Planning and Environment Act 1987

Moonee Valley Racecourse Redevelopment Advisory Committee

Stage 4: Outcomes:
Moonee Valley Planning Scheme Amendments C120 and C124

19 December 2013
Planning and Environment Act 1987

Advisory Committee Report pursuant to Section 151 of the Act

Moonee Valley Racecourse Redevelopment Advisory Committee

Stage 4: Outcomes

Kathy Mitchell, Chair

Gordon Anderson, Member

Jim Holdsworth, Member

Stephen Hancock, Member

Lucinda Peterson, Member
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<td>ACZ</td>
<td>Activity Centre Zone</td>
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<tr>
<td>ASL</td>
<td>above sea level</td>
</tr>
<tr>
<td>DPCD</td>
<td>Department of Planning and Community Development</td>
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<tr>
<td>DSE</td>
<td>Department of Sustainability and Environment</td>
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<tr>
<td>DTPLI</td>
<td>Department of Transport, Planning and Local Infrastructure</td>
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<tr>
<td>ESD</td>
<td>Environmentally Sustainable Design</td>
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<td>MPAC</td>
<td>Moonee Ponds Activity Centre</td>
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<tr>
<td>MVR</td>
<td>Moonee Valley Racecourse</td>
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<td>MVRC</td>
<td>Moonee Valley Racing Club</td>
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<td>PTV</td>
<td>Public Transport Victoria</td>
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<td>SMP</td>
<td>Save Moonee Ponds Inc.</td>
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<td>SPPF</td>
<td>State Planning Policy Framework</td>
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<td>WSUD</td>
<td>Water Sensitive Urban Design</td>
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Executive Summary

Summary

The Moonee Valley Racing Club is seeking to redevelop its facilities to allow for a realigned race track with a longer finishing straight, and a new grandstand to be located in the north-west corner of the site. This will result in surplus land to the west of the Racecourse, as well as a pocket in the north-east which the Club seeks to develop for primarily residential purposes, with some commercial and retail uses. The residential development is proposed to be in the order of some 2,500 new dwellings in residential complexes of three to 25 storeys, resulting in a new population of approximately 4,500 people, and developed over a 15 to 20 year time frame.

The Council and the local community opposed many aspects of this proposal and Council refused the request to place the proposal (through the Moonee Valley Racecourse Master Plan) on public exhibition as part of a Planning Scheme Amendment. Council further determined that the site had heritage significance and it sought to place a Heritage Overlay on the site to protect its historic, social and cultural assets.

To assist in moving the process forward, the Minister for Planning appointed an Advisory Committee to provide advice to the Moonee Valley City Council and himself on the best outcomes for the site, from both a development and a heritage perspective.

The project has been a long and interesting process, with the Terms of Reference provided by the Minister allowing the Committee to be consultative, proactive and inquisitorial in its work. After initial consultation with the Moonee Valley Racing Club, the Council, Government agencies, and the resident group Save Moonee Ponds, the Committee prepared a report, Stage 1 Advice: Review and Consultation, in which it provided its preliminary findings on the proposed outcome sought by the Club. The Advisory Committee authorised two amendments, C120 (introduction of the Activity Centre Zone) and C124 (application of a Heritage Overlay), to be placed on exhibition and public hearings were held to hear evidence and submissions in relation to this process.

This is the report of the Advisory Committee appointed by the Minister to provide advice and recommendations about the proposed redevelopment of the Moonee Valley Racecourse.

With regard to Amendment C124, the Committee has determined that the site has social and cultural heritage significance, and it recommends that the whole of the Racecourse site (with the exception of the north-east corner) be included in a Heritage Overlay. In particular, the Committee considers the former Secretary’s house and garden be retained, and that other buildings and structures such as the Main Tote, the Stables, and the gate and entrance be retained for adaptive re-use. Other features can be relocated and used for interpretative purposes.

With regard to Amendment C120, the Committee has determined that the surplus land in the western part of the site be included in a revised schedule to the Activity Centre Zone, the area with the realigned racetrack and relocated grandstand be retained in a revised Special Use Zone, and the surplus land to the north-east be included within a Mixed Use Zone with a Development Plan Overlay. Additionally, the Committee has determined that elements of the Moonee Valley Racecourse Master Plan be included in the Moonee Ponds Activity Centre Plan.
Structure Plan as a new Precinct J, and the Moonee Valley Racecourse Master Plan prepared by the Club not be included as a Reference Document in the Moonee Valley Planning Scheme.

The Committee supports intensive development opportunities for the area in the western part of the site, with a predominant grid street and block pattern centred around a large open space area of 5,000 square metres and a proposed new Plaza entry to the Racecourse. In this concept, the Committee does not see any reason for Coats Street to be extended. It further considers that the existing gate and wall in the south-west corner should be retained to provide a ‘symbolic’ entrance to the site where the history of the Racecourse is retained, with additional open space in the order of 2,000 square metres in that area.

In terms of the scale of development, the Committee has determined that the residential component range from three to eight to ten storeys throughout the majority of the site, then up to 16 to 20 storeys in pockets to the immediate west of the racetrack, centred around Alexandra Avenue and the new North-South Boulevard, having regard to the slope of the land in this part of the site. The Committee’s recommendations result in a reduction of about 20 percent in terms of density and population compared with the Moonee Valley Racecourse Master Plan.

There will be an impact on traffic and the public transport network, but this will occur over time and the various recommendations will necessitate the Club, the Council and the agencies working together to achieve an outcome that is commensurate with the status of Moonee Ponds as a Principal Activity Centre and the activities of the Racing Club.

Resolution of the redevelopment proposal of the Moonee Valley Racecourse has evolved to reach this point through the efforts of the Club, the Council, various Government agencies, and the local community, who were particularly well organised and well led by Save Moonee Ponds Inc. The Committee encourages the Club and the Council to continue to work together to take this process forward in a positive manner.

The Committee considers that there is a significant opportunity to redevelop the Racecourse site in a manner that incorporates best practice design and development, and use of environmentally sustainable and water sensitive urban design principles, that results in excellence in built form where the historic legacy of the former Racecourse site is retained and celebrated for future generations.

These are the consolidated recommendations of the Advisory Committee. The numbers do not accord with the numbered recommendations in the body of the report, as these have been grouped and summarised to relate to each of the Amendments under consideration.

Recommendations

Amendment C124 (Heritage)

1) Include the whole of the Moonee Valley Racecourse site within the Heritage Overlay, with the exception of the proposed residential area (Wilson/Victoria Street area) to the north-east of the site.

2) Prepare a Statement of Significance, based on the work undertaken through the Helms Heritage Assessment, to include references to the Racetrack.
3) Prepare a Conservation Management Plan and an Incorporated Document, prior to the adoption of Amendment C124.

4) Amend the Schedule to the Heritage Overlay with the following wording within the Tree Controls column “Yes – the Cape Chestnut (*Calodendron capense*), the Peppercorn (*Schinus molle*) and the Elms (*Ulmus species*) in proximity to the horse stalls and the trees within the front and rear gardens of the Club Secretary’s House”.

5) Amend the Schedule to the Heritage Overlay to apply external paint controls to the Club Secretary’s House only.

6) Facilitate the adoption and approval of Amendment C124 to the Moonee Valley Planning Scheme through a Ministerial Amendment process, using section 20(4) of the *Planning and Environment Act 1987*.

7) Retain the Moonee Valley Racecourse Redevelopment Advisory Committee to provide ongoing advice and/or mediation, until Amendment C124 is finalised to gazettal stage if required

Amendment C120 (Master Plan/Structure Plan)

8) Incorporate a new Precinct J that includes all of the surplus land to the west of the (realigned) Racecourse area into the *Moonee Ponds Activity Centre Structure Plan*.

9) Prepare a revised plan for the new Precinct J for inclusion in the *Moonee Ponds Activity Centre Structure Plan* based on the principles and Indicative Plan shown in Chapter 15.1 and as follows:
   a) Retain and adaptively re-use the brick wall and gate, stables and the adjacent trees, and the Main Tote building.
   b) Modify the street and block pattern in order to incorporate the retention of areas of the brick wall and gate, stables and the adjacent trees, the Main Tote building, and areas of open space to enhance the extent of pedestrian-priority streets and thoroughfares.
   c) Reduce the total number of dwellings on the ‘surplus land’ by about 20 per cent from the 2,500 proposed in the Master Plan.
   d) Create a plaza at the entry to the tunnel to become a civic focus as well as a place of arrival and entry to the Racecourse.
   e) Develop a program to use the surplus land vacated by the Club for temporary uses (to ensure it is not left idle awaiting development), in conjunction with the Council and the local community.
   f) Change the proposed grandstand pedestrian access from Wilson Street to Thomas Street for use at all race meetings and other events and functions.

10) Retain the existing Schedule to Clause 52.01.

11) Amend the Activity Centre Boundary to exclude the land proposed to be retained for the Racecourse and the north-east residential area (exhibited Precinct 10).

12) Apply the Special Use Zone to the exhibited sub-Precincts 10A, 10B and part of 10C (west of Juliet Street)

13) Update the Schedule 2 to the Special Use Zone, generally in accordance with Appendix G as follows:
   a) Amend the name of the place, the purpose and the Table of Uses.
b) Provide for use of land for an event or Place of Assembly through an approved Event Management Plan.
c) Amend Clause 4.0 to include specific building and works provisions.
e) Amend the signage provisions in Clause 5.0.

14) Apply the Mixed Use Zone to that part of the exhibited Sub-Precinct 10C that is east of Juliet Street.

15) Apply a Design and Development Overlay to that part of the exhibited Sub-Precinct 10C that is east of Juliet Street.

16) Update the schedule to the Activity Centre Zone, generally in accordance with Appendix F as follows:
   a) Amend the Framework Plan to delete Precinct 10 and to remove reference to ‘Future Landmark Buildings’ from Precinct 9.
   b) Amend Clause 2 to include a new objective in ‘Transport, Movement and Parking’.
   c) Amend the Table of Uses to delete reference to former Precincts, and to substitute new Precinct identifiers from the Advisory Committee’s Precinct Plan.
   d) Amend Clause 4.5 to provide for a Transport Assessment and Management Plan, and an Integrated Transport Plan.
   e) Change the name of Precinct 9 to ‘Racecourse Residential Mixed Use Precinct’.
   f) Insert a new Precinct Map at Clause 5.9-1.
   g) Amend the Precinct 9 Objectives and Requirements, to include a new table that provides for preferred maximum building heights for the revised Sub-Precincts and specific requirements open space and multi-purpose community facility.
   h) Amend Clause 5.9-5 to provide for additional open space and financial contributions.
   i) Delete Precinct 10 from the Schedule.
   k) Amend the Notice and Review and Advertising Signs provisions.
   l) Delete reference to the Moonee Valley Racecourse Master Plan as a reference Document.

17) Facilitate the adoption and approval of Amendment C120 to the Moonee Valley Planning Scheme through a Ministerial Amendment process, using section 20(4) of the Planning and Environment Act 1987.

18) Retain the Moonee Valley Racecourse Redevelopment Advisory Committee to provide ongoing advice and/or mediation, until Amendment C120 is finalised to gazetted stage if required.
Part A: Background
1 Overview

1.1 Advisory Committee and Terms of Reference

The Moonee Valley Racecourse Redevelopment Advisory Committee (the Committee) was appointed by the Minister for Planning on 15 April 2013. The Committee’s principal role is to provide advice to the Minister for Planning and Moonee Valley City Council (the Council) on all relevant matters associated with the proposed redevelopment of the Moonee Valley Racecourse (the Racecourse), in accordance with its Terms of Reference dated 19 March 2013 (See Appendix A). The Committee comprises:

- Kathy Mitchell (Chair)
- Gordon Anderson
- Stephen Hancock
- Jim Holdsworth
- Lucinda Peterson

Ms Jessica Cutting, Senior Project Manager of Planning Panels Victoria assisted the Committee. Originally Ms Ann Keddie was appointed to the Committee, but due to time constraints, she was replaced with Mr Holdsworth.

The Terms of Reference note that the purpose of the Advisory Committee is to provide advice to the Moonee Valley City Council and the Minister for Planning on:

- The proposed Master Plan for Moonee Valley Racecourse, October 2011 (or as amended and prepared by the Moonee Valley Racing Club);
- The draft Planning Scheme Amendment documentation (to be prepared by Moonee Valley Racing Club);
- The draft heritage Planning Scheme Amendment documentation (prepared by Moonee Valley City Council).

At section 12, the Terms of Reference note that the overall purpose of the Advisory Committee is to provide advice “… on the most appropriate outcome for the site”.

The Terms of Reference set out that the Committee should undertake its work in four clear stages as follows:

- **Stage 1:** Review and Consultation on the Moonee Valley Racecourse Master Plan (the Master Plan) and draft planning scheme amendment documentation (late April to July 2013). This part of the process resulted in the Committee releasing a report on 5 July 2013: Stage 1 Advice: Review and Consultation.

- **Stage 2:** Exhibition of the draft Planning Scheme Amendments and revised Master Plan (29 July to 6 September 2013).

- **Stage 3:** Public Hearings (held from 2 to 24 October 2013).

- **Stage 4:** Outcomes, resulting in a written report to the Council and the Minister for Planning, providing an assessment of the redevelopment and recommendations on how the redevelopment project should proceed.
1.2 Consultation and Process

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

The Moonee Valley Racing Club (the Club) prepared a Master Plan in October 2011 for the proposed redevelopment of the Racecourse over a 15 to 20 year timeframe. The Master Plan accompanied the Club’s formal application in October 2011 to the Council to rezone its land for the redevelopment. As Council did not agree to exhibit the Amendment, it is understood that the Club sought ministerial intervention to assist in an exhibition process. It is further understood that the Minister for Planning did not agree to assist in the way requested by the Club, but rather considered an alternative approach to have this matter reviewed by an Advisory Committee. At or about the same time, the Council sought to introduce a Planning Scheme Amendment to introduce heritage controls on part of the Racecourse land. The Club resisted this. The Minister for Planning then appointed an Advisory Committee to consider both the Club’s redevelopment proposal and to assess heritage issues relating to the site.

Upon its appointment, the Committee held an inception meeting with the Council, the Club and (then) Department of Planning and Community Development (DPCD, now Department of Transport, Planning and Local Infrastructure, DTPLI) on 24 April 2013. At this meeting, the Club advised that it was preparing a revised Master Plan for consideration by the Committee. Curiously, the Club did not seek to find out whether the Committee had any preliminary views or opinions on its existing Master Plan, prior to the Club advising that it was already preparing a revised Master Plan.

The Club advised that it was well underway with preparation of a revised Master Plan as a result of views and opinions expressed by key stakeholders over the two years previous. Dates were agreed for the subsequent presentation of the revised plan to the Committee and other parties.

In the meantime, the Committee met with Public Transport Victoria (PTV), Department of Transport (now DTPLI), VicRoads, and the Department of Education and Early Childhood Development on 7 May 2013, and Save Moonee Ponds Inc. (SMP) and Moonee Ponds Primary School on 10 May 2013. It was clear from these meetings that there was a high level of concern about the Club’s original Master Plan.

All stakeholders generally accepted that the Club should be able to redevelop its land, and none expressed outright opposition to some form of redevelopment occurring. The key concerns related to the proposed scale and extent of the redevelopment, and the impact it may have on the surrounding community, and road and public transport networks.

1.3 Revised Master Plan

The Club presented its revised Master Plan to the Committee, Council and DPCD on 27 May 2013. Some of the key revisions included:

- Inclusion of urban design principles;
- Creation of a new street network, with a defined north-south spine;
- Creation of a new main pedestrian entry and access strategy to the site;
- Increased setbacks to key interfaces;
• Increased allocation of public open space;
• Reduction in some preferred building heights; and
• Overall reduction in the likely population estimate from 6,000 to 4,500 people, and in the number of dwellings from 3,000 to 2,500.

The Committee invited the Club to present the revised Master Plan to other key stakeholders (those identified in the Terms of Reference), and this occurred on 4 June 2013 in a meeting at the Racecourse.

It became apparent that the revised Master Plan was a better and more responsive plan to the site and its surrounds than the original version, however the Committee considered that there remained a number of key areas requiring further clarification and resolution as part of any proposed Planning Scheme Amendment.

1.4 Preparation for Exhibition

Following the initial consultation meetings and presentation of the revised Master Plan, the Committee invited the nominated stakeholders to submit comments on the revised plan to it by 14 June 2013. Comments were received from:

• Moonee Valley City Council;
• Moonee Ponds Primary School;
• SMP;
• PTV;
• Department of Transport, Planning and Local Infrastructure (Transport Integration Division);
• VicRoads; and
• Moreland City Council.

The Committee provided the Club with the opportunity to respond to the issues raised in those submissions, and this response was received on 21 June 2013. The Club opined that it believed there was sufficient information to enable the revised Master Plan to form part of an exhibition process, and that remaining matters of detail could either be resolved during the course of more formal Committee hearings, or at a later planning permit stage. The key responses made by the Club related to:

• The role of the Master Plan and the structure of the documents;
• Population and dwelling diversity;
• Grandstand and track design, location and operations;
• Built form and street character;
• Traffic and transport, and integrated transport planning;
• Open space;
• Heritage; and
• Other matters.

The Club provided a more detailed assessment of issues raised in relation to traffic, public transport and parking in the form of other information and a table prepared by GTA Consultants.

Following discussions with the Club, it became apparent that the Club was not prepared to entertain further changes to the Master Plan and, through its advocates, urged the
Committee to expedite the Amendment process so that the detail of the proposal could be tested in a public hearing forum.

The Committee then met with representatives of DTPLI, the Council and the Club on 3 July 2013. The purpose of the meeting was for the Committee to discuss the revised Master Plan, the proposed schedule to the Activity Centre Zone (ACZ) and the Heritage Overlay.

From the further information provided by the Club, comments received from the various parties, the Committee agreed to facilitate an exhibition and public hearing process. The Committee directed the Club to prepare the documentation for Amendment C120, and the Council to prepare the documentation for Amendment C124. Both parties were invited to comment on the proposed exhibition material, which the Committee then finalised.

Additionally, the Committee decided to document its initial findings in a report that could be accessible with any material placed on exhibition.

1.5  Advisory Committee’s Stage 1 Report

From the review and consultation process, the Committee summarised its findings in its report Stage 1 Advice: Review and Consultation dated 5 July 2013 (the Stage 1 Report). In it, the Committee made the following comment:

   ... this Stage 1 Report has been prepared in the context of the information provided to it, and that through a later hearing process, many of the issues raised will be tested through the public process. All comments and recommendations made by the Committee in this report are provided on a ‘without prejudice’ basis, and do not represent its final opinions or conclusions.

Further, the Committee noted:

   It is apparent that the revised Master Plan is a better and more responsive plan to the site and its surrounds than the original version, however the Committee considers there remain a number of key areas requiring further clarification and resolution as part of the proposed Planning Scheme Amendment.

The Stage 1 Report explored the revised Master Plan, transport and car parking, environment, open space, proposed planning controls, and the proposed heritage Amendment. The Committee highlighted a range of issues which it considered needed to be resolved as part of the exhibition and hearing process. These were documented at the conclusion of each substantive chapter and, in particular, it sought a response on key issues relating to the revised Master Plan (Section 2.9) and transport and car parking (Section 3.3).

In commenting on the adequacy of the material to be placed on exhibition, the Committee recommended some specific changes to the schedule of the ACZ, the revised Master Plan and the proposed Heritage Amendment.

1.6  Exhibition and Hearings

The Committee ultimately supported the preparation and exhibition of the two Planning Scheme Amendments. These were draft Amendment C120 which introduced the ACZ to the Racecourse site and the inclusion of the revised Master Plan as a Reference Document to the
Moonee Valley Planning Scheme, and draft Amendment C124 which introduced the application of a Heritage Overlay over the whole of the Racecourse site.

When the matter proceeded to exhibition, the Committee included a note about its Stage 1 Report on the exhibition website:

*The Stage 1 Advice of the Advisory Committee and the material that is being placed on public exhibition does not represent the final views or final opinions of the Advisory Committee.*

The Committee, through DTPLI in a letter dated 26 July 2013 updated stakeholders on its Stage 1 Report and findings, including its support for an exhibition process to fully test the revised Master Plan and associated Amendments. This notification included a copy of a letter dated 26 July 2013 from DTPLI to around 1,500 nearby property owners/residents and encouraged submissions from stakeholders during the formal exhibition period.

Both Moonee Valley City Council and Moreland City Council provided further notice, to around 4,000 additional property owners/residents.

The Committee held a Directions Hearing on 18 September 2013 at Planning Panels Victoria. It then held public hearings over 15 days between 2 and 24 October 2013 (at Planning Panels Victoria and at Moonee Valley Racecourse) and heard from the Council, the Club, VicRoads, PTV and SMP, as well as 11 individual submitters (see Appendix E).

The Committee has now completed all stages as set out in the Terms of Reference and has considered the written and oral submissions, and the evidence on the Amendments. The Committee thanks all parties for their participation in this process.

### 1.7 Site Inspections

The Committee undertook a number of inspections of the site and its surrounds – both accompanied and unaccompanied. These were all important to assist the Committee in understanding the issues about the redevelopment proposal.

On 10 May 2013, the Committee walked around the Moonee Ponds Activity Centre and the Racecourse area, including the surrounding residential streets. On 4 June 2013, after the presentation of the revised Master Plan, the Committee had a detailed inspection of the Racecourse and its surrounds, which was led by members of the Club, and included representatives of all stakeholders. As part of this inspection, the Committee again walked along various streets surrounding the Racecourse.

On 15 June 2013, the Committee attended a Saturday race day meeting. Representatives of various parties were invited to attend this meeting, and those in attendance included the Club, the Council and SMP. Prior to the meeting, members of the Committee walked to and from the Moonee Ponds Train Station to the Racecourse to observe and participate in the pedestrian experience.

The Committee observed a small increase in traffic (although that was barely discernible), and the use of the internal car park and grandstand areas. The Committee was present at the Racecourse site and surrounds from about 10.00am until about 1.30pm. That inspection was described as a fairly typical winter race day crowd of around 4,000 patrons.
At the Directions Hearing, the Council suggested that the Committee might like to inspect a night racing meeting and also the W. S. Cox Plate day. The Committee declined to undertake these inspections as it considered it was generally familiar with the site and its surrounds. However, members of the Committee inspected areas external to the Racecourse on W. S. Cox Plate Day (Saturday 26 October 2013), and particularly focused on traffic and access issues.
2 The Proposals

The main impetus of the proposal by the Club is that it seeks to redevelop the Racecourse to provide for a realigned racetrack that has a longer finishing straight, and to build a new grandstand in the north-west corner of the site that takes advantage of the realigned track layout. This will result in an excess land area of 9.5 hectares, which the Club then seeks to develop (or have available for development) for predominantly residential purposes in the western and north-eastern sectors of the site. This is known and referred to as the ‘surplus land’. A Planning Scheme Amendment is required to implement this outcome. At the same time, the Council seeks to apply a Heritage Overlay over all or part of the site to ensure that the local significance of the site and elements within it are protected by the Moonee Valley Planning Scheme.

2.1 Subject Site and Surrounds

The Moonee Valley Racecourse site in Moonee Ponds has an area of 40 hectares. It is generally bounded by McPherson Street, Thomas Street, Wilson Street, Victoria Street, CityLink and Dean Street (Figure 1). The site is within, and forms the eastern part of, the Moonee Ponds Activity Centre, a designated Principal Activity Centre (Figure 2) located six kilometres from the Melbourne CBD. The site is included in the Moonee Ponds Activity Centre Structure Plan, March 2010 (the Structure Plan).

![Figure 1 Location Map](www.street-directory.com.au)
The aerial oblique photograph in Figure 3 shows a view to the west over the Racecourse, with the grandstands and other major buildings in the background, and CityLink in the foreground.

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2 Source: Moonee Valley Racecourse Master Plan, July 2013
2.2 Amendment C120

Amendment C120 seeks to introduce Schedule 1 to the ACZ that applies the Moonee Ponds Activity Centre in the Moonee Valley Planning Scheme by introducing planning controls for the Racecourse, Precincts 9 and 10.

Further, the Amendment seeks to implement the July 2013 version of the Master Plan by including it as a reference document to guide future use and development of the land.

The Amendment proposes to implement land use and built form directions of the Master Plan by:

- Deleting Schedule 2 to Clause 37.02 – Special Use Zone that currently applies to the site;
- Introducing Clause 37.08 – ACZ to the Moonee Valley Planning Scheme;
- Introducing Schedule 1 to Clause 37.08 – ACZ for the Moonee Valley Racecourse into the Moonee Valley Planning Scheme;
- Rezoning all land known as the Moonee Valley Racecourse to the ACZ – Schedule 1;
- Including the Master Plan as a Reference Document under Schedule 1 to Clause 37.08; and
- Inserting a public open space contribution under the Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision for Precinct 9 and 10 of the Moonee Ponds Principal Activity Centre. A public open space land contribution of 5,000 square metres will be required.

Two key documents the Club updated and prepared in response to the Committee’s Stage 1 consultation and review process, and subsequently placed on exhibition were:

- The Moonee Valley Racecourse Master Plan, July 2013 by Tract Consultants.
- Preface Report to the Moonee Valley Racecourse Master Plan, July 2013 by Tract Consultants. Tract prepared the report in response to a request from the Committee for extra background information in the context of the preliminary stages of the Committee process.

Chapter 6 of the July 2013 version of the Master Plan summarised the Plan’s key elements:

- Realignment of the racetrack which will allow for the construction of a new state of the art horse racing facility and entertainment complex.
- Opportunities for mixed use and medium to high density residential development to support and enhance the role of Moonee Ponds as a Principal Activity Centre.
- Network of shared paths contributing to the local and regional bicycle network.
- Built form ranging from generally 3 storeys at the street edges up to higher built forms between 16-25 storeys adjacent to the racetrack in the central parts of site.
- An estimated 2,500 dwellings to be developed over a 15-20 year timeframe.
- A public Local Park on McPherson Street which is approximately 5,000 square metres and provides for passive recreational opportunities.
• A mini main-street in the ‘heart’ of the new development, focused along the extension of Coats Street, which will be a focal point for people to meet and congregate.

• Connectivity to the existing neighbourhood by extending the existing street network into the site and creating new links that encourage different modes of transportation.

• Opportunities for community facilities/mixed use on Dean Street and McPherson Street and around the park that will make the precinct a vibrant place to reside, interact and visit.

In Figure 4 the Committee reproduces Figure 9 on page 32 of the Master Plan.

Figure 4  Illustrative Master Plan

It is noted that Amendment C100 sought to introduce the ACZ into the Moonee Valley Planning Scheme and that this Amendment essentially would update that schedule. However, even though the Panel report for Amendment C100 was submitted on 19 April 2012 and Council adopted it in June 2012, it has not been approved. Both Council and the Club proceeded on the basis that Amendment C100 would be approved and that the Racecourse land would be included in the ACZ.

2.3  Amendment C124

Amendment C124 was prepared by Moonee Valley City Council as the Planning Authority. It proposes to apply the Heritage Overlay to all land within the Moonee Valley Racecourse site, including the following identified items:

• Former Club Secretary’s House and garden;

• S. R. Burston Stand;

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4  Source: Moonee Valley Racecourse Master Plan, July 2013
• Alister Clark Rose Garden and Manikato Garden;
• Main tote building; and
• Horse stalls/Birdcage and perimeter fence, saddling paddocks/parade ground and mature trees in the south-west corner.

The Amendment was based on the findings of the Heritage Assessment, Moonee Valley Racecourse, Stage 2 Report (Draft) March 2012, by Mr David Helms of Heritage Planning and Management. Chapter 8 of this report deals extensively with the heritage Amendment.

2.4 Issues Raised in Submissions

The Committee received 241 submissions in response to exhibition of the Amendments. Most related to the Master Plan for the site, with some referring to the heritage proposal.

It would be fair to say that with the exception of the Club, all submissions expressed varying degrees of concern about the proposal. The key issues raised in the submissions related to:

• Built form, setbacks and density;
• Population increase;
• Traffic activity and parking;
• Public transport;
• Siting of the grandstand;
• Quality of life and safety;
• Loss of heritage items;
• Community facilities and infrastructure;
• Public open space;
• Environmental issues;
• Impacts of construction over a long time-frame;
• Devaluation of property;
• Future use of the land; and
• Form of the Amendment and the schedule to the Activity Centre Zone.

2.5 Committee Approach to this Report

The Committee considers that while aspects of Amendment C120 and the Master Plan have merit, it remains disappointed with the way in which the Club approached the Hearing and consideration of the issues raised by the Committee in its Stage 1 Report. Indeed, two of the Club’s key experts (Mr Biacsi and Mr Sheppard) appeared to have little regard for the Stage 1 Report, and did not refer to it at all. The Committee considers that the primary submission of the Club likewise did not address the many key issues raised in that report.

For these reasons, the Committee will be raising similar issues in this report on matters particularly related to urban design and built form.

Towards the end of the Hearing, the Committee provided a statement of issues, which it considered would provide guidance on what it remained concerned about as outstanding matters. While it appeared the Club was happy to agree to matters the Committee accepted, it took exception to a number of matters the Committee did not accept, or where it sought further clarification.
The key matters the Committee considers the Club seemed reluctant to address were the built form of the surplus land and the development of an urban environment that took into account the social and cultural heritage features of the site, the existing low scale surrounding urban development, and the opportunity to create a diverse and interesting built form.

While the Club did offer a number of concessions regarding the final form of development, it was most reluctant to concede on urban development, probably because (although this is inferred) it needs a critical mass of development to fund the redevelopment of the realigned Racecourse aspect of its proposal. This is of course an important consideration, but it should not be the defining parameter. As a submitter said early in the consultation period as part of Stage 1 “the Racing Club has a problem, now it wants to put its problem out into the community, so it becomes our problem”.

While the Committee is critical of some aspects of the Club’s proposal, it likewise is critical of Council, in that Council had to be directed by the Committee to provide what it considered to be an appropriate built form context for the surplus land (in particular). This information only came to light on the last day of the Hearing. The Committee shares the Club’s frustration in this regard, and as the Club said quite fairly, it did not know what to respond to regarding the Council position, as Council would not say what it really thought, except that it did not accept the development as proposed.

Taking these preliminary matters into account, and submissions made in response to the exhibition, the Committee has approached the preparation of this report in four parts as follows:

- **Part A:** Background (overview; summary of the proposals; and planning context);
- **Part B:** The Proposal (site context and history, racetrack design and surplus land; the Master Plan; and key threshold issues);
- **Part C:** Assessment (heritage, urban design and built form; transport, traffic and parking; environment, open space, local infrastructure/development contributions; and other matters: including aboriginal cultural heritage and affordable housing); and
- **Part D:** Resolution of the Amendments (recommendations about the final form of the Amendment documentation).

In its Part C assessment, the Committee has dealt with the heritage Amendment first, as the outcome of these findings influences the way in which the further assessments were undertaken.

For the purposes of discussion in this report, the Committee has generally used the Master Plan that was placed on exhibition and the revised schedule to the ACZ that was provided by the Club at the conclusion of the Hearings, as the base documents for discussion and review.

The Committee expresses its appreciation for the way in which the submissions were made and for the presentations to it during the course of the Hearings. In particular, the Committee appreciates that while there were some 241 submissions, many of the submitters were content to have the Council and SMP speak on their behalf. Additionally, the Club did make some concessions and acceded on a number of matters put to it by submitters, which the Committee has taken into consideration.
3 Planning Context

3.1 Policy Framework

(i) State Planning Policy Framework

The State Planning Policy Framework (SPPF) encourages the consolidation of more intensive urban development around designated activity centres and on the Principal Public Transport Network.

There are a range of relevant State policy directions that have bearing on this matter. Each of the relevant clauses of the SPPF is dealt with in the following sections of this report. The Committee notes that in general terms, the following clauses of the SPPF are relevant:

- Clause 10 – Operation of State Planning Policy Framework
- Clause 11 – Settlement
- Clause 12 – Environment and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

One of the key objectives of the SPPF, Clause 11.01-2 Activity centre planning states:

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.

Moonee Ponds is a nominated Principal Activity Centre in Melbourne 2030 and is located on the Principal Public Transport Network. Clause 11.04-2 states:

Ensure Principal and Major Activity Centres:

- Have a mix of activities that generate high number of trips including business, retail, services and entertainment.
- Are well served by multiple public transport routes and are on the Principal Public Transport Network or capable of linking to that network.
- Have, for Principal Activity Centres, a large catchment covering several suburbs and attracting activities that meet metropolitan needs.
- Have the potential to grow and support intensive housing developments without conflicting with surrounding land-uses.

The Committee notes that Melbourne 2030 (DSE, 2002), Melbourne 2030: A planning update Melbourne @ 5 million (DPCD, 2008), Activity Centre Design Guidelines (DSE, 2005), Guidelines for Higher Density Residential Development (DSE, 2005) are currently reference documents in the SPPF, although this will change due to the imminent finalisation and introduction of Plan Melbourne.
Plan Melbourne

The new Metropolitan Planning Strategy, *Plan Melbourne*, is the Government’s vision for Melbourne until 2050. It was released for comment in October 2013 and proposes a new hierarchy of activity centres for Melbourne as follows:

- Expanded Central City
- National Employment Cluster (Existing and Emerging)
- State Significant Industrial Precinct (Existing and Future)
- Metropolitan Activity Centre (Existing and Future)
- Activity Centre (Existing and Future)
- Health and Education Precinct

*Plan Melbourne* identifies Moonee Ponds as a Metropolitan Activity Centre (Existing). The final version of *Plan Melbourne* is due to be introduced into all Victorian Planning Schemes in early 2014. As part of its introduction, the SPPF is currently being revised to ensure consistency between Plan Melbourne and State policy.

(ii) Local Planning Policy Framework

The following Clauses of the Local Planning Policy Framework support the Amendments:

- Clause 21.01 – Municipal Profile, Moonee Valley Today
- Clause 21.02 – Vision, Moonee Valley Tomorrow
- Clause 21.03 – Sustainable Development
- Clause 21.04 – Housing
- Clause 21.05 – Built Environment
- Clause 21.06 – Activity Centres
- Clause 21.07 – Economic Development
- Clause 21.08 – Social and Physical Infrastructure
- Clause 21.09 – Transport and Access
- Clause 22.02 – Public Open Space Contribution

3.2 Planning Scheme Provisions

(i) Zones and Overlays

The land is currently zoned Special Use Zone (Schedule 2). The purpose of Schedule 2 is:

> To provide for areas in private ownership to be used and developed for Racecourse facilities, and a range of other uses compatible with the Racecourse use.

> To encourage the orderly planning and development of these facilities and other uses in a manner which does not adversely affect the amenity of the neighbourhood and encourages consolidation of the existing urban uses.

No overlays affect the site.

(ii) Particular provisions

One particular provision relevant to the Amendments is Clause 52.01 – Public Open Space Contribution and Subdivision.
3.3 Ministerial Directions and Practice Notes

The following are relevant to the Amendments:

- Ministerial Direction 11, Strategic Assessment of Amendments, 2013;
- Practice Note 1: Applying the Heritage Overlay, 2012;
- Practice Note 3: Applying the Special Use Zone, 1999;
- Practice Note 10: Writing Schedules, 2000;
- Practice Note 56: Activity Centre Zone, 2009;
- Practice Note 58: Structure planning for activity centres, 2010;
- Practice Note 59: The role of mandatory provisions in planning schemes, 2010; and
- Practice Note 60: Height and setback controls for activity centres, 2010.

3.4 Strategic Assessment

An assessment of the Amendments against the Strategic Assessment Guidelines, particularly the relevant sections of the State and Local Planning Policy Framework, generally supports the proposed redevelopment of the site. The Committee discusses the policy context in more detail as it relates to key chapters of this report.

3.5 Amendment C100 to the Moonee Valley Planning Scheme

The Moonee Valley Racecourse lies within the Moonee Ponds Activity Centre, identified as one of six ‘Priority Activity Centres’ in 2007. In June 2009, Council prepared the initial version of the Structure Plan. The adopted version of the Structure Plan (March 2010) identifies nine precincts, one of which is the Moonee Valley Racecourse.

Amendment C100 to the Moonee Valley Planning Scheme (Amendment C100) sought to implement the land use and built form directions from the Structure Plan. The Panel for Amendment C100 recommended that any reference to the future potential of the Racecourse be deleted. The Panel report stated that:

*Until the comprehensive planning process is done, the Panel finds it premature to direct the form of use and development of any redevelopment of the Racecourse through the adopted Structure Plan.*

In October 2010, the Club submitted its proposed Master Plan and rezoning request to Council. The Club proposed to rezone the land to the ACZ and it prepared a revised Schedule 1 to the ACZ.

Practice Note 56 states that:

*To apply the ACZ an activity centre boundary must be identified. This boundary should match the adopted structure plan boundary for the centre.*

*The Minister for Planning has approved criteria for establishing activity centre boundaries. This criteria is to be used in determining a boundary for an activity centre.*

*Application of the ACZ should be considered for the entire centre defined by the boundary, except for some areas of public land.*

The Panel for Amendment C100 found that:
Based on the criteria in Practice Note 56, Activity Centre Zone, September 2009, the Panel finds the Moonee Valley Racecourse should be included in the Activity Centre Boundary. This is because the Racecourse is a site that already provides for commercial and entertainment facilities in a location that may provide opportunities for redevelopment.

In its Stage 1 Report the Committee stated:

The Committee agrees with the Panel for Amendment C100 that the Racecourse should be included within the Activity Centre Boundary. Based on this and the Activity Centre Zone Practice Note, it concludes that the most appropriate planning tool for the whole of the site is the ACZ.

The Committee notes that Amendment C100 is yet to be gazetted, but that it was supported by the Panel (with changes) and was subsequently adopted by Council and submitted to the Minister for Planning for approval.

3.6 The Exhibited Schedule to the Activity Centre Zone

The Committee made the following changes to the ACZ Schedule prior to it being placed on exhibition:

- Update the Amendment Documentation to refer to ‘Amendment C120’;
- Split into two precincts: Precincts 9 (western part) and 10 (eastern part);
- Major Sports and Recreation Facility remain a Section 2 Use (with no condition);
- The Section 1 condition for Function Centre remain unchanged;
- The building heights in Clause 5.9-3 to be shown as maximum heights; and
- In Clause 6.0, the following application requirements listed for Precinct 9:
  - Staging Plan
  - Environmental Sustainable Design Response
  - Servicing Plan
  - Construction and Environmental Management Plans
  - Stormwater and Drainage Plans.

The Committee discussed the proposed planning controls ahead of the exhibition period in Chapter 6 of its Stage 1 Report. At that time, the Committee’s preference was to split the Racecourse site into two separate precincts (east and west) to ensure precinct outcomes, requirements and guidelines could be tailored to the development envisaged for each part of the site.

Given the site’s proximity to the school and neighbouring residential uses, the Committee considered that Major Sports and Recreation Facility should be listed as Section 2 uses (with no condition) to allow the amenity impacts (for example, noise, hours of operation, number of patrons, and light spill) to be considered at the planning permit stage.

The Committee considered that the proposed Section 1 condition for Function Centre was too restrictive and that it should remain unchanged to allow flexibility.

For exhibition purposes, the Committee supported the height proposed as being ‘maximum’ rather than ‘preferred’, mainly due to the level of concern about the heights proposed by the Club.
The Committee listed additional application requirements to ensure that issues such as staging, drainage, environmentally sustainable design, servicing, waste management, stormwater and drainage be addressed at the planning permit stage.

The Committee advised parties that this was undertaken on a ‘without prejudice’ basis, and through its further review as part of the submission and hearing process, the Committee has recommended an alternative zone regime for the site.
Part B: The Proposal
4 Site Context and History

The Racecourse site, which is owned under freehold title by the Club, slopes variously gently and steeply from the ridge line in the vicinity of Thomas and Dean Streets (elevation of around 31 metres above sea level (ASL)) generally eastwards to Moonee Ponds Creek. The Moonee Ponds Junction is a relatively high point in the area, being about 43 metres ASL on the ridge which separates the catchments of the Maribyrnong River to the west and Moonee Ponds Creek to the east. The present boundary along McPherson Street falls from both the north and south ends to below 25 metres ASL near the present entrance opposite the east end of Alexandra Street.

The racetrack is on a flood plain with a natural ground elevation undulating between 16.5 and 18 metres ASL. The lowest elevations occur near the lagoon in the infield area towards the north-east corner of the site. The Thomas Street entrance to the car park is around eight metres higher than the track surface.

W. S. Cox developed and opened the Racecourse in 1883 after converting the land from its former farming activities (Feehan’s Farm). It was described as “the pretty little course on the slope” because elevated land at the western end provided patrons with a clear view of the entire course.

Construction of a wooden grandstand in the early 1900s enhanced this natural viewing point. Further improvements included the first Members Stand (1924/25), South Hill Stand to replace the original grandstand (1926) and S. R. Burston Stand (late 1950s). In the 1970s the new Members Stand was added to the south of the S. R. Burston Stand and the South Hill Stand was renovated. At this stage most of the facilities currently in place were established, and changes since appear to have reflected changing technology and patronage trends.

The Racecourse site fronts Dean Street to the south, Wilson Street to the north, McPherson Street to the west and abuts CityLink to the east. The site is located approximately 300 metres to the east of the Moonee Ponds Activity Centre shopping precinct. The Moonee Ponds Primary School is located directly opposite the site on Wilson Street.

Most housing varies in size and height as the land falls in elevation easterly along Dean and Wilson Streets, with the majority of houses being single or double storey. The planning and urban design experts for both Council and the Club described the urban context of land surrounding the Racecourse “finely textured, low-rise, free-standing housing”.

Sight-lines from the surrounding urban areas are across the lower elevation of the Racecourse and to the various grandstands with heights above 52 metres ASL. Because they are closer, the grandstands appear more prominent from Dean Street than from Wilson Street.

