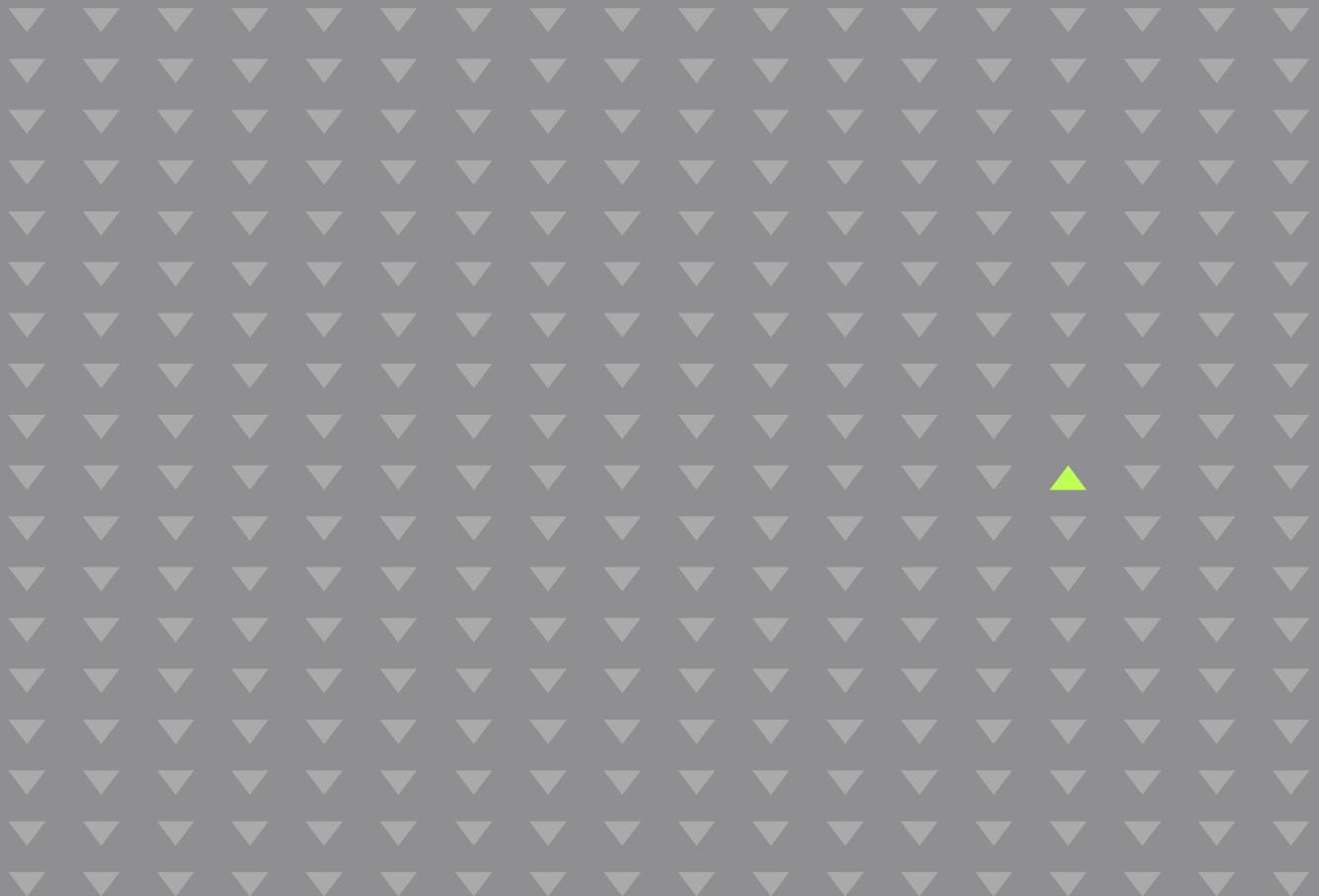




Urban Planning Collective

# Statement of Planning Evidence

Moreland Planning Scheme  
Amendment C201  
Prepared on behalf of Sheppard Street  
Pty Ltd  
By Hugh Smyth  
8 August 2022



# Statement of Planning Evidence

By Hugh Smyth

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## 1.0 INTRODUCTORY REMARKS

### 1.1 NAME, QUALIFICATIONS AND EXPERIENCE

1. My name is Hugh William Smyth and I am a Director of Urban Planning Collective (UPco), which conducts business from premises located at Level 1, 80 Dorcas Street, Southbank.
2. I hold a Bachelor of Applied Science (Planning) obtained from the Royal Melbourne Institute of Technology (RMIT). I am also a member of the Victorian Planning and Environmental Law Association (VPELA).
3. I have been a planning consultant since 2006, advising public sector and private clients on a wide range of planning and development matters, including a range of residential, mixed use, commercial, retail and industrial projects.
4. I regularly appear as a witness in the Planning Division of the Victorian Civil and Administrative Tribunal and in hearings conducted by Planning Panels Victoria.
5. My area of expertise is statutory and strategic planning matters.

### 1.2 INSTRUCTIONS AND BACKGROUND

6. Amendment C201more (“the Amendment”) applies to a number of properties in Sheppard and Norris Streets, Coburg North. Specific details of the land are included in Section 2.0 of my evidence.
7. Broadly, the Amendment proposes to:
  - Rezone the land to General Residential Zone and Mixed Use Zone;
  - Apply the Environmental Audit Overlay;
  - Apply Schedule 5 to the Incorporated Plan Overlay; and
  - Make associated changes to Council’s planning policy.
8. The Amendment also proposes to approve the *Incorporated Plan: Sheppard Street and Norris Street Coburg North, 2021* (“Incorporated Plan”), which includes items such a mandatory maximum building height, precinct guidelines and site massing (amongst other urban design considerations).
9. It was exhibited in April and May 2022 and was the subject of a total of five (5) submissions, two (2) of which were submissions of support.
10. The Amendment was considered at the Moreland City Council Meeting on 8 June 2022, where the Council resolved to request that the Minister for Planning appoint an Independent Panel to consider all submissions. At the meeting, the Councillors also resolved to make one change to the draft policy, to include a Decision Guideline in draft Schedule 5 of the



Incorporated Plan Overlay that requires notice be given to adjoining owners and occupiers (outside the precinct) for proposals located in the General Residential Zone.

11. I was approached by Hansen Partnership in relation to this matter by email initially on 7 March 2022 prior to public exhibition and then again on 27 June 2022, post public exhibition.
12. I was asked to review the Amendment and the submissions received in respect of it, and to advise my preliminary opinions about it.
13. I reviewed the exhibited material that been compiled by Moreland City Council and visited the site and surrounding area in July 2022.
14. Subsequently, I provisionally advised Hansen Partnerships that, in general terms, I considered the planned rezoning a positive planning initiative underpinned by strategic analysis of *Moreland Industrial Land Strategy, 2015-2030* (“MILS”) but had specific comments in relation to the drafting of the proposed Incorporated Plan.
15. I was subsequently asked to prepare this report, setting out my expert opinions in relation to the Amendment.
16. In preparing this report and forming my opinions about the Amendment, I have had regard for and relied on:
  - Inspection of the site and surrounds.
  - Moreland Planning Scheme relevant policies and controls.
  - Exhibited Moreland Amendment C201 documents.
  - Accompanying background documents, including the Urban Design Framework prepared by Openwork.
  - Ministerial Direction 11 ‘Strategic Assessment Guidelines for Planning Scheme Amendments’ and other Ministerial Directions and Practice Notes relevant to the Amendment.
  - Moreland Industrial Land Strategy, 2015-2030 (MILS).
  - Hosken Reserve Masterplan (Issue No.7) and associated Council Meeting Agenda dated 13 October 2021.
  - Council Agenda and Meeting Minutes dated 8 June 2022 (Request for Panel) and 8 September 2021 (Request for Authorisation).

### 1.3 FACTS, MATTERS AND ASSUMPTIONS



- Submissions to the Amendment received during the Public Exhibition Phase.

17. I declare that I have made all the inquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

#### 1.4 SUMMARY OF OPINIONS

18. My views in relation to the Amendment are summarised as follows:

- The draft planning provisions will effectively transition the existing industrial land to a mixed use / residential precinct in accordance with the outcomes sought in MILS.
- The transition-residential strategic classification – and, in turn, ambition of the Amendment, with its particular focus on higher density residential while encouraging site-responsive design to the identified sub-precincts and distinct interface environs – requires the planning direction to be reinforced through the applied controls and certainty of well-drafted and clear planning policy.
- The selected VPP tools, namely 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 within Schedule 5 to the IPO is supported by State and local planning policy directions. I am satisfied that the level of detail and direction for affordable housing contributions and associated agreements is contained in this policy.
- The EAO to be applied to most of the land subject to the Amendment is effective in ensuring appropriate remediation and protection works occur to land, held by multiple owners, prior to future sensitive land uses or development.
- The Incorporated Plan, complemented by the proposed zones, establishes a clear and 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.



- I am generally satisfied with the Incorporated Plan, its approach, contents and utility, subject to my recommended changes at Appendix B.
19. Overall, I am satisfied that Amendment C201 has taken appropriate direction from the Planning Policy Framework of the Moreland Planning Scheme, and the proposed provisions are consistent with the relevant Ministerial Directions and Planning Practice Notes.
20. I am satisfied that the Amendment achieves a planning outcome that is consistent with the objectives for planning in Victoria and achieves a net community benefit, subject to the changes identified in Section 9.0 and Appendix B.



## 2.0 THE LAND AND SURROUNDS

### 2.1 CONTEXT

21. The land is located approximately 10km north of Melbourne’s CBD. The land is situated on the northern edge of the Coburg North / Batman Industrial Precinct and is broadly bounded by the Upfield Railway Corridor and Sydney Road to the east, Sussex Street to the west, Barkers Road to the south, and Boundary Road / Fawkner Memorial Park to the north.
22. Land to the north and north-west is predominately used for residential purposes, while land to the south and south-west and in part to the east is zoned for industrial and educational land uses. Several recreation reserves are located in the surrounds.
23. The residential pockets in the area are characterised by detached, single and double storey dwellings, with some examples of more recent infill townhouse developments.



Figure 1: Aerial map showing land affected by the Amendment

### 2.2 SUBJECT LAND

24. The subject land comprises 18 land parcels along parts of Sheppard Street, Norris Street and including smaller parcels that fall within the Hosken Reserve car park/access.
25. The subject site can be described as 3-5, 4, 6, 7, 8, 10 and 16-20 Sheppard Street Coburg North, 2-4 and 6 Norris Street Coburg North, Part of 39A Shorts Road, and the former right of way abutting the western boundary of 11 Norris Street, Coburg North. Refer to Figure 2 over the page.
26. Overall, the subject land equates to an area of approximately 1.7 hectares.

