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7 CONCLUSIONS
1 INTRODUCTION

1.1 Purpose

The Flemington Hill and Epsom Road Ministerial Advisory Committee (FHERMAC), appointed pursuant to Part 7 Section 151 of the Planning and Environment Act 1987 has asked that a strategic planning peer review be undertaken as part of the merits assessment of the proposal to redevelop two separate precincts owned by the Victoria Racing Club (VRC) at Flemington Racecourse for a combination of low and high rise, higher density residential purposes with some limited scope for commercial uses.

More particularly I have been instructed by Minter Ellison on behalf of the VRC to:

- Review folios of documentation associated with proposal.
- Review the terms of reference of the Ministerial Advisory Committee.
- Assess the development potential of the Flemington Hill and Epsom Road sites.
- Consider the urban design and built form outcomes contemplated by the draft planning controls.

This advice is an independent appraisal and peer review of the relevant strategic planning considerations.

1.2 Background and scope

1.2.1 Existing documentation

Extensive documentation has been prepared for and previously considered by the FHERMAC and other parties to the Advisory Committee proceedings and the proposal’s earlier consideration by the office of the former Minister for Planning.

I have reviewed that documentation and reference it as relevant in this report. However for the sake of brevity I do not reproduce that
background, assuming the reader to be familiar with its scope and content.

1.2.2 Development plans

6 The proposal documentation advances plans for a composition of uses and development that might occur under the terms of the proposed planning scheme amendment. It is presented in a form suitable for planning permit approval.

7 This strategic appraisal does not necessitate consideration of such detail. It focuses on the higher level and conceptual composition of the proposal and the application of appropriate sustainable development principles and policies to the strategic context of the site.

1.2.3 Precincts with different influences

8 While the two potential development sites are in the same ownership and form part of the Flemington Racecourse and its immediate environs they are sufficiently separated, (approximately 1 kilometre), to be influenced by a range of different site and locational considerations, potentially giving rise to different conclusions about land use composition, mix, density and urban design response.

9 This evidence evaluates the sites and their respective proposals separately.

1.3 Witness Statement

10 An Expert Witness Statement and curriculum vitae are provided at Attachment 1 and 2 of this report.

11 I have had no prior engagements by the Victorian Racing Club or prior association with the use and development of Flemington Racecourse.

12 I have been to race meetings at Flemington, including Cup Day, and provided planning evidence supporting the apartment development that has recently been built in Leonard Crescent immediately to the north of the Flemington Hill site.
1.4 Summary

The proposals for Flemington Hill and Epsom Road are strategically justified because they positively contribute to:

- Urban containment and urban renewal as detailed in *Plan Melbourne* and the State and Local Planning Policy Frameworks,
- The ongoing development and wellbeing of the Racecourse and the Showgrounds,
- An improved level of convenience services to the local and prospective resident communities and those employed or visiting the show grounds,
- A range and choice of sub-regional facilities and services in the retail, health and medical sectors,
- Better use of established regional walking trails and cycle routes,
- Use of regional open space systems,
- Identifying ways in which established transport infrastructure in the locality might be enhanced.

The urban design provisions of the proposed planning scheme amendment warrant further refinement as detailed in this report.

The Comprehensive Development Zone is an appropriate tool for the redevelopment of the land, given that the Special Use Zone prohibits residential use.
2 OVERVIEW

2.1 The basis of the proposal

I understand that the proposals for Flemington Hill and Epsom Road (Figure 1) are advanced on the basis that:

- There is surplus and under utilised land at Flemington;
- Land can and should be redeveloped for other beneficial purposes without compromise to the operation of the Flemington Racecourse (Flemington) and the Royal Melbourne Showgrounds (Showgrounds); and
- Income flowing from the release of the land will be invested in further enhancing the facilities and services offered at Flemington.

The review is appropriately set within a metropolitan planning context.

Figure 1 - Extract, Fig. 3, p. 21, Flemington Life Planning Report, January 2016
2.2 Managing metropolitan urban growth

Consistent themes of metropolitan planning strategy have been where to direct and how to manage persistent growth in population, housing, jobs and trips.

At no time has this been more relevant. *Plan Melbourne Refresh* (2015) notes that Melbourne’s strong population growth is projected to continue and that the next iteration of *Plan Melbourne*, in 2016, will “need to direct the way the city grows to create great places that capitalise on existing infrastructure and increase Melbourne’s access to the opportunities that the city offers.”

Over many decades a series of planning principles, tools and preferred locations have been advanced to contain and direct where that growth is most appropriately located.

- An ever-evolving and changing suite of activity centres have been seen as a particularly strong candidate location for the delivery of urban containment, mixed uses and higher densities, particularly where those centres intersect with fixed rail public transport services.

- Public transport corridors and particularly fixed rail have been upheld as attributes of a location where greater density and more sustainable development can be delivered.

- The protection of green wedges have both directed and contained development as well as ensured access to non-urban spaces for the metropolitan community.

- The urban growth boundary has complemented the green wedges placing longer-term limits on the expansion of the metropolitan area.

- Concurrently the protection of heritage, environmental and neighbourhood character considerations have limited the contribution that some places and areas can make towards consolidation.

- Throughout that time the role and importance of the Central City as the location for the highest densities, the greatest diversity of
uses, and the siting of facilities of metropolitan significance have been a constant theme and objective.

- More recently, in Plan Melbourne, the challenge of population, housing and jobs growth has been met by a commitment to an Expanded Central City, stretching to include areas as equidistant from the GPO as Flemington.

In combination these planning considerations have sought to deliver more sustainable metropolitan development by urban containment, better use of established utility and transport infrastructure and greater convenience and access to community services and facilities.

### 2.3 Strategic redevelopment sites and urban renewal

As a fundamental premise more sustainable metropolitan development will be delivered by making more efficient and effective use of land and established infrastructure proximate to the CBD than by the urban conversion of non-urban land at the metropolitan with the progressive replication of a range of utility, transport and community infrastructure.

This is the underlying premise of State Housing Policy (Clause 16.01-2) as it applies to the location of housing:

> Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites and reduce the share of new dwellings in green field and dispersed development areas.

And

> Identify opportunities for increased residential densities to help consolidate urban areas.

The opportunities and locations to deliver urban containment and consolidation are not fixed by historic or current planning strategies.

The cyclical nature of urban development processes is forever creating previously unforeseen opportunities, in new locations, to deliver more appropriate land use and forms of development.
27 Strategic redevelopment sites and urban renewal areas are the current expression of these types of opportunities.

28 They may extend from individual parcels of land to precincts and almost complete suburbs of the city. They are distinguished by their potential to support new uses and more intense development.

2.4 Surplus and land extensive uses

29 The relocation and redevelopment of many metropolitan golf courses and the more effective use of surplus land adjacent to some of the metropolitan racecourses, such as at Caulfield and Moonee Valley, have been prime recent examples of emerging strategic redevelopment sites and urban renewal areas.

30 The extensive, low intensity, nature of these uses and facilities, occupying potentially valuable urban land, often in prime locations, for more intense development has prompted their consideration for new roles and more effective use.

2.5 Flemington – A strategic urban renewal opportunity

31 Flemington offers the opportunities of surplus land but within a different urban context.

- The Epsom Road land is a comparatively small, discrete unused parcel of land located at the eastern extreme of the main Flemington straight.
  - Its historic role has been as a contribution to the beautifully presented grounds and gardens of the racecourse.

- The Flemington Hill precinct has had a more complex and diverse role.
  - It is a consolidation of land that has been progressively acquired and assembled.
  - It has, in part, been part of the rich history of horse stabling, preparation and training in the area.
o It serves as part of a wider complex pattern of events based overflow car parking.

o Some of those roles remain current and important to the effective functioning of Flemington and must be accounted for in any redevelopment.

