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AMENDMENT C232MELT: TOOLERN DCP

EXPERT EVIDENCE STATEMENT

MATT AINSAAR, MANAGING DIRECTOR, URBAN ENTERPRISE PTY LTD

PREPARED FOR HARWOOD ANDREWS, ON BEHALF OF THE CITY OF MELTON

14TH AUGUST 2024



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1. NAME AND QUALIFICATIONS

1. My name is Matt Jacques Ainsaar and I am the Managing Director and Founder of Urban Enterprise Pty Ltd, with offices situated at 1/302-304 Barkly Street Brunswick, VIC 3056.
2. Urban Enterprise is a firm of urban planners, land economists and tourism planners based in Melbourne. The firm has 35 years' experience providing consultancy services to all levels of Government and a wide range of private sector organisations in Victoria and other states of Australia.
3. I am a qualified planner and land economist with 45 years' experience.
4. I have substantial expertise in the preparation of Development Contributions Plans for Councils and developers and the provision of advice regarding development contributions in Victoria for more than three decades. I also have substantial experience in providing advice regarding urban economic and property matters.
5. I have appeared as an expert witness at numerous Planning Panel hearings, Advisory Committee hearings and VCAT hearings in respect of development contributions, urban economics and open space contributions.
6. My educational qualifications and memberships of professional associations include:
 - Bachelor of Town and Regional Planning, University of Melbourne;
 - Graduate Diploma of Property, RMIT University;
 - Member, Planning Institute of Australia;
 - Member, Victorian Planning and Environmental Law Association;
 - Fellow, Australian Property Institute (Certified Practising Professional).

2. ENGAGEMENT

2.1. INSTRUCTIONS

7. I received written instructions from Harwood Andrews, dated 19th July 2024 to prepare an expert evidence statement to present at the Planning Panel hearing in relation to this matter, including:
 - An outline of my previous involvement with the Amendment;
 - Providing 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
 - Considering and responding to the issues raised in submissions as relevant to my expertise in development contributions.
8. My evidence statement and review of the DCP does not include a comprehensive review of the financial modelling and calculations underpinning the figures in the revised DCP.

2.2. INFORMATION REVIEWED

9. I have reviewed the amendment documentation and other relevant documents, including:
 - The exhibited Amendment C232melt documentation (the **Amendment**);
 - Toolern PSP Reduced-July 2011-Amended June 2022 (**Exhibited PSP**);
 - Toolern DCP Reduced-July 2011-Amended June 2022 (**Exhibited DCP**);
 - Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh Planning Report, Melton City Council, February 2024 (**the Planning Report**);
 - Change summary documents prepared by the Melton City Council including Toolern Precinct Structure Plan, Melton City Council, February 2024 and Toolern Development Contributions Plan, Melton City Council, February 2024;
 - Technical reports including:
 - Stormwater Asset Plan, Melbourne Water, June 2022 and Stormwater Asset Table, Melbourne Water, June 2022 (**the MW plan**).
 - Heritage Review, Extent Heritage, April 2020 (**the Heritage Review**).
 - Toolern Precinct Structure Plan Review - Community Infrastructure Recommendations Report, ASR Research, January 2021 (**the ASR Report**).
 - Transport Project Review Report, Cardno, March 2022, including Appendix A to Appendix I (**the Cardno Report**).
 - Land Valuations, Charter Keck Cramer, May 2022.
 - Adjoining DCPs including Paynes Road Development Contributions Plan, Urban Enterprise, December 2020¹ and Rockbank Development Contributions Plan, Victorian Planning Authority, August 2016 (Amended December 2023);
 - Cobblebank Employment and Mixed-Use Urban Design Framework, Melton City Council, November 2019;
 - Cobblebank Metropolitan Activity Centre Urban Design Framework, Melton City Council, November 2019;
 - Revised Development Contributions Plan, Melton City Council, February 2024;

¹ The Paynes Road DCP was prepared by Urban Enterprise, but I had no involvement in the preparing of the report.

- Changes to Future Urban Structure, Melton City Council, February 2024;
- Marked up plans prepared by the Melton City Council in February 2024 that identify the status of infrastructure projects in the Toolern Development Contributions Plan (DCP) including projects to be deleted, new projects to be added to the DCP, projects that have been constructed, and projects that were under construction in June 2022, including:
 - Plan 4 – Road and Intersection Projects
 - Plan 5 – Bridge Projects
 - Plan 6 – Community Facility Projects
 - Plan 7 – Active Recreation Projects.
- Submissions made to the Amendment which raise issues relevant to the DCP;
- The Ministerial Direction on the Preparation and Content of Development Contributions Plans, 15 January 2024 (**Ministerial Direction**);
- Development Contributions Plan Guidelines, Department of Environment, Land, Water and Planning, March 2007 (**DCP Guidelines**); and
- The Planning and Environment Act 1987 (as relevant to development contributions) (the **Act**).

2.3. STRUCTURE OF STATEMENT

10. My statement includes the following sections:

- Section 3 - Previous Peer Review
- Section 4 – Amendment C232melt
- Section 5 – Toolern Development Contributions Plan
- Section 6 – A summary of the submissions relating to the DCP and a response to the issues raised
- Section 7 – Conclusions and recommendations.

3. PREVIOUS PEER REVIEW

3.1. OVERVIEW

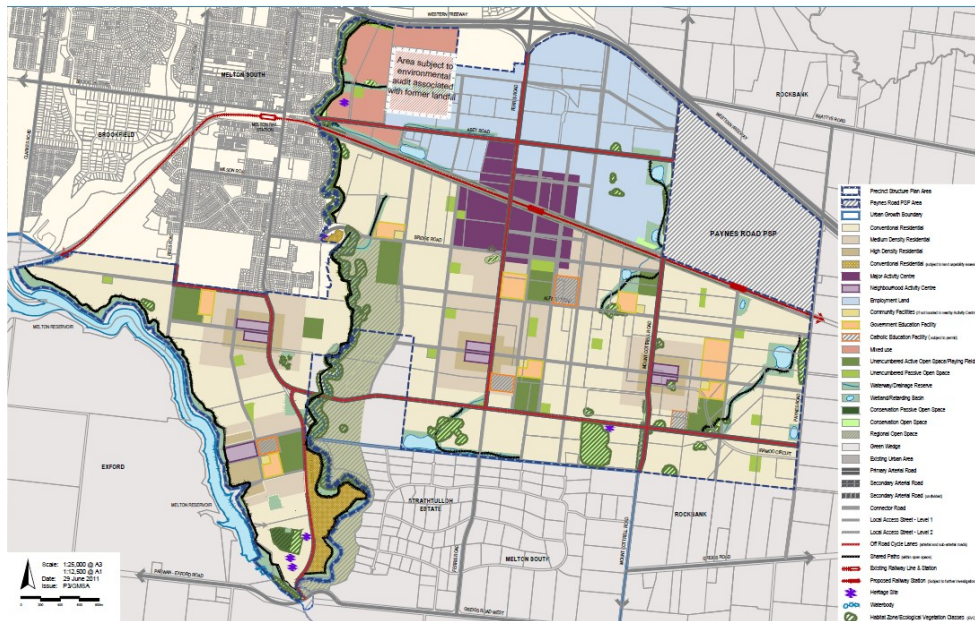
11. I have previously conducted a high-level peer review of the revised DCP, completed on 11th August 2022, for Harwood Andrews on behalf of the Melton City Council. I have included a copy of the peer review at Appendix C. The previous review focused on:
 - The revised DCP document to assess compliance with the statutory framework in Victoria for development contribution plans;
 - The revised DCP document and supporting material to determine whether the proposed projects and amendments to projects were strategically justified;
 - A general review of the proposed projects and changes to projects to determine whether they were appropriate for inclusion in the DCP;
 - An assessment as to whether the basis for estimating costs of infrastructure projects was appropriate;
 - An assessment as to whether the categorization of the projects was appropriate;
 - Reviewed the basis for cost apportionment; and
 - Reviewed the demand projections.
12. The material reviewed for this previous peer review included some of the same material that I have reviewed as part of this evidence statement.
13. My conclusions arising from this previous review were as follows:
 - a. The revised DCP has been prepared generally in accordance with the statutory framework for preparing a DCP in Victoria.
 - b. There is strategic justification for the projects that have been identified in the DCP as well as the cost estimates for those projects.
 - c. The method of selecting the charge areas is appropriate and accords with the DCP Guidelines.
 - d. The apportionment of costs is appropriate and accords with the DCP Guidelines.
 - e. The types of projects to be funded by the revised DCP accord with the statutory framework and the DCP Guidelines.
 - f. The projects funded by the revised DCP have generally been correctly categorised as either Development Infrastructure or Community Infrastructure (to be funded by a Development Infrastructure Levy or Community Infrastructure levy).
14. With the forecast increase in the number of dwellings, I calculated that the CIL should be reduced and I note that this has been done in the exhibited DCP.

4. AMENDMENT C232

4.1. THE LAND AFFECTED BY THE AMENDMENT

- 15. The amendment applies to land covered by the Urban Growth Zone, Schedule 3 Toolern Precinct Structure Plan, and Development Contributions Plan Overlay, Schedule 3 Toolern Development Contributions Plan as shown in Figure F1.

F1. TOOLERN PRECINCT STRUCTURE PLAN AREA



4.2. OVERVIEW OF THE AMENDMENT

- 16. The amendment proposes to implement the recommendations of the Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, February 2024 (the Planning Report) by updating the Toolern Precinct Structure Plan, July 2011 (amended February 2019) and the Toolern Development Contributions Plan, July 2011 (amended December 2023).
- 17. The exhibited amendment, amongst other things, proposes the following changes:
 - a) Amend Schedule 3 to Clause 45.06 Development Contributions Plan to introduce revised charges in the Development Infrastructure Levy (DIL), which is to be paid by developers, and the Community Infrastructure Levy (CIL), which is paid by the new homeowners, as outlined in Tables T1 and T2 below.

