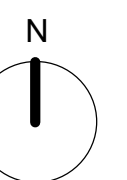




TOWN PLANNING

**View 02
550 Epsom Road**

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159
NTS / 22/10/2019 / TP-A9011 [21]



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mail@armarchitecture.com.au
ABN 22 476 949 399
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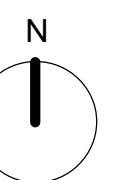
TOWN PLANNING

View 03

550 Epsom Road

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159

NTS / 22/10/2019 / TP-A9012 [21]



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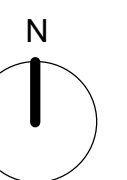
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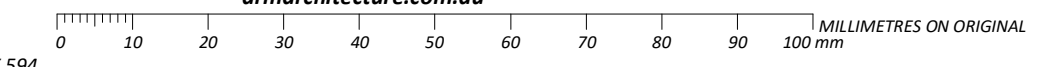
TOWN PLANNING

**View 04
550 Epsom Road**

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159
NTS / 22/10/2019 / TP-A9013 [21]



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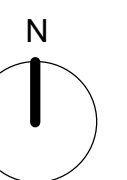




TOWN PLANNING

**View 05
550 Epsom Road**

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159
NTS / 22/10/2019 / TP-A9014 [21]



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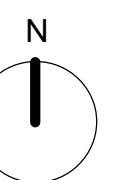
TOWN PLANNING

View 06

550 Epsom Road

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159

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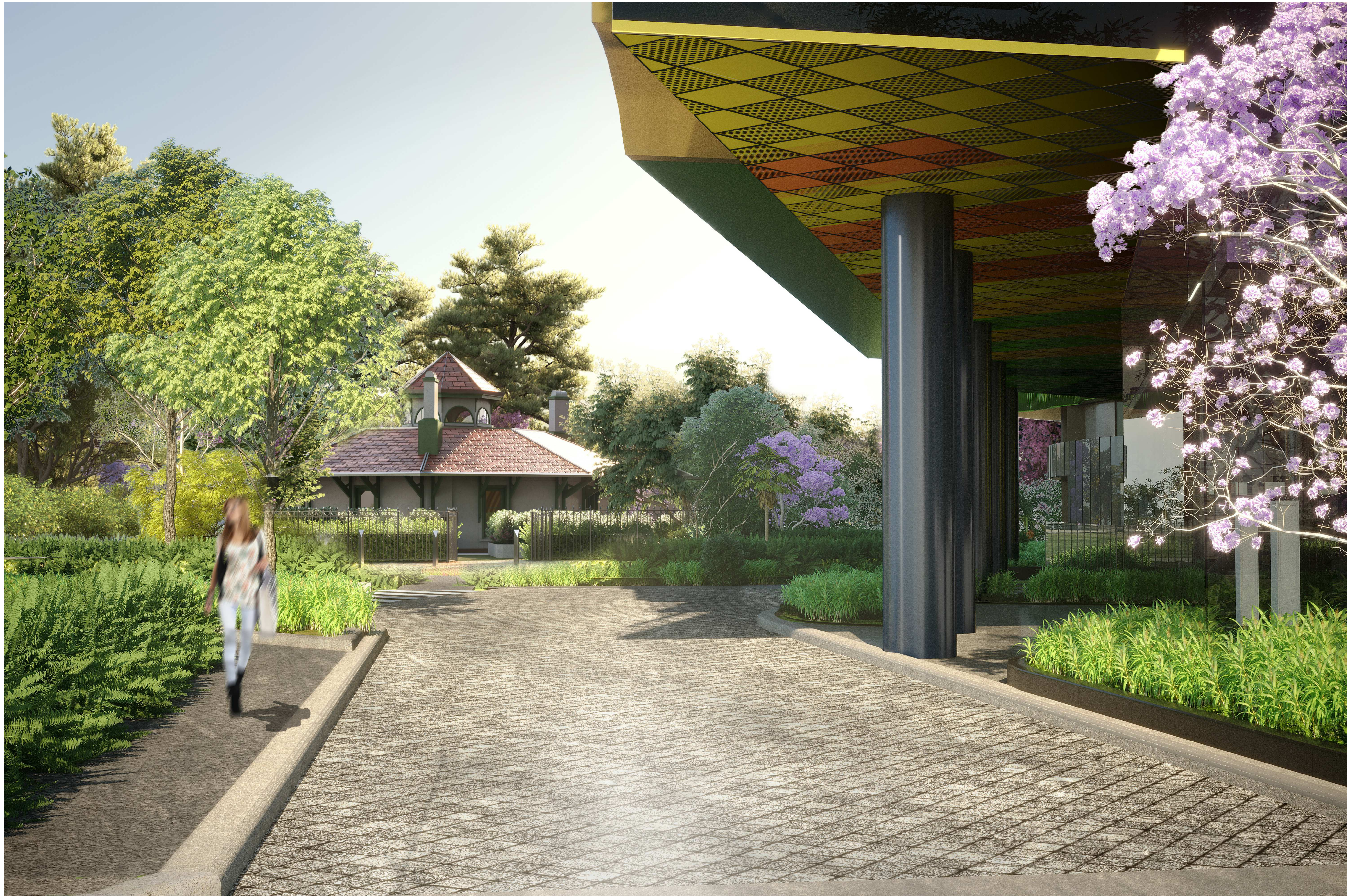


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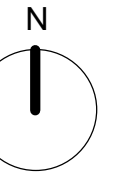
TOWN PLANNING

View 07

550 Epsom Road

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159

NTS / 22/10/2019 / TP-A9016 [21]



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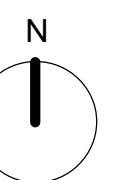
Development Schedule

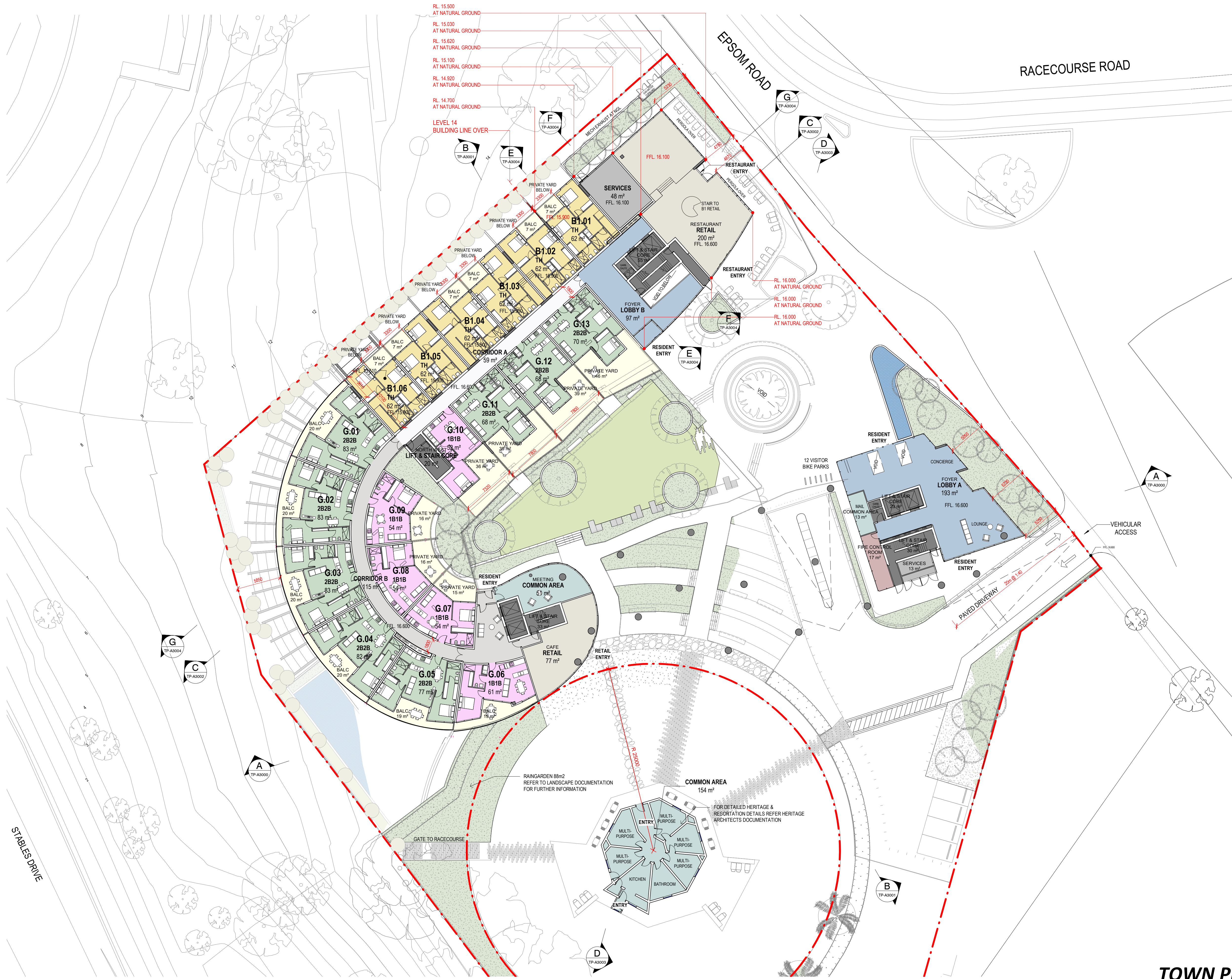
550 Epsom Road Flemington

Project# 1159
 Date 23/10/2019
 Revision G



| Level | Yield | | | | | | Cars | Bikes | Retail NLA | Areas | | |
|--------------|-------------|-------|-------|------------|---------|-------|------|-------|---------------|-------|------|-------|
| | Residential | | | | | Total | | | | FECA | UCA | GFA |
| | 1 Bed | 2 Bed | 3 Bed | Penthouses | T/House | | | | | | | |
| Basement 05 | | | | | | | 111 | | | 5070 | | 5070 |
| Basement 04 | | | | | | | 109 | | | 5070 | | 5070 |
| Basement 03 | | | | | | | 90 | | | 5070 | | 5070 |
| Basement 02 | | | | | | | 57 | 269 | | 5309 | 314 | 5623 |
| Basement 01 | | | | | 11 | 11 | 28 | 22 | 121 | 5037 | 563 | 5600 |
| Ground Level | 5 | 8 | | | | 13 | 4 | 12 | 279 | 2457 | 366 | 2823 |
| Level 01 | 8 | 9 | 4 | | | 21 | | | | 2228 | 395 | 2623 |
| Level 02 | 6 | 20 | 6 | | | 32 | | | | 3110 | 520 | 3630 |
| Level 03 | 5 | 21 | 6 | | | 32 | | | | 3110 | 520 | 3630 |
| Level 04 | 5 | 21 | 6 | | | 32 | | | | 3110 | 520 | 3630 |
| Level 05 | 5 | 21 | 6 | | | 32 | | | | 3159 | 520 | 3679 |
| Level 06 | 5 | 18 | 6 | | | 29 | | | | 3230 | 490 | 3720 |
| Level 07 | 1 | 15 | 6 | | | 22 | | | | 2707 | 983 | 3690 |
| Level 08 | | 8 | 4 | 4 | | 16 | | | | 2645 | 650 | 3295 |
| Level 09 | | 6 | 4 | 4 | | 14 | | | | 2425 | 570 | 2995 |
| Level 10 | | 5 | 3 | 4 | | 12 | | | | 2195 | 545 | 2740 |
| Level 11 | | 3 | 3 | 4 | | 10 | | | | 1963 | 530 | 2493 |
| Level 12 | | 2 | 3 | 4 | | 9 | | | | 1700 | 530 | 2230 |
| Level 13 | | | 1 | 4 | | 5 | | | | 1315 | 620 | 1935 |
| Level 14 | | | | 2 | | 2 | | | | 1000 | 610 | 1610 |
| | 40 | 157 | 58 | 26 | 11 | 292 | 399 | 303 | 400 | 61910 | 9246 | 71156 |
| | 13.7% | 53.8% | 19.9% | 8.9% | 3.8% | | | | | | | |



