



**Merri-bek**  
City Council

# **Planning Scheme Review 2022**

**Date: 12 October 2022**

## **About this document**

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The Planning Scheme Review 2022 was prepared in accordance with Section 12B of the Planning and Environment Act 1987.

This document was presented to Council for adoption at the 12 October 2022 Council Meeting with a recommendation that the document be submitted to the Minister for Planning in accordance with Section 12B of the Planning and Environment Act 1987.

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## **Version Control**

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Version 1 – Council Report Attachment – 12 October 2022

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### **ACKNOWLEDGEMENT OF COUNTRY**

Merri-bek City Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek. We pay respect to their Elders past and present as well as to all First Nations communities who significantly contribute to the life of the area.

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# 1. Executive summary

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**The 2022 Planning Scheme Review is an evaluation of the effectiveness and efficiency of the planning scheme.**

**This review fulfils Council's requirement under Section 12B of the Planning and Environment Act.**

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Since the last review in 2018, there have been substantial changes to the Planning Scheme through Victorian Government reforms that have fundamentally changed the structure of the scheme and by Council implementing strategic work to improve the scheme's operation and outcomes across our city. This work includes a revision and update of our Municipal Strategic Statement (MSS) to align with the structure of all Schemes to include a new Municipal Planning Strategy (MPS) and local content in the Planning Policy Framework (PPF).

There have been a number of planning scheme amendments within the Brunswick Activity Centre and a new residential area has been created in Hadfield aligned with land to be transitioned to residential from the *Moreland Industrial Land Strategy 2015-2030*. Extensive analysis of medium density housing has led to new landscaping objectives and tree canopy requirements for our residential areas to help green and cool our neighbourhoods to help tackle climate change, along with a series of Good Design Sheets to improve the design of new medium density development.

Council recognises the contribution local heritage has in our city through two heritage studies (*Moreland Heritage Gap Study* and *Moreland Heritage Nominations Study*) and protecting more than 500 new heritage places. In support of the growing number of heritage places across our city, the recently introduced *Heritage Permit Exemptions Incorporated Plan* reduces the burden

on landowners by exempting minor compliant works from planning permit requirements.

Our Council continued to be a leader in advocating for improvements in state policy for environmentally sustainable development (ESD), apartment design, ResCode and the Planning Framework. In the coming years, this advocacy is expected to have positive influence on changes to planning policy across these themes.

Important strategic work including *A Job in Moreland*, *A Home in Moreland*, *Supplying Homes in Moreland* and the *Housing Capacity Study 2022* have set Council up to better understand the housing and economic needs of our municipality and how the planning scheme can influence the delivery of the housing and jobs that are needed now and in the future.

Council has also spearheaded a program to elevate ESD planning policy through extensive strategic work focused on zero carbon development and setting up a collaboration with CASBE and 24 other Victorian Council's to collectively pursue updated ESD requirements in our schemes.

Council trialled new approaches with incentivised programs to improve the quality of new development with the Design Excellence Scorecard. Merri-bek was the first Council to consider using VicSmart to streamline compliant two dwellings on a lot development through Amendment C190more.

Overall, this Planning Scheme Review has found that the Scheme is operating well, supported by a suite of zones, overlays and particular provisions.

This review makes recommendations to ensure the Scheme aligns with the Council Plan, Community Vision<sup>1</sup> and adopted strategies and initiatives, including actions to tackle the climate emergency for a Zero Carbon Planning Scheme.

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<sup>1</sup> Community Vision 2021 -2031

## Key findings of the Planning Scheme Review 2022

The key findings of the review are reflected in the recommendations of this report and are summarised as follows:

- Elevate ESD requirements in the scheme to achieve zero carbon development and climate resilient buildings.
- As part of the refresh of the Open Space Strategy, update associated planning controls and design guidance to support the creation of new parks (including through a review of open space contributions), ensure the long-term protection and enhancement of our waterways, parks and valued vegetation, and to manage impacts from adjacent development, including overshadowing.
- Update the Scheme to recognise the latest stormwater modelling from state and local drainage catchments.
- Update the built form and land use controls for the Brunswick Major Activity Centre to strengthen employment outcomes and simplify the controls.
- Prepare an evidence base to support a Residential Development Framework and a Commercial & Industrial Development Framework to holistically plan for the housing and economic growth forecasted for the municipality.
- Continue to advocate for state-wide affordable housing planning provisions and explore ways to imbed local requirements for our activity centres and when rezoning land to allow residential uses.
- Investigate a new Developer Contribution Plan to help establish funds for new and upgraded community facilities and infrastructure needs of the municipality.
- Update the Scheme to strengthen Neighbourhood Character and help facilitate better housing design outcomes for our residential areas.
- Review and update local heritage policy and the *Permit Exemptions Incorporated Document* to ensure it is consistent with state policy and easy to understand and apply.





2. Planning Scheme Review 2022 Recommendations

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Unit	Other relevant units
Housing					
1H	Prepare an evidence base to support a Residential Development Framework. This includes monitoring of the Housing Capacity Study forecasts and reviewing A Home in Moreland and Supplying Homes in Moreland. The need for affordable housing, the outcomes of the Designing our Neighbourhoods project, valued landscapes and heritage are also inputs.	2022-2025	Designing Our Neighbourhood, State Planning Practice Notes 90/91	Strategic Planning	Strategy & Research
2H	Ongoing monitoring and tracking of residential development in the municipality to: <ul style="list-style-type: none"><li>Identify and plan for capacity constraints.</li><li>Develop a better understanding of the metrics of residential development (dwelling sizes, density, yield, parking provisions, etc) to provide a robust evidence base for strategic planning policy.</li><li>Assess impacts of planning policy decisions on housing capacity and residential development.</li></ul>	Ongoing		Strategy & Research	Strategic Planning
3H	Investigate affordable housing planning requirements in planning provisions for our activity centres and when rezoning land to allow residential uses.	Ongoing	Affordable Housing Action Plan, CAP 152	Strategic Planning	Strategy & Research
4H	Continue to advocate to the Victorian Government to introduce mandatory affordable housing controls in the Victorian Planning System to deliver social and affordable housing with certainty and at scale	Ongoing	Affordable Housing Action Plan, CAP 152	Strategy & Research	Strategic Planning
Economy					
1E	Commence preparation of a Commercial and Industrial Development Framework that integrates key knowledge bases and influences, such as A Job in Moreland, Moreland Industrial Land Strategy2015-2030 and economic development projects and/or research.	2023-2026	Melbourne Industrial and Commercial Land Use Plan	Strategic Planning	Economic Development
Activity Centres					
1AC	Progress a planning scheme amendment for an Activity Centre Zone for the Brunswick Major Activity Centre.	2022-2025	Vibrant Brunswick, CAP 147	Strategic Planning	Economic Development, Urban Design, Strategy & Research
2AC	Review the Glenroy Structure Plan and investigate an Activity Centre Zone for Glenroy Activity Centre.	2024		Strategic Planning	
3AC	Review the Coburg Structure Plan and Coburg Activity Centre Zone	2027		Strategic Planning	
Environmental and Landscape Values					
1L	As part of the refresh of the Open Space Strategy, consider: <ul style="list-style-type: none"><li>whether planning policy and controls need to be updated to reflect any changes to Council's aspirations for parkland along waterways.</li><li>the opportunistic purchase of land within identified open space access gap areas and land currently utilised as open space but owned by government departments.</li><li>rezoning land that is purchased for parkland to an appropriate zone.</li><li>reviewing the Public Open Space Contribution Plan to keep up with population needs</li><li>the need for a planning scheme amendment/s to alter the extent and content of the Environmental Significance Overlays within the Planning Scheme to protect the significant vegetation, enhance wildlife corridors and waterway environments within Merri-bek.</li><li>investigating design guidelines and/or controls to help protect the amenity of open spaces from adjacent development, considering interface design, building massing and shadowing.</li><li>the need for an ESO or alternative form of protection for areas of remnant vegetation and revegetation plots which are not directly associated with Merri-bek's waterways.</li></ul> Continue to advocate for the Victorian Government to develop a unified control along the Moonee Ponds Creek and take a lead role in development of a revised ESO for the Merri Creek and its tributaries.	2022-2025	Open Space Strategy Refresh, Waterways of the West, CAP 7	Open Space Design & Development	Strategic Planning / Strategy & Research / Urban Forest / Recreation Services / Property / Early Years & Youth Services / Aged & Community Support / Community Wellbeing
2L	Elevate local ESD requirements to encourage greater greening and biodiversity outcomes in new development. This may also require reviewing and modifying other greening and biodiversity policies and application requirements in the scheme.	2022-2025	Zero Carbon in the Planning Scheme, CAP 80	Strategic Planning	Sustainable Communities
3L	Continue to advocate to the Victorian Government for new State planning policy for tree protection, tree planting and urban heat. Where no State tree protection tools are introduced, consider pursuing local protection of significant trees. This should include formalising our list of significant trees into a significant tree register and a review of the tree protection local law process.	2022-2026	State ESD planning reforms	Strategic Planning	Sustainable Communities/ Urban Forest/Amenity & Compliance
4L	Continue to undertake mapping of the city's canopy cover every 4 years to monitor changes in canopy cover and understand how local tree planting policies for planting on private land are contributing to the 2050 canopy targets	Ongoing	Urban Forest Strategy, monitoring of C189more tree planting policy	Urban Forest	
5L	Review resourcing to the Urban Planning team to support the application of new canopy tree, landscaping, and greening policies/changes to the planning system that focus on increasing greening outcomes	2024-2025	Urban Forest Strategy	Urban Planning	Urban Forest
6L	Ongoing update of the Tree Planting Tool resource with new tree species to support landscape designs of development to contribute to the diversification of the Urban Forest.	Ongoing	Urban Forest Strategy	Urban Forest	Open Space Design & Development
Environmental Risk and Amenity					
1R	Pursue a collaborative approach with Melbourne Water for separate Special Building Overlay Schedules to be informed by the best available stormwater modelling and mapping data in Merri-bek's local (Council) and regional (Melbourne Water) drainage catchments.	2022-2025	SBO Update Project, CAP 148	Strategic Planning	City Infrastructure / Sustainable Communities / Urban Planning
2R	Preliminary investigation into the permeability of hot spot areas, including the relationship with the design of development on private land and flooding impacts to these areas.	2022 - 2025	Integrated Water Management Strategy	Sustainable Communities	Strategic Planning
3R	Identify which properties within the EAO have met their obligations regarding contamination and consider them for removal from the EAO.	2024		Strategic Planning	Urban Planning
4R	Investigate expanding the relevance of agent of change policy in the scheme to consider the conflicts between residential and any non-residential uses and link noise requirements with requirements of Environment Protection Regulations under the Environment Protection Act 2017.	2022-2024	Regulatory Reform Incentive Fund.	Strategic Planning	Urban Planning

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Unit	Other relevant units
<b>Built Environment and Heritage</b>					
1B	Review the Heritage Policy in the scheme and the <i>Permit Heritage Exemptions Incorporated Plan</i> to ensure it aligns with expectations of the State described in the <i>Planning and Environment Act 1987</i> (Section 6B) and heritage policy in the Scheme.	2022-2024	Heritage Action Plan	Strategic Planning	Urban Planning
2B	Investigate expanding existing heritage guidance material to illustrate and communicate common design responses.	2024	Heritage Action Plan	Urban Planning	
3B	Continue to investigate the city's heritage in line with actions of the Heritage Action Plan	2022-2024	Heritage Action Plan	Strategic Planning	Cultural Development
4B	Review of neighbourhood character and design policy in the scheme to help define and protect the valued characteristics of Merri-bek's residential neighbourhoods and improve the design of medium density housing.	2022-2025	Designing Our Neighbourhoods, CAP 82	Strategic Planning	Urban Planning / Urban Design
5B	Explore ways to incentivise good design in new development. This could include integrating design guidance within the Good Design Advice Sheets into design policy in the scheme.	2022-2025	Designing Our Neighbourhoods	Strategic Planning	Urban Design / Urban Planning
6B	Review DDO24 to understand how it is operating and whether additional policy is needed to manage townhouse type development occurring in our Neighbourhood Centres.	2023-2025		Strategic Planning	Urban Planning
7B	Continue with proactive enforcement program to help achieve sustainability and accessibility outcomes in new development	Ongoing		Urban Planning	Sustainable Communities
8B	Investigate how planning can influence better accessibility outcomes, including: <ul style="list-style-type: none"> <li>Advocate for elevated accessibly standards of ResCode as part of ResCode reform program</li> <li>Consider imbedding LHA gold level principles in new design policy</li> </ul>	Ongoing		Strategic Planning	Urban Planning
<b>Environmentally Sustainable Design</b>					
1ESD	Utilise guidance tools such as Green Factor Tool, Solar PV and EV Zero Carbon Development Guidelines to encourage new development to improve their ESD outcomes.	Ongoing	Zero Carbon in the Planning Scheme	Sustainable Communities	Urban Planning
2ESD	Participate in community awareness raising and communications activities and processes centrally led by the Council Alliance for a Sustainable Built Environment (CASBE) on behalf of partner councils involved in the Elevating ESD Targets Project.	Ongoing	Zero Carbon in the Planning Scheme, CAP 80	Sustainable Communities	Strategic Planning
3ESD	Continue to advocate to the Minister for Planning, Minister for Housing, Minister for Energy, Environment and Climate Action, Minister for Local Government and Suburban Development and DELWP: <ul style="list-style-type: none"> <li>on the benefits of introducing zero carbon focused and elevated ESD planning provisions in the planning scheme</li> <li>to establish an advisory committee to advise on the Elevating ESD Targets in Planning project.</li> <li>that the Council's joint Amendments should be adopted as part of Victorian Government ESD planning reforms.</li> </ul>	Ongoing	Zero Carbon in the Planning Scheme, CAP 80	Strategic Planning	Sustainable Communities
4ESD	Until Amendment C223more is gazetted, consider imbedding elevated ESD targets when undertaking strategic work such as drafting of ACZ or DDO controls.	Ongoing	Zero Carbon in the Planning Scheme	Strategic Planning	Sustainable Communities / Urban Planning
<b>Transport</b>					
1T	Update the Planning scheme to align with the refreshed Transport Strategy.	2024-2026	Refresh of Transport Strategy	Strategic Planning	Transport
2T	Identify which parts of Merri-bek are not located within an 800-metre walking distance from an Activity Centre or Neighbourhood Centre.	2022-2024	Refresh of Transport Strategy	Strategic Planning / Transport/ Strategy and Research	
<b>Community Infrastructure</b>					
1I	Investigate a new city-wide Development Contributions Plan, that includes consideration of the Council's 2022 Community Infrastructure Plan that describes a need for new and upgraded community facilities across the city.	2023-2025	Develop a new Development Contributions Plan CAP 134	Strategic Planning	City Infrastructure / Strategy & Research / Community Well-Being
2I	Review and update the strategic directions for community infrastructure in the planning scheme to align with the policy objectives of Council's Community Infrastructure Plan 2022.	2025	Community Infrastructure Plan 2022, CAP 142	Strategic Planning	Strategy and Research / Community Well-Being
3I	Investigations and analysis of Public Open Space contribution rates in the Planning Scheme to consider if new rates should apply to support the Council's open space infrastructure plans for the city.	2022-2024	Open Space Strategy Refresh - CAP 7	Strategic Planning	Open Space Design & Development
<b>Covid Response: 20-Minute Neighbourhoods</b>					
1CR	Explore how to support key worker housing and local job growth within a 20 minute neighbourhood concept. Identify gaps in service infrastructure – parks, transport, community infrastructure to inform future community infrastructure provision and advocacy efforts.	2023-2026	20-Minute neighbourhoods	Strategic Planning	Strategy and Research / Urban Design / Transport / Economic Development/ Open Space Design & Development/ Recreation Services / Early Years & Youth Services / Aged & Community Support / Community Wellbeing
<b>Planning Performance</b>					
1PP	Review what type and how planning information is captured and explore ways to improve data collection methods.	2022-2024		Strategic Planning / Strategy & Research	Urban Planning
2PP	Review of 'how to' material for community members wishing to access 3D models, as well as raising awareness of its availability.	2024		Urban Planning	Strategic Planning
3PP	Engage with the community early in strategic planning projects when preparing strategies or studies or when gathering evidence which is intended to support a future planning scheme amendment or other policies in line with Council's Community Engagement Policy.	Ongoing		Strategic Planning	Communications / Community Engagement
4PP	Address the list of corrections identified in Appendix 6 of this Report.	2024-2026		Strategic Planning	
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.	Ongoing		Strategic Planning	Urban Planning



## 3. Introduction

### 3.1. The Planning Scheme

A planning scheme regulates the use and development of land. It is a statutory document focused on a municipal area that sets out objectives, policies and provisions relating to the use, development, protection and conservation of land.

#### Change to the municipal name

On 15 September 2022, a new name for Council - Merri-bek City Council, was published in the Government Gazette.

On 21 September 2022, a request was lodged with the Minister for Planning to prepare and process an amendment to the Moreland Planning Scheme so that the Planning Scheme aligns with the change of the municipal name to Merri-bek. Policy and reference documents, references to Moreland Road and completed planning scheme amendment references will not be changed as part of the amendment. Over the coming years, work to align reference documents with the new municipal name will need to be undertaken. Other documents referred to throughout this report will also be updated over time to reflect the new municipal name. At the time of completion of this report, the planning scheme amendment which changes the name of the Planning Scheme has not been gazetted.

#### Purpose of the Planning Scheme

The Planning Scheme describes its purpose at Clause 01:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.

#### Vision of the Planning Scheme

The Vision of the Planning Scheme is to plan for and manage population growth and associated development by creating sustainable neighbourhoods of well-designed environmentally sustainable development. These neighbourhoods will place emphasis on the social, cultural, physical and economic well-being of the community.

In planning for sustainable neighbourhoods, Council's goal is that all neighbourhoods will generally include a mix of the following key elements, proportionate to the suburb scale:

- Shops and services.
- Community facilities such as schools, neighbourhood houses, recreation, libraries, etc.
- Housing choices.
- Employment choices.
- Public transport options.
- A network of different types of open spaces for leisure and recreation.

#### Structure of the Planning scheme

In 2018, the Victorian Government introduced a new Planning Policy Framework (PPF) into all Victorian planning schemes as part of the Smart Planning reform program through Amendment VC148. The Victorian Government's introduction of the new PPF aims to improve the operation of planning policy in planning schemes by containing state, regional and local policies in the one place, enabling a policy framework that is stronger, better aligned, consistent and easier to navigate.

The new PPF creates a standardised format for all policies. Each policy now includes 'Objectives' and 'Strategies' and where necessary, 'Policy guidelines'. It removes 'Application requirements' and 'Decision guidelines'.

An important component of this program is the translation of the Local Planning Policy Framework (LPPF) for each Council into the new PPF structure. All Councils were required to translate their LPPF to the new PPF structure by June 2021.

In addition to the PPF, VC148 also introduced a Municipal Planning Strategy (MPS) to replace the Municipal Strategic Statement. The MPS sits at Clause 2.0 of planning scheme's and provides the planning scheme's policy foundation by setting out the overarching land use vision and directions of a municipality.

Following the structural change of schemes across Victoria, our LPPF was translated into this new structure through Amendment C200more. Further to this, there have been a number of other Amendments that have made changes to both State and local policy in the Planning Scheme focused on particular land use and development themes and outcomes.

For more detail on State and local planning reforms, see Appendix 2.

### **3.2. Purpose of the Planning Scheme Review**

The Planning Scheme Review (PSR) is an audit of the performance of the planning scheme and its recommendations will inform the continuous improvement of the planning scheme.

This review has been undertaken in accordance with Practice Note 32 - Review of Planning Schemes prepared by the Department of Environment, Land, Water and Planning (DELWP) in June 2015 and sets out the purpose of a PSR:

*To enhance the effectiveness and efficiency of the planning scheme in achieving:*

- *The objectives of planning in Victoria*
- *The objectives and strategies of the planning scheme*

Section 12B(1) of the *Planning and Environment Act 1987* requires a municipal Council to review its planning scheme no later than one year after the date by which it is required to approve the Council Plan.. This PSR commenced in February 2022 and was reported to Council at the 12 October 2022 Council meeting.

The PSR provides an evaluation of the effectiveness and performance of the planning scheme, and an opportunity to identify changes and additional strategic work to be completed.

Future work and improvements in accordance with the recommendations of this report will be carried out as part of Council's ongoing work program.

#### **Objectives of Planning in Victoria**

Section 4 of the *Planning and Environment Act 1987* sets out the objectives of planning and the planning framework in Victoria.

### **Objectives of Planning in Victoria set out in the Act**

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- e) 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;
- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- fa) to facilitate the provision of affordable housing in Victoria;
- g) to balance the present and future interests of all Victorians.

### **Objectives of the planning framework established by the Act**

- a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
- b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;
- c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
- d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
- e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;
- f) to provide for a single authority to issue permits for land use or development and related matters, and to co-ordinate the issue of permits with related approvals;
- g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;
- h) to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;
- i) to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice;
- j) to provide an accessible process for just and timely review of decisions without unnecessary formality;
- k) to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements;
- l) to provide for compensation when land is set aside for public purposes and in other circumstances.

### **3.3. Review Inputs**

Extensive background work has been undertaken to inform the PSR. The seven key inputs informing the PSR are listed below:

1. Consultation with internal officers who use the planning scheme
2. Seeking feedback from the community on their views on the planning scheme function and processes
3. The local planning policy monitoring findings
4. Audit of the previous Planning Scheme Review Report prepared in 2018
5. Review of policy and legislative reforms, including major planning scheme amendments (State and Local) since the Planning Scheme underwent major change in 2018
6. Audit of all planning scheme provisions including zones, overlays and particular provisions
7. A review of influential Planning Panel Reports and VCAT decisions

A summary of these inputs is contained in the Attachments to this report and findings reflected in the recommendations contained within Section 5 – The Review.

## 4. Overview of the Municipality

### 4.1. Merri-bek Community in a Snapshot

<b>POPULATION</b> 171,357 number of residents <sup>2</sup> 23-27% projected population growth by 2036 (3 x Covid-19 scenarios) <sup>3</sup> Up to 67,000 additional residents by 2036 <sup>2</sup> 2.4 average household size <sup>2</sup> 49% male <sup>2</sup> 51% female <sup>2</sup> 27% aged 0-24 <sup>2</sup> 60% aged 25-64 <sup>2</sup> 13% aged 65+ <sup>2</sup> 1,086 Aboriginal & Torres Strait Islander people <sup>2</sup> 6.5% need assistance due to a disability, long term health condition or age <sup>2</sup>  <b>DIVERSITY</b> 34.4% people born overseas <sup>2</sup> Over 54 different countries of birth <sup>2</sup> 36.1% speak a language other than English <sup>2</sup> 140 different languages spoken <sup>2</sup> Italian, Arabic, & Greek most common languages spoken at home <sup>2</sup> 56% identify as religious <sup>2</sup>  <b>SOCIAL ENVIRONMENT</b> 13% volunteer <sup>2</sup> 92% feel safe during the day <sup>4</sup> 72% feel safe at night <sup>4</sup> 54% participate in community groups <sup>4</sup>	<b>ENVIRONMENT</b> 11% tree canopy cover <sup>5</sup> 82% dwellings within 400m of public open space <sup>6</sup> 229m average distance to public transport <sup>7</sup> 25% take public transport to work <sup>8</sup> 8% walk or cycle to work <sup>8</sup>  <b>HOUSING</b> 29.5% live alone <sup>2</sup> 8.1% live in share houses <sup>2</sup> 59.2% own their homes (fully or mortgage) <sup>2</sup> 38.3% rent their homes <sup>2</sup> 46.1% live in townhouses & apartments <sup>2</sup> 768 estimated people experiencing homelessness <sup>8</sup> 40.9% people experience stress around their rental and housing payments <sup>2</sup>  <b>WORK AND EDUCATION</b> 64% Year 12 completion <sup>8</sup> 34% Bachelor or higher degree qualification <sup>8</sup> 5.4% unemployment rate <sup>9</sup> 5,949 unemployed residents <sup>9</sup> 109,379 labour force <sup>9</sup> 14,821 local businesses <sup>10</sup> 48,271 local jobs <sup>10</sup> \$6.45 billion Gross Regional Product <sup>10</sup> 15% employed people live and work in Merri-bek <sup>11</sup>
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<sup>2</sup> Australian Bureau of Statistics (ABS) Population Census 2021

<sup>3</sup> Covid Impact Study (CIS) 2021

<sup>4</sup> Moreland City Council Community Indicator Survey 2018

<sup>5</sup> Moreland 2020 Canopy report by Player Piano Data Analytics

<sup>6</sup> Victorian Planning Authority (VPA) 2017

<sup>7</sup> Australian Urban Observatory 2021

<sup>8</sup> Australian Bureau of Statistics Population Census 2016

<sup>9</sup> Small Area Labour Markets (SALM) publication - March 2022

<sup>10</sup> National Institute of Economic and Industry Research (NIEIR 2020)

<sup>11</sup> Victorian Planning Authority (VPA) 2017



## 4.2. Merri-bek's Setting

The area we know today as Merri-bek was, for tens of thousands of years, a sparsely wooded forest with native grasslands that was governed by the Wurundjeri Woi-wurrung people. Throughout decades of colonisation and dispossession, descendants of the Wurundjeri Woi-wurrung people have survived. Merri-bek remains part of the unceded territory of the Wurundjeri Woi-wurrung people.

In the present day, the municipality covers approximately 50.9 square kilometres and is one of Melbourne's most populous municipalities. The City is an established urban municipality in the inner north of Melbourne, located between 4 and 14 kilometres north of central Melbourne. It is bordered by Merri Creek to the east, Moonee Ponds Creek to the west, Park Street to the south and the Western Ring Road to the north.

The City includes the suburbs of Brunswick, Brunswick East and Brunswick West, Coburg and Coburg North, Glenroy, Pascoe Vale and Pascoe Vale South, Fawkner, Hadfield, Oak Park and Gowanbrae. It also includes a small area of Fitzroy North and Tullamarine. Merri-bek has convenient access to Melbourne's Central Business District, major transport routes, the Port of Melbourne and Melbourne and Essendon Airports.

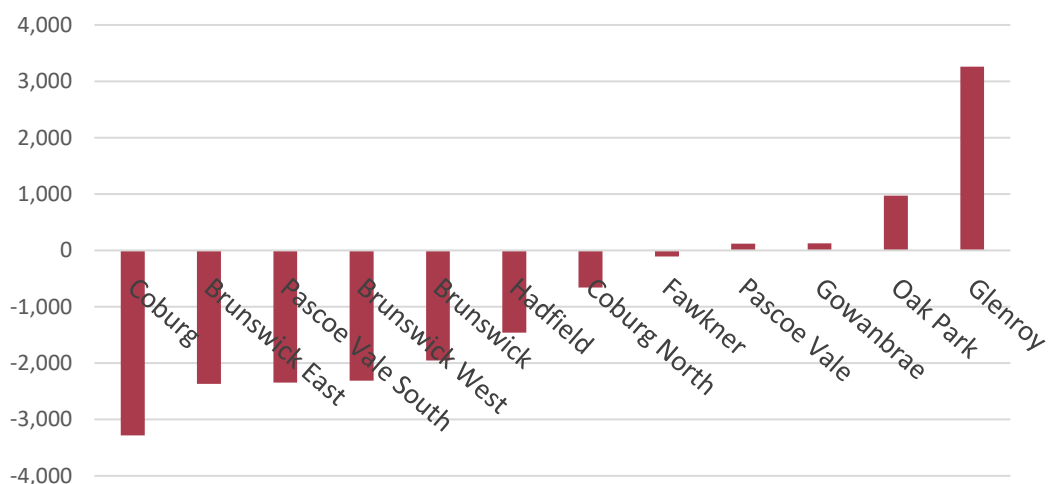
The City includes a diversity of land uses, including significant areas of residential, industrial and commercial zoned land.

### Population Growth & Demographic Change

Merri-bek's population is forecast to grow and change. The last 10 years has seen significant population growth, driven by net overseas migration, births and our community living longer. Pre-Covid-19 pandemic forecasts indicated this growth was set to continue, with older persons, couples and lone person households forecast to grow the fastest.

The covid pandemic has impacted population growth, with population in 2036 forecasted to be lower than expected pre COVID-19 pandemic by nearly 15,000. This is largely attributed to lower migration, birth rates and housing demand.

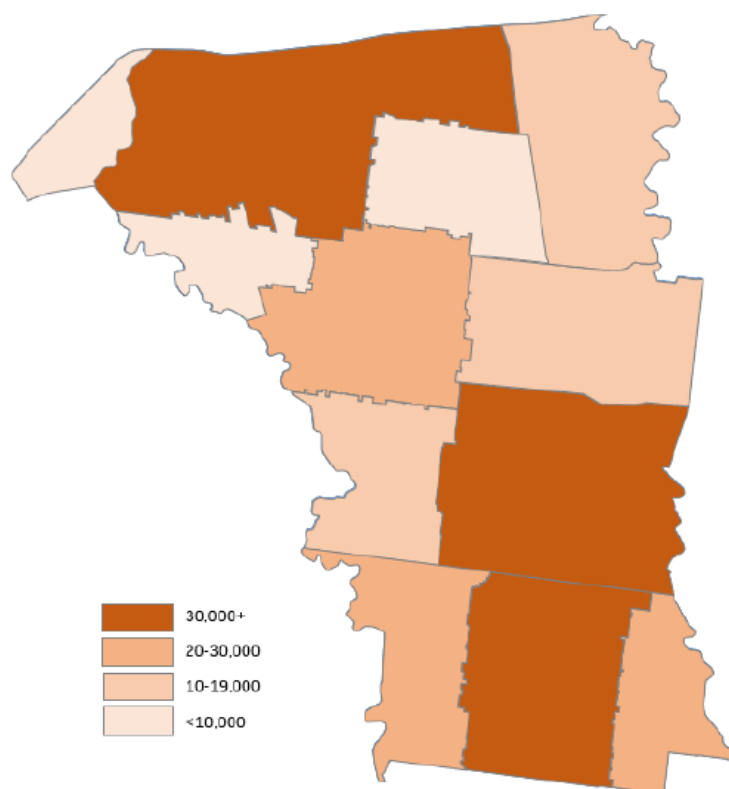
The impact to growth varies from suburb to suburb, with the southern suburbs most impacted with fewer persons than previously forecasted. Conversely, Oak Park and Glenroy are predicted to have higher populations in 2036 than pre-Covid-19 forecasting.



**Figure 1 - 2036 forecast population comparison: pre COVID 19 to post COVID 19 forecast<sup>12</sup>**

The Covid-19 pandemic is expected to slow this growth for a few years, until net overseas migration returns to Australia and Melbourne.

<sup>12</sup> Covid Impact Study (2021)



**Figure 2 - Merri-bek's forecasted population in 2036<sup>13</sup>**

Not only is the population growing, but the way we form households is changing, with an increasing tendency for people in Merri-bek to live alone or as a couple without children. This is the result of a combination of factors such as an ageing population, changing circumstances and lifestyle choices. In Merri-bek, there is a strong shift towards smaller households, with lone persons and couples without children households forecasted to become as dominate in 2036 as couples with children households

### **Natural features and open space**

The Moonee Ponds and Merri Creeks are the distinctive natural features of the municipality. The Merri Creek, also known as the “Merri Merri” Creek, means “very rocky” in Woi-wurrung, the traditional language of this Country. The Moonee Ponds Creek was named after Wurundjeri Woi-wurrung Ancestor Moonee Monee. It is older than the Merri Creek, originally cut as deep as 10 metres into the sandstone. This was the original landscape that provided the basis for the cultural, spiritual, economic, and social lives of the Traditional Owners of Country.

The City has approximately 839 hectares of open space, which includes parks, natural areas along creeks, sporting grounds, playgrounds, grasslands, reserves, Northern Golf Club, Fawkner Memorial Park and Northern Memorial Park. However, open space is not equally distributed throughout the city and some areas have poor access to open space.

The benefits of a healthy urban forest are vast and include numerous social, environmental and economic benefits to a community, including improving the summer temperatures and comfort of the urban environment through shading and cooling. Our municipality however has a relatively young urban forest providing only 12% canopy cover.

Over the past two decades our urban forest has been affected by extended dry periods, urban consolidation, inadequate protection during construction, and low levels of maintenance. The dominance of small trees has also constrained the growth of the urban forest.

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<sup>13</sup> Covid Impact Study (2021)

Council is seeking a significant shift in its approach to managing and resourcing the urban forest to promote and encourage the transformation of the municipality to one where healthy trees and vegetation are a core part of the urban environment. It aims to realise this vision by nurturing a healthy attractive and diverse urban forest through traditional and innovative greening solutions to double vegetation canopy by 2050.

## Climate

Climate change is having a real impact on the municipality. We are facing increasing temperatures, more frequent extreme rain events and are at risk of poorer air quality from increased frequency of bushfires in the regions.

These changes in climate pose a risk to:

- Everyone's health, with our most vulnerable community members feeling these effects the most.
- Decline to Merri-bek's animal population, trees and vegetation through drought and heat stress.
- The comfort in the way our community experiences the outdoor and indoor environments.
- Strain on our power systems that keep the community comfortable in their homes and workplaces.
- Physical stress on infrastructure resulting in higher maintenance costs and reduced asset lifespans.
- Higher demand on community infrastructure to provide refuge during climate events and capacity to deliver services.

The way we design buildings, and our neighbourhoods is therefore becoming increasingly important to manage these impacts.

Council acknowledged we are in a state of climate emergency on 12 September 2018 and that urgent action is required by all levels of government. Council's Zero Carbon Moreland program aims to support this commitment by making a safer climate for all, with a goal of achieving net zero greenhouse gas emissions by 2035. This program includes elevating Environmentally Sustainable Design (ESD) targets in the Scheme for new buildings and encourages a move towards net zero carbon development.

## 4.3. Community Vision and Council Plan

### Community Vision

The Community Vision 2021-2031 is a description of the city the community hopes to live, work and play in. The Community Vision has been informed by a rigorous community engagement process carried out from February to October 2021.

#### Community Vision

*Moreland is our home. We respect and look after our land, air, waterways and animals. We care for our people and celebrate our diverse stories, cultures and identities.*

*Moreland is enhanced by all of us supporting our local businesses, arts communities and social organisations.*

*We work together proactively and transparently to continue to create a vibrant, safe, healthy, resilient, innovative and regenerative community.*

*Many faces, one Moreland.*

Our Community Vision guides our plans and strategies for at least the next 10 years, including the Council Plan.

## Council Plan & Municipal Public Health and Wellbeing Plan

The current Council Plan was adopted in October 2021. The plan sets out the strategic objectives to make progress towards achieving the Community Vision. It also sets out ways to achieve these objectives through the delivery of major initiatives and priorities.

The Municipal Public Health and Wellbeing Plan (MPHWP) has been included in the Council Plan 2021-2025, for a whole-of-Council plan that integrates the strategic health and wellbeing priorities for the municipality.

Theme	Strategic Objective
An environmentally proactive Moreland	Strive to protect people's health, plants and animals. Respond now to the climate emergency. Regenerate nature.
Moving and living safely in Moreland	Improve the safety of everyone in our community. Make it safer and easier to get around.
A healthy and caring Moreland	Support Moreland to become a more inclusive, connected, healthy and caring community
Vibrant spaces and places in Moreland	Create welcoming, unique spaces across Moreland that are for everyone. Improve access to services and housing. Encourage artistic, social and economic activity.
An empowered and collaborative Moreland	Build community trust. Encourage everyone to get involved in council decision making. Make good use of our resources. Be accessible and responsive to our community

It is the role of the PSR to assess the Planning Scheme against the Community Vision and Council Plan to ensure alignment. Within each theme, a comparison between the PSR recommendation and the relevant Council Plan strategy or initiative is included. Relevant to the Scheme are the following Council Plan and MPHWP strategies and initiatives:

Strategies relevant to Planning	
1.2	Protect existing trees and plant more trees through development controls on private land and plant and nurture canopy trees on public land where needed most
4.3	Design Moreland's neighbourhoods to be safe, pleasant, inviting places for all to visit and live
4.4	Create a sense of place while retaining what is valued about heritage including First Nations
4.8	Influence the delivery of better-quality private developments through providing clearer guidance for environmentally responsive design, promoting and negotiating improved quality of development through the planning permit application process and ensuring the outcomes are delivered through proactive enforcement of planning permits
5.6	Significantly progress efforts to secure more developer funding towards Council's response to population growth
* The strategies listed above are all relevant to the MPHWP	

Major Initiatives and Priorities relevant to Planning	
3	Review and implement the Moreland Open Space Strategy, integrating it with plans for nature, water and tree planting as well as articulating a framework for use of open space that helps prioritise investment in new land and upgraded park facilities, playgrounds, dog parks, BMX and skate parks, fitness facilities, community and memorial gardens and nature walks
27	Review and implement the Affordable Housing Action Plan including the development of affordable housing on council land
28	Deliver Zero Carbon in the Planning Scheme (formally ESD version 2)
29	Review and prepare an implementation plan for the Moreland Planning Scheme
43	Prepare and implement a revised Open Space Levy
46	Develop and implement a new Development Contributions Plan
142	Implement the Community Infrastructure Plan

This review has found that the vision and strategies of the Municipal Planning Strategy (MPS) align with Council's Community Vision and Council Plan through directing a vision for:

- well-designed environmentally sustainable neighbourhoods that have an emphasis on the social, cultural, physical and economic well-being of the community; and
- neighbourhoods that offer housing and employment choices, shops and services, community facilities, public transport options and a network of different types of open spaces for leisure and recreation.



## 5. The Review – Current Trends, Issues and Opportunities

The PSR has been set out with key themes reflective of the strategic framework of our scheme. It also includes sections on planning performance and a planning response to the impacts of the Covid-19 pandemic.

This section will explore how the Scheme is operating under these themes. These key themes however do not operate in isolation and together are integral to delivering sustainable neighbourhoods.

For each theme the PSR provides:

- An overview of what outcome the MPS is seeking to achieve
- Evidence and analysis of current trends and outcomes
- Identification of emerging issues and opportunities relevant to the planning scheme
- Recommendations for the planning scheme and planning processes

### 5.1. Settlement

The strategic management of growth is a key focus for planning across the state, where planning is to facilitate development that takes advantage of existing settlements and ensuring there is a sufficient supply of land available for residential, commercial, retail, industrial, recreational, institution and other community uses for existing and future communities.

#### 5.1.1. Housing

##### Strategic Directions of the Scheme for Housing

*In planning for population growth and diversity, Moreland seeks to:*

- *Facilitate housing growth and change in accordance with the Housing Framework shown on the Strategic Framework Plan: Housing at Clause 02.04.*
- *Facilitate residential development in industrial areas identified as Transition Residential Areas in the Housing Framework Plan at Clause 02.04.*
- *Encourage a diversity of housing that meets the needs of different sectors of the community.*
- *Encourage housing that is designed to meet the changing needs of occupants over their lifetimes.*
- *Facilitate housing that is affordable in relation to purchase price, rental price and ongoing living costs (utilities, transport) associated with the design and location of housing.*
- *Encourage student accommodation that is located close to transport and services, that respects existing neighbourhood character and responds to the preferred future character of the area.*

#### Current trends, emerging issues, and opportunities

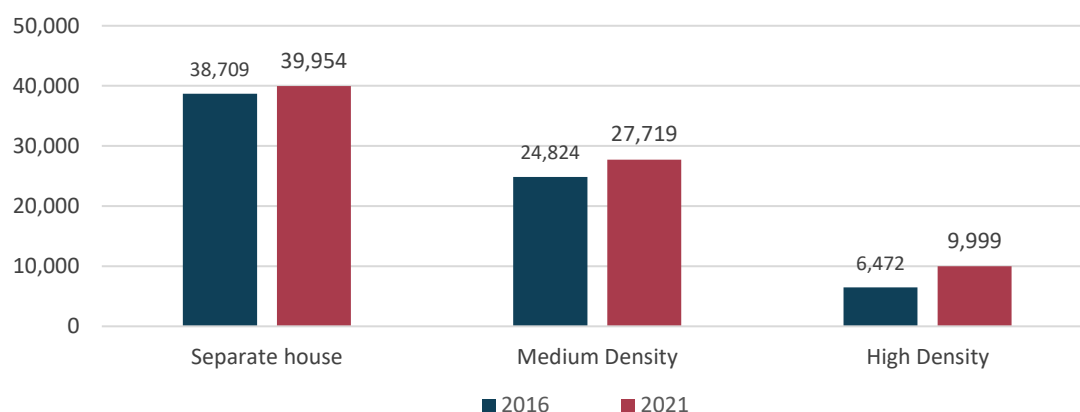
##### Housing stock

Over the past five years (2016-2021) Merri-bek's housing stock grew by 7,700 additional dwellings (11% change) comprising a:

- 3.2% (1,245) increase in separate houses
- 11.7% (2,895) increase in townhouses (medium density)
- 54.5% (3,527) increase in apartments (high density)

This growth brings the total number of dwellings in Merri-bek to 78,224 in 2021 (70,639 in 2016). Single dwellings continue to make up the highest amount of housing in Merri-bek at 51%. However,

housing growth is trending towards high density and medium density housing, with medium density (36%) and high density (45%) representing 81% of the additional dwellings constructed between 2016-2021.



