

| SUBMISSION NO. | SUBMISSION TYPE | SUMMARY OF SUBMISSION | THEMES | COUNCIL OFFICER RESPONSE TO SUBMISSION | RECOMMENDATION |
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| | <p>Submissions have been classified as:</p> <p>Supportive Submission expresses general support for the amendment and no changes are requested. Some generally supportive submissions make comment on matters of detail.</p> <p>Supportive - change requested Submission expresses general support for the amendment and changes are requested</p> <p>Not supportive Submission does not support the amendment and no changes are requested</p> <p>Not supportive - change requested</p> | <p>Submissions have been summarised into their key points and include any specific requests for changes to Amendment C190</p> <p>Summaries do not list all arguments in support of key point's or queries raised</p> <p>Individual submissions should be referred to for further detail</p> | <p>The following key themes have been identified from submissions received:</p> <p>Process change Submissions that discuss assessing planning scheme compliant, enhanced quality, two dwelling on a lot applications in the VicSmart application stream</p> <p>Planning policy framework Submissions that discuss the policy context</p> <p>Housing affordability Submissions that recognise of identify the positive impact of the proposed requirements on housing affordability</p> <p>Neighbourhood character Submissions that discuss consideration of neighbourhood character within the VicSmart application stream</p> <p>Livable housing Submissions that discuss Livable Housing Australia Design Guideline requirements</p> <p>ESD Submissions that discuss ESD requirements</p> <p>Crossovers and garages Submissions that discuss the impact of the requirements for new driveways and crossovers which relate primarily to the side by side typology</p> <p>Parking and traffic</p> | <p>Council Officer response to each submission</p> | <p>Council Officer recommendation to Council in response to each submission.</p> |

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| | Submission does not support the amendment and changes are requested Query A submission that asks questions or discusses issues without either supporting or not supporting the amendment. | | Submissions that discuss parking and traffic Rescode and Zone Submissions that discuss ResCode and Zone provisions Monitoring Submissions that discuss monitoring of planning scheme requirements Notice Submissions that discuss notice of the Amendment Legislative requirements Submissions that discuss human rights and privacy legislation | | |
| 1. | Supportive | 1. Wholehearted support. Once again Moreland is the thought-leader in promoting changes to support and deliver high quality housing outcomes | Process change | 1. Support noted | No changes proposed to the Amendment |
| 2. | Supportive | 1. On behalf of my many clients in Moreland, my submission is one of support. It's a wonderful amendment that will remove many of the debates that clog up the system | Process change | 1. Support noted | No changes proposed to the Amendment |
| 3. | Supportive | 1. I fully support this amendment. This proposal is an exciting opportunity to allow home owners certainty when it comes to developing their sites in a side-by-side development. | Crossovers and garages | 1. Support noted | No changes proposed to the Amendment |
| 4. | Query | 1. What is the minimum lot size required for two dwellings on a lot? | - | 1. Written response to question provided There is no minimum lot size within the planning scheme provisions proposed by Amendment C190. | No changes proposed to the Amendment |
| 5. | Not supportive | 1. I would like to express my strong opposition to Amendment C190. This is a substantial lessening of the rights and voice of the people. 2. We pay extremely high rates to the Moreland Council. Amendment seeks to minimise costs to Council. | Process change | 1. The planning system, which includes circumstances where there are third party notice and review rights, and circumstances which are exempt from third party notice and review, are a long-established part of government regulation of land use and development in Victoria. Council's adopted Community Engagement policy, developed with significant community input, says engagement should be purposeful and meaningful. Under the current process, detailed analysis has found that consultation on applications for two dwellings on a lot is not substantially changing the outcome. The proposed VicSmart process removes steps which don't | No changes proposed to the Amendment |

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| | | | | <p>add value for any sector of the community and builds in mandatory requirements to ensure compliance with building envelope standards which are often the subject of objector's concerns.</p> <p>Applications which seek to vary planning scheme requirements would go through the existing process because neighbours could have an influence in this circumstance.</p> <p>2. There is no relationship between rates and the planning scheme. It is well established in Panel reports and VCAT case history that rates is not a planning consideration.</p> <p>Amendment C190 does not seek to minimise costs to Council. It seeks to make more effective use of finite resources on things that make the biggest difference to the community. The more straight forward process for fully compliant dual occupancy development proposed by Amendment C190, could incentivise improved quality outcomes whilst freeing up resources to negotiate improved outcomes in more complex, resource intensive, development proposals, increasing Urban Design input to improve neighbourhood character outcomes and improving ESD outcomes for 'regular' medium density applications.</p> | |
| 6. | Not supportive | <p>1. I wish to lodge my objection to the section of Amendment C190 which will remove resident rights to notification and objection.</p> <p>If there is no process for resident notification the quality and height of new constructions could drop.</p> <p>2. Blocks are small in Brunswick East and we will further reduce green cover and increase overshadowing of other buildings.</p> | Process change | <p>1. This submitter's property and street are within precinct Heritage Overlay HO 113. C190 is not applicable in HO areas.</p> <p>Within a Heritage Overlay a planning permit is required to construct a dwelling if there is one dwelling existing on the lot or construct two dwellings on a lot. Such an application is not exempt from third party notice and review.</p> <p>Building height within the NRZ is mandatory and as such it is not possible for a planning permit to be granted in excess of the height provision of the scheme, irrespective of whether notice is given.</p> <p>Amendment C190 will have no effect on this submitter's rights.</p> <p>2. A permit will continue to be required under the Neighbourhood Residential Zone and be assessed in the regular application stream, with assessment against the Clause 55 Rescode requirements.</p> | No changes proposed to the Amendment |

