

**Casey Planning Scheme Amendment C286case
Collison Estate Development Contributions Plan**

Panel Report

Planning and Environment Act 1987

1 July 2024

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

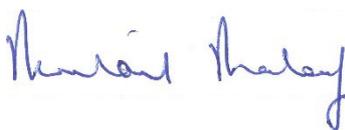
Casey Planning Scheme Amendment C286case

Collison Estate Development Contributions Plan

1 July 2024



Tim Hellsten, Chair



Michael Malouf AM, Member

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Glossary and abbreviations

2020 SWMP	<i>Stormwater Strategy: Collison Estate Cranbourne East, March 2020, Incitus</i>
C1Z	Commercial 1 Zone
Council	Casey City Council
DCP	<i>Collison Estate Development Contributions Plan, Urban Enterprise (October 2023)</i>
DCP Guidelines	<i>Development Contributions Guidelines, 2007</i>
DCPO	Development Contributions Plan Overlay
DCPO22	Development Contributions Plan Overlay Schedule 22
DCP Ministerial Direction	<i>The Ministerial Direction on the Preparation and Content of Development Contributions Plans, 15 January 2024</i>
Development Plan	draft final Collison Estate Development Plan, City of Casey (October 2023)
DPO22	Development Plan Overlay Schedule 22 (Collison Estate)
DTP	Department of Transport and Planning on behalf of the Head, Transport for Victoria
Form and Content MD	<i>Ministerial Direction - The Form of Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987</i>
GRZ1	General Residential Zone Schedule 1
NDA	Net Developable Area (expressed in Hectares)
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Casey Planning Scheme
Social Requirements Report	<i>Social Infrastructure Requirements for Collison Estate, C Change Sustainable Solutions, July 2023</i>
Stormwater Strategy	<i>Collison Estate Cranbourne East Stormwater Water Management Strategy, KLM Spatial, March 2021</i>
Traffic Impact Assessment	<i>Traffic Impact Assessment, Traffix Group, July 2023</i>
WIK	Works-in-kind

Overview

Amendment summary

The Amendment	Casey Planning Scheme Amendment C286case
Common name	Collison Estate Development Contributions Plan
Brief description	Implementation of the Collison Estate Development Contributions Plan through the application of the Development Contributions Plan Overlay, and rezoning of land to Commercial 1 to facilitate the early provision of a neighbourhood activity centre
Subject land	Land within the Collison Estate in Cranbourne East as shown in Figure 1
Planning Authority	Casey City Council
Authorisation	16 October 2023, with conditions
Exhibition	18 November 2023 to 8 January 2024
Submissions	Number of Submissions: 48 Opposed or seeking changes: 15

Panel process

The Panel	Tim Hellsten (Chair), Michael Malouf AM
Directions Hearing	By videoconference, 24 April 2024
Panel Hearing	Narre Warren, 21, 22, 23 May 2024 and on-line 24 May 2024
Site inspections	Unaccompanied, 20 May 2024 (Chair only) and 21 May 2024
Parties to the Hearing	<p>Casey City Council represented by Bryan Colbourne, Principal Strategic Planner and Jason Pullman Team Leader, Strategic Planning and Reform, called expert evidence on:</p> <ul style="list-style-type: none"> - planning from Matt Ainsaar of Urban Enterprise - transport planning and traffic engineering from Brent Chisholm of Traffix - drainage engineering from Daniel Fokkens of City of Casey - social infrastructure from Venessa Bennett of C Change Sustainable Solutions <p>Collison Estate Committee Inc. represented by Louise Lowe and Ryan Flack of KLM Spatial</p> <p>Graham Smith</p> <p>468 Collins St Pty Ltd represented by Daniel De Fazio of Human Habitats calling the following expert evidence on traffic engineering from James Brownlie of WGA</p> <p>24 Collison Road Pty Ltd (Skildale Pty Ltd) represented Nick Robins of KLM Spatial</p> <p>Ramkumar Bakthavatchalu</p>
Citation	Casey PSA 286case [2024] PPV
Date of this report	1 July 2024

Executive summary

The 83 hectare Collison Estate in Cranbourne East was developed since the 1950s before the significant level of urban development activity that occurred in Cranbourne and Cranbourne over recent decades, as Melbourne's population has grown. It is now surrounded by established residential development but remains as a low scale residential area comprising 94 lots and with predominantly gravel roads, an overhead electricity supply and no formalised drainage network or public open space. Despite being in the General Residential Zone and suitable for conventional housing provision, its fragmented land ownership and the challenges of providing coordinated servicing infrastructure has prevented its further development.

The City of Casey (Council) has prepared the Collison Estate Development Contributions Plan to provide a framework for collecting levies to fund the provision of infrastructure to support the future development of the Collison Estate and the needs of its residents. The infrastructure projects identified in the DCP have been informed by the draft Collison Estate Development Plan, October 2023 (Development Plan) which identifies a road and drainage network, areas of open space, a local neighbourhood activity centre site and future community facility providing kindergarten and maternal child health services.

Casey Planning Scheme Amendment C286case (the Amendment) seeks to:

- apply the Commercial 1 Zone (C1Z) to the local neighbourhood activity centre site identified in the Development Plan
- implement the DCP through the application of the Development Contribution Plan Overlay (DCPO22) and include the DCP as an incorporated plan
- amend Development Plan Overlay Schedule 22 (DPO22) which currently applies to the Collison Estate
- make other related changes to the Casey Planning Scheme.

The Development Plan is not part of the Amendment. Its preparation has been guided by the requirements of DPO22 in consultation with the landowners and is proposed to be finalised after the Amendment is completed.

Submissions were generally positive about the Amendment and seeking changes to the DCP relating to costs, project detail and opportunities to provide for interim works. Key issues raised included:

- traffic impacts on the surrounding road network and amenity
- the identification and design, delivery and timing of road infrastructure items
- the land take for drainage projects
- allowing for interim drainage solutions
- project cost apportionment for the proposed community facility
- DCP costs including land valuation and allowances
- the proposed neighbourhood activity centre
- the provisions of DPO22
- issues relating to the draft Development Plan.

The focused nature of submissions reflects the work that Council has undertaken in preparing the DCP including working closely with the Collison Estate Committee Inc representing many of the Collison Estate landowners and who undertook much of the early work on the Development Plan.

Strategic basis of the Amendment

The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and Local Planning Policy Framework including the Municipal Strategic Statement. The DCP has generally been prepared consistent with the relevant development contribution provisions of the PE Act, Ministerial Directions and DCP preparation guidance.

The DCP is critical to unlocking the development of this infill precinct through the equitable funding of important and necessary infrastructure. The Amendment should proceed subject to addressing the more specific issues raised in submissions.

Transport projects

The DCP includes nine transport projects comprising new access roads or road and intersection upgrades at a cost of \$22.66 million (including 1.33 hectares of land). The Panel is satisfied based on the Traffic Impact Assessment and traffic evidence of Mr Chisholm that future traffic impacts on the surrounding road network and intersections associated with the development of the Collison Estate can be managed, subject to the intersection works identified in the DCP.

While the Development Plan is not before the Panel, it provides the basis for the transport projects identified in the DCP informed by the Traffic Impact Assessment. The Panel is satisfied that overall, the proposed transport projects provide for an appropriate transport and movement network and that there is a reasonable basis for their inclusion in the DCP.

In relation to the following road and intersection projects, the Panel concludes:

- Linsell-Casey Fields Boulevard intersection (IN01): amend the DCP maps to identify both roads as 'Council Arterials'
- Collison Road and Berwick - Cranbourne Road intersection (IN04):
 - update the DCP concept layout plan consistent with the evidence of Mr Chisholm
 - include the additional land take and costs for the ultimate treatment in the DCP and DCPO22
- Heather Grove (RD02 and RD03):
 - amend the DCP to include the land take for the ultimate Casey Fields Boulevard - Heather Grove intersection (RD03)
 - update the DCP concept layout plan for RD03 consistent with the evidence of Mr Chisholm
 - insert a DCP concept layout for RD02 identifying the Collison Road/Heather Grove intersection and associated land take areas consistent with Mr Chisholm's evidence
 - amend the DCP land budget, project costs and development levy for the additional land area of 19 Collison Road
- Beagle Street - Casey Fields Boulevard intersection (IN03):
 - amend the DCP to reallocate the intersection land take costs from RD04 to IN03
 - update the DCP concept layout plan for IN03 consistent with the evidence of Mr Chisholm
- Sargent Street (IN02 and RD01) and Garden Street:
 - amend the DCP to reallocate the intersection land take costs from RD01 to IN02
 - update the concept layout plan for IN02 consistent with the evidence of Mr Chisholm.

DCPO22 should be updated to reflect these changes.

Drainage projects

The DCP includes 17 drainage projects, informed by a Stormwater Management Strategy which proposes a distributed network of channels (which also provide for shared paths) with storage capacity and raingardens, which are connected by piped infrastructure projects across two proposed public open spaces, existing and proposed streets and external outfalls.

The Stormwater Strategy will provide for a drainage network and water treatment solutions that can operate effectively consistent with relevant standards, policy and the Development Plan. It provides the strategic basis for the proposed drainage network, the resultant projects identified in the DCP and their design. These projects will be critical to enabling the development of the Collison Estate. Their full apportionment to the Collison Estate is justified. They come however at a substantial cost of \$25.41 million (including 4.93 hectares of land) and account for over 38 per cent of the total DCP project costs and 43 per cent of the DCP levy.

The overall costs of the Stormwater Strategy approach compared to a standard piped network approach remains unclear. While Council and submitters were concerned that pursuing a more traditional piped network would result in substantial delays, a more fulsome cost benefit analysis including lifecycle costs may reveal that the approach may be considerably cheaper and substantially lower the total DCP costs. Council is encouraged to undertake such an assessment before adopting the DCP.

Other DCP matters

In relation to other DCP matters:

- the DCP should clarify the status and relationship with Melbourne Water Collison Road Drainage Scheme (DS No 2371) which will not apply
- there is a clear basis for establishing the need, costing and apportionment of the proposed community facility as a Development Infrastructure Levy item.
- costing allowances for contingencies and detailed design are too high for some projects and should be reduced so they are more consistent with Victorian Planning Authority costing benchmarks. The DCP and DCPO22 should be updated to reflect these changes.

Other issues

The need for a neighbourhood activity centre is supported through economic analysis. The rezoning of the neighbourhood activity centre to C1Z is appropriate and supported by the Local Planning Policy Framework.

It is not appropriate to apply the Small Lot Housing Code as part of the Amendment or make further changes to the provisions of DPO22. However, once the Development Plan is approved Council should review DPO22 to ensure the conditions and requirements for permits are appropriate and remain fit for purpose.

Further changes to the DCP and DCPO22

Further changes should be made to the DCP to:

- explain the cost differentiation for Project PR02 from the KLM Costings to be included in Appendix B of the DCP
- allow flexibility replace references to a dated final version of the Development Plan with 'Adopted Collison Estate Development Plan, as amended from time to time'.

The Panel identified that the headings and table content of the DCPO22 are inconsistent with the Ministerial Direction on the Form of Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*. Council advised this was not a matter raised in authorisation and was consistent with the other DCPOs in the Casey Planning Scheme. Council advised DCPO22 could be amended to adopt the consistent format but that this was not preferred. The Panel accepts there is a logic to the exhibited format however Council should confirm with the Department of Transport and Planning that the format is acceptable before adoption.

Further minor changes are recommended to the form and content of DCPO22 to ensure it is consistent with other DCPOs in the Casey Planning Scheme and to simplify content to provide greater clarity without changing its provisions.

Development Plan

The Development Plan is not part of the Amendment and is yet to be finalised by Council under the provisions of DPO22. However, it provides the foundation for the DCP projects and will guide how they are ultimately designed. In the absence of a Precinct Structure Plan, the Development Plan provides an important role in ensuring the DCP projects can be provided and delivered in a timely fashion and the vision for the Collison Estate can be realised. The Panel has made a number of suggestions as ‘further recommendations’ to assist Council with this task.

Council is encouraged to ensure the final Development Plan:

- aligns with the approved DCP
- provides flexibility for interim drainage works particularly in the early stages of development
- clearly distinguishes between areas of proposed public open space and drainage reserves and whether the proposed public open spaces will be encumbered by any drainage function or require additional design guidance
- provides flexibility for access for Mayfield Road fronting properties
- includes an implementation action for the road manager to lead the coordination or facilitation of more detailed design approach to the interim to ultimate treatment of Mayfield Road and access to Casey Fields Boulevard.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Casey Planning Scheme Amendment C286case be adopted as exhibited as exhibited subject to the following:

- 1. Amend the *Collison Estate Development Contribution Plan*, Urban Enterprise, October 2023 to:**
 - a) amend the project description of IN04 to include its ultimate land and interim construction**
 - b) replace references to a version number and date of the Collison Estate Development Plan with ‘Adopted Collison Estate Development Plan, as amended from time to time’**
 - c) update maps ‘F2 – Development Plan’ and ‘F3 Infrastructure map – DCP items’ to identify Casey Fields Boulevard and Linsell Boulevard as ‘Council Arterial’ roads**
 - d) include the KLM Spatial Costings (29 March 2022) in Appendix B, and a note in Section 4.7 to explain the cost differentiation for Project PR02 with the KLM costings**
 - e) include the following paragraph in Section 5 ‘Levy Calculation’:**

‘Relationship to Melbourne Water Collison Road Drainage Scheme (DS No 2371)

The DCP area is located within the broader Melbourne Water Collison Road Drainage Scheme (DS No 2371). Properties within the DCP area are not required to make financial contributions to Melbourne Water’s Collison Road Drainage Scheme. However, because the Collison Road Drainage Scheme has only provided for outfall works at the capacity of the rural residential (pre-redevelopment) land density. Therefore, Melbourne Water expects that the properties within the DCP area will design, construct and fund their own local drainage works, including the provision of Stormwater Quality Treatment, flow conveyance and retardation of flows to pre-redevelopment (rural residential density) flows at the boundary of the DCP area. The DCP satisfies that expectation. Melbourne Water also expects that the design and construction specifications and ongoing responsibility of the local drainage within the Collison Estate Subject Land is a Casey City Council responsibility in accordance with this DCP.’

- f) amend the land budget, project costs and development levy to reflect:
- the additional 306 square metre land component for IN04
 - the increase in land area of 19 Collison Road (Property ID 52)
 - the land take for the ultimate Casey Fields Boulevard - Heather Grove intersection (RD03)
 - the reallocation of the intersection land take costs shown in RD04 to IN03 and shown in RD01 to IN02
- g) reduce the following project costing allowance rates:
- ‘Contingency’ for all transport and drainage projects to 15 per cent.
 - ‘Survey and Design/Design Fees’ for all transport projects to 10 per cent
- h) include an additional exemption dot point under Section 6.6 Exemptions: ‘The development of land for a small second dwelling.’
- i) amend Appendix B to:
- replace the Concept Layout for IN04 with the amended plan: ‘Concept Interim Layout – Collison Road & Berwick-Cranbourne Road (IN04)’, Traffix Group, 2 May 2024 included in Appendix B of Mr Chisholm’s evidence
 - insert ‘Concept Ultimate layout – Collison Road & Berwick-Cranbourne Road (IN-04)’, Traffix Group, 6 May 2024 included in Appendix B of Mr Chisholm’s evidence
 - replace the Concept Layout for RD03 with the ‘Heather Grove, Cranbourne East Concept Layout Plan’, Traffix Group, 14 May 2024 included in Appendix C of Mr Chisholm’s evidence
 - insert a concept layout for RD02 identifying the Collison Road/Heather Grove intersection and associated land take areas consistent with Figure 20 of Mr Chisholm’s evidence
 - replace the Concept Layout for IN02 in Appendix B with the ‘Casey Fields Boulevard/Sargent/Local Access Street Concept Plan – Interim Layout’, Traffix Group, 14 May 2024 included in Appendix D of Mr Chisholm’s evidence

- replace the Concept Layout for IN03 with the ‘Casey Fields Boulevard/Beagle Street/Local Access Street Concept Plan – Interim Layout’, Traffix Group, 14 May 2024 included in Appendix D of Mr Chisholm’s evidence.
2. Amend Development Contributions Plan Overlay Schedule 22 as shown in Appendix D, and subject to further updating the summary of costs and contributions tables to reflect Recommendations 1f) and 1g).

Further Recommendations

Casey City Council:

- a) Review the Collison Estate Development Plan before its adoption to:
- ensure it is consistent with the final Collison Estate Development Contributions Plan
 - review the drafting of requirement R125 to ensure some flexibility exists for interim solutions particularly in the earlier development phases
 - amend requirement R126 consistent with the evidence of Mr Chisholm
 - review Development Plan maps to ensure they clearly distinguish between areas of proposed public open space and drainage reserves, and clarify whether the two public open spaces are potentially encumbered by any drainage function or require additional design guidance
 - review the wording of guidelines G60 and G43 and Condition 2 to ensure their consistency and the ability to provide flexibility for access for Mayfield Road fronting properties to Casey Fields Boulevard where appropriate and justified
 - include in the Implementation section an action for the road manager to lead the coordination or facilitation of more detailed design approach to the interim to ultimate treatment and related access for Casey Fields Boulevard and Mayfield Road.
- b) Review Development Plan Overlay Schedule 22 after adopting the Collison Estate Development Plan to ensure its permit requirements are necessary and consistent with the adopted Collison Estate Development Plan requirements and guidelines.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the *Collison Estate Development Contributions Plan*, Urban Enterprise, October 2023 (DCP) and facilitate the development of a local neighbourhood activity centre.

Specifically, the Amendment proposes to revise the Casey Planning Scheme (Planning Scheme) by:

- amending Clause 21.05-8 to update the Activity Centres Map to reflect a proposed local neighbourhood activity centre at 1 Heather Grove, Cranbourne East
- applying the Development Contribution Plan Overlay Schedule 22 (DCPO22) to the Collison Estate, Cranbourne East
- amending Development Plan Overlay Schedule 22 (DPO22) which currently applies to the Collison Estate to:
 - delete the requirement for a permit to be granted before development plan approval
 - amend section 4.0 (Requirements for a development plan) to remove the capacity for development plans to be prepared for multiple stages
 - delete sections 4.2 (Display of development plan), 4.3 (Decision guidelines) and 5.0 (Background documents)
- applying the Commercial 1 Zone (C1Z) to the identified 0.8 hectare local neighbourhood activity centre site
- amending the Clause 52.17 (Native vegetation) Schedule to delete the permit exemptions that currently apply in the Collison Estate for the removal, damage or destruction of native vegetation
- amending the Clause 72.04 Schedule to include the DCP as an incorporated plan.

(ii) The subject land and surrounds

The Amendment applies to land in the Collison Estate bounded by Linsell Boulevard (north), Casey Fields Boulevard and Mayfield Road (west), Cranbourne Road (south) and the western boundary of properties on the west side of Collison Road, Cranbourne East (as shown in Figure 1, with the site to be rezoned to C1Z highlighted yellow).

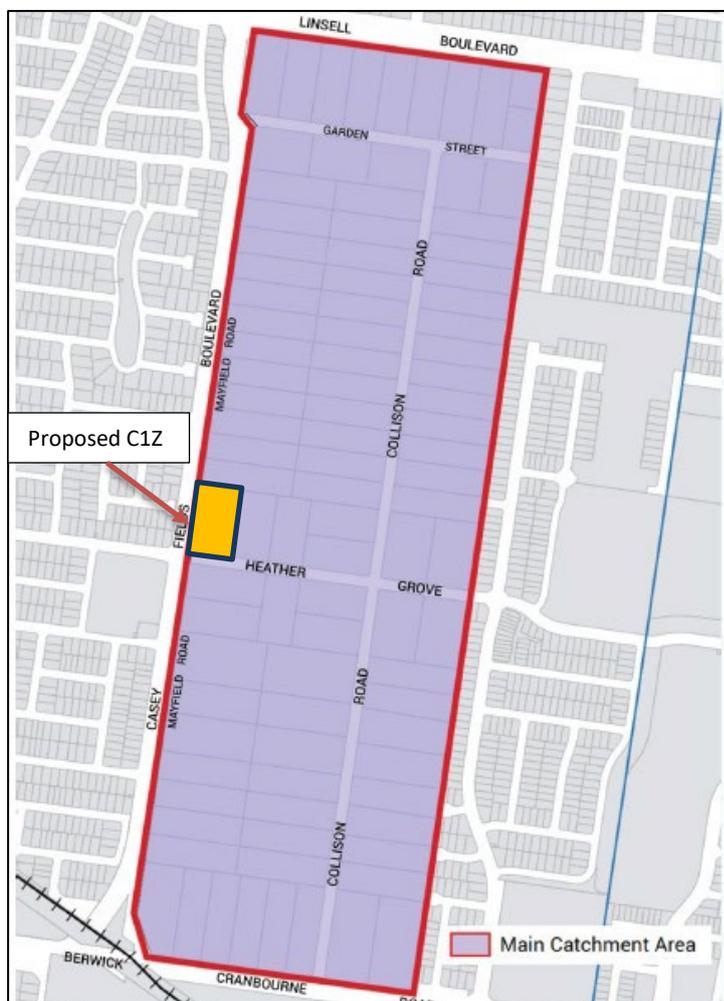
The Collison Estate is approximately 83 hectares in area and characterised as a low density residential area. It was developed since the late 1950s and comprises 96 lots with detached dwellings on lots averaging 0.81 hectares. It is serviced by the constructed Heather Grove and three gravel roads (Collison Road, Garden Street and Mayfield Road), an overhead electricity supply and has no formalised drainage network beyond street swale drains.

The estate adjoins more conventional housing and lots sizes associated with the recent growth of Cranbourne East through the *Cranbourne East Development Plan 2014* and *Cranbourne East Precinct Structure Plan 2010* including the Hunt Club and Cascades on Clyde estates and the Selandra Rise precinct. Within a kilometre of the subject land are:

- areas of active and informal local and regional open space including Casey Fields
- Casey Recreation and Aquatic centre
- several schools

- Selandra Rise and Clyde Village shopping centres
- the proposed Cranbourne East Railway Station and several existing and proposed bus routes.

Figure 1 Subject land



(iii) Purpose of the Amendment

Council submitted the subject land is ‘under pressure’ for further development given its proximity to more conventionally developed residential areas, but this has been difficult to facilitate despite its General Residential Zone (GRZ1). This was due to its fragmented land ownership and the inability for the market to deliver a shared infrastructure servicing outcome. It considered the Amendment provides the opportunity to unlock the potential of the subject land through the application of planning tools that provide an equitable framework for landowners and developers to contribute to the cost and delivery of new urban development.

Council advised that officers have been working with a landowner and potential developer syndicate (known as the Collison Committee) since 2019 in the preparation of a planning framework to facilitate the orderly urban development of the precinct. This included the draft Collison Estate Development Plan, KLM Spatial and City of Casey, October 2023 (Development Plan) which provides for over 1,600 dwellings, a local neighbourhood activity centre, associated infrastructure and open space.

1.2 Background

(i) Chronology of events

Council provided a chronology of events leading to the exhibition of the Amendment which are summarised in Table 1.

