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Part A - Submission by the Planning Authority Moreland City Council

Planning Scheme Amendment C201more
Sheppard/Norris Industrial Land Rezoning

1 August 2022

TRIM: D22/329336

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1. Introduction

1. This document forms the 'Part A' submission to the Planning Panel for Amendment C201more (**the Amendment**) to the Moreland Planning Scheme (**PS**). The Moreland City Council (**Council**) is the Planning Authority for the Amendment.
2. The Panel has directed Council to provide its 'Part A' submission by 1 August 2022 and to address several matters in its submission as listed below:
 - a) Background of Amendment including a chronology of events.
 - b) A brief strategic context noting that the land is identified for transition to residential in the planning scheme.
 - c) Issues identified in submissions
 - d) Any suggested changes to the Amendment in response to submissions.
3. A response to each direction is provided in Sections 3 -7 of this submission.
4. Council's 'Part B' submission will be circulated on 12 August 2022. It will address the following matters set out in the Panels directions dated 20 July 2022. These are:
 - a) its response to submissions and evidence
 - b) its final position on the Amendment.

2. Overview of Amendment C201

5. The Amendment as exhibited sought to rezone land at 3-5, 4, 6, 7, 8, 10 and 16-20 Sheppard Street Coburg North, 2-4 and 6 Norris Street Coburg North, Part of 39A Shorts Road, and the former right of way abutting the western boundary of 11 Norris Street Coburg North (**the Precinct**) as follows:
 - From Industrial 3 Zone to General Residential Zone Schedule 1 (13 properties).
 - From Industrial 3 Zone to Mixed Use Zone (five properties).
 - From General Residential Zone Schedule 1 to Mixed Use Zone (one property).
6. The Amendment also proposed the following changes:
 - Insert a new Schedule 5 to the Incorporated Plan Overlay (**IPO5**) to the PS.
 - Apply the IPO5 to 16 properties.
 - Apply the Environmental Audit Overlay (**EAO**) to 13 properties
 - Amend Clause 02.04 by altering the Residential Framework Map to include the precinct within the land identified for Significant Change.
 - Amend the Schedule to Clause 72.03 to include reference to map 8IPO.
 - Amend the Schedule to Clause 72.04 to include reference to the *Sheppard and Norris Street Coburg North Incorporated Plan, 2021 (Incorporated Plan)*.
 - Amend the Schedule to Clause 74.01 to correct typographical errors and include reference to the use of the Design and Development or Incorporated Plan Overlays where a statement of desired future character is required.
7. The Amendment was exhibited from 7 April 2022 to 13 May 2022 in accordance with Section 19 of the *Planning and Environment Act 1987 (the Act)*:
8. A total of 6 submissions were received to the Amendment and considered by Council.
9. On 8 June 2022, Council resolved to request the Minister for Planning to appoint a Panel in accordance with Part 8 of the Act to consider submissions. At this meeting Council also resolved to refer any late submissions to the Independent Planning Panel appointed to consider the Amendment and submissions.
10. An additional resolution was made at this meeting that has resulted in a change to the amendment since exhibition:
 5. *Amends the draft Schedule 5 to the Incorporated Plan Overlay to include a decision guideline that requires seeking the views of adjoining owners and occupiers (outside of the precinct) before a decision is made about a planning permit application to use or develop land in that part of the precinct in the General Residential Zone and that this will be included in Council's submission to*

an Independent Planning Panel and authorises the Director Place and Environment to finalise the wording of the decision guideline.

11. The IPO5 has been updated to action this resolution and will be further discussed in Section 7 of this submission.

3. Background to the Amendment

3.1 Moreland Industrial Land Strategy 2015 - 2030

12. The Moreland Industrial Land Strategy 2015 – 2030 (**MILS**) was adopted by Council in July 2016. The MILS replaced the Moreland Industrial Land Use Strategy 2004 (**MILUS**), which recommended a comprehensive review after 10-15 years. MILS was implemented into the PS through Amendment C158, gazetted on 6 April 2017.
13. The MILS provides a coordinated and evidence-based approach to managing growth and strengthening our local economy. It complements Council's objectives for creating a sustainable urban environment where people have access to jobs and business services near to where they live, and it ensures we are planning for local employment opportunities now and for future generations.
14. The MILS, and associated background work which underpinned it, provides a comprehensive analysis of the changing nature of employment in Moreland and implications for industrially zoned land. It categorises all industrial land, by site or precinct, into one of three strategic categories as follows:
 - Category 1: Core Industrial and Employment Areas - Maintain land for industry and other employment uses; or
 - Category 2: Employment Uses - Support a transition to a broader range of employment uses and seek to prioritise employment uses over residential uses; or
 - Category 3: Transition Residential Areas - Support change in some areas to facilitate quality residential development that contributes to housing supply.
15. A copy of MILS is provided at Appendix 1.
16. MILS identifies the land affected by the Amendment as Category 3: Transition Residential Areas. It sets out the following directions for these areas:

Category 3 – Transition-Residential Areas

PURPOSE: Facilitate a transition to quality residential environments which contribute to Moreland's housing supply.

