flemington life planning scheme amendments

for melbourne city council

planning evidence prepared by david barnes, hansen partnership
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1 Introduction

1. My name is David Barnes. I am the Managing Director of Hansen Partnership Pty Ltd, Urban Planning, Urban Design, Landscape Architecture, Level 4, 136 Exhibition Street, Melbourne.

2. I hold the following qualifications:
   - Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1980.
   - Master of Business Administration, Royal Melbourne Institute of Technology, 1993.

3. I have practiced as a town planner for over 35 years, working in the public as well as the private sectors. I have also worked overseas in Vietnam on a variety of statutory planning, strategic planning, institutional strengthening and tourism projects.

4. I am both a statutory and a strategic planner. My planning experience covers many aspects of the planning approvals process on a range of projects including residential, industrial, retail, mixed use and rural developments. I regularly appear before VCAT and Planning Panels Victoria. I have been involved in a broad range of strategic planning projects including the preparation of industrial land use strategies, residential development strategies, integrated municipal strategies, township strategies, town centre strategies, structure plans and urban design frameworks for activity centres and transit cities, and rural land use strategies.

5. I have been engaged by the Melbourne City Council to review the planning implications and issues relevant to Amendment C290 to the Melbourne Planning Scheme, and Amendment GC40 to both the Melbourne and the Moonee Valley Planning Schemes. My instructions are to:
   - Review the strategic justification for the amendments.
   - Review the strategic planning merits of the likely development outcomes.
   - Review the details of the amendment documentation, being the provisions of the proposed Comprehensive Development Zone and Comprehensive Development Plan.

6. Key documents I have reviewed in preparing this statement include the following:
   - The background documentation submitted with the amendment request, which comprises a planning report, an urban context report, a social impact assessment, an integrated transport and access plan, conceptual architectural plans and conceptual landscape plans.
   - The Melbourne, Moonee Valley and Maribyrnong Planning Schemes.
   - Plan Melbourne and Plan Melbourne Refresh.
   - The Advisory Committee Report dated 17th December 2015.
   - The VCAT Decision in relation to No1 Ascot Vale Road, VCAT 1760, November 2010.
   - Racecourse Road Major Activities Area Structure Plan, October 2012
7. A summary of my opinions follows:

- The proposed planning scheme amendments would facilitate very significant redevelopment opportunities on two unrelated freehold parcels of land that are part of the Flemington Racecourse’s larger land holding.
- Both amendments will have very significant impacts on their surrounds and will be ‘transformative’ in terms of the intensity of activity, scale, form and height of development that would be introduced into each area.
- At the present time, there is no strategic justification for either site to be developed at the scale, intensity or height that would be possible under either amendment.
- There is strong strategic policy support, at all levels, to better utilise well located land for urban infill development, and for higher density residential and mixed use development. That policy support is general and does not extend to supporting the scale or intensity of development inherent in the amendments.
- No specific policy reference is made to the Epsom Road site in any planning policy documents. However it does constitute a strategic redevelopment site in the context of State planning policy and should be considered in that context.
- The Flemington Green site is specifically mentioned in the local planning policy framework of the Melbourne Planning Scheme. It is identified as a potential long term development opportunity, contingent upon regular rail services being provided to the Racecourse Rail Corridor. I understand the State Government has stated that is not planned to happen.
- All levels of the planning policy framework identify a process that involves the preparation of strategic plans or local structure plans, to provide more detail in relation to issues regarding the form, scale and height of development. No such plan exists for the precincts in which each site is located.
- In the absence of such plans, there are general policies and guidelines that provide direction about future development, in the context of either the existing or the future character or context of an area.
- Applying a first principles approach to assessing the likely future long term character and development potential of the two precincts in which the sites are located, fails to provide justification for developments of the scale and the height facilitated by the amendments.
- Mere proximity to the racecourse, does not outweigh other valid strategic planning policy considerations that seek to locate higher density housing in highly accessible places, close to activity centres and other concentrations of activity, and on strategic redevelopment sites that are well serviced by public transport.
- If the Advisory Committee sees fit to support the development concepts inherent in the amendment, as exhibited, changes should be made to the CDZ schedule and the Comprehensive Development Plans. The main changes would be to ensure that the building envelopes included in the amendment more closely relate to the scale and height shown in the indicative development concepts upon which the documents have been based.

8. This statement has been prepared in accordance with Planning Panels Victoria Guideline to Expert Evidence.

9. I have made all the 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.

10. I note that extensive material has been provided in the background documentation submitted with the amendment. I have utilised some of the information to explain or emphasis matters raised throughout my report. Where I have done so I have referenced that material.
2 the sites in the context of the racecourse
3 nature of the amendments

11. The Flemington Life proposal relates to two separate sites that are part of Flemington Racecourse. Separate planning scheme amendments are proposed for each site:
   - Epsom Road – Amendment C290 to the Melbourne Planning Scheme
   - Flemington Green – Amendment GC40 to both the Melbourne and Moonee Valley Planning Schemes.

12. The Epsom Road site is located wholly within the City of Melbourne, whereas the Flemington Green site is split between the municipalities of Melbourne and Moonee Valley.

13. The key elements of the planning scheme amendments are:
   - The rezoning of each site to a Comprehensive Development Zone.
   - The inclusion of a tailored schedule to the Comprehensive Development Zone into each planning scheme.
   - The incorporation of a Comprehensive Development Plan into the planning scheme for each site.

14. Detailed background information was submitted with the amendment requests. An architectural master plan design response report was also prepared, which included an indicative development concept for each site.

15. That detailed information does not form part of the amendment. However the amendment documentation has been crafted, based on the indicative development concept outlined. Much of the justification for the amendment is based on planning and urban design commentary on the indicative development concept itself, rather than the actual amendment documentation, which is considerably less detailed.
4 underlying development concepts

16. The amendments seek to rezone freehold land owned by the Victoria Racing Club that has been identified as surplus to its needs.

17. The form of development envisaged on the sites comprises medium and higher density residential development, with some limited convenience retail and other services with the ground / lower levels of buildings.

18. The indicative development concept for the Epsom Road site includes:
   - A single 31 storey tower, above a 2 to 3 level podium fronting onto Epsom Road.
   - Potentially 398 dwellings, with some convenience retail and commercial uses in the podium.

19. The indicative development concept for Flemington Green includes:
   - The establishment of a new local street network, connecting to the existing Leonard Crescent and Fisher Parade.
   - Lower level, medium density residential development up to around 4 storeys.
   - 2 street level podiums with three residential towers with heights of 14, 20 and 25 stories.
   - Potentially 736 dwellings with ancillary retail, commercial development.

![Figure 3 Epsom Road concept (Source: architectural design response report p35)](image)

![Figure 4 Flemington Life Concept (Source Architectural design response report p 19)](image)
5 surrounding context

Figure 5 Surrounding context
Source - Urban Context Report, p 69
6 zoning

20. The Epsom Road site is wholly within a Special Use 1 Zone, which includes a tailored schedule that relates specifically to the Flemington Racecourse.

21. The Flemington Green site is zoned partly General Residential and partly Zoned Special Use 1.

22. I note a special provision in Clause 4.1 of the schedule to the zone that states “development must not create tower forms”. By rezoning the two development sites to a Comprehensive Development Zone, this existing prohibition of tower development will be lifted from the two sites.

