



Urban Planning Collective

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Planning Submission

Northeast Precinct - Trackside
Gardens, 110 Wilson Street, Moonee
Ponds
17 July 2026

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Planning Submission

Northeast Precinct - Trackside Gardens, 110 Wilson Street, Moonee Ponds

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1.0 EXECUTIVE SUMMARY

This submission has been prepared on behalf of Hamton Hostplus JVMV Pty Ltd (**Hamton**) in support of a planning application for the staged development of land known as 110 Wilson Street, Moonee Ponds (**the subject site**). The subject site forms part of a parcel of land known as the North-East Precinct (**NEP**) and complements the staged development of surplus Moonee Valley Racecourse (**the Racecourse**) land to the west, known as Moonee Valley Park (**MVP**).

Since 2015, and subsequent to the area being rezoned to an Activity Centre Zone, the land to the west of the subject site has been undergoing redevelopment by Hamton and Moonee Valley Racing Club (**MVRC**) for residential, commercial, retail and community purposes. When completed, it will comprise a new neighbourhood in Moonee Ponds, situated within the broader Moonee Ponds Major Activity Centre (**MPAC**) and at the edge of the MVRC realigned racetrack, new Grandstand, racing facilities and infield. The ultimate realisation of MVP will see approximately 2,000 new dwellings, new areas of public open space, mixed use and commercial precincts, and a new gateway entrance to the MVRC.

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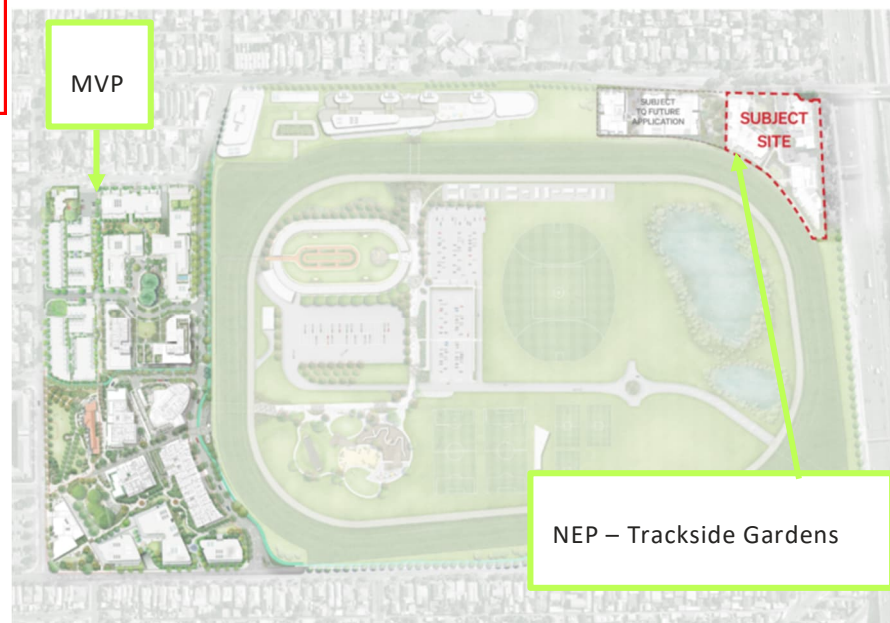


Figure 1: Site Overview (Source: Urban Context Report, DKO Architects)

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APPROVED GRANDSTAND SITE ANALYSIS

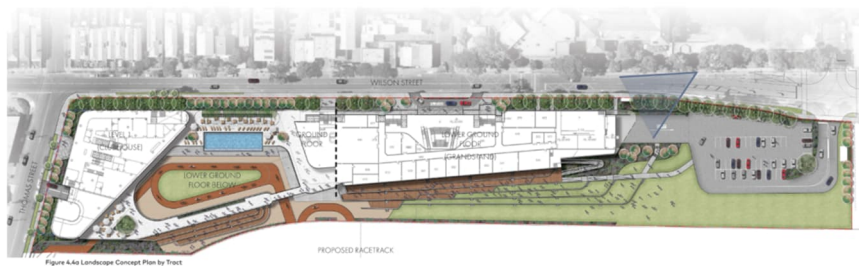


Figure 2: Approved Grandstand (Source: Urban Context Report, DKO Architects)

The proposal is situated on the north-eastern side of the Racecourse, to the south of Wilson Street and to the immediate west of the Citylink Freeway reserve. Its immediate eastern interface is to land contained within the broader superlot that forms part of the NEP. The new Grandstand and associated facilities are located further east, and the subject site is situated to the north of the realigned racetrack. The proposal contemplates a residential redevelopment of the subject site including the provision of affordable housing. It is referred throughout the application material as 'NEP' or 'Trackside Gardens'.

It is proposed to construct 3 apartment buildings one of which will contain affordable housing comprising 20% of the total number of dwellings proposed. It includes generous outdoor communal areas to serve residents of the precinct. The public realm improvements also involve significant new landscaping opportunities.

The architectural vision for the proposed development centres around buildings in a botanical park setting that champions the important role of nature. The proposal incorporates principles of biophilic design, with landscape and environmentally sustainable development influencing the ultimate design response of the buildings and prioritising the ground plane to ensure a high amenity for both occupants and visitors.

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Figure 3: North East Precinct indicative render (Source: Urban Context Report, DKO Architects)

From a statutory planning perspective, the subject site is located in the Mixed Use Zone – Schedule 2 (**MU22**) and is affected by the Development Contributions Plan Overlay – Schedule 1 (**DCPO1**), Design and Development Overlay – Schedule 12 (**DDO12**) and Heritage Overlay – Schedule 379 (**HO379**).

1.1 SIGNIFICANT SOCIAL, ENVIRONMENTAL AND ECONOMIC BENEFITS

Hamton seeks to redevelop the former Racecourse land for a significant residential development comprising approximately 506 new homes, with a minimum of 20% delivered as affordable housing upon delivery of the overall (staged) NEP development).

The proposal unlocks significant **new housing opportunities** on land located within a mixed-use zone, with limited sensitive interfaces, making a significant contribution to the State Government target of 80,000 new homes each year. More specifically, the proposal directly contributes to the State Government’s finalised ‘Statewide housing targets’, which in Moonee Valley City Council sets a net target of 47,500 new dwellings by 2051 within the municipality (with the current number of existing homes being 56,900).

As noted in Victoria’s Housing Statement (**VHS**), the status quo is not an option in responding to the current housing crisis, and there is a need to

unlock land within existing middle ring suburbs, where infrastructure and community services already exist. The subject site is one of these.

The proposal will address these key outcomes of VHS:

- *Unlocking new spaces to build – including across established suburbs and government land – to boost supply and stope urban sprawl.*
- *Building more homes closer to where people have the transport, roads, hospitals and schools they need.*
- *Delivering vital community infrastructure – like footpaths and parks – faster.*
- *...We need to create more housing with the best design standards, where people want to live. And that means going up and out – not just out. By unlocking new spaces to build homes across established suburbs, we'll top urban sprawl and boost housing supply in the places Victorian's want to be – close to where they work, or send their kids to school. And by delivering vital community infrastructure in those suburbs, we'll make sure they stay places where Victorians want to live.*
- *Across Victoria, more people are renting than ever before, and for longer...We know the best things we can do to make rental properties more affordable is build more of them. That's why the work this Housing Statement does to boost supply is critical for renters – because it's only when housing is abundant that it'll also be affordable. In other words, it's only by supplying more rental properties – not taking them off the market – that we'll be able to make renting where you want to live more affordable, for more people.*

The proposal will **enhance pedestrian, cyclist and vehicle permeability** in an around the subject site resulting from comprehensive site analysis that prioritised pedestrian movement within and through the precinct.

These upgrades and public realm improvements will not only benefit the proposed development, but also **improve the functionality, quality and amenity of the neighbourhood** to ensure it is capable of servicing and facilitating the existing and future members of the community.

The proposal will be an **exemplar of the Nature Based Cities (NBC) initiative**, which is a not-for-profit, private sector initiative that seeks to encourage more property developments in inner and middle ring suburbs of major cities around the world to incorporate more existing trees, new canopy trees, living landscapes and green open space in their projects. The

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NBC initiative was founded by Paul Hameister OAM (also the Founder and Executive Chair of Hamton) in partnership with research conducted alongside the University of Melbourne, Urbis, Ark Resources and Tract to demonstrate the commercial, social, economic and environmental benefits of integrating nature with development.

The University of Melbourne in its report for NBC states that: *‘Creating nature based cities, in which green spaces are essential elements integrated in the urban fabric of our cityscapes, is critical for sustainable and liveable urban futures.’*

The NBC Design Guidelines provide a framework and directions required for new development to *‘create thriving environments for the health and well-being of all its inhabitants’*. The NBC Design Guidelines have been used to guide the design of this proposal and to lead the way for other developers to adopt and follow.

As part of responding to the NBC Design Guidelines, the proposal seeks to maximise planting opportunity at the ground plane and to the vertical surfaces of buildings, as well as providing planting opportunity to both private and communal open spaces.

A comprehensive landscape concept has been developed, which includes **opportunities for deep soil canopy tree planting**, landscaping and provision of green links connecting the subject site to the existing public realm.

In addition to delivering an infill development that will be an **exemplar NBC project, from an Environmentally Sustainable Design (ESD)** perspective, the proposal will also:

- attain a certified 5 star Green Star standard based on the Buildings rating tool (V1 Rev C)
- achieve a NatHERS development rating average of 7.5 stars
- achieve an Exemplary Nature Based Cities score
- attain the Best Practice standard for urban stormwater quality.

Given the scale of the proposal, it is anticipated that the redevelopment of the subject site itself will also contribute to a **significant employment opportunity** for members of the Victorian community.

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1.2 PLANNING PERMIT TRIGGERS

In summary, the proposal requires a planning permit pursuant to:

- Clause 32.04-7 to construct two or more dwellings on a lot, dwellings on common property and residential buildings.
- Clause 43.02-2 to construct a building or construct or carry out works.
- Clause 52.06-3 to reduce the number of car parking spaces required under Clause 52.06-5.
- Clause 52.37-2 to remove a boundary canopy tree (Tree 14).

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application under Clause 53.23 of the Moonee Valley Planning Scheme (**the Scheme**).

It is noted that a Cultural Heritage Management Plan is not required, as the subject site has been the subject of significant ground disturbance.

1.3 PRE-APPLICATION PROCESS

Extensive and ongoing pre-application discussions and correspondence have occurred with Council, Development Facilitation Program (**DFP**) via the Department of Transport and Planning (**DTP**), as well as a pre-application meeting with the Council.

The proposed development, as reflected in the material accompanying this submission, has been revised to incorporate feedback received during the pre-application consultation process.

1.4 ACCOMPANYING MATERIAL

This submission should be read in conjunction with the following material:

- Certificate of Title.
- Quantity Surveyor Report prepared by WT.
- Urban Context Report (**UCR**) prepared by DKO Architects.
- Architectural Plans prepared by DKO Architects.
- Urban Design Report prepared by McP Studio.
- Landscape Plan and Report and Nature Based Cities Scorecard prepared by Tract Consultants.
- Sustainable Management Plan (**SMP**) prepared by ARK Resources.
- Stormwater Management Plan (**SMP**) prepared by MCG.
- Civil Plans prepared by MCG.
- Environmental Wind Assessment prepared by MEL Consultants.
- Transport Impact Assessment (**TIA**) prepared by Ratio.
- Waste Management Plan's (**WMP's**) prepared by Leigh Design.
- Affordable Housing Report prepared by UrbanXchange.

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- Arboricultural Assessment prepared by Treelogic.
- Feature and Level Survey prepared by Taylors.
- Economic Impact Assessment prepared by Deep End Services.
- Quantity Surveyor (QS) Report prepared by WT.
- Acoustic Report prepared by Acoustic Logic.
- Services Report prepared by Ascot Consulting Engineers.
- Site Contamination Assessment prepared by Pit & Sherry.
- Cultural Heritage Assessment prepared by Unearthed Heritage.

1.5 SHOULD A PERMIT ISSUE?

As this submission demonstrates, the design of the proposed development has evolved from a detailed consideration of site opportunities and constraints, having regard to a thorough first principles analysis which incorporates consideration of the strategic policy setting affecting the NEP, as well as the specific urban and spatial context to form the foundation for establishing urban design principles to guide the development outcome on the land.

When considered through this prism of analysis, conflicting objectives and requirements are appropriately balanced in favour of net community benefit and sustainable development, as required by Clause 71.02-3 of the Scheme, and the proposed use and development demonstrably achieves the acceptable planning outcomes sought by the Scheme.

Specifically, the proposed development achieves the objectives and implements the relevant strategies of the Scheme in that:

- It contributes to the provision of more diverse, sustainable, affordable and compact housing in a location specifically identified by the community as an appropriate location for substantial change.
- The housing proposition includes a significant commitment to deliver a minimum of 20% of the dwellings as affordable housing across the overall NEP, as defined pursuant to Section 3AA of the *Planning and Environment Act 1987*.
- The development form is respectful of the design objectives established under DDO12, and MVP and the MPAC's preferred future built form morphology and character for the land to the west, whilst adhering to a 'first principles' analysis of the specific characteristics of the subject site in respect to building height, setbacks, separation of form, the importance of a landscape setting and the need to provide and protect high levels of internal and external residential amenity.

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- The proposal is an exemplar of mixed-use, higher density infill and nature-based development, which will achieve a net community benefit and sustainable development outcome. It appropriately encapsulates the balancing act required by the integrated decision-making provision of the Scheme.
- These benefits are all delivered without generating any unreasonable impacts upon adjacent properties due to the site's physical separation from neighbours and its ideal characteristics to accommodate more intensive development.

It follows that a planning permit should issue for the proposed development.

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2.0 THE PROPOSAL

The proposal seeks approval for 3 residential buildings including 506 Clause 58-compliant dwellings.

The affordable housing component is to be accommodated within Wilson East Building with the remaining buildings comprising of Build to Sell (**BTS**) apartments. Within each building will be a mix of complementary communal facilities and basement car parking.

It is intended that the development will comprise a minimum of 20% affordable housing.

Landscaping

The precinct is to be comprehensively landscaped, both at the ground plane with existing and new canopy trees, and via vertical greening to the proposed buildings at the upper levels. The landscape approach is informed by the principles of biophilic design established within the Nature Based Cities Exemplary Design (**NBCED**) framework.

Parking

518 car parking spaces will be contained within basement levels with access and facilities consolidated where appropriate. This will be complemented by 517 bicycle parking spaces will be distributed throughout the subject site.

Building Height and Massing

The proposed maximum building heights, measured from the centre of the site's frontage (RL21.59) in accordance with the requirements of DDO12, range from 61.8 metres (Wilson East) to 86.4 metres (Track East).

Each building has a maximum building height above the centre of the site's frontage (RL21.59), as follows:

Building	Height (Metres/RL)
Track Central	69.5m / AHD 91.10
Wilson East	61.8m / AHD 83.40
Track East	86.4m / AHD 108.00

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3.0 DECISION MAKING FRAMEWORK

3.1 THE PHYSICAL CONTEXT

The subject site is located approximately 6 kilometres to the north-west of the Melbourne Central Business District (CBD) and is located to the east of the MPAC, Moonee Valley's highest order activity centre and a key strategic focus for accommodating the municipality's future population and employment growth.

As outlined above, the surrounding context is characterised by the subject site's identification for redevelopment opportunity following the divestment of the land by MVRC and the subsequent redevelopment of the land to the west of the precinct (Refer Figure 5 below).



Figure 4: Aerial Photo of the subject site and broad surrounds (Source: Nearmap, December 2025)

The subject site and planning unit for this planning permit application is limited to 8,475.3 square metres of land and forming part of Lot D on Plan of Subdivision 805188R contained on Certificate of Title 120627 Folio 568.

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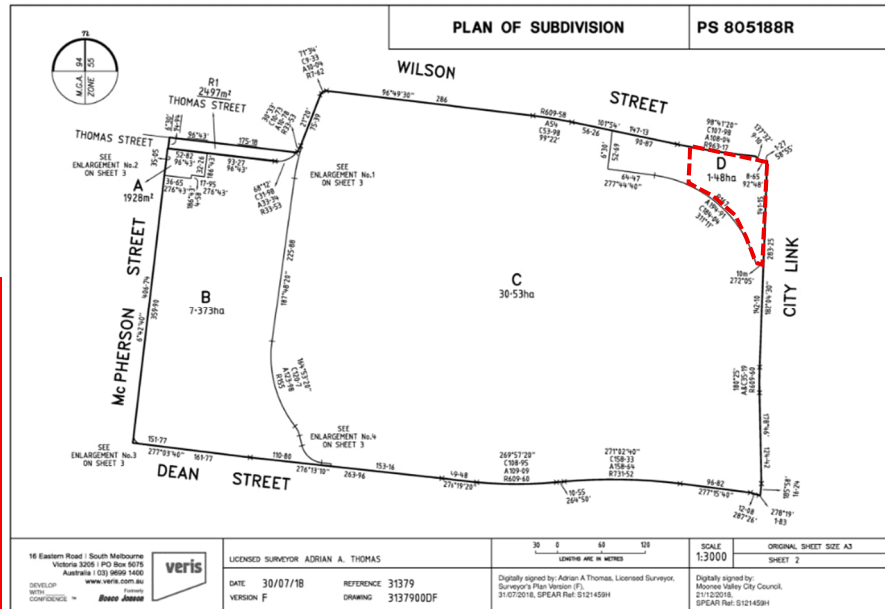


Figure 5: Copy of Plan for the subject site with planning unit defined

The Certificate of Title contains two (2) Agreements; Section 173 Agreement AQ569425F and Section 173 Agreement AR766959H, which relate to agreed Public Open Space Contributions and Staging Plan/s.

A detailed description of the subject site and surrounds is provided at Appendix 2.

3.2 THE STRATEGIC POLICY CONTEXT

3.2.1. Municipal Planning Strategy

The Municipal Planning Strategy (**MPS**) is outlined at Clause 02 of the Scheme. Of the MPS, the following clauses are relevant to the proposed development:

- Clause 02.01 Context
- Clause 02.03-1 Settlement
- Clause 02.03-4 Built environment and heritage
- Clause 02.03-5 Housing
- Clause 02.03-6 Economic development
- Clause 02.03-7 Transport
- Clause 02.03-8 Infrastructure
- Clause 02.04 Strategic Framework Plans

3.2.2. Planning Policy Framework

The Planning Policy Framework (**PPF**) is outlined at Clauses 10-19 of the Planning Scheme. The PPF underpins the key objectives of the Planning and Environment Act 1987 (**the Act**) and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls.

It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Of the PPF, the following clauses relevant to this proposal are as follows:

- Clause 11.01-1S Settlement
- Clause 11.02-1R Settlement – Metropolitan Melbourne
- Clause 11.02-1S Development capacity
- Clause 11.03-1S Activity centres
- Clause 11.03-1R Activity centres and precincts – Metropolitan Melbourne
- Clause 12.01-1L Vegetation
- Clause 12.06-1S Urban forests
- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 15.01-1S Urban design
- Clause 15.01-1R Urban design – Metropolitan Melbourne
- Clause 15.01-1L Urban design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-2L-02 Energy and resource efficiency
- Clause 15.01-2L-03 Environmentally sustainable development
- Clause 15.01-4L A healthy city
- Clause 15.01-1L Heritage conservation
- Clause 16.01-1S Housing supply
- Clause 16.01-1R Housing supply – Metropolitan Melbourne
- Clause 16.01-1L Housing growth
- Clause 16.01-2S Housing affordability
- Clause 16.01-2L Affordable housing
- Clause 18.01-1S Land use and transport integration
- Clause 18.01-3S Sustainable and safe transport
- Clause 18.01-2L Transport modes
- Clause 18.01-1-3L Walking and cycling
- Clause 18.02-4L Car parking
- Clause 19.02-6S Open space
- Clause 19.02-6L Open space
- Clause 19.03-3L Water sensitive urban design

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- Clause 19.03-5L Waste and resource recovery

With regards to the operation of the PPF, Clause 71.02-3 of the Scheme states:

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Victorians have various needs and expectations such as land settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental, and social wellbeing affected by land use and development. The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the present and future generations.

(our emphasis)

3.2.3. Other Relevant Strategic Documents

Other relevant strategic documents include:

- MV2040 Strategy
- Moonee Valley Racecourse Redevelopment Advisory Committee Report (2013)
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy
- Plan for Victoria (2025)
- Victoria's Housing Statement
- Statewide housing targets

A detailed summary of the strategic policy context is provided at **Appendix 3**.

3.3 THE PLANNING CONTROLS AND PERMIT TRIGGERS

The subject site is located within the Mixed Use Zone – Schedule 2 (**MU22**) and is affected by the Development Contributions Plan Overlay – Schedule 1 (**DCPO1**), Design and Development Overlay – Schedule 12 (**DDO12**) and the Heritage Overlay – Schedule 379 (**HO379**).

A detailed summary of the planning controls is provided at **Appendix 3**.

A detailed summary of the DDO12 application requirements is provided at **Appendix 4**.

Other applicable planning controls include:

- Clause 52.06 Car Parking
- Clause 52.17 Native Vegetation
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater management in urban development
- Clause 52.23 Significant residential development with affordable housing
- Clause 52.37 Canopy Trees
- Clause 58 Apartment developments

A planning permit is required pursuant to the following clauses of the Scheme:

- Clause 32.04-7, construction and extension of two or more dwellings on a lot (MU22).
- Clause 43.02-2, to construct a building or construct or carry out works (DDO12).
- Clause 52.06-3, to reduce the number of car parking spaces required under Clause 52.06-5 (Car Parking).
- Clause 52.37-2, to remove a boundary canopy tree in the Mixed Use Zone under Clause 52.37 (Canopy Trees).

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application under Clause 52.23 of the Scheme.

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IS AN ACCEPTABLE PLANNING OUTCOME ACHIEVED?

The proposal has evolved from a careful and detailed ‘first principles’ urban design analysis which has thoroughly considered the site opportunities and constraints in the context of the existing and evolving strategic and statutory policy context.

Whilst the DDO12 sets out specific design parameters for the subject site, it was conceived and applied to the subject site prior to the development of a range of significant policy initiatives which have subsequently fundamentally changed the strategic policy context for the development site, including:

- Victoria’s Housing Statement (2024)
- Plan for Victoria (2025)
- MV2040 Community Vision and Strategy (2025)

These policies particularly identify the need to significantly increase housing supply throughout Victoria, including facilitating the delivery of affordable housing.

When often conflicting objectives and requirements are appropriately balanced in favour of net community benefit and sustainable development, as required by Clause 71.02-3 of the Scheme, the proposed use and development achieve the acceptable planning outcomes sought by Clause 65 of the Scheme.

