

# Agenda

## Development Assessment Panel (Public)

Wednesday, 17 April 2019

5.00pm

# Development Assessment Panel Meeting

Wednesday 17 April 2019 at 5.00pm  
to be held at Council Chambers, Moonee Valley Civic Centre

## **DAP Committee:**

Petrus Barry	Manager Statutory Planning (Chair)
Christina Collia	Coordinator Strategic Planning
Damir Agic	Strategic Transport Planner
Don Ambegoda	Coordinator Development Engineering
Kosta Smirnis	Principal Engineer
Matt Spozio	Coordinator Statutory Planning
Terry Taleb	Coordinator Statutory Planning

## **Officer:**

Lachlan Orr	Senior Statutory Planner
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- 1. Opening and Purpose of Meeting**
- 2. Apologies**
- 3. Declarations of Conflict of Interest**
- 4. Planning Application MV/601/2018 – 33 Dean Street, Moonee Ponds**

Construction of a building and construction and carrying out of works associated with an apartment development

- 5. Close Of Meeting**

**PETRUS BARRY**  
Manager Statutory Planning

## Assessment Report

**4. 33 Dean Street, Moonee Ponds (Lot B on PS805188R) – Construction of a building and construction and carrying out of works associated with an apartment development**

<b>Planning File No.</b>	MV/601/2018
<b>Proposal Description</b>	<p>Construction of a six storey building containing 76 dwellings facing Thomas Street, west of McPherson Street</p> <p>Car parking spaces provided at basement levels accessed from Thomas Street</p> <p>Extension of north-south pedestrian link from Stage A boundary to Thomas Street</p>
<b>Subject Land</b>	<p>33 Dean Street, Moonee Ponds</p> <p>Lot B on PS805188R</p>
<b>Applicant</b>	<p>Hamton Hostplus JMV Pty Ltd</p> <p>C/- Tract Consultants Pty Ltd</p>
<b>Owner</b>	Moonee Valley Racing Club (Incorporated)
<b>Planning Officer</b>	Lachlan Orr
<b>Planning Scheme Controls</b>	<p>Activity Centre Zone (Schedule 1)</p> <p>Environmental Significance Overlay (Schedule 2)</p> <p>Heritage Overlay (Schedule 379)</p>
<b>Planning Permit Requirement</b>	Clause 37.08-5 – Construct a building or construct or carry out works
<b>Car Parking Requirement</b>	<p>Required – 90 spaces</p> <p>Proposed – 93 spaces</p>
<b>Bicycle Requirements</b>	<p>Required – 23 spaces</p> <p>Proposed – 92 spaces</p>

<b>Section 173 Agreements</b>	U585349T, relating to the operation of the racecourse AQ569425F, relating to contributions and infrastructure delivery AR766959H, relating to public open space contributions for eastern lots within the overall racecourse
<b>Easements</b>	None
<b>Site Area</b>	3,832 square metres for activity area 7.73 hectares for overall site
<b>DAP Meeting Date</b>	11 April 2019

### Executive Summary

- This application represents the second stage of the development of Precinct 9 (Racecourse Residential and Mixed Use Precinct) of the Moonee Ponds Activity Centre, pursuant to Schedule 1 of the Activity Centre Zone at Clause 37.08 of the Moonee Valley Planning Scheme. It proposes the construction of a six storey residential apartment building with a maximum height of 20 metres containing 76 dwellings.
- The application area is located along Thomas Street, approximately 60 metres east of the intersection with McPherson Street. The application area is approximately 3,832 square metres, primarily within Sub-precinct 9A, which has a mandatory maximum height of 20 metres. The proposal is partially located within Sub-precinct 9B, which has a discretionary maximum height of 20 metres.
- The application is exempt from the notice and review requirements of the *Planning and Environment Act 1987* (the Act) pursuant to Clause 37.08-8 of the Moonee Valley Planning Scheme, and Clause 7.0 of Schedule 1 to the Activity Centre Zone.
- The application was externally referred to the Head, Transport for Victoria and internally referred to Council's Arborist, Development Engineering (Drainage) Unit, Environmental Sustainable Design (ESD) Officer, Landscape and Open Space Unit, Strategic Planning Department, Traffic and Transport Unit and Waste Projects Officer. Urban Design advice was sought from MGS Architects.
- The requirements of these various areas are generally addressed through conditions, where required, on any permit issued, including through a condition requiring the approval of a Staging Plan under the provisions of Section 173 Agreement AQ569425F.
- The proposal demonstrates compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes a suitable intensification of housing and a built form response that is consistent with relevant policy objectives for the Moonee Ponds Activity Centre, in particular those within the Activity Centre Zone.

- The building presents a contextually appropriate response which, through its scale and design, reinforces its position on the residential border of the precinct. The building provides an appropriate transition in scale is achieved to the west, as well as a framework for its interfaces with development in future stages to the east and south. The development complies with the mandatory building height and preferred building setbacks for Precinct 9, and achieves a high level of compliance with the standards of Clause 58 (Apartment Developments).
- Overall, this assessment report finds the proposal complies with the relevant policies and provisions of the Moonee Valley Planning Scheme and recommends the proposal be supported subject to conditions.



Figure 1 – Aerial photograph of activity area

### **Recommendation**

That Council officers (acting under delegation and in accordance with the Statutory Planning Protocols) issue a Planning Permit in relation to Planning Permit Application No. MV/601/2018 for the construction of a building and construction and carrying out of works associated with an apartment development at 33 Dean Street, Moonee Ponds (Lot B on PS805188R), subject to the following conditions:

### **Endorsement conditions**

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in

accordance with the plans submitted and assessed with the application but modified to show:

- a) The design of apartment types 2C, 3D and 3E modified to comply with Standard D17 of Clause 55.05-1 (Accessibility) of the Moonee Valley Planning Scheme;
- b) The allocation of all external storage areas clearly noted to comply with Standard D20 of Clause 58.05-4 (Storage) of the Moonee Valley Planning Scheme;
- c) The allocation of car parking to each dwelling and to visitors, with a notation that each space will be line-marked accordingly;
- d) A notation that the pedestrian visibility splay is to comply with Clause 52.06-9 of the Moonee Valley Planning Scheme;
- e) A notation that the loading area is to be appropriately line marked to enable each space to be utilised;
- f) Amendments or alternative treatments such as convex mirrors to improve sightlines at locations where visibility is limited within the basement car park, such as intersecting points with solid walls and the bottom of ramps;
- g) A maximum gradient of 1:6.5 provided to the ramp to accommodate waste and loading vehicles in accordance with AS2890.2:2002 or alternative design solution to the satisfaction of the Responsible Authority;
- h) A notation that surfaces within parking areas are graded appropriately in relation to drainage discharge points as required by AS2890.1-2004;
- i) A notation that appropriate direction signage will be provided for visitor bicycle spaces;
- j) The location of the main bedroom door in apartment type 3E;
- k) The canopy above the main building entry clearly shown on the northern elevation;
- l) Sectional details of the access steps and ramp to the main building entry;
- m) A notation on the roof plan that the communal roof terrace must not include any roofing or any other structures which protrude above the mandatory maximum building height;
- n) A landscape plan in accordance with Condition 5;
- o) A notation that the vertical planters are to be maintained in accordance with Condition 7;
- p) Notations on the plans to accord with the Sustainable Management Plan required by Condition 11; and

- q) The reinstatement of the redundant vehicle crossing near the north-western corner of the stage boundary in accordance with Condition 29.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the commencement of any works, a Staging Plan of Precinct 9 (Racecourse Residential and Mixed Use Precinct) must be submitted to and approved by the Responsible Authority. The approved development must accord with the approved Staging Plan to the satisfaction of the Responsible Authority in accordance with Section 173 Agreement AQ569425F.
4. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority for the extension of the pedestrian link along the western side of the building to Thomas Street. The plan may be prepared in conjunction with the plan required under planning permit MV/222/2018, as amended.

