Planning and Environment Act 1987
Advisory Committee Stage 4 Report
Flemington Hill and Epsom Road Advisory Committee
Stage 4: Outcomes

3 June 2016

Kathy Mitchell, Chair

Des Grogan, Member
Jim Holdsworth, Member
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<tr>
<td>AVRAG</td>
<td>Ascot Vale Residents Action Group</td>
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<td>CAD</td>
<td>Central Activities District</td>
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<td>DDA</td>
<td>Disability Discrimination Act</td>
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<td>DELWP</td>
<td>Department of Environment, Land, Water and Planning</td>
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<td>IDC</td>
<td>Indicative Development Concept</td>
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<td>ITAP</td>
<td>Integrated Transport Access Plan</td>
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<td>MSS</td>
<td>Municipal Strategic Statement</td>
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<td>OVGA</td>
<td>Office of the Victorian Government Architect</td>
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<td>PTV</td>
<td>Public Transport Victoria</td>
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<td>RASV</td>
<td>Royal Agricultural Society of Victoria</td>
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<td>SCATS</td>
<td>Sydney Coordinated and Adaptive Traffic System</td>
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<td>SDCAC</td>
<td>Standard Development Contributions Advisory Committee</td>
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<td>SEPP</td>
<td>State Environment Protection Policy</td>
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<td>SIDRA</td>
<td>Signalised Intersection Design Research Aid</td>
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<td>SPPF</td>
<td>State Planning Policy Framework</td>
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<td>VDRP</td>
<td>Victoria Design Review Panel</td>
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<tr>
<td>vpd</td>
<td>vehicles per day</td>
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<td>vph</td>
<td>vehicles per hour</td>
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<td>VRC</td>
<td>Victoria Racing Club</td>
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Executive Summary

The Victoria Racing Club (VRC) propose to rezone two identified ‘surplus land’ precincts within the Flemington Racecourse to Comprehension Development Zone to facilitate development for residential and mixed uses. The Flemington Green site is partly located in the City of Melbourne and the City of Moonee Valley, and the Epsom Road site is wholly located in the City of Melbourne. The Minister for Planning is currently the Responsible Authority for both sites.

The Minister for Planning appointed the Flemington Hill and Epsom Road Advisory Committee (the Committee) on 29 September 2015 to provide advice on the appropriate planning framework for the proposed developments.

Consistent with its Terms of Reference (29 September 2015), the Committee undertook a review of the draft Planning Scheme Amendment documentation for rezoning which included proposed Schedules to the Comprehensive Development Zones and Comprehensive Development Plans tailored for each site, that being Flemington Green and Epsom Road. This review culminated in the Committee’s Stage 1 report (17 December 2015) which found there was sufficient information available to enable exhibition of the draft amendment documents, subject to the VRC accepting and implementing nine specific recommended changes to the draft documents.

The VRC accepted the recommended changes, and the documents were exhibited from 11 January to 19 February 2016 (with late submissions being received from the community until 1 March 2016). A Directions Hearing was held on 1 March 2016 and public hearings over 12 days from 15 March to 6 April 2016.

A total of 331 submissions were received during the exhibition period. There was overwhelming concern by community groups and individual submitters about the proposed developments. The City of Melbourne and Moonee Valley City Council shared some concerns, but not all.

Key issues raised related to state and local planning policy: traffic, access and public transport; urban design and built form; density of the development; and other issues such as development contributions, affordable and diverse housing; and public open space. Matters related to whether the Flemington Green site should be located in one municipality or the other, and who should be the Responsible Authority for the sites were further raised.

The exhibited amendment documents reflected the VRC’s proposal with its then preferred developer, Greenland Group (‘Greenland proposal’). On Day 1 of the Hearing, the Committee was advised the Greenland proposal was “no longer on the table”. It was submitted that the extent of consultation “revealed and persuaded” the VRC it could do better than what had initially been proposed. Due to this change of situation, coupled with the submissions and evidence presented at the Hearing, the Committee requested the VRC to submit what it considered to be its final version of the Comprehensive Development Zone Schedules and Plans. This was based on the ‘Jacques proposal’, which was developed by the VRC’s key urban design expert. The revisions were circulated to all parties at the hearing,
who were provided an opportunity to comment on the revised documentation. Eight such responses were received.

Overall, the Committee finds the two sites are appropriate for predominantly residential use, with a small amount of supporting mixed uses. Although such development has not been specifically anticipated in existing strategic planning policy, the Committee considers the proposal meets the broad aspirational planning objectives of the State, and the City of Melbourne and Moonee Valley City Council, as it will provide additional housing for future population growth near established residential and activity areas. Further, the Committee finds that although the road network in the immediate vicinity of the two sites is, at times, congested, the mitigation measures proposed to manage the expected increases in traffic are acceptable, subject to the recommended changes. Accessibility to public transport is more limited, especially for the Flemington Green site.

The Committee supports the rezoning of the land to the Comprehensive Development Zones, subject to changes to the proposed schedules to address key issues related to transport, density, built form, open space, development contributions and amenity.

Flemington Racecourse is recognised as a site of State, National and international significance. It hosts the world famous Melbourne Cup Carnival and is an icon in its own right. The Committee acknowledges the significance of this precinct and the opportunities provided because of this physical, cultural and social connection. Many submitters acknowledged this special context, and the Committee considers this relationship to be one that must be recognised in any development. The Committee considers a less intense form of development, with a more modest built form than has been proposed by ‘Greenland’ in favour of a proposal based on the ‘Jacques’ concept, would respond more appropriately to local conditions and assist in creating landmark additions to Melbourne’s residential architecture and build on the existing significant status of the Racecourse precinct.

The Committee concludes that a maximum of 14 storeys for the Flemington Green site and 15 storeys for the Epsom Road site to be appropriate, and that there be a maximum of 600 and 300 dwellings for Flemington Green and Epsom Road sites respectively.

In recommending the sites to be rezoned, the Committee considers appropriate outcomes can be achieved with respect to development contributions, open space, affordable housing and amenity; subject to changes to the schedule to the Comprehensive Development Zones. Such changes include ensuring a development contribution of $3,000.00 per dwelling and a provision of 5 per cent of new dwellings for affordable housing.

Whilst the Committee considers the schedules to the Comprehensive Development Zones can be modified to an appropriate level, the Committee finds the proposed Comprehensive Development Plans are wanting in their response to their world renowned site context and experience that is the Flemington Racecourse. For the Racecourse to be partially subdivided and developed for residential development demands an exceptional built form outcome to enable a world class development that complements the iconic status of the Racecourse.

The Committee recommends the approval of the Comprehensive Development Zones for the sites, and a revision of the Comprehensive Development Plans through a consultative process that engages key stakeholders such as the City of Melbourne, Moonee Valley City
Council, transport agencies, RASV, the Department of Environment, Land, Water and Planning, Heritage Victoria and community groups. Sign off from the Office of the Victorian Government Architect for both Comprehensive Development Plans is recommended. In addition, this Committee should remain ‘live’ to act in a review and advice role, if required by the Minister for Planning.

Remaining issues to be considered by the Committee were the alignment of the municipal boundary and the Responsible Authority status for the two sites.

In relation to the Flemington Green site, most parties considered it a good idea for the site to be in one municipality only. Both Councils submitted the municipal boundary should be realigned in their favour. Community groups were generally of the opinion that Flemington Green be in Moonee Valley based on the likely community to be affected most by the development. The Committee finds further review is necessary to determine the appropriate boundary once, and if, the proposal receives approval to proceed.

In relation to the Responsible Authority, some submissions argued local Councils should be the Responsible Authority. Considering the municipal boundary issue and the state significant status of the Racecourse precinct, the Committee recommends retaining the Minister for Planning as Responsible Authority for both development sites until, at least the revised Comprehensive Development Plans are completed and adopted.

For the reasons outlined in this report, the consolidated recommendations of the Committee are to:

1. **Adopt that part of Amendment GC40 to the Melbourne and Moonee Valley Planning Schemes relating to Schedule 3 to the Comprehensive Development Zone for Flemington Green, subject to the modifications in Appendix E, and progress it as a section 20(4) approval subject to the provisions of the Planning and Environment Act 1987.**

2. **Undertake a complete review of that part of Amendment GC40 to the Melbourne and Moonee Valley Planning Schemes relating to the Comprehensive Development Plan for Flemington Green.**

3. **Adopt that part of Amendment C290 to the Melbourne Planning Scheme relating to Schedule 4 to the Comprehensive Development Zone for Epsom Road, subject to the modifications in Appendix F, and progress it as a section 20(4) approval subject to the provisions of the Planning and Environment Act 1987.**

4. **Undertake a complete review of that part of Amendment C290 to the Melbourne Planning Scheme relating to the Comprehensive Development Plan for Epsom Road.**

5. **Adopt the transport mitigation works as provided in Clauses 6.0 in Appendices E and F.**

6. **Install appropriate signage on Langs Road to indicate that car parking for Showgrounds and Racecourse patrons is not available off Leonard Crescent.**

7. **Prohibit taxi and bus access to the Racecourse via Leonard Crescent on major event days.**
8. Investigate further (as part of the revised Comprehensive Development Plans):
   a) In conjunction with VicRoads, Moonee Valley City Council, Public Transport Victoria and the Victoria Racing Club, design options for the Fisher Parade/Leonard Crescent intersection.
   b) In conjunction with the relevant authorities, the possibility of constructing a fully directional intersection on Fisher Parade at the Riverbank Entry to be used by taxis and buses during major events.
   c) The possibility of providing a commuter park and ride facility using the existing Victoria Racing Club car parking area located between Members Drive and the taxi access road.
   d) With Public Transport Victoria, the possibility of providing a shuttle train service from the Flemington Racecourse railway station to Newmarket station.
   e) With the Royal Agricultural Society of Victoria and Public Transport Victoria, the possibility of providing a pedestrian/cycle trail along the rail spur reservation and the non-core Showgrounds land to link the Flemington Green site with the Showgrounds shopping centre.
   f) Provision of a safe, 24 hour pedestrian/bicycle path through the Racecourse between Leonard Crescent and the Maribyrnong River trail.
   g) Preparation of a transport and event strategy for the precinct defined by Maribyrnong River, Smithfield Road, Epsom Road, Langs Road/Fisher Parade. This strategy should include a review of Victoria Racing Club operations to enable safe, 24 hour pedestrian and bicycle access through Crown land controlled by the Victoria Racing Club. Further, whether large event activities (combined patrons of 10,000) of the Victoria Racing Club and Royal Agricultural Society of Victoria should be undertaken with Victoria Police traffic control, recognising that this may result in a consequential amendment to the Special Use Zone Schedules 1 and 2 for Flemington Racecourse and the Showgrounds.

9. Specify a maximum height of new development for the Flemington Green site of 14 storeys for Precincts B and C, with no more than three towers to be built to this height, and with no other building exceeding 8 storeys for the remainder of the site, generally in accordance with the overall site layout and setbacks generally in accordance with the Jacques plan as shown in Appendix E.

10. Reduce the floorspace cap for shop in Schedule 3 to the Comprehensive Development Zone to 500 square metres.

11. Specify a maximum height of 15 storeys for the Epsom Road site, with the setbacks generally in accordance with the modified proposal as shown in Appendix F.

12. Delete Office, Place of Worship and Shop as Section 1 uses in Clause 2.0 – Table of Uses to Schedule 4 to the Comprehensive Development Zone.

13. Include an application requirement in Schedules 3 and 4 to the Comprehensive Development Zones for a Construction Management Plan to be prepared in
accordance with the City of Melbourne – Construction Management Plan Guidelines and to consider traffic and amenity impacts during the construction period. Include a requirement for a Community Reference Group to input into the Construction Management Plan for the duration of the construction period of redevelopment.

14. Adopt a 5 per cent cash contribution for public open space for the Epsom Road site to be vested in City of Melbourne through the provisions of Clause 52.01 to the Melbourne Planning Scheme.

15. Adopt a 7.06 per cent land contribution for public open space for the Flemington Green site, to be vested in the City of Melbourne and the Moonee Valley City Council through the provisions of Clause 52.01 to the Melbourne and Moonee Valley Planning Schemes.

16. Require a development contribution of $3,000 per dwelling through Clause 9 of Schedule 3 to the Comprehensive Development Zone for Flemington Green, and through Clause 7 of Schedule 4 to the Comprehensive Development Zone for Epsom Road.

17. Require a 5 per cent allocation of dwellings to be provided as affordable housing through Clause 9 of Schedule 3 to the Comprehensive Development Zone for Flemington Green (which will include the provision of 15 dwellings for low income employees at Flemington Racecourse), and through Clause 7 of Schedule 4 to the Comprehensive Development Zone for Epsom Road.

18. Retain the Minister for Planning as Responsible Authority for both development sites until the revised Comprehensive Development Plans are completed and adopted (unless a municipal boundary realignment occurs prior to completion of this work).

19. Retain the municipal boundaries as they are until the revised Comprehensive Development Plans are completed and adopted.

20. Refer the issue of the municipal boundary to the Local Government Review Panel (or equivalent) for further review.

21. Revise the Comprehensive Development Plans for Flemington Green and Epsom Road through a consultative process that engages with key stakeholders.

22. Include the Office of the Victorian Government Architect in all future design forums, and seek its ‘sign off’ for the revised Comprehensive Development Plans.

23. Maintain the currency of this Advisory Committee to provide further review and advice if required.
Part A: Background
1 Overview

1.1 Advisory Committee and Terms of Reference

The Flemington Hill and Epsom Road Advisory Committee (the Committee) was appointed by the Minister for Planning on 29 September 2015 under section 151 of the Planning and Environment Act 1987 (the Act) to provide advice on the suitability of two draft planning scheme amendments that seek to rezone and facilitate development of two precincts within the Flemington Racecourse to a Comprehensive Development Zone. The two precincts were originally identified as ‘Flemington Hill’ and ‘Epsom Road’. However, the Committee was advised that Flemington Hill should be rebadged as Flemington Green so that is how it is now referred. The whole project is known as ‘Flemington Life’.

The Committee comprises:
- Kathy Mitchell (Chair)
- Des Grogan
- Jim Holdsworth

The Committee is assisted by Elissa Bell, Senior Project Manager and Emily To, Project Officer, both of Planning Panels Victoria.

The Minister for Planning issued Terms of Reference on 29 September 2015 (Appendix A). The Minister for Planning is the Responsible Authority for all of the land proposed to be rezoned. The Victoria Racing Club (VRC) is the proponent for the draft amendments, although ultimately, the land, if rezoned, will be sold to one or more developers.

The Terms of Reference provide that the Committee undertake its work in four clear stages:
- Stage 1: Review and Consultation on proposed Comprehensive Development Plans and associated draft Planning Scheme Amendment documentation dated June 2014. This part of the process resulted in the Committee releasing a report on 17 December 2015: Stage 1 Review and Consultation (the Stage 1 report).
- Stage 2: Public Consultation exhibition of the draft Planning Scheme Amendments was undertaken from 11 January 2016 to 19 February 2016. Late submissions were accepted from the community up until the Directions Hearing on 1 March 2016.
- Stage 3: Public Hearing held over 12 days from 15 March to 6 April 2016.
- Stage 4: Outcomes, resulting in a report to the Minister for Planning.

This is the Stage 4 Outcomes report.

1.2 Consultation and process

The Committee has undertaken its work consistent with the process as set out in the Terms of Reference.

Clause 14 of the Terms of Reference required the Committee to convene a meeting with the following parties to initiate consideration of this matter:
- City of Melbourne
• Moonee Valley City Council
• Victoria Racing Club
• Department of Environment, Land, Water and Planning (DELWP)
• Royal Agricultural Society Victoria (RASV).

The Committee noted that Clause 8 listed a number of parties that it considered might benefit from being involved in the initial meeting, and invited the following parties to attend the inception meeting:
• VicRoads
• Public Transport Victoria (PTV)
• Office of the Victorian Government Architect (OVGA)
• Department of State Development, Business Innovation (now Department of Economic Development, Jobs, Transport and Resources - DEDJTR).

This meeting was held on Tuesday 20 October 2015, and all invited parties were present, with the exception of DEDJTR who advised that it would be taking a ‘watching brief’ on the proposal. In this meeting, the VRC indicated a number of revisions it wanted to make to its previous proposal dated June 2014.

The Committee agreed to a timeframe for a more formal presentation by the VRC on its revised proposal, that being 23 November 2015.

At the inception meeting, the Committee indicated that it would be seeking early involvement of local community groups as part of the consultation process. Relevant contacts from the following groups were provided by the VRC’s planning consultants, Urbis. The Committee invited the nominated groups to attend the second meeting and the site inspection at the Flemington Racecourse, as well as the third meeting at Planning Panels Victoria on 2 December 2015. These groups were:
• Flemington Association
• Ascot Vale Residents Action Group
• Save Moonee Ponds
• North East Moonee Ponds Residents
• Kensington Association
• Friends of Maribyrnong Valley
• Maribyrnong Residents Association
• Flemington Chamber of Commerce.

The second meeting was held on 23 November 2015 at Flemington Racecourse and included a presentation by the VRC on its revised proposal, a round table discussion with the VRC and other parties present providing preliminary responses to issues raised, and a site inspection. The proposal was based on a development concept prepared by Woods Bagot on behalf of Greenland Group (Greenland), who at that time was the VRC’s preferred developer.

Copies of the revised proposal (referred to as the pre-exhibition proposal) were provided to parties for comment. The third meeting on 2 December 2015 was an opportunity for the invited parties to provide feedback to the Committee on the revised proposal. Following this meeting, the VRC provided updated and draft copies of the following documents which took into account some of the issues raised by various parties to the consultation meetings:
Explanatory Reports (Amendment C290 to the Melbourne Planning Scheme and Amendment GC40 to the Melbourne and Moonee Valley Planning Schemes)
- Schedule to the Comprehensive Development Zone
- Schedule to Clause 52.01
- Comprehensive Development Plans (Flemington Green and 550 Epsom Road).

By letter on 27 November 2015, the Committee indicated the Stage 1 report which was due by 18 December 2015 would be provided to the VRC, DELWP and the Melbourne and Moonee Valley Councils immediately if exhibition was recommended, and to all other parties within one week of submission. Consistent with this, the Committee provided it’s Stage 1 report to the specified parties on 17 December 2015. The Stage 1 report recommended the VRC make a number of changes to the draft amendment documentation prior to exhibition.

On 22 December 2015, the VRC provided a letter to the Committee accepting the recommended changes to the draft Amendment documentation and it acknowledged that exhibition would proceed in accordance with those changes. The Stage 1 report was distributed to all parties on 22 December 2015, and publicly released on the Department’s website shortly thereafter.

1.3  Advisory Committee’s Stage 1 Report

From the review and consultation process, the Committee summarised its findings in its Stage 1 report. In it, the Committee made the following comment:

*In considering the draft material for this Stage 1 report, the Committee has made recommendations and indicated initial opinions on the draft proposal. These recommendations and opinions do not represent the final views of the Committee and are made on a ‘without prejudice’ basis. The final opinion of the Committee will be reported via a written report to the Minister for Planning at the conclusion of the public hearing process at Stage 4 (Committee emphasis added).*

In reviewing the proposal and the Amendment documentation, the Committee highlighted a number of issues which it considered needed to be resolved as part of the exhibition and hearing process. In addition, it requested further information be available to the Committee prior to the hearings.

In commenting on the adequacy of the material to be placed on exhibition, the Committee recommended specific changes to the Schedule to the Comprehensive Development Zones, Comprehensive Development Plans and Clause 52.01.

For completeness, interested parties should read the Stage 1 report which is available on the Planning Panels Victoria website¹.

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1.4 Exhibition and hearings

Consistent with the Committees directions, the revised documents were exhibited from 11 January to 19 February 2016 (with late submissions being accepted from the community up until 1 March 2016). A total of 331 submissions were received as a result of the formal public exhibition process, with the list of submitters provided in Appendix D.

A Directions Hearing was held at Planning Panels Victoria on 1 March 2016, with the public hearings held over 12 days (15, 16, 17, 18, 21, 22, 23, 29, 30 and 31 March, and 5 and 6 April 2016). The Committee heard from the following parties at the Public Hearing:

Table 1 Parties to the Panel Hearing

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<th>Department of Environment, Land, Water and Planning</th>
<th>Hannah Pascoe, Planner</th>
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| Victoria Racing Club | Chris Townshend QC and Emily Porter of Counsel, instructed by Minter Ellison Lawyers, (with Laura Thomas of Urbis and Paul Doman of the VRC), who called the following evidence:  
  - Robert Milner of 10 Consulting in planning  
  - Jason Walsh of Traffix Group in traffic  
  - Matt Ainsaar of Urban Enterprise in development contributions  
  - Jane Homewood of Urbis in social impacts and development contributions  
  - Graeme Gunn of Graeme Gunn Architects in urban design  
  - Mark Jacques of Oculus in urban design |
| Public Transport Victoria | Andrew Collings, Senior Place Manager  
  Mark Burton, Manager Place Planning  
  Charles Waingold, General Manager Strategic Transport Planning |
| Moonee Valley City Council | Louise Hicks of Counsel with Colin Harris (Senior Project Manager Infrastructure and Land Use Developments), who called the following evidence:  
  - Andrew O'Brien of O'Brien Traffic in traffic  
  - Andrew Spencer of SGS Economics and Planning in development contributions and boundary realignment |
| City of Melbourne | Juliet Forsyth of Counsel with Jill Cairnes (Strategic Planner), who called the following evidence:  
  - David Barnes of Hansen in planning  
  - David Pryor of Council in urban design  
  - Jeffrey Robinson of Aurecon in sustainability |
| Royal Agricultural Society of Victoria | Chris Wren SC of Counsel (with Natalie Gray, planning consultant), who called the following evidence:  
  - Andrew Rogers of Noise Consulting and Management in noise |
Submitter Represented by 
Danny Pearson, MP, Member for Essendon
Adam Bandt, MP, Federal Member for Melbourne (with Rob McLeod)
Helene McNamara
David Ettershank
Les Potts, President
Jenny Gallivan, Vice President
Karen Cosson, Secretary
Stephen Axford, Chair, Planning Committee
Lisa Frazer
Ed Lagzdin
Meegan Pannu
Margaret Rolfe
Barry Gough
Francisca Araneda, Vice President
David Brown
Hedley Moffat
Barry Capuano
Peter Free
Matthew Ryan, Acting Team Leader, Traffic and Plans
Peter Tyrell
Trevor Wallwork
Martin Hall
Bronwyn Stokes
Robert Shepherd
Michael Howes
David Nadel
Tony Isaacs
Tony Apostolou
Klaus Meuller
Ronald Luckman
Anne Heyes
David Brown
Yvonne Kernan
Jenny Barrett
The key concerns raised by the 331 written submissions, and submitters who presented to the Hearing related to:

- Traffic and access
- Pedestrians and cyclists
- Public transport
- Design and built form, including height
- Density of the development proposal
- Impacts on the Maribyrnong River
- Social and amenity impacts
- Event planning and associated issues
- Public and private open space, access to the Racecourse
- Planning policy and controls
- Commercial uses on site
- Development contributions.

### 1.5 Site inspections

The Committee undertook a number of inspections of the site and its surrounds – both accompanied and unaccompanied. These were important in assisting the Committee to understand the issues relating to the proposals.

As part of Stage 1, the Committee undertook two accompanied site inspections. The first site inspection was held on Thursday 5 November 2015, which was ‘Crown Oaks Day’. Along with members of the Committee and the Senior Project Manager, other parties present included VRC, City of Melbourne, Moonee Valley City Council, and RASV. It should be noted that this particular day was subject to adverse weather conditions, with torrential rain in the morning and early afternoon, along with a major storm cell in the afternoon that caused disruption to the course and the delay of some races due to safety reasons. The representative of the VRC advised that patron numbers were down because of the weather, and traffic conditions were non typical as many patrons came later than usual to the course. The Committee notes that the crowd figure was in the order of 58,000 patrons.

The Committee observed busy race day conditions and activity, and finalised the inspection by observing the way in which patrons departed the site, including at the train platform. The Committee noted the conditions associated with the later train departures and issues relating to marshalling along the rail platform, the lack of crowd control with patrons seeking to access a train and the overcrowding associated with the later train departures, as well as the frequent stopping of the train along the route back to Southern Cross Station.

The second site inspection occurred on the afternoon of 23 November 2015, after the VRC presented its revised proposal. A larger number of parties attended this inspection, including representatives of:
- VRC and its planning, traffic, architectural and public relations consultants
- Greenland (at that time, VRC’s preferred developer)
- City of Melbourne
- Moonee Valley City Council
- DELWP
- RASV
- Ascot Vale Residents’ Association.

This inspection included visiting many of the same sites as the first inspection, as well as the interface with Flemington train station, the bluestone heritage wall, residential properties, the Showgrounds site, the views from the western side of the Maribyrnong River and the Edgewater development, the Kensington residential area, various surrounding major streets and intersections and the area of Members Drive and Showgrounds Station.

Members of the Committee undertook an unaccompanied inspection of the Epsom Road area on the opening day of the hearing to observe morning peak hour traffic conditions. Further, the Committee inspected the Flemington Racecourse and its surrounds on 6 April 2016, with follow up inspections occurring during the report writing phase of this report.

1.6 Committee approach to this Report

The Committee has prepared this report in three parts as follows:
- Part A: Background (overview; the proposals; existing conditions; strategic planning context and considerations)
- Part B: Assessment (traffic considerations; urban design, built form and heritage; noise; public open space; development contributions; affordable and diverse housing; Responsible Authority and municipal boundary)
- Part C: Resolution (proposed planning controls – the way forward).
2 The proposals

2.1 The Amendments - pre-hearing version

The Flemington Green site is located northwest of the Flemington Racecourse on Leonard Crescent and Fisher Parade. It is located within the municipal boundaries of both City of Melbourne and City of Moonee Valley. The Epsom Road site is wholly within the City of Melbourne and is located on Epsom Road, to the east of the Racecourse (see Figure 1).

The area of the Flemington Green site within Moonee Valley is zoned General Residential, while that part of the site in Melbourne is zoned Special Use 1.

The Epsom Road site is zoned Special Use 1 in the Melbourne Planning Scheme.

Both sites are subject to Heritage Overlay HO272, and Flemington Racecourse is included in the National Heritage listing.

The two proposals seek rezoning to Comprehensive Development Zone to facilitate high-density residential development. The Comprehensive Development Zone enables the creation of site specific controls which can permit or prohibit specific uses, and the inclusion of building envelopes, heights and guidelines.

Site specific Comprehensive Development Plans were also exhibited which provided further detail as to the implementation of site objectives.

(i) Draft Amendment GC40

Draft Amendment GC40 affects land in both the City of Moonee Valley and the City of Melbourne as shown in Figure 1.

The draft Amendment proposes to rezone Flemington Green to Comprehensive Development Zone to facilitate the development of high density urban living, with limited complimentary uses such as retail, commercial and community facilities.

According to the exhibited version of the Explanatory Report, the draft Amendment specifically proposes to:

- Rezone land at Flemington Green within the City of Melbourne from a Special Use Zone to the Comprehensive Development Zone
- Introduce Schedule 3 to the Comprehensive Development Zone into the Melbourne Planning Scheme
- Rezone land at Flemington Green within the City of Moonee Valley from the General Residential Zone to the Comprehensive Development Zone
- Introduce Schedule 1 to the Comprehensive Development Zone into the Moonee Valley Planning Scheme
- Amend the Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision (in both Melbourne and Moonee Valley Planning Schemes) to confirm that the open space contribution for the Flemington Green development will be satisfied provided the land designated as public open space in the Flemington Green Comprehensive Development Plan is vested in Moonee Valley City Council
Incorporate Flemington Green Comprehensive Development Plan, December 2015 at Clause 81.01.

Figure 1  Subject land showing municipal boundaries

(ii)  Draft Amendment C290

Draft Amendment C290 affects land at 550 Epsom Road, Flemington and seeks to rezone the land to a Comprehensive Development Zone which would facilitate the development of high density urban living with a limited mix of complementary uses including commercial and retail.

According to the exhibited version of the Explanatory Report, the draft amendment specifically proposes to:

- Rezone the land from a Special Use Zone to Schedule 4 to the Comprehensive Development Zone
- Introduce Schedule 4 to the Comprehensive Development Zone into the Melbourne Planning Scheme
- Amend the Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision to confirm the proposed development will make a 5 per cent cash contribution for Public Open Space
- Incorporate the 550 Epsom Road Comprehensive Development Plan, December 2015 at Clause 81.01.
(iii) Summary of pre-hearing version

The exhibited amendment documents reflected the VRC’s proposal with its then preferred developer, Greenland. The Comprehensive Development Zones were accompanied by Comprehensive Development Plans. Table 2 outlines the details of the Greenland proposal.

Table 2  Original ‘Greenland’ proposal for Flemington Green and Epsom Road

- Five buildings ranging from five and six storeys abutting residential development along Fisher Parade, to 20 and 25 storeys, with six storey podiums abutting the rail line and the Racecourse
- 736 dwellings
- Population of approximately 1400
- 2,900 square metres of retail and commercial services
- 5 per cent of public open space, land contribution

One tower of 31 storeys with a four storey podium
- 398 dwellings
- Population of approximately 750
- Limited retail and services
- 5 per cent public open space, cash contribution

The Comprehensive Development Zone and Plans were essentially structured around the Greenland proposal through Indicative Development Plans (IDC), which had no formal status in the Comprehensive Development Zone or Plans.