Figure 6 Existing zoning
7 overlays

23. Both sites are covered by Heritage Overlay 272. A large part of the Flemington Racecourse is covered by a Land Subject to Inundation Overlay, but that overlay does not apply to the land affected by either amendment.
8 strategic justification

24. I have been instructed to specifically review the strategic justification for the proposed amendments.

25. The key strategic directions relevant to the amendments are contained in the following documents:
   - State planning policy framework.
   - Plan Melbourne.
   - Melbourne Planning Scheme.
   - Moonee Valley Planning Scheme.
   - Maribyrnong Planning Scheme.

8.1 state planning policy

26. State planning policy has a strong emphasis on encouraging higher density residential development and in
and close to activity centres, close to public transport (especially railway stations), close to jobs and
services (Clause 11.01 Activity Centres), and on other strategic redevelopment sites that have good access
to services and transport (Clause 16.01-3, Strategic Redevelopment Sites).

27. The Epsom Road site is not located within an activity centre, but is close to the western end of the
Racecourse Road activity centre. It has reasonably good access to public transport, being located on the
Epsom Road tram route, which provides direct access to Central Melbourne. It is also relatively close to
the Newmarket Railway Station. It can be considered to be a strategic development site in the context of
State planning policy.

28. The Flemington Green site is not located in or close to any activity centres. It also has relatively poor
public transport access, being on a bus route that connects the Moonee Ponds and Footscray activity
centres. Whilst the site is of a size that would constitute a strategic redevelopment site in the context of
State planning policy, it is not well located in relation to public transport, unless the Racecourse Railway
Line was opened to regular services.

29. In terms of the scale, form and height of development proposed by the amendments, the only relevant
reference made in State policy relates to 'higher density housing'. State planning policy is otherwise silent
on the intensity of development, and on built form issues such as scale and height.

30. Higher density housing is a general term and is undefined. In a planning policy context it can be taken to
include any residential development of 5 storeys or more.

31. State planning policy includes strategies requiring strategic plans and structure plans to be prepared to
provide clear directions for preferred locations for investment in activity centres and developing areas.
(Clause 11.01-2).

32. Detailed guidance regarding built form, scale and building height is generally determined during the
structure planning process. In the absence of such a structure plan, there is virtually no guidance
regarding built form within the State planning policy framework.

33. Clause 15.01 sets out objectives, strategies and principles for good urban design. It leads to a process of
preparing an urban context report (Clause 52.35), to aid in addressing issues regarding the form, height,
scale and massing of new development. Those principles are generic and generally do not provide clear
guidance in relation to development intensity or built form in a given area.

34. Clause 15.01 refers to the use of documents such as the Guidelines for Higher Density Residential
Development and the Activity Centre Design Guidelines in considering proposals for development of more
than 5 storeys. They provide a process for considering a wide range of issues regarding building height.
and form. They generally place a strong reliance on either the existing character of an area or the preferred future character of an area, as determining factors. Again they do not provide any clear guidance in relation to issues of built form, scale, or height.

8.2 plan melbourne

35. Plan Melbourne provides strong policy support, in general, for urban renewal and for the redevelopment of underutilised land within the established areas of Melbourne.

36. That policy support is focussed on identified and designated areas such as ‘an expanded Central City’, National Employment Clusters, Core Industrial Areas and activity centres.

37. As with State planning policy, Plan Melbourne advances the need for a strategic process to identify the development potential of designated activity centres, urban renewal etc, involving the preparation of structure plans. For urban renewal areas not identified in Plan Melbourne, the document suggests local government should identify further such sites.

38. Within the context of Plan Melbourne:

   - The Flemington Racecourse is close to the outer edge of the ‘expanded Central City’, but is not an identified urban renewal site within the expanded central City area.

   - Neither of the two sites are within a designated activity centre or an urban renewal area. However the Epsom Road site is located close to the potential Flemington / Newmarket precinct, and is close to the Racecourse Road, Flemington Activity Centre.
Figure 9 Plan Melbourne Potential Urban Renewal Areas (p48)

Figure 10 Western Subregion Framework Plan (Plan Melbourne p 176)

Figure 11 Central Region Framework Plan (Plan Melbourne p174)
8.3 Melbourne planning scheme

39. The Melbourne Municipal Strategic Statement has a strong emphasis on:
   - promoting growth in areas within the municipality that have been identified as having the potential for substantial change; and
   - protecting the character of areas identified as having less potential for growth.

40. The municipal growth strategy is based on the following framework, which essentially prioritises growth locations in the municipality (See Figure 12):
   - The original city centre (Hoddle Grid).
   - Urban renewal areas – Southbank, Docklands, Fishermans Bend.
   - Proposed urban renewal areas – City North, Arden-Macaulay, E-Gate.
   - Potential urban renewal areas – Dynon, Racecourse Rail Corridor, Jolimont Rail Corridor.
   - Stable residential areas – Areas with character values.

41. The Racecourse Rail Corridor is designated as a “Potential Urban Renewal Area”. This designation is used to identify areas with long term potential, dependent upon the resolution of infrastructure issues etc.

   The Potential Urban Renewal Areas have been identified as long term options for future urban renewal that are dependent on the resolution of other related infrastructure planning before they can be considered in detail for urban renewal. (Clause 21.04-1.4)

42. The following specific comment is made in relation to the Racecourse Rail Corridor:

   The Racecourse Rail Corridor between the Flemington Racecourse and the Showgrounds has potential similar to the Jolimont Rail Corridor. The area’s potential for urban renewal will depend on future options of a rail service to the area. (Clause 21.04-1.4.)

43. It is my understanding that the State government has advised that it is not planned to provide regular rail services on the Racecourse Line.

44. As with the State Planning Policy Framework and Plan Melbourne, the MSS also requires the preparation of structure plans to realise the potential for development of urban renewal areas. No structure has yet been prepared for the Racecourse Rail Corridor.

45. The Epsom Road site is not part of the Potential Urban Renewal Area associated with Racecourse Rail and is not identified for ‘growth’.

46. The Flemington Green site is part of the Racecourse Rail Corridor Potential Urban Renewal Area. Local policy states that this area should not be considered for development until the future of rail line has been resolved, and that it is a potential long term development option.
Figure 1 Growth Area Framework Plan

Source Melbourne Planning Scheme
47. The Melbourne Planning Scheme contains local area policies (Clause 21.11). Flemington Racecourse is located in the Flemington and Kensington local area. Many of the policies regarding this area relate to the established residential areas located to the east of Smithfield Road. The following policies are most relevant to the Flemington Racecourse:

The ongoing operation and growth of Flemington Racecourse and the Royal Agricultural Showgrounds is supported along with the expansion of the recreational role of the Maribyrnong River and its enhancement as part of the Municipality’s open space network.

The rail corridor between Flemington Racecourse and the Showgrounds has potential for urban renewal. This will depend on future options for a rail service to the area.

Support the ongoing operation of Flemington Racecourse and the Royal Agricultural Showgrounds, including ancillary activities.

Minimise the impact of Flemington Racecourse and the Royal Agricultural Showgrounds, including traffic, noise and parking on nearby Residential and Mixed Use Zones.