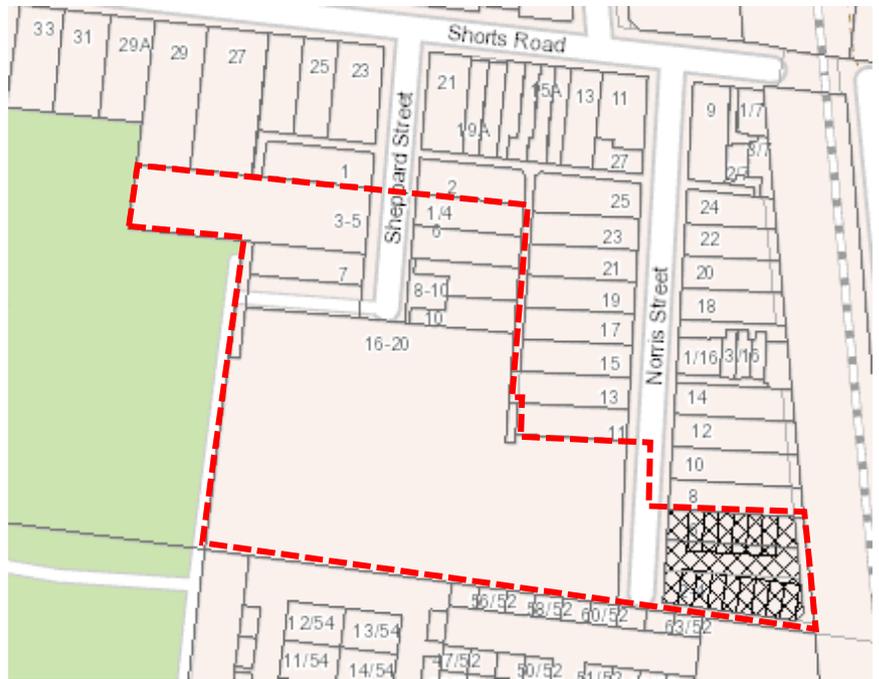


Figure 2: Land affected by the Amendment (Source: VicPlan)

27. I note the Council Meeting Report dated 8 September 2021 provides a detailed breakdown of each land parcel, its formal title reference and current land use. Broadly, land uses comprise a mix of office, warehouse / storage, foundry and vacant land / buildings.
28. As noted in the Council Report, land owned by Council that is currently being used to access the Hosken Reserve car park has also been included in the Amendment. This is to ensure that the access and circulation in the area is considered in a holistic way.
29. Recent approvals within the subject land include:
  - Planning Permit MPS/2008/737 allows for a three-storey building at 4 Sheppard Street. This permit has been acted upon.
  - Planning Permit MPS/2019/467 allows for warehouses and the construction of 14, three-storey buildings at 2-6 Norris Street.
30. The immediate surrounds of the subject land are described as follows:
  - To the west is Hosken Reserve, which provides active sporting facilities as well as passive recreation for the community. The Reserve is the subject of a current redevelopment / master plan process. I note that in October 2021, Council resolved to endorse a final concept plan of the redevelopment. As relevant to the interface with the subject site, the existing car park to north-east

## 2.3 IMMEDIATE SURROUNDS



corner of the reserve is to be returned to passive open space. A 1.5m wide pedestrian path is provided along the north-east adjacent to “future development”. The balance of the interface with the subject site is to remain as a car park.

- To the north is Shorts Road, a local Council road. Land to the north of the site is residential land, zoned General Residential Zone – Schedule 1 (GRZ1). The area is characterised by residential development. Further north is the Merlynston Railway Station, local strip shops along Merlyn Street and Bain Reserve.
- To the east along Norris Street is residential land within the GRZ1. To the east of which is the Upfield Rail Corridor and more industrial land to the south of Dawson Reserve.
- To the south is land used for a range of industrial uses, predominantly warehousing and associated activities.

## 3.0 WHAT DOES THE AMENDMENT PROPOSE?

### 3.1 PROPOSED CONTROLS AND POLICIES

31. Amendment C201 proposes to implement the Moreland Industrial Land Strategy 2015-2030 (MILS) by rezoning the land within Precinct 16 from Industrial 3 Zone and General Residential Zone Schedule 1 to General Residential Zone Schedule 1 and Mixed Use Zone and by applying an Incorporated Plan Overlay and Environmental Audit Overlay.
32. Specifically, the Amendment proposes to:
- Rezone land from Industrial 3 Zone to General Residential Zone Schedule 1 (thirteen properties);
  - Rezone land from Industrial 3 Zone to Mixed Use Zone (five properties);
  - Rezone land from General Residential Zone Schedule 1 to Mixed Use Zone (one property);
  - Insert a new Schedule 5 to the Incorporated Plan Overlay (IPO5) to the Moreland Planning Scheme;
  - Apply the IPO5 to 16 properties;
  - Apply the Environmental Audit Overlay (EAO) to 13 properties;
  - Amend Clause 02.04 by altering the Residential Framework Map to include the precinct within the land identified for Significant Change; and
  - Update / amend Schedules within the Operational Provisions of the Moreland Planning Scheme as per the above.
33. The proposed rezoning as described above is illustrated on the exhibited Zone Map associated with Amendment C201. The land is proposed to be rezoned in part to MUZ and in part to GRZ, and I have included an extract of the map at Figure 3.

#### 3.1.1 Mixed Use Zone (MUZ)



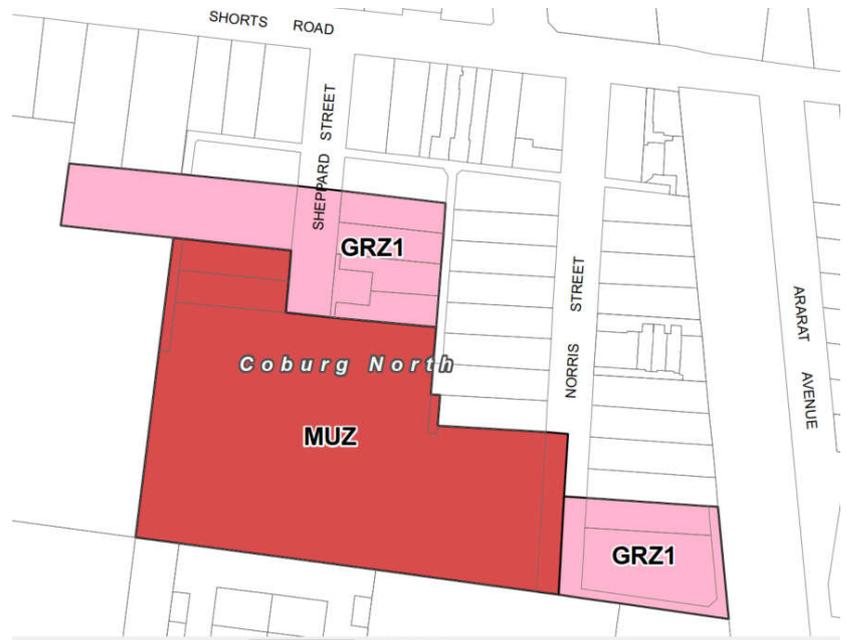


Figure 3: Proposed zoning plan

34. The purpose of the Mixed Use Zone (MUZ) at **Clause 32.04** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

35. Schedule 1 to the MUZ relates to “Moreland Mixed Use Areas”. The objective seeks:

*To ensure the design and siting of new buildings maximise landscaping throughout the site, including the retention of existing canopy trees (where practicable) and the planting of new canopy trees and vegetation.*

The Schedule provides for a variation to Clauses 54 and 55 relating to Landscaping. No maximum building height is specified in the schedule.



### 3.1.2 General Residential Zone (GRZ1)

36. The proposed rezoning of the subject land is illustrated on the exhibited Zone Map associated with Amendment C201.
37. The purpose of the General Residential Zone (GRZ1) at **Clause 32.08** is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To encourage development that respects the neighbourhood character of the area.*
  - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
38. Pursuant to **Clause 32.08-10**, if no maximum building height or maximum number of storeys is specified in a schedule to this zone:
- *the building height must not exceed 11 metres; and*
  - *the building must contain no more than 3 storeys at any point.*
39. A dwelling or residential building is subject to the mandatory minimum garden area requirement, as applicable, pursuant to Clause 32.08-4.
40. Schedule to 1 to the GRZ relates to “General residential areas”. The objective is:
- To promote a preferred neighbourhood character where the design and siting of new dwellings include generous landscaping through the retention of existing canopy trees (where practicable) and the planting of new canopy trees and vegetation.*
41. The Schedule provides a variation to Clauses 54 and 55 relating to Landscaping.

3.1.3  
Incorporated Plan Overlay –  
Schedule 5 (IPO5)

42. The proposed Schedule 5 to the Incorporated Plan Overlay (IPO5) is to apply to the entire area affected by the Amendment. Figure 4 is an extract of exhibited overlay map.



Figure 4: Proposed IPO5 Map

43. The purpose of the Incorporated Plan Overlay at **Clause 43.03** is:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To identify areas which require:*
    - *The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.*
    - *A planning scheme amendment before the incorporated plan can be changed.*
  - *To exempt an application from notice and review if it is generally in accordance with an incorporated plan.*
44. Schedule 5 of the exhibited documentation relates to *Sheppard and Norris Street Coburg North Incorporated Plan, 2021*. Condition 3.0 of the schedule outlines 'Conditions and requirements for permits' which relate to Affordable Housing, Environmental Audit, Impact of Industrial land uses and Landscape Plan.

### 3.1.4 Environmental Audit Overlay (EAO)

45. The proposed Environmental Audit Overlay (EAO) is to apply to 13 properties affected by the Amendment. Figure 5 is an extract of exhibited overlay map.
46. The purpose of the EAO at **Clause 45.03** seeks:
  - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

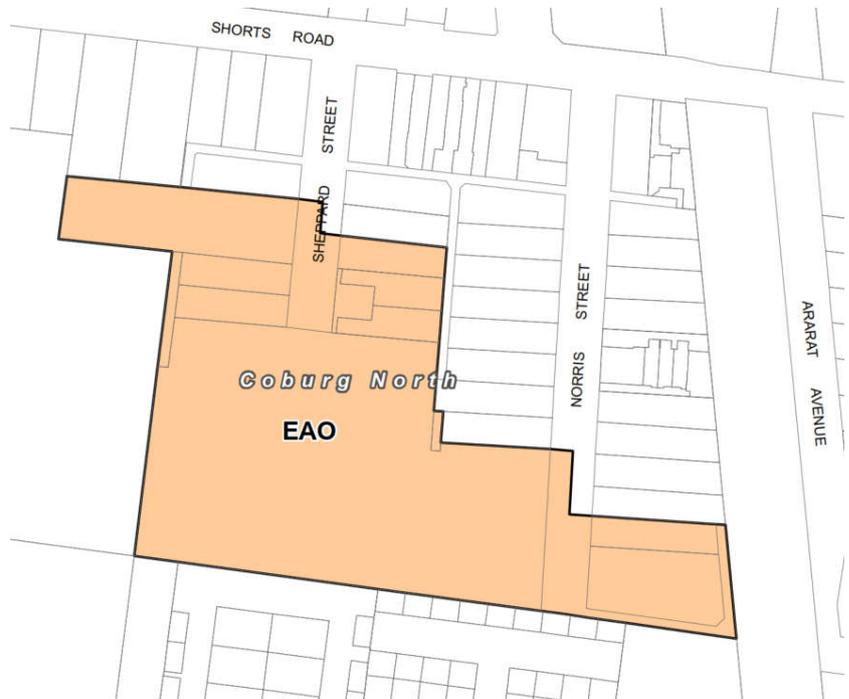


Figure 5: Proposed EAO Map

### 3.2 PROPOSED INCORPORATED PLAN

47. The proposed *Incorporated Plan: Sheppard and Norris Street Coburg North Incorporated Plan, 2021* (“Incorporated Plan”) will provide a framework which guides the redevelopment of the land and provides certainty to the community that this will occur in an orderly and proper manner.
48. The Incorporated Plan divides the affected land into five precincts with three types of interfaces, per the extracted map at Figure 6.



