



Item No	Report Name	Appendix Letter	Description
4.1	40 Hall Street, Moonee Ponds	A	Council Report July 2016

Separately Circulated Appendix

## REPORTS

**9.1 40 Hall Street, Moonee Ponds (PC354406) Stage 2 - Construction of multi-storey buildings and associated works, use of the land for dwellings, reduction in the car parking requirements and waiver of the loading bay requirements**

**File No:** FOL/16/130  
**Author:** Principal Planner/Appeals Advocate  
**Directorate:** Planning & Development  
**Ward:** Myrnong

<b>Planning File No.</b>	MV/491/2015
<b>Proposal</b>	Construction of multiple buildings ranging in height from 6 to 34 storeys; 691 apartments (414 x 1 bedroom, 258 x 2 bedroom and 19 x 3 bedroom apartments); 102 serviced apartments; 2,550m <sup>2</sup> office space 648m <sup>2</sup> retail space 191m <sup>2</sup> cafe 731 car spaces (726 within basement levels and 5 at ground level accessed via Aspen Street. Waiver of loading bay
<b>Applicant</b>	Caydon MP No.2 Development P/L C/- Urbis P/L
<b>Owner</b>	Moonee Ponds Pty Ltd
<b>Planning Scheme Controls</b>	Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)
<b>Planning Permit Requirement</b>	Clause 37.08-2 (Use of the land for dwellings) Clause 37.08-5 (Construction of buildings and works) Clause 52.06-3 (Reduction of car parking spaces) Clause 52.07 (Waiver of loading and unloading requirements)

<b>Car Parking Requirements (Clause 52.06)</b>	Required: 961 Provided: 731
<b>Bicycle Requirements</b>	Required : 230 Provided : 534
<b>Restrictive Covenants</b>	Yes, (2) covenants, but are not breached
<b>Easements</b>	Yes, E-1 in favour of MMBW, Gas & Fuel Corporation, Telecom Australia & City of Essendon and E-2 in favour of Gas and Fuel Corporation
<b>Site Area</b>	5,296 square metres
<b>Number Of Objections</b>	Six (6)

### Executive Summary

- This application seeks planning approval for the construction of multi-storey buildings comprising retail, office and dwellings, reduction in the car parking requirements and waiver of loading bay requirements. It also includes serviced apartments with a ground floor café component.
- This prime site is specifically identified within the Moonee Ponds Activity Centre Structure Plan as the 'Readings Site' and is located between Hall, Homer, and Everage Streets. The site is vacant of built form and has a temporary car park permit set to expire on 29 June 2017.
- The vision for the overall 'Readings site' is to provide an integrated high quality mixed use environment that improves and enhances connections to Moonee Ponds Train Station and the public transport interchange. Further, the vision is articulated within an adopted Development Plan, which seeks to guide future development through the establishment of design and development principles.
- The current application represents Stage 2 of 2 of the redevelopment of this large land holding with new buildings to be constructed predominantly within the northern portion of the site covering an area in the order of 5,296 square metres. Stage 1 was approved on 11 April 2016 following resolution at a VCAT Compulsory Conference proceeding.
- The application was externally referred to Public Transport Victoria, VicRoads, Essendon and Melbourne Airports, all of whom raised no objection to the application. Internally, the application was referred to the Strategic Planning Unit, Council's Urban Designer, Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Development Officer, Property Services, Operations Department, Economic Development Department and Open Space and Urban Design. Aside from Council's Urban Designer, conditional support to the application was provided.
- Further, urban design advice was sought from both MGS Architects and via the Office of the Victorian Government Architect. Concerns were raised with respect to building height, site lines through the public open space, wind impacts and

internal amenity, but have all been mitigated through design and appropriate conditioning.

- The application attracted six objections with concerns primarily relating to building height, neighbourhood character, off-site amenity impacts, disruption to the activity centre during construction, traffic generation, loss of car parking and insufficient on-site parking provision.
- In a bid to address the various concerns raised within the referral responses, informal plans were submitted on 3 May 2016. The amendments were not required to be re-advertised as the extent of changes did not constitute further detriment.
- This application represents a rare and exciting opportunity to develop a significant area of land on a key site within the Moonee Ponds Activity Centre (MPAC).
- The main issues for consideration of this application relate to the acceptability of building height, building design and internal amenity, wind and overshadowing of the public realm.
- Whilst this assessment report recommends support of the application, it is submitted that a combination of built form and land use modifications are required in order to both optimise this development and address the various referral responses. More specifically, the recommendation includes requirements to reduce the Everage Street building from 34 to 28 storeys, adopt greater building separation between towers to maximise solar access into the public realm space, the incorporation of public art, provision for greater commercial activity along Homer Street, along with the requirement for an at-grade loading bay to service the retailing. Further, in line with the arrangements of the approved Stage 1, financial contributions will be required in lieu of the residential carparking shortfall along with requirements for various streetscape improvement and mitigation works.
- Subject to the various design modifications, this assessment report finds the development demonstrates an appropriate degree of compliance with the majority of State and Local Planning Policies within the Moonee Valley Planning Scheme. It is submitted the proposal will positively contribute to the revitalisation of the centre as a compact, vibrant and walkable core.
- It is therefore, recommended that Council issue a Notice of Decision to Grant a Planning Permit.



Figure 1 – Aerial photo of the subject site and surrounds

(Note: The area highlighted in red represents the current Stage 2 application. The area highlighted in blue represents the approved Stage 1 area which includes all basement parking and north/south pedestrian links)

### Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/491/2015 for the (Stage 2) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking requirements at 40 Hall Street, Moonee Ponds (PC354406), subject to the following conditions:

1. Before the use and the development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans by Caydon Property Group, identified as drawing nos. TP-000 to TP-003, TP-008, TP-101 to TP-118 and TP-201 to TP-215 all marked Revision 4 dated 28 April 2016 but modified to show;
  - a) The Everage Street building reduced by 6 levels with 4 levels to be removed from the mid-section and 2 levels from the top section of the building;
  - b) As a consequence of Condition 1a) not less than 10% of dwellings within the building to comprise three bedroom apartments;
  - c) The retraction of the Homer Street East building to provide a minimum 18 metre separation from the Level 1 Everage Street building along with any subsequent internal modifications;
  - d) The incorporation of public art on the east facing wall of the Homer Street

- building;
- e) Apartments G01-G05 and G09-G12 to be converted to either retail or office space;
  - f) As a consequence the removal of Apartments G10-G12, provision for not more than one dwelling may be accommodated at the rear adjacent to the communal open space;
  - g) Provision for weather protection awning along the Homer Street building;
  - h) Nomination of 'office' in lieu of 'Area' as shown on Levels 2 and 3 of the Everage Street building along with updates to the sectional diagrams on drawing nos TP-210/211;
  - i) The provision of 300mm trench grates at the entrance to the basement;
  - j) Provision for an at-grade loading bay to the north of Aspen Street East along with subsequent modifications to the lobby area and the removal of the five (5) ground level retail car parking spaces associated with the Everage Street building;
  - k) The footpath along the southern elevation of the Everage Street building to be increased from 1.5 to 2.5 metres;
  - l) Provision for pedestrian visibility splays to all vehicle access points;
  - m) Car parking allocation;
  - n) A notation to indicate resolution of the 'community space' adjacent to the Aspen Street entrance to be subject to further consultation with Council;
  - o) 'Community space' to be shown on Drawing TP-101;
  - p) Amendments to the 'Proposed Streetscape Improvement & Mitigation Works' plan identified as Appendix D contained within the GTA Assessment dated 17 June 2015 in accordance with Condition 3;
  - q) Any design modifications as detailed within an amended wind assessment in accordance with Condition 5;
  - r) Provision for a toilet within the communal area on level 24 (Everage Street building);
  - s) A notation that a total roof catchment area of 2,450m<sup>2</sup> is to be divided proportionately across the three buildings to feed into: Homer Street West building to have 12,000L rainwater tank connected to toilets in 29 dwellings; Homer Street East building to have 11,000L rainwater tank connected to toilets in 25 dwellings; Everage Street building to have 17,000L rainwater tank connected to toilets in 41 dwellings;
  - t) A notation that all stormwater from all external communal areas over the basement is to be collected and discharged into a bio-retention system with surface area of 34m<sup>2</sup>; and
  - u) Incorporation of solar PV systems as detailed within the submitted Sustainability Management Plan.

