



**GREATER
DANDENONG**
City of Opportunity

AGENDA

MONDAY 24 MAY 2021

COUNCIL MEETING
Commencing at 7:00 PM

Statement - Coronavirus (COVID-19)

At the time of printing this Agenda
the Council Meeting to be held on Monday 24 May 2021 will be
open to the public but will be subject to density quotients.

If we are unable to accommodate you indoors, you will still be able
to watch the webcast live on the Urban Screen in Harmony Square.

To view the webcast and stay informed of the status of Council
Meetings please visit Council's website.

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

Council acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

1.3 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 (Vani) Wijeyakumar from the Brahma Kumaris World Spiritual University, a member of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 10 May 2021.

Recommendation

That the minutes of the Meeting of Council held 10 May 2021 be confirmed.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a material or general interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in Division 2 – Conflicts of Interest: sections 126, 127, 128, 129 & 130 of the *Local Government Act 2020*. 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 - PART ONE

2.1 DOCUMENTS FOR TABLING

2.1.1 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.

2.1.1 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 24 May 2021.

N.B: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be 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.

2.1.1 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.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
2/03/21	THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK			

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

2.1.1 Petitions and Joint Letters (Cont.)

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2.1.1 Petitions and Joint Letters (Cont.)

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2.2 STATUTORY PLANNING APPLICATIONS

2.2.1 Planning Decisions Issued by Planning Minister's Delegate - April 2021

File Id: qA280444

Responsible Officer: Director City Planning Design & Amenity

Report Summary

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

No decisions were reported for the month of April 2021.

Recommendation

That the report be noted.

2.2.2 Planning Delegated Decisions Issued - April 2021

File Id:	qA280
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Delegated Decisions Issued - April 2021

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 2021.

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 PLA#, 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.

2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

STATUTORY PLANNING APPLICATIONS

PLANNING DELEGATED DECISIONS ISSUED – APRIL 2021

ATTACHMENT 1

**PLANNING DELEGATED DECISIONS ISSUED
APRIL 2021**

PAGES 7 (including cover)

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

2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/04/2021 to 30/04/2021

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA20/0280	PinAppAmd	No	13 Conway Street, DANDENONG VIC 3175	Plans in Motion	AMENDMENT TO: Planning Permit PLN06/0394.02 and associated endorsed plans to: To construct a Place of worship (Chapel) associated with the existing residential aged care facility.	Amend permit to allow for a replacement chapel	Delegate	AmendPerm	19/04/2021	Dandenong
PLA20/0309	PinAppAmd	No	Hungry Jacks 180 Kingscote Avenue KEYSBOROUGH VIC 3173	Hungry Jack's Pty Ltd	Amendment to PLN16/0840, issued to construct alterations and additions to the existing convenience restaurant and display advertising signage (interior illuminated), to now include display of electronic signage and additional buildings and works	Amend Condition 12 to allow for new digital menu boards	Delegate	AmendPerm	29/04/2021	Keysborough
PLA21/0010	PinAppAmd	No	91 Colemans Road DANDENONG SOUTH VIC 3175	Dale Grant Building Design & Documentation Pty Ltd	AMENDMENT TO: Buildings and Works (Warehouse) & Reduction in Car Parking Requirements (PLN20/0124)	Amend endorsed plans to increase building floor area from 4400sqm to 8685sqm	Delegate	AmendPerm	15/04/2021	Dandenong
PLA21/0018	PinAppAmd	No	8 Aegean Court KEYSBOROUGH VIC 3173	Southern Planning Consultants	Amendment to PLN20/0046 issued for the development of the land for one Building, to allow for additional buildings and works	Amend endorsed plans to increase size of showroom and mezzanine, extend setback further along the south wall, roller doors location moved to north elevation, altered car parking, addition of third exit door and alteration of front fence	Delegate	AmendPerm	30/04/2021	Keysborough South
PLA21/0020	PinAppAmd	No	1/77 Clow Street, DANDENONG VIC 3175	Associated Town Planning Consultants	AMENDMENT TO: Subdivision of the land into two (2) lots (PLN19/0213)	Delete permit condition 4 in relation to open space contribution	Delegate	AmendPerm	29/04/2021	Clelland
ADARK				1					03/05/2021	

2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA21/0021	PinAppAmd	No	33 Endeavour Court DANDENONG SOUTH VIC 3175	Goodman Property Services (Aust) Pty Ltd	AMENDMENT TO: Development of the land for a warehouse and industry and a reduction in the car parking requirements (PLN17/0866) (Previously 125 Glasscocks Road, Dandenong South)	Amend permit preamble and endorsed plans	Delegate	AmendPerm	23/04/2021	Dandenong
PLA21/0027	PinAppAmd	No	1080 Heatherton Road NOBLE PARK VIC 3174	Abacus Design & Planning	AMENDMENT TO: Development of the land for five (5) double storey dwellings and to create or alter access to a road in a Road Zone, Category 1. (PLN20/0101)	Amend endorsed plans to make alterations to townhouse 2, 3, 4 and 5	Delegate	AmendPerm	28/04/2021	Noble Park
PLN09/0344.02	PinAppAmd	No	17 Windale Street DANDENONG VIC 3175	Khanna Investments & Holdings Pty Ltd	Amendment to PLN09/0344.01 issued for buildings and works (Industrial Building Extension), to allow additional buildings and works	Amend endorsed plans to allow hoist area, laneway parking, relocating crossover and redesigning landscaping	Delegate	AmendPerm	07/04/2021	Dandenong
PLN20/0250	PinApp	No	3 Princess Avenue SPRINGVALE VIC 3171	Tony Anh Tung Quach	Development of the land for eight (8) double storey dwellings	Residential Growth 1 Zone, 1348sqm	Delegate	NOD	30/04/2021	Springvale Central
PLN20/0365	PinApp	No	16 Bess Court DANDENONG VIC 3175	Mir Abdoullatah Gasemi	Development of the land for three (3) dwellings (two (2) double storey dwellings and one (1) single dwelling to the rear)	General Residential 1 Zone, 698sqm	Delegate	Refusal	01/04/2021	Cleeland
PLN20/0368	PinApp	No	21 Oswald Street DANDENONG VIC 3175	Leo Zhou	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 585sqm	Delegate	PlanPermit	30/04/2021	Cleeland
PLN20/0430	PinApp	No	1 Stanhope Street DANDENONG VIC 3175	Claudio Castro	Development of the land for a single-storey dwelling to the rear of an existing dwelling and alterations and additions to the existing dwelling	General Residential 1 Zone, 667sqm	Delegate	PlanPermit	09/04/2021	Dandenong
PLN20/0455	PinApp	No	63 Herbert Street DANDENONG VIC 3175	Ergon Design Studio	Development of the land for four (4) double storey dwellings	General Residential 1 Zone, 850sqm	Delegate	NOD	26/04/2021	Cleeland
ADARK									03/05/2021	

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2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN20/0456	PinApp	No	23 Whitworth Avenue SPRINGVALE VIC 3171	Abacus Design & Planning	Development of the land for three (3) double storey dwellings	General Residential 1 Zone, 696sqm	Delegate	NOD	20/04/2021	Springvale Central
PLN20/0472	PinApp	No	25 Sarona Street DANDENONG VIC 3175	Sky Architect Pty Ltd	Development of the land for one (1) single-storey dwelling to the rear of an existing single-storey dwelling and alterations and additions to the existing dwelling	General Residential 1 Zone, 727sqm	Delegate	PlanPermit	16/04/2021	Cleeland
PLN20/0478	PinApp	No	29 Ronald Street DANDENONG VIC 3175	Najeem Design Pty Ltd	Development of the land for three (3) double storey dwellings	No response received to further information request	Delegate	Lapsed	13/04/2021	Dandenong
PLN20/0517	PinApp	No	13 May Court DANDENONG VIC 3175	Architectural Solutions	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 583sqm	Delegate	PlanPermit	27/04/2021	Cleeland
PLN20/0528	PinApp	No	11 Jacksons Road NOBLE PARK NORTH VIC 3174	Pinnell Surveying	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	23/04/2021	Noble Park North
PLN20/0543	PinApp	No	36 Thomas Street NOBLE PARK VIC 3174	Planning & Design	Development of the land for one (1) double storey dwelling to the rear of an existing single storey dwelling	General Residential 1 Zone, 634sqm	Delegate	PlanPermit	27/04/2021	Noble Park
PLN20/0547	PinApp	No	6 Gatum Court NOBLE PARK VIC 3174	Nacha Moore Land Surveyors Pty Ltd	Subdivision of land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	25/04/2021	Yarraman
PLN20/0559	PinApp	No	29 Pickett Street DANDENONG VIC 3175	AMS Pty Ltd	Subdivision of land into three (3) lots SPEAR DECLARED AREA	Residential	Delegate	PlanPermit	29/04/2021	Dandenong
PLN20/0574	PinApp	No	25 Nance Street NOBLE PARK VIC 3174	Time Architects Pty Ltd	Development of the land for one (1) double storey dwelling to the side of an existing single storey dwelling and alterations and additions to the existing dwelling	Neighbourhood Residential 1 Zone, 550sqm	Delegate	PlanPermit	29/04/2021	Noble Park

03/05/2021

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2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN20/0575	PinApp	No	169-173 Princes Highway DANDENONG VIC 3175	MG Land Surveyors	Subdivision x4 SPEAR	Commercial	Delegate	PlanPermit	30/04/2021	Yarraman
PLN20/0593	PinApp	No	Factory 95 South Cippstand Highway DANDENONG SOUTH VIC 3175	Cadence Property Group Pty Ltd	Development of the land for warehouses, reduction in car parking requirement, removal of native vegetation and alteration of access from a Road Zone Category 1	Commercial 2 Zone, Urban Floodway Zone, 40380sqm, development of six warehouses	Delegate	PlanPermit	20/04/2021	Dandenong
PLN21/0031	PinApp	No	42 Healey Road DANDENONG SOUTH VIC 3175	Nexus Adhesives Superannuation Holdings Pty Ltd	Buildings and Works (Mezzanine) and reduction in car parking requirements	Industrial 1 Zone, 84sqm, mezzanine and reduction in car parking requirements	Delegate	PlanPermit	30/04/2021	Dandenong
PLN21/0032	PinApp	No	890-892 Princes Highway SPRINGVALE VIC 3171	Rooftop Architecture & Design	To display business identification signage and internally illuminated business identification signage	General Residential 1 Zone, Mixed Use Zone, business identification signage	Delegate	PlanPermit	28/04/2021	Springvale North
PLN21/0037	PinApp	No	5 Treasethic Road SPRINGVALE VIC 3171	Arie Cafe and Associates	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	29/04/2021	Springvale North
PLN21/0048	PinApp	No	14 Adriatic Way KEYSBOROUGH VIC 3173	Vincent Johnson	Use of the land for car sales	Industrial 1 Zone, motor vehicle sales	Delegate	PlanPermit	29/04/2021	Keysborough South
PLN21/0058	PinApp	No	30 Burrows Avenue DANDENONG VIC 3175	Nobelius Land Surveyors Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	22/04/2021	Cleeland
PLN21/0059	PinApp	No	53 Cleeland Street DANDENONG VIC 3175	AMS Pty Ltd	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	13/04/2021	Cleeland
PLN21/0068	PinApp/Vic	Yes	1612-1624 Centre Road SPRINGVALE VIC 3171	Reve Design	Construction of a mezzanine VICSMART	Industrial 1 Zone, 70sqm	Delegate	PlanPermit	20/04/2021	Springvale North
PLN21/0073	PinApp	No	42 Joffre Street NOBLE PARK VIC 3174	Beyenech Geleta Kasasa	Development of the land for one (1) single storey dwelling to the rear of an existing single storey dwelling	General Residential 1 Zone, 724sqm	Delegate	NOD	30/04/2021	Yarraman
ADARK									03/05/2021	

2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

Application ID	Category	VicsSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0077	PinAppVic	Yes	13 Gove Street SPRINGVALE VIC 3171	Sut Chuen Kwok	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	13/04/2021	Springvale North
PLN21/0091	PinApp	No	220 Chapel Road KEYSBOROUGH VIC 3173	220 Chapel Rd Keysborough Pty Ltd	Subdivision of the land into 123 lots SPEAR	Commercial	Delegate	PlanPermit	23/04/2021	Keysborough South
PLN21/0093	PinApp	No	44 Healey Road DANDENONG SOUTH VIC 3175	Creative Living Innovations Pty Ltd	To vary item (h) of restrictive covenant J049338 on Lot 107 of Plan of Subdivision 120894 so that any fence within 8 metres from any street boundary of the lands is no more than 2 metres in height above ground level	Industrial 1 Zone	Delegate	PlanPermit	28/04/2021	Dandenong
PLN21/0098	PinAppVic	Yes	306-318 Abbots Road DANDENONG SOUTH VIC 3175	151 Property	Construction of an additional hardstand area VICSMART	Commercial 2 Zone, 1440sqm	Delegate	PlanPermit	21/04/2021	Dandenong
PLN21/0100	PinApp	No	897 Heatherston Road SPRINGVALE VIC 3171	Nilsson Noel & Holmes (Surveyors) Pty Ltd	Subdivision of the land into six (6) lots SPEAR	Residential	Delegate	PlanPermit	21/04/2021	Springvale Central
PLN21/0102	PinApp	No	141 Corrigan Road NOBLE PARK VIC 3174	Nilsson Noel & Holmes (Surveyors) Pty Ltd	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	06/04/2021	Noble Park
PLN21/0114	PinApp	No	2 Eden Court NOBLE PARK VIC 3174	Calvin Raven Pty Ltd	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	29/04/2021	Yarraman
PLN21/0116	PinAppVic	Yes	27 Bass Court KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	Development of the land for a warehouse VICSMART	Industrial 1 Zone, 849sqm, construction of a warehouse with ancillary office	Delegate	PlanPermit	20/04/2021	Keysborough South
PLN21/0118	PinApp	No	27 Hammond Road DANDENONG VIC 3175	Sylvester Kroyherr	Change of Use (Car Sales) DECLARED AREA	Comprehensive Development 2 Zone, car sales yard with portable sales office	Delegate	PlanPermit	27/04/2021	Dandenong
PLN21/0123	PinApp	No	16 Atlantic Drive KEYSBOROUGH VIC 3173	Dandenong Investments One Pty Ltd	Subdivision x 4 SPEAR	Industrial	Delegate	PlanPermit	30/04/2021	Keysborough South

03/05/2021

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2.2.2 Planning Delegated Decisions Issued - April 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0126	PinApp	No	9 Tudor Crescent NOBLE PARK NORTH VIC 3174	Nobilus Land Surveyors Pty Ltd	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	29/04/2021	Noble Park North
PLN21/0142	PinApp	No	114 Hanna Street NOBLE PARK VIC 3174	Melbourne Estates Consortium No 1 Pty Ltd	Subdivision of the land into two (2) lotSPEAR	Multi Zones	Delegate	PlanPermit	22/04/2021	Noble Park
PLN21/0144	PinApp	No	2/158-168 Browns Road NOBLE PARK NORTH VIC 3174	Rhino Signmakers	The display of business identification signage	Commercial 2 Zone, business identification	Delegate	PlanPermit	28/04/2021	Noble Park North
PLN21/0157	PinAppVic	Yes	69-73 Smeaton Avenue DANDENONG SOUTH VIC 3175	VSDO Pty Ltd	Construction of a mezzanine floor and a reduction to the car parking requirement VICSMART	Industrial 1 Zone, 231 sqm, construction of a mezzanine in existing office/actory, reduce car parking requirement by 3	Delegate	PlanPermit	23/04/2021	Dandenong
PLN21/0158	PinAppVic	Yes	138 Chandler Road NOBLE PARK VIC 3174	Vasilios William Natsioulas	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	14/04/2021	Noble Park
PLN21/0175	PinAppVic	Yes	59 Naxos Way KEYSBOROUGH VIC 3173	Stephen D'Andrea P/L	Development of the land for a warehouse and to reduce the car parking requirements (VICSMART)	Industrial 1 Zone, 1126sqm	Delegate	PlanPermit	28/04/2021	Keysborough South
PLN21/0179	PinAppVic	Yes	42 Gunther Avenue SPRINGVALE VIC 3171	Hanna Tong & Wayne Williams	Subdivision x 2 SPEAR (VICSMART)	Residential	Delegate	PlanPermit	29/04/2021	Springvale Central
PLN21/0186	PinAppVic	Yes	3 Maurice Street DANDENONG VIC 3175	Emma and Medina Draganovic	Subdivision of the land into two (2) lots (VICSMART) SPEAR	Residential	Delegate	PlanPermit	23/04/2021	Yarraman
PLN21/0188	PinAppVic	Yes	2-14 Letcon Drive BANGHOLME VIC 3175	Stephen D'Andrea	Development of the land for a roller shutter door to the existing building VICSMART	Industrial 3 Zone, 335sqm, installation of a roller shutter door	Delegate	PlanPermit	23/04/2021	Keysborough South

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03/05/2021

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ADARK

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)

File Id:	352375
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted plans Location of objectors Clause 22.09 Assessment Clause 52.06 Assessment Clause 55 Assessment

Application Summary

Applicant:	Durable Design
Proposal:	The development of the land for three (3) new double storey dwellings
Zone:	General Residential Zone 1 (GRZ1)
Overlay:	No overlays apply
Ward:	Yarraman

This application is brought before the Council because it has received two (2) objections, including one (1) petition with fourteen (14) signatories.

The application proposes the development of the land for three (3) new double storey dwellings. A permit is required pursuant to Clause 32.08-6 of the Greater Dandenong Planning Scheme to construct two or more dwellings on a lot in a General Residential Zone.

Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site and the mailing of notices to adjoining and surrounding owners and occupiers. Two (2) objections were received to the application, one of which included a petition with fourteen (14) signatories. Issues raised generally relate to matters of overdevelopment, vehicle access/crossovers, traffic/parking issues, neighbourhood character, loss of amenity, precedent, double storey nature of the development, noise, integration with the street, solar access, ESD/Sustainability matters, overshadowing, and building over an easement.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)**Recommendation Summary**

As assessed, officers consider this proposal to be highly compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and officers are of the view that on balance the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported and that 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. If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)**Subject Site and Surrounds****Subject Site**

The subject site is located on the eastern side of Langold Court, Noble Park. It has a western frontage to Langold Court of 18.29m, a southern side boundary of 41.47m, an eastern rear boundary of 19.18m and a northern side boundary of 35.69m, giving the site an area of 706m². The site is oriented east-west, is irregular in shape and is sloped downwards approximately 1.2m from west to east and downwards approximately 0.2m from north to south. A 1.83m wide drainage easement is present along the eastern rear boundary of the site.

The subject site is currently occupied by an existing single storey brick dwelling. The site is currently accessed via a crossover on the northern side of the western frontage to Langold Court. There is no significant vegetation on the subject site.

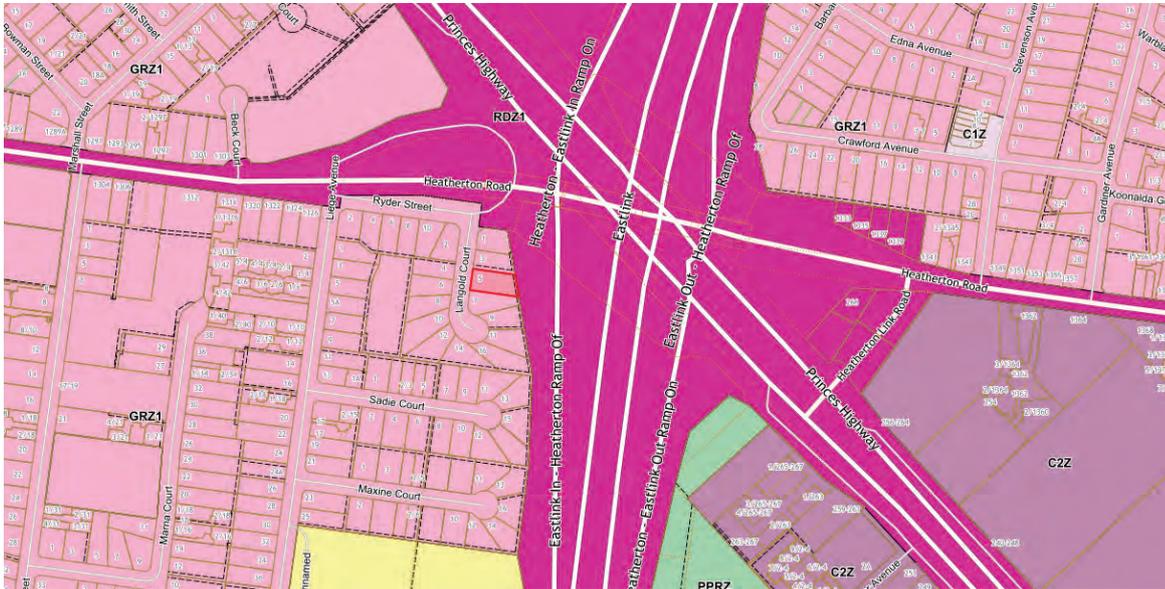
Surrounding Area

The subject site is located in a broader residential area of Noble Park which is bounded to the north by Heatherton Road, to the east by Eastlink, to the south by the Dandenong Railway Line and to the west by Chandler Road. Buildings generally consist of single and double storey dwellings, including single dwellings on lots and multi unit developments. The area is currently experiencing incremental change, with multi unit developments replacing single dwellings on a lot.

The subject site is located approximately 1,400m to the east of the Noble Park Major Activity Centre. Public transport is available close by with the 811 bus route running along Heatherton Road approximately 70m to the north and bus route 800 running along Princes Highway approximately 100m to the north-east. Public open space is available at Oakwood Park approximately 190m to the north and Edith McPherson Reserve approximately 270m to the south-west. The closest school is Yarraman Oaks Primary School approximately 220m to the south.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Locality Plan



p Subject Site Melways Map 89K2 North é

Background

Previous Applications

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

Proposal

The application proposes the development of the land for three (3) new double storey dwellings as follows:

THE PROPOSAL	
	Details
Type of proposal	Multi dwellings
Number of dwellings	Three (3)
Levels	Double storey
Height	8.11 metres
Orientated to	Dwelling 1 – Langold Court Dwellings 2 and 3 – Shared driveway

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

External materials	Brick at ground floor level and rendered cladding at first floor level.
Set backs	Dwelling 1 – 7.5m front (western) setback, 4m side (northern) setback and built to side (southern) setback Dwelling 2 – 4m side (northern) setback and 3.5m side (southern) setback Dwelling 3 – Built to side (northern) boundary, 2.46m rear (eastern) setback and built to side (southern) boundary.
Open space type	Dwelling 1 – 77.3m ² front yard and 44.9m ² backyard Dwelling 2 – 50m ² backyard Dwelling 3 – 70.3m ² backyard
Number of Car parking Spaces provided	5
Number of Car parking Spaces required	5
Type of car parking	Dwelling 1 – Single garage with tandem car space in front Dwelling 2 – Single garage Dwelling 3 – Single carport with tandem car space in front
Access	Access located to the north and west of the development Connects to Langold Court Minimum width is 3 metres for each accessway
Front Fence	No front fence is proposed
Garden Area:	
Provided	262.2 square metres or 37.14%
Required	247.1 square metres or 35%

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

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (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.

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

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

- Under Clause 32.08-6 – To construct two or more dwellings on a lot in a General Residential Zone.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a General Residential Zone Schedule 1, as is the surrounding area to the north, west and south. Eastlink to the east is in a Road Zone Category 1.

The purpose of the General Residential Zone outlined at Clause 32.08 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *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 32.08-6, a permit is required to construct two or more dwellings on a lot in a General Residential Zone. It is noted that in the schedule to the zone, different requirements are set out as following:

- *Standard B6 (Minimum Street Setback) – As per B6 or 7.5 metres, whichever is the lesser;*
- *Standard B9 (Permeability) – Minimum of 30%;*
- *Standard B13 (Landscaping) – 70% of ground level front setback, and side and rear boundaries planted with substantial landscaping and canopy trees;*
- *Standard B28 (Private Open Space) – An area of 50 square metres of ground level, private open space, 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 30 square metres, a minimum dimension of 5 metres and convenient access from a living room; or*

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

- *A balcony with a minimum area of 10 square metres with a minimum width of 2 metres and convenient access from a living room*
- *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.

Planning Policy Framework

The **Operation of the Planning Policy Framework** outlined at Clause 71.02 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.

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

State Planning Policy Framework

Clause 11 Settlement

Clause 11 (Settlement) encourages planning to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. It also encourages planning to contribute towards diversity of choice, energy efficiency, a high standard of urban design and amenity, and land use and transport integration.

Further guidance is provided by **Clause 11.01-1S (Settlement)**, which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. It includes strategies to develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 14.02-1S (Catchment planning and management) seeks the protection and restoration of catchments, water bodies, groundwater, and the marine environment. Strategies include retaining natural drainage corridors with vegetated buffer zones at least 30-metre-wide along each side of a waterway to:

- Manage the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Clause 15 Built Environment and Heritage

Clause 15 (Built Environment and Heritage) states that planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

It adds that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

According to the clause, planning should promote excellence in the built environment and create places that:

- *Are enjoyable, engaging and comfortable to be in.*
- *Accommodate people of abilities, ages and cultures.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm.*

These overall objectives are reinforced by a number of sub-clauses, including **Clause 15.01-1S (Urban design)** and **Clause 15.01-1R (Urban design – Metropolitan Melbourne)**, which seek to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm, while **Clause 15.01-5S (Neighbourhood character)** has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.01-4S (Healthy neighbourhoods) has an objective to achieve neighbourhoods that foster healthy and active living and community wellbeing. **Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)** reinforces this, with a strategy to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

Sustainability is promoted by **Clause 15.02-1S (Energy and resource efficiency)**, which seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 16 Housing

Clause 16 (Housing) contains two key objectives, which can be summarised as relating to housing diversity, sustainability of housing and the provision of land for affordable housing.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

These objectives are reinforced by a number of sub-clauses, including **Clause 16.01-1S (Housing Supply)**, which seeks to facilitate well-located, integrated and diverse housing that meets community needs, and **Clause 16.01-2S (Housing affordability)** which seeks to deliver more affordable housing closer to jobs, transport and services.

Clause 16.01-1R (Housing supply – Metropolitan Melbourne), includes several strategies to manage the supply of new housing including increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs, public transport; as well as a strategy that allows for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

Clause 18 Transport

Clause 18.01-1S (Land use and transport planning) has a strategy 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.

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:

- *There is considerable diversity within Greater Dandenong's housing stock. Most housing stock is aged between 30 to 50 years old, though there are some areas with dwellings in excess of 100 years old. Areas of newer housing are located in the north-east and central-southern areas, with in-fill development occurring across the municipality (Clause 21.02-3).*
- *Higher density housing is generally located in proximity to railway stations and major shopping centres, in particular in central Dandenong (Clause 21.02-3).*
- *Whilst there is a clear pre-dominance of single detached dwellings, there are a range of other types of dwellings including dual occupancies, villa-units, town houses and apartments. The highest concentration of older villa units and apartments and more recent multi-unit redevelopments have occurred around central Dandenong, Springvale and Noble Park activity centres (Clause 21.02-4).*
- *With diverse cultural groups that call Greater Dandenong home, there are certain distinct precincts that are emerging that have their own character. Their built form is characterised by buildings with flat unarticulated facades, prominent balconies, limited frontage/side setbacks, limited or no landscaping (Clause 21.02-4).*

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. The vision is that Greater Dandenong will be a municipality where housing diversity and choice is promoted in its various attractive neighbourhoods.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

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 are Clauses 21.04 – Land Use and 21.05 – Built Form:

Clause 21.04-1 Housing and community

- *Greater Dandenong's population is expected to rise by 22 percent, from 147,000 to 179,000 in the decade to 2024, placing pressure on transport networks, infrastructure, services and public open space.*
- *Approximately 9,950 new households will need to be accommodated across the municipality by 2024 (Greater Dandenong Housing Strategy 2014-2024).*
- *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.*
- *Encourage the provision of housing that is adaptable to support the needs of the changing needs of present and future residents.*
- *Encourage innovative redevelopment and renewal of deteriorating housing stock and older styled higher-density apartments and multi-unit developments.*
- *Encourage new residential development that incorporates adequate space for the planting and the long term viability and safe retention of canopy trees.*
- *Respect the valued, existing neighbourhood character within incremental and minimal change areas.*
- *Requiring medium-density developments to be site and locality responsive and to respect existing and proposed neighbourhood character.*

Clause 21.05-1 – Urban design, character, streetscapes and landscapes – contains the following relevant objectives and strategies:

- *To facilitate high quality building design and architecture.*
 - *Ensure building design is consistent with the identified future character of an area and fully integrates with surrounding environment.*
 - *Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.*
 - *Encourage innovative architecture and building design.*
 - *Encourage development to incorporate sustainable design elements that enhance occupant comfort and environmental performance.*

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

- *To facilitate high quality development, which has regard for the surrounding environment and built form.*
 - *Promote views of high quality landscapes and pleasing vistas from both the public and private realm.*
 - *Promote all aspects of character – physical, environmental, social and cultural.*
 - *Encourage planting and landscape themes, which complement and improve the environment.*
 - *Encourage developments to provide for canopy trees.*
 - *Recognising valued existing neighbourhood character and promoting identified future character as defined in the Residential Development and Neighbourhood Character Policy at Clause 22.09.*

- *To protect and improve streetscapes*
 - *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.*

- *To ensure landscaping that enhances the built environment*
 - *Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.*
 - *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.*

Clause 22.09 – Residential Development & Neighbourhood Character Policy – contains the following objectives at Clause 22.09-2:

- *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.*

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

- *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;*
 - *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 (Design Principles) provides design principles, which apply to all Future Change Areas.

Clause 22.09-3.3 (Incremental Change Areas) provides design principles, some of which also relate to the variances to the requirements of standards to Clause 55 under the schedule to the General Residential Zone. The guidelines consider matters such as housing form; height; landscaping; setbacks, front boundary and width; private open space, and bulk:

An assessment against Clause 22.09 is included as Attachment 3 to this report.

Particular Provisions

Car Parking (Clause 52.06)

The purposes of this provision, Clause 52.06, are:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.*

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

- *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.*

Clause 52.06-2 notes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The required spaces are identified in the table to Clause 52.06-5. Clause 52.06-3 further 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 1 or 2 bedrooms requires 1 car space and a dwelling with 3 or more bedrooms requires 2 spaces to each dwelling. 1 visitor car space is required for visitors to every 5 dwellings for developments of 5 or more dwellings.

Car parking is to be designed and constructed in accordance with the requirements of Clause 52.06-9 and 52.06-11 of the Scheme.

An assessment against Clause 52.06 is included as Attachment 4 to this report.

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.*

The purposes of this clause are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

An assessment against Clause 55 is included as Attachment 5 to this report.

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

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.

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.

Safe Design Guidelines

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

Referrals

Pursuant to Section 55 of the Planning and Environment Act 1987, the application was externally referred to:

External Referrals	
Department of Transport/Connect East	No objection, subject to conditions on permit
APA Group	No objection, no conditions
Fire Rescue Victoria	No objection, no conditions

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.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Internal Referrals	
Transport Planning	No objection, subject to condition on permit
Civil Development	No objection, subject to conditions and notes on permit
Asset Planning	No objection, subject to notes on permit
ESD/Sustainability	No objection, 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 and surrounding land.
- Placing a sign on site facing Langold Court to the west.

The notification has been carried out correctly.

Council has received two (2) objections to the application, one of which includes a petition with fourteen (14) signatories.

The location of the objectors is shown in Attachment 2.

Consultation

A consultative meeting was not held for this application due to the Covid-19 pandemic.

Summary of Grounds of Submissions/Objections

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

- **Overdevelopment**

The objectors are concerned that the proposed development of the site for three (3) double storey dwellings would be an overdevelopment of the site.

The subject site has an area of 706m² and with three (3) dwellings proposed, this gives a density of one dwelling per 235m², which is consistent with the preferred future character for this area. In addition, the site provides adequate private open space for each dwelling, as well as adequate separation between each dwelling. As such, this proposal is not considered to be an overdevelopment of the site.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

- **Vehicle access/crossovers**

The objectors are concerned that the provision of two crossovers for the proposed development would be contrary to an objective of Clause 22.09-2 of the Greater Dandenong Planning Scheme which seeks to minimise the visual dominance of vehicle accessways.

Clause 22.09-3.1 of the Greater Dandenong Planning Scheme contains a design principle with respect to car parking which states that: "The existing level of on-street car parking should be maintained by avoiding second crossovers on allotments with frontage widths less than 17 metres". The subject site has a frontage to Langold Court of 18.29m and sufficient space (more than 4.9m) is provided to accommodate an on-street car space in between the two crossovers.

- **Traffic/Parking issues**

The objectors are concerned that insufficient car parking would be provided for the proposed development and that this would have a detrimental impact on Langold Court.

The car parking requirement for dwellings is contained in Clause 52.06 of the Greater Dandenong Planning Scheme and states that a dwelling requires 1 car space to each 1 or 2 bedroom dwelling, plus 2 car spaces to each 3 or more bedroom dwelling, plus 1 car space for visitors to every 5 dwellings for developments of 5 or more dwellings.

Dwelling 1 would be a 3 bedroom dwelling and would be provided with 2 car spaces comprising a single garage with a tandem car space in front.

Dwelling 2 would be a 2 bedroom dwelling and would be provided with 1 car space comprising a single garage.

Dwelling 3 would be a 4 bedroom dwelling and would be provided with 2 car spaces comprising a single garage with a tandem car space in front.

As the development is for only 3 dwellings an on-site visitor car space is not required.

It is also noted that the car parking meets the design standards with regards to dimensions and turning circles. Therefore the proposed car parking provision complies with the requirement of Clause 52.06.

- **Neighbourhood Character**

The objectors are concerned that the proposed development would be inconsistent with the identified future character outlined in Clause 22.09-3.3 of the Greater Dandenong Planning Scheme which states that incremental change areas "will evolve over time to contain a greater proportion of well designed and site responsive medium density infill development that respects the existing neighbourhood character".

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Whilst it is acknowledged that the existing character of Langold Court is typified by single dwellings on lots, and are generally single storey, Langold Court is nominated as an area of incremental change within Clause 22.09. Incremental change areas anticipate a greater level of density than is currently the case. Medium density infill development is anticipated and would comprise of single and double storey dwellings with two or three dwellings per lot depending on size and layout.

The proposed development of the subject site for three (3) double storey dwellings would be consistent with the preferred future character of the area, as an area of incremental change.

- **Loss of amenity**

The objectors are concerned that the existing amenity of a quiet neighbourhood would be compromised by the proposed development both in a physical sense and also by the ensuing enhanced vehicle movement activity.

As noted earlier, the subject site and Langold Court is designated for incremental change which anticipates medium density development such as that proposed under this application.

The amenity of Langold Court would be more likely to be affected by the proximity of the street to both Eastlink and Heatherton Road, particularly given the elevated nature of Heatherton Road to the north as it rises to pass over Eastlink.

It is not anticipated that the proposed development would result in a significant loss of amenity to the existing residents of Langold Court.

- **Precedent**

The objectors are concerned that the proposed development would set a precedent for other sites in Langold Court to be developed in a similar format and that this would result in the court ceasing to be an incremental change area and becoming a substantial change area.

Whilst the proposed development would be the first multi unit development in the street if approved, it would not result in the court ceasing to be an incremental change area and becoming a substantial change area. Apartment buildings and fully attached townhouses are the sort of the development typology envisaged for substantial change areas, and this is not what is proposed under the current application, nor is it what is sought for Langold Court as an incremental change area.

- **Double storey nature of the development**

The objectors are concerned about the double storey nature of the proposed development being inconsistent with the existing single storey character of Langold Court.

The subject site is zoned General Residential 1 Zone under the Greater Dandenong Planning Scheme, and pursuant to Clause 32.08-10, if no maximum building height or maximum number of storeys is specified in a schedule to this zone (which it is not) then the building height must not exceed 11 metres and the building must contain no more than 3 storeys at any point.

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The maximum height of the proposed development is 8.11 metres and it would be double storey, both of which are less than the maximum height permitted under the zone.

Clause 22.09 also contains a design principle relating to 'Building Height' which states that the preferred maximum building height for land within the GRZ1 is up to 2 storeys, including ground level. The proposed development would comply with this.

- **Noise**

The objectors are concerned that noise from additional residents and vehicles associated with the proposed development will disturb the peace and quiet that the court currently enjoys.

It is not anticipated that the proposed development would result in an increase in noise levels which would be inconsistent with the residential nature of the court.

- **Integration with the Street**

The objectors are concerned that no front fence is proposed for the development and that this is inconsistent with most of the properties on Langold Court.

There is no requirement under the Greater Dandenong Planning Scheme for a multi unit development to have a front fence. It is entirely to the applicant's discretion if they choose to provide one or not. Clause 22.09 also contains a design principle relating to 'Setbacks, front boundary and width' which seeks to provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.

- **Solar access**

The objectors are concerned that private open spaces are not located on the northern side of the proposed dwellings.

Whilst Dwelling 2's private open space would be located to the south of the dwelling with a southern aspect, it would still meet the solar access standard, Standard B29 of Clause 55.05-5.

Dwelling 1 and 3's private open space areas would include private open space to the east of the dwellings with a northern aspect.

- **ESD/Sustainability matters**

The objectors are concerned that the BESS Environmental score is not adequate and makes false claims to walkability score, with some areas of the report incomplete and the score of 54% is a poor rating for a new build and the result must be questioned.

The application was reviewed by Council's ESD/Sustainability Unit who advised that under BESS the development achieves an overall score of 56% and that this falls within the best practice range of 50 to 69%.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Council's ESD/Sustainability Unit did not raise any concerns with the walkability of the proposed development and it is noted that there is a primary school and parks within walking distance of the subject site.

- **Overshadowing**

The objectors are concerned that overshadowing from the proposed development will affect other properties.

With respect to overshadowing, the following is noted. The site to the north at 3 Langold Court would have no overshadowing from the proposed development.

The site to the south at 7 Langold Court would have some overshadowing from the proposed development at 9.00am, 12.00pm and 3.00pm, however, the overshadowing complies with the standard in Clause 55.04-5 and is not considered to be unreasonable. Overall, 75% of the secluded private open space areas of the adjoining properties would receive at least 5 hours of sunlight between 9am and 3pm on September 22.

- **Build over easement**

The objectors are concerned about a path, storage shed and rainwater tank proposed within the easement.

It is considered that none of these would prevent access to the easement if required. Dwelling 3 and its carport/garage are not proposed to be built over the easement.

Assessment

The subject site is located within an established residential area and is well suited for the development of medium density housing given that the site is located within easy walking distance of many community facilities and public transport. The proposal also seeks to reduce pressure on the urban fringe by providing three (3) dwellings where previously one (1) existed through the redevelopment of the site, thereby ensuring that the housing required for the growing population is facilitated.

As required by the relevant provisions of the Planning Scheme, the proposed development has been assessed against the following:

- Clause 55 (full assessment attached as attachment 5) as well as Schedule 1 to the General Residential Zone;
- Clause 52.06 (full assessment attached as attachment 4); and
- Clause 22.09 (full assessment attached as attachment 3).

The proposal complies with all requirements of these clauses as outlined below.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Use

As outlined in Clause 32.08-2 (General Residential Zone), a dwelling is listed as a Section 1 use, and a planning permit is not required for the use of the proposal. However, a planning permit is required for the buildings and works, which is discussed below.

Development

Planning Policy Framework / Local Planning Policy Framework

In considering the Planning Policy Framework and the Local Planning Policy Framework, 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.*

Each of these Clauses ensure that Council facilitates the orderly development of urban areas, which is a specific objective of Clause 11.02 Settlement.

The objectives of Clause 15.01-1S Urban Design, Clause 15.01-2S Building Design 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 proposed design response respects the preferred neighbourhood character of the incremental change area by providing a medium density housing typology.

The proposal is of a high quality urban design, with physical recession, articulation, varied use of materials, textures and other visual interest.

The overall layout allows space for acceptable landscaping treatments such as a canopy tree and shrubbery plantings within well-proportioned setback areas to allow growth to maturity.

The proposal is also located within an area subject to incremental change with other multi-unit developments of a similar scale and massing being found within the surrounding residential area. 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.

As such, Council officers recommend that the application be approved subject to planning permit conditions as necessary.

Clause 22.09 Assessment

An assessment against the design principles of Clause 22.09 is included at Attachment 3 of this report.

The proposed development would respect the scale of existing prevailing built form character and would respond to site circumstances and streetscape, by providing three (3) new dwellings, with double storey dwellings 1 and 2 in the front and centre of the site.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Dwelling 3 to the rear would also be a double storey dwelling which is considered appropriate in this instance for the following reasons:

- It only has two residential interfaces and would be setback 3.75m from the northern boundary and 3.6m from the southern boundary;
- The length of the building at upper level would face east towards Eastlink;
- Windows facing north and south have been appropriately screened;
- The upper level would not adversely affect the planting and future growth of canopy trees to maturity;
- Sufficient side and rear boundary landscaping can be provided to screen adjoining properties; and
- It would be well recessed from adjoining sensitive interfaces, particularly for the property to the north at 3 Langold Court which has a garage in between its backyard and the subject site.

Overall, this proposal provides a design response which is consistent with the preferred character envisaged by Clause 22.09, and is considered to comply with all of the requirements of this clause.

Clause 55 Assessment

The proposal has been assessed against all of the Objectives and Standards of this Clause and is considered to comply with all of the requirements of this Clause, subject to conditions. It is noted in particular that the proposal complies with the setback, private open space, overshadowing and overlooking requirements of Clause 55.

Car Parking

The proposal provides five (5) on site car parking spaces, and as such complies with the requirements of Clause 52.06 with respect to the number of car parking spaces required (Clause 52.06-5) and design standard of car parking (Clause 52.06-9).

Environmentally Sustainable Development

BESS Information Summary		Project Overall Score: 56%		
		Fail	Best Practice	Design Excellence
		(<49%)	(50-69%)	(>70%)
Dwelling Type: Non-residential				
BESS Category	Score	Initiatives		
Management				
	17%	Preliminary energy rating assessment NatHERS undertaken.		

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Water		
	50%	Rainwater tank capacity of 3,000L per dwelling connected to landscape irrigation, toilet flushing and laundry
		High WELS star rated water fittings, fixtures and appliances
		Potable water consumption reduced by 42% compared to same building following minimum standard
		Water smart landscape design
Energy		
	50%	High efficiency reverse cycle air conditioning specified with 5 star energy rating
		High efficiency gas instantaneous (5 star) hot water system specified
		Average NatHERS rating of 6.5 stars; Estimated greenhouse gas emissions reduced by 60% compared to same building following minimum standards
Stormwater		
	100%	Stormwater design meets industry best practice requirements through incorporation of rainwater collection and re-use.
Indoor Environment Quality		
	80%	Design achieves natural cross-flow ventilation. Double glazing specified to all main windows.
Waste		
	50%	Dwellings include space for food and garden waste disposal and on-site compost bins (to be revised).
Urban Ecology		
	62%	37% of the site that is permeable, providing scope for existing or future vegetation.
		Balcony/courtyard design encourages gardening.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Proposed changes required by Conditions

Condition 1.1 was required by Council's Transport Planning Unit to ensure that letterboxes within corner splays comply with Design Standard 1 of Clause 52.06 (Car Parking).

Condition 1.2 was required by Council's ESD/Sustainability Unit to ensure that the plans are consistent with the Sustainable Design Assessment.

Condition 1.3 and 1.4 are required to ensure compliance with Design Standard 2 of Clause 52.06.

Condition 1.5 is required to ensure compliance with Standard B22 (Overlooking) of Clause 55 (ResCode).

Condition 1.6 is required to ensure compliance with the 'Bulk and Built Form' Design Principle of Clause 22.09-3.3 (Design Principles for Incremental Change Areas – General Residential Zone).

Condition 1.7 is required to ensure compliance with Standard B24 (Noise Impacts) of Clause 55.

Condition 1.8 is required to ensure compliance with Department of Transport/Connect East Condition 14.2.

Condition 1.9 is required to ensure compliance with Condition 2 with respect to the landscape plan.

Conclusion

The proposal is consistent with the provisions of the Greater Dandenong Planning Scheme, including the zoning requirements, local policy direction, application of Clauses 22.09, 52.06 and 55, and the decision guidelines of Clause 65.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 5 Langold Court, Noble Park for the 'Development of the land for three (3) new double storey 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 3 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. Letterboxes and all other structures (including visually obstructive fencing and landscaping) to be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with Clause 52.06-9 of the Greater Dandenong Planning Scheme.**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

- 1.2. Specification of rainwater tanks to also nominate Laundry (washing machine) as a connection point as per the inputs using Insite Water in the Sustainable Design Assessment (SDA).**
- 1.3. The tandem car spaces for Dwellings 1 and 3 to have dimensions of 4.9m long by 2.6m wide shown.**
- 1.4. At least 0.5m between the tandem car spaces of Dwellings 1 and 3 and their respective garages.**
- 1.5. Screening or obscure glazing to the first floor north facing habitable room windows of Dwelling 2 to limit overlooking in accordance with Standard B22 in Clause 55.04-6 of the Greater Dandenong Planning Scheme. The obscure glazing for Dwelling 2's north-facing habitable room windows to be fixed below 1.7m above finished floor level.**
- 1.6. At least 1m separation to be provided between Dwellings 2 and 3 at first floor level by rearrangement of Dwelling 2's first floor master bedroom, walk-in-robe and deletion of one ensuite. Setbacks from north and south boundaries must remain unchanged.**
- 1.7. The east-facing windows of Dwelling 3 at both levels to be provided with acoustic glazing.**
- 1.8. The rear boundary fence to accord with Condition 14.2 of this permit.**
- 1.9. A revised landscape plan in accordance with Condition 2.**

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

- 2. Prior to the endorsement of the plans under Condition 1, 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 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;**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

- 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. legend of all plant types, surfaces, materials and landscape items to be used;**
- 2.5. 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; and**
- 2.6. at least one (1) advanced canopy tree with a minimum planting height of 1.5 metres within the rear secluded open space areas of each dwelling and within the front yard of Dwelling 1.**

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 dwellings are occupied.

- 3. Prior to the endorsement of the plans under Conditions 1 and 2, the applicant is to submit a revised Sustainable Design Assessment (SDA) to the satisfaction of the responsible authority. The revised SDA must be in accordance with the design initiatives and commitments included in the SDA (prepared by Passive Energy, dated 10 Nov 2020) but modified to include:**

- 3.1. Revised BESS assessment that removes Waste Credit 1.1.**

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

The endorsed SDA and supporting documentation must not be altered without the prior written consent of the Responsible Authority.

- 4. 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.**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

5. **Except with the prior written consent of the Responsible Authority, the approved dwellings must not be occupied until all buildings and works and the conditions of this permit have been complied with.**
6. **Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
7. **The connection of the internal drainage infrastructure to the Legal Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority. 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. Prior to the drainage plans being approved, a drainage approval fee will need to be paid to Council.**
8. **Before the approved dwellings occupied, all piping and ducting above the ground floor storey of the dwellings, except downpipes, must be concealed to the satisfaction of the Responsible Authority.**
9. **Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority. Note any redundant vehicle crossing will need to be removed and reinstated with kerb in accordance with Council Standards. Also, the developer will need to obtain a Vehicle Crossing Permit from Council.**
10. **Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**
11. **Before the approved dwellings are 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.**
12. **Before the approved dwellings are 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.
13. **Before the approved dwellings are occupied, all boundary walls in the development must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

14. Department of Transport/Connect East Conditions.

- 14.1. All surface water and piped stormwater from the subject land must enter an existing Council or Drainage Authority waterway or piped asset prior to entering the EastLink freeway reserve.**
- 14.2. The fence on the boundary with the EastLink freeway reserve must be of a closed material (having a minimum surface density of 5kg/m²), with no openings. The fence must be built to a minimum height of 1.8m.**
- 14.3. The building setback from the boundary with the EastLink freeway reserve must be a minimum of 2 metres.**
- 14.4. The construction method on the subject land must be such that no access is required from the EastLink freeway reserve.**
- 14.5. Any filling or retaining walls (including footings) must be located entirely within the subject land.**

15. This permit will expire if:

- 15.1. The development or any stage of it does not start within two (2) years of the date of this permit, or**
- 15.2. 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**
- (b) the development or stage started lawfully before the permit expired.**

Permit notes:

- 1. No building structure of the proposed Unit 3 is acceptable within the existing easement.**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

- 2. Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- 3. Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.**
- 4. The property is subject to uncontrolled overland flow through the property.**
- 5. The flood dispensation is to be obtained prior to issue of Building Permit.**
- 6. The property has probability of flooding from Melbourne Water's drainage system. Melbourne Water's referral is required under Building Regulation 806.**
- 7. A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.**
- 8. Approval of any retention system within the property boundary is required by the relevant building surveyor.**
- 9. 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.**
- 10. 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.**
- 11. 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 a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.**
- 12. 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.**

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

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

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 5 LANGOLD COURT, NOBLE
PARK (PLANNING APPLICATION NO. PLN20/0374)**

ATTACHMENT 1

SUBMITTED PLANS

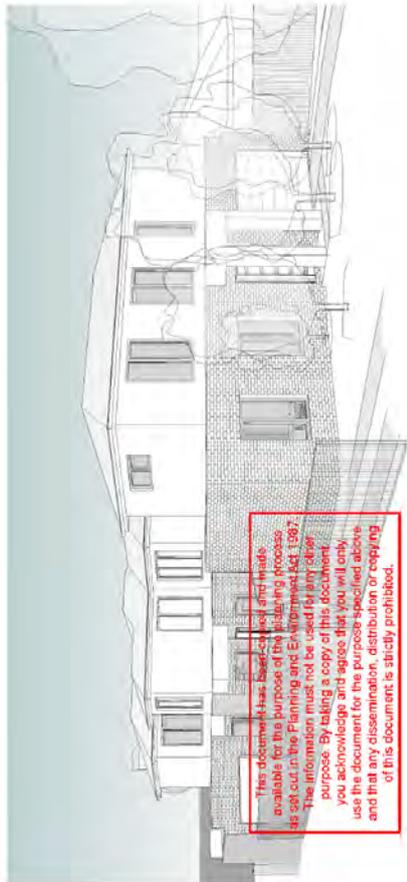
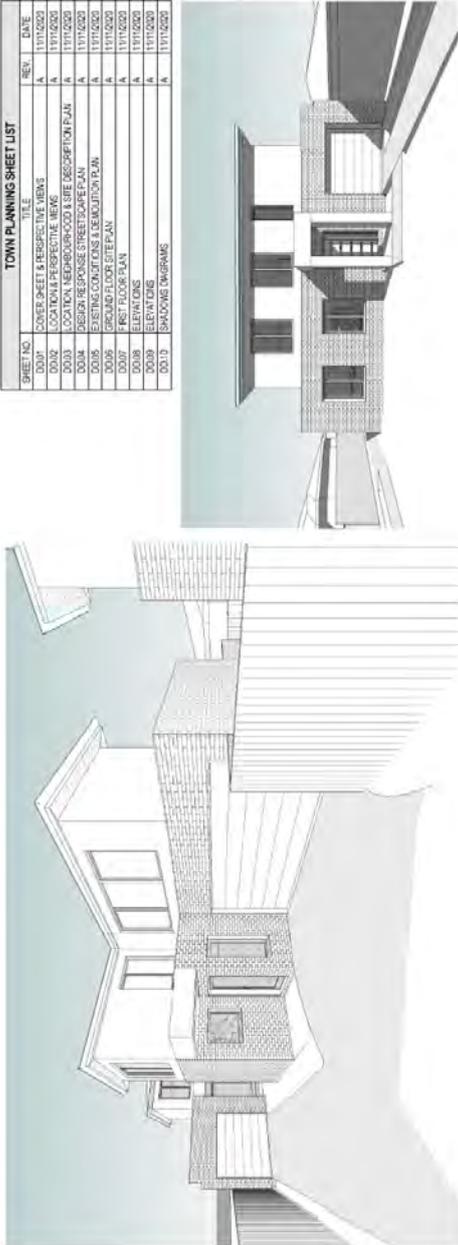
PAGES 13 (including cover)

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

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

PROJECT TITLE: 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME: MR. ADAM DONLAGIC	
PROJECT NO.: 1554	
SCALE: @ A1	
REVISIONS	
No.	Description
A	BURROGDON TOWN PLANNING
B	11/11/2020 COUNCIL RPT
SS	SS
DATE	11/11/2020
Revised:	A
Drawn By:	SS
Designed By:	ZJ
DRAWING TITLE	
COVER SHEET & PERSPECTIVE VIEWS	
DRAWING NUMBER	DD.01
TOWN PLANNING	
	
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SHEET NO.	TITLE	REV.	DATE
DD.01	COVER SHEET & PERSPECTIVE VIEWS	A	11/11/2020
DD.02	LOCATION PERSPECTIVE AIR VIEWS	A	11/11/2020
DD.03	LOCATION NEIGHBOURHOOD & SITE DESCRIPTION PLAN	A	11/11/2020
DD.04	DESIGN RESPONSE STREET SCAPE PLAN	A	11/11/2020
DD.05	EXISTING CONDITIONS & DEMOLITION PLAN	A	11/11/2020
DD.06	GROUND FLOOR SITE PLAN	A	11/11/2020
DD.07	FIRST FLOOR PLAN	A	11/11/2020
DD.08	SECTION	A	11/11/2020
DD.09	ELEVATIONS	A	11/11/2020
DD.10	SHADOWS DIAGRAMS	A	11/11/2020



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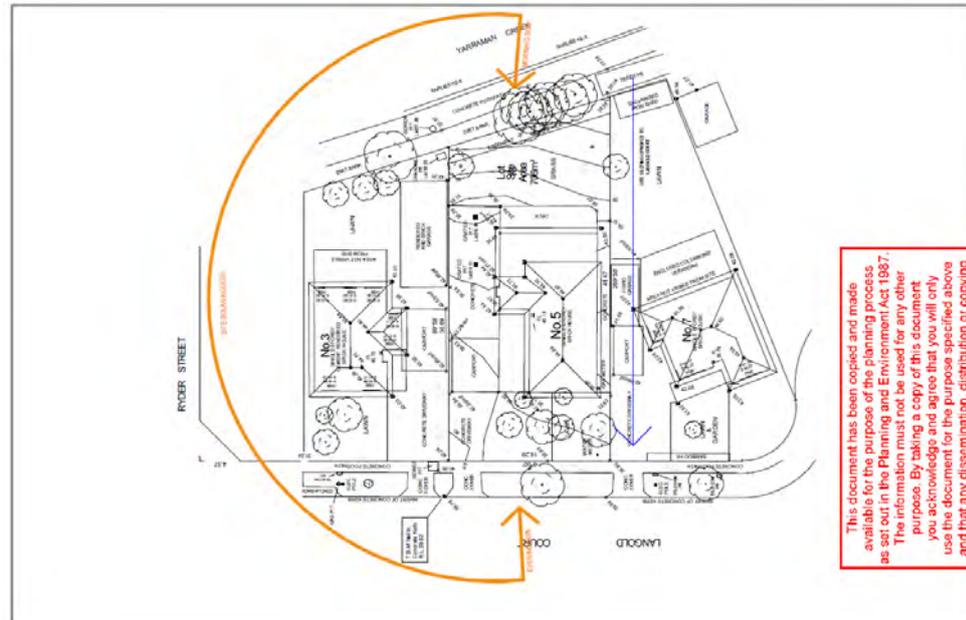
2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

PROJECT TITLE 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME: MR. ADMAN DIONAGIS	
PROJECT NO.: 1854	
SCALE: @A1	
REVISIONS	By
No.	Date
1	11/11/2020
2	11/11/2020
Description	
A	SS
A	SS
DATE 11/11/2020	
Revision: A	
Drawn By: SS	
Designed By: ZJ	
DRAWING TITLE LOCATION & PERSPECTIVE VIEWS	
DRAWING NUMBER DD.02	
TOWN PLANNING	
 durabledesign DURABLE DESIGN ARCHITECTURE PROJECT MANAGEMENT 1321 BAY RD. SANDRINGHAM VIC 3181 www.durabledesign.com.au Email: info@durabledesign.com.au T: 03 8507 7377	
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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

PROJECT TITLE: 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME: MR. ADMAN DJONJAGIC	
PROJECT NO: 1654	
SCALE: @ A1	
SCALE: 1 : 200	
REVISIONS	Description
No.	Date
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2	11/11/2020 COUNCIL RPT
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4	SS
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6	SS
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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

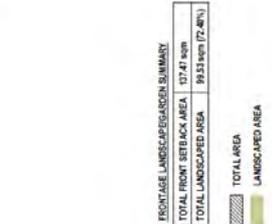
PROJECT TITLE 5 LANGOLD COURT, NOBLE PARK 3174		DRAWING NUMBER DD.04	
CLIENT NAME: MR. ADVAN DIONLAGIC		TOWN PLANNING	
PROJECT NO. 1654			
SCALE @ A1 As indicated		1/201 BAY RD, WANDSWORTH VIC 3169 www.durable-design.com.au Email: info@durable-design.com.au T: 03 9510 1517	
REVISIONS	No. Date Description	DATE	Revised By
	A 11/11/2020 TOWN PLANNING	11/11/2020	A
	B 11/11/2020 COUNCIL RP1		ZJ
DRAWING TITLE DESIGN RESPONSE STREETSCAPE PLAN		DRAWING NUMBER DD.04	



2 GARDEN AREA PLAN
1:100

DISCLAIMERS

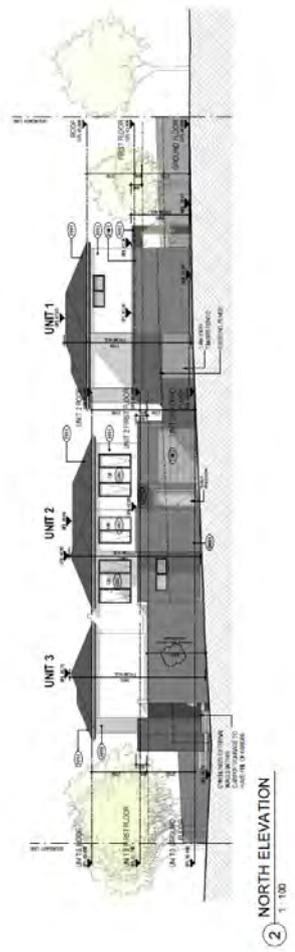
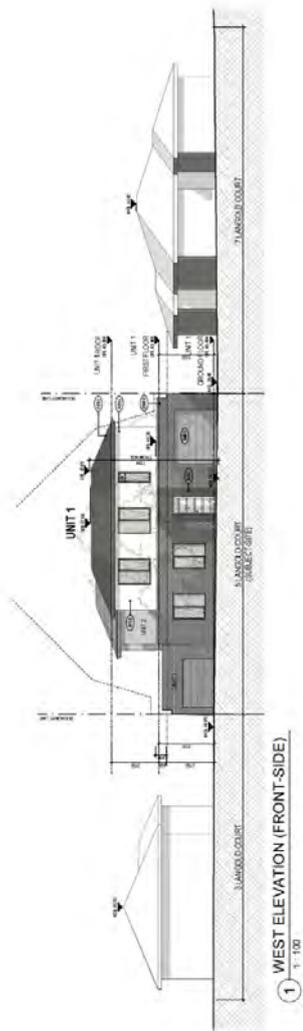
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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

PROJECT TITLE: 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME: MR. ADNAN DIONLAGIC	
PROJECT NO. 1654	
SCALE @ A1 1 : 100	
REVISIONS	Description
No.	Date
A	10/11/2020
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DATE	11/11/2020
REVISION:	A
DESIGNED BY:	SS
DESIGNED BY:	ZJ
DRAWING TITLE	ELEVATIONS
DRAWING NUMBER	DD.08
TOWN PLANNING	
	