**Figure 3 - Make up of Merri-bek's housing stock<sup>14</sup>**

The majority of the new housing is occurring in Brunswick East (21%), Brunswick (19%) and Glenroy (16%). Whilst the largest amount of new housing is high density housing in our southern activity centres, there remains strong growth in medium density housing outside of our activity centres especially in the northern suburbs.

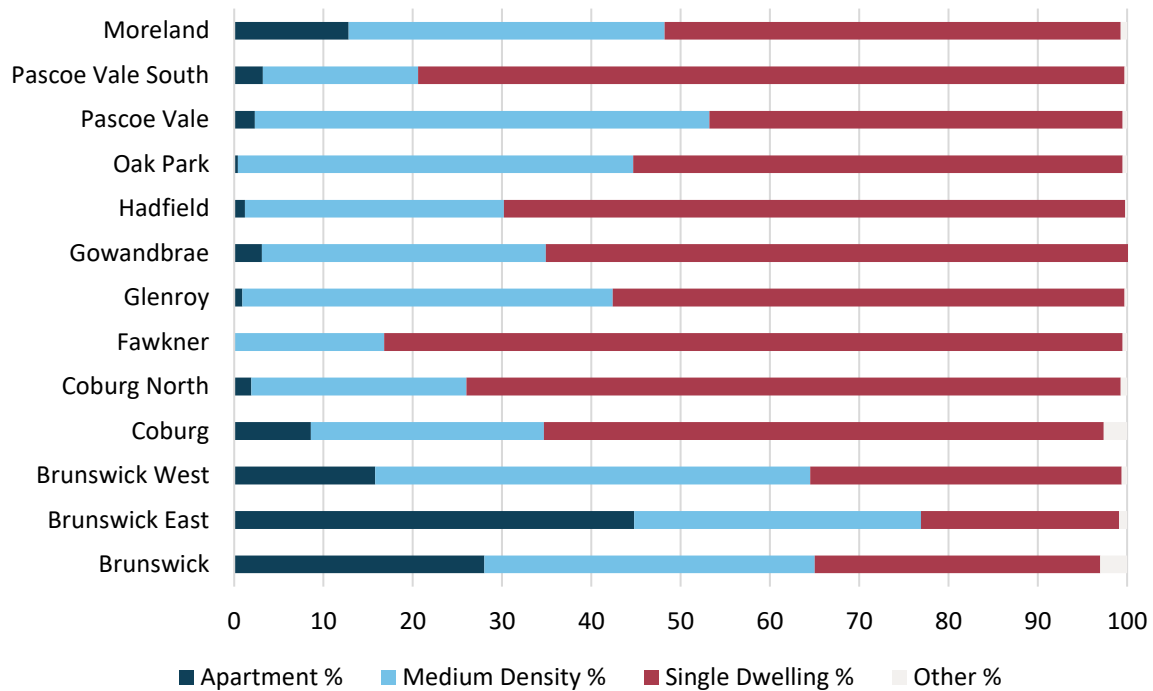
Breakdown of additional dwellings by suburb and typology from 2016 – 2021 <sup>15</sup>						
	Separate house	Medium density	High density	Other	Total	%
Brunswick	267	337	732	106	1,442	19%
Brunswick East	-29	13	1,597	13	1,594	21%
Brunswick West	15	101	739	13	868	11%
Coburg	256	83	228	40	607	8%
Coburg North	321	5	13	-6	333	4%
Fawkner	116	136	0	-1	251	3%
Glenroy	307	878	38	16	1,238	16%
Gowanbrae	-101	156	-1	0	55	1%
Hadfield	-47	154	32	-3	136	2%
Oak Park	14	287	-4	8	305	4%
Pascoe Vale	114	526	28	-1	667	9%
Pascoe Vale South	36	109	129	2	275	4%
<b>Total<sup>16</sup></b>	<b>1,268</b>	<b>2,785</b>	<b>3,531</b>	<b>186</b>	<b>7,770</b>	<b>100%</b>

The mix of these housing types however varies in each suburb. With the growth of apartment development in the Brunswick Activity Centre, Brunswick and Brunswick East now have a relatively even mix of apartment, medium density and single dwellings. Further north in Glenroy, Pascoe Vale and Oak Park, the number of medium dwellings is comparable to that of single dwellings.

<sup>14</sup> Census of population and housing 2021

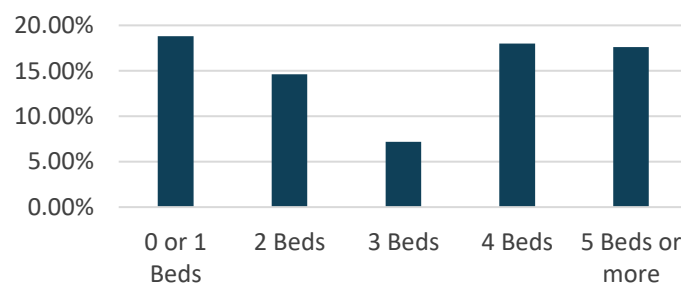
<sup>15</sup> Census of population and housing 2016 and 2021

<sup>16</sup> Fitzroy North and Tullamarine make up a very small area of the municipality and have not been included in these figures

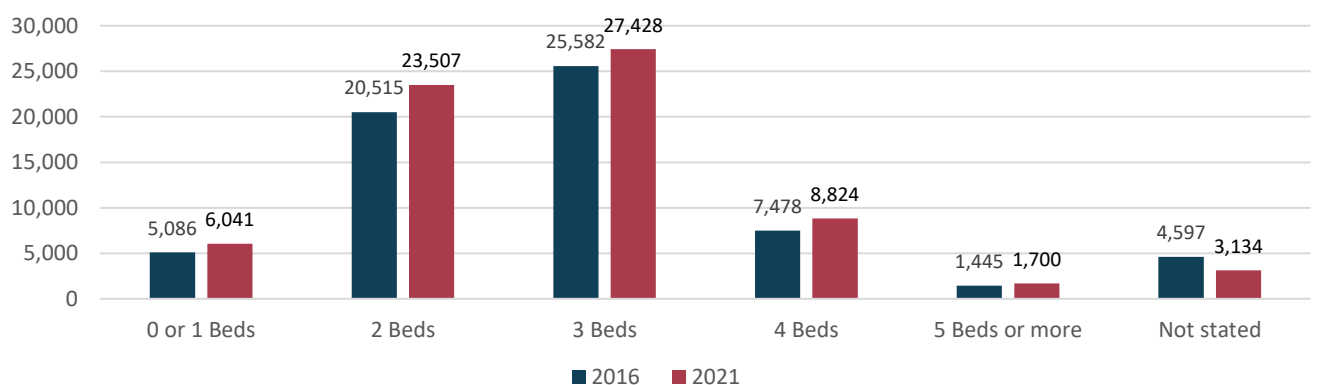


**Figure 4 - Mix of housing per suburb in 2021<sup>17</sup>**

The diversification in the size of housing continues. Whilst three-bedroom dwellings remain the dominant size of housing in Merri-bek, there is strong growth in both smaller (0-2 bedrooms) and larger (4+ bedrooms) size dwellings.



**Figure 5 - % of new dwellings by bedroom numbers constructed between 2016-2021<sup>18</sup>**



**Figure 6 - Number of bedrooms by dwelling from 2016-2021<sup>19</sup>**

<sup>17</sup> Census of population and housing 2021

<sup>18</sup> Census of population and housing 2016 & 2021

<sup>19</sup> Census of population and housing 2016 & 2021

There has been a strong shift in the proportion of households living in medium and high-density housing across all household types. When faced with real world trade-offs between housing type and size, price and location, a significant number of households are choosing medium and high-density dwellings in Merri-bek to be close to jobs and amenities.

Over the past ten years, there has been a significant increase in households renting in Merri-bek, making up 37% of population (15% increase from 2016). Renting is not confined to young groups, with the share of people renting increasing across all age groups. This increase in households renting is driven by declining affordability and other factors such as lifestyle and locational advantage.

Housing affordability is a major issue in Merri-bek with many households unable to afford market housing or requiring financial assistance to support private rental costs. Data indicates about 40% of residents are either experiencing rental or mortgage stress.

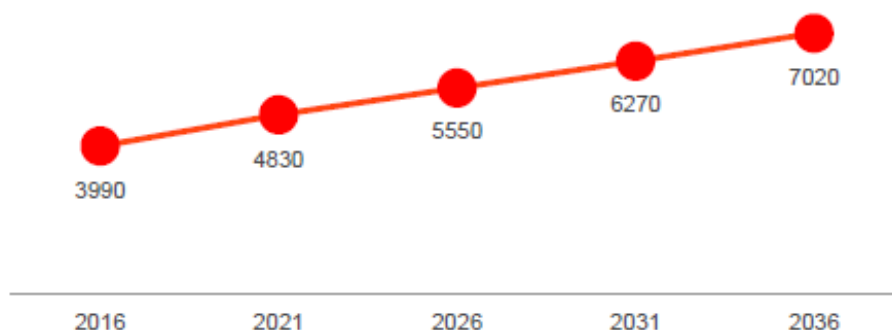
Rental and Mortgage Payments	2016	2021	Increase
Households - <b>Rent</b> greater than 30% of household income	12.80%	27.5%	15%
Households - <b>Mortgage</b> repayments greater than 30% of household income	5.80%	13.4%	8%

**Figure 7 – Housing affordability by rent and mortgage repayments<sup>20</sup>**

Housing stress has increased since COVID-19 with one third (34%) of respondents to the Covid-19 Secondary Impact Analysis survey experiencing heavy or moderate stress on finances from mortgage or rent within the next 6 months. The group with the largest unmet needs are households in rental stress on very low incomes. Areas with high levels of rental stress include Brunswick, Coburg, Brunswick West, Glenroy and Brunswick East.

For many, being in housing stress means that paying for housing comes at the cost of other necessities like nutritious food or transport. For many of these households, affordable housing is the only option outside of homelessness.

The shortfall of affordable housing will increase without intervention. Merri-bek's 2,400 social housing dwellings are the only housing options permanently reserved for lower income and at-risk households. Most are public housing while around 20% are owned by the community housing sector. In recent years the amount of community housing has gradually increased while public housing dwellings have decreased. The shortfall in affordable housing in Merri-bek was at least 4,000 in 2016. This shortfall will rise to between 7,000 and 10,500 by 2036.



**Figure 8 - Number of Affordable Housing Dwellings Needed in Merri-bek<sup>21</sup>**

<sup>20</sup> Census of population and housing 2016 & 2021

<sup>21</sup> A Home in Moreland (2018)

Good access to employment and public transport in Merri-bek is contributing to changing preferences and making trading off home ownership for renting more attractive. Strong forecast growth in smaller households, combined with affordability pressure and Merri-bek's strategic location to employment, education and public transport, suggests that more and more households, including families, will rent and live in medium and high-density housing.

### Housing Capacity

It is important that our municipality has the ability to provide housing to support the forecasted population growth. Whilst Covid-19 has slowed population growth, this is only in the short term, with growth anticipated to continue and Merri-bek's population forecasted to be 245,00 by 2036<sup>22</sup>.

The Housing Capacity Study (2022) indicates Merri-bek has the potential capacity within current planning controls for an additional 65,900 dwellings (36,673 townhouses in our primary residential zones<sup>23</sup> and 29,172 apartments in activity centres).

Taking into account that many properties will not be developed and that the amount of developable sites will reduce over time<sup>24</sup>, the municipality has a more realistic capacity for an additional 49,394 dwellings (27,495 townhouses in our primary residential zones and 19,614 apartments in activity centres).

Contributing to this future capacity are the industrial precincts that were rezoned over the last few years in Brunswick, Brunswick East and Hadfield to zones that allow residential uses:

- C164pt1moreA – applied the Mixed Use Zone (MUZ) to land in the Brunswick Activity Centre
- C164pt2moreA & C192more – applied the Commercial 1 Zone (C1Z) to land in the Brunswick Activity Centre
- C179more – applied the Neighbourhood Residential Zone (NRZ) to properties in South Street, Hadfield

Within the current planning controls, Merri-bek has enough residential land to accommodate the population growth forecasted for the next 15 years. The suburbs with the largest capacity for additional dwellings are:

- Coburg - 10,505
- Brunswick – 8,884
- Glenroy - 6,858
- Pascoe Vale - 4,355
- Fawkner - 4,123

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<sup>22</sup> Covid Impact Study (2021)

<sup>23</sup> Primary Residential Zones refers to the Neighbourhood and General Residential Zones

<sup>24</sup> Housing Capacity Study applied a factor (or allowance) to assume a lower rate of development over the forecast period as some sites won't be developed and the number of sites suitable for development will reduce over time. The term for this factor is 'locked capacity' and within the study, a 25% discount (or 25% locked capacity) on the gross capacity results has been applied.



Potential future housing supply is the amount of dwellings forecasted to be built to meet housing demand over the next 15 years (2021-2036)

Housing capacity is the amount of additional dwellings that can be built on land that is considered available for further residential development

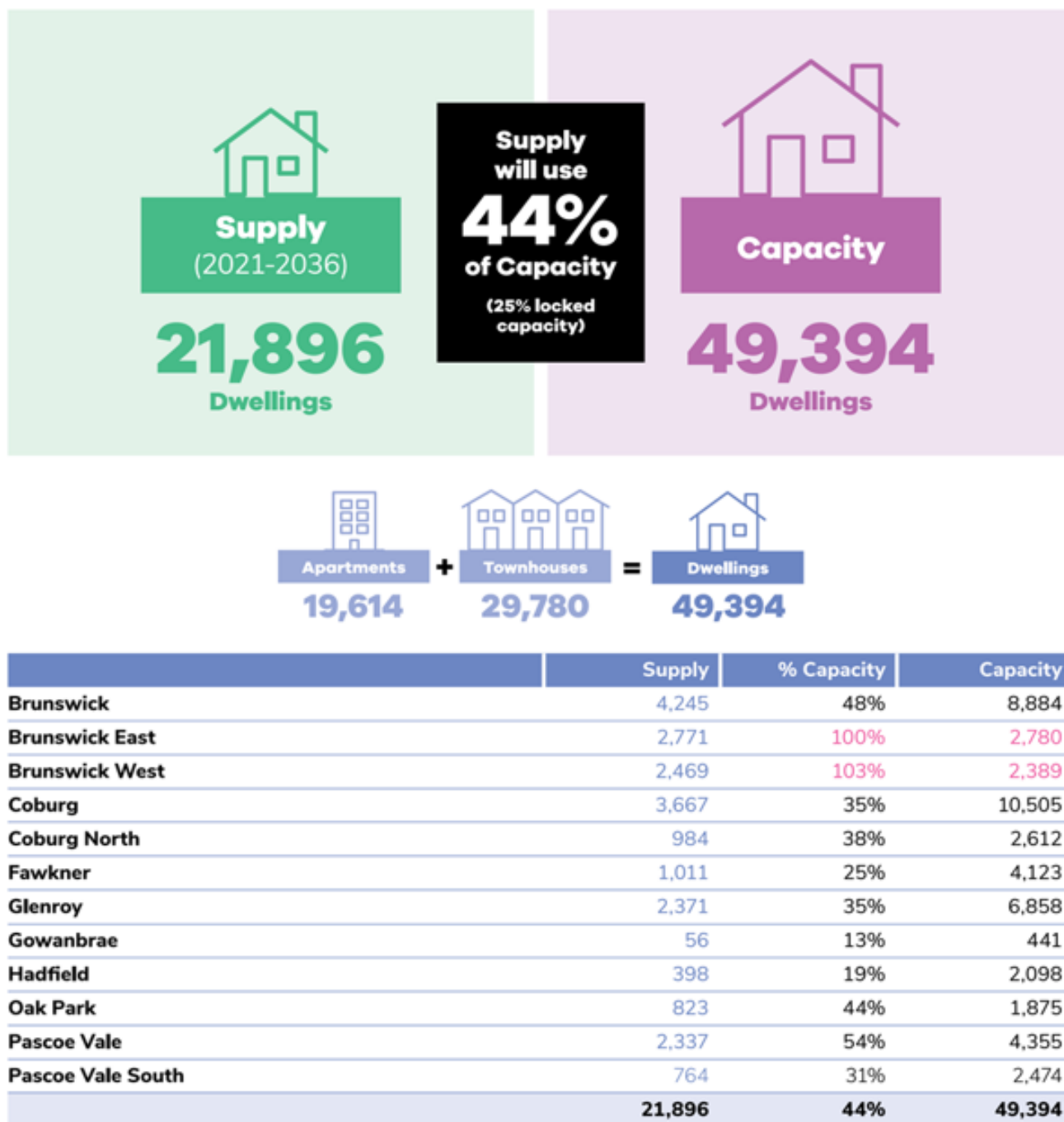


Figure 9 - Merri-bek's Dwelling Supply and Capacity (25% locked capacity) <sup>25</sup>

<sup>25</sup> Housing Capacity Study (2022)

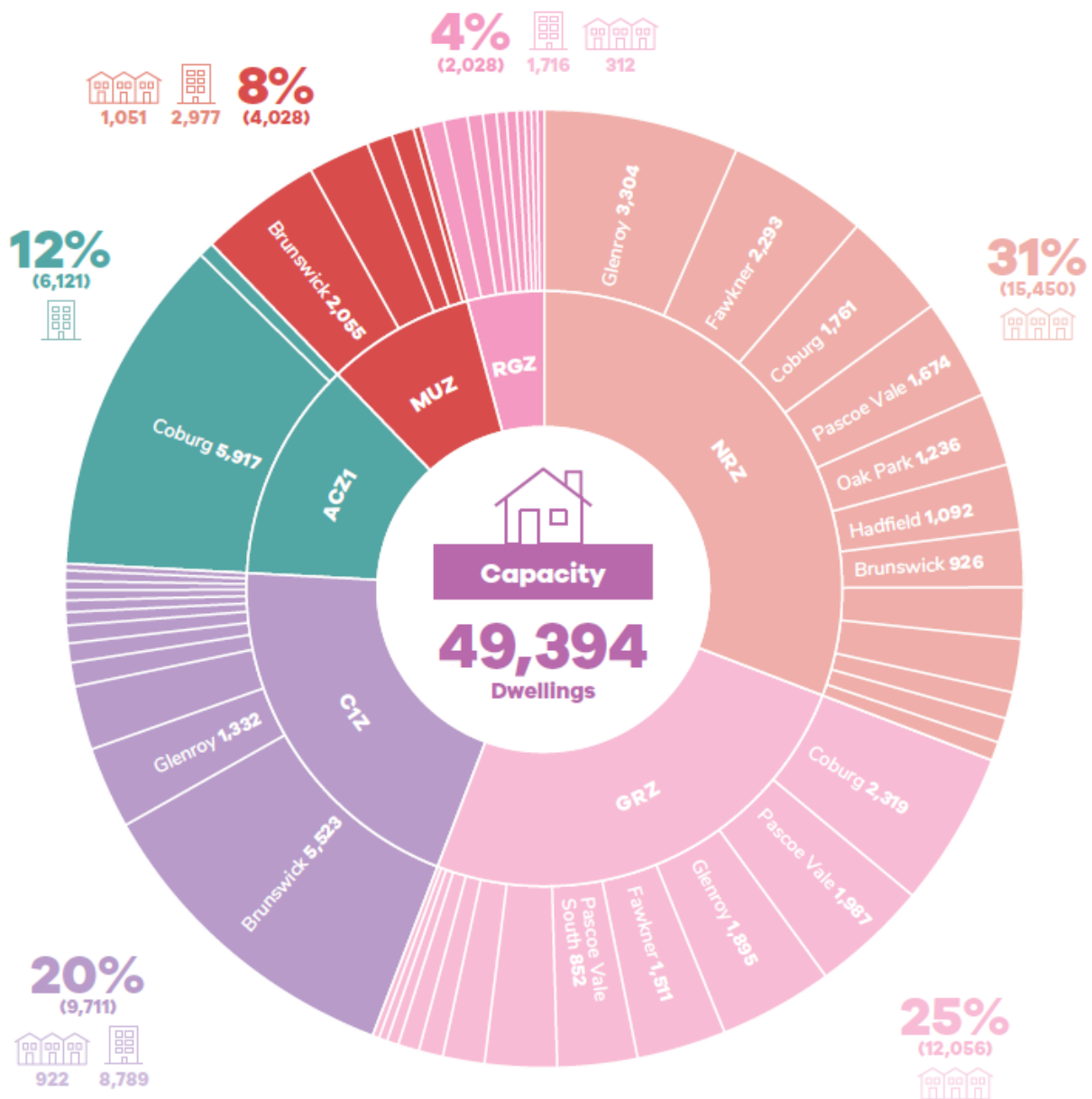


Figure 10 - Merri-bek Dwelling Capacity by zones<sup>26</sup>

<sup>26</sup> Housing Capacity Study (2022)

Our Activity Centres offer the following housing capacity:

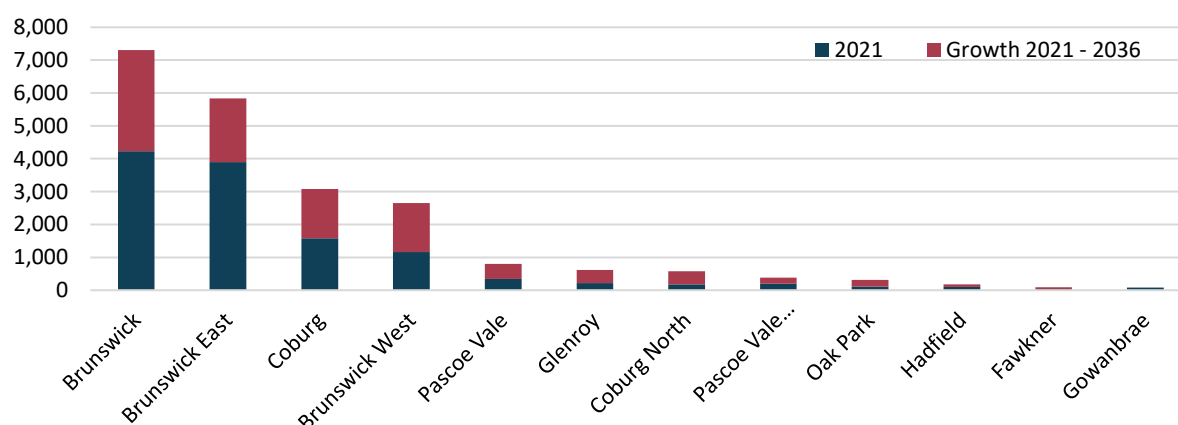
- Major (Brunswick, Coburg and Glenroy) - 16,302 apartments
- Neighbourhood (12 centres across the municipality) - 2,950 dwellings made up of 2,650 apartments and 300 townhouses
- Local (47 centres across the municipality) - 2,642 townhouses

Merri-bek has sufficient capacity to meet forecast growth in our activity centres. Projected supply of apartments will consume 59% of apartment capacity. However, there are some constraints foreseen in the supply of apartments in activity centres in Brunswick East, Brunswick West, Oak Park and Pascoe Vale.

	Supply	% Capacity	Capacity
<b>Brunswick</b>	3,528	49%	7,225
<b>Brunswick East</b>	2,251	131%	1,720
<b>Brunswick West</b>	1,716	215%	798
<b>Coburg</b>	2,185	35%	6,294
<b>Coburg North</b>	440	58%	757
<b>Fawkner</b>	66	34%	194
<b>Glenroy</b>	440	27%	1,617
<b>Gowanbrae</b>	0		0
<b>Hadfield</b>	82	46%	180
<b>Oak Park</b>	220	143%	154
<b>Pascoe Vale</b>	490	121%	406
<b>Pascoe Vale South</b>	200	74%	269
	<b>11,618</b>	<b>59%</b>	<b>19,614</b>

**Figure 11 - Current estimate and forecast high-density dwellings 2021-2036 by suburb<sup>27</sup>**

Brunswick's apartment capacity will likely be used to meet the supply requirements for Brunswick East (531 apartments over capacity) and Brunswick West (918 apartments over capacity) as they reach capacity. Under this assumption supply in all Brunswicks will use 77% of capacity by 2036 – sufficient to accommodate projected growth over the next 15 years. In the Oak Park and Pascoe Vale Neighbourhood Centres, the shortfall in real terms is 66 and 84 dwellings respectively, which can be accommodated in adjacent suburbs.



**Figure 12 - Current estimate and forecast high-density dwellings 2021-2036 by suburb<sup>28</sup>**

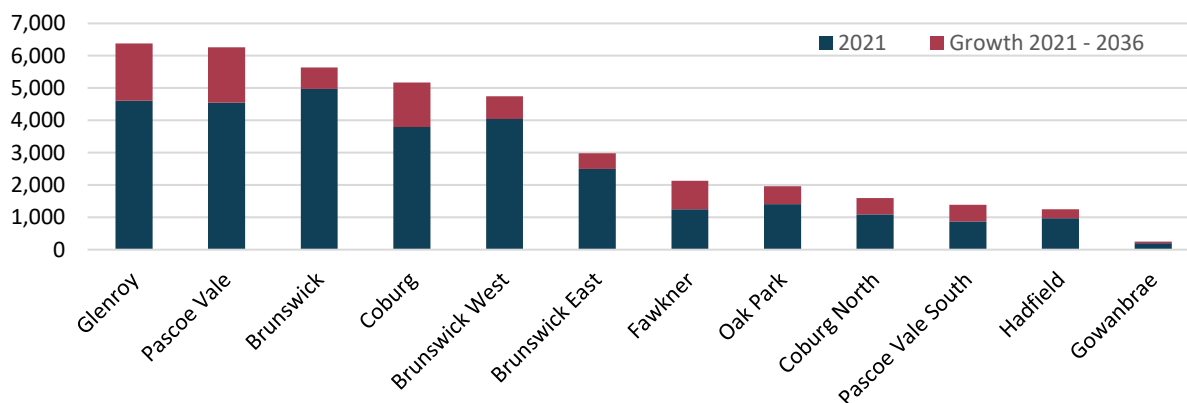
<sup>27</sup> Housing Capacity Study (2022)

<sup>28</sup> Understanding the Local Impacts of Covid-19 on Population and Housing in Moreland, Charter Keck Cramer 2021 - 'Covid-shift scenario'

Within the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) there is sufficient housing capacity, with the supply of townhouses to consume 35% of the capacity. Looking at the zones more specifically:

- The suburbs with the largest capacity in NRZ are Glenroy (3,304 townhouses), Fawkner (2,293) and Coburg (1,761).
- The suburbs with the largest capacity in GRZ are Coburg (2,319 townhouses), Pascoe Vale (1,987), and Glenroy (1,895).

Glenroy and Fawkner have larger lots which is a key driver to their increased capacity. The capacity for townhouse development in the south is constrained by land dedicated to activity centres, small lot sizes and/or the heritage overlay.



**Figure 13 - Current estimate and forecast medium-density dwellings 2021-2036 by suburb<sup>29</sup>**

The current mix of zones and planning controls, has sufficient capacity to accommodate projected growth to 2036 at the municipal level. At the suburb level the analysis has highlighted that the capacity in some of our activity centres, notably within Brunswick West, Oak Park and Pascoe Vale could be reached or exceeded by 2036. Ongoing monitoring and tracking of residential development will help identify and plan for capacity constraints.

Whilst Council is in a good position to manage current housing needs, the 2018 PSR included an action to review the location of its housing change areas. The Housing Framework Plan in the Planning Scheme identifies areas for minimal, incremental and significant change areas. A number of pieces of work can occur over the coming years to help us understand whether the settings in our Housing Framework Plan will meet the housing needs of a growing population into the future. This will involve the monitoring of the Housing Capacity Study forecasts and reviewing A Home in Moreland and Supplying Homes in Moreland. The need for affordable housing, the outcomes of the Designing our Neighbourhoods project, valued landscapes and heritage are also important considerations. Considered holistically, all of these inputs can deliver an evidence base for a Residential Development Framework that can set out how we need to plan for population and housing growth into the future.

The delivery of affordable housing sits primarily with federal and state governments, but there are ways Council can influence an increase in the supply of social and affordable housing in the municipality through planning processes. Council is actively negotiating for affordable housing in major development projects. Whilst the Coburg Activity Centre Zone contains an objective to provide affordable housing, it is not a mandatory requirement. The lack of prescribed controls within the Victorian Planning Provisions poses a constraint to the delivery of affordable housing through the planning permit process. In lieu of state directed minimum affordable housing planning mandates, Council should explore ways to imbed affordable housing requirements in provisions when rezoning land to allow residential uses and within our activity centres.

Providing appropriate and affordable housing for key (or essential) workers in Merri-bek will also be necessary. This large cohort of workers traditionally have below average incomes, work in growing industries and cannot afford to live in Merri-bek. Instead, live outside of the municipality and travel in and

<sup>29</sup> Housing Capacity Study (2022)

out each day to work. Exploring the inter-relationship between journey to work, occupation and income of these workers as part of investigations into 20-minute neighbourhoods will be important (see Section 5.8 for more detail on 20-minute neighbourhoods).

## 5.1.2. Economy

### Strategic Directions of the Scheme for Economic Development

Council seeks to create a sustainable economy and diversity of employment opportunities by:

- Retaining areas identified as Core Industry and Employment Areas in the Strategic Framework Plan at Clause 02.04 as areas for industry and employment.
- Maintaining industry and employment uses in areas identified as Employment Areas and potentially transition to a broader business base that contributes to economic regeneration and more diverse employment opportunities.
- Supporting the economic viability and growth of activity centres.
- Supporting creative industries, entrepreneurs and associated activities, including education and training, live music venues, performance, studios and coworking spaces, in Activity Centres, the Brunswick Design District and Core Industrial and Employment Areas as shown on the Strategic Framework Plans Economic Development and Activity Centres at Clause 2.04.

### Current trends, emerging issues, and opportunities

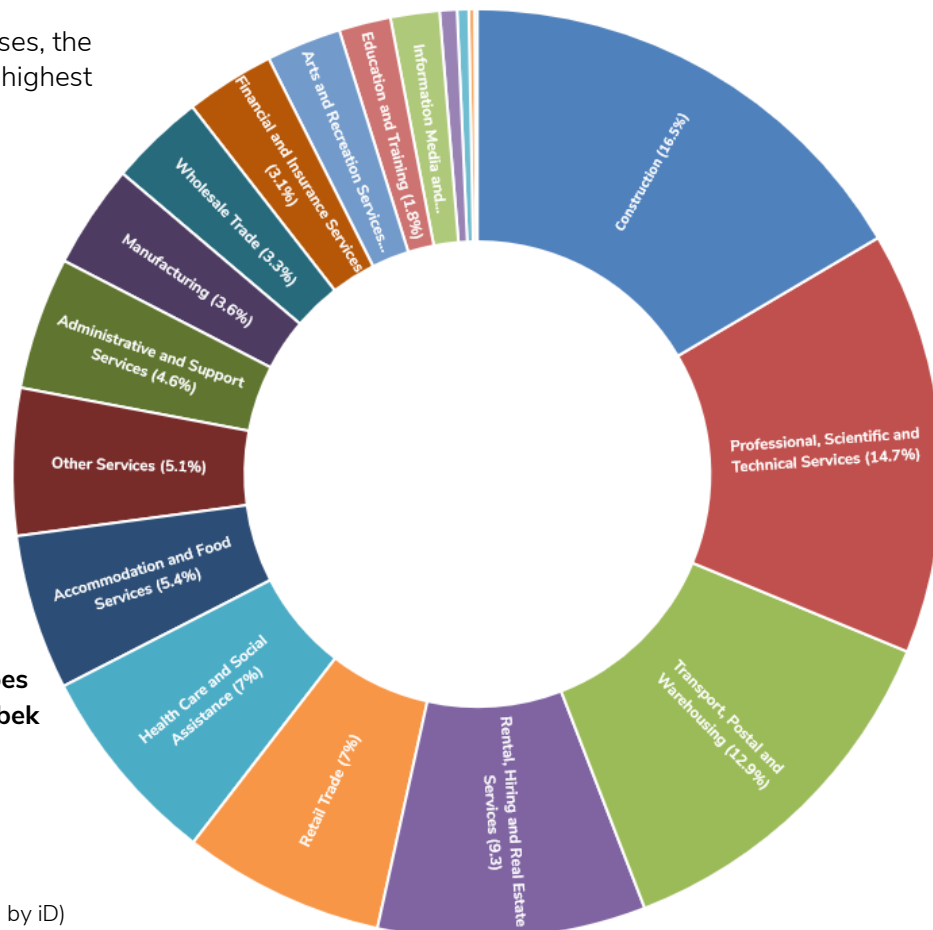
Merri-bek has seen continual growth in registered businesses, with an increase of 2,302 registered businesses since February 2021 and 6,776 since the last review in 2018.<sup>30</sup>

Of the 20,813 registered businesses, the following three industries are the highest employers:<sup>31</sup>

- Health Care and Social Assistance (9,600 people or 20.5%)
- Retail Trade (5,523 people or 11.8%)
- Education and Training (5,200 people or 11.1%)

Most of the businesses in the municipality are sole traders or employ 1-4 employees.

**Figure 14 - Breakdown of the types of businesses operating in Merri-bek (%)**<sup>32</sup>

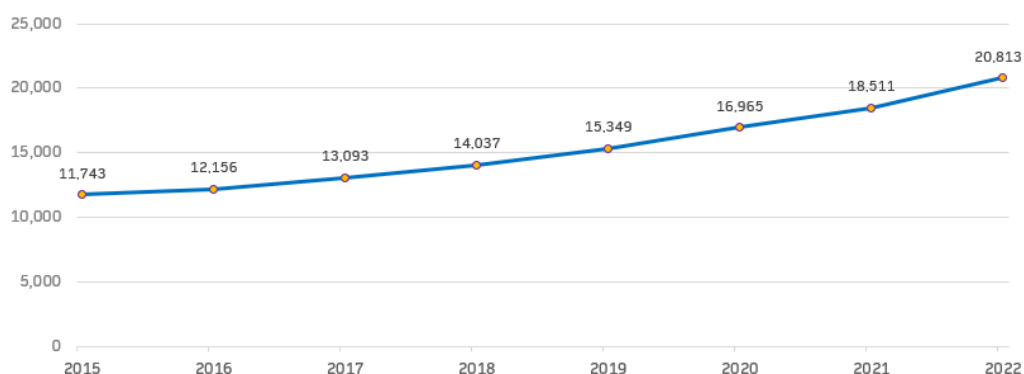


<sup>30</sup> Australian Business Register (compiled by iD)

<sup>31</sup> Australian Business Register (via Moreland Monitor CRS platform – 2020)

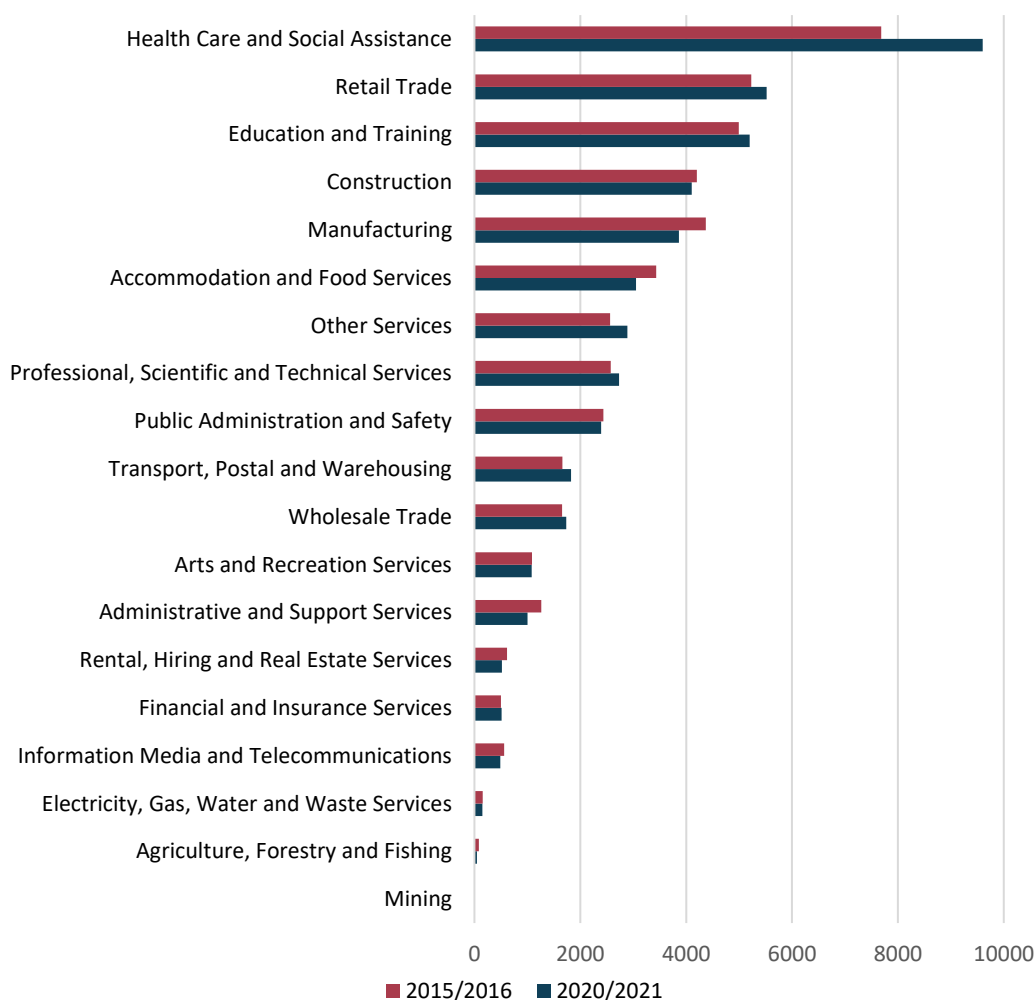
<sup>32</sup> National Institute of Economic and Industry Research (2021)





**Figure 15 – Growth in registered businesses in Merri-bek from 2015 – 2022<sup>33</sup>**

Population growth has been a major driver of Merri-bek's economy over the past decade. Over this period, Merri-bek's population grew on par with Greater Melbourne's growth rate. This growth has increased local expenditure and expansion of local services such as health care, retail, education and training, childcare, schools, cafes, restaurants, hairdressers, and gyms. Professional service jobs like architects, engineers, tax professionals, accountants, lawyers, and computer programmers have also grown to meet the local needs of residents and businesses.



**Figure 16 - Change in employment by industry from 2015/2016 to 2020/2021<sup>34</sup>**

Several industries are identified as important drivers of future growth in Merri-bek. These 'strategic industries' are categorised as large and growing (Health Care and Social Assistance, Retail and Food

<sup>33</sup> Australian Business Register 2020

<sup>34</sup> National Institute of Economic and Industry Research (2021)

Services, Education and Training, and Construction), Emerging (Professional, Scientific and Technical Services) and Specialised (Creative and Cultural and Manufacturing).

Almost 40% of Merri-bek's jobs are located in the three Major activity centres, highlighting the critical role these centres play in generating employment and providing services to the local community. They are a major source of commercial activity, supporting 58% of Merri-bek's retail jobs, 53% of hospitality jobs and 50% of business service jobs.

