Merri-bek City Council

COUNCIL MEETING AGENDA

Wednesday 10 September 2025

Commencing 6.30 pm

Bunjil (Council Chamber), Merri-bek Civic Centre, 90 Bell Street, Coburg

Language Link

This is the Agenda for the Council meeting. For assistance with any of the agenda items, please telephone 9240 1111.

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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

7.7 C233MBEK - FIX UP AMENDMENT - GATEWAY 1 - AUTHORISATION AND EXHIBITION

Director Place and Environment **Pene Winslade**

City Strategy and Economy

Officer Recommendation

That Council:

1. As the planning authority, apply to the Minister for Planning (Minister) under section 8A of the *Planning and Environment Act 1987* (Vic) (Act), for authorisation to prepare Amendment C233mbek to the Merri-bek Planning Scheme (Amendment).
2. Prepares the Amendment if authority is received under section 8A of the Act, or if 10 business days have passed since the Minister received the application without notifying Council of a decision:
    a) As the planning authority, prepares the Amendment in accordance with section 8A(2) or section 8A(7) of the Act as relevant.
    b) Authorises the Director Place and Environment to make minor changes to the draft Amendment documentation at Attachments 1-6 as required prior to exhibition of the Amendment, to correct any administrative errors, and to meet any conditions the Minister imposes through authorisation.
    c) Endorses, for the purpose of exhibition, the draft Amendment documentation at Attachments 1-6, subject to any changes required under (2)(b) above.
    d) Exhibits the Amendment in accordance with sections 17, 18 and 19 of the Act.

REPORT

Executive Summary

The Merri-bek Planning Scheme (Scheme) sets out the policies and provisions that guide how land is used and developed across the municipality. To maintain its effectiveness in providing direction and supporting decision-making, Council periodically undertakes “fix-up” amendments to correct errors, update references, resolve mapping anomalies, implement recommendations and improve accuracy.

As part of its four-yearly review under the *Planning and Environment Act 1984*, Council adopted the *Planning Scheme Review 2022,* which recommended improvements to the Merri-bek Planning Scheme. The *Heritage Action Plan Implementation Plan 2022–2025* also identifies actions to address specific heritage issues. This has identified a need for a range of minor or administrative changes, including:

- **Zoning/Overlays anomalies and updates:** Remove outdated overlays from 384 properties; rezone some parkland to the Public Park and Recreation Zone.
- **Heritage updates:** Update planning permit exemptions, revise statements of significance, improve Heritage Overlay schedules, correct mapping, remove incorrect overlays, and update design/demolition guidance.
- **General corrections:** Fix grammatical and spelling errors, formatting issues, and mapping errors; update strategy, policy, and reference documents.

Amendment C233mbek is needed to resolve these anomalies and improve the clarity, accuracy, and effectiveness of the planning scheme, while supporting Council’s preparation for the next Planning Scheme Review in 2026.

Council officers recommend that Council resolves to request the Minister for Planning authorise Amendment C233mbek. Public exhibition of the amendment would follow the Minister's authorisation.

Previous Council Decisions

2022 Planning Scheme Review Report – 12 October 2022

That Council:

1. *Endorses the Planning Scheme Review 2022 report, at Attachment 1 to this report.*
2. *Submits the Planning Scheme Review 2022 report to the Minister for Planning in accordance with section 12B (1) of the Planning and Environment Act 1987.*

Community Heritage Action Plan 2022-2025 – 7 December 2023

That Council:

1. *Note the Heritage Action Plan 2017 – 2032 Implementation Plan for the 2022-2025 period as shown at Attachment 1.*
2. *Include an additional action in the Implementation Plan 2022-2025, to research and document the history of the Upfield Rail Line, with an anticipated budget requirement of $20,000.*
3. *Develop a Terms of Reference for and establish a Heritage and Local History Reference Group chaired by Cr Tapinos, which meets quarterly and includes representatives from local historical societies.*
4. *Refer unfunded items in the Heritage Action Plan 2017 – 2032 Implementation Plan 2022-2025 to the 2023/2024 budget process for consideration.*

1. Policy Context

Planning and Environment Act 1987

Under Section 12B of the *Planning and Environment Act 1987* (the Act) requires that a planning authority, such as Merri-bek City Council, ensure that its planning scheme is regularly reviewed and kept up to date.

Additionally, administrative and technical errors should be corrected to "*provide for the fair, orderly, economic and sustainable use and development of land*" in accordance with the objectives (in part) under section 4 of the Act.