The underlying geology and the erosion processes which created the valley provide for a significant stormwater drainage network from the largely sealed commercial catchment to the west discharging to Moonee Ponds Creek to the east. The Club harvests some of the stormwater runoff for use in track and surrounding garden and grassed area irrigation.
A drainage channel and levees protect both CityLink and the eastern end of the Racecourse, reducing the risk of flooding of the Monee Ponds Creek flood plain.

The geology of the Moonee Ponds Creek valley has been mapped over time by Government agencies and investigation drilling undertaken by the Club and by others as part of geotechnical evaluations. This includes works undertaken in engineering assessments for CityLink, including its overpasses and structures, and other infrastructure.

In its submission, SMP presented a statement on the geology of the site by Associate Professor John Webb of La Trobe University. The Committee accepts the statement was indicative of the sub-surface sequence across the site, namely, Melbourne Mudstone overlain by various older volcanics and sediments (clayey alluvium overlying water-saturated sands and gravels). In his evidence, Mr Dalton for the Club confirmed there is no Coode Island Silt present beneath the site. The Committee notes the geotechnical conditions beneath the racetrack and the infield area are unlikely to represent significant engineering issues on site or cause impacts on adjoining neighbourhoods during construction activities.

The Committee understands there would be no unresolvable engineering issues with the proposed higher density urban development on the surplus land, although it is yet to be geotechnically evaluated.

Over 130 years there has been significant urban development around the Racecourse. It has occurred cognisant of a major horse racing facility close by. As SMP expressed in its submissions, the residents have always expected there would be change over time with the racing facility, but the nature of the changes was unknown.

The Club’s proposals, in seeking to take advantage of the site’s topography to improve its racing facilities and for a residential/mixed-use development, seem to have embraced the same influences which drove the original selection and orientation of the site.
5  Racetrack Design and Surplus Land

5.1  Introduction

The Committee notes and accepts the Club’s motivation to redevelop its racing facilities has been in response to local attendance trends and international race gambling opportunities. Changes to the existing facilities are needed for the Club to continue as a major international horse racing venue capable of staging Group 1 events such as the W. S. Cox Plate.

The Club currently accommodates regular race meetings and events, including its premier event, the W.S. Cox Plate, which attracts in the order of 40,000 patrons. It has regular night racing meets and weekend meets, which attract in the order of 5,000 patrons on average. The Racecourse is used as a venue for conferences, meetings and other events during the week and on weekends. The ‘Legends’ facility is located on the corner of Wilson Street and Thomas Street and hosts a hotel and gaming premises, which operate seven days/night a week.

Necessary changes include extending the finishing straight and increasing the radius on key curves if the Club is to continue to attract the top quality thoroughbred horse racing across the wide range of Group 1 events. The Club submitted it was now allowed only three Group 1 events by the VRC whereas Flemington had 13 and Caulfield had 11.

The Club’s investigations and expert advice it received concluded that its future racing objectives could not be achieved with the present track and grandstand orientations which reflected historical decisions and topography.

The preferred outcome was to consolidate the public viewing facilities at the end of a longer finishing straight on the northern boundary of site, with the main public access through the infield area for both pedestrians and vehicles. A new ‘state of the art’ grandstand and event centre would face south across the new finishing straight and have views to the Melbourne city skyline in the distance during both daytime and evening events.

Consolidation of the racing facilities would result in surplus land in the western part of the site becoming available for urban development consistent with the Structure Plan and provide a source of extra funds to realise the Club’s plans.

5.2  Racetrack Design

In his evidence for the Club, Mr Dalton described the key constraints and parameters influencing the proposed racetrack design, including:

- Minimum track width of 30 metres - compared with the existing width of 23 metres;
- Finishing straight length of 315 metres - compared with existing 173 metres;
- Minimum turn radii of around 120 metres (some now as low as 114 metres);
- Ability to run races of 1,000, 1,200, 1,400, 1,500, 2,040, 2,400 and 3,200 metres; and
- Minimum length of 150 metres from a starting point to the first turn.

Other factors influencing the Club’s selection of a preferred track layout included minimising earthworks and not demolishing all of the existing grandstands before finishing construction of the new track and grandstand. The outcome was a track with a circumference of 1,702 metres (compared with the existing 1,805 metres).
By comparison, the track at Flemington Racecourse has a circumference of 2,312 metres, home straight length of 450 metres and width of 30 metres, while Caulfield Racecourse’s key dimensions are 2,080 metres circumference, 367 metres home straight length and 30 metres width.

Mr Dalton outlined some of the main advantages of the proposed layout. It would give flexibility, as part of the necessary strategy to manage wear and tear on the turf, to move the inner fence to various positions and still provide sufficient space for attractive racing fields to run safely both during the day and at night. The layout would also be suitable for telecasting races, giving good viewing angles, including for night racing.

Mr Dalton said building the new track would involve a complete reconstruction of the existing track, including raising and the re-cambering of many of the turns by up to three metres, with a layered structure to enable collection and re-use of irrigation water. In response to questioning, he said there would be difficulties in maintaining uniform and efficient irrigation across a track width of more than 30 metres.

Issues such as ensuring uniform turf growth from the adverse effects of solar shadowing in winter had been minimised. For night racing events (an extra nine to ten a year), the proposed special track lighting would allow light spill and intensity to be controlled to limit the impact of light pollution on the adjoining urban areas, for example, by dimming to 50 percent of full intensity between events.

In five places the track would cross over horse, pedestrian and vehicular tunnels (see the Committee’s Figure 4 in Chapter 2.2) providing for infield access and movements for:

- The main pedestrian entry to the course, being the existing tunnel near the grandstand but serving a direct connection from the end of Coats Street and the in-field.
- Horses to move from the infield Stripping Stall to the Parade Ring at the south-west corner of the new grandstand;
- Patrons arriving on foot from the west and from the infield car parks to the grandstand;
- Vehicular traffic, including buses, from Dean Street and Pattison Streets at the south-east corner; and
- Cars and other small vehicles, and pedestrians, from Wilson Street and Juliet Street in the north.

The proposed grandstand on Wilson Street would be about 250 metres long and between 30 metres wide at the west end and 40 metres wide at the east end. Its setbacks from the finishing straight would be up to 30 metres to provide an outdoor track-side viewing and milling area.

The infield area would contain landscaped pathways for racegoers and main parking areas for horse floats and patrons’ cars (2,400 spaces).

The infield area would be landscaped with paths leading the racegoers arriving from the west and from the car parks past the stripping stalls and beneath the track into the grandstand close to the finish line. Operational elements would include a large maintenance yard and a lagoon to the east, which would collect harvested stormwater to meet the track
water supply demand. At the north-west corner of the land, where the Legends Club now stands, the club proposes a three-storey racing administration building.

The Committee found Mr Dalton’s evidence and responses at the Hearing to be most valuable in understanding the driving factors in the Club deciding a preferred Racecourse layout.

The Committee discusses built form and access matters in more detail in Chapters 9 and 10.

5.3 Surplus Land

The Master Plan consolidates the Club’s activities into a smaller area than at present which results in two parcels of land being redundant and hence available for non-racing uses. These comprise the area between the course and McPherson Street known as the surplus land (7.5 hectares), and an area at the north-east corner of the site, described in the Master Plan as Sub-precinct 10C - Victoria Street (two hectares).

The surplus land (exhibited Precinct 9) now contains the public entrance spaces, member car parking areas, horse float arrival and unloading areas, horse stalls, saddling and parade areas; as well as the three grandstands, various administrative buildings, the Main Tote building and the betting ring. It also contains various gardens and lawn areas, several mature trees, and the Club Secretary’s residence in the north-west corner, at the McPherson Street and Thomas Street intersection.

The proposed development on the surplus land is described as follows:

- Extension of the existing street grid pattern including a continuation of Kenna Street, Coats Street and Thomson Street;
- A new north-south boulevard between the Racecourse and the proposed residential area;
- Townhouses and apartments ranging from three storeys at the existing residential interface to 25 storeys towards the Racecourse;
- A new 5,000 square metres open space area fronting McPherson Street and a series of common property open spaces; and
- Townhouses and apartments in the north-east corner of the Racecourse, fronting Wilson Street.
6 The Master Plan

6.1 Introduction and Context

On behalf of the Club, Tract Consultants Pty Ltd and a number of specialist sub-consultants prepared the Moonee Valley Racecourse Master Plan. It had three versions.

The first version (October 2011) had been prepared prior to the appointment of this Committee. On 24 April 2013 the Club advised that, following responses from key stakeholders to that document, a revised Master Plan was under preparation for consideration by this Committee.

The second version (May 2013) was presented to the Committee and key stakeholders on 27 May 2013 at a briefing held at the Racecourse. Some of the key revisions included:

- urban design principles;
- a new street network;
- a new main pedestrian entry to the Racecourse;
- increased setbacks to key interfaces;
- an increase in public open space;
- reduction in some preferred building heights; and
- reduction in proposed population from 6,000 to 4,500 persons and a reduction in the number of dwellings from 3,000 to 2,500.

This version was presented to other stakeholders on 4 June 2013.

The Committee reviewed this second version, and prepared its Stage 1 Report which provided commentary on the revised Master Plan, included recommendations for the Club and the Council to respond to and set out a timetable leading up to the commencement of the public hearing.

The third version (July 2013) was placed on exhibition on 29 July 2013. It has become known as ‘the Master Plan’ in all subsequent documents and at the Hearing and the previous versions were not further referred to. It is divided into eleven Sections and includes information on the history of racing at the Racecourse, the site’s context, an urban design philosophy and urban design response, the Master Plan itself, the statutory planning environment, anticipated community benefit, and detailed guidelines for the development of both the Racecourse and the surplus land, being those parts of the Club’s landholding that are not required for racing-related purposes and are proposed to be released for urban development.

The exhibited version of the Master Plan was the document on which public submissions to the Committee, as well as evidence and submissions presented at the Hearing, were based. All further reference to the exhibited Master Plan will be referred to as the Master Plan.

6.2 Discussion

This Section focuses on the design processes and proposals described in Sections 4 to 7 and 10 of the Master Plan. Firstly however, the Committee discusses what it considers to be the role of a master plan in the context of the proposal under review.
(i) The role of a master plan

The Committee makes these observations about the Master Plan, the appropriate contents of a master plan and the role of this Master Plan in the process of arriving at an accepted and approved future for the Club's land and the surplus land.

While a master plan can serve a variety of functions within the planning process, in general a master plan in the context of this process is essentially that of a scene-setting document that successfully merges several distinct 'starting points' that will come together in the subsequent plan for development.

A master plan is general in nature and is more about principles that are, hopefully, readily agreed with or accepted by all stakeholders than about design solutions or proposals.

This Master Plan goes well beyond that general stage and, while that is appropriate in this instance, the Committee considers that the Master Plan fails to adequately describe the background rationale and operational justification for the Racecourse redesign and how the extent of surplus land has become available. It was not until the Hearing that some basic aspects of the drivers of the course layout became evident. This is discussed in more detail in Chapter 5.

The Committee considers that the strategic planning component of the Master Plan would have served its ongoing purpose better had it been set out in three sequential parts which described the hierarchy of thinking, from the broad to the particular. These are:

Part One
- A description of the site, the urban context, the economic environment, the social environment, soil conditions, traffic and transportation;
- The broad objectives and the desired outcome that the Master Plan seeks to achieve;
- The strategic and statutory planning context; and
- The broad timeframe for realisation of the project.

Part Two
- An analysis of the elements in Part One and how they interact to produce a set of Principles that will be the basis of the Master Plan.

Part Three
- The Master Plan, clearly derived from the Principles, supported by other information and addressing the Racecourse land and the surplus land separately by covering such aspects, as appropriate, as:
  - Land Use (including site layout)
  - Built Form (including heritage places, environmentally sustainable design, views and vistas)
  - Movement and Access (pedestrians and all modes of transport)
  - How the proposal will fit into or complement the existing urban cultural and social context
  - Population
  - Community benefit
  - Financial viability
- Infrastructure
- Social impacts
- Impacts on the urban context
- Staging.

Because the site is to be developed as two distinct areas with very different types of uses, specific additional information for each should have been clearly described, such as:

- for the Racecourse
  - track, grandstand and other facilities (stables, parking, etc.)
  - new uses, floorspace, maximum attendee population
  - non-racing activity.
- for the Redevelopment Area
  - integration with the site's urban surroundings
  - views and vistas, interface issues, solar access to ground level
  - microclimate
  - environmentally sustainable design.

The Committee considers that the understanding of both the Club's needs and the nature of the urban design and related aspects of the Master Plan document would have been better understood by readers had it been set out in the above manner.

(ii) The Moonee Valley Racecourse Master Plan (the Master Plan)

The Master Plan includes an Urban Design Philosophy in Section 4 which sets out fourteen Principles which are:

To inform all levels of design and detail for the redevelopment of the site. These principles will set the parameters for what development of the site is trying to achieve in an urban design sense.

The Urban Design Philosophy:

... aims to translate the Vision for the site into a robust and logical set of urban design principles that inform all levels of design and detail for the development of the site. It is underpinned by the desire to create a vibrant, mixed-use development featuring medium and high density dwellings set in urban streetscapes, that blends into its surrounding neighbourhood by reinforcing surrounding streetscape and local character.

It is accepted that Principles 1 and 2 which apply to the Racecourse are met. Those Principles that relate to urban design issues and the surplus land (Principles 3, 4, 5, 6, 7, 10 and 14) are not considered to have been achieved to the best extent possible in the proposed layout and built form of the surplus land. Several of these are discussed further.

Principle 4 is to “prioritise people over cars and buildings”. The Committee considers that this is not achievable with the street and block pattern and with the density of development proposed. There are alternative public realm designs to the continuation of the existing local street pattern that would more effectively give priority to pedestrians. While street interfaces of buildings are well-considered (consistent with Principles 7 and 8), the adopted approach is not new or innovative and it is not evident that the Master Plan prioritises people over cars and buildings, particularly given the density of built form proposed.
Similarly, the aspirations inherent in Principle 10, being to “establish a diversity of special places for people to live, work, play and linger”, are not evident to the extent implied. The same can be said of Principle 14, to “ensure best practice design quality across all scales of the development and open space to act as a 'design landmark' for the municipality and city”.

Principle 13 to “provide excellent public transport links and initiatives to integrate with local walking, cycling, tram, train and bus networks” is either not up to the Club or is not delivered by this proposal.

The Committee notes that these Principles, while possibly inherent in the preparation of the earlier version of the Master Plan, were not included in that document and there is concern that the Principles have been formulated as post-design justification of the urban design and site layout.

While the Principles are considered to be appropriate and worthy in theory, it is considered some are not adequately realised by the Master Plan as described in its Sections 5 and 6. This is in part due to the fact it is not clear whether each or all of the Principles apply to one or all of the Racecourse, the surplus land or the community. This results in a lack of clarity.

The success of the Master Plan as a strategic 'scene-setting' document can be judged by the degree to which each Principle and its attendant Design Response are translated into the Urban Design Response (Section 5) and the Racecourse Master Plan (Section 6).

The Committee remains unconvinced that the Master Plan represents the optimum implementation of those of the 14 principles which apply to the surplus land.

6.3 Findings

It was only during the course of the Hearing many factors led to the proposed layout of the Club’s facilities and the track became evident. These included the criteria for track design described by Mr Dalton, the use of the existing tunnel as the proposed primary pedestrian entry to the grandstand and the consequent extent of the surplus land.

This lack of key information in the Master Plan led to alternative layouts being proposed that were based on incomplete information which, had it been included and explained in the Master Plan, may have avoided these ideas being proposed in ignorance.

More critically, the Committee considers the Master Plan would have been a more useful document to the various stakeholders had addressed:

- An overview of the deficiencies of the existing course layout and its facilities in terms of modern racing requirements;
- The on-course functional and practical reasons for the proposed new course layout and how the off-site issues regarding access and other impacts on the surrounding community can be successfully resolved; and
- The consequent creation of some surplus land, the rationale for the proposed uses and dwelling numbers and how the anticipated impacts of the proposed development will be addressed.

The Committee is not fully satisfied the Master Plan, as it applies to the surplus land, is an acceptable basis for the redevelopment of that land. However, the Committee accepts:

- The track layout and design;
- The general location of the grandstand;
- There is sufficient land in the area bounded by Thomas Street, Wilson Street, the track and the southern extension of Juliet Street for all racing-related functions and purposes proposed for that area. This involves deleting the proposed residential development site immediately west of the Juliet Street 'extension';
- Land in Sub-precinct 10C Victoria Street is appropriate for development for residential purposes as proposed; and
- The surplus land is appropriate for progressive development as residential with some commercial and retail uses and some areas of public open space.
7 Threshold Issues

The Committee accepts Council has initiated and led the structure planning process for Moonee Ponds through Amendment C100. The Structure Plan should be the guiding reference for future development of the land – notwithstanding that it recognises that a separate planning process was required to determine the desired outcome for the Racecourse land. Through Amendment C100, the subject land has been included in the Principal Activity Centre boundary for Moonee Ponds; and with that designation there comes an expectation that the land is suitable for more intensive development. The Committee generally supports the inclusion of the surplus land in the Principal Activity Centre, although it later questions whether the Racecourse itself should remain within that boundary.

The Committee accepts the Racecourse is a long-standing existing use that has varying degrees of activity and use, culminating in its premier annual event, the W. S. Cox Plate. The Club is entitled to, and to its best endeavours should be able to redevelop its site to meet best practice international racing standards. The Club requires a longer finishing straight and other redesigned features, and the optimum position for the finishing straight is along the northern boundary. The reconfigured track layout is a result of the work of Dalton Consulting Engineers, Populous and Tract. A new grandstand in the northern area is optimal. The key issue to be addressed is its impact on neighbouring residents. The Committee notes that the Legends Club and facility has been in this general location for some time.

A likely outcome of the redesign of the Racecourse, would be surplus land the Club may wish to develop, or sell for development. It is appropriate that land surplus to the Club’s needs should be developed for highest and best use purposes. The Committee accepts those uses to be predominantly residential, with some retail and commercial use. In accepting this, the Committee considers that, as a result of the redevelopment of the site, there will be increased pressure on road capacity and public transport demand and these will need to be carefully managed over time. The final development yield will influence the level of pressure. However, the Committee recognises future development will not happen overnight, and there will be no sudden impact of 2,500 dwellings and 4,500 people (should those numbers be final). It will be gradual, incremental and geographically progressive.

The Committee acknowledges there are elements within the site that are of at least local heritage significance, and that there are social and cultural values attached to the land, which should be preserved in the context of future redevelopment opportunities.

The provision of open space and development contributions are important components that need to be justified through this Amendment and master planning process. The level and amount of contributions needs to be determined. Further, the Committee addresses the extent to which Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) opportunities can be explored and realised to incorporate best practice in all aspects of the design and development process.

The Committee undertakes its assessment of the key issues against this background in Chapters 8 to 14.
Part C: Assessment
8 Heritage

8.1 Introduction

On 10 April 2012, the Council requested the Minister for Planning to authorise an Amendment to apply a Heritage Overlay over parts of the Racecourse site. At the time of this request, the proposal for the redevelopment of the Racecourse had been submitted. The Council was advised that the proposed heritage Amendment should be considered alongside the Planning Scheme Amendment to give effect to the Racecourse redevelopment as part of this Advisory Committee process.

The Structure Plan identified several projects to be completed in the short term. This included “the initiation of a heritage assessment of the sites identified in the Structure Plan as having potential heritage significance”. The Moonee Ponds Activity Centre Heritage Study 2011 was prepared, and adopted by Council on 6 March 2012. At that time the Racecourse was excluded from the study as it was considered that a more detailed assessment of the site was required.

Heritage Planning and Management Pty Ltd was appointed by Council in September 2011 to undertake a full heritage assessment of the Racecourse. Mr Helms authored the ‘Heritage Assessment, Moonee Valley Racecourse, Stage 2 Report (Draft), March 2012’ (the Helms Heritage Assessment).

The Helms Heritage Assessment identified a number of structures within the Racecourse that are considered to have either local or contributory significance and concluded the following:

*The Moonee Valley Racecourse is at least of local significance to the City of Moonee Valley for its historic, aesthetic, architectural, technical and social heritage values. The following buildings and features contribute to the significance of MVR:*

**Contributory significance**
- Alister Clark rose garden and Manikato Garden;
- Main Tote, constructed c.1938; and
- Horse stalls/Birdcage and perimeter fence, saddling paddock/parade ground and mature trees in south-west corner;

**Local significance**
- S. R. Burston Stand, constructed 1957-8 and 1972-3; and
- Club Secretary’s house (former) and garden.

Three separate heritage citation reports were prepared as follows:
- Moonee Valley Racecourse (Significance level – Local);
- S. R. Burston Stand (Significance level – Local); and
- Club Secretary’s house (former) and garden (Significance level – Local).

The report recommended that Council seek to apply the Heritage Overlay to:
- The Club Secretary’s house and associated garden as defined by the brick boundary wall;
• The S. R. Burston Stand, constructed 1957-8 and 1972-3; and
• An area containing the Alister Clark rose garden and Manikato Garden, the Main Tote, constructed c1938, the horse stalls/Birdcage and perimeter fence, and saddling paddock/parade ground and mature trees in the south-west corner.

The Club commissioned Lovell Chen to undertake a heritage assessment of the Racecourse. The Lovell Chen report recommended that the Club Secretary’s residence and garden be included within the Schedule to the Heritage Overlay. It concluded that the other items (identified in the Helms Heritage Assessment) did not warrant inclusion in the Heritage Overlay however it suggested there were opportunities for relocation, reconstruction and interpretation, in particular the two memorial gardens.

Cognisant of the Committee’s Terms of Reference to consider and resolve the matter of heritage significance of items within the site and the Master Plan, the Committee posed the following questions in its Stage 1 Report which sets the framework of the consideration of the Amendment and was addressed by all of the heritage expert witnesses at the hearing:

• Is the place significant and does it warrant inclusion within the Heritage Overlay?
• If the place is significant, how should the Heritage Overlay be applied?
• When should decisions be made about changes to heritage items (can this be foreshadowed in the Master Plan or left for a time when decisions are made in the future as the site is developed)?
• How should the heritage items be managed into the future?

Given the parallel process of Amendments C124 and C120, the above matters could be addressed during the Hearing process. In its Stage 1 Report, the Committee suggested that:

• The Council redraft the proposed Heritage Overlay Map to include all of the Racecourse land and specifically include the trees it considers should be included within the Heritage Overlay within the ‘Tree Controls’ apply column; and
• The Club provide an option in a revised master plan how it might address the matter of heritage and in particular, the Club Secretary’s residence and garden with regard to the street and block pattern within the Master Plan.

Amendment C124 is largely based on the Helms Heritage Assessment and was exhibited with the entire Racecourse site mapped within the Heritage Overlay and the Schedule to the Heritage Overlay activated tree controls (although specific trees were not indicated in the Schedule).

8.2 Key Issues

Key issues arising from submissions and evidence are summarised as follows:

• The level of significance, or otherwise, of the site. For example whether the place is of local or State or National significance and how this should be considered;
• The question of threshold of significance. Whether historical and social significance alone is enough to warrant inclusion in the Heritage Overlay and whether architectural and/or aesthetic significance need to apply to all identified elements of the site to warrant inclusion within the Heritage Overlay;
• If the ‘contributory’ items are included and the whole site is not included within the Heritage Overlay, what do they contribute to;
• Whether the site should be considered in terms of individual items or the site as a complex;
• How the Master Plan and the Planning Scheme should provide guidance as to how identified items should be managed, if it is found that the site has heritage significance; and
• The extent to which the Master Plan considers heritage features.

8.3 Policy and Supporting Documents

(i) State Planning Policy Framework

Clause 15.01 deals with Built form and heritage and requires 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 15.01-2 Urban design principles requires that new development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

Clause 15.03 Heritage conservation lists the following strategies:

Identify, assess and document places of natural and cultural significance as a basis for their inclusion in the planning scheme.

Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings whose use has become redundant.

(ii) Local Planning Policy Framework

The Municipal Strategic Statement includes Clause 21.05 Built Environment.

Under Clause 21.05-4 relevant heritage objectives include:

To conserve the historic fabric of places of cultural heritage significance including buildings, streetscapes, gardens and archaeological sites.

Strategies include “protect all designated heritage areas and objects of natural, aboriginal and cultural significance”.

A further relevant objective is:
To conserve the historic quality of heritage places through careful consideration of proposed buildings and works.

Clause 21.05-5 lists Policy Guidelines for heritage including:

Assist with the exercise of discretion for planning permits for heritage places, including demolition.

The demolition of a heritage place is discouraged unless:

- The heritage place has no heritage value.
- The heritage place has been changed beyond recognition of its original or subsequent contributory architectural character and;
  - It does not contribute to the heritage character of the streetscape.
  - It does not form part of a group of similar buildings, historic streetscape or collection of historic buildings.
- The proposed replacement building generally meets the provisions of this policy.

Buildings and works are encouraged to respect historic trees and historic garden layouts by locating the proposed new development at a distance that ensures the ongoing health of the tree and that does not negatively impact upon an historic garden layout or context.

(iii) Practice Note 1 - Applying the Heritage Overlay

Practice Note 1 provides guidance regarding the criteria to be used when assessing places for consideration of the Heritage Overlay in local planning schemes.

Practice Note 1 requires that the heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place must include a statement of significance that clearly establishes the importance of the place and addresses specific heritage criteria.

Thresholds to be applied should be either of ‘State significance’ and ‘Local significance’.

Local significance includes those places that are important to a particular community or locality.

Practice Note 1:

- Provides guidance where a place has historical and/or social significance but where there is no longer something to manage. (In this context, the Committee suggests that commemorative recognition via a plaque may be an appropriate response.)
- Provides specific guidance to drafting the Schedule to the Heritage Overlay including how to apply external paint controls, internal alterations, aboriginal heritage place and prohibited uses.
- Gives direction about how a building, feature or tree on a large parcel of land may be mapped.

The Heritage Overlay applies to both the listed property and its associated land. It is usually important to include land surrounding the feature to ensure any new development does not adversely affect the settling or context of the significant feature. There will be occasions
when the Heritage Overlay should be reduced so it does not apply to the whole of the property. Practice Note 1 provides the following examples where refining the mapping may be appropriate:

- A homestead on a large pastoral property where only the buildings and their immediate surroundings are important but not the remainder of the property;
- A significant tree specimen on an otherwise unimportant property;
- A horse-trough, fountain or monument in a road reservation; and
- A grandstand or a shelter in a large but otherwise unimportant park.

(iv) Moonee Ponds Activity Centre Structure Plan (the Structure Plan)

The Structure Plan contains specific objectives and strategies around heritage.

Section 2.2 contains the following objectives:

To ensure the protection of valued features that contribute to the heritage and character of Moonee Ponds.

To encourage the reuse and retention of places of cultural significance or potential cultural significance within MPAC.

To ensure that new development is sympathetic to the heritage character of MPAC.

To embrace and celebrate the centre’s history and heritage.

One key strategy is to “Further identify and assess places of cultural significance in MPAC that are currently not protected by the Moonee Valley Planning Scheme. These places and precincts of potential significance have been highlighted in Figure 4” within the Structure Plan (which includes the south-western part of the Racecourse containing the horse stalls, perimeter fence and mature trees).

Other strategies in this section include guidance for future development which may impact on heritage places and supports the interpretation of heritage places through signage, public art and heritage trails.

With regard to implementation, the Structure Plan identifies priority projects including:

- Initiate a heritage assessment of the sites identified in the Structure Plan as having potential heritage significance.

(v) Moonee Valley Racecourse Master Plan

The Master Plan provides a brief description of the area identified in the Structure Plan as “subject to further heritage assessment”, being the horse stalls, perimeter wall and clock tower. The Club engaged Lovell Chen to review the heritage significance of the site. The outcome of the assessment is included in the Master Plan as follows:

- The wall, horse gate and stabling hold some historical interest in understanding the evolution of Moonee Valley Racecourse and the ongoing use of specific areas within the course (ie. the stabling area).
- The existing entrance and current location of the parade ground are of little interest.
The wall and horse gate, as visible from Dean and McPherson Streets, are understood as forming a type of boundary to the Racecourse....and as such, makes some contribution to the public entrance and presentation of the Racecourse from these streets. On this basis our preliminary assessment is that the significance of the structures, while of some historical interest, is not of a level which warrants the inclusion in the schedule to the Heritage Overlay, and as such, they can be demolished.

- The South Hill Stand is of no heritage significance.
- The S. R. Burston Stand is of no heritage significance.
- The Tote building is of no heritage significance.
- The Members’ Stand is of no heritage significance.
- The Manikato Memorial Garden is a recent (1980s) addition to Moonee Valley, while the internment of Manikato is of interest, it is not considered to be an event which would warrant the inclusion of the memorial in the Heritage Overlay.
- The Alister Clark Memorial in its current form is not of a level of significance to warrant its inclusion in the Heritage Overlay.
- The Club Secretary’s residence and garden should be included in the Schedule to the Heritage Overlay of the Moonee Valley Planning Scheme. The recommended extent of the Heritage Overlay should include the extent of the property enclosed by the brick walling to Thomas and McPherson Streets to the north and west respectively, and to the half-height brick wall to the east and south, abutting the grounds of the Racecourse proper.

The Master Plan concluded that there are no areas of high significance. The Committee notes that the Master Plan does not include other recommendations from the Lovell Chen report regarding the relocation of the memorials or how the former Secretary’s house could be incorporated.

The Schedule to the ACZ which seeks to give effect to the Master Plan included the requirement for an interpretation strategy to be undertaken prior to buildings and works. This is not reflected in the Master Plan.

(vi) Lovell Chen Heritage Assessment

The Lovell Chen Heritage Assessment was placed on exhibition as supporting background documentation to the Master Plan as part of Amendment C120. In summary the Heritage Assessment recommended the following:

- The inclusion of the Club Secretary’s residence and garden in the Schedule to the Heritage Overlay, to the extent of the buildings and land enclosed by the brick walling to Thomas and McPherson Streets to the north and west respectively, and to the half-height brick wall to the east and south, abutting the grounds of the Racecourse proper. The Schedule to the Heritage Overlay should include both external paint controls and tree controls;
- Retention of mature trees where possible;
• Relocation of the Manikato Garden (including the internment of Manikato and the above ground memorial) within the site to maintain the association with the Racecourse. The new burial site should be appropriately recognised;
• Reinstatement of the Alister Clark rose garden in a new location. The new rose garden should include rose varieties favoured and cultivated by Alister Clark; and
• A detailed interpretation plan should be prepared prior to development commencing on the site, to provide an integrated interpretation scheme for the site which would address the historical and social significance of the place.

(vii) Helms Stage 1 and 2 Heritage Assessments

Stage 1 of the Racecourse heritage assessment was completed in December 2011 and identified six places of potential heritage significance. Using the HERCON criteria, (which is the common criteria adopted at the 1998 Conference on Heritage – HERCON, and based on the longstanding Australian Heritage Commission criteria) the Stage 2 Report (Helms Heritage Assessment) confirmed that the Moonee Valley is of at least local significance to the City of Moonee Valley for its historic, architectural, technical and social heritage values (criteria A, D, E, F, G and H).

Considering the impending Master Plan that the Club was preparing, the Helms Heritage Assessment included a set of broad management guidelines as a starting point. The Report recommended that should the redevelopment of the site proceed, a heritage impact assessment should be prepared, which incorporated a detailed management and interpretation strategy.

8.4 Submissions and Evidence

(i) Council submissions

Council’s submission supported a Heritage Overlay over:
• Club Secretary’s residence (former) and garden;
• S. R. Burston Stand;
• Alister Clark rose garden and Manikato Garden;
• Main Tote; and
• Horse stalls/Birdcage and perimeter fence, saddling paddock/parade ground and mature trees in the south west corner of the Racecourse land.

However Council did not support the application of the Heritage Overlay over the whole site for the following reason:

*It is considered to be an unnecessary burden to the resource and administrative cost of the responsible authority to have the whole site within the Heritage Overlay. The logic behind this change [including the whole site] is understood, however it is not practicable as it means a permit would be required under the Heritage Overlay for all buildings and works on the site into the future including the residential components. This also may have implications in relation to notice and review rights. At this stage the Activity Centre Zone exempts the majority of buildings, works and uses from the notice and review rights, however the Heritage Overlay does not provide this exemption. An alternative option would*
be to develop an incorporated plan for the site which specifically outlines under which circumstances (and for which places) permit is required, and which is not.

Council preferred that the polygon approach be applied to map individual items, or should the Heritage Overlay be applied to the whole site, an Incorporated Plan should be used.

Council submitted that the role of the Advisory Committee process is to consider the Heritage Overlay, ascertain whether it is appropriate and then to make sure the Master Plan ‘talks to’ the Overlay. It is not to determine whether buildings should be demolished. Ms Marshall said that with regard to the evidence of Mr Raworth and Mr Lovell:

*It is evident that there has been crossover in terms of thinking – a leap straight to the question about whether a building should be demolished. This is putting the cart before the horse in terms of the matters to be considered in terms of a heritage amendment.*

(ii) **The Club’s submissions**

The Club accepted that the Club Secretary’s house and garden warrant protection via the Heritage Overlay, including tree controls. The Club supported the remainder of the findings of the Lovell Chen report, but opposed the inclusion of the entire site within the Heritage Overlay and argued that none of the witnesses supported the inclusion of the whole site. As the Heritage Overlay triggers a planning permit for subdivision, demolition, buildings and works, affords third party notification and appeal rights, this would add delay, cost and uncertainty to the development process and would be inconsistent with the direction of the Master Plan. In addition, the majority of development parcels did not include identified heritage elements within them, yet the same control would apply. The Club submitted that:

*If the Advisory Committee was minded not to agree with the submissions of Council or MVRC on this point, and recommended the application of the Heritage Overlay to the entire site, an incorporated plan would be the appropriate course of action in order to exempt from a permit requirement anything done in accordance with it. However, MVRC would seek specific recommendations from the Advisory Committee regarding the contents of any such plan, to prevent or minimise the possibility of further deadlock in the future.*

The Club objected to the following items being individually included in the Heritage Overlay:

**S. R. Burston Stand**

The Club argued that the S. R. Burston Stand does not exhibit architectural or aesthetic significance that warrants protection as a result of changes made to the previous Modernist western elevation, replacement of the original cantilevered roof and substantial changes to the bottom tier of the eastern elevation.

It considered that with regard to historical and social significance, the stand would have no relevance to the reconfigured racetrack and its tiered facade cannot be adapted. In the context of a redevelopment that seeks to retain and enhance the broader social and historic role of the Racecourse by upgrading the track and developing a new grandstand, its demolition with documentation would be acceptable.
Main Tote

The Club suggested that the Main Tote as it exists today is a remnant of its original longer form and is itself an addition to the actual totalisator that originally fronted the main tote building. It said it does not exhibit architectural significance that warrants protection.

Horse stalls/perimeter fence/mature trees

Although the Club did not support a Heritage Overlay over these items, it noted it would be prepared to contemplate relocation of portions of these elements such as some stalls, part of the wall or possibly part of the gate, into the landscaping of the future development, or into the infield. However, as with the S. R. Burston stand, it said that in the context of a redevelopment that seeks to retain and enhance the broader social and historic role of the Racecourse by upgrading racing elements, the social and historic role of these elements would not be lost, and do not require the protection via a Heritage Overlay.

Manikato Garden and Alister Clark Rose Garden

The Club considered that given the gardens were relatively recent commemorative elements, these two features had no historic interest and were of only limited aesthetic interest, and therefore should not be included within the Heritage Overlay. The Club’s submission noted that these items could be relocated within the infield.

Future management

The Club considered that a heritage interpretation strategy could be an application requirement for buildings and works in the Schedule to the ACZ, in particular with regard to the S. R. Burston Stand, the Gardens, the Main Tote and the horse stalls to ensure interpretation, commemoration and relocation are considered as part of any future development proposal. There is scope to accommodate physical structures and commemorative gardens in the infield and provide historic and photographic information within the grandstand and pedestrian underpass. It suggested these recommendations could be included within the Master Plan to ensure a holistic consideration of these issues ahead of future permit applications.

With regard to timing to make decisions about heritage items, the Club submitted that:

*The best time to make decisions about the retention of heritage items is now. Indeed, arguably these decisions must be made now, in order to avoid the potential for future decisions to necessitate major amendments to the Master Plan or the Schedule.*

(iii) Community submissions

As Amendments C120 and C124 were exhibited concurrently, several submissions referred specifically to Amendment C124 (the Heritage Amendment), however the majority of overall submissions received during the exhibition period, which addressed the issue of heritage, supported the retention of fabric on the site. Some submissions referred to individual items which they considered should be protected, others referred to the historical and social contribution of the Racecourse complex to Moonee Ponds since 1883.
A summary of themes in the submissions included:

- The Racecourse has been of importance to the community of Moonee Ponds since 1883;
- The heritage buildings are part of the neighbourhood identity and are irreplaceable;
- There are many opportunities to integrate the old and new to celebrate our local history;
- The Club do not see the significance of what they have in relation to the core fabric of Moonee Ponds; and
- Objection to the removal of listed trees and identified buildings.

**Essendon Historical Society**

The Essendon Historical Society supported a Heritage Overlay to be established on the site. The submission included references to the previous use of the site for Chinese Market gardens, and provided a brief history of specific items within the Racecourse complex including the Manikato site, the Club Secretary’s House and Edna Walling Garden, the S.R. Burston Stand, the Alister Clarke rose garden and the horse stalls. The submission suggested how the site should be protected and managed from a heritage point of view.

**Save Moonee Ponds Inc**

SMP supported the proposed Amendment subject to the following changes to the Heritage Overlay Schedule:

- Exterior paint controls should be applied for the cited buildings on the site, various brick elements have been painted in the past and this should be avoided in future;
- The site as an aboriginal heritage place, unless established otherwise; and
- Interior controls should be applied to the Club Secretary’s house, given it is relatively intact and retains original fabric.

SMP considered the garden elements on the site are not well protected under the proposed Heritage Overlay. Given these elements do not comprise of only ‘trees’ there is nothing to trigger a permit for alterations to these landscape elements within Clause 43.01.

SMP did not agree with the Lovell Chen Heritage Assessment, submitting that:

*The Lovell Chen report takes a very narrow view of heritage significance. It makes little assessment of the significance of the site as a whole. There is very little regard for the Racecourse’s historical cultural function as a setting of events. It also makes minimal mention of the Racecourse’s significance to the suburb of Moonee Ponds in a social, physical and cultural development context.*

The submission criticised the Master Plan as it does not contain objectives or guidelines for the treatment of heritage buildings and new development in proximity of them. The submission further considered:

*The loss of all the heritage fabric on the site is a significant flaw in this development and one which goes against planning scheme and policy objectives in cl 43 and the Activity Centre Guidelines to encourage the retention of heritage places....*
At the hearing, SMP submitted that:

*With regard to the Manikato Memorial Garden, SMP is advised that the garden currently contains the remains of several people in the form of buried urns. The unsettling of these remains will need consideration.*

**Dr Andrew Lemon**

Dr Lemon criticised the heritage reports undertaken on behalf of Council and the Club. Dr Lemon submitted that the Moonee Valley Racecourse is of National significance, citing its contribution of horse racing as a part of Australian life, including the W. S. Cox Plate and the “*idiosyncratic track*” which are unique to Moonee Valley.

Dr Lemon provided a timeline of events and development of Moonee Valley which illustrated the interrelationship between different elements on the Racecourse and he argued that the juxtaposition of architectural style and periods was part of the appeal of Moonee Valley. In this context, it should be considered as a ‘sum of its parts’, and submitted that:

*The fact that Moonee Valley Racecourse has not been accorded legal national or state heritage protection is a reflection of the problem heritage councils have in dealing with complex public spaces such as national parks and sporting stadia that are seldom ‘complete’ but instead are always evolving. And undeniably the current proposals will all but extinguish that significance.*

The whole area along Dean Street including the South Hill grandstand (modified), the horse stalls, parade area with its trees and aspect over the valley should be preserved – not because it was all original, ancient, intact or complete, but because it was the traditional heart of Moonee Valley. The South Hill Stand was significant, being the only remnant of the extensive 1920s makeover of Moonee Valley that characterised the course until the 1970s.

In terms of future management, Dr Lemon opposed the proposal as outlined in Amendment C120 and submitted that heritage had been an afterthought in the development of the Master Plan. He considered that the continuation of the use of the Racecourse was important. On retaining some parts of the site, he considered that if they are a relic in some discontinued part of the Racecourse, they become degraded. There was potential for the Club to do a better job of presenting and interpreting the unique aspects of its tradition.

Dr Lemon submitted that the better option for retaining heritage value is to allow the existing facilities and amenities to evolve as they are, but in future with a much more informed understanding of the history of the Racecourse. Older heritage items and areas could be much better interpreted and presented for the benefit of future generations.

**Mr John Westwood**

Mr Westwood provided a history of the Racecourse and information about events and influential people who have attended the site throughout the last 130 years. At the Hearing he submitted that the horse stalls and grounds should be retained, that the complete picture of the Racecourse should be able to be understood and that “*we have 130 years of history and [the Club] treats it as a blank canvas.*” Mr Westwood also informed the Committee that Manikato’s garden contained burial urns, containing human remains.
(iv) **Evidence**

As part of the directions for the Hearing, the Committee observed that the Lovell Chen Heritage Assessment undertook a comparative analysis of Sandown and Flemington Racecourses, both of which are covered by a Heritage Overlay. The Committee requested the heritage experts provide an assessment of the racetrack in the context of the statement of significance of the Racecourse and to advise whether or not a Heritage Overlay should apply to the track. The Committee further requested the heritage expert witnesses consider and respond to submissions by Dr Lemon and Mr Westwood.

**Statement of agreed facts**

As part of the directions for the Hearing, the heritage expert witnesses were requested to prepare a statement of agreed facts regarding heritage. The Statement (Document 53) was prepared by two of the three expert witnesses appearing at the hearing, Mr Helms and Mr Raworth, with Mr Lovell’s views extracted from his written evidence.

