



## **Special Meeting of Council**

Tuesday, 8 March 2016 at 7.00pm

Appendices

## APPENDICES

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**9.8                    40 Hall St & 34-36 Margaret St, Moonee Ponds (PC354406, Lots 1-4 & 7 PS13854, Lot 1 PS134891 & PC150910) Stage 1 - Construction of multi-storey buildings and associated works, use of the land for dwellings, reduction in the car parking requirements and waiver of the loading bay requirements**

**File No:** FOL/15/590  
**Author:** Principal Planner/Appeals Advocate  
**Directorate:** City Works & Development  
**Ward:** Myrnong

\*96

<b>Planning File No.</b>	MV/434/2015
<b>Proposal</b>	<ul style="list-style-type: none"> <li>• Construction of multiple buildings ranging in height from 6 to 26 storeys</li> <li>• 617 apartments (396 x 1 bedroom, 199 x 2 bedroom and 22 x 3 bedroom)</li> <li>• Three levels of basement parking</li> <li>• Central communal open space area</li> <li>• 1,139 square metres of retail space</li> <li>• Pedestrian linkages and public realm space</li> <li>• Reduction of car parking requirements</li> <li>• Waiver of loading bay requirements</li> </ul>
<b>Applicant</b>	Caydon MP No 1 Development P/L C/- Urbis P/L
<b>Owner</b>	Moonee Ponds Pty Ltd
<b>Planning Scheme Controls</b>	<ul style="list-style-type: none"> <li>• Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)</li> </ul>
<b>Planning Permit Requirement</b>	<ul style="list-style-type: none"> <li>• Clause 37.08-2 (Use of the land for dwellings)</li> <li>• Clause 37.08-5 (Construction of buildings and works)</li> <li>• Clause 52.06-3 (Reduction of car parking spaces)</li> <li>• Clause 52.07 (Waiver of loading and unloading requirements)</li> </ul>
<b>Car Parking Requirements</b>	Required : 807 spaces

<b>(Clause 52.06)</b>	Provided : 547 spaces
<b>Bicycle Requirements</b>	Required : 190 Provided : 226
<b>Restrictive Covenants</b>	Yes, covenants are not breached
<b>Easements</b>	Yes, E-1 in favour of MMBW, Gas & Fuel Corporation, Telecom Australia & City of Essendon and E-2 in favour of Gas and Fuel Corporation
<b>Site Area</b>	7,797 square metres
<b>Number Of Objections</b>	PAGE 2Nine (9)
<b>Consultation Meeting</b>	

### Executive Summary

- This application seeks planning approval for the construction of multi-storey buildings comprising both retail and dwellings, reduction in the car parking requirements and waiver of loading bay requirements. It also features the establishment of pedestrian linkages through the site and creation of a new public realm space.
- The site is specifically identified within the Moonee Ponds Activity Centre Structure Plan as the Readings site and is located between Hall, Homer, Everage and Margaret Streets. The overall site is made up by a number of separate titles. For most part, the site is vacant of built form and is currently afforded a temporary car park permit set to expire on 29 June 2017.
- The vision for the overall site is to provide for an integrated high quality mixed use environment that improves and enhances connections to Moonee Ponds Train Station and the public transport interchange. Further, the vision is articulated within an adopted Development Plan which seeks to guide future development through the establishment of design and development principles.
- The current application represents Stage 1 of 2 of the redevelopment of this large land holding with new buildings to be constructed predominantly within the southern portion of the site covering an area in the order of 7,797 square metres. Stage 2 is currently under initial consideration by Council.
- The application was externally referred to Public Transport Victoria, VicRoads, VicTrack, Essendon and Melbourne Airports all of whom raised no objection to the application. Internally, the application was referred to the Strategic Planning Unit, Council's Urban Designer, Engineering Services Unit, Traffic and Transportation Unit, Environmental Sustainable Officer, Property Services, Operations Department, Economic Development Department and Open Space and Urban Design. Conditional support to the application was provided.

- Urban design advice was sought from both MGS Architects and via the Office of the Victorian Government Architect.
- The application attracted nine objections with concerns primarily relating to building height, disruption to the centre during construction, traffic generation, loss of car parking and insufficient on-site parking provisions.
- In a bid to address the various concerns raised within the referral responses, the plans were formally amended pursuant to Section 57A of the Act on 16 October 2015. The amendments were not required to be re-advertised as the extent of changes did not constitute further detriment.
- This application represents a rare and exciting opportunity to develop a significant area of land on a key site within the Moonee Ponds Activity Centre (MPAC).
- Subject to conditions, this assessment report finds that the development demonstrates an appropriate degree of compliance with the majority of State and Local Planning Policies within the Moonee Valley Planning Scheme. It is submitted that the proposal will positively contribute to the revitalisation of the centre as a compact, vibrant and walkable core.
- It is therefore recommended that Council issue a Notice of Decision to Grant a Planning Permit.

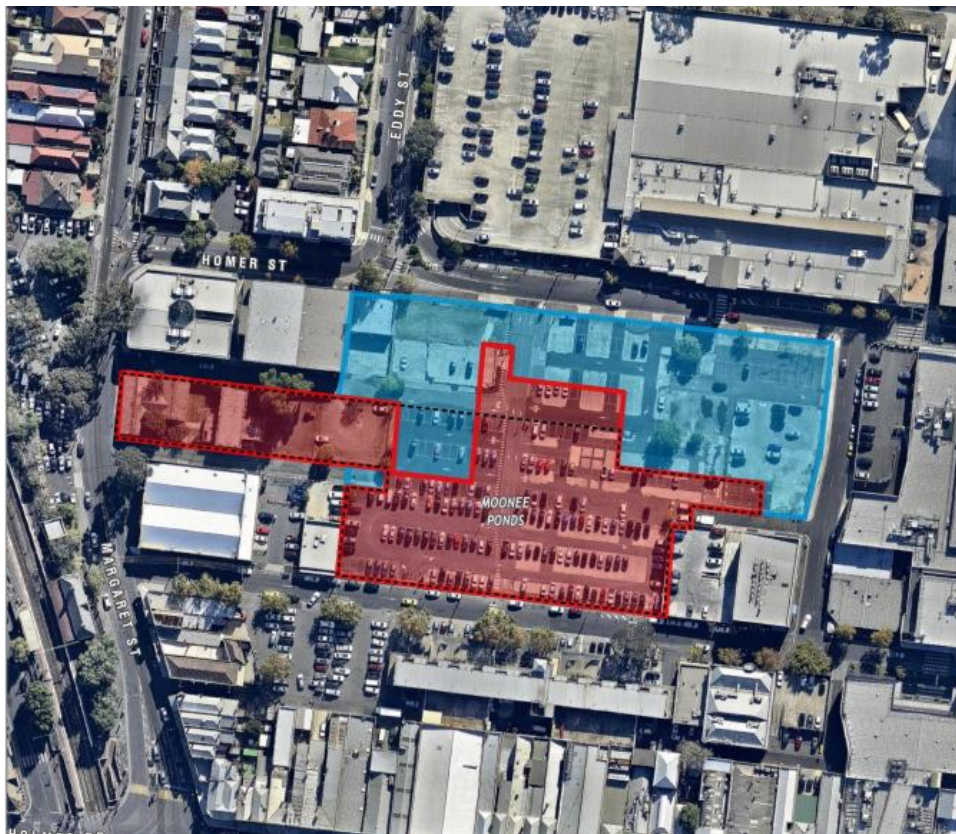


Figure 1 – Aerial photo of the subject site and surrounds

(Note : The area highlighted in red includes the location of Stage 1 buildings but does depict the north/south pedestrian links and civic plaza which are also included as part of Stage 1 works)

## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/434/2015 for the (Stage 1) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking and loading bay requirements at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds (PC354406, Lots 1-4 & 7 PS13854, Lot 1 PS134891 and PC150910) subject to the following conditions:

1. Before the use and the development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
    - a) The ground floor layout of the Margaret Street building modified to provide individual dual aspect apartments. The existing retail tenancies fronting Margaret Street are to be retained.
    - b) A notation to indicate resolution of the civic plaza/pedestrian link and vehicle entrance via Aspen Street to be subject to further consultation with Council.
    - c) Aspen Street (West) and Market Lane to be downgraded to shared vehicle/pedestrian zones along with associated resolution of the street surfaces and provision for tree planting and on-street car parking in consultation with Council.
    - d) The western vehicle access restricted to northbound movements from Hall Street along with resolution of roadway/footpath widths.
    - e) The incorporation of additional brickwork across the first floor level of the Margaret Street building.
    - f) The open space area immediately adjacent to the bedroom window of Apt G05 (Hall Street East) to be fenced to allow for a Juliette balcony.
    - g) Provision for disability access at the plaza entrance (Hall Street East).
    - h) Deletion of Apartment M06 (Hall Street East) in order to create a double height void for the lobby entrance to the building.
    - i) The provision for 300mm trench grates at the entrance to the basement.
    - j) Provision for an at-grade loading bay.
    - k) Any screening to windows and balconies to comply with Clause 55.04-6 (Overlooking Objective) of the Moonee Valley Planning Scheme.
    - l) Provision for double height stackers associated with the 22 x 3 bedroom apartments along with any required increase in floor to ceiling heights of Basement 1.
    - m) As a consequence of Condition 1l), the provision for increased retail staff and visitor parking in accordance with Condition 28.
    - n) Reconfiguration of the internal layout within Levels 1-3 (Hall Street) to eliminate bedroom saddleback arrangements.
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- o) Provision for a minimum of 250 bicycle spaces.
- p) Location/details of the sliding gate at the western end of the private amenities area.
- q) The columns and car parking spaces within the ground and basement levels to generally accord with the Australian Standards or unless otherwise agreed by Council.
- r) Any design modifications as detailed within the wind assessment prepared by Vipac Engineers & Scientists Ltd dated 1 October 2015.
- s) Details of any temporary fencing around the perimeter Stage 1 works.
- t) A notation to indicating streetscape upgrade works to be consistent with the Hall Street Streetscape Plan or unless otherwise agreed by Council.
- u) A notation to indicate the water captured from Level 4 outdoor areas in both the Hall Street and Margaret Street buildings is treated by a suitably high filtration system to prevent pollutants entering the toilet system.
- v) Section C-C (Drawing TP-117) amended to reflect the tower setback from the podium above level 5.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the responsible authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions requiring construction and associated costs to be borne by the permit holder as follows;
  - a) Upgrade of existing infrastructure (resurfacing, drainage pits, kerb and channel, footpaths, nature strips, lighting and replacement of bluestone paving) on the surrounding road network applicable to Stage 1;
  - b) Construction of shared vehicle/pedestrian zones within Aspen St West and Market Lane;
  - c) Construction of Hall Street (fronting Stage 1) in accordance with the Hall Street Streetscape Plan.
4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
6. A minimum 30 days prior to any building or works commencing, a Construction

& Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to;

- a) Hours of construction;
- b) Parking and traffic movement of all workers vehicles and construction vehicles;
- c) Scaffolding and hoarding for the site;
- d) Allocated areas for loading and unloading;
- e) Site evacuation plan and procedure;
- f) Occupational health and safety policy;
- g) Hazard identification and control;
- h) Environmental management and waste minimisation;
- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable;
- o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

- 7. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
  - 8. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
    - a) Inspection frequency;
    - b) Cleanout procedures;
    - c) As installed design details/diagrams including a sketch of how the system operates;
    - d) A report confirming completion & commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC
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model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
  10. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority;
    - a) Be provided and completed prior to the commencement of the use hereby permitted;
    - b) Thereafter be maintained;
    - c) Be made available for such use at all times and not used for any other purpose;
    - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;
    - e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan;
  11. Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the car park, to the satisfaction of the Responsible Authority.
  12. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
  13. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
  14. Prior to the commencement of buildings and works, separate application must be made for the removal and/or variation of easements pursuant to Clause 52.02 of the Moonee Valley Planning Scheme.
  15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled
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around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

16. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
  17. Concurrent with or before the submission of road and drainage construction design plans, for the first stage of the development, a detailed Drainage Strategy for the whole development site must be submitted to and approved by the Responsible Authority showing:
    - a) A drainage report on the existing network must be determined to understand the hydraulic capacity. The drainage functional design plan must be prepared by a suitably qualified person(s) and submitted to and approved by the Responsible Authority.
    - b) A drainage surcharge route/s, shown on a layout plan/s, to demonstrate overland flow paths in the event of a storm exceeding the underground minor system.
    - c) Investigation of the existing drainage infrastructure including feature survey and CCTV.
    - d) A drainage System incorporating a minor 1 in 10 year ARI (Average Recurrence Interval) underground piped system and a major 1 in 100 year ARI system with designed overland flow paths with lot finished surface freeboard clearances above 1 in 100 year ARI flood levels to the satisfaction of the Responsible Authority and Melbourne Water. An underground drainage piped system may be designed where necessary to handle the 1 in 100 year ARI storm event for the critical storm duration.( Ref Council Road and Drainage design check list).
  18. The following plans must be submitted to and approved by the Responsible Authority;
    - a) Approval of Road and Drainage Construction Plans (30 days prior to the commencement of road works, drainage and building construction works) including resurfacing works at entrances and existing roads;
    - b) Road safety Audit of the design including pedestrian paths;
    - c) Approval of Public Lighting Plans (prior to the commencement of road and drainage construction works).
  19. A minimum 30 days prior to the commencement of road works, drainage and building construction works, detailed construction engineering plans, showing road and drainage designs, must be submitted to and approved by the Responsible Authority. The construction plans must be prepared by a suitably qualified person. The construction plans must show and include:
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- a) Design for construction of all new road pavements including resurfacing, paths, parking bays, footpaths, typical street reserve cross sections and kerb and channel;
  - b) Proposed road extension between Hall Street and Homer St and Aspen Street widening including all new footpaths, kerb and channel;
  - c) Upgrade of existing road pavements, drainage pits, kerb and channel, footpaths, and nature strips on Aspen St East and West, Margaret Street and Market Lane;
  - d) Traffic control measures, as approved by the Responsible Authority;
  - e) Design catering or manoeuvrability of service vehicles such that waste collection vehicles shall not be required to reverse in order to travel in the opposite direction;
  - f) Where practicable, the development shall be in accordance with the Disability Discrimination Act;
  - g) A drainage system design, in accordance with the approved Drainage Strategy, prepared by a Civil/Hydraulics Engineer, together with submitted computations for approval by the Responsible Authority as follows;
    - i) The drainage system design is to include provision for the discharge of storm water from the land controlled around its limits by means of a designed underground piped drainage system discharging to a legal point of discharge (for the development) as approved by the Responsible Authority and to prevent any discharge onto any adjacent properties or streets;
    - ii) The drainage system design and layout is to address all minor and major stormwater runoff from the land to the satisfaction of the Responsible Authority i.e. 1 in 10 year ARI underground piped system and a major 1 in 100 year ARI system with designed overland and/or other approved major flow paths;
    - iii) The drainage system design and layout is to address and demonstrate that all minor storm water flows up to a 1 in 10 year ARI will be captured to drain via the underground drainage system to the satisfaction of the Responsible Authority.
  - h) Footpath design and construction including details in the treatment of pedestrian and cycle access through the site;
  - i) A plan with appropriate road signs and line marking;
  - j) Full details and engineering design and certification of all basement structure under proposed road;
  - k) Bicycle//pedestrian shared path design and construction in accordance with the approved Development Plan;
  - l) Permanent survey marks;
  - m) Location of service conduits;
  - n) Water and sewage reticulation plans showing all proposed water and
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sewer main locations and offsets and fire hydrant locations.