Specifically, the proposed development achieves the objectives and implements the relevant strategies of the Scheme, in that:

- It contributes to the provision of more diverse, sustainable, affordable and compact housing.
- The development form is respectful of MVP and MPAC’s preferred future built form morphology and character, whilst also directly responding to the ‘island-like’ nature of NEP, with respect to building height, setbacks, the importance of a landscaped setting and the need to provide and protect high levels of internal and external residential amenity.
- The proposal integrates existing and new canopy tree and landscaping throughout the subject site, centred on a diverse range of publicly accessible areas. The development will deliver significant environmental and ecological benefits to present and future generations.
- The proposal is an exemplar of higher density infill and nature-based development, which will achieve a net community benefit and sustainable development outcome. It appropriately

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encapsulates the balancing act required by the integrated decision-making provisions of the Scheme.

- These benefits are all delivered without generating any unreasonable impacts upon adjacent properties or the preferred character of the area.

This view is based on a detailed assessment of the proposal against the following key planning considerations:

- Is the proposal consistent with the MPS, PPF and State Government Policy?
- Does the proposal meet the requirements of the MUZ2 and HO379?
- Does the proposal address the relevant urban design matters?
- Does the proposed development satisfy the objectives of Clause 58 and appropriately address on and off-site amenity impacts?
- Is the car parking, access, waste arrangements and drainage design appropriate?
- Are other matters suitably resolved?
- Does the proposal achieve a net community benefit?

Each of these matters is addressed below.

4.1 IS THE PROPOSAL CONSISTENT WITH THE PLANNING POLICY FRAMEWORK

The Victorian Civil and Administrative Tribunal (**the Tribunal**) has recently re-asserted the primacy of the MPS, the objectives of the PPF, Plan Melbourne, and the importance of efficiently and intensely development key sites within urban renewal areas.

The Tribunal has directly challenged whether it is reasonable to significantly constrain development on key sites, given the planning and economic imperatives to optimise development in these locations.

In *SB&G Upper Heidelberg Road (Ivanhoe) Pty Ltd v Banyule CC* [2018] VCAT 769, Member Deidun confirmed:

As a city, we can no longer economically, socially and environmentally support the extent of outward expansion of the fringe suburbs that would occur in the absence of substantial housing growth in established suburbs...of the available opportunities within the established suburbs, locations that provide good access to a range of services and facilities are preferred, and activity centres are positioned at the top of the hierarchy of preferred locations...

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...for Melbourne to be able to respond successfully to the extent of population increase currently being experienced, locations...where people have real choice to use public transport must be appropriately developed.

With this in mind, and in order to establish the acceptability of a proposal and its consistency with planning policy, it is significant that the subject site is:

- An island site located at the edge of an activity centre (i.e. MPAC) and MVP, the subject site is expressly zoned to achieve a mixed-use redevelopment outcome in a location already undergoing major redevelopment as a result of the approved new MVRC grandstand and realigned racetrack.
- An underutilised site that formerly comprised part of the MVRC, that is capable of making a significant contribution to the State Government's target of delivering 80,000 new homes a year.

Through this prism, the proposed development achieves the objectives and implements the relevant State and Council strategies and policies of the Scheme, as set out below.

Urban Consolidation

The proposal facilitates the redevelopment of land located within MPAC with excellent access to local employment, public transport options and a range of retail, entertainment and community facilities.

It provides high density housing in a location already identified by policy as a preferred location for this type of housing (Clauses 11.01-1S, 16.01-1S, 16.01-1R and 16.01-1L) – benefitting from proximity to the established MPAC, with direct access to public transport and nearby community services, retail, health facilities schools and parks. This is consistent with the objectives sought in Victoria's Housing Statement, and more recently articulated within the State Government's draft 'Statewide housing targets'.

This is also consistent with urban consolidation objectives and the specific objectives and strategies. It strengthens the 20-minute neighbourhood outcomes sought by Plan Melbourne, Clause 02.03-1 and Clause 15.01-4R – with cycling routes and major transports links located in close proximity (Clause 11.01-1S, 11.02-1S and 16.01-1L).

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Transit Oriented Development

The subject site has good access to public transport, with Moonee Ponds Train Station approximately 1.3 km west, tram stops approximately 800 metres west servicing route No. 59 which runs along Bulla Road, and bus stops directly west servicing the no. 508 route as well as approximately 300 metres south servicing route No. 506 which runs along Dean Street. (Clauses 02.03-1 and 18.01-2L).

Built Form and Character

The subject site is located within the Mixed Use Zone, whereby increased density, including apartments, is expressly encouraged (Clause 02.03-1 Settlement) and is located on land that previously formed part of the MVRC for which a new and intensified built form outcome is anticipated and encouraged.

A built form control applies to the land, reflecting an existing policy recognition that the site is a suitable candidate for redevelopment at increased densities – with increased visibility.

The scale, siting, massing and architectural resolution of the 3 buildings set amongst extensive landscaped gardens, is founded on a very clear understanding of the site's context and this has driven the proposed built form and character of the proposal.

Despite being an island site, the proposal has purposefully responded politely to the Wilson Street interface, with reduced building heights, generous upper-level setbacks and extensive landscaped areas. These strategies will ensure the increase scale and intensity of development is grounded in a respectful response to the existing low scale residential neighbourhood to the north of Wilson Street.

Housing Diversity

It will deliver contemporary high-density housing of varying sizes and designs that meet changing housing needs of the community and expectations as set out by Clause 02.03-1 and Clause 16.01-1R.

Affordable housing is provided within the development. A minimum of 20% of new housing will meet the definition of affordable housing under the Act. This directly advances both State and local policy directed at addressing the existing shortage of affordable housing.

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Landscaping and Open Space

The proposed landscape response is provided by virtue of careful site analysis and planning to provide connectivity to existing (and approved) areas of public open space, facilitate retention of significant heritage trees, provide separation of building form, prioritise the ground floor plane for pedestrians and cyclists, and provide peripheral landscape opportunities to achieve a development immersed in nature.

These approaches respond directly to Clause 12.01-1L and 15.01-1L, significantly enhancing the subject site's offering within the broader urban context.

The proposal provides a comprehensive landscape response that includes the protection and retention of existing high value trees, and diverse communal open spaces open spaces between buildings to genuinely embed nature and its inherent benefits, in the development (Clauses 12.01-1L, 15.01-1L, 15.01-4L, 19.02-6L).

Architectural Quality

The proposal achieves a high-quality architectural design outcome in keeping with Clauses 12.01-1L and 15.01-1L that will make a positive contribution to the streetscape and the city's distinct neighbourhood character through:

- Appropriate site layout and setbacks, which ensure the building appears as a form different to the status quo but one which makes a positive contribution to the character of the area. This is emphasised by appropriate setbacks, shaping, diverse expression and meaningful landscaping opportunities including various canopy tree planting as well as appropriate separation of form to the residential interface to the north.
- The incorporation of extensive landscaping throughout the site and across building facades, that seek to embed the development within an inner urban parkland.
- Increased opportunity for passive surveillance via location of active uses fronting key pedestrian areas and positioning of habitable room windows and terraces and balconies that survey all of the public realm interfaces.
- The composition of quality materials and finishes which reference the character of the surrounding area and have been integrated to respond to the subject site's location.

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Parking and Transport

The proposal provides for a parking and transport outcome that:

- Fulfills integrated transport goals by providing increased dwelling diversity and density along the PPTN, consistent with Clause 15.01-4R and Clause 18.01-2L.
 - The proposal provides an adequate supply of on-site car parking spaces for future residents, visitors and occupants of each of the buildings, as well as promoting sustainable transport modes through the provision of a significant supply of bicycle spaces throughout the development, delivering a rate of on-site bicycle parking that well exceeds the statutory requirements, in accordance with Clause 18.01-2L and 18.02-4L.

Environmentally Sustainable Development

- The proposal delivers on the themes and vision of the Local Plan, with integrated landscape and ESD outcomes at the core of the design. The proposal enhances the public realm and streetscape via new pedestrian links that are designed to be integrated into the approved and future development. The proposal responds directly to the relevant objectives of the Local Plan, by addressing the following:
 - The proposed residential development provides a diversity of housing and choices with a component of affordable housing, in a highly accessible location, thus enhancing the role and function of MPAC and the MVRC.
 - Streetscape activation and passive surveillance has been maximised commensurate with the role and function of Wilson Street, via the provision of a range of residential entries, and openings at the upper levels with outlook to public realm/communal areas.
 - Creation of vibrant areas of communal open space allows for passive recreation opportunities that do not presently exist.
 - Taller and more intense built form focused to the southern and eastern sections of the subject site provides for a transition in height from the existing residential precinct to the north to the less sensitive racetrack and freeway interfaces, respectively.

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- A street pattern and layout that encourages walking and cycling over other modes of transport, with all car parking located at basement level.
- Achieves a high standard of building design that provides for a responsive site layout, ample sustainable landscaping opportunities and environmentally sustainable design.

On the basis of the above, the proposal is highly consistent with State and local planning policies.

4.2 DOES THE PROPOSAL COMPLY WITH THE MUZ2 AND HO379?

The proposed development directly addresses the relevant purpose, objectives and requirements and guidelines of the MUZ2, in providing for new housing which adds to diversity and choice, is well-designed and thus secures a high level of amenity for future occupants. It additionally includes a significant component of affordable housing with a minimum of 20% of the development to comprise affordable housing.

The proposal is consistent with the relevant objectives of the MUZ2, as follows:

- The proposal provides for the comprehensive redevelopment of the land for primarily residential purposes.
- The proposal provides for a diverse range of housing choices through the inclusion of affordable housing and BTS apartments and genuine variety of dwelling typologies, with one, 2, and 3-bedroom apartments, all with a range of bathroom, study and private open space areas. In addition, the development proposes a minimum of 20% of apartments (or equivalent) for affordable housing. The apartments are all provided with high levels of internal amenity, meeting all the objectives of Clause 58.
- The proposal delivers a range of built form typologies consistent with the 'first principles' urban design analysis that has been prepared by McP for the NEP precinct. It comprehensively addresses the relevant strategic drivers and context of the subject site, its urban context and the emerging context and influence of MVP, to establish a vision and design response framework for the subject site.

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4.3 DOES THE PROPOSAL ACHIEVE AN APPROPRIATE URBAN DESIGN OUTCOME?

The primary built form controls affecting the land – DDO12 – sets out the following design objectives for the NEP:

To ensure a high standard of building design that displays permeability, flexibility, site responsiveness and environmentally sustainability.

To emphasise the gateway location.

To ensure new development contributes to safe and active streets

For Precinct 1 of DDO12, the following further design objectives apply:

To enhance the amenity of Wilson Street / Victoria Street with a standard street wall height up to four storeys.

To ensure that development is complementary to, and respects the amenity of, the residential development on the north side of Wilson Street.

To encourage landscaping along the Wilson Street / Victoria Street streetscapes to achieve a high quality pedestrian environment and public realm.

For Precinct 2 of DDO12, the following further design objectives apply:

To enhance the amenity of Wilson Street / Victoria Street with a standard street wall height up to four storeys.

To foster a new and distinct urban character that reinforces its gateway position.

To provide a transitional scale from the street edge to the higher scale buildings in the south of the sub-precinct.

To encourage landscaping along the Wilson Street / Victoria Street streetscapes to achieve a high quality pedestrian environment and public realm.

To give effect to these outcomes, DDO12 includes design requirements for Precinct 1 and Precinct 2, respectively, reflected in the below diagrams:

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Diagram 1 Building Setbacks **Diagram 2 Building Setbacks**

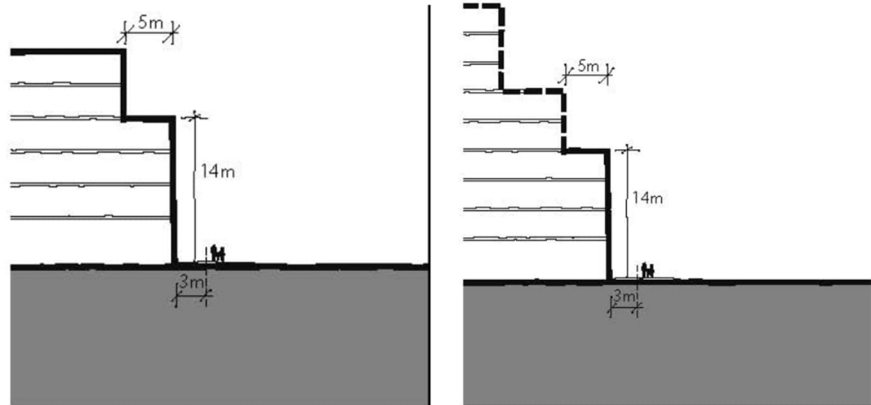


Figure 6: Extract of Diagrams 1 and 2 of DDO12

The proposal does not comply with the DDO12 building height requirements for Precinct 2. Precinct 1 does not apply.

To Wilson Street, the proposal adopts podium heights which generally reflect the 14-metre preferred maximum height. Above the streetwall, Wilson East does not meet the DDO12 setback requirements. The overall heights of the buildings (61.8m to 86.4m) also exceed the preferred maximum building heights of 29 metres for Precinct 2.

None of the prescribed maximum height and minimum setback requirements of DDO12 are mandatory and, accordingly, there is discretion to be exercised as to whether the non-compliances achieve an acceptable planning outcome.

This exercise in discretion necessitates consideration of:

- whether the DDO12 objectives are met, having regard to the decision guidelines
- whether the increase in height and reduction in setback results in any unacceptable amenity impacts on the public or private realms?

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In this context, it is also noted that the DDO12 provisions:

- Whilst no doubt reflecting the best wisdom of the time, are unsophisticated for such a large, underutilised site with no direct sensitive interface.
- Are somewhat archaic in the context of the recent shift in government policy regarding the role and function of large brownfield sites in confronting and addressing the Victorian housing crisis.
- Provide one potential outcome for a large site, where a range of potential outcomes could be acceptable.

As explained in the Urban Design Assessment and Urban Context and Design Response Reports accompanying the proposal, the proposed development's form has been directly informed by the design objectives of DDO12, as well as MVP and the MPAC's preferred future built form morphology.

It has also sought to adhere to a 'first principles' analysis of the specific characteristics of the subject site in respect to building height, setbacks, separation of form, the importance of a landscape setting and the need to provide and protect high levels of internal and external residential amenity, in the context of the current strategic planning settings, and in particular the strategic impetus to address Victoria's critical housing shortage.

4.3.1. Assessment against DDO12 decision guidelines

The following is an assessment of the proposed development against the decision guidelines of DDO12:

Decision Guideline	Assessment
<i>The design objectives of this Schedule.</i>	The proposed development will directly achieve the design objectives in the following ways: • Building siting, setbacks and massing, will dramatically improve the low-quality pedestrian environment and public realm of Wilson Street. • The streetwall height of buildings fronting Wilson Street vary but as a collective, are of a low scale that will enhance the amenity of Wilson Street, complement and respect the existing residential development on the north side of the street, and foster a distinct urban character that reinforces its gateway position at the eastern end of the precinct. • Compared to the existing conditions – defined by a visually impervious fence and defensive topography - the proposed site planning of the

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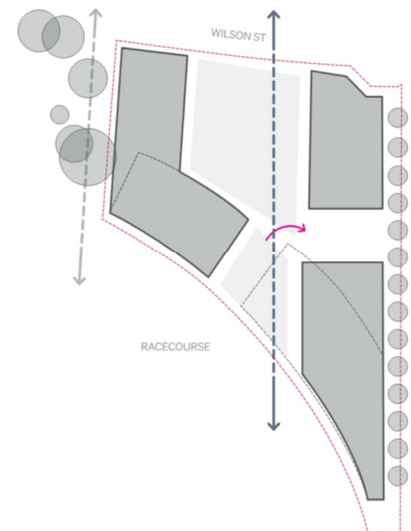
ADVERTISED PLAN

Decision Guideline

Assessment

precinct will introduce a level of permeability that is at present, non-existent.

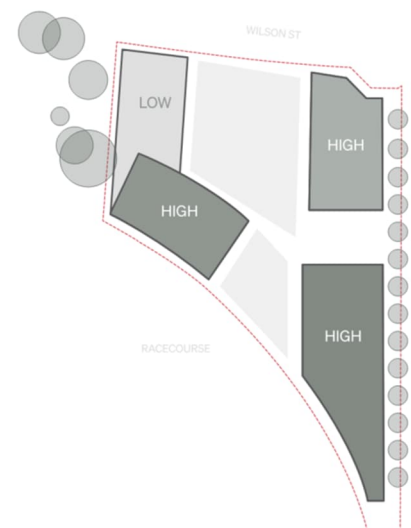
DESIGN RESPONSE KEY MASSING MOVES



MAXIMISING VIEWS & MINIMISING MASS

Built form is subtly rotated to maximise views toward the city and the racecourse, while opening up key view corridors back to the racecourse, including for the affordable housing building.

DESIGN RESPONSE KEY MASSING MOVES



REDISTRIBUTING DENSITY AWAY FROM SENSITIVE EDGES
Density is redistributed along the racecourse edge, while smaller podium forms are introduced along Wilson Street to thoughtfully address the adjacent residential interface.

- The scale and positioning of buildings, integration of existing trees and proposed new canopy trees, landscaping, as well as the orientation

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Decision Guideline

Assessment

dwellings and entries will all serve to significantly contribute to safe and active streets.

MASTERPLAN STRATEGY PEDESTRIAN / CYCLIST MOVEMENT



PEDESTRIAN MOVEMENTS

Pedestrian movement is prioritised through the provision of distinct lobbies, each with clear street addresses that directly front landscaped green spaces, reinforcing legibility, safety and a people-focused public realm.

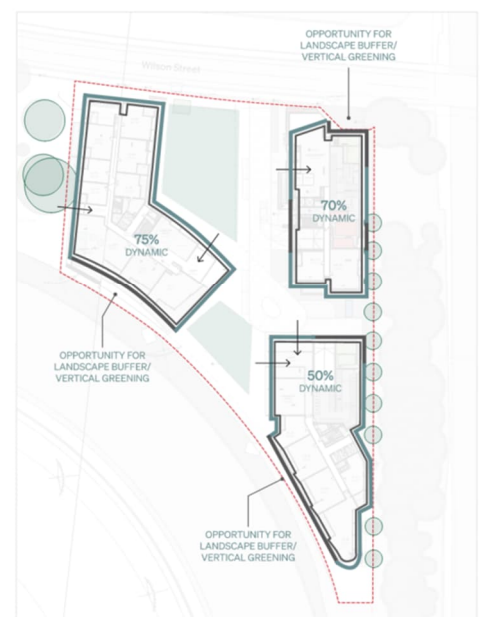
BICYCLES

Active ground-level bicycle parking is provided for each building, located adjacent to residential lobbies for convenience and visibility, with additional visitor bicycle parking integrated within the landscaped public realm.

MASTERPLAN STRATEGY INTERFACES

LEGEND

- Static
- Dynamic
- Building Entry



ACTIVE FRONTAGES

Active frontages have been carefully considered to ensure all faces of the building contribute to an engaging and welcoming experience. Through a combination of transparent interfaces, activated uses and generous landscape integration, each elevation supports passive surveillance and a strong connection between buildings and the public realm.

The proposed development achieves each of the DDO12 design objectives and neither the increase in height nor reduction in setbacks to Wilson Street conflict with the achievement of these objectives.

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Decision Guideline

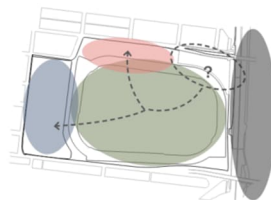
The urban context and design response.

Assessment

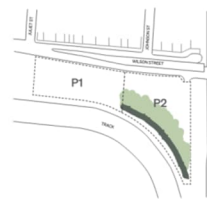
The Urban Design Assessment and Urban Context and Design Response Reports accompanying the proposal set out the relevant urban context and how the design has responded to this context.

What this analysis reveals is:

- The site's physical context, as an island site separated from adjoining neighbours makes it an ideal candidate for optimising high density development without attendant impacts.
- The site's strategic context, including its proximity to the Moonee Ponds Activity centre, MVP and the MVRC, makes it an ideal candidate for optimising high density development without attendant impacts.
- The DDO12 requirements provide built form guidance but an in-depth analysis indicates that an alternate approach that prioritises green spaces, retention of trees and lower site coverage with taller buildings set well back can deliver a contextually responsive built form outcome, as illustrated in the below conceptual diagrams:



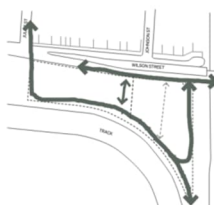
ISLAND SITE
HIGH MOVEMENT INTERFACES



ADDRESSING THE TRACK
FORM GIVING
HUMAN SCALE FRONTAGE



RETENTION OF TREES
HIGH AMENITY SPACES



PERMEABILITY
LEGIBLE WALKING NETWORK
PEDESTRIAN ACCESS



VIEWS AND OUTLOOK
VIEWS FROM PUBLIC REALM



HEIGHT TRANSITION
ENGAGING SKYLINE
HOLD STREET EDGE

These design principles have underpinned the urban response to context as reflected in the below views:

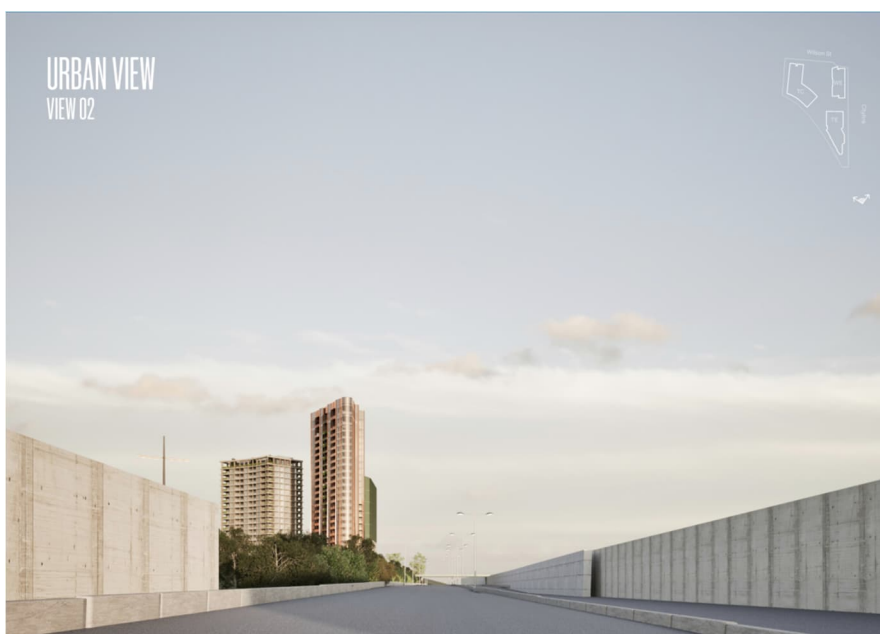
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Assessment



The design of the proposed development constitutes a considered, nuanced and thoughtful response to the urban context, one which will make a positive contribution to the emerging character of Moonee Ponds and its urban skyline.

