



Department of Energy, Environment
and Climate Action

Ref: 00005537

[REDACTED]

Acting Unit Manager Strategic Planning
Merri-bek City Council
Locked Bag 10
MORELAND VIC 3058

Dear [REDACTED]

Notice of Preparation of Amendment C231mbek to Merri-bek Planning Scheme

Thank you for your correspondence received 12 July 2024 providing notice of the above planning scheme amendment in accordance with Section 19(1)(c) of the *Planning and Environment Act 1987* to the Ministers prescribed under Regulation 8(b) of the *Planning and Environment Regulations 2015*.

The amendment proposes to implement '*Moving Around Merri-bek: Transport Strategy* (Merri-bek City Council, March 2024)' and the '*Merri-bek Open Space Strategy* (Merri-bek City Council, April 2024)' by deleting existing content from the Municipal Planning Strategy and Planning Policy Framework and introducing new context and strategic directions into Clauses 02.03-7 (Transport) and 02.03-8 (Infrastructure). Local planning policy at Clause 19.02-6L (Open space in Merri-bek) will also be updated to reflect new policy direction from the '*Merri-bek Open Space Strategy* (Merri-bek City Council, April 2024)'.

Response

The '*Merri-bek Open Space Strategy* (Merri-bek City Council, April 2024)' explores the opportunities to improve existing public spaces and enhance connectivity between these activity areas locally as well as within the metropolitan urban environment.

Having considered this strategy, under delegation from the Minister of Environment and Secretary to the Department of Energy, Environment and Climate Action, I provide support for the amendment.

If you have any further questions in relation to this matter, I can be contacted directly at [REDACTED]

Yours sincerely

[REDACTED]

Planning and Environment Assessment

07/08/2024



██████████
Acting Unit Manager Strategic Planning
Merri-bek City Council
90 Bell Street
COBURG VIC 3058

via e-mail: ██████████

Dear ██████████

**DEPARTMENT OF TRANSPORT AND PLANNING RESPONSE TO PUBLIC EXHIBITION-
PLANNING SCHEME AMMENDMENT C231MBEK**

I refer to your letter dated 12 July 2024 referring the exhibition of Amendment C231mbek to the Merri-bek Planning Scheme.

The Transport Integration Act 2010 (**TI Act**) establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Head, Transport for Victoria (**HTFV**) is a statutory body established under section 64A of the TI Act. HTFV's primary objective is to "coordinate, provide, operate and maintain the public transport system and the road system" consistent with the vision statement and transport system objectives.¹ This submission is made under delegation of the HTFV by the Department.

The Department of Transport and Planning (**The Department**) has reviewed the proposed amendment prepared by Merri-bek City Council (**Council**). In preparing this submission the Department has identified and considered the existing and ultimate transport network required to serve the local area, and wider northern region.

This submission is made in relation to transport matters only. It does not include any comments or considerations from the State's Planning Services (formerly DELWP) on the plan and associated documents.

Summary

The amendment proposes to introduce new policy direction consistent with the 'Moving Around Merri-bek: Transport Strategy (Merri-bek City Council, March 2024)' and 'Merri-bek Open Space Strategy (Merri-bek City Council, April 2024)' by amending the Municipal Planning Strategy and local policies in the Merri-bek Planning Scheme.

The Department has previously provided in principle support for the Moving Around Merri-bek Transport Strategy 2024. The Department has no objection to the proposed amendment and provides minor comments outlining suggested changes as below.

¹ TI Act, s 64B(1)

General Comments type txt here

The Department makes the following comments with regard to the exhibited documents:

- 02.04 Transport Framework Plan- Some Strategic Cycling Corridor (SCC) links are shown as local cycling links cross check with SCC map. Refer to attachment A for detail. (also see <https://www.vic.gov.au/strategic-cycling-corridors>)
- 02.04 Transport Framework Plan - Possible typo bus routes instead of buses routes.

The Department is committed to working with planning and council with regards to amendment C231mbek and welcome the opportunity to engage further in this process. If you have any queries, please contact [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Department of Transport and Planning

12/08/2024

Attachment A

02.04 Strategic Framework Plan Comments



1. The section shown as a local link should be shown as an SCC.
2. The section shown as a local link between Sydney Road and the rail line to be shown as an SCC.
3. The portion of the section shown as a local link is recognised as an SCC.

