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28 March 2024

Ms Kathy Mitchell
Sandown Racecourse Advisory Committee Chair
Planning Panels Victoria
Level 5, 1 Spring Street, Melbourne VIC 3000
Via email: planning.panels@delwp.vic.gov.au

Dear Chair,

SANDOWN RACECOURSE ADVISORY COMMITTEE: CONSIDERATION OF PRE-EXHIBITION AGENCY REQUESTS

Urbis Ltd continues to act on behalf of Melbourne Racing Club (MRC) (the Proponent) with respect to the proposed Planning Scheme Amendment C229gdan for the redevelopment of Sandown Racecourse.

We thank you for the invitation to present at the inception meeting on 18 March 2024, and for the Sandown Racecourse Advisory Committee's preliminary consideration of the material provided in support of the proposed amendment.

This response addresses the Committee's further directions dated 19 March 2024, which stipulated the following:

- 1. Agencies are to identify what further information they consider they require to be updated or newly prepared and when such information is required, either pre-exhibition or provided as part of the Public Hearing process. Such response is to be documented and provided to the Committee and the Proponent by 12 noon, Monday 25 March 2024.*
- 2. Following receipt of agency responses, the Proponent is to inform the Committee in writing of its consideration of the agency requests, and where agreed, their estimation of how long they will need to respond to matters identified. Such response is to be provided to the Committee by 12 noon, Thursday 28 March 2024.*

In relation to item 1, we confirm receipt of responses from the following agencies:

- Department of Education
- Department of Planning and Transport (Transport)
- Environmental Protection Authority
- Heritage Victoria
- Maddocks, on behalf of Greater Dandenong City Council
- Melbourne Water.

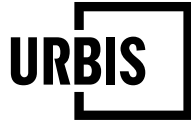
In response to Item 2, our consideration of the requests by each agency has in part been guided by the Terms of Reference issued by the Minister for Planning to the Committee, as well as discussion within the inception meeting. We note the Committee's further guidance that matters to be addressed prior to exhibition are limited to those that are 'threshold' in nature.

Table 1 identifies the agency, itemises the individual requests, and provides the Proponent response.



Table 1 - Agency Requests and Proponent Responses

Agency	No.	Request	Proponent Response
Department of Education	1	An updated Demographic Assessment which considers both any changes to anticipated development yields and recent demographic data.	Accept
	2	An updated Community Facilities Requirements report, which must consider updated demographic data and implications for early learning provision to meet the Best Start, Best Life reforms, including increased kindergarten hours for three-year-old and pre-prep children.	Accept
Department of Planning and Transport (Transport)	3	Updated Traffic/Transport Modelling that better reflects current and future network conditions. The traffic modelling previously undertaken is out of date (2015 – pre COVID) and is no longer considered acceptable as it does not reflect: current network conditions, Government policies and the changing land use conditions within the area surrounding the subject site. The Department can provide the updated Victorian Integrated Transport Model reference cases upon request.	<p>Accept in part.</p> <p>The Proponent's transport and traffic consultant (Stantec) is proposing to undertake a multi-stage approach to addressing this request.</p> <p>The first stage (to be finalised by 3 May) will be a review of recent traffic data and the completion of high-level VITM strategic modelling to advise on the adequacy of the previous Cardno (now Stantec) SIDRA modelling and consider the need for revisions to the proposed transport approach. The findings of this work would be included within a report, which could be exhibited as part of the Amendment material.</p> <p>The second stage, which responds to DTP's later comments about staging of infrastructure delivery (e.g. Day 1 and the ultimate network provisions – see Item 8), would consist of additional SIDRA modelling that includes analysis on future staging. Rather than physical stages of development, it may be more appropriate to model the level of development anticipated in 2031 and 2041. Stantec will liaise with DTP Transport on the development of this methodology.</p> <p>It is our view that a staged approach to the modelling task will align with the Committee's proposed program, as issued in the 19 March directions.</p>
	4	An updated masterplan of the entire Sandown Racecourse Precinct, including but not limited to;	Refer below
	5	<ul style="list-style-type: none"> An indicative plan should be developed in conjunction with the Department demonstrating how the applicable transport requirements have been considered. This will ensure that the 	Subject to the outcomes of the above modelling task, changes may be required to the CDP to reflect the applicable transport requirements.



