

**Moreland Planning Scheme Amendment C212more  
Planning Scheme Updates and Corrections**

**Panel Report**

*Planning and Environment Act 1987*

**10 May 2022**

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### How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

### *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Moreland Planning Scheme Amendment C212more

Planning Scheme Updates and Corrections

**10 May 2022**



Lisa Kendal, Chair



Sarah Raso, Member

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## Glossary and abbreviations

Council	Moreland City Council
Council Plan	Council Plan 2021-2025
DDO	Design and Development Overlay
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
MD1	Ministerial Direction No.1 – Potentially Contaminated Land
MD19	Ministerial Direction No.19 – Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health
MHGS	Moreland Heritage Gap Study
MITS	Moreland Integrated Transport Strategy 2019
MITS 2010	Moreland Integrated Transport Strategy 2010
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Moreland Planning Scheme
Planning Scheme Review	<i>Moreland Planning Scheme Review Report 2018</i>
PPF	Planning Policy Framework
PPRZ	Public Park and Recreation Zone
Practitioner’s Guide	<i>A Practitioners Guide to Victorian Planning Schemes</i>

## Overview

### Amendment summary

The Amendment	Moreland Planning Scheme Amendment C212more
Common name	Planning Scheme Updates and Corrections
Brief description	<p>The Amendment proposes to improve the operation of the Moreland Planning Scheme by:</p> <ul style="list-style-type: none"> <li>- introducing new policy content and planning permit application requirements</li> <li>- correcting anomalies, errors and inconsistencies</li> </ul>
Subject land	All land across the City of Moreland, and specific sites identified in the Explanatory Report
The Proponent	Moreland City Council
Planning Authority	Moreland City Council
Authorisation	26 August 2021
Exhibition	7 October to 5 November 2021
Submissions	<p>Number of Submissions: 13 (including 2 further submissions). Opposed or seeking changes: 11</p> <p>See Appendix A</p>

### Panel process

The Panel	Lisa Kendal (Chair), Sarah Raso
Directions Hearing	Video conference, 15 February 2022
Panel Hearing	Video conference, 17 March 2022
Site inspection	Not required
Parties to the Hearing	<p>Moreland City Council represented by Ms Angela Schirripa</p> <p>Moreland Bicycle User Group represented by Ms Lisa O'Halloran</p> <p>Walk on Moreland represented by Dr Andrea Bunting</p> <p>Ms Marion Attwater</p>
Citation	Moreland PSA C212more [2022] PPV
Date of this report	10 May 2022

## Executive summary

Moreland Planning Scheme Amendment C212more (the Amendment) seeks to improve the operation of the Moreland Planning Scheme (Planning Scheme) and planning permit decision making by:

- introducing new policy content and planning permit application requirements
- correcting anomalies, errors and inconsistencies.

The key strategic driver for the Amendment was Council's obligations under the *Planning and Environment Act 1987* to undertake a statutory review of the Planning Scheme no later than one year after an approved Council Plan.

Specifically, the Amendment proposes to:

- introduce new policy content to give effect to Council adopted strategies and recommendations from the *Moreland Planning Scheme Review Report 2018*
- introduce application requirements requiring the submission of 3D models for development of four or more storeys through several Schedules to the Design and Development Overlay
- correct zoning anomalies for publicly and privately owned land
- rezone land Council has purchased for new parks
- apply the Environmental Audit Overlay to land previously zoned commercial or industrial that is proposed to be rezoned to the Public Park and Recreation Zone
- apply the Heritage Overlay to 20 Dawson Street, Brunswick
- delete Schedules 7 and 9 of the Design and Development Overlays.

Key issues raised in submissions included:

- concerns relating to public notice and consultation
- transport policy and inclusion of the *Moreland Integrated Transport Strategy 2019* in the Planning Scheme
- inclusions of the *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007 as a background document
- application of the Environmental Audit Overlay to properties proposed to be rezoned to the Public Park and Recreation Zone
- specific content and drafting issues relating activity centres, biodiversity and social and affordable housing.

Council provided a detailed overview of community engagement it has undertaken in relation to relevant strategic documents and issues raised. The Panel accepts that Council has undertaken community consultation and engagement in relation to strategic documents underpinning the Amendment.

The Panel considers the Amendment:

- is broadly consistent with the *Planning and Environment Act 1987*, is supported by and implements the relevant sections of planning policy
- has generally been prepared in accordance with relevant Ministerial Directions and Planning Practice Notes
- is consistent with the principles of net community benefit as it will provide streamlined and updated policy into the Planning Scheme

- will provide certainty to the users of the planning system and ensure land use and development outcomes.

The Panel concludes the Amendment is well founded and strategically justified, and the Amendment should proceed subject to the recommendations in this Report.

Subject to recommendations in this Report, the Panel concludes the following proposed changes to the Planning Scheme are appropriate:

- updates to Clause 02.03-7 (Transport) to support implementation of the *Moreland Integrated Transport Strategy 2019* and introduce the proposed road user hierarchy
- policy changes relating to reallocating road space
- updates to Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-3L (Public transport in Moreland), subject to post exhibition changes proposed by Council including addition of the new local policy at Clause 18.02-1L (Walking in Moreland)
- application of the Environmental Audit Overlay to 260 Sydney Road, Brunswick and extension of the Environmental Audit Overlay over the entirety of 1 West Street, Brunswick
- introduction of biodiversity content, specifically the new strategic directions in the Municipal Planning Strategy and new strategies to Clause 12.01.1L (Biodiversity)
- introduction of a new strategy in local policy Clause 16.01-2L (Housing affordability in Moreland), and use of the term 'affordable housing' in this context.

The Panel concludes it is not appropriate to:

- include the *Guidelines for Assessing Planning Permit Applications, Heritage Victoria, 2007* as a background document
- introduce Clause 11.03.1L (Activity Centres in Moreland).

## Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moreland Planning Scheme Amendment C212more be adopted as exhibited subject to the following:

- 1. Amend Clause 02.03-7 (Transport) to update the wording of the:**
  - a) Context section to replace *"This includes improved sustainable transport uptake while catering for those who need to drive."* with *"This includes increasing the shift towards sustainable transport modes while ensuring that those who walk, cycle, wheel or drive can do so safely"*.
  - b) First dot point under the first strategic direction to replace *"Caters for all ages, is accessible and equitable, including recognition that some people need to drive"* with *"Caters for all ages, is accessible and equitable for all road users"*.
  - c) Second strategic direction to state:
 

*Prioritising our transport network according to the following 'road user hierarchy', while ensuring access for those who walk, cycle, wheel or drive:*

    - *People who are walking.*
    - *People who are cycling.*
    - *People who are using public transport.*
    - *People who are driving.*
- 2. Abandon Clause 11.03.1L (Activity Centres in Moreland).**

3. Amend Clause 18.02-1L (Sustainable personal transport in Moreland) to:
  - a) Update the clause number and title to 18.02-2L (Cycling in Moreland)
  - b) Update the wording of the new strategy to state:

*Reallocating road space and existing car parking to:*

    - *Support improvements to cycling infrastructure, including access to public transport.*
    - *Facilitate the safety of cycling.*
4. Introduce a new local policy Clause 18.02-1L (Walking in Moreland) with the following strategy:

*Reallocating road space and existing car parking to:*

  - *Support improvements to pedestrian infrastructure, including access to public transport.*
  - *Facilitate the safety of walking.*
5. Relocate proposed Clause 18.02-2L (Public Transport in Moreland) to Clause 18.02-3L.
6. Amend Clause 15.01-3L Heritage and the Schedule to Clause 72.08 (Background documents) to remove the reference to *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007.
7. Amend the title of Clause 16.01-2L to state 'Housing affordability in Moreland'.
8. Amend the Schedule to Clause 72.08 (Background documents) to update the reference to the *Moreland Integrated Transport Strategy 2019* (Moreland City Council, July 2019).
9. Amend the Explanatory Report under the section '*Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?*' in accordance with the version provided by Council in its closing submission (Document 41).



# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment seeks to improve the operation of the Moreland Planning Scheme (Planning Scheme) and planning permit decision making by:

- introducing new policy content and planning permit application requirements
- correcting anomalies, errors and inconsistencies.

Specifically, the Amendment proposes to:

- introduce new policy content to give effect to Council adopted strategies and recommendations from the *Moreland Planning Scheme Review Report 2018* (Planning Scheme Review)
- introduce application requirements requiring the submission of 3D models for development of four or more storeys through several Schedules to the Design and Development Overlay (DDO)
- correct zoning anomalies for publicly and privately owned land
- rezone land Council has purchased for new parks
- apply the Environment Audit Overlay (EAO) to land previously zoned commercial or industrial that is proposed to be rezoned to the Public Park and Recreation Zone (PPRZ)
- apply the Heritage Overlay to 20 Dawson Street, Brunswick
- delete Schedules 7 and 9 of the DDO.

Moreland City Council (Council) is the Planning Authority for the Amendment.

### (ii) The subject land

The Amendment applies to land across the City of Moreland, including a number of specific sites as detailed in the Explanatory Report.