20. The Public Lighting Plan is to be approved prior to the commencement of civil road and drainage construction works and must be in accordance with the City of Moonee Valley's Sustainable Lighting Guidelines. The Plan must include all new streets and paths showing lighting provided with a power supply to each light underground. Street lighting is to be provided to the Australian Standard for residential street lighting.
  21. Upon practical completion of roads and drainage works including any deferred works to the satisfaction of the Responsible Authority, the Developer must lodge a maintenance bond to the value of 5 % of the cost of the works. The maintenance bond will be held and the defects liability period will continue for twelve (12) months from the date of the Responsible Authority's approval of practical completion of the works.
  22. Upon practical completion of the landscape works to the satisfaction of the Responsible Authority, the developer must lodge a maintenance bond to the value of 10% of the cost of the landscape works. The maintenance bond will be held and the defects liability period will continue for twenty four (24) months from the date of the Responsible Authority's approval of practical completion of the works.
  23. A plan checking fee of 0.75% together with a construction supervision fee of 2.5% of the cost of the road and drainage and associated construction works must be paid to the Responsible Authority prior to the issue of a Statement of Compliance. The developer must also lodge a maintenance security bond to the value of 5% of the works. A fee proposal together with verification in the form of copy of winning tender documents or engineers estimate must be submitted to the Responsible Authority for approval and prior to payment. Upon approval of a fee proposal the Responsible Authority will forward an invoice for payment of fees.
  24. The developer must maintain the new road, drainage and associated civil construction works for a period of twelve (12) months with a 12 months defects liability period applying from the date of the Responsible Authority's approval of practical completion of the works. After a 12 month defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability period (EDLP) inspection after which the maintenance security bond will be refunded subject to;
    - a) The satisfaction of the Responsible Authority for acceptance of the works for future care and maintenance;
    - b) The Responsible Authority receiving "As Constructed" drawings in electronic format.
  25. The developer must maintain the landscape works, including the open space area, for a minimum period of 24 months with a 24 months defects liability period applying from the date of the Responsible Authority's approval of practical completion of the works. After a 24 month defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability period (EDLP) inspection after which the maintenance security bond will be refunded subject to the satisfaction of the Responsible Authority for
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acceptance of the landscape works for future care and maintenance.

26. The Sustainability Management Plan prepared by 'Lucid Consulting Australia' dated 6 October 2015, or any approved updated version, to be implemented and appropriately managed during the construction of the proposed building.
27. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following;
  - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
  - b) Outline Green Travel Plan measures for the development including, but not limited to;
    - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
    - ii) Include a minimum of one myki pass (of at least \$20 value) and registration information per bedroom for each dwelling within the household welcome pack;
    - iii) Bicycle parking and facilities available on the land; and
    - iv) Monitoring and review.
  - c) A plan showing the bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

28. Except with the prior written consent of the Responsible Authority, provision must be made for a minimum of 18 retail staff car spaces and 47 visitor spaces.
29. Buildings or works must not be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans prepared by Oculus within the Landscape Design Report dated March 2015 but modified to show;
  - a) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. Once approved by the Responsible Authority these plans become part of the endorsed plans of this permit.

30. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved
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shall be implemented to the satisfaction of the Responsible Authority.

31. This permit will expire if one of the following circumstances applies;

- a) The development is not commenced within three (3) years from the date of issue of this permit; or
- b) The development is not completed and the use is not commenced within five (5) years from the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date

### **Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5\text{mins}$ , ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.

### **Essendon Airport Notes**

- Should any activity occur above 123.5m AHD (i.e. building antennas or cranes during construction) approval will be required. At this height, the Airports (Protection of Airspace) Regulations 1996 take effect. Further, any proposed
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activity above 120m AHD must be submitted to Essendon Airport for formal assessment.

## **Introduction**

### **1.1 Subject Site and Surrounds**

The former Readings Site is located on a large 1.3 hectare irregular parcel of land located within the Moonee Ponds Activity Centre (MPAC). The site is specifically identified in the Moonee Ponds Activity Centre Structure Plan (MPACSP) as the Readings site and is bounded by Hall, Homer, Everage and Margaret Streets. The overall site is made up by a number of separate titles.

The subject site forms over approximately 60% of the Readings site that being the section of land between Market Lane and Aspen Street as well as a large portion of the land between Homer and Hall Street. The site has a total area in the order of 7,979 square metres and features a sloping topography with a fall across the site from the south west to the north east of approximately 4 metres.

Vehicle access to the site is currently provided via Aspen Street and Market Lane to the west, from an existing vehicle crossover to/from Hall Street to the south and from Aspen Street to the east. The site is largely devoid of buildings and is currently being utilised as a public car park. The western part of the site located between Margaret Street, Aspen Street and Market Lane is occupied by two vacant single and double storey commercial buildings.

The land is encumbered by two restrictive covenants one of which prohibits the establishment of a supermarket without the prior written consent of the registered proprietor or proprietors of benefitting land. The other prohibits the erection of any out houses/back premises or conversion of the land into a backyard. The proposal is not in breach of these restrictions.



**Figure 2 - Application Site (40 Hall Street and 34-36 Margaret Street, Moonee Ponds)**

## 1.2 Proposal

The application proposes the construction of multiple buildings ranging in height between 6 to 26 storeys and accommodating retail and dwellings, private and public realm spaces along with new road connections. The proposal can be summarised as follows;

**Table 1**

No of dwellings	617 apartments <ul style="list-style-type: none"> <li>• 396 (one bedroom)</li> <li>• 199 (two bedroom)</li> <li>• 22 (three bedroom)</li> </ul>
Retail	1,139 square metres (9 retail tenancies)
No of car spaces and motor bike spaces	547 car spaces and 33 motor bike spaces
No of bicycle spaces	226 bicycle spaces
Max Building Height (excluding lift overrun)	<ul style="list-style-type: none"> <li>• Hall Street East (48.45 metres / 16 storeys)</li> <li>• Hall Street West (76.45 metres / 26 storeys)</li> <li>• Margaret St/Aspen Street (18.6-38.6 metres / 6-13 storeys )</li> </ul>



Public Realm (As detailed within the Oculus Drawings)	<ul style="list-style-type: none"><li>• Widened footpath along Hall Street</li><li>• North/South pedestrian link between Hall and Homer Streets</li><li>• A new vehicle and pedestrian link to the west providing connection to Aspen Street West and Market Lane</li></ul>
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Refer **Appendix B** – Section 57A Plans (separately circulated)

It is noted that these plans were lodged with Council on 16 October 2015 under Section 57A of the Planning and Environment Act 1987. The key modifications to the proposal from the initial advertised plans included;

- Increased podium/tower setbacks along Hall Street East and West buildings;
- Increased tower separation between the Hall Street towers from 6 to 11.5 metres (minimum);
- Hall Street West tower increased by three levels (23 to 26 storeys);
- A reduction in the number of apartments from 626 down to 617;
- A revised apartment mix to incorporate 22 three bedroom apartments;
- Increased width of pedestrian entrance via Hall Street from 3 to 7 metres;
- Incorporation of two retail tenancies fronting Margaret Street representing an overall retail floor increase by 81m<sup>2</sup>.

In addition, supplementary ground floor and basement plans were submitted on 25 November 2015 as a means of addressing traffic matters. Refer **Appendix C** – Amended Ground and Basement Plans.

Public notification of the amended plans was not required as the modifications did not constitute further unreasonable material detriment.

The advertised plans initially received by Council, for comparative purposes, can be found at **Appendix D** – Original Advertised Plans (separately circulated)

## Background

### 2.1. Relevant Planning History

The site has an extensive history and a review of Council's historical files reveals that a number of planning permits have been issued for the land. More notable history is detailed as follows;

- Planning Permit No MV/779/2014 was issued for a 16 storey development to the south east part of the site. The permit allowed for ground floor retailing along with 162 apartments above (67 x 1 bedrooms and 95 x 2 bedrooms) along with 137 basement carspaces accessed via Aspen Street. It also included the southern portion of the north/south pedestrian link between Hall and Homer Streets.
- Planning Permit MV/25/2011 was issued by Council on 29 June 2012 for works associated with the use of the land as a temporary carpark. The permit was amended further on two occasions as a consequence of minor alterations to the carpark layout.

On 18 November 2013 the permit was amended a third time allowing for the carpark to operate for a total of three years, in lieu of the originally approved two year period.

- Planning permit MV/18416/2007 was approved by Council on 28 May 2007 for the use of the land for temporary sheds for construction purposes.
- The Development Plan for the Reading site was approved and a plan was endorsed under Development Plan Overlay – Schedule 1 on 10 February 2000.

Planning Permit ES 9080 issued on 13 May 1998 for a place of assembly (12 cinemas), family entertainment centre, retail and restaurant development and associated carparking.

## **2.2. Other Relevant Considerations**

### Amendment C135

Amendment C135 was introduced into the Moonee Valley Planning Scheme on 11 October 2013 as a means of deleting the outdated Development Plan Overlay- Schedule 1 (DPO1) applicable to the former Readings Site. The original DPO1 sought a building scale of 3-4 storeys incorporating food court/restaurants, approximately 7,400 square metres of retail floor space, 12 cinemas and two levels of car parking (one basement and another semi basement) incorporating 489 car spaces.

The removal of the former DPO1 was necessary in order to align with the revised strategic direction for the area as dictated under the current Moonee Ponds Activity Centre Structure Plan.

### Amendment C100

Amendment C100 was introduced into the Moonee Valley Planning Scheme on 30 March 2015.

Amendment C100 implements the Moonee Ponds Activity Centre Structure Plan (MPACSP) through the Activity Centre Zone (Schedule 1) for the centre.

Under the Schedule, the subject site is located in Precincts 2D, 2E and 2F which nominate preferred heights of 50, 26 and 20 metres respectively.

### Amendment C147

At the Ordinary Meeting on 23 September 2014, Council resolved to prepare, adopt and approve Amendment C147 into the Moonee Valley Planning Scheme by applying and inserting a new Development Plan Overlay – Schedule 1 for the entire site.

The Amendment was initiated following interest to commence development of the former Readings site as a means of providing a statutory mechanism to guide the future redevelopment of the land in an integrated manner.

Subsequently, the Development Plan was prepared by Urbis and was presented to the Council for consideration in October 2014.

Under the Plan, the future development of the site incorporates the following;

- A variety of building heights across the site, ranging from 6-26 levels;
- Two (2) new north/south pedestrian/cycling links through the site;
- Ground floor retail uses along Hall and Everage Streets and part of the Homer Street frontages;
- Ground floor community use along the Everage Street frontage;
- New public open space with a minimum 600 square metres and frontage to Homer Street.

Ultimately the inclusion of Amendment C147 into the Moonee Valley Planning Scheme was not formalised primarily on the basis of the submission of the Stage 1 and 2 applications which essentially provide an integrated development approach to the site.

## **2.3. Planning Policies & Decision Guidelines**

### State Planning Policy Framework

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport

### Local Planning Policy Framework

Clause 21.01	Municipal Profile – Moonee Valley Today
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision – Moonee Valley Tomorrow
Clause 21.04	Sustainable Environment
Clause 21.05	Housing
Clause 21.06	Built Environment
Clause 21.07	Activity Centres
Clause 21.08	Economic Development
Clause 21.09	Transport and Access

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Clause 22.03 Stormwater Management (Water Sensitive Urban Design)  
Zoning

Clause 37.08 Activity Centre Zone – Schedule 1 (Moonee Ponds Activity Centre)

Particular Provisions

Clause 52.06 Car Parking

Clause 52.07 Loading and Unloading of Vehicles

Clause 52.34 Bicycle Facilities

Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys

Clause 52.36 Integrated Public Transport

General Provisions

Clause 65 Decision Guidelines

## **2.4. Referrals**

A summary of both external and internal referrals is provided below;

External

- Public Transport Victoria (Section 55)

No objection

- VicRoads (Section 52)

No objection

- Essendon & Melbourne Airports (Section 52)

No objection, subject to permit notes.

- VicTrack (Section 52)

No objection

- Independent Urban Design (MGS Architects)

- Positive features of the proposal include the streetscape activation, public realm treatments and ground level common area upgrades and single point of management of parking;
- Concerns raised regarding the overall building height deviation above the preferred heights dictated under the Schedule to the Activity Centre Zone, internal amenity aspects, lack of tower separation and podium setbacks.

Planner's comments

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It is noted that the above comments were based on the original advertised plans. Since then, there has been an increase in the tower separation and improved spatial relationship between podium and tower elements along Hall Street. With regard to the building heights, it is submitted that these are appropriate and this aspect is addressed later in this report.

- Office of the Victorian Government Architect
  - 'Site Planning' - The project team should fundamentally consider the fall across the site and how it is negotiated. A grade change would be better mediated through the built form and staging. The lack of an east-west link across the site is a lost opportunity;
  - 'Use mix' - Encourage active edges to all streets wherever possible and caution against uses that will internalise their function and present blank facades to the street.
  - Diversity of offer' – Offering residential diversity should be a key outcome for this project in order to cater to wider demographic.

The ground floor residences in the Margaret Street building are a poor outcome and represent a lost opportunity to capitalise on two street frontages. In this location, there are more opportunities to incorporate non-residential uses at the ground floor. Further, the delivery of single-fronted 44 square metre dwellings is a poor outcome. As such, a different design and development approach should be pursued for this block.

