



**GREATER
DANDENONG**
City of Opportunity

AGENDA

ORDINARY COUNCIL MEETING

MONDAY, 28 MAY 2018

Commencing at 7:00 PM

COUNCIL CHAMBERS

225 Lonsdale Street, Dandenong VIC 3175

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	MEETING OPENING	1
1.1	ATTENDANCE	1
1.2	OFFERING OF PRAYER	1
1.3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
1.4	ASSEMBLIES OF COUNCIL	2
1.5	DISCLOSURES OF INTEREST	3
2	OFFICERS' REPORTS	4
2.1	DOCUMENTS FOR SEALING	4
	2.1.1 Documents for Sealing	4
2.2	DOCUMENTS FOR TABLING	6
	2.2.1 Petitions and Joint Letters	6
2.3	STATUTORY PLANNING APPLICATIONS	13
	2.3.1 Planning Decisions Issued by Planning Minister's Delegate - April 2018	13
	2.3.2 Planning Delegated Decisions Issued - April 2018	16
	2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01)	27
	2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656)	52
2.4	OTHER	118
	2.4.1 List of Registered Correspondence to Mayor and Councillors	118
	2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 7 May 2018	121
	2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021	124

2.5	POLICY AND STRATEGY	130
2.5.1	Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel	130
3	NOTICES OF MOTION	155
4	REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS	156
5	QUESTION TIME - PUBLIC	157
6	URGENT BUSINESS	158

1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 OFFERING OF PRAYER

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening will be offered by Sr Wijeyavani Wijeyakumar from the Brahma Kumaris World Spiritual University, a member of the Greater Dandenong Interfaith Network.

1.3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 14 May 2018.

Recommendation

That the minutes of the Ordinary Meeting of Council held 14 May 2018 be confirmed.

1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 9 May to 23 May 2018:

Date	Meeting Type	Councillors Attending	Topics Discussed & Disclosures of Conflict of Interest
9/05/18	Community Safety Advisory Committee	Roz Blades, Angela Long, Maria Sampey	- Community Safety Advisory Committee Meeting
10/5/18	Positive Ageing Advisory Committee	Roz Blades	- Positive Ageing Advisory Committee Meeting
14/5/18	Councillor Briefing Session	Roz Blades, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Sean O'Reilly, Zaynoun Melhem, Heang Tak, Loi Truong	- Reconciliation action plan artwork to be installed in Council Chamber. - Update on Team 11 activities. - Agenda items for the Council Meeting of 14 May 2018.
21/5/18	Councillor Briefing Session	Roz Blades, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Sean O'Reilly, Zaynoun Melhem, Maria Sampey (part), Heang Tak	- Proposed concepts for development of a multipurpose indoor training centre at Shepley Oval in Dandenong. - Review and update of the existing Sports Management Plan. - Review of the current tag line "City of Opportunity" in Council's logo. - Review of the Greater Dandenong Charitable Fund. - Update on Team 11 activities. - Alleged pollution in Dandenong Creek. - Agenda items for the Council Meeting of 28 May 2018.

Recommendation

That the assemblies of Council listed above be noted.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in sections 77A, 77B, 78, 78A-E & 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- complete a disclosure of interest form prior to the meeting.
- advise the chairperson of the interest immediately before the particular item is considered (if attending the meeting).
- leave the chamber while the item is being discussed and during any vote taken (if attending the meeting).

The Councillor will be advised to return to the chamber or meeting room immediately after the item has been considered and the vote is complete.

2 OFFICERS' REPORTS

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id: A2683601

Responsible Officer: Director Corporate Services

Report Summary

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must therefore have a common seal (like any corporate entity) that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Recommendation Summary

This report recommends that the listed documents be signed and sealed.

2.1.1 Documents for Sealing (Cont.)

Item Summary

There are four [4] items being presented to Council's meeting of 28 May 2018 for signing and sealing as follows:

1. A letter of recognition to Motahar Khan, Regulatory Services for 10 years of service to the City of Greater Dandenong;
2. A letter of recognition to Rebecca Goddard, Regulatory Services for 10 years of service to the City of Greater Dandenong;
3. A letter of recognition to Paul Butler, Regulatory Services for 10 years of service to the City of Greater Dandenong; and
4. A lease between the City of Greater Dandenong and P A Plastics Pty Ltd for Land: part 525-527 Hammond Road, Dandenong South, Victoria, 3175.

Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Director Corporate Services
Attachments:	Petitions and Joint Letters

Report Summary

Council receives a number of petitions and joint letters on a regular basis that deal with a variety of issues which have an impact upon the City.

Issues raised by petitions and joint letters will be investigated and reported back to Council if required.

A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:

1. the full text of any petitions or joint letters received;
2. petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
3. the final complete response to any outstanding petition or joint letter previously tabled along with the full text of the original petition or joint letter and the date it was responded to.

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current Meeting Procedure Local Law. These are also tabled.

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received no new petitions and no joint letters prior to the Council Meeting of 28 May 2018.

N.B: A summary of the progress of ongoing change.org petitions has been provided in the attachment to this report.

Recommendation

That the listed items detailed in Attachment 1, and the current status of each, be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 5 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No of Petitioners	Status	Responsible Officer Response

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Other/Submissions		No of Co-Signatures	Status	Officer Response
Date Received	Content			
June 2017	<p>(Via Change.org) Begin detailed design of an integrated, intergenerational Keysborough South Community Hub. Keysborough South needs Council to urgently start the detailed design of community hub to meet the needs of all ages and interests in a population of over 10,000 residents and still growing.</p>	<p>Currently 111 signatories.</p> <p><i>This petition has now closed.</i></p>	Completed 30/06/17	

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Other/Submissions	Date Received	Content	No of Co-Signatures	Status	Officer Response

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

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2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - April 2018

File Id:	qA280444
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Planning Declared Area Delegated Decisions April 2018

Report Summary

This report provides Council with an update on the exercise of delegation by Planning Minister's delegate.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in April 2018.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PDA#.01 or similar, are applications making amendments to previously approved planning permits.

Recommendation

That the items be received and noted.

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - April 2018 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DECISIONS ISSUED BY PLANNING MINISTER'S DELEGATE -
APRIL 2018**

ATTACHMENT 1

**PDA DELEGATED DECISIONS ISSUED –
APRIL 2018**

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - April 2018 (Cont.)

City of Greater Dandenong

PDA Delegated Decisions Issued 1/04/2018 to 30/04/2018

Application ID	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Notified	Ward
PDA16/0005.01	1-21 Hornsby Street DANDENONG VIC 3175	Taylor's Development Strategists Pty Ltd	AMENDMENT TO: Mixed Use Development - 82 x apartments (11 level), 27 x townhouses (3 level), shop, reduction in car parking requirements and waiver of loading bay requirements	Amend the conditions of the permit where an alternative response to the condition is proposed, this includes deletion and amendment of wording of some conditions in Condition 1	Delegate	AmendPerm	12/04/2018	RedGum
Total :							1	

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2.3.2 Planning Delegated Decisions Issued - April 2018

File Id:	qA280
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Planning Delegated Decisions Issued April 2018

Report Summary

This report provides Council with an update on the exercise of delegation by Council officers.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in April 2018.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PLN#.01 or similar, are applications making amendments to previously approved planning permits.

The annotation 'SPEAR' (Streamlined Planning through Electronic Applications and Referrals) identifies where an application has been submitted electronically. SPEAR allows users to process planning permits and subdivision applications online.

Recommendation

That the items be received and noted.

2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

STATUTORY PLANNING APPLICATIONS

PLANNING DELEGATED DECISIONS ISSUED - APRIL 2018

ATTACHMENT 1

**PLANNING DELEGATED DECISIONS ISSUED
– APRIL 2018**

PAGES 10 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Planning Delegated Decisions Issued from 1/04/2018 to 30/04/2018

City of Greater Dandenong

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN03/0493.01	No	18-20 Cyber Loop DANDENONG SOUTH VIC 3175	Masterwall	AMENDMENT TO Buildings & Works (Industrial Building)	Amend endorsed plans to show temporary wash bay	Delegate	AmendPerm	12/04/2018	RedGum
PLN04/0496.02	No	39 Corrigan Road NOBLE PARK VIC 3174	Theresa Prasad	AMENDMENT TO PERMIT: alterations and additions to the existing single dwelling located on Lot 2 PS542315	Permit is not required for a lot exceeding 300sqm	Delegate	NotRequire	19/04/2018	Springvale
PLN07/0771.01	No	8 Leman Crescent NOBLE PARK VIC 3174	Avanti Homes	AMENDMENT TO Multi Unit Development x 5 (all new double storeys)	Amend endorsed plans to show brick fence, location of meter box/mail boxes, paving concreted, delete condition 1.22 relating to water tanks and vary condition 1.7 to have obscure glass instead of screens	Delegate	AmendPerm	26/04/2018	Paperbark
PLN10/0571.01	No	155 Glasscocks Road DANDENONG SOUTH VIC 3175	LPD Property Pty Ltd	AMENDMENT TO Subdivision of the land and associated works.	Amend permit preamble to include 55 lots, amend condition 9 to state prior to the certification applicant/owner must provide drainage and amend condition 25 to state Fox Drive must be fully constructed prior to statement of compliance	Applicant	Withdrawn	27/04/2018	RedGum
PLN11/0386.01	No	96 Corrigan Road NOBLE PARK VIC 3174	Ogee Architects Pty Ltd	Amendments to Planning Permit no. PLN11/0386	Amend Permit to delete Condition 1.10 relating to fixed or awning windows and amend endorsed plans to show material changes	Delegate	AmendPerm	27/04/2018	Lightwood
PLN13/0150.02	No	66-70 Thomas Murrell Crescent DANDENONG SOUTH VIC 3175	Forcite Planning & Bushfire Consultants	AMENDMENT TO: Change of use (materials recycling) Building and Works (associated buildings).	Amend endorsed plans of the placement of driveway, increase landscaping, carparking, inclusion of shed, relocation in shelter, reduction of plastics cage and inclusion of concrete barrier.	Delegate	AmendPerm	06/04/2018	RedGum

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1

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN13/0769.04	No	5 Newson Street KEYSBOROUGH VIC 3173	Abbotcrest Pty Ltd	AMENDMENT TO Subdivision x 29	Amend permit Condition 3.1.6 to change the site coverage requirements for each lot from 60% to 70%	Delegate	AmendPerm	11/04/2018	RedGum
PLN14/0062.03	No	171-197 Hammond Road DANDENONG SOUTH VIC 3175	Vaughan Constructions Pty Ltd	AMENDMENT TO: Use of site for warehouses, and Buildings and Works (4x warehouse)	Amend permit preamble and conditions to seek approval for industrial development	Delegate	AmendPerm	12/04/2018	RedGum
PLN14/0338.02	No	207 Gladstone Road DANDENONG NORTH VIC 3175	Blueprint Pty Ltd	AMENDMENT TO Multi Dwelling Development x 2 (Double Storey) New	Amend permit to allow changes to multi dwelling development x 2 (double storey)	Delegate	AmendPerm	23/04/2018	Silverleaf
PLN15/0117.01	No	153 Lightwood Road NOBLE PARK VIC 3174	Mohammad Fazal Ilahee	AMENDMENT TO Multi Dwelling Development x 3 (2 Double Storey, 1 single storey) new	Amend endorsed plans to reflect what was constructed on the site	Delegate	AmendPerm	11/04/2018	Paperbark
PLN15/0281.01	No	10 Lexton Avenue DANDENONG VIC 3175	Nino G. Lucci & Associates - Architects	Amend Planning Permit no. PLN15/0281 authorising 'the construction of five (5) single storey dwellings' as follows: The development of the land for five (5) dwellings comprising two (2) single storey dwellings at the front of the site and three (3) double storey dwellings at the rear	Amend endorsed plans to show 4 dwellings instead of 5 dwellings	Delegate	NOD	18/04/2018	RedGum
PLN15/0588.01	No	52-54 Thomas Murrell Crescent DANDENONG SOUTH VIC 3175	Haulaway Services Pty Ltd	AMENDMENT TO: To use and develop the land for the purpose of Materials recycling in accordance with the plans submitted with the application	Amend permit preamble to include 46-50 Thomas Murrell Crescent and amend endorsed plans to relocate car parking and truck wash	Delegate	AmendPerm	20/04/2018	RedGum
PLN16/0946	No	1 Kintore Street SPRINGVALE VIC 3171	LWY & Associates	Development of the land for two six storey buildings (and two basement levels) comprising fifty four dwellings and four shops on land affected by DDO.	Commercial 1 Zone, 613.06sqm	Delegate	PlanPermit	12/04/2018	Lightwood

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN17/0102	No	1626-1638 Centre Road SPRINGVALE VIC 3171	Springvale Business Park Pty Ltd C/o - Tom Hamilton	Use of the land for warehousing within thirty (30) metres of a residential zone, building and works in association with warehousing, reduction in car parking under Clause 52.06, removal of native vegetation under Clause 52.17 and alteration of access to a road in a road zone, Category 1 under Clause 52.29.	Industrial 1 Zone, 16,980sqm, warehouses	Delegate	NOD	19/04/2018	Lightwood
PLN17/0359	No	5 Trevelthick Road SPRINGVALE VIC 3171	Golden Group Property Development Pty Ltd	Development of the land for five (5) double storey dwellings	Proposal fails to comply with Clause 55 (Standards and Objectives), Clause 52.06 (visitor car space) and fails to demonstrate acceptable vehicular movements	Delegate	Refusal	30/04/2018	Lightwood
PLN17/0397	No	1/21 Joy Parade NOBLE PARK VIC 3174	Peter Di Iorio	Development of the land for five (5) double storey dwellings	Residential Growth 1 Zone, 848sqm	Delegate	PlanPermit	12/04/2018	Paperbark
PLN17/0430.01	No	17 Fowler Road DANDENONG SOUTH VIC 3175	McLauchlan Building Design Consultants	WITHDRAWN - AMEND TO Buildings and works for an extension of an existing building and a reduction in the number of car parking spaces required under Clause 52.06-5.	Amend permit to allow altered loading area canopy	Applicant	Withdrawn	24/04/2018	RedGum
PLN17/0435.01	No	362 Chellenham Road KEYSBOROUGH VIC 3173	LRW Design Pty Ltd	AMENDMENT TO Use and development of the land for a Child Care Centre and Medical Centre and to alter access to a Road Zone Category 1	Amend permit Condition 9 to increase child numbers from 122 to 134 and amend endorsed plans to show internal layout changes	Delegate	AmendPerm	27/04/2018	Paperbark
PLN17/0442	No	6 Blamey Street NOBLE PARK VIC 3174	Blueprint Pty Ltd	Alterations to the existing dwelling and development of a single storey dwelling to the rear of the site	General Residential 1 Zone, 627sqm	Delegate	PlanPermit	26/04/2018	Paperbark
PLN17/0461.01	No	3 Kitchen Road DANDENONG SOUTH VIC 3175	Graeme Roper	AMENDMENT TO The development of land for an industrial building and an industrial building extension	Amend permit preable to allow alterations to the existing industrial building	Delegate	AmendPerm	11/04/2018	RedGum

1/05/2018

3

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN17/0500	No	57 Ardpower Road NOBLE PARK VIC 3174	Arky Design	The development of the land for three (3) double storey dwellings	General Residential 1 Zone, 74.3sqm	Delegate	NOD	16/04/2018	Paperbark
PLN17/0512	No	11 Jesson Crescent DANDENONG VIC 3175	Archden Architecture	Development of the land for four (4) double storey dwellings	Proposal fails to comply with Clause 15 (Built Environment and Heritage) Clause 21.05-1 (Urban Design), Clause 22.09 (Landscaping, Setbacks, front boundary and width) and Clause 55 (Standards and Objectives)	Delegate	Refusal	23/04/2018	RedGum
PLN17/0571	No	3-5 Kintore Street SPRINGVALE VIC 3171	LWY & Associates Architects	Removal of native vegetation	Commercial 1 Zone	Delegate	PlanPermit	10/04/2018	Lightwood
PLN17/0607	No	2 Cooper Street SPRINGVALE SOUTH VIC 3172	C/- Wentao Bi Parallel Workshop	To develop the land for two (2) double storey dwellings	General Residential 1 Zone, 627.64sqm	Delegate	NOD	27/04/2018	Lightwood
PLN17/0616	No	71 Dunblane Road NOBLE PARK VIC 3174	Takuya Katsu C/o Ask Planning Services PL	The development of the land for three (3) new double storey dwellings	Proposal fails to comply with Clause 15 (Built Environment and Heritage), Clause 21.05-1 (Urban Design, Character, Streetscapes and Landscapes)	Delegate	Refusal	12/04/2018	Paperbark
PLN17/0618	No	295-321 Perry Road KEYSBOROUGH VIC 3173	Australian Animal Protection Society C/o Ben Mahon Bosco Jonson	The subdivision of land into six (6) lots	Industrial	Delegate	PlanPermit	12/04/2018	RedGum
PLN17/0625	No	42A Stud Road DANDENONG VIC 3175	SJ Design	To develop the land for one (1) double storey dwelling and one (1) single storey dwelling and to create access to a Road Zone Category 1	Residential Growth 1 Zone, 594.82sqm	Delegate	PlanPermit	24/04/2018	RedGum
PLN17/0700.01	No	1367 Heatherton Road DANDENONG NORTH VIC 3175	M J Reddie Surveys Pty Ltd	AMENDMENT TO Subdivision x 2 SPEAR	Amend permit Condition 2 to allow for the option of a Section 173 Agreement	Delegate	AmendPerm	27/04/2018	Silverleaf

1/05/2018

4

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN17/0706	No	73 Bazalgette Crescent DANDENONG SOUTH VIC 3175	Phil Bernardo Drafting Pty Ltd	Buildings and Works (Warehouse)	Industrial 3 Zone, 2670sqm, warehouse	Delegate	PlanPermit	24/04/2018	RedGum
PLN17/0710	No	43 Wilma Avenue DANDENONG VIC 3175	Mudher Architects P/L C/- Sarjeet Mudher	The development of land for four (4) double storey dwellings	Residential General 1 Zone, 976.6sqm	Delegate	PlanPermit	09/04/2018	RedGum
PLN17/0746	No	74 King Street DANDENONG VIC 3175	Superior Building Group	The development of the land for three (3) dwellings comprising two (2) double storey dwellings to the front of the site and one (1) single storey dwelling to the rear	Residential Growth 1 Zone, 781sqm	Delegate	PlanPermit	26/04/2018	RedGum
PLN17/0753	No	28 Hillside Avenue DANDENONG NORTH VIC 3175	Sam Muller	Development of the land for a double storey (split-level) dwelling to the rear of an existing dwelling	General Residential 1 Zone, 676sqm	Delegate	PlanPermit	10/04/2018	RedGum
PLN17/0758	No	1/30 Greens Road DANDENONG SOUTH VIC 3175	Bay Gallery Furniture	Buildings and Works (Mezzanine) and Change of Use (Restricted Retail Premises)	Industrial 1 Zone, 480sqm, mezzanine, furniture store, car parking reduction	Delegate	PlanPermit	04/04/2018	RedGum
PLN17/0760	No	20 Union Grove SPRINGVALE VIC 3171	Sam Yucel	Development of the land for four (4) double storey dwellings	Proposal fails to comply with Clause 21.05 (Built Form), 22.09 (Design Guidelines), Clause 55 (Objectives and Standards) and Clause 52.06-9 (Car Parking Spaces)	Delegate	Refusal	27/04/2018	Lightwood
PLN17/0763	No	17 Marshall Street NOBLE PARK VIC 3174	Edward Gregory Fernandez	Development of the land for two (2) double storey dwellings side by side.	General Residential 1 Zone, 703.98sqm	Delegate	NOD	27/04/2018	Paperbark
PLN17/0765	No	31 Regent Avenue SPRINGVALE VIC 3171	Chau Le	Construct three (3) double storey dwellings	Proposal fails to comply with Clause 22.09 (Residential Development and Neighbourhood Character Policy), Clause 55.02-1 (Neighbourhood Character Objectives), Clause 55.06-1 (Design Detail Objective)	Delegate	Refusal	17/04/2018	Lightwood

1/05/2018

5

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN17/0782	No	102 Assembly Drive DANDENONG SOUTH VIC 3175	Garrubba & Associates Pty Ltd	Buildings and Works (Warehouse)	Commercial 2 Zone 741.55sqm	Delegate	PlanPermit	26/04/2018	RedGum
PLN17/0788	No	909 Heatherton Road SPRINGVALE VIC 3171	KMT Design Group	Alterations to the existing dwelling and construction of a single storey dwelling to the rear	General Residential 1 Zone, 1156sqm	Delegate	PlanPermit	03/04/2018	Lightwood
PLN17/0830	No	18 Stud Road DANDENONG VIC 3175	Eskander Partners Interiors	Development of the land for five (5) double storey dwellings and alter access to a Road Zone, Category 1	Residential Growth 1 Zone, 780.89sqm, multi dwelling development x 5 (double storey)	Delegate	PlanPermit	19/04/2018	RedGum
PLN17/0838	No	19 Johnston Court DANDENONG SOUTH VIC 3175	Satora Custodial Pty Ltd	The development of the land for a dust extraction system	Industrial 1 Zone, installation of dust extraction system	Delegate	PlanPermit	30/04/2018	RedGum
PLN17/0851.01	No	285-293 Perry Road KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	AMENDMENT TC: Buildings and Works (Warehouse)	Amend permit conditions to allow a setback of 300mm	Delegate	AmendPerm	04/04/2018	RedGum
PLN17/0853.01	No	285-293 Perry Road KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	AMENDMENT TC: Buildings and Works (Warehouse)	Amendment to conditions to allow a 300mm setback.	Delegate	AmendPerm	04/04/2018	RedGum
PLN17/0866	No	125 Glasscocks Road DANDENONG SOUTH VIC 3175	Goodman Property Service (Australia) Pty Ltd C/O KLM Spatial	Development of the land for two (2) warehouses with ancillary offices and a reduction in the car parking requirements	Industrial 1 Zone, 4749sqm, warehouse x2	Delegate	PlanPermit	30/04/2018	RedGum
PLN17/0868	No	171-197 Hammond Road DANDENONG SOUTH VIC 3175	Vaughan Construction Pty Ltd C/- proUrban	Buildings and Works (warehouse and reduction of on-site parking)	Industrial 1 Zone, 4800sqm, warehouse	Delegate	PlanPermit	26/04/2018	RedGum
PLN18/0007	No	25-29 Carter Way DANDENONG SOUTH VIC 3175	Signsite	Signage	Commercial 2 Zone, Signage	Delegate	PlanPermit	17/04/2018	RedGum

1/05/2018

6

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2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN18/0008	No	10/595-597 Chandler Road KEYSBOROUGH VIC 3173	Building Permit Solutions	Buildings and Works (Spraybooth and Mezzanine)	Industrial 1 Zone, 38.2sqm, spraybooth and mezzanine	Delegate	PlanPermit	17/04/2018	Paperbark
PLN18/0033	No	427-441 Springvale Road SPRINGVALE VIC 3171	Pattinson Projects	To display a business identification sign and an electronic sign.	General Residential 1 Zone, business identification sign	Delegate	PlanPermit	19/04/2018	Lightwood
PLN18/0036	No	10-30 Dana Court DANDENONG SOUTH VIC 3175	Fulton Hogan Pty Ltd	Development of buildings and works	Industrial 1 Zone, 24473.540sqm, buildings and works	Delegate	PlanPermit	26/04/2018	RedGum
PLN18/0050	No	5 Newson Street KEYSBOROUGH VIC 3173	Burbank Australia Pty Ltd	Multi Dwelling Development x 12 (Single Storey) New	General Residential 2 Zone, 13,580sqm, multi dwelling development x 12 single storey	Delegate	PlanPermit	12/04/2018	RedGum
PLN18/0055	No	159-171 Clarke Road SPRINGVALE SOUTH VIC 3172	Cambodian Buddhist Association of Victoria Inc. c/o Mr Meng Bunley	Development of the land for a Gate in association with a Place of Worship	No response to further information request	Delegate	Lapsed	10/04/2018	Lightwood
PLN18/0056	No	12 Annafee Avenue KEYSBOROUGH VIC 3173	Webster Survey Group	Subdivision x 3 SPEAR	Residential	Delegate	PlanPermit	18/04/2018	RedGum
PLN18/0063	No	3/578-598 Princes Highway NOBLE PARK NORTH VIC 3174	Tina Alejandro C/o - Melbourne Town Planning Pty Ltd	Change of Use (Restricted Recreation Facility)	Commercial 2 Zone, Gymnasium, 12 Patrons	Delegate	PlanPermit	10/04/2018	Silverleaf
PLN18/0068	No	37 Lightwood Road SPRINGVALE VIC 3171	AMS Pty Ltd Consulting Land Surveyors	Subdivision x 4 SPEAR	Residential	Delegate	PlanPermit	13/04/2018	Lightwood
PLN18/0070	No	26 Babbage Drive DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Development of the land for one (1) warehouse building	Industrial 3 Zone, 1281 sqm, warehouse	Delegate	PlanPermit	27/04/2018	RedGum
EANTOS				7				1/05/2018	

