



City of  
**Moonee Valley**

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# **Special Meeting of Council**

**Tuesday, 3 September 2013 at 7.00pm**

**Agenda**

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# Special Meeting of Council

Tuesday, 3 September 2013 at 7.00pm  
to be held at the Moonee Valley Civic Centre

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**TO:**

**Members:** Cr Narelle Sharpe Mayor  
Cr Jim Cusack  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Paul Giuliano  
Cr Nicole Marshall  
Cr Cam Nation  
Cr John Sipek  
Cr Andrea Surace

**Officers:** Mr Neville Smith Chief Executive  
Mr Anthony Smith Director Corporate Services  
Mr Henry Bezuidenhout Acting Executive Manager Development  
Mr Gil Richardson Acting Executive Manager City Works  
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management  
Mr Tony Ball Executive Manager Community Services  
Mr Scott Widdicombe Executive Manager Environment & Lifestyle  
Mr Ralph Anania Manager Governance & Local Laws

**Business:**

1. **Opening**
2. **Apologies**
3. **Declarations of Conflict of Interest**

**4. Reports**

- 4.1 Moonee Valley Racecourse Proposal - Submission to  
Advisory Committee .....4

**5. Close of Meeting**

**NEVILLE SMITH**  
Chief Executive

## REPORTS

### 4.1 Moonee Valley Racecourse Proposal - Submission to Advisory Committee

**File No:** FOL/11/404  
**Author:** Coordinator Strategic Planning  
**Directorate:** City Works & Development  
**Ward:** Myrnong

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#### Purpose

To outline Council's submission to the Moonee Valley Racecourse Redevelopment Advisory Committee in relation to the:

- Proposed Moonee Valley Racecourse Master Plan;
- Amendment C120 (Activity Centre Zone and revised schedule to Clause 52.01 (Public Open Space Contributions)); and
- Amendment C124 (Heritage Overlay).

#### Executive Summary

- The Minister for Planning established the Moonee Valley Racecourse Redevelopment Advisory Committee on 15 April 2013.
- The Moonee Valley Racing Club (MVRC) submitted a revised Master Plan to the Advisory Committee on 22 May 2013. Council provided an initial response to the revised Master Plan on 14 June, 2013, together with other stakeholders identified in the Terms of Reference for the Advisory Committee.
- Following consideration of the revised master plan, and initial responses from stakeholders, the Advisory Committee released its Stage 1 report. This report gave key directions to stakeholders, and also nominated anticipated dates around the public hearing.
- Exhibition of the proposed master plan, Amendment C120 (Activity Centre Zone and Schedule to Clause 52.01), and Amendment C124 (Heritage Overlays) is from 29 July to 6 September 2013.
- The exhibition process is being managed through the Department of Transport, Planning and Local Infrastructure (DTPLI), and all submissions must be made directly to the Advisory Committee.
- The revised Master Plan continues to raise a range of issues that require resolution prior to Council being satisfied with the proposal. Council's submission to the Advisory Committee will reflect this.

## **Recommendation**

That Council endorse the submission to the Moonee Valley Racecourse Redevelopment Advisory Committee as detailed at **Appendix A** – separately circulated, including the proposed master plan, Amendment C120 and Amendment C124.

## **Background**

### **Process until now**

The Moonee Valley Racing Club formally submitted their proposed Master Plan and rezoning request on 25 October 2011.

Council staff and consultants thoroughly reviewed the proposal and provided a response back to the MVRC on 2 February 2012, requesting more information and outlining some concerns.

A response to this further information request was received from the Moonee Valley Racing Club on 21 May 2012.

In the meantime, the MVRC requested the Minister for Planning for intervention in April 2012.

In response to this request, the Minister for Planning set up an Advisory Committee to consider the proposal. Council was able to provide comments on draft Terms of Reference in December 2012. The Minister for Planning formally appointed the Advisory Committee on 15 April 2013.

### **Advisory Committee Process**

The inception meeting of the Advisory Committee was held on 24 April 2013. In attendance were the MVRC and Council. It was at this meeting that the MVRC advised they were developing a revised master plan. Other key stakeholders met with the Advisory Committee on 7 and 10 May 2013.

