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1 Introduction

On behalf of Caydon MP No.1 Development Pty Ltd, Urbis has prepared this Town Planning Report in support of an application to construct a mixed use development at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds.

The proposal’s design and use has evolved as a direct response to the site’s context, the objectives of both State and Local planning policy, and the land use objectives contained within the Activity Centre Zone (Schedule 1). Importantly, the development has also evolved following discussions and work undertaken with Council regarding the broader development of the former Readings site.

This report assesses the appropriateness of the proposal against the relevant policy documents, including the planning policy objectives within the Moonee Valley Planning Scheme and the surrounding built form context.

This report should be read in conjunction with the following documents:

- Landscape Strategy Report prepared by Oculus, 11 June dated.
- Wind Impact Assessment prepared by Vipac, dated 11 June 2015

Collectively these reports confirm the suitability of the development from a social, economic, built form, environmental and amenity perspective.
2 Urban Context

This section is to be read in conjunction with the Site Context analysis prepared by Caydon.

2.1 FORMER READINGS SITE

The former Readings Site is located on a large 1.3ha irregular parcel of land located within the Moonee Ponds Activity Centre (MPAC). The site is specifically identified in the Moonee Ponds 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.

The site has 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, from Aspen Street to the east and a number of existing crossovers to/from Homer Street to the north. An existing pedestrian crossing is located adjacent to the site along Hall and Homer Street.

The vision is for the former Readings site to be redeveloped to create a mixed use, high density precinct comprising residential and complementing retail/commercial uses at a scale and intensity commensurate with the sites strategic location.

PICTURE 1 – VIEW OF FORMER READINGS SITE LOOKING NORTH EAST FROM HALL STREET

PICTURE 2 – VIEW OF FORMER READINGS SITE LOOKING NORTH THROUGH THE CENTRE OF THE SITE

2.2 THE SUBJECT SITE

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 (Refer to Figure 1). It has a total site area of 7979.60sqm.

The subject site is mainly vacant of buildings and is currently being used 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 Certificate of Title for the site is included at Appendix A.

Planning Permit No. MV/779/2014 was issued for a 16 storey development to the south east part of the subject site. The Permit allows for the ‘construction of a multi-storey building accommodating retail and dwellings, reduction in the car parking and loading bay requirements’. The development allows for a 14 storey residential development with two retail uses at the ground level. The building extends to a height of 49.2 metres and comprises 162 apartments (67 x 1 bedrooms and 95 x 2 bedrooms) and 137 car parking spaces.
FIGURE 1 – AERIAL VIEW OF FORMER READINGS SITE AND SUBJECT SITE

40 Hall Street & 34-36 Margaret Street Moonee Ponds

SITE LOCATION
PICTURE 3 – VIEW OF SUBJECT SITE LOOKING NORTH EAST (TAKEN FROM HALL STREET)

PICTURE 4 – VIEW OF SUBJECT SITE LOOKING NORTH WEST
2.3 GENERAL CONTEXT OF SUBJECT SITE

This subject site is strategically located within the Moonee Ponds Activity Centre, with the site's primary street frontage being to Hall Street. The existing urban context of this block is characterised by a mixed commercial character contained within a range of building styles, heights and setbacks. There are limited levels of activation west of Everage Street, with the existing parking facility on the subject site and the balance of the former Readings site creating a wide break in the street edge.

The subject site is located one block to the north of Puckle Street, the core retail spine within the Moonee Ponds Shopping Centre. The subject site is also situated adjacent to the Moonee Ponds Central Shopping Centre. The Shopping Centre comprises a large two storey built form which extends from the north side of Homer Street, to the east side of Everage Street, with components on both sides of Hall Streets, connecting through to Puckle Street to the south of site.

The subject site is very well serviced by a range of public transport options. The site is located within walking distance to the Moonee Ponds Railway Station, approximately 140 metres to the west of the site, as well as tram services that operate along Ascol Vale Road approximately 300 metres to the east of the site. There are also a number of bus services that operate in close proximity to the site including, the bus interchange at Mt Alexander Road located approximately 250 metres to the east of the site.

Given the site’s close proximity to the Moonee Ponds Railway Station, and its location adjacent to Moonee Ponds Central Shopping Centre, there are established pedestrian activity routes in the surrounding street network. There is a gap in Hall Street at present with no direct connection provided between Puckle Street and Homer Street.
FIGURE 2 – TRANSPORT AND ACTIVITY CENTRE MAP

40 Hall St & 34-36 Margaret St, Moonee Ponds
PUBLIC TRANSPORT & ACTIVITY CENTRES
2.4 SURROUNDING AREA

The immediate vicinity of the site is an area identified for significant change. The MPAC Structure Plan clearly outlines the anticipated urban renewal of this central location given the expected future growth of Metropolitan Melbourne. Although development has already started occurring in this region, as detailed below there are some existing buildings that surround the site that may change in the future.

- To the east of the site is a single storey building which comprises commercial uses at the ground level, with a car park at the roof level. Further to the east, at 1 Everage Street (on the corner of Everage and Hall Street) is a three storey building comprising commercial tenancies at the ground level and office space at the upper levels.

- To the west of the site, on the opposite side of Market Street in the Moonee Ponds Railway Station and associated car park.

- To the north of the site (adjacent to Market Lane) is No. 55 Homer Street which is currently occupied by a single storey commercial building. Planning approval has recently been granted for a 5 storey building which will comprise 4 offices and 10 dwellings. Also to the north is a four storey residential building at No. 57 Homer Street which comprises a ground level car park and apartments above. No 59 Homer Street is occupied by a two storey commercial building.

- To the north of the site, east of Eddy Street, is part of Moonee Ponds Central Shopping Centre which comprises a range of uses, including a Coles supermarket which faces the Readings Site. The building presents as a double storey building with a double storey car park directly adjacent to the site.

- To the south of the site (Aspen Street west side) is a part single part double storey commercial building which accommodates ‘Brotherhood of St Laurence’ and associated car park (No. 24-30 Hall Street). A single storey building accommodating a dog grooming school is located next to the car park (No. 42-44 Hall Street). These buildings are all located on the north side of Hall Street. Also to the South, on the opposite side of Hall Street is No.45 Hall Street which accommodates commercial uses at the ground level and dwellings at the upper levels. A public car park is also located opposite the subject site.
- A permit has recently been approved for a 14 storey residential building at 33-35 Hall Street to the south east of the site which accommodates 69 dwellings. Further east along this side of Hall Street is No.19 Hall Street which accommodates a recently constructed 10 storey residential building comprising 39 dwellings, No.5-7 Hall Street which accommodates a 6 storey residential building and on the corner of Hall Street and Mt Alexander Road (1-3 Hall Street) is an existing 8 storey commercial building.
PICTURE 12 – NO.19 HALL STREET (DURING CONSTRUCTION)

PICTURE 13 – NO.5-7 HALL STREET

PICTURE 14 – 1-3 HALL STREET
As is evident from the recent approvals and construction in the immediate area, Moonee Ponds is expected to undergo a shift in character to a taller, higher density precinct. There are also a number of new developments under construction or approved in the wider area, which includes:

- 521 Mt Alexander Road – 7 storey residential building comprising 52 dwellings
- 348 Ascot Vale Road – 6 storey residential building
- 331-333 Ascot Vale Road – 12 storey building comprising 126 dwellings and retail
- 6-14 Young Street and 17-23 Puckle Street – 10 storey residential building connected to 4 storey arcade which will include a cinema and a hotel
- 15 Moore Street- 6 storey residential development comprising 28 dwellings
- 17 Moore Street- 6 storey residential development comprising 26 dwellings
- 20 Park Street – residential development comprising 31 apartments and 5 townhouses

Further photos of the subject site and surrounds are included in the Site Context Report prepared by Caydon.
3 The Proposal

The proposal seeks approval to construct a residential building over a basement car park (referenced as the Margaret Street building for the purpose of this report) and a mixed use building over a basement car park (referenced as the Hall Street building for the purpose of this report). This proposal has been developed acknowledging the proposed second stage of development as per the Development Plan previously prepared and agreed with by Council.

The Margaret Street building is proposed to extend to a height ranging between 18.6 metres and 38.6 metres (measured to the top of the roof) and will comprise 176 apartments. The Hall Street building is proposed to extend to a height ranging between 48.4 metres and 67.9 metres and will comprise 450 apartments and 6 retail tenancies at the ground level. The podium extends to a height ranging between 13.7 metres and 14.2 metres. A pedestrian link is proposed to the east of the site, which will connect Homer Street in the future stages of development. A vehicle and pedestrian link is proposed to the west of the site which will connect Hall Street to Market Lane. Vehicle access to the basement car park will be via a new access from Aspen Street East.

The main details of the proposal are summarised in turn below.

3.1 LAND USE AND FUNCTIONS

The buildings provide for the following use and operational elements:

- 626 residential apartments, featuring a mix of apartment sizes and styles, comprising 385 one bedroom apartments, 240 two bedroom apartments and 1 three bedroom apartment.
- 6 x double height retail tenancies totalling 1044sqm of leasable floor area at the ground level.
- 551 car spaces and 226 bicycle parking spaces within three basement levels.
- External storage space for residents provided at the basement levels.
- Residential amenities and common areas will be provided at various levels.