Ensure that development along the Maribyrnong River is river focused and does not dominate in terms of height, scale and bulk of development.

Figure 14: Flemington and Kensington

Figure 13 Flemington and Kensington local area  Source: Melbourne Planning Scheme
8.4 Moonee Valley Planning Scheme

48. Land to the north of Racecourse Road is located in the City of Moonee Valley. The aspect of the Moonee Valley Planning Scheme that is most relevant to the amendments relates to activity centres.

49. Figure 14 shows the location of activity centres near the racecourse:
   - It shows the Racecourse Road centre as extending along the entire northern side of Racecourse Road, to Ascot Vale Road. Although the retail focus of the centre is closer to Newmarket Station, with employment uses extending west.
   - It shows the Union Road Centre to the north-west.
   - It does not show the Showgrounds Village Centre to the north-west, which is within the City of Melbourne.

50. I understand that Moonee Valley Council prepared a Structure Plan for the Racecourse Road Activity Centre in the past, but that plan has been abandoned and that no structure plan presently exists for the Centre.

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Figure 14  Moonee Valley Strategic Framework Plan

Source: Moonee Valley Planning Scheme
8.5 maribyrnong planning scheme

51. Land to the west of the Maribyrnong River is located in the City of Maribyrnong. Key features shown on Maribyrnong’s land use framework plan that are relevant to the amendments include:

- An extensive open space corridor along the Maribyrnong side of the river corridor.
- Victorian University of Technology on Ballarat Road.
- Footscray Metropolitan Activity.

Figure 15: Maribyrnong Land Use Framework Plan

Source: Maribyrnong Planning Scheme
8.6 maribyrnong river corridor

52. Clause 12.05 of the Melbourne Planning Scheme relates to river corridors and is relevant to the Maribyrnong River Corridor. It includes an objective:

To protect and enhance the significant river corridors of metropolitan Melbourne.

and strategies to ensure that new development:

Responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of all river corridors.

Is sensitively designed and sited to maintain and enhance environmental assets, significant views and the landscapes along all river corridors.

53. Both Clause 12.05 and the SUZ1 of the Melbourne Planning Scheme, include the Maribyrnong River Valley Design Guidelines as a reference document. The guidelines are more relevant to the Flemington Green site than to the Epsom Road site, given its proximity to the river corridor.

54. The Guidelines specifically identify the Flemington Racecourse area as the Racecourse Length (River Flats) section of the river corridor. It identifies the following preferred character for this precinct:

Here the river opens out into broad river flats. Visible from the water’s edge is Flemington Racecourse, the home of Australia’s most famous horse race, as well as a range of suburban housing. Future development needs to remain relatively discrete to retain the sense of an open floodplain. (page 6)

A broad, open landscape with settlement generally some distance back from the river and discrete nodes of settlement on the river. Development is clearly visible but mostly appears at a distance and is screened by trees at the interface with public spaces. (page 25)

55. The document includes guidelines that:

Development should not create tower forms in the river flat.

Development should reinforce the valley edges of the floodplain.

With the outcome to be achieved:

Maintenance of the large scale of the river flat.

56. The Flemington Hill ridgeline, upon with the Flemington Green development is proposed to be located, is largely excluded for the study area of the Maribyrnong River Corridor Guidelines. However the Guidelines outline a future character for the Flemington Racecourse length of the river corridor that has an open landscape, with distant development that is visible but relatively discrete and largely screened from view from the river corridor.
57. In my opinion it would contradictory not place considerable weight on the visual impact of the proposed Flemington Green development on the River Corridor, despite the fact that it is not covered by the Guidelines. The three towers provided for on the Flemington Green site, would be clearly visible from many vantage points along the river corridor and would protrude substantially above the skyline presented by existing buildings and vegetation, when viewed from the corridor.

Figure 16  Master Plan Design Response Report (p73) - view from Fisher Parade Bridge

Figure 17  Master Plan Design Response Report (p74) – view from Edgewater Development
assessing the scale and height of development

58. In my view the key issue regarding the two amendments relates to the form, scale and potential height of development.

59. State, metropolitan and local planning policies focus on land use and on the very general concept of ‘intensity’ of use. There is no meaningful policy direction within those policy documents regarding building scale and height, other than general reference to ‘higher density housing’.

60. The planning tool used to address built form is generally a structure plan or an urban design framework. Whilst these are not ‘statutory documents’, the recommendations from such plans are often incorporated into planning schemes either by way of policy, design and development overlays, or the like.

61. All levels of planning policy support the need for strategic work to be done to provide details and to provide certainty about the future planning and development of activity centres, urban renewal areas and other areas with redevelopment potential. If such structure plans have not been prepared, there is effectively a policy vacuum regarding the determination of built form and building height, particularly in non-residential zones.

62. In my opinion this a major deficiency of the planning system in Victoria, especially in relation to non-residential zones. It means that ad hoc decisions made on individual developments, often establish a precedent for a scale and height, that is used as a benchmark for subsequent developments. The cumulative effect is that one-off decisions determine planning policy for an area by default.

63. Given the approval of a very substantial 22 storey building at No 1 Ascot Vale Road, and the current development concepts for a 33 storey tower adjacent in Epsom Road, and for three towers of up to 25 storeys at Flemington Green, these precincts runs the risk of a similar, unplanned outcome.

64. In the absence of structure plans there are a number of documents and policies that aid in the assessment of built form, scale and height. These include:
   - Clause 22.17 of the Melbourne Planning Scheme – Urban Design Outside the Capital City Zone.
   - Guidelines for Higher Density Housing (a reference document in all metropolitan planning schemes).
   - Activity Centre Design Guidelines (a reference document in all metropolitan planning schemes).
   - Clause 52.35 of all planning schemes, which requires the preparation of an urban context report for developments of 5 storeys or more.

65. These documents are not, however, a substitute for a structure plan. They follow a different process, do not usually include community consultation, and are generally developer lead.

66. A common theme throughout these documents is that the scale, height and bulk of a development should either respond to the existing character and context of an area, or to a preferred future charter and context.

67. Where no future charter has been articulated by way of a structure plan, the emphasis reverts to the responding to the existing character of an area.

68. Each of the above policies and documents express an expectation that areas will and should change over time (given the emphasis of State and metropolitan planning policy), and that new development will generally be more intense and potentially taller than existing development. However are no clear guidelines to indicate the degree of change, other than reference to ‘complementing’, ‘responding to’ and ‘respecting’ the existing built form context of an area.

69. In my view both proposed amendments would result in a form and a scale of development that would be transformative, in that it would fundamentally change the existing character of the precincts in which they are located. I do not believe that developments that would be so starkly different to the existing character
and context of an area, are consistent with the application of policies and guidelines that call for a design response that complements, respects, or enhances the existing character of an area.

70. I am strongly of the view that the proposed developments are excessive in scale and height compared to any reasonable assessment of the existing and emerging built form context of either precinct.

71. The following diagram identifies some taller buildings that exist (or have been approved) within the vicinity of the sites. Numbers related to number of storeys. This provides a context within which the potential height of the two developments can be considered.