APPLIED TO: Small areas of industrial and employment land that are surrounded by residential zoned land or other sensitive uses, with poor access to the regional road network, and isolated from larger Core Industry and Employment Areas and Activity Centres.

APPLICABLE ZONES: Mixed Use Zone (MUZ), Residential Growth Zone (RGZ), General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ). Zone selection will be informed by the size and location of the site and the ability to manage off site impacts and integrate with the scale of the surrounding neighbourhood at site or precinct boundaries. Given the objective for Transitional-Residential Areas to make a contribution to overall housing supply, the NRZ should only be considered in specific circumstances such as very small and isolated sites.

17. The MILS also sets out the following objectives and strategies for Category 3 Areas:

Objective 4

(Transition – Residential Areas – Category 3)

To support change in Transition-Residential Areas (Category 3) to facilitate quality residential development and contribute to housing supply.

Strategies

- *Support the rezoning and redevelopment of Transition Residential Areas to allow quality residential development.*
- *Discourage new industry and businesses from locating in Transition Residential Areas.*
- *Discourage existing business from expanding in Transition Residential Areas. However, where an existing business wishes to expand on their current site, manage the expansion having regard to the impacts on residential uses.*
- *Encourage redevelopment in Transition Residential Areas to be of a high quality to contribute to an overall improvement in the amenity of the area and maximise the contribution to the public realm.*

Objective 5

(redevelopment expectations of former industrial land)

Where rezoning is supported in Category 2 and 3 Areas, ensure high quality design, and maximise the contribution to the public realm.

Strategies

- *Ensure overall siting and building envelopes are based on a considered analysis of the site's context and features and ensure site design, building frontages, design articulation and internal layout achieve a good interface with and surveillance of the public realm.*
- *Ensure large sites or precincts provide a network of public streets, footpaths and lanes connecting through the area into the surrounding street and pedestrian network.*
- *Encourage development to contribute to the upgrade of existing streets adjoining the site and undergrounding of powerlines and other utilities, as appropriate.*
- *Encourage large sites or precincts to include provision of new public open space on site, if located in a priority area for park provision as identified on the MSS Framework Plan (based on the Moreland Open Space Strategy).*
- *Apply the Design and Development Overlay in conjunction with any rezoning where confirmation of design and site layout detail is required.*

18. The Amendment implements the land use directions of the MILS by rezoning the Precinct to the Mixed-Use Zone (**MUZ**) and General Residential Zone Schedule 1 (**GRZ1**) and applying the Incorporated Plan Overlay Schedule 5 (**IPO5**).
19. Locating most of the Precinct in GRZ1 ensures that the Precinct will be developed to a height that is complementary to the surrounding area.
20. The MUZ has been proposed for properties in the southwestern corner of the Precinct to allow higher development as part of a mixed-use development in this location. This will allow small offices and studios at the base of a four to five storey building at the interface with Hosken Reserve and industrial properties to the south.
21. In addition to the rezoning, the IPO5 has been applied to the Precinct to guide future development of the land. This guidance includes:

- Providing affordable housing as part of the development of each lot within the Precinct. Provision is made for payment in lieu of depending on the site of the lots.
 - Allowance for service and emergency vehicles to safely turn as part of development of the largest lot (16-20 Sheppard Street). This addresses the needs associated with the development as well as the lack of turning space in the current street networking.
 - Limiting the height of development in the MUZ adjacent to 11 Norris Street to no more than three storeys; four storeys on 7 Sheppard Street; and no more than five storeys elsewhere on 16-20 Sheppard Street. A maximum height of three storeys applies in the GRZ.
 - Providing a public pedestrian and cyclist route from Hosken Reserve to Norris Street through 16-20 Sheppard Street.
 - Providing tree planting in accordance with Council's tree canopy and landscaping requirements on all lots, with additional planting to the Hosken Reserve interface.
22. By selecting a combination of the GRZ and MUZ and applying IPO5, the Amendment ensures development will respond sensitively to abutting existing lower density residential and parkland interfaces and contribute to high quality design and improving the public realm.

