

Former Moonee Ponds Market Site Advisory Committee

Version 1: February 2017

Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to consider an application for the Stage 2 redevelopment of 40 Hall Street, Moonee Ponds (Former Moonee Ponds Market Site).

Name

1. The Advisory Committee is to be known as the 'Former Moonee Ponds Market Site Advisory Committee'.
2. The Advisory Committee is to have member/s appointed who have knowledge and experience in
 - strategic and statutory planning; and
 - urban design and architecture.

Purpose

3. The purpose of the Advisory Committee is to:
 - Provide advice to the Minister for Planning on whether a planning permit should be issued for the proposed development for Stage 2 of 40 Hall Street, Moonee Ponds (Former Moonee Ponds Market Site) and if so, the appropriate conditions for the permit.
 - Examine whether the proposed building heights of the proposal have had proper regard to the preferred building height provisions within precinct 2D under schedule 1 of the Activity Centre Zone to the Moonee Ponds Planning Scheme.

Background

4. The subject site is located between Hall, Homer, and Everage Streets, Moonee Ponds. Redevelopment of the site is being undertaken in two stages. The current application represents Stage 2 of 2.
5. The site is located in Precinct 2D under Schedule 1 to the Activity Centre Zone. This has a preferred building height (excluding basement) of 50 metres.
6. Stage 1 (Planning Permit MV/434/2015) was approved on 11 April 2016 following resolution at a Victorian Civil and Administrative Tribunal (VCAT) Compulsory Conference proceeding allowing for the construction of multi-storey buildings and associated works, use of the land for dwellings and a reduction in car parking.
7. The site is partly vacant with Stage 1 having commenced work in late 2016.
8. On 7 July 2015, Moonee Valley City Council (Council) received a planning permit application for Stage 2 (MV/491/2015) proposing the following:
 - construction of multi-storey buildings comprising retail, office and dwellings, reduction in the car parking requirements and waiver of loading bay requirements. It also includes serviced apartments with a ground floor café component.
9. The application considered by Council includes buildings ranging in height from 6 storeys (21.45 metres) to 34 storeys (107.90 metres).

10. Notice of the proposal was given and a total of six (6) objections were received.
11. Council refused the Stage 2 Planning Permit Application on 26 July 2016.
12. An appeal to VCAT was lodged on 11 August 2016 seeking a review of the decision of the responsible authority. No objectors lodged statements of grounds. The only parties to the review are Council and the applicant.
13. The Minister for Planning wrote to Council on 9 December 2016 to advise of his decision to call in the application. Since then, the applicant has advised the Department of Environment, Land, Water and Planning (DELWP) that it is amenable to mediate an outcome to the application.

Method

14. The Advisory Committee must undertake proceedings that allow each party to the VCAT review (or their representative) to give a summary on whether a permit should be issued, and if so, what conditions should apply. The Advisory Committee may choose to do this by a hearing, forum or other consultation mechanism of its choosing.
15. The Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including but not limited to:
 - relevant provisions of the *Planning and Environment Act 1987* and the Moonee Valley Planning Scheme
 - all relevant material prepared by or for the applicant
 - all material filed in VCAT in the proceeding P1634/2016
 - the views of the applicant and Moonee Valley City Council
16. The Advisory Committee is bound by the rules of natural justice.
17. The Advisory Committee may regulate its own proceedings.
18. The Advisory Committee may ask the Minister for Planning to vary these terms of reference in any way it sees fit prior to submission of its final report.

Submissions are public documents

19. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
20. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain confidential.

Outputs

21. The Advisory Committee must produce a written report for the Minister for Planning, responding to its terms of reference.

Timing

22. The Advisory Committee must commence its proceedings within 20 business days from the date of its appointment.

23. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its proceedings.

Fee

24. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
25. The costs of the Advisory Committee will be met by the Moonee Valley City Council.



HON RICHARD WYNNE MP
Minister for Planning

Date: 5/2/17

Note: Project Management (Note this does not form part of the Terms of Reference)

- 1 Day to day liaison for this matter from the Department of Environment, Land, Water and Planning will be through Adam Henson on 8392 5468 or by email adam.henson@delwp.vic.gov.au.
- 2 Day to day liaison for the Advisory Committee will be through Emily To of Planning Panels Victoria on 8392 5217 or by email emily.to@delwp.vic.gov.au.