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## **Part C - Submission by the Planning Authority Moreland City Council**

### **Right of reply**

Planning Scheme Amendment C212more  
Planning Scheme Updates and Corrections

**17 March 2022**

# 1. Introduction

1. This Part C submission is Council's right of reply to issues and points of clarification that have been raised by the Planning Panel.

## 2. Response to issues raised by the Panel

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### 2.1 Parking Management Policy

2. The Parking Management Policy (PMP):
  - Outlines tools that Council can use to manage parking in Moreland, including restrictions, permits and fees.
  - Provide guidelines on the conditions under which Council will apply parking restrictions.
  - Provide information on eligibility, application requirements and other conditions relating to parking permits.
3. Council's ability to manage car parking is provided for within the Local Government Act (LGA)1989 – schedule 11. Even though we have a new LGA 2020, the 1989 LGA is still in force. The management of parking (power to set restrictions, fees etc) is covered in Schedule 11 of the LGA.

### 2.2 Parking Implementation Plan

4. The MITS and the Parking Implementation Plan were developed hand in hand to ensure an integrated and holistic approach to delivering the future transport needs of Moreland.
5. The purpose of the Parking Implementation Plan was to provide further detail on car parking related actions in the MITS, both to provide strong justification for these changes and to provide further detail to guide implementation.
6. MITS 2019 including the Parking Implementation Plan introduced expansion of parking restrictions to most streets within Neighbourhood Centres and all streets within approximately 200 metres of the Brunswick, Coburg, and Glenroy Activity Centres.
7. Amendment C183 sought to implement the actions of the Parking Implementation Plan to establish parking provision requirements for new development within Moreland through the application of the Parking Overlay. This Amendment was abandoned, and the proposed changes were not actioned.
8. Council has since abandoned Actions 1 & 2 of the MITS including their implication in the Parking Implementation Plan. They also resolved to endorse the Draft Parking Management Policy (PMP) 2021 for community consultation, including several changes to reflect the abandoned actions and additional changes as proposed by council.
9. Consultation of this policy will be undertaken concurrently with the refresh of the Transport Strategy.

### **2.3 MITS 2019 Changes**

10. Council abandoned Actions 1 and 2 in December 2020. The initial text revisions to MITS 2019 reflecting the abandonment of these Actions were only noted by Council at their meeting of 14 April 2020. The remainder of the strategy continues to be in force and actively used by Council Officer in their determination of transport related projects.
11. The Strategy proposed targets for mode share change and Actions 1 and 2 were key actions in the MITS to achieve that mode share. Abandoning those actions will require Council to consider other alternatives to encourage sustainable transport uptake to meet those targets. The technical work to deliver the alternative targets will form part of the scope for the refresh of the transport strategy.
12. Council acknowledges that it is confusing that there are two documents. If the Panel considers that annotating each page of the MITS 2019 to reference the council report is confusing, it is suggested that a table outlining the changes that have been made to the strategy is prepared to accompany the document. This table can be provided by Friday 25 March 2022.

### **2.4 Language about transport needs in the planning scheme**

13. The Panel raised some questions relating to the language associated with those who need to drive and the user hierarchy.
14. Officers are supportive of revisiting the language, this is not considered to be a transformational to the amendment. Council respectfully requests that the wording is redrafted in collaboration with the relevant departments of council and provided to the Panel by Friday 25th March 2022.

### **2.5 Jackson Lane Legal Submissions**

15. In their submission at paragraph 30, Jackson Lane Legal outline strategic work that they believe should be undertaken:

*30. In equivalent work (i.e. the implementation of an integrated transport policy), the City of Yarra as planning authority has engaged traffic engineers to undertake detailed surveys, inspections and analysis (including swept paths) of the laneways that lie 'behind' the linear major activity centre strips of that City. This is the work that needs to be done by this planning authority to support implementation of the MITS in the manner proposed by this Amendment.*

*Work must be done to identify the width (and therefore the capacity) of the laneway networks supporting the activity centre strips such as Lygon Street to ensure that for those sites with primary frontage to the arterial roads and commercial zoning but which enjoy a secondary frontage to a lower order road can utilise that access for vehicle ingress and egress upon redevelopment in line with activity and housing growth policy.*

16. Council considers that issues raised by the submitter are relevant to their site only and need to be assessed on a case by case basis specific to the context and proposed development. A current application at VCAT has addressed this matter and a determination is expected by VCAT.
17. The Strategic work suggested by the submitter is not considered to be relevant to this amendment but will form part of any consideration of future development applications within the major activity centre.
18. The Panel also asked Council to turn their mind to the additional changes proposed by Jackson Lane Legal at paragraph 52 of their submission:

*52. If the Panel does not accept our client's submission that it would be premature to progress to make the proposed changes to the MPS and PPF in relation to transport in the absence of further strategic work, our client requests the Panel consider recommending changes to the relevant clauses:*

*52.1 Adding an additional dot point at clause 02.03-7 that reads:*

*In the assessment of permit applications that achieve housing growth, adopting an evidence based assessment approach to vehicle access and egress acknowledging that lower order roads in activity centres have limited width and capacity.*

*52.2 Adding an additional dot point at clause 18.02-1L that reads:*

*Ensure that an evidence-based assessment approach is taken when considering the location of vehicle access and egress given that lower order roads in activity centres have limited width and capacity.*

19. These changes are not supported by Council as further strategic work is not considered necessary at this stage.

### **3. Conclusion**

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20. Amendment C212more seeks to improve the operation of the PS and planning permit decision making by introducing new policy content, new planning permit application requirements, and correcting several anomalies and errors/inconsistencies identified in the PS.
21. The Amendment improves the effectiveness and performance of the PS by implementing recommendations from the Planning Scheme Review Report 2018, updating content in line with Council adopted strategies and correcting several zoning, and overlay anomalies and other errors.
22. In Council's view the Amendment is strategically justified. It further fulfils Council's statutory obligations as a responsible authority to implement the objectives of the Act, and to implement State and Local objectives, strategies in the PPF, Plan Melbourne and Municipal Planning Strategy as well as relevant guidelines and practice notes.
23. It is respectfully submitted that the Panel recommend approval of Amendment C212more with the changes supported by Council and proposed in this submission.

24. This concludes Council's Part C Submission.

**END OF PART C SUBMISSION**

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