Figure 6: Proposed Incorporated Plan precinct map

49. The Plan outlines the maximum heights for Precincts 2, 3 and 4, located within the MUZ, while Precincts 1 and 5 are subject to the mandatory maximum building heights of the GRZ provisions (refer Figure 7).



Figure 7: Proposed maximum building heights by precincts

50. The Incorporated Plan includes various guidelines, policy and massing parameters. Sub-headings in the Plan refer to:

- Statement of Preferred Neighbourhood Character.
- Requirements for use applications.
- Requirements for buildings and works applications.
- Passive surveillance.
- Landscaping.
- Parkland interfaces.
- Precinct specific policy.
- Access.
- Built form.
- Site activation and community.
- Clause 55 standards specifically referenced.

### 3.2.1 Urban Design Framework

51. I understand that the preparation of the Incorporated Plan has been informed by the Urban Design Framework (UDF) prepared by Openwork to assist / inform the Amendment.
52. The UDF provides a vision for the area and seeks to enhance the amenity of existing residents. It proposes an integrated built form and public realm that extends the amenity of Hosken Reserve and increases the connectivity of existing residential development on Sheppard and Norris Streets.
53. I understand the proposed building heights, massing and connectivity have been used to inform the draft Incorporated Plan.



## 4.0 EXISTING MORELAND PLANNING SCHEME PROVISIONS

### 4.1 ZONING

54. The subject land is affected by the following controls and policies of the existing Moreland Planning Scheme.
55. The subject site is currently contained within the Industrial 3 Zone and parts within the General Residential Zone, as illustrated in Figure 8.
56. The purpose of the Industrial 3 Zone at **Clause 33.03** is:
  - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
  - *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
  - *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
  - *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

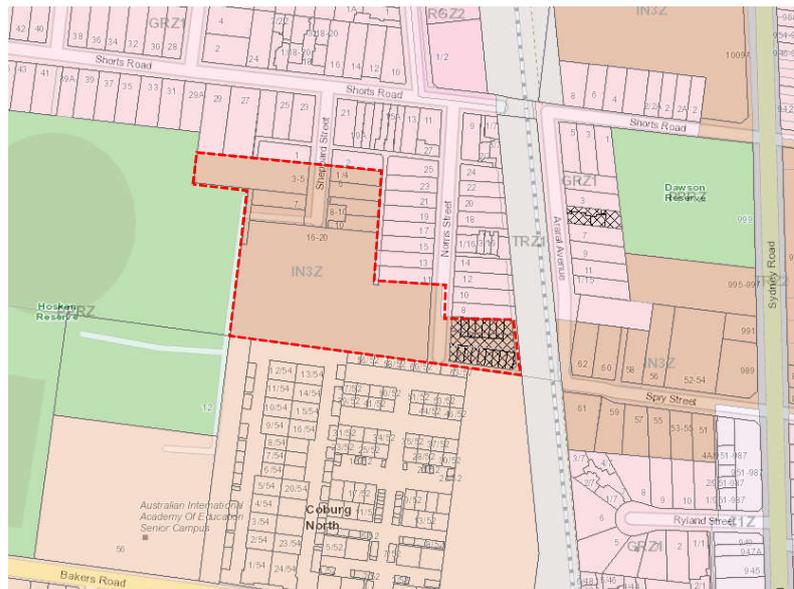


Figure 8: Zoning Map showing the subject site



## 4.2 OVERLAYS

57. The subject site is also affected by the Development Contributions Plan Overlay at **Clause 45.06**, as illustrated in Figure 9, the purpose of which is:

*To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

58. Pursuant to the Schedule to the DCPO, the subject land is located within Precinct 6 – Coburg North.



Figure 9: Development Contributions Plan Overlay map showing the subject site

## 4.3 PLANNING POLICY FRAMEWORK

59. The Planning Policy Framework (“PPF”) of the Moreland Planning Scheme provides for the management of urban growth by directing land use and development to strategic locations.
60. The PPF encourages increased housing density in areas identified as ‘Significant Housing Growth’ on the Strategic Framework Plan: Housing at Clause 02.04. The Framework also includes land marked for ‘Transition-Residential Areas’, in which areas are encouraged for residential rezoning. Housing affordability is encouraged to locate closer to jobs, transport and services and to ensure land supply continues to be sufficient to meet demand. Specific to the Moreland Planning Scheme is the strategy to,

*Encourage developments to include affordable housing to be owned and managed by a registered housing association, registered housing provider or the Director of Housing.*

61. The PPF outlines policy, objectives and strategies relating to Urban Design, Building Design and ESD in Moreland. Good quality building with a focus on the interface with the public realm is a strong theme in this policy, together



with an objective to promote and provide environmentally sustainable development. In particular, land adjacent to public open space should provide a clear separation between public and private land and ensure no unreasonable overshadowing of the public space.

## 4.4 RELEVANT STRATEGIES

### 4.4.1 MILS

62. The following Strategies provide strategic context for the Amendment.
63. The *Moreland Industrial Land Strategy, 2015-2030* (“MILS”) was adopted by Council in 2016 and provides the primary strategic basis for the current Amendment. The MILS guides planning decisions about the future of Moreland’s industrial land. The MILS provides a strategic framework within which Council has made decisions about what industrial zoned land to retain and the land uses sought in these areas, and what industrial land is to be rezoned for other uses, and what these alternative uses should be.
64. The MILS categorises all industrial land into one of three categories:
- Category 1 – Core Industry and Employment Areas is for industry and employment uses and prohibit new residential.
  - Category 2 – Employment Areas maintain for industry and employment purposes and only allow residential uses in certain circumstances.
  - Category 3 – Transition-Residential Areas facilitates a transition to quality residential environments which contribute to Moreland’s housing supply.
65. The subject land, identified as Area 16, is classified within Category 3 – Transition-Residential Areas, as shown on Figure 10 over the page. The land to the immediate south, identified as Area 14, is marked as Category 1 – Core Industrial and Employment Areas.

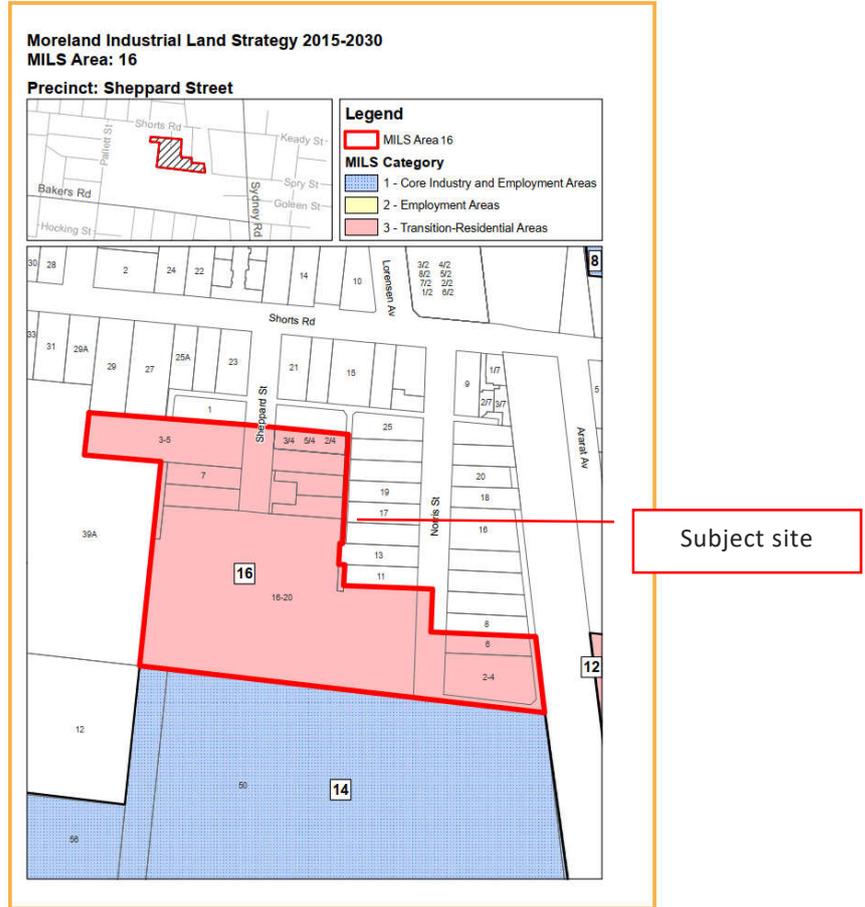


Figure 10: MILS Area 16



## 5.0 RELEVANT MINISTERIAL DIRECTIONS AND GUIDELINES

66. The following Ministerial Directions and Planning Practice Notes are relevant to the assessment of the Moreland Amendment C201:
- Direction No. 1 'Potentially Contaminated Land'.
  - Direction No. 9 'Metropolitan Planning Strategy'.
  - Direction No. 11 'Strategic Assessment of Amendments'.
  - Planning Practice Note No. 23 'Applying the Incorporated Plan and Development Plan Overlays'.
  - Planning Practice Note No. 46 'Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments'.
  - Planning Practice Note No. 59 'The role of Mandatory Provision in Planning Schemes'.
  - Planning Practice Note No. 91 'Using the residential zones'.
  - Planning Practice Note No. 92 'Managing Buffers for Land Use Compatibility'.
67. I have had regard to the above documents in my assessment of the merits of the Amendment.