2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN18/0084	No	4 View Road SPRINGVALE VIC 3171	Nobelius Land Surveyors Pty Ltd	Subdivision x6 SPEAR	Residential	Delegate	PlanPermit	16/04/2018	Lightwood
PLN18/0088	No	3 Aegean Avenue KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	Buildings and Works (Warehouse)	Industrial 1 Zone, 1983sqm, warehouse	Delegate	PlanPermit	20/04/2018	RedGum
PLN18/0089	Yes	65 Springvale Road SPRINGVALE VIC 3171	K R Toose & Associates Pty Ltd	Subdivide the land into two (2) lots SPEAR VICSMART	Residential	Delegate	PlanPermit	05/04/2018	Lightwood
PLN18/0096	No	5 Chester Court NOBLE PARK NORTH VIC 3174	Nobelius Land Surveyors Pty Ltd	Subdivision x2 SPEAR	Residential	Delegate	PlanPermit	24/04/2018	Silverleaf
PLN18/0097	No	49-57 Cahill Street DANDENONG SOUTH VIC 3175	Soma Welding Group Pty Ltd	Subdivision Boundary Re-Alignment SPEAR	Industrial	Delegate	PlanPermit	16/04/2018	RedGum
PLN18/0107	No	155 Glasscocks Road DANDENONG SOUTH VIC 3175	Little Projects Pty Ltd	Earthworks	Industrial 1 Zone, 156400sqm, earthworks	Delegate	PlanPermit	27/04/2018	RedGum
PLN18/0110.01	No	1/132-142 Bangholme Road DANDENONG SOUTH VIC 3175	Australian Animal Protection Society	Amendment to Planning Permit PLN18/0110 to allow the removal of Conditions 2(d) and 8(c)	Amend Permit to delete permit Condition 2d relating to an annotation on the plans regarding a removal of a wall and Condition 8c relating to a responsible person being present on the land when animals are present	Delegate	AmendPerm	23/04/2018	RedGum
PLN18/0115	No	71 Hudson Court KEYSBOROUGH VIC 3173	Ditore Concrete and Excavation Pty Ltd & DLR Plumbing Services	Subdivision x2 SPEAR	Industrial	Delegate	PlanPermit	27/04/2018	RedGum
PLN18/0117	No	19 Columbia Court DANDENONG SOUTH VIC 3175	Grogolia-Nova Pty Ltd	Subdivision x4 SPEAR	Industrial	Delegate	PlanPermit	23/04/2018	RedGum
EANTOS				8				1/05/2018	

2.3.2 Planning Delegated Decisions Issued - April 2018 (Cont.)

Application ID	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Date	Ward
PLN18/0127	No	18 Bedwell Avenue DANDENONG VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision - Residential - New Lots x 2 SPEAR	Residential	Delegate	PlanPermit	27/04/2018	RedGum
PLN18/0140	No	20 Stuart Street NOBLE PARK VIC 3174	Nacha Moore Land Surveyors Pty Ltd	Subdivision x 5 SPEAR	Residential	Delegate	PlanPermit	30/04/2018	Paperbark
PLN18/0147	Yes	91 Indian Drive KEYSBOROUGH VIC 3173	Phil Bernardo Drafting Pty Ltd	Buildings and Works (Warehouse) and reduction of the car parking requirement VICSMART	Industrial 1 Zone, 416sqm	Delegate	PlanPermit	09/04/2018	RedGum
PLN18/0153	Yes	1/19 O'Malley Crescent DANDENONG NORTH VIC 3175	Nacha Moore Land Surveyors Pty Ltd	Subdivision - Residential - New Lots x 4 SPEAR VICSMART	Residential	Delegate	PlanPermit	09/04/2018	RedGum
PLN18/0159	Yes	23A Buckingham Avenue SPRINGVALE VIC 3171	Rpecture Architects Pty Ltd	Buildings and Works (Retail) Change of shop front doors and signage VICSMART	Commercial 1 Zone, 388.20sqm	Delegate	PlanPermit	09/04/2018	Lightwood
PLN18/0169	Yes	22 Naxos Way KEYSBOROUGH VIC 3173	Cariss Developments Pty Ltd	Buildings and Works (Warehouse) VICSMART	Industrial 1 Zone, 1236sqm, warehouse	Delegate	PlanPermit	04/04/2018	RedGum
PLN18/0185	Yes	38 David Street NOBLE PARK VIC 3174	Rasar Consulting Pty Ltd	Subdivision x 2 SPEAR VICSMART	Residential	Delegate	PlanPermit	11/04/2018	Paperbark

70

1/05/2018

9

EANTOS

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01)

File Id:	333140
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans Location of Objectors Existing Planning Permit

Application Summary

Applicant:	Ellese Templeton
Proposal:	Amendment to Planning Permit PLN12/0429 to change what the permit allows and conditions of permit to include the embalming of bodies and an increase in storage capacity
Zone:	Commercial 2 Zone
Overlay:	No Overlays applicable
Ward:	Red Gum

This application has been brought before the Council because it has received two (2) objections during the advertising process.

Planning Permit PLN12/0429 was issued on 25 January 2013 for the use of the land for the temporary storage of deceased persons. Plans were subsequently endorsed to the permit.

The applicant has applied for an amendment to Planning Permit PLN12/0429 under Section 72 of the *Planning and Environment Act 1987*. Pursuant to Section 72(1) *a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

Pursuant to Section 73(1) and (1)(a) an amendment to the permit is treated *as if the application were an application for a permit*. As such, all third party rights apply.

Specifically, the amendment application seeks the following:

- To amend the permit preamble to allow the embalming of deceased persons (defined as the art and science of preserving human remains by treating them (in its modern form with chemicals) to forestall decomposition);

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

- To amend Condition 10 to increase capacity from four (4) deceased persons to twelve (12) deceased persons;
- To amend Condition 11 to increase the length of storage time from a period of 24 hours to a maximum 5 days; and
- To amend the previously endorsed plans to include a new 'lounge/arrangement room' and 'mortuary/embalming' room with other minor internal alterations.

Objectors Summary

The application was advertised to the surrounding area through the erection of two (2) on-site notices and the mailing of notices to adjoining and surrounding owners and occupiers. Two (2) objections were received to the application. Issues raised generally relate to matters of:

- Significant increase of stored bodies/persons;
- Traffic and congestion;
- Waste vehicle noise; and
- Decrease in property value.

Assessment Summary

The key issue in relation to this application is the appropriateness of allowing the embalming of bodies, the increase in the total number of stored deceased and the time allowed in which the deceased must be transferred offsite.

Council officers consider that the proposed amendments as listed above are reasonable, in that the additional use for the preparation of bodies would not result in any adverse amenity impacts to the site or surrounding land, and is not a significant departure from the intent of the original permit granted.

In addition, the increase in capacity and holding time is considered reasonable, as all necessary preparation works and storage would be undertaken internally to the building, thus not visible to the street.

The applicant has indicated that the amendments would not result in a change of staff numbers or hours of operation, and as such, there would be no change in the current car parking considerations.

The existing building has roller shutter access to ensure loading and unloading be undertaken internally, so as to not impact the amenity of the surrounding area.

The use, whilst being atypical, is a legitimate and necessary operation, and considered to be acceptable within the Commercial 2 Zone.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for commercial/industrial type land uses with this report recommending that the application be supported, and that a **Notice of Decision** (which provides appeal rights to objectors) **to Grant an Amended Permit** be issued containing the conditions as set out in the recommendation.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Subject Site and Surrounds

Subject Site

- The subject site is located at the corner of Alexander Avenue and Carmen Street, approximately 66.0 metres south-west of Princes Highway.
- The subject site is one of two units under Strata Plan 034185R, with a building contained within each lot and the remaining land being common property.
- The site is regular in shape, aside from a corner splay, with a frontage to Carmen Street of 12.19 metres and a side boundary on Alexander Avenue of 23.34 metres.
- The site is currently occupied by a single storey warehouse with office area facing Alexander Avenue.
- The subject site is accessible via a single width crossover on the Carmen Street boundary which provides access to a roller door in the warehouse component of the building as well as two (2) on-site car parking spaces. A single car parking space is also accessible via a single width crossover on the Alexander Avenue boundary.
- The building contains a warehouse/storage area with separate storeroom and cool room, a reception area, two (2) separate offices and toilet facilities. The street boundaries of the site are landscaped.

Surrounding Area

- The subject site is located within an established commercial area which straddles the Princes Highway.
- The types of businesses in the area vary and include a number of retail, trade and recently established entertainment land uses.
- Land to the south of the site is developed for residential purposes.
- Land opposite the site on the west side of Alexander Avenue is occupied by Fotheringham Reserve which extends west to, and along, Eastlink.

Current Operations

- The site is currently used for the administration and temporary storage of deceased persons by Templeton Family Funerals (as approved under PLN12/0429).
- The hours of operation are Monday to Friday, 9am to 5pm.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

- The total number of staff on site is three (3).
- Administrative tasks involve all aspects relevant to a funeral service, however the applicant has indicated that the premises is not open to the public, appointments are occasionally arranged on site but are predominantly held offsite at the patrons homes.
- The applicant has stated that all funeral services, memorials, rosaries, viewing and the like are held offsite. This is further reinforced by Condition 3 of the existing Planning Permit.

Locality Plan**Background****Previous Applications**

A search of Council records revealed that Council has previously considered the following planning applications for the site:

- PLN12/0429: Issued on 25 January 2013 for the use of the land for the temporary storage of deceased persons

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Subject Application

Proposal

The application proposes to Amend Planning Permit PLN12/0429 under Section 72 of the Planning and Environment Act 1987, by way of the following:

A. Amend what the Permit allows (preamble)

From: "The use of the land for the temporary storage of deceased persons"

To: "The use of the land for the temporary storage and preparation (embalming) of deceased persons"

B. Amend Condition 10

From: "There must be no more than four (4) deceased persons stored on site at any time and such deceased persons must be stored within the cool room at all times"

To: "There must be no more than twelve (12) deceased persons stored on site at any time and such deceased persons must be stored within the cool room at all times"

C. Amend Condition 11

From: "No deceased persons must be stored on the site for longer than a period of 24 hours"

To: "No deceased persons must be stored on the site for longer than five (5) days"

D. Amend Endorsed Plans

To: Include a new lounge/arrangement room and mortuary/embalming room adjacent the warehouse building and make other minor internal alterations to the existing layout.

A copy of the submitted plans is included as Attachment 1.

Victorian Charter of Human Rights and Responsibilities

The Victorian Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to its contents.

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

The applicant has applied for an amendment to Planning Permit PLN12/0429 under Section 72 of the *Planning and Environment Act 1987*. Pursuant to Section 72(1) *a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located within a Commercial 2 Zone, as is the surrounding area.

The purpose of the Commercial 2 Zone outlined at Clause 34.02 is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Overlay Controls

No overlays affect the subject site or surrounding area.

State Planning Policy Framework

The **Operation of the State Planning Policy Framework** outlined at Clause 10 seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The objectives of Planning in Victoria are noted as:

- a. *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- b. *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- c. *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- d. *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- e. *To protect public utilities and other facilities for the benefit of the community.*
- f. *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

g. To balance the present and future interests of all Victorians.

In order to achieve those objectives, there are a number of more specific objectives contained within the State Planning Policy Framework that need to be considered under this application.

Economic Development outlined at Clause 17 seeks to ensure that planning provides for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

In addition, planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may building on its strength and achieve its economic potential.

The objective outlined at **Clause 17.01-1 for Business** seeks to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies.

The MSS is contained within Clause 21 of the Scheme. The MSS at **Clause 21.02** focuses on the **Municipal Profile**, within which the following is noted:

- *Greater Dandenong is a net provider of jobs, with a resident workforce of 53,000, and local businesses providing approximately 74,000 jobs. Greater Dandenong businesses provide the third highest number of jobs in Metropolitan Melbourne, with the employment sector largely orientated towards manufacturing occupations.*
- *Central Dandenong is one of the largest retail and commercial centres in metropolitan Melbourne. Its local and regional role needs to be protected and promoted.*
- *Greater Dandenong has a broad and robust economic base. Reported annual constructed costs in the industrial/commercial/retail sector, exceeded \$190 million in the year to June 2006. In 2006, 48,000 residents of Greater Dandenong were in paid work, with manufacturing and retail employment accounting for 28 percent and 12 percent of jobs respectively.*

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. Council's vision includes the following of relevant to the current application:

- *A nationally and internationally competitive city; a pre-eminent industrial centre for Melbourne's south-east with a significant high-tech/knowledge industrial component; a centre for government, multi-national investment and employment; vibrant commercial and retail sector and a state of the art inter-modal transport interchange for south eastern Victoria.*
- *A well balanced satisfied community, which has easy and equitable access to services important to people's everyday life.*

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and, infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application is **Clause 21.04 Land Use** within which the following objectives are of relevance to the current application:

- *To promote and further develop central Dandenong as the pre-eminent regional centre for retail, commercial, entertainment and community services in Melbourne's south east.*
- *Encourage and facilitate clustering of commercial, entertainment and community facilities.*
- *Encourage revitalisation of existing building stock to improve its use, viability and contribution to the centre.*

Particular Provisions

The provisions outlined at **Clause 52.06** for **Car Parking** need to be considered. The purposes of this provision are:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Pursuant to **Clause 52.06-2** before:

- *A new use commences; or*
- *The floor area or site area of an existing use is increased; or*
- *An existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,*

the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

General Provisions

Clause 65 – Decision Guidelines needs to be considered, as is the case with all applications. For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

Restrictive Covenants

Covenant 2394535 is registered to the Certificate of Title.

The Covenant states that the land owner will not carry out any quarrying operations on the land and that no stone, earth, clay, gravel or sand will be removed from the site aside from for the purpose of building foundations and that the land will not be used for the manufacture of bricks, tiles or pottery ware.

The grant of an amended permit would not be in breach of the Covenant restrictions.

Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. In accordance with the commitment in Council's Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

Community Safety

It is considered that there would be no adverse community safety implications in permitting the proposal.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Safe Design Guidelines

Consideration of the relevant requirements of these Guidelines has been undertaken within the Assessment of this application.

Referrals

The application was not required to be referred to any external referral authorities pursuant to Section 55 of the Planning and Environment Act 1987.

Internal

The application was internally referred to Council's Health department who have no objection, subject to conditions.

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site facing Carmen Street and Alexander Avenue.

The notification has been carried out correctly.

Council has received two (2) objections to date.

The location of the objectors is shown in Attachment 2.

Consultation

A consultative meeting was not held.

Summary of Objections

The objections are summarised below (**bold**), followed by the Town Planner's Response (in *italics*).

- **Significant increase of stored deceased**

The objector has raised the concern that the increase from four (4) deceased persons stored to twelve (12) deceased stored is too significant.

Council officers find that the increase is likely to be commensurate with business growth, thus it is considered that the proposal achieves consistency with the SPPF and LPPF, particularly with respect to economic development, commercial growth and the vision of Greater Dandenong.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

In addition, the applicant has stated that the increased capacity would not alter the current staffing numbers or hours of operation, with the only difference being that additional deceased persons would be stored, with more delivery movements likely to occur internal to the building.

As identified above, with the proposed embalming process in place, bodies will remain in a preserved state for a greater period of time, hence why the applicant has applied to increase the time in which to remove deceased persons of site from 24 hours to five (5) days. Whilst there will be an increase in the overall number of deceased persons stored, delivery movements would be spread across five (5) days rather than 24 hours thus reducing pressure on the local road network from deliveries to and from the site.

The storage area to the rear of the site appears to have enough space to accommodate this growth.

It is therefore considered that the increase in the number of stored bodies will not have an unacceptably adverse impact on the surrounding area.

- **Traffic and congestion**

The objector has raised the concern that the increase in the intensity of the use would result in further traffic and congestion to the street.

The applicant has stated that the increased capacity would not alter the current staffing numbers or hours of operation, with the only difference being that additional deceased persons would be stored. This would not result in an increase of vehicles on the subject site, with the current parking spaces provided to be maintained, noting that no additional spaces are required pursuant to Clause 52.06.

As identified above, with the proposed embalming process in place, bodies will remain in a preserved state for a greater period of time, hence why the applicant has applied to increase the time in which to remove deceased persons of site from 24 hours to five (5) days. Whilst there will be an increase in the overall number of deceased persons stored, delivery movements would be spread across five (5) days rather than 24 hours thus reducing pressure on the local road network from deliveries to and from the site.

- **Waste vehicle noise**

The objector has raised the concern that noise from waste vehicles is significant and disturbs their residential amenity.

Waste vehicle noise is not a planning consideration, and no further deliberation will be necessary. The applicant has indicated that they have contacted the waste company to ensure that bins are collected after 7am, to appease the objectors concerns.

- **Decrease in property value**

The objector has raised the concern that the increase in the intensity of the existing use would decrease the value of their investment properties.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

It is noted that commercial disadvantage is not a planning consideration, and no further deliberation will be necessary.

Assessment

The proposed amendments have been assessed against the relevant provisions of the Greater Dandenong Planning Scheme, including the purpose and intent of the Commercial 2 Zone. Council officers find that the proposed use and subsequent amendments to conditions are acceptable, and would not result in any impact to the amenity of adjoining or surrounding land.

An assessment against each individual amendment sought is provided below:

A. Amend what the Permit allows (preamble)

The applicant is requesting the permit preamble (which outlines what the permit allows) be altered to include the embalming of bodies for preservation.

The embalming process as outlined above is essentially defined as the art and science of preserving human remains by treating them (in its modern form with chemicals) to forestall decomposition.

This is considered to be a fairly commonplace service for such land uses, ensuring that when deceased persons are received on site, that they be prepared and preserved for offsite funeral services.

Whilst the intent of the use is to be for the storage of deceased persons, there are a number of ancillary administration activities that occur on site, which typically involve the arrangement of funeral services (to be had at alternative locations i.e. churches, funeral parlours, family homes and the like). The applicant has noted that no funeral services, memorials, wakes or like activities occur on site. Condition 3 of the permit reinforces this point, and would be enforceable through Council's Planning Compliance department.

As such, the additional use of the land for embalming is considered to be reasonable, and a standard practice for similar land uses throughout Victoria.

B. Amend Condition 10

The applicant is requesting that Condition 10 of the permit be altered to increase the storage capacity of deceased persons from four (4) to twelve (12) in total.

The increase is likely to be commensurate with business growth, thus it is considered that the proposal achieves consistency with the SPPF and LPPF, particularly with respect to economic development, commercial growth and the vision of Greater Dandenong.

In addition, the existing warehouse/cool room portion of the land is of a square metre/ floor area that could accommodate the increased capacity in deceased persons, with the increase only resulting in additional delivery movements to and from the site.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

It is considered that the site has an adequate area available for the loading and unloading of deceased bodies, which could occur internally to the building so as to not impact the amenity of the surrounding uses. Condition 4 further reinforces this sentiment, requiring that all loading and unloading occur internally to the building.

C. Amend Condition 11

The applicant is requesting that Condition 11 of the permit be altered to increase the time in which deceased persons must be removed from the site from 24 hours to a maximum of five (5) days.

The increase in the time allowed to hold deceased persons is commensurate with the proposed embalming use which seeks to preserve the bodies of deceased persons, noting that the process is likely to take additional time, and once preserved the bodies can be held on site without degradation.

In addition, the increased time would spread out any delivery movements to and from the site, thus minimising any congestion or queuing on site.

D. Amend Endorsed Plans

The applicant has requested that the endorsed plan be amended by way of minor internal arrangements that include the following:

- The addition of a lounge/arrangements room; and
- The addition of a mortuary/embalming room.

Council officers find that the proposed internal arrangements are adequate, noting that the proposed lounge/arrangement room is for the occasional onsite meeting as described by the applicant, whilst the mortuary/embalming room is for the preparation of bodies which is sought as part of an amended permit preamble and described further above.

Should onsite meetings occur, Council officers find that there would be adequate car parking available in the immediate and surrounding area, noting that the permit does not restrict this current arrangement, and the use has been ongoing for a number of years. As the applicant has stated that these meetings are only held on occasion, Council officers find that it would not result in any significant change to the volume of traffic to the local road network.

E. Additional Recommendations

Council officers have recommended that an additional three (3) minor permit conditions be imposed as a result of the amendment sought. These are noted as follows:

- Condition 12: The management of waste must be in accordance with the Environmental Protection Authority Clinical and Related Waste – Operational Guidance guideline;

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

- Condition 13: All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.
- Condition 14: The operator of the facility must provide biological bins for containment of solid waste.

These additional conditions are consistent with previous approvals and seek to ensure that waste is appropriately managed for the subject site.

E. Car parking assessment

As the application seeks to allow a new use for embalming, the question must be posed as to whether the proposal would trigger additional car parking requirements.

Under the original application PLN12/0429, the car parking rate for warehouse was utilised, which has a rate of 1.5 spaces per 100sqm of net floor area. This would have resulted in a car parking requirement of four (4) spaces.

As only three (3) car parking spaces were provided on the site, a reduction of one (1) would normally have been sought, however at the time Council was utilising an internal code of practice, indicating that three (3) car parking spaces would have been acceptable with no reduction necessary. Essentially, the site has a credit of one (1) car parking space.

Council officers have considered the additional land use and find that it no longer satisfies the definition for warehouse, and as such would fall into an innominate land use under **Clause 52.06-6**, with car parking provided to the satisfaction of the responsible authority.

Given that there would be no increase in staff and that the site has been operating effectively for a number of years, Council officers find that the current car parking arrangement is acceptable, noting that whilst there would be an increase in storage capacity, this would only affect volume of delivery movements, thus being unrelated to total car parking numbers.

In addition, with the proposed embalming process in place, bodies will remain in a preserved state for a greater period of time, hence why the applicant has applied to increase the time in which to remove deceased persons of site from 24 hours to five (5) days. Whilst there will be an increase in the overall number of deceased persons stored, delivery movements would be spread across five (5) days rather than 24 hours thus reducing pressure on the local road network from deliveries to and from the site. Council also note that the site is located within an established commercial area, capable of handling a slight increase of vehicular movement, should any occur.

As noted above, should onsite meetings occur, Council officers find that there would be adequate car parking available in the immediate and surrounding area, noting that the permit does not restrict this current arrangement, and the use has been ongoing for a number of years. As the applicant has stated that these meetings are only held on occasion, Council officers find that it would not result in any significant change to the volume of traffic to the local road network.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)**Conclusion**

As discussed within the Assessment section of this report, the amendment seeks to alter the permit preamble, condition 10, condition 11 as well as the previously endorsed plans with Council officers also seeking to apply new conditions relating to the management of waste. Overall Council officers find that the proposal complies with the relevant provisions of the Planning Scheme with the following recommendations outlined below.