	<b>Jobs<sup>35</sup></b>	<b>Share of total jobs</b>
<b>Centres</b>	<b>23,437</b>	<b>48%</b>
Major Activity Centres	18,907	39%
Neighbourhood Centres	3,323	7%
Local Centres	1,207	2%
<b>Industrial Areas</b>	<b>9,386</b>	<b>19%</b>
Core Industrial and Employment Areas	8,493	17%
Employment Priority Areas	893	2%
<b>Elsewhere</b>	<b>19,631</b>	<b>40%</b>
<b>Merri-bek LGA</b>	<b>48,588</b>	<b>100%</b>

**Figure 17 – Share of total jobs across Merri-bek**

Brunswick Activity Centre is the largest centre with around 12,500 jobs (26% of total). The next largest precincts are in Coburg (4,700 jobs), Coburg North (2,730 jobs) and Glenroy Activity Centre (1,650 jobs).

While providing an important source of jobs and economic activity, our industrial areas contain far less jobs than our activity centres. In 2020, they supported around 20% of Merri-bek's jobs. There is also a large share of jobs (40%) not located in Activity Centres, Neighbourhood Centres, Local Centres and Industrial Areas, with many jobs located in schools, aged care facilities, residential areas and also hospitals.

The continued shift towards services is likely to reinforce the importance of our larger, highly accessible and amenity-rich Activity Centres like Brunswick and Coburg. The Brunswick Major Activity Centre plays a particularly important economic role as Merri-bek's largest job cluster and ranked as the 12th largest employment cluster within Melbourne's North and West region. This activity centre also provides the most competitive location in Merri-bek for office development due to current market interest, its dense, highly accessible location, industry mix, proximity to CBD and Parkville and highly skilled labour force catchment.

But there are mixed outcomes across Merri-bek with spatial differences in terms of occupations, qualifications, income levels and labour force status. The southern areas of Merri-bek are home to a much higher share of young professionals who are more likely to have university level qualifications. In contrast, the northern areas of the municipality have higher proportions of lower qualified residents, lower incomes, and generally higher unemployment rates. This economic disadvantage limits the ability of centres in Merri-bek's north to attract knowledge intensive jobs.<sup>36</sup>

#### Future employment capacity

Commercial floor space demand is forecast to grow by at least 230,349m<sup>2</sup> by 2035 to support the anticipated growth and demand in retail, hospitality, health, education and business services. Diverse

<sup>35</sup> A Job in Moreland (2021)

<sup>36</sup> A Job in Moreland (2021)

spaces will be required to accommodate this growth including spaces for shops, supermarkets, cafes, restaurants, gyms, hairdressers, dental clinics, indoor fitness and medical and office suites.

Industrial floor space demand is forecast to fall by around 143,000m<sup>2</sup>-137,000m<sup>2</sup>. This decline is largely due to the fall of traditional manufacturing jobs and emerging industries operating with smaller footprints. There will however be a need to support growth in other industrial businesses including wholesalers, transport operators and warehousing.

Overall, this results in the need for an additional 87,000m<sup>2</sup> – 241,000 m<sup>2</sup> of employment floor space across Merri-bek. Whilst Merri-bek's Activity Centres will be vital to accommodate the required floor space to support the forecasted job growth, there is a need for additional space across all activity centres to support local population growth.

Given the established nature of Merri-bek, there are limited opportunities to expand the commercial areas of centres to meet the forecast floor space needs. This means that future floor space demand needs to be met through the renewal and intensification of land within centres. Capacity analysis of our industrial and activity centres identifies floor space gaps, summarised as:

- A shortfall in commercial areas in the Brunswick Major Activity Centre and without intervention will have a significant negative impact on the economic development potential of Merri-bek and commercial investment in Melbourne's northern region.
- Whilst surplus capacity in the Brunswick's Core Industrial Area could be better utilised for commercial space, the size of the shortfall and the significant role this industrial precinct has to the region suggests other actions are required to increase capacity in the commercial core of the Brunswick Activity Centre.
- There is concern with future capacity in the Coburg Major Activity Centre if the centre starts to experience similar redevelopment activity to the Brunswick Major Activity Centre.
- Capacity constraints are less likely to occur in Glenroy over the next 15 years given its lower rate of apartment development activity.
- Most Neighbourhood Centres and Local Centres face capacity constraints. This is especially the case for the following centres which are already experiencing capacity constraints:
  - Gaffney/Sussex Streets, Coburg North
  - Bonwick Street, Fawkner
  - Snell Grove, Oak Park
  - Elizabeth Street, Coburg North

Our MILS Core Employment areas are still important and required to meet Merri-bek's job requirements into the future. How they are utilised will be different, as industry continues to transition to lighter industry or creative industries with different floor space needs. Allowing a broader range of employment generating uses within some industrial areas, particularly areas within the Brunswick Major Activity Centre, will help support these emerging industries.

Our activity centres (and neighbourhoods) are multi-faceted, and residential, industrial and commercial areas contribute to their function. Reframing the narrative through a place-based approach considers all of the land use and built form outcomes sought in an area. This way the complexity of land use and built form and public realm as a whole can be considered, not through the lens of the various zones/land uses in isolation to each other.

This place-based approach also aligns with the 20-Minute Neighbourhood concept. A Commercial and Industrial Development Framework would be a useful approach to bring together the recent research in A Job in Moreland and the Industrial Land Strategy to confirm what capacity constraints might exist in the future. This approach aligns with the State Government's recent industrial and commercial land use plan. For more discussion on 20minute Neighbourhoods, see Section 5.8.

#### Activity Centre Zone

The most significant risk to the provision of sufficient commercial floorspace within our activity centres is the low barrier to residential development within these precincts. The Vibrant Brunswick Project seeks to

respond to this issue and the capacity needs for the Brunswick Major Activity Centre (BMAC) by proposing to:

- Apply an Activity Centre Zone for the BMAC that enables the land use table to be tailored for the needs of the centre.
- Expand the BMAC boundaries to include adjacent commercial land (such as East Brunswick Village) identified in the Brunswick Structure Plan.
- Expand the BMAC boundaries to include other adjacent MILS Category 2 industrial land (identified for transition to more commercial function).
- Expand the BMAC boundaries to include the Core Brunswick Industrial Precinct (MILS Category 1).

The flexibility of the ACZ tool provides the opportunity to designate a proportion of the site area for commercial uses where the Commercial Zone applies or within MILS Category 2 area. The land use table can also be drafted to broaden the types of uses that can be encouraged in the Brunswick Core Industrial Precinct to support the transition of industry whilst still prohibiting residential uses.

Reviewing the Coburg Activity Centre Zone and the Glenroy Structure Plan could address commercial floor space capacity concerns and support the economic development of these centres.

### Vacancy

The average vacancy rate for Activity and Neighbourhood Centres is around 11%. The areas with the highest vacancy are Brunswick Activity Centre (15%), Coburg Activity Centre (13%), Bell Street/Melville Road Pascoe Vale South NC (13%), Snell Grove Oak Park NC (13%) and Moreland Road/Nicholson Street Coburg/Brunswick NC (13%).<sup>37</sup>

High vacancy rates can be due to a range of factors including low demand, changing consumer preferences, poor quality of stock, poor amenity of the centre and new space that does not meet the requirements of prospective tenants. Economic development strategies should be put in place to monitor and address the observed high vacancy rates, especially in Brunswick and Coburg. This work could explore the needs of business in the design of spaces, establishing design guidance to assist to reduce vacancies in newly constructed buildings and form part of a Commercial and Industrial Development Framework.

### Live Music Venues

Live music is important to Merri-bek's arts economy. According to the Live Music Census<sup>38</sup> Merri-bek has 26 live music venues, of which most are scattered throughout Brunswick and Brunswick East.

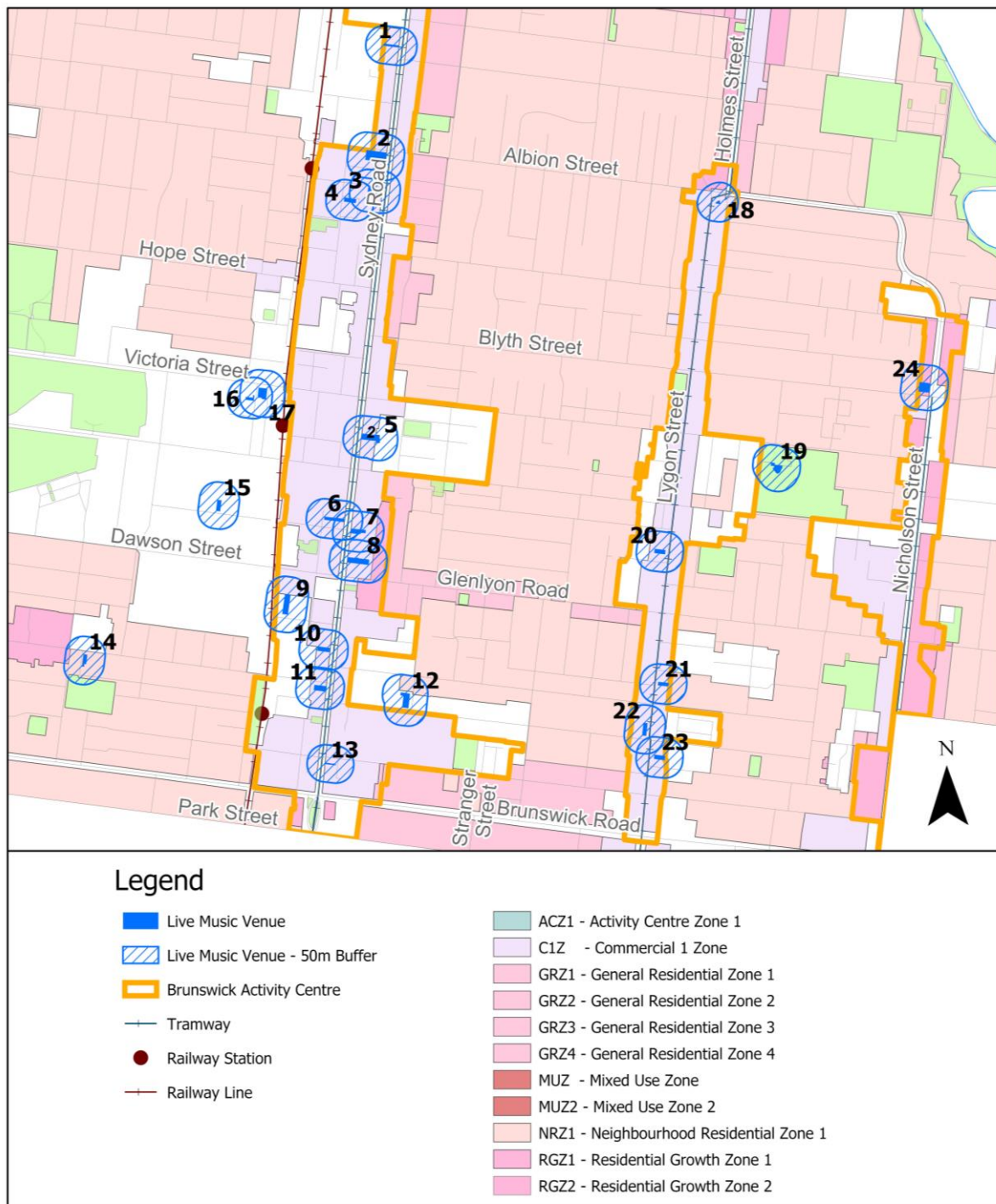
Victorian Government reforms (Amendment VC183) made changes to Schedule to Clause 53.06 (Live Music Entertainment Venues) to add an additional purpose to Clause 53.06 to encourage the retention of existing and the development of new live music entertainment venues. The changes also altered the schedule to Clause 53.06 so that Councils can specify a noise sensitive residential use beyond 50 metres of a live music venue to which Clause 53.06 applies.

Strategic work was undertaken to review land use planning and live music venues, and investigate whether there were any precincts or specific locations in Merri-bek that may benefit from additional protection through this revised Schedule to Clause 53.06. This review analysed the location of existing venues and the suite of existing protections to understand the challenges and opportunities for supporting live music in Merri-bek. Inputs included internal forums, review of Council adopted documents, local permit case studies, and investigations of planning work undertaken by other Councils. The review found that due to the linear nature of our Major Activity Centres, that venues were already located within areas that include existing residential uses, and that existing planning controls and updated Environment Protection Authority requirements were sufficient to address issues from a planning scheme perspective, while supporting a precinct with mixed uses.

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<sup>37</sup> A Job in Moreland (2021)

<sup>38</sup> Live Music Census is an audit of music presentation and infrastructure across Victoria.



**Figure 18 - Map of live music venues within Brunswick and Brunswick East, showing the distribution of 24 of the 26 live music venues within the municipality)**

Following this review, Council's GIS mapping was updated to show the location of live music venues to better enable the identification of the venues to ensure planning permit applications for residential uses within 50 metres are assessed against the requirements of Clause 53.06.

The Vibrant Brunswick project is considering how the Activity Centre Zone can further strengthen the encouragement and protection of not only live music venues, but other noisy employment generating uses.

In addition, work is currently underway to provide more guidance to permit applicants wanting to start a new business, including assistance with the preparation of acoustic reports for venues that generate noise, including live music venues.

### 5.1.3. Activity Centres

#### Strategic Directions of the Scheme for Activity Centres

Council seeks to support the activity centre network by:

- Reinforcing the development of activity centres across Merri-bek based on their role and function within the activity centre network.
- Facilitating change to the scale of the built form within activity centres in accordance with their size and role in the activity centre hierarchy.

#### Current trends, emerging issues, and opportunities

This section builds on from the housing and economic trends within the activity centres described in Sections 5.1.1 (Housing) and 5.1.2 (Economic) and design direction in Section 5.4 (Built Environment and Heritage).

#### Major Activity Centres

The Brunswick Major Activity Centre has had the largest growth of our three major centres. In the Brunswick and Coburg centres, most of the growth has been through high density, mostly residential buildings. Within the Glenroy Major Activity Centre, the market is focused on medium density housing.

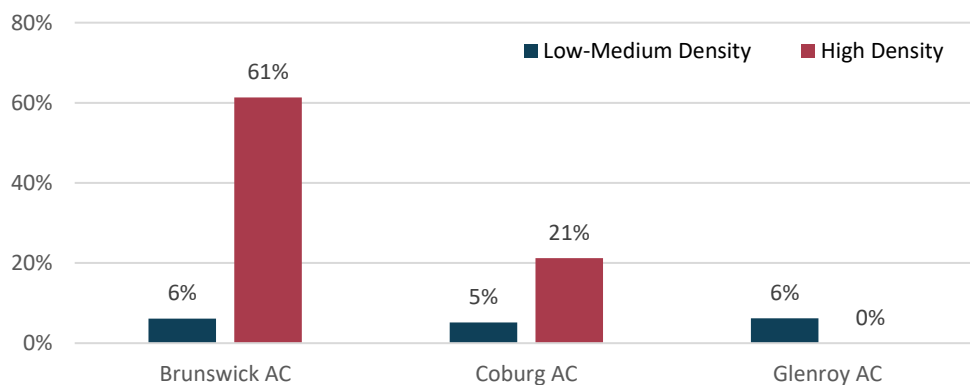


Figure 19 – Distribution (%) of constructed dwellings in our Major Activity Centres (2019-2021) <sup>39</sup>

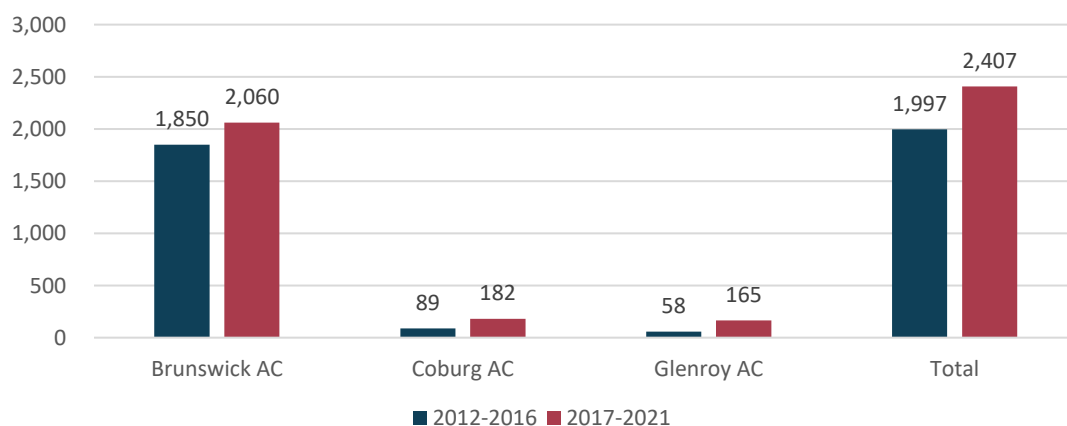


Figure 20 - The number of dwellings constructed in our Activity Centres (developments of 10+ dwellings) <sup>40</sup>

<sup>39</sup> Covid Impact Study 2022

<sup>40</sup> Note that this data only relates to developments of 10+ dwellings as there are gaps in data for 1-9 dwelling developments for the 2017-2021 period.

There is a clear need for the planning scheme to better facilitate the ability for our Activity Centres to support employment growth. Of all the options available, the application of the ACZ provides the best flexibility for Council to tailor the permit requirements for land use, specifically tailor the land use mix in different precincts of the Activity Centre currently not available by Design and Development Overlays (DDOs).

Additional residential land was released in the Brunswick Activity Centre through the rezoning of industrial land by Amendments C164pt1moreA, C164pt2 & C192more in line with the Moreland *Industrial Land Strategy* (MILS). However, this does not resolve the issue that Brunswick Activity Centre is not providing enough space for job growth.

The zone and built form overlays for the Brunswick Activity Centre and other large residential and mixed-use precincts of the Brunswick Structure Plan are currently expressed in 29 different provisions and there are 18 separate ways of saying new buildings should be between 3 and 7 storeys in height. This has made the planning scheme for the Brunswick Activity Centre and surrounds complex for anyone to know what outcome Council are seeking. Council is currently exploring an Activity Centre Zone to the Brunswick Activity Centre through the project Vibrant Brunswick that seeks to resolve this complexity (Section 5.1.2 – Economic provides more detail).

The urban form in the core of the Coburg and Glenroy Activity Centres has been transformed with the construction of new railway stations and removal of several level crossings in the core of Coburg and Glenroy. It has offered new and improved connections through these activity centres, along with new open spaces, bike and pedestrian paths and recreational facilities.

Practice Note 58 – Structure Planning for Activity Centres suggests that structure plans that are more than 10 years old should have a comprehensive review, especially in relation to an activity centres ongoing ability to accommodate growth and change. Given the 14-year-old *Glenroy Structure Plan 2008* currently sits as a reference document only in the planning scheme, a review of the Glenroy Structure Plan will make recommendations on the need to change any of the built form and land use guidance as well as the best zoning/overlay tools to implement the Structure Plan.

#### Neighbourhood Centres and Local Centres

In our Neighbourhood Centres, 544 dwellings were constructed since 2016. These were made up of:<sup>41</sup>

- 64% Low-Medium Density (9 or less dwellings) – a total of 349 dwellings
- 36% High Density (10+ dwellings) – a total of 195 dwellings

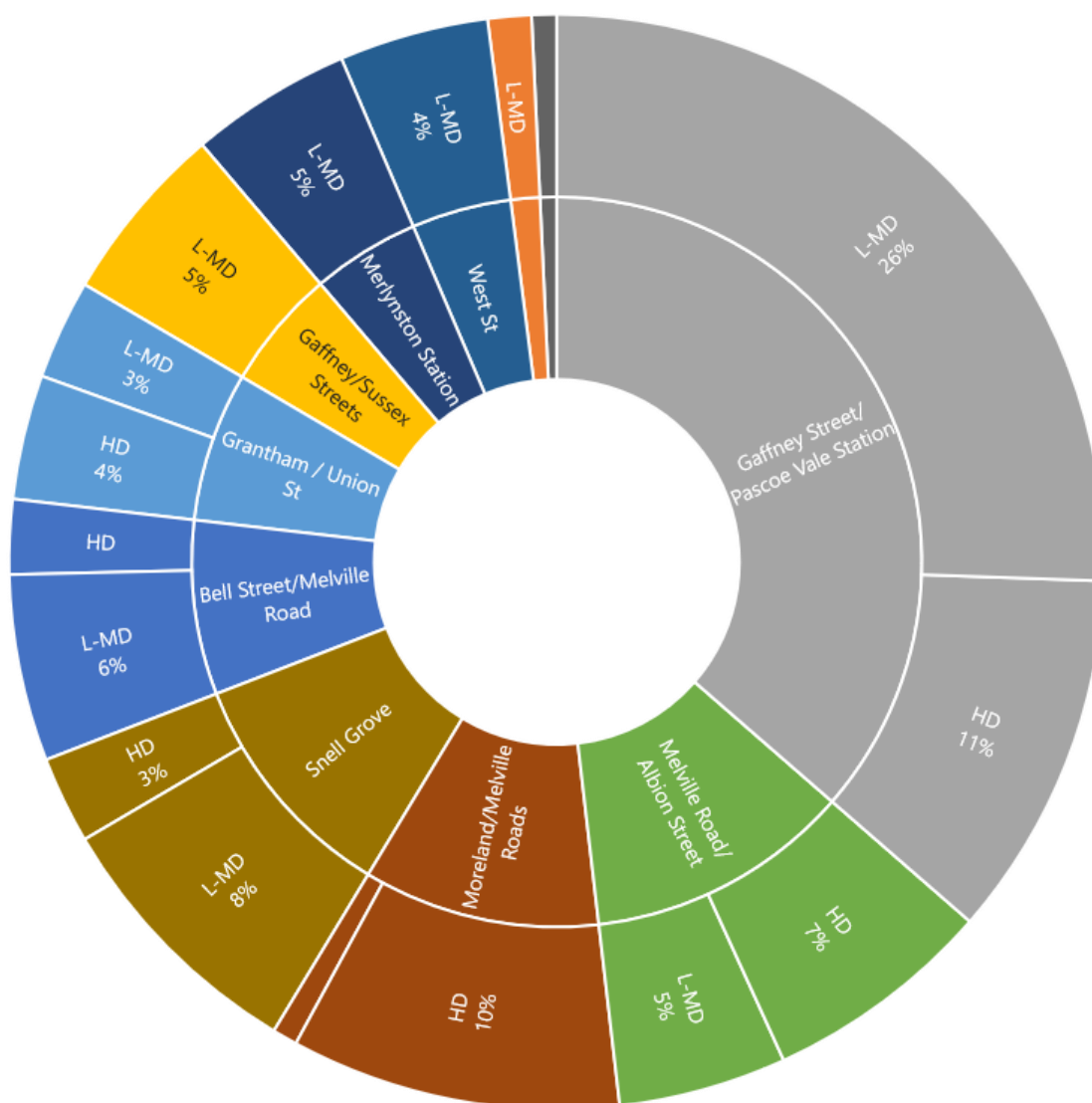
These dwellings were predominantly of a townhouse typology.

The Gaffney Street/Pascoe Vale Station Neighbourhood Centre stood out amongst the centres with the greatest growth, occupying a third of all new dwellings in our Neighbourhood Centres (37%). This was followed by the Melville Road/Albion Street (12%), Moreland/Melville Road (10%) and Snell Grove (10%) Neighbourhood Centres.

Most of our Neighbourhood Centres have suitable housing capacity, except for Oak Park, Pascoe Vale, and Brunswick West where forecasting has identified housing capacity might be reached by 2036. Further investigation is needed to understand the preferred growth strategy for these centres to ensure they can support the expected housing growth.

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<sup>41</sup> Urban Development Program 2021



**Figure 21 - Distribution (%) of constructed dwellings in our Neighbourhood Centres (2019-2021)<sup>42 43</sup>**

Our Neighbourhood Centres play a pivotal role serving the daily and weekly shopping and service needs of the local community and review on how they are collectively functioning has yet to be undertaken since their introduction in 2017. A review of the entire network of Neighbourhood Centres (in conjunction with our Local Centres) would be of benefit especially as what they offer the local community has become increasingly important since the Covid-19 pandemic (see Section 5.8 – Covid response: 20-Minute Neighbourhoods).

The growth of our Neighbourhood Centres, as outlined in the Neighbourhood Centres Strategy, was centred around an apartment type-built form however the market is driving a townhouse typology. Gaps in the policy setting for designing this typology for these centres is outlined in Section 5.4 – Built Environment and Heritage.

<sup>42</sup> Urban Development Program 2021

<sup>43</sup> L-MD refers to Low-Medium Density of 9 or less dwellings & HD refers to High Density of 10+ dwellings



## Settlement – Housing, Economy & Activity Centres

### Key issues for the planning scheme

The current mix of zones and planning controls has sufficient capacity to accommodate projected population growth to 2036 at the municipal level. At the suburb level the analysis has highlighted that the capacity in some of our activity centres, notably within Brunswick West, Oak Park and Pascoe Vale could be reached or exceeded by 2036.

A number of pieces of work can occur over the coming years to help us understand whether the settings in our Housing Framework Plan will meet the housing needs of a growing population into the future. This evidence base can support a Residential Development Framework that can set out how we need to plan for population and housing growth into the future.

Without prescriptive planning requirements for the provision of affordable housing within developments, it is left to Council planners to negotiate outcomes. Exploring ways to imbed affordable housing requirements in provisions in our major activity centres and when rezoning land to allow residential could facilitate more affordable dwellings in the municipality.

The current planning controls for the Brunswick Major Activity Centre (BMAC) have been identified as constraining employment growth. Proposed changes to the planning controls to introduce an Activity Centre Zone and expand the centre boundary could help resolve the capacity constraints and broaden the employment outcomes of the centre.

Whilst our industrial areas are not likely to exhibit capacity constraints, a broader range of as of right uses could help support emerging industries, especially those connected to our activity centres.

Capacity risks for employment land use have also identified for the Coburg Activity Centre and Glenroy Activity Centre and our Neighbourhood Centres in Coburg North, Fawkner, Oak Park and Pascoe Vale. The risk is higher for Coburg Activity Centre given expected residential demand if the centre experiences similar residential development activity to Brunswick Activity Centre.

The removal of level crossings in Coburg and Glenroy have transformed the core of the Coburg and Glenroy Major Activity Centres and it is expected that development interest in both these centres will increase. Reviewing the structure plans and planning controls for these centres will ensure that the policy settings and planning controls are the right ones to deliver the land use and built form outcomes that are needed for the centres.

Merri-bek is not attracting enough jobs to meet community needs, and unless more jobs are facilitated, the vibrancy of the city's Major Activity Centres will decline and more of our residents will need to travel outside the municipality to work. There is a need to develop a Commercial and Industrial Development Framework to understand employment trends and address future capacity constraints to ensure existing, new and emerging industries can operate in Merri-bek.

Rec No.	Recommendations - Housing	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1H	Prepare an evidence base to support a Residential Development Framework. This includes monitoring of the Housing Capacity Study forecasts and reviewing A Home in Moreland and Supplying Homes in Moreland. The need for affordable housing, the outcomes of the Designing our Neighbourhoods project, valued landscapes and heritage are also inputs.	2022-2025	Designing Our Neighbourhood, State Planning Practice Notes 90/91	Strategic Planning
2H	Ongoing monitoring and tracking of residential development in the municipality to:	Ongoing		Strategy & Research

Rec No.	Recommendations - Housing	Target	Link to current project/ Strategy/Plan	Lead Council Unit
	<ul style="list-style-type: none"> <li>Identify and plan for capacity constraints.</li> <li>Develop a better understanding of the metrics of residential development to provide a robust evidence base for strategic planning policy.</li> <li>Assess impacts of planning policy decisions on housing capacity and residential development.</li> </ul>			
3H	Investigate affordable housing planning requirements in planning provisions for our activity centres and when rezoning land to allow residential uses.	Ongoing	Affordable Housing Action Plan, CAP 152	Strategic Planning
4H	Continue to advocate to the Victorian Government to introduce mandatory affordable housing controls in the Victorian Planning System to deliver social and affordable housing with certainty and at scale.	Ongoing	Affordable Housing Action Plan, CAP 152	Strategy & Research

Rec No.	Recommendations - Economy	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1E	Commence preparation of a Commercial and Industrial Development Framework that integrates key knowledge bases and influences, such as A Job in Moreland, Moreland Industrial Land Strategy 2015-2030 and economic development projects and/or research.	2023-2026	Melbourne Industrial and Commercial Land Use Plan	Strategic Planning

Rec No.	Recommendation – Activity Centres	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1AC	Progress a planning scheme amendment for an Activity Centre Zone for the Brunswick Major Activity Centre.	2022-2025	Vibrant Brunswick, CAP 147	Strategic Planning
2AC	Review the Glenroy Structure Plan and investigate an Activity Centre Zone for Glenroy Activity Centre.	2024		Strategic Planning
3AC	Review the Coburg Structure Plan and Coburg Activity Centre Zone	2027		Strategic Planning

\* See Section 5.4 (Built Environment) for recommendations relating to design of buildings for activity centres

#### Recently introduced Council or state policies/initiatives relevant to this theme

- A Home in Moreland (2018) - Provides research about housing demand in Merri-bek.
- Supplying Homes in Moreland (2019) - Provides research about housing supply in Merri-bek

- *Affordable Housing Action Plan (2022)* - Outlines Council's work to increase the supply of affordable homes in Merri-bek.
- *Housing Capacity Study (2022)*- Investigation of the housing capacity of the municipality
- *A Job in Moreland (2020)* - provides research about employment demand and supply in Merri-bek
- *Covid Impact Study (2022)* - Understanding the impacts of Covid-19 on population and housing in Merri-bek
- *Moreland Economic Health Check (2022)* - Analysis of a range of local economic data to annually monitor economic conditions across Merri-bek.
- *Melbourne Industrial and Commercial Land Use Plan (2020)* - Provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and sets out a framework to support state and local government to plan more effectively for future employment and industry needs.
- *Northern Metro Land Use Framework Plan (2021)*
- *Northern Horizons 2020* - regional analysis of all aspects of infrastructure covering Melbourne's seven northern municipalities and looking outwards over the next 50 years
- MILS Amendments:
  - C164pt1moreA, C164pt2 & C192more expanded the Brunswick Activity Centre
  - C179more rezones industrial land in South Street Hadfield to residential
  - C180more rezones land in Brunswick Core Industrial Precinct to broaden employment outcomes

## 5.2. Environmental and landscape values

### Strategic Directions of the Scheme for Environmental and landscape values

*Council seeks to improve and protect its environmental and landscape values by:*

- *Creating and protecting a diverse, connected and resilient environment of trees and other vegetation that will enhance urban ecology and greening in both the public and private realm.*
- *Protecting and enhancing habitat corridors in parks and along waterways.*
- *Protecting the ecological integrity of the Merri, Moonee Ponds, Edgars, Westbreen and Merlynston Creek corridors and remaining areas of remnant vegetation areas.*
- *Encouraging development to be sensitive to all open space, river and creek interfaces.*

### Current trends, emerging issues, and outcomes

#### Public Open Spaces

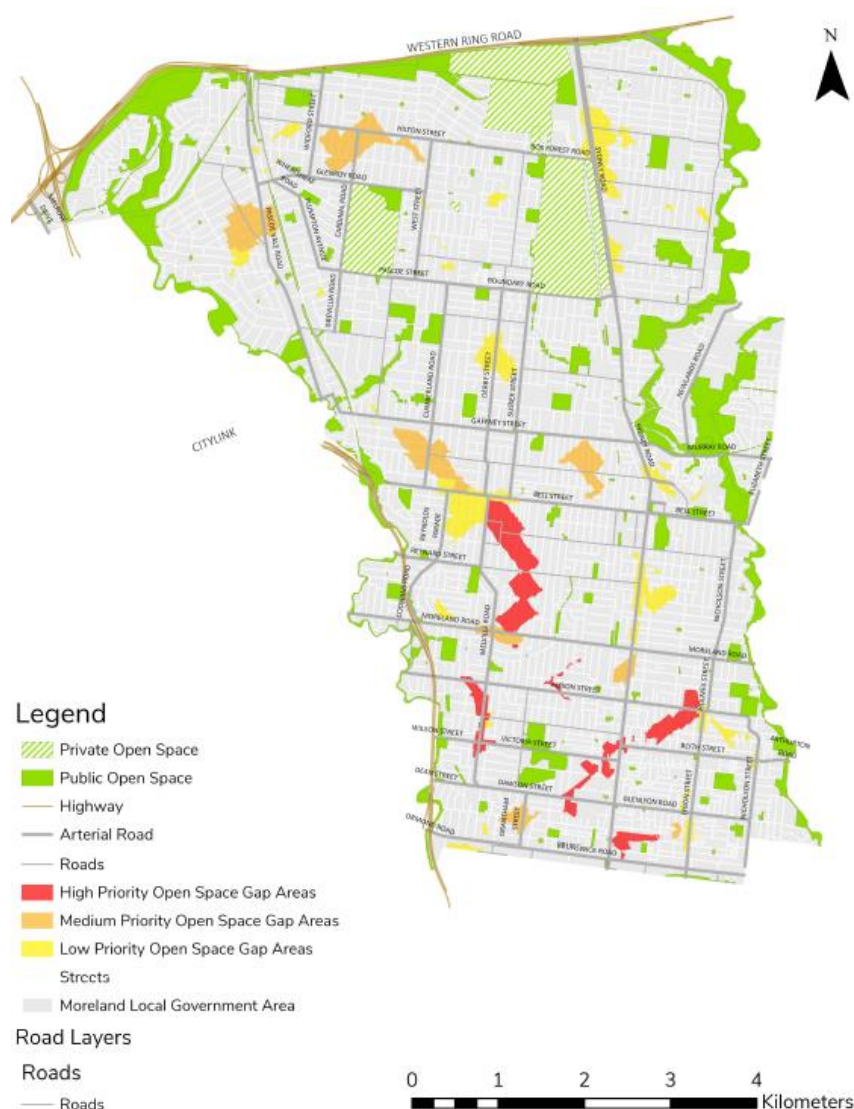
The Moonee Ponds and Merri Creeks are the distinctive natural features of the municipality. The City has approximately 839 hectares of open space, which includes parks, natural areas along creeks, sporting grounds, playgrounds, grasslands, reserves, Northern Golf Club, Fawkner Memorial Park and Northern Memorial Park. However, open space is not equally distributed throughout the city and many areas have poor access to open space.

Our city's open spaces and urban forest are a significant asset and offer numerous benefits. The Open Space Strategy is set for a refresh and will provide Council with a set of priorities for public open space so that it can plan and develop its open space to preserve and enhance its environmental values and provide for community needs beyond 2022.

Council's open space contribution plan and policy at Clause 53.01 obligates development to contribute resources to fund improvements to Council's open spaces. In alignment with open space gap areas identified in a Park Close to Home, Council has purchased land to develop 6 parks using these contribution funds to provide more residents with close access to parks.

The public open space contribution rates within the scheme were introduced in 2010, partially updated in 2013 and have not been reviewed since. Given the increase in population since 2013, contribution rates may be outdated to support additions to the open space network to cater for forecasted populations. A review of the public open space contributions is therefore needed.

Local policy at Clause 19.02-6L seeks to improve the open space network by directing larger development parcels to create new parks, especially if located in an open space gap area. The interpretation of what a 'large site' is however open to interpretation. The refresh of the Open Space Strategy and review of gap areas offers an opportunity to consider this issue and direct how development can contribute to the open space network.



**Figure 22 - Open Space Framework Plan of the scheme showing open space gap areas in red, orange and yellow**

Issues with massing and overshadowing to the city's public open spaces from new developments are common concerns raised by the community. VCAT in its decision to refuse a development at 699-701 Park Street stated that there is a rational for important public parks to be protected from shadow in winter, especially inner metropolitan parklands that are subject to greater demand as population grows.

But this has not been a consistent view, with VCAT taking a different interpretation when considering the appropriate time of year in the redevelopment of a large parcel on Albert Street adjacent to Clifton Park and Gilpin Park, citing that the equinox used represents a shadow between the two extremes of long shadows in winter and short shadows in summer and can confidently evaluate shadows cast.

Further work to is needed to understand the shadowing impacts to our public open spaces from development. This work could explore the shadowing of different building typologies at different times of year (i.e. winter solstice vs the current approach of spring equinox) considering the purpose of parks and open spaces to understand the issue and explore design guidance to manage potential overshadowing.

The 2018 PSR did include similar recommendations, to explore planning controls to manage overshadowing of our open spaces. However, this work is yet to occur and was deferred to be incorporated into the refresh of our Open Space Strategy as this project will provide the necessary

background work in establishing a park hierarchy that can be utilised in analysing which public open space should be the focus for consideration of design guidance for adjacent development.

### Waterways

Improvements to design guidance and planning controls within and around Council's waterways and parks could offer improved protection of these important assets from adjacent development.

The Merri and Moonee Ponds Creeks and their tributaries are a shared resource and responsibility. The fauna and flora occupying the creek valleys and the people enjoying them value the area as a whole. The Environmental Significance Overlays (ESO) along the entire Merri Creek are similar to one another (i.e. within the Planning Schemes for Darebin, Hume, Merri-bek, Whittlesea and Yarra City Councils). This reflects a view that a unified control has more benefit than a range of disparate ones. The new Yarra (Birrarung) River Corridor planning controls also reflect this approach. Planning controls along the Moonee Ponds Creek however vary significantly between Council areas.

Council conducted a comprehensive review of its ESO controls in 2020 titled *Along Moreland's Waterways*. The review found that:

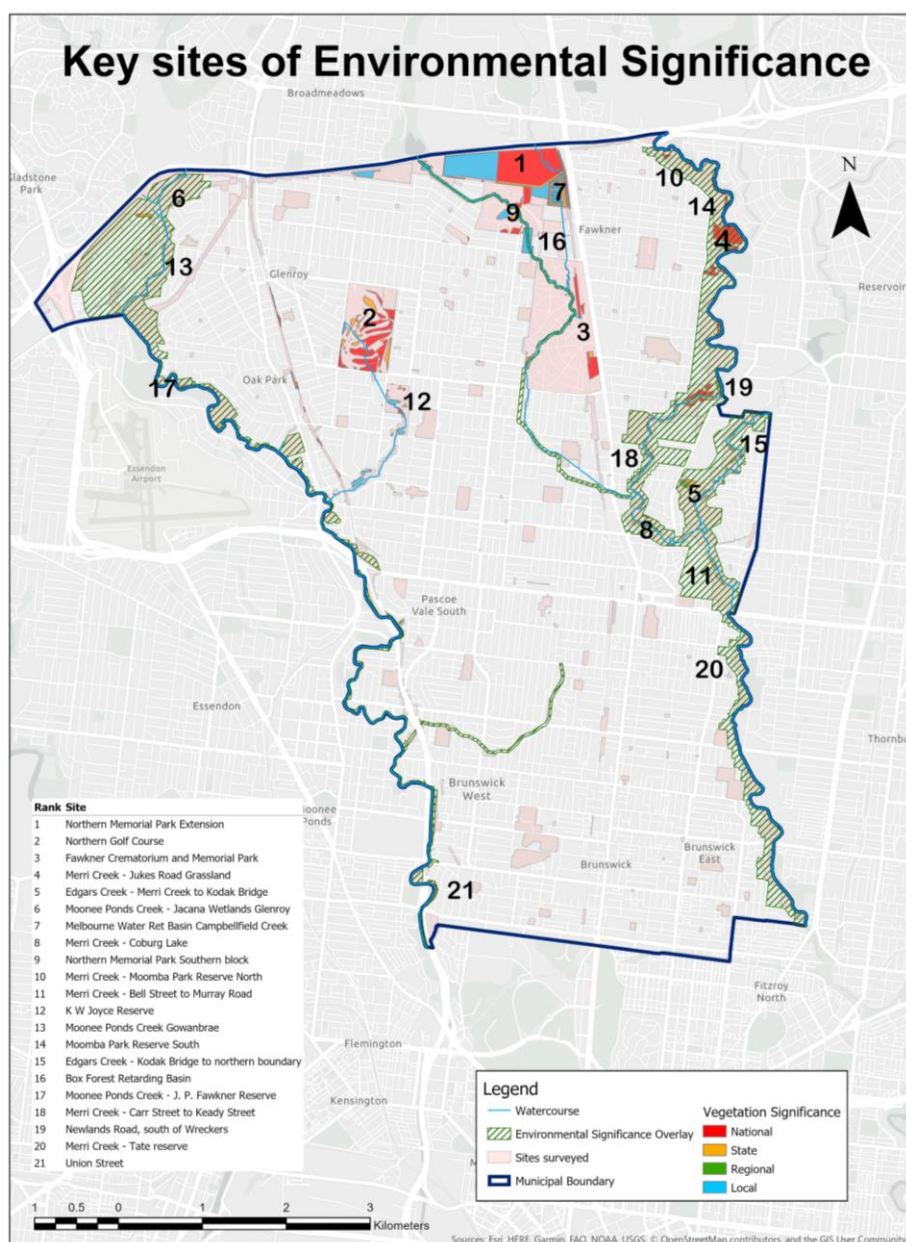
- The areas the ESO affects include habitat that is of regional, State and National significance.
- The ESO can contribute to implementation of planning scheme policies for the environment Protecting Victoria's Environment - Biodiversity 2037, and Melbourne Water's Healthy Waterways Strategy 2018, amongst others.
- The text within the ESO is now out of date and should be modified.
- The extent of the ESO should be altered to:
  - ensure that areas of significance are protected, such as along the Westbreen Creek and Campbellfield Creek
  - remove areas that are remote from the creek environs.
- Consistent controls along the Moonee Ponds Creek would reflect the way fauna, flora and communities experience this waterway corridor.