### (iii) Post exhibition proposed changes

Council proposed several changes to the exhibited Amendment in response to:

- issues raised in submissions
- other changes identified by Council officers including errors or corrections and in response to new information, including Amendment VC204 (see Chapter 2.4)
- further changes proposed following the panel Hearing.

## 1.2 Background

The following is a summary and status of the various strategic reports that form the basis of the Amendment.

### (i) Planning Scheme Review Report 2018

In 2018 Council adopted the Planning Scheme Review. The review made numerous recommendations to improve the effectiveness and performance of the Planning Scheme. The

Amendment seeks to give effect to some of the recommendations of the Planning Scheme Review, including:

- undertaking a review of all zones, DDOs and other overlays that guide buildings and works. As a result, the Amendment seeks to delete Schedules 7 and 9 to the DDO which are no longer required given construction on the land to which they apply is now complete
- recognising the Brunswick Design District in the Municipal Strategic Statement (MSS) to support the precinct's evolution as a successful and innovative employment district. The Amendment proposed several changes to the Municipal Planning Strategy (MPS) in support of this recommendation
- ensuring the Planning Scheme supports the Virtual Moreland Program by including requirements for major developments to provide 3D models as part of the application process
- ensuring that the Planning Scheme supports creative industries that wish to expand or establish in Core Industrial areas.

## **(ii) Moreland Integrated Transport Strategy 2019**

The Moreland Integrated Transport Strategy 2019 (MITS) replaced the Moreland Integrated Transport Strategy 2010 (MITS 2010), the Pedestrian Strategy 2010-2019 and Bicycle Strategy 2010 when it was adopted by Council in March 2019.

The MITS provides strategic direction for integrated transport planning in Moreland for the next decade and beyond. It aims to *“facilitate a demonstratable mode shift to more sustainable modes of transport that also targets a long-term reduction in car use”*.

Key actions outlined in the MITS include:

- making better use of our public road space and prioritise public transport, walking and cycling to make travel more reliable and reduce the impacts of congestion
- encouraging a shift away from privately-owned fossil-fuelled vehicles and support a long-term vision of public transport and shared mobility, as well as an uptake of active travel, to safeguard our environmental sustainability and improve air quality
- continuing to make improvements to the transport network to improve accessibility for users of all abilities.

The headline strategies include:

- making changes to car parking to contribute to better transport, land use, economic and community outcomes
- reallocating road space and car parking according to the road user hierarchy
- protecting our local streets from the impacts of increasing vehicle traffic
- prioritising access by walking, cycling and public transport over car-based travel.

The Amendment seeks to update the Planning Scheme to reference the MITS to strengthen themes principally relating to road space reallocation and the road user hierarchy.

## **(iii) Moreland Heritage Gap Study**

The Moreland Heritage Gap Study (MHGS) sought to investigate outstanding recommendations of the *Moreland Local Heritage Places Review* 2008 and panel reports, with the purpose of assessing

individual places and precincts to determine whether they satisfied the threshold for local significance and should be included in the Heritage Overlay.

The findings of the MHGS were implemented via Amendment C174more. There were two recommendations relating to the land at 20 Dawson Street, Brunswick that were not included and have been identified as an error in the Planning Scheme, specifically:

- extending HO246 to include the whole of 20 Dawson Street, Brunswick
- amending the citation to incorporate various changes (as detailed in Appendix F of the MHGS).

The Amendment seeks to implement the outstanding recommendations.

#### **(iv) The Council Plan 2021-2025**

The Amendment seeks to implement key themes from the Council Plan 2021-2025 (Council Plan). The Council Plan is a four-year strategic plan which gives a comprehensive overview of Council's values, commitments, and activities, and describes the priority issues, objectives and actions for Moreland until 2025. The key themes sought to be implemented by the Amendment include:

Theme 1: An environmentally proactive Moreland

- Protecting existing trees and planting more trees.
- Caring for open space and ecosystems, including waterways.
- Providing better access to parks, playgrounds, and facilities.

Theme 2: Moving and living safely in Moreland

- Building more, better paths for people to get around without a car.
- Encouraging more people to walk, cycle or take public transport.
- Consulting the community before removing parking or road space.

Theme 4: Vibrant spaces and places in Moreland

- Designing neighbourhoods to be safe and pleasant places for all.
- Increasing local affordable housing.
- Working for better quality private developments.
- Making Moreland a creative and cultural destination.

## **1.3 Procedural issues**

### **Submitter 8 written submission**

Planning Panels Victoria received an email on 16 March 2022 from P & S Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd (Mirabella / Submitter 8) filing written submissions and advising it no longer intended to attend the Hearing unless requested by the Panel. The Panel confirmed by return email to all Parties that it would accept the written submissions and did not require Submitter 8 to attend the Hearing to respond to questions.

### **Site inspection**

The Panel sought the views of parties regarding whether a site inspection was necessary. Parties were of the view that it would not be required. The Panel agreed and advised that it would raise the matter with parties if it formed a different view during the Hearing. The Panel concluded at the end of the Hearing that a site inspection was not required.

## **1.4 Summary of issues raised in submissions**

Thirteen submissions were received during the exhibition period. Following exhibition two further submissions were received expanding on their original submissions (Submitters 8 and 13). Two

submissions supported the Amendment, eleven submitters objected to or sought changes to the Amendment.

The key issues raised by submitters include:

- concerns relating to public notice and consultation
- transport policy, including:
  - inclusion of the MITS in the Planning Scheme
  - proposed changes to Clause 02.03-7 (Transport) relating to referencing ‘those who need to drive’ and inclusion of the road user hierarchy
  - policy relating to reallocation of road space
- traffic concerns and issues relating to bike lanes
- specific requests for purchase of properties for open space and suggestions for surrounding development
- whether translation of current Clause 13.07-1L Discretionary Uses in residential zones was policy neutral
- whether to include the *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007 as a background document
- specific content and drafting issues relating activity centres, biodiversity and social and affordable housing.

The Environment Protection Authority (EPA) did not object but raised issues relating to application of the EAO to properties proposed to be rezoned to the PPRZ.

## 1.5 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Transport
- Heritage guidelines
- Environmental Audit Overlay
- Specific content and drafting issues.

## 1.6 Limitations

Council submitted that the following issues were outside the scope of the Amendment:

- traffic and issues relating to bike lanes
- specific requests for purchase of properties for open space and suggestions for surrounding development

- whether the translation of current Clause 13.07-1L Discretionary Uses in residential zones was policy neutral.

Council explained these issues were not relevant to the Amendment which sought to introduce high level policy. In relation to:

- bike lanes consultation on the bike paths is being undertaken through a separate process, including a proposed trial
- purchase of land for open space is guided by the *A Park Close to Home*, City of Moreland, 2017 and no built form controls are proposed in the Amendment. Protection and enhancement of open space is being considered through a separate process, including a consultation process
- the changes to Clause 13.07-1L do not form part of the Amendment and the appropriate time to consider the issues is in the Planning Scheme Review being undertaken by Council this year.

The Panel agrees with Council that these issues are outside of the scope of the Amendment, and they have not been discussed in this Report.

## 2 Planning context

### 2.1 Planning policy framework

Council's Part A submission provided a strategic assessment of the Amendment and a discussion of the overarching policy context. Council submitted that the Amendment is supported by various clauses in the PPF which the Panel has summarised below.

#### (i) Victorian planning objectives

The Amendment will implement State policy objectives set out in section 4 of the *Planning and Environment Act 1987* (PE Act) by:

- providing for the fair, orderly, economic and suitable use, and development of the land
- securing a pleasant, efficient and safe working, living and recreational environment for all Victoria and visitors to Victoria
- facilitating development in accordance with the objectives of planning in Victoria.

Council submitted that the Amendment provides certainty to uses of the Planning Scheme and will deliver clear strategic direction.

#### (ii) State Planning Policy Framework

Council submitted that the Amendment supports and implements numerous state policies.

**Clause 11.03-1S (Activity centres)** seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. This includes supporting the continued growth and diversification of activity centres and encouraging economic activity and business synergies.

The Amendment supports Clause 11.03-1S (Activity Centres) by reintroducing strategies that help protect the viability of businesses operating in Moreland's activity centres and supports the continued operation of noise generating uses.

**Clause 12.01-1S (Protection of biodiversity)** aims to assist in the protection and conservation of Victoria's biodiversity.

The Amendment supports Clause 12.01-1S (Protection of biodiversity) by including strategies that aim to enhance and create habitat corridors through increased tree planting and retention of native vegetation and encouraging varied vegetation to promote pest and disease resilience.

**Clause 13.04-1S (Contaminated and potentially contaminated land)** 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.

Application of the EAO to sites proposed to be rezoned to PPRZ will ensure that potentially contaminated land is assessed as being suitable for a use that could be significantly adversely affected by contamination.

**Clause 15.01-1S (Urban Design)** 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. **Clause 15.01-1R (Urban design – Metropolitan Melbourne)** 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.

The Amendment supports these Clauses by introducing a strategy to improve the amenity of the urban environment through greener streets.

**Clause 15.01-2S (Building design)** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. This includes minimising the detrimental impact of development on neighbouring properties, the public realm, and the natural environment.