It is recommended that the following amendments to the permit be made:

Permit detail	Recommendation
Permit preamble	Amend to: <i>The use of the land for the temporary storage and preparation (embalming) of deceased persons.</i>
Amended Condition 10	Amend to: <i>There must be no more than twelve (12) deceased persons stored on site at any time and such deceased persons must be stored within the cool room at all times.</i>
Amended Condition 11	Amend to: <i>No deceased persons must be stored on the site for longer than five (5) days after embalming occurs.</i>
Amended Endorsed Plans	Amend plans to include the proposed lounge/arrangement room and mortuary/embalming room
New conditions 12, 13 and 14	<p>New condition 12: The management of waste must be in accordance with the Environmental Protection Authority Clinical and Related Waste – Operational Guidance guideline</p> <p>New Condition 13: All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.</p> <p>New Condition 14: The operator of the facility must provide biological bins for containment of solid waste</p>

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

Recommendation

That Council resolves to issue a Notice of Decision to Grant an Amended Permit in respect of the land known and described as 2A Carmen Street DANDENONG SOUTH VIC 3174, for the use of the land for the temporary storage and preparation (embalming) of deceased persons in accordance with the plans submitted with the application subject to the following conditions:

- 1. The layout as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.**
- 2. Once the use has started, it must be continued to the satisfaction of the Responsible Authority.**
- 3. No funeral services, family viewings or any other similar activity (being those services/activities which include the accompaniment of the deceased person and/or the inclusion of a funeral cortege) shall be conducted on or from the site.**
- 4. The loading and unloading of deceased persons must be carried out entirely within the building and in a manner so as not to be seen from outside the building, all to the satisfaction of the Responsible Authority.**
- 5. Goods, materials, equipment, vehicles and the like associated with the use of the land must not be displayed or stored outside the building at any time.**
- 6. The car parking provided on the land must always be available for use by persons employed on or visiting the subject premises and no measures may be taken to restrict access to the car park by such persons, all to the satisfaction of the Responsible Authority.**
- 7. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:**
 - 7.1. Transport of materials, goods, or deceased persons to or from the land.**
 - 7.2. Appearance of any building, works or materials.**
 - 7.3. Emission of noise, artificial light, vibration, smell, fumes, waste water, waste products.**

All to the satisfaction of the Responsible Authority.
- 8. Bins or other receptacles for any form of rubbish or refuse must not be placed or allowed to remain in the view of the public, and unreasonable smell must not be emitted from any such receptacle.**
- 9. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

10. There must be no more than twelve (12) deceased persons stored on site at any time and such deceased persons must be stored within the cool room at all times.
11. No deceased persons must be stored on the site for longer than five (5) days after embalming occurs.
12. The management of waste must be in accordance with the Environmental Protection Authority Clinical and Related Waste – Operational Guidance guideline.
13. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.
14. The operator of the facility must provide biological bins for containment of solid waste.
15. This permit will expire if:
 - 15.1. The use does not start within two (2) years of the date of this permit, or
 - 15.2. The use is discontinued for a period of two (2) years.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 2A CARMEN STREET,
DANDENONG (PLANNING APPLICATION NO. PLN12/0429.01)**

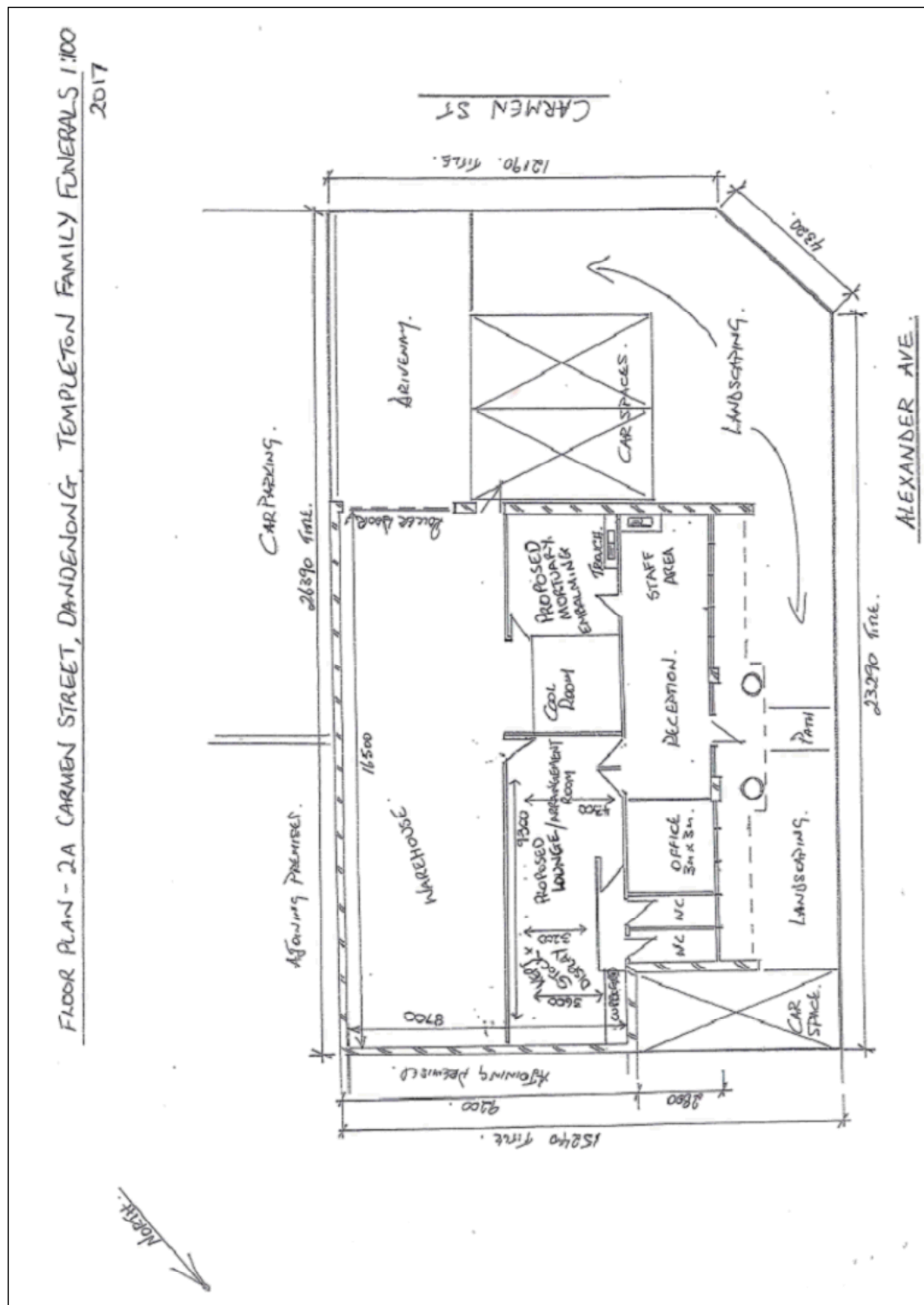
ATTACHMENT 1

SUBMITTED PLANS

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)



2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 2A CARMEN STREET,
DANDENONG (PLANNING APPLICATION NO. PLN12/0429.01)**

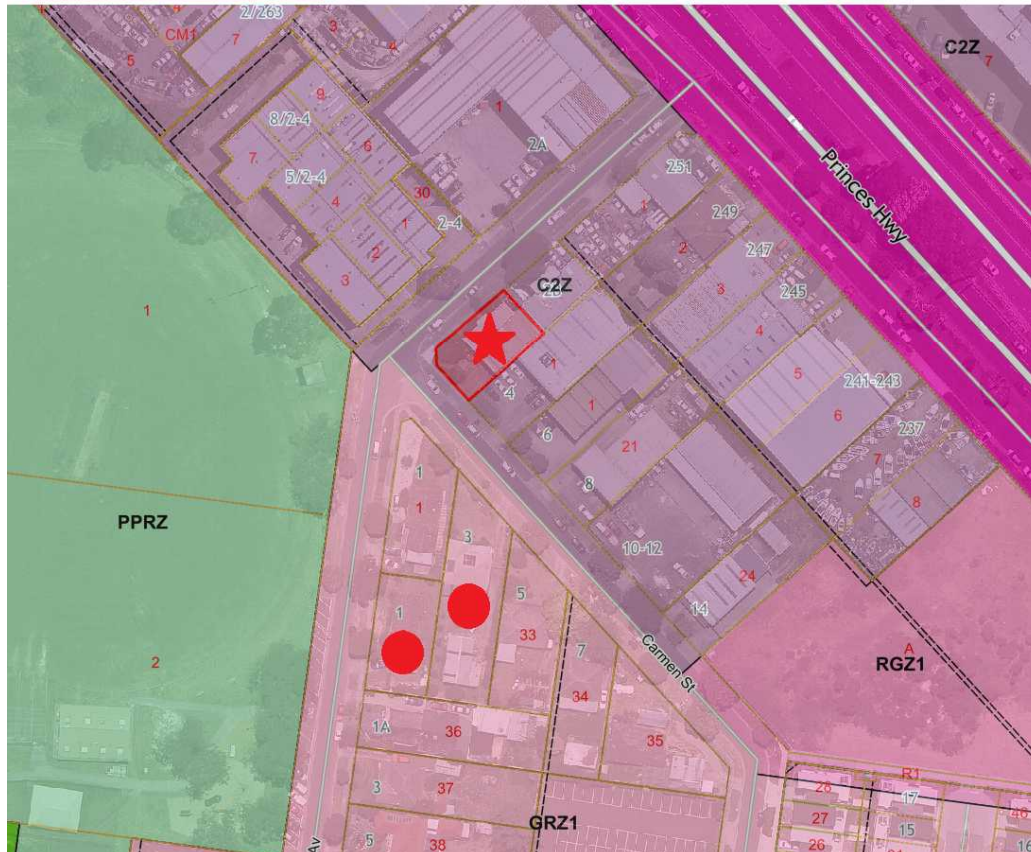
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)



2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 2A CARMEN STREET,
DANDENONG (PLANNING APPLICATION NO. PLN12/0429.01)**

ATTACHMENT 3

EXISTING PERMIT

PAGES 3 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)**NOTICE OF
DECISION TO
GRANT A
PERMIT****Application No.:** PLN12/0429**Planning Scheme:** Greater Dandenong
Planning Scheme**Responsible Authority:** Greater Dandenong
City Council

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND: 2A Carmen Street DANDENONG VIC 3175
(Lot 1 SP 34185 Vol 9934 Fol 480)

WHAT WILL THE PERMIT ALLOW? Use of the land for the temporary storage
of deceased persons

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. The layout as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.
2. Once the use has started, it must be continued to the satisfaction of the Responsible Authority.
3. No funeral services, family viewings or any other similar activity (being those services/activities which include the accompaniment of the deceased person and/or the inclusion of a funeral cortege) shall be conducted on or from the site.
4. The loading and unloading of deceased persons must be carried out entirely within the building and in a manner so as not to be seen from outside the building, all to the satisfaction of the Responsible Authority.
5. Goods, materials, equipment, vehicles and the like associated with the use of the land must not be displayed or stored outside the building at any time.
6. The car parking provided on the land must always be available for use by persons employed on or visiting the subject premises and no measures may be taken to restrict access to the car park by such persons, all to the satisfaction of the Responsible Authority.

Continued...

Date Issued 14 December 2012 Signature for and on behalf
of the Responsible Authority 

2.3.3 Town Planning Application - No. 2A Carmen Street, Dandenong (Planning Application No. PLN12/0429.01) (Cont.)

- 2 -

PLANNING APPLICATION NO. PLN12/0429

Conditions Continued

7. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:
 - 7.1 Transport of materials, goods, or deceased persons to or from the land,
 - 7.2 Appearance of any building, works or materials,
 - 7.3 Emission of noise, artificial light, vibration, smell, fumes, waste water, waste products.All to the satisfaction of the Responsible Authority.
8. Bins or other receptacles for any form of rubbish or refuse must not be placed or allowed to remain in the view of the public, and unreasonable smell must not be emitted from any such receptacle.
9. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.
10. There must be no more than four (4) deceased persons stored on site at any time and such deceased persons must be stored within the cool room at all times.
11. No deceased persons must be stored on the site for longer than a period of 24 hours.
12. This permit will expire if:
 - 12.1 The use does not start within two (2) years of the date of this permit, or
 - 12.2 The use is discontinued for a period of two (2) years.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

End of Proposed Conditions

Date Issued 14 December 2012 Signature for and on behalf
of the Responsible Authority 

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656)

File Id:	305310
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Submitted Plans Location of Objectors Clause 22.09 Assessment Clause 52.06 Assessment Clause 55 Assessment

Application Summary

Applicant:	Petridis Architects
Proposal:	Development of the land for a four storey building comprising 10 dwellings
Zone:	Residential Growth Zone 2
Overlay:	No overlays
Ward:	Red Gum

The application proposes to develop the land for a four storey building including ten (10) dwellings. A permit is required pursuant to Clause 32.07-5 of the Greater Dandenong Planning Scheme to construct two or more dwellings on a lot.

Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site notices and the mailing of notices to adjoining and surrounding owners and occupiers. Two (2) objections were received to the application. Issues raised generally relate to matters of: overdevelopment, existing neighbourhood character, building bulk, on street car parking, overlooking, overloading services and overshadowing.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Assessment Summary**

As assessed, the current application is considered appropriate for approval. The subject site is located within close proximity to the Dandenong Activity Centre including a wider variety of amenities which supports a higher density of residential development. The site is identified within the Future Character Area A – Substantial Change under Clause 22.09-3.5, which is expected to contain a greater proportion of well designed and site responsive medium to high density residential developments. The proposal would meet Council's expectations for medium to high density development which is guided by the design principles of Clause 22.09 *Residential Development and Neighbourhood Character* and the objectives of Clause 55 *Two or more dwellings on a lot*.

The subject site has been recently rezoned from Schedule 1 of the Residential Growth Zone to Schedule 2 as part of the C182 Planning Scheme Amendment. The proposed development would meet each of the changes implemented by the rezoning of the land to Schedule 2 and provides an acceptable outcome for the site. The proposal would provide adequate on-site car parking providing 20 car spaces for residents and two car spaces for visitors, satisfying the car parking requirement under Clause 52.06-5. A total of six bicycle spaces would also be provided on-site in accordance with the requirements of Clause 52.34-3.

Recommendation Summary

As assessed, the proposal is consistent with and appropriately responds to the provisions of the Greater Dandenong Planning Scheme. The proposal appropriately responds to strategic policy for medium to high density residential development in the area with this report recommending that the application be supported, and a **Notice of Decision** (which provides appeal rights to objectors) to grant a permit be issued containing the conditions as set out in the recommendation.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Subject Site and Surrounds

Subject Site

- The subject site is located at the corner of Market Street and Herbert Street;
- The site is rectangular in shape and has a total area of 951.3sqm with a sideage of 48.77 metres to Market Street and a frontage of 19.51 metres to Herbert Street;
- There are no restrictions on the Title or easements affecting the land;
- The site has a flat topography with scattered vegetation;
- The site is currently occupied by a single storey brick dwelling with detached garage and has existing vehicle access via a single width crossover from Market Street.

Surrounding Area

- The site is located in a Residential Growth Zone on the periphery of the Dandenong Activity Centre which is located to the southern end of Market Street 170 metres from the site.
- The surrounding residential character is a mix of dwelling types and associated age, including original single storey detached dwellings (1900-1960's), newer double storey detached single dwellings (that have replaced original housing stock), dual occupancies, infill unit developments (that include double storey built form), traditional walk up flats (two and three storeys) and new apartment buildings (three storeys).
- The surrounding area is located within Area 4 of the Neighbourhood Character Study 2009, which identifies that the area is experiencing high levels of development pressure and change, with original dwellings being replaced by either new single dwellings, medium density infill, and occasional apartment blocks.
- A number of community facilities are located within proximity of the site including but not limited to Market Street Childcare Centre, Dandenong Market, Dandenong Hospital, Dandenong High School, Dandenong North Primary School, Chisholm TAFE and Pioneer Memorial Gardens.
- Dandenong Train Station is located approximately 1.0km south-west from the site.
- The following bus routes are located within close proximity of the subject site:
 - Route 843: Dandenong Station to Endeavour Hills which runs along Lonsdale Street.
 - Route 862: Dandenong to Chadstone which runs along Lonsdale Street.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)Locality Plan**Background****Previous Applications**

A search of Council records revealed no previous planning applications have been considered for the subject site.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Proposal**

The application proposes to develop the land for 10 dwellings within a four storey building. The details of the proposal are as follows:

	Details
Type of proposal	Multi dwellings/Apartments
Number of dwellings	Ten (10)
Levels	Four storeys
Height	13.1 metre maximum building height
Oriented to	Market Street and Herbert Street
External materials	Render, Alucobond, Cladding and Glazing
Minimum setbacks	North: 5.0m (street) East: 2.0m (side street) South: 3.0m West: 2.8m
Open space type	Each dwelling would have access to a balcony
Number of Car parking Spaces provided	22 car spaces
Number of Car parking Spaces required	22 car spaces
Type of car parking	14 car spaces and 4 car stackers
Access	Vehicle access will be provided from Market Street via a single width crossover
Front Fence	No front fence proposed however a block retaining wall would be provided along the Market Street frontage
Other	The proposal is submitted as a new planning application and does not alter the existing Planning Permit for the site.

A copy of the submitted plans is included as Attachment 1.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

Pursuant to the Greater Dandenong Planning Scheme, a planning permit is required:

- Under Clause 32.07-5 to construct two or more dwellings on a lot.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a Residential Growth Zone Schedule 2 with no overlays.

Residential Growth Zone (Clause 32.07)

The purpose of the Residential Growth Zone outlined at Clause 32.07 of the Greater Dandenong Planning Scheme is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.07-5 of the Greater Dandenong Planning Scheme, a planning permit is required to construct two or more dwellings on a lot.

The proposal would have transitional provisions under Clause 32.07-5 and is not required to be assessed against Clause 55.07 for apartment developments of four storeys.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

It is noted that in Schedule 2 to the zone, varied requirements of Clause 55 are set out as follows:

- Standard B6 (Minimum Street Setback) – As per B6 or 5 metres, whichever is the lesser;
- Standard B8 (Site Coverage) – Maximum of 70%;
- Standard B13 (Landscaping) – 70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees;
- Standard B28 (Private Open space) – An area of 40sqm, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or a balcony with a minimum area of 10 square metres with a minimum width of 2 metres and convenient access from a living room; or a roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
- Standard B32 (Front Fence Height) – Maximum 1.5 metre height in streets in Road Zone Category 1, 1.2 metre maximum height for other streets.

Overlay Controls

No overlays affect the subject site.

State Planning Policy Framework

The following state planning policies are relevant to this application:

Built Environment and Heritage (Clause 15)

The purpose of this overlay is to encourage development that:

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.*

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Housing (Clause 16)

The purpose of this overlay is to encourage housing that:

- *Are located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Ensuring land supply continues to be sufficient to meet demand.*
- *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

Housing diversity (Clause 16.01-4)

It is policy to provide for a range of housing types to meet increasingly diverse needs and to encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*
- *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*

Land use and transport planning (Clause 18.01-1)

It is policy to plan urban development to make jobs and community services more accessible by:

- *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS)**

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies. The following local planning policies are relevant to this application:

Housing and community (Clause 21.04-1)

- Greater Dandenong is forecast to be home to some 16,700 new households by 2031 (as measured from 2001), according to the Southern Regional Housing Statement (DSE, 2006). This represents a 36% increase on the number of households compared to 2001.
- Supporting urban consolidation and providing housing in existing areas close to activity centres means that people do not need to travel as far to work, shop or to take part in sports/leisure activities thus reducing the environmental impacts of transport.
- Increases in housing density must be balanced by adequate provision of open space, good urban design and improvements to the public realm.
- Provision of housing that is adaptable to support the needs of the changing needs of present and future residents.
- Encourage new residential development that incorporates adequate space for the planting and the long term viability and safe retention of canopy trees.
- Respecting valued, existing neighbourhood character both on particular sites and within wider streetscapes.
- Ensuring new development takes into full account the neighbourhood character design guidelines for each type of building and that such new development positively contributes to the preferred future neighbourhood character of each particular residential area.
- Actively encouraging well designed, medium and higher density housing in strategic locations and in areas nominated for substantial change.

Urban design, character, streetscapes and landscapes (Clause 21.05-1)

It is policy to facilitate high quality building design and architecture by:

- *Ensuring building design is consistent with the preferred character of an area and fully integrates with surrounding environment.*
- *Encouraging high standards of building design and architecture, which allows for flexibility and adaptation in use.*
- *Encouraging innovative architecture and building design.*

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

It is also policy to protect and improve streetscapes by:

- *Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.*
- *Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.*

Residential Development & Neighbourhood Character Policy (Clause 22.09)

The objectives of this clause are as follows:

- *To guide the location and design of different types of residential development within Greater Dandenong, having regard to State and local planning policies, while respecting the valued characteristics and identified future character of residential neighbourhoods.*
- *To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.*
- *To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.*
- *To facilitate high quality, well designed residential development and on-site landscaping.*
- *To promote a range of housing types to accommodate the future needs of the municipality's changing population.*
- *To ensure that residential development uses innovative, responsive and functional siting and design solutions that:*
 - *Achieve high quality internal amenity and private open space outcomes for future residents;*
 - *Make a positive contribution to the streetscape through quality design, contextual responsiveness and visual interest;*
 - *Promote public realm safety by maximising passive surveillance;*
 - *Demonstrate responsiveness to the site, adjoining interfaces, streetscape and landscape context;*
 - *Respect the amenity of adjoining residents and the reasonable development potential of adjoining properties;*
 - *Achieve environmentally sustainable design outcomes;*

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- *Use quality, durable building materials that are integrated into the overall building form and façade; and*
- *Minimise the visual dominance of vehicle accessways and storage facilities, such as garages, car ports and basement entrances.*

Clause 22.09-3.1 provides the general design principles to guide all residential development, in addition to those specified in each Future Change Area. The design principles consider matters such as: housing form; height; bulk; site design; private open space; car parking; landscaping; safety; setbacks; materials and finishes; domestic services and, internal amenity. The application has been assessed against this policy as detailed within the Clause 22.09 assessment provided at Attachment 3.

Particular Provisions***Car Parking (Clause 52.06)***

The provision of Car Parking must be considered for this proposal. The purposes of this provision are:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-1 notes that the provision of car parking applies where an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use occurs.

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-3 notes that a permit may be granted to reduce or waive the number of car spaces required by the table.

The table at Clause 52.06-5 notes that a dwelling with one or two bedrooms requires one (1) car space. The development accords with that provision. Clause 52.06-5 also sets out that one (1) visitor car space is to be provided to every 5 dwellings. The development should therefore provide one (1) visitor car space to comply with that standard.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Car parking is to be designed and constructed in accordance with the requirements of Clause 52.06-9 of the Scheme.

Two or more dwellings on a lot and residential buildings (Clause 55)

Pursuant to Clause 55 of the Greater Dandenong Planning Scheme, the provisions of this Clause apply to an application:

- To construct two or more dwellings on a lot; and
- To construct a dwelling if there is at least one dwelling existing on the lot

The purpose of this clause is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

An assessment of the application against this policy is contained at the end of this report. This clause only applies for developments of less than 5 storeys.

Bicycle Facilities (Clause 52.34)

The provision of bicycle facilities applies to this planning application under Clause 52.34-1. A residential development of four storeys or more is required to provide one space for every five dwellings for residents and one space for every ten dwellings for visitors under Clause 52.34-3.

General Provisions

Clause 65 – Decision Guidelines needs to be considered, as is the case with all applications. For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Proposed Planning Scheme Amendments**

The subject site is not affected by any Planning Scheme amendments.

Restrictive Covenants

There are no restrictions registered on the Title.

Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. In accordance with the commitment in Council's Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

Community Safety

It is considered that there would be no adverse community safety implications in permitting the proposal subject to strict conditions on any planning permit issued.

Safe Design Guidelines

Consideration of the relevant requirements of these Guidelines has been undertaken within the Assessment of this application.

Referrals

The application was not required to be referred to any external referral authorities pursuant to Section 55 of the *Planning and Environment Act 1987*.

Internal

The application was internally referred to the following Council Departments for their consideration. The comments provided will be considered in the assessment of the application.

Internal Referrals	
Arborist	No objections
Civil Development	No objections, subject to conditions on permit.
ESD/Sustainability	No objections, subject to conditions on permit.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Transport	Raised concerns regarding the reduction of the visitor car parking. <i>Planning Officer comments:</i> <i>The application was subsequently amended on 20th March 2018 providing two visitors car spaces. That amendment addressed the Transport Department's concerns.</i>
Waste Services	No objections, subject to conditions on permit.

Advertising

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing two signs on site facing Herbert Street and Market Street.

The notification has been carried out correctly.

Council has received two objections to date.

The location of the objectors is shown in Attachment 2.

Consultation

A consultative meeting was held on 1st March 2018, with the applicant, objectors, Councillors and Council representatives in attendance. Whilst the issues were discussed at length there was no resolution and the objections/submissions stand as received.

Summary of Grounds of Submissions/Objections

The objections are summarised below (**bold**), followed by the Town Planner's Response (in *italics*).

- **Overdevelopment**

The site has an identified future character for medium to high density residential development of up to four storeys, as stated in Clause 22.09. Whilst the site context contains a large proportion of single storey dwellings, this is an ageing housing stock which will undergo substantial change. As the proposal has been assessed against the Greater Dandenong Planning Scheme and demonstrates an acceptable outcome for the site, the proposal presents a development which is consistent with the preferred character and not an overdevelopment of the site.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- **Existing neighbourhood character**

Council's Neighbourhood Character Study 2009 identifies that the residential character surrounding the site includes a mix of dwelling types of associated age. This also identifies that the area is experiencing high levels of development pressure and change, with original dwellings being replaced by either new single dwellings, medium density infill, or the occasional apartment blocks. Given the site has an identified future character of substantial change, the proposed medium to high density development would respond to the preferred neighbourhood character that will supersede the existing character earmarked for substantial change.