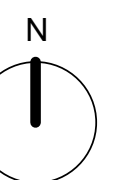


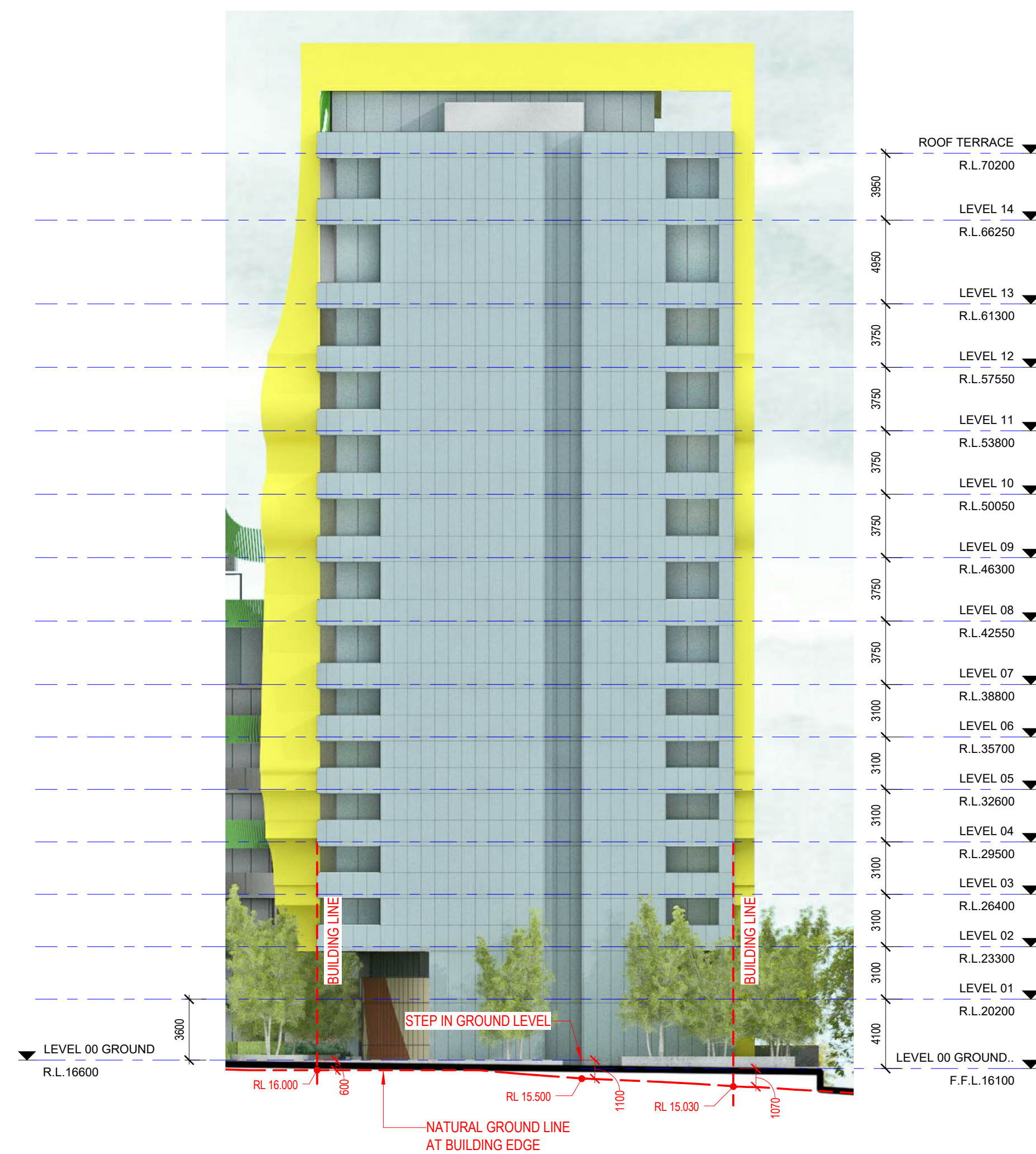
- LEGEND**
- 1B1B
 - 2B2B
 - BALC
 - COMMON AREA
 - CORRIDOR A
 - CORRIDOR B
 - FIRE CONTROL ROOM
 - LANDSCAPE
 - LIFT & STAIR CORE
 - LOBBY A
 - LOBBY B
 - PRIVATE YARD
 - RETAIL
 - SERVICES
 - TH

TOWN PLANNING

**Ground - GA FloorPlan
550 Epsom Road**

Lot 2, 448-550 Epsom Road, Flemington VIC 3031 / PACE / 1159
1:250 / 06-03-2020 / TP-A1203 [23]





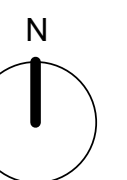
1 DETAIL ELEVATION 01 - North-East
1 : 250



2 DETAIL ELEVATION 02 - North-West
1 : 250



3 DETAIL ELEVATION 05 - Internal
1 : 250



DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

| | |
|--|---|
| Application number: | TPM-2018-16/A |
| DELWP Application number: | PA1800377 |
| Applicant: Owner: Architect: | Pace Development Group Victoria Racing Club Ltd ARM Architecture |
| Address: | Flemington Racecourse, 428-550 Epsom Road, Flemington |
| Proposal: | Construction of a multi storey apartment building with ground level retail; dispensation from the car parking requirements; and to create or alter access to a road in a Category 1 Road Zone |
| Cost of works: | \$80million |
| Date original received by City of Melbourne: | 27 July 2018 |
| Date latest s.50 application received by City of Melbourne: | 1 November 2019 |
| Responsible officer: | Richard Cherry, Senior Urban Planner |

1. SUBJECT SITE AND SURROUNDS

Referring to the Flemington Hill and Epsom Road Advisory Committee – Advisory Committee Stage 4 Report, 3 June 2016 (discussed in detail at Section 2.2 of this report), a detailed overview of the subject site and surrounds is summarised as follows:

‘The Flemington Racecourse precinct is located in Melbourne’s inner northwest, approximately 5km from the Melbourne Central Activities District (CAD). The Flemington Racecourse precinct is proximate to a number of major growth and urban renewal areas, including the Footscray Metropolitan Activity Centre, the Parkville Employment Cluster and the urban renewal precincts of Arden-Macaulay, Dynon, City North and E-Gate.

Flemington Racecourse is proximate to existing and future nodes of activity and employment, including the Racecourse Road Activity Centre.

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

The subject site itself is irregular in shape, of approximately one hectare in area. It is located between the Quest Apartments to the south-east and the Victoria Racing Club (VRC) offices to the north-west.

The site is predominantly vacant, consisting of landscaped open space, trees and a heritage-listed Jockeys Convalescent Lodge – an octagonal structure – located towards the southern portion of the site. The Statement of Cultural Heritage Significance for this structure states:

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

A 22 storey residential redevelopment (known as the ‘Only’ building) is located on the triangular site directly north – at the intersection of Epsom Road and Ascot Vale Road. Small-scale commercial properties are located on the north side of Racecourse Road and Newmarket Reserve, and the Flemington and Kensington Bowling Club occupies a triangular site located on the south side of Racecourse Road. Quest serviced apartments, a low rise development set in landscaped grounds with areas of open car parking, is located directly adjacent the south-east boundary of the subject site. The VRC’s office – a low-rise building situated in a landscaped setting – is located to the north-west of the site.

West of the site the land slopes steeply to an internal access road, with stables and other buildings associated with horse training abutting the west side of this road.’



Figure 1: Map of site (Flemington Racecourse) and surrounds



Figure 2: Aerial of site (Flemington Racecourse) and surrounds – Source: NearMap 23 August 2018

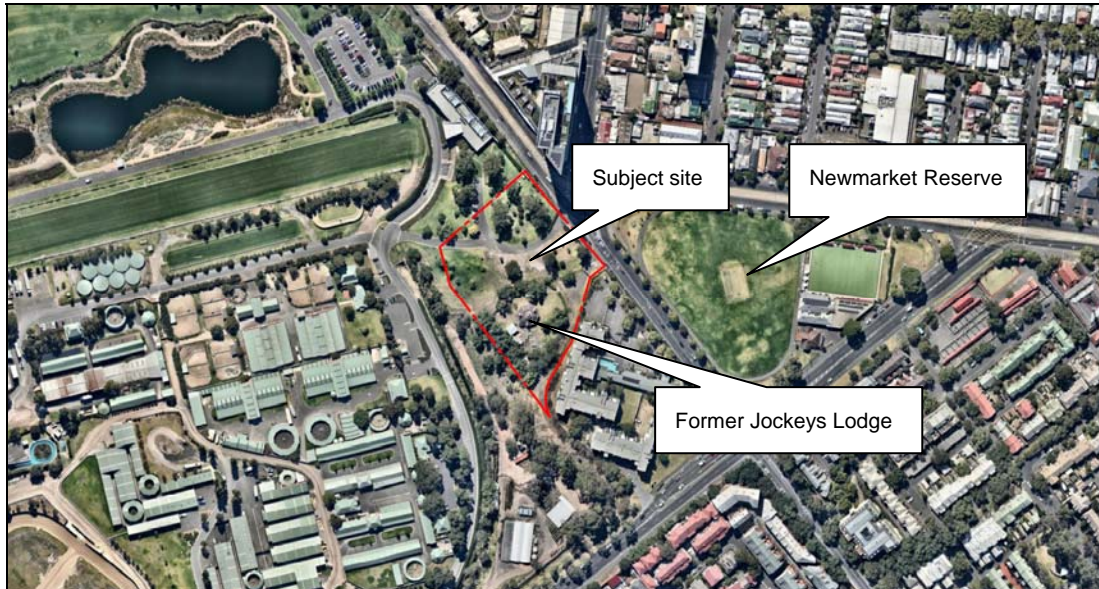


Figure 3: Review site title boundaries



Figure 4: Former Jockeys Lodge (source: VHR)



Figure 5: Subject site (left), north along Epsom Rd

2. BACKGROUND

2.1. Amendment C290

Planning Scheme Amendment C290 was gazetted into the Planning Scheme on 2 March 2017. Amendment C290 rezoned 550 Epsom Road, Flemington to the Comprehensive Development Zone in order to facilitate the development of high and/or medium density urban living incorporating a variety of residential uses and dwelling types, supported by a limited mix of complementary uses including commercial and retail.

Specifically, the amendment:

- Rezoned the land from a Special Use Zone to the Comprehensive Development Zone.
- Introduced Schedule 4 to the Comprehensive Development Zone into the Melbourne Planning Scheme.

The land at 550 Epsom Road, Flemington is freehold land, currently owned by the Victoria Racing Club Limited. This land has been identified as surplus to racing requirements. The land was previously zoned Special Use under the Melbourne Planning Scheme. The specific purposes of Schedule 1 to the Special Use Zone were related to the use of the land as a Racecourse. A planning scheme amendment was required to facilitate the use of the land for residential and limited commercial and community uses.

The Schedule to the Comprehensive Development Zone (CDZ) encourages the development of the site for high and/or medium density urban living supported by a limited mix of complementary uses including commercial and retail. The schedule makes specific reference to the need to appropriately respond to the former Jockey's Convalescent Lodge and its landscape setting that forms part of the subject site.

As part of Amendment C290, the Minister for Planning appointed the Flemington Hill and Epsom Road Advisory Committee to provide advice on the suitability of draft amendments.

The Advisory Committee carried out an initial review and consultation on the amendments with Melbourne City Council, Moonee Valley City Council, Victoria Racing Club, the Department of Environment, Land, Water and Planning (DELWP) and the Royal Agricultural Society Victoria. The committee also invited VicRoads, Public Transport Victoria, Office of the Victorian Government Architect and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to its initial meeting. The Committee also sought the involvement of various local community groups as part of its early considerations.

The Advisory Committee's Stage 1 report recommended that the VRC make a number of changes to the draft amendments before they were publicly exhibited. The revised amendment documentation was exhibited from 11 January 2016 until 19 February 2016, with late submissions accepted until 1 March, 2016. A total of 331 submissions were received.