The Public Lighting Plan must be in accordance with the City of Moonee Valley's Sustainable Lighting Guidelines, must show lighting provided with a power supply to each light underground and must provide street lighting to the Australian Standard for residential street lighting.

When approved, the Public Lighting Plan will be endorsed and will then form part of this permit. Public Lighting must be provided in accordance with the endorsed Public Lighting Plan.

5. Before the development commences, and before any trees or vegetation are removed amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Any changes as required by Condition 1 of this permit;
  - b) A complete and fully detailed planting schedule, including structural design details, to be undertaken in consultation with and to the satisfaction of Council's Landscape and Open Space Unit;
  - c) Details of surface treatments to accessways and pedestrian thoroughfares; and
  - d) An appropriate irrigation system.

When approved the amended landscape plans will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plans must be completed before the development is occupied.

6. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
7. Before the development starts, a Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Maintenance Plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to protect the health and ensure the ongoing upkeep of landscaping throughout the development, particularly the vertical planters.

When approved, the Landscape Maintenance Plan will be endorsed and will form part of this permit, and the ongoing actions contained within must be carried out to the satisfaction of the Responsible Authority.

8. Before the development commences, an amended Sustainable Management Plan, inclusive of Water Sensitive Urban Design report, must be submitted to and approved by the Responsible Authority. The Sustainable Management Plan must be generally in accordance with the one prepared by Ark Resources dated 4 October 2018, updated as required by Condition 1 and should achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval.

Upon approval the Sustainable Management Plan will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

9. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - a) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
  - b) The management of resident and visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the entrance and directional signage;
  - c) The management of the waste and loading zone to minimise impacts on the operation of the car park and Right of Way, and to ensure appropriate vehicles utilise the zone;
  - d) Ventilation and lighting of parking areas, entries and exits;



- e) A requirement that no charge be made for car parking without the consent of the Responsible Authority;
- f) The access points to be provided with appropriate signage and line marking; and
- g) Traffic calming measures for inclusion within the accessways and car parking areas as appropriate.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan submitted with the application but modified as follows:
- a) Any changes as required by Condition 1 of this permit; and
  - b) Scaled waste management plans in accordance with Section 10 of Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants', illustrating collection vehicle access and any associated turning circles.

When approved, the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

11. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template and the relevant requirements at Clause 6.0 of Schedule 1 to Clause 37.08 (Activity Centre Zone) of the Moonee Valley Planning Scheme.

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

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

12. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying WSUD report), such as cross sections and/or specifications

to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

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

#### Drainage conditions

14. 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.
15. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

16. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared 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. Plans to include a drainage system design, in accordance with the approved Drainage Strategy, prepared by a Civil/Hydraulics Engineer, together with submitted computations for approval as follows:
  - a) The drainage system design is to include provision for the discharge of stormwater from the land controlled around its limits by means of a designed underground piped drainage system discharging to a legal point of discharge (for the development) as approved by the Responsible Authority and to prevent any discharge onto any adjacent properties or streets;
  - b) The drainage system design and layout is to address all minor and major stormwater runoff from the land to the satisfaction of the Responsible Authority i.e. 1 in 10 year ARI underground piped system and a major 1 in 100 year ARI system with designed overland and/or other approved major flow paths; and
  - c) The drainage system design and layout is to address and demonstrate that all minor stormwater flows up to a 1 in 10 year ARI will be captured to drain via the underground drainage system to the satisfaction of the Responsible Authority.
17. Before the dwellings are occupied, the owner must, at its own cost, undertake and complete the above work (refer to Condition 14 and 16) to the satisfaction of the Responsible Authority.
18. Upon practical completion of 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.
19. Prior to signing off at practical completion of the drainage works the owner shall submit for approval As Constructed plans of the completed drainage works. In addition the consultant is to provide a digital document showing the overall extent of works of the project.
20. The developer must maintain the new road, drainage and associated civil construction works for a period of twelve (12) months with a 12 months defects liability period applying from the date of the Responsibility Authority's approval of practical completion of work. After a 12 months defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability period (EDLP) inspection after which the maintenance security bond will be refunded subjected to:
  - a) The satisfaction of the Responsible Authority for acceptance of the works for future care and maintenance;

- b) The Responsible Authority receiving “As Constructed” drawings as per Condition 16 and 19.

Head, Transport for Victoria condition

21. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the occupation of the development, item no. 14 within Table 9.2 Proposed Transport Infrastructure Staging within the endorsed GTA Consultants Integrated Transport Plan must be completed to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Development conditions

22. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. 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.
24. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the buildings.
25. The plant area and equipment on the roof of the buildings must be screened in a manner to complement the appearance of the buildings and be to the satisfaction of the Responsible Authority.
26. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
27. Before the existing street trees are removed to facilitate the new crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the trees must be undertaken to the requirements and satisfaction of the Responsible Authority. Any replacement trees planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and their replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
28. The existing street trees, other than those referenced in the previous conditions, must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.
29. Prior to the issue of an Occupancy Permit, the concrete vehicular crossings must be constructed to suit the proposed driveway in accordance with the Responsible Authority’s specification and any obsolete, disused or redundant vehicle crossings must

be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

30. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
- a) Constructed;
  - b) Available for use in accordance with the endorsed plans;
  - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
  - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

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

to the satisfaction of the Responsible Authority.

#### Expiry condition

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 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry 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.
- No on street parking permits will be provided to the occupiers of the land.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following:  $C_w=0.4$ ,  $t_c=10$ mins,  $t_{so}=5$ mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development  $C_w$  or  $C_w=0.80$ .
- 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.
- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.

- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
  
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds.
  
- In responding to Condition 16, Council's Development Engineering Unit recommends that the As Constructed drawings are in accordance with A - SPEC requirements. For more information on A-SPEC requirements, visit [www.a-specstandards.com.au](http://www.a-specstandards.com.au).

## 1. Introduction

### 1.1 Subject Site and Surrounds

The subject site is an area of 7.73 hectares located at the western section of the Moonee Valley Racecourse, identified as Precinct 9 (Racecourse Residential and Mixed Use Precinct) of the Activity Centre Zone (Schedule 1) bound by Thomas Street to the north, McPherson Street to the west and Dean Street to the south. The site is developed with various structures and car parking areas associated with the operation of the racecourse.



**Figure 2 – Aerial photograph of Moonee Valley Racecourse**

The activity area for this application encompasses approximately 3,832 square metres and is located along Thomas Street, immediately to the east of the former Club Secretary's House. The activity area is predominantly used as an open car park.

Surrounding land to the north and west is within a General Residential Zone. Residential development around the subject site exhibits a relatively intact character, with older dwellings being the predominant built form nearby, although some infill has occurred in surrounding streets. Land to the south-west is located within Precinct 8 (Dean Street – Peripheral Commercial Precinct) of the Activity Centre Zone, used and developed for a mixture of residential and commercial purposes.





**Figure 3 – View of activity area facing south-west**

Land within the remainder of the racecourse to the east is located within a Special Use Zone (Schedule 2), with the north-eastern site located within a Mixed Use Zone (Schedule 2) and affected by a Design and Development Overlay (Schedule 12).



