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

Planning Scheme Amendment C212more  
Planning Scheme Updates and Corrections

**17 March 2022**

**TRIM: D22/91662**

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# 1. Introduction

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1. This submission is made by Moreland City Council (**Council**). Council is the Planning Authority for C212more (**the Amendment**) to the Moreland Planning Scheme (**PS**).
2. My name is Angela Schirripa. I am a Principal Strategic Planner at Council and I will be presenting Council's submission to the Panel on the Amendment.
3. I will be assisted throughout the submission by Kim Giaquinta, Unit Manager Strategic Planning at Moreland City Council who has overseen the preparation and management of the Amendment in her role as my direct supervisor.

## 1.1 Structure of submission

4. This submission forms Part B of Council's Submission to the Panel. Part A was circulated as directed by the Panel on the 10 March 2022 and provides the strategic justification for the Amendment and overview of the Amendment process undertaken.
5. Part B addresses submissions received because of the public exhibition of the Amendment and specific matters as directed by the Panel.
6. Council's Part B Submission will be presented in the following format:
  - Brief overview of the Amendment.
  - Key issues raised in submissions and response.
  - Further changes proposed to the Amendment in response to submissions.
  - Council's final position on the Amendment.
7. It is not Council's intention to run through the strategic justification and the process that was undertaken for the Amendment except where relevant to a key issue. A detailed assessment is contained within Council's Part A submission.

## 2. Overview

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8. The Amendment as exhibited sought to improve the operation of the Moreland Planning Scheme (**PS**) and planning permit decision making by introducing new policy content, new planning permit application requirements, and correcting a number of anomalies and errors/inconsistencies identified in the PS.
9. The Amendment was exhibited from 7 October 2021 to 5 November 2021 in accordance with Section 19 of the *Planning and Environment Act 1987* (**the Act**) and proposed to:
  - a. Delete Design and Development Overlay Schedules 7 (**DDO7**) and 9 (**DDO9**).
  - b. Introduce new policy content into the following clauses of the PS to give effect to Council adopted strategies and recommendations from the *Moreland Planning Scheme Review Report 2018* (**PSR**), provide clarification on existing content and correct errors/inconsistencies:
    - i. Clause 2.03-2 Environment and landscape values.
    - ii. Clause 2.03-6 Economic development.
    - iii. Clause 2.03-7 Transport.
    - iv. Clause 2.04 *Open space* Strategic Framework Plan.
    - v. Clause 2.04 *Economic development* Strategic Framework Plan.
    - vi. Clause 11.03-1L Activity centres.
    - vii. Clause 12.01-1L Biodiversity.
    - viii. Clause 15.01-1L Urban design.
    - ix. Clause 15.01-3L Heritage.
    - x. Clause 16.01-4L Housing affordability.
    - xi. Clause 17.01-1L Core industry and employment areas.
    - xii. Clause 17.01-1L Employment areas.
    - xiii. Clause 18.02-1L Sustainable transport in Moreland.
    - xiv. Clause 18.02-2L Public transport in Moreland.
    - xv. Clause 43.02-16 Design and Development Overlay – Schedule 16.
    - xvi. Schedule to Clause 72.08 Background documents.
  - c. Introduce application requirements requiring the submission of 3D models for developments of four or more storeys in the following Design and Development Overlays (**DDOs**):
    - i. DDO18 (Brunswick Activity Centre – Sydney Road and Upfield Corridor);
    - ii. DDO19 (Brunswick Activity Centre – Lygon Street Local Area);
    - iii. DDO20 (Brunswick Activity Centre – Nicholson Street Local Area);
    - iv. DDO22 (Land Bound by Barkly Street to North, Nicholson Street to the East, Brunswick Road to the South, Brunswick East);
    - v. DDO23 (Balfe Park Precinct, Brunswick East); and
    - vi. DDO24 (Neighbourhood Centres).
  - d. Correct zoning anomalies for public and privately owned land by rezoning the following land:

- i. 6 McDonald Street, Coburg from the Public Use Zone – Schedule 5 (**PUZ4**) Industrial 1 Zone (**IN1Z**).
  - ii. 41-43 Service Road, Coburg from the General Residential Zone (**GRZ**) to the Public Park and Recreation Zone (**PPRZ**).
  - iii. 1, 3 & 7 Leonard Street, Fawkner from the GRZ to the PPRZ.
  - iv. 43 Kernan Street, Pascoe Vale from the Neighbourhood Residential Zone (**NRZ**) to the PPRZ.
  - v. 33 Outlook Drive, Glenroy from the NRZ to the PPRZ.
  - vi. 2 Derby Street, Fawkner from the NRZ to the PPRZ.
  - vii. 104-110 Newlands Road, Coburg North from the IN1Z to the PPRZ.
  - viii. 1 West Street, Brunswick from the Commercial 1 Zone (**C1Z**) to the PPRZ.
  - ix. 55-61 Tinning Street, Brunswick from the Industrial 3 Zone (**IN3Z**) to the PPRZ.
  - x. 14 Frith Street, Brunswick from the Mixed-Use Zone (**MUZ**) to the PPRZ.
  - xi. 260 Sydney Road, Brunswick from the CIZ to the PPRZ.
  - xii. 132-134 Cardinal Road, Glenroy from the NRZ to the PPRZ.
  - xiii. Lygon Street, between Brunswick Road and Park Street, Brunswick from the Road Zone 1 (**RZ1**) to the C1Z.
- e. Applying the Environmental Audit Overlay (**EAO**) to land previously zoned commercial or industrial that is proposed to be rezoned to PPRZ.
  - f. Apply Heritage Overlay 246 (**HO246**) to the entirety of 20 Dawson Street, Brunswick and amend the Schedule to Clause 43.01 (Heritage Overlay) and the Schedule to Clause 72.04 (Incorporated documents) to introduce a new Statement of Significance for the site.
- 10. A summary table of the changes proposed by the Amendment and strategic work informing the proposed changes was provided as part of Council's Part A submission.
  - 11. A total of 13 submissions to the Amendment were received during the exhibition period and two (2) late submissions.
  - 12. On 8 December 2021, Council resolved to request the Minister for Planning to appoint a Panel in accordance with Part 8 of the Act to consider submissions.

### 3. Summary of issues raised in submissions

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13. In total, 13 submissions were received regarding the Amendment.
14. Council will address key issues raised across the submissions below.

#### 3.1 Planning Policy Framework

15. Eight submitters raised concerns about proposed changes to the Municipal Planning Strategy (**MPS**) and Planning Policy Framework (**PPF**). Council will address each concern below.

##### 3.1.1 Proposed changes to Clause 2.03-7 Transport

16. Seven submitters had concerns with the proposed changes to Clause 2.03-7 Transport. These concerns can be further summarised as follows:
  - The wording 'those who need to drive' included at Clause 2.07-3 Transport is biased towards drivers (one submission) and changes should be made to either better define what is meant by 'those who need to drive' or include reference to people who cannot drive (three submissions).
  - The road user hierarchy (**the hierarchy**) included at Clause 2.03-7 is too simplistic (three submitters).
17. Inclusion of wording 'those who need to drive'.
18. Reference to "people who need to drive" in the text at Clause 2.03-7 Transport was included in response to changes noted to the *Moreland Integrated Transport Strategy 2019 (MITS 2019)* at the 14 April 2021 Council meeting.
19. Inclusion of this text recognises that some people still need to drive while Council promotes and transitions to more sustainable modes of travel.
20. Council recognises however that some people choose not to travel by car, want to reduce their reliance on cars, or cannot afford to travel by car.
21. To ensure the MPS provides equal recognition to the different transport users across the municipality, Council has proposed changes to Clause 2.03-7 to include the following additional text under the first strategic direction:
  - Planning for a transport network that:
    - Caters for all ages, is accessible and equitable, including recognition that some people need to drive **and that some people choose not to travel by car, want to reduce their reliance on cars or can't afford to travel by car.** [emphasis added]
    - .....

