

Planning and Environment Act 1987

Sections 46M(1) and 46QD

**MINISTERIAL DIRECTION ON THE PREPARATION AND CONTENT
OF DEVELOPMENT CONTRIBUTIONS PLANS**

and

**MINISTERIAL REPORTING REQUIREMENTS FOR DEVELOPMENT
CONTRIBUTIONS PLANS**

I, the Minister for Planning, under section 46M of the *Planning and Environment Act 1987* revoke all previous directions under this section and make the following direction in Part A of this document in relation to the Preparation and Content of Development Contributions Plans.

Part A contains the Ministerial Direction on the Preparation and Content of Development Contributions Plans issued by the Minister for Planning under section 46M of the *Planning and Environment Act 1987*.

Part B contains the Ministerial Reporting Requirements for Development Contributions Plans issued by the Minister for Planning under section 46QD of the *Planning and Environment Act 1987*.

PART A: MINISTERIAL DIRECTION

Purpose

1. The purpose of this Direction is to direct planning authorities in relation to the preparation and content of a development contributions plan.

Definitions

2. In this Direction:
 - a) **development setting** means any development setting described in the *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans*;
 - b) **non-government school** has the same meaning as in section 1.1.3 of the *Education and Training Reform Act 2006*;
 - c) **public open space** means land set aside in a plan or land in a plan zoned or reserved under a planning scheme—
 - for public recreation or public resort; or
 - as parklands; or
 - for similar purposes;
 - d) other terms relating to the use of land have the same meaning as in the Victoria Planning Provisions.

Limits on where a development contributions plan may apply

3. A development contributions plan must not be applied to land that is within a development setting to which an infrastructure contributions plan may apply. This does not apply to a development contributions plan for which notice of an amendment to the planning scheme was given under section 19 of the *Planning and Environment Act 1987* before 30 June 2017.

Exemption for non-government schools and certain housing

4. A development contributions plan must not impose a development infrastructure levy or a community infrastructure levy in respect of the development of land for:
 - a) a non-government school; or
 - b) housing provided by or on behalf of the Department of Health and Human Services.

What may be funded from a development infrastructure levy

5. The following works, services or facilities may be funded from a development infrastructure levy:
 - a) Acquisition of land for:
 - roads
 - public transport corridors
 - drainage
 - public open space, and
 - community facilities, including, but not limited to, those listed under clause 5(f).
 - b) Construction of roads, including the construction of bicycle and foot paths, and traffic management and control devices.

- c) Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops.
- d) Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment.
- e) Drainage works.
- f) Buildings and works for or associated with the construction of:
 - a maternal and child health care centre
 - a child care centre
 - a kindergarten, or
 - any centre which provides these facilities in combination.

Exemption

- 6. The Minister may grant an exemption from the need to comply with this Direction in relation to a particular development contributions plan. An exemption may be granted subject to conditions.

Richard Wynne MP
Minister for Planning
Date: 11 October 2016

PART B: MINISTERIAL REPORTING REQUIREMENTS

Purpose

1. The purpose of this document is to set out the requirements of the Minister in relation to reports prepared by collecting agencies and development agencies in respect of development contributions plans.

Application

2. These requirements apply to the preparation of a report by a collecting agency or development agency under section 46QD of the *Planning and Environment Act 1987* (the Act).

Requirements

3. A report must be prepared each financial year and given to the Minister for Planning within 3 months after the end of the financial year reported on.
4. If the collecting agency or development agency is a municipal council, the report must be included in the report of operations contained in the council's annual report prepared under the *Local Government Act 1989*.

Collecting agencies

5. A collecting agency must report on:
 - a) any infrastructure levy paid to it under Part 3B of the Act in a financial year in accordance with Table 1 in the Annexure;
 - b) any land, works, services or facilities accepted by it in a financial year in accordance with Table 2 in the Annexure.
6. If a development contributions plan is approved on or after 1 June 2016, a collecting agency must report on the total amount of infrastructure levies paid to it, the total amount of land, works, services or facilities accepted by it, and the total amount of infrastructure levies expended by it under Part 3B of the Act in accordance with Table 3 in the Annexure.

Development agencies

7. A development agency must report on:
 - a) its use of any land, works, services or facilities accepted as works-in-kind under section 46P of the Act; and
 - b) the expenditure of any infrastructure levy paid to it under Part 3B of the Act; in accordance with Table 4 in the Annexure.

Richard Wynne MP
Minister for Planning
Date: 11 October 2016

Annexure
MINISTERIAL REPORTING REQUIREMENTS

Table 1 – Total DCP levies received in [Insert Financial Year]

| DCP name and year approved | Levies received in [Insert Year] financial year (\$) |
|----------------------------|--|
| | |
| | |
| Total | |

Table 2 – DCP land, works, services or facilities accepted as works-in-kind in [Insert Financial Year]

| DCP name and year approved | Project ID | Project description | Item purpose | Project value (\$) |
|----------------------------|------------|---------------------|--------------|--------------------|
| | | | | |
| | | | | |
| Total | | | | |

Table 3 – Total DCP contributions received and expended to date (for DCPs approved after 1 June 2016)

| DCP name and year approved | Total levies received (\$) | Total levies expended (\$) | Total works-in-kind accepted (\$) | Total DCP contributions received (levies and works-in-kind) (\$) |
|----------------------------|----------------------------|----------------------------|-----------------------------------|--|
| | | | | |
| | | | | |
| Total | | | | |

Table 4 – Land, works, services or facilities delivered in [*Insert Financial Year*] from DCP levies collected

| Project description | Project ID | DCP name and year approved | DCP fund expended (\$) | Works-in-kind accepted (\$) | Council's contribution (\$) | Other contributions (\$) | Total project expenditure (\$) | Percentage of item delivered |
|----------------------------|-------------------|-----------------------------------|-------------------------------|------------------------------------|------------------------------------|---------------------------------|---------------------------------------|-------------------------------------|
| <hr/> | | | | | | | | |
| <hr/> | | | | | | | | |
| Total | | | | | | | | |