Figure 18 Taller buildings around the area
10 strategic planning assessment of likely built form outcomes

72. In the absence of a structure plan, the approach I take in assessing the strategic planning merits of built form is a first principles approach. It is based on the policies and guidelines I referred to in the previous section of my report. It includes a consideration of what I consider to be primary strategic drivers for decision making, and secondary considerations relevant to the context of an individual site context.

73. I consider the primary strategic drivers to be grouped under the following headings
   - Metropolitan context.
   - Accessibility (in its widest context):
     - to activity centres
     - to activities ‘services, facilities and jobs’ generally
     - to public transport
     - to roads, pedestrian and cycling facilities etc
   - Existing neighbourhood character and built form context.
   - Likely future neighbourhood character and built form context.

74. I consider the secondary drivers to relate more site specific issues, such as:
   - Size and dimensions of a site.
   - Abutting land uses and built form.
   - Topography.
   - Vegetation.
   - Views.
   - Availability of services etc.

10.1 metropolitan context

*General principle – The higher the order of an activity centre, the greater is the scale, intensity and height of development that may be appropriate.*

75. In considering intensity of development, built form and height, there is metropolitan context that is relevant, that is based on a hierarchy of activity centres and activity generally, throughout the city. This hierarchy goes to issues of city form, image and identity. The hierarchy includes:
   - Central Melbourne.
   - The Expanded Central City – including St Kilda Road, South Bank, Docklands, Fishermans Bend, inner city urban renewal precincts etc.
   - Metropolitan activity centres.
   - National Employment Clusters.
   - Activity centres.
   - Neighbourhood centres.
   - Other concentrations of activity and highly accessible focal points.
76. The Epsom Road site is not located in a higher order centre such as Central Melbourne, a metropolitan activity centre. It is located close to the western extremity of the Racecourse Road activity centre.

77. The Flemington Green site is relatively poorly located in relation to activity centres. It is not located within a convenient walking distance of an activity centre. Whilst the Footscray Metropolitan Activity Centre is some 1.4km away from the site, due to the sense of separation provided by the Maribyrnong River corridor, it is physically detached from that centre.

78. The racecourse (and showgrounds) are icon destinations in Melbourne and generate significant levels of activity in their own right, especially during race days and events. However I believe that the location of those facilities in relation to other urban functions, such as activity centres and public transport, remain the principal determinants regarding an appropriate form, scale and height of redevelopment on those sites.

10.2 accessibility

General principle – The greater the accessibility to a wide range of jobs, services and facilities, and public transport, the greater is the scale, intensity and height of development that may be appropriate.

79. In the metropolitan context, any area within the Central Sub-region is relatively accessible to services, jobs and public transport, compared to middle ring and outer suburban areas. However with the region itself, accessibility within different precincts varies.

80. In relation to the Epsom Road site:

- It is reasonably well located in relation to convenience shopping facilities:
  - 550 metres to Newmarket Plaza.
  - 800 metres to the Flemington local shopping centre (Racecourse Road).
  - 720 metres to the Showgrounds Village Shopping Centre.
- It is reasonably well located in relation to public transport:
  - Racecourse Road tram provides direct access to the central city and to Highpoint.
  - 650 metres to Newmarket Station.
- It is not a particularly well located in relation access to jobs and higher order services and facilities.

81. In relation to the Flemington Green site:

- It is relatively poorly located in relation to activity centres and to convenience shopping facilities etc.
- It is relatively poorly located in relation to jobs, higher order services and facilities, and shopping. This is despite the site being located reasonably close to the VUT on the opposite side of the river, and the racecourse itself.
- It is relatively poorly located in relation to public transport:
  - No convenient access is available to a train station (unless daily services are provided on the Racecourse Railway line).
  - A bus route in Fisher Parade provides access between Footscray and Moonee Ponds activity centres, but no direct access to Central Melbourne.
10.3 existing neighbourhood context

General principle – The less sensitive an area is to change and the more change an area is likely to experience in the future, the greater is the scale, intensity and height of development that may be appropriate.

82. The Epsom Road site is a single redevelopment opportunity on a main arterial road, with no direct relationship to nearby residential neighbourhoods. All traffic and activity associated with the use would be accommodated on the arterial road network, with no adverse amenity impacts on residential amenity or neighbourhood amenity.

83. The Flemington Green site has a much different ‘neighbourhood context’:

- It is located at the ‘back’ of the racecourse. The racecourse and showgrounds have a major impact on the character of the area, particularly on race days and during other events. Despite this, the area has a feeling of being relatively ‘disconnected’ from its surrounds and being relatively ‘isolated’ and quiet (on non-race and event days).
- Residential development on the west side of Fisher Parade has unique qualities given that it enjoys direct access to the banks of the Maribyrnong River.
- Residential infill redevelopment is occurring with the area generally, with a number of new multi-unit developments of around 3 to 4 storeys.
- Fisher Parade is a secondary arterial road. It has a single lane in each direction, with a parking lane and bicycle lane on one side. It connects across the river from Ballarat Road (into Footscray), across the river to Epsom Road. Whilst it provides an important river crossing, it is not a major or a highly trafficked arterial road and is somewhat circuitous in its alignment.
- Fisher Parade is to a degree buffered from direct impacts associated with the racecourse, due to the location of Leonard Crescent, the existence of the Flemington Hill ridgeline that somewhat separates it from the grandstands, the existence of a significant bluestone wall and garden area along the north side of the street, and the location of the access point to the racecourse close to the bridge over the Maribyrnong River.
- Fisher Parade (or Leonard Crescent) do not provide the level of accessibility, exposure, prominence or a sense of address that I would associate with a road that provides access to a very significant high rise redevelopment of the scale envisaged in the amendment documentation.
- A development of the intensity proposed would have a very significant, permanent and ongoing impact on the amenity of existing residential properties in this location, and on the character of the area, beyond the impacts already generated on race days and during other events.
10.4 site context

84. The above matters form the basis of a broader assessment of ‘strategic’ considerations that I have taken into account in forming my views. Those considerations are, in my mind the primary drivers in assessing the built form implications of the amendments, from a strategic planning perspective. However, there are also more site specific considerations that are relevant, as follows:

epsom road site

85. Opportunities:
   - No residential abuttals. Would be no adverse impacts on amenity of adjoining or nearby residential areas.
   - Landscaped, elevated location on an escarpment overlooking Flemington Racecourse, that would provide stunning panoramic views over the racecourse and towards Central Melbourne and Port Phillip Bay.
   - Attractive landscaped character presently existing on the site.

86. Constraints:
   - The site is relatively constrained by slope at the rear and its proximity to the track, and by the location of the Jockeys Lodge building to the south. These constraints combine to influence on the potential development footprint. The outcome limits the footprint to the northern part of the site and towards the Epsom Road frontage. The impact of the slope of the site in particular, limits the opportunity to setback buildings from Epsom Road, either at the podium or tower levels, to manage possible built form impacts on the Epsom Road streetscape.

flemington green site

87. Opportunities:
   - It is a large site that provides the opportunity to manage built form within its boundaries, to achieve an appropriate relationship with abutting residential properties.
   - Its elevated location on a minor ridgeline, provides the opportunity to good views across the Maribyrnong River towards the Central City and Port Phillip Bay.
   - It is relatively close to extensive the Maribyrnong River Valley parklands.

