



**Merri-bek**  
City Council

**MERRI-BEK CITY COUNCIL  
PART A SUBMISSION**

**Planning Panels Victoria**

**Amendment C235mbek  
Merri-bek Planning Scheme**

**Schedule to Clause 53.01:  
Updated Public Open Space Contribution Rate**

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## Introduction

1. This Part A submission is made on behalf of Merri-bek City Council (**Council**).
2. Council is the planning authority for Amendment C235mbek (**Amendment**) to the Merri-bek Planning Scheme (**Planning Scheme**). Council has prepared and is the proponent for the Amendment.
3. In broad terms, the Amendment proposes to update the schedule to clause 53.01 *Public Open Space Contribution and Subdivision* to introduce a single public open space contribution (**POSC**) rate of 8.68 per cent for all non-exempt subdivisions across the municipality.
4. The Amendment also proposes to amend the Schedule to clause 72.08 (Background Documents) to include the *Merri-bek Open Space Apportionment Methodology* (Mesh, 2025) (**Apportionment Methodology Report**) and the *Merri-bek Public Open Space Contributions Refresh, Open Space Contributions Schedule* (HillPDA, 2025) (**Contributions Schedule Report**) as background documents.
5. The purpose of the Amendment is to implement Council's adopted open space planning framework by collecting funds (via POSC) to deliver the *Merri-bek Open Space Strategy* (Merri-bek City Council, 2025) (**Strategy**) and the *Merri-bek Open Space Strategy Technical Report* (Mesh, 2025) (**Technical Report**).
6. The Strategy and Technical Report identify priority municipal and precinct projects, including land acquisition and upgrades, to address current gaps and future needs in Council's open space network. Both documents have been listed in the Planning Scheme as background documents through Amendment C231mbek, which gave planning policy effect to (*inter alia*) the Strategy, and introduced new context and strategic directions into clauses 02.03-7 *Transport* and 02.03-8 *Infrastructure*. The local planning policy at clause 19.02-6L *Open space in Merri-bek* was also updated to reflect new policy direction from the Strategy.
7. On 12 March 2025, Council resolved to request authorisation from the Minister for Planning (**Minister**) to prepare and exhibit the Amendment. The Minister authorised the Amendment on 1 August 2025, subject to conditions, including removal of a proposed 10 per cent rate for strategic redevelopment sites and urban renewal precincts before exhibition.
8. The Amendment (amended in accordance with the Minister's conditions of authorisation) was exhibited from 4 September 2025 to 13 October 2025. Council received seven submissions (five submissions supported or did not object to the Amendment, and two submissions objected to the Amendment).
9. On 12 November 2025, Council considered the submissions and resolved to refer the submissions to a Planning Panel.
10. A Directions Hearing was held on 30 January 2026 and the Panel's written directions were issued on 3 February 2026 (**Panel Direction**). In accordance with the Panel Direction, this submission addresses:
  - 10.1 background to the Amendment;

- 10.2 a summary of the conditions of authorisation and how they have been met;
- 10.3 a summary of the strategic context, including:
  - 10.3.1 relevant planning policies and provisions;
  - 10.3.2 any other recently approved or upcoming amendments that might impact on the Amendment;
- 10.4 a summary of any permit applications, or recently granted permits, that might impact the Amendment;
- 10.5 a brief overview of the methodology applied by Mesh (now Veris) in creating the apportionment methodology set out in the Apportionment Methodology Report (applying principles of need, nexus, equity, accountability and transparency to municipal and precinct projects) and HillPDA's calculation of the POSC rate based on the share of project costs attributable to new development over the 20-year horizon applied for purposes of the Strategy; and
- 10.6 a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how.

## Summary of the Amendment

### Purpose of the clause 53.01

11. Clause 53.01 *Public Open Space Contribution and Subdivision* is the Victoria Planning Provision tool that enables planning authorities to specify the rate of POSC to be paid when land is subdivided. It operates together with the *Subdivision Act 1988* (Vic), pursuant to which a responsible authority is permitted to collect POSC when land is subdivided.
12. The schedule to clause 53.01 is the specific mechanism through which the POSC for a municipality are set, and thereby providing the funding mechanism for a council to acquire land, and deliver new and upgraded public open spaces.
13. Open space is defined in the Strategy as including the following:
  - ... The term “open space” encompasses land used for organised sport, casual sports and recreation and active commuting. Public open spaces will often also include land with ecological and natural value, exemplified by our Merri Creek and Moonee Ponds Creek Corridors, or land that can be improved to increase its ecological and natural value by improved management.
14. The Strategy and Technical Report provide an overview of the importance of open space and the value that it has in relation to physical health, fitness and wellbeing, mental health and wellbeing, social connectedness, urban heat island effect mitigation, biodiversity, cultural heritage and character and events and arts.

### Existing Planning Scheme

15. The schedule to clause 53.01 of the Planning Scheme currently prescribes mandatory, precinct-based POSC rates, which vary by suburb (for example, Brunswick West 2.5%, Fawkner 5.7%, Glenroy 6.5%, Coburg 6.8%).
16. The key local policy dealing with open space is clause 19.02-6L *Open Space in Merri-bek* of the Planning Policy Framework.
17. The mandatory POSC was first embedded in the (then) Moreland Planning Scheme via Amendment C85, which introduced a schedule to clause 52.01 (renumbered to clause 53.01 by VC148) and aligned policy references to the *Moreland Open Space Strategy 2004* and the *Public Open Space Contributions and Subdivision Report* (SGS, 2010). Amendment C122 updated the ‘Further strategic work’ and ‘Reference documents’ sections of Clause 21.05-6 *Open Space and Outdoor Recreation* (as it was then) to refer to an updated report, *Public Open Space Contributions and Subdivision Report 2011* (SGS, 2011).<sup>1</sup>
18. Council’s current strategic direction for open space is now set by the Strategy, introduced into the Planning Scheme by Amendment C231mbek on 2 October 2025.
19. Since adoption of the 2004 and 2012 strategies, Council has acquired land for and delivered and upgraded public open space. By way of example, as listed in the *Merri-bek Public Open Space Contributions Refresh, Strategy Implementation Review* (HillPDA, August 2023):<sup>2</sup>
  - 19.1 New local parks have been delivered or are now open, including:

<sup>1</sup> [Moreland C122 \(PSA\) \[2013\] PPV 27](#).

<sup>2</sup> See *Merri-bek Public Open Space Contributions Refresh, Strategy Implementation Review* (HillPDA, August 2023) at Table 5 and Appendix A.