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| | | | | <p>It is noted that the land to the north of this submitter's property has already been developed with a side-by-side, two dwellings on a lot development.</p> <p>The land to the west of this submitter's property is within the Activity Centre where the vision in the MSS is to broad mix of retail uses and commercial and cultural activity at a mid-rise scale. There is a current planning permit on this lot for a six storey building containing 12 dwellings and a shop.</p> <p>Only developable site adjacent to this submitter's property is to the south, and as such any development on this lot will not overshadow the submitter's property.</p> <p>A reduction in canopy cover as a result of medium density infill development is a persistent issue not just in Brunswick East but across the whole of Moreland. This is documented and acknowledged within Council's adopted Urban Forest Strategy. Amendment C189, which was adopted by Council in June 2020, ensures that canopy trees are included in the design of new dwellings and that there is enough space for new canopy trees to be able to grow.</p> <p>Amendment C190 will have no effect on this submitter's property.</p> | |
| 7. | Supportive | <p>1. We congratulate Council for its strategic foresight and the manner in which it has addressed the important issues associated with increasing dwelling supply in Moreland.</p> <p>Council is to be commended for this initiative and for the approach taken in the Amendment. It very much aligns with the work we have done in the past in seeking to streamline "dual occupancy" applications.</p> <p>Understandably, this pathway is only available if the numerical requirements of Clause 55 and others that have been introduced relating to cross over separation between garages and the like are met. If any one of them is not met, then the usual pathway would apply with notice. The benefit of the VicSmart application is that it is without public notice and a ten-day permit process timeframe applies. This is hugely beneficial to compliant applications and will be welcomed by the planning and development industry as an incentive to comply.</p> <p>This is an initiative that is aligned with our position on dual occupancy development and is very much supported.</p> | <p>Process change</p> <p>Crossovers and garages</p> | <p>1. Support noted</p> <p>2. The requirements for crossovers relate to typologies that necessitate two crossovers to a street frontage, including side by side development. Half of all recently approved two dwelling on a lot development in Moreland is the side by side type. The proposed requirements vary the current policy requirement at Clause 22.03, which discourages more than one crossover.</p> <p>These requirements aim to enable two crossovers to a street frontage whilst seeking to reduce the dominance of crossovers and garages, retain street trees and allow space for planting of new street trees, allow space for canopy tree planting in front setbacks and leave space for parking of one car on the street between the crossovers.</p> <p>Eighty percent of two dwelling on a lot development in Moreland occurs in the northern suburbs, where lot sizes are generally wider. Lots in the northern suburbs of Moreland are comparatively large and wide (typically</p> | No changes proposed to the Amendment |

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| | | <p>2. Our only concern is that given the nature of the prescriptive requirements, it probably means that the lots that might be able to take a benefit of these provisions are limited, particularly in relation to narrow lots.</p> | | <p>600sqm+ and 15-17m wide). Almost all sites would meet the proposed requirements, just as they do at present.</p> <p>In the southern suburbs of Moreland lots are comparatively smaller and narrower and there is more widespread Heritage Overlay, but the number of two dwelling on a lot applications in the south is low. In 2019 there were only 25 applications for two dwellings on a lot in Brunswick West, Brunswick and Brunswick East. Rescode variations and car parking reductions in the south are more common. Forty percent of two on a lot applications in the south do not meet all Rescode and parking criteria. That's 10 applications/year in the south would not benefit from the proposed provisions.</p> <p>The specific requirements within Amendment C190 are based on extensive case study analysis of approved development, including analysis of lot widths and the attributes of crossovers and garages in approved side by side developments.</p> <p>The parts of Moreland where lots are typically narrower, are the suburbs where a minority of two dwelling on a lot development occurs as these lots are not only narrower, they are also smaller in area. Case study analysis also revealed that laneways are more prevalent throughout these suburbs and side by side two dwelling on a lot development most commonly provides access to car parking for one or both dwellings from the rear.</p> <p>The case study analysis of approved side by side two dwelling on a lot developments showed that only 6% of applications of this type would not be able to meet the requirements for new crossovers and driveways. Two thirds of the applications which would not meet these requirements, also varied amenity standards of Rescode and/or the car parking requirements of Clause 52.06, and as such it is not the requirements for new crossovers and driveways alone with would disqualify these applications from the VicSmart application stream.</p> <p>More broadly, extensive case study analysis concluded that at least 85% of approved two dwelling on a lot developments in Moreland do, or could readily meet all requirements proposed by Amendment C190. The requirements have been carefully calibrated to optimise the number of lots that will be able to benefit, whilst improving the quality of two dwelling on a lot developments for the Moreland community.</p> | |

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| 8. | Supportive | <p>1. I strongly support this fast track system.</p> <p>2. Many elderly people live in the municipality, and I believe, given rising house prices, this will become a cheaper, affordable and efficient way for the elderly to downsize in place and within their community, whilst opening up dwellings for younger families to purchase.</p> | <p>Process change</p> <p>Housing affordability</p> | <p>1. Support noted</p> <p>2. <i>Homes for Victorians</i>, the state government housing plan contains an objective to <i>'Streamline planning approvals to reduce costs and uncertainty for developers and target around a four month supply of lots on the market'</i>. The plan states:</p> <p><i>'Planning uncertainty, as well as the time and costs of obtaining planning approval, limit the supply of available new homes and, in doing so, drive up prices. Unnecessarily slow approvals by councils and utilities delay developers and also drive up costs.</i></p> <p><i>Smarter planning and faster approval is a win-win for developers and home buyers alike, and ensures more competitive pressure on prices.'</i></p> <p>Facilitating low density urban infill assists in providing homes for Moreland's growing and changing population and adds to dwelling diversity. Lengthy application processes add to the cost of housing and these costs are passed on to purchasers and their tenants. Removing process steps which add no value has the potential to reduce the cost of housing or allow this budget to be spent on design features which improve housing quality.</p> <p>Twenty five percent of Moreland's population is aged over 55. The vision in Council's Living and Ageing Well in Moreland Framework includes current and future housing needs of older people are considered. This includes encouraging the design of dwellings to meet the needs of people with limited mobility and increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.</p> <p>The framework identifies that housing security is becoming a more significant issue in Moreland, particularly for older women. Research has shown that lower income older single women, who are currently private tenants with little savings or superannuation funds, are more vulnerable to homelessness than men.</p> <p>Council's Affordable Housing Action Plan identifies that the lack of supply of affordable housing is continuing to negatively impact Moreland's diverse community. It notes that recent research identifies a need for at least 7,000 new affordable homes by 2036.</p> <p>Council's Disability Access and Inclusion Plan identifies that almost a quarter of Moreland residents identify as having disability. Six per cent require daily help with core</p> | No changes proposed to the Amendment |

