

21st November 2021

To: Strategic Planning
Submission to Amendment C212more
Moreland City Council
Locked Bag 10, Moreland VIC 3058
via email to strategicplanning@moreland.vic.gov.au

Dear Sir / Madam,

Re: Late Submission to Amendment C212more

I would like to make a late submission to C212more, in addition to my submission of 5th November 2021.

The reason is that the Report of the Parliamentary Inquiry into the Health Impacts of Air Pollution in Victoria was tabled to the Victorian Parliament last week¹, and it reminded me of a change that was introduced into the Moreland Planning Scheme via Amendment C200more (translation of the Planning Policy Framework), which was not policy-neutral and which was a regressive change for sensitive land uses such as child care centres.

In Amendment C200more, Clause 22.02 Discretionary uses in residential zones was translated into Clause 13.07-1L Discretionary Uses in residential zones.

The preferred location guidance for child care centres in Table. 1 of Clause 22.02 is "Frontage to a collector road" (copy of Clause 22.02 is attached at Appendix 1)

Whereas the location strategies of Clause 13.07-1L is "Have frontage to a road in a Road Zone or a Collector Road to reduce generation of extra traffic on the local street network." (Appendix 2)

In my opinion this was not a policy-neutral change.

The Council Report for Amendment C200more of 12 August 2020 specifically stated that the translation of the planning policy framework was **policy-neutral**,² and the Amendment was sent straight to the Minister for approval via a section 20(4) process. There was not any public exhibition, submissions, or planning panel for C200more.

The Explanatory Report to this Amendment C212more states on page 6 that:

"The Amendment is also required to:

*▪ Update content in the MPS and PPF in line with Council adopted strategies. This was identified during the **recent policy neutral translation of Councils Local Planning Policy Framework** to the new MPS and PPF introduced via Amendment C200more to the Moreland Planning Scheme.*

1 Parliament of Victoria, Legislative Council Environment and Planning Committee, Inquiry into Health Impacts of Air Pollution in Victoria Report tabled 18/11/2021 <https://www.parliament.vic.gov.au/epc-lc/inquiries/inquiry/994>

2 Moreland Council Agenda of 12 August 2020 Report DCF33/20, page 327 "Amendment C200 to the Moreland Planning Scheme proposes to replace the existing Local Planning Policy Framework with a **redrafted policy neutral Planning Policy Framework** and to reframe this in the form of a Municipal Planning Strategy."

Child care centres should not be located on major roads and roads with high traffic volumes

The recommendations and findings of the Parliamentary Inquiry into the Health Impacts of Air Pollution are that child-care centres should not be located on major roads and roads with high traffic volumes – Chapter 7, 7.4 location of facilities, findings 7 and 8, recommendation 24 and 25.

Young children are particularly sensitive to the effects of vehicle emissions and idling.

These are the findings and recommendations in the Report:

FINDING 7: Placement of sensitive facilities such as schools and childcare centres in high traffic areas represents a risk to both the short- and long-term health outcomes for children.

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RECOMMENDATION 24: The Victorian Government consider amending the *Planning and Environment Act 1987* (Vic) to require the risks posed by traffic-related air pollution to be included as a key criterion in any planning decision (including by relevant planning authorities and the Victorian Civil and Administrative Appeals Tribunal where relevant) related to the location of childcare centres and schools and that all Planning Schemes be amended to ensure that the impacts of air pollution are considered in any relevant applications.

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RECOMMENDATION 25: That the Victorian Government develop and introduce clean air zones around facilities such as schools and childcare centres.

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FINDING 8: Despite a lack of local empirical data quantifying the negative health impacts of discretionary idling, particularly around schools and facilities catering for vulnerable populations, the Committee considers that it is highly likely that the practice has the potential to cause harm, both in the short and long term.

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Recommendation 24 is that all Planning Schemes be amended to ensure that the impacts of air pollution are considered in any relevant application.

It seems like a backwards step that Amendment C200more changed the location strategy for child-care centres from a preferred location of collector roads, to road zones and collector roads.

It wasn't policy neutral.

In my opinion, Clause 13.07-1L should be reverted back to the way it was in Clause 22.02.