- 19.1.1 Wilson Avenue;
  - 19.1.2 Saxon Street Community Space and Pocket Park;
  - 19.1.3 Bulleke-Bek West Street, Brunswick;
  - 19.1.4 Garrong Park, Tinning Street, Brunswick; and
  - 19.1.5 Frith Street, Brunswick.
- 19.2 Land has been purchased for open space at properties at:
- 19.2.1 Queens Parade, Fawkner;
  - 19.2.2 Kernan Street, Pascoe Vale South;
  - 19.2.3 Spry Street, Coburg North;
  - 19.2.4 29 and 31 Breese Street, Brunswick;
  - 19.2.5 260 Sydney Rd, Brunswick; and
  - 19.2.6 41–43 Service Street, Coburg.
- 19.3 Major upgrades and transformations of existing reserves and civic open space precincts have been progressed, consistent with Council’s program of reserve master plans and the delivery pipeline, including:
- 19.3.1 Enhancing the accessibility of the Coburg City Oval, from Sydney Road and through the site and to include seating, picnic facilities and drinking fountains; and
  - 19.3.2 Redeveloping Jackson Reserve including upgrading the H. Stephens Athletic Complex.

**Proposed changes to the Planning Scheme**

- 20. As noted above, the purpose of the Amendment is to implement an updated POSC rate for all non-exempt subdivisions in the municipality.
- 21. More specifically, the Amendment proposes to:
  - 21.1 Amend the schedule to clause 53.01 *Public Open Space Contribution and Subdivision* to apply a POSC rate of 8.68 per cent to all non-exempt subdivisions (and remove the existing suburb-based schedule).
  - 21.2 Amend the schedule to clause 72.08 *Schedule to Background Documents* to include the following background documents which set out the apportionment methodology and rate calculation supporting the proposed POSC:
    - 21.2.1 Apportionment Methodology Report; and
    - 21.2.2 Contributions Schedule Report.

### **Effect of the proposed updated schedule to clause 53.01**

22. The amended schedule to clause 53.01 proposed by the Amendment supports the implementation of Council's public open space projects over a 20-year horizon, as detailed in the Strategy and Technical Report, and as costed and apportioned through the Apportionment Methodology Report and the Contributions Schedule Report.
23. The Amendment updates clause 72.08 *Background Documents* to include the Apportionment Methodology Report and the Contributions Schedule Report as background documents to the Planning Scheme. Listing these documents in the Planning Scheme confirms the technical basis for the 8.68 per cent rate and improves transparency for development proponents and the community.

### **Properties affected**

24. The Amendment applies to all land within the City of Merri-bek, reflecting the municipal wide approach to POSC.

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## **Strategic work and background to the Amendment**

### **Introductory**

25. This section of the Part A Submission responds to the Panel Direction which requires an overview of the strategic planning context and background relevant to this Amendment, including an overview of the methodology that underpins the proposed POSC rate.
26. In this regard, there are four key documents:
  - 26.1 the Strategy;
  - 26.2 the Technical Report;
  - 26.3 the Apportionment Methodology Report; and
  - 26.4 the Contributions Schedule Report.
27. These documents are summarised below, and will be addressed in more detail (as relevant) in Ms Fisher's and Mr Hrelja's evidence statements.

### **Merri-bek Open Space Strategy (2025)**

28. The Strategy, endorsed on 10 April 2024 and updated 12 February 2025, provides the strategic framework for the planning, provision, funding and governance of public open space that the Amendment seeks to implement.
29. It provides Council's long-term framework for the planning, provision, design, management and funding of public open space across the municipality, replacing the 2012–2022 strategy and responding to accelerated growth, densification and climate risks.
30. The Strategy sets out a municipal-wide vision and program to ensure public open spaces are welcoming, resilient, biodiverse and accessible, and explicitly connects strategic outcomes to planning scheme implementation.

31. The Strategy establishes five directions:<sup>3</sup>
  - 31.1 providing parks close to home and enhancing existing open spaces;
  - 31.2 having a mix of open spaces and experiences;
  - 31.3 ensuring the network is adaptive, biodiverse, cooling, healthy and resilient;
  - 31.4 providing open space for everyone; and
  - 31.5 improving access through links, corridors and collaboration.
32. Key enabling actions include maintaining a 20-year public open space projects list (identifying acquisitions, upgrades and water-sensitive urban design works), securing long-term funding (including use of the Public Resort and Recreation Land Fund), and reviewing regulations to protect and enhance open space, all to inform strategic budget planning and prioritisation.
33. The Strategy explicitly foreshadows updating POSC rates in clause 53.01 of the Planning Scheme to provide a fit-for-purpose rate that reflects contemporary demands created by densification (including build-to-rent and strategic redevelopment sites). At page 37 the Strategy states:

**Updating public open space contribution rates:** Council will use the Strategy, the accompanying Technical Report and Projects List, to inform strategic work that will consider if, and to what extent, updated public open space contribution rate/s are justified for inclusion in Clause 53.01 of the Merri-bek Planning Scheme.
34. The Strategy evidences the need for additional and upgraded public open spaces.<sup>4</sup> In particular, it:
  - 34.1 forecasts a 24% residential population increase to approximately 258,402 by 2041, directed largely to the Brunswick, Coburg and Glenroy major activity centres, necessitating additional and better-distributed open spaces and improved links to regional corridors;
  - 34.2 estimates that that alongside residential population growth the Merri-bek workforce will grow by 9,361 jobs between 2020 and 2035, further increasing demand for access to open space;
  - 34.3 notes the registration of dogs in Merri-bek has surged by over 300 per cent between the 2017/2018 and 2022/2023 financial years, with over 20,000 registered dogs, including dogs that live in townhouses with smaller yards, courtyards, and dogs who live in apartments; and
  - 34.4 documents significant escalation in land and construction costs since the 2012–2022 strategy (construction costs increasing by 30–70%, and land values doubling), reinforcing the requirement for updated contribution settings to sustainably acquire and develop new open spaces and renew existing assets.
35. The Strategy also contextualises the work completed as part of other policy development by Council, including how delivering open space will support the Park Close to Home framework, the Merri-bek Disability Access and Inclusion Plan providing accessible places and spaces, the Merri-bek Integrated Water Management Strategy 2040, and Merri-bek's Urban Forest Strategy.

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<sup>3</sup> The Strategy at page 32.

<sup>4</sup> See the Strategy from page 47.

36. The Strategy's policy intent has been implemented into the Planning Scheme through Amendment C231mbek, including by updating Clause 02.03–8 Infrastructure and Clause 02.04 *Strategic Framework Plan: Open Space*, and listing the Strategy and Technical Report as background documents.
37. The Strategy identifies principal funding sources including Council's Public Resort and Recreation Land Fund, grants, as well as POSC under clause 53.01.
38. The Strategy is supported by the Technical Report (discussed below).
39. The Strategy and Technical Report underpin subsequent contribution rate work (the Apportionment Methodology Report and Contributions Schedule Report), which together provide the basis for the municipal-wide 8.68 per cent POSC rate proposed by the Amendment.