In summary, all experts agreed that in terms of significance:

- The Moonee Valley Racecourse is of local significance for its historical and social values however, the various elements within the complex have different levels of significance, especially in relation to architectural significance;
- The former Secretary’s house and garden is of local significance for its architectural and aesthetic values;
- While topography of the site was a factor in the selection, development and use of the site for the Racecourse, it is not a factor that warrants the application of a Heritage Overlay over the entire site; and
- There are no other elements that warrant a Heritage Overlay beyond those identified in the Stage 2 of the Heritage Assessment undertaken by Mr Helms.

With regard to the application of the Heritage Overlay, all experts agreed that the Heritage Overlay should:

- Not apply to the whole site;
- Not apply to the racetrack or topography of the site; and
- Apply to the former Secretary’s house and garden.

All experts agreed that should a Heritage Overlay be applied to the whole site, an Incorporated Plan should be prepared to identify permit exemptions.

**Remaining points of difference**

*The Manikato Garden and Alister Clark rose garden*

Mr Helms considered that both gardens warrant a Heritage Overlay however Mr Lovell and Mr Raworth were of the view that they were of commemorative interest only and a Heritage Overlay is not warranted.

*S. R. Burston Stand*

Mr Helms considered that the S. R. Burston Stand is of local significance and a Heritage Overlay should be applied. Mr Lovell and Mr Raworth considered that a Heritage Overlay was not warranted because of its low intactness and the replacement of this structure in the
context of a sporting arena was reasonable (having regard to the Melbourne Cricket Ground (MCG) redevelopment as an example).

**Main Tote**

Mr Helms considered that the Main Tote was of contributory significance and that a Heritage Overlay ought to be applied. Mr Lovell and Mr Raworth considered that a Heritage Overlay was not warranted for the Main Tote because of its low intactness and, as with the S. R. Burston Stand, the replacement of this structure in the context of a sporting arena was reasonable (having regard to the MCG redevelopment as an example).

**Horse stalls, perimeter fence and mature trees**

All experts agreed that the horse stalls, perimeter fence and mature trees in the south-west corner of the site had some historic interest as a group of structures, however they disagreed about whether the level of interest warranted a heritage control. If a control was to be introduced, Mr Helms and Mr Raworth considered it should include tree controls however Mr Lovell’s view was not conclusive.

**Council’s evidence**

Mr Helms provided an Additional Response in response to the further directions of the Committee. With regard to the racetrack, Mr Helms said that based on criterion A, D, G and H:

> It is my opinion that, having regard to my own statement of significance for MVR, the racetrack, as an integral part of the complex, does contribute to the historic significance of MVR ...

With regard to the distinctiveness of the track Mr Helms considered that this needed further exploration. In any event, he considered that the statement of significance needed to be absolutely clear about what and why the track was significant in order to guide future management decisions.

On the matter of whether to apply a Heritage Overlay to the track, Mr Helms considered that “a Heritage Overlay could be applied to the track” however this position was qualified by the recommendation that a Conservation Management Plan be prepared prior to deciding whether to apply a Heritage Overlay over the track. Mr Helms held the opinion that:

- The Heritage Overlay is not an indicator of significance, it is intended to show which places, or parts of places, are subject to a control;
- The Heritage Overlay map is not intended to indicate the buildings, structures, trees or other features considered to be important within a significant area;
- The Heritage Overlay is not only applied to buildings [or] features of individual significance. It may also be applied to precincts or large sites or areas containing buildings and other features of individual, contributory or no significance;
- The whole of the Racecourse is significant, while others contribute to the significance of the place as a whole;
• The historical and social significance of Racecourse is embodied in intangible values such as the long-term Racecourse use and historic associations of the place as a Racecourse and a place of significant community gatherings;
• However, the historical significance of the course is also demonstrated by tangible features which demonstrate the evolution and development of the course over time;
• Built structures such as the Club Secretary’s house and the S.R. Burston Stand are tangible evidence of the long association of E.F. Billson and his successor agencies with the Racecourse, and provide further evidence of course development;
• The social significance of Racecourse is also demonstrated by the strong community attachment to tangible features such as Manikato’s Memorial and the Alister Clark memorial;
• The significance of the Racecourse therefore justified the application of the Heritage Overlay to all building and features proposed by the 2012 Study; and
• The application of the Heritage Overlay to only the Club Secretary’s residence and garden as proposed by the Lovell Chen 2013 Study would not adequately protect the heritage values of the Racecourse.

Mr Helms prepared management guidelines for the heritage features he had identified in his Stage 2 report, however recommended that the guidelines were intended as a starting point. In terms of future management, in order to protect the Racecourse heritage values into the future, a more appropriate approach would be to follow the process set out in ‘Heritage Impact Statements – Guidelines’, prepared by the Heritage Council.

The Club’s evidence

Mr Lovell’s view was that the Racecourse complex as a whole was of historical and social significance, but the individual components which make up the place do not reach the threshold of architectural and aesthetic significance to warrant inclusion within the Heritage Overlay. He provided the Committee with a comparative assessment of related sporting and event venues including the Flemington Racecourse (included in the Victorian Heritage Register), Caulfield Racecourse (which has not been assessed), Sandown Racecourse (included under a Heritage Overlay within the Greater Dandenong Planning Scheme), Waverley Park (included within the Victorian Heritage Register), Royal Melbourne Showground (included in Victorian Heritage Register), Victoria Park (included in Victorian Heritage Register), Hawthorn Football Oval (included in Victorian Heritage Register), Princes Park and Richmond Football Oval (included in a precinct Heritage Overlays within the Melbourne Planning Scheme). Mr Lovell considered that common to all of these places is the historical and social value which stems from the events and activities which they have hosted and in this context, Moonee Valley is no different. However, unlike the other examples, Moonee Valley is:

_Distinguished, in lacking the fabric (buildings and landscape) which reinforces and supports this value by way of its architectural and/or aesthetic quality. With the exception of the secretary’s house and grounds, Moonee Valley is not a place of physical distinction, which in my view would be necessary to elevate it to a level of significance which would warrant the application of the HO. While the component parts demonstrate the evolution of the Racecourse complex from the_
interwar period to the late twentieth century, they do so in a relatively uninteresting way.

Regarding the extent of the Heritage Overlay:

While my assessment is that the extent of the of the proposed heritage overlay at Moonee Valley should be limited to the Club Secretary’s house and grounds, due to their architectural and historical significance, I note that the Advisory Committee has proposed a whole of site overlay approach. ... The rationale for the approach is assumed to be that the Committee considers that the assessment should be of the site in its entirety and/or that the application of the overlay to irregularly defined land areas within the larger site would be complex to manage with regard to future development. On the latter point if it were a conclusion of the Advisory Committee that the whole site should be included in the Schedule to the Heritage Overlay I would recommend that an incorporated plan be prepared to appropriately recognise the historical and social significance of the site, and address, among other matters, maintenance of the place (refer Sandown Racecourse Incorporated Plan) and future operations and development of the site.

Mr Lovell recommended, in addition to the proposed requirement in the Schedule to the ACZ for a heritage interpretation strategy in relation items identified in the Helms Heritage Assessment to be prepared under application requirements for buildings and works, a separate requirement should be included in the schedule to the ACZ which requires interpretation within the new Racecourse area and in particular as associated with Alister Clark and Manikato Garden.

With regard to the former Secretary’s house and garden, Mr Lovell recommended that any new development in this area should provide a transition to this site (for example one or two storeys) so that the building was not ‘dwarfed’ by taller neighbouring buildings. He considered that the place had more of a context within the street rather than the Racecourse itself, and therefore the retention of visual link between the residence and the Racecourse is not required.

Mr Raworth considered the extent of the built fabric across the site, and concluded:

While it is reasonable to associate a substantial local (or greater) historical and social interest with the site as a whole, the fabric to the greater proportion of the site does not warrant a Heritage Overlay control on the basis that the land and fabric found across much of the site has no intrinsic built form significance. I note that Dr Andrew Lemon identifies the places as having national significance. I accept the view that the Moonee Valley Racecourse has historical and social significance at a local level (at least). I acknowledge some parts of the place warrant heritage identification to that extent, but the question of the relative aesthetic/architectural and technical significance of its component parts has a direct bearing upon the extent of listing under a Heritage Overlay control that is appropriate to the site.
Mr Raworth referred to the advice within Practice Note 1 regarding places of historical and social significance and considered that it would be more appropriate to record and commemorate the site’s history rather than apply a Heritage Overlay.

Mr Raworth focused on Amendment C124 in the context of the redevelopment proposal sought by Amendment C120. Some of his evidence focused weight on the proposed development called up by the Master Plan, and said:

However, it is recognised that the ‘balancing of outcomes’ process being undertaken by the Advisory Committee in relation to C120 and C124 is similar to a permit assessment for the purposes of a Heritage Overlay. If the Advisory Committee determines that elements identified as having some heritage value should ultimately be removed or redeveloped, having regard for the balance of outcomes that is being supported, it may well find that those elements do not warrant the application of a Heritage Overlay control for the purposes of future permit considerations.

If the Advisory Committee were to form the view that the proposed development anticipated under C120 should be supported, there would seem little intrinsic benefit, and considerable potential inconvenience and confusion, arising from an application of the Heritage Overlay to the whole of the MVR site.

The demolition of the horse stalls at Flemington Racecourse and the Showgrounds were provided as examples, where demolition had occurred to facilitate modern day uses. He added:

However it is of relevance that the MCG has a similar extent of significance, even possibly of international significance, however this has not been a force of stasis, but rather for informed and considered change. The present Master plan is posited on the basis that it enables the ongoing use of much of the site as the MVR, thus maintaining key historical and social significance of the place.

Mr Gobbo brought the Committee’s attention to the issue of the weight that ought to be applied to this material (particularly in relation to Dr Lemon’s submission):

None of the expert witnesses considers that the site as a whole, or the track alignment or topography, should be protected by a Heritage Overlay. While Dr Lemon has made submissions to the opposite effect, as a submitter, his assertions were not amenable to testing through cross-examination and should not be given the same weight as the evidence of Mr Helms, Mr Lovell and Mr Raworth.

Given the information provided in Dr Lemon’s and Mr Westwood’s submissions, the Committee requested the heritage experts provide a response to issues raised in these submissions. The Committee notes that none of the submitters, including Dr Lemon, took the opportunity to cross-examine the heritage expert witnesses. Ultimately, the Committee considers that the submissions of Dr Lemon and Mr Westwood were assessed for the benefit of the Committee by the expert witnesses, and likewise the evidence presented by Mr Helms, Mr Lovell and Mr Raworth was tested through robust cross examination at the Hearing.
8.5 Discussion

The matter of heritage for this site is complex on a number of levels. It is a very large site with a 130 year history. Much of the historical and social significance of the place is due to the past and ongoing use of the land and components associated with that use as opposed to a series of individual buildings of high architectural or aesthetic significance. A further complexity is the circumstances of the Amendment, being considered concurrently with a master plan which proposes to remove almost all of the features on the site. This raises a number of matters to be addressed.

(i) Is the place significant and does it warrant inclusion in the Heritage Overlay?

As all parties agreed on the significance of the Club Secretary’s house and garden, the Committee does not need consider this further, other than the nature of the Heritage Overlay that may apply to the site which is discussed later in this Chapter.

The Committee notes that all experts agreed that the Racecourse was of “at least local significance” however the experts disagreed about the significance of the individual components within the complex. It is also noted that all experts considered that the site may be of State or National significance. As experts agreed that the place was of ‘at least’ local significance, the issue therefore is whether the level of significance meets the threshold to warrant listing all of site or specific components within the Heritage Overlay.

Threshold

The issue of threshold is central to whether the Racecourse and its various elements should be included in the planning scheme.

The statement of significance in the Helms Heritage Assessment identifies the Racecourse site (as a complex and individual components) as historically significant (criteria A and H), aesthetically significant (criterion E), architecturally and technically significant (criterion F), and socially significant (criterion G). Individual elements within the complex met various criteria. In his ‘additional response’, as a result of considering the racetrack, Mr Helms, further considered criteria A, D, G and H could apply to the racetrack.

Mr Lovell considered that the track, as with most of the fabric of the place reflects the ongoing process of evolution and was of interest but not distinctive and therefore it did not elevate the place to one of local significance. At the Hearing, he submitted that:

You could take all of the Racecourses that have historical and social significance and use that test. There has to be a bar somewhere: the strength in the fabric that is linked to that activity. For me, it doesn’t have enough there.

Throughout their evidence, Mr Lovell and Mr Raworth considered that architectural significance was a major criterion to determine whether a place meets the ‘threshold’ of significance for it to be worthy of consideration within the Heritage Overlay. Architectural and aesthetic significance was an obviously tangible criterion which the Heritage Overlay, as a built form control, could address. As Mr Raworth said during his evidence, for those sites that are of interest “call it something else, but not heritage”.
The Advisory Committee report on the ‘Review of Heritage Provisions in Planning Schemes’ (extracts provided by Mr Helms) noted that the issue of distinguishing places of “mere heritage interest from those of heritage significance” had been subject to continued debate and it remains open to interpretation. That Advisory Committee report defined ‘threshold’ as follows:

_Essentially a ‘threshold’ is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is ‘Is this place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision making?’ Thresholds are necessary to enable a smaller group of places with special cultural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values._

In terms of defining thresholds, the Bayside Amendment C37 and Amendment C38 Panel reports considered:

_With respect to defining thresholds of significance, it was widely agreed by different experts appearing before this Panel that there is a substantial degree of value judgement required to assess a place’s heritage value, so there is always likely to be legitimate, differing views about the heritage value of some places._

_There is a wide range of matters that can be taken into account in making any assessment (eg. A place’s value in relation to historic, social, aesthetic, cultural factors, its fabric’s integrity and so on), leading to further grounds of differences between judgements._

On this basis, the Advisory Committee made the following conclusions:

_... a fundamental threshold is whether there is something on the site or forming part of the heritage place that requires management through the planning system._

_As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history._

As part of his methodology in assessing the Racecourse, Mr Helms developed local tests to determine whether the precinct or place met the threshold of local significance:

- The place had a strong association with a theme in the thematic framework and is illustrated by the fabric, when compared with other places (Criterion A);
- The place may be rare within the municipality or to a township or locality. It may be a very early place, or one that is under-represented within Moonee Valley (Criterion B);
- If it was a representative example of a place type, it will usually have the typical range of features associated with that type (Criterion D);
• The place was an exemplar of an architectural style or represents significant technical or artistic/architectural innovation or achievement, or has outstanding aesthetic qualities when compared to similar places within the municipality. Usually a high degree of integrity (Criterion E or F); and
• The place has strong social or historic associations to a locality (Criterion G) or to an individual or organisation (Criterion H) and in particular:
  - There was a continuity of use or association, meaning or symbolic importance over a period of 25 years or more (representing a transition of values beyond one generation).
  - The association had resulted in a deeper attachment that goes beyond utility value.
  - The connection between a place and a person/organisation was not short and incidental and may have been documented.

By comparison, those places that did not meet the threshold of local significance will generally be those where:
• Historical associations were not well established or not reflected in the fabric because of low integrity, or
• The place was common within the municipality or already well-represented in the Heritage Overlay; or
• It was a typical, rather than outstanding example of an architectural style or technical achievement and there were better comparative examples in the municipality; or
• The social or historical associations were not well established or demonstrated.

The Committee is satisfied with the methodology and criteria used in Mr Helms’s assessment for the Amendment, and considers it consistent with accepted practice and Practice Note 1.

Having regard to the criteria set out in Practice Note 1, it does not elevate one criterion above another. In other words, a place can be significant, meeting a variety of criteria or one criterion. The Practice Note does not place architectural and aesthetic significance above other criteria and there are cases where historical and social significance is strong and justifies formal recognition of cultural heritage significance.

The evidence submitted to the Committee makes the case that the Racecourse has a high level of historical and social significance to the municipality of Moonee Valley and Moonee Ponds. The historical and continuing use of the site over 130 years is a strong contributor to this significance, having regard to Victoria’s Framework of Historic Themes, especially Theme 9 ‘Shaping cultural and creative life’; that horse racing was an important theme in the history of Moonee Ponds and the municipality.

The Committee considers that the assessments made by Mr Lovell and Mr Raworth discount the historical and social significance and apply a more narrowly focused architectural assessment of the site to determine the threshold of significance. It is the Committee’s view that the Racecourse, in spite of the varying intactness of its physical fabric, displays high historical and social significance of a level that is worthy of consideration of formal statutory recognition.
A complex or a series of individual components

A key issue for the Committee is whether the place should be considered as a complex, the ‘sum of its parts’, or whether to consider the individual items separately as the initial Lovell and Helms heritage assessments have done.

The horse stalls, perimeter wall and mature trees, all contribute to the Racecourse. There may be better examples of perimeter walls (for example Victoria Park as considered by Mr Lovell) but it was not just the architectural quality of the perimeter wall that was important but its association with the Racecourse and as a historic marker. The stalls may have been altered over time with the ‘my grandfather’s axe’ approach but they too are evocative of the use of the site over time. The Tote building, while altered, is capable of adaptation, is a rare building type and demonstrates innovation over the evolution of the Racecourse.

Although it may have been reconfigured in the past, the racetrack itself is an essential component to the use of the land, which is of historical and social significance. Virtually all of the MCG has been rebuilt or redeveloped over time, but the place is considered significant for its ongoing use. Likewise, at the Moonee Valley Racecourse, whether the track has changed over time or not does not diminish the importance of the longstanding use of the land.

The Committee agrees with Mr Lovell that the S. R. Burston Stand, while it is was designed by Billson and does retain some innovative design features including the tiered structure and stairway detail, the extent of changes to the building, especially on the western facade has seriously compromised the building. Nevertheless, the building belongs to the Racecourse complex.

The Committee considers that the context of the listing is important and has approached the site from the view of the ‘sum of its parts’. It agrees with Mr Helms’s statement that:

*The whole of the MVR is significant and some buildings and features within the site are individually significant, while others contribute to the significance of the place as a whole.*

While individual items have been identified, in the main, it is because they have an association with the Racecourse and demonstrate the evolution of the Racecourse complex over time. It is this association with the Racecourse which sets their context. The exception to this is the Club Secretary’s house and garden, which as Mr Lovell points out in his evidence, given its location on western edge of the site, could equally contribute in an architectural sense to the residential streetscape within which it sits.

It is important that the Statement of Significance is clear about what individual items are significant within the complex. As opposed to a published history of the Racecourse, the Statement of Significance is essentially part of the tool box to assist in understanding and then managing change. The ‘What is Significant’ section assists in understanding those components within the site that contribute to the significance of the place and hence informs future decision making. The Helms Heritage Assessment does this (also noting his recommendation to include the racetrack within the Statement of significance subject to further assessment).
(ii) How should a Heritage Overlay be applied?

Practice Note 1 provides direction for places of significance for historic or social reasons as follows:

"Planning is about managing the environment and changes to it. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has ‘something’ to be managed. This ‘something’ is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to manage and the Heritage Overlay may be applied. If not, a commemorative plaque is an appropriate way of signifying the importance of the place to the local community."

Having accepted the Racecourse is of at least local significance as a complex, with a number of (at least) contributory elements within it, one of the key issues in relation to Amendments C124 and C120 is how to manage changes to the Racecourse site, including what should be retained, adapted, interpreted or even relocated. There are indeed many parts of the complex which make up the Racecourse site which need to be managed. In addition, the ‘absence of built form’ (the racetrack itself) is a feature and part of the complex of historical and social significance.

Practice Note 1 provides guidance about how large sites can be mapped. It cites farms and parks as examples of where the mapping can be refined to include selected items within a polygon instead of including the entire site. In the case of farms, the circumstances of how they might be mapped vary significantly, it might be a small shepherd’s hut or an entire homestead complex, including associated outbuildings (not all of which will necessarily contribute to the significance of the complex). It is unusual that the larger farmland will be considered as part of the complex. Farms are usually much bigger, usually contain many lots and have a history of being subdivided off or consolidated – generally it is the homestead and surrounding buildings which are considered the ‘complex’ as land parcels change over time. In the case of the Racecourse, the entire site is used for this use; it has a distinct boundary and contains features across the site associated with that use over 130 years.

The approach of including the entire site within the heritage listing is consistent with those sporting or event complexes such as the Flemington Racecourse and Sandown Racecourse. Where there is a site which is proposed to undergo considerable change across it as proposed by the Master Plan, it is considered that using a ‘whole-of-site approach’ is all the more critical given the issue around how to manage change across the complex.

The Committee understands that Council does not wish to apply the Heritage Overlay to the entire site due to administrative reasons. Given the size of the site and the ongoing operation of the Racecourse the Council, and the Club, are concerned that the Heritage Overlay will trigger unnecessary planning permits. The question is, can this administrative issue be dealt with by reconsidering the way the Heritage Overlay can operate?

There is considerable flexibility in the way the Heritage Overlay can be applied which can assist in future management of complex sites and sites undergoing change. The Committee considers that the Council has underestimated, and not explored, how this planning tool
could more fully recognise and manage heritage aspects across the site but at the same time provide flexibility and reduce unnecessary permit requirements. The Heritage Overlay can provide the same sort of flexibility that sites within the Victorian Heritage Register (such as the Flemington Racecourse and the MCG) enjoy through the use of an Incorporated Plan.

**Use of Incorporated Plan**

All experts agreed that if the Heritage Overlay is applied to the whole site, an Incorporated Plan should be applied. This Incorporated Plan can be prepared to form the bridge between the heritage values of the site and the site’s future development. In other words, from an administrative point of view, by ‘tailoring’ the Heritage Overlay control via an Incorporated Plan, this can provide greater direction and certainty about future management and development and focus permit triggers.

The Committee considers there is an opportunity to apply an Incorporated Plan, informed by the Statement of Significance and a Conservation Management Plan, to provide a list of permit exemptions, exemptions for third party notice, management and demolition guidelines, an interpretation strategy and guidance on the process of managing internments. Importantly, the Incorporated Plan can inform the high level strategic planning for the site at the earliest stage, as well as inform future planning permit applications regarding restoration, retention, adaption, relocation, demolition and interpretation across the site in the latter stages of decision making.

The Club in its submission questioned:

*If the Heritage Overlay were to be applied to any element on the site, or the entirety of the site, that would give the community the false impression that elements on the site are intended to and will be preserved.*

A key question is would placing the whole site under the Heritage Overlay give false hope? Many sites have a Heritage Overlay and have undergone substantial changes. Mr Raworth gave evidence regarding the changes to the showgrounds as a case in point. Another example is the MCG. It is about managing that change thoughtfully and sympathetically. An Incorporated Plan, informed by a Conservation Management Plan, will provide greater guidance than just simply applying a Heritage Overlay where it could be considered that no change can happen and little policy guidance is provided.

**(iii) When should decisions be made about changes to the heritage items and how should the heritage items be managed in the future?**

The Committee agrees with the Club’s submission that if this was a standard Amendment to apply the Heritage Overlay to a place, the above questions regarding the future management of the site would be unusual. The posing of these two questions by the Committee implicitly and appropriately treats this as an unusual situation, in which the Heritage Overlay has been proposed in the context of a major and comprehensively master-planned redevelopment proposal.

The Committee accepts that, in the majority of heritage Amendments, Panels have held the position that consideration of the Planning Scheme Amendment to apply a Heritage Overlay is confined to whether the place should be considered for inclusion under the Heritage
Overlay and that future management of those places is a matter for the planning permit process.

In the case of Amendment C124 being exhibited concurrently with Amendment C120, the Committee is required to consider the future strategic use and development of the Racecourse. The purpose of the Master Plan and the ACZ is to provide certainty to the landowner (the Club), the Council and the local community and to plan for future land uses and development of the site. The issue is however, that the Master Plan fails to adequately consider heritage. The Committee is concerned with the process the Club has undertaken in preparing the Master Plan with regard to heritage. The Master Plan summarises the recommendations of the Lovell Chen Study however it does not provide any guidance for future conservation or management of heritage buildings and features, for example, how the Club Secretary’s house would be retained and incorporated into the development, or the approach to interpretation.

Acknowledging the interlinked process of the Amendments, the Committee considers that Amendment C124 involves more than simply determining significance and that it is necessary to establish a decision-making framework and tools to assist with the delivering strategic outcomes for the site in the context where heritage considerations are a major component.

The Committee does not consider that the Racecourse needs to remain exactly as it is however there are greater opportunities to sensitively incorporate many of the identified features within redevelopment of the Racecourse. Allowing the Racecourse to evolve in order to continue its use in a modern era is essential. However, by removing almost all of the features as proposed will diminish the community’s understanding of the 130 year history of the site. The Master Plan does not strike this balance.

Chapter 9 of this report recommends the redevelopment of the Racecourse incorporate a range of features, including the Club Secretary’s house, the stalls, perimeter walls, gates, the mature trees and the Main Tote building into the design, as well as the potential to relocate the Manikato Gardens and Alister Clark rose garden. The S. R. Burston Stand is more difficult given its unlikely adaptation potential and the Committee agrees with Mr Lovell that the issues in relation to the grandstand redevelopment (and demolition) are similar to other stadia and in this context consideration of demolition, documentation and interpretation for this feature is warranted. Management guidelines for all of these features should be included in a Conservation Management Plan (and Incorporated Plan).

(iv) Incorporated Plan

The Committee recommends that an Incorporated Plan be prepared, based on the Helms Statement of Significance (to be refined to include the racetrack) and a Conservation Management Plan be developed. The Plan would be prepared to the satisfaction of Council.

The Incorporated Plan should be prepared as per the process set out in Heritage Impact Statements – Guidelines prepared by the Heritage Council. This should include:

- The preparation of a Conservation Management Plan which identifies:
  - the heritage significance of the Racecourse;
- the conservation policies or permit policies to be applied to protect that significance in the face of change; and
- guidelines for management, including retention, adaption, relocation, demolition and interpretation of items.
  - Include the requirement for a heritage impact statement and heritage interpretation strategy for heritage buildings and features included in the Heritage Overlay. The preparation of a heritage impact statement will demonstrate that in developing a proposal for a heritage feature at the Racecourse a clear process has been undertaken that addresses the impacts of the proposal on the cultural heritage significance of the place;
  - The listing of specific permit exemptions and exemptions from third party notice. Planning permit and third party notice exemptions could include, for example:
    - race day signage;
    - temporary structures;
    - general maintenance;
    - landscaping works provided they do not remove significant above ground features;
    - any works to the racetrack to facilitate racing;
    - changes to fencing (with the exception of the fence listed in the statement of significance);
    - external painting (with the exception of the fence listed in the statement of significance and the Club Secretary’s house);
    - alterations to the infield for racing or car parking purposes;
    - demolition of and/or additions and alterations to existing buildings (with the exception of those buildings and features included in the statement of significance); and
    - any other exemptions the Conservation Management Plan may identify.

The Committee considers that the ‘bones’ of a Conservation Management Plan have already been prepared, taking into account the preparation of the statements of significance (to be updated), Mr Helms’s guidelines, the concept of an interpretation plan and Mr Lovell’s recommendations regarding the treatment of development abutting the Club Secretary’s house.

Although there will be some work by the Council in preparing an Incorporated Plan, the Incorporated Plan will provide a better and more useful decision-making framework across the site than the isolated polygon approach.

The Committee considers that the Incorporated Plan needs to be finalised before Amendment C124 is adopted. Given the extent of submissions made and consideration by the Committee, it is considered that further exhibition of the Incorporated Plan is not required prior to adoption of Amendment C124. In addition, it is recommended that the Conservation Management Plan and Incorporated Plan be prepared before Amendment C120 is adopted.

**Paint controls**

The SMP submission suggested that paint controls should apply to the site. Mr Lovell also recommended paint controls on the Club Secretary’s house. The Committee agrees that external paint controls should apply to the Club Secretary’s house. A planning permit is
automatically required for painting previously unpainted surfaces, for example, the perimeter fence. Given the extent of the site, paint controls on the remainder of the site would trigger unnecessary permits.

**Tree controls**

Practice Note 1 states that the purpose of the tree control in the schedule is to protect trees that are of ‘intrinsic significance’, trees that contribute to the significance of the place and not for their amenity value. They can apply to the whole of the place or a tree or group of trees can be specifically nominated.

The Committee agrees with Mr Helms’s view that the six trees, being the Poplar *Populus x canadensis* (located in the car park), Willow *Salix babylonica* (car park near toilet block) and Stone pines *Pinus pinea* (car park near toilet block) are of amenity value rather than intrinsic heritage value and in this context they should not be referred to in the schedule to the Heritage Overlay. The Committee notes that these trees are already included within the recently adopted Environmental Significance Overlay via Amendment C130.

The trees within the horse stalls area in the south-western section of the Racecourse land contributes to the aesthetic values of this area and should be listed within the tree column in the Schedule to the Heritage Overlay.

The SMP submission requested a permit trigger for landscaping to capture changes to Manikato Garden, the Alister Clark rose garden and the Edna Walling garden. The Heritage Overlay triggers a planning permit for ‘works’ which includes changes to the topography and therefore this would provide a trigger for a planning permit for landscaping. The use of an Incorporated Plan could provide additional guidance.

**Internal controls – Secretary’s House**

A submission requested internal controls be applied to the Secretary’s House. Practice Note 1 recommends that the internal controls provision should be applied sparingly on a selective basis to special interiors of high significance and that the statement of significance should clearly identify what is significant about the interior and why it is important. The Committee notes the heritage citation for the house prepared on behalf of the Council does not include a description or assessment of the interior of the house and it does not make recommendations to include internal alteration controls. In that context, the Committee does not consider that internal controls have been justified and therefore they should not be applied.

Internal controls were not recommended in the heritage citation reports for other features on the site and the Committee concurs with this.

**Aboriginal cultural heritage place**

Submissions were received regarding the potential for Aboriginal cultural significance and that this should be reflected in the schedule to the Heritage Overlay. The Committee notes that the Helms Heritage Assessment did not identify Aboriginal cultural heritage items and the case has not been made. That said, the Committee notes that part of the site, given its proximity to Moonee Ponds Creek, is included in the cultural sensitivity map called up under
the *Aboriginal Heritage Regulations 2007*, and requirements of the *Aboriginal Heritage Act 2006* apply for high impact activities. This issue is discussed in Chapter 14 of this report. In this context, the issue of cultural significance should be considered through the planning permit process called up by the *Aboriginal Heritage Act 2006*.

### 8.6 Findings and Recommendations

The Committee finds that the Racecourse site meets the threshold of significance at a local level to include the site within the Heritage Overlay and that the Heritage Overlay should be applied to the whole of the Racecourse site. This listing should be supported by an Incorporated Plan which provides policy direction around the management of heritage items and includes a list of permit exemptions to ensure unnecessary permits are not triggered.

In terms of future management of the site, the Committee finds that there is opportunity to retain and adapt the heritage items (including the horse stalls and perimeter fence) in the south-west area of the site, as well as the Club Secretary’s house and to relocate and re-interpret the Alister Clark rose garden and Manikato Garden. With regard to the S. R. Burston Stand, given the degree of changes already made to the building, its limited adaptation potential and the need for a new Grandstand in a different location, there is no heritage impediment to the demolition of the S. R. Burston stand. However, documentation and interpretation of this item is warranted.

Management guidelines for all these elements should be included in a CMP and Incorporated Plan.

The Committee recommends:

1. Include the whole of the Moonee Valley Racecourse site within the Heritage Overlay, with the exception of the proposed residential area (Wilson/Victoria Street area) to the north-east of the site.
2. Prepare a Statement of Significance, based on the work undertaken through the Helms Heritage Assessment, to include references to the Racetrack.
4. Amend the Schedule to the Heritage Overlay with the following wording within the Tree Controls column “Yes – the Cape Chestnut (*Calodendron capense*), the Peppercorn (*Schinus molle*) and the Elms (*Ulmus species*) in proximity to the horse stalls and the trees within the front and rear gardens of the Club Secretary’s House”.
5. Amend the Schedule to the Heritage Overlay to apply external paint controls to the Club Secretary’s House only.
6. Facilitate the adoption and approval of Amendment C124 to the Moonee Valley Planning Scheme through a Ministerial Amendment process, using section 20(4) of the *Planning and Environment Act 1987*.
7. Retain the Moonee Valley Racecourse Redevelopment Advisory Committee to provide ongoing advice and/or mediation, until Amendment C124 is finalised to gazetted stage if required.
9 Urban Design and Built Form

9.1 Key Issues

This Chapter addresses those aspects of the Master Plan that relate to the proposed design and development of the land outside the area proposed to be retained for racing purposes.

The key issues include the design and development of the areas of the Club's current landholdings that are not required for racing purposes, the proposed layout of street and development parcels, the proposed built form of buildings on those development parcels, and issues relating to pedestrian movements, open space and the impacts of the proposed extent of development on the nearby streets and residential areas.

9.2 Policy Background

(i) State and Local Context

Key aspects of State policy include the designation of Moonee Ponds as a Principal Activity Centre within the hierarchy of such centres within metropolitan Melbourne, the explicit role of the centre to accommodate more intensive development, and the future of Moonee Ponds within the context of the recently-released Plan Melbourne.

Locally, the Moonee Ponds Activity Centre Structure Plan provides a clear statement of how Council sees the area developing in terms of land uses, built form and population. It is within the context of that Structure Plan that the land use, scale and character of the non-racing part of the site must be determined.

(ii) Moonee Ponds Activity Centre Structure Plan (the Structure Plan)

The Structure Plan provides “a vision and direction for future development of the centre to the year 2030”. It covers an area in and around the Puckle Street retail and commercial centre and extends eastwards to include the Racecourse land.

The Structure Plan addresses issues in both the public and private realms and provides guidance on such issues as land uses, building heights, transport and parking, community facilities and heritage. The Structure Plan area is divided into ten precincts with specific recommendations for each. Precinct J is the Racecourse, and the Structure Plan sets out a series of five Key Initiatives and three Urban Design Guidelines for the Racecourse land.

One Key Initiative is, in part:

Any redevelopment would be subject to a separate comprehensive planning process and would involve a series of urban design and development guidelines for the future development of part of, or the entire Racecourse site.

The Urban Design Guidelines:

- Ensure appropriate setbacks of upper levels of development from existing residential development,
- Consider the location and type of access to the site,
- Consider the interface with adjoining zones."

The Master Plan is part of this separate comprehensive planning process.
The land uses, built form and density of development of the surplus land must be seen in the context of the Structure Plan and have some synergy and complementarily with it.

In particular, it is important to determine whether the extent of development proposed in the Master Plan is appropriate having regard to Structure Plan and the impacts of such intensity of development of the surplus land on local conditions including:

- The local street network and the regional arterial road network;
- Public transport capacity, in terms of current and new services and travel times;
- Infrastructure (water, sewerage, electricity, gas, data); and
- Community facilities (parks, schools, social services).

The Master Plan is predicated on the assumption that there is capacity in the various networks to accommodate the future population of the surplus land, the Activity Centre and its surroundings although it does acknowledge that there will be some added road and public transport congestion. However, this acknowledgement does not appear to be based on an understanding of the spare capacity that exists today or can be provided by upgraded services or infrastructure.

Figure 3 of the Structure Plan identifies 23 Key Strategic Sites and Projects, of which 13 are identified as Potential Development Sites, which includes the Racecourse. These are of varying land areas, and the Racecourse is the largest.

Figure 4 of the Structure Plan shows ‘indicative heights’ for buildings in the Activity Centre generally, and on 12 of the 13 sites. The Racecourse is excluded, for which Figure 4 states:

*Heights to be determined through a separate masterplanning exercise.*

Figure 4 provides limited guidance as to actual floorspace (and hence such impacts as population, traffic generation, etc.) that can occur on the 12 Potential Development Sites and elsewhere in the Activity Centre, although the Structure Plan has the Strategy to:

*MState and promote key strategic sites identified in the overall MPAC Structure Plan (Figure 3) to realise the full development opportunities of these sites. Establish key partnerships and relationships with landowners, businesses, government agencies and prospective investors regarding these sites.*

The Master Plan proposes a significantly more intense scale of development than anywhere in the Activity Centre. It exploits the capacity of the surplus land and it is reasonable to conclude that it would draw much of the development potential of other sites away from them given that the Structure Plan proposes approximately 1,200 additional dwellings throughout the Activity Centre.

Of the 12 Potential Development Sites shown on Figure 4, large sites are shown in Table 1:
The total area of these five sites is estimated to be about 80 percent of the area of what comprises the Racecourse surplus land.

The preferred maximum height of buildings in the Structure Plan area is 16 storeys in an area between Hall Street and Homer Street, with the maximum height of buildings in the majority of the area being between four to ten storeys.

While potential floorspace in the Activity Centre cannot be accurately calculated, the Master Plan proposes a level of development similar to what the Structure Plan envisages for all of the remainder of the Activity Centre, that is, the Master Plan more or less doubles the possible future development of the Centre.

9.3 Urban Design Response

The Master Plan is introduced in Chapter 6, and set out below are comments on several of the key sub-sections of the Master Plan.

(i) Responding to the Urban Context of Moonee Ponds

This section of the Master Plan includes a series of Key Opportunities, one of which is “Encourage provision of high density housing”. The density of development is one of the key concerns of the Council and the community. Another, “Establish public open space to serve the existing and new residents” suggests that the users of new open space will include nearby residents. While this is clearly true, the provision of one new open space of about 5,000 square metres is not found by the Committee as being adequate for the proposed community (See Chapter 12).

The Key Opportunity to “Create a street-based community meeting points [sic] focused around new parks and entry to the Racecourse” has not been achieved to the extent this statement implies.

(ii) Street and Block Pattern

Section 5.5 and Figure 9 of the Master Plan (see Figure 4 of this report) describe a layout for the surplus land between the realigned track and McPherson Street that is a simple extension of the existing east-west streets west of McPherson Street, with a series of smaller north-south laneways thereby creating development blocks.

A new boulevard is proposed to link Thomas Street with Dean Street to the immediate west of the track and this forms the eastern boundary of the surplus land. A new local park is proposed east of McPherson Street between the extended McKenna and Coats streets.
This street and block pattern adopts the traditional street layout of footpaths with planted nature strips, roads with kerbside parking, and cross-intersections.

Any different approach to the relationship of vehicles and pedestrians or the arrangement of development parcels was not presented or assessed. The Master Plan presents a street and block pattern for acceptance at face value without evidence that options were considered and that the arrangement proposed is the optimum one.

Design opportunities such as responding to the site's topography, creating vistas to the proposed grandstand, responding to known pedestrian desire lines, deterring through traffic, or enhancing the amenity of adjacent residential streets, have apparently not been canvassed. If other layouts were considered, they have been rejected by the Club without explanation. The extensions of Alexandra Avenue and Coats Street with Dean Street are described as “identifiable pedestrian connections to Moonee Ponds Activity Centre”. While this is, in principle, an acceptable means of directing pedestrian movements, it relies upon existing parts of those movement routes which are currently inadequate, such as the footpath width on Dean Street and the inefficient pedestrian crossings at Mt Alexander Road and Pascoe Vale Road.

The Committee notes the Master Plan’s intended resolution of these inadequacies is described in the Key Opportunity to “improve local pedestrian and cycle connections between the activity centre, surrounding neighbourhoods and linear trails such as the Moonee Ponds Creek”.

(iii) Local Interfaces

This Section focuses on Wilson Street and states that:

The opportunity for buildings and activity to front both sides of the street is a significant benefit to the character of Wilson Street into the future.

This is to be achieved by the provision of housing in the eastern part of the street (where it becomes Victoria Street) and the new grandstand with very limited access from Wilson Street at the western end.

In terms of other interfaces (to Thomas, McPherson and Dean streets) it is stated that “the interfaces ... need to provide well considered transitions from lower density housing through to higher density housing and greater building heights within the site”.

This is accepted as an appropriate response and, as set out in Section 10 Development Guidelines, built form with heights of three or four storeys are proposed at these interfaces.

(iv) Local Connections

This Section states that:

The Racecourse development creates an opportunity for a highly permeable local network of pedestrian connections in, around that through the site.

While the proposed pattern of new streets west of the realigned Racecourse provides a variety of movement alternatives, it will also allow non-local traffic to permeate the surplus land area. It is doubtful whether the Local Connections will “allow provision for race days at
the Racecourse when significant volumes of pedestrian traffic are accessing the track and moving through surrounding streets”.

(v) Public Space and Activity Nodes

This Section refers only to the new local open space reserve on McPherson Street, and makes no reference to the intersection of Coats Street and the new boulevard which is at the primary pedestrian access point to the racetrack and hence a major activity node. The Illustrative Master Plan includes no evident special provision for crowds, any sense of place or arrival and welcome for racegoers, shelter, taxi drop-off or waiting areas at this location. This is a shortcoming of the Master Plan.

(vi) Local Urban Character Response

This Section states that:

The site requires a local urban character response that blends the valued amenity of residential neighbourhoods with the activity, density, facilities and services of the activity centre.

The details of what the response will comprise are generally acceptable as outcomes to be achieved. However, the extent to which they are achieved in the most appropriate manner for this site given its location and accessibility is questionable, and is discussed further in this Chapter.

(vii) Height and Massing Response

This Section states:

In its location as the interface between local residential streets and the activity centre, the development of the site needs to perform the role of being a 'bridge' between lower, and higher density development and building heights.

The eight elements of “the built form height and massing response” provide general comments on the proposed disposition of heights on the developable parts of the site, the ground level interfaces and the locations where landmark buildings could be placed. The accompanying plan shows the relative locations of different building heights, with those in the eastern part of the surplus land between the Kenna Street and Alexandra Avenue extensions notes to have “increased density and greater building height”. The majority of the Activity Centre is similarly coloured (in purple) and this gives the impression that the highest buildings on the surplus land are to be comparable with the highest in the Activity Centre, where preferred maxima are ten to 16 storeys.

These generalised building heights are presented in more detail on Figure 33 Preferred Building Heights Plan which shows heights of between three and 25 storeys.