2.2 The Amendments – post-hearing version

On Day 1 of the Hearing, the Committee was advised by Mr Townshend that the Greenland proposal was “no longer on the table”. In this regard, he said (paragraphs 33 – 36, Document 21):

*Early in the process, the VRC collaborated with property developer Greenland to redevelop the subject land. To that end, the VRC and Greenland developed a specific architectural scheme to inform the appropriate controls (the Indicative Development Concept or IDC). To evidence that the investment was feasible and real a contract of sale was entered into with Greenland ... accordingly, preparations were undertaken by Greenland in anticipation of becoming the owner and moving to a development phase. It is recognised that some of the text in the proposed schedules is inherited from this approach.*

*This is no longer the case. VRC is not seeking planning controls to “match” the indicative proposal.*

*It is in the interests of the VRC to establish controls that result in a high quality outcome, in terms of both architectural language and principles of good urban design.*

Mr Townshend advised that the Greenland proposal had been in a “shovel ready position” but that Greenland was “now out of the picture”. He advised the Committee that the extent of consultation through the Stage 1 process “revealed and persuaded” the VRC that it can do better. He noted that the evolution of ideas and the advice that results from the Committee
process will best inform how the site might be developed, as “the VRC is not a developer in its own right”.

This position came as a surprise to many at the Hearing, including the Committee. As the draft amendment documents were based on the indicative Greenland proposal, the submissions received during exhibition related to and commented on that exhibited version. This left some parties in a quandary, but nonetheless, the submissions remained relevant as they addressed key issues such as traffic, community, built form and other considerations that are not materially altered, despite the change. Many parties to the Hearing commented on the change in circumstances, and the uncertainty surrounding the proposals.

As the Hearing progressed, and in particular in response to the various submissions made and the compelling evidence provided by Prof. Jacques for the VRC, the Committee requested Prof. Jacques to undertake further work and provide a draft of his concept ideas for the sites to assist the Committee better understand his position. This led to the VRC formally tabling a revised Comprehensive Development Zone and Plan at the conclusion of the Hearing that took this ideology further.

At the direction of the Committee, this was circulated to all parties to the Hearing, who were then provided with an opportunity to comment on the revised and final version of the Amendments. In this regard, eight further submissions were received. Table 3 outlines what the revised Amendment documentation for Flemington Green and Epsom Road provides for.

Table 3 Revised amendment summary for Flemington Green and Epsom Road

| Three buildings ranging from 14-25 storeys | One tower of 31 storeys |
| 740 dwellings | 398 dwellings |
| 2,000 square metres for shop, with 900 square metres for other uses | Limited retail and services (800 square metres for shop, food and drink, office and place of worship) |
| 7.06 per cent public open space (land) | 5 per cent public open space (cash) |
| $1,877.92 in community infrastructure contribution per dwelling | $2,005.90 in community infrastructure contribution per dwelling |
| 15 affordable housing dwellings |

For ease of reading and understanding, the Committee refers to the exhibited version of the Amendments as the ‘Greenland’ proposal and the revised version as the ‘Jacques’ proposal.
3  Existing conditions

3.1  Locational context

The Flemington Racecourse precinct forms part of Melbourne’s inner northwest and is located approximately five kilometres from the Melbourne Central Activities District (CAD). In its wider context, the Flemington Racecourse precinct is proximate to a number of major growth and urban renewal areas, including the Footscray Metropolitan Activity Centre, the Parkville Employment Cluster and the urban renewal precincts of Arden-Macaulay, Dynon, City North and E-Gate.

The Flemington Racecourse precinct is characterised by proximity to existing and future nodes of activity and employment, including the Racecourse Road Activity Centre, the Union Road Activity Centre and the proposed Flemington Rail Corridor ‘Potential Urban Renewal Precinct’. In both its wider and immediate context, the Flemington Racecourse and Melbourne Showgrounds precinct is embedded within Melbourne’s inner west, which has become a significant location identified for future urban growth.

The Flemington precinct is located between the Craigieburn and Sunbury rail lines and includes the alignment of the Flemington spur line. The Epsom Road site is served by tram route 57, which runs along Epsom Road and connects West Maribyrnong to Elizabeth Street/Flinders Street Station in the city, and a range of bus routes which operate in the vicinity of the Racecourse.

3.2  Built form and land use

The two sites comprise mostly vacant land. The Flemington Green site is occupied predominantly by an asphalt car park with some trees, and includes four residential properties facing Fisher Parade. The Fisher Parade properties are proposed to be demolished so that the entire site is available for redevelopment. However, at the Hearing, Moonee Valley City Council advised that two of these properties, 42 and 44 Fisher Parade are proposed to be heritage listed (Document 94).

The Epsom Road site is landscaped open space containing grass and trees and includes the heritage-listed Jockeys Convalescent Lodge, an octagonal structure that occupies a small percentage of the overall site.

(i)  Adjacent land uses: Flemington Green Site

The Flemington Green site is in two parcels bisected by the L-shaped road reserve of Leonard Crescent. The smaller parcel is to the north and west of Leonard Crescent and the larger parcel to the east and south.

Residential properties are located to the north, on the west side of Leonard Crescent and the east side of Fisher Parade. Those facing Leonard Crescent include recently constructed multi-unit apartment buildings, with the building abutting the development site at 28 - 30 Leonard Crescent being four storeys in height. The west side of Leonard Crescent is undergoing redevelopment with apartment buildings of similar scale to that at 28 - 30 Leonard Crescent creating a new streetscape and higher density housing.
The east side of Fisher Parade comprises low-rise residential development whose rear boundaries abut the site.

The Showgrounds abut the east side of Leonard Crescent. This part of the Showgrounds contains free-standing buildings on land that slopes down towards the east. Of relevance is the existing Sheep Pavilion for which Heritage Victoria has recently consented to its demolition.

Land owned by VicTrack is located to the east and south-east of the site and includes rail lines and the Flemington Racecourse station. There is a linear stand of trees along part of this site boundary, some within the site and some on VicTrack land, which abuts the Racecourse.

Land uses to the south include the Hill Gates and open space used for car parking and ancillary uses abutting the historic bluestone wall. Landscaped open space is located south of the wall, and this area is used during major race meetings. The bluestone wall, which extends to the south along Fisher Parade, is of heritage significance and is to be retained and its visual context respected.

Fisher Parade, which is located to the west of the site, contains residential development of low-rise configuration, with most properties extending to the bank of the Maribyrnong River. Due to the slope of the land, these buildings step down the slope and have up to eight residential storeys.

(ii) **Adjacent land uses: Epsom Road site**

The Epsom Road site is an irregular parcel of land approximately one hectare in area. It is located between the Quest Apartments to the south-east and the VRC offices to the north-west. A 22 storey residential redevelopment (known as the ‘Only’ building) is under construction on a triangular site located at the intersection of Epsom and Ascot Vale Roads. Small-scale commercial properties are located on the north side of Racecourse Road and Newmarket Reserve, and the Flemington and Kensington Bowling Club occupy a triangular site located on the south side of Racecourse Road.

The Quest Apartments are low rise buildings set in landscaped grounds with areas of open car parking.

The Victoria Racing Club’s offices are a low-rise building situated in a landscaped setting with surface car parking some 40 metres to the northwest of the site. West of the site the land slopes steeply to an internal access road, with stables and other buildings associated with horse training abutting the west side of this road.

The north western boundaries of the Epsom Road site reflected the proposed built form of the Greenland proposal.

Figure 2 shows the subject land and its immediate surrounds.
3.3 Transport network

(i) Roads

Although the two sites are approximately 2.3 kilometres apart, a number of components in the transport network are common to both. Direct vehicular access to the Flemington Green site is only available via Leonard Crescent which connects to the Langs Road/Fisher Parade/Farnsworth Avenue arterial road. The northern end of this route (Langs Road) connects into Epsom Road and the southern end (Farnsworth Avenue) connects into Ballarat Road, which continues east as Smithfield Road, which intersects with Epsom Road. Both Farnsworth Avenue/Fisher Parade and Ballarat Road/Smithfield Road cross the Maribyrnong River. Racecourse Road and Ascot Vale Road are arterial roads that intersect with Epsom Road at a roundabout.

(ii) Public transport

Figure 3 shows existing public transport services located in the vicinity of the sites. The route 57 tram runs from West Maribyrnong to Elizabeth Street, Melbourne along both Epsom Road and Racecourse Road. Peak hour services operate at 10 minute intervals.

A rail spur line runs from the Flemington Racecourse station, approximately 200 metres from the Flemington Green site and connects into Newmarket railway station on the Craigieburn line. The spur line operates during the Royal Show and the spring racing carnival and is used on a daily basis to store trains during the off-peak period. However, PTV advised the Committee that it has no plans to initiate or operate a regular commuter service on the spur.
line to serve the proposed developments. Newmarket Railway Station is located approximately 800 metres from the Epsom Road site.

Bus route 472 links Moonee Ponds with Williamstown along Farnsworth Avenue/Fisher Parade/Langs Road and connects with both Ascot Vale and Footscray railway stations. Weekday peak hour services run at 15 minute intervals with 30 minute off-peak and 60 minute frequencies on a weekend. Route 404 links Footscray with Newmarket along Smithfield Road, Epsom Road and Ascot Vale Road. Peak hour services operate at 20 minute intervals with 40 minute off-peak and Saturday services. Route 409 links Yarraville with Highpoint Shopping Centre along Farnsworth Avenue. Peak hour services operate at 30 minute intervals with 60 minute off-peak and weekend services. A 30 minute night rider service, route 942, operates along Smithfield Road and Racecourse Road, linking St Albans with the CAD.

![Map of public transport services in the vicinity of Flemington Racecourse](image)

Figure 3  Public transport services in the vicinity of Flemington Racecourse

(iii) **Pedestrians and cyclists**

Off-road bicycle paths are located on both sides of Maribyrnong River west of Farnsworth Avenue and beyond Smithfield Road which provide connections from the CAD to Highpoint Shopping Centre. On the north side of the river the path provides a tenuous link to Fisher
Parade. Farnsworth Avenue/Fisher Parade/Langs Road, Epsom Road and Ascot Vale Road are shown on VicRoads Proposed Principal Bicycle network. However, the Committee doubts that safe on-road bicycle access could be provided on these routes.

Racecourse Road is shown to be part of the Principal Bicycle Network, although bicycle markings on this route are inconsistent. Pedestrian pathways, other than along the road network and on the shared paths are limited for both sites, with long distances between signalised pedestrian crossings. Pedestrian safety, particularly adjacent to tram and bus stops is at risk due to the absence of pedestrian crossings.

(iv) Car parking

None of the traffic engineering reports submitted on behalf of the VRC provided information on the number of off-street parking spaces available on the Flemington Green site. On Day 2 of the Hearing, the VRC tabled Document 29, which identified four “event mode operation areas” able to be relocated into other areas within the Racecourse, including car parking adjacent to the VRC offices. The VRC document indicated that the “formal and informal” parking areas on the Flemington Green site had a capacity of 508 parking spaces. The expert evidence statement provided by O’Brien Traffic for Moonee Valley City Council estimated that the sealed parking areas east and west of Leonard Crescent contain 410 parking spaces, and noted “other unsealed areas within the boundaries of the site are also used for parking at times”.

The Melbourne Showgrounds Master Plan Report, October 2014, (provided to the Committee as part of Stage 1) indicated on the Context Plan that 525 formal and informal parking spaces are available on the Flemington Green site. The same document indicated that approximately 3500 formal and informal parking spaces are available within the Racecourse between Members Drive and the taxi access road.

3.4 Traffic volumes

None of the traffic evidence provided to the Committee referred to daily traffic volumes. Based upon the traffic volume data provided and assuming that peak hour volumes represent 10 per cent of daily volumes, Table 4 summarises the Committee’s estimated two way daily traffic volumes for non-major event periods.
Table 4  Estimated Daily Traffic Volumes

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimated Daily Traffic Volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Langs Road at Epsom Road</td>
<td>11,500 to 12,500</td>
</tr>
<tr>
<td>Epsom Road</td>
<td></td>
</tr>
<tr>
<td>• Langs Road to Union Road</td>
<td>16,000 to 17,500</td>
</tr>
<tr>
<td>• Roundabout to Members Drive</td>
<td>15,000 to 17,000</td>
</tr>
<tr>
<td>• Racecourse Road to Smithfield Road</td>
<td>19,000 to 22,500</td>
</tr>
<tr>
<td>Ascot Vale Road</td>
<td>13,000 to 15,000</td>
</tr>
<tr>
<td>Racecourse Road – east of roundabout</td>
<td>9,500</td>
</tr>
<tr>
<td>Fisher Parade, south of Leonard Crescent</td>
<td>11,000 to 12,250</td>
</tr>
<tr>
<td>Smithfield Road west of Epsom Road</td>
<td>27,000 to 31,000</td>
</tr>
<tr>
<td>Farnsworth Avenue, north of Ballarat Road</td>
<td>10,000 to 11,500</td>
</tr>
</tbody>
</table>

Insufficient data was provided for Leonard Crescent to derive an average daily traffic volume. However, the impact of events held at the Showgrounds is reflected by comparison of traffic volume data collected by GTA and Traffix. The morning two way peak hour volume on Leonard Crescent east of Fisher Parade, recorded by GTA was 26 vehicles per hour (vph), while the Traffix data, collected during the Caravan and Camping Show, was 73 vph. During the evening peak hour GTA recorded 66 vph while 310 vph was recorded by Traffix. Leonard Crescent is anticipated to carry less than 1000 vehicles per day (vpd) except during the spring carnival, the Royal Show and other major events.

Reference to Table 4 indicates that apart from Smithfield Road and Epsom Road between Racecourse Road and Smithfield Road, the daily volumes are “moderate” by inner urban arterial road standards.
4 Strategic planning context and considerations

Clause 26 of the Terms of Reference require the Committee to consider:
- the objectives of the Planning and Environment Act 1987 and any other relevant provisions of the Melbourne and Moonee Valley Planning Scheme.

4.1 Planning framework

(i) Planning and Environment Act 1987

There is an obligation to facilitate development in accordance with the objectives at Clause 4 set out in the Planning and Environment Act 1987. The present and future interests of all Victorians must be balanced by considering the relevant objectives of planning below:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

(b) ...

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

...

(ii) State Planning Policy Framework (SPPF)

Clause 9 refers to the Metropolitan Planning Strategy, Plan Melbourne: Metropolitan Planning Strategy (2014). The vision as set out in Plan Melbourne seeks to transform Melbourne into a “global city of opportunity and choice” by “developing in defined areas near services and infrastructure”.

Plan Melbourne provides strong general support for urban renewal and the redevelopment of underutilised land within established areas. Particular areas of Melbourne that are designated for urban renewal/redevelopment are identified as ‘an expanded Central City’, National Employment Clusters, Core Industrial Areas and activity centres. Figure 4 shows that neither of the two subject sites are identified as urban renewal areas within the expanded central city, however are close to the outer north-west edge.

Figure 5 identifies the Flemington – Newmarket Precinct as a ‘Potential urban renewal opportunity/investigation area’. The area identified conceptually includes the Epsom Road site, but not the Flemington Green site.
MAP 10 – AN EXPANDED CENTRAL CITY
SOURCE: DEPARTMENT OF TRANSPORT, PLANNING AND LOCAL INFRASTRUCTURE, 2014

Figure 4  Map 10 – An expanded central city (from Plan Melbourne)
MAP 11 – POTENTIAL URBAN-RENEWAL PRECINCTS AND SITES CLOSE TO RAIL
SOURCE: DEPARTMENT OF TRANSPORT, PLANNING AND LOCAL INFRASTRUCTURE, 2014

MAP 11 Potential Urban-renewal precincts and sites close to rail (from Plan Melbourne)
Clause 10.04 of the SPPF provides guidance to responsible authorities to ensure that planning decision-making meets societal needs by balancing and integrating conflicting planning objectives in favour of net community benefit:

Socially there are various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development. Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. Consistent with the objectives of local government under the Local Government Act 1989, municipal planning authorities are required to identify the potential for regional impacts in their decision-making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources. (Committee emphasis added)

Clause 11 relates to Settlement, with Clause 11.01-2: Activity Centre Planning having as objectives:

- To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- Encourage a diversity of housing types at higher densities in and around activity centres.

Clause 15 relates to Built Environment and Heritage, and notes that:

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Clause 16: Housing notes in Clause 16.01-2 Location of residential development:

- To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
- Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.

Clause 16.01-3 relates to Strategic Redevelopment Sites, and identifies strategic redevelopment sites that are:

- In and around Central Activities Districts.
- In or within easy walking distance of Principal or Major Activity Centres.
• In or beside Neighbourhood Activity Centres that are served by public transport.
• On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.
• In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.
• Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.

Clause 17 relates to Economic Development, and encourages planning for commercial, industry and tourism to provide a strong and innovative economy. Clause 17.01 Commercial, directs the below strategies for businesses:
• Locate commercial facilities in existing or planned activity centre.
• Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
• Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Clause 18 relates to Transport, with relevant objectives including:
• To create a safe and sustainable transport system by integrating land-use and transport.
• To coordinate development of all transport modes to provide a comprehensive transport system.
• To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.
• To ensure an adequate supply of car parking that is appropriately designed and located.

Clause 18.01-1 relates to Land Use and Transport Planning, and identifies strategies to integrate public transport services and infrastructure to new developments by:
• Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
• Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of the urban area.
• Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.
• Providing routing, bus stop and interchange arrangements for public transport services in new development areas.
(iii) Local Policy Framework

Melbourne Planning Scheme

The Epsom Road site and part of the Flemington Green site are located within the City of Melbourne. Key local policy is outlines further.

Clause 21.04-1: Settlement (Growth Area Framework) of the Melbourne Planning Scheme states that the current characteristics of the City must be retained by:

- Targeting urban growth and development into specific areas of the City.
- Enabling ongoing but incremental growth and development in those parts of the City needing constant renewal of their vitality.
- Maintaining the existing character in valued established areas.

The Melbourne Municipal Strategic Statement identifies five geographic areas as follows:

- The original city centre (the Hoddle Grid).
- Urban renewal areas.
- Proposed urban renewal areas.
- Potential urban renewal areas.
- Stable residential areas.

The Racecourse Rail Corridor between the Flemington Racecourse and Showgrounds has been identified in the Growth Area Framework as a ‘Potential Urban Renewal Area’. It has been identified as a long-term option (through Strategy 1.6) for future urban renewal, however the it notes the area’s potential for urban renewal will depend on future options of a rail service to the area.

Clause 21.15-2 relates specifically to the potential urban renewal areas of Flemington and Kensington, and identifies a number of relevant strategies that relate to Economic Development, Built Environment and Heritage and Transport. These strategies include to:

- 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.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of Kensington and Flemington.
- Strengthen pedestrian links between Flemington Racecourse and the Footscray Botanical Gardens across the Maribyrnong River.
- Strengthen public space and pedestrian and cycle connections on both sides and across the Maribyrnong River and Moonee Ponds Creek.

Clause 21.07 relates to Housing and Clause 21.07-1 – Residential development notes the following objectives:

- To provide for new housing while preserving the valued characteristics of the existing neighbourhoods.
• To ensure new dwellings are located and designed to protect residents from current and future off-site amenity impacts.
• To ensure the amenity of existing residential uses is protected.
• To support a range of housing tenures, types and options to meet the diverse of housing needs.
• To ensure new residential developments contribute to the social and physical infrastructure of the City.

Relevant strategies for housing include:
• Strategy 1.1 - In areas outside the Central City and Urban Renewal Areas, increase housing quantity and density consistent with the existing character of the area.
• Strategy 1.2 - Encourage the most significant housing and population growth in the Central City and Urban Renewal areas.
• Strategy 2.3 - Encourage all residential developments adjacent to industry, rail corridors and major roads to provide acoustic insulation in dwellings.
• Strategy 3.1 - Ensure that the reasonable expectations of amenity for existing residential uses are maintained.
• Strategy 4.1 - Ensure that in areas where a new built form character is sought, new residential development adds to the vitality, amenity, comfort and safety of the area.
• Strategy 5.2 - Support the provision of facilities and services for residents in new developments, including convenience retail and community facilities.

Moonee Valley Planning Scheme

Part of the Flemington Green site is located within Moonee Valley City Council.

Clause 21.05 of the Moonee Valley Planning Scheme relates to Housing, and the objective of Clause 21.05-1 – Housing Growth is:
• To provide a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households.

This is to be achieved through the following strategies:
• To encourage residential development in locations which have the capacity for change due to accessibility to public transport, services, commercial and shops, within existing activity centres or along major transport routes.
• To encourage housing growth while ensuring that new residential development does not compromise the heritage and neighbourhood character values of established residential areas.

Policy guidelines are set out for various levels of housing intensification. For High to Substantial Housing Intensification, the guidelines are:
• Consider the majority of housing growth and higher density development to occur within Activity Centres identified in Plan Melbourne, provided that the height, scale and massing of new development is in accordance with the requirements and recommendations of adopted structure plans or
strategies for those centres, and that development respects the surrounding built form context.

Clause 21.07: Activity Centres identifies six activity centres consistent with Plan Melbourne, as well as a number of neighbourhood activity centres. The Flemington Green site is not identified in this clause.

(iv) Strategic policy

The Committee was referred to numerous policy documents supporting achievement of planning policy and direction, many of which were tabled. These included (but are not limited to):

**Flemington Green site:**
- Moonee Valley Housing Strategy 2010 (Document 27)
- Maribyrnong River Valley Design Guidelines (Document 28)
- City of Melbourne Open Space Strategy (Document 35)
- Standard Development Contributions Advisory Committee (SDCAC) Report 2 - "Setting the Levies" (Document 48)
- Public Transport Accessibility Model (Document 51)
- Moonee Valley Open Space Strategy - Chapter 4 (Document 52)
- City of Melbourne Height Controls (Document 60a)
- Urban Renewal Areas and Key Sites (Document 60b)
- City of Melbourne 'Homes for People' Housing Strategy (Document 63)
- RASV Redevelopment (Document 75).

**Epsom Road site:**
- Moonee Valley Racecourse Road Major Activities Structure Plan (Document 24)
- City of Melbourne Open Space Strategy (Document 35)
- City of Melbourne Newmarket Reserve Master Plan, July 2011 (Document 36).

These documents have been taken into account as appropriate in the following chapters of this report.

4.2 Submissions and evidence

The VRC’s position in response to submissions regarding the strategic planning context is that despite a lack of implicit local policy support, there is broad strategic planning policy support for the proposals. The sites are viewed as an opportunity to undergo substantial change that in its opinion, is supported by Plan Melbourne. In his evidence for the VRC, Mr Milner noted that:

*The sense and the experience of the public transport and road network being congested and the local community facilities being at capacity is appreciated. However it is not a condition unique to the Flemington, Epsom and Kensington areas. On one view it is a metropolitan condition with the experience being particularly acute in the inner city.*
An Urban Renewal Site is by definition an underutilised piece of land close to jobs, services and public transport infrastructure suitable to provide new housing, jobs and services. Flemington Hill and Epsom Road either already have, or have the ability to, deliver all of these attributes.

The City of Melbourne argued that there is a lack of strategic justification for the proposed density, citing the Melbourne Planning Scheme as a reference. The Racecourse Rail Corridor is identified as a ‘Potential Urban Renewal Area’ with the potential being dependent on a regular rail service. Furthermore, the Epsom Road site is located in an area of ongoing and incremental growth. Council considered that “the 31-storey tower which the amendment proposes is considered overwhelming, totally dominant and out of context with the area”.

In his evidence for the City of Melbourne, Mr Barnes contended that:

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.

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.

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.

Moonee Valley City Council did not call planning evidence and it relied on its primary submission regarding key planning issues.

The Kensington Association remarked that the proposal is an “unjustified, excessive and inappropriate over-development of the two sites”.

One submission claimed the VRC has failed to demonstrate a “strategic need .. for the density and quantity of housing proposed” and pointed to the number of vacant apartments in the nearby Edgewater and Travencore estates, while another noted that “Much of the justification for the project as set out in the Planning Report above appears to be pure spin ... in order to have the developments proceed and raise sufficient funds for the VRC to replace the old members stand with a new (private/members only) stand”.

With regard to strategic planning justification, a further submission argued that “the development is not identified as a priority in government planning documents” and that “the VRC fails to demonstrate that a strategic need exists for the density and quantity of housing proposed”. The submission stated that many shops in the area have failed and there is no demonstrated need for more shops.
4.3 Discussion

In reviewing State and local policy, the Committee provides its assessment and summary of the strategic imperatives for the proposals.

(i) Whether the sites are appropriate for mixed use, but predominantly residential development

Land not previously used for residential purposes in metropolitan Melbourne is often identified as capable of redevelopment for that use as a means of intensifying urban growth in built-up areas. The goals of increasing residential densities and assisting in achieving urban consolidation by conversion of suitable land to housing is increasingly common, and is encouraged by State policy.

Both the Flemington Green and Epsom Road sites are located in areas that are adjacent to or close to existing residential areas and have access to the many local and community services that are required by residents. In terms of their location within inner Melbourne, these two sites are logical candidates for residential use. The key issue in resolving the form of residential development relates to the density and built form outcomes.

(ii) Whether the locations for new uses on the sites are appropriate

The Flemington Green site consists of houses fronting onto Fisher Parade, an asphalt car park and unpaved areas used for informal car parking during major events. The southern section of the car park is used for media facilities during major racing events. The dwellings on Fisher Parade are proposed to be demolished to create two sites, separated by Leonard Crescent.

The VRC proposes that the land be rezoned to Comprehensive Development Zone to allow predominantly residential development with some ancillary uses, and to define the extent of residential use on the site. The Committee heard little in the way of evidence or submissions that the land is not suitable for some form of residential use.

Some submitters suggested that redevelopment should be deferred until the perceived inadequacies of local facilities and public transport are resolved and improved services are provided. The VRC took the opposite view, arguing that if residential development proceeds, local services and public transport will follow to meet the increased demand.

Given the location, the adjacency of residential uses and the locational attributes of the site, it is clear that the land is suitable for residential use, with some ancillary supporting non-residential uses. The issue that occupied much of the Hearing was the extent and built form of such residential development.

The Epsom Road site is more straightforward, with the key issues being the introduction of residential use on a site that is not part of an established residential location, the intensity and built form of the proposal, vehicular access to the site and the visual impact on the Epsom Road streetscape and views over the Racecourse.
(iii) Extent to which factors influence the amount of residential development

Urban form - building scale and identity, 'place-making', landmark roles

The Flemington Green site is within an urban setting that exhibits a number of elements that assist in determining appropriate built forms and hence the number of dwellings. These elements include:

- the site’s elevated location, with expansive views from both lower and higher levels of any building
- the site's interfaces with abutting land uses
- the site's adjacency to Flemington Racecourse and the cultural and symbolic synergies that this offers
- the proximity to public open spaces, mainly along the Maribyrnong River
- built form in the immediate area
- the potential for an integrated urban design of private development and public spaces due to the relatively large site, with high levels of environmentally efficient design, construction and operation
- the potential for built form solutions which exhibit some visual presence, from close and more distant vantage points, and buildings which do not adversely impact surrounding land uses
- the capacity of roads, public transport and community services to accommodate additional residents.

The Epsom Road site is within the Racecourse curtilage and has a number of elements that are relevant in determining the built form and scale of any building on it. These include:

- the site’s location abutting Epsom Road at a roundabout
- the views from the site over the Racecourse and beyond, both from Epsom Road adjacent to the site and from the site itself
- the heritage-listed Jockeys Convalescent Lodge and its landscaped setting
- the nearby low-rise buildings on both sides of Epsom Road, and the high-rise apartment building under construction on the corner of Epsom Road and Ascot Vale Road
- proximity to public transport and retail facilities.

Public transport capacity, with and without the spur line operating as a full service line and within the wider context of the spur line redevelopment capacity/potential

This is mostly addressed in Chapter 5, but in summary, the former Greenland proposal assumed that the spur line would have regular train services and that this would meet part of the transport task. As noted in Chapter 5.3, the PTV advised the Committee that it has no current plan or intention to introduce regular train services onto the spur line, due mainly to the current inability of the Craigieburn line, to which the spur line is connected, to carry more trains.

The Committee considers that there may be other solutions which allow some train operation on the spur line without requiring additional trains on the Craigieburn line between the city loop and Newmarket Station. While the Committee has not investigated
such possibilities, the prospect of a shuttle service which stops short of the Craigieburn line near to Newmarket Station may have some merit and is worthy of further investigation.

However, the Committee is aware of overcrowding on the Craigieburn line and at Newmarket station during peak periods, but considers that this is part of a wider challenge for PTV. The potential to make better use of the spur line and its existing infrastructure should be explored. The spur line has a catchment that is greater than Flemington Green, and the provision of a regular train service would assist in meeting the broader transport task in the area which is currently limited to one bus route and one tram route.

**(iv)** **Consistency with Plan Melbourne and/or Plan Melbourne 'Refresh'**

Melbourne’s urban growth and development is guided by strategic planning documents such as *Plan Melbourne: Metropolitan Planning Strategy* (2014) and its supplementary document *Plan Melbourne Refresh: Discussion Paper* (October 2015).

*Plan Melbourne* states (page 54) that locations that will be needed to accommodate Melbourne’s long-term population growth, and “will be within designated urban renewal precincts, including areas of existing and proposed high job density, Metropolitan Activity Centres, near railway stations and in identified residential growth zones”.

While the Flemington Green site may not meet all these criteria, *Plan Melbourne* does not specifically preclude the identification of new sites for housing development. Flemington Green is adjacent to a residential area that is undergoing intensification and is clearly a popular residential precinct.

