

Date 2 November 2020

Submission by Planning Authority
Amendment C200moon to the Moonee Valley Planning Scheme

Council's Submission: Part A

Introduction.....	3
Panel directions.....	3
Background to Amendment	4
Overview of heritage planning in Moonee Valley.....	4
Moonee Valley Heritage Gap Study – Stage 1	7
Moonee Valley Heritage Study 2015 and Amendment C164	8
Council meeting of 19 September 2016.....	8
2017 Heritage Study	8
Council resolution to adopt the 2017 Heritage Study and prepare the Amendment	9
Authorisation	10
Exhibition.....	10
Interim Heritage Controls	13
Other relevant planning scheme amendments	13
Strategic context and assessment	14
Issues raised in submissions	19
Submissions.....	19
General issues	19
Precinct and property-specific issues	19
Suggested changes to the Amendment.....	20
Conclusion	22
Attachment 1 – Properties affected by the exhibited Amendment.....	23
Attachment 2 – Chronology.....	30

Introduction

1. This submission is made on behalf of the City of Moonee Valley (**Council**).
2. Council is the Planning Authority for Amendment C200moon (**Amendment**) to the Moonee Valley Planning Scheme (**Scheme**). Council has prepared and is the proponent of this Amendment.
3. The Amendment proposes to implement the recommendations of the *Moonee Valley 2017 Heritage Study, 28 February 2019 (2017 Heritage Study)*, Volumes 1 & 2, prepared by heritage consultant Context Pty Ltd.
4. Specifically, as exhibited the Amendment seeks to:
 - 4.1 amend the Schedule to clause 43.01 to:
 - apply the Heritage Overlay to 60 individual heritage places, 9 extended heritage precincts, 18 new heritage precincts and 1 serial listing;
 - list 88 Statements of Significance in the Schedule to the Heritage Overlay;
 - delete the Heritage Overlay from 7 individual heritage places as these places are proposed to be added to the heritage precincts and serial listing;
 - 4.2 amend Schedule 72.04 (Documents incorporated in this Scheme) to include:
 - 88 Statements of Significance for each of the heritage places, precincts and serial listing subject of the Amendment;
 - an updated version of *City of Moonee Valley Permit Exemptions Policy – Heritage Overlay Precincts, May 2019 (Permit Exemptions Policy)* which includes the additional precincts and extensions to precincts; and
 - 4.3 amend planning scheme maps 7HO, 8HO and 11-15HO.

Panel directions

5. This submission responds to direction #5 of the Panel Directions issued on 30 September 2020 (**Panel Directions**) directing Council to circulate its 'Part A' submission. It is arranged under the following headings, in accordance with the Panel Directions:
 - 5.1 Background to the Amendment (responds to direction #5a);
 - 5.2 Strategic context and assessment (responds to direction #5b);
 - 5.3 Issues raised in submissions (responds to direction #5c); and
 - 5.4 Suggested changes to the Amendment (responds to direction #5d).
6. Together with this 'Part A' submission, Council also circulates the expert evidence of Natica Schmeder of Landmark Heritage P/L. A series of attachments are also provided, including:
 - 6.1 **Attachment 1** – Properties affected by the Amendment;
 - 6.2 **Attachment 2** – Chronology; and
 - 6.3 **Attachment 3** – Summary of submissions received by precinct and property.

7. Council's 'Part B' submission will be made at the hearing and will address the remaining directions of the Panel, Council's response to the matters raised in expert evidence and submissions made by the parties.

Background to Amendment

8. The relevant background is described below. As noted above, a chronology of events is also included in Attachment 2.

Overview of heritage planning in Moonee Valley

2011 Heritage Strategy

9. Council recognises that it plays an important role in conserving the heritage of Moonee Valley by protecting and managing heritage places.
10. In order to do so, Council conducts heritage studies using independent heritage consultants.
11. Guiding this is Council's overarching *Moonee Valley Heritage Strategy*¹, which was adopted by Council in June 2011 (**2011 Heritage Strategy**). The 2011 Heritage Strategy notes it will:
- ...assist Council in conserving the heritage of Moonee Valley in an integrated manner, and to promote heritage within Council and to the community. The strategy will ensure that Council is better placed to manage and protect the heritage values of Moonee Valley.
12. The 2011 Heritage Strategy was developed to identify further work required to continue to protect and manager heritage places in the municipality. Noting the State and local planning policy within which heritage planning sits, the 2011 Heritage Strategy provides an overall management framework within which to do so.
13. Further to this, the key elements of the 2011 Heritage Strategy are as follows:
- 13.1 a Vision statement which is:
- Moonee Valley City Council conserves and enhances areas, buildings, and natural features of architectural, historical and cultural value (both Aboriginal and post European settlement) for the benefit of current and future generations and in partnership with the community.
- Moonee Valley City Council and the community have a greater understanding of heritage significant sites in Moonee Valley, and they appreciate and are proud of Moonee Valley's diverse and significant histories and heritage places.
- 13.2 a series of Objectives to achieve the Vision, which are:
- Support and initiate ongoing research and investigation of the City's history and heritage.
 - Protect significant heritage places from adverse impacts resulting from deterioration and inappropriate land use and development.
 - Provide support, assistance and encouragement to those who own and/or manage heritage places.
 - Encourage community appreciation of history and cultural heritage, and promote active participation in its conservation.

¹ <https://mvcc.vic.gov.au/wp-content/uploads/2019/11/Heritage-Strategy.pdf>

- 13.3 an overview of the key issues to be addressed by the strategy, which in summary, are: **knowing** (ie identifying, assessing and documenting heritage places); **protecting** (ie securing statutory protection for significant places, developing policy / guidelines to assist decision-making, appropriate management); **supporting** (ie incentives, advisory services, financial assistance); **communication and promoting** (ie measures to raise awareness and appreciation of the heritage of the area).
14. These matters are supported by an Action Plan, setting out priorities for Council's heritage planning program, an Implementation Plan, and a commitment to monitoring and reviewing the implementation and effectiveness of the 2011 Heritage Strategy.

Moonee Valley Thematic Environmental History²

15. The *Moonee Valley Thematic Environmental History (TEH)*, adopted by Council on 18 September 2012, documents how Moonee Valley has developed and how the culture of the area has influenced the natural environment, buildings and structures.
16. The TEH assists in understanding the major themes that influenced the development of the City of Moonee Valley. There are nine themes included in the history, which canvass a range of historical themes relevant to the municipality. Relevant to this Amendment are the themes 'Peopling Victoria's places and landscaping' (which traces the early settlement of Moonee Valley) and 'Building towns, cities and the garden state' (which looks at the patterns of residential development including housing and garden styles).
17. The TEH has provided (and will continue to provide) a context for undertaking future assessments of heritage places and identifies additional heritage places and themes.

Heritage Guidelines

18. In 2016, Council developed the *City of Moonee Valley Heritage Guidelines (Heritage Guidelines)*.³ The Heritage Guidelines are a background document to the Scheme (at clause 72.08).
19. The Heritage Guidelines were devised to assist property owners, architects, town planners and building designers with how to conserve, restore, and adapt existing buildings protected by the Heritage Overlay, as well as provide assistance with new infill buildings.
20. Further to this, the Heritage Guidelines provide general guidelines for:
- 20.1 conservation;
 - 20.2 alterations and additions;
 - 20.3 parking facilities;
 - 20.4 demolition;
 - 20.5 subdivision;
 - 20.6 infill development; and
 - 20.7 the 'public domain' (eg bluestone paving).