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| | | | | <p>tasks and one person in ten provides unpaid care to an older person or someone with disability. It states that every day people with a disability and their families and carers face significant barriers, including barriers to housing.</p> <p>The housing vision within the Moreland Municipal Strategic Statement is that Council will facilitate housing development to meet the needs of the growing and diverse population, with a focus on:</p> <ul style="list-style-type: none"> • Providing a range of housing sizes and types to accommodate a diversity of household sizes • Housing affordability • Housing designed to be visitable by people with limited mobility, and adaptable for residents with specific accessibility requirements. <p>As well as facilitating affordability and diverse housing choices, the mandatory requirements proposed by Amendment C190 include compliance with the Livable Housing Australia Design Guidelines which ensure that a home is easier to access, navigate and live in for families with young children, people who sustain a temporary injury, ageing people and people with disability and their families.</p> | |
| 9. | Not supportive | <ol style="list-style-type: none"> 1. The amendment does not explain how neighbourhood character will be assessed against Clause 55.02 of the Moreland Planning Scheme. The Schedule does not require applicants to submit a statement of how the proposal responds to the neighbourhood character of the area. In respect to Clause 22.01, how will neighbourhood character be addressed during this process when it is common for Council to refuse applications based on neighbourhood character? 2. The Livable Housing Design Guidelines are not a focal aspect of the Moreland Planning Scheme. The Silver level of performance under the LHA <i>Livable Housing Design Guidelines</i> outlines elements of ResCode which are not mandatory under the proposed VicSmart Schedule. What is the difference between a two dwelling development which is assessed against the VicSmart application process and requires a <i>Livable Housing Design Guideline</i> assessment, and a two dwelling development which does not meet the VicSmart application stream requirements? 3. It is unclear whether BESS reports will be referred to Council's ESD department as per usual procedure and supply feedback to the Council planner within the 10 day | <p>Neighbourhood character</p> <p>Livable housing</p> <p>ESD</p> <p>Process change</p> | <ol style="list-style-type: none"> 1. Assessment of neighbourhood character against Clause 55.02 is unchanged by Amendment C190. The requirement within Clause 55.02-1 Standard B1, for a design response to explain how the proposed design responds to the neighbourhood character of the area, is unchanged by Amendment C190. <p>Consideration of all existing neighbourhood character objectives, policies and statements within the scheme are unchanged by Amendment C190.</p> <p>The decision guidelines within Amendment C190 state that in assessing an application the responsible authority must consider as appropriate:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The neighbourhood and site description. • The design response. <p>It is highlighted that neighbourhood character considerations are being further strengthened by neighbourhood character objectives being introduced into the Neighbourhood Residential Zone and General</p> | No changes proposed to the Amendment |

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| | | <p>time limit or whether the Council planner will review the BESS report and decide whether it is satisfactory.</p> <p>4. By removing the right for residents to object they will not know that there is a proposed medium density development on a neighbouring property.</p> | | <p>Residential Zone by Amendment C189 which has been adopted by Council.</p> <p>In respect to whether an application would be approved or refused on neighbourhood character grounds, the VicSmart process provides for a 10 day refusal on neighbourhood character grounds and it is faster and cheaper to lodge a new application which addresses the issues, than to appeal.</p> <p>2. In relation to Livable housing, twenty five percent of Moreland’s population is aged over 55. The vision in Council’s Living and Ageing Well in Moreland Framework includes current and future housing needs of older people are considered. This includes encouraging the design of dwellings to meet the needs of people with limited mobility and increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.</p> <p>The framework identifies that housing security is becoming a more significant issue in Moreland, particularly for older women. Research has shown that lower income older single women, who are currently private tenants with little savings or superannuation funds, are more vulnerable to homelessness than men.</p> <p>Council’s Disability Access and Inclusion Plan identifies that almost a quarter of Moreland residents identify as having disability. Six per cent require daily help with core tasks and one person in ten provides unpaid care to an older person or someone with disability. It states that every day people with a disability and their families and carers face significant barriers, including barriers to housing.</p> <p>The housing vision within the Moreland Municipal Strategic Statement is that Council will facilitate housing development to meet the needs of the growing and diverse population, including housing designed to be visitable by people with limited mobility, and adaptable for residents with specific accessibility requirements.</p> <p>The Silver LHA standard ensures that homes are easier to access, navigate and live in for families with young children, people who sustain a temporary injury, ageing people and people with disability and their families. Livable Housing is designed to meet the needs of all people.</p> <p>Amendment C190 seeks to incentivise better quality outcomes for two dwellings on lot by using the incentive</p> | |

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| | | | | <p>of a streamlined decision to introduce some value adding requirements to lift the quality of housing from 'acceptable' to 'better', including a new requirement to increase the supply of accessible housing in accordance with Moreland's MSS and Disability Access and Inclusion and Living and Ageing Well plans.</p> <p>Specifically, LHA Silver level requires:</p> <ul style="list-style-type: none"> • A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level. • At least one, level (step-free) entrance into the dwelling. • Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces. • A toilet on the ground (or entry) level that provides easy access. • A bathroom that contains a hobless shower recess. • Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date. • Stairways are designed to reduce the likelihood of injury and also enable future adaptation. <p>This requirement is unrelated to the Rescode requirement at Clause 55.05-1, which requires only that dwelling entries be accessible, so a person with altered mobility status can get to the front door but cannot then move around within a dwelling or use a bathroom.</p> <p>It is highlighted that the Australian Building Codes Board is reviewing the National Construction Code (NCC) to introduce a minimum Livable Housing Australia accessibility standard for housing nationally. The livable housing requirements within Amendment C190 align with this review.</p> <p>3. In relation to ESD consideration of BESS reports, the information requirements proposed by Amendment C190 in the Schedule to Clause 59.16 require the applicant to have the Sustainable Design Assessment (SDA) certified by Moreland City Council prior to lodgement of the application. This frontloads the process to empower applicants.</p> <p>This is the same process that is already in place across Victoria, for VicSmart applications under a Special Building Overlay, where Clause 59.08 requires an application to be accompanied by written advice from</p> | |