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NATIONAL LISTING - INTERIOR N1 - INTERIOR N2 - INTERIOR N3 - INTERIOR N4 - INTERIOR N5 - INTERIOR N6 - INTERIOR N7 - INTERIOR N8 - INTERIOR N9 - INTERIOR N10 - INTERIOR	NATIONAL LISTING - EXTERIOR E1 - EXTERIOR E2 - EXTERIOR E3 - EXTERIOR E4 - EXTERIOR E5 - EXTERIOR E6 - EXTERIOR E7 - EXTERIOR E8 - EXTERIOR E9 - EXTERIOR E10 - EXTERIOR	NATIONAL LISTING - INTERIOR I1 - INTERIOR I2 - INTERIOR I3 - INTERIOR I4 - INTERIOR I5 - INTERIOR I6 - INTERIOR I7 - INTERIOR I8 - INTERIOR I9 - INTERIOR I10 - INTERIOR	NATIONAL LISTING - EXTERIOR E1 - EXTERIOR E2 - EXTERIOR E3 - EXTERIOR E4 - EXTERIOR E5 - EXTERIOR E6 - EXTERIOR E7 - EXTERIOR E8 - EXTERIOR E9 - EXTERIOR E10 - EXTERIOR
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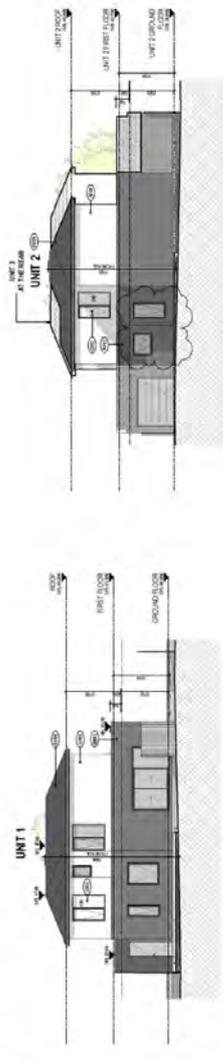
2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

PROJECT TITLE 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME: MR. ADNAN DONLAGIC	
PROJECT NO: 1654	
SCALE @ A1 1 : 100	
REVISIONS	DESCRIPTION
No.	Date
A	11/11/2020 (COUNCIL RP)
SS	SS
SS	SS
DATE 11/11/2020	
Revised: A	
Drawn By: SS	
Designed By: ZJ	
DRAWING TITLE ELEVATIONS	
DRAWING NUMBER DD.09	
TOWN PLANNING	
 durable DESIGN DURABLE DESIGN ARCHITECTURE / PROJECT MANAGEMENT 1321 BLYTH ST, DANDENONG VIC 3181 www.durable-design.com.au Email: dm@ durable-design.com.au T: 03 8507 1037	



1 EAST ELEVATION
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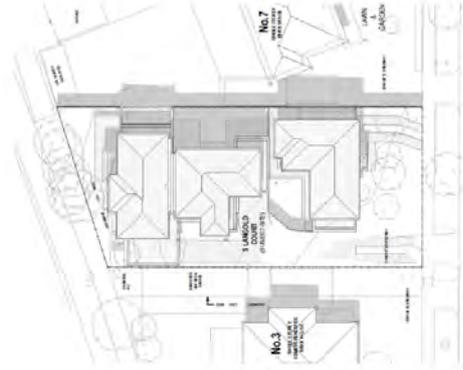
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4 UNIT 2 INTERNAL ELEVATION
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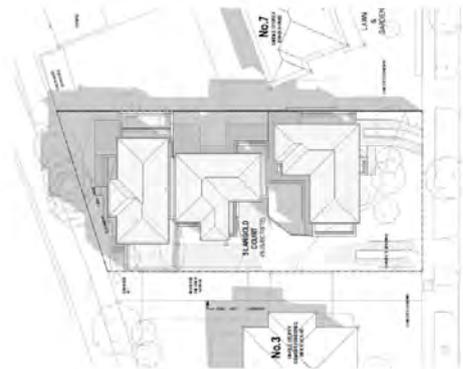
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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

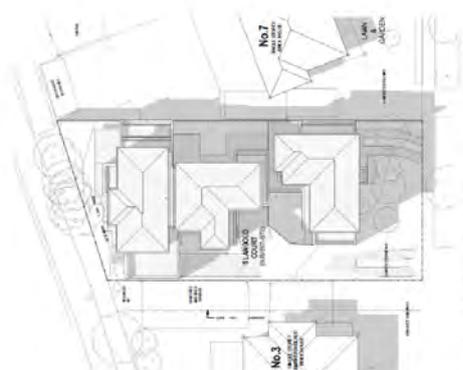
PROJECT TITLE 5 LANGOLD COURT, NOBLE PARK 3174	
CLIENT NAME MR. ADMAN DIONLAGC	
PROJECT NO. 1654	
SCALE @ A1 1 : 200	
REVISIONS	Description
No.	Date
1	11/11/2020
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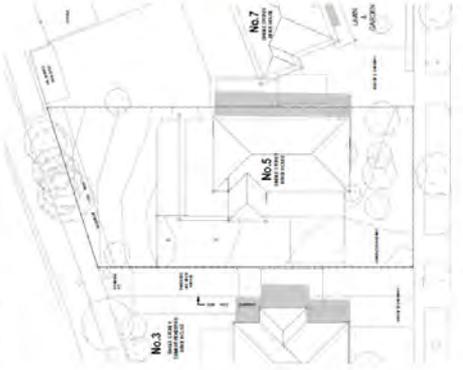
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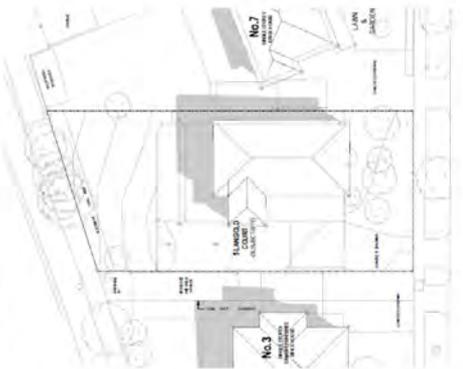
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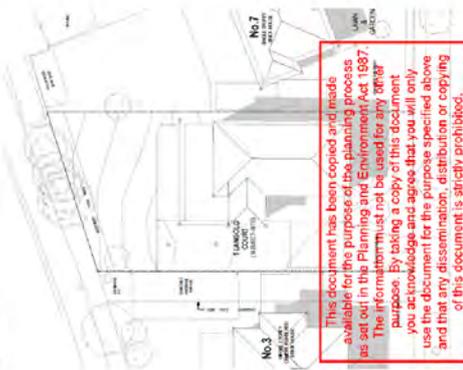
3 SHADOW SEPT 22 - 9AM
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4 SHADOW SEPT 22 - 12PM EXISTING
1 : 200



5 SHADOW SEPT 22 - 3PM EXISTING
1 : 200



6 SHADOW SEPT 22 - 9AM EXISTING
1 : 200

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**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 5 LANGOLD COURT, NOBLE
PARK (PLANNING APPLICATION NO. PLN20/0374)**

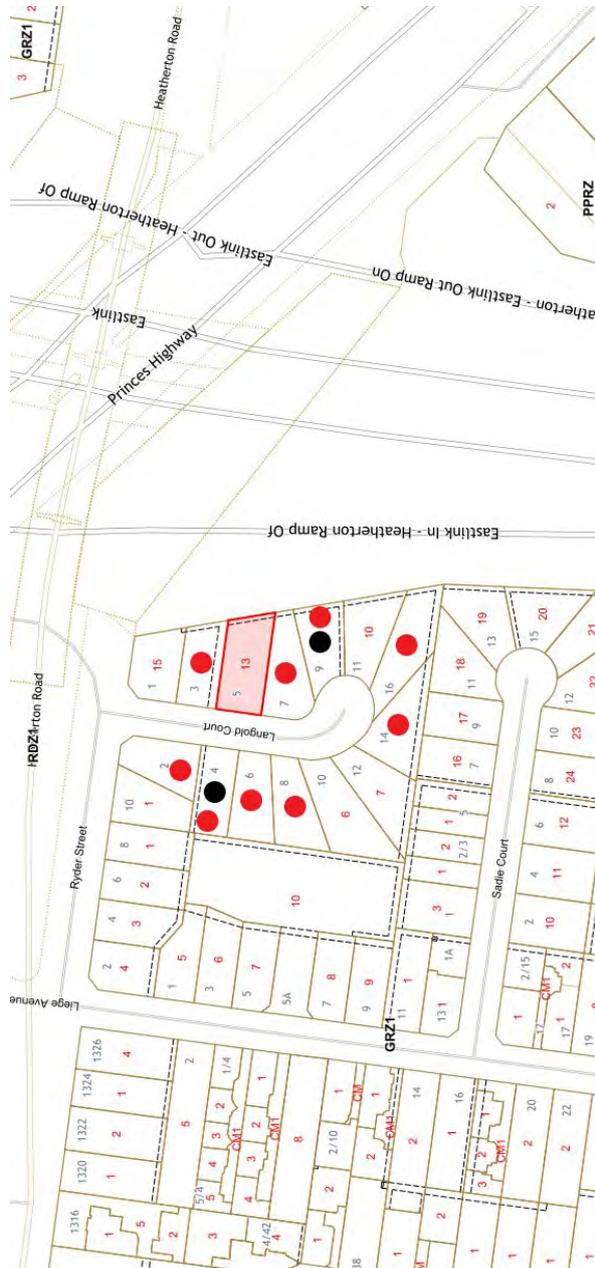
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

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

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)



- Subject Site ● Location of Objectors Melways Map 89K2 ↑N
- Location of Petitioners

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 5 LANGOLD COURT, NOBLE
PARK (PLANNING APPLICATION NO. PLN20/0374)**

ATTACHMENT 3

CLAUSE 22.09 ASSESSMENT

PAGES 12 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Assessment Table for Clause 22

Clause 22.09-3.1 Design Principles for all residential developments

Title /Objective	Principles	Principle met/Principle not met/NA
Safety	<p>To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:</p> <p>Incorporate active frontages including ground floor habitable room windows.</p>	<p>✓ Principle met Each dwelling would incorporate active frontages including ground floor habitable room windows and glazed entry doors (in the case of Dwellings 2 and 3).</p>
	<p>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.</p>	<p>✓ Principle met The proposed development maximises the number of habitable room windows which would overlook the public realm, street, internal accessways and car parking areas.</p>
	<p>Use semi-transparent fences to the street frontage.</p>	<p>✓ Principle met No front fence is proposed.</p>
	<p>Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.</p>	<p>✓ Principle met Bollard lighting is proposed along the common accessway.</p>
	<p>Ensure that all main entrances are visible and easily identifiable from the street.</p>	<p>✓ Principle met Each dwelling's main entrance would be visible and easily identifiable from the street and the common accessway.</p>
	<p>Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.</p>	<p>✓ Principle met Non-habitable rooms such as bathrooms have been located away from entrances and street frontage.</p>
Landscaping	<p>Residential development should:</p>	

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries.</p>	<p>✓ Principle met The proposed development would be capable of providing substantial, high quality on-site landscaping, including screen planting and canopy trees along the ground level western frontage boundary, northern and southern side boundary and the eastern rear setback.</p>
<p>Provide substantial, high quality landscaping along vehicular accessways.</p>	<p>✓ Principle met The proposed development would be capable of providing substantial, high quality landscaping along the vehicular accessways.</p>
<p>Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.</p>	<p>✓ Principle met The proposed development would be able to include the planting of at least one substantial canopy tree to the front setback of Dwelling 1 and to each ground level secluded private open space area.</p>
<p>Planting trees that are common to and perform well in the area.</p>	<p>✓ Principle met The proposed development would be capable of planting trees that are common to and perform well in the area.</p>
<p>Avoid the removal of existing mature trees by incorporating their retention into the site design.</p>	<p>✓ Principle met The proposed development would avoid the removal of existing mature trees wherever possible.</p>
<p>Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</p>	<p>✓ Principle met The proposed development would be capable of using landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</p>
<p>Ensure that landscaping also addresses the Safety Design Principles.</p>	<p>✓ Principle met The proposed development would be capable of providing landscaping that addresses the Safety Design Principles.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<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>✓ Principle met The proposed development would be capable of providing canopy trees planted in well proportioned setbacks/private open space that would be sufficient to accommodate their future growth to maturity.</p>
	<p>Landscaping should minimise the impact of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p>	<p>✓ Principle met The proposed development would be capable of providing landscaping which would minimise the impact 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>	<p>✓ Principle met The proposed development would be capable of providing landscaping which would be sustainable, drought tolerant and include indigenous species. It would be supported through the provision of a rainwater tank for each dwelling.</p>
<p>Car parking</p>	<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>✓ Principle met The application proposes two (2) crossovers along its 18.29m frontage to Langold Court.</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>✓ Principle met On-site car parking would be well integrated into the design of the dwellings, generally hidden from view and located to the side or rear so as to not dominate the streetscape and maximise soft landscaping opportunities at ground level.</p>
	<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>✓ Principle met Dwelling 1's tandem car space is proposed within the front setback. It would be fully located within the site boundary and capable of full accommodating a vehicle between the garage and the site frontage boundary.</p>
	<p>Developments with basement car parking should consider flooding concerns where applicable.</p>	<p>✓ Principle met Basement car parking is not proposed.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Setbacks, front boundary and width	Residential developments should: Provide a front setback with fence design and height in keeping with the predominant street pattern.	<p>✓ Principle met The proposed development would provide a front setback which would be in keeping with the predominant street pattern.</p> <p>✓ Principle met The apparent frontage width pattern would be maintained.</p>
	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.	<p>✓ Principle met Appropriate side setbacks would be provided between buildings to enable screen planting and a generous side setback would be provided along the southern boundary to enable the planting and future growth of trees to maturity.</p>
	Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.	<p>✓ Principle met No front fence is proposed.</p>
	All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.	<p>✓ Principle met Each dwelling would provide good quality, useable private open space for each dwelling which would be directly accessible from the main living areas.</p>
	Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the useability of the space.	<p>✓ Principle met Ground level private open space areas would be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the useability of the space.</p>
Private open space	Private open space should be positioned to maximise solar access.	<p>✓ Principle met Private open space would be positioned to maximise solar access wherever possible.</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>✓ Principle met The upper levels of each dwelling would avoid encroaching over their respective secluded private open space areas.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	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>✓ Principle met There are no upper level dwellings proposed above a separate lower level dwelling.</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>✓ Principle met The design of the proposed dwellings would respect the dominant façade pattern of the streetscape by using similarly proportioned roof forms, windows, doors and front porch and maintaining a similar proportion of wall space to windows and door openings.</p> <p>✓ Principle met No balconies are proposed.</p> <p>✓ Principle met The existing dwelling would not be retained as part of this application.</p> <p>✓ Principle met The site is not adjacent to any identified heritage buildings.</p>
Site Design	<p>Residential development should:</p> <p>Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties.</p> <p>Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance</p>	<p>✓ Principle met The proposed development would preserve the amenity of adjoining dwellings through a responsive site design that considers the privacy, solar access and outlook of adjoining properties.</p> <p>✓ Principle met The proposed development would maximise thermal performance and energy efficiency of the built form by addressing orientation and passive design.</p>

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ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Ensure that building height, massing articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening.</p> <p>Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees.</p> <p>Provide suitable storage provisions for the management of operational waste</p> <p>Appropriately located suitable facilities to encourage public transport use, cycling and walking.</p>	<p>✓ Principle met The proposed development would ensure that building height, massing and articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening.</p> <p>✓ Principle met The proposed development would provide sufficient setbacks to accommodate the future growth of new trees.</p> <p>✓ Principle met The locations for bins are shown for each dwelling.</p> <p>✓ Principle met Bus route 811 runs along Heatherton Road 70m to the north of the subject site and bus route 800 runs along Princes Highway 100m to the north-east of the subject site. Residents would be able to walk and cycle to and from the subject site.</p>
<p>Materials & Finishes</p>	<p>Residential development should: Use quality, durable building materials and finishes that are designed for residential purposes.</p> <p>Avoid the use of commercial or industrial style building materials and finishes.</p> <p>Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials.</p>	<p>✓ Principle met The proposed dwellings would comprise of brick at ground floor level and rendered cladding at first floor level.</p> <p>✓ Principle met The proposed development would not include any commercial or industrial style building materials or finishes.</p> <p>✓ Principle met The proposed development would not include any rendered cement sheeting, unarticulated surfaces or excessive repetitive use of materials.</p>

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ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Use a consistent simple palette of materials, colours finishes and architectural detailing.</p> <p>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>	<p>✓ Principle met The proposed development would use a consistent simple palette of materials, colour finishes and architectural detailing.</p> <p>✓ Principle met The proposed development would maximise the ongoing affordability and sustainability of residential developments through 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>
<p>Domestic services normal to a dwelling and Building services</p>	<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> <p>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.</p> <p>Be designed to avoid the location of domestic and building services:</p> <ul style="list-style-type: none"> • 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>✓ Principle met Domestic and building services could be visually integrated into the design of the development and appropriately positioned or screened so as not to be seen from the street or adjoining properties.</p> <p>✓ Principle met The proposed development has been designed to generally avoid the location of domestic and building services within secluded private open space areas and where they may have noise impacts on adjoining habitable rooms and secluded private open space areas.</p>
<p>Internal Amenity</p>	<p>Residential development should:</p> <p>Ensure that dwelling layouts have connectivity between the main living area and private open space.</p>	<p>✓ Principle met The proposed development would ensure that dwelling layouts have connectivity between the main living areas and private open space.</p>

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Be designed to avoid reliance on borrowed light to habitable rooms.</p> <p>Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.</p> <p>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>	<p>✓ Principle met The proposed development has been designed to avoid reliance on borrowed light to habitable rooms.</p> <p>✓ Principle met No balconies are proposed.</p> <p>✓ Principle met No dwellings without ground level main living areas are proposed.</p>
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ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Clause 22.09-3.3 Design principles for Incremental Change Areas – General Residential Zone (GRZ)		Principle met/Principle not met/NA
Titles & Objectives	Principles	
Preferred housing type	The preferred housing type for the Incremental Change Area is medium density.	✓ Principle met The proposed development would be a medium density development.
Building Height	The preferred maximum building height for land within the GRZ1 and GRZ2 is up to 2 storeys, including ground level.	✓ Principle met The proposed development would be a maximum of two storeys in height, including ground level.
Landscaping	Residential development should use landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties	✓ Principle met The proposed development would be capable of using landscaping to create a landscape character, particularly canopy trees in front and rear gardens.
Setbacks, front boundary and width	Parking, paving and car access within the front boundary setback should be limited in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and garages in the street.	✓ Principle met Parking, paving and car access within the front setback would be limited to a single accessway for Dwelling 1 and a common accessway for the remaining dwellings which would maximise the opportunity for soft landscaping and prevent the over dominance of garages in the street.
Private open space	Residential development should provide secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing.	✓ Principle met The proposed development would provide secluded private open space at the side/rear of each dwelling to avoid the need for excessive screening.
Bulk & Built	Residential development should:	

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ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Form</p>	<p>Ensure that the built form respects the scale of existing prevailing built form character and responds to site circumstances and streetscape;</p>	<p>✓ Principle met The proposed development would respect the scale of existing prevailing built form character and would respond to site circumstances and streetscape, by providing three (3) new dwellings, with double storey Dwellings 1 and 2 in the front and centre of the site and a double storey Dwelling 3 to the rear to provide passive surveillance opportunities for the Eastlink pedestrian/bike trail to the east.</p>
<p>Provide separation between dwellings at the upper level;</p>	<p>✓ Principle met subject to condition Dwellings 1 and 2 would be separated at the upper level. Dwellings 2 and 3 are currently attached. It is considered that separation could be provided by orienting the Master Bedroom of Dwelling 2 in a north-south rather than east-west direction, with a single ensuite provided at upper floor level, and the walk-in-robe revised accordingly.</p>	<p>✓ Principle met Dwellings 1 and 2 would be separated at the upper level. Dwellings 2 and 3 are currently attached. It is considered that separation could be provided by orienting the Master Bedroom of Dwelling 2 in a north-south rather than east-west direction, with a single ensuite provided at upper floor level, and the walk-in-robe revised accordingly.</p>
<p>Retain spines of open space at the rear of properties to maximise landscaping opportunities and protect private secluded open space;</p>	<p>✓ Principle met A spine of open space would be provided at the rear of the site.</p>	<p>✓ Principle met A spine of open space would be provided at the rear of the site.</p>
<p>Position more intense and higher elements of built form towards the front and centre of a site, transitioning to single storey elements to the rear of the lot.</p>	<p>✓ Principle met Dwellings 1 and 2 in the front and centre of the site would be double storey. Dwelling 3 to the rear would also be double storey, it includes single storey elements in the form of its garage on the northern side, its kitchen/pantry/laundry/powder room area on the southern side and the meals area on the eastern side.</p>	<p>✓ Principle met Dwellings 1 and 2 in the front and centre of the site would be double storey. Dwelling 3 to the rear would also be double storey, it includes single storey elements in the form of its garage on the northern side, its kitchen/pantry/laundry/powder room area on the southern side and the meals area on the eastern side.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>The rearmost dwelling on a lot should be single storey to ensure the identified future character of the area and the amenity of adjoining properties is respected by maximising landscaping opportunities and protecting adjoining private secluded open space.</p> <p>Two storey dwellings to the rear of a lot may be considered where:</p> <ul style="list-style-type: none"> • The visual impact of the building bulk does not adversely affect the identified future character of the area; • Overlooking and/or overshadowing does not adversely affect the amenity of neighbouring properties; • The building bulk does not adversely affect the planting and future growth of canopy trees to maturity; • Sufficient side and rear boundary landscaping can be provided to screen adjoining properties; • Upper storey components are well recessed from adjoining sensitive interfaces. 	<p>✓ Principle met</p> <p>Dwelling 3 to the rear would be a double storey dwelling which is considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> - It only has two residential interfaces and would be setback 3.75m from the northern boundary and 3.6m from the southern boundary. - The length of the building at upper level would face east towards Eastlink. - Windows facing north and south have been appropriately screened. - The upper level would not adversely affect the planting and future growth of canopy trees to maturity. - Sufficient side and rear boundary landscaping can be provided to screen adjoining properties. - It would be well recessed from adjoining sensitive interfaces, particularly for the property to the north at 3 Langold Court which has a garage in between its backyard and the subject site. <p>✓ Principle met</p> <p>The proposed development would be well articulated through the use of contrast, texture, variation in forms, materials and colours.</p>
<p>Note: Other requirements also apply. These can be found at the schedule to the applicable zone.</p>		

If the details of the attachment are unclear please contact Governance on 8571 5309.

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 5 LANGOLD COURT, NOBLE
PARK (PLANNING APPLICATION NO. PLN20/0374)**

ATTACHMENT 4

CLAUSE 52.06 ASSESSMENT

PAGES 6 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Assessment Table - Clause 52.06

Clause 52.06-9 Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design Standards	Assessment	Requirement met/Requirement not met/NA
<p>Design standard 1 - Accessways</p>	<p>Accessways must:</p> <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. • If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed to that cars can exit the site in a forward direction. • 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 Road Zone. 	<p>✓ Standard met The proposed accessways would be a minimum of 3m wide along their entire lengths.</p> <p>✓ Standard met The proposed common accessway would have an internal radius of at least 4m at changes of direction or be at least 4.2m wide.</p> <p>✓ Standard met The proposed common accessway would allow vehicles parked in the last space of the accessway (i.e. Garage 3) to exit in a forward direction with one manoeuvre.</p> <p>✓ Standard met No overhead obstructions are proposed above the accessways.</p> <p>✓ Standard met The common accessway would only serve 3 car spaces and does not connect to a road in a Road Zone. Cars for Dwellings 2 and 3 would be able to exit the site in a forward direction.</p> <p>✓ Standard met A passing area is not required as less than 10 car spaces are proposed for each accessway, each accessway is less than 50m long and Langold Court is not in a road zone.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Design standard 2 – Car parking spaces</p>	<ul style="list-style-type: none"> Have a corner splay or area at least 50 percent 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, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height. <p>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.</p> <p>If entry to the car space is from a road, the width of the accessway may include the road.</p> <p>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</p> <p>Table 2: Minimum dimensions of car parking spaces and accessways</p> <table border="1" data-bbox="566 851 861 1568"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p><i>Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</i></p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m		5.8 m	2.8 m	4.9 m		5.2 m	3.0 m	4.9 m		4.8 m	3.2 m	4.9 m	<p>✓ Standard met Corner splays have been shown along the frontage road from the edge of the exit lanes.</p> <p>✓ Standard met Langold Court is not a road zone.</p> <p>✓ Standard met The entry to the car spaces is not directly from the road.</p> <p>✓ Standard met subject to condition No visitor car spaces are proposed. Tandem car spaces are proposed for Dwellings 1 and 3. Their dimensions of 4.9m long by 2.6m wide should be specified as a condition of permit, if granted.</p>
	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																														
Parallel	3.6 m	2.3 m	6.7 m																															
45°	3.5 m	2.6 m	4.9 m																															
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90°	6.4 m	2.6 m	4.9 m																															
	5.8 m	2.8 m	4.9 m																															
	5.2 m	3.0 m	4.9 m																															
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ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>✓ Standard met The required 0.3m clearance is shown on either side of Dwelling 1 and 3's external tandem car spaces.</p>	<p>A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:</p> <ul style="list-style-type: none"> • A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1. • A structure, which may project into the space if it is at least 2.1 metres above the space. <p>Diagram 1 Clearance to car parking spaces</p> <p>Dimensions in millimetres</p> <ul style="list-style-type: none"> Clearance required Tree or column permitted <p>Accessway</p>	<p>✓ Standard met Each dwelling's single garage would be at least 6m long by 3.5m wide.</p>
<p>✓ Standard met subject to condition At least 0.5m can be accommodated between the tandem car spaces of Dwellings 1 and 3 and their respective garages. This can be shown as a condition of permit, if granted.</p>	<p>Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.</p> <p>Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.</p>	<p>✓ Standard met Each dwelling has been provided with at least one (1) car space which is under cover.</p>
<p>✓ Standard met No disabled car parking spaces are proposed.</p>	<p>Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.</p> <p>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>✓ Standard met Each dwelling has been provided with at least one (1) car space which is under cover.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Design standard 3: Gradients</p>	<p>Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p> <p>Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.</p>	<p>✓ Standard met The common accessway would only serve two (2) of the proposed dwellings.</p>													
	<p>Table 3: Ramp gradients</p> <table border="1" data-bbox="399 873 606 1545"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.</p>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>✓ Standard met No ramps are proposed.</p>
Type of car park	Length of ramp	Maximum grade													
Public car parks	20 metres or less	1:5 (20%)													
	longer than 20 metres	1:6 (16.7%)													
Private or residential car parks	20 metres or less	1:4 (25%)													
	longer than 20 metres	1:5 (20%)													
<p>Design standard 4: Mechanical parking</p>	<p>Mechanical parking may be used to meet the car parking requirement provided:</p> <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 the require the operation of the system are not allowed to visitors unless used in a valet parking situation. The design and operation is to the satisfaction of the responsible authority. 	<p>✓ Standard met No mechanical parking is proposed.</p> <p>✓ Standard met No mechanical parking is proposed.</p> <p>✓ Standard met No mechanical parking is proposed.</p>													
<p>Design standard 5: Urban design</p>	<p>Ground level car parking, garage doors and accessways must not visually dominate public space.</p> <p>Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.</p>	<p>✓ Standard met Ground level car parking, garage doors and the accessways would not visually dominate public space.</p> <p>✓ Standard met Car parking within each dwelling's garage would be screened with a horizontal clad garage door.</p>													

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	Design of car parks must take into account their use as entry points to the site.	<p>✓ Standard met The proposed development does not include car parking at the entry point of the site.</p>
	Design of new internal streets in developments must maximise on street parking opportunities.	<p>✓ Standard met The spacing of the proposed crossovers would maximise on street parking opportunities.</p>
Design standard 6: Safety	Car parking must be well lit and clearly signed.	<p>✓ Standard met The car parking area would be capable of being well lit.</p>
	The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	<p>✓ Standard met The design of the car parking area would maximise natural surveillance and pedestrian visibility from the adjacent dwellings.</p>
	Pedestrian access to car parking areas from the street must be convenient.	<p>✓ Standard met Pedestrian access to the car parking areas from the street would be via the accessways.</p>
	Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	<p>✓ Standard met The accessways and car parking within the proposed development would not be high activity parking areas.</p>
Design standard 7: Landscaping	The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.	<p>✓ Standard met The layout of the car parking areas would provide for landscaping.</p>
	Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	<p>✓ Standard met Landscaping and trees could be planted along the accessway to provide shade and shelter and soften the appearance of ground level car parking.</p>
	Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.	<p>✓ Standard met Trees planted with flush grilles are not required for residential developments such as the current proposal.</p>

**2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 5 LANGOLD COURT, NOBLE
PARK (PLANNING APPLICATION NO. PLN20/0374)**

ATTACHMENT 5

CLAUSE 55 ASSESSMENT

PAGES 21 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

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

Clause 55.02-1 Neighbourhood character objectives

Title & Objective	Standard (Summarised)	Standard Met/Standard Not Met/NA
Standard B1	The design response must be appropriate to the neighbourhood and the site.	Standard met The proposed three (3) double storey dwellings would be appropriate to the neighbourhood and the site. The property to the south at 7 Langold Court contains a single storey dwelling. The property to the north at 3 Langold Court contains a single storey dwelling. Land to the east includes the Eastlink road reserve (including the Eastlink pedestrian/bike trail) and Eastlink itself.
	The proposed design response must respect the existing or preferred neighbourhood character and respond to the features of the site.	Standard met The proposed three (3) double storey dwellings would respect the existing and preferred neighbourhood character and respond to the features of the site.

Clause 55.02-2 Residential policy objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B2	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 PPF and the LPPF, including the MSS and local planning policies.	Standard met A Planning Report was submitted with the application.

Clause 55.02-3 Dwelling diversity objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B3	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. 	Standard met The proposed development is for only three (3) dwellings.

Clause 55.02-4 Infrastructure objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B4	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	Standard met The proposed development would be connected to reticulated services in this established residential area.

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>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.</p>	<p>✓ Standard met The proposed development of the site for three (3) dwellings would not unreasonably exceed the capacity of utility services and infrastructure.</p> <p>✓ Standard met There is no evidence to suggest that the subject site is located in an area where utility services or infrastructure have little or no spare capacity.</p>
<p>Clause 55.02-5 Integration with the street objective</p>		
<p>Title & Objective</p>	<p>Standards Standard Met/Standard Not Met/NA</p>	
<p>Standard B5</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Developments should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>✓ Standard met Dwelling 1 would have pedestrian and vehicle access directly from Langold Court. Dwellings 2 and 3 would have pedestrian and vehicular access from the common accessway.</p> <p>✓ Standard met Dwelling 1 would front Langold Court, whilst Dwellings 2 and 3 would front the common accessway.</p> <p>✓ Standard met No front fence is proposed.</p> <p>✓ Standard met The subject site adjoins public open space in the form of the Eastlink road reserve (including the Eastlink pedestrian/bike trail) to the immediate east of the site. The proposed double storey Dwelling 3 would overlook the pedestrian/bike trail and would provide increased opportunities for passive surveillance.</p>
<p>Clause 55.03-1 Street setback objective</p>		
<p>Title & Objective</p>	<p>Standards Standard Met/Standard Not Met/NA</p>	
<p>Standard B6</p>	<p>Walls of buildings should be set back from streets at least the distance specified in a schedule to the zone: GRZ: 7.5 metres or as per Table B1, whichever is the lesser.</p>	<p>✓ Standard met Dwelling 1's front wall would have a minimum front setback of 7.5m.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Table B1 Street setback		
Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

Clause 55.03-2 Building height objective	
Title & Objective	Standard Met/Standard Not Met/NA
Standard B7	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>GRZ: 11 metres / 3 storeys mandatory maximum (refer Clause 32.08-9)</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, 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 10 metres.</p>
	<p>Standard met</p> <p>The proposed maximum height is 8.11m.</p> <p>N/A</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	Changes of building height between existing buildings and new buildings should be graduated.	<p>✓ Standard met</p> <p>The property to the south at 7 Langold Court contains a single storey dwelling. The property to the north at 3 Langold Court contains a single storey dwelling.</p>
Clause 55.03-3 Site coverage objective		
Title & Objective		
Standards		
Standard B8	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent. <p>GRZI: 60% (none specified)</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>The proposed site coverage would be 43.14%.</p>
Clause 55.03-4 Permeability objectives		
Title & Objective		
Standards		
Standard B9	<p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum areas specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 per cent of the site. <p>GRZI: 30%</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>The proposed permeable area would be 38.39%.</p>
Clause 55.03-5 Energy efficiency objectives		
Title & Objective		
Standards		
Standard B10	<p>Buildings should be:</p> <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. 	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>The dwellings would be oriented to take advantage of solar energy from the east, north and west. They have been sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Living areas and private open space should be located on the north side of the development, if practicable.</p>	<p>✓ Standard met The living areas for Dwelling's 1 and 2 would be located on the northern side of the dwellings, whilst Dwelling 3's living areas would be located on the southern side of the dwelling. Dwelling 1's living areas would have access to west and east facing windows, Dwelling 2's living areas would have access to north and south facing windows and Dwelling 3's living areas would have access to east facing windows.</p> <p>Dwelling 1 would include private open space to the north and east of the dwelling with a northern aspect. Dwelling 2 would include private open space to the south of the dwelling with a southern aspect. Dwelling 3 would include private open space to the east of the dwelling with a northern aspect.</p> <p>✓ Standard met Dwelling 1 would have no north-facing windows at ground floor level but would have one (1) north-facing window which would have solar access at first floor level.</p> <p>Dwelling 2 would have a north-facing glazed panel door and one (1) north facing window at ground floor level and three (3) north-facing windows at first floor level.</p> <p>Dwelling 3 would have no north facing windows at ground or first floor levels.</p>
<p>Clause 55.03-6 Open space objective</p>		
<p>Title & Objective Standard B11</p>	<p>If any public or communal open space is provided on site, it should:</p> <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 useable. 	<p>Standard Met/Standard Not Met/NA ✓ Standard met No public or communal open space is proposed on site.</p>
<p>Clause 55.03-7 Safety objective</p>		
<p>Title & Objective Standard B12</p>	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p>	<p>Standard Met/Standard Not Met/NA ✓ Standard met The entry to each dwelling would be visible from Langold Court or the common accessway once entered.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>✓ Standard met The application does not propose any planting which would create unsafe spaces along Langold Court or the accessways.</p> <p>✓ Standard met Dwelling 1 would have two (2) windows at ground floor level and three (3) windows at first floor level which would face the common accessway.</p> <p>Dwelling 2 would have three (3) windows at ground floor level which would face the common accessway and four (4) windows at first floor level.</p> <p>Dwelling 3 would have a glazed panel door at ground floor level which would face the common accessway and one (1) window at first floor level.</p> <p>✓ Standard met Each dwelling's private open space would be protected from inappropriate use as a public thoroughfare.</p>
<p>Clause 55.03-8 Landscaping objectives</p> <p>Title & Objective</p> <p>Standard B13</p>	<p>Standards</p> <p>The landscape layout and design should:</p> <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 habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met A Landscape Plan has been provided.</p> <p>✓ Standard met A Landscape Plan has been provided.</p> <p>✓ Standard met It does not appear as though any trees have been removed from the site in the 12 months prior to the application being made.</p> <p>✓ Standard met A Landscape Plan has been provided.</p>

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Development should meet any additional landscape requirements specified in a schedule to the zone. All schedules to all residential zones: <i>"70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees."</i></p>	<p>✓ Standard met More than 70% of the ground level western front setback would be capable of being planted with substantial landscaping and canopy trees. The northern and southern side setbacks and the eastern rear setback would also be capable of being planted with substantial landscaping and canopy trees.</p>
<p>Clause 55.03-9 Access objective</p>		
<p>Title & Objective</p>	<p>Standards Standard Met/Standard Not Met/NA</p>	
<p>Standard B14</p>	<p>The width of accessways or car spaces should not exceed: • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>✓ Standard met Less than 40% of the Langold Court street frontage would be taken up by the accessways. ✓ Standard met Dwelling 1 which would front Langold Court would have its own accessway. A common accessway would serve Dwellings 2 and 3 which would not have frontage to Langold Court. ✓ Standard met The location of the proposed crossovers would maximise the retention of on-street car parking spaces. ✓ Standard met Langold Court is not in a Road Zone. ✓ Standard met The proposed development would provide appropriate access for service, emergency and delivery vehicles.</p>
<p>Clause 55.03-10 Parking location objectives</p>		
<p>Title & Objective</p>	<p>Standards Standard Met/Standard Not Met/NA</p>	
<p>Standard B15</p>	<p>Car parking facilities should: • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed.</p>	<p>✓ Standard met Car parking facilities for each dwelling would be close and convenient for each dwelling. The garage of each dwelling would be secure and would be capable of being well ventilated.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>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.</p>	<p>✓ Standard met Dwelling 1 would not have any north-facing windows at ground floor level facing the common accessway. Dwelling 2's north-facing ground floor living room window is setback more than 1.5m from the common accessway. Dwelling 3 would not have any west-facing windows at ground floor level facing the common accessway.</p>
<p>Clause 55.04-1 Side and rear setbacks objective</p>		
<p>Title & Objective Standard B17</p>	<p>Standards A new building not on or within 200mm of a boundary should be setback from side or rear boundaries: <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 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>	<p>Standard Met/Standard Not Met/NA ✓ Standard met All dwellings within the proposed development would be setback more than 1m from all boundaries at ground floor level for all walls not built to the boundary. The proposed dwellings would be setback at least 2m from all boundaries at first floor level.</p>

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Diagram B1 Side and rear setbacks</p>	<p>Standard met The proposed development would achieve a minimum 1m setback at ground floor level for all walls not built to the boundary and a minimum 2m setback at first floor level from all boundaries.</p> <p>Standard met These are not proposed.</p>
<p>Clause 55.04-2 Walls on boundaries objective</p>	<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>Standard Met/Standard Not Met/NA</p>
<p>Title & Objective</p>		
<p>Standards</p>		

ORDINARY COUNCIL MEETING - AGENDA

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Standard B18	<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.</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in the schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <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.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200 mm 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>✓ Standard met Garage 1 is proposed on the southern boundary with a length of 7m which is less than 10m in length. Dwelling 3 is proposed on the southern boundary with a length of 6m which is less than 10m in length. The wall of Garage 3 is proposed on the northern boundary with a length of 6m which is less than 10m in length.</p> <p>✓ Standard met The proposed walls on the northern and southern boundaries would not fully abut these boundaries.</p> <p>✓ Standard met All walls on boundary are proposed to be built on the boundary.</p> <p>✓ Standard met The maximum average height of the walls on the boundaries is 3.2m with no part of these walls greater than 3.6m in height.</p>
Clause 55.04-3 Daylight to existing windows objective	Standard Met/Standard Not Met/NA	
Standard B19	<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>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>✓ Standard met The site to the north at 3 Langold Court contains a single storey dwelling with no south-facing habitable room windows. The existing single storey dwelling to the south at 7 Langold Court has a north-facing habitable room window which is covered by an existing carport.</p> <p>✓ Standard met With respect to the existing dwelling at 3 Langold Court there are no south-facing habitable room windows which would be affected by the proposed development. With respect to the existing dwelling at 7 Langold Court there are no north-facing habitable room windows which would be affected by the proposed development, as there is an existing carport in between the existing north-</p>

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Diagram B2 Daylight to existing windows</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>facing window and the subject site.</p>
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<p>Clause 55.04-4 North-facing windows objective</p> <p>Title & Objective</p> <p>Standard B20</p>	<p>Standards</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.</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>7 Langold Court does not have any north-facing windows which are within 3m of the subject site.</p>
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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Diagram B3 North-facing windows</p> <p>NORTH FACING HABITABLE ROOM WINDOW</p> <p>SOUTH BOUNDARY</p> <p>Applies where existing HRW is between 20° west and 30° east from north</p>	<p>A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p>	
<p>Clause 55.04-5 Overshadowing open space objective</p> <p>Title & Objective</p>	<p>Standards</p>	<p>Standard Met/Standard Not Met/NA</p>	

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Standard B21</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 a 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 9am and 3pm on 22 Sept.</p>	<p>✓ Standard met The site to the north at 3 Langold Court would have no overshadowing from the proposed development. The site to the south at 7 Langold Court would have some overshadowing from the proposed development at 9.00am, 12.00pm and 3.00pm. Overall, 75% of the secluded private open space areas of the adjoining properties would receive at least 5 hours of sunlight between 9am and 3pm on September 22.</p> <p>✓ Standard met The existing sunlight to the secluded private open space of the existing adjoining properties is not currently less than the requirements of this standard.</p>
<p>Clause 55.04-6 Overlooking objective</p>	<p>Standards</p> <p>Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>Diagram B4 Overlooking open space</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met <i>North elevation</i> With respect to the property to the north at 3 Langold Court, Dwelling 1's north-facing upper level Bedroom 1 window would be a highlight window. Dwelling 2's north-facing upper level Bedroom 2, Gallery and Master Bedroom windows would be provided with obscure glazing and Dwelling 3 would not have any north-facing upper level windows. <i>South elevation</i> With respect to the property at 7 Langold Court to the south, none of the proposed dwellings would have any south-facing upper level habitable room windows.</p>

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>✓ Standard met</p> <p><i>North elevation</i></p> <p>With respect to the property to the north at 3 Langold Court, Dwelling 1's north-facing upper level Bedroom 1 window would be a highlight window. Dwelling 2's north-facing upper level Bedroom 2, Gallery and Master Bedroom windows would be provided with obscure glazing and Dwelling 3 would not have any north-facing upper level windows.</p> <p><i>South elevation</i></p> <p>With respect to the property at 7 Langold Court to the south, none of the proposed dwellings would have any south-facing upper level habitable room windows.</p>
<p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio 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>✓ Standard met subject to condition</p> <p>The obscure glazing for Dwelling 2's north-facing habitable room windows should be fixed below 1.7m above finished floor level as a condition of permit, if granted.</p>
<p>Obscure glazing in any part of the window below 1.7 metres above floor level may be operable provided that there are no direct views as specified in this standard.</p>	<p>✓ Standard met</p> <p>No external screens are proposed.</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>The standard does not apply to a new habitable room window, balcony, terrace, deck or patio</p>	<p>✓ Standard met</p>

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>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>Minimum 1.8m high fences on the northern, southern and eastern boundaries would prevent potential ground floor overlooking.</p>
<p>Clause 55.04-7 Internal views objective</p>		
<p>Standards</p>		
<p>Title & Objective</p>	<p>Standard B23</p>	<p>Standard Met/Standard Not Met/NA</p>
	<p>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.</p>	<p>Standard met Dwelling 1 would have an east-facing upper level Bedroom 3 window which would face Dwelling 2's secluded private open space area, but would be fully obscure glazed to prevent overlooking. Dwelling 2 would have a west-facing upper level Gallery window which would face Dwelling 1's secluded private open space area, but would be fully obscure glazed to prevent overlooking. Dwelling 2 would not have any east-facing upper level windows which would overlook Dwelling 3's secluded private open space area. Dwelling 3 would not have any west-facing upper level windows which would overlook Dwelling 2's secluded private open space area.</p>
<p>Clause 55.04-8 Noise impacts objectives</p>		
<p>Standards</p>		
<p>Title & Objective</p>	<p>Standard B24</p>	<p>Standard Met/Standard Not Met/NA</p>
	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Standard met No mechanical plant is proposed to be located near the bedrooms of any immediately adjacent existing dwellings. Standard met The proposed development has taken this into account. Standard met subject to condition The subject site is not located near a railway line or industrial area. It is however, located near a busy road, being Eastlink to the east. It is considered that the east-facing windows of Dwelling 3 at both levels should be provided with acoustic glazing as a condition of permit, if granted.</p>
<p>Clause 55.05-1 Accessibility objective</p>		
<p>Standards</p>		
<p>Title & Objective</p>		<p>Standard Met/Standard Not Met/NA</p>

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

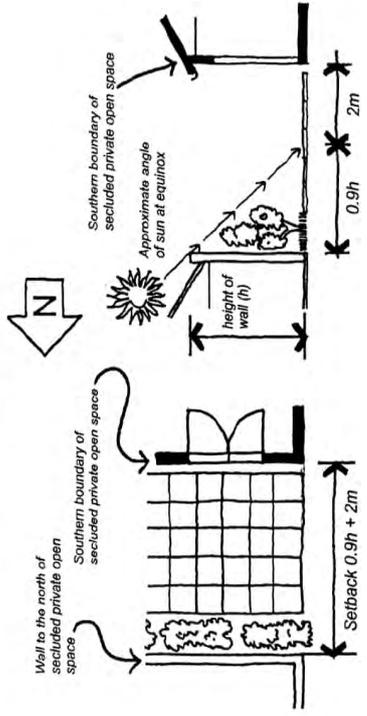
Standard B25	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	<p>✓ Standard met</p> <p>The dwelling entries of the ground floor of each dwelling would be accessible or able to be easily made accessible to people with limited mobility.</p>
Clause 55.05-2 Dwelling entry objective		
Standards		
Standard B26	<p>Entries to dwellings and residential buildings should:</p> <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. 	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>The entry to each dwelling would be visible from the street and other public areas such as the common accessway.</p> <p>Each dwelling would have a porch adjoining each front entry which would provide shelter, a sense of personal address and a transitional space around the entry.</p>
Clause 55.05-3 Daylight to new windows objective		
Standards		
Standard B27	<p>A window in a habitable room should be located to face:</p> <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 on third of its perimeter, or • A carport provided it has two or more open sides and is open for at least on third of its perimeter. 	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>All habitable room windows within the proposed development would face an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and a minimum dimension of 1m clear to the sky.</p>
Clause 55.05-4 Private open space objective		
Standards		
Standard B28		Standard Met/Standard Not Met/NA

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2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

<p>Standard B28</p>	<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>GRZ1: <i>"An area of 50 square metres of ground level, private open space, with an area of secluded private open space at the side or rear of the dwelling with a minimum area of 30 square metres and a minimum dimension of 5 metres and convenient access from a living room; or</i></p> <p><i>A balcony or rooftop with a minimum area of 10 square metres with a minimum width of 2 metres that is directly accessible from the main living area."</i></p>	<p>✓ Standard met</p> <p>Dwelling 1 would have a 77.3m² front yard and a 44.9m² backyard for a total private open space provision greater than the 50m² required for this dwelling. The secluded private open space area at the side of the dwelling would have an area of at least 30m², with minimum dimensions of 5m in both directions.</p> <p>Dwelling 2 would have a 50m² backyard for a total private open space provision which complies with the requirement for this dwelling. The secluded private open space area at the side of the dwelling would have an area of at least 30m², with a minimum dimension of 5.21m in both directions.</p> <p>Dwelling 3 would have a 70.3m² backyard for a total private open space provision greater than the 50m² required for this dwelling. The secluded private open space area at the rear of the dwelling would have an area of at least 30m², with a minimum dimension of 5m in both directions.</p>
<p>Clause 55.05-5 Solar access to open space objective</p>		
<p>Title & Objective</p> <p>Standard B29</p>	<p>Standards</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>Whilst Dwelling 2's private open space would be located to the south of the dwelling with a southern aspect, Dwelling 1 and 3's private open space areas would include private open space to the east of the dwellings with a northern aspect.</p>

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<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>Diagram B5 Solar access to open space</p> 	<p>✓ Standard met</p> <p>There would be no walls to the north of Dwelling 1 and 3's secluded private open space areas.</p> <p>Dwelling 2 would have a 3.6m high wall on its northern side. The recommended setback is 5.24m (or $2 + 0.9 \times 3.6$). The setback provided is 5.21m. This difference is considered negligible.</p>
<p>Clause 55.05-6 Storage objective</p>		
<p>Title & Objective</p> <p>Standard E30</p>	<p>Standards</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>Each dwelling would have convenient access to at least 6m³ of externally accessible, secure storage space</p>
<p>Clause 55.06-1 Design detail objective</p>		
<p>Title & Objective</p> <p>Standard E31</p>	<p>Standards</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Façade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Standard Met/Standard Not Met/NA</p> <p>✓ Standard met</p> <p>The design of the proposed dwellings, including façade articulation and detailing, window and door proportions, roof form and verandahs, eaves and parapets, would respect the existing and preferred neighbourhood character.</p> <p>✓ Standard met</p> <p>The garages of each dwelling would be visually compatible with the development and the existing and preferred neighbourhood character.</p>

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

Clause 55.06-2 Front fences objective		Standard Met/Standard Not Met/NA						
Title & Objective Standard B32	<p>Standards</p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or <p>All schedules to all residential zones:</p> <p>"Maximum 1.5 metre height in streets in Road Zone Category 1</p> <p>1.2 metre maximum height for other streets"</p> <ul style="list-style-type: none"> If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Table B3 Maximum front fence height</p> <table border="1"> <thead> <tr> <th>Street Context</th> <th>Maximum front fence height</th> </tr> </thead> <tbody> <tr> <td>Streets in a Road Zone, Category 1</td> <td>2 metres</td> </tr> <tr> <td>Other streets</td> <td>1.5 metres</td> </tr> </tbody> </table>	Street Context	Maximum front fence height	Streets in a Road Zone, Category 1	2 metres	Other streets	1.5 metres	<p>Standard met No front fence is proposed.</p> <p>Standard met No front fence is proposed.</p>
Street Context	Maximum front fence height							
Streets in a Road Zone, Category 1	2 metres							
Other streets	1.5 metres							
Clause 55.06-3 Common property objectives		Standard Met/Standard Not Met/NA						
Title & Objective Standard B33	<p>Standards</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Standard met The proposed development would clearly delineate public, communal and private areas.</p> <p>Standard met Common property is proposed and would be functional and capable of efficient management.</p>						
Clause 55.06-4 Site services objectives		Standard Met/Standard Not Met/NA						
Title & Objective Standard B34	<p>Standards</p> <p>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.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Standard met The design and layout of the proposed development would provide sufficient space and facilities for services to be installed and maintained efficiently and economically.</p> <p>Standard met Site facilities such as clotheslines, storage facilities, mailboxes, group meter box, bins and rainwater tanks for each dwelling have been shown on the plans.</p>						

2.2.3 Town Planning Application - No. 5 Langold Court, Noble Park (Planning Application No. PLN20/0374) (Cont.)

	<p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>✓ Standard met Bins for each dwelling have been shown on the plans.</p> <p>✓ Standard met Mailboxes have been shown on the plans.</p>
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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)

File Id:	149080
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of Objectors Clause 22.09 Assessment Clause 52.06 Assessment Clause 55 Assessment

Application Summary

Applicant:	Noble One Development Pty Ltd, C/- SongBowden Planning
Proposal:	Development of the land for eight (8) double storey dwellings and a waiver of one (1) visitor car parking space
Zone:	General Residential Zone – Schedule 1
Overlay:	No overlays affect this site
Ward:	Springvale Central

This application has been brought to a Council meeting as it has received nine (9) objections.

The application proposes the development of the land for eight (8) double storey dwellings and a reduction of one (1) visitor car parking space.

A permit is required pursuant to:

- Clause 32.08-6 (General Residential Zone) to construct two (2) or more dwellings on a lot.
- Clause 52.06-3 (Car parking) to reduce one (1) visitor car space for a residential development.

Objectors Summary

The application was advertised to the surrounding area through the erection of two (2) notices on-site comprising one (1) notice facing Lawn Road and one (1) notice facing Karan Court and the mailing of notices to adjoining and surrounding owners and occupiers. Nine (9) objections were received to the application. Issues raised generally relate to:

- That the development would result in additional traffic and parking to Karan Court, particularly during construction which may obstruct the driveways of surrounding residents;
- That there is a vermin infestation on the site;

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

- That the rear fence between the subject site and Karan Court would be removed; and
- That trees on the site have been removed.

Assessment Summary

The site is located within an established residential area and is well suited for medium density housing given its zoning and location in an incremental change area. The proposal seeks to provide a medium housing density development which is generally consistent with the emerging pattern of development and the surrounding neighbourhood character. It is noted that the development complies with most of the design principles of the applicable neighbourhood character policy as has been demonstrated in the attachments outlined in this report or could do so via conditions.

The development is generally compliant with Clause 55, responding to site context and site circumstances, while respecting the existing and preferred neighbourhood character envisaged by Clause 22.09.

Recommendation Summary

As assessed, officers consider this proposal to be generally compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and officers are of the view that on balance the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported and that 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. If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

Subject Site and Surrounds

Subject Site

- The subject site is located to the east side of Lawn Road. The rear of the site abuts Karan Court.
- The site is rectangular in shape with a frontage of 16.76m, a depth of 100.53m and an overall site area of 1685sqm.
- The land is currently occupied by a single storey brick dwelling with an associated garage along the southern boundary accessible from Lawn Road.
- There is a 1.52m wide drainage easement (identified as E-1) located along the rear half of the northern boundary.
- There are several trees located throughout the site.

Surrounding Area

- The subject site is located within an established residential area of Noble Park.
- The built form in the area consists of a mix of older single storey detached dwellings, double-storey detached dwellings, single-storey multi-dwelling developments and double-storey multi-dwelling developments.
- The adjoining property to the north contains eleven (11) double storey dwellings and one (1) single storey dwelling. The adjoining land to the south contains one (1) single storey dwelling. The land adjoining the eastern boundary contains one (1) single storey dwelling on a lot. Karan Court also adjoins the eastern boundary of the site.
- The land opposite the site's Lawn Road frontage contains one (1) single storey dwelling.
- The Noble Park Activity Centre is located 1km to the southeast of the site.
- The Sandown Park Train Station is 490m to the northwest of the site.

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

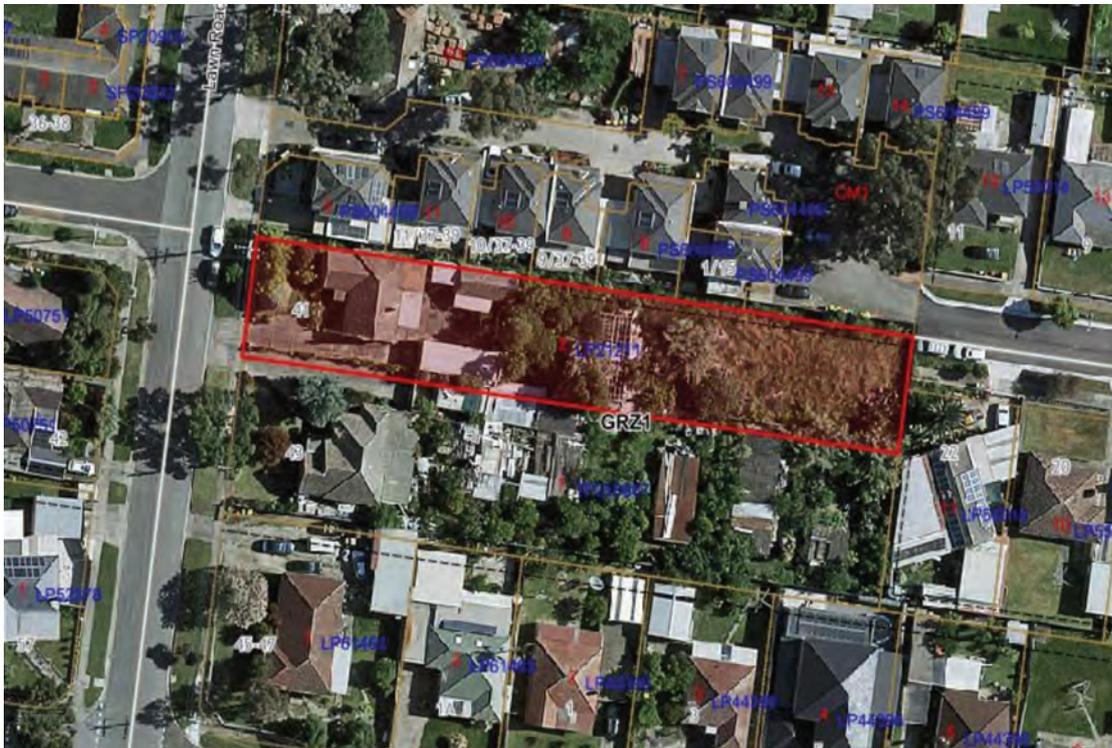
Locality Plan



p Subject Site Melway Map 80C12 North é

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

An aerial map of the site and surrounding properties is provided below (November 2020):



Background

Previous Applications

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

Application history

The application was advertised on 30 April 2020 and five (5) objections were received.

The applicant submitted modified plans on 17 February 2021 to make minor reconfigurations to the dwellings to improve the living areas.

The living areas were modified as follow:

Living Room areas in square metres								
Dwelling #	1	2	3	4	5	6	7	8
Advertised Plans	32sqm	30sqm	29sqm	36sqm	36sqm	30sqm	37sqm	28sqm
Revised Plans	39sqm	35sqm	37sqm	50sqm	50sqm	38sqm	38sqm	42sqm

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

The application was re-advertised and four (4) new objections were received, two (2) of the objections are from the same address.

Proposal

The application as amended on 17 February 2021, proposes the development of the land for eight (8) double storey dwellings and a waiver of one (1) visitor car parking space.

The details of the proposal are as follows:

Type of proposal	Multi dwellings										
Number of dwellings	Eight (8)										
Levels	All double storey										
Height	The proposed development would have a maximum building height of 7.61 metres (Unit 4 – North elevation).										
Orientated to	<ul style="list-style-type: none"> • Dwelling 1 would be orientated to Lawn Road with dwellings 3 to 4 orientated to the internal driveway accessible from Lawn Road. • Dwelling 8 would be orientated to Karan Court with dwellings 5 to 7 orientated to the internal driveway accessible from Karan Court. 										
External materials	Bricks and render on the ground floor. Light weight rendered finished on the first floor.										
Minimum setbacks <i>(encompasses all dwellings)</i>	North: 3m (Dwelling 4) and Garages 1 and 5 on the boundary. South: 2m (Dwelling 8), and Garages 4 and 8 on the boundary. East (rear boundary to Karan Court): 5m (Dwelling 8). West (frontage to Lawn Road): 6.61m (Dwelling 1).										
Open space type	Each dwelling would be provided with a minimum of 50sqm of private open space with one part comprising secluded private open space with a minimum area of 30sqm and a minimum dimension of 5m. The areas of private open spaces for the dwellings are as follow (in square metres): <table border="1" data-bbox="483 1787 1428 1915" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Ground floor private open space (sqm)</th> <th style="width: 20%;">Ground floor secluded private open space (sqm)</th> <th style="width: 30%;">Total (sqm)</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Ground floor private open space (sqm)	Ground floor secluded private open space (sqm)	Total (sqm)				
	Ground floor private open space (sqm)	Ground floor secluded private open space (sqm)	Total (sqm)								

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<table border="1"> <tbody> <tr> <td>Unit 1</td> <td>81</td> <td>32.5</td> <td>113.5</td> </tr> <tr> <td>Unit 2</td> <td>N/A</td> <td>52</td> <td>52</td> </tr> <tr> <td>Unit 3</td> <td>N/A</td> <td>50</td> <td>50</td> </tr> <tr> <td>Unit 4</td> <td>N/A</td> <td>57</td> <td>57</td> </tr> <tr> <td>Unit 5</td> <td>N/A</td> <td>61</td> <td>61</td> </tr> <tr> <td>Unit 6</td> <td>N/A</td> <td>50</td> <td>50</td> </tr> <tr> <td>Unit 7</td> <td>N/A</td> <td>55</td> <td>55</td> </tr> <tr> <td>Unit 8</td> <td>45</td> <td>49</td> <td>94</td> </tr> </tbody> </table>	Unit 1	81	32.5	113.5	Unit 2	N/A	52	52	Unit 3	N/A	50	50	Unit 4	N/A	57	57	Unit 5	N/A	61	61	Unit 6	N/A	50	50	Unit 7	N/A	55	55	Unit 8	45	49	94
Unit 1	81	32.5	113.5																														
Unit 2	N/A	52	52																														
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Unit 6	N/A	50	50																														
Unit 7	N/A	55	55																														
Unit 8	45	49	94																														
Number of Car parking Spaces provided	<p>A total of twelve (12) car parking spaces would be provided for the dwellings.</p> <p>The following table set out the number of car spaces required and provided for each dwelling:</p> <table border="1"> <thead> <tr> <th>Unit number</th> <th>Number of car spaces required</th> <th>Number of car spaces provided</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2 (3 bedrooms)</td> <td>2 (single garage and tandem car space)</td> </tr> <tr> <td>2</td> <td>1 (2 bedrooms)</td> <td>1 (single garage)</td> </tr> <tr> <td>3</td> <td>1 (2 bedrooms)</td> <td>1 (single garage)</td> </tr> <tr> <td>4</td> <td>2 (3 bedrooms)</td> <td>2 (single garage and tandem car space)</td> </tr> <tr> <td>5</td> <td>2 (3 bedrooms)</td> <td>2 (single garage and tandem car space)</td> </tr> <tr> <td>6</td> <td>1 (2 bedrooms)</td> <td>1 (single garage)</td> </tr> <tr> <td>7</td> <td>1 (2 bedrooms)</td> <td>1 (single garage)</td> </tr> <tr> <td>8</td> <td>2 (3 bedrooms)</td> <td>2 (single garage and tandem car space)</td> </tr> </tbody> </table>	Unit number	Number of car spaces required	Number of car spaces provided	1	2 (3 bedrooms)	2 (single garage and tandem car space)	2	1 (2 bedrooms)	1 (single garage)	3	1 (2 bedrooms)	1 (single garage)	4	2 (3 bedrooms)	2 (single garage and tandem car space)	5	2 (3 bedrooms)	2 (single garage and tandem car space)	6	1 (2 bedrooms)	1 (single garage)	7	1 (2 bedrooms)	1 (single garage)	8	2 (3 bedrooms)	2 (single garage and tandem car space)					
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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Number of Car parking Spaces required	<p>One (1) car parking space is required for each one or two bedroom dwelling and two (2) car parking spaces is required for each three or more bedroom dwelling. One (1) common visitor parking space is required for every five (5) dwellings.</p> <p>A total of thirteen (13) car parking spaces are required, comprising twelve (12) car spaces for the residents and one (1) visitor car space.</p> <p>The proposal would provide one (1) car space to each two-bedroom dwelling and two (2) car spaces to each three-bedroom dwelling with at least one (1) under cover car space. The number of car spaces provided for the residents complies with Clause 52.06 (Car parking).</p> <p>No visitor car space is provided. The proposed development requires a reduction of one (1) visitor car space.</p>
Type of car parking	Each dwelling is provided with at least one (1) under-cover car parking space.
Access	Two (2) vehicle crossovers would facilitate vehicular access to the dwellings comprising modification to the existing crossover on Lawn Road and a new crossover from Karan Court. Each crossover is 3m wide.
Front Fence	No front fence is proposed.
Garden area required	589.75 square metres or 35%
Garden area provided	590.6 square metres or 35.1%

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

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

- Clause 32.08-6 (General Residential Zone) to construct two (2) or more dwellings on a lot.
- Clause 52.06-3 (Car parking) to reduce one (1) visitor car space for a residential development.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a General Residential Zone, as is the surrounding area.