88. Constraints:
   - Some direct residential abuttals, which require management.
   - Its location on a ridgeline, adds to the visual prominence of development, especially when viewed from the Maribyrnong River Corridor and from other elevated vantage points to the south.
10.5 likely future character

General principle - In the absence of a structure plan, it is appropriate to have regard to how an area is likely to evolve into the future, having regard to existing and to likely future planning policy and initiatives.

89. This assessment expresses my individual views in terms of the likely future development potential of each area, and resultant likely future neighbourhood character that is likely to evolve.

10.5.1 epsom road precinct

90. The Epsom Road round-a-bout precinct is a secondary ‘gateway’ in the context of Melbourne’s inner west. It marks the arrival at two of Melbourne’s premier sporting and recreational ‘institutions’, being Flemington Racecourse and the Royal Melbourne Showgrounds. It is somewhat of a transition point between the middle western suburbs of Ascot Vale and areas beyond, and the inner suburbs of Newmarket, Flemington and Kensington.

91. The site is at the three way junction of Racecourse Road, Epsom Road and Ascot Vale Road. This intersection has an air of openness, provided by the triangular shaped Newmarket Reserve, which is a central open space feature. This character is enhanced by the openness and landscaped outlook provided by the racecourse itself, to the west of Epsom Road.

92. Existing built form in the area is generally low level (generally below 3 storeys), other than for a recently approved development at 1 Ascot Vale Road (22 storeys) and a 13 storey public housing tower in Crown Street, to the north of Racecourse Road.

93. There is a ‘harder edge urban feel’ to development to the north of Newmarket Reserve and Epsom Road.

94. There is a ‘soft landscaped feel’ to the west of Epsom Road, including the Newmarket Reserve.

racecourse road, epsom road (west) and ascot vale road

95. Existing land uses and built form, especially along the north side of Racecourse Road, do not do this gateway precinct justice at present, from a general appearance and urban amenity perspective. In my opinion there is considerable potential for change in this general area.

96. I note that an earlier structure plan for the Racecourse Road activity centre, which included this land, has been abandoned. I also note that Plan Melbourne identifies a potential urban infill area focussed on Newmarket Station, that could potentially include most of the land on the north side of Racecourse Road.

97. The north side of Racecourse Road comprises a mix of dwellings and a skin of commercial / industrial buildings, that abut a traditional residential area at the rear. I believe that this strip has considerable potential for a multi-level, mixed use development, providing a strong street level connection east, to the Newmarket Station and the Racecourse Road shopping strip beyond. Limiting factors on the height of development would be overshadowing of Newmarket Reserve and proximity to residential properties to the rear. I note that the abandoned Racecourse Road Major Activities Area Structure Plan identified development of between 4 and 6 storeys along this strip. I would be surprised if redevelopment exceeded those heights in any reasonable development scenario.

98. The residential area to the north of Racecourse Road has the potential for incremental infill development.

99. I potentially see medium density residential redevelopment (maybe up to 4 storeys) intensifying along the tram line running along Epsom Road (west of Ascot Vale Road) up Union Road, and linking into the Ascot Vale activity centre.

100. Along the western side of Ascot Vale Road a mixed use zone, with an industrial zone further to the north adjacent to the railway line, provides the opportunity for modest multi-level residential or mixed use development.
101. I do not see any significant opportunity for change to the south-east of Smithfield Road, given that the area is a relatively new urban infill area dating from the 1980s or thereabouts.

102. Despite the approval of a 22 storey tower at No. 1 Ascot Vale Road, I do not foresee development of that scale predominating throughout this precinct.

**Epsom Road**

103. Epsom Road (between Smithfield Road and Ascot Vale Road), has a very strong landscape character and potential boulevard quality, with a recessive built form:

- Newmark Reserve provides an open, parkland setting along one side of the road.
- Street tree planting along both sides of the road provides a landscaped boulevard theme, which could be significantly enhanced in the future. This theme extends to the south east of Smithfield Road, into Kensington.
- The Quest development is a campus style arrangement of low level buildings within a landscaped setting (around 3 storeys).

104. The landscaping and openness of the west side of Epsom Road is presently a strong character feature of this precinct.

**Landmarks, gateways and a sense of place**

105. The ‘landmark’ feature of this precinct at present, is the Flemington Racecourse.

106. The Epsom Road round-a-bout terminates views along both Ascot Vale Road and Racecourse Road. The arrival at the round-a-bout is presently marked by a distinct lack of built form, and by a strong sense of landscaping and openness, with intermittent views overlooking the racecourse, the straight and grandstands in the distance.

107. Given the significance of the Racecourse to Melbourne, as a major international sporting facility and iconic cultural destination, in my opinion, marking the Epsom Road round-a-bout and the Newmarket Reserve precinct as an key arrival point to the racecourse (and showgrounds), should be an important consideration. The key question is how should this be done?

108. The establishment of single, very tall residential tower of potentially 33 storeys, just off-axis at this gateway location, would in my mind dominate the landscape qualities and 'openness' of the area, and significantly diminish the existing and potential gateway qualities of the precinct. When combined with the approved development at No. 1 Ascot Vale Road (22 storeys), it would provide a 'twin tower' effect and would place an extraordinarily substantial high rise built form in this location, completely out of context with other development that is likely to occur in this area.

109. I do not believe that the proposed amendment responds in a meaningful way, to what I have identified as a likely and as a reasonable future character for the Newmarket Reserve gateway, and for the western side of Epsom Road.

110. I consider that a considerably lower built form, with a strong landscape focus, is required on the site, and elsewhere along the south-west side of Epsom Road in the longer term, to better respond to and complement its location.
111. The podium treatment proposed at 550 Epsom Road is a ‘hard edge’ treatment to the footpath. It would involve commercial uses abutting the footpath for the full length of the potential built form. This treatment is well suited to a main street or a more commercial location, where it might integrate with existing shops and commercial buildings on adjoining properties. In my view such a treatment is better suited on the opposite site of Racecourse Road, where the aim could be to provide an integrated and continuous retail / commercial built form along the footpath, linking to the core of the Flemington activity centre to the east. In the longer term, I do not think such a treatment would be appropriate to extend further to the south-east, should the Quest site be redeveloped.

112. The key cues that I draw from my consideration of the likely future character of the area for the future development of the Epsom Road site, include the following:

- Not to lose sight of the existing and potential landmark qualities of the Epsom Road round-about and Newmarket precinct, as a gateway and landmark location, providing an open, landscaped outlook with filtered views across Flemington Racecourse.
- The establishment of a ‘hard edge’ urban form along the north side of Racecourse Road, forming an extension to the Newmarket / Flemington Activity Centre. This would involve the eventual redevelopment of the sleeve of residential / commercial uses along Racecourse Road for mixed use multi-level development.
- The establishment of a ‘softer’, landscape treatment along the south-west side Epsom Road, with campus style buildings in a relatively open, landscaped setting, with a strong boulevard theme along the road.
- Number 1 Ascot Vale Road, to be the single most prominent building in the precinct.
- Built form on 550 Epsom Road to be definitely be no higher, and preferably markedly lower than the approved development at No 1 Ascot Vale road (i.e. potentially around 10 to possibly 15 storeys). Built form should step down from the more urban setting north of Racecourse Road, to a more open, landscaped setting with a more recessive built form to the south, towards the racecourse and along Epsom Road.
- New development along the west side of Epsom Road (i.e. No 550, Quest and even further VRC developments to the north-west of 550 Epsom Road), should respond to and enhance the strong sense of landscaping and openness of this part section Epsom Road. New built form should certainly be accommodated along this length of road, however it should be of a landscaped campus style.
- Potential future development of the Quest site should conform to a similar campus style development, with buildings within in open landscaped setting, generally stepping down again from development on the 550 Epsom Road site, but with the potential for a subtle built form element at the corner of Smithfield Road. Maximum building heights might be in the order or 8 to ten storeys, with landscape setbacks and landscaping between.
- For the combined Epsom Road round-a-bout and Newmarket Reserve area, to be significantly enhanced, as landscaped focal point and a substantially upgraded gateway to the Flemington Racecourse and Showgrounds precinct, and a highly attractive transition point between the inner and middle western suburbs.
10.5.2 Flemington Green precinct

113. The future development of the Flemington Green site and precinct is closely aligned to the future of the Racecourse Rail Corridor.