**(v)** **Consistency with stated strategic planning objectives of each Council**

The primary submission of the City of Melbourne highlighted its objection to the proposed amendments due to the lack of strategic justification for the proposed density of development at the two sites.

The Council’s position was that, while every development proposal cannot be anticipated, the proposal has “no identifiable support in a strategic planning policy context”. Council did however, note that the Flemington Green site is specifically mentioned in the LPPF of the Melbourne Planning Scheme as a potential long term development opportunity contingent on the introduction of regular rail services on the spur line.

Council referred to its Open Space Strategy, the Newmarket Reserve Master Plan, and the ‘Homes for People’ Housing Strategy.

The City of Melbourne’s overall vision is based on its plan *Future Melbourne 2008*. The plan sets out a vision for the municipality to be a “bold, inspirational and sustainable city”. In relation to this proposal, City of Melbourne’s strategic planning objectives are:

- **To accommodate the municipality’s growth over the coming 20 to 30 years** the footprint of intensive growth areas will need to expand beyond Central City (Hoddle Grid, Docklands and Southbank) into designated new urban renewal areas.
- **Development in established residential areas will be limited to respect the existing neighbourhood character and heritage values of these areas.**
• Protecting existing built form character and heritage, in addition to providing an attractive and liveable built environment in parts of the City where development will intensify is essential. Also important is minimizing the ecological footprint of the City and managing the City so that it is responsive to climate change
• An important role for the city is in providing housing to accommodate the expected significant population growth. In a densely developed city, it is a challenge to achieve a diversity of housing choices, housing affordability, a good standard of building design and amenity.

The Plan has specific objectives in relation to Settlement, Built Environment and Heritage, Housing, Economic Development and Transport.

The original submission of Moonee Valley City Council described the strategic planning environment as it affects the sites and the proposal, with reference to applicable policies of the Planning Scheme. In its submission and during the Hearing, Council referred to a number of plans and strategies that relate to the planning context of the Flemington Green site. These included Plan Melbourne, the Moonee Valley Housing Strategy, the Neighbourhood Character Guidelines - Garden Suburban 6, the Racecourse Road Major Activities Areas Structure Plan, the Union Road Major Activities Area, the Maribyrnong River Valley Design Guidelines, and the Moonee Valley Open Space Strategy.

Moonee Valley’s strategic planning objectives are based around its strategic planning visions. Recognising the municipality as a ‘City in transition’, the relevant visions to this proposal are:
• An inclusive, sustainable and liveable community where all residents will enjoy a good quality of life.
• A diverse range of housing that anticipates the needs of existing and future residents, that is built in appropriate locations and that supports and improves community health and well-being.
• New development will enhance the existing areas unique character or cultural significance.
• For architecture and building design to respond to the environment, local character and context of the area. To have development that is designed and managed in an environmentally sustainable manner, where public safety and health and wellbeing are prioritised, and that activates the public realm.
• To have a range of choices for how people move within and to and from Moonee Valley, and improved transport amenity and safety. This will be based on sustainable transport principles.
• A linked, sustainable and accessible system of quality open spaces and community facilities valued and well used by the community.

(vi) Compatibility with current forward planning of the RASV site

The Royal Agricultural Society of Victoria (RASV) produced the Melbourne Showgrounds Masterplan Report, October 2014. The aims of the Report are:
• to document future physical building location and massing over the next 5 to 10 years
• to plan for future development with a high degree of certainty, commitment and confidence
• to minimise impact created by the further development
• to manage parking supply and access having regard to existing constraints.

The Masterplan discusses the various activities that occur within the Showgrounds and the operational requirements of each, particularly as they impose upon surrounding land uses, roads and the nearby residential community.

Of relevance in terms of strategic considerations, is the use by RASV of land within the Flemington Green site, the impacts that the loss of this land would have on RASV operations, and the proposed changes to the Showgrounds site. This is particularly so for that part of the site that is close to the Flemington Green site, and how this might impact any proposed residential development on that land.

The Masterplan (at page 8) notes that a total of 3,800 formal and informal car parking spaces are available to RASV within the VRC site, comprising 3,500 spaces in the Nursery and Members parking areas, and 300 spaces around the Rails and Birdcage enclosures.

The Committee accepts that the sharing of parcels of land within the Racecourse between the VRC and the RASV during major events at both sites is adequately resolved.

The portion of the RASV site which abuts the Flemington Green site is known as the Western Support Area, part of which is designated in the Masterplan as the Carnival Zone and is the location for rides, showbags and entertainment. It is an area that has been designated for these uses as it is remote from the residential area on the west side of Leonard Crescent, and it will minimise noise and other impacts on nearby residents. During events other than the Show, this area is used for car parking.

The nearest part of the Flemington Green site is about 60 metres from the Carnival Zone while the nearest residential properties on the north-west side of Leonard Crescent are about 140 metres distance. In terms of noise impacts it is relevant that the northern part of Flemington Green is at a lower level than the ridge along Leonard Crescent, leading to potential increased noise impacts. It is further relevant that the Carnival Zone operates only as a rides and entertainment area during the days of the Show and not, as the Committee understands, at other times when it is used for car parking. Other issues relating to noise and amenity impacts is further dealt with in Chapter 7.

4.4 Findings and recommendations

4.4.1 Findings

The Committee makes the following findings in responding to Clause 26 of the Terms of Reference:

The objectives of the Planning and Environment Act 1987 and any other relevant provisions of the Melbourne and Moonee Valley Planning Scheme.

Overall, the Committee considers the proposal meets the broad aspirational planning objectives of the State, the City of Melbourne and Moonee Valley City Council, as it will
provide additional housing for future population growth in or near established residential areas. However, to be taken forward, the proposal will need to address the key issues of transport connectivity, density and built form.

The Committee notes that incremental change has occurred in the surrounding area and the site is identified as a ‘Potential Urban Renewal Area’ in the Melbourne Planning Scheme. Such areas have been identified as long term urban renewal options that are dependent on a regular rail service to the area. Given that the Committee has been advised that the rail spur line is not proposed to be activated in the short term, residential development of the density proposed needs to be further reviewed.

In contrast, the Epsom Road site is less contentious due to its location at the intersection of several main roads, its direct tram access and convenient distance to the Newmarket activity centre and train station. However, the density and built form in this location also requires further review.

For reasons that emerge during the course of this report, the Committee provides its support for approval of the Comprehensive Development Zones as they meet broad strategic planning policy imperatives, but it has determined that more work needs to be undertaken to provide support for the Comprehensive Development Plans. Hence it recommends that the Comprehensive Development Plans not be approved at this stage.

4.4.2 Recommendations

For the reasons expressed in this report, in summary, the primary recommendations of the Committee are:

1. Adopt that part of Amendment GC40 to the Melbourne and Moonee Valley Planning Schemes relating to Schedule 3 to the Comprehensive Development Zone for Flemington Green, subject to the modifications in Appendix E, and progress it as a section 20(4) approval subject to the provisions of the Planning and Environment Act 1987.

2. Undertake a complete review of that part of Amendment GC40 to the Melbourne and Moonee Valley Planning Schemes relating to the Comprehensive Development Plan for Flemington Green.

3. Adopt that part of Amendment C290 to the Melbourne Planning Scheme relating to Schedule 4 to the Comprehensive Development Zone for Epsom Road, subject to the modifications in Appendix F, and progress it as a section 20(4) approval subject to the provisions of the Planning and Environment Act 1987.

4. Undertake a complete review of that part of Amendment C290 to the Melbourne Planning Scheme relating to the Comprehensive Development Plan for Epsom Road.
Part B: Assessment
5 Traffic considerations

Clause 27 of the Terms of Reference require the Committee to provide:

An assessment of the following issues as they relate to the use and development of each precinct:

- ...
- Integrated Transport and Access Plan (ITAP) response to traffic, car parking and public transport movement, provision and access, including the proposal’s response to Showground traffic management and significant events; and
- Pedestrian access and movement though the precincts, in particular on event days, and connections to the existing networks.

5.1 Key issues

The key issues raised in relation to traffic and transportation matters are as follows:

- the road network is already congested
- the public transport system is inadequate and does not have the capacity to cater for the projected demand
- the rail spur line will not be available for commuter services
- pedestrian/bicycle safety and connectivity
- loss of car parking from the Flemington Green development sites and how the shortfall will be accommodated within the Racecourse site
- future car parking demand generated by the proposed residential development
- limited extent of analysis with respect to the traffic impact.

5.2 Policy and supporting documentation

There are National and State policies that refer to land use and transport planning. The National Urban Policy, Our Cities, our Future (2011), articulates the Australian Governments vision and objective for cities. The policy includes an objective to improve transport options and reduce dependence on private motor vehicles.

The National Road Safety Strategy 2011-2020, has a long term aim of reducing the road toll. The National Cycling Strategy 2011-2016, sets a target of doubling the number of people who regularly ride bicycles over the 5 year period.

Plan Melbourne and (Plan Melbourne Refresh) is intended to guide Melbourne’s housing, commercial and industrial development through to 2050. One of the key concepts is “better use of existing assets, including increasing efficiency of road based transport and transport - land use integration”.

The Plan identifies the Epsom Road site as being close to the Flemington/Newmarket potential urban renewal precinct.
The Transport Integration Act 2010 requires that all transport agencies work together to achieve an integrated and sustainable transport system and that land use agencies take account of transport issues in land use decisions.

The SPPF housing policy (Clause 16) encourages the location of higher density housing on sites near activity centres, employment corridors and public transport. Transport policy (Clause 18) seeks the integration of land use and transport including concentrating high density residential development around activity centres and the Principle Public Transport Network.

5.3 Submissions and evidence

Submissions were made to the Committee on behalf of the VRC, City of Melbourne, Moonee Valley City Council, as well as a number of community groups and individuals. The VRC and Councils provided evidence and submissions from traffic engineers, and submissions were provided by representatives of VicRoads and PTV.

(i) VRC

On day one of the hearing, the VRC tabled an A3 set of plans (Document 23) which included proposed mitigation measures at six intersections. The plans showing the mitigation measures were dated 13 November 2015 and are the same as those contained in previous reports prepared by GTA and provided to VicRoads and others in late 2015.

The Integrated Transport Access Plan (ITAP) prepared by GTA included recommendations regarding walking and cycling improvements within and around the development sites. The responsibility for the proposed improvements was allocated to the VRC, RASV, PTV, City of Melbourne, Moonee Valley City Council and “Applicant”, the latter at that stage being Greenland.

Public transport improvements within the Flemington Green site and on the surrounding road network were recommended in the ITAP.

Signalised pedestrian crossings were recommended on Epsom Road and Racecourse Road as well as activation of the rail spur line.

In addition to the traffic engineering reports prepared by GTA on behalf of the VRC, traffic engineering evidence was submitted and given by Cardno and Traffix Group, on behalf of the VRC.

Cardno were appointed in February 2016 to prepare a peer review of the GTA work specifically in relation to traffic modelling, including the assumptions used, the appropriateness of the traffic mitigation works, triggers for delivery of mitigation works and the appropriate parking rates and development controls. Mr Stephen Hunt of Cardno, who prepared the peer review, attended the hearing and was available to speak to this report if required.

No parties had any questions for Mr Hunt, who concluded that the work undertaken by GTA “is generally in accordance with the VicRoads TIAR Guidelines and industry best practice”. He concluded “that the package of works identified in the TIAR provides sufficient increases to capacity within the network to reasonably accommodate variations in generated traffic
beyond the indicative concept plans considered in the TIAR analysis”. Furthermore, the proposed planning controls required an updated ITAP to be prepared and approved in conjunction with a permit application. A permit for buildings and works will require approval of a Traffic Management Plan.

Mr Jason Walsh of Traffix Group was retained on behalf of the VRC “to undertake a traffic engineering assessment of the proposed rezoning of two sites at Flemington Racecourse”. Mr Walsh prepared a report dated 9 March 2016 and presented that report at the hearing. Mr Walsh supplemented the February/March 2014 traffic data quoted by GTA with traffic counts and VicRoads’ Sydney Coordinated and Adaptive Traffic System (SCATS) data collected in February 2016. The February 2016 surveys coincided with the ‘Caravan and Camping Show’ at the Showgrounds and ‘Black Caviar Day’ at the Racecourse.

Mr Walsh undertook Signalised Intersection Design Research Aid (SIDRA) analysis of the critical intersections in the vicinity of the sites based upon “existing” traffic conditions and then superimposed the project traffic volumes onto the road network to establish “post development intersection performance” using the SIDRA model. Based upon this analysis, Mr Walsh concluded “that the proposed mitigation package of roadworks is sufficient for the amendment development yield”.

During questioning from the Committee and Ms Hicks on behalf of Moonee Valley City Council, Mr Walsh indicated that an additional ingress could be provided from Epsom Road into the Epsom Road site. This ingress point would cater for vehicles arriving at the site from the north and west. Mr Walsh agreed that the mitigation works proposed by Mr O’Brien at the Langs Road/Epsom Road intersection was an acceptable solution.

(ii) Moonee Valley City Council

Moonee Valley City Council retained Mr Andrew O’Brien of O’Brien Traffic “to prepare advice and to provide expert evidence on transport matters relevant to the proposed amendments”. Mr O’Brien concluded that the traffic modelling method adopted by the traffic consultants acting on behalf of the VRC “does not clearly represent the likely traffic conditions following development”. He suggested that the Epsom Road intersections with Smithfield Road, Union Road and the Showgrounds Shopping Centre access “require mitigation”. In addition he recommended that some of the intersections proposed for mitigation measures “require additional consideration to ensure they are feasible and safe options”.

Mr O’Brien criticised on-road and off-road bicycle mitigation and improvement measures, pedestrian improvements and entrance arrangements into the Racecourse from Leonard Crescent. He said that in his opinion, “there is a significant omission in that the current use of Flemington Green site as event parking is not examined or addressed”.

In spite of Mr O’Brien’s evidence and opinions, Ms Hicks representing Moonee Valley City Council concluded that there are “no traffic engineering reasons to preclude higher density developments at the sites”.

(iii) City of Melbourne

The City of Melbourne tabled a memorandum dated 19 January 2016, from Mr Poulson, Principal Engineer, Traffic Engineering to Ms Cairnes, Strategic Planner. This memo indicated
that Council had provided input to the Transport Working Group since February 2014 and accepted the inputs proposed by the VRC traffic consultant. However, Mr Poulson expressed concern regarding “a lack of clarity as to how the mitigation measures in the ITAP are to be delivered and by whom”. The memo indicated that further input from stakeholders would be required in relation to “walking and cycling improvements, public transport improvements and road network improvements”. However, “Engineering Services offers no objection is (sic) principle to the road safety improvements proposed as part of road network changes and mitigating works”.

The urban design witness appearing on behalf of the City of Melbourne (Mr Pryor) suggested among other issues that “a park and ride” facility could be provided within the VRC site adjacent to the Showgrounds railway station.

(iv) PTV

PTV representatives attended the hearing and indicated that “PTV does not object to the intent of the Amendment”. Furthermore, PTV noted it “is satisfied that the requirement in each Schedule to the Comprehensive Development Zone to prepare an Integrated Transport and Access Plan for each site, in conjunction with PTV and other key stakeholders can resolve any outstanding matters at the planning permit stage, such as minor concerns over proposed access and mitigation works and the impact these will have on public transport”.

In response to questions from the Committee, PTV provided information on passenger occupancy levels on buses, trams and train services in the vicinity of the sites. The bus surveys were conducted in 2007/8, and 2010, tram surveys in 2010 and train surveys in 2015.

The survey evidence indicated that spare capacity was available on bus and tram routes. In addition, passenger loading surveys conducted during the peak periods at North Melbourne railway station indicated that 60 to 67 per cent of trains on the Craigieburn and Upfield lines had spare capacity during the morning peak and 75 to 83 per cent had spare capacity during the evening peak.

PTV representatives addressed the issue of upgrading the spur line for peak hour services and concluded that there are “A number of operational and infrastructure issues that make the activation challenging”. These included “A very poor catchment of residents, even with these development proposals”, and customer experience “as there are more attractive and frequent public transport options available for residents, it is anticipated that a rail service along the spur would be attractive to very few residents”.

With regard to operational implications, PTV noted “even to provide a very basic service, will result in significant operational challenges to add more services along this already heavily used two track corridor”. And further, with regard to costs, “there are a number of track, infrastructure and signalling enhancements that would need to be considered as part of a feasibility assessment. Activation of the Flemington rail spur “would require the purchase of additional new trains”. More trains using the spur line “would also increase pressure at the Ascot Vale Road level crossing which is not considered a current priority for removal”.

As part of the PTV submission, it undertook a review of the Urbis “Enhancing Accessibility to Melbourne’s changing inner North-West”, report November 2015. The PTV review was
highly critical of the Urbis report for a number of reasons, noting that one the flaws of activating the spur line related to projected patronage levels, with PTV concluding “this would not be sufficient to warrant removing services from the Craigieburn line”.

(v) VicRoads

On 5 April 2016 at the request of the Committee, a representative of VicRoads attended the hearing and tabled a letter to the Committee dated 4 April 2016. Prior to this, VicRoads had confirmed that it agreed with the inputs to the traffic model and the analysis approach adopted.

In summary VicRoads concluded that “the modelling indicates that this development will result in a limited impact on the overall road network”. VicRoads further advised “that the overall impact to services (public transport) will be low” and that “the mitigation presented within the ITAP is a reasonable response to the transport impact created by the development”. However, VicRoads noted “that the mitigation measures outlined in the ITAP are generally of a concept nature and VicRoads believes that detailed design of mitigation measures can be addressed during the planning permit and Road Management Act approval stages of the development”.

The VicRoads letter referred to mitigation measures proposed at the Fisher Parade/Leonard Crescent intersection. Two options were tabled on behalf of the VRC on 21 April 2016. Option 1 provided DDA compliant bus stops and pedestrian crossings with refuges north and south of the Leonard Crescent intersection. Option 2 located both bus stops south of Leonard Crescent and provided only one pedestrian crossing. VicRoads indicated “that it supports Option 1”.

A significant number of car parking spaces used by Showgrounds patrons are located on VRC controlled land. However, submissions made on behalf of RASV did not raise traffic related issues. The Committee asked the RASV representative whether they were happy with the relocation of car spaces, used by Showgrounds patrons, from the Flemington Green site onto the Racecourse site. The Committee was advised that this issue was to be raised at an internal RASV meeting, but was subsequently advised that the matter was not resolved.

(vi) Community

A number of resident submitters and community groups highlighted traffic congestion, using photos and videos, as a justification for not supporting the density of development proposed by the VRC. Most residents accepted the high level of traffic congestion in the area during the spring racing carnival, however, they were critical of other larger events at the Racecourse and Showgrounds that did not warrant Victoria Police traffic control.

The comments related to both sites extending from the Epsom Road intersection with Langs Road to the Epsom Road/Smithfield Road intersection and beyond. Mr Brown for the Kensington Association and as an individual submitter criticised the traffic analysis for neglecting conditions on Epsom Road at the Macaulay Road intersection.

Traffic delays, long queues and motorist and pedestrian safety were issues concerning a number of submitters. The adequacy of on-site car parking was also raised. A number of submitters quoted examples of resident vehicles generated from recent developments being
parked on-street. One submitter indicated that the public transport system adjacent to the sites was “stuck in the 1940s while residential development was racing into the 2020s”.

Resident submitters provided anecdotal evidence of crowded trams and trains that contradicted the up to six year old survey data of PTV. Examples were quoted of waiting for up to three trains at Newmarket railway station before a train could be boarded. One submitter expressed concern that without activation of the rail spur line, problems related to public transport would be created.

Whilst PTV offered to increase peak hour frequencies on bus route 472 from 20 minutes to 15 minutes, some residents indicated it was faster to walk rather than wait for the unreliable 472 bus. Once on the bus, long travel times were experienced on the congested road network. Resident submissions referred to recently released data which indicated a decline in bus patronage in Metropolitan Melbourne.

Resident submitters reinforced Moonee Valley City Council’s proposition that the Flemington Green site was poorly served by public transport and that it is not within convenient walking distance to goods and services, which it noted, are at least 1.5 kilometres away. Furthermore, pedestrian and bicycle access through and adjacent to the Racecourse was discouraged.

Various community submissions expressed concerned that without the activation of the spur line, problems related to public transport would be created, with one noting that “the nearest tram service is over 1.3 kilometres away and is not a practical option for the elderly or disabled” and “the bus service will not cope”. A number of residents argued that public transport impacts will be exacerbated further by the new development, with some commentating about the overcrowding on the Craigieburn train line. One said “Peak hour overcrowding on trains has got significantly worse this year, new data reveals, with the biggest commuter crushes mostly being felt on lines in Melbourne’s north and west”.

Other submissions expressed concern that “the proposal also does not address in detail what improvements will be necessary to address all the issues of traffic and public transport requirements”. Another commented that the increased traffic will “create a chaotic situation in peak hour and on race days and event days”, with another stating that “roads are in grid-lock during peak hours and cannot support any more significant development”.

One submission questioned how the VRC’s development is justifiable “… with thousands of potential new residents utilising the one servicing road of Fisher Parade/Langs Road”.

5.4 Discussion

The majority of submitters acknowledged that traffic conditions in the vicinity of both the Racecourse and Showgrounds during major events is chaotic and even “life changing”. However, they understood that during these periods Victoria Police control traffic flow around the area. What they do not accept is the lack of co-ordination between events at both venues, particularly when there is no police presence.

The traffic evidence presented on behalf of the VRC and the mitigating works proposed was accepted by VicRoads, City of Melbourne and Moonee Valley City Council subject to the minor modifications, including the provision of an additional ingress into the Epsom Road site north-west of the roundabout. The mitigation works proposed will marginally improve
peak hour traffic conditions in the immediate vicinity of the sites. However, traffic conditions south-east of the Smithfield Road intersection and in the Macaulay Road corridor will not be improved by these mitigation works, due to other constraints on the road network.

Elimination of car parking, used by both Racecourse and Showgrounds patrons, from the Flemington Green site will reduce traffic volumes on Langs Road, Leonard Crescent and Fisher Parade. Furthermore, if taxi and bus/coach drop off is transferred from the Hill Gate to the Riverbank Entry Gates during the spring carnival and other major events, further relief will be provided to Leonard Crescent.

The road network in the vicinity of the Flemington Green site will therefore have the capacity to cater for the future traffic generated by the proposed development. Subject to the scale of development proposed, it may be that no mitigation works are required at the Fisher Parade/Leonard Crescent intersection.

The car park adjacent to the Tabaret, which is accessed internally and via Leonard Crescent, is available to Tabaret patrons at all times except during the spring carnival. It would be possible to retain access for Tabaret parking, delivery vehicles and television broadcasting vehicles only, off Leonard Crescent subject to the VRC modifying their “events traffic management plans”.

The Committee is a little puzzled by comments made by VicRoads in its letter of 4 April 2016 that “the mitigation measures outlined in the ITAP are generally of a concept nature and VicRoads believes that detailed design of mitigation measures can be addressed during the planning permit stages”. Apart from the Leonard Crescent/Fisher Parade and Langs Road/Leonard Crescent intersections, there appears to be little scope for changing the concepts shown in the GTA and O’Brien Traffic plans.

The PTV representatives responded to the questions posed by the Committee, and provided justification why the Flemington rail spur line could not be activated. Some of the data they relied upon was six to nine years old. One of the reasons given for not activating the spur line was that train services would need to be diverted from the Craigieburn line. However, 2015 data indicated that there was spare capacity on the Craigieburn line during both the morning and evening peak periods. Furthermore, PTV did not address the potential of a shuttle service running between the Racecourse and Newmarket railway stations or the possibility of running trains with more carriages.

Another reason given for non-activation of the spur line was “a very poor catchment of residents, even with these development proposals”. Examination of the rail network to the north-east and west of the Racecourse precinct reveals the “non-existence” of railway commuter car parking and lack of service. The Craigieburn railway line crosses Buckley Street adjacent to the Essendon railway station. The distance between this crossing and the Maribyrnong River is approximately six kilometres, with residential development abutting this corridor. The same applies between the Maribyrnong Road railway crossing and the western arm of the Maribyrnong River, resulting in a significant catchment of potential rail users with no park and ride facilities and tenuous bus connections.
The provision of a park and ride car park facility (as suggested by the City of Melbourne) within the Racecourse adjacent to the Showgrounds railway station on the spur line, would intercept city bound motorists and provide more rail patrons. This could be a ‘win-win’ situation as it would reduce traffic volumes between the Racecourse and CAD, and provide an incentive for PTV to activate the spur line. It also has the potential to generate an income for the VRC.

The Committee recognises that it is the role and responsibility of PTV to manage the public transport network to ensure that potential passengers can be comfortably accommodated on the system to minimise car use. The Committee understands that PTV have significant demands upon its resources, and it encourages PTV to take this matter forward as part of the Committee’s recommendation to undertake a further review of the Comprehensive Development Plans (see Chapter 9).

Although pedestrian/bicycle paths are available and/or proposed around the perimeter of the Racecourse/Showground precinct, parts of the road network do not encourage use. GTA identified the Farnsworth Avenue Fisher Parade/Langs Road route as a barrier to pedestrian movements. Bus stops along this route are not provided with safe pedestrian crossings. Epsom Road, north and south of the roundabout was similarly described. There is no defined pedestrian cycle path through the Racecourse south from Leonard Crescent and at some locations gates across the pedestrian/ cycle paths are locked, with 24 hour access prohibited.

The only pedestrian route available from the Flemington Green site to the Showgrounds Shopping Centre is via the footpath adjacent to the road network. A distance of approximately 1.3 kilometres, the direct route via the rail spur line reservation and the Showgrounds (which is not available) is approximately 800 metres.

Whilst this issue was not raised at the Hearing, the Committee considers there may be merit in the VRC providing, in addition to the Epsom Road access points, a connection from the basement car park in the Epsom Road site to Stables Drive and the signalised intersection on Smithfield Road. Vehicular access between the development and this route would only be available via a ‘key card’ or similar device.

The area bound by the Maribyrnong River, Smithfield Road, Epsom Road, Langs Road/Fisher Parade is a clearly defined precinct containing residential, entertainment, retail and recreational land uses. Planning of this precinct is complicated due to its location within two municipalities and the nature of potentially competing/conflicting uses. The Committee considers that in reviewing the Comprehensive Development Plans, work should be undertaken to develop a co-ordinated events program for the VRC and RASV and a transport network serving cars, trucks, buses, trains, pedestrians and cyclists. This is further discussed in Chapter 9.
5.5 Findings and recommendations

(i) Findings

The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

Integrated Transport and Access Plan (ITAP) response to traffic, car parking and public transport movement, provision and access, including the proposal’s response to Showground traffic management and significant events.

The road mitigation works proposed by GTA, and modified as per the O’Brien Traffic recommendations at the Epsom Road/Langs Road intersection are acceptable.

During the planning application process, the proposed treatments at the Langs Road/Leonard Crescent/Chevaull Street/RASV drive and Fisher Parade/Leonard Crescent intersections should be reviewed, as well as the Epsom Road intersections with Union Road, the shopping centre access and Smithfield Road.

An additional ingress driveway to the Epsom Road site should be provided off Epsom Road, beyond the roundabout, as suggested by Traffix Group.

Vehicular access from the basement car park of the Epsom development onto Stables Drive would provide an alternative access point for the Epsom Road site.

The relocation of car parking, used by Racecourse and Showgrounds patrons, from the Flemington Green site, will significantly reduce non-residential traffic from Leonard Crescent.

It would be desirable for the VRC to restrict vehicular access from Leonard Crescent to delivery vehicles, Tabaret patrons and television outside broadcast vehicles when relevant.

The VRC in conjunction with Councils and VicRoads, should investigate the potential of providing a separate right turn on Fisher Parade into the Riverview Entry gate, as well as providing left turn ingress and egress for taxis and buses at this point.

Pedestrian access and movement through the precincts, in particular on event days, and connections to the existing networks

It would be desirable to prepare a transport and event strategy for the precinct defined by the Maribyrnong River, Smithfield Road, Epsom Road, Langs Road/Fisher Parade, including consideration of a commuter park and ride facility within the Racecourse adjacent to the Showgrounds railway station as part of the revised Comprehensive Development Plan process.

(ii) Recommendations

5. Adopt the transport mitigation works as provided in Clauses 6.0 in Appendices E and F.

6. Install appropriate signage on Langs Road to indicate that car parking for Showgrounds and Racecourse patrons is not available off Leonard Crescent.
7. Prohibit taxi and bus access to the Racecourse via Leonard Crescent on major event days.

