



City of  
**Moonee Valley**

**Development Assessment  
Panel Meeting (Public)**

Thursday, 22 March 2018 at 6.00pm

Agenda

# Development Assessment Panel Meeting

Thursday 22 March 2018 at 6.00pm  
to be held at Council Chambers, Moonee Valley Civic Centre

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## **DAP Committee:**

Petrus Barry	Manager Statutory Planning (Chair)
Leanne Wilson	Manager Technical Services
Vera Mitrovic-Misic	Coordinator Statutory Planning
Andrew Kelly	Coordinator Strategic Planning
Matt Spozio	Team Leader Statutory Planning
Terry Taleb	Team Leader Statutory Planning

## **Planners:**

Lachlan Orr	Senior Statutory Planner
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- 1. Opening and Purpose of Meeting**
- 2. Apologies**
- 3. Declarations of Conflict of Interest**
- 4. Planning Application MV/567/2016 – 2B McPherson Street Moonee Ponds**

Partial demolition, buildings and works, display of business identification signage and removal of vegetation within a Heritage Overlay (HO379) associated with a child care centre

- 5. Close Of Meeting**

**PETRUS BARRY**  
Manager Statutory Planning

## Assessment Report

4. **2B McPherson Street, Moonee Ponds (Lots 1 and 2 on TP107268X) – Partial demolition, buildings and works, external painting, display of business identification signage and removal of vegetation within a Heritage Overlay (HO379) associated with a child care centre**

<b>Planning File No.</b>	MV/567/2016
<b>Applicant</b>	David Sinclair C/- Tract Consultants Pty Ltd
<b>Owner</b>	Moonee Valley Racing Club (Incorporated)
<b>Planner</b>	Lachlan Orr
<b>Planning Scheme Controls</b>	Activity Centre Zone (Schedule 1) Heritage Overlay (Schedule 379)
<b>Planning Permit Requirement</b>	Clause 37.08-5 (Buildings and works) Clause 43.01-1 (Demolition, buildings and works, external painting, remove or lop a tree and signage) Clause 52.05-9 (Business identification signage)
<b>Car Parking Requirements</b>	Required: 20 spaces Proposed: 20 spaces
<b>Restrictive Covenants</b>	Two Section 173 Agreements relating to the Integrated Transport Plan and racecourse operation
<b>Easements</b>	None
<b>Site Area</b>	2,120 square metres (Activity area) 39.5 hectares (Entire racecourse)
<b>Number of Objections</b>	37
<b>Consultation Meeting Date</b>	8 February 2017

## Executive Summary

- The application seeks planning permission to carry out works to adapt an existing vacant building (former Club Secretary's House) within a Heritage Overlay for use as a child care centre. The building is located at the north-western corner of the overall Moonee Valley Racecourse site, and is known under the address of 2B McPherson Street, Moonee Ponds. Permission is also sought to display three business identification signs. The use of the land as a child care centre does not require a permit.
- The application was advertised and 39 objections were initially received. Two objections were subsequently withdrawn, resulting in a total of 37 at the time of this assessment. Concerns were raised primarily in relation to impacts on the heritage building and garden, appropriateness of adapting a historic building for a child care centre, traffic and car parking impacts and pedestrian safety.
- A Consultation Meeting was held on 8 February 2017, which was attended by Councillors Cusack and Marshall, objectors, the permit applicant and Council's Planning Officer. No resolution was achieved.
- On 21 December 2017, the application was amended under Section 57A of the *Planning and Environment Act 1987* (the Act) to provide the required amount of on-site car parking, and to delete the proposed vehicle exit lane onto McPherson Street. The two-way access point from Thomas Street shown on the advertised plans would be utilised for a revised car parking area to the east of the building, providing a total of 20 spaces.
- The proposal is considered to be a beneficial reuse of the existing heritage building. The contemporary additions have been sensitively designed to respect the significance of the heritage building and this has also been supported by Council's Heritage Advisor. The historic garden surrounds will be maintained through the retention of the majority of existing vegetation and garden structures. The implementation of a Tree Management Plan and Landscape Heritage Guidelines report will ensure the ongoing health of the garden is maintained.
- The proposed use has support within State and Local Policy as it provides a required service in an area with strategic support for a variety of land uses. With the recent approval of the Integrated Transport Plan for the Moonee Valley Racecourse Precinct and the revised on-site parking arrangement, the proposal would pose no unreasonable traffic or car parking impacts.
- Overall, this assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/567/2016 for partial demolition, buildings and works, external painting, display of business identification signage and removal of vegetation within a Heritage Overlay (HO379) associated with a child care centre at 2B McPherson Street, Moonee Ponds (Lots 1 and 2 on TP107268X), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The modifications to garden areas and landscaping as outlined within the Tree Management Plan prepared by Tree Logic Pty Ltd dated 26 May 2017 and the accompanying plan prepared by John Patrick Pty Ltd dated 10 July 2017;
  - b) A notation on the plans stating 'Refer to endorsed SDA, BESS and STORM reports for detailed ESD and WSUD requirements and commitments';
  - c) The dimensions of all shade sails;
  - d) A notation on the floor plans that the shade sails will be of a similar colour to the existing building;
  - e) A notation on the plans that the car spaces will be appropriately signed and line-marked in accordance with Conditions 24 and 25;
  - f) Each sign reduced to be a maximum 1.8 metres in width and 900mm in height;
  - g) The location and details of any service units, with details of any associated screening; and
  - h) Details (height and construction materials) of screening associated with the waste storage area.

