

**Moonee Valley Planning Scheme Amendment C209moon:
Panel and Advisory Committee
Lowther Hall Anglican Grammar School**

Report

Planning and Environment Act 1987

10 August 2021

Planning and Environment Act 1987

Report pursuant to section 25 and section 151 of the Act

Moonee Valley Planning Scheme Amendment C209moon: Panel and Advisory Committee

10 August 2021



Kathy Mitchell AM, Chair



Peter Edwards, Member

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Glossary and abbreviations

Council	Moonee Valley City Council
GTP	Green Travel Plan
Master Plan	<i>Lowther Hall Master Plan 2017-2027</i>
PAC	Panel and Advisory Committee
PE Act	<i>Planning and Environment Act 1987</i>
PEGS	Penleigh and Essendon Grammar School
the School	Lowther Hall Anglican Grammar School
VCAT	Victorian Civil and Administrative Tribunal

Overview

Summary

The Amendment	Moonee Valley Planning Scheme Amendment C209moon: Panel and Advisory Committee C209moon
Common name	Lowther Hall Anglican Grammar School
Brief description	The Amendment proposes to replace existing Incorporated Plan Overlay Schedule 6 with Development Plan Overlay Schedule 9 to implement the Lowther Hall Master Plan
Subject land	Lowther Hall Anglican Grammar School at 17-29 Leslie Road, and 8 and 18 - 22 Sherbourne Street, Essendon
The Proponent	Lowther Hall Anglican Grammar School
Planning Authority	Moonee Valley City Council
Authorisation	2 June 2020
Exhibition	3 September to 9 October 2020
Submissions	Number of Submissions: 101 96 were supportive, 2 supported the Amendment with changes and 3 did not support the proposal

Process

The Panel/Advisory Committee	Kathy Mitchell (Chair) and Peter Edwards
Panel appointed	6 April 2021 under delegation from the Minister for Planning
Advisory Committee appointed	20 May 2021 by the Minister for Planning
Directions Hearing	By video conference on 30 April 2021
Hearings	24 May and 13 and 14 July in person and 15 July 2021 by video - conference
Site inspections	Accompanied, 12 May 2021
Parties to the Hearing	See Appendix A
Citation	Moonee Valley PSA C209moon [2021] PPV
Date of this report	10 August 2021

Summary

Moonee Valley Planning Scheme Amendment C209moon seeks to apply Development Plan Overlay Schedule 9 to Lowther Hall Anglican Grammar School land at Leslie Road and Sherbourne Street, Essendon to facilitate its ongoing development.

An updated Master Plan was exhibited with the Amendment which, when implemented, proposes to guide development of the School over the next 10 years. The Master Plan is not technically part of the Amendment.

To enable the Master Plan to be considered, a Panel and Advisory Committee was appointed to consider both the Amendment and the Master Plan to ensure that the submissions made about the content of the Master Plan could be appropriately considered and addressed.

While 101 submissions were received, 96 were generally in support and endorsed the Amendment and the Master Plan. The following issues were raised by submitters who partially or did not support the proposal:

- traffic and access, parking
- increase in student numbers
- after hours activities
- potential noise impacts
- heritage.

The Council supported the Amendment and the Master Plan. The issues discussed at the Hearing through additional submissions and evidence related to:

- detail about the form and content of the Development Plan Overlay and Master Plan
- traffic and access
- on and off site parking
- Green Travel Plan, which forms part of the Traffic and Transport Strategy.

The Panel and Advisory Committee supports the use of the Development Plan Overlay to implement the School Master Plan for the benefit of current and future students in a timely manner over the next ten years, while minimising adverse impacts on residential amenity of nearby neighbours.

The Panel and Advisory Committee considers all issues can be satisfactorily resolved and it supports the Amendment, subject to the recommendations noted.

Recommendations

Based on the reasons set out in this Report, the Panel and Advisory Committee recommend that Amendment C209moon to the Moonee Valley Planning Scheme and the Lowther Hall Master Plan (2021 – 2031) be adopted, subject to the following:

- 1. Adopt the amended Schedule 9 to the Development Plan Overlay (as provided by Ms Jordan in evidence), in Appendix D, subject to:**
 - a) amending the sixth last dot point in Clause 4.0 to read “By 2031, the maximum number of students to be accommodated on the site is 900”**
 - b) replacing the sixth dot point of Clause 4.0 with “By the final stage of development, there should be in the range of 110 to 120 on-site car parking spaces”**

2. **Replace the exhibited Lowther Hall Master Plan (2017 – 2027) with the (2021 – 2031) version (Document 13), subject to:**
 - a) including a table of contents and key numbered headings, including headings for distinct sections such as Background, the Master Plan and appendices
 - b) including ‘School Mission, Vision, Values and Strategic Direction’ on page 3, and ‘Changing Educational Needs for Girls’ on page 13 as appendices
 - c) placing the Landscape Masterplan noted as Figure 9 on page 16 after the Master Plan (also noted as Figure 9) on page 18 and renumbering the plans accordingly
 - d) orientating all north points for all maps and plans in a consistent manner.
 - e) removing all references and notations to leasing of car parking off-site.

3. **Amend the Green Travel Plan to:**
 - a) reword the second paragraph of *6.1 Target* to read:

“This would mean the percentage of single passenger (for students) and single driver (for staff) car trips drops by 10%. All other modes would collectively rise to replace the reduced single passenger/driver trips.”
 - b) update ‘Chapter 6 - Action Plan’ to incorporate paragraphs 2, 4, 5, and 6 of ‘Methodology’ and paragraphs 2, 3, 4 and 5 of ‘Timeframe’ as additional actions.

1 Introduction

1.1 The Amendment

(i) The Amendment

The purpose of the Amendment is to replace an existing Incorporated Plan Overlay with a Development Plan Overlay.

Specifically, the Amendment proposes to:

- amend Map 12IPO to remove the Incorporated Plan Overlay Schedule 6 from the site
- insert new Map 12DPO to apply the Development Plan Overlay Schedule 9 to the site
- amend Schedule 6 to Clause 43.03 Incorporated Plan Overlay to delete reference to Lowther Hall Anglican Grammar School (the School) and retain reference to Penleigh and Essendon Grammar School (PEGS) only
- insert a new Schedule 9 “*Lowther Hall School Master Plan*” (the Master Plan) to Clause 43.04 Development Plan Overlay
- amend Clause 72.03 to include reference to Map 12 Development Plan Overlay
- amend Clause 72.04 to delete Incorporated Plan *Lowther Hall Anglican Grammar School Master Plan 1998-2008*.

Moonee Valley City Council (Council) is the Planning Authority for the Amendment. The Proponent is Lowther Hall Anglican Grammar School.

The Amendment was authorised by the Department of Land, Water, Environment and Planning on 2 June 2020. The Letter of Authorisation (Document 22) provided three conditions relating to modification of the Development Plan Overlay and mapping, as well as notification to Heritage Victoria, which Council advised it complied with.