**Figure 4 – View of activity area facing south-east**

## 1.2 Proposal

It is proposed to construct a multi-storey residential apartment building, summarised as follows:

**Table 1**

No of dwellings	76, including: <ul style="list-style-type: none"> <li>• 13 one-bedroom dwellings.</li> <li>• 49 two-bedroom dwellings.</li> <li>• 14 three-bedroom dwellings.</li> </ul>
No of car spaces	93 at basement levels, including: <ul style="list-style-type: none"> <li>• 90 resident spaces.</li> <li>• 3 visitor spaces.</li> </ul>
No of bicycle spaces	92 including: <ul style="list-style-type: none"> <li>• 76 resident spaces contained at basement levels.</li> <li>• 16 visitor spaces at ground level.</li> </ul>
Maximum height	20 metres to main building roof parapet (6 storeys). 23.6 metres to top of roof services enclosure.
Layout and movement network	Primary access point to building located centrally along Thomas Street. Individual dwelling access for ground level dwellings to Thomas Street and rear communal space area. Extension of north-south pedestrian link established in Stage A along the western side of the building up to Thomas Street. One vehicle access point located at the north-eastern corner of the staging boundary.
Open space and amenities	1,065 square metre communal open space provided at ground level, with access from the building as well as individual access for south-facing ground floor dwellings. 171 square metre roof terrace. Meeting space provided alongside entry lobby, as well as a sub-floor amenity room under the main entrance.

Refer **Attachment A** – Original assessment plans (separately circulated).

On 8 February 2019, the application was formally amended under Section 50A of the Act to incorporate the following key changes:

- A significantly revised architectural theme and massing for the entire building, particularly to the primary frontage of Thomas Street.
- Reduced building mass and increased building activation along the western elevation as it transitions to the redeveloped Club Secretary's House, and the deletion of the cantilevered section of level 1 over the pedestrian link.
- Revision of the layout of the entrance to the pedestrian link from Thomas Street.
- Revised design of the main building entrance to Thomas Street, including reduced landscaping to provide greater visibility and a larger canopy.
- Modified landscaping and front fencing design to Thomas Street, and a reduction in high fencing near the entrance to the pedestrian link.
- Additional detail of vertical planter systems.
- Deep planting areas provided along Thomas Street.
- Updated Staging Plan.

These changes do not affect the description of the proposal in Table 1.

Refer **Attachment B** – Amended plans (separately circulated), **Attachment C** - Perspective images comparing original and amended building design (separately circulated) and **Attachment D** – Staging Plan.

With respect to the overlay controls affecting the site:

- Permission is not required under the Heritage Overlay (Schedule 379) as no works are proposed to or within the nominated buffer distances of any identified heritage assets, as set out under the 'Moonee Valley Racecourse Incorporated Plan – Conservation Policy and Permit Exemptions 2014'.
- The proposal does not involve works within any Environmental Significance Overlay (Schedule 2) area.

## **2. Background and Application Details**

### **2.1 Relevant Planning History**

There are numerous historical planning applications associated with the racecourse, which have no bearing on this application. The following recent applications are of either direct or indirect relevance to this matter:

**Table 2**

<b>MV ref</b>	<b>Permit for</b>	<b>Status</b>	<b>Note</b>
567/2016	Partial demolition, buildings and works associated with a child care centre	Permit issued 22/5/2018 Currently under construction	Re-use of Club Secretary's House as a child care centre
47/2018	VicSmart - Removal of a tree within an Environmental Significance Overlay (ESO2)	Permit issued 7/2/2018 Tree removal has since been undertaken	Removal of Weeping Willow located near the McPherson Street entrance to the racing club car park
222/2018	Construction of buildings and carrying out of works, including dwellings, and construction of fences within an Activity Centre Zone (Schedule 1), an Environmental Significance Overlay (Schedule 2) and a Heritage Overlay (Schedule 379)	Permit issued 17/10/2018	Stage A development of 67 dwellings, located along McPherson Street to the south of the Club Secretary's House
300/2018	Four lot subdivision	Permit issued 7/2/2018 Statement of Compliance issued 21/12/2018	Subdivision of the entire racecourse site into four lots along the zoning boundaries, as well as the separation of the Club Secretary's House
552/2018	Display of business identification signage associated with a temporary portable land sales office	Permit issued 12/10/2018 Plans endorsed 17/10/2018	Display of signs in seven locations around the racecourse associated with the temporary sales office installed along Thomas Street to the east of the Stage B area
574/2018	Stage 1 of Staged Subdivision creating 2 Lots	Permit issued 19/12/2018	Staged subdivision separating the Stage A activity area from the remainder of the Precinct 9 development area

## 2.2 Planning Policies, Controls and Provisions

### Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 18	Transport

### Local Planning Policy Framework

Clause 21.01	Municipal Profile
Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.09	Transport
Clause 22.01	Heritage
Clause 22.03	Stormwater Management (Water Sensitive Urban Design)

### Zoning and Overlays

Clause 37.08	Activity Centre Zone (Schedule 1)
Clause 42.01	Environmental Significance Overlay (Schedule 2)
Clause 43.01	Heritage Overlay (Schedule 379)

### Particular, General and Operational Provisions

Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 58	Apartment Developments
Clause 65	Decision Guidelines

Clause 66 Referral and Notice Provisions

Clause 71.02-3 Integrated Decision Making

### 2.3 Referrals

The following referrals were undertaken:

**Table 3**

External Referrals	Comments/Conditions
Head, Transport for Victoria (s55)	No objection subject to a condition.
Internal Referrals	Comments/Conditions
Arborist	No objection subject to a standard condition.
Development Engineering (Drainage)	No objection subject to standard conditions.
Environmental Sustainable Design (ESD) Officer	No objection subject to amended Sustainable Management Plan and associated plan notations relating to sustainable design initiatives.
Landscape and Open Space Unit	No objection to development subject to conditions.
Strategic Planning Department	No objection subject to resolution of urban design concerns, staging plan.
Traffic and Transport Unit	No objection subject to conditions. Concern with potential ultimate traffic volume from the proposed access point to Thomas Street as part of future applications.
Urban Design (MGS Architects)	No objection to amended proposal.
Waste Projects Officer	No objection subject to a condition requiring an amended Waste Management Plan.

### 2.4 Public Notification of the Application

The application for buildings and works under the Activity Centre Zone is exempt from the notice requirements and review rights of the Act in accordance with Clause 37.08-8, and Clause 7.0 of the Schedule to the zone.

### 3. Discussion

#### 3.1 Does the proposal address the relevant Planning Policy Framework and Local Planning Policy Framework?

The proposal is considered to accord with the relevant objectives and strategies contained within Planning Policy Framework and Local Planning Policy Framework.

Clauses 11 (Settlement), 16 and 21.05 (Housing) seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. The site is within the Moonee Ponds Activity Centre, which is a suitable context for the proposed development, with Clause 21.07 (Activity Centres) also providing specific encouragement and guidance for higher intensification in this area. The physical and locational characteristics of the site lend further support, being situated within Principal Public Transport Network (PPTN) catchment area and within walking distance of the Moonee Ponds Junction.

The proposal provides an increase in housing opportunities to meet growing population needs, providing a diversity of housing choice in a well serviced area with access to a variety of transport options and local/community services. The provision of several large apartments, through three-bedroom dwellings and duplex configurations, will cater for larger households alongside the smaller one and two bedroom apartments.

The proposal addresses the key objectives and strategies under Clauses 15 and 21.06 as they relate to the built environment as discussed under Sections 3.2 and 3.3 of this report.