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Decision Guideline

Potential amenity impacts upon adjoining residential properties and other uses within the Precinct.

Assessment

A detailed assessment of the development's potential amenity impacts on adjoining residential properties and other uses within the precinct is provided in Section 4.3.2.

The precinct's physical separation from adjoining residential properties, coupled with the integration of green open space along the Wilson Street frontage, significant setbacks to Wilson Street for the taller elements and the concentration of increased building height to the south and east of the site – furthest from the adjoining residential areas - ensure that there are no unreasonable amenity impacts.

AMENITY STRATEGY

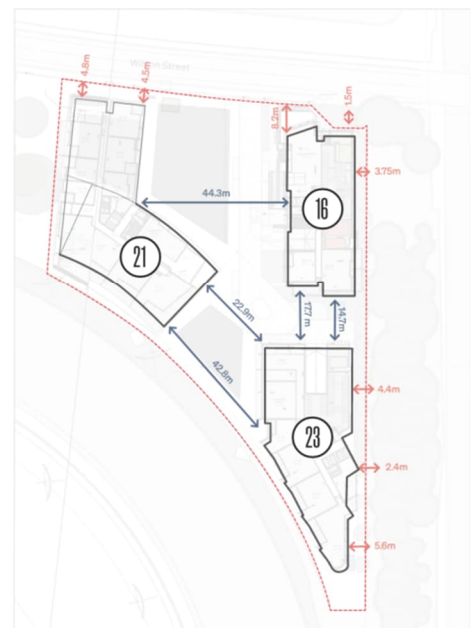
DESIGNING FOR OUTLOOK

LEGEND

-  Podium Setbacks
-  Tower Setbacks
-  Building Separation
-  Building Height (storeys)

LOWER LEVEL SETBACKS

Lower-level podiums have been carefully articulated to address and engage with Wilson Street, reinforcing an active, human-scaled street edge that supports vibrant public life. Their form and setbacks have been informed by solar access and wind advice to ensure comfortable, well-lit, and sheltered street frontages and public spaces that prioritise people and amenity.



The only impact is the visibility of the buildings from the residential precinct opposite. However, it is a well-established planning principle that visibility is not the relevant test of impacts, and this is reinforced by the DDO12's objectives.

The reference in the objectives to “emphasise gateway location”, create “a new and distinct urban character” and “a transitional scale from the street edge to the higher scale buildings in the south” all indicate that visible built form on the site is not just acceptable, but encouraged and sought as a preferred built form outcome.

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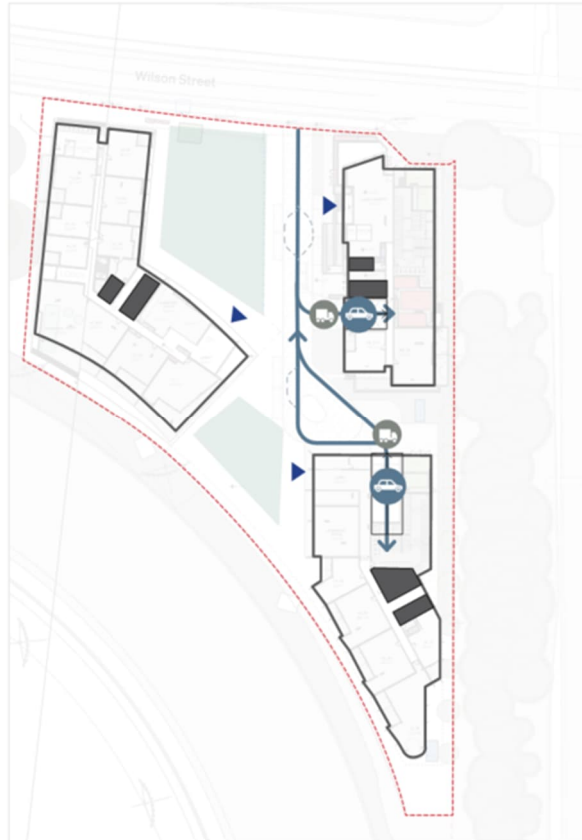
Decision Guideline	Assessment
<i>Whether the proposal achieves an ecologically sustainable design outcome.</i> <i>Incorporates Water Sensitive Urban Design (WSUD) principles within new laneway connections while still providing adequate access for users.</i>	The proposed development will achieve ecological sustainable design excellence and best practice WSUD outcomes. This is reflected in the SMP prepared by ARK Resources, noting the following in particular: • attain a certified 5 star Green Star standard based on the Buildings rating tool (V1 Rev C) • achieve a NatHERS development rating average of 7.5 stars • achieve an Exemplary Nature Based Cities score • attain the Best Practice standard for urban stormwater quality.
<i>Locates main entry foyers to address road frontages, with service and secondary entries away from the main frontage.</i> <i>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.</i>	Given the unusual existing street conditions along Wilson Street and the road reserve rising from west to east, improving the character and amenity of Wilson Street has been a key design driver for the proposed development. Vehicle access to Wilson Street is limited to one access point servicing the development, with appropriate sight lines to ensure safe and efficient vehicle access, as well as maximum opportunities for landscaping, tree planting and building facades that engage with and contribute to a high-quality public realm. The consolidated vehicle entry provides on grade access to each of the three buildings, facilitating safe drop off and service vehicle needs, to minimise interruptions to pedestrians and vehicles on Wilson Street.

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Decision Guideline

Assessment

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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.

The existing site conditions directly assist with achieving this outcome. Existing levels are generally located below footpath level. The design response leverages this to ensure that car parking levels are located below ground level, and ground level activities, including landscape within the front setback, can be maximised.

W2 WILSON ST
Track Central/Wilson St



Decision Guideline

Assessment

These opportunities are extended to the communal open space interfaces. Buildings fronting these spaces include dwelling uses fronting the communal open space to provide passive surveillance and maximise safety outcomes.



Whether new development avoids architectural mimicry.

Whether new development 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.

Whilst the proposed development's architectural expression has been directly informed by the area's character, architectural mimicry is avoided. Instead, each building is imbued with its own identity, grounded in an understanding of the area's character.

ARCHITECTURAL DRIVERS PALETTE

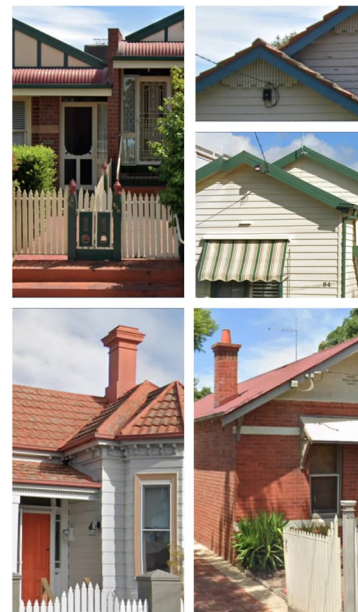
KEY DESIGN FEATURES

- CLEAN LINES / SIMPLE GEOMETRY**
the idea of simplification — fewer decorative mouldings, smoother wall finishes
- ASYMMETRY**
Features like offset entries and projecting bays
- UTILISING EXISTING TOPOGRAPHY**
Slightly sloping green spaces / elevated entrances
- AWNINGS / SUNSHADES**
These elements were relied upon to deal with shading to large openings where verandahs weren't achieved
- RECESSIVE ELEMENTS / VERANDAHS**
Creating transitional spaces between indoors and outdoors
- STRONG HORIZONTAL DATUM**
Often expressed through features like brick string courses, rendered bands, or window hoods



D K O

110 Wilson Street, Rouse Ponds



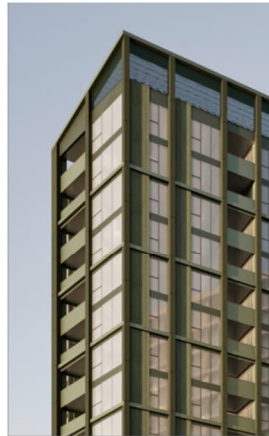
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This includes referencing the horizontal and vertical patterns of local building stock, but expressed in a contemporary way, particularly facing Wilson Street. To the south, the geometry of opening remains rectilinear, with the curvature of the racetrack referenced in the positioning siting and expression of form.

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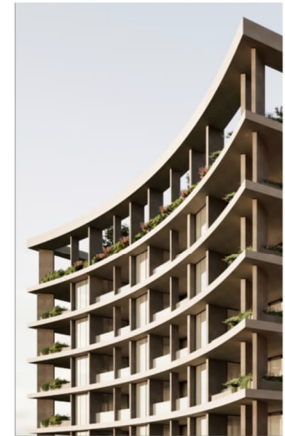
Assessment



WILSON
EAST



TRACK
EAST



TRACK
CENTRAL



This approach ensures that the proposed design response is reflective of its differing interfaces.

Whether new development incorporates active uses to the roof areas of buildings, either as open space in the sky for building users or

In addition to the approx. 994.2 square metres of various communal open spaces at ground between the buildings, the proposed development incorporates 2 upper-level communal roof top open spaces, as follows:

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Decision Guideline

as part of a green roof sustainability initiative

Assessment

- A 513 square metre space on the northern side of Track East, at Level 21.
- A 502 square metre space on the northern side of Track Central at Level 4.



The above diagrams demonstrate that the proposed development incorporates active uses to roof areas in a form that will substantially complement and elevate the amenity offered to future residents, whilst also enhancing connection to nature and the environmental performance of the development.

This is further enhanced and complemented by the extensive opportunities for landscaping at the upper levels of the buildings, within private terraces.

Collectively, the proposed development's genuine integration of nature - and all its attendant benefits - is reflected in NBC Excellence, with a score of 17 out of 20 achieved against the NBC Scorecard.

There can be no doubt that when assessed against the decision guidelines of DDO12, that the proposed development is an acceptable design response.

The proposed development has been designed to ensure unreasonable amenity impacts on the amenity of nearby properties are avoided.

From a first principles perspective, the ability to deliver the scale and intensity proposed is underpinned by the site's physical separation from existing dwellings, open spaces and locations that are typically affected by more intensive development. This physical context underscores the unique opportunity that this site presents for future development - a rare

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4.3.2. Assessment of off-site amenity impacts

attribute in an established inner-city context and one that should be optimised.

The proposal complies with all of the objectives and most of the standards of Clause 58 Amenity Impacts, noting the following in particular:

Visual Bulk

- In addition to the site's physical separation from properties, the proposal also incorporates generous street and interface setbacks, that vary according to the subject site's unique interfaces. The upper-level setbacks from both the primary and secondary frontages provide appropriate transitions to the lower scale adjacent buildings, including areas of heritage significance.
- The buildings have been appropriately articulated through the diversification of building forms and use of high-quality materials and landscaping. It has been designed in a manner sympathetic to the context of the surrounding urban character. The variable form, setbacks and architectural treatments remain in-keeping with the mixed use zoning and the heritage context of the wider MVRC precinct.
- The presentation of each of the buildings is unique and will create an appropriate level of visual interest and expression of form that will enhance the urban setting and define the future character of the NEP precinct in a manner consistent with the broader planning framework that applies to MVP and MVRC in this gateway location

Overshadowing

- The subject site's physical separation, orientation and grade separation between the subject site and the existing residential properties to the north of Wilson Street, ensures that the proposal will not have any overshadowing impacts between 9am and 3pm at the Equinox, on these existing residents. Shadows will be contained to the subject site, adjoining racetrack and adjacent Freeway land.

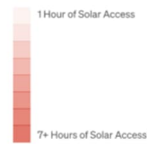
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URBAN STRATEGY THE SPACES INBETWEEN

LEGEND (SEPT 22)



PRIORITISING SOLAR ACCESS

The proposal prioritises generous solar access across all open spaces to enhance their usability, comfort, and long-term success. The orientation and layout have been carefully considered to capture morning sunlight for early activation and warmth, while maintaining afternoon solar exposure to support continued use and flexibility in programming.

Privacy

- The proposal provides no opportunities for overlooking into the habitable room windows or secluded private open space of neighbouring residential properties due to the subject site's physical separation from existing (and approved) dwellings. Internal overlooking has been addressed by:
 - separation of podiums by internal streets and public open space.
 - careful siting placement of forms above the podiums, which further separate dwellings.
 - screening between apartment balconies where adjacent to one another.

Noise

- Any noise generated from the development (including the commercial component) should not result in amenity impacts to the surrounds, due to the careful site planning in respect of loading areas and plant being contained within basement or on the roof whereby it is screened appropriately and separated from sensitive uses.

Wind

- The wind assessment, prepared by MEL Consultants demonstrates that the design of the development achieves the requisite wind

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safety criteria for the public interfaces, communal open space and terraces. The relevant wind comfort criteria is also met for public spaces and communal open spaces.

URBAN STRATEGY DESIGNING FOR WIND

GENERAL PRINCIPLES

- Main social spaces and landscape lawn areas = Standing
- Lobby and building entrances = Standing
- Outdoor Dining = Sitting
- General Public Realm = Walking

LEGEND

- Standing
- Sitting
- Walking
- Residential External Terrace



The absence of any unreasonable off-site amenity impacts, in the context of the scale and intensity of the proposed development, is direct evidence of the appropriateness of the design's response to the urban context. This, in addition to the design achieving the objectives of DDO12, provide a basis for concluding that the development achieves the acceptable planning outcomes required by Clause 65 of the Planning Scheme.

4.4 DOES THE PROPOSAL COMPLY WITH CLAUSE 58 AND APPROPRIATELY ADDRESS ON AND OFF-SITE AMENITY IMPACTS?

The proposed development will deliver a high standard of residential amenity for future occupants, whilst avoiding unreasonable potential impacts on the surrounds, through a carefully crafted design response.

The Clause 58 Assessment at **Appendix 5**, includes a thorough assessment of the proposal, in particular, the high levels of internal amenity provided for future residents and potential for impacts on the reasonable amenity of neighbouring properties.

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4.4.1. Off-site amenity impacts

The development's off-site impacts and compliance with Clause 58.04 Amenity Impacts have been identified and assessed in detail in Section 4.3.2 of this submission.

4.4.2. On-site Amenity

The assessment at **Appendix 5** demonstrates that the proposal provides a high level of compliance with Clause 58's standards and, therefore, future residents will be provided with a high level of internal amenity.

The following aspects evidence the achievement of a high level of internal amenity:

- Each dwelling within the 3 residential buildings will have functional internal layouts that provide for comfortable and flexible living arrangements for future occupants. The minimum bedroom and living room dimensions comply with the Clause 58 objectives, with 53% of the dwellings being accessible across the overall development.
- Each dwelling will have access to secluded private open space in the form of upper-level terraces and balconies, which achieve a north, east or western orientation where possible. In circumstances where balconies are provided with a southerly orientation, outlook is towards the MVRC racetrack and beyond, views to the Melbourne CBD, Docklands and Port Phillip Bay.
- The communal open space proposed is exceptionally generous at a total of approx.2143 square metres.
- No habitable rooms rely on 'borrowed light', and dwelling layouts facilitate direct access to daylight and natural ventilation, with 44% of the dwellings being naturally ventilated.

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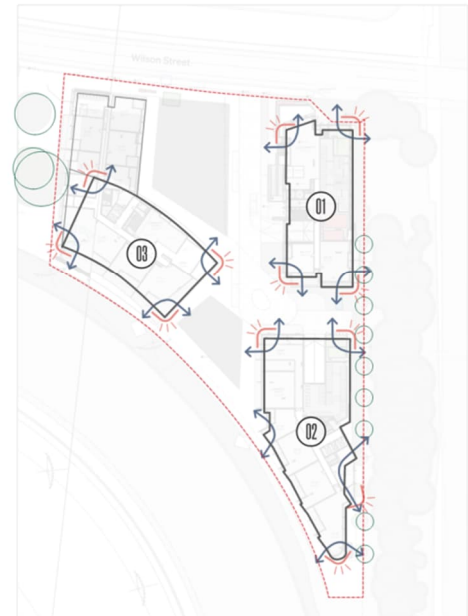
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AMENITY STRATEGY DESIGNING FOR COMFORT

LEGEND

- ↔ Cross Ventilated Dwelling
- 77° Dual Aspect Unit

- 01 WILSON EAST
42% Cross ventilated
52% Accessible
- 02 TRACK EAST
44% Cross ventilated
52% Accessible
- 03 TRACK CENTRAL
46% Cross ventilated
55% Accessible



- The layout of dwellings will achieve a high standard of environmental performance as further detailed in the SMP prepared by Ark Resources.

Each of these important matters is further considered below.

4.5 IS THE CAR PARKING, ACCESS, WASTE ARRANGEMENTS AND DRAINAGE DESIGN APPROPRIATE

4.5.1. Car Parking

A Transport Engineering Assessment has been prepared by Ratio for the proposed development. The report provides a detailed assessment of the parking, servicing and traffic issues associated with the proposed development.

Subject to the incorporation of the recommendations outlined below, the proposal is considered sound from a transport engineering perspective.

The proposed development proposes a reduction of 1 car space against the statutory requirements of Clause 52.06-5 of the Scheme.

This reduction is considered acceptable based on the following key reasons:

- The empirical car parking demands identified in the approved ITP, and as supported by relevant ABS data, form the basis for estimating the expected car parking demand for the proposed development. While there is a shortfall from these empirical demand estimates for Wilson East, the supply is considered

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sufficient to meet the anticipated needs of future occupants given the context in proximity to the MVAC.

- It is understood that Council is generally supportive of these proposed reduced parking rates for the affordable housing component, based on preliminary discussions to date.
- The site is located within walking distance of several sustainable transport alternatives such as tram, bus, bicycle and pedestrian facilities. This will enable residents to travel to and from the site using sustainable modes of transport and reduce the demand for car parking.
- The provision of bicycle parking will encourage residents to cycle to and from the site.
- The pick-up/drop-off spaces provided for the development will encourage carpooling and shared trips, which will reduce reliance on private motor vehicles.
- The suppressed provision of car parking will help to force a reduced motor vehicle travel to and from the site, resulting in a lessened impact to traffic congestion and pedestrian amenity in the vicinity of the site, compared to a scenario with unconstrained car parking supply.

4.5.2. Bicycle Parking

The proposed bicycle parking provision exceeds the statutory requirements set out in Clause 52.34-5 of the Scheme. This approach is consistent with the approach in all other MVP precincts to date, where bicycle parking has significantly exceeded the minimum statutory rates.

The bicycle parking is designed in accordance with AS/NZS2890.3:2015.

The requirement for 20% of bicycle parking provisions to be provided in horizontal floor-mounted rails is also met.

4.5.3. Loading

The loading arrangements for the proposed development have been considered within the accompanying TIA and are summarised as follows:

Loading demands for the residential apartments will be limited to when residents are either moving in or out of apartments at the start/end of their tenancy. With the exception of the initial building occupation, these loading demands will be fairly infrequent.

Some of the indented parking bays in between the three eastern buildings will be used to double as loading bays that can be booked for use through building management. This location

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provides convenient short distance access to all three buildings and will be open-air so has no issues with height restriction.

The majority of residential loading activities for apartments is completed by vans, cars with trailers or vehicles up to a 6.4m Small Rigid Vehicle (SRV) in size. Market research confirms that the most common vehicle size used by removalists for apartment dwellings is a 6.4m SRV, based on typical volume of furniture that apartments can hold. Accordingly circulation movements through the porte cocheres and into the nominated loading bay areas has been designed for a 6.4m SRV.

The site is also expected to generate activities associated with deliveries to residents (meal delivery services, postal deliveries etc.). Noting the proposed number of dwellings, these could be expected to occur daily. However, they would typically be completed by a standard passenger vehicle or van, courier vehicle or via scooter/bicycle. It is expected that these types of deliveries will be undertaken via the Porte cochere and short-term car spaces central to the buildings.

4.5.4. Waste Collection

The waste collection arrangements for the proposed development are summarised below.

Each of the waste storage areas within the car parks have been designed to accommodate private collection using 6.4m mini-rear loader waste trucks.

The waste collection areas described have each been designed so that the appropriate truck will access the site from Wilson Street into each of the applicable car parks, collect waste and use the circulation aisles to complete a turning circle and depart the site in a forward direction.

4.5.5. Traffic

Extensive traffic microsimulation and SIDRA modelling was previously undertaken for the overall Moonee Valley Racecourse redevelopment and detailed within the Transport Assessment and Management Plan (**TAMP**) prepared by Stantec (dated 14 December 2021). The traffic implications of the proposal have been considered within the context of this work.

Ratio has undertaken a comparison between the original TAMP development yield allowances and the realised development potential cross the broader precinct. This analysis has identified that whilst there is a higher residential yield than originally anticipated, there is significantly less commercial and retail yield. Therefore, the assessment concludes there is negligible difference in the total traffic generation that has been

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4.5.6. Waste Management

allowed for within the MVRC precinct, despite the increase in dwelling yield proposed in the NEP.

Localised traffic modelling has also been undertaken for the Wilson Street site access point and confirms that the proposed development will operate under excellent conditions under the post-development scenario.

An assessment of the waste requirements of the proposed development has been undertaken by Leigh Design.

The accompanying Waste Management Plan/s calculate the amount of waste expected to be generated by each building within the development, provides a description of the facilities and space required to store the waste on-site prior to collection, and outlines the provisions for collection.

It is submitted that the waste management requirements have been considered and addressed appropriately as outlined below and within Section 4.4.3 above.

Responsibility

The Operator (as defined within each of the Waste Management Plan) shall be responsible for managing the waste system and for developing and implementing safe operating procedures

Storage

Waste shall be stored within each of the buildings of the development in designated locations (hidden from external view) and waste areas are of sufficient capacity to accommodate the estimated waste generation for each building within the development.

Access and collection

The access to the waste areas will be via lift/stairs as required and residents will have access to waste chutes.

Private contractors shall collect waste from within the designated waste collection points within the buildings, as defined within the accompanying Waste Management Plans.

4.5.7. Drainage Design

A Stormwater Management Strategy has been prepared by MCG Consulting Engineers for NEP, which addresses the broader precinct's stormwater management arrangements.

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4.5.8. Staging

The proposed development will be suitably serviced with all stormwater management services required, to be delivered in a coordinated, precinct wide arrangements to maximise efficiencies of scale and outcomes.

It is proposed to construct the proposed development in stages.

Below is a breakdown of the current indicative sub-staging of the commencement and completion of the various elements of the development:

Stage	Building
1	Wilson East (includes affordable housing)
2	Track East and Communal Open Space
3	Track Central and Communal Open Space

Please refer to the Staging Strategy provided within the Urban Context Report for further detail.