A copy of the revised Master Plan and supporting reports was provided to Council on 22 May 2013. The Advisory Committee sought an initial response from Council and other stakeholders to the revised Master Plan by 14 June 2013.

Council's initial response to the revised Master Plan that was forwarded to the Advisory Committee was endorsed by Council at its meeting on 25 June 2013.

In response to their initial assessment of the documentation provided by all parties, the Advisory Committee released the report *Stage 1 Advice: Review and Consultation*, 5 July 2013 (Attached at **Appendix B** – separately circulated).

Exhibition of the proposed Master Plan and planning scheme amendments is from 29 July 2013 to 6 September 2013. All submissions are due to the Advisory Committee by 6 September 2013. Further details of the exhibition of the proposal are discussed in the Consultation section of this report.

Key dates following the exhibition are:

- Directions Hearing – 18 September 2013.
- Circulation of Expert Witness Statements – 23 September 2013.
- Public Hearing – to commence the week starting 30 September 2013.

Copies of the key documentation on exhibition can be found at the following appendices:

- Moonee Valley Racecourse Master Plan (July 2013) – **Appendix C** – separately circulated.
- Preface Report, Moonee Valley Racecourse Master Plan – **Appendix D** – separately circulated.
- Schedule 1 to the Activity Centre Zone – **Appendix E** – separately circulated.
- Schedule 1 to Clause 52.01 Open Space – **Appendix F** – separately circulated.

Other background and supporting documentation can be viewed at the Moonee Valley Racing Club website. This includes:

- DCE Functional Track Report (May 2013).
- Populous Grandstand and Racing Operations (May 2013).
- PLUS Architecture Statement (May 2013).
- GTA Transport Report (May 2013).
- ASR Community Infrastructure Stage 2 Assessment (May 2013).
- Arup – ESD Opportunities Summary Report (May 2013).
- DCE Infrastructure Servicing Report (May 2013).
- Lovell Chen Heritage Assessment (May 2013).

Amendment documentation and information in relation to the Heritage Overlay can be viewed at the Department of Transport, Planning and Local Infrastructure website. This includes:

- Explanatory Reports.
- Rezoning and Overlay maps.
- Moonee Valley Racecourse Heritage Assessment (2012).

### **Advisory Committee Stage 1 Report**

The Stage 1 Report from the Advisory Committee was released on 5 July 2013. It provided a discussion of the process, and some recommendations for the MVRC, Council or other stakeholders.

The purpose of the report was to determine the adequacy of the information to be placed on exhibition. The Committee considered that there were:

*“further issues to be addressed prior to the Activity Centre Zone and the Master Plan forming part of a formal Planning Scheme Amendment exhibition process.”*

In the Stage 1 Report the Advisory Committee invited the Racing Club to revise existing documents, and prepare additional reports prior to exhibition.

The Racing Club responded by providing an additional document the “Preface Report” which has formed part of the exhibition material.

The Advisory Committee specifically invited comment from Council on the Activity Centre Zone (ACZ) schedule associated with Amendment C120 prepared by the Racing Club. Council considered the ACZ and provided recommended additions and revisions to the document. The Advisory Committee considered Council’s response and amended the controls as they saw fit.

It is these amended controls that now form the basis of Amendment C120. This did not result in all of Council’s recommendations being adopted in the exhibited ACZ schedule.

In addition the committee revised the proposed heritage controls under Amendment C124. These changes included changing the Heritage Overlay to apply to the whole site. This is the case with the Flemington Racecourse in the City of Melbourne, however, the Flemington Racecourse does not include any residential component.

In their Stage 1 Report the Advisory Committee outlined where they had some concerns with various aspects of the proposal, based on the following areas:

- Revised master plan
- Transport and car parking
- Environment
- Open Space
- Proposed planning controls
- Proposed Heritage Amendment

The Stage 1 Report can be read in full at **Appendix B** – separately circulated.