While these building heights follow the principle of lower heights on the perimeter and stepping up to the highest adjacent to the new north-south boulevard, there is inadequate information to explain how the particular heights have been determined. This is a shortcoming of the Master Plan.
Moreover, the impacts of the consequent density and number of dwellings on road capacity, public transport, community services and achieving a high level of amenity within the surplus land area are not clearly spelled out, quantified and justified.

**(viii) Building Orientation and Articulation Response**

This Section describes the proposed building form of podium and tower, with comments about ‘street wall’ activation, setbacks, tower orientation and separation and the desirability of accentuating buildings on street corners and at landmark locations.

**(ix) Landscape Response**

This Section describes the use of landscaping along streets, in building setbacks and in public open spaces and makes comments about appropriate species, irrigation and the micro-climate effects of trees. It states:

*The expected ‘urban intensity’ within the site’s redevelopment area means that landscaping on structures is an important element of the greening, softening and landscape treatment of the development.*

While rooftop greening is supported, it is proposed here due to the ‘expected urban intensity’ rather than as a desirable feature of any residential development.

The level of intensity has not been justified and is considered to be excessive by stakeholders such as the Council and SMP.

**9.4 Submissions and Evidence**

Submissions generally fell into three distinct categories;

- The Club's activities and the layout of facilities on the area of land to be used for racing;
- The nature of development proposed for the residual land (known as the 'surplus land'); and
- The impacts of both racing-related activity and residential development on the surrounding areas, public transport, local roads and community facilities.

There were additional submissions relating to the statutory aspects of the proposed Planning Scheme Amendment to implement the Master Plan.

Evidence was presented to the Committee about the proposals within the Master Plan, particularly in relation to the surplus land and the urban design, public open space, traffic and heritage aspects of it. In addition, the submissions considered the interactions which inevitably exist for patrons of the racing and other events with the proposed new higher density development and impacts on the existing population which abut the present Racecourse land.

Mr Biacsi and Mr Sheppard were generally in support of the proposals put forward in the Master Plan as appropriate planning and urban design solutions for the surplus land.

Mr Biacsi commented on the planning framework, controls and considerations. He noted that the racing industry was economically and culturally important within Australia, and having a world-class venue was necessary for the Club to remain relevant. Without this redevelopment, the international and top class horses would cease to compete at the course
and its future could be in jeopardy. He considered that the proposed development of the surplus land represented the right balance between meeting the ongoing racing activities on the Club’s land, and taking up the opportunities that the surplus land presented for urban consolidation.

Mr Biacsi viewed the proposed controls as being an urgent response to the development demands arising from the rapid growth of Melbourne as a city. He said development within such zones should be intended to be “facilitative and aspirational”. He cited development within the ACZ at Doncaster Hill as an example of this. In closing, he stated that he did not consider the heights in the Master Plan to be excessive and he did not believe that building heights should be made prescriptive; nor did he feel that the proposed grandstand height to Wilson Street would be a “jarring”. Rather, he noted that it was simply part of the essence of racecourses world-wide and, with racing having been at the present site for over 130 years, changes of this type should have been expected at some time by the surrounding residents.

Mr Sheppard commented on the urban design aspects of the proposed urban elements of the redevelopment. He was fully supportive of the Master Plan including its urban design aspects with his only divergence from the Master Plan being that he considered residential towers did not need a minimum separation of 25 metres, as proposed in Section 10.2, but rather a minimum separation of 20 metres was appropriate.

In terms of building heights, Mr Sheppard agreed with the proposed building heights and their locations on the site, noting that the tallest buildings are well away from any existing dwellings, and that the tallest buildings along the new boulevard would not overwhelm their streetscapes because of the open racetrack area opposite. In terms of building heights, he stated:

The building height provisions in Precincts 9 and 10 be made discretionary, and clear criteria be introduced to guide assessments of proposed variations. These criteria might include

- No material increase in visual impact on surrounding streets and residential properties.
- No increasing of overshadowing of north-facing habitable room windows or private open spaces of surrounding residential properties.
- No lessening of the architectural quality of the proposed building.

In terms of access to the area from the core of the Moonee Ponds Activity Centre, Mr Sheppard supported Alexandra Avenue as the main pedestrian approach.

Mr McGauran accepted the rationale of the racing facility redevelopment but was concerned the redevelopment should not be done as if it were a ‘separate island’. He urged the Club to be conscious of the existing residential areas, and made a number of suggestions about how race patrons might be better provided for by reorienting both the roads and laneways in the surplus land, and the proposed grandstand and race track further to the west so that the grandstand was removed a greater distance from Wilson Street. He suggested that access to the grandstand could be better via Thomas and Wilson Streets than solely through the infield as proposed in the Master Plan.
In respect to building heights, he stated that he did not believe in mandatory heights but he did think that the building heights set out in the C100 Amendment relating to the ACZ surrounding Moonee Ponds Junction were more appropriate. These are significantly lower than the indicated building heights in the Master Plan, being three to 16 storeys compared with three to 25 storeys.

Mr McGauran recommended preferred heights between three and 12 storeys for the surplus land as a means of reducing the impacts on the surrounding community. The implications of Mr McGauran’s suggestions would be to reduce the urban density in the surplus land area.

SMP stated that:

SMP recognises the that the Moonee Valley Racing Club has an existing recreation use as a racetrack and that a redevelopment of the Site is not unreasonable or unexpected given its locality, site characteristics and policy context.

This said, however, it effectively opposed the development on the surplus land by seeking the retention of all the identified heritage items including the existing grandstands, buildings, gardens and trees.

SMP generally supported the building heights proposed by Mr McGauran. In addition it sought the provision of density caps for the Precincts and a range of other measures to minimise social impairments that it perceived consequential upon the redevelopment proposed for the surplus land within the guidance of the Master Plan. SMP were of the opinion that the inclusion of the Club’s land within the ACZ boundary should not mean:

It is entitled to unlimited development, devoid of any consideration of context of the surrounding neighbourhood or the remainder of the Activity Centre ... The needs of the community should be considered as equal if not greater that the needs of a single corporate entity.

SMP said that surplus land should “be that remaining after the MVRC have met all their obligations, for access parking and event management within their existing boundaries and without encroaching on the rights and amenity of their neighbours”. The SMP opinions were generally supported by the submissions received from the wider community in that they expressed concern about the magnitude of the development in terms of the heights of the buildings and the consequent population and traffic increase.

9.5 Discussion

(i) Built form

The Committee supports the principle of the tallest buildings in the Moonee Ponds Activity Centre being at the core of the Centre, consistent with the Structure Plan.

While there are likely to be proposals to exceed the preferred heights described in the Structure Plan, the principle of tallest buildings in the core and heights progressively reducing towards the perimeter is one that the Committee endorses. Even if preferred heights are exceeded, this principle is likely to remain a feature of built form in the Moonee Ponds Activity Centre.
In terms of building heights on the surplus land, the Committee acknowledges the rationale behind the locations for higher built form described in Figure 33 in the Master Plan, and elaborated in the Sub-Precinct Design Guidelines, but does not accept the actual heights proposed in all cases.

The Committee considers that the resultant density of built form and amenity in public spaces and the more general pressures on infrastructure and services that would occur if this built form scenario was implemented warrants a lower overall intensity of development.

The Committee acknowledges the concerns expressed by many submitters, including Council and SMP, that the Master Plan proposes an excessive extent of development with unacceptable off-site impacts.

The Committee, in making its recommendations regarding building heights, below, is cognisant of the preferred maximum heights proposed by Moonee Valley Council in its submissions and as described in Document 72.

With regard to the surplus land area west of the Racetrack, the Committee considers that a building density which is less than proposed by the Master Plan but greater than that sought by Council can be accommodated without unacceptable impacts.

The Committee considers that the principle of stepping of built form upwards from Thomas, McPherson and Dean Streets towards the highest buildings located where Sub-Precinct E is shown has merit. This part of the site is almost the lowest point in the area, meaning that taller buildings will read as about four storeys lower than if they were west of Mt Alexander Road. As a result, the off-site impacts can be reduced, while the outlook and amenity for residents of taller buildings at this location will be enhanced. It is also the approximate location of the existing Members Stand, a structure with a height equivalent to about ten storeys and the highest building in the area at present.

The Committee concludes that:

- The proposed density of development is excessive for the site, due to such factors as its location within a local street network, the potential impact on solar access, street amenity and ambience, dwelling amenity, and hence a reduced intensity of development is appropriate;
- The proposed street and block pattern is generally acceptable subject to changes recommended below relating to the retention of the brick wall, stables and nearby trees, retention of the Main Tote building and some adjacent land, and the creation of a pedestrian area at the entry to the pedestrian tunnel;
- A reduction in floorspace of 20 percent due to reduced building heights and of about ten percent due to retention of existing features and revised street and block layout would have a commensurate reduction in dwelling numbers from about 2,100 to about 1,500, with proportionate reduction in demands on roads, transport and community services; and
- A reduction in maximum preferred building heights as shown in Table 2:

To assist put the Committee’s recommendations in a built form context, the Committee has proposed a range of changes to the Amendment and these are all brought together in Chapter 15. One of these changes is to renumber the proposed precincts on the surplus land...
and the Committee has included a revised Precinct Plan (Figure 6) and a new Indicative Plan (Figure 5) to assist interpret its key findings and recommendations. Table 2 relates to these revised plans.

Table 2  Recommended preferred maximum building heights

<table>
<thead>
<tr>
<th>Committee Sub-Precinct (Refer to Precinct Plan, Figure 6)</th>
<th>Committee Recommendation for Heights (Shown on Indicative Plan, Figure 5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9A</td>
<td>3 – 6 storeys</td>
</tr>
<tr>
<td>9B</td>
<td>6 – 10 storeys</td>
</tr>
<tr>
<td>9C</td>
<td>10 – 16 storeys</td>
</tr>
<tr>
<td>9D</td>
<td>4 – 6 storeys</td>
</tr>
<tr>
<td>9E</td>
<td>16 - 20 storeys</td>
</tr>
<tr>
<td>9F</td>
<td>10 - 16 storeys</td>
</tr>
</tbody>
</table>

The Committee considers that a maximum preferred building height of 20 storeys is appropriate for the general location where the built form of 25 storeys was proposed in the Master Plan. The Committee considers that the proposed 16 to 20 storey height reference is appropriate for the new Precinct E part of the site due to a combination of factors, which must be considered together, not in isolation. These include its general proximity to the core of the Moonee Ponds Activity Centre and major public transport facilities, the topography of the site, the setback from existing residential areas, and the opportunities for lower forms of development between those existing residences and the area for the higher buildings.

In taking these recommendations further, in the modified schedule to the Activity Centre Zone at Appendix F, the Committee includes the lower building height as the ‘preferred maximum building height’.

However, as discussed below, the Committee considers that the street and block pattern should be modified to incorporate the retention of some existing features on the site and to provide additional areas of open space.

(ii) Population

The Master Plan proposes that the total site has approximately 2,500 dwellings. Section 10 of the Master Plan provides considerable detail of the proposed building envelopes for each Sub-Precinct, covering the six Objectives of Streetscape, Setbacks, Building Height, Building Mass and Scale, Access and Parking, and Public Realm and Landscaping.

There is no estimate of the number of dwellings within each Sub-Precinct and hence the likely resident population of each. However, at an average dwelling occupancy of 1.8 persons, a total resident population of about 4,500 people is expected.

There is not a direct relationship between dwelling density, population and built form, as a given number of dwellings per hectare can be achieved by a variety of housing types and hence built forms. The Master Plan proposes a mix of townhouses and apartments in
buildings ranging in height from three to 25 storeys, with the tower-and-podium configuration the dominant built form.

Of the total, the Committee estimates that some 400 dwellings, and hence about 700 residents, are proposed to be in Precinct 10C - Victoria Street. The Committee concurs with the Master Plan's proposal for buildings of four, six and nine storeys, but that its western boundary should be the Juliet Street alignment, not further west as proposed.

This means that about 2,100 dwellings and about 3,800 residents are proposed in the surplus land area west of the realigned Racetrack.

The Committee forms the view that this represents an unacceptably high population for this area. This view is influenced by the fact that the area is not on a main road, but is served by only local streets, and is not close to the established core of the Moonee Ponds Activity Centre but separated from it by the Mt Alexander Road corridor.

A more modest population would be a result that is more in keeping with the site's location and the impacts on infrastructure and community services.

The reduced building heights recommended in Table 2 would result in a reduction in dwellings of about 20 percent of that proposed by the Master Plan.

The recommended retention of several existing buildings and groups of trees and their incorporation into a revised street and block pattern (as discussed in Chapters 8 and 15) will result in a further reduction in total building envelope which may be of the order of ten percent or the equivalent of about 200 dwellings, with a commensurate impact on population.

(iii) Retention of existing features

The three heritage experts who presented to the Committee, Messrs Lovell, Helms and Raworth, were in agreement that there are physical elements on the site that are of local heritage significance although they disagreed about the level of significance or whether any elements were worthy of retention. While Chapter 8 considered the heritage issues and Amendment C124 in detail, this part of the report ties the key findings together in consideration of the built form context, particularly focusing on opportunities for adaptive re-use as part of the overall redevelopment of the surplus land.

The experts were in agreement that the Club Secretary's house, garden and its perimeter wall are worthy of protection.

There were differing opinions regarding the significance of the brick wall and gate structure facing McPherson Street, the brick wall facing Dean Street and the adjacent horse stalls, the mature trees north-east of the gate structure, the Main Tote Building, the S. R. Burston Stand, the Manikato Garden and the Alister Clarke rose garden.

It is of historic relevance that the presence of sloping land between McPherson Street and the position of the Racetrack to be a graded viewing area is a key reason why this site was selected by W. S. Cox for the relocation of his private racing club from its original location.
The Committee notes that despite Mr Lovell's recommendation that the Club Secretary's house and garden be retained, the Master Plan does not include it in either Figure 33 or the diagrams on page 102 which propose three-storey development on that site.

In terms of elements on the site that may be of heritage significance, the Master Plan addresses this issue several times. While Section 2.1 is a brief resume of racing at Moonee Valley it makes no mention of the buildings or other features on the site. However, Section 7.4 notes that:

_The south-west corner of the Moonee Valley Racecourse was identified in the Moonee Valley Activity Structure Plan as an area that should be 'subject to further heritage assessment._

Section 7.4 provides a summary of the buildings and other features evaluated by Lovell Chen and notes that:

_The Club Secretary's residence and garden should be included in the Schedule to the Heritage overlay of the Moonee Valley Planning Scheme._

Section 8.5.3 notes that “[Lovell Chen] concluded that there are no areas of high heritage significance”. Despite the recommendation for statutory protection of the Club Secretary’s house and garden, the Master Plan proposes the demolition of all buildings and other features considered by Lovell Chen in its assessment and the complete clearing of the area of the site not required for the Club's racing activities to facilitate redevelopment.

The Committee, while acknowledging the divergence of opinion expressed by the three experts in terms of the significance of elements on the site and hence their worth for preservation on heritage grounds, considers that there are other factors that are relevant to the retention or removal of these elements.

Based on the evidence and information submitted regarding the history of racing on the site, the Committee concludes that there are physical elements on the site that are important in a social and cultural sense to the local and wider community, whether or not they are assessed to be of heritage value under the criteria used by heritage experts, and which serve as 'markers' of the long history of racing at Moonee Valley. To fully remove all evidence of racing activity on the site (with the exception of the Club Secretary's house) and create a cleared site for redevelopment is to lose the important physical and social connections and links to the use of the land for racing-related purposes for 130 years.

The publication _Victoria’s Framework of Historical Themes_ (Heritage Council of Victoria, February 2010) includes nine Themes which “are useful in several key areas and activities including ... significance assessments of heritage places and objects ...”.

Theme 8 is Building Community Life and it includes Sub-Theme 8.5 Preserving Traditions and Commemorating, which includes ‘Preserving and celebrating Victoria’s history’.

Theme 9 is Shaping Cultural and Creative Life, which includes Sub-Theme 9.1 Participating in Sport and Recreation, which includes ‘Enjoying leisure activities’ and ‘Staging national and world sporting events’.

In this regard, the Committee considers that these elements are significant to the community in ways other than their formal heritage value. These are:
The south-western part of the site, comprising the brick wall facing McPherson Street and the entry and clock tower, the stables and the extent of the brick wall abutting them on the Dean Street boundary, and the nearby group of trees; and

- The Main Tote building.

The Committee notes the assessment of these structures in the report of Mr Helms, and considers that the elements at the south-western corner of the site, while not of heritage significance individually, are collectively of greater value than the items individually.

Also, there are two stands of mature trees - to the north of both the Main Tote building and the S. R. Burston Stand - which are considered worthwhile to retain and to incorporate into areas of passive open space, subject to an arborist's report on the trees' health and likely longevity. The Committee notes that the group of trees north of the Main Tote building are within the area proposed for the new local park in the Master Plan.

The Committee considers that the street and block plan shown on Figure 9 is capable of modification to accommodate these elements.

It is evident that a popular pedestrian route to the Racecourse from Puckle Street (and from Moonee Ponds station) is along Dean Street then to the current entry on McPherson Street at Alexandra Avenue. This 'desire line' will be reinforced after redevelopment given the new public entry at the end of the extended Coats Street (which is now recommended by the Committee to be a pedestrian area). The opportunity exists to capitalise on this access route by creating a point of arrival into the new redevelopment area at the brick wall and gateway. There is potential to retain the adjacent horse stalls for new uses, possibly of a commercial or community nature and could be incorporated into open space or adapted within private development.

The Main Tote building, despite having had its northern wing removed, is a tangible reminder of the current and past activity on this part of the site and the history associated with the form of wagering that led to the building's construction.

The removal of the 'space frame' to the east and the unattractive toilet block to the west would allow the building's form to be revealed and its original purpose to be understood. Its incorporation into the redevelopment area to serve some form of community purpose (perhaps incorporating a museum of racing at Moonee Valley) or commercial use would assist in the interpretation of the site by the public as an important place in the history of horse racing in Melbourne which would not be possible with the wholesale removal of all evidence of racing from the surplus land. Some adjacent land should also be retained along with the building to allow it to be visually appreciated.

The Committee, having considered the S. R. Burston Stand, is of the view that it has been altered externally over time to the degree that its architectural significance has been diminished. While some aspects of its structural innovativeness are of interest, these are not of such importance or relevance to the activity of horse racing to warrant the building's retention. The Committee acknowledges the difficulties in adapting grandstands for new and different uses and recognises the value of the land it occupies in terms of redevelopment potential within the surplus land particularly due to its adjacency to the realigned track and separation from existing residential areas. Having regard to these
factors, the Committee does not consider that the S. R. Burston Stand is worthy of retention and agrees with the Club and Mr Lovell that it be demolished.

(iv) Pedestrian entry to the existing tunnel

The significance of the existing tunnel between the grandstand and the infield in determining both the position of the realigned track and the arrangements for pedestrian access to the Racecourse and the new grandstand are not clearly spelled out in the Master Plan. It is unfortunate that this pivotal design factor was not made explicit earlier than at the Hearing. However it is accepted, in principle, by the Committee.

Accepting that the existing underpass/tunnel is to be the primary pedestrian access to the grandstand (and the infield area of the course) the Committee considers that the Master Plan does not provide the extent of space necessary at the western end of the tunnel to accommodate the expected activity at this location on race days and other major events. It is clear that space would be required in this location as a 'gateway' to the course, with adequate space for people to gather prior to entering the Racecourse and for taxis, coaches and private vehicles to drop people off, and for taxis and other vehicles to wait after a race meeting or other events end.

While it is not the task of the Committee to design this space, it could be achieved by the creation of a pedestrian plaza which would serve as a local focal point for residents on non-race days. This plaza could be introduced in place of some road space without causing any reduction in vehicular access to abutting sites or adverse impacts on the local street network.

The Committee considers that the existing tunnel is able to be adapted and new civic spaces and arrangements made at its western end to enable it to serve as a primary entry to the course.

However, the tunnel entry is remote from the grandstand and other public parts of the course and is not conveniently located for patrons approaching from the north, north-west and north-east. An additional pedestrian entry to the grandstand area from Thomas Street south of Wilson Street is seen as a worthwhile element of the pedestrian access network.

The issue of direct pedestrian entry to the grandstand was a frequent topic at the Hearing. The Committee agrees with the Club that there should be very limited access direct from Wilson Street, however there is some merit in an access point from Thomas Street as a supplementary entry to that of the tunnel, particularly for patrons approaching from the north-west. This entry could be used as the primary point of access for non-racing events or functions in the grandstand.

(v) Revised Street and Block Pattern

The Committee considers that the Street and Block Plan as described in Section 5.3 and in more detail in subsequent sections of the Master Plan, should be revised to better respond to the relevant fourteen Principles, to incorporate some physical links to the current racing activity on the surplus land after the site is vacated by the Club, and to retain several stands of mature trees currently on the site.
In particular, the Committee considers that the Street and Block Pattern does not prioritise people over cars and buildings (Principle 4) and does not establish a diversity of special spaces and places for people to live, work, play and linger (Principle 10) to the extent achievable.

The Committee considers that a revised street and block pattern should incorporate these features:

- Retention of the Club Secretary's house, garden and wall;
- Retention of the Main Tote building and the provision of some open space around it such that it can be visually appreciated and be properly integrated into a suitable urban setting;
- Retention of the perimeter wall and gate structure facing the Dean and McPherson streets corner, the stables and their adjacent length of wall, and the nearby group of mature trees, enabling this area to have some community, commercial and open space function;
- Retention of groups of mature trees north of the Main Tote building and north of the S. R. Burston Stand, and their incorporation into public open spaces of diverse scales and characters for passive recreation;
- Creation of a focal point in the form of a pedestrian plaza at the entrance to the main access tunnel, to address the need for a gathering place for patrons on race days but also as a ‘village square’ for use at all times by the local community;
- Potential for a street or pedestrian link from the gate structure near the Dean and McPherson streets corner to the ‘village square’ providing a pedestrian routes along this desire line and providing a view axis toward the new grandstand; and
- Adjustment to the street pattern to accommodate these features.

The Committee suggests that the new boulevard could be realigned to not follow the curve of the racetrack at its southern end but be a straight north-south street, thereby creating a new sub-precinct in the triangle bounded by the new boulevard, the track and Dean Street.

In terms of building heights, the Committee generally supports the principle of the stepping up of heights from the north, west and south sides of the surplus land to the area around and south of the Racecourse entry plaza, with heights limited where necessary to preserve sunlight to open spaces and pedestrian activity areas.

(vi) Staging

The Master Plan outlines Sequencing of Development at Section 6.9, which states that the redevelopment “will be guided by the racing needs of the Moonee Valley Racing Club and market demands”.

It also states that Phase One will involve the redevelopment of sub-precincts D (north part), G and F, Phase Two sub-precincts B, C, D, E, H and J, and Phase Three sub-precincts A and L.

Phase Two is stated to “be critical ... as it relates to the redevelopment of the horse racing facilities on the site” including “realignment of the track and construction of the new Grandstand and administration facility”.

Phase Two is not expected to commence until six years time, and to take about nine years.
The population of 4,500 people proposed in the Master Plan would be realised over 15 to 20 years; an average of 225 to 300 persons per annum or 125 to 170 dwellings (at an average of 1.8 persons per dwelling). If development occurs at an even pace, this is not a significant annual increase to the population of Moonee Ponds.

Given the Committee’s recommendations for reduced building envelopes and increased open space within the surplus land, these annual population figures may reduce to an average of 160 to 210 persons and 90 to 120 dwellings.

Nevertheless, redevelopment of the surplus land represents a very significant change for Moonee Ponds and its surroundings. In view of the long timeframe for redevelopment, the Committee considers that its recommendations relating to built form, and hence resident population, should be reviewed by Council after, say, five years from the commencement of construction to ensure that:

- The development continues to deliver a quality residential and commercial precinct of high amenity and environmental standards without unacceptable impacts on local infrastructure and community services; and
- The as-yet-undeveloped parts of the site are reviewed for the appropriateness of the proposed built form, density and land use mix, and adjustments are made as required, to either encourage development or to modify it if its impacts are seen to be of disbenefit to occupants of the area or the wider community.

The proposed sequence of development would be applicable to the Committee’s Indicative Plan (described in Chapter 15) in the same way as it is applicable to the Master Plan.

However, the proposed sequence raises the question of the use of those parts of the surplus land after it is vacated by the Club and before it is released for urban development.

The Committee notes that there is potential for the vacant land to serve some form of community purpose for the short-term before development commences. In particular, the areas and features of the site that are recommended for retention and new uses, whether buildings or open space, could be adapted for those uses upon being vacated by the Club. Other areas could be used for open space, temporary commercial or business uses or as pedestrian access routes towards the main Racecourse entry at the tunnel location. The Club, in conjunction with the Council and perhaps the local community, should see these areas of temporarily vacant land as an opportunity rather than a blighted wasteland.

(vii) The Grandstand

The Master Plan proposes the construction of a new grandstand on the north side of the realigned track, close to Wilson Street as described in Sections 6.4 and 6.5. The existing Legends stand is located in that area. While the new grandstand is close to the Wilson Street boundary, it is proposed to provide some space for a combined pedestrian and cycle path on the Club’s land along the south side of Wilson Street. There would also be some limited space for landscaping.

The Club has emphasised that the images of the grandstand (Image 46, 35) is an artist’s impression only.

SMP expressed concern at both the proximity of the grandstand to Wilson Street, the likely high number of people accessing the stand and adjacent areas from Wilson Street which
now has no public access to the course, and the height and scale of the grandstand within the Wilson Street environment.

The Moonee Ponds Primary School expressed similar concerns, together with concerns about the likely impacts of crowds of people, the presence of gambling facilities including poker machines so close to a primary school, and the proximity of such a large structure so close to the school.

During the Hearing, the Club confirmed that race-day access to the grandstand and associated public areas and facilities would be limited to very few authorised persons. Members would have access to the car park in this area from Thomas Street to the west, but the general public would not have access to the grandstand or other public areas from Wilson Street.

The Committee acknowledges the concerns regarding the scale and bulk of the grandstand in the Wilson Street context but, given the logic of the track realignment, accepts the proposed position of the grandstand, not only in terms of its location with regard to the track and the finishing straight and the winning post, but also in terms of its setback from Wilson Street.

The Committee accepts the proposed limitations on public access to the grandstand on race days, but acknowledges the logic in there being alternative accesses to the main entry via the tunnel on the west side of the course. The Committee recommends an alternative access from Thomas Street, adjacent to the entry to the members' car park, and also from Wilson Street opposite Juliet Street as part of the vehicular access to the infield.

Impacts such as noise, light spill and patron behaviour can be managed through event management plans, liquor licensing arrangements, and through permit conditions.

Under these arrangements, the Committee is satisfied that the impacts on Wilson Street and the nearby residential areas can be appropriately managed.

9.6 Findings and Recommendations

The Committee supports the redevelopment of the surplus land to provide for an intensive built form outcome to the west of the Racecourse, as well as the pocket of land in the north-east corner of the overall site. However the Committee does not support the heights as proposed, particularly in the core of the surplus land area. It recommends a lower built form outcome, based around a modified street and block pattern and the retention of a number of existing features of social and cultural value. Any revised design response should ensure that all of these elements are included as integral components in any future outcome for the site.

The Committee is satisfied that the revised racetrack and the building of a new grandstand in the north–west corner of the site is appropriate.

To take these findings further, the Committee recommends in Chapter 15 that the surplus land to the west of the Racecourse should remain as part of the Moonee Ponds Activity Centre, but the Racecourse itself should not be part of the Activity Centre.

Similarly, the parcel of developable land at the north-east corner of the racing club land (generally Sub-Precinct 10C in the Master Plan but limited to the area east of the Juliet
Street alignment) should not be part of the Moonee Ponds Activity Centre but be separately zoned and developed as a medium-density residential area. It is separated from the Puckle and Hall streets core of the Moonee Ponds Activity Centre and the variety of retail, commercial and other uses that are in that part of the Moonee Ponds Activity Centre and which define it as the core, by the 'barrier' represented by Mt Alexander Road and Pascoe Vale Road and is the most distant part of the Moonee Ponds Activity Centre from Moonee Ponds Station.

The Committee recommends that:

8) Retain and adaptively re-use the brick wall and gate, stables and the adjacent trees, and the Main Tote building.

9) Modify the street and block pattern in order to incorporate the retention of areas of the brick wall and gate, stables and the adjacent trees, the Main Tote building, and areas of open space to enhance the extent of pedestrian-priority streets and thoroughfares.

10) Reduce the total number of dwellings on the ‘surplus land’ by about 20 per cent from the 2,500 proposed in the Master Plan.

11) Create a plaza at the entry to the tunnel to become a civic focus as well as a place of arrival and entry to the Racecourse.

12) Develop a program to use the surplus land vacated by the Club for temporary uses (to ensure it is not left idle awaiting development), in conjunction with the Council and the local community.
10 Transport, Traffic and Parking

10.1 Introduction

In its Stage 1 Report, the Committee expressed concern that planning for the redevelopment had been top-down rather than bottom-up. Its view was the Transport & Traffic Assessment, 17 May 2013 prepared by GTA Consultants for the Club in the Master Plan did not sufficiently respond to concerns raised about the original Master Plan. In particular, the transport agencies and Council had expressed concern about the present and potential future capacity of the nearby and broader road and public transport networks to safely and efficiently absorb the impacts of the quantum of development the Club contemplated.

10.2 Key Issues

The key issue raised in many submissions was the likely impacts on traffic, public transport, accessibility and parking stemming from the proposed residential and mixed-use development and changed access arrangements to a redeveloped Racecourse.

In submissions and evidence about the exhibited Amendment C120, Council, VicRoads and PTV reiterated their earlier concerns, mainly on matters of road network capacities and GTA’s detailed computer modelling of likely traffic and public transport operations and performance.

Council’s key issues were about the impacts on the road network and transport connectivity for which it has responsibility, prioritisation of pedestrians and cyclists and the public realm which can be delivered, and public transport improvements.

VicRoads’ primary concern was the current road environment might not be able to cope with extensive redevelopment of the site. It identified deficiencies in GTA’s traffic modelling, for example, in not assessing the real extent of congestion currently impacting on Moonee Ponds Junction and surrounding roads.

PTV’s key concern was about the impacts of delays to tram and bus services, resulting from traffic generated by the proposals, and it was keen to ensure there were effective ongoing measures to mitigate these impacts.

Moonee Ponds Primary School raised concerns about potential impacts on the operations of the school and its community, both during and after construction works. These included potential delays to the route 508 bus services, impacts on the school’s ‘walking bus’, increased congestion along Wilson Street, parking difficulties, safety of pedestrians and use of a new access to the proposed grandstand on Wilson Street for VVIPs and service vehicles.

SMP reiterated its earlier views about the traffic, transport, pedestrian and parking issues, particularly given the relocated racing facilities would be further removed from public transport and shift many of the amenity impacts to Wilson Street and the surrounding residential area and local streets.

Moreland City Council raised concerns about impacts on public transport, increased traffic on Wilson and Dean Streets and queried GTA’s trip generation rates and modelling results.
Other more general matters raised included:
- The likelihood of increased ‘rat running’;
- Desirability of retaining the existing north-south roadway at the eastern edge of the site for vehicles and/or pedestrians and bicyclists;
- Impacts of construction traffic;
- Limits on the broader road and public transport networks, both within the north-south transport spine and further east to the Upfield Line rail level crossings and tram routes, to cope with significant increases in traffic and public transport patronage; and
- Impacts of the proposed East West Link.

The major concern Council and the transport agencies raised about GTA’s adopted trip generation rates in its micro-simulation model was a critical matter. Linked to potential development yield on likely surplus land, the rates have a large influence on traffic volume forecasting and likely public transport use by residents and workers in the developed surplus land. There were other concerns about deficiencies in the modelling, including lack of a Saturday peak period assessment, reliance on clearway/no stopping zones in Pascoe Vale Road and not assessing the real extent of congestion around Moonee Ponds.

To identify issues not in dispute and enable the Hearing to focus on outstanding matters, the Committee directed the transport experts to consult and prepare a suitable statement of agreed facts. The experts met on 30 September and 2 October 2013 and produced a single joint statement dated 4 October 2013 (Document 12).

The main areas where the experts agreed included:
- Traffic Generation Rates (Item/Issue 1) - The experts agreed in principle with key traffic generation rates “for adoption as part of any future analysis of the development” set out in Table 3.
- Saturday Model (Item/Issue 4) - The experts agreed any further assessment in support of the development should prepare a Saturday peak model. This would also confirm the need for clearways/no standing controls on the network on a Saturday. The experts did not agree on when this further analysis should occur.
- New Intersections and Intersection Control (Item/Issue 5) - The experts agreed it would be acceptable to provide three sets of traffic signals; at:
  - North-South Boulevard/Dean Street
  - North-South Boulevard/Wilson Street
  - Wilson Street/Juliet Street
- Discharge of event traffic from the infield area to both Dean and Wilson Streets (part Item/Issue 16).
### Table 3  Agreed Land Use Traffic Generation Rates

<table>
<thead>
<tr>
<th>Use</th>
<th>Unit</th>
<th>AM</th>
<th>PM</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Apartment</td>
<td>Trips per dwelling</td>
<td>0.31</td>
<td>0.31</td>
<td>Based on average of experts’ outlined trip rates.</td>
</tr>
<tr>
<td>Residential Townhouse</td>
<td>Trips per dwelling</td>
<td>0.45</td>
<td>0.45</td>
<td>Based on average of experts’ outlined trip rates.</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Movements per 100 square metres</td>
<td>2.00</td>
<td>2.00</td>
<td>Subject to review and better understanding of final land use operational characteristics as available.</td>
</tr>
<tr>
<td>Retail</td>
<td>Movements per 100 square metres</td>
<td>1.20</td>
<td>5.00</td>
<td>Subject to review and better understanding of final land use operational characteristics as available. Rates do not account for a supermarket retail use.</td>
</tr>
<tr>
<td>Commercial Office</td>
<td>Trip per Car Parking Space</td>
<td>0.60</td>
<td>0.50</td>
<td>Unit rate applied to per car space provided as there were varied views on the appropriate provision of car parking for this land use.</td>
</tr>
</tbody>
</table>

Areas where the experts did not agree in whole or part which would need further collaborative work, ultimately leading to preparation of an Integrated Transport Plan (and provided for in the schedule to the Activity Centre Zone), included:

- Traffic Distribution (Issue 2) – the Committee notes there were no concerns expressed about the quadrant analysis GTA later provided (Document 38);
- Traffic Growth (Issue 3);
- Clearway and/or No Stopping Restrictions (Issue 6);
- Micro-simulation Model Coding, Validation and Calibration (Issue 7);
- Extent of Micro-simulation Model Study Area (Issue 8) – the Committee notes the Club agreed in principle with the need to extend the study area;
- Pedestrian Modelling (Issue 11);
- Public Transport provision and capacity required to accommodate additional patronage (Issue 12);
- Pedestrian Connections to the Principal Activity Centre (Issue 13);
- Provision of Shared Path Cycle Facilities (Issue 14);
- Car Parking Rates (Issue 15); and
- Pedestrian Tunnel Operation (Issue 19).

The Committee discusses these further as necessary in the following sections of this report.

#### 10.3 Policy Basis

**(i) State Planning Policy Framework**

Clause 18 Transport includes objectives and strategies on providing access 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. Clause 18.01 Integrated Transport requires the preparation of integrated transport plans for all new major residential, commercial and industrial developments.
(ii) **Local Planning Policy Framework**

Key clauses include:
- Clause 21.09 *Transport and Access*
- Clause 52.34 *Bicycle Facilities*
- Clause 52.36 *Integrated Public Transport Planning*
- Clause 56.06 *Access and Mobility Management*

(iii) **Other Relevant Policy and Guidelines**

The *Transport Integration Act 2010* sets out a vision, objectives and decision-making principles for Victoria’s transport system.

One of the key purposes of the *Public Transport - Guidelines for Land Use and Development* is to help decision making on statutory and strategic planning proposals for land use developments affecting public transport planning and delivery.

PTV’s *Network Development Plan – Metropolitan Rail*, released in late March 2013, is a bottom-up, suburb-by-suburb, line-by-line, demand-led strategy for planning Melbourne’s rail system over the next two to three decades.

VicRoads’ *SmartRoads Plan* manages competing interests for limited road space by giving priority use of the road to different transport modes at particular times of the day. VicRoads has a *SmartRoads Operating Plan* for the City of Moonee Valley.

VicRoads’ *Principal Bicycle Network* and its subset of *Bicycle Priority Routes*, one of which VicRoads developed for the City of Moonee Valley, provide priority access into key destinations, while complementing and supporting the requirements of VicRoads’ *SmartRoads* framework.

The main objective of Council’s Integrated Transport Plan *Tackling Transport – Towards 2020* is to create choices for movement of people and goods through the City while ensuring these choices provide valuable, sustainable outcomes that contribute to its citizens’ lifestyle.

Council’s *Walking and Cycling Strategy (2012 – 2022)* aims to develop a walking and cycling culture, prioritise walking and cycling in planning and decision-making processes across Council, and promote walking and cycling as easy, healthy, inexpensive and enjoyable ways to travel that promote social inclusion.

(iv) **Moonee Ponds Activity Centre Structure Plan (the Structure Plan)**

The Structure Plan identifies one of the ways of achieving the Vision for Moonee Ponds is by:

> Developing a truly sustainable centre – by improving pedestrian and cycling movements in the centre, undertaking major improvements to public transport services, traffic movements and carparking.

Section 2.4 of the Structure Plan sets out key *Transport, Movement and Parking* objectives.

(v) **Moonee Valley Racecourse Master Plan**

The Master Plan considered Traffic and Transport matters in Section 7.1. It dealt with car parking; vehicle and pedestrian access; integrated transport planning; proposed road layout; and traffic impact. The Master Plan proposes an extension of the grid street layout,
extending Kenna Street, Thomas Street and Coats Street, and proposes a new north-south road along the western edge of Racecourse.

The Club firmly stood behind its master planning approach, particularly GTA’s work over several years, as credible and robust and its view that “the existing road network with the proposed development infrastructure and mitigating works can sufficiently accommodate the existing and development traffic”.

10.4 Traffic

The site does not adjoin any major roads; it is bounded by the following local roads:

- Dean Street: a Connector Street along the southern edge of the site, carrying around 10,500 to 11,500 vehicles a day, fulfilling a more important east-west sub-arterial link between Moonee Ponds and the Brunswick area.
- Wilson Street: a Connector Street along the northern edge of the site, carrying around 5,000 to 6,000 vehicles a day and, like Dean Street, fulfilling a more important east-west sub-arterial link between Moonee Ponds and the Brunswick area.
- McPherson Street: a Local Street along the western edge of the site carrying around 6,000 to 7,000 vehicles a day.
- Thomas Street: a Local Street in the north-west corner of the site carrying around 500 to 900 vehicles a day.

Other nearby arterial and local roads and indicative daily traffic volumes include:

- Mt Alexander Road: around 25,000 (north of Moonee Ponds Junction); around 18,000 (south of Moonee Ponds Junction).
- Pascoe Vale Road: around 6,000 (north of Moonee Ponds Junction); around 13,000 (north of Wilson Street).
- Ascot Vale Road: around 14,000 (south of Moonee Ponds Junction).
- Coats Street: around 1,100 to 1,500.
- Pattison Street: around 2,000.

The weekday peak hours occur at 8am to 9am and 5pm to 6pm, while at weekends the peak hour occurs between 12 noon and 1pm. During the off-peak hours (10am to 3pm) traffic volumes are about 70 percent of the maximum volumes during the peaks.

(i) Submissions and Evidence

In his opening submission, Mr Gobbo reiterated the Club had engaged GTA Consultants at the start of the project to undertake research, modelling and empirical analysis of the parking, traffic generation and transport impacts arising from the proposed development. He said GTA had done a considerable amount of work over the last four years in order to conclude that the proposed level of land use could be accommodated from a traffic engineering and transport planning point of view.

Mr Gobbo confirmed GTA’s work had been internally reviewed by Mr Kiriakidis and independently reviewed by Mr Hunt. He said traffic movements generated by the proposal
had been simulated and micro-simulated using VITM\(^5\), VISSIM\(^6\) and SIDRA\(^7\), to confirm there was sufficient capacity in the road network to accommodate future traffic requirements.

The Committee notes GTA’s traffic modelling suggested an extra 11,000 vehicle movements a day would be generated from the quantum of development proposed in the Master Plan, the residential part of which was 2,500 dwellings. Background reports GTA prepared for the Club, together with expert evidence from Messrs Kiriakidis and Hunt, provided greater detail of traffic generation and distribution, travel times and delays. An example of one of the impacts came from Mr Hunt, in questioning at the Hearing, namely there would be an extra 2,000 vehicle movements a day on both Wilson and Dean Streets resulting from the proposed development. Mr Hunt believed both streets could readily accommodate such an increase without significantly affecting amenity.

The Committee does not discuss these in detail because much of the work would be superseded by further detailed analysis necessary in preparing an Integrated Transport Plan. However, the Committee summarises some of the key points made and conclusions drawn by the Club and Messrs Kiriakidis and Hunt.

In his evidence, Mr Kiriakidis said “it is not considered appropriate for the road and public transport network capacity to be used as a determinant of development capacity”. His view was such a premise would severely lessen efforts to encourage Activity Centre development in developed centres rather than on the fringes of metropolitan Melbourne.

Mr Kiriakidis responded in detail to the concerns Council and the transport agencies raised, such as, on the robustness of the micro-simulation model parameters, calibration and validation. He defended GTA’s work, but said he would be happy to extend the modelling area to cover the real extent of congestion, although he believed it would not materially change the outputs. Mr Kiriakidis had no concerns about modelling a Saturday peak because it would help with assessing the need for No Standing and Clearway controls. He believed such controls were legitimate measures to mitigate the development’s traffic impacts but, while helpful at appropriate locations around Moonee Ponds Junction, they were not fundamental.