3.1.1 BASEMENT

Three levels of basement are proposed that will extend under both buildings, with access provided via Aspen Street east. A new vehicle ramp will provide dedicated access from Aspen Street east into the basement.

Basement 2 and 3 will both comprise 189 car parking spaces, 71 bicycle spaces and 6 motorbike spaces. Basement 1 will comprise 173 car parking spaces, 60 bike spaces and 8 motorbike spaces.

A lift and stairwell core will be provided to the west, at the centre and to the east of the basement.

The intention is to extend the basement under the whole of the site in the second stage of development.

3.1.2 BUILDING LAYOUT AND ADJACENT SPACE

**Margaret Street Building**

The proposed building is located between Margaret Street, Aspen Street and Market Lane and ranges in height from 18.6 metres to 38.6 metres. The building layout is detailed as follows:

- The ground floor accommodates 21 apartments (18 x 1 bedrooms and 3 x 2 bedrooms), each of which will have its own individual address to Market Lane or Aspen Street West.
- The main entry foyer is proposed on the south of the building with access provided via Aspen Street.
- Level 1 comprises 22 apartments (17 x 1 bedrooms and 5 x 2 bedrooms).
- Levels 2 and 3 comprise 22 apartments to each level (15 x 1 bedrooms and 7 x 2 bedrooms).
- Level 4 and 5 comprise 19 apartments to each level (12 x 1 bedrooms and 7 x 2 bedrooms).
- Level 6 comprises 9 apartments (6 x 1 bedrooms and 3 x 2 bedrooms) and a communal terrace area.
- Level 7-12 comprises 7 apartments (3 x 1 bedrooms and 4 x 2 bedrooms).

The building sits at 6 storeys to the Margaret Street interface and steps up to 13 storeys further east. From Level 4 upwards, there is a central break in the building and a communal terrace area is provided at level 6. This design response allows for a podium form to be provided which extends to a height of 18.6 metres to Margaret Street wrapping around to Market Lane and Aspen Street. The higher built form above extends to a height of 38.6 metres, before stepping down to the eastern interface to a height of approximately 21 metres as illustrated in Figure 3 below.

There are no services proposed at the street frontage which will ensure an attractive frontage to the streetscape. The layout of the apartments orientated to each frontage allows for passive surveillance of the streets. The ground floor apartments with their individual entrances provides for activation of the street frontages.

![FIGURE 3 – MARGARET STREET SOUTH ELEVATION](image)

**Hall Street Building**

The proposed buildings are located along the Hall Street frontage, with the building and open space occupying the north side of the subject site. The building ranges in height from 48.4 to 67.9 metres as is illustrated in Figure 4.

- The ground floor plan includes active frontages, with six double height retail tenancies fronting Hall Street. A total of 5 apartments (2 x 1 bedroom and 3 x 2 bedrooms) are proposed to the rear of these tenancies and are orientated north.
- An entry foyer is proposed to the east of the building with access proposed via the new pedestrian link to the east of the building. A second entry foyer is proposed on the south frontage of the building to Hall Street.
- A large communal private open space area is proposed to the north of the subject site, including multi-use courts and a swimming pool. A gymnasium is located to the north east with direct access between these facilities.
- The mezzanine level will comprise 8 apartments (5 x 1 bedrooms and 3 x 2 bedrooms).
- Level 1-2 will form part of the podium and comprises 29 apartments (29 x 2 bedrooms).
- Level 3 will form part of the podium and comprises 29 x 2 bedroom apartments.
- Level 4 will form part of the podium and comprises 24 x 2 bedroom apartments and a central communal area.
- Level 5 will comprise 27 x 2 bedroom apartments.
- Level 6-14 will comprise 24 x 2 bedroom apartments on each level.
- Level 15 will comprise 13 apartments (12 x 2 bedrooms and 1 x 3 bedrooms).
- Level 16 – 22 will comprise 10 x 2 bedroom apartments on each level.

The double height ground floor retail uses are proposed to be setback from the title boundary to the south to create a wider footpath to Hall Street. This design response, combined with the incorporation of a pedestrian link to the east of the building and a link to the west of the building will encourage ongoing interaction to the Hall Street frontage and enhance the pedestrian experience in the centre.

The incorporation of the communal gymnasium area at the ground level and apartments orientated to each edge will ensure all frontages receive an outlook will allow for passive surveillance of the proposed pedestrian thoroughfare and the site’s frontages.

The design considerations have resulted in a unique and contemporary design response that will contribute significantly to this streetscape and the overall centre. The proposal presents as two building elements connected by a lower podium form. The development displays a high amount of glazing, including a mixture of glazing and glass balustrades. The proposal will incorporate quality materials and finishes, including a mix of applied light and dark colours to respond to the highly innovative architectural design of the overall building.

Services are located have been located within the basement and at ground level to ensure no adverse amenity impacts to the streetscape wherever possible. Hall Street will be activated through the inclusion of commercial uses which will also allow for passive surveillance of the street. The location of car parking within the basement and access via Aspen Street east will also ensure an uninterrupted frontage to Hall Street and the eastern pedestrian link.
3.1.3 THE NEW PUBLIC REALM

The proposal will provide a significant opportunity to improve the public realm within this central location within the Activity Centre.

As well as the incorporation of a setback form Hall Street to assist in the widening of the footpath along Hall Street, a new pedestrian link is proposed to the east. This link will provide a connection through to Homer Street in the future stages of development, as well as a large area of public open space.

To the west, a new vehicle and pedestrian link is proposed which will provide a connection to Market Lane and Aspen Street West. In the future stages of development the pedestrian connection will extend through to Homer Street.

Figure 5 details the public realm proposed as part of this application and provides a vision of the delivery of open space which will be developed with the future development of the overall site. Please refer to the Oculus Report at Appendix B for plan and legend details.

3.1.4 LANDSCAPE TREATMENT OF PUBLIC REALM

The proposal has considered landscaping opportunities throughout the overall design. The proposal includes:

- A widened footpath to Hall Street which will incorporate new paving and street trees.
- A new pedestrian zone to the east. This area is proposed to include a mix of paving types and trees, as well as a landscape buffer along the eastern edge of the zone.
- A new vehicle and pedestrian link to the west providing a connection to Market Lane.
A communal terrace area to the north west of the Hall Street building at the ground level and a communal terrace area at Level 4, as well as a communal terrace at Level 6 of the Margaret Street building which will comprise a mix of planters.

3.1.5 DELIVERY OF APPLICATION AREA

Given the future stages of development of the overall site, the proposed development that forms part of this application will not be delivered together.

The basement as proposed will be delivered as part of this stage however, a portion of the ground level will be delivered with the future stages of development. The future stage of development to the north will include a basement level and as such, it is not possible to develop at the ground level prior to this stage of development.

Figure 6 clearly details the section of the ground level to be delivered as part of this stage.
FIGURE 6 – DELIVERY OF APPLICATION AREA

Delivery of Basements
Delivery Above Ground

40 Hall Street & 34-36 Margaret Street Moonee Ponds
DELIVERY STAGES
4 Planning Policy Framework

The following section outlines planning policies which are relevant to the proposal which need to be considered in the planning assessment of the application. These include the State Planning Policy Framework and the Local Planning Policy Framework including Council’s Municipal Strategic Statement.

4.1 STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) seeks to develop objectives for planning in Victoria to foster land use and development planning and policy which integrates relevant environmental, social and economic factors.

The sections of the SPPF which are relevant to this application include:

- Clause 11 – Settlement
- Clause 15 – Build Environment and Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 Transport

The main thrust of these policies can be summarised as follows:

- Clause 11 requires planning to contribute to, amongst others, ‘diversity of choice’, ‘a high standard of urban design and amenity’ and ‘accessibility’. It encourages opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- The policy at Clause 11 seeks to ensure that there ‘is a sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses’. The strategies of the policy objectives encourage ‘a diversity of housing types at higher densities in and around activity centres’.
- Clause 15.01-1 seeks to ‘create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity’. The urban design principles for development include context, the public realm, safety, landmarks, views and vistas, pedestrian spaces, heritage, consolidation of empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture.
- In relation to sustainable development, the objective of Clause 15.02-1 encourages ‘land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’.
- The policy at Clause 16 supports developments that provide for housing diversity, access to services and planned for long term sustainability. Higher density is encouraged in locations in and around activity centres, close to public transport and employment opportunities.
- The policy at Clause 17 seeks to encourage ‘strong economic growth through the provision of strong and innovative economy’ and encourages ‘development which will meet the needs of the community for retail, entertainment, office and other commercial services’.
- The policy at Clause 18 relates to transport and states that ‘planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe’.