Table 1 Chronology of events

Date	Event
1994	Collison Estate identified for residential development as part of the Local Structure Plan Area 3 (later replaced by the Cranbourne East Development Plan) approved by the Minister for Planning and reflected in the Southeast Corridor Growth Framework Plan
2010	The Collison Estate is rezoned from Low Density Residential Zone to Urban Growth Zone through Casey Planning Scheme Amendment C119 which also approved the Cranbourne East Precinct Structure Plan. The final Structure Plan excluded the Collison Estate due to landowner opposition, but retained the vegetation removal exemptions in Clause 52.17 over the subject land
2014	Cranbourne East Development Plan adopted, excluding Collison Estate
9 Feb 2017	Amendment C220case gazetted rezoning the Collison Estate to the GRZ1 and applying DPO22
2019	<p>Draft Development Plan submitted to Council by Collison Committee comprising a group of property owners/prospective developers.</p> <p>Council subsequently takes the lead in preparing the Development Plan drawing on the Collison Committee's work. The Development Plan proposed the delivery of infrastructure through an agreement under section 173 of the PE Act at planning permit stage without a precinct-wide infrastructure financing planning framework.</p> <p>Various technical reports prepared (and later updated) relating to cultural heritage, soils, vegetation, stormwater, economics, traffic, servicing and social infrastructure.</p>
2020-2022	<p>Council resolved to prepare a DCP and apply the DCPO to the Collison Estate following legal advice and the (then) Department of Environment, Land, Water and Planning.</p> <p>Council analysis and consultation in 2022 reveals that to develop in the short to medium term it would need to intervene by bringing forward delivery of key road infrastructure, a drainage network and to secure drainage outfall projects of the DCP. This was proposed to occur through early works financing by Council of initial key road and drainage projects, to be paid back by DCP levy funds collected at a later time.</p> <p>In December 2022, Council resolved to borrow \$5.1 million to facilitate the early delivery of infrastructure (including for drainage pipes, construction of one section of Collison Road) and to use section 173 agreements to acquire land for the drainage network. It also resolved to consult with landowners on the draft Development Plan and DCP.</p> <p>Consultation took place between 29 April – 26 June 2022 with over 80 per cent support from approximately 50 written submissions.</p> <p>Informal consultation with landowners between 20 July – 30 September 2022 on a section 173 agreement to determine support for early works. Council received only a 26 per cent sign up to the section 173 Agreement, which it considered insufficient for it to proceed with an early works approach.</p>

Date	Event
13 Dec 2022	Council resolved to seek authorisation to prepare and exhibit the Amendment, and to adopt a DCP which excludes the early works intervention
16 Oct 2023	<p>The Amendment was authorised subject to five conditions:</p> <ol style="list-style-type: none"> 1. Amend DPO22 to reflect form and content requirements of Ministerial Direction No. 1 2. Amend DCPO22 to reflect exemptions for schools or housing provided for or on behalf of the Department of Health and Human Services consistent with the Ministerial Direction on the Preparation and Content of Development Contribution Plans 3. Amend Clause 21.05-8 to amend the Activity Centres Map to include the proposed local neighbourhood activity centre 4. Consider whether DCPO22 should be amended to include further exemptions for minor buildings and works 5. Amend the Clause 72.04 Schedule to include the correct Amendment reference. <p>Council advised these changes were made before exhibition. Council also made additional changes in response to authorisation suggestions including modifying the DCPO22 Summary of contributions table at Section 3 to provide a clearer description of levies to be provided.</p>
18 Nov 2023 – 11 Jan 2024	Amendment exhibition. This included presentations to the Collison Committee stakeholder group, a community drop-in session, on-line materials including interactive mapping tool.
19 Mar 2024	Council considered Amendment submissions and resolved to refer them to a Panel.

(ii) Collison Estate Development Contributions Plan

The DCP applies to the entire Collison Estate. It identifies 30 projects with a total cost of approximately \$66.6 million, of which \$58.7 million (88 per cent) is to be apportioned to the DCP area for:

- 6 road and 4 intersection projects
- 17 drainage projects
- a community facility
- the planning costs associated with the preparation of the DCP.

No Community Infrastructure Levy is proposed to be applied through the DCP.

The DCP is described in more detail in Chapter 2.

(iii) Development Contributions Plan Overlay

The exhibited DCPO includes two tables identifying the 'Summary of costs' and 'Summary of contributions' expressed in terms of Net Development Area per Hectare (NDA), (refer Figure 2) reflecting the costs in the DCP.

Figure 2 Exhibited summary of DCP costs and contributions

Summary of costs

Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Roads	\$18,973,061.44	Refer to details in the Collison Estate Development Contributions Plan.	\$18,973,061.44	100%
Intersections	\$9,436,961.07	Refer to details in the Collison Estate Development Contributions Plan.	\$3,689,327.92	39%
Drainage	\$25,417,742.42	Refer to details in the Collison Estate Development Contributions Plan.	\$25,417,742.42	100%
Community facilities	\$12,200,000.00	Refer to details in the Collison Estate Development Contributions Plan.	\$10,004,000.00	82%
Other	\$630,167.76	Refer to details in the Collison Estate Development Contributions Plan.	\$630,167.76	100%
TOTAL	\$66,657,932.68	-	\$58,714,299.53	88%

Summary of contributions

Facility	Levies payable by the development per net developable hectare unless otherwise specified (July 2022 dollars)			
	Development infrastructure		Community infrastructure	
	All development	Residential	Non-residential	All development
Roads	\$273,834.34	\$0	\$0	\$273,834.34
Intersections	\$53,247.32	\$0	\$0	\$53,247.32
Drainage	\$366,849.11	\$0	\$0	\$366,849.11
Community facilities	\$144,385.70	\$0	\$0	\$144,385.70
Other	\$9,095.08	\$0	\$0	\$9,095.08
TOTAL	\$847,411.54	\$0	\$0	\$847,411.54

The exhibited DCPO identified the following are exempt from the DCP:

- development of a non-government school or housing provided by or for Department of Health and Human Services
- renovation or alteration to an existing dwelling or reinstatement of a damaged or destroyed dwelling
- outbuildings of up to 10 square metres and fences normal to an existing dwelling.

The Table format in DCPO22 does not adhere with the format required by *Ministerial Direction - The Form of Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987* (Form and Content MD). This is discussed in Chapter 8.2.

(iv) Collison Estate Development Plan

Council prepared the Development Plan guided by the requirements of DPO22 and working closely with the Collison Committee since 2019 which had prepared much of the background materials and a draft Development Plan in 2018.

The purpose of the Development Plan is to provide a high-level framework to guide key elements of land use, built form, scale, connectivity and servicing provision. It identifies that:

the Collison Estate Development Plan seeks to provide for an integrated residential development with diversity in dwelling types and sizes, whilst optimising the Estate's proximity to existing services and open spaces. It seeks to provide for an activity centre and community facilities within the Estate which will facilitate a greater level of amenity services for the Estate and the wider community.

The key elements are shown in a Framework Plan (refer Figure 3).

Figure 3 Draft Collison Estate Development Plan



Source: Draft Final Collison Estate Development Plan, October 2023, Figure 7: Development Plan Map

The Development Plan seeks to accommodate up to 1,635 dwellings and a population of 5,346 with:

- an activity centre to service the local convenience needs
- a community facility to service the estate's kindergarten and maternal child health needs
- 1.93 hectares of public open space reserves

- 11 kilometres of pathways and pedestrian/cyclist connections
- an upgraded and permeable local road network including pedestrian pathways
- upgraded drainage scheme alleviating the localised flooding issues.

The Development Plan has been informed by a range of assessments relating to archaeology, arboriculture, cultural heritage, housing needs, native vegetation, activity centre economics, utility capacity, traffic, stormwater and social infrastructure needs.

The *Native Vegetation Assessment*, Brett Lane and Associates (July 2018) found pre-existing native vegetation remnants unlikely in the Collison Estate as the majority of native vegetation is planted thereby benefitting from an existing permit exemption under the parent Clause 52.17. This made the permit exemption in the Schedule to Clause 52.17 redundant.

Council advised it would consider the Development Plan's adoption when the Amendment is gazetted, which would ensure that there was an equitable infrastructure financing framework already in place before development occurs. This approach:

allows all development applicants to pay the development contributions levy when it is in place via the DCP and avoids a scenario where the Development Plan is adopted prior to the DCP, thus allowing some early developments to proceed via planning permits without paying the DCP levy.

1.3 The Panel's approach

Thirty-three (33) submissions supported the Amendment with an additional 8 submissions supporting it with changes. Seven (7) submissions opposed the Amendment. Key issues raised in submissions related to:

- traffic impacts on the surrounding road network and amenity
- the identification and design, delivery and timing of road infrastructure items
- the land take for drainage projects
- allowing for interim drainage solutions
- project cost apportionment for the proposed community facility
- DCP costs including land valuation and allowances
- the proposed neighbourhood activity centre
- the provisions of DPO22
- issues relating to the draft Development Plan.

One party (Submitter 30) did not attend the Hearing but was provided a further opportunity to make a written submission following unsuccessful attempts to contact them during the Hearing. The submitter did not take up that opportunity, however the Panel has considered that party's original submission.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Traffic and transport projects
- Drainage projects and Stormwater Strategy
- Community Facility project
- Other issues
- Development Plan and Development Plan Overlay
- Form and content of the Amendment.

1.4 Day 1 changes

Council proposed Day 1 changes to the DCP (Document 13a) and DCPO22 (Document 13b) following its consideration of submissions and evidence and to correct errors, as summarised in Table 2. These changes resulted in an increase in total projects cost to \$58.8 million and levy rate of \$859,412 per NDA.

Council's closing submission set out further proposed changes to the DCP (Document 26) and DCPO22 (Document 25) which are discussed to in the body of the Panel's Report.

The Panel's reference in the Report to the DCP and DCPO22 are the exhibited versions of those documents unless explicitly referred to as the Day 1 or Final version changes.

Table 2 Council's Day 1 changes

Document	Change	Basis
DCP only	Amend IN04 concept plan to: <ul style="list-style-type: none"> - redesign an existing traffic island resulting in an increased width from 2.7 to 3.0 metres - inclusion of note 'subject to approval of the Head, Transport for Victoria' - inclusion of the ultimate Berwick-Cranbourne Road profile 	To respond to DTP submission and to clarify that Casey Fields Boulevard and Linsell Boulevards are Council roads and not State arterial routes. Changes have no cost implication
	Designate Linsell Boulevard and Casey Fields Boulevard in the maps as a 'Council Arterial'	To respond to DTP submission and clarify that Casey Fields Boulevard and Linsell Boulevards are Council roads and not State arterial routes
	Development Plan costing detail (KLM Spatial) as additional Appendix B document (extra drainage plan)	Identified in Ainsaar evidence
DCP and DCPO22	Correct levy rate from \$847,411 to \$859,412 per hectare NDA	Council advised this was predominantly the result of an error relating to the land budget and valuation for 19 Collison Road and that a correction letter was sent to all owners and occupiers in the precinct and other key stakeholders to explain the discrepancy early in the exhibition period. Approximately \$2,000 of levy increase related to additional intersection splays.

Document	Change	Basis
	Adding a land project component to IN04 of approximately 306 square metres for turn lanes in the ultimate intersection layout	To respond to DTP submission. Changes valued at approximately \$143,000, resulting in DCP levy increase
	Move the intersection land costs 'splays' for ultimate layout of IN02 and IN03 from the adjoining road projects (RD01 and RD04) and include as a land component of IN02 and IN03. Update land budget, total costs, levy and include interim and ultimate layout plans in DCP in Appendix B	Change made for consistency with other intersection projects and DCP evidence
	Add intersection splay land (north and south) to the land component of the Heather Grove Main Street project (RD03). Make changes to reflect updated land budget, total costs, and levy. Amend RD03 Main Street Layout Plan in Appendix B to show ultimate roundabout intersection (Casey Fields Boulevard/Heather Grove) splay land	Ensures ultimate land take for Casey Fields Boulevard/Heather Grove intersection is included in the DCP
	Include 'small second dwellings' as exempt from the DCP (<i>note: Change not made at this stage in Day 1 DCP were to be added in final version</i>)	To reflect changes introduced through Amendment VC249
Clause 72.03	Remove from the Amendment	Technical omission occurring during the authorisation process and aligned with discussions and advice from DTP
Clause 72.04	Amend the Schedule to reflect the updated DCP	

1.5 Limitations

There were no submissions made about the proposed changes to the Clause 52.17 Schedule. The Panel has therefore not considered this element of the Amendment. The changes are consistent with the findings of the Native Vegetation Assessment and reflect the current zoning, and will provide for permits to be required for native vegetation removal or for vegetation protection to be considered as part of future subdivision proposals.

The Panel makes no specific recommendations about consequential changes to the Clause 72.03 and 72.04 Schedules as proposed in Council's Day 1 changes (refer Table 2). It is assumed that the final version of the DCP to be incorporated will be reflected in the Clause 72.04 Schedule at the time of adoption of the Amendment by Council. Changes to the Clause 72.03 Schedule are in response to a technical omission and are inconsequential to the Amendment and can be addressed at the Amendment adoption stage.

2 Planning context and strategic justification

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

Table 3 Planning context

	Relevant references
PE Act	<ul style="list-style-type: none"> - section 4 (Victorian planning objectives) - Part 3B (Development contributions)
Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 11.02-1S (Supply of urban land), 11.02-2S (Structure planning), 11.02-2S (Sequencing of development), 11.03-1S (Activity centres), 11.03-2S (Growth areas) - Clause 12.01-2S (Native vegetation management) - Clauses 13.01-1S (Natural hazards and climate change), 13.03-1S (Floodplain management) - Clauses 15.01-1S (Urban design), 15.01-1R (Urban design – Metropolitan Melbourne), 15.01-4S (Healthy neighbourhoods), 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne), 15.03-2S (Aboriginal cultural heritage) - Clause 17.02-1S (Business) - Clauses 18.01-1S (Land use and transport integration), 18.01-2S (Transport system), 18.01-3S (Sustainable and safe transport), 18.01-3R (Sustainable and safe transport - Metropolitan Melbourne), 18.02-1S (Walking), 18.02-1R (Sustainable personal transport - Metropolitan Melbourne), 18.02-2S (Cycling), 18.02-2R (Cycling - Metropolitan Melbourne), 18.02-3S (Public transport), 18.02-4S (Roads) - Clauses 19.02-2S (Education facilities), 19.02-4S (Social and cultural infrastructure), 19.03-1S (Development and infrastructure contributions plans), 19.03-2S (Infrastructure design and provision), 19.03-3S (Integrated water management) - Clause 21 (Municipal Strategic Statement) including Clauses 21.02 (Key Issues and Strategic Vision), 21.03 (Settlement and Housing), 21.05 (Economic development), 21.06 (Transport), 21.07 (Built Environment) and 21.16 (Cranbourne East) - Clause 22.01 (Activity Centres Policy)
Other planning strategies and policies	<ul style="list-style-type: none"> - City of Casey Activity Centres Strategy, 2020
Planning scheme provisions	<ul style="list-style-type: none"> - General Residential Zone - Commercial 1 Zone - Development Plan Overlay - Development Contributions Plan Overlay - Clause 52.17 (Native vegetation)

Relevant references	
Planning scheme Amendments	<ul style="list-style-type: none"> - Casey Planning Scheme Amendment C284case - Amendment VC249
Ministerial directions	<ul style="list-style-type: none"> - Ministerial Direction – the Form of Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987 (Form and Content MD) - Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contribution Plans (DCP Ministerial Direction) - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 18 (Victorian Planning Authority Advice on Planning Scheme Amendments)
Planning practice notes and guidelines	<ul style="list-style-type: none"> - Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 - Development Contributions Guidelines, 2007 (DCP Guidelines)

2.2 Development Contributions Plan

The DCP applies to the entire Collison Estate (charge area). It identifies 30 projects (refer Figure 4) with a total cost of approximately \$66.6 million, of which \$58.7 million¹ (88 per cent) is to be apportioned to the DCP area for:

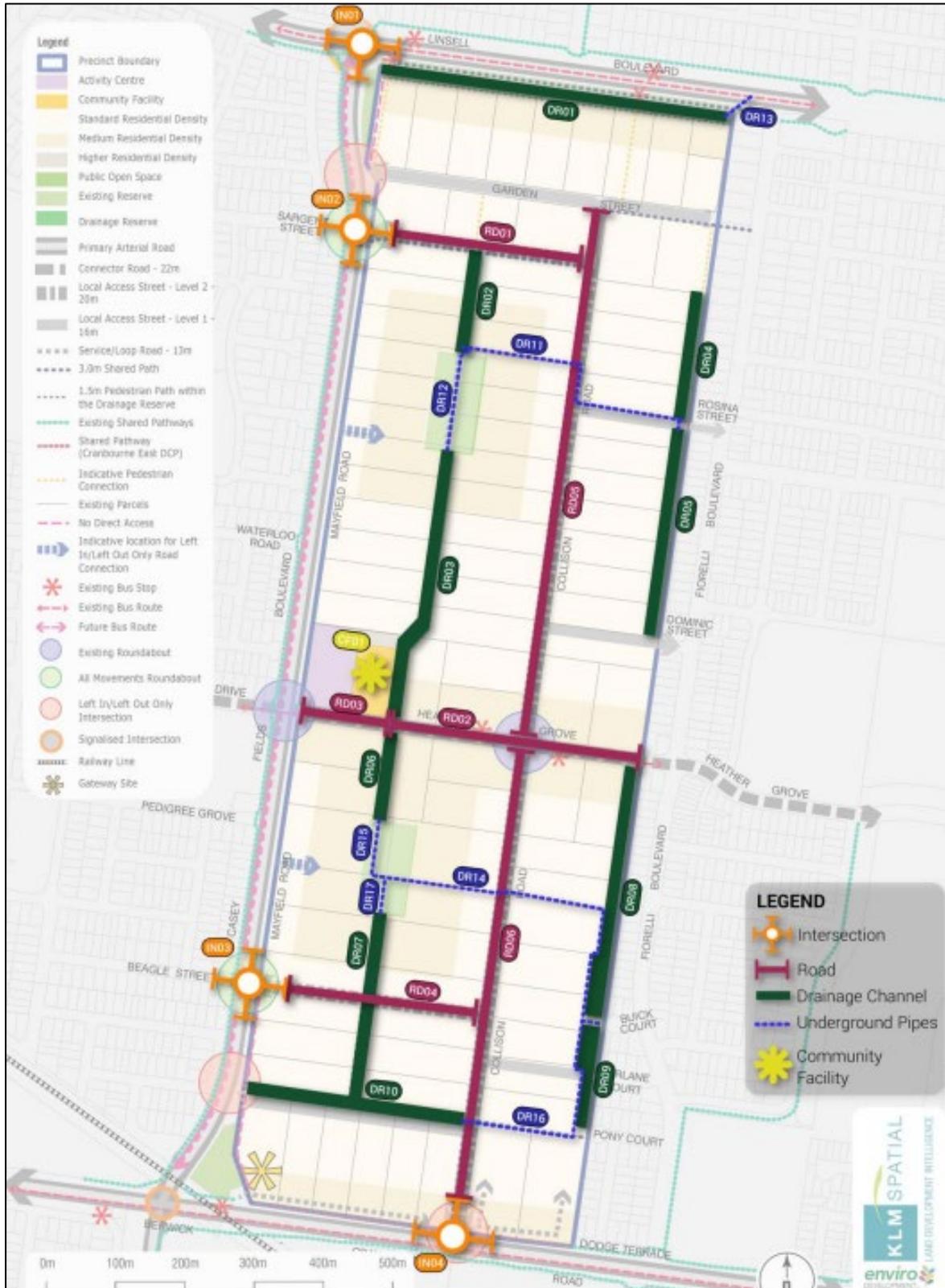
- 6 road projects (RD01-RD06), four of which include land costs and 4 intersection projects (IN01-IN04) one of which includes land costs
- 17 drainage projects comprising the land and construction of drainage channels (DR01-DR10) or underground pipes (DR11-DR17)
- a community facility (CF01) comprising land (0.6 hectares) and construction (three kindergarten rooms, two maternal and child health rooms and flexible common rooms)
- the planning costs associated with the preparation of the DCP including technical studies and the Development Plan (PR01 and PR02).

The DCP does not fund upgrades to Garden Street or the construction of level 1 internal local access streets identified between Collison Street and Fiorelli Boulevard to the west.

Drainage projects were included as Melbourne Water has no plans to update the current drainage scheme from a rural to an urban standard.

¹ Updated to \$\$859,412.in Council's Day 1 changes

Figure 4 DCP items



Source: Draft Collison Estate Development Contributions Plan Figure 3 Infrastructure Map – DCP Items

Other elements of the DCP include:

- 100 per cent apportionment of projects to the charge area other than:

- IN01 with an apportionment of 2.05 per cent acknowledging existing contributions from the Cranbourne East DCP and future Croskell Infrastructure Contributions Plan
- CF01 with an apportionment of 82 per cent, with the balance to be funded by the Development Agency (Council)
- an NDA of 69.2866 hectares (which excludes existing roads, land required for roads, intersections, drainage and community facilities and open space provision under Clause 53.01) and includes a 0.8 hectare neighbourhood activity centre site
- an expected development yield of 1,635 dwellings
- a Development Infrastructure Levy of \$847,411.54 per NDA
- a DCP timeframe of 30 years
- delivery timing for 3 projects (IN01, IN04 and CF01) based on identified activity triggers
- provisions for indexation of levies and land valuation
- the identification of Council as the collection and development agency
- levies payable at subdivision, the development of land (requiring a permit) or by other arrangement where a permit is not required
- DCP exemptions
- arrangements for the provision of land and works-in-kind (WIK)
- cross section details for RD01 - RD06 and functional layout plans for IN01 - 1N04, a drainage strategy plan and plan details of DR01 - DR10 and associated costing details.

The DCP (including costings and detailed designs) was informed by the following technical studies:

- Traffic Impact Assessment
- *Collison Estate Cranbourne East Stormwater Water Management Strategy*, KLM Spatial, March 2021 (Stormwater Strategy)
- *Social Infrastructure Requirements for Collison Estate*, C Change Sustainable Solutions, July 2023 (Social Requirements Report).

2.3 Strategic justification

(i) The issue

The issue is whether the Amendment is strategically justified.

(ii) Evidence and submissions

There were no submissions which suggested the Amendment overall was not strategically justified. Rather submissions were focused on matters of detail including particular projects and their apportionment, other aspects of the DCP and Development Plan and the zoning of the future neighbourhood activity centre. Submissions on these issues and the Panel's discussion is included in later chapters.

The development contributions evidence of Matt Ainsaar for Council set out the methodology applied to the preparation of the DCP which:

- defined the Main Catchment Area for the DCP
- reviewed the characteristics and yield of the proposed development of the subject land
- ensured the proposed development yield is in common demand units
- reviewed technical studies identifying the need for public infrastructure to support the development and identify items suitable for inclusion in the DCP

- determined whether DCP infrastructure items were Development Infrastructure Levy or Community Infrastructure Levy
- identified the location, standard of provision, strategic justification, provision trigger and estimated cost of each DCP item
- identified the catchment area served by each DCP item and the need for apportionment of costs beyond the Main Catchment Area for the DCP (external apportionment)
- for each item, divided the item cost by the number of demand units within the relevant catchment area to derive a levy for each item
- identified charge areas within which all development is required to pay a common levy.

He concluded the DCP had been prepared in accordance with the:

- PE Act
- DCP Ministerial Direction
- DCP Guidelines.

Council's Part A submission set out in detail how the DCP was strategically justified and consistent with:

- the Planning Policy Framework and Local Planning Policy Framework including the Municipal Strategic Statement (refer Appendix C:1)
- the statutory framework for development contributions.

It submitted that the Amendment was required to:

- remove the permit exemption provision in DPO22 to reflect the subject land was not within the Urban Growth Zone and that a Development Plan had largely been completed
- correct the anomalous existing native vegetation permit exemption applying to land.

The primary purpose of the Amendment, however, was to:

- unlock the potential of an area zoned for residential purposes, that is well serviced by open space, schools and activity centres
- facilitate the orderly urban development of the precinct and provide for an equitable way to finance the provision of critical infrastructure of a fragmented precinct.

This position was supported by the submissions of the Collison Committee, which represented between 50 to 65 per cent of landowners over the life of the project, and Mr Smith (a landowner submitter and Collison Committee member). Their submissions explained the background to landowner efforts to facilitate and support the planned development of the subject land. The submissions considered the Amendment and its timing important to address a range of planning blight impacts within the Collison Estate resulting from its current zoning and surrounding development, including derelict housing, unmaintained lots and antisocial behaviour. The submissions considered the DCP mechanism provided a fair and equitable approach for infrastructure provision.

Other submissions expressed a desire for the Amendment to be progressed to enable its implementation and to address current road and drainage infrastructure challenges.

(iii) Discussion

There is strong strategic support in the Planning Policy Framework to facilitate the development of the Collison Estate to:

- reflect its existing residential zoning and designation as an urban growth area including in the Housing framework plan at Clause 21.03-7
- support its integration into the surrounding residential community
- facilitate its orderly development to provide additional housing in a largely established residential setting which has access to a range of services and infrastructure
- employ the right planning tool to facilitate the delivery of critical infrastructure funding mechanism to facilitate the development of an otherwise poorly serviced and highly fragmented precinct.

The Panel's site inspections confirmed that there is some necessity in facilitating the subject land's development to address issues of urban deterioration and provide certainty to landowners and potential investors.

The Panel agrees with Mr Ainsaar that the DCP has been prepared in a manner that is consistent with the PE Act, DCP Ministerial Direction and the DCP Guidelines. The DCP should address particular content elements discussed in the following chapters.

