

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

AMENDMENT C169

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Moonee Valley City Council, which is the planning authority for this Amendment.

Land affected by the Amendment

The Amendment applies to the following land:

- 109 properties affected by Heritage Precinct HO2 within Glass Street, Crisp Street, Cooke Street, Wright Street, and Dalene Street Essendon
- 212 properties affected by Heritage Precinct HO16 within Ascot Vale Road, part Chaucer Street, Browning Street, Byron Street, Newton Parade, Elizabeth Street, and Maribyrong Road, Moonee Ponds and Ascot Vale
- 74 properties affected by HO25 on Pin Oak Crescent Flemington and Racecourse Road, Flemington and Kensington
- 345-349 Ascot Vale Road, Moonee Ponds
- 18, 22, 26, 30, 34, 40, 42, 46, 50, 54, 56, 62, 66, and 72 Baroda Street, Ascot Vale
- 46 Birdwood Street, North Essendon
- 319 Buckley Street, Aberfeldie
- 3 Crawford Street, Moonee Ponds
- 1A and 1B Darling Street, Moonee Ponds
- part of the Eric Street road reserve, Essendon
- 118 Glass Street, Essendon
- 177A Mt Alexander Road and the road reserve on Wellington Street, Flemington
- 260 Mount Alexander Road, Travencore
- 750 Mt Alexander Rd, Moonee Ponds
- 1071 Mt Alexander Rd, Essendon
- 30, 32 and 33 Raleigh Street, Essendon
- 8, 10, 12, 14, 16, 18, 20 and 22 Shaftesbury Street, Essendon
- 17 Winifred Street, Essendon
- part of the Wiseman Court road reserve, Essendon

What the amendment does

The Amendment corrects a number of zone and overlay map and ordinance errors and anomalies.

The Amendment:

- Rezones part of 46 Birdwood Street, North Essendon from Road Zone 1 to General Residential Zone 1.
- Rezones part of the Wiseman Court road reserve, Essendon from Public Park and Recreation Zone to General Residential Zone 1.
- Rezones part of the Eric Street road reserve, Essendon from Public Park and Recreation Zone to General Residential Zone 1.
- Deletes ESO2 from 177A Mt Alexander Road and part of the road reserve on Wellington Street, Flemington
- Applies HO23 to the rear portion of properties at 18, 22, 26, 30, 34, 40, 42, 46, 50, 54, 62, 66 and 72 Baroda Street, Ascot Vale
- Applies HO35 to the rear portion of 56 Baroda Street, Ascot Vale
- Deletes HO5 from the rear portion of 319 Buckley Street, Aberfeldie
- Deletes HO10 from the rear portion of 3 Crawford Street, Moonee Ponds
- Deletes HO105 from 33 Raleigh Street, Essendon
- Deletes HO141 from 260 Mount Alexander Road, Travencore
- Deletes HO254 from 1A and 1B Darling Street, Moonee Ponds
- Deletes HO301 from part of 30 and 32 Raleigh Street, Essendon
- Deletes HO301 from the rear portion of 8, 10, 12, 14, 16, 18, 20 and 22 Shaftesbury Street, Essendon
- Deletes DDO3 from 17 Winifred Street, Essendon
- Deletes DDO10 from 118 Glass Street, Essendon and from the rear portion of 1071 Mt Alexander Road, Essendon
- Amends the map at Clause 21.07-1 (Moonee Ponds Activity Centre) to remove the “Existing Landmark Building” status from 345-349 Ascot Vale Road, Moonee Ponds
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to make reference to the ‘*City of Moonee Valley Permit Exemptions Policy – Heritage Overlay Precincts – March 2014*’ as an Incorporated Plan for Heritage Places HO2 (Glass Street Precinct), HO16 (Ascot Vale Road & Maribyrnong Road Precinct (Ascot Vale Estate) and HO25 (Racecourse Road Precinct).
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to delete HO105
- Amends Schedule 1 to Clause 37.08 (Activity Centre Zone) to remove from four maps the “Existing Landmark Building” status from 345-349 Ascot Vale Road, Moonee Ponds
- Amends Schedule 1 to Clause 37.08 (Activity Centre Zone) to show the Heritage Overlay which applies to the Clocktower Centre at 750 Mt Alexander Rd Moonee Ponds on the Precinct Map at Clause 5.1-1 of the Schedule.
- Amends Schedule 3 to Clause 43.02 (Design and Development Overlay) to update the Mt Alexander Road Corridor precinct maps with more legible maps and deletes 17 Winifred Street, Essendon from Precinct B.
- Amends Schedule 7 to Clause 43.02 (Design and Development Overlay) to update the Keilor Road Major Activity Centre Precinct Map with a more legible map.