I only learnt that this change had happened when I objected to a planning permit application for a child-care centre on an arterial road in 2020.

Moreland Council likes to claim to be a leader in environmental issues, and a trail-blazer that is ahead of the rest in changing its planning scheme, yet on the issue of air pollution Moreland Council is lacking.

In Moreland Council's submission to the DELWP ESD Roadmap in February 2021, it is said that Council struggles in the area of air and noise pollution because it is seen as the domain of the EPA:

Council Meeting 10 March 2021

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State ESD Reforms Roadmap - Moreland Submission February 2021

Attachment 1

Proposed Clauses 13.05-1S and 13.06-1S includes the State Environment Protection Policy (SEPP) as a 'policy document'. Council currently struggles in this area because it is often seen as the domain of the EPA, however, it is critically important at the planning design phase. One reason being that SEPP does not offer design solutions to reduce air and noise pollution.

Further State Government guidance is required to assist Council and applicants in how air and noise pollution can be ameliorated in new building, such as but not limited to:

- How will an apartment building cater for air pollution on arterial road?
- What design measures will these include?
- How will there be maintained?

So Council changed the location strategy for child care centres in a backwards way, without doing its own research into the topic. As the Parliamentary Inquiry Report shows, there is a lot of research into the topic as well as researchers who are based in Melbourne. The information was not difficult to find and has been around for a long time.

Young children are one of the most vulnerable subsets of a population, and in my opinion the Planning Scheme should be changed back to give a preferred location for child care centres on collector roads only.

Thank-you in advance for your consideration of this late submission.

Kind Regards,

Appendix 1 – Clause 22.02 (prior to C200)

MORELAND PLANNING SCHEME

22.02

29/01/2015
C152

DISCRETIONARY USES IN RESIDENTIAL ZONES

This policy applies to applications for use and development for a Section 2 (discretionary) use in a residential zone.

22.02-1

29/01/2015
C152

Policy Basis

Protection of the character and amenity of existing residential areas is an important issue that is reflected in the purposes of the residential zones. The zones also recognise the need, in appropriate locations, for educational, recreational, religious, community and a limited range of other uses to serve local needs.

The provision of services and facilities compatible with and within walking distance of residential areas supports Moreland's vision to create Sustainable Neighbourhoods outlined in Clause 21.02-2 of the Municipal Strategic Statement. Care must be taken in decision making on discretionary uses to avoid unreasonable loss of residential amenity and streetscape character.

This policy provides guidance on preferred locations for discretionary uses and guidelines to protect the amenity and built form character of residential areas.

22.02-2

29/01/2015
C152

Policy Objectives

Location

- To ensure that discretionary uses in residential areas are appropriately located.

Built Form

- To ensure that the scale and character of discretionary development meets the Neighbourhood Character policy at Clause 22.01.

Amenity

- To ensure that discretionary uses do not unreasonably impact residential amenity.

22.02-3

29/01/2015
C152

Policy

It is policy to:

Location

- Facilitate discretionary uses that serve the needs of the local community.
- Ensure that discretionary uses that serve catchments beyond the local level are located within the defined boundaries of Activity Centres, in accordance with clause 21.03-1 or within precincts designated for industry and economic generation, in accordance with clause 21.03-2.
- Encourage discretionary uses to locate in accordance with the preferred location guidance in Table 1.
- Encourage location of discretionary uses on main roads to reduce generation of extra traffic on the local street network.
- Discourage 24 hour operations.

Built Form

- Encourage the retention of existing housing stock.
- Ensure that the built form of development to accommodate discretionary uses is of a scale, design and appearance compatible with the neighbourhood character, in accordance with the provisions of Clause 22.01 Neighbourhood Character.

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- Limit signage to one sign per premises and ensure signage is compatible with neighbourhood character.
- Encourage car parking spaces to be screened from view and provided in a basement or at the rear or side of the site.
- Ensure that landscaping is undertaken to buffer the use from residential areas.
- Encourage landscaping of the front setback area.