² <https://old.mvcc.vic.gov.au/Planning-And-Building/Heritage/About-heritage-studies/Moonee-Valley-Thematic-Environmental-History>

³ <https://mvcc.vic.gov.au/wp-content/uploads/2020/01/Heritage-Guidelines-14.pdf>

21. The Heritage Guidelines also provide specific guidelines for front fences, colour schemes and commercial shopfronts, verandahs and signage.
22. The guidelines are used to assist with the assessment of heritage considerations during the planning permit application process. In addition to providing guidelines on the matters above as part of the planning permit application process, the Heritage Guidelines also provide an overview of the heritage framework in Moonee Valley, including when a planning permit is required and how to prepare and lodge a permit application.

Clause 15.03-1L – Heritage Conservation

23. Council's heritage policy under the Scheme is set out in clause 15.03-1L of the Scheme. It applies to all land affected by a Heritage Overlay.
24. The policy seeks, amongst other matters, to maintain the distinctive historic character and visual cohesion of streetscapes within heritage precincts, and to discourage incremental loss of buildings and other features, including in the public realm, that contribute to the significance of a heritage place.
25. The policy also discourages the complete demolition of a significant or contributory heritage place unless:
 - 25.1 the heritage place is structurally unsound and it cannot feasibly be repaired or adapted for reuse;
 - 25.2 the heritage place is in poor condition and it is proposed to deconstruct and accurately rebuild it to the original condition.
26. The policy guidelines call for consideration (as relevant) of: the most recent statement of significance (or statements of significance if there is more than one at both the individual and precinct level) for the heritage place, expert advice that identifies the contributory elements of a heritage place, and the provision of a visual record of the building where demolition of a significant or contributory building is supported.

City of Moonee Valley Permit Exemptions Policy, Heritage Overlay Precincts, May 2019

27. The Permit Exemptions Policy, which is currently an incorporated document to the Scheme and will be updated by this Amendment, sets out a series of permit exemptions from the provisions of the Heritage Overlay under the Moonee Valley Planning Scheme.
28. The policy applies to Contributory or Non-contributory places within the heritage precincts listed in the policy. This currently includes heritage precincts the subject of this Amendment (eg. HO2 – Glass Street, HO12 – Holmes Road Residential, HO16 – Ascot Vale and Maribyrnong Road and others).
29. The Permit Exemptions Policy does not apply to:
 - 29.1 places listed individually in the Heritage Overlay; or
 - 29.2 Significant heritage places within precincts.
30. The Permit Exemptions Policy provides the following definitions for places included in the Heritage Overlay:

Significant: A *Significant* place is a heritage place that has cultural heritage significance independent of its context. That is, if the precinct did not exist, they are places of local significance that could be eligible for individual inclusion in the HO. These places may also contribute to the significance of a precinct. *Significant* places will usually have a separate citation and statement of significance

Contributory	A <i>Contributory</i> place contributes to the significance of a heritage precinct, but would not be significant on their own.
Non-contributory	<i>Non-contributory</i> places do not contribute to the significance of a heritage precinct. In some instances, a <i>Significant</i> place may be considered <i>Non-contributory</i> within a precinct. For example, an important Modernist house within a Victorian era precinct.

31. Further to this, the policy exempts certain development from the need for a planning permit, including:
 - 31.1 demolition of a building or part of a building on a property shown as Non-contributory on the precinct map;
 - 31.2 repairs or routine maintenance to a Non-contributory building that would change the appearance of that building (this exemption does not apply if the repairs or maintenance would result in an extension to the building);
 - 31.3 repairs or routine maintenance to the wall of a Contributory building that faces the rear boundary that would change the appearance of only that wall on the property.
32. Additionally, there are a series of exemptions for development in a residential zone. They address several matters relating to the usual use and development of residential properties.

Moonee Valley Heritage Gap Study – Stage 1

33. In 2014, Council engaged Context Pty Ltd to undertake the *Moonee Valley Heritage Gap Study 2014, Stage 1 (Stage 1 Gap Study)*⁴ to:
 - 33.1 identify gaps in Moonee Valley's heritage protection by identifying all places dating from the time of European contact which are of potential heritage value and not protected by a Heritage Overlay; and
 - 33.2 provide a prioritised work program that may be used to guide which heritage studies should be undertaken in the future (over the next 8+ years).
34. The draft Stage 1 Gap Study report underwent community consultation between 28 July and 29 August 2014 and Council received feedback from 199 submitters.
35. The Stage 1 Gap Study identified 354 places, small groups of buildings and precincts as potentially of heritage significance which were recommended for further assessment. The Stage 1 Gap Study also recommended a framework for proceeding with future 'Stage 2' heritage studies based on the following timeframes:
 - 35.1 high priority: 1-5 years
 - 35.2 medium priority: 6-8 years
 - 35.3 low priority: 8 + years
36. The Stage 1 Gap Study was adopted by Council on 25 November 2014 and has since guided Council's priorities in relation to the 'Stage 2' heritage studies across the municipality.

⁴ <https://mvcc.vic.gov.au/wp-content/uploads/2020/06/18-130516-Heritage-Gap-Study-2014.pdf>

Moonee Valley Heritage Study 2015 and Amendment C164

37. In 2015, Council commissioned Context Pty Ltd to undertake the *Moonee Valley Heritage Study 2015 (2015 Heritage Study)*. This work comprised a 'Stage 2' heritage assessment for the following high priority groups identified in the Stage 1 Gap Study:
 - 37.1 shops, commercial buildings and shopping strips;
 - 37.2 transport-related places including stables;
 - 37.3 industrial places and suburban infrastructure; and
 - 37.4 community-use buildings.
38. The draft 2015 Heritage Study underwent consultation between 2 November and 11 December 2015 and Council received feedback from 19 submitters.
39. The 2015 Heritage Study was adopted by Council on 22 March 2016.
40. Council subsequently prepared Amendment C164 to implement the recommendations of the 2015 Heritage Study. Amendment C164 was exhibited between 9 June and 14 July 2016 and a total of 20 submissions were received. A Panel Hearing was held over four days between 10 and 13 October 2016. The recommendations of the Amendment C164 Panel Report were considered by Council on 28 February 2017 and Amendment C164 was gazetted on 10 August 2017.

Council meeting of 19 September 2016

41. On 19 September 2016, Council unanimously carried a Notice of Motion to prioritise work for the Edwardian residential precinct in Edinburgh Street, Flemington. This precinct had been identified as potentially of heritage significance in the Stage 1 Gap Study.

