



**Merri-bek**  
City Council

## **COUNCIL AGENDA**

# **PLANNING AND RELATED MATTERS**

Wednesday 25 January 2023

Commencing 6.30 pm

Council Chamber, Merri-bek Civic Centre,  
90 Bell Street, Coburg

### **Language Link**

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## **Acknowledgement of the traditional custodians of the City of Merri-bek**

Merri-bek City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

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**1. WELCOME**

**2. APOLOGIES/LEAVES OF ABSENCE**

Cr Pavlidis is on an approved leave of absence from 19 December 2022 to 29 January 2023 inclusive.

Cr Carli Hannan requested a leave of absence from 22 January 2023 to 28 January 2023 inclusive.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

**4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 23 November 2022 be confirmed.

**5. COUNCIL REPORTS**

5.1 1-9 MORELAND ROAD, ESSENDON - MOONEE VALLEY 4

**6. URGENT BUSINESS**

## 5. COUNCIL REPORTS

### 5.1 1-9 MORELAND ROAD, ESSENDON - MOONEE VALLEY

Group Manager City Development, Phillip Priest

City Development

#### Executive Summary



<b>Property:</b>	1–9 Moreland Road, ESSENDON
<b>Proposal:</b>	Use and development of the land as a retirement village, reduction in car parking requirements, removal of native vegetation and alterations to access to a road in the Transport Zone 2
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"><li>• General Residential Zone (GRZ1)</li><li>• Significant Landscape Overlay, Schedule 2 (SLO2)</li><li>• Development Contribution Plan Overlay (DCPO)</li></ul>
<b>Responsible Authority:</b>	Moonee Valley City Council is responsible for administering and enforcing the planning scheme for the subject site. Notice of the planning application has been given to Merri-bek City Council who may lodge any objections with Moonee Valley City Council.
<b>Objections</b>	16 objections have been submitted from Merri-bek residents Key issues raised include: <ul style="list-style-type: none"><li>• Vegetation Removal</li><li>• Building height and bulk</li><li>• Traffic and car parking</li><li>• Overshadowing</li><li>• Noise, traffic and pollution from construction</li></ul>
<b>Community consultation meeting</b>	Moonee Valley Council officer has advised that the Merri-bek residents who objected will be invited to a Community Consultation Meeting which has been scheduled for 1 February 2023.
<b>Key reasons for support:</b>	<ul style="list-style-type: none"><li>• The development height and form is supportable as higher buildings are located centrally to the site with the visual impact of buildings located along the Moonee Ponds Creek, able to be mitigated by building setbacks and landscaping</li><li>• The building height and siting does not seek to vary any planning controls for the site.</li><li>• Sufficient setbacks and spacing provided between buildings from the creek providing an adequate landscaped buffer.</li></ul>
<b>Recommendation:</b>	No objection to the proposal from Merri-bek City Council.

## Officer Recommendation

That Council writes to Moonee Valley City Council advising that no objection is offered to the planning application. The letter should recommend that should the Moonee Valley City Council determine to grant a planning permit for the proposed use and development the following matters be considered for inclusion as requirement of any planning permit:

1. The need to ensure that landscaping plans support the intent of the concept plans to ensure protection and improvements to the creek corridor through the submission of:
  - a) A detailed Landscape Plan that contains the following:
    - i. Species locations and numbers
    - ii. Detailed automatic irrigation plan for all garden beds and lawn areas including location of water source and controller
    - iii. Landscape and irrigation maintenance plan to the satisfaction of the Responsible Authority
  - b) A Tree Management Plan in line with AS4970 to ensure protection of, and retention of, all High Value trees on the development site and protection of all trees along the creek corridor to the satisfaction of the Responsible Authority.

## **1. Background**

### **Subject site**

The subject site forms part of the Lionsville Site located at 1-9 Moreland Road and 262–270 Pascoe Vale Road, Essendon. This application specifically relates to 1-9 Moreland Road which is on the south-western corner of Moreland and Pascoe Vale Roads. It is made up of multiple lots, with a total area of 1.83 hectares. It is irregular in shape, with vehicle access to Moreland and Pascoe Vale Roads. The land is sloped, with a fall from west to east, towards the Moonee Ponds Creek

The site is currently vacant, following demolition works which occurred in late 2022.

The subject site is approximately 22 metres from the municipal boundary with Merri-bek City Council.

The land was previously owned by the Metropolitan Board of Works (MMBW), the City of Essendon, Melbourne Water (Victorian State Government). The land was transferred to Lionsville, with the last transfer occurring in 2021. Lionsville has recently sold the land to Ryman Healthcare in 2021.