4. Amendment C201more

4.1 Authorisation

23. At the Council meeting of 8 September 2021, a report seeking authorisation for C201more was considered by Council (Reference Document 1A). The following resolution was made (Reference Document 1B):

That Council:

1. *Using its powers as a planning authority under sections 8A and 8B of the Planning and Environment 1987, seeks authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C201more as shown in Attachments 1, 2 and 3 to this report.*
 2. *Following receipt of the Minister's authorisation, exhibits Amendment C201more in accordance with Section 19 of the Planning and Environment Act 1987 and as outlined in the Consultation section of this report.*
 3. *Authorises the Director City Futures to make changes to the Amendment C201more based on conditions imposed in any authorisation granted by the Minister for Planning and to make any grammatical changes and correct any errors in the relevant documents.*
24. On 21 December 2021, Council sought authorisation from the Minister for Planning to prepare and exhibit the Amendment.
25. Authorisation of the Amendment was subsequently granted on 11 February 2022 (Reference Document 2A). Authorisation was granted subject to the following conditions:
- Update the amendment documentation, ordinance, and application of the Environmental Audit Overlay in response to the EPA's advice for the proposed amendment given under Ministerial Direction 19.
26. Council Officers made changes to the Amendment documentation in line with the authorisation conditions and revised documentation was submitted to DELWP with the notice of preparation to exhibit the Amendment.

4.3 Exhibition

27. The Amendment was publicly exhibited in accordance with Section 19 of the Act from 7 April 2022 to 13 May 2022. The exhibited amendment documents included:
- Explanatory Report (Reference Document 3A).
 - Instruction Sheet (Reference Document 3B).
 - Notice of Preparation (Reference Document 3C).
 - Exhibited Provisions (Reference Document 3D).
 - i. Clause 2.04 Strategic framework plans.
 - ii. Schedule 5 to Clause 43.03 Incorporated Plan.

- iii. Schedule to Clause 72.03 What does this Planning Scheme consist of?
 - iv. Schedule to Clause 72.04 Documents incorporated into this Planning Scheme.
 - v. Schedule to Clause 74.01 Application of zones, overlays and provisions.
- Exhibited Planning Scheme Maps (Reference Document 3E)
 - Sheppard and Norris Street Incorporated Plan (Reference Document 3F).
 - Background material (Reference Documents 3G).
 - i. *Affordable Housing Report* (prepared by Urbanxchange, October 2021)
 - ii. *Planning Report* (prepared by Hansen Partnership, December 2021)
 - iii. *Preliminary Site Investigation 16-20 Sheppard Street, Coburg North* (prepared by ESG Environmental, 3 October 2017)
 - iv. *Traffic Impact Report* (prepared by Ratio Consultants, 30 November 2021)
 - v. *Urban Design Framework* (prepared by Openwork, 18 November 2021)
28. The exhibition of the Amendment included direct notification to:
- Owners and occupiers of land affected by the Amendment, including properties directly adjoining the subject site and over 140 other properties surrounding the precinct area.
 - Sports clubs based at Hosken Reserve and members of the Hosken Reserve Masterplan Refresh Group.
 - Relevant public authorities and prescribed Ministers.
29. To reach the wider community and ensure the community had an opportunity to learn about the Amendment, the following notification was also undertaken:
- Public notice in The Age and Herald Sun newspapers and on the Government Gazette on 7 April 2022.
 - C201more webpage on Council's corporate website describing the Amendment and providing access to all the Amendment documentation and an online form to lodge a submission.
 - Making copies of the Amendment documentation, including background material, available at the Coburg Citizens Service Centre and Coburg Library, and in hard copy by post to residents upon request.
30. Strategic Planning Officers (**Officers**) were also available for phone calls to talk about the Amendment with any member of the community during and following the exhibition period.

31. In total, five submissions were received to the Amendment during the exhibition period. An additional submission was received following the close of exhibition however it was received in time to be considered by Council at its meeting of 8 June 2022.
32. Of the six submissions received:
- Two submissions supported the Amendment.
 - One submission partially supported the Amendment.
 - One submission did not support the Amendment.
 - Two submissions from referral agencies who did not raise any concerns with the Amendment.
33. A summary of key issues raised in submissions is provided in Section 6 of this submission.