22. The additional wording also reflects Council's commitments in the Council Plan 2021-2025 (**Council Plan**) set out under Theme 2: Moving and living safely in Moreland.
23. Theme 2 aims to increase safe, accessible, physically active, and enjoyable ways to get around Moreland, especially via walking, cycling and public transport. This is reflected in several strategies of the Council Plan focusing on improving bike and pedestrian infrastructure and public transport.
24. The MPS also ensures the needs of people who need or choose to walk, ride or catch public transport are considered through inclusion of a strategic direction around prioritising Moreland's transport system according to a 'road user hierarchy' in which pedestrians, cyclists and public transport are prioritised over private vehicles.
25. Furthermore, Council's delivery of road space reallocation projects will provide investment in walking, cycling and public transport, making these sustainable options more appealing across a wider variety of purposes, distances, and personal circumstances.
26. In terms of defining a specific list of users who 'need to drive', it is not possible to do this given the number of different reasons why someone might choose to drive. For example, a 'need to drive' can be determined by many factors such as the purpose of journey, distance, and personal circumstance, among others.
27. Road user hierarchy
28. Three submitters raised concerns with the hierarchy, with two submitters finding it 'simplistic'.
29. The hierarchy supports the implementation of MITS 2019. It summarises the transport network users that Council prioritises in making improvements to Moreland's transport network, advocacy or in assessing infrastructure proposals.
30. It outlines the indicative function, role, characteristics, and users to be prioritised on key roads within our transport network.
31. For example, in making improvements to a transport corridor, Council will ensure high-quality pedestrian facilities (including crossings) are in place to, along and/or across the corridor as a priority. Council will then ensure the corridor can be accessed safely and conveniently by cyclists and people using public transport over people who drive.
32. The inclusion of the hierarchy in the MPS supports and provides the basis for the strategies found at Clauses 15.01-1L Urban design, 18.02-1L Sustainable transport in Moreland, and 18.02-2L Public transport in Moreland, relating to the reallocation of road space and car parking.
33. This is reflected in the following headline strategy of MITS 2019:
  - *Reallocate road space and car parking according to the road user hierarchy.*
34. The hierarchy also supports Council's commitments in the Council Plan 2021-2025 (**Council Plan**) set out under Theme 2: Moving and living safely in Moreland.

35. In terms of the 'simplicity' of the hierarchy, submitters highlighted that it does not include more groups of users such as freight, delivery, trade, and emergency vehicles.
36. The hierarchy has been summarised into four broad user categories. These broad categories encompass smaller sub-categories. For example, 'people who are using public transport' includes train, tram, and bus patrons. Similarly, 'people who drive' includes private vehicles, ride share, commercial passenger vehicles, freight, delivery, and trade vehicles.
37. When making decisions using the hierarchy, consideration is given to all these sub-categories when each broader category is considered. For example, access to emergency vehicles is considered as part of the detailed design of an infrastructure project and the inclusion of the hierarchy in the PS would not prevent this.

### 3.1.2 Proposed changes to 11.03-1L Activity centres

38. One submitter did not support the proposed strategy which ensures residential uses do not undermine the viability of businesses operating in activity centres, arguing that existing residents should not be denied rights to amenity, including the peaceful enjoyment of their homes.
39. The submitter also recommended additional wording be included in the second strategy to this Clause as follows:
  - Support the continued operation of existing noise generating uses, **that meet EPA standards.**  
[additional wording in bold]
40. The planning scheme provides guidance for decision makers to balance competing interests of housing and other activities.
41. However, tempering expectations of residential amenity within a designated activity centre is supported by the State planning strategies of Clause 11.03-1S.
42. These include ensuring activity centres are a focus for business, working, leisure and community facilities as well as supporting the continued growth of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
43. Regarding including the additional wording 'that meet EPA standards', the PS contains several policies that address noise generating uses. State planning policy at Clause 13.05-1S Noise abatement seeks to assist the control of noise effects on sensitive land uses and includes as a policy guideline that consideration be given to the noise requirements of the Environment Protection Regulations.
44. Similarly, Council's local policy on noise abatement at Clause 13.05-1L implements the 'agent of change' principle, requiring the design of new residential and mixed-use (incorporating residential) developments to minimise the potential negative amenity impacts of existing non-residential uses nearby.
45. Council also requires entertainment venues and licensed premises limit or manage potential negative amenity impacts, including noise emissions, through design and noise attenuation measures (Clause



13.07-1L Entertainment venues and licensed premises). This includes consideration of relevant State Environmental Protection Policies such as *the State Environment Protection Policy (SEPP) No. 1 – Control of Noise from Commerce Industry and Trade* and *SEPP No. 2 – Control of Music Noise from Public Premises*.