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

2. The layout of the site and the size, design and location of the buildings and

works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

3. Changes to the 'Proposed Streetscape Improvement & Mitigation Works' as follows:
  - a) Deletion of the following notations applicable to Puckle Street & Margaret Street;
    - (i) 'Prohibit right turn into Margaret Street and remove redundant turn lines';
    - (ii) 'Prohibit on-street parking and lengthen left turn lane';
    - (iii) 'Extend right turn lane as shown';
    - (iv) Prohibit on-street parking opposite lengthened right turn lane'.
  - b) The pedestrian signalised crossing to be relocated from the north of Aspen Street to the south of Hall Street;
  - c) Pedestrian zebra crossings on Homer and Hall Street to be shown as raised zebra crossings and to incorporate flashing lights (subject to VicRoads approval);
  - d) Provision for a raised pedestrian crossing treatment along the western side of Everage Street at the intersection of Aspen Street; and
  - e) Adjustments to accord with approved Stage 1 arrangements including vehicle access via Aspen Street East, northbound movements from Hall Street on the western road alignment and at grade loading bay provision.
4. Prior to occupation, the owner must, at its own cost, undertake and complete the following work to the satisfaction of the Responsible Authority:
  - a) Upgrade of existing infrastructure (resurfacing, drainage pits, kerb and channel, footpaths, nature strips, lighting and replacement of bluestone paving) on the surrounding road network applicable to Stage 2 (Homer Street and Everage Street);
  - b) Construction of the pedestrian walkway zones between Homer Street and Hall Street; and
  - c) All mitigation works as detailed within the GTA plan described as 'Proposed Streetscape Improvement & Mitigation Works' in accordance with the requirements of Condition 3.

With the consent of the Responsible Authority, the above works may be undertaken at a later stage subject to the owner providing a bond or other security to the satisfaction of the Responsible Authority.

5. Concurrent with the submission of Condition 1 plans, an amended wind assessment must be submitted to and approved by the Responsible Authority detailing any wind control measures for the following areas of the development:
  - a) Any required design modifications as a consequence of Condition 1a) and 1c);
  - b) The Homer Street East building designed to fulfil the 'sitting criteria' for the

south and eastern areas adjacent to the proposed ground floor restaurant to ensure comfort levels for outdoor dining;

- c) Any wind measures applicable to the Level 18 rooftop terrace (Homer Street West); and
- d) Any design modifications to the Everage Street building to eliminate the requirement for a 1.8 metre high porous windscreen.

The amended wind assessment must be prepared by a suitably qualified expert.

6. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the *Planning and Environment Act 1987* satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) which provides for the following;
  - a) The making of a financial contribution to the Responsible Authority applicable to a rate of \$7,500 per residential space that would otherwise be required to be provided on the land with provision that such contribution must be paid on or prior to occupation of any part of Stage 2.
7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. A minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to;
  - a) Hours of construction;
  - b) Parking and traffic movement of all workers vehicles and construction vehicles;
  - c) Scaffold and hoarding for the site;
  - d) Allocated areas for loading and unloading;
  - e) Site evacuation plan and procedure;
  - f) Occupational health and safety policy;
  - g) Hazard identification and control;
  - h) Environmental management and waste minimisation;
  - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
  - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;



- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

10. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
11. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; and
  - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

12. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
13. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plans must be to the satisfaction of the Responsible Authority and must;
  - a) Be provided and completed prior to the commencement of the use hereby permitted;
  - b) Thereafter be maintained;
  - c) Be made available for such use at all times and not used for any other purpose;
  - d) Be properly formed to such levels that it can be used in accordance with

- the endorsed plan; and
- e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
14. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
  15. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
  16. Prior to the commencement of buildings and works, separate application must be made for the removal and/or variation of easements pursuant to Clause 52.02 of the Moonee Valley Planning Scheme.
  17. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
  18. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
  19. The following plans and reports must be submitted to and approved by the Responsible Authority 30 days prior to the commencement of the construction works:
    - a) Road, drainage and footpath improvement works including resurfacing works on Homer Street and Everage Street;
    - b) Road safety Audit of the design including pedestrian paths; and
    - c) Public Lighting Plans.
  20. A minimum 30 days prior to the commencement of road works, drainage improvement and building construction works, detailed construction engineering plans must be submitted to and approved by the Responsible Authority. The construction plans must be prepared by a suitably qualified person and must show and include:

- a) Design for construction of all new and upgrade of existing road pavements including resurfacing, paths, parking bays, drainage pits, kerb and channel, footpaths, and nature strips on Homer Street and Everage Street;
  - b) Design of pedestrian walkway/zone, bicycle parking between Homer Street and Hall Street;
  - c) Traffic control measures as required;
  - d) Footpath design and construction including details in the treatment of pedestrian and cycle access through the site;
  - e) Where practicable, the development shall be in accordance with the *Disability Discrimination Act (DDA)*; and
  - f) A plan with appropriate road signs and line marking.
21. The Public Lighting Plan is to be approved prior to the commencement of the pedestrian walkways and new footpath works and must be in accordance with the City of Moonee Valley's Sustainable Lighting Guidelines. The Plan must include all new streets and paths showing lighting provided with a power supply to each light underground. Street lighting is to be provided to the Australian Standard for residential street lighting.
  22. Prior to issue of occupancy permit a copy of a DDA certificate of detail design compliance must be forwarded to Council's Technical Services Unit. The DDA certificate must refer to parking onsite, access and mobility from Homer, Hall, Margaret and Everage Streets and Market Lane and walkways as a minimum.
  23. Upon practical completion of roads and drainage works including any deferred works to the satisfaction of the Responsible Authority, the Developer must lodge a maintenance bond to the value of 5% of the cost of the works. The maintenance bond will be held and the defects liability period will continue for twelve (12) months from the date of the Responsible Authority's approval of practical completion of the works.
  24. The Sustainability Management Plan prepared by 'Lucid Consulting Australia' dated 6 October 2015, or any approved updated version, to be implemented and appropriately managed during the construction of the proposed building.
  25. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
    - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
    - b) Outline Green Travel Plan measures for the development including, but not limited to;
      - (i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
      - (ii) Include a minimum of one MYKI pass (of at least \$20 value) and registration information per bedroom for each dwelling within the

household welcome pack;

- (iii) Bicycle parking and facilities available on the land; and
  - (iv) Monitoring and review.
- c) A plan showing the bicycle parking areas to be provided for use by residents; and
  - d) Inclusion of monitors on the ground floor lobbies displaying real time public transport information.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

- 26. Upon practical completion of the landscape works to the satisfaction of the Responsible Authority, the developer must lodge a maintenance bond to the value of 10% of the cost of the landscape works. The maintenance bond will be held and the defects liability period will continue for twenty four (24) months from the date of the Responsible Authority's approval of practical completion of the works.
- 27. Except with the prior written consent of the Responsible Authority, provision must be made for a minimum of;
  - a) 29 retail spaces (7 staff & 22 visitor); and
  - b) 76 office spaces (68 staff & 8 visitor).
- 28. Buildings or works must not be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans prepared by Oculus within the Landscape Design Report dated 18 December 2015 (Revision F) but modified to show:
  - a) Any modifications as a consequence of Condition 1;
  - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - c) Further detailing of landscaping and pavement treatments along Homer Street; and
  - d) Revised Homer Street (Level 18) rooftop.

Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved by the Responsible Authority these plans become part of the endorsed plans of this permit.

- 29. Should any activity occur above 123.5m AHD (i.e. building antennas or cranes during construction) approval will be required. At this height, the Airports (*Protection of Airspace*) Regulations 1996 take effect. Further, any proposed activity above 120m AHD must be submitted to Essendon Airport for formal assessment.

30. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. This must include an operation management plan demonstrating adequacy of access, turning circles and loading areas. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

The proposed waste collection must limit frequency across the entire site (all stages) to three (3) collections per week.

31. This permit will expire if one of the following circumstances applies;
- a) The development is not commenced within three (3) years from the date of issue of this permit; or
  - b) The development is not completed and the use is not commenced within five (5) years from the date of issue of this permit.

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

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

#### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.
- It is recommended that the required on-site detention system be designed to

limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .

## 1. Introduction

### 1.1 Subject Site and Surrounds

The former 'Readings Site' is located on a large 1.3 hectare irregular parcel of land located within the Moonee Ponds Activity Centre (MPAC). The site is specifically identified in the Moonee Ponds Activity Centre Structure Plan (MPACSP) as the 'Readings site' and is bounded by Hall, Homer, Everage and Margaret Streets. The overall site is made up by a number of separate titles.