The inclusion of application requirements in the Schedules to the DDO for the Brunswick and Neighbourhood Activity Centres requiring the provision of 3D modelling will help improve decision making and design outcomes for higher density development.

**Clause 15.03-1S (Heritage)** seeks to ensure the conservation of places of heritage significance through encouraging appropriate development that respects places with identified heritage values and ensuring an appropriate setting and context for heritage places is maintained or enhanced.

The Amendment supports this by introducing guidelines into the Planning Scheme to ensure development respects the existing heritage fabric of buildings.

**Clause 16.01-2S (Housing affordability)** aims to deliver more affordable housing closer to jobs, transport, and services. This includes facilitating the delivery of social housing by identifying suitable surplus government land.

The Amendment includes a strategy aimed at encouraging public landowners in Moreland to use surplus land for social and affordable housing.

**Clause 17.01-1S (Diversified economy)** seeks to strengthen and diversify the economy by protecting and strengthening existing and planned employment areas and facilitating growth in a range of employment sectors, including knowledge industries.

The Amendment introduces the Brunswick Design District into the Planning Scheme and specific strategic directions to support creative industries to strengthen and diversify Moreland's economy.

**Clause 18.02-2S (Walking)** aims to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

The Amendment introduces strategies to implement improvements to the cycling network, including safety and greening, through reallocating road space and existing car parking.

**Clause 18.02-3S (Public transport)** aims to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

The Amendment introduces a strategy that will improve public transport through reallocating road space and existing car parking.

## 2.2 Other relevant planning strategies and policies

### (i) Municipal Planning Strategy

Council submitted that the Amendment supports and implements the vision of sustainable neighbourhoods in the MPS.

**Clause 02.03-2 (Environmental and landscape values)** highlights the importance of Moreland's local creeks and environs as environmental natural resources and areas for community recreation, a healthy urban forest for the health and wellbeing of Moreland's community and providing refuge and connectivity of habitat for biodiversity.

The Amendment makes minor changes to the wording of Clause 02.03-2 (Environmental and landscape values) and introduces new strategies at Clause 12.02-1L (Biodiversity in Moreland) to give support to Council's adopted Nature Plan and Urban Forest Strategy. These changes will provide clearer guidance in relation to improvement and protection of environmental and landscape values.

The introduction of new strategies in Clause 12.01-L (Biodiversity in Moreland) will also implement strategic directions under Clause 02.03-2, including creating a diverse urban forest of trees and other vegetation that will enhance urban ecology and greening in both the public and private realm and protect and enhance habitat corridors in parks and along waterways.

**Clause 02.03-4 (Built environment and heritage)** highlights the importance of Moreland's heritage places and protecting these places from unsympathetic development and subdivision.

The Amendment supports and implements Clause 02.03-4 (Built environment and heritage) by including additional guidance in Clause 15.03-1L (Heritage) for assessing planning permit applications. Clause 02.03-4 (Built environment and heritage) also seeks to improve the design quality of the built environment in Moreland, including housing development.

The introduction of 3D modelling application requirements in the Brunswick and Neighbourhood Activity Centres will help to achieve this by improving decision making and design outcomes for higher density development.

**Cause 02.03-5 (Housing)** highlights the need for affordable housing in Moreland.

The Amendment includes a strategy at Clause 16.01-2L (Housing affordability) to encourage the provision of social and affordable housing.

**Clause 02.03-6 (Economic development)** supports creative industries and new ways of working as a key part to creating sustainable economic development throughout the municipality.

The Amendment supports this through introducing new strategic directions at Clause 02.03-6 to support the Brunswick Design District and creative industries, and identify the district on the Strategic Framework Plan *Economic Development* (Clause 02.04).

**Clause 02.03-7 (Transport)** 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.

The proposed changes to the strategic directions and inclusion of new strategies at Clauses 15.01-1L (Urban Design), 18.02-1L (Sustainable person transport) and 18.02-2L (Public transport) in Moreland will help to achieve this.



## 2.3 Planning Scheme provisions

### (i) Clause 71.02 (Operation of the Planning Policy Framework)

Clause 71.02-1 sets out the purpose of the PPF as follows:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change. The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 71.02-3 requires Council as the Planning Authority (as well as in the context of considering an application a Responsible Authority) to:

... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

## 2.4 Amendments C174more Part 1, C200more, VC204 and VC205

Council provided the Panel with an overview of other Planning Scheme Amendments which may affect the Amendment (see Table 1).

**Table 1** Relevant Amendments

Amendment	Description	Relevance to C212more	Status
C174more Part 1	The amendment implemented the recommendations of the Moreland Heritage Gap Study by applying a Heritage Overlay on a permanent basis to 80 individual sites, 4 heritage precincts, 3 serial listings and 10 precincts and introduced the Moreland Heritage Exemptions Incorporated Plan 2019 into the Moreland Planning Scheme.	20 Dawson Street, Brunswick was assessed as part of the Moreland Heritage Gap Study, with the C174more Panel Report stating that the study “ <i>has applied appropriate methodology for initially identifying candidate sites and assessing whether they have sufficient local significance to justify the Heritage Overlay</i> ”, concluding that the Amendment “ <i>was well founded and strategically justified</i> ”	Gazetted 5 January 2021
C200more	The Amendment translated the LPPF of the Moreland Planning Scheme to a new MPS, PPF and amended several schedules to overlays and operational provisions consistent with the reforms to the Victoria Planning Provisions introduced by Amendment VC148	The Amendment introduces new policy content that was identified during the translation of the LPPF to the MPS and PPF to help strengthen the PS in achieving the MPS vision of sustainable neighbourhoods	Gazetted 9 December 2021

Amendment	Description	Relevance to C212more	Status
VC205 (State transport projects)	The Amendment introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes relevant consequential changes to reference these changes through the Victoria Planning Provisions.	As exhibited, the Amendment proposed to rezone 6 McDonald Street, Coburg from a Public Use Zone – Schedule 4 to an Industrial 1 Zone (IN1Z). The proposed rezoning to IN1Z is not proposed to change, however the underlying zone which the amendment is seeking to rezone the land from should be updated to Transport Zone 1 – State Transport Infrastructure. Similarly, as exhibited the Amendment proposed to rezone Lygon Street between Brunswick Road and Park Street, Brunswick from the Road Zone 1 to part Commercial 1 Zone and Public Park and Recreation Zone. The proposed rezoning is not proposed to change; however, the underlying zone should be updated to Transport Zone 2 – Principal Road Network	Gazetted 20 January 2022
VC204 (updates to State planning policy for transport)	The Amendment updated the State planning policy to support a more integrated transport system. The changes will apply to Clause 18 (Transport) provisions in the Victoria Planning Provisions and all planning schemes	The Amendment seeks various changes to clause 18 which will now need to respond, and adjust to, the updated Clause 18 introduced through Amendment VC204	Gazetted 9 December 2021

Source: Council Part A submission

## 2.5 Ministerial Directions and Practice Notes

Council submitted that the Amendment is consistent with relevant Ministerial Directions and Planning Practice Notes, including:

- Ministerial Direction on the Form and Content of Planning Schemes
- Ministerial Direction No.1 – Potentially Contaminated Land (MD1)
- Ministerial Direction No.11 – Strategic Assessment of Amendments
- Ministerial Direction No.15 – The Planning Scheme Amendment Process
- Ministerial Direction No.19 – Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health (MD19)
- *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46)

That discussion is not repeated here.

## 2.6 Notice of Amendment and consultation

Ms Attwater (Submitter 13) submitted that adequate notice of the Amendment was not given, specifically Council relied on limited communication channels and the public notice in the Government Gazette did not make mention of the MITS and transport related changes.

Ms Attwater also considered Council should have convened a Citizen Advisory Committee to consider the proposed changes, as set out in Council's Governance Rules and *Community Engagement and Public Participation Policy 2020*. She also raised concerns about adequate community consultation on the updated MITS.

Council provided details of its exhibition process and advised it was satisfied the Amendment had been exhibited as required by statutory requirements. It stated that submitters also have an opportunity to be heard through the planning panel process.

Council submitted that a Citizen Advisory Committee was not necessary or required to consider the proposed changes to the Planning Scheme. It considered the process to be consistent with Council's engagement policy on the basis that:

- it sets out that Citizen Advisory Committees play a key role in providing early advice to Council about strategic work it is initiating
- the proposed changes implement already adopted Council strategies, and have already been through a process of community engagement
- it states that engagement on town planning matters is guided by statutory requirements in the PE Act.

Council provided details of the community consultation undertaken in relation to strategies underpinning the Amendment.

## 2.7 Strategic justification

While issues have been raised about specific elements of the Amendment, there were no submissions or evidence given that the overall Amendment was not strategically justified.

The Panel acknowledges that Council has undertaken community consultation programs for relevant strategies. The community consultation requirements for each strategy will vary depending on the purpose and context of the strategic work, and as required by its engagement policy.

The Amendment updates policy in relation to a wide range of adopted Council strategies and the Panel considers it acceptable that the MITS was not specifically identified in the Government Gazette notice. The Explanatory Report does include details of the proposed changes. Issues relating to MITS are discussed in Chapter 3.1.