### **3.1.3 Proposed changes to Clause 12.01-1L Biodiversity in Moreland**

46. One submitter opposed the proposed changes to Clause 12.01-1L.
47. Council has a strong commitment to biodiversity as expressed in several different Council strategies, including the *Moreland Nature Plan*, and the *Urban Forest Strategy 2017-2027*.
48. Specifically, Council's *Urban Forest Strategy*, aims to promote and encourage the transformation of Moreland into a municipality where healthy trees and vegetation are a core part of the urban environment.
49. This includes through protecting and enhancing the urban forest in both the public and private realms, creating a diverse urban forest of trees and other vegetation that will enhance urban ecology and maintaining the health of the urban forest.
50. Similarly, the *Nature Plan* seeks a more diverse, connected, and resilient natural environment for Moreland where indigenous plants and animals thrive in a challenging and changing environment.
51. The changes to Clause 12.02-1L strengthen Council's commitment by implementing the above strategies into the Planning Scheme.
52. Council's strong commitment to biodiversity is also reflected in the Council Plan at Theme 1: An environmentally proactive Moreland.
53. Theme 1 aims to strive for maximum protection of people's health, plants, and animals through leading an urgent response to the climate emergency and a regeneration of our natural environment. This includes through the planting of more trees and the protection of existing ones.
54. Council also provided support of the biodiversity actions in the draft *Northern Metro Land Use Framework Plan (Appendix 1)*. These actions included:
  - Action 12: Prepare a regional biodiversity strategy to protect, manage and enhance habitat corridors and increase their interconnectivity across urban and rural areas.
55. One submitter supported the changes as the provision of more shady trees would encourage people to walk more.

### **3.1.4 Clause 13.07-1L Discretionary uses**

56. One submitter contends that the changes made to the preferred location of childcare centres along roads in a Road Zone or a Collector Road at Clause 13.07-1L Discretionary uses during the translation of Council's LPPF to the PPF as part of Amendment C200more was not policy neutral.

57. They have requested that the policy be amended to reflect the preferred location as being along collector roads only per the existing local policy.
58. Changes to Clause 13.07-1L do not form part of Amendment C212more. As such, Council cannot consider any changes to this Clause through this process.
59. Council is undertaking a review of its PS this year in accordance with its requirements under Section 12B of the Act.
60. This is the most appropriate time to consider the issues raised by the submitter.

### **3.1.5 Proposed changes to Clauses 15.01-1L Urban design, 18.02-1L Sustainable personal transport in Moreland and 18.02-2L Public transport in Moreland**

61. Four submitters raised concerns about the proposed inclusion of strategies relating to the reallocation of road space and car parking at Clauses 15.01-1L, 18.02-1L, and 18.02-2L.
62. Three of these submitters argued that the strategies are inconsistent with the Council Plan and should be considered on a case by case basis.
63. Reallocating road space and car parking is a headline strategy of MITS 2019 in helping to promote and transition to more sustainable modes of transport.
64. As a strategy in the PS, it describes how the strategic directions in Clause 2.03-7 will be achieved across the municipality, specifically the strategic direction introducing the hierarchy. It does not nominate specific projects.
65. For all road space reallocation projects led by Council, Council will develop technical and strategic justification in collaboration with the community.
66. One submitter also argued that the proposed changes interfere with the rights of owners and occupiers to have access to the road that adjoins their land under s9 of the *Road Management Act 2004*.
67. This submitter also argued that road reallocation will only be successful if the PS has car parking plans and parking overlays for every suburb and precinct in Moreland and requires increased off-street parking provision in new developments.
68. The changes proposed in the PS do not interfere with the rights and owners to have access to the road that adjoins their land.
69. When assessing applications for new development or a road space reallocation, Council ensures permitted access to private land remains.
70. Furthermore, the PS regulates land use and development. It provides a clear and consistent framework within which decisions about the use and development of land can be made. It does not override other laws relating to roads, traffic, and parking.

71. Regarding the need for car parking plans and overlays and increased off street parking, Council does not agree that these are required for road reallocation to be successful.
72. Four submitters supported the inclusion of these strategies.