114. If a permanent rail service is provided, a major constraint of the site would be largely overcome. Logically this would support a greater intensity of development on the site, although still not to the scale inherent in the exhibited amendment.

115. The provision of rail services could also affect the planning of the broader Railway Corridor, and could result in other substantial redevelopment opportunities emerging on other sites along Leonard Crescent and the corridor in generally (i.e. on the showgrounds site). This would also have implications on the scale and intensity, and also on the mixed of uses and the nature of development that might be appropriate on the Flemington Green site.

116. The Flemington Green site is proposed to be accessed from Fisher Parade, via a new road link to be established to Leonard Crescent. Access will also be available from Leonard Crescent.

117. Fundamentally, I do not believe that Fisher Parade / Leonard Crescent have the status or provide the level of access, exposure or sense of address, appropriate for a development of the scale and intensity proposed. I hold this view despite its proximity to the racecourse, which is at times a major activity generator in itself.

118. The Flemington Green development is planned to integrate with racecourse facilities and to complement race day activities and other events. The development concept involves an open network of streets that will connect in with Fisher Parade and Leonard Crescent, and an open space plaza that will connect directly to the attractive racecourse gardens at the rear of the grandstands. I see these as very positive features of the development concept.

119. The site clearly has a strong relationship with the racecourse and the grandstands. However it is relevant to note that site is located on an elevated ridgeline that sits above the level of the site of the grandstands, is
over 100 metres from the grandstand buildings, and is partly separated from the grandstands by the railway line. It also has a strong relationship to its residential surrounds to the north (in part) and to the west, and to the rear of the Showgrounds.

120. The area has been experiencing incremental residential redevelopment in the order of 3 to 4 storey buildings.

121. If railway services cannot be established, I would envisage ongoing incremental change in this area, albeit at a higher density than that which has been occurring to date. I would envisage a skin of responsively designed residential development abutting existing residential properties and fronting Fisher Parade, generally consistent the form envisaged by a Residential Growth Zone (i.e. up to 4 storeys, with appropriate setbacks where abutting land zoned General Residential).

122. I would envisage a slightly higher intensity of development to the east of Leonard Crescent and on the southern part of the site. This could comprise apartment style development of around 4 to 6 storeys, possibly up to 8 storeys in places.

123. Should the railway line be upgraded and a broader structure plan be prepared for the area, the development context would change considerably. I would envisage a similar outcome to that described above, but with opportunities for a higher built form to the east of Leonard Crescent, with elements potentially in the 10 storey range, and possibly up to 15 storeys in places.

124. Even with the establishment of rail services, I would remain concerned about the intensity of development inherent in the exhibited amendment, largely due to what I see as strategic constraints affecting the site, such as the status of Fisher Parade and the distance of the site from activity centres.

125. I would envisage a level of retail / commercial / service uses on the site, appropriate to accommodate the basis convenience needs of residents of the development and immediately surrounding area, including any activity generated by the normal daily operations of the racecourse.

cues for the future development of the Flemington Green site

126. The key cues that I draw from my consideration of the likely future character of the area for the future development of the Flemington Green site, include the following:

- Retain the concept of a local street pattern connecting to Fisher Parade and Leonard Crescent, with an open space / plaza connection to racecourse as contained in the existing development concept.

- A skin of responsively designed residential development abutting existing residential properties and fronting Fisher Parade, generally consistent with the form envisaged by a Residential Growth Zone (i.e. up to 4 storeys, with appropriate setbacks where abutting land zoned General Residential).

- A slightly higher intensity of development to the east Leonard Crescent and on the southern part of the site. This could comprise apartment style development of around 4 to 6 storeys, and possibly up to 8 storeys in places.

- Should the railway line be upgraded and a broader structure plan be prepared for the area, the development context would change considerably. I would envisage a similar outcome to that described above, but with opportunities for a higher build form, potentially in the 10, to possibly 15 storey range.
11 cdz schedules and the comprehensive development plans

127. I have been specifically instructed to review the details of the schedules to the Comprehensive Development Zone and the Comprehensive Development Plans that are proposed to be incorporated into the relevant planning schemes.

128. I provide comments in relation to each clause of the schedule to the zone as follows. My comments apply to the schedules and Comprehensive Development Plan for both sites, except where each site is referred to separately in the text.

11.1 purpose

129. The purpose statements are generally appropriate.

130. However, in addition to referring to “exemplary urban design”, there is merit in promoting sustainability as a major feature in what are being presented as exemplary developments overall.

131. An additional purpose could be added such as:

*To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site.*

11.2 clause 1.0 – table of uses

132. The table of uses are appropriate. No further comment.

1.1 clause 2.0 - use of land

133. Clause 2.0 states that the “use of land must be generally consistent with … “ the relevant Comprehensive Development Plan (CDP).

134. The CDPs only make passing reference to ‘land uses’, in overarching objectives and in other incidental comments throughout the documents.

135. There is no specific section in either CDP that refers to land use.

136. Whilst detail has been provided in background documents regarding the potential number of dwellings (of varying sizes), bedroom numbers, quantum of non-residential floor space etc, none of that information is referred to in either the schedules or in the CDP for either site.

137. Given the inconsistency between the development concept advanced in the background documents and the building envelopes included in the schedules and CDP (as discussed below), it would be appropriate to state likely dwelling numbers and mix, and the nature and expected floor space of likely non-residential uses in either the schedule or the CDP.

exemptions from notice and appeal

138. Clause 2.0 provide exemptions for 3rd party rights for all ‘land uses’.

139. It is standard practice for a CDZ to exempt 3rd party involvement in development proposals, post approval of an amendment. However this can only be justified where the CDZ provides a reasonable degree of certainty about the nature, form and scale of development that is to proceed. This level of certainty has not been provided in the CDZ, as exhibited (see discussion below).
decision guidelines

140. The decision guidelines contained in Clause 3.0 are in addition to the land use decision guidelines contained in the parent provisions of the CDZ.

141. The decisions guidelines should also make reference to the relevant Comprehensive Development Plan.

11.3 clause 3.0 subdivision

142. Appropriate. No further comment.

11.4 clause 4.0 buildings and works

permit requirements

143. I note that “VRC related buildings and works” are proposed to be exempt from the requirements for a planning permit for buildings and works in both schedules.