DELWP's Waterways of the West Action Plan includes a series of actions aimed at protecting and elevating the significance of waterway corridors in the west through stronger landscape, environmental and built form planning controls. These actions align with Council's review of our ESO and the benefit of a consistent control along the Moonee Ponds Creek.

*Along Moreland's Waterways* also investigated planning scheme provisions for parkland along our waterways. These waterways are the focus of a significant amount of public open space with both the *Moreland Open Space Strategy* and the Planning Scheme seeking further widening of these parkland areas to improve ecological value of the waterways.

The open spaces provided are to a large degree narrower than the 50m on each side of the bank sought by policy in the Planning Scheme. However very little land has been included in a Public Acquisition Overlay for parkland widening. A review of land ownership within 50 metres of the Moonee Ponds, Merri and Edgars Creeks indicates that there are significant sections of land which are not currently owned or managed by public authorities as parkland, with all or part of 1,612 privately owned properties located in this area. These properties are predominantly located outside of areas identified as requiring additional parkland from a perspective of the proximity of residents to public open space. Both these factors would indicate that extensive purchase of land along the waterways by Council as properties become available is unlikely.





**Figure 23 – Location of key sites of environmental significance<sup>44</sup>**

This review concluded:

- The Open Space Strategy's goal to provide additional 'space for nature' may be appropriate in some locations, however this additional space should be sought selectively.
- A range of options, including the Public Acquisition Overlay, should be used to ensure that additional land along the waterways is secured for use as public open space.

The refresh of our Open Space Strategy can address the issues and findings outlined in this section, by:

- Incorporating the investigations into our waterways and ESO controls and further explore actions aligned with the findings in those reviews.
- Reviewing our open space network, gap areas and contribution rates and how private development can contribute to the network.
- Exploring design guidance for new development adjacent to our parks and waterways to address overshadowing and interface issues.

<sup>44</sup> Moreland Indigenous Vegetation Assessment 2011

## Urban Forest

Expanding and protecting our city's urban forest continues to be a focus of the municipality to help combat the impacts of climate change through greening and cooling, as well as improving the way our neighbourhoods look.

The *Urban Forest Strategy* set an aspirational municipal canopy target of 29 per cent cover by 2050. With improvements to canopy cover measurement technology and methodology, a new adopted baseline figure of 11.96 per cent in 2017 was set. This is significantly lower than the 14.2 per cent estimated for 2016 when the 29 per cent target was set. This poses an issue with achieving the 29 per cent canopy cover target by 2050.

Region	Local government authorities	Existing 2015		Target 2030		Target 2040		Target 2050	
		Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs
Western	Brimbank, Hobsons Bay, Maribymong, Melton, Moonee Valley, Wyndham	4	15	9	20	14	25	20	30
Northern	Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik, Whittlesea	12	24	17	29	22	34	27	39
Inner	Melbourne, Port Phillip, Yarra	13	18	18	23	23	28	28	33
Southern	Casey, Frankston, Greater Dandenong, Kingston, Cardinia, Mornington Peninsula	16	34	21	39	26	44	30	50
Inner South-East	Bayside, Boroondara, Glen Eira, Stonnington	22	39	24	44	27	49	30	50
Eastern	Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges	25	44	27	49	29	50	30	50

Note: figures rounded to nearest whole number

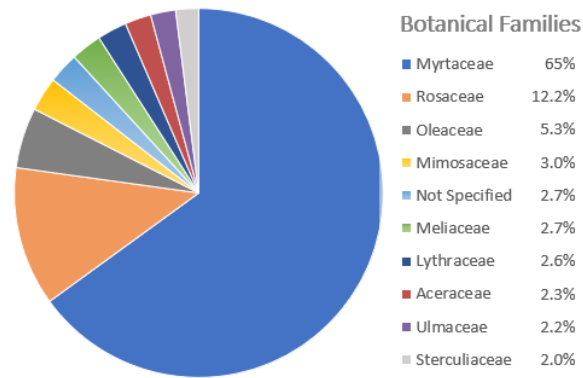
**Figure 24 - Living Melbourne: Our Metropolitan Urban Forest regional tree canopy targets**

The City's 29 per cent target by 2050 aligns with the northern regional targets within the *Living Melbourne Strategy* included at Figure 24. This State directed target for our region is guided by the following principles

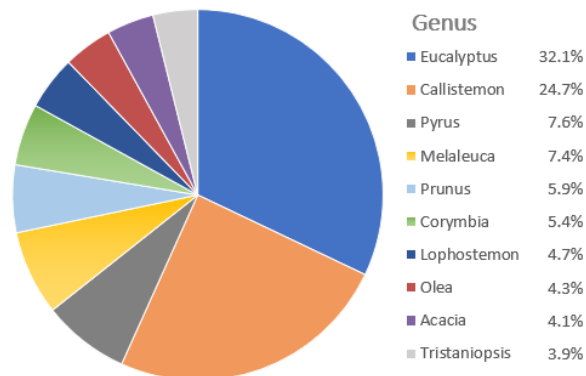
- No net loss of tree or shrub cover on public or private land in each metropolitan region
- Regional targets for canopy cover must apply to both public and private land
- Implementation partners must strive to achieve the targets set for each category of public land (both open space and road reserves) and private land
- No more than 70 per cent of the additional canopy and shrub cover planted to achieve targets should be on public land
- At least 30 per cent of the additional canopy and shrub cover planted to achieve targets should be on private land

Our municipality has a relatively young urban forest and is also lacking in diversity. Council's Tree Management System Tree Plotter indicates that the distribution of plant families is still dominated by Myrtaceae (Figure 21) and the most common species within the inventory is *Eucalyptus leucoxylon* (Yellow Gum), comprising 19.1% of all tree species in the Tree Inventory (Figure 22).

**Figure 25 - Top 10 most common botanical families of our urban forest<sup>45</sup>**



**Figure 26 - Top 10 most common genus of our urban forest<sup>46</sup>**



Overall, this data suggests that Council needs to actively diversify its tree population and implement planting strategies that aim to reduce the prevalence of the Myrtaceae plant family, and the genera Eucalyptus and Callistemon.

Tree planting on Council-controlled land (being our streets and parks) is anticipated to take up a significant portion of the forecasted canopy cover growth and help with diversifying the urban forest. Further analysis is currently being undertaken to determine the capacity of our public areas to accommodate larger numbers of new trees to achieve the 2050 target.

Canopy tree planting on private land is primarily implemented through the planning process through infill development. However, tree planting directed through the planning process has been unable to keep up with the net loss of canopy cover resulting from urban consolidation. Amendment C189 more sought to improve the long-term canopy cover outcomes within our residential areas. This Amendment introduced new landscaping objectives and canopy tree planting requirements in residential zone schedules as a standard B13 requirement, applying to all medium density infill development. LiDAR<sup>47</sup> monitoring of canopy cover of residential areas every four years will help with understanding how this policy is working.

Planning policy for greening is not consistent across typologies. Within ResCode, landscaping requirements in Clause 55, Clause 57 and Clause 58 varies and there is very little direction for industrial and commercial developments. Council's Elevating ESD Targets Project seeks to apply greater greening outcomes in a consistent way across these typologies, however there is limitations to how this can be implemented based on the current planning policy framework. See Section 5.5 (Environmentally sustainable design) for more discussion on the Elevating ESD Targets Project.

Retaining substantial tree canopy on private land remains difficult. Council's Local Law includes a requirement to seek permission before a significant tree is removed. However, this requirement is not well known or understood by landowners. In line with the *Urban Forest Strategy*, a study was

<sup>45</sup> Urban Forest Strategy Update Report (2022)

<sup>46</sup> Urban Forest Strategy Update Report (2022)

<sup>47</sup> Light Detection and Ranging (LiDAR) is an active remote sensing method that is used to accurately measure the landscape in three dimensions



undertaken in 2021 that identified 492 trees as being significant to the character of the municipality. Landowners who have an identified significant tree on their property have been made aware of their obligation to seek permission under Council's Local Law before they lop or remove a significant tree.

The Victorian Government is exploring State-wide tree protection and tree planting particular provisions and policies for the scheme through their State ESD and Greening and Cooling reform programs. If introduced, these reforms will provide a mechanism in the Planning Scheme to protect these significant trees (in lieu of using a dedicated planning control such as Vegetation Protection Overlay) and improve greening outcomes in new development.

In the case that the Victorian Government do not introduce state-wide tree protections, Council should consider pursuing a local planning control to protect the identified significant trees. Formalising a significant tree register within Council would be important for any dedicated planning control. There is a benefit in developing this list in the interim to elevate the importance of these trees within current permit processes (Council local law and planning permit application processes).

Infill development also interacts with Council's public trees. Council's Open Space team provide support to planners in making decisions that minimises the impact on public trees and open spaces. With the introduction of tree planting policies through Amendment C189more and the anticipated State policies for tree protection and tree planting, increased support from experts on landscaping and tree health may be needed.

## **Environmental and landscape values**

### **Key issues for the planning scheme**

The Open Space Strategy is set for a refresh and analysis has already identified a number of issues and opportunities for the strategy refresh to explore to ensure the City's open space network and biodiversity is protected and enhanced as the City's population grows. Issues include:

- Limited design guidance for new development in the scheme focused on interface treatments and protecting the amenity of our city's open spaces, especially our parks and waterway corridors.
- Whether our open space contribution plan and contribution rate in the scheme is adequate to support the enhancement and growth of the open space network to cater for the growing population.
- The practicality of Council's aspirations for the extent of parkland along waterways considering land ownership makeup, current access to open spaces and lack of any formal controls to acquire land.

A review of planning provisions along Merri-bek's Waterways indicates that a more nuanced approach to the provision of additional parkland is required than is currently anticipated by planning policy, and that implementation should be multi-faceted rather than through a Public Acquisition Overlay alone. These issues should be considered alongside Council's needs for public open space elsewhere.

Increasing greening and canopy cover to the municipality is an important action to help tackle climate change and the urban heat island effect. More vegetation also improves the way our neighbourhoods look. Council however is not quite on track to achieve the 29% canopy cover target for the municipality by 2050. Council is actively investigating what can influence achieving the 29% target, including progressing planning reforms to support better cooling and greening outcomes through new development.

The previous focus of the Urban Forest Strategy on indigenous plantings is changing due to a need for diversity in the urban forest for resilience. Planning policy and resources may however still focus on indigenous plantings.

With the potential of both new State and local policies within the Scheme seeking greater greening outcomes, additional resources for the Urban Planning team and Urban Forest team may be needed to help guide good outcomes.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1L	<p>As part of the review and refresh of the Open Space Strategy, consider:</p> <ul style="list-style-type: none"> <li>– whether planning policy and controls need to be updated to reflect any changes to Council's aspirations for parkland along waterways.</li> <li>– the opportunistic purchase of land within identified open space access gap areas and land currently utilised as open space but owned by government departments.</li> <li>– rezoning land that is purchased for parkland to an appropriate zone.</li> <li>– reviewing the Public Open Space Contribution Plan to keep up with population needs</li> <li>– the need for a planning scheme amendment/s to alter the extent and content of the Environmental Significance Overlays within the Planning Scheme to protect the significant vegetation, enhance wildlife corridors and waterway environments within Merri-bek.</li> <li>– investigating design guidelines and/or controls to help protect the amenity of open spaces from adjacent development, considering interface design, building massing and shadowing.</li> <li>– the need for an ESO or alternative form of protection for areas of remnant vegetation and revegetation plots which are not directly associated with Merri-bek's waterways.</li> </ul> <p>Continue to advocate for the Victorian Government to develop a unified control along the Moonee Ponds Creek and take a lead role in development of a revised ESO for the Merri Creek and its tributaries.</p>	2022-2025	Open Space Strategy Refresh Waterways of the West CAP 7	Open Space Design & Development
2L	Elevate local ESD requirements to encourage greater greening and biodiversity outcomes in new development. This may also require reviewing and modifying other greening and biodiversity policies and application requirements in the Scheme.	2022-2025	Zero Carbon in the Planning Scheme CAP 80	Strategic Planning
3L	Continue to advocate to the Victorian Government for new state planning policy for tree protection, tree planting and urban heat.	2022-2026	State ESD planning reforms	Strategic Planning

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
	Where no State tree protection are introduced, consider pursuing local protection of significant trees. This should include formalising our list of trees into a 'significant tree register' and a review of the tree protection local law process.			
4L	Continue to undertake mapping of the city's canopy cover every 4 years to monitor changes in canopy cover and understand how local tree planting policies for planting on private land are contributing to the 2050 canopy targets	Ongoing	Urban Forest Strategy, monitoring of C189more tree planting policy	Urban Forest
5L	Review resourcing to the Urban Planning team to support the application of new canopy tree, landscaping, and greening policies/changes to the planning system that focus on increasing greening outcomes	2024-2025	Urban Forest Strategy	Urban Planning
6L	Ongoing update to the Tree Planting Tool resource with new tree species to support landscape designs of development to contribute to the diversification of the Urban Forest.	Ongoing	Urban Forest Strategy	Urban Forest

\* See Section 5.5 (Environmentally sustainable development) for recommendations relating to greening and biodiversity outcomes through Elevating ESD Targets recommendations.

#### Recently introduced Council or state policies & initiatives relevant to this theme

- Living Melbourne: Our Metropolitan Urban Forest (2019)
- Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system (2020)
- State Open Space Strategy for Metropolitan Melbourne (2021)
- Moreland Nature Plan - Enhancing biodiversity and celebrating nature in our City (2022)
- Amendment C189more – Introduced canopy tree planting requirements to residential areas. (2021)
- Amendment VC216 – Proposes changes to the Planning Policy Framework (PPF) to support Environmentally Sustainable Development (2022)
- Significant Tree Register (2022)
- Waterways of the West Action Plan (2021)
- Along Moreland's Waterways (2021)
- Between Merri and the Moonee Ponds Creek: Reviewing the Environmental Significance Overlay (2021)
- Urban Forest Strategy – Update report (2022)
- Towards Zero Carbon in the Planning Scheme - Elevating ESD Targets Project

### 5.3. Environmental risks and amenity

#### Strategic Directions of the Scheme relevant to Environmental risks and amenity

*Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through land use and development compatibility, and effective controls to prevent, manage or mitigate significant impacts of climate change, floodplains, soil degradation, noise, air and other off-site impacts from industry and infrastructure.*

*Council seeks to protect residential amenity by:*

- *Supporting discretionary uses in residential areas that are located and designed to have minimal impact on the residential amenity of the surrounding area.*
- *Managing activities associated with licensed premises and late-night entertainment venues to minimise negative amenity and public safety impacts.*

#### Current trends, emerging issues, and outcomes

##### Climate change

Climate change is having real impact on the municipality. We are facing increasing temperatures, more frequent extreme rain events, and are at risk of poorer air quality from increased frequency of bushfires in the regions.

These changes in climate pose a risk to:

- Everyone's health with our most vulnerable community members feeling these effects the most.
- Decline to Merri-bek's animal population, trees and vegetation through drought and heat stress.
- The comfort in the way our community experiences the outdoor and indoor environments.
- Strain on our power systems that keep the community comfortable in their homes and workplaces.
- Physical stress on infrastructure resulting in higher maintenance costs and reduced asset lifespans.
- Higher demand on community infrastructure to provide refuge during climate events and capacity to deliver services

The Urban Heat Island Effect (UHIE) is particularly evident across Merri-bek. There are very few cool places and a significant number of very hot spaces. Most of Merri-bek's large urban hotspots fall over Activity Centres and industrial areas, which are the focus of current and future densification and are where the largest number of facilities, services and principal pedestrian and bike networks are located.

UHIE is also getting worse in Merri-bek's residential areas, with infill development being a major cause due to the loss of mature trees on both private and public land, and increases in hard surfaces that trap, absorb and radiate heat. Drought and reduced rainfall will further impact on the water available to keep our city cool and green.

There is growing evidence that the UHIE can be mitigated through thoughtful design approaches that consider built infrastructure, tree canopy cover and water management. Both the *Urban Heat Island Action Plan* and *Urban Forest Strategy* identified increasing green infrastructure on both public and private land as key mitigation actions. Emerging issues and opportunities in increasing green cover through planning are discussed in Section 5.2 - Environmental and Landscape values.

As our city grows to cater for population growth, increases to imperviousness of the catchment will result in increases to stormwater runoff, especially during flooding events. Overall responsibility for floodplain management within Greater Melbourne rests with Melbourne Water. However, the current Special Building Overlay (SBO) is based on flood modelling from 2009 and does not consider changes to main drains, climate change or cover flood risk areas from Council drainage catchments.

Council's Integrated Water Management spatial mapping project seeks to understand what and where the opportunities are in the municipality to reduce flooding, urban heat and assist with greening by mapping flood, urban heat, urban forest, population and vulnerability data together. Once completed, this work could identify ways the design of developments on private land could assist in managing flooding and urban heat island effect.

Council acknowledged we are in a state of climate emergency on 12 September 2018, and it requires urgent action by all levels of government. Council's Zero Carbon Moreland program aims to support this commitment by making a safer climate for all in Merri-bek, with a goal of achieving net zero greenhouse gas emissions by 2035. This program includes elevating ESD targets in the scheme to increase environmentally sustainable design of new developments (see Section 5.5 – Environmentally sustainable development for more detail).

### Pollution

Council's proactive enforcement program is helping ensure the remediation of contaminated land is occurring prior to commencement of works where planning permits include conditions for Certificate or Statement of Environmental Audits.

There are several sites within the Environmental Audit Overlay (EAO) where a Certificate or Statement of Environmental Audit has been issued stating contaminated land has been remediated or that the land is safe for sensitive uses, but the EAO remains on the land. This can impose an administrative burden on the landowners, and planners, when seeking to undertake works on the land.

### Aircraft Noise Pollution

Amendment VC173 applied Schedule 2 to the Melbourne Airport Environs Overlay to a small part of Merri-bek and is based on the 20-25 ANEF contour detailed in Melbourne Airports 2018 Master Plan.

The Draft Melbourne Airport Masterplan was released in April 2022. A key focus of the five year plan is the delivery of a third runway and parallel runway operating system by 2027 to amongst other things, keep up with aviation growth and support economic growth in Victoria and Australia.

The 2022 Long Range ANEF for Melbourne Airport mapped in the 2022 Preliminary Draft Master Plan demonstrates a reduction to the 20-25 ANEF contour and potentially impacting less land in Merri-bek. Aircraft movement with the third runway and parallel system will be quite different to the current two runway intersecting model represented by the 2022 ANEF. The Draft Third Runway Plan suggests this change in aircraft movement will likely result in a further reduction of the ANEF to the east in 2026 resulting in less significant noise impacts to Merri-bek residents.

Once the operation model for the third runway is confirmed, it is important that Melbourne Airport update planning controls to reflect the forecasted noise risks. This will ensure that significant noise from airport operations is clearly identified and existing land owners (and future land owners) are aware of the impacts and can manage the impact with design measures.

Council's submission to the Melbourne Airport Draft Masterplan includes general support for the vision and strategic direction outlined in the plan on the basis that the future operations need to be balanced and appropriately managed with the increase in the surrounding resident population, and advocating for Melbourne Airport to:

- Use a flight operation model that directs noise impacts to areas already experiencing noise impacts or within the Green Wedge area.
- Update planning controls once the operation model for the third runway is confirmed to reflect the future forecasted noise risks demonstrated by the 2026 Australian Noise Exposure Forecast (ANEF).

When the Melbourne Airport Masterplan has been finalised, the *Essendon Fields Airport Masterplan* is set to be updated and air traffic movement will need to align with the changes to the three-runway operation proposed by the Melbourne Airport Masterplan. The future operations of Essendon Fields airport after the ultimate four runway configuration at Melbourne Airport is constructed has implications for our municipality due to its proximity, potential noise impacts and lack of any planning controls to

manage to these impacts. When the draft Essendon Airport Masterplan is released for public comment, officers will prepare a submission for Council consideration.

### Non-residential noise pollution

In and around our Activity Centres non-residential uses can generate noise that could impact the amenity of residents in or outside centres. The agent of change principle embedded at Clause 53.06 directs noise attenuation measures and includes useful tests against State Environmental Protection Policy (SEPP) focused on the protection of live music venues. Local policy in the scheme at Clause 13.07-1L expands on this policy focusing on managing impacts from new places of assembly, food and drink premises, and also directs noise emissions aligned with SEPP.

Policy direction for how to consider the potential conflict between residential and other non-residential uses at Clause 13.05-1L however is very high level and does not offer the same useful link as Clauses 53.06 and 13.07-1L. An unintended consequence of this is being seen in our major activity centres, where new mixed-use buildings are not including design measures to manage the potential future conflicts from different uses within the new building. Expanding the relevance of agent of change principles in the scheme will strengthen our activity centres by mitigating future noise impacts through building design.

The Victorian Government's response to the noise attenuation recommendation of the Parliamentary Inquiry into Apartment Design Standards was, '...to include standards to address noise impacts found internally within apartment buildings and also to strengthen current requirements that apply to external noise issues' could help address this issue.

The *Parliamentary Inquiry into the Health Impacts of Air Pollution in Victoria* found that the placement of sensitive facilities such as schools and childcare centres on major roads that cater for heavy traffic flows, represents a risk to the short and long-term health outcomes for children. The Committee recommended changes to the *Planning and Environment Act 1987* and planning schemes to align with this finding. These Victorian Government changes to the planning framework around location of schools and childcare centres need to occur prior to a review of local policy.

### Pipeline infrastructure

Council is routinely updated on where important infrastructure runs through the municipality such as the Mobil high pressure fuel pipeline. This knowledge is helpful for open Space planning and other areas of Council in delivering infrastructure projects. However, in the absence of any overlay in the scheme, transparently providing this information and enforcing outcomes for an external agency's asset is not a role for Council. With state policy seeking to protect Major Hazard Facilities, there is a need to apply an overlay to define thresholds from pipeline infrastructure. Where relevant, officers have advocated for inclusion of a planning tool that considers and provides guidance for land use where there are pipelines.

## **Environmental risks and amenity**

### **Key issues for the planning scheme**

Climate change is having a real affect across the municipality, with urban heat and flooding impacts increasing and affecting vulnerable communities the most.

The SBO has not been updated since 2009 and does not represent the flooding risks to the municipality. The Moreland Flood Mapping Study identified that Council catchments are also prone to flooding and the impacted areas are not within the SBO. It is important that SBO is updated to reflect both Melbourne Water and Council catchments flood risk areas.

Managing climate impacts relies on changing the way we design buildings and our open spaces. Integrated stormwater management is key to this approach and there is need to explore how we can design places and spaces to manage stormwater, minimise flooding events and reduce the urban heat island effect.

Noise abatement policy seeks to manage the conflict between noise generating uses and residential uses, which often occurs in and around our activity centres. The current policy setting however only

focuses on noise from particular industries and lacks the incentive for new mixed-use buildings to consider potential noise impacts from different uses within the new building. Expanding the relevance of agent of change policy could drive change in design that is needed to protect the long-term vibrancy of our activity centres as they grow.

Whilst the three-runaway operational model proposed in the Melbourne Airport Draft Masterplan is likely to have reduced impact to our municipality, this model may have implications on the way Essendon Airport will operate.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1R	Pursue a collaborative approach with Melbourne Water for separate Special Building Overlay Schedules to be informed by the best available stormwater modelling and mapping data in Merri-bek's local (Council) and regional (Melbourne Water) drainage catchments.	2022-2025	SBO Update Project, CAP 148	Strategic Planning
2R	Preliminary investigation into the permeability of hot spot areas, including the relationship with the design of development on private land and flooding impacts to these areas.	2022-2025	Integrated Water Management Strategy	Sustainable Communities
3R	Identify which properties within the EAO have met their obligations regarding contamination and consider them for removal from the EAO	2024		Strategic Planning
4R	Investigate expanding the relevance of agent of change policy in the Scheme to consider the conflicts between residential and any non-residential uses and link noise requirements with requirements of Environment Protection Regulations under the <i>Environment Protection Act 2017</i> .	2022 - 2024	Regulatory Reform Incentive Fund	Strategic Planning

\* See Section 5.5 (Environmentally Sustainable Development) for recommendations relating to Elevating ESD Targets and climate responsive design recommendations and Section 5.2 (Environment and Landscape values) for canopy cover recommendations.

#### Recently introduced Council or state policies & initiatives relevant to this theme

- Amendment VC154 – Integrated Water Management reforms (2018)
- Amendment VC216 – Stage 1 of Victorian Government's ESD planning reforms (2022)
- Amendment VC203 & VC210 – Environmental Protection Framework reforms to align with the Environmental Protection Act
- Update to Ministerial Direction 1 & Practice Note 30 on Potentially Contaminated Land (2021)
- *Potentially Contaminated Land - A Guide for Business* (2021)
- *Integrated Water Management Strategy 2040 – Towards a Water Sensitive City* (2020)
- *Victoria's Climate Change Strategy* (2021)
- *Climate Change Adaptation Plan* (2022)
- *Moreland Flood Mapping Study* (2020)



- Amendment VC173 – Updates the land affected by the Melbourne Airport Environs Overlay (2021)
- Amendment VC218 - Implement the National Airports Safeguarding Framework in Victoria into the PPF

## 5.4. Built environment and heritage

### Strategic Directions of the Scheme relevant to Built environment and heritage

Council seeks to protect heritage assets and improve the built environment by:

- Encouraging development that is designed to respond to and contribute to its context and any relevant heritage significance.
- Encouraging development that is designed to integrate with landscape design to improve aesthetic quality and amenity for occupants and the public domain.
- Improving the quality of design of housing development.
- Protecting Moreland's valued heritage places from demolition and unsympathetic development or subdivision.
- Encouraging the design of signage that is sensitive to the style, scale and character of host buildings, nearby buildings, and streetscapes.

### Current trends, emerging issues, and outcomes

#### High Density Development

The design of our Major Activity Centres is guided by Design and Development Overlays in Brunswick or the Activity Centre Zone in Coburg. There are no height controls for the Glenroy Activity Centre in the planning scheme. Instead, design guidance is influenced by standard zoning controls, local policy and the Glenroy Structure Plan reference document.

A review of both the Glenroy Structure Plan and Coburg Structure Plan and introducing purpose-built planning controls for the Glenroy Activity Centre such as an ACZ should be explored (see Section 5.1- Settlement for further discussion).

Discretionary height controls for apartment development are a key concern to the community, especially where proposed designs go beyond what is directed in the scheme and where adjacent to parks, due to massing, visibility and shadowing concerns. Guidance for managing developments outcomes and minimising impacts to park amenity varies depending on the site and policy context.

The State Government Planning Practice Note regarding height and setback controls for Activity Centres notes that discretionary built form controls are preferred and mandatory controls would only apply under exceptional circumstances or comprehensive strategic work demonstrates mandatory controls are necessary to achieved the preferred built form outcomes. Council has previously been unsuccessful in achieving Ministerial support for mandatory height controls in the Brunswick and Coburg Activity Centres. However, we have successfully achieved mandatory controls for streetwall heights in Sydney Road Brunswick and in some Neighbourhood Centres affected by Design and Development Overlay 24.

The upcoming update to the Open Space Strategy provides an opportunity to investigate expectations, and supporting design guidance, for developments fronting our open spaces. This should include exploring a direction on interface design and what amount of shadowing is acceptable based on clear parameters.

Policy direction for light wells and setbacks in the scheme may be out of step with expectations of daylight levels within apartments to ensure apartments are suitably naturally lit. This issue was also discussed by the *Parliamentary Inquiry into Apartment Design Standards* (along with a number of other design elements that impact on amenity). There are two projects currently underway that focus on this issue that have the potential to improve internal apartment amenity outcomes:



- Council Alliance for Sustainable Built Environments (CASBE) in collaboration with DELWP are undertaking a project to analysis the daylight provisions for apartment buildings, to understand whether they are achieving suitable outcomes or changes are needed to the regulatory framework to improve apartment daylight levels.
- Improving daylight to apartments is also a focus of the 'Indoor Environment Quality' aspect of the Elevating ESD Targets Project, where standards use minimum lux levels to establish an appropriate internal daylight level to habitable rooms, rather than the current policy approach of setbacks and light-well sizes.

The Victorian Government's response to the recommendations of the *Parliamentary Inquiry into Apartment Design Standards* could also result in updates to apartment standards, specifically relating to the position of lightwells, defining and quantifying 'adequate daylight', incorporating considerations on sunlight access, prescribing minimum apartment size, layout and room sizes, building separation and aspect.

Outcomes of this work could offer clarity on how to apply local policy at Clause 15.01-2L - Apartment Design relating to daylight access (light wells v setbacks) for irregular shaped buildings that are more commonly appearing in our Activity Centres.

PPF policy, Residential Zone Schedule 2 and Design and Development Overlay – Schedule 24 (DDO24) seek an apartment typology and design outcomes in our Neighbourhood Centres. However, in our Neighbourhood Centres, developers are delivering townhouses at a much more intensive scale to that within our lower scale residential areas. This has posed an issue with applying Neighbourhood Centre planning requirements and the outcomes it is producing.

With townhouse development being the preferred typology for development in our Neighbourhood Centres, a review of DDO24 is needed to identify what are the gaps in the policy framework for more intensive townhouses and what design guidance is needed to manage quality townhouse development in these centres (such as building separation, daylight access, internal layout, access and accessibility).

There is potential policy tension with the height direction for Local Centres with both Clause 15.01-5L (Minimal and Incremental Change Areas) and Clause 15.02-1L (Local Centres) relevant but providing differing guidance on the design of three storey development.

A more holistic review of our Neighbourhood and Local Centres would be of benefit as part of broader housing and economic frameworks to manage future capacity needs (see Section 5.1), design outcomes, and new opportunities, explored through a 20-minute neighbourhood lens (see Section 5.8 – Covid Response: 20 Minute-Neighbourhoods).

### Medium Density Housing

The *Medium Density Housing Review* investigated the quality of townhouse and unit development within Merri-bek and recommend ways it can be improved. This investigation identified that:

- The minimum open space requirement of ResCode leads to inadequate private open spaces. Nevertheless, ground level private open space in medium density housing had grown in total area and in width since the introduction of the garden area requirement into the Planning Scheme.
- The garden area requirement had also influenced site layout and almost eliminated reverse living style dwellings within the Neighbourhood Residential Zone and General Residential Zone through incentivising ground level private open space to achieve the right quantum of garden area.
- Whilst the dominate style of ground level living areas goes some way in making a place visitable, accessibility was not considered in the design of these dwellings, with the dimensions of doorways and toilets not adequate for a person with altered mobility.
- Merri-bek is conservative in how it considers contemporary design, and the design of dwellings could be improved. Common streetscape issues included poor overall proportions and roof articulation, blank walls on the upper level, poor location and appearance of services such as post box and utilities boxes and poor materiality quality, and the way materials are used.

- There was an over reliance on screening and highlight and opaque windows to reduce outlook, and this has become a symptom of design that is compromising the internal amenity of dwellings.
- Landscaping is critical to the success of development and whilst landscaped plans indicate tree planting, actual tree planting largely wasn't occurring.
- The thermal comfort of these dwellings needs improvement.

In response to these findings Council has been active in trying to improve the quality of development through:

- Amendment C189more that introduced landscaping objectives and canopy tree planting requirements as a Standard B13 requirement in the schedule to the residential zones aimed at increasing greening and tree canopy and urban cooling outcomes in Merri-bek's residential areas.
- Creation of Good Design Advice Sheets as a design tool for Planners and Urban Designers to use and share with applicants.
- Referral process with Urban Design and Open Space to influence the overall design of buildings and landscaping in proposed development.
- Elevated design, landscaping and accessibility direction as part of incentivised planning processes to get better outcomes in medium density development through the Design Excellence Scorecard and Amendment C190 (VicSmart process for two dwellings on a lot).
- Proactive Planning Enforcement that looks at landscaping, accessibility and sustainability design compliance in approved development during the construction stage.
- Advocating to DELWP through various engagements to elevate greening and cooling policy in the scheme, including to ResCode's landscaping and open space standards.

New tree canopy cover requirements introduced by C189more direct planting to be included in a prescribed permeable area. Planning officers are concerned that decking will be overused in Secluded Private Open Space (SPOS) or that permeable areas will be calculated across multiple SPOS's to comply with the requirements (in the Neighbourhood Residential Zone and General Residential Zone). Monitoring of how the policy is being applied and outcomes it is producing will help determine whether these alternatives are still achieving the desired quantum of canopy cover on each developed lot.

### Neighbourhood Character

Defining the character of Merri-bek's Neighbourhood Residential Zone and General Residential Zone areas is an issue that has been raised in previous reviews and many VCAT decisions. The Designing our Neighbourhoods project explores what aspects and features of the city's character the community values. This work will help strengthen design policy in the scheme by developing new planning direction for the design of neighbourhoods and medium density housing. There is potential to utilise objectives in zone schedules to highlight the different values of different neighbourhoods.

As part of the Designing our Neighbourhoods project, the 'Moreland's Open Rear Yard Character Study' explores where open rear character and landscaped outlooks exist in the municipality to ensure that this attribute is retained. This work could support changes in the scheme to focus associated design and character policy to those areas where an open rear character exists.

The Good Design Sheets also contain useful design guidance for medium density development. This design work could also explore whether the documents or aspects of the design guidance could add value as local policy within the scheme to guide improved design outcomes.

### Incentive Programs

Council continues to be innovative in developing incentivised programs to achieve improved development outcomes. The Design Excellence Scorecard, adopted on a trial bases in February 2019 was a program that incentivised significantly improved development outcomes across four key areas of a development: Building design and materials, ESD and building performance, building accessibility and community benefit defined by Council in exchange for increased certainty and time savings in the permit process, created by guaranteed decision making under delegation.

Since the commencement of the trial, seven developments met the requirements of the Scorecard (six high density and one medium density development). These applications represent a very small proportion of the 1200 to 1400 planning applications that are determined under delegation each year.

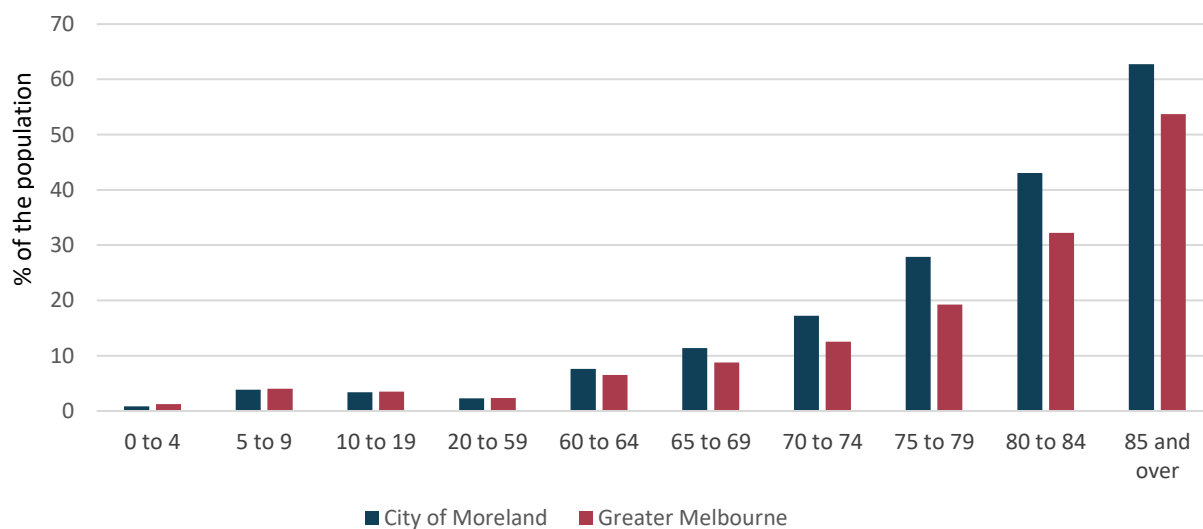
Community and resident groups raised issues with the delegated decision-making pathway of the program as it allowed for a decision (that would otherwise be made by the Council) to be made under delegation. In February 2022, the program was altered to remove the incentive part of the Scorecard (being delegated decisions to Council Officers) in response to community preferences. The Scorecard still exists as a voluntary tool. Since the ending of the trial, there have been no applications have been lodged that meet the Scorecard requirements.

As part of resolving to end the Scorecard trial, Council resolved to investigate other ways of incentivising improved quality of development.

Amendment C190more is also seeking to offer an incentivised planning process to encourage better quality two dwellings on a lot utilising the VicSmart planning stream. Utilising the VicSmart stream would offer applicants a fast-track approval process for two dwelling developments where compliance is demonstrated beyond that of ResCode. Eligibility would require compliance with numeric requirements of ResCode and carparking and requirement to provide additional accessibility and ESD requirements. At its December 2021 meeting, Council resolved to defer consideration of Amendment C190 until the December 2022 Council meeting, or until the State Government has introduced the proposed VicSmart Plus planning permit application pathway.

### Accessibility

2021 Census data outlined that 6.5% of Merri-bek residents need assistance with day to day activities and this need increases with age. Liveable Housing Australia also report that there is a 60% chance that a house will be occupied by a person with a disability over its lifetime<sup>48</sup>. It is therefore important that the design of buildings and spaces considers the needs of not only these residents but all residents to enable ageing in place.



**Figure 27 - % of the population needing assistance with day-to-day activities<sup>49</sup>**

Council has been active in seeking improved accessibility in the design of new medium density housing by requiring Liveable Housing Design Guidelines silver level principles in the design of the 2 dwellings on a lot VicSmart incentivised program described above. Upcoming changes to the National Construction Code will be imbedding these silver level principles for all new dwellings.

<sup>48</sup> Liveable Housing Design Guidance reference Smith, S., Rayer, S., & Smith, E. (2008) Ageing & disability: Implications for the housing industry and housing policy in the United States. Journal of the American Planning Association, 74:3, 289 – 306.

<sup>49</sup>Census of population and housing 2021

Liveable Housing Australia Silver Level Seven Core Principles	
<b>Dwelling Access</b>	There is a safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
<b>Dwelling Entrance</b>	At least one, level (step-free) entrance into the dwelling
<b>Internal Doors &amp; Corridors</b>	Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
<b>Toilet</b>	A toilet on the ground (or entry) level that provides easy access.
<b>Shower</b>	A bathroom that contains a hobless shower recess
<b>Reinforcement of bathroom &amp; toilet walls</b>	Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
<b>Internal stairways</b>	Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

Road testing of these silver level principles in medium density dwellings as part of Amendment C190more found it was quite easy to achieve and that even better accessibility design could be achieved by including the gold level principles that consider more generous circulation areas. There may be opportunity to explore ways to get even better accessibility outcomes in new medium density development by including gold level principles in new design policy. This could include advocating improvements to accessibility standard of ResCode as part of engagement into ResCode / PAM model reform program.