T1. PROPOSED CHANGES TO THE DIL

Charge Area	Existing DIL (Indexed to \$21/22)	Proposed DIL (\$21/22)	Change to DIL (\$21/22)
Charge Area 1	\$270,536	\$439,563	\$169,029
Charge Area 2	\$279,474	\$441,988	\$162,514
Charge Area 3	\$259,691	\$369,583	\$109,838
Charge Area 4	\$124,616	\$228,563	\$103,946

T2. PROPOSED CHANGE TO THE CIL

Current CIL	Proposed CIL	Change to CIL
\$900 per dwelling	\$873 per dwelling	-\$27 per dwelling

- b) Amend the Schedule to Clause 72.04 Incorporated Documents by inserting the following documents:
- Toolern Precinct Structure Plan (including Native Vegetation Precinct Plan), July 2011 (Amended June 2022); and
 - Toolern Development Contributions Plan, July 2011 (Amended June 2022).

5. TOOLERN DEVELOPMENT CONTRIBUTIONS PLAN

5.1. INTRODUCTION

18. The Toolern PSP and DCP were gazetted into the Melton Planning Scheme in 2010 and have since been amended as follows:
- November 2011 (Am C084 part 2) – to include land at Abey Road that was excluded from C084 (Part 1) and to include an amenity buffer for an existing land use (Technochem Facility);
 - December 2015 (Am C161) – to remove Paynes Road PSP from the Toolern PSP and to permit residential use rather than employment use in the Paynes Road PSP;
 - February 2019 (Am C172) – add the Paynes Road railway station to the Toolern PSP;
 - August 2021 (Am C226) – to correct an error in the public open space contribution rate for the Paynes Road PSP and to correct inadvertent changes to the Toolern DCP.
19. Clause 3.1.7 of the Toolern DCP (Aug 2010) 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.... 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);
 - Review of land values for land to be purchased through the plan.”
20. Melton City Council commenced a review of the PSP and DCP in 2020. The review has addressed, amongst other things:
- Funding shortfalls as a result of under-costing of projects;
 - Changes to transport infrastructure requirements as a result of the approval of the Rockbank and Paynes Road DCPs and the Cobblebank Metropolitan Activity Centre Urban Design Framework;
 - Changes to the need for community and recreation infrastructure arising from an increase to the forecast population of the Toolern PSP area;
 - Updated land valuations for land required under the DCP;
 - Errors in the PSP and DCP Tables.
21. The review which commenced in 2020 has culminated in the preparation and exhibition of Amendment C232melt including a revised DCP (Toolern Development Contributions Plan - July 2011 (Amended June 2022)).
22. Given that the revised DCP is amending a previously approved DCP, I have focused my evidence statement on the changes to the DCP rather than a “root and branch” review of the DCP.

5.2. DCP METHODOLOGY

23. A DCP is a statutory mechanism which is commonly applied as part of a Planning Scheme Amendment which rezones land for urban development. The Planning and Environment Act 1987 provides for the introduction of a DCP in a Planning Scheme.
24. DCPs are Incorporated Documents in the relevant Planning Scheme and are implemented through a Schedule to the Development Contributions Plan Overlay (DCPO).

25. The role of a DCP and associated DCPO is to identify the shared infrastructure required to support development of a precinct and to equitably apportion the cost of that infrastructure between current and future users of the infrastructure.
26. DCPs provide a transparent mechanism through which developers can contribute to the delivery of public infrastructure in a staged manner, with residents of the new development able to access necessary infrastructure in a timely fashion.
27. As I have stated previously, given that the amendment proposes revisions to an already approved Toolern DCP, I am focusing on the changes that are proposed in my evidence. In other words, I do not believe that it is necessary to revisit the methodology used in preparing the DCP, or the approach to the DCP, or its compliance with the statutory framework for development contributions plans in Victoria, other than in respect of the changes proposed.

5.3. THE NEED FOR THE REVIEW

28. The Planning Report identifies the key drivers of the need for the review as being:
 - a. Expected substantial funding shortfalls to fund the infrastructure in the DCP;
 - b. Under-estimation of the likely population in Toolern; and
 - c. Changes to the drainage services schemes (p 11-12).

FUNDING SHORTFALLS

29. The Planning Report notes that the review has identified that the transport and community/recreation project costs have been significantly under costed. This has resulted in developers being inadequately reimbursed for works-in-kind projects and Council collecting insufficient funds to build the required infrastructure under the DCP (p 7).
30. In my view, this is a critical issue that must be addressed. If not, the implications are that either:
 - Developers will not be credited an appropriate amount of funding for works-in-kind that are undertaken; and/or
 - The Council, as Collecting and Development Agency will be responsible for funding any shortfall in the delivery of infrastructure; and/or
 - Development will not be delivered in a timely manner due to the funding deficiencies.
31. The Planning Report notes that funding shortfalls have arisen due to deficiencies in the initial PSP/DCP namely:
 - Functional Layout Plans not being prepared for the transport system, which has resulted in inadequate land being reserved for transport projects.
 - Functional Layout Plans not being prepared for the transport system, which has resulted in uncertainty on how the transport system will look and perform once it is delivered.
 - The absence of Functional Layout Plans has resulted in inadequate funds being collected to construct the interim road and intersection works.
 - Project cost sheets were not prepared for transport projects.
 - Bridge designs were not prepared for the 14 bridges located within the Toolern PSP area and project cost sheets were not prepared for them, which has resulted in ambiguity on the scope of works for the bridges and hence inadequate funds being collected for their construction.
 - The Paynes Road and Rockbank PSPs have identified new transport projects within the Toolern PSP area and have apportioned some of the construction costs for these projects to the Toolern DCP. These projects are not shown in the Toolern PSP or DCP documents, and the Toolern DCP is not currently collecting funds for the construction of these projects.

- The *Cobblebank Metropolitan Activity Centre Urban Design Framework* has identified two bridge projects and one intersection project that are required to facilitate safe and efficient traffic movements to, and through, the Metropolitan Activity Centre. These projects are not shown in the Toolern PSP or DCP documents, and the Toolern DCP is not currently collecting funds for the construction of these projects.
 - Community Centre, Active Recreation Reserve and Pavilion designs were not prepared.
 - Project cost sheets were not prepared for community and recreation infrastructure (p. 11).
32. I consider that all of the above matters are legitimate reasons to review the scope of projects to be funded by the DCP, as well as the costs to be apportioned to the DCP.

POPULATION FORECAST

33. In addition, the Planning Report identified that development yields have increased since the approval of the initial PSP and DCP resulting in a larger than predicted population for the Toolern PSP area. This has implications for community and recreation infrastructure provision.
34. The Planning Report notes that the Toolern DCP assumed that the conventional density areas would be delivered at a residential density of 10 to 15 dwellings per net developable hectare. This is well below the density targets identified in more contemporary PSPs, which identify a minimum development rate of 16.5 dwellings per hectare. Development in the Toolern PSP area is achieving a density closer to 16.5 dwellings per hectare, which is resulting in a much greater population than originally forecast. Compounding this problem is the Toolern PSP assumed an unusually small household size, which has resulted in the population of the Toolern PSP area being significantly underestimated (p 12).
35. The ASR Research report estimates that the area will accommodate 25,030 dwellings - 1,000 more dwellings than initially planned. In addition, ASR estimates that the average household size in Toolern will be 2.7 persons compared with 2.3 persons in the initial forecast.
36. The combination of the additional dwellings arising from higher average density and the larger household size, will result in a total forecast population of 67,581, or 13,000 more than originally planned.
37. The ASR Research report then assesses the impact on community and recreation infrastructure needs of this higher than anticipated population. I consider this to be a reasonable approach, in order to determine what additional community and recreation infrastructure (or revisions to the scoping of facilities) may be required to support the additional population.

DRAINAGE

38. The Planning Report notes that Melbourne Water commenced a review of the Development Services Schemes (DSS) which apply to the Toolern PSP area. The PSP currently identifies four water catchment areas that MW has broken down into eight DSS areas. MW has made changes to the size, location and function of most of the assets currently identified in the Toolern PSP (p 12).
39. The changes to drainage infrastructure do not affect the DCP with the exception of changes to the land budget. Melbourne Water have proposed that the extent of land required for drainage and waterway purpose increases from 136.71 Ha to 145.82 Ha, which is an increase of 9.11 Ha. I note that this has been reflected in the revised DCP.

5.4. IMPLICATIONS FOR THE DCP

40. The Planning Report outlines the Council's approach to addressing the funding shortfalls and deficiencies in infrastructure project scope, design and cost. In my view the Council has endeavoured to contain the increase in levies by reviewing infrastructure that is needed to support development, identifying cost-effective solutions to any additional infrastructure needs and utilising Council-owned land for DCP infrastructure where possible to reduce land purchase costs.

41. The following paragraphs summarise the recommendations of the ASR Report, Cardno Report and the Council Planning Report in respect of the infrastructure projects identified in the DCP.