Heritage Action Plan 2017-2032 (MHAP)

The MHAP provides a clear framework for Council in identifying, managing, protecting and celebrating Merri-bek's heritage. Fundamental to the plan are strategies and actions to guide Council's role in heritage and assist Council to meet its heritage obligations as set out in various legislation in an integrated manner. Relevant actions within the supporting Heritage Action Plan Implementation Plan 2022-2025 include:

P1 - Heritage Assortment project to resolve various heritage issues identified by the Planning Scheme Review 2022.

P2 - Review the Heritage Policy in the scheme and the Permit Exemptions Incorporate Plan to ensure it aligns with expectations of the State described in the Planning and Environment Act 1987 (Section 6B) and heritage policy in the Scheme.

Ministerial Directions for Potentially Contaminated Land

Ministerial Direction 1 - Potentially Contaminated Land (MD1)

MD1 requires planning authorities to satisfy themselves that the environmental conditions of land proposed to be used for a sensitive use (defined as residential, child-care centre, pre-school centre or primary school), agriculture or public open space are or will be suitable for that use.

Ministerial Direction 19 – Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health (MD19)

MD19 directs in the preparation and content of an amendment that may significantly impact the environment, amenity or human health, the views of the Environmental Protection Authority (EPA) must be sought as part of the preparation of the amendment.

2. Background

The Merri-bek Planning Scheme (Scheme) sets out the policies and provisions guiding land use and development across the municipality. To maintain its effectiveness, accuracy, and usability, Council, as the Planning authority, periodically undertakes a "fix-up" amendment to (amongst other things):

- Correct technical errors and mapping anomalies (e.g., dual-zoned sites).
- Update outdated references.
- Implement recommendations.
- Improve clarity, structure, and ease of use.

The need for Amendment C233mbek arises from several recent strategic and statutory reviews.

Planning Scheme Review 2022 (PSR 2022)

In 2022 Council adopted the *Planning Scheme Review Report 2022*. This report made several recommendations to improve the effectiveness and performance of the Merri-bek Planning Scheme, including the following relevant recommendations:

1B - Review the Heritage Policy in the scheme and the Permit Heritage Exemptions Incorporated Plan to ensure it aligns with expectations of the State described in the Planning and Environment Act 1987 (Section 6B) and heritage policy in the Scheme.

4PP - Address the list of corrections identified in Appendix 6 of this Report.

5PP - Consider ways in which local policy, zones, overlays and particular provisions could be improved based on the analysis at Appendix 5 of this Report.

3R - Identify which properties within the EAO have met their obligations regarding contamination and consider them for removal from the EAO

Heritage Action Plan 2017–2032 (Heritage Action Plan)

The Heritage Action Plan provides a framework for identifying, protecting, and celebrating Merri-bek's heritage. The 2022–2025 Implementation Plan includes actions that align with PSR 2022 findings, such as:

- Resolving heritage issues identified in the Review
- Updating the Heritage Policy and Permit Exemptions Incorporated Plan to meet legislative and policy requirements

Other drivers for the Amendment

- **Amendment VC159 (2019):** Introduced updated land use terms, including renaming 'Tavern' as 'Bar', requiring updates to the Scheme.
- **Moreland Heritage Exemptions Incorporated Plan**: The current 2023 version has usability and wording issues, prompting a review and update.
- **Heritage Assortment Project (Project)**: This Project investigated heritage issues identified through the planning scheme review. This project included a review of Merri-bek's local heritage policies, review of heritage values and heritage mapping. A peer review of several of the Officer recommendations was undertaken by GML Heritage in February 2024 to ensure they were appropriate.

Together, these reviews, projects and amendments have identified a package of generally minor and administrative changes and updates that, while not altering strategic policy direction, will significantly improve the Scheme's clarity, accuracy, and ease of administration.

3. Issues

Amendment C233mbek makes changes (**Attachment 1**) to ordinances and maps of the Merri-bek Planning Scheme to correct errors, anomalies and improve its functionality. They generally fall under the following themes:

- Zone/overlay anomalies and updates.
- Heritage updates.
- General corrections.

Details of each theme are outlined below.

Zone/overlay anomalies and updates

Land in two or more zones

A site should generally be covered by a single zone, unless there is a clear strategic justification for more than one. In Merri-bek, some sites are dual-zoned (with two or more zones applying to the same land) without such justification. This creates uncertainty about which planning provisions apply, adds unnecessary complexity to decision-making, and can result in zoning that does not align with the intended or current use of the land.