4.4 Post Exhibition

34. On 8 June 2022, Council considered a report summarising and responding to the submissions (Reference Document 1C). It was resolved (Reference Document 1D):

That Council:

- 1. Using its powers as a Planning authority under s23(1) of the Planning and Environment Act 1987, requests that the Minister for Planning appoint an Independent Planning Panel to consider all submissions to Moreland Planning Scheme Amendment C201more.*
 - 2. Endorses the responses to submissions as set out in Attachment 1 to this report to form the basis of Council's submission to an Independent Planning Panel.*
 - 3. Refers any late submissions to the Independent Planning Panel appointed to consider the Amendment and submissions.*
 - 4. Authorises the Director Place and Environment to make minor changes to Moreland Planning Scheme Amendment C201more and give direction on issues which arise in the course of the Panel hearing in response to expert evidence and submissions if required.*
 - 5. Amends the draft Schedule 5 to the Incorporated Plan Overlay to include a decision guideline that requires seeking the views of adjoining owners and occupiers (outside of the precinct) before a decision is made about a planning permit application to use or develop land in that part of the precinct in the General Residential Zone and that this will be included in Council's submission to an Independent Planning Panel and authorises the Director Place and Environment to finalise the wording of the decision guideline.*
35. No changes to the Amendment were made in response to submissions. The IPO5 was updated to include the additional decision guideline as resolved by Council.
36. On 10 June 2022, Council formally requested the Minister for Planning to appoint a Panel for the Amendment. A Panel was appointed on 15 June 2022.

4.7 Chronology of events

37. A chronology of events is set out in **Appendix 2**.

5. Strategic Assessment of the Amendment

5.1 Why is the Amendment Required?

38. The Amendment is required to rezone industrial land for residential purposes as identified in the MILS.
39. The Precinct is identified in MILS as a Category 3 Area – Transition Residential. Rezoning the Land to the GRZ1 and MUZ will achieve the residential land use outcomes sought by MILS for Category 3 Areas, whilst providing for a range of dwelling heights and densities that is appropriate for the varied interfaces of the precinct.
40. The Amendment is also required to:
 - Apply the IPO5 to most of the Precinct to provide a framework to guide the future development of the land.
 - Apply the EAO to the Precinct to ensure that the environmental conditions of the land are appropriate for any sensitive use to operate.

5.2 How does the Amendment implement the objectives of planning in Victoria?

41. The Amendment will implement the following objectives of planning in Victoria set out in section 4(1) of the Act:
 - a) *To provide for the fair, orderly, economic, and suitable use, and development of the land.* The Amendment facilitates a transition from industrial to residential land use and development which is consistent with the surrounding land use pattern and anticipated in the implementation of MILS.
 - b) *To secure a pleasant, efficient, and safe working, living and recreational environment for all Victoria and visitors to Victoria.* The Amendment facilitates the renewal and efficient use of inner-urban land, thereby reducing pressure on fringe development and its associated resource consumption.
 - c) *To facilitate development in accordance with the objectives of planning in Victoria.* The Amendment will improve residential and pedestrian amenity within Sheppard Street and Norris Street and the surrounding local road network by removing heavy vehicle traffic associated with industrial land uses. The Amendment also provides an opportunity to secure a pleasant, safe living and recreational environment through improved treatment of the residential/industrial interface and ensures potentially contaminated land is remediated prior to sensitive uses commencing.

fa) To facilitate the provision of affordable housing in Victoria. The Amendment facilitates the provision of affordable housing in a well serviced neighbourhood by requiring affordable housing as part of residential development.

fg) To balance the present and future interests of all Victorians. The Amendment preserves the productivity of the Coburg North industrial precinct to the south by ensuring that new development addresses any amenity impact of the neighbouring industrial uses.

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

Environmental considerations

42. The environmental effects of the Amendment have been addressed by applying an EAO over the land within the Precinct identified as potentially contaminated. This includes all land subject to the Amendment except for the properties at 4 Sheppard Street. A Certificate of Environmental Audit has been issued for these properties.
43. Applying the EAO will ensure the Precinct is suitable to be developed for a 'sensitive use' such as housing. In addition, the IPO5 requires specific conditions on implementing environmental audit statements to be included on a permit issued for a sensitive land use.

Social considerations

44. The Amendment includes a requirement for the provision of affordable housing which responds to the objectives of the Act, Clause 16 of the PS, and an identified need for housing in Moreland for households with Very Low, Low and Moderate incomes.
45. The requirements within the IPO5 to provide improved access through the Precinct for vehicles, pedestrians and cyclists will provide benefit to the broader community as well as future residents of the precinct.