The Panel accepts that Council is satisfied it has complied with statutory obligations for public notice of the Amendment.

The Panel does not make any comment on Council's decisions relating to Citizen Advisory Committees. These are used by Council for specific purposes as defined by its Engagement Policy and are not a statutory requirement. The key strategic driver for the Amendment was Council's obligation under section 12B of the PE Act to undertake a statutory review of the Planning Scheme no later than one year after an approved Council Plan. The Amendment is also required to update local policy content in the MPS, PPF and local schedules within the Planning Scheme by:

- introducing new policy content and planning permit application requirements
- correcting anomalies, errors and inconsistencies.

The Panel considers the Amendment:

- is broadly consistent with the PE Act, is supported by and implements the relevant sections of the MPS and PPF
- has generally been prepared in accordance with relevant Ministerial Directions and Practice Notes
- is consistent with the principles of net community benefit as it will provide streamlined and updated policy into the Planning Scheme

Improved local policy content in the MPS, PPF and local schedules will provide certainty to the users of the planning system and ensure land use and development outcomes.

The Panel concludes the Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Transport

### 3.1 Moreland Integrated Transport Strategy

#### (i) The issues

The issues are whether:

- implementation of the MITS 2019 into the Planning Scheme is strategically justified
- it is premature to implement the MITS because it is currently being reviewed by Council and is yet to be updated following the recommendations contained in the Panel Report for Amendment C183more.

#### (ii) Background and context

Amendment C183more proposed to implement Actions 1 and 2 of the MITS:

- Action 1: Prepare a planning scheme amendment that:
  - implements the changes to the car parking requirements in the Parking Implementation Plan, including establishing maximum car parking rates instead of minimum parking requirements for new development in Activity Centres, and reduced minimum parking requirements in Neighbourhood Centres
  - encourages new development in Activity Centres, Neighbourhood Centres, and Local Centres to incorporate sustainable transport into its design.
- Action 2: Expand parking restrictions to all streets within Neighbourhood Centres and within approximately 200 metres of Activity Centres. This initiative aims to safeguard local streets from changes to parking requirements in new developments.

The panel for Amendment C183more found that the strategic basis for the MITS was supported in State and Local planning policy. However, it ultimately considered that insufficient parking survey and modelling work had been undertaken to inform the amendment and recommended further analysis to provide a more fulsome assessment of the consequences of the amendment.

On 13 May 2020, Council considered the recommendations of the panel and resolved to abandon Amendment C183more. This in turn resulted in Council abandoning Actions 1 and 2 of the MITS at its meeting on 9 December 2020.

Council resolved at this meeting to receive a report in April 2021 which recommended amendments to the MITS to reflect the changes to parking restrictions and parking requirements. While Council resolved to abandon Actions 1 and 2 of the MITS, at its meeting of 14 April 2021 it simply resolved to 'note', not 'adopt', these revisions. Consequently the MITS has not been formally updated to reflect these changes.

#### (iii) Submissions

Council proposed to include reference to the MITS in the Planning Scheme. It submitted that the MITS 2010 required updating because of several transport policy changes and emerging trends (for example, new local and state policy, demographic shifts, significant new development and new transport technology), and Council's commitment to achieving a demonstrable mode shift in the way people travel or move about the municipality.

A number of submitters opposed inclusion of the MITS in the Planning Scheme because Council is proposing to review it. They submitted the MITS should not be implemented until this review is complete and the recommendations of the panel for Amendment C183more are considered.

Ms Attwater raised concerns that the version of the MITS exhibited with the Amendment did not include the changes noted at the 14 April 2021 Council meeting. Ms Attwater considered the MITS Appendix, MITS Background Report (Feb 2018) and MITS Technical Appendix (Feb 2018) should be referenced in the Planning Scheme.

Council submitted that while it had resolved at its April 2021 meeting to begin further work to revise the MITS, this will take some time to complete. Consequently, until this occurs, the MITS (rather than the MITS 2010 which is outdated) should be used to make transport related decisions across the municipality.

Council did not support referencing the MITS Appendix, MITS Background Report (Feb 2018) and MITS Technical Appendix (Feb 2018) in the Planning Scheme. Council referred the Panel to A *Practitioners Guide to Victorian Planning Schemes* (Practitioner's Guide) which explains the purpose of background documents:

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.

It was Council's position that the MITS is the most appropriate document to include as a background document given it is the overarching strategy that has informed changes to the Planning Scheme and has been included to provide context to the changes made to the PPF and MPS.

Ms Attwater further submitted that the MITS is:

- more akin to a Transport Plan because it fails to identify, for example, a cycling network, and simply contains actions to be addressed
- fails to align with the *Transport Integration Act* 2010 as it is not sufficiently "integrated" with the obligations of a Municipal Council.

The MITS was compared to the City of Melbourne's Transport Strategy. The submitter considered the City of Melbourne's document better demonstrates an integrated transport strategy with the inclusion of maps for walking, stations, public transport, bikes, motor vehicles and a proposed integrated network map.

Council submitted the MITS was informed by the *Transport Integration Act* 2010 and provided a table (see Table 2) showing its alignment.

**Table 2** MITS alignment with the *Transport Integration Act* 2010

Moreland Integrated Transport Strategy (2019) objectives	Aligned Transport Integration Act (2010) objectives
A liveable Moreland where the transport network caters for all ages and where we consciously reduce local vehicle traffic and safeguard the wellbeing of our community	Objective 1 Objective 3
A sustainable Moreland which achieves a city-leading shift toward sustainable modes of travel, supporting the transition to active and zero-emissions transport by 2040 and addressing the climate emergency	Objective 3

Moreland Integrated Transport Strategy (2019) objectives	Aligned Transport Integration Act (2010) objectives
A Moreland that is safe and healthy where transport safety is a key focus, we improve personal security and safety and promote a healthy community with cleaner air	Objective 6
A Moreland that is accessible and equitable for all where we reduce barriers to community movement and strongly commit to making Moreland accessible to all	Objective 1
A prosperous Moreland which connects people to local jobs and services, encourages people to visit shopping strips and activity centres, focuses on the reliability of the transport system for people and goods and caters for population and employment growth	Objective 2 Objective 4 Objective 5

Source: Council Part A submission

#### (iv) Discussion

The Panel accepts that the underlying strategic basis for the implementation of the MITS is supported in State and local planning policy. The Panel agrees with Council that including reference to the MITS in the Planning Scheme will help to achieve the Council's sustainable transport objectives. The Panel agrees with the Council that it is sensible to update the Planning Scheme to reference the updated MITS, rather than leave in the reference to the outdated 2010 version, despite Council's intent to review strategy. Transport decisions across the municipality will continue to occur and the 2019 version of the MITS will better guide the decision maker than the 2010 version.

A document that includes a lot of information that is not directly relevant to the specific provision of the Planning Scheme will not generally be suitable for mention as a background document. The Practitioner's Guide clarifies that background documents:

- provide information that helps to understand why a particular policy or provision has been included in the planning scheme
- give useful information that will help a user understand the planning scheme and must relate directly to a specific policy or provision.

The Panel is of the view that the MITS Appendix, MITS Background Report (Feb 2018) and MITS Technical Appendix (Feb 2018) fall into this category. The Panel accepts Council's position that these documents should not be referenced in the Schedule to Clause 72.08 (Background documents).

The issue of the exhibition of the MITS is confusing. While the Council in April 2021 resolved to 'note' various changes to the document arising from the panel report for Amendment C183more, the changes to the MITS were never formally adopted and consequently the MITS remains unchanged. How this MITS is presented, and whether it includes the notation to the December 2020 recommendations is a matter for Council. Obviously, once the MITS is reviewed, updated and adopted by Council, a further planning scheme amendment will be needed to update the document reference.

The Panel has considered the *Transport Integration Act 2010* and believes it has been given appropriate scrutiny in the preparation of the Amendment. It is clear from a review of the MITS that transport integration (as set out in Part 2, Division 2 of the *Transport Integration Act 2010*)

was adequately considered as part of the development of the MITS. Specifically, the strategic directions and actions within the MITS are aimed at:

- creating a transport network within Moreland that is accessible and equitable to all, including for those who still need to drive
- seeking to reduce local vehicle traffic and safeguard the wellbeing of the community
- achieving a shift towards sustainable modes of travel
- connecting people to local jobs and services
- catering for population and employment growth.

The MITS also seeks to improve pedestrian and cycling infrastructure, including the safety of these modes of transport, and supporting improvements to public transport. This all broadly aligns with the objectives and decision principles outlined in Divisions 2 and 3 of the *Transport Integration Act 2010*.

The Panel is not tasked with the job of assessing whether the MITS is more akin to an integrated transport plan, or whether the MITS should be more like to the transport strategy prepared by the City of Melbourne. The issue is whether the implementation of the MITS in the Planning Scheme is strategically justified. The Panel has concluded that it is.

The Panel notes that Council has committed to further community consultation as it fully reviews the MITS.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- Implementation of the MITS into the Planning Scheme is strategically justified
- It is not premature to implement the MITS.