TRANSPORT INFRASTRUCTURE TO BE FUNDED

The Toolern DCP Context

42. The Planning Report identified a number of changes to external circumstances that impact the Toolern DCP. These include:
- In 2010 the Urban Growth Boundary was changed, which brought land to the east and south of the Toolern PSP into the Urban Growth Boundary – the Rockbank and Rockbank South Precinct Structure Plan areas.
 - October 2014 - Toolern Park PSP and DCP is approved (C122). The Toolern Park PSP fills a small area that was excised from the Toolern PSP area.
 - March 2016 - Paynes Road PSP is approved (C161). The Paynes Road PSP area is removed from the Toolern PSP area. Land is converted from employment use to residential use, with implications for DCP funding as a DCP was not prepared for the PSP.
 - November 2016 - Rockbank PSP is approved (C145), land directly east of the Toolern PSP. Includes Paynes Road upgrade projects that are apportioned to the Toolern PSP area.
 - February 2019 - Paynes Road Railway Station added to Toolern PSP. Proposed new station identified along the current Melton Rail Line in Thornhill Park.
 - December 2019 - Cobblebank Metropolitan Activity Centre (CMAC) Urban Design Framework (UDF) adopted by Council CMAC UDF. This update was required to reflect the upgraded status of the town centre from a Principal Activity Centre to a Metropolitan Activity Centre.
 - December 2020 - Paynes Road DCP finalised. Paynes Road DCP is prepared which separates the PSP area from the Toolern DCP. Identifies project costs for road, intersection and bridge projects along Mt Cottrell Road and apportions these works to the Toolern DCP.
 - October 2022 - State Government announces Ferris Road level crossing will be removed by 2026. Land acquisition and construction costs for BD15 to be removed from the Toolern DCP (p 8-9).

Cardno Report

43. In 2022, Cardno prepared a report for Melton City Council titled Recommended Changes to Toolern PSP and DCP Documents. Cardno was engaged to review the road network design in the interim and ultimate scenarios and recommend intersection treatments in order to facilitate future traffic movements through the PSP area. The report outlined the recommended changes to the PSP and DCP documents based on updated designs and benchmark costings (p 1).
44. Cardno prepared:
- a. Functional Layout Plans (FLPs) for all road projects, intersection projects and structural projects (road bridge, pedestrian bridge, shared user path rail underpass and road flyover), based on either approved functional layouts as provided by Council or adaptation of the benchmark functional layouts as per VPA standards.
 - b. Calculations of the land take area for each road, intersection and bridge projects on a property number basis.
 - c. Cost estimates for each of the road, intersection and structural projects based on VPA standard cost estimates.
45. The detailed output of this work is contained in the following Appendices:
- Appendix A – Intersection Project Costings (note: interim intersection designs form the bases for the costings)
 - Appendix B – Road Project Costings

- Appendix C – Land Take Table
- Appendix D – Land Take Plans
- Appendix E – PSP Road Cross Sections
- Appendix F – Toolern Precinct Bridges Costings Report
- Appendix G – Intersection Projects Functional Layout Plans
- Appendix H – Road Projects Functional Layout Plans
- Appendix I – Bridge Designs.

46. I consider that this work provides a sound evidence base for the transport infrastructure projects identified in the DCP, including the scope of those projects and estimates of cost, based on current approaches for DCPs and ICPs.

Projects No Longer Required in the Toolern DCP

47. The Planning Report identified projects from the Toolern DCP that are to be removed as a result of these changes, as well as projects that are to be added or changed. These changes are reflected in the exhibited DCP.

T3. PROJECTS REMOVED FROM 2011 TOOLERN DCP

Project Deleted	Reason for Deletion
RD09 – Paynes Road – Toolern PSP southern boundary to Greigs Road	Located in the Rockbank South PSP area. To be included in the future Rockbank South Infrastructure Contributions Plan (ICP)
RD10 – Mount Cottrell Road – Toolern PSP southern boundary to Greigs Road	Located in the Rockbank South PSP area. To be included in the future Rockbank South ICP
IT08 – Paynes Road and Greigs Road Intersection	Located in the Rockbank South PSP area. To be included in the future Rockbank South ICP
IT09 – Mount Cottrell Road and Greigs Road Intersection	Located in the Rockbank South PSP area. To be included in the future Rockbank South ICP
BD09 – Railway Pedestrian Underpass	Replaced by the future East Road Rail Overpass (BD16)
BD11 – Railway Pedestrian Underpass	To be constructed as part of the Thornhill Park (Paynes Road) Train Station project
BD12 and BD13 – Toolern Creek Pedestrian Bridges	An adequate number of bridges are shown over the Toolern Creek

Planning Report, p 32.

Paynes Road Projects

48. The Planning Report noted that the Rockbank PSP and DCP include transport projects that urbanise Paynes Road, which lies on the boundary with the Toolern DCP. The Rockbank PSP and DCP included FLPs and project cost sheets for four intersection projects, three road projects, and two bridge projects and proposed that 50% of the project construction costs be borne by developers in the Rockbank PSP area, with the remainder of the construction costs to be recovered from the Paynes Road and Toolern DCPs. One of the

Paynes Road intersections is already included in the Toolern PSP and DCP – IT07 and it is proposed that the design of IT07 be updated to the design and cost currently incorporated into the Rockbank PSP (p 33).

Rockbank DCP Projects

49. The Planning Report identifies the transport projects that have been added to the Toolern DCP from the Rockbank DCP include:

- RD22 Paynes Road: Alfred Road (IT30) to East-West Connector Road 1 (IT31) - Construction of a 2-lane arterial road (interim standard).
- RD23 Paynes Road: East-West Connector Road 1 (IT31) to Exford Road (IT07) - Construction of a 2-lane arterial road (interim standard).
- RD24 Paynes Road: Exford Road (IT07) to East-West Connector Road 2 (IT32) - Construction of a 2-lane arterial road (interim standard).
- IT07 Intersection: Exford Road and Paynes Road - Construction of signalised 4-way intersection (interim standard).
- IT30 Intersection: Paynes Road and Alfred Road - Construction of a signalised 4-way intersection (interim standard).
- IT31 Intersection: Paynes Road and East-West Connector Road 1 - Construction of a signalised 4-way intersection (interim standard).
- IT32 Intersection: Paynes Road and East-West Connector Road 2 - Construction of a signalised 3-way intersection (interim standard).
- BD17 Paynes Road Rail Overpass - Construction of a rail-road grade separation at the intersection of Paynes Road and the Melbourne - Ballarat rail corridor (interim standard).
- BD18 Paynes Road Level Crossing Upgrade - Construction of an upgrade to the level crossing at the intersection of Paynes Road and the Melbourne – Ballarat rail corridor, including automatic gates and pedestrian crossings (ultimate standard) (p 33).

50. The exhibited DCP apportions all of the new transport projects 50% to the Toolern PSP area and 50% to the Rockbank PSP area, except for BD17 and BD18 which is apportioned 25% to the Toolern PSP area, 25% to the Paynes Road PSP area and 50% to the Rockbank PSP areas. The exhibited DCP includes the designs and costs (indexed to \$2021/2022) that are currently in the Rockbank DCP.

51. In my view, the apportionment of cost is in line with accepted practice for the apportionment of costs of transport projects on the boundary of two or more DCPs.

Paynes Road PSP Projects

52. The Planning Report noted that the Paynes Road PSP added three new transport projects to the section of Mount Cottrell Road located between the Western Freeway and the Melbourne – Ballarat Rail Line. The three projects that have been added to the exhibited Toolern DCP from the Paynes Road PSP include:

- BD19 Mount Cottrell Road Freeway Interchange. Purchase of land for the construction of a half diamond interchange at the intersection of Mount Cottrell Road and the Western Freeway corridor (ultimate standard, southern approach only).
- BD20 Mount Cottrell Road Rail Overpass. Purchase of land for the construction of a rail-road grade separation at the intersection of Mount Cottrell Road and the Melbourne - Ballarat rail corridor (ultimate standard).
- BD21 Mount Cottrell Road Level Crossing Upgrade. Construction of an upgrade to the level crossing at the intersection of Mount Cottrell Road and the Melbourne-Ballarat rail corridor, including automatic gates and pedestrian crossings (ultimate standard) (p 34).

53. The Planning Report noted that BD19 (Mt Cottrell Road Freeway Interchange) and BD20 (Mt Cottrell Road Rail Overpass) will be a primary arterial road, under the responsibility of the Department of Transport and hence the construction of these projects will be funded by the State Government. As a result, BD19 and BD20

are land purchase projects only (p 34). In my view, this aligns with standard practice. As the section of Mount Cottrell Road between the Western Freeway and the Melbourne - Ballarat Rail Line is on the border of the Toolern and Paynes Road PSPs the construction cost of transport projects in this section (RD12, IT10 and IT19) will be shared by the two PSP areas (50% each). As I have previously stated, this apportionment of cost accords with standard practice for projects on the boundary of two or more DCPs. The exhibited DCP includes the designs and costs (indexed to \$2021/2022) that are currently in the Paynes Road DCP.

Cobblebank Metropolitan Activity Centre (CMAC)

54. The Planning Report (p 34) notes that the CMAC UDF identifies three new transport projects that should be added to the Toolern DCP to ensure the transport system can accommodate the planned civic, retail, health, education and justice precincts which include Tertiary education campuses, the Melton Hospital, and a new law court precinct. These projects include:

- IT29 Intersection: Ferris Road and Enterprise Street. Construction of a signalised 4-way intersection (interim standard) which is required to provide controlled access to the future tertiary education campus located on the north side of the Melbourne - Ballarat Rail Line, as well as the northern section of the Cobblebank Railway Station.
- BD15 Ferris Road Rail Overpass. Construction of a rail-road grade separation at the intersection of Ferris Road and the Melbourne - Ballarat rail corridor (interim standard). This is to provide efficient access to the Metropolitan Activity Centre which will contain a range of higher order health, education, justice, emergency services, civic and retail facilities. The overpass will replace the at-grade level crossing to avoid traffic congestion in the Metropolitan Activity Centre. The State Government is funding the removal of the Ferris Road level crossing, so whilst the project is shown in the exhibited Toolern DCP documents, neither the land acquisition nor the construction costs are funded by the DCP.
- BD16 East Road Rail Overpass. Construction of a rail-road grade separation at the intersection of East Road and the Melbourne - Ballarat rail corridor (interim standard). As with BD15, the need for this project is to avoid traffic congestion in the MAC.