Council Officers are mapping out accessibility barriers in our municipality, with the work likely to influence capital work projects for improvements in the public realm. The design of the public private interface is important in achieving the Liveable Housing Design principles relating to dwelling access and entrance. Outcomes of this work may identify potential accessibility issues between the public and private realm in places and further work may be appropriate to explore how planning can help mitigate these issues.

### Heritage

Council's Heritage Action Plan 2017-2032 (HAP) is a framework for Council to fulfill its obligations in identifying, managing, protecting and celebrating our city's heritage, under the four themes of knowing, protecting, supporting and communicating. Over the past four years Council has been implementing the four-year workplan including the following projects relating to the planning scheme:

- Moreland Heritage Gap Study (2019) and its implementation through C174more
- Moreland Heritage Nominations Study (2020) and its implementation through C208more
- Update to the Moreland Thematic History (2020)
- Introducing the Moreland Heritage Permit Exemptions Incorporated Plan (2019)

In line with the HAP, heritage is continuing to be identified in Merri-bek with an additional 514 properties included in the Heritage Overlay (HO) since 2018. Amendment C208more is currently underway implementing the findings of the Moreland Heritage Nomination Study and seeks to apply a HO to places nominated by the public in 2016 found to be locally significant to our municipality.

To help manage the requirements of the HO, the Moreland Heritage Permit Exemptions Incorporated Plan was introduced into the scheme in 2020 to exempt some minor works from needing a planning permit to reduce the burden on landowners and to administer the application of the HO.

Since the preparation of the Moreland Heritage Permit Exemptions Incorporated Plan, the Victorian Government has revised the wording of the HO provision, including changes to permit triggers and exemptions. The exemptions in the incorporated plan in some instances are inconsistent with the HO provision. This inconsistency has impacted its useability.

Council's heritage policy relating to demolition may also be out of step with the expectations of the state since changes were made to the Planning and Environment Act 1987, where a new Section 6B – Heritage has been introduced focused on unlawful demolition and neglect.

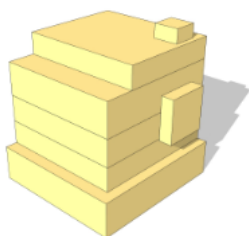
Council heritage policy and guidance documents for designing alterations and additions and fences in heritage areas help guide development in Council's Heritage areas. This guidance has the potential to be expanded to help communicate design questions and outcomes that are commonly raised through planning applications.

A new two-year workplan for the HAP is being prepared and will incorporate projects to improve the effectiveness of the HO.

### Virtual Moreland

The Virtual Moreland 3D spatial tool uses 3D models of development to better understand how a proposal will sit within the neighbourhood. It is helping both Council and the community understand the impacts and opportunities of development by a 3-dimensional visualisation of a proposed development. It has also been found to be useful in understanding and measuring our urban forest that sits within the model.

#### **LOD1: Pre-application**



This model should represent the basic massing and built form for basic shadow analysis purposes. This should not include colours or material detailing.

#### **LOD3: Application & As-built**



This model should include the external building envelope and any significant projecting structures for detailed shadow analysis purposes. This can include basic colours & material detailing, but it is not required.

**Figure 28 - Level of detail (LOD) requirements for 3D models in the planning process**

In addition to the Coburg Activity Centre, Amendment C212 expanded the application requirements for 3D data of proposed developments greater than 3 storeys to the Brunswick Activity Centre and all Neighbourhood Centres. Greater utilisation of the tool will improve community engagement about proposed development and decision making outcomes.

## **Built environment and heritage**

### **Key issues for the planning scheme**

The character of our residential areas continues to be a complex issue. Analysis of what our neighbourhoods look like, including understanding what features the community value in our neighbourhoods, is needed to help define how we want our neighbourhoods to look in the future. The quality and design of development has a direct impact on the way our neighbourhoods look and feel.

Accessibility needs can change over a lifetime, and buildings need to be built to consider the needs of all residents and allow ageing in place. Planning policy, in particular for medium density housing, lacks the detail to achieve this outcome.

Council's local heritage policy and permit exemptions incorporated plan may be out of step with expectations of the state since changes to the Heritage Overlay's permit requirements and a new

focus in the Planning and Environment Act to deter unlawful demolition and neglect of heritage places.

DDO24 that guides the design of development in our Neighbourhood Centres focuses on apartment typology, however, townhouse style development is commonly a preferred typology in many of the centres. Whilst Clause 55 focuses on this typology, the intensive nature of townhouses in these centres can result in dwellings compliant with policy but with poor amenity outcomes.

The design of development fronting parks and the potential amenity impacts to the park, such as shadowing, massing and interface treatments, are common issues discussed and raised in these types of proposals. Additional guidance is needed to clearly communicate the expectations of the interface design and amount of additional shadowing to the park to maintain its amenity.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
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 <i>Planning and Environment Act 1987</i> (Section 6B) and heritage policy in the scheme.	2022-2024	Heritage Action Plan	Strategic Planning
2B	Investigate expanding existing heritage guidance material to illustrate and communicate common design responses.	2024	Heritage Action Plan	Urban Planning
3B	Continue to investigate the city's heritage in line with actions of the Heritage Action Plan	2022-2024	Heritage Action Plan, Thematic History	Strategic Planning
4B	Review of neighbourhood character and design policy in the scheme to help define and protect the valued characteristics of Merri-bek's residential neighbourhoods and improve the design of medium density housing.	2022-2025	Designing Our Neighbourhoods CAP 82	Strategic Planning
5B	Explore ways to incentivise good design in new development. This could include integrating design guidance within the Good Design Advice Sheets into design policy in the scheme.	2022-2025	Designing Our Neighbourhoods	Strategic Planning
6B	Review DDO24 to understand how it is operating and whether additional policy is needed to manage townhouse type development occurring in our Neighbourhood Centres.	2023-2025		Strategic Planning
7B	Continue with proactive enforcement program to help achieve sustainability and accessibility outcomes in new development	Ongoing		Urban Planning
8B	Investigate how planning can influence better accessibility outcomes, including: <ul style="list-style-type: none"> <li>Advocate for elevated accessibility standard through ResCode reform program</li> </ul>	Ongoing		Strategic Planning

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
	<ul style="list-style-type: none"> <li>Consider imbedding LHA gold level principles in new design policy</li> </ul>			

\* See Section 5.5 (Environmentally Sustainable Development) for recommendations relating to Elevating ESD Targets and climate responsive design, Section 5.2 (Environment and Landscape values) for canopy cover recommendations and Section 5.1 (Settlement) and Section 5.8 (Covid Response: 20-Minute Neighbourhoods) for recommendations on activity centre reviews.

### Recently introduced Council or state policies/initiatives relevant to this theme

- Changes to the *Planning and Environment Act 1987* to introduce a new Section 6B Heritage Buildings aimed at deterring unlawful demolition of heritage buildings and allowing heritage buildings to fall into disrepair
- Amendment VC155 – introduce policy guideline 'The Burra Charter: The Australia ICMOS Charter for Places of Cultural Significance, 2013 and strategy to support Section 6B Heritage Buildings.
- Amendment VC174 – revised Better Apartment Design Standards to deliver improved external amenity and design outcomes
- Amendment VC149 – introduced a new requirement for assessment of solar panel overshadowing
- Amendment VC142 – revised the Heritage Overlay
- Amendment C174morept1 – applied the Heritage Overlay to a large number of places and precincts and introduced the *Moreland Heritage Gap Study* and *Heritage Permit Exemptions Incorporated Document* into the planning scheme.
- Amendment C189more – introduced canopy tree planting requirements in residential zone schedules, *Urban Forest Strategy 2017-2027* and updated *Moreland Tree Planting Manual for Residential Zones*, 2019
- Amendment C200more – neutral translation of Moreland's LPPF into the Vision and MPS of the new planning scheme structure.
- Amendment C212more – expanded 3D modelling application requirements to Brunswick Activity Centre and Neighbourhood Centres.

## 5.5. Environmentally sustainable design

### Strategic Directions of the Scheme relevant to Environmentally sustainable design

To achieve an environmentally sustainable and liveable city, Council supports:

- Encouraging development to incorporate environmentally sustainable design at the time of planning approval in the following areas: energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

### Current trends, emerging issues, and outcomes

Current and future developments for all types of uses have an impact the municipality's level of sustainability. Introducing requirements through the Planning Scheme is an effective way for Council to influence the built environment that will result in lasting improvements to sustainability and quality of life. These requirements can help to minimise energy use, water and waste, improve environmental outcomes and amenity and reduce ongoing running costs for residents of these developments.



## Local policy translation

Council, together with five other municipalities first introduced a local Environmentally Sustainable Design (ESD) policy into Clause 22.08 (LPPF) of the planning scheme as part of Amendment C71 in November 2015. Between 2015 and 2020, this local policy was introduced into a further 19 Council planning schemes and this consistency across 19 Victorian planning schemes is a key strength of the policy and its operation.

As a collective of Councils, CASBE proactively translated the local ESD policy to fit with the new format of the PPF. This was a challenging task to achieve an outcome supported by DELWP. Unfortunately, translating this original local policy into the new PPF structure has weakened the policy due to the limitations to what can be contained in the PPF and difficulty translating the definition of 'Best Practice', prescriptive measures, application requirements and notes into an acceptable form.

Planning and ESD Officers continue to find it challenging to use as the policy has lost its emphasis and clarity in its operation, including how it applies to existing dwellings and retained portions of buildings.

## Elevating ESD Targets

The current ESD requirements in the scheme are not sufficient to ensure that new developments meet industry best practice or align with global, national and state policy. With this knowledge, Council has been investigating and developing elevated ESD targets for the scheme through:

- Councillor Notice of Motion (NOM) 33/18 – Achieving Zero Carbon within the Planning Scheme which focused on investigating the suitability of incorporating renewable energy systems (including a solar roof zone) and electric vehicle infrastructure in new development.
- Council lead in a collaboration with CASBE and 23 other member Council's to elevate ESD targets and embed zero carbon development outcomes via the planning scheme.

A key outcome of NOM 33/18 – Achieving Zero Carbon within the Planning Scheme, was the development of metrics for both Solar PV and EV infrastructure for various typologies that have been road tested for both design and feasibility. This work has fed into the CASBE collaboration project. This initiative has grown considerably over the past four years with 31 Councils throughout the state signing a Memorandum of Understanding (MOU) to undertake work to elevate ESD targets in their respective planning scheme (Stage 1).

Stage 1 of the project has now been completed and saw the preparation of an evidence base to support new ESD standards across the following environmental themes and summarised below.



Figure 29 - ESD Themes from Local Government Zero Carbon Planning Scheme Information Sheet



Significant work, investigation and resources have been invested by Councils and CASBE to pursue and support this project including:

- Commissioning evidentiary and justification works with the aid of leading consultancies to support the measures being pursued via a planning scheme amendment (in excess of \$250,000 expended as a collective, to date, including officer time and resources)
- Liaising and working with relevant officers within DELWP's Energy and Planning divisions on concurrent projects and initiatives
- Advocating and providing input to the Victorian Government's ESD Roadmap, as well as, serving key Working Groups a part of the ESD Roadmap agenda
- Providing numerous submissions to advocate for necessary changes that are required to the built environment through forums such as the Australian Building Codes Board (ABCB) National Construction Code (NCC) 2022, State Gas Substitution Roadmap, Zero Emission Vehicles Advisory Group, and Parliamentary Inquiries.

Council has committed to and is a lead Council in Stage 2 of the Elevating ESD Targets Project that currently includes 24 Councils who've committed to collectively pursue a planning scheme amendment (Elevating ESD Targets Planning Amendment C223more) through a MOU. The measures and changes being pursued by the collective Councils via the amendment contain a level of detail to improve ESD outcomes in our municipality and enable transitioning development to achieve zero carbon.

The new PPF structure does not offer Council the opportunity to include the level of detail and direction needed to prescribe the elevated sustainability outcomes developed through Stage 1. The point of concern is where such prescriptive requirements and details can sit within the current planning scheme structure and available tools.

The work commissioned by the project group has identified a Particular Provision as the most appropriate planning tool to set the relevant measures, metrics and changes for improved ESD outcomes. The project's success however rests with the Minister for Planning, given that only the Minister can authorise a municipal Council to prepare an amendment to the Victoria Planning Provisions and approve the necessary structural changes to the scheme.

Given the uncertainty of timeframe of both the joint council Elevated ESD Amendment and the Victorian Government ESD reforms, there is opportunity to replicate this approach of incorporating aspects of Elevated ESD Targets in other projects such as the ACZ for Brunswick Major Activity Centre.

This work to pursue elevated ESD policy aligns with the findings of the Parliamentary Inquiry into Apartment Design Standards that found there is scope to include ESD measures in apartment policy, and, specifically recommending updates to reflect targets for net zero emissions, whole life cycle considerations, electric vehicle charging infrastructure, four-stream waste and recycling and bicycle storage.

The different themes of the elevated ESD policy mean that a number of areas in Council beyond Planning and Sustainable Communities support its implementation, such as by Council's Transport, Urban Forest and City Infrastructure areas.

#### Guidance Material

Council has developed a suite of *Zero Carbon Development Guidelines* on the topics investigated under NOM 33/18 Achieving Zero Carbon within the Planning Scheme:

- Solar PV
- Electric Vehicles
- Green Infrastructure

The guidelines were developed to communicate the key design elements for how new development can incorporate Solar PV, EV and Green Infrastructure in the design. A fourth guideline on waste management is also in the pipeline to provide design guidance for managing four waste streams (glass, organics, recycling and garbage) in line Victorian Government recycling reforms.

The *Moreland Zero Carbon Development Guidelines* can be used as an advocacy tool to the Victorian Government to demonstrate ESD standards as part of the Elevating ESD Targets Project. While they won't form part of the planning scheme at this time, they can be used to assist planners negotiate better sustainability outcomes in line with Council aspirations.

To support improved green infrastructure in new developments and help developers make a meaningful contribution to climate and biodiversity outcomes, Council in 2021 signed an MOU to partner with City of Melbourne for a voluntary trial of their *Green Factor Tool*. The *Green Factor Tool* is a simple online interface ([www.GreenFactor.com.au](http://www.GreenFactor.com.au)) for designers to input information about a proposed development – such as plant numbers, soil depths and accessibility – and receive a Green Factor score. The score represents the proportion of a site covered by greenery and weighted for provision of prioritised functions, which relate to:

1. Urban temperature regulation
2. Habitat for biodiversity
3. Runoff mitigation
4. Food supply
5. Recreation
6. Place values and social cohesion; and
7. Aesthetic benefits.

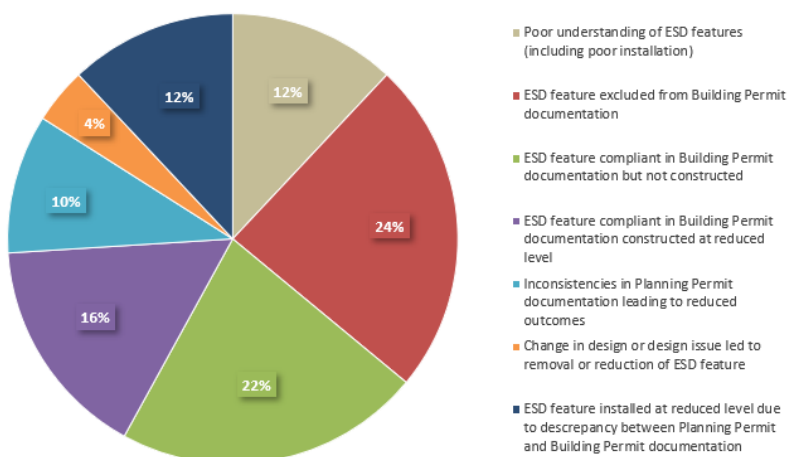
The measures and ratings within this tool are closely linked to the Green Infrastructure components in the Elevating ESD Targets Amendment.

To date, the use of the *Green Factor Tool*, Solar PV and EV guidelines has been limited. Now that Council has resolved to pursue the Elevating ESD Targets Amendment, there is more incentive to encourage use of these tools to guide improved sustainability outcomes in development. Developments that use the tool can also offer valuable evidence base to support the joint Amendment.

### ESD compliance

In 2021, Council investigated the actions and processes that are leading to significant levels of ESD non-compliance in new development, finding that ESD non-compliances were part of a complex problem that were related to the actions or inactions of various stakeholder groups.

Overall, 55% of ESD features included in the Planning Permit documentation were non-compliant in the Building Permit documentation due to ESD features being excluded, missing details, reduced or downgraded. Non-compliance was also linked to a lack of understanding of the ESD feature. Where a development was proactively audited, ESD compliance was two times higher at construction than those which were not proactively audited.



**Figure 30 - Inferred reason for ESD non-compliances during construction<sup>50</sup>**

<sup>50</sup> Moreland City Council ESD Compliance Research Project

Advice obtained by Council found that the role of the private Building Surveyor in checking off on ESD features is unclear. The private Building Surveyor's role under section 24 of the *Building Act 1993* is not a direct method of enforcing compliance with planning conditions. Thus, Council should continue to advocate for better monitoring by the Victoria Building Authority of the extent to which the private building surveyor is approving works in accordance with planning and ESD.

While there is not one simple fix to increasing the level of ESD compliance in new development, Council analysis into the reasons for the non-compliance determined that the following actions (currently being implemented) would lead to improved ESD compliance outcomes:

- Education of ESD both within Council and externally.
- Continue to grow the Proactive Enforcement program.
- Improve document control and document review, such as checking Building Permit documents
- Improving plans and preventing inconsistencies in endorsed Planning Permit documents.

## Environmentally sustainable design

### Key issues for the planning scheme

Improving ESD outcomes in new development is key to managing climate risks and supporting sustainable communities. This can be tackled at the two ends of the development cycle:

- Elevating the ESD targets for new development
- Improving the level of ESD compliance in newly constructed development

Current ESD policy in the scheme is out of step with best practice and lacks the level of clarity to effect suitable sustainable building design to future proof our communities. There is a need to elevate planning policy to consider:

- The operational energy of buildings to reduce our reliance on energy consumption and fossil fuels
- Embodied carbon of materials and the lifecycle impacts of resource use to support lower carbon emissions.
- Adopting sustainable transport patterns and lower emission transport modes
- Efficient water use, and management of water in an integrated way
- Building climate resilience in the design of buildings
- Green infrastructure for ecological, biodiversity, amenity and health outcomes
- Improvements to the indoor environment Quality
- Waste and resource recovery through improvements in waste and recycling infrastructure to manage waste streams.

Whilst work is underway to pursue elevated ESD targets in the Scheme through a joint Council Amendment, it relies on the Minister for Planning to support the Amendment. There may be an opportunity to begin to encourage development to take on the metrics developed through this project, supported by guidance material to help ESD Officers and Planners to communicate new expectations.

The proactive enforcement program is helping to ensure that ESD features are included in completed developments.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1ESD	Utilise guidance tools such as Green Factor Tool, Solar PV and EV Zero Carbon Development Guidelines to encourage new development to improve their ESD outcomes.	Ongoing	Zero Carbon in the Planning Scheme	Sustainable Communities

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
2ESD	Participate in community awareness raising and communications activities and processes centrally led by the Council Alliance for a Sustainable Built Environment (CASBE) on behalf of partner councils involved in the Elevating ESD Targets Project	Ongoing	Zero Carbon in the Planning Scheme, CAP 80	Sustainable Communities
3ESD	Continue to advocate to the Minister for Planning, Minister for Housing, Minister for Energy, Environment and Climate Action, Minister for Local Government and Suburban Development and DELWP: <ul style="list-style-type: none"> <li>on the benefits of introducing zero carbon focused and elevated ESD planning provisions in the planning scheme</li> <li>to establish an advisory committee to advise on the Elevating ESD Targets in Planning project.</li> <li>that the Council's joint Amendments should be adopted as part of Victorian Government ESD planning reforms.</li> </ul>	Ongoing	Zero Carbon in the Planning Scheme, CAP 80	Strategic Planning
4ESD	Until Amendment C223more is gazetted, consider imbedding elevated ESD targets when undertaking strategic work such as drafting of ACZ or DDO controls.	Ongoing	Zero Carbon in the Planning Scheme	Strategic Planning

#### Recently introduced Council or state policies/initiatives relevant to this theme

- Amendment VC154 – Integrated Water Management reforms (2018)
- Amendment VC216 – Stage 1 of Victorian Government ESD planning reforms (2022)
- Amendment VC221 – Supports all electric development by removing the requirement for gas connection in development.
- *Integrated Water Management Strategy 2040 – Towards a Water Sensitive City* (2020)
- *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* (2020)
- *Victoria's Climate Change Strategy* (2021)
- *Climate Change Adaptation Plan* (2022)
- Moreland Zero Carbon – 2040 Framework (Amended 2022)
- Zero Carbon Planning Scheme – Elevated ESD Targets
- Zero Carbon Development Guidelines for Solar PV, EV and Green Infrastructure
- Green Factor Tool Pilot Program MOU

## 5.6. Transport

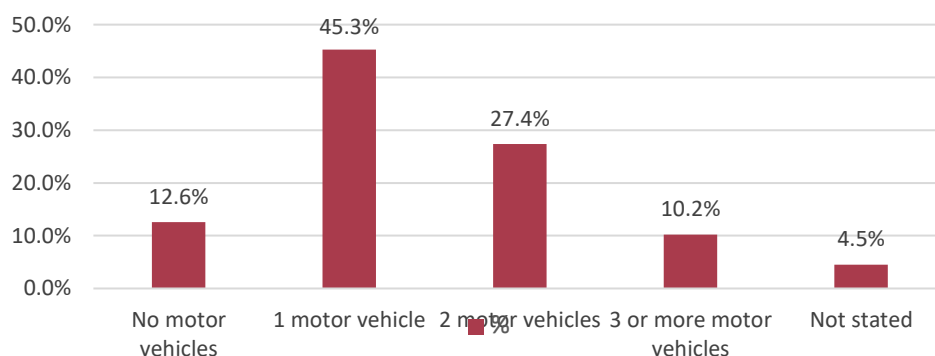
### Strategic Directions of the Scheme relevant to Transport

Council seeks to create a transport system that is diverse, progressive and sustainable by:

- Planning for a transport network that:
  - Caters for all ages, is accessible and equitable for all road users.
  - Reduces local vehicle traffic and safeguards the wellbeing of the community.
  - Achieves a shift towards sustainable modes of travel, including a transition to active transport or zero-emissions transport.
  - Focuses on transport safety, improving personal security and safety.
  - Connects people to local jobs and services.
  - Caters for population and employment growth.
- Prioritising our transport network according to the following 'road user hierarchy', while ensuring access for those who walk, cycle, wheel or drive:
  - People who are walking.
  - People who are cycling.
  - People who are using public transport.
  - People who are driving.

### Current trends, emerging issues, and outcomes

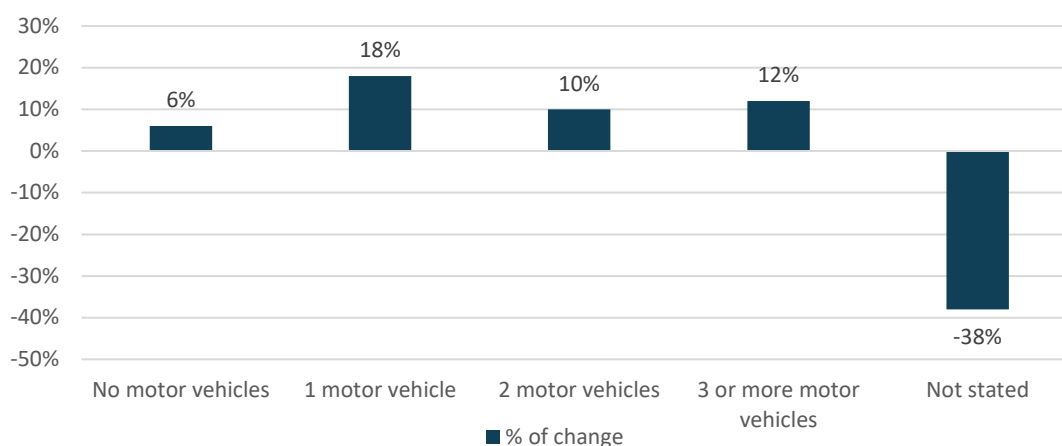
In 2021, at least 83% of households in the municipality owned at least one car. 12.6% of households did not own a car and are likely to rely on other modes of transport, such as public transport, cycling and walking to move in, out and around the municipality.



**Figure 31 - Motor vehicle ownership per household<sup>51</sup>**

The number of households owning a car has grown since 2016, however, this is not unexpected given the 7,700 new dwellings constructed in the same period.

<sup>51</sup> Census of population and housing 2021

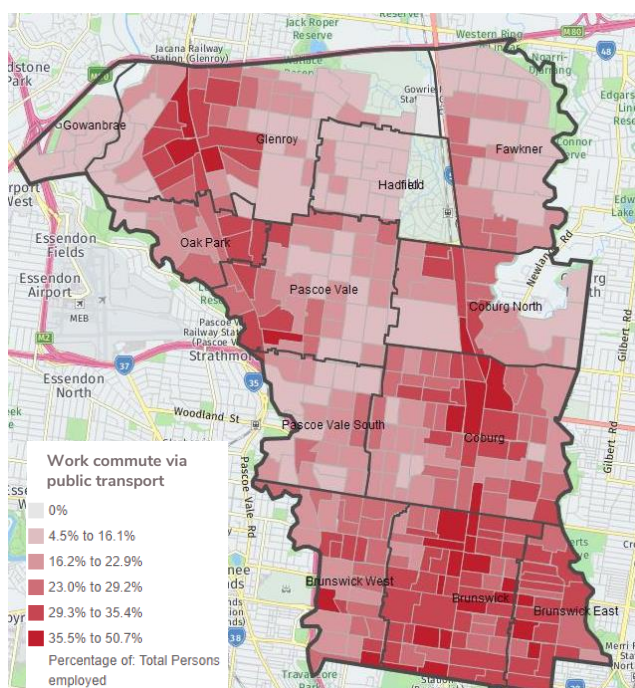


**Figure 32 - Change in motor vehicle ownership from 2016 – 2021<sup>52</sup>**

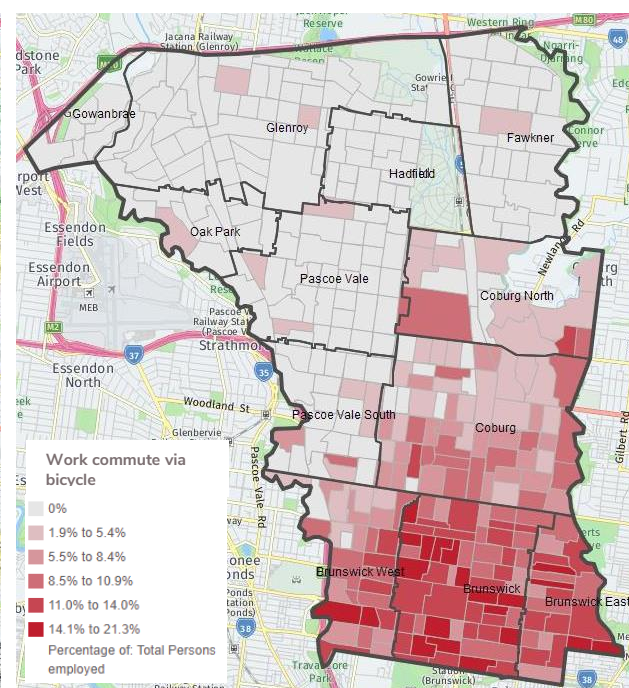
In the 2018 PSR it was reported that the overall percentage of residents using a car to travel to work decreased. However due to the large population growth, the overall number of residents travelling to work by car had increased. A substantial increase was also seen in the number of residents travelling via train, tram and bicycle.

The number of residents utilising public transport for their work commute links directly to where there is good access to public transport, such as along rail and tram corridors in our major activity centres of Brunswick, Coburg and Glenroy.

Historically, Merri-bek residents' employment was predominantly located in the City of Melbourne (CBD) and locally within Merri-bek. This correlates with the increase in work commutes via bike in the southern suburbs due to its proximity (approximately 8km) to the CBD.



**Figure 33 - Percentage of residents who travel on public transport to work<sup>53</sup>**



**Figure 34 - Percentage of residents who ride to work<sup>54</sup>**

<sup>52</sup> Census of population and housing 2021

<sup>53</sup> Census of population and housing 2016 (compiled by iD)

<sup>54</sup> Census of population and housing 2016 (compiled by iD)

More recent data on travel patterns from the 2021 Census is yet to be released. The release of this data will provide an understanding of how Covid 19 has changed residents' travel patterns. Covid 19 has changed the way we work, where we work and the way we engage in our local community. Good connections in and around our neighbourhoods has become increasingly important and exploring the movement networks through a 20-minute neighbourhood lens would be beneficial (see Section 5.8 – Covid Response: 20-Minute Neighbourhoods).

Transport contributes to 16% of all carbon emissions in Merri-bek. Since the *Moreland Integrated Transport Strategy* (MITS) was adopted in 2019, the Zero Carbon Moreland targets have been updated.

Support and encouragement for zero carbon transport is the key focus of new provisions within the Elevated ESD Targets Project under the theme Sustainable Transport that aims to help encourage mode shift through requirements for:

- More bicycle parking and its location easily accessible
- Provision of end of journey facilities, such as easily accessible change rooms, lockers and showers
- Electric Vehicle infrastructure
- Designing car parking areas to be adaptable for alternative uses.

See Section 5.5 (Environmentally sustainable design) for more detail on the Elevating ESD Targets Project.

Amendment C183more sought to implement changes to the parking requirements within our municipality's activity centres aligned with MITS. The changes aimed to encourage mode shift to more sustainable modes of transport and targets for reduction in car use. The Panel for C183more generally supported the underlying strategic basis for MITS but recommended more modelling should be undertaken to understand the supply and demand of areas and the full implications of changing the parking requirements to each centre. Council has resolved to refresh Council's Transport Strategy, but this refresh will not include exploring changes to parking conditions or any associated parking modelling.

Amendment C212more updated the scheme to align with the MITS, including prioritising our transport network according to the following 'road user hierarchy', while ensuring access for those who need to drive:

- Pedestrians
- Cyclists
- Public transport
- Private vehicles

The limited amount of canopy tree cover across the municipality is impacting the quality and comfort of our pedestrian network. This is exacerbated by additional breaks in the network from new development, electrical and tram infrastructure and an urban form with narrow footpaths that limits tree canopy planting and growth (in particular in the south). In most of our residential areas, there is however greater opportunity for increased canopy cover along our streetscapes. New tree canopy planting requirements introduced by Amendment C189more supports increased shading of footpaths through directing medium to large canopy trees in the front setback to offer greening and cooling benefits to both the private and public realms.

A number of railway level crossings have been removed in Coburg and Glenroy. This has transformed the way people can move through the core of the Coburg and Glenroy Major Activity Centres via various modes (walking, bicycle, car and public transport).

The quality and experience of Council's pedestrian and bicycle networks is an area both community and Council wish to improve. Currently the Framework Plans in the MPS include the bicycle network, but it does not identify known gaps in the network nor future strategic connections. The pedestrian network is also not detailed in the Framework Plans. This can be updated as part of a planning scheme amendment which implements the Transport Strategy Refresh.

Increasing use of laneways for vehicle access for high density development is a concern to residents due to increased activity within residential areas. The alternative is access via our main commercial avenues



that rely on limited breaks to maintain a strong and safe pedestrian experience. As our Activity Centres grow within Brunswick and Coburg, this issue is likely to be increasingly raised.

The *Transport Integration Act 2010* requires Council to make all decisions affecting the transport system within the Act's integrated decision-making framework and in support of transport system objectives.

It requires an understanding of transport networks and their connection to land use, to better understand user needs to make the system more useable and create quality travel experiences. It specifies that Council must undertake integrated planning of the transport network with surrounding hierarchy of Activity and Neighbourhood Centres.

Plan Melbourne aims to make the 20-minute neighbourhood concept a reality for every person. 20-minute neighbourhoods are all about 'living locally'—giving people the ability to meet most of their daily needs within a 20-minute return walk from home and have access to safe cycling and local public transport options.

The Planning Scheme encourages new growth and density in and around Activity Centres and Neighbourhood Centres to deliver 20-minute neighbourhoods that are easily accessible by walking, cycling and public transport. By creating well-designed walkable neighbourhoods that are connected through a mix of land-uses, housing types and access to quality public transport, we can create more healthy, liveable communities.

The refresh of Council's Transport Strategy (Council Action Plan 2021-22: Action 18) offers an opportunity to explore these issues and:

- Address the obligations for Council under the *Transport Integration Act 2010* including having regard to the transport system objectives and decision-making principles outlined in the Act to coordinate and integrate transport and land use planning.
- Effect positive change to Council's future integrated transport network and land use planning including walking, cycling, public transport, roads, car parking and freight.
- Support Council's future capital works planning including routine maintenance and infrastructure projects.
- Provide strategic justification to support amendments to the Municipal Planning Strategy that aim to achieve the MPS vision and implement the strategic directions, particularly as they relate to Transport.

Transport				
Key issues for the planning scheme				
<p>In Merri-bek, transport accounts for 16% of all municipal emissions. As population grows and our city becomes denser, carbon emissions will only increase without actions to encourage and support the community to transition to zero emission transport.</p> <p>Council's Integrated Transport Strategy is set for a refresh and provides an opportunity to consider our transport network in an integrated way with land use planning to create an environment that considers all transport modes.</p>				
Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Relevant Council Unit
1T	Update the planning scheme to align with the refreshed Transport Strategy.	2024-2026	Refresh of Moreland's Transport Strategy	Strategic Planning
2T	Identify which parts of Merri-bek are not located within an 800-metre walking distance	2022-2024	Refresh of Moreland's Transport Strategy	Strategic Planning



Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Relevant Council Unit
	from an Activity Centre or Neighbourhood Centre.			

\* see Section 5.5 (Environmentally Sustainable Design) for recommendations relating to Elevating ESD Targets Project and zero carbon transport.

#### Recently introduced Council or state policies/initiatives relevant to this theme

- Amendment VC204 - Updated the PPF to recognise planning's role in contributing to a safe, integrated, and sustainable transport system.
- Amendment VC205 – Introduced a new Transport Zones (2022)
- Moreland Integrated Transport Strategy (2019)
- Moreland Zero Carbon – 2040 Framework (Amended 2022)
- Zero Carbon Planning Scheme – Elevated ESD Targets
- Zero Carbon Development Guidelines for Solar PV, EV and Green Infrastructure
- Level crossing removal projects in Coburg and Glenroy Major Activity Centres

## 5.7. Community infrastructure

### Strategic Directions of the Scheme relevant to Community infrastructure

*In planning and delivering community infrastructure, Council supports:*

- *Providing accessible community infrastructure (e.g. health, education, social, leisure and cultural facilities) in different locations suited to the local community's needs.*

#### Current trends, emerging issues, and outcomes

Council has responsibilities in planning, maintaining and delivering community infrastructure. It owns 178 community infrastructure buildings at an estimated replacement value of \$350 million<sup>55</sup>. Along with Council, government, community, and independent sectors provide most services delivered from its facilities.

The provision of infrastructure is required to support a growing and changing population. Suburbs across Merri-bek are experiencing growth in different ways, creating pressure for different types of community infrastructure. While the southern part of the municipality is experiencing greater population pressure, the need for community infrastructure in the north of the municipality is also substantial. Many community facilities are old and built originally for a different purpose compared to their current use. This leads to challenges and increasing maintenance costs and ability to meet contemporary service standards. Many of our facilities are also only used by one service and are missing opportunities to integrate with complimentary services and uses.

Council's community infrastructure operates as a network, including higher and lower order facilities. They often have distinct roles and functions that compliment local needs and the broader network. Typically, higher-order community infrastructure is located in Major Activity Centres. Lower-order community infrastructure, servicing smaller catchment areas and local service needs, are generally located in Neighbourhood Centres and Local Centres.

<sup>55</sup> Community Infrastructure Plan (2022)

More broadly, Council's Community Infrastructure Plan seeks the network of community Infrastructure to be:

Community Infrastructure Desired Outcomes <sup>56</sup>	
<b>Integrated</b>	<ul style="list-style-type: none"> <li>- Complimentary community facilities housed in community hubs for better service integration, resource sharing and usage</li> <li>- A network of community infrastructure, interconnected with a broader network of services and infrastructure</li> </ul>
<b>Accessible</b>	<ul style="list-style-type: none"> <li>- Conveniently located community infrastructure and services, placed close to where people live, shop and recreate</li> <li>- Welcoming community infrastructure that all community members can access, regardless of their age, culture, gender or ability</li> </ul>
<b>Place Based</b>	<ul style="list-style-type: none"> <li>- Community infrastructure that meets the local community's priority needs and desires</li> <li>- Community infrastructure that enhances the amenity and identity of neighbourhoods</li> </ul>
<b>Future Proofed</b>	<ul style="list-style-type: none"> <li>- Community infrastructure that can withstand the impacts of climate change and deliver our zero-carbon emissions goal</li> <li>- Flexibly designed community infrastructure that can accommodate multiple uses, changing demands and innovations</li> </ul>
<b>High Quality</b>	<ul style="list-style-type: none"> <li>- Well designed and maintained community infrastructure that can deliver services to desired community standards</li> <li>- Repurposed, consolidated or rationalised community infrastructure to accommodate changing community demands</li> </ul>

Council has reviewed its 2015 city-wide Development Contributions Plan (DCP). This review prompted an extended timeframe for the delivery of DCP infrastructure projects to 30 June 2026. The review has also revealed an opportunity to update the DCP's infrastructure projects list. Amendment C221 more has been prepared for this updated list and its progress is anticipated in late 2022.

Council is well placed to leverage on the work reported in Victorian Auditor-General's Office, *Managing Development Contributions Report*. The successful operation of the existing DCP has demonstrated the benefit of development contributions providing meaningful income towards the Council's capital works program, in response to ongoing housing growth and economic development in the city. Moving forward work can be done to:

- Investigate a new city-wide DCP. This would include consideration of the Council's recently endorsed *Community Infrastructure Plan 2022*, which describes a need for new and upgraded community facilities across the city.
- Support the preparation of a new Open Space Strategy for the City. Investigations and analysis for this strategy will include a review of the existing Public Open Space contribution rates in the Planning Scheme, to consider if new rates should apply to support the Council's open space infrastructure plans for the city.
- Actively contribute to any future Victorian Government review of the development contributions system for learnings Council has gained from creating, reviewing, and operating its city-wide DCP.

<sup>56</sup> Community Infrastructure Plan (2022)

## Community infrastructure

### Key issues for the planning scheme

With ongoing housing growth and economic development in the city, developer contributions are increasingly valuable in offering meaningful income towards new and upgrades to infrastructure and public open spaces and actualising community benefits. However, the current contribution rates may not be aligned with population growth, growth in the economy and projects to offer benefits to communities.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1I	Investigate a new city-wide Development Contributions Plan, that includes consideration of the Council's 2022 Community Infrastructure Plan that outlines the need for new and upgraded community facilities across the City.	2023-2025	Community Infrastructure Plan 2022 CAP 134	Strategic Planning
2I	Review and update the strategic directions for community infrastructure in the planning scheme to align with the policy objectives of Council's Community Infrastructure Plan 2022.	2024	Community Infrastructure Plan 2026, CAP 142	Strategic Planning
3I	Investigations and analysis of Public Open Space contribution rates in the Planning Scheme to consider if new rates should apply to support the Council's open space infrastructure plans for the City.	2022-2024	Open Space Strategy Refresh, CAP 7	Strategic Planning / Open Space Design and Development

### Recently introduced Council or state policies/initiatives relevant to this theme

- Community Infrastructure Plan (2022)
- Amendment C215more – Amends the Moreland Development Contribution Plan Incorporated Document (2015) to extend the date by which projects funded via the Development Contribution Plan will be delivered
- Managing Developers Contribution Report (2020)

## 5.8. Covid response: 20-Minute neighbourhoods

### Strategic Directions of the Scheme relevant to 20-Minute neighbourhoods

Council seeks to manage growth by:

- Directing most of Moreland's growth to areas with access to shops, services and public transport, including:
  - Intensification of development in activity centres.
  - Infill development in other residential areas.
- Managing growth in accordance with the 20-minute neighbourhood principle; where communities can 'live locally' and access many of their daily needs within a 20-minute walk, cycle or public transport trip from their home. This will facilitate:
  - Sustainable neighbourhoods.
  - A healthy community.
  - Increased community interaction.
  - Support of the local economy.