The Amendment was on public exhibition from 3 September to 9 October 2020, from which 101 submissions were received, most of which were in support of the Amendment.

The *Lowther Hall Master Plan 2017-2027* (the Master Plan) was exhibited concurrently with the Amendment to enable the community the opportunity to understand the content of the Master Plan. Council sought the Minister for Planning to appoint an Advisory Committee under section 151 of the *Planning and Environment Act* (PE Act) to complement the Panel and enable the content of the Master Plan be considered (which it could not be, as while it was exhibited with the Amendment, it did not form part of the Amendment).

The Development Plan Overlay provides that once a Master Plan (or Development Plan) is prepared and approved to the satisfaction of the Responsible Authority, a permit application is exempt from the relevant notice, decision and review requirements and rights of the PE Act, if it is generally in accordance with the Master Plan.

The Traffic and Transport Strategy, which included a Green Travel Plan (GTP), was prepared and exhibited as part of the Master Plan.

The extent of the proposed Development Plan Overlay is shown over the entire School site as Figure 1:

Figure 1 Proposed Development Plan Overlay



Source: Moonee Valley City Council Submission, Document 7

(ii) The subject land and surrounds

The Amendment applies to the School on land known as 17 - 29 Leslie Road, and 8 and 18 - 22 Sherbourne Street, Essendon. The land is irregular in shape and is made up of five separate allotments which have been acquired and developed over time.

As would be expected for a school, the site comprises various buildings (eight in total), areas of open and play space and car parking. One of these buildings is the historic ‘Mansion’ or Earlsbrae Hall, which was built in 1890 and which now houses administration and music classes.

The School currently has an enrolment cap of 800 students, which is imposed on the land by an existing section 173 agreement pursuant to the PE Act.

The School is one of 13 secondary campuses in the municipality and is located in close proximity to St Columba’s College and PEGS. The immediate and surrounding streets experience high volumes of pedestrian and car movement for drop-off and pick-up times and during peak commute times.

The School has good public transport access, being within walking distance to the Essendon Railway Station, tram line and bus routes. Further, the Essendon Neighbourhood Activity Centre is within walking distance from the campus.

(iii) Hearings and inspections

The Panel held a Directions Hearing on Friday 30 April 2021. At the Directions Hearing, the Panel advised the Minister for Planning had not appointed the same Panel as an Advisory Committee. It further advised it would undertake accompanied and unaccompanied inspections of the subject land and its surrounds on Wednesday 12 May 2021.

The Panel visited the School and its surrounds unaccompanied before school hours. It observed traffic from all surrounding streets during the school drop-off period prior, including the area near the Essendon Railway Station.

The accompanied inspection of the School included Council and the Proponent's representatives. The grounds and various buildings were inspected, including internal spaces. The School's representative provided an overview of the various development proposals for each relevant building and for the outdoor areas during that time.

The Panel originally set the Hearings for 24 and 25 May 2021.

On 20 May 2021, the Minister for Planning appointed the Panel members as an Advisory Committee and issued Terms of Reference to that effect (Appendix B). The Panel and Advisory Committee (PAC) then advised the parties of this appointment on 21 May 2021 and provided a copy of its Terms of Reference.

The Terms of Reference notes the purpose of the Advisory Committee is to advise on the planning merits of the *Lowther Hall Master Plan 2017 – 2027*. The Advisory Committee is to consider:

- all relevant documents submitted with the Amendment and the Master Plan
- the objectives and/or relevant provisions of the PE Act, Plan Melbourne, Moonee Valley Planning Scheme and the Amendment
- all relevant submissions.

The Advisory Committee is to produce a written report for the Minister for Planning and Council that provides:

- an assessment of the planning merits of the Master Plan
- an evaluation of the traffic engineering assessment and its methodology
- an assessment of submissions and other relevant matters raised at the Hearing
- a list of persons who made submissions (Appendix A) and those consulted or heard.

On Day 1 of the Panel Hearing on 24 May 2021, both Council and the Proponent requested the matter be adjourned to enable the submitters to be advised of the updated appointment, and to invite submitters to be heard as part of the Advisory Committee component. The PAC supported that adjournment. One submitter sought to be heard (the submitter later advised his issues had been addressed by Council and no longer sought to appear).

The Hearing was then held over three days, these being 13, 14 and 15 July 2021. The original Day 1 and the revised first two days were held in person at Planning Panels Victoria. The final day was held by video conference.

This report is provided concurrently to the Minister for Planning and Council. As the report relates to a Planning Scheme Amendment, the report is required to be released publicly within ten business days of its submission.

1.2 Issues raised in submissions

Council advised that of the 101 submissions, 96 supported the Amendment for the following reasons:

- it will result in enhanced facilities and significant improvements for the benefit of students
- the Master Plan will provide certainty to the local community about the future plans for the School, it will result in benefits for the students and the community and will provide for efficient use of land
- the increase of students from 800 to 900 over time will not unreasonably impact on local amenity
- there would be more on-site staff car parking
- implementation of the Master Plan will result in less travel for physical activity and reduce overall traffic as students will not have to travel as much for sporting activities
- the proposed developments provided for in the Master Plan will be in keeping with the character of the School and its buildings.

Two submissions supported the Amendment subject to changes. The first of these related to implementation of dedicated on-site pick-up and drop-off zones to reduce parking demand on local streets, and that one of the car parks on-site be used for this purpose.

The second submission was from Heritage Victoria who considered the Master Plan should provide stronger emphasis to ensure there is no built form within close proximity to Earlsbrae Hall (shown in Figure 2) and that its view lines are maintained. Heritage Victoria further recommended a Conservation Management Plan be prepared and implemented to help guide changes in relation to works on the Hall and within the curtilage of the land surrounding it.

Figure 2 Lowther Hall School Grounds



Source: Revised Lowther Hall Master Plan (24 June 2021), Document 12

Three submissions objected to the Amendment for the following reasons:

- unacceptable impacts on the surrounding residential area
- increased noise on weekend and after hours due to increased activity
- increased traffic and pedestrian movements
- compliance with student numbers
- reduction in land value

- overcrowding of the land.

The PAC has considered all written submissions made in response to the exhibition of the Amendment and the Master Plan, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

This report deals with the key issues under the following headings:

- Planning context
- The Master Plan
- Traffic and parking.

2 Planning context

2.1 Planning policy framework

Council, Ms Jordan and the Planning Scheme Amendment Request report (Debra Butcher Consulting Pty Ltd) all provided detailed summaries of the relevant State and local planning framework for the Amendment. All endorsed applying the Development Plan Overlay to the site and advised the Amendment is supported by the Planning Policy Framework.