4.6 ARBORICULTURAL CONSIDERATIONS

An Arboricultural Assessment has been prepared by Tree Logic and accompanies the application material.

Clause 52.37-2 (Canopy Trees) of the Scheme defines a canopy tree as tree that has:

- *a height of more than 5 metres above ground level; and*
- *a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and*
- *a canopy diameter of at least 4 metres;*

A planning permit is required pursuant to Clause 52.37-2 to remove canopy trees unless an exemption applies.

Given the application is being assessed pursuant to Clause 58 of the Scheme, a planning permit is only required to remove boundary canopy trees (being canopy trees with '*any of its trunk within 6 metres of the narrowest street frontage of a lot; or 4.5 metres of the rear boundary*'), in accordance with the following exemption:

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A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone.

This does not apply:

- ...
- *To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) identified for assessment in an application to which clause 54, 55, 57 or 58 applies and the tree is not removed, destroyed or lopped until the permit is issued.*
- ...

The only boundary canopy trees located on the subject site is Tree No.14, which has:

- a height of 7 metres above ground level; and
 - a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and
 - a canopy diameter of 5 metres;
 - is located within 6 metres of the site's Wilson Street frontage.
- There are no trees located within 4. Metres of the site's rear boundary.

This tree is proposed to be removed.

A planning permit is therefore required to remove Tree No. 14 pursuant to Clause 52.37 of the Scheme.

In accordance with Clause 52.37-3 the following Canopy tree requirement applies:

The number of canopy trees on site should meet the minimum canopy tree requirements specified in Table 1. For site above 1001 sqm Table 1 specifies a total canopy cover within the site that is equal to at least 20 per cent of the site area.

If the site has an area of more than 1000 square metres and the existing total canopy cover within the site is more than 20 per cent of the site area, the canopy trees on the site should achieve a total canopy cover within the site that is equal to at least 20 per cent of the site area plus 50 per cent of the area of the existing canopy cover that exceeds 20 per cent.

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The accompanying Landscape Plan and Report prepared by Tract provides an assessment of the existing canopy tree cover, together with calculation of the proposed extent of canopy cover in accordance with the requirements of Clause 52.37 of the Scheme.

The assessment determines that the extent of existing canopy tree cover is not more than 20% (calculated to be 14.4%) and accordingly a minimum canopy tree requirement *that is equal to at least 20 per cent of the site area* is required to satisfy Clause 52.37-3.

The proposal will provide for a minimum of 20% canopy tree cover and will therefore satisfy the requirement to provide canopy cover of least 20 per cent of the site area.

A planning permit is not required to remove trees located within the Heritage Overlay, in accordance with the requirements of Clause 3.3 of the *Moonee Valley Racecourse Incorporated Plan: Conservation Policy and Permit Exemptions* (April 2014).

4.7 OTHER MATTERS FOR CONSIDERATION

The following other specific matters that require consideration, are addressed below:

Aboriginal Cultural Heritage

Part of the subject site is located within an area of “aboriginal cultural heritage sensitivity” as it is located within 200m of a waterway (Moonee Ponds Creek).

The proposed development is a “high impact activity”, pursuant to the Aboriginal Heritage Act 2006. However, it has been determined by Andrew Long & Associates (letter dated 20 April 2017) and subsequently peer reviewed by Unearthed Heritage (letter dated 23 February 2026) that the subject site has been subject to “significant ground disturbance”, as defined by the Act and, accordingly, a mandatory Cultural Heritage Management Plan (CHMP) is not required.

Potential Contamination

Whilst the site is not located within an Environmental Audit Overlay, consideration has been given to the site’s history of use and potential for contamination.

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A preliminary assessment reveals that the risk of contamination is low and that an environmental audit is unlikely to be required. These are matters that can be appropriately dealt with by condition of any permit issued.

4.8 IS A NET COMMUNITY BENEFIT AND SUSTAINABLE DEVELOPMENT DELIVERED?

Any consideration of whether an acceptable planning outcome is achieved is necessarily informed by the notion of net community benefit and sustainable development.

As the Supreme Court has confirmed in *Rozen v Macedon Ranges SC* [23]. After referring to the provisions of what it now Clause 71.02-3[24] and Clause 65, Osborn J said:

[171] The test of acceptable outcomes stated in the clause is informed by the notions of net community benefit and sustainable development. An outcome may be acceptable because on balance it results in net community benefit despite achieving some only of potentially relevant planning objectives and impeding or running contrary to the achievement of others.

[172] The weight to be given to the various considerations which may be relevant on the one hand, and to particular facts bearing on those considerations on the other hand, is not fixed by the planning scheme but is essentially a matter for the decision maker.

[173] Furthermore, the potential complexity of issues raised by a particular application renders the question of what would be the optimal form of development for use in a particular case fundamentally difficult of resolution and one on which different minds might reasonably differ.

[174] In Knox City Council v Tulcan Pty Ltd, I observed:

The planning scheme does not require an ideal outcome as a prerequisite to a permit. If it did, very few, if any, permits for development would ever be granted and there would be difficult differences of opinion as to whether the outcomes were in fact ideal. The Tribunal is entitled to grant a permit where it is satisfied that the permit will result in a reasonably acceptable outcome having regard to the matters relevant to its decision under the planning controls.

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[175] For these reasons I accept the appellant's submission that the rest which the Planning Scheme requires to be applied is one of acceptable and not ideal outcomes.

[176] The question in the present case is whether the Tribunal's reasons read in context demonstrate that it has failed to apply the correct test. The underlying task of the Tribunal is after all to reach the 'correct or preferable' decision on the material before it.

[177] In this sense the preferable outcome is not to be equated with the 'ideal' outcome.

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In this instance, the proposed development will deliver a range of broad reaching benefits to the present and future Victorian community in the form of:

- A significant contribution to improving the supply, accessibility, diversity and affordability of well-designed housing, in a location where more housing is expressly encouraged, including the provision of a minimum of 20% of dwellings as affordable housing.
- Sustainability excellence, including industry leading integration of nature and landscaping principles.
- Nature based infill development excellence, which prioritises nature and the community's connection to it.
- Architectural design excellence, which integrates with and complements the evolving MVP precinct and reflects the policy outcomes sought for urban renewal and delivery of housing in well-serviced locations.

These benefits are all delivered without generating any unreasonable off-site amenity impacts upon adjacent properties.

Accordingly, the proposed development will achieve a net community benefit and sustainable development for the benefit of present and future generations.

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5.0 CONCLUSION

The proposed development seeks approval for 3 residential buildings (including 506 dwellings of which a minimum of 20% are affordable housing) constructed over basement car parking, as well as the delivery of new accessways, pedestrian connections and open space.

The proposed development will directly fulfil the purpose of the MUZ2, complying with its requirements and meeting its guidelines and decision guidelines.

The design and siting of the proposed buildings are consistent with the urban design principles established within the planning application material, which take into account the existing DDO12 provisions, as well as the emergent policy context for the Precinct which is influenced by the evolving character of the contemporary development within MVP and the broader Moonee Ponds Activity Centre, as well as the state-wide policy impetus to address the severe housing shortage throughout Victoria.

The high-quality materials and finishes adopted in the proposal will provide a visually interesting form and an articulated Moonee Ponds skyline. The contrasting design elements provide for a contemporary, rich and layered built form that modulates its impacts in a manner respectful of its evolving surrounds, and that of the existing residential area to the north.

Opportunities have been provided to integrate open space and landscaping at lower and upper levels, including through the use of deep soil, appropriate soil volumes and substantial planter boxes, that complement the building form and materiality.

Access arrangements and the provision of on-site parking will adequately meet the needs of the development without compromising the safety or function of the existing network and future roads.

The proposal achieves environmental design excellence and has incorporated a range of sustainable design initiatives, including a focus on nature-based design.

The proposal will achieve a net community benefit and sustainable development and appropriately encapsulates the balancing act required by the integrated decision-making provisions of the Scheme.

For the above reasons, the proposed development is worthy of a planning permit.

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APPENDIX 1: DETAILED DESCRIPTION

DEVELOPMENT SUMMARY

The development forms part of a staged residential precinct and comprises 3 buildings.

One of the buildings (Wilson East) will comprise a minimum 20% provision of affordable housing, with the remaining buildings Build to Sell (BTS) apartments totalling approximately 506 dwellings.

Within these buildings will be a mix of complementary communal facilities and basement car parking

It will deliver a comprehensive vehicle, bicycle and pedestrian access strategy including:

- Construction of an accessway to Wilson Street providing vehicle access to the onsite basement car parking.
- A network of pedestrianised paths and spaces providing access and connectivity within the precinct including to future stages within the development and to the broader surrounds.

All apartments have been designed to comply with relevant Clauses 58 objectives of the Moonee Valley Planning Scheme (**the Scheme**) and, as such, provide high levels of internal and external amenity.

The precinct is to be comprehensively landscaped, both at the ground plane and via vertical greening to the proposed buildings. The landscaping approach is informed by the principles of biophilic design and Nature Based Cities.

KEY FEATURES

The proposal and its key features and benefits can be summarised as follows:

- 3 residential buildings (including 506 dwellings of which at least 20% are affordable housing).
- 518 car parking spaces contained within basement levels with facilities consolidated where appropriate.
- 517 bicycle parking spaces.
- The proposed maximum building height is 86.4metres (associated with the Track East building). Each building has a maximum building height and storeys as follows:

Building	Height
Track Central	69.5m / AHD 91.10
Wilson East	61.8m / AHD 83.40
Track East	86.4m / AHD 108.00

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BUILDING – WILSON EAST

The proposal comprises a residential building accommodating residential lobby, bicycle parking and building services at ground floor level and residential apartments at the upper floor levels.

A summary of the key features of the building is provided below:

- A 16-storey building (plus 2 basement levels) delivering a total gross floor area (excluding basement levels) of 12,308 square metres:
 - approximately 152 x dwellings:
 - 75 x one-bedroom dwellings
 - 76 x 2-bedroom dwellings
 - 1 x 3-bedroom dwelling.
- Basement levels accommodating 92 car parking spaces, building services including waste storage and loading facilities.
- A ground floor level containing a residential lobby addressing Wilson Street, 152 bicycle parking spaces, and communal facilities. Two (2) residential apartments are located at the rear of the building.
- Residential apartments located at Levels 1-15.
- Provision of communal open space/facilities at Ground Level.
- Plant and equipment are proposed to be contained within Level 16 of the building and will be entirely screened.
- Vehicle access to the basement levels is via a private driveway off Wilson Street that will also provide access to Track East and Track Central's basement car parking.

BUILDING – TRACK EAST

The proposal comprises a residential building accommodating residential lobby, bicycle parking and building services at ground floor level and residential apartments at the upper floor levels.

A summary of the key features of the building is provided below:

- A 23-storey building (plus 3 basement levels) delivering a total gross floor area (excluding basement levels) of 22,509 square metres:
 - approximately 189 x dwellings:
 - 40 x one-bedroom dwellings
 - 112 x 2-bedroom dwellings
 - 37 x 3-bedroom dwellings.
- Basement and Lower Ground levels accommodating 228 car parking spaces, building services including waste storage and loading facilities.

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- An upper ground floor level containing a residential lobby addressing Wilson Street, 191 bicycle parking spaces, and communal facilities. Five (5) residential apartments are located at the upper floor level.
- Residential apartments located at Levels 1-22.
- Provision of communal open space/facilities at Level 21.
- Plant and equipment are proposed to be contained within the Roof level of the building and will be entirely screened.

BUILDING – TRACK CENTRAL

The proposal comprises a residential building accommodating an integrated residential apartment development including a residential lobby, bicycle parking and building services and residential apartments.

A summary of the key features of the building is provided below:

- A 21-storey building (plus 3 basement levels) that will deliver a total gross floor area (above ground) of 19,155 square metres:
 - 165 residential dwellings:
 - 28 x one-bedroom dwellings
 - 104 x 2-bedroom dwellings
 - 33 x 3-bedroom dwellings
- Basement and Lower Ground levels accommodating 198 residential car parking spaces, residential storage cages and a range of building services including waste storage.
- Residential apartments located across Lower Ground – Level 19.
- Plant and equipment including air conditioning units and solar panels are proposed to be accommodated at roof level and are fully screened.
- Vehicle access is via a consolidated vehicle access off Wilson Road and is to be shared with Track East.
- Plant and equipment including air conditioning units and solar panels are proposed to be accommodated at roof level and are fully screened.

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MATERIALS AND FINISHES

The proposed development comprises 3 buildings, all of which utilise high quality materials and finishes. As noted within the summaries above, each building has been designed to be individually distinctive in terms of architectural form and materiality, and they will all be clearly distinguishable from one another. Each building has drawn uniquely on cues from the surrounding area including the historic elements of MVRC, resulting in a collection of forms that are individual and unique yet belong within the neighbourhood.

The varying materials and finishes comprise mostly of natural colours and textures, incorporating integrated vertical landscaping to create buildings that not only respond to the historic MVRC, but adopt biophilic



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principles to create a sensitively integrated urban neighbourhood informed by nature based design. Each building's design and materiality are summarised further below.

Building	Materials and Finishes
Wilson East	FACADE DEVELOPMENT WILSON EAST MATERIALITY  FINISH 01 Green stained precast concrete  FINISH 02 Green powdercoat balustrade  FINISH 03 Metal climber wires with planting  

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Track East	FACADE DEVELOPMENT TRACK EAST MATERIALITY  FINISH 01 Bronze Glass  FINISH 02 Bronze Metal Fins  FINISH 03 Vertical Balcony planters  
Track Central	FACADE DEVELOPMENT TRACK CENTRAL MATERIALITY  FINISH 01 Beige concrete  FINISH 02 Darker concrete verticals  FINISH 03 Powdercoat metal planters  

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PUBLIC REALM AND OPEN SPACE

The proposal includes the delivery of a range of public amenities and includes communal open space in the form of a communal garden (approx. 605.7 square metres) situated at ground floor adjacent to the Track Central Building.

AFFORDABLE HOUSING

It is proposed as part of the overall development to provide for a minimum of 20% affordable housing and is to be accommodated within Wilson East, which is to be delivered as the first stage of the development

Please refer to the Affordable Housing Report prepared by Urbanxchange for more details in relation to the delivery of the proposed affordable housing.

CAR PARKING, ACCESS AND FACILITIES

The proposal seeks to rationalise the vehicle access points to the development to enable prioritisation of pedestrian and bicycle permeability within the development.

One vehicle crossover is proposed to Wilson Street that will accommodate vehicle access to all three buildings (Track Central, Wilson East and Tract East buildings), located generally in the same location as the existing racetrack access point.

The proposal includes the following provision of on-site car parking spaces:

	Total
Wilson East	92
Track East	228
Track Central	198
Proposal Total	518

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The proposal includes the provision of 517 bicycle spaces across the development. Bicycle parking is located within the Lower Ground and Basement Level car parking areas.

A Transport Impact Assessment has been prepared by Ratio and provides further detail on these matters.

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WASTE

Private waste collection is proposed directly from the waste rooms within each car park, by vehicles up to 6.4m mini-rear loaders. The waste storage and collection arrangements are further summarised as follows:

Wilson East

A waste storage room is located on Lower Ground Level of the building. Operationally, waste will be stored within the waste storage room and collected onsite (refuse trucks shall prop on the aisle, near the bin store).

The waste collection will be carried out by rear-lift vehicles (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass).

Track East

A waste storage room is located on Lower Ground Level of the building. Operationally, waste will be stored within the waste storage room and collected onsite (refuse trucks shall prop on the aisle, near the bin store).

The waste collection will be carried out by rear-lift vehicles (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass).

Track central

A waste storage room is located on Lower Ground Level of the building. Operationally, waste will be stored within the waste storage room and collected onsite (refuse trucks shall prop on the aisle, near the bin store).

The waste collection will be carried out by rear-lift vehicles (nom. 6.4m long, 2.1m high, and 6.4 tonnes gross vehicle mass).

Please refer to the accompanying Transport Impact Assessment prepared by Ratio and associated Waste Management Plans prepared by Leigh Design, which comprehensively demonstrate the proposed waste collection and waste storage arrangements for each of the buildings proposed within the development.

STORMWATER MANAGEMENT

The proposed development has been designed to ensure the site is appropriately drained and manages overland flows across the site, based on modelling in the context of the existing infrastructure and flows.

Please refer to the Stormwater Management Plan prepared by MCG Consult for further details.

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD)

The proposed development has been designed with ESD principles in mind since conception, to ensure optimal levels of internal amenity and sustainable design are achieved.

The Sustainability Management Plan (**SMP**) prepared by Ark Resources demonstrates that the proposed development will:



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- attain a certified 5 star Green Star standard based on the Buildings rating tool (V1 Rev C)
- achieve a NatHERS development rating average of 7.5 stars
- achieve an Exemplary Nature Based Cities score
- attain the Best Practice standard for urban stormwater quality.

Please refer to the SMP for more details on the ESD initiatives.

LANDSCAPING AND VEGETATION REMOVAL

The proposed landscaping response facilitates an integrated landscape outcome for each of the proposed buildings.

The buildings incorporate biophilic design principles in accordance with the Nature Based Cities (**NBC**) Design Scorecard, with substantial landscaping integrated within the built form, apartments and areas of open space.

The proposal avoids any impacts to 7 existing canopy trees comprising 3 Prickly-leaved Paperbarks, 2 Smooth-barked Apple, a River She-oak and a Lombardy Poplar, located to the west of the proposed development.

An additional 12 trees (Capital Callery Pear) are proposed to be retained along the eastern boundary. A further 8 trees (Capital Callery Pear) are identified for potential relocation to assist with delivering an immediate landscape effect of the site. The trees are exempt from the need to obtain planning permission to be removed.

1 'boundary canopy tree' (as defined under Clause 52.37 of the Scheme) is located on the subject site (Tree No.14), it has:

- a height of 7 metres above ground level; and
- a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and
- a canopy diameter of 5 metres;
- is located within 6 metres of the site's Wilson Street frontage. Noting there are no trees located within 4. Metres of the site's rear boundary.

This tree is proposed to be removed.

A planning permit is therefore required to remove Tree No. 14 pursuant to Clause 52.37 of the Scheme.

In accordance with Clause 52.37-3 the following Canopy tree requirement applies:

The number of canopy trees on site should meet the minimum canopy tree requirements specified in Table 1. For site above 1001 sqm Table 1 specifies a total canopy cover within the site that is equal to at least 20 per cent of the site area.

If the site has an area of more than 1000 square metres and the existing total canopy cover within the site is more than 20 per cent of the site area, the canopy trees on the site should achieve a total canopy cover within

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the site that is equal to at least 20 per cent of the site area plus 50 per cent of the area of the existing canopy cover that exceeds 20 per cent.

The accompanying Landscape Plan and Report prepared by Tract provides an assessment of the existing canopy tree cover, together with calculation of the proposed extent of canopy cover in accordance with the requirements of Clause 52.37 of the Scheme.

The assessment determines that the extent of existing canopy tree cover is not more than 20% (calculated to be 14.4%) and accordingly a minimum canopy tree requirement *that is equal to at least 20 per cent of the site area* is required to satisfy Clause 52.37-3.

The proposal will provide for a minimum of 20% canopy tree cover and will therefore satisfy the requirement to provide canopy cover of least 20 per cent of the site area.

The overall vision for the subject site is '*a sensitively integrated neighbourhood within an inner urban parkland*' (North East Precinct Landscape Report, Tract 2025). The proposed landscape plan prepared by Tract provides generous planting opportunities to the ground, pedestrian connections and cycling connections – and integrates with the built form via planters and climbers.

In addition to the landscaping requirements in the Scheme, integral to the proposed development's landscape and sustainability goals is achieving an exemplary rating (17 points or 85%) when assessed against the NBC Scorecard. The NBC Scorecard is an initiative which seeks to more accurately measure aspects of nature-focused sustainability not currently accounted for fully in contemporary sustainability performance measures.

Please refer to the Arboricultural Assessment undertaken by Arbor Survey and the Landscape Report prepared by Tract for further detail in relation to the tree retention and removal and landscaping outcomes proposed for the subject site.

WIND IMPACTS

An Environmental Wind Assessment has been undertaken by MEL Consultants.

The assessment concludes the following in relation to the 'Wind Safety Assessment' and 'Wind Comfort Assessment':

- *For the Proposed Configuration, there were some locations along the Wilson Street footpath to the northeast of the development where wind conditions were shown to be above the walking comfort criterion. However, these conditions were shown to be similar to that of the Existing Configuration (i.e. were not caused by of the presence of the proposed development).*
- *For the Proposed Configurations, some locations on the Wilson Street footpath directly northwest of the development were shown to be above the walking comfort criterion or unsafe. These were treated with the mitigation strategies described below.*
- *For the remaining locations in the surrounding and inner grounds of the development, the wind conditions for the Proposed Configuration have been shown to pass the walking comfort criterion at a minimum.*



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- *To address above walking comfort and unsafe wind conditions, wind mitigation strategies have been developed and tests for effectiveness during the wind tunnel study. The wind mitigation strategies are as follows:*
 - *Addition of a canopy on Wilson East, on Level 1, along the north façade with 6m return to the east façade. This canopy must be solid and projecting 3m from the outermost façade.*
 - *Addition of 2m high porous fence (50-80% solid) along the south side of the Wilson Street footpath and extending west of the development site.*

The wind conditions for the Proposed Configuration with those wind mitigation strategies have been shown to result in safe and walking comfort wind conditions at a minimum.