144. This exemption does not exist in the existing provisions of the Special Use Zone 1 that applies to the sites.

145. I do not understand the reason for introducing an exemption for the VRC related works in relation to the two sites proposed to be zoned CDZ. This point should be clarified with the proponent.

4.1 application requirements

146. I believe that the following additional requirements should be added to this list:

- Fully dimensioned floor plans for each level of proposed buildings.
- Fully dimensioned and detailed elevations for all buildings.

4.2 built form

147. The provisions in relation to built form include ‘mandatory’ building heights and ‘discretionary’ building setbacks.

148. In my opinion the appropriateness of this configuration of controls depends to a degree, on the consistency that exists between the built form controls contained in the schedule, and the development concept submitted with the amendment request.

149. It also depends on the degree to which a development responds to the existing character and built form context of the area.

150. Where there is a high level of consistency with the development concept, and an obvious response to the context of the area, the opportunity exists for more flexible controls. Where there is a low level of consistency and response, there are strong reasons for more stringent or mandatory controls.

151. If the Advisory Committee was to support the amendment as exhibited, with building heights as shown on the building envelop plan, I consider that mandatory building heights would be appropriate. Setbacks could remain discretionary, but should more closely relate to the footprint of the buildings (podiums and towers) outlined in the development concepts.
exemption from notice and appeal

152. For both schedules, exemption from 3rd party involvement in “buildings and works” applications, is expressed as existing if an application is generally consistent with the Building Envelop Plan. This should be expanded to also include a development that is generally consistent with an approved CDP.

11.5 clause 5.0 decisions guidelines

153. These decisions guidelines are to be read in conjunction with the guidelines provided in the parent provisions of the CDZ.

154. I note that by numbering these guidelines as a new clause (5.0), rather than a sub-clause (i.e. Clause 4.3), they presumably apply to all applications for ‘use’, ‘subdivision’ and ‘buildings and works’. I am not sure whether this is the intention. If so, it could make the decisions guidelines under Clause 2.0 (for example) redundant.

155. The contents of the guidelines are appropriate and I make no further comment on them, other than that their application should be clarified.

11.6 clause 5.1 specific requirements relating to development plan area

156. I note that this clause is inconsistent with the template for schedules to the CDZ. I do not see this as an issue, unless it is of concern to the DELWP.

157. Logically if this clause is to be retained it should be renumber 6.0, to indicate that it is not a sub-clause of Clause 5.0.

5.1.1 objectives

158. Should be renumbered.

159. This clause sets out objectives for the development of each area. They are the same objectives as those included in the CDP and are repetitive.

160. The clause does not include any ‘requirements’ as such.

161. If there are matters related to the development that need to be stated with more force than merely as a statement of objectives, it would be appropriate to include them as ‘requirements’ in this section of the schedule. This would require changing the title of the clause to “comprehensive development plan requirements”.

162. This section could potentially be restructured under a number of key themes (i.e. land use, built form, access, landscaping etc, with key requirements stated for each. Such a format could be carried through into the CDP for consistency between the two documents.

163. It is a moot point how much detail is provided in this clause, compared to how much detail is included in the CDP, which will be an incorporated document. The benefit of including detail in this clause is that it is more obvious to people viewing the planning scheme ordinance, than is any detail contained in a separate incorporated document.

164. I note that the only diagram that this clause includes is a ‘building envelop plan’. Because of the importance of the building envelop, I would suggest that it be retained in the schedule.

165. I would suggest that an additional plan (or a replacement plan) should also be included into the schedule shows an overall indicative development framework for each site. This plan could be termed a ‘comprehensive development plan’ or a ‘concept master plan’. That plan should address a wider range of
issues than just building height and setback. It should address, in an indicative manner, the overall site layout, land use, built form, landscaping, access, and more specific issues such as key interfaces.

166. Potential land use quantums should also be expressed in the schedule, as mentioned above. They should be expressed as discretionary limits, that may be able to be exceeded upon the submission of additional detailed information, justifying such (particularly in relation to traffic).

167. There is often a need to include requirements in a CDP for works to be done as a consequence of a development. A Section 173 agreement might need to be entered into regarding these requirements. They could relate to things like:

- The widening and reconstruction of the footpaths or other streetscape or landscaping works.
- The establishment of a pedestrian or traffic management works.
- The provision of improved public transport stops or facilities at nearby locations, or upgrading of paths to existing stops etc.
- Affordable housing.

168. Such requirements could be included in this clause, where appropriate.

169. The issue of affordable housing is an issue that should be addressed in the amendments, given the scale of development proposed. The City of Melbourne has an adopted policy in relation to affordable housing. Plan Melbourne and in Plan Melbourne Refresh include considerable policy in relation to affordable housing. I believe that it would be appropriate for Council and the VRC to negotiate a mutually acceptable outcome in relation to the provision of an element of affordable housing as part of these amendments, and for such a requirement to be embedded into the CDZ and CDPs in an appropriate manner.

170. There are also technical and legal issues regarding securing contributions for provision of upgrading of community facilities and the like, in the absence of a development contributions plan applying to a site. The social impact assessment submitted with the amendment request, referred to the need to provide or upgrade a number of community facilities. An appropriate legal solution will need to be realised to provide for this as part of the amendment documentation.

11.7 building envelop plans

171. The ‘building envelop plans’ for both sites, have very little relationship to the development concepts submitted with the planning scheme amendment documentation.

172. It is not necessary or appropriate for a building height plan (or a CDP) to ‘replicate’ development concept plans. However, the approval of a CDZ and a CDP normally exempts a development from the need for further 3rd party input. It also provides clear guidelines about the development that is likely to be approved as part of any future planning permit application. Accordingly, there needs to be a reasonable relationship between the two. This is not the case in relation to either Epsom Road or Flemington Green.

173. The documentation accompanying the amendment request relies heavily on the development concept and also on photomontages presented in the master plan design response report, to explain and to ‘justify’ the amendment.

174. In relation to the tower elements of the built form on both sites, the tall, slender and elegant nature of the towers has been emphasised as a beneficial design outcome.
175. As illustrated in the following diagram, the building envelopes for the indicative towers on both sites, substantially exceed the footprint of the development concept advanced in the background documentation.

![Diagram showing comparison between building envelopes and architectural concepts](image)

Figure 22. Comparison between building envelope and indicative architectural concept

176. Whilst there are some comments in the Flemington Green CDP in relation to the number of towers and the separation between towers etc, there are no such comments in the Epsom CDP.

177. Such a high degree of difference could result in a very different development outcome on both sites, in terms of:

- The visual bulk and appearance of the towers.
- The total floor area of each development and hence the number of bedrooms / apartments and other non-residential uses. The floor space of each tower could be very significantly increased compared to the development concepts.
- The level of activity generated on each site, including the residential population, the car parking and traffic generation.
- Maximum building heights are expressed as absolute levels, and do not follow the contours of the site. This can result in considerable variations in the height of buildings permitted within a designated height area, where the underlying land form slopes. This is especially relevant to the Flemington Green site, adjacent to existing residential areas and along Fisher Parade.

