

**Moreland Planning Scheme Amendment C201more
Sheppard Street and Norris Street rezoning**

Panel Report

Planning and Environment Act 1987

9 September 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

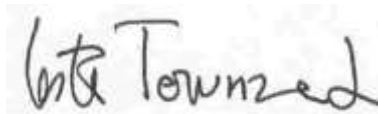
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Moreland Planning Scheme Amendment C201moremore

Sheppard Street and Norris Street rezoning

9 September 2022



Lester Townsend

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Glossary and abbreviations

Council	Moreland City Council
DELWP	Department of Environment, Land, Water and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GRZ	General Residential Zone
HIA	Housing Industry Association
IPO	Incorporated Plan Overlay
MILS	Moreland Industrial Land Strategy
MUZ	Mixed Use Zone
NRZ	Neighbourhood Residential Zone

Overview

Amendment summary

The Amendment	Moreland Planning Scheme Amendment C201moremore
Common name	Sheppard Street and Norris Street rezoning
Brief description	The Amendment proposes to rezone land and apply an Incorporated Plan Overlay to facilitate transition to residential uses
Subject land	Precinct 16 of in the Moreland Industrial Land Strategy 2015 – 2030, being land in Sheppard Street and Norris Street, Coburg North
The Proponent	Sheppard Street Pty Ltd and Builtmore Investments Pty Ltd
Planning Authority	Moreland City Council
Authorisation	<p>Authorisation was granted on 11 February 2022 subject to the condition:</p> <ul style="list-style-type: none"> - Update the Amendment documentation, ordinance, and application of the Environmental Audit Overlay in response to the EPA's advice for the proposed amendment given under Ministerial Direction 19. <p>The Amendment documentation was updated in line with the authorisation condition.</p>
Exhibition	7 April to 13 May 2022
Submissions	<p>Six submissions were received:</p> <ul style="list-style-type: none"> - Housing Industry Association - Melbourne Water - Environment Protection Authority Victoria - Australian International Academy of Education - Marion Attwater - Vanessa Reinhart.

Panel process

The Panel	Lester Townsend
Directions Hearing	Video conference, 13 July 2022
Panel Hearing	Video conference, 15 August 2022
Site inspections	Unaccompanied, 10 August 2022
Parties to the Hearing	<p>Moreland City Council represented by Kim Giaquinta</p> <p>Marion Attwater</p> <p>Sheppard Street Pty Ltd represented by Ian Munt of Counsel and calling evidence in:</p> <ul style="list-style-type: none"> - Urban Design from Simon McPherson of Global South - Urban Planning from Hugh Smyth of Urban Planning Collective.
Citation	Moreland PSA C201more [2022] PPV
Date of this report	9 September 2022

Executive summary

Moreland Planning Scheme Amendment C201moremore (the Amendment) seeks to implement the *Moreland Industrial Land Strategy 2015-2030* by rezoning land in Coburg North from Industrial 3 Zone to General Residential Zone and Mixed Use Zone and by applying an Incorporated Plan Overlay and Environmental Audit Overlay.

Key issues raised in submissions included:

- the strategic justification for the rezoning
- the interface of development with the adjacent Hosken Reserve
- the provision of affordable housing
- proposed pedestrian connections.

The Amendment will effectively transition the existing industrial land to a mixed use / residential precinct in accordance with the outcomes specifically sought in the Planning Policy Framework. There is no doubt that the Amendment is strategically justified.

The ambition of the Amendment, with its focus on higher density residential development and site-responsive design requires controls to shape appropriate outcomes on the land.

The selected Victoria Planning Provision tools – the Mixed Use Zone, General Residential Zone and Incorporated Plan Overlay – are the appropriate mechanisms to achieve the strategic objectives for the land. The zones and overlay together include a combination of clear mandatory and discretionary requirements to give effect to acceptable planning outcomes.

The requirement for affordable housing in the schedule to the Incorporated Plan Overlay is supported by State and local planning policy directions and supported by the land owners. The voluntary affordable housing provision will work towards contributing to the 7,000 new affordable housing homes needed in the municipality by 2036 as identified in housing research undertaken in *A Home in Moreland*.

Application of the Environmental Audit Overlay to most of the subject land will be effective in ensuring appropriate remediation and protection works occur to land.

The Incorporated Plan establishes sufficient certainty of outcomes to warrant exemptions from notice and review where permit applications are consistent with the plan. Similarly, there is sufficient flexibility for applications to vary some requirements, at which point the notice and review exemptions are not applicable.

Council resolved to formally change the Amendment to introduce a notice requirement to adjoining land owners. There is no head of power to do this for permits that are generally in accordance with the Incorporated Plan.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moreland Planning Scheme Amendment C201moremore be adopted as varied by Council under Section 23(1)(a) of the *Planning and Environment Act 1987* in response to submissions at its meeting of 8 June 2022 subject to the following:

1. **In the Incorporated Plan Schedule, do not include a decision guideline requiring seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made.**

- 2. In Clause 02.03-5 Housing, correct the references to the 'Economic Development Framework Plan' to the 'Housing Framework Plan'.**
- 3. In the Incorporated Plan, make the changes shown in Appendix B.2, which generally reflect Council's final preferred version of the document.**

1 Introduction

1.1 The Amendment

The Amendment seeks to rezone land shown as in Figure 1, (the Precinct) from Industrial 3 Zone to General Residential Zone Schedule 1 (GRZ1) and Mixed Use Zone (MUZ) as shown in Figure 2, and apply the Incorporated Plan Overlay (IPO) to guide development.

Property addresses of the Precinct are:

- 3-5, 4, 6, 7, 8, 10 and 16-20 Sheppard Street, Coburg North
- 2-4 and 6 Norris Street, and part of 39A Shorts Road, Coburg North and
- the former right of way abutting the western boundary of 11 Norris Street, Coburg North.

Figure 1: Existing zones



Figure 2: Proposed zones



Specifically the Amendment proposes:

- Policy changes:
 - amend Clause 02.04 by altering the Residential Framework Map to change the designation of the Precinct to 'Significant Change'.
- Application of zones – rezone land from:
 - Industrial 3 Zone to GRZ1 (13 properties)
 - Industrial 3 Zone to MUZ (five properties)
 - GRZ1 to MUZ (one property).
- Application of Overlays:
 - apply a new Schedule 5 to the Incorporated Plan Overlay (IPO5) to the Precinct
 - apply the Environmental Audit Overlay (EAO) to 13 properties.
- Incorporated plan:
 - incorporate the *Sheppard and Norris Street Coburg North Incorporated Plan, 2021* (Incorporated Plan).
- Technical and consequential changes:
 - amend the Schedule to Clause 72.03 (What Does This Planning Scheme Consist Of?) to include reference to Map 8IPO
 - amend the Schedule to Clause 72.04 (Incorporated documents) to include the Incorporated Plan
 - amend the Schedule to Clause 74.01 (Application of zones, overlays and provisions) to correct typographical errors and include reference to the use of the Design and Development or Incorporated Plan Overlays where a statement of desired future character is required.

Post exhibition change

On, Council resolved to:

- request the Minister for Planning to appoint a Panel
- refer any late submissions to the Independent Planning Panel appointed to consider the Amendment and submissions
- change the Amendment as follows:

Amend the draft Schedule 5 to the Incorporated Plan Overlay to include a decision guideline that requires seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made about a planning permit application to use or develop land in that part of the Precinct in the General Residential Zone and that this will be included in Council's submission to an Independent Planning Panel and authorises the Director Place and Environment to finalise the wording of the decision guideline.

1.2 Summary of issues raised in submissions

Six submissions were made about the Amendment. Concerns included:

- the implementation of mandatory affordable housing provisions
- the lack of strategic justification for the Amendment and that the area is not suitable for significant change
- the explanatory report did not correctly answer the question about the Transport Integration Act 2010 and whether the Amendment is likely to have a significant impact on the transport system
- the Amendment had not been developed alongside the Hosken Reserve Master Plan considering that the development requirements of the Amendment be designed in conjunction with the Master Plan
- the need to consider the long-term relationship between future development and operation of the reserve.

Melbourne Water submitted that they had not identified any infrastructure assets within the Precinct and that they did not have any further comment to make on the Amendment.

The EPA supported the Amendment and considered that Council had taken reasonable steps to ensure that the risks associated with potentially contaminated land are known and managed.