- Open Spaces: Public & Private – The generous offer of public open space and the creation of new, much needed off-street public realm for the Activity Centre is applauded. Further mapping of the sun and wind impacts on this space to inform uses, including Stage 2 buildings, is recommended. On the private roof top space, we support designing corridors which open directly onto the rooftop. The landscaped podium to the Hall Street building is tight in dimension and the degree of benefit to residents is questioned.
- Architectural expression – The facades, building form, internal and external spaces need to be developed together and it is suggested there are many opportunities to articulate and modulate facades further to break down the mass as well as improve internal amenity.

The scale of the project means this development will define Moonee Ponds for many years to come. At this stage, the

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development does not read as a resolved ensemble and would benefit from further consideration.

The use of bricks is supported in the Hall Street buildings, however, it is suggested this be carried across over two storeys to the Margaret Street building.

- Apartment Amenity – We encourage integrating natural light to all common circulation spaces, to provide ease of orientation and a connection to the wider context. Further, in the lower levels of the Margaret Street building, the high number of apartments accessed from one circulation core is not supported.

#### Planner's comments

Again, the above comments were based on the original advertised plans. The current proposal has responded to the majority of the matters raised. The fall across the site has been graduated at the civic plaza interface with the private amenities area; retail has been incorporated at ground level facing Margaret Street; the apartment mix has been revised to increase the provision for three bedroom apartments. In addition, conditions will be imposed to resolve the ground floor residential layout and greater incorporation of external brickwork associated with the Margaret Street building.

#### Internal

- Engineering Services Unit

No objection subject to conditions.

- Traffic and Transportation Unit

No objection subject to the following conditions;

- Upgrade of surrounding infrastructure (resurfacing, drainage pits, kerb and channel, footpaths, nature strips, lighting and replacement of bluestone paving) on the surrounding road network (Homer Street, Hall Street, Aspen Street, Margaret Street, Market Lane and Everage Street)
  - Works to facilitate the successful operation of the proposed development on the surrounding road network, including but not limited to:
    - Upgrade of existing infrastructure on Aspen Street and Market Street, including provision of pedestrian facilities appropriate for the change in use.
    - Appropriate upgrade treatments at intersections on the surrounding road network (Homer Street, Hall Street, Puckle Street, Aspen Street, Margaret Street, Market Lane and Everage Street).
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- Enhance existing pedestrian crossings on Homer Street and Hall Street.
- On the proposed access road between Market Lane and Hall Street, restrict traffic movements to northbound only.
- On Market Lane, restrict traffic movements to westbound only and include some on-street parking spaces.
- Provide an at-grade loading bay on-site, located in convenient proximity to the retail component.
- Relocate all columns obstructing the pedestrian path on Aspen Street east.
- All car park spaces must comply with the dimensions required by the Planning Scheme, including providing the required door opening envelope.
- On basement Level One, redesign the intersection containing the column to provide safe and efficient ingress and egress for all vehicles, including visitors and residents parking.
- Relocate the car share space to the visitor car park area.
- Increase the total on-site parking provision from 547 to 665 spaces (+118 spaces)
- Relocate Aspen Street car park ramp approximately 4 metres east to accommodate larger basement ramp turning radii.

#### Planner's comments

The majority of the above matters have been addressed via conditions with the exception of the requested increase of 118 car spaces. This aspect is addressed in further detail within this report.

- Strategic Planning/Urban Design

No objection subject to the following conditions;

- The single aspect residential dwellings at ground level within the Margaret Street building is not supported. Alternate design solutions should be explored to improve internal amenity of the apartments.
  - Aspen Street and Market lane should be 'downgraded' to shared zones.
  - The small area in front of the bedroom window of Apt G05 within the Hall Street East building should be fenced to allow for a Juliette balcony.
  - Provision for disabled access to Hall Street East and the northern wing.
  - Provision for a double height foyer space (approximately 5.6 metres in height) to the Hall Street East entry. This is to be achieved via the deletion of Apt M06 directly above the entry.
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- The Hall Street West tower should be reduced to 22 storeys on the basis of;
  - Improved response to the preferred heights dictated under the Schedule to the Activity Centre;
  - Reducing the visual massing when viewed within the context of Shuter and Puckle Streets;
  - Reducing the extent of overshadowing impacts on the Moonee Ponds Train Station;
  - Reduce off-site amenity impacts (bulk/overshadowing) on properties opposite at 45 Hall Street.
- Exploration of increased spatial separation between the podium and tower elements of Hall Street West.
- Design revision to improve the internal amenity of the south facing apartments at levels 1-3 along Hall Street.
- Floor to ceiling heights increased to a minimum 3 metres.

#### Planner's comments

The first five dot points have been addressed via conditions. With regard to the Hall Street West tower the height is considered acceptable and further justification having regard to the context of the site, building design and net community benefit is provided within this report. Further, it is submitted that the podium/tower relationship, internal amenity and floor to ceiling heights are acceptable. Accordingly, these aspects have not been conditioned with further reasoning to follow.

- Open Space  
No objection
- Waste  
No objection subject to standard conditions.
- ESD
  - Conditions to be imposed to address water sensitive urban design. (WSUD)
  - Concerns raised with respect to the single aspect ground level residential apartments within the Margaret Street building and associated internal amenity impacts on these dwellings.
- Property  
No objection
- Economic Development
  - The retail tenancies fronting Margaret Street provide limited opportunity for business investment given limited size areas (61m<sup>2</sup> and 80m<sup>2</sup>) and imposition of the staircases;

#### Planner's comment

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It is submitted that the size of the tenancies are acceptable. Any refinements can be amended at a later stage based on market demand

## **2.5. Public Notification of the Application**

Pursuant to Section 52 of the Planning and Environment Act the application was advertised by mail to adjoining and surrounding properties with five notice boards erected on the land for 14 days.

As a result, nine (9) objections were received from the properties contained within **Appendix A** of this report.

A response to the objections is provided in Section 3.7 of this report

## **Discussion**

### **3.1. State Planning Policy Framework**

The relevant State Planning Policy Framework clauses are considered to be met. For the large part State Planning objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport. While current State Policy no longer categorises activity centres in the same manner as the past, it is clear that Moonee Ponds (a Principal Activity Centre in the former State Policy framework) is a higher order centre. It is State Policy to “build up” activity centres as a focus for high quality development, activity and living. It is expected that such centres will provide for different types of housing, including forms of higher density housing, as well as business, shopping and working.

Policy for metropolitan Melbourne requires that planning must consider as relevant ‘Plan Melbourne: Metropolitan Planning Strategy’. Moonee Ponds is identified as an existing activity centre and can be regarded as an area where change is expected and directed. Plan Melbourne clearly expects existing and future activity centres to accommodate higher density housing and increased commercial opportunities and it is submitted that Moonee Ponds is a locality where intensification is to be realised.

Clause 15.01-2 of the State Planning Policy Framework (Urban Design Principles) provides the main assessment tool for residential development of five or more storeys in height. The objective of the Clause is:

- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

It is considered that the proposal complies with the objectives and strategies as contained within the design principles of Clause 15.01-2.

The following design principles must be regarded under this clause.

(Note: the majority of these design elements cover the decision guidelines for a building and works application under the Activity Centre Zone, the

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Guidelines for Higher Density Residential Development along with Objective 2 and strategies contained at Clause 21.06-4 (Urban Design).

Context

- Development must take into account the natural, cultural and strategic context of its location.
- Planning Authorities should emphasise urban design policies and frameworks for key locations or precincts.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

A description of the pattern of development has largely been addressed within this report and accompanying plans.

The site is within an Activity Centre Zone and is not affected by any planning overlay controls. The site is located within Precinct B (Hall/Homer) under the MPACSP and is within the core retail area consisting of the Hall/Homer, Puckle and Young Precincts as well as in close proximity to a variety of public transport services.

The MPACSP identifies Precinct B (Hall/Homer) as becoming the 'new face' of retail offer for the centre, expanding on the existing retail, office and entertainment uses and also providing new residential apartments. A major feature of this precinct will be Hall Street, serving as a key link between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The site is also identified within Precincts 2D, 2E and 2F under the Activity Centre Zone (Schedule 1). The preferred maximum height for buildings within this part of the precinct is 50, 26 and 20 metres respectively. Various objectives and guidelines of Precinct 2 seek the following;

- To enable taller and more intense built form and to enhance the pedestrian experience of Hall Street as a major movement link connecting the station with the public transport interchange;
- To provide for active north/south and east/west connections;
- Encourage entertainment uses within properties along Hall Street;
- New development along Hall Street should seek to enhance the pedestrian amenity of the street by activating street frontages and providing verandas;
- Upper level setbacks should be provided on properties along the north side of Hall Street to ensure solar access to the southern footpath at the equinox.

As an aside, it should also be noted that the adopted Development Plan envisages building heights along the north side of Hall Street between 16 to 21 storeys and within the vicinity of Market Lane building heights ranging between 6-12 storeys.

As highlighted within some of the referral comments, concerns were raised with the proposed building height associated with the Hall Street West tower which is proposed at 26 storeys (76.45 metres). The preferred

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height within this parcel is 50 metres under the Schedule or 21 storeys under the adopted Development Plan.

Notwithstanding the above, it is submitted that the height of the building is considered appropriate for a number of reasons;

- Strategic and Physical Context

The strategic policies for the area clearly acknowledge and envisage a major change from the traditional pattern of development.

The site is located within the core of the activity centre where relevant policy objectives seek to enable taller and more intense built form within this central location. Under the Schedule, a preferred height of 50 metres has been applied to the overall 2D precinct area which equates to more than 2.4 hectares. Accordingly, it is considered appropriate that a variation of tower heights be accommodated across this broader precinct as a means establishing a visually interesting and dynamic skyline.

Whilst in isolation the height of the tower may appear excessive, in reality it will be placed amongst various towers, of compatible heights, such that it will sit comfortably within the emerging skyline. As such, given the level of change that is anticipated for the immediate area it is considered that the height of this tower is acceptable and will not be disproportionate in scale to the balance of the precinct.

- Building Design

The proposed building will comprise a commercial ground floor, addressing Hall Street with provision for three ground tenancies, including a recessed and an expanded entry width enabling a visual connection to the landscaped private amenities area.

The overall form includes a podium height of 13.7 metres which features extensive brickwork across the façades as a mechanism to create a more elemental and human scale to the street. Above, a rising form is provided with a podium setback of 3.1 metres. Whilst the tower features strong horizontal banding the expression is varied throughout the facades to create visual interest and design variance from that presented at Hall Street East. Further, the curved nature of the tower responds positively to the rhythm of the Hall Street frontage and provides an expressive façade.

The building will no doubt be viewed 'in the round' and it is considered that the overall design and treatment of the elevations are appropriate. There has been a consistent policy approach that in instances where buildings seek to deviate above preferred heights it must be demonstrated that an exemplary urban design outcome can be achieved. Whilst this aspect of assessment is somewhat subjective, ultimately it is submitted that the proposal represents a high standard of architecture that will positively complement both the surrounding pattern of development and the emerging character of the area.

- Net community benefit

It is submitted the proposal offers a net community benefit to the area. It provides for active frontages of three tenancies along Hall Street in

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keeping with the vision of the area as it relates to providing for increased retail activity along this key link between Moonee Ponds Railway Station and the Mt Alexander Road Public Transport Interchange.

The provision for a southern building projection over Hall Street creates a canopy over the pedestrian pathway thereby maintaining weather protection over the public realm. Further, the recessed nature of the ground level enables an expanded footpath area which provides added pedestrian benefit along with provision for street tree planting.

Beyond the building, the wider proposal provides for a generous public open space area to the east with improved connectivity between Hall and Homer Streets. The creation of this new off-street public realm space is a welcome addition and will enhance the experience for both residents and visitors to the centre.

Lastly, the provision for higher residential densities within the heart of the centre will provide for improved economic opportunity for retail and supporting commercial services within the centre. Council seeks to develop Moonee Ponds into an economically sustainable and vibrant area which reinforces its role as a regional centre in Melbourne's north west.

Having regard to the above, it is submitted that the height of the Hall Street West tower is acceptable.

With regard to the balance of the towers, the heights generally align with the requirements of the Schedule and no further issue is raised on this aspect.

#### The Public realm

- The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

New development is encouraged to take these factors into account and respond in a positive manner. The proposal represents a contemporary design which will enhance the presentation of the site when viewed from the surrounding context.

The proposal provides a significant opportunity to improve the public realm within this central location of Moonee Ponds. In addition, to the incorporation of a setback from Hall Street to assist in the widening of the footpath along Hall Street, a new pedestrian link is proposed to the east which will provide connection between Hall and Homer Streets. The link holds the potential to establish a new heart to the activity centre and as such much negotiation has taken place to ensure a workable design. Further refinements will be required to this space, particularly in light of the interfacing Stage 2 buildings which are currently under separate review. As such, condition 1b) will allow for a degree of flexibility to ensure a more holistic consideration of this space.

With respect to Aspen Street (West) and Market Lane the proposal currently features residential land uses fronting onto these relatively narrow roadways. Whilst the internal amenity of these dwellings at ground floor is questioned (and this aspect will be addressed later within this

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report), it is considered that improvements can be made in order to redefine these interfacing streets. More specifically, a shared public realm that utilises consistent materials or a subtle combination to delineate pedestrian and vehicle movement, including provision for in ground staggered tree planting, will assist in reinforcing these small streets as different in the hierarchy within the surrounding road network. Further, the 'downgrading' of these streets will further assist to improve the immediately adjacent residential interfaces. Accordingly, condition 1c) will require further resolution of these street surfaces in order to achieve an optimum design outcome.

In terms of wind impacts, an appraisal of the likely wind conditions has been undertaken by Vipac Engineers & Scientists Ltd. The assessment has considered the form and exposure of the buildings and has had regard to the Stage 2 development. Accordingly, the firm have recommended a series of modifications which seek to mitigate the wind impacts. The recommendations include;

- Provision for additional trees on the ground floor near the footpaths (recommended height of 3 metres with a 2.5 metre canopy);
- Provision for windscreens within the private amenities area (3 metres in height) for Stage 1 only;
- Porous walls for the north west corner of the Hall Street West building;
- Increased landscaping height (2 metres) on the northern and southern edges of the Level 4 terrace (Hall Street)
- Localised roofs or table umbrella on Level 6 terrace (Margaret Street).

The above recommendations have been addressed as part of condition 1r).

#### Safety

- New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

The proposal provides for balconies along with large windows which overlook the streets thereby providing for a safe urban environment for the surrounds and the proposed building. Furthermore, secure access is to be provided within the proposed car parking areas creating a safe and secure environment for all occupants of the buildings.