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| | | | | <p>Melbourne Water, rather than this referral occurring after the application is lodged.</p> <p>4. The planning system, which includes circumstances where there are third party notice and review rights, and circumstances which are exempt from third party notice and review, are a long-established part of government regulation of land use and development in Victoria.</p> <p>Council's adopted Community Engagement policy, developed with significant community input, says engagement should be purposeful and meaningful. Under the current process, detailed analysis has found that consultation on applications for two dwellings on a lot is not substantially changing the outcome. The proposed VicSmart process removes steps which don't add value for any sector of the community and builds in mandatory requirements to ensure compliance with building envelope standards which are often the subject of objector's concerns.</p> <p>Applications which seek to vary planning scheme requirements would go through the existing process because neighbours could have an influence in this circumstance.</p> | |
| 10. | Not supportive | <p>1. The amendment does not achieve better outcomes. Council has decided to facilitate favoured housing models by using the tools that are available. I disagree with doing this. I argued against VicSmart at the time it was introduced and remain critical.</p> <p>Even notice and appeal rights change the outcomes in only a small proportion of applications, these outcomes are important to those involved when they do occur.</p> <p>2. The amendment misuses ResCode and Zone provisions. It distorts the operation of the controls and uses them in a way they were not intended to be used.</p> <p>3. The ESD provision of Amendment C190 compromises Council's sustainability objectives.</p> | <p>Process change</p> <p>Rescode and Zone</p> <p>ESD</p> | <p>1. Two dwelling on a lot development that complies with all numerical standards of the planning scheme achieves high quality outcomes for both those who live in this housing, and the broader Moreland community. The benefits of the straight forward assessment process are:</p> <ul style="list-style-type: none"> • Better quality housing for the Moreland community • Improved customer service and certainty for landowners, developers and the community • ResCode standards become mandatory rather than discretionary for those opting for this application pathway • Better ESD outcomes due to the inclusion of ESD as a requirement in criteria • Better housing accessibility due to a requirement for certification from Livable Housing Australia • By requiring full compliance with requirements to qualify for this application stream, Council can secure these outcomes for the community without the time and expense for all parties associated with seeking improved compliance via objections or expensive VCAT reviews. <p>Amendment C190 proposes requirements for better quality housing for residents of Moreland, including requirements for crossovers and garages, canopy trees,</p> | No changes proposed to the Amendment |

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| | | | | <p>accessible housing and ESD, all of which are required to be designed upfront. Specific requirements include:</p> <p>Crossovers and garages</p> <ul style="list-style-type: none"> • Permits side by side typology where current policy discourages more than one crossover • Requirements reduce dominance of crossovers and garages • Retains street trees or allows space for planting of street trees • Allows space for canopy tree planting in front setback • Leaves space for parking of one car on the street between the crossovers • These requirements are new. They do not currently exist within the planning scheme. These requirements ensure the retention of street trees, adequate space for front garden landscaping and retention of on street car parking spaces. <p>Canopy trees</p> <ul style="list-style-type: none"> • B13 canopy tree planting requirements in zone schedules (introduced by the recent C189 amendment) become mandatory • Ensures canopy trees are included in the design of new dwellings • Ensures there is enough space for new canopy trees to be able to grow • Implements the vision and actions of the Moreland Urban Forest Strategy, Moreland Urban Heat Island Action Plan and Medium Density Housing Increases tree canopy cover in new development to improve the thermal comfort of new dwellings and enhances landscape character for the broader Moreland community <p>Livable housing</p> <ul style="list-style-type: none"> • Ensures that homes are easier to access, navigate and live in for families with young children, people who sustain a temporary injury, ageing people and people with disability and their families • Livable Housing is designed to meet the needs of all people • Increases the supply of accessible housing in accordance with Moreland's MSS and Disability Access and Inclusion and Living and Ageing Well plans <p>ESD</p> | |

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| | | | | <ul style="list-style-type: none"> • Mandatory compliance with ESD policy • There is currently significant effort required by Council's ESD team to seek to negotiate acceptable ESD outcomes • Negotiation within application process takes an average of 40 days at present • Within the C190 process these requirements become mandatory • Pre-certification by Moreland ESD unit • If applicant submits compliant application with all ESD features shown on plans; quick turnaround • Potential cost recovery for Council • Any potential cost savings in staff resources may be directed towards things like improving ESD outcomes for 'regular' medium density applications. <p>All of these requirements are mandatory.</p> <p>The approach taken in Amendment C190 for low intensity proposals which are fully compliant with Rescode is substantially similar to the approach taken within Part 5 of the Building Regulations 2018, whereby single dwellings, which can be equally substantial as the two dwelling on a lot applications being received by Moreland City Council, are required to meet relevant Rescode standards without third party notice and review.</p> <p>In authorising the Amendment DELWP has determined that the amendment makes proper use of the VPP, uses the most appropriate VPP tool to achieve the strategic objective and that the impact on the resource and administrative costs of the responsible authority have been considered.</p> <p>2. The provisions proposed by C190 within the Schedule to Clause 59.15 outline the standards which must already have been met for applications to be able to be considered via the VicSmart pathway.</p> <p>Consideration of all existing neighbourhood character objectives, policies and statements within the scheme are unchanged by Amendment C190. The decision guidelines within Amendment C190 state that in assessing an application the responsible authority must consider as appropriate:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. | |