Additional wind mitigation strategies have been developed to achieve the target wind criteria based upon the urban planning strategy. The wind mitigation strategies are as follows:

- *Addition of 1.6m high solid screen in the middle of the garden between Track Central and Wilson East. Addition of 1.6m high solid screen in the middle of the garden between Track Central and Track East.*

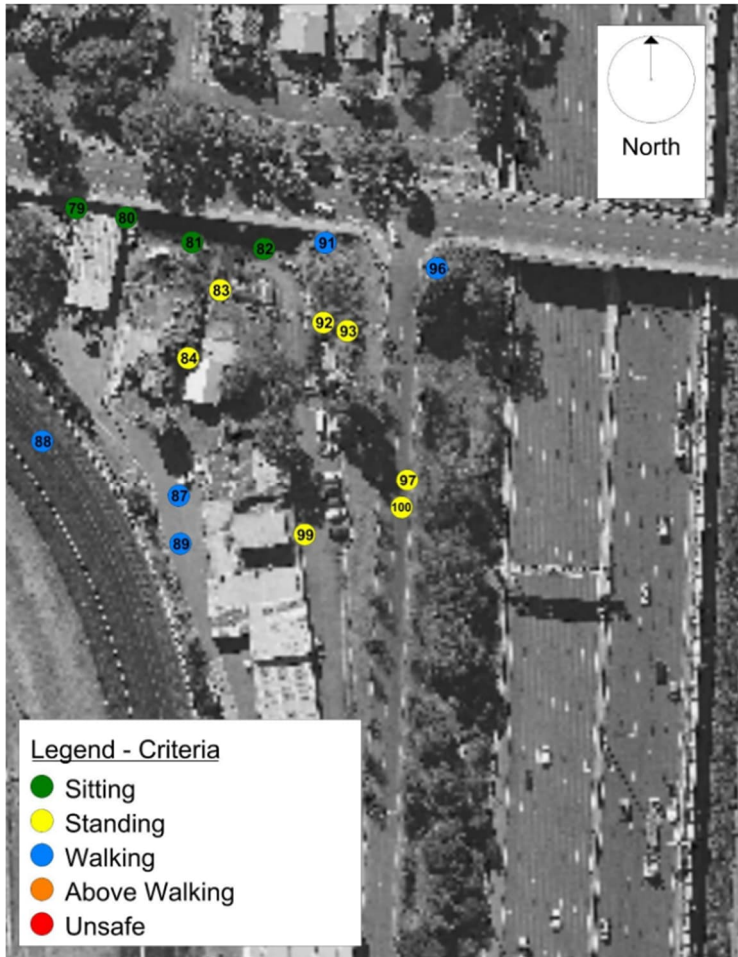
The wind conditions for the Proposed Configuration with those wind mitigation strategies have been shown to result in standing comfort wind conditions at a minimum.

- *- The wind conditions for the Proposed Configuration at the building entrances have been shown to satisfy the recommended standing comfort criterion at a minimum.*
- *- For the upper level terraces, the wind conditions for the Proposed Configuration have been shown to pass the walking comfort criterion at a minimum, with the majority of terraces also passing the standing criterion.*
- *- The Level 19 rooftop terrace of Track Central necessitated the introduction of corner walls at the southeast and southwest corners to mitigate the unsafe wind conditions.*

The results of the assessment are also represented below, for both the existing and proposed conditions.

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APPENDIX 2: SUBJECT SITE AND SURROUNDS

SUBJECT SITE

The subject site forms part of an irregularly shaped lot comprising of approximately 1.48 hectares located in Moonee Ponds. It comprises of approximately xx square metres and is situated on the eastern portion of the land, on the southern side of Wilson Street and to the immediate west of the Citylink Freeway Reserve.

It forms part of the broader redevelopment of the Moonee Valley Racing Club (**MVRC**) comprising of land deemed surplus to the future operations of the Moonee Valley Racecourse (**the Racecourse**). The southern boundary forms an abuttal to the Racecourse.

The subject site and planning unit for this planning permit application is limited to 8,475.3 square metres of land and forms part of Lot D on Plan of Subdivision 805188R contained on Certificate of Title 120627 Folio 568. – refer Figure 1 below which shows the extent of the subject site and planning unit (red).

The Certificate of Title contains 2 agreements (Section 173 Agreement AQ569425F and Section 173 Agreement AR766959H). The agreements primarily relate to Financial Contributions, Public Open Space Contributions, Traffic Mitigation Works and Staging Plan. The proposed development will comply with the Section 173 Agreements.

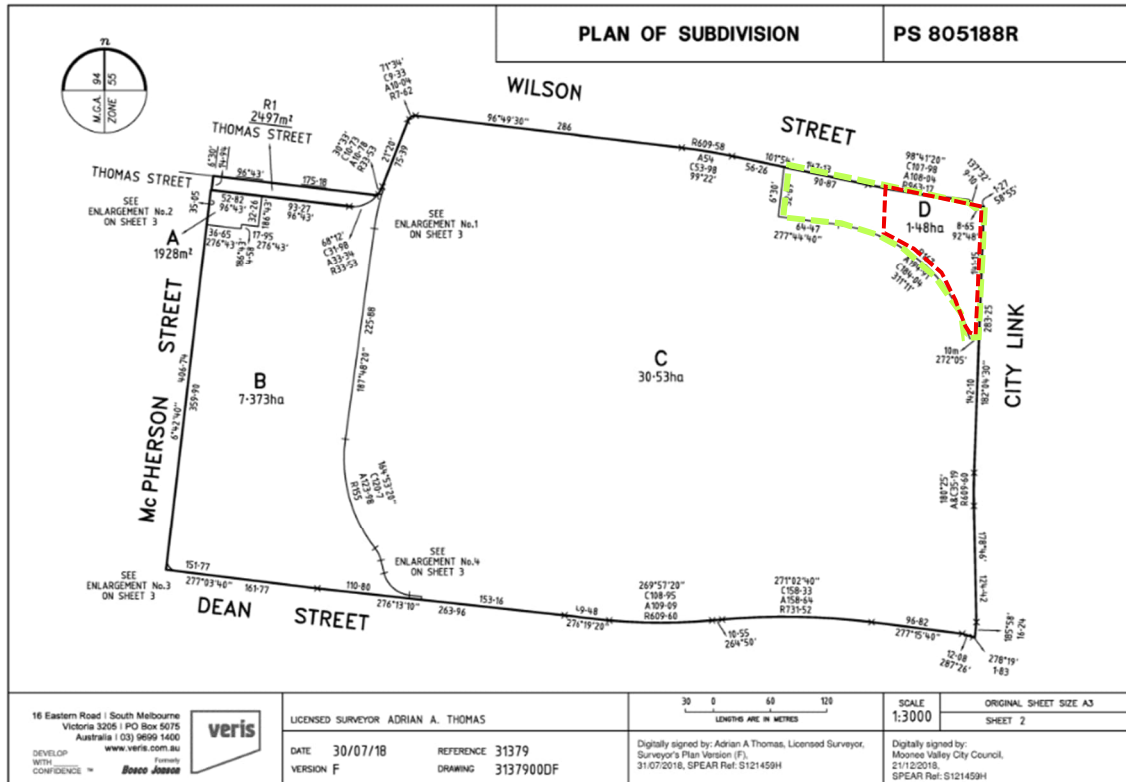


Figure 1: Copy of Plan for the subject site

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Figure 2: Aerial Photo of the subject site and surrounds (Source: Nearmap, Flown: 15 October 2025)

The subject site currently contains buildings and structures formerly associated with the Racecourse. There are a number of trees located on the subject land.

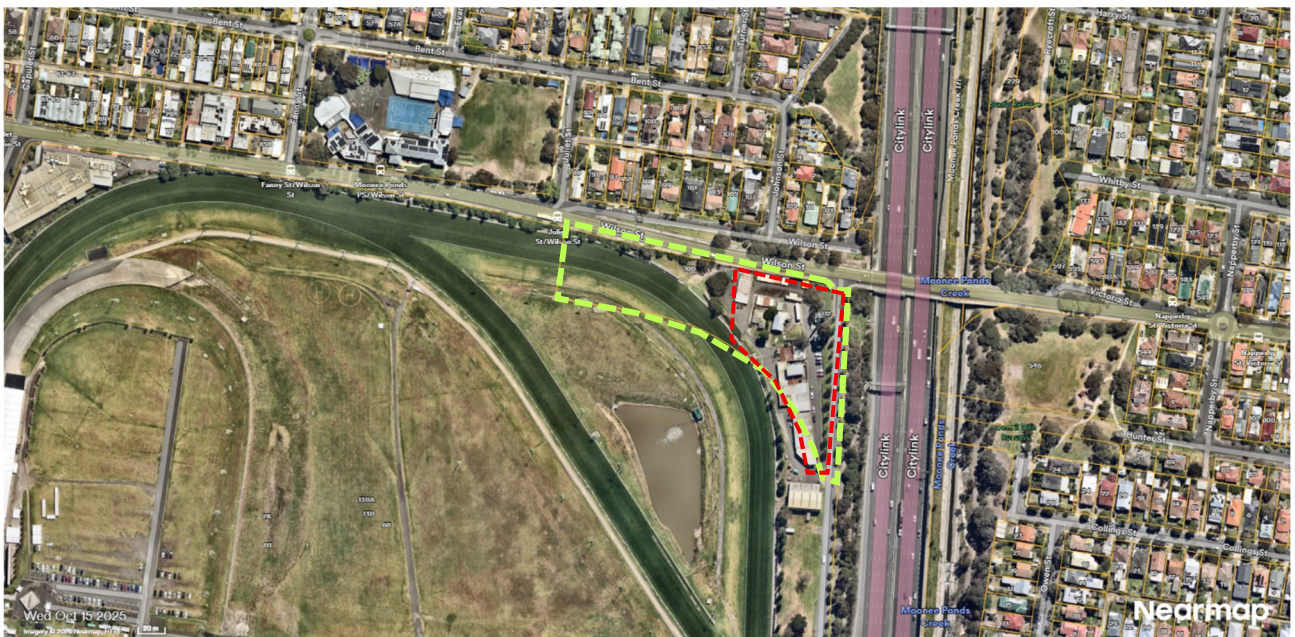


Figure 3: Aerial photo of the subject site (Source: Nearmap, Flown: 15 October 2025)

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THE SURROUNDS

The subject site is located to the east of the Moonee Ponds Activity Centre (**MPAC**), approximately 1.4 kilometres east of Moonee Ponds Train Station. The subject site was formerly contained within MVRC.

Moonee Valley Park

The MVRC has partnered with Hamton to deliver the redevelopment of the western part of the MVRC land known as MVP.

Underpinned by the requirements and guidelines set out in the ACZ1, the Development Vision for MVP was prepared and endorsed in 2018 to help guide and inform the redevelopment of the new neighbourhood. Since that time, several planning permit approvals for residential, open space and commercial purposes have been secured.

Areas to the west of the subject site have secured planning permits and are at various stages of development – refer Figure 3 below and are further summarised below:

- ‘Stage A’ Townhouses, which run along the eastern side of Feehan Street (formerly McPherson Street). Planning Permit No.MV/222/2018, issued on 17 October 2018, allowed development of 67 townhouses. This approval includes a new public pedestrian north-south link known as ‘Maple Walk’, which runs parallel to the subject site’s western boundary. This link includes a number of visitor bicycle spaces and will connect through to the future Coats Street. The northern stage of the development is complete, with the southern stage currently under construction.
- Tote Park, including the restoration of the ‘Tote’ building. It has been delivered in accordance with Planning Permit No.MV/462/2019 and currently provides 4,930 square metres of public open space – refer Figure 19 below.
- Feehan Avenue (also known as McPherson Street), a Moonee Valley City Council Collector Road.
- As depicted in Figure 3 above, further west of the subject site, on the opposite side of the new Grandstand and Clubhouse facilities are the Flora East and West apartments have obtained planning permit approval (permit number MV/471/2023). This approval includes the construction of the eastern part of Stonepine Drive and Coats Street.
- The Cox Place Mixed Use Precinct is the most recent planning approval for the precinct (permit number PA2503689). This approval includes the construction of a mixed-use precinct comprising 5 buildings. Two buildings will be Build to Rent apartments and two buildings will be Build to Sell apartments, totalling almost 1,100 dwellings. Within these buildings will be a mix of complementary commercial (office) and retail land uses, including a supermarket constructed above basement car parking. The remaining building will be a residential hotel with ground floor retail use. The approved development will also deliver new areas of public open space and a comprehensive vehicle, bicycle and pedestrian access strategy that includes construction of ‘Cox Place’, a new street connecting the MPAC to the west MVP and the redeveloped Moonee Valley Racing Club (MVRC), delivering a pedestrian public thoroughfare with a range of retail and entertainment uses along its spine.

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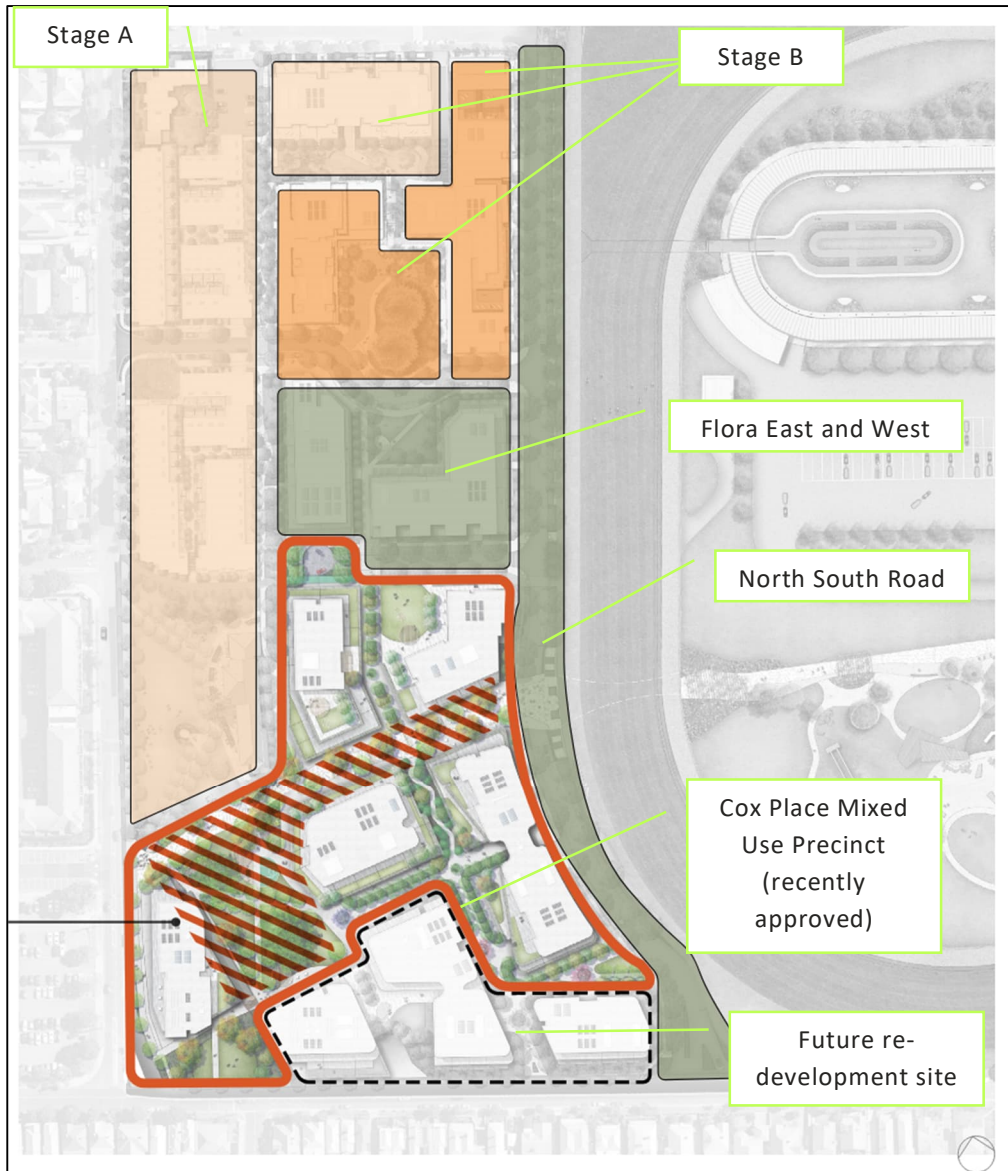


Figure 4: Approved MVP redevelopment plan

North

Directly north of the subject site is the Wilson Street road reserve which rises to a bridge over the adjacent freeway. There is an existing vehicle access point (Gate 7) located at the northeastern corner of the subject site.

At the intersection of Wilson Street and Juliet Street a service road provides access to the residential properties to the north and there is a grade separation between the northern service road and the southern continuation of Wilson Street, with the latter rising in an easterly direction towards the Citylink overpass.

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South

Directly south of the subject site is the 'active' part of the MVRC, being the racing track. Recently, Council has issued Planning Permit No. MV/394/2022 that facilitates the realignment of the racing track in accordance with the approved MVRC Master Plan.

East

Directly to the east of the subject site is the Citylink Freeway Reserve. The landscaped embankment adjacent to the road reserve falls in an easterly directly towards the freeway.

West

The subject site forms a western abuttal to land contained within the larger superlot of which the subject site forms part. This land is to form the next stage/s of the development and will be subject to separate planning approval. Beyond the superlot land is the new Grandstand and Clubhouse facilities associated with MVRC.

BROADER CONTEXT

The subject site is located approximately 6 kilometres to the north-west of the Melbourne Central Business District (**CBD**) and is contained within the MPAC, Moonee Valley's highest order activity centre and a key strategic focus for accommodating the municipality's future population and employment growth.

As outlined above, the surrounding context is characterised by the subject site's identification for significant redevelopment opportunity following the divestment of the land by MVRC and the subsequent redevelopment of the land to the west of the precinct, as well as its proximity to the activity centre to the west and established residential to the north.

Extensive transport, community services and facilities are located proximate to the subject site, including:

- The Principal Bicycle Network runs along Wilson Street.
- Moonee Ponds Train Station (approximately 1.4 kilometres west).
- Tram stops (approximately 800 metres west) servicing route 59, which runs along Pascoe Vale Road.
- Bus stops (approximately 130 metres northwest) servicing route 508, which runs along Wilson Street.
- Citylink Toll Road (to the immediate east).
- Moonee Ponds Primary School (approximately 30 metres northwest)
- Brady Reserve (approximately 100 metres northeast).
- Denzil Don Reserve (approximately 80 metres east).
- Fanny Street Reserve (approximately 300 metres northwest).

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- Shiels Reserve (approximately 370 metres northeast).
- The Moonee Ponds Creek Trail runs along the Moonee Ponds Creek to the east.

It is noted that 2 local parks are proposed as part of the broader redevelopment of MVP to the west, with Tote Park already being delivered.

The proximity of the subject site to the above-mentioned amenities and infrastructure, together with the State and local planning policy support for increased densities within and proximate to activity centres and existing infrastructure, affirms the subject site's suitability to accommodate a significant residential development opportunity.

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APPENDIX 3: PLANNING CONTROLS AND POLICIES

PLANNING CONTROLS

The subject site is located within the Mixed Use Zone – Schedule 2 (**MUZ2**) and is affected by the Development Contributions Plan Overlay – Schedule 1 (**DCPO1**) and Design and Development Overlay – Schedule 12 (**DDO12**).

ZONING

The subject site is located within the MUZ2 pursuant to Clause 32.04 of the Moonee Valley Planning Scheme (**the Scheme**).



Figure 1: Zoning map (Source: Vicplan, 2025)

The purpose of the MUZ2 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

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Schedule 2 to Clause 32.04 applies to the **Wilson Street / Victoria Street Precinct**. There are no objectives, built form requirements, application requirements or decision guidelines specified.

The exemption from notice and review at Clause 4.0 of Schedule 2, specifies the following:

- An application under any provision of this scheme to use the land for any purpose 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 construct a building or construct or carry out works 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.

Pursuant to Clause 32.04-2 of the MUZ, **a planning permit is not required for the use of a 'dwelling'**.

Pursuant to Clause 32.04-7, **a planning permit is required to construct or extend two or more dwellings on a lot, dwellings on common property and residential buildings**. An apartment development must meet the requirements of Clause 58.

OVERLAYS

Heritage Overlay – Schedule 379

The subject site is largely unaffected by HO379, however the mapping intersects across the subject site's southern boundary, pursuant to Clause 43.01 of the Scheme – refer to Figure 2 below.

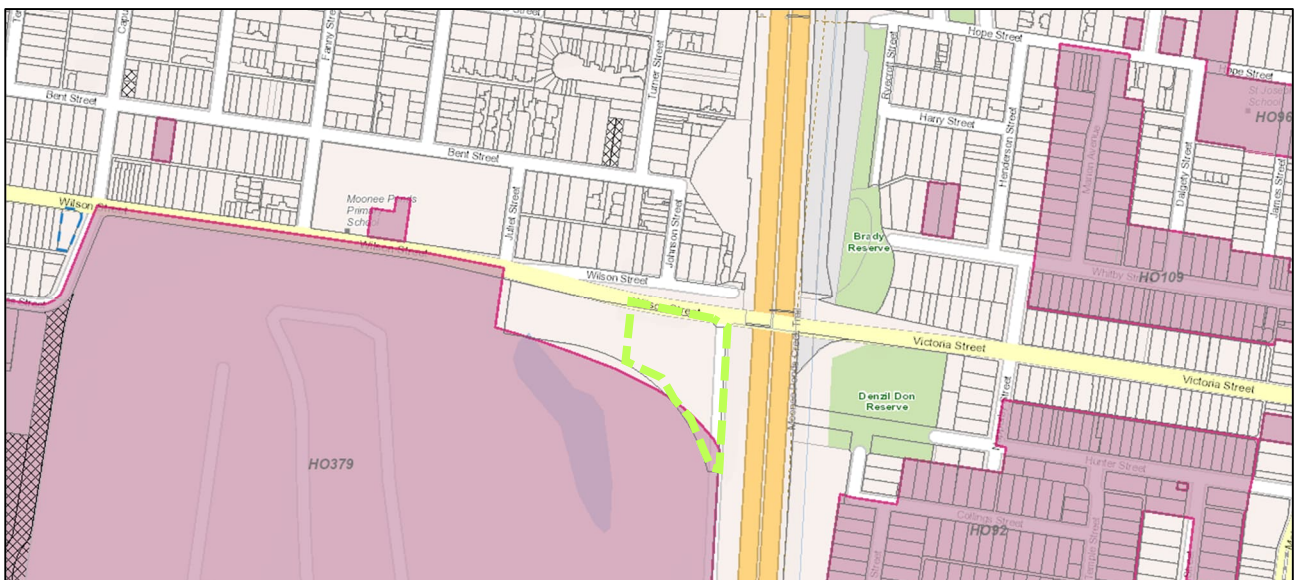


Figure 2: Heritage overlay map (Source: Vicplan, 2024)

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The purpose of the HO379 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Schedule 379 identifies the Heritage Place as Moonee Valley Racecourse (No. 33 Dean Street, Moonee Ponds) and applies the following requirements:

- External paint controls to the Club Secretary's House and Garden only.
- Tree controls to:
 - the Cape Chestnut (*Calodendron capense*)
 - the Peppercorn (*Schinus molle*)
 - the Elm (*Ulmus species*) in proximity to the horse stalls
 - the trees within the front and rear gardens of the Club Secretary's House.
- Solar energy system controls.

Schedule 379 does not apply any internal alteration controls, outbuilding, prohibited uses permitted or Aboriginal heritage place controls.

Schedule 379 confirms that *Moonee Valley Racecourse Incorporated Plan – Conservation Policy and Permit Exemptions (April 2014)* (**the Incorporated Plan**) applies.

Clause 43.01-3 specifies that a planning permit is not required for anything done in accordance with an incorporated plan specific in the schedule to Clause 43.01.