2017 Heritage Study

42. On 13 June 2017, Council engaged Context undertake the 2017 Heritage Study. The work, conducted over 2017/2018, comprised a 'Stage 2' heritage assessment of the following groups identified in the Stage 1 Gap Study (which were assigned varying levels of priority):
 - 42.1 Interwar residential buildings and precincts (high priority);
 - 42.2 Victorian residential buildings and precincts (medium priority);
 - 42.3 Edwardian residential buildings and precincts (medium priority); and
 - 42.4 Extensions to existing Heritage Overlay precincts (low priority).
43. In addition to the properties identified in the Stage 1 Gap Study, the 2017 Heritage Study also assessed places of potential heritage significance identified by the community which are included in **Attachment 3** to this Part A submission and by Context during fieldwork.
44. The 2017 Heritage Study was split into two parts which are documented as Volume 1: Precincts and Precinct Extensions (29 February 2019) and Volume 2: Individual Place Methodology (27 February 2019).
45. The methodology of the 2017 Heritage Study can be broadly summarised as follows:

- 45.1 preliminary investigation - places of potential heritage significance were identified and a shortlist was prepared of places with the highest and best potential to satisfy the threshold of local significance;
- 45.2 detailed assessment - places identified in the preliminary investigation underwent a detailed assessed against the threshold for local significance.
- 46. A number of the additional places which had been identified by the community or Context (ie not included in the Stage 1 Gap study) were recommended for detailed assessment through the preliminary investigation phase. Council officers made the decision not to proceed with the detailed assessment of new precincts or new individual places in relation to these places. Instead, these places were listed as being recommended for future assessment. Any additional places which represented a logical extension to existing precincts or the places identified in the Stage 1 Gap Study proceeded to the detailed assessment phase.
- 47. A detailed description of the methodology of the 2017 Heritage Study is included in Ms Schmeder's evidence at pages 8 to 11.
- 48. The 2017 Heritage Study recommended the application of the Heritage Overlay to 60 individual places, 18 precincts, one serial listing and 9 precinct extensions.
- 49. The Edwardian residential precinct in Edinburgh Street, which was the subject of the 19 September 2016 resolution, was not recommended for inclusion on the basis that it does not meet the threshold for local significance due to reduced streetscape visual consistency and cohesion, intrusive non-contributory buildings and unsympathetic changes to contributory buildings.

Council resolution to adopt the 2017 Heritage Study and prepare the Amendment

- 50. At its Ordinary Council meeting on 12 March 2019, Council resolved to (among other things):
 - 50.1 adopt the 2017 Heritage Study to assist with protecting heritage places in Moonee Valley;
 - 50.2 request a ministerial amendment under s 20(4) of the *Planning and Environment Act 1987 (P&E Act)* to apply the interim Heritage Overlay to 60 individual places, 18 precincts, 1 serial listing and 9 precinct extensions (**Ministerial Amendment**);
 - 50.3 request the Minister for Planning (the **Minister**) to authorise the preparation and exhibition of the Amendment⁵ pursuant to section 8A(3) of the P&E Act;
 - 50.4 subject to obtaining authorisation from the Minister, exhibit the Amendment in accordance with section 19 of the P&E Act;
 - 50.5 refer unresolved submissions to the Amendment C200moon to an independent Planning Panel in accordance with Section 23(1)(b) of the P&E Act;
 - 50.6 notify all affected owners of the intention to pursue permanent heritage protection for the properties;
 - 50.7 include properties listed as requiring future work in forthcoming heritage studies;

⁵ In the 12 March 2019 resolution the Amendment was referred to as the C201moon and the Ministerial Amendment was referred to as C200moon. The amendment numbering has subsequently been revised such that the Amendment is C200moon and the Ministerial Amendment is C201moon.

- 50.8 note the letter to the Minister to request to apply the interim Heritage Overlay to 55 Brewster Street⁶ and that the permanent heritage protection will be pursued through the Amendment; and
- 50.9 notify the owner of 55 Brewster Street, Essendon, of the intention to pursue interim and permanent heritage protection.

Authorisation

- 51. On 21 March 2019, Council wrote to the Minister and sought authorisation to prepare and exhibit the Amendment.
- 52. On 18 February 2020, the Minister authorised Council to prepare and exhibit the Amendment, with the following conditions:
 - 52.1 prior to exhibition, the Amendment documents (including mapping, planning scheme ordinance and incorporated documents) must be amended to be consistent with that approved under the Ministerial Amendment, unless otherwise agreed in writing by DELWP; and
 - 52.2 notice of the Amendment must be given to Heritage Victoria.
- 53. The conditions of authorisation were resolved and on 31 March 2020 Council submitted the exhibition documents to DELWP.
- 54. Following the passing of the *COVID-19 Omnibus (Emergency Measures) Act 2020 (Omnibus Act)* on 8 May 2020, a delegate of the Minister confirmed the Amendment could proceed to exhibition.

Exhibition

- 55. The Amendment was exhibited between 21 May 2020 and 2 July 2020.
- 56. Notice of the Amendment was:
 - 56.1 sent in the form of letter to all 2,519 affected property owners and occupiers;
 - 56.2 sent via email to community members interested in heritage on 21 May 2020;
 - 56.3 sent to the Minister and other prescribed Ministers;
 - 56.4 sent to Heritage Victoria;
 - 56.5 published in *The Age* on 20 May 2020;
 - 56.6 published in the Victorian Government Gazette on 21 May 2020; and
 - 56.7 made available on Council's 'your say' platform on 20 May 2020 and on DELWP's website.
- 57. The direct notification letters to affected property owners and occupiers (identified in paragraph 56.1 above) were prepared for sending on 20 May 2020.

⁶ 55 Brewster Street, Essendon was assessed as part of the 2017 Heritage Study and is included in the Amendment. Prior to the 12 March 2019 resolution, Council received an application for demolition consent under s 29A of the *Building Act 1993* to demolish the dwelling on the land and consequently requested the Minister apply interim controls on the property by letter dated 22 February 2019. The property was also subsequently included in the request for the Ministerial Amendment for interim controls relating to Amendment C200moon.

58. The physical posting of the letters was, however, delayed due to unexpected delays at the time with Council's printing contractors. Council has since confirmed that all letters were with Australia Post for posting on 29 May 2020.
59. While the publishing date of the Victorian Government Gazette notice was therefore irregular (ie. because notice was published in the Gazette on 21 May 2020, before direct notification letters were physically posted to affected property owners and occupiers), Council notes that as the exhibition period for the Amendment closed on 2 July 2020, all notifications required under section 19 of the P&E Act, including direct notifications, were provided in excess of one month before the closing date for submissions.
60. The Amendment documentation as exhibited comprised the following documents:
- 60.1 the Explanatory Report;
 - 60.2 the Instruction Sheet;
 - 60.3 proposed clauses and schedules:
 - clause 43.01 (Heritage Overlay);
 - Schedule to Clause 43.01 (Heritage Overlay);
 - Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme);
 - 60.4 the incorporated document *City of Moonee Valley Permit Exemptions Policy – Heritage Overlay Precincts, May 2019* ;
 - 60.5 a list of applications under s 27A of the *Building Act 1993*;
 - 60.6 88 Statements of Significance;
 - 60.7 revised planning scheme maps 7HO, 8HO, 11HO, 12HO, 13HO, 14HO, 15HO; and
 - 60.8 the 2017 Heritage Study (Volumes 1 and 2).
61. Council received a total of 123 submissions to the Amendment comprising:
- 61.1 109 submissions during the exhibition period;
 - 61.2 11 submissions received after the close of exhibition and before the Council meeting of 25 August 2020; and
 - 61.3 3 submissions received after the Council meeting of 25 August 2020.
62. A detailed overview of the submissions is provided below.
63. Council has continued to accept late submissions to the Amendment and has referred all these submissions to the Panel.

Consideration of submissions and request to the Minister

64. In July 2020, Council officers reviewed the submissions to the Amendment. To assist with this process, Ms Schmeder was engaged to assist in reviewing the submissions which raised issues relating to the heritage grading of the relevant property.