(iv) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework and Local Planning Policy Framework including the Municipal Strategic Statement
- is generally consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Traffic and transport projects

3.1 Background

(i) Traffic Impact Assessment

The Traffic Impact Assessment considered the impact of traffic from the future development of Collison Estate on the existing transport system informed by engineering assessment, traffic count surveys at peak periods and intersection analysis using SIDRA (Signalised and unsignalized Intersection Design and Research Aid) traffic modelling. It concluded the Development Plan road infrastructure projects to be included in the DCP have sufficient road reservations, access and turning treatments, accommodate required carriageways, footpaths and services, and provide on-street parking, walking and cycling provisions consistent with relevant standards and current practice.

The Traffic Impact Assessment identifies the existing road network servicing the Collison Estate:

- Linsell Boulevard, a secondary arterial road with a 60 km/h speed limit, comprising a single carriageway that accommodates one traffic lane in each direction. An unsignalized, T-intersection with designated turn lanes is located at the Casey Fields Boulevard intersection
- Berwick-Cranbourne Road, an arterial road under the control of Department of Transport and Planning on behalf of the Head, Transport for Victoria (DTP) and comprising a single carriageway with one traffic lane in each direction and speed limit of 80 km/h
- Casey Fields Boulevard, a constructed Council connector road with kerb and channel, with:
 - a 50km/h speed limit
 - one traffic lane in each direction and a parking lane along its western side
 - overhead lighting in the eastern median
 - direct property access on the west side between Sargent Street and Beagle Street
 - a signalised intersection at Berwick-Cranbourne Road
- Heather Grove, a sealed local collector road with a carriageway width of approximately 9.3 metres with a parking lane on the south side and footpath on the north side. It:
 - extends westwards through the subject land to Bradford Drive
 - has a roundabout at the intersection with Collison Road
 - accommodates a local bus route
- Collison Road, an unsealed local street with a carriageway width of approximately 6.0 to 6.5 metres connecting Berwick-Cranbourne Road to Garden Street
- Garden Street, an unsealed local street with a carriageway width of approximately 5.5 to 5.85 metres which terminates at the eastern end of the subject land
- Mayfield Road, a two way unsealed carriageway width of approximately 5.8 metres which provides for local access to adjoining properties, and accessed from Garden Street to the north and has left turn only access to Casey Fields Boulevard near Heather Grove and Berwick-Cranbourne Road.

The Traffic Impact Assessment makes recommendations for roundabout and intersection upgrades along Casey Fields Boulevard, Linsell Boulevard, and Berwick-Cranbourne Road in

response to predicted traffic levels generated by future development of Collison Estate, which have been included in the DCP. This includes the following internal movement network:

- Connector Street – a widened Heather Grove (to 22 metres) to accommodate a parking lane, 3 metre shared path and ‘Main Street’ cross-section at its western end adjacent to the proposed neighbourhood activity centre
- Local collector – Casey Fields Boulevard (with Mayfield Road) to operate as two separate bi-directional roads in the interim, with an ultimate Casey Fields Boulevard cross section extending over both road reserves to provide two 7 metre wide carriageways in each direction with parking lanes and shared paths. A service road or similar is to be accommodated within the adjoining properties to reduce direct access points
- Local Access Streets:
 - Level 1 with a 16 metre wide road reservation to accommodate 1.5 metre pedestrian paths on both sides nature strips and 7.3 metre carriageway width, reduced to a 12 metre reservation for a service road along Berwick-Cranbourne Road, Linsell Boulevard or Casey Fields Boulevard. Garden Street to terminate at its eastern end and will not perform a key east-west connection
 - Level 2 with a 20 metre wide road reservation with a 6 metre wide carriageway and 3 metre wide shared path on one side and to include an upgraded Collison Road and two future streets to be provided by developers - Sargeant Street and Beagle Street (Beagle Street to have two 1.5 metre pedestrian paths instead of a single shared path)
- Laneways connecting Collison Road with the existing street network to the east with a minimum road reserve width of 8.0 metres including a minimum 5.5 metre wide carriageway.

(ii) Development Contributions Plan

The DCP identifies 10 transport projects as summarised in Table 4. Approximately 1.33 hectares of land is required for road and intersection projects. A construction cross section drawing, concept or functional layout plan for each of these projects is included in the DCP’s Appendix B.

Table 4 DCP transport projects

Project ID	Description	Cost to MCA Apportionment % to MCA
RD01	Sargent Street - Land and construction of Sargent Street as a Local Access - Level 2 road (0.5873 hectares)	\$1,853,399.58 (construct) \$2,074,020 (land) 100 %
RD02	Heather Grove - Land and upgrade of Heather Grove to a Connector Road standard (2m widening) (0.0925 hectares)	\$463,249.21 (construct) \$344,365.05 (land) 100 %
RD03	Heather Grove - Land and upgrade of Heather Grove fronting 1 Heather Grove to a 'Main Street' (land included in RD-02)	\$1,273,880.73 (construct) 100 %
RD04	Beagle Street – Land and construction of Beagle Street as a Local Access - Level 2 road standard (0.6567 hectares)	\$1,848,236.41 (construct) \$2,298,450 (land) 100 %

Project ID	Description	Cost to MCA Apportionment % to MCA
RD05	Collison Road North - Upgrade of Collison Road North to a Local Access - Level 2 road standard	\$4,581,524.10 (construct) 100 %
RD06	Collison Road South - Upgrade of Collison Road South to a Local Access - Level 2 road standard	\$4,235,936.36 (construct) 100 %
IN01	Linsell Boulevard and Casey Fields Boulevard - Land and construction of signalised intersection (0.0006 hectares) <i>DCP trigger: Prior to Statement of Compliance for the 680th lot within the Estate or at Council's discretion having regard to the timing of funds available from the Cranbourne East DCP to deliver the item</i>	\$122,623.85 (construct) \$1,769.81 (land) 2.05 %
IN02	Sargent Road and Casey Fields Boulevard - Construction of a roundabout	\$1,299,822.60 (construct) 100 %
IN03	Beagle Street and Casey Fields Boulevard - Construction of a roundabout	\$1,570,049.14 (construct) 100 %
IN04	Collison Road and Berwick-Cranbourne Road - left-in/left-out intersection <i>DCP trigger: Once Collison Road South is upgraded and requiring connection to Berwick-Cranbourne Road</i>	\$696,832.33 (construct) 100 %
Total		\$22,662,389.36 (construct and land)

3.2 Traffic impacts

(i) The issue

The issue is the traffic impacts of the future development of the Collison Estate on the adjacent road network.

(ii) Evidence and submissions

Submissions 41, 42, 45 and 47 raised traffic concerns, including about:

- the impacts of additional traffic on road congestion
- the disruption and amenity impact of further roadworks in the area
- the impact of the neighbourhood activity centre on the road network.

The traffic evidence of Brent Chisholm for Council was that:

...the anticipated ultimate level of traffic generated by the Collison Estate can be adequately accommodated by the surrounding road network and intersections, subject to the following intersection works:

- Signalisation of the existing Casey Fields Boulevard/Linsell Boulevard intersection prior to Statement of Compliance for 680 allotments within the Collison Estate.
- Conversion of the existing Berwick-Cranbourne Road/Collison Road intersection to left-in/left-out arrangements in the early stages of development of the Collison Estate.

(iii) Discussion

The development of growth areas inevitably means that road construction or upgrade works follow population triggers and that the impacts on local traffic movement can extend for many years. These impacts can be managed but not avoided. The Panel is confident based on the Traffic Impact Assessment and the evidence of Mr Chisholm that the broader road network has been designed to accommodate the traffic generated by the planned growth of Cranbourne East including through upgrades to Casey Fields Boulevard.

The Panel is satisfied overall that the proposed local road network identified in the Development Plan and the associated DCP transport projects provide for connectivity and a logical traffic distribution network that will manage ultimate traffic movements efficiently.

(iv) Conclusion

The Panel concludes:

- The traffic impacts on the adjacent road network of the development of the Collison Estate can be acceptably accommodated within the surrounding road network and intersections, subject to the intersection works identified in the DCP.

3.3 Linsell-Casey Fields Boulevard intersection (IN01)**(i) The issue**

The issue is whether the designation of Casey Fields Boulevard and Linsell Boulevard as 'Primary Arterial' roads in the DCP maps is appropriate.

(ii) Evidence and submissions

DTP submitted the DCP should identify who is responsible for delivering road infrastructure within Linsell Boulevard, as it would not be responsible for delivering intersection IN01.

DTP advised there was no agreement or expectation that Casey Fields Boulevard would be declared an arterial road in the future or that Linsell Boulevard would be designated as a primary arterial road. It sought clarification on whether the designations for both roads was correct or should be amended.

Council changes proposed to amend the road designation of Linsell Boulevard and Casey Fields Boulevard in the maps in the DCP and Development Plan to 'Council Arterial' to confirm they were Council roads.

Mr Chisholm supported Council's amended designations observing:

whilst Casey Fields Boulevard is currently akin to a connector street, under the ultimate Casey Fields Boulevard/Mayfield Road duplicated scenario with two traffic lanes in each direction it will function as a Secondary Arterial Road.

(iii) Discussion

DTP is not identified as a Delivery Agency for any infrastructure items in the DCP and is therefore not responsible for the delivery of any DCP infrastructure within Collison Estate.

The changes proposed by Council to the Casey Fields Boulevard and Linsell Boulevard road function designation as 'Council Arterials' within the DCP maps 'F2 – Development Plan' (which

required updating in any regard) and 'F3 Infrastructure map – DCP items' are appropriate and will provide clarity about responsibility and function.

(iv) Conclusion and recommendation

The Panel concludes:

- DCP maps 'F2 – Development Plan' and 'F3 Infrastructure map – DCP items' should be updated to identify Casey Fields Boulevard and Linsell Boulevard as 'Council Arterial' roads.

The Panel Recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to update maps 'F2 – Development Plan' and 'F3 Infrastructure map – DCP items' to identify Casey Fields Boulevard and Linsell Boulevard as 'Council Arterial' roads.

3.4 Collison Road and Berwick - Cranbourne Road intersection (IN04)

(i) The issues

The issues are whether:

- the design of IN04 should be amended to include a larger concrete island and to show the ultimate treatment, or provide unrestricted access
- the DCP and Development Plan should provide flexibility on when the intersection upgrade is required.

(ii) Evidence and submissions

Intersection design

Submission 46 considered the intersection should allow for all directions of traffic. Making it left-in/left-out only would increase the traffic because residents would need to travel further to enter or exit the precinct.

DTP submitted:

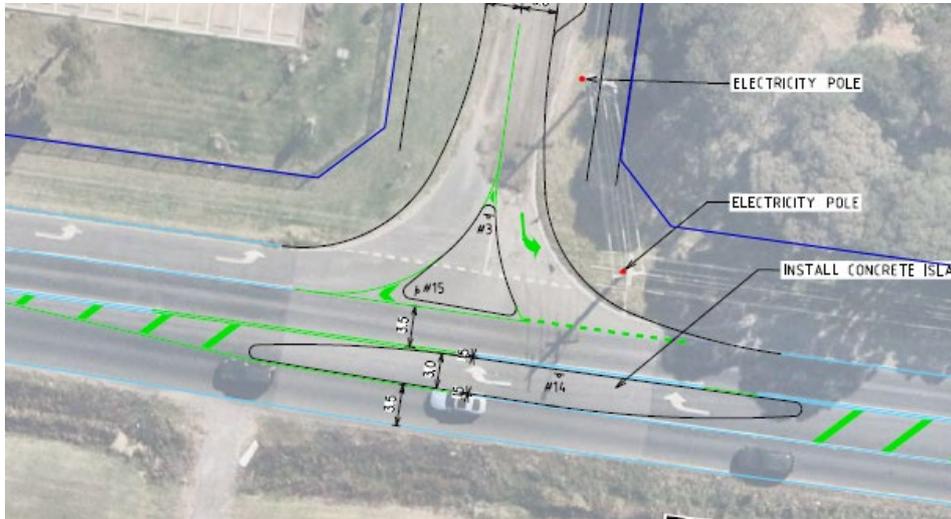
- further information was required to demonstrate the provision of a left-in/left-out access could be provided within the road's ultimate configuration, without additional land required
- the proposed 2.7 metre concrete island on Berwick-Cranbourne Road is was "*non-standard designed infrastructure for an undivided arterial road*" and should be redesigned to be at least 3 metres in width and be subject to a detailed Road Safety Audit review to determine if it could be safely accommodated on Berwick-Cranbourne Road
- the DCP should identify who is responsible for the delivery of road infrastructure within Berwick-Cranbourne Road reserve, as DTP would not be responsible for delivering IN04.

On 14 May 2024, DTP advised that in the context of Council's Part A submission (including Day 1 changes as set out in Table 2) and its traffic evidence, had addressed its concerns.

Mr Chisholm's evidence was that IN04 including Council's changes were appropriate. His evidence included an amended concept layout plan for IN04 which showed a widened traffic island (Figure

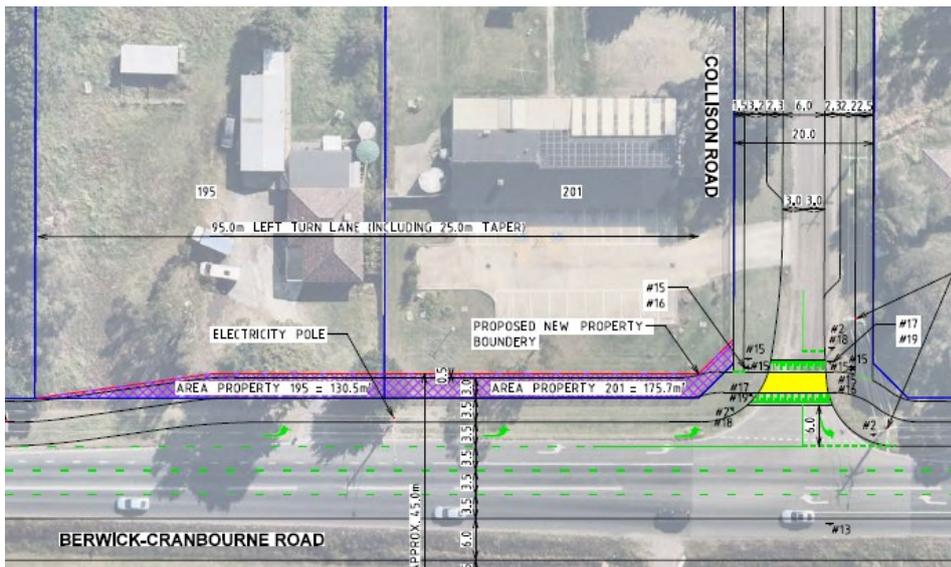
5) and an additional plan (Figure 6) showing the ultimate concept including the additional land component required for the ultimate turning lanes project of approximately 306 square metres.

Figure 5 Amended interim concept layout for IN04



Source: Appendix B Chisholm evidence

Figure 6 Proposed ultimate concept layout for IN04



Source: Appendix B Chisholm evidence

Mr Chisholm recommended the DCP trigger for IN04 be amended so that it was based on a traffic generation/impact trigger instead of solely related to the Collison Road South upgrade (RD06) being completed and connecting with Berwick-Cranbourne Road.

Council included Mr Chisholm’s plans in its Final version of the DCP and identified the associated land cost added \$143,000 to the DCP costs and represented only a minor increase in the DCP levy which it considered inconsequential.

Mr Ainsaar considered that this change would require amendments to the DCP land budget for the specific properties requiring land acquisition and subsequent updates to the NDA, as well as re-calculating the levy. He said the description of IN04 should change to include “*ultimate land and interim construction*”.

Development Plan requirements

The Collison Committee submission requested that Development Plan requirement R126 be amended to include flexibility for an alternative treatment (additional words underlined):

The intersection at Collison Road/Berwick-Cranbourne Road must be a left in/left out intersection prior to any development being completed, unless that development has fully constructed sealed road access via an alternative road subject to the approval of the responsible authority.

Mr Chisholm identified the requirement for the conversion of the Berwick-Cranbourne Road/Collison Road intersection to a left-in left-out arrangement in the Traffic Impact Assessment was that it be completed in the early stages of development. He considered however that the timing should be linked to an intersection traffic movement trigger because, for example:

... a development located along Heather Grove or to the north of Heather Grove would be unlikely to generate traffic via the Berwick-Cranbourne Road/Collison Road intersection given the other preferred access routes that are available. In contrast, a development in the southern part of the site along Collison Road would likely be expected to generate a reasonable increase of traffic movements at this intersection and therefore the intersection conversion works would be warranted.

Mr Chisholm recommended R126 be amended to require, a Traffic Impact Assessment as part of each future planning application to demonstrate:

limited (or no) traffic movements are expected to be generated by the development at the Berwick-Cranbourne Road/Collison Road intersection for any developments that occur prior to the left-in/left-out conversion works being delivered.

24 Collison Road Pty Ltd (Skildale Pty Ltd) supported the Mr Chisholm's recommended change to R126, considering it would provide flexibility.

Council supported an amendment to R126 consistent with Mr Chisholm's evidence but did not support amending the DCP trigger for IN04. Council considered the DCP change unnecessary to align with the amended Development Plan requirement.

(iii) Discussion

The proposed left-in/left-out arrangement for the intersection is supported by the Traffic Impact Assessment, would provide greater safety and operate more effectively at full build-out.

The Panel considers the changes proposed to the design of IN04 to respond to the DTP submission by enlarging the concrete island and showing the ultimate treatment is appropriate. The changes result in a small increase in the DCP development costs levy to cover additional land requirements for the ultimate treatment. This represents a minor increase in the DCP levy overall, and is necessary to facilitate the ultimate intersection treatment. It has minimal impact on the affected landowners in terms of impacting access or exiting buildings.

The design change would also require amendments to the DCP land budget for the specific properties requiring land acquisition and subsequent updates to the NDA, in addition to re-calculating the levy. The Panel agrees with Mr Ainsaar that the project description of IN04 should include 'ultimate land and interim construction'.

The Panel supports Mr Chisholm's wording changes to Development Plan requirement R126. This will provide flexibility to allow development to occur in the early phases of development that are able to use Heather Grove as a primary access route in the short term without the completion of IN04. It agrees with Council however, that the DCP trigger for IN04 does not need to change

accordingly. Consistent with the opinion of Mr Ainsaar, the DCP trigger provides sufficient flexibility for development to commence in some areas of the precinct with sufficient alternative access.

(iv) Conclusions and recommendations

The Panel concludes:

- The left-in/left-out design intersection treatment design is supported by the Traffic Impact Assessment and DTP.
- The design of IN04 should be amended to include a larger concrete island and to show the ultimate treatment included in Mr Chisholm's evidence: 'Concept Interim Layout – Collison Road & Berwick-Cranbourne Road (IN04)', dated 2 May 2024 and 'Concept Ultimate layout – Collison Road & Berwick-Cranbourne Road (IN-04)', dated 6 May 2024, consistent with Council's final version of the DCP.
- The DCP land budget, NDA and development levy should be updated to reflect the impact of the additional land costs for IN04.
- The project description for IN04 should include 'ultimate land and interim construction' consistent with Council's final version of the DCP.
- Development Plan requirement R126 should be amended generally consistent with the evidence of Mr Chisholm.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to:

- **Amend the project description of IN04 to include its ultimate land and interim construction.**
- **Replace the Concept Layout for IN04 in Appendix B with the 'Concept Interim Layout – Collison Road & Berwick-Cranbourne Road (IN04)', Traffix Group, 2 May 2024 and insert the 'Concept Ultimate layout – Collison Road & Berwick-Cranbourne Road (IN-04)', Traffix Group, 6 May 2024 included in Mr Chisholm's evidence.**
- **Amend the land budget, project costs and development levy for the additional 306 square metre land component for IN04 in the Land Budget, Net Developable Area, project costs and development levy.**

Amend Schedule 22 to Clause 43.04 Development Plan Overlay to reflect in the summary of costs and contributions tables the additional land component for IN04.

The Panel further recommends:

Casey City Council review the Collison Estate Development Plan before its adoption to amend requirement R126 consistent with the evidence of Mr Chisholm.

3.5 Heather Grove (RD02 and RD03)

(i) The issues

The issues are whether:

- the concept design for RD02 and RD03 is appropriate
- adequate provision is made in the DCP for works-in-kind and reimbursements or credits.

(ii) Evidence and submissions

24 Collison Road Pty Ltd identified that the upgrade of Heather Grove adjoining Development Plan Cell 7 required that the acquisition of 2.0 metres of land on the opposite side of Heather Grove. In the event the land was not acquired, it submitted the development of Cell 7 should be able to proceed in the interim with reimbursable upgrades to Heather Grove within the existing road reservation.

While not pursued in its submission to the Panel, the original submission of 24 Collison Road Pty Ltd identified that:

- reimbursable upgrades (credits) must be allowable where possible for RD02 within the existing road reservations
- if there is insufficient collected DCP funds for the Heather Grove - Collison Road intersection Council should agree to the delivery of the roads through a fully DCP offset WIK agreement.

In relation to RD02, Mr Chisholm's evidence was the 2.0 metre widening of Heather Grove will result in changes to the splays at the south east and south west corners of the roundabout at the Collison Road intersection. There was no plan for the Heather Grove/Collison Road intersection in the DCP therefore it was unclear whether the land acquirement for the intersection splays has been included. He advised:

... that the Traffix Group previously prepared a layout for this intersection with the future 22m road reserve and required splays shown, noting that this also provides for sight distance improvements to/from the southern approach.

He included an excerpt of this plan in his evidence (Figure 7). He recommended a plan showing the proposed widening of Heather Grove including splays at the Collison Road/Heather Grove intersection should also be included in the DCP.

Figure 7 Traffix Group layout for Heather Grove – Collison Road intersection



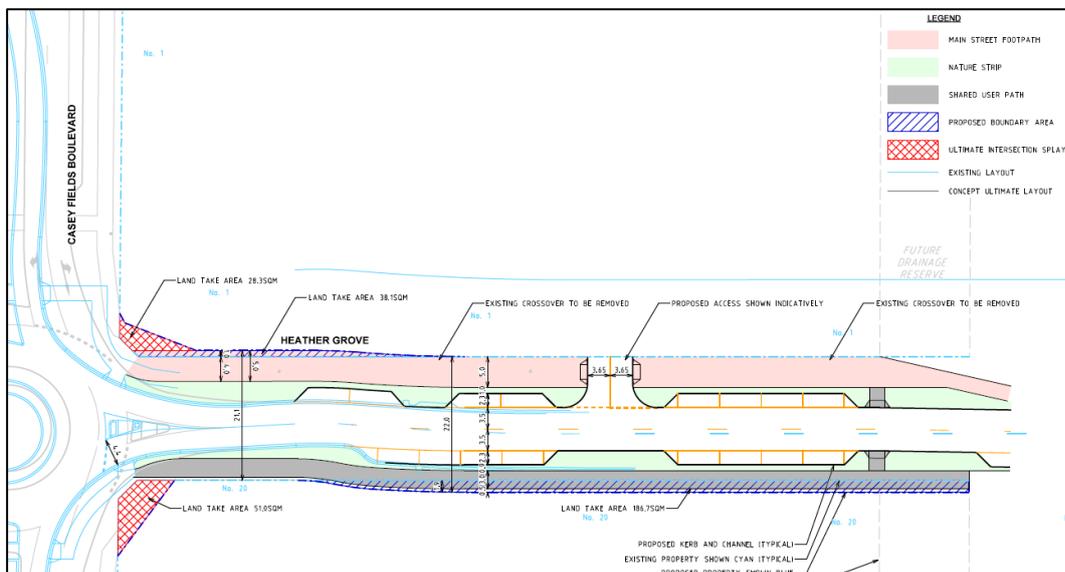
Source: Figure 20 Chisholm evidence

Mr Ainsaar's evidence relating to WIK and reimbursement issues was:

- if insufficient funds are collected, it is Council's responsibility to deliver the infrastructure
- it was commonplace for a WIK agreement to be negotiated with a developer to deliver specified DCP works in exchange for a DCP credit, subject to the terms of the agreement
- it was not the role of the DCP to state the terms of any section 173 Agreement, which are subject to negotiation between Council a proponent
- Section 6.8 of the DCP clearly sets out the parameters relating to potential WIK agreements
- the DCP allows for credits to be issued for the delivery of DCP infrastructure, subject to an agreement with the Collecting Agency
- it is common for councils to accept part provision of infrastructure items and credit for the scope of works delivered. However, this is at the discretion of Council.