32 It is reasonable to conclude that any surplus or under-utilised land at Flemington might make a positive and greater contribution to sustainable metropolitan development and the containment of growth.

33 The City of Melbourne shares that view in so far as its strategic statement has already identified a corridor of land along Flemington's northern boundary, including Flemington Hill, and following the existing rail line, as a potential urban renewal area.

34 The primary task of this peer review is to establish and verify whether the mix and intensity of uses and the higher rise built form before the Advisory Committee are appropriate having regard to the strategic context of the site, the well being of Flemington and the Showground as metropolitan significant sports and events spaces and the relevant directions of State and Local Planning Policy.
3 STRATEGIC CONTEXT

The strategic context shaping and influencing the potential of any future alternative use[s] and development of land at Flemington Hill and Epsom Road may be effectively appreciated through the following SWOT analysis.

3.1 Flemington Hill

3.1.1 Strengths

A major location of visitation and tourism

The Racecourse and the Showgrounds are principal metropolitan destinations in their own right. Most Victorians have been to one or both in some cases several times. They are part of the City's DNA.

'Flemington', and by association Melbourne, enjoy international recognition as the home of Australian horse racing.

Both venues are frequent and consistent major attractors of interstate and international tourism as well as a large contingent of local visitation.

- Flemington currently hosts approximately 23 race meetings each year and up to 6 music events. The current planning controls provide for attendances up to 15,000 persons without the need to have an approved Events Management Plan.

- The background planning report suggests 350,000 persons attend the 4 day Melbourne Cup Carnival and that the event contributes a gross economic benefit for Victoria of $364.5 million with 49% of expenditure attributable to overseas or inter state interests. It is put that $27.3 million was spent on accommodation.

The Showgrounds occupies 27 hectares.

- Its principal event is the annual Royal Melbourne Show in September each year.

- In excess of 150 events are held in parts of the showground each year as well as large music festivals.
Accordingly the locality can fairly be singled out as a major activity node; an important driver and contributor to the Melbourne economy and a location of substantial social and community engagement and participation.

In this capacity Flemington is one of the few locations in this locality regularly used for access and egress by helicopter.

**Sub-regional access to facilities and services of state significance**

Flemington Hill is centrally located in a sub-regional context and highly accessible to a broad range of retail, community, educational, health and recreational facilities.

- It is only 5km from the GPO.
- It is surrounded by principal, major and neighbourhood activity centres including Footscray, Highpoint and Moonee Ponds. (Figure 2).

It is immediately north of one of the few road and pedestrian crossings of the Lower Maribyrnong River. The crossing provides a level of sub regional accessibility by road, public transport, walkways and cycling between the western and northern suburbs, not enjoyed to the same extent by other areas of land along the river corridor.

As a consequence the land is within:

- 500 metres of the regional walkways and bicycle trails along the banks of the Maribyrnong River.
- A similar distance to a series of major parks and recreation reserves on the south side of the river and adjacent to the crossing (Figure 2).
- A kilometre from the Footscray Park Campus of Victoria University (Figure 2).
- 2km from the Western Hospital (Figure 2).
Figure 2 - Nearmap Aerial Photograph
The latter two facilities are identified in *Plan Melbourne* as 'Health and Education Precincts' of State significance.

**Access to public transport and rail infrastructure**

Flemington Hill is adjacent and proximate to a range of public transport routes, the railway network and a station.

- A bus route operates near the site that links the site with Moonee Ponds, Footscray, Williamstown and Epsom Road and connections by the 57 tram to the city or railway stations at Newmarket or Moonee Ponds.

- The site is located at the termination of a rail spur relied upon by the Showgrounds and Flemington on major events days. On that basis the site enjoys occasional rail services.

- A key strategic consideration is that the rail infrastructure exists even if it is only used occasionally. This location and proposal does not require the infrastructure to be provided.

**3.1.2 Weaknesses**

**Access to convenience services**

The nearest nominated activity centre and convenience retail services are a 1.5km walk to Epsom Road.

This is not a weakness confined to any proposal for Flemington Hill, it is a shortcoming associated with the use of Flemington as it is now. Except for the on course offer there is no choice or immediate access to daily convenience needs.

People working at Flemington, residents around Fisher Parade and Leonard Crescent and users of the Maribyrnong River corridor would benefit from access to more convenience facilities.

**Limitations on rail network**

The rail connection is only available and used for major events at the show ground and Flemington and PTV have advised that daily frequent services cannot be provided at the present time.
Occasional congestion

51 Major events at the showgrounds and Flemington temporarily congest parts of the locality and local road network with the demand to access and egress and parking.

52 The protection of the amenity of proximate established residential areas is referenced in planning policy.

Divided responsibilities

53 The agglomerated site is contained within two municipalities with different perceptions and strategic directions for this land on the periphery of their responsibility.

3.1.3 Opportunities

A large area of land for redevelopment

54 The site is an agglomeration of lots and parcels of land partially divided by a public road but offering a relatively substantial critical mass at 3 ha.

55 Most of the land is vacant save for three dwellings with frontage to Fisher Parade; it is occasionally used for event parking and not overly constrained by significant vegetation.

56 The City of Melbourne has envisaged a greater area along and over the rail corridor may be suitable for urban renewal.

57 The opportunities of the site are not uniform. The western and northern parts of the potential redevelopment area interface with established lower rise residential areas, the scale and amenity of which will be a constraint on the scale and intensity of any proximate use and development.

A prominent, high amenity site

58 Flemington Hill is located on elevated land and a ridgeline rising above the Maribyrnong River that offers views to the CBD, over the Flemington and across the river valley.

59 It might be reasonably expected that with greater elevation those views will become spectacular and panoramic with an outlook that follows the
course of the river to the port and inland and an aspect that takes in the full scope of the Racecourse.

Views over the entire inner city and western suburbs might be anticipated.

**An interface and transitional location**

The site is at the southern termination of an established residential area, at a location where it interfaces with sports and exhibition spaces. It might be characterised as a 'bookend' position and opportunity with no prospect of the site being contained at a later date by further residential development to its south.

**A location of emerging residential renewal.**

The area between Fisher Parade and Leonard Crescent has been the subject of progressive and increasingly more intense residential redevelopment.

The progressive demise of the older stabling and equine businesses and the special amenity afforded by views over the Maribyrnong River and towards the city from the ridgeline have resulted in increasing delivery of medium density and midrise town house and apartment development.

**To provide short and long term accommodation for those attracted to the location**

The nature of Flemington, the Showgrounds and the distinctive attributes and setting of the location make them inherent attractors to the following groups that would benefit or see advantage from accommodation in this locality.

- People who work seasonally or permanently at these venues.
- People working in the equine and horse racing industry.
- Owners, connections, sponsors of horses and races who want to live or stay 'close to the action'.
- Exhibitors.
• Visitors to the venues.

• Staff and students at Victoria University or the Western Hospital

• Households looking for high amenity accommodation with the special attributes of the Flemington Hill site.

The built form, scale and spaces

The large scale of the grandstands and the vast spaces of the showgrounds and racecourse provide a context and setting to entertain a different urban character and built form to that to be found in the immediate established area and residential neighbourhoods.

Improve utilisation of fixed rail infrastructure

More intense and effective use of the land ought to serve as an incentive to identify how more effective use might be made of the existing rail line.

3.1.4 Threats

The removal of land immediately adjacent to the show grounds and Flemington and the displacement of space and parking could compromise the potential and operation of the two adjacent sports and exhibition venues, unless suitable alternative arrangements have been identified.

3.2 Epsom Road

3.2.1 Strengths

Proximity to services and transport

The Epsom Road site enjoys some of the sub-regional locational strengths of the Flemington Hill site, but that is balanced by its greater proximity to neighbourhood activity centres and convenience retail services at 'Showground Village' in Epsom Road and in Racecourse Road at Newmarket.