65. Following this, Council officers prepared a revised package of Amendment material to be taken to Council for consideration, and from thereon, to present to the Panel Hearing as the basis of Council's position on the Amendment.
66. The revised package of Amendment material includes revisions to the Schedule to the Heritage Overlay, the Permit Exemptions Policy and the Statements of Significance relating to:
 - 66.1 Glass Street (HO2);
 - 66.2 Holmes Road Residential (HO12);
 - 66.3 Ascot Vale Road & Maribyrnong Road (Ascot Vale Estate) (HO16);
 - 66.4 South Street & East Street (HO21);
 - 66.5 Aberfeldie Street and Waverley Street (HO450);
 - 66.6 Brown Avenue and Morphett Avenue (HO451);
 - 66.7 Warrick Street & Mascoma Street (HO453);
 - 66.8 Mackay Street (HO455);
 - 66.9 McCracken Street (HO456);
 - 66.10 Pascoe Vale Road (HO457);
 - 66.11 Roberts Street (HO459);
 - 66.12 1C Ardoch Street, Essendon (HO481);
 - 66.13 330 Buckley Street, Essendon (HO488);
 - 66.14 27 & 32 Robb Street, Essendon (HO507); and
 - 66.15 57 Vanberg Road, Essendon (HO509).
67. Council considers the proposed changes resolve submissions #11, #23, #27, #37, #41, #54, #62, #65, #67 and #120 to the Amendment. Notwithstanding this, Council officers recommended that all submissions be referred to the Panel.
68. In addition to the recommendations to address the above submissions, Council officers:
 - 68.1 recommended the grading of 195 Pascoe Vale Road, Essendon be changed from contributory to non-contributory due to the unsympathetic second storey extension which has recently occurred;
 - 68.2 recommended the Schedule to Clause 72.08 be updated to list the 2017 Heritage Study as a background document (this was omitted as an oversight in the exhibited Amendment documentation);
 - 68.3 recommended the Schedule to the Heritage Overlay be updated to correct the reference to HO459 Roberts Street, Essendon to be 'Robb' Street Essendon; and
 - 68.4 provided a revised version of the 2017 Heritage Study which corrects omissions and inconsistencies in the study's 'future work' sections.

69. A summary of each of the proposed changes and the recommended revisions to the Amendment documents is contained in Attachments B, C and D to the Council Meeting Agenda of 25 August 2020.
70. Council considered the submissions together with the officer's recommendations in relation to those submissions at its meeting of 25 August 2020. Council resolved to endorse the Council officer response to the submissions and recommended changes to the Amendment.
71. The Amendment and all submissions (including late submissions) were referred to the Panel.

Interim Heritage Controls

72. As set out above, at its Ordinary Council meeting on 12 March 2019 Council resolved to request the Ministerial Amendment to apply the interim Heritage Overlay to the 60 individual places, 18 precincts, one serial listing and 9 precinct extensions subject of the Amendment.
73. The Ministerial Amendment was published in the Victorian Government Gazette on 16 January 2020 and provides interim heritage protection to the properties subject of the Amendment until 16 January 2021. Notice of the Ministerial Amendment was:
- 73.1 published in the *Moonee Valley Leader* on 30 January 2020; and
- 73.2 sent in the form of a letter to owners and occupiers.
74. At its Ordinary Council meeting on 25 August 2020, Council resolved to (amongst other things) request the Minister to exercise his powers of intervention under s 20(A) of the P&E Act to prepare and approve an amendment the Scheme to extend the expiry date of the interim controls for a further 12 months, until 16 January 2022.
75. On 8 September 2020, a request to approve Amendment C215moon to extend the interim controls was submitted to the Minister.
76. The Amendment C215moon approval request is currently under consideration.

Other relevant planning scheme amendments

77. On 19 June 2020, Amendment C193moon was gazetted to implement the findings of the *Moonee Valley Planning Scheme Review 2018* and the land use and development directions of the *MV2040 Strategy 2018*, and make the Scheme consistent with the structure introduced by Amendment VC148. Relevantly, Amendment C193moon:
- 77.1 replaced the Municipal Strategic Statement at clause 21 with a new Municipal Planning Strategy (**MPS**) at clause 02;
- 77.2 replaced local planning policies at clause 22 with new and revised local policy content in the Planning Policy Framework (**PPF**);
- 77.3 replaced the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained in the local planning policy at clause 22.01;
- 77.4 replaced the Schedule at clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that groups all existing heritage permit exemption policies; and
- 77.5 introduced the Stage 1 Gap Study in the Schedule to Clause 72.08.

Strategic context and assessment

78. This section provides an overview of the strategic basis for the Amendment, including the relevant State and local policies.
79. The Explanatory Report includes a strategic assessment, which is adopted for the purposes of Council's submission.
80. The strategic assessment included in the Explanatory Report for the Amendment was prepared prior to the gazettal of Amendment C193moon and therefore various Scheme references have changed. The below summary includes a strategic assessment against the current Scheme.
81. A response to the strategic issues raised in the submissions to the Amendment, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's Part B submissions.
82. Council otherwise submits that there is a clear strategic justification supporting the Amendment and this position will be advanced through Council's Part B submissions along with the expert evidence for Council.

P&E Act

83. The Amendment implements the following objectives of planning in Victoria:
- 83.1 section 4(1)(a) - to provide for the fair, orderly, economic and sustainable use and development of land;
 - 83.2 section 4(1)(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;
 - 83.3 section 4(1)(f) - to facilitate development in accordance with the objectives set out in paragraph (d); and
 - 83.4 section 4(1)(g) – to balance present and future interests of all Victorians.
84. The Amendment implements these objectives by protecting locally significant heritage places in the municipality.

Municipal Planning Strategy (MPS)

85. Strategic justification for the Amendment is firmly grounded in the MPS, in particular:
- 85.1 **Clause 02.02 (Vision)** which provides that the vision for Moonee Valley is built on five building blocks, as follows:

Moonee Valley is a healthy city strengthened by a network of 20-minute neighbourhoods where all people, at all stages of life, can live locally, accessing most of their needs close to their homes. The neighbourhoods are beautiful, sustainable and have strong community connections enabling citizens and the environment to be healthy and resilient.

The following are the building blocks to achieve a healthy Moonee Valley:

- A fair city that values diversity, where everyone feels safe, is included, is healthy and has access to services and housing;

- A thriving city with access to jobs, lifelong learning, vibrant and dynamic activity centres;
- A connected city of accessible, active and sustainable transport choices;
- A green city that is ecologically healthy and environmentally responsible;
- A beautiful city that celebrates its identity, heritage and open spaces.

[our emphasis]

85.2 **Clause 02.03-4 (Built environment and heritage)** which provides the strategic direction for the protection of heritage places in the municipality:

Moonee Valley has extensive areas and numerous individual places of heritage significance and the protection and conservation of these heritage assets is required. Council supports:

- Protecting places of heritage significance;
- Allowing adaptive reuse and change of buildings where they provide for the retention and maintenance of a heritage place.

85.3 **Clause 02.03-5 (Housing)** which includes support for:

- Protecting the city's significant heritage areas from inappropriate development.