The purpose of the General Residential Zone outlined at Clause 32.08 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *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 32.08-6, a permit is required to construct two or more dwellings on a lot.

The development must also provide a minimum garden area of 35% pursuant to Clause 32.08-4 as the lot exceed 650 square metres.

It is noted that within Schedule 1 to the zone, varied requirements of Clause 55 are set out as follows:

- *Standard B6 (Minimum street setback) – As per B6 or 7.5 metres, whichever is the lesser;*
- *Standard B9 (Permeability) – Minimum of 30%;*
- *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 50 square metres of ground level, private open space, 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 30 square metres, and a minimum dimension of 5 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; and*
- *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 or surrounding area.

Planning Policy Framework

The objectives of Planning in Victoria are outlined in Section 4 of the *Planning and Environment Act 1987* as:

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

(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).

(fa) to facilitate the provision of affordable housing in Victoria.

(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 Planning Policy Framework that are relevant to this application.

Clause 11 Settlement states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, amongst others.

Managing growth is the focus of **Clause 11.02** which includes an objective that aims to ensure a sufficient supply of land is available for residential development, which is relevant to the current application.

Clause 15 Built environment and heritage seeks to ensure that planning achieves high quality urban design and architecture that meets a number of objectives. The following objectives are of relevance to the current application:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*
- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Housing is the focus of **Clause 16** and includes the following provisions:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*
- *To deliver more affordable housing closer to jobs, transport and services.*

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

There are a number of objectives of relevance to the current application under **Clause 18 Transport** including the following:

- *To create a safe and sustainable transport system by integrating land-use and transport.*
- *To promote the use of sustainable personal transport.*
- *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

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:

- *There is considerable diversity within Greater Dandenong's housing stock. Most housing stock is aged between 30 to 50 years old, though there are some areas with dwellings in excess of 100 years old. Areas of newer housing are located in the north-east and central-southern areas, with in-fill development occurring across the municipality (Clause 21.02-3).*
- *Higher density housing is generally located in proximity to railway stations and major shopping centres, in particular in central Dandenong (Clause 21.02-3).*
- *Whilst there is a clear pre-dominance of single detached dwellings, there are a range of other types of dwellings including dual occupancies, villa-units, town houses and apartments. The highest concentration of older villa units and apartments and more recent multi-unit redevelopments have occurred around central Dandenong, Springvale and Noble Park activity centres (Clause 21.02-4).*
- *With diverse cultural groups that call Greater Dandenong home, there are certain distinct precincts that are emerging that have their own character. Their built form is characterised by buildings with flat unarticulated facades, prominent balconies, limited frontage/side setbacks, limited or no landscaping (Clause 21.02-4).*

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. The vision is that Greater Dandenong will be a municipality where housing diversity and choice is promoted in its various attractive neighbourhoods.

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 are Clauses 21.04 – Land Use and 21.05 – Built Form:

Clause 21.04-1 Housing and community

- *Greater Dandenong's population is expected to rise by 22 percent, from 147,000 to 179,000 in the decade to 2024, placing pressure on transport networks, infrastructure, services and public open space.*

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

- *Approximately 9,950 new households will need to be accommodated across the municipality by 2024 (Greater Dandenong Housing Strategy 2014-2024).*
- *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.*
- *Encourage the provision of housing that is adaptable to support the needs of the changing needs of present and future residents.*
- *Encourage innovative redevelopment and renewal of deteriorating housing stock and older styled higher-density apartments and multi-unit developments.*
- *Encourage new residential development that incorporates adequate space for the planting and the long term viability and safe retention of canopy trees.*
- *Respect the valued, existing neighbourhood character within incremental and minimal change areas.*
- *Requiring medium-density developments to be site and locality responsive and to respect existing and proposed neighbourhood character.*

Clause 21.05-1 – Urban design, character, streetscapes and landscapes – contains the following relevant objectives and strategies:

- *To facilitate high quality building design and architecture.*
 - *Ensure building design is consistent with the identified future character of an area and fully integrates with surrounding environment.*
 - *Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.*
 - *Encourage innovative architecture and building design.*
 - *Encourage development to incorporate sustainable design elements that enhance occupant comfort and environmental performance.*
- *To facilitate high quality development, which has regard for the surrounding environment and built form.*
 - *Promote views of high quality landscapes and pleasing vistas from both the public and private realm.*
 - *Promote all aspects of character – physical, environmental, social and cultural.*
 - *Encourage planting and landscape themes, which complement and improve the environment.*
 - *Encourage developments to provide for canopy trees.*
 - *Recognising valued existing neighbourhood character and promoting identified future character as defined in the Residential Development and Neighbourhood Character Policy at Clause 22.09.*

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

- *To protect and improve streetscapes*
 - *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.*
- *To ensure landscaping that enhances the built environment*
 - *Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.*
 - *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.*

Clause 22.09 – Residential Development & Neighbourhood Character Policy – contains the following objectives at Clause 22.09-2:

- *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;*

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (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 (Design Principles) provides design principles, which apply to all Future Change Areas.

Clause 22.09-3.3 (Incremental Change Areas) provides design principles, some of which also relate to the variances to the requirements of standards to Clause 55 under the schedule to the General Residential Zone. The guidelines consider matters such as: housing form; height; bulk & built form; and site design.

An assessment against Clause 22.09 is included as Attachment 3 to this report.

Particular Provisions

Car Parking (Clause 52.06)

Clause 52.06 Car Parking needs to be considered to determine the appropriateness of the car parking provision of the development. The purpose of this Clause is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.*

The table at Clause 52.06-5 notes that a dwelling with 1 or 2 bedrooms requires 1 car space and a dwelling with 3 or more bedrooms requires 2 spaces to each dwelling. 1 visitor car space is required for visitors to every 5 dwellings for developments of 5 or more dwellings.

Clause 52.06-5 (Car parking – Number of car spaces required under Table 1) also requires that if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

A total of thirteen (13) car parking spaces are required comprising twelve (12) car spaces for residents and one (1) visitor car space. Each two-bedroom dwelling would be provided with one (1) car space and each three (3) bedroom dwelling would be provided with two (2) car spaces with at least one (1) undercover car space. No visitor car space is provided. The proposed development requires a reduction of one (1) visitor car space.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Car parking is to be designed in accordance with the requirements of Clause 52.06-9 and 52.06-11 of the Scheme.

An assessment against Clause 52.06 is included as Attachment 4 to this report.

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.*

The purposes of this clause are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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; and*
- *Should meet all of the standards of this clause.*

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

An assessment against Clause 55 is included as Attachment 5 to this report.

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.

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.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Community Safety

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

Safe Design Guidelines

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

Referrals

External

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	
Civil Development	No objections, subject to conditions on permit.
Transport Planning	No objections, subject to conditions on permit.
Sustainability Planning	No objections, subject to conditions on permit.
Arborist	No objections, subject to conditions on permit.
Waste Management Services	No objections, subject to conditions on permit.

Advertising

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

- Sending notices to the land owners and occupiers of adjoining and surrounding land.
- Placing two (2) signs on site, one (1) facing Lawn Road and one (1) facing Karan Court.

The notification has been carried out correctly.

A total of nine (9) objections have been received to date. Two (2) of the objections are from the same address.

The locations of the objectors are shown in Attachment 2.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Consultation

The application received nine (9) objections which meets the threshold to conduct a consultative meeting. However due to the current COVID-19 pandemic, consultative meetings were not held, to ensure compliance with State and Federal Government guidelines.

Summary of Grounds of Submissions/Objections

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

- **That the development would result in additional traffic and on-street parking to Karan Court, particularly during construction which may obstruct the driveways of surrounding residents.**

The proposal would provide one (1) car space to each two-bedroom dwelling and two car spaces to each three-bedroom dwelling with at least one (1) under cover car space. The number of car spaces provided for the residents complies with Clause 52.06 (Car parking).

The development comprises of eight (8) dwellings and requires one (1) visitor car space. No visitor car space is provided, thus, the proposal requires a reduction of one (1) visitor car parking.

The application was also referred to Council's Transport Planning Unit who has not raised any parking or traffic concerns with the proposed development. Furthermore, the development is 'split' into two developments of four dwellings, with each group of dwellings have separate access points. Where four dwellings are proposed, a visitor space is not required. This will be further discussed in the assessment section of this report

A Construction Management Plan could be requested to address concerns relating to traffic and parking generated from future construction workers and potential blockage of driveways of surrounding residents. This will form a condition of the recommendation.

- **That there is a vermin infestation on the site.**

The vermin infestation is not a ground for consideration in the Greater Dandenong Planning Scheme or the Victoria Planning Provisions.

- **That the rear fence between the subject site and Karan Court would be removed.**

The removal of the rear fence abutting the Karan Court would not be considered to result in adverse detriment to the surrounding uses and can be removed at any time without the need for a planning permit.

- **That trees on the site have been removed.**

There are several trees on the site which would be removed for the development. The trees do not require a permit for removal and are not significant trees. Council's Arborist has reviewed the application and the Arboricultural Report submitted with the application and advised that most of the trees in poor health, have low retention value and are appropriate for removal.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Assessment

The subject site is located within an established residential area and is well suited for the development of medium density housing given that the site is located within easy walking distance of many community facilities and public transport. The proposal also seeks to reduce pressure on the urban fringe by providing eight (8) dwellings where previously one (1) existed through the redevelopment of the site, thereby ensuring that the housing required for the growing population is facilitated.

As required by the relevant provisions of the Planning Scheme, the proposed development has been assessed against the following:

- Clause 22.09 (full assessment attached as attachment 3);
- Clause 52.06 (full assessment attached as attachment 4); and
- Clause 55 (full assessment attached as attachment 5) as well as Schedule 1 to the General Residential Zone.

Use

As outlined in Clause 32.08-2 (General Residential Zone), a dwelling is listed as a Section 1 use, and a planning permit is not required for the use of the proposal. However, a planning permit is required for the buildings and works and for a reduction of one (1) visitor car parking, which is discussed below.

Development

Planning Policy Framework / Local Planning Policy Framework

In considering the Planning Policy Framework and the Local Planning Policy Framework, Council can establish that an acceptable proposal will be guided by:

Clause 22.09 Residential Development and Neighbourhood Character.

Clause 52.06 Car parking; and

Clause 55 Two or more dwellings on a lot.

Each of these Clauses ensure that Council facilitates the orderly development of urban areas, which is a specific objective of Clause 11.02 Settlement.

The objectives of Clause 15.01-1S Urban Design, Clause 15.01-2S Building Design 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 proposed design response respects the preferred neighbourhood character of the incremental change area by providing a medium density housing typology.

The proposal is of a high quality urban design, with physical recession, articulation, varied use of materials, textures and other visual interest.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

The overall layout allows space for compliant private and secluded private open space and acceptable landscaping treatments such as a significant canopy tree and shrubbery plantings within well-proportioned setback areas to allow growth to maturity.

The proposal is also located within an area subject to incremental change with other multi-unit developments of a similar scale and massing being found within the surrounding residential area such as on the adjoining land to the north. 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.

As such, Council officers recommend that the application be approved subject to planning permit conditions as necessary.

Clause 22.09 Assessment - Residential Development and Neighbourhood Character Policy

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:

Safety

Relevant Design Principle:

- *Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.*

Security lighting could be required as a condition of any permit to be granted.

Landscaping

Relevant Design Principles:

- *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.*
- *Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.*

A landscape plan has not been submitted as part of the application and would be requested as a condition of permit.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

It is noted that the proposal would be capable of accommodating substantial high quality landscaping, including screen planting and native canopy trees within the frontages of each street and the rear secluded private open space area of each dwelling.

There are several trees on the site which would be removed for the development. The trees are not significant trees. Council's arborist has reviewed the Arboricultural Report submitted with the application and advised that the trees are appropriate for removal. Council's arborist also advised that the street tree on the nature strip of Lawn Road should be retained and fenced during the construction of the development. This could be conditioned.

Clause 52.06 Assessment - Car Parking

The table at Clause 52.06-5 (Car parking – Number of car spaces required under Table 1) sets out the car parking requirement that applies to the use of land for dwellings as follows:

- One (1) car parking space to each one (1) or two (2) bedroom dwelling; and
- Two (2) car parking spaces to each three (3) or more bedroom dwelling; plus
- One (1) car parking space for visitors to every five (5) dwellings for developments of five (5) or more dwellings.

The proposal would provide one (1) car space to each two-bedroom dwelling and two car spaces to each three-bedroom dwelling with at least one (1) under cover car space. As such, the number of car spaces provided for the residents complies with Clause 52.06 (Car parking).

The development comprises of eight (8) dwellings and requires one (1) visitor car space. No visitor car space is provided, thus, the proposal requires a reduction of one (1) visitor car parking.

The applicant has provided a traffic report from a Traffic Engineer which concluded that the reduction of one (1) visitor car space will not cause any discernible impacts to on-street parking within the surrounding area and that the traffic generated by the proposed development will not cause any discernible impacts to the local road network.

The application was also referred to Council's Transport Planning Unit who has not raise any parking or traffic concern with the proposed development. Council's Transport Planning Unit also advised that an on-site visitor car space is impractical in this case given the development is split into what is effectively two (2) developments comprising four (4) dwellings each with each block of four (4) dwellings being accessed via separate driveways and via different streets being Lawn Road and Karan Court. As such each four (4) dwelling block would operate independently of each other and it is considered acceptable for the purpose of car parking to be treated as separate developments under the car parking requirements of Clause 52.06, meaning a visitor space would not be required.

The recommendation below under 'Other Matters' recommends that the number of bedrooms to Dwellings 1 and 8 be reduced to two (2). This would result in each of these dwellings having 1 car space more than the standard. Whilst these extra car spaces cannot be used as visitor spaces given their tandem arrangements, they would provide additional car spaces for the development.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

The proposal generally complies with the Design Standard of Clause 52.06-9, and a full Clause 52.06 assessment is attached to this report at Attachment 5. The standards that warrant further consideration are discussed as follows:

Design Standard 2 – Car parking spaces

This standard requires where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Gaps of 260mm are shown between the tandem car spaces and the front of the brick walls to Garages 1 and 8. The roller doors to these garages would be behind the brick walls. The brick walls of the garages are 230mm thick. Thus, the gap between the tandem car spaces and the roller doors would be 490mm, 10mm below the standard. The minor variation of 10mm would not obstruct vehicle accessibility or turning on the site and is considered appropriate.

Design Standard 6 – Safety

This standard requires car parking must be well lit and clearly signed. Security lighting could be required as a condition of any permit to be granted. As the development is for residential dwellings, signage to the car parking area is not required.

Clause 55 Assessment - Two or more Dwellings on a lot and Residential Buildings

A Clause 55 Assessment is attached to this report at Attachment 5. Standards that warrant further consideration are discussed as follows:

Clause 55.03-11 Street setback objectives – Standard B6

This standard requires front walls of buildings to be set back from streets at least the distance specified in a schedule to the zone (which is 7.5m) or the average of the two adjoining properties.

The front setback of Dwelling 1 would be 6.61 metres from Lawn Road. The dwelling on the adjoining property to the north has a front setback of 5.62m and the dwelling on the adjoining property to the south has a front setback of 9.82m. Their average front setback would be 7.71m.

It is noted that the development at No. 36-38 Lawn Road (23m to the northwest) has a setback to Lawn Road of approximately 3.5m and No. 42 Lawn Road (22m to the southwest) has a front setback of approximately 6.5m.

Taking into accounts the setbacks of the surrounding developments on Lawn Road, it is considered that the proposed 6.61m front setback to Lawn Road is not out of character with the surrounding developments and will provide sufficient space for appropriate landscaping.

On Karan Court, the front setback of the adjoining property to the east at 22 Karan Court is 4m. On the adjoining land to the north which has eleven (11) dwellings, the front setback of the nearest dwelling to Karan court is 23m. The average front setback of the two (2) adjoining properties would be 13.5m. The proposed Dwelling 8 would have a setback of 5m to Karan Court.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

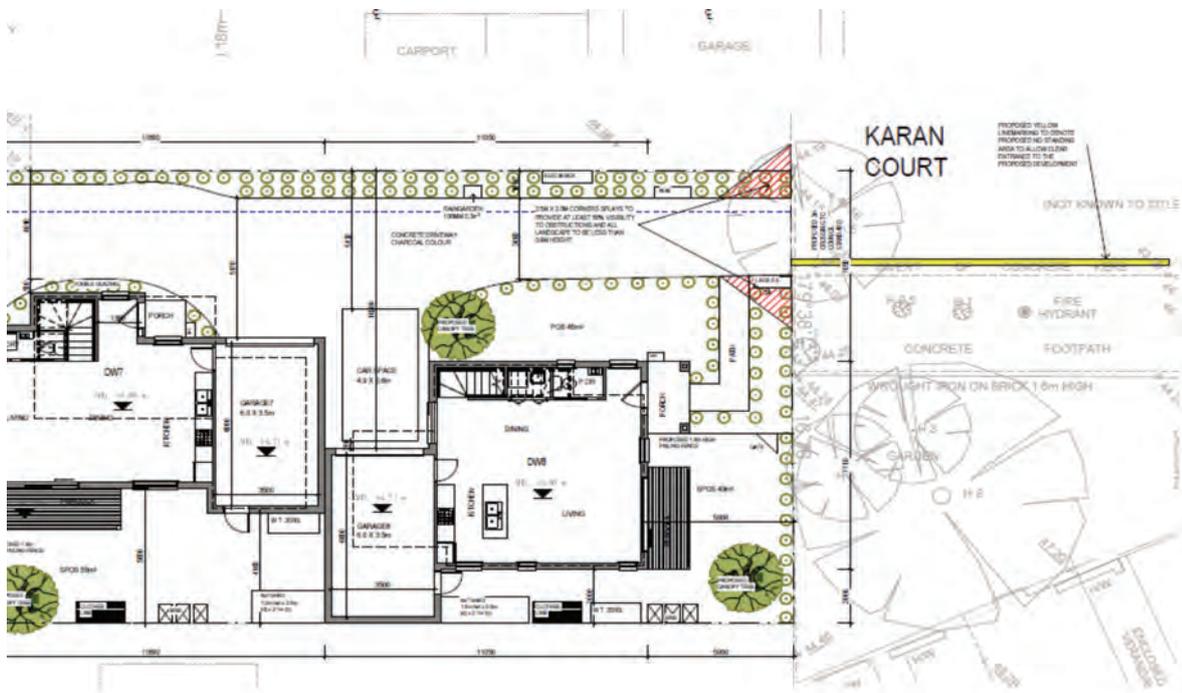
The subject site and front setbacks of the two (2) adjoining properties are shown below:



The Karan Court frontage is limited to the proposed driveway width. The front of Dwelling 8 would not have a direct interface with Karan Court. As the majority of the front façade of Dwelling 8 would not be visible from Karan Court, it is considered that the proposed front setback to Karan Court would not alter the character of this court and that the front setback to Karan Court as proposed, is considered appropriate.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

The proposed development on Karan Court is shown below:



Clause 55.03-7 Safety objectives – Standard B12

This standard requires developments to be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Security lighting could be required as a condition of any permit to be granted.

Clause 55.03-8 Landscaping objectives – Standard B13

This standard requires a landscape layout and design that specifies themes and vegetation. While the proposal provides adequate space for landscaping treatments across the site, a landscape plan has not been submitted as part of the application and it is recommended to be requested as a condition of permit. The objective would be met, subject to a condition of permit.

Clause 55.04-6 Overlooking objective – Standard B22

This standard requires a habitable room window should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window. Views should be measured within a 45 degree angle from the plane of the window and from a height of 1.7 metres above floor level.

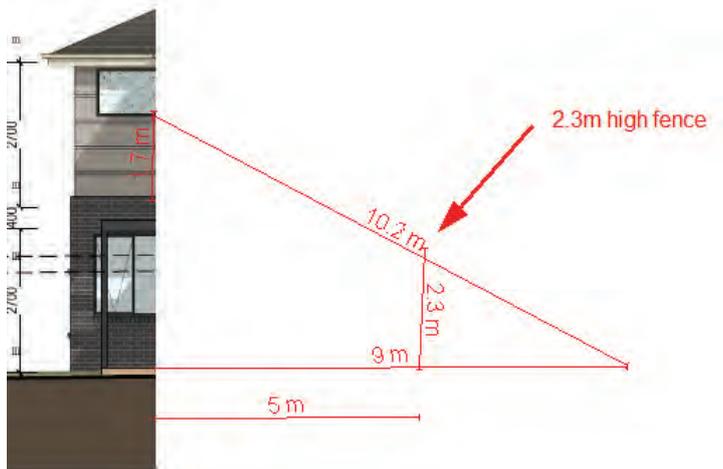
All shared boundary fences with the adjoining properties would be at least 1.8m high. There would no overlooking from the ground floor habitable room windows to the adjoining properties.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

On the first floors, the proposed development would have some habitable room windows facing the adjoining properties to the north and south.

The adjoining property to the north contains eleven (11) double storey dwellings and one (1) single storey dwelling. There is a 2.3m high boundary fence along this boundary. Some of the adjoining properties to the north have their secluded private open spaces adjacent to the subject site. On the north elevation, the first floor bedroom window of Dwelling 5 would be provided with fixed obscured glazing to 1.7m above finished floor level and would not overlook the secluded private open spaces of the adjoining properties to the north. Whilst some proposed first floor clear glazed habitable room windows would be within 9m of the secluded private open spaces of the adjoining properties to the north, they comply with the Standard due to the 2.3m high boundary fence. A diagram is provided to demonstrate how the windows comply with the standard.

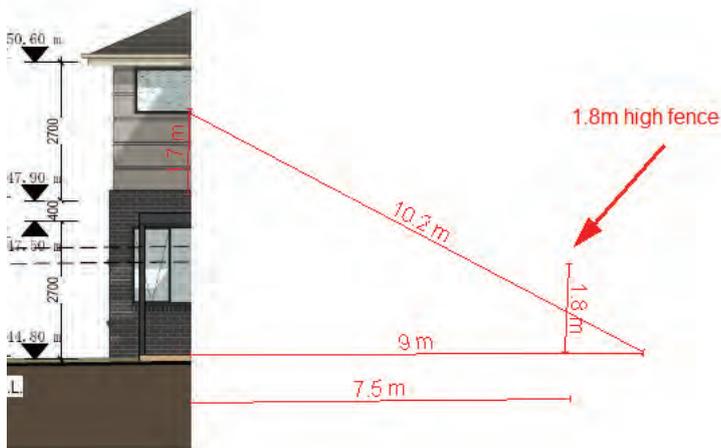
A diagram is provided below for information



The adjoining property to the south has 1 dwelling with a driveway, carport, garage and shed and part of the secluded private open space located adjacent to the subject site. The first floor south facing windows of Dwellings 1 to 3 would only overlook only the driveway and carport / garage of the adjoining property to the south. The first floor south facing habitable room windows of Dwellings 6 and 7 would not overlook the secluded private open space of the adjoining property to the south due to the 7.5m setback and 1.8m high boundary fence along the southern boundary.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

A diagram is provided below for information



Environmentally Sustainable Development

The proposal complies with the requirements of Clause 22.06 by providing a Sustainable Design Assessment (SDA), a Built Environment Sustainability Scorecard (BESS) and a Stormwater Calculation, all completed by qualified professionals.

The provided BESS score complies with a score of 50% for best practice encompassing the full life of the build and identifying the methods used for the best environmental performance outcome. Having regard to the sites opportunities and restraints, the proposal has included the necessary water tanks, and roof catchment areas, sufficient energy star ratings for fixtures, heating and cooling systems and the addition of double-glazed habitable room windows.

The referral response from Council’s ESD Unit identified that the submitted plans and the SDA had some minor inconsistencies related to the capacity and connection of the rainwater tanks. Conditions have been included to require these details on the plans to be updated, as well as relevant notations to be updated as required.

BESS Information Summary	Project Overall Score: 51%		
	Fail	Best Practice	Design Excellence
Dwelling Type: Non-residential	(<49%)	(50-69%)	(>70%)
BESS Category	Score	Initiatives	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Management	17%	
		ESD consultant present at pre-application to discuss matters related to sustainable design. TBC
		Commitment to prepare a building users guide.
Water	50%	
		Rainwater tank capacity of 2,000L per dwelling connected to: Landscape irrigation, Toilet flushing, Laundry Use
		Moderate WELS star rated water fittings, fixtures and appliances
		Potable water consumption reduced by 25% compared to same building following minimum standards.
Energy	50%	
		High efficiency reverse cycle air conditioning specified with 4 star energy rating.
		High efficiency 6 star gas instantaneous hot water system specified.
		Estimated greenhouse gas emissions reduced by 67% compared to compared to same building following minimum standards
Stormwater	100%	
		Stormwater design meets industry best practice requirements though incorporation of rainwater collection and re-use and raingardens
Indoor Environment Quality	100%	
		Design promotes high levels of daylight access to living areas and bedrooms.
		Over 50% of dwelling living spaces-oriented north.
		Natural cross ventilation achieved for all dwellings
		Fixed and adjustable shading provided for all north, east and west facing windows - TBC

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Transport	33%	
		Dwelling space caters for bicycle parking storage
Waste	0%	
Urban Ecology	50%	
Innovation	0%	

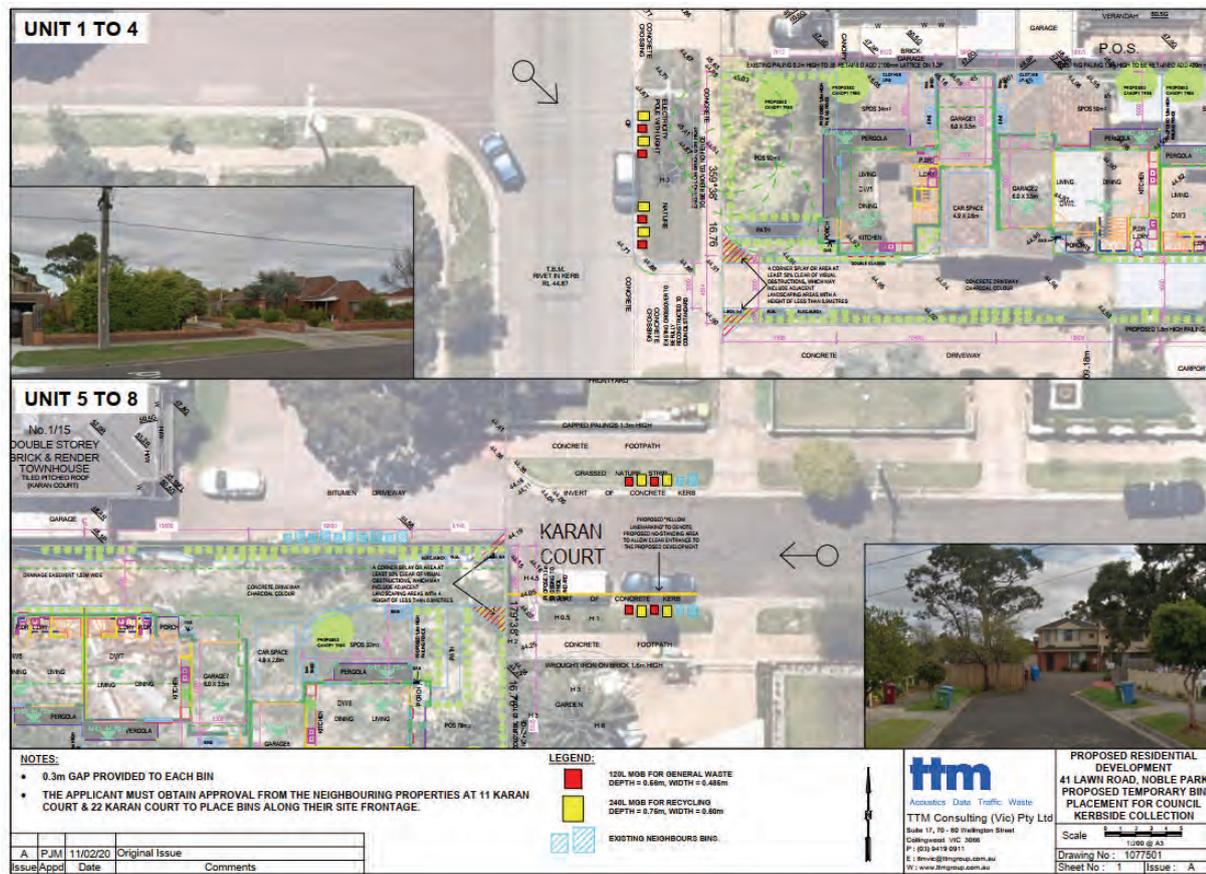
Waste Management

A Waste Management Plan has been submitted with the application. Bins for each dwelling would be stored within their respective secluded private open space area. On waste collection day, bins for Dwellings 1 to 4 would be provided on the nature strip on Lawn Road adjacent to the site. For Dwellings 5 to 8, two (2) households would provide their bins for collection on the nature strip adjacent of No. 11 Karan Court and the other two (2) households would provide their bins on the nature strip adjacent to No. 22 Karan Court. The submitted Waste Management Plan shows that there is adequate space adjacent to each of these properties to accommodate their bins and bins from two (2) of the proposed households of Dwellings 5 to 8 with room to spare for any potential future development to these properties.

Waste collections would be collected by Council's Waste Management Services. The application has been referred to Council's Waste Management Services who has no objection to the waste management proposed subject to no standing signs on collection day be provided. This could be conditioned.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

A plan showing the locations of bins to be provided during waste collection day is below:



Other matters

The site plan shows a bike within the front yard of Unit 1. This is a clerical error and should be deleted via an appropriate condition.

Dwelling 5 would have a ground floor west facing bathroom window which would face the secluded private open space of Dwelling 4. The window should be deleted. This will form a condition of the recommendation.

Dwellings 1, 4, 5 and 8 are 3 bedroom dwellings. Whilst Dwellings 4 and 5 have larger ground floor areas, the ground floor living/ dining/ kitchen areas of Dwellings 1 and 8 are not much larger than a double garage and are not considered to provide sufficient internal amenity and living space for the potential number of occupants of a three bedroom dwelling. Given the limited living space provided to Dwellings 1 and 8, it is recommended that these dwellings should be modified to 2 bedroom dwellings by deleting one bedroom from each of these dwellings. This will form a condition of the recommendation.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Conclusion

The proposal is consistent with the provisions of the Greater Dandenong Planning Scheme, including the zoning requirements, local policy direction, application of Clauses 22.09, 52.06 and 55, and the decision guidelines of Clause 65.

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 41 Lawn Road, Nobel Park VIC 3174 (Lot 2 LP 21211 Vol 7808 Fol 72), for ‘the development of the land for eight (8) double storey dwellings and a waiver of one (1) visitor car parking space 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. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
 - 1.1. Sensor lighting above each garage;**
 - 1.2. Bollard lighting along the common accessways;**
 - 1.3 The ‘bike’ within the front yard of Dwelling 1 deleted;**
 - 1.4 The west facing ground floor bathroom window of Dwelling 5 deleted;**
 - 1.5 Dwellings 1 and 8 modified to two (2) bedroom dwellings by deleting one (1) bedroom to each dwelling;**
 - 1.6. A landscape plan in accordance with Condition 2 hereon; and**
 - 1.7 Any alterations required by Condition 3 hereon.**

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, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The 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, to show:**
 - 2.1. plans to accord with Condition 1 of this permit;**

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

- 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. legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;**
- 2.5. 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;**
- 2.6. at least two (2) advanced native canopy tree with a minimum planting height of 1.5 metres within the front yards of Units 1 and 8;**
- 2.7. at least one (1) advanced native canopy tree with a minimum planting height of 1.5 metres within the secluded private open space of each dwelling;**
- 2.8. medium size shrubs or trees along the common accessways as appropriate; and**
- 2.9. any paving or deck areas within the secluded open space area of the proposed dwellings to be on a permeable base.**

When approved, the 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.

- 3. Prior to the endorsement of plans under condition 1, the applicant is to submit a revised Sustainable Design Assessment to the satisfaction of the responsible authority. The revised SDA must be generally in accordance with the SDA undertaken by Star Rating, ref 20108 or another qualified SDA assessor) but modified to include:**
 - 3.1. Submission of a preliminary energy efficiency NatHERS assessment for dwellings 1, 2, 4, 6 and 8. The assessment must demonstrate an energy rating above 6-stars.**
 - 3.2. A revised BESS Water Section that specified tapware of at least 5 stars to all areas and toilets specified as 4-stars**
 - 3.3. Increased rainwater tank capacity to 2500L**

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

The provisions, recommendations and requirements of the revised SDA must be implemented and complied with to the satisfaction of the Responsible Authority. The documentation must not be altered without the prior written consent of the Responsible Authority.

4 Before the approved development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:

- 4.1. Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;**
- 4.2. All Traffic Management Plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;**
- 4.3. The location of all areas on-site and off-site to be used for construction staff parking;**
- 4.4. A Parking Management Plan for all associated construction vehicles;**
- 4.5. All site sheds, portable toilet, storage and materials, etc. must be confined to the land;**
- 4.6. The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;**
- 4.7. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;**
- 4.8. No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the land;**
- 4.9. All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;**
- 4.10. The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the land; and**

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

- 4.11. No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system**

When approved, the Construction Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 5. The provisions, recommendations and requirements of the revised Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. The documentation must not be altered without the prior written consent of the Responsible Authority.**
- 6. 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.**
- 7. 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.**
- 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 legal point of discharge must be to the satisfaction of the Responsible Authority.**

Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the legal point of discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.

- 10. 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.**
- 11. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.**

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

- 12. 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.**
- 13. Except with the prior written consent of the Responsible Authority, floor levels shown on the endorsed plan/s must not be altered or modified.**
- 14. 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.**
- 15. Letterboxes and all other structures (including visually obstructive fencing and landscaping) should be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) along the frontage road at access points in accordance with the Greater Dandenong Planning Scheme Clause 52.06-9.**
- 16. 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.**
- 17. All glazing must at all times be maintained to the satisfaction of the Responsible Authority.**
- 18. Before the approved development starts, a Tree Protection Fence must be erected around the Tree Protection Zones of the tree on the nature strip of Lawn Road adjacent to the site. The area within the Tree Protection Fence must be mulched to a depth of 15cm with general arboricultural wood chip mulch or similar and the Tree Protection Fence must:
 - a) be constructed of cyclone wire, orange safety mesh or similar construction;**
 - b) be erected to a height of at least 1.8 metres;**
 - c) be anchored using star pickets driven at least 60cm into the soil;**
 - d) remain in place until construction is completed; and**
 - e) provide for access by a single gate that should be locked at all times except when required for tree inspection or maintenance.****

All to the satisfaction of the Responsible Authority.

- 19. Bins must be stored within the secluded private open space of each dwelling, except on waste collection day. The storage of bins and collection must be carried out in accordance with the endorsed Waste Management Plan for the site.**

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

19. Prior to the occupation of the dwellings, no standing signs on waste collection day must be provided on the nature strip adjacent to Nos. 11 and 22 Karan Court. The cost of the signs must be borne by the developer of 41 Lawn Road, Noble Park.
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, 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
- (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.

Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.

Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.

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.

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

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 a Asset Protection Permit from Council's engineering services. Queries regarding engineering requirements can be directed to Council's general phone number on 8571 1000.

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 41 LAWN ROAD, NOBLE PARK
(PLANNING APPLICATION NO. PLN19/0627)**

ATTACHMENT 1

SUBMITTED PLANS

PAGES 12 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

NEIGHBOURHOOD SITE DESCRIPTION

A. SUBJECT SITE IS AN RECTANGULAR BLOCK. BEST ACCESS TO DIRECT SUNLIGHT IS FROM THE NORTH-EAST CORNER OF THE BLOCK.

B. SUBJECT SITE HAS A DRIVEWAY CALL FROM THE FRONT TO THE REAR OF THE PROPERTY AND FOLLOWS THROUGH TO SURROUNDING PROPERTIES.

C. THERE ARE A FEW TREES AND SHRUBS WHICH HAVE MINIMAL SIGNIFICANCE ON SITE. THE EXISTING GROUND LEVEL IS FLAT. ALL TREES AND SHRUBS AND INCORPORATE AREAS WITHIN THE PROPOSED DEVELOPMENT ARE TO BE MAINTAINED AND PROTECTED.

D. THE EXISTING OVERHANG ON THE SUBJECT SITE IS IN POOR CONDITION AND IS PROPOSED TO BE REMOVED.

E. THE SITE HAS ACCESS TO ALL SERVICES (SEWER, WATER, ELECTRICITY, GAS AND TELEPHONE).

F. SURROUNDING PROPERTIES HAVE MIXED TYPES OF FRONT AND REAR FENCING STYLES. THE PROPOSED DEVELOPMENT WILL BE BUILT WITH A HIGH FENCE, HEIGHT 1.8m FROM GROUND APPROX TO 2200mm APPROX.

G. 500mm HIGH LOW BRICK IS LOCATED ALONG THE WEST BOUNDARY. 200x200mm HIGH FENCING IS LOCATED ALONG THE NORTH BOUNDARY.

H. THE SITE IS BOUNDARY ADJACENT TO THE PROPOSED DEVELOPMENT TO THE WEST OF THE SITE. THE PROPOSED DEVELOPMENT IS TO BE MAINTAINED AS A COMMON DRIVEWAY. ANOTHER CROSSOVER IS PROPOSED ON THE EAST OF THE SITE.

I. DWELLINGS SURROUNDING THE SUBJECT AREA A MIXTURE OF SINGLE STOREY AND DOUBLE STOREY AND ARE A MIXTURE OF BRICK, GREN, METAL ROOFING AND RENDER.

J. ALLOWING EXCLUDED PRIVATE OPEN SPACE OF SURROUNDING PROPERTIES.

K. SANDOWN GOLFING CLUB 900m.

L. HEPHERALL PRIMARY SCHOOL 800m.

M. NOBLE PARK CHRISTIAN CHURCH 500m.

N. DAMKINGS VOLLEBALL CLUB 1.5km.

O. STITCHART TOWN.

P. BERRAM PARK BOWLING CLUB 1.3km.

Q. NOBLE PARK AQUATIC CENTRE 1.0km.

R. COLES MOBILE PARK 1.3km.

S. SANDOWN TRAIN STATION 400m.

T. SPRINGVALE LIBRARY 1.3km.

Scale	As indicated
Checked	RR
Date	21/12/2020
Drawn	CM

DRAWING
Neighbourhood Character

TP 01
Ref No: 1921

DESIGNS
Belle Design Group
1/110 DUNDAS STREET SOUTH, VIC 3106
PH: 03 9592 0000
WWW.BELLEDISIGN.COM.AU
A.F.N. 24 973 393 038

CLIENT
NOBLE ONE DEVELOPMENT PTY LTD

PROJECT
NEW TOWNHOUSE DEVELOPMENT
41 Lawn rd, Noble Park

No.	Description	Date
A	RET	18/02/2020

PROJECT
NEW TOWNHOUSE DEVELOPMENT
41 Lawn rd, Noble Park

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PROJECT
NEW TOWNHOUSE DEVELOPMENT
41 Lawn rd, Noble Park

CLIENT
NOBLE ONE DEVELOPMENT PTY LTD

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

DESIGN RESPONSE PLAN

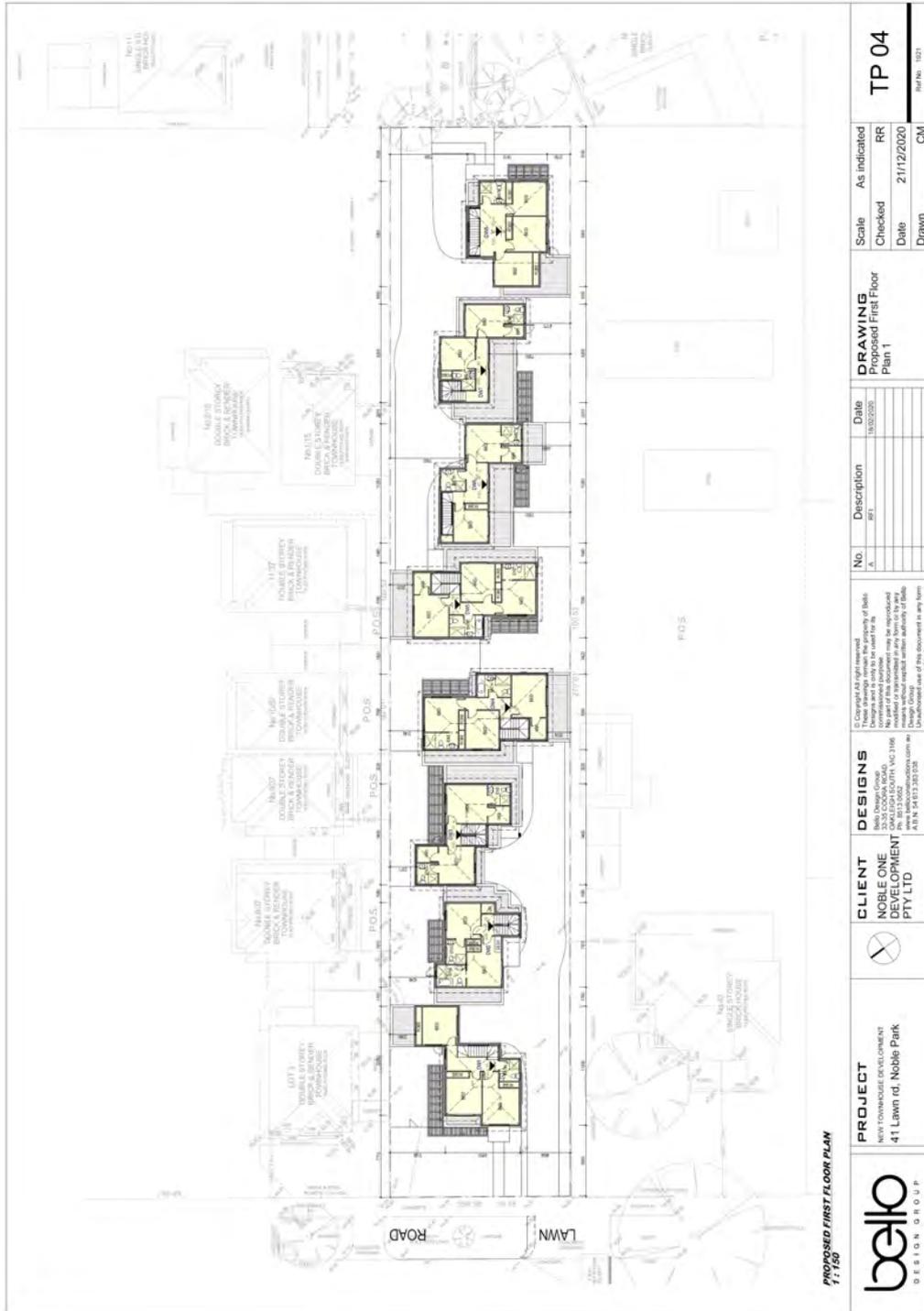
- 1 SETBACKS 750mm FROM THE STREET FRONTAGES.
- 2 ALL EXISTING AND PROPOSED WALLS WILL BE FINISHED TO THE CORRECT HEIGHT.
- 3 PROPOSED BOUNDARY FENCES TO BE CONSTRUCTED TO THE CORRECT HEIGHT.
- 4 EXISTING TREES TO BE MAINTAINED AND PROTECTED TO THE CORRECT HEIGHT WITH OFFSET OF UPPER LEVEL AND LOWER LEVEL WALLS TO BREAK UP ROOF LINES.
- 5 THE DESIGN HAS TAKEN INTO CONSIDERATION THE IMPLICATIONS OF OVERLOOKING ADJACENT PROPERTIES AND HAS TAKEN APPROPRIATE MEASURES TO MINIMIZE ANY IMPACTS. CHANGE IN WALLS AND FENCES TO BE CONSIDERED.
- 6 PROPOSED PLANTING SPECIES TO BE CHOSEN TO COMPLEMENT THE BUILDING FORM.
- 7 UPPER AND LOWER LEVEL BUILDING FORMS ARE MANAGED WITH OFFSETS TO MINIMIZE VISUAL BULK.
- 8 THE INTRODUCTION OF LANDSCAPING ALONG DRIVEWAYS TO PROVIDE A VISUAL BREAKUP IN THE DRIVEWAYS AND MANAGE A SIGNATURE EFFECT.
- 9 THE MAINTENANCE OF PROPOSED VEGETATION WILL ENHANCE INTERFACES POSSIBLE BETWEEN THE PROPOSED DEVELOPMENT AND ADJACENT PROPERTIES.
- 10 STREET LIGHT RELAYANCE IS MANAGED FROM FRONT ROADS OF BUILDINGS.
- 11 ALL ENTRANCES ARE EASILY IDENTIFIABLE.
- 12 WINDOW STYLES TO COMPLEMENT ADJACENT WINDOW TYPES.
- 13 ALL MATERIALS ASSOCIATED WITH THE DEVELOPMENT ARE HIGHLIGHTED WITH SHADING TO IDENTIFY MATERIALS TO BE USED FOR LIGHT TREATMENT WALLS.
- 14 EXISTING INFRASTRUCTURE WITHIN THE DEVELOPMENT ARE TO BE INSTALLED AND MAINTAINED TO A STANDARD THAT DOES NOT IMPACT THE VISUAL IMPACT TO ADJACENT SERVICES WITHIN THE STREET.

PROJECT	NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park
CLIENT	NOBLE ONE DEVELOPMENT PTY LTD
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No.	A
Description	REV
Date	18/02/2020
DRAWING	Design Response
Scale	As Indicated
Checked	RR
Date	21/12/2020
Drawn	LX
TP 02	Ref No: 1921

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



PROPOSED FIRST FLOOR PLAN
 1:100

PROJECT
 NEW 41 LOT TOWNHOUSE DEVELOPMENT
 41 Lawn rd, Noble Park

CLIENT
 NOBLE ONE DEVELOPMENT PTY LTD

DESIGNS
 Beilo Design Group
 20/21 COOK ROAD, VIC 3106
 Ph: 03 9530 9222
 A.B.N. 54 953 283 528

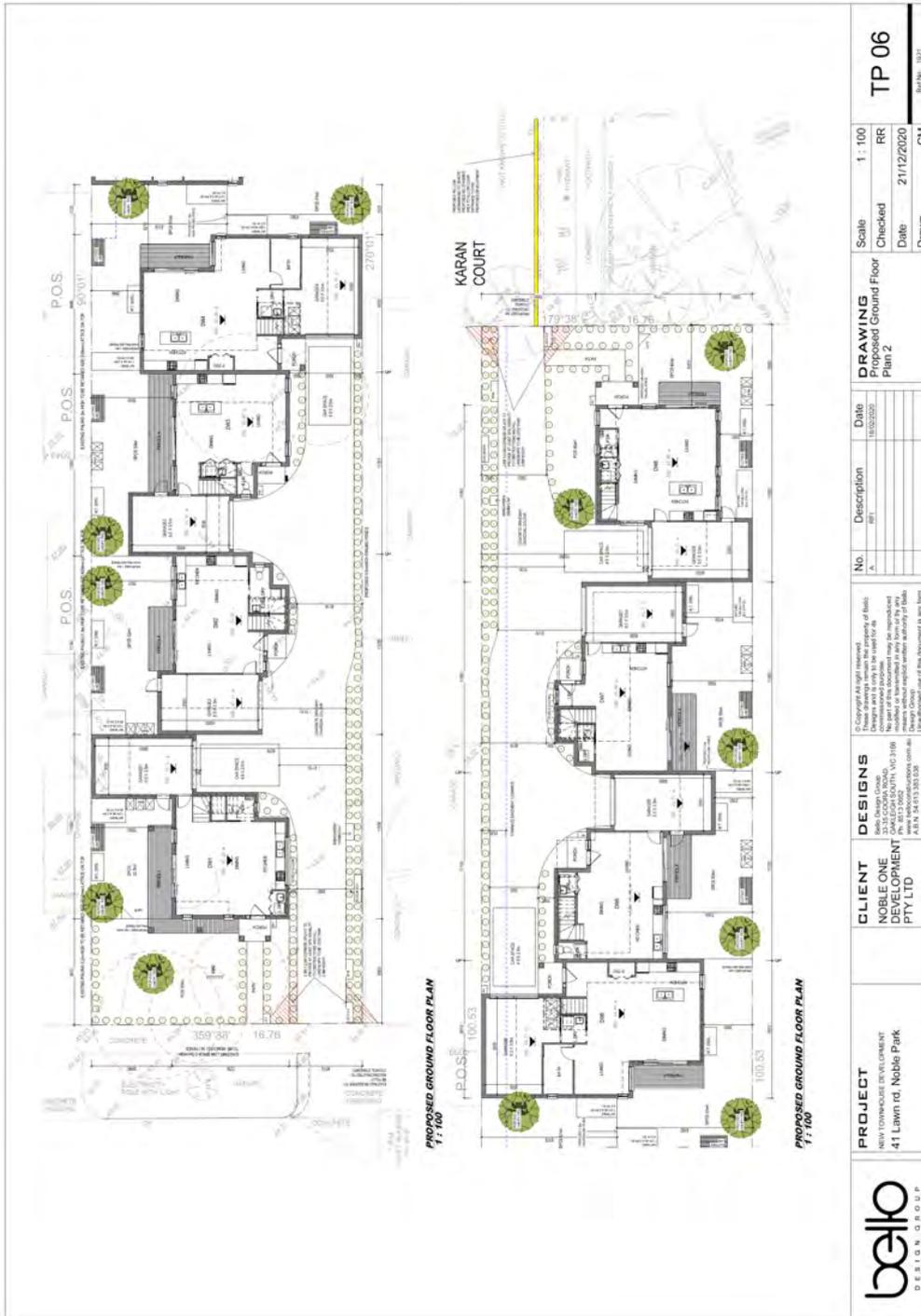
DRAWING
 Proposed First Floor
 Plan 1

Scale As indicated
 Checked RR
 Date 21/12/2020
 Drawn CM

TP 04
 Ref No: 1027

beilo
 DESIGN GROUP

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



	PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park	CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS bello DESIGN GROUP 2/150 DUNDAS STREET MAREEBOON SOUTH, VIC 3196 www.bello-design.com.au (03) 94 970 555/525 *Must be used in accordance with any form	No. Description Date 1. 01/11/2020	DRAWING Proposed Ground Floor Plan 2	Scale: 1:100 Checked: RR Date: 21/12/2020 Drawn: CM	TP 06 Number: 10/21
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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



	PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park	CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS bello Design Group 1/100 GARDNER STREET CAULFIELD SOUTH, VIC 3196 www.bello.com.au A.B.N. 54 613 38 038	© Copyright All rights reserved. This document is the property of bello Design Group and is to be used for the purposes only for which it is intended. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without explicit written authority of bello Design Group. Unauthorised use of this document in any form will be prosecuted.	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A.</td> <td>REV</td> <td>18/02/2020</td> </tr> </tbody> </table>	No.	Description	Date	A.	REV	18/02/2020	DRAWING Proposed First Floor Plan 2	Scale 1 : 100 Checked RR Date 21/12/2020 Drawn CM	TP 07 Ref No: 1921
	No.	Description	Date											
A.	REV	18/02/2020												

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



	PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park	CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS Bello Design Group CHALLEGRA COURT, VIC 3166 www.bello.com.au A.F.N. 44 613 363038	I warrant that the information contained herein is true and correct to the best of my knowledge and belief. No part of this document may be reproduced or transmitted in any form or by any means without the prior written authority of Bello Design Group. Unauthorised use of this document is strictly prohibited.	No. A	Description 201	Date 19/02/2020	DRAWING Garden Area	Scale 1 : 150	Checked RR	Date 21/12/2020	Drawn CM	TP 08 Ref No: 1921
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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

EAST ELEVATION
1:100

NORTH ELEVATION DWS-8
1:100

NORTH ELEVATION DWS-4
1:100

PROJECT
NEW TOWNHOMES DEVELOPMENT
41 Lawn rd, Noble Park

CLIENT
NOBLE ONE DEVELOPMENT PTY LTD

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NOBLE ONE DEVELOPMENT PTY LTD

DESIGNS
Bello Design Group
33-35 COOMA ROAD
PO BOX 1020
Noble Park, VIC 3106
A/N: 0813 35 3528
A/N: 0813 35 3528

No.
A

Description
Elevations 1

Date
18/02/2020

Scale
1:100

Checked
RR

Date
21/12/2020

Drawn
CM

DRAWING
Elevations 1

TP 09
TP No: 7521

bello
DESIGN GROUP

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

WEST ELEVATION
1:100

SOUTH ELEVATION DW1-4
1:100

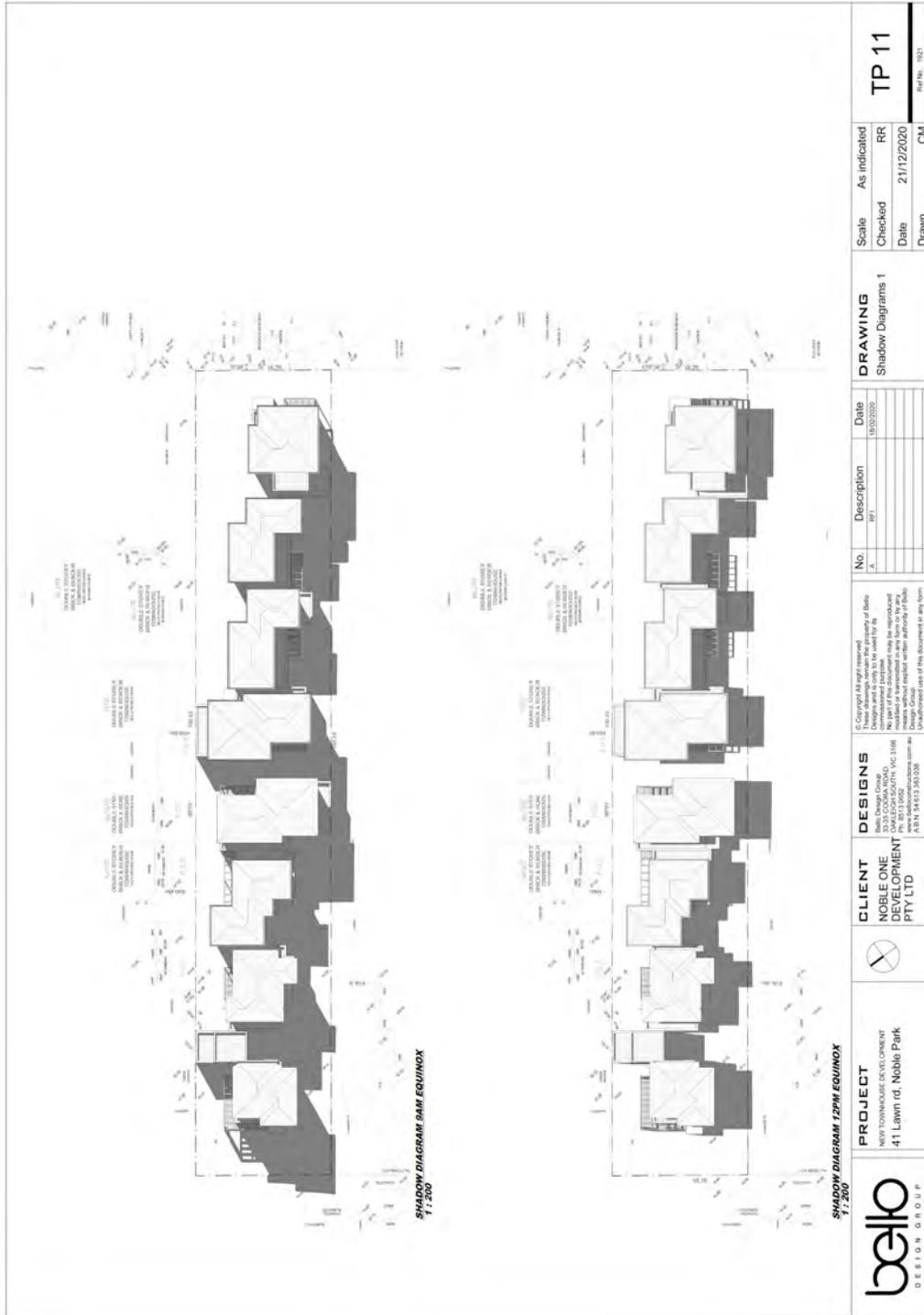
SOUTH ELEVATION DW5-3
1:100

SCHEDULE OF MATERIALS AND FINISH

GROUND FLOOR WALLS	FAZE BROCKWON AND RENDER
UPPER FLOOR WALLS	LIGHT WEIGHT RENDER FINISH
ROOF	CONCRETE TILE AND COLORBOND SHEETING
WINDOWS	POWERSHOUT ALUMINIUM
GLASS	CLEAR GLAZING (OBSCURED GLAZING)
GLASS DOORS	COLORBOND FINISH

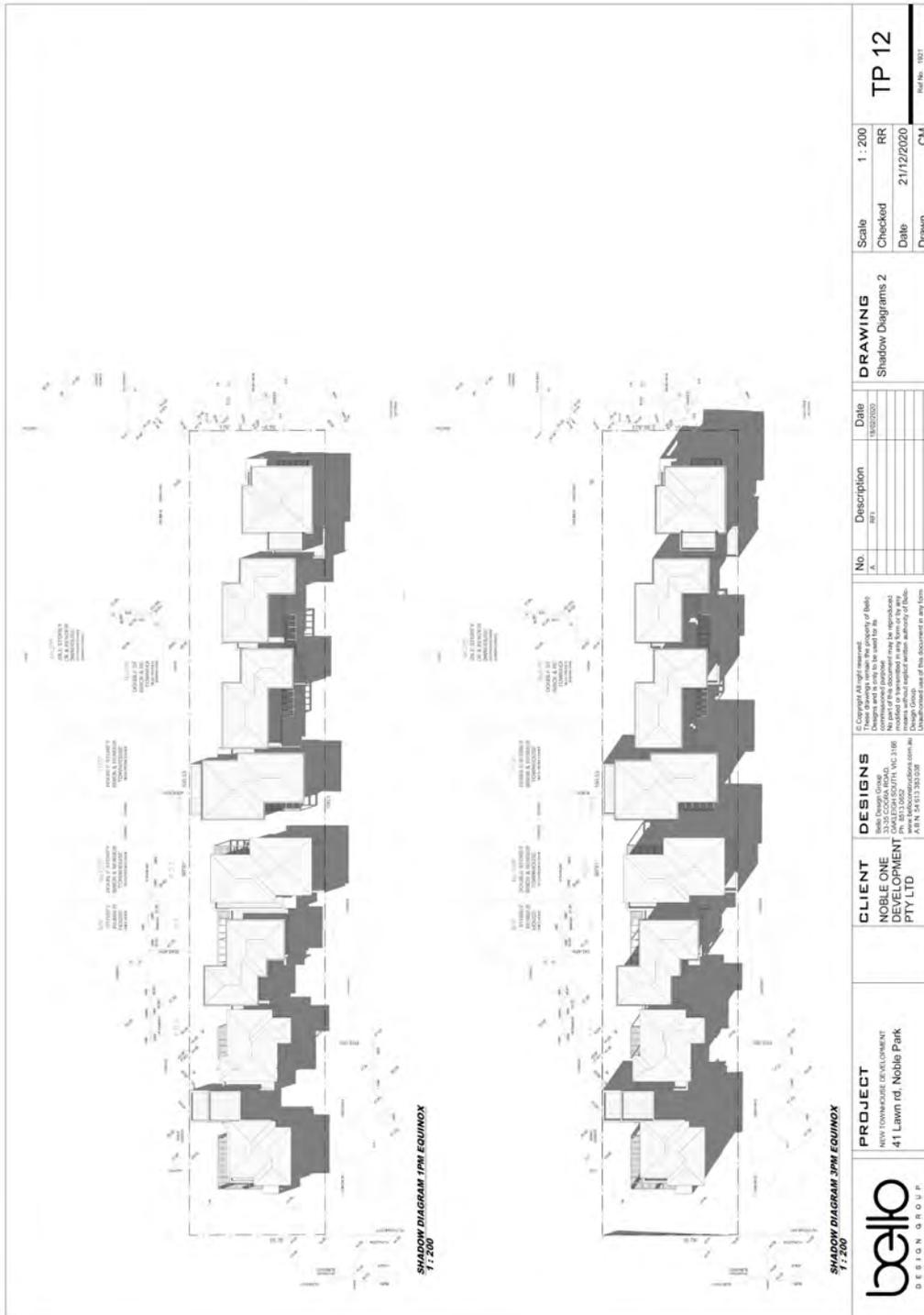
PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park	CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS 3703 COORNA ROAD Noble Park, VIC 3106 PH: 8513 0852 WWW.BELLODESIGNGROUP.COM.AU A/N: 84 613 730 028	DESIGNER BELL A	NO. A	DESCRIPTION Elevations 2	DATE 15/03/2020	SCALE 1:100	CHECKED RR	DATE 21/12/2020	DRAWN CM	PROJECT NO. TP 10

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



	PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park		CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS Beilo Design Group 23/24 COORINA ROAD, VIC 3106 Ph: 9513 5052 www.beilodesign.com.au A.B.N. 54 913 330 338	© Copyright All right reserved. No part of this document may be reproduced or transmitted in any form or by any means without express written authority of Beilo Design Group. Use of this document is prohibited.	No. Description Date A. REF. 19/02/2020	DRAWING Shadow Diagrams 1	Scale As indicated	Checked RR	Date 21/12/2020	Drawn CM	TP 11 <small>Ref No. 19/21</small>
								Drawn CM				

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



	PROJECT NEW TOWNHOUSE DEVELOPMENT 41 Lawn rd, Noble Park	CLIENT NOBLE ONE DEVELOPMENT PTY LTD	DESIGNS Beilo Design Group 33-34 COUGRA ROAD, NUNAWATTA VIC 3106 Ph: 03 93 5502 00 Fax: 03 93 5502 01 A.B.N. 54 93 330 328	© Copyright All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system without explicit written authority from Beilo Design Group. Unauthorised use of this document is prohibited.	No. Description A.	Date 21/12/2020	DRAWING Shadow Diagrams 2	Scale 1:200 Checked RR Date 21/12/2020 Drawn CM	TP 12 Ref No: 1801
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**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 41 LAWN ROAD, NOBLE PARK
(PLANNING APPLICATION NO. PLN19/0627)**

ATTACHMENT 2

LOCATIONS OF OBJECTORS

PAGES 2 (including cover)

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

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**



Subject Site



LOCATION OF OBJECTOR

MELWAY MAP REF: 80 – C12

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 41 LAWN ROAD, NOBLE PARK
(PLANNING APPLICATION NO. PLN19/0627)**

ATTACHMENT 3

CLAUSE 22.09 ASSESSMENT

PAGES 11 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Assessment Table for Clause 22

Clause 22.09-3.1 Design Principles for all residential developments

Title /Objective	Principles	Principle met/Principle not met/NA
Safety	To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that: Incorporate active frontages including ground floor habitable room windows.	Principle met The proposal would have active frontages with ground floor habitable room windows oriented towards both streets.
	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.	Principle met Passive surveillance of street and public realm is provided through windows fronting the streets at both ground and upper floor levels. Habitable room windows are oriented towards the internal accessway and car parking areas.
	Use semi-transparent fences to the street frontage.	Principle met No front fence is proposed
	Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.	Condition required High mounted sensor lighting should be requested above each garage together with bollard lighting along the common accessway to provide security at night. This could be conditioned.
	Ensure that all main entrances are visible and easily identifiable from the street.	Principle met Entrances would face the streets and easily identifiable from the streets.