8. Investigate further (as part of the revised Comprehensive Development Plans):
   a) In conjunction with VicRoads, Moonee Valley City Council, Public Transport Victoria and the Victoria Racing Club, design options for the Fisher Parade/Leonard Crescent intersection.
   b) In conjunction with the relevant authorities, the possibility of constructing a fully directional intersection on Fisher Parade at the Riverbank Entry to be used by taxis and buses during major events.
   c) The possibility of providing a commuter park and ride facility using the existing Victoria Racing Club car parking area located between Members Drive and the taxi access road.
   d) With Public Transport Victoria, the possibility of providing a shuttle train service from the Flemington Racecourse railway station to Newmarket station.
   e) With the Royal Agricultural Society of Victoria and Public Transport Victoria, the possibility of providing a pedestrian/cycle trail along the rail spur reservation and the non-core Showgrounds land to link the Flemington Green site with the Showgrounds shopping centre.
   f) Provision of a safe, 24 hour pedestrian/bicycle path through the Racecourse between Leonard Crescent and the Maribyrnong River trail.
   g) Preparation of a transport and event strategy for the precinct defined by Maribyrnong River, Smithfield Road, Epsom Road, Langs Road/Fisher Parade. This strategy should include a review of Victoria Racing Club operations to enable safe, 24 hour pedestrian and bicycle access through Crown land controlled by the Victoria Racing Club. Further, whether large event activities (combined patrons of 10,000) of the Victoria Racing Club and Royal Agricultural Society of Victoria should be undertaken with Victoria Police traffic control, recognising that this may result in a consequential amendment to the Special Use Zone Schedules 1 and 2 for Flemington Racecourse and the Showgrounds.
6 Urban design, built form and heritage

Clause 27 of the Terms of Reference require the Committee to provide:

An assessment of the following issues as they relate to the use and
development of each precinct:

- General built form and design of the proposed buildings;
- Height limits and the building envelopes proposed;
- Response to significant heritage items;
- Floor space caps for office, shop and place of worship;
- Direct interface with adjoining residential properties (‘Flemington Hill”) and
  with the wider residential area for both precincts;
- Amenity considerations/attenuation response, to protect future residents
  and the ongoing commercially sustainable operation of the Racecourse and
  Showgrounds on event days and evenings;

...  

6.1 Key Issues

(i) Flemington Green

The key issues relating to urban design, built form and heritage for Flemington Green can be summarised as:

- strategic planning at metropolitan and local government levels
- the Greenland proposal and its value as a benchmark to determine an
  appropriate development scenario for the site
- the interfaces with adjacent land uses and any sensitivities of those interfaces
- pedestrian and vehicular access to the Racecourse on race days but also on
  non-race days
- the site’s place in this part of inner Melbourne in terms of residential
  development
- views and vistas to and from the site
- capacity of existing road and bicycle networks and potential upgrades
- availability of and potential increases in community services and facilities
- the evidence of Prof. Mark Jacques regarding site planning.

(ii) Epsom Road

The key issues relating to urban design, built form and heritage for Epsom Road can be summarised as:

- strategic planning at metropolitan and local government levels
- the Greenland proposal and its value as a benchmark to determine an
  appropriate development scenario for the site
- the Jockeys Convalescent Lodge and its role in determining the siting of any
  new building
- the interfaces with adjacent land uses and any sensitivities of those interfaces
• the site’s place in this part of inner Melbourne, and in terms of its site within the Racecourse environs
• views and vistas to and from the site
• capacity of existing road and bicycle networks and potential upgrades, particularly adjacent to the site
• availability and potential increases in community services and facilities.

6.2 Policy and supporting documentation

State planning policy directs that higher density residential development should be located in or near Major Activity Centres that provide good access to public transport, and a range of retail, commercial and community facilities.

A cornerstone of the VRC’s position is that there is State planning policy that supports the development of land in established urban areas and that the capacity of these parcels of land should be optimised. This is a preferable outcome rather than locating the same number of dwellings on the less well serviced urban fringe.

Mr Townshend referred to the principles of Melbourne 2030 and Plan Melbourne as justification for the proposals in principle. He referred to the ‘Only’ building at 1 Ascot Vale Road, a high density, high rise residential building that is not in an activity centre, to support his view that the scale of development at the Epsom Road site is acceptable.

6.3 Submissions and evidence

(i) Victoria Racing Club

The VRC’s opening submissions were general in nature and foreshadowed the calling of evidence, some as peer reviews of the Greenland proposal and some as expert witnesses in various disciplines. Broadly, the submissions reinforced the approach, density, design and built form of the Greenland proposal, however, once it was made clear that there is now no longer any relationship between the VRC and Greenland (at least for the time being), the VRC advised the Committee that the Greenland proposal should be regarded as an indicative development concept only, and not as a specific scheme for which endorsement is sought.

In its opening submissions, the VRC contended that both sites, while surplus to its requirements, are visually and functionally integrated with the Racecourse precinct. The proposed tall buildings are a case of celebrating the landmark that is the Racecourse, with its high density being a stimulus to the provision of new services and facilities.

In terms of height, the VRC considered there should be no negative reaction to the idea of height, stating that “The question is ... whether there is strategic justification for a demure built form outcome which defers to existing character conditions in lower scale areas of the municipalities”.

The VRC noted that the key issues are those of high density and taller built form, and that matters such as building envelopes and traffic mitigation measures are matters of detail. Further, the VRC noted that these sites, because of their location five kilometres from the CAD and in or adjacent to residential areas, are capable of “intensive residential development” despite not being in a designated activity centre.
The VRC stated that these sites can accommodate “considerably greater height than currently exists” due to the height of the ‘Only’ building under construction at 1 Ascot Vale Road, the iconic nature of the Racecourse, and the low potential for adverse community impacts.

The VRC submission endorsed the Greenland proposal, but once the Committee was advised that this proposal was no longer active, it continued to support the land uses, the number of dwellings and heights of the various buildings, as appropriate outcomes for both sites.

The VRC called a number of witnesses who presented expert evidence relating to the built form, urban design and heritage aspects of the Greenland proposal. The fact that the Greenland proposal was no longer under consideration by the Committee altered the nature of the evidence and the discussions that ensued to more general principles while using the Greenland proposal as a ‘reference project’ for assessment and comparison.

Mr Milner, in presenting a peer review of the proposal for the VRC, referred to the sites being at an “infrastructure-rich inner city location”, although he did accept the constraint of the Flemington Green site regarding public transport. In addressing the lack of a structure plan that encompassed the sites, Mr Milner supported the idea of a master plan process to realise the opportunities that the sites offer. Many others at the Hearing supported his opinion in this regard.

The VRC called Prof. Jacques and Dr Graeme Gunn, two acknowledged experts in the area of urban design and architecture.

Prof. Jacques presented the sites and their potential for redevelopment in the context of inner Melbourne’s built form, with emphasis on the issue of building height and the use of terms such as ‘landmark’ and ‘iconic’ in determining the role of a tall building in the cityscape. He stated: “High quality architectural design that is both easily identifiable ... and that is designed in-the-round ... should be encouraged for Flemington Hill”. With regard to the role of height in creating a presence for the site he stated:

... there is a question of how we know when high is too high ... I’m satisfied that a provision which allows for up to 25 storey development stepping down to up to 5 storey development is not ‘too high’ ... and would not be inconsistent or dissonant when seen at the metropolitan scale ...

Prof. Jacques expressed an alternative view at the Hearing about how the two sites might be developed, and at the request of the Committee, he later provided that opinion in a visual form (Document 68). This then formed the basis of a revised development concept.

Dr Gunn saw the sites as presenting a possible “family of buildings” which, together, have a visual and functional impact, and could thereby relate to the sites’ locations adjacent to the home of the Melbourne Cup. In terms of building height, Dr Gunn considered that a process is required to determine this, with heights ranging up to about 20 storeys. He emphasised the importance of the “language of facades” as part of design, and referred to the work of Jan Gehl, the renowned Danish urban designer, when supporting street wall heights of 3 to 4 storeys. Dr Gunn considered the podium-and-tower typology, common where above-ground car parks are unavoidable, as an “unresolved solution” to built form which he did not advocate, preferring other outcomes in this instance.
Dr Gunn discussed the key issue of tower heights, and stated:

The height of towers should be determined by a number of relevant principles and criteria based on the site’s context and its internal and external influencing factors. If all or most of the principles and criteria are met by the designers there should not be a need for a mandatory height to be set. This would only place a restriction on what might have been a better and more appropriate design.

Dr Gunn’s evidence focused on the preparation of an Urban Design Framework for the two sites; one which proposed the massing and placement of buildings, the spaces, movement strategies and land use. He envisaged a design process being undertaken that commenced with a master plan and led, potentially, to a design competition to select a suitable architect.

Dr Gunn saw these sites and their redevelopment as “an exciting opportunity”, embracing built forms, visual intrigue, imagery, human scale, a variety of spaces for passive and active use, and some affordable housing.

(ii) City of Melbourne

In its submissions, the City of Melbourne objected to the developments on both sites for a number of reasons in regard to urban design and built form, including:

- lack of strategic justification for the proposed densities
- lack of urban design justification for the proposed heights, building typology, scale and built form
- lack of a master plan for either site.

The City of Melbourne submitted that despite the iconic status of the Racecourse, “the presence of the Racecourse does not justify the heights proposed”. It noted that if any towers are to be permitted, a design competition endorsed by the Australian Institute of Architects should be required to ensure exemplary design quality is achieved. It further considered:

A more far sighted and planned approach to the disposal of surplus VRC land would have been to do an overall masterplan for the precinct (including any other areas of surplus VRC land and potentially surplus Showgrounds land) which explored a long term vision for the rail spur land, the potential for the sharing of car parking and other facilities between the Showground and the Racecourse, the potential for park and ride facilities next to the train stations on non-event days in association with residential development an appropriately planned built form.

The City of Melbourne accepted that the Flemington Green site “presents an opportunity for reasonable infill development commensurate with the site’s location and context”, but noted that it “is not within an activity centre, is not well served by public transport for an inner city location and is not within a walkable catchment of a wide range of services and facilities”. It submitted that there is no strategic justification for the non-residential uses on the site other than to serve the proposed new community, and that this is consistent with a reduction in scale of the development.
The City of Melbourne did not support the overall building height, scale and built form of the Greenland proposal, considering it “not a location in which substantial growth is encouraged”. The Council considered that it “fails to respond to its larger context” and “relies on the opportunity for economic benefit rather than an appropriate design and planning response to be the justification that underpins the overall built form”.

The low-rise nature of Precinct A in the Greenland proposal was supported by Council, subject to increased permeability for pedestrians and well-scaled interfaces with the public realm. Overall, the City of Melbourne’s position was that “the extent of podium-tower development in Flemington Green be reduced in favour of low-rise ...” and that “if any towers are permitted ... they should be limited to one single tower, no taller than Tower 3 (14 storeys), and reduced in floor space to achieve 10m setbacks”. Further, that setbacks from boundaries should either be mandatory and at least 10 metres from all boundaries, or that maximum widths of floor areas should be imposed to reduce the width of towers.

With regard to Epsom Road, the City of Melbourne acknowledged that “the opportunity provided by identification of VRC surplus land presents an opportunity for a building of some height and scale at the Epsom Road site, showcasing exemplary architecture and environmentally sustainable design, and reflecting the character of the Racecourse itself, to which the City of Melbourne would have been highly supportive”.

However, Council stated that “The mere location of the site (vis-a-vis services) is not sufficient justification for the heights and intensity of development proposed” and that “The site is not located within ‘an Expanded Central City’ (Map 10, Plan Melbourne), is only on the edge of the Racecourse Road Activity Centre and is not located in an Urban Renewal or Proposed Urban Renewal Area in the Growth Area Framework Plan (clause 21.04)”. The Council quoted the well-known Mitcham Towers case (Golden Ridge Investment Pty Ltd & Ords v Whitehorse CC [2004] VCAT 1706) as reason for such towers to be located within walking distance of desired facilities, and argued that this site is not so located.

It stated that “Flemington Racecourse is iconic with or without residential towers built around its edges” and that the Epsom Road site does not mark the entrance to the Racecourse as it is not located at the entrance gates.

The ‘Only’ building at 1 Ascot Vale Road was described as atypical and not sufficient reason to approve a taller structure across the road. In terms of an appropriate building height, the City of Melbourne referred to 1 Ascot Vale Road and its visual connection to a tower of similar height on the Epsom Road site, stating that a “cluster of towers” would compromise the notion of a landmark or bookend.

Regarding urban design, the City of Melbourne submitted that there was a high level of agreement among urban design and planning witnesses that the building envelopes proposed in the Greenland proposal were not appropriate, particularly the podium-and-tower typology and that any tower should be slender and viewed “in the round” and designed to respond to factors such as solar orientation and views towards it. Further, that the existing landscape setting of the Racecourse should inform the development on the site.

The City of Melbourne concluded that, if a tower is permitted at Epsom Road, “its height should be significantly reduced ...”. Further, “If the objective of placing a landmark on this
site is considered worthy, consideration should be given to alternative typologies, such as a narrow tower at the north-east corner of the site, up to about 10 storeys without setback”.

The City of Melbourne submitted that while the Epsom Road site is appropriate for mixed use but primarily residential development, the location mitigates against commercial uses other than those necessary to support the immediate community.

In terms of the Jockeys Convalescent Lodge, the City of Melbourne submitted that the original garden and planting could be reinstated (being an area of 19 metres from the edge of the building) and that this should be set out in the Comprehensive Development Zone/Plan.

(iii) Moonee Valley City Council

In its submission of February 2016, Council summarised its position that to rezone the Flemington Green site to facilitate high density development in buildings up to 25 storeys is not supported. Council noted that “The lack of strategic justification for the proposal is manifested in the contradictions inherent within the design objectives found in the Comprehensive Development Plan put forward by the proponent. The proposal juxtaposes high-rise towers in an area surrounded by low-medium scale development”.

The Council referred to the Maribyrnong River Valley Design Guidelines (DPCD, April 2010) and in particular to Section 2.2 Preferred River Character where, under 'Racecourse length: river flats', the preferred character is described as “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”.

Ms Hicks referred to the Guidelines to support Council’s position that buildings of the heights proposed in the Greenland proposal would not be consistent with this preferred character. She argued they would be very prominent above the foreground buildings and vegetation on the west side of Fisher Parade, when viewed from the river environs north of the Fisher Parade bridge, as well as from vantage points downstream of that bridge where the Racecourse abuts the river.

Council referred to the site being one of the highest points in the area, and that any tall built form would feature prominently within its surrounding context depending on its height. The presence of a Design and Development Overlay (DDO1 Skyline Area) which abuts the site to the west, was cited as evidence of the need to manage the impact of built form on higher ground.

Council submitted that there appeared to be no design justification for the proposed scale of development, and that any development should not be permitted to punctuate the existing building envelope and skyline views that are established through DDO1, and which affect the existing heights of the grandstands on the Racecourse. Council stated that the grandstands are all of:

... a similar rectangular form, that, whilst visually dominant they establish a skyline that is familiar and appropriate to the use of the land as a Racecourse. It is against this skyline that planning controls and development decisions have
been made. The amendments as proposed would allow buildings to harshly intrude into the skyline, without any supporting justification for such a radical change.

While the Epsom Road site is not within the City of Moonee Valley, Council referred to the “wide open spaces, gardens and the track itself, with a variety of lower scale buildings including heritage assets”. Council noted that “The height and form as proposed is in stark contrast to the Racecourse context”, and further, “There has been no adequate justification by the proponents for the excessive heights proposed for the Epsom Road site”.

Council submitted that “a building of substantially lower height than that proposed could be accommodated on this site. An overall maximum form between 10 and 14 storeys dependent on the design execution would be appropriate to provide a transition between the higher built form of the approved 1 Ascot Vale Road and the Racecourse proper”.

Council supported the position of the OVGA in terms of the height, built form and proposed commercial uses on the Epsom Road site.

(iv) Office of the Victorian Government Architect

The original Greenland proposal was referred to the Victorian Design Review Panel (VDRP) in the OVGA on 25 November 2015. The VDRP provided a Design Review Report dated 25 November 2015. The VDRP did not make any further submission, nor did it attend the hearings. However, its report was instructive to the Committee and the other parties.

In terms of built form and related topics, the VDRP considered that the proposal to rezone these sites provided a “significant opportunity to instigate and facilitate delivery of a new medium density residential neighbourhood within an established inner urban area ... it is essential that an exemplary and well-resolved set of projects are delivered”.

The VDRP considered that “The scale of change ... requires more serious regard to be given to local conditions beyond the boundaries of each site” and encouraged the project team to “undertake further options in studies of form, precinct/site-planning, and architectural design ...”.

Specific to this site, the VDRP suggested that “the site's full potential has neither been convincingly explored nor realised in the current proposal”. It challenged the decision to use the podium and tower typology common in central city locations, proposing that, given the site and its characteristics, a completely different design opportunity exists. It was not convinced that the proposed heights of the taller towers have sufficient justification in urban design terms and that a similar yield can be achieved with different medium density residential typologies and a different massing strategy.

The VDRP expressed further concern with the location of commercial uses on the site and the types of public open spaces proposed, while supporting the retention of a publicly accessible pedestrian network through the site, with links to networks beyond the site.

In terms of architectural language, the VDRP had concerns that the response for each building did not “… combine into a harmonious and meaningful architectural composition that resonates with local cultural history”. Concern was expressed about some aspects of the internal design of apartments.
(v) Heritage Victoria

Heritage Victoria provided a late submission on 30 March 2016. The submission explained that the Flemington Racecourse is included on the Victorian Heritage Register, it detailed the extent of the listing and noted that the Executive Director of Heritage Victoria may grant permits for appropriate changes to registered places. Heritage Victoria stated a heritage permits had already “been granted for the demolition of the 1924 Grandstand, and for the subdivision of land at Epsom Road”.

With respect to Flemington Green, Heritage Victoria provided that a pre-application meeting had not yet been held, but that heritage aspects such as the bluestone wall, landscape and plantings would need to be discussed. The submission provided that “In the event a heritage permit is issued for this development it is likely it would include conditions requiring conservation works, setbacks to or views to and from the heritage elements of the site”.

In relation to Epsom Road, Heritage Victoria noted heritage aspects include the former Jockeys Convalescent Lodge and its landscaped setting. The Statement of Cultural Heritage Significance for this heritage place states:

*The former Convalescent Jockey’s Lodge is of significance as a possibly unique example in Victoria of a centralised hospital building, a form which became popular in the 1880s in England. It is an exceptional example of a picturesque structure of the late nineteenth century.*

With respect to the proposed development the submission stated:

*The proposed tower at the Epsom Road edge will be a very dominating element dwarfing the heritage registered former Jockey’s Convalescent Lodge and Heritage Victoria has serious concerns about this. Heritage Victoria also has concerns about this development reinforcing the separation of the former Jockey’s Convalescent Lodge from other heritage elements at the site.*

Further concern was raised about possibility of new structures being developed within the proposed 25 metre curtilage envisaged around the Jockeys Convalescent Lodge and indicated that ideally this would be avoided.

(vi) Community

The Committee received submissions from various local community groups, including Flemington Association, Kensington Association and Ascot Vale Residents Action Group (AVRAG), and a number of submitters who made verbal presentations in support of their written submissions. These submissions provided the Committee with examples of the issues faced by residents of the surrounding areas in terms of traffic, public transport, local facilities and the sense of community that the area imbues.

Many submitters expressed concern at the proposed density of development on both sites, including the incompatibility of the proposed built form with the current character of their neighbourhoods, and the consequent impacts of ‘so many new residents’ on transport and local services.
Typical of the community groups’ comments was that the proposed built form is considered “excessive in height and density”, according to the Kensington Association’s submission. The Association’s concerns focused on the lack of justification for the proposal as presented, as it contended it was an overdevelopment of both sites, leading to a loss of amenity for existing and new residents and adverse impacts on community services and supporting infrastructure. The Association noted that it “… accepts and supports a level of appropriate and sustainable residential development … [which] could include some measure of new height to deliver a higher density development than that exhibited … nearby”, although the Association “strongly reject the indicative height and density development proposed”.

Members of the Flemington Association stated that, while not being anti-development, they did not want an “inner Melbourne type of development”. Rather, they preferred development that is consistent with Plan Melbourne. They saw little intrinsic connection between new housing on these sites and “a day at the races”, and that tall towers as landmarks of the Racecourse were unnecessary. In terms of more intense local development, the Moonee Ponds Activity Centre was seen as the appropriate place, and considered the scale of buildings proposed for the Arden-Macaulay urban renewal area as more appropriate (8 – 10 storeys).

AVRAG cited the need for a “good neighbour” relationship between the Flemington Green development and the adjacent land uses of the Racecourse and the Showgrounds. AVRAG considered that development should be based on relevant state and local planning policy, and that such policy does not support the residential density, tower-oriented built form or the extent of commercial use proposed for both sites, citing the style of development on the western side of Leonard Crescent as an appropriate built form. AVRAG took issue with notions of landmarks and tall buildings as “icons”.

In relation to height and bulk, one submission argued “the proposed tower blocks would overwhelm the largely low level residential areas nearby”. This submission considered the proposal to be incompatible with the Maribyrnong River Valley Design Guidelines Report 2010 which set out broad vision for development which is sensitive and discrete.

Another regarded the development as “a gross overdevelopment of the subject sites [that] would set an undesirable precedent for future development”, with a further submission commenting that the height and bulk of the development “is not appropriate in terms of size or engagement with the local community … and would be more appropriate in the CBD”.

While some submissions acknowledged that some form of development on the site is inevitable, one stated that “common sense [should] prevail in this matter and the approved developments [should be] no greater than 10 to 12 storeys and the units are predominantly two and three bedroom (rather than mainly one bedroom)”. 

Another submission stated that “the Racecourse is a gracious part of Melbourne, with its green, flower beds, and roses. Both the buildings and their shadowing will have a considerable impact on this”. Submissions were concerned with the overshadowing on nearby residential properties, with one noting that the proposals will be “totally unacceptable to the residents and the rights of locals should outweigh the rights of an international developer”.

6.4 Discussion

(i) Flemington Green

It is notable that no submissions embraced the Greenland proposal as presented, with support coming only from its proponent, the VRC. The Committee considers that the Greenland proposal, while comprehensive and detailed, was not well-resolved in terms of its response to its urban context and the constraints of the site and location, particularly regarding public transport and community facilities. It considers the built form as proposed to be unsophisticated, and the density of development to be excessive for the site. Further, the Committee has concerns at the amount and type of non-residential uses proposed.

The Greenland proposal and then the modified Comprehensive Development Plan included a total of 736 dwellings in low-rise and podium-and-tower forms of buildings. It further proposed a total of 2,900 square metres of non-residential space, predominantly retail. As Ms Homewood noted, the envisaged uses include food and beverage venues, small independent supermarket, gourmet food, liquor/wine store, doctor/medical facility, professional suites, gym and child care. She observed that “These potential commercial and community uses will be used by the proposed residents as well as be of benefit to the broader community”.

The tower buildings proposed are of three different heights. The Masterplan Design Concept (Urban Context Report, November 2015, page 17) indicates that these tower have heights of 25, 20 and 14 storeys. Elevations of the buildings that include the towers (pages 44 and 45) show that the towers have ‘tops’ that extend the heights by the equivalent of 2 - 3 storeys.

The Greenland proposal was modified at the Hearing and essentially replaced by a site plan prepared at the Committee’s request by Prof. Jacques (the Jacques proposal). Following this review, the VRC modified the Comprehensive Development Plan to become the post hearing version of what the VRC sought in terms of approval. No party at the Hearing objected to the principle of this evolution of ideas and the subsequent modifications. The revised Jacques proposal is represented in Figure 6.
The Committee considers that the primary determinant of an appropriate and acceptable density of development should flow from consideration of the capacity of the site’s location to accommodate additional residents having regard to such factors as public transport capacity and the consequent additional demand on local services of new residents.

In terms of built form on the site, the Committee is guided by such considerations as the elevated nature of the site, its adjacent built form and land uses, and the visibility of taller structures from many vantage points. The need for excellence of architecture, high quality public spaces and current best practice environmental design and operation are all factors to be considered. The Committee therefore supports a combination of low, medium and higher-rise configurations.

As the Committee stated in its Stage 1 Report:

*Developments can achieve landmark status other than by height. Medium-rise apartments, more in keeping with the predominant built form in the vicinity of the two sites can achieve landmark status. The inclusion of such features as adaptable apartments, leading edge sustainability and materials recyclability, including co-generation of energy, solar power and centralised waste management, are all possible in a new development of this scale on a large vacant site such as Flemington Green. A high proportion of dwellings with northern orientation and natural through-flow ventilation should be achievable on a site of the dimensions and orientation of both sites.*

The Committee recommends the maximum height of any building on the Flemington Green site should be 14 storeys, with no other buildings with heights greater than 8 storeys. This
maximum 14 storey height is specifically related to the height of the grandstands above the general ground level of the Flemington Green site, and the consequent visibility of towers from vantage points to the east, south-east and south-west.

A development of this scale is considered to be one which balances urban consolidation objectives with the site’s opportunities and constraints. It is seen as being comparable to other high density housing projects which were given as examples of this type of development by Prof. Jacques, namely The Melburnian (St Kilda Road), Wellington Parade South (East Melbourne), and New Acton (Canberra).

Having regard to the submissions and evidence of the VRC and both Councils, and the submissions of community groups and individuals, and to the matters raised, the Committee considers that the number of dwellings for the Flemington Green site should not exceed 600.

The locations of towers as set out in both the Greenland proposal and repeated in the Jacques plan are considered appropriate, but not mandatory. The Committee considers that the location of low-rise buildings adjacent to existing housing is appropriate. The VDRP considered that, having regard to the Greenland proposal, a different massing strategy should be considered, including medium-density building typologies. The Committee endorses this view and supports the inclusion of medium-rise buildings to expand the choice of available dwelling types.

The Committee supports the provision of public open spaces of varying sizes, functions and character, with an emphasis on good solar access at all times of the year, active frontages where appropriate to the space’s purpose, and designs that encourage a variety of users.

The additional work of Prof. Jacques, as shown in Document 68, is most useful in this regard, as it is a refinement of the site layout that was the basis of the Greenland proposal but with smaller development parcels and hence more streets, pedestrian spaces and access-ways. However, it is not the definitive solution, but a starting point for more detailed reconciliation through the revised Comprehensive Development Plan. This provides the opportunities for a range of developers and architects to participate in the project, resulting in a diversity of architectural expression, streetscapes and public spaces, enabling a varied and engaging urban character to evolve as development proceeds. It could also include a conceptual design competition, as many submitters suggested.

While the Committee acknowledges that market preferences and demographics will influence the size and mix of dwelling types, it strongly endorses the development to comprise a mix of 1, 2 and 3 bedroom dwellings, and encourages the provision of dwellings that are designed and located, with adequate private open space, to appeal to families.

The Committee does not believe that there is a need for commercial and retail space beyond that required to serve the needs of the local community; both within the development and existing residents nearby. It considers the non-residential uses should be limited to such uses as a convenience store/small food and drink premises, medical centre or shared community space. The Committee does not support the proposed public space adjacent to the Hill Gates or the extent of non-residential space proposed in that vicinity. As discussed in Chapter 5, the role of the Hill Gates on race days should be transferred to the southern
end of Fisher Parade adjacent to the river, with this entrance retaining its current role as access to the Racecourse on non-race days.

The Committee acknowledges the prominent location of Flemington Green with regard to the Racecourse and the grandstands. It recommends a revised planning process to prepare Siting and Design Guidelines for the site (as part of a revised Comprehensive Development Plan) and which will, in terms of the wider urban environment, ensure that the visibility of taller buildings from distant vantage points such as Lynch’s Bridge, Epsom Road and the west side of the Maribyrnong River in Footscray and Edgewater, is worthy of the site’s proximity to Flemington Racecourse. The Committee considers this process should be undertaken in parallel with the permit process under the  

*Heritage Act 1995*  
to ensure harmony between potential heritage conditions and the Comprehensive Development Plan.

The Committee emphasises the rare opportunity that this site presents for a development whose buildings incorporate high levels of passive environmental sustainability, particularly solar access and natural ventilation.

The Committee supports the general principles behind the current Comprehensive Development Plan prepared by Prof. Jacques and recommends that, as proposed by several witnesses and submitters including Prof. Jacques and City of Melbourne, that a process occurs to review the Jacques plan having regard to the maximum number of dwellings and the maximum heights recommended. This process as discussed in Chapter 9, where the Committee concludes that the current Comprehensive Development Plan is not in a form suitable for approval. The revised plan, based upon integration of the development into its urban context relating to bicycle and pedestrian connections and responsiveness to the scale and function of adjacent land uses and built form, would produce, amongst other requirements, Design and Siting Guidelines for buildings and public spaces.

(ii)  
**Epsom Road**

The Committee heard little objection in principle to the use of the site for some residential purposes. Rather, the concerns expressed related to the height of the tower in the Greenland proposal, the podium and tower built form and the inclusion of commercial uses (approximately 500 square metres) facing Epsom Road.

Several submitters noted that any building on this site will interrupt existing views from Epsom Road over the Racecourse and that such a building will be incompatible with the landscaped character of this part of Epsom Road.

The site has direct frontage to an arterial road and a tram route, and is proximate to the Newmarket Activity Centre and train station. It has no sensitive land use abutments or adjacent built form that constrains a freedom of design. The site offers expansive views over the Racecourse and has excellent solar exposure.

The site is very prominent in the context of the local arterial road network and the Racecourse. Any building on the site will be highly visible from Epsom Road and the northeast, as well as from the Racecourse and vantage points along the Maribyrnong River valley.

The Urban Context Report (November 2015), Architectural Design Response Report (page 11 et seq.) shows a site whose north-western boundary reflects the form of the podium of the
proposed building. When this was queried, the VRC provided a Plan of Subdivision (Document 112) showing a boundary which, due to the presence of a generator, a substation and a pipeline leading westwards towards a desalination plant, represents the effective north-western boundary of the site. Although a straight line, this appears to be closely coincident with the north-western extent of the curve of the site boundary in the Design Response Report. It increases the site area to a small extent.

The Committee considers that the number of dwellings in the Greenland proposal, at 398, is excessive for the site. To achieve high standards of design and resident amenity, a less intensive development, in a different built form, is a more appropriate response to the site and its opportunities.