The subject site (Stage 2) forms approximately 40% of the 'Readings site' that being the large portion of the land between Homer and Hall Street. The site has a total area in the order of 5,296 square metres and features a sloping topography with a fall across the site from the south west to the north east of approximately 4 metres.

The site is largely devoid of buildings and is currently being utilised as a public car park.

The land is encumbered by two restrictive covenants one of which prohibits the establishment of a supermarket without the prior written consent of the registered proprietor or proprietors of benefitting land. The other prohibits the erection of any out houses/back premises or conversion of the land into a backyard. The proposal is not in breach of these restrictions.



**Figure 2 – Application Site (40 Hall Street, Moonee Ponds).  
View looking east along Homer Street, Moonee Ponds**

The subject site is strategically located within the Moonee Ponds Activity Centre, with the site's primary street frontage being to Homer Street and secondary frontage to Everage Street. The existing urban context of this block is characterised by a mixed commercial character contained within a range of building styles, heights and setbacks. The site has no activation to Hall Street as it is separated by the land defined in the Stage 1 application for this development.

## 1.2 Proposal

The application proposes the construction of three buildings ranging in height between 6 to 34 storeys accommodating retail, office, serviced apartments, a ground floor café and dwellings. It should be noted that the provision of basement parking has been incorporated into the approved Stage 1 application. Notwithstanding, the basement plans demarcate the allocation of spaces applicable to both Stages.

The proposal is summarised in Table 1.

**Table 1**

No of dwellings	691 apartments <ul style="list-style-type: none"> <li>• 414 (one bedroom)</li> <li>• 258 (two bedroom)</li> <li>• 19 (three bedroom)</li> </ul>
Retail	648m <sup>2</sup> (4 retail tenancies) located on the ground level of the Everage Street building
Office	2,550m <sup>2</sup> located on Levels 1-3 within the Everage Street building
Serviced Apartments	102 serviced apartments; <ul style="list-style-type: none"> <li>• 93 (one bedroom)</li> <li>• 9 (two bedroom)</li> </ul>
Cafe	191m <sup>2</sup> located on the ground floor of the Homer Street East (serviced apartment) tower.
Community Space	40m <sup>2</sup> located within the south west corner of the Everage Street building.
No of car spaces	731 car spaces (726 within basement levels and 5 at ground level accessed via Aspen Street)
No of motorcycle spaces	70 spaces
No of bicycle spaces	488 spaces
Max Building Height (excluding any lift overrun less than 3.6m in	<ul style="list-style-type: none"> <li>• Everage Street (107.90 metres or 34 storeys)</li> </ul>

height)	<ul style="list-style-type: none"> <li>• Homer Street East (28.7 metres or 10 storeys)</li> <li>• Homer Street West (21.45 – 56.65 metres (includes 4.65m lift overrun) or 6-18 storeys)</li> </ul>
Public Realm (As detailed within the Oculus Drawings)	<ul style="list-style-type: none"> <li>• Widened footpath along Homer and Everage Streets;</li> <li>• Open space (220m<sup>2</sup>) within the frontage to the Everage Street building.</li> </ul>

Refer **Appendix B** Plans (separately circulated)

#### Informal Amended Plans

In a bid to respond to various concerns raised throughout the course of the application, informal amended plans were received on 3 May 2016. The key modifications to the proposal from the initial advertised plans included the following:

- The six apartments (G12-G17) between the residential foyer and the Homer Street car park entrance converted into three dual access three bedroom apartments (now shown as G10-G12);
- Increased setback between the Homer Street West building and Hall Street West building (located in Stage 1) from 9 to 13 metres resulting in the loss of two apartments from each level of the Homer Street West building. To compensate, two additional levels have been added to the Homer Street West building (from 18 to 20 storeys or from 56.65 to 62 metres to the revised lift overrun). In addition, the façade expression has been amended to provide greater articulation across the extent of the building along with the incorporation of a lift feature along with a revised garden roof top arrangement; and
- Increased provision for three bedroom apartments within the Everage Street building from 14 to 38 apartments in line with the Section 173 Agreement requirement negotiated as part of the Stage 1 approval.

As a consequence of the above modifications, the overall apartment yield has reduced from 691 to 663 (-28) with a revised mix as follows;

One bedroom	374
Two bedroom	244
Three bedroom	45
Total	663

It is important to note that the permit applicant has not elected to formally amend the application pursuant to Section 57A of the *Planning and Environment Act 1987*. Notwithstanding, it is submitted that the



modifications are an improvement on the original design and for the purpose of this assessment, the informal plans have been assessed. The plans are described in drawing nos. TP-000 to TP-003, TP-008, TP-101 to TP-118 and TP-201 to TP-215 all marked Revision 4 dated 28 April 2016. Accordingly, these have been referenced within the preamble to Condition 1.

In addition, public notification of the amended plans was not required as the modifications did not constitute further unreasonable material detriment. The modifications are deemed to be relatively minor within the context of the original advertised scheme.

Refer **Appendix C** – Informal Amended Plans (separately circulated).

## **2. Background**

### **2.1 Relevant Planning History**

The site has an extensive history and a review of Council's historical files reveals that a number of planning permits have been issued for the land. More notable history is detailed as follows;

- Planning Permit MV/434/2015 was issued on 11 April 2016 allowing for the (Stage 1) construction of multi-storey buildings and associated works, use of the land for dwellings and a reduction in car parking;
- Planning Permit MV/779/2014 was issued for a 16 storey development to the south east part of the site. The permit allowed for ground floor retailing along with 162 apartments above (67 x 1 bedrooms and 95 x 2 bedrooms) along with 137 basement carspaces accessed via Aspen Street. It also included the southern portion of the north/south pedestrian link between Hall and Homer Streets;
- Planning Permit MV/25/2011 was issued by Council on 29 June 2012 for works associated with the use of the land as a temporary carpark. The permit was amended further on two occasions as a consequence of minor alterations to the carpark layout;

On 18 November 2013 the permit was amended a third time allowing for the carpark to operate for a total of three years, in lieu of the originally approved two year period;

- The Development Plan for the 'Reading site' was approved and a plan was endorsed under Development Plan Overlay – Schedule 1 on 10 February 2000; and
- Planning Permit ES 9080 issued on 13 May 1998 for a place of assembly (12 cinemas), family entertainment centre, retail and restaurant development and associated carparking.

### **2.2 Other Relevant Considerations**

#### **Amendment C135**

Amendment C135 was introduced into the Moonee Valley Planning Scheme on 11 October 2013 as a means of deleting the outdated

Development Plan Overlay- Schedule 1 (DPO1) applicable to the former Readings Site. The original DPO1 sought a building scale of 3-4 storeys incorporating food court/restaurants, approximately 7,400 square metres of retail floor space, 12 cinemas and two levels of car parking (one basement and another semi basement) incorporating 489 car spaces.

The removal of the former DPO1 was necessary in order to align with the revised strategic direction for the area as dictated under the current Moonee Ponds Activity Centre Structure Plan (MPACSP).

#### Amendment C100

Amendment C100 was introduced into the Moonee Valley Planning Scheme on 30 March 2015.

Amendment C100 implements the MPACSP through the Activity Centre Zone (Schedule 1) for the centre.

Under the Schedule, the subject site is located in Precinct 2D, which nominates a preferred heights of 50 metres.

#### Amendment C147

At the Ordinary Meeting on 23 September 2014, Council resolved to prepare, adopt and approve Amendment C147 into the Moonee Valley Planning Scheme by applying and inserting a new Development Plan Overlay – Schedule 1 for the entire site.

The Amendment was initiated following interest to commence development of the former 'Readings site' as a means of providing a statutory mechanism to guide the future redevelopment of the land in an integrated manner.

Subsequently, the Development Plan was prepared by Urbis and was presented to the Council for consideration in October 2014.

Under the Plan, the future development of the site incorporates the following;

- A variety of building heights across the site, ranging from 6-26 levels;
- Two (2) new north/south pedestrian/cycling links through the site;
- Ground floor retail uses along Hall and Everage Streets and part of the Homer Street frontages;
- Ground floor community use along the Everage Street frontage; and
- New public open space with a minimum 600 square metres and frontage to Homer Street.

Ultimately, the inclusion of Amendment C147 into the Moonee Valley Planning Scheme was not formalised primarily on the basis of the submission of the Stage 1 and 2 applications, which essentially provide an integrated development approach to the site.