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.</p>	<p>✓ Principle met The powder room of Unit 3 would be located adjacent to its entrance but the window to the powder room would be facing away from the entrance and is considered appropriate.</p>
<p>Landscaping</p>	<p>Residential development should: 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.</p>	<p>! Condition required A landscape plan has not been submitted as part of the application and would be requested as a condition of permit. It is noted that the proposal would be capable of accommodating substantial high quality landscaping, including screen planting and canopy trees within the frontages of each street and the rear secluded private open space area of each dwelling.</p> <p>! Condition required The ground floor plan has shown concept planting along the common accessway. A landscape plan has not been submitted as part of the application and would be requested as a condition of permit.</p> <p>! Condition required A landscape plan has not been submitted as part of the application and would be requested as a condition of permit. It is noted that the proposal would be capable of accommodating two canopy trees within the frontage and one per rear secluded private open space area. To ensure this outcome, it is recommended to be include as a condition of permit (should a permit be granted).</p> <p>! Condition required A landscape plan has not been submitted as part of the application and would be requested as a condition of permit.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

<p>Avoid the removal of existing mature trees by incorporating their retention into the site design.</p>	<p>! Condition required There are several trees on the site which would be removed for the development. The trees are not significant trees. Council's arborist has reviewed the Arboricultural Report submitted with the application and advised that the trees are appropriate for removal. Council's arborist also advised that the street tree on the nature strip of Lawn Road should be retained and fenced during the construction of the development. This could be conditioned.</p>
<p>Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.</p>	<p>✓ Principle met The frontages would be capable of accommodating two canopy trees and more than 70% of each street frontage could accommodate landscaping which would be capable of screening the built form when viewed from the streets.</p>
<p>Ensure that landscaping also addresses the Safety Design Principles.</p>	<p>✓ Principle met Concept landscaping shown on the floor plan shows that the planting would not obscure the entrances.</p>
<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>✓ Principle met The proposal would provide well-proportioned setbacks and private open space areas that would allow for canopy trees to be planted and grow to full maturity.</p>
<p>Landscaping should minimise the impact of increased storm water runoff through water sensitive urban design and reduced impervious surfaces.</p>	<p>✓ Principle met Landscaping is proposed that will have a water sensitive design. A 2000 litre rainwater tank is proposed to each dwelling.</p>
<p>Landscaping should be sustainable, drought tolerant, and include indigenous species and be supported through the provision of rainwater tanks.</p>	<p>! Condition required A landscape plan has not been provided. Should a permit be granted, a condition is recommended for the permit that landscaping include indigenous species.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

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>✓ Principle met Only one crossover is proposed on each street frontage of 16.76 metres</p> <p>✓ Principle met The garages would be located behind Unit 1 on Lawn Road and behind Unit 8 on Karan Court. The garages are well integrated with the development and hidden from the streets.</p> <p>✓ Principle met No parking is located within the frontages.</p> <p>Not Applicable Basement parking not proposed</p>
Setbacks, front boundary and width	<p>Residential developments should:</p> <p>Provide a front setback with fence design and height in keeping with the predominant street pattern.</p> <p>Maintain the apparent frontage width pattern.</p> <p>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.</p> <p>Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.</p> <p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p>	<p>✓ Principle met The proposed setbacks are in keeping with the adjoining dwellings and streetscape pattern. No front fence proposed</p> <p>✓ Principle met The existing frontage width pattern would not be significantly altered.</p> <p>✓ Principle met Side setbacks would allow for tree planting.</p> <p>✓ Principle met No front fence proposed</p> <p>✓ Principle met Each dwelling complies with the minimum secluded private open space areas under the Schedule to the Zone and is directly accessible from the main living area.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the useability of the space.</p> <p>Private open space should be positioned to maximise solar access.</p>	<p>✓ Principle met Indicative landscaping suggests that the private open spaces are usable spaces for domestic services and outdoor furniture and is capable of accommodating boundary landscaping.</p> <p>✓ Principle met The primary secluded private open spaces of the dwellings would be orientated as follow: Units 1, 2, 3 and 4: north facing. Unit 5: west facing Unit 6 and 7: south facing. Unit 8: east facing. Whilst some of the primary secluded private open spaces would not have north orientation, they would be generously setback from the walls to the north and would receive reasonable solar access and are considered appropriate.</p>
<p>Bulk & Built Form</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>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>✓ Principle met The upper floors do not encroach on the ground floor private open space</p> <p>Not Applicable Apartments not proposed</p> <p>✓ Principle met The proposed dwellings are designed to be in keeping with the streetscape and neighbourhood character. The proposal has incorporated a similar roof form, with a pitched roof with eaves. Window, door and roof proportions and heights are respectful of the dominant façade pattern within the broader area.</p> <p>✓ Principle met Balconies are not proposed</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<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>✓ Principle met The existing dwelling would be demolished for the proposed development.</p> <p>✓ Principle met The site is not adjacent to a heritage building</p>
<p>Site Design</p>	<p>Residential development should:</p> <p>Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties.</p> <p>Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance</p> <p>Ensure that building height, massing articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening.</p> <p>Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees.</p> <p>Provide suitable storage provisions for the management of operational waste</p> <p>Appropriately located suitable facilities to encourage public transport use, cycling and walking.</p>	<p>✓ Principle met No issues identified in regard to the overlooking and overshadowing in the Clause 55 assessment.</p> <p>✓ Principle met Large windows are proposed to enable thermal performance and lessen reliance on artificial heating and cooling.</p> <p>✓ Principle met The development would orientate the majority of habitable room windows toward the street where possible to limit the need for screening.</p> <p>✓ Principle met Sufficient setbacks are provided to the front, side and rear to allow for canopy and screen planting.</p> <p>✓ Principle met Storage areas have been provided for each dwelling.</p> <p>✓ Principle met The site is located conveniently close to the Sandown Park Train Station which is 490m to the northwest.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Materials & Finishes	Residential development should: Use quality, durable building materials and finishes that are designed for residential purposes.	<p>✓ Principle met The proposed materials of face brick, rendered walls and lightweight cladding are similar to those found in surrounding residential developments.</p>
	Avoid the use of commercial or industrial style building materials and finishes.	<p>✓ Principle met Materials are suited to residential developments</p>
	Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials.	<p>✓ Principle met The proposal has been well articulated through variation to form and materials and varying setbacks.</p>
	Use a consistent simple palette of materials, colours finishes and architectural detailing.	<p>✓ Principle met The colour palette is of a consistent simple nature.</p>
	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>✓ Principle met The materials chosen are durable.</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:	
	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.	<p>✓ Principle met The proposed mail boxes are located adjacent to the streets.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Be designed to avoid the location of domestic and building services:</p> <ul style="list-style-type: none"> • 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>✓ Principle met The majority of domestic services for Units 1 and 8 would be located within their prime secluded private open space areas. Unit 1's prime secluded private open space area is 32.5sqm, more than the 30sqm required and its total private open space is 113.5sqm, substantially more than the 50sqm required. Considering the size of the private open space area and total private open space area for Unit 1, the locations of the domestic services are considered appropriate. Domestic services for other dwellings are generally located away from the prime secluded private open space areas. The proposed mail boxes are located adjacent to the streets.</p>
<p>Internal Amenity</p>	<p>Residential development should:</p> <p>Ensure that dwelling layouts have connectivity between the main living area and private open space.</p> <p>Be designed to avoid reliance on borrowed light to habitable rooms.</p> <p>Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.</p> <p>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>	<p>✓ Principle met Living room and prime POS for each dwelling is connected.</p> <p>✓ Principle met Windows are provided to all habitable rooms and would not rely on borrow light.</p> <p>✓ Principle met The development would orientate the majority of habitable room windows toward the streets or common accessways.</p> <p>✓ Principle met All the dwellings would have ground floor living areas.</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 22.09-3.3 Design principles for Incremental Change Areas – General Residential Zone (GRZ) Principle met/Principle not met/NA	
Titles & Objectives	Principles
Preferred housing type	The preferred housing type for the Incremental Change Area is medium density. ✓ Principle met Medium density proposed
Building Height	The preferred maximum building height for land within the GRZ1 and GRZ2 is up to 2 storeys, including ground level. The preferred maximum building height for land within the GRZ3 is 3 storeys, including ground level. ✓ Principle met Two storeys proposed
Landscaping	Residential development should use landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties ✓ Principle met Adequate space would be reserved for landscaping which could accommodate canopy trees.
Setbacks, front boundary and width	Parking, paving and car access within the front boundary setback should be limited in order to maximise the opportunity for soft landscaping and prevent the over dominance of carports and garages in the street. ✓ Principle met Paving is limited to the 3-metre crossover within each street frontage.
Private open space	Residential development should provide secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing. ✓ Principle met The secluded private open space is located at either the side or rear of the dwellings.
Bulk & Built Form	Residential development should: <ul style="list-style-type: none"> ensure that the built form respects the scale of existing prevailing built form character and responds to site circumstances and streetscape; be well articulated through the use of contrast, texture, variation in forms, materials and colours. Residential development in the GRZ1 and GRZ2 should: <ul style="list-style-type: none"> provide separation between dwellings at the upper level; retain spines of open space at the rear of properties to maximise landscaping opportunities and protect private secluded open space; position more intense and higher elements of built form towards the front and centre of a site, transitioning to single storey elements to the rear of the lot. ✓ Principle met The built form is not dissimilar to the surrounding developments. ✓ Principle met All upper floors would be separated. No clear spine of open space located on the site.

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Within the GRZ1 and GRZ2 the rearmost dwelling on a lot should be single storey to ensure the identified future character of the area and the amenity of adjoining properties is respected by maximising landscaping opportunities and protecting adjoining private secluded open space.</p> <p>Two storey dwellings to the rear of a lot in the GRZ1 and GRZ2 may be considered where:</p> <ul style="list-style-type: none"> the visual impact of the building bulk does not adversely affect the identified future character of the area; overlooking and/or overshadowing does not adversely affect the amenity of neighbouring properties; the building bulk does not adversely affect the planting and future growth of canopy trees to maturity; sufficient side and rear boundary landscaping can be provided to screen adjoining properties; upper storey components are well recessed from adjoining sensitive interfaces. <p>Separation between upper levels of dwellings on a site in the GRZ3 is not generally needed, provided the building portrays a high standard of design and does not result in unreasonable amenity impacts.</p>	<p>✓ Principle met No clear spine of open space located on the site.</p> <p>N/A The site is within the GRZ1 and not within the GRZ3.</p>
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Note: Other requirements also apply. These can be found at the schedule to the applicable zone.

If the details of the attachment are unclear please contact Governance on 8571 5309.

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 41 LAWN ROAD, NOBLE PARK
(PLANNING APPLICATION NO. PLN19/0627)**

ATTACHMENT 4

CLAUSE 52.06 ASSESSMENT

PAGES 6 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Assessment Table - Clause 52.06

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design Standards	Assessment	Requirement met/Requirement not met/NA
<p>Design standard 1 - Accessways</p>	<p>Accessways must:</p> <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. • If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed to that cars can exit the site in a forward direction. • 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 Road Zone. 	<p>✓ Standard met The proposed accessways are 3 metres wide each.</p> <p>✓ Standard met There would be internal radius of 4m for vehicles to turn on the site and exit in a forward direction from the common driveway. The proposal was referred to Council's Transport Engineers, who had no concerns with the proposed parking layout.</p> <p>Not Applicable</p> <p>✓ Standard met The accessway or garage doors would have a headroom clearance of at least 2.1m.</p> <p>✓ Standard met There would be internal radius of 4m for vehicles to turn on the site and exit in a forward direction from the common driveway. The proposal was referred to Council's Transport Planning Unit, who had no concerns with the proposed parking layout.</p> <p>Not Applicable</p>

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<ul style="list-style-type: none"> Have a corner splay or area at least 50 percent 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, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height. <p>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.</p> <p>If entry to the car space is from a road, the width of the accessway may include the road.</p>	<p>✓ Standard met Corner splays have been provided and annotated.</p> <p>Not Applicable Each accessway service less than 10 car spaces and the site does not adjoin a Road Zone.</p> <p>Not Applicable</p>																																
<p>Design standard 2 – Car parking spaces</p>	<p>Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.</p> <p>Table 2: Minimum dimensions of car parking spaces and accessways</p> <table border="1" data-bbox="587 880 879 1556"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td></td> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table> <p><i>Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).</i></p>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m		5.8 m	2.8 m	4.9 m		5.2 m	3.0 m	4.9 m		4.8 m	3.2 m	4.9 m	<p>✓ Standard met The tandem car spaces of Units 1, 4, 5 and 8 would be 2.6m wide by 4.9m long.</p>
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																															
Parallel	3.6 m	2.3 m	6.7 m																															
45°	3.5 m	2.6 m	4.9 m																															
60°	4.9 m	2.6 m	4.9 m																															
90°	6.4 m	2.6 m	4.9 m																															
	5.8 m	2.8 m	4.9 m																															
	5.2 m	3.0 m	4.9 m																															
	4.8 m	3.2 m	4.9 m																															

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

<p>✓ Standard met Proposed garages and car spaces provided would have sufficient internal clearance and not obstructed.</p>	<p>A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:</p> <ul style="list-style-type: none"> • A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1. • A structure, which may project into the space if it is at least 2.1 metres above the space. <p>Diagram 1 Clearance to car parking spaces</p>	<p>✓ Standard met The double garages provided would be 5.5m wide x 6m long and single garages would be 3.5m wide by 6m long.</p>
<p>! Variation required Gaps of 260mm are shown between the tandem car spaces and the front of the brick walls to Garages 1 and 8. The roller doors to these garages would be behind the brick walls. The brick walls of the garages are 230mm thick. Thus, the gap between the tandem car spaces and the roller doors would be 490mm, 10mm below the standard. The minor variation of 10mm would not obstruct vehicle accessibility or turning on the site and is considered appropriate.</p>	<p>Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.</p>	<p>! Variation required Gaps of 260mm are shown between the tandem car spaces and the front of the brick walls to Garages 1 and 8. The roller doors to these garages would be behind the brick walls. The brick walls of the garages are 230mm thick. Thus, the gap between the tandem car spaces and the roller doors would be 490mm, 10mm below the standard. The minor variation of 10mm would not obstruct vehicle accessibility or turning on the site and is considered appropriate.</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.</p> <p>Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>✓ Standard met Each dwelling would have at least 1 undercover car space.</p> <p>Not Applicable</p>													
<p>Design standard 3: Gradients</p>	<p>Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.</p> <p>Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.</p> <p>Table 3: Ramp gradients</p> <table border="1" data-bbox="587 875 798 1547"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table> <p>Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.</p> <p>Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.</p> <p>Mechanical parking may be used to meet the car parking requirement provided:</p> <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 the require the operation of the system are not allowed to visitors unless used in a valet parking situation. The design and operation is to the satisfaction of the responsible authority. 	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	<p>✓ Standard met The land is mostly flat with a fall of 0.8m from Lawn Road to Karan Court. The grades of the driveways would not be steeper than 1:10 within 5m of each frontage.</p> <p>Not Applicable</p>
Type of car park	Length of ramp	Maximum grade													
Public car parks	20 metres or less	1:5 (20%)													
	longer than 20 metres	1:6 (16.7%)													
Private or residential car parks	20 metres or less	1:4 (25%)													
	longer than 20 metres	1:5 (20%)													
<p>Design standard 4: Mechanical parking</p>															

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Design standard 5: Urban design	Ground level car parking, garage doors and accessways must not visually dominate public space.	<p>✓ Standard met All car spaces would be behind Units 1 and 8 and not dominate the streets.</p>
	Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	<p>✓ Standard met Car parking within the garages would integrate with the design of the building and would not be visually dominating.</p>
	Design of car parks must take into account their use as entry points to the site.	<p>✓ Standard met Proposed car parks are appropriate.</p>
	Design of new internal streets in developments must maximise on street parking opportunities.	<p>Not Applicable</p>
Design standard 6: Safety	Car parking must be well lit and clearly signed.	<p>! Condition required Security lighting could be required as a condition of any permit to be granted.</p>
	The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	<p>✓ Standard met The car spaces and common driveways would have natural surveillance from habitable room windows from the ground floors habitable room windows.</p>
	Pedestrian access to car parking areas from the street must be convenient.	<p>✓ Standard met Access to the car parking areas would be convenient from the street.</p>
	Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	<p>✓ Standard met The street adjoining the site is not a high traffic street.</p>
Design standard 7: Landscaping	The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.	<p>✓ Standard met Landscaping would be provided along both sides of the accessways to provide adequate catchment areas for water run-off.</p>
	Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	<p>✓ Standard met Landscaping would be provided along both sides of the accessways.</p>
	Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.	<p>✓ Standard met Substantial landscaping and adequate spacing for canopy trees have been provided.</p>

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
(Cont.)**

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION – NO. 41 LAWN ROAD, NOBLE PARK
(PLANNING APPLICATION NO. PLN19/0627)**

ATTACHMENT 5

CLAUSE 55 ASSESSMENT

PAGES 35 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

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

Clause 55.02-1 Neighbourhood character objectives

Title & Objective	Standard (Summarised)	Standard Met/Standard Not Met/N/A
<p>Standard B1</p>	<p>The design response must be appropriate to the neighbourhood and the site.</p>	<p>Standard met</p> <p>The design response is considered appropriate in the context of the site and surrounding area, with a proposal for a medium density residential development in an established and well-serviced area.</p> <p>At a site level, the design response has considered matters relating to overshadowing and overlooking, with compliance with all relevant standards and objectives.</p> <p>The provision of areas of landscaping responds to the landscaped character of the surrounding area and the use of brickwork, rendered first floor and pitched roofing generally matches the style and materials palette of the wider area.</p> <p>The proposal has been designed in a way to respect the area while delivering on the expectations for medium density development.</p> <p>See Clause 22.09 Assessment for further discussion.</p>
<p>Decision Guidelines</p>	<p>The proposed design response must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Standard met</p> <p>See Clause 22.09 Assessment for further discussion.</p>
<p>Objectives</p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The neighbourhood and site description.</p> <p>The design response.</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	

If the details of the attachment are unclear please contact Governance on 8571 5309.

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.02-2 Residential policy objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B2	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 PPF and the LPPF, including the MSS and local planning policies.	Standard met The application was accompanied by a written assessment of the proposal against the relevant PPF and Local Policies.
Decision Guidelines	The PPF and the LPPF including the MSS and local planning policies. The design response.	
Objectives	To ensure that residential development is provided in accordance with any policy for housing in the PPF and the LPPF, including the MSS and local planning policies. To support medium densities in areas where development can take advantage of public and community infrastructure and services.	Objective met

Clause 55.02-3 Dwelling diversity objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B3	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. 	N/A As less than 10 dwellings proposed.
Objective	To encourage a range of dwellings sizes and types in developments of ten or more dwellings.	Objective met

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.02-4 Infrastructure objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B4	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>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.</p>	<p>Standard met Development can be suitably accommodated into infrastructure of the established area.</p> <p>Standard met Development can be suitably accommodated into infrastructure of the established area.</p> <p>Standard met Development can be suitably accommodated into infrastructure of the established area.</p>
Decision Guidelines	<p>The capacity of the existing infrastructure.</p> <p>In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the SEPP (Waters of Victoria) under the EPA 1970.</p> <p>If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	
Objectives		<p>Objective met</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.02-5 Integration with the street objective

Title & Objective	Standards	Standard Met/Standard Not Met/N/A
Standard B5	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Developments should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p> <p>Any relevant urban design objective, policy or statement set out in this scheme. The design response.</p>	<p>Standard met Each dwelling is accessible by vehicles and pedestrians.</p> <p>Standard met Units 1 to 4 would face Lawn Road and Units 5 to 8 would face Karan Court. The remaining units face the internal accessways.</p> <p>Standard met No front fence proposed.</p> <p>N/A The site is not next to public open space.</p>
Decision Guidelines		
Objective	To integrate the layout of development with the street.	Objective met

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.03-1 Street setback objective

Title & Objective	Standards		Standard Met/Standard Not Met/NA														
<p>Standard B6</p> <p>Walls of buildings should be set back from streets at least the distance specified in a schedule to the zone:</p> <p>GRZ: 7.5 metres or as per Table B1, whichever is the lesser.</p> <p>Table B1 Street setback</p> <table border="1" data-bbox="375 907 1109 1624"> <thead> <tr> <th data-bbox="375 1355 430 1624">Development context</th> <th data-bbox="375 1131 430 1355">Minimum setback from front street (metres)</th> <th data-bbox="375 907 430 1131">Minimum setback from a side street (metres)</th> </tr> </thead> <tbody> <tr> <td data-bbox="430 1355 566 1624">There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td> <td data-bbox="430 1131 566 1355">The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td> <td data-bbox="430 907 566 1131">Not applicable</td> </tr> <tr> <td data-bbox="566 1355 678 1624">There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td> <td data-bbox="566 1131 678 1355">The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td> <td data-bbox="566 907 678 1131">Not applicable</td> </tr> <tr> <td data-bbox="678 1355 758 1624">There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td> <td data-bbox="678 1131 758 1355">6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td data-bbox="678 907 758 1131">Not applicable</td> </tr> <tr> <td data-bbox="758 1355 1109 1624">The site is on a corner.</td> <td data-bbox="758 1131 1109 1355">If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td> <td data-bbox="758 907 1109 1131">Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td> </tr> </tbody> </table>	Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable	The site is on a corner.	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.	<p>Variation required</p> <p>This standard requires front walls of buildings should be set back from streets at least the distance specified in a schedule to the zone (which is 7.5m) or the average of the two adjoining properties.</p> <p>The front setback of dwelling 1 would be 6.61 metres from Lawn Road. The dwelling on the adjoining property to the north has a front setback of 5.62m and the dwelling on the adjoining property to the south has a front setback of 9.82m. Their average front setback would be 7.71m.</p> <p>It is noted that the development at No. 36-38 Lawn Road (23m to the northwest) has a setback to Lawn Road of approximately 3.5m and No. 42 Lawn Road (22m to the southwest) has a front setback of approximately 6.5m.</p> <p>Taking into account the setbacks of the surrounding developments on Lawn Road, it is considered that the proposed 6.61m front setback to Lawn Road is not out of character with the surrounding developments.</p> <p>On Karan Court, the front setback of the adjoining property to the east at 22 Karan Court is 4m. On the adjoining land to the north which has eleven (11) dwellings, the front setback of the nearest dwelling to Karan court is 23m. The average front setback of the two (2) adjoining properties would be 13.5m. The proposed Unit 8 would have a setback of 5m to Karan Court.</p>	
Development context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)															
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable															
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable															
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<p>Decision Guidelines</p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p>																

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation within the front setback.</p>	
Objective	<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>✓ Objective met</p> <p>It is considered that a variations to setbacks would not alter the character of the area and is appropriate for the site.</p>

Clause 55.03-2 Building height objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B7	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>GRZ: 11 metres / 3 storeys mandatory maximum (refer Clause 32.08-9)</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, 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 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>Standard met</p> <p>Proposed maximum height is 7.74m (Unit 8 – North elevation).</p> <p>N/A</p> <p>✓ Standard met</p> <p>The proposed first floors would be generally recessed from the ground floors to provide a transition of single storey element to the surrounding developments. In particular, the two (2) dwellings to the rear (Units 4 and 5), would be provided with a generous separation of 3.42m and are well setback from the adjoining properties</p>
Decision Guidelines	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.</p> <p>The design response.</p> <p>The effect of the slope of the site on the height of the building.</p> <p>The relationship between the proposed building height and the height of existing adjacent buildings.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p>	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Objective	To ensure that the height of buildings respects the existing or preferred neighbourhood character	✓ Objective met
Clause 55.03-3 Site coverage objective		
Title & Objective	Standards Standard Met/Standard Not Met/NA	
Standard B8	The site area covered by buildings should not exceed: <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent. GRZ1: 60% (none specified)	✓ Standard met Lot size 1685sqm Maximum site coverage permitted: 60%. Site coverage provided: 39.6%
Decision Guidelines	Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The existing site coverage and any constraints imposed by existing development or the features of the site. The site coverage of adjacent properties The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.	
Objective	To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	✓ Objective met

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.03-4 Permeability objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B9	The site area covered by the pervious surfaces should be at least: <ul style="list-style-type: none"> • The minimum areas specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 per cent of the site. GRZI: 30%	Standard met Minimum permeability required: 30%. Permeability provided: 38.8%.
Decision Guidelines	The design response. The existing site coverage and any constraints imposed by existing development. The capacity of the drainage network to accommodate additional stormwater. The capacity of the site to absorb run-off. The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.	
Objectives	To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	Objective met

Clause 55.03-5 Energy efficiency objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B10	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. 	Standard met All the dwellings would be provided with north-facing windows.

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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>Living areas and private open space should be located on the north side of the development, if practicable.</p>	<p>✓ Standard met The primary secluded private open spaces of the dwellings would be orientated as follow: Units 1, 2, 3 and 4: north facing. Unit 5: west facing Unit 6 and 7: south facing. Unit 8: east facing. Whilst some of the primary secluded private open spaces would not have north orientation, they would be generously setback from the walls to the north and would receive reasonable solar access and are considered appropriate.</p> <p>✓ Standard met All the dwellings would be provided with north-facing windows.</p>
<p>Decision Guidelines</p>	<p>Developments should be designed so that solar access to north-facing windows is maximised.</p> <p>The design response.</p> <p>The size, orientation and slope of the lot.</p> <p>The existing amount of solar access to abutting properties.</p> <p>The availability of solar access to north-facing windows on the site.</p>	
<p>Objectives</p>	<p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>✓ Objective met</p>

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
 (Cont.)**

Clause 55.03-6 Open space objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B11	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 useable. 	N/A No communal or public open space proposed.
Decision Guidelines	Any relevant plan or policy for open space in the PPF and the LPPF, including the MSS and local planning policies. The design response.	
Objective	To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	✓ Objective met

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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.03-7 Safety objective

Title & Objective	Standards	Standard Met/Standard Not Met/N/A
<p>Standard B12</p>	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p>	<p>Standard met The entrances to Units 1 to 4 would be easily visible from Lawn Road. Visibility of the entrances to Units 5 to 8 from Karan Court would be limited due to the frontage to Karan Court been limited to the proposed driveway. The design has provided the driveway for Units 5 to 8 on the northern boundary to improve visibility of the entrances from Karan Court. Considering the site constraints, the design as submitted is considered appropriate.</p>
	<p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p>	<p>Standard met Planting along the shared accessways would be low ground cover plants which would not reduce visibility of the entrances of the dwellings.</p>
	<p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p>	<p>Condition required Security lighting provided could be required above each garage and along the common driveways.</p>
	<p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Standard met Private spaces are delineated by fencing.</p>
<p>Decision Guidelines</p>	<p>The design response.</p>	
<p>Objectives</p>	<p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Objective met</p>

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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.03-8 Landscaping objectives

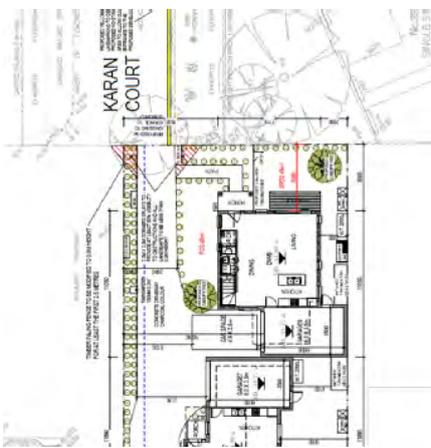
Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p>Standard B13</p>	<p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. 	<p>Standard Met/Standard Not Met/NA</p> <p>! Condition required</p> <p>Adequate space has been provided to allow landscaping including canopy trees within the secluded private open spaces and front yard. A detailed landscape plan incorporating native canopy trees could be required as a condition of approval.</p>
	<p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p>	<p>Standard met</p> <p>There are several trees on the site which would be removed for the development. The trees are not significant trees. Council's arborist has reviewed the application and the Arboricultural Report submitted with the application and advised that the trees are appropriate for removal.</p>
	<p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</p>	<p>! Condition required</p> <p>No significant trees would be removed. Replacement trees would be provided via condition of approval.</p>
	<p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p>	<p>! Condition required</p> <p>As above, a landscape plan would be requested as a condition of any permit to be granted.</p>
	<p>Development should meet any additional landscape requirements specified in a schedule to the zone. All schedules to all residential zones: "70% of ground level front setback, and side and rear setbacks, planted with substantial landscaping and canopy trees."</p>	<p>Standard met</p> <p>70% of the front, side and rear setback areas would be provided with landscaping.</p>
	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p>	
	<p>Any relevant plan or policy for landscape design in the SPPF and the LPPF, including the MSS and local planning policies.</p>	
	<p>The design response.</p>	
	<p>The location and size of gardens and the predominant plant types in the neighbourhood.</p>	
	<p>The health of any trees to be removed.</p>	
<p>Decision Guidelines</p>		

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

<p>Objectives</p>	<p>Whether a tree was removed to gain a development advantage.</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>✓ Objective met</p>
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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.03-9 Access objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p>Standard B14</p>	<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	<p>Standard met</p> <p>Street frontage to Lawn Road = 16.76m Maximum accessway width permitted: 40% or 6.7m Accessway width provided: 17.9% or 3m</p> <p>Frontage to Karan Court = 7.59m Maximum accessway width permitted: 40% or 6.7m Accessway width provided: 39.52% or 3m</p> <p>Frontage to Karan Court shown below:</p>  <p>Standard met. Each crossover would be single width (3m wide).</p>
	<p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p>	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

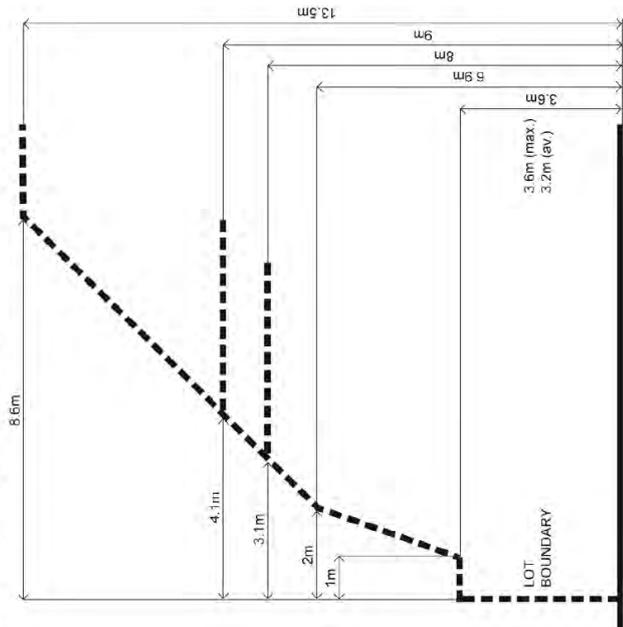
	The location of crossovers should maximise retention of on-street car parking spaces.	✓ Standard met No on-street car parking would be lost from the proposed development.
	The number of access points to a road in a Road Zone should be minimised.	N/A The site does not adjoin a Road Zone.
	Developments must provide for access for service, emergency and delivery vehicles.	✓ Standard met The accessways provided would be adequate in size for service, emergency and delivery vehicles.
Decision Guidelines	The design response.	
	The impact on neighbourhood character.	
	The reduction of on-street car parking spaces.	
	The effect on any significant vegetation on the site and footpath.	
Objectives	To ensure the number and design of vehicle crossovers respects the neighbourhood character.	✓ Objective met

Clause 55.03-10 Parking location objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B15	Car parking facilities should: <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. 	✓ Standard met Car parking facilities for each dwelling would be close and convenient for each dwelling. The garages of each dwelling would be secure and would be capable of being well ventilated.
	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.	✓ Standard met Habitable room windows would be setback from the common accessways.
Decision Guidelines	The design response.	
Objectives	To provide convenient parking for residents and visitors vehicles.	✓ Objective met
	To protect residents from vehicular noise within developments.	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-1 Side and rear setbacks objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p>Standard B17</p>	<p>A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 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>Diagram B1 Side and rear setbacks</p>  <p>The diagram illustrates a lot boundary with various setbacks. A dashed line represents a height-based setback profile. The setbacks are labeled as follows: 1m, 2m, 3.1m, 4.1m, 5.5m, 8m, 9m, and 13.5m. A note indicates 3.6m (max) and 3.2m (av.) for the lot boundary.</p>	<p>Standard met</p> <p>The diagrams on the elevation plans show that the walls not on the boundaries would be setback in accordance with this standard.</p>
	<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</p>	<p>Standard met</p> <p>There are no encroachments more than 0.5m into the</p>

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2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>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>setback area.</p> <p>✓ Standard met There are no landings that encroach into the setback standard more than 2sqm and 1m high.</p>
<p>Decision Guidelines</p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.</p> <p>Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.</p> <p>Whether the wall abuts a side or rear lane.</p>	
<p>Objectives</p>	<p>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>	<p>✓ Objective met</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-2 Walls on boundaries objective

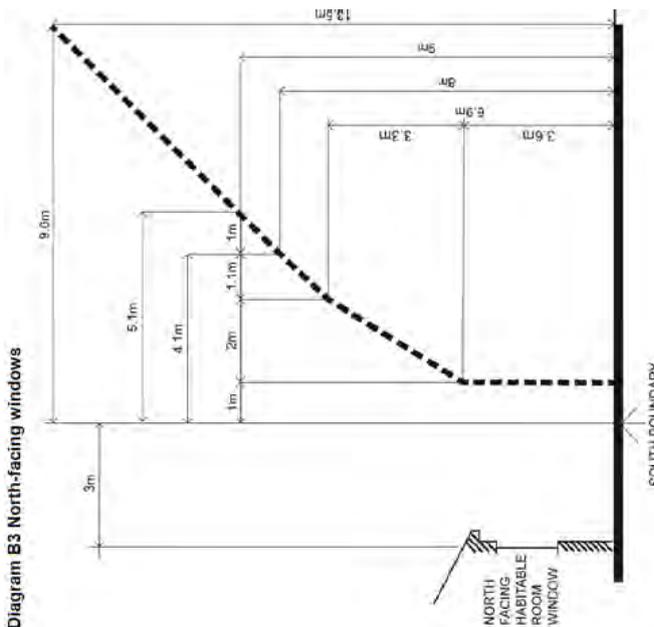
Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p>Standard B18</p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary.</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in the schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <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.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200 mm 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>Standard met The garages of Units 1, 4, 5 and 8 would be on the side boundaries.</p> <p>Allowable length of wall on each side boundary is 10m + 25% of remaining length. The length on the site on each side boundary is 100.53m and the allowable length is 10 + 25% of 90.53m = 32.63m.</p> <p>The proposed walls on the northern side boundary is 10.46m (Garages 1 and 5) and on the southern boundary is 10.46m (Garages 4 and 8).</p> <p>Standard met</p> <p>Standard met Some of the proposed walls would be on the side boundaries.</p> <p>Standard met Proposed walls on the boundaries would not exceed an average height of 3.2m.</p>
<p>Decision Guidelines</p>	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The extent to which walls on boundaries are part of the neighbourhood character.</p> <p>The impact on the amenity of existing dwellings.</p> <p>The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</p> <p>The orientation of the boundary that the wall is being built on.</p> <p>The width of the lot.</p> <p>The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</p> <p>Whether the wall abuts a side or rear lane.</p>	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

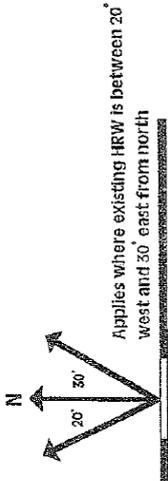
<p>Objectives</p>	<p>The need to increase the wall height to screen a box gutter. To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>✓ Objective met</p>
<p>Clause 55.04-3 Daylight to existing windows objective</p>		
<p>Title & Objective</p>	<p>Standard Met/Standard Not Met/NA</p>	
<p>Standard B19</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>✓ Standard met Light courts of habitable room windows on the adjoining properties would not be impacted by the proposed development.</p>
	<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>✓ Standard met Existing habitable room windows on adjoining properties would not be impacted by the proposal.</p>
<p>Diagram B2 Daylight to existing windows</p>		
<p>Decision Guidelines</p>	<p>The design response. The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. The impact on the amenity of existing dwellings.</p>	
<p>Objective</p>	<p>To allow adequate daylight into existing habitable room windows.</p> <p>✓ Objective met</p>	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-4 North-facing windows objective

Title & Objective	Standards	Standard Met/Standard Not Met/N/A
<p>Standard B20</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.</p> <p>Diagram B3 North-facing windows</p> 	<p>N/A</p> <p>There are no existing north facing windows on the adjoining property to the south within 3m of the southern boundary of the subject site. The dwelling on the adjoining land to the south is located 6.1m from the southern boundary of the subject site.</p>
	<p>A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p>	

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	 <p>Applies where existing HRW is between 20° west and 30° east from north</p>	
Decision Guidelines	<p>The design response. Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.</p>	
Objective	<p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>✓ Objective met</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-5 Overshadowing open space objective

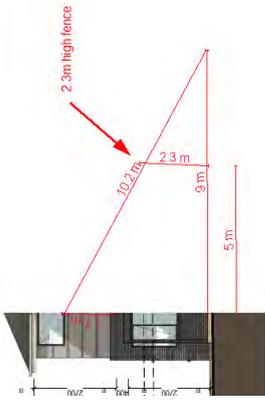
Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B21	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 Sept.</p>	<p>Standard met The only adjoining land that will be partially overshadowed by the proposed development is the adjoining land to the south has one (1) single storey dwelling with a driveway, carport, garage and a shed on its northern boundary. Whilst some shadow would be cast to its secluded private open space area, more than 75% and at least 40sqm of its secluded private open space would not be overshadowed by the proposed development.</p>
Decision Guidelines	<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>The design response.</p> <p>The impact on the amenity of existing dwellings.</p> <p>Existing sunlight penetration to the secluded private open space of the existing dwelling.</p> <p>The time of day that sunlight will be available to the secluded private open space of the existing dwelling.</p> <p>The effect of a reduction in sunlight on the existing use of the existing secluded private open space.</p>	<p>Standard met As above.</p>
Objective	<p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Objective met</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-6 Overlooking objective

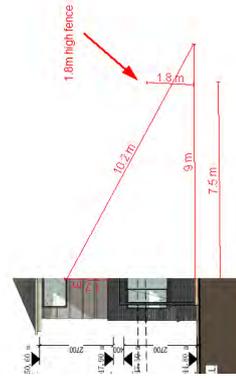
Title & Objective	Standards	Standard Met/Standard Not Met/NA
<p>Standard B22</p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p>	<p>Diagram B4. Overlooking open space</p> <p>Diagram B4. Overlooking open space</p>	<p>Standard met</p> <p>All shared boundary fences with the adjoining properties would be at least 1.8m high. There would no overlooking from the ground floor habitable room windows to the adjoining properties.</p> <p>On the first floors, the proposed development would have some habitable room windows facing the adjoining properties to the north and south.</p> <p>The adjoining property to the north contains eleven (11) double storey dwellings and one (1) single storey dwelling. Some of the adjoining properties to the north have their secluded private open spaces adjacent to the subject site. On the north elevation, the first floor bedroom window of Dwelling 5 would be provided with fixed obscured glazing to 1.7m above finished floor level and would not overlook the secluded private open spaces of the adjoining properties to the north. Whilst some proposed first floor clear glazed habitable room windows would be within 9m of the secluded private open spaces of the adjoining properties to the north, the comply with the standard due to the 2.3m high boundary fence. A diagram is provided to demonstrate how the windows comply with the standard.</p> <p>A diagram is provided below for information</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)



The adjoining property to the south has 1 dwelling with a driveway, carport, garage and shed and part of the secluded private open space located adjacent to the subject site. The first floor south facing windows of Dwellings 1 to 3 would only overlook only the driveway and carport / garage of the adjoining property to the south. The first floor south facing habitable room windows of Dwellings 6 and 7 would not overlook the secluded private open space of the adjoining property to the south due to the 7.5m setback and 1.8m high boundary fence along the southern boundary.

A diagram is provided below for information



ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio 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>Obscure glazing in any part of the window below 1.7 metres above floor level may be operable provided that there are no direct views as specified in this standard.</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>The 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>✓ Standard met As above.</p>
<p>Decision Guidelines</p>	<p>The design response.</p> <p>The impact on the amenity of the secluded private open space or habitable room window.</p> <p>The existing extent of overlooking into the secluded private open space and habitable room window of existing dwellings.</p> <p>The internal daylight to and amenity of the proposed dwelling or residential building.</p>	<p>✓ Standard met As above.</p>
<p>Objective</p>	<p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>✓ Objective met</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.04-7 Internal views objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B23	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.	Standard met There would be no internal overlooking.
Decision Guidelines	The design response.	
Objective	To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Objective met

Clause 55.04-8 Noise impacts objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B24	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	Standard met No noise sources apparent. Standard met No noise sources apparent. Standard met The site does not adjoin busy roads, railway lines or industry.
Decision Guidelines	The design response.	
Objectives	To contain noise sources within development that may affect existing dwellings. To protect residents from external noise.	Objective met

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.05-1 Accessibility objective

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B25		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.	Standard met The floor levels proposed are not excessive high and could be accessible to people with limited mobility.
Objective		To encourage the consideration of the needs of people with limited mobility in the design of developments.	Objective met

Clause 55.05-2 Dwelling entry objective

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B26		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. 	Standard met The entrance to each dwelling is provided with an entry point to provide a sense of address and can be identified from the streets or the internal accessways.
Objective		To provide each dwelling or residential building with its own sense of identity.	Objective met

Clause 55.05-3 Daylight to new windows objective

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B27		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 on third of its perimeter, or • A carport provided it has two or more open sides and is open for at least on third of its perimeter. 	Standard met Each habitable room window would face an outdoor space.
Decision Guidelines		The design response. Whether there are other windows in the habitable room which have access to daylight.	
Objective		To allow adequate daylight into new habitable room windows.	Objective met

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.05-4 Private open space objective

Title & Objective	Standards	Standard Met/Standard Not Met/NA																																				
Standard B28	<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>GRZ2: <i>“An area of 50 square metres of ground level, private open space, 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 30 square metres, and a minimum dimension of 5 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 rooftop area of 10 square metres with a minimum width of 2.0 metres and convenient access from a living room”</i></p>	<p>Standard met</p> <p>The private open spaces for the dwellings are as follow (in square metres):</p> <table border="1" data-bbox="375 380 638 840"> <thead> <tr> <th></th> <th>Ground floor private open space (sqm)</th> <th>Ground floor secluded private open space (sqm)</th> <th>Total (sqm)</th> </tr> </thead> <tbody> <tr> <td>Unit 1</td> <td>81</td> <td>32.5</td> <td>113.5</td> </tr> <tr> <td>Unit 2</td> <td>N/A</td> <td>52</td> <td>52</td> </tr> <tr> <td>Unit 3</td> <td>N/A</td> <td>50</td> <td>50</td> </tr> <tr> <td>Unit 4</td> <td>N/A</td> <td>57</td> <td>57</td> </tr> <tr> <td>Unit 5</td> <td>N/A</td> <td>61</td> <td>61</td> </tr> <tr> <td>Unit 6</td> <td>N/A</td> <td>50</td> <td>50</td> </tr> <tr> <td>Unit 7</td> <td>N/A</td> <td>55</td> <td>55</td> </tr> <tr> <td>Unit 8</td> <td>45</td> <td>49</td> <td>94</td> </tr> </tbody> </table> <p>Each dwelling would have a secluded private open space area of at least 30sqm with a minimum dimension of 5m and convenient access from a living room.</p>		Ground floor private open space (sqm)	Ground floor secluded private open space (sqm)	Total (sqm)	Unit 1	81	32.5	113.5	Unit 2	N/A	52	52	Unit 3	N/A	50	50	Unit 4	N/A	57	57	Unit 5	N/A	61	61	Unit 6	N/A	50	50	Unit 7	N/A	55	55	Unit 8	45	49	94
	Ground floor private open space (sqm)	Ground floor secluded private open space (sqm)	Total (sqm)																																			
Unit 1	81	32.5	113.5																																			
Unit 2	N/A	52	52																																			
Unit 3	N/A	50	50																																			
Unit 4	N/A	57	57																																			
Unit 5	N/A	61	61																																			
Unit 6	N/A	50	50																																			
Unit 7	N/A	55	55																																			
Unit 8	45	49	94																																			
	<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 of 8 square metres with a minimum width of 1.6 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>N/A</p>																																				
Decision Guidelines	<p>The design response.</p> <p>The useability of the private open space, including its size and accessibility.</p> <p>The availability of and access to public or communal open space.</p> <p>The orientation of the lot to the street and the sun.</p>																																					

**2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627)
 (Cont.)**

Objective	To provide adequate private open space for the reasonable recreation and service needs of residents.	✓ Objective met
Clause 55.05-5 Solar access to open space objective		
Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B29	The private open space should be located on the north side of the dwelling or residential building, if appropriate.	<p>✓ Standard met</p> <p>The primary secluded private open spaces of Units 1, 2, 3, 4 would be located on the north side of the dwellings. The secluded private open space of Unit 5 is located to its west whilst the secluded private open spaces of Units 6 and 7 would be located to their south.</p> <p>The primary secluded private open spaces of Units 6 and 7 and part of the primary secluded of Unit 5 would be to the south of the dwellings. However, they are generously setback from the walls to the north and comply with the formula required by this standard.</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

	<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>Diagram B5 Solar access to open space</p>	<p>! Variation required</p> <p>The prime secluded private open spaces of Units 5, 6 and 7 would be to the south or partly to the south of the dwellings. The ground floor walls of these dwellings are 3m high and the first floors are 6m high.</p> <p>Based on the formula of this standard, the secluded private open spaces of Units 5, 6 and 7 should be setback from the walls to the north as follow:</p> <p>Required setback from ground floor walls:</p> <ul style="list-style-type: none"> • $2 + 0.9 \times 3 = 4.7\text{m}$ <p>Required setback from first floor walls:</p> <ul style="list-style-type: none"> • $2 + 0.9 \times 6 = 7.2\text{m}$ <p>The prime secluded private open spaces of Units 5, 6 and 7 would be setback from the ground floor walls to the north as follow:</p> <p>Unit 5: 7.9m Unit 6: 5.3m Unit 7: 5m.</p> <p>All the prime secluded private open spaces of all the above dwellings would be setback more than the 4.7m from the walls to the north and comply with the formula.</p> <p>The secluded private open spaces are setback from the first floor walls as follow:</p> <p>Unit 5: 7.9m Unit 6: 7.5m Unit 7: 7.5m.</p>
<p>Decision Guidelines</p>	<p>The design response.</p> <p>The useability and amenity of the secluded private open space based on the sunlight it will receive.</p>	
<p>Objective</p>	<p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>✓ Objective met</p>

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.05-6 Storage objective

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B30	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.		Standard met Each dwelling provided with a minimum 6 cubic metres of external storage in form of a storage shed.
Objective	To provide adequate storage facilities for each dwelling.		Objective met

Clause 55.06-1 Design detail objective

Title & Objective		Standards	Standard Met/Standard Not Met/NA
Standard B31	The design of buildings, including: <ul style="list-style-type: none"> • Façade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.		Standard met The proposed front setback, external materials and roof form is consistent with the existing and preferred character of the area.
Decision Guidelines	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.		Standard met The garages would be to the rear of Units 1 and 8 and hidden from the streets.
	Any relevant neighbourhood character objective, policy or statement set out in this scheme.		
	The design response.		
	The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.		
	Whether the design is innovative and of a high architectural standard.		
Objective	To encourage design detail that respects the existing or preferred neighbourhood character.		Objective met

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.06-2 Front fences objective		Standard Met/Standard Not Met/NA						
Title & Objective	Standards							
Standard B32	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or <p>All schedules to all residential zones:</p> <p>"Maximum 1.5 metre height in streets in Road Zone Category 1 1.2 metre maximum height for other streets"</p> <ul style="list-style-type: none"> If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Table B3 Maximum front fence height</p> <table border="1"> <thead> <tr> <th>Street Context</th> <th>Maximum front fence height</th> </tr> </thead> <tbody> <tr> <td>Streets in a Road Zone, Category 1</td> <td>2 metres</td> </tr> <tr> <td>Other streets</td> <td>1.5 metres</td> </tr> </tbody> </table>	Street Context	Maximum front fence height	Streets in a Road Zone, Category 1	2 metres	Other streets	1.5 metres	<p>N/A No front fence proposed.</p> <p>N/A</p>
Street Context	Maximum front fence height							
Streets in a Road Zone, Category 1	2 metres							
Other streets	1.5 metres							
Decision Guidelines	<p>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The design response.</p> <p>The setback, height and appearance of front fences on adjacent properties.</p> <p>The extent to which slope and retaining walls reduce the effective height of the front fence.</p> <p>Whether the fence is needed to minimise noise intrusion.</p>							
Objective	To encourage front fence design that respects the existing or preferred neighbourhood character.	<p>✓ Objective met</p>						

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.06-3 Common property objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B33	Developments should clearly delineate public, communal and private areas.	<p>✓ Standard met Appropriate fencing have been including to delineate private areas.</p>
Objectives	<p>Common property, where provided, should be functional and capable of efficient management.</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>✓ Standard met The driveways would form common property if the land is to be subdivided. These areas would be functional and capable of efficient management.</p> <p>✓ Objective met</p>

ORDINARY COUNCIL MEETING - AGENDA

2.2.4 Town Planning Application - No. 41 Lawn Road, Noble Park (Planning Application No. PLN19/0627) (Cont.)

Clause 55.06-4 Site services objectives

Title & Objective	Standards	Standard Met/Standard Not Met/NA
Standard B34	<p>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.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p> <p>The design response.</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Standard met Adequate space has been allocated for services. The garage of Unit 5 would be constructed over the drainage easement (E1 – 1.52m wide drainage easement) located along part of the northern boundary. The applicant has obtained consent from Council's Building Department to build over the easement.</p> <p>Standard met Mailboxes for the development provided to front of site. Each unit provided with bin area and communal meter boxes provided.</p> <p>Standard met Rubbish and recycling bins located within POS area of each unit.</p> <p>Standard met Mailboxes provided.</p>
Decision Guidelines		
Objectives		Objective met

3 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, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.

QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented. Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Ordinary meetings of Council. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be considered at the meeting.

c) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:

- i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
- ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

d) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

- i) does not relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
- ii) does not relate to a matter in respect of which Council or a Delegated Committee has no power to act;
- iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor, Delegated Member or Council officer; and
- iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).

e) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chairperson and/or Chief Executive Officer:

- i) must advise the Meeting accordingly; and
- ii) will make the question available to Councillors or Members upon request.

3 QUESTION TIME - PUBLIC (Cont.)

- f) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- g) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
- i) seek clarification of the question from the person who submitted it;
 - ii) seek the assistance of another person in answering the question; and
 - iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.
- k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

4 OFFICERS' REPORTS - PART TWO

4.1 POLICY AND STRATEGY

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions

File Id:	qA358987
Responsible Officer:	Director City Planning, Design and Amenity
Attachments:	Noble Park Major Activity Centre Structure Plan, 2021. Summary of submissions received.

Report Summary

A Council resolution is sought to adopt the *Noble Park Major Activity Centre Structure Plan, 2021* and seek the Minister for Planning's authorisation to prepare and exhibit the proposed Greater Dandenong Planning Scheme Amendment C224 to the *Greater Dandenong Planning Scheme*.

This report provides an overview of:

- The process of reviewing the existing *Noble Park Activity Centre Structure Plan, 2009*
- The proposed *Noble Park Major Activity Centre Structure Plan, 2021*
- Details of the submissions received during the eight (8) week consultation period and the Council Officers' response to this
- The next steps for the project, including a future Planning Scheme Amendment.

Recommendation Summary

This report recommends that Council adopt the attached *Noble Park Major Activity Centre Structure Plan, 2021* and commence preparation of Planning Scheme Amendment C224 to the *Greater Dandenong Planning Scheme*.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Background

The existing Noble Park Activity Centre Structure Plan was adopted by Council in 2009 and is the critical strategic document to guide land use and development decisions within the Noble Park Activity Centre. The Structure Plan has guided several major developments and public realm upgrades within Noble Park since its adoption.

Over the last decade Noble Park has experienced significant change. The most notable of which has been the removal of the rail level crossing at Heatherton Road and the subsequent elevation of the rail line. This has resulted in a new railway station, bus interchange, station civic space, leisure and exercise area within Ross Reserve, and the construction of the Djerring Trail (a new shared walking and cycling path running from Caulfield to Dandenong).

These changes and upgrades have been transformational for the activity centre.

As a result, Council Officers engaged consultants in 2017 to provide a summary of the current strategic issues which relate to Noble Park and to provide clear directions and recommendations to assist Council to revise the existing Structure Plan.

Council Officers and external stakeholders, such as local businesses, were consulted during this review process with their comments and suggestions incorporated into the revised Structure Plan.

In 2018 Council Officers further engaged consultants to undertake a *Building Heights and Setbacks Study* to provide clear built form guidance for the centre.

Based on the work undertaken, Council Officers drafted a revised *Draft Noble Park Major Activity Centre Structure Plan* for community consultation, which occurred between Monday 27 April to Friday 19 June 2020. Councillors were briefed on the Structure Plan on 4 March 2019, 16 March 2020 and the outcomes of the consultation on 1 March 2021.

The 2021 Structure Plan has been prepared as:

- The existing Structure Plan is twelve years old and needs to be reviewed in the context of recently completed projects, development approvals, market pressures and a changing policy context.
- The Structure Plan boundary needs to be reviewed to provide planning certainty for surrounding residential, commercial and public realm uses.
- Preferred built form and design outcomes, including height, setbacks and other design requirements, are required to guide development. This is especially relevant since the elevation of the rail corridor.

Proposal

The *Noble Park Major Activity Centre Structure Plan, 2021* sets out the long-term vision, planning and design framework for Noble Park. The Structure Plan manages and guides the future development of the Activity Centre for the next 20 years.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

The Structure Plan has the following vision for Noble Park:

In 2040 Noble Park will be:

- *A thriving, high quality centre that meets the day-to-day needs of its residents, workers and visitors*
- *A centre that protects its ‘village character’ and compact size with high quality development in the right places*
- *A pedestrian oriented centre that is safe and easy to navigate*
- *A centre with well designed ‘green’ streetscapes and pedestrian connections linking key community nodes.*

The revised Structure Plan is based on four key directions:

- Land Use and Economic Activity
- Built Form and Urban Design
- Access and Movement
- Public realm

In order to achieve the Vision, the key outcomes/actions of the Structure Plan are to:

- Expand the boundary of the Activity Centre to include the Noble Park Aquatic Centre (NPAC), Mills Reserve and additional residential land to the north, west and south
- Provide for a strong sense of arrival into the centre, particularly along Heatherton Road and Douglas Street
- Rezone existing residentially zoned land to the Commercial 1 Zone to facilitate their development and extend the commercial core of the centre
- Provide built form and urban design principles (including building height and setback guidance) for all sites in the centre
- Ensure effective action relating to Council’s Declaration of a Climate and Ecological Emergency so that all future development in the Structure Plan boundary be undertaken in a manner that adapts to and mitigates the impacts of climate change
- Direct higher density development to land south of Heatherton Road in the commercial core, and on identified Key Redevelopment Blocks
- Provide a transition in built form where development will step down as its distance to the commercial core increases
- Improve pedestrian connections through the centre and create new mid-block connections
- Designate key streets in the centre as ‘pedestrian-oriented streets’ to encourage ground floor activation (busy, lively streets)
- Strongly advocate for the signalisation of the Heatherton Road/Douglas Street roundabout and the lowering of the speed limit along the section of Heatherton Road that passes through the centre
- Widen the north–south section of Buckleys Lane to 9m to create a pedestrian priority shared space (vehicle and pedestrian) and allow for landscaping opportunities

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

- ‘Green’ the streetscape by requiring a 5m residential landscaped setback along designated streets
- Preserve key view lines through and to the centre.

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
- *Outdoor Activity and Sports* – Recreation for everyone
- *Lifecycle and Social Support* – The generations supported

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings
- *Travel and Transport* – Easy to get around

Opportunity

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

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

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

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:

- Greater Dandenong Planning Scheme

Related Council Policies

Council's Community Engagement Policy outlines Council's role in providing activities which enhance opportunities for the community to express their expectations, aspirations and ideas.

