

MERRI-BEK PLANNING SCHEME

AMENDMENT C235MBEK

EXPLANATORY REPORT

Overview

The amendment proposes to introduce an updated public open space contribution rate to collect funds to implement the Merri-bek Open Space Strategy (OSS).

It seeks to do this by deleting the existing contribution rates at the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) and replacing them with a new city-wide levy rate of 8.68 per cent.

Where you may inspect this amendment

The amendment can be inspected free of charge at the:

- Merri-bek City Council website at <https://www.merri-bek.vic.gov.au/c235> or on request, during office hours, at the planning authority's office at the Coburg Customer Service Centre, 90 Bell Street, Coburg. Before arriving, ring 9240 1111 to arrange a time to view the documents.
- Department of Transport and Planning website at <https://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documents.

Submissions

Any person may make a written submission to the planning authority about the amendment. Submissions about the amendment must be received by **Monday, 13 October 2025**.

A submission must be emailed to:

strategicplanning@merri-bek.vic.gov.au

Or, mailed to:

Strategic Planning Unit
Merri-bek City Council
Locked Bag 10
Brunswick VIC 3056

Emailed submissions should include "Submission to Amendment C235mbek" in the header. Mailed submissions should include this header statement on the envelope and in the letter's title.

Panel hearing dates

In accordance with Clause 4(2) of Ministerial Direction No.15, the following panel hearing dates have been set for this amendment:

- Directions hearing: week starting 26 January 2026
- Panel hearing: week starting 23 February 2026

Details of the amendment

Who is the planning authority?

This amendment has been prepared by Merri-bek City Council, who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to all land within the City of Merri-bek.

What the amendment does

The amendment proposes to update the public open space contribution rate in the Schedule to Clause 53.01, to collect development contributions to support the implementation of the OSS.

Specifically, the amendment proposes to:

- Amend the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to require subdivisions to provide a public open space contribution at a rate of 8.68% for all areas.
- Amend the Schedule to Clause 72.08 (Background documents) by including the following background documents:
 - *Merri-bek Public Open Space Contributions Refresh, Open Space Contributions Schedule (HillPDA, 2025).*
 - *Merri-bek Open Space Apportionment Methodology (Mesh, 2025).*

Strategic assessment of the amendment

Why is the amendment required?

The OSS sets out Merri-bek City Council's vision, objectives, and directions on how to plan, deliver, and maintain open space in Merri-bek and informs the council's long-term budget planning for its open space portfolio. This includes the collection of public open space contributions to facilitate public open space projects to manage the increasing need for more open spaces and infrastructure to service the resident and worker population growth.

The OSS includes actions for updating the planning scheme with fit-for-purpose public open space contribution rates.

The strategic work done to determine the updated public open space contribution rates is provided in a technical report, known as the *Merri-bek Public Open Space Contributions Refresh, Open Space Contributions Schedule (HillPDA, 2025)*. This report underpins the proposed rate and highlights:

- The Subdivision Act 1988 enables councils to obtain a public open space contribution when land is subdivided. This Act also gives relevant considerations.
- Clause 53.01 of the planning scheme is the tool to use to specify a contribution rate.
- Methods to use when determining a contribution rate.

The report references an apportionment method to determine the portion of the public open space project cost that can be allocated to the resident and worker population growth for the proposed contribution rate. Information about this method is in a report, known as the *Merri-bek Open Space Apportionment Methodology (Mesh 2025)*.

How does the amendment implement the objectives of planning in Victoria?

The amendment will implement the following objectives of planning in Victoria set out in section 4(1) of the *Planning and Environment Act 1987*, by providing:

(a) To provide for the fair, orderly, economic and sustainable use, and development of the land.

The amendment achieves this objective by implementing the OSS for the city's updated public open space contribution rates for land development. Technical and expert analysis informed the updated rates.

(c) To secure a pleasant, efficient, and safe working, living and recreational environment for all Victoria and visitors to Victoria.

The amendment achieves this objective by enabling land developers to appropriately contribute to the city's changing open space network, by making an open space contribution when land development is proposed.

(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d), and (e).

The amendment achieves this objective by introducing updated public open space contribution rates to guide decision-making for Merri-bek's public open space network, consistent with state, and regional planning policy. The amendment also does this by:

- Collecting contributions for public open space, based on the need created by the new development.
- Enabling certainty and consistency for requiring public open space contributions.
- Enabling development to contribute towards to needs of the changing population.

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

Environmental Effects

The amendment provides the opportunity for new public open space to be delivered and the ability to upgrade existing open space. Open space is aesthetically pleasing. It can minimise the impacts of climate change and increase opportunities for active travel. Public open space can also include areas of high-value vegetation that can be conserved and provide new open space links to improve habitat corridors.

Social Effects

The amendment will provide a strong benefit for the community through the provision of new public open space and the upgrade of existing open space. Public open space provides a range of social and community benefits by increasing social interaction, improving physical and mental health and providing for sporting pursuits and recreation.