The Committee held a Directions Hearing and public hearings over 12 days during March and April 2016. Some 33 parties were represented at the hearings.

The Committee's assessment encompassed a wide range of relevant issues, including existing conditions, strategic planning, traffic and transport, urban design, built form, heritage, noise, public open space, development contributions, affordable and diverse housing, responsible authority status and municipal boundaries.

The Committee made 23 recommendations and its primary recommendation was that the Comprehensive Development Zone be applied to both precincts through amendments adopted and approved by the Minister for Planning using section 230(4) of the Act. The Committee concluded that the accompanying Comprehensive Development Plans, that are to be incorporated in the planning schemes, required further work and that these plans should be revised through a further consultative process.

2.2. Flemington Hill and Epsom Road Advisory Committee

The Flemington Hill and Epsom Road Advisory Committee (the Committee) was appointed by the Minister for Planning on 29 September 2015 under section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice on the suitability of two draft planning scheme amendments that sought to rezone and facilitate development of two precincts within the Flemington Racecourse to a Comprehensive Development Zone. The two precincts were originally identified as 'Flemington Hill' and 'Epsom Road'.

The site that is the subject of this report is 'Epsom Road'.

The Terms of Reference provided that the Committee undertook its work in four clear stages:

- Stage 1: **Review and Consultation** on proposed Comprehensive Development Plans and associated draft Planning Scheme Amendment documentation dated June 2014. This part of the process resulted in the Committee releasing a report on 17 December 2015: *Stage 1 Review and Consultation* (the Stage 1 report).
- Stage 2: **Public Consultation** exhibition of the draft Planning Scheme Amendments was undertaken from 11 January 2016 to 19 February 2016. Late

submissions were accepted from the community up until the Directions Hearing on 1 March 2016.

- Stage 3: **Public Hearing** held over 12 days from 15 March to 6 April 2016.
- Stage 4: **Outcomes**, resulting in a report to the Minister for Planning.

The Stage 4 **Outcomes** report is known as the *Flemington Hill and Epsom Road Advisory Committee – Advisory Committee Stage 4 Report, 3 June 2016*.

Appendix F, referenced throughout the report, includes the following diagram (Figure 6). It shows that a proposed building envelope must not encroach into the retained former Jockey Convalescent Lodge and must provide minimum boundary setbacks.

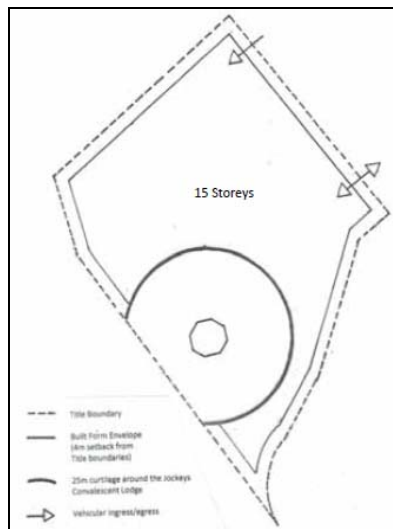


Figure 6: Setback diagram – Source: Flemington Hill and Epsom Road Advisory Committee – Advisory Committee Stage 4 Report, 3 June 2016

The Comprehensive Development Plan requirements of Schedule 4 to the Comprehensive Development Zone refer back to the Advisory Committee Stage 4 report – discussed at Section 8 of this report.

2.3. Comprehensive Development Plan

Pursuant to the Melbourne Planning Scheme, the subject site is located within the Comprehensive Development Zone (Schedule 4). The purpose of the overarching Comprehensive Development Zone is to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

Schedule 4 to the Comprehensive Development Zone requires the delivery of the *550 Epsom Road Comprehensive Development Plan*, which was introduced as part of Planning Scheme Amendment C290. Further details of Amendment C290 are discussed at Section 2.1 of this report.

Section 5.0 of Schedule 4 to the CDZ states:

Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority.

On 10 July 2018 Council was referred an application from DELWP, which sought approval for a Comprehensive Development Plan in accordance with Schedule 4 to Clause 37.02.

Broadly, details of the submitted Comprehensive Development Plan included:

- Construction of a horse-shoe (U-shaped) building sited towards the northern portion of the land with a maximum height of 15 storeys, minimum 4m setbacks from the north, east and west property boundaries and a maximum of 300 dwellings plus retail.
- The southern portion of the building included a semi-circular cut-out so that a 25m setback was provided from the centre of the nearby former Jockey's Convalescent Lodge, being retained and restored on-site.
- Landscaping throughout the site with special consideration for the reinstatement of circular planting around the existing Jockey's Convalescent Lodge.
- A total of 355 car parking spaces located across four basement levels.
- A total of 330 bicycle parking spaces.
- Vehicular entry (double crossover) towards the south-east portion of the site off Epsom Road with a potential second entry (single crossover) further north, also off Epsom Road.
- Associated off-site public realm works to enhance the pedestrian, vehicle and tram networks proximate to the site.

In addition, the owner of the land was required to enter into an agreement with the City of Melbourne and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the *Planning and Environment Act 1987*, requiring:

- Payment by the owner to the City of Melbourne of a contribution of \$3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted;
- Provision of 5% of new dwellings to be held in Trust and managed as affordable housing;
- Contribution towards the shared path between the site and the Showgrounds Village Shopping Centre on the west side of Epsom Road and a shared path from the site to connect to the existing bicycle path on Smithfield Road;
- Payment by the owner of all of the City of Melbourne and the responsible authority's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.

The Section 173 Agreement was executed on 3 May 2019.

An assessment of the Comprehensive Development Plan was undertaken against the design objectives and requirements of the CDZ. The recommendation was presented to a Future Melbourne Committee Meeting on 4 December 2018 where Council determined to support the proposal subject to the following condition:

- Demonstration through further Section Diagrams that no part of the building envelope projects into or overhangs a 25 metre curtilage from the centre of the former Jockey's Convalescent Lodge, at any level.

The Comprehensive Development Plan was endorsed by the Minister for Planning on 20 May 2019.

An assessment of the proposed development against the endorsed Comprehensive Development Plan has been undertaken at Section 7.1 of this report.

2.4. Heritage Victoria

The subject site (and the entire Flemington Racecourse precinct) is affected by Heritage Overlay 272, which is included on the Victorian Heritage Register (Reference Number H2220).

On 2 November 2018, Heritage Victoria issued a permit (P28548) for the development of the land, subject to conditions. The permit applicant lodged an appeal against conditions of the permit and a hearing was held on 20 and 21 March 2019.

On 22 May 2019, the Heritage Council determined to vary the conditions of the Heritage Victoria Permit.

Heritage Victoria endorsed the drawings on 13 December 2019.

The proposed development plans are consistent with the plans endorsed by Heritage Victoria, pursuant to the Heritage Victoria Permit P28548.

2.5. Pre-Application Discussions (PA-2018-125)

- Pre-Application of 26 March 2018
- OVGA Design Review of 10 April 2018
- Pre-Application of 23 April 2018
- OVGA Design Review of 3 May 2018
- Several design workshops.

2.6 Application Material

The extent of material Council has received throughout the application process is as follows:

| Material | Date Received |
|---|-------------------|
| Original application material referred by DELWP | 27 July 2018 |
| RFI Response | 31 July 2018 |
| Second RFI Response | 26 September 2018 |
| Section 50 Amendment Application | 2 September 2019 |
| Second Section 50 Amendment Application (assessment plans) | 1 November 2019 |
| Several written responses to outstanding matters | Various |

3. THE PROPOSAL

The application as submitted comprises the following elements:

- The construction of a fifteen storey building (subject to permit condition) for use as residential apartments (dwellings) and retail (restaurant and café).
- The building sits above part-four and part-five levels of basement, which also includes lower levels of some apartments, due to the slope of the land.
- Vehicular access is proposed towards the southern portion of the eastern boundary off Epsom Road, via a new double width crossover.
- The restaurant is located towards the northern end of the building, facing Epsom Road and the café is located further within the site.
- The building is designed as a horse-shoe shape with tiered levels that step back from the west.
- The building includes a semi-circular 'cut-out' on the southern elevation adjacent to a 25m curtilage from the centre of the existing, retained former jockey convalescent lodge located on the south side of the site.
- The façade treatment includes jockey 'silks' colours (glass and aluminium); green screen (aluminium vertical fins); sheer curtain wall (glass); stepped curtain wall (glass with aluminium framing); and terraced balconies (glass balustrades,

planter boxes, aluminium framing). The colour scheme is gold, light gold, dark green, mid green, bronze, light bronze, copper and charcoal.

- The façades incorporate framing features, including a negative outline of the Melbourne Cup trophy – refer Figures 9 and 11.
- An archway is proposed at ground level and first floor on the southern wing of the building to promote views from Epsom Road through to the former jockey lodge.
- Landscaping is proposed throughout the site, most notably within the front setback to Epsom Road, within the centre of the buildings' two wings and around the former jockey lodge.
- Specific details of the development are as follows:

| | |
|-------------------------------|---|
| Height | 60.175 metres |
| Storeys | 15 storeys (subject to permit condition) |
| Basements | 5 levels |
| Setbacks | Varied, but with minimum 4m setbacks from all boundaries. |
| Gross Floor Area (GFA) | 44,723m ² (excluding basements) 71,156m ² (including basements) |
| Dwellings | One bedroom apartments: 40 Two bedroom apartments: 157 Three bedroom apartments: 58 Penthouses: 26 Townhouses: 11 Total: 292 |
| Restaurant | 323m ² Net Leasable Area (basement and ground floor) |
| Café | 77m ² Net Leasable Area (ground floor) |
| Car Parking | 399 spaces |
| Bicycle Parking | 303 spaces |

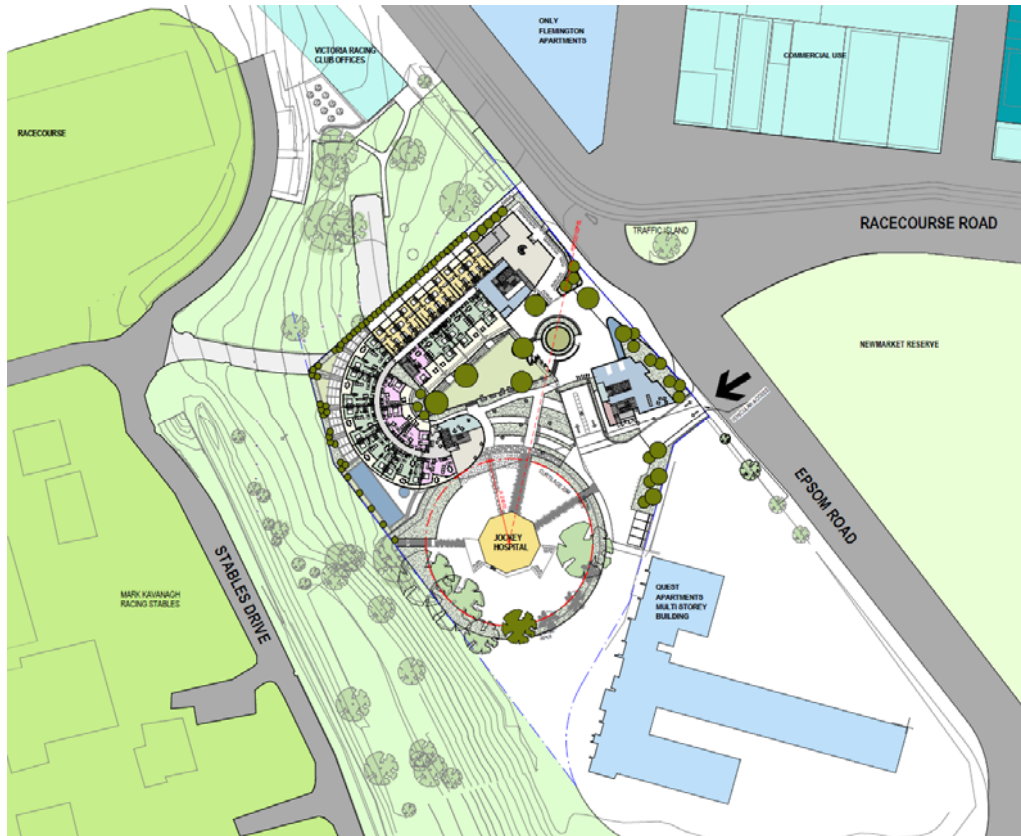


Figure 7: Location of proposed building (ground floor plan shown)