4.2 PLAN MELBOURNE – METROPOLITAN PLANNING STRATEGY

The State Government has recently released Plan Melbourne; the Victorian Government’s metropolitan planning strategy that will guide the city’s growth to 2050. It is a strategy focussed on providing adequate employment, housing and transport around the central city and beyond.
The Strategy focuses on the following 9 key concepts:

- Delivering a New Integrated Economic Triangle
- Protecting the Suburbs by Delivering Density in Defined Locations
- A State of Cities
- Delivering a Pipeline of Investment Opportunity
- Better Use of Existing Assets
- 20 Minute Neighbourhoods
- Housing Choice and Affordability
- Transitioning to a More Sustainable City
- Good Governance and Strong Partnerships

The report recognises Melbourne’s population will increase to more than 6.5 million people by 2050. This additional population will require housing, employment and ancillary services and facilities. Part of the direction is to ensure this increased population can be catered for without unreasonably impacting on the existing qualities of Melbourne’s suburbs. The Strategy establishes five metropolitan subregions including, the Western Subregion which is expected ‘to be the city’s fastest growing region into the middle of this century and will accommodate an additional 377,000 or more people’.

Plan Melbourne provides a major focus on enhancing and unlocking the development potential of the Western Subregion and increasing the housing supply near services and public transport.

In addition, the recently appointed Government has released a discussion paper regarding apartment standards. This discussion paper clearly notes the importance of accommodating the anticipated increase in population with medium and higher density developments and in locations close to transport, services and within Activity Centres.

4.3 LOCAL PLANNING POLICY FRAMEWORK

The MSS sets out future direction for the municipality and provides a vision and framework for the municipality, whilst the local policy provides a more detailed direction to inform the assessment of new land use and development.

The following sections of the MSS and local planning policies that are particularly relevant to this matter include:

- Clause 21.02 – Key Issues and Influences
- Clause 21.03 Vision
- 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
The main thrust of these policies can be summarised as follows:

- Councils vision for the City of Moonee Valley's is identified at Clause 21.03-1, is in 2035 Moonee Valley will be a city of clean, green and beautiful, vibrant, diverse and sustainable communities that people will experience as friendly and safe to live in’. The MSS identifies the expectation for infill higher density developments and the provision of diverse and affordable housing stock to accommodate increasing populations.

- The Strategic Framework Plan at Clause 21.03 identifies Moonee Ponds as a Principal Activity Centre. The role of Moonee Ponds is set out at Clause 21.07-1 'as a regional retail centre and the major centre for professional and financial services in Melbourne's northwest region'. It is well served by public transport and a range of services making it a convenient and desirable location for residential development.

- Clause 21.04 encourages contemporary and innovative, environmentally sustainable design for all new buildings.

- Clause 21.05 encourages housing diversity and the development of housing in Activity centres and near public transport options and in particular, Moonee Ponds Activity Centre.

- The strategies at Clause 21.06-4 seek to ‘achieve contemporary development that is innovative, legible and designed in a manner that responds to its location and context’. It also seeks to ensure that development above the preferred height control demonstrates design excellence and a net community benefit.

- Clause 21.07 recognises Moonee Ponds Activity Centre significant potential for transformation into a north-western central business centres and identifies the centre as being well positioned to accommodate residential development.

- An objective of Clause 21.09 is to reduce environmental impact and improve access to sustainable modes of transport. Strategies to support this objective encourage new development to be located within close proximity to public transport.

- Clause 22.03 seeks to achieve best practice water quality performance objectives for all new buildings by requiring the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways.

4.4 MOONEE PONDS ACTIVITY CENTRE STRUCTURE PLAN

The Moonee Ponds Activity Centre Structure Plan (MPAC Structure Plan) was adopted in March 2010 and updated in June 2012. It is noted that this document was prepared prior to the release of Plan Melbourne and the Residential Zoning reforms. There is now much more of an emphasis on the importance of Activity Centres in accommodating residential growth.

The Structure Plan was developed to enable the Moonee Ponds Activity Centre (MPAC) to grow into a vibrant mix of retail, commercial, entertainment, recreation and residential uses. It includes a vision, objectives and strategies to be achieved in future development and improvements to the MPAC. It also sets out various design guidelines throughout the precinct.

The structure plan includes the following direction, relevant to the proposed development:

- Create 1000 new dwellings within the activity centre area and reinforce MPAC as the premier location for large scale new housing developments.

- Encourage a diverse range of housing choices and affordability within the MPAC.

- Maximise developing opportunities within the Activity Centre for additional housing.
- Hall Street is identified as a ‘mixed use’ area (Figure 3-Overall Structure Plan). Mixed use areas occupy a majority of the structure plan area, with an emphasis on providing retail development at street level and residential components at upper levels.

- The subject site is identified in Precinct B – Hall/Homer with a preferred height of 10-16 storeys.

- Ensure new development builds on the opportunities of the north-south pedestrian link through this precinct.

- Ensure no elongated sections of blank walls interface with the street.

- Ensure that the upgrade of Hall Street provides a high quality pedestrian environment.

- Ensure primary vehicle access to new developments is from the local access road.

- Encourage active street frontages to Hall Street.

- Ensure that the upgrade of Hall Street provides a high quality pedestrian environment.

- Discourages new ground level car parking.

- Limit wide building frontages with a single use.

- Ensure ground level uses foster the natural surveillance of new public spaces.

Amendment C100 was gazetted on the 13 March 2015 and incorporates the key strategies and requirements of the Structure Plan into the Moonee Valley Planning Scheme with the use of the Activity Centre Zone Schedule 1.
5 Planning Framework

5.1 ZONE

The site is located within an Activity Centre Zone – Schedule 1. The purpose of the Activity Centre Zone 1 is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- To encourage a mixture of uses and the intensive development of the activity centre:
  - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
  - To support sustainable urban outcomes that maximise the use of infrastructure and public transport

- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

Pursuant to Clause 37.08-2, a permit is not required for a ‘dwelling’ (must be located above ground floor level, except for entry foyers) or ‘retail premises’ use as they are listed as Section 1 uses. Given there are dwellings proposed at the ground level, a permit is required for the dwelling use.

Pursuant to Clause 37.08-5 a permit is required to construct a building or construct or carry out works.

The subject site is located in Precinct 2D, 2E and 2F of the Hall/Homer – Secondary Retail and Office Precinct. This area is subject to a preferred building height of 50 metres, 26 metres and 20 metres respectively. In addition, the provisions provided in the schedule seek a zero setback for podium forms from the street for the first 11 metres in height to activate the streetscape.

The precinct objectives for this precinct include encouraging retail, office and entertainment uses within the precinct and seeking accommodation on upper levels and enabling taller built form in the body of the precinct. The objectives also seek to enhance the pedestrian experience of Hall Street as a major movement link connecting the station with the public transport interchange.

5.2 OVERLAYS

The site is not subject to any overlays.
5.3 PARTICULAR PROVISIONS

Relevant particular provisions of the Moonee Valley Planning Scheme are as follows:

Clause 52.06 - Car parking

This Clause seeks to ensure that adequate car parking facilities are provided with new developments. Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

The table at Clause 52.06-5 specifies the following car parking requirements:

- 1 car space for each one or two bedroom dwelling.
- 2 car spaces to each three or more bedroom dwelling.
- 1 car space for visitors for every 5 dwellings.
- 4 spaces to each 100sqm of leasable floor area for Retail use

A permit can be granted to reduce or waiver these requirements.

Clause 52.07 – Loading and unloading of vehicles

Clause 52.07 relates to the unloading and unloading of vehicles. This provision aims to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

A permit can be issued to waiver this requirement if to the satisfaction of the Responsible Authority.

52.34 – Bicycle facilities

Clause 52.34 aims to promote cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. This provision of bicycle facilities applies under the following conditions:

- A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
- Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Clause 52.34-3 specifies that the bicycle parking requirement for the uses as follows:

- Dwelling - 1 to each 5 dwellings for residents and 1 to each 10 dwellings for visitors.
- Retail – 1 space to each 300sqm of leasable floor area for an employee and 1 space to each 500sqm of leasable floor area for visitors.

A permit can be issued to waive this requirement if to the satisfaction of the Responsible Authority.

Clause 52.35 – Urban Context Report and Design response for Residential Development of Five Or More Storeys

The purpose of Clause 52.35 aims to ensure that an urban context assessment is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.

An Urban Context analysis has been prepared by Plus Architecture and is included within the application documentation which has been submitted.
Clause 52.36 – Integrated Public Transport Planning

Clause 52.36 seeks to ensure development supports public transport usage and to ensure development does not adversely affect the efficient, equitable and accessible operation of public transport.

Pursuant to Clause 52.36-1, an application for a residential development of 60 dwellings or more must be referred in accordance with section 55 of the Act to Public Transport Victoria.

5.4 PLANNING SCHEME AMENDMENTS

5.4.1 AMENDMENT C134 PLANNING SCHEME REVIEW

Planning Scheme Amendment C134 seeks to implement revisions to the LPPF to better reflect current State and Local policies and key issues and trends, as well as implement policy direction set by key strategic documents that have been adopted by Council.