When approved these plans become the endorsed plans of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, no more than 91 children may be present on the land at any time.
4. Before the development starts, a detailed photographic assessment of the building and surrounding gardens as set out under the 'Moonee Valley Racecourse Incorporated Plan – Conservation Policy and Permit Exemptions' must be undertaken and submitted to the satisfaction of the Responsible Authority.

5. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

a) Any changes required by Condition 1 of this permit.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

6. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
7. Before the development starts, the Tree Management Plan prepared by Tree Logic Pty Ltd dated 26 May 2017 must be submitted to the Responsible Authority for endorsement. The Tree Management Plan will be endorsed and will form part of this permit, and its recommendations must be implemented to the satisfaction of the Responsible Authority.
8. Before the development starts, the Landscape Heritage Guidelines report prepared by John Patrick Pty Ltd dated July 2016 must be updated in accordance with Conditions 1 and 7 of this permit, and submitted to the Responsible Authority for endorsement. The guidelines and recommendations of the report endorsed under this condition must be implemented to the satisfaction of the Responsible Authority.
9. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by SALT dated 18 July 2016. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development starts, the Sustainable Design Assessment (SDA) prepared by Sustainable Design Consultants dated September 2016, inclusive of BESS and STORM assessments, is to be submitted to the Responsible Authority for endorsement and will form part of this permit. Preliminary energy rating reports claimed within the BESS assessment must be submitted to ensure a compliant report.
11. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed

stormwater treatment measures, must be submitted for approval by the Responsible Authority.

12. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

13. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; and
  - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User Guide or a Building Maintenance Guide.

14. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
15. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
16. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

17. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
18. Noise emitted from the premises, including noise emanating from service equipment, must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
19. Except with the prior written consent of the Responsible Authority, no form of public address system may be installed or operated so as to be audible from outside the building.
20. All security alarms or similar devices installed on the building must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
21. The existing street tree within the Thomas Street road reserve must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
22. Prior to the issue of an Occupancy Permit, the concrete vehicular crossings must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

23. The loading and unloading of goods (including waste collection) from any vehicles must only be carried out within the boundaries of the land and must not be conducted before 7.00am or after 6.00pm on any day.
24. Prior to the issue of an Occupancy Permit, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
  - a) Constructed;

- b) Available for use in accordance with the endorsed plans;
- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- f) Be maintained and made available for such use; and
- g) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

- 25. Prior to the issue of an Occupancy Permit, signs must be erected in association with the staff and non-staff car parking hereby provided, allowing for the identification of the staff and non-staff car park, to the satisfaction of the Responsible Authority.
- 26. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
- 27. The location and details of the signage and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 28. The advertising signage and any related panel and any supporting structure must be constructed and maintained to the satisfaction of the Responsible Authority.
- 29. The signage authorised by this permit must not be illuminated or floodlit by internal or external light.
- 30. Flashing, intermittent or moving light must not be displayed.
- 31. The signage must not be animated in part or whole.
- 32. Bunting, streamers and festooning must not be displayed.