The Panel recommends:

- 1. Amend the Schedule to Clause 72.08 (Background documents) to update the reference to the *Moreland Integrated Transport Strategy 2019* (Moreland City Council, March 2019).**

### **3.2 Clause 02.03-7 (Transport)**

#### **(i) The issues**

The issues are whether:

- the wording of Clause 02.03-7 (Transport) is appropriate
- inclusion of the road user hierarchy (the second strategic direction of Clause 02.03-7) is appropriate.

#### **(ii) Submissions**

Several submitters were concerned with Council's proposed changes to Clause 2.03-7 (Transport) raising issues that the:

- use of the wording 'some people need to drive' (in the proposed new strategic direction) and 'those who need to drive' (in the proposed addition to the context section) is biased towards drivers
- road user hierarchy is too simplistic.



### Use of the words ‘need to drive’

Most submissions opposing the Amendment were not concerned with the overall sustainable transport goals, but rather challenged the detail of the proposed changes to the relevant controls.

Council submitted that the addition of the words ‘need to drive’ recognises that some people will continue needing to drive despite Council’s transition or push to more sustainable modes of travel.

Submitters advocated that the terminology ‘need to drive’ is biased towards drivers and that the wording should be updated to define what is meant by those who ‘need to drive’ or to include a reference to ‘those who cannot drive’. More specifically, it was submitted that while some people need to drive for health or mobility reasons, others can’t drive for these reasons, and some people cannot drive for socioeconomic reasons.

In response to submissions, Council agreed that there are various reasons why people do not travel by car, including choice, a desire to reduce reliance on the car, or cannot afford to travel by car. To ensure that the MPS provides equal recognition to the different transport users across the municipality, following exhibition of the Amendment Council proposed to amend the wording of the new strategic direction at Clause 2.03-7 to include the wording:

... 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.

This updated wording did not resolve the submissions. Submitters were concerned the:

- strategic direction remains biased and continues to treat travelling by car as the default mode of transport
- updated direction embodies the assumption that those who use other modes of transport are doing so because they have explicitly rejected travelling by car
- wording ‘need to drive’ suggests that driving is a necessity when the necessity is in fact ‘the need to get around’.

Submissions were also made with respect to the proposed wording to the new context section. Much like the submissions in relation to the amended strategic directions, this was on the basis that not everyone has access to use of a car by virtue of age, disability or health, or socio-economic factors. In turn, this means that the availability to car parking will have no influence on the way people travel (Submitter 10).

Some submitters suggested alternative wording to Clause 02.03-7 which the Panel has set out in Table 3. In response to submissions made during the Hearing and questions from the Panel, the Council proposed a post-Hearing version of the policy.

**Table 3** Alternative versions of ‘need to drive’ in Clause 02.03-7 Transport

	New context section	New Strategic Direction No.1
Exhibited version	The availability of car parking where people live, and their destinations, will strongly influence the ways they travel. Getting the type, location and amount of car parking right can contribute to better transport, land use, economic and community outcomes. This includes improved sustainable transport uptake while catering for those who need to drive.	Planning for a transport network that: <ul style="list-style-type: none"> <li>- Caters for all ages, is accessible and equitable, including recognition that some people need to drive.</li> </ul>

New context section		New Strategic Direction No.1
Council's post-exhibition version		<p>Planning for a transport network that:</p> <ul style="list-style-type: none"> <li>- 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.</li> </ul>
Submitter 10	<p>The availability of car parking where people live, and their destinations, will strongly influence the ways they travel. Getting the type, location and amount of car parking right can contribute to better transport, land use, economic and community outcomes. This includes more equitable access to road space for those who cannot drive and improved sustainable transport uptake while allowing for those who need to drive.</p>	<p>Planning for a transport network that:</p> <ul style="list-style-type: none"> <li>- Caters for all ages, is accessible and equitable, including for those who cannot drive while allowing for those who need to drive.</li> </ul>
Submitter 6	<p>Getting the type, location and amount of car parking right can contribute to better transport, land use, economic and community outcomes. This includes increasing the shift towards sustainable transport modes, while ensuring that those who need to walk, cycle, wheel or drive can do so safely.</p>	<p>Planning for a transport network that:</p> <ul style="list-style-type: none"> <li>- Caters for all ages, is accessible and equitable, including recognition that people's individual circumstances may limit their flexibility in switching transport modes.</li> </ul>
Submitter 9		<p>Planning for a transport network that:</p> <ul style="list-style-type: none"> <li>- Caters for all ages, is accessible and equitable, including recognition that some people need to drive. And that for some people driving is not an option.</li> </ul>
Council's post-Hearing version	<p>The availability of car parking where people live, and their destinations, will strongly influence the ways they travel. Getting the type, location and amount of car parking right can contribute to better transport, land use, economic and community outcomes. This includes increasing the shift towards sustainable transport modes while ensuring that those who need to walk, cycle, wheel, or drive, can do so safely.</p>	<p>Planning for a transport network that:</p> <ul style="list-style-type: none"> <li>- Caters for all ages, is accessible and equitable for all road users.</li> </ul>

### ***Road user hierarchy***

Council submitted the road user hierarchy outlines the indicative function, role, characteristics, and users to be prioritised on key roads within its transport network. For example, in making improvements to a transport corridor, Council will ensure high-quality pedestrian facilities (including crossings) are in place as a priority. Council will then ensure the corridor can be accessed safely and conveniently by cyclists and people using public transport as a priority over people who drive.

It was Council's position that the road user hierarchy supports the implementation of the MITS and clearly recognises the transport network uses Council wants to prioritise when improvements are made to Moreland's transport network, advocacy or in assessing infrastructure proposals.

In addition, Council says 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. This is reflected in the following headline strategy of MITS 2019:

Reallocate road space and car parking according to the road user hierarchy.

Council further submitted the hierarchy supports Council's commitments in the Council Plan set out under Theme 2: Moving and living safely in Moreland.

Submitters said the road user hierarchy was too simplistic and failed to include several road users, including freight and delivery vehicles, trade vehicles and emergency vehicles, and waste collection and street-sweeping vehicles. Submitted 6 suggested the wording of the second new strategic direction be amended to:

Prioritising our transport network according to the following 'road user hierarchy', whilst ensuring access for those people whose individual circumstances limit their flexibility in switching transport modes.

Pedestrians.

Cyclists.

Public transport.

Private vehicles.

In response Council said that the hierarchy has been summarised into four broad user categories, which then include 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. When making decisions using the hierarchy, Council submitted that 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 Planning Scheme would not prevent this.

In response to submissions made during the Hearing and questions from the Panel on whether the language accurately aligns with the language in the MITS, the Council proposed a post-Hearing version of the wording for the second strategic direction:

"Prioritising our transport network according to the following 'road user hierarchy', while ensuring access for those who need to walk, cycle, wheel or drive:

People who are walking.

People who are cycling.

People who are using public transport.

People who are driving."

**(iii) Discussion**

The Panel accepts the Council's post-Hearing version of both the new context section and new strategic directions for Clause 02.03-7 (Transport). The wording appropriately:

- responds the concerns shared by the submitters
- continues to recognise that some people still need to drive
- clearly promotes the Council's desire to transition to more sustainable modes of transport as envisaged by the MITS
- appropriately reflects the transport network users that the MITS requires Council to prioritise.

The Panel accepts Council's position that the hierarchy supports the implementation of the MITS and clearly recognises the transport network uses that the Council wants to prioritise when improvements are made to the Moreland's transport network, advocacy or in assessing infrastructure proposals.

Given the word 'need' has been deleted from the context section and the first strategic direction, the Panel considers it also appropriate to delete it from the second context section.

**(iv) Conclusions and recommendations**

The Panel concludes:

- The wording of Clause 02.03-7 (Transport) is appropriate, subject to the changes proposed by Council in its final version of Amendment documents and deletion of the word 'need'.
- Inclusion of the road user hierarchy (the second strategic direction of Clause 02.03-7) is appropriate, subject to the changes proposed by Council in its final version of Amendment documents and deletion of the word 'need'.

The Panel recommends:

**2. Amend Clause 02.03-7 (Transport) to update the wording of the:**

- a) Context section to replace *"This includes improved sustainable transport uptake while catering for those who need to drive."* with *"This includes increasing the shift towards sustainable transport modes while ensuring that those who walk, cycle, wheel or drive can do so safely"*.
- b) First dot point under the first strategic direction to replace *"Caters for all ages, is accessible and equitable, including recognition that some people need to drive"* with *"Caters for all ages, is accessible and equitable for all road users"*.
- c) Second strategic direction to state:

*Prioritising our transport network according to the following 'road user hierarchy', while ensuring access for those who walk, cycle, wheel or drive:*

- *People who are walking.*
- *People who are cycling.*
- *People who are using public transport.*
- *People who are driving.*

### 3.3 Reallocating road space

#### (i) The issue

The issue is whether the proposed changes to Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-2L (Public transport in Moreland) are appropriate.