The Panel appointed by the Minister considered the Amendment and the submissions and released a report generally in support of the amendment. Some of the changes recommended by the Panel include amending Councils recommendation to consider a height variation up to 25 per cent over designated height limits. The Panel considered that this would create confusion over preferred heights limits and recommended that the objective be included at Clause 21.06-4 as follows:

‘Encourage new developments up to but not exceeding preferred heights as outlined in relevant design guidelines, overlay or plans. In cases where a development seeks to exceed preferred maximum building heights, it must clearly demonstrate a net community benefit to be delivered through this increased height, and an exemplary urban design outcome’.

On 24 June 2014 Council resolved to incorporate all changes recommended in the Panel Report and submitted the Amendment to the Minister for Planning Approval. In March 2015, the Amendment was gazetted and all changes incorporated into the Planning Scheme.

5.4.2 NEW RESIDENTIAL ZONES

The State Government’s introduction of the new residential zones came into effect on the 1 July 2014. The new residential zones strengthen the controls on the type of development that can occur in residential areas. Moonee Valley chose to participate in the State Government’s Residential Zones Standing Advisory Committee process to determine the location of the new residential zones. The General Residential Zone was applied to all land zoned Residential 1 on the 1 July 2014 and Moonee Valley Council has begun work on a Housing Strategy.

The introduction of the new residential zones provides a focus on Activity Centres to accommodate the expected residential growth. This further emphasises the importance of the MPAC in accommodating additional housing.

5.4.3 DEVELOPMENT PLAN

A Development Plan was prepared by Leighton Properties (the previous owners of the site) in conjunction with Council for the Readings site. The Development Plan provides a significant level of guidance for future development proposals on this large site. It identifies building envelopes, pedestrian links through the site, an area of public open space and areas to be activated along Hall Street, Everage Street and Homer Street.

The Development Plan was prepared given the absence of the Activity Centre Zone and the Moonee Ponds Activity Centre Structure Plan from the Moonee Valley Planning Scheme. The Development Plan was developed to provide assurance that this large site would be developed in an integrated manner and which would benefit the overall Activity Centre.

The Development Plan was considered at a Council meeting on 28 October and was adopted by Council with the exception of some technical requirements. Council resolved to delegate the further review and approval of these sections to Council Officers given the technical nature of these items.
6 Planning Considerations

The proposal seeks to develop the land at 40 Hall Street and 34-36 Margaret Street located centrally within the Moonee Ponds Activity Centre. In considering the planning merits of the proposal, the key issues for determination are as follows:

- Consistency with planning policies contained within the Moonee Valley Planning Scheme
- Consistency with the Mooney Ponds Activity Centre
- Offsite Amenity
- Residential Amenity and Landscaping
- Car parking and access arrangements
- Wind Impacts
- Waste Management
- Environmental Sustainable Design

Each of these matters is addressed in detail in the following section of this report.

6.1 CONSISTENCY WITH STATE AND LOCAL POLICY

The State Planning Policy Framework together with the Local Planning Policies provides the guidelines to achieving the City of Moonee Valley’s vision, which is for city to:

- become a diverse and safe community
- have ready access to services and facilities required for wellbeing
- embrace its local heritage and cares for the environment
- support individuals and groups to be involved in their community

The key to achieving Council’s vision is the recognition that development potential varies throughout the municipality and key considerations include its local context and its future role within the City. In this case, having reviewed the broad State Planning Policy it is considered that the development is consistent with the SPPF given:

- The proposal reflects the strategic direction of Clause 11 as it represents a consolidation, redevelopment and intensification of an existing urban area. The proposal seeks to develop an underutilised section of land, making efficient use of the land within the Moonee Ponds Activity Centre compatible with its location within the Activity Centre and its accessibility to services and facilities.
  - In accordance with the objective at Clause 11.01-2, the proposal will provide a higher density residential development in an established activity centre
  - In accordance with Clause 11.04-2 the proposal represents a diversity of choice for those seeking access to accommodation which is accessible and close to a range of services and public transport options.
- The proposed scheme exhibits sound urban design attributes and a well resolved design response, consistent with the objectives of Clause 15 that seek to create quality urban environments. This aspect will be considered in more detail in the following sections of the report.
Clause 16.01 encourages increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations. It also encourages new housing to be located in or close to activity centres. The proposal achieves this objective by providing a 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 that is not well represented at present in Moonee Valley, in a location that is highly accessible.

The proposal will incorporate retail uses on the site, showing consistency with the objectives at Clause 17 which encourage development which 'meet 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 17, 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 first stage of the proposed pedestrian link to the east of the site provides safe, convenient and direct pedestrian access and has the potential to be extended through the site to the north with future development.

During the construction stage a high number of construction related jobs will be created by this project. Furthermore, future residents will take advantage of the existing facilities surrounding the site creating additional demand for services. There will also be ongoing retail jobs and increased municipal rates generated by the project.

The subject site is located in an area of the MPAC which is contemplated for high density residential development. The housing density resulting from this project will contribute greatly to the vibrancy of this area and responds to State direction calling for the growth of the western subregion that will become the 'city's fastest growing region into the middle of this century'. Plan Melbourne notes that the population in the Western Region is expected to grow by additional 370,000-430,000 and identifies Moonee Ponds as a 'place of local significance'. The proposed development favourably responds to this policy direction by providing additional housing where growth is anticipated.

The proposed development is consistent with the MSS and Local Planning Policies within the Moonee Valley Planning Scheme including the relevant objectives and strategies of these policy documents, as follows:

- The proposal reflects the strategic direction of Clause 21.04 as the buildings have been designed to be energy efficient, assisting the minimisation of energy use and reducing greenhouse gas emissions. In addition, the proposed development promotes activity centres as a place to live and work in accordance with the Strategies at Clause 21.07.

- The proposed infill residential development responds to the policy at Clause 21.05 which acknowledges the expected population growth in Moonee Ponds. This policy encourages high to substantial housing intensification within Activity Centres.

- In accordance with Clause 21.06 the proposed development will make a positive contribution to the appearance and amenity of the surrounding streetscapes and in particular Hall Street. Currently the site caters for a car park and buildings which makes no contribution to the presentation of the Activity Centre or public realm. The proposed development will make a significant contribution towards contemporary urban renewal in this part of the centre, providing an exceptionally high quality architectural form. It achieves a high standard of urban design response to the urban context and site analysis.

- The development proposes to create the first stage of a pedestrian link to the east of the site which will contribute to the achievement of Council's policy at Clause 21.06 of enhancing and creating visual and physical links to adjoining streets. The proposed pedestrian link provides for the future connection to the north in future stages of development, whilst creating an immediate link to Aspen...
Street and a residential address for the building. A vehicle connection is also proposed to the west which will allow for a new connection to be provided from Hall Street to Market Lane. In the future stages of development, this link will be continued to provide a north-south pedestrian connection in line with Council’s Structure Plan.

- The development will provide large accessible areas of communal space which is attractive and comfortable for future uses in accordance with Clause 21.06.

- The residential development will help achieve the objective and strategies at Clause 21.07 by strengthening and consolidating the role of MPAC by integrating residential uses with commercial activities and assist in the viability of the centre. In addition, the proposal has significant regard to the Activity Centre Zone (and as such, the MPAC Structure Plan) which will be discussed further below.

- The proposed development provides private and communal open space which is functional, safe, solar orientated and well ventilated to meet the needs of future residents. The communal open space at ground level equates to approximately 2030sqm. Including the new pedestrian link to the east, the vehicle/pedestrian link to the west and the widened footpath area, the total open space equates to 3785sqm.

- In addition to its close proximity to public transport the development includes the provision of sustainable modes of transport i.e. bicycle facilities meeting the policy objectives of Clause 21.09.

- The development will increase passive surveillance onto the public realm with views to south, east and north, increasing the perception of safety in the area in accordance with Clause 21.06.

On balance, the State and Local Policy Framework recognises the importance of ensuring that there is enough flexibility within planning policy to achieve design excellence and contribute to the overarching vision for the city. These policies seek to facilitate land use outcomes that support the ongoing vitality of the city as a place to live, work, play and visit. The proposal achieves the broad objectives of these guiding policy documents.

6.2 CONSISTENCY WITH THE ACTIVITY CENTRE ZONE

As discussed earlier, the land use and built form directions from the MPAC Structure Plan have been introduced through the Activity Centre Zone Schedule 1 (ACZ1).

The following section assesses the development against the land use and development objectives that are identified within the ACZ1.

6.2.1 VISION FOR MOONEE PONDS

The ACZ1 identifies the land use and development objectives to be achieved to ensure that the Moonee Ponds Activity Centre is developed as an environmentally, socially and economically sustainable centre and encourages a diverse range of housing choice and affordability. Specifically to the site’s location, objectives include enhancing the pedestrian experience of Hall Street as a major movement link and activating street frontages.

The proposed development involves built forms that will provide for an improved range of dwelling types for future residents of Moonee Valley and one that provides engagement at the street level. The development will incorporate glazed retail shopfronts onto Hall Street, providing an active and inviting environment. The tenancies wrap around to the east and west corners of the pedestrian link and the vehicle and pedestrian link allowing for these areas to be activated. The entire western side of the pedestrian link will be activated.