- Amends Schedule 10 to Clause 43.02 (Design and Development Overlay) to correct the map so that 118 Glass Street and the rear portion of 1071 Mt Alexander Road, Moonee Ponds are subject to the *Mt Alexander Corridor Urban Design Guidelines 2010*.

An explanation of the specific changes proposed by the amendment is provided in Appendix A.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to:

- Correct minor mapping and ordinance anomalies that have been identified in the Moonee Valley Planning Scheme;
- Update the schedule to the Heritage Overlay and;
- Improve the legibility of some existing maps.

Approval of the corrections will contribute to the more effective operation and administration of the Moonee Valley Planning Scheme.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria as stated in Section 4 of the *Planning and Environment Act 1987*, in particular those that seek:

- a) *to provide for the fair and orderly use and development of land;*
- b) *to conserve and enhance buildings of historical interest,*

The amendment implements these objectives by ensuring relevant map and ordinance for zones and overlays are correctly applied across the municipality.

How does the Amendment address any environmental, social and economic effects?

The Amendment is procedural in nature and proposes to correct inconsistencies and anomalies in the ordinance and in the application of zones and overlay controls.

The amendment will not have any direct environmental, social or economic effects.

Does the Amendment address relevant bushfire risk?

This matter is not applicable.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the following Ministerial Directions:

- *The Form and Content of Planning Schemes*
- *Direction No.11 Strategic Assessment of Amendments*

The Amendment is not affected by any other Ministerial Direction.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment will support the implementation of the State Planning Policy Framework (SPPF) with regard to its objectives for Settlement (Clause 11), Built Environment and Heritage (Clause 15) and Housing (Clause 16) by providing clarity and accuracy with regard to the zones and overlays applicable to land within Moonee Valley.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment seeks to correct a number of inconsistencies and anomalies that have been identified in the ordinance and mapping of zones and overlays in the Moonee Valley Planning scheme. Correction of these anomalies will assist in the efficient administration of the Moonee Valley Planning Scheme and provide for orderly planning and development. In this regard the Amendment also supports the implementation of the Moonee Valley Municipal Strategic Statement.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment seeks to make minor corrections to the Planning Scheme ordinance and the mapping of zones and overlays applying to a number of properties across the municipality. The changes proposed by the Amendment have been reviewed to ensure that the Victoria Planning Provisions have been applied appropriately and are consistent with the VPP Practice Notes, including the Strategic Assessment Guidelines (2013).

How does the Amendment address the views of any relevant agency?

The Amendment is not expected to impact on any relevant agencies.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

This Amendment will not have any impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have a number of benefits to Council and to the community by improving the accuracy and effective operation of the Moonee Valley Planning Scheme. This includes enabling more accurate and consistent advice to be provided by Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at Moonee Valley City Council Civic Centre, 9 Kellaway Avenue, Moonee Ponds VIC 3039.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Bryan Lancaster
Chief Executive Officer

Appendix A - Explanation of Proposed Changes

	Address listed by street name in alphabetical order	Changes Proposed and justification for inclusion in Amendment C169
1.	345-349 Ascot Vale Road, Moonee Ponds	<p>Ordinance correction – erroneous landmark designation.</p> <p>This property, being a modern two storey office building, is currently identified as an ‘Existing Landmark Building’ on four maps contained in the schedule to Clause 37.08 of the Moonee Valley Planning Scheme. However the landmark status was due to a mapping error. Amendment C169 to the Moonee Valley Planning Scheme will remove the landmark designation from the maps on pages 1, 8, 14 and 22 of the Schedule to the clause. The Map at Clause 21.07-1 is also corrected. Looking at the building compared to the heritage building on the corner (which is correctly identified as an Existing Landmark Building) confirms it is an obvious error.</p>
2.	Ascot Vale Road, part Chaucer Street, Browning Street, Byron Street, Newton Parade, Elizabeth Street and Maribyrnong Road, Moonee Ponds and Ascot Vale – 212 properties	<p>Ordinance correction HO16 – Heritage Overlay Schedule (Clause 43.01).</p> <p>It is proposed to delete the word ‘None’ from the column re incorporated plans and insert the following wording: ‘City of Moonee Valley Permit exemptions policy – Heritage Overlay Precincts – March 2014’. This document is already an Incorporated Document in the Schedule to Clause 81.01 and page 4 confirms that the permit exemptions set out in the document apply to Contributory or Non Contributory Places in Heritage Overlay HO16.</p>
3.	18 to 72 Baroda Street, Ascot Vale (excluding No. 56)	<p>Mapping correction – Heritage Overlay boundary.</p> <p>Although the heritage citation refers to these 13 properties in their entirety, the boundary of the Heritage Overlay (HO23) incorrectly excludes the rear portion of these properties. Amendment C169 will apply HO23 to the rear portion of these properties.</p>
4.	56 Baroda Street, Ascot Vale	<p>Mapping correction – Heritage Overlay boundary.</p> <p>HO35 was intended to apply to all of the</p>