## Current trends, emerging issues, and opportunities

20-minute Neighbourhoods are an urban system where residents and workers can access all their daily needs within a 20-minute walk from their home or workplace.

Plan Melbourne has established policy principles and objectives for metropolitan Melbourne to have 20-minute Neighbourhoods. More recently, the Covid-19 pandemic contained people in their neighbourhoods. Arising from the pandemic there is also growing interest in planning policy that promotes 'working close to home' and local economic development for local people. Collectively, all this is giving momentum for exploring what 'living local' can mean for the future of our neighbourhoods.

Merri-bek's journey down this path of 20-minute Neighbourhoods has already begun. Structure planning has reinforced the importance of our large centres as hubs of activity for neighbourhoods and a transport policy focus on sustainable, healthy modes of movement is shifting Merri-bek's transport planning paradigm, whilst work done for 'jobs close to home' and industrial land-use policies are looking to retain and capture more opportunities for local employment.

It has become evident there is a growing need to reshape our City's vision with a focus on neighbourhoods and to understand what the priorities might be for even better neighbourhoods that enable a tendency to having more needs being fulfilled locally – in other words 'local living'.

The initial steps for exploring a future for Merri-bek's 20-minute neighbourhoods might include:

- (1) Undertaking an existing council policy and strategy stocktake to appreciate our existing strategic direction for neighbourhoods
- (2) Identifying existing datasets and considering if new or reviewed data is needed, including key mapping attributes for neighbourhoods
- (3) Groundwork for future discussion papers to setup conversations for the community, stakeholders and council work-teams involved in place-based planning and service delivery.

### Covid response: 20-minute neighbourhoods

#### Key issues for the planning scheme

The Covid-19 pandemic has caused people to rethink where and how they live and work. With more of our population likely to be working from home into the future, improving the liveability of our neighbourhoods will become increasingly important.

Exploring neighbourhoods through the lens of a 20-minute neighbourhood concept could be one way of supporting living locally and sustainable neighbourhoods, offering people the ability to meet most of their daily needs within a 20-minute return walk from home, with access to safe cycling and local transport options.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1CR	Explore how to support key worker housing and local job growth within a 20 minute neighbourhood concept. Identify gaps in service infrastructure – parks, transport, community infrastructure to inform future community infrastructure provision and advocacy efforts.	2023-2026	20-minute neighbourhoods	Strategic Planning

## 5.9. Planning performance

### Planning permit activity

A review of planning permit activity was undertaken to understand the amount and types of planning permits being issued in Merri-bek since the 2018 PSR. Planning permit data from Planning Permit Activity Reporting System (PPARS) was analysed to determine how the type and number of applications have changed and also to benchmark Merri-bek against other Councils.

Figure 32 shows how Merri-bek sits within the context of all Metropolitan Councils in terms of number of applications received, demonstrating that Merri-bek continues to manage a high number of applications in comparison to other municipalities.

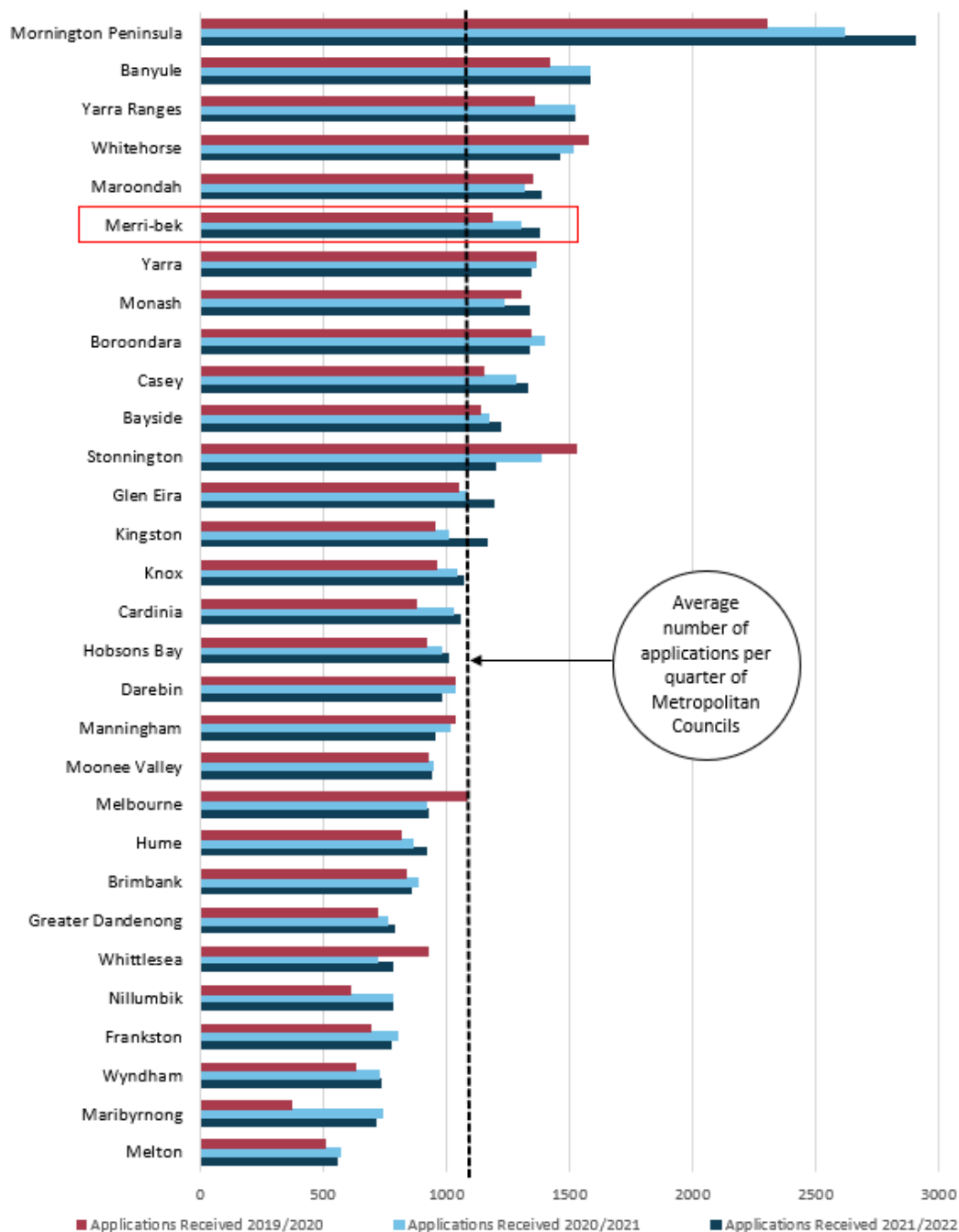


Figure 35 - Number of planning applications received for each planning scheme<sup>57</sup>

<sup>57</sup> Planning Permit Activity Reporting System (PPARS) – July 2019 to June 2022

Over the past four years, Merri-bek received on average 360 planning permit applications per quarter comprising of 299 permit applications, 42 applications to amend existing permits and 49 VicSmart applications. Whilst this is lower than what was recorded in the 2018 PSR, this is a trend seen across Metropolitan Melbourne.

Application type <sup>58</sup>	Merri-bek 2018 PSR	Merri-bek 2018-2022	IMU	Metro
Average number of new permit applications per quarter	348	269	227	216
Average number of VicSmart applications per quarter	43	42	61	69
Average number of amended permit applications per quarter	52	49	47	42
<b>Total</b>	<b>443</b>	<b>360</b>	<b>335</b>	<b>327</b>

The number of new and amended permit applications is above the average of the Inner and Middle Urban Metropolitan Region (IMU) and Metropolitan Region (Metro). The number of VicSmart applications Merri-bek receives however is less than half of the IMU regional and Metro average.

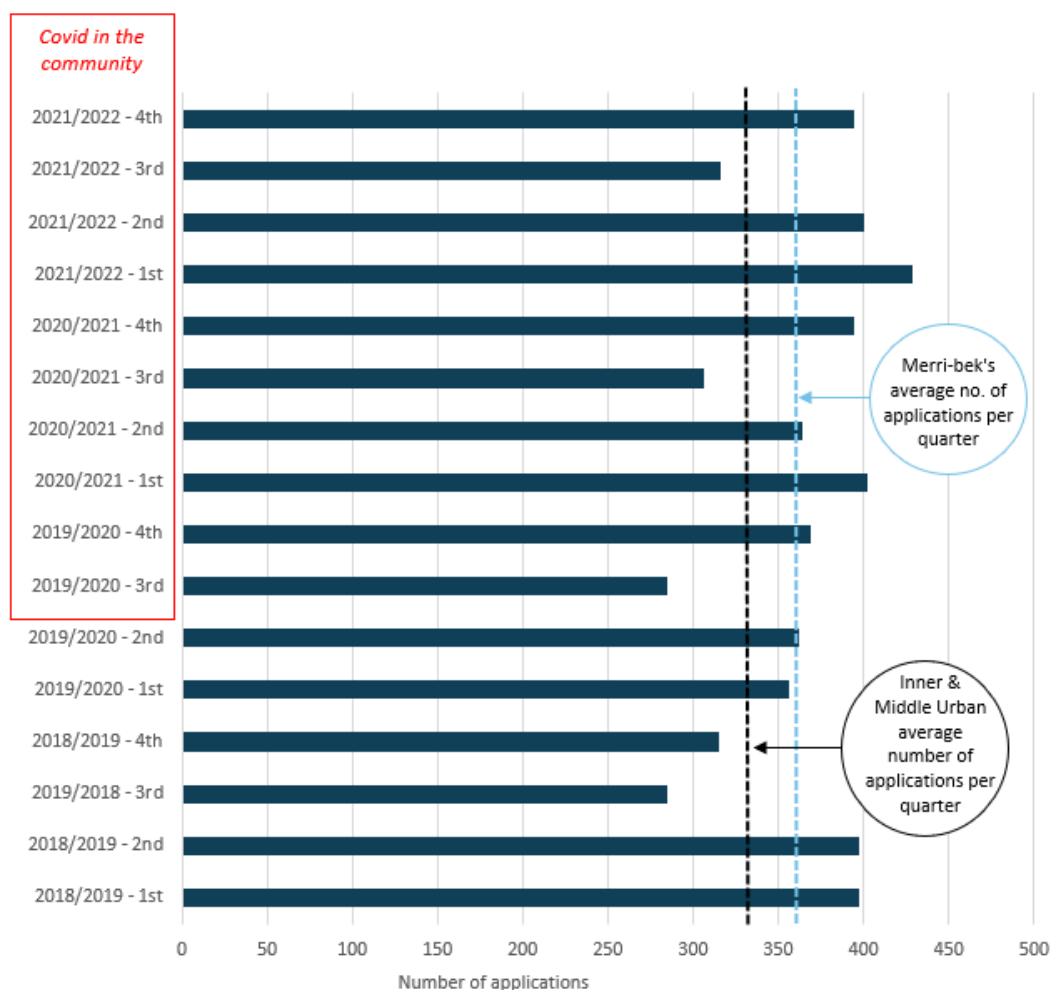


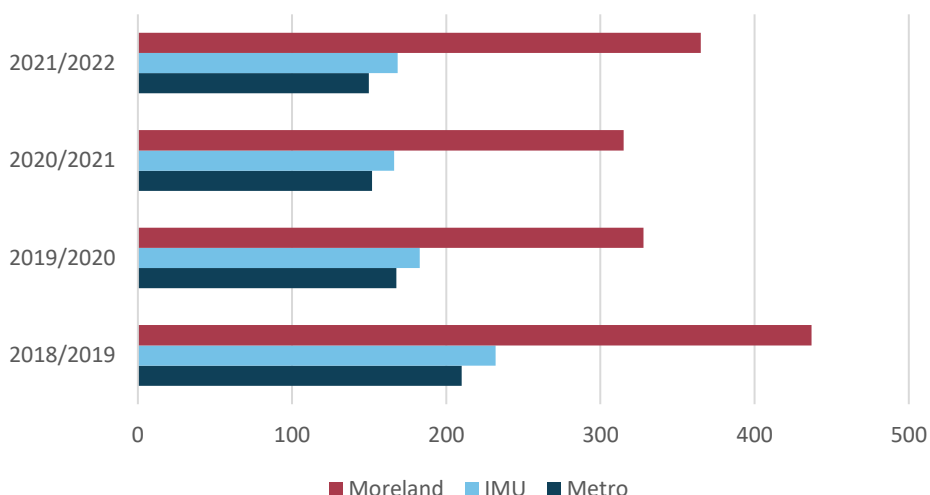
Figure 36 - Number of planning applications Council has received per quarter<sup>40</sup>

<sup>58</sup> Planning Permit Activity Reporting System (PPARS) – July 2018 to June 2022

Multi-dwelling applications are the most common type of application Merri-bek receives, representing 31% of all applications. These applications have approved on average 711 new dwellings per quarter. Even though the number of these applications has decreased since the last period, there has been an 18% increase in the number of dwellings approved.

Number of applications <sup>59</sup>	Merri-bek 2018 PSR	Merri-bek 2018-2022	IMU 2018-2022
Percentage of multi dwelling applications (Average percentage of all apps)	33%	31%	17%
Average number of new dwellings approved per quarter	577	711	382

When compared to the regional average, Merri-bek receives substantially more applications and approves more dwellings, where multi dwelling applications forms 17% of all applications in the IMU region approving an average of 382 new dwellings each quarter. This suggests that the development market recognises the population growth occurring in Merri-bek and that it is a desirable place to live due to its strategic location adjacent to employment and education opportunities in the inner city and access to public transport, which can support a range of housing choices.



**Figure 37 - Comparison of multi dwelling applications in Merri-bek with IMU and Metro average<sup>46</sup>**

Subdivision applications and alterations to a building, structure or dwelling applications are other common applications at 21%. This high percentage of subdivision applications aligns with the high number of multi dwelling applications Merri-bek approves. The percentage of applications for a change of use forms 6% of all applications.

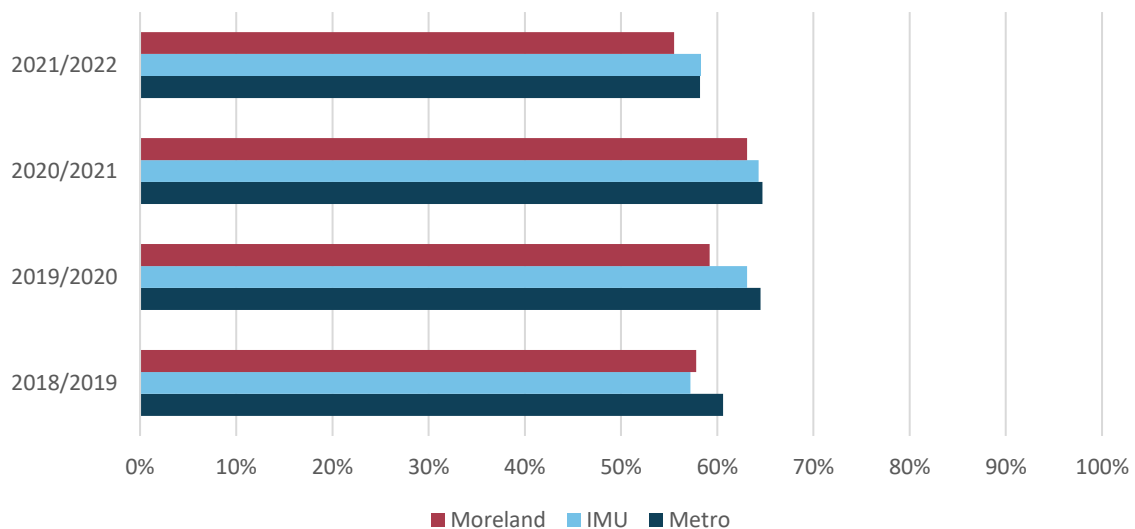
Top 5 planning applications Merri-bek receive <sup>46</sup>	
31%	Multi dwelling
21%	Alterations to a building or structure or dwelling
21%	Subdivision of land
21%	Change or extension of use
6%	Other buildings and works
4%	Single dwelling

<sup>59</sup> Planning Permit Activity Reporting System (PPARS) – July 2018 to June 2022

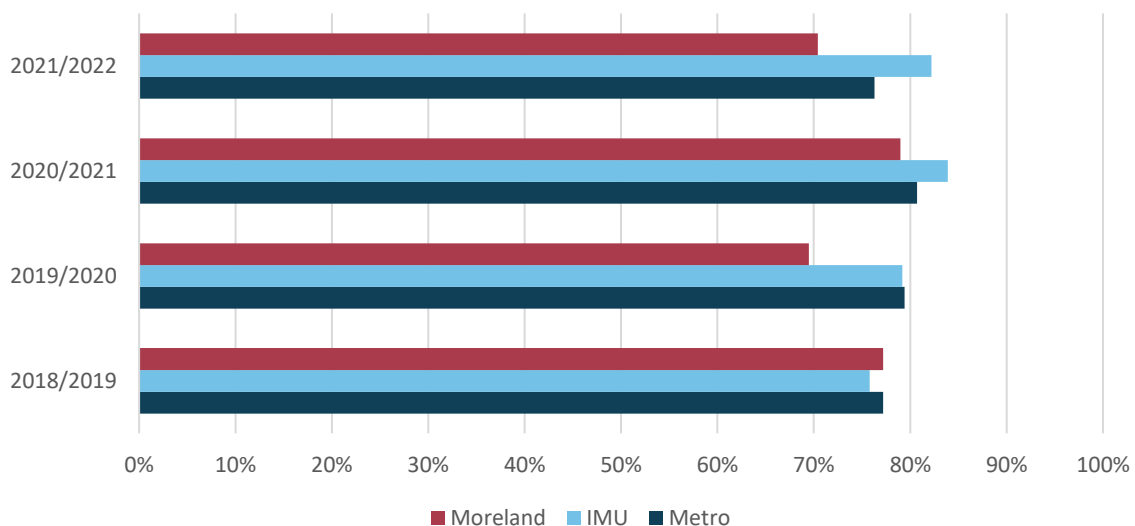


The overall decrease in application numbers for Merri-bek from the previous period is likely due to Covid 19 restrictions and slowing of the development industry and is consistent with reductions across other Metropolitan Councils. This reduction in applications however has not impacted Merri-bek's contribution to new housing.

Council percentage of applications decided within 60 days is only slightly below IMU and Metro averages. Similarly, the percentage of VicSmart applications decided within 10 days is less than the IMU and Metro averages. This is likely due to the overall application mix that needs to be managed, including the high number of multi dwelling applications Merri-bek receives.



**Figure 38 - Percentage of planning applications decided within 60 days<sup>60</sup>**



**Figure 39 - Percentage of VicSmart applications decided within 10 days<sup>61</sup>**

## Data capture

Across Council, Officers use data from planning applications via Pathway (a Council database), PPARS, application assessment reports and planning decisions to help understand how policy is working, guiding decisions and influencing outcomes across the municipality. Data captured through Pathway is

<sup>60</sup> Planning Permit Activity Reporting System (PPARS) – July 2018 to June 2022

<sup>61</sup> Planning Permit Activity Reporting System (PPARS) – July 2018 to June 2022

however limited and extracting information from delegate reports and decisions is a manual process that is time consuming. The current way data is captured presents a significant challenge to ongoing monitoring and tracking of land use and development in the municipality. There is a need to review what and how planning information is captured and explore ways to improve data collection methods.

## **Monitoring**

Since the last review in 2018, Council has resolved a number of issues and errors in the Scheme through a series of Amendments. This process of identifying, collating and investigating potential errors with the scheme is imbedded in Strategic Planning team's practices, with the current list included at Appendix 6. A corrections Amendment may assist in resolving all or some of these potential errors.

## **Business Approvals Moreland**

Business Approvals Moreland (BAM) is an initiative aimed at supporting businesses navigate all the required permits in an efficient way. It offers:

- A single point of contact for our business customers looking to start or expand a small business.
- An online Business Approvals Moreland questionnaire to ascertain which permits and approvals are required
- Pre-application meeting to discuss the requirements in a coordinated manner

In support of this program, guidelines and factsheets for businesses are being developed to make technical information easy to understand and freely available, so that small business owners are empowered to make decisions about their businesses before engaging costly consultants.

## **Proactive enforcement**

The proactive enforcement program has had a positive impact on developer behaviour. The program began in 2017 with a qualitative audit of 23 completed sites all showing a breach. The program has since been formalised and running successfully for three years, growing from an initial 10 medium density developments to a target of 100 in 2020/21 and expanding to include developments subject to Environmental Audits, Design Excellence Scorecard and 173 Agreements.

In the first two years of the program, 52% of sites audited were found to have a breach. This is significantly lower than the 100% of sites with a breach audited in 2017. The differential may be explained by Council officers advising owners and builders early that they are being audited. The presence of proactive Enforcement Officers 'on the ground' is also likely having a positive effect, with 383 inspections having been completed in 2019/20 and continuing. This appears to have reduced the likelihood of a breach. It reflects a change in the development industry's behaviour which was a key objective of the new proactive program. This is a successful outcome.

Every quarter, Enforcement Officers inspect every site with a planning permit requirement for a Certificate or Statement of Environmental Audit prior to commencement. This typically requires monitoring of between 60 and 80 sites at any one time. The monitoring aims to quickly identify if development or use commences on potentially contaminated land without an environmental audit having been completed. Most of these sites have yet to start construction and so monitoring involves periodic visits to check if construction has commenced.

## **Consultation**

### Extent of notification

The *Planning and Environment Act 1987* prescribes how notification of a planning permit application and exhibition of planning scheme amendments must be conducted, including the extent of notification. The ability to seek changes to the *Planning and Environment Act* is outside of the scope of this PSR. Over and above the requirements of the *Planning and Environment Act*, Council officers seek to meet with objectors either one on one or in Planning Information and Discussion Meetings as part of the consideration of a planning permit application.

Virtual Moreland has the potential to be a powerful tool in helping the community understand the design of proposed developments. With gazettal of Amendment C212, the requirement for permit applicants to submit 3D models for proposed development will be expanded and help residents understand how a proposed development will look and its potential impacts. A review of 'how to' material for community members wishing to access 3D models, as well as raising awareness of its availability should be undertaken.

For Planning Scheme Amendments that are to be initiated by Council, officers will continue with early engagement outside of the formal amendment process. This provides a greater opportunity to contribute to and influence the strategic work that forms the basis of a planning scheme amendment.

Council's recent submission to the Parliamentary Inquiry into the performance of the Victorian planning system noted that the Ministerial intervention process should include clear procedures for how public notice is conducted to ensure the ability for the community to genuinely engage in the process,

#### Conversations Merri-bek

The planning process can be a complicated process for the community to understand and navigate. With this in mind, Council has prepared 'Understanding the Planning Process' information targeted at residents that uses infographics to help breakdown the planning process to make it easier to understand.

The Strategic Planning team has been utilising Conversations Merri-bek engagement portal to consult with the community on strategic planning projects in line with Council's engagement policy. Community feedback has been positive, as community members who have registered as having a particular interest in Planning are automatically notified of these consultation projects.

#### Heritage studies

History groups and community members have valuable local knowledge on the history of places, streets, and suburbs throughout the municipality. Through the exhibition of Amendment C208more, community members offered valuable insight and knowledge that improved the *Moreland Heritage Nomination Study*. However, there was some criticism, that the timing of the feedback was more appropriate during the assessment of the places rather than the implementation of the findings.

Council's recently updated engagement policy seeks to improve the way Council involves the community on projects by engaging with community much earlier in a project, such as when preparing strategies and when gathering evidence that is intended to support a future planning scheme amendment. This early engagement would apply to future heritage studies, where consultation would occur prior to a planning scheme amendment to utilise this local knowledge.

### **Planning performance**

#### **Key issues for the planning scheme**

Planning permit applications and decisions help us understand how policy is working, guiding decisions and influencing outcomes across the municipality. The current way planning data is captured however presents a significant challenge. This has implications to the ongoing monitoring and tracking of land use and development in the municipality.

Public notification of planning permit applications and planning scheme amendments is outlined by the Planning and Environment Act. With the expansion of the requirement for 3D models for proposed development, a review of 'how to' material for community members wishing to access 3D models, as well as raising awareness of its availability should be undertaken.

Rec No.	Recommendations	Target	Link to current project/ Strategy/Plan	Lead Council Unit
1PP	Review what type and how planning information is captured and explore ways to improve data collection methods.	2022-2024		Strategic Planning
2PP	Review of 'how to' material for community members wishing to access 3D models, as well as raising awareness of its availability.	2024		Urban Planning
3PP	Engage with the community early in strategic planning projects when preparing strategies or studies or when gathering evidence which is intended to support a future planning scheme amendment or other policies in line with Council's Community Engagement Policy.	Ongoing		Strategic Planning
4PP	Address the list of corrections identified in Appendix 6 of this Report.	2024-2026		Strategic Planning
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.	Ongoing		Strategic Planning

## 5.10. Planning Scheme Review 2022 Conclusion

This review has found that the Planning Scheme is performing well and has had significant improvements through various planning reforms and amendments. It currently demonstrates a streamlined model following translation of our local content into the new scheme structure.

Important strategic analysis of housing and economic needs of our municipality into the future through *A Job in Moreland*, *A Home in Moreland* and *Housing Capacity Study* have set Council up to explore how planning can influence land use and development to help resolve forecasted capacity issues in the coming years.

Council has spearheaded a program to elevate ESD planning policy through extensive strategic work focused on zero carbon development and setting up a collaboration with CASBE and 23 Victorian Council's to collectively pursue elevated ESD targets in our Schemes. The coming years will build on the last few years work to progress the reforms via joint Council Amendment.

Council has shown innovation in trying to improve the quality of development and will continue to explore ways of 'raising the bar'.

Whilst overall the scheme is operating well, this review has identified several areas to explore to align with Council's vision and improve land use and development outcomes, including actions to tackle the climate emergency for a Zero Carbon Planning Scheme.

A full list of all recommendations is provided in Section 2 of this report to provide a complete picture of the review findings. Several recommendations are relevant to a number of themes, such as climate related recommendations, however they are listed under only one theme.

# Appendix 1 – Consultation

## Internal Council Officer Consultation

A survey was prepared to capture initial feedback from Council Officers on their experience with using the scheme and involvement in planning processes. Meetings were also held with Officers from various branches including Community Development and Inclusion, Community Well-Being, Economic Development, Open Space Design and Development, Property and Place, Strategic Planning, Strategy and Research, Sustainable Communities, Transport, Urban Design, Urban Forest and Urban Planning from April 2022 to August 2022 to understand the feedback raised in the survey and other issues with using the scheme.

The Strategic Planning team have also been capturing feedback from Council Officers on the Scheme's performance as they have come up through planning decisions and processes since the last Planning Scheme Review in 2018

These internal discussions have formed the basis of the Planning Scheme Review.

## Public Consultation

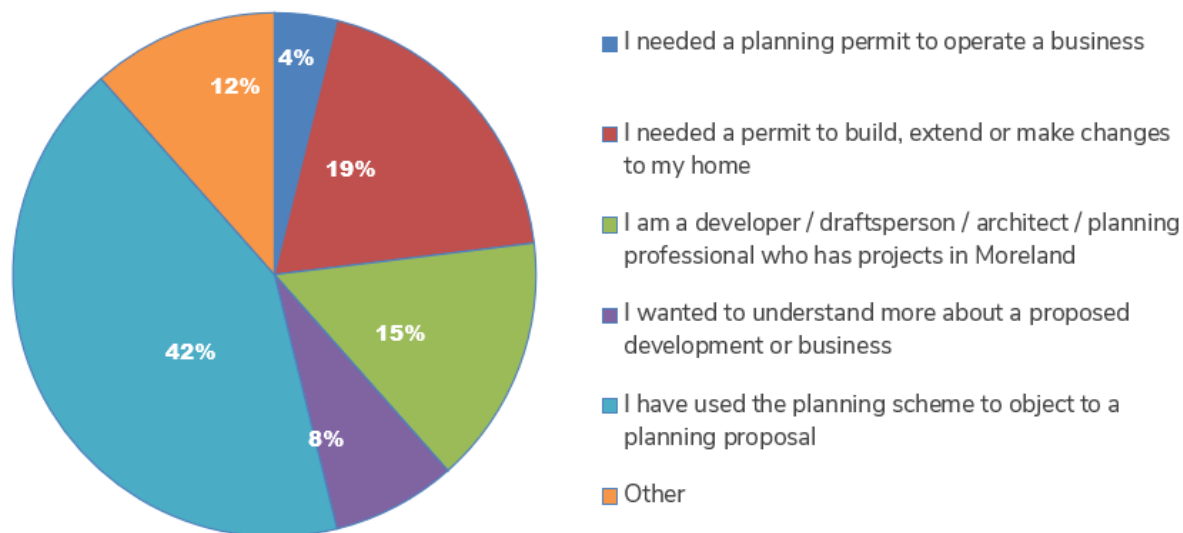
Council sought the public's feedback on their experience in using the planning scheme and planning processes via the Conversations Merri-bek engagement portal. This engagement ran for four weeks from 31 May 2022 to 27 June 2022.

A survey was used to capture feedback, guided by questions included in the Victorian Governments 2006 Continuous Improvement Review Kit. The Conversations Merri-bek Planning Scheme Review project page also offered an option to upload a document to provide less structured feedback.

Survey Questions	
1	How have you used or had contact with the Planning Scheme? <ul style="list-style-type: none"><li>• I needed a planning permit to operate a business</li><li>• I needed a permit to build, extend or make changes to my home</li><li>• I am a developer / draftsman / architect / planning professional who has projects in Moreland</li><li>• I wanted to understand more about a proposed development or business</li><li>• I have used the planning scheme to object to a planning proposal</li><li>• Other</li></ul>
2	Do you believe the Planning Scheme is performing well?
3	What are your expectations on what the Planning Scheme can or should deliver?
4	What do you think are the best aspects and the worst aspects of the planning scheme from your experience?
5	What do you think are the best aspects and the worst aspects of the planning processes you have experienced?
6	What changes would you recommend to improve the efficiency and effectiveness of the planning scheme?
7	What changes would recommend to improve the efficiency and effectiveness of the planning processes and procedures?
8	Do you have any other feedback about the Planning Scheme you'd like to share?

Council received 26 entries to the Planning Scheme Review Survey. Two of these submissions uploaded a document to provide further feedback. Council has also received additional submissions through email correspondence and meetings where requested.

The chart below provides a breakdown of the respondents' experience with using the planning scheme, with the majority of responses coming from residents who were part of a planning application as an objector.



The community feedback provided to the PSR 2022 has been summarised below. There are aspects of the feedback that go beyond the scope of this review and Council's ability to influence, such as around the form and content of planning schemes, statutory processes, VCAT and Ministerial decisions. However, there are many issues and recommendations made within the feedback that are relevant and are discussed in Section 5 of the PSR. Where a discussion and/or recommendation (rec) of this PSR is relevant to the community feedback, the section of the PSR and recommendation is expressed in brackets against the key themes summarised below.

## Summary of the feedback

The key themes from the public feedback are summarised below:

- The planning scheme is difficult to navigate. (Section 5.9)
- Policy in the scheme is too broad and open to interpretation, with community favouring numerical standards to be mandatory ones for more certainty and drive outcomes. (Section 5.4)
- When designs exceed numerical standards in the scheme, the community consider these to be inappropriate and/or an overdevelopment. (Section 5.4)
- Decisions do not consider the cumulative impact and outcome to the urban environment, especially in the public realm with regard to traffic, parking, streetscape design, footpaths and other public open spaces (Section 5.2 & 5.4 – rec 1L & 5B).
- Many community members are not comfortable with the type of change occurring in Merri-bek's Activity Centres, raising concerns with the design and scale of apartment buildings, impacts to streetscapes, parks, waterways, laneways and carparking, and climate impacts with lack of greening. (Section 5.2 & 5.4 – rec 1L & 5B)
- Concern for the amount of empty retail spaces and that more are being approved. (Section 5.12 – rec 1E)
- The Scheme and planning processes do not appropriately balance competing interests of residents versus developers. Developers' interests are considered to be given more weight.

- Community do not feel that their views are heard or considered in the planning permit process. (Section 5.9)
- Developers use VCAT and Ministerial intervention to navigate the planning process to restrict community input and Council's ability to make decisions (Section 5.9).
- Disconnect between community expectations and what and how the planning scheme can influence outcomes (Section 5.9).
- Objecting and challenging development takes time, effort and is stressful, with little support from Council (Section 5.9).
- The community views on what is an appropriate development or overdevelopment appears at odds with council decisions (Section 5.9 – rec 2PP).
- The website that provides public access to planning applications is considered cumbersome (Section 5.9 – rec 2PP).
- Resourcing is seen as an issue with how council's planning teams are operating. (Section 5.2 – rec 5L)
- The planning process takes too long resulting in increased costs on developments and new businesses (Section 5.9).
- Concerns raised with how decisions are made, including the consistency of decisions and that information requested by Council planners and provided from experts are not used to make decisions (Section 5.1.2).
- ESD matters should not be part of the design process in planning, as they are a critical area of design performance that cannot be easily quantified at the design development stage. (Section 5.5)
- The community value our open spaces and want our neighbourhoods to have improved greening. There is a concern development is encroaching on these spaces and seek planning to protect the amenity of our parks, waterways and other open spaces and support improved greening outcomes through developments proposals. (Section 5.2, 5.4 & 5.5 – rec 1-3L, 1-4ESD)
- Tree planting in front setbacks under 4m and in rear private open space can take away from the amenity of the residents. (Section 5.2 & 5.4)
- Concerns with the way Parking Overlay Schedule 1 was introduced into the scheme, how it is applied and direction to discourage car use. (Section 5.6 – rec 1T)
- Seek protection of shared spaces such as laneways by discouraging development utilising laneways. (Section 5.6 – rec 1T)
- Plan Melbourne is focused on supporting the property developers and not appropriate for planning suburbs for humans and ecosystems (Section 5.2).

The feedback included a number of suggested improvements, including:

- Involve the community more and give higher weight on their views in the planning process and in decision making. (Section 5.9 – 3PP)
- Make provisions in the planning scheme mandatory for greater certainty (Section 5.4).
- Refuse applications early on when the design is beyond the numerical requirements of the planning scheme.
- Make applications easier to access and object to, with a suggestion to modify the application web portal to include permalinks to applications/documentations to make it easier to access and review a proposal (Section 5.9 – rec 2PP).
- Make it clearer in planning applications when development interacts with public laneways.
- Increase council resourcing, more staff, Planning Appeals Coordinator and broader use of peer reviews of consultant reports. (Section 5.2 – rec 5L)



- Only provide officer phone numbers in correspondence where they are able to answer or return phone calls.
- Simplification of planning processes for small projects. (Section 5.4)
- Amalgamate all the required Council permits for a development in one process rather than multiple processes. (Section 5.9)
- Change the zoning of the industrial precinct near Bakers Road Coburg North to one that allows residential uses to cater for the demand for housing in that area.
- Seek greater greening and larger open spaces in new development (Section 5.4).
- Protect the city's open spaces by limiting heights and overshadowing to open space and require more setbacks on footpaths for landscaping. (Section 5.2 – rec 1)
- Review and update overlay controls and guidance on managing development adjacent to creeks and parks to protect these valued assets, including: (Section 5.2 – rec 1L)
  - stronger mandatory controls to clearly articulate what is and is not acceptable on adjoining sites. The Yarra River planning controls are a useful template that outline height and setbacks to protect the landscape of the waterway corridors.
  - using a Public Acquisition Overlay to facilitate a 50m wide creek corridor in line with policy at Clause 19.02-6L (Open space in Moreland).
- Encourage Merri-bek to participate in the collaborative review of planning controls along norther Melbourne waterways. (Section 5.2 – rec 1L)
- Utilise biologists and microbiologist to replace planning teams to deliver a respect for nature.
- Review local planning policy around location of childcare centres to align it with findings and recommendations in the Parliamentary Inquiry into the Health Impacts of Air Pollution report. (Section 5.3)
- Conduct a review of outdated Activity Centre Framework Strategy 2014 and use Practice Notes 90 (Planning for Housing) and 91 (Using the Residential Zones) to direct development in the right locations. Suggest that this strategy along with the Open Space Strategy be reviewed every 3 years instead of every 10 years. (Section 5.1 & Section 5.2 – rec 1H, 1-3AC & 1L)
- Review where the Parking Overlay Schedule 1 is applied. (Section 5.6 – rec 1T)
- Develop Council policy that requires a thorough assessment of parking and traffic impacts and have it documented in delegate reports.
- Planning scheme should be able to use the disclaimer from Plan Melbourne 2017 that states: *"the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes"*
- Review planning related delegations.

Where a suggested improvement is not noted with a related recommendation, it is outside the scope of the PSR or relates to processes that already occur.

## Appendix 2 - Planning Reforms, Decisions and Strategies

### Victorian Government Reforms

Over the past four years there have been substantial Victorian Government planning reforms that not only transformed the way the planning scheme looks and operates but also in the way planning information is accessed and planning processes occur.

#### Smart Planning Program

In 2018, Amendment VC148 introduced widespread changes to the Victorian Planning Provisions as part of Department of Environment, Land, Water and Planning (DELWP) Smart Planning Program through setting up a new planning scheme structure with:

- Introducing a new Planning Policy Framework (PPF)
- Enabled the future introduction of a Municipal Planning Strategy (MPS)
- Introduced a new state, regional and local integrated policy structure
- Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content
- Created new operational provisions

Amendment C200 more integrated Moreland's local policy content into the new structure introduced by VC148 to remove duplicated policies and ensure better alignment of local planning policy with state and regional policy through the following changes:

##### Purpose and Vision

- Introduces a new MPS at Clause 02 based on content from Clause 21 of the Local Planning Policy Framework.

##### Planning Policy Framework

- Introduces revised local policy content into the PPF at Clauses 12 (Environmental and Landscape Values), 13 (Environmental Risks and Amenity), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure) based on content from Clauses 21 and 22 of the Local Planning Policy Framework.

##### Overlays

- Replaces the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained at Clause 22.06 (Heritage) of the Local Planning Policy Framework.

##### Particular Provisions

- Introduces a Schedule to Clause 52.28 (Gaming) using content previously contained at Clause 22.10 (Gaming) of the Local Planning Policy Framework.

##### Operational Provisions

- Replaces the Schedule to Clause 72.08 (Background Documents) with a new Schedule that consolidates all background documents from Clauses 21 and 22 of the Local Planning Policy Framework.
- Introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21 of the Local Planning Policy Framework.

The digitisation of planning schemes and the planning scheme amendment process also formed part of the Smart Planning Program. The scheme itself has been reconfigured to align with the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS). The ATS is a digital tool to support the statutory processing of amendments and the publishing of planning schemes and through Amendment VC147, has enabled the online publishing of planning schemes through the ATS.

Further reforms under this Smart Planning program will continue in the coming years. One significant reform outlined in DELWP's discussion paper 'Improving the operation of ResCode' is translating ResCode provisions (Clause 54, 55, 56, 57 and 58) to a Performance Assessment Model (PAM). The model's aim is to streamline decision-making for residential planning permit applications. The model will likely be further applied to other parts of Victoria's planning schemes, such as overlays and particular provisions.

If introduced into the scheme, this model will have an impact to the way planning decisions are made. It will also require Council to revisit local policy in the scheme to align with the PAM model.

### State ESD Planning Reforms

In 2020, the Victorian Government prepared a roadmap for a program to introduce new ESD planning policies and standards into the planning system. The roadmap focuses on the key themes of energy, water waste and recycling, transport, landscaping and biodiversity, urban heat and air and noise pollution and aim to:

- Make it easier to recycle to support the government's recycling and waste minimisation goals
- Cool new developments and our urban environment to reduce urban heat impacts
- Facilitate active and sustainable transport choices
- Reduce exposure to air and noise pollution
- Improve building energy efficiency and support the transition to a low emission future
- Enhance the role of planning in stormwater management and efficient water usage
- Strengthen and extend ESD considerations for commercial and industrial developments

DELWP's Cooling and Greening Melbourne program forms part of this Victorian Government ESD program, focusing on using green infrastructure to enhance urban amenity and quality, improve landscape connectivity and build resilience to climate change.