Figure 8: Flemington Racecourse looking east



Figure 9: Epsom Road looking south-east



Figure 10: Racecourse Road looking west



Figure 11: Epsom Road looking north-west

4. PLANNING SCHEME PROVISIONS

| | |
|--|---|
| <p>Planning Policy Framework</p> | <p>Clause 11.03-1S – Activity Centres Clause 11.03-2S – Growth Areas Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 15.02-1S – Energy and Resource Efficiency Clause 16.01-1S – Integrated Housing Clause 16.01-2S – Location of Residential Development Clause 16.01-3S – Housing Diversity Clause 16.01-4S – Housing Affordability Clause 18.02-1S – Sustainable Personal Transport Clause 18.02-4S – Car Parking.</p> |
| <p>Local Planning Policy Framework</p> | <p>Clause 21.06 – Built Environment and Heritage Clause 21.07 – Housing Clause 21.15-2 – Flemington and Kensington Clause 22.02 – Sunlight to Public Spaces Clause 22.17 – Urban Design Outside the Capital City Zone Clause 22.19 – Energy, Water and Waste Efficiency Clause 22.23 – Stormwater Management (WSUD) Clause 22.26 – Public Open Space Contributions.</p> |

| Statutory Controls | |
|---|---|
| <p>Clause 37.02 Comprehensive Development Zone Schedule 4</p> | <p>The purpose of Schedule 4 to the Comprehensive Development Zone is:</p> <ul style="list-style-type: none"> • To develop 550 Epsom Road for medium and/or high density urban living incorporating a variety of residential uses and dwelling types with a high quality of internal amenity, supported by a limited mix of complementary uses including commercial and retail. • To provide for an exemplary standard of architecture and urban design, having regard to the site's premier location close to both a major intersection and main entrance to the Flemington Racecourse. • To ensure that the design of buildings respect and enhance the heritage significance of the former Jockey's Convalescent Lodge and its landscape setting, which is identified in the statement of significance for the Flemington Racecourse Heritage citation within the Victorian Heritage Database (H220). • To support the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds. • To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site. • To provide for development of the land in accordance with the approved Comprehensive Development Plan, as required by this Schedule. <p>Pursuant to Clause 1.0 to Schedule 4 of the Comprehensive Development Zone:</p> <ul style="list-style-type: none"> • A Dwelling (other than Bed and Breakfast) is a Section 1 Use (permit not required) on the condition that the total number of dwellings does not exceed 300. • A Food and Drink Premises (other than Hotel and Tavern) is a Section 1 Use (permit not required) on the condition that the leasable floor area does not exceed 150m². • A Retail Premises (other than Food and Drink Premises, Gambling Premises, Hotel, Tavern and Shop) is a Section 2 Use (permit required). <p>Pursuant to Clause 2.0 to Schedule 4 of the Comprehensive Development Zone:</p> <ul style="list-style-type: none"> • The use of land must be generally in accordance with the approved Comprehensive Development Plan. <p>Pursuant to Clause 4.0 to Schedule 4 of the Comprehensive Development Zone:</p> <ul style="list-style-type: none"> • A permit must not be granted to construct a building or construct or carry out works which exceeds 15 storeys in height above natural ground level, with the exception of non-habitable architectural features and building services. <p>550 Epsom Road Comprehensive Development Plan</p> <p>Pursuant to Clause 5.0 to Schedule 4 of the Comprehensive Development Zone:</p> |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority. |
| <p>Clause 43.01 Heritage Overlay Schedule 272</p> | <p>The subject land is included on the Victorian Heritage Register under the Heritage Act 2017 – Ref No H2220.</p> <p>Pursuant to Clause 43.01-2, a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.</p> <p>Pursuant to Clause 43.01-3, no permit is required under this overlay to develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</p> <p>Refer Section 2.4 of this report for further details.</p> |

| Particular Provisions | |
|--|---|
| Clause 52.06 Car Parking | <p>Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.</p> <p>Pursuant to Clause 52.06-5, the following car parking rates apply:</p> <p><u>Dwelling</u></p> <ul style="list-style-type: none"> • 1 space to each one or two bedroom dwelling • 2 spaces to each three or more bedroom dwelling • 0 spaces for visitors. <p><u>Food and Drink Premises</u></p> <ul style="list-style-type: none"> • 3.5 spaces to each 100m² of leasable floor area. |
| Clause 52.29 Land Adjacent to a Road Zone | <p>Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1.</p> <p>Epsom Road is identified as a Road Zone, Category 1.</p> <p>Pursuant to Clause 52.29-4, an application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.</p> |
| Clause 52.34 Bicycle Facilities | <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Pursuant to Clause 52.34-5, the following bicycle parking rates apply:</p> <p><u>Dwelling</u></p> <ul style="list-style-type: none"> • 1 space to each 5 dwellings for residents • 1 space to each 10 dwellings for visitors. <p><u>Restaurant</u></p> <ul style="list-style-type: none"> • 1 space to each 100m² of floor area available to the public. <p><u>Café (Convenience Restaurant)</u></p> <ul style="list-style-type: none"> • 1 space to each 25 m² of floor area available to the public for employees; • 2 spaces for visitors. |
| Clause 58 Apartment Developments | <p>Provisions in Clause 58 apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if</p> <ul style="list-style-type: none"> • The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or • The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone. |

| General Provisions | |
|---|---|
| Clause 66.02 Use and Development Referrals | Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for a residential development comprising 60 or more dwellings or lots must be referred to Head, Transport for Victoria. |
| Clause 66.03 Referral of Permit Applications under other State Standard Provisions | Pursuant to Clause 66.03, application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road must be referred to Roads Corporation. Epsom Road is identified as a Road Zone, Category 1. |
| Clause 72.01 Responsible Authority for this Planning Scheme | The Minister for Planning is the responsible authority for administering and enforcing the scheme for the Comprehensive Development Zone – Schedule 4 550 Epsom Road. |

5. PUBLIC NOTIFICATION

Pursuant to Schedule 4 of the Comprehensive Development Zone, before deciding on an application the responsible authority must consider the views of Melbourne City Council. The application has been referred to the City of Melbourne for comment.

An application for use of land and to construct a building or construct or carry out works under any other provision of the planning scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally consistent with the approved Comprehensive Development Plan.

6. INTERNAL REFERRALS

6.1. Urban Design

Several iterations of drawings have been referred to Council's Urban Design team for review and comment. Several meetings between the applicant and their architect team and Council including Urban Design, have occurred. The following Urban Design comments are the most recent and relate to the current (s.50) assessment plans:

Many of the urban design comments have been adequately addressed through the written response and diagrams from Pace, and some comments are minor and can be addressed through permit conditions.

However there are several issues that require further consideration before full urban design support is provided.

Views to the Jockey's Lodge from Epsom Road

- *There is no specific principle in the CDP requiring views from Epsom Road to the Jockey's Lodge. However, this intent was communicated early in the design response and reinforced through an expansive archway and undercroft space in the lower levels of the southern wing. This gesture was supported by CoM and the VDRP.*
- *The VDRP report (14 May 2018) described the archway as an "elegant gesture to connect the courtyard to the Jockey's Lodge". The VDRP also outlined "it is important the arch maintain its sense of space and volume, captures sunlight and maintains its structural purity (with no columns) without structural rationalisation or 'value engineering". We maintain that the arch in*

the previous scheme was more successful in providing public appreciation of the Jockey's Lodge.

- We understand the design of the arch was discussed as part of the Advisory Committee and that the revised rectangular opening satisfied Heritage Victoria. We support the simplified landscaping within the courtyard to allow views and a direct connection to the Jockey's Lodge from Epsom Road. Consistent with our earlier advice and VDRP recommendations, the placement of the columns within the undercroft detracts from a clear view to the Jockey's lodge.*
- Our preference is to remove or rationalise the columns to provide unobstructed views to the Jockey's Lodge from Epsom Road. This should be explored further in revised plans.**

Built form – Greater differentiation of each 'Tower end'

- Originally, we supported the different architectural expression of each 'tower end' and their slender appearance to Epsom Road. This was achieved through different building heights, widths/profiles, and architectural expression of each tower. This intent has been lost in the design development of the scheme.*
- The height of the southern tower has increased. We understand this was to offset a loss of GFA in the lower levels. This is not an adequate justification for increased height.*
- The width of the northern tower also appears to have increased. The previous slender expression was achieved by carving out an imprint of the Melbourne Cup Trophy. This reduced the frontage to Epsom Road.*
- The increased height of the southern tower and width of the northern tower result in a similar building mass. This unifies the form and adds visual bulk to Epsom Road.*
- Currently, the glazing reads as the dominant material applied to both 'tower ends'. We recommend introducing a different material expression to one of the towers. For example, a solid material could be used to express the projected balconies of the southern tower.*
- Consistent with previous advice, we recommend distinguishing each 'tower end' through different heights and architectural expression.**

We require further exploration of the above points. We are comfortable for the below comments be addressed through permit conditions:

- Public interface** - *The intent to lower the height of the planter along Epsom Road to minimise the blank interface to the public realm is supported.*
- Public interface** - *The variation of glazing tints to represent the different silks is not adequate to provide depth and tactility to the ground floor interface. The silks pattern should be achieved through high quality materials embedded within the façade to provide depth, texture and contribute to a positive pedestrian experience at eye height. This should be developed further in revised plans. Detailed elevations, plans and sections at a scale of 1:20 of each key interface with the public realm and the courtyard must be included in the façade strategy.*
- Design quality** - *Sections and details at key junctions must demonstrate the ribbon element embedded within the façade. We would not support an outcome where the ribbon is applied over the façade.*
- Design quality** - *Future development of the façade strategy must show seamless integration of the building cap. The key concern is the gap in*

between the parapet and cap element. Consistent with previous advice, the gap between should not be visible from surrounding views to ensure the ribbon element appears as a solid edge embedded in the form rather than a floating element.

Planner's Response

A response to the key issues raised above is as follows:

Views to the Jockey's Lodge from Epsom Road

The undercroft provided within the southern wing of the proposed building has always been integrated into the design to promote views to the Jockey's Lodge from Epsom Road. The undercroft started as an arch shape, but has since progressed into a more open space with columns. The latest scheme has also resulted in a reduced height clearance. The applicant has advised that a 350mm increase could be achieved (5.6m clearance), which would improve views from Epsom Road.

Urban Design has recommended that the columns located within the archway are removed or rationalised to provide unobstructed views to the Jockey's Lodge from Epsom Road. The columns are shown at Figure 12.

While the columns may be visible, they allow for a greater width of undercroft, which therefore provides a greater viewcone from Epsom Road through to the Jockey's Lodge – demonstrated in Figures 13 & 14. On balance, this is considered an improved outcome.

The increased width of the undercroft is seen as an improvement on the original iteration, which significantly limited views of the Jockey's Lodge from a greater portion along Epsom Road. The additional 350mm height increase (without increasing the overall building height) could be introduced by way of condition in any permit granted – **refer recommended Condition 1b**.



Figure 12: Former Jockey's Lodge and columns as viewed from Epsom Road



Figure 13: Limited viewcone from Epsom Road

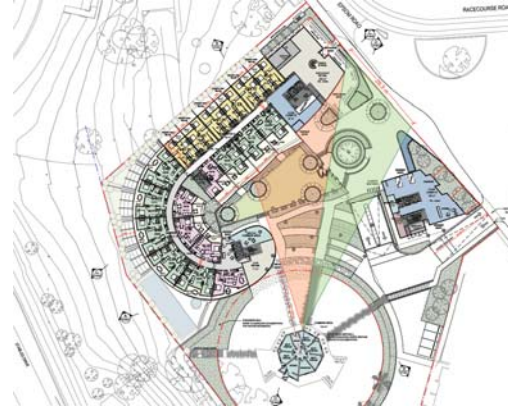


Figure 14: Increased viewcone with columns

Built form – Greater differentiation of each ‘Tower end’

Urban Design has recommended that, in order to reduce visual bulk of the two towers from Epsom Road, a height variation and the introduction of a different material expression to one of the towers should be explored.