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		land, however the rear portion was excluded from the Heritage Overlay due to an administrative error. Amendment C169 will apply HO35 to the rear portion of the land to correct the error.
5.	46 Birdwood Street, Essendon	Mapping correction – rezone the northern portion of the land from Road Zone 1 to General Residential Zone 1 to correct a mapping error. The land is a residential lot to the south of the Tullamarine Freeway. VicRoads have confirmed that the cadastre lot does not reflect the Title and that they have no issue with Council implementing a zone map correction. The lot will be extended to the north by a depth of 2m approx. along the full length of its northern side boundary and the GRZ1 is to be applied to that area.
6.	319 Buckley Street, Aberfeldie	Mapping correction – Heritage Overlay boundary. HO5 applies to a large area of Aberfeldie, including the rear portion of the property at 319 Buckley Street, which has no heritage significance. Amendment C169 will make a minor adjustment to the boundary of HO5 as shown on the attached map 11HO in order to completely exclude the property at 319 Buckley Street. The Amendment will not affect any identified heritage places.
7.	3 Crawford Street, Moonee Ponds	Mapping correction – Heritage Overlay boundary. This property has no heritage significance but is included as part of HO10 due to an administrative error. Amendment C169 to the Moonee Valley Planning Scheme will make a minor mapping adjustment to align the boundary of HO10 with the rear title boundary of the property as shown in the attached map 12HO. This mapping amendment will delete the property from HO10. The Amendment will not affect any property with identified heritage significance.
8.	1A and 1B Darling Street, Moonee Ponds	Mapping correction – Heritage Overlay

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		<p>boundary.</p> <p>Amendment C169 will make a minor adjustment to the boundary of HO254 as shown on the attached map 11HO in order to completely exclude the 2 properties in Darling Street, which do not have any heritage significance. HO254 will still apply to the property at 200 Maribyrnong Road, Moonee Ponds – a place of heritage significance. The Amendment will not affect any identified heritage place.</p>
9.	Eric Street road reserve, Essendon	<p>Mapping correction – rezone a portion of road reserve from PPRZ to General Residential Zone 1 being the underlying zone. The majority of this road is zoned GRZ1 so the map correction is justified.</p>
10.	118 Glass Street, Essendon	<p>Mapping error – DDO10.</p> <p>This property is incorrectly subject to two Design and Development Overlays – DDO3 and DDO10. Amendment C169 to the Moonee Valley Planning Scheme will delete DDO10 from the land as shown on the attached map 7DDO as the DDO3 was applied to the land under Amendment C102 as adopted by Council on 18 September 2012. The land was subsequently incorrectly included in maps as part of Amendment C117. The correction is at the request of the landowner.</p> <p>Update the map in Schedule 10 of Clause 43.02 so that the land is shown to be subject to the <i>Mt Alexander Road Corridor Urban Design Guidelines 2010</i> for which the DDO3 relates to per the intentions of Amendment C102.</p>
11.	Glass Street, Crisp Street, Cooke Street, Wright Street, and Dalene Street Essendon - 109 properties	<p>Ordinance correction HO2 – Heritage Overlay Schedule (Clause 43.01).</p> <p>It is proposed to delete the word 'None' from the column re incorporated plans and insert the following wording: 'City of Moonee Valley Permit exemptions policy – Heritage Overlay Precincts – March 2014'. This document is already an Incorporated Document in the Schedule to Clause 81.01</p>