Clauses 18 and 21.09 (Transport) seek to reduce environmental impacts and improve access to sustainable modes of transport. The policies also seek to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered the proposal provides an appropriate balance with respect to the provision of on-site parking and encouraging sustainable modes of transportation. In particular, the proposal will provide improvements to the cycling and walking network within Moonee Ponds Activity Centre, in accordance with the approved Integrated Transport Plan and Transport Assessment and Management Plan for the racecourse precinct.

The proposal complies with the objectives and strategies of Clause 21.04 (Sustainable Environment) through the use of ecologically sustainable design principles. The submitted Sustainable Management Plan (SMP) was found to be conditionally acceptable.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Council's Waste Projects Officer had no objection subject to modifications to the submitted waste management plan, which will be addressed through a condition of permit.

The proposal complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, demonstrated through the submission of a MUSIC assessment which is acceptable subject to conditions recommended by Council's ESD Officer and Development Engineering (Drainage) Unit.

### 3.2 Does the proposal represent an appropriate built form outcome?

Clause 15 (Built Environment and Heritage) and Clause 21.06 (Built Environment) contain several guiding objectives and strategies relating to urban design and the built environment. It is a strategy of Clause 15.01-1S (Urban design) to ensure new development responds to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

It is considered the proposed development appropriately considers its site context and proposes a built form that will not be visually dominant to the streetscapes and adjoining properties and will provide appropriate internal amenity to future users of the site.

The objective of Clause 15.01-2S (Building design) is:

- To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The *Urban Design Guidelines for Victoria (2017)* are a policy guideline in support of this clause, which provide guidance on the development of functional and enjoyable places throughout Victoria for people to live, work and spend leisure time. The guidelines contained at Element 2 (Movement Network), Element 3 (Public Spaces) and Element 5 (Buildings) are of relevance to this application and have been satisfied for reasons discussed in greater detail below.

Clause 21.06-4 (Urban Design) provides further objectives and strategies, including reference document *City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003)*, which echo the key urban design principles contained within Clause 15.01-2S and the *Urban Design Guidelines for Victoria (2017)*.

It is considered the proposed development is consistent with the relevant design principles of the *Urban Design Guidelines for Victoria (2017)*, the *City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003)* and Clauses 15.01-2S and 21.06-4 as discussed below:

#### Building Design Quality and Context

The proposed development is considered to be appropriate in its context within the Moonee Ponds Activity Centre, assisting in achieving the objectives of the centre as well as the relevant precinct. The design response is considered to be appropriate given the location of the site within the centre, with good access to a range of services including public transport, schools, and community and commercial amenities.

The design response has adequately considered its immediate surrounds as well as its role within the activity centre. The scale, siting, massing and detailed design appropriately responds to the existing context and strategic directive for this location. The proposed development sits at a key interface at the residential periphery of the development precinct, where a transition in building scale is called for by policy as well as the relevant built form objectives set out under the ACZ1. The mandatory and preferred heights and setbacks set out under Precinct 9 provide guidance for the scale and massing of the design response.



The surrounding planning controls are also useful in informing the design response. The land immediately to the north is located in the General Residential Zone (Schedule 1), which has a mandatory maximum height of three storeys or 11 metres. The height and setbacks of the surrounding general residential zone are appropriately reflected by proposed three storey street wall with a 45 degree or 1:1 setback to any built form above. The existing context comprises the open car park that occupies the site, the redeveloped two storey Club Secretary's House to the west, and the established one and two storey residential streetscape on the northern side of Thomas Street.

The development has a maximum height of 20 metres or six storeys, which complies with the precinct requirement under the zone. The development provides a high level of architectural quality and urban design benefit, which will positively contribute to the built environment. The building responds to its location and context through a cohesive and engaging architectural design. The building employs solid horizontal expression using light render finishes ahead of light brick walls to establish a three storey street wall, together with the vertical planter structures which creates an attractive, legible contribution to its context.



**Figure 5 – Perspective view along Thomas Street**

The street wall is read as three distinct elements across the 75 metre wide frontage, utilising the horizontal banding combined with the punctuation of the vertical planters to break up the considerable breadth of the building. These elements correspond with the functional layout of the building and assist in defining individual dwelling entrances as well as the main building entry. The height of the building will not unreasonably impact upon the amenity of the public realm, with appropriate upper level setbacks provided in accordance with the ACZ1 precinct guidelines. The upper levels are both physically and visually recessive from sensitive vantage

points, utilising a contrasting dark finish as it sits behind the lighter finishes and vegetated planter walls.

This response is compatible with the immediate context and in accordance with the objectives of the zone. The development successfully balances consideration of the existing context and strategic directive for this location.

### Streetscape and Urban Design

The building makes a positive contribution through its façade to Thomas Street, enhancing the experience of the public realm. Balconies at each level along with a large, prominent residential lobby area provides for an integrated façade to the street, offering passive surveillance and security and maintaining the residential amenity of the area.

The three distinct building elements, accompanied by the vertical planters, across the Thomas Street frontage provide a legible transition in built form within the streetscape, marking the building and dwelling entry points as well as the entrances to the pedestrian link and basement car park. A prominent awning is provided over the main entrance, suitably incorporated into the building façade and providing shelter and refuge within a transitional area. All entries are well defined and clearly identifiable from the street and internal approaches, particularly through the design of front fencing along Thomas Street.



**Figure 6 – Section of street edge presentation along Thomas Street**

Building services and vehicle access points are concealed appropriately within the basement level for the most part, with their presentation limited to the ramp entrance and a small gas booster enclosure taking up approximately 8 metres of the 75 metre wide frontage.

### Setbacks and Site Coverage/Building Height and Silhouette

The height, envelope and massing of the building are guided by the built form objectives and the relevant height and setback requirements of the Activity Centre Zone, Schedule 1, as discussed under Section 3.3 of this report, and in addition to the matters already addressed.

### Internal Circulation, Space and Building Adaptability

The proposed development achieves an acceptable degree of internal amenity, and provides for comfortable living environments with adequate internal living spaces to meet the needs of future occupants. The internal layouts and floor plans of each dwelling achieve a high level of amenity as well as adaptability for the changing needs of residents, highlighted by compliance with the relevant standards of Clause 58, with a condition of permit required in the case of Clause 58.05-1 (Accessibility) involving a minor alteration to six apartments. Appropriate internal and external storage facilities are provided to each dwelling in accordance with Clause 58.05-4 (Storage), with a condition required to clarify the allocation of external storage.



**Figure 7 – Primary building entrance from Thomas Street**

The entry point of the development is easily identifiable from Thomas Street, with a prominent canopy feature and corresponding paving below. Landscaping around the entrance has been reduced to increase its legibility, improving oblique views of the canopy along the street. The

entrance leads to a generous lobby area with seating opportunities, a mail room and a meeting/conference space creating a positive residential entry experience. The lifts and stairwell are appropriately located for convenient access to the upper levels. The integrated layout of this arrangement will allow for ease of movement, including the movement of furniture, emergency access and escape. Internal corridors and circulation areas have been designed in compliance with Clause 58.05-2 (Building entry and circulation).

The development provides an adequate and efficiently designed car parking layout that will ensure safe vehicle movements, with conditions imposed where necessary as recommended by Council's Traffic and Transport Unit.

### On-Site Amenity and Liveability

The proposal has been designed to accommodate a range of dwelling sizes and types, including different layouts and orientations to cater to the needs and preferences of a range of people.