Planning Policy Framework (PPF)

86. Strategic justification for the Amendment is also firmly grounded in the PPF.

87. In particular, the Amendment supports and implements the relevant objectives of the PPF:

87.1 **Clause 15 (Built Environment and Heritage)** which emphasises that 'planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value'. The Amendment supports clause 15 by introducing permanent planning controls to properties identified as of significant heritage, architectural, aesthetic, scientific and cultural value and promotes excellence in the built environment, creating places that 'reflect the particular characteristics and cultural identity of the community'.

87.2 **Clause 15.03-1S (Heritage Conservation)** includes the objective to 'ensure the conservation of places of heritage significance'. The strategies include:

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme;

Provide for the protection of natural heritage sites and man-made resources. Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;

Encourage appropriate development that respects places with identified heritage values;

Retain those elements that contribute to the importance of the heritage place;

Encourage the conservation and restoration of contributory elements of a heritage place;

Ensure an appropriate setting and context for heritage places is maintained or enhanced;

Support adaptive reuse of heritage buildings where their use has become redundant;

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

- 87.3 The Amendment also follows the policy guidance at clause 15.03-1S, which requires the assessment of places, precincts and precinct extensions against *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*.

88. The Amendment will help implement these objectives and strategies by applying the Heritage Overlay to places of heritage significance in the municipality.

Particular provisions

89. The Amendment both supports and is consistent with the following particular provisions:

- 89.1 **Clause 71.01 (Operation of the Municipal Planning Strategy)** which provides the purpose of the MPS as follows:

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

- 89.2 **Clause 71.02 (Operation of the Planning Policy Framework)** which sets out the purpose of the PPF as follows:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

- 89.3 **Clause 71.02-3 (Integrated decision making)** which requires Council as the Planning Authority (as well as in the context of considering an application to a Responsible Authority) to:

...integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Ministerial Directions

90. The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* in s 7(5) of the P&E Act. In particular, Council submits the proposed ordinance and map changes have been prepared in accordance with the relevant requirements of the Ministerial Direction.
91. Council also submits the Amendment has been prepared in accordance with the following Ministerial directions:
- 91.1 *Ministerial Direction No. 9 – Metropolitan Planning Strategy* because it accords with the following direction and policy of *Plan Melbourne 2017-2050*:
- *Direction 4.4 – Respect Melbourne’s heritage as we build for the future*, which seeks to ensure that heritage is valued when managing growth and change. It acknowledges that Melbourne is recognised for its well-preserved heritage buildings and that there is a need to manage future growth and change so Melbourne’s distinctive characteristics and heritage are maintained.
 - *Policy 4.4.1 – Recognise the value of heritage when managing growth and change*, which aims to protect Melbourne’s heritage and improve heritage management processes within the Victorian planning system.
- 91.2 *Ministerial Direction No. 11 – Strategic Assessment of Planning Scheme Amendments*, which demonstrated by the content of the Explanatory Report and confirmed by these ‘Part A’ submissions. As noted above, strategic issues will be addressed further in the ‘Part B’ submissions at the hearing; and
- 91.3 *Ministerial Direction No. 15 – The Planning Scheme Amendment Process*, which sets out timeframes for the processing of a planning scheme amendment.

Planning Practice Notes

92. The Amendment has been prepared in accordance with the following practice notes:
- 92.1 *PPN1 – Applying the Heritage Overlay (PPN1)*, which provides guidance on how to apply the Heritage Overlay and prepare the Statements of Significance to be incorporated into planning schemes.
- 92.2 *PPN13 – Incorporated and Background Documents (PPN13)*, which provides guidance on when a document should be incorporated or be a background document to the Scheme.

PPN1

93. PPN1 provides guidance in relation to the use of the Heritage Overlay and Statements of Significance. It provides (most relevantly):
- 93.1 guidance in relation to the drafting of a statement of significance and the heritage overlay schedule;
- 93.2 that where a planning scheme amendment has resulted in the inclusion of, or amendments to, places in the Heritage Overlay, the strategic justification (that is the heritage study documentation and statements of significance) needs to be updated. It notes that a statement of significance that has been incorporated into the planning scheme can only be changed by an amendment to the Scheme;

- 93.3 that if the heritage place does not have a statement of significance that has been incorporated, then any changes should be entered into the Department's HERMES heritage database; and
- 93.4 that the Heritage Overlay applies to both the listed heritage item and its associated land (identified as 'curtilages and heritage overlay polygons).
94. Council submits that the Amendment was prepared in accordance with PPN1, and particularly having regard to the recommendations of the relevant background reports and the findings of those reports.

PPN13

95. PPN13 explains the role of external documents in planning schemes and provides guidance on when a document should be incorporated or be a background document. A document must be incorporated if it:
- 95.1 is essential to the administration or enforcement of the Scheme, that is, without the document the Scheme cannot be properly understood;
- 95.2 is necessary to determine the extent of a planning control, or whether planning permission is required in a particular case;
- 95.3 is required to be incorporated under an Act, specific planning provision or Ministerial Direction and the documents listed in the Ministerial Direction on the Form and Content of Planning Schemes;
- 95.4 will be used to guide the exercise of discretion by the responsible authority (except for a development plan under the Development Plan Overlay, which does not need to be incorporated).
96. Statements of Significance fall into the third category set out above and have been required to be incorporated in to the Scheme since 31 July 2018 when Amendment VC148 made amendments to the VPPs, including the Heritage Overlay at clause 43.01-5 to include the following requirement:

Statements of Significance

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the Heritage Act 2017.
- A heritage place included in the schedule to this overlay on an interim basis.

97. The Amendment incorporates the changes introduced by VC148.
98. The Practice Notes will be addressed further in detail in Council's Part B submission, particularly as they relate to the submissions received in relation to the Amendment.

Issues raised in submissions

Submissions

99. Council received 109 submissions during the exhibition period. A further 11 were received after the close of exhibition and before the Council meeting of 25 August 2020. Another three (3) submissions were received after 25 August 2020 and have been referred directly to the Panel. Therefore in total, 123 submissions have been received. Of the submissions received:
- 99.1 28 supported the Amendment;
 - 99.2 9 partially supported the Amendment;
 - 99.3 6 submissions neither support or oppose the Amendment; and
 - 99.4 80 submissions objected to the Amendment.

General issues

100. Broadly, issues raised in the submissions can be categorised under 6 themes, which are:
- 100.1 the heritage grading of the property, noting various internal and external alterations to the property;
 - 100.2 the proportion of non-contributory/contributory places in a precinct;
 - 100.3 the financial impact of the Heritage Overlay and potential for a drop in the property value;
 - 100.4 the impact on the opportunities for redevelopment;
 - 100.5 the location and interface of particular properties or buildings and the appropriateness of the application of the Heritage Overlay;
 - 100.6 the additional planning permission for buildings and works; and
 - 100.7 the Amendment process, including consultation and engagement.

Precinct and property-specific issues

101. A number of precinct and property-specific issues were raised in response to the exhibited Amendment.
102. The tables included in **Attachment 4** provide a summary of the issues raised in submissions by precinct and by property and also summarise the way in which the Amendment proposes to deal with each precinct and property.
103. Additionally, the 25 August 2020 Council meeting report provides a detailed summary of the issues raised in submissions, together with Council's response to these issues. The Panel and submitters have been previously provided a copy of this document. Council also confirms that it is available on Council's website⁷ together with the Amendment material.