Since the original iteration, the southern tower has increase in height to match the northern tower. The northern tower has increased in width. These changes have resulted in limited additional impacts on the visual presentation to the Epsom Road and the wider public realm. They are considered to achieve an acceptable level of differentiation as the two wings are separated by more than 30m to clearly distinguish the building as two forms; the north wing façade is on a single plane with uniform balconies on each end and a central indent running the height of the façade; and the south wing façade is more dynamic with punched walls and balconies on a more scattered design approach – refer Figure 10.

The remaining items raised by Urban Design relating to public interface and design quality are reasonable and accepted. These items could be introduced by way of conditions through a Façade Strategy in any permit granted – **refer recommended Condition 3.**

In addition to the above, the applicant has agreed to make the following changes that will further improve the design response to the public realm:

- Alterations to the landscape plan to provide a clearer and more intuitive path between Epsom Road and the former jockey lodge – **refer recommended Condition 1c and 18d.**
- Provide greater landscaping height variation along Epsom Road, outside the buildings’ north wing to improve the pedestrian experience – **refer recommended Condition 1d and 18e.**

6.2. Traffic Engineering

I refer to the Traffic Management Plan (TMP) by GTA Consultants of 29 October 2019 & to our previous comments in relation to the above development. Please note the following traffic comments regarding this development, comprising:

- 292 dwellings
- 202m² restaurant, 121m² bar & 77m² food/drink premises
- 399 car parking spaces (376 resident, 20 visitor including 4 short-stay spaces for pick up/drop off & 3 staff spaces) on 5 basement levels
- 303 bicycle spaces (291 resident & 12 visitor)

- Loading provisions.

Car parking & access

The provision of 399 car spaces exceeds the total Melbourne Planning Scheme (MPS) requirement of 389 spaces & is therefore acceptable. A note should be placed on the planning permit, stating: "City of Melbourne (CoM) will not change the on-street parking restrictions to accommodate the access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for other competing demands & access requirements. CoM reserves the right to change/introduce restrictions to on-street parking in the future. As per Council's policy, developments in this area that increase residential density are not entitled to resident parking permits. Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions".

All spaces, ramps, grades, transitions, accessways & height clearances must be generally designed in accordance with the MPS or AS/NZS 2890.1:2004. Pedestrian site triangles of 2x2.5m should be provided at the exit from the car park.

Swept path diagrams should be provided, showing complete turning movements both from/into Racecourse Rd.

As both Racecourse and Epsom roads are Arterial Roads under VicRoads care/management, this application should be referred to VicRoads for approval. All proposed works within the public realm should be to the satisfaction of VicRoads.

Loading

A Loading Management Plan must be prepared, specifying how the access/egress of loading vehicles is to be managed. A dock manager should ideally be employed, responsible for controlling the operation of the loading bays & unloading of goods. The design of the loading area, including all space dimensions, grades & height clearances should comply with relevant standards for Commercial Vehicles (AS2890.2-2002) or Clause 52.07.

Bicycle & motorcycle parking

*The provision of bicycle parking is supported, as it greatly exceeds the MPS requirement for 87 spaces. The design/dimensions of bicycle parking should comply with the relevant Australian Standards or Bicycle Network guidelines. Some motorcycle parking should be provided, to meet the likely demand**.*

Car share

In 2015, Council approved a new car share policy that has set a target of 2,000 on-street & off-street car share spaces within the municipality by 2021. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road and in private car parks. Research suggests each car share vehicle reduces the number of resident-owned vehicles by 9 & reduces the member's private car use by 50%. In order to meet the likely demand, several share & electric charging spaces should be provided on site.

Road Safety Audit

A formal independent desktop Road Safety Audit of the development should be undertaken prior to construction at the developer's expense, which should include the vehicle/bicycle/pedestrian access arrangements, loading arrangements, internal circulation/layout & all works within the public realm. The findings of the Audit should be incorporated into the detailed design, at the developer's expense.

Planner's Response

All spaces, ramps, grades, transitions, accessways & height clearances must be generally designed in accordance with the MPS or AS/NZS 2890.1:2004 and could be addressed via condition – **refer recommended Condition 5b.**

Pedestrian site triangles, swept paths, provision of motorcycle spaces could be addressed via condition – **refer recommended Conditions 1i and 1j.**

Loading could be addressed via a Car Park Management Plan – **refer recommended Condition 5c.**

A car share scheme could be conditioned on the basis that a provider supports the location. Otherwise, the car parks proposed, along with the provision for electric charging spaces, is expected to meet demand – **refer recommended Condition 5d.**

A Road Safety Audit is not considered necessary. The site has been the subject of a lengthy rezoning process including a thorough review of the traffic and parking impacts through the various Planning Scheme Amendments. A Transport & Access Plan was included with the CDP material and the application has been referred to VicRoads.

6.3. Waste Services

We have reviewed the WMP by Leigh Design dated 30th October 2019 for this proposed development and found it to be unacceptable.

The following items need to be addressed:

- *Every rateable property within the City of Melbourne is entitled to a municipal waste collection service. A development of this size would normally warrant the use of fully transportable compactors. Given heritage restrictions preclude Council vehicle access to the basement of the development, the use of compactors is not viable. However, Council can provide an on-site waste collection service from bins placed in a temporary holding area within the property boundary. Therefore, it is not necessary for a private contractor to perform waste collections at this development.*
- *Hard waste areas should be shown on the floor plans.*

Planner's Response

On-site waste collection by Council services cannot be undertaken within the basements due to the siting requirements of the proposed building and the significant urban design impacts it would have on the development if the basement access were to be re-designed to suit Council waste trucks.

Several discussions and meetings were held with the applicant regarding possible alternative waste options. The applicant considered private waste collection as the best option in this location for the following reasons:

- The need to provide a large holding area for bins near the building entrance and immediately adjacent to the at-grade car parking spaces, which would take away from the entry experience to the building and outlook for residents on that side of the building;
- The need to control access to the nearby car parking spaces at particular times of the week to allow for waste pick-up;
- The additional facilities management requirements associated with moving a large number of bins from the basement to the ground level holding area;

- As the site is outside the central CBD and in an area where private waste collection is commonplace (i.e. Moonee Valley Council accept private waste pick-up), it is considered that containing waste within the basement area is the better option for future residents.

Council's Waste Engineer has advised (as per the referral comments above) that waste collection could be undertaken by Council waste trucks via an on-site temporary holding area. This would avoid the need for private contractors and comply with waste guidelines. This would be achieved by providing a space (to be shown on the plans) that can accommodate 9 x1100L bins (recycling and garbage bins are picked up at different times – it doesn't need to hold all 18 residential bins at once). It does not need to be a physical enclosure, as it is only a temporary holding area, however it may look better if it was enclosed. The space should be level (i.e. no slope) and almost immediately available to the truck stopping location.

In order to comply with Council's waste guidelines, the location of an on-site waste collection service for bins placed in a temporary holding area within the property boundary could be included as a condition in any permit granted – **refer recommended Condition 1h.**

6.4. Civil Design

Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of Epsom Road, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads. The "road" is the reserve from building line to building line. Subsequently our conditions for works on footpaths, nature strips and medians of arterial roads are listed below.

Previous plans showed the proposed building envelope was set back from the title boundary on Epsom Road which was a positive outcome. The current plans shall be redesigned to include a setback as this would reduce pedestrian congestion & enhance amenity/safety.

We object to the proposed construction of stairs to the property boundary. Stairs should be set back sufficiently to enable all necessary tactile ground surface indicators to be installed within the property curtilage.

Telco pillar located on Epsom Road footpath along the pedestrian corridor must be relocated closer to kerb. This must be arranged with the relevant utility and paid for by the developer.

Planner's Response

The latest s.50 amendment application sought to address the Civil Design comments. The material was re-referred to Civil Design who offered the following advice:

Reference is made to the new amendment for the above application seeking to make various changes and that respond to previous referral comments.

It is noted that our Civil Design Comments regarding building/planters set back and stair set back have been addressed and Infrastructure Development offer no further objection regarding these two items.

All comments and conditions on our previous memo...still apply and should be included in any permit to be issued.

Planner's Response

Standard conditions provided by Civil Design could be included on any permit granted – **refer recommended Conditions 8-15.**

6.5. Land Survey

The applicant should confirm ownership details of the internal open spaces which are being provided. Note that if they are to be vested in Council as a part of their public open space contribution, the location of the public open space contribution should be in an area satisfactory to the Council Open Space team, unencumbered (no basement) and must meet the requirements of Clause 22.26 of the Melbourne Planning Scheme. Open space which is to be provided and not vested will not be accepted as a public open space contribution.

Planner's Response

Refer Section 6.8 of this report.

6.6. Green Infrastructure

General

The development includes ESD targets that meet the minimum requirements of Clause 22.19 of the Melbourne Planning Scheme.

The development can demonstrate the design potential to achieve an equivalent performance 5 Star Green Star Design and As-Built rating with a few amendments.

Recommendations

Green Star Pathway

The project has demonstrated a pathway to achieve an equivalent 5 Star Green Star Design & As-Built performance.

The ESD report's proposed Green Star pathway targets 63 points for a 5 Star rating. This approach is considered to be risky when aiming to achieve a 5 Star Green Star rating in practice. Additional points should be considered to allow contingency for design changes. Only one Innovation point is included in this total target which is a conservative approach.

Preliminary Green Star calculators and any modelling (daylight etc.) used to calculate predicted points should be included in the ESD Report appendices.

Energy

The energy targets for the development are acceptable and reflective of minor improvement over NCC requirements. An average NatHERS rating of 6.5 Stars is targeted. The level of ambition is less than similar building typologies in the City of Melbourne have achieved.

No preliminary NatHERS ratings demonstrating average performance or compliance with Clause 55.58 cooling load compliance has been included. The ESD report includes in Appendix 4 a schedule of thermally similar apartment types with results to be completed.

Renewable Energy

The development currently includes no renewable energy provision. The terraced design limits the opportunity for solar PV, but the available upper roof area should be fully exploited for its unshaded solar access to provide energy to the common building services.

A PV feasibility analysis for the upper roof should be undertaken and included in the ESD report.

Water

The water targets for the development are acceptable and satisfy 22.19 requirements.

Green Infrastructure and Landscaping

The proposal, as presented, contains an attractive mix of ground level on-structure landscaping, terrace plantings and trees, however all of these elements require additional information to assess their viability.

It is recommended that a detailed Landscape Maintenance Plan and Irrigation Performance Specification to be submitted to the satisfaction of the Responsible Authority.

- *The Landscape Maintenance Plan should provide detail with respect to ongoing maintenance requirements, including specific provision for maintenance beyond the fifty two week period following Practical Completion*
- *The irrigation performance specification should clearly identify the irrigation requirements for the different landscaping elements*

Additionally the raingarden location is not shown on plans (including architectural plans). The location and size of raingarden must be shown and annotated on landscape and architectural drawings, and include detail of the connection to catchment as per the ESD report and details of overflow arrangement and connection to Council Legal Point of Discharge.

Transport

The transport response for the application is good, with bicycle facility provision in line with best practice requirements of at least one per dwelling. 303 bicycle spaces are proposed for residents, visitors and staff.

To satisfy Green Star requirements for this credit, end-of-trip facilities must be provided for the commercial component of the development. These are not evident on plans and require updating accordingly.

The project also targets Green Star credit 17B.3 and 30C, Low Emissions Vehicle Infrastructure. The ESD report states that 5% of car spaces will be provided with a General Purpose Outlet (GPO) for Electric Vehicle charging.

