

Response to submissions – Amendment C238

Submission No	Summary of submission	Response
1	<ul style="list-style-type: none"> <li>The development contributions plan (DCP) should include legislation to ensure money is put towards retaining and rebuilding our green spaces.</li> </ul>	<ul style="list-style-type: none"> <li>As required by the DCP Guidelines (2007), the DCP does not include projects funded by the open space levy through Clause 53.01. The acquisition of additional open space, as requested in the submission, is funded through the open space levy. The DCP includes community facilities that are located on existing open spaces. Council supports the direction of the submission, but cannot use the DCP to fund open space acquisitions.</li> </ul>
2	<ul style="list-style-type: none"> <li>Agrees with the Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>
3	<ul style="list-style-type: none"> <li>Provides general support for the proposed amendment, which will provide a funding mechanism to assist the City of Yarra in the provision of local infrastructure projects, as development increases and the population of the City of Yarra grows.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>
4	<ul style="list-style-type: none"> <li>Support Yarra City Council with this long overdue proposal.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>
5	<ul style="list-style-type: none"> <li>Submits this is an idea of great merit. As developers stand to make significant profits, they need to give back to the community in full measure.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>

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6	<ul style="list-style-type: none"> <li>Submission queries why there are no pedestrian improvement works or traffic management and road safety projects. Queries the lack of a walking strategy and recommends one be developed.</li> </ul>	<ul style="list-style-type: none"> <li>The Strategic Transport Statement incorporates the ‘Encouraging and Increasing Walking in Yarra Strategy’. This can be found on page 17 of the Yarra Development Contributions Plan 2017 report;</li> <li>A number of the projects including numbers 286 and 1154 to 1190 involve improving pedestrian amenity and facilities including foot path widening, where appropriate. Projects 1129 and 1147 to 1153 deal with improvements to traffic management.</li> </ul>
7	<ul style="list-style-type: none"> <li>Supports Amendment C238. Strongly believes that our Yarra community will benefit enormously from developers paying a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities (for example, a new community centre).</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>
8	<ul style="list-style-type: none"> <li>Endorses this plan, it is a fantastic idea to force developers to contribute to infrastructure upgrades within City of Yarra and is thrilled that you are considering amendment C238.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>
9	<ul style="list-style-type: none"> <li>Levies collected must be spent in the charge areas they are collected from;</li> <li>Supports DCP but the scope of works do not go far enough in Cremorne;</li> </ul>	<ul style="list-style-type: none"> <li>The DCP guidelines requires that levies collected are spent in the areas collected;</li> </ul>

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	<ul style="list-style-type: none"> <li>• The plan is more focused on maintaining existing infrastructure;</li> <li>• Appears to be nothing added to future Cremorne community facilities;</li> <li>• Cremorne needs more open and green spaces;</li> <li>• More needs to be allocated to bike paths and corridors; and</li> <li>• More improvements to the pedestrian networks</li> </ul>	<ul style="list-style-type: none"> <li>• The projects included in the DCP need to be justified by a Council adopted strategy. At the time of preparing the DCP all relevant Council strategies were considered and used to identify projects;</li> <li>• The 2007 DCP guidelines state (p.27) “The DCP Infrastructure projects can be included in a DCP if they will be used by the future community of an area, including existing and new development. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage”;</li> <li>• Open space provision is part of the Open Space Levy and not the DCP; and</li> <li>• Councils adopted strategies supporting cycling and walking were used to identify projects suitable for the DCP</li> </ul>
10	<ul style="list-style-type: none"> <li>• Supports the Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• No response required.</li> </ul>
11	<ul style="list-style-type: none"> <li>• Supports the Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• No response required.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Projects are renewal of existing assets which is contrary to the DCP guidelines;</li> <li>• Insufficient justification for projects;</li> <li>• How projects will be completed is unclear;</li> <li>• Impacts on affordability; and</li> <li>• Lack of transitional provisions</li> </ul>	<ul style="list-style-type: none"> <li>• The DCP guidelines provides for the following: “Planning ahead is part of a council's strategic planning and service delivery responsibility. .... In established urban areas, upgrading the existing infrastructure may be necessary because of the redevelopment of existing sites, changing community expectations, changing standards of provision or the need to replace an existing infrastructure that has reached the end of its economic life.” The inclusion of existing asset renewal is appropriate in an existing urban area;</li> <li>• All projects have been nominated on the basis of an adopted Council strategy and have substantial justification;</li> <li>• All DCP projects are part of the Council’s 10 year capital works program. Projects are scheduled and funded through that program;</li> </ul>