33. The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.
34. This permit for the advertising signage will expire fifteen (15) years after the date it is issued.
35. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- This land is located within a Heritage Overlay. Planning permission is required for any additional works to the land in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- No on street parking permits will be provided to the occupiers of the subject site.

## 1. Introduction

### 1.1 Subject Site and Surrounds

The subject site is located on the intersection of McPherson and Thomas Streets, Moonee Ponds. The site forms part of the Moonee Valley Racecourse and occupies the north-western corner of the land, with an area of approximately 2,120 square metres.

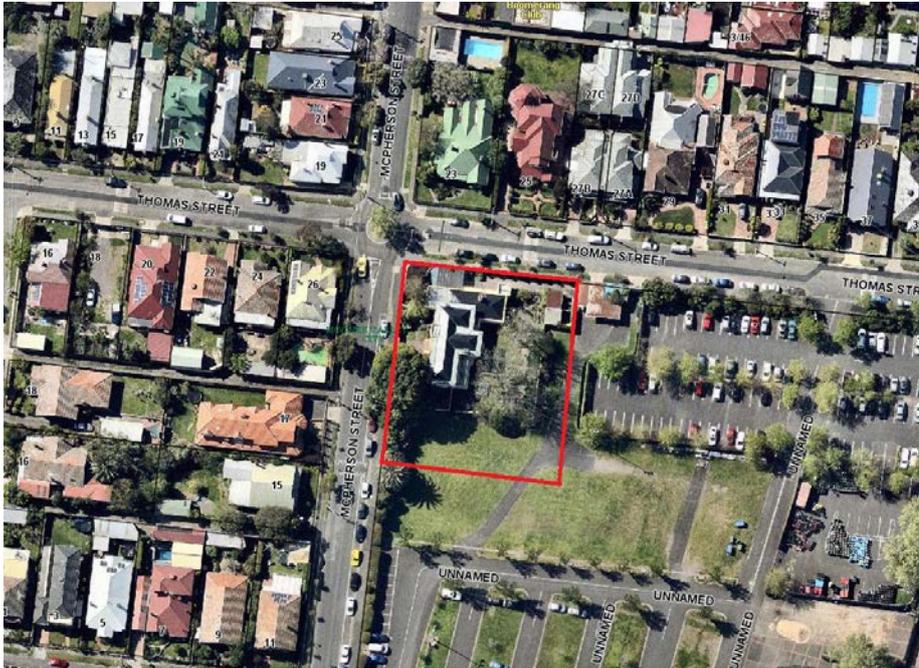


Figure 1 – Aerial of subject site and surrounding area

The subject site is occupied by a double storey brick dwelling which is currently vacant, but historically associated with the Club Secretary of the racecourse. A garden designed by Edna Walling is an important feature of the residence with ornate pathways and stonework, as well as two large trees which can be traced back to the original garden plan. The significance of this dwelling and the garden are recognised under Heritage Overlay Schedule 379.

The activity area for this application also includes land surrounding the dwelling and garden, currently occupied by trees and lawn, as well as buildings and driveways associated with the racecourse.

The site is located within Precinct 9 (Racecourse) of the Activity Centre Zone, Schedule 1 (Moonee Ponds Activity Centre). The schedule to the zone stipulates that no permit can be granted in this precinct until the Traffic Assessment and Management Plan, Integrated Transport Plan and precinct-wide Section 173 agreement are finalised, which have recently occurred. The land is also affected by a separate Section 173 Agreement which applies to the racecourse as a whole, setting out requirements for night activities of the racing club. This agreement has no bearing on the current application.

The surrounding land is within a General Residential Zone. Residential development around the subject site exhibits a relatively intact character with older dwellings being the predominant built form nearby, although some infill has occurred in surrounding streets.