Procedural issues

Submitter 4 raised concerns about several procedural issues including concerns about Amendment number ordering and timing, the accessibility of information provided to Councillors and the public notification process undertaken for the Amendment.

The Panel has reviewed the chronology of the Amendment and has not identified any defects in procedure. These concerns did not affect the ability of the submitter to participate in the Hearing process.

The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material

presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic justification
 - Policy support for the rezoning
 - Mandating affordable housing
 - Impact on the transport system
- Overlay schedule and policy issues
 - Notice in the Incorporated Plan Overlay
 - Dealing with contaminated land
 - Minor correction to strategy
- Incorporated plan
 - What the plan does
 - Design of the Amendment in conjunction with the Hosken Reserve masterplan
 - Urban design changes
 - Planning changes.

2 Strategic justification

2.1 Policy support for the rezoning

(i) The issue

Submitter 5 raised concerns about the lack of strategic justification for the Amendment stating that the area is not suitable for significant change.

(ii) Background: Moreland Industrial Land Strategy 2015 – 2030

The *Moreland Industrial Land Strategy 2015 – 2030* (MILS) was adopted by Council in July 2016. The MILS replaced the *Moreland Industrial Land Use Strategy 2004*, which recommended a comprehensive review after 10–15 years. MILS was implemented into the planning scheme through Amendment C158, gazetted on 6 April 2017.

Council explained that the MILS provides a coordinated and evidence-based approach to managing growth and strengthening our local economy, saying MILS complements Council's objectives for creating a sustainable urban environment where people have access to jobs and business services near to where they live. Council said MILS ensures it is planning for local employment opportunities now and for future generations.

The MILS, and associated background work which underpinned it, provides a comprehensive analysis of the changing nature of employment in Moreland and implications for industrially zoned land. It categorises all industrial land, by site or precinct, into one of three strategic categories as follows:

- Category 1: Core Industrial and Employment Areas – Maintain land for industry and other employment uses
- Category 2: Employment Uses – Support a transition to a broader range of employment uses and seek to prioritise employment uses over residential uses
- Category 3: Transition Residential Areas – Support change in some areas to facilitate quality residential development that contributes to housing supply.

MILS identifies the land affected by the Amendment as Category 3: Transition Residential Areas. It sets out the following directions for these areas:

Category 3 – Transition-Residential Areas

Purpose:

Facilitate a transition to quality residential environments which contribute to Moreland's housing supply.

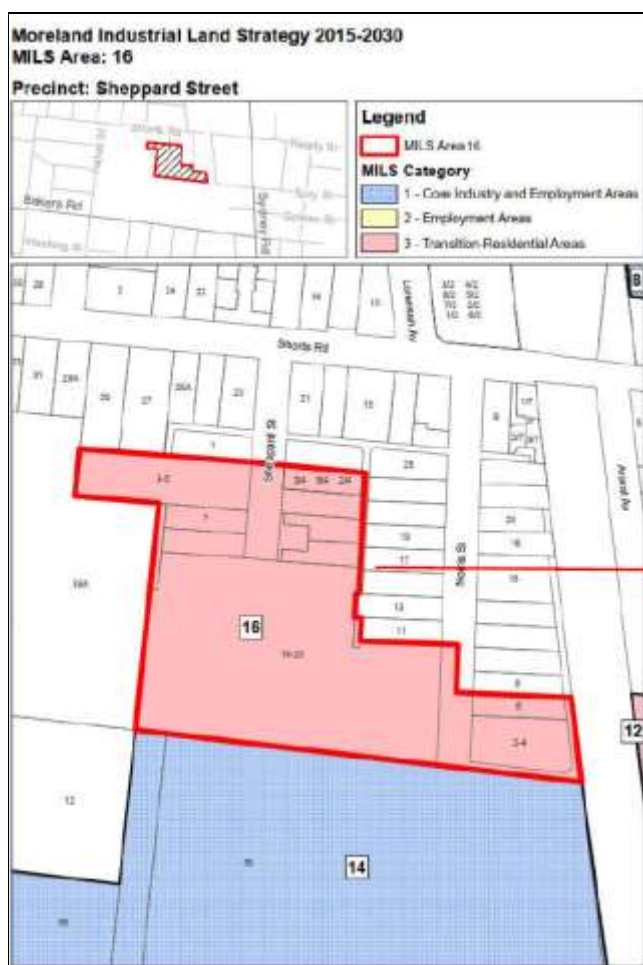
Applied to:

Small areas of industrial and employment land that are surrounded by residential zoned land or other sensitive uses, with poor access to the regional road network, and isolated from larger Core Industry and Employment Areas and Activity Centres.

Applicable zones:

Mixed Use Zone (MUZ), Residential Growth Zone, General Residential Zone (GRZ), Neighbourhood Residential Zone. Zone selection will be informed by the size and location of the site and the ability to manage off site impacts and integrate with the scale of the surrounding neighbourhood at site or precinct boundaries. Given the objective for Transitional Residential Areas to make a contribution to overall housing supply, the Neighbourhood Residential Zone should only be considered in specific circumstances such as very small and isolated sites.

Figure 3: Moreland Industrial Land Strategy 2015 – 2030



(iii) Submissions

Council, Sheppard Street and Mr Smyth who gave evidence for Sheppard Street, identified the following key policies.

Clause 16.01-1L (Homes in Moreland) implements Clauses 16.01-1S (Housing supply) and 16.01-1R (Housing supply – Metropolitan Melbourne) by encouraging residential rezoning in areas identified as ‘Transition Residential’ Areas on the Strategic Framework Plan: Housing at Clause 2.04.

Clause 16.01-2S (Housing affordability) aims to deliver more affordable housing closer to jobs, transport, and services. Clause 16.01-2L (Housing affordability Moreland) seeks to deliver this by encouraging developments to include affordable housing to be owned and managed by a registered housing association, registered housing provider or the Director of Housing.

Clause 16.01-1L (Homes in Moreland) sets out the strategy:

Encourage residential rezoning in areas identified as ‘Transition Residential’ Areas on the Strategic Framework Plan: *Housing* at Clause 02.04

Figure 4 shows the identification of the site as a ‘Transition Residential Area.’

Figure 4: Existing Framework from Municipal Planning Strategy**(iv) Discussion and conclusion**

There is clear policy support for the rezoning of the land. Indeed it is difficult to envisage how policy settings could be any clearer. The land is explicitly identified for transition in the planning scheme.

The whole of the precinct is being rezoned and there do not appear to be any exiting continuing industrial uses that will inhibit development.

The Panel concludes:

- Policy supports the rezoning of the land.

2.2 Mandating affordable housing**(i) The issue**

The Housing Industry Association (HIA) raised concerns about the implementation of mandatory affordable housing provisions.

(ii) Submissions

The HIA recommended that mandatory affordable housing provisions be removed and offered alternative methods for providing affordable housing that do not rely on planning controls. Before the Hearing HIA submitted:

On review of Council's Part A submission, we note the affordable housing provisions proposed have been developed with the support of the proponent in this case. In light of this support, HIA no longer wishes to present or expand on our written submission to the Panel. However our written submission remains our official position in relation to amendment

C201more. As per HIA's *Subsidised Affordable Housing Policy* referenced in the submission, HIA supports a range of options for developers and builders on a voluntary basis, to enter into an agreement to increase the delivery of affordable housing. Should you require clarification, please contact me.

Council and Sheppard Street reiterated their commitment to affordable housing at the Hearing.

(iii) Discussion and conclusion

There is a clear need for affordable housing and clear policy support for affordable housing in the Moreland Planning Scheme.

There is no policy basis for the Panel to unwind a voluntary agreement to deliver affordable housing where all parties are happy with that agreement.

The Panel concludes:

- The affordable housing requirements are appropriate.

2.3 Impact on the transport system

(i) The issue

Submitter 5 raised concerns that the explanatory report did not correctly answer the question about the *Transport Integration Act 2010* and whether the Amendment is likely to have a significant impact on the transport system.

(ii) Submissions

Sheppard Street submitted a report by Ms Charmaine Dunstan on the traffic implications of development of the land. Ms Dunstan was not called as a witness and the Panel has accepted the report as a submission. Although presented as a submission, rather than evidence, it is clear that Dunstan has applied a similar methodology to that used for witness reports.