Again, the work of Prof Jacques led to the re-expression of the Comprehensive Development Plan as indicated in Figure 7.

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Figure 7  Post hearing ‘Jacques’ proposal for Epsom Road (Document 68)

There is little need for a landmark structure to identify the presence of the Racecourse for people approaching the course along nearby roads. Indeed, the openness of the vista, if not of the racetrack and grandstands, is of trees and open space and sky, an effective and well-accepted introduction to the large expanse of land that is the Racecourse and everything that it represents.

The Committee considers that a building that sits within the landscaped setting of its site and surrounds is preferable to one that physically abuts Epsom Road. This maintains the
predominantly park-like character of Epsom Road which extends from Smithfield Road to the rail overpass, a distance of some 700 metres and which, importantly, characterises this public face of the Racecourse.

The Committee acknowledges the concerns expressed by several submitters that any building on this site will be a physical and visual intrusion into the open character of this part of Epsom Road, and to a lesser extent Racecourse and Ascot Vale Roads.

In terms of built form, the Committee is of the view that a building with a maximum height of 15 storeys is appropriate and that, given the absence of adjacent built form to guide the massing, a podium and tower configuration may not be the most appropriate. The potential exists for a built form that is a creative response to the site’s unique attributes, acknowledges the presence and scale of the Jockeys Convalescent Lodge and which exhibits an exceptionally high standard of urban design and architecture.

A curvilinear design, presenting as a changing profile from different viewpoints, and of varying height and offering larger than usual outdoor spaces is suggested as an option that responds to its largely unconstrained and highly visible site.

The Committee reiterates its view that, given the opportunities that this site presents, any building should include high levels of environmental sustainability in terms of solar access and natural ventilation, adaptable apartments and a range of dwelling sizes.

As was acknowledged by several experts at the Hearing, height is not a prerequisite for an iconic building. The site presents many opportunities for creative urban design.

The Committee considers that there is no rationale for a residential building on the site to respond in terms of height, to the tower building at 1 Ascot Vale Road which is currently under construction. The Committee is not persuaded by suggestions that two towers will form an urban gateway, or that such a built form outcome has any merit. Similarly, claims that a tall building is required as a marker to assist people approaching the Racecourse along local roads are not convincing.

The Committee notes that the site is not on the axis of the Racecourse’s ‘straight’, and does not consider that the view of a tall building from the grandstands is a necessary visual addition to the character of the Racecourse.

The Committee rejects any notion that a tall building is required as a landmark for the Racecourse at this location, or that there is any imperative to mark the end of the straight by a new and tall structure. In this regard, the ‘Only’ apartment tower is closer to, and almost on, the axis of the straight than would be any building on this site. Two tall towers would visually compete and would confuse such a vista.

In terms of density, the Committee concludes that a maximum of 300 dwellings is appropriate, rather than the 398 dwellings proposed.

The Committee does not support the amount of non-residential uses proposed along the Epsom Road frontage. This site, with its isolation from other commercial uses in the area, together with the constraints on kerbside parking and ease of access, should not include any more than a small amount of commercial space (such as a café) and that this should be
complementary to the residential use. It should take advantage of the site’s position overlooking the Racecourse.

A site plan that incorporates an area of public open space, takes advantage of the outlook over the Racecourse and includes limited commercial uses such as a cafe are considered to be worthwhile complements to the primary residential use on the site.

There was much discussion about vehicular access to and egress from the site, given the location of the adjacent roundabout and other traffic control measures that restrict access. An additional vehicular ingress near the northern end of the site is supported.

A key element of the site is the Jockeys Convalescent Lodge, whose historic significance and landscape setting are required to be respected in any redevelopment proposal.

The Committee considers that the Jockeys Convalescent Lodge has the potential to have more than an ancillary function to the residential component of the development as proposed. Given its heritage status and its cultural and architectural merit, this elegant structure warrants a more public role as part of the overall public experience of Flemington as a Racecourse steeped in social and sporting history. In this respect, the Committee supports Heritage Victoria’s request for a 25 metre un-obstructed curtilage around the Lodge without the possibility of new structures. In noting that the Terms of Reference specify that “approvals required under the Heritage Act 1995 will be considered separately at the appropriate time” the Committee supports as much as possible the heritage process to be undertaken in parallel with the Comprehensive Development Plans to ensure the appropriate level of synergies.

Within this landscaped context, the Jockeys Convalescent Lodge can continue to be a small but prominent feature, with potentially a public or community-based function and perhaps incorporating interpretive information about its original purpose. A landscape plan for the whole site could include an enhanced outlook over the Racecourse and the supporting buildings in the foreground.

The organic nature of this building and the circular landscaping on the site, which was adopted by the Greenland design, should continue into the shape and expression of new built form for the residential building.

6.5 Findings and recommendations

6.5.1 Flemington Green

The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

(i) Findings

General built form and design of the proposed buildings

The Committee concludes that the density of development described by the Greenland proposal is excessive for this site in terms of the number of dwellings, the consequent density of development and the built form of the buildings.
The recommended revised Comprehensive Development Plan suggested in Chapter 9 will build on the Jacques plan and ensure that there is a network of streets and thoroughfares that create a fine grain pattern of development sites and public spaces. The resultant development parcels will potentially allow a variety of architects, designers and developers to participate in the project and thereby ensure that built forms, streetscapes and open areas have diversity and interest. The inclusion of mid-rise buildings to complement low-rise and tower forms is seen as an opportunity to introduce a broad mix of housing types and building styles.

The revised Comprehensive Development Plan should include Siting and Design Guidelines to ensure high levels of passive environmental sustainability, high levels of solar access to public spaces and effective separation of vehicles and pedestrians. Built form should respond to adjacent land uses and building heights, and pedestrian and cycle paths will link to and enhance local networks.

Given the previous involvement of the OVGA, it would be appropriate for that office to ‘sign off’ on the final plan.

**Height limits and the building envelopes proposed**

The Committee considers that no building should exceed a mandatory height of 14 storeys, and that there should be no more than three towers that reach that height. No other building should exceed eight storeys of the remainder of the site, recognising the two to four storey interface, which the Committee supports.

The Committee notes that the preferred built form outcome for City North specified through Melbourne C196 is 24 to 60 metres (8 to 20 storeys), whereas 4 to 12 storeys is the maximum heights recommended for the Arden-Macaulay precinct as per the panel report for Melbourne C190. This compares with proposed heights of up to 24 storeys or about 75-80 metres for Flemington Green, and 31 storeys or about 95-100 metres for Epsom Road.

There is considerable debate in planning about whether heights should be expressed in metres or storeys. Part of the debate stems from the fact that a different floor to ceiling height might be appropriate in different circumstances, depending on the use of the building. One danger of specifying a height limit in metres without a specified number of storeys is that, if the controls allow for a sufficiently generous floor to ceiling height, then a four storey development can be squeezed into the height anticipated for a three storey development – often with poor results. The Panel for Melbourne C20 discussed the result of a control expressed in metres on a building in Rathdowne Street, Carlton:

> The resulting design however, is so pedestrian as to diminish the quality of the existing streetscape and destroy the potential for pleasure in the view from Macarthur Place. The meanness of the floor to floor height was no doubt made necessary by the need to squeeze three storeys into the front of the site whilst still complying with the height limitation. Coupled with a lowering of part of the ground floor below road level, giving the impression that the building is sinking, the result is a building which in no way relates either to the

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2 Panel Report for Melbourne C20 page 101
well-articulated church facade to the north, nor to the dimensions of the Victorian terraces to the south, where the third floor roof barely reaches the first floor verandah guttering.

Where this kind of development is a concern, a control over the number of storeys is appropriate. The Panel for Amendment C190 to the Melbourne Planning Scheme (Arden-Macaulay Structure Plan) discussed the issues of whether control should be expressed in metres or storeys:

... Where protection of views or the creation of a consistent built edge is required then specification in metres is appropriate. When the issue is one of pedestrian-friendliness or maintaining low scale development, then perhaps specification in storeys is appropriate. In some cases, it may be necessary to specify both.

The use of storeys to give the community and designers a visual impression of the height of development that is promoted in each sub-precinct is appropriate.

These height levels are proposed based on character and broad strategic issues, as opposed, to say, the Shrine vista controls that are set on a more precise basis of a view line. Given that the controls are aimed primarily at achieving a character outcome we believe the controls could be expressed in storeys.

Storey is defined in the VPP:

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

A control expressed in storeys needs to be careful that it does not count basements in the permitted height and allows for service floors that are not habitable. The Panel for Melbourne C190 concluded that the controls should be explicit to allow for roof structures and architectural features above the top floor. Setback controls need to expressed in metres simply because one cannot setback a building a number of storeys.

For these reasons, this Committee adopts the height specification for Flemington Green (and Epsom Road) as storeys.

**Response to significant heritage items**

The Racecourse precinct is of heritage and cultural significance. New development on the site should complement this through the quality of architecture, the siting and external form of taller structures and the materials, furniture, landscaping, lighting and resultant ambience of public spaces, as well as the continued involvement of Heritage Victoria, as appropriate.

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Panel Report for Melbourne C190 page 38
**Floor space caps for office, shop and place of worship**

The Greenland proposal included 2,900 square metres of non-residential floorspace on site. The Committee supports the provision of such commercial space for uses such as a small convenience store and food and drink premises, medical centre and community space of a scale sufficient to serve the new resident population and nearby residents who live within easy walking distance. The Committee, however, does not support 2,000 square metres for shop and recommends the maximum floorspace for ‘shop’ being 500 square metres.

The former Greenland proposal included non-residential floorspace close to the Hill Gate entry to the Racecourse. The Committee considers that this entry should be limited to pedestrian access on race days, since the functions that were on the site are to be relocated and bus and taxi drop-off is recommended to occur at the western end of Fisher Parade adjacent to the river entry to the Racecourse.

**Direct interface with adjoining residential properties (Flemington Hill) and with the wider residential area for both precincts**

Built form adjacent to abutting residential uses should respect the scale of those buildings and avoid any adverse impacts on them.

**Amenity considerations/attenuation response, to protect future residents and the ongoing commercially sustainable operation of the Racecourse and Showgrounds on event days and evenings**

The relocation of parking and event day uses on the site to other sites within the Racecourse will reduce the impact on nearby existing residential properties and is consistent with the operation of both the Racecourse and the Showgrounds. Development in the north-east part of the site should be cognisant of the noise generated by activities at the Showgrounds during the period of the Show. Chapter 7.1 discusses noise issues in more detail.

(ii) **Recommendations**

9. **Specify a maximum height of new development for the Flemington Green site of 14 storeys for Precincts B and C, with no more than three towers to be built to this height, and with no other building exceeding 8 storeys for the remainder of the site, generally in accordance with the overall site layout and setbacks generally in accordance with the Jacques plan as shown in Appendix E.**

10. **Reduce the floorspace cap for shop in Schedule 3 to the Comprehensive Development Zone to 500 square metres.**

6.5.2 **Epsom Road**

(i) **Findings**

The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

**General built form and design of the proposed buildings**

The Committee accepts that the site is appropriate for residential use of some intensity and visual presence, in the context of Epsom Road and the urban area to the north-east, the
Racecourse and the grandstands. The Committee concludes that the built form and height of the tower as proposed in the Greenland proposal is excessive in terms of dwelling yield given the characteristics of the site and its location.

The Committee considers that, due to the absence of immediate adjacent built forms, this site presents a strong opportunity for a building which capitalises on the site’s open location and excellent solar access, while responding to the views to the south-west. A built form that is not constrained by a podium-and-tower configuration but responds to the garden setting, the organic character of the Jockeys Convalescent Lodge and the topography of the site is recommended.

These parameters can be more closely defined through the revision of the Comprehensive Development Plan.

**Height limits and the building envelopes proposed**

A built form of varying heights, up to a maximum height of 15 storeys, is recommended. The Committee considers that the building envelope should derive from the site’s garden setting and lack of nearby buildings, and capitalise on the excellent solar access and various outlooks. The built form should respond to the form and scale of the Jockeys Convalescent Lodge and its landscaped surrounds. Solar access should be another determinant of built form and the orientation of dwellings.

**Response to significant heritage items**

The Committee recommends that the future use of the Jockeys Convalescent Lodge be modified to serve a public role, possibly including some interpretive information about its original purpose, and that it be accessible to the general public.

The immediate surrounds of the Jockeys Convalescent Lodge are to be respected, and the opportunity exists to provide some public access to it and the western part of the site, in an area affording broad views over the Racecourse.

**Floor space caps for office, shop and place of worship**

The site is in close proximity to a range of retail and commercial facilities at Newmarket and Showgrounds activity centres and apart from a small café or similar, the Committee does not support the proposed non-residential uses. Such premises could be within the residential building, and functionally linked to the Jockeys Convalescent Lodge.

**Direct interface with adjoining residential properties (‘Flemington Hill”) and with the wider residential area for both precincts**

The site’s only direct abuttal is with the Quest apartments to the south-east. This low-rise building is set in landscaped surrounds with open car parking. Development should avoid any unacceptable adverse impacts on this adjacent property.

As with Flemington Green, the Committee does not support approval of the Comprehensive Development Plan and recommends that it be revised to ensure a better built form outcome.
(ii) Recommendations

11. Specify a maximum height of 15 storeys for the Epsom Road site, with the setbacks generally in accordance with the modified proposal as shown in Appendix F.

12. Delete Office, Place of Worship and Shop as Section 1 uses in Clause 2.0 – Table of Uses to Schedule 4 to the Comprehensive Development Zone.
7 Other matters

Clause 27 of the Terms of Reference require the Committee to provide:

An assessment of the following issues as they relate to the use and development of each precinct:

... Amenity considerations/attenuation response, to provide future residents and the ongoing, commercially sustainable operation of the Racecourse and Showgrounds on event days and evenings.

... Any other relevant matters raised in the course of the Advisory Committee hearing.

In this regard, amenity (noise) is specifically considered, and three other significant matters raised during the course of these proceedings require commentary and resolution. These relate to public open space, development contributions, and affordable and diverse housing. Collectively, these deal with the various social and amenity impacts raised by the proposal.

7.1 Noise

7.1.1 Key issues

The key issues are whether amenity provisions will adequately protect future residents and the ongoing commercially sustainable operation of the Racecourse and Showgrounds on event days and evenings.

7.1.2 Policy and supporting documentation

State planning policy in relation to noise at Clause 13.04 supports ensuring “that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area”. Clause 52.43 addresses live music and entertainment noise, and includes the purpose “to ensure that the primary responsibility for noise attenuation rests with the agent of change”. State Environment Protection Policies (SEPP) N-1 and N-2 are required to be considered. In particular SEPP N-2 deals with the control of music noise from public premises.

SEPP N-2 specifies controls for noise from music from indoor and outdoor venues. It does not address noise of patrons arriving or leaving the venue. The policy sets a noise limit for outdoor venues of 65 dB(A) when the measurement is taken outdoors and 55 dB(A) when taken indoors. The policy sets operation times for outdoor venues being between 12noon and 11pm, except where the event lasts more than five hours in which case it must cease by 10pm. Later operations are allowed in some cases (for example, not-for-profit or special events). In addition, venues are generally limited to six events per financial year unless exceptions apply.
The City of Melbourne’s Housing policy (at Clause 21.07) specifies that “high standards of on-site amenity should be provided in all residential developments ... Residential development also needs to consider the amenity impacts of established potential uses, including noise ... and take protective steps to minimise these impacts”. In line with this policy, particular areas and zones such as the Docklands or land zoned industrial, are highlighted as areas where acoustic insulation should be provided in dwellings.

While the Melbourne Planning Scheme identifies the rail corridor between Flemington Racecourse and the Showgrounds as having potential for urban development, this is predicated on “future options for a rail service to the area” (Clause 21.15). Related policy for the area aims to minimise the impact of the Racecourse and Showgrounds including noise, on nearby residential and mixed use zones.

### 7.1.3 Submissions and evidence

Submissions related to noise were concerned with the potential for:
- increased noise from new residents (increased private parties etc.)
- unacceptable noise impacts for new residents in close proximity to the entertainment precinct
- increase in complaints from those new residents which could affect the ongoing viability of the entertainment precinct
- unreasonable amenity impacts for all residents during construction.

Moonee Valley City Council submitted that the VRC should be required to demonstrate how events at the Racecourse will be managed in the context of its interface with surrounding land uses and potential negative amenity impacts. In this context the Council suggested that a concurrent amendment to the Special Use Zone in the Melbourne Planning Scheme may be warranted to provide certainty for new residents about potential events. Moonee Valley City Council explained that:

> **At present the SUZ1 schedule requires that the Racecourse must not be used for an event for more than 15,000 people or for a place of assembly for more than 15,000 people, unless an Event Management Plan has been approved by the responsible authority. Prior to approving an Event Management Plan the responsible authority must consider the views of a Consultative Committee comprised of the Victoria Racing Club, Department of Sustainability and Environment, Melbourne City Council and Moonee Valley City Council.**

Due to the proposed “intensification of the residential population in proximity to the Racecourse” Council submitted that “there should be a review, and lowering of the threshold level of 15,000 participants before an event management plan is required”.

A number of submitters and residents were concerned with the potential for increased noise from new residents and during the construction period. Potential impacts from construction (including amenity and traffic impacts) were set in the context of recent long-term disruptions for residents from nearby developments at Edgewater and Waterview Estates, and the redevelopment of the Showgrounds. It was submitted by AVRAG that rigorous construction management regimes must be ensured, and that a reference group be established including members of the community, relevant agencies, the proponent and
developer to “ensure enforcement of construction management plans in a manner similar to that implemented for the development of Parkville Gardens/2006 Commonwealth Games Athletes Village”.

RASV’s principle concern was amenity impacts due to noise generated at the Showgrounds. In its submission, the RASV raised the principle of the ‘agent of change’ whereby a new residential development built near an existing live music venue would be responsible for noise mitigation as part of the planning process. The RASV was particularly concerned with the potential noise impacts to new residents from the western end of the Showgrounds used for rides, parking, rubbish sorting, equipment storage and experiences 24 hour truck movements. Plans to intensify carnival rides in this area was mentioned with reference being made to the RASV Masterplan 2014. To this end, the RASV submitted the Comprehensive Development Zone be amended to include additional points related to noise, amenity and ensuring future use compatibility, be added to the purpose, decision guidelines and objectives of the Zone (Document 145).

In his submission (Document 73), Mr Wren stated:

*The RASV’s position is quite simple - unless the Comprehensive Development Zone and Comprehensive Development Plans specifically require new residential development, adjacent to the Showgrounds, to adopt acoustic measures to protect future residents to a level sufficient to prevent complaints about Showgrounds activities, the RASV is opposed to the VRC’s proposal as it could seriously jeopardise the Showgrounds as a major educational, recreational and entertainment resource of State and Metropolitan significance.*

Evidence was heard on behalf of the RASV from Mr Rodgers of Noise Consulting and Management Pty Ltd. Mr Rodgers highlighted two principles that provided the starting point for his advice, being that, firstly, residents should get a reasonable level of amenity and secondly, that the Showgrounds should not have to change what they have been doing. Modelling undertaken by Mr Rodgers indicated a multi stage festival held at the Showgrounds would result in a noise level 3 dBA above the SEPP N-2 limit of 65 dBA at the Flemington Green apartments. Mr Rodgers concluded that it would not be possible for the Showgrounds to operate its current events or undergo expansions as per the Masterplan and comply with the mandatory SEPP N-2 noise limits at the proposed development. Based on this and applying the ‘agent of change’ principle, Mr Rodgers recommended that:

... *habitable rooms of the proposed development use design criterion which limit internal noise levels to a maximum of Leq 45 dBA taking into consideration the potential and existing acoustic environment.*

In comparison to the night-time internal noise limit of 35 dBAeq (1 hour) recommended by Mr Robinson on behalf of the City of Melbourne, Mr Rodgers considered the likely controls required would be the same as the Showgrounds and Racecourse, and generally conclude before the night-time controls commence.

As SEPP N-2 requires compliance readings to be measured from outside buildings, Mr Rodgers recommended SEPP N-2 be modified with respect to Flemington Green so that
inside readings could be used instead. An example of such modification to the policy occurred in the Docklands area.

In the submission summary prepared by Urbis (Document 38), with respect to event noise it noted the desires of the RASV, but did not particularly address the concerns raised by residents or the RASV with respect to event day amenity. In its closing submissions however, (Document 135) the VRC stated:

At the close of Stage 3, the Advisory Committee is invited to draw the following conclusions: ...

(1) The proposed controls at Flemington Green should include an acoustic design criterion to protect the ongoing operation of the Showgrounds.

Whilst conceding the need for acoustic treatments on one hand, the VRC identified several hurdles for the RASV’s proposal to expand its amusement rides to the west. The included the need to have the 2014 Masterplan incorporated into the Melbourne Planning Scheme and potential approvals required by the EPA for additional concerts (Document 135).

In relation to requests for construction management plans, the VRC responded that such plans:

... are a standard requirement in planning approvals for large residential developments and generally cover matters including hours of construction activity, loading areas, contractor parking, suppression of dust etc.

In relation to noise from new residents in the proposed development, the VRC responded that “whilst the activity of the enlivened residential precinct will create some noise, any ‘excessive’ noise will be regulated via the Environment Protection Agency”. Further the response noted that in its view, the VRC did not anticipate this to be an issue.

7.1.4 Discussion

In summary, the submissions and evidence proposed the following changes:

- review the schedule in the adjacent Special Use Zone Schedule 1 (Flemington Racecourse) to reduce the threshold for requiring an events management plan from 15,000 to 10,000 patrons
- require a construction management plan and initiate a reference group including community members for the construction period
- require noise attenuation be implemented to meet an internal noise limit of 45 dB for current and future events
- tighten the language of the Comprehensive Development Zone to include additional points related to noise, amenity and ensuring future use compatibility with adjoining land uses
- amend SEPP N-2 to remove the area abutting the Showgrounds and Racecourse from the requirement for external noise limits similar to that existing for the Docklands area.

The Terms of Reference at Clause 27 require the Committee to provide advice and recommendations on the proposed amendment documents as well as any other relevant clauses of the Melbourne and Moonee Valley Planning Schemes. The requirement for an
events management plan under Schedule 1 to the Special Use Zone does not apply to the use of the land as a Racecourse. Such an events management plan is required to address management of the event, noise, traffic and parking. The proposed development will result in increased residential densities abutting the Racecourse which will result in an increase in the number of residents potentially effected by events.

Although the requirement for a construction management plan may be a standard requirement, it has not been specifically provided for in the Comprehensive Development Zone or Plan.

The need for acoustic treatment was conceded by the VRC in its latest response to the Comprehensive Development Zone such that the acoustic report required under Clause 4.1 needs to demonstrate how the requirement of an internal noise limit of 45 dB $L_{aeq}$ (15 minutes) would be met through attenuation measures.

The Showgrounds land is currently zoned Special Use and Schedule 2 applies. Schedule 2 recognises the Showgrounds as a “major educational, recreational and entertainment resource of State and Metropolitan significance”. The Schedule aims to ensure the use of the site “does not prejudice the amenity of surrounding areas”. Incorporated in the scheme is the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004.

In order to manage surrounding amenity, Clause 2.1 of the Schedule sets specific noise limits, being SEPP N-1 and N-2. A permit is required to use the land for outdoor musical events (except for the annual Royal Agricultural Show) where the number of such events exceeding 55 dB(A) measured outside any residence exceeds three.

The Committee notes the noise limit set prior to triggering a permit is 10 dB(A) less than the noise limit under the SEPP N-2. Further a permit is required where the number of events exceeds three when the SEPP N-2 limits the number of events to six. Prior to using the land for such events, a land management plan needs to be prepared to the satisfaction of the Responsible Authority. With respect to noise, the land management plan is to address:

- **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 50 dB(A) when measured from the nearest resident**
- **Noise limiting procedures.**

The Committee understands that many of the proposed future uses of the Showgrounds including its western end, currently removed from adjoining sensitive receptors, is outlined in its Masterplan dated 2014 (not yet incorporated in the planning scheme). The Committee notes the recent Practice Note for Live Music and Entertainment Noise (PPN81, May 2016) provides further guidance on the ‘agent of change’ principle and provides “in practical terms this means if a new or an existing live music venue seeks to establish or expand, they will be responsible for attenuating any noise effects that are caused by that change on nearby residents”. Considering the existing controls on the use of the Showgrounds which seek to balance the use of the site for entertainment with the amenity of nearby residents, and that the proposed future uses are outlined in a Masterplan which is not incorporated in the
planning scheme, the Committee considers the current wording of the Comprehensive Development Zone for acoustic treatments seeks the right balance between the Showgrounds interests as represented in the current planning scheme, and interests of current and future residents.

The Committee notes the Special Use Zone Schedule 2 does not require an events management plan for certain events. Although this may be covered by the required land management plan, some consistency between the two Special Use Zone schedules may be beneficial. This has been discussed in Chapter 5.

The Committee understands that SEPP N-2 is currently being reviewed by the EPA. This process commenced in 2014, a discussion paper has been released and comments sought. A summary of the responses provided to date indicate the issue of how the agent of change principle should be applied is a live issue for that review. According to the EPA website, a second round of consultation on draft policy and a policy impact assessment will be undertaken in late 2016. The Committee considers it more appropriate to consider removing an area adjacent to the Showgrounds and Racecourse from SEPP-2 as part of that review.

7.1.5 Findings and recommendations

(i) Findings

The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

Amenity considerations/attenuation response, to provide future residents and the ongoing, commercially sustainable operation of the Racecourse and Showgrounds on event days and evenings.

The Committee considers that acoustic matters can be addressed through the existing zone provisions and through the introduction of a new requirement for a Construction Management Plan that will include community member input.

Considering the requirements of Schedule 2 to the Special Use Zone and the current review of SEPP N-2 being undertaken by the EPA, the Committee considers this current planning process is not the appropriate forum to consider changing the current SEPP N-2 limits placed on the Showgrounds.

(ii) Recommendations

13. Include an application requirement in Schedules 3 and 4 to the Comprehensive Development Zones for a Construction Management Plan to be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and to consider traffic and amenity impacts during the construction period. Include a requirement for a Community Reference Group to input into the Construction Management Plan for the duration of the construction period of redevelopment.
7.2 Public open space

7.2.1 Key issues

The key issue is related to the quantum and type (cash or land) of public open space to be provided for each site.

7.2.2 Policy and supporting documentation

The SPPF sets out that a contribution to Council is required for public open space when subdivision of land is proposed (Clause 52.01). A public open space contribution may be provided in land or cash. Any cash contributions to Council for public open space must then be used by Council to provide or improve public open space in its municipality. The amount of contribution is set out in schedules which are specific to each Council.

The Melbourne Planning Scheme sets the contribution for the site between 5 and 7.06 per cent. The Moonee Valley Planning Scheme sets the contribution for the site at 5 per cent.

7.2.3 Submissions and evidence

The City of Melbourne suggested that the open space contribution for the Flemington Green site should be 7.06 per cent, and be provided as land.

In its closing submission, the VRC advised that it and the City of Melbourne had reached agreement that a 5 per cent cash contribution for public open space would be paid with respect to the Epsom Road site, and a 7.06 per cent land contribution would be provided with respect to Flemington Green (Document 135 paragraph 51).

Moonee Valley City Council submitted that “Whilst Council acknowledges the five percent open space provision responds to Local Policy Clause 22.05 there are instances where additional area is sought particularly when examining the extent of the additional population and the anticipated demographics based on the development design”. Moonee Valley City Council advised that its existing public open space policy required 5 per cent based on a strategic assessment of the area which had not anticipated a development of such a scale (and proposed increase in residents) as proposed for the Flemington Green site. Had it done so, it was submitted that a higher percentage of contribution would have been set.

In support of this, Moonee Valley City Council tabled Chapter 4 of the Moonee Valley Open Space Strategy (Document 52) which provided that “relative to the population densities Moonee Ponds followed by Flemington and Essendon have the lowest quantity of open space per square metre per person”.

Mr Spencer gave evidence that included his justification for providing greater than standard 5 per cent contribution. His analysis of the historical reasons for the 5 per cent benchmark concluded that “it is likely to have originated in the context of lower density urban fringe development”. Based on this assumption, he estimated the 5 per cent requirement would typically equate to approximately 13 square metres per capita at a typical suburban density of 15 dwellings per hectare. If adopting such a per capita requirement, regardless of density, Mr Spencer contended that the Flemington Green site “would need to include some 1.9 hectares of open space or approximately 62 per cent of the site area”.

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Neither Moonee Valley City Council’s submission or Mr Spencer’s evidence proposed an acceptable quantum, although it was clear that greater than 5 per cent was the starting point with some aspirational targets based on density.

In closing, the VRC argued that “the City of Moonee Valley has not specified how much land it seeks as a public open space contribution for Flemington Green, except to say that it wants more than 7.06 per cent”. In response to this, the VRC submitted that the highest public open space contribution in inner-metropolitan planning schemes to date was 8 per cent. In terms of much higher contributions i.e., up to 70 per cent as advocated by Mr Spencer, the VRC submitted there was no precedent and indeed such a high amount would “make the development of any private parcel of land unviable”.

Submissions from the community members highlighted scarcity of parks and open spaces in the Flemington area. Some argued the 5 per cent contribution for Flemington Green was inadequate in proportion to the scale of the development. In response to the Greenland proposal, submissions expressed concern that the type and design of open space being proposed was inadequate to provide appropriate benefits to children and young families.