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 preparation of a Planning Scheme Amendment to incorporate the *Noble Park Major Activity Centre Structure Plan, 2021* into the *Greater Dandenong Planning Scheme* has been budgeted for in this financial year (2021/2022). All future capital works and other actions associated with the *Noble Park Major Activity Centre Structure Plan, 2021* are subject to the annual Council CIP and business planning processes.

Consultation

Council undertook extensive community and stakeholder consultation throughout the development of the *Noble Park Major Activity Centre Structure Plan, 2021*. This included during the development of the two background documents upon which the Structure Plan is based. (*The Noble Park Activity Centre Structure Plan Review Discussion Paper, Hansen, 2017*; and the *Noble Park Activity Centre Building Heights and Setbacks Study, Hansen, 2019*). Councillors were also briefed on the direction and contents of the Structure Plan in March 2019, March 2020 and March 2021. Councillors provided extensive feedback during these briefings which have been incorporated into the final plan.

A draft of the Structure Plan was placed on community consultation for comment for a period of eight (8) weeks from **Monday 27 April to Friday 19 June 2020**.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

A direct mail out to approximately 1200 owners and occupiers both within, and immediately adjoining the Activity Centre boundary was conducted advising of the project and seeking feedback. The Draft Structure Plan proposed nine (9) sites for rezoning from the Residential Growth Zone to the Commercial 1 Zone. A letter specific to this was sent to approximately 30 properties (either directly affected or adjoining sites proposed for rezoning).

The Draft Structure Plan, a summary brochure and Frequently Asked Questions (FAQs) document and an online or downloadable survey was available on Council's website for the duration of the consultation period.

The project was advertised in the May 2020 edition of Greater Dandenong Council News and there were regular Facebook and Instagram posts through the consultation period which garnered a strong response.

Council asked the community:

- Does the Structure Plan meet the needs (and vision) of the community?
 - If yes, please tell us how
 - If no, please tell us what improvements/changes we could make to ensure it does
- Do you have any other comments?

A summary of some of the main points and issues raised by submissions is detailed in Attachment 2 of the Council Report.

Structure Plan Vision for Noble Park Activity Centre

Both the Vision and the Structure Plan as a whole, were generally well received. For those that did not support the Vision, it was generally due to a specific aspect of the Structure Plan, and not because they fundamentally disagreed with the document. Many submitters were pleased that Council was seeking proactive built form and amenity controls for the Noble Park Activity Centre.

Climate and Ecological Emergency declaration

Three (3) submissions suggested the Structure Plan should refer to Greater Dandenong's Climate and Ecological Emergency declaration of January 2020.

Officer Response:

The Structure Plan has been updated to include a subsection for Climate Change Mitigation and Planning on page 12. A new key outcome of the Structure Plan has been included on pages 12 and 21. The State Planning Policy Context section on page 18 has also been updated.

Built Form and Urban Design Objective 1 and the Urban Design Principles have been updated to include reference to climate change mitigation and adaptation on pages 6, 20, 24, 25 and 76.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Proposed Urban Design Principles

Feedback received included the importance of maintaining solar access to key streets and to avoid excessive overshadowing. Development causing uncomfortable or unsafe wind conditions was also raised.

Officer Response:

The Urban Design Principles respond to these matters and will be included in the future Planning Scheme Amendment to include these controls in the *Greater Dandenong Planning Scheme*. Urban Design Principle 5 (Maintain a human scale at street level) has been updated to state that any buildings greater than 5 storeys in the centre must not appear as a continuous wall at street level so as to not overwhelm the pedestrian experience at street level.

The Structure Plan on page 24 has been revised to make it clearer that the Urban Design Principles apply to all development in the Activity Centre, including the Key Redevelopment Blocks.

Feedback on the four themes of the Structure Plan:

Land Use and Economic Activity

Proposed rezoning

Of the nine (9) sites proposed for rezoning from the Residential Growth Zone 2 to the Commercial 1 Zone, one (1) objection was received from a property in Mons Parade.

The submitter was concerned that the rezoning may result in them being 'forced out' of their house and that the rates on the property may increase.

It has been queried as to whether the proposed rezoning of approximately 9000sqm of land from the Residential Growth Zone to the Commercial 1 Zone was excessive for a centre of Noble Park's size.

Officer Response:

Enquiries with Council's Rates and Revenue Department regarding land valuations and rates based on this proposed rezoning were made. It was advised that there was likely to be a negligible change in the value of the land and if the property was to remain as a residential dwelling, there would be no change to how the rates are calculated. The submitter was clear that they wished to remain in the property and not redevelop to a commercial use. Officers have contacted the submitter by both telephone and email explaining this and to date have had no further response.

Any proposed rezoning of these properties would be subject to authorisation from the Minister for Planning and be subject to a full Planning Scheme Amendment process. There is no intention of anyone being 'forced out', and rather the rezoning (if approved) would only allow for future re-development at a time when the landowner sought to do so.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

The area of land (excluding roads) proposed for rezoning has dropped from approximately 9000sqm to 8380sqm. The rezoning affects nine (9) sites spread across the centre (two to the north-east, two to the east and five to the west). The reason for the rezonings of these specific sites is as follows:

- 1100-1106 Heatherton Road is a site in two ownerships and is land currently in two zones. A rezoning of the residential land to commercial will fix this anomaly and encourage redevelopment/expansion of the existing Coles supermarket
- 1 and 3-5 Frank Street are an existing dwelling and council car park which adjoins land in the commercial zone and will allow for a logical extension to the commercial core to the east of the centre
- 4, 5, 6, 7 and 8 Mons Parade are proposed for rezoning following the removal and subsequent elevation of the rail line meaning these sites now have direct access to the centre of Noble Park. Rezoning to commercial will extend the commercial spine of the centre further west with the aim of encouraging further investment and development.

Page 19 of the Structure Plan details the development demand for Noble Park over the next five years. A 'low growth scenario' predicts an additional 9800sqm of additional commercial floorspace will be required over this time. Allowing for an additional 8380sqm spread across the centre is considered an appropriate outcome to allow the centre to grow at a realistic rate over the short to medium term. The rezoning of land, particularly to the west of the centre, is with the aim of attracting and encouraging further investment and development.

Condition of shops and streets

Several comments were received regarding the poor presentation of some shops and streets in the centre, including Ian Street.

Officer Response:

An objective of the Structure Plan is to 'Improve the ongoing viability of the centre' which includes encouraging shop fronts to be maintained to a high standard. By providing clear built form and urban design guidance, the Structure Plan aims to encourage high quality redevelopment in the centre.

Further community facilities for Noble Park

A suggestion regarding a library or small cinema area was made.

Officer Response:

At this time, the Structure Plan is not proposing a library or cinema given there are similar existing facilities in surrounding suburbs. However, if this were to be deemed appropriate at a later date, this could be considered then.

Gateway locations

Several submissions raised concerns regarding the heights expressed for a 'gateway form' at or near the current Heatherton Road/Douglas Street roundabout.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Officer Response:

Page 26 of the Structure Plan discusses a gateway treatment for this intersection and roundabout. The Structure Plan seeks a strong gateway treatment in this area with flexibility for some height, dependent on design. This section of the Structure Plan has been redrafted to ensure greater clarity.

Built Form and Urban Design

Amenity concerns

A number of submissions raised concerns regarding the potential for overshadowing of neighbouring dwellings by new development and had concerns that the centre would become darker and windier as a result of higher built form.

Officer Response:

The Structure Plan contains detailed Urban Design Principles regarding overshadowing and measures to be undertaken to ensure the effects of wind are minimised.

Detailed built form and setback guidance is included in the Structure Plan where setbacks from the street, adjoining open spaces and adjoining residential areas have all been carefully mapped and considered.

This guidance will form the basis of a future Planning Scheme Amendment to include these controls in the *Greater Dandenong Planning Scheme*.

Village Character and Key Redevelopment Blocks (KRB)

Submissions raised the issue of the importance of the 'Village Character' of Noble Park and how proposed heights of between five to eight stories may compromise this.

Officer Response:

Noble Park is designated as a Major Activity Centre by the State Government and due to this, an increase in density is both expected and supported. The centre is well served by public transport and has significant community and open space facilities. The elevation of the rail line has been transformational for the centre, with the train station sitting 20 metres above the centre (from ground level to the top of the station roofline).

Noble Park also has a strong 'village character' and 'village' feel. This character stems from the compact nature of the centre and its good walkability. The centre serves a local convenience role and maintains a constant level of activity, with a thriving night-time economy.

Strong feedback was received regarding the proposal for several areas of the centre (known as Key Redevelopment Blocks) to have preferred maximum height controls of eight (8) storeys, and whether this reflected the 'village character' of the centre. Officers have considered the proposed eight (8) storey heights in this context and examined the residential dwelling demand likely over the life of the Structure Plan.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Page 19 of the Structure Plan examines this demand and has found that 87 per cent of the demand for additional dwellings will be in the form of apartments. Should all eligible sites be redeveloped to four storey apartments (as an example), at least 1100 new dwellings could be accommodated, meeting the forecast demand (of 917 dwellings) over the next 20 years.

Due to feedback received during consultation and the importance of striking a balance between the centre's major activity centre status and protecting its valued 'village character' the eight (8) storey height limit has been revised down to a preferred maximum building height of six (6) storeys on Key Redevelopment Blocks. Six (6) storeys is considered acceptable as this reflects the height of the train station. The Structure Plan clearly states that this height will only be achieved on sites that are at least 2000sqm in size.

Due to the fine grain nature of much of the centre, many sites will need to consolidate in both the commercial core and within the Key Redevelopment Blocks in order to reach heights of five or six storeys, further preserving the 'village character' of the centre.

All text and mapping that refers to 'eight' storeys for Key Redevelopment Blocks has been revised to 'six' storeys, with this height only permitted if the development site is a minimum of 2000sqm in size.

Access and Movement

Removal of roundabout and the Link Road intersection

There was a high level of positive feedback received regarding the proposal to remove the Heatherton Road roundabout. The new 'Link Road' including the intersection with Douglas Street and Leonard Street was also raised as a safety concern by many submitters.

Officer Response:

As part of the Action Plan, the continued advocacy to the Department of Transport regarding the removal of the roundabout will occur. The redesign of the Link Road to improve safety and traffic flow is also considered a priority.

The signalisation of the 4-way intersection of Douglas Street, Leonard Street and the Link Road is also to be conducted which will greatly improve the safety of this intersection.

Ian Street and Ian Street laneway

A suggestion to make Ian Street one-way was provided by one (1) submitter as it would improve safety and traffic flow. The proposal to allow for the widening of the northern section of the Ian Street laneway (to the rear of the Ian Street shops) was also queried.

Officer Response:

Ian Street is a local street where high pedestrian usage is encouraged and through traffic will be increasingly discouraged.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

The northern section of the Ian Street laneway (to the rear of the Ian Street shops) to Heatherton Road has been carefully reviewed. Widening of the laneway to the north and south of the east-west lane is hampered by the existing subdivision pattern to the east. In order to achieve the 5.5m widening of the laneway, most properties along the western side of Ian Street will be required to provide the land for this. Map 9 on page 31 has been updated to reflect this. Cross Section GG on page 45 has also been widened to reflect the desired Ian Street laneway setbacks for the northern section of the laneway.

Public transport advocacy

Two (2) submissions raised the lack of regular bus services in and around Noble Park.

Officer Response:

The Structure Plan has been updated to include an advocacy action (Action 26) on page 78 regarding the continued rationalisation of the bus services in and around Noble Park.

Public Realm

More tree planting

Many submissions commented on the need for more tree planting in the centre and for generous landscaped setbacks for new development. A suggestion for a community garden in Copas Park was also made.

Officer Response:

The Structure Plan recognises the importance of Noble Park's existing open spaces and acknowledges that further 'greening' of Noble Park's streets will contribute to the attractiveness of the centre.

Action 29 on page 79 of the Structure Plan has been revised to include reference to community spaces.

Post consultation changes to the Structure Plan

As a result of the feedback received during the consultation period, the following changes have been made to the *Noble Park Major Activity Centre Structure Plan, 2021*:

- Updates to pages 12, 18, 21, 24, 25 and Built Form Design Objective 1 to reference and provide details of Council's *Declaration of a Climate and Ecological Emergency*
- Update the Urban Design Principles on page 24 to specifically refer to the Key Redevelopment Blocks (KRB)
- Further detail provided under Urban Design Principle 5: *Maintain a human scale at street level* that buildings greater than five (5) storeys in height must not appear as a continuous wall at street level or when viewed from a distance
- Text regarding Gateway Locations on page 26 revised to improve clarity
- All text and mapping that refers to 'eight' storeys for Key Redevelopment Blocks revised to 'six' storeys, with this height only permitted if the development site is a minimum of 2000sqm in size

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

- Map 9 on page 31 and Cross Section GG on page 45 revised to ensure the equitable widening of the Ian Street laneway (to the rear of the Ian Street shops to the east) and improve clarity
- Policy References on page 70 updated
- Revised Action (18) on page 77 regarding the Council Department responsible for the action
- New Action (26) included on page 74 regarding public transport advocacy
- Revised Action (29) on page 78 to refer to community spaces
- Mapping updated to reflect recent changes to zoning in the centre that has been approved via Greater Dandenong Planning Scheme Amendment C213
- Minor editing changes throughout the document to ensure consistency in terms, remove reference to this Structure Plan being a Draft and update to the consultation section.

Conclusion

The *Noble Park Major Activity Centre Structure Plan, 2021* sets out the long-term vision, planning and design framework for Noble Park. The Structure Plan manages and guides the future development of the Activity Centre for the next 20 years.

The Structure Plan provides a shared Vision for the Noble Park Major Activity Centre and how this will be achieved. The Structure Plan will be used by decision makers such as Council and other State Government agencies, the community, business owners and traders and developers.

Importantly, the Structure Plan provides certainty to all groups regarding the level of change and type of development that is anticipated and expected across the Noble Park Major Activity Centre.

Extensive stakeholder and community consultation were undertaken over an eight (8) week period between 27 April and 19 June 2020. A total of 26 submissions from 24 submitters was received and this feedback has assisted to finalise the Structure Plan for Council adoption.

Recommendation

That Council:

1. **accepts the Officer's recommendation on the submissions received as detailed in this report and in Attachment 2;**
2. **adopts the *Noble Park Major Activity Centre Structure Plan, 2021* in the form of Attachment 1;**
3. **commences the statutory process for Planning Scheme Amendment C224 through seeking authorisation from the Minister for Planning to prepare an amendment to the *Greater Dandenong Planning Scheme* and exhibit the amendment in accordance with the *Planning and Environment Act, 1987*; and**
4. **advises all submitters of Council's decision.**

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

POLICY AND STRATEGY

**NOBLE PARK MAJOR ACTIVITY CENTRE STRUCTURE PLAN –
CONSIDERATION OF SUBMISSIONS**

ATTACHMENT 1

**NOBLE PARK MAJOR ACTIVITY CENTRE
STRUCTURE PLAN 2021**

PAGES 81 (including cover)

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

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Noble Park Major Activity Centre Structure Plan, 2021



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



The City of Greater Dandenong respectfully acknowledges Aboriginal and Torres Strait Islander Peoples as the Traditional Custodians of the land. We recognise and respect their continuing connections to climate, culture and Country.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Executive summary

The Noble Park Major Activity Centre Structure Plan sets out the long-term vision, planning, and design framework for Noble Park. The Structure Plan manages and guides the future development of the Activity Centre for the next 20 years.

The Noble Park Major Activity Centre boundary includes the commercial and retail core of the centre along Douglas Street and Mons Parade as well as existing residential zoned land both north and south of the rail line. It includes significant open space assets to the north-west, east and south. Refer to Map 1 opposite.

The Vision for the Structure Plan is that in 2040 Noble Park will be:

A thriving, high quality centre that meets the day-to-day needs of its residents, workers and visitors.

A centre that protects its 'village character' and compact size with high quality development in the right places.

A pedestrian oriented centre that is safe and easy to navigate.

A centre with well designed 'green' streetscapes and pedestrian connections linking key community nodes.

The Vision reflects Council and the community's aspirations for Noble Park in to the future.

The Vision is framed around four key directions:



Objectives and actions are detailed for each key direction to implement the Structure Plan.

Key actions include the redevelopment of shops and underutilised land, the provision of design guidance (including height) for development, a strong focus on improving the usability of Noble Park's laneways and the 'greening' of Noble Park's streets.

The Structure Plan Framework is summarised in Figure 1 and Map 2.

Ongoing monitoring and review of the implementation of the plan will involve:

- Reporting in the Council Plan against the relevant actions
- A review in 2026 to examine the objectives and actions, including an update of demographic changes and development activity during the period.

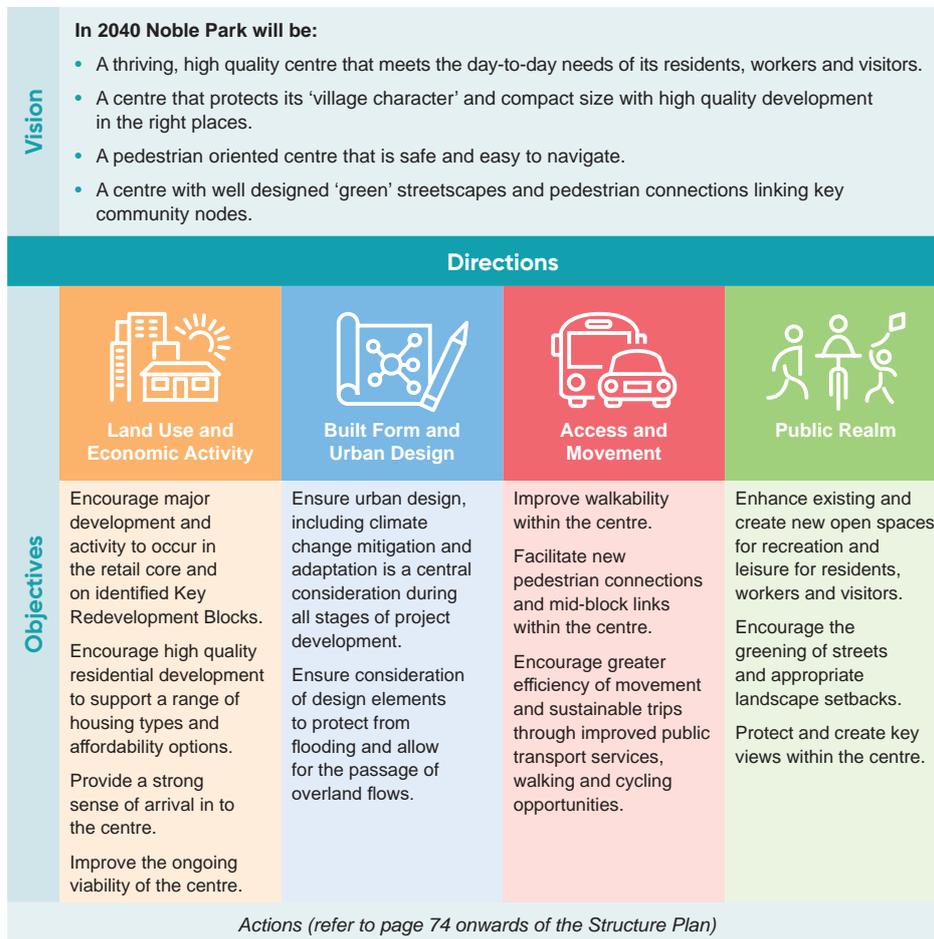
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 1: Noble Park Major Activity Centre Structure Plan Boundary



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Figure 1: Structure Plan Framework



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 2: Framework Plan for Noble Park



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

1 Introduction

The Noble Park Major Activity Centre is located approximately 25km south-east of Melbourne's Central Business District. The core of the centre is located around the intersection of Heatherton Road and the Pakenham/Cranbourne railway line. Sandown Racecourse is located approximately 1.7km to the north-west of the centre, with the Springvale Major Activity Centre a further one kilometre north-west. Central Dandenong is approximately 4.6km south-east of Noble Park.

Noble Park has good access to the Princes Highway, Monash Freeway and EastLink. It is close to employment opportunities in Dandenong and Clayton.

Noble Park Major Activity Centre is well served by public transport and has significant community and open space facilities. The centre has experienced significant change over the last decade. The most notable change has been the removal of the level crossing at Heatherton Road and the subsequent elevation of the rail line. This resulted in a new railway station, bus interchange, station civic space, leisure and exercise area within Ross Reserve and the construction of the Djerring Trail (a new shared walking and cycling path running from Caulfield to Dandenong).

The level crossing removal project, and the associated park improvement projects within Ross Reserve and the Noble Park Station Precinct, has been transformational for the centre.



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

1.1 Purpose of a Structure Plan

The purpose of this Structure Plan is to provide the 20-year framework plan for the renewal and revitalisation of the Noble Park Major Activity Centre.

It outlines key policy directions and important built form outcomes as they relate to the development of the centre.

The Structure Plan will be used by:

Greater Dandenong City Council:

- As a basis for updating planning policies, and zone and overlay controls in its planning scheme
- In assessing planning permit applications
- In assessing requests to rezone land
- In guiding non-statutory initiatives, arrangements or partnerships to assist in realising potential future opportunities within the centre
- In preparing capital works budgets to implement public works improvements.

The community:

- To understand how the centre and specific precincts within are likely to change in the future
- To provide a framework for the community to assist in making long term plans.

Business owners and traders:

- To create greater certainty and appreciation regarding the future of the retail core
- To assist in making shop front improvements.

Developers:

- To understand the development opportunities that exist and the matters that will be considered in assessing development proposals.

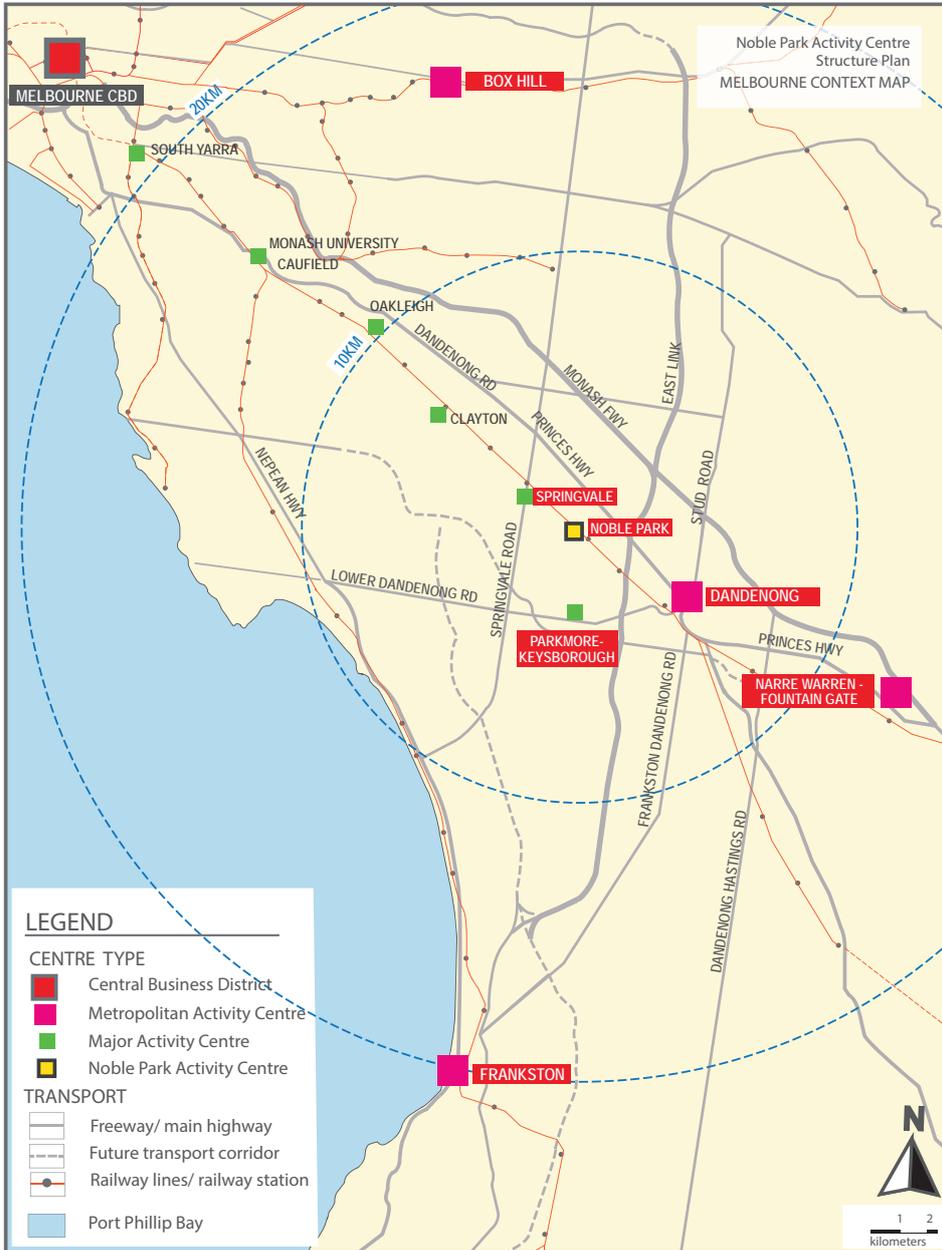
Government agencies:

- In coordinating infrastructure improvements with work undertaken by Greater Dandenong City Council and other agencies including roads, public transport and drainage.



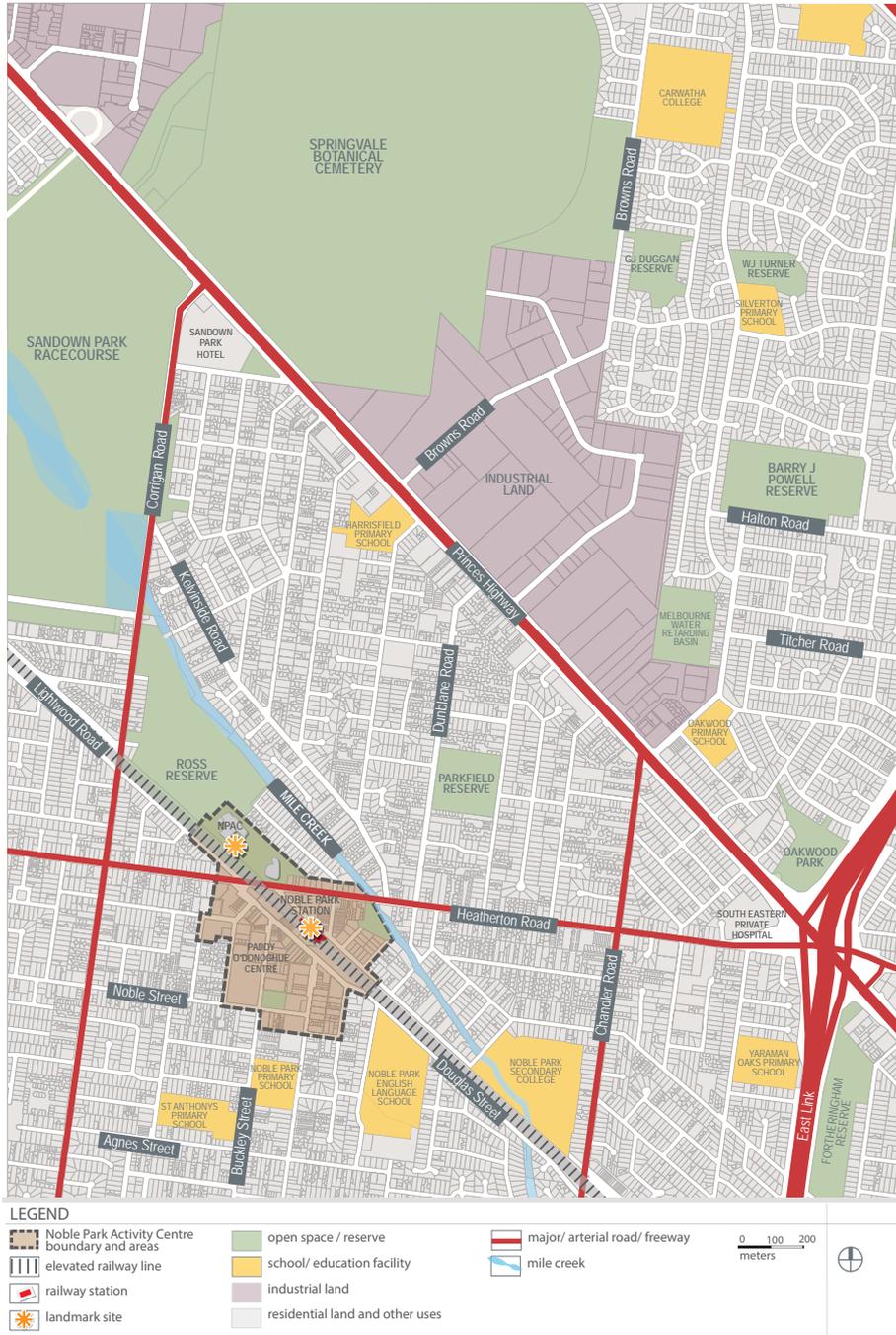
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 3: Melbourne Context



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 4: Local Context



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

1.2 Vision for Noble Park

The Vision for the Structure Plan is that in 2040 Noble Park will be:

A thriving, high quality centre that meets the day-to-day needs of its residents, workers and visitors.

A centre that protects its 'village character' and compact size with high quality development in the right places.

A pedestrian oriented centre that is safe and easy to navigate.

A centre with well designed 'green' streetscapes and pedestrian connections linking key community nodes.

The Vision captures each of the four key directions of the Structure Plan, which are:



The Vision reflects Council and the community's aspirations for Noble Park into the future.

The Vision informs the objectives and actions detailed for each direction to implement the Structure Plan.

1.2.1 Climate Change Mitigation and Planning:

In January 2020, Greater Dandenong City Council joined a growing number of cities in Australia and declared a Climate and Ecological Emergency. To ensure effective action occurs in relation to this declaration, all future development and other actions in the Noble Park Structure Plan area should be undertaken in a manner that adapts to, and mitigates the impacts of climate change.

This includes ensuring that environmentally sustainable design is included in all new developments, and that the impacts of the heat island effect are minimised through the actions of both Council and the community.

Planning for and mitigating the impact of climate change risk has been embedded in to each of the four key directions of the Structure Plan and is a central consideration for all future development in the centre.

1.2.2 Key outcomes of the Structure Plan

In order to achieve the Vision, the key outcomes/ actions of the Structure Plan are to:

- Expand the boundary of the Activity Centre to include the Noble Park Aquatic Centre (NPAC), Mills Reserve and additional residential land to the north, west and south
- Provide for a strong sense of arrival into the centre, particularly along Heatherton Road and Douglas Street
- Rezone additional sites to the Commercial 1 Zone to facilitate their development and extend the commercial core of the centre
- Provide built form and urban design principles (including building height and setback guidance) for all sites in the centre
- Ensure effective action relating to Council's Declaration of a Climate and Ecological Emergency so that all future development in the Structure Plan boundary be undertaken in a manner that adapts to, and mitigates the impacts of climate change
- Direct higher density development to land south of Heatherton Road in the commercial core, and on identified Key Redevelopment Blocks
- Provide a transition in built form where development will step down as its distance to the commercial core increases
- Improve pedestrian connections through the centre and create new mid-block connections
- Designate key streets in the centre as 'pedestrian-oriented streets' to encourage ground floor activation (busy, lively streets)
- Strongly advocate for the signalisation of the Heatherton Road/Douglas Street roundabout and the lowering of the speed limit along the section of Heatherton Road that passes through the centre
- Widen the north-south section of Buckleys Lane to 9m to create a pedestrian priority shared space (vehicle and pedestrian) and allow for landscaping opportunities
- 'Green' the streetscape by requiring a 5m residential landscaped setback along designated streets
- Preserve key view lines through and to the centre

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

1.3 Consultation on the Structure Plan

The Noble Park Major Activity Centre Structure Plan has been informed by extensive consultation over a period of three years. This included targeted input from a range of groups including the Department of Environment, Land, Water and Planning (DELWP), the Victorian Planning Authority, the Level Crossing Removal Authority, the Department of Transport and local schools and businesses.

The community also had the opportunity to make a formal submission on the Structure Plan during the public consultation period from 27 April to 19 June 2020. We asked the community:

- Does the Structure Plan meet the needs (and vision) of the community?
 - » If yes, please tell us how
 - » If no, please tell us what improvements/changes we could make to ensure it does
- Do you have any other comments?

Many of the comments, ideas and suggestions received have been incorporated in to the Structure Plan and have helped reinforce Council's understanding of the issues and opportunities facing Noble Park.

1.4 Context and history*

The suburb of Noble Park was created in 1909 and early settlement was encouraged by the construction of a community centre, church, school, postal centre and later, a railway station.

Population growth was relatively slow. By the 1920s the Railway Department set up a poultry farm and plant nursery in the eastern part of the suburb, which became the main local employment source.

Noble Park endured significant hardship throughout the depression period of the 1930s. As a predominantly residential district, there was little local industry and the suburb had the highest level of unemployment in the state. This hardship forged a close and cohesive community.

Recent years have witnessed substantial investment by local and state governments into the leisure precinct of Noble Park including the construction of the \$21 million Noble Park Aquatic Centre (NPAC).

In 2015, a state-of-the-art skate park opened, further reinforcing a youth focus within the centre, and in 2018 a new train station, link road and expanded station civic space opened as a result of the State Government's level crossing removal project.



Noble Park Skate Park



Elevated rail line with NPAC in background

* Source: Noble Park Activity Centre History, City of Greater Dandenong, September 2015

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



Ross Reserve playground adjacent to elevated rail



Noble Park station civic space from Douglas Street



Ross Reserve playground adjacent to elevated rail

1.4.1 'Village Character' explanation

Presently, Noble Park is low rise in nature (at one to two storeys). However, the construction of the Noble Park Train Station (at 20m/six storeys) has made this the focal point for the centre.

The elevated rail bridge, which runs through the northern part of the Activity Centre, is the basis upon which the preferred maximum building heights for the centre have been derived.

Select sites, or groups of sites, in the centre (referred to as Key Redevelopment Blocks) have preferred maximum building heights of up to six storeys. In order to achieve these heights, these blocks must be at least 2000sqm in size.

For the balance of the commercial core, heights of up to five storeys are considered appropriate.

Due to the fine grain nature of much of the centre, many sites will need to consolidate in both the commercial core and within the Key Redevelopment Blocks in order to reach the preferred maximum heights of five or six storeys.

Well-designed taller buildings can contribute to the 'village' feel of the centre.

Noble Park is a very walkable centre that benefits from a large residential catchment. The centre serves a local convenience role and maintains a constant level of activity. As large numbers of people walk to the centre, it does not experience the traffic congestion and parking issues evident in other centres. The centre's thriving night-time economy also sets it apart from Greater Dandenong's other Activity Centres (Springvale, Central Dandenong and Keysborough Parkmore).

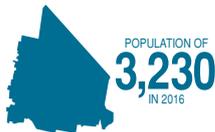
This Structure Plan acknowledges how important the current walkability and local convenience role of the centre is and aims to build upon this.

Noble Park's river red gum tree canopy has long been a defining feature of its landscape. Today the stump of a 100 year old river red gum tree provides a focal point for people arriving at the Noble Park train station. Repurposed river red gum timber has been incorporated into seating and play environs in the centre's open spaces.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

For the purpose of this structure plan we have applied census statistics to a smaller area of Noble Park (that is the population living within 500m of the commercial core of the suburb).

1.5 Noble Park today



The population of Noble Park in 2016 was 3230 people. The population is young, with the highest number of residents in the 25-34 age bracket (23 per cent).



The 2016 Census recorded that 70 per cent of Noble Park residents were born overseas, higher than Greater Dandenong (64 per cent) and significantly more than the metropolitan average (40.5 per cent).



Among the birthplaces of its residents were Australia (29 per cent), India (16 per cent), Other/Not Stated (12 per cent) and Sri Lanka and Vietnam (6 per cent and 5 per cent respectively).

1.6 Noble Park in the future



The population of Noble Park by 2036 is expected to grow to around 5,570 people, a 42 per cent increase from the 2016 population.



As the population grows the average age is also expected to increase, with the largest group expected to become the 35-44 year olds. Strong growth is also expected in the 0-14 year group.



Accordingly, there will be a noticeable increase in demand for maternal and child health nurses, playgroups, three and four year old kindergartens and for both primary and secondary school enrolments.



Couples without children and one parent families will grow strongly, with continued decline of 'couples with children' families, which is a common trend across Melbourne.



A variety of dwelling types will be required for this growing population and changing household formations.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

2 Structure Plan Boundary

The boundary of the Noble Park Major Activity Centre surrounds the commercial and retail core of the centre and encompasses residential zoned land both north and south of the rail line. It includes significant open space assets such as the Noble Park Aquatic Centre (NPAC) to the north-west and Mills Reserve and Copas Park to the east and south.

The centre is generally bounded by:

- Memorial Drive (NPAC) and properties fronting Heatherton Road to the north
- Mills Reserve, Pau Street (north of the railway line) and Stuart Street (south of the railway line) to the east
- Kirk Street and Noble Street to the south
- Frank Street, properties fronting Joy Parade and 1100-1106 Heatherton Road to the west.

2.1 Setting the boundary

The boundary has been defined through detailed consideration of the existing land use zoning of the centre and is based around several large (or large if consolidated) sites which are currently underutilised throughout the centre. These sites will provide major mixed-use opportunities near shops and public transport. The boundary also includes significant community facilities such as NPAC, the skate park and the Paddy O'Donoghue Centre.

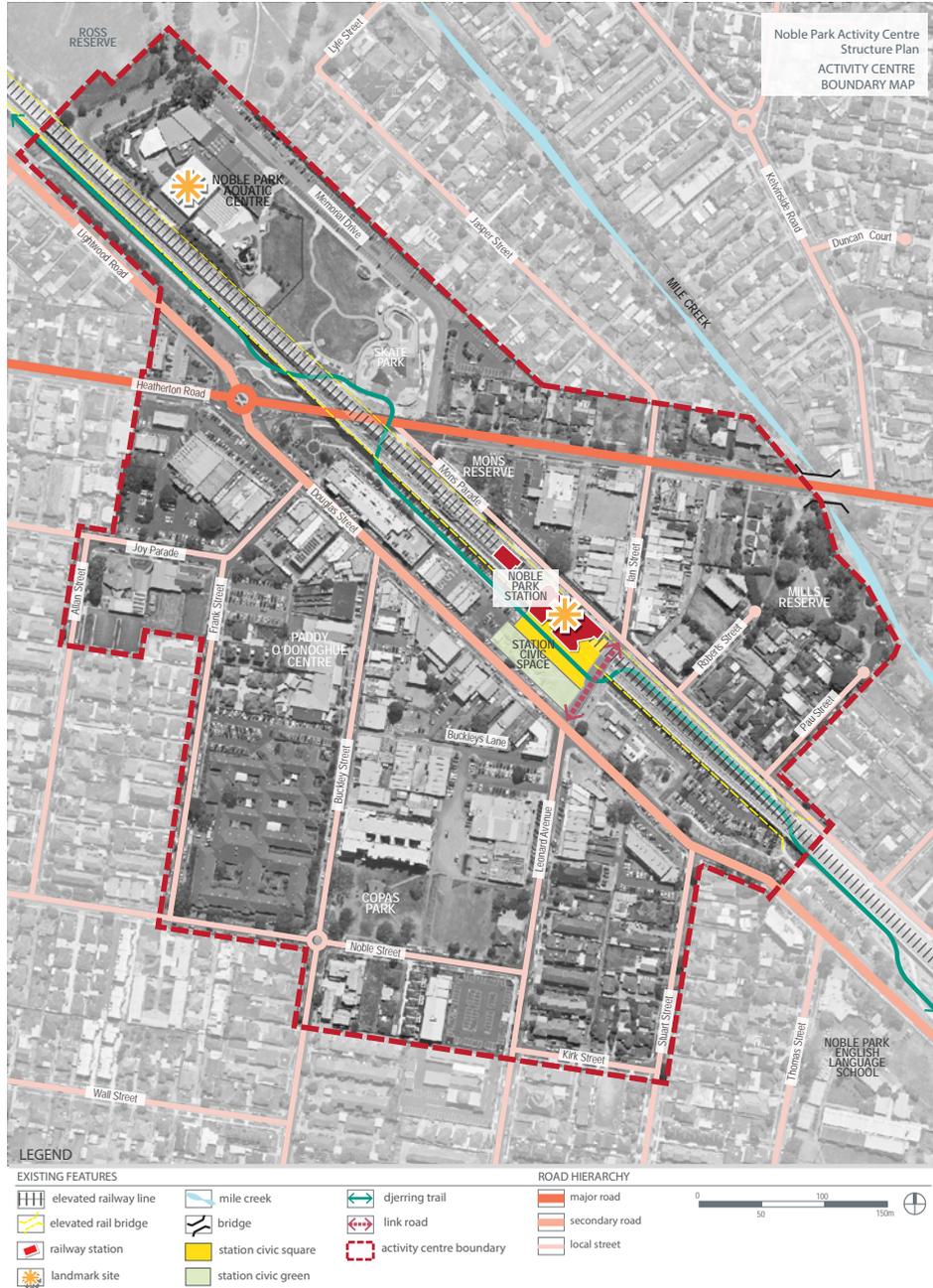
General Residential Zone 1 land (with a preferred height of 9m/two storeys) is included within the Activity Centre boundary (fronting Heatherton Road). The inclusion of these sites is appropriate as the elevation of the rail line means this section of Heatherton Road has direct access to the core of the centre.



View across station civic space towards Noble Park Train Station

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 5: Noble Park Major Activity Centre Structure Plan Boundary



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

3 Existing Planning Policy Context

3.1 State Policy Context

3.1.1 Plan Melbourne

Plan Melbourne was released in March 2017 and sets the long-term strategic vision and guidelines for Melbourne's growth through to 2050.

A direction outlined in *Plan Melbourne* aims to 'deliver more housing closer to jobs and public transport', through policies which will support new housing in Activity Centres. 'Locating medium and higher-density development near services, jobs and public transport supports the objectives of consolidation and housing choice.'

Other relevant strategies of *Plan Melbourne* include focusing on improving connectivity for pedestrians and cyclists, and addressing housing diversity, design quality, energy efficiency and environmental resilience and sustainability.

Further policy considerations include to reduce the likelihood and consequence of natural hazard events and adapt to climate change.

Noble Park is identified as a Major Activity Centre within Metropolitan Melbourne and as an area that will support additional housing growth.

3.2 Local Policy Context

3.2.1 Noble Park Activity Centre Structure Plan, 2009

The *Noble Park Activity Centre Structure Plan* was adopted by Council in 2009 and is the critical strategic document to guide land use and development decisions within Noble Park.

The 2009 plan has guided several major developments and public realm upgrades within Noble Park since its adoption.

The 2021 Structure Plan has been prepared as:

- *The Noble Park Activity Centre Structure Plan (2009)* is 12 years old and needed to be reviewed in the context of recently completed projects, development approvals, market pressures and a changing policy context.
- The Structure Plan boundary needed to be reviewed to provide planning certainty for surrounding residential, commercial and open space uses.
- Preferred built form and design outcomes, including height, setbacks and other design requirements, are required to guide development. This is especially relevant given the changes to the rail corridor and the need to specify height controls in relation to the elevated rail line.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

4 Development demand

4.1 Residential Demand

There are currently 162 dwellings located within the Noble Park Major Activity Centre.

Demand for an additional 755 dwellings over the next 20 years is estimated. This equates to 917 dwellings in the centre, or an increase in dwelling stock of 460 per cent.

Demand for additional dwellings is forecast to be in the form of apartments (87 per cent), with the remainder (13 per cent) in the form of semi-detached townhouses or similar.

Should all eligible sites be redeveloped to four storey apartments (as an example of an average height of development across the centre), at least 1,100 new dwellings can be accommodated within the existing Activity Centre boundary. This will meet the forecast demand for the next 20 years.

4.2 Commercial floorspace demand

Floorspace projections for Noble Park were calculated in 2012 and indicated the potential need for an additional 9800sqm (low growth scenario) to 14000sqm (high growth scenario) of retail/commercial/community floor area by 2026.

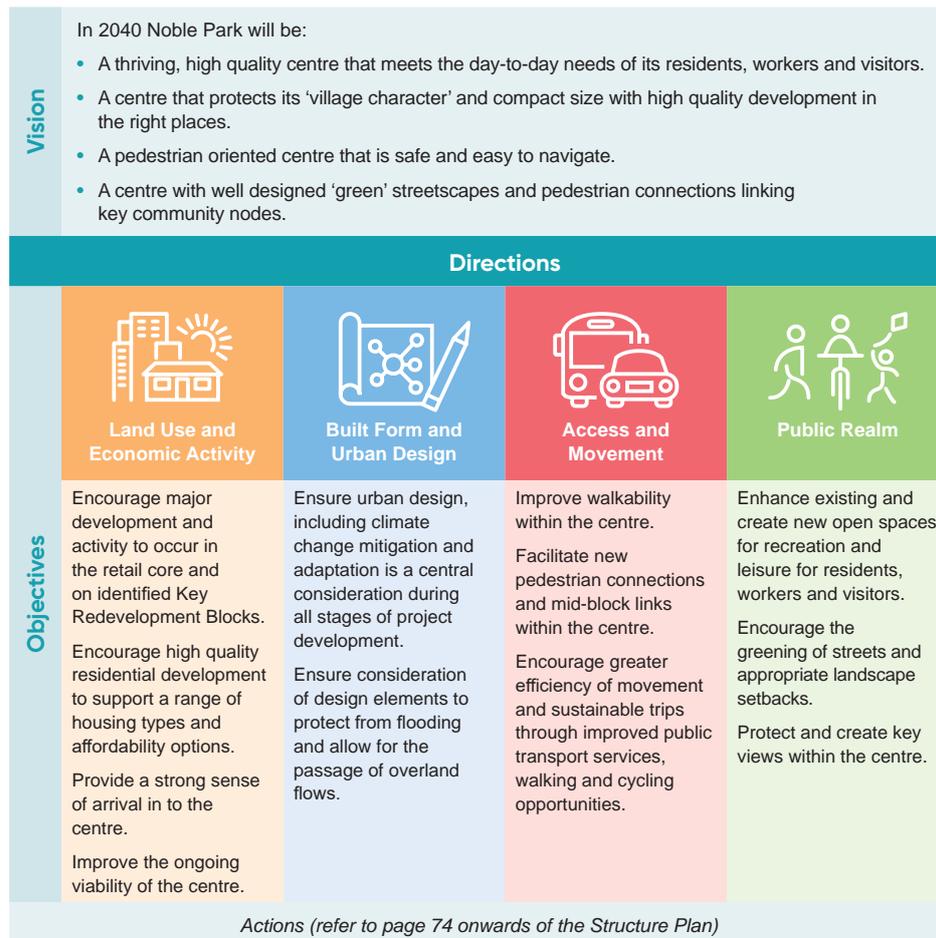
A 2017 review found that these forecasts were optimistic in the context of the size of the centre and its general development expectations.

The Structure Plan proposes to rezone approximately 8380sqm of land from the Residential Growth Zone to the Commercial 1 Zone. This, in addition to the seven Key Redevelopment Blocks, which seek greater density of development, will cater for commercial floorspace demand over the life of this plan. Refer to the Framework Plan at Map 6 on page 22 for the proposed rezoning locations.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5 Structure Plan Framework

Figure 2: Structure Plan Framework



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5.1 Key Directions

The Noble Park Major Activity Centre Structure Plan Framework provides the preferred direction for the renewal and revitalisation of the Activity Centre (refer to Map 6 on page 22 and the Urban Design Principles from page 24).

The Structure Plan is framed around four key directions:



Each of these directions has a set of objectives and actions that aim to achieve the vision for Noble Park.

Key outcomes/actions of the Structure Plan are to:

- Expand the boundary of the Activity Centre to include the Noble Park Aquatic Centre (NPAC), Mills Reserve and additional residential land to the north, west and south
 - Provide for a strong sense of arrival into the centre, particularly along Heatherton Road and Douglas Street
 - Rezone additional sites to the Commercial 1 Zone to facilitate their development and extend the commercial core of the centre
 - Provide built form and urban design principles (including building height and setback guidance) for all sites in the centre
 - Ensure effective action relating to Council's Declaration of a Climate and Ecological Emergency so that all future development in the Structure Plan boundary be undertaken in a manner that adapts to, and mitigates the impacts of climate change
 - Direct higher density development to land south of Heatherton Road in the commercial core, and on identified Key Redevelopment Blocks
 - Provide a transition in built form where development will step down as its distance to the commercial core increases
- Improve pedestrian connections through the centre and create new mid-block connections.
 - Designate key streets in the centre as 'pedestrian-oriented streets' to encourage ground floor activation (busy, lively streets)
 - Strongly advocate for the signalisation of the Heatherton Road/Douglas Street roundabout and the lowering of the speed limit along the section of Heatherton Road that passes through the centre
 - Widen the north–south section of Buckleys Lane to 9m to create a pedestrian priority shared space (vehicle and pedestrian) and allow for landscaping opportunities
 - 'Green' the streetscape by requiring a 5m residential landscaped setback along designated streets
 - Preserve key view lines through and to the centre.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 6: Framework Plan for Noble Park



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



Commonwealth Bank laneway artwork

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Urban Design Principles

The following urban design principles have been established to guide the redevelopment of the Noble Park Major Activity Centre and apply to all sites within the Activity Centre Boundary (including Key Redevelopments Blocks).

The urban design principles seek for all future development in the centre to be undertaken in a manner that adapts to, and mitigates the impacts of climate change.

1. Encourage site consolidation and higher built form

Consolidation of appropriate sites within an easy walking distance to the train station, shops and services is supported in order to achieve taller built form on designated Key Redevelopment Blocks (KRB) and other moderate change sites (refer to Map 12 on page 47 for further detail).

If a KRB is unable to make a land holding of at least 2000sqm, the preferred building height for development for the site defaults to 5 storeys. If any other site in the centre is unable to obtain its preferred height through lack of consolidation, the preferred maximum building height for development defaults to the recommended street wall height. Refer to Map 9 on page 31 for further detail.

2. Maintain solar access to identified pedestrian oriented streets and the public realm

Development must deliver a high-quality public realm which maintains solar access and comfortable wind conditions.

- Upper levels (above three storeys) should respond to street widths and be framed around maximising solar access to footpaths and open spaces (between 10am–2pm at the September equinox for streets running east-west)
- Streets running north-south require solar access along western footpaths and public spaces to be maintained within 3m of the property boundaries from 10am–12pm
- Streets running north-south require solar access along eastern footpaths and public spaces to be maintained within 3m of the property boundaries from 12pm–2pm.

Generally, a 3m setback above the street wall is required, although this setback could be greater subject to an overshadowing test.

Due to the heights proposed and the widths of some laneways, a level of overshadowing of the ground floor along laneways is acceptable. This will be determined at planning permit assessment stage.

Development should retain the established garden setting and allow for landscaping opportunities

at ground level. A 5m front landscaped setback is required for most residential zoned land in the centre. Refer to Map 9 on page 31 for further detail.

3. High quality design considered during all stages of development

Buildings must be designed to make a positive contribution both at street level and when viewed from a distance. Consolidation of smaller lots is encouraged to ensure appropriate setbacks and built form articulation. Upper level balconies and terraces are to be contained within the development envelope. An avoidance of repetitive stepped forms is required.

Buildings must have a high standard of facade design articulation and distinctive tops to their street frontages. Exposed blank walls or large portions of exposed blank walls where visible from the public realm are to be avoided.

4. An appropriate transition to existing residential areas

Development must provide an appropriate transition in height to reduce amenity impacts to the surrounding established residential areas. The surrounding residential interface (particularly adjoining residential properties located outside of the Activity Centre boundary) must be protected and development will only be permitted to three storeys if appropriate setbacks and a transition in height is proposed.

For land within the General Residential Zone 1 included within the Activity Centre boundary, a preferred height of 9m/2 storeys remains.

5. Maintain a human scale at street level

New development should avoid visually dominant building forms adjacent to pedestrian oriented streets and public open spaces. The street wall response must be proportionate to the abutting street widths and should not overwhelm the pedestrian experience at street level. Buildings greater than 5 storeys must not appear as a continuous wall at street level, or from the residential hinterland outside the activity centre. Buildings above 15m must not cause unsafe wind conditions.

6. A network of active frontages

Encourage ground level uses that provide active frontages over extended hours of the day along identified pedestrian-oriented streets, laneways, open spaces and near transport interchanges and the train station. Weather protection areas are encouraged along commercial frontages in the form of verandahs, awnings or other design features.

A greater degree of 'enclosed' built form, due to increased heights along typically narrower existing and new laneways, is acceptable to encourage

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

increased levels of activation and surveillance.

Retain vehicular access, services and loading areas from the rear/side laneways, or secondary semi-active frontages. Refer to Map 19 on page 64 for details of these streets.

The widening of identified laneways in this Structure Plan will assist in achieving this.

7. Amenity for future occupants

Amenity requirements for both existing and future occupants of a development must be considered.

This includes consideration of building setbacks, cross ventilation and the orientation of buildings to ensure solar access in winter and shading in summer. Habitable rooms must have a window facing an outdoor space open to the sky. Light wells as the primary source of daylight to habitable windows must be avoided.

Private open space for apartments that rely on side/rear setbacks for outlook and amenity must have adequate setbacks to secure their long-term onsite amenity. Appropriate noise attenuation measures are required particularly where new dwellings are constructed on Heatherton Road or adjacent to the rail line. The VicTrack Rail Development Interface Guidelines (August 2019) and relevant sections of the Greater Dandenong Planning Scheme must be considered for any development adjacent to the rail corridor and major roads.

8. Incorporate environmentally sustainable design (ESD)

All future development should be undertaken in a manner that adapts to, and mitigates the impacts of climate change, including the heat island effect.

Development should incorporate ESD measures that address energy efficiency, water efficiency and stormwater management, construction materials and waste management in response to the Greater Dandenong Planning Scheme.

9. Respond to site features and constraints

Development must respond to its surrounds and any constraints such as heritage, flooding or service infrastructure requirements. Development must also consider the view lines identified in Figure 3D on pages 40 and 41 of the Structure Plan as relevant. Proposed development must consider any existing flood risk, protect the development from flooding and consider the provision of overland stormwater drainage flow paths.

Any future redevelopment of the Paddy O'Donoghue Centre must not result in an adverse impact on the heritage fabric of the building.

10. Ian Street Design Principles

Development along Ian Street should respond to:

- The fine grain character of the streetscape and provide for active frontages, with access provided at the rear
- The retail role of Ian Street
- The architectural features of the street such as awnings, parapets, large windows and centralised doors as this provides consistency in the streetscape and influences the existing character of Ian Street.

Effects of wind

Tall buildings can intensify windy conditions and adversely affect pedestrian comfort and the safety and amenity of public and private space. This occurs as taller buildings can block the natural path of wind, change its course and channel it to ground level. The effect of wind is an important consideration as the Structure Plan proposes heights in excess of 15m/5 storeys for several sites throughout the Activity Centre.

The Department of Environment, Land, Water and Planning (DELWP) have proposed, through the Better Apartments in Neighbourhoods Discussion Paper released in 2019, to create new standards for apartment buildings of five or more storeys to:

- Ensure wind effects on streets are considered
- Define comfortable and unsafe wind conditions.

Council supports the State Government providing state wide guidance on this issue. Until this is a formal consideration of the Planning Scheme, the Structure Plan defers to Council's current guidance where:

Buildings and works in excess of 15m must be accompanied by a wind analysis report prepared by a suitably qualified person to ensure development is:

- Designed to minimise any potential increase in the level of wind at ground level and any adverse effect on pedestrian comfort
- Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all facades, or half the total height, whichever is greater
- At a minimum, undertake a desktop analysis to model the wind effects of the proposed development and its surrounding buildings (existing and proposed) - in specific cases a wind tunnel test may be required to the satisfaction of the responsible authority
- Identify the principal role of the publicly accessible areas for sitting, standing or walking purposes
- Demonstrate how the development does not rely on street trees or any other element such as screens, within public areas, for wind mitigation.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5.1.1 Land Use and Economic Activity

Density in appropriate locations

The Structure Plan boundary encompasses the commercial core of Noble Park and contains seven Key Redevelopment Blocks (KRB) where site consolidation and higher built form development (generally five to six storeys) will be strongly encouraged. Refer to Map 12 on page 47 for the location of the KRB.

Major land uses in the centre include the Coles Supermarket to the west and the Noble Park RSL to the north. These are both anchor tenants in the centre and are encouraged to redevelop to attract more activity in the centre.

Encouraging higher density housing in and around the centre will increase the resident population and therefore the available expenditure of the catchment, thus contributing to the renewal and revitalisation of the centre.

Gateway locations

The Heatherton Road/Douglas Street intersection and roundabout is the key entry point in to the centre from the north-west. A landmark built form development and gateway treatment at 1-5 Douglas Street (KRB1) is encouraged to increase the profile of the centre and encourage visitation.

Further design treatments and cues at the Heatherton Road/Douglas Street intersection will also be investigated to 'announce' this entrance to the centre. This could take the form of a piece of art, sculpture or form of signage.

Encouraging taller built form at 51A-57A Douglas Street (KRB6) will also contribute to a sense of arrival to the centre when viewed from the Noble Park Train Station.

Mills Reserve is a key pedestrian entry point to the centre from the north and entrance treatments/ visual cues will be investigated to welcome people to the centre. Streetscape design treatments along Heatherton Road from Mills Reserve to the Douglas Street roundabout are also encouraged.

Promoting the retail core

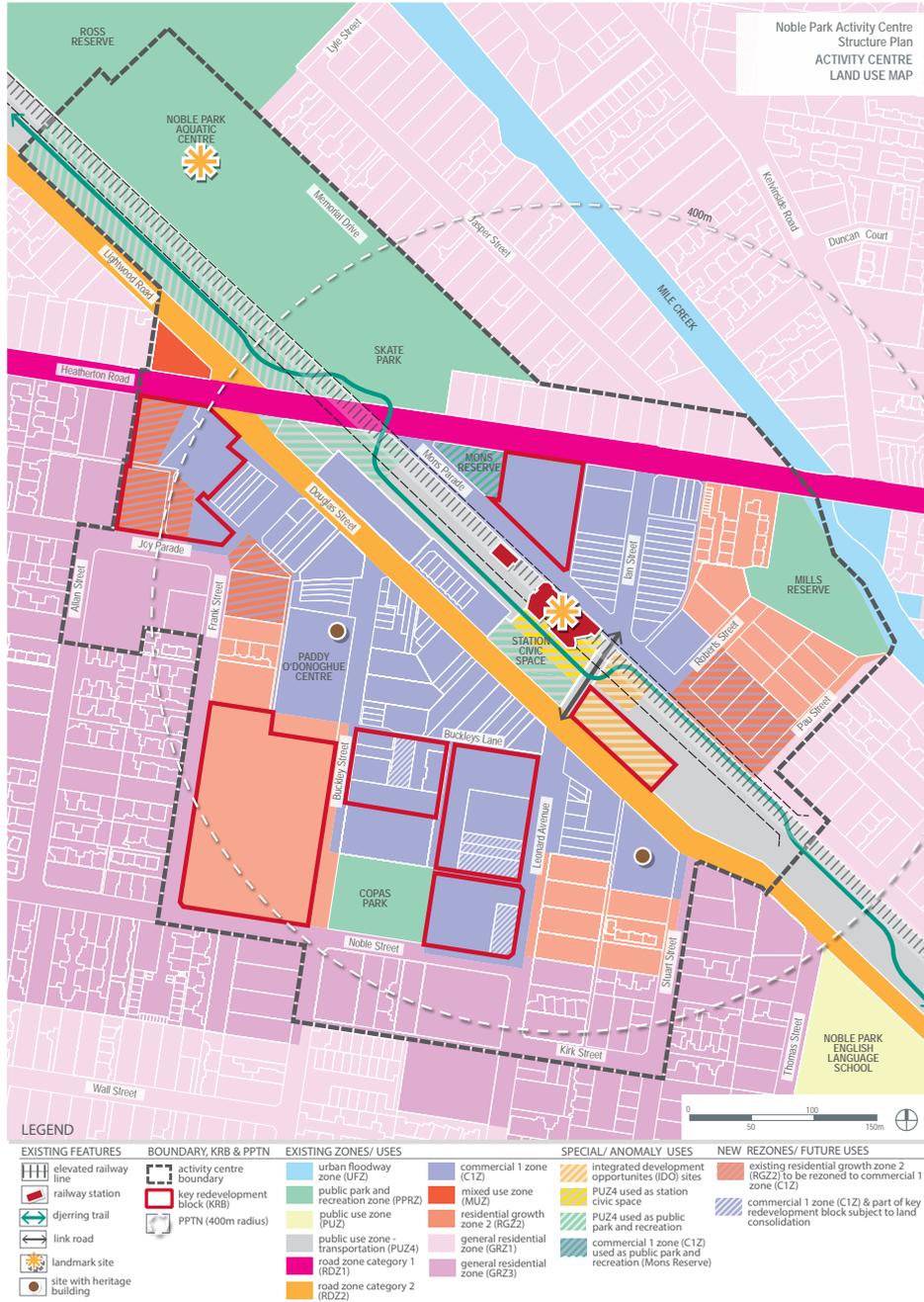
There are no visual cues (signage for example) informing passing traffic of the retail core of Noble Park. Lowering speed limits along Heatherton Road and encouraging quality development of the RSL site (KRB7) will assist to promote the centre to passing traffic, as well as improve pedestrian safety. Welcome signage along Heatherton Road should also be investigated.