#### Landmarks, views and vistas

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

There are no significant monuments, landmarks or vistas in the vicinity of the site that have been identified within the Moonee Valley Planning Scheme as requiring specific protection.

#### Pedestrian spaces

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- Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer.

Under the Moonee Ponds Activity Centre Structure Plan Hall Street is envisaged as a primary pedestrian corridor linking the bus interchange in the east with Moonee Ponds Station to the west. This is reflected in the adopted Development Plan which seeks to widen the footpath along its northern edge proximate to the review site. The proposal has responded through provision of a 2.2 metre ground floor setback with the solid external framing of the podium canter levered over the highly glazed ground and mezzanine structure providing a sense of enclosure to the pedestrian realm. This setback will allow for a spill out from the commercial tenancies and generally a more spacious pedestrian environment at the base of the proposal.

As highlighted earlier, conditions of approval will seek to further refine the shared vehicle and pedestrian spaces along both Aspen Street (West) and Market Lane. It is also noted that the proposal will incorporate a widening of the footpath to Aspen Street (East) between 1-1.5 metres which has been accepted by Council's traffic and drainage engineers.

Lastly, Council's Urban Designer has raised concerns with the lack of disability access to the Hall Street East building. In this regard, it is noted that the difference in the finished floor level between the pedestrian plaza and the foyer is approximately 775mm. Given the absence of specialised access, those persons seeking to enter the building will be required to proceed to the adjacent Hall Street West building in order to gain lift access – a journey of an additional 135 metres. As such, condition 1g) will require improved provision for disability access to the Hall Street East building.

#### Consolidation of sites and empty sites

- New development should contribute to the "complexity" and diversity of the built environment.

The site is currently being utilised as an at grade car park along with a number of disused commercial buildings. The redevelopment of this large strategic development site will result in a development that will positively contribute to the diversity of the surrounding built environment as well as achieving the strategic vision for the area.

#### Light and shade

- Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade. This balance should not be compromised by undesirable overshadowing or exposure to the sun.

The shadow diagrams provided with the application prepared by the applicant illustrate the shadows that will occur as a result of this development. These shadow diagrams demonstrate that there will be

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additional overshadowing cast over Hall Street throughout the day at the Equinox.

On balance, due to the site's location within the Moonee Ponds Activity Centre, it is considered that the proposed shadow impacts will not have a detrimental impact on the operation, amenity or functionality of the public realm for pedestrians. The level of shadows is what would be expected of buildings of this scale, which is generally supported by Council's vision for the area. It is also noted that the increased tower separation between the Hall Street towers has assisted to minimise the extent of overshadowing to Hall Street.

#### Energy and resource efficiency

- All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

Multi-storey construction is generally conservative of heat through shared walls and floors. Further, the location of the development within the MPAC will reduce the reliance on motor vehicles associated with daily shopping and community needs.

The applicant submitted a Sustainable Management Plan, prepared by Lucid Consulting with the application which details energy efficiency initiatives to be adopted into the development. It also includes a MUSIC assessment which has been assessed and accepted by Council's Drainage Engineers.

The assessment identifies the development has achieved room layouts that promote natural ventilation and maximised natural daylight to living areas. The layout also removes the need for air conditioning during a vast majority of the year by controlling thermal loads in both summer and winter design conditions. The report submits that this arrangement is predominantly achieved with high performance glazing, external solar shading devices, suitable ratios of glazing fenestration to facade area and sufficiently sized window/door openings to promote natural ventilation.

Council's ESD officer has reviewed the proposal and has made a number of recommendations primarily addressing water efficiency aspects.

The incorporation of the measures identified within the SMP together with water sensitive urban design have been addressed via conditions 1v) and 26.

#### Architectural quality

- New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

In a broad sense, the architectural expression of the proposal is considered acceptable within the context of the activity centre. The design language employed coupled with the range of building forms with related

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but differing expression is appropriate and will enhance the Moonee Ponds skyline.

With respect to the entrance to the Hall Street East building, Council's Urban Designer has called for additional improvement. Whilst the floor area of the lobby is deemed acceptable, the floor to ceiling height of this space, at 2.75 metres, is compromised and is not considered to be commensurate with the spaciousness warranted for a lobby associated with a development of this scale. Accordingly, it has been recommended that Apartment MO6, on the above mezzanine level, be deleted in order to create a double height foyer space (approximately 5.6 metres in height) to the east facing form. This aspect has been addressed via condition 1h).

With respect to the Margaret Street building, the Office of the Victorian Government Architect considers that further improvements are required to the single storey brick base of the building. Accordingly, it has been recommended to incorporate the use of brickwork over two storeys in order to better respond to the context and provide a more elemental and human scale to the street. This design suggested is considered appropriate and will provide for increased visual interest to the building. As such, condition 1e) will require the incorporation of additional brickwork across the first floor level.

#### Landscape Architecture

- Recognition should be given to the setting in which buildings are designed and integrated role of landscape architecture
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.

Landscaping has been detailed within the plans prepared by Oculus with various aspects highlighted throughout the overall design as follows;

- A widened footpath to Hall Street which will incorporate new paving and street trees;
- A new pedestrian zone to the east featuring a mix of paving types and trees, a central planting scheme, seating and a green play space.
- A new vehicle and pedestrian link to the west providing connection to Market Lane.
- A communal terrace to the north west of the Hall Street buildings at the ground level and a communal terrace area at Level 4, as well as a communal terrace at Levels 4 and 6 of the Margaret Street building which will incorporate a mix of planters.

Overall, it is considered that the proposal is well resolved. The communal areas associated with the building are considered to be appropriately integrated, functional and will meet the outdoor demands of the residents. As discussed previously, further conditions will be required to resolve various aspects within the pedestrian link. Subject to these conditions, the proposal will achieve the objectives of this design standard.

With respect to the remainder of relevant State Policy, it is submitted that the proposal accords with Clause 16 (Housing) which encourages

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increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. The proposal achieves this objective by providing high density residential development on a large site that is currently used as a car park within the Moonee Ponds Activity Centre. This Clause also encourages housing diversity and seeks to provide a range of housing types to meet increasingly diverse housing needs. The dwellings proposed will cater to the diverse population and provide additional housing product in a location that is highly accessible.

The proposal will incorporate retail uses on the site, showing consistency with the objectives at Clause 17 (Economic Development) which encourage development which 'meets the communities' needs for retail, entertainment, and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'. The commercial uses will provide additional facilities for existing residents and workers within the Activity Centre as well as future residents. The proposed development will also provide new housing with direct access to established retail and community facilities.

The proposal also meets the objectives of Clause 18 (Transport), by providing a development accessible by a range of public transport services ensuring a sustainable and responsible development that can capitalise on existing infrastructure which accords with the direction of the SPPF. In addition, the proposed pedestrian link to the east of the site provides safe, convenient and direct pedestrian access between Hall and Homer Streets in accordance with Council's vision for the area.

Further to the above, the proposal has had regard to Clause 18.04 (Airports) and consideration has been given to the National Airports Safeguarding Framework via referrals to both Essendon and Melbourne Airports. No objection was received from either facility subject to the inclusion of permit note that will be imposed as part of any approval issued

### **3.2. Local Planning Policy Framework**

The proposal complies with Clause 21.04 (Sustainable Environment) through the use of ecological sustainable design principals as highlighted within the submitted Sustainable Management Plan. In addition, a waste management plan has been prepared which is deemed generally acceptable subject to further review.

The proposal complies with the objectives and strategies of Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing a diversity of housing choice in a well-established area with access to public transport options and local/community services. Under the policy considerations the site is within an area deemed appropriate to accommodate 'High to Substantial Housing Intensification'.

Council's adopted Housing Strategy seeks to encourage housing within the Municipality which not only accommodates population projections, but also addresses a variety of specific housing needs and issues related to

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affordability, household size, diversity of choice, impact on urban character, environmentally sustainable design and access to services and facilities. The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes in various configurations which will cater for the increasingly diverse needs of future residents.

The proposed development responds to the strategies of Clause 21.06 (Built Environment). For the reasons articulated throughout this assessment, it is submitted that the proposal represents a contemporary development that is innovative, legible and designed in a manner that responds to the location and context.

Clause 21.06-4 (Urban Design) sets out the urban design and built form objectives and policies for development of five or more storeys. An extensive assessment of these matters has been provided within Section 3.1 of this report. Elements that have not been specifically addressed are discussed as follows;

#### On-site amenity and liveability

In a general sense, the on-site amenity is considered acceptable. Notwithstanding, concerns have been raised within various external and internal referrals regarding the provision for single fronted ground floor dwellings within the Margaret Street building. It is considered this represents a poor outcome for the following reasons;

- Small apartment sizes of predominately less than 50 square metres;
- South facing dwellings with the inability to source acceptable levels of daylight, due to the high front fences and vegetation required for privacy;
- Proximity of bedrooms and living spaces to the street that will result in drawn blinds; impacting upon outlook for these dwellings;
- Compromised open space which is more akin to a threshold space associated with a dwelling entry and of a small inadequate size;
- Lack of connection to the main core of the building, which will result in occupants parking in the basement and having to exit the building before re-entry to their apartment;
- Serviceability of garbage; to access refuse chutes occupants will need to carry garbage to the chutes only by exiting onto the street first.

Much discussion has revolved around the appropriateness of the ground floor layout of the Margaret Street building throughout the consideration of this application. It has remained Council's preference to encourage commercial activity in lieu of residential land use in this location. In response, the permit applicant have revised the plans to incorporate two retail tenancies fronting Margaret Street as a means of partly addressing the matter in dispute. In addition, the applicant has indicated the viability of successfully establishing commercial tenancies and/or home offices is questionable in this location.

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Having regard to various competing matters of street activation and poor residential internal amenity a balance must ultimately be struck.

In order to accommodate the provision for residential land use at ground level within the Margaret Street building, condition 1a) will require the ground floor layout to be modified to provide dual aspect individual apartments. Council's Urban Designer has provided an indicative floor layout which depicts a walk through typology to achieve the dual aspect offering a differentiation between the entry threshold (to the south) and a meaningful private open space terrace (to the north). The end result would provide larger and consequentially fewer apartments on the ground level. It is submitted that this modification will provide an improved housing product and will positively contribute to the overall mix of dwelling diversity within this proposal. It is noted that two retail tenancies fronting Margaret Street are to be retained.

With respect to the Hall Street building, Council's Urban Designer has raised concerns regarding the south facing apartments at Levels 1-3. More specifically, the concern relates to the low levels of natural daylight to the dwellings in light of the balcony depths which measure in the order of 5.5 metres for bedrooms in saddleback arrangements and 3.53 metres to living room windows.

It should be noted that these arrangements were necessitated by Council's preference to increase the spatial relationship between the podium and tower elements. Put simply, the podium levels were pushed forward to the property boundary in order to achieve the desired podium effect. As a consequence of this design decision the terraces of these apartments have been enlarged.

In light of the above concerns, Condition 1n) will require a reconfiguration of the layout as a means of improving internal daylight access to these apartments.

Lastly, Council's Urban Designer has recommended that small area in front of the bedroom window of Apt GO5 (Hall Street East) should be fenced to allow for a Juliette balcony in order to provide spatial separation between the window and the highly trafficable east/west pedestrian route and also as a means of mitigating the entrapment space. This has been addressed in condition 1f).

#### Off-site amenity

The site shares residential land uses to the north west and to the south, although it is noted that these dwellings are located within the Activity Centre Zone.

From the outset, it must be highlighted that given the location of the site within the Activity Centre Zone, coupled with Council's vision to intensity redevelopment, the level of residential amenity cannot be expected as would be the case within a residential zone.

With respect to overlooking opportunities, condition 1k) will require screening to the north facing windows and balconies associated with the Margaret Street building, where required, pursuant Clause 55. In this

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regard, it appears the uppermost levels of this building are within 9 metres from existing windows and balconies associated with the apartment building directly to the north.

Overshadowing aspects have been previously addressed and is not considered to be unreasonable having regard to the level and scale of development that is expected within this precinct.

Clause 21.07 (Activity Centres) highlights the objective to both strengthen and consolidate the role of the Moonee Ponds Activity Centre as the principal shopping and commercial precinct in the City. In achieving the objective, the policy seeks to ensure that residential development does not detract from the viability of existing commercial activity. It is clear that this proposal will positively contribute to the overarching vision for Moonee Ponds. It continues to expand upon the retail activity of Hall Street and seeks to provide an appropriate level of residential development that can take advantage and strengthen the existing commercial services of the Centre.

Under Clause 21.08 (Economic Development) Moonee Ponds has been highlighted as an 'Employment Node' within the Economic Development Plan. The proposal provides for additional employment opportunities with the provision of nine retail tenancies at ground level. The proposal accords with the various objectives embedded within the Clause.

Clause 21.09 (Transport and Access) seeks to reduce environmental impact and improve access to sustainable modes of transport. It also seeks to provide choices for movement of people and goods whilst ensuring these choices provide sustainable outcomes. It is considered that the proposal has struck an appropriate balance with respect to the provision of on-site parking thereby encouraging the use of alternative modes of transport. Matters pertaining to car parking are further addressed in this report. Overall, it is submitted that the proposal achieves the objectives of the Clause.

A MUSIC assessment was provided as part of the Sustainable Management Plan which provides for an integrated storm water management strategy thus complying with the objectives of Clause 22.03 Stormwater Management (WSUD). As highlighted previously, conditions of approval will require water efficiency matters to be addressed in line with the comments received by Council's ESD officer.

### 3.3. Compliance with Clause 52.06 (Car Parking)

**Table 2**

Use	Required	Proposed
Retail (1,139m <sup>2</sup> )	45	11
Dwellings; 396 x 1 bedroom	• 396	• 277

199 x 2 bedroom 22 x 3 bedroom (617 apartments)	<ul style="list-style-type: none"> <li>• 199</li> <li>• 44</li> </ul> 639 (total)	<ul style="list-style-type: none"> <li>• 182</li> <li>• 44</li> </ul> 503 (total)
Visitors	123	32 (shared between residential and retail visitors)
Car Share	N/A	1
Total	807	547

#### Provision of car spaces

A traffic impact assessment, prepared by GTA consultants, was submitted with the application and included justification for car parking to be provided at rates lower than the statutory parking requirement as follows;

- One bedroom apartments (0.7 spaces/apartment)
- Two bedroom apartments (0.91 spaces/apartment)
- Three bedroom apartment (2 spaces/apartment)
- Residential visitors (0.053 spaces/apartment)
- Retail (1/100m<sup>2</sup>)

Council's Traffic engineers have reviewed the assessment and consider the on-site parking provisions to be insufficient. Accordingly, it has been requested that an increase in parking be provided as follows;

- Residential spaces increased from 503 to 559 spaces (+56 spaces)
- Visitor spaces increased from 32 to 61 spaces (+29 spaces)
- Retail spaces increased from 11 to 45 spaces (+34 spaces)

The above represents an overall net increase of 118 car spaces, taking the overall on-site total from 547 to 665 car spaces.