Overall, the proposed development will help to further develop the MPAC as an environmentally, socially and economically sustainable centre. The additional housing proposed will help meet the needs of the region’s growing population and the addition of new retail uses will provide further choice and interest to the centre.
6.2.2 BUILT FORM AND URBAN DESIGN

6.2.2.1 MASSING AND SCALE

The massing of the proposal has been developed to respond to a number of factors relating to the urban context, outlook and solar access.

Both buildings have been designed to incorporate a podium and tower form which responds to the provision in the ACZ1 ‘for buildings to provide a zero metre front setback from the street for the first 11 metres in height from ground floor level to provide a podium and activate the streetscape’.

The podium/tower form allows for a perceived pedestrian scale to be achieved. The Hall Street building incorporates a podium form that wraps around to the rear of the site. Above the podium are two separate tower forms; the lower tower form incorporating a curvilinear design. The Margaret Street building is of a smaller scale, with a podium form extending across the entire building (with a predominant height of 18.6 metres) and the eastern half of the building stepping up towards the Hall Street section of the site to an overall height of 38.6 metres.

Margaret Street Building

The Margaret Street building ranges in height from 18.6m to 38.6 metres, which, is compliant with the precinct requirements of the ACZ1 for the western half and steps above the preferred height for the eastern half.

This step up in height is consistent with the adopted Development Plan which provides an indicative building height of approximately 19 metres and approximately 37 metres in the location of the Margaret Street building. The building height proposed is generally in accordance with the Development Plan.

Hall Street Building

The Hall Street building ranges in height from 48.4 metres (lower tower form to the east) to 67.9 metres for the western portion. The height of these buildings is generally in line with the Development Plan adopted by Council. The height of the building to the east side is consistent with the preferred height detailed in the ACZ1. To the western end, the height of the building steps above the preferred height detailed within the ACZ1.

The ACZ1 specifies a preferred maximum building height of 50 metres for this part of the site. The Development Plan provides an indicative building height of approximately 52 metres for the eastern portion of the Hall Street building and an indicative building height of approximately 64 metres for the location of the higher tower form to the west. The proposed higher tower form extends marginally above this to a height of 67.9 metres (which is approximately one level). This is not considered a significant deviation from the expected form of development adopted in the Development Plan.

It is considered the proposed scale of the Hall Street building is appropriate in its urban context, and the design outcome will make a positive contribution to the centre.

The development is proposed to be located centrally within the activity centre and overall the massing of the proposal has been carefully considered to ensure the built form presents as separate and distinct elements. As will be discussed further below, the proposal demonstrates design excellence and avoids architectural mimicry by providing a different architectural response to each building element.

The development will actively engage the public realm through both the clear pedestrian connections and activated street frontages. Hall Street is proposed to be widened to further enhance the pedestrian experience in this location. A new pedestrian link is proposed to the east of the building and a vehicle and pedestrian link is proposed to the west which will further assist in connections through the centre benefitting the whole community.

Overall, it is considered the height of the buildings can be supported given it demonstrates architectural excellence, a net community benefit and a response to the guidelines detailed in the ACZ1.
6.2.2.2 ARCHITECTURE AND FAÇADE TREATMENTS

The site's location within the MPAC means this future development will regenerate this central location, introducing a quality urban edge to a site that has remained underdeveloped for almost 20 years. The surrounding area is expected to undergo significant change and this design will be an exemplar for the area, delivering a high architectural quality.

The designs for the proposed buildings are elegant and will add high quality signature elements to the centre. The integrated podium and tower forms will result in a striking design response through the use of the strong building elements. The architectural response has been to design each building to all sides having consideration to its urban fit, scale and future context and to create a different visual experience.

The Hall Street building incorporates two separate design forms which will be perceived as two separate building elements which are connected by a podium form. The street will be activated through the use of the glazed retail frontages allowing for a continuous frontage to Hall Street, with a widened Hall Street footpath and pedestrian area at the ground level improving the overall pedestrian environment. The use of expressed mullions and regular brick piers ensure the building form responds to the rhythm of the Hall Street frontage and each of the tower forms demonstrate a curved form that wraps around to each side providing an expressive and articulated facade.

The Margaret Street building incorporates separate entrances at the ground level to Market Lane and Aspen Street West to provide activation to these frontages. The proposal is an appropriate response to this narrow site which will allow for passive surveillance of each street frontage. The various materials proposed evoke the typology of industrial re-use and each façade is relatively open allowing maximum advantage of aspect.

Overall, this development will produce a series of unique façades with its own detail which will activate the street frontages and engage the eye of the pedestrian. Figure 8 below, provides a visual of the materials proposed.

FIGURE 8 – PROPOSED MATERIALS

6.2.3 PUBLIC SPACES AND TRANSPORT, MOVEMENT AND PARKING

The proposed development facilitates and reinforces pedestrian movement within the centre. The development will create a pedestrian link to the east of the site which will connect to Aspen Street East and will provide pedestrian access to the site and a public area of space. The pedestrian link will be extended further north through to Homer Street with the future development of the broader site. The detail of the overall link has been provided within the Oculus Landscape Strategy (refer Appendix B) to
illustrate the overall public realm outcome which will be partially developed as part of this stage. It is also proposed to create a new vehicle and pedestrian link to the west which will provide a connection to Market Lane.

The pedestrian link will deliver on the objectives identified in the ACZ1 by creating additional movement links between the north and south areas of the centre. The proposed pedestrian link will not only support further connections through the centre but will also provide a public realm area for people to meet and interact. In the short term, this new public realm area will benefit from the activation of the new ground level retail tenancies and the softening of the space by the landscaping proposed within this area.

The development has been designed to engage with the street and provide activated frontages. The proposal will provide interaction at the ground level through the use of glazed retail tenancies to Hall Street and activated frontages to the eastern pedestrian link, including the residential lobby and gymnasium, which avoids any elongated blank walls to the street interface. These design elements combined with the widening of the Hall Street footpath, the pedestrian link to the east and the vehicle and pedestrian link to the west will serve to enhance the pedestrian amenity of Hall Street and provide an inviting public realm. The proposal to widen the Hall Street footpath by setting back the built form at the ground level is consistent with Council’s future strategy for Hall Street, with a redesign of the public realm to support its future role as a key pedestrian link within the Centre.

The Margaret Street building is also proposed to be setback from Market Lane at ground level allowing for a widened footpath to be accommodated. This will complement the interfaces to this street frontage. It is our understanding that Council are considering pedestrianizing Aspen Street West. The proposed entries along this frontage would integrate successfully with this future aspiration or alternatively a widened footpath in this area.

Adequate car parking will be provided on site within a basement, and as such, new car parking will not detract from the centre. Access will be via a new crossover to Aspen Street east (a local road) and will not impact on the ground level activity or pedestrian accesses. Access to and around the site via a clear vehicle access point and improved vehicle circulation at the west end of the site, further supports the activation of the street frontages.

6.2.4 ENVIRONMENTALLY SUSTAINABLE DESIGN

The ACZ identifies objectives to ensure that new buildings are designed to maximise energy efficiency and reduce the impact of stormwater run-off and encourage robust and sustainable materials.

The proposed development seeks to incorporate building services to capture and harvest rainwater for reuse, while the high performance building fabric will result in a highly efficient energy rating reducing reliance on artificial heating and cooling.

The environmentally sustainable design initiatives proposed will be discussed further in the report below.

6.3 OFFSITE AMENITY IMPACTS

6.3.1 SURROUNDING BUILT FORM

A new building must be assessed in regard to the potential for off-site amenity impacts, including overlooking / privacy and its impact on the development potential of surrounding sites, in the context of its environment and the policy objectives for the future development of the area.

Hall Street building

To the east of the site is a single storey building which comprises commercial uses at the ground level, with a car park at the roof level. The proposed development will be setback a minimum of 11.1 metres from the adjoining site to the east to allow for the creation of a new pedestrian link to the east of the site. Given the commercial nature of the adjoining property there are no areas of private open space or habitable room windows that will be impacted upon by the proposed development. The separation created by the new pedestrian link provides good separation from any potential future development on this site.
To the south of the site, on the opposite side of Hall Street are commercial uses at the ground level with residential uses at the upper levels. The residential uses are located over 15 metres from the subject site, providing good separation in an Activity Centre context and as such, the proposed development will not result in unreasonable off-site amenity impacts to the south.

To the north are future development sites which form part of the broader site. The layout of the proposed building, combined with the communal open space to the north and the pedestrian link to the east ensures there will be appropriate setbacks and interfaces with future adjoining development. This future development to the north has been contemplated as part of the overall design response for the broader site.

**Market Street building**

Opposite the proposed Market Street building is a 4 storey residential building at 57 Homer Street and a permit has been approved for a five storey mixed use building (including dwellings) at 55 Homer Street. To the south are commercial uses and to the west is the Moonee Ponds Railway Station car park.