A brief summary of the relevant State and local policy imperatives is as follows:

(i) Planning policy framework

Clause 11 (Settlement)

- Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

Clause 15 (Built environment and heritage)

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.
- Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Clause 18 (Transport)

- Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Clause 19 (Infrastructure)

- Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.
- Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

(ii) Local planning policies

The Local Planning Policy Framework of the Moonee Valley Planning Scheme is now fully integrated into the Planning Policy Framework through a translation process. The Amendment supports the following local planning policies:

- **Clause 13.07-1L** (Discretionary uses in residential zones) applies to applications to use or develop land in a residential zone for Section 2 uses and identifies a series of guidelines for such development particularly in relation to land uses such as hotels, convenience

stores and petrol stations. Built form is addressed by encouraging sensitively designed buildings that are appropriate in the context of the scale of residential areas.

- **Clause 15.01-1L** seeks to provide built form that integrates well with the public realm including through active frontages, minimising loss of solar access and designing buildings to have a human scale at the street edge.
- **Clause 15.03-1L** applies to all land affected by the Heritage Overlay and, amongst a range of strategies seeks to maintain the distinctive historic character and visual cohesion of streetscapes within heritage precincts.
- **Clause 18.02-4L** seeks to encourage use of development proposing limited or no on-site car parking to locate in areas proximate to public transport.
- **Clause 19.02-2L** includes an objective *“to encourage master planning for educational institutions and minimise impacts on the amenity of local residential areas”*.

(iii) Plan Melbourne

Plan Melbourne 2017 - 2050 sets out strategic directions to guide Melbourne’s development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Relevant directions and policy for the School include:

- **Direction 3.3:** improving local travel opportunities to support a 20 minute neighbourhood
- **Policy 3.3.1:** creating pedestrian friendly neighbourhoods with high permeability
- **Policy 3.3.4:** locating schools near existing public transport to provide safe and accessible options for travel
- **Direction 5.3:** delivering social infrastructure, including schools to support local communities
- **Policy 5.3.2:** creating education precincts to support neighbourhoods.

(iv) Municipal Planning Strategy

Council submitted the Amendment supports the following clauses of the Municipal Planning Strategy:

- **Clause 02.02 Vision** seeks to achieve a fair, thriving, connected, green and beautiful city.
- **Clause 02.03 Strategic Direction** recognises there will be significant population growth in Essendon in the future to 2024, where educational facilities will be needed for the existing and future population.
- **Clause 02.3-4 Built Environment and heritage** identifies the highly consistent and valued neighbourhood character of the City’s residential neighbourhoods and identifies Council’s commitment to improving sustainability of the built environment as well the need to protect places of heritage significance.
- **Clause 02.03-8** relates to infrastructure and includes discussion about major educational uses.

- **Clause 02.04 Strategic Framework Plans** includes the Essendon Neighbourhood Implementation Plan which includes Lowther Hall within its boundary and suggests cycling routes to the School campus.

2.2 Planning scheme provisions

(i) Zones

The land is zoned General Residential Zone Schedule 1 (Figure 3), the purposes of which are:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Figure 3 Zones



(ii) Overlays

Part of the land is subject to the Heritage Overlay HO7 and HO60 (Figure 4). The whole of the land is subject to the Incorporated Plan Overlay Schedule 6 and a small portion of the land is subject to the Environmental Significance Overlay Schedule 2.

The purposes of the Heritage Overlay are:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Figure 4 Heritage Overlay



Source: Revised Lowther Hall Master Plan (24 June 2021), Document 12

The purposes of the Incorporated Plan Overlay are:

- To identify areas which require:
 - The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.
 - A planning scheme amendment before the incorporated plan can be changed.
- To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

A small part of the site is affected by Environmental Significance Overlay Schedule 2 in relation to a significant tree, where it is understood that no new works are proposed in that part of the site.

(iii) Particular and other provisions

Development of the site must have regard to the following particular and other provisions:

- **Clause 52.06:** car parking
- **Clause 52.54:** bicycle parking
- **Clause 71:** operation of the Planning Scheme
- **Clause 74.01:** application of zones, overlay and provisions, and in particular the use of the Development Plan Overlay to ensure the preparation of master plans for major educational uses.

2.3 Discussion and conclusion

The PAC has reviewed the planning context for the Amendment and concludes it is strategically supported by State and local policy. The Amendment will encourage the continued consolidation of an educational use in an existing urban area that services the local and broader community of Essendon and surrounds with good access to public transport. Schools are dynamic and their needs change over time where new and updated facilities are required to satisfy changing educational trends and parental expectations. As Council noted:

As the population increases in Melbourne, the pressure will increase on institutional uses (including schools) to service the growing populations needs. The buildings and works proposed by the 2017 Master Plan, which will also envisage and seek to facilitate an increase in student numbers, responds to this increased need. In addition, the provision of indoor and outdoor sports facilities on the existing Land as

identified in the 2017 Master Plan will reduce the need for students to be bussed off-site for sporting and other recreational purposes¹.

The use of the Development Plan Overlay with an updated Master Plan is appropriate to guide the ongoing development of the School for the next ten years.

¹ Document 7, para 88

3 The Master Plan

3.1 Background and issues

Currently, the School's 1998 Master Plan is an Incorporated Document through the provisions of the Incorporated Plan Overlay.

The Master Plan has been reviewed and updated, and while dated 2017 – 2027, its inclusion in the Development Plan Overlay as part of the Amendment was not ready for exhibition until mid-2020. Rather than the Master Plan remain as an Incorporated Document, both Council and the Proponent support it being introduced as a Development Plan through the provisions of the Development Plan Overlay to guide the future use and development of the land (initially to 2027).

At the original Day 1 of the Hearing on 24 May 2021, while the PAC agreed to adjourn the Hearing, it verbalised a number of concerns it had with the exhibited Master Plan. The PAC asked the parties if they would like those issues in writing, both the Council and the Proponent declined. In summary, the key issues of concern related to:

- the date of the Master Plan (2017 – 2027) given it was being considered in 2021
- some of the photographs, particularly of children in sports uniforms
- incoherent and small plans with no legend (for example Figures 3 and 5)
- lack of maps showing the applicable zones and overlays, and the locational context of the two nearby schools
- necessity for some sections, including the development history, the 1998 Plan and 'mechanisms for implementation'
- too much information in some sections, including 'changing educational needs for girls'
- that the actual Master Plan was towards the end of the document.

The Proponent used the time between the original and new Day 1 to revise aspects of the Master Plan and resubmitted it as Documents 12 (clean copy) and 13 (marked up version).

The revised Master Plan is shown as Figure 5.

Figure 5 Revised Lowther Hall Master Plan



Source: Revised Lowther Hall Master Plan (24 June 2021), Document 12

The key issues to resolve are:

- role of the Master Plan
- content of the Master Plan.

3.2 Role of the Master Plan

(i) Submissions and evidence

Council supported the preparation of the Master Plan and its inclusion in the Development Plan Overlay. It submitted the Master Plan is intended to provided clarity and certainty for the School and local community regarding future intended outcomes, particularly as permit applications will be exempt from third party notice and review. Council submitted the Master Plan needed to be clear and unambiguous.