## 6.0 IS THE DRAFT AMENDMENT STRATEGICALLY JUSTIFIED?

### 6.1 WHY IS THE DRAFT AMENDMENT REQUIRED?

68. The Amendment is required to provide the planning mechanisms to underpin and facilitate the rezoning of the currently underutilised industrial land to residential urban renewal, consistent with the strategic findings of the MILS.
69. Category 3 (Transition-Residential) areas, in which the land is located, are encouraged to transition to full residential redevelopment and contribute to Moreland’s housing supply. The scale and density of housing in these areas will be guided by the proximity of the area to an Activity Centre, the size of an area and its ability to manage off-site impacts and integrate at its boundaries with the scale of the surrounding neighbourhood. The key Strategy of which is to *“support the rezoning and redevelopment of Transition Residential Areas to allow quality residential development”*.
70. Given the current Industrial 3 Zoning of the subject site, and strategic vision for repurposing appropriately identified underutilised industrial areas, an amendment that provides the statutory and strategic planning framework to realise the objectives / strategies of the MILS is clearly necessary.

### 6.2 HOW DOES THE DRAFT AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?

71. The objectives for planning in Victoria are set out at Section 4(1) of the *Planning and Environment Act 1987* (the Act). I consider the proposed amendment is consistent with these objectives, as relevant and as follows:
72. *(a) to provide for the fair, orderly, economic and suitable use, and development of the land;*

The Amendment facilitates a transition from industrial to residential land use and development, in a manner that is guided by and respectful of the surrounding land use pattern and scale of the surrounding neighbourhood, as encouraged by the implementation strategies of MILS.

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

The Amendment proposes policy and planning controls, such as a new Schedule 5 to the Incorporated Plan Overlay and associated Incorporated Plan, to achieve a high-quality public realm and design response for future development. A focus of the Incorporated Plan is to ensure an appropriate interface outcome is achieved with the existing industrial land to the south, ensuring both the continued viability of this industrial land and acceptable amenity considerations for future residential development.

The Amendment includes an Environmental Audit Overlay to ensure that potentially contaminated land is remediated prior to the commencement of sensitive land uses.



74. *(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The subject site and surrounds do not feature any places of specific interest or special cultural value.

75. *(f) to facilitate development in accordance with the objectives...;*

The Amendment provides a land use and development outcome which has been subjected to phases of public consultation. The Amendment will provide for the proper and orderly planning of the area and employs a planning framework that will facilitate planning outcomes consistent with the established policy framework.

76. *(fa) to facilitate the provision of affordable housing in Victoria;*

Affordable housing is integrated in the Incorporated Plan Overlay and accordingly, the development arising from the Amendment will make a direct contribution to achieving affordable housing in Victoria.

77. *(g) to balance the present and future interests of all Victorians.*

The Amendment will provide for high-quality housing and mixed-use opportunities in a well-serviced, inner-city location. The subject site will also provide affordable housing with good access to services and transport. The interests of the Coburg North industrial precinct and its continued operation will be effectively managed by appropriate interface planning policy to ensure that new development assesses any amenity impact of the neighbouring industrial uses.

### 6.3 HOW DOES THE DRAFT AMENDMENT ADDRESS ANY ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS?

#### ENVIRONMENT

78. As explained in the exhibited Explanatory Report, a Certificate of Environmental Audit has been issued for the property at 4 Sheppard Street, Coburg North. All remaining land affected by the Amendment is considered potentially contaminated and, as such, the Amendment seeks to apply an Environmental Audit Overlay over this land. The Overlay will ensure the land is effectively remediated prior to the commencement of sensitive land uses.
79. The Environment Protection Authority (EPA) is satisfied with the Amendment and the steps Council has taken to ensure that risks associated with the potentially contaminated land are known and managed.



## SOCIAL

80. The Amendment provides for 'Affordable Housing Contribution' at Clause 3.0 of Schedule 5 to the IPO. This will require all permits for subdivision, the construction of two or more dwelling on a lot, or buildings for use for Accommodation on the land to enter into a Section 173 with the Responsible Authority to ensure that the landowner must make a contribution to affordable housing; the details of which will be discussed in more detail at Section 7.0 of my evidence.
81. The Amendment and its Incorporated Plan provide for improved vehicle and pedestrian connections through the subject site, which will benefit the broader community as well as future residents of the area.

## ECONOMIC

82. The Amendment will provide an improved land use and development outcome for the site and surrounds by transitioning underutilised industrial land with compromised access via established residential neighbourhoods, to higher density residential land uses and mixed-use opportunities to also enable some employment opportunities for a diverse range of land use outcomes, and a requirement for the provision of affordable housing.

### 6.4 HOW DOES THE DRAFT AMENDMENT SUPPORT OR IMPLEMENT THE PLANNING POLICY FRAMEWORK AND ANY ADOPTED STATE POLICY?

83. The Amendment rezoning, policy and Incorporated Plan support and implement the Planning Policy Framework as follows:
84. Clause 11 – Settlement
- It represents a clear response to an opportunity for urban renewal and infill development in an inner-city location.
  - Existing underutilised industrial land has been previously identified through an adopted strategic planning exercise as appropriate for change and encouraged for redevelopment and intensification, in a manner that is appropriate to its context.
  - Orderly planning is encouraged and facilitated by the Incorporated Plan Overlay, Environmental Audit Overlay and zones.
85. Clause 13 – Environmental Risks and Amenity
- The inclusion of the Environmental Audit Overlay to the land affected by the Amendment will ensure that potentially contaminated land is remediated. This responds to planning policy

that seeks to “identify, prevent and minimise the risk of harm to the environment, human health, and amenity”.

- The EPA is satisfied with the Amendment and the steps taken to ensure that risks associated with the potentially contaminated land are known and managed.

86. Clause 15 – Built Environment and Heritage

- The intent of the Incorporated Plan Overlay and draft Incorporated Plan is designed to give direction and certainty to future development height, setbacks, massing and desired future character. The Plan also encourages high-quality architecture and provides a strong focus on appropriate interfaces with the pedestrian and public realm, in particular the Hosken Reserve.

87. Clause 16 – Housing

- The Amendment will facilitate the rezoning to residential zoned land and increased opportunities for the provision of well located, integrated and diverse housing that meets the community’s housing needs.
- The Amendment includes the provision of new affordable housing within the Coburg North area. This will be implemented through Schedule 5 to the Incorporated Plan Overlay and aligns with the clear policy aspiration to facilitate affordable housing in Victoria.

88. Clause 17 – Economic Development

- Opportunities for mixed land uses and a diversity of employment opportunities will be facilitated by the portion of land to be rezoned to Mixed Use.
- The diversity of land uses and opportunity for residents and jobs to co-locate in an inner-city location will service the needs to Moreland residents and visitors.

89. Clause 18 – Transport

- The Incorporated Plan provides for the integrated land use and transport framework for the subject site and its connectivity to the Coburg North surrounds, in particular appropriate connections to the Hosken Reserve and accessibility through the subject land / precinct.



- Alternative transport options are encouraged, and promote the use of sustainable personal transport for residents and visitors.

**6.5  
DOES THE DRAFT  
AMENDMENT MAKE PROPER  
USE OF THE VICTORIA  
PLANNING PROVISIONS?**

90. The Amendment utilises a suite of controls to give effect to its intended outcomes, namely the Mixed Use Zone, General Residential Zone, Incorporated Plan Overlay and Environmental Audit Overlay, all of which are included in the VPPs.
91. As explained in Section 7 of this statement, I am satisfied that the Amendment makes proper use of the VPPs.

**6.6  
DOES THE DRAFT  
AMENDMENT ADDRESS THE  
REQUIREMENTS OF THE  
TRANSPORT INTEGRATION  
ACT 2010?**

92. The Amendment seeks to rezone an existing precinct of industrial land, in an established metropolitan area, with good access to a range of transport options, to a planning framework that encourages the more efficient use and development of land for predominately residential development.
93. In my opinion, the outcome sought by the Amendment is consistent with the vision statement, objectives and principles of the *Transport Integrated Act* 2010.



## 7.0 ARE THE PROPOSED ZONES AND OVERLAYS APPROPRIATE?

### 7.1 THE ZONES

94. I support the use of a Mixed-Use Zone (MUZ) and General Residential Zone (GRZ) to underpin the urban renewal envisaged for the subject land in MILS. Rather than simply apply the one zone to the entire precinct, the Amendment has carefully reviewed the site context and characteristic of the immediate surrounds in determining the *appropriate* residential zones.
95. The land identified for a MUZ is sited with an interface adjacent to the industrial land to the south and the Hosken Reserve to the west. The MUZ will allow for a greater diversity of land uses, offering opportunity for residential / office / retail / employment opportunities and higher density developments.
96. This is consistent with the Planning Practice Note, No. 91 'Using residential zones' which advises the MUZ is to be applied to *"areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites"*.
97. The balance of the land is identified for a GRZ, which will transition to and complement the established residential neighbourhoods to the north and north-east already in a GRZ, with a mandatory building height of 11 metres / 3 storeys.
98. The use of a GRZ is also consistent with the Planning Practice Note, No. 91, which is to be applied *"to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport"*.
99. I consider the deliberate application of these zones is consistent with the purpose of providing for "transition-residential" land use and development, in a manner that is appropriate to the existing / preferred future context.
100. Whilst I recognise that there are other potential options for the type of residential zone and / or the boundaries of the zones, I am satisfied that the Amendment strikes an appropriate balance and will achieve a transition between the existing industrial / recreation / educational land uses to the south and west, and the established residential neighbourhoods to the north and north-east.
101. While the GRZ provides for certainty in respect of the maximum height of buildings (3 storeys), the MUZ does not. Given the urban renewal intent and flexibility of land uses afforded by the MUZ, I support the inclusion of maximum building heights in the proposed draft IPO, as discussed in the next section of my evidence, to complement the flexibility of the zoning with the certainty of an appropriate scale of development.



102. The change in zoning will also be recognised in the update to Clause 02.04, in altering the Residential Framework Map to include the precinct within land identified for Significant Change. This will provide consistency in the Moreland Planning Scheme as to the anticipated nature of the rezoned land at a municipal-wide strategic context.

## 7.2 THE OVERLAYS

### 7.2.1 Environmental Audit Overlay

103. The draft Amendment seeks to apply two new Overlays to the subject land, namely the Incorporated Plan Overlay ("IPO") and the Environmental Audit Overlay ("EAO").

104. Given the existing use of the land has been for industrial purposes, the proposed application of the EAO is being used in accordance with the Ministerial Direction No. 1. The Direction requires that for planning scheme amendments that would allow potentially contaminated land to be used for a sensitive use (ie. residential), a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

105. The EAO will defer environmental assessments to the stage of a planning permit application, if seeking a sensitive land use. This is an appropriate tool where:

- Land is held in multiple ownerships;
- Some sites are being used for industrial purposes; and
- Sensitive land uses are not anticipated to the whole precinct (ie. the Council-owned land is unlikely to be used for a sensitive land use).

106. As previously noted, the EPA has indicated its support for the introduction on the EAO to the subject site as part of the Amendment.

### 7.2.2 Incorporated Plan Overlay

107. Broadly the Incorporated Plan Overlay (IPO) is an appropriate tool to implement a plan to guide the future use and development of large land parcel / precinct.