A key example is Council-owned parkland, where parts are zoned Public Park and Recreation Zone (PPRZ) and other parts zoned for residential, industrial, transport, or another public use. PPRZ is the most appropriate zone for public parkland as it recognises land set aside for recreation and open space. Amendment C233mbek proposes to correct these anomalies by rezoning these areas entirely to PPRZ.

Amendment C233mbek also seeks to correct other dual-zoned properties across Merri-bek where there is no strategic rationale for the current arrangement.

Attachment 1 lists all affected sites and the proposed zoning changes.

Schedule 1 to Clause 37.08 - Activity Centre Zone: Coburg Activity Centre (ACZ1)

Schedule 1 to Clause 37.08 - Activity Centre Zone provides land use and development direction for the Coburg activity centre. It contains several of obvious technical, format and grammatical errors. Amendment C233mbek seeks to correct these issues, as outlined in the table in **Attachment 1.**

These have no impact to the current land use and built form direction of the zone (policy neutral) other than providing greater clarity by fixing up the errors.

Schedule 1 to Clause 43.02 Design and Development Overlay: Heritage Protection (DDO1)

Schedule 1 to the Design and Development Overlay (DDO1) was first introduced in 1990 as part of implementing the study *Keeping Brunswick's Heritage*. It was applied to 95 properties that adjoin 50 heritage places identified in the 1990 study, with the aim of ensuring new buildings on adjoining sites did not dominate neighbouring heritage places.

The objectives of DDO1 in the Merri-bek Planning Scheme are:

- *To protect and enhance the environment of heritage places.*
- *To ensure that the character and appearance of heritage places is not adversely affected by the design of new buildings on adjoining land.*

- *To ensure that building heights, building bulk and setbacks on sites adjoining heritage places are compatible with and enhance the character and appearance of heritage places.*

Today, Merri-bek's Heritage Overlay includes approximately 2,100 significant heritage places, yet DDO1 applies to only 2% of adjoining properties. As a result, its objectives are applied inconsistently and to a very limited number of sites. The image (Image 1) below illustrates this, showing the properties within DDO1.

While the intent of DDO1 remains relevant, its objectives can be more effectively and equitably delivered through a single, municipality-wide local policy rather than a narrowly applied overlay.

C233mbek proposes to delete DDO1 and translate these objectives into new local strategies and policy guidance at Clause 15.01-1L - Building in Merri-bek. This will direct any new development to consider adjacent heritage buildings and ensure all development adjoining heritage places is assessed consistently across Merri-bek.

Image 1: Extent of DDO1



Environmental Audit Overlay updates

The purpose of Environmental Audit Overlay (EAO) includes ensuring that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

C233mbek proposes to delete the EAO from several properties that have Certificates of Audits or Preliminary Risk Site Assessment outlining the land is suitable for all beneficial and sensitive uses.

Removing the relevant EAOs from the planning scheme reduces the real and perceived administration burden from the planning process and signals a 'readiness' of land for beneficial use.

Refer to page 20 of **Attachment 1** for further details.

Heritage updates

Clause 15.03-1L – Heritage: Heritage in Merri-bek

Section 6B of the *Planning and Environment Act 1987* allows Council to manage development where unlawful demolition or deliberate neglect of a heritage place has occurred. Merri-bek's Local policy at Clause 15.03-1L of the Planning Scheme supports with this legislation by discouraging the full demolition of significant or contributory heritage places in the municipality, unless it can be demonstrated that the building is structurally unsound, amongst other criteria. This approach has generally been effective.

Recent VCAT decisions, including *Poulakis v Moreland CC* [2022] VCAT 195 and *Tahche v Moreland CC* [2018] VCAT 1202, have shown that the term "structurally unsound" can be interpreted in ways not originally intended. Amendment C233mbek therefore proposes minor wording changes to the demolition strategy to clarify its strategic intent, broaden its scope to allow appropriate reconstruction of heritage fabric, and introduce a supporting decision guideline to enable reconstruction where justified.

Refer to page 41 of **Attachment 1** for the specific changes proposed under Amendment C233mbek.

Heritage Exemptions Incorporated Plan

The *Moreland Heritage Exemptions Incorporated Plan 2023* (2023 Plan) sets out planning permit exemptions from the provisions of the Heritage Overlay in Merri-bek.

A review of the 2023 Plan identified issues with its interpretation and application, arising from the documents design and the wording of exemptions. These issues are summarised in **Attachment 2.**

In response, Council officers have prepared an updated *Merri-bek Heritage Exemptions Incorporated Plan 2024* (2024 Plan) at **Attachment 3**. The 2024 Plan addresses these issues by (amongst other things):

- Updating the title of the document to reflect the municipality's correct name.
- Redesigning the layout for clarity and ease of use.
- Aligning exemption wording with heritage overlay permit triggers.
- Applying consistent terminology for applicability and location.
- Expanding some exemptions, reducing others, and adding new ones for sustainability and accessibility.
- Removing precinct maps (now in a separate document – refer to **Attachment 4**).