The site is directly adjacent to the 57-tram route and within 500 metres of the Newmarket Station, providing direct access to the city.
The site enjoys immediate exposure and access to the arterial role of Epsom Road.

The site is elevated above the racecourse and offers a very special amenity and advantage in its outlook over the main straight.

The land is not being used.

### 3.2.2 Weaknesses and threats

It is difficult to attribute weaknesses or threats to this site given the strong alignment between the site attributes and the expectations of policy as it applies to proximity to activity centres and fixed rail public transport.

Heritage places close to the potential development area place a constraint upon siting and the view corridor down the main straight is an important appreciation of the setting of Flemington.

### 3.2.3 Opportunities

Epsom Road separates it from the established urban areas.

It forms part of the Flemington Racecourse at a part of the site where the VRC administration and the on course stabling and training facilities are located as well as being bound by the Quest motel and private apartments complex on the corner of Epsom Road and Smithfield Road.

A development approved directly opposite at 1 Ascot Vale Road for a 23 storey tower development, comprising 340 apartments, establishes a reference point and a rationale for both higher densities and higher built form in this locality.

The Epsom Road precinct is not as constrained by inclusion within and abutting to established residential areas as the 1 Ascot Vale Road site.

### 3.3 Summary

For different reasons both sites are appropriately characterised as strategic opportunities for urban renewal. They are prime for redevelopment and more effective, intense use.
The constraints on rail, the absence of convenience services and the established residential context of Flemington Hill warrant further consideration in the opportunities offered by the location.
4 STRATEGIC DIRECTIONS

4.1 Introduction

This review has considered the State and Local Planning Policy Frameworks of the Melbourne and Moonee Valley Planning Schemes, Plan Melbourne and the Plan Melbourne Refresh document.

There are multiple directions in the settlement, housing, economic development, transportation and location specific policy to be satisfied that both parcels of land can form part of land intended for urban renewal.

This leads to the view that they are suitable for higher densities of predominantly residential use, provided their development does not compromise the role of Flemington and the Showgrounds as principal features of the city's sports cultural and entertainment infrastructure.

4.2 Existing roles and expectations

4.2.1 State and metropolitan sports, entertainment and cultural

First and foremost, Flemington and the Showgrounds are identified in planning policy and provisions for their sporting, exhibition and events roles and their contribution to shaping the identity of the city and its economy.

A major component of Melbourne’s international reputation for public design lies in its cultural, educational and sporting precincts. Many of its iconic venues are located in the heart of the city.¹

The purposes of the Special Use Zone [SUZ1] that overlay the course and both sites set out:

- To provide for areas to be used as a Racecourse and associated uses including horse stabling.

- To recognise that Flemington Racecourse is a major recreational and entertainment resource of State and Metropolitan significance.

• To provide for the use and development of Flemington Racecourse in non-racing periods for a range of events including temporary cultural or community activities and entertainment such as concerts, festival or exhibition.

• To ensure that the future use and development of Flemington Racecourse does not unduly impact on the amenity of surrounding areas.

The purposes of the zone schedule applying to the Royal Melbourne Showgrounds are similar to those for Flemington (Attachment 3).

State Tourism Policy (Clause 17.03) is strongly associated with the role of these two venues. That policy has the objective of encouraging tourism development to maximise the employment and long term economic, social and cultural benefits of developing the State as a competitive, domestic and international tourism destination.

As it applies to Metropolitan Melbourne (Clause 17.03-2) there is an expectation of further developing the metropolitan area as a tourism destination.

This is to be achieved by the following relevant considerations:

• Facilitating local national and global connections and alliances.

• Improving public facilities, amenities and access.

• Providing information and leisure services.

• Improving transport infrastructure.

• Ensuring efficient resource use.

This theme of policy is further developed under the heading of cultural facilities in State Infrastructure Policy (Clause 19.02-3) where an intent to develop a strong cultural environment and increase access to arts, recreation and other cultural facilities is matched by a strategy to reinforce the existing major precincts for arts, sports and major events of State wide appeal and establish new facilities at locations well served by public transport.
The *Melbourne Planning Scheme*, as it addresses *Infrastructure* (Clause 21.10), draws the connection between planning for growth and the need to make the efficient use of existing infrastructure, reinforce those key elements and protect future needs and requirements.

Enhancing the *City as Victoria's pre-eminent cultural and entertainment location* (Clause 21.10-6) is complemented by strategies that seek to support:

- The City’s major sports facilities and parks in recognition of their national significance.
- Entertainment music and cultural attractions.

*Economic Development* policy (Clause 21.08-2) that seeks to reinforce the city’s role as Victoria’s principal centre for commerce will be partially achieved by "the provision of facilities and services for the changing and diverse needs of residents, visitors and workers”.

This latter economic development strategy resonates with those provisions of metropolitan development strategy that seek to support a network of vibrant neighbourhood centres which offer a ‘village’ feel while enabling a mix of goods and services.

The strategic direction is built around a concept of “20 minute Neighbourhoods”.

Direction 4.1 of *Plan Melbourne* makes the following relevant observation. Three critical factors distinguish the 20-minute neighbourhood: sufficient population to attract business and services, a good walking environment and a centre to which people are attracted.

The foregoing strategic context commentary has identified that both Flemington sites already have attributes that would underpin an emerging role as a contribution to a richer network of neighbourhood centres.

### 4.2.2 Residential

The western portion of the Flemington Hill site is zoned, and partially used for residential purposes although a significant portion has historically been used for exercising horses held in the stable that has formed part of this residential precinct.
In the absence of the proposal and the demise of local small scale stabling and training operations the existing policy settings would enable and facilitate residential use and development of this land at higher densities in a form not dissimilar to the more recent higher density development being built and completed on Leonard Crescent.

4.3 The role of urban renewal precincts

The central city and urban renewal areas are the tools that the *Melbourne Planning Scheme* and the metropolitan development strategy rely upon to provide for the anticipated growth in the municipality.

Settlement policy (Clause 11) and metropolitan development strategy clearly intend that metropolitan and lower order activity centres, on the principal public transport network will be a preferred candidate for the delivery of mixed use development and higher density residential development.

The *Metropolitan Melbourne Structure Plan* that forms part of *Plan Melbourne* identifies other important land use elements, that are not activity centres, and which are expected to perform a central role in “Melbourne’s growth–led transformation” towards 2050.

Of particular relevance in this matter are the combined roles of “urban renewal areas”, “urban renewal precincts” and “urban renewal sites”.

Each is recognised separately as *State Significant Elements* in the Melbourne Metropolitan Structure Plan of *Plan Melbourne*.

‘Urban renewal areas’ are identified as a future element of the *Expanded Central City* (Figure 3).

- In the locality of Flemington they include Footscray, Dynon, and Arden - Macaulay. These are large suburbs rather than individual sites.

‘Urban renewal precincts’ –

“Seek to take advantage of underutilised land close to jobs, services and public transport infrastructure to provide new housing, jobs and services. Renewal projects in defined precincts and sites will play an important role in
accommodating future housing and employment growth and make better use of existing infrastructure.”
Figure 4 identifies projects and sites identified by local government but exclude Flemington Hill.

4.3.1 Racecourse Rail Corridor - Urban Renewal Area.

Despite this, the *Melbourne Planning Scheme* identifies a band of land on the northern boundary of Flemington and following the course of the railway line between the racecourse and the showgrounds, extending from the river to Epsom Road as the *Racecourse Rail Corridor - Urban Renewal Area* (Figures 5).
The *Melbourne Planning Scheme* differentiates between established, proposed and potential urban renewal areas at Clauses 21.13 to 21.15 and in the Growth Area Framework Plan [Figure 5].