⁷ Council's Heritage page contains a copy of all the submissions at <https://mvcc.vic.gov.au/work/my-development/heritage/>. Council's Yoursay page contains a copy of the Council Meeting Agenda, Attachments and Minutes of 25 August 2020 as well as the exhibited Amendment documents at <https://yoursay.mvcc.vic.gov.au/c200>.

Suggested changes to the Amendment

104. As set out above, Council resolved to endorse the Council officer's response to the submissions and recommended changes to the Amendment at its meeting of 25 August 2020 for the purposes of the Panel Hearing. Council will expand on the key issues raised by submitters through its 'Part B' submissions.
105. Attachment B of the Council Meeting Agenda of 25 August 2020 outlines the proposed changes to the exhibited Amendment documents in response to submissions and other issues identified by Council through the Amendment process. The changes are shown in tracked-changes formatting at Attachments C and D of the Council Meeting Agenda of 25 August 2020 and are summarised as follows:
- 105.1 amend Schedule to Clause 72.08 (Background Documents) to introduce the 2017 Heritage Study as a background report to the Planning Scheme;
- 105.2 amend the exhibited Schedule to Clause 43.01 (Heritage Overlay) as follows:
- HO450, remove 151A & 151B Park Street, Moonee Ponds and 23 Waverley Street, Essendon from the precinct;
 - HO455, remove front fence controls for 48 MacKay Street, Essendon;
 - HO456, remove front fence controls for 43 McCracken Street, Essendon;
 - HO458, amend precinct name to be 'Robb Street, Essendon Precinct' instead of 'Roberts Street, Essendon Precinct';
 - HO459, remove 42, 42A & 42B Roberts Street, Essendon from the precinct;
 - HO481, remove reference to 1 Albion Street from the precinct; and
 - HO507, remove 32 Robb Street, Essendon from the precinct.
- 105.3 amend the exhibited Statements of Significance in response to submissions as follows:
- HO2, amend Statement of Significance to clearly state which buildings are non-contributory to the precinct;
 - HO12, amend the map enclosed in the Statement of Significance to include the bluestone laneway;
 - HO16, amend the Statement of Significance and precinct map by revising the grading of 33A Gladstone Street, Moonee Ponds from contributory to non-contributory;
 - HO21, amend the Statement of Significance and precinct map by revising the grading of 2 & 2A Ayr Street, Ascot Vale from contributory to non-contributory;
 - HO450, remove 151A & 151B Park Street, Moonee Ponds and 23 Waverley Street, Essendon from the precinct map and the Statement of Significance;
 - HO451, revise the Statement of Significance to include references to 'small groups of attached Victorian houses' and 'front boundary treatments' that allow views of the houses from the street and amend the Statement of Significance and precinct map by revising the grading of 14 Brown Avenue, Ascot Vale from contributory to non-contributory;

- HO453, remove 2 Tasma Street, Ascot Vale from the map enclosed in the Statement of Significance;
- HO455, remove reference to the original front fence at 48 MacKay Street, Essendon and revise the grading for 17 and 24 MacKay Street, Essendon in the Statement of Significance;
- HO456, remove mention of the fence at 43 McCracken Street, Essendon from the Statement of Significance;
- HO457, amend the Statement of Significance to include references to the built date and architect of 193 Pascoe Vale Road, Essendon and revise the grading of 195 Pascoe Vale Road, Essendon from contributory to non-contributory;
- HO459, remove 42, 42A & 42B Roberts Street, Essendon from the precinct Statement of Significance;
- HO481, amend the Statement of Significance to include a note that highlights the timber vigas (beams) have been replaced with cast-concrete facsimiles;
- HO488, amend the Statement of Significance to note the removal of the bay window and associated details from the western projecting gable in the place description;
- HO507, remove 32 Robb Street, Essendon from the Statement of Significance and amend to solely include 27 Robb Street as an individual place;
- HO509, amend the Statement of Significance to include a reference that the brick garage and contemporary gabled rear extension are not significant and a note clarifying the Peppercorn tree is protected by the Environmental Significance Overlay (ESO).

105.4 amend the exhibited Permit Exemptions Policy as follows:

- HO12, amend the map to include the bluestone laneway;
- HO16, amend the map by revising the grading of 33A Gladstone Street, Moonee Ponds from contributory to non-contributory.
- HO21, amend the map by revising the grading of 2 & 2A Ayr Street, Ascot Vale from contributory to non-contributory;
- HO450, remove 151A & 151B Park Street, Moonee Ponds and 23 Waverley Street, Essendon from the map;
- HO451, amend the map by revising the grading of 14 Brown Avenue, Ascot Vale from contributory to non-contributory;
- HO453, remove 2 Tasma Street, Ascot Vale from the map;
- HO455, amend the map by revising the grading of 17 and 24 MacKay Street, Essendon from contributory to non-contributory;
- HO457, amend the map by revising the grading 195 Pascoe Vale Road, Essendon from contributory to non-contributory; and
- HO459, remove 42, 42A & 42B Roberts Street, Essendon from the map.

Conclusion

106. This completes the 'Part A' submission for Council.



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Maddocks
Briana Eastaugh
Lawyers for the Planning Authority
2 November 2020

Attachment 1 – Properties affected by the exhibited Amendment

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO002	Extension to existing heritage precinct	Cooke St, Crisp St, Dalene St, Wright St and 39-87 & 50-80 Glass St, Essendon
HO003	Extension to existing heritage precinct	1-15, 34 & 30-2, Brewster St, 253-285 Pascoe Vale Rd, 64-90 Napier Cres, 2-34 & 7-29 Ardoch St, 2-42 & 1- 41 Peterleigh Gr, 2A – 30 & 1-31 Kalimia St, 1A-9 & 2-12 Kiora St, 1-9 & 4-10 Curtis St, Essendon
HO007	Extension to existing heritage precinct	1-15, 31-41 & 2-38 Leslie Rd, 1-13 & 2-16 Riverview Rd, 2 & 4 Sherbourne St, 1-7 & 2-12 Stanley St, Essendon and 16 Ardmillan Road, 25-35 & 30-40 Mantell St and 51-73 & 52A-72 Park St, Moonee Ponds
HO012	Extension to existing heritage precinct	1A & 1B Grace St, 2A, 2B & 2C Grosvener St, 50-82 & 55-79 Holmes Rd, 62-90 Eglinton St, 1-19 & 2-20 Grandview St, 1-21 & 2-26 Milverton St,
HO016	Extension to existing heritage precinct	Browning St, Byron St, Chaucer St, Elizabeth St and 245-311 & 256-292 Ascot Vale Road, 3-35 Gladstone Street, 31-37, 43, 45, 42-58 & 66-74A Maribyrnong Rd and 25A & 25-65 Moore St in Moonee Ponds and Ascot Vale
HO019	Extension to existing heritage precinct	1-49 & 2-38 Fenton Street, Ascot Vale
HO021	Extension to existing heritage precinct	2-18 Ailsa St, 2-28 Ayr St, 2A, 2B, 2C & 9-15 East St, 1-39 & 2-50 Filston St, 1-23 & 2-30 Harding St, 2-68 Kent St, 7-81 & 22-60 Middle St, 1-83, 2-12 & 20-86 South St, 2 & 4 West St and 1-25 & 2-24 Wigton St, Ascot Vale
HO326	Extension to existing heritage precinct	The heritage place includes 1-10, 12, 14, 16 & 18 Newhall Ave and 4-14A Milfay Ave, Moonee Ponds
HO371	Extension to existing heritage precinct	2-20 Levien Street and 23-27 Scott Street, Essendon