#### (ii) Submissions

Several submitters raised concerns about the inclusion of proposed strategies, including:

- the strategies are inconsistent with the Council Plan and should be considered on a case-by-case basis
- the proposed changes interfere with the rights of owners and occupiers to access the road that adjoins their land under section 9 of the *Road Management Act 2004*
- road reallocation will only be successful if the Planning Scheme has car parking plans and parking overlays for every suburb and precinct in Moreland and requires increased off-street parking provision in new developments.

Council submitted that the changes proposed do not interfere with the rights owners have to access the road adjoining their property. When assessing applications for new development or a road space reallocation, Council submitted:

- it will always ensure access to private land is maintained
- the Planning Scheme regulates land use and development and provides a clear and consistent framework within which decisions about the use and development of land can be made
- the Planning Scheme does not, and will not, override other laws relating to roads, traffic, and parking
- car parking plans and overlays are not required for road reallocation to be successful.

Four submitters supported the proposed changes.

Mirabella regarded the proposed changes as inappropriate in the absence of detailed analysis of the functionality of the secondary road network. It was submitted that inadequate strategic work has been undertaken by Council to date to support the inclusion of the local transport policy clauses. In its written submission to the Panel, Mirabella said:

In equivalent work (i.e. the implementation of an integrated transport policy), the City of Yarra as planning authority has engaged traffic engineers to undertake detailed surveys, inspections and analysis (including swept paths) of the laneways that lie 'behind' the linear major activity centre strips of that City. This is the work that needs to be done by this planning authority to support implementation of the MITS in the manner proposed by this Amendment. Work must be done to identify the width (and therefore the capacity) of the laneway networks supporting the activity centre strips such as Lygon Street to ensure that for those sites with primary frontage to the arterial roads and commercial zoning but which enjoy a secondary frontage to a lower order road can utilise that access for vehicle ingress and egress upon redevelopment in line with activity and housing growth policy.<sup>1</sup>

Council considered the issues raised by Mirabella are relevant to its site only and should be assessed on a case-by-case basis with consideration of the context and proposed development.

<sup>1</sup> Paragraph 30 of the Mirabella Holdings Pty Ltd submission

Council submitted that the work suggested by the submitter is not relevant to the Amendment but will form part of future development applications within the Major Activity Centre.

Mirabella proposed two changes to the Amendment if the Panel did not accept its submission that further strategic work is required:

- Adding an additional dot point at clause 02.03-7 that reads:  
In the assessment of permit applications that achieve housing growth, adopting an evidence based assessment approach to vehicle access and egress acknowledging that lower order roads in activity centres have limited width and capacity.
- Adding an additional dot point at clause 18.02-1L that reads:  
Ensure that an evidence-based assessment approach is taken when considering the location of vehicle access and egress given that lower order roads in activity centres have limited width and capacity.

Council did not support these changes and submitted that further strategic work was not required at this stage.

Several changes were advanced by Council at the Hearing to Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-2L (Public transport in Moreland). These changes were administrative in nature and made in response to the new Clause 18 structure introduced through Amendment VC204. The changes proposed were not disputed by any submitter. These post exhibition changes are detailed in Table 4 below.

**Table 4 Council's proposed post exhibition changes**

	Clause 18.02-1L (Sustainable transport in Moreland)	Clause 18.02-2L – Public Transport in Moreland
Exhibited Version	<p>Insert the following new strategy:</p> <ul style="list-style-type: none"> <li>- <i>Reallocating road space and existing car parking to:</i> <ul style="list-style-type: none"> <li>○ <i>Support improvements to pedestrian and cycling infrastructure, including access to public transport.</i></li> <li>○ <i>Facilitate the safety of walking and cycling.</i></li> </ul> </li> </ul>	<p>Add the following new local policy:</p> <ul style="list-style-type: none"> <li>- <i>Reallocating road space and existing car parking to:</i> <ul style="list-style-type: none"> <li>○ <i>Support improvements to public transport.</i></li> </ul> </li> </ul>

	Clause 18.02-1L (Sustainable transport in Moreland)	Clause 18.02-2L – Public Transport in Moreland
Changes Sought by Council to Exhibited Version	<p>Relocate this clause to Clause 18.02-2L.</p> <p>Rename clause to 'Clause 18.02-2L (Cycling in Moreland)' and reword proposed new strategy as follows:</p> <p><b>18.02-<del>1L</del>2L Sustainable Transport Cycling in Moreland</b></p> <ul style="list-style-type: none"> <li>- <i>Reallocating road space and existing car parking to:</i> <ul style="list-style-type: none"> <li>○ <i>Support improvements to <del>pedestrian</del> and cycling infrastructure, including access to public transport.</i></li> <li>○ <i>Facilitate the safety of walking and cycling.</i></li> </ul> </li> </ul> <p>Introduce a new local policy at Clause 18.02-1S (Walking) with a new strategy as follows:</p> <p><b>Clause 18.02-1L Walking in Moreland</b></p> <ul style="list-style-type: none"> <li>- <i>Reallocating road space and existing car parking to:</i> <ul style="list-style-type: none"> <li>○ <i>Support improvements to pedestrian and cycling infrastructure, including access to public transport.</i></li> <li>○ <i>Facilitate the safety of walking and cycling.</i></li> </ul> </li> </ul>	<p>Relocate this new policy to a new Clause 18.02-3L, as follows:</p> <p><b>18.02-<del>2L</del>3L Public Transport in Moreland</b></p> <ul style="list-style-type: none"> <li>- <i>Reallocating road space and existing car parking to:</i> <ul style="list-style-type: none"> <li>○ <i>Support improvements to public transport.</i></li> </ul> </li> </ul>

### (iii) Discussion

Reallocating road space is a headline strategy in the MITS as Council seeks to promote a transition to more sustainable modes of transport. Included as a strategy in the various clauses it clearly assists in describing how the strategic direction of Clause 02.03-7 will be achieved across the municipality. It is broad and does not, for example, nominate specific projects, and Council will need to develop technical and strategic justification for any specific projects where a road space reallocation is proposed.

The Panel does not agree that the changes proposed will interfere with the rights given to owners and occupiers under section 9 of the *Road Management Act 2004*. Access to land must and will always be permitted and a planning scheme cannot interfere with or override legislation relating to access, roads, traffic or car parking.

The Panel does not agree with Mirabella that more detailed analysis is required before the proposed changes to the Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-2L (Public transport in Moreland) can be adopted. Equally, the Panel does not agree with the proposed changes to Clause 02.03-7 and Clause 18.02-1L as recommended by Mirabella. Again, this analysis can occur on a case-by-case basis (or at the development approval stage).

The Panel takes no issue with the post exhibition changes proposed by the Council, noting they have been made simply as an administrative response to Amendment VC204. The recommendation made by the Panel seeks to incorporate these post exhibition changes.

**(iv) Conclusions and recommendations**

The Panel concludes:

- The proposed changes to Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-3L (Public transport in Moreland) are appropriate.
- The post exhibition changes made to Clauses 15.01L (Urban design), 18.02-1L (Sustainable personal transport in Moreland) and 18.02-3L (Public transport in Moreland) are appropriate, including the addition of the new local policy at Clause 18.02-1L (Walking in Moreland).

The Panel recommends:

**3. Amend Clause 18.02-1L (Sustainable personal transport in Moreland) to:**

- a) Update the clause number and title to 18.02-2L (Cycling in Moreland)**
- b) Update the wording of the new strategy to state:**

*Reallocating road space and existing car parking to:*

- *Support improvements to cycling infrastructure, including access to public transport.*
- *Facilitate the safety of cycling.*

**4. Introduce a new local policy Clause 18.02-1L (Walking in Moreland) with the following strategy:**

*Reallocating road space and existing car parking to:*

- *Support improvements to pedestrian infrastructure, including access to public transport.*
- *Facilitate the safety of walking.*

**5. Relocate proposed Clause 18.02-2L (Public Transport in Moreland) to Clause 18.02-3L.**



## 4 Heritage guidelines

### 4.1 The issue

The issues is whether it is appropriate to include the *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007 as a background document.

### 4.2 Proposal

Council explained in its Part A submission that the Amendment proposed to reintroduce content that was deleted in error during the translation process, including reference to the *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007 at Clause 15.01-3L Heritage and the Schedule to Clause 72.08 (Background documents).

The exhibited background document was *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2000.

### 4.3 Submissions

Mirabella submitted that the *Guidelines for Assessing Planning Permit Applications* (Heritage Victoria, 2000) is outdated, predates current thinking and should not be included as a background document in the Planning Scheme.

It contended that the 2000 guidelines were circulated but did not receive support in the industry, and were superseded by the 2007 version titled *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications, Public Draft February 2007*. The 2007 version similarly did not receive industry support and the project was abandoned by Heritage Victoria. Mirabella submitted it did considered there were sufficient tools in the Planning Scheme to guide decision making under the Heritage Overlay in the absence of reference to these guidelines.

Council sought the views of Heritage Victoria who provided the following information:

- 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.<sup>2</sup>

Council submitted that it considered the contents of the documents still constitute good advice and Council's Heritage Advisor confirmed inclusion of a reference 2007 document was correct and it had been used to guide decision making since the document was first introduced in the Planning Scheme in 2009 via Amendment C93.<sup>3</sup>

Council advised it was advocating to the State government for consistent guidelines for local heritage.