Flemington is identified as a long-term option for future urban renewal that depends upon the resolution of future options of a rail service to the area before it can be considered in detail for urban renewal.\(^2\)

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\(^2\) Clause 21.04-1.4 and 21.15 – *Melbourne Planning Scheme*
A distinction might be made between any urban renewal that might require the use of the airspace over and the land immediately adjacent to the rail line and land that is further removed from the existing rail reservation and infrastructure such as at Flemington Hill. This is considered more fully in the assessment at Section 5 of this report.

The Flemington – Kensington Potential Urban Renewal Area (Clause 21.15-2) encompasses a significantly greater area than the above corridor (Figure 6).

- The relevant provisions of the planning scheme as it addresses this area are directed at appropriate housing, economic development, built environment and heritage outcomes.

- As the municipal strategy defers the Racecourse Rail Corridor to the long term it does not address the scale and intensity of density or the appropriate mix of uses that might characterise the redevelopment of the urban renewal area, confining its commentary to the principally stable areas of Kensington.

Despite the absence of comment on the form of use and development its directions on economic development are particularly relevant to the Advisory Committee’s current considerations.

Appropriately the strategy is first and foremost concerned with nurturing the ongoing operations of the Racecourse and the Showgrounds, enhancing the capacity of the latter as a recreation facility and minimising the impact of traffic related issues on the established residential areas.


While Plan Melbourne has set aside land generally in the locality of the Epsom Road site as an urban renewal area the Melbourne Planning Scheme has not to date acknowledged the opportunity presented by that site.

I place limited weight on this inconsistency as the Epsom Road site can stand on its merits within the context of the Plan Melbourne recommendations for urban renewal areas.
4.3.2 Land within Moonee Valley

The western portion of the Flemington Hill site is not included within an identified urban renewal area.

The Moonee Valley’s response to the demands of population and housing growth is to identify accelerated growth areas and locations for "high to substantial housing intensification".
121 It is a strategic direction that seeks to channel the majority of housing growth into the activity centres identified in Plan Melbourne.

122 Outside the accelerated growth areas "Moderate to High" and "Slight to Moderate" intensification policies apply.

123 The locality of the subject sites can be interpreted to be in a Moderate to High Intensification Area given the proximity to the Flemington and Showgrounds stations and the presence of 3-6 storey apartment developments in the locality.

124 The strategic statement at Clause 21 is notable for the relative absence of consideration given to the presence of the combined influences of the Showgrounds and Racecourse, immediately adjacent to the southern boundary of the city.

125 In so far as the proposal assembles a larger consolidated site that spans municipal boundaries, and seeks to further support the further development of the Showgrounds and the Racecourse, so it is appropriate for a review of the continuing relevance of polices that envisage the land functioning primarily as the periphery of an established residential area.

4.4 Housing, diversity and affordability

126 The core themes of relevant housing policy are directed at meeting market needs, increasing diversity and improving affordability.

127 The Plan Melbourne Refresh Discussion Paper [2015] (pages 52 - 61) has foreshadowed that greater emphasis will be placed on these considerations.

128 The objective of integrated housing – "Increasing the supply of housing in existing urban areas by facilitating increased yield in appropriate locations including under utilised urban land" - may be strengthened in the next iteration of metropolitan strategy by confirming that population, housing and employment densities will increase in defined areas.

129 In the south west part of Moonee Valley, including part of the subject site, there has been limited diversification of housing stock and the supply of new housing has been principally confined to land on the opposite side of the Maribyrnong River.
From my strategic assessment there is evidence to suggest that opportunities to notably increase the supply of housing on the proposed sites will have a three fold beneficial effect on:

- Affordability through greater housing supply;
- The choice and diversity of dwelling stock in the locality, and
- The enhanced capacity and justification to protect established areas and their neighbourhood character.

### 4.5 Built environment and Heritage

#### 4.5.1 Built environment and urban design

Regardless of the Flemington proposals it is expected by the planning policy framework and the metropolitan development strategy that development will take the form of high quality urban design and architecture, that:

- Positively contributes to the local urban character and sense of place;
- Reflects the aspirations and cultural identity of the community; and
- Enhances liveability diversity and safety of the public realm.

It is expected that the built form will promote the attractiveness of the city within its broader strategic context.

Within the City of Melbourne the emphasis is upon:

- Reinforcing the city’s overall urban structure;
- Maintaining the sense of place and identity in different areas of Melbourne;
- Protecting iconic views in the city;
- Ensuring that the height and scale of development is appropriate to the identified preferred built form character of the area; and


- Increasing the vitality, amenity and comfort, safety and distinctive City experience of the public realm (Clause 21.06-1).

134 Urban design in Moonee Valley is expected to be contextual and where structures taller than five storeys are contemplated it is to complement the surrounding neighbourhood and be considerate of potential off site impacts [Clause 21.06].

4.5.2 Heritage

135 The whole of Flemington Racecourse and both sites are covered by a heritage overlay recognising the role of Flemington as a preeminent icon and reference to the location’s rich cultural and historical association with horse racing and training in Australia.

136 The underlying thrust of this policy is to protect and enhance those features of Flemington that contribute to its heritage significance.

137 I am not qualified to comment on heritage issues but note that the policy and provisions do not prevent change and the land in question does not form part of the core operations of Flemington and is at the periphery of the course.

138 The existing Jockey’s Convalescent Lodge would be retained.

4.6 Transportation

139 The sustainability and safety of transport systems and the integration of land use and transport is the platform upon which planning policy and the Transport Integration Act 2004.

140 The Overview to this evidence has emphasised the place of access to the public transport network in substantiating the case for higher densities of development and a mix of land uses.

141 State transportation planning policy at Clause 18 seeks to make jobs and community services more accessible by taking advantage of all modes of transport and coordinating improvements to public transport, walking and cycling networks with ongoing development and redevelopment of the urban area.
It seeks to achieve the greatest overall benefit to the community by making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, services and amenity.

Metropolitan development strategy (Plan Melbourne) as it applies to the detail of specific transportation projects is the subject of review but its underlying strategic premise is to facilitate a more connected Melbourne by:

- Transforming the transport system to support a more productive central city,
- Improving access to job rich areas,
- Improving local travel options to increase social and economic participation.

The planning schemes of Melbourne and Moonee Valley reinforce the same points.

For example Clause 21.09-4 of the Melbourne Planning Scheme seeks to maximise the use of public transport through efficient urban structure advancing strategies that:

- Locate major entertainment and recreation facilities close to good public transport and walking networks in urban renewal areas; and
- Supporting changes and improvements to the public transport system that serves the changing needs, demography and structure of the city.

The counter point to this direction is that both councils seek to reduce the negative economic, social and environmental impacts of traffic and parking upon established residential areas.
5 THE PROPOSAL

147 The proposal can be summarised as follows:

5.1 Flemington Hill

148 The Flemington Hill site is to be rezoned from the Special Use Zone [SUZ1] and the General Residential Zone to a Comprehensive Development Zone.

149 The purposes of the proposed CDZ are stated as:

- To develop the Flemington Green comprehensive development area for high and or medium density urban living supported by a mix of limited complementary uses including commercial, retail and a range of community uses.

- To provide for exemplary urban design outcomes for the built form and the public realm.

- To support the on going operation of the Flemington Racecourse and Melbourne Showgrounds by ensuring Flemington Green accommodates access to these important facilities on events days.

- To provide for development of the land in accordance with Flemington Green Comprehensive Development Plan

150 The uses table has been crafted to the specific intentions for the land. Floor space limitations on specified uses restrict the scale of those activities. The merits of those limitations are reviewed in the next section of this evidence.