### **3.1.6 Changes to Clause 15.03-1L Heritage in Moreland**

73. One submitter opposed the inclusion of the policy document at Clause 15.03-1L Heritage in Moreland, '*Guidelines for Assessing Planning Permit Applications*' (Heritage Victoria 2000).
74. They contend that it is outdated and predates current heritage thinking. Because of this, the document should not be included as a reference document in the Scheme.
75. The submitter also contends that the 2000 guidelines were circulated but did not receive support in the industry. These guidelines were then superseded by the 2007 document titled: *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications, Public Draft February 2007*.
76. According to the submitter, the 2007 guidelines also received a negative response and Heritage Victoria abandoned the project.
77. Council contacted Heritage Victoria to understand the history of the two documents and whether the guidance within them still constituted good advice.
78. Heritage Victoria provided the following background to the guidelines:
- The 2000 guidelines were prepared by Heritage Victoria and distributed to all Victorian councils and local government heritage advisors for comment.
  - The document then went through a lengthy seven-year review process which was largely driven by the Heritage Council of Victoria. This review resulted in the 2007 guidelines.
  - Further work on the document has not progressed and there are no plans to further review the 2007 guidelines. This is due to the ceasing of Heritage Victoria's local government programs in 2013 and changes that have occurred to the heritage overlay head of power in recent year.
79. Irrespective of this, Heritage Victoria consider that the contents of the documents still constitute good advice.
80. A copy of Heritage Victoria's response to Council is provided at **Appendix 2**.
81. Clarification was sought from Council's Heritage Advisor on whether the 2000 or 2007 guidelines should be referenced in the PS. It was confirmed that the 2007 guidelines were correct. A copy of the 2007 guidelines are provided at **Appendix 3**.
82. The 2007 guidelines are used by Council's Heritage Advisor to reinforce the policy statements in the PS or to provide justification where the heritage local policy does not go into enough detail.
83. They provide a good supplement to Councils heritage policy, providing more detail on what the key considerations are for assessing applications for a wide range of works to heritage places. The

considerations are explained and demonstrated to an extent that is far more comprehensive than could be included in the planning scheme itself.

84. Council has also recently advocated for consistent guidelines for local heritage that can be used across the state. This was put most recently to the State Government in the Council officer submission to the Parliamentary Inquiry into the Protections within the Victorian Planning Framework where Council stated that such guidelines (**Appendix 4**):
- Would provide guidance on maintaining and modifying heritage properties, including climate adaptation.
  - Should be in a form that means they can be used by planners, designers, and homeowners.
  - Should be themed for ease of use and application i.e. fences, external alterations
  - Will assist in consistent messaging and decision making across the state.
85. Council contends that in the absence of this work occurring, the guidelines are based on good conservation practice that is applicable across the State to all municipalities managing heritage places. They provide useful information and general advice to applicants making them suitable for inclusion as a background document in the PS.
86. It is noted that the 2007 guidelines were previously referenced in Council's Heritage Local Policy at Clause 22.06. Reference to the guidelines were removed in error during the translation of Council's LPPF to the PPF.
87. Council proposes updating Clauses 15.03-1L and 72.08 Background documents to reference the 2007 version as was previously exhibited. The changes are provided at Section 4.

### **3.1.7 Changes to Clause 16.01-2L Housing affordability in Moreland**

88. One submitter suggested that the wording 'affordable housing' should be removed from the proposed strategy at Clause 16.01-2L as it does not define the length of time the housing will remain affordable.
89. Council does not support the suggested changes. The use of 'affordable housing' aligns with Council's Affordable Housing Action Plan 2021/22 and the Act.
90. The Act defines affordable housing as housing, including social housing, that is appropriate to the needs of very low, low, and moderate-income households.
91. In terms of deciding what is appropriate for the needs of these income groups, regard must be had to the matters specified in the Ministerial Notice for 3AA(2) of the Act. This includes longevity (implying the housing should be kept as affordable housing over time) and the type of housing (in terms of form and quality).

### 3.2 Inclusion of MITS 2019 in the Moreland Planning Scheme

92. Two submitters opposed the inclusion of MITS 2019 in the PS because Council is proposing to review the strategy. They consider that updates to the PS should not happen until this review is finished and the recommendations of the Panel for Amendment C183more are considered.
93. While Council resolved at the April 2021 begin further work to revise MITS 2019, this may take some time to complete. Until this occurs, MITS 2019 will continue to be used to make transport related decisions across the municipality.
94. As such, some changes to the PS are needed to ensure the most recently adopted MITS is referenced. This will ensure consistency across Council decision-making and avoid confusion amongst users of the PS.
95. Council's Part A submission provides commentary on the outcomes of C183more and the recommendations of the Panel.
96. These recommendations centred around the need for Council to undertake more localised, evidenced-based work in relation to the parking overlays and the use of maximum parking rates.
97. The Panel also recommended adoption of the proposed changes to Council's LPPF. These changes included introducing the objectives of MITS 2019 and reallocation of road space and existing car parking which have been incorporated into the Amendment.
98. One submitter also raised concerns that the version of MITS 2019 that was exhibited with the Amendment did not include the changes to the strategy noted at the 14 April 2021 Council.
99. As set out in Section 10.1 of the Council's Part A submissions, Council responded to this submission by placing a note on the front of MITS 2019 and subsequent pages advising that it should be read in conjunction with the April 2021 resolution.
100. The changes proposed by the Amendment have also considered the changes to MITS noted at the April 2021 meeting.
101. This submitter also questioned why the MITS Appendix, MITS Technical Appendix, MITS Background Report Part A and the Parking Management Policy (**PMP**) have not been included at Clause 72.08 Background documents.
102. *A Practitioners Guide to Victorian Planning Schemes (the Guide)* provides the following explanation of the purpose of background documents (page 86):