#### Stage 1 (Planning Application MV/434/2015)

As highlighted, Planning Application MV/434/2015 was issued on 11 April 2016 and allowed for the Stage 1 works. In essence, Stage 1 allows for

the construction of four tower forms ranging in height from 6 to 23 storeys accommodating 612 apartments and provision for 1,586 square metres of retail space. The proposal also featured north/south pedestrian linkages, a civic plaza, widened footpaths along with provision for basement car parking and a centrally located private communal area.

Whilst Council had initially resolved to refuse the application, the matter was ultimately resolved via a VCAT Compulsory Conference hearing, which facilitated revisions to the initial design by way of reduced tower height (Hall Street West), improved dwelling diversity and internal amenity, the inclusion of an at grade loading bay and an additional (fourth) level basement to the development.

In addition to the agreed modifications to the proposal, the VCAT Order required the applicant to voluntarily enter into a Section 173 Agreement providing for the following:

- A cash contribution in lieu of the provision of 107 car parking spaces in the amount of \$802,500 to be paid on or before the occupation of any part of the development;
- The provision of not less than an additional 124 car parking spaces over and above those shown on the amended plans across Stages 1 and 2. Of these spaces, not less than 38 spaces must be located in Stage 1; and
- Not less than 10% of the dwellings in the 'Everage Street' building forming part of Stage 2 to comprise three bedroom apartments.

Plans have been submitted in accordance with Condition 1 of the Planning Permit which are currently being assessed.

## **2.3 Planning Policies & Decision Guidelines**

### State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport

### Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision – Moonee Valley Tomorrow
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment

- Clause 21.07 Activity Centres
- Clause 21.08 Economic Development
- Clause 21.09 Transport and Access
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

- Clause 37.08 Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)

Particular Provisions

- Clause 52.06 Car Parking
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.34 Bicycle Facilities
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys
- Clause 52.36 Integrated Public Transit

General Provisions

- Clause 65 Decision Guidelines

## 2.4 Referrals

External

- Public Transport Victoria (Section 55)  
No objection
- VicRoads (Section 52)  
No objection
- Essendon Airport (Section 52)

The maximum stated building height for Stage 2 is 147.72 metres AHD (Australian Height Datum). At the proposed height, the structure would penetrate the prescribed airspace for Essendon Airport.

Approval will be required for any permanent building or temporary activity above 123.5m AHD (including building antennas or cranes during construction). At this height, the Airports (Protection of Airspace) Regulations 1996 take effect.

- Melbourne Airport (Section 52)  
No objection
- Independent Urban Design (MGS Architects)
  - The design language adopted for the development is generally acceptable as are the building heights provided there are no unreasonable overshadowing impacts on the public realm;

- The playground and sitting areas (areas 10 and 14) as identified on the Oculus landscape master plan should be designed for sitting not walking as nominated within the wind assessment prepared by VIPAC;
- Tower separation is critical in assisting to provide some sunlight properties to the common area spaces and play areas at some times of the day. The current proposal would appear to suggest that the playground will be in permanent shade;
- The adequacy of daylight to south facing saddle back apartments is questioned. Unit 218 in the Homer Street building is an example;
- Lack of natural light and ventilation to the common area corridors of the upper levels of the Everage Street building;
- A green travel plan should be provided which specifies the inclusion of monitors in the ground floor lobbies for real time public transport information to facilitate these modes;
- High number of balconies of less than the standard 8 square metres. The proposal should be amended to require no more than 10% of one bedroom apartments to have less than the standard; and
- Storage should be provided for all apartments within the basement area.
- Office of the Victorian Government Architect (OVGA)
  - ‘Scale and form’ – The OVGA were concerned the site is proposed to be overdeveloped, with the proposed building scale exceeding nominated heights in both the Activity Centre Structure Plan and Development Plan. They consider the form of the proposal will negatively impact on the new streets and spaces due to overshadowing and wind;

The site lines through the public space, from north to south, currently do not appear clear or easy to navigate. Central to the success of the visual link through the site is the treatment and design resolution of the element against the car park ramp on the western edge of the Everage Street building;

The additional setback to the Everage Street building is supported provided it is of high quality and fully designed with wind considerations dealt in an integrated manner;
  - ‘Public realm’ – The design of the central public realm space is supported;

Wind impacts require further review. Mitigation measures such as installing vertical screening to pathways is intrusive to the public realm. Further, caution is raised against the reliance on developed tree canopies for wind mitigation in modelling calculations;

- ‘Architecture’ – Whilst the different approach to materiality is supported, it is submitted that the buildings do not read as a considered collection of buildings. The curved glass tower form of the Everage Street building appears much less suitable and not contextually resolved. The concept of introducing a different materiality to the podium, using timber battens to shift the scale from tower to street level, is supported.
- ‘Internal amenity’ – Natural daylight to the common corridors should be introduced into all residential building levels. Further design work to open up the floor plate and mitigate the tight public circulation is encouraged.

#### Internal

- Engineering Services Unit  
No objection subject to conditions
- Traffic and Transportation Unit  
No objection subject to the following conditions:

#### Parking Provision

- The permit applicant is required to pay a cash in lieu amount for \$960,000 for the waiver of 128 residential car parking spaces (\$7500 per space) or reduce the number of dwellings to match with the parking requirements.

#### Proposed Mitigation Measures

- ‘Puckle Street/Margaret Street Intersection – Proposed Right Turn Bans’ - The impact of banning right-turns from Puckle Street into Margaret Street is likely to have a significant impact on the operation of the local road network and together with the proposed lengthening of the left turn lane on Puckle Street and banning of on-street parking (in order to accommodate a lengthened left turn lane on Puckle Street) must be removed from the plan prior to being endorsed by Council;
  - ‘Margaret Street Modifications’ – The lengthened right turn lane on Margaret Street is not considered an appropriate modification and could potentially become a road safety issue. This should be removed from the plan. In addition, the proposed signalised pedestrian crossing north of Aspen Street must be relocated to the south of Hall Street to provide appropriate linkage for pedestrians;
  - ‘Zebra Crossings on Homer Street and Hall Street’ – The proposed pedestrian crossing improvements (referred to as “Enhance existing pedestrian crossing/access as shown”) are to be raised zebra crossings and also include flashing lights (subject to VicRoads approval); and
  - ‘Intersection of Aspen Street and Everage Street’ – In order to improve safety and north-south pedestrian connectivity on the west side of Everage Street, the installation of a raised

pedestrian crossing treatment together with the proposed widening of Aspen Street is required.

Additional Items

- Provision for an at-grade loading bay is required to service the retail component. The applicant to explore reducing the foyer area (Everage Street building) to accommodate a loading zone;
- The 5 ground floor retail car spaces (located at the southern end of the Everage Street building) to be removed along with the exploration of a stacker arrangement within the car park to potentially provide additional spaces;
- Car parking spaces must comply with the planning scheme requirements, including provision of the door opening envelope;
- No doors from the proposed development to open onto any of the footpaths; and
- Pedestrian visibility splays to be provided for all access points to the proposed development.
- Strategic Planning/Urban Design

- 'Spatial arrangement of the proposed buildings' - The lack of a sufficient setback above the podium of the Everage Street tower in relation to the proposed height at the east and particularly the southern elevation will induce unreasonable amenity impacts on abutting streets;

Compromised east/west pedestrian movements along Aspen Street as a consequence of a narrow 1.5 metre wide footpath;

The siting and configuration of the tower lacks consideration of the possible future development equity of interfacing lots to the south side of Aspen Street. Aspen Street measures approximately 7.5 metres boundary to boundary which would require the interfacing lot to screen north facing units for the full anticipated height. A preferred arrangement would be to retract the tower footprint to express a podium;

Insufficient tower separation between built forms at the northern end of the pedestrian plaza which does not allow for maximum exposure of the plaza to main street interface. A more open and inviting arrangement of built form is required;

The 13 metre separation between the Homer Street West building and the Hall Street West building (Stage 1) is insufficient. Greater separation or a reduced tower height is required;

- 'Building Heights' – The Everage Street tower, at 107 metres, is more than double the preferred height dictated under the Schedule to the Zone. The increased height will cast shadow and generate wind impacts upon this street;

The impact of the Homer Street East building, at 10 storeys, is detrimental to the quality of the pedestrian experience of the plaza space. Particularly during the lunchtime peak of 12-2pm the height of this building casts a detrimental shadow across the central plaza.