7.2.4 Discussion

The Committee agrees that 5 per cent has typically been the standard public open space contribution based on the Subdivision Act 1988. Clause 52.01 of the relevant planning schemes provides a means for Councils to override this in Schedules. The Committee understands higher percentages have typically been provided for in growth areas (in order of 12 per cent) and some urban infill locations where developers have used this to attract a certain market (a minimum of 20 per cent of land is to be open space in the Ascot Chase development which was supported by Amendment C60 to the Moonee Valley Planning Scheme). There may be justification for reviewing the way of determining the required contribution based on or accounting for densities, however such a review should be undertaken across the State, not by this Committee.

7.2.5 Findings and recommendations

(i) Findings

The Committee finds that the proposed 5 per cent cash contribution for public open space for the Epsom Road site is acceptable.

The Committee finds that the proposed 7.06 per cent land contribution for public open space for the Flemington Green site is acceptable.

(ii) Recommendations

14. Adopt a 5 per cent cash contribution for public open space for the Epsom Road site to be vested in City of Melbourne through the provisions of Clause 52.01 to the Melbourne Planning Scheme.

15. Adopt a 7.06 per cent land contribution for public open space for the Flemington Green site, to be vested in the City of Melbourne and the Moonee Valley City Council through the provisions of Clause 52.01 to the Melbourne and Moonee Valley Planning Schemes.

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7.3 Development contributions

7.3.1 Key issues

The issue of development contributions was not well considered leading up to the Hearing, nor was it well resolved. One of the difficulties in this case is not only the amount to be provided, but to which Council it should be apportioned for the Flemington Green site due to the dual municipality split. The key issues to be resolved relate to the form and amount of development contributions for each of the two sites, and how it should be apportioned for Flemington Green.

7.3.2 Policy and supporting documentation

Part 3B of the Act provides the legislative framework for the preparation and administration of Development Contribution Plans.

Section 46K of the Act sets out the requirements for the contents of a Development Contributions Plan.

The Act currently distinguishes between development and community infrastructure levies. While not defined, a development infrastructure levy is generally imposed at the planning permit stage and collected prior to a statement of compliance being issued for subdivision. A community infrastructure levy can only be imposed at the building permit stage, generally on the home builder, prior to a building permit issuing for a new dwelling. The community infrastructure levy must not exceed $900 whereas the development infrastructure levy is not subject to any cap.

State planning policy for development contributions is set out at clause 19.03 of the SPPF. This clause confirms the role of Development Contributions Plans as the primary mechanism for securing contributions towards the timely provision of planned infrastructure and includes the current guidelines as a reference document, and states:

19.03-1 Development contribution plans

Objective

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans.

Strategies

Prepare Development Contributions Plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

Collect development contributions on the basis of an approved Development Contributions Plan.

Policy guidelines

Planning must consider as relevant:

Development Contributions Guidelines (Department of Sustainability and Environment, June 2003 – as amended March 2007).
Section 46M of the Act provides that the Minister may issue written directions to planning authorities in relation to the preparation of Development Contributions Plans.

Development contributions have been an important part of the planning and development process in Victoria since the 1990s. There have been some refinements since legislation was first introduced in 1995 to formalise the development contributions system, and the SDCAC review of 2012/2013 provided the opportunity to re-think way development contributions could applied in the future.

In this regard, the SDCAC proposed a new Development Levy System, using Standard Levies that could be applied in all Victorian municipalities, in three Development Settings: Growth Areas; Urban Areas; and Strategic Development Areas. Lists of ‘Allowable Items’ were recommended for each infrastructure category and Development Setting in order to set clearly defined limits on what funds can be expended on each Standard Levy.

The new system would continue to operate as a contribution towards infrastructure, and not full cost recovery, and continue to ensure the principles of need, nexus, equity and accountability are front and centre in the new system.

In taking this review forward, the Victorian Government has introduced legislation for the Infrastructure Development Contributions Bill and it is understood that DELWP is currently finalising levies for greenfield areas. Further, it is understood that the Metropolitan Planning Authority is reviewing the levies for Strategic Development Areas, of which, the Flemington Life project could be categorised. The SDCAC recommended that the levy in Strategic Development Areas be either $4,500 or $6,000 per dwelling. It further recommended a levy for Urban Areas at $3,000 per dwelling in metropolitan Melbourne.

7.3.3 Submissions and evidence

The VRC relied on the evidence of Mr Matt Ainsaar of Urban Enterprise and Ms Jane Homwood of Urbis in relation to the type and form of development contributions and the extent of social infrastructure and mitigation measures to be provided. Mr Spencer of SGS Economics and Planning gave evidence for Moonee Valley City Council.

Mr Ainsaar suggested that the Standard Development Contributions Advisory Committee (SDCAC) rates of $4500 or $6000 per dwelling in strategic development areas is a useful starting point for consideration of appropriate development contributions, but ultimately he did not support anything in that order. Additionally he undertook various comparisons of other development contributions for like areas. These ranged from $1,200 to $19,000, with $3,000 being an approximate average. Mr Ainsaar noted the development contributions for the Moonee Valley Racecourse site was in the order of $6,000 per dwelling, which, he noted, included the public open space contribution. Ms Homewood considered $6,000 per dwelling to be “... excessive in terms of construction costs as well as the additional development contribution ...”.

As noted, the project proposes to make the public open space contribution through the provisions of Clause 52.01.

Due to the complexity and cost of preparation, Mr Ainsaar considered that preparing a Development Contributions Plan not warranted for this project, rather, development contributions should be mandated through a section 173 agreement as part of the approvals
process of this project. Mr Milner acting on behalf of the VRC expressed support for that position in his planning evidence.

Mr Ainsaar relied on the Urbis report where it estimated the infrastructure works for the project to be $12.73 million, which if all passed on to the development and based on the number of dwellings, is costed at $11,199 per dwelling. He noted that some of this development is needed for the development project and some would provide wider benefits to the community. Without giving a considered reason, Mr Ainsaar advised that he:

... considers 25% of the cost of roadworks and intersections to be an appropriate cost apportionment to the FL development, on the basis that there will be a share of usage of the infrastructure by the wider community.

This infrastructure includes:
- bicycle paths and associated works
- pedestrian connections
- DDA compliant bus stops
- Improvements to the 'Village Green' public open space
- Improvements to the publicly accessible space adjacent to the VRC's Hill Gate, including DDA compliant access to the railway station
- contributions to improvements to Newmarket Reserve, including upgrading the access path to the tram stop
- a signalised pedestrian crossing across Epsom Road.

Taking these matters into account, Mr Ainsaar calculated the infrastructure items of public open space contributions, public open space improvements to Village Green/VRC forecourt, improved bicycle connectivity, improved pedestrian connections, bus stops and 25 per cent contribution to roads and intersections resulted in a total cost of $4,798.22 per dwelling (based on 1134 dwellings).

The community facilities contribution costs of kindergarten places, multipurpose facility spaces, open space and recreation enhancements and improvements to Newmarket Reserve result in a total cost of $1,922.84 per dwelling. Together, these add up to $6,721.06 per dwelling (The cost estimates in Mr Ainsaar’s evidence are based on costs provided by WT Partnership, none of which were disputed).

With regard to each site, Mr Ainsaar calculated that the per dwelling contribution for Flemington Green should be $1,877.92 and for Epsom Road it should be $2,005.90.

Both Councils made submissions regarding the impact of the population that would be accommodated in the Greenland proposal on municipal services such as health centres and local schools and pre-schools. Both Councils stated that their forward planning did not anticipate a new population at this current non-residential site, and that the population increase would present problems of over-capacity and a strain on services which would require capital investment to overcome.

Mr Spencer for Moonee Valley City Council took a different approach to development contributions. His starting point was that the entire Flemington Green project should be included in Moonee Valley Council area as he argued that locationally and functionally, it is a
logical outcome. He then outlined four frames for consideration of development contributions, these being:

- inclusionary requirements
- user pays contributions
- impact mitigation
- value capture.

When questioned about these frames and how they have previously been used and accepted in practice, Mr Spencer advised that he used them previously in a Stonnington matter. He said that in his opinion, they were accepted by that Panel as in they were not challenged, but there was no commentary or mention of these frames in the Panel report. He advised no other consultant apart from SGS Economics and Planning uses these frames. Through her cross examination of Mr Spencer, Ms Porter sought to understand the rationale of these frames and questioned him on whether he had in fact prepared any development contribution plans or whether he knew of any plans that used these frames. He was not able to assist in this regard. Neither, through questioning, did it appear Mr Spencer had reviewed the work of the SDCAC and its key recommendations relating to the development settings and the allowable items. Ms Porter saw this as a shortcoming of his work, and contended that he tried to introduce a new and untried methodology to land that led to a significantly higher development contribution outcome.

In its submission, the City of Melbourne stated that:

*There must be a commitment to mitigating the impact on local infrastructure and community facilities. The developer should be required to construct all physical infrastructures, including the proposed park, the intersection upgrades, and the pedestrian crossing at Epsom Road at their own cost and to the satisfaction of the Council. A sum per dwelling to contribute to the upgrade of community infrastructure in the area should be provided.*

A number of community submissions commented that in their opinion, the VRC was not contributing very little to the local community.

In terms of how the development contributions might be realised, in his closing submission at paragraph 53, Mr Townshend advised that:

*The VRC and the Councils are in agreement that development contributions should be secured by a s173 agreement required by the CDZ, with a monetary contribution payable in respect of each dwelling. In calculating that contribution, both Councils have assumed a high-density level of impact on community infrastructure.*

### 7.3.4 Discussion

The Committee considers the independent evidence of Mr Ainsaar provided the key basis for which to determine the appropriate development contributions to be made. Ms Homewood deferred to his calculations, and the approach adopted by Mr Spencer was somewhat frustrating and not helpful. There has been a significant body of work undertaken on development contributions with the established principles of need, nexus, equity and accountability standing the test of time in Victoria for several decades. To try and introduce
a new methodology through this Committee process when there are established mechanisms for considering development contributions is at best, as Mr Spencer contended, ambitious, but without rigour and an understanding of current thinking.

However, the Committee considers that the final development contributions figure for each site is rather low ($1,877.92 for Flemington Green and $2,005.90 for Epsom Road) in the context of the extent of residential development proposed to be introduced. This proposal is introducing a new residential component into an area not previously planned, and if the recommendations of this Committee are adopted, it will result in an increase of some 900 dwellings and a potential population of up 1,620 to 1,800 people (based on 1.8 to 2 persons per dwelling). It is difficult for the Committee to advocate that the site represents a Strategic Development Area when there has been no structure planning to lead to that outcome. The Committee considers adopting a development contributions of $3,000 per dwellings is reasonable in these circumstances.

Once the strategic planning process through the revised Comprehensive Development Plans is completed, the final allocation and apportionment to each municipality of the development contribution to be collected can be resolved. This accords with the intent of the evidence of Mr Ainsaar, where he noted that he supported the inclusion of a s173 agreement to be the main instrument for establishing the development contributions, “... with the details finalised at the time the development plans are finalised”.

There was some discussion at the hearing about the need for, and the benefit of, providing improvements to the forecourt area adjacent to the VRCs Hill Gate. This proposal includes providing Disability Discrimination Act (DDA) compliant access to the railway station. While this may be needed, the Committee is at a loss to understand how this aspect of the development can be considered as part of a development contribution from the new residents. Even if there was to be access to the railway station due to the activation of the rail spur, it would be difficult to support such an item. The Committee cannot see any meaningful nexus between this item and providing infrastructure to the new residents. This item should be deleted in any future resolution of the project. Mr Spencer argued that the forecourt area is not and will not be used as public land and the $2million cost of its development will have very limited value to the local community residing in the new development. He contended that it will not serve the function of local open space and it is really just doing up an existing asset owned by the VRC.

The Committee agrees and considers this aspect will mainly serve racegoers, not the local new community.

7.3.5 Findings and recommendations

(i) Findings

The Committee finds that the proposed development contributions of $2005.90 per dwelling for Epsom Road, and $1877.92 per dwelling for Flemington Green is low for a new residential area where there will be significant, and unplanned population influx in the area. While the Committee thought about increasing the development contributions to be in line with that agreed for the Moonee Valley Racecourse redevelopment, it considers that given it
has ultimately recommended a lower number of dwellings and subsequent population, the ‘urban areas’ rate of $3000 is appropriate.

The Committee acknowledges that there remains significant work to be undertaken in finalising the planning stage for the sites, however, establishing the rate through a section 173 agreement in the Comprehensive Development Zone will at least provide certainty and the opportunity for the Councils to further explore how this contribution might be apportioned and allocated once the planning stage is finalised.

(ii) Recommendation

16. Require a development contribution of $3,000 per dwelling through Clause 9 of Schedule 3 to the Comprehensive Development Zone for Flemington Green, and through Clause 7 of Schedule 4 to the Comprehensive Development Zone for Epsom Road.

7.4 Affordable and diverse housing

7.4.1 Key issues

The key issue to be reconciled is how to provide for affordable, adaptable and diverse housing opportunities.

7.4.2 Policy and supporting documentation

Clauses 11 and 16 of the SPPF provide the most explicit reference to housing affordability, ensuring that planning has regard to provision of affordable housing through land use strategies, or in making planning decisions. The SPPF focuses on providing public transport, encouraging various modes of transport, providing good connection with surrounding centres and locating new development amongst existing services, thus all contributing to housing affordability. Development of housing strategies and other housing related policy are incorporated in planning schemes. Specifically:

- Clause 11.04-2 Housing choice and affordability: To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.
- Clause 11.04-3 A more connected Melbourne: To provide an integrated transport system connecting people to jobs and services, and goods to market.
- Clause 16.01-1 Integrated housing: To promote a housing market that meets community needs.
- Clause 16.01-2 Location of new residential development: To locate new housing in or close to Activity Centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
- Clause 16.01-4 Housing diversity: To provide for a range of housing types to meet increasingly diverse needs.
- Clause 16.01-5 Housing affordability: To deliver more affordable housing closer to jobs, transport and services.

The City of Melbourne did not pursue the issue of affordable housing in great detail, but referred the Committee to the Council’s Housing Strategy – Homes for People (adopted by
Council but not included in the Planning Scheme). Council noted Goal 1 “Help provide at least 1721 affordable homes (subsides) for low and moderate income earners by 2024 ...” and the Better Apartments discussion paper as reference points.

Affordable housing is recognised in the Moonee Valley Planning Scheme at Clause 21.05-3 as follows:

To improve housing affordability within the municipality with households incomes below the 60th percentile of income groups.

• Encourage affordable housing in locations with good access to public transport, services and retail opportunities.
• Encourage affordable housing through partnerships with housing providers or participation in the National Rental Affordability Scheme.
• For residential developments of 10 or more dwellings, encourage the provision of affordable dwellings.

While the focus of much of the discussion at the Hearing was on affordable housing, the issue of adaptable and diverse housing was also prominent.

### 7.4.3 Submissions and evidence

The VRC noted the complexity of affordable housing and that actions to improve such are “beyond the land use planning system”. Mr Townshend contended that:

The provision of affordable housing is a national problem requiring a whole-of-Government solution.

Further, he noted:

Currently, there is no basis in the SPPF for requiring any private developer to provide a component of affordable housing. The rezoning of a small number of strategic redevelopment sites has included requirements or aspirations for a 4-5% affordable housing component.

He questioned the fairness of requiring developers to provide affordable housing but advised the Committee that the VRC has put forward a proposal to provide 15 dwellings to be made available for low-income workers at the Racecourse. Mr Townshend noted that this proposal had merit because:

... it is directly linked to the socio-economic circumstances of Racecourse workers, and would make a meaningful contribution to affordable housing in an area where gentrification is increasingly making housing less affordable to local workers.

He further acknowledged that adaptable housing and a higher level of environmentally sustainable development objectives could be enhanced through modified planning provisions in the Comprehensive Development Zone.

In the response to submissions (Document 38), Urbis noted that with respect to concerns about the provision of one/two/three bedroom apartments:

... there is an increasing demand for one-bedroom apartments to align more closely with the trends for smaller and single person households. Secondly, the
actual split of apartments will be a matter of planning permit rather than at this Amendment stage.

The submission response noted that an additional Social Impact Assessment will be required, and “at that time, the split of bedrooms and the likely demographic characteristics of residents will be more clearly understood”.

Mr Townshend called Ms Homewood to provide evidence on social impacts, including affordable and diverse housing. Prior to the Hearing, Ms Homewood provided a report on social impacts, open space and affordable housing (working draft 23 February 2016) in response to issues raised by the Committee in its Stage 1 report. In response to the issues raised by the Councils and others, Ms Homewood supported the provision of 15 dwellings for lower income workers from the Racecourse, but essentially deferred more detailed consideration of this at the planning permit stage. In this regard, she noted:

At the planning permit stage, the developer and Councils can be more specific regarding the opportunity to designate housing ... it is recommended that the planning controls at the planning permit stage should be clear regarding:

- Who pays for the housing
- The housing location
- Flexibility regarding tenure mix
- ...

Ms Homewood gave evidence that the “… development proposals propose over 13% of apartments will be three bedroom”, and advised that:

The proposed Flemington Green development consciously increases the diversity of housing choice in the study areas by seeking to deliver a significant number of one, two and three bedroom dwellings (including apartments and townhouses) to cater for the changing demographic profile of the study area.

In his closing submission, Mr Townshend submitted that achieving housing diversity is best approached as an objective rather than through prescription. He noted there is more opportunity to provide diverse housing opportunities at Flemington Green due to its size but that any increase in the size of apartments may reduce overall dwelling numbers. The revised controls include an application requirement for a floor schedule to demonstrate a reasonable range of dwelling types and bedroom numbers. Mr Townshend noted that “As a matter of policy the VRC supports objectives to achieve a diversity of housing sizes”.

With regard to affordable housing and the offer of the VRC to provide 15 dwellings to low income workers, Mr Townshend contended that if the Committee was minded to recommend that a percentage of affordable housing be set aside, that percentage:

(a) Should be no higher than 5%;
(b) Should be accompanied by development incentives; and
(c) Should be instead of, not in addition to, the VRC’s offer to provide worker housing for low-income Racecourse workers.

In his evidence, Mr Milner supported a 5 per cent allocation for affordable housing, which he considered to be consistent with other recent projects where the relevant Council had sought such an outcome. While he considered this could be included as a provision in the
Comprehensive Development Zone, he further noted that an affordable housing outcome could be secured through a section 173 agreement. In this regard, he noted:

*That agreement should outline the ‘package’ of considerations detailed by both Mr Ainsaar and Ms Homewood on matters such as responsibility for payment, the mix of affordable housing, the location of housing, housing design and construction.*

Mr Milner also commented on adaptable housing but recommended this be put on hold until the forthcoming ‘Better Apartment’ review is finalised.

In its final version of the schedule to the Comprehensive Development Zone for Flemington Green, the VRC proposed a new Clause 10 relating to Affordable Housing, whereby it provided for the permit holder to exceed the maximum height specified if the equivalent of 10 per cent of the gross floor area was set aside for affordable housing. Given that the Committee advocated maximum heights for each site as part of its Stage 1 report, and given that this was not contested at the Hearing by any party, including the VRC, the Committee does not support this inclusion.

The City of Melbourne suggested that the Committee consider that there should be an affordable housing requirement, while Moonee Valley City Council argued:

*It is therefore recommended that in addition to a quota of Affordable Housing the development should provide for a minimum of 10 percent Adaptable Housing. These dwellings may in part overlap with the provision of Affordable Housing but Adaptable Housing should be demonstrated in the design of a minimum of 5 percent of the private housing stock as well.*

Moonee Valley City Council sought a 10 per cent provision of affordable housing, and 10 per cent of the proposed housing to be designed to be adaptable.

In its written submission, Housing Choice Australia stated its concerns with the Flemington Green site being allocated to provide affordable housing, and noted “*the Epsom Road site is a much better location and development to include social housing***.

### 7.4.4 Discussion

The Committee considers that having regard to the objectives of planning set out in the *Planning and Environment Act 1987* and through State planning policy, there is an obligation on all planning authorities to appropriately provide for housing diversity and affordability to meet the needs of current and future communities.

The SPPF provides clear direction in relation to the role of the land use planning system in supporting housing diversity and affordability, with specific policies for both of these thematic issues (Clauses 16.01-4 and 16.01-5). Other related policies within the SPPF support the housing diversity and affordability objectives and strategies.

These housing diversity and affordability objectives and strategies are implemented through local planning policy and the zoning of land by planning authorities, and the application of policy, zone provisions and the particular provisions by responsible authorities.
The Committee notes that in relation to housing affordability, the SPPF is the primary element in planning schemes to inform how land use planning is to facilitate housing affordability. Having regard to this, it is critical that the strategies that seek to implement this objective are effectively implemented by planning and responsible authorities. The strategies that support housing affordability policy objectives in this clause relate to ensuring an appropriate supply of land to meet demand, and providing a choice of housing types to meet diverse and changing household needs.

The Committee considers that the rezoning of land is a key mechanism to ensure adequate supply of land for residential development as well as enabling a range of housing types to be provided to meet the needs of a range of households, including those who require adaptable and affordable housing.

Having noted this, affordable housing is difficult to adequately define, as what may be affordable in one area, may not be affordable in another. Additionally, affordability is impacted by accessibility to transport, employment, retail opportunities and community services. While a house and land package in the outer growth areas might be deemed to be affordable, access to employment, lack of regular public transport services and difficulty in accessing local services adds considerable cost to daily living. It is noted that housing is deemed affordable when the cost of housing is no more than 30 per cent of the lowest two thirds of average income levels. Further, ‘moderate’ income key workers such as teachers, nurses, police, and others who need to be near employment locations are often locked out of well-located housing.

The Committee notes that the VRC is proposing to provide 15 dwellings for the purpose of affordable housing with a mix being one and two bedroom, at Flemington Green only. The VRC would then assign these to stable tenants who have a commercial lease, and the housing would be made available to staff of the business the commercial lease is with, in that they are low income workers on the site, for example stable hands.

This is a worthy pursuit, but one of the issues faced by the Committee in trying to reconcile the issue of affordable housing is the two staged process. The Committee understands that if the site is to be rezoned and the controls put in place to provide for development, the land would then be sold to a developer who would then finalise the design and apply for the relevant planning permits. If, as Ms Homewood suggested, the resolution of affordable housing is left to that stage, there may be less guarantee that affordable housing would be provided. While the VRC notes it will provide up to 15 dwellings for low income workers, this needs to be water tight through this current process, not a future process. In this regard, the VRC has proposed the use of a section 173 agreement in the schedule to the Comprehensive Development Zones to deliver on affordable housing.

The Committee supports the inclusion of 5 per cent of dwellings being provides as affordable housing for each site. The 15 dwellings proposed by the Victoria Racing Club to be made available to low income workers at Flemington should be included as part of the 5 percent allocation for Flemington Green. In the later stages of planning, these dwellings should be spread throughout the development and not grouped in an enclave.

With regard to housing diversity, the Committee notes the decision in In Caydon Cremorne No. 1 Development Pty Ltd v Yarra CC (Red Dot) [2016] VCAT 435. In this case, the applicant
was proposing a large development with over 260 apartments, 207 (or 80 per cent) of which were proposed to be one bedroom apartments. Council and objectors submitted that with such a large proportion of one bedroom apartments, this proposal would not achieve planning scheme polices aimed at facilitating diversity of housing. The Tribunal shared these concerns and described evidence from the applicant that the market supported such a high proportion of one bedroom apartments as “unsatisfactory”. The Tribunal was of the view that “while market preference and affordability issues are relevant and important issues, so too is planning policy that encourages diversity of housing options in developments of this type and scale”.

In referring to the Guidelines for High Density Residential Development, the Tribunal noted that specific guidance was lacking “about what might constitute an acceptable distribution of dwelling types and sizes”. Evidence presented to the Tribunal also seemed to be lacking in detail on this point. In conclusion, the Tribunal found they themselves were unable to be specific about changes needed to achieve an acceptable outcome, other than to say that they regarded recommendations made by Mr McGauran that “25 per cent of the apartments should be capable of being redesigned to provide larger apartments” should be considered the absolute minimum level of change to the proposed plans that might be considered acceptable.

An interim decision was made, with the Tribunal providing the Applicant the opportunity to amend the plans of the proposed development addressing a number of the Tribunal’s concerns including provision of greater diversity of apartment sizes i.e., fewer one bedroom apartments and more two and three bedroom apartments.

This case is significant in that it clearly mandates the importance of diversity in housing product. The Committee shares this concern and considers the final housing product for this project should provide a more appropriate mix of dwelling typology. This can be addressed in the revised Comprehensive Development Plans.

7.4.5 Findings and recommendations

(i) Findings

The Committee finds that there should be an obligation for the ultimate developer of both sites to provide an allocation of 5 per cent affordable housing. For Flemington Green, this should include the provision of the 15 dwellings for low income employees at Flemington. Additionally, the revised Comprehensive Development Plans should include guidelines to ensure a range of diverse and adaptable dwelling types.

(ii) Recommendation

17. Require a 5 per cent allocation of dwellings to be provided as affordable housing through Clause 9 of Schedule 3 to the Comprehensive Development Zone for Flemington Green (which will include the provision of 15 dwellings for low income employees at Flemington Racecourse), and through Clause 7 of Schedule 4 to the Comprehensive Development Zone for Epsom Road.

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4 Caydon Cremorne No. 1 Development Pty Ltd v Yarra CC paragraphs 89 - 97
8 Responsible Authority and municipal boundaries

Further, there are two matters raised in the Terms of Reference that require comment. These relate to the status of the Minister for Planning as Responsible Authority, and whether there should be a municipal boundary re-alignment.

8.1 Responsible Authority role of Minister for Planning

Clause 27 of the Terms of Reference require the Committee to provide:

An assessment of the following issues as they relate to the use and development of each precinct:

• ...

• an assessment of the current Responsible Authority status and whether the Minister for Planning should continue as Responsible Authority for the development sites.

8.1.1 Key issues

The key issue to be resolved is whether the Minister for Planning should remain as Responsible Authority for the Flemington Racecourse site.

8.1.2 Policy and supporting documentation

Planning Policy in relation to Responsible Authority at Clause 61.01 (Administration and Enforcement of this Scheme) of the Moonee Valley and Melbourne Planning Schemes state that “the person nominated under section 198(1)(a) of the Act or the responsible authority under section 198 (1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause”.

Clause 61.01-1 directs that the Minister for Planning is the Responsible Authority for matters under Divisions 1, 1a, 2 and 3 of Part 4 of the Planning and Environment Act 1987. The Schedules to Clause 61.01 states that the Minister for Planning is the Responsible Authority for administering and enforcing the scheme for specific sites.

The Minister for Planning is the Responsible Authority for the Flemington Racecourse site, that is, all of the land zoned Special Use Zone 1 in the Melbourne Planning Scheme.

In August 2012, at the request of the VRC, Amendment C125 to the Moonee Valley Planning Scheme made for Planning the Responsible Authority for the proposed Flemington Green site, which was originally zoned Residential 1. The exhibited Explanatory Report for that Amendment noted:

The proposed amendment makes appropriate use of the Victoria Planning Provisions given it will put in place one consistent Responsible Authority for the entire Flemington site, a site of state and national importance. The amendment will facilitate the singular consideration of the future development applications.

The current draft amendments do not seek a change to alter the status of the Responsible Authority.
8.1.3 Submissions and evidence

The Proponent did not propose any changes to the Responsible Authority status for the subject sites.

The City of Melbourne argued that should the land be rezoned, the Responsible Authority should revert to the municipality in which the land is situated and suggested that “there is no reason to suggest that this parcel of land should have a different status from other land within the City of Melbourne”.

Conversely, Moonee Valley City Council submitted that the Committee should recommend that it be the Responsible Authority for all further planning decisions made on the Flemington Green site. Moonee Valley City Council considered that it is best placed to consider the impacts of any proposed development, given the geographic location of the site, reliance on providing services and their understanding of the interests of the local community.

Submissions from the general public were mostly in favour of local councils being the responsible authority. The Kensington Association expressed the view that having the Minister as the Responsible Authority effectively paves the way for a “freeway” to development at the expense of basic planning rights. It suggested that the local council best placed to be the Responsible Authority for the subject sites.

One submission argued that “the local councils should be given back the authority of the proposed development sites, as they will be the government bodies that facilitate the measures to accommodate the increased demands on these services”.

One submitter to the hearing (Document 129) argued that Amendment C125 “… was undertaken in secrecy”. This submitter argued that this is a highly unusual course of action. He contended that Amendment C125 “… should be set aside and Moonee Valley Council returned as the responsible authority for the land north west of Leonard Crescent to properly enable the orderly planning of its municipality”. The Committee has no authority to set aside an approved Amendment, however it comments further on the issue of Responsible Authority status.

8.1.4 Discussion

The Responsible Authority for the subject sites is currently the Minister for Planning. The debate as to whether this should change is intrinsically linked to the discussion regarding the municipal boundary realignment. The Epsom Road site is a non-issue due to its clear location within the City of Melbourne, however the Flemington Green site is located across two municipalities and is a subject of debate between Councils and within the community. The issue of municipal boundaries will inevitably take time to be determined and the Minister for Planning would likely remain the Responsible Authority until the time that such a decision is made.
8.1.5 Findings and recommendation

(i) Findings

The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

An assessment of the current Responsible Authority status and whether the Minister for Planning should continue as Responsible Authority for the development sites.

The Committee finds regardless of any municipal boundary realignment that may occur, the Minister should remain the Responsible Authority for the Flemington Green site until such time as the strategic planning work is finalised.