55. I consider that there is a need and nexus for these three projects to be included in the DCP.

Southern East-West Arterial Road

56. The Planning Report notes that the Toolern PSP currently identifies the segment of the East – West Arterial Road located between Mount Cottrell Road and Paynes Road (RD08) as a primary arterial road with a 45 metre reservation width. The VPA, the Department of Transport and Council agree that this segment of road should be designated a secondary arterial road. The Planning Report notes that planning permits and subdivision layouts have been approved along sections of this road and so the 45 metre reservation width is retained in the exhibited DCP (p 35). I consider it is a practical solution to retain the 45 metre reservation width, given that development has already been committed.

Transport Projects Already Constructed or Underway

57. The Planning Report identifies a number of transport projects that have already been constructed or are underway or where land has already been acquired. These projects include the following:

- RD01 Rees Road: Coburns Road (PSP boundary) to East West Arterial (IT01). Construction of a 2-lane arterial road (interim layout). Purchase of land to increase reserve width from 20m to 34m (ultimate).
- RD12 Mount Cottrell Road: Western Freeway to Melbourne Ballarat Rail Line. Construction of a 2-lane arterial road (interim layout). Purchase land (including native vegetation re-alignment) to increase reserve width from 20m to 45m (ultimate).
- RD17 Ferris Road: Melbourne Ballarat Rail Line to Exford Road (IT05). Construction of a 2-lane arterial road (interim layout).
- RD18 Abey Road: Toolern Creek (BD01) to Ferris Road (IT13). Construction of a 2-lane arterial road (interim layout). Purchase land to increase reserve with from 19m to 38m (ultimate).

- IT14 Intersection: Ferris Road and Hollingsworth Drive. Construction of signalised T-intersection (interim standard).
- IT15 Intersection: Ferris Road and Bridge Road. Construction of signalised 4-way intersection (interim standard).
- IT16 Intersection: Ferris Road and Alfred Road. Construction of signalised 4-way intersection (interim standard).
- IT19 Intersection: Mount Cottrell Road and Baxterpark Drive. Construction of signalised T-intersection (interim standard).
- IT24 Intersection: Exford Road and Connector Road. Construction of signalised T-intersection (interim standard).
- IT26 Intersection: Mount Cottrell Road and Alfred Road. Construction of signalised 4-way intersection (interim standard).
- IT28 Intersection: Ferris Road and Southern Connector Road. Construction of signalised 4-way intersection (interim standard).
- BD01 Abey Road Bridge. Construction of an arterial road bridge over the Toolern Creek.
- BD02 Bridge Road Bridge. Construction of a connector road bridge over the Toolern Creek.
- TR01 Toolern Creek Regional Park Trail. Concrete Shared Path including pavement, drainage, and landscaping (3 metres wide, length 3,250 metres).
- RD20 Ferris Road: Melbourne Ballarat Rail Line to Exford Road (IT05). Purchase land to increase reserve width from 20m to 38m, for road section on Property 30 only.
- PT01 Bus Interchange. Purchase land to provide for Local Bus Interchange (1 Hectare) (p 35-36).

58. For these projects, the Planning Report notes that the current construction cost (ie 2011 DCP) is retained in the exhibited DCP and indexed to \$2021/2022. I consider this to be a fair and practical approach.

Road Reservation Widths

59. The Planning Report notes that in 2021 Cardno issued Council with a set of Functional Layout Plans for road projects, based on road cross-sections used in contemporary PSPs. This has resulted in many of the road projects requiring less land than the 2011 DCP currently requires. The FLPs were reviewed and approved by Council, the Victorian Planning Authority, the Department of Transport, VicRoads, and DELWP (p 36). In my view, this demonstrates that the FLPs prepared by Cardno in 2021 reflected current practice and standards in respect of the road projects.

COMMUNITY FACILITY INFRASTRUCTURE TO BE FUNDED

60. The Planning Report notes that the Department of Education and Training (DET) and Melbourne Archdiocese of Catholic Schools have identified that no additional schools are required to service the increased population but have recommended some minor changes to the size and location of schools to cater for the increased population (p 26).

61. I note that ASR Research has identified that no additional community and recreation infrastructure is required to service the increased population, but it has recommended that some changes be made to the existing projects identified in the PSP/DCP area so that they can cater for the increased population (p 26).

62. I have summarised the specific changes recommended by ASR for community facility infrastructure that affect the DCP as follows:

Community Hub 2 – Weir Views South

- Upgrade the multi-purpose community centre to a Level 2 Community Centre and increase the size of the land by 0.2 ha, from 0.8 ha to 1.0 ha.
- Decrease the size of the active open space reserve by 0.2 ha, from 9.16 ha to 8.96 ha.

- Increase the size of the non-government primary school from 2.55 ha to 3.00 ha (this reflects the area of the school that opened in 2022) (p 19).

Community Hub 3 - Strathulloh

- Relocate the non-government primary school to Community Hub 7 (Cobblebank Central) (p 21).

Community Hub 5 – Cobblebank East

- Decrease the area of the government primary school from 3.7 ha to 3.5 ha.
- Upgrade the multi-purpose community centre to a Level 2 Community Centre and increase the land area from 0.8 ha to 1.0 ha (p 21).

Community Hub 7 – Cobblebank Central

- Increase the size of the non-government school site to 10.27 ha and land identified for a school on Properties 33 and 34 should be deleted (p 21). I note the Planning Report states the land area should be increased to 9.93 ha and the land identified for a school on Properties 33 and 34 should be deleted and identified as active open space (0.29 ha) (p 28).

Metropolitan Activity Centre

- Delete the land purchase projects for CI01 and CI02 as they are no longer needed (p 22). As the Planning Report notes, this is due to relocating the Indoor Recreation Centre and the Level 3 Community Centre / Civic Centre from land on the east side of Ferris Road to the west side of Ferris Road, as outlined in the UDF. This results in a reduction in DCP costs to purchase the land, as the land on the west side of Ferris Road is land already owned by Council (p 28).

Community Centre Projects

- ASR Research identified that 24 kindergarten rooms will be required to service the proposed population of 68,000 people. Kindergarten rooms are provided in Level One and Level Two Community Centres. Six Level One and Level Two Community Centres are currently identified in the Toolern PSP area. Council has already built a four-room (kindergarten) community centre in Bridge Road (Community Hub 6). The VPA Benchmark Designs provide three kindergarten rooms in Level 1 and Level 2 Community Centres. If this benchmark was adopted, then a total of 18 kindergarten rooms would be built – a shortfall of five rooms.
- Council engaged HEDE Architects to create concept designs and project cost sheets for Level One and Level Two Community Centres with four kindergarten rooms, so that the 24 rooms could be provided within the existing number of Community Centres. The HEDE designs for Level One and Level Two Community Centres are 265 sqm and 261 sq m larger respectively but they can be accommodated on the existing land areas identified for the Community Centres.
- Two options explored to accommodate the required increase in kindergarten rooms were:
 - Option 1 - Build an additional Level One Community Centre (Level One Centres would use the VPA's benchmark designs and costs) and use the HEDE designs for the two Level Two Community Centres. The additional cost of this option was estimated by ASR to be \$18.9m (p 17); or
 - Option 2 - Upgrade the five remaining community centres to be four kindergarten room centres using the HEDE designs and costs. The additional cost of this option was estimated by ASR to be \$12m (p 18).
 - A third option is to adopt the VPA's benchmark designs and costs for the remaining 5 Community Centres, resulting in a shortage of five kindergarten rooms. The additional cost of this option was estimated by ASR to be \$10.2m (p 18).
- I note that the Council has adopted Option 2 for this amendment, as outlined in the Planning Report (p 29). In my assessment, this is the most cost-effective option to provide the additional 24 kindergarten rooms needed to support the forecast population of the Toolern area.

ACTIVE RECREATION PROJECTS REQUIRED

Active Open Space Land

63. The ASR report notes that under the PSP Guidelines, the amount of active open space land is calculated as a percentage of the Net Developable Area in the PSP. Therefore, despite a projected increase in the population in Toolern, the amount of active open space land will not change (p 13).
64. I note that the Planning Report compares the area of the active open space reserves in the approved DCP against the VPA benchmark designs and costs. In all cases, except one, the size of the active open space reserves accords with the VPA benchmark (p 29).

Active Open Space Construction

65. ASR notes that emphasis will need to be placed on securing additional DCP funds for construction costs, as well as additional Council / State / Federal Government funding to undertake the following range of measures:
- Maximising the carrying capacity of future reserves and utilisation of other infrastructure such as government schools. These measures should include:
 - Synthetic multi-playing field infrastructure;
 - Lighting;
 - Indoor recreation centre developments (court-based facilities, gyms and aquatic facilities);
 - Smaller footprint sports; and
 - Shared school / community recreation assets.
 - Increasing investment in off-road pathways to cater for the high demand for informal recreation activities such as walking, running and cycling; and
 - Increasing investment in informal recreational infrastructure within both local passive and active open space parks (p 13-14).
66. The ASR report recommends that the Toolern DCP be amended in accordance with facility standards and costs outlined by the VPA benchmark designs and costings for active open space reserves and sporting pavilions (p 23). ASR notes that, applying the VPA benchmark design and costs for active open space reserves in Toolern, would mean that an additional \$42,989,611 would be needed. ASR also state that clarification about the extent to which the proposed update of the Toolern DCP can recoup all of these costs will be considered as part of the broader Toolern PSP / DCP review process (p 14).
67. I note that the Planning Report identifies a slightly different figure for the additional funding required for the active open space reserves, namely \$43,843,872 which may be a function of ASR's estimates being in 2020 dollars as opposed to Council's estimate being in 2022 dollars. Council is proposing that that the Development Infrastructure Levy be increased to cover the increased costs of constructing the active open space reserves (p 30).
68. In my view, it is appropriate to amend the DCP to align with the VPA benchmark designs and costings for active open space reserves. I also consider that it is appropriate to increase the levies to cover the additional cost of constructing the active open space reserves in line with the VPA benchmarks. This will ensure that the residents of Toolern will have access to an appropriate level of active recreation facilities.