#### **Open Space Strategy Technical Report (Mesh, 2025)**

40. The Technical Report provides the detailed analysis of public open spaces needs and demands that informed the Strategy, the Apportionment Methodology Report and the Contributions Schedule Report.
41. The Technical Report includes:
  - 41.1 analysis of the current network and adjoining open space context;
  - 41.2 community consultation findings;
  - 41.3 residential and worker growth forecasts to 2041;
  - 41.4 a structured framework (definitions, hierarchy, functions, elements, forms, landscape settings);
  - 41.5 gaps analyses;
  - 41.6 suburb-by-suburb recommendations; and
  - 41.7 implementation guidance including responsibilities, prioritisation, timing and monitoring.
42. The Technical Report identified the following challenges and opportunities that Merri-bek will need to address over the coming 20 years. These include:
  - 42.1 unprecedented population growth to date and substantial ongoing population growth into the future;
  - 42.2 changing settlement patterns and increased urban densities;
  - 42.3 ongoing climate emergency and need for open space resiliency;
  - 42.4 improving access to major open space assets in Merri-bek's existing network; and
  - 42.5 ongoing commitment to eliminating open space gaps across the municipality.

43. Relevantly, the Technical Report specifically identifies that adequately funding a Project List that will deliver an open space network that is ‘fit for purpose’ will be required to meet identified needs:<sup>5</sup>

As Merri-bek grows, the areas experiencing the greatest growth are often the areas where land values are highest due to demand. As population grows, these areas are also the areas where the existing open space network comes under the greatest pressure and where open spaces need to be adapted/upgraded to support a rapidly shifting user needs and settlement pattern. The demand for growth in these areas also fuels costs associated with securing land in these locations. It is likely that new parks in these locations will be smaller as land value costs make large scale acquisition difficult...

The Open Space Strategy and Technical Report will outline a Project List of recommended projects to support the open space vision for the future of Merri-bek. This will need to be supported by a funding framework that identifies appropriate contributions from all stakeholders. This will necessitate review of the existing open space contribution rate to ensure the funding contribution from private development is proportional and appropriate. This analysis will be undertaken by others.

44. The Technical Report provides the technical basis for updating the schedule to clause 53.01 by confirming the principles and the Project List to be used in apportionment (see the Apportionment Methodology Report discussed below) and rate calculation (see the Contributions Schedule Report discussed below)

#### Merri-bek Open Space Apportionment Methodology (Mesh, 2025)

45. The Apportionment Methodology Report sets out an apportionment methodology to determine the proportion of Council’s 20-year open space program that should be attributed to new development and funded via clause 53.01 of the Planning Scheme. It was prepared in consultation with Council officers and HillPDA, and is a technical input to HillPDA’s rate calculation in the Contributions Schedule Report (discussed below).
46. The method is structured around the commonly applied principles of need, nexus, equity, accountability and transparency:
- 46.1 **Need** is demonstrated with a layered analysis of Merri-bek’s open space network in the Technical Report and Strategy, leading to a vetted 20-year Project List (new acquisitions and upgrades) that responds to changing population and densification.
  - 46.2 **Nexus** is established by:
    - 46.2.1 identifying where growth is, and is to be, concentrated (activity centres and high-density areas);
    - 46.2.2 examining dwelling typologies; and
    - 46.2.3 identifying local catchments for projects to show the direct connection between growth and the need for new or upgraded open space.
  - 46.3 **Equity** is addressed through the apportionment approach, so that the costs of the open space projects are borne by the likely users of those spaces; and
  - 46.4 **Accountability** is reflected in section 20 of the *Subdivision Act 1988* (Vic), concerning expenditure of contributions.

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<sup>5</sup> Technical Report at page 7.

47. The Apportionment Methodology Report documents all inputs and assumptions and notes that Council has published the 20-year Project List, enabling public scrutiny of the projects attributed in whole or part to growth.
48. The Apportionment Methodology Report presents a step-by-step apportionment process applying the above concepts to municipal and precinct projects. In summary, the methodology developed and applied by Mesh (now Veris) was to:
  - 48.1 Identify municipal-wide projects and apply the overall municipal growth rate (Mesh uses 26% as the municipal growth rate in the summary of conclusions).
  - 48.2 For precinct projects generally, apply a precinct growth percentage, derived from population change between 2026 and 2046, to proportionally share the costs of projects between the existing and new populations.
  - 48.3 In relation to activity centre projects (where there is expected to be higher density development):
    - 48.3.1 where a precinct's total combined growth (residents and workers) exceeds 5,000, apply a planning unit sliding scale (50% to 100%) to projects within 400m of activity centres, replacing the initial precinct growth percentage for these projects to reflect higher densities and immediate local needs;
    - 48.3.2 where combined growth is less than 5,000, retain the precinct growth percentage.
  - 48.4 Document outcomes per project and precinct, ensuring the apportioned share to new development is transparent and replicable.
49. To demonstrate transparency and replicability, Mesh provides a worked example for the Coburg precinct that shows: growth quantum/percentage, identification of projects, mapping of 400m pedestrian catchment ('pedshed'), and application of the sliding-scale planning unit to activity centre proximate projects. The example illustrates how the initial precinct percentage is replaced by the planning unit percentage for qualifying projects in higher-density locations.
50. The Apportionment Methodology Report concludes the methodology is:
  - 50.1 transparent and replicable (principles, inputs, and worked example are documented);
  - 50.2 both qualitative and quantitative (informed by the Strategy and Technical Report methods and project vetting); and
  - 50.3 a fair and equitable way to attribute open space project costs to new residents and workers across municipal and precinct contexts.
51. We also refer to the Open Space Strategy Projects List Master Spreadsheet that formed part of the exhibition material. The spreadsheet sets out the particulars of each project from the Technical Report and in a second tab, illustrates the overall apportionment workings by Mesh. The list of projects sets out the particulars of each project description, location, hierarchy designation and costs. This is relevant for the 'Cost Apportioned' figure used in the Contributions Schedule Report by HillPDA (referred to below).