108. The IPO (like a Development Plan Overlay) has two purposes:

- To identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted.
- To exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.



109. In my opinion, the IPO strikes the right balance in certainty and flexibility when guiding and assessing future permit applications, in that the IPO (amongst other reasons):
- requires a plan to be prepared to coordinate the use and development before a permit can be granted;
  - can be drafted to provide certainty about future expectations of land use and development;
  - can be tailored to provide specific policy content and contain particular requirements (ie. housing affordability);
  - removes notice requirements and third-party review rights from planning permit applications for proposals that conform to plan requirements; and
  - allows for permits to be granted for proposal that are not ‘generally in accordance with the plan’.
110. My assessment has concentrated on the planning implications of the Schedule to the Incorporated Plan Overlay (IPO).
111. The Amendment provides for a new Schedule 5 to the IPO, titled ‘Sheppard and Norris Street Incorporated Plan 2021’.

### 7.2.3 Schedule 5 to the IPO

#### CLAUSE 2.0

112. Clause 2.0 of the Schedule allows for a “*permit to be granted that is not in accordance with the incorporated plan if those buildings and works are in associated with an industrial use to which Clause 63.01 applies*”. I support the flexibility offered by this clause given the existing conditions of the area, with the notable large area of Industrial 1 Zone land to the immediate south of the site. While the purpose of the Amendment is to transition from the existing industrial to residential land use / development, if there are opportunities for future or continued industrial land uses, these should be considered by the Responsible Authority, where possible and appropriate.
113. Clause 2.0 also makes allowance for a permit to be granted for a land use and / or development that is not generally in accordance with the incorporated plan, unless the plan states that a permit must not be granted for the form of development proposed. I support the flexibility offered by Schedule 5, in my opinion striking the right balance between the benefits of conforming with the Incorporated Plan and thereby being exempt from notice and review and having the opportunity to propose something “not” in



accordance and go through a more rigorous planning permit application process, with notice and review requirements.

114. I take this opportunity to discuss the proposed 'Decision Guideline' sought to be imposed by the Council in accordance with the resolution of 8 June 2022, in which Council resolved to:

*Amend[s] 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 be included in the Council's submission to an Independent Planning Panel and authorises the Director Place and Environment to finalise the wording of the decision guidelines.*

115. I do not support the inclusion of this Decision Guideline to Schedule 5 of the IPO. As previously outlined, one of the key purposes of the IPO is that applications which conform with the certainty and requirements outlined in an Incorporated Plan benefit from exemption of the third-party notice and review rights. The Council's adopted decision guideline directly conflicts with this fundamental structural aspect of the VPP.
116. The proposed GRZ and the provisions of the IPO and its Incorporated Plan, provide more than sufficient certainty of planning outcome to exempt compliant planning permit applications from the notice and review rights of the Act.
117. Reinstating notice provisions, particularly the informal notice sought by the Council may also create unrealistic expectations that third parties have formal standing to further contest future planning permit applications, including reviews to the Victorian Civil and Administrative Tribunal.
118. I do not support this change to the exhibited controls.

### CLAUSE 3.0

119. Clause 3.0 of the Schedule outlines 'conditions and requirements for permits', with a number of sub-headings, each will be discussed in turn.



#### AFFORDABLE HOUSING CONTRIBUTION

120. The Affordable Housing Contribution provides for all permits for subdivision, the construction of two or more dwellings on a lot or the construction of a building for Accommodation 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*, to make a contribution to affordable housing, to the satisfaction of Council.
121. The Schedule specifies that the Affordable Housing Contribution is to provide a number of dwellings equal to 5% or 15% of the total number of dwellings on the land for development up to and including four (4) storeys and five (5) storeys in height, respectively.
122. The control is drafted in a manner that *requires* provision of an Affordable Housing Contribution. Notwithstanding this, the policy offers some degree of flexibility in clearly outlining its preferred Affordable Housing Contribution, while also offering alternative arrangements for how this can be achieved. For example, the policy clearly provides the manner in which housing prices should be calculated, yet in the next bullet point the Schedule provides that “alternatively” the landowner and purchaser may agree to a different purchase price. It even goes so far as to allow parties to agree on an “*alternative method by which the Affordable Housing Contribution may be provided*”.
123. In my view, the degree of flexibility offered by the schedule to the control is appropriate, especially where the housing contribution rates / requirements is an initiative volunteered by the proponent. The proponent is clearly trying to encourage more affordable housing for the community, which is admirable and is not always forthcoming from proponents.
124. The requirement to provide a component of affordable housing is a key tenet of this Amendment. I am satisfied that the control is an appropriate mechanism for this to be secured and delivered as part of future development.

#### ENVIRONMENTAL AUDIT CONDITIONS

125. I have previously outlined my support for the use of the EAO in this Amendment. I find the inclusion of the Environmental Audit Conditions in the IPO Schedule to be superfluous; however, by the same token, it causes no issue in including the policy provision as a reminder for permit applicants.



#### IMPACT OF INDUSTRIAL LAND USES

126. I support the awareness to existing industrial uses in the immediate area as required by this policy. The MILS, while encouraging the transition to residential for underused industrial areas, still recognises the importance of industrial uses / activity in the City.
127. Given the existing industrial operations in the precinct and immediate surrounds, I support placing the onus on “new” sensitive residential / accommodation land uses to ensure their amenity protection, while enabling the continued operating of existing industrial uses.
128. This is consistent with established agent of change principles and recognises the balance which ought to be struck in strategic planning judgements.

#### LANDSCAPE PLAN

129. The Schedule requires the preparation of a landscape plan(s) and any tree removal or planting plan is to be in accordance with the incorporated *Moreland Tree Planting Manual for Residential Zones, 2019*. I am satisfied with this requirement.

#### CLAUSE 5.0

130. The final clause of the draft Schedule 5 outlines the requirements for the preparation of an incorporated plan. It outlines five bullet points relating to housing typology, the focus areas for higher built form and residential interfaces, quality public realm responses, pedestrian connection to Hosken Reserve, roadworks, public connectivity and landscaping / trees.

#### 7.2.4 Incorporated Plan

131. Moreland City Council, together with the proponent, has prepared the exhibited draft Incorporated Plan: Sheppard Street and Norris Street, Coburn North, 2021.
132. I am satisfied that the exhibited Incorporated Plan generally addresses the requirements of Clause 5.0 of the proposed IPO5, subject to resolving the matters I identify in Sections 8.0, 9.0 and Appendix B of this statement.

## 8.0 SPECIFIC ISSUES ARISING FROM SUBMISSIONS

133. The Amendment received a total of five (5) submissions during the exhibition process (two [2] of which expressed their support). The objecting submitters have raised several themes which I address below.

### STRATEGIC JUSTIFICATION

134. In my view, the proposed rezoning of the subject land from industrial to mixed use / residential is clearly supported by the findings of the MILS, in which the land is identified for “transition-residential”.
135. The Amendment seeks to repurpose currently underutilised industrial land with infill urban renewal opportunities, in a manner that has been carefully considered to avoid amenity impacts on its surrounds. The Incorporated Plan will provide the guidance necessary for permit applicants and decision makers to ensure the future land use / development is of a high quality, providing a landscape response and meaningful contribution to affordable housing. Further, access within the precinct and to the surrounds seeks to improve the currently constrained connectivity within the area.
136. The future building heights and massing have been carefully crafted in response to five sub-precincts within the Amendment land, these sub-precincts are provided individualised heights, setbacks and massing in response to the characteristics of their interface(s). Higher density of five storeys is encouraged to the south-west portion of the land adjacent to the industrial zone and Hosken Reserve, away from the more sensitive established residential interfaces. The heights then gradually step down towards the existing General Residential zoned land to the north and east. Importantly, the urban design principles encouraging new development will play an active role in improving the passive surveillance and public interface within the area.

### AFFORDABLE HOUSING

137. The Housing Industry Association (HIA) submission objects to the inclusion of the affordable housing contribution, pursuant to the proposed IPO5. The HIA submits the Council should allocate existing property rates revenue, set up collaborative partnerships with industry and / or develop innovative funding methods to increase social and affordable housing supply. The HIA highlights that *“Inclusionary zoning puts further upward pressure on housing prices in already overly taxed and regulated Australian housing market”*. The HIA encourages the Council to *“provide its own solution to inclusionary zoning, being to rezone and/or repurpose its own land for new Council funded social and affordable housing”*. The submission continues to offer alternative options such a Build to Rent model, which the HIA submits has significant benefits.



138. I note that the Amendment’s affordable housing component is a proponent-led initiative. I am instructed that the proponent is seeking to encourage / deliver affordable housing contributions with the arrangement proposed based on its experience with other successful developments in Moreland. I further understand that this policy / arrangement has been supported by Council throughout the Amendment process, reflecting the clear planning policy support for more affordable housing.
139. In my opinion, the delivery of more affordable housing to meet a well-established community need is a welcome aspect of this Amendment. The manner in which the affordable housing contribution is drafted appropriately balances the need for certainty that it will be delivered but also flexibility in terms of the manner of its delivery. The provision of affordable housing responds to State and local policies which encourage the provision of affordable housing, especially in areas within the inner city with good accessibility to transport and services.

#### RELATIONSHIP WITH HOSKEN RESERVE

140. Concern has been raised that the Amendment does not integrate with the Hosken Reserve Masterplan. As noted in the Council Officer response of the report dated 8 June 2022, the Amendment is a proponent-led amendment and the land (except for 2 small land parcels) is not in Council ownership.
141. The Incorporated Plan has been prepared with significant consideration to the Hosken Reserve interface, ensuring that any future land use and development is designed to respond appropriately to the reserve environs through a landscape edge (including canopy trees), low fencing, building setbacks (minimum of 3 metres), including greater upper-level setbacks (6 to 8 metres) and opportunities for improved passive surveillance.