- 'Internal Amenity' – Balcony sizes are below the standard 8m<sup>2</sup> requirement particularly inadequate for two bedroom apartments. The proposed depth and location of air-conditioning units further erodes the function of this space;

The lack of daylight access to common corridors within the Everage Street tower is unsupportable;

The ground floor dwellings located within the Homer Street West building are inappropriate. The plans should demonstrate measures to protect the bedrooms from the street interface.

- 'Open Space' – The setback of built form to Homer Street will realise a more generous pavement width. It will be imperative for the proposal to provide an urban interface and consistent pavement materiality in line with Council's vision for major streets within the Activity Centre.

- Operations Unit

No objection subject to the waste management plan amended to reduce collection frequency to 3 collections per week.

- Property Services

No objection

- Open Space

No objection subject to conditions requiring further detailing landscape species and resolution of pavement treatments.

- Environmental Sustainable Development (ESD) Officer

- Conditions to be imposed to address Water Sensitive Urban Design (WSUD);

- Concerns raised with regard to daylight access to south facing apartments within the Everage Street building, cross ventilation to corridors;

- Acoustic treatment of windows to ground, 1st and 2nd floor apartments is required;

- The single aspect apartments along Homer Street is an undesirable outcome given the interfacing carpark and supermarket. These dwellings should be deleted and replaced with retail/commercial use;

- Balconies should not be below the standard 8 square metre requirement; and

- Everage Street level 24 communal area requires a toilet.



- Economic Development
  - There is an increased need to provide further opportunities for increased commercial activity within the development, particularly at street level;
  - Relocate the Everage Street substation to ensure commercial continuity along the street;
  - Improvements to the width and conditions of footpath pavements are required to improve the aesthetics of the streetscape and encourage greater use of the streets for social, safety and commercial benefits; and
  - Additional commercial spaces on Levels 2 and 3 (Everage Street tower) would be advocated for in lieu of the current mixed residential/commercial arrangement.

#### Planner's Comment

The above matters raised within the referrals will largely be addressed via conditions. Those matters that are not accepted as conditions will be discussed throughout the body of this report.

### **2.5 Public Notification of the Application**

Pursuant to Section 52 of the *Planning and Environment Act 1987* the application was advertised by mail to adjoining and surrounding properties with notice boards erected at various points on the land for a period of 14 days.

As a result, six (6) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.7 of this report.

## **3. Discussion**

### **3.1 State Planning Policy Framework**

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. While current State Policy no longer categorises activity centres in the same manner as the past, it is clear that Moonee Ponds (a Principal Activity Centre in the former State Policy framework) is a higher order centre. It is State Policy to “build up” activity centres as a focus for high quality development, activity and living. It is expected that such centres will provide for different types of housing, including forms of higher density housing, as well as business, shopping and working.

Policy for metropolitan Melbourne requires that planning must consider as relevant ‘Plan Melbourne: Metropolitan Planning Strategy’. Moonee Ponds is identified as an existing activity centre and can be regarded as an area where change is expected and directed. Plan Melbourne clearly expects

existing and future activity centres to accommodate higher density housing and increased commercial opportunities and it is submitted that Moonee Ponds is a locality where intensification is to be realised.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development of five or more storeys in height. The objective of the Clause is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Subject to conditions, it is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2.

The following design principles must be regarded under this clause:

(Note: the majority of these design elements cover the decision guidelines for a building and works application under the Activity Centre Zone, the Guidelines for Higher Density Residential Development along with Objective 2 and strategies contained at Clause 21.06-4 (Urban Design).

#### Context

- “Development must take into account the natural, cultural and strategic context of its location;
- Planning Authorities should emphasise urban design policies and frameworks for key locations or precincts;
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development”.

A description of the pattern of development has largely been addressed within this report and accompanying plans.

The site is within an Activity Centre Zone (ACZ) and is not affected by any planning overlay controls. The site is located within Precinct B (Hall/Homer) under the MPACSP and is within the core retail area consisting of the Hall/Homer, Puckle and Young Precincts as well as in close proximity to a variety of public transport services.

The MPACSP identifies Precinct B (Hall/Homer) as becoming the ‘new face’ of retail offer for the centre, expanding on the existing retail, office and entertainment uses and also providing new residential apartments. A major feature of this precinct will be Hall Street, serving as a key link between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The site is identified in Precinct 2D under the Activity Centre Zone (Schedule 1). The preferred maximum height for buildings within this part of the precinct is 50 metres. Various objectives and guidelines pertaining to Precinct 2 seek the following:

- “To support and effectively link with Puckle Street as the principal spine of the Moonee Ponds Activity Centre;
- To expand retail, office and entertainment uses within the precinct with accommodation on upper levels;
- To enable taller and more intense built form in the body of the precinct”.

In addition to the above, it should be noted that the adopted Development Plan envisages building heights along Homer Street from 6 to 16 storeys and rising up to the corner with Everage Street up to 26 storeys.

As highlighted within the referral comments, concerns were raised with respect to the proposed height associated with the Everage Street building which is proposed at 34 storeys (107.90 metres). The preferred height is 50 metres under the Schedule to the ACZ or 26 storeys under the adopted Development Plan.

The current proposal results in a building that is in excess of 50% higher than the heights envisaged under the Schedule to the ACZ and reaches a point where it becomes disproportionate in its scale to the balance of the precinct particularly given the height at which nearby development has been approved and the preferred height and character outcomes within the adopted Development Plan.

Whilst the architectural presentation and podium expression of the building is considered acceptable, it is submitted that the height of the tower ought to be reduced from 34 to 28 storeys (6 levels or 17.1 metre reduction). More specifically, Condition 1a) will require four levels to be removed from the mid-section and two levels from the top section as a means of retaining the present tower composition. At 28 storeys, the Everage Street tower will stand five storeys higher than the approved 23 storey Hall Street West building in Stage 1. In this regard, it is noted that the adopted Development Plan envisages a maximum 5 storey difference between these two buildings. Accordingly, this has resulted in the 28 storey height recommendation.

It is acknowledged that at the reduced height of 28 storeys, the proposal will still exceed the preferred heights under the Schedule to the ACZ and the adopted Development Plan. Notwithstanding, it is submitted the height of the building is considered appropriate for a number of reasons:

- Strategic and Physical Context

The strategic policies for the area clearly acknowledge and envisage a major change from the traditional pattern of development.

The site is located within the core of the activity centre where relevant policy objectives seek to enable taller and more intense built form within this central location. Under the Schedule, a preferred height of 50 metres has been applied to the overall 2D precinct area which equates to more than 2.4 hectares. Accordingly, it is considered appropriate that a variation of tower heights be accommodated across this broader precinct as a means of establishing a visually interesting and dynamic skyline.

Whilst in isolation, the height of the Everage Street tower may appear excessive, in reality it will be placed amongst various towers, of compatible heights, such that it will sit comfortably within the emerging skyline. As such, given the level of change that is anticipated for the immediate area, it is considered the height of this tower is acceptable and will not be disproportionate in scale to the balance of the precinct. In this regard it is highlighted the approved tower heights for Stage 1 range from 6 to 23 storeys. As such, the building will comfortably assimilate into the family of buildings within the precinct. It should also be noted that the Development Plan envisages the tallest of the towers to be located at this corner road context.

- Building Design

The proposed building will comprise a commercial ground floor and expanded foyer entry, addressing both Homer and Everage Streets as well as the internal north/south pedestrian link.

The overall form includes a four storey podium height in the order of 15 metres, which features extensive timberwork across the façades as a mechanism to create a more elemental and human scale to the street. Above the podium, a sweeping curved edifice of curtain wall tower rises to in excess of 20 storeys, with a retracted footprint for the uppermost levels. The curving form of the building provides a landmark in townscape profile and will serve as an appropriate visual marker for the Activity Centre. Whilst some concern was raised with respect to lack of podium expression to the east and south of the tower, it is considered the curved form approach is acceptable with podium setbacks ranging between 2.5 - 4.5 metres along the more exposed Everage Street elevation.

- Net community benefit

It is submitted the proposal offers a net community benefit to the area. It provides for active frontages along both Everage Street and Homer Street in keeping with the vision for the area as it relates to providing for increased retail activity between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The provision for expanded footpaths along with an unencumbered north facing plaza area at the corner of Everage Street and Homer Street will serve to enhance the experience for both residents and visitors to the centre.