The signalisation of the Heatherton Road/Douglas Street intersection (and removal of the roundabout) will improve safety and further slow motorists therefore making the centre more prominent to passing traffic.

The Structure Plan proposes several areas be rezoned from a Residential to Commercial zoning to extend the commercial spine of the centre and attract and encourage further investment and development.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 7: Current zoning and future opportunities



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5.1.2 Built Form and Urban Design

This section of the Structure Plan provides the following detail:

- Introduces the three precincts (Gateway, Core and Transition) of Noble Park and the types of development envisioned
- Nominates and justifies recommended building heights and setbacks for development across the Activity Centre from two to six storeys
- Nominates proposed laneway widenings across the Activity Centre
- Depicts cross sections of the proposed heights and setbacks
- Examines the seven Key Redevelopment Blocks (KRB) and provides a justification for each.

Noble Park Precincts

Refer to Map 8 on page 30 for details of the precincts.

Precinct 1: Gateway Precinct

Defines the north-western edge of the Noble Park Major Activity Centre and is anchored around the key junction of Heatherton Road and Douglas Street. It defines the centre's main entry point and encompasses key community assets such as NPAC and Ross Reserve, as well as a retail node including the Coles Supermarket and specialty retail shops which front Heatherton Road and Douglas Street.

This Precinct will be defined by development that transitions from three or five storeys at its periphery, to six storeys at the key junction of the Heatherton Road/Douglas Street roundabout.

Precinct 2: Core Precinct

Represents the commercial, retail, community and transport hub of Noble Park. It is defined by Douglas Street and the rail line. The shops are predominantly low rise and narrow (fine grain) with rear laneway access. Douglas Street and Ian Street feel intimate and local, with well-defined shops built to the boundaries with continuous weather protection. The existing open space adjacent to the Noble Park Train Station allows for easy pedestrian entry in to the core of the centre. The elevated rail line is a dominant structure in the centre.

Key heritage sites include the Noble Park Public Hall (Paddy O'Donoghue Centre) and a neo-brutalist building containing shops and offices at 49-54 Douglas Street. Both sites are on large blocks in the Activity Centre.

This Precinct will continue to grow and prosper as a vibrant, mixed-use destination and key hub allowing for commuting, working, shopping and leisure.

The diverse size and scale of the buildings will be enhanced through the predominance of 'shop top' apartments over shops, punctuated by taller developments at designated Key Redevelopment Blocks.

Enhancing the quality and amenity of mid-block pedestrian connections is supported as well as the continuation of the existing laneway network which will support the increased development activity in this precinct.

Ian Street Case Study

Ian Street is a small (approximately 140m long) retail strip located in the Core Precinct. It is significant as it is an intact example of a traditional fine grain retail strip with a range of shops including a grocery shop, variety shop, computer parts shop and laundromat. It has a strong homogenous character of narrow shopfronts, many with angled windows that are over 50 years old.

It is envisaged that the direct road link which has been constructed across the railway corridor (as a result of the Level Crossing Removal Project) is going to change how Ian Street is used by both customers and traders. Ian Street needs to be able to appropriately respond to significantly higher levels of customer activity and vehicle traffic, whilst seeking to preserve its unique character.

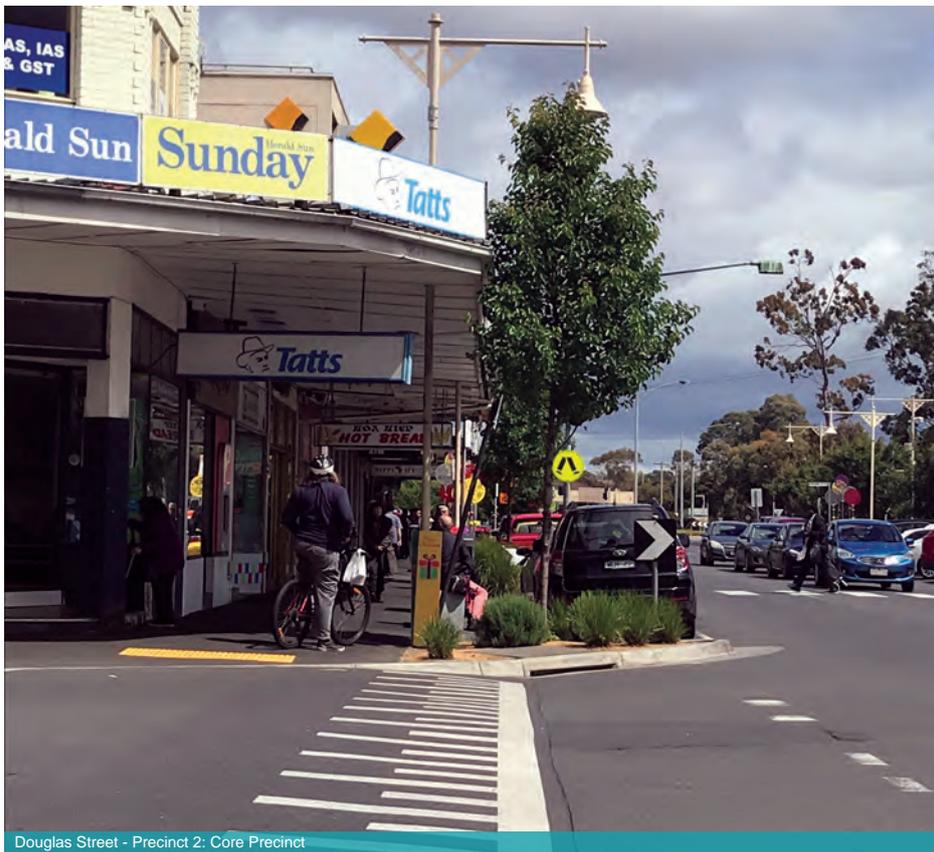


4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)**Precinct 3: Transition**

This Precinct surrounds Precinct 2 (Core) and includes urban blocks along the Activity Centre boundary to the north-east, south and west. The area to the north-east includes residential blocks fronting Heatherton Road (northern side) between Mile Creek and Mills Reserve. This area is a key entrance in to the Activity Centre for pedestrians. The area of Precinct 3 in the south contains recently constructed medium density townhouses. The area of Precinct 3 in the west has a large church in the north-west corner, well setback from the street to allow street planting and car parking.

The future development scale (of two to four storeys) reflects the low level of change expected for this area and the broader residential area outside the Activity Centre boundary.

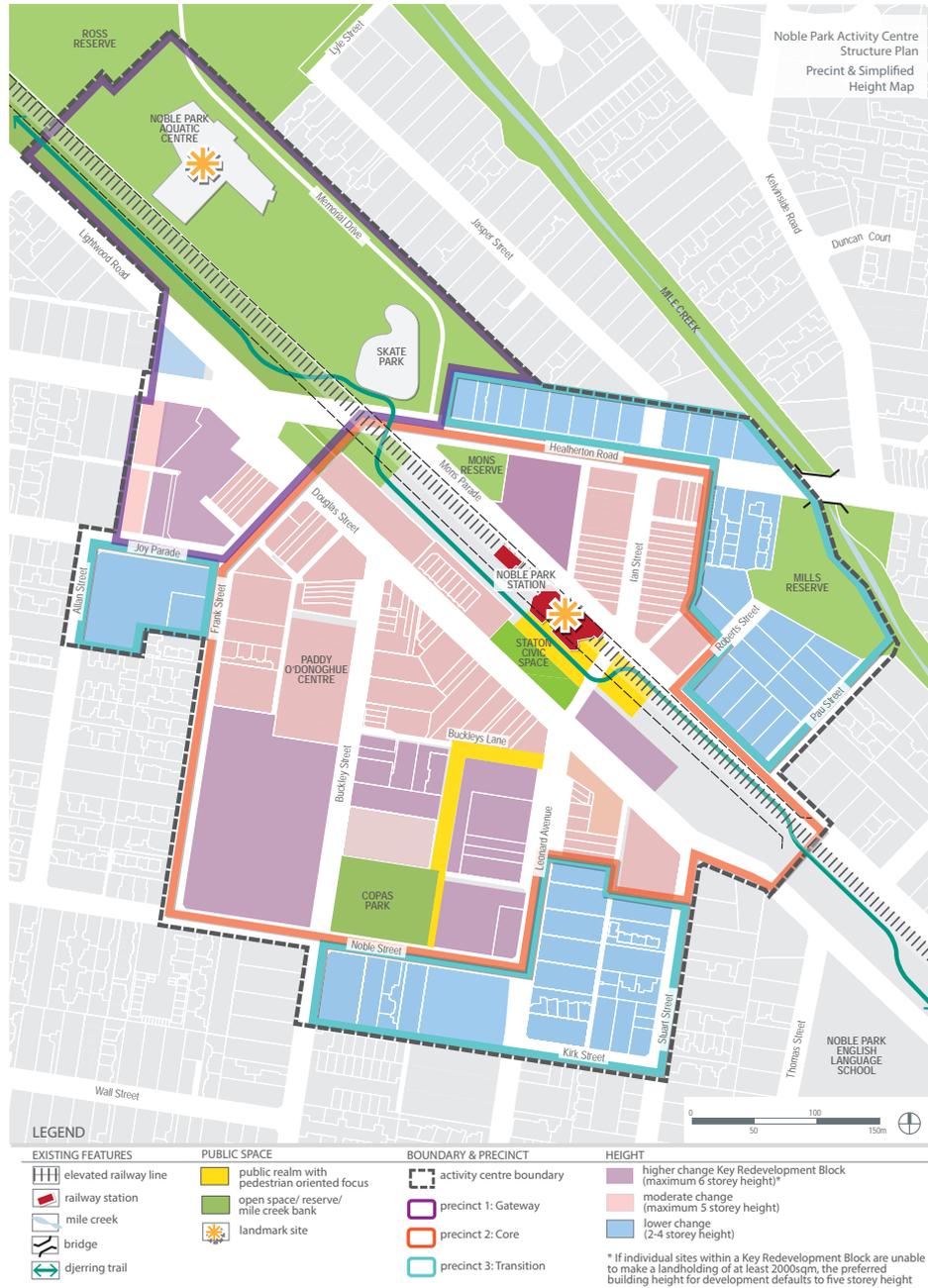
Map 9 on page 31 details the preferred height and setback controls for the centre.



Douglas Street - Precinct 2: Core Precinct

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 8: Noble Park precinct plan



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 9: Preferred building height and setbacks



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Height calculation and justification

The preferred maximum building heights have been determined after considering the necessary street wall height, front upper level setback and rear boundary transition conditions.

The following measurements have underpinned the heights and storeys proposed:

- Ground floor: 4m (floor to floor) to allow for commercial/retail use.
- Level 1 and above: 3.5m (floor to floor) to allow for commercial/retail use/residential uses. This will result in compliance with the Better Apartments Design Standards.

The recommended built form premise has recognised the following site features:

- Size of site
- Solar access to footpaths and public spaces
- Residential abuttal
- Gateway opportunity
- Retention and framing of key view lines
- Heritage considerations.

Ground level setbacks

The Structure Plan considers ground floor setbacks of development throughout the Activity Centre.

Street wall/podium heights

In commercial areas or on sites identified as KRB, the nominated street wall/podium height is between three and five storeys. This height is dependent on:

- The width of the street
- Whether the development is located south of open space (to avoid overshadowing)
- If the development is located on a street or laneway that is to be widened/activated.

Designating street wall heights:

- Confirms a consistent image and profile for the Activity Centre, of three to five storeys (with any further heights setback behind this street wall)
- Retains pedestrian amenity and comfort at street level along key streets
- Maximises activation along key retail spines by encouraging services and car parking to secondary streets or rear laneways.

Residential landscape setbacks

A 5m setback from the front boundary (to the street) in residential streets is proposed to encourage ground level landscaping. This will contribute to the 'greening' of Noble Park's streets and contribute to the attractiveness of the centre.

A 3.5m landscape setback is proposed along the western boundary of KRB5 to widen Buckleys Lane.

Development is required to provide a 1.5m landscape setback on sites adjacent to Mills Reserve and Ross Reserve to provide a softened interface to the open space. Map 9 on page 31 provides further detail of this.

Laneway widening setbacks

Map 9 on page 31 details the development setbacks required to facilitate the widening/creation of several laneways to either 5.5m or between 5.5m and 9m (Buckleys Lane).

Widening of laneways will encourage the utilisation of the existing laneway network for pedestrian access, encourage active uses at upper levels to improve surveillance, and provide future internal amenity for residents and workers adjacent to these laneways as a result of increased ground floor and upper level setbacks.

The widening of identified laneways will also ensure adequate access widths are provided for new development.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Upper level setbacks behind street walls

In commercial areas, a common urban design guideline is to introduce a 'street wall' and 'upper level front setback' measure. The purpose of these setbacks is to ensure a low to medium rise street definition that is proportionate to the street width, while also managing solar access to the public realm including footpaths and open spaces.

Generally, and subject to the street wall conditions and solar tests, a setback distance of 3m above the street wall podium is required. This allows for the form of the building to be articulated and provide visual interest. A 3m setback allows for usable terraces on outdoor spaces above the street wall podium.

Whilst this is not a definitive test, the default setback also generally supports acceptable solar access across the streetscape along pedestrian-oriented streets at the equinox (from 10am to 2pm on 22 September). In some locations, where building heights greater than the 5-storey default scale is sought, additional upper level setbacks will be required to minimise any adverse impact on the public realm (including shadow and wind).

Providing separation (between 6-9m) between buildings (above street wall/podium) will facilitate outlook and amenity to existing and future

occupants. Providing consistent setback guidance seeks to avoid overtly stepped upper level forms.

Figure 3 from page 34 is to be read in conjunction with Map 9 on page 31 and is divided into three sections:

- Figure 3A provides the preferred maximum building heights, preferred street wall height, and upper level setbacks for the centre by Precinct.
- Figure 3B provides specific setback requirements for open space, pedestrian and service laneway interfaces and for Buckleys Lane. Guidance regarding preferred podium heights and ground and upper level setbacks is also provided.
- Figure 3C details the various zone interface scenarios present in Noble Park and the side and rear setbacks to be employed.
- Figure 3D details key view lines within and to the centre and provides development guidance.

These design guidelines are required to be followed by all development in the Activity Centre.

Refer to Maps 9,10 and 11 on pages 31,42 and 44 and the accompanying cross section diagrams on pages 43 and 45 which provide diagrammatic examples of several of the typologies described in Figure 3 from page 34.



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Figure 3: Levels of anticipated change and design guidance

3A: Built form and setback guidance

Precinct	Preferred maximum building height (1a, 1b)	Preferred street wall height	Preferred street level setback	Preferred minimum setback above street wall (2)
Precinct 1 Gateway Precinct	11 metres (3 storeys) (1111-1115 Heatherton Road) 18 metres (5 storeys) (C1Z) 21.5 metres (6 storeys) (KRB)	18 metres (5 storeys) (South side Heatherton Road and south side Douglas Street) 11 metres (3 storeys) (Other streets)	0 metre 7 metres (along eastern boundary of 1111-1115 Heatherton Road)	3 metres (greater if required for overshadowing/ key view purposes)
Precinct 2 Core Precinct	18 metres (5 storeys) 21.5 metres (6 storeys) (KRB)	18 metres (5 storeys) (Heatherton Road, Buckleys Lane, rear of Douglas Street sites) 11 metres (3 storeys) (Other streets)	0 metre (C1Z) 5 metres (RGZ)	3 metres (greater if required for overshadowing purposes)
Precinct 3 Transition Precinct	9 metres (2 storeys) (GRZ1) 11 metres (3 storeys) (GRZ3) 14.5 metres (4 storeys) (RGZ, C1Z)	9 metres (2 storeys) (North side Heatherton Road) 11 metres (3 storeys) (Other streets)	0 metre (C1Z) 5 metres (all other sites)	
<p>Note:</p> <p>(1a) If individual sites within a Key Redevelopment Block are unable to make a land holding of at least 2000sqm, the preferred building height for development for the site defaults to five storeys.</p> <p>(1b) If any other site in the centre is unable to obtain its preferred height through lack of consolidation, the preferred maximum building height for development defaults to the recommended street wall height.</p> <p>(2) Greater setback is expected above podium to minimise overshadowing to meet the overshadowing tests and avoid adverse wind impacts/preserve key views.</p>				

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

3B: Interface requirements for Precinct variables

Interface Conditions	Preferred ground level setback	Preferred podium height	Minimum upper level setback above podium (1)	Typical Cross section
Ross Reserve	1.5 metres	9 metres (2 storeys)	Not applicable	
Mills Reserve	1.5 metres	11 metres (3 storeys)	3 metres	
1 Noble Street southern boundary and 3 – 7 Noble Street western and southern boundaries	3.5 metres	11 metres (3 storeys)	3 metres	

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

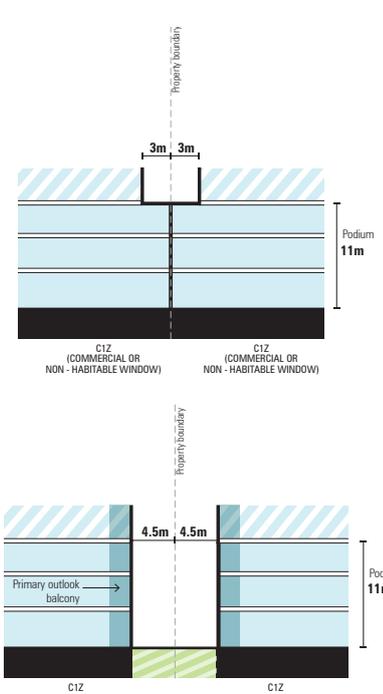
Interface Conditions	Preferred ground level setback	Preferred podium height	Minimum upper level setback above podium (1)	Typical Cross section
1111-1115 Heatherton Road and adjoining open space/ surrounding residential hinterland	0 metres 6 metres (west boundary) 7 metres (east frontage)	11 metres (3 storeys)	Not applicable	
Service laneway (no widening)	0 metres	11 metres (3 storeys)	4.5 metres from laneway centreline	
Pedestrian laneway (new)	1.5 metres from laneway centreline	11 metres (3 storeys)	4.5 metres from laneway centreline	

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

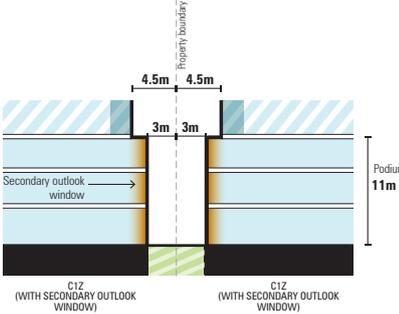
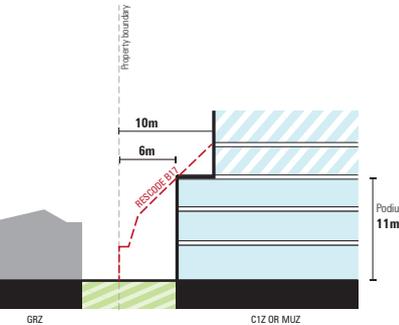
Interface Conditions	Preferred ground level setback	Preferred podium height	Minimum upper level setback above podium (1)	Typical Cross section
Service laneway widening	2.75 metres from laneway centreline unless specified on Map 9, page 31	11 metres (3 storeys)	4.5 metres from laneway centreline	
Buckleys Lane	4 metres to 7.5 metres from laneway centreline as specified on Map 9, page 31	18 metres (5 storeys)	3 metres	
<p>Note:</p> <p>1. Greater setback is expected above podium to minimise overshadowing to meet the overshadowing tests and avoid adverse wind impacts.</p>				

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

3C: Typical interface requirements for common boundaries

Zone Interface Scenario	Default Side and Rear Setbacks	Rationale
C1Z/C1Z	<ul style="list-style-type: none"> • 11 metre (3 storey) podium • 0 metre setback to 3 storey podium (11 metres), in the absence of habitable windows/balconies • 3 metre setback to 3 storey podium (11 metres) measured from the edge of residential balcony/habitable window • 4.5 metre setback above podium to 3 storey podium (11 metres) measured from the edge of residential balcony/habitable window 	<ul style="list-style-type: none"> • To support increased development density within the commercial core and areas where moderate to high change is expected. • To provide separate between buildings (above podium) to facilitate outlook and amenity to existing and future occupants (residents and workers).
C1Z/RGZ	<ul style="list-style-type: none"> • 3 metre setback above 3 storey podium (11 metres) measured from common boundary where a commercial or non-habitable window is proposed 	 <p>The diagrams illustrate the interface requirements for common boundaries between two buildings. The top diagram shows a cross-section of two buildings with a 3m setback from the property boundary to the edge of the 11m podium. The bottom diagram shows a cross-section of two buildings with a 4.5m setback from the property boundary to the edge of the 11m podium, which includes a primary outlook balcony.</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Zone Interface Scenario	Default Side and Rear Setbacks	Rationale
		 <p>C1Z (WITH SECONDARY OUTLOOK WINDOW) C1Z (WITH SECONDARY OUTLOOK WINDOW)</p>
<p>Other zone interfaces</p>	<ul style="list-style-type: none"> • ResCode Standard B17 for up to 4 storeys (where applicable) • 10 metre upper level setback from boundary above 4 storeys (where applicable) 	<ul style="list-style-type: none"> • To support increased development opportunity on consolidated land with regards to amenity requirements for existing and future occupants • To encourage new landscaping opportunities • To avoid repetitive stepped forms • To minimise amenity impacts on adjoining dwellings • To achieve a clear sense of transition to areas outside the activity centre  <p>GRZ C1Z OR MUZ</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

3D: Key view line guidance

View line	Design Guidance	Current conditions
<p>From Lightwood Road through to Douglas Street (the main entrance in to the centre)</p>	<p>Landmark development and gateway treatment for the Douglas Street/Heatherton Road roundabout.</p> <p>1-5 Douglas Street site (KRB1) will need to consider its 'gateway' response and consider the view line down Douglas Street</p>	 <p>View of centre from Lightwood Road with the roundabout in the centre and KRB1 to the right</p>
<p>North and south of the Noble Park Train Station from Leonard Avenue and Ian Street.</p>	<p>51A-57A Douglas Street (KRB6) should consider the view line between Ian Street and Douglas Street (along the Leonard Avenue extension) to retain this 'cross view' through the centre. This will also assist with wayfinding through the centre</p> <p>1128 Heatherton Road (KRB7) should consider any future built form and the resultant views of the train station from Ian Street/Heatherton Road</p>	 <p>View lines from Douglas Street through to Ian Street with KRB6 to the right</p>  <p>View from Ian Street towards Douglas Street</p>  <p>KRB7 with elevated rail in background</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

View line	Design Guidance	Current conditions
<p>From Douglas Street/Heatherton Road roundabout looking north-east and north-west to Ross Reserve</p>	<p>A 7 metre setback (at ground and upper levels) is required to maintain a visual link between the existing pedestrian crossing (south of Heatherton Road) and the Aquatic Centre to the north</p>	 <p>Open space for retention looking across to Ross Reserve</p>
<p>From Mons Reserve looking north-west and south-west across to the skate park and Mons Parade</p>	<p>The front setback at 1133-1135 Heatherton Road is required to be retained</p>	 <p>Front setback to be retained to the right, with skate park in background</p>

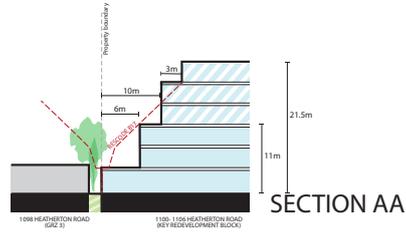
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 10: Key Cross Sections AA to DD

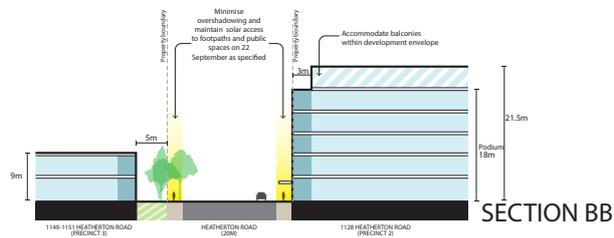
The following mapping shows examples of cross sections and reflects the guidance provided in above.



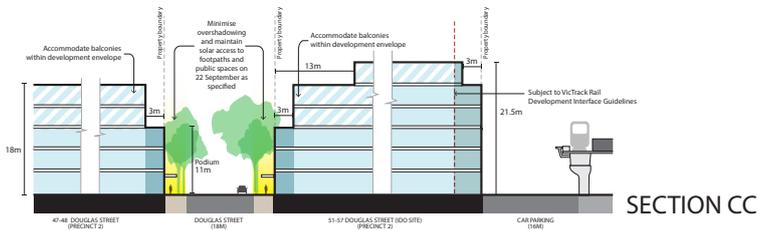
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



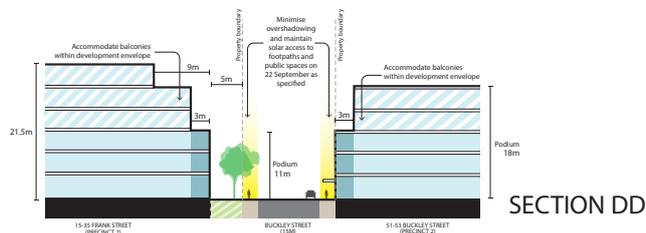
SECTION AA



SECTION BB



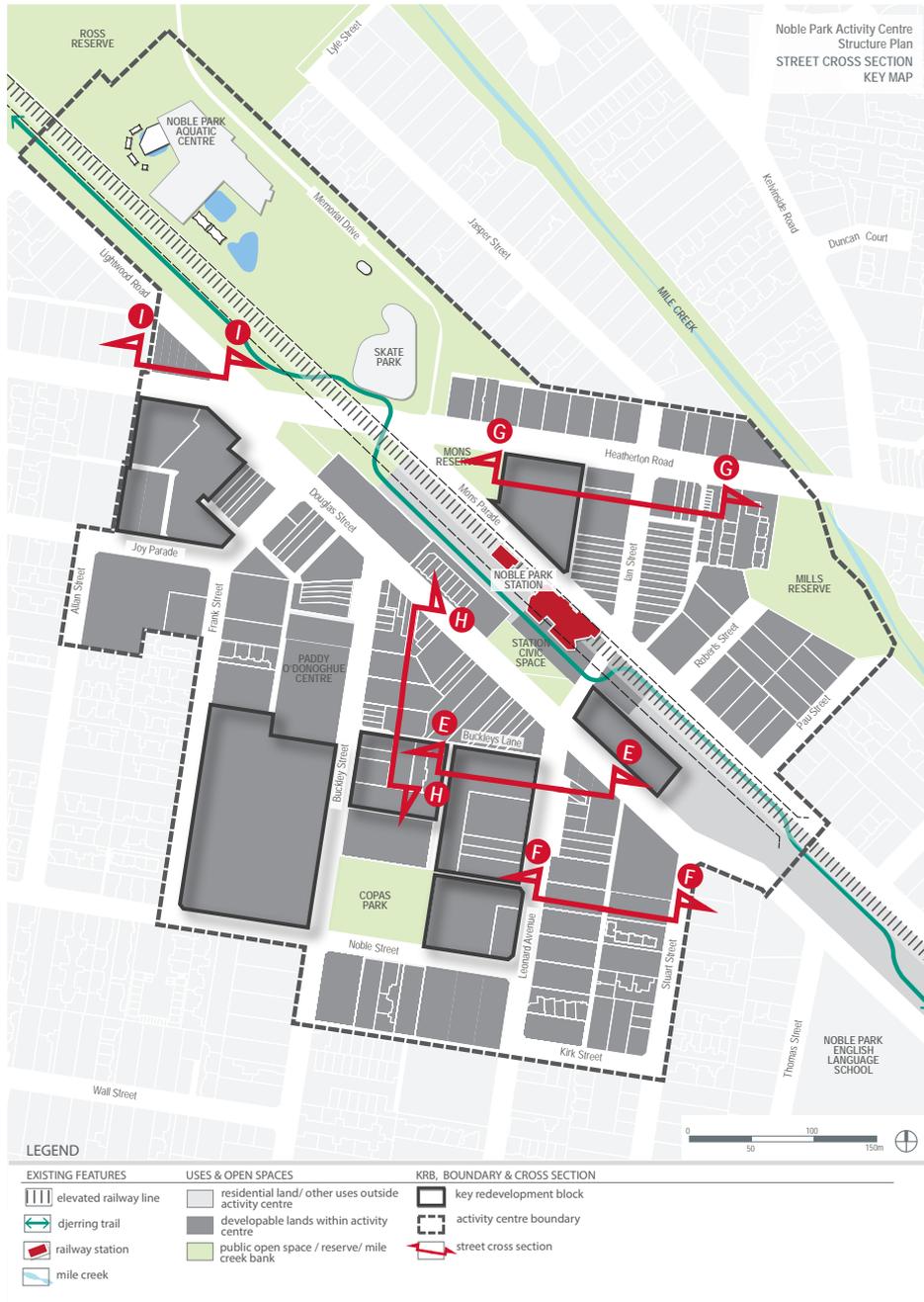
SECTION CC



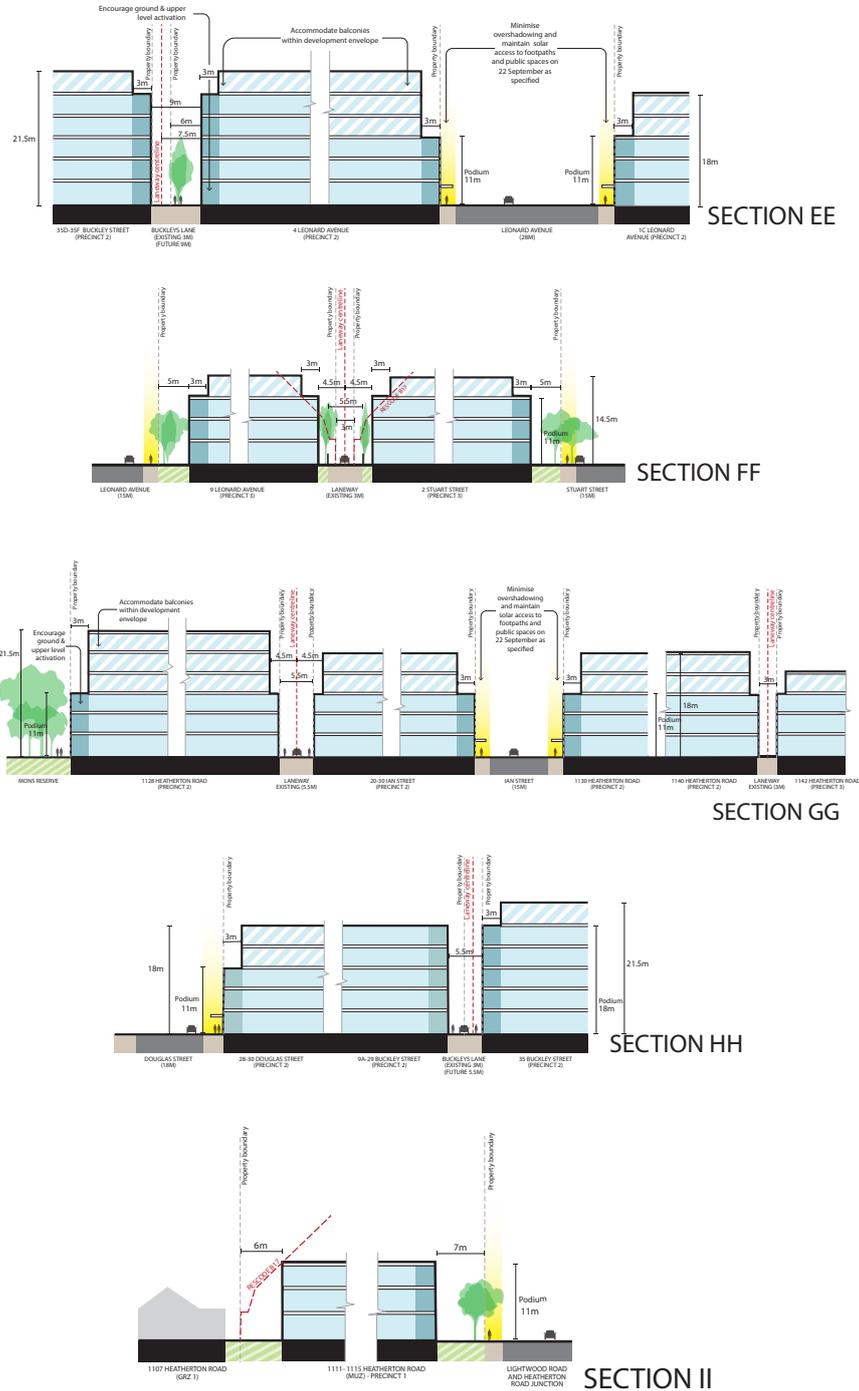
SECTION DD

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 11: Key Cross Sections EE to II



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)**5.1.2.1 Key Redevelopment Blocks**

The Structure Plan supports increasing the density of the centre, in line with its Major Activity Centre status. Key Redevelopment Blocks (KRB) provide opportunity to achieve greater heights in specific locations, while allowing for moderate or low change across the balance of the centre.

A Key Redevelopment Block is land that is:

- Located within the Activity Centre boundary
- Within the Commercial 1, Mixed Use or Residential Growth Zones
- With common land ownership, or land with opportunity for consolidation
- With notable land holding of 2000sqm or greater
- Having multiple frontages to either street or laneway
- Having limited sensitive interfaces to residential areas outside of the Activity Centre boundary.
- It can be a single site, or a number of sites that are grouped together

If a KRB is unable to make a land holding of at least 2000sqm due to lack of consolidation, the preferred maximum building height defaults to five storeys.

Seven sites are nominated as Key Redevelopment Blocks (KRB). One of these sites (KRB6) at 51A-57A Douglas Street is owned by VicTrack who refer to this site as an 'Integrated Development Opportunity (IDO) site'. Refer to Map 12 on page 47 and Figure 4 on pages 48 and 49 for further details.

Site consolidation

KRB3, KRB4 and KRB5 are not currently in single ownerships greater than 2000sqm and will require site consolidation in order to develop to six storeys.

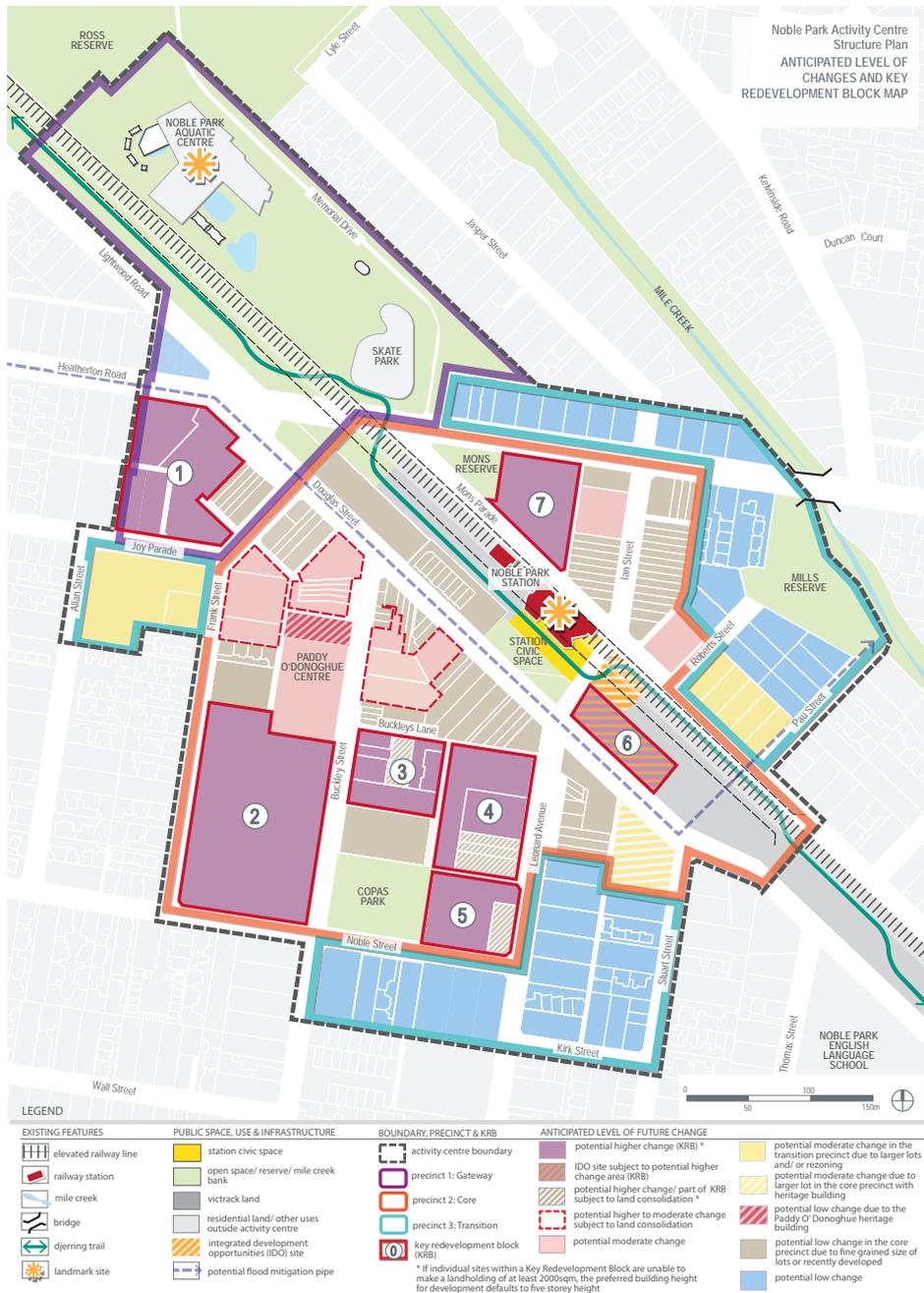
If any other site in the centre is unable to obtain its preferred height through lack of consolidation, its preferred height defaults to the recommended street wall height.

Refer to Map 9 on page 31 for further details regarding street wall/podium heights across the centre.

Map 12 on page 47 identifies further sites through the Activity Centre that due to location, lot ownership and/or lot size has the potential for moderate change.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 12: Key Redevelopment Blocks and Precinct Boundaries



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Figure 4: Key Redevelopment Blocks - this figure is to be read in conjunction with Map 12 on page 47 - all land sizes are approximate

KRB	Current site conditions	Comment	
<p>① 1-5 Douglas Street (Coles site) and 1100-1106 Heatherton Road</p> <p>Landmark built form development</p> <p>Block is 7300sqm in two separate ownerships comprising:</p> <p>1-5 Douglas Street - 5300sqm</p> <p>1100-1106 Douglas Street - 2000sqm</p>		<p>Current split zoning may result in varied built form requirements</p> <p>Could accommodate a taller mixed-use development, including full line supermarket</p> <p>Future redevelopment should consider existing residential uses to the west, the potential amenity impact along Joy Parade and Frank Street, as well as providing a sense of transition to adjoining properties outside the Activity Centre</p> <p>Will define the key entry in to the centre from north-west</p> <p>Mid block access through the site will be required</p>	<p>5 to 6 storeys</p> <p>18 to 21.5m</p>
<p>② Noble Manor Residential Aged Care</p> <p>15-35 Frank Street</p> <p>Block is in one single ownership of 14200sqm</p>		<p>Future redevelopment should consider the existing residential abuttal and allow for mid-block access</p>	<p>6 storeys</p> <p>21.5m</p>
<p>③ Buckley Street West Precinct</p> <p>Block is 3960sqm in four separate ownerships comprising:</p> <p>31 - 41a Buckley Street (3 sites, 1 owner) - 1040sqm</p> <p>43 - 49 Buckley Street - 1320sqm</p> <p>Rear 35 Buckley Street - 630sqm</p> <p>6/35D - 35F Buckley Street (2 sites, 1 owner) - 970sqm</p>		<p>Future development should contribute to improvements for Buckleys Lane</p> <p>Without consolidation, no sites in this precinct qualify as KRB</p>	<p>6 storeys</p> <p>21.5m</p>
<p>④ Council car park and 4, 6, 12 and 14-14A Leonard Avenue</p> <p>Block is 6240sqm in five separate ownerships comprising:</p> <p>4 Leonard Avenue - 3240sqm</p> <p>6-10 Leonard Avenue - 1520sqm</p>		<p>4 Leonard Avenue currently accommodates a Council car park</p> <p>All other sites will need to be consolidated to qualify as a KRB</p>	<p>6 storeys</p> <p>21.5m</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

KRB	Current site conditions	Comment	
<p>1/12 Leonard Avenue - 370sqm 2/12 Leonard Avenue - 370sqm 14 Leonard Avenue - 740sqm</p>			
<p>⑤ MiCare Aged Care 1 and 3-7 Noble Street Block is 3660sqm in two separate ownerships comprising: 1 Noble Street - 730sqm 3 - 7 Noble Street - 2930sqm</p>		<p>Existing approval for five storey aged care development at 3-7 Noble Street. Without consolidation, 1 Noble Street (730sqm) does not qualify as a KRB</p>	<p>6 storeys 21.5m</p>
<p>⑥ Integrated Development Opportunity (IDO) site 51A-57A Douglas Street Landmark built form development Block is in one single ownership of 2500sqm A smaller IDO site is in one single ownership of 650sqm</p>		<p>Owned by VicTrack. Known as an Integrated Development Opportunity (IDO) Site</p> <p>Future redevelopment with a taller mixed-use development will positively contribute to the train station civic space</p> <p>Future development should consider potential amenity impact on the public realm along Douglas Street and the need to accommodate the future duplication of the rail corridor with further elevated rail tracks</p> <p>A smaller IDO site, located north-east of the main IDO site, is located underneath the rail bridge. Any future built form height will be determined by the height of the bridge. It is possible this site may be used for further open space or a 'pop up' type space in the future.</p>	<p>6 storeys 21.5m</p>
<p>⑦ RSL 1128 Heatherton Road Block is in one single ownership of 3700sqm</p>		<p>Future redevelopment will contribute to defining the north-western entry into the centre and should consider the potential amenity impact on the public realm along Mons Parade</p> <p>Future redevelopment to consider its presentation to Heatherton Road and its entry into the centre</p>	<p>6 storeys 21.5 metres</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 13: Detail of existing layout and configuration of part of KRB1, including existing service access and car parking.



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 14: Four development scenarios for how street activation and secondary service access could operate depending on how the block is developed. Pedestrian access and open space requirements have also been considered.



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5.1.3 Access and Movement

The Noble Park Train Station and bus interchange are in the core of the Activity Centre. The primary road network comprising Douglas Street, Mons Parade and Heatherton Road serve as the centre's principal address for visitors and residents arriving by either car or public transport.

The Level Crossing Removal Project has significantly improved connections across the centre. For example, the key retail streets of Ian Street and Douglas Street are now connected via the Link Road. The introduction of the shared user path (Djerring Trail) is an additional mode of transport that contributes to the connectivity of the centre to other destinations.

Over the life of this Structure Plan, the provision of a third and fourth rail track along the Dandenong Corridor could occur. Should this ensue (and likely involve heavy freight movements) this would have implications on the amenity of the centre. VicTrack, who are the owner of all railway land, assets and rolling stock, have produced detailed guidance on how to establish an appropriate interface with railway land.

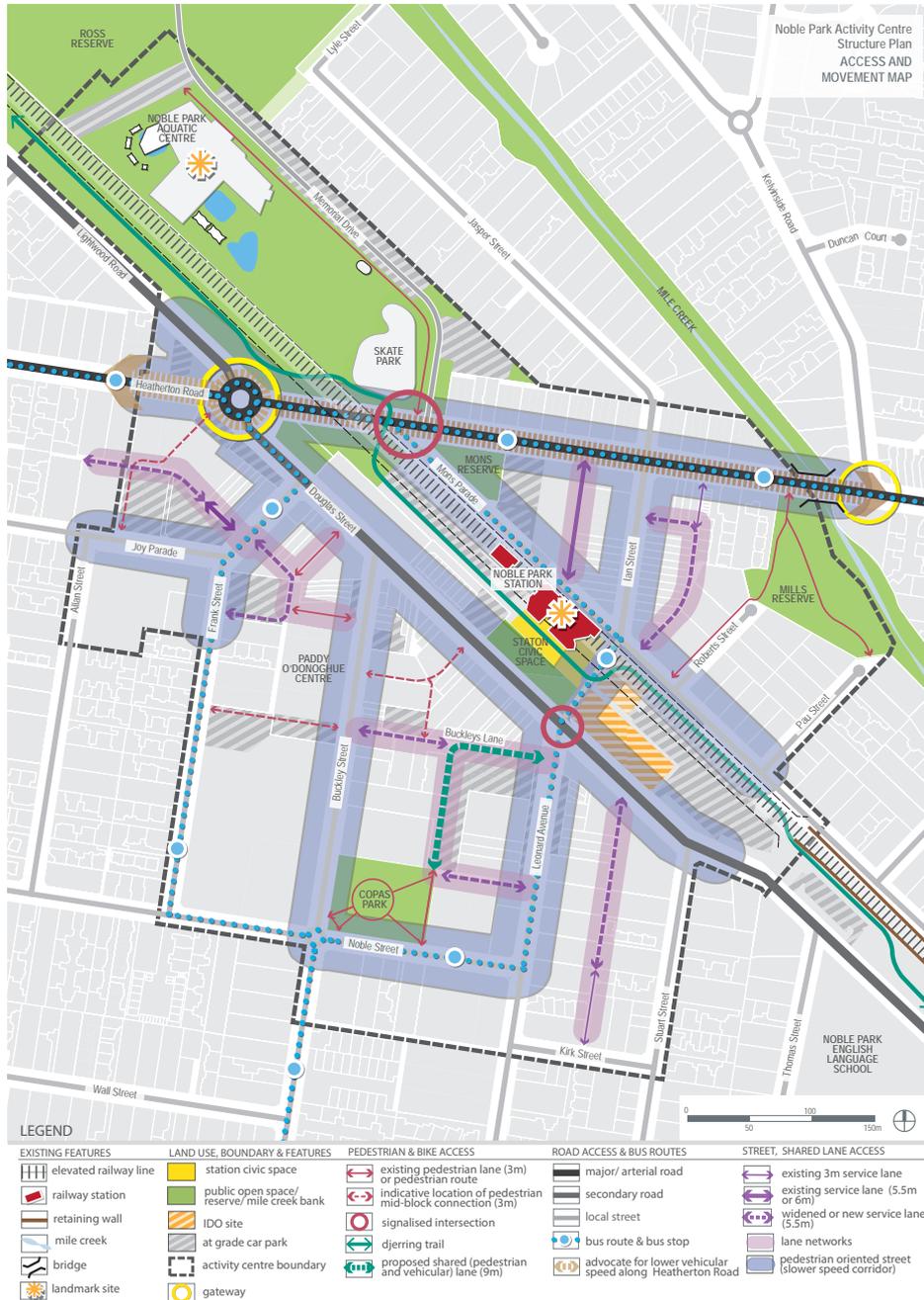
The VicTrack Rail Development Interface Guidelines (August 2019) will need to be considered for any redevelopment adjacent to the rail corridor.



Elevated rail with public realm space below

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 15: Access and movement in Noble Park



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Pedestrian centre

Noble Park is a very walkable centre and has few barriers to movement. The centre has a high level of pedestrian activity, with 61 per cent of those accessing the centre doing so by foot.

The Activity Centre is relatively compact and has good connections from the surrounding residential area, with 21,000 people living within a 20-minute walk of the train station.

Accessing the centre through Mills Reserve is the most common route when walking from the north (for both commuters and school children). Leonard Avenue is the most common route to the station from the south. Walking through Copas Park and along Buckleys Lane is also a notable route used.

The smaller scale of Noble Park allows pedestrian priority at crossings and results in fewer traffic or parking issues than are experienced in other Activity Centres in Greater Dandenong. It is imperative that future development continues to support high pedestrian movement and does not compromise pedestrian amenity.

Map 15 on page 53 shows the existing road and laneway network and identifies improvements to the centre. Key improvements include the widening of Buckleys Lane along the north-south alignment to 9m and the lowering of the speed limit along Heatherton Road to 40km/h. Improved pedestrian connections are proposed as part of any redevelopment of several of the KRB.

The Douglas Street/Heatherton Road roundabout is difficult for pedestrians to cross in a safe or timely manner and creates a significant barrier between open space assets and the core of the Activity Centre.

Wayfinding measures, such as in Central Dandenong and Springvale, are required to link key destinations across Noble Park. Clear connections through the centre will improve the pedestrian experience.

Laneways

The laneways in Noble Park provide an important structure to the centre, enhancing pedestrian activity and allowing for mid-block connections. Most are located at the rear of shops and have traditionally been used for service access and car parking.

Many laneways are poorly maintained, lack activity, have perceived safety concerns and are arranged in an ad hoc fashion that provides poor connections between key destinations. Many do not meet the minimum width standards for their function (such as for two-way traffic) or allow sufficient width for emergency vehicle access.

This Structure Plan seeks to resolve these issues through the following options:

- Widen laneways
- Alter the function of laneways (to make them pedestrian only for example)
- Close, sell or resolve titles
- Include way-finding signage and other place making opportunities.

Map 16 on page 55 illustrates the existing pedestrian and service laneways in the centre. The map also details pedestrian, service and shared laneways (including Buckleys Lane) which are to be created/widened.

Buckleys Lane

Buckleys Lane is a key route from the south of the centre through to the core. Widening of the laneway will create shared pedestrian and vehicular access with opportunity for landscaping at ground level.

Future development along this laneway should contribute to the activation of the laneway, with zero lot setbacks encouraged along most of the laneway to establish a robust street wall.

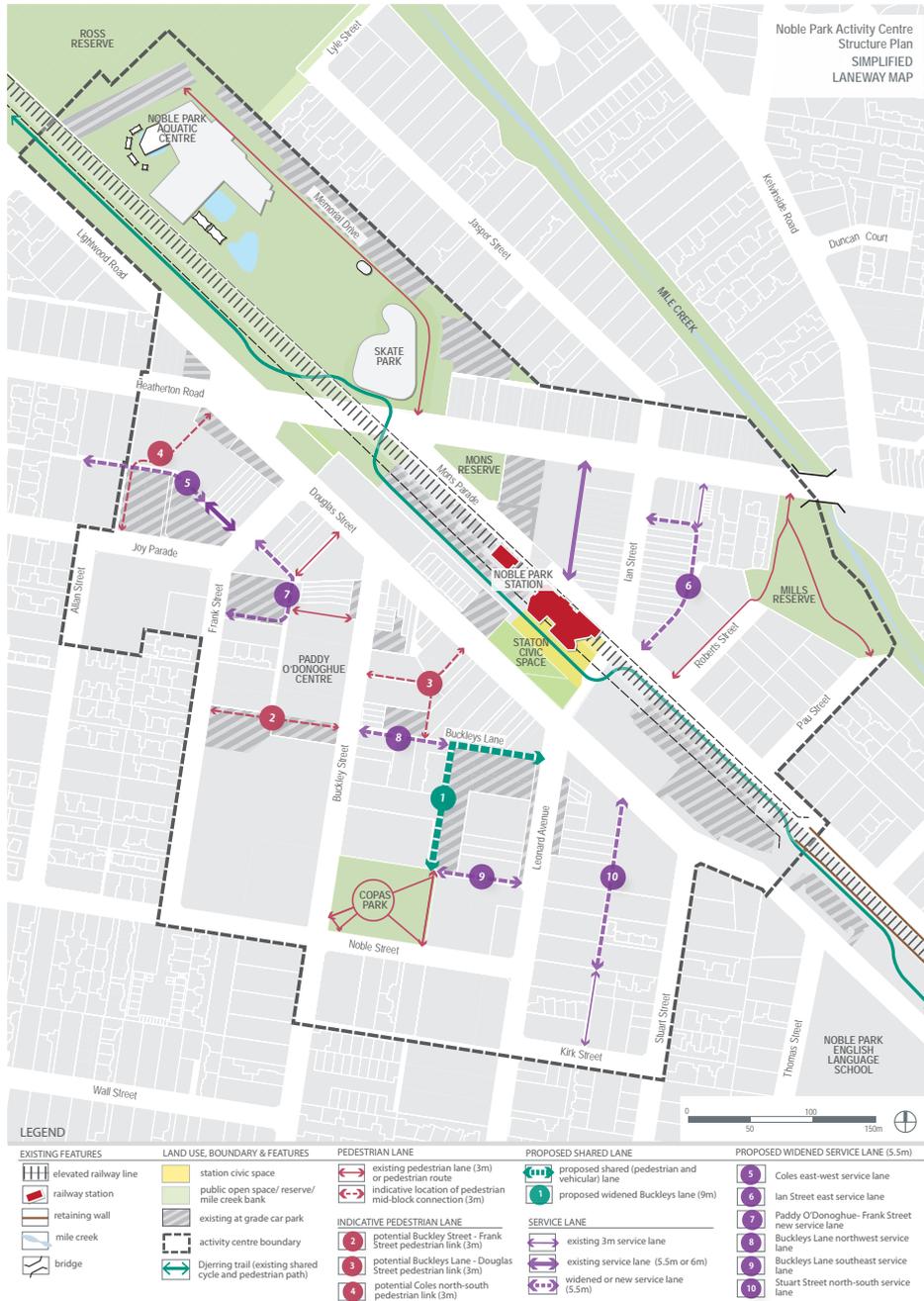
The widening of Buckleys Lane is proposed as follows:

- 9m along the north-south alignment
- 5.5m along the east-west alignment.

Map 17 on page 56 provides further detail of the laneway widening proposal and Map 18 provides four development scenarios for how street activation and secondary services could operate depending on how the surrounding sites are developed.

