

Terms of Reference

Amendment C209moon – Proposed Lowther Hall Master Plan Advisory Committee

Version: 22 April 2021

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report, concurrently with a Planning Panel, on the planning merits of proposed *Lowther Hall Master Plan 2017-2027*.

Name

The Advisory Committee is to be known as the 'Amendment C209moon – Proposed Lowther Hall Master Plan Advisory Committee'.

1. The Advisory Committee is to have members with the following skills:
 - a. statutory and strategic planning,
 - b. traffic.

Purpose

2. The purpose of the Advisory Committee is to advise on the planning merits of the *Lowther Hall Master Plan 2017-2027* (2017 Master Plan), which was prepared for Lowther Hall Anglican Grammar School (School) in support of Amendment C209moon to the Moonee Valley Planning Scheme (Amendment C209moon), and under the provisions of proposed schedule 9 to the Development Plan Overlay (Lowther Hall School Master Plan)

Background

3. Moonee Valley City Council has requested that the Minister for Planning, the Hon Richard Wynne MP (Minister) appoint a Panel pursuant to sections 153 and 155 of the Planning and Environment Act 1987 (the Act), to consider submissions to Amendment C209moon.
4. Moonee Valley City Council has also requested the Minister appoint an Advisory Committee under section 151 of the Act to complement the Panel hearing on Amendment C209moon and advise on the appropriateness of the 2017 Master Plan.
5. Amendment C209moon seeks to replace the existing Schedule 6 to the Incorporated Plan Overlay (IPO6) applying to the School and *Lowther Hall Anglican Grammar School Master Plan 1998-2008* (1998 Master Plan) (incorporated under the IPO6) with a new Schedule 9 to the Development Plan Overlay (DPO9) and the 2017 Master Plan to guide development of the School.
6. Specifically, Amendment C209moon proposes to:
 - a. amend IPO6 to delete the reference to Lowther Hall Anglican Grammar School and retain references to Penleigh and Essendon Grammar School only;
 - b. insert DPO9 (Lowther Hall School Master Plan) into the Moonee Valley Planning Scheme;
 - c. amend Map 12 to the IPO to remove IPO6 from the land at 17-29 Leslie Road and 18-22 Sherbourne Street, Essendon;
 - d. insert a new Map 12 to the DPO which applies to the land at 17-29 Leslie Road, 8 Sherbourne Street and 18-22 Sherbourne Street, Essendon;
 - e. amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include reference to DPO Map 12; and
 - f. amend Clause 72.04 (Incorporated Documents) to delete the reference to the 1998 Master Plan.

7. McIldowie Partners has prepared the 2017 Master Plan on behalf of the School, which was exhibited concurrently with Amendment C209moon, together with other supporting information including a Planning Report and Traffic and Transport Strategy 2019.
8. Moonee Valley City Council is the planning authority for Amendment C209moon and the responsible authority for deciding on the 2017 Master Plan.
9. Council received a number of submissions (96 supportive, 3 opposing and 2 supportive subject to changes) in response to the public exhibition of Amendment C209moon and the 2017 Master Plan.
10. Moonee Valley City Council has requested that the Panel and Advisory Committee operate concurrently with the dual role of hearing submissions in response to Amendment C209moon as well as the 2017 Master Plan.
11. Working together, the Panel and the Advisory Committee will provide interested parties, who have made submissions on Amendment C209moon and/or the 2017 Master Plan with the opportunity to have their views heard at a single forum.
12. The Advisory Committee will provide its advice on the 2017 Master Plan to Moonee Valley City Council in a single report

Method

13. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.
14. The Advisory Committee may inform itself in anyway it sees fit, but must consider:
 - a. Relevant documentation submitted with Amendment C209moon and the 2017 Master Plan.
 - b. The objectives of the Act, *Plan Melbourne 2017-2050* and any relevant provisions in the Moonee Valley Planning Scheme, including those proposed under Amendment C209moon.
15. The Advisory Committee is not expected to carry out any additional public notification or referral, but may do so if it considers it to be appropriate.
16. The Advisory Committee must consider all relevant submissions.
17. The Advisory Committee is expected to carry out a public hearing.
18. The Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.
19. The following parties should be asked to present to the Advisory Committee:
 - a. Moonee Valley City Council
 - b. The proponent and their representatives
 - c. Any person who has made a submission regarding the 2017 Master Plan
20. The Advisory Committee may meet and invite others to meet with them when there is a quorum of at least two of the Committee members.
21. The Advisory Committee may limit the time of parties appearing before it.
22. The Advisory Committee may prohibit or regulate cross-examination.

Submissions are public documents

23. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
24. 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.

Outcomes

25. The Advisory Committee must produce a written report for the Minister for Planning and Moonee Valley City Council providing the following:
- a. An assessment of the planning merits of the 2017 Master Plan.
 - b. An evaluation of the traffic engineering assessment supporting the 2017 Master Plan, including the methodology used in preparing the assessment, parking issues, road and intersection safety, and vehicle access.
 - c. An assessment of submissions to the Advisory Committee.
 - d. Any other relevant matters raised in the course of the Advisory Committee hearing.
 - e. A list of persons who made submissions considered by the Advisory Committee.
 - f. A list of persons consulted or heard.
26. The report is to be prepared as a single report in conjunction with the Panel for Amendment C209moon.

Timing

27. The Advisory Committee is required to complete its joint hearings with the Panel for Amendment C209moon as soon as practicable once all parties have been advised and a directions hearing held.
28. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion of its hearings.

Fee

29. 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*.
30. The costs of the Advisory Committee will be met by the proponents of Amendment C209moon and the 2017 Master Plan.



Richard Wynne MP
Minister for Planning

Date: 20/5/21

The following information does not form part the Terms of Reference.

Project Management

- 1 Administrative and operational support to the Committee will be provided by Sarah Collie, Senior Planner, Priority Projects, of the Department of Environment, Land, Water and Planning, on 8508 2380 and sarah.collie@delwp.vic.gov.au.
- 2 Day to day liaison for the Committee will be through Tom Milverton, Project Support Officer, of Planning Panels Victoria on 8508 2691 and tom.milverton@delwp.vic.gov.au.