The Incorporated Plan defines 'heritage assets' that exist on the subject site, which are defined as:

- *Heritage assets of Primary significance contribute in a fundamental way to an understanding of the cultural significance of the MVR. They are generally buildings, structures or trees that are predominantly intact or have a high degree of integrity and are related to key development periods, particularly during the inter-war and immediate postwar eras, and/or have important associations with people, horses or events with strong associations with the MVR.*
- *Heritage assets of Secondary significance contribute to an understanding of the cultural significance of the MVR. They are generally less intact with lower integrity.*

Figure 4 below, outlines the 'heritage assets' of primary and secondary significance pursuant to Section 3.2 of the Incorporated Plan, with the S.R. Burstons Stand, Main Tote (No.3), Alister Clark Rose Garden and Manikato Memorial Garden (No.4), the horse stalls, saddling paddock / parade ground, perimeter brick fence and



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mature trees identified as heritage assets of primary significance. The South Hill Stand (No.7), the Former Cafeteria (No.8) and the Members Stand (No.9) are identified at secondary significance.



FIGURE 1: MOONEE VALLEY RACECOURSE HERITAGE ASSETS

Heritage assets of Primary significance:

1. Club Secretary's house (former), perimeter fence and garden
2. S.R. Burston Stand
3. Main Tote
4. Alister Clark Rose Garden and Manikato Memorial Garden
5. Horse stalls, saddling paddock/parade ground, perimeter brick fence and mature trees
6. Racetrack (shown in part)

Heritage assets of Secondary significance:

7. South Hill Stand
8. Former Cafeteria
9. Member's Stand
10. Turnstiles

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Figure 3: Moonee Valley Racecourse Heritage Assets (Source: Moonee Valley Racecourse Incorporated Plan, Conservation Policy and Permit Exemptions)

Section 3.3 of the Incorporated Plan states that under Clause 43.01-2 of the Scheme, **no planning permit is required** for the following buildings and works:

- **Construct a building** or fence, construct or display a sign provided that it is not less than:

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- 10 metres from the boundary fence surrounding the Club Secretary's House.
 - 10 metres from the Main Tote Building.
 - 15 metres from the canopy edge of the significant trees within the horse stalls area.
 - 5 metres from the brick boundary fence or horse stalls structures.
- To construct or carry out works including landscaping, provided that it does not require the demolition, removal or alteration of a heritage asset of Primary significance.
 - To alter, extend, demolish (complete or part) a heritage asset of Secondary significance, provided that a photographic record of that asset is submitted to Moonee Valley Council in accordance with Conservation Policy 1.4.2.
 - For buildings or structures that are not heritage assets:
 - Complete or part demolition.
 - Alterations or additions to, or repairs or routine maintenance, that would change the appearance of that building.
 - Externally painting a previously unpainted surface.
 - Removal of trees other than the Elms, Cape Chestnut, and Peppercorn within the Birdcage/Horse stalls area and the mature trees within the former Club Secretary's garden.
 - Management of trees in accordance with Australian Standard; Pruning of Amenity Trees AS 4373.
 - Any works done in accordance with a Heritage Impact Assessment endorsed by Moonee Valley City Council.
 - Any works done in accordance with an Interpretation Plan endorsed by Moonee Valley City Council.
 - Any works to the racetrack to facilitate racing including realignment of the track and its layout.
 - Any buildings or works that are considered 'minor works' in accordance with Conservation Policy 6.2.1 and will not impact upon the significance of the Moonee Valley Racecourse or its heritage assets to the satisfaction of the responsible authority.

The realignment of the racetrack, which gives rise to the subject site's boundaries, did not require a planning permit, in accordance with Section 3.3 of the Incorporated Plan.

Otherwise, the proposed buildings and works do not affect any Primary or Secondary Heritage Assets and, accordingly, a planning permit is not required pursuant to the HO379 provisions.

Likewise, the proposal does not propose to remove any trees identified as being of heritage significance.

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DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1

The subject site is affected by the Development Contributions Plan Overlay – Schedule 1 (**DCPO1**) pursuant to Clause 45.06 of the Scheme – refer Figure 4 below.



Figure 4: Development Contributions Plan Overlay map (Source: Vicplan, 2025)

There is no planning permit trigger associated with the DCPO1 overlay. Pursuant to Clause 4.0 of DCPO1, the 'land and development' is excluded from this contributions plan as: *'The use and development the subject of the agreement pursuant to section 173 of the Act recorded in dealing number AQ569425F'*.

Section 173 Agreement AQ569425F affects the subject site and therefore the DCPO1 is not applicable.

Design and Development Overlay – Schedule 12

The subject site is affected by Design and Development Overlay – Schedule 12 (**DDO12**) pursuant to Clause 43.02 of the Scheme – refer Figure 5 below.

The purposes of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

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Figure 5: Design and Development Overlay map (Source: Vicplan, 2025)

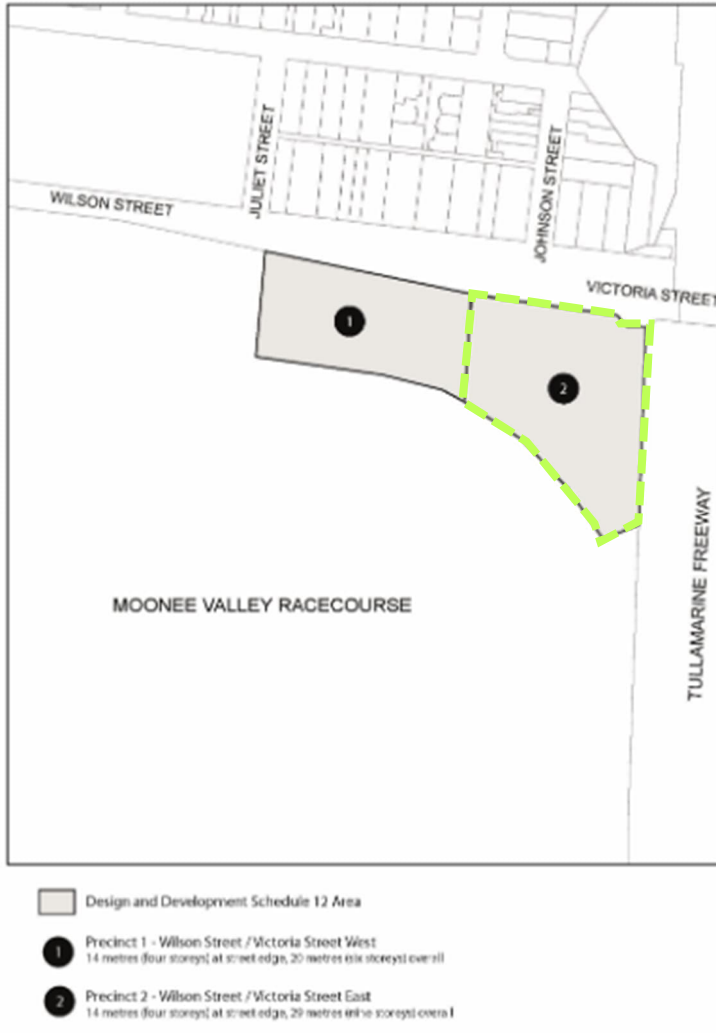
Schedule 12 applies to the Wilson Street / Victoria Street Precinct. Clause 1.0 of Schedule 12 identifies the following Design objectives:

- To ensure a high standard of building design that displays permeability, flexibility, site responsiveness and environmental sustainability.
- To emphasise the gateway location.
- To ensure new development contributes to safe and active streets.

Map 1 to Schedule 12 to Clause 43.02 divides the superlot land into two (2) precincts; Precinct 1 – Victoria / Wilson Street West and Precinct 2 – Victoria Street / Wilson Street East, with associated height and setback requirements. The subject site is contained within Precinct 2 only – refer Figure 6 below:

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Figure 6: Map 1 to Schedule 12 to Clause 43.02 - Heights and Setbacks (Source: DDO12, Moonee Valley Planning Scheme)

DDO12-1 Precinct 1- Victoria /Wilson Street West

The following Design Objectives are identified to apply to the land adjacent to the subject site, contained in Precinct 1:

- To enhance the amenity of Wilson Street / Victoria Street with a standard street wall height up to four storeys.
- To ensure that development is complementary to, and respects the amenity of, the residential development on the north side of Wilson Street.

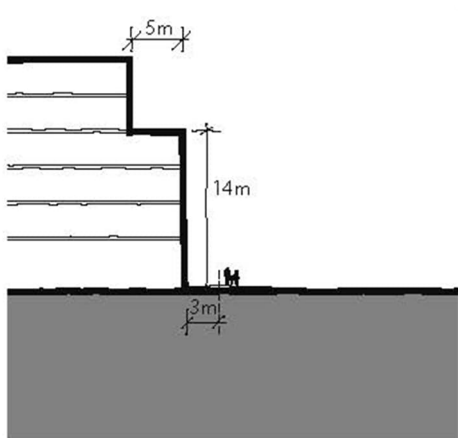
- To encourage landscaping along the Wilson Street / Victoria Street streetscapes to achieve a high quality pedestrian environment and public realm.

The following Requirements are identified to apply to the land adjacent to the subject site in Precinct 1:

General requirements- building setbacks & height

- Buildings should be setback a minimum 3.0 metres to the street up to a height of 14 metres (4 storeys).
- Building elements above 14 metres (4 storeys) should be setback 5.0 metres from the street wall facing the adjacent street.
- The maximum overall building height should not exceed 20 metres. This 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 maximum overall building height.
 - The equipment is designed and screened to the satisfaction of the responsible authority.

Diagram 1 Building Setbacks



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Figure 7: DDO12, Diagram 1 Building Setbacks (Source: DDO12, Moonee Valley Planning Scheme)

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DDO12-2 Precinct 2 – Victoria / Wilson Street East

The following Precinct 2 Design Objectives are identified to apply to the subject land:

- To enhance the amenity of Wilson Street / Victoria Street with a standard street wall height up to four storeys.
- To foster a new and distinct urban character that reinforces its gateway position.
- To provide a transitional scale from the street edge to the higher scale buildings in the south of the sub-precinct.
- To encourage landscaping along the Wilson Street / Victoria Street streetscapes to achieve a high quality pedestrian environment and public realm.

The following Precinct 2 Requirements are identified to apply to the subject land:

General requirements – building setbacks & height

- Buildings should be setback a minimum 3.0 metres to the street up to a height of 14 metres (4 storeys).
- Building elements above 14 metres (4 storeys) should be setback 5.0 metres from the street wall and provide a transition to the higher buildings in the south of the sub-precinct.
- The maximum overall building height should not exceed 29 metres. This 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 maximum overall building height.
 - The equipment is designed and screened to the satisfaction of the responsible authority.

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Diagram 2 Building Setbacks

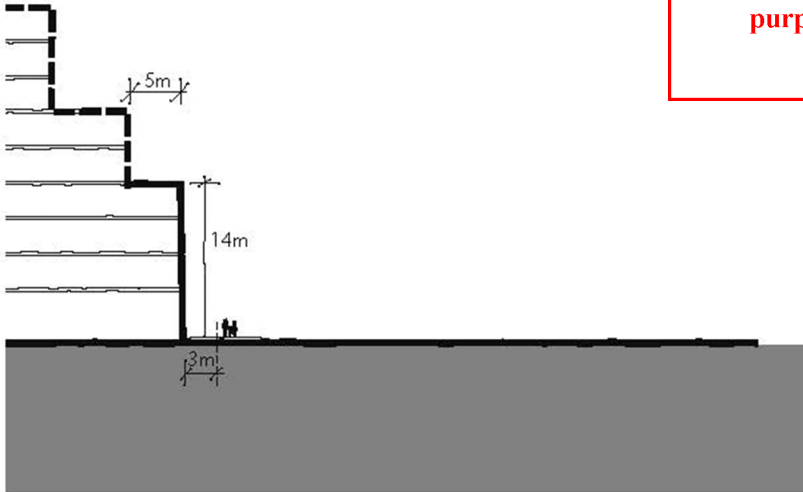


Figure 8: DDO12, Diagram 2 Building Setbacks (Source: DDO12, Moonee Valley Planning Scheme)

A planning permit is required to Pursuant to Clause 43.02, **a planning permit is required to construct a building and carry out works on the land.**

PARTICULAR PROVISIONS

The following particular provisions are relevant to the subject site:

Clause 52.06 – Car parking

The purpose of this clause is to ensure the provision of an appropriate number of car parking spaces having regard to demand, the activities on the land and the nature of the locality. It also supports sustainable transport alternatives and seeks to ensure car parking is of a high standard, creates a safe environment for users, enables easy and efficient use, and does not adversely affect the amenity of the locality.

All car parking associated with a specified land use is required to be provided in accordance with Clause 52.06 of the Scheme (unless elsewhere specified) together with the requirements for aisle widths and dimensions of car spaces.

Table 1 to Clause 52.06 specifies the following statutory car parking requirements for the proposed use across each of the 3 buildings:

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Land Use	Size/Number	Statutory Car Parking Rate (Category 2)	Statutory Requirement
Wilson East			
Residential (Dwelling)	158 dwellings	1 space to each dwelling	158 spaces
Track East			
Residential (Dwelling)	189 dwellings	1 space to each dwelling	189 spaces
Track Central			
Residential (Dwelling)	165 dwellings	1 space to each dwelling	165 spaces
Total Statutory Car Parking Requirement			512 spaces

Table 1: Statutory Car Parking Requirement

Car parking is to be provided and allocated on the following basis:

Building	Car Parking Requirement	Car Parking Provision	Net Difference
Wilson East	158 spaces	87 spaces	-71 spaces
Track East	189 spaces	226 spaces	+37 spaces
Track Central	165 spaces	198 spaces	+33 spaces
Total	512 spaces	511 spaces	-1 spaces

Table 2: Car Parking Allocation

The proposal will provide a total of 511 car spaces which does not meet the statutory requirements of Clause 52.06. Therefore, a planning permit is required for the shortfall of 1 space pursuant to Clause 52.06-3 of the Scheme.

The TIA prepared by Ratio provides further details in respect of the proposal's car parking provision and its appropriateness.

Clause 52.17 – Native vegetation

A planning permit is required to remove any existing native vegetation, as the subject site's area is greater than 0.4 hectares in area. However, as the arborist report confirms "there is no naturally occurring indigenous vegetation within the tree study area". Accordingly, a planning permit is not required.

Clause 52.34 – Bicycle facilities

A new use requires the provision of bicycle facilities in accordance with Clause 52.34 of the Scheme, together with the provisions of showers and changes rooms.

Table 2 to Clause 52.34 specifies the following statutory bicycle facility requirements for the proposed uses:

Use	Size/No.	User	Parking Rate	Parking Requirement
Wilson East				
Residential	158 dwellings	Resident	1 space to each 5 dwellings	32 spaces
		Visitor	1 space to each 10 dwellings	16 spaces
		Total		48 spaces
Track East				
Residential	189 dwellings	Resident	1 space to each 5 dwellings	38 spaces
		Visitor	1 space to each 10 dwellings	19 spaces
		Total		57 spaces
Track Central				
Residential	165 dwellings	Resident	1 space to each 5 dwellings	33 spaces
		Visitor	1 space to each 10 dwellings	17 spaces
		Total		50 spaces
TOTALS			103 resident spaces 52 visitor spaces 155 total spaces	

Table 2: Bicycle Parking Requirement

It is proposed to provide 517 bicycle parking spaces exceeding the statutory requirement and, therefore, a planning permit is not triggered under this provision.

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The TIA prepared by Ratio provides further details in respect of the proposal's bicycle parking provision and its appropriateness.

Clause 53.18 Stormwater management in urban development

Clause 58.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate any adverse impacts on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management has been considered as part of the proposal. A Stormwater Management Strategy Report has been prepared by MCG Consult and provides further explanation of the appropriateness of the proposal's stormwater management.

Clause 53.23 Significant residential development with affordable housing

The purpose of Clause 53.23 is:

- To facilitate residential development that includes affordable housing to meet existing and future needs.
- To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.
- To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.
- To facilitate residential development with high quality urban design, architecture and landscape architecture.
- To provide opportunities for non-residential use and development in association with residential development.

This clause applies to an application under any provision of the Scheme if the condition corresponding to a category in Table 1 is met. The conditions that relate to the relevant category (1) are as follows:

- The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under Clause 53.23-3 must be at least:
 - \$50 million if any part of the land is in metropolitan Melbourne
 - \$15 million if the land is not in metropolitan Melbourne.
- The application includes an affordable housing report required under clause 52.23-3 that demonstrates how the affordable housing contribution specified in clause 52.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted.
- At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in Clause 53.23-4.



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- Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

The provisions make the Minister for Planning the responsible authority.

It is confirmed that the proposed development meets the above category 1 conditions of Clause 53.23-1 as it:

- Has an estimated cost of development greater than \$50 million, being greater than \$400 million.
- It is proposed to provide 20% affordable housing, as outlined in the Affordable Housing Report prepared by Urbanxchange.
- Has obtained written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

An application made under Clause 53.23 is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Planning and Environment Act 1987 **(the Act)**.

Clause 52.37 – Canopy Trees

The purpose of Clause 52.37 is:

- To protect and enhance canopy tree cover to support greener and cooler residential areas.
- To maximise the retention of existing canopy tree cover where no development is proposed.
- To ensure that development is designed to maximise the retention and long-term health of existing and new canopy trees and contributes to increasing canopy tree cover.
- To balance the retention of existing canopy trees and residential development to meet the housing needs of Victoria's growing population.
- To encourage canopy tree cover that is site and climate responsive and supports the local environment.

This clause specifies:

A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone.

This does not apply:

- If the table of exemptions in clause 52.37-8 specifically states that a permit is not required.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) identified for assessment in an application to which clause 54, 55, 57 or 58 applies and the tree is not removed, destroyed or lopped until the permit is issued.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) if the site is developed with an existing dwelling.

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An Arboricultural Assessment has been prepared by Tree Logic and identifies all relevant canopy trees on and adjacent to, the subject site.

The only boundary canopy tree located on the subject site is Tree No.14, which has:

- a height of 7 metres above ground level; and
- a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and
- a canopy diameter of 5 metres;
- is located within 6 metres of the site's Wilson Street frontage. There are no trees located within 4. Metres of the site's rear boundary.

This tree is proposed to be removed.

A planning permit is therefore required to remove Tree No. 14 pursuant to Clause 52.37 of the Scheme.

In accordance with Clause 52.37-3 the following Canopy tree requirement applies:

The number of canopy trees on site should meet the minimum canopy tree requirements specified in Table 1. For site above 1001 sqm Table 1 specifies a total canopy cover within the site that is equal to at least 20 per cent of the site area.

If the site has an area of more than 1000 square metres and the existing total canopy cover within the site is more than 20 per cent of the site area, the canopy trees on the site should achieve a total canopy cover within the site that is equal to at least 20 per cent of the site area plus 50 per cent of the area of the existing canopy cover that exceeds 20 per cent.

The accompanying Landscape Plan and Report prepared by Tract provides an assessment of the existing canopy tree cover, together with calculation of the proposed extent of canopy cover in accordance with the requirements of Clause 52.37 of the Scheme.

The assessment determines that the extent of existing canopy tree cover is not more than 20% (calculated to be 14.4%) and accordingly a minimum canopy tree requirement *that is equal to at least 20 per cent of the site area* is required to satisfy Clause 52.37-3.

The proposal will provide for a minimum of 20% canopy tree cover and will therefore satisfy the requirement to provide canopy cover of least 20 per cent of the site area.

Clause 58 – Apartment developments

An apartment development must meet the objectives and should meet the standards of Clause 58. This clause seeks to facilitate new residential development that:

- Implements the Municipal Planning Strategy and the Planning Policy Framework.
- Encourages apartment development that provides reasonable standards of amenity for existing and new residents.
- Encourages apartment development that is responsive to the site and the surrounding area.



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A detailed assessment of the proposal against the Clause 58 objectives and standards is included at **Appendix 5**.

REFERRAL PROVISIONS

Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings or lots, must be referred to Head, Transport for Victoria (Determining referral authority).

NOTICE AND REVIEW

This application is made under Clause 53.23 and is therefore exempt from the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

OPERATIONAL PROVISIONS

Clause 72.01 makes the Minister for Planning the responsible authority for use or development to which Clause 53.23 applies.

SUMMARY OF PERMIT TRIGGERS

In summary, the proposal requires a planning permit pursuant to:

- Clause 32.04-7, construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings.
- Clause 43.02-2, to construct a building or construct or carry out works.
- Clause 52.06-3 to reduce the number of car parking spaces required under Clause 52.06-5.

Pursuant to Clause 72.01, the Minister for Planning is the responsible authority for an application under Clause 53.23 of the Scheme.

PLANNING POLICIES

The Municipal Planning Strategy (**MPS**) is outlined at Clause 02 of the Scheme and the following clauses are relevant to the proposed development:

- Clause 02.01 Context recognises MVRC as a major metropolitan facility located within the municipality.
- Clause 02.03-1 Settlement identifies Moonee Ponds as a Major Activity Centre which should be supported by:
 - Reinforcing the centre as a destination for retail, business, civic, cultural, creative and entertainment uses.



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- Encouraging higher-density development that respects the local heritage attributes of the area.
- Designing new development to be sensitive to the surrounding residential areas particularly where they directly interface.
- Encouraging the activation of the laneway network, including through greening initiatives and public art.
- Connecting and activating laneways to create a cohesive network for improved pedestrian permeability and vibrancy.
- Supporting sustainable transport modes by providing high quality bicycle and walking infrastructure and reducing the reliance on the private vehicle.
- Discouraging the expansion of gambling venues or electronic gaming machines.

This clause further outlines the following in relation to the broader Moonee Ponds ('Local Place'):

The Moonee Ponds neighbourhood is defined by the Moonee Ponds Major Activity Centre and encompasses extensive heritage precincts with high amenity streetscapes. A range of pedestrian, cycling and open space infrastructure upgrades are required to cater for the needs of residents. Moonee Ponds should be supported by:

- Improving walking and cycling connections to link the Moonee Ponds Major Activity Centre to the MVRC and key transport nodes.
- Improving pedestrian permeability throughout the neighbourhood.
- Enhancing amenity through the provision of quality green spaces and urban design treatments.
- Protecting and enhancing views from Moonee Ponds to Brunswick, in particular views of Queens Park, Mt Alexander Road and from Ascot Vale Road.

Moonee Ponds is forecast to undergo significant growth in the period until 2040 and is expected to accommodate an increased number of young families and older families. A large proportion of the growth should:

- Be accommodated in the Moonee Ponds Major Activity Centre and the redeveloped Moonee Valley racecourse in the form of higher-density apartments.

Outside of these 2 growth locations, new housing should:

- Be developed in a variety of ways, including medium-density infill development with pockets of higher-density development along Mt Alexander Road.