The MVRC provided a response to the Advisory Committee that stated there was sufficient information in order to proceed with the exhibition process.

Ultimately the Advisory Committee decided to proceed with the exhibition of the Master Plan and planning scheme amendments, subject to the recommendations set out in the Stage 1 Report. In the Stage 1 Report the Committee notes:

*“It is important to note that by making the findings in the following chapters of this report, the Committee does not consider that the revised Master Plan is inadequate and should not be exhibited, but the additional information and responses requested may better inform the Committee and stakeholders.*

*Additionally, the Committee notes that this Stage 1 Report has been prepared in the context of the information provide to it, and that through a later hearing process, many of the issues raised will be tested through the public process. All comments and recommendations made by the Committee in this report are provided on a ‘without prejudice’ basis, and does not represent its final opinions or conclusions.”*

**Discussion**

In response to the exhibition of the proposed Master Plan and planning scheme amendments, Council officers have prepared a submission to the Advisory Committee. A copy of the submission is at **Appendix A** – separately circulated.

In many cases the submission reiterates concerns already raised with the proposal in the previous submission to the Advisory Committee, or in feedback to the MVRC. This submission further expands in some areas, and relates to the now revised master plan. It will provide the basis for Council presentation to the Advisory Committee hearing and will be augmented by additional expert evidence reports and legal representation.

Below is a brief summary of the key matters raised in Council’s submission to the Advisory Committee.

Gaming	<ul style="list-style-type: none"> <li>Concerns about an additional high density population in proximity to a gaming venue on the site.</li> </ul>
Grandstand	<ul style="list-style-type: none"> <li>Impacts of a greater frequency of meetings, off site amenity impacts from noise and lights.</li> <li>Issues with the location of the grandstand in proximity to Wilson Street and Moonee Ponds Central School.</li> <li>Impacts of crowds gathering at the Wilson Street entrance to the grandstand.</li> <li>Greater setback of the grandstand from Wilson Street is required.</li> <li>Amenity impacts for residents.</li> <li>Height and scale of the grandstand would be overwhelming along the Wilson Street interface.</li> <li>Issues with movement and access for vehicles and pedestrians.</li> <li>Issues with using Coats Street as the main pedestrian thoroughfare to the racetrack.</li> <li>Issues with the proposed entrance arrangements into the racetrack (escalator under the track).</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>Council supports the application of the Heritage Overlay over the significant features of the site.</li> <li>Council does not support applying the Heritage Overlay over the entire site as this will add an unnecessary resource and administrative cost burden to Council.</li> <li>Concerns that the Master Plan does not respond to any of the identified heritage significant buildings or features.</li> </ul>

<p>Housing Affordability</p>	<ul style="list-style-type: none"> <li>• Concerns that the Master Plan does not provide any details as to how affordable housing may be achieved on the site.</li> </ul>
<p>Urban Design, Layout and Built Form</p>	<ul style="list-style-type: none"> <li>• Conflicts between the racecourse and new residential areas, in terms of visual impact, height and the interface with MPAC and the surrounding neighbourhood character.</li> <li>• Insufficient setback of buildings from Wilson Street.</li> <li>• Lack of justification for buildings heights and scale.</li> <li>• Concerns about height, scale and density of development in north-east of the site.</li> <li>• Concerns about internal street layout and access, and lack of integration with existing key pedestrian desire lines.</li> <li>• Overshadowing of proposed open space, and existing residential properties.</li> <li>• Inclusion of medium density residential development in Precinct 10C (north-east corner of the site).</li> <li>• Opportunities for shared community facilities on the site.</li> </ul>
<p>Open Space</p>	<ul style="list-style-type: none"> <li>• Concerns that there is not enough open space proposed for the density of population proposed,</li> <li>• Concerns about lack of active open space.</li> <li>• Concerns about quality of open space.</li> <li>• Concerns over lack of access to the interior of the track for public open space purposes when the track is not in use.</li> </ul>
<p>Planning and Strategic Policy Context</p>	<ul style="list-style-type: none"> <li>• Lack of compliance with some aspects of planning policies and strategies:             <ul style="list-style-type: none"> <li>○ Local Planning Policy Framework.</li> <li>○ Moonee Ponds Activity Centre Structure Plan.</li> </ul> </li> <li>• Lack of compliance with the Transport Integration Act 2010.</li> </ul>
<p>Role of the master plan</p>	<ul style="list-style-type: none"> <li>• The role of the Master Plan is not clear. There is no clear link back to the Master Plan in a decision making framework, other than being a reference document.</li> <li>• The relationship between the additional reports (e.g. Grandstand Operations Report) the Master Plan and ACZ schedule is neither clear nor defined.</li> </ul>