**Merri-bek Public Open Space Contributions Refresh, Open Space Contributions Schedule (HillPDA, 2025)**

52. The Contributions Schedule Report draws from the Strategy, the Technical Report, and the Apportionment Methodology Report:
53. The Contributions Schedule Report sets out the method, data inputs and calculation used to derive a municipal-wide POSC rate for Merri-bek. It identifies two contribution pathways:
- 53.1 a precinct planning method for strategic redevelopment sites and urban renewal precincts; and
  - 53.2 an apportionment method for infill development across the municipality.
54. HillPDA calculates the municipal-wide infill development POSC rate by dividing the apportioned cost to new development by the value of land to be developed, leading to 8.68 per cent:<sup>6</sup>
- Cost Apportioned \$336,081,386 / Land to Be Developed \$3,870,736,336 = 8.68%*
55. The Contributions Schedule Report recommends a schedule to clause 53.01 that lists one row: “All areas: 8.68 per cent”. The proposed clause does not prescribe the form of contribution (land and/or cash) to allow for flexibility, with the expectation that cash will be the prevalent mode in established areas. The Contributions Schedule Report also outlines already recognised exemptions (including two-lot subdivisions unlikely to be further subdivided, deemed to be contributed land/buildings, and developments that do not subdivide such as build-to-rent), and provides guidance on use of funds, monitoring, and review.
56. The Contributions Schedule Report includes an inter-municipal comparison of recent POSC rates derived using similar apportionment methods, showing Merri-bek’s 8.68 per cent within a 7.61–8.68 per cent range (for example, Yarra 8.65 per cent, Monash 7.61 per cent, Glen Eira 8.32 per cent).
57. Prior to exhibition, Council considered including the 10 per cent minimum for strategic redevelopment sites and urban renewal precincts as a second row in the schedule. However, Ministerial authorisation required removal of this component so that the exhibited Amendment included only the single 8.68 per cent municipal rate. The Contributions Schedule Report records the two-method framework, while the exhibited schedule reflects the Minister’s condition of authorisation.
58. Further, the Contributions Schedule Report recommends:
- 58.1 no transitional arrangements;
  - 58.2 municipality-wide scope (residential, commercial and industrial subdivisions);
  - 58.3 preference for cash in established areas; and
  - 58.4 that any land provided be unencumbered, with road access/frontage, less than or equal to 0.5 ha, and fit-for-purpose dimensions and basic embellishments, consistent with the Strategy’s projects list and open space design criteria.
59. We also note that in preparing the Contributions Schedule Report, regard was had to the following input reports:
- 59.1 Open Space Land Acquisition Cost Review Report (HillPDA, July 2024); and

<sup>6</sup> Contributions Schedule at page 13.

- 59.2 Contribution Rate Method Report (HillPDA, October 2024).
- 60. The Open Space Land Acquisition Cost Review Report assesses Council's land acquisition cost estimates for delivering its updated open space strategy.
- 61. The Contribution Rate Method Report reviews Victorian council methods for setting open space contribution rates under clause 53.01.

#### Other documents

- 62. We also refer to relevant background work, which provided inputs to the key documents listed above:
  - 62.1 Open Space Strategy Implementation Review Report (HillPDA);
  - 62.2 Merri-bek Planning For Population Growth (Quantify);
  - 62.3 Merri-bek Worker Population Floorspace Forecasts (Quantify);
  - 62.4 Open Space Strategy Projects List Master Spreadsheet; and
  - 62.5 Rates Valuation Spreadsheet (Merri-bek City Council).

#### Open Space Strategy Implementation Review Report (HillPDA, August 2023)

- 63. The Open Space Strategy Implementation Review Report (**Review Report**) evaluates the *Moreland Open Space Strategy 2012–2022* and *Park Close to Home: A Framework to Fill Open Space Gaps 2017*, which previously guided Merri-bek's open space planning and spending.
- 64. The previous open space strategy set a vision for managing and improving public open space, while the *Park Close to Home* framework prioritised land acquisition to close gaps in access, aiming for parks within 500m of homes.
- 65. The Review Report reviewed the progress in Council's open space program against the actions in previous strategy and the *Park Close to Home* framework. By way of summary, the Review Report concluded that Merri-bek has made considerable progress in fully implementing the Moreland Open Space Strategy in the ten years since its adoption, and states: "Merri-bek has been very successful in using the open space levies collected to acquire property and address deficiencies in open space".<sup>7</sup>

#### Merri-bek Planning for Population Growth (Quantify, June 2024)

- 66. The *Merri-bek Planning For Population Growth* report prepared by Quantify analyses Merri-bek's projected population growth to 2051, and its implications for planning (**Population Growth Report**).
- 67. It projects:
  - 67.1 an increase of around 75,000 people, from 181,000 in 2023 to 256,000 by 2051, with the fastest growth expected between 2024 and 2031, driven largely by overseas migration and new housing supply;

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<sup>7</sup> See the Review Report at page 19.

- 67.2 growth will later slow as high-density development opportunities diminish, shifting focus to townhouse infill;
  - 67.3 early population increases will be concentrated in Brunswick and Coburg-East, before moving north as development capacity changes; and
  - 67.4 household numbers are expected to rise to approximately 104,000, with a return to larger family households post-COVID and ongoing demand for diverse housing types.
68. The report also highlights long-term challenges such as development constraints, ageing demographics, and changing household structures, providing insights for future open space and infrastructure planning.

#### **Merri-bek Worker Population Floorspace Forecasts (Quantify, August 2024)**

69. The *Merri-bek Worker Population Floorspace Forecast* report prepared by Quantify reviews Merri-bek's shifting employment landscape and its impact on future floorspace needs (**Population Floorspace Forecasts Report**).
70. Specifically, it forecasts:
- 70.1 growth is driven by health care, social assistance, and professional services, while manufacturing and retail decline;
  - 70.2 commercial and retail floorspace is forecast to rise from 1.37 million sqm in 2023 to 1.95 million sqm by 2046, with major expansions in Brunswick and Coburg North;
  - 70.3 industrial land remains in demand but is constrained by redevelopment; and
  - 70.4 overall, Merri-bek is transitioning to a service-oriented economy, requiring strategic planning for office, clinical, and mixed-use spaces.

#### **Rates Valuation Spreadsheet (Merri-bek City Council, August 2024)**

71. The Rates Valuation Spreadsheet outlines the rates valuation data compiled by Council which informed the HillPDA Report.
72. The rates valuation data used to compile the Rates Valuation Spreadsheet was sourced from the State Government's Valuer-General via the public 'valuations for rates and land tax' dataset, providing certified site, capital-improved and net-annual values. Council drew on the available rates valuation data to help inform the subsequent analysis and calculations used when developing the contributions methodology.

#### **Council consideration of the Amendment**

73. On 12 March 2025, Council considered officers' recommendation to progress the Amendment and seek authorisation from the Minister to prepare and exhibit the Amendment. Council resolved to seek Ministerial Authorisation to prepare and exhibit the Amendment.
74. In seeking authorisation, Council endorsed the strategic basis for the Amendment as arising from the Strategy and the Technical Report, implemented in the Planning Scheme through Amendment C231mbek (including updates to clause 02.03 Infrastructure and clause 02.04 Strategic Framework Plan).

75. On 1 August 2025, the Minister authorised exhibition of the Amendment subject to conditions. Relevantly, Council complied with the Minister's requirement that the contemplated 10 per cent rate for strategic redevelopment sites and urban renewal precincts be removed prior to exhibition. The exhibited Amendment proposes a single municipality wide rate of 8.68 per cent.