Finally, the provision for higher residential densities within the heart of the centre will provide improved economic opportunity for retail and supporting commercial services within the centre. Under various provisions contained within local policy, Council seeks to develop Moonee Ponds into an economically sustainable and vibrant area which reinforces its role as a regional centre in Melbourne's north west.

Having regard to the above, it is submitted the height of the Everage Street tower is acceptable subject to conditional requirements to reduce the height.

With regard to the balance of the towers, the heights generally align with the requirements of the Schedule and no further issue is raised on this aspect.

#### The Public realm

- “The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced”.

New development is encouraged to take protection and enhancement of pedestrian spaces, street squares, parks and walkways into account and respond in a positive manner. The proposal represents a contemporary design which will enhance the presentation of the site when viewed from the surrounding context.

Notwithstanding, it is considered there are further opportunities to enhance the proposal when viewed within the public realm. The modifications are as follows;

- The retraction of the Homer Street East building to provide a minimum 18 metre separation from the Everage Street level 1 podium;
- The incorporation of public art on the east facing wall of the Homer Street East building.

With respect to the retraction of the Homer Street East building, this modification serves to provide a more open and inviting arrangement at the main entrance to the plaza. The current arrangement of the podium associated with the Everage Street tower reveals a pushing of the podium mass westward into the entrance of the public plaza space. The cantilevering of these levels diminishes the space available to gain maximum sunlight exposure to public activities envisaged within the civic space. At level 1 of the podium associated with the Everage Street building, the built form is only 14 metres apart, the typical width of a local street.

Within their referral comments, the Office of the Victorian Government Architect noted that *‘the sight lines through the public space, from north to south, currently do not appear clear or easy to navigate, and we suggest further work is required to ensure the pedestrian experience is safe and legible with clear lines of sight.*

Having regard to the above, coupled with the comments provided by Council’s Urban Designer, Condition 1c) will require a built form separation of 18 metres at the entrance to the plaza between the Everage Street tower and the Homer Street East building.

With respect to the incorporation of public art, the 10 metre setback provided by the Everage Street building means that the eastern side elevation of the Homer Street East building will remain exposed when viewed both within the context of the streetscape and at the entrance to the public plaza. It is considered there is opportunity to enhance the public realm within this context and Condition 1d) will require the incorporation of a public art wall on the elevation.

In terms of wind impacts, an appraisal of the likely wind conditions has been undertaken by Vipac Engineers & Scientists Ltd. The assessment has considered the form and exposure of the buildings and has had regard to the Stage 1 development. The assessment has concluded the proposed development fulfils the recommended criterion for safety in all the test locations with the exception of the north-east corner of the Everage Street building. Accordingly, the engineers have recommended the inclusion of a 1.8 metre high porous wind screen for the north east corner of the Everage Street building. From an aesthetic and design standpoint, it is considered that the inclusion of a windscreen within the context of the public realm would serve to diminish the quality of the space. A more innovative approach to wind mitigation is required in this instance. As such, Condition 5d) will require an architectural strategy to mitigate wind impacts at the corner in lieu of a screen.

In addition to the above aspect, Condition 5 will require the submission of an amended wind assessment which must take into account the following;

- Any further mitigation measures as a consequence of the recommendation to reduce the Everage Street tower and increased separation to the Homer Street East building;
- Ground floor areas to the south and east of the restaurant located at the base of the Homer Street East building to fulfil the 'sitting criteria' in lieu of the walking/standing criteria to ensure comfort levels for the provision of outdoor dining; and
- Revised garden rooftop arrangements on Level 18 of the Homer Street West building as a consequence of the revised height increase arrangements.

#### Safety

- "New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time".

The proposal provides for balconies along with large windows which overlook the streets, thereby providing for a safe urban environment for the surrounds and the proposed building. Furthermore, secure access is to be provided within the proposed car parking areas creating a safe and secure environment for all occupants of the buildings.

#### Landmarks, views and vistas

- "Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment".

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection.

#### Pedestrian spaces

- "Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining

activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer”.

Under the Moonee Ponds Activity Centre Structure Plan, the vision for Precinct B is to reflect the ‘new face’ of retail offer for the Centre. It also seeks to support opportunities for mixed use development along Homer Street with provision for active frontages along with inclusion of residential or small scale office use to occur above.

The current proposal reveals ground floor residential land use for the majority of the Homer Street building. Concerns have been raised by various referral respondents regarding the lack of activation along this section of the street. Further, the internal amenity of these apartments is questioned, particularly given the busy interface to the Coles carpark directly opposite.

Having regard to the above, Condition 1e) will require the conversion of ground floor residential apartments to commercial land use to promote further activation, along with the inclusion of weather protection awning (Condition 1g)). More specifically, the condition will require apartments G01-G05 and G09-G12 (as shown on the informal amended plans) to be shown as retail and/or office space. It is noted that further retailing/commercial activity currently exists immediately to the west along Homer Street and it is submitted that this conditional requirement will further complement the streetscape.

In order to maintain a dwelling interface to the communal open space, Condition 1f) will allow provision for not more than one dwelling to be accommodated within the rear half of what is currently shown as Apartments G10-G12.

In addition to the above, Condition 1k) will require the footpath along the southern elevation of the Everage Street building to be increased from 1.5 to 2.5 metres. In this regard, it is noted that Aspen Street East will connect to the north-south orientated pedestrian route between Hall Street and Homer Street within the development (and open to the public), and thus it is likely pedestrian demand may exceed a level considered suitable for a 1.5 metre wide footpath. At a minimum, the 2.5 m wide footpath is recommended as a means of promoting entry into the pedestrian link with greater ease of movement.

Finally, the area immediately adjacent to the Aspen Street access highlighted as ‘community space’ (40 square metres) will require further resolution as it has remained the permit applicant’s intention for this space to be managed by Council. Accordingly, Condition 1m) has been included as a means of enabling further negotiation.

#### Consolidation of sites and empty sites

- “New development should contribute to the “complexity’ and diversity of the built environment”.

The site is currently being utilised as an at-grade car park along with a number of disused commercial buildings. The redevelopment of this large strategic development site will result in a development that will positively

contribute to the diversity of the surrounding built environment as well as achieving the strategic vision for the area.

#### Light and shade

- “Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. This balance should not be compromised by undesirable overshadowing or exposure to the sun”.

The shadow diagrams provided with the application prepared by the applicant illustrate the shadows that will occur as a result of this development. These shadow diagrams demonstrate additional overshadowing will be cast over Hall Street throughout the day at the Equinox, and internally within the development.

As previously highlighted, conditions of approval will require tower height reduction of the Everage Street building from 34 to 28 storeys along with increased separation to the Homer Street East building. Combined, these requirements will serve to reduce both internal and external overshadowing.

Having regard to the above, coupled with the acknowledgment of the site’s location within the Moonee Ponds Activity Centre, it is considered the proposed shadow impacts will not have a detrimental impact on the operation, amenity or functionality of the public realm for pedestrians. The level of shadows is what would be expected of buildings of this scale, which is generally supported by Council’s vision for the area.

#### Energy and resource efficiency

- “All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency”.

Multi-storey construction generally conserves heat through shared walls and floors. Further, the location of the development within the MPAC will reduce the reliance on motor vehicles associated with daily shopping and community needs.

The applicant submitted a Sustainable Management Plan, prepared by Lucid Consulting with the application, which details energy efficiency initiatives to be adopted into the development. It also includes a MUSIC assessment, which has been assessed and accepted by Council’s Drainage Engineers.

The assessment identifies the development has achieved room layouts that promote natural ventilation and maximised natural daylight to living areas. In addition, the following sustainability key initiatives have been incorporated;

- The majority of apartments (85% Homer Street and 75% Everage Street) will receive a minimum of 3 hours direct daylight between 9am and 3pm in winter to living rooms and private open space areas;
- 100% of apartments have access to natural or forced cross-ventilation;
- The development achieves a NatHERS rating of 6 stars;



- The incorporation of Solar PV systems to off-set building emissions; and
- The incorporation of 534 bicycle spaces as well as a bicycle workshop station to further promote cycling.

Council's ESD officer has reviewed the proposal and has made a number of recommendations primarily addressing water efficiency aspects.

The incorporation of the measures identified within the Site Management Plan (SMP) together with water sensitive urban design can be adequately resolved via conditions of any approval issued.

#### Architectural quality

- "New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design".

In a broad sense, the architectural expression of the proposal is considered acceptable within the context of the activity centre. The design language employed, coupled with the range of building forms with related but differing expression is appropriate and will contribute to the Moonee Ponds skyline.