The ESD report must be updated to include the requirement that each EV charging circuit to be rated at minimum 32A to enable future installation of fast charge units.

Car spaces with EV charging are to be indicated on architectural plans.

Stormwater Management

The ESD report provides a detailed MUSIC modelling report as an appendix to the ESD report, including all assumptions and inputs to the model.

Capacity of rainwater tanks as per the ESD report and MUSIC modelling report to be shown on architectural plans.

All proposed raingardens and their corresponding surface area to be shown on plans as per MUSIC report.

Further Information Required

- Preliminary NatHERS modelling demonstrating compliance with Clause 58-03 thermal load requirements
- Solar PV feasibility analysis to be undertaken and included in ESD report
- Location and surface area of raingardens must be shown on the architectural plans
- End of trip facilities required for Green Star active transport credit
- Required circuit capacity of 32A for electric vehicle charging spaces to be included in ESD report
- EV charging car spaces to be shown on architectural plans
- Landscape package including:
 - Landscape Maintenance Plan with further detail with respect to ongoing maintenance of on-structure planting and façade treatments, including specific provision for maintenance beyond the fifty two week period following Practical Completion
 - Detailed irrigation performance specification

Planner's Response

The applicant provided an updated Sustainability Management Plan in the s.50 application and was re-referred to Council's Green Infrastructure Team, who commented as follows:

The response is fine; I'm ok with the requested items for conditions (ESD compliance and landscape management).

The additional items could be requested as a condition in any permit granted, along with standard conditions – **refer recommended Conditions 1e, 1f, 1k and 16-18.**

6.7. Urban Forest and Ecology

General

These comments refer to the potential impacts of the proposal on publicly owned trees and are made in accordance with the Tree Retention and Removal Policy (the Policy).

Comments

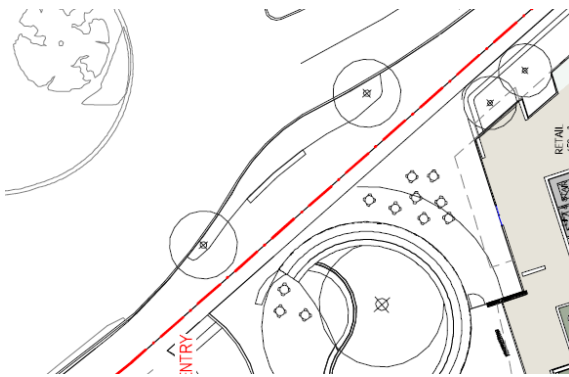
Please also refer to the previous comments copied below. The amendment has not addressed public realm improvements and as such the recommended condition is still applicable.

Previous comments:

Comments

There are no public tree assets along the Epsom Road frontage of the proposed development parcel. The Urban Forest in this area is reliant on the contribution of vegetation within the Racecourse land, which contain some significant trees of high visual amenity. Unfortunately there are no planning controls that would enable the retention of some of these trees within the proposed development parcel. The successful retention of trees bordering the development will be dependent on the implementation of Arboricultural best practice in accordance with AS4970-2009 protection of trees on development sites.

The future contribution to the Urban Forest through the greening of the building and grounds is supported but its success will be reliant on the provision of appropriate soil volumes, species selection and maintenance. The tree species should be in line with [Future Urban Forest Research](#)



The opportunity to create space for public tree planting (shown above) is welcomed. It is preferable that tree plots are formed by a continuous soil trench to ensure the largest possible soil volume. Details should be provided on engineering drawings for council approval.

Recommended Conditions

Engineering drawings for public realm works on Epsom Road must show a continuous soil trench of at least 1m and incorporate structural soil to City Of Melbourne specification.

Planner's Response

Public realm works outside the title boundaries does not form part of this planning application. Notwithstanding, the above comments could be included as notes on any permit granted.

6.8. Open Space Planning

Comments

Privately owned publicly accessible open space can and should make a positive contribution to the public open space network in a meaningful way.

Open space contribution

As no land contribution is proposed, a cash contribution to the open space fund will be required. Cash contributions are for open space land acquisition and capital works projects. Overall the contributions will be used to provide benefit to the future populations that live and work in the City of Melbourne.

Access to privately owned public open space

Our preference for the proposed unfenced publicly accessible open space is to have 24 hour public access guaranteed through an appropriate agreement. Please refer to the green area in the provided Landscape Accessibility Plan prepared by Jack Merlo Design and Landscape.

Planner’s Response

The outdoor area is encumbered. As such, this area is not considered a Public Open Space Contribution, pursuant to Clause 53.01 (Public Open Space Contribution and Subdivision) of the Melbourne Planning Scheme – agreed by the permit applicant. A Section 173 Agreement could secure 24 hour public access in accordance with Figure 15 – **refer recommended Condition 21.**

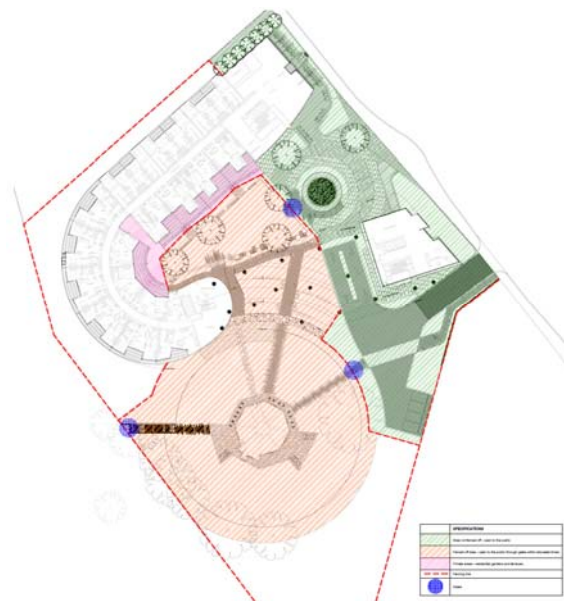


Figure 15: 24/7 publicly accessible area (shown in green)

6.9. City Design

Our previous landscape queries (Advice of 17 September) have been addressed apart from that requesting confirmation of the soil depths and volumes that have been provided for in the structural and architectural design of the building to enable the proposed ‘greening’ to be successful. Our relevant dot point from our Advice is below and is consistent with queries we raise where developments propose planting on the building structure:

- *Planter soil depths and volumes. Much of the planting visible from Epsom and Racecourse Roads is on structure, either basement or upper levels. The submission includes the ARM Façade Design Report August 2019, one of the facade types identified being ‘green screen façade’. Balcony planters are referred to but information is not provided on the drainage layer and soil depths / volumes that have been allowed for in the building design and that will be relied on to provide the desired manageable façade effect. This also applies to planters facing Epsom Road and on the extensive ground floor structure. Further details giving growing medium depths and available growing medium volumes should be provided to confirm the viability of the proposed planting.*

Neither the Applicant's response (below) nor the drawings respond to our request. The Applicant's response refers to 'available soil volumes' having been assessed rather than the development providing the volumes required by the greening strategy. There remains very limited information on the heights of some planters but no confirmation of soil depths, volumes and layering (the planters will contain a drainage layer, mulch layer and surface set down from the planter wall top, reducing soil depths). The Applicant's response:

- Detailed sections have been included demonstrating the extent of planter volumes including those on balconies, facades and over structure at ground level. TP13 also includes specifications for preparation, growing media and maintenance instructions for plant longevity. Plant species have been specified based on location, desired impact and available soil volumes.

We would be pleased to receive and review a representative planter bed backfill cross-section (or cross-sections) and a plan showing growing medium depths in the development's various proposed planter beds.

Planner's Response

Cross-sections and a plan showing growing medium depths in the proposed planter beds could be introduced by way of condition in any permit granted – **refer recommended Condition 18.**

7. ASSESSMENT

7.1. Comprehensive Development Plan (CDP)

The assessment within the table below demonstrates that the proposed development is generally in accordance with the approved CDP.

| Approved CDP | Proposed Development | Generally in Accordance? |
|--|--|--|
| <p>A maximum height of 15 storeys.</p> | <p>The application / assessment drawings show that the proposed development is, for the most part, compliant with the maximum number of storeys allowed by the approved CDP, being 15 storeys.</p> <p>However, the drawings also show that due to the slope of the land, a small portion of the north-east corner of the building at the northern wing would have a semi-basement height of more than 1.2m above natural ground level. The Melbourne Planning Scheme defines this as a storey and as such, this portion of the building is 16 storeys in height.</p> | <p>As a portion of the building is 16 storeys in height, the proposal cannot be considered generally in accordance with the approved CDP and furthermore, the proposal in this portion of the building is a prohibited scheme. The CDP maximum number of allowable storeys is a mandatory control.</p> <p>The extent of non-compliance has been discussed with the applicant, who has sought to address this issue by submitted a set of drawings, which includes a floor plan that includes spot levels for NGL purposes; section diagrams that includes details of the semi-basement's height above natural ground level; and elevation drawings showing the same details as the sections.</p> <p>The drawings demonstrate that Level B1 (semi-basement) does not project above natural ground level by more than 1.2m at the point in the building where it sits directly below fifteen above-ground levels.</p> <p>This has been achieved by dropping the floor levels of the Ground Floor townhouses and services.</p> <p>The changes are accepted (on the basis that the overall building height is not increased and minimum floor-to-ceiling heights are maintained). Schedule 4 to the CDZ states that a permit must not be granted to construct a building or construct or carry out works which exceeds 15 storeys in height <u>above natural ground level, with the exception of non-habitable architectural features and building services.</u></p> <p>Firstly, the Melbourne Planning Scheme defines Ground Level as the natural level of a site at any point. The number of storeys in this instance has been taken from the natural level of the site at any point; meaning that the number of storeys is counted from that particular point of the site only.</p> <p>Secondly, Level 15 introduces an open terrace accessed by a stair overrun (building services). Architectural features are also present above the roof terrace floor level. These elements are exempt from the mandatory control outlined above.</p> <p>The changes to floor levels as described above and shown in the informal drawings submitted to Council, could be formally introduced by way of condition in</p> |

| | | any permit granted – refer recommended Condition 1a. |
|---|---|---|
| A minimum 4m setback from the north, east and west property boundaries. | The proposed building is set back a minimum of 4m from all boundaries. | Yes. |
| A maximum 300 dwellings plus retail. | A total 292 dwellings are proposed, plus 400m ² retail space. | Yes. Eight fewer dwellings are proposed, which is acceptable as the CDP specifies a maximum rather than a minimum. |
| A total of 355 car parking spaces located across four basement levels. | A total of 399 car parking spaces located across part-four and part-five basement levels are proposed. | Yes. An additional 44 car spaces are proposed and the total number of car spaces provided responds to the CDP Objective, which is to provide sufficient car parking. |
| A total of 330 bicycle parking spaces. | 303 | Yes. Although 27 less bicycle spaces are proposed, it continues to significantly exceed the Planning Scheme requirement of 87 spaces. |
| A horse-shoe (U-shaped) building sited towards the northern portion of the land. | A horse-shoe (U-shaped) building sited towards the northern portion of the land is proposed. | Yes. |
| A semi-circular cut-out at the southern portion of the building so that a 25m setback is provided from the centre of the nearby former Jockey's Convalescent Lodge. | A semi-circular cut-out at the southern portion of the building is proposed so that a 25m setback is provided from the centre of the nearby former Jockey's Convalescent Lodge. | Yes. |
| Landscaping throughout the site with special consideration for the reinstatement of circular planting around the existing Jockey's Convalescent Lodge. | A landscape concept has been provided that demonstrates an acceptable level of landscaping proposed on-site, including planting around the Jockey's Convalescent Lodge. | Yes. |
| Vehicular entry (double crossover) towards the south-east portion of the site off Epsom Road with a potential second entry (single crossover) further north, also off Epsom Road. | A double-width crossover is proposed towards the south-east portion of the site off Epsom Road. No additional crossovers are proposed. | Yes. |

7.2. Uses

The proposal seeks to use the land for the purpose of dwellings with a small retail presence in the form of a 323m² restaurant and 77m² café.