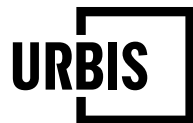
Agency	No.	Request	Proponent Response
		<p>required transport infrastructure can be delivered within the indicative areas shown within the Comprehensive Development Plan.</p>	<p>The updated Integrated Transport Plan and/or Planning Report will provide any necessary commentary on how any implications of the updated modelling have been considered.</p> <p>Given the outcomes of the updated modelling are unknown, we are unable to confirm the extent of changes to subsequent documentation that will be made prior to any submission date directed by the Committee.</p>
	6	<ul style="list-style-type: none"> The timing, staging and triggers for the precincts within the masterplan. This should provide guidance to the potential for network upgrades within the precinct and the broader transport network for each stage. 	<p>The timing of development is subject to a range of variables including future planning stages (Precinct Planning, permit applications); market and economic factors; and MRC / racing industry planning. As a result, it is not appropriate to nominate particular sequencing at this stage.</p> <p>The CDP defines precincts, which are further divided into sub-precincts and numbered to indicate the anticipated order of development. Development is likely to commence at the site's north, noting that the initial stages can commence while some site activities are ongoing, with access via upgraded high-capacity intersections at Princes Highway and Corrigan Road. Section 4.9 – Infrastructure and Staging provides objectives and requirements to ensure that development integrates with adjoining sites and is appropriately accessed and serviced.</p> <p>Delivery triggers for infrastructure items are prescribed in the CDP (Section 4.9) and the DCP (Section 5).</p>
	7	<ul style="list-style-type: none"> Identification of typical road cross sections required to facilitate future network demand, including potential bus requirements, active transport requirements and intersection designs. These cross sections will provide guidance to the ultimate land take required in supporting the transport network and its requirements. 	<p>The following elements of the CDP guide road dimensions and design standards:</p> <ul style="list-style-type: none"> Transport network is shown in figures 6, 7 and 8 which identify location of various street types and key infrastructure CDP Glossary provides definitions for Arterial Road, Connector Road, Local Access Street, Main Boulevard, Multimodal Interchange, PPTN, and Secondary Boulevard. Cross sections are provided at Appendix B of CDP. <p>The CDP will be updated if required and where possible within the proposed submission timeframe, subject to the outcomes of updated modelling.</p>
	8	<ul style="list-style-type: none"> Information to demonstrate that the transport requirements (modal, land take and network provisions) can be delivered to satisfy both Day 1 and the ultimate network provisions. 	<p>Please see response to Item 3.</p> <p>Note also that the precinct planning approach required by the CDZ3 is an appropriate point to undertake more detailed transport planning for the site's four precincts (closer to the anticipated point of delivery). For</p>



Agency	No.	Request	Proponent Response
			example, a Precinct Integrated Transport Plan must be approved prior to any subdivision and development within that precinct.
Environmental Protection Authority <i>Potentially contaminated land</i>	9	The proponent should select one of the following options to progress this amendment: <ol style="list-style-type: none"> 1. Comply with the requirements of MD1 upfront by completing either a preliminary risk screen assessment (PRSA) or environmental audit as part of the amendment process. 2. Defer the requirements of MD 1 via the application of the EAO by providing a clear justification as to why: <ol style="list-style-type: none"> a. it is 'difficult or inappropriate' to meet the requirements of MD1 at the time of the amendment; and b. the chosen boundaries of the EAO have been selected. 3. If the proponent or applicant wishes to vary the boundary of any audit requirement, as what is seemingly contemplated by the 'Environmental Desktop Study Contamination Risk Zone Plan Sandown Racecourse' in the Contamination Assessment, this should be achieved via conducting a PRSA upfront and by following the guidance in the Planner's Toolkit. 	<p>Project consultant, Douglas Partners, has provided advice that considers the implications of new legislation (<i>Environment Protection Act 2017</i>) on potential triggers to undertake various Auditing tasks, with reference to Planning Practice Note 30: Potentially Contaminated Land (PPN30).</p> <p>PPN30 states, '<i>where land has been determined to be potentially contaminated, but it is difficult or inappropriate to meet environmental audit system requirements at the amendment stage, the application of the Environmental Audit Overlay (EAO) to the land allows deferment of these requirements</i>'.</p> <p>Given the current understanding of site conditions, the proposed application of the EAO to the whole of the site represents a conservative approach in accordance with PPN30 and aligns with Greater Dandenong City Council's expectations. As such, it is considered to be sufficient for the purpose of exhibition.</p> <p>We therefore propose to respond to option 2 of the EPA's request in this regard by updating the Planning Report.</p>
<i>Noise</i>	10	The proponent should demonstrate how the Amendment addresses noise related risk and outline any specific noise attenuation measures required to protect occupants of new sensitive land uses from noise exposure, having regard to Clause 13.05-1S Noise Management of the VPPs, and the Environment Reference Standard (2021).	<p>Clause 13.05-1S stipulates that impacts of noise exposure should be minimised '<i>through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.</i>'</p> <p>Such matters can more appropriately be addressed when a greater level of detail is known regarding subdivision layout, location of proposed sensitive uses and the noise emissions at that time.</p> <p>This is not considered to be a threshold issue to be addressed at this stage.</p>
<i>Air quality</i>	11	EPA recommends that the proponent prepares a preliminary assessment that identifies sources of adverse amenity impacts including dust, odour and air emissions from nearby land uses and transport corridors with the potential for offsite impacts.	This is more appropriately addressed at future planning stages as potential sources of adverse amenity impacts are subject to change over time.
<i>Staging</i>	12	The Amendment proposes to divide the Site into four precincts. Prior to any permit being issued for subdivision, a Precinct Plan	The timing of development is subject to a range of variables including future planning stages (Precinct Planning, permit applications); market