Council submitted the Master Plan could be further improved by a number of additional changes to those raised by the PAC, including:

- relocating the Master Plan ‘plan’ even closer to the front of the document
- reducing the extent of background detail
- using consistent orientation of maps and plans, and improving clarity of some plans

- detailing the location and number of bicycle and car parking, accessible carparking, arrangements for end of trip facilities and consistency of the timing of this with the Staging Plans
- other wording issues².

The Proponent made brief written and verbal submissions in support of the Amendment and the Master Plan. It submitted “... *the Master Plan is a comprehensive document that fully considers and addresses relevant matters and is, subject to relatively minor refinements, in a form that is acceptable*”³.

The Proponent called planning evidence from Ms Jordan to support its submissions. She supported the Amendment and the Master Plan through her initial evidence (Document 5) and then supplementary evidence in response to the appointment of the Advisory Committee and the issues raised by the PAC on the initial Day 1 (Document 19).

Her evidence was comprehensive and provided the PAC with an excellent understanding of the School site and its built form and landscape context, as well as that of the surrounding neighbourhood. Like Council, Ms Jordan provided a detailed overview of the planning framework for the site and surrounds, and her opinion was consistent with the Council analysis. There were no high level planning matters in dispute in this regard.

Ms Jordan considered the Amendment was strategically justified and concluded:

There is clear strategic justification for the application of the Development Plan Overlay to replace the existing Incorporated Plan Overlay in the manner proposed. I consider the school’s ongoing commitment to master planning for the campus, articulating the future development plans for the next 10 – 15 years is well supported by the Planning Policy Framework of the MVPS relating to management of major educational institutions⁴.

In applying the Development Plan Overlay to implement the Master Plan, Ms Jordan’s evidence was that it was appropriately based on the guidance provided by Planning Practice Note 23 (Applying the Incorporated and Development Plan Overlays), noting that the previous Master Plan was an Incorporated Plan subject to the Incorporated Plan Overlay. In assessing the practicalities and differences between the two, Ms Jordan concluded:

In my view the exhibited DPO9 promotes the consideration of the school land as a consolidated site, both in terms of land use activities and built form to support the school operation. It is the most appropriate planning tool for an education centre such as Lowther Hall Anglican Grammar, providing a degree of flexibility that will allow a development plan to be updated if required in the future, but ensuring the parameters for future growth and development are well defined and in a manner that can be readily understood by the surrounding community⁵. (Ms Jordan’s underlining)

Ms Jordan made recommendations in her evidence statement at paragraph 81 that related to improving the Development Plan Overlay through:

- updating various objectives and requirements to acknowledge future use and development respond to the residential context of the School, landscape and other wording issues

² Document 20

³ Document 6, para 24

⁴ Document 19, para 95

⁵ Document 5, para 76

- including landscape works as a requirement before a permit is granted
- deleting the total number of car parks and the last dot point to Clause 4.0 in the schedule to the Development Plan Overlay:
 - a minimum of 114 car spaces provided on site
 - an outline of how the views of surrounding landowners and occupiers, as well as the view of any relevant agencies, have been incorporated into the Development Plan.

Council supported all recommendations apart from the two requirements Ms Jordan proposed to be deleted from Clause 4.0.

Ms Jordan spoke to the Clause 4.0 matters further through her supplementary evidence and at the Hearing.

In response to the submission from Heritage Victoria, Ms Jordan considered the Development Plan Overlay could be further amended to ensure existing site conditions identify the Earlsbrae building and its curtilage and the inclusion of an additional requirement that “... summarises the approach to any works that are within the registered area of Earlsbrae Hall and built form contained within HO60, and how these works will respect the defined heritage values”⁶. Council supported that inclusion.

Ms Jordan provided a marked up version of the Development Plan Overlay schedule, which the PAC used as its base document (Appendix D). The Proponent supported the changes as recommended by Ms Jordan and noted there was no need for duplication in terms of specifying student numbers in the Master Plan, the Development Plan Overlay and a section 173 agreement.

(ii) Discussion

The PAC agrees with Council, the Proponent and Ms Jordan that the Master Plan needs to be in a form that provides a high degree of certainty for the ongoing development of the School. It is of note that the Master Plan is to be included as part of the Development Plan Overlay, not the Incorporated Plan Overlay. To not be subject to notice and review rights, any permit application must generally be in accordance with the Master Plan.

Planning Practice Note 23 notes key differences between the two overlays, the most significant of which is that the Development Plan Overlay is more fluid and flexible than the Incorporated Plan Overlay. Generally, a permit can be contested if an outcome varies to even a small extent from any plan included in the Incorporated Plan Overlay, however, the Development Plan Overlay is meant to provide for more flexibility and changing circumstances.

Like Council, the PAC supports the various changes made to the Development Plan Overlay as recommended by Ms Jordan, with the two matters remaining in dispute further discussed in Chapters 3.3 and 4.

(iii) Findings

The PAC finds:

- The Master Plan, as the Development Plan pertaining to the Development Plan Overlay, is the appropriate planning tool to provide for the ongoing development of the School.

⁶ Document 5, para 83

- Subject to specific recommendations about the content and detail of the Master Plan, it is in a suitable form to guide the ongoing development of the School for the next ten years.

3.3 Content of the Master Plan

(i) Submissions and evidence

As noted, Council raised concern that there were some inconsistencies between various plans in the Master Plan, the layout of car spaces was not accurate, 'blobs' varied slightly to in the location of the bicycle storage areas and other matters, some of which are dealt with in this chapter, and others in Chapter 4.

The Proponent and Ms Jordan raised two specific issues about content of the Master Plan, these related to:

- The reliance on an existing but to be amended section 173 agreement to specify the maximum student numbers (currently 800, proposed to be 900).
- The inclusion of the final dot point under Clause 4.0 'requirements for development plan' that reads *"An outline of how the views of surrounding land owners and occupiers, as well as the view of relevant agencies, have been incorporated into the Development Plan"*.
- Other content issues.

Cap on student numbers

Page 14 of the Master Plan 'What the Master Plan Should Provide For' notes:

Enrolment numbers

The School wishes to increase its enrolment numbers to 900 students. This will enable the School to fill spare capacity in existing class rooms and therefore will not change the number of classes across the School.

Thus, whilst the way in which these student numbers are distributed across the school may continue to vary from year to year, typically the distribution will continue to look like the following:

- 44 Kindergarten students plus two classes of prep and Year 1 students 24 each, a total of 140 students in the EYC;
- Two classes of 26 in each year level 2 through to 6, a total of 260 students;
- Three classes of 28 each in Year 7 through to 12, a total of 504 students;

Total student capacity based on the above would be 904 students, therefore there will be an adjustment made at selected year levels to ensure the student numbers fit within the proposed 'cap' of 900 students.

It should be noted that the growth from 800 to 900 would be gradual over a 5 to 10 year time frame depending on demand.

Council supported the continued reliance on a section 173 agreement to mandate the maximum student numbers. The existing agreement provides for 800 students and will need to be amended to increase that number to 900.