- **Building bulk**

The proposal has used a number of techniques which limit the visual impact of the development's building bulk. These techniques include varied setbacks, articulation, fenestration, varied materials and colours as well as landscaping. The landscaping provided on all sides of the development assists in softening the built form when viewed from the adjoining properties. The building is of a high quality and therefore limits building bulk in conjunction with the provision of landscaping.

- **On-street car parking**

The proposal would not increase the number of crossovers accessing the site nor would it reduce the current level on-street car parking. The proposal ensures that adequate on-site car parking is provided for the development providing two car spaces for each dwelling and two visitor car spaces in accordance with the car parking requirement of Clause 52.06-5. The proposal did initially seek a waiver of the two visitor car spaces as these spaces could be accommodated across the site's two frontages totalling 68 metres. However, the applicant was aware of current on-street car parking demands resulting from the Dandenong Market and amended the application to provide all car parking on-site. It is for these reasons that the proposal has investigated all options to limit amenity impacts on neighbouring properties by way of car parking demand.

- **Overlooking**

The proposal has been assessed against Standard B22 and the objective of Clause 55.04-6 which ensures that new development limits views into existing areas of private open space and existing habitable room windows. The proposal would provide adequate screening measures for the west facing windows and balconies which face No. 56 Herbert Street.

The southern elevation of the building shares an interface with the car park located at the front of the abutting child care centre at No. 13 Market Street. This is not considered to be a sensitive interface and therefore does not require any screening treatments. The northern and eastern outlooks face the street and would not be sensitive. Therefore, the proposal would satisfy this standard and the objective of this clause.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- **Overloading of services**

The proposal would provide adequate permeability to assist with water runoff as to not overload the existing infrastructure. Connection and upgrading to service requirements would be outlined by the relevant authorities at the subdivision stage of the proposed development.

- **Overshadowing**

The proposal has been assessed against Standard B21 and the objective of Clause 55.04-5 which ensures that buildings do not significantly overshadow existing areas of private open space. The proposed building would result in some overshadowing of the existing area of private open space to No. 56 Herbert Street occurring at 9am. However the shadow diagram at 10am demonstrates that this area of private open space of the neighbouring dwelling will achieve 5 hours of sunlight between 10am and 3pm in accordance with this standard, satisfying the objective of the clause.

Assessment**Development****State and Local Planning Policy Framework**

In considering State and Local Planning Policy, Council can establish that an acceptable proposal will be guided by Clause 55 *Two or more dwellings on a lot* and Clause 22.09 *Residential Development and Neighbourhood Character* of the Greater Dandenong Planning Scheme. Each of these components ensures that Council facilitates the orderly development of urban areas, which is a specific objective of Clause 11.02 *Settlement*.

The objectives of Clause 15.01 *Urban Environment* and Clause 21.05-1 *Built Form* outline the key considerations in which a development must respond to urban design, character, streetscapes and landscape issues. It is considered that the proposal would provide a high quality building design which has regard to the surrounding environment, with the proposal presenting articulated building elevations to each of the sites interfaces that accommodates adequate setbacks for substantial landscaping. The proposal's compliance with Clause 22.09 and Clause 55 ensures that the development would achieve the objectives set out in Clause 15.01 and Clause 21.05-1.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)Clause 22.09 Assessment

Clause 22.09 directs the preferred character for all residential development within the municipality. In the assessment of the proposal against the design principles at Clause 22.09-3.1, the development demonstrates a design response considerate of the site's context. The proposal also addresses the design principles of Clause 22.09-3.2 for Substantial Change Areas, including housing type, building height, bulk and built form and site design. The preferred housing type for Substantial Change Areas is medium to high density, which is characterised by well designed and site responsive medium to high density residential developments. An assessment against the design principles of Clause 22.09 is included at Attachment 3 of this report. This proposal provides a design response which is consistent with the preferred character envisaged by Clause 22.09 except in the following instances:

Clause 22.09-3.1 of the Greater Dandenong Planning Scheme**Internal layout**

The first floor main living area of Dwellings 7 and 8 could not accommodate a standard dining and living room furniture arrangement. The first floor of Dwellings 7 and 8 includes a kitchen, living and dining room with a bedroom and bathroom. The living and dining room to Dwelling 7 is confined to a 2.8m x 4.0m area which is encroached by the staircase. The living and dining room to Dwelling 8 is confined to a 3.2 x 3.3m area which is encroached by the staircase.

These two dwellings would not have sufficient living space to accommodate a typical furniture layout whilst providing movement paths within the main living area. The first floor living area is inadequate for a three bedroom dwelling and would not provide an acceptable level of internal amenity for residents. Therefore, the first floor bedroom to Dwellings 7 and 8 must be deleted with the first floor reconfigured to increase the main living area within the approved building footprint, as a condition of any permit. (See condition 1.1)

Clause 55 Assessment

A Clause 55 Assessment is attached to this report at Attachment 4. Standards that warrant further consideration are discussed as follows:

Clause 55.03-1 of the Greater Dandenong Planning Scheme

Relevant objective(s):

- *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Street setback (Standard B6)**

The porches of Dwellings 1 and 2 would have a height between 3.8m-4.0m and encroach into the 2.0m street setback to Market Street. The standard requires porches which encroach into the street setback to have a maximum height of 3.6m. The additional height of the two porches is a result of the slope of the land. Each of the other dwellings porch entries are compliant with the standard. In this instance it is acceptable to grant a variation of the standard as the variation is minor and is resultant of the natural features of the site. The proposal would ensure that the building's street setbacks are consistent with preferred character and achieves the objective of Clause 55.03-1.

Clause 55.03-8 of the Greater Dandenong Planning Scheme

Relevant objective(s):

- *To encourage development that respects the landscape character of the neighbourhood.*
- *To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*
- *To provide appropriate landscaping.*

Landscaping (Standard B13)

The trees specified in the conceptual plant schedule on TPA-02 indicate that the selected species would have canopies between 3m-8m. The design response must account for the species of trees to provide for the intended growth and structural protection of buildings. The species of trees proposed present as an issue as they would require substantial pruning and routine maintenance to ensure that they do not impose on the building structure. An amended landscape plan would be required as a condition of any permit, including this information response. (See condition 2)

Clause 55.04-1 of the Greater Dandenong Planning Scheme

Relevant objective(s):

- *To ensure ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

Side and Rear Setbacks (Standard B17)

The development would require a variation of the standard in the following instances:

- The second and third floors depicted on the eastern elevation.

5.7m required for second floor, 4.9m provided (0.8m variation).

8.0m required for third floor, 7.0m provided (1.0m variation).

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- The third floor depicted on the western elevation.

7.8m required for third floor, 7.0m provided (0.8m variation).

- The first and third floor depicted on the southern elevation.

3.1m required for first floor, 2.8m provided (0.3m variation).

8.1m required for third floor, 7.4m provided (0.7m variation).

The elevations demonstrate that the variations are minor in nature and would not be enough to cause material detriment by way of building bulk. Diagram B1 under Clause 55.04-1 has been accurately depicted on the elevations demonstrating the minor variation of the standard. Each of these varied setbacks includes substantial landscaping along the boundary in conjunction with visually permeable building materials on the elevations, which soften these interfaces. It is for these reasons that a variation of the standard is acceptable as the objective of this clause has been satisfied.

Car Parking**Clause 52.06 Assessment**

The car parking requirement under Clause 52.06-5 requires one car space for each two bedroom dwelling and two car spaces for each three bedroom dwelling with one visitor car space to every five dwellings. The proposal would provide 22 car spaces, two for each dwelling plus two visitor car spaces within the undercroft car park, satisfying the car parking requirement for a ten dwelling development under Clause 52.06-5 and the purposes of Clause 52.06.

The proposed visitor car spaces are located within the undercroft car park at bays numbered 4 and 5 which are visible from the car park entry. Given that the entrance to the car park is enclosed by a garage door, visitors would be required to request entry to the basement via an intercom system to gain entry to the visitor car parking spaces. The provision of visitor car parking within the undercroft car park is acceptable provided that the details of the intercom system are indicated on the plans as a condition of any permit. (See condition 1.2)

In conjunction with the changes recommended by condition 1.1, Dwellings 7 and 8 no longer require a second car space pursuant to Clause 52.06-5 as they would be two bedroom dwellings. Therefore, the car park can be reconfigured and two of the car spaces deleted. For access purposes it is recommended that two of the car stackers be deleted. (See condition 1.3)

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

The proposal has been assessed against the design guidelines of Clause 52.06-9 included at Attachment 4 of this report. The proposal complies with each design guidelines, except on the following instances:

Mechanical parking (Design Standard 4)

The car spaces for Dwellings 2, 3, 6 and 8 would be provided in the form of car stackers. The design of the car stackers would meet the requirements of this design standard. To ensure the car parking for these dwellings is provided in accordance with this design standard a condition will be included on the permit requiring the car stackers to be constructed and maintained in accordance with the manufacturer's specifications. (See condition 5)

Urban design (Design Standard 5)

The undercroft car parking would be located behind a building façade which extends along the northern and eastern ground floor elevations. The car park would be exposed at ground floor on the southern side of the building where it is visible from Market Street. In order to reduce the visual impact of the false façade to Market Street car space 22 at the south-eastern corner of the building is to be enclosed by a full height wall at ground floor for a minimum length of 2m starting from the eastern façade. This would be required as a condition of any permit. (See condition 1.4)

Proposed Planning Scheme Amendments

The subject site is not affected by the seriously entertained Part 2 of Amendment C182. The site was rezoned from Schedule 1 to Schedule 2 of the Residential Growth Zone under Part 1 of Amendment C182 gazetted into the Greater Dandenong Planning Scheme on 21st December 2017.

Conclusion

The proposed development would provide a design response which is consistent with the strategies and objectives of the Greater Dandenong Planning Scheme, including achieving compliance with the principles of Clause 22.09 and the objectives of Clause 55, which demonstrates an appropriate design response for the site. The proposal would limit amenity impacts on the neighbouring properties thus respecting the existing character. The site is located within a Substantial Change Area with the proposed development contributing to the preferred character envisaged by the Planning Scheme. It is for these reasons that the proposal be recommended for approval.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)**Recommendation**

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as No. 58 Herbert Street, Dandenong VIC 3175 (Lot 2 TP 672714 Vol 8092 Fol 340), for the development of the land for a four storey building comprising 10 dwellings in accordance with the plans submitted with the application, subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - 1.1. The first floor bedroom to Dwellings 7 and 8 deleted, with the first floor living area increased within the approved building footprint;**
 - 1.2. An intercom system located at the entry to the car park to allow communication between any visitors to the site and the respective occupant(s);**
 - 1.3. In conjunction with the changes implemented by condition 1.1, two of the car stackers deleted and replaced by two single car spaces with the car park reconfigured accordingly;**
 - 1.4. Car space 22 to be enclosed by a full height wall along the southern side of the building for a minimum length of 2m starting from the eastern façade;**
 - 1.5. An amended Sustainable Design Assessment (SDA) (prepared by Energy Efficient Choices Pty Ltd), amended as follows:**
 - 1.5.1. Submission of the preliminary energy ratings in the appendix of the SDA;**
 - 1.5.2. Revised BESS assessment as per any changes to the design as per condition 1;**
 - 1.5.3. Revised SDA that addresses any changes to the design as per condition 1.**
 - 1.6. Amended plans as per the recommendations made in the Sustainable Design Assessment;**
 - 1.6.1. A total of 10 bicycle spaces as per the SDA;**
 - 1.6.2. Revised annotation specifying rainwater reticulation to all apartment toilets;**
 - 1.6.3. Location of the solar PV panels on the roof plan;**

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- 1.6.4. Location on ground floor plan of the 40A EV charging/power supply point areas;**
 - 1.6.5. Location of any communal waste storage area (including for food organic waste as per the SDA).**
- 1.7. An amended Waste Management Plan prepared by Leigh Design Pty Ltd on 20 November 2017, amended as follows:**
 - 1.7.1. The collection vehicle not permitted to enter the car park;**
 - 1.7.2. The waste bins presented on Market Street for collection, and then returned by the contractor to the bin storage area.**

When approved, these plans will be endorsed and will form part of this permit.

- 2. Before the approved development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and two copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:**
 - 2.1. plans to accord with Condition 1 of this permit;**
 - 2.2. the site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;**
 - 2.3. details of the proposed layout, type and height of fencing;**
 - 2.4. all screening structures, loading bays and refuse collection locations;**
 - 2.5. legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;**
 - 2.6. a plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;**

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- 2.7. at least two (2) advanced canopy trees with a minimum planting height of 1.5 metres within the front boundary;**
- 2.8. any paving or deck areas within the site provided on a permeable base;**
- 2.9. canopy trees with appropriate setbacks from buildings/structures.**

When approved, the amended landscape plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

At all times, the landscaping must be maintained in good order in accordance with the endorsed landscape plan and schedule to the satisfaction of the Responsible Authority.

- 3. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.**
- 4. Except with the prior written consent of the Responsible Authority, the approved building must not be occupied until all buildings and works and the conditions of this permit have been complied with.**
- 5. Before the approved development is occupied, a car stacker system management plan must be submitted to and approved by the Responsible Authority. The car stacker management plans must include but not be limited to the following:**
 - 5.1. Allocation of car parking spaces according to vehicle size and type;**
 - 5.2. Ongoing maintenance of the car stacker system;**
 - 5.3. Instructions to owners/occupiers about the operation of the car stacker system;**
 - 5.4. Communicating to prospective residents about the availability of car stacker spaces and sizes; and**
 - 5.5. Specific make and model of all proposed car stackers.**

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

When approved, the car stacker management plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the car stacker management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 6. The development must be constructed in accordance with the endorsed Sustainable Design Assessment (SDA) prepared by Energy Efficient Choices Pty Ltd. Any revisions to the SDA after endorsement cannot occur without written consent from the responsible authority.**
- 7. The provisions, requirements and recommendations of the endorsed Waste Management Plan prepared by Leigh Design Pty must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 8. Provision must be made for the drainage of the site including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.**
- 9. The connection of the internal drainage infrastructure to the LPD must be to the satisfaction of the Responsible Authority.**
- 10. Collected stormwater must be retained onsite and discharged into the drainage system at pre development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 11. Prior to the drainage plans being approved, a plan checking fee of 0.75% and supervision fee of 2.5% of the estimated cost of works is to be paid to Council.**
- 12. Before the approved building is occupied, all piping and ducting above the ground floor storey of the building, except downpipes, must be concealed to the satisfaction of the Responsible Authority.**
- 13. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 14. Service units, including air conditioning/heating units, must not be located on any of the balcony areas or where they will be visible from any public area.**
- 15. Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- 16. Before the approved building is occupied, the development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkway. Lighting must be located, directed and shielded to the satisfaction of the Responsible Authority so as to prevent any adverse effect outside the land.**
- 17. Before the approved building is occupied, the obscure glazing to the windows shown on the endorsed plans must be provided through frosted glass or similarly treated glass. Adhesive film or similar removable material must not be used.**

All glazing must at all times be maintained to the satisfaction of the Responsible Authority.
- 18. Before the approved building is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.**

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.
- 19. Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.**
- 20. The operator under this permit must make all reasonable endeavours to ensure that all vehicles entering and exiting the site should do so in a forward direction, all to the satisfaction of the Responsible Authority.**
- 21. This permit will expire if:**
 - 21.1. The development or any stage of it does not start within two (2) years of the date of this permit, or**
 - 21.2. The development or any stage of it is not completed within four (4) years of the date of this permit.**

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

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- (a) The request for the extension is made within twelve (12) months after the permit expires; and**

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

- (b) The development or stage started lawfully before the permit expired.

Permit Notes

A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.

Approval of any retention system within the property boundary is required by the relevant building surveyor.

Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.

As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.

A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings. You may be required to apply for an Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.

No buildings or works shall be constructed over any easement without the written consent of the relevant authorities.

This permit has been granted on the basis that consent to build over any easement will be obtained from the relevant authority. If consent is not able to be obtained, the development plan will be required to be amended.

An application must be made with Council's Parks Department for any street tree removal. The street tree must only be removed by or under the supervision of the Council. Prior to removal of the tree the replacement cost must be paid to Council.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 58 HERBERT STREET,
DANDENONG (PLANNING APPLICATION NO. PLN17/0656)**

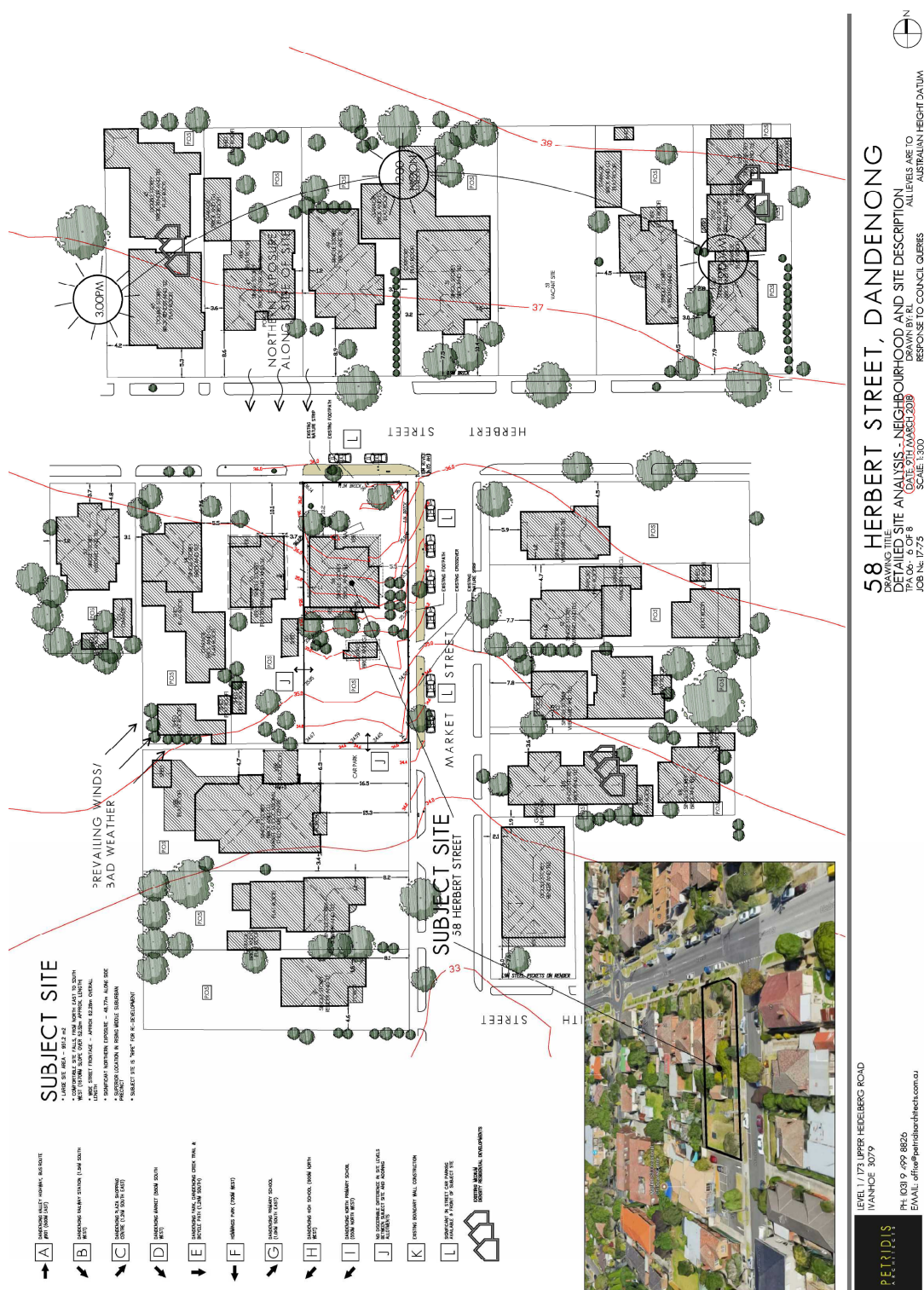
ATTACHMENT 1

SUBMITTED PLANS

PAGES 10 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

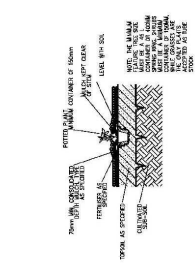
LANDSCAPE NOTES:

- THESE LANDSCAPE NOTES ARE TO BE USED IN CONJUNCTION WITH THE LANDSCAPE ARCHITECTURE DRAWINGS AND TO BE READ IN CONJUNCTION WITH THE LANDSCAPE ARCHITECTURE SPECIFICATIONS. THE NOTES ARE TO BE USED TO GUIDE THE INSTALLATION OF THE LANDSCAPE AND TO BE USED TO GUIDE THE MAINTENANCE OF THE LANDSCAPE.
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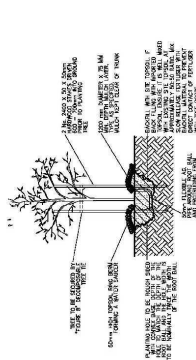
CONCEPTUAL PLANT SCHEDULE

TREES	QUANTITY	COMMON NAME	HEIGHT	SPACING
1	1	ACACIA SPINOSA	10M	10M
2	1	ACACIA SPINOSA	10M	10M
3	1	ACACIA SPINOSA	10M	10M
4	1	ACACIA SPINOSA	10M	10M
5	1	ACACIA SPINOSA	10M	10M
6	1	ACACIA SPINOSA	10M	10M
7	1	ACACIA SPINOSA	10M	10M
8	1	ACACIA SPINOSA	10M	10M
9	1	ACACIA SPINOSA	10M	10M
10	1	ACACIA SPINOSA	10M	10M