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO450	New heritage precinct	1-53 & 4-30 Aberfeldie Street, 229-237 Buckley Street, and 2-58 Waverley Street, Aberfeldie, 1-23 Waverley Street, Essendon, and 60-74 Waverley Street, Moonee Ponds
HO451	New heritage precinct	1-33 & 2A-30 Brown Avenue, 1-29 & 2-14 Morphett Avenue, 1, 1A, 1B & 1C James Street and 70 Charles Street, Ascot Vale
HO452	New heritage precinct	174-190 Ascot Vale Road, 2-20 & 15, 17 Burton Crescent, 1-35 Queens Avenue, 1 Clissold Street and 70-76 Kent Street, Ascot Vale
HO453	New heritage precinct	3-53 & 2-38 Warrick Street and 1-29 & 4-32 Mascoma Street, Ascot Vale
HO454	New heritage precinct	29-39 Amelia Avenue, Essendon
HO455	New heritage precinct	3-51 & 4-50 Mackay Street, Essendon
HO456	New heritage precinct	30-50 & 27-49 McCracken Street, Essendon
HO457	New heritage precinct	189-237 Pascoe Vale Road, 20A Buckley Street, 1, 2 & 4 Fletcher Street, and 13 Loeman Street, Essendon
HO458	New heritage precinct	15-25 Robb Street, Essendon
HO459	New heritage precinct	29-59 & 42-60 Roberts Street, Essendon
HO460	New heritage precinct	8-30 Scott Street, Essendon
HO461	New heritage precinct	1-21 & 2-20 Clarence Street and 11-55 & 6-66 Marshall Street, Flemington

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO462	New heritage precinct	15-47 & 26-48 Ardmillan Road, Moonee Ponds
HO463	New heritage precinct	132-144 Dean Street, Moonee Ponds
HO464	New heritage precinct	1-27 & 2-20 Grace Street, Moonee Ponds
HO465	New heritage precinct	35-81 & 40-84 Margaret Street, 2-16 & 7-17 Park Street and 48-54 Taylor Street, Moonee Ponds
HO466	New heritage precinct	87-117 & 78-108 Park Street, Moonee Ponds
HO467	New heritage precinct	1-9 Sydenham Street, Moonee Ponds
HO468	Serial listing	2, 4 & 7 Black St, 266 Buckley St, 9 & 20-22 Elder Pde, 4 & 6 Forrester St, 1, 3 & 7-11 Laluma St, 17, 33-35, 37, 45 & 49 Lincoln Rd, 1 Lyon St, 37 McCarron Pde, 16 & 20 Thomson St, Essendon
HO469	Individual heritage places	15 Park Crescent, Aberfeldie
HO470	Individual heritage places	1 and 3 Adelaide Street, Ascot Vale
HO471	Individual heritage places	65 Charles Street, Ascot Vale
HO472	Individual heritage places	23 Epsom Road, Ascot Vale
HO473	Individual heritage places	13 Milton Street, Ascot Vale
HO474	Individual heritage places	82-84 North Street, Ascot Vale
HO475	Individual heritage places	26 Roseberry Street, Ascot Vale

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO476	Individual heritage places	37 Sandown Road, Ascot Vale
HO477	Individual heritage places	35 St Leonards Road, Ascot Vale
HO478	Individual heritage places	17 and 19 Union Road, Ascot Vale
HO479	Individual heritage places	2 Aberdeen Crescent, Essendon
HO480	Individual heritage places	1 and 3 Albion Street, Essendon
HO481	Individual heritage places	1C Ardoch Street, Essendon
HO482	Individual heritage places	16 Ballater Street, Essendon
HO483	Individual heritage places	23 Ballater Street, Essendon
HO484	Individual heritage places	25 Ballater Street, Essendon
HO485	Individual heritage places	6 Banchory Street, Essendon
HO486	Individual heritage places	33 Brewster Street, Essendon
HO487	Individual heritage places	55 and 57 Brewster Street, Essendon
HO488	Individual heritage places	330 Buckley Street, Essendon
HO489	Individual heritage places	50 and 2/50 Fletcher Street, Essendon
HO490	Individual heritage places	31 and 33 Flower Street, Essendon

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO491	Individual heritage places	52 Hedderwick Street, Essendon
HO492	Individual heritage places	20 Hesleden Street, Essendon
HO493	Individual heritage places	30 Levien Street, Essendon
HO494	Individual heritage places	54 Lincoln Road, Essendon
HO495	Individual heritage places	18 and 20 Locke Street, Essendon
HO496	Individual heritage places	23 McCarron Parade, Essendon
HO497	Individual heritage places	1-7 Miller Street, Essendon
HO498	Individual heritage places	66 Napier Crescent, Essendon
HO499	Individual heritage places	62 Napier Crescent, Essendon
HO500	Individual heritage places	57-71 Napier Street, Essendon
HO501	Individual heritage places	21 and 23 Nicholson Street, Essendon
HO502	Individual heritage places	31 Nicholson Street, Essendon
HO503	Individual heritage places	247 Pascoe Vale Road, Essendon
HO504	Individual heritage places	71 Primrose Street, Essendon
HO505	Individual heritage places	89 Primrose Street, Essendon

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO506	Individual heritage places	2 Raleigh Street, Essendon
HO507	Individual heritage places	27 and 32 Robb Street, Essendon
HO508	Individual heritage places	14 and 16 Spencer Street, Essendon
HO509	Individual heritage places	57 Vanberg Road, Essendon
HO510	Individual heritage places	20 Ascot Vale Road, Flemington
HO511	Individual heritage places	127-137 Kent Street, Flemington
HO512	Individual heritage places	8 Addison Street, Moonee Ponds
HO513	Individual heritage places	10 Ardmillan Road, Moonee Ponds
HO514	Individual heritage places	11 Ardmillan Road, Moonee Ponds
HO515	Individual heritage places	64 Bent Street, Moonee Ponds
HO516	Individual heritage places	31 Dickens Street, Moonee Ponds
HO517	Individual heritage places	12 Grosvenor Street, Moonee Ponds
HO518	Individual heritage places	89 Holmes Road, Moonee Ponds
HO519	Individual heritage places	57 Holmes Road, Moonee Ponds
HO520	Individual heritage places	83 Holmes Road, Moonee Ponds

HO number	Description	Properties proposed for inclusion in Heritage Overlay in the exhibited Amendment
HO521	Individual heritage places	40 Maribyrnong Road, Moonee Ponds
HO522	Individual heritage places	519 Mount Alexander Road, Moonee Ponds
HO523	Individual heritage places	2 and 4 Ngarveno Street, Moonee Ponds
HO524	Individual heritage places	32-42 Taylor Street, Moonee Ponds
HO525	Individual heritage places	59 and 61 Tennyson Street, Moonee Ponds
HO526	Individual heritage places	29 Thomas Street, Moonee Ponds
HO527	Individual heritage places	33 Thomas Street, Moonee Ponds
HO528	Individual heritage places	198 Woodland Street, Strathmore
HO172	Delete from HO and add to HO468	266 Buckley Street, Essendon
HO238	Delete from individual HO and add to HO21	14 Kent Street, Ascot Vale
HO239	Delete individual HO and add to HO21	34 Kent Street, Ascot Vale
HO257	Delete from HO and add to HO468	37 McCarron Parade, Essendon
HO357	Delete from HO and add to HO465	40 Margaret Street, Moonee Ponds
HO391	Delete from HO and add to HO451	11 Brown Avenue, Ascot Vale
HO392	Delete from HO451	23 Brown Avenue, Ascot Vale

