Planning and Environment Act 1987

Banyule Planning Scheme

Amendment C177bany

Explanatory Report

Overview

The amendment proposes to introduce an updated public open space contribution rate to collect funds to implement the *Public Open Space Plan 2016-2031* (Banyule City Council, 2016).

It seeks to do this by deleting the existing contribution rate of 5% at the schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) and replacing it with a city-wide levy rate of 7.5% percent.

Where you may inspect this amendment

The amendment can be inspected free of charge at the:

- Banyule City Council website at https://www.shapingbanyule.vic.gov.au/ or on request, during office hours, at the planning authority's office at the Greensborough Customer Service Centre, 1 Flintoff Street, Greensborough.
- Department of Transport and Planning website at https://www.planning.vic.gov.au/publicinspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documents.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by **Thursday, 22 October 2026**.

By email: A submission must be emailed to: Strategicplanning@banyule.vic.gov.au

By mail: Strategic Planning Unit, Banyule City Council, 1 Flintoff Street, Greensborough Vic 3088

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 8 February 2027
- Panel hearing: 15 March 2027

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Banyule City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Banyule City Council.

Land affected by the amendment

The amendment applies to all land within the City of Banyule.

What the amendment does

The amendment proposes to update the public open space contribution rate in the Schedule to Clause 53.01, to collect development contributions to support the implementation of the *Public Open Space Plan 2016-2031* (Banyule City Council, 2016).

Specifically, the amendment proposes to:

- Amend the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to require subdivisions to provide a public open space contribution at a rate of 7.5% for all areas.
- Amend the Schedule to Clause 72.08 (Background documents) by including the following background documents:
  - *Banyule Public Open Space Contributions* (HillPDA, June 2026).

Strategic assessment of the amendment

Why is the amendment required?

The City of Banyule is estimated to accommodate 136,068 residents in 2026, and the population is expected to increase by more than 25,000 people over the next two decades (reaching 161,397 in the year 2046) (based on id Consulting forecast data). In addition to resident population growth, the number of jobs in the municipality is expected to increase by more than 4,000 over the same period.

In this context, Banyule City Council has developed public open space plans to meet the needs of the population including the forecast new population.

The public open space planning information is shown in the Public Open Space Plan 2016-2031, Banyule Housing Strategy 2024, Public Realm Framework 2024-2034, Banyule Youth Spaces Implementation Plan 2024, Heidelberg West Business Park Masterplan, Heidelberg Structure Plan 2023 and Bell Street Mall Masterplan: Masterplan and Design Guide, November 2025.

From this policy and strategy work, Banyule City Council has identified 208 public

open space investments with an estimated cost of $569,848,132. This cost comprises $384,223,440 for works to public open space land and $185,624,692 for land acquisitions.

Banyule City Council intends to partially fund the investments via Clause 53.01 of the Planning Scheme, which enables Council to obtain public open space contributions during the subdivision of property.

Amendment C177bany seeks to implement recommendations of the *Banyule Public Open Space Contributions* (HillPDA, June 2026) background document, which underpins a proposed change to the public open space contribution rate.

Banyule's current schedule to Clause 53.01 provides for a 5% public open space contribution from subdivision or property where subdivision creates more than one additional separately disposable property (unless exemptions apply). The schedule is proposed to be updated to provide for a 7.5% public open space contribution (unless exemptions apply).

The method that has been used to calculate the 7.5% public open contribution is based on apportioning $149,517,252 (or 26.2%) of the cost of the above-mentioned investments to the forecast new population. The apportionment is based on the purpose and location of the proposed investments.

This cost is allocated to the estimated value of land to be subdivided over the forecast period ($1,993,239,718), which provides a percentage rate of contribution. The method is undertaken on municipal-wide basis. A single municipal contribution rate is proposed.

How does the amendment implement the objectives of planning in Victoria?

The amendment will implement the following objectives of planning in Victoria set out in section 4(1) of the ***Planning and Environment Act 1987***, by providing:

(a) To provide for the fair, orderly, economic and sustainable use, and development of the land.