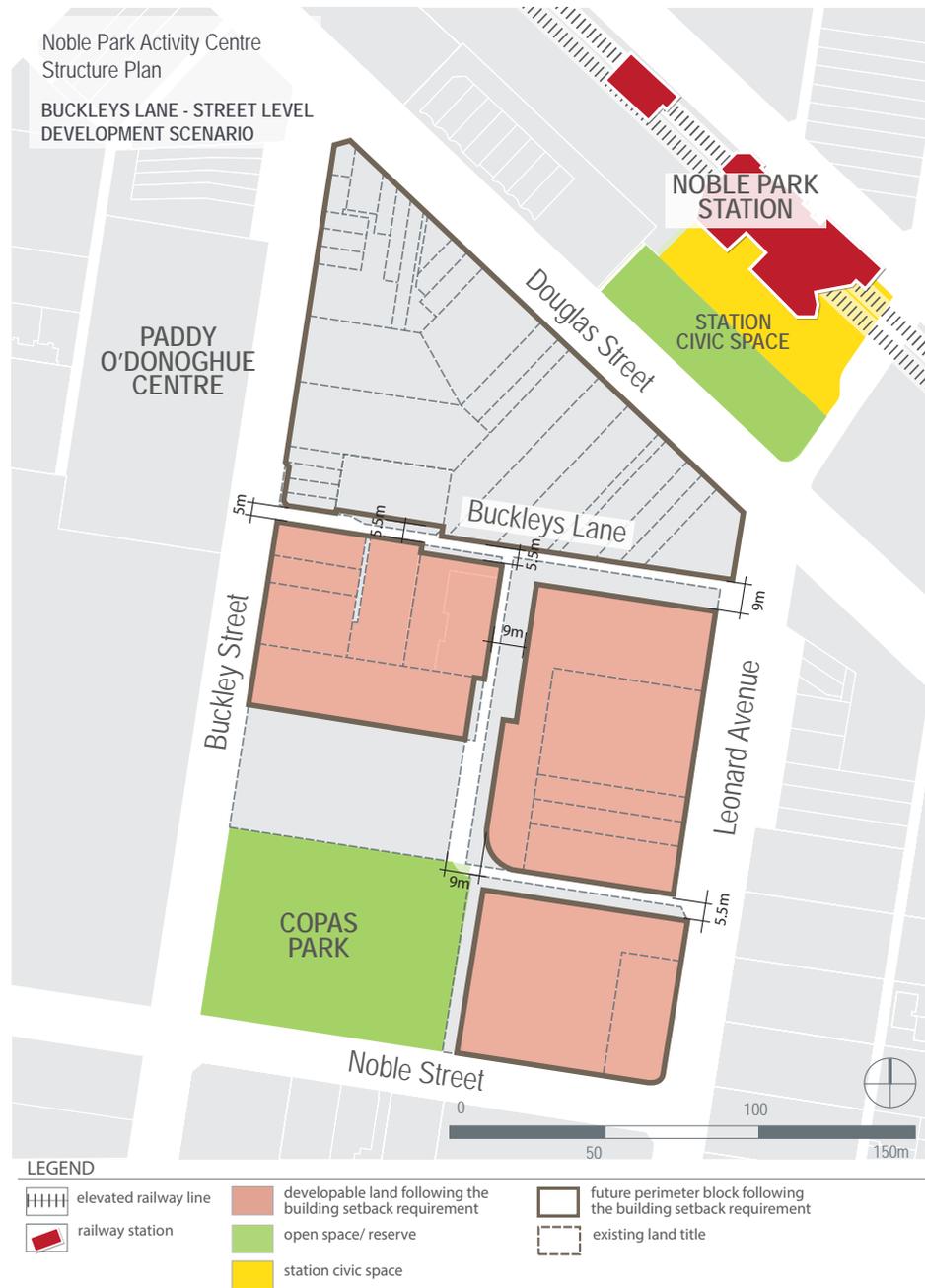
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 16: Simplified Laneway map



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 17: Buckleys Lane widening

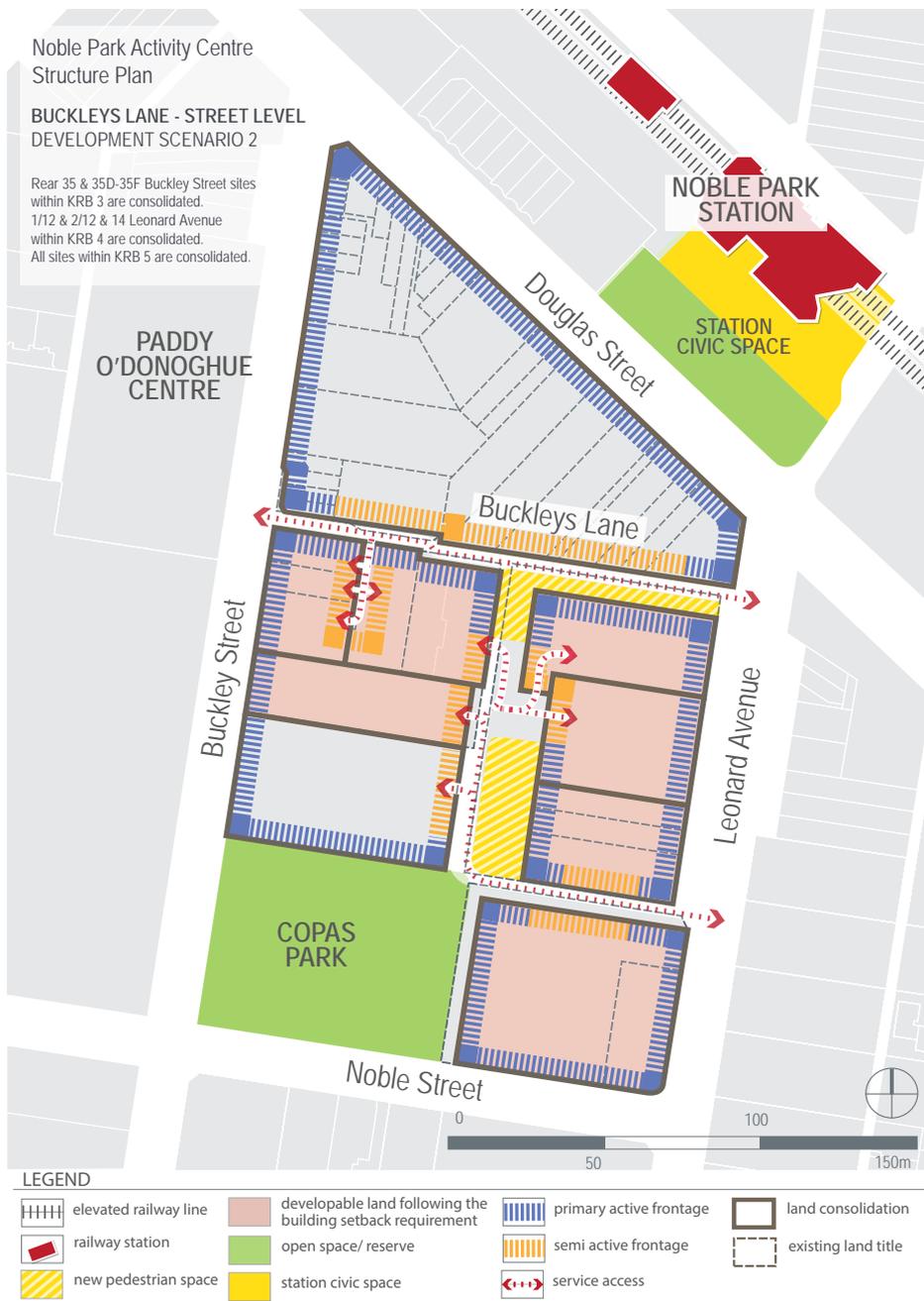


4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

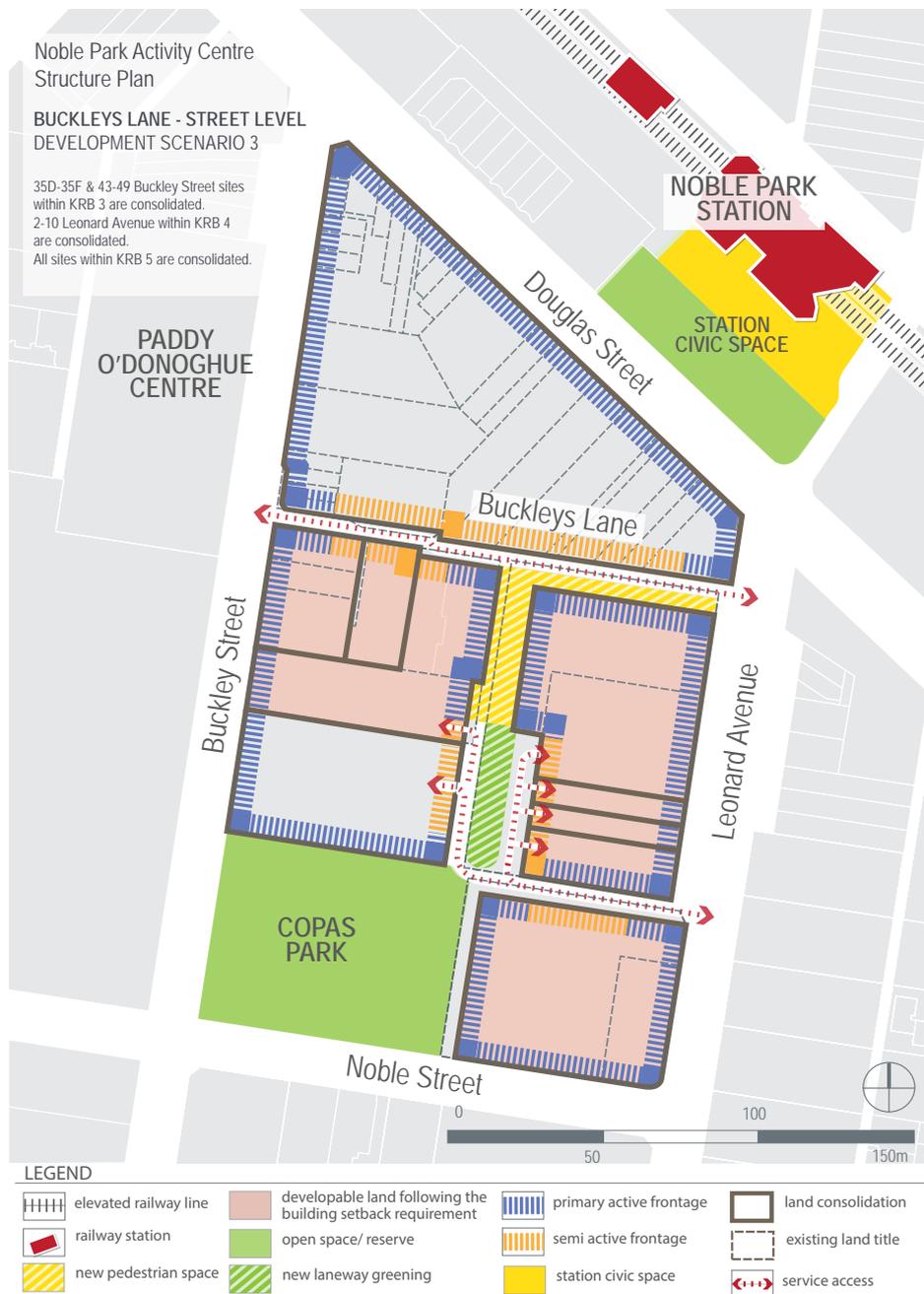
Map 18: Four Development Scenarios for Buckleys Lane



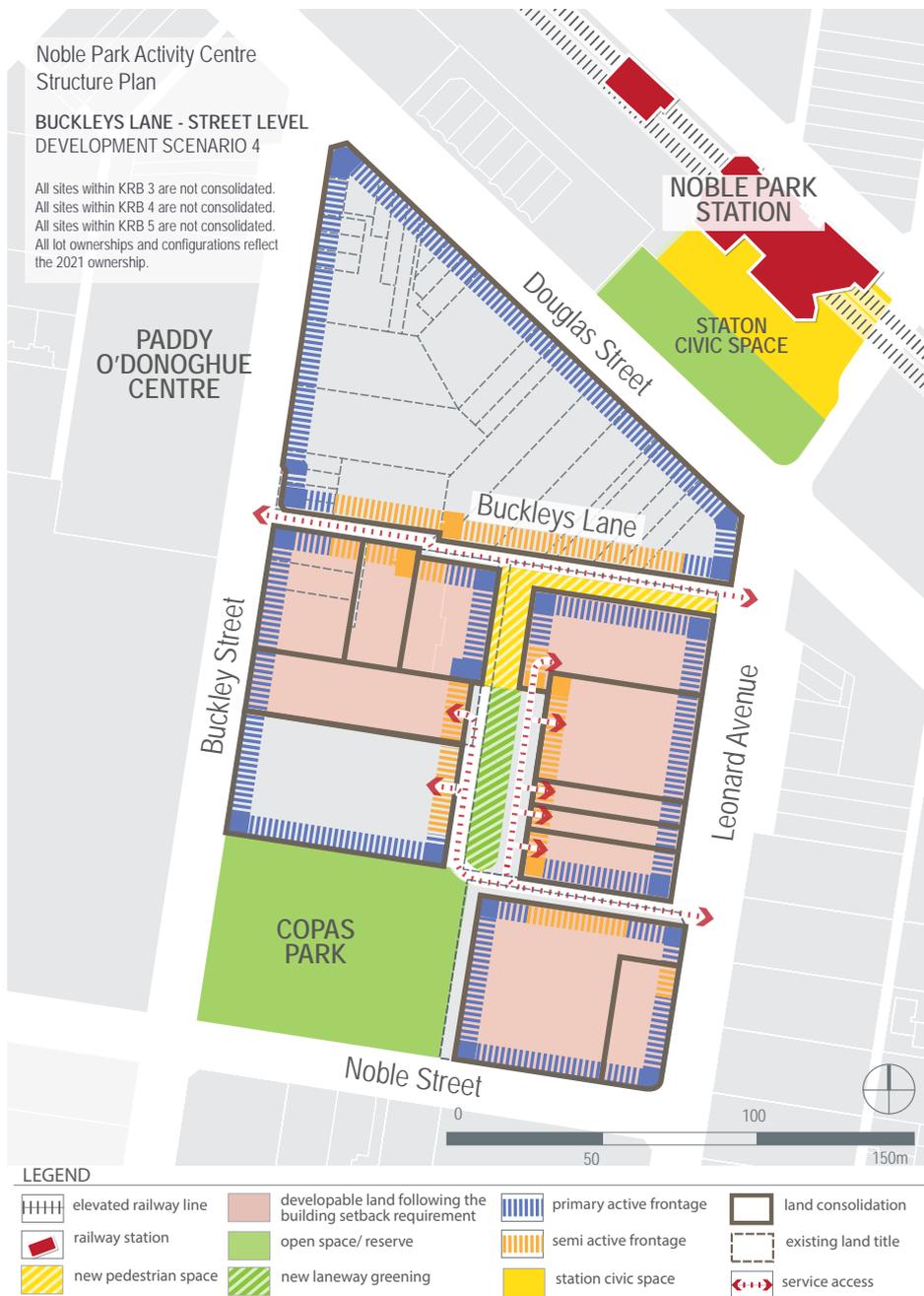
4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



Current Buckleys Lane configuration running north-south (2020)

Accessibility

Noble Park’s public spaces have been progressively upgraded through a range of improvement projects, such as the Douglas Street Streetscape improvements, Level Crossing Removal Project and Ross Reserve park improvements. Due to the spacing of these projects, a comprehensive review of Disability Discrimination Act (DDA) Accessibility of the centre has not occurred since 2010.

Consequently, there are issues with incorrect tactile markings and signage in some locations that continue to present barriers to allowing everyone to be able to move through the centre with ease.

Some private sites such as the Coles Supermarket, a key anchor of the centre, has a current configuration that is also difficult to navigate for people with limited mobility.

A full Accessibility Audit of the centre should be undertaken, including recommendations for rectification.

Cycling

Historically, cycling infrastructure and cycling routes in to Noble Park have been absent. The construction of the Djerring Trail, linking Caulfield and Dandenong, has been a major improvement.

The State Government categorises the Djerring Trail and the cycle route heading south from the train station along Leonard Avenue, Noble Street and Buckley Street as ‘Strategic Cycling Corridors’. Place-based behaviour mapping of the centre and the station civic space has shown an increase in cycling since 2017 of more than 2000 per cent.

A Multi Modal Transport Infrastructure Plan will be developed to encourage greater efficiency of movement and to further consider cyclist infrastructure and routes.

Traffic

There are several very busy roads within the Activity Centre, including through the Douglas Street/ Heatherton Road roundabout. The roundabout causes a poor pedestrian connection from the core of the centre to Ross Reserve and NPAC. The removal of this roundabout will improve pedestrian safety and connections to these open space assets and is an important action of this Structure Plan.

The installation of traffic signals at Mons Parade and Heatherton Road has improved pedestrian and cycle access and resulted in improved traffic and bus movements within the centre.

The Link Road and Mons Parade/Ian Street intersection requires a redesign to improve safety. The pedestrian crossings are not raised to slow



Example of exemplar pedestrian/open space area

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

traffic and have poor visibility. The vehicle volumes along the new Link Road are also higher than desirable (3,000 per day) adjacent to the station civic space.

The intersection of Douglas Street and Leonard Avenue will have a four-way traffic light signal installed. This will result in improvements to traffic circulation, including for buses and pedestrian safety.

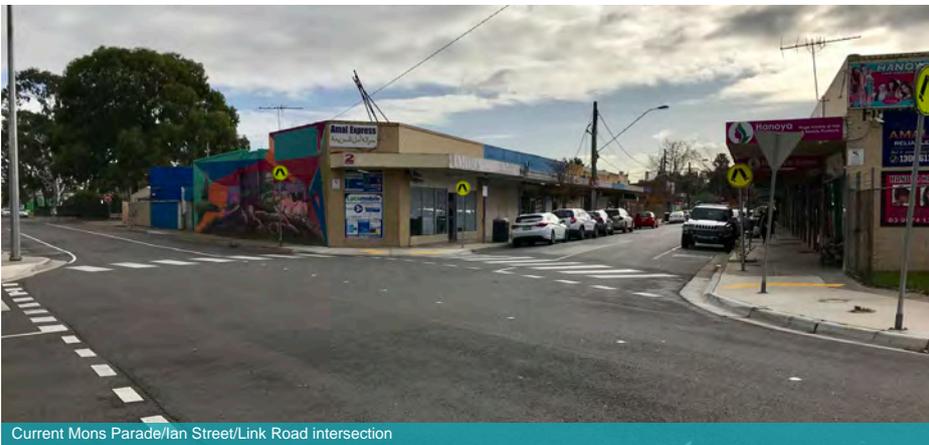
Car Parking

Within the boundary of the Activity Centre, there are approximately 904 on-street public car parking spaces and 839 off-street public car parking spaces. On weekdays, all day car parking in the core of the centre is full by 11am. There is ample car parking available on the weekend.

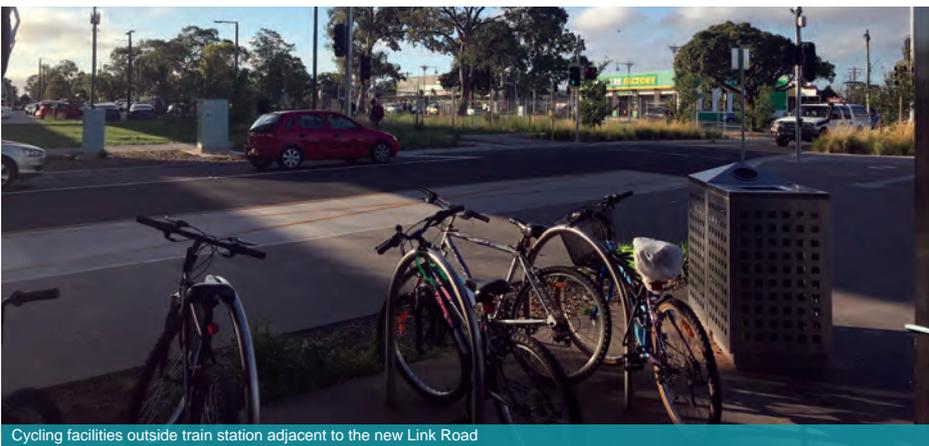
There is underutilised off-street all-day parking on the fringe of the centre which provides an opportunity to relocate commuter parking from the core and encourage commuters to walk through the centre. The Noble Park Parking Precinct Plan, currently being developed, supports this approach.

Short term customer and visitor parking during the weekday and weekend operates well with parking available despite good utilisation and turnover. This suggests that the current parking restrictions are adequate. This may need to be reassessed as circumstances change.

Overall, Noble Park’s traffic and parking are extremely efficient, and this is expected to continue into the future, even with a large increase in population in the centre over the next 20 years.



Current Mons Parade/Ian Street/Link Road intersection



Cycling facilities outside train station adjacent to the new Link Road

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

5.1.4 Public Realm

The public realm includes the natural and built environment used by the public on a day-to-day basis. It includes streets, plazas, parks and public infrastructure.

Noble Park benefits from community leisure facilities and open space assets including Ross Reserve, Mills Reserve, Copas Park and the Djerring Trail. The Noble Park Train Station and station civic space are the heart of Noble Park and provide a strong community focus for the centre.

Further public realm improvements are planned for Douglas Street and Ian Street. The station civic space also provides significant placemaking opportunities and is a key site for revitalisation.

As the population of Noble Park increases, public open space will continue to provide a diverse range of recreational activities for residents, workers and visitors.

Pedestrian Oriented Streets and Slow Speed Road Corridors

Streets play a key role as public spaces. Key pedestrian-oriented streets in the centre include Douglas Street, Mons Parade, Ian Street, Joy Parade, Buckley Street, Noble Street and Leonard Avenue. Development will need to provide a high-quality public realm which maintains sunlight and comfortable wind conditions to these streets.

The Structure Plan designates Heatherton Road as a slow speed corridor to encourage the lowering of vehicle speeds through this section of the centre to make for a more pleasant and safe

pedestrian experience.

The proposed widening of Buckleys Lane to between 5.5-9m will result in a pedestrian priority focus that allows opportunities for landscaping and further activation of the laneway.

The streets are divided in to three main types as follows (and are shown on Map 19 on page 64):

Primary Active Frontages (Retail and commercial)

These streets are generally located along the retail and commercial spine of the centre where active frontages are strongly encouraged. Design responses include main entrances that open towards the street, glazed windows, and cafes with street seating.

Secondary semi-active frontages

These are the 'secondary' frontages for a building and are located to the side or rear of the 'primary' street frontage of the building. Shops and upper level dwellings require car park entries and service/utility areas and these elements of the development are generally located in side/rear laneways or along secondary frontages. There can still be some opportunities for some activation of these frontages.

Residential semi-active frontages

These types of streets contain residential uses. Therefore, landscaping setbacks will be required in the front setbacks to facilitate the greening of Noble Park's streets. Ground floor habitable room windows encourage surveillance of the public realm by occupants of the buildings.



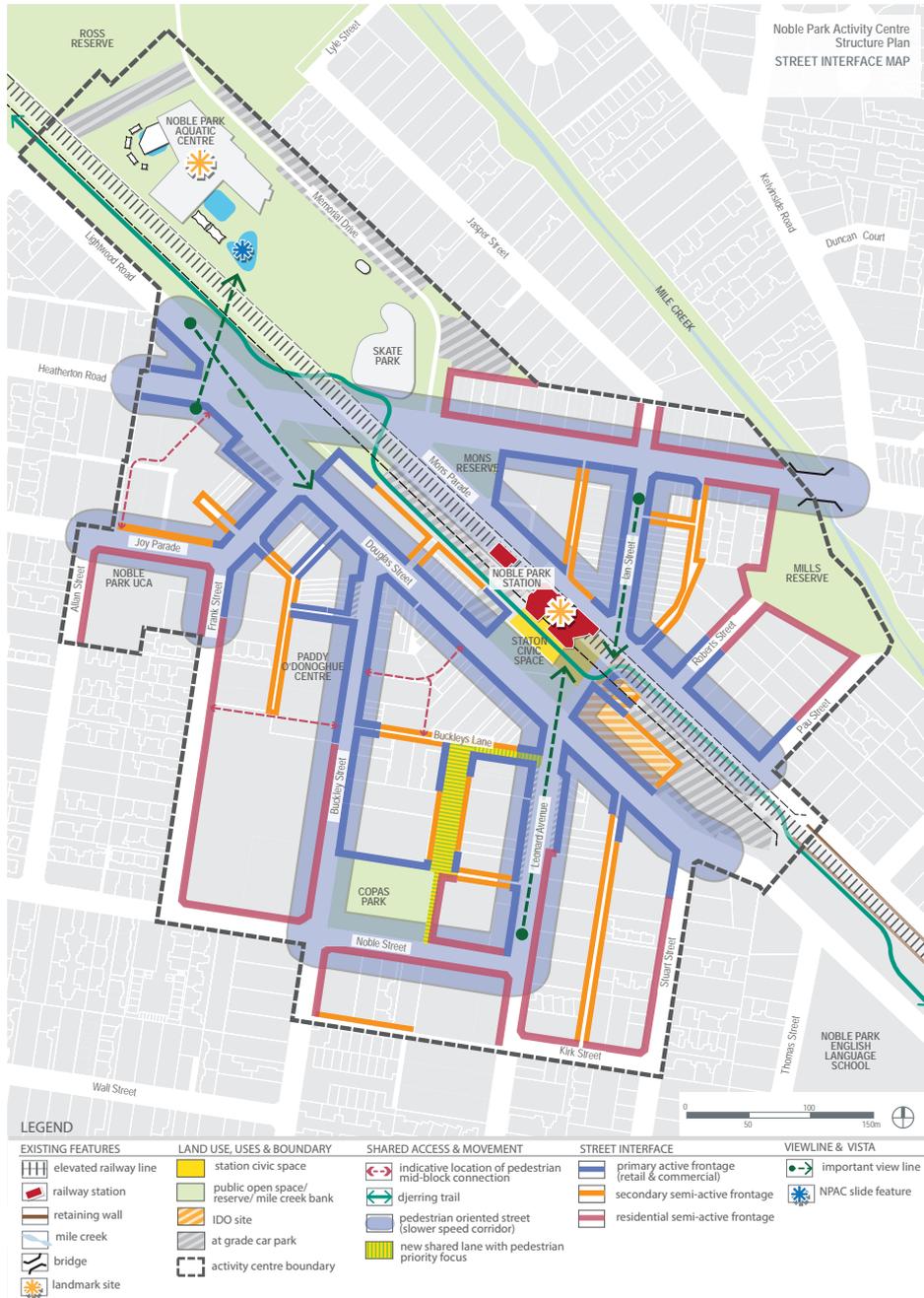
Example of front setbacks in residentially zoned streets



Example of front setbacks in residentially zoned streets

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 19: Pedestrian Oriented Streets and view lines



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

View lines through the centre

The most notable feature in Noble Park today is the elevated rail line and train station and it is important that future development does not prevent view lines to these features from the street. Other key views include to open space and through to the commercial core of the Activity Centre.

The following key view lines through the centre need to be considered as part of any redevelopment on or adjacent to them. These are:

- View lines from Lightwood Road through to Douglas Street (the main entrance into the centre)
- Views to Noble Park Train Station from Leonard Avenue
- The visual link between Ian Street and Douglas Street

The Structure Plan seeks to protect these views. Refer to Figure 3D on pages 40 and 41 and Map 19 on page 64 for design guidance.



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Open Space Connections

The centre has open space assets to the north-west, east and south. However, the connection between them is poor. The Structure Plan proposes an open space connection from Copas Park travelling north along the widened Buckleys Lane to the station civic space, continuing north-east to Mills Reserve via Pau Street and north-west along Mons Parade to Ross Reserve. Refer to Map 20 on page 67. A Wayfinding Strategy is proposed to be developed for this centre.

KRB1 and KRB2 are sites where, when developed, a future public open space opportunity has been identified. This could take the form of a plaza, laneway or small park and would allow for a new pedestrian connection through the block. A further mid-block connection from Douglas Street through to Buckley Street and Buckleys Lane is also encouraged through any redevelopment of these sites.

Residential landscape setbacks

A 5m setback from the front boundary of the site to a new development in residential streets is proposed to encourage ground level landscaping. This will contribute to the 'greening' of Noble Park's streets and contribute to the attractiveness of the centre. Map 20 on page 67 nominates the streets in the centre where this is encouraged.

View lines to open space

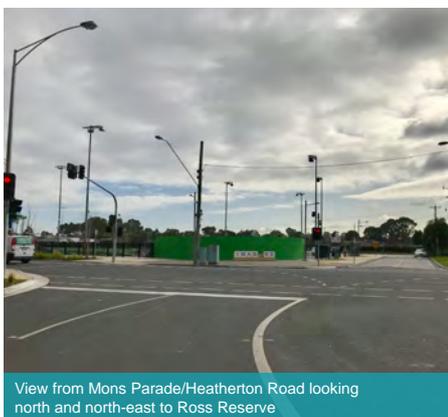
The Structure Plan identifies three key views to open space through the centre. These are:

- View from Douglas Street/Heatherton Road roundabout looking north-east and north-west to Ross Reserve
- View from Mons Parade/Heatherton Road looking north and north-east towards the skate park and Ross Reserve
- View from Mons Reserve looking north-west and south-west across to the skate park and Mons Parade.

The Structure Plan seeks to protect these views. Refer to Figure 3D on pages 40 and 41 and Map 20 on page 67 for further design guidance.



View from Douglas Street/Heatherton Road roundabout looking north-west towards Ross Reserve



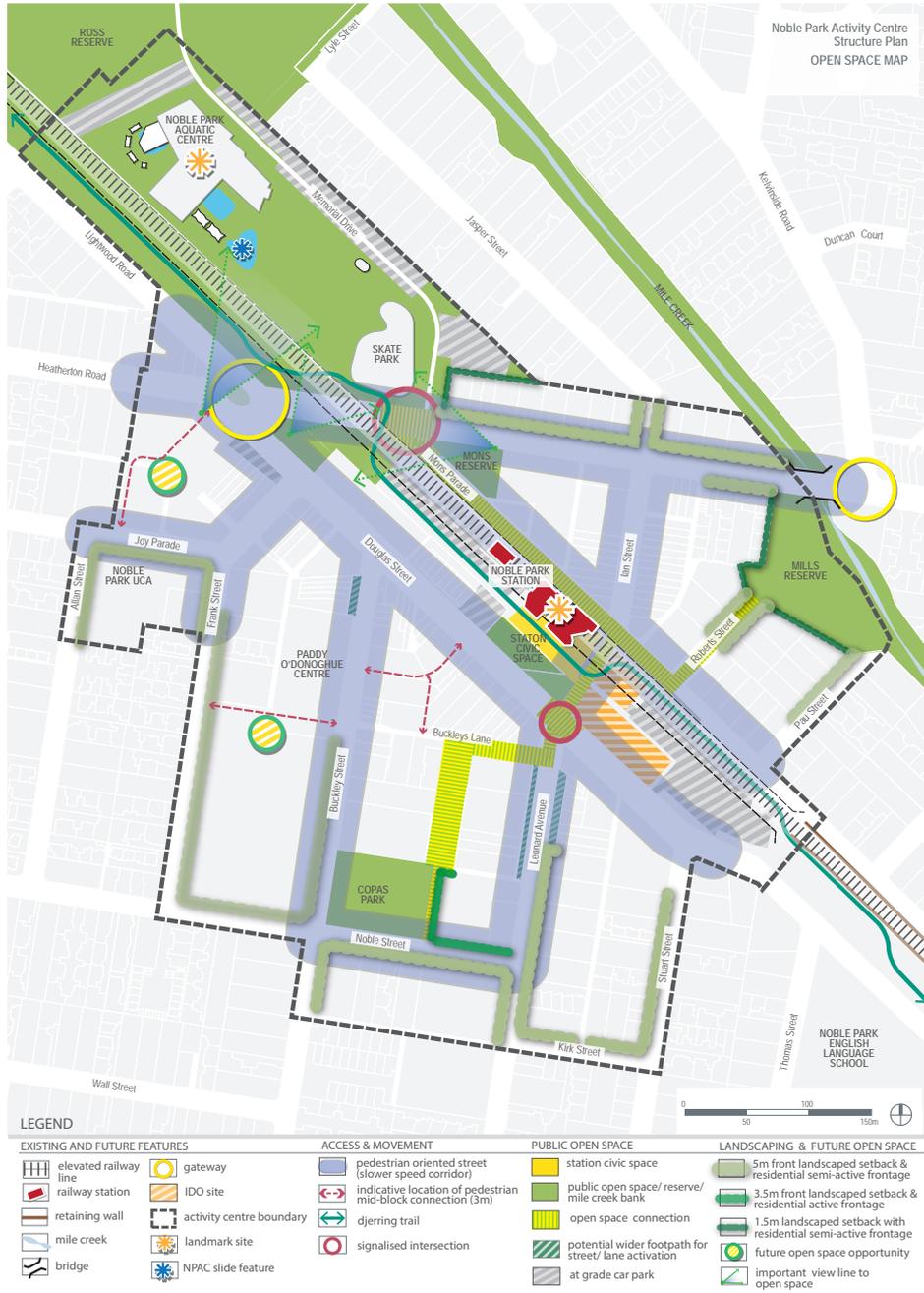
View from Mons Parade/Heatherton Road looking north and north-east to Ross Reserve



View from Mons Reserve looking north-west towards Ross Reserve

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Map 20: Open space connections and green streets



4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

6 Implementation

To ensure that the land use and development outcomes are delivered, the objectives of this Structure Plan need to be translated to form part of the Greater Dandenong Planning Scheme.

This translation will be achieved by undertaking a Planning Scheme Amendment. This will commence following Council's adoption of the Structure Plan.

As well as Council implementing the Structure Plan, cooperation will be needed from other State Government bodies such as VicTrack, Department of Transport and Melbourne Water as well as the private sector, local business groups and the community.

While the strategies listed in this Structure Plan are considered within Council's sphere of influence, resources to enable the implementation of some of the recommendations are not necessarily available currently or in the future and will be the subject of the usual budget approval processes.

6.1 Non-statutory implementation

This involves any strategy in the Structure Plan that Council has no statutory obligation to undertake.

These are actions generally at Council's discretion and often conducted as a result of the allocation of funds within Council's budget, or through advocacy to another body. These include:

- Streetscape and pedestrian improvements
- Public art and place making
- Development of strategies such as the Laneway Strategy
- Advocacy.

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

7 Monitoring and Review

Ongoing monitoring and review of the implementation of the plan will involve:

- Reporting in the Council Plan against the relevant actions
- An officer desktop review in 2026 to examine the objectives and actions, including an update of demographic changes and development activity during the period.



Elevated rail running through Ross Reserve

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

8 Policy References

The following documents informed the Structure Plan:

- Accessibility Audit of Noble Park Retail Precinct, Equal Access, 2010
- Activities Centres Place Score Report – Ian Street, Placescore, 2015-2017
- Activity Centre Placemaking Framework, City of Greater Dandenong, 2016
- Better Apartment in Neighbourhoods Discussion Paper, DELWP, 2019
- City of Greater Dandenong Gateways Strategy, December 2011
- Floorspace projections for Noble Park Activities Area, SGS, 2012
- Greater Dandenong Business Audit, City of Greater Dandenong, 2016 and 2019
- Greater Dandenong Climate Emergency Strategy, 2020-2030
- Greater Dandenong Council Plan, City of Greater Dandenong, 2017-2021
- Greater Dandenong Flood Management Plan, City of Greater Dandenong and Melbourne Water, August 2018
- Greater Dandenong Gateway Strategy, Planisphere, 2011
- Greater Dandenong Housing Analysis Final Report, SGS, 2015
- Greater Dandenong Housing Strategy, City of Greater Dandenong, 2014
- Greater Dandenong Open Space Strategy, 2020-2030
- Greater Dandenong Planning Policy and Control's Project Final Report, Planisphere, 2015
- Greater Dandenong Sustainable Stormwater Strategy, City of Greater Dandenong, 2017-37
- Ian Street Noble Park Streetscape Assessment Report, Tract, 2011
- Imagine 2030 Community Plan, City of Greater Dandenong, 2011
- Noble Park Activity Centre Building Heights and Setbacks Study, Hansen 2019
- Noble Park Activity Centre History, City of Greater Dandenong, September 2015
- Noble Park Activity Centre Profile, City of Greater Dandenong, 2016
- Noble Park Activity Centre Retail and Office Economic Analysis, Essential Economics, 2011
- Noble Park Activity Centre Structure Plan, City of Greater Dandenong, 2009
- Noble Park Activity Centre Structure Plan Review Discussion Paper, Hansen, 2017
- Noble Park Centre Residential Demand Study, SGS, 2018
- Noble Park Pedestrian and Traffic Counts, City of Greater Dandenong, 2019
- Plan Melbourne, DELWP, 2017
- VicTrack Rail Development Interface Guidelines (August 2019)

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



Noble Park Train Station with Ian Street in background

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Glossary of Terms

Term	Definition
Active frontages	Street frontages where there is an active visual engagement between those in the street and those on the ground and upper floors of buildings. This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street. Ground floors may accommodate uses such as cafes, shops or restaurants. However, for a frontage to be active, it does not necessarily need to be a retail use, nor have continuous windows. A building's upper floor windows and balconies may also contribute to the level of active frontage. Active frontages can provide informal surveillance opportunities and often improve the vitality and safety of an area.
Anchor tenant	An occupant (such as Coles) of a retail shopping centre that brings in a significant volume of customers to drive business for other tenants in that centre.
Climate Change Emergency Declaration	A formal resolution from a government body or institution that puts action on climate change at the centre of all government policy and planning decisions. The City of Greater Dandenong made this declaration in January 2020.
Comfortable wind conditions	A mean wind speed from any wind direction (minimum 16 wind direction sectors) with probability of exceedance of 0.1%, equal to or less than: <ul style="list-style-type: none"> • 5m per second for sitting areas • 7m per second for standing areas • 9m per second for walking areas.
Feature form	A distinctive or prominent building or structure.
Fine grain	The general subdivision pattern of a traditional shopping strip where shops are on sites that are long and narrow, often with rear laneway access.
Floor-to-floor	Building height measurement from the top of the floor to the top of the floor on the level above.
Gateway	A place of entry or a point of transition from one area to another. It can include a municipal (boundary) entry marker, a key building or structure at the entrance to an Activity Centre or a strong built form and landscape entrance in to a suburb.
Integrated Development Opportunity Site	A site identified in this Structure Plan as being available for development as a result of the Level Crossing Removal Project freeing up land.
Interface	The relationship between one building or area and how it looks or responds to an adjoining building or area. For example, the relationship a new residential apartment building has with the adjoining residential area.
Internal amenity	Elements of a building (both residential and office/retail) which make it enjoyable for occupants, visitors, workers and the general public. This includes good levels of light (both sunlight and daylight), natural ventilation to enable the flow of fresh air, and visual and acoustic privacy between neighbouring buildings.
Key Redevelopment Blocks (KRB)	Blocks identified in this Structure Plan as having large landholdings (of 2000sqm or greater) in either single or multiple land ownerships (subject to land consolidation). Sites that have multiple frontages to either streets or laneways and have limited sensitive interfaces to residential areas. These sites are designated as having high change potential with heights of up to six storeys.
Laneway	A narrow roadway which can serve dual purposes of providing servicing/access to parking on lots with another street frontage and/or providing a pedestrian and bicycle pathway.

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Term	Definition
Level Crossing Removal Project (LCRP)	A State Government project involving the removal of 75 level crossings across metropolitan Melbourne, in addition to other rail network upgrades such as new train stations.
Major Activity Centre	Major Activity Centres are places that provide a suburban focal point for services, employment, housing, public transport and social interaction. There are 121 existing and future Major Activity Centres across Melbourne, including the Noble Park Major Activity Centre.
Mean wind speed	The maximum of: <ul style="list-style-type: none"> Hourly mean wind speed or Gust equivalent mean speed (3 second gust wind speed divided by 1.85).
Pedestrian oriented street	Identified streets where development will need to deliver a high-quality public realm which maintains sunlight and comfortable wind conditions for pedestrians.
Placemaking	A multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalises on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.
Primary active frontage – retail and commercial	Active frontages (see definition) that are located on land with a retail or commercial ground floor use.
Public realm	The natural and built environment used by the public on a day-to-day basis. It includes streets, plazas, parks, and public infrastructure. Privately owned spaces and buildings contribute to the public realm, but are not the public realm themselves.
Renewal and revitalisation	A program of land redevelopment to make improvements to a centre. It aims to create opportunities for higher quality housing and businesses. Revitalisation is closely related to renewal and provides the potential for the future growth and redevelopment of a centre. It can include public realm improvements such as footpath upgrades and the encouragement of high-quality shops and apartments.
Residential semi-active frontage	The street frontage of a residential development that will have a landscaped setback with ground floor habitable room windows looking out to the public realm.
Secondary semi-active frontage	Is any road, other than the primary street address, that shares a boundary with the site on which the building is situated (or is to be situated). Car park entries and service/utility areas are generally located along these secondary frontages. There can be some opportunities for some activation of these frontages.
Street wall	Any part of the building constructed within 5m of a lot boundary facing the street.
Street wall height	The vertical distance from natural ground level to the highest point of the street wall.
Unsafe wind conditions	Defined as the hourly maximum 3 second gust which exceeds 23m per second from any wind direction (maximum 16 wind direction sectors) with a probability of exceedance of 0.1 per cent.
Wayfinding	The act of finding one's way around an area, and the experience of orientation and choosing a path within the built environment. Wayfinding can be aided by logical space planning and a consistent use and organisation of definite sensory cues, such as visual, audible or tactile elements along paths and at destinations. Signs can aid way-finding.
Weather protection area	A permanent structure designed to minimise any potential increase in the level of wind at ground level and any adverse effect on pedestrian comfort.
Urban design	The design and shaping of the physical features of a city or town. Includes buildings, infrastructure, streets and public spaces with the goal of improving the quality of the place for residents, visitors and workers.

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Action Plan

The Action Plan recommends a staged timeline for implementation. The timelines nominated have taken in to account the complexity and nature of each action and whether further collaboration with other parties is required.

The relevance of some actions, or their timing, may change due to the availability of resources.

The recommended timing for these actions is:

- Immediate – to commence within 18 months (before 2023)
- Short – to commence within five years (before 2027)
- Medium – to commence within five to ten years (before 2032)
- Ongoing actions.

No	Objective	Action	Timeframe	Responsibility	Measurement
Land Use and Economic Activity					
1	Encourage major development and activity to occur in the retail core and on identified Key Redevelopment Blocks	Rezoned land at 4, 5, 6, 7 and 8 Mons Parade, 1, 3 and 5 Frank Street and 1100-1106 Heatheron Road, Noble Park from the Residential Growth Zone 2 to the Commercial 1 Zone	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted
2		Prepare a local planning policy that strongly encourages lot consolidation and highest built form to the nominated Key Redevelopment Blocks and discourages further lot fragmentation within the retail core	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted
3		Support and advocate for the expansion and/or refurbishment of the existing Coles Supermarket to support the retail role of the centre	Ongoing	Business and Revitalisation Planning and Design	Land adjacent to Coles rezoned to C1Z
4		Support the expansion and/or refurbishment of the key anchor tenant of the RSL	Ongoing	Business and Revitalisation	RSL expanded/refurbished
5	Encourage high quality residential development to support a range of housing types and affordability options	Prepare a local planning policy that strongly encourages: <ul style="list-style-type: none"> • A mix of well-located dwelling types and sizes which provide housing for a range of people with diverse needs • Residential uses above retail and commercial premises, to enable more people to live in the centre and create greater surveillance of streets and public spaces • Student accommodation at suitable locations 	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

No	Objective	Action	Timeframe	Responsibility	Measurement
Land Use and Economic Activity					
6	Provide a strong sense of arrival in to the centre	Encourage a landmark future built form development and a gateway treatment at 1-5 Douglas Street (KRB1) and 51A-57A Douglas Street (KRB6)	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted
7		Investigate opportunities (such as visual cues) to announce the entrance to the Activity Centre along Heatherton Road from Mills Reserve to the Douglas Street/Heatherton Road intersection	Short	Business and Revitalisation Transport and Civil Development Department of Transport	Further design treatments and visual cues investigated
8	Improve the ongoing viability of the centre	Strongly support measures to have people 'stay' including supporting: <ul style="list-style-type: none"> Streetscape upgrades Placemaking opportunities Cultural Precincts Traders and shop owners to maintain a high standard of maintenance and visual appearance of their shopfronts 	Ongoing	Business and Revitalisation	Budget bids for street improvements granted Continued support for place-based measures to monitor key attributes such as behaviour, business mix, pedestrian activity and placescore Higher standard of visual presentation of shops
9		Continue to identify and approach businesses essential for the economic growth and prosperity of Noble Park	Ongoing	Business and Revitalisation	Business investment and attraction work undertaken Business Audits continue to be conducted at three yearly intervals
10		Assess street, laneway, car park and open space lighting levels and: <ul style="list-style-type: none"> Advocate for funding to respond and resolve problem areas, including along Ian Street. Future urban and road design to accommodate the installation of public lighting upgrade works, including smart lighting installations 	Medium	Infrastructure Services and Planning	Street and lighting level study conducted and appropriate mitigation measures taken

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

No	Objective	Action	Timeframe	Responsibility	Measurement
Built Form and Urban Design Objectives					
11	Ensure urban design, including climate change mitigation and adaptation is a central consideration during all stages of project development	Prepare a local planning policy and Design and Development Overlay that incorporates the Urban Design Principles and key design and development guidance of the Structure Plan	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted
12	Ensure consideration of design elements to protect from flooding and allow for the passage of overland flows	Drainage infrastructure upgrades to cater for increased stormwater discharge arising from higher density development including to: <ul style="list-style-type: none"> Investigate an upgrade of stormwater drainage infrastructure along Douglas Street Consider design mechanisms such as raised kerbs Examine the removal of the embankment along the railway line to facilitate overland flows Preserve ability for a pipe to access Pau St from the Douglas Street car park 	Immediate	Infrastructure Services and Planning Melbourne Water Planning and Design	Planning Scheme Amendment approved and gazetted Drainage improvements made with installation of pipes and examination of railway line embankment
13		Continue to advocate to Melbourne Water for the naturalisation of Mile Creek	Medium	Infrastructure Services and Planning Melbourne Water	Channelization removed and Mile Creek restored to natural creek
14		Investigate funding mechanisms for infrastructure upgrades within the Noble Park Major Activity Centre	Short	Infrastructure Services and Planning	Funding mechanisms investigated

No	Objective	Action	Timeframe	Responsibility	Measurement
Access and Movement					
15	Improve walkability within the centre	Analyse existing infrastructure, including footpaths, roads, street furniture, signage, lighting, carparks and laneways and ensure pedestrian movement and amenity is prioritised through any maintenance or upgrade projects. Prioritise amenity improvements that support high pedestrian movements.	Ongoing	Transport and Civil Development Business and Revitalisation	Infrastructure analysed Amenity maintained Upgrades made as required
16		Continue to strongly advocate to Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout and for 40km/h vehicle speed limits along Heatherton Road where it passes through the centre	Ongoing	Transport and Civil Development Department of Transport	Heatherton Road/Douglas Street roundabout removed Heatherton Road to have 40km/h vehicle speed limits through Noble Park
17		Redesign the Link Road to improve pedestrian safety	Immediate	Transport and Civil Development	Link Road safety improvements made

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

No	Objective	Action	Timeframe	Responsibility	Measurement
Access and Movement					
18		Conduct an Accessibility Audit to see how Noble Park is performing and implement its findings	Short	Planning and Design Infrastructure Services and Planning Community Access	Accessibility Audit conducted and improvements made
19	Facilitate new pedestrian connections and mid-block links within the centre	Support the widening of key identified laneways and the creation of pedestrian oriented streets and strongly encourage investment and activation of streets and lanes as identified in this Structure Plan	Immediate	Planning and Design Transport and Civil Development	Planning Scheme Amendment approved and gazetted Widening of laneways and creation of pedestrian oriented streets in all relevant planning decisions Laneway functions are resolved
20		Strongly advocate that development along existing laneways and key pedestrian-oriented streets consider the lanes as an amenity source that contributes to surveillance and activation	Immediate	Planning and Design Transport and Civil Development Business and Revitalisation	Planning Scheme Amendment approved and gazetted Activation of laneways considered in all relevant planning decisions Laneway Strategy development for the centre
21		Develop a Wayfinding Strategy for Noble Park to link the key sites of Copas Park, NPAC, the Skate Park, Train Station, Ross Reserve and Paddy O'Donoghue Centre	Medium	Business and Revitalisation Planning and Design	Wayfinding Strategy developed and implemented
22		Support the Noble Park Parking Precinct Plan which seeks to locate long-term parking (both for commuters and workers) on the edge of the centre, ensuring short-term parking availability in the core	Medium	Transport and Civil Development	Ongoing parking availability to cater for short-term parking demand within the core
23		Investigate closing off/selling of laneways in the centre that no longer have public access	Medium	Governance Transport and Civil Development	Investigation completed in consultation with the Laneway Strategy (see Action No. 20)

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

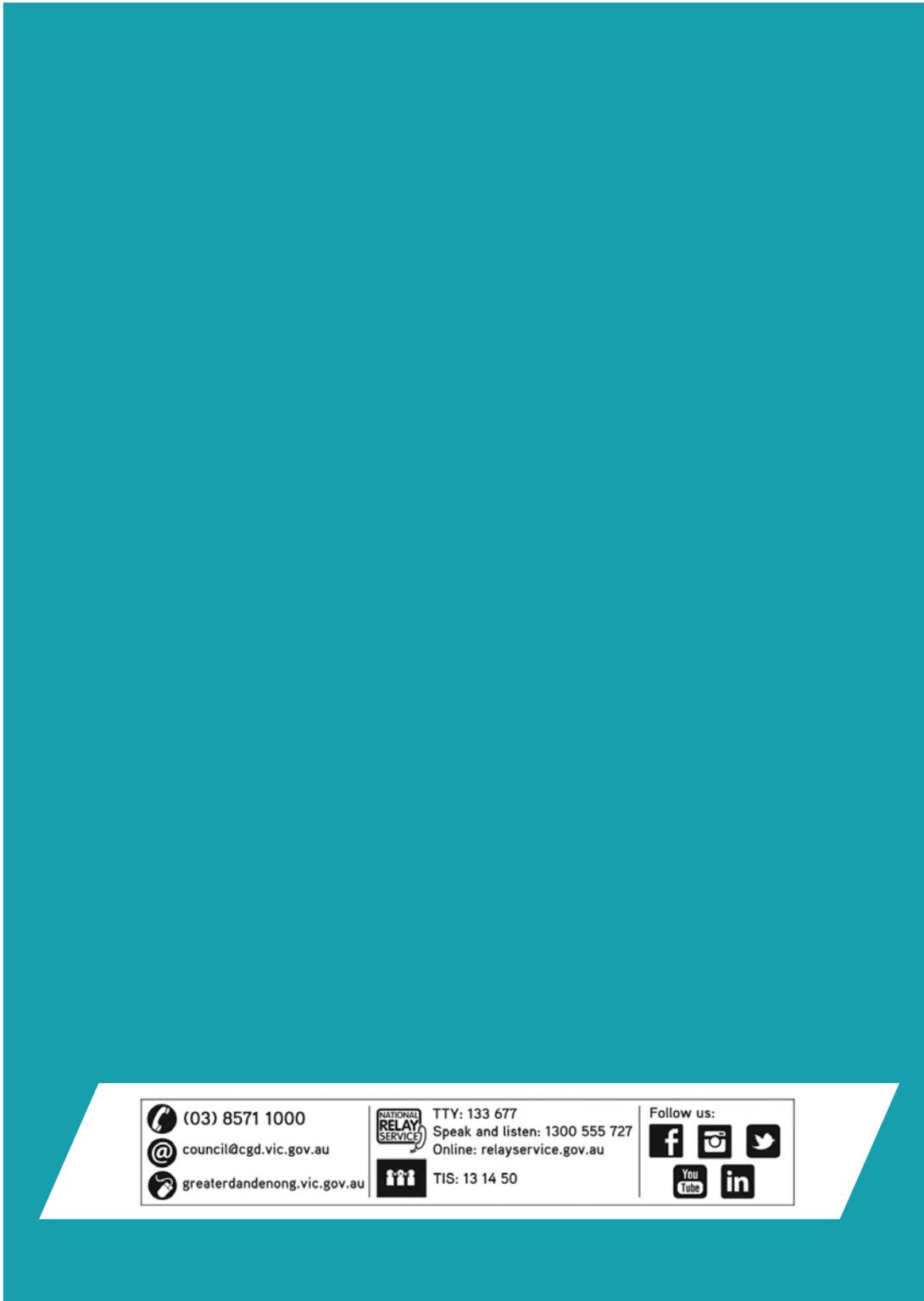
No	Objective	Action	Timeframe	Responsibility	Measurement
Access and Movement					
24	Encourage greater efficiency of movement and sustainable trips through improved public transport services, walking and cycling opportunities	<p>Develop a Multi Modal Transport Infrastructure Plan. The plan should include but not be limited to:</p> <ul style="list-style-type: none"> Identify the anticipated future function of all existing rights of way with regards to the Victorian Governments Movement and Place Framework Identify opportunities for increased pedestrian space and shared urban space within existing road reserves Identify existing barriers to movement and investigate the costs and benefits of infrastructure projects to address these Outline a plan for progressive upgrading of transport infrastructure through Council's CIP program and other Government funding sources 	Short	<p>Transport and Civil Development</p> <p>Business and Revitalisation</p>	Multi Modal Plan developed and implemented
25		Consider cyclist facilities and safety though public realm design	Ongoing	<p>Transport and Civil Development</p> <p>Business and Revitalisation</p>	Cyclist facilities and safety considered when designing for the public realm
26		Advocate to the Department of Transport for the continued rationalisation of bus services in and around Noble Park.	Ongoing	Transport and Civil Development, Department of Transport	Bus services reviewed and rationalised

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

No	Objective	Action	Timeframe	Responsibility	Measurement
Open Space					
27	Enhance existing and create new open spaces for recreation and leisure for residents, workers and visitors	Strongly support and encourage development of identified Key Redevelopment Blocks to facilitate opportunities for new urban open spaces which contribute to the centre's liveability, and are useable and accessible to the public	Ongoing	Planning and Design	Planning Scheme Amendment approved and gazetted
28		Ensure the station civic space design encourages people to visit and spend more time in the centre	Ongoing	Business and Revitalisation	As evidenced by place-based measures monitoring key attributes including behaviour, pedestrian activity and placescore
29		Encourage the integration of development with surrounding public spaces to create a well-defined public realm with useful community spaces	Immediate	Planning and Design Business and Revitalisation	Planning Scheme Amendment approved and gazetted
30		Support the 10-year Infrastructure Plan for the Activity Centre that prioritises a program of public realm and streetscape improvements	Ongoing	Business and Revitalisation Infrastructure Services and Planning	Infrastructure Plan implemented
31	Encourage the greening of streets and appropriate landscape setbacks	Prepare a Design and Development Overlay that includes the provision for a five-metre landscaped setback on residentially zoned land and the creation of pedestrian oriented streets as identified in this Structure Plan	Immediate	Planning and Design Transport and Civil Development	Planning Scheme Amendment approved and gazetted Widening of laneways, the creation of pedestrian oriented streets and the consideration of landscaped setbacks considered in all relevant planning decisions
32		Identify pedestrian oriented streets and semi-active streets for a street planting program and identify suitable tree species. This should be considered in unison with public realm and urban design initiatives	Short	Business and Revitalisation Conservation and Horticultural Services	Streets for planting program identified Considered when conducting public realm and urban design initiatives Activity Centre 10 Year Planting Plan
33	Protect and create key views within the centre	Prepare a Design and Development Overlay that details the key view lines guidance of the Structure Plan	Immediate	Planning and Design	Planning Scheme Amendment approved and gazetted

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)



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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

POLICY AND STRATEGY

**NOBLE PARK MAJOR ACTIVITY CENTRE STRUCTURE PLAN –
CONSIDERATION OF SUBMISSIONS**

ATTACHMENT 2

SUMMARY OF SUBMISSIONS RECEIVED

PAGES 22 (including cover)

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

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Attachment 2: Summary of submissions received

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
1	N/S	<p>More tree planting</p> <p>Make sure new residential developments do not unreasonable overshadow neighbouring dwellings</p>	<p>Public Realm</p> <p>Built Form and Urban Design</p>	<p>Key component of the Structure Plan includes seeking residential landscaped setbacks of 5m to encourage ground level landscaping (page 66)</p> <p>Provisions already in place in the Planning Scheme regarding overshadowing. Urban Design Principles have been established including to <i>Maintain solar access to identified pedestrian oriented streets and the public realm</i> (page 24). Map 9 has carefully considered building height and setbacks including identifying sensitive residential interfaces (page 31)</p>	None
2	N/S	<p>Supports signalisation of Heatherton Road roundabout as it is a really high risk for accidents</p> <p>Supports removal of roundabout</p>	<p>Access and Movement</p>	<p>Action 16 Continue to strongly advocate to the Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout (page 76)</p> <p>Noted</p>	None
3	N/S	<p>Coles car park needs a complete restructure as currently the entrance and exit are on Douglas Street</p> <p>Once signalisation complete, people will use lan Street to avoid the lights. Pedestrian crossing at Noble Park railway station is also dangerous</p>	<p>Access and Movement</p>	<p>The current Coles car park entrance and exit arrangement is a private accessway and Council is unable to require major changes to it at present. If there were to be any significant redevelopment of the site, it would include amendments to its access</p> <p>Action 17 of the Structure Plan (page 76) has as an action to redesign the Link Road to improve pedestrian safety</p>	None

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
4	N/S	<p>Various comments relating to parking and traffic incidents in Noble Park</p> <p>Will the widening of Buckleys Lane running south mean that shops on Buckley Street will be demolished?</p> <p>New traffic plan is needed on Joy Parade from Allan Street and Frank Street as there are issues with people leaving the public car park and also Noble Park Manor</p> <p>Likes that forward planning is being undertaken for Noble Park</p> <p>The parks/playgrounds are outdated and not appealing to kids/families. Mills Reserve and Ross Reserve need a more modern approach to equipment and amenities to draw a larger crowd</p> <p>The native gum trees are dull and not attractive. The Plan talks about making a statement when entering the suburb, careful consideration needs to be taken when selecting the plants (e.g. Olive trees, oak trees)</p>	<p>Buckleys Lane widening</p> <p>Public Realm</p>	<p>Noted</p> <p>The widening of the laneway will only be able to occur if individual sites seek redevelopment. There will be no compulsory demolition of shops</p> <p>A response to Frank Street and the sight distancing concerns relating to Noble Manor has been provided to the submitter from the Transport team in September 2019</p> <p>The Transport team are aware of some 'rat running' on Joy Parade and are investigating potential traffic calming options which would involve consultation with the affected residents</p> <p>Noted</p> <p>Both reserves are well patronised and Ross Reserve in particular has had significant public investment in recent years. These comments were forwarded to Council's open space team for consideration</p> <p>Noted. The Structure Plan has as an emphasis to further green Noble Park's streets. A 10-year tree planting program for Noble Park is also in development</p>	None

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>Currently the setback to residential properties is not consistent and would like to see a greater setback (more than 3m from the road). This is to reduce overshadowing</p> <p>Leonard Street is a great example of quality shops that attract people. I would like to see more eateries and produce in the area and for Noble Park to be known for its great produce and food</p> <p>Ian Street would be a great area for cafe, patisseries and restaurants, currently it is awful and an undesirable location to visit</p> <p>Like to see a stronger sporting precinct in Noble Park and the Ross Reserve area</p>	<p>Built form and Urban Design</p> <p>Land Use and Economic Activity</p>	<p>The Structure Plan on page 66 proposes 'Residential landscape setbacks' of 5m from the front boundary of a residential site for new development in residential streets. This will contribute to the 'greening' of Noble Park's streets and reduce overshadowing of residential streets</p> <p>Noted. This comment has been forwarded to Council's Business and Revitalisation Team for reference</p> <p>Noted. Ian Street Streetscape upgrades are at design stage currently. This comment has been forwarded to Council's Business and Revitalisation Team for reference</p> <p>The Ross Reserve Master Plan was adopted by Council in 2012. The Plan seeks to maximise, improve and complement the Noble Park Aquatic Centre (NPAC) and balances and supports the sporting, recreational and community facilities and environmental benefits the park provides</p> <p>Since the adoption of the master plan, Council has invested significantly in the design and construction of the contemporary urban park in Ross Reserve, including the recently constructed multi-purpose court with basketball, futsal and netball goals. Future projects</p>	

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
5	No	<p>Provides a detailed history of Noble Park's development including Copas Park, the primary school site, AMES and Noble Manor</p> <p>Supports widening of Buckleys Lane but asks who would it benefit? Residential properties or the overnight truck parking?</p> <p>The Leonard Street continuation to Ian Street has a deceptive pedestrian traffic light which drivers assume give them right of way over Douglas Street traffic</p> <p>The Ian Street/Heatherton Road intersection also needs attention</p>	<p>Access and Movement</p> <p>Buckleys Lane widening</p>	<p>within the urban park include the construction of further picnic and barbecue facilities, an All Abilities Children's playground and a new sports pavilion</p> <p>Noted. This submission has been forwarded to Council's Business and Revitalisation Team for reference</p> <p>Noted. The widening of Buckleys Lane will create a shared pedestrian and vehicular access with the opportunity for landscaping at ground level. The widening aims to benefit the entire centre</p> <p>Action 17 of the Structure Plan (page 76) has as an action to redesign the Link Road to improve pedestrian safety</p> <p>The Douglas Street/Leonard Avenue intersection is to have a 4-way traffic light signal installed which will result in improved traffic circulation and pedestrian safety</p> <p>Action 16 (page 76) seeks to reduce speeds along Heatherton Road through the centre (including past Ian Street) to 40kms/h. Drivers are encouraged to use the Mons Parade lights for safe right hand turns in to Heatherton Road</p> <p>Noted</p> <p>Preliminary advice is that there would be little change to</p>	None
6	N/S	<p>Object to proposal to rezone property from Residential Growth Zone 2 to Commercial 1 Zone</p> <p>Do not want to be forced out due to increase</p>	<p>Land Use and Economic Activity – rezoning</p>	<p>Noted</p> <p>Preliminary advice is that there would be little change to</p>	None

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
6A	N/S	<p>in rates or a decrease in land value</p> <p>Further points to the above are concerns regarding changes to bin collections and issues with already limited parking</p> <p>Do not want to sell the property or relocate</p>	Land Use and Economic Activity – rezoning	<p>the valuation of the property if it were to be rezoned as proposed</p> <p>Preliminary advice is that there would be little change to the rates charged for the property if it is to remain as a residential use. If the use was to change to commercial, the rates would rise substantially. There would be no change to bin collections if the use is to remain as a residential use</p>	None
7	No	<p>Fails to see how the proposed heights for the KRS will protect the 'village character' of the area which is dominated by one and two storey buildings. The Plan will compromise the 'village character'</p> <p>There is precedent elsewhere of developers exceeding these heights anyway due to 'flexibility'</p> <p>Good design information is given for the non-KRB remainder of the centre which could improve the character and amenity of Noble Park</p>	Built Form and Urban Design	<p>In recognition of the 'village character' of the centre, all text and mapping that refers to 'eight' storeys for Key Redevelopment Blocks has been revised to 'six' storeys, with this height only permitted if the development site is a minimum of 2000sqm in size</p> <p>These are the preferred maximum heights for Noble Park. Proposing mandatory heights in a Major Activity Centre would prove difficult to justify</p> <p>The Urban Design Principles on page 24 apply to all sites across the centre</p>	<p>All text and mapping amended to allow development up to 6 storeys on KRB if the site is a minimum of 2000sqm in size</p> <p>Page 24 of the Structure Plan Urban Design Principles updated to ensure it is clear that they apply to all sites in the Activity Centre, including KRB</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>The outsized buildings will create many issues. Namely shading and wind. Cross sections on page 40 indicate that setbacks would ensure pavements have sun from 22 September. This means pavements will be without sun for six months and outside those hours even longer</p> <p>BADS may ensure better airflow or sunlight but they are still 'dog boxes'</p> <p>The need for a sizeable gateway treatment at the Heatherton Road/Douglas Street intersection is highly debatable and why does it need to be so large? At 6-8 stories. How is this compatible with the concept of 'village character'?</p> <p>The fundamentals of the KRS portion of this Plan are bad and no amount of tinkering can change that</p>	<p>Land Use and Economic Activity – Gateways</p>	<p>Access to sunlight and wind effects have been carefully considered and form a key basis of the Structure Plan and any future planning scheme policy and controls</p> <p>The Urban Design Principles encourage high quality design, which includes consideration of internal layout</p> <p>Page 26 of the Structure Plan discusses a gateway treatment for this intersection. The Structure Plan seeks a strong gateway treatment in this area as it is a key entry point in to the centre. This section of the Structure Plan redrafted to ensure clarity</p> <p>The Urban Design Principles apply to all sites within the Activity Centre boundary, including KRB. KRB heights have also been revised down to a preferred maximum height of six storeys</p>	<p>Page 26 of the Structure Plan updated to ensure clarity regarding Gateway design and intent</p> <p>All text and mapping amended to allow development up to 6 storeys on KRB if the site is a minimum of 2000sqm in size</p> <p>Map 9 on page</p>
		<p>Query the lan Street laneway response (page</p>	<p>Access and</p>	<p>The northern section of the lan Street laneway (to the</p>	<p>Map 9 on page</p>

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>49) and that the existing subdivision patterns do not differ between the north and south parts of the east-west lane</p> <p>The N-S lane from the E-W lane could be stopped with the use of bollards in the E-W lane at the intersection of the two lanes</p> <p>Ian Street is too narrow for two way traffic. Turning in to Heatherton Road is dangerous - especially when turning right. Making Ian Street one way running from Heatherton Road to Mons Parade would make sense. At a minimum parking could be removed from one side of Ian Street and the Heatherton/Ian Street intersection being left turn only from Ian Street</p> <p>Cross-section G (page 43) does not extend to the lane east of Ian Street. I could expect a five storey wall fronting the lane which would shade my unit for most or all afternoons of the year</p>	<p>Movement</p> <p>Built Form and Urban Design</p>	<p>rear of the Ian Street shops) to Heatherton Road has been carefully reviewed. Widening of the laneway to the north and south of the east-west lane is hampered by the existing subdivision pattern to the east. In order to achieve the 5.5m widening of the laneway, most properties along the western side of Ian Street will be required to provide the land for this. Map 9 on page 31 and cross section GG on page 45 have been revised to reflect this</p> <p>As sites develop in these areas access will be required to them from the laneway</p> <p>The signalisation of the Mons Parade/Heatherton Road intersection is a safe way for motorists to turn right into Heatherton Road and this is what is encouraged. Ian Street is a local street where high pedestrian usage is encouraged and through traffic will be increasingly discouraged</p> <p>Cross section GG widened to include the laneway and properties further east. Whilst five storeys is preferred for properties to the east, it has a preferred street wall height of three stories. Properties opposite the units described will be required to provide the whole laneway widening width on their sites – thus further setting back</p>	<p>31 and cross section GG on page 45 updated to clarify Ian Street laneway widening requirements</p> <p>Cross section GG on page 45 updated to clearly show laneway widening</p>