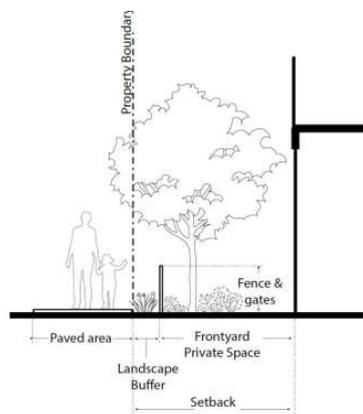


Figure 1: Hosken Reserve Interface

Figure 11: Extract of Incorporated Plan

142. Whilst building heights increase towards this important interface, I am satisfied that the many design requirements of the Incorporated Plan will achieve an edge to this interface that balances the need to minimise impacts on the amenity of the reserve, whilst also ensure new development can take advantage of the amenity benefits associated with dwellings facing the reserve.
143. Further, it is noteworthy that the interface of the subject land with Hosken Reserve is on balance adjacent to the existing / to-be-retained car parking and accessways, with only the north-west portion of the Reserve identified for conversion back to green open space.
144. In this regard, I note that while no public reserve overshadowing “control” exists in the Moreland Planning Scheme, and nor is one proposed, the PPF seeks to ensure no unreasonable overshadowing of the public space. Overshadowing diagrams prepared by the proponent (and included at Appendix A) demonstrate the future massing / built form at the setback and maximum building heights proposed in the Incorporated Plan results in minimal “additional” overshadowing to the Reserve between 10am and 2pm at the Equinox. I am satisfied that the likely shadow cast by future buildings is limited to the car park and passive / treed edge of the Reserve, no shadow is cast to the useable recreation areas that offer the community high levels of amenity.
145. I do not see the need for the Amendment to be prepared with any direct collaboration with the Hosken Reserve masterplan when the draft Plan gives sufficient weight and due regard to the importance of this interface and the need for use and development to respond appropriately to it.
146. As noted in the Council Report, land owned by Council that is currently being used to access the Hosken Reserve car park has also been included in the Amendment. This is to ensure that the access and circulation in the area is considered in a holistic way. Thereby further ensuring that active consideration is being given to this important interface within the Amendment.
147. I note that the Incorporated Plan seeks has as an objective to “*Improve access to Hosken Reserve from the east for pedestrians and cyclists*”. I support this outcome; however, it is not immediately apparent from the balance of the Incorporated Document how this is to be delivered or where. The supporting UDF (extracted over the page at Figure 12) is more successful in explaining this.



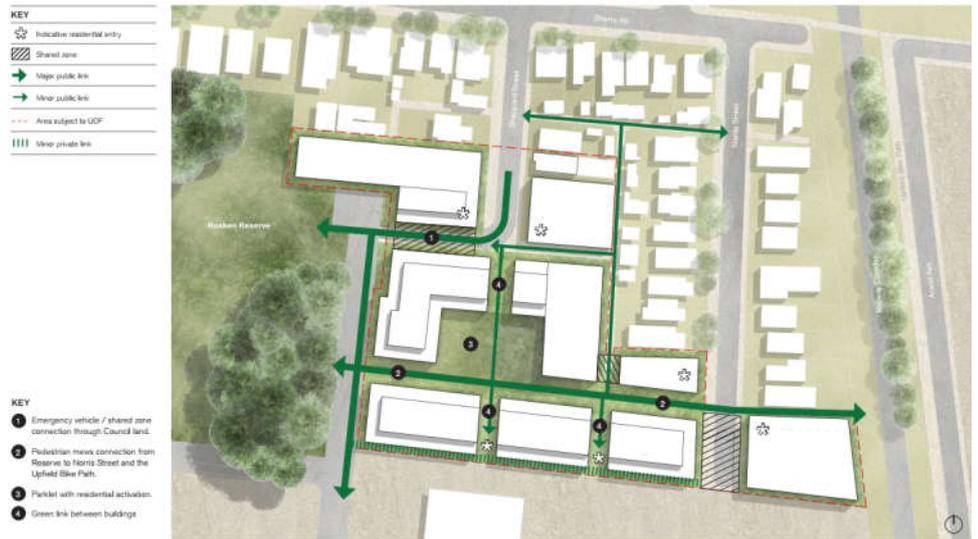


Figure 12: Extract of UDF (OPENWORK 2021)

148. I am of the view that this objective would be assisted by a clearer expression of this link between Norris Street and Hosken Reserve, as a requirement of the Incorporated Plan. I do not endorse the continuation of this link to the rail corridor, as there is no connection to a public path within the rail corridor on the western side of the corridor.

## TRANSPORT / LAND USE IMPACTS

149. One (1) submitter raised the question of the Amendment's proposed impact on the transport system.
150. Whilst not a transport expert, I do observe that the Incorporated Plan provides direction relating to vehicle access and ensures that development caters for access to and through the site (for cars, walking and cycling) and that road infrastructure provides for service and emergency vehicles. The Plan provides options for either a Court Bowl or Connector Road.
151. Otherwise, I am satisfied that appropriate vehicle impact and assessment will be required of future development proposals. I also note that one of the reasons for this land being identified for rezoning to residential is the lack of appropriate vehicle access for the existing / historic industrial uses. Accordingly, a consequence of the Amendment is reduction in large vehicles using residential streets to access the site, to be replaced by residential vehicle movements for which the local street network is designed.

## INDUSTRIAL LAND

152. As previously noted, the EPA is supportive of the draft Amendment. As highlighted in the EPA's submission, the EAO is not proposed to be applied to 4 Sheppard Street, Coburg North, consistent with its previous advice. For context, this property has previously received a Certificate of Environment

Audit and therefore has satisfied any potential contamination / remediation requirements for the land.

153. Given the location of a number of industrial land uses within the precinct, and the industrial area to the immediate south of the site, I consider that it will take time for the transition of the entire subject site to the urban renewal / residential vision. The shift away from an industrial base to a residential focus is a critical element of the outcome sought by the Amendment. Importantly, the Amendment and in particular the Incorporated Plan, provides appropriate safeguards to ensure that the existing industrial uses are protected from the encroachment of residential land uses.

## 9.0 RECOMMENDED CHANGES TO THE AMENDMENT

154. I have been asked as part of my brief to confirm whether I recommend any changes to the exhibited Amendment documents.
155. As previously indicated, I am satisfied that the overall preparation of the Amendment documentation is strategically justified and has been prepared in accordance with the relevant Ministerial strategic assessment guidelines and relevant Planning Practice Notes.
156. However, I am of the view that the Incorporated Plan would benefit from further refinement to ensure future permit applicants and stakeholders can clearly understand the land use and development intent for the precinct and the parameters by which the Responsible Authority can effectively assess and determine future proposals.
157. Appendix B to this statement includes a tracked changes version of the exhibited Incorporated Plan and reflects my recommended changes to this document.



## 10.0 CONCLUSION

158. I am satisfied that the Amendment is underpinned by a sound strategic planning basis in the adopted *Moreland Industrial Land Strategy, 2015-2030* (“MILS”).
159. From my detailed review of the exhibited Amendment documentation, I conclude that:
- The draft planning provisions will effectively transition the existing industrial land to a mixed use / residential precinct in accordance with the outcomes sought in MILS.
  - The transition-residential strategic classification – and, in turn, ambition of the Amendment, with its particular focus on higher density residential while encouraging site responsive design to the identified sub-precincts and distinct interface environs – requires the planning direction to be reinforced through the applied controls and certainty of well-drafted and clear planning policy.
  - The selected VPP tools, namely 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 within Schedule 5 to the IPO is supported by State and local planning policy directions. I am satisfied that the level of detail and direction for affordable housing contributions and associated agreements is contained in this policy.
  - The EAO to be applied to most of the land subject to the Amendment is effective in ensuring appropriate remediation and protection works occur to land, held by multiple owners, prior to future sensitive land uses or development.
  - The Incorporated Plan, complemented by the proposed zones, establishes a clear and 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 is not applicable.
  - I am generally satisfied with the Incorporated Plan, its approach, contents and utility, subject to my recommended changes at Appendix B.



160. Overall, I am satisfied that Amendment has taken appropriate direction from the Planning Policy Framework of the Moreland Planning Scheme, and the proposed provisions are consistent with the relevant Ministerial Directions and Planning Practice Notes.

161. I am satisfied that the Amendment achieves a planning outcome that is consistent with the objectives for planning in Victoria and achieves a net community benefit, subject to the changes identified in Section 9.0 and Appendix B.

#### **Declaration**

In coming to these conclusions, I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'H.S.' followed by a stylized flourish.

Hugh Smyth  
Director  
Urban Planning Collective

8 August 2022

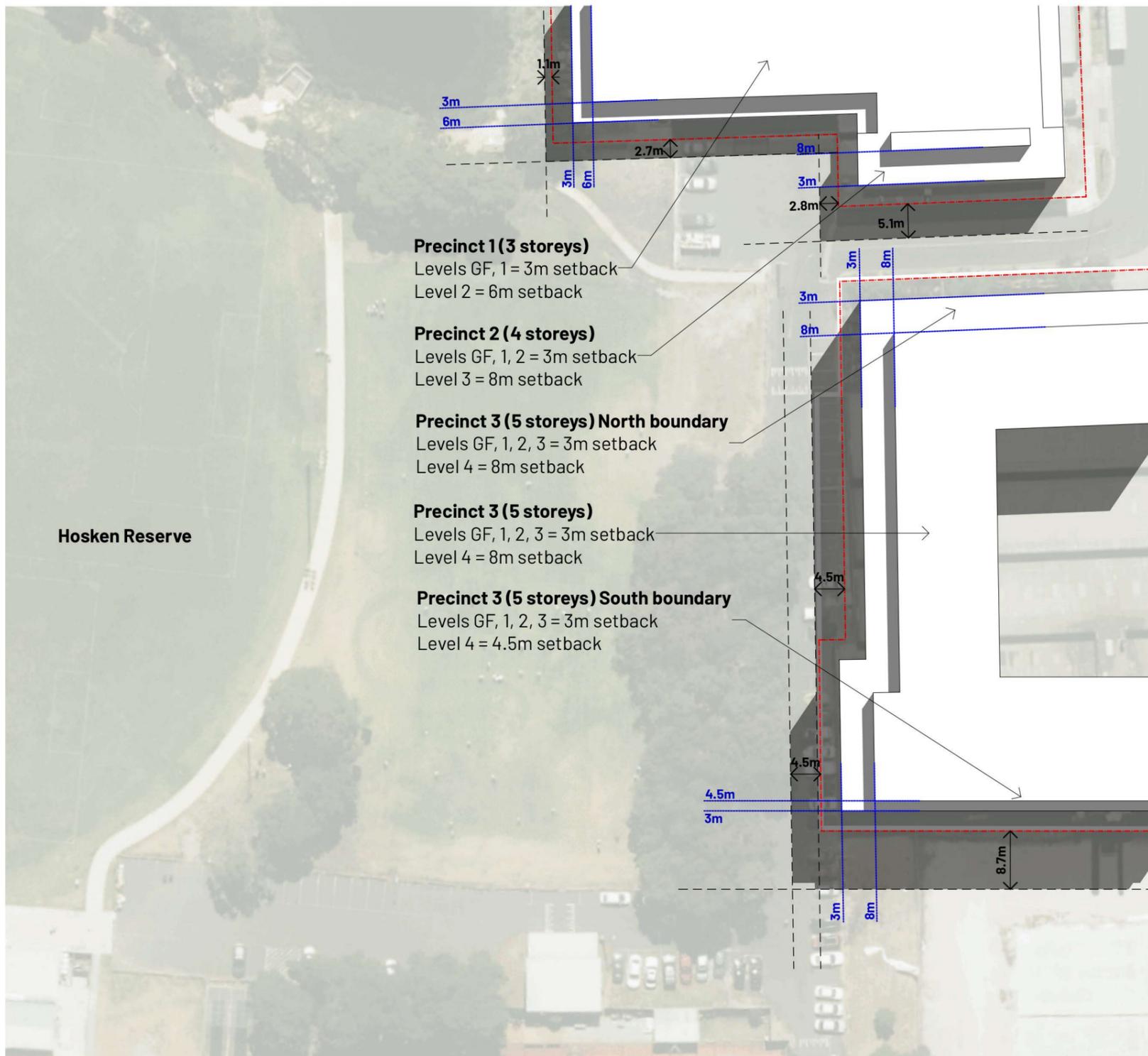


## Appendix A

# **16-20 Sheppard St, Coburg North - Overshadowing diagrams Nightingale Housing**

# Shadow diagram - 10am, Sept 22nd

Scale - 1:750



### 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	
			Lower four storeys	Fifth Storey
Setback of <ul style="list-style-type: none"> <li>a wall containing a living room window, or</li> <li>a main balcony</li> </ul>	4.5m	6m	6m	9m
Setback of remainder of building	2m	3m	3m	4.5m