Ms Dunstan concludes:

Having undertaken a traffic engineering assessment of the proposed Amendment C201more to the Moreland Planning Scheme, I am of the opinion that:

- The traffic generated by the proposed rezoning and scale of development likely for the site can be adequately accommodated on the surrounding road network and surrounding intersections.
- The replacement of industrial land with residential/mixed use land will remove heavy vehicles from the local road network in favour of residential style traffic and generally passenger style vehicles. This change in mix of traffic will have an overall benefit to the surrounding area from a safety perspective.
- Whilst the amendment documentation does not seek variation to the statutory car parking requirements for the site, I am satisfied that the locational attributes of the subject land make it an appropriate candidate for reduced car parking rates for development.
- ...
- The specific controls set out within the Sheppard Street & Norris Street, Coburg North Incorporated Plan appropriately manages matters of vehicle access, alternative transport links and requirements for subdivision from a traffic engineering perspective appropriately.
- Whilst the Incorporated Plan could potentially allow development of the land currently used for access to Hosken Reserve and 56 Bakers Road (land known as part 39A Shorts Road), I am satisfied that vehicle access can be maintained to Hosken Reserve and 56 Bakers Road via other means. Alternative access to Hosken Reserve and 56

Bakers Road should be established prior to development of the part 39A Shorts Road land.

- The requirements of the Incorporated Plan ensures that all loading and waste collection requirements of development will be designed appropriately.

(iii) Discussion and conclusion

The Panel accepts the view of Ms Dunstan that the Amendment deals appropriately with transport related issues. The Panel notes that the site is well served by public transport. The site is close to Merlynston Station and the number 19 tram route. The Panel used these public transport services to conduct its site inspection.

The Panel concludes:

- The proposed redevelopment will not have a significant impact on the transport system.

3 Overlay schedule and policy issues

3.1 Notice in the Incorporated Plan Overlay

(i) The issue

Council resolved at its 8 June 2022 meeting to amend IPO5 to include a decision guideline requiring seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made about a planning permit application to use or develop land in the part of the Precinct zoned GRZ. The issue is whether this change is supportable.

(ii) Submissions

Council submitted that whilst the matter of future notification of applications in accordance with the Incorporated Plan was not raised in submissions received to the Amendment, the intention of the change is to provide transparency of expected proposed built forms as each part of the Precinct is developed. As a result, it is proposed to amend IPO5 to include a post exhibition change as follows:

Insert the following decision guideline to section 4 – Decision guidelines:

- Seek the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made about a planning permit application to use or develop land in that part of the Precinct zoned General Residential Zone.

(iii) Discussion

The Panel notes that Council may not have the power to make changes to an amendment that are not in response to a submission.

The Panel also notes that under the IPO parent provisions there is no ability to formally require the notice of proposals that are “*generally in accordance with the incorporated plan*”.

Provisions that seek to establish alternative notice provisions to those set out under the PE Act, as the Council proposed change does, are legally uncertain and open the door to legal action in the courts, as opposed to resolution of disputes by the Victorian Civil and Administrative Tribunal. The Panel understands that DELWP does not support these types of provisions.

The Incorporated Plan Overlay is a ‘master planning overlay’. This overlay seeks to define the parameters of a development in advance of permit applications and turns off notice and appeal provisions. The clear intent of this approach is that that potentially contentious issues ought to be resolved at the Master Plan stage not on a permit by permit basis. The panel process is established as part of the process to resolve any outstanding issues.

The Panel observes that nothing prevents Council consulting about future permit applications, if it thinks this is necessary or desirable.

(iv) Recommendation

The Panel recommends:

1. **In the Incorporated Plan Schedule, do not include a decision guideline requiring seeking the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made.**

3.2 Dealing with contaminated land

(i) The issue

The issue is whether the Amendment appropriately addresses land contamination issues.

(ii) Submissions

Council sought the views of the Environment Protection Authority (EPA) as part of the preparation of the Amendment. The EPA recommended that Council update the explanatory report to clearly state which properties are contaminated, not apply the EAO to the properties at 4 Sheppard Street and revise the IPO5 to include requirements for the implementation of any environmental audit statement for sensitive land uses.

Council advised that it had conducted a desktop assessment which indicates that the land that it owns and occupies is potentially contaminated. Other land in the Precinct previously used for industry, as well as land that has not been used for industrial purposes, is also considered to be potentially contaminated. Land that has not been previously used for industrial purposes is considered contaminated based on the surrounding industrial uses.

Council submitted that the environmental effects of the Amendment have been addressed by applying an EAO over the land within the Precinct identified as potentially contaminated. This includes all land subject to the Amendment except for the land at 4 Sheppard Street. A Certificate of Environmental Audit has been issued for that land.

Applying the EAO will ensure the Precinct is suitable to be developed for a 'sensitive use' such as housing. In addition, the IPO5 requires specific conditions on implementing environmental audit statements to be included on a permit issued for a sensitive land use.

Council submitted (Part A) that:

- A51. The Amendment has been prepared in accordance with the considerations set out in Ministerial Direction 1. The previous industrial use of most of the lots in the Precinct meets the definition of potentially contaminated land defined in Ministerial Direction 1. Other lots in the Precinct not previously used for industry is also considered to be potentially contaminated from industrial activities on surrounding properties.
- A52. An EAO will be applied to all land identified as potentially contaminated to protect future sensitive uses that may be established on the Land.
- A53. An Environmental Audit Certificate has been issued for 4 Sheppard Street, and as a result this land is not considered to be potentially contaminated.

The EPA support the Amendment and consider that Council has taken reasonable steps to ensure that the risks associated with potentially contaminated land are known and managed.

(iii) Discussion and conclusions

There is no doubt that the development of the land needs to address potential contamination. The issue is whether this should happen before rezoning or after. The Panel agrees that this can happen after the rezoning of the land and the application of the EAO will ensure this will happen. The nature of the proposed development and its urban context give a degree of flexibility to address any contamination issues that might arise. This is not a location where low density development with exposed soil in backyards is proposed. In that type of situation ensuring the land is suitable for residential use might need to be confirmed before rezoning. The higher density forms proposed here give some flexibility to cap, or remove, contaminated soil.

The Panel concludes:

- The application of the EAO is appropriate.

3.3 Minor correction to strategy

Council submitted (Part B):

56. During the preparation of this report, an error has been identified in the drafting of the strategy at Clause 02.03-5 Housing.
57. Upon investigation, the error is determined to be a human error and administrative in nature. Council Officers request that the Panel recommend that the error be rectified as part of this Amendment.
58. The Strategy at Clause 02.03-5 Housing incorrectly references the *Economic Development Framework Plan* that shows industrial areas identified as Transition Residential Areas. The *Economic Development Framework Plan* is limited to Core Industry and Employment Areas, Employment Areas and Activity and Neighbourhood Centres.
59. The correct framework plan reference should be the *Housing Framework Plan*. This plan identifies areas of significant change, incremental change, minimal change, and Transition-Residential Areas.

This change is clearly appropriate and has no bearing on the type or scale of development permitted.

The Panel recommends:

- 2. In Clause 02.03-5 Housing, correct the references to the 'Economic Development Framework Plan' to the 'Housing Framework Plan'.**

4 Incorporated plan

4.1 What the plan does

The IPO5 has been applied to the Precinct to guide future development of the land. This guidance includes:

- Providing affordable housing as part of the development of each lot within the Precinct. Provision is made for payment in lieu of depending on the site of the lots.
- Allowance for service and emergency vehicles to safely turn as part of development of the largest lot (16-20 Sheppard Street). This addresses the needs associated with the development as well as the lack of turning space in the current street networking.
- Limiting the height of development in the MUZ adjacent to 11 Norris Street to no more than three storeys; four storeys on 7 Sheppard Street; and no more than five storeys elsewhere on 16-20 Sheppard Street. A maximum height of three storeys applies in the GRZ.
- Providing a public pedestrian and cyclist route from Hosken Reserve to Norris Street through 1620 Sheppard Street.
- Providing tree planting in accordance with Council's tree canopy and landscaping requirements on all lots, with additional planting to the Hosken Reserve interface.

4.2 Design of the Amendment in conjunction with the Hosken Reserve Master Plan

(i) The issue

Submitters 4 and 5 raised concerns that the Amendment had not been developed alongside the Hosken Reserve Master Plan. They considered that the development requirements of the Amendment be designed in conjunction with the Master Plan.