The dwellings are as-of-right (no permit required) and are actively encouraged in this location, pursuant to the Comprehensive Development Zone.

The retail premises are defined as Food and Drink Premises (other than Hotel and Tavern), which is a Section 1 Use (permit not required) on the condition that the leasable floor area does not exceed 150m². As the leasable floor area of the

restaurant and café exceeds 150m² (total 400m² in this instance), a permit is required.

The food and drink use is appropriate. A purpose of Schedule 4 to the CDP is to develop 550 Epsom Road for medium and/or high density urban living incorporating a variety of residential uses and dwelling types with high quality internal amenity, supported by a limited mix of complementary uses including commercial and retail.

The retail premises are located at the front of the site with a presence to Epsom Road, assisting with activation of the building and integration with the public realm.

It is noted that at basement level, the plans notate the premise as “restaurant / bar”. A bar is a prohibited use in the CDZ4 and removal of this reference could be required as a condition in any permit granted – **refer recommended Condition 1o.**

7.3. Built Form

The proposal introduces a contemporary infill development on a large site, visible from several highly trafficked streets that intersect at the site’s interface with Epsom Road, Racecourse Road and Ascot Vale Road. The building sits to the north of the former Jockey’s Convalescent Lodge, generally in accordance with the location and building footprint within the endorsed Comprehensive Development Plan.

The proposed development could be described as a playful design that strongly references aspects of the Melbourne Cup horse racing carnival, which takes place at the adjacent Flemington Racecourse. This includes the colourful façade strategy, which references the jockey silks; and a negative motif of the Melbourne Cup (trophy) on the north-west and south-east elevations (Figures 9 & 11). To that end, and subject to securing high quality finishes through a Façade Strategy, the development makes a positive contribution to the neighbourhood and provides a sense of place to its environs. The inclusion of a 15 storey tall negative shape representing the Melbourne Cup to the corner of one tower building is a bold, playful move which has the potential to become an iconic place marker.

Significant regard has been had for the former Jockey’s Convalescent Lodge so that rather than impacting on this heritage building, it is enhanced and celebrated. The proposal has received a permit and endorsed plans from Heritage Victoria as outlined at Section 2.4 of this report. The development introduces a landscaped setting that enhances the lodge and re-establishes its former glory. The proposed 25m curtilage that cuts into the building provides separation from the lodge; the circular hedge will be reinstated with vegetation; views are achieved through to the lodge from Epsom Road (refer detailed discussion at Section 6.1 of this report); and the area around the lodge will be publicly accessible during certain hours.

The development has been designed to limit any impacts on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds in accordance with the approved and endorsed Comprehensive Development Plan.

Overall, the development will add visual interest and colour to the Flemington area. It will deliver additional publicly accessible open space, create a landmark building on an important intersection, and will enhance existing heritage form through regeneration and restoration. In addition, the development will offer a high quality building program for future occupants.

7.4. Traffic and Parking

The proposal includes:

- Vehicle access off Epsom Road
- 399 car parking spaces
- 303 bicycle spaces.

Referring to Section 6.2 of this report, Engineering Services (Traffic) has reviewed the proposal and generally supports the development.

An assessment against the statutory car and bicycle requirements is as follows:

7.4.1. Car Parking

Pursuant to Clause 52.06-5, the following car parking rates apply:

| Use | Statutory Rate (Clause 52.06) | Statutory Requirement | Proposed Provision |
|-------------------------------|--|--|---|
| Dwelling | 1 space to each one or two bedroom dwelling; 2 spaces to each three or more bedroom dwelling; Zero visitor spaces. | 197 x one and two bedroom dwellings = 197 spaces; 95 x three or more bedroom dwellings = 190; Total: 387 spaces. | 376 residential spaces = a shortfall of 11 spaces; 20 visitor spaces = a surplus of 20 spaces. |
| Restaurant | 3.5 spaces to each 100m ² of leasable floor area. | 323m ² restaurant = 11 spaces. | 2 spaces = a shortfall of nine spaces. |
| Convenience Restaurant (café) | 3.5 spaces to each 100m ² of leasable floor area. | 77m ² café = 2 spaces. | 1 space = a shortfall of one space. |
| Total | – | 400 spaces | 399 spaces |

In accordance with the above table, the proposal seeks a dispensation of 11 residential spaces; nine restaurant spaces; and one café space – a combined dispensation of 21 spaces. While no statutory visitor spaces are required for the dwellings, the proposal seeks to provide 20 spaces.

The shortfall is minor, the site has good access to public transport (trains and trams), and 44 car spaces are provided in excess of the approved Comprehensive Development Plan (CDP), which a) can be distributed to the various uses on-site as necessary; and b) responds to the CDP Objective which is to provide sufficient car parking.

7.4.2. Bicycle Parking

Pursuant to Clause 52.34-5, the following bicycle parking rates apply:

| Use | Statutory Rate (Clause 52.06) | Statutory Requirement | Proposed Provision |
|-------------------------------|--|--|--|
| Dwelling | 1 space to each five dwellings for residents; 1 space to ten dwellings for visitors. | 58 resident spaces; 29 visitor spaces; Total = 87 spaces. | 291 residential spaces = a surplus of 233 spaces; 12 visitor spaces = a shortfall of 17 spaces. |
| Restaurant | 1 space to each 100m ² of floor area available to the public. | 323m ² restaurant = 3 spaces. | Refer discussion below. |
| Convenience Restaurant (café) | 1 space to each 25 m ² of floor area available to the public for employees; 2 spaces for visitors. | 77m ² café = 3 employee spaces; 2 visitor spaces; Total = 5 spaces. | Refer discussion below. |
| Total | – | 95 spaces | 303 spaces |

The dwelling component has a statutory requirement of 58 resident spaces and 29 visitor spaces – totalling 87 spaces. The food and drink premises have a statutory requirement of six employee spaces and two visitor spaces – totalling eight spaces. Combined, a total of 95 bicycle spaces are required.

The proposed development provides 291 residential spaces and 12 visitor spaces, totalling 303 on-site bicycle spaces. This provision significantly exceeds the total statutory rate and is therefore accepted.

Appropriate end-of-trip facilities are provided within the “Basement 01 Lower Ground” level.

7.5. Waste

Referring to Section 6.3 of this report, Waste Services has identified that the use of compactors is not viable as Council waste vehicle access to the basement is not possible. While the design of the building has been somewhat restricted by the siting of the building envelope within the approved Comprehensive Development Plan and the heritage requirements, including maintaining views to the former Jockey’s Convalescent Lodge, significant urban design impacts would result if basement access was to be provided to suit Council waste trucks.

The applicant’s proposal to address this issue is to provide private waste collection for the development. Private collection is a last resort option as per Council’s waste guidelines and Waste Services has confirmed that Council can provide an on-site waste collection service from bins placed in a temporary holding area within the property boundary. While this is not the first preference, it would avoid the need for private contractors and comply with waste guidelines – **refer recommended Condition 1h.**

7.6. Environmentally Sustainable Development

Referring to Section 6.6 of this report, the applicant provided an updated Sustainability Management Plan (SMP) in the s.50 application. The SMP has not yet addressed all items requested by Green Infrastructure. These items can be formally requested through conditions in any permit granted – **refer recommended Condition 1e, 1f, 1k and 16-18.**

Should these items be addressed, the ESD initiatives are of a high quality response to Council policy and is supported.

7.7. Landscaping

A landscape concept has been prepared and submitted. Council’s Green Infrastructure department and City Design team have reviewed the landscape concept in detail. The landscape outcomes are of a high quality and build upon the approved, less detailed concept that formed part of the endorsed Comprehensive Development Plan.

Subject to further details, the landscape plan is supported – **refer recommended Conditions 1l and 18.**

7.8. Overshadowing

An objective of the endorsed Comprehensive Development Plan is to limit (minimise) the extent of overshadowing of the Newmarket Reserve between 9am and 3pm at the equinox (22 September) and to allow a minimum of 3 hours of direct sunlight between 9am and 3pm at the winter solstice (22 June).

Newmarket Reserve is identified in Figure 3. It is located to the east of the subject site.

Shadow diagrams have been submitted with the application material, demonstrating that no shadow will be cast over any part of Newmarket Reserve between 9am and 3pm during the Winter Solstice or Equinox.

New shadow will be cast predominantly over the subject site; a small portion of the adjoining Quest Inn grounds between 1pm and 3pm; and Flemington Racecourse car parking and “back-of-house” buildings between 9am and 12pm. The extent of shadow cast by the proposed development is considered reasonable in the context.

7.9. Wind

An objective of the endorsed Comprehensive Development Plan is to minimise the effect of wind to streets and public open spaces to enhance amenity and function throughout the year.

A Wind Report, prepared by Vipac and dated 21 August 2018, was submitted with the original application. Wind tunnel tests were carried out and the findings were:

With the proposed design:

- *The development fulfils the recommended **safety** criterion in all pedestrian level areas.*
- *The development fulfils the recommended criterion for **standing** in the building entrance areas.*
- *The Communal terraces on Level 7 and apartment balconies from level 8-15 met the recommended **walking** wind exposure criterion.*
- *Does not create adverse wind effects that are over the recommended **walking** criterion, or were above the wind conditions that are currently experienced at present. Therefore, no recommendations for wind mitigation were made.*

With the proposed design and recommendations:

- *The development fulfils the recommended criterion for **walking** criterion in the surrounding pedestrian footpath locations and trafficable thoroughfares.*

Vipac’s recommendation was to provide a temporary 1.5m high windscreen / landscaping across the undercroft. This is an undesirable outcome as it would impact on views to the Jockey’s Lodge from Epsom Road, contrary to the urban design outcomes of the CDP.

The applicant submitted an appendix (letter) to Vipac’s original report as part of the first s.50 application. The letter concludes that the changes to the building are not expected to unreasonably alter the wind conditions, on the basis that the landscaping proposed will assist in ameliorating any adverse wind impacts.

In order to fulfil the relevant criterion on-site, in the surrounding pedestrian footpath locations and trafficable thoroughfares, the following items would be required:

- a) Undertake further testing based on the assessed plans and any changes in accordance with permit conditions;
- b) Recommend other measures that are more appropriately integrated into the design response and avoid structures that may impact on views between Epsom Road and the former jockey lodge;

- c) Provide recommendations that ameliorate wind impacts so as not to rely on vegetation.

These items could be introduced by way of condition in any permit granted – **refer recommended Conditions 1o and 19.**

7.10. Public Open Space Contributions

Referring to Section 6.8 of this report, Council’s Open Space Planning team has reviewed the proposal in detail and has made three key points, which are addressed as follows:

- Privately owned publicly accessible open space can and should make a positive contribution to the public open space network in a meaningful way.

The proposed area of publicly accessible open space includes the entire front portion of land directly off Epsom Road – refer figure 15. This area makes a positive contribution to the site and area, essentially another quality park for use by the public in addition to Newmarket Reserve on the opposite side of Epsom Road.

The open space also provides public access (at allocated times) through to the gardens that surround the former Jockey’s Convalescent Lodge. These gardens will be returned to their former glory in accordance with the requirements of the Comprehensive Development Plan and proposed Landscape Concept.

- As no land contribution is proposed, a cash contribution to the open space fund will be required.

The permit applicant agrees that the ground level outdoor area is not a Public Open Space Contribution pursuant to Clause 53.01 of the Melbourne Planning Scheme and a contribution would be expected to be paid prior to a Statement of Compliance through the subdivision process.

- The preference for the proposed unfenced publicly accessible open space is to have 24 hour public access guaranteed.