### Remainder of the Land

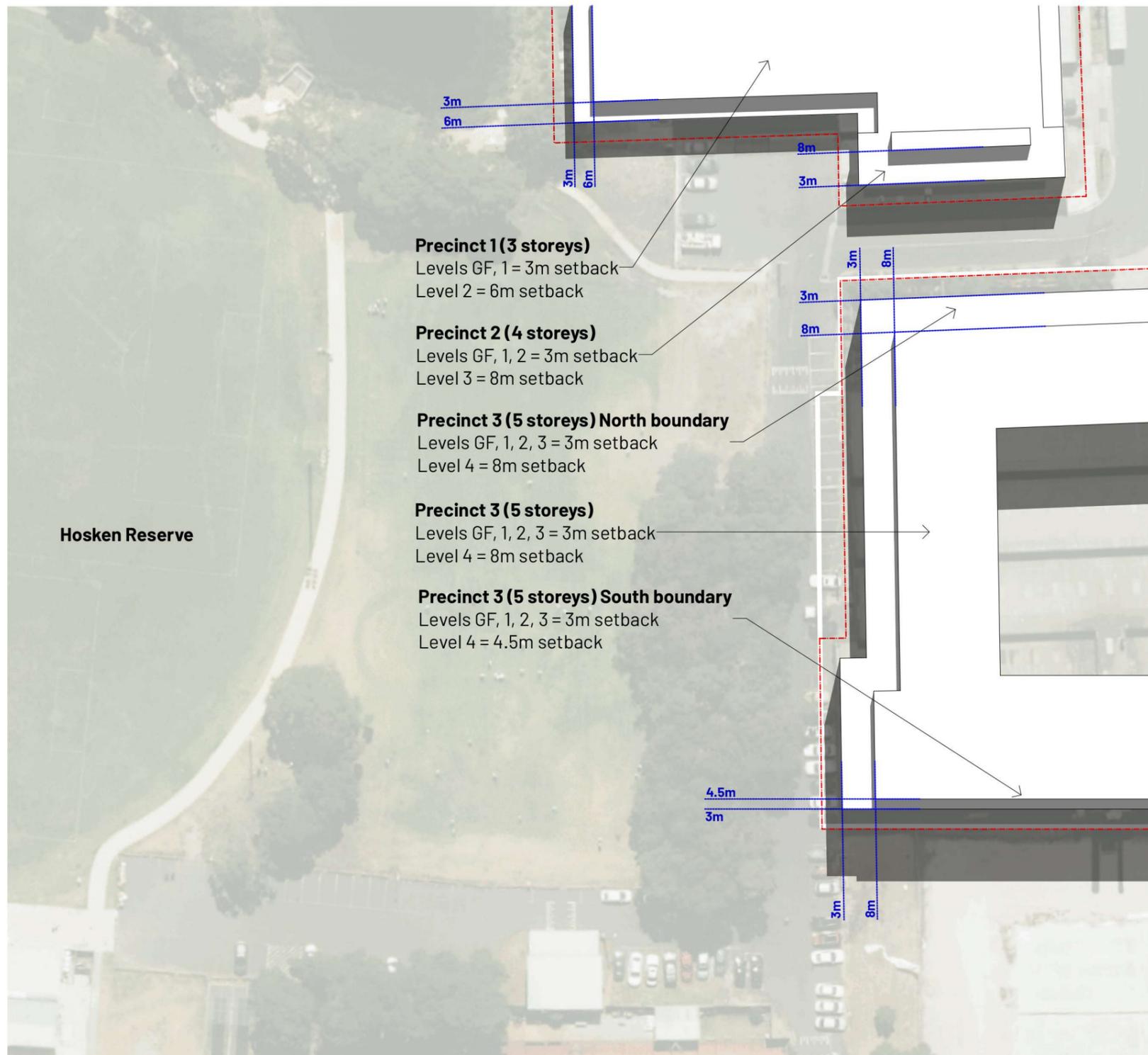
Street setbacks and setbacks to Hosken Reserve and its accessway for the remainder of the Land should be consistent with Table 3.

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

# Shadow diagram - 11am, Sept 22nd

Scale - 1:750



## 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	
			Lower four storeys	Fifth Storey
Setback of	4.5m	6m	6m	9m
<ul style="list-style-type: none"> <li>a wall containing a living room window, or</li> <li>a main balcony</li> </ul>				
Setback of remainder of building	2m	3m	3m	4.5m

## Remainder of the Land

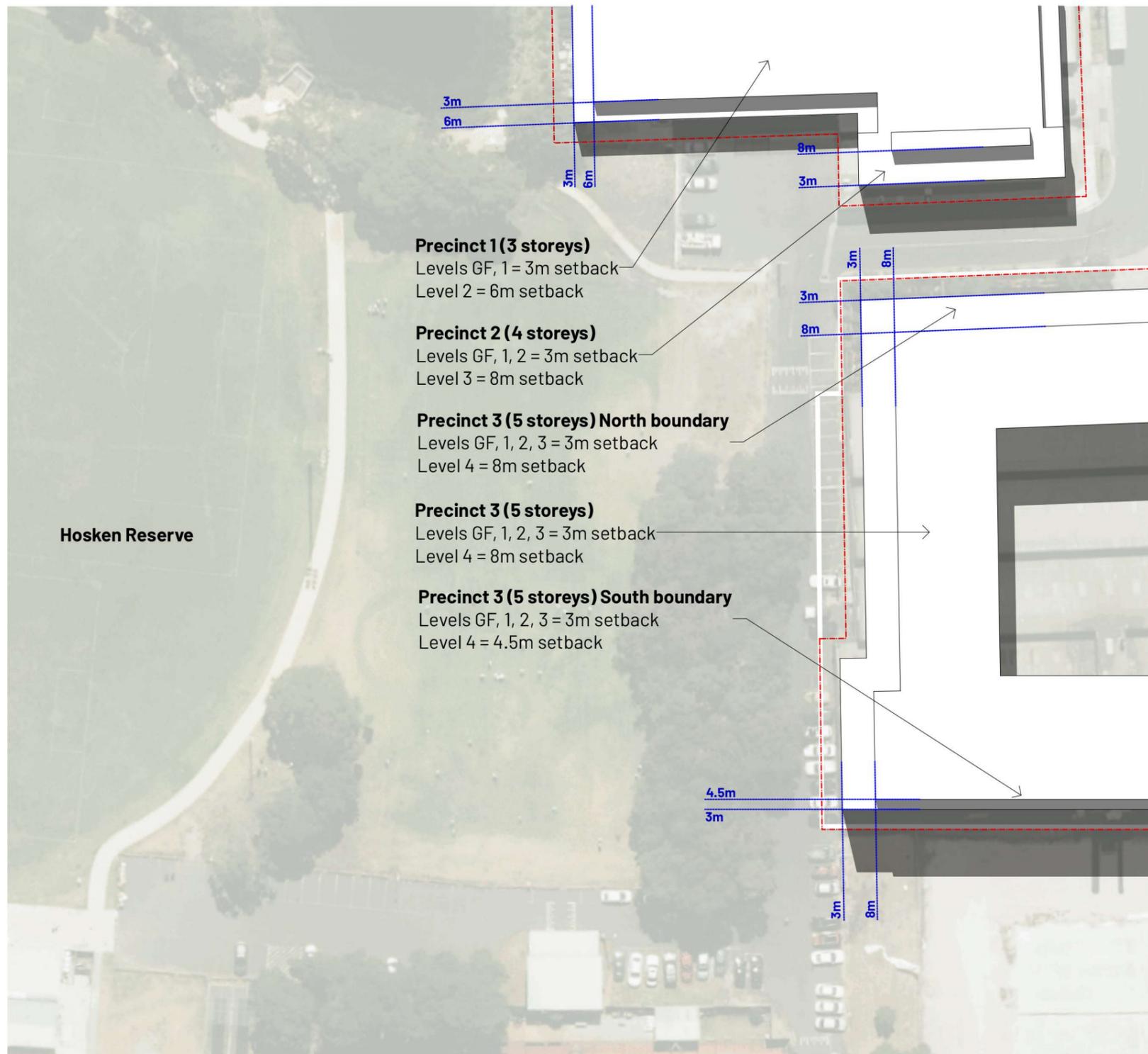
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Table 3: Street and Hosken Reserve setbacks\*

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Lower two storeys and any basement	3m	3m	3m
Third storey	6m	3m	3m
Fourth storey	-	8m	3m
Fifth storey	-	-	8m

# Shadow diagram - 12pm, Sept 22nd

Scale - 1:750



## 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	
			Lower four storeys	Fifth Storey
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Setback of remainder of building	2m	3m	3m	4.5m