<p>Planning Scheme Amendment C120</p>	<ul style="list-style-type: none"> <li>• Issues with the content and drafting of the Activity Centre Zone, specifically:           <ul style="list-style-type: none"> <li>• Does not include a maximum dwelling yield.</li> <li>• Includes the north-east development area into the racecourse precinct, rather than mixed use precinct.</li> <li>• There is no affordable housing component specified.</li> <li>• Information to be submitted in Application Requirements does not encourage an integrated approach to the development and long term management of the site.</li> <li>• The grandstand and commercial area precincts should not be exempt from notice and review rights.</li> <li>• The majority of the site should be included in the High Amenity Areas category for advertising signs, rather than Commercial Areas category.</li> </ul> </li> <li>• Issues with the use of the schedule to Clause 52.01 (Public Open Space Contributions) to set an open space contribution for the site.</li> <li>• Various aspects of the Explanatory Report are misleading and do not comply with Ministerial Direction No. 11.</li> </ul>
<p>Social Assessment Impact</p>	<ul style="list-style-type: none"> <li>• Negative impacts on services and facilities.</li> <li>• Negative impacts on the connectedness, cohesion and character of the local community.</li> <li>• Impacts on housing diversity and demographic composition.</li> <li>• Impacts of race meets on the local community.</li> </ul>
<p>Sport and Recreation Impacts</p>	<ul style="list-style-type: none"> <li>• Impacts on the demand of existing sport and leisure facilities.</li> <li>• Contributions required for upgrades to facilities.</li> </ul>
<p>Staging</p>	<ul style="list-style-type: none"> <li>• Lack of clear staging program, particularly for infrastructure provision.</li> </ul>

Traffic and Transport	<ul style="list-style-type: none"> <li>• Concerns about impacts on the local traffic and transport networks, including:           <ul style="list-style-type: none"> <li>• Local roads</li> <li>• Main roads</li> <li>• Intersections</li> <li>• Public transport</li> <li>• Walking and cycling infrastructure</li> </ul> </li> <li>• Concerns over assumptions into the traffic modelling.</li> <li>• Impacts on transport networks during race meets.</li> </ul>
Water Sensitive Urban Design	<ul style="list-style-type: none"> <li>• Lack of acknowledgement of Council's drainage assets within the site.</li> <li>• Flooding risks due to grade of the site.</li> <li>• Opportunities for significant Water Sensitive Urban Design measures.</li> </ul>
Economic Impacts	<ul style="list-style-type: none"> <li>• Concerns about the impact on the economic structure of core retail area of MPAC through additional commercial and retail floor space.</li> <li>• There is no fixed limit to the amount of additional commercial and, or retail space within the ACZ schedule.</li> </ul>
ESD	<ul style="list-style-type: none"> <li>• Lack of any meaningful inclusion of deliverable ESD initiatives in the master plan or ACZ schedule</li> </ul>

The submission also outlines fundamental elements that should underline a re-designed Master Plan and new planning controls. These include:

- Reduced dwelling density and upper limit specified within the planning scheme, based on the ability of the site and surrounds to accommodate traffic movements and impacts on community facilities, and public transport.
- Reduced maximum building heights to be complimentary to the existing grandstand heights. Heights from 3 to 12 storeys would be more appropriate.
- Removal of precinct 10C for residential use to allow for racecourse use and expansion into the future.
- Increase in on site open space and agreed access to the interior of the track for public open space.
- Reorientation of pedestrian access routes to the racecourse.
- Separation between racecourse access/commercial uses/public open space and the grandstand.