VC216 implemented part of Stage 1 of the roadmap by making changes to the PPF, including a new purpose for all planning schemes 'To support responses to climate change' amongst other changes that start to set in place a clearer policy direction for sustainable development outcomes. This will help support Merri-bek's climate and ESD initiatives.

It is anticipated that through the remainder of 2022 to 2024, this program will deliver new policy in the PPF, ResCode and particular provisions on the topics of Waste and Recycling, Urban Heat and Urban Forest (Tree Protection and Tree Canopy).

Merri-bek has been active in advocating to DELWP for higher standards through this reform program to align with Council's Towards Zero Carbon in the Planning – Elevating ESD Targets Project, sharing detailed analysis and evidence to support Council's position.

### Other Victorian Government Planning Reforms

Other notable reform programs and their associated Amendments include:

Reform program	Amendment No.	Description
Integrated Water Management	VC154	The Amendment implements integrated water management reforms through changes to the Planning Policy Framework by introducing a new particular provision at Clause 53.18 (Stormwater management in urban development) expanding Clause 55.03-4 to include stormwater management, amending

		Clauses 55.07, 56.07 and 58.03 to align with new particular provision and including a definition for stormwater
Plan Melbourne Action 8 - Significant industrial precincts	VC149	The Amendment introduces the Commercial 3 Zone to the Victoria Planning Provisions.
<p>Novel Coronavirus 2019 responses:</p> <ul style="list-style-type: none"> <li>– Delivery of food and essential services</li> <li>– Building Works package for social and affordable housing</li> <li>– Victoria's Big Housing Build</li> </ul>	VC181	The Amendment amends the Victoria Planning Provisions to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV).
	VC187	The Amendment introduces a new particular provision at Clause 53.20 (Housing by or on behalf of the Director of Housing) to streamline the planning permit process for housing projects by or on behalf of the Director of Housing. It also amends clause 72.01 to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority for the development of 10 or more dwellings and any apartment development.
	VC190	The Amendment introduces a new particular provision at Clause 52.20 (Victoria's Big Housing Build) to remove the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing. It also amends Clause 72.01 to specify the Minister for Energy, Environment, and Climate Change to be the responsible authority.
Live Music	VC183	The Amendment introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) to encourage, create and protect opportunities for the enjoyment of live music.
Environment Protection Framework	VC203	The Amendment implements the new environment protection legislation

		and tools in the Victoria Planning Provisions and all planning schemes.
National Airports Safeguarding Framework (NASF)	VC218	The amendment implements the National Airports Safeguarding Framework (NASF) in Victoria through updates to clause 18.02-7S to include direct references to airports safeguarding considerations, as described in NASF, and specific strategies that set out approaches to deal with aircraft noise impacts in different scenarios.
	VC173	The Amendment updates the land affected by the Melbourne Airport Environs Overlay in the Brimbank, Hume, Melton, Moreland, Moonee Valley and Whittlesea municipalities consistent with the Melbourne Airport Master Plan 2018, which was approved by the Federal Government in 2019.
Transport Integration	VC204 VC205	<p>These amendments aim to better align VPP tools with the Transport Integration Act 2010 and other relevant state transport policies, and to support integration of land use and transport planning.</p> <p>Amendment VC204 updated the PPF to recognise planning's role in contributing to a safe, integrated, and sustainable transport system.</p> <p>Amendment VC204 introduced a suite of new transport zones to replace the Road Zone and Public Use Zone Schedule 4.</p>
Better Apartment Design Standards	VC174	The Amendment implements the revised Better Apartment Design Standards to deliver improved external amenity and design outcomes for all apartment developments.
Secondary Dwelling Pilot Program	VC186 VC209	<p>The amendment implements the Secondary Dwellings Pilot Program by introducing a code at Clause 51.06 (Secondary dwelling) to facilitate the development of one additional small dwelling on the same lot as an existing dwelling in appropriate residential zones.</p> <p>VC209 facilitated the end of the Secondary Dwelling Pilot Program by</p>

		deleting clause 51.06 (Secondary dwelling) from the Victoria Planning Provisions.
Environmentally sustainable development of buildings and subdivisions - A roadmap for Victoria's planning system (Victorian Government ESD Roadmap)	VC216 VC221	<p>Amendment VC216 implements part of stage one of the Victorian Government ESD Roadmap by making changes to the Planning Policy Framework to support Environmentally Sustainable Development.</p> <p>The Amendment implements Plan Melbourne 2017-2050 Action 80 'Review of planning and building systems to support environmentally sustainable development outcomes' and other aspects of Action 89, 91, 94, 96, 97 and 101 relating to water management, cooling and greening, air and noise pollution, and recycling and resource recovery.</p> <p>Amendment VC221 supports all electric development by modifying the scheme to not require developments be connected to reticulated gas. This change supports implementation of Victoria's Climate Change Strategy 2021 (Strategy) and Gas Substitution Roadmap 2022 (Roadmap).</p>
Streamlining Government Projects	VC170 VC180 VC187 VC190 VC194	These Amendments introduce new particular provisions to the scheme to provide exemptions and/or streamline planning permit process for state and local government projects, including for the Level Crossing Removal Project, state housing projects, Victoria's Big Housing Build and new non-government schools

The Victorian Government has developed strategies and action plans since the last review that will likely translate to planning policy to influence land use and development outcomes. These include:

- Northern Land Use Framework Plan
- Climate Change Adaptation Plan
- Living Melbourne: Our Metropolitan Urban Forest (2019)
- Waterways of the West Action Plan

### **Parliamentary enquiries, advisory committee reports and other notable reviews**

Urban Planning and Strategic Planning officers participated in workshops and made submissions on a number of proposed planning reforms. Most significantly, Council Officers have participated in consultation for the following:

- Improving the operation of ResCode discussion paper.
- Parliamentary Inquiry into the protections within the Victorian Planning Framework.

- Parliamentary Inquiry into Apartment Design Standards.
- Major Projects Pathway workshop with Councils.
- Melbourne Airport Environs Safeguarding Standing Advisory Committee

In addition, the M9 group of Councils, representing the nine municipalities of inner Melbourne have provided its Social and Affordable Housing Advocacy Strategy and submission on the draft Municipal Association of Victoria Affordable Housing Statement.

Submissions to the below reforms have been made public as part of Council reports. The submissions to the parliamentary inquiries are publicly available on the Parliament of Victoria website.

#### ResCode Discussion Paper

In November 2021, the Victorian Government engaged with the public on a proposed new assessment model for residential development in Victoria. The concept of a new Performance Assessment Module (PAM) was introduced to apply to residential development planning permit applications by replacing the ResCode assessment requirements. This was envisaged to provide a more clear, certain and efficient way to assess planning permit applications that could also be applied to other parts of Victoria's planning schemes, such as overlays and particular provisions.

While officers saw benefits in the new Performance Assessment Module (PAM), concerns were raised that the model would be implemented without any review of ResCode standards. Other concerns included how the application of the module would consider neighbourhood character and the role of the local and state planning framework in decision making.

Feedback and recommended changes for the new module as well as suggestions about how the module could be introduced across Councils were provided.

DELWP have recently released a consultation summary document. Further workshops to work through the implementation of this reform is expected.

#### 30 Year Infrastructure Victoria Strategy

In February 2021, Officers lodged a submission to the draft *30 Year Infrastructure Victoria Strategy*. This strategy took an integrated, cross-sectoral view of infrastructure planning, making 95 draft recommendations to the Victorian Government across both metropolitan and regional Victoria. Infrastructure Victoria (IV) states that the strategy provides a vision for a prosperous, inclusive and sustainable Victoria over the next 30 years, aiming to:

- confront long-term challenges
- manage urban change
- harness infrastructure for productivity and growth
- develop regional Victoria

Council submission included support for 49 of the strategy's recommendations that aligned with Council's *Zero Carbon Framework* and related to the following topics:

- accelerating the uptake of zero emissions vehicles
- improving electrical infrastructure to support renewables
- requiring more energy-efficient homes and buildings
- allowing new gas-free developments
- improving water management
- preparing for an automated vehicle fleet
- integrating public transport with new mobility services
- improving recycling infrastructure
- minimising waste
- producing public plans for priority infrastructure sectors
- partnering with local governments to fund pedestrian infrastructure
- improving cycling
- trialling congestion charging



- renewing public housing
- increasing tree canopy coverage

The submission did raise concerns with a number of the recommendations that would:

- slow down the adoption of electric vehicles and reaching carbon targets through introducing distance-based pricing to electric vehicles
- support a new cross-city motorway (East West Link), citing concerns over local traffic impacts, road noise, loss of recreation facilities, impact on the public transport network and disruption to the cycling network.

The Victoria's *Infrastructure Strategy 2021-2051* was presented to the Victorian Parliament on Thursday 19 August 2021 for tabling.

#### Parliamentary Inquiry into Apartment Design Standards

In November 2021, Council officers made a submission to a parliamentary inquiry into apartment design standards. The Council officer submission addressed the following issues:

- Affordable housing
- Commercial floor space within Activity Centres
- Environmental performance of new buildings
- Quality of design and materials
- Building separation
- Apartment sizes
- Waste management
- Single aspect, south facing apartments
- Design detail
- Accessibility

On 15 February 2022, Council Officers presented to the Legislative Assembly Environment and Planning Committee for the apartment design standards. The key issues examined through the hearings included: the amenity and layout of buildings, and access to communal areas, open space, windows and ventilation.

Other speakers invited to be heard included Municipal Association of Victoria, Council Alliance for Sustainable Built Environment and other metropolitan Councils. Presentations from the property and housing industry as well as Victorian Government departments were also received.

Merri-bek's submission has been influential in the Inquiry's findings and recommendations. The Committee has made recommendations about all of the matters raised in our submission, many of which are the also subject to other advocacy actions.

The Victorian Government now has until February 2023 to respond to recommendations made in the report.

#### Parliamentary Inquiry into the protections within the Victorian Planning Framework

In January 2022, Officers lodged a submission to an inquiry that sought to investigate the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection. Key themes raised in the Officer submission related to:

- the cost of housing and making the planning system more effective by facilitating affordable housing through mandatory requirements
- improvements to the timing of approval of planning scheme amendments and providing incentives for applicants to submit complete planning permit applications.

- giving decision makers greater powers to effectively address climate change impacts, mitigation and resilience.
- enabling Councils to introduce mandatory requirements to elevate ESD targets in the planning scheme.
- enabling Councils to deliver on obligations and requirements such as: Climate Emergency Declarations; Municipal Zero Emission Targets to, 2050; Statutory Climate Changes Pledges; Council Climate Change Strategies, Frameworks, Action Plans and the CASBE Strategic Plan.
- the need for the planning system to better ensure protection of vegetation and elevate the importance of existing and new vegetation in residential development.
- Introduce the widespread use of mandatory heights, particularly in higher order activity centres, if subject to regular monitoring and review.
- Specify minimums for apartment sizes and room dimensions to achieve better outcomes in apartment design.
- Provide funding assistance to Councils to meet their heritage obligations and to support residents to make appropriate changes to their heritage places.
- Prepare consistent heritage guidelines that can be used across the state.
- To deliver the employment floorspace needed, consider a review and potential modifications to the Commercial 1 Zone.

The Committee released a preliminary report that recommended to refer all the submissions received to a new Committee to be convened at the beginning of the new parliament. The reason for this was that there are significant reviews and reforms being undertaken or recently completed by the State Government that should be taken into account in any future full inquiry.

#### Managing Development Contributions

The Victorian Government released its audit of the development contributions system in Victoria. The March 2020 Managing Development Contributions report by the Victorian Auditor-General's Office concluded:

*Victoria's development contributions are not delivering the infrastructure needed by growing communities to support their quality of life.*

*This is largely because state agencies have not managed development contributions tools strategically to maximise their value and impact. Instead, they manage the tools in isolation, with overlapping roles and no overarching strategy, goals or plan to drive and measure their collective success.*

Arising from this report, it is anticipated the Victorian Government will undertake a future review of development contribution systems.

#### State of Heritage review

In 2020 Heritage Council released the State of Heritage review – Local Heritage Report 2020 which documents their investigation into the local heritage system and identify opportunities for its improvement. This investigation was extensive and involved a number of inputs, including consultation with local councils. This report identified a number of areas for improvements in the current local heritage system that Merri-bek supports:

- Local heritage is not always a primary consideration or priority within councils, often being seen as something 'extra' to the core components of planning.
- There is a need for increased direction from the Victorian Government to better enable councils to both understand and effectively comply with their responsibilities to identify and protect local heritage. In particular, participants noted that:

- there is no-one to speak to for consistent direction regarding their obligations for protecting and managing local heritage or for advice on how to best protect and manage their local heritage
- existing guidance material to support efficient best-practice local heritage management and protection is often out of date, hard to find and doesn't include information required in today's more complex planning environment
- council planners often operate in isolation with no prior background in heritage and struggle to know what best practice is, where to find the right information/guidance and how to assess the quality of the advice they receive from consultants.
- A base-level of heritage protection is still to be achieved across the state: 4% of all councils are yet to complete a stage 2 heritage study; nearly 10% are yet to translate any studies into the Heritage Overlay; and nearly 20% identified geographic gaps in their studies.

The report recommended one major strategic initiative, supported by 'three principal pillars':

Major strategic initiative: 'revitalisation of the Victorian Government's role in providing leadership in the protection and management of local heritage.

- the establishment of dedicated local heritage roles within DELWP Planning to provide necessary *focused leadership and direction*
- the creation and maintenance of a centralised, up-to date repository of clear and consistent *guidance material*
- direct support and assistance to ensure base-level heritage studies are completed and translated *into the planning scheme*.

This initiative was determined to be the best way to address the identified problems and enhance the strengths in the current system. The work however is outside of the Heritage Council's role and needs the support from the Minister for Planning and DELWP Planning to implement. Council supported the Heritage Council's findings and have advocated to the Victorian Government to implement their recommendations.

## **Local Strategies and Policies**

### **Key issues raised in 2018 Planning Scheme Review**

The key findings from the 2018 PSR reflected in the recommendations are summarised as follows:

- Identifying ways to streamline zone and overlay controls, to improve useability and reduce planning permits for minor matters;
- Reviewing the built form and land use controls for Brunswick and Glenroy Activity Centres to strengthen employment outcomes on former industrial land and simplify the controls;
- Considering how the existing Neighbourhood Character Local Policy aligns with the new Residential Zones;
- Ensuring the MPS supports housing to meet the needs of our growing and changing population; and
- Ensuring the MPS contributes to growing the Urban Forest and protecting creek corridors.

Council has been active in improving the way the planning scheme and planning processes operate in line with these actions.

A full list of recommendations of 2018 PSR and their progress is detailed at Appendix 4. Outstanding actions from the 2018 PSR have been integrated into this 2022 review.

## **Planning Scheme Amendments**

The following are a list of the planning scheme amendments approved since the 2018 review that will have a significant influence in the direction and operation of the planning scheme, including to land use planning and development outcomes.

Theme	Description
Activity Centres	C164more (C164pt1moreA & C164pt2) & C192more – MILS rezoning that rezones land from industrial to Commercial 1 Zone and Mixed Use Zone
Developer Contribution Plan	C215more – Moreland Development Contribution Plan expiry extension
Economic	C180more – MILS rezoning to broaden employment outcomes to a property in Brunswick Industrial Precinct
Environment	C189more – Tree planting requirements for residential development
Process Improvements	C169 – Signage on sports ground Incorporated Plan and rezones land to Public Park and Recreational Zone
Heritage	C174morept1 – Moreland Heritage Gap Study 2019 implementation and Moreland Heritage Permit Exemptions Incorporated Plan
Housing	C179more – MILS rezoning in South Street Hadfield of industrial land to residential
Smart Planning Reforms	C200more – Translation of Local Planning Policy Framework into new Planning Policy Framework and Municipal Planning Strategy
Transport	C203 – Public Acquisition Overlay to Gaffney Street/Sussex Street intersection
Operation of the Planning Scheme	C212 - Improve the operation of the Moreland Planning Scheme and planning permit decision making and rezoning for new public parks (Park Close to Home)

The following are amendments currently underway that if introduced will also influence planning processes, land use and development outcomes:

- C190more – VicSmart application stream for two dwelling on a lot development
- C201more – Rezoning of Sheppard and Norris Street Coburg North MILS area 16 from industrial to residential
- C208more – Moreland Heritage Nomination Study implementation
- C219more – removal of a Specific Control Overlay from 42 St Phillip Street, Brunswick
- C221more – Updated list of projects for the Moreland Development Contribution Plan
- C223more – Towards Zero Carbon in Planning: Elevated ESD Targets

## New council strategies

The following is a list of Strategic documents adopted by Council since the last Planning Scheme Review in 2018 that are of relevance to the Planning Scheme. All strategies are available on Merri-bek's website.

Community Infrastructure Plan (2022)	Community Infrastructure Plan guides Council's planning and delivery of community infrastructure. The Plan responds to increasing demand for community infrastructure in Merri-bek because of our growing and changing population. It focuses on improving the performance of what we have while directing new investment where the community benefits most.
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Integrated Water Management Strategy 2040 (2020)	Integrated Water Management Strategy is to guide the transition for Merri-bek to become a Water Sensitive City and sets out goals and targets around the sustainable management of water, particularly with regards to stormwater.
Integrated Transport Strategy (2019)	The Moreland Integrated Transport Strategy (MITS) 2019 sets out Council's strategic direction for integrated transport planning for the next decade and beyond.
Nature Plan (2020)	Nature Plan provides a vision and strategic direction for protection and enhancement our city's biodiversity.
Waste and Litter Strategy 2018-2022	Council's Waste and Litter Strategy 2018-2022 outlines an innovative plan to change the way waste is managed in our city. It includes a range of initiatives to help us meet our zero carbon 2040 targets including achieving zero waste to landfill by 2030.
Zero Carbon 2040 Framework (2018)	The Zero Carbon 2040 Framework outlines our community vision and strategic directions for the transition to zero carbon in Merri-bek by 2040. It particularly focuses on driving emissions reductions across the three key sources of the community's greenhouse gas emissions: stationary energy, transport and waste.
Advocacy Priority Plan (2022)	Guides Council advocacy to align with the priority issues and needs of the Merri-bek Community.
Disability Access and Inclusion Plan 2022-2026	The plan is Council's commitment to ensuring the human rights of people with disabilities are protected and promoted. It also highlights the main areas Council will focus on to remove barriers for people with disabilities and make sure people with disabilities are included in all areas of community life.

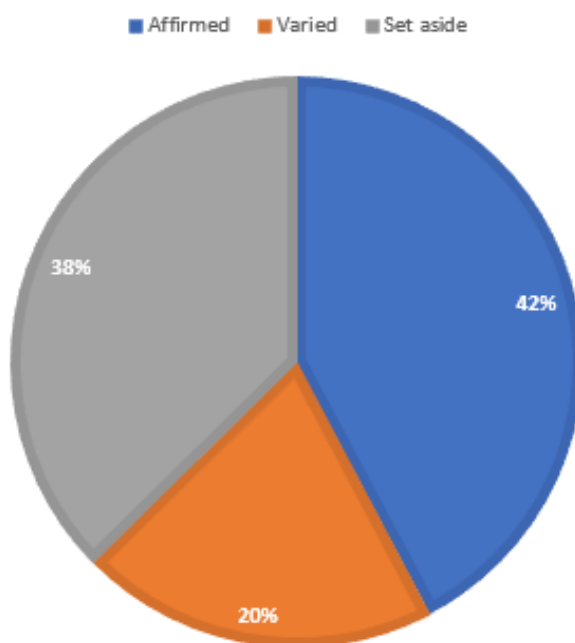
## Appendix 3 – VCAT Decisions & Panel Report Summary

A review was undertaken of VCAT decisions and Planning Panel Reports issued since the last review of the scheme in 2018. These have been reviewed to identify commentary on planning scheme provisions that could be made clearer or may be inconsistent with state policy. Below is a summary of this analysis.

### VCAT Decisions

VCAT affirmed Council's decision in 42% of cases in the period since the last planning scheme review. VCAT overturned Council's decision 38% of the time. In the other 20% of cases VCAT varied Council's decision.

**VCAT DECISIONS WIN LOSS RATIO**  
**1 JULY 2018 - 30 JUNE 2022**



#### Medium Density Housing

Sixty percent of cases where VCAT overturned Council's decision involved medium density development in residential zones. There were 65 such cases in a 4 year period. Almost all involved VCAT overturning Council's refusal of an application. Sixty eight percent of them involved low intensity development of a single dwelling on a small site or 2 or 3 dwellings on a lot.

In cases where VCAT overturned Council's decision, not uncommonly VCAT is considering a wider geographic context than Council in making decisions about neighbourhood character. VCAT is commonly taking a more enabling position on matters of:

- Open landscaped character
- Dominance of driveways and garages
- Building height
- Building height, at the rear of the site.

#### Urban Consolidation

In cases within activity and neighbourhood centres, of the decisions analysed, VCAT upheld Council's refusal of applications 75% of the time.

In cases where VCAT overturned Council's decision or varied conditions requiring changes to the massing, VCAT took a more enabling position on matters of building massing, density and building height. Typically differences in position on building height are 1 storey.

The absence of building height requirements in the Glenroy Activity Centre and the dated Glenroy Structure Plan was identified as an issue in VCAT hearing P2280/2018. The member stated in relation to the proposed 5 storey development:

*I have given limited weight to the preferred height specified in the GSP in reaching my view on the acceptability of the height of this proposal. This is because:*

- The GSP has the status of a reference document rather than an overlay or policy provision. It has not been translated into planning scheme provisions despite the express statement that this would occur and the passage of 11 years since its adoption.
- The section in the GSP that contains 'Built Form Principles' (and includes height), refers to the design guidelines as 'broad' and states that further detailed design guidelines will be developed on a precinct basis. This implies the guidance is general and subject to further detailed examination.
- The height in the GSP is expressed as a preferred maximum, not an obligatory requirement.
- The site is designated as 'low scale 2-3 storeys' in Figure 7: Built Form in the GSP.[14] The text that relates to Figure 7 refers to low scale as applying to residential areas around the activity centre periphery. This appears contradictory since the review site is not part of a residential area in terms of zoning or use.
- Since the adoption of the GSP there have been changes to residential zones that include the contemplation of four storeys in the RGZ and three storeys in the GRZ. This changes the hierarchy of heights around the centre compared to what might have been anticipated at the time the GSP was adopted.
- The intention to review the GSP, referred to in the Explanatory Statement to Amendment C185, indicates that changes to the structure plan may occur.

A review of the Glenroy Structure Plan and exploring new planning controls has been included as a recommendation of this PSR.

Gap in the street wall guidance for parts of the Brunswick Major Activity Centre was identified in VCAT hearing P1185/2019 relating to an eight-storey building. Council raised issues with the street wall height, however VCAT stated:

*While future development may occur on the eastern side, at the rear of Sydney Road properties, and may result in a sense of enclosure, this is not something which DDO18 seeks to avoid. Should this occur, Black Street may have a significantly enclosed nature and a different character to the more open nature of Wilson Avenue, but this does not mean it will be unacceptable. It will maintain its current character as a lane, albeit it may become more activated with the introduction of new development. Had a different outcome been desired, with a lower height for the street wall in Black Street, then the Planning Scheme would have incorporated provisions in DDO18 to achieve this. It does not do so.*

*I concur that if a specific outcome was sought for Black Street, a specific street wall outcome would have, or at least should have, been applied in the DDO18, but one was not. This is an overlay that went through extensive consultation and review through an amendment process and I have no evidence or suggestion that the failure to label a street wall in Black Street was an administrative error. Rather it appears as a deliberate tool to allow a different built form response. I am therefore not persuaded that the building needs to be lowered so as to reduce the street wall to a 1:1 ratio with Black Street.*



Wider coverage of street wall requirements has been addressed in the proposed draft Brunswick ACZ.

### Landscaping and tree planting

One case tested the recently introduced canopy tree planting requirements in residential zones. VCAT upheld Council's refusal. Amongst the reasons was insufficient space in the front setback for canopy tree planting.

### Sustainable Transport

In the refusal of a trade supplies store in the Brunswick Activity Centre, state and local sustainable transport policies, which seek to encourage walking and cycling as the preferred mode of transport, were supported by VCAT.

## **Panel Reports**

### **C164 – Implementation of the Moreland Industrial Land Use Strategy in the BAC**

C164 sought to implement the findings of the Moreland Industrial Land Strategy (MILS) by rezoning industrial land in and around the BMAC identified to transition to broader commercial and residential outcomes. Two key issues to consider in this review from the C164 Panel relate to:

- Assessment of potentially contaminated land and the application of EAO
- Zone choice and application

C164 sought to apply an Environmental Audit Overlay (EAO) to properties in line with the findings from the Brunswick MILS Rezoning Assessment of Potential for Contamination by Golder, an assessment that considered historical uses and potential for sub-soil/ground water contaminants from adjoining properties. Panel found that Council was overly conservative in applying an EAO to a number of properties and outlined:

*'The Panel agrees with Mr Umbers and Mr McPhillips that MD1 is not relevant to land potentially affected by an off-site contamination source (such as 6 and 8 Ann Street) because the land has not been "used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel". The Panel therefore concludes that under MD1, the land does not meet this definition and therefore MD1 is not applicable to the land. This is important as it is MD1 that contains the test that Council is required to meet – it must satisfy itself that the environmental conditions of land proposed to be used for a sensitive use is suitable for that use. It is then arguable whether this test is relevant to land affected by off-site contamination.'*

The EPA planning reforms that expand the definition of potentially contaminated land to include off site activities has resolved this issue highlighted by Panel and often encountered in planning scheme amendments that rezone industrial land. Its inclusion will provide a useful statutory mechanism to link contamination and potential contamination off site to sites that are part of a planning scheme amendment.

The Panel for C164 also identified a gap in guidance in the framework for how to manage land determined as medium risk. At this panel two experts had categorised the site's potential for contamination the same, however it was the next step in the decision where the interpretation differed. One outlined the site had a medium level potential for contamination thus an EAO should be applied, the other flipped the argument stating that it was only a medium potential for contamination thus an EAO is not required. The new Preliminary Risk Screen Assessment (PRSA) of the environmental audit system outlined in the updated *Practice Note 30: Potential Contaminated Land* (2021) is likely to offer greater clarity on how land with medium potential for contamination should be managed.

The approach to the rezoning of the Edward Street Carpark that is identified as potential future public open space in the BMAC was an issue of this Panel. The Panel found that it was premature to apply a

zone that reflected the conversion of the car park to a park, but noted Council had broadly identified this as one of its roles and additional master planning was required to guide the application of zones:

*The Panel is also not convinced that there is sufficient justification for applying the C1Z across the whole of the Edward Street car park against the direction provided by MILS. Applying the MUZ to the Dods Street frontage, consistent with MILS Category 3, will give greater direction as to the expected urban design outcome for this street.*

*An alternative the Panel considered was to retain the existing IN3Z, however this is not consistent with the direction of MILS to transition land, where appropriate, away from industrial use. Changing the existing zoning will not affect the existing use right as a car park. The Panel considers there is sufficient strategic direction in MILS and DDO18 for the future consideration of a local park on the land. The DDO identifies the site for a future park and such a use does not require a use permit in either the C1Z and the MUZ. To rezone the land for public use now would take a strategic leap beyond a threshold that Council is currently at, which would be inappropriate.*

The Panel further recommended that whilst the C1Z and MUZ were appropriate zones for the C164 sites, 'a tailored approach in circumstances where either the land was within two MILS Areas or two zones to ensure the outcome was not anomalous and/or result in an unreasonable restriction to existing and/or future land uses as a result of access arrangements.'

They also provided commentary on an approach to future work exploring industrial land for activity centres:

*'Since the start of planning for the Brunswick Activity Centre in 2010, Council had not turned its mind objectively to whether land should remain in the activity centre or not. Simply, the approach was to include former industrial land in the activity centre. The Panel noted that some areas have a strong and consistent residential character at the periphery of the activity centre with little or no non-residential uses. The Panel has recommended that Council review these areas at the next review of the industrial or activity centre strategy and consider the exclusion of these areas if the opportunities presented by their inclusion in the activity centre have not been taken. These areas have a Heritage Overlay applied which significantly limits re-development.'*

Vibrant Brunswick Project and developing a Commercial and Industrial Development Framework responds to this commentary presented by Panel.

### **C183more – Moreland Integrated Transport Plan**

Moreland Planning Scheme Amendment C183 (the Amendment) sought to implement the findings of the Moreland Integrated Transport Strategy 2019 (MITS) and the Moreland Parking Implementation Plan 2019. A key aspect of the Amendment was seeking to remove minimum parking requirements and introduce maximum car parking rates in the Brunswick, Coburg and Glenroy Activity Centres by applying a new Parking Overlay Schedule 1 (PO1) to these areas.

The Panel generally supported the underlying strategic basis for MITS and noted that the Amendment is supported by state and local policy. The Panel also agreed that supporting lower rates of car ownership through parking controls is a legitimate way to achieve Council's sustainable transport objectives.

However, the Panel considered that insufficient parking survey and modelling work had been undertaken to inform the Amendment and recommended Council undertake further analysis to provide a more fulsome assessment of the consequences of the proposed Amendment.

*'The Panel has some concerns about allowing developers to determine parking provision down to as low as zero but not because they can't be trusted as suggested by some submitters. The Panel is concerned that there is not an adequate understanding of parking provision in Moreland that would assist developers in determining appropriate parking levels. There is no mapping of areas of under or over supply and the recent changes to parking restrictions and permits are, to say the least, confusing. The lack of information is discussed further in the next section.'*

...

The Panel is concerned that Council has not adequately assessed the current state of parking in Activity Centres and therefore does not have a proper understanding of the possible consequences of the Amendment.

...

Council has argued that survey work is not necessary because Council instead relies on comparison of car ownership and use metrics between the metropolitan Melbourne and Moreland averages, as well as the objective of achieving mode shift.

Even if the Panel accepts this idealistic approach, the Panel believes that it is incumbent on all planning authorities to properly understand the potential consequences of an amendment to be able to be sure that there will be net community benefit.

...

The level of survey, analysis and modelling undertaken to inform Moreland C183 is, by comparison, severely lacking. The result is that the Panel is of the view that the consequences of the proposed Amendment are not adequately understood. There is no understanding of areas of existing under or over supply, there is inadequate understanding of supply and demand and no modelling of how future land use changes might affect parking supply and demand.

None of this necessarily means that the application of maximum parking rates is not appropriate, it means we just don't know what the consequences might be. The Panel therefore concludes that the Council's idealistic justification cannot be supported in the absence of a more fulsome assessment.

The Amendment also sought to reduce the standard parking requirement further by 20 per cent in Neighbourhood Centres through applying PO2 to these areas. Panel did support this approach but outlined:

The proposal to introduce the PO2 to Neighbourhood Centres suffers from the same problem discussed in section 3.2, i.e. lack of survey, research and modelling to understand the possible consequences of the proposed change.

The Panel believes, however, that the consequences of the relatively minor change to parking provisions in Neighbourhood Centres are likely to be less critical. It is clear that the proposed changes to parking restrictions are not popular in the community, but the Panel believes that the implementation of PO2 is less likely to have a significant effect on spillover issues than the implementation of PO1 in the Activity Centres.

Any future work exploring modifying the parking requirements in the scheme will need to take into consideration the C183more Panel recommendations.

## Appendix 4 – Audit of 2018 Planning Scheme Review Recommendations

The last formal review of the planning scheme Reported to the Minister was undertaken in 2018. An audit of the Planning Scheme Review 2018 was undertaken to identify any outstanding actions.

The strategic work program of Council has completed and progressed a large number of the recommendations. The work still to complete from the 2018 is set out below and reflected in the recommendations of the Planning Scheme Review 2022.

The following table includes the full list of recommendations of 2018 Planning Scheme Review Report and their status, linking them to current and completed projects. Outstanding actions from the 2018 PSR have been integrated into this 2022 review.

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
Activity Centre	1AC	<p>Following the completion of the level crossings removals at Coburg, Glenroy and Moreland and subsequent review of the Coburg and Glenroy Structure Plans</p> <ul style="list-style-type: none"> <li>Update the built form controls for Coburg and Glenroy Activity Centres upon completion of the level crossing removal by the LXRA (Moreland, Coburg and Glenroy) and any subsequent review of the Coburg and Glenroy Structure Plans, to ensure the planning scheme contributes to achieving positive land use and built form change around Level Crossing Removal areas.</li> <li>Consider amending the ACZ to include the Moreland and Batman Train Stations (not currently part of the Coburg Activity Centre Boundary)</li> </ul>	Yet to Commence	Level Crossings Removal Projects in Coburg and Glenroy are now complete. They were completed in 2021 and 2022 delaying work to action this recommendation. Review of both the Coburg and Glenroy Structure Plans is included as a recommendation of this PSR.
Activity Centre	2AC	Consider implementing an ACZ for Brunswick and Glenroy Centres	In progress	<p>Vibrant Brunswick – developing an Activity Centre Zone for Brunswick Activity Centre and Core Industrial Precincts in Brunswick.</p> <p>Consideration of an ACZ for Glenroy could follow the review of the Glenroy Structure plan (1AC).</p>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
Activity Centre	3AC	<p>Review the operation of DDO24 for NC's after it has been in the scheme for at least six months, to identify:</p> <ul style="list-style-type: none"> <li>• Opportunities to improve clarity in the provision</li> <li>• Whether outcomes have been delivered on the NC Strategy 2017 objectives</li> </ul>	In progress	<p>A review has identified issues with DDO24 and the results it is producing and recommended further work.</p> <p>20 Minute Neighbourhood recommendation will involve a holistic review of NC and LC.</p>
Activity Centre	4AC	<p>Undertake work to ensure the planning scheme clearly identifies:</p> <ul style="list-style-type: none"> <li>• The boundaries of Neighbourhood Centres in both the MSS and DDO.</li> <li>• The location of Local Centres and height guidance for areas in the Commercial 1 and Mixed Use Zone (outside designated Activity and Neighbourhood Centres)</li> </ul>	Completed	<p>C191more was prepared to provide height guidance to properties in C1Z and MUZ outside of activity centres, however authorisation request was refused. Height guidance for the properties in Brunswick are being incorporated into the Brunswick ACZ project.</p> <p>20 Minute Neighbourhood recommendation will involve a holistic review of NC and LC.</p>
Activity Centre	5AC	Consider creation of an additional NAC in Fawkner and reflect this in the planning scheme	Completed	<p>A potential NAC in Fawkner was explored with a landowner but the application was withdrawn and not pursued.</p> <p>20 Minute Neighbourhood recommendation will involve a holistic review of NC and LC.</p>
Community Infrastructure	1CL	Consider the need for an additional DCP for Moreland. Clear identification of future infrastructure requirements could inform a DCP more aligned with the \$3,000 per lot charge recommended by Standard Development Contributions Advisory Committee. Long-term evidence based planning will be required across the organisation to undertake the necessary infrastructure planning.	In progress	As part of considering the need for an additional DCP, the first step was to review the current DCP. This review found that additional time was needed to deliver projects and that the list of projects needed to be updated to reflect the latest capital works program. Officer resources have been invested in this review as a critical step needed before a new DCP is pursued.