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## Consultation and Public Exhibition of the Amendment

### Public exhibition

76. The Amendment was formally exhibited for four weeks from 4 September 2025 to 13 October 2025.
77. During this period, all exhibited documents were available:
- 77.1 online via the Council's C235 webpage;
  - 77.2 in person at the Coburg Customer Service Centre, 90 Bell Street, Coburg (viewing by appointment); and
  - 77.3 on the Department of Transport and Planning public inspection page (viewing by appointment).
78. In relation to direct notice, following section 19 of the Act, notice of the amendment via direct mail (or email) was given to:
- 78.1 relevant Victorian Government departments;
  - 78.2 relevant Ministers;
  - 78.3 relevant public authorities; and
  - 78.4 all abutting councils.
79. To comply with other notice requirements in section 19 of the Act and to reach the wider community, the following was also undertaken:
- 79.1 notice in the Government Gazette, as well as the Herald Sun and The Age newspapers;
  - 79.2 communication as new items on Council's website and social media platforms; and
  - 79.3 direct notice to peak land development industry bodies, land surveying firms, development consultants, and consultants who regularly work on behalf of subdivision applicants;
  - 79.4 providing all relevant information on the Council's website with a dedicated Amendment C235mbek page, and also on the relevant webpage on the State Government's website.
80. Under section 19(1A) of the Act, it was considered impractical to individually notify owners and occupiers throughout the municipality.
81. The exhibited document set comprised the Notice of Preparation, Explanatory Report, Instruction Sheet, and clean and track-change versions of the updated clause 53.01 and

clause 72.08 schedules, together with background and supporting material including the Apportionment Methodology Report and the Contributions Schedule Report.

82. Council invited written submissions during exhibition, with a closing date of Monday 13 October 2025. Submissions could be lodged by email or by post to the Strategic Planning Unit at Council.

### Consideration of submissions

83. In response to exhibition, Council received seven submissions, comprising:
- 83.1 Five submissions which either supported, or did not object to, the Amendment;
  - 83.2 Two submissions which objected to the Amendment.
84. A summary of the issues raised in submissions is provided further below.
85. At its 12 November 2025 meeting, Council considered all submissions received to the Amendment and resolved to the request appointment of a Planning Panel to consider them.
86. Planning Panels Victoria then set dates of a Directions Hearing on 30 January 2026 and a Panel Hearing in the week of 23 February 2026.

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## Strategic context and justification

87. This section provides an overview of the strategic basis for the Amendment, including the relevant State and local policies. The exhibited Explanatory Report includes a strategic assessment, which is adopted for the purposes of this Part A submission.
88. A response to the strategic issues raised in submissions, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's Part B submission.

### Planning and Environment Act 1987

89. The Amendment addresses the objectives of planning in Victoria which, as expressed by s 4 of the *Planning and Environment Act 1987* (the **Act**) include (*inter alia*) to provide for the fair, orderly, economic and sustainable use and development of land (s 4(a)). The Amendment addresses this objective by:
- 89.1 providing an equitable method to collect contributions for public open space based on the need created by subdivision of new development; and
  - 89.2 providing certainty and consistency as to the required POSC for subdivision of land in Merri-bek.
90. Further, by seeking to secure high quality areas of public open space and ensure that they are available to all future residents and visitors of Merri-bek, the Amendment also addresses the following objectives contained in s 4 of the Act:
- 90.1 to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria (s 4(c));

- 90.2 to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community (s 4(e)); and
- 90.3 to balance the present and future interests of all Victorians (s 4(g)).

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

- 91. The Amendment makes proper use of the Victoria Planning Provisions (**VPPs**).
- 92. The VPPs include clause 53.01 *Public Open Space Contribution and Subdivision*, which is the appropriate tool to set local POSC rates via a schedule.
- 93. The updated schedule proposed by the Amendment ensures subdivisions contribute fairly and consistently, by land and/or cash, to deliver new parks, land acquisition and upgrades identified in the Strategy and Technical Report, improving the quality and distribution of open space and providing certainty for proponents.

### **Environmental, Social and Economic Effects**

- 94. 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.
- 95. 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.
- 96. Further to the above, 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.

### **Planning Policy Framework**

- 97. The Amendment seeks to amend the schedule to clause 53.01 in order to implement the intent of the Strategy and Technical Report. As such, the strategic justification for the Amendment is firmly grounded in the Planning Policy Framework.
- 98. The Amendment has been assessed against the objectives of the Planning Policy Framework and is consistent with the principles of State policy, in particular the provisions that guide how growing communities are supported with appropriate public open space.
- 99. The Explanatory Report identifies the relevant clauses and demonstrates alignment with State and local policy settings. In summary:

#### *Clause 02.03-8 (Infrastructure)*

- 100. Clause 02.03-8 recognises that provision of infrastructure is required to support a growing and changing population, particularly as the need for community infrastructure in Merri-bek is increasing.
- 101. Strategies directly supported by the Amendment include:

- 101.1 Promoting the connection between people and their open space network.
  - 101.2 Providing a resilient and safe open space network.
  - 101.3 Ensuring that the open space network caters for all people who live, work, or visit Merri-bek.
  - 101.4 Providing a mix of diverse and inclusive multi-functional open spaces.
  - 101.5 Improving access to open space with better links and corridors.
  - 101.6 Supporting long-term local living by providing an open space network which meets the needs of the community throughout their lifecycle.
  - 101.7 Providing an adaptive, cooling, and healthy open space network.
  - 101.8 Enhancing and conserving natural habitats and biodiversity.
102. In relation to the provision of open space, clause 02.03-8 states:
- 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.

*Clause 19.02-6L (Open space in Merri-bek)*

103. Clause 19.02-6L seeks to:
- 103.1 Design development to preserve or enhance public access to public open space.
  - 103.2 Encourage land contributions over cash contributions in identified gap areas in Clause 2.04 Open Space Framework, areas adjoining existing public open spaces, creek corridors, and across the public open space network.
  - 103.3 Enable development to contribute to continuous open space corridors along creek corridors.
  - 103.4 Enable strategic redevelopment sites to appropriately provide for public open space.
104. Clause 19.02-6L also provides policy guidance by providing for consideration of the Strategy and the Technical Report as relevant.

*Clause 19.02-6S (Open space)*

105. Clause 19.02-6S seeks to “establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.”
106. Strategies directly supported by the Amendment include:
- 106.1 Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.
  - 106.2 Ensure that open space networks:
    - 106.2.1 Are linked, including through the provision of walking and cycling trails.