Economic considerations

46. The Amendment will have positive economic benefits by:
 - Transitioning an under-performing industrial area to residential land uses.
 - Providing opportunity for a limited area of commercial floorspace which will provide a more diverse range of employment options on the land than is permitted by the Industrial 3 Zone.
 - Requiring the provision of affordable housing.
47. The transition from industrial to residential zones is supported by MILS. MILS identifies Category 3 land as being poorly located for continued industrial or alternative commercial uses and for transition to quality residential environments.

48. More recent work undertaken by Council in *A Job in Moreland: The employment floor space we need now and, in the future*, indicates that this transition continues to be appropriate. In excluding MILS Category 3 sites from the analysis, the study acknowledges that transitioning them to residential uses will not negatively impact on the provision of employment floor space in the City. A copy of this study is provided at Appendix 3.

5.4 Does the Amendment comply with the requirements of any Ministers Direction applicable to the Amendment?

49. The Amendment complies with the requirements of the following Ministerial Directions:
- Ministerial Direction – The Form and Content of Planning Schemes
 - Ministerial Direction 1 – Potentially Contaminated Land
 - Ministerial Direction 9 – Metropolitan Planning Strategy
 - Ministerial Direction 11 – Strategic Assessment of Amendments
 - Ministerial Direction 15 – The Planning Scheme Amendment Process
 - Ministerial Direction 19 – Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

5.4.1 Direction – The Form and Content of Planning Schemes

50. The Amendment complies with Ministerial Direction – The Form and Content of Planning Schemes. The Amendment documentation has been prepared in accordance with the requirements of the Direction.

5.4.2 Direction 1 – Potentially Contaminated Land

51. The Amendment has been prepared in accordance with the considerations set out in Ministerial Direction 1. The previous industrial use of most of the lots in the Precinct meets the definition of potentially contaminated land defined in Ministerial Direction 1. Other lots in the Precinct not previously used for industry is also considered to be potentially contaminated from industrial activities on surrounding properties.
52. An EAO will be applied to all land identified as potentially contaminated to protect future sensitive uses that may be established on the Land.
53. An Environmental Audit Certificate has been issued for 4 Sheppard Street, and as a result this land is not considered to be potentially contaminated.

5.4.3 Direction 9 – Metropolitan Planning Strategy

54. Ministerial Direction 9 requires that planning scheme amendments must have regard to *Plan Melbourne 2017-2050*. The Amendment is consistent with the directions and policies of *Plan Melbourne* and will:
- Facilitate development of the land as an urban renewal precinct, providing new housing and mixed-use development in an established area close to existing services, jobs, and public transport, consistent with Directions 1.3, 2.1 and 2.2.
 - Provide certainty about the scale of growth for the precinct, consistent with Direction 2.1.
 - Require the provision of affordable housing as part of residential redevelopment of land consistent with Directions 2.3 and 2.4.
 - Provide a diversity of housing to cater for different households, in an area near jobs and services, consistent with Directions 2.5 and 5.1.
 - Improve the safety of the precinct and adjoining parkland and promote alternative transport modes, consistent with Direction 5.2.
 - Support the provision of urban greening to make Coburg North cooler and greener, consistent with Direction 6.4.

5.4.4 Direction 11 – Strategic Assessment of Amendments

55. The Amendment complies with Ministerial Direction 11. A detailed strategic assessment of the Amendment is included in the Explanatory Report (Reference Document 3A). Generally, Amendment C201more:
- Supports the Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS) by facilitating residential development of MILS Category 3 sites, which are shown as Transition Residential Areas in the Housing Framework Plan at Clause 2.04.
 - Makes proper use of the Victoria Planning Provisions (VPP) by using the MPS, appropriate zones and the IPO to achieve the land use outcomes sought by the Amendment.

Ministerial Direction 15 – The Planning Scheme Amendment Process

56. The Amendment complies with Ministerial Direction No 15 – The Planning Scheme Amendment Process. The amendment has been processed in accordance with the relevant time frames and requirements.

Ministerial Direction 19 - Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

57. As directed by Ministerial Direction 19, the views of the Environment Protection Authority (EPA) were sought as part of the preparation of the Amendment (Reference Document 4A). The EPA recommended that Council update the explanatory report to clearly state which properties are contaminated, not apply the EAO to the properties at 4 Sheppard Street and revise the IPO5 to

include requirements for the implementation of any environmental audit statement for sensitive land uses.

58. Council conducted a desktop assessment which indicates that the land that it owns and occupies is potentially contaminated. Other land in the Precinct previously used for industry as well as land that has not been used for industrial purposes is also considered to be potentially contaminated. Land that has not been previously used for industrial purposes is considered contaminated based on the surrounding industrial uses.