On the matter of potential impacts of the proposed East West Link he expected there would be a decrease of between six and 15 percent in traffic activity levels in and around Moonee Ponds Junction and the Moonee Ponds Activity Centre.

Key points Mr Hunt made in his evidence included:
- GTA’s use of the VISSIM micro-simulation model for assessing future road network operation, including the morning and afternoon commuter peak periods, was appropriate;
- A modelled Saturday lunchtime peak, with Racecourse-generated traffic for a well-attended event, was warranted; and

\(^{5}\) VITM: Victorian Integrated Transport Model

\(^{6}\) VISSIM: Computer software package used for micro-simulation modelling of individual vehicles within a road network

\(^{7}\) SIDRA: Computer package which provides information about the capacity of an intersection
• Cardno’s independent analysis, including intersection performance using SIDRA (provides information on Degree of Saturation, 95th Percentile Queue Length and Average Delay), confirmed the road network had sufficient capacity to accommodate future traffic requirements.

Council submitted that the Master Plan and supporting reports did not adequately address the traffic and transport impacts that would be generated by the proposed mixed-use development (residential and commercial), relocated grandstand and reconfigured Racecourse. It continued to disagree with the Club’s position about the modelling undertaken being sufficient to allow high level assessment.

Council also raised concerns about details of GTA’s traffic model, including:

• Apparent under-estimation of traffic generated by the proposed retail/commercial land uses which impacts on the model demand matrices and the pattern of movements into and out of the area;
• Lack of background growth in the model;
• No ‘Do Minimum’ model to demonstrate the estimated impact of development-related traffic on the future network without mitigations;
• Lack of a Saturday model given the Master Plan suggests Saturday traffic levels could be equal to the weekday peaks;
• Lack of an event model – important because there would be a significant overlap on a Friday night between peak traffic and event traffic; and
• The expected increase in pedestrian demand on the traffic signals and other pedestrian crossing.

Ms Quigley reiterated that vehicular congestion was a key issue in the municipality and was expected to increase. She said lack of investment in transport infrastructure, combined with rapid population growth, had created significant traffic management issues.

Council believed the traffic and transport capacity of the site and surrounds must be one of the key starting points when formulating an acceptable level of development for the site. Its view was the traffic and transport effects were likely to have a significant impact beyond the boundaries of the site, affecting nearby residents, commuters, public transport users and neighbouring municipalities. Council was concerned that these impacts would be felt during construction, during events and race meetings and during the day-to-day activities of new occupiers of the commercial and residential area.

In his evidence for Council, Mr Bodé challenged aspects of GTA’s assessment and agreed with Mr O’Brien’s views on GTA’s micro-simulation modelling. His evidence concentrated on the Council road network surrounding the site.

In submissions for VicRoads, Mr Simkus stressed the site did not have a major road frontage and relied on the local street network for access. He reiterated Moonee Ponds Junction and its feeder arterial roads were experiencing significant levels of congestion, particularly during peak times. Mr Simkus said the junction “presents unique characteristics in terms of its road network and the way in which it performs relative to the Moonee Valley Racecourse” and there was little scope to improve its operation for all users.
Apart from the roles played by Mt Alexander Road, Ascot Vale Road, Pascoe Vale Road and Puckle Street which feed into the centre of the junction, Mr Simkus recognised the key transport network roles of Dean Street and Wilson Street. He highlighted:

- Pascoe Vale Road and Mt Alexander Road carry not only most of the peak traffic, but also the bulk of tram-based public transport movements;
- The flow-on effects (typically increased queue lengths and travel time) on other roads and key intersections, particularly during peak times, often leading to rat-running through local streets to avoid congestion which builds up;
- Potential for road user frustration and poor behaviour at key arterial road intersections, such as Moonee Ponds Junction;
- The impacts of increased public transport patronage, for example, safety of pedestrian movements and storage at tram and bus stops; and
- The impacts on the ability of arterial roads to cope with extra traffic from larger events which coincide with commuter peaks, such as on a Friday night.

VicRoads criticised GTA’s micro-simulation modelling and pushed for greater collaboration between the Club and road authorities “in order to define a true starting point for the development of MVRC”. VicRoads had always argued the modelling had not properly considered existing traffic conditions and congestion at Moonee Ponds Junction and leading arterial roads feeding into the junction. This was a critical point because the Racecourse was relatively landlocked and would rely on the junction as the main feeder from the site.

In its submissions VicRoads provided extensive information about the role and performance of key roads at Moonee Ponds Junction. The arterial road network, while demonstrating peak congestion, had shown signs of steady traffic between 2009 and 2013 (around 48,000 vehicle trips on a mid-week day).

VicRoads relied on Mr O’Brien’s evidence. In it, he provided details of his view on the flaws in the Club’s modelling work, concentrating on the traffic generation, modal split issues, pedestrian and cyclists, vehicle access, external impact issues particularly on arterial roads and public transport, and the need for mitigation works.

The Committee notes Mr O’Brien reached some conclusions about:

- Modelling – including not covering the current extent of congestion and queues, some key intersections and local ‘rat-run’ routes;
- Traffic impact assessment – including queuing, rat-running and no ‘before and after’ comparisons;
- Traffic and transport mitigation works; and
- A more appropriate level of development might have a one-third reduction in the proposed office component

Through its submissions and evidence, VicRoads made the following extra key points:

- Mt Alexander Road and CityLink provided the only north-south axis points in this immediate locality;
- Vehicular access to CityLink from the site was not a viable option;
- There were operational constraints on motorists travelling north and using Moreland Road then CityLink as an alternative to travelling south through Moonee Ponds Junction; and
• To avoid Mt Alexander Road to access the CBD and surrounds, motorists generally have to head east then south.

In VicRoads’ closing submission, Mr Simkus emphasised the following:
• Until the modelling is re-done, with agreed parameters established by the stakeholders, VicRoads had no information of integrity to evaluate and therefore could not ascertain the real impacts to the arterial road network operation;
• Desirability of completing the process of re-modelling, including review, refinement where necessary, and finalisation with the agreement of all key stakeholders before gazettal of Amendment C120;
• Re-modelling would allow VicRoads to assess whether the immediate arterial road network could ‘practically’ accommodate the expected trip generation at peak times; and
• If there was a significant detrimental impact on the road network, VicRoads would consider and review the effectiveness of appropriate mitigation measures which might lead to a scaling down of the development to an intensity which would deliver an ‘acceptable level of degradation’ to the network operation, at peak times.

In its submissions, PTV supported the proposal in principle, however it sought re-running of the transport model with a few changes, including a higher traffic generation rate, no Clearway proposals, testing for a Saturday peak and retention of the existing north-south private road on the eastern boundary of the site. PTV expected that an existing conditions (base case) model would be prepared, then a ‘with development’ run, and further runs demonstrating the effectiveness of various mitigation treatments.

Ms Sharp reiterated SMP’s major traffic concerns, namely that:
• The impact of the proposed redevelopment on traffic and parking in the area would be unreasonable, particularly on the local road network including Wilson, Dean, Thomas, McPherson, Juliet and Coats Streets; and
• The traffic impact had been underestimated.

(ii) East West Link Impacts

Linking Melbourne Authority made a late submission to the exhibited Amendments. Linking Melbourne Authority indicated that, as part of the planning and consultation process for the East West Link Comprehensive Impact Statement, it prepared and released (in July 2013) a ‘reference project’. It included plans showing that part of the Racecourse land would be affected by the East West Link based on the reference project. Linking Melbourne Authority said:

The area of land affected is largely confined to the south east corner, with part of the land required on a temporary basis only to provide for relocation of the existing access road to the east of the current track.

As the East West Link matter and material was not before the Committee, it does not discuss this or take it any further.
(iii) Discussion and Findings

From the submissions and evidence, the Committee continues to have concerns about the capacity of the road and public transport networks to accommodate the extra people movements resulting from the development considered in the Master Plan without unreasonable impacts. Most submissions objecting to the size of Club’s proposed residential and mixed-use development expressed concern about the expected extra traffic.

One major concern Council and the transport agencies raised was about GTA’s adopted trip generation rates in its micro-simulation model. But the Committee notes the transport experts agreed on suitable rates for any further analysis and modelling.

Mr Simkus said VicRoads’ position was “it is critical that a smaller size development be considered that is appropriate for the constrained road environment”.

There were other concerns about deficiencies in the modelling. These included:

- No allowance for traffic growth;
- Lack of a Saturday peak period assessment;
- Reliance on clearway/no stopping zones in Pascoe Vale Road;
- Not assessing the real extent of congestion around Moonee Ponds, largely by not capturing the extent of queues along the main arterial corridors;
- Lack of detail on impacts on all bus services in the area;
- No consideration of the impacts of increased pedestrian flows, for example, on left-turning vehicles, particularly buses, at signalised intersections;
- No modelling to show the impacts without the proposed traffic signals;
- No consideration of ‘rat running’ and other impacts; and
- Lack of a comprehensive palette of potential mitigation measures in residential areas, particularly to the south of Dean Street.

The Committee notes the Club argued Amendment C120 could be progressed without the need for extra modelling, largely because it expected there would be ongoing debates and disagreement on inputs to the modelling. Its view was to include in the Schedule to the ACZ a requirement for an Integrated Transport Plan to be submitted and approved as a precedent to the grant of any permit for subdivision, building and works or use within Precincts 9 and 10, thereby enabling the adjudication of any further dispute by the Tribunal.

The Committee agrees with Council, the transport agencies and their experts that re-modelling with agreed parameters is essential, with a view to reaching agreement on an appropriate development outcome for the surplus land.

The Committee notes VicRoads’ view that, because of the proposed East West Link outbound carriageway exit ramp at the Ormond Road/CityLink interchange, modelling must include the following intersections:

- CityLink/East West Link exit ramp/Ormond Rd interchange;
- Ormond Road/Pattison Street/Myrnong Street intersection;
- Ormond Road/Mt Alexander Road/Maribyrnong Road intersection; and
- Maribyrnong Road/Ascot Vale Road intersection.
As the Committee states in its consolidated transport and traffic findings, there would be merit in the Club and other key stakeholders continuing to work collaboratively on these matters (and an Integrated Transport Plan) as soon as possible to minimise delays to the Club’s plans.

VicRoads, PTV and Council, through their submissions and evidence, agreed there was little opportunity to significantly improve the performance of the at-grade Moonee Ponds Junction for all users. It is a complex intersection with limited road space and signal timing flexibility. Some minor adjustments are possible, such as realigning the oblique Ascot Vale pedestrian crosswalk closer to 90 degrees to reduce crossing time and free up time in the signal cycle. Other improvements, which would have safety advantages, could include widening of pedestrian crosswalks where needed to better cope with high-demand occasions such as Cox Plate Race Day.

The Committee further notes:

- The transport agencies and Council would need to agree on an appropriate figure for background traffic growth; and
- Further assessment work would have better information about the proposed East West Link, one outcome of which could be reduced traffic in the Moonee Ponds area.

10.5 Public Transport

Moonee Ponds Train Station on the Craigieburn Line is around 750 metres from the western edge of the site which, based on the Committee’s own experiences, equates to a walking time of ten to 15 minutes depending on the time it takes to cross through Moonee Ponds Junction.

The nearest tram stop, on Route 59 (Airport West to Melbourne City along Pascoe Vale Road and Mt Alexander Road) is around 200 metres from the western edge of the site.

Other tram services in the area include:

- Route 82 which operates from Moonee Ponds (Ascot Vale Road terminus) via Highpoint Shopping Centre to Footscray; and
- Route 55 which operates between West Coburg and the Domain (along Melville Road around 600 metres east of the site’s eastern boundary).

The two nearest bus services, both operating at 15-minute frequencies in peak periods, are:

- Route 508 which connects Moonee Ponds with Alphington via Brunswick along Wilson Street; and
- Route 506 which connects Moonee Ponds with Westgarth Train Station via Brunswick along Dean Street.

A further eleven local bus services (Routes 404, 472, 475, 476, 477, 478, 479, 483, 501, 504 and 505) terminate at the bus/tram interchange at Moonee Ponds Junction, providing connections to surrounding suburbs and destinations.

(i) Submissions and Evidence

The Club, largely through Mr Hunt’s evidence, reiterated the site had excellent public transport accessibility with train, tram and bus services located nearby.
Although GTA’s earlier work suggested a possible change in the route of the 508 Bus Service along the proposed North-South Boulevard to improve its accessibility to new dwellers, DTPLI and PTV opposed any change.

In his evidence, Mr Kiriakidis concluded that:

- Strategic planning completed for heavy rail and planned for light rail and bus services provided a framework in support of meaningful increases in public transport patronage over the next 20 to 30 years; and
- Investigations indicated that transport capacity was currently available on heavy rail, light rail and bus services in and around the site, even though on occasions comfort level benchmarks were exceeded.

Mr Hunt, in recognising additional public transport services would be required to cater for the increased patronage over the development life of the project, noted:

- PTV proposed extra train services on the Craigieburn Line;
- Because the Craigieburn railway line operated at or approaching capacity residents might choose other available transport modes such as tram and bus services; and
- There was scope for tram services, probably with extra rolling stock, and perhaps extra bus services, to connect to the Melbourne CBD, to accommodate the likely patronage of the proposal.

In summary, Mr Hunt’s view was that the specific increases in services to cater for the extra patronage were relatively minor and progressively achievable within the context of network improvements expected to be implemented over the metropolitan network.

Council, in its submissions and in evidence from Mr Bodé, highlighted that the proximity to public transport was mixed across the development with some parcels further away than desirable from tram and train services. Council submitted that an Integrated Transport Plan would provide a framework for encouraging use by both prospective residents and commercial/retail tenants.

Council’s key concerns were:

- Likely increases in journey time and delays for buses from the Increased traffic levels and the proposed series of intersections and roundabouts;
- While the proposed traffic signals and other mitigations might reduce some of these peak delays, the models clearly showed an increase in bus journey times; and
- Providing traffic signals would in themselves add delays outside peak periods.

Ms Hicks outlined the role and aims of PTV. While supporting the redevelopment proposals ‘in principle’, PTV considered it unreasonable if traffic generated by the development of the site delayed tram and bus services, without any effective, ongoing measures to mitigate these delays. She stressed that mitigation measures only relate to the mitigation of delays resulting from traffic generated by redevelopment sites which is different from local public transport stop infrastructure improvements.

PTV recognised the site’s proximity to public transport services was one of the factors supporting its redevelopment. However, its view was the development proposed in the Master Plan did nothing to build on the accessibility afforded it, with no public transport
improvements included. And, instead, was likely to decrease the attractiveness of public transport with slower local tram and bus services, because of greater delays.

PTV considered this contrary to the vision of the Transport Integration Act 2010 which seeks “an integrated and sustainable transport system” as well as undermining various transport system objectives in the Act about environmental sustainability and efficiency, coordination and reliability.

Ms Hicks highlighted some key principles of The Public Transport Guidelines for Land Use and Development, including not delaying public transport services, avoiding new signals where possible and identifying potential impacts and how they would be mitigated. She said the proposal had not yet identified the potential impacts, let alone provided any details of how such impacts would be mitigated.

Ms Hicks reiterated PTV’s earlier concerns about GTA’s micro-simulation modelling, including lack of route specific data for each of the public transport routes (tram and bus) in the model area and this is fundamental in considering suitable mitigating measures.

In his evidence for PTV, Mr Turnbull made several key points including:

- His understanding there was very limited capacity on the existing railway and tram services, and there was significant congestion on the bus routes (shown by the GTA modelling), which was likely to discourage public transport use rather than encourage it (including potentially discouraging existing patrons);
- His conclusion that modelling showed there would be substantial increases in delays to westbound vehicles on Dean Street in the morning peak which would affect an existing bus route; and
- His difficulty in understanding how the development could rely on public transport without providing additional services, and did not believe the public transport impacts had been adequately assessed.

In responding to the Committee’s directions about what quantum of development the present and planned/future public transport and road networks could accommodate Ms Hicks summarised a few key matters, including:

- Plans were in place to improve capacity on the Craigieburn railway line which presently operated at capacity during peak periods, however much of it would be absorbed by growth in the Hume Growth Corridor;
- At peak periods tram route 59 was busy, but there was some limited surplus capacity for immediate development in the Activity Centre;
- PTV seeks additional Government funding through demand forecasting based on regular reviews of passenger loading surveys and land use planning;
- Yarra Trams was scheduled to renew the tram track at Moonee Ponds Junction in 2015/16, but no funding was available to upgrade tram stop passenger facilities; and
- PTV expected, as part of its Network Development Plan – On Road Public Transport which it was preparing, there would be service improvements proposed for trams and buses in Moonee Valley.

Ms Hicks said PTV was confident, with adequate information on development staging, it could plan and deliver additional services to meet any new demand. However, she stressed
this was contingent on effective mitigation of any delays resulting from traffic generated by the site.

PTV acknowledged the transport experts meetings resolved some points of dispute, however, it said substantive issues remained. Its view was that all outstanding matters should be resolved in a merged Transport Assessment and Management Plan/Integrated Transport Plan, to the satisfaction of PTV and VicRoads, before gazettal of the Amendment. PTV was keen to maintain momentum from the Advisory Committee process and to ensure development of the Racecourse could be integrated within Moonee Ponds without unreasonable delays to public transport, with a mitigation strategy to identify any measures necessary to address delays.

(ii) Discussion and Findings

As with traffic considerations, the Committee still has concerns about managing the impacts of the development contemplated in the Master Plan on the public transport network and its operations. However, the Committee notes PTV was confident about providing for substantial development in the Moonee Ponds Activity Centre, including some residential/mixed-use development on surplus Racecourse land, subject to effective continuing mitigation of unreasonable delays.

The Committee notes Mr Kiriakidis agreed that:

- Keeping the current route for the 508 Bus would be acceptable to the Master Plan;
- It was important to consider specific data on the 506 and 508 bus routes to understand the development’s impacts on these routes; and
- It would be possible to provide bus priority measures at the agreed signalised intersections.

The Committee notes that, in the local area, trams share road space with other traffic for all but a short section of less than 60 metres at Moonee Ponds Junction. Increased demands for road space and increased congestion at key locations, such as Moonee Ponds Junction, affect public transport travel speeds and journey times. The Committee accepts that this decreases the attractiveness of public transport and it is important for public transport improvements to match development of the site.

Similar to its findings on traffic matters, one way to maintain momentum would be for the Club and other key stakeholders to continue to work collaboratively and productively on further assessments of impacts (and an Integrated Transport Plan) to minimise delays to the Club’s plans.

10.6 Proposed Layout and Mitigation Measures

(i) Submissions and Evidence

The Club’s suggested mitigation works in the Master Plan included:

- Changes in road form - mainly widening;
- Selected intersection upgrades with traffic signals, namely:
  - North-South Boulevard/Dean Street;
  - North-South Boulevard/Wilson Street; and
  - Wilson Street/Juliet Street.
(The experts agreed signals would not be needed at Dean Street/McPherson Street – the fourth location suggested in the Master Plan);

- Roundabouts at McPherson Street/Coats Street and McPherson Street/Alexandra Avenue;
- Clearway controls along Pascoe Vale Road between Mt Alexander Road and Wilson Street during both the AM and PM peak periods; and
- Other, largely unspecified public transport infrastructure items, such as tram stop improvements.

The Club’s view was there was no need to resolve the traffic mitigation works as part of the amendment process because:

- They required a level of agreement among the key stakeholders on necessary works as a consequence of the redevelopment proposals; and
- The works and timing for their implementation could be resolved as part of the Integrated Transport Plan.

Mr Bodé challenged GTA’s approach in arriving at the suggested mitigation works. His view, largely supported by the transport agencies and their experts, was that modelling and reporting should follow a process of:

- Creating a Base Case;
- Adding background growth and development traffic in order to understand the impact on the network; and
- Developing options for mitigation.

He said failing to do this means it would not be possible to fully appreciate the issues caused by the increased development traffic on the network and difficult to assess the appropriateness of the proposed mitigation measures.

Mr Bodé added that, because development of the site would occur over many years, phasing of the project was important. He said Council and the transport agencies would need to understand when the impacts on the road network require mitigation.

He believed there were potential adverse impacts from the suggested mitigation works, largely by extending the arterial road form to the streets surrounding the site, including:

- Removal of on-street parking around the signalised intersections would limit spaces for residents;
- Constrained layouts mean swept path analyses would be needed to show they can operate safely;
- Introduction of delays to vehicles, including buses, during the inter-peak periods when signals might not be warranted; and
- Potential difficulties for buses, pedestrians and cyclists at roundabouts.

Mr Bodé also noted the proposed clearways in Pascoe Vale Road would not operate on weekends.

In his evidence for VicRoads, Mr O’Brien said the failure to undertake future modelling scenarios without mitigations meant the positive impacts of the proposed mitigations could not be confirmed. He argued the GTA approach to mitigation works was minimalist, hardly extending beyond the immediate frontages of the site, and piecemeal in that it suggested
minor improvements associated with particular stages of development rather than a comprehensive plan of mitigation works.

Because little could be done to increase the vehicular capacity of the arterial roads, save for some signal re-timing, his view on an appropriate mitigation development strategy was it should place emphasis on improvements to public transport, and cycling and walking facilities. Mr O’Brien suggested a strategy, including typical treatments such as improving east-west cycling facilities, upgrading the tram part of the bus/tram interchange in Moonee Ponds Junction and improving pedestrian crossing facilities in the junction.

VicRoads favoured staging of infrastructure improvements at appropriate times to mitigate impacts.

In her submissions for PTV, Ms Hicks made several key points about mitigation measures, including:

- A similar approach, whereby ‘avoid, minimise, offset’ principles applied in the former Native Vegetation Management Framework, was warranted when examining public transport delays from traffic generated by new developments. If delays could not be avoided, they should be minimised, and if this could not occur within the vicinity of the site, they should be offset by mitigation measures in the broader public transport corridor;
- Given VicRoads’ advice about no opportunities being available to improve public transport priority near Moonee Ponds Junction, as part of an Integrated Transport Plan, the proponent should identify mitigation opportunities (such as the removal of turning vehicles from tram tracks, installation of detector loops and signal upgrades) to deliver public transport travel time savings in the broader tram and bus corridors, to offset delays around the site;
- Concern about reliance on parking restrictions (Clearways/No Standing zones) as a mitigation measure for a development of this scale;
- PTV regarded the level and amount of development contributions relating to transport and public transport infrastructure and works would be determined in the Integrated Transport Plan;
- The cost of any impact mitigation works arising from the development should be fully funded by the proponent; and
- A cost apportionment methodology should be used to determine the share of contribution towards local public transport stop improvements.

In his evidence for PTV, Mr Turnbull said no modelling had been undertaken to show the impacts of the development without the proposed Clearways and No Stopping restrictions. He confirmed the installation of such controls was beyond the control of the developer which suggested the developer would need to get formal agreement for these parking changes before the development could proceed.

Ms Sharp said that SMP did not support some the mitigation measures proposed such as new signalised intersections, roundabouts, re-routing of bus route 508, and a T-intersection at Juliet Street.
(ii) Discussion and Findings

The Committee agrees with the experts and agencies that there must be a clear nexus between the scope and timing of proposed mitigation works and the development traffic impact on the road and public transport networks. It is important in future collaborative assessments to distinguish between what network and other infrastructure improvement works should be implemented anyway and what parts were attributable to the proposal.

Because of the development’s expected impacts on all road users in the immediate and nearby road and public transport networks, there is no dispute about the Club being responsible for bearing the cost of agreed mitigation treatments.

The Committee accepts that necessary further work should include a detailed assessment of the impacts and potential mitigation measures on each public transport route and clear links to staging plans for the Club’s proposals.

The Committee notes the different legislative environments for Clearway and No Standing controls and agrees the proponent should not rely on them as lasting mitigation measures.

As the Committee states in its findings on traffic and public transport, and in its consolidated transport and traffic findings, there would be merit in the Club and other key stakeholders continuing to work collaboratively and productively on further assessments of impacts and developing potential mitigation measures so as not to unreasonably delay the Club’s plans.

10.7 Other Matters

(i) Pedestrians and Cyclists

Submissions and Evidence

All parties recognised the emphasis on pedestrians over cars in policy and strategic objectives and the importance of adequately and safely providing for the expected increased demand in pedestrian and bicycle use from redevelopment of the site. The Committee notes the extra pedestrian demand resulting from the development could be around 300 to 400 in each peak, spreading in several directions, particularly to public transport services.

The Club identified improved pedestrian links and facilities in the Master Plan, including:

- Three-metre wide shared paths along the north side of Dean Street and south side of Wilson Street;
- Paths along both sides of the North-South Boulevard and extended Alexandra Avenue, Coats Street and Kenna Street; and
- Controlled crossing provisions at signalised intersections on Dean Street and Wilson Street.

VicRoads stressed the importance of pedestrian safety in crossing busy arterial roads and intersections. It summarised extensive infrastructure works it undertook at Moonee Ponds Junction in 2011 to reduce the risk of accidents occurring.

Council raised concerns about the Master Plan seeking to provide a high quality pedestrian and bicycle environment but not reflecting this in its design solutions, including:
• A shared pedestrian/cycle path on Wilson Street would create a conflict between pedestrians and cyclists during events as well as potentially during drop-off and pick-up times at the school;
• Lack of suitable connections to the existing bicycle network;
• Coats Street did not follow the natural desire line to the site which was along Dean Street or Alexandra Avenue; and
• The footpaths in Coats Street, identified as a key pedestrian route, at 1.5 metres wide, were too narrow and did not represent high quality.

The Committee also heard submissions and evidence about the desirability of Alexandra Avenue rather than Coats Street being the main pedestrian link between Moonee Ponds Junction and the site. From its own observations in the morning of W. S. Cox Plate day the main pedestrian movements to the site were along Dean Street and Alexandra Avenue.

Discussion and Findings

The Committee notes submissions made about the roles of Dean Street (part of the Principal Bicycle Network) and Wilson Street and the importance of ensuring both provide for safe continuous access between the Activity Centre core and destinations and other routes to the east, particularly Moonee Ponds Creek Trail. It accepts there are some gaps and inadequacies in the present network, such as along Dean Street and a need for improved links between Wilson Street and Moonee Ponds Creek Trail (pedestrian path on the eastern side and bicycle track on the western side). Submissions and evidence suggest that solutions exist, but need further examination and agreement between the Club and key stakeholders, particularly on the matter of widening of Wilson and Dean Streets to accommodate improved bicycle paths and amenity.

The Committee believes the Club, Council and other relevant stakeholders should be able to develop suitable and effective management controls to address any conflicts which might occur on shared paths. High levels of use and potential conflicts are not uncommon around major sporting venues and are manageable.

The Committee agrees the Club and other stakeholders need to undertake further work on pedestrian and bicycle provisions, desirably as part of the next collaborative stages leading to an Integrated Transport Plan. This work should include investigations of:

• Suitable improved links to the existing bicycle network, including Mt Alexander Road and to Moonee Ponds Creek Trail, and between Moonee Ponds Junction and the bicycle paths along Dean and Wilson Streets;
• Potential treatments to mitigate the impacts of increased pedestrian activity at Moonee Ponds Junction and at other signalised intersections and pedestrian crossings;
• Preferred link(s) to the activity centre core and train, tram and bus services from the redeveloped site; and
• Design features, particularly width, for footpaths along key pedestrian links.

The Committee strongly supports improving pedestrian and bicycle connectivity through and around the site consistent with state and local policy and strategies, particularly VicRoads’ Principal Bicycle Network and its subset of Bicycle Priority Routes. As part of the next collaborative stages, the Club and key stakeholders would need to further examine and
agree on many aspects of the proposals, including widening of Wilson Street to the south and Dean Street to the north.

The Committee discusses other aspects of pedestrians and bicycles, such as desire lines, pathway details and potential plaza spaces at the underpass entrance to the Racecourse in Chapter 9: Urban Design and Built Form.

(ii) Parking

Submissions and Evidence

The Master Plan provided for two main areas of car parking for the redeveloped Racecourse:
- Beneath the proposed grandstand – some 150 to 200 car spaces for Club members on race days and as assigned for attendees of other events; and
- Infield parking in the centre of the track – total of around 2,400 public spaces.

For the surplus land the Club proposed that each of the buildings for the residential and mixed uses would provide appropriate on-site parking.

The Committee notes the Master Plan includes the following design response in Urban Design Principle 04 which seeks to “prioritise people over cars and buildings”:

*The MVRC carparking strategy and residential carparking strategy should be completely integrated to ensure at all times, for all events people can safely, efficiently and effectively move in and around the site - particularly to get to and from public transport.*

In submissions and evidence, Council expressed a view that the amount of car parking provided in any development has an influence on, and limits the potential number, of vehicles trips generated by the development. Council suggested the level of infield parking proposed might not be enough, particularly with higher race event attendance numbers. It was concerned this could lead to overspill parking into local residential streets with associated behavioural and other potential impacts on existing residents.

Other submissions and evidence covered various measures to limit parking demand and hence traffic generated. The Committee notes Messrs Kiriakidis and Hunt agreed that increasing the Office use parking rate from two to three spaces per 100 square metres would increase traffic generated by this part of the development by ten percent. Mr O’Brien highlighted his views about the influence on traffic generation of the area of office space provided rather than car spaces provided for that use.

The Committee notes Council has proposed an amendment to the planning scheme to introduce a Parking Overlay for the Moonee Ponds Activity Centre. The overlay would introduce lower parking rates appropriate for Activity Centres using the Column B rates, varied as appropriate, contained in Clause 52.06.

PTV submitted that, as part of Amendment C120, a Parking Overlay should be prepared to ‘enshrine’ lower parking rates across Precinct 9, such as the two spaces per 100 square metres for Office.
Discussion and Findings

The Committee recognises parking provisions would need review and refinement in discussions among the transport agencies and Council on aspects such as rates and what might be an acceptable quantum of residential/mixed-use development and in preparing an agreed Integrated Transport Plan.

Because developing any surplus land would be progressive over 15 to 20 years or more, the Committee expects there would be parallel advances made in developing and packaging effective measures at State and local levels to encourage a shift away from car use to increased use of sustainable modes of transport. The Committee notes PTV also has plans to progressively improve public transport services. So, it would be premature to be too definitive about parking provisions now and instead it would be better to rely on policy objectives and a suitably-worded Integrated Transport Plan to retain flexibility to respond to changes in what might be deliverable and achievable.

The Committee believes Council’s proposed Parking Overlay would provide a sound basis for initially setting and ongoing review of parking provisions for the redevelopment proposals.

The Committee notes the proposed changes to the cross-section of Wilson Street would retain existing parallel parking on the north side of Wilson Street. Existing parking supply would be largely unaffected, except near the proposed signalised Wilson Street/Juliet Street intersection. There may also be a need to consider and manage parking at specific locations, such as for staff and for drop-off and pick-up purposes in the local streets around Moonee Ponds Primary School.

Whatever the future outcomes, the Committee recognises there is likely to be a need for suitable parking controls stemming from the increased demand. These could include extending areas subject to parking permits in existing local streets to support policy objectives and to manage potential overspill parking impacts.

(iii) Access

Submissions and Evidence

The Master Plan provided details of proposed access for pedestrians and vehicles to a redeveloped Racecourse for several racing and other event scenarios, categorised as:

- Typical Small Function (up to 400 attendees);
- Typical Large Function (400 to 2,000 attendees);
- Typical Race meetings (up to 10,000 spectators); and
- Cox Plate or Other Major Racing meetings (up to 40,000 spectators).

Dean Street at Pattison Street would continue to be the key vehicular entry to the infield area of the Racecourse, supported by a secondary (restricted to around three-metre clearance) vehicle access point through an underpass to the centre of the racetrack from Wilson Street, at or near Juliet Street. The Club would decide appropriate access and transport management arrangements for each event depending on the event size and type.

Vehicular access to the proposed car park beneath the new grandstand would be from the existing access in Thomas Street, near Wilson Street, and VVIP and disabled access would be at a new restricted access on Wilson Street at the eastern end of the new grandstand. This
access would also be used by delivery and waste collection vehicles and as one of several taxi drop-off and pick-up areas. The Club suggested there was no reason why it should not be used as a general drop-off/pick-up for smaller functions given limited numbers and prospect of conflict, and there would be ample space.

Pedestrian access would be through:

- The existing underpass/tunnel beneath the western section of the track for all but typical small functions (up to 400 attendees);
- The secondary (restricted) vehicle access point from Wilson Street/Juliet Street to the centre of the track for race events; and
- The western end of the new grandstand from Wilson Street for typical small functions.

The North-South Boulevard along the western edge of the redeveloped Racecourse would have bus/coach and taxi drop-off and pick-up facilities, particularly at the main pedestrian underpass/tunnel.

Council suggested the new North-South Boulevard taxi rank would need to be on the west side so departing passengers are on the same side as the underpass without having to cross the road.

Many submitters, including Moonee Ponds Primary School and SMP, expressed concern about potential impacts from increased use of the Wilson Street frontage for both vehicular and pedestrian access.

VicRoads, Council and others suggested retaining the existing private north-south road at the eastern end of the site (now used for access to the infield parking on race days) for use as a public roadway or at least for pedestrian and bicycle use. VicRoads supported its use for pedestrian and bicycle access because it would improve mobility and connectivity at the eastern end of the site, particularly to Dean Street, a Principal Bicycle Network route, and the Moonee Ponds Creek Trail. For vehicles, VicRoads suggested the new roadway would provide extra mobility/circulation to the restricted road network, including a southbound connection with Pattison Street, particularly at peak commuter and event times.

**Discussion and Findings**

The Committee has no concerns about most aspects of the Club’s access proposals, many of which are in place now. However, it believes there may be better ways to provide access that minimise potential impacts on residents and other people along and near Wilson Street.

At the Hearing the Committee explored opportunities for adjusting the proposed access arrangements along Wilson Street. These included having no vehicle access at the eastern end of the grandstand and moving the VVIP, disabled, taxi, delivery and waste access to the Thomas Street entry to the below-stadium car park area.

Based on the responses and considering a balance among the various views expressed, notably the Club’s position on matters of design, practicality and meeting its desired outcomes for a world-class venue, the Committee:

- Is comfortable with the Club’s proposed VVIP, disabled, delivery and waste access to Wilson Street at the eastern end of the grandstand subject to implementing suitable
controls on aspects such as delivery and waste collection times when there might be conflict with school start and end times;

- Strongly favours moving the proposed grandstand pedestrian access on Wilson Street to Thomas Street, probably to a point south of the car park access ramp, and for it to be available for all events and functions using the grandstand area, noting there is potential for an improved podium arrangement linking with the western end of the grandstand;

- Supports providing an improved taxi drop-off and pick-up arrangement on the eastern side of Thomas Street and North-South Boulevard near the grandstand, but south of the car park access ramp, for use at all events and functions, as well as a taxi rank on the North-South Boulevard, preferably on the western side, at the pedestrian underpass to the infield area;

- Prefers the proposed signalised cross-intersection at Wilson Street/Juliet Street, rather than an offset T-intersection arrangement, because of its advantages with safer operations, not only for access to the infield area, but for the broader local community, including the primary school, as well as not impacting on bus services, subject to implementing suitable priority measures; and

- Agrees with use of the Wilson Street/Juliet Street intersection and underpass for access by pedestrians to the infield area on race days, subject to resolving any operational or safety concerns, and noting the low clearance would not allow access for buses/coaches and other higher vehicles.

The Club had no concerns with moving the proposed pedestrian access from Wilson Street to Thomas Street. However, it believed the precise location and function of various points of access to and egress from the Racecourse and the grandstand by pedestrians and vehicles did not need resolution by the Committee.

The Committee agrees, and believes other matters, such as details of use of the Wilson Street vehicular access for VVIPs and others at the eastern end of the grandstand, can be considered as part of preparing an Integrated Transport Plan.

The Committee accepts that, apart from track design issues, there are constraints on retention of the existing north-south roadway for vehicles (for example, limited width on the Wilson/Victoria Streets bridge structure over CityLink for a suitable right-turn lane). While there might be some advantages in its use by pedestrians and bicyclists, equally there seems to be potential to improve access to the Moonee Ponds Creek Trail as a viable option.

Although the Club stated the track alignment prevents retention of a north-south link at the eastern boundary, the Committee notes VicRoads sought information to show why it could not be achieved. This would be a matter for the Club and the key stakeholders to further consider as necessary in the next stages of transport planning and modelling.

The Committee notes the new underpass and internal roadway from Wilson and Juliet Street which would be continuous through the Racecourse to Dean Street would fulfil the role of the north-south road on race days.

Further, the Committee notes that for many of the residents along and south of Dean Street, the new North-South Boulevard would provide a shorter link to Wilson Street and areas to the north than McPherson Street does now, for example, for the school’s ‘walking bus’.
(iv) **Transport Plans**

**Submissions and Evidence**

The Club, Council, PTV and VicRoads all agreed on the need for an Integrated Transport Plan (Integrated Transport Plan) and Council and VicRoads in particular supported the need for a separate Transport Assessment and Management Plan.

On the matter of a Transport Assessment and Management Plan, Council said it was not the same as an Integrated Transport Plan because it deals with identifying conditions and ultimately helps in understanding what the impacts would be. Council argued for a Transport Assessment and Management Plan because it was not satisfied with the latest Transport Assessment (in relation to the assumptions, calibrations, validations and geographical area used). VicRoads supported the requirement for a Transport Assessment and Management Plan because it provided the ‘level of detail’ necessary for key stakeholders to determine infrastructure and operational requirements.

Council, PTV and VicRoads held the view that an Integrated Transport Plan should be prepared and agreed before gazettal of Amendment C120. The Club’s view on timing for an Integrated Transport Plan was the same as for extra modelling and resolving mitigation works, namely not before gazettal of Amendment C120, but before issuing any permits for any part of the site.

The Club agreed an Integrated Transport Plan should cover the whole site and believed the GTA report provided the basis for an Integrated Transport Plan. It reiterated that matters raised had been considered in preparing the Master Plan, including an assessment of transport and traffic impacts and, where appropriate, alternative solutions.

The key parties made submissions about the appropriate wording for requiring an Integrated Transport Plan in the Schedule to the ACZ. One key inclusion the transport agencies supported was the Integrated Transport Plan must be prepared to the satisfaction of PTV and VicRoads, as well as the responsible authority (Council).

PTV drew comparisons with Schedule 14 to the Development Plan Overlay in the Maribyrnong Planning Scheme which covers the Kinnears Site in Footscray. PTV said it would need the same level of information from modelling for the redevelopment proposals, mainly to assess the impact of delays on each transport route and consider mitigation measures. Its view was the Integrated Transport Plan must include results from micro-simulation modelling for each public transport route operating within the model area, detailing for each direction:

- Change in travel time compared with existing conditions;
- Average speed;
- Average delay;
- Average stop delay; and
- Figures showing hotspots on the transport network where delays are experienced for each public transport route.

Council made several detailed suggestions about appropriate clauses in a Transport Assessment and Management Plan and Integrated Transport Plan in the Schedule to the ACZ.
(Document 83) presented to the Committee Hearing. VicRoads generally supported Council’s Integrated Transport Plan clause because the requirements would ensure that the Integrated Transport Plan is comprehensive, which would help in achieving relevant and practical outcomes.

VicRoads also supported Council’s suggestion for a Race Meeting Management Plan, although the Club opposed the idea having regard to the land’s existing use rights. VicRoads based its support on its understanding the current ‘standard’ event meeting of 2,500 attendees would increase to 10,000 attendees, and the current ‘major’ event meeting of 30,000 attendees would increase to 40,000 attendees. Its view was the ‘Plans’ for the changed operating environments would allow the road authorities, PTV and other key stakeholders to plan the implementation of temporary infrastructure and/or operational procedures, as required.

On the last day of the Hearing the Club presented its suggested clause on the requirement for an Integrated Transport Plan in the Schedule to the ACZ. The Committee gave key stakeholders an opportunity to respond after the Hearing.

Discussion and Findings

The Committee agrees there would be merit in preparing a Transport Assessment and Management Plan and an Integrated Transport Plan for the whole of Precinct 9, before granting any permit for subdivision, building and works or use, and desirably before gazettal of Amendment C120. The Committee notes a key element in the process would be for key stakeholders to agree on parameters for re-running the transport model.

Based on Council’s suggested clauses and suggestions from the Club, VicRoads and PTV, the Committee has included what it believes are the appropriate requirements in its recommended version of the Schedule to the Activity Centre Zone at Appendix F. A key requirement is for both the Transport Assessment and Management Plan and Integrated Transport Plan to be prepared to the satisfaction of the responsible authority, VicRoads and PTV. Further, the Committee suggests it is important to retain flexibility to include and consider any other relevant matters which may emerge in preparation and acceptance of a Transport Assessment and Management Plan and an Integrated Transport Plan.

For the Racecourse (to remain in the Special Use Zone as discussed in Chapter 15), the Committee believes an Integrated Transport Plan should be adequate to ensure key transport, access and related matters are satisfactorily addressed, and has included a requirement for an Integrated Transport Plan in its recommended version of the Schedule to the Special Use Zone at Appendix G.

On the matter of an Event Management Plan, the Committee has reviewed the requirements and provisions this Plan, and this is included in the revised version of the Schedule to the Special Use Zone at Appendix G.

Given the expected duration of 15 to 20 years or more for the project, the Committee also supports preparation of a Construction Management Plan for both Precinct 9 and the Racecourse which, among other matters, would provide suitable controls and safeguards for protecting the amenity of nearby residential communities. The Committee has included requirements for a Construction Management Plan in its recommended versions of the
Schedule to the Activity Centre Zone at Appendix F and Schedule to the Special Use Zone at Appendix G.

10.8 Findings and Recommendations

The Committee’s views on transport and traffic issues were confirmed by the continuing concerns of Council, PTV and VicRoads about the capacities of the present and future road and public transport networks being able to accommodate the scale of development the Master Plan contemplated. There were concerns and doubts about the proposed development’s impacts from the start of the Advisory Committee process.