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		<ul style="list-style-type: none"> <li>• If the full cost of the DCP is passed on to purchasers it will result in a less than 1% increase in price. Over time the cost of the DCP should be factored in to the purchase of a development site in the same way the open space levy is considered; and</li> <li>• There is no requirement for transitional provisions for this or any other amendment.</li> </ul>
13	<ul style="list-style-type: none"> <li>• Opposes the application of the DCP; and</li> <li>• Given State Government work on development contributions, the DCP may be outdated</li> </ul>	<ul style="list-style-type: none"> <li>• The State government has introduced Infrastructure Contribution Plans (ICP). The ICPs apply only to the growth areas. There is no program or timetable to apply the ICPs to existing urban areas. A DCP is the only mechanism available to a planning authority to ensure that new development contributes to the infrastructure of an established urban area.</li> </ul>
14	<ul style="list-style-type: none"> <li>• Supports the application of a DCP;</li> <li>• DCP funds should be used exclusively for new initiatives;</li> <li>• Would like a capital works program for Cremorne;</li> <li>• More landscaping and green space; and</li> <li>• DCP should be used for traffic studies to support decision making.</li> </ul>	<ul style="list-style-type: none"> <li>• The DCP guidelines provides for the following: “Planning ahead is part of a council's strategic planning and service delivery responsibility. .... In established urban areas, upgrading the existing infrastructure may be necessary because of the redevelopment of existing sites, changing community expectations, changing standards of provision or the need to replace an existing infrastructure that has reached the end of its economic life.” The inclusion of existing asset renewal is appropriate in an existing urban area;</li> <li>• All projects have been nominated on the basis of an adopted Council strategy and have substantial justification;</li> <li>• Open space provision is part of the Open Space Levy and not the DCP; and</li> <li>• Councils adopted strategies supporting cycling and walking were used to identify projects suitable for the DCP.</li> </ul>
15	<ul style="list-style-type: none"> <li>• Supports DCP proposal;</li> <li>• Lacks ambition;</li> <li>• Proposes ‘business as usual’ projects;</li> <li>• No new projects have been proposed;</li> </ul>	<ul style="list-style-type: none"> <li>• The DCP guidelines requires that levies collected are spent in the areas collected.</li> <li>• The projects included in the DCP need to be justified by a Council adopted strategy. At the time of preparing the DCP all relevant Council strategies were considered and used to identify projects;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Given the level of development expected in Cremorne the levy is too low;</li> <li>• The amounts levied for bicycle infrastructure and traffic management are too low; and</li> <li>• There is a need for an integrated transport study.</li> </ul>	<ul style="list-style-type: none"> <li>• The 2007 DCP guidelines state (p.27) “The DCP Infrastructure projects can be included in a DCP if they will be used by the future community of an area, including existing and new development. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage”;</li> <li>• Open space provision is part of the Open Space Levy and not the DCP; and</li> <li>• Councils adopted strategies supporting cycling and walking were used to identify projects suitable for the DCP.</li> </ul>
16	<ul style="list-style-type: none"> <li>• Concerns on timing of the DCP during the planning process;</li> <li>• Capital works infrastructure is the primary project source;</li> <li>• Nexus between the projects and the developments being levied;</li> <li>• Lack of transitional arrangements; and</li> <li>• The DCP will adversely impact on affordability.</li> </ul>	<ul style="list-style-type: none"> <li>• The timing of the DCP payment is governed by the Planning and Environment Act and the DCP guidelines. Payment is generally required at the approval stage where there is one applicant, not at the completion stage where there are multiple owners;</li> <li>• The 2007 DCP guidelines state (p.27) “The DCP Infrastructure projects can be included in a DCP if they will be used by the future community of an area, including existing and new development. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage”;</li> <li>• The nexus between the projects and the development is established in the DCP report. In addition the guidelines state:” It must be demonstrated that the new development to be levied is likely to use the infrastructure to be provided. New development should not be considered on an individual basis, but as part of the wider community that will use an infrastructure project. The wider community may also include existing development. This is all that is required to demonstrate ‘nexus’ to justify the application of the charge”;</li> <li>• There is no requirement for transitional provisions for this or any other amendment; and</li> </ul>