The layout of the development provides an appropriate level of amenity for future occupants, demonstrated through a high level of compliance with Clause 58. Residents will be afforded with generous sized open plan living opportunities with good access to daylight. It is noted that all habitable rooms have appropriate solar access, with minimal reliance on bedrooms utilising a secondary daylight area. Whilst there is a variation to Clause 58.07-4 (Natural ventilation) as discussed at Section 3.5, opportunities for ventilation and circulation within each dwelling are achieved through their layout as well as the overall layout of the building.

Each dwelling is provided with a balcony or podium terrace which is generally well proportioned, oriented and compliant with the requirements of Clause 58.05-3 (Private open space). Communal open space is provided through a 1,065 square metre ground level terrace, compliant with Clauses 58.03-2 (Communal open space) and 58.03-3 (Solar access to communal outdoor open space). A roof terrace provides an additional 171 square metres of communal space, offering residents with additional recreational opportunities.

The proposed development has been designed to limit internal overlooking to lower-level dwellings where required, complying with Clause 58.04-2 (Internal views).

The proposed development is not located near any significant noise sources or within a noise influence area, and would not cause any unreasonable transmission of noise within and around the site in accordance with Clause 58.04-3 (Noise impacts). Potential noise impacts from racecourse operations will be buffered by development in future stages, noting the majority of dwellings are oriented away from the racecourse facilities.

### Off-Site Amenity

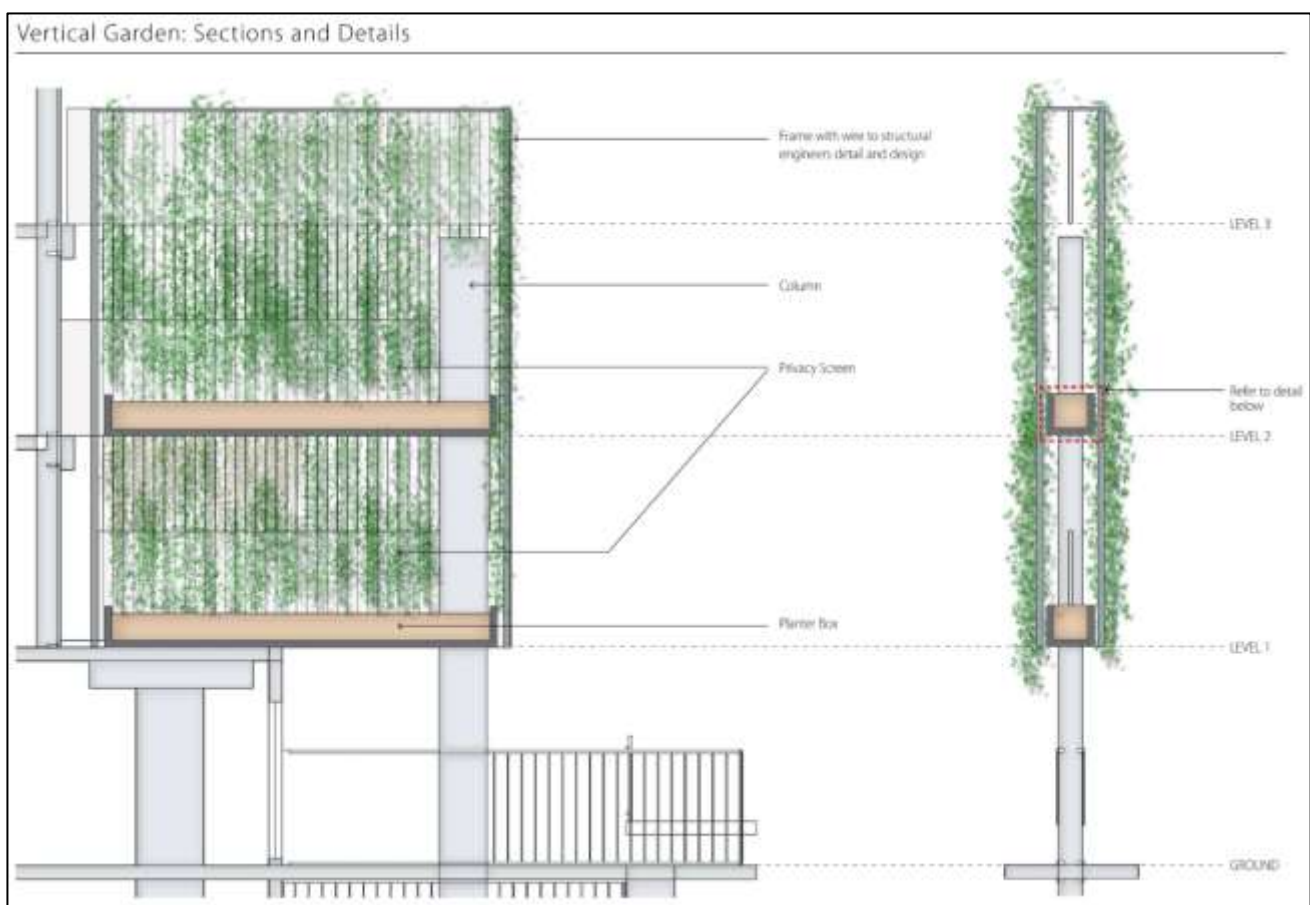
There would not be any direct overlooking potential into habitable room windows and private open space of new and existing dwellings from the proposed development. The proposal would not overshadow any existing secluded private open space area. Shadows cast by the development over the public realm are appropriately mitigated by the recession achieved by setbacks provided to the upper levels. The proposed development would not cause any unreasonable transmission of noise to nearby dwellings.

## Parking, Traffic and Access

Refer to Sections 3.3 and 3.4 of this report.

## Landscaping and Fencing

The subject site currently has limited permeability and does not contain any significant landscaping or vegetation. The proposed development involves a substantial level of landscaping around the building, and importantly, as an architectural element of the building itself. The primary landscaping features are the vertical planters which punctuate the three storey street wall of the building to Thomas Street, whilst also softening the visual impact of built form and integrating with the garden character of the northern side of the Thomas Street.



**Figure 8 – Diagram of vertical planters**

The planters are supplemented by a 1.2 metre wide soil area along the frontage which will accommodate deep planting of medium trees and shrubs. Soil planting areas are provided throughout the ground level communal terrace, along with planter boxes for trees above the basement car park. Deep soil areas and in ground planters accommodating trees and climbing shrubs are provided around the pedestrian link which will carry on the vegetated character established for this component of the precinct.

The recommendations from Council's Landscape Architect, as referenced within Section 2.3 of this report, will ensure an appropriate landscaping response through the submission of an

amended landscape plan. A condition will also require the submission of a landscape maintenance plan which will ensure the health and upkeep of the landscape response, in particular the vertical planters.

The design of front fencing to Thomas Street is cohesive and domestic in its appearance. A consistent height of around 1.2 metres and appropriate materiality will reinforce local character, and aid in the legibility of dwelling entrances across the street.

### Environmental Sustainability

The development of a multi-level development offers a number of environmentally sustainable outcomes. These outcomes include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss. This sharing of floors, walls and ceilings also makes efficient use of resources and building materials.

A condition of permit will ensure an amended Sustainable Management Plan is provided in accordance with the recommendations of Council's ESD Officer, ensuring the nominated sustainable design initiatives are implemented appropriately.

### Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area; an efficient and appropriate use of available resources. Furthermore, Council's Development Engineering (Drainage) Unit has no objection to the proposal, subject to the inclusion of standard engineering and drainage conditions including notes on any permit granted.

A bin storage area is included at basement floor level proximate to the shared loading area, with bin chutes accessible from the common corridors at each level of the building. The bin storage area also makes provision for the storage of hard rubbish and E-waste. The operation of the bin storage area will be further assisted by the incorporation of a loading and waste zone at ground level.