Figure 2 – Subject Site (2B McPherson Street, Moonee Ponds)

## 1.2 Proposal

It is proposed to carry out works to adapt the existing building for use as a child care centre.

The proposal, as advertised, is summarised as follows:

No of children	91
Hours of operation	6:30am to 6:30pm, Monday to Friday
No of car spaces	18, inclusive of one disabled space
Buildings and works	<p>Demolition of two structures along the northern section of the building, comprising garage, laundry and outdoor sitting area.</p> <p>Construction of two new double storey wings comprising childcare rooms and associated amenities, in line with the existing wings of the dwelling.</p> <p>Construction of vehicle accessway and parking spaces around the outer walls of the dwelling, entrance and exit from Thomas Street and an exit lane to McPherson Street.</p> <p>Internal reconfigurations</p> <p>External painting</p>
Landscape and garden works	Retention of majority of vegetation including three significant trees

	Replacement of one significant tree (Weeping Lilli Pilli) with same species, and of some recently planted vegetation with appropriate species
Advertising signage	Three business identification signs, each 2.4 metres wide by 1.2 metres high (2.88 square metres) Total advertisement area of 8.64 square metres

Refer to **Appendix B** – Advertised Plans (separately circulated) and **Appendix C** - Updated landscape and garden works following submission of a Tree Management Plan (separately circulated).

On 21 December 2017, the application was amended under Section 57A of the *Planning and Environment Act 1987*. The changes are summarised as follows:

- Deletion of the proposed vehicle exit lane onto McPherson Street.
- A revised car parking area provided to the east of the building with two additional car spaces, resulting in a total of 20 on-site parking spaces in accordance with the planning scheme requirement. The revised parking area will utilise the two-way access point from Thomas Street as shown on the advertised plans.
- As a result of the above, the application removed the permission sought for a reduction to the car parking requirement.

Refer to **Appendix D** – Amended Parking Layout Plan.

## 2. Background and Application Details

### 2.1 Planning History

There are numerous historical planning applications associated with the ongoing use of the racecourse, none of which have direct relevance to this application.

### 2.2 Planning Policies and Decision Guidelines

#### State Planning Policy Framework

Clause 11 Settlement

Clause 15 Built Environment and Heritage

#### Local Planning Policy Framework

Clause 21.01 Municipal Profile

Clause 21.03 Vision

- Clause 21.04 Sustainable Environment
- Clause 21.06 Built Environment
- Clause 22.01 Heritage
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning and Overlays

- Clause 37.08 Activity Centre Zone (Schedule 1)
- Clause 43.01 Heritage Overlay (Schedule 379)

Particular and General Provisions

- Clause 52.05 Advertising Signs
- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines

**2.3 Referrals**

There were no external referrals required for this application.

Internal Referrals	Comments/Conditions
Arborist	No objection subject to conditions.
Development Engineering (Traffic)	Concern with reduction in car parking. (Resolved due to the amendment). Recommendation to provide bicycle parking on site. (Refer 3.5). Standard conditions for design.
ESD Officer	STORM complies, amended SDA and notations on plans required.
Heritage Advisor	Support provided for the proposed design.
Waste Projects Officer	No objection to Waste Management Plan.

**2.4 Public Notification of the Application**

Pursuant to Section 52 of the *Planning and Environment Act 1987*, the application was advertised by mail to adjoining and surrounding properties, with notices displayed on site for 14 days.

A total 39 objections were received during this process with two later withdrawn, resulting in a total of 37 from the properties contained within **Appendix A** of this report. The concerns raised within objections are summarised and discussed at Section 3.6 of this report.

It is noted that re-advertising of the amended plan pursuant to Section 57B of the *Planning and Environment Act 1987* was not required, as there would be no material detriment caused by the amendments made after advertising. The revised plan provides the entire on-site car parking requirement, and will remove the secondary exit lane onto McPherson Street. These changes address two concerns raised by objectors in relation to car parking and traffic flow. The changes do not involve an alteration or increase in built form which would require re-notification.