178. There would be an opportunity to have a 'more flexible' building envelop plan in the schedule to the CDZs, if the CDPs were more detailed and included clear and unambiguous design guidelines and requirements relating to land use and built form etc. Such guidelines would assist in guiding a development outcome towards that outlined in the background amendment documentation.

11.8 clause 6.0 integrated transport access plan

179. Renumber.

180. I note that this clause refers to the Flemington Racecourse Development Hill Precinct Site & Epsom Road Site Integrated Transport and Access Plan, November 2015 prepared by GTA Consultants.

181. It states that (using the Flemington Green example):
A permit cannot be granted for use, development and/or subdivision of the whole or any part of the Flemington Green Comprehensive Development Area until an Integrated Transport and Access Plan is prepared to the satisfaction of the Responsible Authority in consultation with the Cities of Moonee Valley and Melbourne, VicRoads and Public Transport Victoria.

The Integrated Transport and Access Plan must be prepared generally in accordance with the Flemington Racecourse Development Hill Precinct Site & Epsom Road Site Integrated Transport and Access Plan, November 2015 prepared by GTA Consultants.

182. The report I have viewed has a slightly different title to that referred to in the amendment i.e. “Flemington Life” Development, Flemington Green Site and Epsom Site, Integrated Transport and Access Plan, November 2015.

183. I assume that they are the same document and that the title should be corrected in the amendments.

184. I note that the GTA report is the only place in the amendment documentation, that refers to the indicative development concepts and quantifies land use elements in relation to each site i.e. on Page 1, it refers to the number of apartments and the amount of commercial floor space on each site.

185. As I read it, this clause would prevent a planning permit being issued if the quantities of development referred to in the GTA report, were not “generally in accordance with” the GTA report.

186. If it is the intention of this clause to prevent the issue of a permit in these circumstances, then I believe that it should be explicitly stated in the schedule to the CDZ, not hidden in a clause that relates to an integrated transport plan.

187. As mentioned previously, in my view potential land use quantities should be expressed in the schedule (and or CDP), as discretionary limits, that may be exceeded upon the submission of additional detailed information justifying such, particularly in relation to traffic. However this should be combined with building envelopes that more closely relate to the development concepts advanced. This would assist in limiting the variability in the amount of development that could occur on each site. If any meaningful variation to the quantities of development occurred, the matters should be open to 3rd party review.

11.9 clause 7.0 public realm and streetscape design document (flemington green site only)

188. Appropriate. No further comment.

11.10 comprehensive development plans

189. The following comments are made in the context of the Advisory Committee supporting the development concept inherent in the amendments as exhibited, but making modifications to improve the wording and contents of the amendment documents.

190. The CDP documents will be approved as part of the planning scheme amendment and will be incorporated into the scheme. As a result, a planning scheme amendment will be required to change the plans. This is a relevant consideration in considering the level of detailed provided in the documents and the degree of force used in statements of intent.

191. In documents such as these, it is a balance between how much detail and how much flexibility should be provided. In this case I believe that the documents as exhibited contain too little detail and too much flexibility.

192. The documents include a general introduction, which makes no reference to the fact they will be approved documents that are incorporated into the planning scheme, and can only be changed by way of a planning scheme amendment.
193. The structure of the documents is generally appropriate in terms of the themes they use. However a number of what I consider to be key themes are either missing or should be reinforced, for example:

- **Land use** - Other than being expressed in overall objectives, or in incidental comments made under other headings, there are few specific comments made in relation to land use, particularly in relation to the Epsom Road site. I consider ‘land use’ warrants a separate heading in the documents, and that indicative details of proposed land uses should be stated under that heading, in terms of potential dwelling numbers, dwelling diversity, and expected type and floor space of non-residential uses etc.

- In relation to the Epsom Road site:
  - The interface with the Racecourse – There are no comments at all about the interface with the Racecourse.
  - The interface with Epsom Road – The interface with Epsom Road and the way the development activates the street, relates to the footpath etc, are important and considered to warrant a specific comment.

- Include an overall development framework plan for each site (termed comprehensive development plan or concept master plan), in addition to the building envelop plan included.

- For the Flemington Green site, include more detailed requirements in relation to how the interface with existing residential properties will be addressed, including a ResCode setback and a maximum building height within a specified distance of the boundary. More detail should also be provided about the interface with Fisher Parade, including building heights and setbacks, and statements about residential uses at street level, and streetscape improvements.

- Include thematic plans and reference images under theme headings, to visually explain the principles and requirements contained under each heading.

- Depending on the degree to which the building envelop plan might be modified to more closely relate to the development concept submitted with the amendment request, include more detailed design guidelines and requirements in relation to built form, street level treatments, podium level and tower treatments.

- **Sustainability** – Sustainability in developments promoted as being exemplary should receive substantial emphasis. The sustainability heading in the CDP’s should be significantly strengthened to refer to ‘ambitious’ outcomes to be achieved, and measures that will be incorporated into the developments to achieve them. As a minimum the development should be at least be beyond compliance and be best practice, and potentially considerably more.

- **Potential noise impacts** – The Flemington Green site, in particular, will be located close to core activity areas associated with the racecourse, which at times, can be a considerable noise source. The amendment documentation includes the requirement for an acoustic report to be prepared, which may include the requirement for noise attenuation features to be incorporated into any future development. The situation to be avoided at all costs, is future objections from residents limiting or influencing the use of the racecourse for large events and activities. Wording should be included into the CDP that makes it very clear that the ‘agent of change’ principles applies in this case, and that whilst all reasonable efforts will be made to design developments to maintain appropriate internal amenity levels, the amenity to be experienced by future residents of the precinct will be that associated with proximity to a major international outdoor sporting and recreation facility.
12 conclusion

194. The proposed planning scheme amendments would facilitate very significant redevelopment opportunities on two unrelated freehold parcels that are part of the VRC’s larger land holdings.

195. Both amendments would allow for a scale, form and height of development that would significantly transform the existing character of the areas in which they are located.

196. I do not believe that scale of developments that would be accommodated by the amendments, has strategic justification under existing planning policies at either the State, the metropolitan or the local level.

197. From a strategic planning perspective, development of the Flemington Green site, to a scale approaching anything like that which could occur under the amendment, should be contingent on regular rail services being established on the Racecourse Railway line. Even then, I believe that the site lacks the exposure and prominence to the arterial road network, and proximity to activity centres, that would justify such a scale of development.

198. The establishment of a single, very tall residential tower of potentially 33 storeys, on the Epsom Road site, would dominate the landscape qualities and ‘openness’ of the area, and significantly diminish the existing and potential gateway qualities of the precinct. When combined with the approved development at No. 1 Ascot Vale Road (22 storeys), it would place an extraordinarily substantial high rise built form in this location, completely out of context with other development that is likely to occur in this area.

199. Proximity to the racecourse in its own right, does not in my opinion outweigh other valid strategic planning policy considerations that seek to encourage higher density housing in highly accessible places, close to activity centres, and on strategic redevelopment sites that are well serviced by public transport.

200. If the Advisory Committee sees fit to support the development concepts inherent in the amendment as exhibited, I believe that substantial changes should be made to the CDZ schedule and the Comprehensive Development Plans to be incorporated into the planning scheme for each site. The main changes would be to ensure that the building envelopes include in the amendment more closely relate to the scale and style of the indicative development concepts upon with the documents have been based.

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