Public access 24 hours, seven days a week could be secured through a condition in any permit granted – **refer recommended Condition 21a.**

7.11. Apartment Developments (Clause 58)

A Clause 58 assessment was undertaken and submitted with the original application, including a written response to each Standard and accompanying drawings prepared by the project architects that detail compliance. An updated written assessment was not submitted with the s.50 amendment application, however Clause 58 compliance drawings and diagrams were. A summary of compliance with the Clause 58 Standards and Objectives is as follows:

| Standard | Response |
|---------------------------|--|
| D1 – Urban context | The design responds to the character of the area insofar as the existing character includes a high-rise development directly to the north of the subject site and the proposed character is envisaged through the approved Comprehensive Development Plan. |
| D2 – Residential policy | Higher density residential development is proposed. |
| D3 – Dwelling diversity | A diverse number of dwelling sizes and bedroom numbers are proposed. |
| D4 – Infrastructure | The development can be connected to services and infrastructure. |
| D5 – Integration with the | Separate pedestrian and vehicle entries are proposed, enhancing |

| | |
|--|--|
| street | the Epsom Road street frontage. It is also noted that one existing crossover will be removed from Epsom Road. |
| D6 – Energy efficiency | The development has been designed to maximise daylight and solar access and respond to the relevant energy efficiency requirements – refer Section 6.6 of this report for further details. |
| D7 – Communal open space | Sufficient communal open space is provided throughout the building for residents (largely at Level 7) and is easily accessible. External communal open space is also provided at ground level throughout the centre of the site and around the Jockey’s Lodge; designed to maximise landscaping opportunities and is accessible, usable and efficient. |
| D8 – Solar access to communal open space | Adequate solar access is provided for the communal open space areas throughout the day, such is the orientation of the site and the hors-shoe building design, which also allows for filtered sunlight at various times. |
| D9 – Safety | All residential access points are easily identified, well-lit and safe. |
| D10 – Landscaping | Landscaping is provided throughout the building; on balconies and terraces; and within the large expanses of the site’s grounds, which will enhance the experience of the former Jockey’s Lodge. Further details around soil depths could be provided through conditions in any permit granted – refer recommended Condition 18c. |
| D11 – Access | Vehicle access is provided along Epsom Road, which is consistent with the approved Comprehensive Development Plan. |
| D12 – Parking location | Secure car parking is provided in the basement levels, not visible from the public realm. |
| D13 – Integrated water and stormwater management | Water Sensitive Urban Design has been integrated into the development – refer Section 6.6 of this report for further details. |
| D14 – Building setback | The development includes minimum setbacks of 4 metres from the northern and eastern boundaries and 4.78m from the western boundary. The setbacks increase on the west side of the building as the levels gradually step-back. These setbacks are sufficient to ensure ongoing access to light for new habitable rooms, avoid overlooking and provide excellent outlook for the dwellings. |
| D15 – Internal views | Internal views have been appropriately managed through siting, separation and design details such as overhanging balcony canopies. |
| D16 – Noise impacts | An Acoustic Report has been submitted with the application, prepared by Vipac. Recommendations have been provided to window glazing to control noise sources. These recommendations could be formally introduced by way of condition in any permit granted – refer recommended Conditions 1m and 20. |
| D17 – Accessibility | 51% of the dwellings meet the accessibility requirements, meeting the standard. |
| D18 – Building entry and circulation | Corridor widths are generally 1.8 metres. The building is broken into three sections, with each section serviced by a core. The corridors from each core all have access to natural light. The development is considered to comply with the standard. |
| D19 – Private open space | All dwellings are provided with the minimum required area of private open space, meeting the standard. |
| D20 – Storage | All dwellings have minimum storage area to meet the standard. |

| | |
|---------------------------|--|
| D21 – Common property | Common property has been integrated into the development and is functional and capable of efficient management. |
| D22 – Site services | The installation and maintenance of site services has been considered. Mailboxes are to be located in the residential foyer – shown within Foyer A on the plans. |
| D23 – Waste and recycling | Dedicated waste areas are provided, including a waste room within Basement 1 and bin rooms/chutes at each level. |
| D24 – Functional layout | Bedroom and living areas generally meet minimum requirements. |
| D25 – Room depth | Room depths generally meet minimum requirements. |
| D26 – Windows | Habitable rooms have a window in an external wall of the building. |
| D27 – Natural ventilation | 47% of the dwellings meet the cross ventilation standard. |

8. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that the City of Melbourne supports the proposal subject to the following conditions:

1. Amended plans before endorsement

Prior to the commencement of the development on the land, including demolition or bulk excavation, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the application plans, but amended to show:

- a) Changes to the floor levels within the northern wing of the building to ensure that no part of the building exceeds fifteen (15) storeys taken from the natural level of a site at any point, generally in accordance with the informal drawings [Ground Floor Plan (TP-A1203), Elevations (TP-A2200) and Sections (TP-A3004) dated 06-03-2020], submitted to Council on 6 March 2020. The changes must maintain minimum floor-to-ceiling heights and must not increase the overall height of the northern building wing.
- b) An increase in the height of the building's undercroft on the southern building wing by a minimum 350mm. The changes must maintain minimum floor-to-ceiling heights and must not increase the overall height of the southern building wing.
- c) Alterations to the landscape plan to provide a clearer and more intuitive path between Epsom Road and the former jockey lodge.
- d) The provision of greater landscaping height variation along Epsom Road outside the buildings' north wing, to improve the pedestrian experience.
- e) The location and surface area of raingardens.
- f) The location of EV charging car spaces.
- g) The location of hard waste areas.
- h) The location of an on-site waste collection service for bins placed in a temporary holding area within the property boundary, on a level surface and in close proximity to the waste truck pick-up area.
- i) Pedestrian site triangles and swept paths from Epsom Road.
- j) The provision of a minimum two on-site motorcycle spaces.
- k) Any design revisions to the development in accordance with the endorsed Environmentally Sustainable Design Statement.
- l) Any design revisions to the development in accordance with the endorsed Landscape Plan.

- m) Any design revisions to the development in accordance with the endorsed Acoustic Assessment.
- n) Any design revisions to the development in accordance with the endorsed Waste Management Plan.
- o) Removal of any reference to a “bar” or “tavern” use on-site.

2. Endorsed plans

The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

3. Façade Strategy

Before the development starts, excluding demolition, bulk excavation and site preparation works, a Façade Strategy must be submitted to and approved by the City of Melbourne. The Façade Strategy for the redevelopment must detail a full schedule of materials, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance. The Façade Strategy must also include:

- Detailed elevations, plans and sections at a scale of 1:20 of each key interface with the public realm and the courtyard.
- Sections and details at key junctions demonstrating the ribbon element embedded within the façade.
- Details of a seamless integration of the building cap.

4. Construction Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:

- a) public safety, amenity and site security.
- b) operating hours, noise and vibration controls.
- c) air and dust management.
- d) stormwater and sediment control.
- e) waste and materials reuse.
- f) traffic management.

5. Car Park Management Plan

Prior to the commencement of the use and development hereby permitted, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority.

The Car Parking Management plan must provide:

- a) Details of the means by which the on-site car parking and bicycle parking spaces approved under this permit will be allocated and managed.
- b) Confirmation that all spaces, ramps, grades, transitions, accessways and height clearances are generally designed in accordance with the MPS or AS/NZS 2890.1:2004.
- c) A Loading Management Plan, specifying how the access/egress of loading vehicles is to be managed. The design of the loading area, including all space

dimensions, grades and height clearances should comply with relevant standards for Commercial Vehicles (AS2890.2-2002).

- d) A car share scheme on the basis that a provider supports the location.
- e) Updated on-site car and bicycle parking numbers consistent with the architectural drawings.

When approved, the plan will be endorsed and will then form part of the permit. Management of the car and bicycle parking provided in association with the use must be in accordance with the approved plan, to the satisfaction of the Responsible Authority.

6. Waste Management Plan

Prior to the commencement of the development, an updated Waste Management Plan (WMP) shall be prepared and submitted to the Melbourne City Council – Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. The Waste Management Plan must respond to the following requirements:

- a) Deletion of any reference to private contractors performing waste collections at the development and the inclusion of details relating to the provision of an on-site waste collection service from bins placed in a temporary holding area within the property boundary.

Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Engineering Services.

7. Non-reflective glazing

Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

8. Drainage connection underground

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

9. Demolish and construct access

Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

10. Roads

All portions of roads affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

11. Footpaths

The footpath adjoining the site along Epsom Road must be reconstructed together with associated works including the renewal of kerb and channel and modification of

services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

12. Street levels not to be altered

Existing street levels in Epsom Road must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services

13. Existing street lighting not altered without approval

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

14. Street furniture

All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Epsom Road footpath outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.

15. Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Public Lighting Strategy, and include the provision of public lighting in Epsom Road adjacent the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

16. Environmentally Sustainable Design (ESD) Review

Prior to commencement of development of any building approved under this permit, including demolition or bulk excavation, an amended report from the author of the endorsed ESD report, or similarly qualified persons or companies, providing further detail on the targets included in the amended ESD report must be submitted to the Responsible Authority in consultation with the City of Melbourne. The report must be to the satisfaction of the Responsible Authority and the City of Melbourne and must include the following:

- p) Preliminary NatHERS modelling demonstrating compliance with Clause 58-03 thermal load requirements;
- q) Solar PV feasibility analysis to be undertaken and included in ESD report;
- r) End of trip facilities required for Green Star active transport credit;
- s) Required circuit capacity of 32A for electric vehicle charging spaces to be included in ESD report;

17. Implementation of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, relevant specification extracts, commissioning and testing reports, building user guides and other supplementary materials etc. required to demonstrate compliance with the relevant targets included in the ESD report.

18. Landscape package

Prior to commencement of development, including demolition or bulk excavation, a detailed scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority in consultation with the City of Melbourne. This should include:

- a) Landscape Maintenance Plan with further detail with respect to ongoing maintenance of on-structure planting and façade treatments, including specific provision for maintenance beyond the fifty two week period following Practical Completion.
- b) Detailed irrigation performance specification.
- c) Cross-sections and a plan showing growing medium depths in the proposed planter beds.
- d) Alterations to the landscape plan to provide a clearer and more intuitive path between Epsom Road and the former jockey lodge in accordance with Condition 1c.
- e) Provide greater landscaping height variation along Epsom Road, outside the buildings' north wing to improve the pedestrian experience in accordance with Condition 1d.

Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

19. Wind Report

Prior to the commencement of the development, an updated Wind Report must be submitted to and be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The updated Wind Report must assess wind conditions based on the most recent (Section 50 Amendment) architectural drawings, along with any changes required by Condition 1 of this permit. The report must demonstrate that the recommended criterion for walking in the surrounding pedestrian footpath locations and trafficable thoroughfares is met without the requirement for screening, temporary or otherwise, that would impact on views of the former jockey convalescent lodge, or reliance on vegetation. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

20. Implement acoustic measures

Prior to occupation of the development, the recommendations contained within the Acoustic Report prepared by Vipac, dated 21 August 2019, must be implemented at

no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

21. Legal Agreement

Prior to the commencement of the development, the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must include the provision that:

- a) Gives rights of public access to the ground level outdoor area as identified in green on the Landscape Accessibility Plan, prepared by Jack Merlo Design & Landscape Revision E dated 29.10.19, 24 hours, 7 days a week, but to remain at all times in private ownership as part of the subject land.

The owner must pay all of the Responsible Authority's and the Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

22. Compliance with SEPP No N-1 and/or SEPP No N-2

The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

23. No external audio equipment

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

24. No live music

No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

25. Development Time Limit

This permit will expire if one or more of the following circumstances apply:

- a) The development is not started within four years of the date of this permit.
- b) The development is not completed within six years of the date of this permit.
- c) The use is not started within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Traffic Engineering

City of Melbourne (CoM) will not change the on-street parking restrictions to accommodate the access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for other competing demands & access requirements. CoM reserves the right to change/introduce restrictions to on-street parking in the future. As per Council's policy, developments in this area that increase residential density are not entitled to resident parking permits. Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions.

Civil Design

All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads.

Urban Forest and Ecology

The opportunity to create space for public tree planting is welcomed. It is preferable that tree plots are formed by a continuous soil trench to ensure the largest possible soil volume. Details should be provided on engineering drawings for council approval at the required time, to City of Melbourne specification.

Land Survey

Should the owner of the land apply to subdivide the land, a cash contribution pursuant to Clause 53.01 of the Melbourne Planning Scheme will be required.