## **2.5 Consultation Meeting**

A Consultation Meeting was held on 8 February 2017, which was attended by Councillors Cusack and Marshall, the permit applicant and representatives, objectors and Council's Planning Officer. There was no resolution achieved.

## **3. Discussion**

### **3.1 Does the proposal address the relevant State and Local Planning Policies?**

The proposal is considered to comply with the relevant State and Local Planning Policies, primarily Clauses 15, 21.06 and 22.01 as they relate to built environment and heritage. These clauses encourage contemporary development which appropriately responds to its location and context, and positively contribute to local urban character. Policy objectives for heritage seek to conserve places of heritage significance, and encourage their protection and enhancement through appropriate design and development. There is specific encouragement for the adaptive reuse of heritage buildings whose use has become redundant at Clause 15.03-1.

The proposal generally complies with the environmental sustainable design principles within Clauses 21.04-3 and 22.03 through the submission of a Sustainable Design Assessment (SDA) which includes both BESS and STORM assessments. Minor amendments are required to the submitted SDA, along with additional notations required on the plans.

The proposal also accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimization. The Waste Management Plan submitted with the application was assessed as being acceptable, and will be endorsed by condition of any permit issued.

### **3.2 Does the proposal comply with the decision guidelines and precinct objectives of the Activity Centre Zone?**

The proposal is considered to meet the relevant decision guidelines at Clause 37.08-9, as well as those under Clause 8.0 of Schedule 1 to the Activity Centre Zone.

As noted under Section 1.1 of this report, no permit can be granted for any use, development or subdivision within Precinct 9 until an Integrated Transport Plan and precinct-wide Section 173 agreement are finalised. As these threshold requirements have been fulfilled, a permit can now be granted for this proposal.

There are also a number of applications listed at Clause 6.0 of the schedule to the zone which are specific to Precinct 9, for which Council has discretion to require these as appropriate to any application in the precinct. The majority of these requirements are high level requirements designed to coordinate the development of the racecourse precinct as a whole, and are not considered to be appropriate to this particular application given its relatively minor role within this future development. Each application requirement is discussed in the following table:

Requirement	Comments
Written statement against the MPAC structure plan	Provided.
Staging Plan	Not appropriate to this particular application, but will be required for any future application relating to the larger redevelopment of the precinct.
Transport Assessment and Management Plan	As above (Noting a satisfactory Traffic Impact Assessment was provided with the application).
Integrated Transport Plan	As above.
Serviced Engineering Infrastructure Plan	As above.
Environmental Sustainable Design Plan	As above (Noting a satisfactory Sustainable Design Assessment was provided with the application).
Stormwater and Drainage Plan	As above (Noting standard drainage conditions will apply to any permit issued).
Heritage Impact Statement	Provided.
Construction Management Plan	Will be required as a condition of permit.

The proposal is consistent with the objectives of Precinct 9, primarily through the retention and enhancement of the heritage building at this corner of the racecourse precinct. This will secure a buffer between the larger built form projected to the east, and the lower scale residential land around the intersection of McPherson and Thomas Streets. The proposed works are modest in scale and complementary to the existing building, allowing the original building to remain the prominent element viewed from the public realm. This will maintain a respectful interface between the site and surrounding residential land. It is noted that the maximum height of the proposed works are within the maximum mandatory height of 11 metres for Sub-Precinct 9C.

The adaptation of the vacant dwelling into a child care centre will also achieve the objective of facilitating a land use mix and increased employment opportunities to enhance the role and function of the precinct and activity centre as a whole.

The built form and landscape implications are discussed against the decision guidelines of the Heritage Overlay below.

### **3.3 Does the proposal comply with the purpose and decision guidelines of the Heritage Overlay?**

The proposal is considered to meet the decision guidelines at Clause 43.01-4 as follows:

- The proposal has been designed to fortify the ongoing significance and appearance of the heritage place. The design and layout of the additions and works have carefully considered both the architecturally significant built form and the historical garden surrounds.
- The proposal has properly considered the statement of significance contained within the heritage study for this schedule to the overlay, with a suitably qualified heritage architect appointed to design the additions and to undertake a thorough written assessment of the site and proposal.
- The location, scale and appearance of the proposed works are appropriate and will enhance the significance of the heritage place. The design of the new wings to the building are contemporary yet recessive, at a scale which will be subservient to the retained heritage dwelling.