(ii) Evidence and submissions

Council presented a copy of the Hosken Reserve Master Plan. Council submitted that the plan for the reserve and the proposed development were compatible. An upgrade car park separates the development from the recreational portion of the reserve,

Mr McPherson, who gave evidence for one of the proponents, examined the interfaces between open spaces and development at three open spaces in in Moreland:

- Allard Park (Donald Street), Nunan Street (off Harrison Street), Brunswick East
- Barkly Street Park, Brunswick
- Balfre Park, off Nicholson Street and Glenlyon Road, Brunswick East.

Mr McPherson gave evidence:

3.4.2 Assessment – Hosken Reserve interface

- 101 The existing/potentially upgraded car park provides a separation or buffer between the Reserve itself, and future development.
- 102 The provision of a paved pedestrian path facilitates pedestrian movement and access to dwelling frontages in future development.
- 103 I consider that a 3 metre setback is sufficient for landscaping and a sense of separation and space between the Reserve and future development.

- 104 I consider it acceptable that this setback constitutes private front gardens or terraces, with consistent landscaping along the fence line (as opposed to a communal or common landscape buffer, for example). The existing access road/car park in the Reserve allows future development to adopt a 'street-based' form of dwellings with front gardens interfacing directly to a future footpath.
- 105 I generally support the guidance for low-height and visually permeable planting and fencing at the frontage, which addresses both ground floor and upper-level interfaces, but suggest this could be further developed. In consideration of the case studies above.
- 106 The proposed 5-storey maximum height (estimated 16m approximately) generates a height to width ratio to the park of approximately 1:14. Future development is separated from the Reserve area 'proper' by the existing car parking/access road and the adjacent row of mature trees, which will further mediate this interface. I consider this proportional scale relationship to be comfortable, and not in any way visually dominant or overbearing in relation to the experience of the Reserve.
- 107 I also support the Incorporated Plan guidance that balconies should not encroach into front setbacks, but that balconies may be provided in the additional setback space at the uppermost level (above the level below, so behind the frontage wall line).

(iii) Discussion and recommendation

The Panel is familiar with the park interface reviewed by Mr McPherson and benefitted from his thoughtful analysis of how they worked in practice.

Having reviewed the Hosken Reserve Master Plan and made an inspection of the reserve, the Panel considers that the development requirements in the Incorporated Plan will act to reinforce the positive aspects of the reserve and produce a finished condition similar to a number of successful park/development interfaces in Moreland.

The Panel concludes:

- The requirements relating to park interface are appropriate.

4.3 Urban design changes

(i) The issue

In his evidence Mr McPherson made five recommendations for changes to the Incorporated Plan. Sheppard Street supported these changes as desirable improvements. The issue is whether these changes are appropriate.

(ii) Evidence and submissions

Council did not agree to all of the recommended changes and provided a detailed response to Mr McPherson's recommendations. In cross examination Mr McPherson stated he was comfortable with Council's approach where Council did not support the recommended changes.

Ms Attwater questioned how casual surveillance would work when people were not home or had their blinds drawn.

(iii) Discussion and conclusion

The Panel accepts the exhibited version of the Amendment where Mr McPherson was comfortable with Council's approach in not supporting the changes.

It is a strength of Panel processes that refinements to planning controls can be considered. The way in which Council and Mr McPherson have approached resolution of these issues is of assistance to the Panel.

The Panel agrees with Mr McPherson and Council that:

- It is appropriate to expand the guidance for passive surveillance to include visual interaction, including through (for example) clear glazing. Passive surveillance suggests a one-way interaction, but visual interaction (including seeing into dwelling frontages) supports a sense of safety, perception of activity, and social opportunities.
- There is benefit in clarifying that the setback provisions for higher buildings apply across all levels, rather than requiring stepped profiles. As a result of discussions at the Hearing a refined approach to new text was developed and this is reflected in Council's final preferred version of the Incorporated Plan.
- It is appropriate to provide for minimum 4.5 metre side and rear boundary setbacks to all habitable room windows, including to existing industrial land. This may be reduced at laneway interfaces to incorporate the width of the laneway.

The Panel notes that causal surveillance is as much about the prospect of being seen as it is about actually having someone watching the park, and designing for casual surveillance does not rely on people always being present and watching the park.

The Panel concludes:

- The changes proposed by Council in response to the evidence of Mr McPherson are appropriate.

4.4 Planning changes

4.4.1 Sensitive residential interface

Mr Smyth recommended a change to make it clear boundaries to residentially zoned land not affected by this Plan were indicated as 'Sensitive Residential Interface' of Map 2 of the Incorporated Plan.

Council supported the additional text made to the lead in sentence to this section but considered it unnecessary to repeat the wording in the following dot points on the basis that the lead in sentence adequately describes the land affected by the proposed setback provisions.

Mr Smyth explained that he took a *"belts and braces with my approach"* and *"did not have a strong view"*.

The Panel agrees with Council that only a change to the lead sentence is required.

4.4.2 Connection

(i) The issue

Mr Smyth recommend changes to the proposed connection from the rail reserve to Hosken Reserve. The issue is whether these changes are appropriate.

(ii) Evidence and submissions

The specific changes Mr Smyth recommended were:

Precinct 5 – Access

Development should facilitate safe access ~~between Hosken Reserve and Norris Street from Norris Street to the east of the Precinct to enable future connection to the Upfield Shared Path for pedestrians and cyclists~~ through:

- The provision of a public ~~alternative transport~~ link from ~~Hosken Reserve to~~ Norris Street ~~to the southeastern corner of the Precinct. This may be located either partially or wholly within the right of way which forms part of the Precinct;~~
- Maintenance of sightlines for users of the ~~pedestrian alternative transport link connection~~, including the use of low or visually permeable fencing adjacent to this interface;

The provision of adequate space for landscaping along the ~~connection alternative transport link~~ to improve the amenity of the area.

Council did not support the proposed text changes saying that the intent of the link to was to provide access to the eastern edge of the Precinct, noting that this was negotiated and exhibited.

Council submitted that a link connecting Hosken Reserve and Norris Street is already proposed to be provided in Precinct 3 which is the most appropriate precinct to provide this link given its directly adjacent to both Hosken Reserve and Norris Street.

Sheppard Street submitted that the link would not connect to any existing path in the rail reserve.

(iii) Discussion and conclusion

The Panel supports the requirement as exhibited. Certainly there is no path along the rail at the moment, but the Panel notes that the ongoing process of grade separation of level crossings has delivered walking paths along sections of railway, including the Upfield line, that have not previously had walking or cycling paths.

4.4.3 Office percentage

Mr Smythe questioned the basis for the 15 per cent requirement for an office in Table 1: Section 2 uses of the Incorporated Plan on the basis that this would not deliver meaningful floor plates for an office use and restrict the development of bulky goods in this location.

Council submitted that the 15 per cent was suggested by the Proponent during the drafting of the Incorporated Plan. It was Council's understanding that this figure was arrived at based on what the Proponent is proposes to develop.

Council supported retaining the 15 per cent as this is what has been agreed upon with the Proponent and exhibited with the Amendment.

The Panel accepts Council's submissions that this is an agreed position and reflects the Proponent's development plans.

4.4.4 Clarifications and improvements

A number of clarifications and drafting improvements were identified by the witnesses and accepted by Council. The final version of the Incorporated Plan reflects these.

