 planning authority? 
This amendment has been prepared by Moonee Valley City Council, which is the planning authority for this amendment. 
The amendment has been made at the request of Moonee Valley City Council. 

Land affected by the Amendment 
The Amendment applies to all land included in the Heritage Overlay. 

What the amendment does 
The Amendment seeks to support the protection and conservation of heritage places and precincts by providing a clear heritage planning policy framework to guide decision making. 
More specifically the Amendment seeks to: 
- Amend the Municipal Strategic Statement (MSS) to include the City of Moonee Valley Heritage Guidelines (CMVHG) as a reference document. 
- Introduce a new local heritage policy at Clause 22.01 to guide decision making for permit applications for heritage places and give effect to the CMVHG. 
- Make consequential changes to Clause 21.03-2 Built Environment and Clause 21.06-2 Heritage to ensure it provides a clear strategic framework, and avoid repetition by removing redundant provisions that are now proposed to be included in the new Clause 22.01 or the CMVHG. 

Strategic assessment of the Amendment 

Why is the Amendment required? 
The Moonee Valley Planning Scheme Review, implemented via Amendment C134 and gazetted in March 2015, recommended a comprehensive rewrite of the MSS. The aim of proposed changes to the MSS is to significantly improve Council’s planning strategies and lead to better and more consistent planning decisions and outcomes for the community. Further work identified to achieve this included the development of updated Heritage Design Guidelines. Accordingly, the CMVHG has been prepared and was adopted by Council in 2016. 
The purpose of the CMVHG is to assist property owners, architects, building designers and others with the conservation of heritage places including new alterations and additions, and the design of infill buildings in heritage areas. 
In order to give effect to the CMVHG a new local heritage policy has been prepared. The local policy will explain what is to be achieved in terms of policy outcomes and the issues that council will take into account when deciding an application, while the CMVHG will complement the policy by explaining how the policy can be achieved by
providing examples of appropriate approaches to conservation, alteration, demolition etc.

As a result, relevant clauses in the MSS have been revised to remove redundant provisions that will now be included in the local policy or CMVHG, and to ensure that the MSS provides clear strategic policy direction for the identification, protection and conservation of heritage in Moonee Valley.

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

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- 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;
- 4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (a),(d);
- 4(1)(g) to balance present and future interests of all Victorians.

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

The amendment is expected to have positive environmental and social effects by protecting and promoting places of local heritage significance in Moonee Valley. The amendment is not expected to have any adverse environmental or economic effects.

**Does the Amendment address relevant bushfire risk?**

The amendment is not considered to impact on bushfire risk.

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

The amendment is considered to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*.

**Ministerial Direction No.9 - Metropolitan Strategy**

Direction 9 requires that Planning Scheme Amendments must have regard to the Metropolitan Strategy (*Plan Melbourne*). The proposed amendment is considered to be consistent with the relevant directions and initiatives of Plan Melbourne as discussed below.

Direction 4.7 aims to manage tensions between development and conservation and “respect our heritage as we build for the future”.

This amendment will provide Council with a clear policy framework to guide decision making to ensure that an appropriate balance is struck between conservation and development of heritage places and areas.

**How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**
The amendment is consistent with the State Planning Policy Framework, in particular Clause 15.03 (Built Environment and Heritage) and implements the policy by providing a policy framework to guide decision-making about places identified and assessed as having local heritage significance and included in the Heritage Overlay.

This amendment will directly implement the following strategies under Clause 15.03-1:

*Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*

*Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*

*Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.*

*Ensure an appropriate setting and context for heritage places is maintained or enhanced. Support adaptive reuse of heritage buildings whose use has become redundant.*

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

The amendment will assist in the implementation of Clause 21.03-2, which sets out the Vision for Built Environment in Moonee Valley and the strategic objectives for heritage in Clause 21.06-2 (Heritage). Specifically, it will implement one of the key items of strategic work identified in Clause 21.06-7, which is to ‘Develop Heritage Design Guidelines to better guide decision-making’.

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

The amendment has been prepared having regard to the VPP practices notes ‘Writing a local policy’ and ‘Writing a Municipal Strategic Statement’. The proposed changes will ensure:

- The strategic framework for heritage is contained within the Municipal Strategic Statement
- The new heritage policy will build upon the strategic policy in the MSS by guiding decision-making by helping the responsible authority and other users of the scheme to understand how the discretions allowed under the heritage overlay will be considered and exercised.

A local policy is a particularly useful tool for the heritage overlay that, unlike most other overlays, does not allow policy statements, decision guidelines, maps or permit guidelines to form part of the associated schedule. The HO schedule is limited to a list of the places and precinct that are subject to control and indicates the specific controls that may be ‘turned on’, but not ‘switched off’.

Because of this, Heritage Victoria has acknowledged the role of local heritage policies as a tool for the conservation of heritage places and precincts in planning schemes. The Advisory Committee appointed in 2007 to review Heritage provisions in planning schemes also supported the use of local policies, making the following comment:

*Local Planning Policy would continue to play a role in heritage management under planning schemes. We see it as being the vehicle for localised sets of guidelines for decisions on permits and to be used to indicate area and building gradings in those*
municipalities where that approach has been adopted. It should also be the repository for policies about the timing of demolition and replacement building approvals.

How does the Amendment address the views of any relevant agency?
The views of relevant agencies, including Heritage Victoria will be sought through the public exhibition phase to the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010? 
The amendment is not expected to 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 is not expected to result in an increase the number of planning permit applications lodged with Council for buildings and works under the heritage overlay.

Where you may inspect this Amendment
The amendment is available for public inspection, free of charge, during office hours at the following places:

Moonee Valley City Council
Civic Centre
9 Kellaway Avenue
Moonee Ponds VIC3039


Submissions
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 24 November 2016.

A submission must be sent to:
Strategic Planning Department
Moonee Valley City Council
PO Box 126
Moonee Ponds VIC 3039

Or emailed to Council@mvcc.vic.gov.au

Panel hearing dates
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:
• directions hearing: Week commencing 9 January 2017
• panel hearing: Week commencing 30 January 2017