The most sensitive interface is to the north given the commercial nature of the other interfaces. The proposed development will be setback over 7 metres from this residential interface given the separation provided by Market Lane. Given the location of the site in an Activity Centre and the expected growth of this centre, it is considered the proposed development will not result in any unreasonable visual bulk impacts or any unreasonable overlooking opportunities. The mass of the building has been broken up significantly given the break in the centre of the building from level 4 as well as the varied height of the building.

Overall, it is considered that the development is appropriately located and designed to ensure there are no unreasonable off-site amenity impacts.

6.3.2 **SHADOWS**

The shadow diagrams provided with the application illustrate the shadows that will occur as a result of this development. These shadow diagrams demonstrate that there will be 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 and the overall use and development outcome, it is considered that the proposed shadow will not have a detrimental impact on the operation, amenity or functionality of the public realm for pedestrians. The level of shadow cast is what would be expected of buildings of this height, which is supported by and consistent with the Structure Plan. The shadow cast as a result of the portion of the building which extends beyond 50 metres will fall on the rooftops of buildings to the south.

The overall design response strategy for the broader site ensures that there will be substantial areas of public realm with solar access throughout the year and at various times throughout the day.

6.4 **RESIDENTIAL AMENITY ANALYSIS AND LANDSCAPING**

High rise housing is becoming increasingly common as a result of population increases and demand for housing within and around Activity Centres. We are now seeing the emergence of ‘vertical communities’ and ‘vertical landscapes which provide important outdoor and communal spaces for residents of these new apartment buildings.

**Vertical Community**

The proposed development will provide communal facilities for residents at various levels within the development, including an excellent range of options for residents in the Activity Centre context.
### Hall Street building Ground level
At the ground level, a large communal garden area of approximately 2030sqm is proposed to the north of the Hall Street building for residents. A swimming pool and multi-use courts are also proposed which are also accessed via the proposed gymnasium.

### Hall Street building Level 4
At Level 4 of the Hall Street building a communal terrace area measuring 338sqm is proposed. The terrace includes dining and seating facilities, pergolas covered in climbers to provide weather protection, a covered outdoor cinema and BBQ facilities.

### Margaret Street building Level 6
At Level 6 of the Margaret Street building (the roof of the podium), a large roof garden of 452sqm is proposed. Dining and BBQ facilities are proposed as well as an in-ground spa, circular lounge, a pergola with climbers and raised planter beds.

These facilities will cater to a wide range of resident's recreation needs on-site, responding to the emerging ‘vertical living’ trend.

The proposed development has sought a landscape design that will be integrated throughout the development including the above communal spaces, and the improved existing and new public realm areas. There will be a substantial new public realm created and combined with the open space provided at the ground level equates to approximately 3785sqm.

A detailed Landscape Strategy is provided at Appendix B which details the following three main landscape areas:

- Civic Plaza
- the podium (ground level)
- roof top gardens

The ground floor Civic Plaza is proposed to be a space that mediates between the eastern edge of the development and the adjacent site and streets. This new pedestrian space will comprise advanced tree planting and the paving proposed will provide a north south alignment to integrate the future link to Homer Street.

The podium landscaped area (ground level) will comprise a large landscaped area with various planting and BBQ and dining facilities. It will also cater for established trees, a produce garden and a lawn for use by residents. This area is ideally located with ready access to all buildings surrounding at ground level. A level change occurs to the eastern side of the site and as such, this area is separate from the pedestrian link to the east given that it sits higher than the pedestrian link. It is noted that a majority of this area will be delivered within this stage of development.

The roof top gardens at both level 4 of the Hall Street building and Level 6 of the Margaret Street building are proposed to include a range of planters to provide for soft landscaping at the upper levels. These areas will also include communal facilities offering a dynamic space for future residents. Figure 11 and 12 provide further details of the landscaping features proposed to each of these areas.

Overall, the proposed landscaping strategy will provide high quality green spaces both around and throughout this development, increasing the amenity for pedestrians as well as residents and visitors to this site.
Internal Amenity

Along with access to communal facilities and outdoor space as described above, the following design elements are considered to contribute to the high level of amenity for future residents:

- A range of dwelling sizes and types:
  - One bedroom dwellings have floor areas ranging from 44sqm to 57sqm
  - Two bedroom dwellings have floor areas ranging from 60sqm to 85sqm
- Three bedroom dwelling has a floor area of 97sqm.

These dwelling sizes are combined with the quality internal layouts to optimise the usable space of the apartments.

- Due to the centrally located cores and design of the podium and tower, all habitable room windows have a direct light source, with no bedrooms relying on borrowed light.

- Open space has been provided to each apartment in the form of a terrace/balcony which has been integrated into the overall design and façade composition in addition to the communal private open space provided.

- Each apartment has been designed to afford its future residents with a functional open plan living space and attractive internal living environments with terraces/balconies being accessible from the living areas.

- All dwellings have been designed to have direct access to natural light and air.

- Due to the design, there will be no direct internal overlooking opportunities.

- The design of the lift cores and corridors ensure all apartments can be accessed by persons with limited mobility.

- Adequate car parking and bicycle parking for the development is provided within the basement levels to ensure they do not detract from the street.

- Each dwelling has been provided with an external storage space, which are located throughout the basement levels.

6.5 CAR PARKING AND ACCESS ARRANGEMENTS

A Transport Impact Assessment analysing the requirements of the development in terms of vehicular provision and access has been prepared by GTA Consultants (refer Appendix D). The report supports the design response insofar as it relates to traffic, parking and access.

A total of 553 car parking spaces are proposed within the basement car parks, with 513 car parking spaces allocated to residents, 31 car parking spaces to visitors and 9 car parking spaces proposed for the retail tenancies (6 of which spaces are in tandem pairs).

The basement is proposed to be accessed via Aspen Street West.

The development provides 226 bicycle parking spaces conveniently located within various storage areas within the basement car park including 24 bicycle spaces at the ground level. This provision for bicycle parking reinforces the sustainable design measures adopted in this proposal.

The main findings of the report are supportive and are summarised below:

- The site is exceptionally well serviced by public transport;

- The proposed pedestrian pathway is consistent with the recommendations of the MPAC Structure Plan

- The provision of 226 onsite bicycle spaces exceeds the statutory bicycle parking requirement

- The proposed development is expected to generate a peak car parking demand of 527 car spaces, including a peak long-term demand of 464 car spaces and peak short term demand of 63 car spaces.

- The provision of 522 on-site car spaces will be sufficient to meet anticipated long term (residential and staff) car parking demands and the provision of 31 visitor spaces is anticipated to be sufficient to
meet half of the short term (residential visitor and customer) car parking demands. The remaining demand can be accommodated off-site.

- The car parking layout has been designed in accordance with the requirements of Clause 52.06 of the Moonee Valley Planning Scheme.
- The additional traffic generated by the proposed development could not be expected to compromise the safety or function of the surrounding network.

6.6 WIND IMPACTS

A Wind Assessment has been prepared by Vipac.

The assessment has taken into consideration the future stages of the development and overall has considered that the proposed wind conditions as a result of the development is appropriate subject to some minor recommendations. This is also considered the case for the interim stages whilst the future stages of development are yet to be constructed.

The recommendations made include the following:

- Increase balustrade height to 1.8 metres on the Level 6 terrace of the Margaret Street building and incorporate landscaping
- Increase balustrade height to 1.8 metres on the Level 4 terrace of the Hall Street building and incorporate landscaping

For further details, refer to the Wind Assessment included at Appendix E

6.7 WASTE MANAGEMENT

The waste aspects of the proposal have been integrally planned as part of the overall design. The Waste Management Plan for this project has been prepared by Leigh Design and is included at Appendix C.

Two loading areas are proposed in Basement level 3. It is proposed for bins to be transferred from the various bin rooms to the closest loading area and will be collected by a private waste collection contractor.

The waste aspects of the proposal have been integrally planned as part of the overall design and are detailed in the Waste Management Plan.

6.8 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

The proposal is committed to delivering a development which demonstrates ESD credentials and responds positively to relevant State and Local Policies.

A Sustainable Management Plan in support of the permit application will provided in due course and will confirm that the proposed development will achieve Best Practice environmental design standards.
Conclusion

The proposed development at 40 Hall Street and 34-36 Margaret Street will contribute positively to the evolving built form character of the MPAC for the various reasons discussed in this report. The proposal not only meets the policy objectives of the Moonee Valley Planning Scheme, but responds to the strategic objectives of the MPAC Structure Plan, and is a major step in the urban renewal of what has been a blighted site in this central location of the Activity Centre for almost 20 years.

The site is a key strategic location, with convenient access to public transport, retail activity and connectivity to the CBD and provides a unique redevelopment opportunity to significantly enhance the centre. Specifically, the development will contribute to the area through:

- A high quality architectural response using innovative and environmentally sustainable design measures.
- A high-rise residential building within a Principal Activity Centre to assist in meeting key State and Local policy goals.
- A high level of ground floor activation and provision of significant improvements to existing connections throughout the centre, as well as the creation of additional links for pedestrians and vehicles.
- Passive surveillance of Hall Street, Market Lane, Margaret Street and Aspen Street West from both the ground floor uses and the dwellings above which will improve the quality of the pedestrian environment.
- Residential buildings which favours active transport modes over driving by providing more than adequate and highly accessible and secure bicycle parking and excellent accessibility to multiple modes of public transport.
- An attractive, comfortable and well serviced urban living option for future residents.
- The creation of high quality public realm areas at the key interfaces of the new buildings.
- The provision of excellent communal private open space options for future residents.