TUBE/POT PLANTING



ADVANCED TREE PLANTING



LEVEL 1 / 170 UPPER HEDDERBERG ROAD
WANDEREE 3079

TEL: 03 9 499 8826
EMAIL: info@petridis.com.au



58 HERBERT STREET, DANDENONG

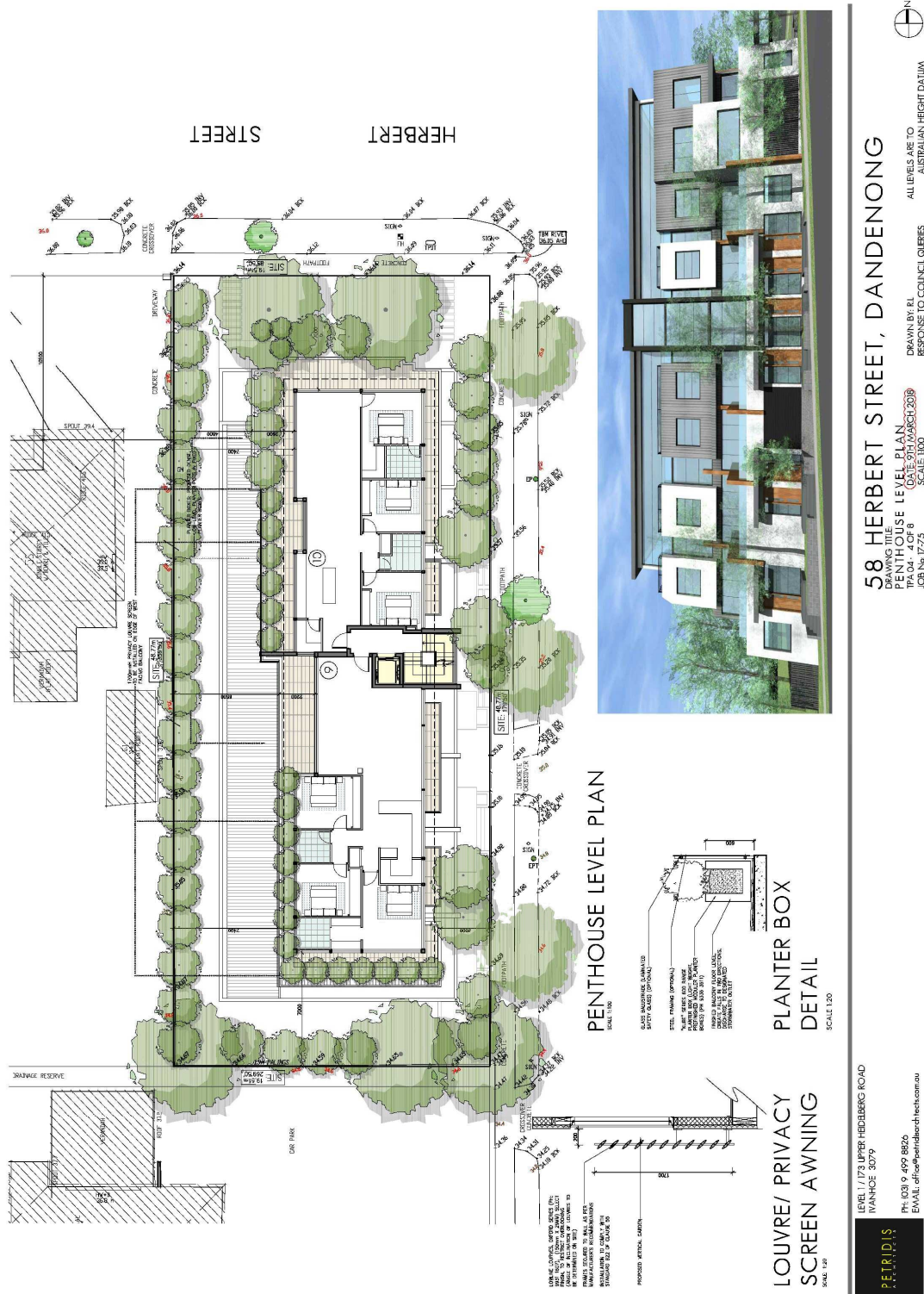
DATE: 09th MARCH 2018
JOB No: 1775

DRAWN BY: RL
RESPONSE TO COUNCIL QUERIES

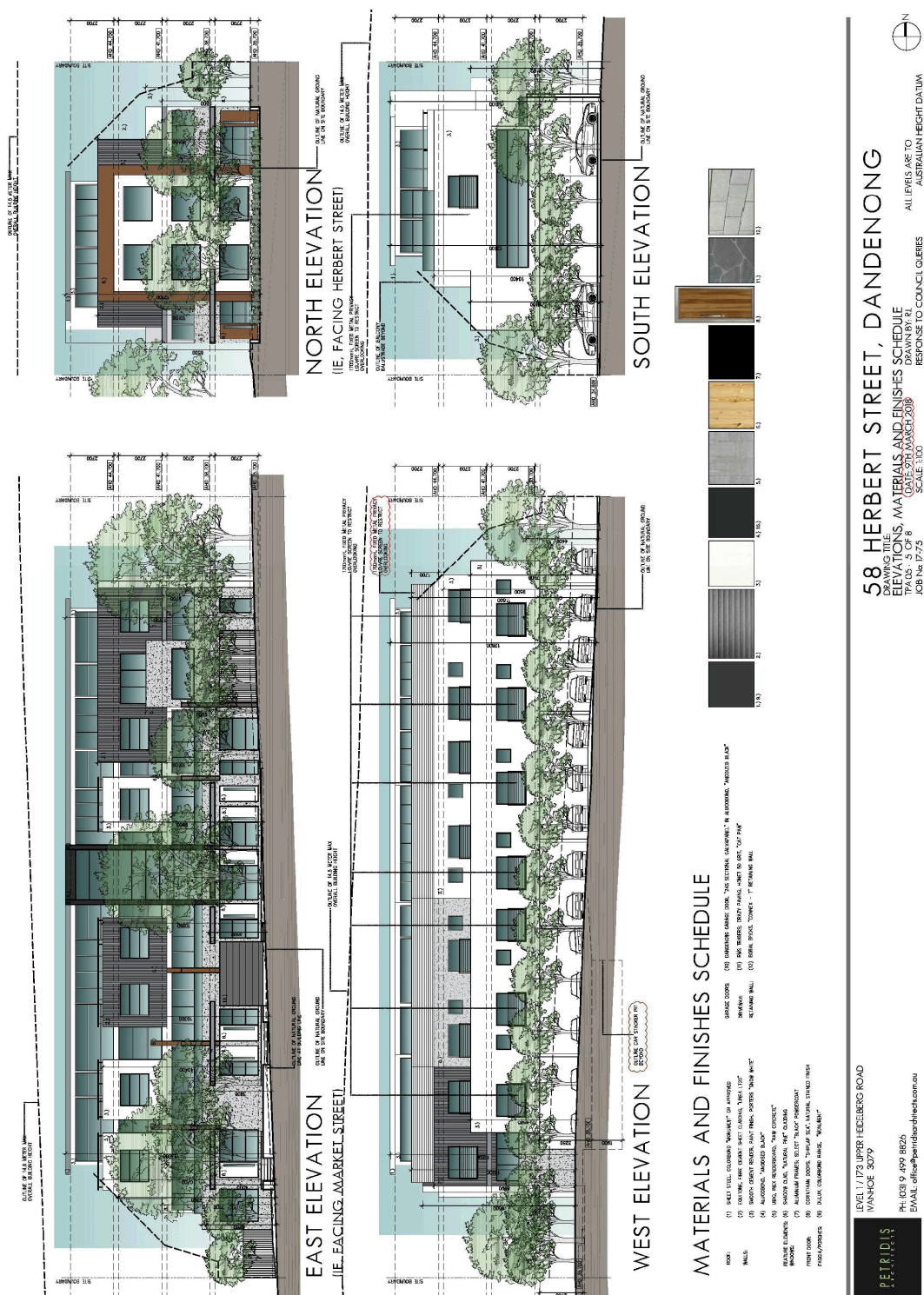
ALL LEVELS ARE TO
AUSTRALIAN HEIGHT DATUM



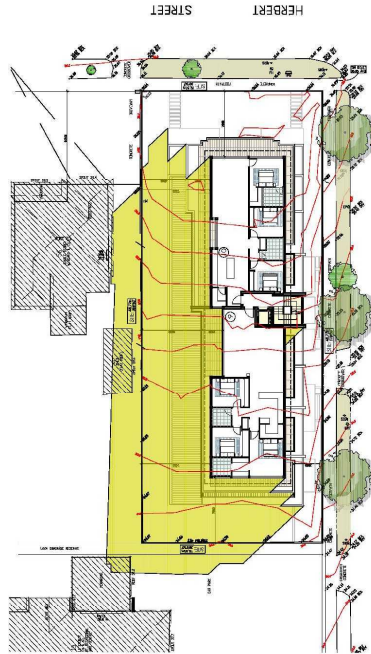
2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



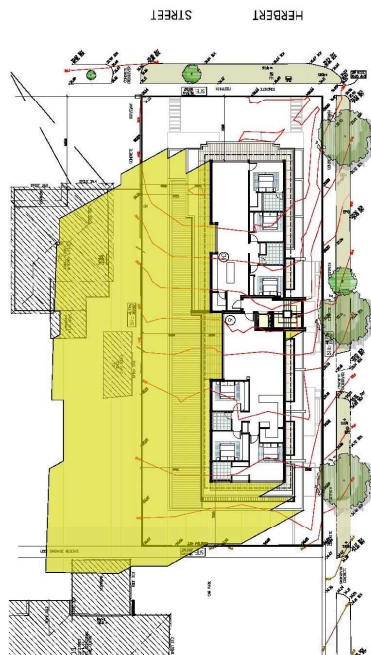
2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



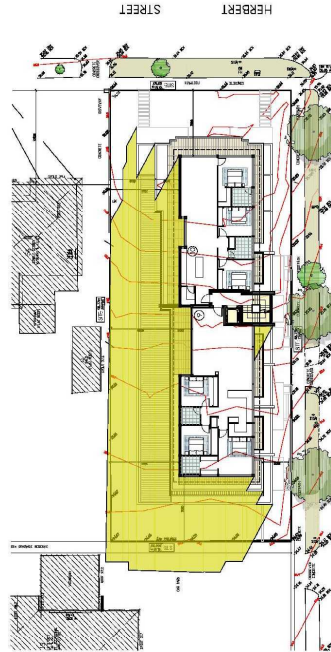
2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



DETAILED SHADOW ANALYSIS
- 10.00AM



DETAILED SHADOW ANALYSIS
- 9.00AM

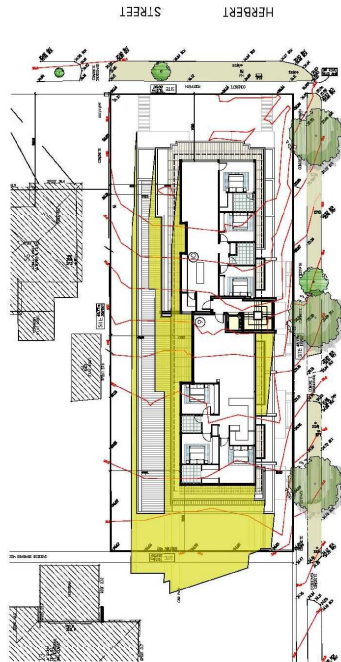


DETAILED SHADOW ANALYSIS
- 11.00AM

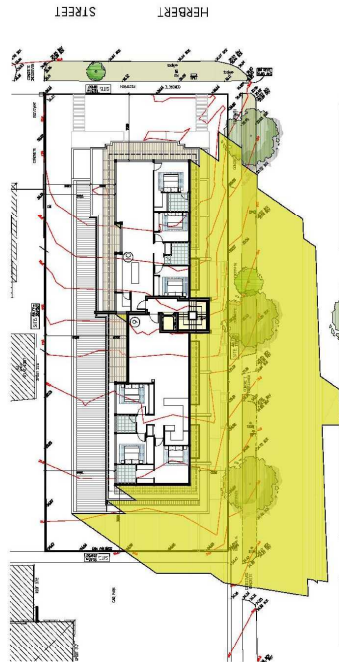
58 HERBERT STREET, DANDENONG
DRAFT TITLE
DETAILED SHADOW ANALYSIS - 9.00AM, 12 NOON AND 3.00PM, SEPTEMBER 22
DRAWN BY R.L.
DATE 9TH MARCH 2018
SCALE 1:200
RESPONSE TO COUNCIL QUERIES
ALL LEVELS ARE TO
AUSTRALIAN HEIGHT DATUM

10/151 1/175 LURCH HEDDERG ROAD
WANDOE 3079
PETER D. J. S.
PH 035 9 499 8826
EMAIL: office@peterdavis.com.au

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



DETAILED SHADOW ANALYSIS
- 12.00NOON



DETAILED SHADOW ANALYSIS
- 3.00PM

LEVEL 1/171 UPPER HEDDERBERG ROAD
WANDOE 3079



PH: (03) 9 499 8826
EMAIL: office@petridisconsultants.com.au

58 HERBERT STREET, DANDENONG

DATE OF THE DETAILED SHADOW ANALYSIS - 9.00AM, 12. NOON AND 3.00PM, SEPTEMBER 22
DRAWN BY RL
ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM
RESPONSE TO COUNCIL QUERIES
JOB No 1775
SCALE 1:200
DATE OF MARCH 2018



2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 58 HERBERT STREET,
DANDENONG (PLANNING APPLICATION NO. PLN17/0656)**

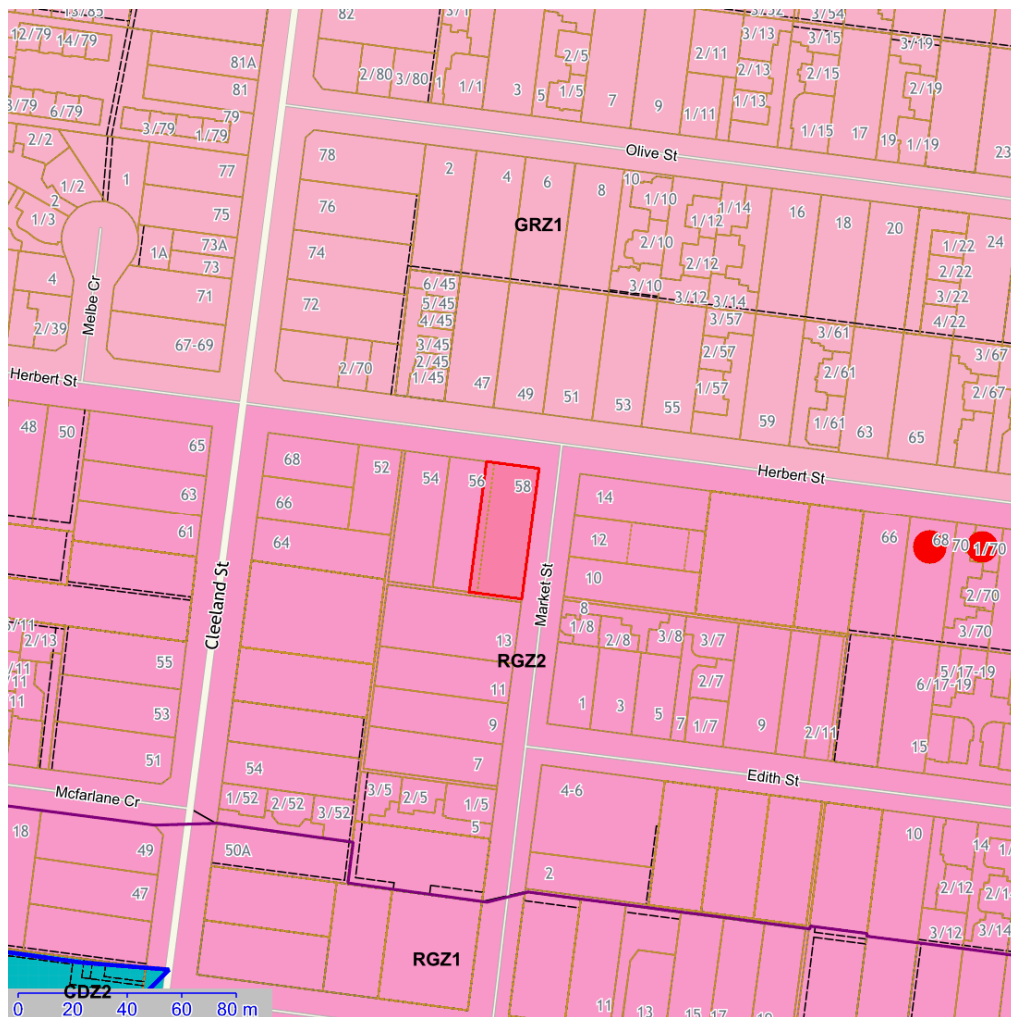
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)



2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 58 HERBERT STREET,
DANDENONG (PLANNING APPLICATION NO. PLN17/0656)**

ATTACHMENT 3

CLAUSE 22.09 ASSESSMENT

PAGES 7 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Assessment against C182 – Clause 22.09		
The subject site is located within the 'Substantial change' area at Clause 22.09-3.5 Map 1 – Future Change Areas.		
Clause 22.09 requires all residential developments to be assessed against the design principles, in addition to those specific to each future Change area.		
The overarching Design Principles at Clause 22.09-3.1 are as follows:		
Objective	Design Principle	Response
Safety	<p>To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:</p> <ul style="list-style-type: none"> • Incorporate active frontages including ground floor habitable room windows. • Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas. • Use semi-transparent fences to the street frontage. • Light communal spaces including main entrances and car parking areas with high mounted sensor-lights. • Ensure that all main entrances are visible and easily identifiable from the street. • Locate non-habitable rooms such as bathrooms, away from entrances and street frontage. 	<p>✓ Complies</p> <p>Whilst the ground floor largely consists of undercroft car parking there are a number of building entry points facing both streets, with a large extent of glazing incorporated, giving the appearance of habitable rooms. Upper floor habitable room windows and balconies have been oriented to front the street, where possible, providing additional passive surveillance.</p>
Landscaping	<p>Residential development should:</p> <ul style="list-style-type: none"> • Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries. • Provide substantial, high quality landscaping along vehicular accessways. • Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area. • Planting trees that are common to and perform well in the area. • Avoid the removal of existing mature trees by incorporating their retention into the site design. • Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties. • Ensure that landscaping also addresses the Safety Design Principles. <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p> <p>Landscaping should minimise the impact</p>	<p>✓ Complies</p> <p>The proposed development's boundary setbacks would provide adequate space for landscaping opportunities along each of the site's sensitive interfaces. The conceptual landscape plan nominates acceptable plant species which could be accommodated within the building setbacks.</p> <p>The proposal would provide substantial high-quality landscaping capable of protecting the outlook of abutting dwellings.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

	<p>of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p> <p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p>	
Car parking	<p>The existing level of on-street car parking should be maintained by avoiding second crossovers on allotments with frontage widths less than 17 metres.</p> <p>On-site car parking should be:</p> <ul style="list-style-type: none"> well integrated into the design of the building, generally hidden from view or appropriately screened where necessary, located to the side or rear of the site so as to not dominate the streetscape and to maximise soft landscaping opportunities at ground level, <p>Where car parking is located within the front setback it should be:</p> <ul style="list-style-type: none"> fully located within the site boundary; and capable of fully accommodating a vehicle between a garage or carport and the site boundary. <p>Developments with basement car parking should consider flooding concerns where applicable.</p>	<p>! Condition required</p> <p>The existing level of on street car parking on Herbert Street and Market Street would be maintained with one crossover proposed for the development.</p> <p>The ground floor car parking area is completely enclosed along each of the site's street interfaces and has been incorporated amongst the dwelling entries and ground floor windows, thus integrating on-site car parking into the building design.</p> <p>The external presentation of the building's elevations comprises a variety of materials and colours which add visual interest to the development at each floor. The landscaping would also contribute to the softening the appearance of the built form.</p> <p>No car parking would be located within the front setback.</p> <p>The southern elevation alongside car space 22 requires alterations as discussed under Clause 55.06-1.</p>
Setbacks, front boundary and width	<p>Residential developments should:</p> <ul style="list-style-type: none"> Provide a front setback with fence design and height in keeping with the predominant street pattern. Maintain the apparent frontage width pattern. Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity. Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting. 	<p>✓ Complies</p> <p>No front fence proposed.</p>
Private open space	<p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p> <p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the usability of the space.</p>	<p>✓ Complies</p> <p>Each dwelling is provided with a balcony with a minimum dimension of 2m, a total minimum area of 10m and accessed directly via the main living area.</p> <p>Site orientation of north to south does not allow all living areas and private open space to be located on the northern side of the development. The primary living spaces and private open</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

	<p>Private open space should be positioned to maximise solar access.</p> <p>Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.</p> <p>Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.</p>	<p>space areas are located at the first floor and oriented to the street (east) to enhance internal amenity.</p> <p>The second floor of the building extending above the secluded private open space of each dwelling is a part of the same dwelling. This would be a minor encroachment of the space and has minimal impacts on the solar access to each area of secluded private open space.</p>
Bulk & Built Form	<p>All residential developments should respect the dominant façade pattern of the streetscape by:</p> <ul style="list-style-type: none"> Using similarly proportioned roof forms, windows, doors and verandahs; and Maintaining the proportion of wall space to windows and door openings. <p>Balconies should be designed to reduce the need for screening from adjoining dwellings and properties.</p> <p>The development of new dwellings to the rear of existing retained dwellings is discouraged where:</p> <ul style="list-style-type: none"> The siting of the retained dwelling would not enable an acceptable future site layout for either the proposed or future dwelling; or The retention of the existing dwelling detracts from the identified future character. <p>On sites adjacent to identified heritage buildings infill development should respect the adjoining heritage by:</p> <ul style="list-style-type: none"> Not exceeding the height of the neighbouring significant building; Minimising the visibility of higher sections of the new building; and Setting higher sections back at least the depth of one room from the frontage. 	<p>✓ Complies</p> <p>The development would present a contemporary design to the street and abutting properties. The flat roof form, articulated elevations and mixture of external building materials, colours and glazing would provide visual interest to all sides and a high quality of building design.</p> <p>The balconies of Dwellings 1 – 8 would be oriented to the street to avoid screening.</p>
Site Design	<p>Residential development should:</p> <ul style="list-style-type: none"> Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties. Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance. Ensure that building height, massing and articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and 	<p>✓ Complies</p> <p>The development would limit amenity impacts on neighbouring properties, demonstrated by the proposal's compliance with the objectives of Clause 55.04.</p> <p>The development benefits from the thermal properties associated with attached construction. The development also achieves good solar access to main indoor living areas with dual access to both morning and afternoon sun, and almost half of the secluded private open space balconies enjoying solar access to the</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

	<p>streetscape and reduces the need for screening.</p> <ul style="list-style-type: none"> • Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees. • Provide suitable storage provisions for the management of operational waste. Appropriately locate suitable facilities to encourage public transport use, cycling and walking. 	<p>north and west. The benefits of orientating the balconies of Dwellings 1 - 8 to the street outweigh the benefits of orientating these balconies to the west for afternoon solar access.</p>
Materials & Finishes	<p>Residential development should:</p> <ul style="list-style-type: none"> • Use quality, durable building materials and finishes that are designed for residential purposes. • Avoid the use of commercial or industrial style building materials and finishes. • Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials. • Use a consistent simple palette of materials, colours, finishes and architectural detailing. • Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building. 	<p>✓ Complies</p> <p>The proposal would use a range of quality, durable building materials and finishes as well as glazing that are designed for residential developments.</p> <p>Four alternative building material types proposed ensuring that there is not a repetition of external building materials.</p>
Domestic services normal to a dwelling and Building services	<p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <ul style="list-style-type: none"> • Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties. • Be designed to avoid the location of domestic and building services: <p>within secluded private open space areas, including balconies; and where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.</p>	<p>✓ Complies</p> <p>The majority of dwellings services are located within the car park, ensuring that they minimise any perceived impacts from the streetscape, adjacent properties, public realm and amenity of future residents.</p>
Internal Amenity	<p>Residential development should:</p> <ul style="list-style-type: none"> • Ensure that dwelling layouts have connectivity between the main living area and private open space. • Be designed to avoid reliance on borrowed light to habitable rooms. • Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening. 	<p>! Condition required</p> <p>Each dwelling would have direct connectivity to the secluded private open space.</p> <p>The habitable living spaces would not have a reliance on borrowed light.</p> <p>The balconies of each dwelling have been oriented to reduce the need for screening.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

	<ul style="list-style-type: none">• Ensure that dwellings without ground level main living areas meet the Standards of Clauses 55.03-5, 55.04-1, 6 & 7, 55.05-3, 4 & 5.	<p>The apartment style layout for each dwelling is acceptable for developments of medium to high density located within the area identified for substantial change. It is noted however that eight of the ten dwellings have ground floor entry points which provide direct access to the dwelling.</p> <p>The internal layout of each dwelling could accommodate a standard dining and living room arrangement with the exception of Dwellings 7 and 8. The first floor of Dwellings 7 and 8 includes a kitchen, living and dining room with a bedroom and bathroom.</p> <ul style="list-style-type: none">• The living and dining room to Dwelling 7 is confined to a 2.8m x 4.0m area which is encroached by the staircase.• The living and dining room to Dwelling 8 is confined to a 3.2 x 3.3m area which is encroached by the staircase. <p>In order for Dwellings 7 and 8 to provide adequate space for residents and an acceptable level of internal amenity the first floor bedroom must be deleted with the living area increased as a condition of any permit.</p>
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2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Assessment Table for Clause 22.09-3.2 Substantial change areas		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Preferred housing types	The preferred housing types for the Substantial Change Area are medium to high density.	✓ Complies Apartment building conforming to the medium to high density profile of Substantial Change Areas.
Building Height	The preferred maximum building height for land within the: • RGZ1 and RGZ2 is up to 4 storeys, including ground level.	✓ Complies Maximum four storey building containing ten (10) dwellings and an undercroft car park.
Bulk & Built Form	<p>Building bulk and height can be relatively uniform throughout the depth of sites, where articulated building elevations and well proportioned ground level setbacks to upper levels are provided at the front, side and rear of buildings to allow for substantial landscaping to soften the built form.</p> <p>Upper level tiering may be appropriate in some cases with upper levels recessed from view. Tiered building profiles that result in excessive upper level setbacks should be avoided.</p> <p>Separation between upper levels of dwellings on a site is not generally needed, provided the building portrays a high standard of design and does not result in unreasonable amenity impacts. The bulk and mass of the upper levels of any dwelling should not have an unreasonable adverse impact on the amenity of adjacent residential secluded private open spaces.</p> <p>Residential development should be well articulated through the use of contrast, texture, variation in forms, materials, openings, colours and the inclusion of vertical design elements.</p>	<p>✓ Complies The building steps away as the height increases where abutting the single storey dwellings at No. 56 Herbert St and No. 13 Market Street.</p> <p>The proposed development's boundary setbacks would provide adequate space for landscaping opportunities along the site's sensitive interfaces. The conceptual landscape plan nominates acceptable plant species which could be accommodated within the building setbacks.</p>
Site Design	High density residential developments should provide safe and innovative communal open spaces.	- N/A No communal open space proposed.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 58 HERBERT STREET,
DANDENONG (PLANNING APPLICATION NO. PLN17/0656)**