## Remainder of the Land

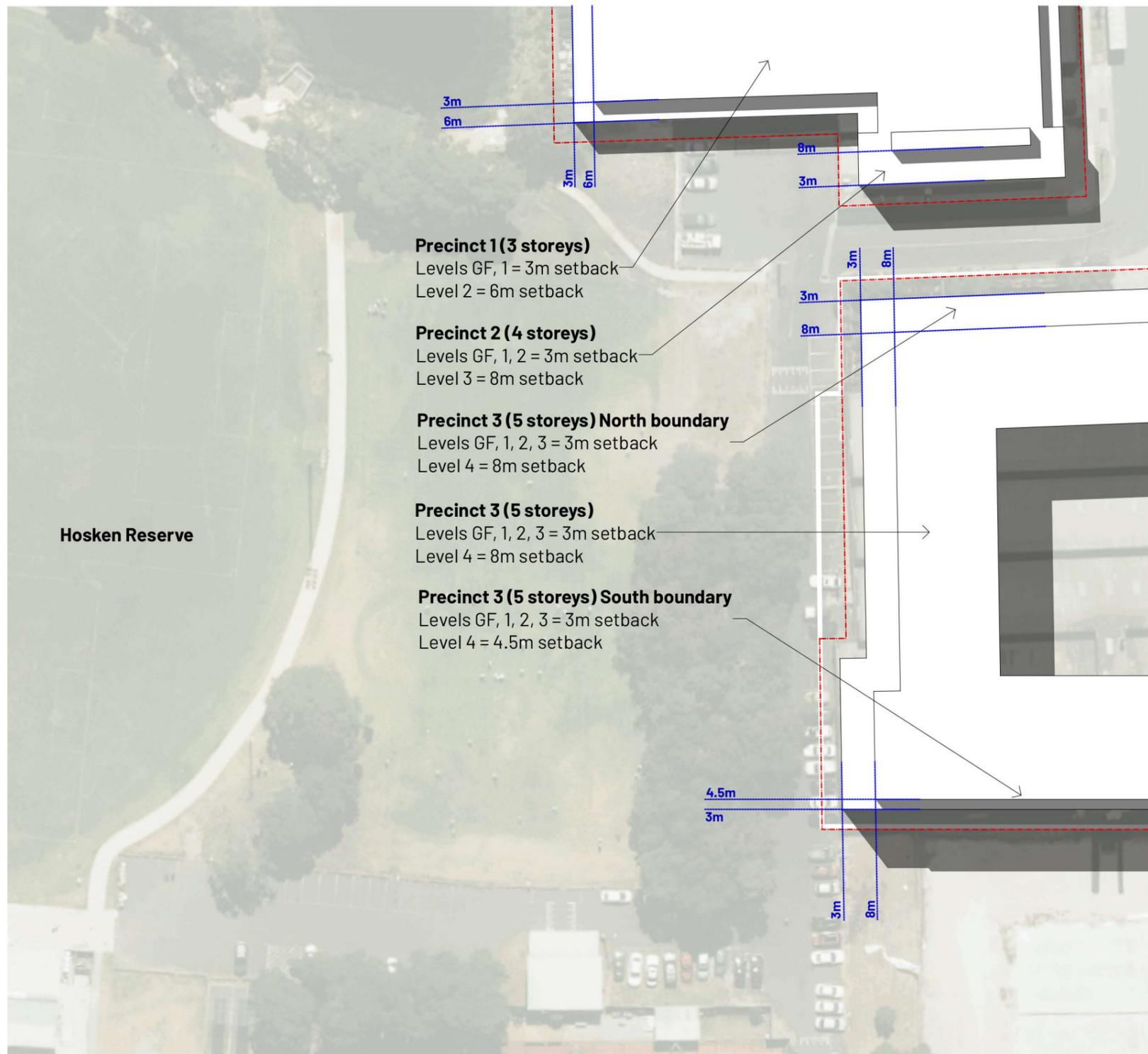
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Table 3: Street and Hosken Reserve setbacks\*

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Lower two storeys and any basement	3m	3m	3m
Third storey	6m	3m	3m
Fourth storey	-	8m	3m
Fifth storey	-	-	8m

# Shadow diagram - 1pm, Sept 22nd

Scale - 1:750



- Precinct 1 (3 storeys)**  
Levels GF, 1 = 3m setback  
Level 2 = 6m setback
- Precinct 2 (4 storeys)**  
Levels GF, 1, 2 = 3m setback  
Level 3 = 8m setback
- Precinct 3 (5 storeys) North boundary**  
Levels GF, 1, 2, 3 = 3m setback  
Level 4 = 8m setback
- Precinct 3 (5 storeys)**  
Levels GF, 1, 2, 3 = 3m setback  
Level 4 = 8m setback
- Precinct 3 (5 storeys) South boundary**  
Levels GF, 1, 2, 3 = 3m setback  
Level 4 = 4.5m setback



### 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	
			Lower four storeys	Fifth Storey
Setback of <ul style="list-style-type: none"> <li>• a wall containing a living room window, or</li> <li>• a main balcony</li> </ul>	4.5m	6m	6m	9m
Setback of remainder of building	2m	3m	3m	4.5m

### 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





## Appendix B

Recommended Drafting  
Changes  
Author: Hugh Smyth  
Date: 8 August 2022



**Moreland**  
City Council

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# Incorporated Plan

## Sheppard Street & Norris Street, Coburg North

**2021**



## 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.

Commented [HS1]: Improve clarity of expression

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 -for a mandatory maximum building height of 11 metres or 3 storeys at Clause 32.08-10. 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.

**Commented [HS2]:** Clarify role of building height requirement in the context of the two zones.

**Commented [HS3]:** Lifts and stairs are required to roof top communal open space for equitable access and emergency egress. Both need to be explicitly accounted for as well as lift overruns and other building services.

## 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 Focus higher density development to the south-western portion of the land and transition building height across the site to the residential interfaces to the north and east increased building heights and residential densities in the south-western corner of the Land and lower heights elsewhere~~;
- Increase dwelling yield by encouraging the consolidation of land prior to development ; and
- Within the Mixed Use Zone, Allow 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.

**Commented [HS4]:** Objectives simplified and clarified to avoid confusion about intended outcomes

**Commented [HS5]:** Non-residential uses should be directed to the MUZ and not the GRZ, which already significantly limits the non-residential use opportunities.

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**Commented [HS6]:** Improve direction of appearance aspect of objectives

## 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 or visually permeable higher fencing to the streets and Hosken Reserve where required to provide appropriate levels of privacy and security; and
- ~~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.

**Commented [HS7]:** Imprecise and not accompanied by any varied ResCode variation of performance measure in the Plan. Higher site coverage is a function of higher density dwellings.

**Commented [HS8]:** Better articulate the tension of character response to reserve and need for privacy for new dwellings. Trades off height for permeability to achieve both

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 250m<sup>2</sup> of office and/or 150m<sup>2</sup> 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.

**Commented [HS9]:** As per revised Statement of Preferred Character on previous page.

**Commented [HS10]:** Basis for this requirement unclear. Cant see how this can deliver meaningful floor plates for an office use, where there is a requirement for the use to be provided at ground floor.

## 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 [the Table 2 and 3](#) ~~these~~ 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.

**Commented [HS11]:** More precise which setback are being referenced

### 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	
			Lower four storeys	Fifth Storey
Setback of <ul style="list-style-type: none"><li>a wall containing a living room window, or</li><li>a main balcony</li></ul>	4.5m	6m	6m	9m
Setback of remainder of building	2m	3m	3m	4.5m

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### 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<sup>1</sup> of Clause 55.04 of the Moreland Planning Scheme are met;
- Construction on or within 200mm of a side or rear boundary to residentially zoned land not affected by this Plan 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 to residentially zoned land not affected by this Plan; and
  - 9.9 metres or the height of the existing building, whichever is the greater, within 10 metres of the rear boundary to residentially zoned land not affected by this Plan.

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Commented [HS12]: Clarity of application of setback requirement

### 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 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 landscaped character.

This should include the planting detailed in Table 5.

Commented [HS13]: Confirm role of landscaping in managing the interface with land beyond the Plan, as well as the street and Hosken Reserve interface

<sup>1</sup> 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"> <li>• Front setbacks of less than 4.5m:               <ul style="list-style-type: none"> <li>– Located in a permeable area within the site of at least 10m<sup>2</sup> and 4.5m wide</li> <li>– Reach a height of 6m - 8m at maturity</li> <li>– Achieve a canopy width of at least 5m at maturity</li> </ul> </li> <li>• Front setbacks of 4.5m or more               <ul style="list-style-type: none"> <li>– Located in a permeable area within the site of at least 4.5m x 4.5m</li> <li>– Reach a height of 8m - 15m at maturity</li> <li>– Achieve a canopy width of at least 7m at maturity</li> </ul> </li> </ul> <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"> <li>• Located in a permeable area within the site of at least 4.5m x 4.5m</li> <li>• Reach a height of 6m - 8m at maturity</li> <li>• Achieve a canopy width of at least 5m at maturity</li> </ul> <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"> <li>• Located in a permeable area within the site of at least 10m<sup>2</sup> and 4.5m wide</li> <li>• Reach a height of 6m - 8m at maturity</li> <li>• Achieve a canopy width of at least 5m at maturity</li> </ul> <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.

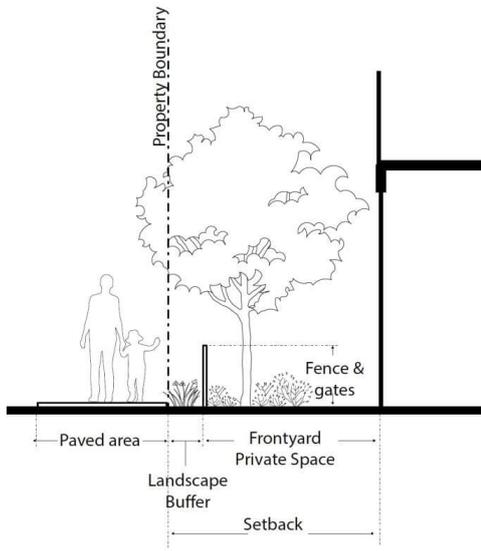


Figure 1: Hosken Reserve Interface

## Precinct 1

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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.

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## Precinct 2

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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.

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### Building Height

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

**Commented [HS14]:** Consistent reference to "maximum" building height" throughout this section

### 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

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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.

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### Building Height

A building should not be constructed that exceeds a [maximum](#) building height of 13.5m or contains more than fourstoreys. 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 fivestoreys. 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% 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.

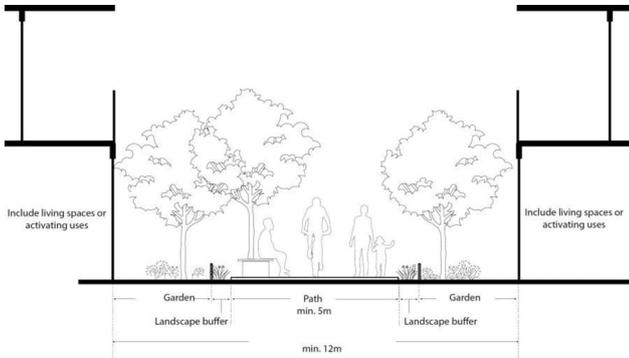


Figure 4: Alternative transport link section

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~~ separate buildings, which may be linked below ground level;
- ~~Ensuring that the~~ 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~~ if a Court Bowl road layout is proposed the alternative transport link aligns with Sheppard Street, creating a break in the built form at the abutment of the Precinct with Sheppard Street.

Commented [HS15]: More precise language regarding techniques to give effect to requirement.

### 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~~ Communal 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 ~~other than in accordance with the above~~ [circumstances](#).

## 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 [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 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 [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.

**Commented [HS16]:** Consistency of "maximum building height requirement and clarity regarding single exception to mandatory maximum

**Commented [HS17]:** Revised provisions reflect conclusions reached regarding link to rail reserve in body of statement. Revised to reflect need for east-west connection between Norris Street and Hosken Reserve

## 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.



## Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

### Diagram B4 Overlooking open space