At the Hearing, the PAC noted it shared the Proponent's concern about duplicating what is already provided for in the revised Master Plan.

While the Master Plan provides for the cap on enrolment numbers, Council advised it supported continuation of the section 173 agreement due to certainty. The Proponent asked Council to

advise if the immediate surrounding schools (St Columbus and PEGS) had a similar agreement. Council advised PEGS does not have such agreement and its enrolments are capped through its Master Plan in Incorporated Plan Overlay Schedule 6.

Council advised that St Columbus did have one, but it was removed after a section 80 PE Act appeal by that school to VCAT. Council advised its enrolment numbers were now capped through a permit condition. The Proponent talked to the relevant VCAT case and submitted the original maximum enrolment was for 1,050 students but noted this increased to 1,100 by the time the appeal was heard by VCAT. The Proponent noted the issue of the section 173 agreement is “*a delicate dance with Council*”. The School noted its support for a warrant on student numbers but contended that could be achieved through the Master Plan as well as the planning permit process.

The Proponent advised it felt like they were being treated differently to the other schools in the area and could see no reason to maintain the section 173 agreement.

The Chair asked the parties if the PAC could legally recommend the agreement be discontinued through this process. The short summary was that while it probably could, if Council did not agree, the Minister for Planning might need to be Responsible Authority for the site if this was pursued. The PAC accepted that it would be a complicated recommendation to make and then implement.

Consideration of views of surrounding occupiers and landowners

Council maintained it did not support the removal of the dot point about seeking the views of surrounding occupiers and landowners, as it was included in the exhibition and it may give comfort to the community that their views have been considered in developing and finalising the Master Plan.

The Proponent advised it undertakes ongoing consultation with local community, and noted:

It is fair to say that Lowther Hall works hard to consult with and inform the local community of any proposals and events of significance.

Lowther Hall hosts a meeting of a Consultative Committee at least annually and more frequently as the need arises. For example, there were three meetings with the Committee to discuss the new Masterplan⁷.

The Proponent considered there was no planning reason why that dot point should remain.

Other content issues

While the PAC highlighted some issues with the Master Plan at the original Day 1, Council highlighted further matters in opening. Some of these issues are editorial and need no explanation, including:

- providing a table of contents
- orientating north points in a consistent manner
- consistency in plan presentation (that is, car park layouts, ‘blobs’ for bicycle facilities, use of different arrows showing site access points)
- placing some sections in an appendix
- renumbering some plans.

⁷ Document 6, paras 15,16

(ii) Discussion

Cap on student numbers

The PAC is conscious of planning reform initiatives that seeks to streamline the Victorian planning system. One of the key imperatives is to reduce duplication of planning controls and overlays. While this is a relatively minor issue, the PAC considers there is no need to have a separate section 173 agreement to manage school enrolments. The Development Plan Overlay provides for a cap of 900 students on enrolments and it can also be a permit condition if required. Any permit application must be 'generally in accordance with' the provisions of the overlay, or full notice and review would be required.

Due to the complications of making a formal recommendation on this (as the section 173 agreement is not before the PAC), the PAC urges Council to reconsider this issue. Given there is a need to amend the existing agreement to update the student numbers, the PAC questions whether it is worth the time and cost to do so.

Consideration of views of surrounding occupiers and landowners

In relation to the last dot point under Clause 4.0, the PAC considers it superfluous and potentially confusing for the community. This Planning Scheme Amendment and Hearing is the opportunity for submitters to raise issues about the Master Plan. 101 submissions were received, from which there were two objections. Submitters were contacted twice about the opportunity to present to the PAC. The first time, no one requested to be heard. The second time, one submitter did seek to be heard but then withdrew as he considered Council had responded to his issue.

The preparation of the Master Plan, its review, the update provided by the Proponent after the initial Day 1 of the Hearing, consultation undertaken by the Proponent, the continuance of this Hearing and now this PAC report have all considered the views of surrounding landowners. Rather than giving comfort to the community that their views have been considered, the inclusion of the dot point in question may raise expectations from local residents that they continue to have the opportunity to comment on any permit application and influence any outcomes.

Of course, anything departing from the Master Plan that is not generally in accordance will require notice, with further review available at VCAT if required.

(iii) Findings

The PAC finds:

- Development Plan Overlay Schedule 9 is appropriate to implement the *2021 - 2017 Master Plan*.
- Council reconsider amending the section 173 agreement relating to the student enrolment cap as it can be specified in Development Plan Overlay Schedule 9 and through permit conditions.
- Other minor edits and changes are required to finalise the Master Plan.

3.4 Recommendations

The Panel/Advisory Committee recommends:

Adopt the amended Development Plan Overlay Schedule 9 (as provided by Ms Jordan in evidence), in Appendix D, subject to:

- a) amending the sixth last dot point in Clause 4.0 to read *“By 2031, the maximum number of students to be accommodated on the site is 900”*.

Replace the exhibited Lowther Hall Master Plan (2017 – 2027) with the version (2021 – 2031) (Document 13), subject to:

- a) including a table of contents and key numbered headings, including headings for distinct sections such as Background, the Master Plan and appendices.
- b) including ‘School Mission, Vision, Values and Strategic Direction’ on page 3, and ‘Changing Educational Needs for Girls’ on page 13 as appendices.
- c) placing the Landscape Masterplan noted as Figure 9 on page 16 after the Master Plan (also noted as Figure 9) on page 18 and renumbering the plans accordingly.
- d) orientating all north points for all maps and plans in a consistent manner.

4 Traffic and parking

4.1 Background and issues

Most submissions were principally concerned with traffic, parking, pedestrian movements and congestion issues. The surrounding street network experiences a high volume of pedestrian and vehicle movements at school drop-off and pick-up times and during commuter peak hours. This is further exacerbated by traffic and pedestrian flows associated with PEGS and St Columbus College, both of which are within approximately 250 metres from the School.

The Master Plan includes a Traffic and Transport Strategy, which in turn includes a GTP.

The key issues to resolve are:

- on and off-site staff car parking
- detail within the GTP
- general traffic, parking and safety issues.

4.2 On and off-site staff car parking

(i) Submissions and evidence

Clause 4.0 of Development Plan Overlay Schedule 9 sets out the requirements for a Master Plan and must include the following (in relation to traffic and parking):

- car parking, circulation and access arrangements for vehicles and pedestrians, including any proposed arrangements for student drop-off and pick-up
- a minimum of 114 spaces provided on-site
- consideration of potential amenity impacts to neighbouring properties including traffic movements and car parking, and how these matters can be appropriately addressed.

The Proponent recognised that additional on-site parking is required to accommodate staff. The Master Plan identified construction of an underground car park to accommodate approximately 90 vehicles as part of Stage 2 works (5 to 9 years), with ultimately 114 spaces being provided on campus by the end of Stage 3 (10 years plus).

The Proponent confirmed there is typically 150 to 160 staff on-site on any given week day, with around 10 to 20 being casual (such as external music teachers coming in for part of the day or parents helping at the canteen during lunchtimes).