The Panel recommends:

- 3. In the Incorporated Plan, make the changes shown in Appendix B.2, which generally reflect Council's final preferred version of the document.**

Appendix A Document list

No.	Date	Description	Provided by
1	1 August 2022	Council Part A submission, including: <ul style="list-style-type: none"> - Appendix 1: <i>Moreland Industrial Land Strategy 2015-2030</i> (Moreland City Council, July 2016) - Appendix 2: Chronology of Events C201more - Appendix 3: <i>A Job in Moreland: The employment floor space we need now and, in the future (.id, March 2021)</i> - Appendix 4: Revised Schedule 5 to the Incorporated Plan Overlay 	Council
2	– " –	EPA referral	– " –
3	8 August 2022	Urban Design from Simon McPherson of Global South	Sheppard Street Pty Ltd
4	– " –	Urban Planning from Hugh Smyth of Urban Planning Collective.	– " –
5	12 August 2022	Council Part B submission including: <ul style="list-style-type: none"> - Appendix 1: Hosken Reserve Master Plan - Appendix 2: Hosken Reserve Master Plan Background Report - Appendix 3: Comparison of Development controls around parkland - Appendix 4: Updated version of the Amendment 	Council
6	– " –	Sheppard Street Pty Ltd submission	– " –
7	– " –	Traffic Assessment by Charmaine Dunstan of the Traffix group	– " –
8	– " –	Hugh Smyth track changes to the Incorporated Plan	– " –
9	14 August 2022	Marion Attwater submission	Ms Attwater
10	15 August 2022	Council Part C submission	Council
11	– " –	Council final position on the Amendment	– " –

Appendix B.1 Panel preferred version of the Schedule 5 to the Incorporated Plan Overlay

These changes are shown tracked against the Amendment as changed by resolution of Council on 8 June 2022

SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO5**.

SHEPPARD AND NORRIS STREET INCORPORATED PLAN 2021

1.0 Requirement before a permit is granted

None specified.

2.0 Permits not generally in accordance with incorporated plan

A permit may be granted to construct a building or to construct or carry out works that is not in accordance with the incorporated plan if those buildings and works are in association with an industrial land use to which Clause 63.01 applies.

A permit may be granted for a use that is not in accordance with the incorporated plan.

A permit may be granted for a development that is not in accordance with the incorporated plan unless that plan states that a permit must not be granted for the form of development proposed.

3.0 Conditions and requirements for permits

The following conditions and/or requirements apply to permits:

Affordable Housing Contribution

All permits for subdivision, the construction of two or more dwellings on a lot or the construction of a building for use for Accommodation on the land must include conditions requiring the owner/s of the land to enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 which must provide, to the satisfaction of the responsible authority that:

- The land owner must make a contribution towards affordable housing (Affordable Housing Contribution) to the satisfaction of the Council.
- For the purposes of the agreement “affordable housing” is to have the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987, or any other definition as agreed between the land owner and the Council.

The agreement must:

- Include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.
- Provide that Affordable Housing is to include accommodation for households having Very Low and Low Household Incomes.
- Provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:
 - For development up to and including four storeys in height: A number of dwellings equal to 5% of the total dwellings that are constructed on the land, or any lesser number of dwellings as agreed between the parties, must be identified as Affordable Housing Dwellings by the land owner.

- For development five storeys in height: A number of dwellings equal to 15% of the total dwellings that are constructed on the land must be identified as Affordable Housing Dwellings by the land owner.
- Where the permit is for Accommodation other than dwellings the manner in which the number of Affordable Housing Dwellings is to be calculated.
- The Affordable Housing Dwellings are to be made available by the land owner for purchase by a Housing Agency which is registered as either a housing association or housing provider under the Housing Act 1983 (Housing Agency).
- The price at which the Affordable Housing Dwellings are to be made available for purchase to a Housing Agency must not exceed an amount that is 50% less than the most recent
- 12-month median unit price for Coburg North as published in the Victorian State Government 'Victorian Property Sales Report - Median Unit by Suburb Quarterly' as at the date the agreement to purchase is made (Offer Price).
- Alternatively, the land owner and the purchaser may agree to a purchase price that is different to the Offer Price for any or all of the Affordable Housing Dwellings.
- If the number of dwellings to be provided is not a whole number then the land owner must instead make to a Registered Housing Association an Affordable Housing Payment.
- The amount of the Affordable Housing Payment must not be less than an amount equal to the number of dwellings to be constructed, multiplied by a figure which represents 2.5% of the most recent 12-month median unit price for Coburg North as published in the Victorian State Government 'Victorian Property Sales Report - Median Unit by Suburb Quarterly' as at the date the agreement to purchase is made.
- Provide that the Affordable Housing Dwellings are, to the satisfaction of the Responsible Authority, to include a mix of dwelling sizes and configurations; have internal layouts identical to other comparable dwellings in the building and are externally indistinguishable from other dwellings in the development.
- Provide that it is open to the parties to reach agreement as to any other, alternative method by which the land owner can make or deliver the Affordable Housing Contribution.
- Provide that where the parties have agreed on a contribution as being the alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.
- Provide that the cost of preparing and lodging the agreement, including any Land Titles Office registration fees, must be paid for in full by the owner(s).

Environmental Audit conditions

- All permits for use of the land for a sensitive use (residential use, child care centre, pre-school centre, primary school, secondary school or children's playground) or for the construction or carrying out of buildings and works in association with a sensitive use must include the following condition:

“All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.”

Impact of Industrial land uses

Applications to construct two or more dwellings on the land or to use and develop the land for Accommodation must detail how the impact of existing industrial uses in the immediate area, including residual industrial uses within the Precinct, on occupants of the proposed building are to be addressed to the satisfaction of the Responsible Authority.

Landscape Plan

Applications must be accompanied by a landscape plan showing existing vegetation retained (on the subject site and adjacent to the site, as appropriate) and any proposed for removal, tree and vegetation selection, planting plan and irrigation system in accordance with the incorporated plan and the Moreland Tree Planting Manual for Residential Zones, 2019.

4.0 Decision guidelines

These changes revert to the exhibited version of the Amendment.

None specified.

~~The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

- ~~▪ Seek the views of adjoining owners and occupiers (outside of the Precinct) before a decision is made about a planning permit application to use or develop land in that part of the Precinct zoned General Residential Zone.~~

5.0 Preparation of the incorporated plan

The purpose of the Incorporated Plan is to provide built form and layout guidance for redevelopment of the land for residential purposes.

An incorporated plan must include the following requirements:

- Measures to support the provision of quality residential development that includes a range of dwelling typologies and building heights, with a focus on higher built forms in the south western portion of the site and development of up to three storeys adjacent to existing residential properties;
- Provision of a quality public realm interface including a public pedestrian connection between Sheppard Street and Hosken Reserve, a high level of passive surveillance of the Reserve and quality landscape design to integrate into the parkland context.
- Roadworks to enable service vehicles to safely access and egress the Precinct.
- The provision of a public connection between the southern ends of Sheppard Street and Norris Street;
- The provision of trees and other vegetation to contribute to a new neighbourhood character, soften the interface of buildings with the street and with Hosken Reserve and to reduce the urban heat island effect.

Appendix B.2 Panel preferred version of the Incorporated Plan

These changes are shown tracked against the exhibited Amendment and largely reflect Council's final version (Document 11). Changes where the Panel departs from Council's changes are highlighted like this.

The Land

The Sheppard and Norris Street Incorporated Plan applies to land at 3-5, 4, 6, 7, 8, 10 and 16-20 Sheppard Street, 2-4 and 6 Norris Street, part of 39A Shorts Road, and the former right of way abutting the western boundary of 11 Norris Street, Coburg North (the Land).

The Land, as depicted on Map 1, forms the southern sections of Sheppard Street and Norris Street, Coburg North. It extends eastward to border the Upfield Rail Corridor and westward to Hosken Reserve.



Map 1: The land to which this Incorporated Plan applies

The Land is also known as Precinct 16 to the Moreland Industrial Land Strategy 2015-2030, which identifies it for transition from industrial to residential development. Remaining properties in Sheppard Street and Norris Street, as well as the majority of those in Shorts Road are residential in nature, whilst land to the south is located within the Industrial 1 Zone.

Public access to Hosken Reserve has traditionally been provided over one of the allotments, which is owned by Council. Car parking and access to the Reserve occupies privately owned land, whilst some Sheppard Street properties and the Australian International Academy (a secondary

school) at 56 Bakers Road also informally utilise Council owned land for significant secondary vehicular access. It is noted however that the Council owned land connecting Sheppard Street and the Reserve is not formally a road and the nature of this access may alter over time.

How to read this document

The Sheppard Street and Norris Street Coburg North Incorporated Plan (the Plan) provides [siting and built form](#) ~~and layout~~ guidance for the Land as required by Schedule 5 to the Incorporated Plan Overlay of the Moreland Planning Scheme. Planning applications will be assessed for compliance with the Plan as well as relevant clauses of the Scheme, with an application which is generally in accordance with the Plan being exempt from the need for public notification.