However, the Committee does not believe the present road and public transport network constraints around the site are an impediment to a more modest quantum of development in the surplus land. Nor is it a reason not to progress Amendment C120.

PTV expressed its confidence about providing sufficient public transport services for substantial development in the Moonee Ponds Activity Centre, including some residential/mixed-use development on surplus Racecourse land, subject to effective continuing mitigation of unreasonable delays. And, while VicRoads and Council had concerns about the capacity of the local and arterial road networks, the Committee believes they would be able to resolve many of the transport and traffic issues for a project with a lower development yield than the Club proposed.

There is no doubt it is important for the Club and the key stakeholders to continue to work collaboratively and productively on critical tasks to minimise delays to the Club’s plans, including:

- Refining and agreeing inputs to re-running of the micro-simulation model;
- Resolving various access and mobility details;
- Developing a list of potential mitigation measures; and
- Preparing and agreeing the transport plans required in the Schedule to the ACZ, such as a Transport Assessment and Management Plan and an Integrated Transport Plan for the whole site.

The Committee believes completion of these tasks is desirable before gazettal of Amendment C120, but notes that their completion would be essential before granting any permit for use, development and/or subdivision. The Committee is mindful that Council and the transport agencies will have to live with the outcomes, namely the operational impacts on the immediate arterial road network, including the day-to-day management of those impacts, of whatever extra development occurs in and around the Moonee Ponds Activity Centre.

The Committee encourages the Club and the Council, PTV, VicRoads and other relevant stakeholders to continue to work collaboratively and productively on:

- Preparing a Transport Assessment and Management Plan, Integrated Transport Plans and other plans or documents required in Schedule 1 to the Activity Centre Zone and Schedule 2 to the Special Use Zone;
- Resolving any outstanding transport and related matters such as pedestrian and bicycle provisions, and key vehicle and pedestrian access arrangements;
- Re-running the transport micro-simulation model with agreed inputs; and
• Finalising the list of agreed mitigation works.

The Committee recommends:

13) Change the proposed grandstand pedestrian access from Wilson Street to Thomas Street for use at all race meetings and other events and functions.

The other recommendations related to this Chapter are included in the Committee’s revised Schedule to the Activity Centre Zone in Appendix F, and the amended Schedule 2 to the Special Use Zone in Appendix G.
11 Environment

11.1 Introduction

In its Stage 1 Report the Committee considered the revised Master Plan was adequate for exhibition with respect to environmental issues, but noted it could be improved by including greater commitment to explore and embrace opportunities to meet ‘best practice’ environmental ratings through the implementation of Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) facilities and features.

ESD and WSUD principles seek to progressively introduce energy and water conservation considerations into the built form and lifestyles of new residential developments. These include selection and choice of building materials and finishes; orientation and height of buildings; use of roof top areas as sources of energy, growing spaces or as insulation; collection, treatment and recycling of stormwater and waste water for appropriate uses; and recycling of solid waste for energy recovery. A key part is a hierarchy of measures for encouraging inhabitants of new urban and commercial developments to walk, cycle or use public transport before using private motor vehicles.

The number of issues for ESD and WSUD consideration is ever-increasing as environmental concerns and cost elements drive the development of new technologies which can contribute sensibly to achieving sustainability in the urban landscape.

11.2 Key Issues

Although the Master Plan commits to ESD and WSUD in several sections, the key issue is how to ensure its intentions are translated into specific actions in redeveloping the Racecourse and the surplus land.

11.3 Policy Basis

(i) State and local policy

The incorporation of ESD and WSUD principles for new urban developments is included in Clause 13 Noise, Clause 14 Natural Resource Management, Clause 15 Built Environment and Heritage and Clause 18 Transport.

Clause 14.02-3 Water Conservation has the objective “to ensure that water resources are managed in a sustainable way”. Strategies include:

- Encourage the use of alternative water sources such as rain water tanks, stormwater and recycled water by Government, developers and households.
- Ensure the development of new urban areas and green spaces takes advantage of any opportunities for effluent recycling.

Clause 15.01-2 Urban Design Principles has a design principle relating to energy and resource efficiency:

- All buildings, subdivision and engineering works should include efficient use of resources and energy efficiency.
Clause 15.02 relates to sustainability and has an objective “to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions”. Strategies to support this include:

- Ensure that buildings and subdivision design improves efficiency in land use.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy.
- Support low energy forms of transport such as walking and cycling.

Clause 18.02-1 relates to Sustainable personal transport and Clause 19.03-2 to Water supply, sewerage and drainage. Clause 19.03-3 encourages the re-use of water. Stormwater strategies include:

- Incorporate water sensitive urban design techniques into developments to:
  - Protect and enhance natural water systems.
  - Integrate stormwater treatment into the landscape.
  - Protect the quality of water.
  - Reduce run-off and peak flows.
  - Minimise drainage and infrastructure costs.

Clause 21.03 Sustainable Environment includes definitions for ESD and WSUD and strategies for achieving sustainability in the face of increasing population and climate change pressures.

(ii) Other Relevant Policy and Guidelines

The Guidelines for Higher Density Residential Development (DSE, 2004) encourages developments which, among other things, make efficient use of natural resources, energy and water throughout its full life cycle; and lists key sustainability principles for reducing the ecological impact of capital works.

The Structure Plan has a vision of “Developing a truly sustainable centre” and sets out the requirements for new developments to incorporate the sustainability elements which are intrinsic in ESD and WSUD.

11.4 Submissions and Evidence

Mr Dalton confirmed the Club was now using harvested stormwater for track irrigation. It involved collecting and diverting peak flows after the first flush to the on-site lagoon from which it is pumped back for use. He said the proposed new track would incorporate innovative techniques to collect water, not only from the track and infield areas, but also from adjoining residential stormwater systems and major roofed buildings.

In response to questions from the Committee, Mr Dalton stated that the water would be treated for nutrient removal by an engineered treatment wetland. As a consequence, he was confident the Racecourse would be fully sustainable for water, and that it would be able to export water to tanks on nearby parks to support water demand. He said there had been discussions with City West Water on its capability to manage the systems for collection and redistribution outside the Racecourse boundary.
Council was critical of the Master Plan on environmental design matters because it used words such as ‘need to consider’ and ‘seek to improve’ and needed to be stronger. In responses to earlier versions of the Master Plan, Council sought best practice stormwater management for the whole site and for buildings to meet best practice water efficiency.

Ms Quigley reiterated Council’s position that new development be designed and constructed consistent with best practice ESD principles. Council noted ESD requirements would be triggered at the planning permit stage in the future and buildings would need to achieve at least Australian best practice standard for Green Star equivalent.

Although Council did not call evidence on ESD or WSUD, two of its expert witnesses, Ms Thompson and Ms Maddock, supported initiatives to improve the quality of existing open space, such as Ormond Park and Cross Keys Reserve, through more reliable and higher quality water supplies to supplement other sources, such as from bores.

Mr Milner, in his evidence for Council about the Master Plan’s Urban Design Principle 9 which sought to “create a precinct of environmental sustainability initiatives to benefit local residents and the wider community”, said the application of best practice ESD principles should be a core driver in the conceptual form and detailed delivery of this project. He did not accept the design response in the Master Plan “to allow visible, landscape elements to be ‘cues’ for the sustainability approach” with “significant opportunities for small and large scale sustainability initiatives embedded into the development” was an acceptable response to the challenges of ESD and WSUD for this project. Rather, he considered the first priority of ESD was to ensure the management of crowds associated with Racecourse activities was addressed and moving the major concentration of people further away from public transport without advancing innovative and best practice ESD responses was not demonstrating exemplary practice.

Mr McGauran supported Urban Design Principle 9, but said “there is a lack of certainty around the core deliverables” and suggested other issues which he felt should be considered. These included stormwater and waste water capture; solar power; green travel initiatives; passive thermal design of buildings; waste management and re-use; facilitation of access to and effective programming of Racecourse infield facilities and several built form issues such as the use of roofs for garden spaces.

Ms Sharp for SMP echoed the Council position on ESD and WSUD and sought “high standards of ESD for the long-term benefit of the community” and focused on the new grandstand which would be a much closer source of noise and nuisance.

Other submissions raised several specific issues, including:
- Light spill nuisance from the Racecourse during night events;
- Concern that groundwater drainage might destabilise the existing land surface of the alluvial flats towards Moonee Ponds Creek;
- Noise, dust and other impacts from construction activities over 15 to 20 years or more;
- Concern that the commitments to ESD and WSUD, specifically energy and waste management initiatives were too vague in the Master Plan; and
- Matters about building materials and the acceptance of various ESD rating systems as bases for ensuring high levels of ESD principles in the urban development.
Council made several detailed suggestions about an appropriate clause requiring an Environmental Sustainable Response in the Schedule to the ACZ (Document 83).

11.5 Discussion

Although it heard no direct evidence about ESD and WSUD matters, the Committee was informed by background reports, including the ESD Opportunities Report (Amended), May 2013 by Arup, which dealt with sustainability drivers, priorities and the opportunities, constraints, benefits and risks associated with potential ESD solutions for the site. The report largely arose from a workshop which was representative of a wide range of operational and generic experience in ESD and WSUD issues.

The workshop came up with aspirational ESD initiatives variously categorised under the headings of Water, Energy, Transport and Waste. The list of drivers and priorities in each category was not a definitive list, but served to elicit thoughts regarding sustainability solutions. Subsequent discussions and analysis focused on opportunities, constraints, benefits and risks. The presentations resulting from the latter analyses are incorporated in Section 7.2 of the Master Plan as examples of how future technologies and approaches could be considered.

The Committee notes the workshop group did not distinguish what ESD and WSUD opportunities related to which elements of the proposed redevelopment. The report would have been more valuable had the opportunities individually and synergistically addressed the developments proposed for the racing facilities and the surplus land.

The Committee notes from Associate Professor Webb’s geological description and Council’s experience, the Melbourne Mudstone and the Older Volcanics were unlikely to be significantly permeable and hence sources of valuable groundwater. Although the contained groundwater might not suitable for protracted irrigation use on public open space because it is brackish, the Committee notes Mr Dalton suggested the aquifers in the alluvium might prove valuable for Aquifer Storage and Recovery use, if there was an excess of water available from stormwater harvesting.

Ms Quigley argued the Master Plan did not include “a definitive list”. As a consequence, there was no key guidance directing Council and development proponents towards decisions which would need to be made early to ensure implementation of an integrated system of environmentally friendly solutions. This position is partly true, in that, while the street layout and building forms indicate many aspects of the social environment, the Master Plan did not define specifics of building materials, building orientations, glazing standards, street paving approaches and stormwater management to support ESD and WSUD initiatives and practical energy saving technologies.

The Master Plan approach encourages the recognition of the drivers involved in ESD and WSUD leaving the definition of the specific approaches and technologies to the development application and permit stage. With a 15 to 20 year construction period, this is a practical approach with respect to individual building envelopes as they are put forward. The Committee supports such an approach, however, considers there are obvious early stage decisions which should be indicated.
For the racing facilities these could cover:

- Design of efficient and effective stormwater harvesting from the racetrack, large roof and sealed areas to identify the magnitude of the stormwater collection and treatment systems;
- Practicability of using aquifer storage and recovery technology to increase capacity to better support both the Racecourse and nearby parks and gardens;
- Potential for using energy efficient ground storage heat exchange systems for maintaining equable internal climates in buildings on the Racecourse and perhaps adjoining precincts;
- Potential photo-voltaic generation capacity from the large roof areas of the grandstand and other Racecourse buildings;
- Potential for energy sourced from waste streams; and
- Potential economic benefits from alternative systems such as insulation and multiple layer glazing systems over the design life of the facilities.

The range of ESD and WSUD opportunities would be larger for the surplus land because of very significant benefits which could derive from the use of energy-efficient appliances, different architectural designs and materials and built-form layouts, and their capacity to harvest energy and water from specific embodied design. The work that could be done in advance of the development includes:

- Evaluation of the practicability and acceptability of the economics (measured in housing affordability/marketability) of incorporating the harvesting and storing of grey water from roof and paved area catchments for re-use as a second grade water sources (toilet flushing, terrace garden watering and wash down);
- Assessment of the value obtainable by installing photo-voltaic arrays on roof and wall areas to supplement the energy demands of each building;
- Potential for using harvested stormwater for micro-environment temperature manipulation (for example, fountains and reed beds) in areas such as public open space, building foyers and in air-conditioning facilities;
- Assessment of the market acceptability of limiting private vehicle use such as limiting off-street parking, availability, car share arrangements; and
- Evaluation of the potential benefits from integrated building or precinct anaerobic organic waste digesters (including sewage) as sources of methane for on-site or integrated energy generation.

### 11.6 Findings and Recommendations

The Committee accepts the importance of ensuring the proposed Racecourse redevelopment and development on any surplus land meet best practice environmental standards which, over a construction period of 15 to 20 years or more, would certainly evolve to higher levels than now.

Given present policy and strategies already enshrine the ESD and WSUD aspirations for major capital works and urban development, the Committee believes its role is not to be specific but more to reinforce these aspirations.

In doing so, the Committee recognises the importance of the Club and key stakeholders further exploring and identifying opportunities early to ensure such considerations influence
strategic design, forward planning and detailed design of the built form for both the racing facilities and the developments within the surplus land.

The ESD and WSUD opportunities mentioned are examples, but need to be implemented and considered at the early stages of the redevelopment project, because they may prove difficult to retrofit after significant site development has occurred.

The Committee considers that many ESD and WSUD opportunities will emerge over time, especially following specific physical evaluations of the site with respect to the ultimate built form and physical and hydrological characteristics of the area. Such opportunities will need to be at least qualitatively evaluated for inclusion in future developments proposed under the Master Plan.

Many other ESD initiatives can be determined later as individual precincts and buildings are being designed. At that stage, the designers may have the benefit of new technology to meet or better the Australian and international best practice ESD standards at that time.

The Committee supports the environmental initiatives foreshadowed in the Master Plan, and has revised the Schedule to both the Activity Centre Zone and the Special Use Zone to reflect its key findings.

The Committee encourages the Club and the Council and other relevant stakeholders continue to work collaboratively and productively on exploring and identifying ESD and WSUD opportunities.

The recommendations related to this Chapter are included in the Committee’s revised Schedule to the Activity Centre Zone in Appendix F, and the amended Schedule 2 to the Special Use Zone in Appendix G.
12 Open Space

12.1 Introduction

The provision of public open space within the surplus land is a key component in the consideration of the Master Plan. Amendment C120 proposed to include a minimum area for future open space for the Racecourse redevelopment through using the Schedule to Clause 52.01 Open space contributions.

The Master Plan proposes one local park of 5,000 square metres and the Club proposes to make a financial contribution to the upgrade of existing active open space within parks in proximity to the Racecourse. Many submissions contended that the provision of open space was inadequate when measured against the proposed density of the development. Both Council and the Club provided expert witnesses to assist the Committee in determining the appropriate outcome for open space.

12.2 Key Issues

In its Stage 1 report, the Committee identified that a key issue was the adequacy of proposed open space provision within the Master Plan. Taking this report and the subsequent evidence and submissions into account, the issues to be resolved include the:

- Fair contribution of open space commensurate with the density of the proposed development and population growth, having regard to the supply and availability of existing open space reserves and networks around the site;
- Role and layout of private open space and public open space within the redevelopment;
- Impact of the development on existing open spaces;
- Extent of land contribution and/or financial contribution for improvements off site; and
- Appropriateness or otherwise of allowing the balance of the Racecourse for public access for recreation.

In its Stage 1 Report the Committee indicated that it would be expected that parties would provide strategic justification regarding the quality and location of public open space, and upgrades to existing infrastructure through the hearing process.

12.3 Policy Basis

(i) State Planning Policy Framework

Clause 11.03 deals with the matter of Open Space. The following section of the SPPF is particularly relevant:

Clause 11.03-1 Open space planning establishes the objective “to assist in the creation of a diverse and integrated network of public open space commensurate with the needs of the community”.

Strategies to achieve this objective include:

- Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.
• Ensure that land is set side and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.
• Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction and peace and solitude. Community sports facilities should be accommodated in a way that is not detrimental to other park activities.

(ii) Local Planning Policy Framework

Municipal Strategic Statement

Clause 21.08 Social and Physical Infrastructure includes the objective “to significantly enhance open space areas.”

Strategies include:
• Improve the City’s recreation and open space areas, particularly the infrastructure (pavilions, playing areas) and in line with population increases.
• Ensure recreation resources reflect the changing recreation preferences of the community, particularly community cultural activities and women’s sports and indoor recreational pursuits.
• Support the use of recreation facilities and public open space for recreation and community activities provided they do not impose significant off-site impacts such as traffic, lighting, hours of operation and noise.

A further objective is to “increase and enhance areas of value for flora and fauna”.

Strategies include:
• Complete the development of continuous linear pathways to function as trails for movement and to provide wildlife biodiversity corridors along the three major watercourses within the City (the Maribyrnong River, Steele Creek and Moonee Ponds Creek) in partnership with adjoining municipalities.

The Moonee Valley Open Space Strategy 2009 is a reference document in the Municipal Strategic Statement.

Clause 22.02 – Public Open Space contribution

Clause 22.02-3 sets out the policy for determining public open space contributions across Moonee Valley and is based on the findings of the Moonee Valley Open Space Strategy 2009 (Open Space Strategy), which is a reference document in the Planning Scheme. The Policy includes Map 1 which distinguishes between precincts where land contributions would be generally preferred over cash contributions and precincts where no land contributions may be sought, as identified in the Open Space Strategy. Moonee Ponds is identified in Map 1 as an area where land contributions will be sought.

In locations where a land contribution may be sought over cash contribution, it is policy that the following criteria is used to determine whether any part of the land in a development proposal is appropriate to be contributed as public open space at the time of subdivision. It should meet the following criteria:
• Should meet the minimum size of the site to meet its intended purposes, on its own or in combination with adjoining land. The minimum size parcels for each type of open space are:
  - Regional open space, unlimited;
  - Municipal Open Space, three hectares;
  - Neighbourhood Open space, minimum one hectare;
  - Local open space, 0.25 hectares (up to 0.99 hectares);
  - Small local open space, 0.03 hectares (up to 0.25 hectares) minimum ten metres wide in at least one direction; and
  - Small local link space, minimum five metres wide.

Other criteria include:
• A call for design to be developed in conjunction with the responsible authority;
• A set of criteria to be used for land contributions greater than five percent requiring consideration of:
  - the selection criteria for public open space;
  - the open space type and required land size;
  - the existing characteristics of the site including features to be retained;
  - the intensity of the proposed development and surrounding development;
  - the extent of the additional population and the anticipated demographics based on the development design;
  - recommendations for the site and surrounding area contained in the Moonee Valley Open Space Strategy; and
  - any other relevant strategic planning documents.

The Policy states that land contributions greater than five percent may be required for the subdivision of land into more than ten lots, when located within the precincts where land contributions may be sought. In addition, land contributions for public open space would generally be preferred over cash in certain areas.

(iii) Particular provisions - Clause 52.01

The Schedule to Clause 52.01 requires that a:

Person who subdivides land must make a contribution to the Council for public open space in an amount specified in the schedule – being a percentage of land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of land or a combination of both.

The Schedule to 52.01 sets out the requirement that in the case of subdivisions of more than ten lots, the schedule requires:
• Five percent where provided as a percentage of the site value of the land; or
• Five percent or greater subject to negotiation of the density and layout of development where provided as land.
(iv) Moonee Valley Open Space Strategy

The Open Space Strategy informed Amendment C98 which amended the schedule of Clause 52.01 and the introduced a new Local Policy Clause 22.02 ‘Public Open Space contribution’. The strategy “sets out a direction for the future provision, design and management of publicly owned land for leisure, recreation and nature conservation purposes”.

The Open Space Strategy establishes a hierarchy of open space, largely based around current open space planning principles and Clause 56 of the Moonee Valley Planning Scheme. Categories include regional, municipal, neighbourhood, local and small local parks.

The document sets out the level of infrastructure the different open space categories would accommodate, and provides examples of what might be includes in neighbourhood and local open spaces.

The Open Space Strategy foreshadows changes to the Racecourse site in the following manner:

.... any significant change in land use at Moonee Valley Racecourse and Essendon Airport is to consider the provision of a Neighbourhood open space. This is not anticipated to occur within the timeframe of this Open Space Strategy so specific recommendations for this have not been included in the Precinct Directions.

In addition:

There is no Neighbourhood open space in Ascot Vale, Newmarket, Flemington, Travancore and a significant proportion of Moonee Ponds. The minimum one hectare size requirement for a Neighbourhood open space makes it difficult to easily add this type of open space to the network. Neighbourhood open space is valuable as its size allows a broad range of informal recreation activities to occur, encouraging a diversity of users which contributes to the community and social values, health and wellbeing. When redevelopment of large sites occur in the future, for example Moonee Valley Racecourse, provision of Neighbourhood open space should be investigated during early negotiations with the land-owner.

Section 5.4 of the Strategy specifically considers two ‘Special Changes Areas’ (Essendon Airport and Moonee Valley Racecourse) in the context that they are both large landholdings in the municipality and their future use over the next ten years may change from the existing use. Section 5.4.2 states:

Future land use change at this site is likely to be confined to non-residential uses. The Racecourse management do not want to sell land and are considering leasing land for a retirement village and possibly commercial purposes. Subdivision would not occur under this arrangement. A recent amendment to the Moonee Valley Planning Scheme (C86) will allow a retirement village development.

The Racecourse management has flagged its interest in pursuing other commercial developments. A master plan could be developed for the site that includes designation of areas for future open space. This would be preferable to negotiating open space provision each time an incremental change occurs.
In addition, the Open Space Strategy considers numerous strategic sites including five sites within the Moonee Ponds Activity Centre (not including the Racecourse site):

*Activity Centres are locations where business and residential use will intensify. Core commercial areas have not traditionally housed residential populations and they may currently lack open space. In these areas, expanded public open space is recommended to meet the need created by new workers and residents. Open space contributions will be necessary to fund part of these projects.*

(v) **Leisure Strategy**

Council’s *Leisure Strategy 2013-2023*, adopted in 2013, identified the need for additional outdoor structured sporting facilities to service the municipality. It identified:

- Projected strong and increasing soccer participation;
- Need to upgrade sports pavilions to modern day standards;
- Need for additional support infrastructure on some of the structured sporting reserves to assist with increasing the capacity of the facility to meet additional demand. Infrastructure includes lighting, improved drainage and irrigation; and
- The proposed residential development will create additional demands on the provision of sporting facilities (in terms of projected participation of structured sporting clubs). In addition, the strategy predicts an increase in demand for gyms, pools and other leisure facilities.

(vi) **Moonee Ponds Activity Centre Structure Plan**

The Structure Plan does not provide direction about open space provision at the Racecourse site in Precinct J. The Plan identifies public open space opportunities in Precinct A (retention of Queens Park) and Precinct B (potential above car park open space - Puckle to Hall Street link). In addition, a number of precincts include upgrading pedestrian connections and links and streetscape improvements.

Section 2.1 – Buildings, Design and Public Spaces includes the Objective “To ensure that there is sufficient public places for people to meet, enjoy and relax in the centre”.

A strategy to deliver this objective is “Explore the creation of new public open space within the Activity Centre”.

(vii) **Moonee Valley Racecourse Master Plan**

Section 5.6 ‘Public Space and Activity Nodes’ of the Master Plan identifies that the Racecourse site has excellent access to municipal open space parks, but that there are no smaller local parks within the vicinity. The Master Plan identifies Queens Park to the north which is a Regional Open Space reserve containing active and passive activities.

The Master Plan proposes a local public park comprising 5,000 square metres on the east side of McPherson Street and between the proposed Coats Street and Kenna Street extensions.

*On race day this location will serve as a public gathering and entry points for racegoers as an entry point will be ideally located at the end of Coats Street (page 26).*
The Master Plan further describes the space as follows:

*The park activates McPherson Street, providing an attractor for all the sort of local activities expected in a local park – sitting in sunny or shaded areas, picnics on the lawn, children playing or other park uses. It will incorporate elements of interest, whimsy and enjoyment to appeal to all ages from young children, to families and the elderly.*

*The size of the park also provides the opportunity to comfortably incorporate an informal sport facility such as a tennis wall or basketball half court. This will encourage a diversity of users, and contribute to community and social values as well as personal health and wellbeing (page 46).*

A series of ‘garden space areas’ within the redevelopment is also proposed.

The Master Plan sets out the following design guidelines in relation to the physical provision of open space:

- Ensure the provision of a public open space with an approximate area of 5,000 square metres.
- Encourage the provision of an informal sports facility within the park.
- Encourage the retention of significant trees within the park where appropriate.
- Ensure the park receives good solar access.
- Provide a mix of hard and soft materials, furniture and design techniques to provide an inviting place.
- Ensure the park is accessible to all.

(viii) **ASR Report**

The ASR report commissioned by the Club, provides background support to the Master Plan.

In terms of open space, the key recommendations of the ASR report are:

- An open space contribution to be agreed by the Responsible Authority.
- Consider the opportunity to make a financial contribution toward the establishment of off-site pedestrian and bicycle trail infrastructure, particularly along Wilson Street.
- Consider the opportunity to make a financial contribution toward the upgrade of one or more nearby open space reserves.

12.4 **Submissions and Evidence**

(i) **The Council**

Amendment C120 proposes to change the Schedule to Clause 52.01 to specifically include a requirement for the Racecourse site to provide 5,000 square metres of public open space. Council’s submission opposed the change and argued that there is no need to change the Schedule to Clause 52.01, as the schedule already allows for negotiations for a higher contribution rate, based on density and layout. Further, the Council argued that the proposed wording within the Schedule to Clause 52.01 could be interpreted as the required contribution for the whole site (not just the surplus land), which would equate to a contribution of 1.25 percent for the site.
Council submitted that the provision of open space should not be deferred until subdivision. The Master Plan should clearly identify the location and amount of public open space, as well as clearly identify when the public open space will be developed and transferred to Council.

Council submitted that the Racecourse is a significant redevelopment area which should cater for its own infrastructure needs where possible, as opposed to an area experiencing incremental infill, which is at a typically slower rate, like the nearby residential areas. Opportunities for Council to increase the volume of open space, particularly larger areas of open space, are extremely limited in the municipality. The only major opportunity to add larger areas of open space to the network is using the Racecourse site.

Council submitted that the provision of one new local open space on-site of 5,000 square metres is an under-provision of open space considering the scale and density of the proposed development. Based on an additional resident population of 4,500, this would result in the provision of 1.11 square metres of open space per person (currently residents in the municipality Moonee Valley have access to 25 square metres of open space per person, while residents in Moonee Ponds have access to 13 square metres of open space person).

Council submitted that a new neighbourhood scale open space of approximately one hectare and a network of other spaces are required to accommodate the gathering and moving of people that would be associated with events and functions and new uses on the Racecourse land. The public open space should accommodate the following range of functions:

- Space for pedestrians to move through the site;
- A place to unwind and relax;
- Unstructured and informal recreation needs of residents; and
- Social gatherings.

In terms of infrastructure, it should be provided with a multi-purpose court, open grassed areas, picnic and barbecue areas and play areas for children.

Council submitted that the Club should consider opening up parts of the infield of the realigned Racecourse when events are not in progress, as a means of providing additional open space in the local area. Activities could include informal running and exercise areas, adventure playground, barbecue and relaxation areas and the like.

Council’s submission proposed the following changes:

- Allow public access to the interior of the track for public open space;
- Relocate and increase the area of proposed open space to extend from McPherson Street to the Racecourse;
- Provide accessible north-south pedestrian routes through the site, from Juliet Street to the eastern boundary;
- Incorporate key heritage features where possible;
- The provision of a significant amount of open space would be a much better outcome than a financial contribution and the amount of open space proposed; and
- Delete the proposed amendment to Clause 52.01.
(ii) The Club

The Club did not accept Council’s position that a minimum of one hectare of open space is required to be provided on the Racecourse land and argued that the proposed 5,000 square metre park is appropriately sized and located:

- It is of sufficient size to accommodate a mix of facilities and uses;
- It will be complemented by other reserves within 200 metres and two kilometres of the site;
- It is located in the centre of the ‘new residential village’ and orientated to allow north-facing cafes;
- A park of one hectare would only provide for additional passive or unstructured activities, and would contribute nothing to active or structured activities;
- It is proposed to be located to benefit the whole community rather than being located to address desire lines of patrons on a few days of the year which could compromise its civic and community function on those days; and
- The location of the local park on the north side of Coats Street extension will enable north facing cafes to establish on the south side of Coats Street, enable the retention of some significant trees and park to be established earlier in development process due to staging.

In terms of providing public access to the infield on non-race days, the Club argued that the Racecourse is private land and cited practical and operational difficulties. The Club submitted in its closing statement that it is prepared to consider making the entire ambulance track on the inside of the racetrack available to the public outside of racing events and activities, for the purpose of a running track. In its submission in reply, the Club submitted that:

*Access to the infield by the community would be a privilege, not a right. If MVRC is to provide access, that gift should be acknowledged by some corresponding benefit to MVRC.*

Mr Gobbo suggested trade-offs for allowing some public access could include, for example, waiving financial contributions for open space or providing a concession on height of buildings.

The Club recommended that the Committee should decide:

- Whether the 5,000 square metre park is acceptable;
- The extent to which any further open space contribution should be required, bearing in mind that:
  - The Club has offered certain cash contributions to the estimated value of $2.5 to $3 million for off-site works; and
  - Costs of fitting out the 5,000 square metre park are estimated at $1 million (The Club supported a cash contribution toward active open space along the lines of Mr Panozzo’s recommendations in his evidence and reflected this in its revised Schedule to the ACZ Schedule); and
- Alternatively, whether a fixed contribution of eight percent (as suggested by the Club in its closing submission) is preferable.
(iii) The Community

Other submissions

A significant proportion of the submissions received from the community raised objections to the issue of how public open space was proposed to be considered in the redevelopment of the Racecourse.

A summary of the issues raised included:
- Moonee Ponds already has one of the smallest amount of open space per person compared to elsewhere in Melbourne;
- The amount of proposed open space in unsatisfactory considering the proposed increase in population and density in the development;
- The proposed park is only 1.25 percent contribution of the land and 300 dwellings per hectare will be serviced by this park, compared with the current 13.7 dwellings per hectare in Moonee Ponds;
- The location of the 5,000 square metre open space will suffer overcrowding and overshadowing due to the proposed multi-storey buildings;
- The proposed park should be nowhere near the entrance to the Racecourse as this will cause conflicts between patrons and residents;
- The open space will only allow enough space for patrons to access the entry point to the Racecourse;
- The development will compromise existing open space (such as Queens Park) leading to overcrowding and overuse;
- The impact on structured sporting activities;
- The Club should allow the public to use parts of the Racecourse for recreation activities; and
- The potential loss of the use of the primary school for public open space purposes as a result of fencing off the school due to the proposed northern grandstand development.

Suggestions included:
- Donate public facilities such as tennis courts, basketball, netball facilities rather than a tennis wall and basketball hoop;
- Incorporate a Leisure Centre or other sporting facilities on the Racecourse land; and
- Incorporate open space, barbecue and play areas into the heritage aspects of the site.

In its submission, SMP suggested that local public open spaces (as shown in the previous version of the Master Plan) should be mandated for each sub-precinct within the Schedule to the ACZ. These should be expressed as a percentage of the sub-precinct floor areas so that they can be adjusted to the eventual size of buildings. SMP supported the Council’s position on the amount of open space that should be provided. The submission suggested an opportunity to link open spaces through a pedestrian and bike path at the east end of the site in order to link Holbrook Reserve and Ormond Park with the Johnston Street reserve and back through the Moonee Ponds Creek Trail. They also supported opening up the centre of the Racecourse for public access outside race days.
The Moonee Ponds Primary School submitted that it currently allows the community to utilise its 10,000 square metres of open space. Should the grandstand be relocated on Wilson Street opposite the school, the school would most likely fence off the school and would be less likely to allow external use by the community.

**Council’s evidence**

Ms Thompson provided expert evidence regarding the provision of open space in the Master Plan. Her evidence focused on unstructured and informal recreation needs, as opposed to structured open space requirements (for organised sport).

The open space needs to be physically large enough to include a range of facilities that provide for open space needs for a population of 4,500 residents and potentially workers in the precinct. There is a lack of open space on the east side of Pascoe Vale Road and a neighbourhood park of one hectare should be provided as part of the Racecourse development. This would realistically provide space for typical activities including open grassed areas large enough to accommodate casual ball games, multi-use courts, fitness equipment, play areas for children and young adults and picnic facilities. This area could also incorporate some of the established trees and heritage features. The combination of activities constitutes a Neighbourhood open space and as per the Open Space Strategy is usually a minimum of one hectare in size.

Ms Thompson submitted that while the standards regarding the quantity of open space relative to population density are not fixed, there is a need to consider this in the quantum of change proposed at the site. Given the proposed 5,000 square metre open space, this will result in the provision of 1.1 square metres per person. As long as the physical open space is able to accommodate the range of unstructured and informal uses identified for a Neighbourhood open space, it will form a fair contribution.

With regard to location, Ms Thompson suggested that the neighbourhood open space should not also incorporate the main point of arrival to the Racecourse by visitors as there would be conflicts if the open space is to cater for both purposes. A better result would be to design the adjoining streetscape and public realm to cater for the visitors’ arrival. On non-race days, this additional space could be used by residents.

With regard to the use of the Club’s land for open space purposes, Ms Thompson considered that while this would be positive, it is still private land, is not a secure public asset for the future and should not be negotiated as an alternative to public open space.

Ms Maddock provided evidence on behalf of Council regarding sport and recreation considerations in relation to the Master Plan. She submitted evidence that the proposed population profile would likely generate a higher demand on structured sporting facilities and that the current facilities had little or no capacity to meet the increased needs. Ms Maddock recommended that the Club should:

- Provide a financial contribution to the upgrading of sporting infrastructure at several sporting venues, including Ormond Park, Aberfeldie Park, Fairburn Park, Maribyrnong Park and Debney Park. The upgrades relate to improvements in lighting, pavilions and playing surfaces; and
• Provide a financial contribution to the upgrade of Queens Park Swimming Pool. The priorities are to provide a heated program pool and dry health and fitness facilities.

The Club’s evidence

Mr Panozzo submitted that open space provision measures within activity centres need to be assessed in terms of quality, diversity and distribution criteria and standards rather than quantity. An audit of open space in the area revealed a lack of smaller open space forms and that the area was well served by higher order open spaces (Queens Park, Ormond Park and Moonee Ponds Creek linear trail).

In his Stage 2 report Mr Panozzo recommended the specific provision for local (0.99 to 0.26 hectares) or small local (0.3 to 0.25 hectares) open space and small local links (less than 0.03 hectares) but was not conclusive about a final figure. He described the proposed 5,000 square metre passive park as somewhere between a ‘Local Purpose’ and ‘Neighbourhood Purpose’ open space form in Council’s hierarchy. He provided Grattan Gardens, Prahran, approximately 3,500 square metres in size, as an example of a local park with the type of facilities to support the residential area. He suggested physical proximity of the community centre and public open space is important and ideally should be located adjacent to each other to maximise benefits.

With regard to leisure facilities, Mr Panozzo referred to the Council’s Leisure Strategy 2013-2023 and considered that there are no specific strategies within the document that describe how or what additional recreation capacity is required. No capital infrastructure initiatives identified, the Strategy makes no specific references to high profile developments such as the Racecourse and there have not been concrete suggestions from Council about how this goal can be achieved.

There is sufficient evidence to direct public open space contributions to off-site measures. Given the scale of the proposed development, he recommended the financial contribution be made (via a Section 173 Agreement) on the following basis (relating to construction costs only and not acquisition):

• A financial contribution that equates to the construction of two full-sized grassed sporting ovals (which could be reconfigured for any number of sports) including lights and car parking; and
• A financial contribution that equates to the construction of one 500 square metre sporting pavilion.

The above approach adapts the model used in Melbourne’s growth areas to an inner urban context; whereby active open space reserves are provided at the approximate rate of 1.5 hectares per 1,000 population. Based on this ratio, the proposed population increase would represent a requirement of 6.7 hectares (or two ovals). Having regard to the feedback from Council that it does not consider additional land will be required for active open space as a result of the Master Plan proposal provided additional facilities are upgraded, Mr Panozzo recommended a financial contribution equivalent to the construction costs associated with providing two ovals and a pavilion should be provided. Ultimately Council should be allowed to determine how best to use this money to meet additional active open space demands and
could, for example, direct the contribution to the construction of one synthetic soccer field or other upgrades as they see fit.

Mr Panozzo recommended that the Master Plan should:
- Incorporate a minimum of five percent public open space with the development in the form of land (that is, all developable land excluding that area to be retained for racing club purposes including the racetrack and grandstand); and
- A further public open space contribution in the form of cash should be directed toward off-site improvements and upgrades to ensure existing open space reserves have the capacity to meet additional demands.

### 12.5 Discussion

There are five main issues to resolve as part of this process including the:
- Physical amount of open space that should be provided to support the new residential development;
- Configuration of physical open space having regard to the features of the site and the role of the public open space;
- Need and financial contribution required to support existing open space infrastructure, considering the increase in residential population;
- Statutory framework required in the planning scheme to support the provision of public open space; and
- Public use of the Racecourse land.

The Committee has balanced a number of issues including the broader community benefit of upgrading existing facilities, a fair proportion of the developable site taking into account the role of the land within the activity centre to accommodate higher densities, and the different roles and functions of public open space needed across the surplus land.

Under the planning scheme, public open space contributions are made in the form of land and cash contributions to establish new reserves and/or upgrade existing reserves. Having regard to the schedule to Clause 52.01, it sets a minimum contribution of five percent with the option to negotiate a higher amount for strategic redevelopment sites.

Although the Open Space Strategy calls for a Neighbourhood Open Space of one hectare as part of the Racecourse redevelopment, it is considered that this amount of physical land plus contributions to upgrade existing open space reserves for structured recreation activities is excessive given the proportion of developable land that it would take up.

Both experts agreed that one large piece of public open space would be required to provide for the recreation needs of the new residents and to benefit existing residents. In addition, both agreed that some smaller open spaces are required to facilitate patron movements and gathering to the Racecourse. The Committee agrees with this approach and therefore recommends that one parcel of land of no less than 5,000 square metres is provided for local park and an additional amount of 2,000 square metres is provided for smaller local parks or gathering spaces. The total amount should not exceed 7,000 square metres. Chapter 15 of this report provides some guidance around how the public open space could be configured.

All parties agreed that upgrading existing infrastructure on existing sites to support structured open space is needed and the Committee considers that there is enough
evidence that there is a nexus between the proposed redevelopment and impacts on existing structured sporting facilities. With regard to the provision of a cash contribution, the Committee finds that Mr Panozzo’s rationale provides a clear, fair and logical methodology. In this context, the Committee supports the Club’s proposed wording it submitted for the Schedule 1 to the ACZ (Appendix F) in relation to the requirement framework, including a Section 173 Agreement which clearly sets out the contribution (financial and land), equivalent of the construction of two AFL sized two ovals and a 500 square metre pavilion.

Following the receipt of funds, Council should be allowed to determine how best to use this money to meet additional active open space demands and may, for example, direct the contribution to the construction of one synthetic soccer field.

In addition, the precinct guidelines within the Schedule to the ACZ will provide requirements around the location of the open space and smaller open space links as discussed in Chapter 9 of this report.

The Committee agrees with Council that the wording within the Schedule 52.01 schedule as exhibited in Amendment C120 is not clear as the 5,000 square metre contribution could be directly interpreted as the contribution being for the whole site, which equates to a contribution of 1.25 percent for the site and that this would be an unintended consequence of the Amendment. The existing schedule provides flexibility for negotiations. In this context, it is considered that the existing Schedule to Clause 52.01 in the Planning Scheme should be retained.

On the matter of non-public open space, the Committee notes that School grounds can contribute to the open space network, however, the land on which they are located is set aside primarily for education purposes. As discussed in the Open Space Strategy, Department of Education and Early Childhood Development can at any stage make decisions to redesign these open spaces including the construction of buildings and disposal of the land and therefore it should not be relied upon as part of the open space network. In addition, given the primary focus on education, there may be circumstances where use by the wider public is not appropriate.

In the same way, the use of the Racecourse by the public should be at the discretion of the Club and not relied upon or traded off as a permanent public open space resource given its status as private land and the primary activities on the site may not always be conducive to general public recreation and leisure activities. That said, the Committee encourages the Club to look at opportunities to share facilities as an act of goodwill within the community, and as a good neighbour. The offer of the ambulance track as a running track is a positive step forward which the Committee encourages. Beyond encouragement, the Committee does not make any formal recommendation about this in relation to Amendment C120.

12.6 Findings and Recommendations

Having regard to the submissions and evidence presented to it, the Committee finds there is justification for both a financial contribution for off-site improvements to structured open space, as well as an on-site land contribution. Considering the roles of public open space required throughout the surplus land to support local residential uses, gathering spaces for
patrons to the Racecourse and accommodating the retention of historical markers particularly in the south-west of the site, it is considered that a combined allocation of 7,000 square metres is a fair, reasonable and practical outcome for the site. A minimum of 5,000 square metres of this allocation should be directed to one large local park.

The recommendations related to this Chapter are included in the Committee’s revised Schedule 1 to the Activity Centre Zone in Appendix F.

The Committee further recommends:

14) **Retain the existing Schedule to Clause 52.01 as contained in the current Moonee Valley Planning Scheme.**
13 Local Infrastructure/Development Contributions

13.1 Introduction and Key Issues

In its Stage 1 Report the Committee briefly discussed whether there was spare capacity in local services and infrastructure to absorb the proposed residential and mixed-use development on the site.

The Committee discusses traffic and transport aspects of local infrastructure, such as parking, pedestrian and cyclist infrastructure in Chapter 10. The Committee also discusses open space and community infrastructure matters, including developer contributions to these items in Chapter 12.