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17	<ul style="list-style-type: none"> <li>• Not within the scope of the EPA's role.</li> </ul>	<ul style="list-style-type: none"> <li>• No response required.</li> </ul>
18	<ul style="list-style-type: none"> <li>• Questions calculations of contributions;</li> <li>• List of projects is Council's capital works program; and</li> <li>• Clarification of contributions in kind.</li> </ul>	<ul style="list-style-type: none"> <li>• The method of calculation of the levies is based on the DCP guidelines and detailed in the DCP report;</li> <li>• The DCP guidelines provides for the following: "Planning ahead is part of a council's strategic planning and service delivery responsibility. .... In established urban areas, upgrading the existing infrastructure may be necessary because of the redevelopment of existing sites, changing community expectations, changing standards of provision or the need to replace an existing infrastructure that has reached the end of its economic life." The inclusion of existing asset renewal is appropriate in an existing urban area; and</li> <li>• The DCPO allows Council to accept the provision of land, works services or facilities in full or part satisfaction of the levy payable. These works in kind need to be agreed with Council on a case by case basis.</li> </ul>
19	<ul style="list-style-type: none"> <li>• The DCP is counterproductive to the ability to upgrade medical health facilities;</li> <li>• Hospitals and medical centres should be exempt;</li> <li>• Additional cost on a not for profit organisation;</li> <li>• Epworth has already contributed to a number of public realm improvements; and</li> <li>• No transitional arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>• The DCP only applies to new development and apportions the use of infrastructure to that development;</li> <li>• Public hospitals are exempt from the DCP. Council has the discretion to exempt private hospitals;</li> <li>• If the full cost of the DCP is passed on to purchasers it will result in a less than 1% increase in price. Over time the cost of the DCP should be factored in to the purchase of a development site in the same way the open space levy is considered;</li> <li>• The DCPO allows Council to accept the provision of land, works services or facilities in full or part satisfaction of the levy payable. These works in kind need to be agreed with Council on a case by case basis; and</li> </ul>

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		<ul style="list-style-type: none"> <li>• There is no requirement for transitional provisions for this or any other amendment.</li> </ul>
20	<ul style="list-style-type: none"> <li>• Submits that the Channel 9 Studio at 22 Bendigo Street, Richmond has a 173 Agreement in place for the provision of community infrastructure and should be exempt from the DCP.</li> </ul>	<ul style="list-style-type: none"> <li>• Agree with this submission;</li> <li>• This site is subject to the exemptions in clause 4.0 of the proposed DCP Overlay;</li> <li>• Officers will confirm this exemption in writing with the submitter.</li> </ul>
21	<ul style="list-style-type: none"> <li>• In principle supports the Amendment; and</li> <li>• Would like to see transitional provisions for existing permits.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no requirement for transitional provisions proposed for this amendment.</li> </ul>
22	<ul style="list-style-type: none"> <li>• Supports the Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• No response required.</li> </ul>
23	<ul style="list-style-type: none"> <li>• Concerns on the timing of DCP payments;</li> <li>• Capital works infrastructure is the main focus;</li> <li>• Nexus between the projects and new development;</li> <li>• Lack of transitional provisions; and</li> <li>• Commercial concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• The timing of the DCP payment is governed by the Planning and Environment Act and the DCP guidelines. Payment is generally required at the approval stage where there is one applicant, not at the completion stage where there are multiple owners;</li> <li>• The 2007 DCP guidelines state (p.27) “The DCP Infrastructure projects can be included in a DCP if they will be used by the future community of an area, including existing and new development. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage”;</li> <li>• The nexus between the projects and the development is established in the DCP report. In addition the guidelines state:” It must be demonstrated that the new development to be levied is likely to use the infrastructure to be provided. New development should not be considered on an individual basis, but as part of the wider community that will use an infrastructure project. The wider community may also</li> </ul>

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		<p>include existing development. This is all that is required to demonstrate ‘nexus’ to justify the application of the charge”;</p> <ul style="list-style-type: none"> <li>• There is no requirement for transitional provisions for this or any other amendment and</li> <li>• If the full cost of the DCP is passed on to purchasers it will result in a less than 1% increase in price. Over time the cost of the DCP should be factored in to the purchase of a development site in the same way the open space levy is considered.</li> </ul>
24	<ul style="list-style-type: none"> <li>• Not enough projects in Alphington; and</li> <li>• Lists a number of projects that are required in Alphington.</li> </ul>	<ul style="list-style-type: none"> <li>• All DCP projects are part of the Council’s 10 year capital works program. Projects are scheduled and funded through that program; and</li> <li>• The projects included in the DCP need to be justified by a Council adopted strategy. At the time of preparing the DCP all relevant Council strategies were considered and used to identify projects.</li> </ul>
25	<ul style="list-style-type: none"> <li>• Supports the Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• No response required.</li> </ul>