151 The zone provisions advance objectives for the Flemington Green Comprehensive Development Area [subclause 5] and a plan detailing maximum height limits that vary between three precincts.³

152 Those same objectives and height provisions are duplicated in the first part of the proposed Flemington Hill Comprehensive Development Plan 2015.

³ A typographical error at sub-clause 4.2 makes references to plans at Clause 6.1.2 when that should read 5.1.2
It also includes area wide and precinct specific design guidelines.

This plan would form an incorporate plan.

An Indicative Development Concept (IDC) illustrates one outcome within the proposed framework of planning provisions, which includes nominated height limits for three sub precincts.

It provides for three residential towers of between 25 and 32 storeys and a low-rise precinct of 5–6 storeys.

The IDC has advanced a yield in the order of 725 - 750 dwellings and a forecast population in the order of 13,000 persons.

The proposed planning provisions restrict retail uses to a maximum of 2,000 square metres of retail space and 250 square metres of office.

5.2 Epsom Road

The Epsom Road site would be similarly zoned with its own Comprehensive Development Plan enabling a single residential tower up to 31 storeys with ground level commercial use.

The purposes of its CDZ would be:

- To develop the 550 Epsom Road for high and or medium density urban living incorporating a variety of residential use and dwelling types, supported by a limited mix of complementary uses including commercial and retail uses.

- To provide an exemplary standard of architecture and urban design, having regard to the site’s premier location close to the major intersection and main entrance to Flemington Racecourse.

- To ensure that the design of buildings respects and enhances the heritage significance of the former jockey’s convalescent Lodge and its landscape setting which is identified in the statement of significance for Flemington Racecourse Heritage citation within the Victorian Heritage Database.

- To provide development of the land in accordance with the 550 Epsom Comprehensive Development Plan December 2015.
The IDC for the Epsom Road site provides for almost 400 dwellings and a population of approximately 750 persons in a 31 storey built form. A maximum of 150 square metres of retail and 250 square metres of office floor space would be permitted under the proposed planning controls.
6 ASSESSMENT

6.1 Overall observations

162 Overall I find the strategic elements of the proposals a thoughtful and balanced response to the complexity of relevant contextual and policy considerations.

163 The community would benefit from the proposal and amendment being supported at the present time and not being deferred to the long term, as some aspects of the policy framework might seek.

164 Flemington and the Showgrounds will be stronger and enhanced by the project proceeding and opportunities are presented by the proposal to address current shortcomings in services and transport.

165 An intensity of use is warranted and justified.

166 There is no one ‘right’ answer to the question of appropriate absolute overall building height.

167 The appropriate overall composition of heights is the product of the tension between making the most efficient use of the land, the merit in a built form that serves as a landmark and way finder in the broader city, protecting the integrity of the experience of the racecourse and the practical influences of shadowing, reasonable privacy, amenity protection and dominance in the surrounding street space and from adjoining land.

168 It should go without saying any building[s] that were to be prominent on this site should showcase excellence in architecture and urban design.

6.2 Wellbeing and enhancement of Flemington

169 The long-term wellbeing and further development of the established sports, economic and social roles of Flemington (and in turn the Showgrounds) have been at the core of the motivation for and conceptual composition of the proposals.

170 The documentation outlines how the VRC has undertaken its master planning and systematically identified its surplus land.
171 Appropriately the VRC seeks to use its surplus resources to generate income to fund investment back into the course and facilities.

172 This is entirely consistent with the primary purpose of the land in its strategic context and the intent of the planning framework as it applies to the Flemington / Showgrounds precinct.

173 There is evidence in the documentation that the identification of and planning for the use and development of the surplus land has had regard to the operational consequences of disturbance to events based movement networks and overflow parking.

174 The Integrated Transport and Access Plan [ITAP] (which is also a requirement of the amendment) and the consultation that has been ongoing with the operators of the Showgrounds demonstrates the essential ingredients to a resolution of these issues can be found. The detail of these plans can and should be resolved at the development approvals stage.

6.2.1 Appropriate use of the surplus land

175 In a metropolitan and macro context the use of almost 3.5 ha surplus land for principally residential purposes can only be viewed as positive in so far as it positions a considerable body of additional households in a highly accessible location to a broad range of activity centres, health, education, open and recreation spaces including being directly adjacent to two of Melbourne’s premier sports and exhibition centres.

176 These two sites are urban renewal sites in the terms identified by Plan Melbourne.

177 While residential investment might of itself be seen as supporting the strategic role of the venues I envisage a significantly more direct benefit potentially flowing to the well-being and economic performance of the region.

178 In section 3.1.3 of this report I identified a range of individuals, groups and sectors in the community that would gain particular advantage in having improved access to a diversity of short and long term accommodation in this location.
The majority of those candidate groups would have a direct interest in either or both Flemington and the Showgrounds.

While this does not discount the broader and general community’s access to this proposed accommodation there is a real and identified synergy to be established between the proposed accommodation and the more efficient and effective use of the venues.

In this respect the proposal is more than providing much need additional accommodation on underutilised inner city sites.

### 6.3 Appropriateness of convenience services

I am also supportive of the strategic rationale of providing for a maximum of 2,000 square metres of retail floor space at the Flemington Hill site.

Given the proposal would provide a critical mass of additional population throughout the year it is timely that additional convenience retail facilities be provided at this location where enormous gatherings frequently occur.

The opportunity to have a choice in convenient access to daily needs, other than be dependant upon on-course facilities, would better support both the established residents, workers and visitors to the racecourse and the prospective resident population.

A 2,000 metre convenience local centre would not pose a material threat to the composition and well being of Showgrounds Village on Epsom Road activity centres, but it would improve the walkable access to small retail and food and drink premises, in this more remote part of the neighbourhood.

150 square metres of retail floor space at Epsom Road would have negligible impact upon the neighbourhood but would provide a small convenience facility on the site of a relatively large proposed population.

### 6.3.1 Access to appropriate transport and movement networks

The Epsom Road site has excellent and immediate choices in terms of public transport and proximity to activity centres. I consider it strongly complements the intent of these themes of policy.
On paper Flemington Hill performs equally with respect to access to choices of public transport, the road network and sub regional walking and cycling networks.

Not only is next door to a station, but also it is on a bus route and has easy access to the movement networks both across and along the Maribyrnong.

However as this commentary has identified:

- The rail network only operates during major events.
- PTV has indicated that it will not provide improved services to this development.
- Melbourne City Council has identified the land as forming part of a long-term potential urban renewal area.

It might be put that this constitutes grounds to defer or reduce plans for Flemington Hill.

I do not share this view based upon the circumstances of the strategic context and the strategic policy framework.

The nature of the existing rail services and the stated limitations upon improving that service should not hinder or prevent the project.

In the first instance the site and location enjoy excellent subregional accessibility, by a range of modes of transport and movement to jobs, services and facilities. This accessibility and convenience should be captured to the advantage of greater proportion of the community.

Even in the short term the rail limitations do not render Flemington Hill a car dependant community. The opportunities to access the tram and rail services in Epsom and Newmarket Roads are not overly challenging.

Walking or cycling to Showgrounds Village is more than 400 metres but it remains part of the proximate ‘neighbourhood’ and can be accessed comfortably.

The planning policy framework is couched in terms of making more effective use of the existing infrastructure. It would an unfortunate and
inappropriate outcome to refuse support for a major project supporting the on going well being of the Showgrounds and Flemington on the basis that a station and rail infrastructure exist but improved services cannot be immediately provided.

198 Approving this proposal would not compromise the ability of Council in conjunction with PTV to work through longer term rail options and the urban renewal potential of the Flemington / Showgrounds rail corridor.