Council's Waste Strategy and Planning Officer did not have any objection to a condition requiring scaled plans to be included within an amended waste management plan, as required by Council's 'Waste Management Plans - Guidelines for planning applicants 2018'.

## **3.3 Does the proposal comply with the objectives, guidelines and requirements of the Activity Centre Zone?**

### Centre-wide and precinct objectives

The development accords with the relevant land use and development objectives at Clause 2.0 of the ACZ1, in consolidating the role of the Moonee Ponds Activity Centre as the principal activity centre for the municipality. The delivery of new dwellings in various sizes and configurations will supply a diversity of housing choices in the centre. Located at the periphery of the activity centre, the proposal achieves appropriate scaling to immediately surrounding residential land through a more solid and legible three storey presentation in the amended design. The building will contribute to a positive experience at street level for users, with

opportunities for activation, passive surveillance and interaction along with no overshadowing of the public realm.

The proposal complies with the objectives for Precinct 9, by achieving a building design which provides activation and passive surveillance at street level. The building will facilitate the transition to the higher and more intense development envisaged in the future stages within the eastern section of the precinct. The design response achieves a high standard of site responsive building design, and incorporates environmentally sustainable features throughout. Photo-voltaic panels are able to be sensitively incorporated on the roof of the building as shown on the roof plan.



**Figure 9 – Western elevation and entrance to pedestrian link from Thomas Street**

The deletion of the first floor cantilever and revised building presentation along the western elevation in the amended plans, shown in Figure 9, provides a more appropriate response to the extension of the north-south pedestrian link. The entrance to the link from Thomas Street is improved through the recession of the building in this location, whilst the removal of the first floor cantilever will enhance view-lines through the precinct.

The design of the front setback of the dwellings facing the public realm is defined by front fencing which reinforces its residential presentation, with adequate landscaping provided at the ground level. The vertical articulation of the building façade through landscaping hedges between the three distinctive building elements culminates in a highly resolved presentation to the public realm.

With respect to the other relevant built form guidelines for the precinct, all ground level balconies are less than 1.2 metres in height from ground floor level, and all retaining walls within the street setback are either below ground or less than 1.2 metres in height from ground level.

The proposal accords with the precinct use guidelines which encourage predominantly residential development in both Sub-precincts 9A and 9B.

The layout of the proposal prioritises walking and cycling both within the site and along Thomas Street, in accordance with the modal hierarchy set out for the activity centre. The prioritisation of walking and cycling is achieved through the extension of the north-south pedestrian link up to Thomas Street, along with the provision of appropriately designed bicycle facilities beyond the statutory requirement.

The provision of one vehicle access point and underground car parking accords with the precinct transport guidelines which discourage individual dwelling crossovers along Thomas Street. The vehicle access point was reviewed by Council's Traffic and Transport Unit and considered to conditionally comply with Clause 52.06 (Car Parking), the approved Transport Assessment and Management Plan and Integrated Transport Plan for the precinct. A concern regarding the potential ultimate traffic volumes from the proposed access point onto Thomas Street is discussed under Section 3.4.

There is a requirement for a total of five percent of the total number of dwellings in Precinct 9 to be provided as affordable housing, by the completion of the development of all land within the precinct. The submitted Staging Plan indicates the commencement of an affordable housing strategy which will create a framework for the delivery of this key component of the precinct. The current proposal does not include any affordable housing, which is considered appropriate given the proposal represents approximately 4% of the total number of dwellings (2,000) to be accommodated. It is considered appropriate that this requirement be deferred to (a) future stage(s).

### Height and setback requirements

The activity area is located primarily within sub-precinct 9A, which has a mandatory maximum building height of 20 metres. As described in Section 1.2 and illustrated in Figure 10, the proposal has been designed within these height limits, with a proposed maximum height of 20 metres; the highest point being the south-eastern building parapet. The rooftop terrace and associated structures do not penetrate the mandatory height limit.

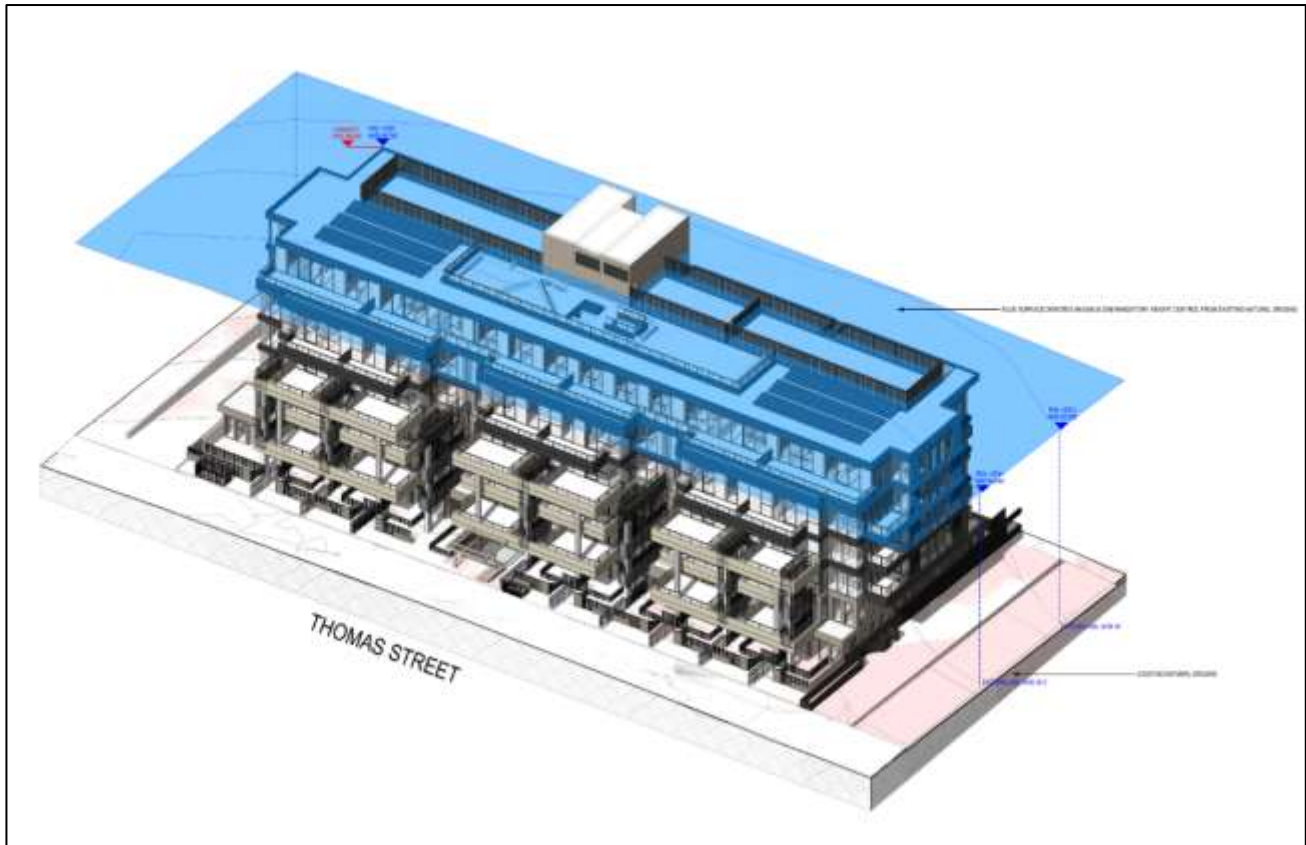
The southern section of the activity area is located within sub-precinct 9B, which has a discretionary building height of 20 metres. The extent of works in this area are limited to the basement, ground level communal terrace, extension of the pedestrian link and the southern ground level balconies of the building. These works have a maximum height of 3.2 metres, at the south-eastern corner of the ground level terrace.