In relation to RD03, Mr Chisholm's evidence was the DCP included a concept plan for the Heather Grove 'main street' cross-section. This plan was designed to reflect the connection into the existing Casey Fields Boulevard/Heather Grove roundabout (interim treatment). Under ultimate conditions when Casey Fields Boulevard is duplicated, the intersection will be upgraded to a larger roundabout with two lanes in each of the northbound and southbound directions. The concept plan included in the DCP did not show the flaring required for the ultimate roundabout arrangement. His evidence included an amended version showing the land take for the ultimate intersection design (Figure 8).

Figure 8 Amended concept layout for RD03



Source: Appendix C Chisholm evidence

Mr Chisholm recommended the DCP allow for the land take required for the ultimate intersection based on a concept ultimate intersection design. This would also be consistent with the proposed Sargent Street and Beagle Street roundabouts where the associated DCP projects have included the land required for the ultimate intersection splays.

Council supported Mr Chisholm's RD03 changes and included in its Final version of the DCP.

Mr Ainsaar stated:

The Gross Development Area for 19 Collison Road, Cranbourne East (Property ID 52) should be amended (from 1.4569 hectares to 0.7284 hectares) to reflect the actual land area

of the property. Consequently, the DCP land budget should be updated to reflect the revised Net Developable Area. The land valuation for this property should be revised and any subsequent changes for the land acquisition costs for RD02 be updated. The DCP levies should be revised to reflect this change.

Council acknowledged this issue in its Part A submission and advised it had included the additional cost differential in the Day 1 version of the DCP (refer to Table 2).

(iii) Discussion

In relation to RD02, the Panel supports the changes proposed by Mr Chisholm and Council to the concept plan to show the land take for the ultimate intersection. It is unclear whether Council's Final version of the DCP included the land take in the DCP costs and levy. The Panel considers its inclusion reasonable to reflect the approach taken for the Sargent and Beagle intersections with the ultimate Casey Fields Boulevard design.

Consistent with the evidence of Mr Chisholm, the Panel agrees that a concept plan for RD03 showing the land take associated with the upgraded intersection is appropriate. Its inclusion would add clarity about the associated land acquisition identified in the DCP.

Council's Day 1 version of the DCP and DCPO22 included the impact of the difference in land budget for 19 Collison Street. Council's Part A submission set out the basis of this error in the DCP and how Council engaged with landowners to identify the associated changes to the land budget, NDA and development levy. The change is necessary to reflect the actual land size and ensure the NDA and Development Levy are accurate. The change is supported.

The Panel agrees with Mr Ainsaar, that the DCP allows and provides sufficient guidance for the consideration of WIK and credits.

(iv) Conclusions and recommendations

The Panel concludes:

- The DCP concept design for RD03 should be amended consistent with Mr Chisholm's evidence and included in Council's Final version of the DCP to include the land take required for the ultimate intersection design. The costs and levy changes associated with the land take should be included in the DCP and DCPO.
- A concept layout should be included in the DCP for RD02 identifying the Collison Road/Heather Grove intersection and associated land take areas.
- The DCP and DCPO22 should be amended to reflect the additional land area of Property ID 52 consistent with the evidence of Mr Ainsaar and Council's Day 1 versions of the DCP and DCPO22.
- The DCP makes adequate provision for works-in-kind and credits.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to:

- **Include the land take for the ultimate Casey Fields Boulevard - Heather Grove intersection (RD03).**
- **Replace the Concept Layout for RD03 in Appendix B with the 'Heather Grove, Cranbourne East Concept Layout Plan', Traffix Group, 14 May 2024 included in Appendix C of Mr Chisholm's evidence.**

- Insert a concept layout for RD02 identifying the Collison Road/Heather Grove intersection and associated land take areas consistent with Figure 20 of Mr Chisholm's evidence.
- Amend the land budget, project costs and development levy for the additional land area of 19 Collison Road (Property ID 52).

Amend Schedule 22 to Clause 43.04 Development Plan Overlay to reflect in the summary of costs and contributions tables:

- the land take for the ultimate Casey Fields Boulevard - Heather Grove intersection (RD03)
- the increase in land area of 19 Collison Road (Property ID 52).

3.6 Beagle Street - Casey Fields Boulevard intersection (IN03)

(i) The issue

The issue is whether the concept design for IN03 should be amended to include the land take required for the ultimate Casey Fields Boulevard – Beagle Street intersection treatment.

(ii) Evidence and submissions

Mr Chisholm explained the DCP:

- includes an intersection project for the interim Casey Fields Boulevard roundabouts at Beagle Street (IN03), with the land component for the ultimate intersection splays included within the associated road projects (RD04)
- concept plan for IN03 shows the concept ultimate roundabout instead of the interim roundabout layouts.

He considered this was potentially misleading because the interim roundabout layouts are what will be delivered and funded under the DCP. The purpose of the ultimate plans in the DCP was to inform the land take component only. His evidence included an updated plan for IN03 (Figure 9).

Figure 9 Amended Interim Concept Plan for IN03



Source: Appendix D Chisholm evidence

Mr Ainsaar stated the DCP had included the land required for the ultimate treatment of IN03 included in project RD04. In the interest of clarity and transparency, the land area required should be with IN03. This required the land areas required to be clearly shown in the design for IN03 and in the DCP infrastructure list.

The Mr Chisholm's concept layout change and Mr Ainsaar's recommendations to attribute the land take costs to IN03 from RD04 were supported by Council and included in its Final version of the DCP.

(iii) Discussion

The Panel considers the changes to the concept plan for IN03 to show the land take required for the ultimate Casey Fields Boulevard - Beagle Street intersection roundabout design proposed by Mr Chisholm and supported by Council is appropriate. The changes provide clarity about the identified land acquisition.

The Panel agrees with Mr Ainsaar's recommendations and Council's Day 1 DCP changes that the land take costs shown in RD04 should be included in IN03 given they relate to that project.

(iv) Conclusions and recommendation

The Panel concludes:

- The concept design for IN03 should be amended consistent with Mr Chisholm's evidence to include the land take required for the ultimate Beagle Street - Casey Fields Boulevard intersection roundabout.
- The land take costs associated with IN03 but included in RD04 should be included in IN03 given they relate to that project.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to:

- **reallocate the intersection land take costs shown in RD04 to IN03**
- **replace the Concept Layout for IN03 in Appendix B with the 'Casey Fields Boulevard/Beagle Street/Local Access Street Concept Plan – Interim Layout', Traffic Group, 14 May 2024 included in Appendix D of Mr Chisholm's evidence.**

3.7 Sargent Street (IN02 and RD01) and Garden Street

(i) The issues

The issues are whether:

- the DCP land costs for IN02 and RD01 are appropriate
- an extended Sargent Street or the existing Garden Street should be the primary northern access from Casey Fields Boulevard/Mayfield Road to the Collison Estate.

(ii) Background

The DCP (refer Figure 10) provides for:

- a four-leg roundabout (IN02) at the intersection of Casey Fields Boulevard aligned with the existing Sargent Street to the west and its proposed continuation east to Collison Road as a Local Access Street Level 2 (RD01 - comprising construction and land)

- Garden Street to remain as a lower order Local Access Street Level 1. The only DCP item is a 6.0 square metre land take from 1 Garden Street as part of the ultimate duplicated Casey Fields Boulevard/Mayfield Road configuration. It is included in project IN01 to accommodate a shared path associated with that project.

Figure 10 Sargent Street and Casey Fields Boulevard intersection



The Development Plan identifies that a future upgrade of the Garden Street intersection with Casey Fields Boulevard/Mayfield Road ultimate design will comprise a left-in/left-out configuration.

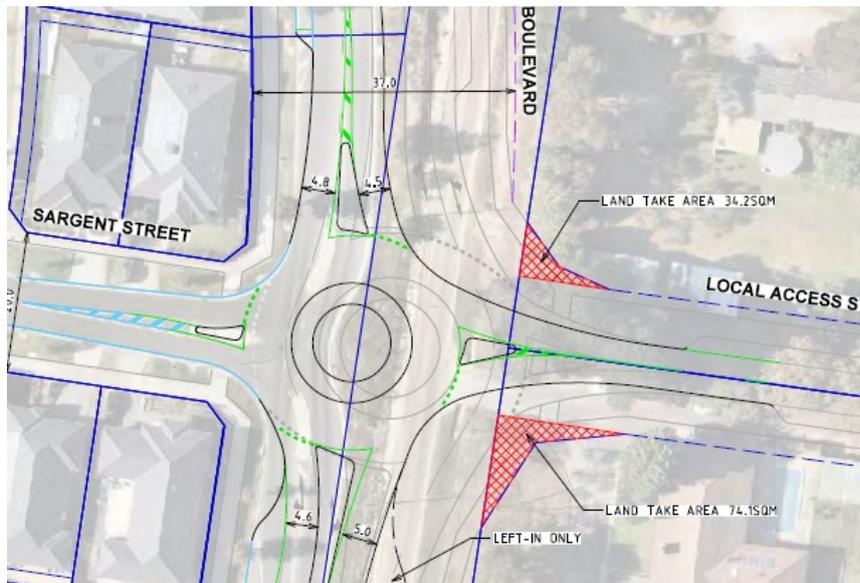
(iii) Evidence and submissions

Project land costs

In relation to land costs, Mr Chisholm's evidence was similar to his Beagle/Casey Fields Boulevard projects IN03 and RD04 advice, that:

- the DCP includes intersection projects for the interim Casey Fields Boulevard roundabout at Sargent Street (IN02) with the land component for the ultimate intersection splays included within the associated road project (RD01)
- the DCP concept plans for IN02 show the concept ultimate roundabouts instead of the interim roundabout layout.

He advised this was potentially misleading because the interim roundabout layouts are what will be delivered and funded under the DCP. The purpose of the ultimate plans was to inform the land take component only. He provided an updated plan for IN02 in his evidence (refer Figure 11).

Figure 11 Amended Interim Concept Plan for IN02

Source: Appendix D Chisholm evidence

Mr Chisholm considered the land take at the intersection of Garden and Casey Fields Boulevard/Mayfield should be part of a separate DCP item which included a concept design for the ultimate intersection to inform the required land take.

Mr Ainsaar supported the RD01 land costs associated with the Sargent Street intersection being included in IN02. However, in relation to the land take at 1 Garden Street, he said that while the land to be acquired was not in the immediate vicinity of the IN01 intersection, there was a close relationship between the ultimate intersection, future duplication of the road and the need for the land acquisition. He considered the land cost should remain with IN-01 because the DCP did not include an item for the ultimate duplication of Casey Fields Boulevard.

Council's Day 1 changes to the DCP:

- supported the advice of Mr Ainsaar and Mr Chisholm to apportion the RD01 intersection land take costs to IN02. It included Mr Chisholm's amended concept plan for the intersection in its Final version of the DCP
- did not support Mr Chisholm's change to create a separate DCP item for the Garden Street property land take, considering it unnecessary and potentially confusing.

Garden Street as an alternative to IN02 and RD01

Submission 35 (468 Collins St Pty Ltd) original submission proposed the left-in/left-out connection at the corner of Garden Street and Casey Fields Boulevard be included as a DCP funded infrastructure item on the basis it served the Garden Street precinct and was the northern connection between Mayfield Road and Collison Road for the rest of the Collison Estate.

468 Collins St Pty Ltd's Hearing submission was supported by the traffic evidence of James Brownlie, and proposed an alternative access to the Collison Estate from Casey Fields Boulevard/Mayfield Road at its northern end, comprising:

- the removal of projects IN02 and RD01
- upgrading Garden Street to a Local Access Street Level 2 and as the primary northern access, and accommodating its construction as a DCP project

- locating a DCP funded three-leg roundabout at the Casey Fields Boulevard/Mayfield Road/Garden Street intersection.

468 Collins St Pty Ltd submitted this would:

- provide significant costs savings by removing land acquisition costs for RD01 and a cheaper roundabout design
- use an existing street that had sufficient width to accommodate traffic needs and a cross-section consistent with a Local Access Street Level 2
- improve potential development yields for properties accommodating Sargent Street
- provide a superior traffic engineering outcome including a greater separation between Garden Street and a future local access street further south of Sargent Street and improved operation of Casey Fields Boulevard/Mayfield Road.

Mr Brownlie stated:

- the intersections of Casey Fields Boulevard/Garden Street and Casey Fields Boulevard/Linsell Boulevard could accommodate the ultimate traffic volumes included in the Traffic Impact Assessment
- a SIDRA intersection analysis undertaken to determine the likely performance of Casey Fields Boulevard and the intersections with Garden Street and Linsell Boulevard suggest that a Garden Street roundabout *“would be expected to operate well within its theoretical capacity, with minimal queuing and delays projected during peak hour periods”*
- the need to restrict vehicle movements from Sargent Street (west) to Casey Field Boulevard to left-in/left-out movements.

Mr Chisholm supported the inclusion of projects IN02 and RD01 in the DCP as proposed. He did not support Garden Street or an upgrade of the Casey Field Boulevard/Garden Street intersection being a DCP funded item because:

- it was expected to carry a lower level of traffic and primarily facilitate property access to properties along Garden Street only
- no land take was required for its construction to a Local Access Street Level 1
- it was not required to provide key access into the Estate, a role which would be fulfilled by Heather Grove as the collector road and the two Local Access Street Level 2 roads which would accommodate the necessary width to provide parking lanes on each side of the traffic lanes
- the Sargent Street arrangement provided alignment with Sargent Street west providing connectivity, and better traffic operations including maximising the distance from the Linsell Boulevard intersection.

Mr Ainsaar did not support a Casey Fields Boulevard/Garden Street intersection treatment being included as a DCP item because it did not have a sufficient need and nexus generated by the broader Collison Estate. Rather, it provided direct benefit only to the immediate adjoining land owners and in this situation such works are appropriately funded by rightfully funded by the adjoining landowners. He noted a similar left-in/left-out arrangement was proposed south of Beagle Street and was not DCP funded.

Council adopted the evidence of Mr Chisholm and Mr Ainsaar, noting no other submissions had been received in relation to this intersection or the role of Garden Street or similar treatments for IN03 or the future Local Access Street Level 1 treatment to the south. It submitted that the

primary reason for Mr Brownlie supporting Garden Street as a northern gateway was because it already existed as a road reserve. Council said this was not a strategic basis to support it or to depart from the preferred structure of intersections and roads serving the whole precinct.

Council submitted:

- the Sargent Street intersection provided better east-west connectivity including to a school precinct to the west of Sargent Street
- Sargent Street takes no more development land from the precinct (because a local access street would still need to be provided in the location) and did not create a higher cost burden on the DCP.

Council was critical a comparative cost estimate of the Garden Street and intersection option or review of the flow-on costs of redesigning the drainage and other assets had not been undertaken by 468 Collins St Pty Ltd or Mr Brownlie to support the proposition it would be a lower cost option or provide a net community benefit. For example, it did not account for the longer extent of Garden Street (to its eastern point) compared to Sargent Street or the need to extend drainage channel DR02 or the additional land required for the Garden Street roundabout.

Council submitted:

- a Garden Street intersection and resulting left-in/left-out Sargent Street intersection on the west side of Casey Fields Boulevard would disrupt the planned east-west local connectivity to existing schools by requiring longer vehicular trips
- no evidence had been presented to demonstrate how pedestrian and bicycle trips would be provided with a satisfactory east-west connection
- while Sargent Street (west) may not have a traffic treatment suitable for additional east-west traffic movements, over the life of the DCP, Council could upgrade a section of it.

(iv) Discussion

Project land costs

As identified in Chapter 3.2, the Panel considers that the broader transport network proposed as part of the Development Plan has been well considered in terms of ensuring the Collison Estate is integrated into the surrounding road network including future east-west connections to Sargent and Beagle Streets and upgrading Heather Grove. The focus of the Panel's task however is not to review the Development Plan or the overall proposed road network, but to consider whether the proposed DCP projects, based on submissions, are reasonable to include in a DCP and to be costed and apportioned the way they have.

The Panel is satisfied that projects IN02 and RD01 are required for the broader benefit of the DCP area and are acceptable DCP items. Their proposed apportionment is justified. The concept layout plan changes proposed by Mr Chisholm and the land take costs reapportionment from RD01 to IN02 are reasonable changes. The Garden Street left-in/left-out intersection upgrade for the ultimate Casey Fields Boulevard/Mayfield Road should not be a DCP item given the proposed lower order function of Garden Street and that it will primarily service the adjoining Garden Street landowners rather than the wider DCP area.

Garden Street as an alternative to IN02 and RD01

From an overall development levy perspective, it is appropriate to consider whether the project costs are reasonable and to explore options to reduce costs where possible to ensure the DCP

achieves its objectives and facilitates rather than hampers development. The construction cost of a project however is only one component for consideration. It is critical to also consider the impact of reducing the costs and altering design of one project or introducing a new one on the overall transport network functionality, or on other community benefits such as improved connectivity.

Based on the response of the traffic experts to the Panel's questions, the suggested alternative roundabout location would not negatively affect the functionality of the Linsell Boulevard intersection or require complicated intersection treatments with Collison Road.

Based on the available information before the Panel, the DCP costs of the Brownlie/468 Collins St Pty Ltd proposal for Garden Street and the associated roundabout treatment at Casey Fields Boulevard/Mayfield Road are likely to be significantly less than the costs of IN02 and RD01 because it involves a lower land take (due to a lower level local access street further to the south would be provided by developers) and enables the use of Garden Street instead providing a saving of \$2 million. A three-leg roundabout is also likely to cost less than a four-leg roundabout. This is a significant saving that warrants greater costing analysis.

However, no detailed cost benefit assessment has been undertaken by Council or the submitter of the proposed IN02/RD01 arrangement compared to the Brownlie/468 Collins St Pty Ltd proposal. Neither Mr Brownlie or 468 Collins St Pty Ltd identified how a Local Access Street Level 2 cross section would be accommodated within Garden Street or considered required changes to or land take required for the drainage channel arrangement or impacts on the alignment of an alternative Local Access Street Level 1 generally along the proposed Sargent Street alignment or somewhere further south. Land will still be required for an access street south of Garden Street and while not a DCP item, its provision would still have an impact on development costs and yield.

The impact on Sargent Street (west) movements has not been fully considered. The feasibility of additional traffic on Sargent Street (west) has not been assessed and relies on an assumption by Council that it can be upgraded to an appropriate standard to operate effectively as a through traffic street. The suggested left-in/left-out arrangement suggested by Mr Brownlie however would represent to downgrading of existing access arrangements to Sargent Street (west) from Casey Fields Boulevard for existing residents which would be undesirable.

While the potential significant cost saving of a Garden Street treatment makes it appear to be an appropriate alternative option, the Panel is conscious that it is unable to recommend it without a full understanding of the costs or impacts on the overall proposed transport network or on DCP area landowners that have not been presented with it as an alternative.

On balance, IN02 and RD01 are appropriate DCP projects. They align with Sargent Street to the west and provide direct connectivity for vehicles and pedestrians/cyclists (where designed to do so) for Collison Estate residents to the school precinct off Stately Drive accessed from Sargent Street. While the current Sargent Street pavement treatment is not designed for large vehicle numbers, it will still provide a more direct pedestrian route to the school precinct. It will also assist in improving the integration of the Collison Estate with the adjoining movement network in much the same way as Beagle Street will to the south.

The Sargent Street intersection is further south of the Linsell Boulevard intersection. While the Panel accepts that a roundabout at Garden Street should not impact on its functionality, additional separation will maximise its functionality particularly once Casey Fields Boulevard is upgraded, and the Collison Estate is fully developed.

(v) Conclusions and recommendation

The Panel concludes:

- On balance, projects IN02 and RD01 are appropriate DCP projects.
- The concept design for IN02 should be amended consistent with Mr Chisholm's evidence to include the land take required for the ultimate Sargent Street - Casey Fields Boulevard intersection roundabout.
- The land take costs associated with IN02 but included in RD01 should be included in IN02 given they relate to that project.
- In the event the finalisation of the Development Plan is deferred pending more detailed assessment, including of the Stormwater Strategy drainage approach, a more fulsome cost benefit analysis should be undertaken of IN02 and RD01 (including capacity of Sargent Street (west)) compared to the Brownlie option for Garden Street.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to:

- **Reallocate the intersection land take costs shown in RD01 to IN02.**
- **Replace the Concept Layout for IN02 in Appendix B with the 'Casey Fields Boulevard/Sargent/Local Access Street Concept Plan – Interim Layout', Traffic Group, 14 May 2024 included in Appendix D of Mr Chisholm's evidence.**

3.8 Casey Fields Boulevard and Mayfield Road interim and ultimate treatment

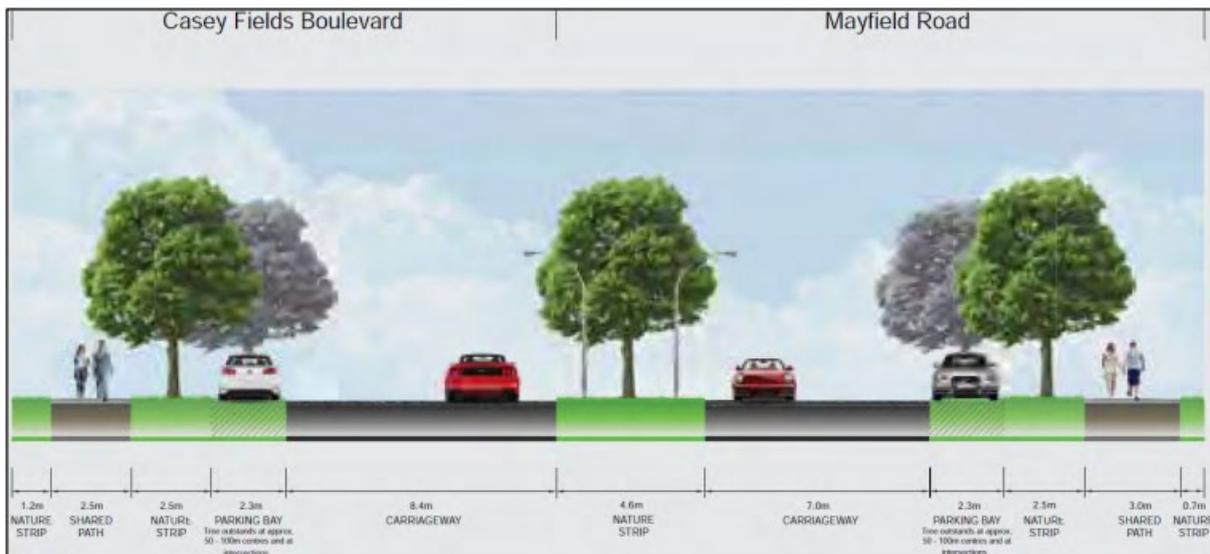
(i) The issues

The issues are whether the following are appropriate:

- the ultimate treatment of Casey Fields Boulevard/Mayfield Road
- access for Mayfield Road fronting landowners.

(ii) Background

The Traffic Impact Assessment and Development Plan provide an ultimate cross-section for Casey Fields Boulevard - Mayfield Road (refer Figure 12). There is no DCP item for the ultimate design although land takes for its ultimate form are included in the Sargent, Heather Grove and Beagle Street projects as discussed above.

Figure 12 Casey Fields Boulevard - Mayfield Road ultimate cross-section

Source: Figure 18, Development Plan

Under interim conditions, Casey Fields Boulevard and Mayfield Road will continue to operate as two separate bi-directional roads. As part of development on the east side of Mayfield Road within the Collison Estate, the Development Plan requires the pavement of Mayfield Road to be constructed in the location of the ultimate southbound carriageway for the ultimate duplicated scenario of Casey Fields Boulevard. Casey Fields Boulevard in its current form is effectively the ultimate form of the future northbound carriageway. Mayfield Road will be delivered by future developers.

The Development Plan includes guidelines:

- G43 which provides:
 - Discourage direct access to Mayfield Road where higher medium densities are permitted, lots should be rear loaded or accessed via a service road.
- G60 which provides:
 - Direct access with Casey Fields Boulevard/upgraded Mayfield Road is discouraged.

'Table 5: Road Hierarchy' of the Development Plan identifies that lots fronting Mayfield Road should be accessed via a rear laneway or a service road.