Submission #3

From: [Web Services](#)
To: [Strategic Planning](#)
Subject: Amendment C231mbek: Submission received
Date: Sunday, 18 August 2024 4:08:43 PM

[REDACTED]

Make a submission : The transport strategy does not provide transparency to ratepayers on how Council will make decisions on types of infrastructure and how the community will be consulted and engaged with. It is unclear how the “Streets for people” framework, Council’s community engagement policy and the Future Bike Projects community engagement policy adopted in March 2022 work together. [REDACTED]


[REDACTED] The planning scheme should not be amended until there is transparency on this matter. I also question the amendment so close to council election.

Upload your submission :

Privacy : I accept

Submission #4

From: [Web Services](#)
To: [Strategic Planning](#)
Subject: Amendment C231mbek: Submission received
Date: Monday, 19 August 2024 9:18:50 PM

 Make a submission : I wish to make an objection to this Planning Scheme Amendment C231mbek. (1) I have read the privacy collection notice for this Amendment and believe it is designed to strongly discourage people from making a submission. The collection notice does not adequately explain why so much personal information must be provided, and be made available in full in the submissions that are available for public inspection at the Council office. This Amendment is about general background documents to the Planning Scheme - a transport strategy and an open space strategy, and a "Merri-bek Transport System(!)". Surely the minimum personal information required would be an email address and a postcode. I am concerned that other local councils do not request the same amount of personal information. Councillors recently approved a "Councillor interactions with developers, lobbyists and submitters policy" - is this why so much personal information is requested? Where is the supposed register to that policy anyway, it's not on the council website as of 19 August 2024. (2) I strongly dispute that the Council has properly advertised this Amendment so that interested persons have a fair chance to make a submission. Other councils advertise Planning Scheme Amendments on their digital engagement platform, but not Merri-bek Council. Yes, there is now a button on the Conversations Merri-bek website that says "Planning Scheme Amendments", but that is not the same as a project being on the home page of Conversations Merri-bek. If other councils can advertise Amendments on their digital platform, then why not Merri-bek Council? This Amendment affects everybody, not just land owners or occupiers, but everyone. (3) The Council has not done a proper assessment against the Charter of Human Rights and Responsibilities Act 2006 of these two strategies, and in my humble opinion they have not fulfilled their obligations. I remember back in 2019-2020, for the MITS 2019, that community members challenged the human rights aspect at the Ombudsman's office and the council were forced into doing an assessment against the Charter of Human Rights. I might have considered writing to councillors and pointing this out months ago, but these councillors are more concerned with international affairs and taking each other down, than boring details about key strategies. (4) I believe that the Transport Strategy does not reflect the strategic direction that is in the Council Plan 2021-2025, and particularly the "Streets for People" concept is a sneaky way of excluding the community from genuine involvement and collaboration in transport projects. It does not align with the Community Engagement Principles in section 56 of the Local Government Act 2020 or the Public Transparency Principles in section 58. When seven councillors approved the final version of the Transport Strategy at the 13 March 2024 council meeting I don't think they understood what the actual future outcome would be, and did not give consideration to the document that they had endorsed in March 2022 for consulting on future cycling projects. They did not consider how the transport strategy would interact with the Community Engagement Policy - an important community accountability document as per the Local Government Act 2020. An example of this was provided at the March, April and July council meetings for the proposed road closure of Barrow Street Coburg, where some councillors who supported the road closure expressed disbelief that their fellow councillors could have voted in favour of the Transport Strategy in March, but then vote against a road closure in March, April and July. It didn't make sense! The explanation is that the transport strategy does not reflect what numerous councillors actually thought that it did. (5) The