Notwithstanding the position from Council's Traffic engineers, it is considered appropriate to reduce the requirement for on-site car parking to 547 car spaces given the context of the site and having regard to Clause 10.04 (Integrated decision making) of the Moonee Valley Planning Scheme. Clause 10.04 states;

- 'Planning Authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations'

A car parking reduction is considered acceptable in this particular location, keeping in mind that many previous Tribunal decisions have supported on-site car parking reduction for developments in activity centres and/or near

public transport, in the interests of less car-dependency in urban Melbourne.

Transport, movement and parking objectives for the Moonee Ponds Activity Centre seek to prioritise the movement network to reflect the following hierarchy;

1. Pedestrians
2. Cyclists
3. Public Transport Users
4. Private Motorists

As such, requiring additional on-site parking works against the broader banner objectives as they relate to the creation of a highly pedestrianized environmentally sustainable centre.

The Moonee Ponds Activity Centre has excellent access to alternative means of transport. Moonee Ponds train station is located approximately 170 metres west of the site whilst the Moonee Ponds bus terminal and Tram Routes 59 & 82 are located approximately 220 metres east of the subject site. Additionally, one (1) 'car share' space is located near the Moonee Ponds train station.

More specifically, in relation to this proposal the following is highlighted;

- The proposal includes provision for 33 motor vehicle spaces, which provides additional transport opportunities for residents.
- An on-site car-share facility is to be provided adding an additional option.
- Conditions of approval will require the downgrading of both Aspen and Market Lane to shared zones which provides additional opportunities of on-street parking spaces.
- Conditions of approval will require modifications to the ground floor of the Margaret Street building and the entrance to the Hall Street East building which effectively necessitate the deletion of dwellings thereby reducing the overall apartment yield and associated parking demand.
- Conditions of approval will require the provision for a total of 250 bicycle spaces, which exceeds the relevant requirements by 60 spaces.
- A condition of approval, will require the submission of a Green Travel Plan as a means of encouraging greater use of sustainable modes of travel.

As a means of addressing the retail and visitor parking shortfall and having regard to the loss of the current on-site car park, condition 1l) will require the floor to ceiling height of Basement 1 to be increased, if needed, in order to accommodate double height car stackers. Currently the proposal provides an allocation of 44 spaces associated with the 22 x 3 bedroom apartments (two per dwelling). As such, requiring the provision for double

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height stackers associated with these apartments ultimately creates opportunities for approximately 22 at grade spaces. Accordingly, it is recommended that these be spaces be distributed as follows;

- Visitor spaces increased from 32 to 47 spaces (+15)
- Retail spaces increased from 11 to 18 spaces (+7)

Having regard to the above considerations, coupled with the inclusion of various conditions, it is considered that the proposed on-site parking provisions are acceptable.

#### Parking layout

Car parking will be provided within three basement levels accessed via Aspen Street (East). Whilst spaces and access aisles accord with the relevant requirements, Council's Traffic engineers have noted that the column locations are not in accordance with the Australian Standards. This aspect can be remedied via condition 1q).

#### Traffic generation

The proposed development is anticipated to generate approximately 146 vehicle movements in any peak hour, including 37 entry and 109 exit movements during the weekday AM peak hour and 82 entry and 64 exit movements during the weekday PM peak hour.

Council's Traffic Engineers have raised no objection to the level of traffic generated by the proposal. As highlighted within the referral section, various mitigation works will be required as a means improving the efficiency of the surrounding road network.

#### Proposed mitigation/streetscape improvement works

As part of Stage 1, the applicant has proposed the following mitigation/streetscape improvement works;

- The widening of Aspen Street East to provide a minimum carriageway width of 5.5 metres (noting that all widening is to occur on the northern side of the road within the site's boundary). This will include the provision of a footpath (1.5 metres wide) and retention of the existing pedestrian footpath along the southern side
- The widening at the intersection of Aspen Street and Everage Street to accommodate turning circles for nominated vehicles (including service vehicles).

In addition to the above, Council's Traffic Engineers have requested further upgrades to the surrounding infrastructure as detailed within the Section 2.4 of this report. The works generally accord with the mitigating works as detailed within the GTA Drawing entitled "Proposed Streetscape Improvement and Mitigation Works, however, the Engineers have included additional requirements for upgrades to Market Lane and Aspen Street. Accordingly, conditions of approval will highlight the upgrade works with associated costs to be borne by the permit holder. It should be noted that the extent of the works may be subject to further review under Stage 2 and

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as such, it considered that a degree of flexibility be imposed to enable on-going negotiations.

#### Aspen St East

With respect to the vehicle entrance via Aspen Street (East), Council's Traffic engineers and Urban Designer have recommended the relocation of the entrance ramp approximately 4 metres to the east. The essence of this requirement is two-fold – enabling provision for a larger basement ramp turning radii along with the creation of a greater activation space at ground level as part of the proposed Stage 2 works. Currently the Stage 2 plans detail provision for a ground level 'community space' of 40 square metres immediately adjacent to the vehicle entrance. The overall area and internal dimensions of this space remains in question.

Requiring specific modifications to the vehicle entrance as part of Stage 1 remains problematic given the implications on the yet to be considered ground floor layout of Stage 2.

Given the interrelation between the two stages, it is submitted that a condition be imposed enabling further refinement to the proposed vehicle entrance in light of the current negotiations associated with Stage 2.

#### Market Lane/Aspen Street West

The proposal seeks one way eastbound movements along Aspen Street West and westbound movements along Market Lane. These arrangements are deemed acceptable in principal.

As previously highlighted, both Council's Traffic Engineers and Urban Designer have called for Market Lane and Aspen Street West to be downgraded to shared vehicle/pedestrian zones.

Accordingly, necessary upgrade works will be required as part of conditions of approval. These will also include provision for some additional on-street car parking spaces along Market Lane.

#### Western access

With respect to the western access road, Council's Traffic Engineers have requested the current two way north/south road between Hall Street and Market Lane to be restricted to solely northbound movements. This modification is considered appropriate and will seek to minimise the propensity for increased traffic along Hall Street. As highlighted, Council's vision is to improve the pedestrian linkage between the Moonee Ponds railway station and Mt Alexander Road public transport interchange. As such, condition 1d) has been imposed.

### **3.4. Compliance with Clause 52.07 (Loading/Unloading) Table 2**

Clause 52.07 triggers loading and unloading requirements for the retail component of the development. Currently the application proposes a total of 9 retail tenancies, with 7 along Hall Street and 2 orientated to Margaret

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Street with no dedicated on-site loading. Accordingly, a waiver of the loading requirement has been sought.

Council's Traffic engineers have requested that provision be made for an at-grade loading bay, located in convenient proximity to the retail component. This requirement is considered warranted given the proposed scale of this development. It will also provide additional opportunities for residential move in/move out activities, notwithstanding that additional provisions are made within Basement Level 1.

In terms of potentially accommodating a dedicated loading space, it is reiterated that conditions will require the downgrading of Aspen Street West and Market Lane coupled with a reduced road width for one-way northbound movements for the western access. These measures may assist in providing loading opportunities. In the event that the loading bay measurements cannot strictly accord with the requirements of the Clause, the permit will allow for a reduction of the requirements in lieu of a complete waiver.

### **3.5. Compliance with Clause 52.34 (Bicycle Facilities) Table 3**

The development attracts a bicycle parking requirement of 190 spaces. The application proposes a total of 226 spaces which is in excess of the requirements. With respect to visitor parking, it is noted that 24 bicycle spaces are provided within the north/south pedestrian link and will provide an easily accessible bicycle parking option.

Whilst the proposal accords with the requirements, it is considered that in light of the car parking reduction sought further opportunities for bicycle parking should be provided for the residents. A condition of approval will therefore require a minimum of 250 bicycle spaces to be provided as part of Stage 1

### **3.6. Other Matters**

#### **Streetscape Upgrade (Hall Street)**

As a separate matter, Council endorsed the draft Hall Street Streetscape Plan at its Ordinary Meeting held on 17 August 2010.

Implementation of the Hall Street Streetscape Upgrade will be carried out in 5 stages (over an estimated five years) to minimise the impact of construction works on traffic flow and traders. The Hall Street streetscape plan establishes a clear vision for improving Hall Street, based on the framework established in the endorsed Moonee Ponds Activity Centre Structure Plan. The MPAC Structure Plan is committed to 'facilitating population growth...in attractive medium to high density housing', and ensuring that '...new development interacts with the public realm and provides a positive experience at street level for all users.' Similarly, a priority of the Hall Street Streetscape Plan is to improve the pedestrian link between the Moonee Ponds railway station and Mt Alexander Road public transport interchange.

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The total capital cost is currently estimated at \$1,455,000 (excluding GST).

Standard practice for redevelopment sites that hold frontages to Hall Street would involve developer contributions towards the upgrade works based on a cost formula per metre of frontage along Hall Street. In this instance, the developer has indicated that the works will be carried out as part of the construction of the redevelopment. As such, no financial contribution would be required in this instance.

#### Easements

It is noted that the site is encumbered by a number of easements primarily located within the north western portion of the site. The easements are in favour of the former, Melbourne Metropolitan Board of Works, Gas and Fuel Corporation, Telecom and City of Essendon. Initial investigations by the permit applicant have revealed there is a substation history to each of the beneficiaries and given these entities no longer exist only City West Water appear to have assets within the easements.

Notwithstanding the above, a condition of approval will require a formal separate application to seek the removal and/or variation of these easements pursuant to Clause 52.02 of the Moonee Valley Planning Scheme.

#### Drawing Error

It is noted that Section C-C (TP-117) identifies the tower element to be setback from the podium at level 15, whereas the plans indicate the tower is setback above level 5. The inclusion of condition 1v) can remedy this aspect.

### 3.7. Objections

**Table 4**

Issue	Officer Response
Increased traffic	<p>It is not expected that the proposed traffic volumes would compromise the overall safety and function of the existing road network. As highlighted within the above assessment, given the scale of the project a series of mitigation works will ultimately be required surrounding and within close proximity of the site in order to ensure the ongoing functions of the existing road network.</p> <p>Further, Council's Traffic Engineers have raised no objection to the traffic generation.</p>
Car parking shortage	<p>It is considered that the provision for 547 car spaces is appropriate for the reasons</p>

	highlighted within this report.
Building height	This aspect has been addressed within the above assessment. It is submitted that the building heights are generally consistent with Council's adopted vision (Development Plan).
Neighbourhood character (density/overdevelopment)	The proposal is consistent with Council's vision to intensify redevelopment within the heart of Moonee Ponds.
Increased population will negatively impact on the amenity and liveability of Moonee Ponds and will place a strain on existing community services.	This concern is unsubstantiated. Council's vision is to intensify the Moonee Ponds Activity Centre into a thriving business, retail and employment hub that accommodates a range of housing choices in the form of medium to high density residential development.
Loading bay shortage	This aspect has been addressed and a condition of any approval issued will require the provision for at-grade loading.
Overlooking/Overshadowing	<p>These concerns were raised from residents located to the immediate north at 57 Homer Street.</p> <p>Conditions of any approval issued will require screening to windows and balconies in accordance with relevant Clause 55 (ResCode) provisions. With respect to overshadowing, given that the proposal is located to the south of the existing apartments there will be no overshadowing impacts.</p> <p>With respect to wider overshadowing impacts, the intent of limiting this impact has contributed to the design response of the proposal. This aspect has been addressed in more detail as part of this assessment.</p>
Waste Management (compost facility should be provided to apartments)	A waste management plan has been submitted as part of the development which includes provision for both general waste and recycling. This is considered generally acceptable.
Construction disruption	It remains evitable that the redevelopment of this site will cause some degree of

ITEM 4.1 - APPENDIX A

	disruption to the area. A condition of approval will require the submission of a construction management plan as a means of regulating construction hours and movements to/from the site.
Tree removal	There are no vegetation controls that apply to this site. The redevelopment of the land will include provision for new planting that will provide an overall improvement to the public realm.

### **Human Rights**

The application process and decision making is in line with the Victorian Charter of Human Rights and Responsibilities 2006 (Section 18 – Taking part in public life).

### **Conclusion**

The application has been assessed against the relevant provisions of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the Planning and Environment Act 1987 with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect.

Subject to conditions, it is considered that the proposal accords with the overarching objectives of the Moonee Ponds Activity Centre Structure Plan, State and Local planning policies, achieves an appropriate urban design outcome and positively contributes to the Moonee Ponds skyline.

Further, the proposed reduction in the car parking requirements is considered acceptable and appropriate having regard to the existing public transport opportunities and commercial services located within close proximity of the site.

In light of the above, the proposed development is considered to be appropriate subject to conditions as outlined within the above recommendation.