Since it commenced its work, the Committee has had a strong view there would need to be infrastructure upgrades and improvements to accommodate even a modest quantum of development.

Central to this is the matter of development contributions to these upgrades and improvements, some of which would fall into the category of mitigation works, which the Committee discusses in Chapter 10.6.

The key issue is about deciding the level and amount of contributions to local infrastructure and services the Club should make in realising its ambitions for redeveloping the site.

13.2 Policy Basis

(i) State Planning Policy Framework

Clause 11 Settlement mentions the importance of anticipating and responding to the needs of existing and future communities and, specifically, Clause 11.02-4 Sequencing of development includes:

Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.

Clause 19 Infrastructure ensures development considers infrastructure and service requirements.

(ii) Local Planning Policy Framework

Key clauses include:

- Clause 21.08-2 Objectives & Strategies – Physical Infrastructure seeks to ensure the infrastructure system can accommodate new development through several strategies:
  - Continue to invest in public infrastructure at the local level to improve and maintain the City’s competitive advantages which will support business and employment growth.
  - Review infrastructure provision (eg utilities, telecommunication) and identify gaps in provision and develop priority plans for projects.

- Clause 21.08-6 Further Strategic Work which includes preparation of a Development Contributions Plan.
(iii) Moonee Ponds Activity Centre Structure Plan

The Structure Plan includes relevant objectives and statements on infrastructure and services, including:

- Promote the need for investment in infrastructure by utilities and service providers, and ensure developers contribute to the cost of infrastructure improvement and renewal;
- Improve the amenity, quality and safety of public transport infrastructure;
- Ensure that all new residential development proposals contribute to the cost of public infrastructure and services to be provided in the activity centre to service new residents; and
- Initiate a Development Contributions (social and physical infrastructure) Plan for Moonee Ponds Activity Centre.

(iv) Moonee Valley Racecourse Master Plan

The Master Plan summarises the findings about existing services to the site. The Master Plan documents existing road, public transport and other infrastructure around the site.

13.3 Submissions and Evidence

All parties generally agreed that some form of development contributions should be made, both to meet policy requirements, such as for open space, and towards the cost of funding agreed works to mitigate the impacts of redeveloping the site. Only the details and mechanism were in dispute.

In closing, Mr Gobbo confirmed the Club had offered to make a cash contribution of $2.5 to $3 million towards off-site works as well as an estimated $1 million to fit out the proposed 5,000 square metre park. Although the transport contributions would need resolution as part of the Integrated Transport Plan process, the Club foreshadowed the estimated cost of the works was $2 to $2.5 million.

Mr Gobbo submitted that if the Club made all these contributions, and allowing $5 to $5.5 million for the land value of the park, it would add up to $13 to $15 million. Assuming 2,500 dwellings, this would equate to $5,000 to $6,000 per dwelling.

The Club supported use of a Section 173 Agreement, which is a separate mechanism with a separate statutory regime, to set out the list of matters to be provided or funded. On the matter of the Committee fixing the quantum of contributions based on the evidence before it, the Club believed it would be desirable to fix those items into the planning scheme schedule now to avoid further disputes and potential delays in the future.

Mr Panozzo who provided evidence for the Club on social infrastructure, submitted a list of social infrastructure items and apportionment which would form the basis of a Section 173 Agreement (Document 44). These items related to public art, a library upgrade, contribution to the construction of a multi-purpose facility and kindergarten/early years centre. The Club drafted changes to Clause 5.9-4 of the schedule to the ACZ ‘Precinct guidelines’ to include the requirement to provide a space for a multi-purpose community facility. In addition the Club suggested additional requirements for a Section 173 Agreement for public art,
contribution towards construction of a community centre, identified transport mitigation measures identified in the Integrated Transport Plan and timing.

Council did not consider a Developer Contributions Plan needed to be implemented through a Development Contributions Plan Overlay. Rather, it believed what was needed was a consolidated plan clearly setting out the contribution requirements for the site, the nexus, the staging and the implementation, which in turn was linked to a Section 173 Agreement.

Council said it was not appropriate for the Committee to identify the quantum of contributions as the evidence put forward did not clearly outline detailed costings for future contributions. It believed it was a matter for negotiation following the recommendations from the Committee and would be based on the final outcome for development on the site. Council believed it would be premature now to identify costings for Council’s range of items to which it considered the Club should contribute.

Council submitted that it was appropriate for the Committee to provide advice on possible mechanisms and criteria as a basis for identifying development contributions.

13.4 Discussion

The Committee notes the Club’s position, set out by Mr Gobbo in closing, that apart from the social infrastructure contributions the Club was willing to fund, it was also willing to contribute towards necessary traffic and public transport infrastructure, such as new traffic signals and an upgraded tram stop. He emphasised some level of consensus would be required among the planning, road and transport authorities on the need for additional infrastructure the development will generate.

The Committee did not hear any submissions or evidence suggesting any likely shortfalls in services infrastructure are insurmountable, and it considers the various service authorities’ technical and other requirements, including contributions to any necessary works, would prevail. From the Dalton Consulting Engineers report of May 2103, the Committee notes development of the surplus land would place extra pressures on existing sewers and water supply infrastructure. But this is not unusual for higher-density urban uses. Here, the Committee understands the necessary upgrades are identifiable and deliverable.

The Committee is satisfied with the Club’s 1 November draft of the schedule to the ACZ which generally details the infrastructure items and further recommends an apportionment of 30 percent towards the cost of constructing a community centre. The Committee has reviewed Mr Panozzo’s apportionment based on the methodology outlined in the ASR Stage 2 Assessment and notes that Council did not contest this evidence. In that context, the Committee recommends the Club provide a financial contribution equivalent to 30 percent of the cost of the construction of a multi-purpose facility which would include kindergarten, maternal child health and other general community uses.

13.5 Findings and Recommendations

In terms of contribution to transport infrastructure, the Committee agrees with Council that it is premature to identify and fix the necessary items which should be in a suitable plan setting out development contributions. It believes a similar approach to the next stages of
work on remaining transport and traffic issues, including agreeing on a wide range of access and other matters and on necessary mitigation works, would be apt.

However, the Committee believes the Club’s analysis of the proposed development contributions amounts around $6,000 per dwelling is reasonable, and is at the higher end for a proposal such as this. Further, the Committee supports preparing and executing an accompanying Section 173 Agreement(s) to realise these contributions.

The Committee encourages the Club, Council, PTV, VicRoads and other relevant stakeholders to continue to work collaboratively and productively on the identification of necessary local infrastructure upgrades and improvements, including mitigating works, for the agreed development.

The recommendations related to this Chapter are included in the Committee’s revised Schedule to the Activity Centre Zone in Appendix F.
14 Other Matters

14.1 Aboriginal Cultural Heritage

(i) Introduction

Submissions were received regarding how Aboriginal cultural heritage should be considered to avoid impacts resulting from the proposed redevelopment.

(ii) Policy Basis

Aboriginal Heritage Act 2006

The Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 provide for the protection and management of Victoria's Aboriginal cultural heritage. They include statutory processes to manage high impact activities associated with buildings and works proposed within areas of cultural heritage sensitivity.

State Planning Policy Framework

Clause 15.03-2 Aboriginal Cultural Heritage includes the objective to “ensure the protection and conservation of places of Aboriginal cultural heritage significance”.

Strategies include:
- Provide for the protection and conservation of pre- and post-contact Aboriginal heritage places.
- Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Planning must consider the Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage.

(iii) Submissions and Evidence

Several submissions were received regarding the need to consider Aboriginal cultural heritage. Submissions argued that the Committee should take into account that part of the Racecourse site is within an area of Cultural Heritage Sensitivity as defined under the Aboriginal Heritage Act 2006, and that a Cultural Heritage Management Plan is required for land falling within an area of cultural heritage sensitivity where proposed works involve a high impact activity.

(iv) Discussion and findings

The eastern portion of the site is included within the area of Cultural Heritage Sensitivity. Under the Aboriginal Heritage Act 2006 a Cultural Heritage Management Plan is required where buildings and works associated with a high impact activity are proposed in areas of cultural heritage sensitivity (in this case land within 200 metres of a named waterway). In the case of the Racecourse site, high impact activities include works to major or minor sport and recreation facilities, linear road or bicycle tracks (depending on the scale) and construction of three or more dwellings on a lot.

There is no statutory requirement at the planning scheme amendment stage to undertake a Cultural Heritage Management Plan. Amendments C120 and C124 involve establishing the
zone and overlay regime for the site and setting out the broad development parameters. They do not contain the detail of a development proposal, which will come later in the planning permit process.

A Planning Permit cannot be issued by Council without a Cultural Heritage Management Plan being approved by the relevant Registered Aboriginal Party. In this context, the Committee encourages the Club to commence this work as soon as possible to ensure that it meets the requirements of the Act and avoids potential harm to any sites. In addition, depending on the findings of the Cultural Heritage Management Plan, there may be further opportunity to reflect the findings of the Cultural Heritage Management Plan in the Heritage Overlay, subject to further discussions with the Registered Aboriginal Party, the Club and the Council.

(v) Findings

The Committee encourages the Club to continue discussions with the Registered Aboriginal Party to ascertain the requirements for a Cultural Heritage Management Plan.

14.2 Affordable Housing

(i) Introduction

The matter of affordable housing is briefly referred to in the Master Plan, and is encouraged within State and local planning policy. The method to achieve affordable housing outcomes was a point of divergence between the Council and the Club.

(ii) Policy Basis

State Planning Policy Framework

Clause 16 Housing states that planning for housing should include providing land for affordable housing.

Clause 16.03-1 Strategic Redevelopment sites include those within walking distance of Principal or Major Activity Centres, and those that are able to provide ten or more dwelling units, close to activity centres and well served by public transport.

Clause 16.01-5 provides policy direction for Housing Affordability – To deliver more affordable housing closer to jobs, transport or services.

Strategies to improve housing affordability include “Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes”.

Strategies to increase the supply of well-located affordable housing include “Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites”.

Local Planning Policy Framework

The objective of Clause 21.04-2 Housing diversity is “To provide a diversity of housing choices in appropriate locations to meet the needs of an increasing range of households.”

One of the strategies is to “Encourage affordable housing opportunities to be integrated into new developments in activity centres.”
Moonee Valley Housing Strategy

The *Moonee Valley Housing Strategy* (2010), a reference document in the Planning Scheme, encourages developers to:

- Respond to the need to provide diverse and affordable housing stock;
- Provide more single-storey units and adaptable accommodation in apartment developments near Activity Centres. This will provide real alternatives for residents wishing to ‘age in place’ or those with mobility limitations; and
- Work closely with community housing providers, including relevant Housing Associations to address current deficiencies in the municipality.

Moonee Valley Racecourse Master Plan

Section 8.5.7 of the Master Plan states that the Master Plan will improve housing choice in the area. It also supports the opportunity to explore the provision of affordable housing on the site.

(iii) Submissions and Evidence

Council submitted that affordable housing should be included as a minimum of five per cent of the total new dwelling stock as part of the development. In its submission, it referred to supporting documentation from the Club (ASR Stage 2 Community Infrastructure Assessment) which:

> Strongly recommends the provision of affordable housing options within the proposed redevelopment. This can best be achieved by entering into a formal partnership between the developer and an existing Housing Association to develop a strategy to ensure the delivery of a certain number of affordable housing dwellings.

The Council recommended that the affordable housing requirement be embedded within the planning scheme to ensure a percentage of affordable housing is delivered. In terms of ensuring that a realistic affordable housing component is achievable via a section 173 Agreement, it submitted that the control should require that it is able to be delivered within the parameters of the National Rental Affordability Scheme (NRAS).

This approach is consistent with similar new developments including the Channel 9 Bendigo Street and Amcor redevelopment sites in the City of Yarra which included a requirement for the provision of five percent of social housing.

The Club objected to the notion that it should be compelled to provide a proportion of its residential development as affordable housing, as it considered this to be an impost on the Racecourse redevelopment that no other site in the Moonee Ponds Activity Centre is being asked to bear. In addition, it argued it is a tokenistic response to a State-wide issue and the redevelopment proposal itself facilitates housing affordability through increasing densities within an existing suburb.

The Club argued that the Amcor and Channel 9 sites were negotiated between parties outside the Panel process. In its closing statement for the Club, Mr Gobbo submitted that:
Notwithstanding its opposition in principle, the Club will agree to some form of affordable housing component being provided on the site, subject to further negotiation.

Mr Panozzo, presenting evidence on open space and social infrastructure, was asked under cross examination to provide his expert opinion on the issue of affordable housing, given his previous experience dealing with this matter in the context of the Amcor site in the City of Yarra, and said:

My default position is that we support it but the execution is difficult. It could be the number of houses at lower cost or market value or alternatively recommend developers approach housing associations to seek an expression of interest. That’s generally where we leave it.

He considered that the issue of affordable housing is growing in significance and suggested that the Development Plan Overlay is a more definitive mechanism. Asked whether he considered using the planning scheme is a tokenistic approach, Mr Panozzo commented that:

I don’t think anything you get is tokenistic. It depends on government funding. It’s quite challenging, everything helps.

Mr Panozzo confirmed that he had not been asked by the Club to undertake work on this issue beyond at a high level.

(iv) Discussion

The SPPF provides clear direction for affordable housing to be considered in the context of strategic redevelopment sites, such as the Racecourse, given its size, opportunity for significant redevelopment and proximity to the Moonee Ponds Activity Centre.

The Committee agrees that providing a diversity of housing, through townhouses and apartments within the suburban context, provides some opportunities for housing choice and affordability. However, the SPPF requires that the planning system should go further by:

Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites.

The Committee does not consider addressing this issue via the planning scheme is a tokenistic response and believes that this matter should be resolved now and embedded in the planning scheme and not left for another day to be negotiated, potentially leading to another stalemate. It is noted that, in the case of the Amcor and Channel 9 redevelopment sites, an affordable housing contribution of five percent was included in the planning scheme as a result of the respective amendments.

The Committee considers that a five percent affordable housing requirement is a fair proportion of the overall development quota and that the Schedule to the ACZ can properly include clear direction and requirements to deliver a desirable and an affordable housing outcome.
(v) Findings

Acknowledging that this is a strategic redevelopment site, the Committee considers that there is strong policy support for allocating an affordable housing percentage within the planning scheme controls.

The recommendations related to this Chapter are included in the Committee’s revised schedule to the Activity Centre Zone in Appendix F.
Part D: Resolution of the Amendments
15  Form of Planning Control

The Committee and other parties have considered this proposal on the basis that the subject land is located within a Principal Activity Centre, and that the land will be included within the ACZ in its entirety. This is due to the recommendations made by the Panel that considered Amendment C100 to the Moonee Valley Planning Scheme. That Panel recommended that the entire Racecourse site be included within the Activity Centre Boundary, but that its future development be undertaken as a separate planning process to what it was considering for the remainder of the Activity Centre. This Committee believes that this recommendation may have been made as a result of Council and other submissions, and that the testing of whether or not the Racecourse site should be included within the boundary was not subject to any rigorous review. It was, essentially to be left for another day.

The Committee is concerned that Amendment C100 has not been gazetted, and it remains concerned that if it is not gazetted, much of what has been proposed through this current process has occurred in anticipation of this approval. During the course of the hearing, the Committee asked parties to think about any alternative zones that might be applicable to the subject land, but most were minded to use the Amendment C100 recommendations and the subsequent ACZ as the base control. Upon its further analysis and review, the Committee is not sure that this results in the best outcome for the whole of the site. The reasons for this are explored in this chapter.

15.1  Master Plan

The Master Plan is the key interpretation of how the Club is seeking to redevelop its site. It is a long and detailed document, and in the opinion of the Committee, is not a Master Plan but a detailed background document that contains a Master Plan within it. It is too detailed to be incorporated, and not specific enough to be included within the Structure Plan. It is essential that the Master Plan provide the vision and detail for development of the site over the short to medium term, and that it carry sufficient weight to be relied upon. A plan such as this will necessarily be reviewed at least every three to five years.

The Committee has reviewed the Structure Plan as part of this process, and it compliments the Council on a well-researched and considered strategic plan. The Committee considers that the key elements of the current Master Plan should be reviewed in accordance with the key findings and the recommendations from this process, and be included as part of the Structure Plan in a new Section – Precinct J. However, Precinct J should only relate to the surplus land area to the west of the realigned Racecourse, as the Committee does not consider that the Racecourse land itself, nor the remainder of the land proposed for residential development in Precinct 10 of the Master Plan, should be included within the Activity Centre Boundary.

The Committee recommends:

15)  Incorporate a new Precinct J that includes all of the surplus land to the west of the (realigned) Racecourse area into the Moonee Ponds Activity Centre Structure Plan.
The Committee has attempted to be fair and reasonable in its considerations of the proposed redevelopment of the Racecourse land. It has attempted to balance up the requirements of the Club, the strategic imperatives of the Principal Activity Centre, Council’s vision for the Structure Plan area, and the community’s concerns about the proposal. It has made a number of findings and recommendations which it considers will ensure that the site can be redeveloped in a positive and pragmatic way.

The Committee is very conscious that its role is not to redesign the site. However, to assist all parties going forward, the Committee feels compelled to provide an Indicative Plan (refer to Figure 5) of how its key findings and recommendations could fit together. This is provided to demonstrate in a plan, what the Committee has ultimately recommended. This plan integrates the key findings of the Committee with its recommendations about retention of key features that have social and cultural value, including the significant trees on the surplus land. The major shortcoming of the Master Plan is that it gave no recognition to the potential to retain any of the proposed heritage features, and this indicative plan brings all of these into consideration.

This Indicative Plan modifies the street and block pattern shown on Figure 9: Illustrative Master Plan and Figure 33: Preferred Building Heights Plan in the Master Plan to demonstrate how the following features could be achieved:

- A better response to Principle 3 “Create a highly connected place by engaging with the surrounding community through the public realm and public open spaces”;
- A better response to Principle 4 “Prioritise people over cars and buildings”;
- A better response to Principle 10 “Establish a diversity of special spaces and places for people to live, work, play and linger”;
- Retention of the former Secretary’s House and Garden;
- Retention and adaptive re-use of the former Tote building, parts of the south-west wall and entry gate structure, the Stables and associated wall on Dean Street for social or cultural value and interpretation;
- Provision of a large local park where a group of mature trees exists and with a total area of about 5,000 square metres;
- Replace the proposed Coats Street extension with a lower order and predominantly pedestrianised east-west thoroughfare with an enhanced relationship with the large open space, the Main Tote building and the plaza at the entrance to the Racecourse;
- Provision of a new area of open space, of about 2,000 square metres at the south-west corner of the site;
- Provision of plazas at the south-west corner, at the main pedestrian entry to the Racecourse at the western end of the tunnel and as a setting for the Tote building, with a total area of about 2,400 square metres;
- A street pattern that incorporates the retained buildings and open spaces, reduces through traffic and creates sub-precincts;
- A change in the character of Coats Street to emphasise its pedestrian function;
- A more direct pedestrian route from Dean Street and Alexandra Avenue to the main Racecourse entry;
- A reduction in the developable land area by about ten percent;
• Preferred maximum building heights ranging from three to 20 storeys, stepped generally in accordance with the Master Plan, with height groupings the same as the Structure Plan and resulting in a reduced building density of about 12 percent; and
• A cluster of tall buildings with maximum heights of 20 storeys at the eastern part of the surplus land in response to the location and the topography of the site.
Figure 5  Indicative Plan
The Indicative Plan is intended only as an example of how the surplus land could be developed, taking into account the key findings and recommendations of the Committee. Other options may exist which incorporate those elements recommenced for retention; these options could be further explored prior to the Amendment being finalised.

The Committee recommends:

16) **Prepare a revised plan for the new Precinct J for inclusion in the Moonee Ponds Activity Centre Structure Plan based on the principles and Indicative Plan shown in Chapter 15.1.**

15.2 **Activity Centre Boundary**

As discussed, the Committee acknowledges the findings of the C100 Panel that the Racecourse land should be included in the Activity Centre Boundary given its potential for development and commercial and entertainment use. The C100 Panel also found that it was premature to consider the use and built form outcomes for the site until a Structure Plan for the Racecourse had been prepared.

However, based on the Master Plan, and the review of this Committee on all aspects of the proposal, it has become evident that there are two distinct precincts for the subject land; one for the realigned Racetrack and racing club facilities and the other identified as surplus land for redevelopment. The Committee considers that planning for these two precincts could be better facilitated if they were two separate planning units.

However, the Committee finds that the realigned Racecourse precinct (Precinct 10) no longer meets the criteria for the Activity Centre Boundary for the following reasons:

- The redevelopment opportunities on the site have been identified predominantly in Precinct 9;
- Sub-precinct 10C is beyond the typical walking catchment; and
- Once developed, the Racecourse will be a stand-alone site which will require a tailored planning outcome.

The Committee recommends:

17) **Amend the Activity Centre Boundary to exclude the land proposed to be retained for the Racecourse and the north-east residential area (exhibited Precinct 10).**

(i) **Special Use Zone**

The Committee has considered the existing Schedule to the Special Use Zone on the site and the specific nature of the Racecourse. The Committee notes that Flemington Racecourse, Sandown Park and Racecourse, Tynong Racecourse and Training Facility (relocated from Pakenham) and Melton Harness Racing Centre among others, are in the Special Use Zone.

The Committee finds that the most suitable zone for the Racecourse land, as a dedicated land use, is the Special Use Zone. The Committee considers that current Schedule to the Special Use Zone is generally acceptable and that the work undertaken during this process can go towards preparing a new Master Plan to the satisfaction of the Responsible Authority as required in the Schedule.
For completeness, the Committee considers that the Racecourse site should include all of the land generally identified through the Master Plan process for racecourse purposes, and the land that has been shown for residential purposes (sub-Precinct 10C) that lies to the west of Juliet Street.

The Committee recommends:

18) Apply the Special Use Zone to the exhibited sub-Precincts 10A, 10B and part of 10C (west of Juliet Street).

19) Update the Schedule 2 to the Special Use Zone, generally in accordance with Appendix G.

(ii) Mixed Use Zone

The remaining issue relates to how to deal with the residential land proposed to the east of Juliet Street. While this was not raised at the Hearing, the Committee considers it more appropriate to zone this land as Mixed Use, with heights ranging from four storeys at the Wilson Street/Victoria Street interface to six towards the west and then to nine facing CityLink. Application of the Mixed Use Zone allows for some commercial uses to support the residential population in that planning unit.

A Design and Development Overlay should also be prepared to guide the future development of that precinct and that Design and Development Overlay should ensure that the key issues and principles raised through this report, and the relevant parts of the ACZ and the Master Plan that apply to the site are incorporated in this. This Committee has not prepared the Schedule to Design and Development Overlay, but it can be based on the findings and recommendations of this report, and the attached schedule to the Activity Centre Zone and the Special Use Zone as applicable.

The Committee recommends:

20) Apply the Mixed Use Zone to that part of the exhibited Sub-Precinct 10C that is east of Juliet Street.

21) Apply a Design and Development Overlay to that part of the exhibited Sub-Precinct 10C that is east of Juliet Street.

15.3 Activity Centre Zone

As discussed previously, the Committee supported the use of maximum heights in the exhibited ACZ Schedule due to the level of contention about the heights and the actual heights proposed by the Club. This matter was discussed at length at the Hearing and the Committee considers that with the reduced heights as proposed in Chapter 9, the heights should be specified as preferred as this is consistent with the other precincts in the ACZ Schedule.

As previously discussed, the Committee has prepared a revised Precinct Plan (Figure 6) for the surplus land to assist interpret its key findings and recommendations.
Figure 6  Precinct Plan
The Committee considered the approach taken when incorporating the preferred built form in Figure 4 of the Structure Plan (shown in storeys) and the preferred heights in the ACZ Schedule (shown in metres). To maintain consistency with the preferred building heights shown in Precincts 1-8 in the ACZ Schedule, the Committee has converted its findings from Chapter 9 into preferred heights in metres, as shown in Table 4.

The heights identified in Chapter 9 provide a range in storeys with the upper number being the maximum that the Committee finds acceptable. Given this, the Committee finds that the lower number should be in the ACZ Schedule as it does not consider that a permit should be granted to exceed the upper number recommended. For example, in the Committee’s Precinct 9E, the preferred height is 50 metres (16 storeys) but a permit may be granted up to 20 storeys if it is considered appropriate by the Responsible Authority.

Table 4  Preferred heights and storeys based on Committee Indicative Plan

<table>
<thead>
<tr>
<th>Committee Sub-Precinct (Shown on Precinct Plan, Figure 6)</th>
<th>Committee Recommendation for Heights (Shown on Indicative Plan, Figure 5)</th>
<th>Committee Recommendation for Preferred Building Heights (Shown in ACZ Schedule, Appendix F)</th>
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</thead>
<tbody>
<tr>
<td>9A</td>
<td>3 – 6 storeys</td>
<td>11 metres</td>
</tr>
<tr>
<td>9B</td>
<td>6 – 10 storeys</td>
<td>20 metres</td>
</tr>
<tr>
<td>9C</td>
<td>10 – 16 storeys</td>
<td>32 metres</td>
</tr>
<tr>
<td>9D</td>
<td>4 – 6 storeys</td>
<td>14 metres</td>
</tr>
<tr>
<td>9E</td>
<td>16 – 20 storeys</td>
<td>50 metre</td>
</tr>
<tr>
<td>9F</td>
<td>10 – 16 storeys</td>
<td>32 metres</td>
</tr>
</tbody>
</table>

Note: Formula used to convert storeys to metres is the number of storeys x 3 metres plus 2 metres to allow for a higher ground floor and the roof structure

The Committee recognises that these recommendations require more work by both the Club and the Council. It has not been possible to finalise the draft Amendment C120 due to the intent of the recommendations made by the Committee. For this reason, the Committee considers that the Committee should remain ‘live’ to provide for a further review of the final plans by the Club, if it adopts the intent of these recommendations. The Committee does not anticipate that there should be any further consultation and review by third parties, rather any further discussion on the site should be between the Club and the Council only.

The Committee recommends:

22) **Update the Schedule to the Activity Centre Zone, generally in accordance with Appendix F.**

23) **Facilitate the adoption and approval of Amendment C120 to the Moonee Valley Planning Scheme through a Ministerial Amendment process, using section 20(4) of the Planning and Environment Act 1987.**

24) **Retain the Moonee Valley Racecourse Redevelopment Advisory Committee to provide ongoing advice and/or mediation, until Amendment C120 is finalised to gazetral stage if required.**
Appendix A  Terms of Reference
Terms of Reference

Moonee Valley Racecourse Redevelopment Advisory Committee

Advisory Committee appointed pursuant to Part 7, Section 151 of the Planning and Environment Act 1987 to report on the redevelopment of the Moonee Valley Racecourse.

Version: 8 February 2013

Name

1. The Advisory Committee is to be known as the ‘Moonee Valley Racecourse Redevelopment Advisory Committee’ (the Advisory Committee).

2. The Advisory Committee is to have members with the following skills:
   - Strategic planning;
   - Transport;
   - Community facilities, including open space and sport and recreational planning;
   - Social Planning;
   - Environmental Sustainability;
   - Geotechnical and hydrological;
   - Heritage; and
   - Design and built form.

3. The Advisory Committee may also seek specialist advice about the horse racing and track industry as appropriate.

Purpose

4. The purpose of the Advisory Committee is to provide advice to the Moonee Valley City Council and the Minister for Planning on all relevant matters associated with the proposed redevelopment of Moonee Valley Racecourse including:
   - The proposed Master Plan for Moonee Valley Racecourse, October 2011 (or as amended and prepared by the Moonee Valley Racing Club);
   - The draft Planning Scheme Amendment documentation (to be prepared by Moonee Valley Racing Club), and
   - The draft heritage Planning Scheme Amendment documentation (prepared by Moonee Valley City Council).

Background

5. The Hon. Matthew Guy, MLC Minister for Planning has appointed an Advisory Committee pursuant to Section 151 of the Planning and Environment Act 1987 to review all matters related to the proposed Moonee Valley Racecourse Master Plan, associated draft Planning Scheme Amendment
documentation (including heritage controls proposed by Council); and submissions lodged in relation to these documents.

6. Moonee Valley Racing Club has prepared a master plan for the redevelopment of the racecourse. The proposed master plan was submitted to Moonee Valley City Council on 25 October 2011.

7. The Moonee Valley Racecourse is within the Moonee Ponds Activity Centre boundary and is currently zoned Special Use Zone 2 (SUZ2). The site is not affected by any overlays.

8. The proposed Moonee Valley Racecourse Master Plan was placed on informal public consultation by the Moonee Valley Racing Club in June 2011. Moonee Valley City Council informed the community during November and December 2011 about the process of the Master Plan approval and provided a response to the master plan and the Club’s rezoning request on 2 February 2012, and requested further information on the development proposal.

9. Moonee Valley City Council commissioned a Heritage Assessment prepared by David Heims Heritage Planning and Management on 13 September 2011. The assessment identifies numerous structures and buildings it states are worthy of retention and protection.

10. Moonee Valley City Council subsequently requested interim heritage controls on 10 April 2012 for structures and buildings on the Moonee Valley Racecourse site from the Minister for Planning in conjunction with a request for authorisation to prepare a Planning Scheme Amendment for permanent controls.

11. The Moonee Valley Planning Scheme at Clause 21.07-1 states that “...building on existing drivers such as Moonee Valley Racing Club presents a unique opportunity for the municipality.” The site is not identified for any other purpose or future use within the Moonee Valley Planning Scheme.

Method

12. The overall purpose of this Advisory Committee is to provide advice to the Moonee Valley City Council and the Minister for Planning on the most appropriate outcome for the site. The Advisory Committee should undertake this in the form of four clear stages.

Stage 1: Review and Consultation

13. The Advisory Committee must meet with the Moonee Valley City Council, the Moonee Valley Racing Club and the Department of Planning and Community Development [DPCD] to initiate consideration of this matter.

14. The Advisory Committee will meet with the following:
- Public Transport Victoria, Department of Transport, Vic Roads, Department of Early Education and Childhood Development and any other relevant agencies
- Save Moonee Ponds
- Moonee Ponds Central School

15. The Advisory Committee must review and provide written comments on the proposed Moonee Valley Racecourse Master Plan (including any revisions), and associated draft Planning Scheme Amendment documentation to be prepared by the Moonee Valley Racing Club taking into account Council’s request for further information and community submissions to the Moonee Valley Racecourse from consultation in June 2011 and any feedback and information provided by the relevant agencies.

16. The Advisory Committee must review and provide written comments (including any revisions) on the draft heritage Planning Scheme Amendment documentation prepared by Moonee Valley City Council.
17. The Advisory Committee shall identify whether there is sufficient information before it to enable the DPCD to consult with the community in Stage 2: Exhibition, and if necessary make directions to the Moonee Valley Racing Club and/or Moonee Valley City Council seeking further information.

Stage 2: Exhibition

18. The Advisory Committee will pre-set the Hearing dates.
19. The DPCD will exhibit the draft Planning Scheme Amendments and proposed Master Plan for a period of six weeks. Moonee Valley City Council may decide to undertake additional notification.
20. All submissions are to be collected at the office of Planning Panels Victoria and copies will be made to the Moonee Valley City Council, Moonee Valley Racing Club and DPCD within 5 working days from the close of exhibition period.

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 limit the time of parties who wish to appear before it at the public hearing and may regulate cross examination.

Stage 4: Outcomes

24. The Advisory Committee may inform itself in any way it sees fit, but must consider:
   - The objectives of the Planning and Environment Act 1987 and any other relevant provisions of the Moonee Valley Planning Scheme,
   - All documentation and information prepared by the Moonee Valley City Council, and in particular the further information request and supporting documentation provided to the Moonee Valley Racing Club on 2 February 2012,
   - All relevant documentation prepared by or for the proponents for the redevelopment of the Moonee Valley Racecourse or otherwise provided to the Advisory Committee, and
   - All submissions made in regard to the proposed Master Plan for Moonee Valley Racecourse and associated draft Planning Scheme Amendment documentation.

25. The Advisory Committee must produce a written report to the Moonee Valley City Council and the Minister for Planning providing:
   - An assessment of the submissions made to the Advisory Committee,
   - An assessment of all relevant matters concerning the proposed Master Plan for Moonee Valley Racecourse and its proposed redevelopment;
   - An assessment of all relevant matters concerning the identification of buildings and structures on the Moonee Valley Racecourse as containing heritage significance;
   - A recommendation as to whether the project should proceed and in what form the project should proceed;
   - A recommendation on the appropriate planning controls that would best implement the master plan for the site and provide clear guidance for future use and development of the site;
   - Consideration of any other relevant matters raised in the course of the Advisory Committee hearing; and
• A list of persons who made submissions and those who were heard by the Advisory Committee.

Submissions are public documents

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

27. 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’.

Terms of Reference

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

Timing

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

30. The DPCD is required to complete Stage 2 within eight weeks of the completion of Stage 1, including receipt of exhibition material (draft Planning Scheme Amendments and proposed Master Plan) from the Advisory Committee.

31. The Advisory Committee is required to commence Stage 3 (i.e. the Directions Hearings) no later than 2 weeks from the close of exhibition period.

32. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 8 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 will be met by the project proponent.

Project Manager

35. Day to day liaison for this matter for DPCD will be through Cathy Philo, Manager West Sector on 9038 8910 or by email at cathy.philo@dpcc.dpcd.vic.gov.au.

36. Inquiries regarding the Advisory Committee process will be through Jessica Cutting, Senior Project Manager on 9637 8643 or by email at jessica_cutting@dpcc.dpcd.vic.gov.au.
Appendix B  Stage 1 Consultation
# Stage 1 Consultation

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Representatives</th>
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<tbody>
<tr>
<td>Moonee Valley City Council</td>
<td>Lisa Dunlop, Coordinator Strategic Planning</td>
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<td></td>
<td>Bryan Lancaster, Director City Works and Development</td>
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<td></td>
<td>Colin Harris, Senior Strategic Planner</td>
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<td></td>
<td>Henry Bezuidenhout, Manager Strategic and Statutory Planning</td>
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<td></td>
<td>Gil Richardson, Manager Technical Services</td>
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<tr>
<td>Moonee Valley Racing Club</td>
<td>Jeremy Gobbo QC of Counsel</td>
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<td></td>
<td>Emily Porter of Counsel</td>
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<td></td>
<td>Tamara Brezzi, Norton Rose Fulbright</td>
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<td>Rory O’Callaghan, Norton Rose Fulbright</td>
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<td>Orlando Harrison, Tract</td>
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<td>Michael Browell, Moonee Valley Racing Club</td>
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<td></td>
<td>David Kobritz, Moonee Valley Racing Club</td>
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<tr>
<td>Department of Planning and Community Development (now DTPLI)</td>
<td>Jane Monk, Director, Planning Statutory Services</td>
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<td></td>
<td>Cathy Philo, Manager West Sector, Planning Statutory Services</td>
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<td>Edwina Ryan, Planning Statutory Services</td>
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<td>Kirsten Howe, Communications Manager</td>
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<td>Department of Transport (now DTPLI)</td>
<td>Kate Hardwick, Manager, Integrated Urban Renewal</td>
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<td></td>
<td>Neil Hutchinson, Program Manager, Transport Investment and Development</td>
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<tr>
<td>VicRoads</td>
<td>Stan Januszkiewicz, Team Leader, Planning West, North West Region</td>
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<td></td>
<td>Frank Deserio, Senior Statutory Planner, Metropolitan North West</td>
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<td>Public Transport Victoria</td>
<td>Mark Burton, Senior Planner and Land Use Planner</td>
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<td>Richard McAliece, Planning Referrals</td>
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<td>Department Education and Early Childhood Development</td>
<td>Jeffrey Tait, Senior Provision Planner</td>
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<td></td>
<td>Skye Seeley, Provision Planner</td>
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<td></td>
<td>Lynne Sutton, South West Region Provision Planning Manager,</td>
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<tr>
<td>Save Moonee Ponds Inc.</td>
<td>Jenny Nola, President</td>
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<td></td>
<td>Sarah Ambrogia, Vice President</td>
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<td></td>
<td>Julie Nelson, Secretary</td>
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<tr>
<td>Moonee Ponds Primary School</td>
<td>Joanne Ryan, Principal</td>
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<tr>
<td>Organisation</td>
<td>Representatives</td>
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<tr>
<td></td>
<td>Matthew Bott, Assistant Principal</td>
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<td>Sean Byrne, School Council President</td>
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<tr>
<td>Member for Essendon</td>
<td>Justin Madden MP</td>
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<tr>
<td>Moreland City Council</td>
<td>Sue Vujcevic, Manager City Strategy and Design</td>
</tr>
</tbody>
</table>
Appendix C  Key Studies and Reports

Moonee Valley Racing Club

Moonee Valley Racecourse Master Plan, July 2013 by Tract Consultants
Preface Report to the Moonee Valley Racecourse Master Plan, July 2013 by Tract Consultants
Functional Report (Racecourse Design), May 2013 by Dalton Consulting Engineers
Grandstand and Racing Operations Plan, May 2013 by Populous
Architectural Design Statement, May 2013 by Plus Architecture
Transport & Traffic Assessment, Revision D, 17 May 2013 by GTA Consultants
Stage 2 Community Infrastructure Assessment, May 2013 by ASR Research
ESD Opportunities Report (Amended), May 2013 by Arup
Services Infrastructure Report, May 2013 by Dalton Consulting Engineers
Heritage Assessment, May 2013 by Lovell Chen

Moonee Valley City Council

Moonee Valley Racecourse Redevelopment Masterplan, Peer Review, December 2011, by McGauran Giannini Soon (MGS) Architects
Moonee Valley Racecourse Redevelopment Community Infrastructure Assessment, 23 January 2012 by MacroPlan Australia
Heritage Assessment, Moonee Valley Racecourse, Stage 2 Report, March 2012 by David Helms Heritage Planning + Management
Assessment of Off-site Impacts on Open Space as a Result of the Moonee Valley Racecourse Redevelopment, 22 December 2011 by Thompson Berrill Landscape Design in association with Environmental & Land Management

Moonee Valley City Council also provided a copy of its initial Environment and Climate Change Assessment of Proposed Moonee Valley Racecourse Master Plan (October 2011), December 2011
## Appendix D  List of Submitters

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## Appendix E  Parties to the Hearing

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| Moonee Valley City Council      | Michelle Quigley SC of Counsel, with Maria Marshall of Maddocks, who called the following expert witnesses:  
- Joanna Thompson (Thompson Berrill)  
- Kate Maddock (SGL Sport, Leisure and Tourism Planners)  
- Rob McGauran (McGauran Giannini Soon)  
- Rob Milner (10 Consulting Group)  
- David Helms (David Helms Planning and Management)  
- Christian Bode (AECOM)                                                                                                                                                                                                                                                                       |
| Moonee Valley Racing Club       | Jeremy Gobbo QC, with Emily Porter of Counsel, instructed by Tamara Brezzi of Norton Rose Fulbright, who called the following expert witnesses:  
- Andrew Biacsi (Contour Consultants)  
- Mark Sheppard (David Lock Associates)  
- Justin Ganly (Deep End Services)  
- Shane Dalton (Dalton Consulting Engineers)  
- Rob Panozzo (ASR Research)  
- John Kiriaidis (GTA Consultants)  
- Stephen Hunt (Cardno)  
- Peter Lovell (Lovell Chen)  
- Bryce Raworth (Bryce Raworth Pty Ltd)                                                                                                                                                                                                                                                                 |
| VicRoads                        | Gintaris Simkus of Direct Planning, who called the following expert witness:  
- Andrew O’Brien (O’Brien Traffic)                                                                                                                                                                                                                                                                       |
| Public Transport Victoria       | Louise Hicks of Counsel with Mark Burton, who called the following expert witness:  
- Henry Turnbull (Traffix Group)                                                                                                                                                                                                                                                                 |
| Save Moonee Ponds Inc.          | Jane Sharp of Counsel, with Jenny Nola and Sarah Ambrogia                                                                                                                                                                                                                                                                                                    |

Justin Madden MLA, State Member for Essendon  
John Westwood  
James McKenzie  
Neil Barker and Bernadette O’Connor  
Amanda Singleton  
Gary Allan  
Geoffrey Carne  
Andrew Lemon  
Craig Harris  
Julie Nelson  
Richard Noakes
Appendix F  Schedule 1 to the ACZ (Committee)
SCHEDULE 1 TO THE ACTIVITY CENTRE ZONE

Shown on the planning scheme map as ACZ1.

MOONEE PONDS PRINCIPAL ACTIVITY CENTRE

1.0 Moonee Ponds Framework Plan

Amend Plan to delete Area 10.
Delete Future Landmark Buildings from Precinct 9.

Notes to reader:
1. This version is based on the Club’s 1 November 2013 version as the ‘base’.
2. Additions are shown in Blue
3. Deletions are shown in Red
4. Clauses 5.1- 5.8 (Precincts 1 – 8) are not included in this version.
2.0 Land use and development objectives to be achieved

- To create a highly competitive centre with a strong reputation in property growth, service provision, the arts, cultural diversity, economic development, business support and recreational opportunities.
- To develop MPAC as an environmentally, socially and economically sustainable centre.
- To facilitate the development of a regional community and civic focus, incorporating civic uses and a modern, safe public transport interchange.
- To reinforce MPAC’s local and regional role in providing a diverse and comprehensive range of community and cultural services.
- To encourage the development of MPAC as a thriving retail, business and employment hub.
- To encourage a diverse range of housing choices and affordability including well-designed medium to high-density residential development.
- To reinforce the neighbourhood character of adjoining areas and protect heritage qualities of the centre through good design.

Built Form

- To design new built form that:
  - Provides for taller development forms to occur in the central areas of the Activity Centre, progressing along Mount Alexander Road to within the Junction.
  - On larger sites, articulates the building’s overall volume to present as a number of distinct elements.
  - At the periphery of the Activity Centre, provides heights and setbacks that provide a transition to the scale of residential areas.
  - Interacts well with the public realm, providing a positive experience at the street level for all users.