199 On the other hand in the event that the project was approved and implemented the presence of this substantial ‘year round’ population in conjunction with the further development of the Racecourse and the Showgrounds would provide a catalyst and justification to explore and in time invest in more efficient and effective use of this section of the rail network.

200 In this respect earlier redevelopment of this under utilised land is to be encouraged with an expectation that a flow on benefit will be enhanced rail services for users of the two venues.

6.3.2 In or close to activity centres

201 Flemington Hill is not in or close to a major or principal activity centre in the conventional interpretation but nor is it an isolated location.

202 It is an internationally recognised address and destination. A location of considerable frequent activity, permanent and seasonal employment, community congregation and social engagement that warrant improved accessibility to a greater choice of convenience services of the type that a local activity centre would address.

203 In the event that the project proceeded existing and future residents, employees and visitors to the area would be provided with the network and hierarchy of activity centres envisaged in policy.

204 The existing hierarchy of activity centres should not be seen as an impediment to an expanded network.

205 Local economic development policy explicitly supports the provision of facilities and services for the changing and diverse needs of residents, visitors and works [Clause 21.08-2].
6.3.3 An appropriate built form and density

Overview

206 The earlier commentary upon strategic context and the policy settings has established attributes of an appropriate built form and densities for these sites.

207 Flemington is a recognised landmark in the urban structure of the city and the psyche of the community. It is an iconic location, a ‘great place to be’. Its the place that once a year ‘stops a nation’.

208 It is differentiated in the cityscape by its vast open spaces, the formality of the track, its close association with the river corridor, the form of the grandstand complex and the setting of the course.

209 It provides a line of sight and connection directly to the city with Flemington Hill enhancing the elevation and exposure of the venue.

210 Scale, openess and grandeur are part of Flemington’s physical sense of place.

211 On events days the experience of the place mixes crowding, engagement, excitement and spectacle.

212 It is appropriate that the urban design and built form approach to the broader setting of the racecourse reinforces these attributes of the sense of place.

213 Without infringing on the integrity of the community’s perception of the traditional Racecourse environs, there are special opportunities presented by the surplus land to make significant contributions to settlement, economic development and tourism planning policy by delivering higher densities and taller built forms.

214 The spaces and separation of Flemington from the established neighbourhoods of Ascot Vale and Kensington provide an opportunity to optimise yield, protect established amenity and install an outstanding architectural statement that reinforces the landmark role of racecourse.

Flemington Hill
At Flemington Hill the planning scheme amendment provides for an integration of existing and new movement networks with a transitional approach towards built form.

It proposes to place a transitional zone of lower rise development at the western and northern interfaces of the surplus land with the adjacent to established residential areas. Established Rescode provisions would apply to height building height and setback relationships.

Distanced and removed from this interface the height provision would enable a stepping of built form progressively to the highest point in the south-east quadrant, immediate adjacent to the railway corridor and station.

Respect for the established grounds and setting of Flemington is provided by a separation in the order of 140 metres between the nearest potential tower form and the Main Grandstand.

Higher rise development is proposed in the form of lower rise podiums and high rise towers.

I consider the conceptual rationale of the urban design response, overall heights and construction of the statutory provisions appropriate but warranting further refinement and clarity about the preferred outcome.

- The controls nominate a progressive stepping of heights but lack reference to the existing natural ground levels, making an appreciation of actual development potential at any particular point of the site difficult.

- The building envelopes are expressed as uniform heights with narrow podium recesses to towers. Within these envelopes a range of different built forms might be conceived from slender towers to wall forms. The ‘Flemington Life’ - Master plan Design Response Report (November 2015) has advanced one possible outcomes but the range of possible outcomes may not be as spacious and elegant.

The review and refinement of urban design provisions should result in:
• A notable more precise definition of the preferred built form, including siting and spacing of taller elements.

• Clear definition of the maximum number of storeys that be achieved at any part of the site including the maximum wall heights to be provided at street edges and if and where recesses of upper floors may be required as part of low to medium rise buildings.

• Wall height and street setback requirements that avoid the tower forms dominating the streetspace.

Epsom Road

223 At Epsom Road the context for higher built form and higher density has already been set by the emerging project at 1 Ascot Vale Road.

224 The site of the development is set sufficiently to the side of the main straight to enable the established and valued views over the course and down this important alignment to be preserved.

225 The constraints of the site, protecting the Former jockey’s Convalescent Lodge, almost self define the building envelope. Except for the Epsom Road frontage there is no street edges and interfaces to be concerned about.

226 The height of the tower and its proximity to Epsom road would suggest that additional urban design advice be sought to confirm the suitability of the 4 metre setback of the tower relative to the podium.

Other considerations

227 The setting of these two sites and the higher built form would provide a very special amenity and a much sought after address for both locals, interstate and overseas interests, in ownership and or occupancy.

228 The regular international exposure of the venue and its setting also invites the showcasing of truly original and iconic Australian architecture and the highest standards of urban design.
Realising these opportunities on these sites will enable greater protection of the scale and character of the established residential neighbourhoods that are also proximate to Flemington.

While entirely hypothetical it is instructive to contemplate the yield of dwellings that might have existed at Flemington if the course had not been established.

The course occupies approximately 125ha. If it had been developed conservatively as a low rise neighbourhood similar to parts of Kensington at a density of approximately 25 dwellings to the hectare approximately 3,000 -3,250 dwellings might have existed.

In this proposal the outcome offers less dwellings but a broader benefit with a yield of approximately 1,000 dwellings combined with an enhanced and strengthened Flemington.
7 CONCLUSIONS

233 The proposals for Flemington Hill and Epsom Road are strategically justified because they positively contribute to:

- Urban containment and urban renewal as detailed in Plan Melbourne and the State and Local Planning Policy Frameworks,
- The ongoing development and wellbeing of the Racecourse and the Showgrounds,
- An improved level of convenience services to the local and prospective resident communities and those employed or visiting the Showgrounds,
- A range and choice of sub-regional facilities and services in the retail, health and medical sectors,
- Better use of established regional walking trails and cycle routes,
- Use of regional open space systems,
- Identifying ways in which established transport infrastructure in the locality might be enhanced.

234 The urban design provisions of the proposed planning scheme amendment warrant further refinement as detailed in this report.

235 The Comprehensive Development Zone is an appropriate tool for the redevelopment of the land, given that the Special Use Zone prohibits residential use.

Robert Milner

February 2016
Attachment

1 Curriculum Vitae

ROBERT MILNER – DIRECTOR

Qualifications and Positions

- Director 10 Consulting Group Pty Ltd and The Milner Group Pty Ltd
- Diploma in Town and Country Planning (First Class Honours) Liverpool Polytechnic
- Life Fellow Planning Institute of Australia
- Fellow of the Victoria Planning and Environmental Law Association
- Former State and National President of the Planning Institute of Australia
- Member, Planning and Local Government Advisory Council [1994 – 1999]
- Deputy Chairman, Future Farming Expert Advisory Group [2009]

Employment History

2010 – Current
Director 10 Consulting Group Pty Ltd

1999 – 2010
General Manager, Senior Principal and Adjunct Senior Planning Counsel – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group)

1994 – 1999
Director, Rob Milner Planning Pty Ltd and Savage Milner

1991 - 1994
Project Director, Collie Planning and Development Services

1988 – 1991
General Manager, Town Planning, Jones Lang Wootton

1980 - 1988
City Planner, City of Box Hill

1977 – 1980
Planner, Perrott Lyon Mathieson, Architects and Planners

1976 – 1977
Planner, Kirklees Metropolitan Borough Council
Career Overview

Rob Milner is a respected strategic and statutory planner. He is equally competent in urban and regional practice.

He is recognised as a leader of the planning profession in Victoria. He has had a high profile career spanning 40 years with extended periods of experience working for local government and private practice.