- 106.2.2 Are integrated with open space from abutting subdivisions.
- 106.2.3 Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- 106.2.4 Maintain public accessibility on public land immediately adjoining waterways and coasts.
- 106.3 Create opportunities to enhance open space networks within and between settlements.
- 106.4 Improve the quality and distribution of open space and ensure long-term protection.
- 106.5 Ensure land identified as critical to the completion of open space links is transferred for open space purposes.
- 106.6 Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- 106.7 Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

*Clause 15.01-3S (Subdivision design)*

- 107. The objective of this provision is to ensure subdivisions deliver attractive, safe, accessible, diverse and sustainable neighbourhoods.
- 108. The Amendment is consistent with and seeks to achieve the above objectives and strategies.

*Clause 12.05-2S (Landscapes)*

- 109. Clause 12.05-2S (Landscapes) seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
- 110. The Amendment supports this objective by establishing a transparent municipality-wide POSC rate so developer contributions fund land acquisition and upgrades identified in the Strategy and Technical Report. This will enable Merri-bek's changing open space network and its infrastructure to better contribute to landscape quality, local character and environmental outcomes.

**Plan Melbourne 2017-2050**

- 111. The Amendment also supports the following key directions and policies from Plan Melbourne:
  - 111.1 **Direction 5.1** – Create a city of 20-minute neighbourhoods;
  - 111.2 **Direction 5.3** – Deliver social infrastructure to support strong communities;
  - 111.3 **Direction 5.4** – Deliver local parks and green neighbourhoods in collaboration with communities and Policy 5.4.1 – Develop a network of accessible, high-quality, local open spaces; and

- 111.4 **Direction 6.4** – Make Melbourne cooler and greener and Policy 6.4.2 – Strengthen the integrated metropolitan open space network.

### Plan for Victoria 2025

112. The State Government has released the *Plan for Victoria 2025 (Plan for Victoria)*. The five ‘pillars’ of the Plan for Victoria are:
- 112.1 Housing for all Victorians;
  - 112.2 Accessible jobs and services;
  - 112.3 Great places, suburbs and towns;
  - 112.4 Sustainable environments; and
  - 112.5 Self-determination and caring for Country (underpinning and informing all other pillars).
113. Plan for Victoria emphasises delivering more homes in established areas and activity centres and ensuring communities have the green public spaces and infrastructure they need as they grow.
114. The Amendment provides for a POSC rate that allows for appropriate levels of funding to provide new parks, land acquisition and upgrades identified in the Strategy and Technical Report, and ensuring growth is matched with open space investment.
115. **‘Pillar 1 – Housing for all Victorians’** involves:
- Providing all Victorians with a choice of a well-designed home at an affordable price and close to daily needs.
116. This pillar seeks well-designed, affordable homes close to daily needs. The State’s program to deliver more homes through activity centres will increase population across the municipality, and particularly concentrated in places like Brunswick and Coburg. A municipal-wide POSC rate ensures open space funding keeps pace with this change, supporting liveability as housing supply expands.
117. Pillar 1 also identifies that the State Government will lead the delivery of new planning controls for 60 activity centres across Melbourne, relevantly including at Coburg Station and Brunswick Station. These locations are being referred to as the ‘Merri-bek Cluster’. This planning has begun. The Amendment complements this by establishing a reliable mechanism to fund local public open space in and around these centres.
118. The remaining relevant pillars in the Plan for Victoria are:
- 118.1 **‘Pillar 2 – Accessible jobs and services’**. As activity centres intensify, POSC collected under C235mbek will help deliver connected, accessible open spaces that support local services, economic activity and everyday life.
  - 118.2 **‘Pillar 3 – Great places, suburbs and towns’**. This pillar seeks thriving, welcoming places. The Amendment enables new and upgraded open space in gap areas and growth locations, directly supporting Plan for Victoria’s actions to update design guidance for better public places and introduce minimum standards for open space in established urban areas.

- 118.3 **‘Pillar 4 – Sustainable environments’**. Plan for Victoria recognises climate resilience, urban cooling and biodiversity. The Amendment funds projects that cool neighbourhoods, improve habitat corridors and strengthen the integrated open space network, aligning with Plan Melbourne’s open-space directions and the State’s Cooling and Greening priorities.
- 118.4 **‘Pillar 5 - Self-determination and caring for Country’**. Plan for Victoria expects all actions to reflect and support this pillar. Through the Strategy and the Technical Report, Council can use POSC to deliver projects that care for Country, protect creek corridors, and improve cultural and environmental outcomes in open spaces, consistent with the Strategy’s background documents embedded in the Scheme.
119. In the context of State led housing and activity-centre planning, the Amendment is a necessary and timely measure to ensure Merri-bek’s open space network keeps pace with growth, delivering equitable, high-quality parks and links that strengthen liveability across the municipality.

### Guide for Open Space Strategies (DEECA)

120. The Guide for Open Space Strategies (**Guide**) provides contemporary, statewide guidance for preparing local open space strategies. It replaces the former *Planning Practice Note 70 (2015)* and aligns with the Victorian Government’s *Open Space for Everyone – Open Space Strategy for Metropolitan Melbourne (2021)* (which is summarised below). Its aim is to ensure open space networks are planned, protected, and resourced to meet changing community needs, population growth, and climate challenges.
121. The Guide emphasises that open space is “the hardest working public land,” delivering multiple benefits.
122. The Guide includes guidance on POSC, noting that if an open space strategy is intended to justify amendments to POS contribution rates, councils must ensure:
- 122.1 robust evidence of population growth and open space needs;
  - 122.2 transparent methodology for cost apportionment;
  - 122.3 alignment with Planning Panel expectations and recent case law; and
  - 122.4 clear prioritisation and cost estimates for projects over a 10–20 year horizon.
123. The Guide supports Merri-bek’s approach in Amendment C235mbek by:
- 123.1 reinforcing the need for a strategic framework and evidence based open space strategies before increasing POSC rates;
  - 123.2 endorsing apportionment methodologies grounded in principles of need, nexus, equity, accountability, and transparency; and
  - 123.3 emphasising integration with planning scheme policies and alignment with clause 53.01 requirements.

### Open Space for Everyone – Open Space Strategy for Metropolitan Melbourne (2021)

124. The *Open Space for Everyone – Open Space Strategy for Metropolitan Melbourne (2021) (2021 Metropolitan Strategy)* applies to all of Melbourne’s 32 local government areas and is intended to address the public open space needs of greater metropolitan Melbourne over the next 30 years, by establishing a framework for agencies and local government in respect of the public open space network.