Development Plan Condition C2 specifies:

No direct access to Mayfield Road is permitted for at least 300 metres north of Berwick-Cranbourne Road, except with the written consent of the relevant road management authority or as approved as an interim arrangement.

(iii) Evidence and submissions

Design issues

The evidence of Mr Brownlie was that while he was generally satisfied with the ultimate layout of Casey Fields Boulevard in the ultimate condition, some key safety concerns remained to be resolved with the interim conditions including:

- the bi-directional nature (or "tunnelling effect") of the proposed atypical cross-section provided the potential for a driver to be heading towards two oncoming vehicles on opposite sides which would be exacerbated at night by vehicle headlights (refer Figure 13)

- that the proposed geometry has not considered how motorists would move between Casey Fields Boulevard and Mayfield Road, particularly near intersections where sharp turns are anecdotally required
- the possible inclusion of a further service road would exacerbate the safety concerns.

Figure 13 Bi-directional design of interim Casey Fields Boulevard/Mayfield Road (Brownlie evidence)



Council confirmed the ultimate Casey Fields Boulevard contains four total travel lanes, with two southbound and two northbound, in the typical configuration of an arterial road. There is no ongoing 'bi-directional' arrangement (understood to mean two parallel two way, two-lane roads) envisioned in the ultimate cross section for Casey Fields Boulevard.

Council said the improvements and access to Casey Fields Boulevard and Mayfield Road will be further designed and developed as it transitions to the ultimate cross section. As acknowledged in Mr Brownlie's response to Council's cross-examination, the interim Mayfield Road access could look different to what he presented, and there were other possible treatments that could be considered at the time of specific detailed design. This included interim one way sections along Mayfield Road, temporary closure of sections of Mayfield Road, or no-entry or turn ban restrictions into Mayfield Road. Mr Brownlie confirmed there were no recorded crashes for Mayfield Road and Casey Fields Boulevard in the area.

In response to the Panel's questions about how the DCP and Development Plan might provide further direction or even potentially fund portions of an interim construction of Mayfield, Council submitted was open to the Panel's thoughts. However, it did not support the addition of new projects to the DCP as this would increase the Development Levy and delay the adoption of the DCP to undertake the additional technical work and transform the Amendment.

Mayfield Road access

Mr Smith submitted that Mayfield Road access should not be hindered by the ultimate treatment, noting 34 existing properties on the west side of Casey Fields Boulevard had direct access to it now.

The Collison Committee requested the rewording of G43 to:

Direct access to lots abutting Mayfield Road may be permitted, other than part of the road north of Sargent Street or within 300 metres of Berwick-Cranbourne Road.

The evidence of Mr Chisholm supported Condition C2 being expanded to include land north of Sargent Street. He considered it desirable for direct vehicle access with the future duplicated Casey Fields Boulevard arrangement to be discouraged. However:

...direct access will initially be required to provide local access for lot access until sometime in the future as an interim arrangement. Furthermore, there potentially may be some instances that arise where direct access with Casey Fields Boulevard is necessary under ultimate conditions for some lots if there are no alternative access options.

He concluded the Development Plan provided sufficient flexibility for Council to assess future proposals on a case by case basis where there was a supporting traffic assessment for direct access.

Mr Ainsaar considered the pavement upgrades to Mayfield Road should be excluded from the DCP because it will provide an urban standard only, and this upgrade had no need or nexus in respect of the broader precinct.

(iv) Discussion

Design issues

On its site inspections, the Panel observed the existing Casey Fields Boulevard reflected its functions as an arterial standard two way vehicle pavement that is well illuminated and signed. By contrast, Mayfield Road consists of a two way, narrow gravel road providing access to adjoining properties with constructed access points to Casey Fields Boulevard. The two bi-directional roads running parallel in these existing circumstances, with the significant difference in traffic volumes and standard are not considered unacceptably unsafe as suggested by Mr Brownlie.

The Panel understands that there are no plans to upgrade Casey Fields Boulevard and that the Development Plan does not require the eastern pavement of Mayfield Road, nor does it require any road works on Mayfield Road, to be constructed on the ultimate southbound carriageway. An alternative interim treatment could avoid the 'unsafe' bi-directional configuration identified by Mr Brownlie.

The Panel considers in the interim and prior to duplication of Casey Fields Boulevard as development progresses and traffic volumes increase on both roads, Council should avoid implementing upgrades to Mayfield Road that may give the perception of parallel bi-directional roads. This is a matter for the Development Plan.

The Panel accepts that it would not be reasonable at this point in the Amendment process to recommend additional DCP projects. However, the Panel considers that Council as the road manager should explore suitable interim design options to provide some certainty and coordination.

Mayfield Road access

The Panel notes the Development Plan is being prepared separately and does not form part of this Amendment. However, as observed by Council, there is a clear relationship between the Development Plan and how the DCP projects will be designed and sequenced. The Development Plan's provisions for access to Casey Fields Boulevard and Mayfield Road are guidelines rather than requirements (even though they don't operate that way from a statutory perspective) and provide flexibility in their application which is reasonable where no detailed designs have been explored.

From a broad transport planning perspective, it is inherently sensible to limit access to a Council Arterial to protect its traffic functionality. However, to unlock the development potential of the Mayfield Road fronting properties some flexibility is required, and Council will need to work closely with developers to provide a workable design approach that can be delivered with each development.

The Panel agrees with Mr Smith and the Collison Committee that access arrangements to Casey Fields Boulevard from the properties on Mayfield Road should help facilitate the development, and that Council as the road manager should find a traffic solution that does not unreasonably hold back development. This could include continuing the alignment of the existing access points to Casey Fields Boulevard, eventually using one way access to properties on the Mayfield Road frontage and utilising interim pavement structures. This would require some flexibility being built into the Development Plan requirements including guideline G60, generally consistent with Mr Chisholm's evidence, and ensuring that there is consistency with the wording of Condition C2 and guideline G43.

The Panel considers there would be merit including an action in the Implementation section of the Development Plan for Council to lead the coordination or facilitation of more detailed design approach to the interim to ultimate treatment and related access for Casey Fields Boulevard and Mayfield Road.

(v) Conclusions and further recommendation

The Panel concludes:

- The ultimate treatment of Casey Fields Boulevard/Mayfield Road is appropriate.
- In the interim, as development progresses and traffic volumes increase on both roads, Council should avoid implementing upgrades to Mayfield Road that may give the perception of parallel bi-directional roads.
- The Development Plan should provide some flexibility for access for Mayfield Road fronting properties to Casey Fields Boulevard where appropriate and justified.

The Panel further recommends:

Casey City Council review the Collison Estate Development Plan before its adoption to:

- **review the wording of guidelines G60 and G43 and Condition 2 to ensure their consistency and the ability to provide flexibility for access for Mayfield Road fronting properties to Casey Fields Boulevard where appropriate and justified**
- **include in the Implementation section an action for the road manager to lead the coordination or facilitation of more detailed design approach to the interim to ultimate treatment and related access for Casey Fields Boulevard and Mayfield Road.**

4 Drainage projects and Stormwater Strategy

4.1 Background

(i) Servicing Report

The *Collison Estate Servicing Report*, KLM Spatial, June 2019 considered the services available or requiring upgrading to service the future development of Collison Estate. It identified the need for drainage infrastructure for retarding and detention purposes to control outflow from the subject land into the existing pipe network, as proposed by the Stormwater Strategy and identified in the DCP. It further identified the need for an extension to sewerage, potable water and recycled water connections in areas of the subject land.

(ii) Stormwater Water Management Strategy

The *Stormwater Strategy: Collison Estate Cranbourne East*, March 2020, Incitus (2020 SWMP) identified three options for managing stormwater management for the Collison Estate:

- Option 1: Catchment Scale Management
- Option 2: At source management
- Option 3: Distributed Management.

The 2020 SWMP identified:

Analysis of the Clyde Creek catchment has indicated that the catchment has the capacity to convey the peak flows from the re-development of Collison Estate without the provision of any on-site retardation, however the existing pipe infrastructure between the Estate and Clyde Creek is insufficient to convey the 20% AEP flows generated from the re-development of the Estate.

The Collison Road DSS catchment and Clyde Creek DSS catchments, together with the proposed South East Wetland Retarding Basin asset (SE WLRB) provide treatment to the re-development of Collison Estate.

The authorities have indicated that it is preferable for Collison Estate to provide on-site retardation and stormwater quality treatment. Collison Estate can provide this through catchment scale options, at-source options or distributed options.

The Stormwater Strategy includes a detailed strategy and concept design based on the 2020 SWMP Option 3. It includes calculations, catchment analysis and 3D modelling for hydraulic, storage and treatment components to ensure their feasibility and spatial requirements and is to be read in conjunction with the 2020 SWMP.

The Stormwater Management Strategy identifies:

The proposal attempts to equitably distribute the land required for drainage purposes for retardation to mitigate the flows discharging from the site to existing flow magnitudes, and treatment of the stormwater runoff from the site where required. It utilises linear drainage reserves distributed throughout the site to equally encumber each land-owner, but with sufficient size to create green spines throughout the estate and enhance liveability within the re-development.

The key to this being a digression from the conventional development with pipe drainage for minor drainage, instead providing direct house connections to the kerb and channel, and sheet flowing the runoff from each allotment into the green spines. Flows from the drainage reserve will be captured at the end point and conveyed by pipe for minor storms and road reserve for major storms into the existing outfall drainage.

For the small number of sites that do not directly front a channel, stormwater will have to flow across a small distance to the nearest channel. Due to the small distance and proposed road layout this grading will be easily achievable.

The proposal gives flexibility for individual land parcels to develop out of sequence by partially building storage channels and using existing drainage easements for temporary outlets via interim pipe or existing channel - as may apply on a case-by-case basis.

In relation to detention, it states:

Detention will apply to the gap between the pre-development 1% AEP flows and post development 1% AEP flows. This will be reliant on an appropriately sized overflow weir which will outfall to the adjacent road in the 1% event. For channels A, D, E, H and I where they back onto existing properties, the top water level in the event of this overflow would not achieve sufficient freeboard to the existing dwellings. In this case, additional storage will be provided to retard 1% AEP post-development flows back to 0.2 EY pre-developed flows. In this case, all water will outfall through the pipe-network, lowering the top water level to provide sufficient freeboard to the adjacent lots.

It includes detailed plans and specifications which have been included in the DCP.

(iii) Development Contribution Plan

The DCP identifies 17 drainage projects requiring 4.93 hectares of land as summarised in Table 5. All projects are 100 per cent apportioned to the Collison Estate.

Table 5 DCP drainage projects

Project ID	Description	Cost to MCA
DR01	Drainage channel A - Land and construction of drainage channel (0.7038 hectares)	\$1,252,507.46 (construct) \$2,593,160 (land)
DR02	Drainage channel B - Land and construction of drainage channel (0.2706 hectares)	\$284,386.99 (construct) \$976,008.88 (land)
DR03	Drainage channel C - Land and construction of drainage channel (0.7475 hectares)	\$757,435.69 (construct) \$2,941,704.60 (land)
DR04	Drainage channel D - Land and construction of drainage channel (0.3394 hectares)	\$482,464.94 (construct) \$1,187,799.20 (land)
DR05	Drainage channel E - Land and construction of drainage channel (0.5536 hectares)	\$836,707.83 (construct) \$1,937,698 (land)
DR06	Drainage channel F - Land and construction of drainage channel (0.2323 hectares)	\$271,463.96 (construct) \$854,362.11 (land)
DR07	Drainage channel G - Land and construction of drainage channel (0.4546 hectares)	\$476,192.63 (construct) \$1,629,634.99 (land)
DR08	Drainage channel H - Land and construction of drainage channel (0.7384 hectares)	\$956,324.90 (construct) \$2,584,400 (land)
DR09	Drainage channel I - Land and construction of drainage channel (0.2979 hectares)	\$420,724.14 (construct) \$1,042,818 (land)
DR10	Drainage channel J - Land and construction of drainage channel (0.5927 hectares)	\$597,890.97 (construct) \$2,399,121.60 (land)

Project ID	Description	Cost to MCA
DR11	Underground pipes - Channel B to outlet (1050Ø @ 391.6 linear metres)	\$296,762.96 (construct)
DR12	Underground pipes - Channel C to Channel B pipe (750Ø @ 148.9 linear metres)	\$96,840.05 (construct)
DR13	Underground pipes - Channel A to outlet (600Ø @ 46.6 linear metres)	\$25,418.96 (construct)
DR14	Underground pipes – South POS to outlet (750Ø @502.2 linear metres)	\$326,615.66 (construct)
DR15	Underground pipes - Channel F to South POS (525Ø @ 99.45 linear metres)	\$45,901.41 (construct)
DR16	Underground pipes - Channel J to outlet (525Ø @ 259.2 linear metres)	\$119,634.45 (construct)
DR17	Underground pipes - Channel G to South POS (525Ø @ 53.65 linear metres).	\$24,762.30 (construct)
Total		\$25,417,742.42 (construct and land)

The DCP includes a Drainage Plan derived from the Stormwater Strategy (refer Figure 14) in addition channel detail plans and longitudinal sections for each channel project.

Figure 14 DCP Drainage Plan



4.2 Drainage projects and Stormwater Strategy approach

(i) The issues

The issues are:

- whether the drainage channel projects are appropriate
- whether flexibility is required in the Development Plan to allow for interim drainage solutions.

(ii) Evidence and submissions

Evidence

The drainage evidence of Daniel Fokkens for Council explained:

- the drainage catchment characteristics of the subject land
- the exiting network of open channels that direct stormwater to the four external piped drainage points
- the extent of the existing Land Subject to Inundation Overlay on the subject land
- the best practice policy provisions for integrated water management in Clauses 53.18 and 56.07 including capturing and managing downstream flows, managing stormwater quality and encouraging water reuse and retention
- the need for stormwater projects within the DCP.

Mr Fokkens' explained the pros and cons of the three stormwater management options identified in the 2020 SWMP including the conventional piped system (Option 1), the higher risk at source management approach (Option 2) and the proposed distributed management stormwater management approach (Option 3) which is detailed in the Stormwater Strategy. His evidence was:

Whilst Option 2 is the easiest to implement, the long term effectiveness is questionable and carries a greater risk. Option 1 is the simplest and most robust to manage flooding and water quality, but most difficult to implement without a coordinated implementation plans (such as a DSS). Option 3 gets that balance between orderly coordinated development and flexibility, whilst delivering a great community asset of green open space corridors for recreation and wildlife.

Mr Fokken considered Option 3 best aligned with the stormwater management objectives and requirements of Clauses 53.18 and 56.07, and distributed the stormwater management requirements equitably across all landowners rather than placing the burden on a few landowners like Option 1. It provided a robust solution that created assets that will be owned and managed by Council and not depend on the collective management of individual landowners like Option 2.

In response to submission issues, his evidence was:

- Option 1 would only support the development within three distinct catchments and require extensive fill
- Option 3 provided a balance of a coordinated approach which allowed flexibility through a 10 sub-catchments approach
- the drainage channel widths are required for conveyance, storage and water treatment
- the current legal points of discharge provide for stormwater runoff generated from existing site conditions only and not for increased runoff from development
- while some outbuildings would require relocation for the ultimate drainage solution, its flexible design would allow development to proceed catchment by catchment, allowing other areas to proceed while building relocation matters could be resolved.

Submissions

There were submissions that:

- requested the reduction of the portion of land taken up by the proposed drainage channels
- supported the drainage corridor approach but wanted to retain the use of an existing legal discharge point without limiting developable land
- sought clarification on how existing outbuildings on the proposed drainage corridor would be managed once it required delivery.

Submission 34 referred to the following drainage requirements of the Development Plan:

- R108 which identifies the minimum requirements for drainage systems, including:
 - storage capacity
 - to be consistent with indicative cross sections
 - to achieve minimum grades
 - being designed to Council's satisfaction with interim or temporary strategies "*strongly discouraged*" except at outfall points
 - providing 3 metre wide shared paths on channels B, C, F, G and J and a maintenance track for channels A, D, E, H and I
 - individual site strategies to demonstrate a coordinated approach at a subcatchment level
 - all downstream development to be in place prior to the completion of development including channels, rain gardens and 'free draining' outfalls
- R125 which requires "*All drainage infrastructure downstream of the development must be in place prior to the development being completed*".

The submission sought flexibility to allow interim solutions particularly to earlier developers who could utilise legal discharge points. Applying a more restrictive approach in the short term until more substantial activity occurred in the Collison Estate threatened to impede its delivery. The submission indicated for its land (24 Collison Road and 7 – 9 Heather Grove which comprised Cell 7 in the Development Plan) an interim storage solution could be provided and later removed once the ultimate drainage solution was in place.

The Collison Committee did not make submissions about the drainage projects but overall supported the Option 3 approach adopted by the Stormwater Strategy. However, it arranged for Ryan Flack of KLM Spatial who was involved in the development of the Development Plan and infrastructure strategies including the Stormwater Strategy, to explain the level of costing analysis applied to Options 1 and 2 in response to the Panel's questions about costings. Mr Flack advised that costings had been undertaken and shared with the Collison Committee as the strategy evolved along with the pros and cons of each option. He tendered a document (Document 18) explaining:

- the challenges associated with Option 1 in achieving the typical 2.3 metre depths to achieve the necessary outfall levels
- Option 3 allowed for stormwater to be kept at a shallower depth with channel depths typically 1.2 to 1.5 metres below existing surface allowing for outfall to 2.0 metre deep drainage connections with limited filling to achieve freeboard and stormwater cover, and smaller pipe required across the estate
- while Option 3 took up more land than Option 1 (approximately 1.6 hectares) it was much easier to implement, provided a lower risk of delay based on access to land, and

had the ancillary benefit to provide a shared path network and canopy coverage in the linear reserves.

In terms of cost estimates, Mr Flack said:

- the drainage capital costs were \$6.47 million (Option 1) and \$7.98 million (Option 3)
- the land costs for Option 3 were around \$8 million more than Option 1 although the land area for Option 1 could increase to account for the level challenges, and ancillary maintenance/drying areas for the wetlands
- a key cost element not included was the cost of importing fill to achieve the site levels required for Option 1. This cost ranged between \$11 and \$28 million but was likely around \$23 million.

Council submission

Council's Part A submission identified how Council had explored bringing forward delivery of part of the drainage network including land acquisition and to secure drainage outfalls through a section 173 Agreement and early works financing to be paid back by DCP levy funds collected at a later time. This approach had not received sufficient support from landowners and was abandoned. Council advised that offer was no longer on the table.

Council adopted the evidence of Mr Fokkens in relation to drainage matters. It indicated a preparedness to allow greater flexibility in the Development Plan through further drafting changes to R125 and submitted:

Ideally the only circumstance in which interim arrangements are allowed is where there is a clear community benefit to support development proceeding ahead of the drainage infrastructure, there is certainty on when and who will deliver the ultimate infrastructure and the development proceeding does not prejudice future development.

It is very difficult for Council to deny a developer from using interim assets if there is not a clear framework on when and how. Once one developer starts with interim infrastructure a precedence is set and becomes difficult to implement the ultimate solution. This is why the Development Plan strongly encourages collaboration between developers.

In response to the Panel's question to Mr Fokkens and Council about the role of rainwater tanks in its stormwater approach, Council advised in its closing submission that the Development Plan required provision of 2,000 litre water tanks, 30 per cent of which was to be used for detention storage.

Council's closing submission included a plan showing that existing 3 metre wide drainage easements ran in the approximate location of the majority of proposed drainage channels and underground pipes.

Regarding the Panel's questions about the cost benefit considerations for its drainage approach and whether this was understood by the landowners, Council in its closing submission said:

- costings for Options 1 and 3 had been prepared as confirmed by Mr Flack
- the community was aware of the three drainage strategy options and their cost implications including the advice provided to the Collison Committee by KLM between 2018 and 2021 KLM
- its own recent indicative costings (Figure 15) showed a cost differential of only \$5 million but that this would be offset by the \$23 million required for fill to make Option 1 work, and this was likely financially unfeasible for landowners
- Option 3 was the best drainage option for a highly fragmented precinct as it offered the greatest flexibility and equity for different properties to commence development when

they choose to do so and does not burden a small number of downstream properties with the majority of drainage infrastructure to benefit other properties as would be the case with Option 1

- allowing for the Melbourne Water levy which did not apply to the Collison Estate but applied in addition to other greenfield DCPs levies (Clyde and Clyde North), the DCP levy was comparable and also included some drainage costs ordinarily paid for by developers.

Figure 15 Council indicative costings for drainage strategy Options 1 and 3

	Land	Construction	Pipe Cost	Total
Option 1 – end of line	\$15m	\$4m	\$2.1m	\$21.1m
Option 3 - distributed	\$18.1m	\$7.3m	\$0.64m	\$26.1m

Source: Council closing submission

Council concluded:

- Option 3 had enjoyed broad long-time support by landowners
- shifting the drainage design to an earlier hypothetical concept such as Option 1 had not been requested in submissions and such a change now would likely transform the Amendment and require substantial new technical work
- there was no evidence that a shift to Option 1 would offer a compelling cost benefit or community benefit
- a resulting multi-year delay of such a shift *“would, however, have clear cost and community disbenefit to property owners who are ready to productively develop their land according to the proposed DCP and Development Plan.”*

(iii) Discussion

Drainage projects and Stormwater Strategy approach

To successfully proceed, the development of the Collison Estate needs an effective stormwater solution that:

- detains flows to the gap between the pre-development 1 per cent Annual Exceedance Probability flows so that the existing outfall system can accommodate the development
- ensures best practice Water Sensitive Urban Design is implemented so water quality meets the required standards
- enables and facilitates the delivery of the development in an equitable manner.

The Stormwater Strategy explains the proposed (Option 3) solution:

The proposal attempts to equitably distribute the land required for drainage purposes for retardation to mitigate the flows discharging from the site to existing flow magnitudes, and treatment of the stormwater runoff from the site where required. It utilises linear drainage reserves distributed throughout the site to equally encumber each land-owner, but with sufficient size to create green spines throughout the estate and enhance liveability within the re-development.

The key to this being a digression from the conventional development (Option 1) with pipe drainage for minor drainage, instead providing direct house connections to the kerb and channel, and sheet flowing the runoff from each allotment into the green spines. Flows from the drainage reserve will be captured at the end point and conveyed by pipe for minor storms and road reserve for major storms into the existing outfall drainage.

The Panel accepts the evidence of Mr Fokkens, the advice of Mr Flack and Council submissions that the proposed drainage and water treatment solutions can operate effectively and provide the

necessary stormwater retention and treatment requirements consistent with relevant standards, policy and the Development Plan.

From this perspective, it is essential to include drainage projects in the DCP to unlock the development potential of the Collison Estate. It is reasonable and justified to include them in the DCP as 100 per cent funded projects.

As shown on the Drainage Plan (Figure 14) Option 3 provides several kilometres of green, linear drainage reserves and detention channels, 11,087 cubic metres of detention storage and 1,627 square metres of raingarden treatment area. The drainage projects (including land) however come at a high cost, representing just over 38 per cent of the total DCP project costs, and 43 per cent of the DCP levy, although it is acknowledged that this in part accounts for the usual Melbourne Water levy for drainage not applying (refer Chapter 4.3).

The Panel considered that this significant cost warranted further explanation including whether the proposed projects and drainage solution was the most cost effective from a DCP perspective. The Panel explored these concerns with Council, Mr Fokkens, Mr Flack and the Collison Committee to better appreciate the nexus between all considered drainage and water treatment options and their impact on the DCP.

Council's Part A submission described a lengthy process of consultation with the property owners seeking their support for Council to instigate an early drainage works package to better facilitate the outcomes of the estate. The Panel understands that this consultation occurred based on the drainage Option 1 not the ultimately adopted drainage Option 3. As a result, the DCP now reflects no Council intervention in its delivery.

The main north-south channel will be linked with the two proposed central areas of public open space by 3 metre wide shared paths which will provide for a continuous pedestrian/active link with the capacity to provide a landscaped setting. This benefit while not having a financial value is a community benefit of the proposed scheme.

It does not appear from the evidence or submissions that a net lifetime cost/benefit comparison between the two drainage options was made or presented to the property holders that included for example the comparatively greater maintenance costs associated with Option 3. A key element that not considered at the time was the cost of importing fill to achieve Option 1 estimated by Mr Flack to be between \$11 million and \$28 million.