(ii) Recommendation

18. Retain the Minister for Planning as Responsible Authority for both development sites until the revised Comprehensive Development Plans are completed and adopted (unless a municipal boundary realignment occurs prior to completion of this work).

8.2 Municipal boundary realignment

Clause 27 of the Terms of Reference require the Committee to provide:

An assessment of the following issues as they relate to the use and development of each precinct:

• ...
• Rationale in reviewing whether a municipal boundary re-alignment is required for the ‘Flemington Hill’ development site to ensure the site is contained within one municipality.

• ...

8.2.1 Key issues

The key issue to be resolved relates to whether the Flemington Green site should remain in the two separate municipalities of Melbourne and Moonee Valley, or be wholly included in one or the other.

8.2.2 Policy and supporting documentation

By definition, a local government boundary is the point at which change occurs from one municipal administrative structure to another. Municipal boundaries can be reconsidered only when ‘exceptional circumstances’ justify a review under the Local Government Act 1989.

Under Section 220Q of the Local Government Act 1989, the Governor in Council may on the recommendation of the Minister for Local Government, make an Order in Council to “alter the boundaries of a municipal district by adding or removing an area to or from an existing municipal district or an outlying district”.5

Under Section 220T of the Local Government Act 1989, the Minister for Local Government may recommend that an Order in Council be made to give effect to minor boundary changes provided that:

- the proposed changes are of a minor nature only; and
- any Council whose municipal district is affected by the proposed changes has approved of the proposed changes; and
- public notice of the proposed changes has been given in the municipal district or distracts affected.  

The Local Government Act 1989 does provide guidance on the criteria to be used in setting or reviewing of municipal boundaries. However, section 3D(2) states that:

The role of a council includes:

...

(f) fostering community cohesion and encouraging active participation in civic life.

The report of the Local Government Panel on the review of municipal boundary in Kensington and North Melbourne boundary stated that:

Where the location of a boundary causes unusual, sustained, structural and significant detriment to all or most of these, there is a strong case for remedial action to overcome unreasonable disadvantage, that is exceptional circumstances warrant review of the boundary.

The Flemington Green site is located across the two municipalities of the City of Melbourne and Moonee Valley City Council (see Figure 1). This has the potential to impact not only the two affected Councils, but also the potential future residents of the developments and the wider community. The Epsom Road site is wholly located in the City of Melbourne and therefore is not a contested issue.

8.2.3 Submissions and evidence

The proponent provided no specific views on the matter of the boundary realignment and considered the Committee best placed to address the question.

The City of Melbourne did not comment on the municipal boundary realignment in its original written submission, however addressed it its opening submission (Document 56). In her submission, Ms Forsyth acknowledged that “There is common ground between the two councils that if the site is to be developed as part of an integrated development, the boundary ought to be realigned”.

However, she noted that the City of Melbourne supported the boundary being re-aligned to within its municipality. It argued that future residents will use services within both municipalities, however the closest activity centre to Flemington Green is located within the City of Melbourne, at the Showgrounds Village. Further, being a state significant project, “the development is best placed within the City of Melbourne due to its Capital City role and

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function as per the City of Melbourne Act 2001.” As such, the City of Melbourne believed that it is “best placed to ensure that the precinct is maintained to a standard” that would put Melbourne in the best possible light on the day that “stops the nation”. Further, Ms Forsyth noted that taking a longer term view:

... if the activation of the rail spur for commuter travel does eventuate at some future time, and the rail spur is developed for higher intensity uses, then it would follow that the Flemington Green development would best sit without (sic) the same municipality as the rest of the “potential urban renewal precinct”.

Moonee Valley City Council supported including the Flemington Green site within its municipality for a number of reasons. If the site were to be aligned to its municipal boundaries, it argued that it would benefit not only the Council, but also the residents and surrounding community. Future residents would be provided with a stronger sense of community and would be better integrated with the neighbourhood. The additional number of residents in the area would increase the demand on local infrastructure and services in Moonee Valley, and Council recommend that “single managed approach” to the dealing with the associated issues would be preferable to a fragmented solution.

The Committee heard from Mr Spencer, who gave evidence about municipal boundary realignments for Moonee Valley City Council. Mr Spencer made a number of corrections to report dated March 2016. None of these corrections impacted on his final recommendations, however some of figures were altered quite significantly. His evidence supported all of the Flemington Green site to be within Moonee Valley.

Mr Spencer argued that the new local community would be most connected to Moonee Valley due to a number of physical barriers and attractors in the local area. The definition of ‘local community’ was based on the idea of the 20 minute neighbourhood and the question of “where would the future residents’ local community be?” was posed. He concluded that the physical barriers to the south and west would ultimately drive the community to be more connected to the north, ie. Moonee Valley.

Access to local services and facilities was examined through a network analysis which was undertaken to determine the local services and open space that would be accessible within 20 minutes of the subject sites. Mr Spencer argued that through the analysis, retail centres schools and open space were mostly located within the Moonee Valley municipality. He concluded that “the future community at Flemington Green would be physically and functionally more connected with Moonee Valley than the City of Melbourne”. For the Epsom Road site, he considered that there is a more even balance in terms of access to services and facilities.

Furthermore, Mr Spencer argued that splitting local government services would result in significant inefficiencies in service delivery, and that resolving and discharging development contributions and open space obligations would be overly complex.

For the above reasons, he contended that there is sufficient justification for amending the municipal boundaries so that the Flemington Green site is located entirely within the Moonee Valley City Council.
Community Groups were generally of the opinion that the Flemington Green site should be within the one municipality - that is in Moonee Valley. AVRAG were of the view that the Racecourse and Showgrounds should be treated as “a single entertainment precinct … located within the City of Moonee Valley”. It was noted that the current boundary was only changed as a result of Ministerial intervention that resulted from the RASV desire to benefit from lower rates offered to them by the City of Melbourne during the Kennett era. The long-standing established boundary had been along the rail line. AVRAG argued Flemington Green is an integral part of the Ascot Vale community and should therefore be located within Moonee Valley.

The Flemington Association submitted that it would be unworkable for the Flemington Green site to lie across two municipalities. It argued that future residents would likely become a part of the Ascot Vale community, rather than the Melbourne community. Furthermore, it submitted “as Moonee Valley City Council will be most affected by the impact of the development, the site would be better considered part of Moonee Valley City Council”.

Many individual submitters were of the opinion that the Flemington Green site should be located in Moonee Valley. A number commented that it would be more logical from a services and community impact perspective to locate the site within the Moonee Valley City Council. One submitter stated that “common sense suggests that the … Flemington Green site would link to the Ascot Vale neighbourhood”, whilst another submitter argued that the Flemington Green site is isolated from the rest of Melbourne, and the City of Melbourne were not considering the effects on the community and instead, motivated by “purely self interest”. It was noted by a submitter that during a City of Melbourne meeting, 5 out of 11 Councillors did not support the shifting of the boundary to include the entirety of the Flemington Green site.

8.2.4 Discussion

There are two issues that require consideration. The first is whether the municipal boundary should be re-aligned to ensure that Flemington Green development is within one municipality, and the second is which municipality it should be located within.

Moonee Valley City Council, the City of Melbourne, community groups and individuals all generally support the inclusion of the Flemington Green in the one municipality. This would be beneficial and logical with regard to waste management, parking, service delivery, maintenance and the community impact.

The disputed issue is which Council the site should be realigned to. The two Councils support the inclusion of the Flemington Green site being in their respective municipalities. Community groups and individuals were mostly in favour of Flemington Green being located wholly within Moonee Valley City Council. The Committee concurs with those opinions but recognises that there are processes in the Local Government Act 1989 to deal with any municipal boundary change.
8.2.5 Findings and recommendations

(i) Findings
The Committee makes the following findings in responding to Clause 27 of the Terms of Reference:

*Rationale in reviewing whether a municipal boundary re-alignment is required for the ‘Flemington Hill’ development site to ensure the site is contained within one municipality.*

The Committee finds that there is logic and sense in aligning the municipal boundary to include the Flemington Green site within the one municipality. It finds that there is considerable support for the boundary realignment to occur within Moonee Valley rather than the City of Melbourne. The evidence and submissions received mostly suggested that there would be greater community benefit if it were within Moonee Valley’s jurisdiction.

The Committee is not in a position to make a definitive recommendation on the alignment of the municipal boundary, however finds that further review is necessary to determine the appropriate municipal boundary once, and if, there is approval to proceed with this development proposal.

(ii) Recommendations

19. Retain the municipal boundaries as they are until the revised Comprehensive Development Plans are completed and adopted.

20. Refer the issue of the municipal boundary to the Local Government Review Panel (or equivalent) for further review.
Part C: Resolution
9 Proposed planning controls – the way forward

Clause 27 of the Terms of Reference requires the Committee to provide:

A strategic assessment of the proposed content of the Comprehensive Development Zone schedules.

An assessment of the proposed Flemington Hill Comprehensive Development Plan June 2014 and Epsom Road Comprehensive Development Plan June 2014 against the requirements of the proposed Comprehensive Development Zone schedules.

... Advice as to whether the proposed changes to the planning schemes should be approved, subject to any recommended changes to the proposed zone schedules, Comprehensive Development Plans and any other relevant Clause of the Melbourne Planning Scheme and the Moonee Valley Planning Scheme.

... Recommendations on the appropriate form and process of the amendments to introduce the planning controls into the planning schemes.

9.1 Key issues

The key issue to be resolved is whether either or both the draft amendments should be recommended by the Committee to be:

- approved as a section 20(4) by the Minister for Planning, as exhibited
- approved as a section 20(4) by the Minister for Planning, subject to changes
- re-exhibited as full planning scheme amendments (with or without concurrent planning permit applications)
- abandoned.

The primary recommendation of the Committee is that the Comprehensive Development Zones (only) be approved by the Minister for Planning as a section 20(4) process, subject to further changes. These changes are based on the final version of the Amendment documents as provided at the conclusion of the hearings, with modifications.

9.2 Submissions and evidence

Generally, notwithstanding the level of opposition to the proposal, the submissions and parties to the hearing generally supported the use of the Comprehensive Development Zone and Comprehensive Development Plan as the tools to take these proposals forward. Some however (City of Moonee Valley, AVRAG), considered the preferred zone to be the General Residential Zone, supported by ResCode provisions. For a major strategic redevelopment proposal such as this, the Committee does not support that view.

The Comprehensive Development Zone can be tailored to provide for specific outcomes, and supported by a robust Comprehensive Development Plan, provide a sufficient level of detail to ensure an appropriate outcome.
On the final Hearing day, the Committee invited comment on the final form of the amendment documentation as proposed by the VRC, on a without prejudice basis. These documents were tabled on 5 April 2016 (Documents 123 and 124) and differ in some detail, but do not read particularly different from the documentation as originally exhibited.

The Committee received eight submissions in response to the exhibited draft amendments from:

- City of Melbourne
- City of Moonee Valley
- Ascot Vale Residents Action Group
- Anthony Isaacs
- Kensington Association
- RASV
- Anne Heyes
- Flemington Association.

Some of these submissions reiterated primary submission issues that argued a continuing and complete lack of support for the amendments. The City of Melbourne reiterated its views as expressed in Documents 131 and 132 whereby it proposed an alternative drafting of the amendments. It noted that:

- The proposed development and proposed built form has no strategic justification; and
- The re-development of this area, being the precinct of surplus racecourse land, should be considered as part of a more strategic Masterplan/Urban Design Framework process.

Moonee Valley City Council said:

The controls remain informed by, and are intrinsically linked to the Greenland proposal which is no longer on the table. From the densities, to the ITP and the layout of Flemington Green, this remains the Greenland proposal. The CD Plan is effectively a “cut and paste” of the Greenland proposal which has been reordered and badged as a different document.

The Flemington Association advised that it found it difficult to comment on the revised schedule to the Comprehensive Development Zone “... as the Greenland Groups indicative concept is no longer relevant”. It commented that the information provided is inadequate for a major rezoning decision, and they questioned the usefulness of the Comprehensive Development Plan.

The Committee acknowledges the Kensington Association for its input in reviewing the schedules and in providing meaningful and valuable comments in response. The responses were thoughtful and considered, and added value to the end result.

9.3 Revised Comprehensive Development Plans

The long term future of this important and culturally significant precinct is one where careful planning will need to be undertaken to ensure that future development opportunities are appropriately recognised and addressed. The lack of a master or structure plan, both for the
Flemington Racecourse and the wider environs is a significant shortcoming in this process. This aspect was subject to wide commentary at the Hearing by various parties, including Mr Milner (in his peer review of the Greenland proposal for the VRC), Mr Barnes (in his evidence on behalf of Melbourne City Council) and was alluded to in the letter from the OVGA dated 4 December 2015.

This current proposal seeks to introduce new residential uses on the Racecourse site, where it has not previously been contemplated or planned. In an ideal world, a robust strategic planning process would have occurred (such as that undertaken for Arden-Macaulay and City North for example). The Committee has thought long and hard about whether it should or could recommend that such a planning process occur before detailed consideration of the proposal as Planning Scheme amendments and then later, planning permit applications.

This matter has been in the planning phase for several years and if the recommendations of the Committee are adopted, then it considers that significant compromise has been made to reduce impacts and to maintain a reasonable level of amenity for neighbouring communities. There is no doubt that increased residential development outcomes is appropriate for inner city areas where such opportunities are available.

The primary recommendation of the Committee is that the Comprehensive Development Zone for both sites, as modified, be adopted and approved as a section 20(4) Amendment to the Melbourne and Moonee Valley Planning Schemes. The City of Melbourne flagged this as one option at the Hearing and advised that the City of Melbourne supported a hybrid approach in that it recommended “… approval of a revised schedule, but recommend that a master planning process is undertaken to inform the CDPs, with the CDPs to go through a (public) planning scheme Amendment process”.

The Committee questioned whether a Comprehensive Development Zone could be approved without a Comprehensive Development Plan. No party saw this as an issue in taking the project forward, if that was to be recommendation of the Committee.

The Committee considers that the Comprehensive Development Plans need further work and refinement. The Plans as exhibited (and modified) lack sufficient detail for the Committee to recommend that they be approved, especially with the notice and appeal exemptions. In particular, the Plans relate to the former ‘Greenland’ proposal, and have not been modified to reflect the key intent of the ‘Jacques’ proposal. In saying that, the Committee see the Jacques proposal as a starting point for further work. For example, the overall site layout for Flemington Green is a much better outcome, but it too requires further refinement. The building envelope plan for Epsom Road requires significant further refinement.

The Committee concludes that contextual planning was inadequately undertaken in the preparation of the Greenland proposal. Had it been more comprehensive, the layout of the proposals, the extent of development and the built form on each site may have been different, but may have been better understood and enjoyed greater Council and community support.
The Committee considers the Comprehensive Development Plans need major review and modification to be in a form suitable to guide the future development of the two sites. In particular, the plans need to include detail such as:

- an area-wide assessment of conditions and factors which influence the urban design, scale and form of development on the two sites, and in the context of the wider area bound by the Maribyrnong River, Fisher Parade/Langs Road, Epsom Road and Smithfield Road
- a review of and commentary on the adequacy of the 'Jacques plan'
- design guidelines to ensure a variety of architectural styles and designs and built forms, with a variety of dwelling types and sizes
- built form that responds to adjacent land uses and scales of development
- takes into account other freehold land within the VRC’s land holdings
- staging of development for each site
- the potential of the spur line rail corridor for urban redevelopment
- any possible opportunities to increase density and height if the spur line is upgraded to full service
- public open space within and abutting the precinct
- pedestrian and cycle path connections to surrounding areas, as well as the potential for a dual purpose path along the rail corridor between Flemington Green and Epsom Road
- use of generally vacant car parking areas within the Racecourse, that could be used by patrons of the Showgrounds
- a co-ordinated events program for the VRC and RASV incorporating a transport network plan serving cars, trucks, buses, trains, pedestrians and cyclists
- in conjunction with the possible activation of the spur line, a park and ride facility on the existing VRC car parking area adjacent to the Showgrounds railway station
- a report describing the evolution of the design, including a review of the OVGA’s and other stakeholders’ comments, and having regard to the significance of the surrounding precinct.

The revised Comprehensive Development Plans should include a brief written and graphic document that sets Design and Siting Guidelines for buildings and public spaces within each site. The Guidelines should address such aspects as street pattern and development parcels, location of commercial premises, built form, street wall heights and setbacks of upper levels, maximum building heights, solar access to buildings and public spaces, function of public spaces, separation of vehicles and pedestrians, car park entries, and passive environmentally sustainable design. The Guidelines will be a primary resource for planners, architects and developers of each development parcel.

Further, as the Flemington Association also suggest, the Plans should consider and take into account the recommended matters addressed in the City of Melbourne’s recommended Clause 2.0 Requirements for a Comprehensive Development Plan (Documents 131 and 132).
The revised Plans, including the incorporation of Design and Siting Guidelines in the Comprehensive Development Plan, should be carried out by the VRC (or its successor), be developed with high level involvement with the OVGA, in consultation with the following:

- City of Melbourne
- Moonee Valley City Council
- Victoria Racing Club
- RASV
- PTV and/or VicTrack
- VicRoads
- Victoria Police
- DELWP
- Heritage Victoria.

Further, the process of ongoing inclusion and engagement should include consultation with the Flemington Association, the Kensington Association and AVRAG.

In terms of approval processes for the revised Comprehensive Development Plans, the Committee considers that the VRC should not be required to undertake a full planning scheme amendment process if this work is undertaken in a timely manner (within six to 12 months) and if it has ‘sign off’ by the OVGA. Rather, once signed off by the OVGA and/or this Committee, the revised Plans could be approved via a s20(4) Amendment process.

This Committee could remain ‘live’ if the Minister for Planning considered that it could have an ongoing role in this process.

9.4 Revised Amendment documentation

Taking the matters raised in this report and the key findings of the Committee into account, the Committee has provided its version of the Comprehensive Development Zone for both sites in Appendix E for Flemington Green, and Appendix F for Epsom Road. The Committee has used the form and structure of the Comprehensive Development Zone as proposed by the VRC, and has made its changes accordingly. However, the Comprehensive Development Zones could be better structured and set out, and the Building Envelope Plans at Clause 5.2 need to be updated to reflect the implications of the recommendations of the Committee.

(i) Schedule 3 to the Comprehensive Development Zone – Flemington Green

The key changes are highlighted further (not all recommended changes are noted, especially if they are editing changes) and the complete revised Schedule 3 to the Comprehensive Development Zone is provided in Appendix E.

Purpose

- Changes to the purpose of the schedule to highlight the built form to be medium to higher density development
- Deletion of that part of purpose three that provides for the Flemington Green site to accommodate access to the Racecourse and Showgrounds on event days

Clause 1.0 – Table of uses

- Capping number of dwellings to be 600
• Reducing leasable floor area of shop to be 500 square metres

Clause 2.0 - Use of land
• Add that the use of land must be generally consistent with the approved Comprehensive Development Plan

Clause 4.1 – Application requirements
• Add that applications must generally be in accordance with the approved Comprehensive Development Plan
• Add a new dot point that reads “maximum building heights, building setbacks and building depths”
• Add a new inclusion to the preparation of a Traffic Management Plan that reads “A strategy to ensure safe and efficient pedestrian movement into and out of the site”
• Recognise the role of the OVGA
• Add a new requirement for a Waste Management Plan
• Add a new requirement for a Construction Management Plan.

Clause 4.2 – Built Form
• Delete the Clause that commences with “Except in accordance with Clause 10 ...” and replace it with “The height of new development must not exceed 14 storeys and it must provide the minimum setbacks specified in the building envelopes contained in Clause 5.2. There should be no more than three buildings that reach this height on the site”.

Clause 4.3 – Decision guidelines
• Modify some considerations

Clause 5.1 – Flemington Green Comprehensive Development Area – Objectives
• Modify various objectives

Clause 5.2 – Flemington Green building envelopes
• Modify all heights to be expressed as storeys
• Change the heights of Precinct B and C to be a maximum of 14 storeys, with three only buildings to be at that height, with no other buildings in Precinct B and C to be greater than 8 storeys
• Delete reference to AHD levels
• Delete reference to Active Transport Connections
• Include a new note to read “This diagram is based on the Jacques proposal and must be amended to reflect the recommendations of the Committee.”
• Other minor modifications to notes.

Clause 6.0 – Integrated Transport and Access Plan
• Change the number of dwellings to be 600

Clause 9.0 – Community infrastructure contribution
• Change the payment by owner contribution to $3000 per dwelling
• Amend the third requirement to read: “provision of 5% of all dwellings (including 15 dwellings to be held in trust for low income staff working at the Flemington Racecourse) for the purpose of providing affordable housing”.

Clause 10 – Affordable Housing
• Delete the Clause.

(ii) Flemington Green Comprehensive Development Plan

The Committee does not support the Comprehensive Development Plan and recommends that a complete revision of the Plan be undertaken in accordance with the revised requirements of the Comprehensive Development Zone, and the observations and findings of the Committee.

(iii) Schedule 4 to the Comprehensive Development Zone – Epsom Road

The key changes are highlighted further (not all recommended changes are noted, especially if they are editing type changes, and recognising that similar changes were recommended for Schedule 3), the complete revised Schedule 4 to the Comprehensive Development Zone is provided in Appendix F.

Purposes
• Modify the purposes to acknowledge the site will be developed for medium to high density residential development

Clause 1 – Table of uses
• Capping of dwellings to be 300

Clause 2.0 - Use of land
• Add that the use of land must be generally consistent with the approved Comprehensive Development Plan

Clause 4.1 – Permit and Application requirements
• Add a new permit requirement that relates to alterations to a building authorised under the Heritage Act 1995
• Updates provided to various clauses, including the inclusion of the provision of an open space plan and pedestrian traffic generation and strategies
• A new requirements for a Waste Management Plan, a Constructions Man Plan and a design report in consultation with the OVGA and other stakeholders

Clause 4.2 – Built form
• Change the height to be expressed as a maximum of 15 storeys

Clause 4.3 – Decision guidelines
• Minor modifications

Clause 5.1 – 550 Epsom Road objectives
• Various modifications

Clause 5.2 – Epsom Road building envelopes
• Height to be expressed as storeys
• Further modifications to Jacques Plan and notes
Clause 6.0 – Integrated Transport and Access Plan
- Change the number of dwellings to be 300

Clause 7.0 – Community infrastructure contribution
- Change the payment by owner contribution to $3000 per dwelling
- Amend the second requirement to read: “provision of 5% of all dwellings for the purpose of providing affordable housing”.

(iv) Epsom Road Comprehensive Development Plan
The Committee does not support the Comprehensive Development Plan and recommends that a complete revision of the Comprehensive Development Plan be undertaken in accordance with the revised requirements of the Comprehensive Development Zone, and the observations and findings of the Committee.

9.5 Findings and recommendations

9.5.1 Findings
The Committee supports the rezoning of both the Flemington Green and Epsom Road sites to the Comprehensive Development Zone. The use of surplus land in part of the Flemington Racecourse site for residential purposes will meet high level objectives of State planning policy, however the Committee considers that what has been proposed in terms of site density and built form outcomes has not been justified. The Committee supports the rezoning aspect of the draft amendments, but not the Comprehensive Development Plan that accompanies each Amendment. The revised Comprehensive Development Plans need to include a range of matters that will provide sufficient guidance to potential developers, the Councils and the local community to ensure that the exemptions from notice and review are warranted.

9.5.2 Recommendation

21. Revise the Comprehensive Development Plans for Flemington Green and Epsom Road through a consultative process that engages with key stakeholders.

22. Include the Office of the Victorian Government Architect in all future design forums, and seek its ‘sign off’ for the revised Comprehensive Development Plans.

23. Maintain the currency of this Advisory Committee to provide further review and advice if required.
Appendix A  Terms of Reference

Flemington Hill and Epsom Road Advisory Committee

Version: August 2015

Advisory Committee appointed pursuant to Part 7, Section 151 of the Planning and Environment Act 1987 to report on the suitability of two draft planning scheme amendments that seek to rezone and facilitate development of two precincts within the Flemington Racecourse to a Comprehensive Development Zone. The two precincts are known as ‘Flemington Hill’ and ‘Epsom Road’ (as shown on the attached plan).

Name
1. The Advisory Committee is to be known as the ‘Flemington Hill and Epsom Road Advisory Committee’.
2. The Advisory Committee is to have members with strategic and statutory planning, social planning, traffic engineering and urban design/architectural skills.

Purpose
3. The purpose of the Advisory Committee is to provide advice to the Minister for Planning on all relevant matters associated with the proposed redevelopment of Flemington Racecourse including:
   • The proposed Flemington Hill Comprehensive Development Plan June 2014 and the proposed Epsom Comprehensive Development Plan June 2014;
   • The draft Planning Scheme Amendment documentation.
4. The draft amendments seek the following:
   • The ‘Flemington Hill’ precinct, which straddles the municipal boundary between Melbourne City Council and Moonee Valley City Council, is proposed to be rezoned from a Special Use Zone – Schedule 1 and General Residential Zone to a Comprehensive Development Zone (CDZ). The CDZ provisions, and associated Flemington Hill Comprehensive Development Plan June 2014, propose the development of this precinct with three residential towers, varying in height up to 25, 26 and 32 storeys and a low rise commercial precinct of 5-6 storeys.
   • The ‘Epsom Road’ precinct, located wholly within the City of Melbourne, is proposed to be rezoned from a Special Use Zone – Schedule 1 to a CDZ. The CDZ provisions, and associated Epsom Road Comprehensive Development Plan June 2014, propose the development of this precinct with a single residential tower up to 31 storeys including podium, with ground level commercial. The existing building on the site, the Jockey’s Convalescent Lodge is listed on the Victorian Heritage Register and will be retained.

Background
5. The Minister for Planning is the Responsible Authority for all land proposed to be rezoned. Within the Melbourne Planning Scheme, this is specified as all land zoned Special Use Zone – Schedule 1 (SUZ1). Within the Moonee Valley Planning Scheme the land is shown on a map and matches the boundaries of the ‘Flemington Hill’ precinct.
6. The two precincts have been declared by the Victoria Racing Club as surplus and funds raised from their sale will be used to contribute to a series of investments the Victoria Racing Club will be making over the next fifteen years, including the construction of a new Members grandstand.
7. In February 2014, the Victoria Racing Club wrote to the former Minister for Planning seeking support for a ‘specialised planning approval process’ to facilitate the redevelopment of the two identified precincts.
8. Since this time further design and planning work has been undertaken in consultation with representatives of Melbourne City Council, Moonee Valley City Council, VicRoads, Public Transport

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Victoria, Office of the Victorian Government Architect, Department of State Development, Business Innovation and the former Department of Transport, Planning and Local Infrastructure.

9. In June 2014, the VRC again wrote to the former Minister for Planning formally requesting amendments to the Melbourne and Moonee Valley Planning Schemes, with an exemption from formal notice to Section 20(4) of the Planning and Environment Act 1987 (the Act). Instead a period of community consultation for 28 days was proposed.

10. On 18 April 2015 the Department of Environment, Land, Water and Planning, on behalf of the Minister, wrote to the Victoria Racing Club and advised them to approach the Cities of Melbourne and Moonee Valley seeking their support for the joint amendment of both planning schemes.

11. The Victoria Racing Club have now, with the support of both Councils, requested the appointment of an Advisory Committee to consider the development proposals and the best way to progress.

12. The Flemington Racecourse is listed on the Victorian Heritage Register and any approvals required under the Heritage Act 1995 will be considered separately at the appropriate time.

Method

13. The overall purpose of this Advisory Committee is to provide advice to the Minister for Planning on the draft planning scheme amendment controls and current proposal provided by the Victoria Racing Club. The Advisory Committee should undertake this in the form of four clear stages.

Stage 1: Review and Consultation

14. The Advisory Committee must meet with the Melbourne City Council, Moonee Valley City Council, Victoria Racing Club, the Department of Environment, Land, Water and Planning and the Royal Agricultural Showgrounds to initiate consideration of this matter.

15. The Advisory Committee must review and provide written comments on the proposed Comprehensive Development Plans and associated draft Planning Scheme Amendment documentation prepared by Urbis, on behalf of the Victoria Racing Club.

16. The Advisory Committee shall identify whether there is sufficient information before it to enable the Department of Environment, Land, Water and Planning to consult with the community in Stage 2 and if necessary, seek further information.

Stage 2: Public Consultation

17. The Advisory Committee will pre-set hearing dates.

18. The Department of Environment, Land, Water and Planning will exhibit the draft Planning Scheme Amendments and proposed Comprehensive Development Plans for a period of six weeks.

19. All submissions are to be collected at the office of Planning Panels Victoria and copies be made to the Department of Environment, Land, Water and Planning, Melbourne City Council and Moonee Valley City Councils within 5 working days from the close of the submission period.

20. The Department of Environment, Land, Water and Planning will give notice of the proposal to the following stakeholders:

a) The proponent;
b) Royal Agricultural Showgrounds;
c) Prescribed Ministers;
d) Melbourne City Council;
e) Moonee Valley City Council;
f) Maribyrnong City Council;
g) VicRoads;
h) Public Transport Victoria;

i) Department of State Economic Development, Jobs, Transport and Resources;

j) Department of Treasury and Finance;

k) Heritage Victoria;

l) Melbourne Water;

m) Surrounding land owners; and

n) Any other affected parties.

**Stage 3: Public Hearing**

21. The Advisory Committee is expected to carry out a public hearing and provide all submitters with an opportunity to be heard.