### **Surrounds**

The surrounding area is characterised by predominantly residential development, with the exception of the Moonee Ponds Creek and associated parkland to the north-east and east of the site.

Directly to the north is 262-270 Pascoe Vale Road, which is developed with a 6 storey building used for a retirement village identified as 'Essendon Terrace'. This development occurred as Stage 1 of the redevelopment of the broader Lionsville site, as discussed below.

Along Pascoe Vale Road to the west and Moreland Road to the south, are detached single dwellings, located within the General Residential Zone.

The site is serviced by Glenbervie and Essendon Railway Stations, both under a kilometre away.

A location plan forms **Attachment 1**.

### **Planning Permit and site history**

- The site has previously operated as a retirement village, owned by the Lions Club.
- A masterplan to guide the future development of the site has been endorsed by the Moonee Valley City Council under Planning Permit MV/21230/2010. The masterplan approved the general arrangement of buildings on the site, typically within three and four storeys, to be used for independent living apartments including a Day Care Facility and Community Centre. The buildings were to be constructed in three stages.
- Planning Permit MV/21230/2010 permits the construction of two buildings which represents Stage 1 of the masterplan; the recently constructed 'Essendon Terrace' building (6 storeys) on the northern part of the broader Lionsville site, and another retirement living building (5 storeys) situated at the corner of Moreland and Pascoe Vale Roads, which has not commenced construction.
- The planning permit was recently extended and is valid.

- The current application proposes new developments at the corner of Moreland and Pascoe Vale Roads (similar in scale to the permitted buildings) and on the remainder of the site to the east (Stages 2 and 3 of the masterplan). The applicant has confirmed that they would be lodging an amendment to Planning Permit MV/21230/2010 to ensure that the built form proposed under this current application for the building on the corner of Moreland and Pascoe Vale Roads is reflected in the existing permit.

### The proposal

#### Use

- Residential Aged Care facility with 60 beds.
- Retirement Village, with 162 Independent Living Units and 50 Assisted Living Suites.
- Shared communal facilities for residents of both facilities, bowling green, gym, pool, dining, lounge, theatre, games room, library and café within the central complex

#### Built form

- Seven buildings, ranging from four to six storeys.
- Site coverage: 59.54 per cent
- Permeability: 28.55 per cent
- Maximum building height: 20.60 metres

#### Car and bicycle parking

- 260 spaces provided in basement levels and at-grade.
- 12 bicycle spaces provided in basement for staff.

The development plans form **Attachment 3**, and the landscape plans form **Attachment 4**.

### Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone	<ul style="list-style-type: none"> <li>• A permit is required for the use of the land for a retirement village</li> <li>• A permit is not required for the use of the land for residential aged care.</li> <li>• A permit is required for the buildings and works associated with a retirement village and residential aged care.</li> </ul>
Significant Landscape Overlay, Schedule 2 (SLO2)	<ul style="list-style-type: none"> <li>• A permit is not required to construct a building that is sited more than 30 metres from the bank of the Moonee Ponds Creek.</li> <li>• A permit is required to remove native vegetation.</li> </ul>
Particular Provisions	<ul style="list-style-type: none"> <li>• A permit is required to reduce the car parking requirement from 264 to 260 spaces.</li> <li>• A permit is required to remove Native Vegetation</li> <li>• A permit is required to alter access to a Road in a Transport Zone 2.</li> </ul>

Planning controls map form **Attachment 2**.

## 2. Internal/ External Consultation

### Public notification

Notification of the application has been undertaken by Moonee Valley City Council, pursuant to Section 52 of the *Planning and Environment Act 1987*. As part of this notice process:

- Merri-bek City Council was notified as a neighbouring Council.
- Approximately 75 properties within Merri-bek were notified.

At the time of writing this report, a Moonee Valley Council officer advised that the application has received 16 objections from Merri-bek residents raising the following key issues:

- Vegetation removal
- Building height and bulk
- Traffic and car parking
- Overshadowing
- Noise, traffic and pollution from construction

Moonee Valley Council officer has advised that the Merri-bek residents who objected will be invited to a Community Consultation Meeting which has been scheduled for 1 February 2023.

### External referrals

Pursuant to Clause 52.29-4, the application is required to be referred to Department of Transport. Moonee Valley City Council officer has advised that the application has been referred and they are waiting for comments.