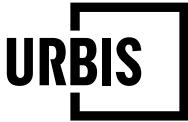
Agency	No.	Request	Proponent Response
		<p>will be required to be prepared and approved by the responsible authority.</p> <p>The Amendment documents do not detail when these precincts will be delivered. Importantly, it is unclear when existing activities on Site will cease, including the racecourse, motor racing track and any associated uses respective to the development of the site for residential uses.</p> <p>EPA recommends that the proponent prepares a staging plan which addresses the above, including how adverse amenity impacts from the existing land uses on the Site would be managed so that any new sensitive land uses on the Site are adequately protected from such impacts.</p>	<p>factors; and MRC / racing industry planning. As a result, it is not appropriate to nominate particular sequencing at this stage.</p> <p>With regard to racing activities, the Proponent acknowledges that motor racing would be incompatible with development of the land for sensitive uses and as such can confirm that motor racing will cease prior to the occupation of any such use (and likely earlier). This can be enforced through future planning stages.</p> <p>The proposed Amendment has been prepared to allow for the possibility that the horse racing use of the land may continue while early phase development commences. The first Precinct Plan will address any interface between existing site uses and development in this scenario. Similarly, there exists the possibility that racing would cease prior to any redevelopment of the site, which would make any consideration of potential co-location of uses redundant.</p> <p>It will be incumbent on the Proponent to demonstrate how any continuation of existing land uses can occur concurrent with the redevelopment of the site, if this circumstance does eventuate, at future planning stages. Structurally and procedurally, this is contemplated through the planning scheme requirements for Precinct Plans to be approved before permits can be granted.</p> <p>The horse racing calendar and planning for the industry's infrastructure network is managed by Racing Victoria. The Proponent has and continues to work collaboratively with Racing Victoria on the future of Sandown in the context of industry infrastructure needs. Ultimately, the decision to cease horse racing at Sandown will be subject to an MRC member vote, in accordance with the Club's constitution.</p> <p>For these reasons, it is not appropriate to nominate particular sequencing at this stage.</p> <p>Notwithstanding, the CDP defines precincts, which are further divided into sub-precincts and numbered to indicate the anticipated order of development. Section 4.9 – Infrastructure and Staging provides objectives and requirements to ensure that development integrates with adjoining sites, considers and mitigates any potential amenity impacts and is appropriately accessed and serviced.</p>
Heritage Victoria	13	Prior to public consultation, it is requested that a preapplication discussion with Heritage Victoria on the proposal is initiated by the proponent and/or their representatives. The Planning Report	We consider it would be premature to undertake pre-application discussions in relation to a future proposal for the VHR-listed Grandstand and its immediate surrounds. At section 4.5, the Comprehensive