The building will not only introduce a high quality residential building as the first stage of the redevelopment of this important site within the MPAC, but has also contemplated and provides for the integrated development of the remainder of the larger site. It provides appropriately for future linkages through the centre to connect to existing links and provides for appropriate setbacks and interfaces with future development. Considering these important factors, we encourage Moonee Valley City Council’s support of this application in the form of a planning permit.
Disclaimer

This report is dated June, 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd’s (Urbis) opinion in this report. Urbis prepared this report on the instructions and for the benefit only, of Caydon MP No.1 Development Pty Ltd (Instructing Party) for the purpose of Planning Report (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.
Appendix A  Certificate of Title
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09400 FOLIO 126

LAND DESCRIPTION

Land in Plan of Consolidation 150910.

PARENT TITLES:
Volume 05946 Folio 142  Volume 09394 Folio 333
Created by instrument CP150910 17/12/1980

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

MOONEE PONDS PTY LTD of LEIGHTON PROPERTIES LEVEL 18 100 PACIFIC HIGHWAY
NORTH SYDNEY NSW 2060
AL820945X 17/04/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL820947T 17/04/2015
NATIONAL AUSTRALIA BANK LTD

CAVEAT AL797250K 07/04/2015
Caveator
CAYDON MOONEE PONDS PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S), MOONEE PONDS PTY LTD
Date
25/03/2015
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
MADDOCKS - LAWYERS
Notices to
MADDOCKS of LEVEL 6 140 WILLIAM STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE CP150910 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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AL797250K      CAVEAT      Registered 07/04/2015
AL820943C      DISCHARGE OF MORTGAGE Registered 17/04/2015
AL820945X      TRANSFER Registered 17/04/2015
AL820947T      MORTGAGE Registered 17/04/2015

---------------END OF REGISTER SEARCH STATEMENT------------------

Additional information: (not part of the Register Search Statement)

Street Address: 34-36 MARGARET STREET MOONEE PONDS VIC 3039

DOCUMENT END

Delivered from the Landata ® System by SAI Global Property Division Pty Ltd
Delivered at 15/06/2015, for Order Number 29477674. Your reference: MA9447.
PLAN OF CONSOLIDATION
PART OF CROWN ALLOTMENT C SEC. 6
PARISH OF DOUTTA GALLA
COUNTY OF BOURKE

SCALE
LENGTHS ARE IN METRES

CHART NO. 41

APPROVED

Registrar of Titles
DATE 24/11/80 TIME 9:55

MARGARET STREET

ASPEN STREET

CONSENT OF COUNCIL

The common seal of the Mayor, Councillors and Citizens of the City of Essendon was hereunto affixed by the authority of the Council pursuant to Div. 9 Section 569 of the Local Government Act this 24th day of November, in the presence of

Councillor

Councillor

Town Clerk

SURVEYORS CERTIFICATION

I certify that this plan has been made by
 Adshead & McQuie P/L Land Surveyors & Planners
 and accords with title and is correct mathematically and is

Licensed Surveyor

Date 30-4-1980
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 05938 FOLIO 501

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 134891.

PARENT TITLE Volume 02946 Folio 051
Created by instrument 1562862 07/11/1934

REGISTERED PROPRIETOR

Estate Fee Simple
Solo Proprietor

MOONEE PONDS PTY LTD of LEIGHTON PROPERTIES LEVEL 18 100 PACIFIC HIGHWAY
NORTH SYDNEY NSW 2060
AL820945X 17/04/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL820947T 17/04/2015
NATIONAL AUSTRALIA BANK LTD

CAVEAT AL797250K 07/04/2015
Caveator
CAYDON MOONEE PONDS PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S), MOONEE PONDS PTY LTD
Date
25/03/2015
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
MADDOCKS - LAWYERS
Notices to
MADDOCKS of LEVEL 6 140 WILLIAM STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP134891 FOR FURTHER DETAILS AND BOUNDARIES

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 05996 FOLIO 035

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 013854.

PARENT TITLE Volume 02946 Folio 051
Created by instrument 1592119 08/10/1935

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

MOONEE PONDS PTY LTD of LEIGHTON PROPERTIES LEVEL 18 100 PACIFIC HIGHWAY NORTH SYDNEY NSW 2060
AL820945X 17/04/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL820947T 17/04/2015
NATIONAL AUSTRALIA BANK LTD

CAVEAT AL797250K 07/04/2015
Caveator
CAYDON MOONEE PONDS PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S), MOONEE PONDS PTY LTD
Date
25/03/2015
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
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MADDOWS - LAWYERS
Notices to
MADDOWS of LEVEL 6 140 WILLIAM STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP013854 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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Register Search Statement - Volume 6337 Folio 340

LAND DESCRIPTION

Lots 1, 2, 3 and 4 on Plan of Subdivision 013854, Road R1 on Plan of Subdivision 013854.

PARENT TITLE Volume 02946 Folio 051

Created by instrument 1747821 30/09/1939

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

MOONEE PONDS PTY LTD of LEIGHTON PROPERTIES LEVEL 18 100 PACIFIC HIGHWAY NORTH SYDNEY NSW 2060

AL820945X 17/04/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL820947T 17/04/2015

NATIONAL AUSTRALIA BANK LTD

CAVEAT AL797250K 07/04/2015

Caveator

CAYDON MOONEE PONDS PTY LTD

Grounds of Claim

PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S), MOONEE PONDS PTY LTD

Date

25/03/2015

Estate or Interest

FREEHOLD ESTATE

Prohibition

ABSOLUTELY

Lodged by

MADDOCKS - LAWYERS

Notices to

MADDOCKS of LEVEL 6 140 WILLIAM STREET MELBOURNE VIC 3000

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DIAGRAM LOCATION

SEE LP013854 FOR FURTHER DETAILS AND BOUNDARIES

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<td>07/04/2015</td>
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<td>AL820943C</td>
<td>DISCHARGE OF MORTGAGE</td>
<td>17/04/2015</td>
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<td>TRANSFER</td>
<td>17/04/2015</td>
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<td>AL820947T</td>
<td>MORTGAGE</td>
<td>17/04/2015</td>
</tr>
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</table>

Delivered from the Landata ® System by SAI Global Property Division Pty Ltd
Delivered at 15/06/2015, for Order Number 29477272. Your reference: MA9447.
PLAN OF SUBDIVISION
OF PART OF CROWN ALLOTMENT C SECTION 6
PARISH OF DOUTTA GALLA
COUNTY OF BOURKE

SCALE: FEET TO AN INCH

VOL. 2946 FOL. 051

COLOUR CODE
B=BLUE
R=RED
Y=YLLOW
P=PLUM
H=HATCH
CH=CROSS HATCH

THE LAND COLOURED BROWN
IS APPROPRIATED OR SET
APART FOR ROADS

ROAD DISCONTINUED LGD 3592

LIST OF MODIFICATIONS
LAND MODIFICATION DEALING NO: A.R.T. NEW EDN

WARNING: THE IMAGE OF THIS PLAN HAS BEEN DIGITALLY AMENDED
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN.
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

LAND DESCRIPTION

Land in Plan of Consolidation 354406J.

PARENT TITLES:

Volume 01835 Folio 999 to Volume 01835 Folio 999
Volume 01840 Folio 908 to Volume 01840 Folio 908
Volume 02155 Folio 980 to Volume 02155 Folio 980
Volume 02231 Folio 013 to Volume 02231 Folio 013
Volume 02293 Folio 494 to Volume 02293 Folio 494
Volume 02758 Folio 416 to Volume 02758 Folio 416
Volume 03117 Folio 232 to Volume 03117 Folio 232
Volume 03117 Folio 265 to Volume 03117 Folio 265
Volume 03189 Folio 696 to Volume 03189 Folio 696
Volume 03235 Folio 979 to Volume 03235 Folio 979
Volume 03293 Folio 494 to Volume 03293 Folio 494
Volume 03477 Folio 314 to Volume 03477 Folio 314
Volume 03516 Folio 040 to Volume 03516 Folio 040
Volume 03525 Folio 822 to Volume 03525 Folio 822
Volume 03597 Folio 309 to Volume 03597 Folio 309
Volume 03601 Folio 038 to Volume 03601 Folio 038
Volume 03665 Folio 924 to Volume 03665 Folio 924
Volume 03818 Folio 587 to Volume 03818 Folio 587
Volume 04795 Folio 377 to Volume 04795 Folio 377
Volume 05919 Folio 717 to Volume 05919 Folio 717
Volume 05988 Folio 483 to Volume 05988 Folio 483
Volume 06012 Folio 124 to Volume 06012 Folio 124
Volume 06338 Folio 525 to Volume 06338 Folio 525
Volume 07754 Folio 075 to Volume 07754 Folio 075
Volume 08020 Folio 125 to Volume 08020 Folio 125
Volume 08075 Folio 033 to Volume 08075 Folio 033
Volume 08133 Folio 108 to Volume 08133 Folio 108
Volume 08367 Folio 901 to Volume 08367 Folio 901
Volume 08377 Folio 822 to Volume 08377 Folio 822
Volume 08782 Folio 299 to Volume 08782 Folio 299
Volume 09254 Folio 798 to Volume 09254 Folio 798
Volume 09439 Folio 654 to Volume 09439 Folio 654
Volume 09500 Folio 864 to Volume 09500 Folio 864
Volume 10060 Folio 924 to Volume 10060 Folio 924