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<sup>2</sup> Council Part B submission, para 78

<sup>3</sup> Document 42 – Council summary of proposed changes

## 4.4 Discussion

The Panel notes that the correspondence from Heritage Victoria explained that while it considered the guidelines still constituted good advice, it acknowledged the guidelines contains outdated references to the Heritage Overlay and the Planning Scheme. It stated:

Some of these references may no longer be appropriate given refinements to the VPPs and the Heritage Overlay in recent years.<sup>4</sup>

The Panel considers it is not appropriate to include a document with outdated material as a background document in the Planning Scheme. The guidelines are approximately 15 years old and are not current, as demonstrated by Council's recent advocacy to the State government for consistent guidelines.

The Panel notes that Planning Practice Note 13: Incorporated and Background Documents explains that background documents only have a limited role in decision making as they are not part of the Planning Scheme. They do not have the status or carry the same weight as an incorporated document.

If the guidelines were current they may be useful to provide background and provide guidance in decision making. While the guidelines may contain useful content they are not current and consequently may cause confusion if referenced in the Planning Scheme.

## 4.5 Conclusion and recommendation

The Panel concludes:

- It is not appropriate to include the *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007 as a background document.

The Panel recommends:

- 6. Amend Clause 15.01-3L Heritage and the Schedule to Clause 72.08 (Background documents) to remove the reference to *Guidelines for Assessing Planning Permit Applications*, Heritage Victoria, 2007.**

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<sup>4</sup> Council Part B Submission, Appendix 2. VPP - Victoria Planning Provisions

## 5 Environmental Audit Overlay

### 5.1 The issues

The issues are whether:

- it is appropriate to apply the EAO to 260 Sydney Road, Brunswick and the extension of the EAO over the entirety of 1 West Street, Brunswick
- information about application of the EAO is adequate in the Explanatory Report.

### 5.2 Submissions

The Explanatory Report stated the Amendment proposed to:

- apply the EAO to 55-61 Tinning Street and 260 Sydney Road, Brunswick
- extend the EAO at 1 West Street, Brunswick over the whole site.

Council submitted the Amendment was prepared in accordance with the considerations set out in MD1 and :

An EAO has been applied to select sites proposed to be rezoned to PPRZ where there is potential contamination to protect future sensitive uses that may be established on the sites.<sup>5</sup>

Further, in accordance with MD19, the views of the EPA were sought during preparation of the Amendment.

In its original submission (18 October 2022) the EPA considered the requirements of MD1 did not appear to be met. The EPA accepted that application of the EAO appeared to be appropriate on 55-61 Tinning Street and the Explanatory Report included appropriate explanation. It considered further discussion was required in the Explanatory Report to support application of the EAO to 260 Sydney Road, Brunswick and to extend the EAO on 1 West Street, Brunswick.

EPA reminded Council of the requirements of MD1, specifically that a planning authority:

- b) where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and
- c) where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.

Following receipt of further information from Council, the EPA provided a further submission (8 November 2021) which explained:

- the requirements in relation to 1 West Street appear to be met and the EPA issues are resolved
- if Council chooses to proceed with applying the EAO on 260 Sydney Road that further supporting information is required in the Explanatory Report.

The EPA accepted that all other sites proposed to be rezoned to PPRZ were currently within residential zones and were not considered to be potentially contaminated (aside from 14 Firth Street, Brunswick where the EAO already applies).

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<sup>5</sup> Council Part A submission, para 52

Council explained that at the time of Exhibition preliminary soil testing had not been undertaken at 260 Sydney Road, Brunswick, and this was reflected in the Explanatory Report. It had since undertaken preliminary soil testing for the site which showed it is classified as contaminated. Additional testing including soil leaching is still to occur. Council submitted that applying the EAO at the time of rezoning would ensure that any contamination risk would be considered as part of any future works.

In closing, Council proposed the following additional text (blue underlined) or amended (red strikethrough – deleted) in the Explanatory Report under the section ‘Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?’:

Similarly, an assessment was undertaken for 1 West Street, Brunswick (formally known as 1-11 West Street and 29-31 Breese Street) where it was found that the site is potentially contaminated from on-site and off-site sources. Council has undertaken remediation of the site for its use as parkland however extension of the EAO to cover the entirety of the site will ensure any additional risks for potential future sensitive uses will be considered as part of future works.

~~An Preliminary soil testing has been undertaken for land assessment of land~~ at 260 Sydney Road, Brunswick where it was found that filling on the site is contaminated. ~~noted that the~~ The land was purchased using the funds collected from open space contributions and rezoning formalises the land for use as a public park. The site is currently being used as a temporary park that does not require construction works. ~~No formal contamination analysis for this site as been completed to date however investigations are currently underway regarding contamination which will be completed prior to a permanent park being constructed.~~ Applying the EAO at the time of rezoning ensures that any contamination risk is considered as part of future works.

The other sites proposed to be rezoned to the PPRZ are currently within residential zones, with a number already being used as parkland. These sites are not considered to be potentially contaminated. The exception to this is for 14 Frith Street, Brunswick however an EAO already applies to the land.

### 5.3 Discussion

The Panel endorses Council’s risk management approach to planning of potentially contaminated land. Council has responded appropriately to issues raised by the EPA in relation to the potentially contaminated sites.

The Panel acknowledges that the EPA was satisfied with Council’s response, with the exception of the information in the Explanatory Report relating to 260 Sydney Road, Brunswick. During the Hearing Council provided additional information relating to recent soil testing at 260 Sydney Road, Brunswick. Council proposed amended wording in the Explanatory Report to explain proposed application of the EAO and to ensure it meets the requirements of MD1.

The Panel accepts the explanation and supports the changes proposed by Council.

### 5.4 Conclusions and recommendation

The Panel concludes:

- It is appropriate to apply the EAO to 260 Sydney Road, Brunswick and the extension of the EAO over the entirety of 1 West Street, Brunswick
- It is appropriate to expand on or amend the information about application of the EAO in the Explanatory Report, as proposed by Council.

The Panel recommends:

- 7. Amend the Explanatory Report under the section '*Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?*' in accordance with the version provided by Council in its closing submission (Document 41).**

## 6 Specific content and drafting issues

Council proposed a number of changes to the Amendment documents to correct errors identified or to respond to new information. Unless otherwise recommended in this Report, the Panel accepts Council's post exhibition changes.

### (i) **Clause 11.03-1L (Activity Centres in Moreland)**

#### **The issue**

The issue is whether it is appropriate to introduce Clause 11.03.1L (Activity Centres in Moreland) as currently drafted.

#### **Proposal**

The exhibited Amendment includes the following new local policy:

#### **Clause 11.03-1L (Activity Centres in Moreland)**

##### **Strategies**

Ensure residential uses do not undermine the viability of businesses operating in activity centres.

Support the continued operation of existing noise generating uses.

##### **Policy guideline**

Consider as relevant:

An activity centre's role to accommodate a mix of uses with day and night time activity.

Consideration of residential amenity for dwellings within and adjacent to activity centres must be tempered to ensure the role of the activity centre is not undermined.

The Explanatory Report states the proposed policy was inadvertently deleted during the translation to the new PPF format, and the proposed changes supports State policy by:

supporting the continued growth and diversification of activity centres and encouraging economic activity and business synergies.

#### **Submissions**

The Brunswick Residents Network (Submitter 9) raised issues relating to Clause 11.03-1L (Activity Centres):

- stating it does 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
- proposing the following wording be included in the second strategy:
  - Support the continued operation of existing noise generating uses, that meet EPA standards.

Council did not propose changes in response to the submission, stating that:

- tempering expectation of residential amenity in a designated activity centres was consistent with State planning policy, specifically Clause 11.03-1S
- there is a range of State and local planning policies intended to address noise generating uses and which require consideration of relevant state Environment Protection Policies.

#### **Discussion**

State planning policy relating to Activity Centres (Clause 11.03-1S) includes:

Objective - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategy - Improve the social, economic and environmental performance and amenity of activity centres

Regional planning policy relating to Melbourne Metropolitan Activity Centres (Clause 11.03-1R) includes:

Strategy - Support the development and growth of Metropolitan Activity Centres by ensuring they:

...

Provide high levels of amenity.

Strategies include providing higher density housing in and around activity centres and provision of services and facilities to support a higher concentration of land use, and associated management of amenity impacts.

The Panel reviewed the Explanatory Report for Amendment C200more and did not see any reference to the proposed policy.

It is not clear where the proposed strategy is derived from or its purpose. It is questionable whether it adds value or aligns with State and regional policy. The issue was not discussed at the Hearing and no further information provided by Council to justify the proposal.

The Panel considers that to introduce local policy intended to temper residential amenity and noise management expectations needs to be strongly justified; with a clear need and research underpinning the proposal. This was not provided to the Panel.

The Panel does not support introduction of the local policy without further work.

The Panel notes it is not necessary include reference to EPA regulations in local policy when this is adequately addressed through State policy and other regulatory mechanisms.