Proposed Amendment C233mbek seeks to replace the 2023 Plan with two separate incorporated documents:

- *Merri-bek Heritage Exemptions Incorporated Plan April 2024* (**Attachment 3**).
- *Merri-bek Heritage Precinct and Serial Listing Grading Maps*, April 2024 (Attachment **4**).

Schedule to Clause 43.01 Heritage Overlay (HO)

The Schedule to Clause 43.01 lists every heritage place, precinct, or serial listing covered by the Heritage Overlay, along with specific controls for each. As a large and detailed document, the schedule can contain errors, become inconsistent, or be difficult to navigate without regular review and updates.

Structure of the Schedule to the HO

The Schedule to the HO currently has 536 listings made up of 94 Precincts, 5 Serial listings and 438 place listings. These are presented in a single, unsorted table, making it difficult to search for a specific overlay.

Amendment C233mbek proposes to restructure the HO Schedule into a clear, logical format based on listing type (precinct, serial, and place listings) and to arrange the entries in numerical order. This change will make it easier for users to navigate and for administrators to update.

Refer to page 91 of **Attachment 1** for further details.

Administrative changes to the HO Schedule

Planning Practice Note 1 on Heritage (PPN1) provides examples to illustrate how to write a heritage overlay listing. It outlines that that if the heritage property or structure has a name, this is used for the name of the heritage overlay.

Many of Merri-bek's heritage overlay listings do not follow the correct naming convention. C233mbek aims to update the name of 83 heritage overlays to comply with PPN1.

C233mbek proposes several other administrative type changes to HO listings in the Schedule to the HO.

Refer to page 91 of **Attachment 1** for further details.

Merri-bek Assortment Heritage Advice

GML Heritage prepared the document *Merri-bek Heritage Assortment Project: Heritage Advice* (Advice) in February 2024 (refer to **Attachment 5**). The Advice provided the following independent expert recommendations, which are implemented through Amendment C233mbek:

- **St Linus Anglican Church complex, 21 Glyndon Avenue, Coburg North (HO86):** Heritage assessment confirming local significance.
- **Phillipstown Precinct (HO139):** Peer review of the updated citation and statement of significance to resolve a drafting error identified in the Heritage Nomination Study.
- **Merging of individual HOs into precinct listings:** Direction to merge certain individually significant places into their relevant heritage precincts, including HO172 – The Grove / Sydney Road These are discussed further below.

These matters are discussed further below.

Heritage Place: 21 Glyndon Avenue Coburg North - St Linus Anglican Church (HO86)

The *City of Coburg Conservation Study* prepared by Timothy Hubbard Pty Ltd in 1990 identified as significant the Moyle Organ within the St Linus Anglican Church and the Neo-Tudor church building. HO86 was subsequently applied to 21 Glyndon Avenue, Coburg North, but the listing focused solely on the organ.

GML Heritage assessed the site and concluded the St Linus Anglican Church complex is of local significance, recommending recognition of the church building as an individually significant place, applying internal controls to protect original 1932 interior features, and retaining the existing curtilage (refer to **Attachment 5** reading this work).

C233mbek seeks to implement this recommendation by modifying the HO86 listing in the HO Schedule to reflect this recommendation, including incorporating a Statement of significance for the Church building (**Attachment 6**).

Heritage Precinct: Phillipstown Precinct (HO139)

An updated citation has been prepared, merging content from the Heritage Gap Study, Nominations Study and HERMES entries for key sites including the former R.J. Henderson Factory, Stephens & Co. Clothing Factory, Temple Park and 299 Brunswick Road.

The revised citation was peer reviewed by GML Heritage, who generally supported Council's approach and recommended refinements, now incorporated in the final 2024 version. Updates also correct property listings within HO139 to reflect current conditions.

Amendment C233mbek implements these changes by updating the Phillipstown Precinct Statement of Significance Incorporated Document and precinct mapping (**Attachment 6).**

Merging of individual HOs into precinct listings

The former Brunswick West Progress Hall (HO185) and the former Brunswick West Primary School (HO186) have been identified as important to the Daly Street Precinct (HO56). Advice from GML Heritage outlined these heritage places are linked to the residential development of the precinct, demonstrating how self-contained communities formed in the period of World War II. It is recommended that HO185 and HO186 are transferred to HO56.