Pavilion Construction

69. ASR recommends using the VPA's benchmark cost for a pavilion servicing a two playing field sports ground for the pavilions in Community Hubs 1, 2, 4, 5, 7, and the pavilion at the stand alone sports ground near Community Hub 1. For Community Hub 3, ASR recommends four pavilions servicing both two playing field sports grounds (ie 4 x playing fields) (p 23).

70. The Planning Report identifies how much money is currently being collected to construct each pavilion, and how much money is likely to be needed to construct each pavilion using the VPA's benchmark designs and costs. The additional funding required is \$2,668,936 with the updated cost proposed to be included in the DCP (p 30). The Planning Report also notes that the pavilions are funded under the Community Infrastructure Levy (CIL).
71. In my view, it is appropriate to amend the DCP to align with the VPA benchmark designs and costings for pavilions. I also consider that it is appropriate to increase the CIL (subject to the cap) to cover the additional cost of constructing the pavilions in line with the VPA benchmarks.

COBBLEBANK METROPOLITAN ACTIVITY CENTRE (CMAC) URBAN DESIGN FRAMEWORK (UDF)

72. The Planning Report notes that the CMAC UDF was adopted by Council in 2019 and replaced the Toolern Town Centre UDF 2012. The CMAC UDF covers approximately 100 hectares of land that is intersected by Ferris Road and the Melbourne – Ballarat Railway Line. The activity centre in Cobblebank is designated as an emerging Metropolitan Activity Centre (MAC) in the State Government's metropolitan planning strategy, Plan Melbourne 2017-2050. MACs play a higher order service delivery role, encompassing government, health, justice and education services as well as higher order retail and commercial opportunities.
73. The PSP and DCP have been revised to reflect this higher order role.
74. Specifically, the CMAC UDF recommended several changes be made to the Toolern PSP and DCP documents:
- The Indoor Recreation Centre and the Civic Facility should be relocated from the east side of Ferris Road to the west side. This makes use of land that is already owned by Council and means land does not need to be acquired for these facilities.
 - A new intersection should be included on Ferris Road to provide access to the railway station, the commercial precinct and the northern tertiary education precinct.
 - A new road over rail overpass is required at Ferris Road to ease traffic congestion when the boom gates are down and to ensure ambulances are not waiting for boom gates to lift. It is noted that the State Government has announced that they will be acquiring land and constructing this level crossing removal and therefore neither the land acquisition nor construction costs are identified in the Toolern DCP.
 - A new road over rail overpass is required at East Road to ease traffic congestion when the boom gates are down and to ensure ambulances are not waiting for boom gates to lift.
 - Minor changes to road cross-sections.

DCP CORRECTIONS

75. The Planning Report identifies a number of language/terminology corrections, DCP errors such as anomalies between the PSP and DCP, minor changes to property-specific land parcel identifiers and minor changes to project descriptions that have been corrected in the revised DCP.
76. I have not reviewed these minor changes in detail.

5.5. THE OUTCOME OF THE PROPOSED CHANGES ON LEVIES

77. The changes in projects costs attributable to the Main Catchment Area in the exhibited DCP (from Table 4, p 36-43) are as follows:
- a. Road projects \$115,300,625.
 - b. Intersection projects \$163,853,313.
 - c. Bridge projects \$64,599,425.
 - d. Public transport \$3,300,000.

- e. Active recreation land \$114,905,000.
 - f. Community and indoor recreation facilities \$61,102,539.
 - g. Outdoor active recreation facilities \$72,696,366.
 - h. Pedestrian/cycle trails \$916,463.
 - i. Structure planning \$1,678,504.
 - j. Total \$595,052,234.
78. I note that the total is different to that in Table 5 of \$598,352,234 and it appears that the lower total is an arithmetic error. The total of \$598,352,234 is also shown in the exhibited Schedule 3 to Clause 45.06.
79. The DIL by charge area in the exhibited DCP (from Table 6) compared with the existing DIL is as follows:
- a. Charge Area 1 – \$439,562, up from \$270,536 (from Planning Report p 44)
 - b. Charge Area 2 – \$441,987, up from \$279,474
 - c. Charge Area 3 – \$369,528, up from 259,691
 - d. Charge Area 4 – \$228,563, up from \$124,616.
80. The CIL is proposed to be \$872.98 per dwelling, down from \$900.
81. All dollar amounts are shown in 2021/22 dollars.
82. The Planning Report forecasts that under the current levies, the DIL would collect \$374,809,898 (p 44). Under the exhibited DCP, the project funding that is required for development infrastructure totals \$598,352,234 – a shortfall of \$223.54 million.
83. I note, from the Council’s Planning Report (p 45) that even with the new levies, there will be an estimated shortfall in project funding of \$46.9 million for which the Council (as Collecting Agency and Development Agency) is ultimately liable.

6. SUBMISSIONS

6.1. INTRODUCTION

84. I have summarised the issues raised in submissions that relate to the DCP in the Table below. My response to the issues raised is also shown in the Table.

T4. SUMMARY OF SUBMISSIONS AND RESPONSE

Submitter	Issue	Opinion / Response
1 (a)	<p>The quantum of the increase in the levy is a concern.</p> <p>It is not proportional to the increased density.</p>	<p>My evidence outlines the key reasons why the levies are proposed to be increased. The increase in population/development density is only one factor. Other major factors include a review of the projects that are required having regard to surrounding PSP/DCP areas, the approval of adjoining DCPs and infrastructure required to support adjoining DCP areas, apportionment of costs with adjoining DCP areas, the review of the scope and cost of transport projects, and the upgrading of the designation of the Cobblebank Metropolitan Activity Centre.</p> <p>I have reviewed the DCP levies for 25 DCPs across greenfield growth areas in Melbourne that were approved since 2011. In 2024 dollars, the average DIL in DCPs is \$493,135 per ha. I understand that Council has completed indexing of the exhibited DCP DILs which range from \$171,107 per ha to \$538,411 per ha. In my view, the average DIL across 25 DCPs compares favourably with the levies identified in the exhibited DCP.</p> <p>The Planning Report (p 42) identifies the DIL for other Melton DCPs in 2021/22 dollars. The most relevant DCPs for comparison in my view are Paynes Rd, Rockbank North and Rockbank DCPs given their proximity to Toolern. I understand that Council has indexed these levies 2024/25 dollars. The indexed DIL rates for these DCPs are:</p> <p>Paynes Rd - \$548,521</p> <p>Rockbank North - \$493,357</p> <p>Rockbank - \$606,211.</p> <p>In my view, this also demonstrates that the levies in the exhibited DCP are not out of step with comparable DCPs.</p>
1 (b)	<p>Questions whether additional community facilities are required.</p>	<p>The ASR report provides an assessment of the additional community facilities required to support the forecast increase in population, including an increase in the number of kindergarten rooms. My evidence also notes the work undertaken by Hede Architects to design and cost the community facilities in line with VPA benchmarks.</p>

Submitter	Issue	Opinion / Response
1 (c)	Mt Cottrell Freeway interchange should be paid for by GAIC.	The land for the interchange is included in the DCP and the construction is to be paid for by State Government. This is standard practice for State transport projects where land is provided/funded by the DCP and construction is funded by the State.
1 (d)	Concerned about the number of bridges in the DCP and that the bridges should be funded by GAIC.	Cardno has undertaken a review of the transport projects required, including their scope and cost. The need for and location of transport infrastructure has changed partly as a result of adjoining areas being developed for urban use, requiring connectivity between PSP/DCP areas.
12 (a)	Concerned that levies are indexed to 2021/22 dollars and not 2023/24 dollars.	The technical work undertaken to underpin the project costs is dated 2021/22, so it is reasonable in my view, that this forms the base year for costs and levies. It is normal practice for project costs to be indexed and land re-valued on or prior to, approval of the DCP. I am instructed that Council will use current financial year values in the Day 1 version of the DCP.
12 (b)	Bridge BD 16 – East Road Rail Overpass is not essential to the DCP and adds considerable cost to the DCP. It should be funded through GAIC.	The bridge is required to provide access (for vehicles, cyclists and pedestrians) and facilitate north-south traffic movement to the Metropolitan Activity Centre. The CMAC UDF recommends including the bridge in the DCP and hence I consider it is strategically justified. In my view, BD 16 is local infrastructure and hence should be funded through the DCP rather than GAIC. I note that the Ferris Rd overpass is being funded by the State Government and is not required to be funded by the DCP.
15, 30, 33	Objects to the quantum of the levy.	See my response to 1 (a) above.
16 (a)	Requests the levies by indexed to 2023/24 dollars.	See my response to 12 (a) above.
16 (b)	Bridge BD 16 – East Road Rail Overpass is not essential to the DCP and adds considerable cost to the DCP.	See my response to 12 (b) above.
17 (a)	Requests an exemption from levies for a Private Hospital.	The exemptions from paying levies under DCPs is set out in the Act and in the Ministerial Direction. Recent Planning Panels have considered the subject of exemptions for certain land uses such as private hospitals and aged care facilities and have recommended that these uses not be exempt. In my opinion, the exemptions from paying levies should not extend beyond those outlined in the statutory framework for DCPs.