The rooftop service enclosure, shown above the blue line in Figure 10, qualifies as an allowable encroachment under Clause 4.4 of the ACZ1 as it:

- Occupies less than 50% of the roof area;



- Is located where there will be no overshadowing of neighbouring properties;
- It extends a maximum of 3.6 metres above the mandatory maximum height; and
- Is designed in a suitable manner, utilising materials which are consistent with the architectural language of the building.

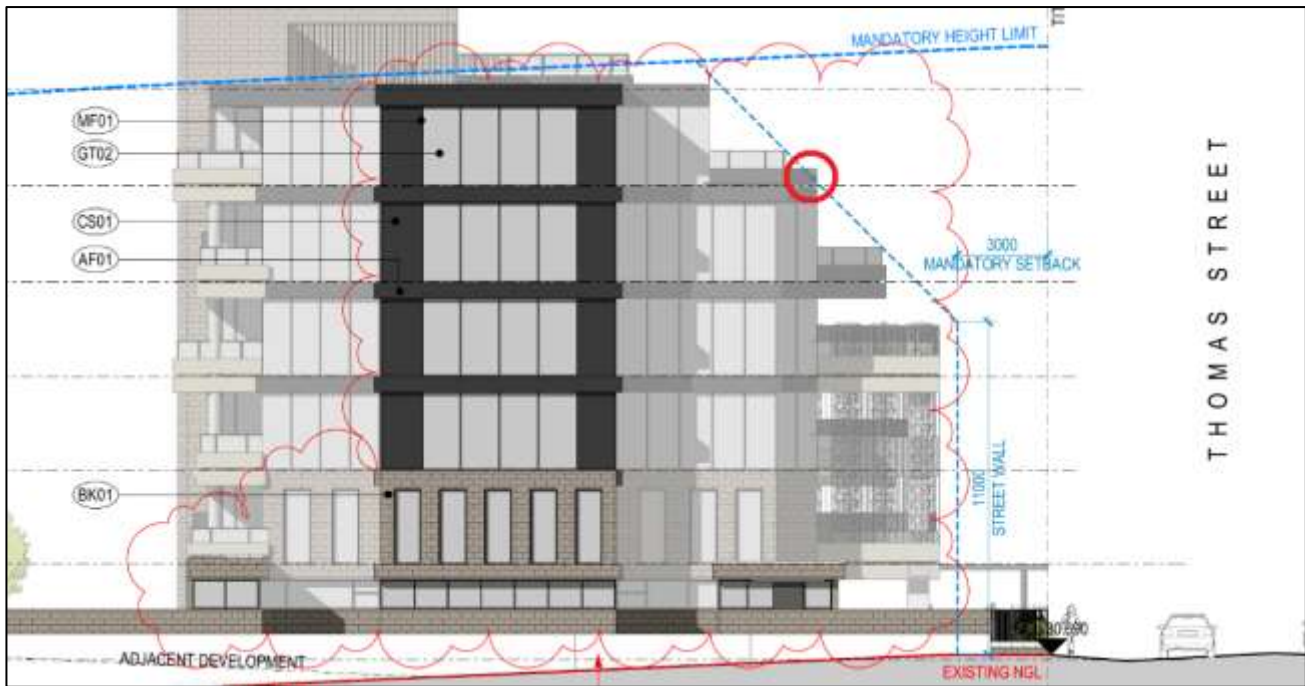


**Figure 10 – Diagram outlining compliance with mandatory height control across natural ground level**

Sub-precinct 9A is designated as a 'Residential front interface (racecourse) type 1' across the Thomas Street frontage, which requires a minimum setback of 3 metres up to a height of 11 metres, with any building elements above set back at an angle of 45 degrees from the street wall up to 20 metres.

The development provides a minimum setback of 6.95 metres at ground level, increasing with staggered setbacks to the levels above which meet or exceed the type 1 requirement as illustrated in Figure 11. Balconies are permissible encroachments where design excellence is demonstrated. In this case, the majority of balconies are set back beyond the minimum required by the standard due to the generous building setbacks.

There are minor encroachments at the top of the balcony balustrading at level 5, circled red, which are considered acceptable as they would have no impact on the perceived bulk of the development.



**Figure 11 – Eastern elevation with diagram outlining compliance with Residential front interface (racecourse) type 1 setback**

There are no retaining walls or ground level balconies which exceed the 1.2 metre height limit under the relevant precinct guidelines.

Other requirements

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

There is a requirement in Precinct 9 for the preparation and approval of a Transport Assessment and Management Plan and Integrated Transport Plan to the satisfaction of Council, VicRoads and Public Transport Victoria (now Transport for Victoria). The plans are based on the likely transport impacts of the entire development of the precinct and must be approved before the issue of any permit in the precinct. This requirement was satisfied in August 2017.

There are also a number of applications listed at Clause 6.0 of the schedule to the zone specific to Precinct 9, which have been provided and reviewed as part of this application. Each application requirement is discussed in the following table:

**Table 4**

Requirement	Comments
Written statement against the MPAC structure plan	Provided and noted.

<p>Staging Plan (Refer <b><u>Attachment D</u></b>)</p>	<p>An updated Staging Plan has been submitted with this application.</p> <p>The current plan shows significantly more information on the development of the precinct compared to the previous application. Each stage is provided with indicative timing and clearer staging boundaries. The key project milestone of the demolition of the grandstand and relocation of the race track is established, whilst the timing of the delivery of public open space has also been progressed.</p> <p>The plan has now subtracted the Tote Building from the 5000 square metres public open space area, and provided indication of the location and timing for non-residential uses in the precinct, resolving issues previously raised.</p> <p>For affordable housing, the applicant has flagged the preparation of a precinct wide strategy which will be finalised in conjunction with Council. It is envisaged this strategy will set out agreed outcomes and options for the effective delivery of affordable housing across the lifespan of the project. It is anticipated this strategy will be formalised through the assessment of the next stage application (B1 and 2), which is expected to be the most substantial application to date.</p> <p>The contributions, infrastructure upgrades and traffic mitigation works stipulated within the approved Transport Assessment and Management Plan and Integrated Transport Plan are assigned by stage. Financial contributions under the provisions of Section 173 Agreement AQ569425F remain as a percentage of the number of dwellings provided in each stage.</p> <p>The plan continues to address the relevant requirements of the schedule to the zone including interface management and infrastructure upgrades.</p> <p>There are some outstanding matters such as:</p> <ul style="list-style-type: none"><li>• The indicative location and design of secondary open space areas.</li><li>• Timing of infrastructure contributions and traffic mitigation measures, as indicated in the approved Transport Assessment and Management Plan and Integrated Transport Plan.</li></ul> <p>These matters will continue to be addressed through consideration and approval of the Staging Plan under the provisions of Section 173 Agreement AQ569425F, which will form part of a condition of any permit issued.</p>
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<p>Transport Assessment and Management Plan Integrated Transport Plan</p>	<p>These plans have been approved as discussed above. The proposal meets the requirements of these plans, however does raise a potential concern for future applications, as discussed under Section 3.4 of this report.</p>
<p>Serviced Engineering Infrastructure Plan and Stormwater and Drainage Plan</p>	<p>A Planning Infrastructure Report has been submitted, addressing the relevant requirements for a serviced engineering infrastructure plan (e.g. roads, domestic services) as well as outlining a drainage strategy for the development. A detailed site-wide Stormwater Drainage Strategy for the racecourse site as a whole was subsequently submitted.  These documents have been reviewed by Council’s Development Engineering (Drainage) Unit, with no objection or concerns raised.</p>
<p>Environmental Sustainable Design Plan</p>	<p>A Sustainable Management Plan, including Water Sensitive Urban Design Report, was prepared and reviewed by Council’s ESD Officer.  Conditions on any permit issued will ensure the plans reflect the proposed sustainable design measures and outcomes.</p>
<p>Heritage Impact Statement</p>	<p>A Heritage Impact Statement was not required for this application, as it does not impact on any identified heritage assets under the relevant incorporated plan under Schedule 379 to the Heritage Overlay, which also exempts the proposal from a planning permit under Clause 43.01-1.</p>
<p>Construction Management Plan</p>	<p>The submitted Staging Plan indicates construction of this stage would be effectively contained within the racecourse site, which will minimise impacts on surrounding properties.  Construction works have the benefit of available areas within the racecourse site to limit potential off-site impacts. A fully detailed plan will be required as a condition of any permit issued.</p>