### Internal referrals

The proposal was referred to the following internal branches/business units:

Internal Branch/Business Unit	Comments
Open Space	Supports the proposal and submitted landscaping plans.
Development Engineering	Supports the reduction in car parking, access and traffic movement.

## 3. Policy Background

### Moonee Valley Planning Policy Framework (PPF):

- Clause 12 – Environmental and Landscape Values
- Clause 12.03 – Water bodies and wetlands
- Clause 14.02 - Water
- Clause 15.01 – Built Environment
- Clause 19.03-3L – Integrated Water Management
- Clause 19.03-3L – Water Sensitive Urban Design
- Clause 52.06 – Car parking
- Clause 52.17 – Native Vegetation
- Clause 52.29 – Land Adjacent to a Principal Road Network
- Clause 53.17 – Residential Aged Care Facility



## **Moonee Valley Incorporated Documents**

- Moonee Ponds Creek Concept Plan
- Moonee Ponds Creek Strategic Plan (Land Design Partnership Pty Ltd, Urban Enterprise Pty Ltd and Golder Associates Pty Ltd, 2011)

### **Amendment VC201**

Amendment VC201 was gazetted into the Moonee Valley Planning Scheme on 16 December 2022 and aims to improve waterway health, amenity and access while acknowledging the important community and cultural values associated with waterways. The amendment updates the State Policy at Clause 12.03 (Water bodies and wetlands) by providing further guidance for the protection of all Victorian waterways. The amendment also introduces an interim Significance Landscape Overlay (SLO) over the Monee Ponds Creek to acknowledge, protect and enhance the waterway. This interim overlay is in place until 31 December 2026.

### **Aboriginal Heritage**

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018* provide for the protection of Aboriginal places, objects and human remains in Victoria.

A Cultural Heritage Management Plan (CHMP) is required for the application, and Moonee Valley Council planning officers have advised that this information has been requested and will be provided prior to a decision being issued.

### **Human Rights Consideration**

This application is being reviewed in consideration of the requirements of the *Planning and Environment Act 1987* (including the Moonee Valley Planning Scheme) reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*.

This officer review has had particular regard to:

- Section 13: Privacy and Reputation
- Section 20: Property rights

The privacy of nearby residents will need to be considered as part of the application process.

## **4. Issues**

As outlined above, Council has been notified of this planning application which is within the Moonee Valley City Council municipality. The key matters for Council to consider in determining whether to object or not object to the application is the impacts the proposed development will have on the Monee Ponds Creek and the City of Merri-bek. In considering the application regard has been given to the Moonee Valley Planning Scheme, objections received from Merri-bek residents and the merits of the application

### **Does the proposal have an acceptable height and interface with the City of Merri-Bek having regards to height, bulk and design?**

#### *Height and visual bulk*

The nesting diagram at Clause 73.04 of the Planning Scheme does not include Residential Aged Care or Retirement Village within a 'Residential Buildings'. Therefore, the mandatory building height requirement of 11 metres and 3 storeys in the General Residential Zone which applies to the construction of dwellings and residential buildings is not applicable to the proposal.

The Particular Provision at Clause 53.17 (Residential Aged Care Facility) of the Planning Scheme outlines specific requirements which relates to facilitating and developing well-design residential aged care facilities. The Clause sets a maximum building height of 16 metres for a Residential Aged Care Facility. The proposed aged care component of the developments meets this maximum height limit. There are no other built form or building height controls in the Moonee Valley Planning Scheme for a 'Retirement Village'.

The subject site is located 20 metres west of Moonee Ponds Creek, and interfaces with the creek and parkland to the east and north of the site. The Moonee Ponds Creek is protected with the Significant Landscape Overlay (SLO2). An objective of the SLO2 is to ensure buildings and works are not visually dominant when viewed from the waterway corridor.

Having considered the overall site context, the current masterplan, and the site's area of 1.8 hectares, it is considered that the proposed height of 4 to 6 storeys is appropriate and will not be visually dominant when viewed from its surrounds.

The six storey buildings proposed are contained centrally within the site, and all buildings abutting the creek and Moreland Road are four storeys. The proposed location of the four storey buildings is consistent with the current masterplan which approved buildings at 4 storeys height adjacent to the creek and Moreland Road.