- **Clause 02.03-4 Built environment and heritage** includes the following directions in relation to environmentally sustainable development and heritage:



Environmentally sustainable development

Council is committed to improving the sustainability of the built environment. Development is encouraged to be designed to incorporate environmentally sustainable design. Council supports:

- Planning neighbourhoods to reduce car travel and designing more environmentally sustainable buildings that reduce energy and water use, along with reducing waste and pollution.
- Incorporating environmentally sustainable design elements at the time of planning approval to assist in achieving environmentally sustainable development. This approach seeks to:
 - Improve outcomes that may otherwise be compromised if these matters are only considered as part of building approval.
 - Reduce difficulties or extra costs associated with retro-fitting the development.

Heritage

Moonee Valley has extensive areas and numerous individual places of heritage significance, and the protection and conservation of these heritage assets is required. Council supports:

- Protecting places of heritage significance.
- Allowing adaptive reuse and change of buildings where they provide for the retention and maintenance of a heritage place.
- **Clause 02.03-5 Housing** identifies Council's strategic directions as follows:

It is important that Moonee Valley accommodates people of all ages and backgrounds who require different housing options which change at various stages of life. Moonee Valley's 13 neighbourhoods will be able to accommodate varying degrees of new housing growth depending on a range of factors, including good access to public transport, services, open space and retail opportunities. Council supports:

 - Encouraging a range of housing types that can influence tenures and price points, and quality social and public housing.
 - Directing housing growth of higher scale to key locations where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home.
 - Protecting the city's significant heritage areas from inappropriate development.
 - Maintaining the lower built form scale of residential neighbourhoods where it is the prevailing character and there is limited access to services and amenities.
- **Clause 02.03-7 Transport** seeks to achieve a city with a network of 20-minute neighbourhoods, sustainable transport access and provision needs to be planned and delivered as a priority across the municipality.

Moonee Valley's road network accommodates many different transport modes. As these can significantly impact on one another, the most efficient modes should be encouraged. Council supports:

- Delivering sustainable transport options and facilitating access to these in order to support a network of 20-minute neighbourhoods.
- Establishing a road space hierarchy based on modal efficiency in the following order:
 - Pedestrians
 - Cyclists
 - Public transport
 - Freight
 - Private vehicles including autonomous vehicles and/or share rides
- Modifying road infrastructure to accommodate future vehicle technologies. Where that involves reducing road reserves, using that opportunity to change the land use of these reserves to public open space.
- **Clause 02.03-8 Infrastructure** identifies well-located open spaces are an important element in achieving a healthy city, particularly as the population increases. Moonee Valley has a wide network of open space reserves ranging from waterway corridors, historical gardens, large sporting reserves and a network of smaller open spaces. Council supports:
 - Preserving, managing and maintaining open space areas for health, safety, connection, drainage, aesthetic and ecological reasons.
 - Increasing open space in the municipality by reducing gaps in the network.
 - Delivering open space connected to walking and cycling paths, drainage and key ecological links.

Integrated water management

Achieving improved stormwater quality is key in reducing the environmental impact of urban development on waterways and receiving water bodies in the Moonee Valley catchment. Council supports:

- Incorporating stormwater treatment measures into the design of development, including wetlands, raingarden systems and porous pavements to filter pollutants, help protect and improve the condition of the natural waterways, and passively irrigate urban vegetation.

Waste management

As Moonee Valley experiences higher-density development, waste management planning is becoming increasingly important. Effective waste management is particularly important for multi-unit developments to minimise impacts on residential amenity, pedestrian traffic and public health. Council supports:



- Encouraging waste management systems that reduce waste generation and promote innovations in the design of waste management systems.
- **Clause 02.04 Strategic framework plan** identifies the subject site to be located within the Moonee Valley Racecourse precinct and to the immediate west of the Citylink road reserve and Moonee Ponds Creek where the conceptual potential for a habitat corridor is identified. The site is situated outside of the Economic and activity area of Moonee Ponds. *Support operation of Moonee Valley Racecourse as a significant sporting, recreational and employment asset*, is identified.

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Figure 9: Moonee Ponds neighbourhood implementation plan (Clause 02.04 – Strategic Framework Plans)

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PLANNING POLICY FRAMEWORK

The Planning Policy Framework (**PPF**) is outlined at Clauses 10–19 of the Scheme. The PPF underpins the key objectives of the Act and its objectives that require consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications build on and achieve these important policy objectives.

Of the PPF, the following clauses are relevant to this proposal:

- **Clause 11.01-1S Settlement** seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. It includes the following strategies, as relevant:
 - Plan for the delivery of 2.24 million homes across Victoria by 2051.
 - Encourage a form and density of settlements that supports healthy, active and sustainable transport.
 - Promote and capitalise on opportunities for urban renewal and infill redevelopment.
 - Limiting urban sprawl and direct growth into existing settlements.
 - Deliver networks of high-quality integrated settlements, suburbs and towns that:
 - Are great places with a strong identity and sense of place.
 - Are inclusive, prosperous, liveable and sustainable.
 - Comprise a form and density that supports healthy, active and sustainable transport.
 - Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.
 - Concentrate retail, office-based employment, community facilities and services in central locations.
 - Facilitate environmentally resilient settlements by:
 - Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.
 - Minimising exposure to natural hazards.
 - Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.
 - Supporting metropolitan and regional climate change adaption and mitigation measures.
 - Supporting cooling and greening measures for urban areas.
- **Clause 11.01-1R Settlement – Metropolitan Melbourne** includes the following strategies as relevant:
 - Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.
 - Focus investment and growth in:
 - Melbourne Central City.
 - Employment and Innovation Areas.
 - Metropolitan Activity Centres.



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- Priority Precincts, including Suburban Rail Loop Precincts.
 - Activity Centres - Housing Choice and Stations.
 - State-Significant Industrial Precincts.
 - Transport Gateways.
 - Health and Education Precincts.
 - Create mixed use neighbourhoods at varying densities, including through the development of urban-renewal precincts and Activity Centres - Housing Choice and Stations.
 - Develop Metropolitan Activity Centres as:
 - Higher-order centres providing a diverse range of jobs, activities and housing for catchments well-served by public transport.
 - Major locations for service delivery, including of government, health, justice and education services. It also provides many retail and commercial opportunities.
 - Support a network of activity centres of varying size, role and function.
- **Clause 11.02-1S Development capacity** seeks to ensure a sufficient development opportunities are available to meet the needs of current and future Victorians. It includes the following strategies:
 - Ensure that sufficient land is available to meet forecast demand and the needs of current and future Victorians for commercial, retail, recreational, institutional and other community needs.
 - Ensure that at least a 15 year supply of land and development capacity is available to meet housing targets.
 - Plan to accommodate housing targets and provide clear direction on the locations where growth should occur and ensure sufficient realisable capacity in planning schemes.
 - Ensure ongoing development opportunities and supporting infrastructure are available to support sustainable urban development.
 - Planning for urban growth should consider:
 - Opportunities to consolidate, redevelop and intensify existing urban areas with good access to jobs and services.
 - The liveability of neighbourhoods and delivery of quality urban landscapes.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
 - **Clause 11.03-1S Activity centres** seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres with good public transport services. It includes the following strategies:
 - Build up the central activity areas of Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations as a focus for high-quality development, activity and living that:
 - Are a focus for business, shopping, working, leisure and community facilities.
 - Provide different types of housing, including forms of higher density housing.
 - Are connected by transport.
 - Maximise choices in services, employment and social interaction.



- Undertake strategic planning for the use and development of land in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations and their residential catchments.
 - Encourage a diversity of housing types at higher densities in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations and their residential catchments.
 - Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
 - Improve access by walking, cycling and public transport to services and facilities.
 - Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
 - Improve the social, economic and environmental performance and amenity of activity centres.
- **Clause 11.03-1R Activity centres and precincts – Metropolitan Melbourne** identifies the following strategies, as relevant:
 - Support the development and growth of Metropolitan activity centres and Suburban Rail Loop Precincts by ensuring they:
 - Are able to accommodate significant growth for a broad range of land uses.
 - Are supported with appropriate infrastructure.
 - Are hubs for public transport services.
 - Offer good connectivity for a regional catchment.
 - Provide high levels of amenity.
 - Plan the activity centres network to support thriving, productive and sustainable communities through:
 - The delivery of new homes to meet housing target at appropriate Activity Centres - Housing Choice and Stations.
 - Activity Centres – Housing Choice and Stations as a focus for facilities and services.
 - Moderated housing growth at other designated activity centres (those not identified as Activity centres – Housing Choice and Stations or Metropolitan activity centres).
 - Support new activity centres within convenient walking distance of homes in the design of new subdivisions and in areas where services are not in walking distance.
 - Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or activity centres with good public transport.
 - Locate new small scale education, health and community facilities that meet local needs in or around activity centres.
- **Clause 12.01-1L Vegetation** seeks to increase tree canopy cover and enhance the ecological values of the city.
 - **Clause 12.06-1S Urban forests** seeks to protect and enhance tree canopy in urban areas. It includes the following strategies:



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- Contribute to achieving an overall 30 per cent tree canopy target for urban areas by:
 - Encouraging the retention of existing canopy trees.
 - Promoting the planting of new canopy trees:
 - Within the public realm and open space (excluding areas dedicated to biodiversity or native vegetation conservation).
 - On private land.
 - Ensuring that canopy tree species are appropriate for the locality, available space, growing conditions and future climate conditions.
- **Clause 13.04-1S Contaminated and potentially contaminated land** seeks to ensure that contaminated and potentially contaminated land is used and developed safely. It includes the following strategies:
 - Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.
 - Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.
 - Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.
- **Clause 15.01-1S Urban design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. It includes the following strategies:
 - Require development to respond to its context in terms of character, cultural identity and heritage, natural features, surrounding landscape and climate.
 - Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
 - Ensure the interface between the private and public realm protects and enhances personal safety.
 - Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
 - Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
 - Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
 - Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
 - Promote good urban design along and abutting transport corridors.
- **Clause 15.01-1R Urban design – Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity. It includes the following strategies:



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- Support the creation of well-designed places that are memorable, distinctive and liveable.
 - Integrate place making practices into road space management.
 - Strengthen Melbourne's network of boulevards.
 - Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.
 - Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.
- **Clause 15.01-1L Urban design** includes the following strategies:
 - Provide built form that integrates with the public realm through:
 - Providing active frontages.
 - Minimising loss of solar access.
 - Minimising negative wind effects.
 - Designing buildings to have a human scale at the street edge.
 - Encourage the design of buildings, subdivisions, car parks and public open spaces that maximise passive surveillance and personal safety.
 - Reduce the visual prominence of car parking and vehicular access.
 - Strengthen the appearance of boulevards by providing:
 - A coherent built form edge.
 - Continuous separated cycling network.
 - Landscaping.
 - Improved accessibility to public transport.
 - Discourage development on land adjacent to major boulevards, such as Mt Alexander Road, that would detract from the visual appearance of the boulevard.
 - Emphasise municipal gateways through the design of public spaces, art/sculpture, or built form that reinforces their context and landscape.
 - Design publicly accessible spaces to foster social interaction and gatherings.
 - Design buildings around parks, river corridors and open spaces to respect the natural environment and maximise passive surveillance.
 - Design development to be sensitive to all river and creek interfaces. Minimise visual clutter in streets and public spaces.
 - Encourage the provision of public art in new development.
 - Create and enhance visual and physical links to adjoining streets, public transport and/or key community facilities when developing large or consolidated sites.
 - Encourage developments up to but not exceeding preferred heights. In cases where a development seeks to exceed preferred maximum building heights it should clearly demonstrate a net community benefit.
 - Design new development in the MPAC to minimise the impact of wind to ensure the safety and comfort of pedestrians.

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- Ensure new development in the MPAC does not cast unreasonable additional overshadowing on key pedestrian streets and public open spaces identified in relevant design guidelines, overlays and plans.
- **Clause 15.01-2S Building design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. It includes the following relevant strategies:
 - Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
 - Ensure development responds and contributes to the strategic and cultural context of its location.
 - Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
 - Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
 - Restrict the provision of reticulated natural gas in new dwelling development.
 - Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
 - Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
 - Encourage water efficiency and the use of rainwater, stormwater and recycled water.
 - Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
 - Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
 - Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
 - Ensure development is designed to protect and enhance valued landmarks, views and vistas.
 - Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
 - Encourage development to retain existing vegetation.
 - Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.
- **Clause 15.01-2L Building design** seeks to support development exhibiting innovative application of materials, construction techniques and building configurations.
- **Clause 15.01-2L-02 Energy and resource efficiency** includes the following strategies:
 - Encourage the siting of new buildings and works to minimise unreasonable impacts on the performance of existing renewable energy devices and passive solar elements on adjoining buildings or land.



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- Encourage development to be designed to maximise the efficiency, future reuse and recycling of materials.
- Encourage development to be designed to be flexible to allow for future uses.
- **Clause 15.01-2L-03 Environmentally sustainable development** seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.
- **Clause 15.01-4L A healthy city** includes the following strategies:
 - Design multi-storey residential and mixed use development to encourage opportunities for social interaction between public and private areas, spaces and facilities.
 - Support and facilitate community gardens, urban agriculture or other uses and development that can accommodate community food assets.
- **Clause 16.01-1S Housing supply** seeks to facilitate well-located, integrated and diverse housing that meets community needs. It identifies the following strategies:
 - Plan to accommodate housing targets specified in this clause by ensuring zones and overlays deliver sufficient realisable development capacity.
 - Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
 - Increase the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
 - Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
 - Identify opportunities for increased residential densities to help consolidate urban areas.
 - Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
 - Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
 - Support opportunities for a range of income groups to choose housing in well-serviced locations.
 - Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Table 1 to this Clause (Metropolitan Melbourne Housing Targets) confirms that Moonee Valley has a Housing Target of **47,500** new dwellings within its Established Areas.

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- **Clause 16.01-1R Housing supply – Metropolitan Melbourne** identifies the following strategies:
 - Create development opportunities to meet housing targets population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:
 - In and around the Central City.
 - Metropolitan activity centres and their residential catchments.
 - Priority Precincts, including Suburban Rail Loop East Precincts.
 - Activity centres - Housing Choice and Stations.
 - Areas for residential growth.
 - Areas for greyfield renewal, particularly through opportunities for land consolidation.
 - Established areas close to existing services, jobs and public transport.
 - Neighbourhood activity centres - especially those with good public transport connections.
 - Areas near existing and proposed railway stations that can support transit-oriented development.
 - Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
 - Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
 - Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
 - Create mixed use neighbourhoods at varying densities that offer more choice in housing.
- **Clause 16.01-1L Housing growth** identifies the following strategies:
 - Direct new housing of higher density to areas with good access to public transport services or open space.
 - Encourage the majority of higher density development to locate within Major Activity Centres.
 - Support higher density development within established commercial areas and on sites with frontages to a main road adjacent to the Principal Public Transport Network (PPTN).
 - Direct infill medium density development respectful of the character of the neighbourhood to occur in areas within walking distance to Major Activity Centres.
 - Encourage development to be of a density and scale that respects the strategic context of the site and the existing streetscape character.
 - Encourage development of a variety of housing types responding to the forecast demand for an increase in smaller households.
- **Clause 16.01-2S Housing affordability** seeks to deliver more affordable housing close to jobs, transport and services. It includes the following strategies:
 - Improve housing affordability by:
 - Ensuring housing supply continues to be sufficient to meet demand.

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- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
 - Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
 - Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in suburbs, growth areas, activity centres and urban renewal precincts.
 - Ensuring the redevelopment and renewal of public housing stock better meets community needs.
 - Facilitate the delivery of social housing by identifying surplus government land suitable for housing.
- **Clause 16.01-2L Affordable housing** identifies the following strategies:
 - Support innovative affordable housing models, initiatives and incentives (such as voluntary agreements) to deliver affordable housing.
 - Encourage voluntary agreements to provide affordable housing in large-scale residential development.
 - Encourage alternative housing models (such as shared equity, community housing partnerships and co-housing) to provide affordable housing, social housing, crisis accommodation and rooming housing options.
 - **Clause 18.01-1S Land use and transport integration** seeks to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.
 - **Clause 18.01-3S Sustainable and safe transport** seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.
 - **Clause 18.01-2L Transport modes** includes the following strategies:
 - Discourage developments that would significantly increase vehicle congestion.
 - Design and locate development so it does not unreasonably impact the provision and operation of sustainable transport modes and on-road public transport services.
 - Provide adequate footpath space, cycling infrastructure, drop off zones and shared zones required for shared autonomous vehicles and other emerging transport modes.
 - **Clause 18.01-1-3L Walking and cycling** includes the following relevant strategies:
 - Prioritise road space for pedestrians and cyclists, including exploring opportunities to implement shared zones.
 - Provide adequate land and links for sustainable transport to be realised such as the provision of dedicated cycling lanes.
 - Upgrade the Moonee Ponds Creek Trail and Maribyrnong River Trail with separated walking and cycling paths where possible.



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- **Clause 18.02-4L Car parking** seeks to manage car parking through demand management techniques. It includes the following strategies:
 - Encourage use or development proposing limited or no on-site car parking to locate in areas proximate to public transport.
 - Locate and design off-street car parking facilities to:
 - Provide for active frontages.
 - Provide required services for electric vehicles such as charging points.
 - Locate and design crossovers to minimise their impact on the supply of on-street car parking spaces.
- **Clause 19.03-3L Water sensitive urban design** seeks to promote the use of water sensitive urban design, including stormwater re-use, and to mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design.
- **Clause 19.03-5L Waste and resource recovery** includes the following strategies:
 - Encourage new development to incorporate innovative waste management approaches and technologies to reduce waste.
 - Integrate waste management and recycling facilities into new developments to reduce waste generation, encourage design for organic collections and divert more waste from landfill.
 - Require easily accessible recycling facilities on-site to encourage use by occupants and facilitate ease of collection.

MV2040 STRATEGY

MV2040 Strategy (**the Strategy**) is Council's long-term plan for improving the health, vibrancy and resilience of the municipality over the next few decades. The vision statement includes the following:

In 2040 Moonee Valley is a great place to live, work and visit, strengthened by a network of 20-minute neighbourhoods. Our neighbourhoods allow all people, at all stages of life, to live locally, accessing most of their needs close to their home.

Our neighbourhoods are beautiful, sustainable and hold strong community connections which enable citizens and the environment to be healthy and resilient.

The Strategy comprises 3 parts: Context, Themes and Neighbourhoods. It has been designed to operate as Council's 'umbrella' strategy, that being one document that seeks to guide future work, planning, infrastructure and service delivery.

The Strategy identifies that:

...Moonee Ponds is expected to undergo significant growth in the period to 2040. A large proportion of the growth will be accommodated in the Moonee Ponds Activity Centre and the redeveloped Moonee Valley racecourse. Development in these areas is expected to be in the form of high-density apartments. (p.183)

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Urban Planning Collective



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The Strategy identifies the following vision for the Moonee Ponds Neighbourhood:

In 2040 Moonee Ponds will:

- *Be an attractive, cosmopolitan city centre that fosters creativity and imagination*
- *Be a premier business, civic, cultural, creative and entertainment destination of the municipality*
- *Enjoy high-quality public spaces for events and activities*
- *Include a safe and accessible public transport interchange*
- *Have a second anchor for the community through the redeveloped Moonee Valley racecourse*
- *Feature high-quality architecture and design in all new higher-density development*
- *Connect with a naturalised and revitalised Moonee Ponds Creek*
- *Provide a diversity of housing options for new and existing residents*
- *Celebrate and protect its valued heritage*
- *Support cycling and walking as preferred modes of transport*
- *Include an excellent network of cycling and walking connections within and to other neighbourhoods, supporting an active and healthy community*
- *Boast a variety of resilient and vibrant green spaces, including a new open space at Moonee Valley racecourse.*

Urban Design Focus initiatives of relevance include:

- *Ensure high-quality architecture in higher density development*
- *Ensure high-quality design in all new development that respects the heritage values of Moonee Ponds established residential areas*
- *Encourage a diversity of housing types*
- *...*
- *Provide new walking and cycling connections, including between Moonee Ponds Junction and the Moonee Valley racecourse*
- *...*
- *Provide a variety of resilient and vibrant green spaces, including new open space at Moonee Valley racecourse*
- *Reinforce Moonee Ponds as the premier activity centre of Moonee Valley*
- *Support high-quality design in both the public and private spheres*
- *...*
- *Respect the local heritage attributes of the Moonee Ponds Activity Centre*
- *Improve pedestrian permeability through the precinct*
- *Ensure buildings address all street interfaces*
- *Incorporate public art at key gateways, in new buildings, landscape areas, civic spaces and building forecourts*
- *Encourage well designed buildings and landscape outcomes*
- *...*

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Relevant implementation initiatives for the future of Moonee Ponds include:

- ...
- *Support the Moonee Valley racecourse as a significant sporting, recreational and employment asset*
- ...
- *Deliver direct cycling and walking connections between the Moonee Ponds Junction and the bus interchange*
- ...
- *Acquire land for new and/or expanded areas of public open space*
- *Beautify and green Puckle Street and the wider Moonee Ponds Activity Centre*
- ...

MOONEE VALLEY RACECOURSE REDEVELOPMENT ADVISORY COMMITTEE REPORT (2013)

The MVRC sought to redevelop its facilities to allow for a realigned racing track with a longer finishing straight, and a new grandstand to be located in the north-west corner of the subject site. This outcome was to result in surplus land to the west of the Racecourse, as well as a pocket in the north-east, which the Club sought to develop for primarily residential purposes, with some commercial and retail uses. At the time, the residential development was proposed to be in the order of some 2,500 new dwellings in residential complexes of 3 to 25 storeys, resulting in a new population of approximately 4,500 people, and developed over a 15 to 20 year time frame.

The Minister for Planning appointed an Advisory Committee to provide advice and recommendations about the proposed redevelopment of the MVRC. The recommendations of the Advisory Committee subsequently formed the overarching basis for the planning control regime that now applies to the land including the application of the Mixed Use Zone and the Design and Development Overlay – Schedule 12 requirements. We note that the Advisory Committee did not consider the specifics of the DDO12 overlay which was not proposed at the time, but rather made broad recommendations as to the appropriate planning regime that might apply to the north-east precinct.

PLAN MELBOURNE 2017-2050: METROPOLITAN PLANNING STRATEGY

The current metropolitan Planning Strategy, *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017), is in many respects a response to Melbourne's much faster than expected population growth and the desirability of more employment opportunities which are integral to community wealth, health and prosperity.

At page 12, the vision for Melbourne as '*a global city of opportunity and choice*' anticipates outcomes including that '*Melbourne is a productive city that attracts investment, supports innovation and creates jobs*' and that '*Melbourne provides housing choices in locations close to jobs and services*'.