**3.4 Is the provision and design of car parking and bicycle facilities acceptable?**

Clause 52.06 (Car Parking)

The applicable car parking rates for the application are at Column B of Clause 52.06-5, as the subject site is located within the Principal Public Transport Network (PPTN) catchment area.

A summary of the car parking requirements for the proposal is set out in the table below:

**Table 5**

	<b>Requires</b>	<b>Provides</b>
One bedroom dwellings (x13)	13	13
Two bedroom dwellings (x49)	49	49
Three bedroom dwellings (x14)	28	28
Visitors	0	3
<b>Total</b>	<b>90</b>	<b>93</b>

The proposal provides the required amount of parking for individual dwellings, with a condition of permit imposed to ensure their appropriate allocation. Despite there being no statutory requirement for visitor parking, a total of three are to be provided.

The design of car parking areas, accessways and footpaths generally complies with the requirements of Clause 52.06-9 and the relevant standards, subject to the following conditions of permit recommended by Council’s Traffic and Transport Unit:

- The allocation of car parking to each dwelling and to visitors line-marked accordingly.
- The pedestrian visibility splay is to comply with Clause 52.06-9 of the Moonee Valley Planning Scheme.
- A notation that the loading area is to be appropriately line marked in to enable each space to be utilised.
- Amendments or alternative treatments such as convex mirrors to improve sightlines at locations where visibility is limited within the basement car park, such as intersecting points with solid walls and the bottom of ramps.
- A maximum gradient of 1:6.5 provided to the ramp to accommodate waste and loading vehicles in accordance with AS2890.2:2002.
- Surfaces within parking areas are graded appropriately in relation to drainage discharge points as required by AS2890.1-2004.
- Appropriate direction signage will be provided for visitor bicycle spaces.

The above conditions will be imposed on any permit granted.

With respect to traffic generation, the proposal does not pose any unreasonable impact to the operation of the road network in its current form. The access point to Thomas Street, and the

street itself, is capable of accommodating the movements associated with the proposed dwellings and the 93 associated car spaces.

Council’s Traffic and Transport Unit had no objection to the proposal in its current form however, noted a concern for ultimate volume of traffic generated to Thomas Street with the extension of the basement car parking in the development of future stages. The area immediately to the south and east, Stage B1 and 2, is earmarked to accommodate up to 299 dwellings on the Staging Plan, which would potentially carry a significant number of on-site parking.

An arrangement where the proposed access point was the sole access for this amount of vehicles is one that would not be supported and critically, would not be in accordance with the approved Integrated Transport Plan and Traffic and Assessment Management Plan.

Whilst it is acknowledged that this does not affect the assessment of the current proposal, the applicant has been advised of this critical matter to ensure an appropriate design solution is provided in the future application.

Clause 52.34 (Bicycle Facilities)

A summary of the bicycle facilities requirement is set out in the table below:

**Table 6**

	<b>Requires</b>	<b>Provides</b>
Residents	15	76
Visitors	8	16
<b>Total</b>	<b>23</b>	<b>92</b>

The development exceeds the required provision for bicycle facilities. Resident bicycle facilities are located in an accessible storage space at basement level one. Visitor bicycle spaces are located alongside the entrance to the north-south pedestrian link near the Thomas Street frontage, which will provide convenient access for visitors of the building and the precinct as a whole. The design of these spaces meets the relevant standards.

A condition of permit will require the provision of appropriate directional signage for the visitor bicycle spaces, as recommended by Council’s Traffic and Transport Unit.

**3.5 Does the proposal comply with the apartment design standards contained at Clause 58?**

The proposal is considered to generally comply with the provisions of Clause 58 as set out in the assessment table (refer to **Attachment E**).

The following points of exception, where a standard has not been met, are discussed in the following table:

**Table 7**

Design Standard	Response
<p>Clause 58.05-1 Standard D17 Accessibility</p>	<p>A total of 36 dwellings, or 47.37% of the 76 dwellings proposed, are designed in accordance with the dimensions set out under Standard D17. This is less than the minimum of 50% required.</p> <p>It is noted that apartment types 2C, 3D and 3E would each comply with the dimensions with the deletion of a door blocking the 1.2 metre wide circulation path from the entry to the living area, main bedroom and adaptable bathroom. This would take the total number of compliant apartments to 42, or 55.26% of overall total.</p> <p>It is considered appropriate to impose a condition on any permit issued requiring this change, which will improve the ability of the development to meet the needs of people with limited mobility.</p>
<p>Clause 58.05-4 Standard D20 Storage</p>	<p>Each dwelling is provided with the minimum required amount of internal storage outlined in Table D6. Ample external storage areas are provided at basement levels. A condition of permit will ensure that their allocation is clearly noted on the plans to ensure the overall storage for each dwelling is provided as required by standard.</p>
<p>Clause 58.07-4 Standard D27 Natural ventilation</p>	<p>A total of 12 dwellings, or 15.8% of the 76 dwellings proposed are provided with a minimum breeze path of 5 metres and a maximum breeze path of 18 metres. This falls short of the 40% required by the standard.</p> <p>A variation is considered to be appropriate. The standard breeze path requirements are not achieved in this case due to the irregular size, shape and layout of the building. The majority of apartments are provided with orientation to two sides of the building, with some oriented to three. As detailed within the submitted SMP, the development achieves the required benchmarks for internal environment quality including thermal comfort and efficiency levels for each dwelling. The layout of each apartment and the building as a whole is considered to maximise opportunities for cross ventilation, and will allow occupants to effectively manage natural ventilation.</p>

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

On 26 June 2018, Council adopted the MV2040 Strategy as its long-term plan for the city. It is considered that the proposal is consistent with the relevant strategic directions set out in the MV2040 Strategy, including:

- Strategic Direction 3: A city where people are healthy and safe
- Strategic Direction 5: A city with housing for all
- Strategic Direction 11: A city with streets and spaces for people
- Strategic Direction 14: A city that is green and water-sensitive
- Strategic Direction 16: A city that is cool and climate-adapted
- Strategic Direction 17: A city that fosters local identity
- Strategic Direction 18: A city of high-quality design
- Strategic Direction 20: A city in a beautiful landscape setting

#### **6. Conclusion**

The application has been assessed against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning controls and the relevant provisions of the Moonee Valley Planning Scheme. It is considered the proposal demonstrates compliance with the requirements of these provisions and policies.

It is recommended that a Planning Permit is issued in accordance with the conditions contained within the recommendation section above.