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		and page 4 confirms that the permit exemptions set out in the document apply to Contributory or Non Contributory Places in Heritage Overlay HO2.
12.	Keilor Road - various	Ordinance correction – DDO7. The maps provided as part of Schedule 7 to the Design and Development Overlay are difficult to read. Amendment C169 to the Moonee Valley Planning Scheme will replace the existing DDO7 maps with a more legible version. The Amendment will not affect the nature of controls. The changes are shown in the attached amended DDO7.
13.	Mount Alexander Road - various	Ordinance correction – DDO3. The maps provided as part of Schedule 3 to the Design and Development Overlay are difficult to read. Amendment C169 to the Moonee Valley Planning Scheme will replace the existing maps on pages 16 and 17 with more legible versions as shown in the amended schedule. The Amendment will not affect the nature of controls. The changes can be seen in the attached amended DDO3. Map 1 is also revised to remove 17 Winifred Street, Essendon from inclusion in Precinct B as it is incorrectly affected by DDO3 per the proposed DDO3 deletion for this property.
14.	177A Mt Alexander Road and the road reserve on Wellington Street, Flemington	Remove part of ESO2 (Significant Trees) from the road reserve in Wellington Street, Flemington and the affected part of the private property where no tree exists. The new edge of the relevant ESO2 includes a 9 metre radius from the trunk of the northern most tree.
15.	260 Mount Alexander Road, Travencore	Mapping correction – it is proposed to delete HO141 (Essendon Tramway Depot) from this property as the Heritage Place is correctly mapped at 318-372 Mt Alexander Road with HO141. The site is not a Heritage Place.
16.	750 Mt Alexander Road, Moonee Ponds	Amend the Precinct 1 Civic and Community Map at Clause 5.1-1 of

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		Schedule 1 to the Clause 37.08 Activity Centre Zone to show the existing Heritage Overlay for the Clocktower Centre (being HO368). A justified correction as the land is affected by a HO.
17.	1071 Mt Alexander Road, Essendon	<p>Mapping correction – remove DDO10 from the rear portion of the land for which DDO3 correctly applies as the lot fronts onto Mt Alexander Road for which the DDO3 controls apply. It is illogical to have contradictory Design and Development controls affecting a property and the correction is justified.</p> <p>Update the map in Schedule 10 of Clause 43.02 so that the rear portion of the land is shown to be subject to the <i>Mt Alexander Road Corridor Urban Design Guidelines 2010</i> for which the DDO3 relates to.</p>
18.	Pin Oak Crescent, Flemington and Racecourse Road, Flemington & Kensington – 74 properties	<p>Ordinance correction HO25 – Heritage Overlay Schedule (Clause 43.01).</p> <p>It is proposed to delete the word 'None' from the column re incorporated plans and insert the following wording: 'City of Moonee Valley Permit exemptions policy – Heritage Overlay Precincts – March 2014'. This document is already an Incorporated Document in the Schedule to Clause 81.01 and page 4 confirms that the permit exemptions set out in the document apply to Contributory or Non Contributory Places in Heritage Overlay HO25.</p>
19.	30 - 32 Raleigh Street, Essendon	<p>Mapping correction – Heritage Overlay boundary.</p> <p>The boundary of HO301 currently includes part of these two properties which have no heritage significance. Amendment C169 to the Moonee Valley Planning Scheme will adjust the boundary of the Heritage Overlay in order to exclude the properties at 30 and 32 Raleigh Street, Essendon, as shown in the attached maps 8HO and 12HO. The Amendment will not affect any identified heritage places.</p>
20.	33 Raleigh Street, Essendon	Mapping and Ordinance Correction -

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		<p>deletion of HO105.</p> <p>This is an individual Heritage Overlay and the building has been reassessed following extensive renovations (Roslyn Court Reception Rooms). A planning permit has been issued to demolish the house and all buildings MV/537/2014 to facilitate a multi-unit development. Heritage Consultant David Helm's report found that significant alterations since 1997 have resulted in a low degree of intactness which makes demolition an acceptable outcome as it no longer meets the threshold for local significance. The changes can be seen in the attached map 12HO and in the attached amended schedule.</p>
21.	8-22 Shaftesbury Street, Essendon	<p>Mapping correction – Heritage Overlay boundary.</p> <p>Amendment C169 will delete HO301 from the rear portion of these properties in Shaftesbury Street which have no heritage significance. The change is shown in the attached maps for 8HO and 12HO. The Amendment does not affect any identified heritage places.</p>
22.	17 Winifred Street, Essendon	<p>Mapping correction – remove DDO3 from the land as the land is correctly affected by DDO10 and was erroneously also included in DDO3 as the land does not have a frontage to Mt Alexander Road.</p> <p>Amends Schedule 3 to Clause 43.02 to update the Mt Alexander Road Corridor precinct Map 1 to delete the inclusion of the land in Precinct B as the DDO3 is to be deleted from this property.</p>
23.	Wiseman Court road reserve, Essendon	<p>Mapping correction – rezone part of site from PPRZ to GRZ1 to match the underlying GRZ1 zone which applies to the road reserve.</p>