Created by instrument PC354406J 23/03/1998

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

MOONEE PONDS PTY LTD of LEIGHTON PROPERTIES LEVEL 18 100 PACIFIC HIGHWAY
NORTH SYDNEY NSW 2060
AL820946V 17/04/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL820947T 17/04/2015
NATIONAL AUSTRALIA BANK LTD

COVENANT as to part 0330118


CAVEAT AL797250K 07/04/2015
Caveator
CAYDON MOONEE PONDS PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S), MOONEE PONDS PTY LTD
Date
25/03/2015
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
MADDOCKS - LAWYERS
Notices to
MADDOCKS of LEVEL 6 140 WILLIAM STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
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SEE PC354406J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS
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NUMBER  | STATUS                | DATE       
AL797250K | CAVEAT               | Registered | 07/04/2015  
AL820944A | DISCHARGE OF MORTGAGE | Registered | 17/04/2015  
AL820946V | TRANSFER             | Registered | 17/04/2015  
AL820947T | MORTGAGE             | Registered | 17/04/2015  

--------------------END OF REGISTER SEARCH STATEMENT------------------------

Additional information: (not part of the Register Search Statement)
Street Address: 40 HALL STREET MOONEE PONDS VIC 3039

DOCUMENT END

Delivered from the Landata® System by SAI Global Property Division Pty Ltd
Delivered at 15/06/2015, for Order Number 29477542. Your reference: MA9447.
I WILLIAM ALLISON BLAIR (the Younger) being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of twenty five pounds and thirty four shillings from Mary Toohey hereafter mentioned to me and for the purpose of carrying into effect an exchange of the land comprised in the said transfer with the land hereinafter described DO HEREBY transfer to Mary Toohey of Brennan Street Koosoo Ponds Widow All my estate and interest in ALL THAT piece of Land being part of Crown allotment C Section six at Koosoo Ponds parish of Doutta Galla county of Bourke and being the land delineated and colored red on the map in the margin hereof Together with a right of carriage way over all the roads colored brown on plan of Subdivision lodged in the Office of Titles and numbered 2728 AND it is hereby agreed by and between the parties hereto that the covenant hereafter referred to shall appear as an encumbrance on the Certificate of Title issued herein and run with the Land.

Dated and signed this 7th day of September One thousand eight hundred and ninety three O'clock

SIGNED by the said William Allison Blair (the younger) in the presence of

SIGNED by the said Mary Toohey in the presence of

(Mark Blair)

(Mary Toohey)
THIS INDENTURE made the seventh day of November, One thousand eight hundred and ninety-six BETWEEN MARY TOOEY of Brennan Street, Koosoo Ponds in the colony of Victoria Widow (hereinafter termed the purchaser) of the one part and WILLIAM ALLISON BLAIR (the Younger) of Melbourne in the colony of Victoria (hereinafter termed the Vendor) of the other part.

WHEREAS the Vendor some time since contracted and agreed with the Purchaser for the sale of her of the piece of land described in the Schedule hereto with the land comprised in a certain transfer of even date herewith from the said Mary Tooey to the said William Allison Blair (the Younger) the land described in the said Schedule hereto to be transferred subject to the following condition, that is to say:-

No out houses or back premises for or in connection with any other property are to be erected on the property transferred to the Purchaser or any part thereof and also that the property so transferred or any part thereof is not to be used or occupied as or converted into a back yard or back premises for or in connection with any other property.

The purchaser shall for herself her heirs, executors, administrators and transferees enter into a covenant for the due observance of this condition so far as the land included in her purchase and also in case of breach thereof for a re-transfer of the land on which such outhouses or back premises stand or of the land used and occupied as or converted into a back premises stand or of the land used and occupied as or converted into a back yard or back premises for or in connection with any other property for the nominal consideration of one shilling.

AND WHEREAS by a Transfer already prepared and bearing even date herewith and intended to be signed simultaneously with the execution hereof the said Land is intended to be transferred to the Purchaser subject to the said Condition.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said Contract and Condition and in consideration of the premises she the purchaser doth hereby for herself her heirs, executors, administrators and transferees covenant with the Vendor his heirs, executors, administrators assigns and transferees that she the purchaser her heirs, executors, administrators assigns or transferees shall not nor will at any time hereafter erect any outhouses or back premises for or in connection with any other property upon the said land nor use or permit or suffer the said Land to be used or occupied as or converted into a back yard or back premises for or in connection with any other property.
AND FURTHER that on breach or non-observance of the foregoing Covenant and Condition the Purchaser her heirs executors administrators assigns or transferees shall and will re-transfer the Land on which such outhouses or back premises stand or the land used or occupied as or converted into a back yard or back premises for or in connection with any other property to the Vendor his heirs executors administrators assigns or transferees for the nominal consideration of one shilling A H D it is hereby declared and agreed by and between the parties hereto that such re-transfer shall operate both at law and in equity as an extinction of the estate and interest of the purchaser her heirs executors admin administrators assigns or transferees of and in the Land included in such re-transfer and that this Covenant shall appear as an encumbrance upon the said intended transfer to the Purchaser and shall run with the Land included therein.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written.

THE SCHEDULE ABOVEx REFERRED TO

All that piece of land being Part of Crown allotment C Section 6 at Moneza Pond Parish of Doutta Galla in the County of Bourke in the Colony of Victoria and being the land delineated and colored red on the map in the margin hereof.

Signed Sealed and Delivered by the abovenamed Mary Toodle in the presence of

Signed Sealed and Delivered by the abovenamed William Ollivon Blampied in the presence of

COLOUR CODE
Y=Yellow Bl=Brown G=Green
R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched
Transfer as to part with Basement

The 14th Day of April, 1838
William McNevan, Bar
the younger

To
Mary Hickey 330118

[Signature]

ASSISTANT REGISTRAR OF TITLES

3 O'CLOCK THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME
LAST ABOVE MENTIONED, IN THE REGISTER BOOK

[Signature]

ASSISTANT REGISTRAR OF TITLES
TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:
Name: COLTMANS PRICE BRENT
Phone: 9246 5000
Address: Level 20, 500 Bourke Street
MELBOURNE
Ref: MAG/REA634/20008
Customer Code: 1413R

Made Available / Change Control

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-
- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)
Certificate of Title Volume 10371 Follo 828
Estate and Interest: (e.g. "all my estate in fee simple")

All its estate in fee simple
Consideration:

$6,350,000.00

Transferor: (full name)
MOONEE PONDS CENTRAL PTY LTD ACN 068 330 889

Transferee: (full name and address including postcode)
READING PROPERTIES PTY LTD ACN 071 195 429 of Level 9, 66 Hunter Street, Sydney, New South Wales, 2000

Directing Party: (full name)

Creation and/or Reservation and/or Covenant

"AND the Transferee for himself, his heirs, executors, administrators, assigns, successors and transferees, the registered proprietor or proprietors for the time being of the land transferred and each and every part thereof covenants with Moonee Ponds Central Pty Ltd its successors, assigns and transferees the registered proprietor or proprietors for the time being of the land described in certificate of title volume 10286 folio 031 ("Benefited Land") not to use or permit to be used the Land or any part thereof for the purposes of a...

Continued on T2 Page 2.
supermarket (as that use is known from time to time) without the prior written consent of the registered proprietor or proprietors of the Benefited Land for so long as any part of the Benefited Land is used as a supermarket and it is agreed that the benefit of this covenant shall be annexed to and run at law and in equity with the land described in certificate of title volume 10286 folio 031 and that the burden of this covenant shall be annexed to and run at law and in equity with the land transferred and each and every part or parts of the land transferred and that the covenant shall be noted and appear as an encumbrance on every future certificate of title for the land transferred and each and every part or parts of the land transferred."

Dated: 20-5-97

Execution and attestation

THE COMMON SEAL of MOONEE PONDS CENTRAL PTY LTD ACN 068 330 889 was hereunto affixed in accordance with its articles of association in the presence of:

[Signature]

Name of company
ACN 068 330 889
Director & Secretary
Director & Director
Other
Date of Company Search 25/1 1997

THE COMMON SEAL of READING PROPERTIES PTY LTD ACN 071 195 429 was hereunto affixed in accordance with its articles of association in the presence of:

[Signature]

Name of company
ACN 071 195 429
Director & Secretary
Director & Director
Other
Date of Company Search 

Approval No: 4359511A

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Law Perfect Pty Ltd