The siting and massing of the additions strongly respond to the physical characteristics of the site and the existing built form, keeping a height below the eaves of the existing building and maintaining setbacks from both street frontages. The selection of external materials and design detailing achieve a respectful and visually engaging building form.

The design strikes the desired balance between integrating and distinguishing itself from the historical building fabric, and makes a positive contribution to the public realm.

- The extent of demolition is appropriate, and leaves the primary areas of the existing dwelling intact. The removal of the garage, north-eastern ground floor section and some window and door openings will not have a detrimental impact on the appearance and significance of the heritage building. A condition of permit will require the submission of a detailed photographic study of the existing conditions of the site before works commence, as set out under the relevant incorporated plan for HO379 'Moonee Valley Racecourse Incorporated Plan – Conservation Policy and Permit Exemptions'.
- The significance of the heritage place is largely due to its intact garden surrounds, designed by the famous 20<sup>th</sup> century landscape designer Edna Walling. The proposal has been designed to ensure the layout and ongoing health of the garden will be protected, consulting the original garden plans as part of both the submitted

building and landscape plans. The proposal will retain three originally planted mature trees on the site, as well as significant internal walls, pathways and gates. All new parking areas and accessways are located outside the perimeter of the heritage garden.

Vegetation to be removed is mainly confined to the replacement of one significant tree which is in poor condition as outlined within the submitted Tree Management Plan. This has been assessed by Council's Arborist and is considered acceptable. A Landscape Heritage Guidelines report was also submitted with the application which sets out guidelines and recommendations for the ongoing protection and maintenance of the historic garden, which will be enforced through conditions of any permit issued.

- Subject to a change discussed in the following section, the location and design of the proposed signage is appropriate and will not adversely affect the appearance of the heritage place. Each sign is located remotely from the others, and is of an appropriate size so as not to detract from the appearance of the building.
- It is noted that Council's Heritage Advisor provided support for each aspect of the proposal as described above.

### **3.4 Is the proposed signage appropriate?**

The display of business identification signage in this precinct requires a permit pursuant to Clause 52.05-9 (Category 3 – High Amenity Areas), pursuant to Clause 9.0 of Schedule 1 to the Activity Centre Zone. The purpose of this category is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Having regard to the decision guidelines of Clause 52.05, the proposed signage has been designed to provide clear and simple identification for the proposed child care centre that does not result in a visual clutter for the site and surrounds. The location and design of the signage at three separate and discrete locations around the building is appropriate and will have an ancillary presence within the site, ensuring it will not detrimentally affect the residential character of the surrounding area. However, it is considered that the size of each sign, at 2.4 metres wide by 1.2 metres high, is excessive within the residential context. A condition of permit will require the signs are reduced to have a maximum height of 900mm and maximum width of 1.8 metres, which will maintain the ratio of the proposed sign and achieve a more respectful presentation to each street.

### **3.5 Is the provision and design of car parking acceptable?**

The proposal provides car parking as set out in the table below:

	<b>Requires</b>	<b>Provides</b>
Child care centre with 91 places	20	20

The proposal originally sought a reduction of two parking spaces. However, with the amendments made under Section 57A, the proposal now fully satisfies the requirement for on-site car parking.

The design of the accessway to Thomas Street and the revised car parking area complies with Clause 52.06-9, with compliant car space and accessway dimensions (including one disabled space) and pedestrian visibility splays provided where necessary.

The concerns and recommendations made by Council’s Development Engineering (Traffic) are generally addressed within the revised plan. A recommendation to provide bicycle spaces on site is noted, but is not considered appropriate in this instance given the absence of any statutory requirement to provide such facilities.