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		<p>should then reference consultation with Heritage Victoria in relation to pre-application discussions rather than the registration process.</p>	<p>Development Plan includes objectives and requirements that reference the sensitivities associated with the registered Grandstand and its immediate setting, including a requirement to reference and interpret alignments of the horse and motor racing tracks. Beyond these overarching requirements, the CDP references the VHR registration and the CMP as relevant. However other than for these references and a general reference to repurposing of the Grandstand, the CDP does not propose or stipulate a particular outcome within the VHR extent.</p> <p>All works within the extent of registration for the Sandown Racecourse Grandstand would require a permit under the Heritage Act regardless of the planning scheme requirements and any planning approvals. It would be expected that the appropriate pre-application discussions would be undertaken in a future stage of planning.</p> <p>The reference to prior consultation with Heritage Victoria will be removed from the Planning Report.</p>
	14	<p>The Conservation Management Plan, Lovell Chen, 2017 (CMP), should be updated prior to any amendment to the Planning Scheme.</p> <p>In order to avoid delays, it is suggested that the 2017 CMP is advertised and any relevant document that addresses it reference the intention to update it. Should the Committee determine that the Minister support the amendment, a direction should be made to update the CMP prior to its inclusion in the Planning Scheme.</p>	<p>We acknowledge that the CMP should be updated to reflect changes in the period since its preparation, but agree with Heritage Victoria that this should not delay the current process and the existing CMP is sufficient for the purpose of exhibition.</p>
<p>Maddocks, on behalf of Greater Dandenong City Council</p>	15	<p>Council officers consider that the Schedule to Clause 53.01 should be updated prior to exhibition (from 2% to 10.1%) to reflect the 10.1% contribution amount for the site identified in other relevant Amendment documents, including the Comprehensive Development Plan (CDP), to ensure consistency between the CDP and the Schedule to Clause 53.01 and avoid future confusion.</p>	<p>We consider this matter to be a proposed change to the Amendment material rather than a request for further information and as such, we do not propose any change at this time.</p> <p>Notwithstanding, we have previously responded to Council on this issue as follows:</p> <p>The Schedule to Clause 53.01 includes a requirement for “2.0% of NDA” to align with the required provision of passive open space.</p> <p>Amending the Schedule to Clause 53.01 to require 10.1% open space would effectively duplicate 8.1% of that requirement, given that the 8.1% land component is accounted for in the DCP and with this suggestion both instruments would be separately enforceable.</p> <p>The DCP is proposed to be incorporated into the Scheme (along with the proposed amended Schedule to Clause 53.01), and we therefore do not</p>

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	16	<p>Council officers do not support the use of a Development Contributions Plan (DCP) for the site. As the site is one ownership, Council officers consider that the relevant infrastructure items should be delivered by the landowner, and implemented by way of a Section 173 Agreement, rather than a DCP. Council officers consider that this should be addressed and provided as part of the public hearing process.</p>	<p>see any risk of 'misunderstanding' or opportunity to reduce the contribution by a potential future landowner (as has been suggested by Council).</p> <p>We consider this matter to be a proposed change to the Amendment material rather than a request for further information and as such, we do not propose any change at this time.</p> <p>The DCP provides sufficient information regarding the contributions and triggers proposed for any party to make an informed submission, regardless of the mechanism used to implement the contributions.</p> <p>The Proponent is open to working with Council to consider the implications of using a Section 173 Agreement in lieu of the DCP through the exhibition / hearing process.</p>
Melbourne Water	17	<p>Sandown Drainage Strategy (Cardno) updated to include:</p> <ul style="list-style-type: none"> • A detailed hydrology study to calculate various AEP flows for this site using AR&R 2019 methodology considering climate change at 2100. • Developed condition flows to be retarded to pre-developed condition considering for all Annual Exceedance Probability (AEP) for the full range of durations subject to the climate change scenario 2100. • Modelling to show total catchment flow including flow from Sandown Racecourse (considering development condition including climate change scenario 2100) at Corrigan Road. These 1%AEP climate change flows must match with existing open channel capacity, for a range of various durations to avoid flooding downstream of subject site. If flows exceeded channel capacity then flood mitigation works will be required to be undertaken to ensure that flows are contained within the channel. <p>In order to meet this requirement, hydraulic modelling is required to be undertaken by a suitably qualified hydraulic engineer to demonstrate that the various AEP flood levels are not increased downstream of the subject site as a result of development. A flood impact assessment report will be required including maps showing various AEP flood level, velocity, flood extent and afflux.</p>	<p>Stantec (formerly Cardno) has advised that the existing reporting and modelling is suitable for the purposes of this stage of the planning process, and that any further work can be undertaken at future planning stages.</p> <p>In response to Melbourne Water's comments on the Drainage Strategy, Stantec has provided the following response:</p> <ul style="list-style-type: none"> • With regard to inflows, it is understood that the Engeny flood modelling report was reviewed and endorsed by Melbourne Water. • Location of proposed storages: the Cardno modelling located this within the open space areas adjacent to the waterway. The exact arrangement and location/s will be further refined during function and detailed design phases (including additional hydraulic modelling). • Modelling of other AEPs/Climate Change scenarios can be undertaken at future planning stages, as required.

