
Landfill	21.82	21.82	0.00	
<b>SUB-TOTAL</b>	<b>198.31</b>	<b>207.42</b>	<b>9.11</b>	
<b>UNENCUMBERED LAND AVAILABLE FOR RECREATION</b>				
Active Open Space	52.76	53.46	0.70	Increase of OS07 (0.29ha)
Passive Open Space	48.29	48.29	0.00	
<b>SUBTOTAL OPEN SPACE</b>	<b>101.05</b>	<b>101.75</b>	<b>0.70</b>	
Other - Regional Park	46.94	46.94	0.00	
<b>SUBTOTAL REGIONAL OPEN SPACE</b>	<b>46.94</b>	<b>46.94</b>	<b>0.00</b>	
<b>OTHER</b>				
Existing Road Reserves	52.61	52.00	-0.61	
Balance of Land subject to Land Capability Asses	10.46	10.46	0.00	
Identified Non-Government Schools	14.55	15.49	0.94	Reflects schools delivered
<b>SUB-TOTAL</b>	<b>77.62</b>	<b>77.95</b>	<b>0.33</b>	
<b>NET DEVELOPABLE AREA (NDA) ha</b>	<b>1,546.33</b>	<b>1,534.06</b>	<b>-12.27</b>	
<b>PRECINCT NDA</b>				
Charge Area 1	311.89	309.13	-2.76	
Charge Area 2	804.87	794.88	-9.99	
Charge Area 3	88.55	85.46	-3.09	
Charge Area 4 (Employment)	341.02	344.59	3.57	
<b>YIELD</b>				
Estimated Dwellings	24,000	25,000	1,000	
Dwelling Density per NDHa	19.91	21.02	1.1	
Estimated Residential Pop.	55,000	68,000	13,000	
Persons per Dwelling	2.3	2.7	0.43	
<b>OPEN SPACE PER RESIDENT</b>				
Total open space per resident (sqm)	26.9	21.9	-5.0	
New active + passive os per resident (sqm)	18.4	15.0	-3.4	

**13. APPENDIX 3: COMPARISON OF THE EXISTING DCP AND AMENDED DCP PROJECTS**

Infrastructure Category	Description	Existing (July 2011)	Amended (June 2022)	Difference
<b>Roads</b>	No. of projects	24	21	-3.00
	Land area for DCP projects	47.94	21.66	-26.28
	External Apportionment %	100%	95%	-5%
<b>Intersections</b>	No. of projects	27	29	2.00
	Land area for DCP projects		25.56	25.56
	External Apportionment %	100%	93%	-7%
<b>Bridges</b>	No. of projects	14	17	3.00
	Land area for DCP projects	0.00		0.00
	External Apportionment %	100%	84%	-16%
<b>Public Transport</b>	No. of projects	1	1	0.00
	Land area for DCP projects	1.00	1.00	0.00
	External Apportionment %	100%	100%	0%
<b>Unencumbered Local Active Open Space</b>	No. of projects	9	9	0.00
	Land area for DCP projects	61.66	62.04	0.38
	External Apportionment %	96%	95%	-0.4%
<b>Community &amp; Indoor Recreation Facilities</b>	No. of projects	22	17	-5.00
	Land area for DCP projects	12.15	9.59	-2.56
	External Apportionment %	72%	86%	14%
<b>Outdoor Active Recreation</b>	No. of projects	17	17	0.00
	Land area for DCP projects	0.00	0.00	0.00
	External Apportionment %	66%	79%	13%
<b>Off-road pedestrian &amp; cycle trails</b>	No. of projects	1	1	0.00
	Land area for DCP projects	0.00	0.00	0.00
	External Apportionment %	100%	100%	0%
<b>Structure Planning</b>	No. of projects	1	1	0.00
	Land area for DCP projects	0.00	0.00	0.00
	External Apportionment %	100%	100%	0%
<b>Total</b>	No. of projects	116	113	-3.00
	Land area for DCP projects	122.75	119.85	-2.90
	External Apportionment %	91%	90%	