Draft Transport Strategy was considered at the 8 November 2023 Council meeting, which was a meeting where the major focus was a notice of motion about the War in Gaza, and two notices of rescissions on controversial bike lane projects. Two Councillors had organised a rally to be held outside the Council Chambers prior to the 8 November 2023 council meeting about the war in Gaza, which was a highly disruptive and intimidating rally, with a big police presence. Members of the public who had requested to be in the public gallery had to pass a police check-point of 5 police officers. Some Councillors were threatened, and one councillor took a 4-month leave of absence after that meeting. The item with the Draft Transport Strategy was not considered until almost 3 hours into the meeting. Councillors had not paid attention to glaring errors in the council officers report, errors such as a recommendation to appoint only 4 councillors to a hearing of submissions committee instead of ALL councillors (as per the Governance Rule 5.3(4) which says "Where issue is affects a large proportion of the Merri-bek community all Councillors will be appointed to the Hearing Committee") - page 67 of 8/11/23 council meeting agenda. And another error on page 69 of the agenda in the section for policy context, which wrongly claimed that the council resolution of 14/4/21 was "Endorses the commencement of further work to FULLY revise MITS 2019 and related documents including revised mode shift targets, implications for Council's aspirations to achieve net zero carbon emissions by 2040, and potential additional MITS actions to meet mode shift and carbon emission objectives to continue to achieve this aspiration." - the word "FULLY" was deleted at the 14/4/21 council meeting, ironically by the two councillors that organised the disruptive rally on the War in Gaza at the 8/11/23 council meeting. Those two councillors were far too pre-occupied with international issues, to listen to minor details such as whether the council had resolved to develop a NEW transport strategy or alternatively make limited revisions to the existing MITS 2019. (6) It is my humble opinion that council officers never had the authority of council to write a new transport strategy. They only had permission to revise the existing MITS 2019 (and even that is arguable based on the alleged invalidity of the S5 Instrument of Delegation to the Chief Executive Officer). (7) At the 13 March 2024 Council meeting where the final Transport Strategy was to be considered, the agenda AGAIN contained items about Palestine, and some councillors were planning to boycott the meeting and prevent there being a quorum. However that didn't happen because some councillors realised that they would be even less safe than before if they did prevent a quorum. So out of 11 councillors, there were 7 councillors present to vote on the final Transport Strategy. One of those councillors had just returned from 3.5 months leave of absence, so it is arguable whether they had any in-depth understanding of the strategic direction proposed by the transport strategy. From that meeting a councillor conduct complaint was initiated, which went to internal arbitration. And a councillor was found to have engaged in misconduct due to their social media post about the 13 March 2024 council meeting. That councillor has now resigned on 14 August 2024. Perhaps there were other councillor conduct complaints lodged, but that is confidential information that I am not privy to. Suffice to say though, that this is a council in disarray and disorder, who are unable to ensure peace, order and good governance of the municipal community. The Councillor that has resigned was shocked and appalled by the internal arbitration process, even though they had voted in favour of the Councillor Code of Conduct twice in the past. This is relevant to any future Planning Panel Hearing because I believe it could be disputed that Merri-bek Council have the title of Planning Authority or Responsible Authority. (8) It is my humble opinion that this Planning Scheme Amendment should not proceed. The MITS 2019 should remain in the Merri-bek Planning Scheme, and the next group of councillors should be given the task of revising the strategy. This current group of councillors have succeeded in creating numerous distractions to the core business of a council, and I don't see why any member of the community would want to make a submission to this Planning Scheme Amendment. (9) For all the reasons given above I do not believe it necessary to provide more than an email address and a postcode. That is the minimum amount of personal information necessary to make a valid

submission, in my humble opinion.

Upload your submission :

Privacy : I accept



Subject:
Date:



CM: Response to Am C231mbek
Tuesday, 20 August 2024 12:53:15 PM

To Whom it May Concern,

RE: Am C231mbek

[REDACTED] is delighted to support the intent of Amendment C231mbek in its introduction of new policy direction from the *Merri-bek Open Space Strategy* by amending the Municipal Planning Strategy and local policies in the Merri-bek Planning Scheme. [REDACTED] strongly supported Council's adoption of the *MOSS* and we thus support the intent of this amendment to bring the *MOSS* into the planning scheme.

In particular we support the proposed changes to :

- **Clause 19.02-6S (Open Space)** with its specific strategies to plan for local open space networks for both recreation and conservation of natural and cultural environments, improvement of the quality and distribution of open space and to ensure long-term protection and provision of new parkland in areas that have an undersupply.
- **Clause 19.02-6R (Open Space)** and its strategy on developing a network of local open spaces that are accessible, of high quality and that include opportunities for new local open spaces through planning for urban redevelopment projects.

We look forward to the successful adoption of this amendment.