### **Appendices**

Appendix A: Objectors List

Appendix B: Plans - Appendix B, Part 1 (separately circulated)

Appendix C: Plans - Appendix B, Part 2 (separately circulated)

Appendix D: Appendix C Ground and Basement (separately circulated)

Appendix E: Appendix D (separately circulated)

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- 9.8                      40 Hall St & 34-36 Margaret St, Moonee Ponds  
(PC354406, Lots 1-4 & 7 PS13854, Lot 1 PS134891 &  
PC150910) Stage 1 - Construction of multi-storey  
buildings and associated works, use of the land for  
dwellings, reduction in the car parking requirements and  
waiver of the loading bay requirements

**File No:** FOL/15/590  
**Author:** Principal Planner/Appeals Advocate  
**Directorate:** Planning & Development  
**Ward:** Myrmong  
**Minute No.** 2015/202

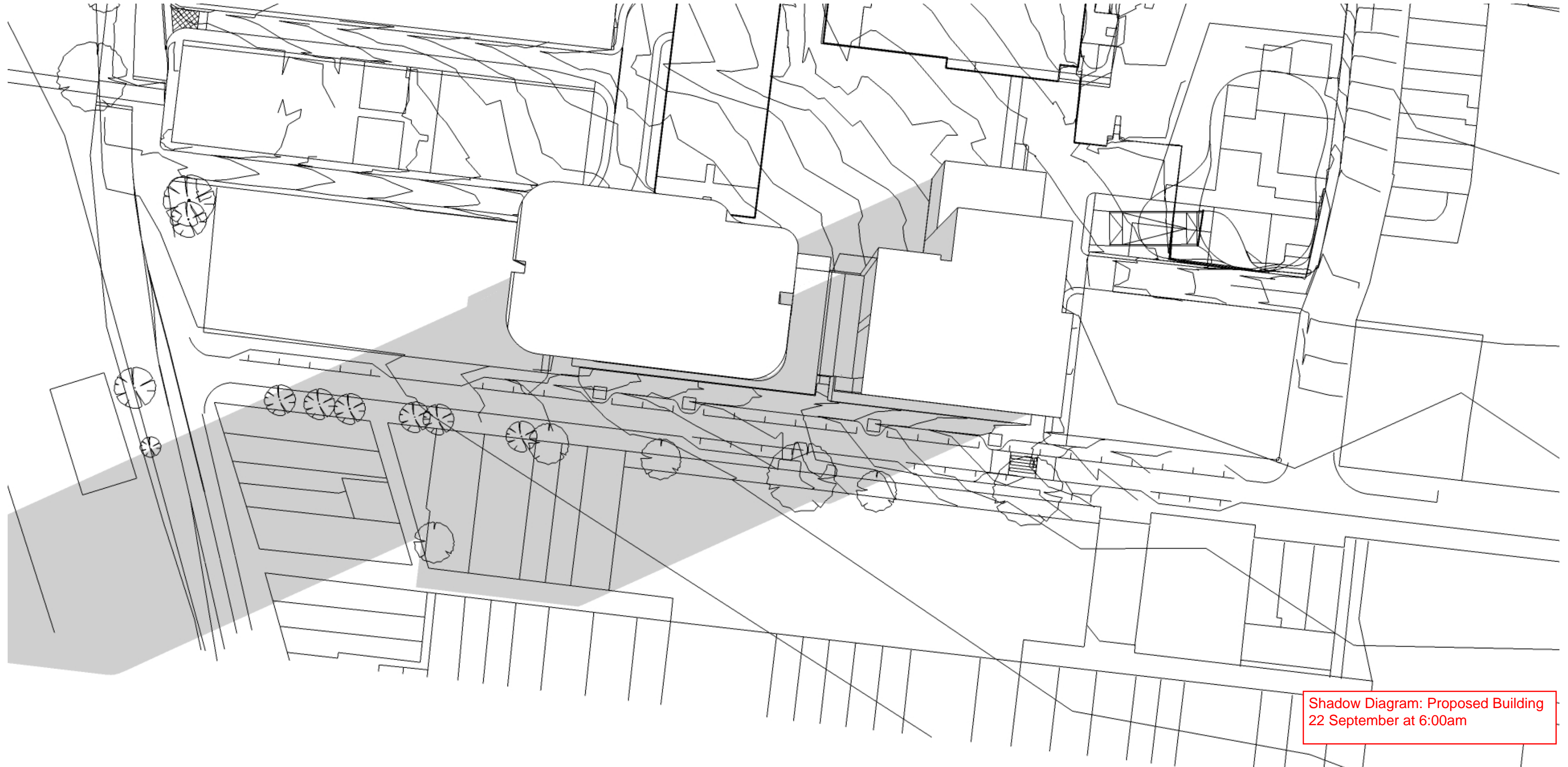
#### **Council Resolution**

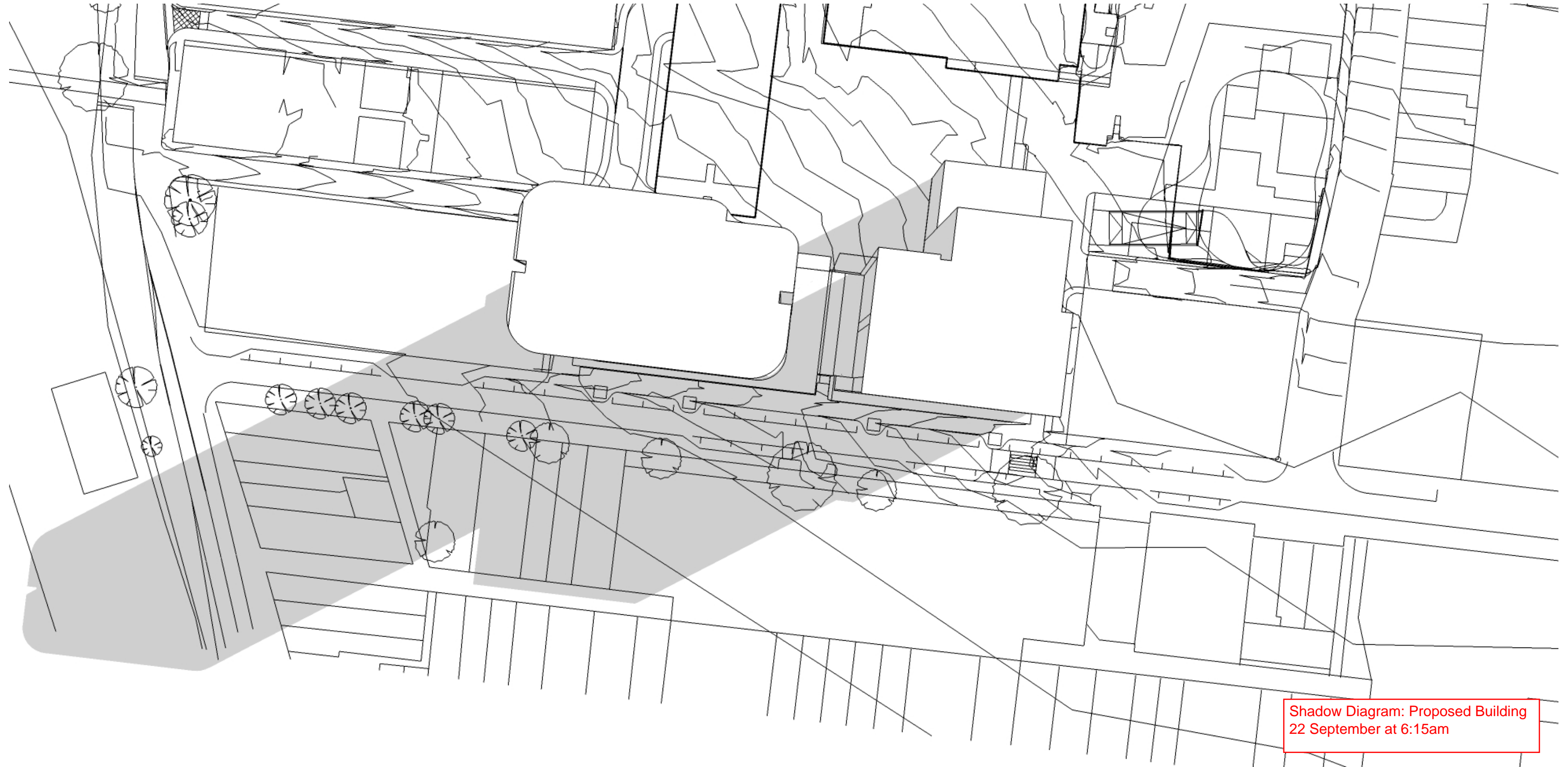
Moved by Cr Marshall, seconded by Cr Nation that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/434/2015 for the (Stage 1) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking and loading bay requirements at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds (PC354406, Lots 1-4 & 7 PS13854, Lot 1 PS134891 and PC150910) on the following grounds:

1. The proposal fails to meet the strategies contained at Clause 15.01-2 (Urban design principles) and Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme as the building height does not appropriately respond to the location and surrounding context.
2. The proposal exceeds the preferred heights nominated within Precinct 2 under Schedule 1 to the Activity Centre Zone.
3. The proposal fails to provide sufficient degree of housing diversity contrary to the objective and strategies contained within Clause 21.05-2 (Housing Diversity) of the Moonee Valley Planning Scheme.
4. The proposal fails to achieve an appropriate level of internal amenity for apartments.
5. The proposal fails to minimise off-site amenity impacts and would lead to unreasonable wind and overshadowing impacts on surrounding areas.
6. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and is expected to lead to an increased pressure for on-street parking in the surrounding area to an unacceptable degree.

**CARRIED**

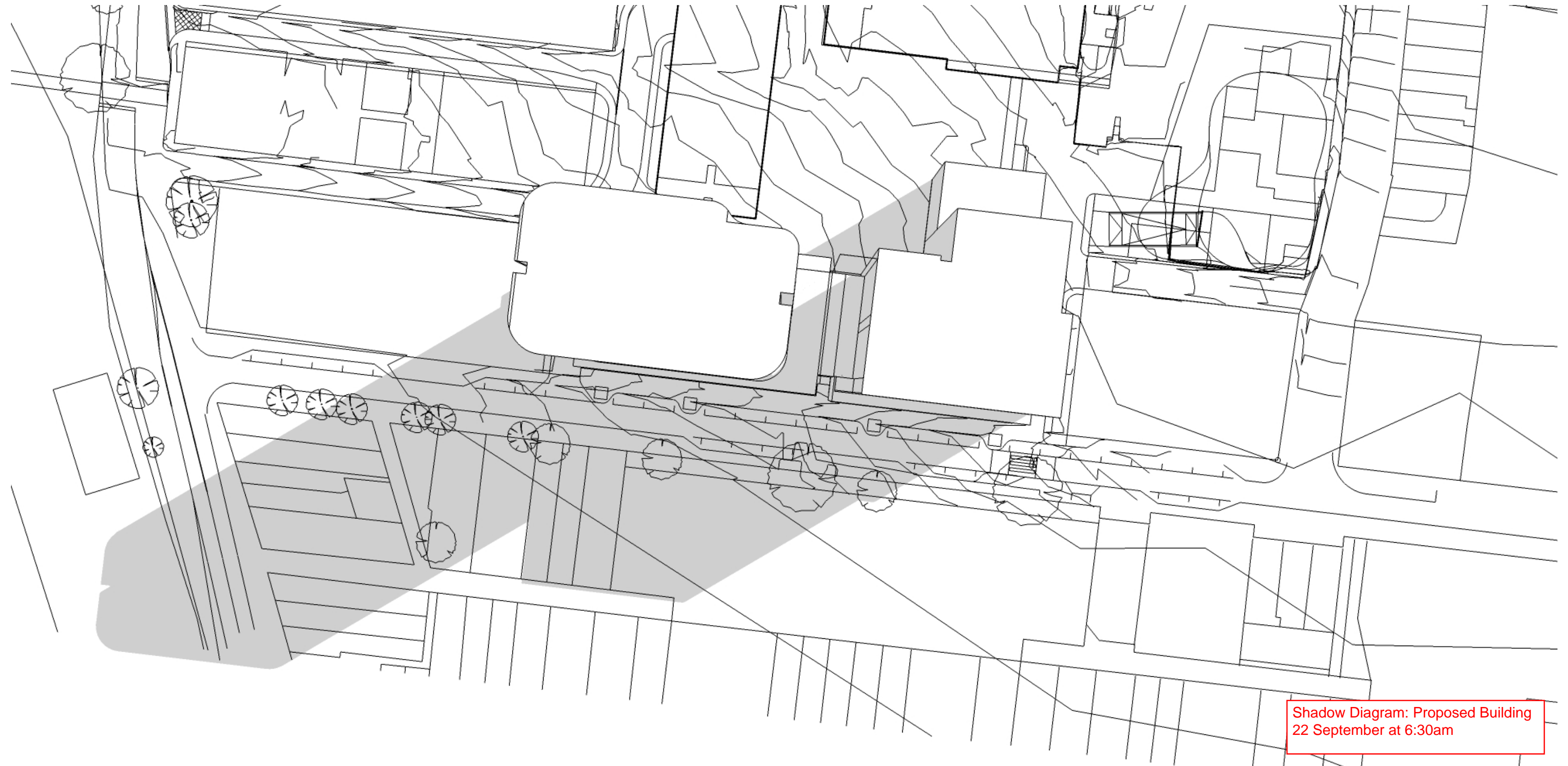
Cr Sharpe abstained from the vote.