Similarly, several significant places relating to *The Grove / Sydney Road Precinct* currently sit within other heritage overlays. It is recommended that the following heritage overlays be transferred to HO172:

- HO173 – 22 The Grove Coburg
- HO174 – 23 & 25 The Grove Coburg
- HO175 – 45 & 47 The Grove Coburg
- HO363 - 148-164 Sydney Road Coburg
- HO150 - 84-92 Sydney Road Coburg
- HO374 - 127-129 Sydney Road Coburg

Amendment C233mbek implements these changes. Refer to pages 16 and 50 of **Attachment 4** for further details.

Heritage Overlay Map

The Heritage Overlay (HO) map spatially illustrates the application of the HO, identifying places and areas with heritage significance, such as historic buildings, precincts, and significant trees.

Officers have recently reviewed the boundaries of the HO map. This process identified mapping anomalies to 17 places largely resulting from changes in land subdivision patterns.

C233mbek seeks to fix these mapping issues considered minor in nature by amending the HO boundary to align with the property boundaries. In some instances, the HO is reduced, in others it is extended, but in all situations the HO is not being applied to any new property.

The places where HO boundaries have been modified in this way are listed in **Attachment 1** (page 16).

This review also identified there were three HOs being applied in error following an oversight in the approval of previous heritage themed amendments (see Table 1) C233mbek aims to fix these errors by deleting HO10, HO547 and HO587 from the heritage overlay maps.

Table 1 – HO's being deleted

HO No.	HO Name	Description of change
HO10	1C Melville Road Brunswick West	Delete HO10

		HO10 was deleted from the HO Schedule by C174morept1 but was accidentally left in the HO maps.
HO547	18 Kendall Street Coburg	HO547 was originally proposed as a new HO in C208more but was removed prior to exhibition. Its inclusion in Merri-bek's mapping is therefore an error.
HO587	10 Josephine Street Oak Park	Delete HO587 HO587 was originally proposed as a new HO in C208more but was removed prior to exhibition. Its inclusion in Merri-bek's mapping is therefore an error.

General corrections

C233mbeck corrects typographical and formatting errors and updates references in the planning scheme.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities and there are no adverse impacts.

4. Community consultation and engagement

Public consultation will be conducted as part of the formal statutory exhibition process for the amendment. Subject to the timing of the Minister's authorisation of the amendment, it is anticipated that exhibition will occur in late 2025 for a period of four weeks after the notice of the amendment is published in the Government Gazette and in the newspaper circulating the area.

In accordance with Section 19 of the Act, notice of the amendment via direct mail (or email) will be given to:

- Relevant state government departments and Ministers.
- All abutting councils.

To comply with other notice requirements in section 19 of the Act and to reach the wider community, the following will be provided throughout the exhibition process:

- Notice of the preparation of the amendment in the Government Gazette and the Age newspaper.
- Copies of amendment documentation will be available on Council's website and hard copies will be made available to residents upon request.
- Communication through Council's social media platforms.
- Notice in any relevant Council publication available at the time of exhibition.

Under section 19(1A) of the Act, it is considered impractical to individually notify owners and occupiers throughout the municipality of changes proposed by the amendment.

5. Officer declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and resources implications

The funds required to undertake the exhibition of the planning scheme amendment are budgeted for within the 2025/26 base budget of the Strategic Planning Unit.

7. Implementation

The following timelines for the amendment are broken down into the key 'decision gateways' for Council. The timeline is approximate and subject to Ministerial approval timelines and Planning Panels Victoria reporting and assumes an October/November 2025 exhibition period.

Decision Gateway 1: Authorisation and exhibition (current report)

Decision Gateway 2: Submission Review and Panel Request (December 2025/January 2026)

Decision Gateway 3: Panel report review and approval request (April 2026)

Attachment/s

1	Amendment C233mbek Documentation	D25/368665	Under Separate Cover
2	Amendment C233mbek - Heritage Exemptions Incorporated Plan- Summary of changes	D25/368670	Under Separate Cover
3	Amendment C233mbek - Heritage Exemptions Incorporated Plan - April 2024	D25/368672	Under Separate Cover
4	Amendment C233mbek- Heritage Precinct and Serial Listing Grading Maps Incorporated April 2024	D25/368673	Under Separate Cover
5	Heritage Assortment Project - Heritage Advice, GML Heritage, February 2024	D24/99688	Under Separate Cover
6	Amendment C233mbek - Statements of Significance	D25/368675	Under Separate Cover