Economic Effects

The amendment will result in more accurate financial resources to fund public open space projects. It will also provide certainty to developers, allowing improved cost planning and a more equitable means of distributing costs.

Does the amendment address relevant bushfire risk?

The amendment does not relate to land within a designated bushfire area.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction - the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*. The content has been drafted in line with this direction.

The amendment has been prepared following the strategic considerations set out in *Ministerial Direction No. 11, Strategic Assessment of Amendment* made under Section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction, which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

The amendment also complies with *Ministerial Direction No. 9 - Metropolitan Strategy*, which requires that planning scheme amendments have regard to *Plan Melbourne 2017-2050*. All changes to the Merri-bek Planning Scheme are consistent with the following directions and policies of *Plan Melbourne 2017-2050*, including:

- Outcome 5: Inclusive, vibrant and healthy neighbourhoods - Melbourne is a city of inclusive, vibrant and healthy neighbourhoods.

Key directions include delivering local parks and green neighbourhoods in collaboration with communities.

The amendment supports this direction by enabling the appropriate collection of public open space contributions to implement the OSS for the city's changing open space network. Collected contributions will support the city's changing network to cater for all and support long-term local living. In this way, a mix of diverse and multi-functional open spaces will be enabled by a more resilient and safer network.

- Outcome 6: Melbourne is a sustainable and resilient city.

Key directions include making Melbourne cooler and greener and protecting and restoring natural habitats.

The amendment supports these directions by enabling updated public open space contribution rates to implement the OSS for an open space network that is adaptive, cooling, and healthy. This includes enhancing and conserving natural habitats and biodiversity within the network.

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

The amendment supports the following pillars of the Plan for Victoria:

- Pillar 2: Accessible Jobs and Services. The amendment is enabling this pillar by improving the Council's ability to facilitate 'services and community facilities' by helping to fund a changing public open space network that supports healthy and productive lives.
- Pillar 3: Great Places, Suburbs and Towns. The amendment is enabling this pillar by improving the Council's ability to facilitate 'great open space' by helping to fund a changing public open space network that is suitable and close to home for Merri-bek residents.

The amendment supports the following clauses of the Planning Policy Framework:

- Clause 12: Environmental and Landscape Values, particularly the objective in Clause 12.05-2S for Landscapes, which is 'to protect and enhance significant landscapes and open spaces that contribute to the character, identity and sustainable environments.'

The amendment supports this objective by enabling appropriate developer contributions, so the city's changing open space network and its infrastructure can better contribute to the character, identity and sustainable environments.

- Clause 15: Built Environment, particularly the objective in Clause 15.01-3S for Subdivision Design, which aims to '*ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods*' and Clause 15.01-04S for Healthy Neighbourhoods, which aims to '*achieve neighbourhoods that foster healthy and active living and community wellbeing*'.

The amendment supports these objectives by enabling appropriate development contributions, so the city's changing open space network and its infrastructure can enable a mix of diverse open spaces that help to foster a healthy lifestyle and achieve community benefits from well-designed neighbourhoods.

- Clause 19: Community Infrastructure, particularly the objective in Clause 19.02-6S for Open Space, which aims to '*establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.*'

The amendment supports this objective by enabling appropriate developer contributions, so the city's changing open space network and its infrastructure can address any provision gaps.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports Clause 02.03-8 (Infrastructure) of the Municipal Planning Strategy, which gives strategic direction for the city's evolving public open space network. This Clause has been recently updated via a separate amendment to implement the OSS's policy intent, known as Amendment C231mbek. This includes acknowledging the council will use public open space contributions to purchase and develop:

- New and improved open spaces.
- The city's open space network and its infrastructure.

Amendment C231mbek has also updated the Open Space Framework Plan at Clause 02-04, to ensure an updated framework of gap areas is identified for new open space. It has also introduced

the OSS as a background document into the Merri-bek Planning Scheme, along with a technical report that identifies the city's public open space needs.

Does the amendment make proper use of the Victoria Planning Provisions?

The Schedule to Clause 53.01 is specifically provided in the Victorian Planning Provisions to allow planning authorities to establish open space contribution rates appropriate for their local circumstances. It is the most appropriate tool to guide decision-making in determining where land and financial contributions should be sought.

How does the amendment address the views of any relevant agency?

The amendment was prepared in consultation with the Department of Transport and Planning. The views of any relevant agency will be sought during the exhibition of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

This amendment does not have any significant impacts on the objectives and decision-making principles set out in the *Transport Integration Act 2010*.

Does the amendment have regard to the principles set out in the Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 in relation to Yarra River land, the use or development of which may affect Yarra River land?

This amendment has regard to the principles specified in Part 2 of the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* by enabling the collection of developer contributions that support changing public open space needs for:

- Decision making that supports public health and wellbeing.
- Protected environments and sustainable development.
- Environmental, social and cultural benefits.
- Recreational and management benefits.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority, as there is a process in place to gather public open space contributions under Clause 53.01 of the Merri-bek Planning Scheme.