125. The preparation of the 2021 Metropolitan Strategy has been undertaken pursuant to *Plan Melbourne* Policy 6.4.2, and Action 93, the latter of which is to prepare a metropolitan open space strategy that enhances recreation, amenity, health and wellbeing, species diversity, sustainable water management and urban cooling; and to provide a number of measures, including a plan for an increase in open space, particularly in areas identified as lacking access to open space, areas undergoing substantial population growth, and areas where the network of green spaces could be expanded or improved.<sup>8</sup>
126. The 2021 Metropolitan Strategy sets out the following four goals:<sup>9</sup>
- 126.1 improved community health and wellbeing;
  - 126.2 healthier biodiversity;
  - 126.3 enhanced climate change resilience; and
  - 126.4 maximised economic and social benefits.
127. The 2021 Metropolitan Strategy includes a set of enabling actions, as part of the strategic framework, which address matters of governance, consultation, regulation, funding and financing, research, funding, investment opportunities, and implementation and monitoring. In relation to funding and financing, the 2021 Metropolitan Strategy states:<sup>10</sup>
- 4 Update funding and financing models
- The variety of owners and managers of open space means the financing of those spaces and funding sources for them are inevitably complex. Funding might be a matter for any of the environment, health, water, recreation, tourism, transport, heritage, arts, ports and maritime sectors, among others. Funding streams include general revenues, council rates, trusts, levies, the Parks and Reserve Trust Account (the 'parks charge'), local open space contributions, developers' contributions, fees, charges and grants.
- Existing funding arrangements need to be reviewed to determine if they are delivering the best public value. For example, the Yarra River Action Plan and past Victorian Planning Authority work have noted the need to review the parks charge, to better define its goals and the services it provides. Similarly, Melbourne may need more-flexible open space contributions arrangements as population growth and high-density development increase demand for and the need to invest in unencumbered open space. Reviews of current and future arrangements will also need to find ways to fund the adequate provision of open space in areas where its quality, quantity or both is insufficient; funding arrangements must result in equitable access to quality open space for all Melburnians. Funding models also need to recognise and support Traditional Owner rights and cultural responsibilities to manage Country and build capacity within their communities.
128. The 2021 Metropolitan Strategy demonstrate the critical importance of public open space to the liveability and success of greater metropolitan Melbourne, and to each of the 32 local government areas that make up that area, including Merri-bek.
129. The goals and principles outline in the 2021 Metropolitan Strategy speak directly to, and support, the strategic basis for the Amendment, and the underlying basis for the actions proposed in the Amendment, and consequently, the need to increase the contribution rate in the schedule to clause 53.01.

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<sup>8</sup> See 2021 Metropolitan Strategy at page 11.

<sup>9</sup> See 2021 Metropolitan Strategy at page 1.

<sup>10</sup> See 2021 Metropolitan Strategy at pages 41 to 43.

## Ministerial Directions

### *Ministerial Direction on the Form and Content of Planning Schemes*

130. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

### *Ministerial Direction No. 11 – Strategic Assessment of Amendments*

131. The Amendment complies with Ministerial Direction No. 11 as it has been prepared following comprehensive strategic evaluation including of the outcomes it seeks to produce.

### *Ministerial Direction No. 15 – The Planning Scheme Amendment Process*

132. The Amendment complies with Ministerial Direction No. 15 (The Planning Scheme Amendment Process).
133. The Ministerial Directions are available from a Victorian Government website at [Ministerial directions \(planning.vic.gov.au\)](http://www.ministerialdirections.planning.vic.gov.au).

## Planning Practice Notes

134. The Amendment has been prepared in accordance with the following practice note:

134.1 *PPN13 – Incorporated and Background Documents (PPN13)*.

### *PPN13*

135. PPN13 provides guidance on when a document should be an incorporated or background document, and describes the role of each.
136. The Amendment has been prepared having regard to PPN13 and as such it is proposed to include the Strategy and Contributions Schedule as background documents.

### *PPN70 (no longer in force)*

137. PPN70 previously provided guidance on the preparation of an open space strategy, including open space classifications and undertaking analysis in relation to existing supply, future demand and gaps in the existing open space network. It is noted that PPN70 is no longer in effect, however it was in place at the time that Council adopted the Strategy, and when Council was preparing Amendment C231mbek. There is a high level of correlation between the methodology adopted to inform the proposed schedule in the Amendment and PPN70.
138. PPN70 recognised the importance of a strategic approach to public open space and provided that an open space strategy should:<sup>11</sup>
- 138.1 provide an overview of existing open space resources and future needs;
  - 138.2 provide a basis for decision making about future open space provision and development;
  - 138.3 assist financial and resource planning and asset management;

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<sup>11</sup> PPN71 at pages 1-2.

- 138.4 identify areas of under-provision of open space and articulate strategies for how land could be acquired or disposed of for the purpose of open space;
- 138.5 facilitate a co-ordinated approach to open space planning;
- 138.6 articulate community and local government aspirations in relation to open; and
- 138.7 space provision and development.

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## Relevant amendments and planning permit applications

- 139. This section of the Part A Submission responds to the Panel Direction which requires a summary of the strategic context for the Amendment, including:
  - 139.1 any relevant changes to the strategic and planning context since the Amendment went on exhibition;
  - 139.2 any other recently approved or upcoming amendments that might impact on the Amendment; and
  - 139.3 any relevant permit applications.

### Strategic context and planning scheme amendments

- 140. Since the Amendment was publicly exhibited, there have been several amendments to the Planning Scheme.
- 141. Most relevant to the context of this Amendment is Amendment VC258. Broadly speaking, Amendment VC258 seeks to improve the operation of the existing Development Facilitation Program (DFP) planning provisions at clauses 53.22 and 53.23 and expands the program eligibility to include gas projects and saleyards.
- 142. While Amendment VC258 may result in increased development in areas such as Merri-bek, this reinforces the importance of ensuring that suitable frameworks are put in place to require such development to respond to Council and community needs for appropriate public open space investment and provision.
- 143. Council also refers to the summary provided above, in relation to Plan for Victoria, in respect of the change in strategic context relevant to this Amendment.
- 144. Also relevant is Amendment VC283 gazetted 2 September 2025, which made changes to the Victoria Planning Provisions and all planning schemes in Victoria to implement Plan for Victoria in all planning schemes.

### Planning permit applications

- 145. There has been one recent subdivision permit that triggered a POSC contribution in accordance with clause 53.01:
  - 145.1 Planning permit SP/2025/250 issued on 24 December 2025 in relation to 836-838, 840 and 842 Sydney Road, Brunswick for a 39-lot subdivision.