ATTACHMENT 4

CLAUSE 52.06 ASSESSMENT

PAGES 5 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Parking Provision To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents.	Car parking for residents should be provided as follows: <ul style="list-style-type: none"> One space for each one or two bedroom dwelling. Two spaces for each three or more bedroom dwelling, with one space under cover. Studies or studios that are separate rooms must be counted as bedrooms. <ul style="list-style-type: none"> One space for visitors to every 5 dwellings for developments of 5 or more dwellings 	✓ Complies 10x 3 bedroom dwellings Two car spaces to each dwelling plus two visitor car spaces.
	Design Standard 1 Accessways The provision of car parking should meet the design requirements of this Clause.	✓ Complies Accessway at least 4.0m wide. Garage clearance height at least 2.8m.
	Accessways should: <ul style="list-style-type: none"> Be at least 3 metres wide. Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre. Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. 	✓ Complies Vehicles could exit the site in a forwards direction having adequate manoeuvrability within the internal accessway. Swept path analysis confirms each vehicle could exit the site in a forwards direction. Council's Traffic Engineers have not raised any concerns in this regard.
	If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.	
	If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	
	Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	- N/A The accessway is not more than 50m long or connected to a road in a Road Zone.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided.	✓ Complies Corner splays shown on plans.
Design Standard 2 Car parking spaces Car parking spaces and accessways should have minimum dimensions.	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> Parallel – 2.3m x 6.7m with a accessway width of 3.6m 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m (refer to the table in 55.06 for more details)	✓ Complies Minimum accessway width 6.5m Required 6.4m
	A building may project into the space if it is at least 2.1 metres above the space.	✓ Complies 2.8m minimum clearance
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> Single garage 3.5m x 6m Double garage 5.5m x 6 	- N/A No individual garages proposed only car spaces.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
Design Standard 3 Gradients Accessways to ensure safety for pedestrians and vehicles.	Accessway grades should not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.	✓ Complies Access ramp grade is 1:13
	Ramps (except within 5 metres of the frontage) should have the maximum grades of: <ul style="list-style-type: none"> 20 metres or less 1:5 (20%) Longer than 20 metres 1:6 (16.7%) 	
Design Standard 4 Mechanical parking	Mechanical parking may be used to meet the car parking requirement provided: <ul style="list-style-type: none"> At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres. Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation. The design and operation is to the satisfaction of the responsible authority. 	! Condition required Car stacker details of manufacturer 'Klavs': <ul style="list-style-type: none"> Car stacker cross section depicted on TPA-02. Vehicle clearance height would be 1.8m. Car stackers for residents of Dwellings 2, 3, 6 and 8 only. Car stackers to be constructed in accordance with manufacturers specifications. This would be required as a condition of any permit.
Design Standard 5 Urban Design	Ground level car parking, garage doors and accessways should not visually dominate public space.	! Condition required Undercroft car parking located behind building façade.
	Car parking within buildings (including visible portions of partly submerged basements) should be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	! Condition required However, the southern elevation is open at the ground floor exposing the car park to the street. Car space 22 is to be enclosed by a full height wall for a minimum length of 2.0m in order to limit the visual impact of the false façade when viewed from the street. This would be required as a condition of any permit.
Design Standard 6 Safety	Car parking should be well lit and clearly signed.	✓ Complies The undercroft car park would have lighting.
	The design of car parks should maximise natural surveillance and pedestrian visibility from adjacent buildings.	✓ Complies The ground floor would have parts of the eastern elevation enclosing the car park which are visually permeable, enhancing passive surveillance between Market Street and the car park.
Design Standard 7 Landscaping	The layout of car parking areas should provide for water sensitive urban design treatment and landscaping.	✓ Complies Landscaping provided along the driveway entry. Substantial landscaping including canopy trees would be provided along all sides of the car park.
	Landscaping and trees should be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	✓ Complies The landscaping depicted on the conceptual landscape plan would be adequate to soften the appearance of car parking areas.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Car Parking Assessment Table for Clause 52.06		
Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Ground level car parking spaces should include trees planted with flush grilles. Spacing of trees should be determined having regard to the expected size of the selected species at maturity.	✓ Complies Adequate separation of trees would be determined upon receipt of final landscape plan.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 58 HERBERT STREET,
DANDENONG (PLANNING APPLICATION NO. PLN17/0656)**

ATTACHMENT 5

CLAUSE 55 ASSESSMENT

PAGES 16 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Assessment Table - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

Neighbourhood Character & Infrastructure		Clause 55.02
Objective	Standard (Summarised)	Complies / Does Not Comply / Variation Required/NA
B1 Neighbourhood Character To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	The design response must be appropriate to the neighbourhood and the site.	✓ Complies The proposal would provide a design response which is consistent with the strategies and objectives of Clause 21.05 and achieves compliance with the design principles of Clause 22.09, which demonstrates that the proposal is an appropriate design response for the site.
	The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	✓ Complies The proposal would limit amenity impacts on the neighbouring properties respecting the existing character. The site is located within a Substantial Change Area with the proposed development contributing to the preferred character envisaged by Clause 22.09.
B2 Residential Policy To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	✓ Complies The written assessment submitted with the application assessing the proposal against the State and Local Policy and Clause 55 provides an acceptable design response to the sites context.
B3 Dwelling Diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	✓ Complies Each of the ten dwellings would have three bedrooms. Eight dwellings would have a first floor living area with one bedroom and two bedrooms at the second floor. The two third floor penthouse apartments would have an open plan layout including the primary living space along with three bedrooms. Whilst the each dwelling would have the same number of bedrooms the proposal would provide for an alternative housing type to the single storey dwellings that make up a proportion of the dwelling types in this area, and therefore assist in providing a diversity of dwellings.
B4 Infrastructure To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	✓ Complies Site located in an established residential area.
	Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.	✓ Complies The proposal would provide adequate permeability to assist with water runoff as to not overload the existing infrastructure. Any upgrades to services would be at the request of the relevant service authorities.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Objective	Standard (Summarised)	Complies / Does Not Comply / Variation Required/NA
	In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	✓ Complies The proposal would be required to contribute the upgrading of utility services if the relevant authority required it. This would be outlined at subdivision stage.
B5 Integration with the Street To integrate the layout of development with the street.	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.	✓ Complies The façade treatment is responsive to the street, with on-site car parking identifiable by the garage door to Market Street.
	Development should be oriented to front existing and proposed streets.	✓ Complies The dwelling entries to Dwellings 1-6 would front Market Street, whilst Dwellings 7-8 would front Herbert Street. Dwellings 9-10 would be located on the third floor with pedestrian access provided via a shared entry at the Market Street frontage.
	High fencing in front of dwellings should be avoided if practicable.	✓ Complies No front fencing proposed.
	Development next to existing public open space should be laid out to complement the open space.	- N/A

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Site Layout and Building Massing		Clause 55.03
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B6 Street Setback To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Walls of buildings should be set back from streets: The distance specified in Table B1. <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i> <i>Within the Residential Growth Zone schedule:</i> As per B6 or 5 metres, whichever is the lesser.	! Variation Required Front street setback of 5.0m from Herbert Street. Side setback of 2.0m from Market Street. Front and side street setbacks of building would meet Standard B6. The porches of Dwellings 1 and 2 would encroach into the 2.0m street setback with a height between 3.8m-4.0m. This is partly due to the slope of the land. A variation of Standard B6 is sought.
B7 Building Height To ensure that the height of buildings respects the existing or preferred neighbourhood character.	The maximum building height should not exceed 13.5 metres in the Residential Growth Zone (as per Clause 32.07-8), 9 metres in the Neighbourhood Residential Zone (as per Clause 32.09-8) and 11 metres in all other zones (unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 1 metres higher than the maximum prescribed for the relevant zone).	✓ Complies Maximum building height of 13.1m
	Changes of building height between existing buildings and new buildings should be graduated.	✓ Complies The building steps away as the height increases where abutting the single storey dwellings at No. 56 Herbert St and No. 13 Market Street.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B8 Site Coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	The site area covered by buildings should not exceed 60%. <i>Within the Residential Growth Zone schedule:</i> Up to a maximum of 70%.	✓ Complies Site area – 951sqm Site coverage – 616sqm 64%
B9 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	At least 20% of the site should not be covered by impervious surfaces.	✓ Complies Site area – 951sqm Pervious areas – 234.1sqm 24.6%
B10 Energy Efficiency To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Buildings should be: <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	✓ Complies The proposal's Sustainable Design Assessment Report satisfies Council's expectations for sustainability, subject to changes recommended by Council's Sustainability Department provided in the internal referral.
	Living areas and private open space should be located on the north side of the development, if practicable.	✓ Complies Site orientation of north to south does not allow all living areas and private open space to be located on the northern side of the development. The primary living spaces and private open space areas are located at the first floor and oriented to the street (east) to enhance internal amenity.
	Developments should be designed so that solar access to north-facing windows is maximised.	✓ Complies The northern elevation of the building would maximise the solar access for north facing windows for Units 7, 8 & 10.
B11 Open Space To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and usable. 	- N/A
B12 Safety To ensure the layout of development provides for the safety and security of residents and property.	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.	✓ Complies The dwelling entries to Dwellings 1-6 would front Market Street, whilst Dwellings 7-8 would front Herbert Street. Dwellings 9-10 would be located on the third floor with pedestrian access provided via a shared entry at the Market Street frontage.
	Planting which creates unsafe spaces along streets and accessways should be avoided.	✓ Complies The canopy of the trees located within the side street setback would not interrupt views between the street, pathway and car park.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	✓ Complies The internal car park would be secured by a garage door. All dwelling entries would face the street and have windows at the entry providing passive surveillance for residents. The ground floor would have parts of the eastern elevation which are visually permeable enhancing passive surveillance between Market Street and the car park.
	Private spaces within developments should be protected from inappropriate use as public thoroughfares.	✓ Complies There would be no access to private areas with front spaces defined by landscaping and retaining walls.
B13 Landscaping To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.	The landscape layout and design should: <ul style="list-style-type: none"> Protect any predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. In locations of trees specified in the conceptual plant schedule on TPA-02 indicate that the selected species would have canopies between 3m-8m. The design response must account for the species of trees to provide for the intended growth and structural protection of buildings. An amended landscape plan would be required as a condition of any permit, including this information response habitat importance, maintain existing habitat and provide for new habitat for plants and animals. Provide a safe, attractive and functional environment for residents. 	! Condition required Overall, the landscaping would provide for safe, attractive and functional environment which is aesthetically pleasing for residents and neighbouring properties. The trees specified in the conceptual plant schedule on TPA-02 indicate that the selected species would have canopies between 3m-8m. The design response must account for the species of trees to provide for the intended growth and structural protection of buildings. An amended landscape plan would be required as a condition of any permit, including this information response.
	Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.	✓ Complies There are no significant trees located on-site.
	Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	✓ Complies Conceptual landscape plan identifies landscape theme, paving details and species of trees and plantings.
	The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	In the GRZ1 and RGZ1 schedule, 70% of ground level front setback planted with substantial landscaping and canopy trees.	✓ Complies Adequate landscaping and canopy trees provided within front setback with no driveway or accessway proposed to Herbert Street.
B14 Access To ensure vehicle access to and from a development is safe, manageable and convenient. To ensure the number and design of vehicle crossovers respects the neighbourhood character.	The width of accessways or car spaces should not exceed: 33% of the street frontage; or if the width of the street frontage is less than 20 metres, 40% of the street frontage.	✓ Complies 8% of Market Street frontage.
	No more than one single-width crossover should be provided for each dwelling fronting a street.	✓ Complies One crossover provided to Market Street for one building comprising 10 dwellings.
	The location of crossovers should maximise the retention of on-street car parking spaces.	✓ Complies The proposal would retain the existing level of on street car parking.
	The number of access points to a road in a Road Zone should be minimised.	- N/A
	Developments must provide for access for service, emergency and delivery vehicles.	✓ Complies Each dwelling entry is accessible from the street.
B15 Parking Location To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood. To protect residents from vehicular noise within developments.	Car parking facilities should: <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be designed to allow safe and efficient movements within the development. Be well ventilated if enclosed. Large parking areas should be broken up with trees, buildings or different surface treatments. 	✓ Complies Each dwelling would have direct access to the ground floor car park via an individual set of stairs. The ground floor car parking area would be enclosed by a garage door but include passive surveillance along the eastern elevation. These elevation openings also provide ventilation for the car park. The ground floor car park would have landscaping along all sides.
	Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	✓ Complies No habitable rooms at ground floor.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Amenity Impacts		Clause 55.04
Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B17 Side and Rear Setbacks To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>! Variation required Diagram B1 under Clause 55.04-1 has been accurately depicted on the elevations demonstrating a minor variation of the standard.</p> <p>The variations include:</p> <ul style="list-style-type: none"> The second and third floors depicted on the eastern elevation. The third floor depicted on the western elevation. The first and third floor depicted on the southern elevation. <p>The variations are minor and would be acceptable for the development as it is within the height guidelines of the Residential Growth Zone and Clause 22.09. Each of these varied setbacks includes substantial landscaping to soften the interface, satisfying the objective of this clause.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
<p>B18 Walls on Boundaries To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> ▪ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ▪ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200m from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>✓ Complies No walls on boundary.</p>
<p>B19 Daylight to Existing Windows To allow adequate daylight into existing habitable room windows.</p>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p>	<p>✓ Complies The dwelling at No. 56 Herbert Street to the west has adequate setbacks from the subject site, ensuring daylight access to existing habitable room windows are not unreasonably impacted by the proposal.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	<p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>✓ Complies</p> <p>Setback 4.9m from existing habitable room window of No. 56 Herbert Street.</p>
<p>B20 North Facing Windows To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>✓ Complies</p> <p>The north facing window at No. 13 Market Street abutting the site is located under a verandah. The building would not reduce the existing solar access to the window.</p>
<p>B21 Overshadowing Open Space To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>✓ Complies</p> <p>There is significant overshadowing of the private open space to No. 56 Herbert Street occurring at 9am. However the shadow diagram at 10am demonstrates that the existing area of private open space of the neighbouring dwelling will achieve 5 hours of sunlight between 10am and 3pm in accordance with this standard.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B22 Overlooking To limit views into existing secluded private open space and habitable room windows.	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the <u>secluded private open</u> space or <u>habitable room window</u> of an existing dwelling (horizontal 9m rule and from a height of 1.7m above ffl).</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view should be either:</p> <ul style="list-style-type: none"> Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. Have sill heights of at least 1.7 metres above floor level. Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. 	<p>✓ Complies There have been screening measures implemented to limit sensitive views from the west facing windows and balconies.</p> <p>The southern elevation of the building shares an interface with the car park located at the front of the abutting child care centre at No. 13 Market Street. This is not considered to be a sensitive interface and therefore does not require any screening treatments.</p> <p>The northern and eastern outlooks would not be sensitive.</p>
	<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>✓ Complies Bathroom windows would be obscure, however these are not habitable spaces.</p>
	<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	<p>✓ Complies Fixed angled louvre privacy screens would be applied to all southern and west facing habitable room windows.</p> <p>Detail elevations of screens satisfy standard.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

B23 Internal Views To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	✓ Complies There are no internal views.
B24 Noise Impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.	✓ Complies No noisy machinery proposed.
	Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.	✓ Complies No adverse noise sources are located on the neighbouring properties.
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	✓ Complies Habitable rooms would be located on the upper floors reducing any external noise impacts.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

On-Site Amenity and Facilities

Clause 55.05

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B25 Accessibility To encourage the consideration of the needs of people with limited mobility in the design of developments.	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	✓ Complies Porches would be directly accessible from the street. A lift would be provided for Dwellings 4, 5, 9 and 10.
B26 Dwelling Entry To provide each dwelling or residential building with its own sense of identity.	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	✓ Complies All dwelling entries would be visible from the street. The shared entry to the penthouse apartments is defined by the lift shaft visible from Market Street.
B27 Daylight to New Windows To allow adequate daylight into new habitable room windows.	A window in a habitable room should be located to face: <ul style="list-style-type: none"> ▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ▪ A verandah provided it is open for at least one third of its perimeter, or ▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	✓ Complies All habitable room windows would face an outdoor space.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B28 Private Open Space To provide adequate private open space for the reasonable recreation and service needs of residents.	<p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> ▪ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or ▪ A balcony with a minimum area of 10 square metres with a minimum width of 2 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	<p>✓ Complies Balconies provided for each dwelling with the minimum width 2.0m and the minimum area of 10.0sqm.</p>
B29 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>✓ Complies The site is limited to by its north to south orientation. However, Dwellings 7, 8 and 10 would have north facing balconies. The remainder of the dwellings balconies would receive morning sunlight.</p>
	<p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2+0.9h) metres, where 'h' is the height of the wall.</p>	<p>✓ Complies Separation walls of balconies at least 1.8m in height. 3.6m setback from the northern separation wall required for each balcony. Dwelling 6 – 4.3m Dwelling 5 – 4.0m Dwelling 4 – 4.0m Dwelling 3 – 4.3m Dwelling 2 – 5.0m Dwelling 1 – 5.1m</p>
B30 Storage To provide adequate storage facilities for each dwelling.	<p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>✓ Complies Storage facilities provided under stairs for Dwellings 1 - 8. Dwellings 9 and 10 would have storage space within the dwelling or on the balcony. A storage shed or alike would be inappropriate for a penthouse apartment.</p>

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Detailed Design

Clause 55.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
B31 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.	The design of buildings, including: <ul style="list-style-type: none"> ▪ Facade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, ▪ Should respect the existing or preferred neighbourhood character. 	✓ Complies Adequate articulation provided at each elevation with a diverse range of materials and colours. The contemporary design is suitable for an area identified for substantial change and reflects recently constructed developments in the area.
	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	✓ Complies Garages would not dominate the street frontage.
B32 Front Fences To encourage front fence design that respects the existing or preferred neighbourhood character.	The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	- N/A No front fence proposed.
	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2m if abutting a Road Zone, Category 1. ▪ 1.5m in any other streets. <p><i>Within all residential zone schedules:</i> Maximum 1.5 metre height in streets in Road Zone Category 1, 1.2 metre maximum height for other streets.</p>	- N/A
B33 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	Developments should clearly delineate public, communal and private areas.	✓ Complies The car park accessway and driveway would be the sole areas of common property.
	Common property, where provided, should be functional and capable of efficient management.	✓ Complies Maintenance of the landscaping surrounding the car park would be managed by a body corporate as it is within common property.
B34 Site Services To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.	✓ Complies No easements affecting the land. A sewer asset is located within the site along the southern boundary. The building has been setback 3.0m from the southern boundary to ensure access is maintained if required. Comment from South East Water will be sought by the applicant regarding the existing sewer pipe prior to the commencement of works.
	Bin and recycling enclosures, mailboxes and other site facilities should be accessible, adequate in size, durable, waterproof and blend in with the development.	! Condition required The bin facilities are required to be managed in accordance with an amended Waste Management Plan required as a condition of any permit.

2.3.4 Town Planning Application – No. 58 Herbert Street, Dandenong (Planning Application No. PLN17/0656) (Cont.)

Title & Objective	Standard	Complies / Does Not Comply / Variation Required / N/A
	Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ Complies Mailboxes would be both singular and common. Each mailbox would be located adjacent to the dwelling entries.

2.4 OTHER

2.4.1 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 23 April – 4 May 2018

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 23 April – 4 May 2018.

Recommendation

That the listed items provided in Attachment 1 for the period 23 April – 4 May 2018 be received and noted.

2.4.1 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO MAYOR AND
COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
23 APRIL – 4 MAY 2018**

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.4.1 List of Registered Correspondence to Mayor and Councillors (Cont.)**Correspondences addressed to the Mayor and Councillors received between 23/04/18 & 04/05/18 - for information only - total = 7**

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
Letter of acknowledgement from the Leader of the State Opposition regarding Mayor's letter in relation to the Infrastructure Recovery Charge - letter referred to Shadow Minister for Planning.	19-Apr-18	24-Apr-18	A4943960	Mayor & Councillors Office
Letter from Minister for the Prevention of Family Violence inviting Council to apply for a grant to work in partnership with the State Government - applications close 30 May 2018.	18-Apr-18	24-Apr-18	A4943961	Mayor & Councillors Office
Anonymous letter requesting speed reduction treatments in Ordish Road, Dandenong.	23-Apr-18	24-Apr-18	A4943981	Mayor & Councillors Office
Letter of acknowledgement from the Minister for Local Government regarding Mayor's letter in relation to proposed changes to the Charities Act 1978.	24-Apr-18	30-Apr-18	A4952733	Mayor & Councillors Office
Letter of response from the Minister for Small Business to Mayor's letter requesting support for African-Australian communities living in Greater Dandenong.	18-Apr-18	27-Apr-18	A4949870	Mayor & Councillors Office
Letter from the Minister for Early Childhood Education advising that CGD kindergartens will be among the first to receive new school readiness funding from 2019.	30-Apr-18	2-May-18	A4957867	Mayor & Councillors Office
Letter of acknowledgement from the Minister for Planning regarding Mayor's letter requesting amendments to the General Residential Zone in the Greater Dandenong Amendment C182 Part 2.	29-Apr-18	3-May-18	A4960919	Mayor & Councillors Office

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 7 May 2018

File Id: fA25545

Responsible Officer: Director Corporate Services

Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at ordinary Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions in May 2018.

Recommendation Summary

This report recommends that the information contained within it be received and noted.

2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 7 May 2018 (Cont.)**Matters Presented for Discussion**

Item		Briefing Session
1	<p><i>Response to Notice of Motion No. 103 – Further Strategic Work Following on from the C182 Planning Scheme Amendment</i></p> <p>Councillors were provided with the background, likely outcomes and reasoning for Council officers' recommendations in a report presented to Council on 26 March 2018 and deferred.</p>	7 May 2018
2	<p><i>Dandenong Market Pty Ltd Annual and Strategic Plan and Budget</i></p> <p>Councillors were presented with the 2018 Strategic and 2018-19 Business Plans of Dandenong Market Pty Ltd. Following Councillor feedback, the final draft of the Strategic Plan will be presented for Council for adoption.</p>	7 May 2018
3	<p><i>Hard Waste Collection Service</i></p> <p>Councillor guidance was sought for consideration on the scope of the Hard Waste Collection Service for the contract specification scheduled to be advertised for tender in June 2018.</p>	7 May 2018
4	<p><i>Response to Notice of Motion No. 45 – Request for a report on how neighbouring Councils manage and implement permits and bond monies for asset protection for builders in industrial estates</i></p> <p>Councillors were presented with comparisons to other Councils asset protection models and invited to consider a number of future options. A report is expected to be presented to Council in 12 June 2018.</p>	7 May 2018
5	<p>Councillors and Council officers briefly discussed the following topics:</p> <ul style="list-style-type: none"> a) Update on Team 11 activities. b) National Volunteer Week 22 May 2018. c) Councillor flu vaccinations. d) Discussions had with the Keysborough CFA. e) Proposed delegation to Canberra during the ALGA National General Assembly. f) Agenda items for the Council meeting of 14 May 2018. 	7 May 2018

2.4.2 Report on Matters Discussed at Councillor Briefing Sessions - 7 May 2018 (Cont.)

Apologies

- Councillor Jim Memeti and Councillor Loi Truong submitted apologies for the Councillor Briefing Session on 7 May 2018.

Recommendation

That the information contained in this report be received and noted.

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021

File Id: A4952614

Responsible Officer: Director Community Services

Report Summary

The Alliance for Gambling Reform was founded in 2015 to advocate to State and Federal Governments for reform to the regulation of gambling.

The City of Greater Dandenong experiences the highest rate of gambling losses in Victorian with over \$118 million being lost to pokies in 2016-17. Council is an active member of the Alliance to advocate for gambling reform to address the potential of significant gambling harm within the community.

In 2016 and 2017, Council granted \$25,000 per annum to the Alliance to help broaden its staff base and strengthen its campaigns. As a top-tier financial supporter, Council received assistance from the Alliance for local advocacy during this period.

Such financial support, coupled with donations by other Victorian councils, has provided the Alliance with the means to sustain prominent and effective campaigns for gambling reform at a state and federal level, since its inception.

Recommendation Summary

This report recommends that Council grant \$25,000 per annum to support the advocacy activities of the Alliance for Gambling Reform, for three years to 30 June 2021.