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	18	<p>Melbourne Water requires the width of the waterway corridor to be approximately 100m, currently this is proposed to be 60m in the 2019 drainage strategy, which only considers hydraulics. Ultimately the revised Constructed waterway design manual Melbourne Water (December 2019) must be used to inform the determination of the corridor width, which includes setbacks for the passage of floodwaters, riparian enhancements, maintenance and open space (such as shared network pathways).</p>	<p>This request is a proposed change to the Amendment material rather than a request for further information and as such, we do not propose any change at this time.</p>
	19	<p>Flood Study (Engeny – new or updated)</p> <ul style="list-style-type: none"> • The flow information developed by Engeny within the hydraulic model (which requires approval from Melbourne Water) needs to re-calibrate flows and flood levels against the February 2011 flood event flow and flood level at the Springvale West Gauge Station (Parshall Flume with smaller Cut throat flume). • The afflux map within the Engeny report indicates properties downstream are significantly impacted – a plan to mitigate this must be developed. • Consideration of the Police Road Drain did not form part of the developed condition scenario and must be included. All new lots within the Sandown Estate are to be constructed flood free, with finished surface levels achieving required freeboard (300/600mm) above the 2100 1%AEP flood levels along the waterway and main drain • A new flood study that considers the climate change scenario for 2100 various AEP, including designing naturalised waterways within the site should be developed. 	<p>As a result of differing views on the flows that traverse the Sandown site during the preparation of the Amendment, Greater Dandenong Council, via the Integrated Water Forum Dandenong Catchment (DELWP managed forum consisting of local Councils, Melbourne Water, South-East Water, VPA and the Aboriginal land corporation for the relevant area within the catchment) completed an existing conditions flood assessment with hydraulic modelling completed by Engeny.</p> <p>The Proponent was not a party to the preparation of the model, but was advised that Melbourne Water had consented to the methodology and completion of the model.</p> <p>The Proponent, via its hydrology engineer, Cardno (now Stantec), completed a review of the Engeny model.</p> <p>The Proponent engaged Cardno (now Stantec) to use the Engeny model and prepare a post development model. Council retained Engeny during this study to review model assumptions and complete a peer review of the Cardno (now Stantec) proposal and report, which was agreed.</p> <p>In response to Melbourne Water’s comment that the Engeny report shows increases in downstream flooding as a result of the development, these design conditions were updated by Cardno (August 2020), which showed no increase in downstream flooding.</p> <p>Consequently, we consider that Melbourne Water has had sufficient input into the modelling approach and the flood study is appropriate for the purpose of exhibition.</p>



In response to the above, the Proponent proposes to update a selection of Amendment documents as a priority (subject to the Committee’s agreement). Table 2 provides further details regarding updates to be made in advance of exhibition, as per the Committee’s 19 March directions.

Table 2 - Proposed Updates to Documents prior to exhibition

Document	Type	Scope of Updates
Demographics Assessment, Urbis	Supporting Report	An addendum to the Demographic Analysis will be prepared to reflect updated population data and trends. The updated analysis should be read in conjunction with the original Demographic Report.
Community Facilities Requirements, ASR	Supporting Report	Updates to reflect demographic analysis and any relevant policy changes.
Open Space Requirements, ASR	Supporting Report	Updates to reflect demographic analysis.
Affordable Housing Report, UrbanXChange	Supporting Report	Updates to reflect demographic analysis and any relevant policy changes.
Retail and Economic Report, Deep End	Supporting Report	Updates to reflect demographic analysis and any relevant policy changes.
Planning Report, Urbis	Supporting Report	Updates to reflect: <ul style="list-style-type: none"> • New policy • Changes to supporting reports • Response to matters raised by EPA in relation to contaminated land • Any changes to ordinance or incorporated documents to reflect amended supporting reports.
Integrated Transport Plan, Stantec	Background Document	To be updated based on the results of Stage 1 transport modelling task (if required).
Comprehensive Development Plan, Urbis	Incorporated Document	Subject to the outcomes of Supporting Report updates, updates may be required.
Development Contribution Plan, Urban Enterprise	Incorporated Document	Subject to the outcomes of Supporting Report updates, updates may be required.
Schedules to CI 72.04 and 72.08	Ordinance	References to Incorporated Documents and Background Documents to be updated (e.g. new dates).

We confirm that the report updates outlined above can be completed by 3 May 2024 in accordance with the program proposed by the Committee in its letter of 19 March. The Proponent and Urbis look forward to the Committee’s consideration of the above and further directions.

Kind regards,

Evan Granger
Director