The amendment achieves this objective by implementing the Banyule OSS for the city's updated public open space contribution rates for land development. Technical and expert analysis informed the updated rate.

(c) To secure a pleasant, efficient, and safe working, living and recreational environment for all Victoria and visitors to Victoria.

The amendment achieves this objective by enabling land developers to appropriately contribute to the city's changing open space network, by making an open space contribution when land development is proposed.

(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d), and (e).

The amendment achieves this objective by introducing **an** updated public open space contribution rate to guide decision-making for Banyule's public open space network, consistent with state and regional planning policy. The amendment also does this by:

- Collecting contributions for public open space, based on the need created by the new development.
- Enabling certainty and consistency for requiring public open space contributions.
- Enabling development to contribute towards to needs of the changing population.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The amendment provides the opportunity for new public open space to be delivered and the ability to upgrade existing open space. Open space can minimise the impacts of climate change and increase opportunities for active travel. Public open space can also include areas of high-value vegetation that can be conserved and provide new open space links to improve habitat corridors. Public open space also facilitates an increased canopy cover which promotes a healthier, cooler and more resilient environment.

Social Effects

The amendment will provide a strong benefit for the community through the provision of new public open space and the upgrade of existing open space. Public open space provides a range of social and community benefits by increasing social interaction, improving physical and mental health and providing for sporting pursuits and recreation.

Economic Effects

The amendment will result in more accurate financial resources to fund public open space projects. It will also provide certainty to developers, allowing improved cost planning and a more equitable means of distributing costs.

Does the amendment consider climate change?

While the amendment does not respond directly to Ministerial Direction 22 for Climate Change Considerations, the amendment will facilitate the collection of increased contributions for the provision of new open spaces and the enhancement of existing open space. Urban green spaces mitigate the "urban heat island" effect by providing natural cooling and shade, manage stormwater to reduce flood risks, and absorb carbon dioxide. Investing in this green infrastructure via contributions makes new housing areas more resilient to climate change impacts, ensuring the long-term viability of these developments.

Does the amendment address relevant bushfire risk?

The Amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because no increase in population growth or development is proposed in the area identified as having a Bushfire Management Overlay (BMO).

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction - the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*. The content has been drafted in line with this direction.

The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and outcomes it produces.

The changes proposed to the Banyule Planning Scheme are consistent with the following Pillar for Action from Plan for Victoria:

Pillar 3: Great Places Suburbs and Towns, enabling

- Green spaces are great spaces: Our parks, streets, homes and public places will be greener and cooler with more canopy trees and street trees.
- Great open space: To make sure you can enjoy great parks, reserves and other green public areas, we'll make sure they are suitable for all Victorians and close to homes.

The amendment supports this direction by enabling an appropriate collection of public open space contributions to implement the POSP for the city's changing open space network. Collected contributions will support the provision of open space in those areas that have limited access and the enhancement of existing open space areas that are under increased pressure.

The amendment further supports this pillar by enabling updated public open space contribution rates to implement the OSS for an open space network that is adaptive, cooling, and healthy. This includes enhancing and conserving natural habitats and biodiversity within the network.

How does the amendment support or implement the Planning Policy Framework?

The amendment supports the following clauses of the Planning Policy Framework:

- Clause 12: Environmental and Landscape Values, particularly the objective in Clause 12.05- 2S for Landscapes, which is 'to protect and enhance significant landscapes and open spaces that contribute to the character, identity and sustainable environments.'

The amendment supports this objective by enabling appropriate developer contributions, so the city's changing open space network and its infrastructure can better contribute to the character, identity and sustainable environments.

- Clause 15: Built Environment, particularly the objective in Clause 15.01-3S for Subdivision Design, which aims to 'ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods' and Clause 15.01-04S for Healthy Neighbourhoods, which aims to 'achieve neighbourhoods that foster healthy and active living and community wellbeing'.

  The amendment supports these objectives by enabling appropriate development contributions, so the city's changing open space network and its infrastructure can enable a mix of diverse open spaces that help to foster a healthy lifestyle and achieve community benefits from well-designed neighbourhoods.