Shadow Diagram: Proposed Building  
22 September at 6:15am

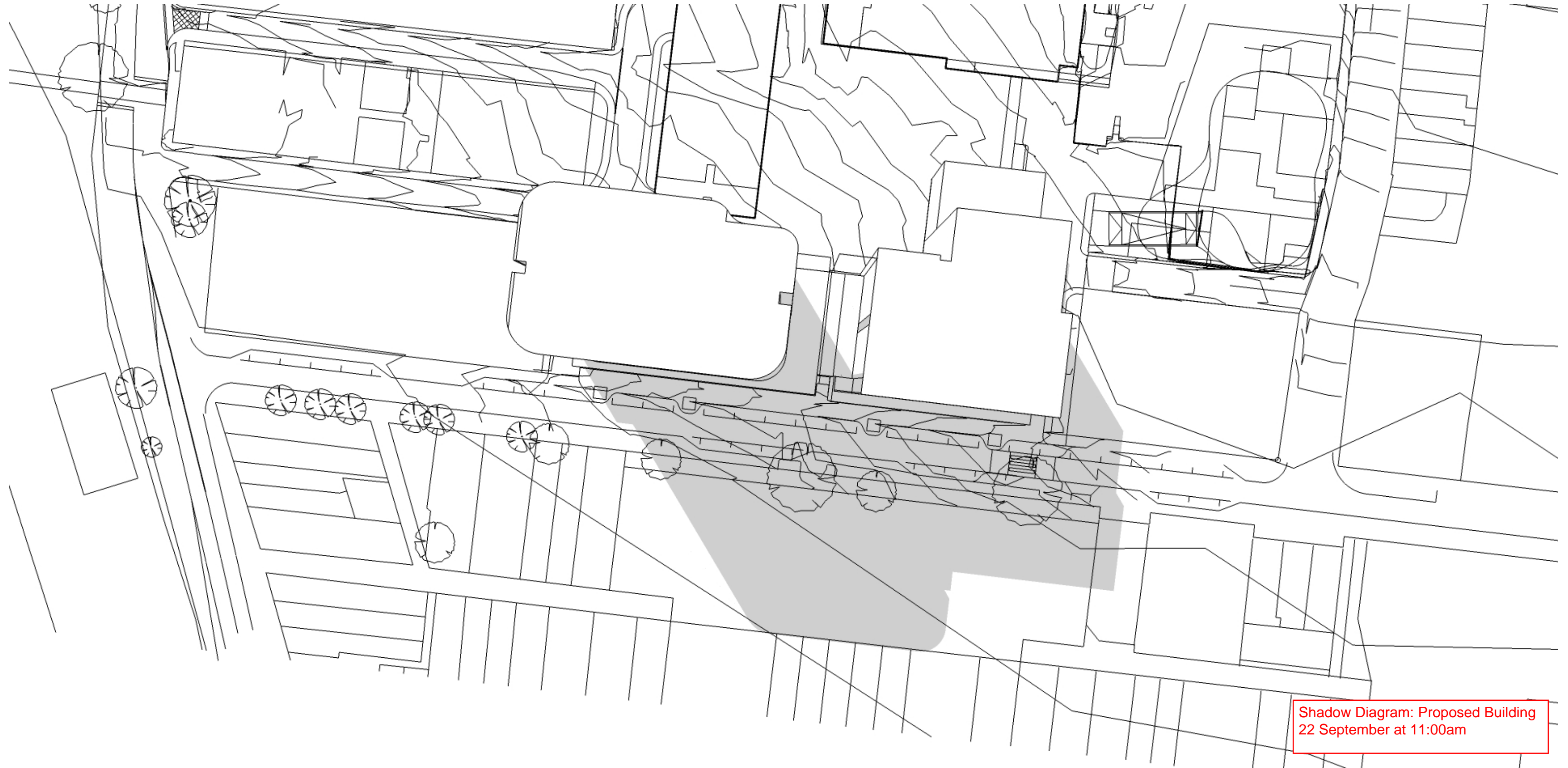


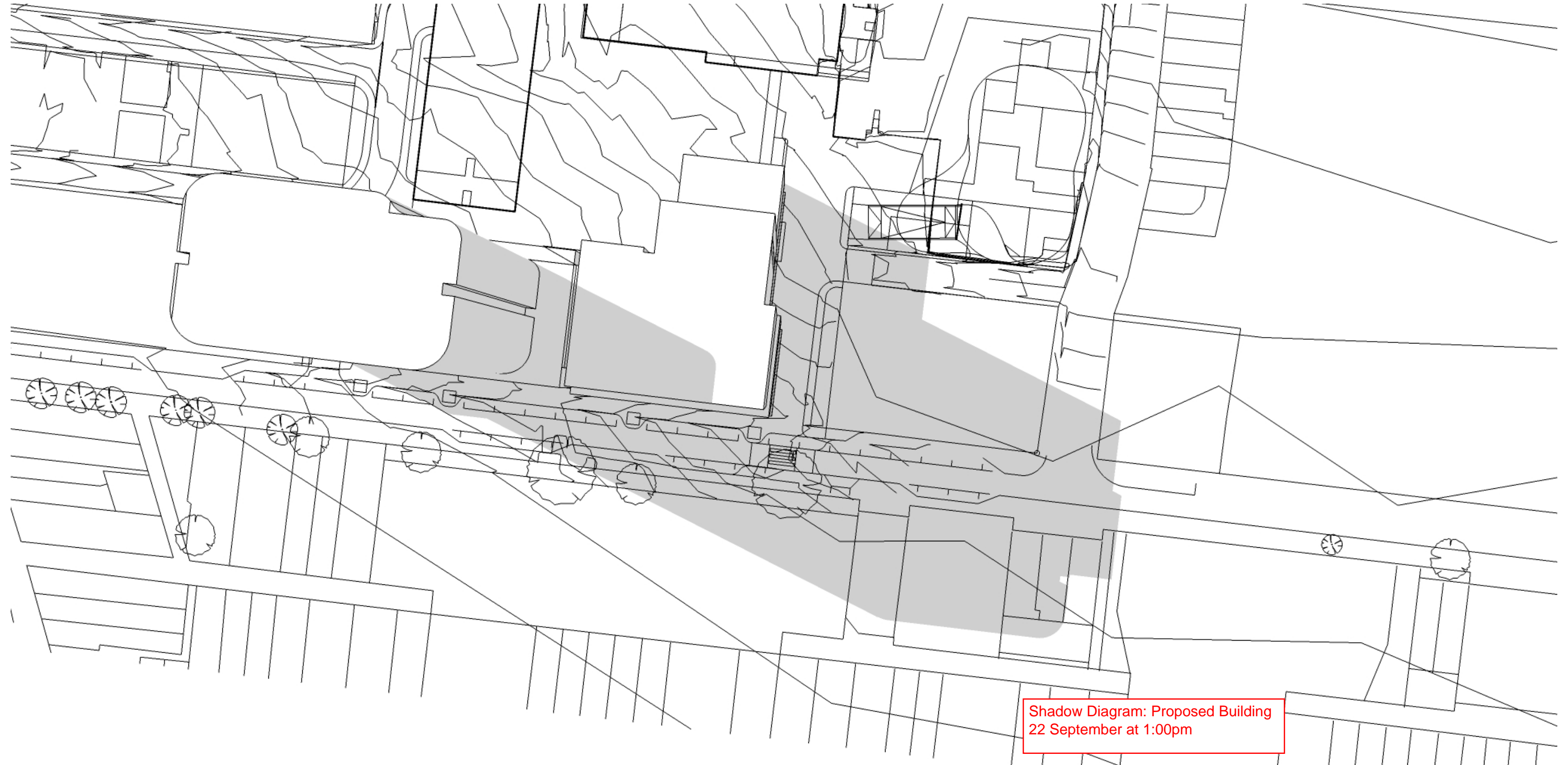






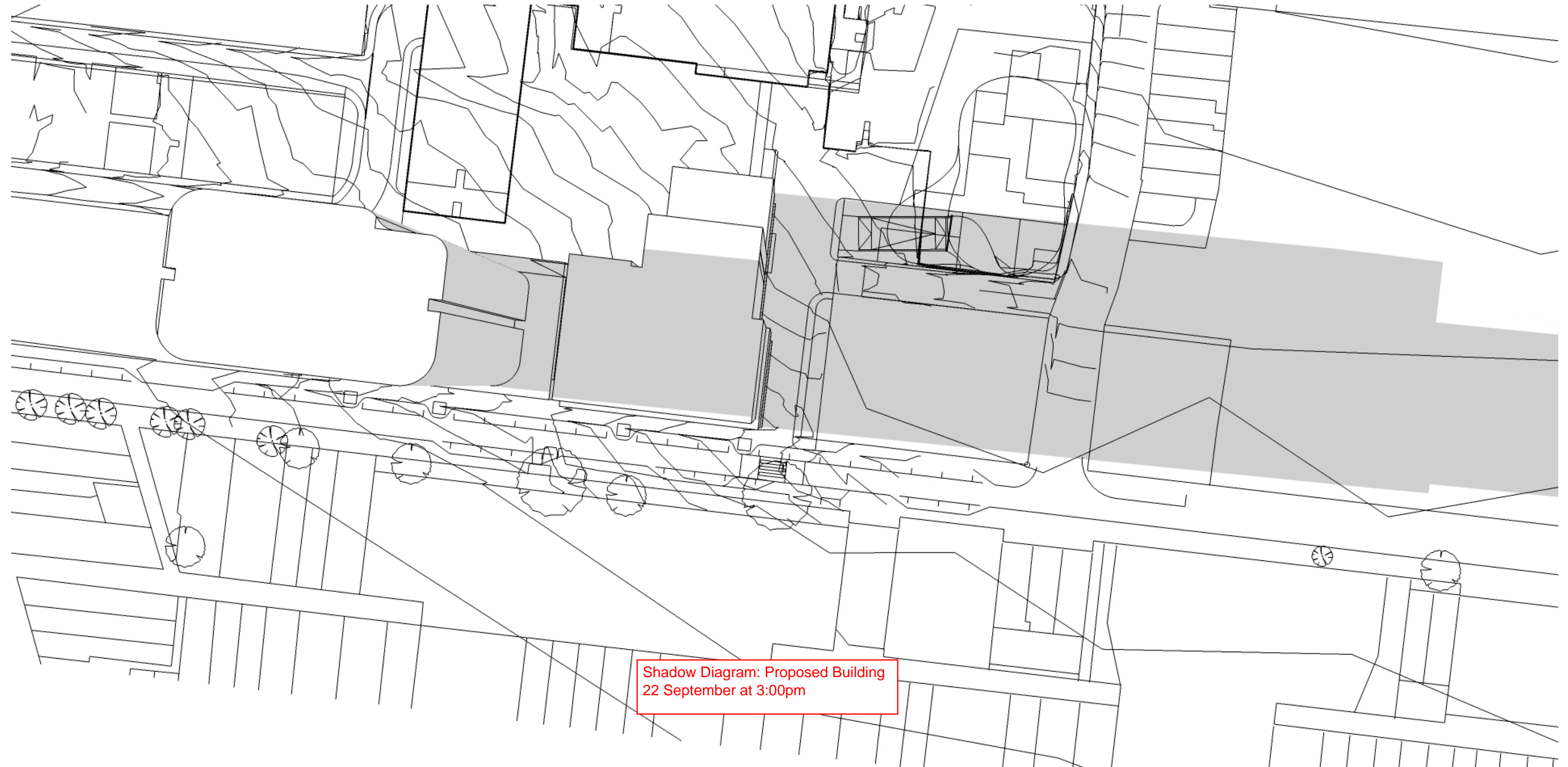
Shadow Diagram: Proposed Building  
22 September at 9:00am