Related directions include:

- Improve access to jobs across Melbourne and closer to where people live. (Direction 1.2)
- Create development opportunities at urban renewal precincts across Melbourne (Direction 1.3)



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- Manage the supply of new housing in the right locations to meet population growth and create a sustainable city (Direction 2.1)
- Deliver more housing closer to jobs and public transport (Direction 2.2)
- Increase the supply of social and affordable housing (Direction 2.3)
- Facilitate decision-making processes for housing in the right locations (Direction 2.4)
- Provide greater choice and diversity of housing (Direction 2.5)
- Respect Melbourne's heritage as we build for the future (Direction 4.4)
- Create a city of 20-minute neighbourhoods (Direction 5.1)
- Create neighbourhoods that support safe communities and healthy lifestyles (Direction 5.2)
- Deliver local parks and green neighbourhoods in collaboration with communities (Direction 5.4)
- Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050 (Direction 6.1)
- Integrate urban development and water cycle management to support a resilient and liveable city (Direction 6.3)
- Make Melbourne cooler and greener (Direction 6.4)

Moonee Ponds is identified as a Major Activity Centre (refer to page 53). Relevant policy includes:

- Support the development of a network of activity centres linked by transport (Policy 1.2.1 at page 36)
- Plan for and facilitate the development of urban renewal precincts (Policy 1.3.1 at page 39)
- Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport (Policy 2.1.2 at page 47)
- Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne's central city (Policy 2.2.1 at page 50)
- Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne (Policy 2.2.2 at page 50)
- Support new housing in activity centres and other places that offer good access to jobs, services and public transport (Policy 2.2.3 at page 50).

It is explained that:

- Diversification will give communities access to a wide range of goods and services, provide local employment and support local economies and the development of 20-minute neighbourhoods. In many activity centres, this growth will include housing, particularly at higher densities.
- Projections indicate that around 65% of all new dwellings in Victoria will be in Melbourne's established areas, with 35% in growth area greenfield sites. Planning will be undertaken to ensure that the best parts of Melbourne are maintained and the benefits experienced in established inner and middle suburbs of Melbourne from compact, walkable neighbourhoods can also be realised in middle and outer areas. This approach will support greater housing diversity and offer better access



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to services and jobs. It will also encourage the right mix of housing by enabling local residents to downsize or upsize without leaving their neighbourhood.

- Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast. Activity centres with the greatest potential to attract investment and support more medium and higher density housing need to be identified.

VICTORIA'S HOUSING STATEMENT

The Victorian Government issued the Housing Statement in September 2023 to guide housing over the next decade. The Housing Statement acknowledges the difficulties that Victorians face with decreasing housing affordability due to high demand and low supply of housing. It seeks to address this by implementing a range of measures to boost supply including planning reforms. The Housing Statement places an emphasis on building more homes within established suburbs where there is existing infrastructure and to minimise urban sprawl.

PLAN FOR VICTORIA

Released in March 2025, Plan for Victoria addresses emerging issues and a response to meet the needs of future generations. It is centred around the following five pillars; *Self-determination and caring for Country, Housing for all Victorians, Accessible jobs and services, Great places, suburbs and towns, Sustainable environments.*

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Appendix 4: Better Apartment Design Standards Assessment

110 WILSON STREET, MOONEE PONDS – NORTH EAST PRECINCT – 'TRACKSIDE GARDENS'

ASSESSMENT AGAINST CLAUSE 58 – MOONEE VALLEY

Better Apartment Design Standards

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58.01 Urban Context Report and Design Response

58.01-1 Application requirements	<i>An application must be accompanied by:</i> <i>An urban context report.</i> <i>A design response.</i>
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Assessment	An Urban Context Report has been prepared by DKO Architects and provides a response in accordance with Clause 58.01-1.
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Complies

58.01-2 Urban context report	<i>The urban context report may use a site plan, photographs or other techniques and must include:</i>
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An accurate description of:

- Site shape, size, orientation and easements.*
- Levels and contours of the site and the difference in levels between the site and surrounding properties.*
- The location and height of existing buildings on the site and surrounding properties.*
- The use of surrounding buildings.*
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.*
- Solar access to the site and to surrounding properties.*
- Views to and from the site.*
- Street frontage features such as poles, street trees and kerb crossings.*
- The location of local shops, public transport services and public open spaces within walking distance.*
- Movement systems through and around the site.*
- Any other notable feature or characteristic of the site.*

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.*

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- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Assessment	The Urban Context Report provided by DKO Architects is to be read in conjunction with the architectural plans and this town planning submission. Collectively, these provide an overall holistic understanding of the subject site and its surrounding context, including survey and street frontage information, contours, site dimensions, orientation, nearby asset details, the location, use and height of surrounding developments and the location of nearby open space, as well as solar access.
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Complies

58.01-3 Design response	The design response must explain how the proposed design: • Responds to any relevant planning provision that applies to the land. • Meets the objectives of Clause 58. • Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. • Selects material and finishes for the external walls. • Derives from and responds to the urban context report. The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
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Assessment	As part of the architectural plans package, design response plans have been included with these submissions and are to be read in conjunction with this Clause 58 Assessment and foregoing town planning submission more generally.
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Complies

58.02 Urban Context

58.02-1 Urban context	To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
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To ensure that development responds to the features of the site and the surrounding area.

Standard D1	<i>The design response must be appropriate to the urban context and the site.</i> <i>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</i>
-------------	---

Assessment	The proposed redevelopment of the subject site is responsive to the existing urban context and will contribute to the preferred and emerging future development of the area more generally.
------------	---

The subject site is effectively an island site, located on the north-east corner of the existing Moonee Valley Racing Club (**MVRC**). The realignment of the racetrack will facilitate the southern boundary of the subject site. Citylink forms the eastern edge of the subject site, with Wilson Street comprising the northern boundary. Land to the immediate west forms part of the balance of the land which will be the subject of future separate permit application. Further west of this, is the new approved Grandstand associated with MVRC's redevelopment.

Given the site has no sensitive interfaces, with the northern residential properties separated by Wilson Street, a landscape verge and a service road, the subject site is able to support increases in residential densities and housing, with limited impacts to the public realm and existing residential properties.

For the reasons outlined within the body of this submission, the proposed development is considered to respond to the existing and preferred design outcome for this urban setting.

Complies

58.02-2 Residential policy	<i>To ensure that residential development is provided in accordance with any policy for housing in the MPS and PPF.</i>
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To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2	<i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the MPS and PPF.</i>
-------------	---

Assessment	The planning submission comprehensively details how the development remains consistent with the relevant policy considerations for the supply of housing conveyed in the Planning Policy Framework as relevant.
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The area is identified as a preferred higher density residential area due to the underlying locational attributes that benefit the subject site from an urban consolidation perspective.

Complies

58.02-3 Dwelling diversity *To encourage a range of dwelling sizes and types in developments of ten or more dwellings.*

Standard D3 *Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.*

Assessment The development provides for a sufficient diversity amongst the internal configuration of dwellings across the 3 residential apartment buildings, providing a mix of 1, 2, 3 and 4-bedroom apartment layouts.

Complies

58.02-4 Infrastructure *To ensure development is provided with appropriate utility services and infrastructure.*

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

Standard D4 *Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.*

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Assessment The proposal will not exceed the capacity of relevant utility services and is readily capable of connecting to the requisite services infrastructure. Any upgrades necessarily required to accommodate the redevelopment of the subject site will be the responsibility of the developer and are a function of achieving the Scheme's aspirations for the subject site and area more broadly.

Complies

58.02-5 *To integrate the layout of development with the street.*

Integration with the street *To support development that activates street frontage.*

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Standard D5	<i>Development should be oriented to front existing and proposed streets.</i> <i>Along street frontages, development should:</i> <i>Incorporate pedestrian entries, windows, balconies or other active spaces.</i> <i>Limit blank walls.</i> <i>Limit high front fencing, unless consistent with the existing urban context.</i> <i>Provide low and visually permeable front fences, where proposed.</i> <i>Conceal car parking and internal waste collection areas from the street.</i> <i>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</i>
Assessment	The proposal takes advantage of the site being effectively an ‘island site’, with a frontage to Wilson Street, the realigned racetrack to the south, , internal interface to land contained within the larger NEP and Citylink to the east, providing high quality pedestrian access to buildings, a sense of address to all interfaces and preserving appropriate development opportunity for the remaining land within the NEP parcel to the west Dwellings face the street new or future areas of communal/open space, the racecourse and Citylink, with balconies and windows providing surveillance to and engagement with the public realm. The development will provide for varied and active frontages, including communal open space coupled with the direct pedestrian and vehicle access points, which are clearly and easily identifiable from the public realm. Complies
58.03	Site Layout
58.03-1 Energy efficiency	<i>To achieve and protect energy efficient dwellings and buildings.</i> <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i> <i>To ensure dwellings achieve adequate thermal efficiency.</i>
Standard D6	<i>Buildings should be:</i> <i>Oriented to make appropriate use of solar energy.</i> <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i> <i>Living areas and private open space should be located on the north side of the development, if practicable.</i>



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Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Assessment

The Sustainability Design Assessment (**SMP**) prepared by ARK Resources demonstrates the development represents best practice industry standards with respect to sustainable development. The design also meets the measurable NatHERS cooling load requirements of Standard D6.

Complies

58.03-2 Communal open space

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

Standard D7

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 sqm.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 sqm per dwelling or 220 sqm, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Assessment

The proposal provides for 506 dwellings and provides 2,152 sqm of communal open space, exceeding the minimum requirements of this Standard.

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This comprises of outdoor communal open space areas of approximately 1066sqm..
The total indoor area of communal open space is approximately 1077 sqm.

Complies

58.03-3
Solar access to communal outdoor open space

To allow solar access into communal outdoor open space.

Standard D8

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50% or 125 sqm, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Assessment

The development provides multiple communal open spaces with excellent solar access throughout the year that meet the requirement.

Complies

58.03-4
Safety

To ensure the layout of development provides for the safety and security of residents and property.

Standard D9

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Assessment

The development has been designed with an orientation to all streets/future areas of open space/ communal open space / the racecourse. Dwelling balconies and terraces face these areas, providing passive surveillance to the immediate streetscape and surrounds. A secure lobby for each building is provided, being easily identifiable from Wilson Street and the new internal streets. Where possible, the ground level dwellings have direct access from Wilson Street.

The combined basement car parks have secure areas in which only residents have access, from the corridor/ lift on the ground floor and basement levels.

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Within the internal corridors, dwelling entrances are easily identifiable.

The proposal ultimately provides for safe and secure entry spaces, with entrances having good visibility and surveillance from the street, as well as from various upper-level terraces and windows.

Complies

58.03-5 Landscaping

To provide landscaping that supports the existing or preferred urban context of the area and reduced visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduced urban heat.

Standard D10

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- *Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.*
- *Provide canopy cover through canopy trees that are:*
 - *Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.*
 - *Consistent with the canopy diameter and height at maturity specified in Table D4.*
 - *Located in communal outdoor open space or common areas or street frontages.*
- *Comprise smaller trees, shrubs and ground cover, including flowering native species.*
- *Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.*
- *Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.*
- *Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.*
- *Protect any predominant landscape features of the area.*
- *Take into account the soil type and drainage patterns of the site.*
- *Provide a safe, attractive and functional environment for residents.*



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- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Assessment Due to the size of the subject site, 8,475.3 square metres, Standard D10 requires:

- 1,548 square metres of canopy cover (18%).
- 15% (1,273 square metres) of the site area as deep soil.
- 2 Type B trees or 1 type C tree.

The proposal complies with the standard's requirements providing:

- 1,770 square metres (20%) square metres of canopy cover, comprising:
 - 271 square metres (3%) from retained canopy trees
 - 1,325 square metres (16%) from new canopy trees
 - 63 square metres (1%) from pergolas / climbers
- 24% (2,055 square metres) of the site area as deep soil
- 10% (861 square metres) of the site area as deep soil (on structure)
- 66 x Type A trees, 14 x Type B trees and 1 x Type C trees.

There are 12 existing trees to be retained, 8 existing trees to be relocated and 93 new trees proposed to be planted.

Planters have been designed to be integrated with the terrace and balcony designs allowing for landscaping opportunities at upper levels.

Complies

58.03-6 Access

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers area designed and located to minimise visual impact.

Standard D11

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.

Assessment

Vehicle crossovers are minimised, with 1 x new crossover proposed to Wilson Street, facilitating vehicle access to the 3 x apartment buildings. Wilson East's

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basement access is via the internal road, as well as Track East and Track Central, which have a combined basement.

The development’s access point is designed and sited to minimise visual impacts, be well integrated as well as provide for safe access for pedestrians, cyclists and vehicles.

Complies

58.03-7 Parking location	<i>To provide convenient parking for resident and visitor access.</i> <i>To protect residents from vehicular noise within developments.</i>
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Standard D12	<i>Car parking facilities should:</i> <i>• Be reasonably close and convenient to dwellings.</i> <i>• Be secure.</i> <i>• Be well ventilated if enclosed.</i> <i>Shared accessways or car parks of other dwellings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</i>
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Assessment	The car parking provided is at basement level, is proposed to be gated and secure, with lift and stair access to basement providing convenient access for residents between their dwellings and the basement levels. The internal roads / shared accessways are located at least 1.5m from dwellings habitable room windows. Complies
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58.03-8 Integrated water and stormwater management	<i>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</i> <i>To facilitate stormwater collection, utilisation and infiltration within the development.</i> <i>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</i>
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Standard D13	<i>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</i> <i>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</i>
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The stormwater management system should be:

- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.*
- *Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.*

Assessment Stormwater management has been considered as part of the proposal, with stormwater management being undertaken in accordance with Council requirements. Please refer to the Stormwater Management Plan prepared by MCG Consult and WSUD Assessment prepared by ARK Resources for more details.

Complies

58.04 Amenity Impacts

58.04-1 Building setback *To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14 *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- *Ensure adequate daylight into new habitable room windows.*
- *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
- *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
- *Ensure the dwellings are designed to meet the objectives of Clause 58.*

Assessment The proposal's built form is highly responsive to its urban context, underpinned and building upon the detailed Urban Design Report and analysis undertaken by McP.



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Appropriate setbacks are provided from all title boundaries and between buildings, allowing for significant in ground planting opportunities, ensuring:

- appropriate levels of daylight to all new dwellings
- avoidance of direct views into habitable room windows and private open space of new and existing dwellings
- a reasonable outlook from dwellings
- an appropriate internal amenity to the dwellings is provided.

A more detailed analysis of these matters is provided in the planning submission.

Complies

58.04-2
Internal views *To limit views into the private open space and habitable room windows of dwellings within a development.*

Standard D15 *Windows and balconies should be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.*

Assessment *There are no issues of internal overlooking arising as a result of the floorplate design, which positions terraces, balconies and habitable room windows to limit opportunities for internal views. Where required, planters have been designed to prevent overlooking of a lower-level dwelling directly below.*

Complies

58.04-3
Noise impacts *To contain noise sources in developments that may affect existing dwellings.*
To protect residents from external and internal noise sources.

Standard D16 *Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.*

The layout of new dwellings and buildings should minimize noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:



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- Not greater than 35dB(A) for bedrooms, assessed as an Laeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed Laeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Assessment	The subject site is located on the western side of the Citylink freeway, therefore located within a 'noise influence' area (Roads). Acoustic logic have provided recommendations around glazing types, to ensure compliance with the required noise levels. Building services are centred around the core of each building and at roof level, as best practicable, ensuring minimal noise disturbance to residents from waste chutes, lifts and services. In some instances, the air conditioner units are located on dwelling balconies, with locations factoring in any adjacent habitable room windows. Refer to Acoustic Report prepared by Acoustic Logic with further details of the acoustic performance of the development.
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Complies

58.04-4 Wind impacts	<i>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</i>
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Standard D17	<i>Development of five or more storeys, excluding a basement should:</i> • <i>not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and</i> • <i>achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land</i> <i>within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.</i> <i>Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.</i>
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Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Assessment The Wind Assessment, prepared by MEL Consultants, demonstrates the proposal achieves the wind comfort and safety criteria of Standard D17.

Complies

58.05 On-site Amenity and Facilities

58.05-1 Accessibility *To ensure the design of dwellings meets the needs of people with limited mobility.*

Standard D18 *At least 50% of dwellings should have:*

- *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.*
- *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.*
- *A main bedroom with access to an adaptable bathroom.*
- *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.*

Assessment The architectural plans and Clause 58 table contained therein confirms that 53% of dwellings have been designed to be accessible and meet the design requirements.

This is substantially better than the minimum requirements of this Standard.

Complies

58.05-2 Building entry and circulation *To provide each dwelling and building with its own sense of identity.*

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard D19 *Entries to dwellings and buildings should:*

- *Be visible and easily identifiable.*
- *Provide shelter, a sense of personal address and a transitional space around the entry.*

The layout and design of buildings should:

- *Clearly distinguish entrances to residential and non-residential areas.*
- *Provide windows to building entrances and lift areas.*
- *Provide visible, safe and attractive stairs from the entry level to encourage use by residents.*



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- Provide common areas and corridors that:
 - Include at least one source of natural light and natural ventilation.
 - Avoid obstruction from building services.
- Maintain clear sight lines.

Assessment Dwelling and building entries/lobbies are visible and easily identifiable either from the existing streets, proposed public open spaces or internal new roads/ share accessways.

The layout and design of the buildings:

- Have clearly distinguished building entries and generous open lobby areas.
- Glazing to entries and lobbies.
- Stairs which are appropriately located to encourage their use, particularly between ground and lower ground.
- Maintains clear sight lines.
- Provide daylight and natural ventilation to corridors, centred around the buildings' lift cores to maximise access for all building users

This complies with the Standard.

Complies

58.05-3 *To provide adequate private open space for the reasonable recreation and service needs of residents.*

Private open space

Standard D20 *A dwelling should have private open space consisting of at least one of the following:*

- *An area of 25sqm, with a minimum dimension of 3m and convenient access from a living room.*
- *A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.*
- *An area on a podium or other similar base of at least 15sqm, with a minimum dimension of 3m and convenient access from a living room.*
- *An area on a roof of 10sqm with a minimum dimension of 2m and convenient access from a living room.*

If a cooling or heating unit is located on a balcony, minimum balcony area specified in Table D8 should be increased by at least 1.5sqm.

If the finished floor level of a dwelling is 40m or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.



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Assessment All apartments are provided with an area of private open space (**POS**) (i.e. balcony given all areas of POS are above NGL) that meets the minimum area and dimension of the standard.

Complies

58.05-4 Storage *To provide adequate storage facilities for each dwelling.*

Standard D21 *Each dwelling should have convenient access to usable and secure storage space.*

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Assessment All proposed dwellings are provided with an internal and overall storage provision which meets the requirements of this standard.

Complies

58.06 Detailed Design

58.06-1 Common property *To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.*

To avoid future management difficulties in areas of common ownership.

Standard D22 *Developments should clearly delineate public, communal and private areas.*

Common property, where provided, should be functional and capable of efficient management.

Assessment Communal, private and public property is clearly delineated across the subject site, where provided, and is attractive and easy to maintain.

Complies

58.06-2 Site service *To ensure that site services are accessible and can be installed and easily maintained.*

To ensure that site services and facilities are visually integrated into the building design or landscape.

Standard D23 *Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.*

Mailboxes and utility services should be designed as an integrated component of the building or landscape.



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Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

Assessment	All site services have been accounted for and integrated within the design of each of the buildings, and they will be able to be easily installed and maintained.
	Complies

58.06-3 Waste and recycling	<i>To ensure dwellings are designed to encourage waste recycling.</i> <i>To ensure that waste and recycling facilities are accessible, adequate and attractive.</i> <i>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</i>
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Standard D24	<i>Developments should include dedicated areas for:</i> <i>Waste and recycling enclosures which are:</i> <i>Adequate in size, durable, waterproof and blend in with the development.</i> <i>Adequately ventilated.</i> <i>Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</i> <i>Adequate facilities for bin washing. These areas should be adequately ventilated.</i> <i>Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.</i> <i>Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</i> <i>Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</i> <i>Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.</i> <i>Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:</i> <i>Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-Unit Developments (Sustainability Victoria, 2019).</i> <i>Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</i>
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Assessment

A Waste Management Plan prepared by Leigh Design sets out each of the building's waste management, storage, access and collection requirements.

All buildings are provided with a dedicated bin storage area serviced by chutes for convenience, within the shared basements. These spaces have been sized to account for the predicted volumes of waste.

Complies

58.06-4

External walls and materials

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

Standard D25

External walls should be finished with materials that:

- *Do not easily deteriorate or stain.*
- *Weather well over time.*
- *Are resilient to the wear and tear from their intended use.*

External wall design should facilitate safe and convenient access for maintenance.

Assessment

The Urban Context and Design Response report prepared by DKO Architects explains and demonstrates the contextual basis for the proposed external wall materials and finishes.

All materials are traditional and known forms that have demonstrated their enduring quality and their ability to retain their attractiveness.

Complies

58.07

Internal Amenity

58.07-1

Functional layout

To encourage dwellings that provide functional areas that meet the needs of residents.

Standard D26

Bedrooms should:

- *Meet the minimum internal room dimensions and area specified in Table D11.*
- *Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.*

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Assessment

All dwellings comply with the minimum room size dimensions for both bedrooms and minimum room dimensions for living areas, in accordance with the Standard.



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Many apartment types have living areas much more generous than these minimum requirements.

Complies

58.07-2

To allow adequate daylight into single aspect habitable rooms.

Room depth

Standard D27

A single aspect habitable room should not exceed a room depth of 2.5x the ceiling height.

A single aspect open plan habitable room depth may be increased to 9m provided the following requirements are met:

- *The room combines the living area, dining area and kitchen.*
- *The kitchen is located furthest from the window.*
- *The ceiling height is at least 2.7m measured from finished floor level to finished ceiling level, except where services are provided above the kitchen.*

The room depth is measured from the external surface of the habitable room window to the rear wall.

Assessment

All habitable rooms are provided with external windows, with no habitable rooms relying on smaller secondary areas for daylight access. All room depths meet the measurable requirements of the standard measured from the back of the kitchen to external fenestration point for all single aspect dwellings

Complies

58.07-3

To allow adequate daylight into new habitable room windows.

Windows

Standard D28

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- *A minimum width of 1.2m. .*
- *A maximum depth of 1.5x the width, measured from the external surface of the window.*

Assessment

All habitable rooms have windows to an external wall of the building.

Complies

58.07-4

To encourage natural ventilation of dwellings.

Natural ventilation



To allow occupants to effectively manage natural ventilation of dwellings.

Standard D29

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40% of dwellings should provide effective cross ventilation that has:

- *A maximum breeze path through the dwelling of 18m..*
- *A minimum breeze path through the dwelling of 5m..*
- *Ventilation openings with approximately the same area.*

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Assessment

44% of dwellings have been provided with cross ventilation in accordance with the Standard.

Complies

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