Submitter	Issue	Opinion / Response
17 (b)	Requests the levies by indexed to 2023/24 dollars.	See my response to 12 (a) above.
17 (c)	Bridge BD 16 – East Road Rail Overpass is not essential to the DCP and adds considerable cost to the DCP.	See my response to 12 (b) above.
17 (d)	Interchange Way which is identified as an Urban Core Street C in the CMAC UDF should be included in the DCP.	Interchange Way is designated as an Urban Core Street which is an internal street typically constructed by developers to provide access to their developments. DCPs rarely fund the construction of local access streets and connector streets unless there are site-specific issues such as a high degree of fragmentation of land ownership. In my opinion, Interchange Way should not be included in the DCP.
18 (a)	Requests the levies by indexed to 2023/24 dollars.	See my response to 12 (a) above.
18 (b)	RD12 is shown in the Toolern DCP as requiring an increase in land allocation from 0.08 Ha to 0.13 Ha of land, which is inconsistent with the approved permit for the site (PA2020/6946) which identifies 0.08 Ha of land for the widening. BD19 (Mount Cottrell Road Freeway Interchange) identifies land required for the interchange. The FLP for BD19 shows 3,203 sqm of land is required for this interchange. This land has not been identified in the approved permit for the site (PA2020/6946). A PAO should be applied to the land to be acquired.	The land take for RD12 is based on the FLP. The land acquisition requirements for road projects in the DCP are based on the FLPs. The difference in land areas between the FLP and the permit is 500 sq m. It is not unusual in my experience for subdivision layouts and development plans to be amended during the course of development. I consider that the land take for RD12 should remain as 0.13 ha in accordance with the FLP. The FLP for BD19 shows a land requirement of 3,203 sq m from Property 126. I agree that the annotation on the FLP regarding the property being outside the PSP area needs to be corrected. I note that the Property-Specific land budget in the DCP has no land take for Property 126. I agree that a PAO is required to acquire the land.

Submitter	Issue	Opinion / Response
19 (a)	It is unfair that the remaining landowners in Charge Area 1 need to make up the shortfall in DCP funding.	The review undertaken by Council identifies that the DCP is underfunded and has identified the appropriate level of funding required to deliver the infrastructure required to support the development of the Toolern PSP area. The review of the DCP is an appropriate process to undertake and is provided for in the DCP itself (clause 3.1.7). Council is proposing that projects that have been completed or are underway, will be retained at the original cost, albeit indexed over time. In my view, this is a fair and practical approach but I note that the obligation to cover the shortfall in funding arising from infrastructure that has already been delivered falls on the Council. The Planning Report noted that the funding shortfall, based on 2021/22 dollars was estimated at \$46.9 million. I understand that Council has calculated the funding shortfall based on levies indexed to 2024/25 which has resulted in the estimated funding shortfall increasing to \$78.4m. The Council has advised that 66.2% of charge area 1 has been developed and 39% of charge area 2 has been developed, so in effect, charge area 1 and to a lesser extent, charge area 2, will bear less of the cost of funding the shortfall than charge areas 3 and 4 which have not yet developed.
19 (b)	The Toolern DCP should be amended to exclude the new projects being brought into the Toolern DCP from Charge Area 1. The new projects on Paynes Road, Mount Cottrell Road, Ferris Road and East Road have minimal benefit to the properties in Charge Area 1.	The original Toolern DCP (2011) was approved on the basis that all charge areas contribute to transport projects on the basis that the transport network supporting development in the PSP area is an integrated network. I consider that this is an appropriate approach.
19 (c)	Concerned that intersection costs, open space project costs and recreation project costs have increased substantially. The increases are excessive and further investigation is required to explain the increases.	The Planning Report outlines in detail the reasons for the review of the DCP and the underlying causes of the projected shortfall in DCP funds to deliver the infrastructure identified in the DCP. In my opinion, the Planning Report and the supporting technical reports that have been undertaken by Council provide a comprehensive basis for reviewing and updating the DCP.

Submitter	Issue	Opinion / Response
20, 24, 25	The plan fails to provide transparency around the substantial increase to development contributions.	See my response to 19 (c).
26	<p>The Ministerial Direction on the preparation and content of DCPs states that a development contributions plan must not impose a development infrastructure levy or a community infrastructure levy in respect of the development of land for housing provided by or on behalf of the Department of Health and Human Services.</p> <p>This should be reflected in the Toolern DCP.</p>	<p>I agree this should be included in the DCP. It is standard practice to include a section in the DCP that deals with development that is excluded from the DCP which mirrors the wording in the appropriate schedule to clause 45.06 of the planning scheme. The Ministerial Direction states:</p> <p>“Exemption for non-government schools and certain housing</p> <p>4. A development contributions plan must not impose a development infrastructure levy or a community infrastructure levy in respect of the development of land for:</p> <p>a) a non-government school; or</p> <p>b) housing provided by or on behalf of the Department of Health and Human Services; or</p> <p>c) a small second dwelling.”</p>
28 (a)	Intersection 23 should be amended to include a southern leg.	The FLP does not show a southern leg for IT23 and this is consistent with the 2011 DCP. In my view, there is no strategic justification or demonstrated need to include this in the DCP.
28 (b)	RD17 should be extended south of IT05 to the boundary of the PSP. This road is currently identified as developer works in the Toolern DCP.	The scope of RD17 in the exhibited DCP is consistent with the 2011 DCP. The road to the south of RD17 is a connector road. It is unusual for a DCP to fund the construction of connector roads and this typically only occurs where land ownership is highly fragmented.

Submitter	Issue	Opinion / Response
28 (c)	<p>The drainage and regional park areas within Property 27 appear to be double counted. The new 2.2 Ha drainage reserve is located within the regional park, however, there has not been a decrease in the regional park to account for the reserve.</p> <p>The NDA figures should reflect this discrepancy.</p>	<p>This appears to be an error in the Property Specific Land Budget for Property 27 and should be corrected to show drainage as 2.2 ha and regional park as 13.46 ha.</p>
29	<p>The Toolern PSP has identified a government secondary school and an active open space reserve on property 34.</p>	<p>At paragraph 61 I note that the Planning Report states that land identified for a school on Properties 33 and 34 should be deleted and identified as active open space (0.29 ha). The PSP and DCP plans should be amended to reflect this, including moving the local road to the boundary of property 35.</p>

7. CONCLUSIONS AND RECOMMENDATIONS

85. My conclusions and recommendations in respect of the proposed Toolern DCP are as follows:
- a. The DCP has been prepared in accordance with the statutory framework for Development Contributions Plans in Victoria;
 - b. The review of the DCP is essential in order to address projected shortfalls in funding of local infrastructure that is necessary to support the development of the Toolern PSP area;
 - c. The exhibited DCP is supported by comprehensive and detailed technical reports and strategic studies that provide the strategic justification for changes to projects and the evidence base for project costs;
 - d. Under the current levies in 2021/22 dollars, the DIL would collect \$374,809,898. Under the exhibited DCP, the project funding that is required for development infrastructure totals \$598,352,234, so the current levies would result in a shortfall of \$223.54 million. These figures have been updated by Council based on levies indexed to 2024/25 dollars, with the new levies theoretically collecting an additional \$213.45m of which \$78.4m cannot be collected due to existing development;
 - e. Even under the exhibited DCP, there will be an estimated shortfall in project funding of \$78.4 million for which the Council (as Collecting Agency and Development Agency) is ultimately liable;
 - f. The proposed DIL under the exhibited DCP is in the range of DILs for existing DCPs in greenfield growth areas and in particular for those DCPs which surround the Toolern area;
 - g. The technical work undertaken to underpin the project costs is dated 2021/22, so it is reasonable that this forms the base year for costs and levies. It is normal practice for project costs to be indexed and land re-valued on or prior to, approval of the DCP and I understand that Council will provide the indexed levies to 2024/25 dollars on Day 1;
 - h. The exemptions from paying levies should not extend beyond those outlined in the statutory framework for DCPs;
 - i. The FLP for BD19 shows a land requirement of 3,203 sq m from Property 126. The annotation on the FLP regarding the property being outside the PSP area needs to be corrected. The Property-Specific land budget in the DCP has no land take for Property 126. A PAO is required to acquire the land;
 - j. BD16 is required to provide access (for vehicles, cyclists and pedestrians) and facilitate north-south traffic movement to the Metropolitan Activity Centre. The CMAC UDF recommends including the bridge in the DCP. BD 16 is local infrastructure and is therefore appropriately funded through the DCP;
 - k. Interchange Way is a local street that is not appropriate to be funded through the DCP. It is normal practice for these streets to be constructed by developers;
 - l. The original Toolern DCP (2011) was approved on the basis that all charge areas contribute to transport projects on the basis that the transport network supporting development in the PSP area is an integrated network. It is appropriate that this approach is continued in the exhibited DCP;
 - m. The exhibited DCP and the schedule to clause 45.06 of the planning scheme should be amended to include wording regarding the exemption of development from the DCP, that accords with the Ministerial Direction;
 - n. The Property Specific Land Budget for Property 27 should be corrected to show drainage as 2.2 ha and regional park as 13.46 ha;
 - o. Land identified for a school on Properties 33 and 34 should be deleted and identified as active open space (0.29 ha). The PSP and DCP plans should be amended to reflect this, including moving the local road to the boundary of property 35.
86. Subject to the changes identified above, I support the Amendment and the exhibited DCP.

7.1. DECLARATION

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'Matt Ainsaar', written in a cursive style.

Matt Ainsaar

Managing Director, Urban Enterprise Pty Ltd

BTRP, Grad Dip Prop, MPIA, FAPI

APPENDICES

APPENDIX A QUALIFICATIONS

Matt Jacques Ainsaar

Founder and Managing Director of Urban Enterprise Pty Ltd.

Level 1, 302-304 Barkly Street, Brunswick, Vic 3056.

Qualified planner and land economist with 47 years' experience.

Substantial expertise in the preparation of Development Contributions Plans for Councils and developers and the provision of advice regarding development contributions in Victoria for more than three decades.

Appeared as an expert witness at numerous Planning Panel hearings, Advisory Committee hearings and VCAT hearings in respect of development contributions, urban economics and open space contributions for more than three decades.