Attachment 2 – Chronology

Date	Event description
August-September 2013	Council engaged Context Pty Ltd to commence the <i>Moonee Valley Heritage Gap Study 2014</i> .
28 July to 29 August 2014	Council officers undertook consultation on the draft <i>Moonee Valley Heritage Gap Study 2014</i> .
25 November 2014	Council adopted the <i>Moonee Valley Heritage Gap Study 2014</i> .
May 2015	Council engaged Context Pty Ltd to commence the <i>Moonee Valley Heritage Study 2015</i> .
2 November - 11 December 2015	Council officers undertook consultation on the <i>Moonee Valley Heritage Study 2015</i> .
22 March 2016	<p>Council resolved to (in summary):</p> <ul style="list-style-type: none"> ▪ adopt the <i>Moonee Valley Heritage Study 2015</i>, as revised; ▪ seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C164 to implement the recommendations of the <i>Moonee Valley Heritage Study 2015</i>; ▪ request that the Minister for Planning apply interim heritage controls to the sites recommended for inclusion into the Heritage Overlay; ▪ subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C164 in accordance with Section 19 of the P&E Act.
9 June – 14 July 2016	Amendment C164 was exhibited.
10 October – 13 October 2016	Amendment C164 Panel Hearing.
28 February 2017	<p>Council considered the Amendment C164 Panel Report and resolved to (in summary):</p> <ul style="list-style-type: none"> ▪ adopt the revised 'Moonee Valley Heritage Study 2015 report REVISED FINAL, January 2017'; ▪ having complied with Part 3, Division 1 and 2 of the P&E Act, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C164 in accordance with the changes outlined in this report and amendment documentation at Appendix A (separately circulated) to the resolution;

Date	Event description
	<ul style="list-style-type: none"> submit Moonee Valley Planning Scheme Amendment C164 to the Minister for Planning for approval pursuant to Section 31(1) of the P&E Act.
10 August 2017	Approval of Amendment C164 was published in the Victorian Government Gazette.
23 June 2017	<p>Council resolved to undertake the following Stage 2 heritage studies identified in the <i>Moonee Valley Heritage Gap Study 2014</i> in the 2017/18 financial year:</p> <ul style="list-style-type: none"> Interwar residential buildings and precincts (high priority); Victorian residential buildings and precincts (medium priority); Edwardian residential buildings and precincts (medium priority); and Extensions to existing Heritage Overlay precincts (low priority).
November 2017	Council engaged Context Pty Ltd to commence the <i>Moonee Valley 2017 Heritage Study</i> . The steps taken in the preparation of the 2017 Heritage Study are described above and in detail in the evidence statement of Ms Schmeder.
12 March 2019	<p>Council resolved to (in summary):</p> <ul style="list-style-type: none"> adopt the <i>Moonee Valley 2017 Heritage Study</i> to assist with protecting heritage places in Moonee Valley; request a ministerial amendment under section 20(4) of the P&E Act, to apply the interim Heritage Overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions; request the Minister for Planning to authorise the Amendment C200moon (then known as C201moon) to the Scheme pursuant to section 8A(3) of the P&E Act; subject to obtaining authorisation from the Minister for Planning, exhibit Amendment C200moon in accordance with Section 19 of the P&E Act; refer unresolved submissions to Amendment C200moon (then known as C201moon), to an independent Planning Panel in accordance with Section 23(1)(b) of the P&E Act; notify all affected owners of the intention to pursue permanent heritage protection for the properties; include properties listed as requiring future work in forthcoming heritage studies;

Date	Event description
	<ul style="list-style-type: none"> note the letter to the Minister to request to apply the interim Heritage Overlay to 55 Brewster Street and that the permanent heritage protection will be pursued through the Amendment; and notify the owner of 55 Brewster Street, Essendon, of the intention to pursue interim and permanent heritage protection.
21 March 2019	Council officers lodged the request to authorise, prepare and exhibit Amendment C200moon with DELWP.
16 January 2020	Amendment C201moon introduced the Heritage Overlay, on an interim basis until 16 January 2021.
20 January 2020	Notice of the approval of Amendment C201moon was sent to owners and occupiers.
30 January 2020	Notice of the approval of Amendment C201moon was published in the Moonee Valley Leader.
18 February 2020	Council received authorisation to prepare the Amendment subject to conditions.
31 March 2020	Council officers submitted Amendment C200moon exhibition documents to DELWP.
8 May 2020	Following the passing of the COVID-19 <i>Omnibus (Emergency Measures) Bill 2020</i> , a delegate of the Minister for Planning confirmed Amendment C200moon could proceed to exhibition.
19 May 2020	Notice of Amendment C200moon was sent to Minister for Planning, prescribed Ministers and Heritage Victoria.
20 May 2020	<p>Notice of Amendment C200moon appeared in The Age newspaper.</p> <p>Notice of Amendment C200moon made available on Council's 'your say' platform.</p>
21 May 2020	Notice of the Amendment appeared in the Victorian Government Gazette.
29 May 2020	All notices to those affected by the Amendment and to community members interested in heritage were with Australia Post for posting.
2 July 2020	The exhibition period for Amendment C200moon closed.
20 August 2020	Council officers notified submitters of the Ordinary Council Meeting on 25 August 2020 to consider (amongst other things) submissions to the Amendment.

Date	Event description
25 August 2020	Council officers sent a reminder notice to submitters of the Ordinary Council Meeting on 25 August 2020.
25 August 2020	<p>Council considered 120 submissions (which had been received by Council at the time).</p> <p>Council resolved to (in summary):</p> <ul style="list-style-type: none"> ▪ note submissions and officer responses received in response to the exhibition of Amendment C200moon (Attachment A to the Council officer's report); ▪ refer all submissions to Amendment C200moon to an independent planning panel in accordance with section 23(1)(b) of the P&E Act; ▪ note the 'Panel Version' recommended revisions to the exhibited documents, including the Schedule to Clause 43.01 Heritage Overlay, Clause 72.08, the Permit Exemptions Policy and the Statements of Significance (Attachments C and D to the Council meeting report); ▪ adopt the 'Panel Version' recommended revisions to the exhibited documents (Attachments C and D) as Council's position to be presented at the independent planning panel hearing; ▪ request the Minister for Planning to exercise his powers of intervention under Section 20(A) of the P&E Act to prepare and approve an amendment to the Scheme to extend the expiry date of the interim Heritage Overlay for 12 months, until 16 January 2022.
26 August 2020	Council formally requested Planning Panels Victoria appoint an independent planning panel to consider submissions.
27 August 2020	Council received submission #121 and referred the submission to the Panel.
1 September 2020	Planning Panels Victoria confirmed the appointment of the Panel.
1 September 2020	Council officers notified submitters of Council's 25 August 2020 resolution and of the upcoming Directions and Panel Hearing dates.
30 September 2020	Council received submissions #122 and #123 and referred the submissions to the Panel.
8 September 2020	Council officers lodged the request for approval of Amendment C215moon to extend the interim Heritage Overlay with the Minister for Planning.