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
				<p>C215more - Extends the expiry of the current DCP.</p> <p>C221more - Update to the DCP Incorporated Plan to include new projects</p> <p>CAP 46 - Develop and implement a new Development Contributions Plan</p>
ESD	1ESD	Continue to advocate, with the other ESD policy Councils, for the ESD policy expiry date to be extended, and an equivalent policy introduced into the Victoria planning provisions.	Completed / Ongoing	<p>GC131 - Implements a consistent expiry clause in local policies for environmentally sustainable development until superseded by a comparable provision in the Victoria Planning Provisions.</p> <p>DELWP's ESD Roadmap and Cooling and Greening programs</p> <ul style="list-style-type: none"> <li>– Advocacy and Officers involved in working groups to elevate ESD targets with 23 other Council's as part of CASBE</li> <li>– VC216 – Implements part of Stage 1 of the Victorian Government ESD Roadmap by making changes to the PPF to support environmentally sustainable development.</li> <li>– Briefings to relevant state MPs about the project</li> <li>– Participation on state government led working groups about elevating ESD standards</li> </ul>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
				<ul style="list-style-type: none"> <li>– Lodgement of amendment C223more that seeks to elevate ESD targets in the planning scheme</li> </ul>
ESD	2ESD	Clarify whether the ESD policy applies to an additional dwelling on a lot with an existing house, as upgrades to existing dwellings are usually not required unless already being undertaken	In progress	Elevated ESD Project Particular Provision includes decision guidelines to offer discretion where existing buildings are retained in developments.
ESD	3ESD	Consider ways in which the urban ecology aspects of the ESD policy (to retain existing vegetation) can be strengthened through other supporting planning scheme mechanisms. (relates to the recommendations regarding landscaping and tree protection included in the Urban Design theme - 2UD, 3UD).	In progress	<p>Green Factor Tool Trial</p> <p>Elevating ESD Targets Project</p> <p>Victorian Governments ESD Roadmap and Cooling and Greening reforms</p> <p>C212more - updates to PPF to strengthen landscaping policy for greening, cooling and biodiversity</p> <p>C189more – Applies a new landscape character objective and canopy planting requirements to our residential areas.</p>
ESD	4ESD	Review the success of the existing Moreland Solar Panels advisory note, and advocate to the DELWP to form a state-wide policy on overshadowing of solar panels within Clause 55 and 58	Completed	VC149 introduced new requirements for the assessment of overshadowing of residential solar energy facilities
ESD	5ESD	Explore system/process changes and alternative models for timely ESD advice to increase the ESD Policy influence on planning applications	Completed	<p>Update to RFI requirements to planning permit applications.</p> <p>Opportunity for planners to meet with ESD planners to discuss applications.</p> <p>ESD planners attend pre application meetings.</p>



Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
				Guidelines prepared to guide Solar PV, Electric Vehicle and Green Infrastructure in development.
Housing	1H	<p>Undertake research to better understand Moreland's housing needs, and use the findings to inform:</p> <ul style="list-style-type: none"> <li>How the Moreland PS can deliver the new objective in the P&amp;E Act 1987 regarding Affordable Housing. May involve a local policy response.</li> <li>An improved understanding of who is living in Moreland now, and into the future to provide a clearer picture on why higher densities of housing, including medium density housing, is required.</li> </ul>	Completed	<p>A Home in Moreland</p> <p>Supplying Homes in Moreland</p> <p>Moreland Housing Capacity Study</p>
Housing	2H	Consider how the planning scheme can support Tiny Homes	Completed	Secondary Dwelling Pilot Program - Council took part in DELWP's Pilot program that introduced a particular provision to offer a streamlined process for a small second dwelling. The pilot program has completed, with little uptake from the community and subsequent removal of the provision from schemes.
Housing	3H	<p>Consider how the planning scheme could increase support for Visitable and Adaptable dwellings, and advocate to the Victorian Government to lead implementation of how Visitable and Adaptable dwelling policy may be strengthened to:</p> <ul style="list-style-type: none"> <li>Incorporate requirements for medium density housing types beyond the current Clause 55 encouragement of dwelling diversity for development of more than 10 dwellings.</li> </ul>	Completed	<p>Victorian Governments released Apartment Design Guidelines for Victoria (2021) provides accessibility design guidance</p> <p>Council has advocated for elevated accessibility policy through the following Victorian Government inquiries/reform programs included improvements to accessibility policy:</p>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
		<ul style="list-style-type: none"> <li>Whether an internal process change is required to improve outcomes, such as referral to Councils Disability Planner.</li> <li>How this policy can/should apply to Commercial Buildings or whether this is appropriately covered by the Building Regulations (NCC).</li> <li>Implications of the Clause 58 introduction of Accessibility Standards.</li> <li>The success of the Disability Management Plans or Access Consultant Reports being received as part of high density development applications.</li> </ul>		<ul style="list-style-type: none"> <li>Improving the operation of ResCode discussion paper</li> <li>Parliamentary Inquiry into Apartment Design Standards</li> </ul> <p>Disability Access Reports are requested to show compliance with Clause 58 accessibility standards for high density applications.</p> <p>C190more and Design Excellence Scorecard included prescribed accessibility design elements for dwellings</p>
Industry	1IND	<p>Investigate using a statutory tool in the MILS Category 2 areas that would control both land use and built form. The ACZ may be appropriate.</p> <p>The Comprehensive Development Zone may also be an option for sites located outside of Activity Centres.</p>	In progress	<p>C164more &amp; C193more – Explored using the Commercial 3 Zone in implementing the land use directions of the Moreland Industrial Land Strategy 2015-2030 (MILS) for the Brunswick Activity Centre (BAC) for category 2 areas.</p> <p>Vibrant Brunswick – Applying an Activity Centre Zone to the Brunswick Activity Centre and sites formally in C164more identified as Category 2 MILS areas.</p>
Industry	2IND	Recognise in the Brunswick Design District (BDD) in the MSS, and support this precinct to become a successful and innovative employment precinct	In progress	C212more - Amends the economic framework map to include the BDD and new policy to support its expansion.
Industry	3IND	Provide support for the health and hospital precinct between the John Fawkner and Moreland Private hospitals in the MSS	Completed	Investigation did not recommend a health and hospital precinct between John Fawkner or Brunswick Private hospitals. Additional local policy would not add any

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
				value based on existing planning controls and state policy.
Industry	4IND	Ensure the MSS supports emerging Creative Industries in the Core Industrial Areas and contains policy to encourage these operations to be retained in Category 2 areas.	In progress	C212more - amends the economic framework map to include the BDD and new policy to support its expansion  Vibrant Brunswick ACZ to the Brunswick Activity Centre.
Open Space	1OS	The contribution rates set out by Clause 52.01 were introduced in 2010 and partially updated in 2013. Given the significant increase in population forecasts since then it is recommended that the contribution rates be reviewed and adjusted as necessary.	Yet to Commence	Review of Moreland's Open Space Strategy  CAP 1.3
Open Space	2OS	Consider revisions to local policy/built form controls to encourage development adjacent to open space that: <ul style="list-style-type: none"> <li>• Addresses open space and makes open space safer and more appealing, rather than having rear or side fences.</li> <li>• Improve permeability, accessibility, activation and passive surveillance of parks through means such as paper roads, direct access provision, overlooking windows, permeable fencing. This may require a change of process in the consideration of how private development interacts with Council's own land.</li> <li>• Limits overshadowing of open space. (Consider how the approach to limiting overshadowing of open space taken in the ACZ for Bridges Reserve could be replicated elsewhere.)</li> </ul>	Completed and Ongoing	Council considered the final report of the Moreland Waterways 13 October 2021  Review of Moreland's Open Space Strategy

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
Open Space	3OS	<p>Review the ESO1 and ESO2 to:</p> <ul style="list-style-type: none"> <li>• Rationalise the relevant sections of the ESO1 Reference Documents into the ESO1.</li> <li>• Consider the appropriateness of the extent of the overlay application to reduce unnecessary assessment and permit triggers.</li> <li>• Ensure alignment with the Council adoption of the Chain of Pond Strategy for Moonee Ponds Creek (currently in draft form) with ESO2.</li> <li>• Consider whether the ESO2 may no longer need to apply to the entire suburb of Gowanbrae.</li> <li>• Consider inclusion of Westbreen Creek in the ESO.</li> </ul>	In progress	<p>Stage 1 - Along Moreland's Waterways: Reviewing the Moreland Planning Scheme's</p> <p>Council considered the final report of the Moreland Waterways 13 October 2021</p> <p>Stage 2 - Review of Moreland's Open Space Strategy</p>
Open Space	4OS	<p>Investigate ways that the 30m/50m creek buffer in the MOSS can be supported through planning scheme controls.</p> <ul style="list-style-type: none"> <li>• Undertake a strategic review of this requirement to identify pinch points and priority acquisition sites.</li> <li>• Consider the application of Public Acquisition Overlays at the priority sites to achieve these buffers.</li> </ul>	In progress	<p>Stage 1 - Along Moreland's Waterways: Reviewing the Moreland Planning Scheme's</p> <p>Moreland Waterways 13 October 2021</p> <p>Stage 2 - Review of Moreland's Open Space Strategy</p>
Open Space	5OS	<p>Following completion of the review and update of the Drainage Asset Management Strategy 2006, consider the need to implement any new planning controls to identify flood prone areas.</p>	In progress	<p>Collaborate with MW to align drainage modelling.</p> <p>Consultation with the community.</p>
Transport	1T	<p>Ensure the MPS assists in delivering the Moreland Integrated Transport Strategy 2018 through both the LPPF (including the Clause 22.03 Car and Bike Parking and Vehicle Crossing Policy) and relevant zone and overlay provisions.</p>	Completed	<p>C183more - sought to apply parking overlay schedule to and around activity centres.</p> <p>C200more - PPF translation of MSS and local policy into new planning scheme structure, including encouraging sustainable transport.</p> <p>C212more - Makes a number of changes to Transport policy in MSS and MPS to</p>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
				support the implementation of the Moreland Integrated Transport Strategy 2019 (MITS)
Urban Design	1UD	Implement the findings of the MDH review through the planning scheme	Completed	<p>C189more - introduced tree planting requirements for medium density housing as a B13 requirement in schedules to the residential zones</p> <p>Good Design Advice Sheets</p> <p>Incentivised programs - Design Excellence Scorecard &amp; C190more VicSmart application stream for compliant two dwellings on a lot.</p> <p>Referral processes to Urban Design and Open Space</p> <p>Review of the Neighbourhood Character Policy.</p>
Urban Design	2UD	<p>Update the Landscape Guidelines 2009 Incorporated Document and the Tree Planting Manual referenced in the Residential Zones (or create a new guideline document) to:</p> <ul style="list-style-type: none"> <li>• improve clarity of requirements for landscaping in medium density housing</li> <li>• provide guidance on space to be provided for landscaping in either the private or public realm within Activity Centres</li> <li>• provide clearer direction on appropriate circumstances under which buildings could project into the public realm (as this influences landscaping potential)</li> <li>• provide clear direction on expectations for public realm improvements as part of private development</li> </ul>	Completed	<p>C189more - reviewed both documents and updated the Tree Planting Manual</p> <p>Treen Finder Tool – online resource for tree selection using metrics for tree size, location and purpose.</p> <p>Zero Carbon Design Guidance: Green Infrastructure – technical guidance for including green infrastructure in developments.</p> <p>Elevating ESD Targets Project -seeking greater greening outcomes in development,</p>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
		<ul style="list-style-type: none"> <li>provide greater clarity on the extent to which development within activity centres can contribute to a green leafy character, given policy to increase development density in centres</li> <li>consider the impact that the Better Apartment Design Standards has had on deep soil planting requirements, and whether the Clause 58 requirements have addressed this issue</li> </ul> <p>consider the implementation of Clause 58 Standard D10 and whether this could be clarified in terms of relationship with existing character of zero lot lines (note: requires advocacy to the Victorian Government to alter Clause 58).</p>		<p>including road testing metrics in Activity Centres.</p> <p>Victorian Government's ESD and Greening and Cooling reforms</p> <p>Council submission and hearing presentation to Parliamentary Inquiry into apartment design standards</p>
Urban Design	3UD	Review the effectiveness of the Local Law for tree protection on private land, and whether tree protection controls would be more effectively pursued through the planning scheme.	Completed	<p>Significant Tree Register</p> <p>Victorian Government's ESD and Greening and Cooling reforms include exploring a tree protection provision. Outcomes of DELWP's pilot program will complete this action</p>
Urban Design	4UD	Ensure PS supports the Virtual Moreland program by including requirements to: provide a 3D model for major developments as part of the application lodgement (to assist with assessment), and as part of application approval (to capture amendments to permits and the built form approvals across Moreland.)	In progress	<p>C212more introduced 3D models as an application requirement to DDO's.</p> <p>Vibrant Brunswick project proposes to include VR requirements for applications within the Brunswick Activity Centre.</p>
Urban Design	5UD	As resolved by Council in May 2018, commence the development of a Design Excellence Scorecard project brief develop an appropriate way forward to improve design in Moreland. The Design Excellence scorecard(s) will explore achievement of a range of high quality, detailed, planning and development outcomes.	Completed	<p>Design Excellence Scorecard commenced in 2019.</p> <p>Council resolved to remove delegation incentive in February 2022. Scorecard remains as a voluntary tool.</p>

Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
Urban Design	6UD	<p>Review Clause 22.01 Neighbourhood Character to:</p> <ul style="list-style-type: none"> <li>• Ensure it aligns with the Victorian Government changes to the NRZ and GRZ.</li> <li>• Consider the concept of 'rates of change' (e.g. minimal change areas etc) currently expressed in the policy, and how these align with the zones.</li> <li>• Consider the heights introduced in the NRZ and GRZ and how these relate to the height guidance in the Local Policy.</li> <li>• Consider VCAT observations that sites that have high access to services and public transport are out of step with NRZ objectives. VCAT has expressed concern that 'minimal change' cannot be achieved in these well serviced NRZ areas if state policy seeking increased residential density is to be achieved.</li> <li>• Provide more guidance on appropriate outcomes within the NRZ and the GRZ as at present, appropriate outcomes within each zone are not distinct from one another.</li> <li>• Consider using the schedules to the zones more widely.</li> <li>• Consider the use of the term, 'leafy green' as this has been read as an aspiration by VCAT and has not been considered justified in the context of the surrounding neighbourhood.</li> <li>• Give clearer direction as to how much private open space is required "in excess" of ResCode requirements, as is currently sought by the policy.</li> <li>• Consider opportunities to better clarify what is intended by the concept of 'enhanced landscape character' and how this relates to the existing character.</li> </ul> <p>Also consider implications of this review on the Clause 22.03 Car and Bike Parking and Vehicle Access.</p>	In progress	<p>C200more - PPF Translation reviewed and translated local NC policy into new structure.</p> <p>Designing Our Neighbourhoods - investigating Neighbourhood Character of the municipality, including open rear yard character locations.</p>



Theme	Code	2018 Planning Scheme Review Recommendations	Status in 2022	Link to Project / Notes on Status
All themes	All themes	Consider ways in which local policy, zones, overlays and particular provisions could be improved based on the analysis at Appendix 3, to enhance the outcomes for this theme and exempt minor matters or compliant development from requiring a permit	Completed	<p>C190more - VicSmart compliant two dwelling on lot development</p> <p>Design Excellence Scorecard</p> <p>C174more - Heritage Permit Exemptions Incorporated Plan</p> <p>C212more - seeks to improve the operation of the Moreland Planning Scheme and planning permit decision making by introducing new policy content, new planning permit application requirements, and correcting a number of anomalies and errors/inconsistencies identified in the Moreland Planning Scheme.</p> <p>C164 – Implements the land use directions of the Moreland Industrial Land Strategy 2015-2030 (MILS) for the Brunswick Activity Centre (BAC) for category 2 and category 3 areas.</p>

## Appendix 5 – Analysis of Planning Provisions: Zone, Overlay & Particular Provisions

### Zones

The zones applied through the scheme are analysed in this section, informed by consultation undertaken for this Planning Scheme Review. The findings of this section are reflected in the recommendations in the body of the Planning Scheme Review.

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
<b>Activity Centre Zone</b>	1.15%	1.15%	Yes: Schedule 1	Yes, used for the Coburg Activity Centre	Schedule seeks greater ESD outcomes where variations to height and setbacks are sought, however it has been difficult to apply.	Currently being explored for Brunswick Major Activity Centre and potential to be utilised for the Glenroy Major Activity Centre
<b>Mixed Use Zone</b>	0.97%	1.16%	Yes: Schedule 1 Schedule 2	Yes, Schedule 2 newly introduced for public housing renewal of Gronn Place.	Additional landscaping objectives and B13 requirements within Schedule 1 were included over the past four years for greening and cooling outcomes. Could include further objectives for design and character outcomes. Additional clause 55	Rezoning of MILS sites identified to transition to residential land use.

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
					and height requirements within Schedule 2.	
<b>Residential Growth Zone</b>	1.90%	1.89%	Yes: Schedule 1 Schedule 2	Yes, differentiates built form controls in Neighbourhood Centres	Additional landscaping objectives and B13 requirements within Schedule 1 were included over the past four years for greening and cooling outcomes Could further expand on objectives within Schedule 1 to provide further design and character outcomes	Rezoning of MILS sites identified to transition to residential land use.  Expansion of any activity centres or creation of a new centre (such as in Fawkner)
<b>General Residential Zone</b>	21.21%	21.22%	Yes: Schedule 1 Schedule 2 Schedule 3 Schedule 4	Yes, Schedule 1 only includes limited landscaping controls, Schedules 2-4 relate to GRZ land within the activity centre and	Additional landscaping objectives and B13 requirements within Schedule 1 were included over the past four years for greening and cooling outcomes Further Neighbourhood	The residential framework project will analyse the distribution of the GRZ and its effectiveness in delivering additional housing to meet Merri-bek's housing needs.

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
				provide height controls.	Character objectives and other Clause 55 variations could be explored. Schedules could be utilised to differentiate the character outcomes within different parts of the municipality	
<b>Neighbourhood Residential Zone</b>	44.37%	44.38%	Yes: Schedule 1	Yes, limited to landscaping controls	Additional landscaping objectives and B13 requirements within Schedule 1 were recently included for greening and cooling outcomes.  Further Neighbourhood Character objectives and other Clause 55 variations could be explored. Schedules could be utilised to differentiate the character outcomes	The residential framework project will analyse the distribution of the NRZ and its effectiveness in delivering additional housing to meet Merri-bek's housing needs.

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
					within different parts of the municipality	
<b>Industrial 1 Zone</b>	3.87%	3.73%	Yes: Schedule 1	No	No, only provides opportunity for maximum floor area.	Use where only industrial uses or employment hub envisaged (land with a purpose aligned with Category 1 MILS areas)
<b>Industrial 3 Zone</b>	1.64%	1.57%	Yes: Schedule 1	No	No, only provides opportunity for maximum floor area.	Use where only industrial uses or employment hub envisaged (land with a purpose aligned with Category 1 MILS areas)
<b>Commercial 1 Zone</b>	2.57%	2.52%	Yes: Schedule 1	No	No, only provides opportunity for maximum floor area.	Rezoning of MILS sites identified as Category 2 Employment Areas
<b>Commercial 2 Zone</b>	0.32%	0.24%	No	-	-	Use where only commercial uses are envisaged

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
<b>Commercial 3 Zone</b>	N/A	0%	Yes	No	-	Mixed use employment zone that could be utilised for MILS Category 2 sites that priorities commercial/industry uses but limits residential to 35-50%
<b>Public Use Zone</b>	7.91%	6.74%	Yes: Schedule 1	Yes, details use and works exemptions for Department of Human Services on the former Brunswick Secondary College	No	Utilised for any new public spaces created in response to fulfilling gaps as per Park Close to home (urban park) and LXP
<b>Public Park and Recreation Zone</b>	8.80%	8.90%	Yes: Schedule 1	No	No, Clause 62 includes useful exemptions	Utilised for any new open space created in response to fulfilling gaps as per Park Close to Home and LXP

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
Transport Zone	3.95% when Road Zone 1	5.22%	<p>No, however there are four different transport zones:</p> <ul style="list-style-type: none"> <li>• TRZ1: State transport infrastructure</li> <li>• TRZ2: Principle Road network</li> <li>• TRZ3: Significant municipal Road</li> <li>• TRZ4: Other transport use</li> </ul>	-	-	<p>Currently TRZ1 applies to rail corridors and TRZ2 to former Road Zone 1 roads. These were neutrally translated from the former Road Zone and Public Use Zone Schedule 4 (Transport uses).</p> <p>Whilst not an opportunity to expand the zone more widely, an anomaly has been identified with the TRZ4 is applied to part of Edgars Creek Parkland (just south of Industrial Precinct) and 75C Melville Road BE a union building. These sites were formally PUZ4. This appears to be a historic anomaly or the uses on those sites changed but the zoning had not to align with the change of use.</p>

Zone	Percentage of land to which it applies in 2018	Percentage of land to which it applies in 2022	Does the zone have a schedule?	Are schedules in operation?	Could schedules be better utilised?	Could the zone be applied to other areas
<b>Special Use Zone</b>	1.20%	1.20%	Yes: Schedule 1 Schedule 3	Yes, provides use and works controls for Private Sports Grounds and Brunswick Terminal Station	No	Consider for site specific to include a bespoke use table
<b>Urban Floodway Zone</b>	0.06%	0.06%	Yes: Schedule 1	No	No	Use as per Floodplain Management Authority (Melbourne Water)
<b>Comprehensive Development Zone</b>	0%	0%	No	-	-	Site specific to achieve specific development outcomes

## Overlays

The overlays applied through the scheme are analysed in this section, informed by consultation undertaken for this Planning Scheme Review.

A comprehensive review of the overlays in our scheme was conducted as part of the 2018 PSR and included a number of recommendations. Work has progressed in actioning many of the recommendations to improve the operation of the scheme and are reflected in the findings of this section and in the recommendations in the body of the Planning Scheme Review.

### Heritage Overlay

Since 2018, the number of properties under the Heritage Overlay (HO) has increased from 11,279 to 11,793. Amendment C208more is currently underway and seeks to apply the HO to an additional 320 properties in line with findings of the Moreland Heritage Nomination Study.



To help manage the requirements of the Heritage Overlay, the Moreland Heritage Permit Exemptions Incorporated Plan was introduced into the scheme in 2020 to exempt some minor works from needing a planning permit in order to reduce the burden on land owners and to administration of the application of the HO.

Since the preparation of the Moreland Heritage Permit Exemptions Incorporated Plan, the Victorian Government has revised the wording of the Heritage Overlay provision, including changes to permit triggers and exemptions. The language used to describe exemptions in Moreland's incorporated plan is in some instances inconsistent with the HO provision. Council Planners have outlined this inconsistency has impacted its useability.

A number of issues with existing HO's have also been identified, summarised below:

Issue with existing Heritage Overlays to resolve	
HO149 HO435	Errors to the heritage value of properties in HO149 (Sydney Road Precinct) and HO435 (Lygon Street Precinct A).
HO425	Potential to translate the Beaufort Houses Precinct into a Serial Listing due to the scattered location of the properties in HO425.
HO77	Update HO77 (Frederick Street Precinct) Statement of Significance to include all properties along Orient Grove that are within the HO77 curtilage.
HO80 HO108 HO128	Update the heritage values of properties in HO80 (Gallipoli Parade Precinct), HO108 (Lyle Street Precinct) and HO128 (Myrtle Street Precinct) to reflect the new non-contributory dwellings that have been constructed.
HO180	Review and update accordingly HO180 (Upfield Railway Line Precinct) to reflect the locally significant heritage attributes and elements remaining following the completion of the Level Crossing Removal Project

## Environmental Significance Overlay

The Environmental Significance Overlay has two schedules, currently applying to the Merri Creek (ESO1) and the Moonee Ponds Creek (ESO2). These waterways are markedly different in character and habitat value but are currently affected by Environmental Significance Overlays which bear a striking resemblance to one another. Some tributaries of each Creek are also protected within the planning scheme, and others are omitted.

In 2021, Council undertook a review into these ESO controls (*Merri and the Moonee Ponds Creek: Reviewing the Environmental Significance Overlay*) that found:

### Overlay extent

- There are areas of significant vegetation within the municipality which warrant protection, but these areas have been subject to ongoing vegetation loss. Seven of the 21 most significant vegetation sites within the municipality are either not affected by the ESO or have only part of their vegetation protected. These are located along the Campbellfield Creek (Northern Memorial Park extension and Melbourne Water Retarding

Basin); the Merlynston Creek (again, the Northern Memorial Park extension, also the Fawkner Crematorium and Memorial Park, the Northern Memorial Park Southern Block and the Box Forest Retarding Basin), and the Westbreen Creek (Northern Golf Course and K. W. Joyce Reserve).

- In some instances, private land is well removed from the Creek and its environs but included within the ESO. It is not considered necessary to align the Overlay boundary with current property boundaries especially for large lots and where sites are some distance from the Creek and environs.
- The piped sections of the Merlynston Creek do not display characteristics consistent with the ESO1 resulting in confusion as to how to apply the Overlay. However, modifications of the control can encourage improvements to the habitat corridors which they are an integral part of.

#### Overlay tool

- The Environmental Significance Overlay (ESO) is the most appropriate tool available within the Victoria Planning Provisions for protecting vegetation.
- The marked difference between the Edgars, Melville, Merlynston, Merri and Moonee Ponds Creeks is not reflected within the text of the Overlays.
- The ESO1 for the Merri Creek provides clearer guidance than with the ESO2 for the Moonee Ponds Creek, however the relevance and usefulness of the referenced guidelines within the ESO1 and ESO2 in helping with decisions is questioned. Permit requirements have been found to conflict with guidelines, some considered onerous and exemptions inconsistent.

#### The review concluded:

- The current ESO provisions in the Planning Scheme are not appropriately worded or applied and as a result the potential of privately owned land to contribute to improvements in the significance of the area and the wildlife corridors they represent has not been realised to date.
- It is not considered necessary to align the Overlay boundary with current property boundaries especially for large lots and where sites are some distance from the Creek and environs (and should be refined accordingly).
- A revised Environmental Significance Overlay can ensure that new development along the waterways increases habitat for native wildlife, providing benefit to both Merri-bek's threatened species and users of parkland along the waterways.
- The Overlay should be applied to areas along the Westbreen Creek and Campbellfield Creek, with mapping also adjusted along waterways that are currently protected.

### **Special Building Overlay**

Areas in Merri-bek that are prone to flooding in major storm events are included in a Special Building Overlay (SBO) in the Planning Scheme. However, the SBO is based on flood modelling conducted in 2009 and only covers areas for which Melbourne Water provides drainage infrastructure.

The Moreland Flood Mapping Study looked at the extent of flooding across the municipality and identified that drainage catchments (Council drains) upstream of Melbourne Water's drains and watercourses are also prone to flooding, with 7,500 properties in areas prone to flooding during high intensity rainfall.

Melbourne Water has since conducted extensive re-modelling of their systems and intends to use their current assessment of flood extent on their drains and watercourses to update the SBO. Including the flooding extents associated with Council's catchments within the SBO is also important and could be introduced as a second schedule to differentiate flooding from Melbourne Water and Council catchments.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
CLPO	No Schedule	4 areas of land within the CityLink project area.	To ensure the efficient construction, operation and maintenance of the Melbourne City Link Project	No	No	No	No	N/A
DCP	1	Entire municipality	To apply the Development Contributions Plan that gathers funds from development to contribute to upgrades to infrastructure	No, a recent review and Amendment C221more proposes to update the project list.	No. Recently extended the date to deliver the DCP	No	Housing Capacity Study and Community Infrastructure Plan could influence what projects and rates are needed in the DCP	Investigate a new DCP, this could capture projects within the Community Infrastructure Plan

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DDO	1	81 Locations	Protect Heritage Places by managing development on adjacent sites – development permit trigger	No	No	No reference documents	No	DDO1 was applied as part of Keeping Brunswick's Heritage but has not been consistently applied or expanded since it was applied in May 2000. Review of Heritage Policy and PPF will help establish whether the Overlay should be deleted.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DDO	2	681-857 Park Street, Brunswick	Height controls along Park Street Brunswick	Yes, NRZ provides a mandatory height control	Yes – not written in current planning style, refers to Melbourne Boulevards	Very outdated, dates back to 1980.	No	DDO2 should be deleted. Properties are in the NRZ with a 9m height control (same as DDO) and many are in HO.
DDO	4	34 Union Street, Brunswick	Built form control	Yes	Yes- Makes reference to Jewel Urban Village and the Urban Village Framework Plans	Old ref doc Urban Villages: A sustainable future for Moreland, Integrated Urban Management, 23 June 2022	Vibrant Brunswick project is creating a new structure plan to align with the BACZ and will include this site (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DDO	5	22 French Avenue, Brunswick	Built form controls, park protection	Yes (Site is in the NRZ) and has been developed	No.	Yes 1999 Urban Village Doc	Vibrant Brunswick project is creating a new structure plan to align with the BACZ and will include this site (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DDO	6	452-456 Victoria Street, Brunswick (west)	Built form controls	Yes, site is developed.	No	No reference documents	No	Whilst the site has been developed, it will not have height guidance if the DDO is deleted. Retain DDO until further work is done on sites

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
								without height guidance
DDO	7	2 John Street & 12-20 Miller Street, East Brunswick	Creation of a road through the site	Yes, site is developed, and road created.	No	No reference documents	No	C212 deleted the overlay - Site is developed and the road created
DDO	9	2- 6 & 8-10 Walter Street Hadfield	Built form/access controls	Yes, road has been created. Built form controls are similar to Zone and local policy.	Yes, 'Development must be in accordance with Safer Design Guidelines for Victoria, DSE, 2005'	Safer Design Guidelines 2005 has been superseded and integrated into the Urban Design Guidelines for Victoria	No	C212more deleted DDO9 - Road has been created and zone and local policy can deliver built form outcomes sought by Council.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DDO	10	Albert/John/Hutchins Streets, Brunswick East	Managing noise impacts resulting from nearby industrial uses	No	No	No reference documents	No	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DDO	11	1-9 Lygon Street, 60, 60A & 64 Brunswick Road, 6-20 Lygon Street Brunswick East	Built form controls	No	No	Yes	Vibrant Brunswick project is creating a new structure plan to align with the BACZ and will include this site (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented



Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DDO	16	Gaffney Street precinct, Coburg North	Built form controls	No	Yes. R1Z used.	Yes	No	C212 proposes to update DDO to reference MILS and refer to the correct zone
DDO	18	Brunswick AC – Sydney Road	Built form controls	Yes. ACZ could be used	No	No	Vibrant Brunswick project is creating a new structure plan to align with the BACZ (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DDO	19	Brunswick AC – Lygon Street	Built form controls	Yes. ACZ could be used	No	No	Vibrant Brunswick project is creating a new structure plan to align with the BACZ (no	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
							change to height controls)	Brunswick Major Activity Centre  Delete if the BACZ is implemented
<b>DDO</b>	20	Brunswick AC – Nicholson Street Local Area	Built form controls	Yes. ACZ could be used	No	No	Vibrant Brunswick project is creating a new structure plan to align with the BACZ (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
<b>DDO</b>	22	Land bound by Barkly Street to the north, Nicholson Street to the East,	Built form and Use controls	Yes, ACZ could be used.	No	Yes	Vibrant Brunswick project is creating a new structure plan to align with the BACZ and will	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
		Brunswick Road to the south, Brunswick East.					include this site (no change to height controls)	Brunswick Major Activity Centre  Delete if the BACZ is implemented
DDO	23	Balfe Park Precinct, Brunswick East	Built form and Use controls	Yes, ACZ could be used.	References outdated Clause 22.11 Development of four or more storeys.	No	Vibrant Brunswick project is creating a new structure plan to align with the BACZ and will include this site (no change to height controls)	Vibrant Brunswick is consolidating policy/height guidance from DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DDO	24	Neighbourhood Centres	Built form controls	No	No	No	No	Retain as it provides guidance to properties in Merri-bek's Neighbourhood

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
								Centres. A review and update should be undertaken to manage townhouse developments occurring in neighbourhood centres.
<b>DDO</b>	26	395-429 Albert St, Brunswick	Built form controls	No	No	No	No	Retain - provides built form and design guidance to large development parcel (former Industrial land)
<b>DDO</b>	29	430-436 Victoria Street and 7	Built form controls	No	No	No	Vibrant Brunswick project is creating a new structure plan to align with	Vibrant Brunswick is consolidating policy/height guidance from

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
		Gardiner Street, Brunswick					the BACZ and will include this site (no change to height controls)	DDO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DPO	1	Barkly Square Shopping Centre	Guide development of Barkly Square Shopping Centre	No	No	No reference documents	Brunswick Structure Plan recommends rewrite of this DPO to achieve greater control of development.	Vibrant Brunswick is consolidating guidance from DPO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DPO	3	Hoffman Brickworks	Hoffman Brickworks redevelopment	No	No	No reference documents	No	No action required. Site not fully developed.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
DPO	4	Stewart St, former Citipower site	Guide development	No	N/A	No reference documents	Brunswick Structure Plan details the built form height controls of three storeys, however the site is not located in AC, giving it limited weight	Vibrant Brunswick is consolidating guidance from DPO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
DPO	6	Gowanbrae	Guide development of the Gowanbrae estate	No	No	No reference documents	No	Delete DPO5. Site is developed.
DPO	9	400 Victoria Street (corner of Gardiner/Victoria and Albert Streets, former Brunswick	To guide development of previous Brunswick Secondary College	No	No	No reference documents	No	Vibrant Brunswick is consolidating guidance from DPO into ACZ for Brunswick Major Activity Centre

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
		Secondary College)						Delete if the BACZ is implemented
<b>DPO</b>	10	173 - 199 Elizabeth Street, Coburg North	Guide development of the old Kodak site	No	No	No reference documents	No	Delete DPO10. Site is developed.
<b>DPO</b>	11	Land bound by Nicholson Street, Glenlyon Road, John Street and Albert Street, Brunswick East (East Brunswick Village)	To guide development.	Yes, ACZ	No	Yes, references the 2008 BSP	No	No action required. Site still being developed.
<b>DPO</b>	12	Public Housing Renewal - Gronn Place Brunswick West	To facilitate an integrated social and private housing	No	No	No	No	No action required

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
			development project					
EAO	No Schedule	Various locations	To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.	Possibly – where an audit has been conducted and a certificate states the land can be used for sensitive uses.	N/A	N/A	N/A	Audit of Statements and certificates of Audits to determine which sites no longer require an EAO, including  492A Victoria Street Brunswick West  26 Tandurum Drive Coburg North



Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
EMO	1	Various location adjacent to and near the Merri, Edgars and Moonee Ponds Creeks	To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.	No	No	No reference documents	No	No action required.
IPO	2	13-17 Duggan Street, Brunswick West	Development in accordance with Incorporated Plan and provision of other documentation	No	No – possibly tying open space to being spent in Sheils Reserve is outdated? Star ratings referenced are outdated.	No reference documents	No	No action required.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
IPO	3	21-35 Hope Street	Guide development in-line with IPO	No	No	No reference documents	N/A	Vibrant Brunswick is consolidating guidance from IPO into ACZ for Brunswick Major Activity Centre  Delete if the BACZ is implemented
IPO	4	King Khalid Islamic College Primary School (Sydney Road and Ross Street, north of O'Hea Street)	Guide development of school grounds - King Khalid	No	Very vague and open to interpretation – no specifics included in schedule itself and allows for development to vary from that shown on the	No reference documents	Coburg Structure Plan recommends built form outcomes for this precinct (Precinct 7)	No action required. Site is still being developed.

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
					incorporated plan.			
<b>LSIO</b>	1	Various locations, adjacent to Merri Creek and Moonee Ponds Creek	Property protection from flood (recently updated)	No – There is no content in the schedule to the LSIO	No	No reference documents	No	No action required. Wait for the Smart Planning reforms that will rationalise flooding and stormwater issues.
<b>PAO</b>	1	PAO1 – Sydney Road, Bell Street (Roads Corp)  PAO2-Watson St, Newlands	PAO 1 – to reserve land for road widening.  PAO2 – to reserve land for	No	No	No reference documents	No	No action required. Consider the application of the PAO after the

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
		Road, Jewell Station Reserve (Council Public Park – MCC acquiring authority)  PAO3-Victoria Street (Bike Path – MCC acquiring authority)	public parks  PAO3 – to reserve land for bike paths					MITS update has been complete.
<b>PO</b>	1	MACs and various NACs and LCs	To vary the parking rates required by Clause 52.06.	No	No	N/A	No	No action required.
<b>SBO</b>	1	Various locations throughout MCC	Property protection from inland flows of water	No	No	No	No	No action required. Wait for the Smart Planning reforms that will rationalise

Overlay	Schedule	Applies to	Intention of Overlay	Is the use of the schedule outdated and/or is there a new mechanism for achieving the purpose intended?	Is the wording of the schedule outdated?	Are the reference docs in the schedule outdated?	Other issues or comments?	Recommendation
								flooding and stormwater issues.
SCO	1	SCO1 - Signage on sports grounds SCO3 - Bell and Moreland Level Crossing Removal Project Area SCO4 - 42 St Phillip Street, BE SCO5 - 10 Dawson Street, Brunswick	Designed to achieve a particular land use and development outcomes	SCO4 is outdated, more restrictive than adjoining properties	No	No	SCO1 does not apply to all of the PPRZ land of Hoskins Reserve (area that contains sports grounds).  Residential zone reforms have since come in and support housing growth in the underlying zone for the site within SCO4 (NRZ).	Extend SCO1 to apply to all of Hoskins Reserve (area that contains sports grounds).  Current amendment considering the removal of the SCO4

## Particular Provisions

Key Particular Provisions in the MPS have been reviewed, with the findings listed in the below table. All findings of this review are reflected in the theme based recommendations included in the body of the Planning Scheme Review.

Particular Provisions with Schedules	Date last amended	Are schedules in operation?	Could schedules be better utilised?	Could the schedules apply more widely or any other comments?
<b>Clause 51.01 Specific Sites and Exclusion</b>	Schedule last updated 16/01/2020	Yes, includes exemptions for two projects: Level Crossing Removal Project and Tramway Infrastructure Upgrades	Potential to be used for other projects	N/A
<b>Clause 52.02 Easements, Restrictions and Reserves</b>	Schedule updated 03/08/2017	Yes, includes permit exemptions for particular land	Could be utilised for other allotments	N/A
<b>Clause 52.05 Signs</b>	21/07/2018 (change of name from Advertising Signs)	No	Potential to utilise table extend exemptions to streamline the MPS	There is some repetition between the decision guidelines of the provision and local advertising policy.
<b>Clause 52.06 Car Parking</b>	31/07/2018 (VC148)	No schedule	N/A	No
<b>Clause 52.27 Licensed Premises</b>	31/07/2018	No	Yes, could include exemptions to encourage particular commercial activity in activity centres and streamline the MPS	Local policy compliments this provision by providing guidance on locations and activity of operation for licensed venues.
<b>Clause 52.28 Gaming</b>	Schedule updated - 14/01/2021	Yes - directs where and where not gaming machines can be located	Recently updated to reflect current conditions	Recently updated as part of translating local policy into the new scheme structure (C200more)

<b>Clause 53.01 Public Open Space Contribution and Subdivision</b>	Schedule moved from Clause 52.01 to Clause 53.01 in 2018 by VC148, but the rates have not changed since 2013	Yes, includes contribution rates based on location (suburb)	Review of rates to align with future needs and help achieve gaps identified in Park Close to Home through Open Space Strategy refresh	N/A
<b>Clause 52.43 Live Music and Entertainment Noise</b>	4/09/2014	No	Potential to broaden the capture for specific sites and include exemptions	Definitions included in this provision are not included in Clause 74.  Term 'Live Music' is too specific, needs an alternative to capture broader range of amplified noise.
<b>Clause 59.15 Local VicSmart Applications</b>	Not currently in our scheme	No	Amendment C190 seeks to introduce VicSmart process for compliant two dwellings on a lot using this schedule.	Potentially, to streamline other common compliant applications.
<b>Clause 54 &amp; 55 ResCode provisions</b>	Limited to only a few aspects of ResCode:  4/10/2018 - overshadowing of adjacent solar panels  26/10/2018 - integrated water management	No schedule	Schedules within the NRZ, GRZ, RGZ, MUZ provide opportunity to vary some standards of ResCode	Standards are generally outdated. There have been some limited updates relating to integrated stormwater management and shadowing of solar panels.

## Appendix 6 – Potential errors to consider in future corrections Amendment

No	Street Address	Suburb	Type	Clause	Description
1	223, 225- 231 Brunswick Road	Brunswick	Zone	N/A	Land in 2 Zones - IN3Z and GRZ.
2	775-781, 783-787, 793-795, 797- 801 & 801a Sydney Road	Brunswick	Zone	N/A	Land in 2 Zones - IN1Z and C1Z
3	160, 162 & 164 Victoria Street	Brunswick	Zone	N/A	Land in 2 Zones- IN3Z and NRZ
4	165, 167- 171 Nicholson Street	Brunswick	Zone	N/A	Land in 2 Zones- MUZ and RGZ
5	Road south of Brunswick Park and north of Gilpin Park	Brunswick	Zone	N/A	Zone of Albert Street and Victoria Street between Pearson Street and Gardiner Street is currently in an Industrial zone but is located adjacent to land in the PPRZ. The zone of the road does not match the zone of the adjacent land.
6	775-801A Sydney Road	Brunswick	Zone	N/A	Land in two zones- C1Z and IND1
7	18 Aintree Street	Brunswick East	Zone	N/A	NRZ zoned property included in the Brunswick Structure Plan boundary.
8	2-4 Murray Street	Brunswick West	Zone	N/A	Land in 2 Zones - C1Z and RGZ
9	653 Sydney Road	Coburg	Zone	N/A	Land in 2 Zones - ACZ and GRZ.
10	117-119 Sydney Road	Coburg	Zone	N/A	Land in two zones- ACZ and C1Z.
11	3-9 Wolseley Street	Coburg	Zone	N/A	Land in two zones- C1Z and GRZ.



12	223-225 Elizabeth Street	Coburg	Zone	N/A	Land in two zones- C1Z and GRZ1
13	48 & 54 Ross Street	Coburg	Zone	N/A	Land in RGZ in an area that is generally occupied by land in the NRZ. Unclear why this land would be included in the RGZ, it is not included within the Activity Centre Boundary.
14	11 Grant Street & 182 Nicholson Street	Coburg	Zone	N/A	Land in two zones- NRZ and PPRZ (part of Merri Creek Reserve)
15	107 Harding Street	Coburg	Zone	N/A	Land in two zones- NRZ and C1Z
16	-	Coburg	Zone	Schedule to Clause 37.08	There is no preferred height in the ACZ for precinct 9.
17	-	Coburg	Zone	Schedule to Clause 37.08	Missing street wall for Coburg ACZ Precinct 8. The built form rational and building envelope background report for C138 that introduced the ACZ of Coburg demonstrates the street wall for Precinct 8 as 11m. The schedule of the ACZ is therefore missing a key to demonstrate this wall height.
18	-	Coburg	Zone	Schedule to Clause 37.08	The ACZ schedule still refers to a Tavern, which is no longer a land use term. Note this has the unintended consequence of making a 'bar' now a section 1 use.
19	-	Coburg	Zone	Schedule to Clause 37.08	Use table in ACZ1 still refers to Clause 52.10 instead of 53.10
20	1182 Sydney Road	Fawkner	Zone	N/A	Land in 2 Zones - IN3Z and GRZ

21	7 Acacia Street	Glenroy	Zone	N/A	"Pearl Street Link " - Land in PPRZ, land owned by Melbourne Water, potentially should be in a PUZ1
22	27 & 29 Valley Crescent	Glenroy	Zone	N/A	NRZ zoned lots that are part of the park 'Captain Chris Slattery Reserve' and provide access from Valley Crescent to the large part of the reserve.
23	7-12/6 Fawkner Road	Pascoe Vale	Zone	N/A	Land in the Pascoe Vale Neighbourhood Centre - Privately owned land within the Westbreen Creek linear parkland in a PPRZ (land owned by Melbourne Water). Fence line does not follow either the property boundary of the zone boundary.
24		Coburg North Brunswick West	Zone	N/A	TRZ4 is applied to part of Edgars Creek Parkland (just south of Industrial Precinct) and 75C Melville Road Brunswick West a union building. These sites were formally PUZ4. This appears to be a historic anomaly or the uses on those sites changed but the zoning had not to align with the change of use
25	-	Brunswick East	Overlay	43.02-23	Schedule references Clause 22.11 'Development of four or more stories' within point 1.0 and 2.0, needs updating to reference correct local policy.
26	-	-	Local policies	Local policies	A number of maps in the scheme are difficult to read, especially as they have been translated into the digital model.