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| | | | | <ul style="list-style-type: none"> • The neighbourhood and site description. • The design response. <p>It is highlighted that neighbourhood character considerations are being further strengthened by neighbourhood character objectives being introduced into the Neighbourhood Residential Zone and General Residential Zone by Amendment C189 which has been adopted by Council.</p> <p>3. The C190 requirement in respect to ESD is based on case study analysis of the standard currently being achieved by two dwelling on a lot applications deemed to meet the policy requirements of Clause 22.08 of the Moreland Planning Scheme. This requirement has been developed in consultation with Council's ESD Unit to ensure that the outcomes will be of high quality and that the requirements of the Environmentally Sustainable Development local policy will be guaranteed. This guarantees better ESD outcomes due to the inclusion of ESD as a requirement rather than a discretionary policy.</p> | |
| 11. | Supportive | <p>4. Moreland City Council is commended for this initiative which demonstrates a pragmatic approach towards utilising existing mechanisms within the planning system to streamline processes for common planning permit applications. It is considered that if the relevant provisions are appropriately implemented and administered by Moreland City Council, the proposed amendment will assist in creating much needed planning system efficiencies. Increasing and unnecessary regulatory requirements are one of many costs that impact the end price of a new home and in effect act as a tax on homebuyers.</p> <p>Previously, the planning system allowed for as-of-right second dwellings or dual occupancies subject to conditions. The housing industry and the broader community would benefit from controls that would facilitate infill development, such as secondary dwellings or dual occupancies, where certain conditions are met. Improvements in the planning system can significantly reduce approval delays and therefore improve the supply and delivery of housing to the market at an affordable price.</p> <p>Moreland City Council is commend for the detailed analysis contained within the <i>Better Outcomes for Two Dwellings on a Lot</i> report. The analysis provided demonstrates the strategic justification for Amendment C190, through providing detailed findings on the consistency in matters within the municipality relating to two dwellings on a lot such as the amount of rejections/ submissions received,</p> | <p>Process change</p> <p>Livable housing</p> <p>ESD</p> <p>Crossovers and garages</p> <p>Monitoring</p> | <p>1. Support noted. In <i>Housing affordability: re-imagining the Australian dream</i> the Grattan Institute says '<i>Planning regulations are limiting medium density development supply and raising prices. Planning restrictions significantly increase delays or uncertainty in development, either precluding it altogether, or increasing its costs.</i>'</p> <p><i>Homes for Victorians</i>, the state government housing plan, contains an objective to '<i>Streamline planning approvals to reduce costs and uncertainty for developers and target around a four month supply of lots on the market</i>'. The plan states:</p> <p><i>'Planning uncertainty, as well as the time and costs of obtaining planning approval, limit the supply of available new homes and, in doing so, drive up prices. Unnecessarily slow approvals by councils and utilities delay developers and also drive up costs.</i></p> <p><i>Smarter planning and faster approval is a win-win for developers and home buyers alike, and ensures more competitive pressure on prices.'</i></p> <p>2. In respect to livable housing requirements, Amendment C190 seeks to incentivise better quality outcomes for two dwellings on lot by using the incentive of a streamlined decision to introduce some value adding requirements to lift the quality of housing from</p> | No changes proposed to the Amendment |

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| | | <p>permit conditions, appeals, amenity impacts, matters arising from objections etc. As per the well-considered justification provided from Moreland City Council, it is appropriate and supported that the VicSmart provisions apply to two dwellings on a lot.</p> <p>5. To strengthen Amendment C190 and allow for greater application of its provisions, a number of refinements to the proposed provisions could be made. This is given that a number of the provisions proposed are particularly specific in nature. If all proposed provisions were to be introduced, this may result in a very limited amount of allotments which may be eligible to benefit from this exciting initiative. The following recommendations could be taken into consideration to allow for the broader application of Amendment C190:</p> <p>Livable housing provisions. Accessibility features for people with disabilities, 'ageing in place', visitability or adaptability in private homes should be addressed through voluntary market-based incentives, improved consumer and industry information and education programs and direct Government assistance to people with disabilities.</p> <p>Environmental sustainability provisions. The inclusion of this matter in the planning system duplicates and conflicts with and overlaps with the role of the building regulatory system. Such an approach is contrary to the State Governments policy position regarding the delineation of planning and building systems and that building regulation is the primary and most efficient means for addressing the environmental performance of buildings.</p> <p>New crossover and garage requirements. The incorporation of these provisions may be particularly restrictive and prohibit development. Further consideration should be given to refining the specific numerical requirements listed within the crossover/ garage requirements, to allow for greater flexibility in the provisions.</p> <p>6. In implementing the proposed Amendment C190, it is submitted that it would be good planning practice that the implementation and administration of Amendment C190 be monitored and audited for the first two years. This would therefore ensure the intended benefits are being delivered. Moreland City Council is encouraged to contact the Commissioner for Better Regulation and Red Tape to work collaboratively with regard to this monitoring. This may enable the Commissioner for Better Regulation and Red Tape to utilise this data to demonstrate the anticipated benefits of implementing this system within other local</p> | | <p>'acceptable' to 'better', including a new requirement to increase the supply of accessible housing in accordance with Moreland's MSS and <i>Disability Access and Inclusion</i> and <i>Living and Ageing Well</i> plans. The VicSmart process proposed for two dwellings on a lot is an opt in pathway and does not supersede the existing application pathway for those who do not wish to provide accessible housing.</p> <p>In respect to environmental sustainability, the provisions within Amendment C190 reflect the environmental performance of two dwelling on a lot development which is being delivered by existing policy requirements contained within Clause 22.08 of the Moreland Planning Scheme. If environmentally sustainable design is not considered at the time of planning approval, the ability to achieve environmentally sustainable development may be compromised by the time these matters are considered as part of a building approval.</p> <p>With respect to requirements relating to crossovers and garages, these requirements relate to side by side typology. Half of all recently approved two dwelling on a lot development in Moreland is the side-by-side type. The proposed requirements vary the current policy requirement at Clause 22.03, which discourages more than one crossover.</p> <p>These requirements seek to enable side by side development whilst seeking to reduce the dominance of crossovers and garages, retain street trees and allow space for planting of new street trees, allow space for canopy tree planting in front setback and leaves space for parking of one car on the street between the crossovers.</p> <p>Eighty percent of two dwelling on a lot development in Moreland occurs in the northern suburbs, where lot sizes are generally wider. Lots in the northern suburbs of Moreland are comparatively large and wide (typically 600sqm+ and 15-17m wide). Almost all sites would meet the proposed requirements, just as they do at present.</p> <p>In the southern suburbs of Moreland lots are comparatively smaller and narrower and there is more widespread Heritage Overlay, but the number of two dwelling on a lot applications in the south is low. In 2019 there were only 25 applications for two dwellings on a lot in Brunswick West, Brunswick and Brunswick East. Rescode variations and car parking reductions in the south are more common. Forty percent of two on a lot applications in the south do not meet all Rescode and</p> | |