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021 (Cont.)**Background**

With a membership of prominent academics, activists and community leaders, the Alliance for Gambling Reform was established in 2015, to unite councils, community groups and others in advocating for gambling reforms. The City of Greater Dandenong was among the first councils to join the Alliance.

The Alliance has 26 members including the Salvation Army, Brotherhood of St Laurence, Inter-Church Taskforce on Gambling, Municipal Association of Victoria (MAV), Victorian Local Governance Association (VLGA), respected anti-gambling activist Tim Costello and people with personal experiences of gambling harm.

Since its foundation, the Alliance has promoted public discussion about gambling and strengthened debate about its impact upon the community, garnering extensive publicity for the cause of gambling reform.

The Alliance currently advocates for a variety of gambling reforms, such as:

- \$1 maximum bets on Electronic Gambling Machines (EGMs)
- adjustment to the design of pokies to remove deceptive and addictive features
- a reduction in the number of EGMs in Victoria
- a ban on donations to political parties and candidates by the gambling industry
- wider role for councils and local communities in deciding EGM gambling applications
- more responsible conduct by EGM venue management to prevent gambling problems.

With private funding, the Alliance initially hired a full-time executive officer. Funding from the City of Greater Dandenong and other councils has also enabled the Alliance to enlist further staff to strengthen its engagement with the media, enhance its grass-roots support, expand its volunteer base, and broaden its advocacy campaigns.

In the past year, this funding has provided the Alliance with the means to sustain campaigns for State and Federal Government reforms on a number of fronts, including:

- Sustained pressure on Woolworths to relinquish its EGMs.
- Lobbying of State and Federal Governments, backed by the Alliance sponsored research, to ban donations by the gambling industry to Australian political parties and candidates.
- Lobbying to induce AFL clubs to divest themselves of EGMs and renounce gambling revenue as the basis for their financial sustainability. Most recently, this 'Con-free football' campaign has seen Melbourne announce its decision to relinquish gambling machines in early April 2018.
- Development of a broad, grass-roots engagement to enhance the distribution of social media and strengthen public pressure upon governments.
- Development of the 'Champions for Change' program, training former gamblers and impacted family members in advocacy and campaign skills. The Alliance conducted training in Melbourne

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021 (Cont.)

in February 2018, and is now providing support for champions who are engaging politicians, speaking in the media and working with other Alliance supporters to build momentum for reform.

- Alliance sponsored legal action against Crown Casino and Aristocrat, which, while ultimately not successful, contributed to a decisive shift in public debate from a narrow focus upon ‘problem gamblers’ to a broader recognition of the influence of deceptive and addictive design features of EGMs.
- Continued pressure on the State government to adopt \$1 bet limits upon EGMs, which, in late 2016 had contributed to the announcement by Coles that it now favours such limits on its machines.
- Encouraging gambling venues to divest themselves of EGM entitlements in the lead-up to the restructure of the EGM gambling industry, to be implemented from 2022.
- Provision of campaign material for Council’s website and airing on the Big Screen.
- Supply of email and social media posts to assist Council in amplifying Alliance campaign messages among local residents.
- Lobbying of governments to place more stringent restraints upon gambling advertising, particularly of sports betting, to combat the widening popularity of gambling among young people in particular.
- Following the launch of its campaign platform on 18 April 2018, the Alliance is orchestrating joint efforts by council members to lobby parliamentarians and candidates for gambling reform, prior to the State election.

In the past 12 months, the Alliance has provided assistance to Council in the development of brochures as well as posters and pull-up banners for distribution and display across the community. The Alliance also extended its support to Council for a public forum convened in March 2018, with prominent Alliance founding members, Tim Costello and Charles Livingston as guest speakers.

To provide evidence to support its campaigns Council has assisted the Alliance with research relating to political donations by the gambling industry, trends in gambling losses, the prevalence of gambling-related problem among venue patrons, and other issues. In addition, Council supplied the material to enable the Alliance to establish a ‘Resources’ section on its website to support its local government partners.

In the coming months, Council will:

- Continue to promote Alliance campaigns through Facebook, its website and social media.
- Connect local sporting clubs with Gambler’s Help to promote an awareness of the harmful impact of sports betting.
- Broaden the range of videos aired on the Big Screen.
- Promote brochures and bumper stickers through The City magazine, email and social media.
- Respond to local print media inquiries about gambling issues.
- Revise its web-based recreational resource, developed to promote recreational alternatives to gambling.
- Lobby local parliamentarians and the State Government for gambling reform.

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021 (Cont.)**Proposal**

It is proposed that Council endorse recurrent funding for three years to support the Alliance for Gambling Reform. The above actions, aligns with the Council Plan 2017-21 and provides the Alliance the means to sustain its advocacy in the prelude to the November 2018 State election. This presents an important opportunity to advocate for legislative reform, to the benefit of residents and the wider local community.

In addition, funding from its member councils would enable the Alliance to retain its diverse and expert staff, enabling it to respond promptly to media and political developments, thereby enhancing the impact of its advocacy campaigns.

Such funding is consistent with the Council Plan 2017-21, particularly Strategic Objective One: 'A Vibrant, Connected and Safe Community', which states that Council shall 'Continue to be a leading partner of the Alliance for Gambling Reform.'

Greater Dandenong experiences EGM gambling losses in excess of \$118 million per annum, its EGM losses per adult are the highest in Victoria and its average income is the lowest in Melbourne. Accordingly, the reforms sought by the Alliance for Gambling Reform remain more relevant to the wellbeing of residents of this municipality than to those of any other Victorian community.

It is therefore recommended that Council grant \$25,000 per annum to support the advocacy activities of the Alliance for Gambling Reform, for three years to 30 June 2021.

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'**People**

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Jobs and Business Opportunities* – Prosperous and affordable
- *Leadership by the Council* – The leading Council

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021 (Cont.)

Council Plan 2017-2021

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

People

- A vibrant, connected and safe community
- A creative city that respects and embraces diversity

Place

- A healthy, liveable and sustainable city
- A city planned for the future

Opportunity

- A diverse and growing economy
- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Community Wellbeing Plan 2017-21
- Council Plan 2017-21

Related Council Policies

Greater Dandenong Electronic Gaming Policy 2014

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

The resource requirements associated with this report are \$25,000 per annum to provide support for three years to 30 June 2021.

Consultation

The community was consulted in the development of the Greater Dandenong Electronic Gaming Policy 2014, which guides Council's involvement with the Alliance for Gambling Reform.

2.4.3 Alliance for Gambling Reform – Recurring Funding 2018-2021 (Cont.)

Conclusion

Since its foundation in 2015, the Alliance for Gambling Reform has proven itself to be responsive and effective organisation for advocating for gambling reform. Recognising that such reforms hold the prospect of significantly easing the burden of gambling in this community, Council has been an active and financial supporter of the Alliance. It is therefore proposed that Council grant \$25,000 per annum to support the advocacy activities of the Alliance for Gambling Reform, for three years to 30 June 2021.

Recommendation

That Council grants \$25,000 per annum to support the advocacy activities of the Alliance for Gambling Reform, for three years to 30 June 2021.

2.5 POLICY AND STRATEGY

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel

File Id:

Responsible Officer:

Director City Planning Design & Amenity

Attachments:

Greater Dandenong Planning Scheme
Amendment C201, Explanatory Report
Greater Dandenong Planning Scheme
Amendment C201, Summary of Submissions

This report was withdrawn from the Agenda of the Council Meeting held on 14 May 2018 by the Leave of Council to enable minor amendments and additional information to be included for further consideration by Councillors. The amended report is now being tabled for consideration by Councillors at the Council Meeting of 28 May 2018.

Report Summary

This report considers the 193 submissions received to the statutory exhibition of Greater Dandenong Planning Scheme Amendment C201 – Environmentally Sustainable Development. This includes an officer response to the submissions for Council's consideration.

The report seeks a Council resolution to note the above and to refer the unresolved submissions to an independent Planning Panel Hearing.

Recommendation Summary

This report recommends that Council receive the submissions in relation to Amendment C201 and resolve to continue the statutory process of the amendment by requesting the Minister for Planning to appoint an independent Planning Panel and refer the unresolved submissions to a Planning Panel Hearing.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Background

In accordance with the Council meeting of resolution of 11 September 2017, Amendment C201 (Environmental Sustainable Development Policy) to the Greater Dandenong Planning Scheme was formally exhibited and submissions sought from 12 February 2018 - 9 March 2018.

The Amendment (as exhibited) proposes to introduce a Local Planning Policy to the Greater Dandenong Planning Scheme to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

More specifically, as detailed in the Explanatory Report (Attachment 1) the Amendment proposes to:

- Introduce a new Clause 22.06 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Greater Dandenong Planning Scheme; and
- Changes the Municipal Strategic Statement (MSS) at Clause 21.05 (MSS) to reflect the introduction of Clause 22.06.

The Policy proposes to introduce the following objectives to be satisfied where applicable:

- Energy Performance
- Water Resources
- Indoor Environment Quality
- Stormwater Management
- Transport
- Waste Management
- Urban Ecology

The proposed policy also sets out application requirements and dependent on the scale of the development, an applicant needs to demonstrate how the relevant policy objectives will be achieved by completing either a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

Submissions

A total of 193 submissions were received with 188 of those (97%) being variations of a pro-forma submission. The pro-forma submissions appear to have been created by a member of the community using a website that allows anyone to create custom online forms. Hard copies of the same pro-forma submissions were also created and signed by individuals. Of the 188 pro-forma submissions, 124 were online and 64 were hard copy.

On initial analysis, the submissions can be broken down as follows:

- 3% (non pro-forma) submissions support the amendment;
- 97% (pro-forma) submissions support the amendment with changes.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

The submissions in support of the amendment were received from:

- City of Wyndham
- City of Darebin
- City of Knox
- Municipal Association of Victoria
- CASBE - Council Alliance for a Sustainable Built Environment

A breakdown of the pro-forma submissions supporting the amendment with changes by suburb is approximately:

- 54% owner/occupiers from Dandenong and Dandenong North
- 7% owner/occupiers from Noble Park
- 11% owner/occupiers from Springvale
- 11% owner/occupiers from Keysborough

The remaining submitters were from outside the City of Greater Dandenong (17%).

Attachment 2 provides a summary of each different type of submission. The main request by submitters was that the amendment was not ambitious enough such that the policy should apply to residential development of at least three dwellings or more (87 per cent), or all residential development (12 per cent), or all development types (1 per cent).

NB: There were no submissions received in relation to the non-residential aspects of proposed Planning Scheme Amendment C201.

As outlined in a previous report to Council on 11 September 2017 and as advertised as part of the Exhibition process, the proposed triggers for amendment C201 include:

Residential

- Development of 5 to 9 dwellings to submit a Sustainable Design Assessment (SDA)
- Development of 10 or more dwellings to submit a Sustainability Management Plan (SMP)

Non-residential

- Development with a Gross Floor Area (GFA) of 1,000 to 2,499m² to submit a Sustainable Design Assessment (SDA).
- Development with a Gross Floor Area (GFA) of more than 2,500m² to submit a Sustainability Management Plan (SMP).

Proposal

Section 23 of the Planning and Environment Act 1987 governs the process for a planning authority to progress a planning scheme amendment.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

After considering submissions which request a change to the amendment, the planning authority (Council) has the following options:

1. Change the amendment as requested in the submissions and proceed to ask the Minister for Planning to approve it in a modified form;
2. Ask the Minister for Planning to appoint an independent panel to review the submissions, conduct a public hearing, consider the amendment, and prepare an independent report with recommendations about the amendment for Council to consider; or
3. Abandon the amendment.

While officers acknowledge the request of submitters to amend trigger levels, which would result in more residential developments being subject to this local policy, increasing the number of applications that are subject to the local policy would have a significantly adverse impact on workload levels. This would be to the detriment of not only applications subject to the local policy, but to all categories of planning applications submitted to Council, due to the significant time delays that would likely result.

With this in mind, consideration was given to the resourcing and financial implications and benefits of the Policy in response to suggested amended trigger levels, which are outlined below.

Impact on Council Resources

Based on the residential and non-residential trigger levels as exhibited in the local policy, officers anticipate that approximately 115 additional days of staff resources would be required each year to process the requirements of the local policy. This is an increase from the 80 days of staff resources at present, to implement ESD measures for residential development of 10 or more dwellings (including non-residential development). It is considered that this resourcing is manageable within existing staffing resources.

If the residential trigger levels were increased, the resourcing needs to meet such increases are well above the available resources to implement this policy. For instance, the estimated staff resourcing required to meet the increased residential triggers (inclusive of non-residential requirements) is as follows:

- 3 or more residential dwellings: 164 additional days (or additional 0.63 FTE staff at a cost of \$51,500 per annum)
- 2 or more residential dwellings: 217 additional days (or additional 0.83 FTE staff at a cost of \$67,854 per annum)
- 1 or more residential dwellings: 293 additional days (or additional 1.12 FTE staff at a cost of \$91,563 per annum)

It should be noted that the resources to implement the proposed policy will need to sit across the Statutory Planning Unit and the SDS Unit. Any change to the assessment triggers will add complexity to meeting the resource needs and have an impact across both of these Business Units.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Officers considered the trigger levels extensively when developing this policy, with a focus on obtaining the most benefit possible from ESD measures while also ensuring it could realistically be resourced. In considering this, officers also sought to ensure that all existing sustainability functions and projects could continue, and that the statutory planning permit process and performance requirements was not unduly further delayed.

The Planning & Environment Act 1987 requires that statutory permit applications be finalised within 60 statutory days, and every Council has to submit its performance monthly in terms of the Local Government Performance Reporting Framework (LGPRF) in that regard. After a period of extended effort and reform this Council is in a position now that it is consistently in amongst the top 10% of local councils in this regard. That performance will certainly be adversely impacted by an increase in the trigger level from those as advertised to those as being suggested by submitters.

Costs for Planning Applicants

In response to questions raised by Councillors, Council Officers have investigated and considered the costs and benefits of introducing a Local ESD Policy.

In 2013, as part of the Planning Scheme Amendment process, consultants Pitt & Sherry put together a detailed Benefit Cost Analysis Report that was used as expert evidence at a combined Planning Panel and Ministerial Advisory Committee Hearing to support the introduction of a Local ESD Policy in six municipalities (Moreland C71, Banyule C71, Port Phillip C97, Stonnington C177, Whitehorse C130 and Yarra C133).

The report confirmed the following flow-on costs to the developer:

- **Administration Costs:** These apply to costs to council when assessing the policy. It found costs are modest, with some \$210 per assessment, plus between 3-8 hours of officer time to assess. These hourly estimates are consistent with the estimates outlined in this report under *resource implications*.
- **Compliance Costs:** These appear to be reasonable, with values cited between \$800 per assessment for small and medium development, and up to \$3,200 for large developments.
- **Building Lifecycle Costs:** The policies will impose additional costs at the time of design and construction, with costs varying between \$18/m² and \$46/m² (for residential development).

Benefits for the Built Environment

The 2013 Pitt & Sherry Benefit Cost Analysis Report (reference by the Advisory Committee and Panel) highlighted that the costs are substantially outweighed by the benefits.

The report confirmed the following:

- The benefits outweigh the costs by up to 6.8 times
- The sustainability measures had payback periods between 1.8 and 4.9 years
- The benefit cost ratio ranged from 3.1 to 6.8 years for all building types analysed
- The benefit cost ratio is considered 'highly to extremely' cost effective.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

In some cases, applying sustainability measures can actually reduce construction costs and maximise environmental performance, when considering sustainability at the early design stage.

The report also noted that despite additional costs associated with the policies, the policies may only create affordability hurdles if there are failures in finance markets. However the report states there is increasing recognition by financial service providers that higher sustainable buildings cost less to run, earn higher yields and result in greater capital gains. Thus, these factors may offset risks associated with obtaining additional funds.

In 2014, Advisory Committee and Panel Report (for Moreland C71, Banyule C71, Port Phillip C97, Stonnington C177, Whitehorse C130 and Yarra C133), found that there are clear positive economic, social and environmental benefits with the introduction of a Local ESD Policy.

From an environmental perspective, the Local ESD Policy will result in considerable savings in energy use, greenhouse gas emissions, potable water consumption, materials use and waste including improvements to indoor environmental quality and water quality.

Whilst it can be assumed there will be environmental savings as a result of increasing the assessment triggers to capture smaller development, the extent of these savings are unknown. To obtain this, further investigative work including extensive analysis and modelling will be necessary.

Officers Findings

Based on the considerations outlined above, officers are recommending that no further changes be made to Amendment C201 as a result of the submissions, and therefore Option 1 is not considered appropriate. Furthermore, it is recommended that Council does not abandon the amendment, Option 3, given the strategic work that has been already undertaken and the range of benefits that this local policy provides. Furthermore, the progression of the amendment fulfils a number of commitments made in long term corporate and strategic plans.

Therefore, it is considered appropriate for Council to refer the submissions requesting a change to Amendment C201 to a Planning Panel and hence, officers recommend Option 2. This option and process provides further opportunity for submitters to be heard on the matter. It should be noted that none of the submitters indicated whether they would like to present their submission before a Panel or not.

Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'**People**

- *Pride* – Best place best people

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Place

- *Sense of Place* – One city many neighbourhoods

Opportunity

- *Leadership by the Council* – The leading Council

Council Plan 2017-21

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

Place

- A healthy, liveable and sustainable city
- A city planned for the future

Opportunity

- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Greater Dandenong Sustainability Strategy 2016-2030
- Greater Dandenong Planning Scheme
- Greater Dandenong Planning Scheme Review, 2017

Related Council Policies

No related council policies or codes of practice affect the decision of this report or are relevant to this process.

Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Financial Implications

Undertaking the processing of Planning Scheme Amendment C201 as exhibited has been budgeted for in this financial year and considered as part of the Long Term Financial Strategy.

In relation to the impact on the Department's labour costs there are currently staffing resources available, both in the sustainability and statutory planning teams, to process ESD requirements for relevant planning applications based on the trigger levels proposed in the exhibited local policy.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

However, should the trigger levels be amended as suggested in a number of the submissions, there would be a financial implication, as additional staffing resources would be required in both the Statutory Planning Team as well as in the Sustainability Planning Unit, as set out above.

If the trigger levels were amended and staffing resources not increased, other sustainability functions and/ or projects would no longer be able to be pursued, and the 60 statutory day timeframes within which the Local Government Act 1997 requires statutory planning applications to be finalised would most likely increase and Council's current levels of performance significantly adversely affected.

This has the potential to increase Council's labour budget from between an estimated \$51,500 to \$91,563 per annum to meet the additional staffing demand brought about by changing the trigger level to 3 dwellings and above.

Consultation

Notification of the amendment was given in accordance with the requirements of the Planning and Environment Act, 1987. The amendment was formally exhibited and submissions sought from the public from the 12 February 2018 - 9 March 2018 via local newspapers, Victorian Government Gazette, Council's website and letters to prescribed Ministers. A fact sheet was made available at all Council customer service centres and at the 2018 Sustainability Festival. Notice was also included in the February 2018 edition of Council's e-stakeholder newsletter.

Should Council determine to refer the unresolved submissions to a Panel, submitters will be invited to participate in the Panel Hearing process.

Conclusion

Council exhibited Greater Dandenong Planning Scheme Amendment C201 – Environmentally Sustainable Development in accordance with the statutory process of the Act.

As a result 193 submissions were received, with 188 unable to be resolved. It is now considered appropriate to request the Minister for planning to appoint an independent Planning Panel and refer the unresolved submissions to a Planning Panel Hearing.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Recommendation

That Council:

1. receives all submissions made in response to the statutory exhibition of Amendment C201 – Environmentally Sustainable Development to the Greater Dandenong Planning Scheme.
2. adopts the position on the submissions as set out in Attachment 2 to this report, with no change to the amendment;
3. refers the unresolved submissions, as set out in Attachment 2, to an independent Panel for consideration;
4. requests the Minister for Planning appoint a Panel pursuant to Section 153 of the Planning and Environment Act, 1987 to consider the submissions received in response to exhibition of Amendment C201; and
5. advises all submitters accordingly.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

POLICY & STRATEGY

**PLANNING SCHEME AMENDMENT C201 – ENVIRONMENTALLY
SUSTAINABLE DEVELOPMENT – CONSIDERATION OF SUBMISSIONS
AND PLANNING PANEL**

ATTACHMENT 1

**GREATER DANDENONG PLANNING SCHEME
AMENDMENT C201 – EXPLANATORY
REPORT**

PAGES 9 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Planning and Environment Act 1987

GREATER DANDENONG PLANNING SCHEME

AMENDMENT C201

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Greater Dandenong who is the planning authority for this amendment.

The Amendment has been made at the request of the City of Greater Dandenong.

Land affected by the Amendment

The Amendment applies to the entire municipality of the City of Greater Dandenong.

What the amendment does

The Amendment introduces a Local Planning Policy to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

It seeks to build on the collaborative process undertaken by the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra where a single Panel was appointed to hear all submissions received by the six Councils simultaneously. The combined planning scheme amendment was gazetted on 19 November 2015.

Additionally, this amendment seeks to build on the planning scheme amendments undertaken by the City of Monash (gazetted 29 September 2016), and the Cities of Darebin and Manningham (gazetted 31 August 2017).

Specifically, the amendment:

- Introduces a new Clause 22.06 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Greater Dandenong Planning Scheme; and
- Changes the Municipal Strategic Statement (MSS) at Clause 21.05 (MSS) to reflect the introduction of Clause 22.06.

The Policy proposes to introduce the following objectives to be satisfied where applicable:

- Energy Performance
- Water Resources
- Indoor Environment Quality
- Stormwater Management
- Transport
- Waste Management
- Urban Ecology

The proposed policy also sets out application requirements and dependent on the scale of the development, an applicant needs to demonstrate how the relevant policy objectives will be achieved by completing either a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

The proposed Policy is consistent with the recommendations from the following reports:

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

- Advisory Committee and Panel Report on Environmentally Efficient Design Local Policies, 7 April 2014.
- Panel report on Monash Planning Scheme Amendment C113 Gaming, Licenced Premises and Environmentally Sustainable Design Policies, 22 May 2015.
- Panel report on Darebin and Manningham Planning Schemes, Amendment GC42 Environmentally Sustainable Development Policy, 16 June 2016.

Strategic assessment of the Amendment**Why is the Amendment required?**

The amendment is required to introduce the Environmentally Sustainable Development (ESD) Policy to strengthen Council's ability to consider environmentally sustainable design measures when assessing planning permit applications for development.

The Advisory Committee and Panel Report on the Environmentally Efficient Design Local Policies (7 April 2014) for the first group of Councils introducing this Local Planning Policy noted that the basic objective in introducing the proposed local policies is....

"that development should achieve best practice in environmentally sustainable development, including from the design stage through construction and operation. It also aims to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings".

The same panel report provided a series of findings in support of the planning scheme amendment (chapter 15.1) that led to the gazettal of the Local Planning Policies.

These findings were also referred to in the following Panel Reports:

- Panel report on Monash Planning Scheme Amendment C113 Gaming, Licenced Premises and Environmentally Sustainable Design Policies, 22 May 2015.
- Panel report on Darebin and Manningham Planning Schemes, Amendment GC42 Environmentally Sustainable Development Policy, 16 June 2016.

City of Greater Dandenong Council

The need to address this policy gap has been identified through the following:

- Preliminary review of the Greater Dandenong Planning Scheme has identified a number of policy gaps around sustainable design requirements in its current form.
- 2017-2021 Council Plan commits Council to achieve *"Increased sustainability of residential, commercial, industrial and Council developments"*, through an amendment of the planning scheme to include sustainability requirements for new developments.
- Greater Dandenong Sustainability Strategy (2016-2030) and the Greater Dandenong Housing Strategy (2014-24) include strategic actions to introduce a local ESD policy into the Greater Dandenong Planning Scheme.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria:

- to provide for the fair, orderly, economic and sustainable use, and development of land: Section 4 (1) (a);
- to provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity: Section 4 (1) (b);

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria: Section 4(1)(c); and
- to balance the present and future interests of all Victorians: section 4 (1) (g).

How does the Amendment address any environmental, social and economic effects?

The introduction of the ESD local policy will implement sustainable design principles in the planning process, resulting in improved sustainable development outcomes.

Achievement of sustainable development outcomes will result in significant economic, social and environmental benefits. These benefits were identified by the Advisory Committee:

- "resilience to warming climate with amenity and health benefits;
- higher thermal performance of buildings leading to reduced energy consumption;
- lower peak demand, and better consumer outcomes;
- reduced water consumption;
- at a broader planning level, better designed suburbs and urban environments, with improved social, environmental and economic outcomes."