Currently there is approximately 70 on-site parking spaces. The School complements this by leasing 35 off-street parking spaces from two nearby churches for additional staff parking, however this arrangement is voluntary and a 'courtesy arrangement' in nature. It is not a permit requirement. The Proponent submitted these arrangements could change in the future and should not be considered as guaranteed parking supply. Further, transport changes and modal shifts may result in a reduction for car parking demand, negating the need for leased car parking and potentially some of the 114 spaces to be provided on-site.

In giving her evidence for the Proponent, Ms Marshall identified that providing more off-street parking within the School campus would reduce parking demand on the surrounding street network.

Ms Jordan explained there are essentially three levels or layers in the Master Plan and planning process, with each level building on the previous level and providing more detail. In relation to car parking (and access):

- the Development Plan Overlay provides the framework and structure for the Master Plan, including broad issues such as car parking, access and operational issues
- the Master Plan responds to the schedule and provides the flexibility in implementing the overall future development opportunities through the Traffic and Transport Strategy, and as part of that, the GTP
- the planning permit specifies the finer detail such as the number of parking spaces for the ultimate development 'generally in accordance with'.

Ms Jordan gave evidence that it was not appropriate to specify the exact number of car parking spaces to be provided through the Development Plan Overlay or the Master Plan, particularly when another part of the planning scheme is specifically tasked with this process (Clause 52.06 car parking). She opined that specifying an exact number of spaces could be problematic with compliance, and if change was sought, a permit could be challenged, or a planning scheme amendment may be required.

In response to a question from the PAC about whether a range might be appropriate to overcome the 'specificity' issue, Ms Jordan suggested the Master Plan could include wording to state the projected on-site number of spaces for each stage of development. The final number of spaces with the range should then be provided by the end of Stage 3 works. Ms Jordan was not in a position to advise what range would be appropriate.

Council stressed the exhibited Master Plan showed the underground car park with 90 spaces and that the site would ultimately accommodate 114 spaces. As such, this would be, and remain, the community's expectation. It argued it would be inappropriate to now deviate from that position noting that some submitters supported the application because 114 car parking spaces were shown on-site.

To overcome specifying an exact number of parking spaces to be provided, Council advised that it could support Ms Jordan's suggested wording around car parking so long as the final stage provided a minimum of 114 car parking spaces.

Council sought to retain arrows on the Master Plan to indicate off-site parking was available⁸. Ms Jordan observed that as that off-site parking is subject to a private lease arrangement and not explicitly required, and that it could change, the notation should be removed from the Master Plan.

(ii) Discussion

The PAC supports the rewording on car parking to provide a range, rather than a specific number. Council's desire to clearly articulate the minimum of 114 parking spaces to be provided on-site is understandable, however, this provides little flexibility if in the future, less parking is ultimately required, particularly given Council supports and is promoting the GTP.

The PAC concurs with Ms Jordan and the Proponent that the Development Plan Overlay and Master Plan should provide a degree of flexibility, noting that at the planning permit stage, the

⁸ Document 12, Figure 4 Existing Conditions Plan

specific number of car parking spaces will be determined as part of Clause 52.06, which takes into account potential future transport and mode shifts which may occur. Providing an underground car park with capacity for around 90 spaces and increasing the overall supply of on-site parking should significantly improve parking conditions on the surrounding road network.

For these reasons, the PAC considers it is appropriate to specify that in Stage 3 (final stage), car parking should be in the range of 110 to 120 spaces. This will provide a reasonable balance of generally satisfying Council's needs (and community expectation) while providing the inherent flexibility and guidance that should occur with the Master Plan process, particularly if the GTP is successful.

As leasing of external car parking is not a permit requirement and is undertaken on a voluntary basis with no certainty it may continue in the future, this notation should be removed from the Master Plan.

(iii) Findings

The PAC finds:

- The ultimate number of on-site car parking spaces is adequate.
- The Master Plan should be amended to show the ultimate number of car parking should be in the range of 110 to 120 spaces by the end of Stage 3.
- The Master Plan should be amended to remove references to the off-site car parking spaces.

4.3 Green Travel Plan

A GTP is a plan to encourage greater use of more sustainable transport modes such as public transport, cycling and walking. These plans often include specific actions and targets. A GTP formed part of the Traffic and Transport Strategy. The PAC uses the GTP version dated 18 June 2021⁹ as its base document.

(i) Submissions and evidence

A Traffic and Transport Strategy was prepared as part of the Master Plan which, amongst other matters, introduced a GTP to reduce the reliance on private vehicle access and to encourage a shift in travel mode towards public transport, walking and cycling for staff and students.

Ms Marshall highlighted:

- private vehicles are the predominate transport mode with 84.5 per cent of students dropped off in the mornings and 75.9 per cent picked up in the afternoons
- public transport usage was 12.4 per cent in the mornings, increasing to 18.9 per cent in the afternoons
- a 10 per cent modal shift target has been adopted from private motor vehicles to more sustainable transport modes.

Ms Marshall advised the GTP would focus on:

- promoting public transport

⁹ Document 16

- providing bicycle facilities and encouraging cycling to school
- re-establishing the walking school bus program (currently in abeyance due to Covid 19).

The exhibited GTP included ride sharing and carpooling schemes, including a guaranteed trip home. In giving her evidence and on reflection, Ms Marshall believed these schemes were too onerous and inappropriate in a school setting. She said greater reliance should be placed on other sustainable transport options such as public transport, walking and cycling. However, Ms Marshall saw no issue with informal arrangements between staff or students sharing rides with family and friends to and from school, remaining.

Council supported the implementation of the GTP for the School and submitted it is “*of considerable importance*” that the School finalises and implements this. Further, Council proposed the mode shift target be rewritten as:

A target of 10% mode shift has been nominated, to be achieved over a 3 year time frame from the adoption of the Green Travel Plan.

This would mean the percentage of single passenger (for students) and single driver (for staff) car trips drops by 10%. All other modes would collectively rise to replace the reduced single passenger/driver trips¹⁰.

Council noted several items in GTP Chapter 7 - Monitoring and Reporting were essentially ‘actions’ (for example, utilising of bicycle facilities to be monitored, detailed questionnaires surveys of staff and students should be repeated on a regular basis) and these should be relocated into GTP Chapter 6 - Action Plan. Ms Marshall supported these changes. Council suggested ride sharing as well as a guaranteed trip home should be reinstated (both of these were in the exhibited GTP).

In relation to the GTP, the Proponent was perplexed that considerable time and effort was being spent on this document which it said, the PAC was not asked nor required to consider. In response, Council explained the GTP was a key component in improving sustainability and achieving a modal shift towards more sustainable transport modes and formed part of the exhibited material.

The Proponent confirmed it was already embracing key aspects of a GTP and that the School had installed additional bicycle rails (it currently has 14 bicycle rails/storage spaces for bicycles); with only four to five spaces being used through the warmer months.