14. APPENDIX 4: COMPARISON OF DCP CHARGE RATES IN 21/22 \$

Municipality	DCP Name	Year Gazetted	NDA (Ha)	Yield - dwellings	Yield - population	Charge Area	Total DIL Charge (land and construction) 2021/22 \$	Total DIL Charge (land and construction) 2024/25 \$
Melton	Diggers Rest DCP	2012	316	4,299	12,000	Employment	not available	\$126,369
Melton	Taylor's Hill West	2010	162	2,400	6,720	2	not available	\$205,670
Wyndham	Wyndham West	2015	1,724	26,827	75,000	2 - Employment	not available	\$244,911
Melton	Toolern DCP – Charge Area 4	Proposed	1,534	employment	68,000	4	\$228,563	\$288,714
Melton	Diggers Rest DCP	2012	316	4,299	12,000	Residential	\$260,952	\$305,364
Melton	Rockbank DCP	2016	463	8,144	22,200	2	not available	\$322,932
Melton	Melton North	2010	89	1,300	4,000	1	not available	\$345,532
Melton	Toolern Park	2014	34	534	1,480	1	not available	\$383,710
Melton	Toolern DCP – Charge Area 3	Proposed	1,534	25,000	68,000	3	\$369,529	\$447,110
Wyndham	Wyndham West	2015	1,724	26,827	75,000	6	\$408,689-\$502,432	\$462,868
Wyndham	Wyndham West	2015	1,724	26,827	75,000	1	\$408,689-\$502,432	\$469,989
Melton	Taylor's Hill West	2010	162	2,400	6,720	3	not available	\$489,534
Wyndham	Wyndham West	2015	1,724	26,827	75,000	3	\$408,689-\$502,432	\$491,088
Melton	Taylor's Hill West	2010	162	2,400	6,720	1	not available	\$491,177
Melton	Rockbank North DCP	2012	443	7,282	20,400	1	\$410,646	\$493,357
Wyndham	Wyndham West	2015	1,724	26,827	75,000	5	\$408,689-\$502,432	\$522,547
Melton	Toolern DCP - Charge Area 1	Proposed	1,534	25,000	68,000	1	\$439,563	\$536,027



Municipality	DCP Name	Year Gazetted	NDA (Ha)	Yield - dwellings	Yield - population	Charge Area	Total DIL Charge (land and construction) 2021/22 \$	Total DIL Charge (land and construction) 2024/25 \$
Melton	Toolern DCP – Charge Area 2	Proposed	1,534	25,000	68,000	2	\$441,988	\$538,411
Melton	Paynes Road DCP	2016	144	2,376	7,000	1	\$432,763	\$548,522
Wyndham	Wyndham North	2014	2,816	40,921	110,000	1	\$516,495	\$562,929
Wyndham	Wyndham West	2015	1,724	26,827	75,000	4	\$408,689-\$502,432	\$570,714
Melton	Rockbank DCP	2016	463	8,144	22,200	1	\$479,844	\$606,212

**15. APPENDIX 5: CIRRICULUM VITAE**



## Chris De Silva

Executive Director.

2021 PIA Planner of the Year

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Chris De Silva is highly respected in the planning industry for his ability to conceptualise the strategic merits of any given project.

Chris has over 30 years experience as a planner, primarily in the specialized field of growth area planning.

Spending 18 years at the City of Whittlesea, occupying the positions of Manager Strategic Planning and Director Planning and Development Chris was broadly responsible for conceptualising and implementing the Whittlesea Growth Areas framework. This process involved in-house preparation of Precinct Structure Plans for each of the growth areas and formulation of integrated transport plans and development contributions plans for the City.

The approach adopted by the City under Chris's guidance culminated in a total of 11 State awards from the Planning Institute of Australia for Planning Excellence and visits from all other growth areas.

education.

+ Bachelor of Applied Science (Planning) RMIT University

employment.

+ 2009 – Mesh, Director

+ 2008 – Villawood Properties, Strategic Development Director

+ 1991 – City of Whittlesea, Director of Planning and Development  
(and formerly Manager Strategic Planning)

+ 1990 – Wilson Sayer Core, Town Planner

key projects.

**Chris has been the mastermind behind the following key projects:**

+ Armstrong Creek West Precinct Structure Plan and Development Contributions Plan, Geelong

+ Wollert Precinct Structure Plan, Whittlesea

+ Davies Hill, Woodend

+ Strathfieldsaye East Development plan, Bendigo

+ Schofields Indicative Layout Plan Urban Design Review, New South Wales

+ Trillium Estate Masterplan, Hume

+ Redstone Hill Masterplan and Town Centre, Sunbury

+ Greenvale Central Precinct Structure Plan and Masterplan, Hume

+ North of the Merri Local Structure Plan, Development Contributions Plan and Development Plan, Warrnambool

+ Crinigans Road Development Plan, Morwell

+ Cross' Road Development Plan, Traralgon

# mesh

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