The Plan includes Objectives, a Statement of Preferred Neighbourhood Character, and requirements that either 'must' or 'should' be complied with. Whilst a permit may be granted to vary a 'should' requirement, such an application is not generally in accordance with the plan and is therefore not exempt from public notification. The 'must' requirements are mandatory, and cannot be varied with a permit.

In a number of instances decision guidelines are provided to aid the assessment of proposals which include an alternative design response. Assessment will also have regard to the objectives of this Plan and relevant provisions of the Moreland Planning Scheme.

Precincts

The Plan divides the Land into five precincts with a range of interfaces, as depicted on Map 2.

Map 2: Precinct and Interface Plan

Building Height

[Precincts 1 and 5 are located within the General Residential Zone \(GRZ\), which applies a mandatory maximum building height of 11 metres or 3 storeys at Clause 32.08-1.](#) This Plan includes maximum building heights for Precincts 2, 3 and 4 [located in the Mixed Use Zone \(MUZ\)](#). In determining and applying the specified maximum building heights throughout the Plan:

- A basement is not a storey for the purposes of calculating the number of storeys contained in a building.
- Building height does not include architectural features and service equipment including plant rooms, lifts, [stairs and lift](#) overruns, structures associated with outdoor open space areas and other such equipment provided that the following criteria are met:
 - No more than 50% of the roof area is occupied by the equipment (other than solar panels);
 - The equipment is located in a position on the roof so as to minimise additional overshadowing on neighbouring properties and public spaces;
 - The equipment does not extend higher than 3.6 metres above the maximum building height; and
 - The equipment and screening is integrated into the design of the building to the satisfaction of the responsible authority.
- A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
- If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the building height is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Objectives

The objectives of the Plan are to:

Use, Buildings and Works, and Subdivision

Facilitate the provision of residential development on the Land; ~~including a range of dwelling typologies and building heights;~~

- Achieve a ~~mix of dwellings~~[range of dwelling typologies](#), including affordable dwellings, on the Land;
- ~~Provide increased building heights and residential densities in the south western corner of the Land and lower heights elsewhere~~[Focus higher density development to the south western portion of the land and transition building heights across the site to the residential interfaces to the north and east;](#)
- Increase dwelling yield by encouraging the consolidation of land prior to development; and
- [Within the Mixed Use Zone A](#) allow limited non-residential land uses that deliver a net community benefit, ~~within the Mixed Use Zone.~~

Design and Appearance

Outline key aspects of the preferred neighbourhood character for the precinct;

- Encourage a high level of passive surveillance of Hosken Reserve and quality landscape design to integrate into the parkland context;
- Provide trees and other vegetation to contribute to a new neighbourhood character, soften the interface of buildings with the street and with Hosken Reserve and to reduce the urban heat island effect; [and](#)
- [Encourage high levels of architectural design quality and the use of materials and finishes which complement, enhance, and are reflective of the context.](#)

Infrastructure and Facilities

Facilitate safe access to the land for service and emergency vehicles;

- Improve access to Hosken Reserve from the east for pedestrians and cyclists;
- Identify where the provision of a land, rather than purely financial, contribution to public open space may be appropriate; and
- Create a welcoming and landscaped public realm.

Statement of preferred Neighbourhood Character

Redevelopment of the Sheppard Street and Norris Street Coburg North industrial precinct will create a new, predominantly residential, neighbourhood character which will include:

- A higher dwelling density ~~and site coverage~~ than surrounding residential development;
- Development of up to five storeys in the south western corner of the land, transitioning to three storeys for land in the General Residential Zone, as shown on Map 3;
- Integration of generous landscaping through the retention of existing canopy trees (where practical) and the planting of new canopy trees and vegetation;
- Active facades to public and communal spaces, including opportunities for direct access to ground floor dwellings from the public realm;
- A softening of the visual bulk of development through building articulation, fine grain materials such as brick or timber cladding, and landscaping;
- Articulation, including breaks between buildings, to avoid continuous built form as experienced from the public realm;

- Low front fences;
- The inclusion of low or visually permeable fencing to Hosken Reserve; and
- Measures to ensure that vehicle parking areas are not dominant within the street scene.

Where non-residential uses are provided these will be part of a predominantly residential mixed-use development; located on the ground floor; and sited and designed to facilitate interaction with the surrounding area and surveillance of the public realm.

Map 3: Maximum building heights by precinct

Requirements for Use Applications

The Use tables contained in the [Mixed Use Zone](#) applying to the land provide details of the uses which do not require a permit (Section 1), those that require a permit (Section 2), and those that are prohibited (Section 3). The following requirements apply to planning permit applications which seek approval for Section 2 uses within the Mixed Use Zone.

The provisions of Table 1 will be applied to determine whether a permit application for a proposed use is generally in accordance with this Plan. *The table does not apply to applications which fall within Section 1, such as an application which includes up to 250m² of office and/or 150m² of Food and Drink Premises.*

Table 1: Section 2 uses consistent with this plan

Use	Requirements
Car Park	Must be located adjacent to the western boundary of Precinct 3. Must be used in conjunction with the use of 39A Shorts Road (Hosken Reserve) as a Minor Sports and Recreation Facility.
Office (where the condition in Section 1 is not met)	Must be located on the ground floor of the building. The leasable floor area, combined with the leasable floor area of any uses other than Dwelling, Informal Outdoor Recreation, Residential Village and Retirement Village, must not exceed 15% of the ground floor level of the building.
Informal Outdoor Recreation	The use is generally in accordance with the Incorporated Plan.
Residential Village	The use is generally in accordance with the Incorporated Plan.
Retail Premises (where the condition in Section 1 is not met)	Must be located on the ground floor of the building. The leasable floor area, combined with the leasable floor area of any uses other than Dwelling, Informal Outdoor Recreation, Residential Village and Retirement Village, must not exceed 15% of the ground floor level of the building.
Retirement Village	The use is generally in accordance with the Incorporated Plan.

Where an alternative use is proposed the responsible authority must consider:

- Whether the proposal, including the size of tenancies, is consistent with the Objectives of this Plan; and
- The impact of the proposed use on the amenity of the area.

Requirements for Buildings and Works Applications

All land

The following requirements apply to all land within the Incorporated Plan area.

Site consolidation

Consolidation of sites is encouraged and the number of vehicular access points should be minimised.

Boundary Setbacks and Articulation

Street and Hosken Reserve setbacks

Norris Street setbacks for Precinct 4 and 6 Norris Street

The Norris Street setback of buildings in Precinct 4 and on 6 Norris Street should be consistent with Table 2.

Table 2: Norris Street setbacks for Precinct 4 and 6 Norris Street

Scenario	Lower two storeys and any basement	Third storey
There is an existing building on the abutting property to the north	The average of 3m and the setback of the front wall of the existing building on the abutting property to the north.	The average of 6m and the setback of the front wall of the existing building on the abutting property to the north.
There is no existing building on the abutting property to the north	3m	6m

Remainder of the Land

Street setbacks and setbacks to Hosken Reserve and its accessway for the remainder of the Land should be consistent with Table 3.

Table 3: Street and Hosken Reserve setbacks*

	Three storey development	Four storey development	Five storey development
Lower two storeys and any basement	3m	3m	3m
Third storey	6m	3m	3m
Fourth storey	-	8m	3m
Fifth storey	-	-	8m

* In Precinct 3 setbacks are to be measured from the proposed Reserve boundary and are not to include that land currently used for car parking.

Balconies

Balconies should not encroach into ~~these~~ [the Table 2 and 3](#) setbacks, except at the upper level where balconies with transparent balustrades (i.e. clear glass or similar) [or balustrades integrated within parapets](#) may be provided at a setback which matches the level below.

Setbacks to industrial land and land affected by this Plan

Development should include setbacks to land affected by this Plan and to industrially zoned land in accordance with Table 4.