### 3.6 Objections (Discussion)

The following table provides a discussion of the concerns raised within the objections to the application:

Issue	Officer Response
Impact of buildings and works on the heritage building and garden	This is considered to be acceptable as discussed under Section 3.3.
Appropriateness of adapting a historic building for a child care centre	It is considered appropriate to utilise the existing building as a child care centre, noting policy support for the adaptive reuse of heritage buildings where their previous use has become redundant. The long-term health of the historic garden will be protected by conditions incorporating the Tree Management Plan and Landscape Heritage Guidelines submitted with the application.
Traffic and parking impacts Pedestrian safety	As discussed throughout this report, the proposal has been amended to provide all required on-site car parking and the design standards of Clause 52.06-9 continue to be met.  In light of this, the proposal is not considered to pose any unreasonable impact on safe operation of the road network (including footpaths).
Inappropriate land use, impact on residential properties	The use of the land for a child care centre has policy support at both state and local level, and the scale of the proposed use is appropriate to its residential context as discussed throughout this report. The impact of the proposal on residential land is not unreasonable, and will be suitably managed through conditions of permit.

Proximity of a child care centre near a gaming venue	There is no evidence to suggest the proximity of the child care centre, or any other nearby use, to the racecourse would cause any detrimental impacts. The objectives for the Racecourse Precinct encourage a variety of different uses in this location, to achieve the long term roles and functions for the Moonee Ponds Activity Centre.
Integrated Transport Plan not finalised	This has been resolved as discussed above.

#### 4. Human Rights

The Application process and decision making is in line with the *Victorian Charter of Human Rights and Responsibilities 2006 (Section 18 – Taking part in public life)*.

#### 5. Conclusion

The application has been assessed against the relevant provisions of the State Planning Policy Framework, Local Planning Policy Framework, zoning and overlay controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme.

Consideration has also been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received. It is determined that the proposal would not have a significant social effect.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit in accordance with the conditions contained within the recommendation section above.

**APPENDIX A – Location of Objectors**

**MV/567/2016 – 2B McPherson Street, Moonee Ponds**

26 Ngarveno Street, MOONEE PONDS VIC 3039
7 Kenna Street, MOONEE PONDS VIC 3039
9 Kenna Street, MOONEE PONDS VIC 3039
52 Dean Street, MOONEE PONDS VIC 3039
35 Williamson Avenue, STRATHMORE VIC 3041
19 Capulet Street, MOONEE PONDS VIC 3039
95 McPherson Street, ESSENDON VIC 3040
11 King Street, ESSENDON VIC 3040
61 McPherson Street, MOONEE PONDS VIC 3039
17 McPherson Street, MOONEE PONDS VIC 3039
16 Kipling Street, MOONEE PONDS VIC 3039
19 McPherson Street, MOONEE PONDS VIC 3039
10 Mascoma Street, ASCOT VALE VIC 3032
77 Wilson Street, MOONEE PONDS VIC 3039
21 McPherson Street, MOONEE PONDS VIC 3039
23 McPherson Street, MOONEE PONDS VIC 3039
PO Box 408, MOONEE PONDS VIC 3039
90 Bent Street, MOONEE PONDS VIC 3039
2/41 York Street, AIRPORT WEST VIC 3042
51 Wordsworth Street, MOONEE PONDS VIC 3039
26 Thomas Street, MOONEE PONDS VIC 3039
8 Vine Street, MOONEE PONDS VIC 3039
1 Sydenham Street, MOONEE PONDS VIC 3039
PO Box 605, MOONEE PONDS VIC 3039

3 Kenna Street, MOONEE PONDS VIC 3039 <b>(x2)</b>
6 Kenna Street, MOONEE PONDS VIC 3039 <b>(x2)</b>
12 Capulet Street, MOONEE PONDS VIC 3039 <b>(x2)</b>
8 Kenna Street, MOONEE PONDS VIC 3039
51 Nimmo Street, ESSENDON VIC 3040 <b>(x2)</b>
28 Salisbury Street, MOONEE PONDS VIC 3039
18 Wigton Street, ASCOT VALE VIC 3032
82 Vine Street, MOONEE PONDS VIC 3039 <b>(x2)</b>