5.5 How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

59. The Amendment supports and implements the following State and regional policies of the PPF:

Clause 11 Settlement

60. The Amendment provides opportunities for redevelopment and intensification in an established urban area with excellent access to public transport and services.

Clause 13.04-1S Contaminated and potentially contaminated land

61. Clause 13.04-1S aims to ensure contaminated and potentially contaminated land is used and developed safely. This includes ensuring contaminated or potentially contaminated land is or will be suitable for the proposed use prior to commencement of any use or development and protecting sensitive uses from the effects of contamination.
62. The application of the EAO to potentially contaminated land ensures Council will be able to meet the objectives and strategies of this Clause.

Clause 15.01-1S Urban Design and 15.01-1R Urban design – Metropolitan Melbourne

63. Clause 15.01-1S seeks to create urban environments that are safe, healthy, functional, and enjoyable and that contribute to a sense of place and cultural identity, including through ensuring development contributes to community and cultural life by improving the quality of living and working environments.
64. Clause 15.01-1R aims to create a distinctive and liveable city with quality design and amenity, including through supporting the creation of well-designed places and integrating place making practices into road space management.
65. The Amendment supports these Clauses by applying the IPO. This document includes objectives, a statement of desired future character, policies, guidelines, and application requirements to achieve high quality urban design outcomes, while minimising impacts on surrounding areas.

Clause 16.01-1S Housing supply and 16.01-1R Housing supply – Metropolitan Melbourne

66. Clause 16.01-1S aims to facilitate well-located, integrated, and diverse housing that meets community needs.

67. Clause 16.01-1R includes strategies to achieving the objective of Clause 16.01-1S. These include:
- Developing housing and mixed-use development opportunities in locations that are urban-renewal precincts and sites.
 - Facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs, and public transport.
 - Creating mixed-use neighbourhoods at varying densities that offer more choice in housing.
68. The amendment supports this Clause by facilitating an increase in housing supply in an established urban area with good access to a range of services. It also adds to the housing diversity and affordability within the wider Coburg North area.

Clause 16.01-1L Homes in Moreland

69. Clause 16.01-1L implements Clauses 16.01-1S and 16.01-1R by encouraging residential rezoning in areas identified as 'Transition Residential' Areas on the Strategic Framework Plan: *Housing* at Clause 2.04.
70. The Amendment implements this strategy by rezoning land identified as Transition Residential to the GRZ1 and MUZ.

Clause 16.01-2S Housing affordability and Clause 16.01-2L Housing affordability in Moreland

71. Clause 16.01-2S aims to deliver more affordable housing closer to jobs, transport, and services. Clause 16.01-2L seeks to deliver this by encouraging developments to include affordable housing to be owned and managed by a registered housing association, registered housing provider or the Director of Housing.
72. The Amendment implements these Clauses by requiring affordable housing to be provided as part of any residential development.
73. The affordable housing provision proposed by the Amendment is supported by Council and the Amendment proponents.

Clauses 18.02-1S Walking and 18.02-2S Cycling

74. Clause 18.02-2S aims to facilitate an efficient and safe walking network and increase the proportion of trips made by walking. This includes through:
- Planning and developing walking networks to:
 - i. Providing pedestrian routes that are safe, direct, and comfortable to use.
 - ii. Enable walking as part of everyday life.
 - iii. Enable people to meet more of their needs locally and rely less on their cars.
 - iv. Be accessible to vehicles that use footpaths, including wheelchairs, prams, and scooters.

75. Similarly, Clause 18.02-2S seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling. This includes through:
- Planning and developing cycling networks to:
 - i. Provide routes that are safe, comfortable, low-stress and well connected.
 - ii. Enable cycling as a part of everyday life.
 - iii. Enable people to meet more of their needs locally by cycling and to rely less on their cars.
 - Supporting increased cycling by providing vegetation to shade cycling routes.
76. The Amendment supports this Clause by requiring the provision of improved access through the Precinct for pedestrians and cyclists.

5.6 How does the Amendment support or implement the Municipal Planning Strategy?

77. The Amendment supports and implements the MPS as it will help to achieve the MPS vision of sustainable neighbourhoods. In particular, the Amendment implements the following Clauses of the MPS:
- Clause 2.03-1 Settlement
 - Clause 2.03-4 Built environment and heritage
 - Clause 2.03-5 Housing
 - Clause 2.03-6 Economic development

Clause 2.03-1 Settlement

78. Clause 2.03-1 highlights that as Moreland has limited brownfield areas to accommodate increased growth, new housing will primarily occur through urban densification in proximity to public transport and services.
79. The Amendment seeks to manage growth in accordance with Clause 2.03-1 by directing growth to an area identified for residential development that has good access to services and public transport.