Although the built form is higher than the surrounds, which is predominantly double-storey, the development provides a transition from the two-storey built form by utilising significant setbacks along the frontage to Moreland Road and from the Monee Ponds Creek to the east. The front setback to Moreland Road in the eastern part of the site (the closest point to Merri-bek) is 26 metres, and the setback ranges from 13 - 18 metres from the eastern boundary noting that this is greater than the setback shown on the approved masterplan which ranges from 3.9 – 6.9 metres. The proposed development is an improvement from the current masterplan as it proposes buildings of similar scale along the creek but with greater setbacks. In addition, the 13 – 18 meters setback from the eastern boundary ensures that the overall buffer between the built form and Monee Ponds creek is 30 metres or more therefore, providing a site sensitive response.

The buildings have been adequately sited with sufficient setbacks that ensures that there are large spaces between the buildings, allowing for views directly through the site to the parkland to the north of the site.

Additionally, there are trees proposed along Moreland Road and the eastern boundary which have mature heights ranging from 6 to 15 metres. These new trees together with the existing trees which will be retained will ensure that significant screening is provided from the creek to mitigate any visual bulk impacts.

#### *Site coverage*

Clause 53.17 (Residential Aged Care Facility) sets out the development requirements that a residential aged care facility is required to meet in the General Residential Zone. Although this only applies to the aged care facility component, this can be used as a guide to assess the proposal. With regards to site coverage, Clause 53.17 outlines that site area covered by buildings should not exceed 80 per cent. The proposed site coverage is 59 per cent which is well below the requirements. Moreover, the development sits within a heavy landscape setting which assists with breaking up the built form and reducing the proposed massing and the bulk on site.

### *Building materials, design and details*

The proposed materials and finishes which are a mix of brick, render and stone are of high quality. The colours are in grey and brown therefore ensuring that the buildings have a muted appearance. This will allow the green planting/landscaping to be the more striking characteristic of the development. The contrast in colours, textures and materials also assist with creating architectural interest in the building which breaks up the appearance and scale of the buildings.

### **Does the proposal adequately respond to the Moonee Ponds creek and environs?**

The Moonee Ponds Creek is one of the most significant and valued river corridors in the west. While the west side of the creek is protected by the Significant Landscape Overlay (SLO2), the Merri-bek side of the creek to the east is protected by the Environmental Significance Overlay (ESO2). An objective of both these overlays is to enhance water quality.

The health of the Moonee Ponds Creek is therefore a key consideration. The water quality of the creek should not be undermined by development along the creek. The proposal seeks to protect the water quality by ensuring that all impervious surfaces are captured and treated, and that all hardstand run-off is collected into raingardens ensuring that there is no untreated water directed into the creek. A Water Sensitive Urban Design (WSUD) response has been submitted demonstrating this. The proposal minimises the amount of hardstand paving in general, and utilises a significant amount of permeable and landscaped surfaces, which improves water-run off quality. This complies with the integrated water management policy at Clause 19.03-3L of the Moonee Valley Planning Scheme.

An adequate buffer has been provided through siting the proposed buildings more than 30 metres from the bank of the creek. The submitted landscaping plan also shows exclusively indigenous plant selection, with a planting density of 4m<sup>2</sup> along this section of the site. This also ensures a dense buffer of plants is provided which is suited to the creek, its aesthetics and the ecosystem.

Overshadowing diagrams prepared at the September equinox has been submitted which shows that the extent of the shadow cast by the proposal will be limited to the site itself. It is only at 3pm when there will be minimal shadows extending into the reserve to the east. This is not considered to be detrimental to the overall useability and amenity of the reserve and the creek.

### **Is the extent of vegetation removal acceptable?**

The proposed development requires the removal of 38 trees from the subject site. Of these, two require a planning permit under Clause 52.17 (Native Vegetation Removal) of the Moonee Valley Planning Scheme. This means that all other trees do not require a planning permit for removal. Furthermore, the application does not require an assessment under the standards and objectives of Clause 55 including Standard B13 (Landscaping) as the application does not relate to a dwelling or residential building.

The application proposes to retain 8 trees on-site, as well as implementing tree protection zones along the boundaries to protect the trees off-site and around the creek. Those trees which are shown to be removed but did not require a planning permits have already been removed on site.

The two trees requiring a planning permit under Clause 52.17 (Native Vegetation Removal) are Tree 32 (Black Sheoak) and Tree 36 (Silver Wattle). There are other trees on site which are native, but have characteristics that suggest they are planted.

Although there are high number of trees being removed from the site, under the current approved masterplan, these trees were ultimately to be removed. Furthermore, the application proposes a significant amount of new planting as shown in the advertised landscape plan. The landscape plan proposes planting from the Riparian Woodland Ecological Vegetation Classes including trees, shrubs and grasses along the outline of the site, to provide a buffer along with the existing remnant vegetation from the Moonee Ponds Creek. The rest of the site would have a heavily native influenced selection of trees, with some exotic trees. The inclusion of exotic trees is a functional decision, as it allows more trees to be planted in close proximity to built form, plumbing and pedestrian areas.