The 2020 SWMP and the Stormwater Strategy point out that the primary objective of the drainage system is to provide flood protection to the allotments based on a 1 per cent storm event. Therefore, the Collison Estate will be designed so that the new allotment levels are set to a minimum of 450 millimetres if within the Land Subject to Inundation Overlay and 300 millimetres elsewhere.

The Panel is not aware if the exhibited infrastructure levy calculation provided for this level of fill nor whether Mr Flack's advice accounts for a similar freeboard allowance differential, when comparing fill options.

The Panel was also not able to confirm Mr Flack's advice on the technical difficulties raised with Option 1. There was no exhibited or other information presented to the Panel that expands on this matter or tests it. Potential technical solutions such as using flatter, higher invert, box culverts or twin pipes of a smaller diameter were not canvassed.

The Panel understands the Development Plan is well progressed, no submissions opposed the Stormwater Strategy or drainage projects, and that parties are not wanting to revisit such a major element of the Plan. However, major cost-related questions remain as outlined above, have the potential to impact implementation because of the high DCP costs or require Council to consider how it might facilitate early works. A more fulsome cost analysis may indicate that overall costs could be considerably reduced if Option 1 was to be reconsidered.

Development Plan

While the Development Plan is not before the Panel, it provides an important role in guiding the design and rollout of the drainage projects. The Panel is not concerned the strategies of the Development Plan may hinder rather than support a coordinated roll out of the development.

The Panel agrees that all downstream drainage infrastructure of the development should be in place before the development is completed (R126). The Panel interprets this to be a requirement to protect the existing outfall catchments. There may however be interim drainage arrangements considered as each section develops, to facilitate the progression of each developable section more readily without compromising the overall integrity or deliverability of the ultimate drainage solution. This could include allowing the first stage of an area to use existing legal discharge points and provide interim onsite retention which could be later integrated or upgraded into the ultimate treatment or be removed to allow additional development once the ultimate downstream assets were in place.

Council should review the drafting of requirement R125 to ensure some flexibility exists for interim solutions particularly in the earlier development phases at the developers cost but which retain the integrity of the ultimate drainage scheme. This might include a requirement to provide an interim drainage strategy which details on site infrastructure staging of drainage infrastructure and associated development yields or triggers for removal or upgrading to the satisfaction of the responsible authority.

The Development Plan (including its Open Space Plan) identifies two centrally located public open reserves (totalling 1.93 hectares) that are linked by the main north-south channels and a shared 3 metre wide path. The Drainage Plan shows that the drainage channels will terminate at the edges of each open space reserve and drainage conveyed via underground pipes. The Development Plan includes requirements about the dimensions and size of the open space reserves including requirements for road or active frontages, and that they be unencumbered.

Given the location of the two future public open spaces on the proposed drainage network, it appears that despite underground pipes, they are intended to provide some overland drainage. It is difficult to ascertain this as there are no cross-sections provided or channel storage capacity analysis that clarifies this. If these open space areas are to have a drainage function, there is potential for them to be encumbered (particularly if they are to have an active rather than passive recreational function) or require treatments to provide for public safety. This should be clarified in the final Development Plan should the open space areas need to be enlarged or relocated.

It is apparent in the drainage project cross sections that the depth of the channels provides the detention function in addition to rainwater gardens, and drainage pools in DR08 and DR09. While the Panel understands the drainage channels will not form part of the public open space to be provided through Clause 53.01, they are shown on the Open Space Plan in the Development Plan (albeit as drainage reserves). The drainage reserves are adjoined by proposed shared paths which will presumably be transferred to Council. The difference between public open space and

drainage reserves is difficult to discern in the Development Plan's Drainage Plan. This should be clarified in the final Development Plan. There will be a need to ensure the detention functions of the channels, rainwater gardens or pools do not impact on public safety through considered design treatments.

(iv) Conclusions and further recommendation

The Panel concludes:

- The Stormwater Strategy provides a drainage network and water treatment solution that can operate effectively consistent with relevant standards and policy. It establishes the strategic basis for the proposed drainage network, the resultant projects identified in the DCP and their design. Their full apportionment to the Collison Estate is reasonable.
- The overall costs of the Stormwater Strategy approach (Option 3) compared to Option 1 remain unclear. A more fulsome cost analysis including lifecycle costs may determine that a drainage system more aligned with Option 1 may be considerably cheaper and lower the total DCP costs. Council is encouraged to undertake such an assessment before adopting the DCP.
- A shift to a drainage solution aligned with Option 1 would require further technical analysis and review of the Development Plan and DCP which would result in considerable delay, particularly if the benefit is marginal. If, however, a cost benefit analysis identifies that Option 1 provides the superior drainage approach and delivers a significant development levy reduction this would be a reasonable basis on which to review the Development Plan and DCP.
- The Development Plan should be amended to provide for interim drainage solutions and to clarify the distinction between proposed public open space areas and drainage easements and whether the two public open spaces are potentially encumbered by any drainage function or require additional design guidance.

The Panel further recommends:

Council should review:

- **The drafting of Development Plan requirement R125 to ensure some flexibility exists for interim drainage solutions particularly in the earlier development phases.**
- **The Development Plan maps to:**
 - **ensure they clearly distinguish between areas of proposed public open space and drainage reserves**
 - **clarify whether the two public open spaces are potentially encumbered by any drainage function or require additional design guidance.**

4.3 Melbourne Water levy

(i) The issue

The issue is whether the DCP should clarify that the Melbourne Water Collison Road Drainage Scheme levy of \$119,069 per hectare does not apply.

(ii) Submissions

The Collison Estate is located within the broader Melbourne Water Collison Road Drainage Scheme (DS No 2371). The DCP has been prepared on an understanding that the Drainage

Scheme was prepared based on no further redevelopment of the Collison Estate and the associated levy would not apply as it develops.

Submission 34 was concerned that while Melbourne Water's Drainage Scheme remained in place (including being mapped on its website), the drainage levy's application would remain uncertain and create confusion. Ideally it submitted the Drainage Scheme mapping should be updated by Melbourne Water.

Council tabled correspondence from Melbourne Water dated 15 May 2024 with its Part B submission which identified:

1. The properties within the Collison Estate area are not required to contribute to Melbourne Water's Collison Road DSS. Melbourne Water does not expect financial contributions to the DSS for the Estate Area.
2. Melbourne Water does expect that the Collison Estate design, construct and fund its own local drainage works, including the provision of Stormwater Quality Treatment to BPEMG targets, flow conveyance and retardation of flows to predeveloped (current land density) flows at the boundary of the Estate area. The Collison Road DSS has only provided outfall works at the capacity of the current land density.
3. The design and construction specifications and ongoing responsibility of the local drainage within the Collison Estate is a City of Casey responsibility and hence Melbourne Water will be looking at Council to specify and oversee the timely delivery of required local drainage works.

In response to the Panel's question of whether an explanation of the Melbourne Water Drainage Scheme and the non-application of the associated levy could be included in the DCP. Council's closing submission provided suggested text that could be included in Section 5 'Levy Calculation' of the DCP which was derived from discussions with Melbourne Water:

Relationship to Melbourne Water Collison Road Drainage Scheme (DS No.2371)

The Subject Land for the Collison Estate DCP is located within the broader Melbourne Water Collison Road Drainage Scheme (DS No. 2371). Properties within the Subject Land are not required to make financial contributions to Melbourne Water's Collison Road DS, however, because the Collison Road DS has only provided for outfall works at the capacity of the rural residential (pre-redevelopment) land density. Therefore, Melbourne Water expects that the properties within the Subject Land will design, construct and fund their own local drainage works, including the provision of Stormwater Quality Treatment, flow conveyance and retardation of flows to pre-redevelopment (rural residential density) flows at the boundary of the Subject Land area. This DCP satisfies that expectation. Melbourne Water also expects that the design and construction specifications and ongoing responsibility of the local drainage within the Collison Estate Subject Land is a City of Casey responsibility in accordance with this DCP.

(iii) Discussion

Melbourne Water's correspondence clarifies that the Melbourne Water Collison Road Drainage Scheme levy will not apply as part of the further development of the Collison Estate consistent with the Development Plan. The Panel is not able to require Melbourne Water to update its mapping and information about the scheme although this would clearly be a positive step. In the interim, adding commentary in the DCP to clarify the situation would be of benefit.

The changes suggested by Council are appropriate subject to:

- spelling out in full several abbreviated terms
- making minor grammatical changes
- replacing 'The Subject Land' with the 'DCP area' to reflect the term used in the DCP to describe the area affected by it

- using the reference to Casey City Council consistent with other references to Council in the DCP.

(iv) Conclusion and recommendation

The Panel concludes:

- The DCP should be amended to clarify the status and relationship with Melbourne Water Collision Road Drainage Scheme (DS No 2371) generally consistent with Council's closing submission wording subject to minor alterations.

The Panel recommends:

Amend the Collision Estate Development Contributions Plan, Urban Enterprise (October 2023) to include in Section 5 'Levy Calculation' the following paragraph:

'Relationship to Melbourne Water Collision Road Drainage Scheme (DS No 2371)

The DCP area is located within the broader Melbourne Water Collision Road Drainage Scheme (DS No 2371). Properties within the DCP area are not required to make financial contributions to Melbourne Water's Collision Road Drainage Scheme. However, because the Collision Road Drainage Scheme has only provided for outfall works at the capacity of the rural residential (pre-redevelopment) land density. Therefore, Melbourne Water expects that the properties within the DCP area will design, construct and fund their own local drainage works, including the provision of Stormwater Quality Treatment, flow conveyance and retardation of flows to pre-redevelopment (rural residential density) flows at the boundary of the DCP area. The DCP satisfies that expectation. Melbourne Water also expects that the design and construction specifications and ongoing responsibility of the local drainage within the Collision Estate Subject Land is a Casey City Council responsibility in accordance with this DCP'.

5 Community Facility project

(i) The issue

The issue is whether the community facility is needed, and has been appropriately costed and apportioned in the DCP.

(ii) Background

Social Requirements Report

The Social Requirements Report considered the current supply and need of social infrastructure in the 20-minute neighbourhood catchment areas and Cranbourne East catchment area inclusive of Collison Estate. It identified the need for a community facility of approximately 1,084 square metres internal floor space and 1,320 square metres of outdoor space 637 to 820 square metres floor area on 0.6 to 0.8 hectares of land located adjacent to the proposed local activity centre site on the subject land. The facility would need to comprise a kindergarten, maternal and child health consulting rooms, space for playgroups, meeting rooms and other areas.

The report includes recommendations for the service provision and size of the centre based on catchment analysis, benchmarks and future population. It identifies probable facility cost, the timing of facility provision timing and the basis for apportionment which informed the DCP. In relation to apportionment, it concluded that the facility will:

cater primarily for Collison Estate populations, but is likely to have some usage of maternal and child health services, and kindergarten rooms outside of the Estate. Marginal usage of the larger space may also be demanded by people external to Collison Estate, however, the establishment of the space will be primarily required for playgroups and other community functions focused on Collison Estate residents. Overall, calculations indicate that approximately 82 percent of internal floorspace will be utilised by Collison Estate residents. This proportion has been applied to the external floorspace as well.

Development Contribution Plan

The community facility is identified as Project CF01 with the project comprising 'Land and construction of centre to include three kindergarten rooms, two maternal child health rooms and flexible community rooms (0.6 hectares)'. This area would accommodate a building and associated external access, parking and landscaped areas.

The DCP proposes an 82 per cent apportionment of CF01 to the charge area (Collison Estate).

The identified trigger for its provision is:

Once the first 800 households within the Estate is established (approximately 50 percent of the catchment), or the first 500 households south of Heather Road in the Estate are established (given that this is the area that is un-serviced currently) - whichever comes first.

(iii) Evidence and submissions

Need and apportionment

One submission said the community facility was not wanted by the estate residents.

The Collison Committee, Mr Smith and Skildale supported the provision of a community facility, its proposed location and its inclusion in the DCP but considered the costs and apportionment were not justified and should be lower. Skildale considered the apportionment should be reduced to 33

per cent (and be funded by a Community Infrastructure Levy), Mr Smith to 50 per cent and the Collison Committee to 61 per cent to provide for a more equitable outcome.

The Collison Committee's position was based on:

- the projected population of the Collison Estate would only create a demand of 27 per cent of the large meeting room based on the Large Meeting Room benchmark
- the Social Requirements Report had not factored in low usage rates of other playgroup facilities, considered the shared use of kitchen facilities, or the recent closure of nearby Balla Centre.

The social infrastructure evidence of Venessa Bennett for Council (and the author of the Social Requirements Report) set out the methodology of that report which included:

- relevant policy including *Best Start, Best life: Give your child the Best Start*, State Government of Victoria, Kindergarten Services
- reviewing the Collison Estate's surrounding context including assessing the 2023 social infrastructure provision in the broader local catchment area, including spare capacity at existing social infrastructure facilities within Cranbourne East (Livingston Family and Community Centre, Hunt Club Family and Community centre, Selandra Family and Children's Centre)
- reviewing population projections to 2041 for Cranbourne East and for a proposed 1,635 dwellings at build-out
- applying benchmarks for social infrastructure provision based on the *Planning for Community Infrastructure in Growth Areas*, April 2008 (ASR Research) used by the Victorian Planning Authority and the Council's provision model (*Community Facility Planning Functional Guidelines*, August 2020) and Community Facilities Principles (Planning, Access, Design)
- overlaying twenty-minute walking catchments for existing facilities
- determining the overall required community facility against Council's Community Facility Planning Framework which supported the provision of the services in a single community facility.

The social infrastructure services required based on this assessment were set out in her evidence (refer Figure 16), including the apportionment rationale for each service facility component.

Ms Bennett's evidence was:

...only those components of the services/spaces that have been assessed as being required by the Collison Estate residents have been included in the apportionment recommendations. That is, 70% of maternal child health services, 23% of kindergarten spaces and 10% of the flexible space/s are **not** attributable to Collison Estate residents, and **have not** been included in the cost allocation to residents. The need for all remaining components have been precipitated by the arrival of residents in Collison Estate.

She concluded:

- The methodology of the Social Requirements Report including population forecasts and policy inputs remained valid.
- The 82 per cent apportionment was appropriate, equitable and fair.

Figure 16 Community facility apportionment rationale (Bennet evidence)

Facility Area	Recommended Model of Provision for Collison Estate	Demand from Collison Estate (%)	Demand catered for outside Collison Estate (%) – to be paid by Council	Internal Sqm allocated to Collison Estate (total sqm for facility)
Maternal and Child Health	2 consulting rooms	0.6 rooms (30%)	1.4 rooms (70%)	20 sqm (Total: 65 sqm)
Kindergarten - 3 year old and 4 year old services	3 rooms for both 4-year-old and 3-year-old service	1.5 room for 4 year olds' service 0.8 for 3 year olds' service overall: 2.3 rooms (77%)	0.7 rooms (23%)	420 sqm (Total: 554 sqm)
Space for Playgroups / Flexible Large Space	Flexible space to allow 2 sessions per weekday	Playgroup requires a large room, plus Demand for 0.3 room large meeting room spaces, plus other demand for medium, small-medium and smaller spaces (90%)	Part-room (10%)	220 sqm (Total: 240 sqm)
Small Meeting Room	Located so these can be flexible in terms of size and function	1.3 rooms required, but only 1 recommended due to flexibility that could be provided in the large space (100%)	0%	50 sqm (Total: 50sqm)
Other areas	Entry, circulation, toilets, kitchenette, first aid room	All required for the safe functioning of the facility (100%)	NA (0%)	175 sqm (Total: 175 sqm)
Car Parking/ landscaping	Not calculated- As required by Council			
Total sqm Internally	885 sqm apportioned to Collison Estate - 82% (Total Internal: 1084sqm)			
Total sqm Externally (not including parking)	1080sqm apportioned to Collison Estate - 82% (Total External: 1320sqm)			

Source: Table 1 of Bennet evidence sourced from the Social Requirements Report, Table 10: Apportionment rationale

Mr Ainsaar stated:

- the community facility and associated land was a Development Infrastructure Levy infrastructure item under the definition within the DCP Ministerial Direction which included buildings for kindergartens or maternal child and health services
- the method applied to determine the apportionment was based on the principles of nexus and need.

Council relied on the evidence of Ms Bennett and Mr Ainsaar and concluded:

- the reasoning for the size, apportionment and cost of the community facility had been justified and was fair and reasonable
- the facility was not 'gold-plated' and accorded with the DCP Ministerial Directions and DCP Guidelines.

- DCP funds collected for the community facility could be refunded to property owners if it was determined in the future that it was not required due to changes in demographic and community needs.

Land acquisition costs

Skildale submitted the DCP allowance of approximately \$3.5 million per Hectare for land acquisition in residential areas in addition to the \$5.6 million per Hectare for the community facility land were excessive and appeared to be greater than market value (\$2.5 million per Hectare) and its own land purchase experience. It questioned whether a commercial and residential land value had been applied to the community facility land.

Mr Ainsaar explained:

The land values included in the Exhibited DCP have been determined from a Land Valuation report prepared by Westlink Consulting, as of 1 July 2022.

The land valuation was prepared using a 'before and after' methodology, which is a method consistent with a number of other current DCPs.

It is not within my expertise to comment on the suitability of the resulting values and whether they exceed current market value. I would also point out that the DCP requires DCP land to be revalued on an annual basis.

Council adopted the evidence of Mr Ainsaar and submitted it had relied on valuations prepared by experienced land valuers consistent with best practice. In its closing submission, Council confirmed:

...'that the land valuation for the Community Facility was determined by a registered valuer based on a valuation date of July 2022 assuming a Community Facility within an activity centre. The chosen valuation rate per hectare was based on a broad review of sales evidence for July 2022, which also included consideration of comparable residential properties. The valuer has confirmed that for July 2022 the comparable sales evidence for Residential Land included examples at \$3,377,265 per ha, \$3,051,643 per ha, and \$3,844,042 per ha, which helped informed the valuation in the DCP. Compensation valuations are often at the full market rates so that landowners are compensated accordingly when land is taken.

(iv) Discussion

Need and apportionment

The Social Requirements Report as explained in detail by Ms Bennett's evidence establishes a clear basis for the need or nexus for the community facility to service the future Collison Estate community, as well as its size and component services consistent with the DCP Guidelines. It will be a facility that will be used by a broad cross-section of the community within the Collison Estate when it reaches the population trigger point and service its local catchment.

The Panel agrees with Council that the designation of the facility as an item to be funded by a Development Infrastructure Levy rather than a Community Infrastructure Levy is appropriate. The core service components of the facility – the kindergarten and maternal and childcare centre clearly fall within what may be funded by a Development Infrastructure Levy as set out in the DCP Ministerial Guidelines. The other community-based meeting room facilities are related to the primary use and to be provided as part of a consolidated facility rather than across separate buildings or locations. It is not appropriate therefore to separate out those elements into a Community Infrastructure Levy.

Although no detailed design has been undertaken of the community facility to confirm its costs to a high degree, the costing has been informed by an 'Opinion of probable cost' included in the DCP and a 10 per cent contingency.

The Panel is satisfied that the approach taken to apportionment is logical and sufficiently robust. It has considered population forecasts for the Collison Estate and surrounds, the capacity of existing facilities in Cranbourne East and walking catchments. Neither Council or the Social Requirements Report has sought to 'up-spec' the facility or cater for other facilities that have closed, but rather provide for a consolidated facility that meets the basic health and well-being needs of the community. It will be a facility that is adaptable and flexible for the shared use of spaces and to directly meet the needs in the first instance of the Collison Estate as it develops.

Land acquisition costs

The DCP guidelines identify that land acquisition costs will escalate over time, however the estimated cost for land acquisition must be based on present day values. To counter the effects of increasing land acquisition costs, options include the early purchase of land or indexing the levy for land using the Valuer-General's Land Monitor Index. Council has applied the later option given the trigger point for its provision will not occur for some time.

The Panel is satisfied that Council has established the land acquisition costs based on professional valuation advice and a methodology Mr Ainsaar's evidence identified as consistent with other DCPs. No similar valuation advice was provided to suggest that the rates are excessive. The DCP requires land to be revalued on an annual basis to ensure rates are reflective of prevailing land values.

Council's closing submission confirmed that the land acquisition costings have been based on residential land rates rather than commercial rates. This is appropriate.

While the Panel acknowledges the need to ensure that the overall cost of the DCP projects is not excessive, it considers on balance that the basis for costings (including land acquisition) and apportionment of the community facility is fair and reasonable.

(v) Conclusions

The Panel concludes:

- The Social Requirements Report establishes a clear basis for the identifying the need for a community facility to service the future community within the Collison Estate, as well as its size and component services.
- The 82 per cent apportionment of the community facility to the Collison Estate is justified, fair and reasonable.
- The approach to establishing land acquisition costs for the community facility is appropriate and supported by land valuation advice.

6 Other issues

6.1 Costing allowances

(i) The issue

The issue is whether the project costing allowances in the DCP are reasonable.

(ii) Evidence and submissions

Skildale submitted the DCPs costing allowances of 20 per cent for contingencies and 15 per cent for transport project design was excessive and should be reduced to a maximum of 10 per cent and 5 per cent respectively. Skildale said its land acquisition model had used a 5 per cent rate for design costs while a 3 per cent rate was typically applied by larger developers.

Mr Ainsaar found the allowances used in the DCP detailed costings (Figure 17) were:

- generally consistent with the 'Delivery' allowances listed in the Victorian Planning Authority (VPA Benchmark Costing Guide (April 2019))(refer Figure 18)
- broadly consistent with typical on-costs associated with delivery that are applied in greenfield settings.

Figure 17 DCP costing allowance rates

	All Transport (exc RD03 and IN02)	Drainage, RD03 and IN02	Community Facility
Traffic Management	-	5%	-
Site Establishment	-	5%	-
Survey and Design / Design Fees	15%	10%	3%
Supervision & Project Management	-	5%	-
Council Checking & Supervision Fees	-	3.25%	-
Authority Checking Fees	0.75%	-	-
Authority Supervision Fees	2.5%	-	-
Contingency	20%	20%	10%
Construction Escalation to tender			6%
Construction Escalation during construction			10%
Professional Fees			8%
Total	38.25%	48.25%	37%

Source: Page 15 Ainsaar evidence

Figure 18 VPA Benchmark Costing Guide delivery allowances

	Roads	Bridge	Community Facility
Council Fees	3.25%	3.25%	3.25%
VicRoads / Authority Fees	1%	1%	1%
Traffic Management	5%	5%	2%
Environmental Management	0.5%	0.5%	0.5%
Surveying and Design	5%	5%	5%
Supervision and Project Management	9%	9%	9%
Site Establishment	3.25%	2.5%	2.5%
Environmentally Sustainable Design	0%	0%	
Contingency	15%	20%	15%
Total	41.25%	46.25%	40.25%

Source: Page 15 Ainsaar evidence

Council adopted the evidence of Mr Ainsaar relating to allowances. In closing, it said the costings for construction projects in the DCP were undertaken by its engineers, based on the concept functional layout and plans included in the DCP, using standard industry practice. Costings for high-level concept plans necessarily involved higher contingencies to allow for uncertainties such as:

- the lack of detailed site condition and topography information which impacted the extent of cut and fill required
- the lack of detailed design plans and pavement details
- the lack of hydraulics computations to confirm the estimated drainage pits and pipes for road and intersection projects
- the widening of shared paths from the costed 2.5 metre wide paths to 3.0 metres to respond to updated or new standards or guidelines
- where detailed site investigative works have not been undertaken or road works designed. Council's practice was to apply a 20 per cent construction contingency unless this information was available in which case it was reduced to been undertaken, otherwise Council applied a 10 per cent rate.

Council concluded the design fees contingency is consistent and comparable to the percentage of fees paid in similar projects it was undertaking.

(iii) Discussion

Based on a direct comparison of the total allowances included in the DCP with the VPA benchmark, there is little difference in total percentage of allowances applied to road and community facility projects. The DCP total allowances percentage are less than the VPA benchmarks overall.

However, a comparison of the total of all allowances does not account for a range of different allowance rates between the two. For example, the VPA contingency rate for road projects is 15 per cent compared to the 20 per cent applied in the DCP to most transport projects. The VPA rate for a level 1 community facility is 15 per cent however the DCP only applies a 10 per cent allowance. This makes it difficult to focus on just one or two allowances out of many to determine if they are reasonable or not or if the DCP is building into the contingency rate items such as supervision or environmental management. It is apparent from the allowance elements breakdown in Figure 7 that Council has applied a considered approach rather than a standardised 'across the board' single approach to allowance rates for road, drainage and community infrastructure.