Clause 2.03-4 Built environment and heritage

80. Clause 2.03-4 Built Environment highlights the importance of improving the design quality of built environment in Moreland. This is to be achieved by encouraging development that is designed to respond to and contribute to its context as well as encouraging development that is designed to integrate with landscape design to improve aesthetic quality and amenity, including in the public domain.
81. The Amendment supports and implements Clause 2.03-4 by applying the IPO introducing the Incorporated Plan into the PS. This document includes objectives, a statement of desired future

character, policies, guidelines, and application requirements to achieve high quality urban design outcomes, while minimising impacts on surrounding areas.

82. The Amendment also encourages environmentally sustainable design which is a key strategic direction of Clause 2.03-4.

Clause 2.03-5 Housing

83. Clause 2.03-5 highlights the need for affordable housing in Moreland.
84. The Amendment helps to implement this by facilitating the provision of affordable housing through specific requirements set out in the IPO5.

Clause 2.03-7 Transport

85. Clause 2.03-7 strives for Moreland to be a connected city through a transport system that is diverse, progressive, and sustainable and which achieves a shift towards sustainable modes of travel.
86. The Amendment supports Clause 2.03-7 by including requirements in the Incorporated Plan aimed at improving access through the site for a range of transport modes.

6. Summary of Issues Raised in Submissions

87. A total of six submissions have been received to the Amendment.
88. Of the six submissions received:
- Two submissions supported the Amendment.
 - One submission in partial support of the Amendment, with recommended changes.
 - One submission not supporting the Amendment.
 - Two submissions from referral agencies that did not raise any concerns with the Amendment.
89. Council considered the submissions at its meeting on 8 June 2022. The Council report contained a summary of submissions and Officer responses, endorsed by Council (Reference Document 1C).
90. Below is an identification of what Council considers to be the main issues raised by submitters in their submissions.
91. The issues raised in submissions and Council's response will be elaborated further in Council's Part B Submission to Panel.

6.1 Common Issues

Mandating affordable housing

92. One¹ submitter raised concerns about the implementation of mandatory affordable housing provisions. They recommended that these be removed and offered alternative methods for providing affordable housing that do not rely on planning controls.

Strategic justification of the Amendment

93. One submitter² raised concerns about the lack of strategic justification for the Amendment and that the area is not suitable for significant change.

Impact on the transport system

94. One submitter³ raised concerns that the explanatory report did not correctly answer the question about the *Transport Integration Act 2010* and whether the Amendment is likely to have a significant impact on the transport system.

¹ Submitter 1.

² Submitter 5.

³ Submitter 5.

Design of the Amendment in conjunction with the Hosken Reserve masterplan

95. Two submitters raised concerns that the Amendment had not been developed alongside the Hosken Reserve Master Plan.⁴ They considered that the development requirements of the Amendment be designed in conjunction with the Master Plan.
96. One submission reiterated the need to consider the long-term relationship between future development and operation of the reserve.⁵

Procedural issues

97. One submitter raised concerns about several procedural issues, including concerns about Amendment number ordering and timing, the accessibility of information provided to Councillors and the public notification process undertaken for the Amendment.⁶

6.2 Submissions made by Referral Agencies

98. Two submissions to the Amendment were made by referral agencies. These submissions were supportive of the Amendment as detailed below.

Submitter 2 - Melbourne Water

99. The Amendment was referred to Melbourne Water as sections of the land may be subject to inundation in a 1:100 storm event.
100. Melbourne Water stated that they had not identified any infrastructure assets within the Precinct and that they did not have any further comment to make on the Amendment.

Submitter 3 - EPA

101. The Amendment was referred to the EPA due to the proposed change in land use from industry to residential.
102. The EPA are supportive of the Amendment and consider that Council has taken reasonable steps to ensure that the risks associated with potentially contaminated land are known and managed,

⁴ Submitters 4 and 5.

⁵ Submitter 4.

⁶ Submitter 5.

7. Summary of Post Exhibition Changes

7.1 Changes in response to submissions

103. No changes were made to the Amendment in response to submissions.

7.2 Other changes to Amendment documentation

104. As detailed in Section 2 of this submission, Council resolved at the 8 June 2022 meeting to amend IPO5 to include a decision guideline requiring seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made about a planning permit application to use or develop land in the part of the precinct zoned GRZ.