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| | | <p>government jurisdictions within Victoria. Such monitoring and auditing would best be undertaken by the Commissioner for Better Regulation and Red Tape and be made publicly available.</p> | | <p>parking criteria. That's 10 applications/year in the south would not benefit from the proposed provisions.</p> <p>The specific requirements within Amendment C190 are based on extensive case study analysis of approved development, including analysis of lot widths and the attributes of crossovers and garages in approved side by side developments.</p> <p>The parts of Moreland where lots are typically narrower, are the suburbs where a minority of two dwelling on a lot development occurs as these lots are not only narrower, they are also smaller in area. Case study analysis also revealed that laneways are more prevalent throughout these suburbs and side by side two dwelling on a lot development most commonly provides access to car parking for one or both dwellings from the rear.</p> <p>The case study analysis of approved side by side two dwelling on a lot developments showed that only 6% of applications of this type would not be able to meet the requirements for new crossovers and driveways. Two thirds of the applications which would not meet these requirements, also varied amenity standards of Rescode and/or the car parking requirements of Clause 52.06, and as such it is not the requirements for new crossovers and driveways alone with would disqualify these applications from the VicSmart application stream.</p> <p>More broadly, extensive case study analysis concluded that at least 85% of approved two dwelling on a lot developments in Moreland do, or could readily meet all requirements proposed by Amendment C190. The requirements have been carefully calibrated to optimise the number of lots that will be able to benefit, whilst improving the quality of two dwelling on a lot developments for the Moreland community.</p> <p>3. With respect to monitoring the C190 provisions once they have come into effect, Moreland City Council monitors and reviews all part of the Moreland Planning Scheme in accordance with S12B(1)(4) of the <i>Planning and Environment Act 1987</i> and makes Planning Scheme Review Reports publicly available.</p> <p>Amendment C190 proposes a local provision to address the unique circumstances facing Moreland. Moreland City Council is committed to monitoring the outcomes of this initiative so that the positives may be considered for applications within Moreland more broadly, or any undesirable outcomes can be addressed.</p> | |

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| | | | | <p>The suggestion that monitoring of local provisions within the Moreland Planning Scheme be the domain of the Commissioner for Better Regulation and Red Tape is inconsistent with PEA S12B(1)(4) which properly makes this the responsibility of the planning authority.</p> <p>The circumstances of sustained long-term development pressure combined with a higher community acceptance of two dwelling on a lot development and a desire for improved quality of development may be fairly unique to the pressures and extent of change being experienced in Moreland. The provisions of Amendment C190 are specifically tailored to the circumstances faced by Moreland and it is suggested that a VicSmart approach is unlikely to be adopted by most municipalities. It does however present an excellent, and we believe rare, opportunity to test a cutting red tape initiative that is advocated by other peak industry bodies and aligned with Plan Melbourne, in a discrete location with unique development pressures and quality design challenges.</p> | |
| 12. | Not supportive | <ol style="list-style-type: none"> 1. Planning permit exemptions from third party notice are contrary to Section 18 of the Victorian Charter of Human Rights; the right to participate in public life. Moreland Council does not currently have proper processes to consider human rights. 2. The requirement to give notice of a Planning Scheme Amendment under section 19 has not been fulfilled because Council has only advertised this Amendment in The Age and the Herald Sun. This would only reach a small proportion of residents. 3. Two-dwellings on a lot will result in increased population density in residential areas, which will add to the pressure on infrastructure, services and transport systems, impacting on the safety of children. Many residential areas in Moreland are over-crowded and have parking and transport issues. 4. Council has failed to identify the most suitable, well serviced areas for attracting population and housing growth in the Planning Policy Framework. 5. I do not feel confident that the Privacy statement on Council's website complies with the PDP Act, the IPP Principles, or the Covid-19 (Emergency Measures) Omnibus Act. | <p>Process change</p> <p>Legislative requirements</p> <p>Notice</p> <p>Parking and traffic</p> <p>Planning policy framework</p> | <ol style="list-style-type: none"> 1. A Human Right Assessment was undertaken by the Community Development and Social Policy team at Moreland City Council. Council officers with expertise in human rights including disability, gender equality, ageing, children's services, multicultural and religious diversity and disadvantage more generally participated in the assessment. <p>This Assessment had regard to <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i>, the Human Rights Charter Guidelines and the Moreland <i>Human Rights Policy 2016–202</i>, which is aligned with the Act. The assessment concluded that the change in planning permit application process and the specific standards within this amendment do not limit or interfere with any Human Rights.</p> <p>With respect to Section 18: Entitlement to participate in public life (including voting), the Guidelines state that Section 18 needs to be considered in assessing legislation, a policy or a program where it:</p> <ul style="list-style-type: none"> • limits the ability of a category of individuals to take part in municipal and parliamentary elections • requires individuals to meet certain conditions in order to be eligible to participate in municipal and parliamentary elections • regulates how individuals vote in elections (for example, the method of voting) | No changes proposed to the Amendment |