While the VPA bridge contingency rate referred to in Mr Ainsaar's evidence is not comparable to the drainage projects proposed in the DCP, the rates used in the VPA benchmarks for culverts is 15 per cent.

Given the overall costs of the DCP road and drainage projects remain high, Council should explore ways to reduce costs where possible. The Panel is not convinced that the environmental conditions within the Collison Estate for road and drainage projects require contingencies greater than the VPA benchmarks particularly for an infill rather than greenfields location. It considers they should be reduced to 15 per cent.

While the Panel acknowledges detailed design is yet to take place for the transport or drainage projects, the layout design concepts are reasonably advanced and a design fee of 15 per cent

considered excessive compared to VPA benchmarks. It considers that it should be reduced to 10 per cent.

As discussed in Chapter 5, the Panel is comfortable with the costing approach for the community facility given a design is yet to be completed, will be informed by community engagement and the costing provided a 10 per cent contingency.

(iv) Conclusion and recommendations

The Panel concludes:

- While the project costing allowances in the DCP are generally appropriate they are too high.
- The 'Contingency' allowance rate for all transport and drainage projects should be reduced to 15 per cent.
- The 'Survey and Design/Design Fees' allowance rate for all transport projects should be reduced to 10 per cent.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to reduce the following project costing allowance rate:

- 'Contingency' for all transport and drainage projects to 15 per cent.
- 'Survey and Design/Design Fees' for all transport projects to 10 per cent.

Amend the tables in Schedule 22 to Clause 43.04 Development Plan Overlay to reflect updated project costs and levy amounts associated with amended allowances.

6.2 Neighbourhood Activity Centre

(i) The issue

The issues are whether:

- there is a need for a neighbourhood activity centre
- it is appropriate to rezone the neighbourhood activity centre to C1Z before the Development Plan is completed.

(ii) Background

The Development Plan identifies the provision of a local neighbourhood activity centre between 0.7 and 1.1 hectares on the northeast corner of Heather Grove and Casey Fields Boulevard/Mayfield Road (1 Heather Grove) which would provide day-to-day and weekly retail and service needs at a neighbourhood level. It is anticipated to include a small supermarket, speciality shop(s), café/restaurants or takeaway food options. Requirements and guidelines are identified to guide size, 'main street' character, land use mix, shop top housing and built form, landscaping and access outcomes.

The *Activity Centre Economic Analysis*, SGS (June 2023) prepared to inform the Development Plan identified an unmet need for a local neighbourhood activity centre to service the daily convenience retailing needs of the future community with a gross floor area of 600 to 1,000 square metres plus up to 2,600 square metres of speciality stores and hospitality services, and up to 900 square metres of non-retail commercial floorspace.

The DCP identifies the neighbourhood activity centre and a land budget of 0.8 hectares with a floorspace range of between 2,850 to 4,000 square metres.

The Amendment proposes to rezone 1 Heather Grove to C1Z to facilitate the activity centre.

(iii) Submissions

Submission 47 considered:

- it inappropriate to rezone 1 Heather Grove to Commercial 1 Zone now given the future proposed layout of the Collison Estate is unknown.
- development of the land was not possible until storm water drainage was available
- the activity centre may be unviable because there are other shopping precincts nearby including:
 - Hunt Club Village – 1.8 km away
 - Shopping on Clyde – 1.3 km away
 - Selandra Rise – 1.3 km away
 - Main St of Cranbourne – 2.4 km away
- adjoining landowners would want a say on a tall or large building on the site.

Council submitted that the need for a local level neighbourhood activity centre site and its rezoning to C1Z was:

- supported by the Economic Analysis
- consistent with Clause 21.16 which under ‘Implementation’ for Cranbourne East supported:
 - Applying the Commercial 1 Zone to activity centres with a primary retail function, including the Hunt Club Village Medium Neighbourhood Activity Centre and future activity centres.[Council’s emphasis]
- consistent with Clause 22.01 including the *City of Casey Activity Centres Strategy, City of Casey, 2020* criteria for new neighbourhood activity centres
- proposed to be reflected in the updated Activity Centres Map in Clause 21.05-8 in response to a condition of authorisation.

(iv) Discussion

The Panel is satisfied that the basis for identifying the need for a local neighbourhood activity centre as part of the future development of the Collison Estate is robust. It is underpinned by the Activity Centre Economic Analysis and consistent with the approach identified in the Casey Activity Centres Strategy.

The application of the C1Z to the subject land is appropriate and consistent with Council’s policy approach to the local neighbourhood activity centre typology of activity centres in Clauses 21.05, 21.16 and 22.01.

Given the advanced stage of the Development Plan, it is not premature to rezone the 1 Heather Grove site now. Rather, it is part of the strategic approach Council has applied to facilitate the coordinated and timely development of the Collison Estate. The identified site is well located adjacent to the identified community facility, is flat with few apparent constraints, has immediate frontage to a constructed street which already serves a local collector function, with kerb and channel and a footpath. The rezoning will assist in unlocking development potential, providing investment certainty and building confidence in the estate’s future.

The Panel acknowledges that the future development of an activity centre on the designated site will be exempt from notice once the Development Plan is approved. While not intended to be an incorporated document the Development Plan will still inform the future development of the activity centre through the operation of the DPO22. Its identified requirements and guidelines for the activity centre will provide guidance for its siting, scale and built form. By its neighbourhood function the centre is not likely to be tall or large. In any event other provisions of the Casey Planning Scheme will enable the consideration of built form, amenity issues, carparking and signage among other matters.

(v) Conclusions

The Panel concludes:

- The need for a neighbourhood activity centre is supported through economic analysis.
- The rezoning of the neighbourhood activity centre to C1Z is appropriate and supported by the Planning Policy Framework.

6.3 Small Lot Housing Code

(i) The issue

The issue is whether the Amendment should enable the application of the Small Lot Housing Code.

(ii) Submissions

24 Collison Road Pty Ltd requested the Amendment enable the application of the *Small Lot Housing Code*, Victorian Planning Authority, November 2019. This was because to achieve the Development Plan density targets a significant portion of dwellings will be on lots of 300 square metres or less and generating large numbers of planning permits. This was considered an impractical and unnecessary requirement on developers and an administrative burden for Council. Applying the Code would remove this burden.

Council advised that the Small Lot Housing Code, is a prescriptive pathway option included Precinct Structure Plans for greenfield areas within the Urban Growth Zone and not applicable in other residential zones. The Amendment is not proposing a Precinct Structure Plan or changing the residential zoning.

In response to questions from the Panel about its practices for managing permits for houses in establishing or growth areas outside the Urban Growth Zone, Council advised it relied on the assessment provisions of Clause 54 (One dwelling on a Lot or a Small Second Dwelling on a Lot) in addition to the guidance to be included in the Development Plan, and the VicSmart assessment pathway provisions of the GRZ1.

(iii) Discussion

The Panel agrees with Council that the Small Lot Housing Code is not an option for the Collison Estate under its current zoning and the lack of an incorporated Precinct Structure Plan. In any event, it is not something that can be included in a DCP or a similar facilitative assessment approach something the Development Plan can specify. A permit for a dwelling on a lot less than 300 square metres in the GRZ1 would still also require a permit under the provisions of the DPO22.

Given the proposed 30 year timeframe for the completion of the DCP, it is unlikely that development applications spread over this timeframe would be administratively burdensome for Council. While the VicSmart assessment track has the potential to improve the timeframes associated with applications, it does not reduce their number or the costs for applicants in preparing applications particularly if a range of additional detail is sought under the DPO22 application requirements (refer separately to the Panel's discussion in Chapter 7.2).

One of the challenges of using a DPO once a Development Plan is approved is it cannot be used to specify the classes of use or development for which a permit is required in the GRZ1 do not also require additional assessment under the DPO provisions. The Panel encourages Council to revisit the DPO22 provisions once the Development Plan is approved to identify if the conditions and requirements for permits are appropriate for all classes of use or development.

(iv) Conclusions

The Panel concludes:

- It is not appropriate to apply the Small Lot Housing Code as part of the Amendment.
- Once the Development Plan is approved, Council should review the DPO22 to ensure the conditions and requirements for permits are appropriate and fit for purpose.

7 Development Plan and Development Plan Overlay

7.1 Development Plan changes

(i) The issue

The issue is whether changes should be made to the Development Plan before it is adopted.

(ii) Submissions

In addition to changes to the DCP sought by submitters that have been discussed in previous chapters, several submissions were made about the content of the Development Plan including:

- providing for more flexibility in the sequencing of development sites
- removal of the local street connectivity 'cell plan' requirement
- changing some requirements to guidelines or other there amendment.

The Collison Committee and 24 Collison Road Pty Ltd identified the following Development Plan requirement for Cell Plans (R37):

Where a road connection is proposed through abutting properties, or lots are developed independent of each other, a road layout cell plan must be provided demonstrating how the road network will connect with the broader surrounds within that cell and how it connects to the nearest existing road as shown in Figure 8 [Road Cell Plan]

It submitted the requirement should be deleted along with the Road Cell Plan because:

- the Development Plan already establishes a robust connective road network along with a range of requirements for existing streets and the location and design of future local access streets (R32, R33, R70 and RD7)
- it was unclear and inconsistent with the permit application provisions of the Development Plan which seek an 'indicative road layout cell plan to show how it integrates with surrounding lots' or allows for the consideration of sub-cell layout plans for some precincts
- it was onerous and added an additional layer of planning approval, and could cause delays particularly where adjoining land owners were not ready to proceed with development.

The Collison Committee proposed:

- the Connectivity Plan be referenced rather than the Road Cell Plan
- replace R37 with:

The development or subdivision of land parcels should integrate with existing and proposed roads and paths as illustrated in the Connectivity Plan providing for connectivity between adjoining land parcels.

- delete G34 which refers to sub-cell layout plans
- delete the permit requirement relating to Road Cell Plans.

24 Collison Road Pty Ltd submitted the numbering in the Road Cell Plan could be interpreted as providing direction around the sequencing of development and the Development Plan should clarify this was not the case and delivery timing would depend on the availability of drainage and road infrastructure.

Council submitted that the Development Plan was not part of the Amendment and not a matter before the Panel although it acknowledged that it contained directions pertinent to the DCP such as infrastructure delivery sequencing. It submitted the purpose of the 'Road Cell Plan' was to identify cells and relate them to requirements and guidelines and that their numbering did not reflect a sequencing of land development.

(iii) Discussion

The Development Plan:

- informs elements of the DCP but is not part of the Amendment
- is inextricably tied to the DCP which references it and is the source of the identified infrastructure projects.

However, it is not appropriate for the Panel to suggest substantive review of the document or recommend major changes to it. Of note, the Development Plan requirements cannot be applied as mandatory provisions, though any development will need to be generally in accordance with it. The Panel has therefore not considered in detail submissions relating to its broader content unless they have a broader relationship to the DCP, its projects and implementation.

The Panel has framed its discussion about the Development Plan in a way that may assist Council in its finalisation, implementation and to ensure its alignment with the DCP. While identified as 'Further recommendations' they are effectively informal suggestions for Council's consideration.

Aligning the final version of the Development Plan with the DCP will avoid inconsistent or conflicting outcomes. Other suggested changes identified in this Report include, that Council:

- review the drafting of:
 - guidelines G60 and G43 and Condition 2 to ensure their consistency and the ability to provide flexibility for access for Mayfield Road fronting properties to Casey Fields Boulevard where appropriate and justified as discussed in Chapter 3.3.6
 - requirement R125 to ensure some flexibility exists for interim solutions particularly in the earlier development phases as discussed in Chapter 4.2
 - R126 to ensure some flexibility exists for the timing of completion of IN04 as discussed in Chapter 3.3.2
- amend the Development Plan maps to ensure they clearly distinguish between areas of proposed public open space and drainage reserves, and clarify that areas of public open space do not have a detention function as discussed in Chapter 4.2
- include in the Implementation section an action for the road manager to lead the coordination or facilitation of more detailed design approach to the interim to ultimate treatment and related access for Casey Fields Boulevard and Mayfield Road as discussed in Chapter 3.3.6.

(iv) Conclusions and further recommendation

The Panel concludes:

- The Development Plan is not a document that is before the Panel but is however tied to the DCP which references it and is the source of the identified infrastructure projects.
- Council should ensure that the adopted Development Plan is consistent with the final DCP including further recommendations relating to drafting matters identified in this Report.

The Panel further recommends:

Casey City Council review the Collison Estate Development Plan before its adoption to ensure it is consistent with the final Collison Estate Development Contributions Plan.

7.2 Development Plan Overlay Schedule 22

(i) The issue

The issue is whether the exhibited version of DPO22 is appropriate.

(ii) Background

DCPO22 'Clause 2.0 Requirements before a permit is granted' states:

A permit may be granted to use land, construct a building or construct or carry out works before a development plan has been prepared provided the use or development does not prejudice the future use and development of the land in an integrated manner.

The Amendment proposes to replace this provision with:

None specified.

The Amendment also proposes to delete:

- the Clause 4.1 (Development plan components) provision that refers to staging
- Clause 4.2 (Display of development plan)
- Clause 4.3 (Decision guidelines)
- Clause 5.0 (Background documents).

The existing 'Clause 3.1 application requirements' provide that [Panel's emphasis]:

An application to subdivide or develop the land must be accompanied by the following information, as appropriate:

- A site analysis plan.
- The proposed subdivision layout for the development.
- An assessment demonstrating that the proposal is generally in accordance with the approved development plan.
- A Cultural Heritage Management Plan if required by the Aboriginal Heritage Act 2006.
- An environmental assessment prepared by an appropriately qualified person(s) that identifies any areas of environmental significance on the land.
- An arboricultural assessment of any significant native vegetation on the land.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular application.

The Amendment does not propose to change the permit application requirements.

(iii) Submissions

Council submitted that the proposed DPO22 changes:

- would require the Development Plan to be finalised before a permit could be granted. This would ensure permit applications did not prejudice the future orderly development of the Estate and jeopardise the implementation of the Development plan or DCP. It referred to a recent service station application on a site identified as a 'Gateway Site' in the Development Plan of this risk (refer Appendix C:6)
- reflected the Form and Content MD

- provided for the preparation of a single Development Plan and DCP for the entire Collison Estate promoting an integrated approach to planning and infrastructure financing that aligned with the DCP and draft Development Plan which was effectively completed and ready for adoption pending DCP finalisation.

In response to the Panel's questions about whether it was appropriate not to exempt minor alterations or works until the Development Plan was approved, Council advised:

- the provision only applied where a permit was required in the first instance in the GRZ1, and minor works for example did not require a planning permit in that zone. It acknowledged that the C1Z or Land Subject to Inundation Overlay provisions however may require permits for minor works
- if considered necessary by the Panel, wording could be added back to the provision so that it exempted 'small works'.

The Collison Committee submitted that the Clause 3.1 permit application requirements should not require an environmental assessment or arboricultural assessment.

This was because:

- the Native Vegetation Assessment which informed the draft Development Plan identified:
 - No patches of native vegetation or scattered trees as defined under the Guidelines were recorded in the study area. Planted introduced and native trees and shrubs were common throughout...
 - Planted trees and shrubs occurring at moderate densities throughout the study area would provide roosting and foraging habitat for native birds and arboreal mammals. Many of the trees and shrubs in the study areas could support nests and dreys for these species in their canopies; however none of the trees recorded were of sufficient age and maturity to have developed nesting hollows for native fauna.
 - The study area is isolated from other areas of treed habitat in the surrounding area by significant built up areas...
 - This investigation did not record any habitat corridors connecting the study area to other habitat in the surrounding areas.
- the Preliminary Tree Assessment, Sustainable tree management (2019) which informed the draft Development Plan found significant native vegetation on only a limited number of properties.

Subsequently, it was submitted, an environmental assessment for the precinct had been undertaken and it is not necessary for permit applicants to undertake further such studies given the limited environmental values identified. It was unnecessary for all landowners to provide an arboricultural assessment and the requirement should be amended as follows:

An arboricultural assessment of any significant native vegetation on the land as identified by the Development Plan and associated reporting.

Council submitted that the environmental and arboricultural assessments had been done at a precinct scale and that the requirements for such plans should be retained, noting the flexibility to waive such requirements where not considered necessary or relevant.

(iv) Discussion

Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays, September 2022 advises that the overlays are used to:

- provide certainty about the nature of a use or development proposal for land
- require a plan to be prepared to coordinate proposed use or development, before a permit under the zone can be granted
- guide the content of the plan by specifying that it should contain particular information
- remove notice requirements and third-party review rights from planning permit applications for proposals that conform to a plan
- ensure that permits granted are in general conformity with the plan
- apply permit conditions that help to implement the plan
- provide statutory force to plans.

The structure of the current and exhibited DPO22 is primarily focused on preparing a Development Plan and ensuring applications in the meantime do not prejudice its outcomes or post its approval are consistent with it. In the main, the proposed changes are reasonable and reflect the advanced stage of the preparation of the Development Plan.

The Panel agrees with Council's logic of removing the ability for a permit to be issued before the Development Plan is in place given its advanced state and anticipated timeframe for approval. The timing of the Development Plan's approval and the lead times for development proposals to come forward is unlikely to create a scenario where there are many applications delayed pending its finalisation.

The Panel considers there is some value in allowing for minor preparatory works for subdivision which may be required through zoning or overlay provisions to proceed without a finalised Development Plan in the event the Development Plan is significantly delayed pending further examination of guidance around project delivery or interim works for example. The use of the phrase 'small works' as suggested by Council on its own is unclear in its meaning and requires further explanation or definition.

The Panel is reluctant to recommend a change to the provision at this time as there are no overlay objectives for example to anchor an exemption too, and the change may have an unintended consequence. It is appropriate however that Council review the content of the DPO holistically once the Development Plan is finalised, to ensure it remains fit for purpose and any requirements are reasonable and related to key requirements or guidelines in the final Development Plan. This will require a further Planning Scheme Amendment but would assist in facilitating a more effective control.

Again, the current permit application requirements for development reflect the DPO22's assumptions that a development plan is yet to be completed. As identified by the Collison Committee, detailed assessments have taken place and inform the Development Plan. The Committee accepts Council's position that these studies were undertaken at the macroscale and can be waived where the circumstances are appropriate, for example for more minor proposals including single dwellings.

Given the Amendment does not propose to change this component of the DCP, and the control does provide the responsible authority to waive them, the Panel is reluctant to suggest existing permit requirements be deleted. Such a change may transform the Amendment. As identified above, the application requirements should be reviewed in the context of the final Development Plan requirements and guidelines. This could include identifying specific classes of use and associated development that would not require certain supporting information. This would avoid unnecessary costs and extended assessment timeframes for proponents.

Council should confirm with the Department of Transport and Planning if the use of numbered sub clause headings (3.1, 3.2 and 4.1) is necessary and consistent with the Form and Content MD.

(v) Conclusions and further recommendation

The Panel concludes:

- The exhibited changes to DPO22 are appropriate without further change.
- If the Development Plan approval timeline is to be substantially extended Council should consider including scope in the DPO22 for site preparatory works to be permitted prior to its approval subject to further advice on drafting.
- Council should review DPO22 following the approval of the Development Plan to ensure its permit requirements are necessary and consistent with the adopted Collison Estate Development Plan requirements and guidelines.
- Council should confirm with Department of Transport and Planning if the use of numbered sub clause headings (3.1, 3.2 and 4.1) is necessary and consistent with the Form and Content MD and should be replaced with unnumbered headings.

The Panel further recommends:

Casey City Council review Schedule 22 to Clause 43.04 Development Plan Overlay following adoption of the Collison Estate Development Plan to ensure its permit requirements are necessary and consistent with the adopted Collison Estate Development Plan requirements and guidelines.

8 Form and content of the Amendment

8.1 Development Contributions Plan

(i) Discussion

Time horizon

The Panel asked Council to explain how the DCP timeline of 30 years was consistent with the DCP Guidelines which identifies that:

DCPs must have a reasonable time horizon

A DCP must include a time horizon. This time horizon should not exceed 20 to 25 years. If the time horizon is not reasonable, new development in the early years will be paying for infrastructure that will not be delivered until many years later. This is inequitable and unreasonable.

Council submitted that in setting a timeframe the DCP Guidelines also identify that in setting a timeframe it is important to consider:

- a. the time horizon for strategic planning, infrastructure provision and funding
- b. the expected rate of new development, and
- c. the degree of certainty in projecting growth.

Council had adopted the longer timeframe because the highly fragmented nature of the subject land was likely to result in a slower rate of development.

Mr Ainsaar advised the Panel that the longer timeframe was appropriate in the circumstances, given it was not a greenfields area that had the benefit of developer consortiums with control over substantial tracts of land. Rather, as an infill site with many landowners, it would take time for land consolidation to occur and for it to be readied for development.

The Panel acknowledges the PE Act does not specify a DCP timeframe, while the DCP Guidelines provide guidance rather than requirements to be met. The Panel is satisfied that a 30 year time frame is broadly consistent with the DCP Guidelines and timeframe considerations. The fragmented nature of land ownership means the rate of development take up may be longer than a greenfields location where larger land holdings can be consolidated and delivered by developers including the delivery of critical early infrastructure. As discussed in chapters 3.3.6 and 4.2 some critical infrastructure projects including drainage and Casey Fields Boulevard/Mayfield Road may also take some time to realise and may require further Council intervention or interim approaches.

The Panel also notes the DCP identifies that it will be reviewed every 5 years which will enable its progress and outcomes to be tracked.

DCP and Development Plan preparation costs

Council's Day 1 changes in response to Mr Ainsaar's evidence included the KLM Spatial costings for the work undertaken by it and its technical report subconsultants on behalf of the Collison Committee up to 2018/2019 as an 'Appendix B Infrastructure Design and costings' document in the DCP. The costings identified a total cost of \$450,721.

Council in response to the Panel's question about how this costing aligned with the DCP costs for projects (Panel's emphasis):

- PR01, which for the Council costs for preparing the DCP and associated studies of \$157,347.50
- PR02, Development Plan preparation costs incurred by landowners of \$472,820.26.

Council's closing submission advised this difference reflected indexing to 2022 dollars as the KLM costings reflected 2021 dollars. It proposed to include a note in its Final version of the DCP to this effect.

The Panel is satisfied that PR01 and PR02 are reasonable and acceptable DCP projects. It is satisfied with Council's explanation of cost differences between the exhibited DCP and the KLM costings. The Panel agrees with Council that a note in the DCP to explain this difference is necessary to provide clarity. This should be included in DCP Section 4.7.

References to the final Development Plan

The Collison Committee and Mr Smith identified concerns with the Council's Final version of the DCP (Document 26) referring to the "*Collison Estate Development Plan Version 4 (October 2023)*" on the basis it had not yet been finalised and adopted. A more flexible reference should be used to enable the Development Plan to be amended from time to time and to avoid the DCP having to be amended accordingly.

In response Council proposed to replace the reference to a Collison Estate Development Plan version number or date with 'Adopted Development Plan, as amended from time to time' or similar wording.

The Panel considers this a sensible and appropriate change with the inclusion of the words 'Collison Estate' particularly as the DCP will be finalised before the Development Plan.

Other Council's proposed changes to the Development Contributions Plan

Council's Final version of the DCP included at Section 6.6 'Exemptions' an additional exemption for a small second dwelling in response to changes introduced through VC249 as follows:

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

As identified in Chapter 8.2, the DCP does not include a Community Infrastructure Levy so it is unnecessary to refer to an exemption from one or include any language regarding exemptions as this is built into the introductory paragraph. It can simply be included as a dot point:

- The development of land for a small second dwelling.

(ii) Conclusions and recommendations

The Panel concludes:

- The DCP time horizon of 30 years is reasonable.
- The DCP should be amended to:
 - include a note in Section 4.7 to explain the cost differentiation for Project PR02 from the KLM Costings to be included in Appendix B of the DCP consistent with Council's Final version
 - include an exemption for the development of a small second dwelling.