*Background documents provide information to explain the context in which a particular policy has been framed. They may explain why particular requirements are in the planning scheme, substantiate a specific issue or provide background to a provision.*

103. Council maintains that MITS 2019 is the most appropriate document to include as a background document in the PS. It is the overarching strategy that has informed changes to the PS and has been included to provide background and context to the changes made.

### **3.3 Application of the EAO**

104. The Environment Protection Authority (EPA) requested further information be added to the explanatory report to support the application of the EAO to the following properties (see Reference Document 4B):
- 260 Sydney Road, Brunswick.
  - The extension of the EAO over the entirety of 1 West Street, Brunswick; and
  - Other land proposed to be rezoned.
105. Sections 5.4 and 10.1 of Council's Part A submission sets out Council's response to the EPA's request for further information. The EPA confirmed they were supportive of the changes made to the explanatory report regarding 1 West Street, Brunswick and the other land proposed to be rezoned.
106. A copy of this correspondence from the EPA was also provided as part of Council's Part A submission (see Reference Document 4C).
107. The EPA's advice regarding the explanatory report confirming whether 260 Sydney Road, Brunswick is contaminated remains unchanged.
108. Council has since undertaken preliminary soil testing for the site which has found that it contains filling with reported concentrations classifying it as contaminated. Additional testing, including soil leaching, is still to occur.
109. The site is currently being used as a temporary park that does not require construction works. It was purchased using the funds collected from open space contributions. Council has an obligation to rezone land purchased using these contributions to the PPRZ within a reasonable timeframe.
110. Applying the EAO at the time of rezoning ensures that any contamination risk is considered as part of future works to construct a permanent park.
111. Based on this, Council maintains application of the EAO is appropriate.
112. Council proposes changes to the explanatory report to reflect the soil testing has been undertaken and to respond to the EPA's request for further information. These changes are set out in Section 4.

### **3.4 Open space**

113. One submitter suggested that instead of a *Park Close to Home*, Council should purchase the warehouses and houses that divide the parks on Albert Street to make one larger park.
114. The submitter also suggested that development surrounding this space should be limited to 4/5 storeys as proposed four-five years ago.

115. The Amendment seeks to incorporate references to *A Park Close to Home* within the MPS and PPF and as background document at Clause 72.08. The purpose of a *Park Close to Home* is to create and improve open space in areas of Moreland with no parks within walking distance.
116. Areas that need open space the most should be prioritised in terms of Council funding. This includes areas of Brunswick to the north, east and south of the parkland on Albert Street, which are areas of high and medium priority.
117. The Amendment is not proposing changes to the built form surrounding the Brunswick Central Parklands. Council is preparing a 10-year plan to better protect and enhance these parklands and consultation is currently underway on the plans vision, ideas, and opportunities for the Parklands.

### **3.5 Citizens Advisory Committees**

118. One submitter considered that Council should have convened Citizen Advisory Committees to first consider the proposed changes and wording to the PS as set out in Council's Governance Rules and *Community Engagement and Public Participation Policy 2020 (Engagement Policy)*.
119. Council contends that convening Citizen Advisory Committees were not necessary or required to consider the proposed changes to the PS.
120. The Engagement Policy sets out that these Committees will play a key role in providing early advice to Council about significant strategies and policies it is *initiating* (emphasis added).
121. The changes proposed by the Amendment implement already adopted Council strategies. As set out in Section 6 and Appendix 6 of Council's Part A submission, these strategies have gone through community engagement as part of their development.
122. The Engagement Policy (see Reference Document 7B) also sets out that community engagement on town planning is guided by the Act and that due to these statutory requirements, Council will typically engage at the level of 'consult'.
123. As set out in Council's Part A submission, the Amendment has been exhibited and the community given a chance to put in a submission on whether they support or do not support the changes per the requirements of the Act. They have also been given an opportunity to be heard by an Independent Planning Panel.