With respect the Homer Street West building, the informal plans have sought to provide greater articulation across the extent of the building via the incorporation of more openings at irregular intervals across the elevations creating a patterned façade treatment. Further, a lift feature has been included along with a partial recession at the uppermost levels. Combined, these features are considered acceptable.

The architectural expression of the balance of the buildings is considered appropriate and will complement both Stage 1 and the broader Activity Centre.

#### Landscape Architecture

- "Recognition should be given to the setting in which buildings are designed and integrated role of landscape architecture
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts".

From the outset, it is noted that the majority of the landscaping within both the public and private realm has been largely addressed within the Stage 1 area.

Notwithstanding, landscaping applicable to Stage 2 has been detailed in plans prepared by Oculus with various aspects highlighted throughout the overall design as follows:

- A widened footpath to Homer Street incorporating new paving and Street trees; and

- A communal terrace areas on Homer Street East (level 6), Homer Street West (level 18) and within the Everage Street building at Levels 4 and 24.

Overall, it is considered the proposal is well resolved. The communal areas associated with the building are considered to be appropriately integrated, functional and will meet the outdoor demands of the residents. As highlighted, conditions will require the updated detailing of the revised communal area associated with the Homer Street west building as a consequence of the height increase to this building via the informal amended plans. In addition, Condition 28d) has been included requiring further detailing on landscaping and pavement resolution along Homer Street.

With respect to the remainder of relevant State Policy, it is submitted the proposal accords with Clause 16 (Housing) which encourages increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. The proposal achieves this objective by providing high density residential development on a large site that is currently used as a car park within the Moonee Ponds Activity Centre. This Clause also encourages housing diversity and seeks to provide a range of housing types to meet increasingly diverse housing needs. The dwellings proposed will cater to the diverse population and provide additional housing product in a location that is highly accessible.

The proposal will incorporate retail uses on the site, showing consistency with the objectives at Clause 17 (Economic Development), which encourage development which 'meets the communities' needs for retail, entertainment, and other commercial services, and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The commercial uses will provide additional facilities for existing residents and workers within the Activity Centre as well as future residents. The proposed development will also provide new housing with direct access to established retail and community facilities.

The proposal also meets the objectives of Clause 18 (Transport), by providing a development accessible by a range of public transport services ensuring a sustainable and responsible development that can capitalise on existing infrastructure which accords with the direction of State Policy. In addition, the proposed pedestrian link to the east of the site provides safe, convenient and direct pedestrian access between Hall and Homer Streets in accordance with Council's vision for the area.

Further to the above, the proposal has had regard to Clause 18.04 (Airports) and consideration has been given to the National Airports Safeguarding Framework via referrals to both Essendon and Melbourne Airports. No objection was received from either facility subject to the inclusion of permit note that will be imposed as part of any approval issued.

### 3.2 Local Planning Policy Framework

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principles as highlighted within the submitted Sustainable Management Plan. In addition, a waste management plan has been prepared, which is deemed generally acceptable subject to adjustments reflecting the design modifications required to the development.

The proposal complies with the objectives and strategies of Clause 21.05 (Housing), by increasing housing opportunities to meet growing population needs and providing a diversity of housing choice in a well-established area with access to public transport options and local/community services. Under the policy considerations, the site is within an area deemed appropriate to accommodate 'High to Substantial Housing Intensification'.

The Moonee Valley Housing Strategy 2010 seeks to encourage housing within the Municipality which not only accommodates population projections, but also addresses a variety of specific housing needs and issues related to affordability, household size, diversity of choice, impact on urban character, environmentally sustainable design and access to services and facilities. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations, which will cater for the increasingly diverse needs of future residents. Further, notwithstanding the requirement to reduce the height of the Everage Street tower, Condition 1b) has been imposed to ensure a minimum 10% of the apartments in this tower are three bedroom apartments.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). For the reasons articulated throughout this assessment, it is submitted the proposal represents a contemporary development that is innovative, legible and designed in a manner responsive to the location and context.

Clause 21.06-4 (Urban Design) sets out the urban design and built form objectives and policies for development of five or more storeys. An extensive assessment of these matters has been provided within Section 3.1 of this report. Elements that have not been specifically addressed are discussed as follows;

#### On-site amenity and liveability

In a general sense, the on-site amenity is considered acceptable. Notwithstanding, concerns have been raised within various external and internal referrals regarding the balcony size provision, inadequate daylight to corridors and south facing apartments.

With respect to the balcony sizes, it is noted there are a number of instances of 6-7 square metre arrangements throughout the development. Whilst these are below the recommended 8 square metre requirement, it is noted these balconies are associated with either the serviced apartments or one bedroom dwellings. Unlike a stand-alone tower application, the current proposal features various communal rooftop facilities as well as an

expansive ground floor private communal area that is accessible to all residents. These spaces include seating and barbeque areas, swimming pools, gymnasiums, outdoor exercise areas and community gardens. On balance, it is submitted the proposal provides sufficient on-site facilities that appropriately supplement those apartments with minor variations to balcony sizes.

Further, it is noted that balcony sizes for 2 and 3 bedroom apartments vary from 8-157 square metres, which exceed the minimum requirements.

As highlighted within the external referral advice, concerns were raised with respect to the adequacy of storage. In this regard, external storage space for residents is shown in the form of over-bonnet storage for all car spaces, as well as additional storage cages dispersed throughout the basement levels. The arrangements are considered acceptable.

In terms of daylight to corridors, concerns were highlighted with respect to the Everage Street building where a number of levels are not afforded with this provision. Whilst desirable, it is considered this aspect is not fatal to the proposal. The arrangement of the Everage Street building is such that the 'L' shaped design of the corridor, coupled with the central location of the lifts avoids the elongated corridor arrangements. Internally, the corridors will be well lit and in the order of 1.8 metres in width extending to 2.5 metres around the waste areas. On balance, it is submitted that these internal arrangements are acceptable.

Finally, concerns were highlighted regarding a number of south facing apartments, including south facing saddleback arrangements to bedrooms throughout the development. Whilst the provision of south facing apartments is undesirable, they remain unavoidable on a development of the current scale. The proposal has sought to maximise the number of north facing apartments via the combined 'L' shaped design of the Homer Street (East and West) building. In addition, the curved nature of the Everage Street building has limited the number of south facing apartments on each level. Accordingly, it is considered an appropriate balance has been struck.

#### Off-site amenity

The Stage 2 area shares limited sensitive interfaces with the Stage 1 area to the immediate south, commercial areas to the north, east and west. As such, it is considered the development is appropriately located and designed to ensure there are no unreasonable off-site amenity impacts.

Clause 21.07 (Activity Centres) highlights the objective to both strengthen and consolidate the role of the Moonee Ponds Activity Centre as the principal shopping and commercial precinct in the City. In achieving the objective, the policy seeks to ensure residential development does not detract from the viability of existing commercial activity. It is clear this proposal will positively contribute to the overarching vision for Moonee Ponds as it continues to expand upon the retail activity of Hall Street and seeks to provide an appropriate level of residential development that can take advantage and strengthen the existing commercial services of the Centre.

Under Clause 21.08 (Economic Development), Moonee Ponds has been highlighted as an 'Employment Node' within the Economic Development Plan. The proposal provides for additional employment opportunities with the provision of several retail tenancies at ground level, office uses and serviced apartments along with a ground floor restaurant. Further, conditions of approval will require the provision of greater commercial activity along Homer Street, thereby providing further economic opportunities. The proposal accords with the various objectives embedded within the Clause.

Clause 21.09 (Transport and Access) seeks to reduce environmental impact and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal has struck an appropriate balance with respect to the provision of on-site parking, thereby encouraging the use of alternative modes of transport. Matters pertaining to car parking are further addressed in this report. Overall, it is submitted the proposal achieves the objectives of the Clause.

A MUSIC assessment was provided as part of the Sustainable Management Plan which provides for an integrated storm water management strategy, thus complying with the objectives of Clause 22.03 Stormwater Management (WSUD). As highlighted previously, conditions of approval will require water efficiency matters to be addressed in line with the comments received by Council's ESD officer.