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| | | | | <ul style="list-style-type: none"> • regulates access to employment in the public service or appointment to public office • establishes requirements for membership of public bodies • regulates the conduct of elections and the electoral process • regulates the suspension and conduct of local government • regulates the suspension and removal of statutory office holders. <p>The right to have a say about an application within a statutory process is not a human right. The planning system, which includes circumstances where there are third party notice and review rights, and circumstances which are exempt from third party notice and review, are a long-established part of government regulation of land use and development in Victoria and do not constitute a breach of the Victorian Charter of Human Rights.</p> <p>2. In respect to notice of the amendment in a newspaper, S19(1C)(2) of the <i>Planning and Environment Act 1987</i> states 'A planning authority must publish a notice of any amendment it prepares in a newspaper generally circulating in the area to which the amendment applies.'</p> <p>Notice was given in the Saturday edition of The Age and Herald Sun. Both The Age and the Herald Sun are newspapers circulating in Moreland. Previously such notice has been given in The Leader newspaper. The Leader is no longer published in print in most parts of Melbourne, including Moreland. The Leader has not been published at all during Covid-19 restrictions on real estate sector.</p> <p>Advice was sought regarding notice in the newspaper. Publication of a notice in either The Age or the Herald Sun, on any day of the week, fulfils the requirement under S19(1C)(2) PEA. Notice was given in both papers and notice was placed in Saturday editions as they are the most widely read. There is a substantial cost difference between a notice in The Leader and a notice in The Age or the Herald Sun and notice on a Saturday is a more substantial cost difference again. It is positive that this submitter saw the notices in both newspapers.</p> <p>In addition, the amendment was publicised in the Moreland City Council Community Update, a hard copy publication distributed to every property. This included</p> | |

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| | | | | <p>the offer to post hard copy documents to people who do not have internet access.</p> <p>3. In respect to increased population in residential areas, placing pressure on infrastructure, services and transport systems, Amendment C190 does not alter permissible development in any residential zone, it simply alters the process by which those applications are assessed and seeks to introduce additional requirements to improve the quality of development which is already occurring. Subject to meeting detailed design requirements, two dwelling on a lot housing is permitted in all residential zones across Victoria.</p> <p>The car parking requirements of the planning scheme are unchanged by Amendment C190.</p> <p>4. In respect to the housing growth hierarchy within the Planning Policy Framework of the Moreland Planning Scheme, the scheme properly directs substantial, incremental and minimal change to different areas to facilitate a range of different housing types in different locations and to provide housing diversity to meet community needs, aligning with Plan Melbourne. It responds to Plan Melbourne Direction 2.4 (Facilitate Housing Developments in the Right Locations) and Plan Melbourne Implementation Plan Action 28 (Develop a codified process for medium density approvals).</p> <p>Medium density housing (units and townhouses) contributes to the range of housing options to suit different budgets and lifestyle needs. At present, 35% of Moreland's households live in medium density units and townhouses. This is forecast to grow to 51% by 2036. The <i>Better Outcomes for Two Dwellings on Lot Review</i> properly discusses the importance of medium density housing in Moreland.</p> <p>Moreland's population is growing significantly, with 78,600 people anticipated to be added to Moreland's population by 2036. This growth is in line with Melbourne's overall rate of population growth. In 20 years time, more of Moreland's households will live alone than as families with children. As increasing numbers of households live alone or as couples without children, more housing is needed to accommodate everyone. Even if the population remains the same more smaller homes are required.</p> <p>Population growth and change will influence the housing the Moreland community will need in the future. Moreland needs an extra 38,000 dwellings over the next</p> | |

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| | | | | <p>two decades. This can only be achieved if the trend to more medium (and high) density housing continues. Expanding the diversity of housing types into the future will respond to the trend for people to live in smaller households.</p> <p>5. With respect to Privacy legislation, natural justice and transparency are important parts of the Planning Scheme Amendment process. Under section 21(2) of the <i>Planning and Environment Act 1987</i>, Council must make all submissions to an Amendment available to view by any person at its offices for a period of two months after the Amendment is gazetted or lapses. This includes all personal names, telephone and address details, unless specifically requested to be deleted prior to the submission being made publicly available.</p> <p>Advice has been obtained about how to fulfil this requirement in a manner which is compatible with Privacy legislation and advice which is consistent with this advice is included on the notice, the information sheet, council's website and on letters acknowledging submissions.</p> <p>Council makes all submissions available to view online on its website during the Planning Scheme Amendment process. All submissions made available online are redacted to remove personal names, telephone and address details. Submissions are removed from the website once the Amendment is finalised.</p> | |
| 13. | Not supportive | <ol style="list-style-type: none"> 1. My greatest concern is the right of people to see plans and have a say. Often good intentions and streamlining or incentivising good community outcomes have the exact opposite result. 2. Lowering standards to appease developers has resulted in community group after group paying the price. 3. We absolutely support housing to be accessible for the mobility challenged and seniors. 4. I'm disappointed and annoyed that we were not notified about the proposed amendment. | <p>Process change</p> <p>Livable housing</p> <p>Notice</p> | <ol style="list-style-type: none"> 1. The planning system, which includes circumstances where there are third party notice and review rights, and circumstances which are exempt from third party notice and review, are a long-established part of government regulation of land use and development in Victoria. <p>Council's adopted Community Engagement policy, developed with significant community input, says engagement should be purposeful and meaningful. Under the current process, detailed analysis has found that consultation on applications for two dwellings on a lot is not substantially changing the outcome. The proposed VicSmart process removes steps which don't add value for any sector of the community and builds in mandatory requirements to ensure compliance with building envelope standards which are often the subject of objector's concerns.</p> <p>Applications which seek to vary planning scheme requirements would go through the existing process</p> | No changes proposed to the Amendment |