There will be more trees on the site under the proposed landscape plan than that have been on the site previously. In particular, the dense indigenous planting along the outline of the site and within the buffer did not exist previously; parts of this area was previously paved. The redevelopment of this site increases the quantity and quality of vegetation proximate to the creek. This supports the objectives of the SLO2 which encourages retention of riparian vegetation and revegetation to ensure that it is a dominant landscape feature of the river corridor.

Having considered the increased landscaping/ planting on the site, the removal of the two native trees can be justified. The application has been accompanied with a Biodiversity Assessment report which outlines that if a permit is granted for the removal of the native vegetation, a native vegetation offset must be obtained from the relevant vicinity before the native vegetation is removed, to compensate for the removal of biodiversity. This is typically achieved through planning permit conditions should a permit be granted.

Council's Open Space Unit has reviewed the application and is satisfied with the proposal, which acknowledges that the submitted landscaping plan is a sensitive response to the SLO2 and the Moonee Ponds Creek. As part of Council's response to Moonee Valley City Council, a suggestion will be to impose conditions, should a planning permit be issued, requiring detailed landscaping plan and tree protection/management plans that support the intent of the proposal to protect and improve the vegetation along the river corridor.

#### **Are the parking provision and traffic impacts acceptable?**

Pursuant to Clause 52.06-5 of the Planning Scheme, the proposal has a statutory requirement to provide 264 car spaces. The proposal provides for 260 car spaces and therefore seeks approval for the reduction by 4 spaces.

Council's Development Engineering officer has reviewed the application including the submitted traffic report and is satisfied that the proposed reduction of 4 spaces can be supported as:

- The shortfall is minimal.
- The site is located in close proximity to public transport routes.
- The total number of car parking spaces provided exceeds the typical demand of car parking spaces anticipated by households in Essendon as per the Australian Bureau of Statistics 2021 data.
- 12 staff bicycle spaces have been provided although there is no statutory requirement to provide bicycle parking for the application.

Council's Development Engineer officer is also satisfied with the proposed access arrangements and considers that the level of traffic generated by the proposal will be modest and can be accommodated in Moreland and Pascoe Vale Roads without any detrimental impact.

## 5. Response to Objector Concerns

The following issues raised by objectors are addressed in section 4 of this report:

- Vegetation removal
- Building height and bulk
- Traffic and car parking
- Overshadowing

The issue raised by objector relating to noise, traffic and pollution from construction is addressed below:

### *Construction issues*

Discussions with Moonee Valley Council officers confirms that there will be a requirement to submit a Construction Management Plan which will be reviewed and assessed by Moonee Valley Council's Development Engineering Department. Additionally, the Environment Protection Authority (EPA) provide guidelines and regulations that specify times for construction, to limit noise impacts.

## 6. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

## 7. Financial and Resources Implications

There are no financial or resource implications.

## 8. Conclusion

In summary, the proposal provides for uses that will serve the needs of the local community and an ageing community. The use and development is in keeping with the planning policy, and the buildings do not seek to vary any building height or setback requirements of the Moonee Valley Planning Scheme. The assessment has found that subject to the inclusion of appropriate planning permit conditions the proposal will not be detrimental to the significance and aesthetics of the Moonee Ponds Creek corridor. In addition, the development sits within a heavily landscaped setting that can be further improved and assists with reducing the visual impacts while ensuring that the landscaping remains a dominant feature of the site and creek corridor. For these reasons it is recommended that, Council writes to Moonee Valley City Council to advise that it has no objection to the planning application while suggesting the consideration of inclusion of appropriate conditions in respect to resolution of landscaping should the Moonee Valley City Council determine that a planning permit should be issued.

## Attachment/s

<a href="#">1</a>	Location Plan - 1-9 Moreland Road, Essendon	D23/6889
<a href="#">2</a>	Planning Controls Map - 1-9 Moreland Road, Essendon	D23/6891
<a href="#">3</a>	Plans - 1-9 Moreland Road, Essendon	D23/32
<a href="#">4</a>	Landscape Plan - 1-9 Moreland Road, Essendon	D23/10243

# Location plan



The site is approximately 20 metres west of the Moonee Ponds Creek, the municipal boundary between Moonee Valley and Merri-bek

The development will be visible from Moreland Road, in Merri-bek















































































































































































































