The amendment is expected to have a positive effect as it:

Environmental Effects

- Requires new development to achieve greater levels of energy and water efficiency, indoor environmental quality, stormwater management, sustainable transport, waste management and urban ecology which will have far reaching environmental benefits.

Economic effects

- Maximises sustainable design at the planning stage which will minimise costs associated with retrofits and poor design, as well as long term cost savings on utilities.

Social effects

- Facilitates sustainable built form which is more affordable over the life of the building for commercial and residential occupiers, and as ongoing servicing costs will be reduced, it will have a positive net community benefit.

Does the Amendment address relevant bushfire risk?

The amendment does not impact on any considerations of bushfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

The Amendment is consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2017-2050) includes a number of Outcomes, Objectives and Directions which have implications for the proposed Amendment.

Relevant outcomes and objectives include:

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

- **Direction 5.2** - *Create neighbourhoods that support safe communities and healthy lifestyles.*

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)**Outcome 6 – Melbourne is a sustainable and resilient city**

- *Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050.*
- *Reduce the likelihood and consequences of natural hazard events and adapt to climate change.*
- *Integrate urban development and water cycle management to support a resilient and liveable city.*
- *Make Melbourne cooler and greener.*
- *Protect and restore natural habitats.*
- *Improve air quality and reduce the impact of excessive noise.*
- *Reduce waste and improve waste management and resource recovery.*

Within outcome 6, Policy 6.1.1 is of relevance to:

“Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades”.

The amendment will help to achieve the above-mentioned outcomes of Plan Melbourne.

The Amendment is not affected by any of the other Minister’s Directions under section 12 of the *Planning and Environment Act 1987*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment is consistent with and supports the following elements of the State Planning Policy Framework:

- Clause 11- Settlement:
 - Clause 11.03-2 Activity Centre Planning: To improve the social, economic and environmental performance and amenity of activity centres
- Clause 11.06 - Metropolitan Melbourne
 - 11.06-6 Sustainability and Resilience: The objective of this clause is to *“to create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way”.*

There are a number of strategies to achieve this including:

- *Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.*
- *Facilitate the uptake of renewable energy technologies on a site-by-site and neighbourhood level, including through the consideration of renewable energy opportunities during the master planning of new communities and in green wedge and peri-urban areas.*
- *Require climate change risks to be considered in the siting, design and construction of major infrastructure projects so that they withstand natural hazard risks.*
- *Reduce pressure on water supplies by ensuring development makes the best use of all water sources, including stormwater, rainwater, recycled water and drinking water.*
- *Improve alignment between urban water management and planning by adopting an integrated water management approach.*
- *Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest.*

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

- *Protect and enhance the health of urban waterways by ensuring new urban development minimises the impact of stormwater.*
- *Minimise exposure to excessive urban noise and air pollution to safeguard community health and amenity through building and urban design measures and buffer distances between emission sources and sensitive uses.*
- *Encourage design that facilitates improved waste and resource recovery in medium and higher density developments.*
- Clause 12- Environmental and Landscape Values:
 - 12.01-1: Protection of Biodiversity: The objective of this policy is to *"assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites."*
- Clause 14.02 - Water
 - 14.02-2: Water quality: This sets out the objective of *"protecting water quality"*; and 14.02-3 Water conservation, which sets out the objective of ensuring that *"water resources are managed in a sustainable way"*.
- Clause 15.02 - Sustainable development
 - Clause 15.02-1 Energy and Resource Efficiency: The objective indicates the need to *"encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions."*
- Clause 16.01 - Residential development
 - 16.01-1 Integrated housing. This policy sets out the objective to *"promote a housing market that meets community needs"*. Of particular relevance is the strategy which sets out the need to encourage housing *"that is both water efficient and energy efficient"*.
 - 16.01-4 Housing Diversity: The objective of this policy is to *"provide for a range of housing types to meet increasingly diverse needs"*. One of the strategies notes the *"need to encourage development of well-designed medium-density housing which improves energy efficiency of housing"*.
- Clause 18.01 - Integrated Transport
 - 18.02-1 Sustainable personal transport: This policy sets out the objective of promoting *"the use of sustainable personal transport"*. One of the strategies specifically relating to new development indicates the need to *"ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport"* and, *"ensuring cycling routes and infrastructure are constructed early in new developments"*.
- Clause 19 - Infrastructure
 - Clause 19.01-1 Provision of renewable energy: The objective of this clause is to *"promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met"*.
 - Clause 19.03-2 Water supply, sewerage and drainage: The objective of this clause indicates the need *"to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment."*
 - Clause 19.03-3 Stormwater: The objective of this policy is *"to reduce the impact of stormwater on bays and catchments."*

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Council has demonstrated its commitment to the voluntary Sustainable Design Assessment in the Planning Process (SDAPP) program since 2010. This commitment is embodied within

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

the Municipal Strategic Statement (MSS) and includes several sections relevant to this amendment which include:

- Clause 21.03 – A vision for Greater Dandenong
 - 21.03 Vision: Included within the Vision is the statement *“a healthy community that embraces a sense of pride and belonging and works together to achieve an economically, socially and environmentally sustainable future”*.
 - 21.03-2 - Achieving the vision: A strategic key focus area to help achieve the objectives of this clause is *Sustainable Environment*, that states;

“Strategies that reduce air, water and noise pollution, strategies that promote ecologically sustainable development, strategies that allow for increased residential densities in appropriate locations and provide for diverse housing needs without compromising the valued characteristics of the area; strategies to protect and reinforce the rural landscape in Greater Dandenong’s Green Wedge and strategies that reinforce the Green Wedge Zone as a ‘Green Space’ between urban growth corridors”.
- Clause 21.04 – Land Use
 - 21.04-3 Industrial: Included within the section *Environmental Issues* is;

“Industry should be encouraged to develop best practice in regards to utilisation of energy and resources. The efficient use of energy and resources and reductions in waste generation will benefit both the business and the environment”.

It is relevant to note that Objective 8 of Clause 21.04-3 seeks to *“ensure industrial uses do not impact adversely on the amenity and safety of surrounding land uses and the environment”*. The accompanying strategy to Objective 8 is to *“encourage industry to adopt world best practice water sensitive urban design”*.
- Clause 21.05 Built Form
 - 21.05 Built form: Included within the section *Environmental Issues*, the policy states *“the identification of preferred future character areas and incorporating clear policy directions with regard to building types and design elements appropriate to the particular character area will facilitate the achievement of an attractive and sustainable built form”*.
 - 21.05-1 Urban design character, streetscapes and landscapes: Objective 6 of Clause 21.05-1 seeks to *“ensure that design of the public and private environment supports accessibility and healthy living”*. The accompanying strategy to Objective 6 is to *“encourage new developments to provide for well-connected cycle and pedestrian paths”* and,

Objective 8 of Clause 21.05-1 seeks *“to ensure landscaping that enhances the built environment”*. The accompanying strategy is to *“encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas”*.
 - 21.05-3 Sustainability: Objective 1 of Clause 21.05-3 is of most relevance which is to *“promote ecologically sustainable development”*. The accompanying strategies to achieve Objective 1 are to:
 - 1.1 *“Encourage the design of developments to provide for integration of water sensitive urban design”*.
 - 1.2 *“Encourage the recycling of grey water in new developments”*.
 - 1.3 *“Require an environmental management plan where a use or development would require ongoing management controls”*.

Objective 2 of Clause 21.05-3 is to *“encourage environmentally sustainable practices by industrial and commercial developments”*. The accompanying strategies to achieve Objective 2 are:

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

2.1 *"Encourage the collection and use of rain water".*

2.2 *"Encourage industrial and commercial developments to develop sustainable water use and waste water re-use programs".*

- Clause 21.06 - Open Space and Natural Environment
 - Clause 21.06-2 Watercourses, wetlands and habitats: The objective of this clause is to *"protect and improve the habitat, vegetation, soil, water and visual qualities of waterways and wetlands"*. One of the strategies specifically relating to this objective seeks to ensure *"residential, commercial and industrial development adopts best practice approach to stormwater treatment and management"*.
- Clause 21.07 Infrastructure and Transport
 - 21.07 Infrastructure and Transport: Included within the section *Environmental Issues*, the policy states: *"Transport in Greater Dandenong needs to be planned in an integrated manner that connects and reinforces desired land use patterns, contributes positively to the environment and reduces adverse impacts of some modes of transport by encouraging a shift to more sustainable modes"*.
 - 21.07-1 Physical, community and cultural infrastructure: The objective of this clause is *"to manage the impact of discharge of stormwater to minimise pollution and flooding"*. The strategy specific to achieving this is to *"promote water sensitive urban design principles"*.
 - 21.07-2 Public Transport: The objective of this clause is *"to increase the use of public transport"* and *"to integrate transport and land-use"*. Two strategies that contribute to this objective are:
 - 1.3 *"Give priority in a descending preferential hierarchy to walking, cycling, public transport, transit goods movement then private automobiles, particularly in relation to urban design and infrastructure planning decisions"*; and
 - 2.1 *"Ensure residential, commercial, and industrial development provides for safe and accessible pedestrian/bicycle movement to the public transport network"*.
 - Clause 21.07-3 Walking and cycling: The objective of this clause is *"to promote and facilitate walking and cycling"*. The principal strategy to this objective is to *"ensure walking and cycling are important design elements in all land use and development decisions"*.

The amendment will support a number of objectives and strategies located within Greater Dandenong's MSS.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment has been prepared in accordance with State Government Practice Notes – *Writing a Local Planning Policy and Strategic Assessment Guidelines: for planning scheme amendments*.

In particular the Amendment makes proper use of the Victoria Planning provisions as:

- the MSS includes broad strategic support for the local policy position; and
- local planning policies are appropriate tools to guide decision making in relation to a specific discretion.

How does the Amendment address the views of any relevant agency?

The Amendment will be referred to the relevant agencies as part of the statutory exhibition and notice of the Amendment.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment addresses the relevant requirements of the *Transport Integration Act 2010*.

The amendment will not have a significant impact on the transport system, as defined in the Act, as it would not in itself result in any increase in demand on the transport system.

The amendment is consistent with the transport system objectives of the Act, in particular those contained in Section 10 – Environmental Sustainability.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not anticipated that the Amendment will have a significant impact on the resources and administrative costs of the responsible authority.

The Amendment is not considered likely to generate a significant increase in resources to Council as it will not result in an increased number of permit applications.

The policy will provide a transparent and consistent framework for decision-making, reducing resources currently required to negotiate planning outcomes. This approach will also provide certainty and clarity to applicants when submitting their development application.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- City of Greater Dandenong Customer Service located at 225 Lonsdale Street, Dandenong,
- City of Greater Dandenong Springvale Customer Service located at 397-405 Springvale Road, Springvale,
- Keysborough Customer Service Centre, Shop A7 Parkmore Shopping Centre, Cheltenham Rd, Keysborough.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by **[insert submissions due date]**.

A submission must be sent to:

Strategic Planning Amendment C201
City of Greater Dandenong
PO Box 200
DANDENONG VIC 3175

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- **directions hearing: 30 April 2018**
- **panel hearing: 21 May 2018**

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

POLICY & STRATEGY

**PLANNING SCHEME AMENDMENT C201 – ENVIRONMENTALLY
SUSTAINABLE DEVELOPMENT – CONSIDERATION OF SUBMISSIONS
AND PLANNING PANEL**

ATTACHMENT 2

**GREATER DANDENONG PLANNING SCHEME
AMENDMENT C201 – SUMMARY OF
SUBMISSIONS**

PAGES 7 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
127	Council / Organisation	1	"... supports Monash Planning Scheme Amendment C113, which introduced an ESD policy that came into effect on 29 September 2016. Similarly it concurs with the second round group of metropolitan Councils, Darebin and Manningham who prepared Amendment GC42 which came into operation on 31 August 2017. Since the gazettal of Amendment GC42, Darebin City Council has started to assess three (3) or more dwellings, where previously it was five (5) or more. The policy provides certainty of planning permit requirements and applicants have quickly learnt how to use the BESS tool..."	n/a	Submission noted. No change to amendment.
128	Council / Organisation	1	In October 2014, the MAV State Council resolved that the Municipal Association of Victoria (MAV) call upon the State Government to review and amend the State Planning Policy within Victorian Planning Schemes, following consultation with local councils, relating to improved Environmentally Sustainable Design (ESD) standards in new development (residential, commercial and industrial). Consistent with this resolution, and the support received by the State Government for the ESD policies for the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse, Yarra, Monash, Darebin, Manningham and Knox, the MAV supports the introduction of an Environmentally Sustainable Development Policy (ESD) into the Local Planning Policy Framework of the Greater Dandenong Planning Scheme through Amendment C201.	n/a	Submission noted. No change to amendment.
94	Council / Organisation	1	CASBE supports the introduction of an ESD Policy into the LPPF of the Greater Dandenong Planning Scheme. This work builds on the collaborative work of CASBE councils undertaken over the past decade, and provides support to the existing ESD Local Policy's already gazetted in the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse, Yarra, Monash, Darebin, Manningham and Knox.	n/a	Submission noted. No change to amendment.
1	Council / Organisation	1	Council is supportive of the proposed amendment, and any measures to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction.	n/a	Submission noted. No change to amendment.
47	Council / Organisation	1	Council supports Greater Dandenong's initiative to introduce an ESD policy into its planning scheme. The City of Wyndham has been working with CASBE Councils and is also proposing to introduce an ESD policy into its planning scheme. Given the number of councils that now have ESD policies in their planning schemes, there is a strong argument that a State-wide policy should be introduced. However, in the absence of State policy Council considers it is important that municipalities address this significant policy gap.	n/a	Submission noted. No change to amendment.
37	Proforma A	1	Buildings will be around for a long time, and it is now being acknowledged that we are seeing the impacts of climate change already in terms of higher frequency of extremes of temperature. Greater Dandenong Council has an opportunity to save lives and costs in the future by doing what it is there for - planning ahead for its ratepayers. It is laudable that it is considering planning scheme amendments that are targeting the impacts of climate change. However, the current proposal, Greater Dandenong Planning Scheme Amendment C201, is not enough to begin to tackle these issues. Other councils, such as the City of Monash, Banyule and Whitehorse, are more ambitious. Greater Dandenong Council should follow their lead and apply the amendments to any developments of three or more dwellings.	3+	Submission noted. No change to amendment. Refer submission to Panel.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
36	Proforma B	1	Any planning scheme designed to tackle the continuing problem of climate change should be of the highest calibre. Greater Dandenong Planning Scheme Amendment C201 is not ambitious enough to achieve the sustainability outcomes we need to tackle climate change in Greater Dandenong. It should apply to any developments of three or more dwellings like the City of Monash, Banyule and Whitehorse.	3+	Submission noted. No change to amendment. Refer submission to Panel.
80	Proforma C	1	I am glad that Council are going ahead with this amendment but if Council are committed to addressing the issue the Greater Dandenong Planning Scheme Amendment C201 must apply to all dwellings to get the energy efficiency results and emission reductions that are needed. To seriously tackle climate change and rising energy costs the Council needs to make this amendment apply to at least developments of three dwellings or more. This is the sensible approach neighbouring council, the City of Monash, has taken.	3+	Submission noted. No change to amendment. Refer submission to Panel.
95	Proforma D	1	I care about climate change and livability. To seriously tackle climate change and rising energy costs the Council needs to make this amendment apply to at least developments of three dwellings or more. This is the sensible approach neighbouring council, the City of Monash, has taken.	3+	Submission noted. No change to amendment. Refer submission to Panel.
2-35, 38-46, 51, 54-56, 60-62, 65-66, 69-71, 75	Proforma E	56	The Greater Dandenong Planning Scheme Amendment C201 is not ambitious enough to achieve the sustainability outcomes we need to tackle climate change in Greater Dandenong. It should apply to any development of three or more dwellings like the City of Monash, Banyule and Whitehorse.	3+	Submission noted. No change to amendment. Refer submission to Panel.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
67	Proforma F	1	The Greater Dandenong Planning Scheme Amendment C201 is not ambitious enough to achieve the sustainability outcomes we need to tackle climate change in Greater Dandenong. It should apply to any developments of three or more dwellings like the Cities of Monash, Banyule and Whitehorse. Private development not only pose a significant environmental threat to the South East Green Wedge, but also to housing policies within the municipality. Within Greater Dandenong, homes for people should be prioritised over properties for developers.	3+	Submission noted. No change to amendment. Refer submission to Panel.
85-91, 96-101, 103, 105-126, 129	Proforma G	37	To seriously tackle climate change and rising energy costs the Council needs to make this amendment apply to at least developments of three dwellings or more. This is the sensible approach neighbouring Council, the City of Monash, has taken.	3+	Submission noted. No change to amendment. Refer submission to Panel.
104	Proforma H	1	To seriously tackle climate change and rising energy costs the Council needs to make this amendment apply to at least developments of three dwellings or more. This is the sensible approach neighbouring council, the City of Monash, has taken. A few hints below to help. It would be great if u could submit this regarding an amendment to dandenong planning scheme. I would like to see it further strengthened and 1-10 dwellings should all be assessed for sustainability. This will not only address climate change issues but assist people to be able to afford their heating and cooling bills and therefore be more comfortable in their homes.	3+	Submission noted. No change to amendment. Refer submission to Panel.
130-193	Proforma I	64	Greater Dandenong Council needs to demonstrate their commitment to climate change and energy efficiency in a serious way by applying this to all developments of three dwellings or more like the City of Monash, Banyule and Whitehorse. There is no good reason why we should have the weakest ESD Amendment in Melbourne.	3+	Submission noted. No change to amendment. Refer submission to Panel.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
53, 58, 68, 74, 78, 79	Proforma J	6	I am glad that Council are going ahead with this amendment but if Council are committed to addressing the issue the Greater Dandenong Planning Scheme Amendment C201 must apply to all dwellings to get the energy efficiency results and emission reductions that are needed.	All	Submission noted. No change to amendment. Refer submission to Panel.
48, 77	Proforma K	2	If the Council is serious about climate change, Greater Dandenong Planning Scheme Amendment C201 must apply to all dwellings to get the energy efficiency results and emission reductions we need.	All	Submission noted. No change to amendment. Refer submission to Panel.
52	Proforma L	1	If the Council is serious about climate change, Greater Dandenong Planning Scheme Amendment C201 must apply to all dwellings to get the energy efficiency results and emission reductions we need. We need a community based action plan. Roof tops need to have solar panels, double glazing on new house builds should be mandatory, businesses should have regulations to ensure carbon emissions are low and green energy is used. It's time not to look at other councils and follow what they are doing, but to lead the way. Set the bar for carbon neutral and sustainability... it is not difficult it is just a few changes that need to be made to the way we think and plan.	All	Submission noted. No change to amendment. Refer submission to Panel.
50	Proforma M	1	It is great news that Greater Dandenong Council is going to introduce an Environmentally Sustainable Design Amendment into the planning scheme. To be a significant action on climate change, the Greater Dandenong Planning Scheme Amendment C201 must be as strong as possible, with minimal loopholes, and must apply to all new dwellings.	All	Submission noted. No change to amendment. Refer submission to Panel.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
73	Proforma N	1	Reducing emissions to the greatest degree it can should be the priority if Council is serious about climate change. Therefore Greater Dandenong Planning Scheme Amendment C201 must apply to all dwellings to get the energy efficiency results and emission reductions that are needed.	All	Submission noted. No change to amendment. Refer submission to Panel.
93	Proforma O	1	Taking strong action to mitigate climate change at the local level is critical. For the actions taken to be the most effective they can be, the energy emission reductions required are significant, and therefore this ESD Amendment needs to apply to all types of dwellings. This action is necessary and urgent, and therefore applying this now rather than down the track is also critical.	All	Submission noted. No change to amendment.
102	Proforma P	1	The City of Monash has chosen for this amendment to apply to at least 3 or more dwellings. This amendment is of greatest benefit however when it is further strengthened. Preferably it would apply to all homes so that they better reflect the needs of the resident for cheaper energy costs as well as comfort levels in the home. Home affordability, the cost of living and mitigation of the effects of climate change would be improved with a strict adherence to this amendment. That would be the best approach and require a sustainability assessment for 1-10 homes. Or a sustainability plan as required. At the very least for this amendment to have greatest effect for it to apply as a minimum to 3 developments or more. This shows a will to seriously tackle climate change and rising often unaffordable energy costs.	All	Submission noted. No change to amendment. Refer submission to Panel.
63	Proforma Q	1	The Greater Dandenong Planning Scheme Amendment C201 is not ambitious enough to achieve the sustainability outcomes we need to tackle climate change in Greater Dandenong. It should apply to any development of three or more dwellings like the City of Monash, Banyule and Whitehorse. What is more, any new building should be subject sustainability requirements. Rentals ought to have a sustainability audit and adjusted accordingly. Sustainability must be mandatory on all buildings not just developments.	All	Submission noted. No change to amendment.
72, 76	Proforma R	2	The Greater Dandenong Planning Scheme Amendment C201 needs to apply to all dwellings to get the sustainability gains that are needed to address climate change.	All	Submission noted. No change to amendment. Refer submission to Panel.

2.5.1 Planning Scheme Amendment C201 - Environmentally Sustainable Development - Consideration of Submissions and Planning Panel (Cont.)

Submission No.	Submission Category	Total No. of Each Proforma Category	Submission Details	Proforma - Trigger? 3+ or All dwellings	Recommended position for Panel Hearing
49,59,64,81,84,92	Proforma S	8	To make the significant energy efficiency and emission reduction gains needed to mitigate climate change it makes much more sense for this ESD Amendment to apply to all dwellings. Introducing this now rather than possibly at a later date is the sensible and necessary course of action for the Council to pursue.	All	Submission noted. No change to amendment. Refer submission to Panel.
57	Proforma T	1	To make the significant energy efficiency and emission reduction gains needed to mitigate climate change it makes much more sense for this ESD Amendment to apply to all dwellings. Introducing this now rather than possibly at a later date is the sensible and necessary course of action for the Council to pursue. The significance of this is beneficial to the health and mental wellbeing of society. As a organisation is important that you teach from leading a great example. I believe by showing initiative and implementing this kind of planning you will be able to attract attention and gain interest from a wider audience.	All	Submission noted. No change to amendment. Refer submission to Panel.

3 NOTICES OF MOTION

A notice of motion is a notice setting out the text of a motion proposed to be moved at the next relevant meeting. It must be in writing, signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least 72 hours notice of such notice.

The guidelines for submitting a notice of motion to a Council meeting are included in the current Meeting Procedure Local Law.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

At each Ordinary Meeting of Council all Councillors will have the opportunity to speak for exactly four (4) minutes on any meetings, conferences or events they have recently attended.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Member of Governance by 9am the day following the meeting.

Question time is provided to enable Councillors to address questions to the Administration. The guidelines for asking questions at a Council meeting are included in the current Meeting Procedure Local Law.

5 QUESTION TIME - PUBLIC

Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the councillors and/or officers of the City of Greater Dandenong.

Questions from the Gallery

1. Members of the public may submit questions from the gallery by completing a '*Ask a Question at a Council meeting*' form available at Council meetings and at www.greaterdandenong.com under Council - Council Meetings. Questions are limited to a maximum of three (3) questions per individual and a maximum of 300 words per question including the preamble.

2. Questions will be read aloud and in most cases an answer will be given on the spot. However, sometimes a councillor/officer may indicate that they require further time to research an answer. In this case the answer will be made in writing to the person who asked the question and may also appear in the Question Time Responses section at www.greaterdandenong.com under Council - Council Meetings.

3. Questions will be answered unless the Chairperson and/or Chief Executive Officer has determined that the relevant question relates to:

- personnel matters,
- the personal hardship of any resident or ratepayers,
- industrial matters,
- contractual matters,
- proposed developments,
- legal advice,
- matters affecting the security of Council property,
- any other matter which Council considers would prejudice the Council or any person,
- a matter which may disadvantage Council or any person,
- a matter in respect of which Council has no power to act,
- a question that is defamatory, indecent, abusive or objectionable in language or substance and is asked to embarrass a Councillor or Council officer,
- a question that is repetitive of a question already answered (whether at the same or an earlier meeting).

No debate or discussion of a question or an answer shall be permitted other than for the purposes of clarification.

Every question will receive a written reply, even if it is answered at the meeting.

6 URGENT BUSINESS

No business may be admitted as urgent business unless it:

1. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
2. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.