Amenity

- Locate discretionary uses where the use will have a minimal impact on the residential amenity of the local area.
- Ensure that residential amenity is protected from:
 - significant changes to traffic conditions in local streets including an increase in car parking demand;
 - noise, light, odours emitted from the site; and
 - disturbance associated with the hours of operation or site facilities.

22.02-4

29/01/2015
C152

Application Requirements

An application should be accompanied by the following information, as appropriate:

- A report that identifies the intensity of use and operational requirements of the proposal.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- An acoustic report to demonstrate compliance with relevant State Environmental Protection Policies.
- A master plan and management plan for applications for a Hospital or Education Centre.

22.02-5

29/01/2015
C152

Decision Guidelines

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- Number of practitioners, staff, customers or persons likely to attend the premises
- Traffic generation
- Car parking
- Pedestrian and vehicular access
- Drop off and pick up areas
- Hours of operation
- Security lighting
- Advertising signs
- Fencing details
- Landscaping details
- The Neighbourhood Character Policy at Clause 22.01
- Location and design of outside storage and amenities
- Compliance with relevant State Environment Protection Policies
- Commercial deliveries

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- Refrigeration equipment
- Waste generated by the use

Table 1 Requirements for discretionary use and development

Land Use	Preferred Location	Requirements
Car wash	Corner site Frontage to a Road zone On a site previously used for non-residential purposes	Noise attenuation measures.
Child care centre	Frontage to a Collector Road	Provision of a drop off and pick up area.
Education Centre	Frontage to a Road zone or a Collector Road	
Food and drink premises	On a site previously used for non-residential purposes	
Funeral parlour	Adjacent to a commercial area Frontage to a Road Zone	Provision of a drop off and pick up area
Hospital	Frontage to a Road zone or a Collector Road	
Medical centre	Frontage to a Road zone or a Collector Road	On site car parking at the rear of the site
Service Station	Frontage to a Road zone	
Place of assembly	Adjacent to a commercial area Frontage to a Road Zone	Provision of a drop off and pick up area
Place of worship	Frontage to a Road Zone	
Restricted recreation facility	In or adjacent to a commercial area On a site previously used for non-residential purposes.	

Appendix 2 – Clause 13.07-1L Discretionary Uses in a Residential Zone (via C200)

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13.07-1L

14/01/2021
C200more

Discretionary uses in Residential Zones

Policy application

This policy applies to an application to use or develop land in a residential zone for a Section 2 use.

Objective

To locate, design and manage discretionary uses in residential areas to be compatible with the surrounding area.

Location strategies

Encourage discretionary uses in residential areas to locate on sites that:

- Have frontage to a road in a Road Zone or a Collector Road to reduce generation of extra traffic on the local street network.
- Abut land used for non-residential (commercial or industrial) purpose.
- Will have minimal impact on the residential amenity of the surrounding area.

Encourage discretionary uses that serve catchments beyond the local level to locate within the defined boundaries of Activity Centres, or within areas designated as *Core Industry and Employment* or *Employment*.

Location policy guidelines

Consider as relevant:

- Locating car washes on a corner site.
- Locating car washes, food and drink premises, and restricted recreation facilities on a site previously used for a non-residential purpose.

Siting design and management strategies

Encourage the retention of existing dwellings.

Encourage built form that is of a scale, design and appearance compatible with the scale and character of the residential area.

Encourage car parking spaces to be screened from view and provided in a basement or at the rear or side of the site.

Ensure landscaping is:

- Undertaken to buffer the use from adjoining sites used for residential purposes.
- Provided within the front setback area.

Protect residential amenity from:

- Significant changes to traffic conditions in local streets including an increase in car parking demand.
- Noise, light, odours emitted from the site, including via the incorporation of noise attenuation measures where needed.
- Disturbance associated with the hours of operation or site facilities.

Provide a drop-off and pick-up area for child care centres, funeral parlours and place of assembly.

Encourage the preparation of master plans and management plans for applications for a Hospital or Education Centre to minimise impacts on the amenity of local residential areas.

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Siting design and management policy guidelines

Consider as relevant:

- An acoustic report that responds to the relevant State Environmental Protection Policies.
- Discouraging 24-hour operations.