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| | | | | <p>because neighbours could have an influence in this circumstance.</p> <p>2. Amendment C190 proposes requirements for better quality housing for residents of Moreland, including requirements for crossovers and garages, canopy trees, accessible housing and ESD, all of which are required to be designed upfront. Specific requirements include:</p> <p>Crossovers and garages</p> <ul style="list-style-type: none"> • Permits side by side typology where current policy discourages more than one crossover • Requirements reduce dominance of crossovers and garages • Retains street trees or allows space for planting of street trees • Allows space for canopy tree planting in front setback • Leaves space for parking of one car on the street between the crossovers • These requirements are new. They do not currently exist within the planning scheme. These requirements ensure the retention of street trees, adequate space for front garden landscaping and retention of on street car parking spaces. <p>Canopy trees</p> <ul style="list-style-type: none"> • B13 canopy tree planting requirements in zone schedules (introduced by the recent C189 amendment) become mandatory • Ensures canopy trees are included in the design of new dwellings • Ensures there is enough space for new canopy trees to be able to grow • Implements the vision and actions of the Moreland Urban Forest Strategy, Moreland Urban Heat Island Action Plan and Medium Density Housing Increases tree canopy cover in new development to improve the thermal comfort of new dwellings and enhances landscape character for the broader Moreland community <p>Livable housing</p> <ul style="list-style-type: none"> • Ensures that homes are easier to access, navigate and live in for families with young children, people who sustain a temporary injury, ageing people and people with disability and their families • Livable Housing is designed to meet the needs of all people | |

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| | | | | <ul style="list-style-type: none"> • Increases the supply of accessible housing in accordance with Moreland’s MSS and Disability Access and Inclusion and Living and Ageing Well plans <p>ESD</p> <ul style="list-style-type: none"> • Mandatory compliance with ESD policy • There is currently significant effort required by Council’s ESD team to seek to negotiate acceptable ESD outcomes • Negotiation within application process takes an average of 40 days at present • Within the C190 process these requirements become mandatory • Pre-certification by Moreland ESD unit • If applicant submits compliant application with all ESD features shown on plans; quick turnaround • Potential cost recovery for Council • Any potential cost savings in staff resources may be directed towards things like improving ESD outcomes for ‘regular’ medium density applications. <p>ALL of these requirements are mandatory.</p> <p>3. Support noted. Twenty five percent of Moreland’s population is aged over 55. The vision in Council’s <i>Living and Ageing Well in Moreland Framework</i> includes current and future housing needs of older people are considered. This includes encouraging the design of dwellings to meet the needs of people with limited mobility and increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.</p> <p>The framework identifies that housing security is becoming a more significant issue in Moreland, particularly for older women. Research has shown that lower income older single women, who are currently private tenants with little savings or superannuation funds, are more vulnerable to homelessness than men.</p> <p>Council’s <i>Disability Access and Inclusion Plan</i> identifies that almost a quarter of Moreland residents identify as having disability. Six per cent require daily help with core tasks and one person in ten provides unpaid care to an older person or someone with disability. It states that every day people with a disability and their families and carers face significant barriers, including barriers to housing.</p> | |

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| | | | | <p>The housing vision within the Moreland Municipal Strategic Statement is that Council will facilitate housing development to meet the needs of the growing and diverse population, including housing designed to be visitable by people with limited mobility, and adaptable for residents with specific accessibility requirements.</p> <p>The Silver LHA standard ensures that homes are easier to access, navigate and live in for families with young children, people who sustain a temporary injury, ageing people and people with disability and their families. Livable Housing is designed to meet the needs of all people.</p> <p>4. This submitter was notified of the amendment by email on 2 June at 9.38am. The email did not bounce back. Council does not have a postal address for this submitter. It is positive that this submitter was aware of the amendment.</p> <p>In addition, the amendment was publicised in the Moreland City Council Community Update, a hard copy publication distributed to every property. This included the offer to post hard copy documents to people who do not have internet access.</p> | |
| 14. | Query | <ol style="list-style-type: none"> Amendment C190 proposed by Moreland Council is courageous, welcome, brave and forward thinking. A 10 day Planning permit will be a positive initiative for many applicants and appears to reduce the bureaucratic process many consider lengthy and at times frustrating. There a number of key considerations which this Amendment has not addressed: <ul style="list-style-type: none"> Neighbourhood Character Consistency with objectives in clause 22.01 (Neighbourhood Character Policy) Consistency with objectives in clause 22.03 (Car and Bike Parking & Vehicle access) Amenity impacts (such as visual bulk or impacts to street trees etc.) How much discretion will Council apply to ensure an application qualifies for the VicSmart assessment process? | <p>Process change</p> <p>Neighbourhood character</p> <p>Crossovers and garages</p> | <ol style="list-style-type: none"> Support noted Assessment of neighbourhood character against Clause 55.02 is unchanged by Amendment C190. The requirement within Clause 55.02-1 Standard B1, for a design response to explain how the proposed design responds to the neighbourhood character of the area, is unchanged by Amendment C190. <p>Consideration of all existing neighbourhood character objectives, policies and statements within the scheme are unchanged by Amendment C190.</p> <p>The decision guidelines within Amendment C190 state that in assessing an application the responsible authority must consider as appropriate:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The neighbourhood and site description. The design response. <p>It is highlighted that neighbourhood character considerations are being further strengthened by neighbourhood character objectives being introduced</p> | No changes proposed to the Amendment |

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| | | | | <p>into the Neighbourhood Residential Zone and General Residential Zone by Amendment C189 which has been adopted by Council.</p> <p>In respect to whether an application would be approved or refused on neighbourhood character grounds, the VicSmart process provides for a 10 day refusal on neighbourhood character grounds and it is faster and cheaper to lodge a new application which addresses the issues, than to appeal.</p> <p>Half of all recently approved two dwelling on a lot applications are the side by side type. The requirements within C190 are consistent with the way the RA is exercising discretion in the application of Clause 22.03 and consistent with many VCAT decisions regarding this policy.</p> <p>All amenity impact standards of Rescode become mandatory within the C190 provisions, including the side and rear setback requirements of Standard B17.</p> <p>The provisions within Amendment C190 disallow consideration of applications within this application stream where street trees are proposed to be removed.</p> <p>3. All requirements which determine whether an application qualifies for the VicSmart stream are numeric and mandatory. There is no discretion.</p> | |
| 15. | Supportive | 1. We would like to commend Moreland City Council on the exhibition of Amendment C190. With 51 percent of Moreland householders anticipated to live in medium density by 2036, this is a great example of how the planning system can be used to better incentivise high quality development outcomes in the right locations. | Process change | 1. Support noted | No changes proposed to the Amendment |