22. The Advisory Committee may meet and invite others to meet with them when there is a quorum of at least two of the Committee members.

23. The Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.

24. The Advisory Committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.

25. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to submission of its report.

**Stage 4: Outcomes**

26. The Advisory Committee may inform itself in anyway it sees fit, but must consider:

- The objectives of the *Planning and Environment Act 1987* and any other relevant provisions of the Melbourne and Moonee Valley Planning Schemes;
- All relevant documentation prepared by the proponent for the redevelopment or otherwise provided to the Advisory Committee;
- All submissions made in regard to the proposed Comprehensive Development Plans and associated draft Planning Scheme Amendment documentation.

27. The Advisory Committee must produce a written report for the Minister for Planning providing:

- A strategic assessment of the proposed content of the Comprehensive Development Zone schedules.
- An assessment of the proposed *Flemington Hill Comprehensive Development Plan June 2014* and *Epsom Road Comprehensive Development Plan June 2014* against the requirements of the proposed Comprehensive Development Zone schedules.
- An assessment of the following issues as they relate to the use and development of each precinct;
  - General built form and design of the proposed buildings;
  - Height limits and building envelopes proposed;
  - Response to significant heritage elements;
  - Floor space caps for office, shop and place of worship;
  - Direct interface with adjoining residential properties (‘Flemington Hill’) and with the wider residential area for both precincts;
  - Amenity considerations/attenuation response, to protect future residents and the ongoing, commercially sustainable operation of the Racecourse and Showgrounds on event days and evenings;
32. The Integrated Transport and Access Plan (ITAP) response to traffic, car parking and public transport movement, provision and access, including the proposal’s response to Showground traffic management and significant events; and
33. The Pedestrian access and movement through the precincts, in particular on event days, and connections to the existing networks.

- Advice as to whether the proposed changes to the planning scheme should be approved, subject to any recommended changes to the proposed zone schedules, Comprehensive Development Plans and any other relevant clauses of the Melbourne Planning Scheme and the Moonee Valley Planning Scheme.
- Recommendations on the appropriate form and process of the amendments to introduce the planning controls into the planning schemes.
- An assessment on the current Responsible Authority status and whether the Minister for Planning should continue as Responsible Authority for the development sites.
- Rationale in reviewing whether a municipal boundary re-alignment is required for the ‘Flemington Hill’ development site to ensure that the site is located within one municipality.
- An assessment of submissions to the Advisory Committee.
- Any other relevant matters raised in the course of the Advisory Committee hearing.
- A list of persons who made submissions considered by the Advisory Committee.
- A list of persons consulted or heard.

Submissions are public documents

28. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

29. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain ‘in camera’.

Timing

30. The Advisory Committee should complete Stage 1 within twelve weeks of being appointed.

31. The Department of Environment, Land, Water and Planning is required to complete Stage 2 within eight weeks of the completion of Stage 1, including receipt of exhibition material.

32. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than eight weeks from the completion of hearings.

Fee

33. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.

34. The costs of the Advisory Committee and associated public consultation notice (including collation and distribution of submissions) will be met by the project proponent, Victoria Racing Club.
The following information does not form part the Terms of Reference.

**Project Management**

1. Day to day liaison for this matter from Department of Environment, Land, Water and Planning will be through Jason Close, Manager Central Metro, Department of Environment, Land, Water and Planning, 9098 8938 or by email jason.close@delwp.vic.gov.au.

2. Day to day liaison for the Advisory Committee will be through Elissa Bell, Senior Project Manager of Planning Panels Victoria on 9223 5317 or by email elissa.bell@delwp.vic.gov.au.
## Appendix B  Stage 1 Consultation

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<td>Michael Barlow, Urbis</td>
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<td>Jill Cairnes, Policy Planner</td>
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<td>Robyn Hellman, Coordinator Planning Scheme and Policy, Urban Strategy</td>
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<td>Bryan Lancaster, Chief Executive Officer</td>
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<td>Henry Bezuidenhout, Acting Director City Works and Development</td>
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<td>Gilbert Richardson, Manager Technical Services</td>
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<td>Colin Harris, Senior Strategic Planner</td>
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<td>Department of Environment, Land, Water and Planning</td>
<td>Jason Close, Manager Central Subregion</td>
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<td>Sandy Ribic, Planner</td>
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<td>Sophie Patitsas, Principal Adviser, Urban Design and Architecture</td>
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<td>Jennifer Gallivan, Member</td>
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## Appendix C  
**Document List**

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## Appendix D

### List of Submitters

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<td>Barry Ernest Capuano</td>
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<td>Owners Corporation Ascot Hill Apartments,</td>
<td>316</td>
<td>Helene McNamara</td>
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<td>Eduard Lagzdin</td>
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<td>301</td>
<td>Michelle Sowey</td>
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Appendix E  

Flemington Green: Revised Comprehensive Development Zone

SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE (AMENDMENT GC40 – MELBOURNE AND MOONEE VALLEY PLANNING SCHEMES)

Shown on the planning scheme map as CDZ 3

FLEMINGTON GREEN COMPREHENSIVE DEVELOPMENT

Description of land to be added

Purpose

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

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

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

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

To provide for development of the land in accordance with the Flemington Green Comprehensive Development Plan, March 2016. Date to be added when completed

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Keeping (other than animal boarding)</td>
<td>Must be no more than 2 animals</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot</td>
</tr>
<tr>
<td>Dwelling (other than Bed and Breakfast)</td>
<td>The total number of dwellings must be no more than 740 600</td>
</tr>
<tr>
<td>Food and drink premises (excluding Hotel and Tavern)</td>
<td>The leasable floor area must not exceed 150m². Must be in Precinct B or Precinct C in the Flemington Green Building Envelope Plan at Clause 5.2 Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
</tbody>
</table>
Must not require a permit under clause 52.06-3.

**Minor utility installation**

**Office (other than medical centre)**
The combined leasable floor area must not exceed 250m². Must be in Precinct B or Precinct C in the Flemington Green Building Envelope Plan at Clause 5.2 Comprehensive Development Plan.

**Place of worship**
The gross floor area of all buildings must not exceed 250 m². Must be in Precinct B or Precinct C in the Flemington Green Building Envelope Plan at Clause 5.2 Comprehensive Development Plan.

**Railway**

**Residential aged care facility**

**Shop (other than Adult sex bookshop)**
The combined leasable floor area must not exceed 2,000m². Must be in Precinct B or Precinct C in the Flemington Green Building Envelope Plan at Clause 5.2 Comprehensive Development Plan.

**Tramway**

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>USE</th>
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</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution, Dependent Person’s unit, Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major Sports and Recreation Facility, Motor Racing Track)</td>
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</tr>
<tr>
<td>Place of assembly (other than Amusement Parlour, Carnival, Circus and Nightclub)</td>
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<tr>
<td>Retail premises (other than Food and drink premises, Gambling premises, Hotel and Shop)</td>
<td></td>
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<tr>
<td>Tavern</td>
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<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
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</tbody>
</table>
### USE CONDITION

Any other use not in Section 1 or 3

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>USE</th>
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<tbody>
<tr>
<td>Adult sex bookshop</td>
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<tr>
<td>Amusement Parlour</td>
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<td>Agriculture</td>
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<td>Brothel</td>
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<td>Corrective institution</td>
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<td>Gambling premises</td>
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<td>Industry</td>
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<td>Major Sports and Recreation Facility</td>
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<td>Motor Racing Track</td>
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<td>Nightclub</td>
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<td>Saleyard</td>
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<tr>
<td>Stone extraction</td>
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<tr>
<td>Warehouse</td>
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**2.0 Use of land**

The use of land must be generally consistent with the approved Comprehensive Development Plan, *date to be added when completed*.

**Decision Guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

- The approved Comprehensive Development Plan.
- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts.
- The adequacy of car parking provision associated with the use.
- Safety and efficiency of vehicle access arrangements and pedestrian movements.
- The impact of the use on the surrounding road, bicycle and pedestrian network, and adjacent open space, and whether additional mitigation measures are required.
- Whether the use is complementary to the primary residential use of the land.
3.0 Subdivision

A permit is required to subdivide land.

Exemption from notice and appeal

An application for subdivision 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 review rights of Section 82(1) of the Act.

4.0 Buildings and works

Permit Requirements

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

This does not apply to:

- Buildings or works directly associated with the Victoria Racing Club Ltd and/or management of the Flemington Racecourse provided they do not undermine the purposes of the CDZ Comprehensive Development Zone.
- An alteration to an existing building façade for a commercial use in Precinct B or Precinct C provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

4.1 Application Requirements

An application for buildings and works must be generally in accordance with the Comprehensive Development Plan and should include the following information, as appropriate:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.
- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Detailed land use plan.
  - Locations of areas for public use and the intended use, including public open space.
  - Any areas of private open space.
  - Maximum building heights, building setbacks and building depths.
  - Vehicle access and the location and layout of all carparking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the approved Integrated Transport and Access Plan.
  - Links between proposed pedestrian and cyclist access ways and the existing public transport network.
  - All external storage and waste treatment areas.
The location of all external plant, building services and equipment including lift over runs.
- Details of drainage works
- Fully dimensioned floor plans and elevations for all proposed buildings
- Cross sections, including level changes across the site
- Stages, if any, of development and the proposed treatment of areas not required for immediate use.

- A report describing the evolution of the design including a description of any design review process and having regard to the significance of the Racecourse precinct.
- Proposed external materials, finishes and colours.
- A floor schedule which describes the size and number of proposed dwellings and other uses and demonstrating a reasonable range of dwelling types, typographies and bedroom numbers.
- A landscape concept plan consistent with the approved Public Realm and Streetscape Design Document.
- A Plan showing existing vegetation to be retained and/or removed.
- Shadow diagrams for 22 September on the hour between 9am and 3pm and for 22 June (winter solstice).
- Cross-sections of all proposed built form, indicating level changes across the site.
- A photomontage of the proposal from key public vantage points including the Maribyrnong River (from Cumberland Drive), Fisher Parade (at its intersection with Leonard Crescent) and the Flemington Racecourse Rail Station (from the southern end of the platform).
- A Wind Assessment which addresses;
  - Short term stationary wind exposure for any proposed outdoor cafes and restaurants (should they be proposed);
  - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare;
  - Design measures to minimise the effect of wind to streets and public open spaces and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.
- An Environmentally Sustainable Development (ESD) report which demonstrates best practice ESD and outlines the ESD strategy for the proposed development including sustainability requirements or performance targets which the development must meet and the means by which the sustainability requirements or performance targets will be met.
- A Traffic Management Plan which includes but is not limited to:
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network;
  - Carparking assessment
  - Preferred location for vehicle egress and ingress; and
  - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
  - A strategy to encourage walking, cycling and public transport use to guide the preparation of a Green Travel Plan.
- An Acoustic Report prepared by a suitably qualified engineer which addresses;
  - The likely noise sources to impact the proposed development.
- The maximum permissible noise from the nearby noise sources.
- The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
  - Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB Laeq, 15 minutes, in accordance with the relevant Australian Standards for acoustic control.
- A Waste Management Plan including details of waste collection, storage and removal facilities and areas.
- A Construction Management Plan (CMP) prepared in accordance with the City of Melbourne’s construction management guidelines. The CMP must:
  - Consider traffic and amenity impacts during the construction period
  - Set out how a community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.

4.2 Built Form

Except in accordance with Clause 10, new development must not exceed the Building Heights specified in the building envelopes contained in Clause 6.1.2. New development should also provide the minimum setbacks specified in the building envelopes contained in Clause 6.1.2.
The height of new development must not exceed 14 storeys and it must provide the minimum setbacks specified in the building envelopes contained in Clause 5.2.

Exemption from notice and appeal

An application to construct a building or construct or carry out works under any other provision of the planning scheme 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 review rights of Section 82(1) of the Act, if it is generally consistent with the Building Envelope Plan at Clause 5.2 and the approved Comprehensive Development Plan.

4.3 Decision Guidelines

Before deciding on an application the responsible authority must consider, as appropriate:
- The purpose of the zone, overlays and any other relevant provisions of the planning scheme.
- The relevant Objectives in Clause 5.1 of this Schedule.
- The Incorporated Document titled Flemington Green Comprehensive Development Plan, date to be added when completed, March 2016.
- The amenity of existing and future residents of the site.
- Whether the development will provide for best practice sustainability outcomes.
- The development’s contribution to the neighbourhood and sense of place.
- The impact on internal and external traffic movements.
- The quality of the pedestrian and bicycle connections through the site and beyond.
- The impact on the heritage bluestone wall.
- The ability for the proposal to not prejudice future development of the development area in an integrated manner.
- The views of the City of Melbourne and City of Moonee Valley.
- For works on public land including traffic works, the views of the City of Maribyrnong if appropriate.
- The views of the Office of the Victorian Government Architect, if any, or any other independent reviewer as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.
- Impacts on existing community infrastructure.

5.0 Flemington Green Comprehensive Development Area

5.1 Objectives

- To promote medium and/or high density residential living that encourages both day and evening activity though the provision of complementary community, convenience and service uses.
- To provide for community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction.
- To provide ground level uses (including residential, community and retail) that promote activity to the street.
- To provide for a mix of residential accommodation, dwelling typographies including dwelling sizes and densities.
- To create a composition of varied building forms and heights across the development area.
- To provide an appropriate building height transition between new development and the interface with adjoining properties.
- Materials and finishes to be of a high quality and generally consistent throughout the development, drawing design cues from the Flemington Racecourse precinct.
- To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development.
- To optimise solar access and minimise the impact of wind to streets and public open spaces to enhance amenity and functionality throughout the year.
- To minimise the potential extent of for overshadowing on the Maribyrnong River.
- To contribute to the character and identity of Flemington Racecourse whilst defining a new character for the emerging new urban renewal precinct.
- To protect and enhance existing heritage elements.
- To provide sufficient car parking and utilise, where possible, the fall across the site to minimise the view of car parking areas from the street frontage.
- To provide a highly pedestrianised precinct, with attractive streets, well-located and usable public open space, and passive amenity for the community and local residents.
- To provide for an efficient movement network within the site with an emphasis on pedestrian and bicycle networks and promotion of public transport use.
- To provide a layout and design that caters for large crowds during Flemington Racecourse events.
- To provide pedestrian and bike paths to connect to the surrounding neighbourhoods and the Maribyrnong River.
- To ensure buildings achieve high environment performance standards at the design, construction and operation phases.
- To improve the water and energy efficiency of buildings and encourages the use of alternative water and energy (such as on-site solar generation) sources.
- To explore opportunities for innovative precinct scale environmentally sustainable initiatives.
- To minimise the impacts of waste on the community.
5. 2 Flemington Green Building Envelopes

Precincts A (Low-rise), B (Residential Towers, South) and C (Residential Towers, East) Building Envelopes

Additional notes for the Flemington Green Building Envelope Plan:
- Delete the Active Transport Connection diagram
- The maximum height of buildings on this site is 14 storeys.
- The maximum number of buildings up to 14 storeys is three, and these buildings should be located in Precincts B or C.
- No other building on the site should be higher than 8 storeys.
- Delete all reference to AHD levels, and express all heights in storeys.

6.0

Integrated Transport and Access Plan

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 show the mitigating road works referred to in the following drawings shown in diagrams for developments up to 740 dwelling.

- Ballarat Road/Farnsworth Roadworks, generally in accordance with drawing number 14M9014011-09P5, prepared by GTA and dated 13 November 2015
- Fisher Parade/Leonard Crescent Roadworks, generally in accordance, with drawing number 14M9014011-11 SK01P7, prepared by GTA and dated 24 March 2016
- Leonard Crescent/Langs Road Roadworks, generally in accordance with drawing number 14M9014011-07PS4, prepared by GTA and dated 13 November 2015, and modified to provide a single lane ingress or egress to the RASV site
- Epsom Road /Langs Road Roadworks, generally in accordance with drawing number 14M901411-08P4, prepared by GTA and dated 13 November 2016 Figure 12 of the O’Brien Evidence Statement dated March 2016.

The ITAP must address any further mitigation works necessary as a consequence of a Section 2 use if proposed.

Any permit granted must include the mitigating works approved in the Integrated Transport and Access Plan. The mitigating works may be staged to the satisfaction of the Responsible Authority and must be implemented at the cost of the developer.

7.0

Public Realm and Streetscape Design Document

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 a Public Realm and Streetscape Design Document is prepared to the satisfaction of the Responsible Authority in consultation with the Cities of Moonee Valley and Melbourne.

The Public Realm and Streetscape Design Document must be prepared and include the following information:

- Details of proposed street furniture including lighting, seating, bins etc.
- Details of proposed kerb and channel details, pit covers and pavement surfaces.
- Details of plant species.

Any permit granted must be generally in accordance with the approved Public Realm and Streetscape Design Document.
8.0 Public Open Space Plan

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 a Public Open Space Plan is prepared to the satisfaction of the Responsible Authority in consultation with the Cities of Moonee Valley and Melbourne.

The Public Open Space Plan must be prepared and include the following information:

- Details of how the development will facilitate delivery of no less than 7.06% of the land governed by this schedule overlay being set aside and ultimately zoned for public open space, generally consistent with the Comprehensive Development Plan, *date to be added when completed*.
- Details of how the proposal achieves the objective of receiving a minimum of 3 hours of direct sunlight between 9am and 3pm during the winter solstice (22 June)

Any permit granted must be generally in accordance with the approved Public Open Space Plan.

9.0 Community infrastructure contribution

Before a permit is granted for any use, development or subdivision, the owner of the land must enter into an agreement with the [relevant municipality] and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, requiring:

- **Construction at the cost of the owner of all improvements to any public and publically accessible open space to be provided within the site**;
- **Payment by the owner to the [relevant municipality] of a community infrastructure contribution of $3,000.004,877.92 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinson Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted**;
- **Provision of 5% of all dwellings (including 15 dwellings to be held in Trust for low income staff working at Flemington Racecourse) for the purposes of affordable housing. Provision of 15 dwellings to be held in Trust and managed as affordable housing for the purpose of housing low income staff working at the Flemington Racecourse**;
- **Provision and enhancement of bicycle and pedestrian connections (plans to be prepared that show):**
  - A shared path link between the site and the existing cycle path on the northern side of the Maribyrnong river shown on the GTA “Active Travel Improvements Plan” dated 17 April 2014;
  - Improvements, as required, for that part of the pedestrian/cyclist link on the northern side of the Maribyrnong River between the Fisher Parade Bridge and Smithfield Road Bridge.
- **Payment by the owner of all of the [relevant municipality’s] and the responsible authority’s reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.**

10.0 Affordable Housing

If a planning permit authorises a building that exceeds the preferred maximum building height of XX storeys, the permit must show (either by words or diagrammatically), the equivalent of 10% of the gross floor area above XX storeys, authorised by the permit as set aside in the building (or with consent of the Responsible Authority in another part of the land governed by the Flemington Green Comprehensive Development Plan December 2015) for affordable housing. The housing is to be acquired at nil cost by the housing provider.
Appendix F  

Epsom Road: Revised Comprehensive Development Zone

SCHEDULE 4 TO THE COMPREHENSIVE DEVELOPMENT ZONE (DRAFT AMENDMENT C290, MELBOURNE PLANNING SCHEME)

Shown on the planning scheme map as CDZ 4

550 EPSOM ROAD COMPREHENSIVE DEVELOPMENT

Description of land to be added

Purpose

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

To provide for an exemplary standard of architecture and urban design, having regard to the site’s premier location close to both a major intersection and main entrance to the 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 the Flemington Racecourse Heritage citation within the Victorian Heritage Database (H220).

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

To provide for development of the land in accordance with the 550 Epsom Comprehensive Development Plan, March 2016. **Date to be added when completed**

1.0 Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot</td>
</tr>
<tr>
<td>Dwelling (other than bed and breakfast)</td>
<td>The total number of dwellings must be no more than 400-300</td>
</tr>
<tr>
<td>Food and drink premises (excluding Hotel and Tavern)</td>
<td>The leasable floor area must not exceed 150m².</td>
</tr>
</tbody>
</table>

Home occupation

Informal outdoor recreation

Minor utility installation

<table>
<thead>
<tr>
<th>Office</th>
<th>The combined leasable floor area must not exceed 250m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 m²</td>
</tr>
</tbody>
</table>
Railway

| Shop (other than Adult sex bookshop) | The combined leasable floor area must not exceed 150m². |

Tramway

Section 2 - Permit required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dependent Person's unit, Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major Sports and Recreation Facility)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement Parlour, Carnival, Circus, and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Gambling Premises, Hotel, Tavern and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Amusement Parlour</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Corrective Institution</td>
<td></td>
</tr>
<tr>
<td>Gambling Premises</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Major Sports and Recreation Facility</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Stone extraction</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
</tbody>
</table>
2.0 Use of land

The use of land must be generally consistent with the approved Comprehensive Development Plan (date to be added when completed).

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The approved Comprehensive Development Plan
- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts
- The adequacy of carparking provision associated with the use
- Safety and efficiency of vehicle access arrangements and pedestrian movements
- The impact of the use on the surrounding road, bicycle and pedestrian network, adjacent open spaces, and whether mitigation measures are required
- Whether the use is complimentary to the primary residential use of the land

3.0 Subdivision

A permit is required to subdivide land.

Exemption from notice and appeal

An application for subdivision 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 review rights of Section 82(1) of the Act.

4.0 Buildings and works

Permit Requirements

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

This does not apply to:

- Buildings or works directly associated with the Victoria Racing Club Ltd and /or management of the Flemington Racecourse provided they do not undermine the purposes of the CDZ Comprehensive Development Zone.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Alterations to a building authorised under the Heritage Act 1995 provided the works do not alter the existing building envelope or floor area.

4.1 Application Requirements

An application for buildings and works must be generally in accordance with the Comprehensive Development Plan and should include the following information, as appropriate:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.
- Plans drawn to scale which show:
- The boundaries and dimensions of the site
- Detailed land use plan
- Locations of areas for public use and the intended use, including public open space
- Any areas of private open space.
- Maximum building heights, building setbacks and building depths
- Vehicle access and the location and layout of all car parking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the approved Integrated Transport and Access Plan.
- All external storage and waste treatment areas
- The location of all external plant, building services and equipment including lift over runs.
- Details of drainage works.
- Fully dimensioned floor plans and elevations for all proposed buildings
- Cross sections, including level changes across the site
- Stages, if any, of development and the proposed treatment of areas not required for immediate use.
- Proposed external materials, finishes and colours.
  - A floor area schedule which describes the size and number of proposed dwellings and other uses and demonstrating a reasonable range of dwelling typographies and bedroom numbers.
- A landscape concept plan which:
  - promotes the reinstatement of the original garden and planting of the Jockey's Convalescent lodge to its original early configuration
  - retains existing significant vegetation where practicable
  - sets the buildings in a landscaped setting
  - A Plan showing existing vegetation to be retained and/or removed.
- Shadow diagrams for 22 September on the hour between 9am and 3pm and for 22 June (winter solstice).
- Cross-sections of all proposed built form, indicating level changes across the site.
- A photomontage of the proposal from key public vantage points, including the intersection of Racecourse Road and Ascot Vale Road, the intersection of Epsom Road and Smithfield Road, and the Flemington Racecourse Members Grandstand.
- A Wind Assessment which addresses.
  - Short term stationary wind exposure for any proposed outdoor cafes and restaurants (should they be proposed).
  - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare.
  - Design measures to minimise the effect of wind to streets and public open spaces and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.
- An Environmentally Sustainable Development (ESD) report which demonstrates best practice ESD and outlines the ESD strategy for the proposed development including sustainability requirements or performance targets which the development must meet and the means by which the sustainability requirements or performance targets will be met.
• A report describing the evolution of the design including a description of any design review process and having regard to the significance of the Racecourse precinct.

• An open space plan that shows how the development will integrate with the area surrounding the Jockeys Convalescent Lodge.

• A Traffic Management Plan which includes but is not limited to:
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network;
  - Carparking assessment;
  - Preferred location for vehicle egress and ingress; and
  - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
  - A strategy to encourage walking, cycling and public transport use to guide the preparation of a Green Travel Plan.
    • An Acoustic Report prepared by a suitably qualified engineer which addresses;
  - The likely noise sources to impact the proposed development;
  - The maximum permissible noise from the nearby noise sources; and
  - The necessary measures to attenuate these noise impacts.

• A Waste Management Plan including details of waste collection, storage and removal facilities and areas.

• A Construction Management Plan (CMP) prepared in accordance with the City of Melbourne’s construction management guidelines. The CMP must:
  - Consider traffic and amenity impacts during the construction period
  - Set out how the community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.

4.2 Built Form

New development must not exceed the Building Height specified in the building envelopes contained in Clause 5.2. New development should also The height of new development must not exceed 15 storeys and it must provide the minimum setbacks specified in the building envelopes contained in Clause 5.2.

Exemption from notice and appeal

An application to construct a building or construct or carry out works under any other provision of the planning scheme 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 review rights of Section 82(1) of the Act, if it is generally consistent with the Building Envelope Plans at Clause 5.2 and the approved Comprehensive Development Plan.

4.3 Decision Guidelines

Before deciding on an application the Responsible Authority must consider, as appropriate:

• The purpose of the zone, overlays and any other relevant provisions of the planning scheme.
• The relevant Objectives in Clause 5.1 of this Schedule.
• The Incorporated Document titled 550 Epsom Road Comprehensive Development Plan, date to be added when completed March 2016.
• The amenity of existing and future residents of the site.
• Whether the development will provide for best practice sustainability outcomes
• The development’s contribution to the neighbourhood and sense of place.
• The impact on internal and external traffic movements.
• The quality and safety of the pedestrian and bicycle connections through the site and beyond.
• The impacts on existing community infrastructure.
• The impact on the heritage aspects of the former Jockey’s Convalescent Lodge and its landscape setting.
• The ability for the proposal to not prejudice future development of the development area in an integrated manner.
• The views of the City of Melbourne, and Moonee Valley City Council.
• The views of the Office of the Victorian Government Architect, if any, or any other independent reviewer as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.
• Impacts on existing community infrastructure.

5.0  550 Epsom Road Comprehensive Development Area

5.1  550 Epsom Road Comprehensive Development Area Objectives

Objectives

• To promote medium and/or high density residential living that encourages both day and evening activity though the provision of limited complementary community, convenience and service uses.
• To provide for limited community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction.
• To provide ground level uses (including residential, community and commercial) that promote activity to Epsom Road.
• To provide for a mix of residential accommodation, dwelling typographies and apartment sizes.
• Materials and finishes to be of a high quality and generally consistent throughout the development, drawing design cues from the Flemington Racecourse precinct and the surrounding residential neighbourhood.
• To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development.
• To optimise solar access and minimise the effect of wind to streets and public open spaces to enhance amenity and function throughout the year
• To limit minimise the extent of overshadowing of the Newmarket Reserve between 9am-3pm at the equinox (22 September) and to allow a minimum of 3 hours of direct sunlight between 9 am and 3 pm at the winter solstice (22 June).
• To protect and enhance the former Jockey’s Convalescent Lodge including retaining a visual relationship between the Lodge and the Racecourse
• To provide sufficient car parking and utilise, where possible, the fall across the site to minimise the view of car parking areas from the street frontage.

• To provide safe pedestrian and bike paths to connect to the principal pedestrian bicycle and public transport networks.

• To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.

• To improve the water and energy efficiency of buildings and encourage the use of alternative water and energy (such as on-site solar generation) sources.

• To explore opportunities for innovative precinct scale environmentally sustainable initiatives.

• To minimise the impacts of waste on the community.

5.2 Epsom Road Building Envelopes

The tower building locations shown are indicative and alternative design proposals can be considered, provided the objectives are still met.

The building height is for the tower including the podium and does not apply to the architectural features and building service equipment including plant rooms, lift overruns, solar collectors and the like.

NOTE: this drawing is an updated version of the Jacques proposal that provides for a larger and less constrained building envelope to enable a more site responsive area for potential development. It will need to be further refined to take into account all the recommendation of the Committee as it relates to this site prior to approval.

6.0 Integrated Transport and Access Plan

A permit cannot be granted for use, development and/or subdivision of the whole or any part of the 550 Epsom Road 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 show the mitigating works shown in diagrams for developments up to 400 300 dwellings:

• Epsom Road, Racecourse Road & Ascot Vale Road, generally in accordance with drawing number 14M9014011-14-P4, prepared by GTA and dated 24 March 2016 (noting this plan includes intersection works at the roundabout, the signalised pedestrian crossing of Epsom Road, the pedestrian crossing of Racecourse Road to provide access to the tram stops on racecourse road).
The ITAP must address any further mitigation works necessary as a consequence of a Section 2 use if proposed.

Any permit granted must include the mitigating works approved in the Integrated Transport and Access Plan. The mitigating works may be staged to the satisfaction of the Responsible Authority and must be implemented at the cost of the developer.

7.0 Community infrastructure contribution

Before a permit is granted for any use, development or subdivision, the owner of the land must enter into an agreement with the City of Melbourne and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, requiring:

a. Payment by the owner to the City of Melbourne of a community infrastructure contribution of $2,005.90 $3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted;

b. Provision of 5% of new dwellings to be held in Trust and managed as affordable housing.

c. Contribution towards the shared path between the site and the Showgrounds Village Shopping Centre on the west side of Epsom Road and a shared path from the site to connect to the existing bicycle path on Smithfield Road. TBC;

d. Payment by the owner of all of the [relevant municipality’s] and the responsible authority’s reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.