Educational qualifications and memberships of professional associations include:

Bachelor of Town and Regional Planning, University of Melbourne;

Graduate Diploma of Property, RMIT University;

Member, Planning Institute of Australia;

Fellow, Australian Property Institute (Certified Practising Professional);

Member, Victorian Planning and Environmental Law Association.

APPENDIX B INSTRUCTIONS

My instructions from Harwood Andrews, dated 19th July 2024 are to prepare an expert evidence statement to present at the Planning Panel hearing in relation to this matter, including:

- An outline of my previous involvement with the Amendment;
- Providing 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
- Considering and responding to the issues raised in submissions as relevant to my expertise in development contributions.

APPENDIX C TOOLERN DCP PEER REVIEW REPORT, 11TH AUGUST 2022

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TOOLERN DEVELOPMENT CONTRIBUTIONS PLAN

**PROPOSED AMENDMENT C232 - PEER REVIEW REPORT PREPARED
BY MATT AINSAAR**

PREPARED FOR HARWOOD ANDREWS ON BEHALF OF MELTON CITY COUNCIL | 11 AUGUST 2022



www.urbanenterprise.com.au

AUTHORS

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Managing Director

FILE

Revised Toolern DCP 2022-Peer Review-11 Aug 2022.docx

VERSION

1.1

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ACRONYMS

DCP	Development Contributions Plan
MCC	Melton City Council

GLOSSARY OF TERMS

2022 DCP	Proposed Revised Toolern Development Contributions Plan, July 2011 (Amended June 2022)
DCP Guidelines	Refers to the Development Contribution Guidelines (as amended), 2007, Department of Sustainability and Environment
Ministerial Direction	Refers to the Ministerial Direction on the Preparation and Content of Development Contributions Plans, 11 October 2016

1. INTRODUCTION

1.1. BACKGROUND

On 12th July 2022, I was instructed by Harwood Andrews on behalf of the Melton City Council (**MCC**) to prepare a Peer Review of the Toolern Development Contributions Plan 2011 (Amended June 2022) prepared by the Council, and proposed to be exhibited as part of Am C262.

The instructions were to undertake a peer review of the DCP and provide a written memorandum setting out my views.

As part of the peer review I have undertaken the following tasks:

1. Reviewed the DCP document and supporting material against the statutory framework for development contributions to ensure the methodology used is appropriate;
2. Reviewed the extent to which DCP projects are strategically justified by reference to supporting information;
3. Reviewed the DCP projects to ensure that each is appropriate for inclusion in a DCP (a general review has been conducted, as opposed to a line-by-line assessment);
4. Reviewed the methodology and supporting information for costing projects to determine that the approach to estimating costs is appropriate. Note, this has not included validating cost estimates;
5. Reviewed the categorisation of projects as Development Infrastructure or Community Infrastructure in accordance with the statutory framework for development contributions to ensure the categorisation is appropriate;
6. Reviewed the basis for cost apportionment to ensure that this accords with the statutory framework;
7. Reviewed the demand projections for appropriateness. Note this has not included a "first-principles" demand assessment;
8. Identified any issues or information gaps that should be addressed.

1.2. MATERIAL REVIEWED

The material I have reviewed in preparing this updated peer review includes material provided by Harwood Andrews accompanying the instructions and further material requested during the peer review including:

- Proposed planning scheme ordinance changes relating to Amendment C262;
- Toolern Development Contributions Plan, July 2011 (Amended 2022), VPA – the 2022 DCP;
- Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report, Melton City Council, June 2022 – the Planning Report;
- Toolern Precinct Structure Plan Review – Community Infrastructure, Recommendations Report, ASR Research, January 2021 – the ASR report;
- Toolern Precinct Structure Plan Review – Community Infrastructure, Final Report, ASR Research, July 2020;
- Recommended Changes to Toolern PSP and DCP Documents, Cardno, 17 March 2022 – the Cardno report;
- Land Acquisition Assessment, Toolern DCP Land Assessment – Proposed Review, Charter Keck Cramer, 24 May 2022 – the CKC report;
- Cobblebank Metropolitan Activity Centre, Urban Design Framework, Melton City Council, 2019;
- Cobblebank Employment and Mixed Use UDF, Melton City Council, 2019;
- Rockbank DCP, VPA, 2016;
- Paynes Road DCP, Urban Enterprise, 2020.

In addition, I have reviewed the following additional material in undertaking this Peer Review:

- Part 3B of the Planning and Environment Act 1987 – the Act;

- Development Contribution Guidelines (as amended), 2007, Department of Sustainability and Environment – the Guidelines;
- Relevant Ministerial Directions – the Directions;
- Toolern Development Contributions Plan, July 2011 (Amended 2020) – the 2020 DCP.

1.3. EXCLUSIONS

This peer review excludes:

- A comprehensive review of the modelling and calculations underpinning the figures in the revised DCP; and
- A line-by-line review of the infrastructure items, infrastructure costs and cost apportionments.

2. SUMMARY OF THE KEY FEATURES OF THE DCP

2.1. OVERVIEW

The Toolern PSP and DCP were gazetted into the Melton Planning Scheme in 2010 and have since been amended as follows:

- November 2011 (Am C084 part 2) – to include land at Abey Road that was excluded from C084 (Part 1) and to include an amenity buffer for an existing land use (Technochem Facility);
- December 2015 (Am C161) – to remove Paynes Road PSP from the Toolern PSP and to permit residential use rather than employment use in the Paynes Road PSP;
- February 2019 (Am C172) – add the Paynes Road railway station to the Toolern PSP;
- August 2021 (Am C226) – to correct an error in the public open space contribution rate for the Paynes Road PSP and to correct inadvertent changes to the Toolern DCP.

The DCP is a full cost apportionment DCP prepared under Part 3B of the Planning and Environment Act.

Melton City Council has undertaken a review of the PSP and DCP commencing in 2020. The review has addressed, amongst other things:

- i. Funding shortfalls as a result of under costing of projects;
- ii. Changes to transport infrastructure requirements as a result of the approval of the Rockbank and Paynes Road DCPs and the Cobblebank Metropolitan Activity Centre Urban Design Framework;
- iii. Changes to the need for community and recreation infrastructure arising from an increase to the forecast population of the Toolern PSP area;
- iv. Updated land valuations for land required under the DCP;
- v. Errors in the PSP and DCP Tables.

The Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report prepared by Melton City Council summarises the need for the review as follows.

FUNDING SHORTFALLS

The review has identified that the transport and community/recreation project costs have been significantly under costed. This has resulted in developers being inadequately reimbursed for works-in-kind projects and Council collecting insufficient funds to build the required infrastructure under the DCP.

Funding shortfalls have arisen due to deficiencies in the initial PSP/DCP namely:

- Functional Layout Plans not being prepared for the transport system, which has resulted in inadequate land being reserved for transport projects.
- Functional Layout Plans not being prepared for the transport system, which has resulted in uncertainty on how the transport system will look and perform once it is delivered.
- The absence of Functional Layout Plans has resulted in inadequate funds being collected to construct the interim road and intersection works.
- Project cost sheets were not prepared for transport projects.
- Bridge designs were not prepared for the 14 bridges located within the Toolern PSP area and project cost sheets were not prepared for them, which has resulted in ambiguity on the scope of works for the bridges and hence inadequate funds being collected for their construction.
- The Paynes Road and Rockbank PSPs have identified new transport projects within the Toolern PSP area and have apportioned some of the construction costs for these projects to the Toolern DCP. These projects are not shown in the Toolern PSP or DCP documents, and the Toolern DCP is not currently collecting funds for the construction of these projects.

- The *Cobblebank Metropolitan Activity Centre Urban Design Framework* has identified two bridge projects and one intersection project that are required to facilitate safe and efficient traffic movements to, and through, the Metropolitan Activity Centre. These projects are not shown in the Toolern PSP or DCP documents, and the Toolern DCP is not currently collecting funds for the construction of these projects.
- Community Centre, Active Recreation Reserve and Pavilion designs were not prepared.
- Project cost sheets were not prepared for community and recreation infrastructure.

POPULATION FORECAST

In addition, development yields have increased since the initial PSP resulting in a larger than predicted population for the Toolern PSP area. This has implications for community and recreation infrastructure provision.

The Toolern DCP assumed that the conventional density areas would be delivered at a residential density of 10 to 15 dwellings per net developable hectare. This is well below the density targets identified in more contemporary PSPs, which identify a minimum development rate of 16.5 dwellings per hectare. Development in the Toolern PSP area is achieving a density closer to 16.5 dwellings per hectare, which is resulting in a much greater population than originally forecast. Compounding this problem is the Toolern PSP assumed an unusually small household size, which has resulted in the population of the Toolern PSP area being significantly underestimated.

DRAINAGE

Finally, Melbourne Water has undertaken a review of the Development Services Schemes (DSS) which apply to the Toolern PSP area. The PSP currently identifies three water catchment areas that drain to the Werribee River, the Toolern Creek, and the Kororoit Creek. The DSS review has broken the three catchments into eight DSS areas and has identified that the drainage assets identified in the current PSP are inadequate and has created a new drainage plan that changes the size, location and function of most of the assets currently identified in the Toolern PSP.

2.2. DEVELOPMENT PROJECTIONS

The DCP states that:

“The Toolern Precinct Structure Plan area is expected to:

Grow by up to 68,000 people, accommodated in approximately 25,000 households; and,

Generate up to 25,000 jobs in land uses in the Precinct Structure Plan area.”

This is based on the ASR Research report that estimates that the area will accommodate 1,000 more dwellings than initially planned with an average household size of 2.7 persons compared with 2.3 persons in the initial forecast. This results in a total forecast population of 67,581, or 13,000 more than originally planned.

