

File: FOL/11/404
Enquiries: Lisa Dunlop

Office of the Mayor

19 December 2012

Matthew Guy MLC
Minister for Planning
Department of Planning and Community Development
Level 7, 1 Spring Street
Melbourne VIC 3003

Dear Minister,

**PROPOSED MOONEE VALLEY RACECOURSE REDEVELOPMENT –
ADVISORY COMMITTEE**

This letter and accompanying information is in response to the letter dated 6 December 2012, which advises Council that an Advisory Committee is to be set up in relation to the proposed Moonee Valley Racecourse redevelopment. As requested, Council provides the following comments on the draft Terms of Reference within two weeks of the date of the letter.

This letter and attached track changes version of the draft Terms of Reference form the formal submission by Moonee Valley City Council to the draft Terms of Reference for the Advisory Committee.

General

In general Council does not support the Advisory Committee process because we consider that there is still inadequate information in order to make an informed decision on the proposal. However, it is important that we provide comments on the draft Terms of Reference to ensure that they capture all of the issues and processes correctly.

Planning authority status

Council appreciates that the cover letter states that Council is to remain the responsible authority for the site. However, it does not explicitly state that Council is also to remain the planning authority for the site, for the purposes of the consideration of this proposal. We seek an assurance and confirmation that Council will remain the planning authority for this site.

Should the Terms of Reference still indicate that a planning scheme amendment will be considered in conjunction with the proposed master plan, it should also state who the planning authority is for the purposes of consideration of the Advisory Committee's report, and that the planning authority would make the final decision in relation to whether the amendment should be adopted.

Heritage

Council wishes to reiterate its position (as outlined in our previous letters) that the heritage matters should not form part of the consideration of a master plan for the site. Heritage should be considered independently to deciding on an outcome for the site. The heritage significance of the site should not be influenced by any proposed future development outcome for the site. Council believes that the fair, orderly and sustainable consideration for the development of the land should have no bearing on the outcomes of the heritage overlays, and that this is contrary to orderly and proper planning procedures.

In addition, in the letter dated 6 December 2012, there is an implication that Council's request for interim heritage controls have not been approved. Council would like confirmation that this is the formal response to our letter, dated 10 April 2012, where we sought interim heritage controls for the site (Amendment C126).

Planning Scheme Amendment documentation

It is considered to be premature to draft planning scheme amendment documentation, prior to a resolution of the master plan for the site. The master plan needs to inform the basis of a planning scheme amendment because:

- a) We won't know what the content of planning scheme amendment documentation should be until a master plan is resolved.
- b) The content of the master plan would inform what are the best planning tools to use in order to implement the master plan and provide guidance for the development and use of the site into the future.

The Advisory Committee should therefore only focus on the proposed master plan for the site, and then provide recommendations in their report following the hearing, and only once recommendations for the master plan are clear, for the development of planning scheme controls.

Work Council has already prepared

The Advisory Committee must consider the work that Council has prepared to date in relation to the proposed master plan. Of particular importance is Council's request to the Moonee Valley Racing Club for further information on 2 February 2012 (copy attached). This provides a comprehensive analysis and response back to the Moonee Valley Racing Club in relation to a number of issues, and outlines where further information is required in order to make an informed decision on the proposal. This documentation should form the starting point from which the Advisory Committee commences its considerations.

Amendment C100

Given that Amendment C100 (Moonee Ponds Activity Centre Zone) has not yet been approved, and the draft Terms of Reference do not specify that the Advisory Committee will be considering the Structure Plan, Council questions why the draft Terms of Reference states that the site is in the activity centre boundary. This is not yet referenced in the Moonee Valley Planning Scheme (is proposed through amendment C100).

Further information

It is imperative that the Terms of Reference outline what would happen if further information is required. As outlined in our track changes response, this should be included in Stage 1, and also in the timing. If new evidence or information is introduced, the Terms of Reference must allow adequate time for all relevant parties to review this.

Other parties

To date, Vic Roads, Department of Transport and Public Transport Victoria have been involved in several joint meetings with Council and the Moonee Valley Racing Club. All agencies have raised concerns with the information provided to-date. As such, it is important that the Advisory Committee hear their views at the start of the process, and allow them to be involved throughout the process (including reviewing any additional information).

In addition, the community group, Save Moonee Ponds, has been actively involved in the process to-date, and has been disseminating information back to the community. We would ask that the Advisory Committee meet with this group at the start of the process to get an idea of the community's concerns at an early stage. The Advisory Committee should also meet with the Moonee Ponds Central School at Stage 1 of the process, to determine whether there is any conflict in relation to the proposed development and the school's operations.

Consultation

Consultation with the community will be of vital importance throughout the process. Council considers that the information stated in the draft Terms of Reference in relation to consultation is not adequate, and needs to describe in detail the consultation that will be undertaken.

At a minimum the following should be undertaken. Council is happy to assist with providing information and in any other way that would assist DPCD in providing a fair, open and transparent process for the whole community, including but not limited to providing:

- Direct notification to residents, relevant agencies and neighbouring Councils (Council to provide the list of residents to be notified);
- Summary information to be provided to residents in relation to the process, the panel hearing and the proposal; and.
- Enough time to enable all parties to read over the information and provide an informed response (at least six weeks).
- A community forum should be held at Stage 1 of the process, to ensure that the Advisory Committee informs itself of the community's concerns and feedback.

The Advisory Committee should seek approval from Council at Stage 1 in relation to the exhibition/consultation process.

The cost of the consultation in terms of the mail out to residents should be borne by the proponent.

Developer Contributions

The population proposed for the site would likely have a significant impact on Council's services, facilities and infrastructure (in addition to impacts on infrastructure and services by other agencies such as arterial roads and public transport).

It is imperative that the Terms of Reference allow for negotiations between the proponent and Council (and any other relevant agency as required) in relation to developer contributions. If this does not occur, not only would the future community on the site have inadequate access to services and facilities, but this would also impact on the services, facilities and infrastructure provided for the existing population.

Negotiations would need to occur after a master plan has been resolved for the site, and prior to approval of any planning scheme controls for the site.

Should you require any further information in relation to our comments to the draft Terms of Reference please do not hesitate to contact Lisa Dunlop, Coordinator Strategic Planning on 9243 8865 or email ldunlop@mvcc.vic.gov.au.

Yours sincerely



Cr Narelle Sharpe
Mayor

Cc: Cathy Philo, DPCD