The Panel recommends:

Amend the Collison Estate Development Contribution Plan, Urban Enterprise, October 2023 to:

- **include the KLM Spatial Costings (29 March 2022) in Appendix B, and a note in Section 4.7 to explain the cost differentiation for Project PR02 with the KLM costings**
- **replace references to a version number and date of the Collison Estate Development Plan with ‘Adopted Collison Estate Development Plan, as amended from time to time’**
- **include an additional exemption dot point under Section 6.6 Exemptions: ‘The development of land for a small second dwelling.’**

8.2 Final form of Development Contributions Plan Overlay Schedule 22

(i) Background

The Form and Content MD sets out instructions about how planning schemes are constructed and provides templates for local provisions. It identifies:

5. If a provision from the Victoria Planning Provisions is required to be included or selected for inclusion in a planning scheme, the entire provision or clause (including all sub-clauses) must be included in the planning scheme in the same form (without modification) following the same sequence and using the same clause numbers as in the Victoria Planning Provisions.

In this context, black text within Annexure B is set text with blue and red text elements of each provision requiring the input of content. The DCPO template includes:

- the insertion of a DCPO and Schedule number (red text)
- under the heading ‘1.0 Area covered by this development contributions plan’ the inclusion of explanatory text (blue text)
- under heading ‘2.0 Summary of levies payable’ two summary levy tables which can be inserted with red or blue text inputs (\$ amounts, charge areas, demand units)
- under heading ‘3.0 Land or development excluded from development contributions plan’ the ability to insert text relating to Ministerial Direction exemptions, land or development specifically excluded, relevant provisions of Clause 45.06-1
- a standard note (black text):

Note: This schedule sets out a summary of the contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.

The exhibited and Council final version uses a different format of levy summary tables and different clause headings (Clauses 2.0, 3.0 and 4.0).

(ii) Discussion

In response to the Panel’s questions about formatting, Council acknowledged that while the exhibited DCPO22 was generally consistent with the Form and Content MD, in relation to the Summary of costs table and the Summary of contributions table:

Both tables are varied to show facility types that are tailored to the projects included under this DCP. For example, certain standard table columns and categories have been removed where they are not applicable to the projects or contribution types of this DCP. In this way,

the modified format tables are clearer and more user friendly. The DCPO Schedule includes a note directing the user to refer to the DCP incorporated document which includes full details of the projects to be funded, including their locations.

Council submitted that:

- the format used was consistent with the 13 other DCPO schedules in the Casey Planning Scheme
- were consistent with the approach used in the Greater Dandenong, Greater Geelong, Bayside and Hobson Bay Planning Schemes
- the conditions of authorisation specifically recommended modifying the Summary of contributions table included in Section 3.0 to provide a clearer description of the levies required to be paid but did not raise other formatting issues with the Council. The changes sought by DTP were made before exhibition
- the DCPO22 could be revised consistent with the Form and Content MD but was not preferred for the reasons above.

The Form and Content MD sets the formatting rules for provisions in a planning scheme. The Practitioner's Guide reinforces the role of Ministerial Directions. It is therefore unclear why this was not an issue identified in the authorisation process or whether divergence from it is considered acceptable to DTP.

While the Panel is conscious that Council can revise the format of the DCPO22 including the headings, numbering and the table format, the Panel is conscious that this:

- may make interpretation more difficult given the nature of the DCP items
- make it inconsistent with the other 13 schedules to the DCPO in the Casey Planning Scheme
- format has been applied DCPO schedules in other planning schemes, including in current amendments
- was not a matter raised in submissions.

The Panel is therefore reluctant to require such as significant structural format change unless it is likely to be a matter pressed by DTP, noting that the change can be made if desired in any case, without changing the intent of the control or the levy rates if carefully transcribed.

The Panel observes there are other changes to DCPO22 that should be made to ensure it is consistent with other DCPO schedules in the Casey Planning Scheme or to provide clarity, without changing its provisions:

- amend the schedule heading to 'Collison Estate Development Contributions Plan'
- simplify the description of the area to which the DCP applies to 'All land within Collison Estate Development Contributions Plan area within the DCPO22'
- amend the 'summary of contributions' table cell header to 'Levies payable by all development (\$) per net developable hectare' as references to the cost dates is set out in the notes below the table and there are no alternative rates and any exemptions are set out in Clause 4.0
- amend the 'summary of contributions' table notes to refer to the full DCP title
- simplify the content under Clause 4.0 to:
 - remove the double negative introductory statement
 - remove unnecessary references to Ministerial Directions or legal agreements (arrangements for legal agreements should be set out in the DCP)
 - remove reference to a community levy as one is not proposed

- amend the overall Note consistent with The Form and Content MD.

The Panel has included these recommended changes in the 'Panel changes to Council's Final version of the DCPO22' in Appendix D.

(iii) Conclusions and recommendation

The Panel concludes:

- The form of DCPO22 is inconsistent with the Form and Content MD.
- The exhibited form is however considered generally appropriate in the circumstances and ensures it is consistent with the structure of DCPO schedules in the Casey Planning Scheme. Its restructure to adopt a format consistent with the Form and Content MD will not enhance its application or interpretation.
- Council's Final version of the DCPO22 (Document 25) should be amended as shown in the Panel's version in Appendix D.

The Panel recommends:

Amend Development Contributions Plan Overlay Schedule 22 as shown in Appendix D, and subject to further updating project costs and levy rates associated with:

- **amended projects IN02, IN03, IN04, RD01, RD03 and RD04**
- **the additional land area of 19 Collison Road**
- **amended allowances.**

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Ying Wu	30	Darren McDonald
2	Qiyao Xiao	31	Joel Smith
3	Chen Liang	32	South East Water
4	Craig Mann	33	APA Networks
5	William Ryan	34	Skildale Pty Ltd
6	Leanne Ostrom	35	468 Collins St Pty Ltd
7	Cuilian Lin	36	Collison Estate Committee Inc.
8	Sam Zhou	37	Graham Smith
9	Janet Xiao	38	Amanda Chapman
10	Gong Min Huang	39	Ramkumar Bakthavatchalu
11	Gurpinder Chalan	40	Simon Ostrom
12	Ishvinder Kaur Chahal	41	Janelle Struth
13	Parvinder Singh Saddal	42	Brendon Jenkins
14	Gurpinder Singh Chahal	43	Daniel Gillingham
15	Parwinder Singh Gill	44	Tim Bekkers
16	Xuelin Cai	45	Chase Struth
17	Ken Huang	46	Jarie B
18	Linda Wang	47	Andrew Webb
19	Ben Wang	48	Department of Transport and Planning
20	Mei Wang		
21	Li (Ricky) Wang		
22	Wayne McDonald		
23	Stanislav Moskalev		
24	Audrey Liu		
25	Harish Poojary		
26	Shaoyun Wu		
27	Gina Abraham		
28	David Bush		
29	Dianne Bush		

Appendix B Document list

No.	Date	Description	Provided by
1	24 April 24	Panel Directions and Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
2	6 May 24	Hearing Timetable (version 2)	PPV
3	9 May 24	Advice on Panel membership	PPV
4	13 May 24	Council Part A submission	Casey City Council (Council)
5	13 May 24	Hearing Timetable (version 3)	PPV
6	14 May 24	Matt Ainsaar expert witness statement	Council
7	14 May 24	Brent Chisholm expert witness statement	Council
8	14 May 24	Daniel Fokkens expert witness statement	Council
9	14 May 24	Venessa Bennett expert witness statement	Council
10	14 May 24	Manuel Vezzano expert witness statement	468 Collins St Pty Ltd
11	14 May 24	Advice submission issues have been addressed and of non-attendance at Hearing	Department of Transport and Planning
12	20 May 24	Part B submission including attachment: 1. Melbourne Water email 15 May 2024	Council
13	20 May 24	Day 1 Amendment changes (tracked change and clean versions): a) DCP b) DCPO22	Council
14	20 May 24	Submission	468 Collins St Pty Ltd
15	22 May 24	Submission	24 Collison Road Pty Ltd
16	22 May 24	Submission	Collison Estate Committee Inc.
17	22 May 24	Submission	Graham Smith
18	23 May 24	Presentation memo from Mr Flack	Collison Estate Committee Inc.
19	23 May 24	Submission addendum – Collison Estate Committee land participant map	Graham Smith
20	24 May 24	Closing submission summary Table of proposed Final Amendment changes	Council
21	24 May 24	Email to submitter 39 providing the opportunity for a further written submission	PPV

No.	Date	Description	Provided by
22	24 May 24	Panel directions regarding to distribution of documents post Hearing	PPV
23	31 May 24	Written version of Council closing submission	Council
24	31 May 24	Memo summarising final changes to DCP and DCPO22	Council
25	31 May 24	Final version DCPO22	Council
26	31 May 24	Final version DCP	Council
27	4 June 24	Response to Council Final DCP changes	Collison Estate Committee Inc.
28	4 June 24	Response to Council Final DCP changes	Graham Smith
29	5 June 24	Council response to submissions on Documents 25 and 26	Council

Appendix C Planning context

C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the orderly and coordinated delivery of required infrastructure and service connections upgrades to support sustainable urban growth and support the economic development of a local neighbourhood activity centre
- providing for infrastructure to support the creation of a pleasant, efficient, and safe working, living and recreational environment
- provides guidance for infrastructure in an area of cultural heritage sensitivity
- providing for the orderly and coordinated provision of future public infrastructure, utilities and facilities for the benefit of existing and future residents on and adjacent to the subject land.

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- facilitating urban growth where land supply is available in an established residential area in Cranbourne East close to transport corridors and surrounded by existing infrastructure and service connections
- facilitating the fair, orderly, economic and sustainable development and infrastructure delivery in the Estate in a sequenced manner
- encouraging the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community
- locating urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits

Clause 12 (Environmental and landscape values)

The Amendment supports Clause 12 by:

- managing native vegetation loss to ensure no net loss to biodiversity
- minimising the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning
- facilitating an integrated water management approach to drainage infrastructure to minimise the impacts of overland flooding, particularly in areas affected by the Land Subject to Inundation Overlay

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 by:

- creating urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity
- creating a distinctive and liveable city with quality design and amenity

- enabling permeable neighbourhood design to provide the foundation for a safe, healthy, functional and enjoyable urban environment that supports a 20 minute neighbourhood by providing connected, efficient and safe walking and cycling networks to the local neighbourhood activity centre and community facility
- supporting the protection and conservation of Aboriginal cultural heritage significance.

Clause 17 (Economic development)

The Amendment supports Clause 17 by facilitating development of the local neighbourhood activity centre through rezoning land to encourage land uses that meet the community's needs for retail, entertainment, office and other commercial services.

Clause 18 (Transport)

The Amendment supports Clause 18 by facilitating:

- safely integrating the road, public transport, walking and cycling networks to ensure the efficient and coordinated movement of users through an environmentally sustainable transport system that makes the best use of existing infrastructure
- the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system
- improved local travel options for walking and cycling to support 20 minute neighbourhoods and by developing local cycling networks and new cycling facilities and link to and complement the Principal Bicycle Network
- an efficient and safe public transport network and increase the proportion of trips made by public transport

Clause 19 (Infrastructure)

The Amendment supports Clause 19 by:

- facilitating development of the community facility to meet the community's need for early childhood education and facilities
- facilitating the efficient, cost effective and timely provision of planned infrastructure that meets the needs of the community through the preparation and implementation of development contributions plans and infrastructure contributions plans
- sustainably managing water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach

Clause 21 (Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement by:

- managing urban growth through upgrading infrastructure and services to meet the needs of the existing and future residents including a road, public transport, walking and cycling network that creates connections - Clause 21.02 (Key Issues and Strategic Vision)
- providing a planning framework for urban growth so infrastructure and services can accommodate population including upgrading the network of community-based learning centres throughout Casey - Clause 21.03 (Settlement and Housing)
- providing for an economically robust local neighbourhood activity centre that prioritises pedestrians and cyclists over vehicles - Clause 21.05 (Economic Development)
- supporting a permeable neighbourhood design of pedestrian and public transport movement through an extensive network of roads, walking and cycling infrastructure - Clause 21.06 (Transport)

- protecting Aboriginal cultural heritage areas, facilitating development of a neighbourhood activity centre, providing boulevard planting and well-designed road and community infrastructure to provide a safe and liveable neighbourhood - Clause 21.07 (Built Environment)
- contributing to the upgrading of existing road infrastructure and extending Cranbourne's treed image into Cranbourne East - Clause 21.16 (Cranbourne East).

Local Planning Policy

The Amendment supports Clause 22.01 (Activity Centres Policy) by providing employment opportunities locally through the establishment of a proposed local neighbourhood activity centre contributing to Casey's activity centre network consistent with the City of Casey Activity Centre Strategy.

C:2 Planning and Environment Act

Part 3B of the PE Act relates to Development Contributions. In summary it provides for:

- section 46I - the inclusion of a DCP in the planning scheme and including the reasonable costs and expenses incurred by Council in the preparation of the DCP (including any strategic plan required for its preparation)
- section 46J - the opportunity to impose a Development Infrastructure Levy (the Amendment does not apply a Community Infrastructure Levy)
- section 46K - the contents required of a DCP:
 - the area to which it applies
 - the plan preparation costs, works, services and facilities to be funded through the plan, including the staging of the provision of the works, services or facilities
 - the need for the plan preparation costs, works, services and facilities to the proposed development of land in the area
 - for plan preparation costs, works, services and facilities:
 - the amount of the plan preparation costs and the estimated cost of the works, services or facilities; or
 - the standard levy applicable to the plan preparation costs, works, services or facilities
 - unless a standard levy is applied, the proportion of the total estimated cost of the plan preparation costs, works, services and facilities to be funded by a development infrastructure levy
 - the land in the area and the types of development for which a levy is payable and the method for determining the amount payable
 - identify the collecting agency and the development agency
 - procedures for the collection of a development infrastructure levy in respect of any development for which a permit is not required.
- section 46N - collection of a Development Infrastructure Levy by a condition on a planning permit
- section 46Q – the establishment of administrative systems for payments and expenditure to be tracked over the life of the DCP, and that monies collected are used to provide the specified infrastructure.

Council's Part A submission set out how the DCP is consistent with Part 3B of the PE Act. That discussion is not repeated here.

C:3 Relevant planning strategies

The *City of Casey Activity Centres Strategy (2020)*, a reference document in Clause 21.01, identifies Council's vision:

To provide a diverse range of non-residential uses in Casey primarily located within a network of vibrant activity centres, which are thriving economic and social hubs offering convenient access to goods, services, facilities, jobs, and housing.

It identifies a hierarchy of activity centres, each with a total floorspace ranges and particular characteristics and functions:

- Metropolitan
- Major
- Medium Neighbourhood
- Local Neighbourhood
- Health and Education precinct
- Restricted Retail Precinct.

A local neighbourhood activity centre has the following attributes:

- up to 5,000 square metres on non-residential floor space
- provides for day-to-day and weekly retail and service needs at a neighbourhood level
- includes a small format supermarket, some specialty retail, hospitality and commercial uses
- provides a focus on convenience retailing and medium density residential uses
- approximately 25 per cent non-retail commercial and community uses floor area for the whole of the centre.

Strategies for neighbourhood activity centre include:

- ensure that the zoning, overlays, and policy in place for each neighbourhood activity centre support development of vibrant mixed use neighbourhood activity centres
- support the ongoing growth and evolution of existing and proposed neighbourhood activity centres in growth areas to provide places for social interaction and safe pedestrian movement, which also meets the retail and service needs of new residents
- use planning policy and zoning to encourage an increase in the amount of non-retail employment generating uses in neighbourhood activity centres where appropriate
- avoid stand-alone supermarkets.

Council advised the Activity Centres Strategy would be updated to identify the proposed neighbourhood activity centre as part of a future strategic review.

C:4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

GRZ1 applies to the land. The purposes of the Zone are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Amendment proposes to apply the Commercial 1 Zone to the proposed neighbourhood activity site. The purposes of the Zone are:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

ii) Overlays

The land is subject to the Development Plan Overlay (DPO). The purposes of the Overlay are:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

DPO22 applies to the Collison Estate and includes:

- a requirement at Clause 1.0 allowing for a permit to be granted before preparation of a development plan (to be removed by the Amendment)
- conditions and requirements for permits at Clause 3.0 including for applications and development
- requirements for a development plan at Clause 4.0.

The Amendment proposes to apply the Development Contributions Plan Overlay (DCPO) to the land. The purposes of the Overlay are:

- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Clause 45.06-1 of the DCPO provides that:

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

And that any permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Clause 45.06-1 of the DCPO sets out what a DCP must include:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.

- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

iii) Other provisions

The purposes of Clause 52.17 (Native Vegetation) are:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the Schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

The Clause 52.17 Schedule exempts the removal of native vegetation within the Collison Estate from the need for a permit. The Amendment proposes to delete this provision.

C:5 Amendment VC249 and Amendment C284case

Amendment VC249 was gazetted on 15 January 2024 and exempts small second dwellings from paying the development contribution levy. This change occurred following exhibition of the Amendment and requires the DCP and DCPO22 to be updated.

Council has prepared and exhibited Amendment C284case to introduce a Planning Policy Framework rewrite for Casey including a Municipal Planning Strategy and local policies. Council advised that Amendment C284 *“may have impacts on the drafting of this Collison Estate Amendment C286 in the future, but not at this current time.”*

C:6 Planning Permits

Council’s analysis of recently issued or current permit applications within the subject land or within 500 metres of it indicated there were eight recent planning permits were issued and three permit applications are currently under review or on hold. Of these, only one permit application (PA22-0603), for a service station located at 175 Berwick-Cranbourne Road (‘Gateway site’ identified in the Development Plan) had any clear impact on the Amendment. The permit (issued following review by the Victorian Civil and Administrative Tribunal) includes a condition requiring a section 173 Agreement for the payment of DCP levy consistent with the DCP when gazetted and excludes an initially proposed retail component.

C:7 Ministerial Directions, Planning Practice Notes and guides

(iv) Ministerial Directions 9 and 11

The Explanatory Report discusses how the Amendment is consistent with Ministerial Direction 9 (Metropolitan Planning Strategy) in relation to Plan Melbourne 2017-2050 and meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments). That discussion is not repeated here.

(v) Ministerial Direction - Form of Content of Planning Schemes

The Explanatory Report discusses how the Amendment meets the relevant requirements of *Ministerial Direction - the Form of Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987*. While generally consistent, it identified one exception in the format of the Summary of Costs table in Section 2 and the Summary of Contributions Table in Section 3 of the DCPO Schedule.

(vi) Ministerial Direction 18 - Victorian Planning Authority Advice on Planning Scheme Amendments

Council advised that the Victoria Planning Authority had originally considered Collison Estate for inclusion in the Cranbourne East Precinct Structure Plan in 2010, however this did not eventuate. The Victoria Planning Authority were provided with a copy of the DCP and Amendment documentation in April 2023 for their preliminary review and comment, consistent with the requirements of Ministerial Direction 18. It advised Council in June 2023 that it had no concerns.

(vii) Ministerial Direction on the Preparation and Content for Development Contribution Plans

The Ministerial Direction on the Preparation and Content of Development Contributions Plans (2016, Amended January 2024) provides:

- that a DCP cannot apply to land where an infrastructure contributions plan may apply (land within a Metropolitan Greenfield Growth Area)
- a DCP cannot impose a levy for a non-government school, housing provided for or on behalf of the Department of Health and Human Services or a small second dwelling
- a DCP can fund works, services or facilities for:
 - acquisition of land for roads, public transport corridors, drainage, public open space, and community facilities (including a maternal and child health care centre, a child care centre, kindergarten)
 - 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 care centre, child care centre, kindergarten or any centre which provides these facilities in combination.

Council advised that the preparation and content of the DCP is consistent with the Ministerial Direction, ensuring the fundable works, services and facilities can be funded by the proposed development infrastructure levy.

(viii) Planning Practice Notes

The Explanatory Report discusses how the Amendment is consistent with *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018. That discussion is not repeated here.

(ix) Development Contributions Guidelines

The DCP Guidelines provide useful guidance on:

- The principles of a DCP including:
 - the strategic basis can be demonstrated
 - justification of infrastructure projects and charging based on predicted share of usage by development including a demonstrated nexus for apportionment
 - a reasonable timeline (not exceeding 20-25 years) [Panel's emphasis]
- what types of infrastructure that can be included in a DCP, for example:
 - a new item of infrastructure
 - an upgrade in the standard of provision of an existing infrastructure item
 - an extension to an existing facility, or the total replacement of an infrastructure item after it has reached the end of its economic life
- the costs that can be included in the calculation of levies:
 - the capital costs of providing the infrastructure projects
 - the cost of financing the infrastructure projects, if provided early in the life of the DCP
 - the design costs associated with the infrastructure projects
 - the cost of preparing and approving the DCP.

Recurrent costs such as maintenance and operating costs or costs associated with the administration of the DCP cannot be included in the calculation of a development contributions levy. Contributions cannot be collected for infrastructure that can be funded through other mechanisms such as open space contributions.

Council submitted that the DCP was consistent with the guidance provided in the Guidelines. Its position about the longer 30 year timeframe is discussed in Chapter 8.1.

(x) Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix D Panel changes to Council's Final version of the Development Contributions Plan Overlay

[Tracked Added](#)

~~Tracked Deleted~~

SCHEDULE 22 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

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Shown on the planning scheme map as **DCPO22**.

COLLISON ESTATE [DEVELOPMENT CONTRIBUTIONS PLAN](#)

1.0 Area covered by this development contributions plan

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All land within Collison Estate [Development Contributions Plan area within the DCPO22](#), ~~south of Linsell Boulevard, east of Casey Fields Boulevard/Mayfield Road, north of Berwick-Cranbourne Road and west of the Cranbourne East Precinct Structure Plan.~~

2.0 Summary of costs

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Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Roads	\$18,904,827.26	Refer to details in the Collison Estate Development Contributions Plan.	\$18,904,827.26	100%
Intersections	\$9,679,038.07	Refer to details in the Collison Estate Development Contributions Plan.	\$3,931,404.92	41%
Drainage	\$25,417,742.42	Refer to details in the Collison Estate Development Contributions Plan.	\$25,417,742.42	100%
Community facilities	\$12,200,000.00	Refer to details in the Collison Estate Development Contributions Plan.	\$10,004,000.00	82%
Other	\$630,167.76	Refer to details in the Collison Estate Development Contributions Plan.	\$630,167.76	100%
TOTAL	\$66,831,775.51		\$58,888,142.36	88%

3.0 Summary of contributions

Facility	Levies payable by the all development (\$) per net developable hectare unless otherwise specified (July 2022 dollars)			
	Development Infrastructure	Community infrastructure		All infrastructure
	All development	Residential	Non-residential	All development
Roads	\$275,896.84	\$0	\$0	\$275,896.84
Intersections	\$57,374.88	\$0	\$0	\$57,374.88
Drainage	\$370,946.26	\$0	\$0	\$370,946.26
Community facilities	\$145,998.27	\$0	\$0	\$145,998.27
Other	\$9,196.66	\$0	\$0	\$9,196.66
TOTAL	\$859,412.91	\$0	\$0	\$859,412.91

Note: These contribution amounts are current as at 1st July 2022 prices. They will be adjusted annually on July 1 each year to cover inflation, by applying indexation in accordance with section 6.1 of the [Collison Estate Development Contributions Plan DCP](#):

- Roads, intersections and bridges – in line with the Australia Bureau of Statistics Producer Price Indexes, Road and Bridge Construction Index, Victoria.
- All other infrastructure items – in line with the Australia Bureau of Statistics Producer Price Indexes, Non-Residential Building Construction Index, Victoria.
- Land values will be adjusted on 1 July every year following a revaluation by a registered valuer of properties with land required by the [Collison Estate Development Contributions Plan DCP](#). The valuation must be undertaken using the same method and principles as the ~~original~~ [Collison Estate Development Contributions Plan DCP](#).

4.0 Land or development excluded from development contributions plan

~~No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Casey City Council or stated below. Any levy imposed by the Collison Estate Development Contributions Plan does not apply to: The following development is exempt from the development contribution:~~

- ~~Development of land for a non-government school, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans of 11 October 2016.~~
- ~~Development of land for housing provided by or on behalf of the Department of Health and Human Services, as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans dated 11 October 2016.~~
- Renovation or alteration to an existing dwelling.
- Reinstatement of a building which has been unintentionally damaged or destroyed.
- Outbuildings no more than 10 square metres in floor area, which are normal to an existing dwelling.
- Fences normal to an existing dwelling.
- ~~The~~ **D**development of land for a small second dwelling **is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.**

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated ~~Collison Estate~~ **d**Development **c**Contributions **p**Plan for full details.