(ii) Discussion

The PAC supports and commends the School for incorporating a GTP into the Master Plan to encourage the greater uptake of sustainable transport modes.

While there was some debate about particular text and editorial amendments to the GTP, essentially there was consensus that the GTP is appropriate.

The PAC notes the GTP is an aspirational document where clear unambiguous targets and actions are necessary. In this regard, Council’s suggested rewording of the target text, and updating the proposed actions is appropriate and should be incorporated into a revised GTP. The PAC believes these issues can be readily resolved between Council and the School, noting that one of the GTP’s

¹⁰ Document 24

key actions requires the “preparation of a Green Travel Plan suitable for submission to the City of Moonee Valley for approval”¹¹.

In relation to carpooling, car sharing and guaranteed ride home arrangements, the PAC generally concurs with Ms Marshall that these tools may not realise optimal or satisfactory outcomes for school children and should not be incorporated into the GTP. However, it is considered this would not detract from the informal carpooling and car sharing arrangements that may already occur.

(iii) Findings

The PAC finds:

- The GTP is appropriate to be included as part of the Master Plan through the Traffic and Transport Strategy, subject to minor changes.
- Discussion about carpooling, car sharing and guaranteed ride home arrangements for school children should not be included in the GTP.

4.4 Other traffic management issues

(i) Submissions and evidence

There were several other traffic concerns raised through community submissions, including safety, road (and footpath) congestion, travel times and car parking.

Council submitted the proposed basement car park for staff, in conjunction with the GTP, would reduce the demand for on and off-street private parking facilities. This would create more street parking for student drop offs and ease congestion. The Master Plan includes a gymnasium and outdoor courts, and these should reduce overall traffic volumes (including bus trips) as students will no longer have to travel off site for physical education.

Submitter 9 suggested that an on-site pick-up or drop-off zone be introduced (in the proposed off-street car park and/or elsewhere within the School grounds). Council concurred with Ms Marshall that the existing on-street parking can accommodate the additional demand and that utilising the underground car park for this was not practical or supported.

Submitter 26 suggested the School employ a traffic officer to issue infringement notices at school drop off and pick up times, however Council submitted the School would not have authority to do this. Council noted that extensive and regular enforcement (generally at least weekly) already occurs to encourage motorists to obey the road rules and enhance safety and amenity. The PAC was advised by Council that over 1,500 infringement notices have been issued to motorists since 2018 on Leslie and Sherbourne Streets.

Ms Marshall identified that the additional students “*will not have an adverse impact on the exiting operating conditions of the surrounding road network*”, however in implementing the GTP, the School will further minimise traffic impacts on the surrounding area and improve pedestrian movement in the vicinity of the School¹².

In relation to footpath congestion, Ms Marshall identified that while this does occur; it was for short periods of time, with students generally all moving in the same direction, thus minimising

¹¹ Document 16 Green Travel Plan 6.2 General Actions

¹² Document 4, Ms Marshall evidence, page 29

potential conflict. Council advised it is committed to working towards increased pedestrian safety and is planning for general footpath safety upgrade works in the area. Further, Council is actively working with the School to ensure safer movement and in promoting sustainable travel modes.

Some submitters, as well as petitions to Council suggested the northern section of Sherbourne Street at Buckley Street operate as an exit only (that is, back to its original configuration prior to the railway grade separation project) due to increased traffic and associated changed traffic conditions on nearby streets. Council advised a separate process is underway to investigate and resolve this matter.

(ii) Discussion

The PAC appreciates the issues raised in submissions regarding general traffic, parking and safety issues on the surrounding roads associated with general school traffic and students walking to and from the School. This matter is further compounded by additional traffic and pedestrian movements associated with the other nearby schools.

Traffic and parking issues are perennial issues for many schools, and local councils require a combination of enforcement, education, and engineering works to provide a safe and appropriate environment for all road users and pedestrians.

In this regard, the PAC is confident that Council is discharging its responsibilities in a fair and reasonable manner, while at the same time, the School is doing what it can (for example staggered start and finish times for students) to minimise potential conflicts.

The PAC supports Council undertaking a separate process to investigate the operation of Sherbourne Street at Buckley Street and its associated traffic impacts on nearby streets.

(iii) Findings

The PAC finds:

- There are a range of existing traffic, amenity and parking conditions around Lowther Hall that will require an ongoing mix of enforcement, education and engineering works to manage these.
- A separate process to investigate traffic conditions associated with Sherbourne Street at Buckley Street intersection configuration is being undertaken by Council.

4.5 Recommendations

The Panel/Advisory Committee recommends:

Delete the sixth dot point of Clause 4.0 of the Development Plan Overlay and replace it with “By the final stage of development, there should be in the range of 110 to 120 on-site car parking spaces”.

Amend the Master Plan 2021-2031 by removing all references and notations to leasing of car parking off-site.

Amend the Green Travel Plan to:

a) Reword the second paragraph of 6.1 Target to read:

“This would mean the percentage of single passenger (for students) and single driver (for staff) car trips drops by 10%. All other modes would collectively rise to replace the reduced single passenger/driver trips.”

- b) Update 'Chapter 6 - Action Plan' to incorporate paragraphs 2, 4, 5, and 6 of 'Methodology' and paragraphs 2, 3, 4 and 5 of 'Timeframe' as additional actions.**

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	John Belanti	32	Joanna and Matthew McIntyre
2	Kimberley Crowley	33	Anthea Holub
3	David Borg	34	Luke Cooney
4	Janine Chow	35	Vikki Barresi
5	Kerry Paull	36	Pamela Higginbotham
6	Jenna Phelan	37	Michael and Michelle Toal
7	Nick Zouros	38	Bill Karp
8	Kevin and Shirley Blake	39	Ana Gasparis
9	Chris Dumaresq	40	Elisa Stearman
10	Robert and Michelle Ovcaric	41	Antoinette Sharpe
11	Jenny Zouros	42	Simone Saunders
12	Peter and Katherine Janetzki	43	Elizabeth and David Grigg
13	Peter Mason	44	Rana Hinman
14	Giuseppina Mason	45	Helen Gibson
15	Darija Grgic	46	Helen Drew
16	Steve White	47	Na Wei
17	Cyrus Allen	48	Daniel Riley
18	Holly Greenhalgh	49	Helen Stearman
19	Vicki Bridle	50	June Tan
20	Jason Chan	51	Mina Nguyen and Daniel Glenton
21	Annette Cook	52	Andromaki Tsiavos and Chris Doufas
22	Shantel Brekalo	53	Lorne Cole
23	Victoria Morris	54	Clinton Mills
24	Pauline Romeo	55	Sue-Ann Bruhn
25	Niki Paris	56	David Ure
26	Peter McCleave	57	Kelly Green
27	Ingrid Kowalenko	58	Suzan Ristevski
28	Louise Thompson	59	Rebecca Gange
29	Lisa McRae	60	Mary Hannebery
30	Sarah Woodhouse	61	Greg Accornero
31	Hazel Tsolakis	62	Dennis Bastas