Table 4: Setbacks to side and rear boundaries

	Three storey building	Four storey building	Five storey building	
	<u>All levels</u>	<u>All levels</u>	Lower four storeys	Fifth Storey
Setback of <ul style="list-style-type: none"> a wall containing a living room window, or a main balcony; <u>or</u> <u>a bedroom.</u> 	4.5m	6m	6 m	9m
Setback of remainder of building	2m	3m	3 m	4.5m

Setbacks to residentially zoned land not affected by this Plan

Development should ensure that for boundaries to residentially zoned land not affected by this Plan and indicated as “Sensitive Residential Interface” of Map 2 of this Plan:

- Standards B17, B21 and B22~~1~~ of Clause 55.04 of the Moreland Planning Scheme are met;
- Construction on or within 200mm of a side or rear boundary does not exceed:
 - 10 metres in length, unless the wall abuts a rear laneway;
 - 3.6 metres in height, with an average height of 3.2 metres, unless the wall abuts a rear laneway and replaces an existing wall to the same height or higher;
- The building height does not exceed:
 - 6.9 metres or the height of the existing building, whichever is the greater, within 5 metres of the rear boundary; and
 - 9.9 metres or the height of the existing building, whichever is the greater, within 10 metres of the rear boundary.

Passive surveillance

Development must provide a range of opportunities for passive surveillance of the public realm and communal areas on the land.

This should include:

- Potential for passive surveillance and visual interaction of Hosken Reserve, existing and proposed roads, alternative transport links and communal spaces from multiple windows, including windows at each level of any proposed building; and
- Use of boundary treatments that allow surveillance at the ground level.

Landscaping

Development must include space for the planting and growth of new canopy trees and vegetation to soften development when viewed from the street and Hosken Reserve, and residentially zoned land not affected by this Plan and contribute to establishing a consistent a landscaped character.

This should include the planting detailed in Table 5.

~~1 Copies of the Standards are included at the end of this document for reference.~~

Table 5: Planting requirements

Precincts 1, 4 and 5	Precincts 2 and 3
<p>The provision of at least one canopy tree in the front setback to existing and proposed streets for each 10m of street frontage. The trees are to meet the following requirements:</p> <ul style="list-style-type: none"> • Front setbacks of less than 4.5m: <ul style="list-style-type: none"> – Located in a permeable area within the site of at least 10m² and 4.5m wide – Reach a height of 6m – 8m at maturity – Achieve a canopy width of at least 5m at maturity • Front setbacks of 4.5m or more <ul style="list-style-type: none"> – Located in a permeable area within the site of at least 4.5m x 4.5m – Reach a height of 8m – 15m at maturity – Achieve a canopy width of at least 7m at maturity <p>At least one canopy tree within the secluded private open space of each dwelling that meets the following requirements:</p> <ul style="list-style-type: none"> • Located in a permeable area within the site of at least 4.5m x 4.5m • Reach a height of 6m – 8m at maturity • Achieve a canopy width of at least 5m at maturity <p>Additional planting along any vehicle accessway or alternative transport link, with the canopy tree(s) located to provide shading to the link and accessway.</p>	<p>The provision of at least one canopy tree in the front setback for each 10m of street frontage and at least one tree in the setback to Hosken Reserve for each 10m of abuttal to the Reserve. For the purpose of this requirement abuttal is considered to include land within 400mm of the Reserve. The trees are to meet the following requirements:</p> <ul style="list-style-type: none"> • Located in a permeable area within the site of at least 10m² and 4.5m wide • Reach a height of 6m – 8m at maturity • Achieve a canopy width of at least 5m at maturity <p>Additional planting along any alternative transport link and vehicle accessway provided on site, with the canopy tree(s) located to provide shading to the link and accessway.</p>

Where an alternative landscape response is proposed the responsible authority must consider:

- Whether an alternative combination of canopy trees or climbers will achieve an equivalent or increased canopy cover to the requirements lists.
- The suitability of the proposed location and soil volume for canopy tree health.
- Whether the landscaping proposed will provide suitable shading and cooling of the urban environment to reduce heat absorption and re-radiation of hard surfaces.

Parkland Interface

Development adjacent to Hosken Reserve must be designed to provide a landscaped interface with the parkland and to provide appropriate sightlines for users of the Reserve car park and accessways.

This should include:

- The provision of landscaped setbacks to the Reserve;
- Low or visually permeable fencing to the Reserve, with fencing adjacent to vehicle accessways and alternative transport links designed to maintain sightlines for users of those routes; and
- Landscaping between proposed boundary fencing and any adjacent car park, accessway or future footpath ('paved area') within the Reserve, as detailed in Figure 1.

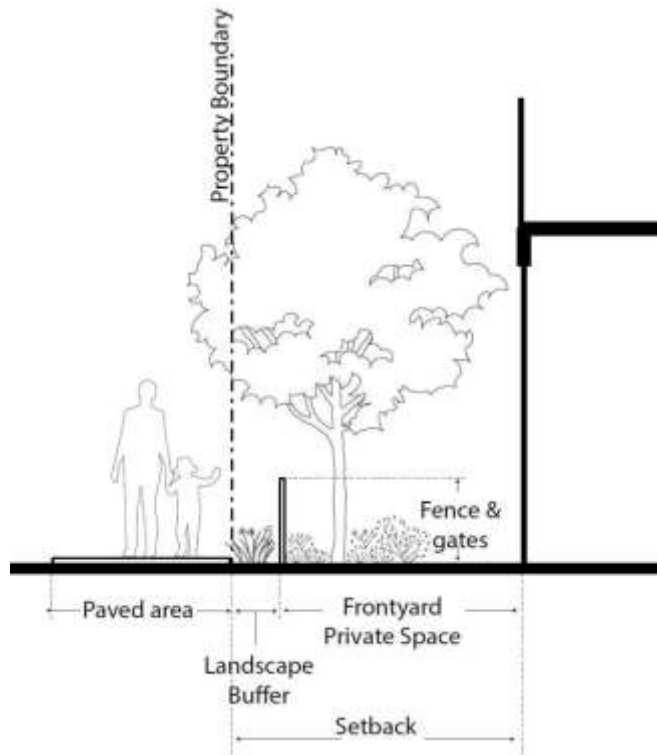


Figure 1: Hosken Reserve Interface

Precinct 1

Precinct 1 shares its northern boundary with land within the General Residential Zone Schedule 1 (GRZ1). It is similarly located within the GRZ1. There are no precinct-specific controls for this land within the Plan.

Precinct 2

Precinct 2 abuts Hosken Reserve to the west, but its remaining interfaces are to land affected by the Incorporated Plan. It is located within the Mixed Use Zone. Development on this land will have limited impact upon the amenity of existing housing and may extend to four storeys in height. Alternatively, part of the land may be developed in association with Hosken Reserve.

Building Height

A building must not be constructed that exceeds a [maximum](#) building height of 13.5m or contains more than four storeys. This [maximum building](#) height cannot be varied with a permit.

Hosken Reserve Access

Redevelopment of all or part of the vehicle accessway located on the southern half of the Precinct for access to, and landscaping associated with, Hosken Reserve is in accordance with this Plan.

Precinct 3

Precinct 3 abuts industrial land to the south and Hosken Reserve to the west. It is located within the Mixed Use Zone. New buildings on this Precinct will have limited impact upon the amenity of residential properties outside the Land and may extend to five storeys in height. The impact of development on the Sheppard Street streetscape will need to be carefully considered.

Community benefit in the form of improved vehicular, pedestrian and bicycle access for the Land is to be provided as part of development of this precinct.

Building Height

A building should not be constructed that exceeds a [maximum](#) building height of 13.5m or

contains more than four storeys. Where a [maximum building](#) height of more than 13.5m or four storeys is proposed a higher standard of Environmentally Sustainable Design must be demonstrated.

A building must not be constructed that exceeds a [maximum](#) building height of 17.5m or contains more than five storeys. This [maximum building](#) height cannot be varied with a permit.

Compliance with the requirement for a higher standard of Environmentally Sustainable Design should be achieved through delivery of:

- Individual and average NatHERS ratings of at least 1.5 stars above the minimum required by the National Construction Code at the time of issue of any planning permit;
- A minimum 70% [Built Environment Sustainability Scorecard](#) (BESS) rating; and
- Provision of renewable energy technologies, including batteries, to the satisfaction of the responsible authority.

Western boundary setback

A portion of the western edge of the site is currently occupied by a car park serving Hosken Reserve. This land varies in width and extends from the current building line to the western property boundary, as depicted in Figures 2 and 3. The siting of buildings should facilitate the transfer of this portion of the site to Council.



Figure 2: Relationship between 16-20 Sheppard Street and Hosken Reserve car parking



Figure 3: Western boundary of 16-20 Sheppard Street

Access

Development must provide:

- Access to and through the site for alternative modes of transport (e.g. walking and cycling), and
- Road infrastructure to ensure that service and emergency vehicles are able to attend the Land safely.