- Clause 19: Community Infrastructure, particularly the objective in Clause 19.02-6S for Open Space, which aims to 'establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.'

  The amendment supports this objective by enabling appropriate developer contributions, so the city's changing open space network and its infrastructure can address any provision gaps.

How does the amendment support or implement any relevant strategic plan or policy statement adopted by a Minister, government department or public authority?

The amendment supports and implements relevant strategic plans and policy statements adopted by the Victorian Government by ensuring that public open space provision keeps pace with population growth and urban change, and by providing an equitable funding mechanism to acquire, improve and develop public open space.

The amendment gives effect to the objectives and strategies of Plan for Victoria, which seeks to create healthy, liveable and sustainable communities supported by a high-quality, accessible and connected network of public open spaces. Plan for Victoria recognises the importance of open space in supporting community health and wellbeing, climate resilience, biodiversity outcomes and neighbourhood liveability, particularly within established urban areas experiencing growth.

The amendment also supports the Victorian Government's Open Space for Everyone strategy, which guides the planning, management and delivery of a quality open space network across metropolitan Melbourne and Victoria. The strategy identifies the need to protect, optimise and grow public open space and improve equitable access to parks and recreation opportunities for current and future communities. Increasing the public open space contribution rate will assist Council to implement these objectives by securing funding to deliver additional open space and improvements to the municipal open space network.

The amendment is consistent with the Planning Policy Framework (PPF), particularly policies relating to the provision of accessible public open space, community infrastructure, liveable communities, environmental sustainability and planning for forecast population growth. By ensuring development contributes an appropriate share towards the acquisition and development of open space, the amendment supports the implementation of these State policy directions.

The amendment is further supported by Council's adopted open space strategy and associated technical work, which identify existing and future open space needs arising from population growth and changing community expectations. The increased contribution rate will help deliver the strategic open space outcomes identified through this evidence-based planning framework.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment is supplementary to Council achieving its housing targets. The amendment will facilitate an increased funding stream to acquire new open space and upgrade existing ones to meet the needs of a growing population. This ensures that the infrastructure is available concurrently with the new housing, which is vital for community support and successful development outcomes.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports Clause 02.03-8 (Infrastructure) of the Municipal Planning Strategy, which gives strategic direction for the city’s evolving public open space network. Council’s strategic Direction for open space and recreation is to:

Provide recreational and leisure facilities that meet the community’s needs and expectations, without causing detriment to the natural environment.

The increased public open space contribution rate will enable the acquisition, development and improvement of public open space required to meet the needs of Banyule's growing population, consistent with the strategic directions of the Banyule Public Open Space Plan 2016-2031.

How does the amendment balance any competing policy objectives or strategies?

The amendment appropriately balances competing policy objectives by supporting urban growth and redevelopment while ensuring sufficient public open space infrastructure is provided to meet the needs generated by that growth. Although the amendment increases development contributions, it promotes broader community, environmental and liveability outcomes by enabling the acquisition and improvement of public open space, supporting community health and wellbeing, and ensuring that development contributes fairly to the infrastructure required to support existing and future populations.

Does the amendment make proper use of the Victoria Planning Provisions?

The Schedule to Clause 53.01 is specifically provided in the Victoria Planning Provisions to allow planning authorities to establish open space contribution rates appropriate for their local circumstances. It is the most appropriate tool to guide decision-making in determining where land and financial contributions should be sought.

How does the amendment address the views of any relevant agency?

The views of any relevant agency will be sought during exhibition of the amendment.

Does the amendment address relevant requirements of the *Transport Integration Act 2010*?

This amendment does not have any significant impacts on the objectives and decision-making principles set out in the ***Transport Integration Act 2010***.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

This amendment has regard to the principles specified in Part 2 of the *Yarra River Protection (Wilipgin Birrarung murron) Act 2017* by enabling the collection of developer contributions that support changing public open space needs for:

- Decision making that supports public health and wellbeing.
- Protected environments and sustainable development.
- Environmental, social and cultural benefits.
- Recreational and management benefits.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority, as there is a process in place to gather public open space contributions under Clause 53.01 of the Banyule Planning Scheme.