Until 2010 he worked with CPG Australia building that planning team to be one of the larger and most respected strategic and statutory practices in Victoria. The team was twice awarded planning consultant of the year in Victoria.

He now directs 10 Consulting Group, as a small boutique consultancy offering the highest level of advice and service to clients wanting the benefit of Rob’s considerable experience, knowledge and understanding of planning in Victoria.

He is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is usually involved in 4 or 5 different matters monthly and has a reputation for objectivity, an original style of evidence and for providing clear and fearless advice. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and compensation and restrictive covenants.

He is an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome.

His ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout metropolitan Melbourne and regional Victoria, as well as a broad range of corporate and other private sector interests.

Robert Milner brings a high level of integrity to his work, choosing to participate on those projects that accord with his professional opinion.
Areas of Expertise and Experience

**Strategic studies, policy development and statutory implementation**

Rob is widely acknowledged for his capacity to take a strategic perspective to urban and regional and planning challenges and provide direction and leadership that is responsive, creative and thoughtful in its strategic intent and detail.

When combined with his depth of experience with strategic policy based planning schemes he is powerfully equipped to deliver sound advice on the spectrum of land use and development planning issues.

His strategic planning skills are ground in work experience at the State, regional, local and site specific levels dealing with the issues that affect a town or sub region or examining themes or subjects that span geographical areas.

While working for CPG Australia he lead multi disciplinary planning teams that worked for clients that included DPCD, Department of Justice, Department of Innovation, Industry and Regional Development, and many municipal councils in metropolitan Melbourne and regional Victoria.

In 1994 he lead the planning consultancy that recommended the model for the Victorian Planning Provisions, the strategic policy driven planning scheme that is now consistently used throughout Victoria.

In 2009 Robert served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning. That work addressed a broad range of issues facing the next three decades of land use and development in regional Victoria.

**Expert evidence and advocacy**

Rob is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity or as an advocate in over 1,200 cases during his career.

He is often retained to provide the strategic perspective to planning disputes. He is equally capable in commenting on matters of urban design, and compliance with planning policy and provisions.
The scope of matters that he has addressed in this capacity is extremely diverse and includes:

- Medium density and high rise residential development,
- Greenfield, master planned communities in growth areas,
- Waste management, quarries and landfill proposals,
- Major shopping centres and mixed use developments,
- Industrial and residential subdivisions,
- Hotels, motels, restaurants and other leisure facilities
- Retirement villages,
- Rail projects,
- Coastal developments,
- Office and CBD projects
- Heritage projects
- Compensation and land acquisition matters,
- Liquor licence and gaming proposal,
- Freeway service centres and petrol stations,
- Agribusiness centres.

**Legislative and planning scheme reviews and amendments**

Aside from Rob’s leadership of the consultant planning team that conceived the model for the Victorian Planning Provisions, he has been associated with many reviews of municipal planning schemes and amendments.

Planning scheme review usually takes the form of comprehensive research examining both the merits of the strategic policies as well as the statutory provisions. Wide ranging consultation is involved in the task.

Work associated with planning scheme amendments usually includes strategic justification of the proposal as well as statutory documentation and management of the process. The provision of expert evidence to independent panels is often involved.

In more recent times Rob has been involved in projects that entail a review of allied legislation as well as amendments to planning schemes. Recent relevant projects have included the following:
Reviews of Victorian planning provisions and allied legislation

- Activity Centre Zone construction and application in Footscray, Doncaster, Knox and Sunshine
- Tramway infrastructure and the VPP's,
- Higher density living adjacent to tramway corridors
- Liquor Licensing legislation and planning provisions
- Gaming (EGM) policy and provisions for Councils
- Review of the Farming and Green Wedge zones for their economic implications

Planning scheme reviews

- Shire of Surf Coast 2007
- Shire of Wellington 2009 -10
- Rural City of Horsham 2010
- Borough of Queenscliff 2011- current

Organisation audits and process reviews

Rob has a long and established career providing reviews of planning documents, teams and processes, particularly in a local government environment.

Trained as a LARP facilitator in 1990 as part of a Commonwealth Government initiative his experience in this area commenced with the development of planning and building specifications for tenders as part of Compulsory Competitive tendering process and the coaching of bid teams.

Since then Rob has developed a specialisation in providing reviews and recommendations to State and Local Government, which audit planning schemes, the performance of planning teams and departments and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities; he prepared the model audit process for the Department of Sustainability and Environment in 2003 and recently provided a
facilitated program for the Department of Planning and Community Development reviewing how it processes planning scheme amendments.

He has worked with Councils in Victoria, New South Wales and South Australia.

He uses a range of audit techniques, extensive consultation with users of the processes and provides detailed strategies on necessary reforms.

His most recent work has been as a major contributor to the VicSmart program.
Attachment

2  Expert Witness Statement

The name and address of the expert
Robert Milner, Director of 10 Consulting Group Pty Ltd, 3/2 Yarra Street, South Melbourne, Victoria, 3205.

The expert’s qualifications and experience
Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Attachment 1.

The expert’s area of expertise to make this report
Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

Other significant contributors to the report
Not applicable

Instructions that define the scope of the report
Robert Milner has been instructed by Minter Ellison on behalf of the Victorian Racing Club to prepare this report.

The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that person
Not applicable.

The facts, matters and all assumptions upon which this report proceeds
There are no other facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.
Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature or other material used in making the report

Rob Milner has reviewed the following material:
- The Melbourne Planning Scheme;
- The Moonee Valley Planning Scheme;
- Plan Melbourne;
- Plan Melbourne Refresh;
- Documentation submitted by the Permit Applicant seeking approval for Flemington Hill & Epsom Road; and

Other material as referenced in the body of this report

A summary of the opinion or the opinions of the expert
A summary of Robert Milner's opinions are provided within the body of the report.

Any provisions or opinions that are not fully researched for any reason
Not applicable.

Questions falling outside the expert's expertise and completeness of the report
Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The report is complete.

Expert declaration
I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Robert Milner
February 2016
Attachment

3 Special Use Zone Schedule
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

ROYAL MELBOURNE SHOWGROUNDS

Purpose

To recognise that the Royal Melbourne Showgrounds is a major educational, recreational and entertainment resource of State and Metropolitan significance.

To recognise the Royal Melbourne Show as an event of major cultural and social significance.

To encourage the use and development of the Royal Melbourne Showgrounds for the Royal Melbourne Show and in the non-Show period for a range of entertainment, recreational, commercial and community events and activities.

To provide the physical facilities for the Royal Agricultural Society of Victoria Limited to achieve its mission and objectives.

To encourage the multiple use of land and buildings within the Royal Melbourne Showgrounds in order to facilitate its usage throughout the year for events and other activities.

To facilitate office, retail, entertainment, leisure and other uses within the showgrounds on land not required for the staging of the Royal Melbourne Show.

To ensure that the combination of uses, their operation, and the scale and character of any development do not prejudice the amenity of surrounding areas.