Compliance with this requirement should be achieved through either a Connector Road or Court Bowl layout, as detailed in Table 6. Either option is anticipated to require some modification to the public roads contained in Precincts 1 and 5, at the expense of the developer.

Table 6: Access options for Precinct 3

	Road	Alternative Transport Link
Connector Road layout	The provision of a road to Council's satisfaction connecting Sheppard Street and Norris Street. The road should be either a public road or made permanently available for public use by an alternative means to the satisfaction of the responsible authority.	Provision of a walking and cycling link between the proposed public road and Hosken Reserve. The link should be open to the sky and should be either a public road or made permanently available for public use by an alternative means to the satisfaction of the responsible authority.
Court Bowl layout	Modifications to Sheppard Street and Norris Street to allow vehicles, including service and emergency vehicles, to turn within a public road at the termination of each street.	Provision of walking and cycling links connecting Sheppard Street, Norris Street and Hosken Reserve. The links should be open to the sky and should be either public roads or made permanently available for public use by an alternative means to the satisfaction of the responsible authority.

The proposed road and alternative transport link/s will form part of the public realm in

assessment of a planning application. They should be designed to provide a high level of amenity and safety and include:

- Alternative transport link widths as depicted in Figure 4 save that:
 - Porches that are less than 3.6 metres high may encroach up to 2.5 metres into the garden space shown; and
 - Where an alternative transport link is located at the edge of the Land the overall width may be reduced by reducing the width of the garden space adjacent to the boundary of the Land;
- Landscaping, including tree planting, that supports the amenity, attractiveness and safety of the public realm;
- Use of soft and hard landscaping treatments to imply boundaries between the alternative transport link/s and adjoining private spaces;
- Lighting; and
- Passive surveillance from living areas and non-residential uses at the ground floor.

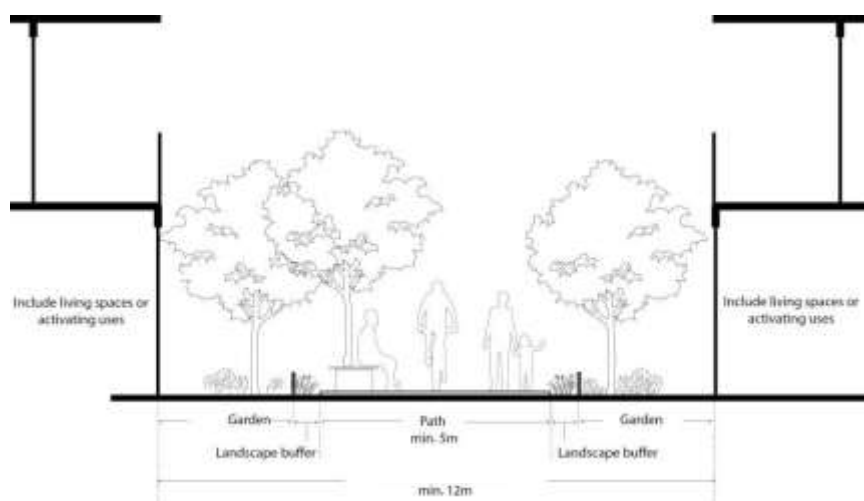


Figure 4: Alternative transport link section

Where an alternative design response is proposed the responsible authority must consider:

- Access and egress for service and emergency vehicles to all land within the Incorporated Plan Overlay;
- Whether the accessway from Sheppard Street to Hosken Reserve within Precinct 2 has been declared a public road;
- Permeability of the precinct and public access to Hosken Reserve by pedestrians and cyclists;
- The report of a traffic engineer with respect to anticipated traffic volumes and demand for on street car parking within existing and proposed roadways.

Any internal roads, laneways and alternative transport links that are intended to be vested in Council must be designed and constructed in accordance with Moreland City Council standards (including dimensions) and where appropriate make provision for two-way vehicular traffic, vehicles associated with waste management, safe pedestrian access for all, bicycles and tree planting.

Built form

Development should incorporate breaks in the built form to reduce the bulk of the building as experienced from the public realm (including proposed road/s and alternative transport link/s); provide light, outlook and ventilation for future residents; provide visual connections to the adjoining public open space and provide space for landscaping, through:

- ~~Constructing a number of s~~Separate buildings, which may be linked below ground level;
- ~~Ensuring that the r~~Roads and alternative transport access links required by this Plan are open to the sky and include space for landscaping [including canopy trees](#);
- ~~Use of~~Building setbacks in accordance with Tables 3 and 4;
- ~~Ensuring that i~~f a Court Bowl road layout is proposed the alternative transport link aligns with Sheppard Street, creating a break in the built form at the abuttal of the Precinct with Sheppard Street.

Site activation and community

Development should facilitate interaction between occupants of the different buildings in the precinct and between the precinct and the surrounding area including by:

- Locating non-residential occupancies on the ground floor with layouts that draw people into the site and create activation of the ground plane at different times of the day.
- ~~Ensuring that c~~ommunal spaces at ground floor and on the roof enable a range of activities and each are accessible to all occupants of the precinct.

Landscaping

Additional objectives for landscaping of the Precinct are to:

- Use the public, communal and private landscape to expand the ecology of Coburg, including use of indigenous and endemic species to provide habitat for native fauna;
- Establish a clear landscape hierarchy, denoting public, communal and private open spaces; and
- Use soft and hard landscape treatments to imply thresholds between communal and private spaces.
- Development should use permeable paving, landscaped terraces and green roofs to reduce hard surface cover.

Precinct 4

~~Precinct 4 is located within the Mixed Use Zone, however its sensitive interfaces mean that a lower built form and increased landscaping is appropriate compared to that sought in Precincts 2 and 3.~~

Building Height

A building should not be constructed that exceeds a [maximum](#) building height of 11m or contains more than three storeys. If the Precinct is developed in conjunction with Precinct 3 minor intrusion of 13.5m or four storey construction into the southern and western edges of Precinct 4 may be ~~appropriate~~[acceptable](#).

A building must not be constructed that exceeds a building height of 13.5m or contains more than four storeys. This [maximum building](#) height cannot be varied with a permit.

Precinct 5

~~Precinct 5 shares its northern boundary with land within the General Residential Zone Schedule 1 (GRZ1). It is located within the GRZ1.~~

Access

Development should facilitate safe access from Norris Street to the east of the precinct to enable future connection to the Upfield Shared Path for pedestrians and cyclists through:

- The provision of a public alternative transport link from Norris Street to the south eastern corner of the Precinct. This may be located either partially or wholly within the right of way which forms part of the precinct;
- Maintenance of sightlines for users of the alternative transport link, including the use of low or visually permeable fencing adjacent to this interface;

- The provision of adequate space for landscaping along the alternative transport link to improve the amenity of the area.

Requirements for Subdivision Applications

All land

The subdivision must support the development objectives of this Plan.

The consolidation of small lots to encourage better development is encouraged.

Precinct 3

Access

Subdivision must provide public access through the site for alternative modes of transport (e.g. walking and cycling) and include the provision of road infrastructure to allow service and emergency vehicles to attend the Land safely through:

- The provision of road and alternative transport link infrastructure as detailed in Table 6;
- The transfer of any public road to Council; and
- Implementing measures to ensure ongoing public access over any private road or alternative transport link, to the satisfaction of the responsible authority.

Where an alternative design response is proposed the responsible authority must consider:

- Whether permanent access to and through the site for the public has been provided;
- Access and egress for service and emergency vehicles to all land within the Incorporated Plan Overlay;
- Whether the accessway from Sheppard Street to Hosken Reserve within Precinct 2 has been declared a public road;
- Permeability of the precinct for, and public access to Hosken Reserve by, pedestrians and cyclists;
- The report of a traffic engineer with respect to anticipated traffic volumes and demand for on street car parking within existing and proposed roadways.

Public open space

Subdivision layouts should provide that part of Precinct 3 identified in this Plan as currently occupied by a car park serving Hosken Reserve as a portion of the Public Open Space contribution payable unless alternative arrangements for the transfer of this land to Council have previously been entered into.

Common Property

All lots within the Precinct should have entitlement to each area of communal space located at ground floor level and on rooftops.

ResCode Standards deleted