No.	Submitter	No.	Submitter
63	Jenni Webb	83	Jane Allen
64	Dr Linda Gonzalez	84	Peter Kavadias
65	Kate Aubrey-Rees	85	Michael Atallah
66	Heather Cooper	86	Arthur Podkowinski
67	Liza Hiles	87	Greg and Catriona Minney
68	Chris Taylor	88	Rachel Morgan
69	Rebeka Pascuzzi	89	Leo and Mary Mercuri
70	Kate Louise and Damian Watt	90	Janet Sullivan
71	Teresa Arcuri	91	Dorota Podkowinski
72	Vincent Arcuri	92	Josephine Ward
73	Rita Marcon	93	Sarah and Marc Kurczycki
74	Gillian Alpaslan	94	Lauren McKendry
75	Hilary McNab	95	Christine Christofilea
76	Debra Butcher	96	Belinda Malek
77	Darryl Puddefoot	97	Sascha and Mike McIntosh
78	Jarrold Butler	98	Darren Emerson
79	Jeremy Daalder	99	Joanne Carroll
80	Jarrold Smith	100	Pedro Rowe
81	Sofie and Tony Mandoukos	101	Amanda Caffyn
82	Mark and Christine Armour		

Appendix B 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

Appendix C Document list

No.	Date	Description	Presented by
1	07 April 21	Notification Letter to submitters	Ms Mitchell, Panel Chair
2	04 May 21	Directions and Timetable to parties	“
3	11 May 21	Map - Proposed Site Visit Route	Ms Choi, Norton Rose Fulbright, for the Proponent
4	17 May 21	Expert Witness Statement, Ms Marshall - Traffic and transport	Ms Choi
5	“	Expert Witness Statement, Ms Jordan - Planning	“
6	20 May 21	Lowther Hall, opening submission	Ms Choi
7	“	Moonee Valley City Council, opening submission	Ms Richardson, Maddocks Lawyers for Council
8	21 May 21	Lowther Hall Master Plan Advisory Committee Terms of Reference	Ms Mitchell
9	“	Email from Chair to all parties advising on appointment of Advisory Committee	“
10	23 June 21	Advisory Committee and Panel Further Directions and Timetable (v2)	“
11	24 June 21	Letter from Lowther Hall to Advisory Committee enclosing updated Master Plan	Ms Choi
12	“	Revised Lowther Hall Master Plan	“
13	“	Revised Lowther Hall Master Plan and Notes	“
14	“	List of Changes, Transport Strategy and Green Travel Plan	“
15	“	Transport Strategy	“
16	“	Green Travel Plan	“
17	1 July 21	Letter from Lowther Hall enclosing Addendum to Expert Evidence	Ms Choi
18	“	Addendum to Expert Witness Statement by Ms Marshall	“
19	“	Addendum to Expert Witness Statement by Ms Jordan	“
20	“	Addendum to Council’s opening submission	Ms Richardson
21	13 July 21	Table summarising issues	Ms Choi
22	15 July 21	Authorisation letter for Planning Scheme Amendment C209moon	Ms Richardson
23a	“	VCAT West Valentine Pty Ltd v Stonnington CC	Ms Choi

No.	Date	Description	Presented by
23b	“	VCAT Bellagio Properties v Warrnambool CC	“
23c	“	VCAT Java Sands Pty Ltd v Frankston CC	“
23d	“	VCAT Canet v Brimbank CC	“
23e	“	VCAT Mary Aikenhead Education Ltd v Moonee Valley CC	“
24	“	Council’s preferred wording for Green Travel Plan, 6.1	Ms Richardson

Appendix D PAC version of Development Plan Overlay Schedule 9

Note: this version is taken from Appendix 1 of the evidence of Ms Jordan for the Proponent and includes her recommendations in track changes, all of which were supported by Council except for the 7th and last dot points of Clause 4.

~~PPV track deleted~~

[PPV track added](#)

SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO9**.

LOWTHER HALL SCHOOL MASTER PLAN

1.0 Objectives

To provide for orderly and integrated development of the school campus generally in accordance with an approved Master Plan.

To facilitate the delivery of new and refurbished education, sporting and recreation facilities which support the ongoing operation of the school.

[To ensure that the ongoing use and development of the school responds to its residential context.](#)

2.0 Requirements before a permit is granted

A permit may be granted before a Development Plan has been approved to the satisfaction of the responsible authority for the following:

To construct or carry out minor buildings and works associated with:

- [landscaping](#)
- existing school buildings
- outdoor sporting facilities
- pavilions
- playground areas
- car parks
- accessways
- display of signage.

To construct or carry out works relating to an outbuilding (including carport, garage, pergola, shed or similar structure) or service installation.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the long-term future use and integrated and orderly development of the land in accordance with the Development Plan requirements specified in this Schedule.

3.0 Conditions and requirements for permits

None specified.

4.0 Requirements for development plan

The Development Plan (which may also be described as a Master Plan for the purposes of this Schedule) must include the following:

A description of the existing site conditions including:

- the size and dimensions of the land
- the existing school boundaries
- the site contours and levels
- the existing buildings on the land, including [Earlsbrae Hall and the registered land, any buildings contained within a heritage overlay and](#) setbacks from all boundaries
- the existing mature trees and vegetation.
 - Details of building that are proposed to be removed or extended, including proposed future building envelopes and building form, the scale of any proposed development, [setbacks from external boundaries](#) design elements and treatment of residential interfaces where applicable.
 - [Details of any proposed buildings or works within the registered land surrounding Earlsbrae Hall or any areas affected by a Heritage Overlay.](#)
 - Details of proposed open space areas, including proposed illumination where applicable.
 - A description of the way in which any proposed buildings or open space areas are to be used.
 - Car parking, [loading](#), circulation and access arrangements for both vehicles and pedestrians, including any proposed arrangements for student drop off and pick up [and areas for bicycle parking.](#)
 - ~~A minimum of 114 car spaces provided on-site~~ [By the final stage of development, there should be in the range of 110 to 120 on-site car parking spaces.](#)
 - Any proposed ~~adjustments~~ [changes](#) to the intensity of the use [of the land for education purposes.](#)
 - Any proposed ~~adjustment~~ [changes](#) to the school boundaries.
 - [By 2031](#), the maximum number of students ~~proposed~~ to be accommodated on the site [is 900.](#)
 - A description of proposed landscaping [theme across the land and intended use of different landscaped spaces, including identification of any vegetation to be retained and hard paved areas.](#)
 - Considerations of potential amenity impacts to neighbouring properties including traffic movements and car parking, overlooking [from new built form](#), acoustic privacy, overshadowing and how these matters can be appropriately addressed.
 - Proposed staging [including the indicative timeframes for the development.](#)
 - The number of years intended to be covered by the Development Plan.
 - ~~An outline of how the views of surrounding land owners and occupiers, as well as the view of any relevant agencies, have been incorporated into the Development Plan.~~