To ensure that the future use and development of the Royal Melbourne Showgrounds occurs in a planned and orderly manner generally in accordance with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004 which is an incorporated document in this Scheme.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
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<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td></td>
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<tr>
<td>Agriculture (other than Aquaculture and Timber production)</td>
<td></td>
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<tr>
<td>Art and craft centre</td>
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<tr>
<td>Car park</td>
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<tr>
<td>Child care centre</td>
<td></td>
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<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
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</tr>
<tr>
<td>Industry (other than Abattoir, Motor repairs, Refuse disposal, Sawmill and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land</td>
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<td>USE</td>
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<tr>
<td>Leisure and recreation</td>
<td>(other than Motor racing track and Major sports and recreation facility)</td>
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<td>Mineral exploration</td>
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<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
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<td>Minor utility installation</td>
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<td>Office</td>
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<tr>
<td>Place of Assembly</td>
<td>(other than Drive in theatre)</td>
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<td>Research centre</td>
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<tr>
<td>Retail premises</td>
<td>(other than Motor vehicle, boat, or caravan sales, Timber yard and Gambling premises)</td>
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<tr>
<td>Saleyard</td>
<td>Must not be costeaming or bulk sampling</td>
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<tr>
<td>Search for stone</td>
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<tr>
<td>Veterinary centre</td>
<td></td>
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<tr>
<td>Warehouse</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school:</td>
</tr>
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<td></td>
<td>• The threshold distance, for a purpose</td>
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MELBOURNE PLANNING SCHEME

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<tbody>
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<td>listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>• Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>• Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>• Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
</tbody>
</table>

Winery

Section 2 - Permit required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Aquaculture</td>
<td></td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Gambling premises</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Abattoir, Motor repairs, Refuse disposal, Sawmill and Transfer station)</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Timber yard</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
</tbody>
</table>
USE | CONDITION
--- | ---
Warehouse | If the Section 1 condition is not met.

Any other use not in Section 1 or 3

Section 3 - Prohibited

USE

- Brothel
- Cemetery
- Corrective institution
- Crematorium
- Extractive industry
- Hospital
- Motor racing track
- Motor repairs
- Refuse disposal

2.0

19/01/2006
VC37

2.1

19/01/2006
VC37

Use of land

Noise

The use of land must be managed in accordance with the following noise limits.

- The use of land for the purposes of commerce, industry and trade shall comply with State Environment Protection Policy N-1 Control of Noise from Commerce Industry and Trade.

- The use of land for the purposes of musical functions (outdoor) musical functions (indoor) and the operation of public address equipment shall comply with State Environment Protection Policy N-2 Control of Music Noise from Public Premises and relevant Environment Protection Authority guidelines.

A permit is required to use land (unless exempt under Clause 2.5) for the purpose of musical events (outdoor) where the number of such events in any financial year exceeding 55 dB(A) measured outside any residence exceeds three. The views of the Environment Protection Authority shall be sought.

2.2

19/01/2006
VC37

Parking

The use of land (unless exempt under Clause 2.5) must be managed in accordance with the Parking Precinct Plan in the Schedule to Clause 52.06-2.

2.3

19/01/2006
VC37

Land management

Prior to the use of land for the purpose of Place of assembly or Leisure and recreation including Major sports and recreation facility, other than the annual Royal Melbourne Show, a Land Management Plan setting out management arrangements in respect of that use shall be prepared to the satisfaction of the responsible authority.
Any Place of assembly use or Leisure and recreation event for which no permit has been obtained must conform to the requirements of the Land Management Plan to the satisfaction of the responsible authority.

The Plan may set out, if appropriate, management arrangements in respect of any other use.

The Royal Agricultural Society of Victoria Limited shall establish a Consultative Group comprising the Royal Agricultural Society of Victoria Limited, the Melbourne City Council, the Moonee Valley City Council, the Environment Protection Authority and a local community representative. The Consultative Group shall operate in accordance with protocols prepared by the Royal Agricultural Society of Victoria Limited to the satisfaction of the responsible authority. The Consultative Group shall consider management arrangements prepared under this clause.

Such arrangements must include but are not limited to the following:

**Noise Management**

- appropriate locations for particular events.
- noise mitigation works to be put in place on a temporary or permanent basis and in stages if appropriate.
- noise measurement procedures where there is a reasonable possibility that the noise associated with a particular event may exceed 50dB(A) when measured from the nearest residence.
- noise limiting procedures.

**Traffic and Parking Management**

- traffic mitigation works to be put in place on a temporary or permanent basis and in stages if appropriate and including nomination of the party responsible for the cost of such works.
- traffic management procedures for particular events, in co-operation with the Victoria Police, Melbourne City Council and Moonee Valley City Council.
- public transport management procedures for particular events in co-operation with the Public Transport Corporation or its successor.
- parking area management procedures including location, ingress and egress points, vehicle capacity, hours of operation and staffing.

**Event Management**

- event management arrangements prepared by the Royal Agricultural Society of Victoria Limited which shall form part of licensing requirements between the land owner and any event operator.
- hours of operation.

**Approval of Land Management Plan**

The responsible authority may approve a Land Management Plan for any stage of the proposed use or may approve separately one or more components of the Plan.

At the request or with the consent of the owner of the land, the Plan or any stage may be amended to the satisfaction of the responsible authority.
2.4 Application requirements

An application to use land must be accompanied by the following information, as appropriate.

- the extent to which the use is consistent with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004.
- the anticipated number of patrons to be generated.
- the anticipated times of operation of the use.
- the extent to which the use is consistent with the Land Management Plan approved by the responsible authority, and any special management arrangements proposed.
- the extent to which the use is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
- any significant social or economic effects.

2.5 Exempt use

A permit is not required to use land for the purpose of events held during the annual Royal Melbourne Show conducted by the Royal Agricultural Society of Victoria Limited.

2.6 Exemption from notice and appeal

An application to use land for the purpose of Major sports and recreation facility is exempt from the notice requirements of Section 52(1)(a),(b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act where the use is generally in accordance with the Land Management Plan to the satisfaction of the responsible authority.

2.7 Decision guidelines

Before deciding on an application, or whether a Land Management Plan is to its satisfaction the responsible authority must consider, as appropriate.

- The purpose specified in this schedule.
- The management of noise and parking anticipated to be generated by the use.
- The impact of traffic generated by the use.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking, including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse and the extent to which the use is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
- The amenity of the adjoining area.
- The frequency of any proposed event.
- The impact of hours of operation of the use on neighbouring areas, particularly with respect to night time use.
- The views of the Melbourne City Council and Moonee Valley City Council.
- The views of the Environment Protection Authority.
3.0 Subdivision

3.1 Permit requirement

A permit is required to subdivide land.

3.2 Exemption from notice and appeal

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.

This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Business 5 zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

3.3 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The purpose specified in this schedule.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse.
- The views of the Melbourne City Council and Moonee Valley City Council.

4.0 Buildings and works

4.1 Permit requirement

A permit is required to construct a building or construct or carry out works.

A permit is not required to construct a building or construct or carry out works for any of the following:

- Buildings or works associated with events only held during the annual Royal Melbourne Show conducted by the Royal Agricultural Society of Victoria Limited.

4.2 Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information as appropriate:

A plan drawn to scale which shows:

- The location, height, dimensions, elevations and floor area of all proposed buildings and works including advertising signs.
- The proposed use of each building.
- The acoustical performance characteristics of each building.
- Points of vehicular and pedestrian access to and from the land.
• The location, height and use of buildings and works on adjoining land.
• The location and layout of all car parking areas and access to and from them in accordance with the Royal Melbourne Showgrounds Parking Precinct Plan.
• Landscaping areas.
• Provision for the loading and unloading of vehicles and storage areas.
• The stages, if any, in which the land is to be developed.

4.3 Exemption from notice and appeal

An application to construct a building or construct or carry out works for a use in Section 1 of this Schedule and where the buildings and works are generally in accordance with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.

4.4 Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

• The purpose specified in this schedule.
• The impact of traffic in the area generated by the proposal.
• Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
• The provision for car parking, including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse and the extent to which the development is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
• The amenity of the adjoining area.
• The impact of hours of operation of any proposed use on neighbouring areas, particularly with respect to night time use.
• The Royal Agricultural Showgrounds Melbourne Conservation Plan, April 1997.
• The views of the Melbourne City Council and Moonee Valley City Council.
• The Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004.

5.0 Advertising signs

Advertising sign controls are at Clause 52.05. This zone is in Category 1.

A permit is not required to display a sign provided the advertisement cannot be seen from nearby land.