The Panel comments that the policy guideline appears to be poorly drafted. A Practitioner's Guide states that a policy guideline indicates "*how an objective can be met and how a strategy can be implemented*". As drafted the proposed policy guideline does not meet this guideline.

### Conclusion and recommendation

The Panel concludes:

- It is not appropriate to introduce Clause 11.03.1L (Activity Centres in Moreland).

The Panel recommends:

#### **8. Abandon Clause 11.03.1L (Activity Centres in Moreland).**

#### **(ii) Clause 12.01-1L (Biodiversity)**

##### **The issue**

The issue is whether it is appropriate to introduce biodiversity content in the Planning Scheme, specifically new strategic directions in the Municipal Planning Strategy and new strategies to Clause 12.01.1L (Biodiversity).

##### **Proposal**

The exhibited Amendment updates biodiversity content in the MPS and proposes the following new strategies in local policy Clause 12.01-1L (Biodiversity):

Encourage the planting and retention of trees in the private realm.

Increase the planting and retention of native vegetation to enhance and create habitat corridors.

Encourage a diversity of vegetation to promote climate pest and disease resilience.

The Explanatory Report states the proposed strategies are aligned with State policy with aims to assist the protection and conservation of Victoria's biodiversity.

### **Submissions**

Ms Attwater objected to the proposed changes to Clause 12.01-1L (Biodiversity) on the basis it had not been through a process of adequate community consultation, specifically a Citizen's Advisory Committee.

Brunswick Residents Network supported the changes on the basis that the provision of more shady trees would encourage people to walk more.

Council submitted it had a strong commitment to biodiversity as was evident through its plans and strategies, including *Moreland Nature Plan*, *Urban Forest Strategy 2017-2027* and *Council Plan*. It was also consistent with biodiversity actions in the draft *Northern Metro Land Use Framework Plan*.

The proposed changes are intended to strengthen Council's commitment in the Planning Scheme. Council did not propose any changes in response to the submission.

### **Discussion**

The Panel notes that the objecting submitter raised concerns with the consultation process and opportunity for community input into word-smithing rather than content. There were no submissions objecting to the new content.

There is clearly a strong strategic base for the proposed strategies, and the Panel agrees with Council it is appropriate to include the new strategies in the local policy. The objective of the local policy is to "*increase tree canopy cover and enhance the ecological values of the city*". The proposed strategies are aligned with this objective and relevant State policy.

### **Conclusions**

The Panel concludes:

- It is appropriate to introduce biodiversity content in the Planning Scheme, specifically the new strategic directions in the Municipal Planning Strategy and new strategies to Clause 12.01.1L (Biodiversity).

### **(iii) Clause 16.01-2L (Housing affordability in Moreland)**

#### **The issue**

The issue is whether the term 'affordable housing' is appropriate in local policy at Clause 16.01-2L.

#### **Proposal**

The exhibited Amendment proposes a new strategy in local policy Clause 16.01-2L (Housing affordability Moreland):

Encourage public landowners to use surplus land for the provision of social and affordable housing.



The Explanatory Report states the proposed strategy is required to implement the Affordable Housing Action Plan.

### **Submissions**

Brunswick Residents Network submitted the wording 'affordable housing' should be removed from the proposed strategy at Clause 16.01-2L Housing affordability in Moreland, raising issues:

- more space should be allocated for public housing as well as social housing administered by non-government organisations
- simply allocating land does not define the length of time it will remain affordable
- associated with facilities, amenity and services/support networks.

Council submitted it did not support the proposed change as the Amendment aligns with Council's affordable housing plan and the PE Act.

Council referred to section 3AA of the PE Act which defines affordable housing, and the Ministerial Notice for specified matters under section 3AA(2) which identifies matters that must be had regard to in determining what is appropriate for the housing needs of very low, low and moderate income households. These matters include longevity and types of housing.

### **Discussion**

The Panel acknowledges there is some complexity in the planning, provision and management of social and affordable, with various roles and responsibilities for government and non-government organisations.

Of concern to the Panel is whether the proposed strategy is consistent with the PE Act and planning policies. The Panel observes that the proposed strategy is consistent with Council's Affordable Housing Action Plan. It aligns with State policy which aims to ensure land supply for affordable housing is sufficient.

A local policy provides detailed policy for a municipality, and the Panel considers the proposal appropriate within the context of the PPF.

The Panel notes the current local policy includes a spelling error in the title, and this has been translated into the new proposed title. The Panel has made a recommendation to correct this.

### **Conclusions and recommendations**

The Panel concludes:

- It is appropriate to include the new strategy in local policy Clause 16.01-2L, and it is appropriate to use the term affordable housing in this context.

The Panel recommends:

- 9. Amend the title of Clause 16.01-2L to state 'Housing affordability in Moreland'.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Julianna Rozek
2	Environment Protection Authority
3	Yuri
4	Martin Kilderry
5	Adrian Bosich
6	Walk on Moreland
7	Creative Victoria
8	P & S Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd
9	Brunswick Residents Network
10	Moreland Bicycle User Group
11	Linda Muldoon
13	Pauline Carmichael
12	Marion Attwater

## Appendix B Document list

No.	Date	Description	Provided by
1	16/02/2022	Panel Directions and Timetable	Planning Panels Victoria (PPV)
2	10/03/2022	Council Part A Submission (including Appendices)	Moreland City Council (Council)
3	"	Council Report dated 9 June 2021	"
4	"	Council Minutes dated 9 June 2021 (resolving to exhibit the Amendment)	"
5	"	Council Report of 8 December 2021	"
6	"	Council Minutes dated 8 December 2021 (resolving to request a Panel)	"
7	"	Council Report (Review of Instrument of Delegation Council to Council Staff) of 9 March 2021	"
8	"	Further Review Letter from Department of Environment, Land, Water and Planning (12 July 2021)	"
9	"	Authorisation Letter from Department of Environment, Land, Water and Planning (26 August 2021)	"
10	"	Exhibited Amendment Documents which include: <ul style="list-style-type: none"> <li>- Explanatory Report</li> <li>- Instruction Sheet</li> <li>- Notice of Preparation</li> <li>- Ordinances, Planning Scheme Maps</li> <li>- Statement of Significance for 20 Dawson Street</li> <li>- Brunswick and Background Documents</li> </ul>	"
11	"	Email from Council to EPA (13 July 2021)	"
12	"	Letter from EPA to Council (27 July 2021)	"
13	"	EPA Submission (18 October 2021)	"
14	"	EPA revised submission (8 November 2021)	"
15	"	MITS 2018 Part A Background Report	"
16	"	MITS Technical Appendix (GTA Consultants, 14 February 2018)	"
17	"	Council Report and Action Memo – MITS and PIP 2019 Adoption (13 March 2019)	"
18	"	Moreland Parking Implementation Plan 2019 (GTA Consultants, 25 February 2019)	"
19	"	Parking Management Policy (Moreland City Council, 13 March 2019)	"

No.	Date	Description	Provided by
20	"	Council Report for Amendment C183 – Consideration of Submissions and Request a Panel (11 December 2019)	"
21	"	LPPF Changes Proposed by Amendment C183	"
22	"	Council Report for Amendment C183 which considers the Panel Report (13 May 2020)	"
23	"	Council Notice of Motion - Moreland Integrated Transport Strategy Review (9 December 2020)	"
24	"	Council Report – Moreland Integrated Transport Strategy Review	"
25	"	VC204 Explanatory Report	"
26	"	MITs 2019 Appendix – Final (February 2019)	"
27	"	Council Directorate structure	"
28	"	Governance Rules, Moreland City Council 2021	"
29	"	Community Engagement Policy 2020, Moreland City Council 2020	"
30	16/03/2022	Council Part B Submission (including Appendices)	Council
31	"	Revised MITs 2019	"
32	"	Walk on Moreland Submission	Walk on Moreland
33	"	Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd Submission	Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd
34	"	Human Appeal International Ltd v Moreland CC [2017] VCAT 1729	"
34	"	Moreland Bicycle User Group Submission	Moreland Bicycle User Group
35	"	Marion Attwater Submission	Ms Marion Attwater
36	"	Marion Attwater Submission to Amendment C183	"
37	17/03/2022	Council Agenda and Minutes of 14 April 2021	Council
38	"	Transport Project Future Engagement Process	"
39	"	Email from PPV to Council – further directions	PPV
40	23/3/2022	Email from Council to PPV	Council

No.	Date	Description	Provided by
41	"	<p>Council's preferred (post-hearing) version of amendment documents:</p> <ul style="list-style-type: none"> <li>- Explanatory report</li> <li>- Clause 2.03 (Strategic Directions)</li> <li>- Clause 15.03-1L (Heritage in Moreland)</li> <li>- Clause 18.02-1L (Walking in Moreland)</li> <li>- Clause 18.02-2L (Cycling in Moreland)</li> <li>- Clause 18.02-3L (Public Transport in Moreland)</li> <li>- Schedule to Clause 72.08 (Background Documents)</li> <li>- Planning Scheme Map 9</li> <li>- MITS 2019 Revised</li> </ul>	"
42	"	Summary Table of changes included in Council's preferred (post-hearing) amendment documents	"