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## Other relevant strategic context

### Amendment C231 Merri-bek Planning Scheme

146. As identified above, Amendment C231mbek updated the Merri-bek Planning Scheme to implement the Strategy and the Technical Report.
147. It replaced and refreshed local policy content, updated the Open Space Strategic Framework Plan, and recognised the Strategy and Technical Report as Background Documents at Clause 72.08. This established the strategic foundation for the subsequent open space contribution review in this Amendment.
148. Amendment C231mbek:
- 148.1 Updated Clause 02.03 *Infrastructure* to reflect the Strategy's directions for provision, enhancement and funding of the open space network;
  - 148.2 Updated Clause 02.04 *Strategic Framework Plans* to show the revised Open Space Strategic Framework Plan and gap areas; and
  - 148.3 Listed the Strategy and Technical Report at Clause 72.08 *Background Documents* so proponents and decision-makers can transparently reference the technical basis.
149. Amendment C231mbek was exhibited in 2024 and considered by a Planning Panel on 25 November 2024, with the Panel's report issued on 9 December 2024. Council adopted C231mbek on 12 February 2025, and the Department subsequently approved and gazetted the Amendment (gazette published 2 October 2025).
150. The Panel found C231mbek strategically justified, recommending changes to ensure the Open Space Framework Plan and mapping in Clause 02.04 fully aligned with the final documentation, and to correct minor transport mapping references. Council adopted the Amendment with those refinements.

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## Merri-bek planning framework and provision of public open space

### An integrated approach

151. Council is taking an integrated planning approach to funding and delivering open space across the municipality. This approach combines strategic planning (the Strategy and Technical Report), statutory tools (*Subdivision Act 1988* (Vic) and the schedule to clause 53.01), capital programming (Asset Plan and Budget), and operational programs (design, delivery, and ongoing management of the open space network).
152. This framework underpins the Amendment, which proposes a single, municipal-wide POSC rate to sustainably implement Council's long-term open space investments.
153. An overview of the Strategy and the Technical Report is provided above. These documents form an integral part of Council's integrated approach towards the provision of public open space. Additional supporting Council strategies are summarised below.

## Community Vision

154. The *Merri-bek 2021-31 Community Vision* contains the city's vision for the future and has various themes. Relevant to the framework are themes for being 'environmentally proactive', 'healthy and caring', and creating 'vibrant spaces and places' in the city. The vision's themes give direction to the Council Plan (discussed below), guiding how public open space is planned, funded and delivered, and inform the Strategy and this Amendment.

## Council Plan and Action Plan

155. The *Council Plan 2025 – 2029 (Council Plan)* responds to the Community Vision's themes. Relevantly, the Council Plan contains the following strategies:
- 1.1 Cool our city through planting and protecting canopy trees, increasing permeable surfaces, greening and beautifying our public and open spaces and optimising water capture and re-use to support plant growth.
  - 1.2 Restore and renature open spaces, creek corridors and waterways that create a vibrant network of interconnected green corridors, enhance wildlife habitats and promote biodiversity.
  - 3.1 Build new and revitalised local parks that promote access to open space close to home, catering for all needs and abilities.
  - 3.7 Design, approve and develop public places that and promote universal access and personal safety for all.
156. The *Council Action Plan (Action Plan)* is updated annually and gives actions to implement the strategies in the Council Plan. The 2025-26 Council Action Plans contain action 77 to update Council's open space and developer contribution models.

## Asset Plan, Budget, and Development Contribution Plan

157. Council's *Asset Plan 2022-23 to 2031-32* provides for effective and efficient management of Council assets. It acknowledges Council's responsibility for maintaining, renewing, and improving its assets and identifies planned 10-year expenditure for open space.
158. The *4-year Budget* enables Council's financial commitment to implementing the Council Plan, Council Action Plan, and Asset Plan. The budget is informed by a 5-year capital works program and is updated annually. The budget lists priority open space projects for delivery (park acquisitions, upgrades, new facilities, nature and biodiversity works, cooling and water-sensitive design). The budget is the primary vehicle to commit funds raised through clause 53.01 toward Strategy projects.
159. Council has a DCP in the Planning Scheme under Schedule 1 of Clause 45.06. This DCP is coming to an end, and a new DCP has been prepared. It is currently with the Victorian Government for consideration and authorisation. The work on the new DCP ensures there's no 'double-dipping' with projects listed in the Technical Report for the Open Space Strategy.

## Planning Scheme

160. Finally, it is noted that as summarised above the Planning Scheme contains State and local policy for open space, including Clause 19.02-6S *Open space* and Clause 19.02-6L *Open space in Merri-bek*, which together guide the planning, protection and delivery of a diverse, accessible and equitable open space network consistent with Plan Melbourne 2017–2050 and the Victorian Government's Open Space for Everyone (2021) strategy.

## Submissions received and issues raised

### Submissions received

161. As noted above, Council received seven submissions: five expressing support or no objection and two objections. Submitters comprised:

161.1 JLP Melbourne Pty Ltd (James Livingston);

161.2 Yarra City Council;

161.3 Moonee Valley City Council;

161.4 Melbourne Water;

161.5 Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation;

161.6 Darebin City Council; and

161.7 Cubo Group / Consolidated Properties.

162. A summary of the submissions received is as follows:

No	Submitter	Summary
1	JLP Melbourne Pty Ltd (James Livingston)	Objected, arguing that increasing contributions to a uniform 8.68% would add costs to development during a housing and cost-of-living crisis, and requested independent market analysis of the rate's impact.
2	Yarra City Council	Expressed general support for establishing more appropriate contribution rates to secure community benefit, highlighting liveability, biodiversity, and the role of open space in mitigating urban heat island effects.
3	Moonee Valley City Council	Submitted that the city-wide 8.68% levy is timely, consistent with metropolitan practice, and supported by a robust evidence base (population growth, worker forecasts, apportionment methodology). MVCC advised it does not wish to appear at any Panel.
4	Melbourne Water	No objections.
5	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	Advised no further comments on the Amendment and reminded proponents of obligations under the <i>Aboriginal Heritage Act 2006</i> (Vic) where Aboriginal cultural heritage is identified, encouraging engagement of a qualified Heritage Advisor.
6	Darebin City Council	Provided a supportive letter commending Merri-bek's Open Space Strategy and the 8.68% contribution rate, noting regional benefits to Darebin communities.
7	Cubo Group / Consolidated Properties (Michael DiPietro)	Objected, asserting the 8.68% rate is excessive for large infill/opportunity sites, lacks adequate justification as a flat rate across all areas, and should include transitional provisions. The submission highlighted that the current Brunswick rate is 6.3% compared with the exhibited 8.68%.

### **Issues raised in submissions**

- 163. The submissions made in support of the Amendment identify that Council needs more public open space to address pressure from increasing development and that this cost is best borne by developers.
- 164. The issues raised in submissions objecting to the Amendment can be broadly characterised as opposing the 8.68 per cent rate, and questioning the strategic justification for that rate.
- 165. No changes are proposed to the Amendment in response to the submissions.
- 166. Council will address the submissions in its Part B submissions and at the hearing, as appropriate.

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### **Conclusion**

- 167. This concludes Council's Part A submission.
- 168. The matters specified in the Panel Direction at clause 9 will be addressed in Council's Part B submission.