2.3. INFRASTRUCTURE TO BE FUNDED

The revised DCP proposes to fund transport, community/recreation and planning projects with a total value of \$614.47m from the Development Infrastructure Levy (DIL).

The projects to be funded by the DIL in the DCP include:

- Road projects (land and construction) - \$115,300,625
- Intersections (land and construction) - \$163,853,313
- Bridges (land and construction) - \$80,724,908
- Public Transport (land) - \$3,300,000
- Community/Recreation facilities (land and construction) - \$249,620,368
- Structure Planning – \$1,678,504
- Total Cost - \$614,477,718.

There is a discrepancy between the bridge cost shown in the DCP (\$80,724,908) and clause 2.0 in Schedule 3 to clause 45.06 (\$75,623,683).

This also affects the totals in the Table at clause 2.0.

In addition, the DCP proposes to fund community infrastructure through the Community Infrastructure Levy, namely meeting rooms within community centres and sporting pavilions with a total cost of \$21,857,781.

2.4. CHARGE AREAS AND DEMAND UNITS

The DCP has 4 charge areas. The Paynes Road PSP area has been removed as it now has its own approved DCP.

The charge areas have not changed from the 2011 DCP.

Charge Areas 1, 2 and 3 apply to land where residential development is to be located under the Future Urban Structure (refer Plan 2). This includes the Metropolitan and Neighbourhood Activity Centres and Mixed Use-zoned (applied) land in Charge Area 3.

Charge Area 4 applies to land designated for employment use and includes Mixed Use-zoned (applied) land to the west of Ferris Road (north of Abey Road).

The difference between the residential and employment charge area levies reflects the fact that employment land does not contribute towards community and active recreation items.

One demand unit is one hectare of net developable land.

2.5. LEVIES

The proposed DIL by charge area (in 2021/22 dollars) is as follows:

Charge Area 1 - \$450,050

Charge Area 2 - \$452,476

Charge Area 3 - \$380,016

Charge Area 4 - \$239,051.

The proposed CIL (in 2021/22 dollars) is \$900 per dwelling.

2.6. METHOD USED IN PREPARING THE EXHIBITED DCP

2.6.1. STATUTORY FRAMEWORK FOR DEVELOPMENT CONTRIBUTIONS PLANS

The statutory framework for the preparation of Development Contributions Plans in Victoria is summarised below.

PRINCIPLES UNDERPINNING DEVELOPMENT CONTRIBUTIONS

An Administrative Appeals Tribunal decision known as the Eddie Barron decision¹ is considered to be the landmark decision relating to the principles which underpin development contributions in Victoria. The Tribunal identified the following four principles that were to be met in order for a levy to be applied as a permit condition:

- Need - The need created by the development and the measures to satisfy the need must be adequately identified;

¹Eddie Barron Constructions Pty Ltd v Shire of Pakenham & Anor (1990)

- Equity - The payment or levy must be a fair and reasonable apportionment of the cost of implementing the need satisfaction measures;
- Accountability - The responsible authority should implement procedures to ensure that the money collected cannot be used for any purpose other than that for which it was levied and which clearly show how, when and where the money collected is spent;
- Nexus - There must be a reasonable nexus between the development and the need satisfaction measures.

PLANNING AND ENVIRONMENT ACT

Part 3B of the *Planning and Environment Act 1987* outlines the statutory provisions relating to development contributions. In summary, Part 3B provides for, amongst other things:

- The inclusion of a DCP in the planning scheme, for the purpose of levying contributions for the provision of works, services and facilities and for costs associated with preparation of strategic planning and development contributions plans (section 46I);
- The provision to impose either a development infrastructure levy or a community infrastructure levy (section 46J);
- The contents required of a DCP (Section 46K);
- The setting of limits in respect of a community infrastructure levy (section 46L);
- The provision for the Minister to issue written directions relating to the preparation and content of a DCP (section 46M);
- The collection of a development infrastructure levy, by way of a condition on a planning permit either requiring the payment of a levy within a specified time, or entering into an agreement to pay the levy within a specified time (section 46N).

MINISTERIAL DIRECTION

The Ministerial Direction on the Preparation and Content of Development Contributions Plans (11 October 2016) outlines what may be funded from a development contribution levy, namely:

- Acquisition of land for roads, public transport corridors, drainage, public open space, community facilities;
- Construction of roads, including the construction of bicycle and foot paths, and traffic management and control devices;
- Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops;
- Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment;
- Drainage works;
- Buildings and works for or associated with the construction of a maternal and child health centre, a child care centre, a kindergarten or any centre which provides these facilities in combination.

The Ministerial Direction also specifies that “a development contributions plan must not impose a development infrastructure levy or a community infrastructure levy in respect of the development of land for a non-government school or housing provided by or on behalf of the Department of Health and Human Services.”

DEVELOPMENT CONTRIBUTIONS GUIDELINES

The Victorian State Government has published a set of documents which make up the Development Contributions Guidelines (2007). These documents provide guidance as to how DCPs are to be prepared and administered including the matters that DCPs are to consider.

2.6.2. METHODOLOGY

I consider that the Exhibited DCP has been prepared generally in accordance with the statutory framework for preparing a DCP in Victoria, subject to the following comments made in this peer review report.

2.6.3. STRATEGIC JUSTIFICATION AND ESTIMATES OF COST

The strategic justification for infrastructure items has been set out in Section 1.4 of the 2022 DCP.

Given that this revised DCP is amending a previously approved DCP, I have focused my peer review on the changes to the DCP rather than a "root and branch" review.

The key documents in respect of strategically justifying the revisions to the DCP are:

- The Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, Planning Report prepared by Melton City Council;
- Toolern Precinct Structure Plan Review – Community Infrastructure, Final Report and Recommendations Report, ASR Research;
- Recommended Changes to Toolern PSP and DCP Documents, Cardno, 17 March 2022;
- Land Acquisition Assessment, Toolern DCP Land Assessment – Proposed Review, Charter Keck Cramer, 24 May 2022;
- Cobblebank Metropolitan Activity Centre, Urban Design Framework, Melton City Council, 2019;
- Cobblebank Employment and Mixed Use UDF, Melton City Council, 2019.

I have reviewed these documents and I consider that they provide the necessary strategic justification for the projects that have been identified in the DCP as well as the cost estimates for those projects.

There are some apparent discrepancies in the translation of transport costs between the Cardno report and the 2022 DCP, which I am not able to explain. These are shown in the Table below.

Cardno Report	Section of Report	Report Quote/Value	DCP Value
Cardno: Recommended Changes to the Toolern PSP and DCP	IN-26 (p.26)	"\$7,862,964"	"\$1,353,545"
	IN-27 (p.27)	"\$4,333,683"	"\$1,353,545"
	IN-28 (p.28)	"\$3,495,138"	"\$1,353,545"
	RD-01 (p. 31)	"\$1,009,272"	"\$848,383"
	RD-12 (p.40)	"\$7,918,240"	"\$4,459,320"
	RD-17 (p.44)	"\$6,062,461"	"\$10,180,594"
	RD-18 (p.45)	"\$4,032,700"	"\$10,180,594"

In addition, I have not been able to determine whether the additional costs identified by ASR have been correctly translated into the DCP because I do not have the indexed (2021/22) values for the existing DCP.

I recommend that these outstanding matters be further investigated either before or during the exhibition period.

2.6.4. LEVY CALCULATIONS

In the short time available, I have not undertaken an audit of the levy calculations.

I recommend that a check be undertaken either before or during the exhibition period.

2.6.5. IDENTIFICATION OF CHARGE AREAS

The charge areas have not changed from the 2011 DCP other than the removal of Paynes Road PSP area.

I consider that the method of selecting the charge areas is appropriate and accords with the DCP Guidelines.

2.6.6. DEMAND UNIT

The DCP adopts one net developable hectare as one demand unit.

This has not changed from the 2011 DCP and is entirely consistent with the practice for greenfield growth area DCPs.

2.6.7. APPORTIONMENT OF COSTS

METHOD

The 2022 DCP generally apportions the full cost of the projects to the DCP with the exception of transport projects which are located on the boundary of other PSP areas. In these cases, the cost of the project is shared between the PSP areas.

The approach to the apportionment of costs is appropriate and accords with the DCP Guidelines.

In the time available I have not undertaken a project by project review where costs have been apportioned.

I recommend that this be undertaken either before or during the exhibition period.

2.6.8. INFRASTRUCTURE TO BE FUNDED

TYPES OF PROJECTS

I have reviewed the types of projects to be funded by the 2022 DCP and consider that they accord with the statutory framework and the DCP Guidelines.

In general, the types of projects to be funded are not different to those funded by the 2011 DCP.

CATEGORISATION OF PROJECTS

I have reviewed the categorisation of the projects to be funded by the 2022 DCP and consider that they have generally been correctly categorised as either Development Infrastructure or Community Infrastructure (to be funded by a Development Infrastructure Levy or Community Infrastructure levy).

This is an important issue because the CIL is capped at \$1,225 per dwelling (2021/22).

2.6.9. COMMUNITY INFRASTRUCTURE LEVY CAP

As previously outlined, there is a cap on the amount that can be collected via the Community Infrastructure Levy (CIL). The cap for 2021/22 is \$1,225.

The Planning Report proposes the CIL at \$1,225 per dwelling. The 2022 DCP and the Schedule show the CIL as \$900 per dwelling. So, there is a discrepancy between the documents.

Nevertheless, the cost of community infrastructure projects to be funded by the DCP is estimated at \$21,857,781. The forecast number of dwellings is 25,035 (ASR).

Hence, the CIL should be \$839.55. Any amount higher than this would not be in accordance with the Guidelines.

I recommend that the CIL be reduced to \$839.55 per dwelling.

Section 1.4.9 of the 2022 DCP needs revision. It refers to the wrong capped amount and a superseded reference to indexation.