105. Whilst the matter of future notification of applications in accordance with the Incorporated Plan was not raised in submissions received to the Amendment, the intention of the change is to provide transparency of expected proposed built forms as each part of the Precinct is developed. As a result, it is proposed to amend IPO5 to include a policy neutral post exhibition change as follows:

- Insert the following decision guideline to section 4 – Decision guidelines:

Seek the views of adjoining owners and occupiers (outside of the precinct) before a decision is made about a planning permit application to use or develop land in that part of the precinct zoned General Residential Zone.

106. The IPO5 has been updated in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and specifically the local provision template relevant to Schedule to Clause 43.03 Incorporated Plan Overlay. A copy of the revised IPO5 is provided at Appendix 4.

8. Conclusion

107. Council has undertaken a thorough process to prepare the Incorporated Document and Amendment C201more to the Moreland Planning Scheme.
108. Council's position to the Panel will rely on the Council Officer response to submissions included in the 8 June 2022 Council report.
109. Council's 'Part B' Submission will be circulated to all parties on the 12 August 2022 and presented at the Planning Panel Hearing on 15 August 2022.
110. This completes the Part A submission for Council.

9. List of Appendices & Reference Documents

List of Appendices	
Appendix No	Document Title
Appendix 1	<i>Moreland Industrial Land Strategy 2015-2030</i> (Moreland City Council, July 2016)
Appendix 2	Chronology of Events C201more
Appendix 3	<i>A Job in Moreland: The employment floor space we need now and, in the future (.id, March 2021)</i>
Appendix 4	Revised Schedule 5 to the Incorporated Plan Overlay

C201more Panel Document Folder – List of Reference Documents	
Document No.	Section 1 – Council Reports Relevant to C201more
1A	<p>Council Report 7.10 – Amendment C201more – Rezoning of Industrial Land in the Sheppard Street and Norris Street, Coburg North Precinct – Decision Gateway 1 – 8 September 2021 (with three Attachments)</p> <ul style="list-style-type: none"> ▪ Attachment 1 – Amendment Maps ▪ Attachment 2 – Planning Scheme Provisions ▪ Attachment 3 – Incorporated Plan
1B	Council Minutes - Item 7.10 – Amendment C201more – Rezoning of Industrial Land in the Sheppard Street and Norris Street, Coburg North Precinct – Decision Gateway 1 – 8 September 2021
1C	<p>Council Report 7.4 – Amendment C201more – Rezoning of Industrial Land in the Sheppard Street and Norris Street, Coburg North Precinct – Decision Gateway 2 – Consideration of Submissions and Request for a Panel – 8 June 2022 (with two Attachments)</p> <ul style="list-style-type: none"> ▪ Attachment 1 – Summary of Submissions. ▪ Attachment 2 – Amendment Documentation.
1D	Council Minutes - Item 7.4 – Amendment C201more – Rezoning of Industrial Land in the Sheppard Street and Norris Street, Coburg North Precinct – Decision Gateway 2 – Consideration of Submissions and Request for a Panel – 8 June 2022
	Section 2 - Authorisation
2A	Letter of Authorisation
	Section 3 - Exhibition
3A	Explanatory Report - Exhibition
3B	Instruction Sheet - Exhibition
3C	Notice of Preparation - Exhibition

3D	<p>Exhibited Ordinances</p> <ul style="list-style-type: none"> ▪ Clause 2.04 Strategic Framework Plans ▪ Schedule 5 to Clause 43.03 Incorporated Plan ▪ Schedule to Clause 72.03 What does this Planning Scheme consist of? ▪ Schedule to Clause 72.04 Documents incorporated in this Planning Scheme ▪ Schedule to 74.01 Application of zones, overlays, and provisions
3E	<p>Exhibited Planning Scheme Maps</p> <ul style="list-style-type: none"> ▪ Part of Planning Scheme Map 8 ▪ Part of Planning Scheme Map 8EAO ▪ Part of Planning Scheme Map 8IPO
3F	Sheppard and Norris Street, Coburg North Incorporated Plan July 2021
3G	<p>Background Material</p> <ul style="list-style-type: none"> ▪ Affordable Housing Report ▪ Planning Report ▪ Preliminary Site Investigation – 4 Sheppard Street, Coburg North ▪ Traffic Impact Report ▪ Urban Design Framework
Section 4 – EPA Correspondence	
4A	Referral to EPA – MD19 Request – August 2021