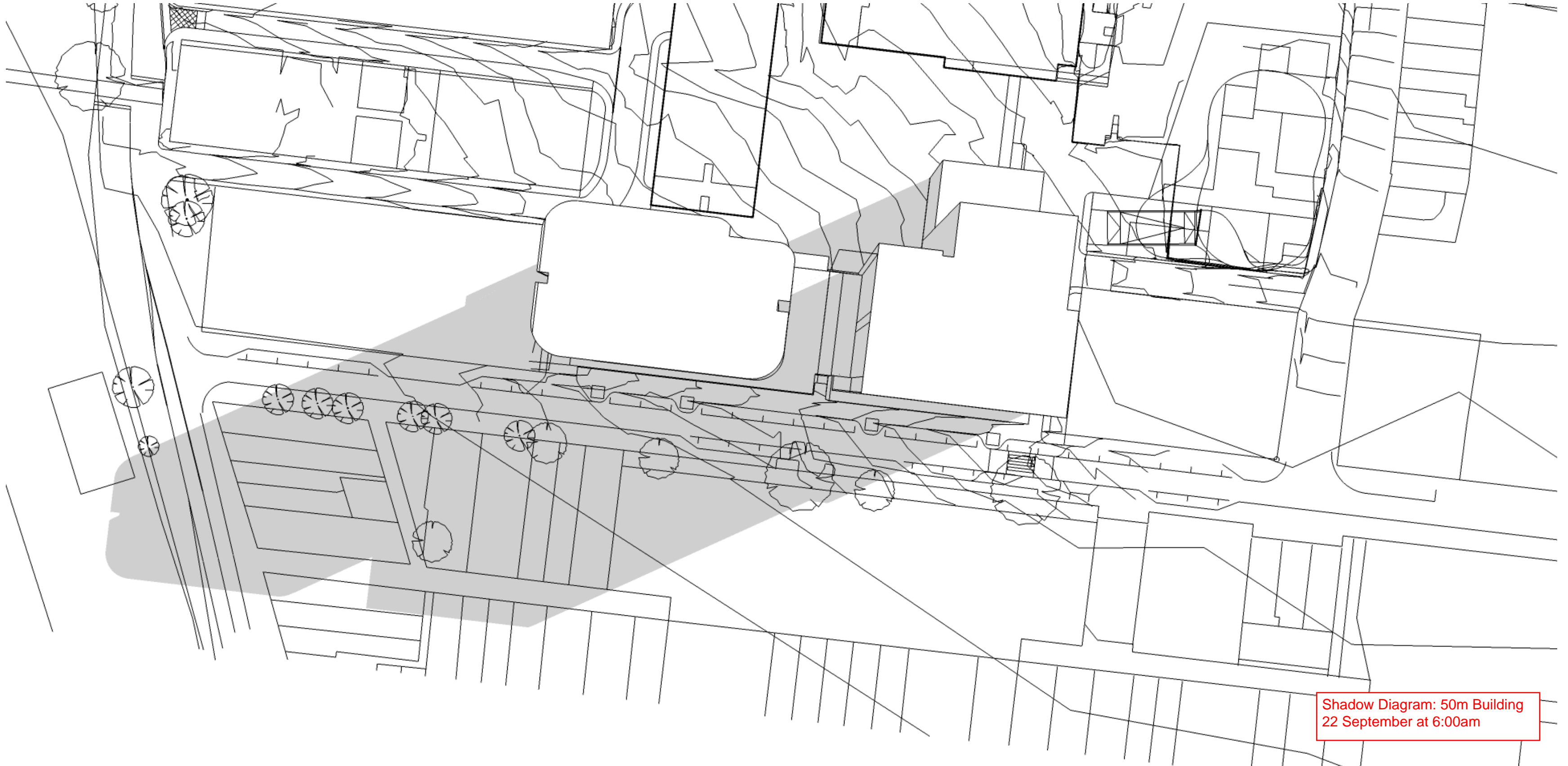


Shadow Diagram: Proposed Building  
22 September at 1:00pm





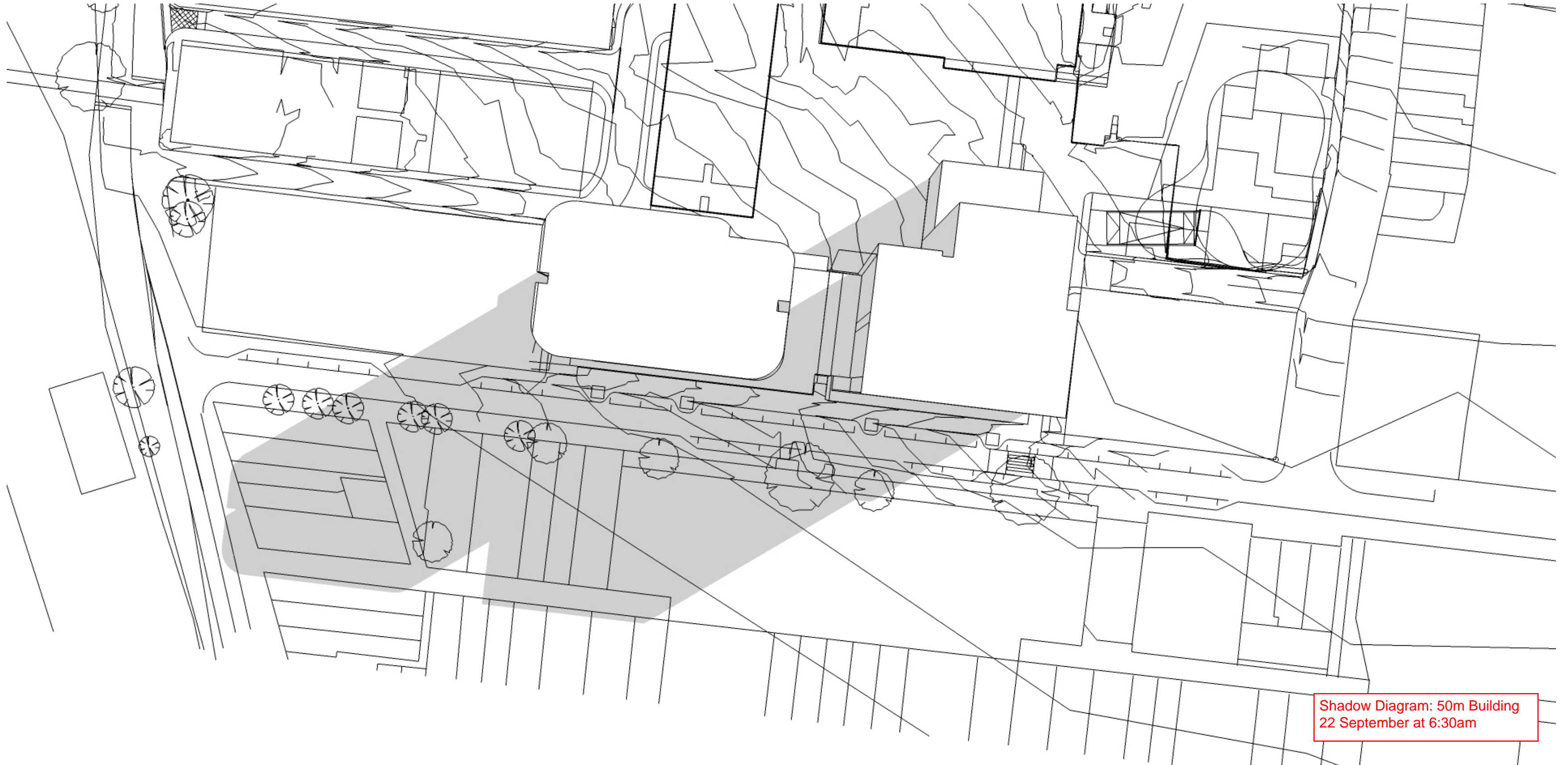
Shadow Diagram: Proposed Building  
22 September at 3:00pm

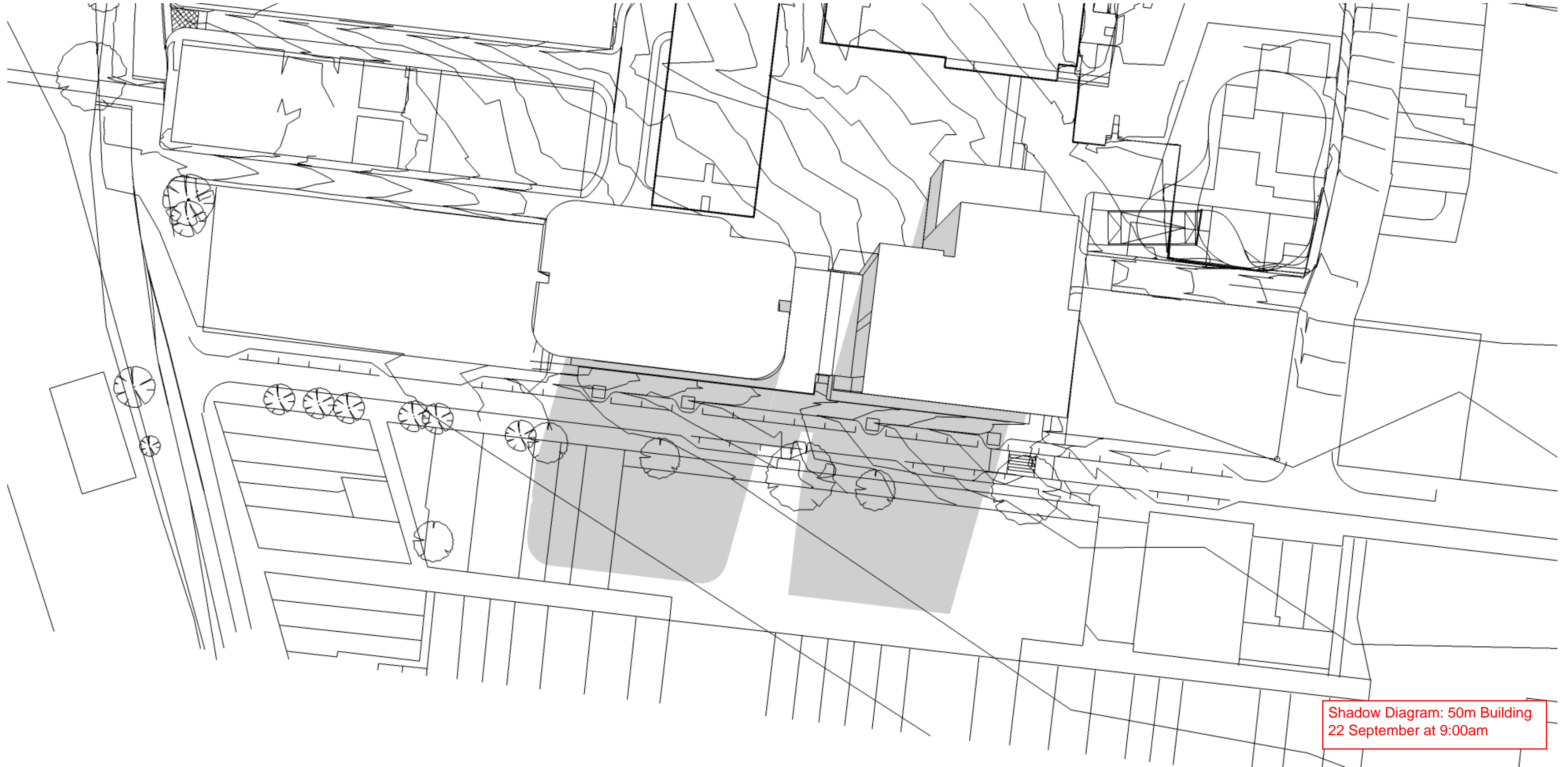




Shadow Diagram: 50m Building  
22 September at 6:15am



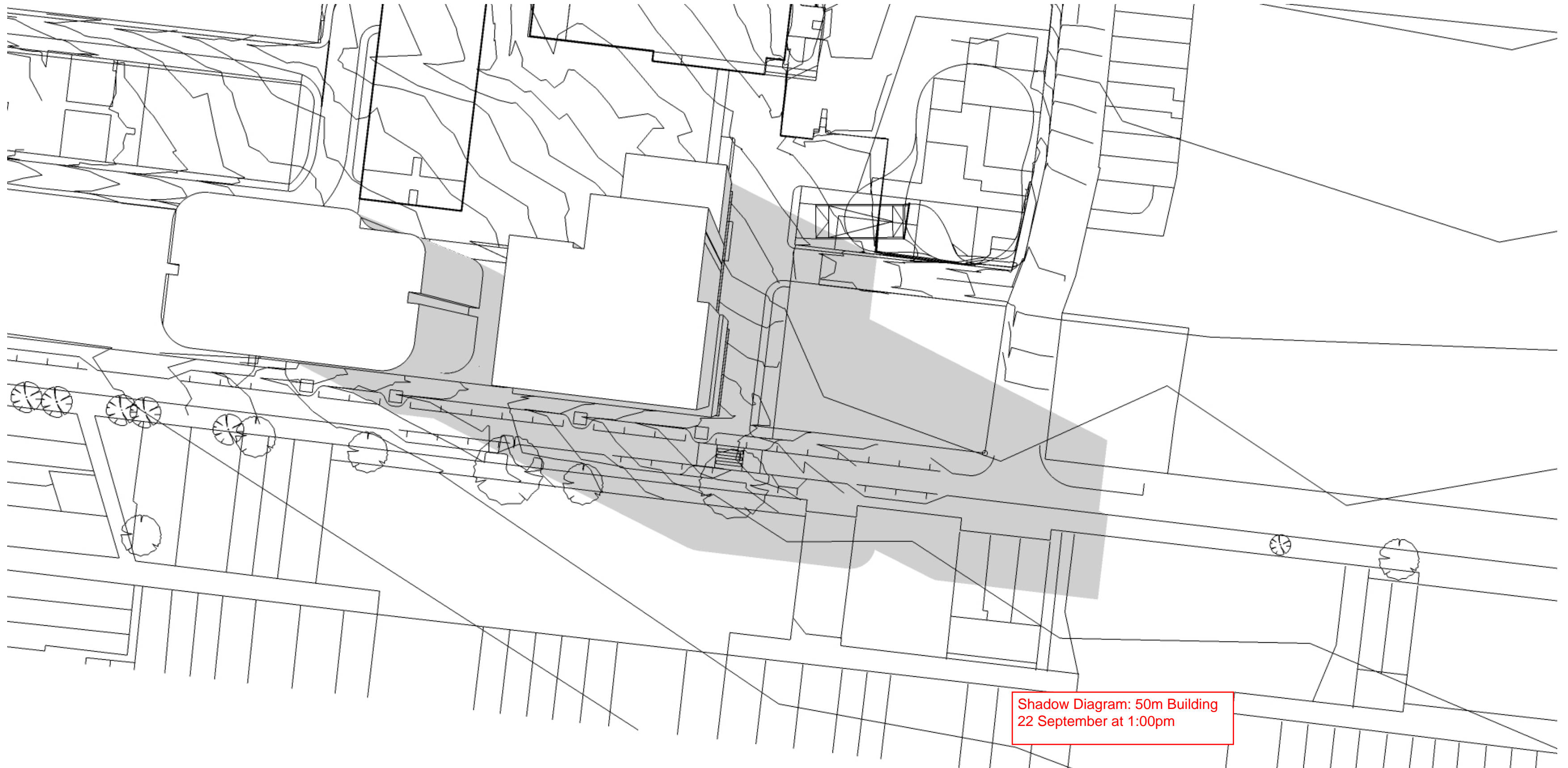




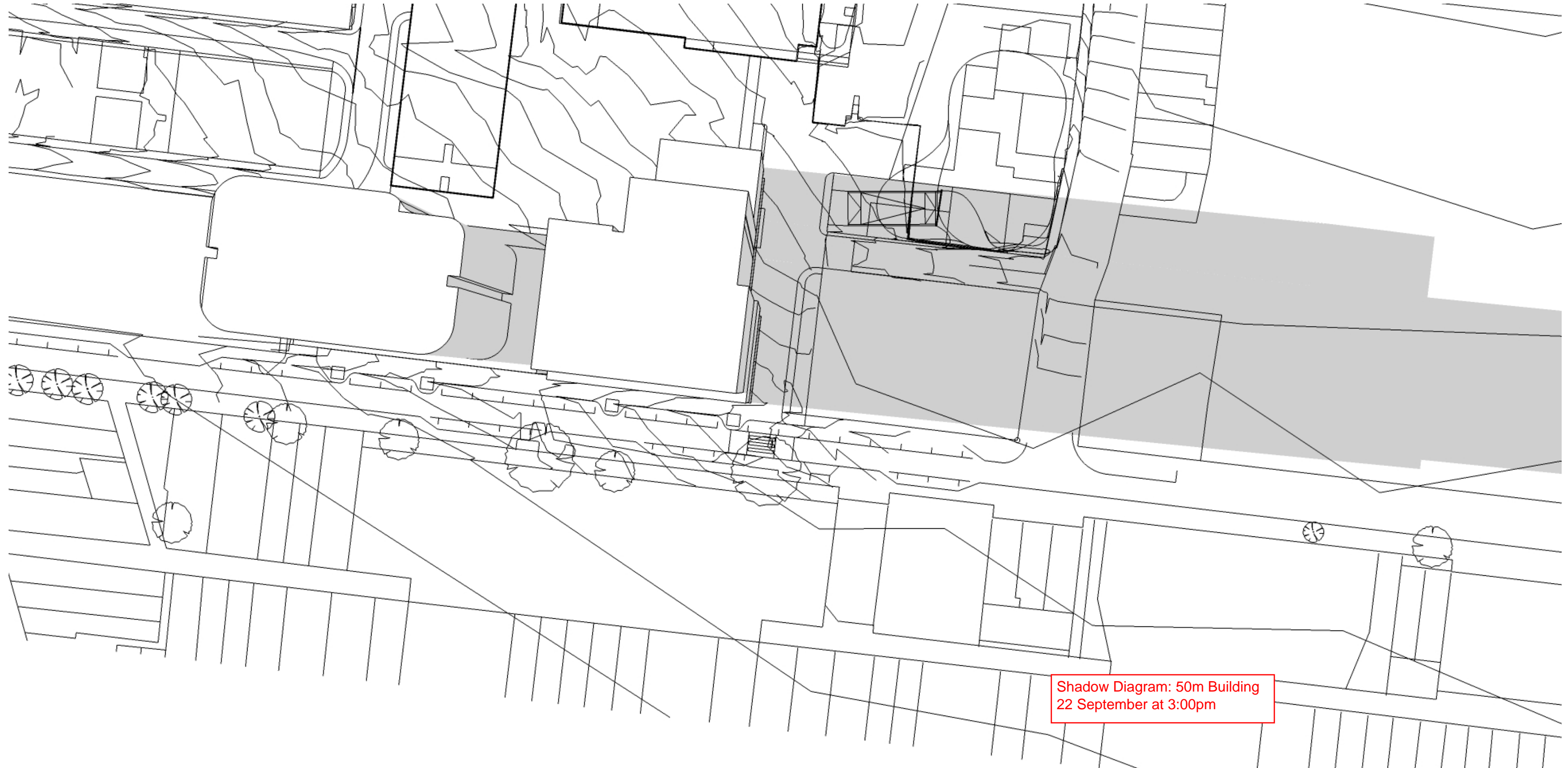




Shadow Diagram: 50m Building  
22 September at 11:00am



Shadow Diagram: 50m Building  
22 September at 1:00pm



Shadow Diagram: 50m Building  
22 September at 3:00pm