### **3.6 Traffic concerns/Bike lanes**

124. One submitter opposed the Amendment and reflected that an increase of development would generate more traffic issues, when more bike lanes are needed.
125. One submitter did not support the bike lanes installed along Kent and Northumberland Roads, Pascoe Vale. Separated bike lanes were installed on these roads as well as other sites in Pascoe Vale to create the "Coburg to Glenroy Bicycle Link".

126. The Amendment introduces high level policy direction to align with MITS 2019 and noted changes per the 14 April 2021 Council meeting.
127. The bike lanes along Kent and Northumberland Roads do not form part of the Amendment. Council undertook further consultation on the Kent Road bike lanes throughout October – November 2021 and resolved to complete the 12-month trial for the bike lanes to collect more data on usage by pedestrians, cyclists and car drivers before a decision is made on the final option. Council will determine the future of the trial later this year.
128. Northumberland Road, and other trial separated bike lanes, will be subject to separate community engagement activity. Council will determine the future of the trial later this year.
129. The references proposed in the planning scheme in relation to sustainable and active transport do not impact on this engagement activity or outcome.



## 4. Further changes to the Amendment

### 4.1 Changes in response to submissions

130. Council proposes the following additional changes to the Amendment in response to submissions:

Submission No.	Affected Land/Planning Policy	Proposed Change	Reason for Change
2	Explanatory Report	Added text confirming that 260 Sydney Road, Brunswick is contaminated under the section 'Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?'	Addresses EPA concerns.
8	Clause 15.03-1L Heritage in Moreland. Clause 72.08 Background documents	Update the reference to the policy document <i>Guidelines for Assessing Planning Permit Application</i> (Heritage Victoria, 2000) to:  <i>The Heritage Overlay: Guidelines for Assessing Planning Permit Applications</i> (Heritage Victoria, 2007)	Reference correct guidelines.

### 4.2 Changes in response to Amendment VC204

131. Council's Part A submission set out at Section 7.7, the changes to the PPF introduced via Amendment VC204.

132. In addition to the above changes, Council also proposes the following changes in response to Amendment VC204:

Affected Clause	Proposed Change
Clause 18.02-1L Sustainable personal transport in Moreland	<ul style="list-style-type: none"> <li>Relocated to Clause 18.02-2L to align with new Clause 18 structure (change made as part of VC204).</li> <li>Renamed to Clause 18.02-2L Cycling in Moreland.</li> <li>Reference in strategy to 'pedestrians' removed.</li> </ul>
	<ul style="list-style-type: none"> <li>Introduce a new local policy at Clause 18.02-1L Walking in Moreland with the proposed strategy on reallocation of road space and car parking included here, with reference to 'cycling' removed.</li> </ul>

Affected Clause	Proposed Change
Clause 18.02-2L Public transport to Moreland	<ul style="list-style-type: none"> <li>Relocated to Clause 18.02-3L Public transport in Moreland to align with the relocation of the corresponding State policy</li> </ul>
Clause 72.08 Background documents	<ul style="list-style-type: none"> <li>Update to Clause references.</li> </ul>

### 4.3 Final version of Amendment documentation

133. A final version of Amendment documentation has been included at **Appendix 5**. This includes the following amendment documentation that has been changed to incorporate the changes listed above:

- Explanatory report.
- Clause 15.03-1L Heritage in Moreland.
- Clause 18.02-1L Walking in Moreland.
- Clause 18.02-2L Cycling in Moreland.
- Clause 18.02-3L Public transport in Moreland.
- Clause 72.08 Background documents.

## 5. Final Position on the Amendment

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134. 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.
135. In Council's view the Amendment is strategically justified. 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.
136. 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.
137. It is respectfully submitted that the Panel recommend approval of Amendment C212more with the changes supported by Council and proposed in this submission.

## 6. List of Appendices

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List of Appendices	
Appendix No.	Document Title
Appendix 1	Council Submission to Northern Metro Land Use Framework Plan
Appendix 2	Copy of Heritage Victoria Correspondence
Appendix 3	The Heritage Overlay: Guidelines for Assessing Planning Permit Applications (Heritage Victoria, 2007)
Appendix 4	Council Submission to Parliamentary Inquiry into the Protections within the Victorian Planning Framework
Appendix 5	Final version of amendment documentation incorporating changes