### 3.3 Compliance with Clause 52.06 (Car Parking)

**Table 2**

Use	Required	Proposed
Dwellings		
374 x 1 bedroom	• 374	• 279
244 x 2 bedroom	• 244	• 211
45 x 3 bedroom	• 90	• 90
(663 apartments)	708 (total)	580 (total)
Residential Visitors	132	0
Retail/Cafe (839m <sup>2</sup> )	32	29 (7 staff & 22 visitor)
Serviced Apartments (102)	To the satisfaction of Council	46
Office (2550m <sup>2</sup> )	89	76 (68 staff & 8 visitor)
<b>Total</b>	<b>961</b>	<b>731</b>

#### Provision of car spaces

As previously highlighted, car parking provisions have largely been considered as part of the Stage 1 assessment. In this regard, a contribution figure of \$802,000 was required in lieu of 107 resident car

spaces (applicable to Stage 1), along with the provision for an additional 124 car spaces.

Overall, the total parking provision within the basements and at ground level for both Stages 1 and 2 stands at 1,315 car spaces.

As highlighted within the table above, this proposal provides for 731 car spaces within the basements and at ground level that are reserved for Stage 2 allocation.

As part of Stage 1 it was agreed to adopt parking rates consistent with those outlined within Column B contained within Amendment C132 (Moonee Ponds Parking Overlay).

In keeping with the Stage 1 arrangements, Council's Traffic Engineers are accepting of the on-site parking provision subject to a cash contribution in lieu of parking associated with the residential component. In this regard, the development would require a minimum of 708 residential car spaces. The proposal currently allocates 580 spaces, thereby falling short by 128 spaces.

In light of the above, a contribution of \$960,000 (\$7,500 per residential space) would be required.

Given the imposition of various conditions of approval, which require tower reduction height, conversion of apartments to commercial activity along with increased building separation, the overall apartment yield will ultimately be reduced. Accordingly, a reduced contribution figure would be applicable, which has been addressed as part of Condition 6.

In addition to the car parking provision, it is noted that a total of 84 motor vehicle spaces are included within the basement levels, thereby providing exclusive, additional transport opportunities for residents. The generous provision of bicycle spaces also provides mobility options for residents.

#### Proposed mitigation/streetscape improvement works

Council's Traffic Engineers have reviewed the proposed mitigation measures as described on the plan entitled 'Proposed Streetscape Improvement & Mitigation Works' forming part of the GTA Assessment dated 17 June 2015. This plan is included within Appendix D - Proposed Streetscape Improvement & Mitigation Works.

As highlighted within the referral section, modifications to the mitigation's plan will be required as a means of improving vehicle and pedestrian movements within and around the site. Accordingly, the specific requirements are recommended within Condition 3.

#### Other Matters

As recommended by the Engineers, Conditions 1j) and 1l) will require the deletion of the 5 retail spaces, incorporation of a loading bay, and provision for pedestrian sight lines to all access points into the development. With respect to the deletion of the retail car spaces, it is considered this is necessary in order to allow for ease of loading movement. Additionally, it is noted that Condition 27 will require a minimum of 29 retail spaces for the development.

### 3.4 Compliance with Clause 52.07 (Loading /Unloading)

Clause 52.07 triggers loading and unloading requirements for the retail component of the development. Currently the proposal includes ground floor retailing at the base of the Everage Street building. Conditions of approval will require further commercial activity along Homer Street as a means of providing increased activation.

Council's Traffic engineers have requested provision be made for an at-grade loading bay, located in convenient proximity to the retail component. As highlighted, Condition 1j) will require provision for a loading area adjacent to the Aspen Street east road. This will necessitate modifications to at grade car parking and internal lobby space.

### 3.5 Compliance with Clause 52.34 (Bicycle Facilities)

The development attracts a bicycle parking requirement of 230 bicycle spaces. As the application proposes a total of 534 spaces, the provision is in well in excess of the requirements.

### 3.6 Other Matters

#### Easements

It is noted the site is encumbered by a number of easements primarily located within the north-western portion of the site. The easements are in favour of the former, Melbourne Metropolitan Board of Works, Gas and Fuel Corporation, Telecom and City of Essendon. Initial investigations by the permit applicant have revealed there is a substation history to each of the beneficiaries and given these entities no longer exist, only City West Water appear to have assets within the easements.

Notwithstanding the above, a Condition 16 will require a formal, separate application to seek the removal and/or variation of these easements pursuant to Clause 52.02 of the Moonee Valley Planning Scheme.

### 3.7 Objections

As highlighted, a total of six (6) objections were received to the application. The table below provides a summary of the concerns raised along with the officer response;

**Table 3**

<b>Issue</b>	<b>Officer Response</b>
Proposed building height of 34 storeys is inappropriate for Moonee Ponds.	This concern is noted and a condition of approval will require a reduction in the height of the Everage Street tower.
Introduction of serviced apartments will encourage parties and disruptive events that will impact on surrounding areas.	The introduction of serviced apartments within the heart of the activity centre accords with relevant planning policy and strategic vision for the area. Any disruptive behaviour would be addressed by the future

Issue	Officer Response
	building management.
The proposal will destroy the 'look and feel' of Moonee Ponds. It will diminish the area's open and green space.	The site currently accommodates an expansive at-grade car park. The proposal, in combination with Stage 1, seeks to regenerate this large 'void' in the Activity centre with a mix of land uses as well as public realm upgrades by way of improved widened footpaths, north-south pedestrian linkages and a new civic plaza. Subject to conditions it is submitted that the proposal is appropriate for central Moonee Ponds.
The proposal will reduce surrounding property values.	The potential devaluation of surrounding properties is not a town planning consideration.
The proposal would create a lack of diversity given the overwhelming number of 1 and 2 bedroom apartments with minimal options geared to families.	The proposal provides a mix of apartment sizes and configurations. Following public notice of this application the number of three bedrooms has increased. Further, as highlighted in Stage 1, the apartments have been designed to create opportunities to amalgamate apartments to cater for any market demands.
So many buildings clustered together would result in minimal sunlight and wind impacts.	Following public notice, the tower separation between Stage 1 Hall Street West and Homer Street West has increased from 9 to 13 metres. In addition, conditions will require increased separation between Homer Street East and Everage Street buildings from 14 to 18 metres. These modifications coupled with the height reduction of the Everage Street building are considered acceptable.
The proposal will overshadow neighbouring properties.	As highlighted within the above assessment, the extent of overshadowing is considered acceptable within the Moonee Ponds Activity Centre subject to conditions requiring a reduced tower height and increased building separation.
Noise and vehicle access impacts during construction.	It remains evitable that the redevelopment of this site will cause some degree of disruption to the area. A condition of approval will require the submission of a construction management plan as a means of regulating construction hours and movements to/from the site.



Issue	Officer Response
The proposal will decreased the availability of car parking.	It is considered the provision of 731 car spaces is appropriate for the reasons highlighted within this report.
The proposal will lead to increased traffic generation.	It is not expected the proposed traffic volumes would compromise the overall safety and function of the existing road network. As highlighted within the above assessment, given the scale of the project a series of mitigation works will ultimately be required surrounding and within proximity of the site in order to ensure the ongoing functions of the existing road network.  Further, Council's Traffic Engineers have raised no objection to the traffic generation subject to conditions as highlighted within the recommendation.
The proposal has been advertised prior to formal approval.	It remains the prerogative of the permit applicant to publicise the project in order to ascertain market interest. Ultimately the land cannot be developed until formal planning approval has been granted.

#### 4. Human Rights

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

#### 5. Conclusion

The application has been assessed against the relevant provisions of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

Subject to conditions, it is considered the proposal accords with the overarching objectives of the Moonee Ponds Activity Centre Structure Plan, State and Local planning policies, achieves an appropriate urban design outcome and positively contributes to the Moonee Ponds skyline.

In light of the above, the proposed development is considered to be appropriate subject to conditions as outlined within the above recommendation.

#### Appendices

Appendix A: Stage 2 - Objector List

Appendix B: Stage 2 - Original Advertised Plans (separately circulated)

Appendix C: Stage 2 - Informal Amended Plans (separately circulated)

Appendix D: Proposed Streetscape Improvement & Mitigation Works

**Objectors List for MV/491/2015 at 40 Hall Street,  
MOONEE PONDS**

**Objector's Mailing Address**

7 Elizabeth Street, MOONEE PONDS VIC 3039

34 The Crossway, EAST KEILOR VIC 3033

PO Box 246, MOONEE PONDS VIC 3039

11/57 Homer Street, MOONEE PONDS VIC 3039

38 Taylor Street, MOONEE PONDS VIC 3039

26 Ngarveno Street, MOONEE PONDS VIC 3039