- Increase separation distance on Wilson Street for grandstand.
- A redesigned layout to accommodate heritage features of the site.
- A redesigned layout to accommodate the significant trees on the site.
- Provide five per cent affordable housing component (National Rental Affordability Scheme (NRAS) compliant).
- Identify and outline the implementation of ESD features.
- Identify appropriate traffic mitigation measures and agreed implementation strategy.
- Identify and outline implementation of WSUD features.
- Provide adequate set backs from racecourse to surrounding streetscapes.
- Provide logical hierarchy of streetscapes to increase wayfinding across the site, in particular to Racecourse entrances.
- Provide adequate congregation spaces at Racecourse entrances for crowd management.
- Amendments to the ACZ schedule to better reflect what the outcomes would be for the site, and to ensure that development is assessed against the relevant components of the master plan.

### **Consultation**

Exhibition of the proposed Master Plan and planning scheme amendment was undertaken by the Department of Transport, Planning and Local Infrastructure (DTPLI). Exhibition is from 29 July 2013 to 6 September 2013.

DTPLI undertook direct mail out to owners and occupiers of properties within a couple of streets distance from the racecourse site. A copy of the letter and information that was sent out is included at **Appendix G** – separately circulated.

Council considered that the DTPLI mail out did not go far enough to advise the community of the proposal. Consequently we undertook our own mail out of the DTPLI letter to approximately an additional 4,600 owners and occupiers within Moonee Valley. In addition, the City of Moreland also notified approximately 3000 owners and occupiers of properties in proximity to the racecourse site within their municipality.

Other consultation and notification undertaken by Council included:

- Direct email to approximately 185 people who subscribe to Council's MVRC e-newsletter updates.
- Website updates.
- Advertorial in the local newspapers.
- Two Community Information Sessions held at the Clocktower Centre on Sunday 11 August and Thursday 15 August 2013.

All submitters could, upon request, have an opportunity to be heard at the Public Hearing to be held in October. All submissions will still be taken into account, whether or not submitters wish to be heard at the public hearing.

## **Implications**

### **1. Legislative**

The process for the consideration of Planning Scheme Amendment requests (Part 3 of the Act), and the Advisory Committee process (Section 151 of the Act) is governed by the *Planning and Environment Act 1987*.

There are no Human Rights Charter implications as a result of this report.

### **2. Council Plan / Policy**

Changes to the Moonee Valley Planning Scheme primarily relate to Strategic Objectives from *Theme 3: Sustainable Living* of the Council Plan 2013-2017, specifically:

Strategic Objective 1 – *Ensure there is clear direction for growth and proactive management of development in the City.*

Strategic Objective 2 – *Facilitate the provision of a broad range of safe, accessible and sustainable transport modes across the municipality.*

Strategic Objective 3 – *Encourage housing development that is environmentally sustainable and caters for our diverse existing and future population.*

Council has assessed the proposal against relevant Council policy documents and strategies including:

- Local Planning Policy Framework.
- Moonee Ponds Activity Centre Structure Plan, 2010.
- Moonee Valley Housing Strategy, 2010.
- Integrated Transport Plan, 2008.
- Walking and Cycling Strategy, 2012.

In addition there are a range of State government policy documents, strategies and legislation that is relevant to this proposal.

### **3. Financial**

A thorough assessment and justification of Council's position in relation to this proposal will have financial implications for Council.

Council needs to ensure that it is appropriately resourced, not only for the community consultation and preparation of the submission, but importantly for the presentation at the public hearing, including legal representation and reliance on expert witness evidence on a range of matters.

### **4. Environmental**

Environmental impacts as a result of the proposal are considered in the assessment of the proposal, and detailed in the submission to the Advisory Committee.

**Conclusion**

It is recommended that Council endorse the submission detailed at **Appendix A** (separately circulated) for the purposes of its submission to the Moonee Valley Racecourse Redevelopment Advisory Committee.