Public Spaces

- To encourage the creation of new public spaces.
- To ensure that public spaces have adequate access to sunlight and are sheltered from the wind.
- To ensure a connected and well-signed network of laneways.
- To activate laneways through the provision of eateries, retail and entertainment uses.
- To encourage the incorporation of public art into new developments which front laneways and other public spaces, where appropriate.

Transport, Movement and Parking

- To prioritise the movement network to reflect the following hierarchy:
  1. Pedestrians
  2. Cyclists
  3. Public Transport Users
  4. Private Motorists
- To provide clear connections to all parts of MPAC for all levels of mobility.
- To significantly improve the cycling network.
- To ensure that streets are designed as safe, attractive, shaded and pedestrian-friendly spaces.
- To improve the mobility on the immediate local and arterial road networks, as a result of impacts from the development, to facilitate an acceptable level of service for all road users.
Environmentally Sustainable Design (ESD)

- To ensure that new buildings are designed to maximise energy efficiency and water conservation.
- To reduce the impact of stormwater run-off on the drainage system and encourage on-site stormwater infiltration.
- To encourage the use of robust and sustainable materials in buildings that will be durable and require minimal maintenance.
- To encourage landscape design that contributes to the energy efficiency of development and minimises water use.

3.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Camping and caravan park, Corrective institution, Dwelling, Dependent person's unit and Host Farm)</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D or 7F. Must be located above ground floor level, except for entry foyers.</td>
</tr>
<tr>
<td>Carnival</td>
<td>Must meet the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D or 7F.</td>
</tr>
<tr>
<td>Cinema</td>
<td>Must be located within Sub-precinct 2D.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Must be located within Sub-precinct 2D.</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</td>
<td>Unless located on land in Precinct 9 or Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 10C, must be located above ground floor level, except for entry foyers.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must be located within Precinct 3.</td>
</tr>
<tr>
<td>Electoral office</td>
<td>Must be used for only 4 months before an election and 2 weeks after an election.</td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Must be located within Precinct 1.</td>
</tr>
<tr>
<td>Food and drink premises (other than Hotel, Restaurant and Tavern)</td>
<td>Must not be located within Precinct 1 or Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 10C. Must be located on ground floor level, but is not limited to ground floor level.</td>
</tr>
<tr>
<td>Function centre</td>
<td>Must be located within Precinct 1 or Sub-precinct 9A, 9B, 10A or 10B.</td>
</tr>
<tr>
<td>Gambling premises</td>
<td>Must be located within Sub-precincts 9A, 10A or 10B.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Activity Type</td>
<td>Location Requirements</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be located within Precinct 1.</td>
</tr>
<tr>
<td>Library</td>
<td>Must be located within Precinct 1.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td>Must be located within Sub-precincts 9E, 10A or 10B.</td>
</tr>
<tr>
<td>Market</td>
<td>Must be located within Precinct 3.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 9E, 9G, 9A, or 9B or 10C. Excep in Precincts 9 and 10. Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker’s house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</td>
</tr>
<tr>
<td>Office (other than Electoral office)</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 9E, 9G, 9A, or 9B or 10C. Excep in Precincts 9 and 10. Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker’s house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema, Circus, Exhibition centre, Function centre, Library, Nightclub and Place of worship)</td>
<td>Must be located within Sub-precincts 9E, 10A or 10B.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>Must be located within Precinct 1.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Must be located within Precinct 4 or Sub-precinct 2E, 2D, 2G, 7A, 7B, 7C, 9C, 9D, 9E or 9F, 9A, 9B, 9C, 9D or 9E.</td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Food and drink premises, Gambling Premises, Manufacturing sales, Market, Motor vehicle, boat and caravan sales, Primary Produce Sales, Supermarket, and Timber yard)</td>
<td>Must not be located within Precinct 1 or Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 9B 9E, 9G or 10C.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeasing or bulk sampling.</td>
</tr>
<tr>
<td>Supermarket</td>
<td>Must be located within Precinct 3 or Sub-precinct 2C, 2D or 2E.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Dry cleaner</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 9B 9G or 10C.</td>
</tr>
<tr>
<td>Gambling premises (if the section 1 condition is not met)</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, or Precinct 9 F, G or 10C.</td>
</tr>
<tr>
<td>Hotel</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 9B 9F, G or 10C.</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 9B 9F, G or 10C.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track) (if the section 1 condition is not met)</td>
<td>Must be located within Precinct 4 or Sub-precinct 2C, 2D, 2E, 7A, 7B or 7C.</td>
</tr>
<tr>
<td>Mineral, stone or soil extraction (other than Extractive industry, Mineral exploration, Mining and Search for stone)</td>
<td>Must be located within Precinct 4 or Sub-precinct 2C, 2D, 2E, 7A, 7B or 7C.</td>
</tr>
<tr>
<td>Nightclub</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 9A or 9B 4F, 4G or 10C.</td>
</tr>
<tr>
<td>Place of Assembly (other than Carnival, Cinema, Circus, Exhibition centre, Function centre, Library, Nightclub and Place of worship) (if the section 1 condition is not met)</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 9A or 9B 4F, 4G or 10C.</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 9A or 9B 4F, 4G or 10C.</td>
</tr>
<tr>
<td>Tavern</td>
<td>Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9A or 9B 9G or 10C.</td>
</tr>
</tbody>
</table>
| Service industry (other than Dry cleaner and Laundromat) | Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9F, 9G or 10C.  
The site must adjoin, or have access to, a road in a Road Zone. |
Service station
Must not be located within Sub-precinct 2A, 5C, 7D, 7F, 8A, 8B, 8C, 9F, 9G or 10C.
The site must adjoin, or have access to, a road in a Road Zone.

Any other use not in Section 1 or 3

Section 3 – Prohibited

USE

Agriculture (other than Animal keeping and Apiculture)
Brothel
Camping and caravan park
Cemetery
Corrective institution
Crematorium
Drive-in theatre
Extractive industry
Host farm
Freeway service centre
Industry (other than Dry cleaner, Laundromat, Research and development centre and Service industry)
Manufacturing sales
Motor racing track
Motor vehicle, boat, or caravan sales
Pleasure boat facility
Primary produce sales
Saleyard
Timber yard
Transport terminal (other than Bus terminal and Heliport)
Warehouse
Winery

4.0 Centre-wide provisions

4.1 Use of land

A permit is not required to use land for the purpose of Local Government providing the use is carried out by, or on behalf of, the public land manager.

4.2 Subdivision

Applications for subdivision that do not support the objectives of this schedule are discouraged.
The consolidation of land to facilitate the creation of large-scale development sites is encouraged.

### 4.3 Buildings and works

No permit is required to:

- Install an automatic teller machine.
- Alter an existing building façade 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.
- Install an awning that projects over a road if it is authorised by the relevant public land manager.
- Alter a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Alter or extend one dwelling on a lot. This exemption does not apply to:
  - Extension of a dwelling if it is on common property.
- 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.

### 4.4 Design and development

#### Building Setbacks

Unless otherwise specified in Clause 5 of this Schedule or located at a Residential Front Interface, all buildings should provide a zero metre front setback from the street for the first 11 metres in height from ground floor level to provide a podium and activate the streetscape.

Built form above 11 metres in height should be set back from the street to avoid overshadowing and detrimental wind effects on public spaces.

#### Building Height

For the purposes of this schedule, the preferred maximum building height does not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- No more than 50 percent of the roof area is occupied by the equipment.
- The equipment is located in a position on the roof so as to minimise overshadowing of neighbouring properties and public spaces.
- The equipment does not extend higher than 3.6 metres above the Preferred Building Height as specified in the precinct provisions at Clause 5 of this Schedule.
- The equipment is designed and screened to the satisfaction of the responsible authority.

### 4.5 Transport Assessment and Management Plan and Integrated Transport Plan

Not less than 60 days prior to any application for use, development and/or subdivision of the whole or any part of Precincts 9 or 10 until a Transport Assessment and Management Plan and Integrated Transport Plan must be submitted to the satisfaction of the responsible authority, VicRoads and Public Transport Victoria.

The Transport Assessment and Management Plan and Integrated Transport Plan must be based on an assessment of the likely transport impacts of the proposed full development of the whole of Precinct 9, recognising the staged development potential of the site over a 15 to 20 year timeframe.
Any permit granted in Precinct 9 must be consistent with the approved Transport Assessment and Management Plan and Integrated Transport Plan.

The ITP must include:

- the assumptions made for the future use and development of and car parking rates for precincts 9 and 10 ("the proposal");
- a modelling of existing transport conditions at the time of the preparation of the ITP;
- a modelling of anticipated future transport conditions on the basis of the proposal;
- a statement of the anticipated transport impacts of the proposal;
- a statement of the access and integrated transport strategies proposed for the proposal;
- a statement of a range of measures which could potentially be employed to mitigate the transport impacts of the proposal including but not limited to:
  - re-allocating of road space, line marking and/or other alterations;
  - traffic and pedestrian signals or roundabouts;
  - parking restrictions;
  - reduced parking provision for specified land uses;
  - improvements to public transport facilities and services;
  - improvement to walking and cycling infrastructure;
  ("the mitigation measures");
- an estimate of the costs of the mitigation measures;
- a statement of the timing of the potential provision of the various mitigation measures relative to stages of the proposal or development yield thresholds;
- a statement of those aspects of the mitigation measures which the owner/developer is prepared to fund or contribute to, having regard to the extent to which the mitigation measures benefit the wider community.

For the purposes of the modelling referred to, the modelling undertaken by GTA Consultants Pty Ltd set out in its report dated 13 May 2013 shall be accepted as the base platform but must be amended or supplemented as follows:

- by using the agreed traffic generation rates recorded in the Summary Report of Transport Experts dated 4 October 2013;
- by extending the modelled areas to include any queue lengths generated beyond the nearest signalized intersections;
- by including Saturday peak conditions on a non-race day;
- by including potential delays caused by the anticipated increase in pedestrian numbers using Moonee Ponds Junction by reason of the proposal;
- by including an analysis without additional clearway or no stopping restrictions;
- by including an additional analysis assuming traffic growth on the road network of 2.5% over ten years;
- an allowance for any impacts associated with the East-West link.

The ITP must be approved by the Responsible Authority prior to the grant of any permit for use, development and/or subdivision of the whole or any part of Precinct 9 or 10. The failure to approve the ITP shall not be a bar to the lodgement or consideration of any permit application.

Notes to reader:
1. Clauses 5.1- 5.8 (Precincts 1 – 8) are not included in this version.
5.9 Precinct 9 – Racecourse Residential and Mixed Use Precinct

5.9-1 Precinct Map

![Precinct Map](image-url)
5.9-2 Precinct Objectives

- To encourage residential, retail, commercial and employment opportunities that will enhance the role and function of Moonee Ponds Activity Centre and the Moonee Valley Racecourse.
- To encourage a street pattern, building design and land use mix that creates opportunities for street level activation, passive surveillance of the street and changing streetscapes.
- To create new and vibrant public spaces for the community.
- To enable taller and more intense built form in the eastern section of the precinct which provides for a transition in height from established residential areas to the north, south and west.
- To ensure a street pattern and subdivision layout which encourage walking and cycling over other modes of transport.
- To ensure that new development, including building heights, that complements the remainder of the Moonee Ponds Activity Centre and the surrounding area.
- To ensure a high standard of building design that displays dwelling diversity, permeability, flexibility, site responsiveness and environmentally sustainability.
- To encourage diversity in housing opportunities, including affordable housing options.
- To implement the land use, urban design philosophy (principles) and built form directions of the Moonee Valley Racecourse Master Plan.

5.9-3 Precinct requirements

Building Height

The preferred building heights specified in Table 1 should not be exceeded.

All preferred building heights within Precinct 9 should be measured from mean ground level.

Table 1 – Building Heights

<table>
<thead>
<tr>
<th>SUB-PRECINCT</th>
<th>PREFERRED MAXIMUM BUILDING HEIGHT (EXCLUDING BASEMENT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9A</td>
<td>11 metres</td>
</tr>
<tr>
<td>9B</td>
<td>20 metres</td>
</tr>
<tr>
<td>9C</td>
<td>32 metres</td>
</tr>
<tr>
<td>9D</td>
<td>14 metres</td>
</tr>
<tr>
<td>9E</td>
<td>50 metres</td>
</tr>
<tr>
<td>9F</td>
<td>32 metres</td>
</tr>
</tbody>
</table>

Setbacks

Despite each of the requirements of clause 4.4 in relation to building setbacks, the following requirements should be met in Precinct 9:

- All new buildings in Sub-precincts 9A, 9B, 9C, 9D, 9E, 9F and 9G should be setback at ground level a minimum 5.0 metres from streets, other than those designated at Residential Front Interface Type 1, Type 2 and Type 3 which should provide a minimum 3.0 metre street setback.

These setback requirements do not apply to minor building projections including balconies, stairs, porches, lightweight covered entries, sunshades and deflection canopies.
5.9-4  Precinct guidelines

**Built Form**

The following guidelines should be met:

- **Interfaces** and **Setbacks** set out in Table 2.

**Table 2 – Interfaces  Street Setbacks**

<table>
<thead>
<tr>
<th>INTERFACE (SHOWN ON THE PRECINCT MAP)</th>
<th>TREATMENT: STREET SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Front Interface – Type 1</td>
<td>Minimum 3.0 metres to the Dean street for buildings up to a height of 11 metres (3 storeys) from ground floor level. Building elements fronting the Dean street above 11 metres (3 storeys) in height set back at an angle of 45 degrees (1:1) from the street wall up to the maximum building height in Table 1 at Clause 5.9-3.</td>
</tr>
<tr>
<td>Residential Front Interface – Type 2</td>
<td>Minimum 3.0 metres to the street up to a height of 14 metres (4 storeys) from ground floor level. Building elements above 14 metres (4 storeys) set back 5.0 metres from the street wall up to the maximum building height in Table 1 at Clause 5.9-3.</td>
</tr>
<tr>
<td>Residential Front Interface – Type 3</td>
<td>Minimum 3.0 metres to McPherson Street and Thomas Street up to the maximum building height in Table 1 at Clause 5.9-3.</td>
</tr>
<tr>
<td>Racecourse Interface - Type 1</td>
<td>Minimum 5.0 metres to the street up to the maximum building height in Table 1 at Clause 5.9-3.</td>
</tr>
<tr>
<td>All other streets</td>
<td>Minimum 5.0 metres to the street up to a height of 20 metres (6 storeys) from ground floor level. Building elements above 20 metres (6 storeys) set back 5.0 metres from the street wall up to the maximum building height in Table 1 at Clause 5.9-3.</td>
</tr>
</tbody>
</table>
• Built form of more than 45 metres in height should be separated by a minimum of 25 metres from other buildings of more than 45 metres in height.
• Where a podium tower built form is proposed, the tower should not occupy more than 50 per cent of the podium footprint.
• Retaining walls within street setbacks should not exceed 1.2 metres in height.
• Balconies located at ground level should not exceed 1.2 metres in height from ground floor level.
• Balconies may project into the setback area, providing design excellence is demonstrated.
• Development should activate the new and existing streets and encourage passive surveillance.
• Built form should respond appropriately to sensitive interfaces in terms of scale, visual mass, overshadowing and overlooking.
• Where residential dwellings front public space at street level, the setback should be landscaped and articulated vertically and horizontally to create well designed public realm.
• Where retail uses front public space at street level, the setback may be used for outdoor seating and furniture.
• Built form should be carefully designed to maintain reasonable levels of sunlight to public spaces at the September equinox.
• Future development should be designed to carefully consider impacts on the amenity of other uses within the Precinct.

• A new landmark building on the corner of McPherson Street and Dean Street, and within Sub-precinct 9E adjacent to the Moonee Valley Racecourse should mark the entry to the racecourse.
• Future development should be designed to minimise wind effects on key public realm areas.
• Car parking for residential development should be provided below ground level, encouraged to minimise visual impact on street.

Use
The following guidelines should be met:
• Encourage mixed use development within Sub-precincts 9C, 9D, 9E and 9F9A, 9B, 9C, 9D and 9E.
• Encourage predominantly residential development within Sub-precincts 9A and 9B 9E and 9G.

Transport / Movement
The following guidelines should be met:
• Kenna Street, Coats Street and Alexandra Avenue should all be extended east into the Precinct to extend the existing street based network, where possible and in accordance with the Moonee Valley Racecourse Master Plan.
• A new north-south street should be established along the eastern edge in the eastern portion of the Precinct (part of Sub-Precinct 9A, 9E, 9F and 9G) to create a connection between Dean Street and Thomas Street, in accordance with the Moonee Valley Racecourse Master Plan.
• Pedestrian and bicycle connections between the Moonee Ponds Creek Trail and Precinct 8 along Wilson Street and Dean Street should be improved.
  • Between McPherson Street and the proposed north-south street, Dean Street should be widened to the north to enhance vehicle and pedestrian movement.
  • The enhancement and beautification of Wilson Street for improved pedestrian and cyclist movement should be encouraged.
• There should be no crossovers for individual dwellings fronting McPherson Street, Thomas Street, Wilson Street, Victoria Street and Dean Street.
Pedestrian access should allow safe and convenient access for patrons going to and from the Racecourse.

Open Space

The following guidelines should be met:

- Public open space should be designed to ensure that it:
  - Is located consistent with the Precinct Map in the form of a single park of not less than 5,000 square metres and additional open spaces up to 2,000 square metres in total (not including land set aside for road reserves, at-grade car parking areas, shared pedestrian and vehicle zones or drainage treatments) in accordance with the Moonee Valley Racecourse Master Plan.
  - Contributes to the diversity of recreation and leisure options available to the community.
  - Receives good levels of sunlight.
  - Is accessible and inviting to the wider population.
  - Accommodates gateways in the Precinct and the Racecourse entry through smaller open space areas.

Multi-purpose Community Facility

The following guidelines should be met:

- A space for a multi-purpose community facility must be provided on site to include:
  - Community meeting rooms
  - Maternal and Child Health rooms
  - Kindergarten/long day child care

Consider the opportunity to incorporate the multi-purpose community facility into any remaining heritage buildings or features of the site (e.g. Main Tote building, Stables).

5.9-5 Any other requirements

Agreement

Before a permit is granted for any use, development or subdivision within Precinct 9, the owner of the land must enter into an agreement to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, for the provision of:

- A public open space contribution in the form of a single park equivalent to 5,000 square metres, and additional open spaces up to 2,000 square metres.
- A financial contribution equivalent to the construction of 2 full sized AFL/Cricket playing fields, including lights and car parking.
- A financial contribution equivalent to the construction of a 500 m² square metre sporting pavilion.
- Contributions or delivery/upgrade on-site or off-site for physical and community infrastructure, having regard to the demand generated by the anticipated additional population within Precinct 9, including:
  - Contribution towards or provision on-site of public art on the site. There is potential to draw upon the racing activities of the land and incorporate this with the retention of heritage features or buildings.
  - Financial contributions toward equivalent to 30% of the construction cost of a Multi-Purpose Community Facility on-site (based on a 500 square metre facility) in accordance with the approved Staging Plan specified at Clause 6.0 of this Schedule.
- Any identified transport mitigation measures and infrastructure identified in the Integrated Transport Plan.
- The timing for delivery of infrastructure at agreed trigger points which are to be based upon the release of residential lots set out in the approved Staging Plan specified at Clause 6.0 of this Schedule.
5.10 Precinct 10 – Moonee Valley Racecourse Precinct

5.10.1 Precinct Map

5.10.2 Precinct Objectives

- To enhance the role and function of Moonee Valley Racecourse as a premier national and international horse racing venue.
- To create new and vibrant public spaces for the community.
- To implement the land use, urban design philosophy (principles) and built form directions of the Moonee Valley Racecourse Master Plan.
- To allow for residential redevelopment of surplus racecourse land adjacent to Wilson Street, generally in accordance with the Precinct 9 Objectives.

5.10.3 Precinct requirements

- Building Height

  The preferred building heights specified in Table 1 should not be exceeded.

  All preferred building heights in Precinct 10 should be measured from mean ground level.

  Table 1 – Building Heights

<table>
<thead>
<tr>
<th>SUB-PRECINCT</th>
<th>PREFERRED BUILDING HEIGHT (EXCLUDING BASEMENT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10A</td>
<td>26 metres</td>
</tr>
<tr>
<td>10B</td>
<td>N/A</td>
</tr>
<tr>
<td>10C</td>
<td>32 metres</td>
</tr>
</tbody>
</table>

- Setbacks

  Despite each of the requirements of clause 4.1 in relation to building setbacks, the following requirements should be met in Precinct 10:

  - All new buildings in Sub-precinct 10A on land designated Residential Front Interface Type 1 and Type 2 should be setback at ground level a minimum 6.0 metres from the title boundary as at 1 September 2013.
  - All new buildings in Sub-precinct 10C on land designated Residential Front Interface Type 2 should be setback at ground level a minimum 6.0 metres from the title boundary as at 1 September 2013.
  - All new buildings in Sub-precinct 10C on land designated Residential Front Interface Type 3 should be setback at ground level a minimum 3.0 metres from the title boundary as at 1 September 2013.

  These setback requirements do not apply to minor building projections including balconies, stairs, porches, lightweight covered entries, sunshades and deflection canopies.

5.10.4 Precinct guidelines

- Built Form

  The following guidelines should be met:

  - Interfaces set out in Table 2.

  Table 2 – Interfaces
### INTERFACE (SHOWN ON THE PRECINCT MAP)

<table>
<thead>
<tr>
<th>Residential Front Interface – Type 1</th>
<th>Minimum 6.0 metres from Wilson Street and Thomas Street up to a height of 11 metres (3 storeys) from ground floor level. Building elements above 11 metres (3 storeys) set back 5.0 metres from the street wall up to the maximum building height in Table 1 at Clause 5.10.3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Front Interface – Type 2</td>
<td>Minimum 6.0 metre setback to Wilson Street up to a height of 20 metres (6 storeys) from ground floor level. Building elements above 20 metres (6 storeys) should be setback at an angle of 45 degrees (1:1) from the street wall up to the maximum building height in Table 1 at Clause 5.10.3.</td>
</tr>
<tr>
<td>Residential Front Interface – Type 3</td>
<td>Minimum 3.0 metre setback to the street up to a height of 14 metres (4 storeys) from ground floor level. Building elements above 14 metres (4 storeys) should be setback 5.0 metres from the street wall up to the maximum building height in Table 1 at Clause 5.10.3.</td>
</tr>
</tbody>
</table>

- Where a podium tower built form is proposed, the tower should not occupy more than 50 per cent of the podium footprint.
- Retaining walls within street setbacks should not exceed 1.2 metres in height.
- Balconies located at ground level should not exceed 1.2 metres in height from ground floor level.
- Development should activate existing streets and encourage passive surveillance.
- Built form should respond appropriately to sensitive interfaces in terms of scale, visual mass, overshadowing and overlooking.
- Built form should be carefully designed to maintain reasonable levels of sunlight to public spaces at the September equinox.
- Future development should be designed to carefully consider impacts on the amenity of other uses within the Precinct.
- Future development should be designed to minimise wind effects on key public realm areas.
• Balconies may project into the setback area, providing design excellence is demonstrated.

• Where residential dwellings front public space at street level, the setback should be landscaped and articulated vertically and horizontally to create well designed public realm.

• Car parking for residential development should be provided below ground level.

Transport / Movement

The following guidelines should be met:

• Pedestrian and bicycle connections between the Moonee Ponds Creek Trail and Precinct 9 along Wilson Street and Dean Street should be improved.

• Wilson Street should be enhanced for improved pedestrian and cyclist movement.

• Vehicular access to the Racecourse, and associated venues should be located to ensure minimal impact on the surrounding road network.

Grandstand

The following guidelines should be met:

• Ensure that the grandstand is well integrated and has its primary pedestrian and vehicle access from the western interface.

• Ensure that the Wilson Street side of the grandstand is placed within a high quality landscaped setting.

• Ensure that ‘back of house’ areas are screened from surrounding residential streets and spaces.
6.0 Application requirements

Buildings and Works

In addition to the application requirements set out at Clause 37.08-7, an application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- Sections of the proposed building(s).
- For a development of four or more storeys:
  - A three-dimensional representation of the proposed development within the streetscape in the context of adjacent development.
  - Streetscape elevations articulating the existing streetscape, the proposed development and how the proposal sits within the elevation.
  - Information which shows the form of the proposal as oblique views from neighbouring streetscapes where any part of the proposal will be visible.
- For the construction of new dwellings under four storeys, an assessment against the relevant provisions of Clause 54 or Clause 55.
- For the construction of a new building, an Environmentally Sustainable Design (ESD) Statement which outlines the ESD initiatives included within the proposal.
- Where a proposal includes building height(s) and/or setbacks which are outside the precinct requirements, a written statement which provides justification for the variance(s).
- A report which outlines a waste management strategy that provides for the efficient storage, disposal and recycling of waste.
- An application for a permit on public land by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for the permit being made.
  - To the application for permit being made and to the proposed use or development.

Precinct 9 and Precinct 10

In addition to the above, an application to construct a building or construct or carry out works in Precinct 9 and 10 must be accompanied by the following information, as appropriate:

- A written statement that assesses a proposal against the approved Moonee Ponds Activity Centre Structure Valley Racecourse Master Plan.
- A Staging Plan outlining:
  - the proposed stages of development,
  - when key components including infrastructure, roads, access ways and parks are to be provided, and how remaining precincts will be managed in the interim,
  - the staging of non-residential development, in Precinct 9,
  - how sensitive the interfaces between the Racecourse and existing and new residential development, existing residential development and the Racecourse are addressed.
- A Transport Assessment and Management Plan that includes, but is not limited to:
  - The likely traffic and pedestrian generation of the proposed development taking into account the surrounding land uses;
  - Results from micro-simulation modelling showing the likely traffic impacts of the proposed development on the land, the broader road network and public transport;
  - Mitigation measures required to address any traffic impacts and alleviate unreasonable delays to public transport arising from the development;
- A road safety audit of the design and proposed traffic management measures and incorporating the recommendations;
- Road layouts, widths and reserves, intersection treatments and site access;
- Traffic management measures and signalisation, including proposed tram and bus priority measures;
- Movement networks within the precinct for vehicles, bicycles and pedestrians;
- The design of the footpaths, bicycle paths and shared pathways network;
- Existing and proposed public transport routes and stops near the site;
- Any impacts from the proposed East West Link.

- An Integrated Transport Plan that includes, but is not limited to:
  - The expected demand for travel by people who will live, work or visit the site and target transport mode split to encourage walking, cycling and use of public transport by future residents;
  - Existing and proposed public transport routes, stops and infrastructure (e.g. shelters, indented bays, signage, pedestrian crossings) within the site and surrounds;
  - An indicative hierarchy of internal local roads proposed for the site that:
    - Complements the surrounding network;
    - Recognises the primacy of pedestrian and bicycle access within the site;
    - Provides a high level of amenity and connectivity, while managing the movement of vehicles travelling on Wilson Street, Dean Street, McPherson Street and Thomas Street; and
    - Allows for appropriate levels of manoeuvrability for emergency and service vehicles; and are of sufficient width to accommodate wide footpaths, new trees and bicycle lanes.
  - The provision of a network of safe and convenient pedestrian and bicycle accessways to and through the site and connecting with public transport stops and the surrounding area, and encouraging the use of sustainable travel modes to local amenities;
  - Recommended car parking and bicycle parking rates and the location and layout of on-site car and bicycle parking areas and access to and from them;
  - Opportunities for providing a car share scheme;
  - Provision for loading and unloading of vehicles, including waste collection and delivery vehicles, and means of access to and from them;
  - Green Travel Plan initiatives, including a new resident awareness and education program;
  - Opportunities for providing improved public transport services and facilities;
  - The means proposed to address and mitigate the impacts of traffic generated by the development on the surrounding road network, including any unreasonable delays to public transport services, including:
    - Any required upgrades or modifications (e.g. road widening, re-allocation of road space, parking restrictions, traffic and pedestrian signals, walking and cycling infrastructure improvements, and public transport improvements);
    - Estimated costs of the mitigation measures; and
    - How and when the mitigation measures should be funded and delivered;
  - Any interim measures that should be undertaken until such time as major transport infrastructure provision is undertaken;
  - Provision for continuing monitoring and review of the implementation of the plan; and
  - Any impacts from the proposed East West Link.
• A Serviced Engineering Infrastructure Plan, which includes:
  - The Services and Engineering Infrastructure Report must be prepared and include:
    - An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development;
    - A description of the proposed provision of all appropriate utility services to development parcels;
    - Preparation of a stormwater drainage master plan, including measures to ensure appropriate protection of the Moonee Ponds Creek adjacent to the land; and
    - The identification of the location of any on-site drainage retention facilities.

• An Environmental Sustainable Design Plan Management Plan, which demonstrates:
  - The incorporation of recognised technologies and best practice where practical;
  - Energy conservation, with the objective of contributing to industry standards of national and international efforts to reduce energy use and greenhouse gas emissions;
  - Water conservation, ensuring water resources are managed in a sustainable way;
  - Water sensitive urban design and options ensuring the reduction of the impacts of stormwater on bays and catchments consistent with general principles as detailed in the Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water);
  - Transport planning with the aim of encouraging walking, cycling and use of public transport;
  - Land-use and transport planning and infrastructure provision to contribute where practical to improved air quality;
  - Options to reduce the amount of waste generated and encourage increased value recovery and/or recycling of waste materials;
  - Building materials conservation;
  - Sustainability options in demolition and construction practices;
  - Landscaping considering the provision of habitat, green spaces, and climate control as appropriate;
  - Indoor environmental quality and healthy internal environments.

• Stormwater and Drainage Plans including those relating to water conservation, treatment and reuse facilities.

• A Wind Analysis.

• A Heritage Impact Statement, considering the recommendations of an approved Conservation Management Plan or relevant Incorporated Plan, prepared to the satisfaction of the Responsible Authority, which addresses changes to items of heritage interest including the Club Secretary House and Garden, Interpretation Strategy for a development that is proposed on land that is occupied by the S.R. Burston Stand, Alistair Clark Rose Garden and Manikato Garden, Main Tote, Horse Stalls/Birdcage and Perimeter Fence along Dean Street. The Impact Statement interpretation strategy should outline the initiatives proposed to interpret, document or relocate (as appropriate) the built form or elements of those buildings or gardens within Precincts 9 or 10, prior to the commencement of the development that is the subject of the permit application.

• Event Management Plan
  For an application for buildings and works to construct a grandstand at the racecourse, an event management plan must be submitted with the application to the satisfaction of the responsible authority. The event management plan:
  - will apply to all non-race day functions or events expected to attract more than 400 people to the Moonee Valley Racing Club (Events). A separate plan will not be required to be
prepared for each individual event. No plan is required for events expected to attract less than 400 people;

- must show proposed traffic and pedestrian management procedures for the Events and cooperation, where appropriate, with Victoria Police, VicRoads and Moonee Valley City Council;

- must specify parking area management procedures for the Events including location, ingress and egress points, vehicle capacity, hours of operation and staffing.

- **A Construction Management Plan** which includes, but is not limited to, the following:
  
  - Staging of construction;
  - Management of public access and linkages around the site during construction;
  - Site access, parking and traffic management;
  - Any works within the road reserves of surrounding streets;
  - Any impacts on public transport operations;
  - Sediment control and site drainage;
  - Hours of construction;
  - Control of noise, dust and soiling of roadways;
  - Discharge of polluted waters;
  - Demolition and excavation;
  - Storage of construction materials;
  - Location of site offices, and cranes;
  - Public safety;
  - Management of potentially contaminated materials;
  - Collection and disposal of building and construction waste; and
  - Methodology for responding to complaints associated with the construction works and provide site manager contact details.

All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority.

### 7.0 Notice and review

An application to construct a building or construct or carry out works is not 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 exceeds the preferred building heights or does not meet other precinct requirements contained within Clause 5 of this schedule.

An Application under clause 63 or a Particular Provision of this scheme for land in Precinct 9 or 10 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.

An application to use the land for the purposes of a Gambling premises, Hotel, Place of assembly or Tavern is not 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. **This subclause does not apply to land in Precincts 9 and 10.**

### 8.0 Decision Guidelines

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

**Buildings and Works**

Whether new development:
Locates main entry foyers to address road frontages, with service and secondary entries away from the main frontage.

Incorporates Water Sensitive Urban Design (WSUD) principles within new laneway connections while still providing adequate access for users.

Locates primary vehicle and loading access from the local access roads, as specified in the Moonee Ponds Framework Plan at Clause 1.0.

Avoids above ground car parking where it is visible from the street frontage and where it may diminish the opportunity for ground level activity or pedestrian access.

Minimises the number of access points to on-site car parking from any road, provides a minimum setback to enable vehicles to drive in and provides clearly delineated vehicle crossovers to ensure minimal disruption of the pedestrian environment and traffic flows.

Where a building exceeds preferred heights, whether the development demonstrates an urban design benefit having regard to the following design objectives:

Provide for taller building forms to occur in the central areas of the Activity Centre, progressing along Mount Alexander Road to within the Junction, and in Precinct 9E.

On larger sites, articulate the building’s overall volume to present as a number of distinct elements.

At the periphery of the Activity Centre, provide heights and setbacks that provide a transition to the scale of residential areas.

Provide high quality restoration and adaptive re-use of heritage buildings, features and landscape.

Whether new development:

Avoids architectural mimicry.

Reflects the important horizontal and vertical patterns of local building stock through careful definition of building levels, entries, fenestration and the proportion and division of solid and transparent façade elements.

Incorporates active uses to the roof areas of buildings, either as open space in the sky for building users or as part of a green roof sustainability initiative.

Identifies opportunities for sensitively located photo-voltaic (solar) panels.

Limits the use of non-renewable construction materials and utilises building materials that are low in embodied energy.

Whether residential development:

Allows for the establishment of contained landscaped plantings on upper level terraces, decks or balconies that contribute to both the internal amenity of a dwelling and the public domain.

For properties designated as future or existing landmark building sites within Clause 5 of this schedule, whether future built form:

Highlights the built form through the use of projections, detailing and massing that presents to the surroundings and street frontages.

Complements rather than dominate the existing built form through height, bulk and scale.

Continues to provide a key point of reference for users of the centre.

Enhances gateway views into the centre.

If designated an existing landmark building site, retains the key characteristics of the existing built form.

If designated a future landmark building site, provides an iconic built form which differentiates itself from surrounding buildings.

In addition to the above, whether development in Precinct 9 and 10 is consistent with the Moonee Valley Racecourse Master Plan.
9.0 Advertising Signs

Advertising sign requirements are at Clause 52.05. All land located within Sub-precincts 1A, 1B, and 1C is in Category 4. All land located within Sub-precincts 2A, 5C, 7D, 7E and Precinct 9 is in Category 3. All other land is in Category 1.

10.0 Reference documents

Design Guidelines for Multistorey Residential Buildings (Moonee Valley City Council, December 2003)

Moonee Ponds Activity Centre Background Summary (Moonee Valley City Council, June 2009).

Moonee Ponds Activity Centre Structure Plan (Moonee Valley City Council, March 2010). [to be updated]

Moonee Valley Racecourse Master Plan (Tract Consultants)
Appendix G  Schedule 2 to the SUZ (Committee)
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

MOONEE VALLEY RACECOURSE

Purpose

To provide for areas in private ownership to be used and developed for racecourse facilities, and a range of other uses compatible with the racecourse use.

To encourage the orderly planning and development of these facilities and other uses in a manner which does not adversely affect the amenity of the neighbourhood and encourages consolidation of the existing urban area.

To enhance the role and function of Moonee Valley Racecourse as a premier national and international horse racing venue.

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 training</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Betting Agency</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>The land must be used in accordance with a Master Plan approved by the Responsible Authority.</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Office with a floor area of not more than 500 sq. m.</td>
<td>Must be directly associated with the racecourse.</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement Parlour)</td>
<td>Land must be used in accordance with an Event Management Plan approved by the Responsible Authority.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Rail</td>
<td></td>
</tr>
</tbody>
</table>
Search for stone  Must not be costeaning or bulk sampling

Tramway

Section 2 - Permit required

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Keeping</td>
<td></td>
</tr>
<tr>
<td>Gambling Premises</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone or soil extraction (other than Extractive Industry, Mineral exploration, Mining and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Office (if the Section 1 Condition is not met)</td>
<td>Must have a floor area of not more than 500 square metres</td>
</tr>
<tr>
<td>Restricted Retail Premises</td>
<td>Must only include Equestrian supplies</td>
</tr>
<tr>
<td>Retirement Village</td>
<td></td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in Section 1 or 2</td>
</tr>
<tr>
<td>Accommodation (other than Caretaker's house)</td>
</tr>
<tr>
<td>Adult Sex Book Shop</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Extractive Industry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
</tbody>
</table>

2.0 Use of land for an event or a place of assembly

Land must not be used for an place of assembly (for non-racing events) for more than 400 people or for a place of assembly (for racing events) for more than 5,000 people unless an Event Management Plan has been approved by the responsible authority.

The requirements of the Event Management Plan must be met to the satisfaction of the responsible authority.

3.0 Subdivision

A permit is required to subdivide land.
4.0 Buildings and works

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

Buildings should not exceed 26 metres in height.

Building elements above 20 metres (6 storeys) should be setback at an angle of 45 degrees (1:1) from the street wall up to 26 metres in height.

The following guidelines should be met for an application for buildings and works to construct a grandstand:

- Ensure that the grandstand is architecturally compatible with the streetscape character of Wilson Street and has its primary pedestrian and vehicle access from Thomas Street.
- Ensure that the Wilson Street side of the grandstand is placed within a high quality landscaped setting.
- Ensure that ‘back of house’ areas are screened from surrounding residential streets and spaces.

5.0 Application requirements

An application to construct a building or to carry out works must be accompanied by information including:

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

- Any Master Plan approved for the site.
- The location and type of landscaping to be provided.
- Provision for access to and from the site.
- A report which outlines a Waste Management Strategy that provides for the efficient storage, disposal and recycling of waste.
- A Staging Plan that outlines:
  - the proposed stages of development,
  - how sensitive interfaces between the Racecourse and existing and new residential development are addressed.
- An Integrated Transport Plan for the Racecourse site that includes, but is not limited to:
  - An assessment of the transport, traffic, pedestrian and bicycle access and parking needs of the development and impacts on the existing road network;
  - The expected demand for travel by people who visit the site and target transport mode split to encourage walking, cycling and use of public transport;
  - Provision for loading and unloading of vehicles, including waste collection and delivery vehicles, and means of access to and from them;
  - Upgrades or modifications to surrounding roads, mainly Wilson and Dean Streets, including widening to improve pedestrian and bicycle movements to and from Moonee Ponds Creek Trail, and signalisation at the intersection of Wilson Street/Juliet Street/Racecourse site access;
  - Any impacts from the proposed East West Link; and
  - Provision for continuing monitoring and review of the implementation of the plan.
- A Serviced Engineering Infrastructure Plan, which includes:
  - An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development;
  - A description of the proposed provision of all appropriate utility services to development parcels;
  - Preparation of a stormwater drainage master plan, including measures to ensure appropriate protection of the Moonee Ponds Creek adjacent to the land; and
- The identification of the location of any on-site drainage retention facilities.

**An Environmental Sustainable Design Plan**, which demonstrates:

- The incorporation of recognised technologies and best practice where practical;
- Energy conservation, with the objective of contributing to industry standards of national and international efforts to reduce energy use and greenhouse gas emissions;
- Water conservation, ensuring water resources are managed in a sustainable way;
- Water sensitive urban design and options ensuring the reduction of the impacts of stormwater on bays and catchments consistent with general principles as detailed in the Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water);
- Land-use and transport planning and infrastructure provision to contribute where practical to improved air quality;
- Options to reduce the amount of waste generated and encourage increased reuse and recycling of waste materials;
- Building materials conservation;
- Sustainability options in demolition and construction practices;
- Landscaping considering the provision of habitat, green spaces, and climate control as appropriate;

**A Construction Management Plan** which includes, but is not limited to, the following:

- Staging of construction;
- Management of public access and linkages around the site during construction;
- Site access, parking and traffic management;
- Any works within the road reserves of surrounding streets;
- Any impacts on public transport operations;
- Sediment control and site drainage;
- Hours of construction;
- Control of noise, dust and soiling of roadways;
- Discharge of polluted waters;
- Demolition and excavation;
- Storage of construction materials;
- Location of site offices, and cranes;
- Public safety;
- Management of potentially contaminated materials;
- Collection and disposal of building and construction waste; and
- Methodology for responding to complaints associated with the construction works and provide site manager contact details.

All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority.

**Event Management Plan**

An application for buildings and works to construct a grandstand must be accompanied by an Event Management Plan which:

- will address all race events expected to attract more than 5,000 people;
- will specifically address the WS Cox Plate event;
- will address all non-race day functions or events expected to attract more than 400 people to the Moonee Valley Racing Club (Events). A separate plan is not be required to be prepared for each individual event;
• must show proposed traffic and pedestrian management procedures for the Events and cooperation, where appropriate, with Victoria Police, VicRoads and Moonee Valley City Council; and
• must specify parking area management procedures for the Events including location, ingress and egress points, vehicle capacity, hours of operation and staffing.

5.0 Signage

Advertising sign requirements are at Clause 52.05. All land is within Category 3.

6.0 Exemption from notice and appeal

Any application to construct a building or to construct or carry out works that is in accordance with a Master Plan approved by the Responsible Authority 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.

7.0 Decision Guidelines

Before deciding on an application, the responsible authority must consider as appropriate:
• The interface with adjoining zones, especially the relationship with residential areas.
• The location and type of access to the site.
• The appearance and bulk of buildings having regard to adjoining zones, especially the relationship with residential areas.
• The provision of landscaping.
• The effect of the development on the amenity of the neighbourhood, including the effects of noise, lighting and overshadowing.
• The provision of car parking.
• The movement of pedestrians and cyclists and access to public transport.
• Loading and service areas.