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>Bought in Noble Park because I love the village feel of the shopping strip. Do not want to dwarfed by new towers, no matter how elegant</p> <p>Like the roundabout at Heatherton Road/Douglas Street. It works well</p> <p>To improve traffic flow along Douglas Street a narrow median strip (or similar) would prevent drivers causing delays by parking on the right side of the street</p>	<p>Land Use and Economic Activity</p> <p>Access and Movement</p>	<p>these developments from these units</p> <p>The core of the centre, being Douglas Street, the area around Buckley Street, Leonard Avenue and Ian Street has proposed preferred heights generally of five storeys. For many of these sites this will only be possible if sites are consolidated as setback and car parking requirements are unlikely to be met otherwise. The default height if there is no consolidation for smaller sites is three storeys (five storeys on wider streets) - which is considered to be in keeping with the village feel. Development at a human scale at street level has been embedded in to the Urban Design Principles and in the setting of preferred street wall heights across the centre</p> <p>In recognition of the 'village character' of the centre, all text and mapping that refers to 'eight' storeys for Key Redevelopment Blocks has been revised to 'six' storeys, with this height only permitted if the development site is a minimum of 2000sqm in size</p> <p>The removal of the roundabout will improve safety for pedestrians and better connect the centre</p> <p>Current vehicle speeds and traffic volumes along Douglas Street encourage a safe and pleasant pedestrian experience. Council's Traffic Department does not want to see speeds increase along Douglas Street</p>	<p>intentions to the east</p> <p>All text and mapping amended to allow development up to 6 storeys on KRB if the site is a minimum of 2000sqm in size</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>Supports more trees, greenery, pedestrian friendly spaces, street furniture</p> <p>Suggests: Reduce heights on the KRS from eight to five storeys or from five to three/four storeys</p> <p>Prioritising and starting on the non-KRS work so not reliant on the KRS developments</p> <p>For the KRS sites produce a simplified and accessible document explaining the changes so as to ensure significant - and sincere - consultation with the community</p>		<p>Noted</p> <p>Noble Park is designated as a Major Activity Centre and due to this, an increase in density is both expected and supported. Supporting greater heights on larger sites across the centre (which include the KRB) allow for more moderate or low change (heights) across the rest of the centre. However, to strike a balance between the need for development and the 'village character' of the centre, it is proposed that the preferred maximum heights for Key Redevelopment Blocks be revised to six storeys (from eight) and only if the development site is a minimum of 2000sqm in size</p> <p>Several KRB will need to consolidate to make landholdings of at least 2000sqm. If this cannot be achieved, the heights will drop to either three or five storeys. Development at a human scale at street level has been embedded in to the Urban Design Principles and in the setting of preferred street wall heights across the centre</p> <p>The market will determine which sites are developed and when. Council is not able to control this</p> <p>The Structure Plan underwent extensive consultation over an extended period of time (8 weeks instead of the normal 4 weeks). A succinct summary brochure was</p>	<p>All text and mapping amended to allow development up to 6 storeys on KRB if the site is a minimum of 2000sqm in size</p>

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
7A	No	<p>The height limits for the KRS are much too high. I can't imagine how anyone could pretend they are in keeping with the 'village character'. The eight storeys need to be reduced to five and the five storeys to three (or four). And even then there is some 'flexibility' with the eight storey limit for the Coles site given it may contain a 'landmark gateway treatment'. I think with the transformative nature of these KRS height limits there needs to be far more consultation. It is remarkable to think that the KRS sites could be two storeys higher than the already dominant station (but at least that is a public benefit). As such I am sure many will feel - like me - that six (or seven) towers surrounding our low rise centre will irrevocably change the feel of the place. I worry developers are driving this and they have little sensibility for 'village character'</p> <p>Many of the treatments and discussions re the non-KRS sites are worthwhile and there is much that can be started while the KRS issue is discussed further</p>	Built Form and Urban Design	<p>produced showing the heights proposed and direct contact details of Council officers were given for residents to discuss the project</p> <p>Noble Park is designated as a Major Activity Centre and due to this, an increase in density is both expected and supported. Supporting greater heights on larger sites across the centre (which include the KRB) allow for more moderate or low change (heights) across the rest of the centre. However, to strike a balance between the need for development and the 'village character' of the centre, it is proposed that the preferred maximum heights for Key Redevelopment Blocks be revised to six storeys (from eight) and only if the development site is a minimum of 2000sqm in size</p> <p>The Urban Design Principles on page 24 apply to all sites across the centre</p>	<p>All text and mapping amended to allow development up to 6 storeys on KRB if the site is a minimum of 2000sqm in size</p> <p>Page 24 of the Structure Plan Urban Design Principles updated to ensure it is</p>

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
8	No	Stuart Street traffic flow and parking needs to be looked at. Currently it is a 2 way street with parking on both sides. However, because there is parking on both sides the street is only wide enough for one car. It gets particularly congested on Friday's or whenever the Mosque has services. It is almost impossible to turn into Stuart Street from Douglas Street	Access and Movement	The most recent traffic surveys conducted in the centre in 2019 did not raise traffic along Stuart Street as being of concern. Council will continue to monitor conditions	clear that they apply to all sites in the Activity Centre, including KRB None
9	Yes	Removing roundabout is essential. Lights needed. Lights at corner of Leonard Street, where there is 4 way intersection, may be safer, especially going straight up Leonard towards Ian Street	Access and Movement	Action 16 Continue to strongly advocate to the Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout (page 76) The Douglas Street/Leonard Avenue intersection is to have a 4-way traffic light signal installed which will result in improved traffic circulation and pedestrian safety	None
10	No	Having a library, small cinemas, water parks etc where the community can have an indoor place to go would be good	Land Use and Economic Activity	At this time, the Structure Plan is not proposing a library or cinema given there are similar existing facilities in surrounding suburbs. However, if this were to be deemed appropriate at a later date, this could be considered then. Action 28 of the Structure Plan seeks to Ensure the station civic space design encourages people to visit and spend more time in the centre	None
11	No	Limiting height of buildings in the business area as well as residential streets, housing is	Built Form and Urban	The core of the centre, being Douglas Street, the area around Buckley Street and Leonard Avenue and Ian	

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		now too dense and street parking out of control	Design	Street has proposed preferred heights of generally five storeys. For many of these sites this will only be possible if sites are consolidated as setback and car parking requirements are unlikely to be met otherwise. The default height if there is no consolidation for smaller sites is three storeys - which is in keeping with the village feel	
		Public Transport e.g. buses have never been improved the only difference was introduction of 709 but time between services are way too long 30-60 mins	Access and Movement	Structure Plan updated to include an advocacy action regarding the continued rationalisation of the bus services in and around Noble Park	Structure Plan updated to include an advocacy action (Action 26, page 78) regarding the continued rationalisation of the bus services in and around Noble Park
		Streets surrounding mosque are dangerous during prayer time	Land Use and Economic Activity	The most recent traffic survey conducted in the centre in 2019 did not raise traffic around the mosque as being of concern. Council will continue to monitor conditions	
		New road crossing (Leonard/Mons/Ian Street) is extremely dangerous		Action 17 of the Structure Plan (page 76) has as an action to redesign the Link Road to improve pedestrian safety	

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
12	No	<p>Coles back car park always looks dirty and tired</p> <p>Limiting \$2 type shops in shopping centre</p> <p>Birds being feed in Copas is ongoing problem</p> <p>Need traffic lights at the new intersection Leonard Avenue/Douglas Street/lane to lan Street</p> <p>We need more bus services so people actually can get to Noble Park (E.g. from Corrigan Road/Harold Road area)</p>	Public Realm Access and Movement	<p>This issue has been forwarded to Council's Local Laws Department to investigate</p> <p>The Douglas Street/Leonard Avenue intersection is to have a 4-way traffic light signal installed which will result in improved traffic circulation and pedestrian safety</p> <p>Structure Plan updated to include an advocacy action regarding the continued rationalisation of the bus services in and around Noble Park</p>	Structure Plan updated to include an advocacy action (Action 26, page 78) regarding the continued rationalisation of the bus services in and around Noble Park
13	Yes	<p>The shops need updating and better pedestrian crossing areas</p> <p>Railway crossing is dangerous and it's good to hear that it will be getting removed</p>	Land Use and Economic Activity Access and movement	<p>An objective to 'improve the ongoing viability of the centre'. Action 8 on page 75 seeks to strongly support having traders and shop owners maintaining a high standard of maintenance and visual appearance of their shopfronts</p> <p>Action 16 Continue to strongly advocate to the Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout (page 76)</p>	None

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4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
14	Yes	Roundabout change definitely needed	Access and Movement	(Assumes this comment relates to the removal of the Heatherton Road/Douglas Street roundabout) Action 16 Continue to strongly advocate to the Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout (page 76)	None
15	Yes	Thrilled you're considering removing the roundabout, or as I call it, the Hellabout. Crossing that thing as a pedestrian is a nightmare and I'm convinced I'm going to get run over every time	Access and Movement	Action 16 Continue to strongly advocate to the Department of Transport for the removal of the Heatherton Road/Douglas Street roundabout (page 76)	None
16	No	Like parts of the Plan but there are other parts we have concerns about What we like about the vision is that it is aiming to protect the 'village character' of Noble Park. We like the focus on the walkability and the idea of 'arrival', that when you arrive in the centre of Noble Park you are arriving at the central activity hub. We like how the new Plan is going to be encouraging the planting of trees and integrating lots of public transport as well as walking and cycling While we understand that Noble Park's population is set to increase by 42% by 2036 and is highlighted as a major activity centre within Metro Melbourne, we are concerned about the focus on high level buildings and accommodation – i.e. apartments. The relatively new apartments at Copas Park on	Vision	Noted	
			Built Form and Urban Design	Noble Park is designated as a Major Activity Centre and due to this, an increase in density is both expected and supported. Supporting greater heights on larger sites across the centre (which include the KRB) allow for more moderate or low change (heights) across the rest of the centre. However, to strike a balance between the need for development and the 'village character' of the	All text and mapping amended to allow development up to 6 storeys on KRB if the

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>Buckley Street are NOT in line with the 'village' feel. In fact they are an eyesore</p> <p>Concerned that multi-storey buildings around the main Activity Centre will make the main part of town feel cold, dark shadowy and dingy</p> <p>We understand the significance of the 'stump' in central Noble Park – the remnants of an old river red but with the loss of such a significant number of river reds along the train line in Noble Park and down towards Yarraman Station, what we really want is a replacement. Or at least more trees/landscaping to re-create the treescape that we once had</p> <p>Would be great if we could have a community garden that provides good access to the public perhaps around/near/on Copas Park. Not only would the aged care residents be able to look out at a thriving community garden, but it could be a good opportunity to promote residents in the Copas Park apartments to come out and enjoy the garden and the</p>	Public Realm	<p>centre, it is proposed that the preferred maximum heights for Key Redevelopment Blocks be revised to six storeys (from eight) and only if the development site is a minimum of 2000sqm in size</p> <p>Provisions already in place in the Planning Scheme regarding overshadowing. Urban Design Principles have been established including to <i>Maintain solar access to identified pedestrian oriented streets and public spaces</i> (page 24). Map 9 has carefully considered building height and setbacks including identifying sensitive residential interfaces (page 31)</p> <p>The Level Crossing Removal Project resulted in significant removal of river red gums along the railway track. The Structure Plan advocates for more landscaping and tree planting throughout the centre. A 10-year tree planting program for Noble Park is also in development</p> <p>This suggestion was forwarded at the time to Council's <i>Draft Open Space Strategy, 2020-2030</i>. Reference has been made at Action 29 (page 79) to encourage community spaces</p>	<p>site is a minimum of 2000sqm in size</p> <p>Action 29 (page 79) amended to refer to community spaces</p>

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
17	No	<p>community</p> <p>At the moment that old car park on Leonard Street/Noble Street is all bolted up, what is that prime real estate going to be used for? Why not create some sort of green thoroughfare right in the centre of our town?</p> <p>Need some examples of what the proposed Gateway at the roundabout could look like - are we talking about curved poles like in Narre Warren or a big cultural gateway like the one in Springvale?</p> <p>Make central noble park more walkable. Less cars. More cycling infrastructure</p>	Access and Movement	<p>The car park on the corner of Leonard Avenue and Noble Street is privately owned. However, the proposal to widen Buckleys Lane aims to create a 'green thoroughfare' in the centre of Noble Park</p> <p>Page 26 of the Structure Plan discusses a gateway treatment for this intersection. The Structure Plan seeks a strong gateway treatment in this area as it is a key entry point in to the centre. This section of the Structure Plan redrafted to ensure clarity</p> <p>The Structure Plan notes the importance of Noble Park's existing walkability and aims to improve this through the provision of key pedestrian streets. The Structure Plan supports the development of a Multi Modal Transport Infrastructure Plan (Action 24, page 78) to encourage greater efficiency of movement through and to the centre and further consider cyclist infrastructure and routes</p>	<p>Page 26 updated to ensure clarity regarding Gateway design and intent</p> <p>None</p>
18	No	<p>More pocket parks</p> <p>Council has declared a climate emergency in January 2020, and yet Climate Change is not mentioned in this draft version. Why Not?</p> <p>Sustainability is barely mentioned - this needs</p>	Public Realm Vision	<p>This suggestion was forwarded at the time to Council's <i>Draft Open Space Strategy, 2020-2030</i></p> <p>In January 2020, Greater Dandenong City Council, declared a 'Climate and Ecological Emergency'. The Structure Plan updated to include details of this in the Introduction section (page 12). A new key outcome of the Structure Plan has also been added to refer to this</p>	<p>Pages 12, 18, 21 and 70, Built Form and Urban Design Objective 1 and</p>

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
19	No	<p>to be addressed</p> <p>This plan is supported and provides us with a perfect opportunity to shape this great town in the long term. The sky rail has made access so much better for cars and pedestrians and more green spaces has improved the area</p> <p>More is needed here to help green the area more as development grows. The type of development needs to be good quality with range of housing types and not just small apartments. Good materials, mix of bedroom numbers and environmental green design will make them attractive and comfortable to live in. The safety of the area is much better now than in the past but needs more attention through mix of buildings more better security surveillance</p>	<p>Vision</p> <p>Built Form and Urban Design</p>	<p>on pages 12 and 21. The State Policy and Policy Reference section has been updated on page 18 and page 70</p> <p>Built Form and Urban Design Objective 1 and the Urban Design Principles updated to include reference to climate change mitigation</p> <p>Urban Design Principle 8 amended to make reference to all future development being undertaken in a manner that adapts to, and mitigates the impacts of climate change, including the heat island effect</p> <p>Noted</p> <p>The Structure Plan places great importance on the 'greening of Noble Park' and through the Urban Design Guidelines strongly advocates for high quality design during all stages of development</p>	<p>the Urban Design Principles on pages 24-25 updated to reflect the Climate and Ecology Emergency declaration</p> <p>None</p>

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
20	Yes	Would like to see more green spaces in public areas and how development will be of good quality The council has spoken a lot about climate change since last year but there is nothing in this plan about it so it should be included		In January 2020, Greater Dandenong City Council, declared a 'Climate and Ecological Emergency'. The Structure Plan has been updated to include details of this in the Introduction section (page 12). A new key outcome of the Structure Plan has also been added to refer to this on pages 12 and 21. The State Policy and Policy Reference section has been updated on page 18 and page 70 Built Form and Urban Design Objective 1 and the Urban Design Principles updated to include reference to climate change mitigation Urban Design Principle 8 amended to refer to all future development being undertaken in a manner that adapts to, and mitigates the impacts of climate change, including the heat island effect	Pages 12, 18, 21 and 70, Built Form and Urban Design Objective 1 and the Urban Design Principles on pages 24-25 updated to reflect the Climate and Ecology Emergency declaration
21	Yes	- It is great to see Council advancing the future redevelopment of Noble Park and it is great to see that Council are getting 'head start' on setting the rules in place now before the private sector dictates the future growth of the suburb, compared with other centres. I urge Council ensure that the heights remain as discretionary, and not mandatory	Vision Built Form and Urban Design	Noted Noted and heights are proposed to be discretionary. For development within a designated Major Activity Centre boundary this is considered appropriate	None None

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		Council's strategic planning unit should consider liaising or discussing with Vic Track in terms of facilitating development over the railway corridor (i.e. within the air space of the rail corridor). Council should at least revise part the structure plan to at least acknowledge a potential for it. Council should note that there many other centres all throughout Melbourne that have done this - for example Ormond Railway Station, Box Hill Structure Plan and Glen Waverley		Sky rail opens land underneath the rail corridor for use. For Noble Park, this has included public realm upgrades for the community including a cycling corridor along the Djerring Trail. This contributes to the village feel of the centre. The three examples cited are not comparable to Noble Park's situation, with two of the stations below ground and the third is at ground level	
22	Yes	Railway station has made a great impact in Noble Park and the flow on effect has been tremendous It would be great to have something or a place named after Premier Mr Daniel Andrews as he is from our electorate and the only premier in the history of Noble Park. Noble Park station today is due to his government 's vision. That vision transformed Noble Park for the better	Vision	Noted	None
23	Yes	Recommend that pedestrian crossing lights be installed at the intersection of Mons Parade and Ian Street as this pedestrian crossing is easily missed by drivers	Access and Movement	Action 17 of the Structure Plan (page 76) has as an action to redesign the Link Road to improve pedestrian safety	None
24	No	Roundabout is not a problem. Replacing it with lights could just end up creating long lines of cars with no improvement to the Village feel. We've just had that horrible rail crossing	Access and Movement	The roundabout is difficult and dangerous to navigate as a pedestrian and replacing it will improve safety. Slowing traffic to 40kms along Heatherston Road through the centre helps to create a 'Village feel' as it	

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
		<p>removed freeing up traffic flow. Why would you want to slow it back down?</p> <p>Surprising Council is not insisting on 'green walls' for all new commercial buildings</p> <p>Planting trees will be sparse, there'll be very little tree coverage overall and almost no shading. Given increased temperatures expected with Climate change the open village areas could well be a concrete oven. No one will want to walk or shop there on hot days</p> <p>Nowhere is there a community garden nearby</p>	<p>Built Form and Urban Design</p> <p>Public Realm</p>	<p>improves the pedestrian experience</p> <p>Urban Design Principle 8 amended to refer to all future development being undertaken in a manner that adapts to, and mitigates the impacts of climate change, including the heat island effect</p> <p>The Structure Plan places great importance on the 'greening of Noble Park' and through the Urban Design Guidelines strongly advocates for maintaining pedestrian oriented streets. It is noted that weather protection in the form of shop awnings exists in Noble Park which assists to shade on hot days</p> <p>This suggestion was forwarded at the time to Council's <i>Draft Open Space Strategy, 2020-2030</i></p>	<p>Urban Design Principles on pages 24-25 updated to reflect the Climate and Ecology Emergency declaration</p> <p>Action 29 (page 79) amended to refer to community spaces</p>
		<p>Put signs up telling people the shops are there but that's all</p> <p>Does not talk about sustainability or climate anywhere in this plan</p>	<p>Land Use and Economic Activity</p> <p>Vision</p>	<p>The Structure Plan seeks a strong gateway treatment at the Douglas Street/Heatherston Road intersection as it is a key entry point in to the centre</p> <p>In January 2020, Greater Dandenong City Council, declared a 'Climate and Ecological Emergency'. The Structure Plan updated to include details of this in the Introduction section (page 12). A new key outcome of</p>	<p>Pages 12, 18, 21 and 70; Built Form and Urban Design</p>

ORDINARY COUNCIL MEETING - AGENDA

4.1.1 Noble Park Major Activity Centre Structure Plan – Consideration of Submissions (Cont.)

Sub No	Supports Vision	Submission	Theme	Officer Response	Recommended change to Structure Plan
				<p>the Structure Plan has also been added to refer to this on pages 12 and 21. The State Policy and Policy Reference section has been updated on page 18 and page 70</p> <p>Built Form and Urban Design Objective 1 and the Urban Design Principles updated to include reference to climate change mitigation</p> <p>Urban Design Principle 8 amended to refer to all future development being undertaken in a manner that adapts to, and mitigates the impacts of climate change, including the heat island effect</p>	<p>Objective 1 and the Urban Design Principles on pages 24-25 updated to reflect the Climate and Ecology Emergency declaration</p>

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review

File Id:

Responsible Officer:

Director Community Services

Attachments:

Draft Policy - Plaques, Memorials and Interpretive Signage

1. Report Summary

Council policies are in place to ensure accordance with relevant legislation, regulations and best practices. They provide a consistent approach to Council's operational requirements and promote accountability and transparency of Council decisions and actions.

Council first adopted the Plaques, Memorials and Interpretive Signage Policy in June 2011, having subsequently updated and endorsed a revised Policy on 9 November 2015, with the provision of reviewing the policy after five years. This policy has now been reviewed to ensure currency and compliance with relevant legislation and Council's current operational requirements and is now presented to Council for readoption.

2. Recommendation Summary

This report recommends that the Plaques, Memorials and Interpretive Signage Policy be readopted.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

3. Background

Essentially, policies developed by Council are aimed at ensuring good governance and decision-making processes, as well as the effective and efficient management of community resources and the day-to-day business of Council. They help govern how Council operates and provide a clear set of principles that provide a definite direction for Council.

Each policy is developed in order to address specific matters and objectives as outlined in the Council Plan 2017-21 or as required by legislation. Policies promote consistency across the organisation and also enable the community to be familiar with the principles behind administrative and council decisions.

Existing council policies are subject to an ongoing review process to ensure they remain up-to-date and comply with current legislation. Policies should be reviewed and updated if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems are implemented.

Council policies should be read in conjunction with any related legislation, relevant internal policies, codes of practice or guidelines. A Council policy is considered to be automatically revoked upon readoption of the latest version of that policy.

Policies that are superseded or superfluous to Council's needs require formal abolition by Council.

4. Proposal

It is proposed that Plaques, Memorials and Interpretive Signage Policy be readopted by Council with the following changes:

- Articulated distinction between processes relating to Council Initiated versus Community Initiated requests, noting that to this end an Application Form has been developed to capture Community Initiated requests.
- Identification of budget and funding streams for requests received, noting that plaques, memorials and interpretive signage installed at the request of community members or organisations will be actioned at the applicant's expense.
- A commemorative plaque, memorial or interpretive sign will not be considered where there is a religious, ethnic, cultural or political affiliation in memorialising events that might have, or be perceived as having, the effect of maintaining instead of healing divisions. For this reason, applications for culturally specific war memorials relating to international affairs will not be approved.

5. Financial Implications

There are no financial implications associated with this report.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

6. Consultation

Prior to reporting to Council, the Plaques, Memorials and Interpretive Signage Policy was reviewed and evaluated by the:

- Executive Management Team.

7. 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
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Place

- *Sense of Place* – One city many neighbourhoods
- *Appearance of Places* – Places and buildings

Opportunity

- *Education, Learning and Information* – Knowledge
- *Tourism and visitors* – Diverse and interesting experiences

8. 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:

People

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

Place

- *A healthy, liveable and sustainable city*

Opportunity

- *An open and effective Council*

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

9. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

This report and associated policy has been drafted with consideration to the overarching principles that guide the *Local Government Act 2020*. Such considerations have included, but are not limited to:

- Benchmarking similar policies endorsed by other councils;
- The integration of an online application form in support of continuous improvement and accessibility for our municipal community;
- The development of a collaborative framework of application review with contributions from a broad cohort of Council units ensuring that best outcomes can be delivered for the municipal community;
- Clearly setting out ownership of responsibilities for internal stakeholders to ensure efficient management of the policy within existing operational resource allocations;
- Flexibility to respond to changing circumstances in consideration of new cultural interpretations or historical revisionism;
- Transparency in target timelines for application review; and
- Consideration of financial viability impacts on existing and future budgets and cost mitigation.

10. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The Charter of Human Rights and Responsibilities Act 2006 has been considered in the preparation of this report and associated policy. As a result, special consideration has been given to ensuring the policy appropriately accommodates cultural rights. This is supported by the engagement of Community Advocacy Officers as part of the internal consultation process to inform and steer outcomes as part of the review process.

11. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

The *Gender Equality Act 2020* has been considered in the preparation of this report and associated policy but is not relevant to its contents. The administration of this policy does not negatively or positively impact any gender groups within the municipality. All applications will be considered with respect to promoting equality, inclusion and access throughout our municipality.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

12. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report and associated policy but are not directly relevant to its contents. Where practicable sustainable products will be sourced in implementing actions. Furthermore, where practicable, local suppliers will be sought in the process of procuring quotes for delivery of policy outcomes.

13. Related Council Policies, Strategies or Frameworks

- Greater Dandenong City Council Activity Centre Design Frameworks and Interpretive Signs In Activity Centres Design Manual
- Greater Dandenong City Council Application Form for a Plaque, Memorial or Interpretive Signage within the City of Greater Dandenong
- Greater Dandenong City Council Asset Management Policy
- Greater Dandenong City Council Corporate Style Guide
- Greater Dandenong City Council Civic and Cultural Heritage Collection Policy
- Greater Dandenong City Council Interpretive Sign Program
- Greater Dandenong City Council Open Space Strategy
- Greater Dandenong City Council Plaques, Memorials and Interpretive Signage Guidelines
- Greater Dandenong City Council Springvale & Noble Park Structure Plans
- Cultural Heritage Management Plans and Conservation Management Plans for appropriate locations
- Greater Dandenong Climate Change Emergency Strategy

14. Conclusion

A review of the Plaques, Memorials and Interpretive Signage Policy was conducted and is now presented to Council for readoption.

The principal objective of the review was to ensure that the policy is current with legislative requirements and remains relevant and up to date.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

15. Recommendation

That the Plaques, Memorials and Interpretive Signage Policy be readopted.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

POLICY AND STRATEGY

PLAQUES, MEMORIALS AND INTERPRETIVE SIGNAGE POLICY REVIEW

ATTACHMENT 1

**DRAFT POLICY - PLAQUES, MEMORIALS
AND INTERPRETIVE SIGNAGE**

PAGES 10 (including cover)

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

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)



Plaques, Memorials and Interpretive Signage Policy

Policy Endorsement:	Council		
Policy Superseded by this Policy:	Plaques, Memorials and Interpretive Signage Policy 2015		
Directorate:	Community Services		
Responsible Officer:	Manager, Community Arts, Culture and Library Services		
Policy Type:	Discretionary		
File Number:	A7199777	Version No:	003
1 st Adopted by Council	Minute No. 859	Last Adopted by Council:	Minute No.
Review Period:	Every 4 years	Next Review:	2025

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)



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4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)



1. POLICY OBJECTIVE (OR PURPOSE)

This policy has been developed to manage all new and existing plaques, memorials and interpretive signs within the City of Greater Dandenong on Council owned or managed land.

The purpose of this policy is to:

- deliver a clear, open, equitable and accountable process for the request, placement and management of plaques, memorials and interpretive signs;
- regulate the placement of memorials, plaques and interpretive signs in public spaces, public facilities and buildings;
- regulate management of existing memorials, plaques interpretive signs; and
- outline how to manage requests for the installation of new memorials commemorative plaques and interpretive signs.

2. BACKGROUND

Council's Plaques, Memorials and Interpretive Signage Policy was first endorsed by Council in June 2011, having subsequently been reviewed with updates being adopted by Council on 9 November 2015.

3. SCOPE

This policy applies to all proposed plaques, memorials and interpretive signs to be installed within the City of Greater Dandenong, on Council owned or managed land, whether in or on buildings or facilities, on the pavement, in parks, gardens, streets or any other public space. The policy applies to both council-initiated and community-initiated signs, memorials or interpretive signs.

All artwork for proposed plaques, memorials and interpretive signs must be consistent with the guidelines set out in Council's 'Corporate Style Guide'.

All new plaques and memorials will be required to conform to this policy, with the exception of the following:

- general signage for the purposes of either wayfinding, advertising or regulatory outcomes;
- public artworks or temporary roadside memorials;
- war memorials;
- naming of places, roads or facilities; and
- the policy does not cover roadside memorial plaques.

This policy and associated documents sit alongside the Interpretive Sign Program which is delivered by the Place Making and Revitalisation team through the approval processes of their Directorate.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

4. DEFINITIONS

Collection: Items which have been formally acquired for / into as being part of the City of Greater Dandenong's Civic and Cultural Heritage Collection. (Public Artworks are excluded from this terminology). The Civic and Cultural Heritage Collection may also be referred to as 'The Collection', 'Collection Items' or 'CC (name of sub collection)'.

Deaccession: The process of deregistering an item or items from the Collection, for stated reasons and conforming to clear policy and procedure.

Interpretive Sign: A freestanding or wall mounted sign that uses text and/or images to provide an interpretation of a culturally or historically significant site, person, object or story. The interpretation or message aims to enhance understanding and enjoyment of a place or explain why a story is important to a place. It is erected to be visible to all viewers and can be constructed of different materials, according to agreed design approaches and styles.

Plaque: A flat tablet of metal, stone or other material which includes text and/or images which commemorates an event or a person and/or provides historical or other information relevant to its location. Such a tablet is fixed to a wall or other surface.

Memorial: An object, monument, garden or civic area named or established in memory of a person, association, anniversary or event.

5. POLICY

Plaques, memorials and interpretive signs are important in celebrating the achievements of the Greater Dandenong City Council and its community. They provide historical and cultural context and serve as records of events, as well as tell important narratives of the city.

Plaques, memorials and interpretive signs can enrich public places and open spaces. However, the placement of plaques, memorials and interpretive signs needs to be carefully considered to ensure that they do not impact negatively on their surrounds.

Plaques, memorials and interpretive signs fall under two categories in this policy, Council initiated and community initiated.

Council Initiated

1. Plaques installed by Council (including State and/or Federally funded projects) on Council owned or managed land and/or facilities to commemorate the opening or refurbishment of a community building or facility or to commemorate an event which might be of historical significance in the future. Installation of a plaque may be associated with an official launch event or opening.
2. Plaques, memorials and interpretive signage installed by Council in conjunction with other bodies to provide historical or heritage information about buildings, facilities or people significant to the history of the municipality.
3. Interpretive signage installed by Council in public open spaces to acknowledge culturally or historically significant sites, people, objects or stories in the municipality.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)



Community Initiated

1. Plaques, memorials and interpretive signage installed by Council in public open space at the request and cost of community members or organisations wishing to commemorate a person, place or group. Applications for such must be made using the Application Form for a Plaque, Memorial or Interpretive Sign in the City of Greater Dandenong. It should be noted that in such instances, should approval be granted, Council will coordinate all design and installation outcomes to preserve consistency with all other signage in public places. Plaques, memorials and signage may not be installed by community in public spaces outside of this application process.

Any proposal for a plaque, memorial or interpretive sign that is three dimensional, and is a sculptural or artistic work which is out of scope of this policy will be subject to Council's Public Art Policy and may be referred to the Arts Advisory Board for consideration.

Existing plaques and memorials will not be taken as a precedent for future proposals and each request will be considered on its merits in accordance with current policy guidelines. All new plaques, memorials and interpretive signs will require a formal application and will be reviewed by Council.

Eligibility Criteria

Council will review a request for a plaque, memorial or interpretive sign, if it meets the following criteria:

- a) the item support Council's corporate strategies, aims and objectives;
- b) the item reflects local geographical relevance;
- c) the item can demonstrate to be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons and add to the existing community amenity of the proposed location, within the context of the current use of the area;
- d) the item is considered in the context of the number of existing memorials, interpretive signs, public artwork and other objects in the area;
- e) the item commemorates a person or group that has made a significant contribution to the community and who has not already been memorialised;
- f) the item adheres to Council's Risk Management Framework and to relevant Occupational Health & Safety and Environmental Management Policies and Procedures; and
- g) the item meets with any relevant legislative measures.

A commemorative plaque, memorial or interpretive sign will not be considered where there is a religious, ethnic, cultural or political affiliation in memorialising events that might have, or be perceived as having, the effect of maintaining instead of healing divisions. For this reason, applications for culturally specific war memorials relating to international affairs will not be approved.

Plaques, memorials and interpretive signs that have been placed in any location without authorisation, or which do not meet the general requirements of this policy, may be removed. Attempts will be made to consult with the person(s) responsible for initially installing the plaque or memorial prior to its removal.

Deaccession Criteria

There is recognition that, from time to time, there may be reasons to review the retention of existing plaques, memorials and interpretive signs. Accordingly, Council reserves the right to deaccession and disposal of such items. Council will always approach the deaccessioning of items with caution, with appropriate delay and review mechanisms in its procedures.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

The nomination for deaccessioning may occur only where the item/s meets one or more of the following criteria:

- a) the item no longer meets the current eligibility criteria;
- b) the item is in poor condition and is considered of insufficient merit for allocation of conservation resources;
- c) the item is damaged beyond repair or destroyed;
- d) the retention of the item may put people and/or other items at risk;
- e) the item is lost, stolen or mislaid with no likelihood of return; and
- f) A public request is received for removal in consideration of new cultural interpretations or historical revisionism.

Proposals for deaccessions will be prepared by relevant officers and experts (where necessary) with a report provided to the Civic Collection Acquisition and Deaccession Working Group for review. Items reviewed and recommended by the working group for deaccession will be submitted to Director Community Services for approval.

Methods of Disposal

The disposal procedure for an item identified for deaccession will adhere to the following order of options, in accordance with the ICOM Code of Professional Ethics (2013), Section 4.3: Deaccessioning Policies and Procedures. The options for disposal in order of priority are that the item may be:

- relocated;
- stored; or
- destroyed where no other options are appropriate.

Council's Public Art Projects Lead must maintain records of items deaccessioned including their method of disposal.

Ongoing Maintenance

Council will maintain the item as part of its Asset Management program for the life of the asset and any costs relating to this will be at Council's expense. Should significant maintenance be required to prolong the life of the asset such maintenance expenses will be considered within Capital Improvement Program (CIP) budget bids aligned with Council's Asset Management Policy.

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy has been drafted with consideration to the overarching principles that guide the *Local Government Act 2020*. Such considerations have included, but are not limited to:

- benchmarking similar policies endorsed by other councils;
- the integration of an online application form in support of continuous improvement and accessibility for our municipal community;
- the development of a collaborative framework of application review with contributions from a broad cohort of Council units ensuring that best outcomes can be delivered for the municipal community;

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

- 
- clearly setting out ownership of responsibilities for internal stakeholders to ensure efficient management of the policy within existing operational resource allocations;
 - flexibility to respond to changing circumstances in consideration of new cultural interpretations or historical revisionism;
 - transparency in target timelines for application review; and
 - consideration of financial viability impacts on existing and future budgets and cost mitigation.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy. As a result, special consideration has been given to ensuring the policy appropriately accommodates cultural rights. This is supported by the engagement of Community Advocacy Officers as part of the internal consultation process to inform and steer outcomes as part of the review process.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents. The administration of this policy does not negatively or positively impact any gender groups within the municipality. All applications will be considered with respect to promoting equality, inclusion and access throughout our municipality.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this policy but are not directly relevant to its contents. Where practicable sustainable products will be sourced in implementing actions. Furthermore, where practicable, local suppliers will be sought in the process of procuring quotes for delivery of policy outcomes.

10. RESPONSIBILITIES

The responsibilities that arise under this policy are:

Director Community Services is responsible for the final approval of all plaques, memorials and interpretive signs.

Directors are responsible for the preliminary approval of plaques, memorials and interpretive signs pertaining to their areas of responsibility.

Manager, Community Arts, Culture and Library Services is responsible for the approval of all artwork relating to plaques, memorials and interpretive signs prior to final sign off by the Director. Furthermore, they will ensure that other managers are made aware as to the existence of the policy so that they may communicate more broadly with their respective teams.

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)



Managers are responsible for monitoring staff under their supervision to ensure that they understand and comply with this policy and the requirements within it.

Public Art Projects Lead is responsible for listing new plaques, memorials and interpretive signs in both Council's Civic and Cultural Heritage Collection Catalogue and Assets Register and for advising relevant internal stakeholders. The Public Arts Project Lead will be available to assist and advise staff in relation to implementing any aspect of this policy.

Civic Collection Acquisition and Deaccession Working Group is comprised of nominated representatives of external independent professional members with a variety of relevant cultural heritage and collection management-related professional skills and backgrounds, Presidents of the Dandenong and Springvale Historical Societies, a Spirit of Enterprise Group representative and Council officers. This group will review proposed items based on acquisition and deaccession criteria outlined in this policy and provide recommendations for consideration. It will meet every six months or more regularly as required.

All staff are responsible for compliance with the policy and the requirements within it should they be involved with any plaques, memorials or interpretive signage.

11. REPORTING, MONITORING AND REVIEW

The policy will be further reviewed and updated in 2025. The success of the policy will be measured continuously through alignment with target timelines for application review. The target timeline to review applications is 70 days, noting that in certain instances applications may be referred to either executive and/or Council for consideration in which case the review timelines may extend accordingly. Upon review of the policy, past applications will be monitored for compliance to test the efficacy of the policy and analyse where improvements can be made.

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Crown Land Reserves Act 1978 (amended)*
- *Gender Equality Act 2021*
- *Geographical Place Names Act 1998*
- *Heritage Act 2017*
- *ICOM Code of Professional Ethics (2013), Section 4.3: Deaccessioning Policies and Procedures*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Activity Centre Design Frameworks and Interpretive Signs In Activity Centres Design Manual
- Greater Dandenong City Council Application Form for a Plaque, Memorial or Interpretive Signage within the City of Greater Dandenong
- Greater Dandenong City Council Asset Management Policy
- Greater Dandenong City Council Corporate Style Guide

4.1.2 Plaques, Memorials and Interpretive Signage Policy Review (Cont.)

- 
- Greater Dandenong City Council Civic and Cultural Heritage Collection Policy
 - Greater Dandenong City Council Interpretive Sign Program
 - Greater Dandenong City Council Open Space Strategy
 - Greater Dandenong City Council Plaques, Memorials and Interpretive Signage Guidelines
 - Greater Dandenong City Council Springvale & Noble Park Structure Plans
 - Cultural Heritage Management Plans and Conservation Management Plans for appropriate locations
 - Greater Dandenong Climate Change Emergency Strategy

4.2 OTHER

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report

File Id:	A7607057
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Draft Minutes of Sustainability Advisory Committee Meeting – 3 March 2021

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the draft Minutes of the Sustainability Advisory Committee meeting on 3 March 2021 provided in Attachment 1 to this report be noted by Council.

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the draft Minutes are provided as an attachment to this report.

Proposal

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
- *Leadership by the Council* – The leading Council

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 creative city that respects and embraces diversity

Opportunity

- An open and effective Council

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

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

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes the draft Minutes of the meeting held 3 March 2021 for the Sustainability Advisory Committee as provided in Attachment 1 to this report.

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

OTHER

**DRAFT MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE
MEETING**

ATTACHMENT 1

**SUSTAINABILITY ADVISORY
COMMITTEE MEETING HELD ON
3 MARCH 2021**

PAGES 4 (including cover)

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

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

Advisory Committee or Reference Group Name: Sustainability Advisory Committee Meeting

Date of Meeting: Wednesday 3 March 2021

Time of Meeting: 5:30 to 7:00pm

Meeting Location: Online meeting – Microsoft Teams

Attendees:

Jody Bosman (JB), Cr. Rhonda Garad (RG), Judith Sise (JS), Graeme Pearman (GP), Asher Coleman (AC), Brian Congues (BC), Bryan Hunter (BH), Aurore Pont (AP), Jess Harrison (JH)

Apologies:

Ward Petherbridge (WP)

Minutes:

Stephanie Karras (SK)

Item No.	Item	Action	Action by
1. Welcome	Welcome by the Chairperson.		JB
2. New Councillor representative	Welcome and introduction to Cr. Rhonda Garad.	Cr. Rhonda Garad introduced herself to the Committee.	RG
3. Previous minutes	Previous meeting minutes No. 15 agreed upon and adopted.	Minutes confirmed.	ALL
4. Actions from previous meeting	<ul style="list-style-type: none"> Council is no longer able to further engage with Sacyr (organics composting facility). However, Council's Media and Communications team have advised that committee members are free to contact Sacyr directly. Matter regarding pollution abatement notice on Argus Recycling. Council was denied entry to the Directions Hearing, however, they will be attending and observing the public hearing. The next public planting day will be held on Saturday 10 July 2021 at Tatterson Park from 10am – 1pm. JB gave an update regarding the draft Community Gardens policy. JB noted that two potential 	<ul style="list-style-type: none"> JH to double check information regarding Sacyr organics facility development (as well as Argus Recycling case) and share with RG prior to the next Sustainability Advisory Committee meeting. JH to circulate native flowers species guide to the group prior to the next Sustainability Advisory Committee meeting. 	JH JH

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

	<p>mechanisms of control are being discussed further:</p> <ol style="list-style-type: none"> 1. Establish a committee of management (therefore business of Council) for each community garden, or 2. Planning permit is required <ul style="list-style-type: none"> o AC would like to see a streamlined process for developing community gardens to remove any barriers to uptake. JB noted that this would be included in the Community Gardens Policy being developed by the Strategic Planning team. This is a high priority. o The intent is to create a community gardens policy solution that balances the use of public open space for community gardens and public open space for recreation and associated usages. 		
5. General update	<ul style="list-style-type: none"> • 'Pulse' is Council's internal reporting system. Actions are assigned to relevant officers and periodic reports completed. • All Council senior managers are members of the Internal Climate Emergency Implementation Group. • The Mobile Community Centre will be used by the Sustainability, Parks, Environment Education and Waste teams for all related community events and education programs. 	<ul style="list-style-type: none"> • JH to send copy of climate change risk audit report to RG prior to the next meeting. • JH to send through more information to RG regarding Council's climate change projection timeframes prior to the next meeting. • JH to share the draft Sustainability Strategy refresh once complete to the group. 	JH JH JH
6. ESDv2.0 update	RG gave praise to Council officers for their progress on ESDv2.0.		
7. DELWP ESD Roadmap		JH to flag the commencement of Stage Two of the DELWP ESD Roadmap with the group to enable participation in the consultation process.	JH
8. Forever Fest and Sustainability Awards	The 'Forever Fest' Ambassador Dianne McGrath is a sustainability advocate, is completing a PHD at RMIT University on food waste and is a	Group to please select 'going' and share the 'Forever Fest' Facebook event with their networks: https://www.facebook.com/events/771093677175229	ALL

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.1 Draft Minutes of Sustainability Advisory Committee Meeting - 3 March 2021 - Report (Cont.)

	public Mars Astronaut candidate...		
9. Draft Urban Forest Strategy	<p>Group discussion surrounding the <i>Draft Urban Forest Strategy 2021-28 and Greening Our Neighbourhoods 2021-28 Strategy</i>:</p> <ul style="list-style-type: none"> • Focus on community education and engagement as an outcome of the draft Urban Forest Strategy. • The group suggested pragmatic opportunities for draft Urban Forest Strategy actions to be included in the planning process. • RG on behalf of the group passed on congratulations to the team who worked on the consultation animation. 	AC to share thoughts on strategies with JB offline.	AC
10. Food and Garden Organics (FOGO)	RG noted that a compost rebate has also been passed by Council.		
11. Working Groups	<ul style="list-style-type: none"> • ESDv2.0: the next meeting will be determined by the timing of the release of the draft provisions. • Climate Change: JB suggested engaging Young Leaders to join future working group meetings. • AC emphasised that members of the Southern Migrant Resource Centre would be interested in joining the working groups. 	<ul style="list-style-type: none"> • JH to send Doodle Poll to determine next meeting for the Climate Change Working Group by 10 March 2021. • JH to send working group calendar invitations to RG. • RG to approach Young Leaders at the upcoming March meeting to establish interest in participation in the Climate Change Working Group. • AC to contact the Southern Migrant Resource Centre to establish interested in joining the working groups prior to the next Sustainability Advisory Committee meeting. 	JH JH RG AC
12. General business	<ul style="list-style-type: none"> • The group suggested the need to create more linguistically and culturally diverse resources relating to climate change and sustainability. • GP expressed desire to be more proactive in facilitating uptake of electric vehicles in the community and notes that Australia is lagging behind other countries in this regard. This will be further addressed in the next Climate Change Working Group meeting. 	<ul style="list-style-type: none"> • JH/JB to share upcoming key timeframes of <i>draft Urban Forest Strategy and draft Greening Our Neighbourhoods Strategy</i> with group. 	JH/JB

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

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021

File Id:	A7520935
Responsible Officer:	Director Community Services
Attachments:	Draft Minutes of Meeting on 9 March 2021

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the draft Minutes of the Multicultural and People Seeking Asylum Committee meeting provided in Attachment 1 to this report be noted by Council.

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the draft Minutes are provided as Attachment 1 to this report.

Proposal

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
- *Leadership by the Council* – The leading Council

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 creative city that respects and embraces diversity

Opportunity

- An open and effective Council

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

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

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes the draft Minutes of meeting for the Multicultural and People Seeking Asylum Advisory Committee as provided in Attachment 1 to this report.

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

OTHER

**DRAFT MINUTES OF MULTICULTURAL AND PEOPLE SEEKING
ASYLUM ADVISORY COMMITTEE MEETING**

ATTACHMENT 1

**MULTICULTURAL AND PEOPLE
SEEKING ASYLUM ADVISORY
COMMITTEE MEETING ON
9 MARCH 2021**

PAGES 5 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

Advisory Committee or Reference Group Name:	Multicultural and People Seeking Asylum Advisory Committee
Date of Meeting:	9 March 2021
Time of Meeting:	3pm
Meeting Location:	Online via Microsoft Teams Meeting

Attendees:

Kylie Reid (Chisholm Institute) – Chairperson, Sarita Kulkami (Community Member), Community Development Coordinator (CGD), Binita Maskey (Women’s Association South East Melbourne Australia [WASEMA]), Sri Samy (Friends of Refugees [FOR]), Siv Yoganathan (Life Without Barriers [LWB]), Kadira Pethiyagoda (Community Member), Sarita Kulkami (Community Member), Anita J (WAYSS) (Standing in for Sean Quigley (WAYSS)), Tomasa Ruiz (CGD).

Apologies:

Cr Eden Foster (City of Greater Dandenong [CGD]), Kudzayi Nhatarikwa (Red Cross), Peter McNamara (South East Community Links [SECL]), Nabila Marzouk (Multicultural Muslim Women’s Network), Minwen Wu (Community Member), Nagamuthu R. Wickiramasingham (Community Member), Chaw Po (Burmese Women’s Alliance [BWA]), Jane Lazzari (Red Cross, Jacquie McBride (Monash Health), Sean Quigley (WAYSS).

Minutes:

Community Advocacy Officer (CGD).

Guest:

Community Advocacy Officer No. 2 (CGD).

Item No.	Item	Action	Action By
1.	<p>Welcome and Introductions</p> <p>Chair welcomed Committee Members and acknowledged Traditional Owners.</p> <p>Chair noted that MAPSAAC Meeting was moved forward so to provide members with the opportunity to give feedback regarding Council’s updating of the Diversity, Access and Equity Policy, and to address member queries.</p>		
2.	<p>Endorsement of previous meeting minutes</p> <p>Previous minutes moved by Binita Maskey, seconded by Coordinator Community Development.</p>		
3.	<p>Review of outstanding action items</p> <p>Outstanding action – further investigate and circulate list of the 26 playgroups servicing families seeking asylum in Victoria.</p>	Investigate and circulate list of the 26 playgroups.	Community Advocacy Officer

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

4.	<p>Feedback – Diversity, Access and Equity Policy</p> <p>Community Advocacy Officer No. 2 spoke to members about Council’s revision of the Diversity, Access and Equity Policy, and the importance of acknowledging and respecting diversity within our community.</p> <p>Two broad goals of the Draft Policy are to ensure Council staff treat people with different backgrounds, cultures, abilities etc with respect and to consider community differences in needs and preferences when planning services and policies.</p> <p>MAPSAAC members provided advice regarding several aspects of the draft policy. These included addressing discrimination, increasing community engagement amongst underrepresented segments, and ensuring community safety and accessibility to open spaces.</p> <p>All feedback was considered and noted down by Community Advocacy Officer No. 2..</p>		(CGD).
5.	<p>Update – Multicultural Communities Network</p> <p>Establishment of the Multicultural Communities Network (MCN) was temporarily placed on hold earlier this year due to information being received about the creation of other multicultural networks in the region that may fulfil a similar purpose.</p> <p>The networks included the planned establishment of a southeast region Ethnic Communities Council linked and supported by the Ethnic Communities Council of Victoria (ECCV), and the CALD Communities Taskforce (established through project work by the Department of Premier and Cabinet, and made up of regional bi-cultural workers and community champions).</p> <p>Concerns were raised by Council Officers as to whether the MCN was still necessary in light of the newly devised networks in the region.</p> <p>MAPSAAC members agreed that there was still a unique need for the MCN to be established. Reasons given included that the longevity of the other networks was questionable as oppose to the MCN which would be guaranteed by Council.</p> <p>The focus of the MCN was also raised as an important factor for its establishment, as it differed from the other networks, with its focus on local community and council issues.</p> <p>MAPSAAC resolved that the MCN be established.</p>	Expression of interest to be advertised.	Community Advocacy Officer (CGD).
6.	<p>Update – Back Your Neighbour Campaign and Mayoral Taskforce Supporting People Seeking Asylum</p> <p>Mayoral Taskforce Supporting People Seeking Asylum is currently focusing on the recruitment of new Council members, including those from the following councils; Kingston, Frankston, Stonnington, Glen Eira, Bayside,</p>		

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

	<p>Knox, and Borroondara.</p> <p>Letters have been formalised and will be sent to newly elected Councillors within the above-mentioned Councils. The letters requests that Councillors raise Taskforce Membership with their respective Councils.</p> <p>Taskforce will also be participating in this year's Palm Sunday Walk for Refugees on Sunday 28 March. The rally will take place in Melbourne CBD, with Taskforce Mayors and Councillors invited to attend.</p> <p>In line with the Campaign Strategy and Plan, Back Your Neighbour has decreased the intensity of its advocacy until the next Federal Election is announced. During the election period, Back Your Neighbour will once again escalate its advocacy efforts. In the interim ongoing social media and twitter posts will be posted so that an ongoing but reduced active presence is maintained.</p>		
7.	<p>Part B Action Plan Progress Report</p> <p>Discussions were held with Rob Koch (Monash Health) to discuss possible ways in which the People Seeking Asylum at Risk of Destitution (PSAARD) Taskforce could assist with fulfilling actions within the Part B Action Plan.</p> <p>MAPSAAC members reviewed Part B Actions 1.2, 3.2, 3.5, 4.1.1, 5.1, and 5.2; and provided feedback as to how the actions may be kickstarted. All feedback was noted in the Part B Action Plan Progress Report.</p> <p>MAPSAAC members agreed that greater emphasis in future meetings will be placed on discussions regarding the Part B Action Plan. It was also agreed that information sharing would be kept to a minimum, with the addition of a pro forma to be circulated amongst MAPSAAC members to complete and there after included in the minutes.</p> <p>Entire Part B Action Plan to be reviewed by MAPSAAC at next meeting.</p>	<p>Pro forma to be circulated with agenda for next MAPSAAC Meeting.</p>	<p>Community Advocacy Officer (CGD).</p>
8.	<p>Information Sharing</p> <p>WAYSS Staff returning back to office. More face-to-face assessments taking place, however majority are still done over the phone. Concerns over rental moratorium ending soon and increased rental arrears growing amongst local residents. 200 individuals still remain in motel accommodation in the southern region, a decrease from 1,500 in mid last year.</p> <p>Sarita Kulkami WASEMA operating nine local cafes in the southeast region. Sarita has been appointed as a member of the Springvale Hub Committee.</p> <p>LWB Significant increase in clients, due to release of people seeking asylum from community detention. All have moved into short, medium and long-term housing.</p>		

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

ORDINARY COUNCIL MEETING - AGENDA

4.2.2 Draft Minutes of Multicultural and People Seeking Asylum Advisory Committee Meeting - 9 March 2021 (Cont.)

	<p>Department of Home Affairs has been providing additional support to LWB for working with clients.</p> <p>FOR Online programs still continuing. Face-to-face programs to recommence in term two. Food and material aid provided in the office by appointment.</p> <p>Chisholm TAFE Adult Migrant English Program (AMEP) 500-hour cap is due to be lifted sometime in term two. Reconnect Program is now open to people seeking asylum, and Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders. The program is designed for individuals wanting to re-engage with education.</p>		
	<p>Meeting closed at 4:55PM.</p>		

DRAFT

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

4.2.3 Review and update of the City of Greater Dandenong Local Law.

File Id:	A7648125
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Final Draft General Local Law Local Law Community Impact Statement Final

1. Report Summary

This report presents the results of the review and consolidation of Greater Dandenong City Council's Local Law No.2 (Municipal Amenity), Local Law No.3 (Road Management and Asset Protection) and Local Law No.4 (Municipal Places) into a single draft City of Greater Dandenong Local Law No.2 (General Local Law), and seeks Council's approval to commence the statutory process as specified in Section 119 of the *Local Government Act 1989* relating to the making of a Local Law, which includes placing the draft Local Law No.2 (General Local Law) on public exhibition under the provisions of Section 223 of the *Local Government Act 1989*.

2. Recommendation Summary

This report recommends that Council resolves to commence the statutory process as specified in Section 119 of the *Local Government Act 1989* relating to the making of a Local Law, including placing the draft Local Law No.2 (General Local Law) on public exhibition under the provisions of Section 223 of the *Local Government Act 1989*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

3. Background

Local Laws are a form of local regulation that enables councils to make legislative controls reflecting the different circumstances of each municipality. The power to make a Local Law is provided to councils via the *Local Government Act 1989*.

In addition to the requirements of the *Local Government Act 1989*, the State Government has also introduced guidelines that Councils are required to follow when they are reviewing and introducing a new local law.

These guidelines, which are found in Local Government Victoria's "*Guidelines for Local Laws Manual*", (the guidelines) are now regarded as being "best practice" for the creation and enforcement of Local Laws, and it is Local Government Victoria's expectation that Council's will review and create their local laws in line with the guidelines.

The guidelines are relatively complex, however the key aspects of them can be summarised as being:

- The key aim is to improve transparency, accessibility, consistency, efficiency, accountability and the enforceability of local laws.
- Councils need to consider whether there is a possible alternative to creating a local law that better suits the needs of the community, as regulation should be viewed as being the last resort used in preventing a mischief, because it imposes burdens of compliance on the community and enforcement on the Council.
- Local laws should incorporate relevant Council policies.
- Overlap, duplication of, or inconsistency or conflict with, existing legislation or local planning schemes must be avoided.
- Councils must produce a Local Law Community Impact Statement for all new or materially altered local laws, which amongst other things needs to be able to demonstrate a real need for a Local Law.
- Under the provisions of the *Local Government Act 1989*, all local laws sunset ten (10) years after the date they commence.

The review of the current Greater Dandenong City Council's Local Law No.2 (Municipal Amenity), Local Law No.3 (Road Management and Asset Protection) and Local Law No.4 (Municipal Places) (current Local Laws), is in response to the fact that these current Local Laws are due to sunset on 25 July 2021.

Council must have a Local Law, otherwise all the controls and powers used by Council to protect council's assets, or control activities on Council's land via the issuance of permits would be lost. It is thus important that the City of Greater Dandenong has its new Local Law/s in place by 26 July 2021 so as to seamlessly transition from the current local laws which are due to sunset on 25 July 2021.

As Council's current local laws are due to sunset on 25 July 2021, it was decided that the opportunity should be taken to incorporate council's current local laws into one omnibus local law with the view of improving the consistency, transparency and accessibility of Council's Local Laws.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Throughout the preparation and drafting process of the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*, officers have sought legal advice from Council's solicitors on issues as they have arisen, and where necessary that advice has been used in the drafting of the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*.

The draft *City of Greater Dandenong Local Law No.2 (General Local Law)* has also been reviewed to ensure that it is consistent with the *National Competition Policy* and the *Charter of Human Rights and Responsibilities Act 2006*.

The requirements of Section 119 of the *Local Government Act 1989*, relating to the statutory process which must be followed by a council when it is making a local law will need to be commenced once Council has resolved to publicly exhibit the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*.

4. Proposal

The City of Greater Dandenong has undertaken a review of its current Local Laws.

This review was necessary as Council's current Local Laws expire on 25 July 2021.

Section 119 of the *Local Government Act 1989* outlines the statutory process which a council must follow when it is making a local law.

This includes a formal public consultation during a public exhibition and submission process which is required to be undertaken as per Section 223 of the *Local Government Act 1989*.

The draft *City of Greater Dandenong Local Law No.2 (General Local Law)* (Attachment 1) as proposed, has been created to ensure the structure, procedural and administrative arrangements conform with the State Government's "*Guidelines for Local Laws Manual*".

Whilst the majority of the current local law requirements have been incorporated into the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*, several changes have been proposed. The details of those changes form part of the Local Law Community Impact Statement (Attachment 2)

Those changes include:

- The review and update of the definitions in the local law to improve clarity and enforceability of the local law. This change has also led to council being able to remove the number of permits it requires for different activities by 14 permit types.
- The incorporation of Council's policies into the local law, meaning where applicable those policies now form part of the Local Law.
- Clarifying that the approval/ consent requirements of Council as a Road Authority under the *Road Management Act 2004* is evidenced by the granting of the applicable local law permit.
- Introducing the ability for Council to approve the consumption of liquor in an outdoor dining area via the local law permit, as per the VCAT matter of TAN V KINGSTON 2011 VCAT 470 23 March 2011. (VCAT RED DOT CASE). This change removes the need for a trader, who already has

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

a liquor licence applicable to their premises, from needing to also apply for a planning permit to allow liquor to be consumed in their outdoor dining space. This proposed change saves the trader both time and money, by removing the red tape currently faced by traders who wish to operate in this manner in the municipality.

- New obligation to obtain a permit from Council prior to the discharging of fireworks in the municipality. This proposed change also means the requirements of Council's existing *Fireworks Policy* become enforceable through the Local Law.
- New obligation for commercial premises not to place or store vehicles, items, or equipment associated with their operations on Council land. This proposal is aimed at improving the amenity of our industrial areas.
- New obligation for residents not to place their rubbish bins out for collection more than 24 hours before the waste collection is due.
- Introduces the same owner/operator onus as exists under State Legislation for parking related matters that are contained in the local law.
- Creating a specific offence for parking (storing) an unregistered trailer or vehicle in a public place.
- Introduces the requirement to ensure landowners who discharge any groundwater into Council's stormwater system, only discharge groundwater that has been properly filtered or treated.
- Introducing an exemption to Clause 39 – Incinerators, Fires and Open-Air Burning - to allow the use of a chimenea, fire pit or other appliance constructed for the purposes of heating, when it is being used for that purpose. This proposed change has been introduced in order to comply with the Notice of Motion (NoM 90) passed by Council at its meeting on the 14 September 2020.
- Permitting occupiers and landowners to plant vegetation on a nature strip, without the need to obtain a local law permit, as long as the planting is carried out in accordance with Council's guidelines for such plantings.
- Introducing a new Local Law at the request of Victoria Police, to provide the Police with the ability to control "hoon events", and to give the Police the ability to discourage spectators or bystanders who are attracted to such events. This clause has been introduced, as the Police have indicated that State legislation does not provide them with the tools necessary to manage such events, which by their very nature can put spectators or bystanders of hoon events at risk of serious injury or even death.

This report proposes that Council resolves to publicly exhibit the draft *City of Greater Dandenong Local Law No.2 (General Local Law)* (Attachment 1) and the Local Law Community Impact Statement (Attachment 2) for public consultation in accordance with Sections 119 and 223 of the *Local Government Act 1989*.

5. Financial Implications

There are no financial implications associated with this report.

The review of Council's current local laws, and the costs associated with the preparation of the draft City of Greater Dandenong Local Law No.2 (General Local Law) has been funded and resourced from within Council's budget for the 2020-2021 financial year.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

6. Consultation

Section 119 of the *Local Government Act 1989*, requires that a council must place the draft local law on public exhibition for at least 28 days, and invite written submissions from those people who may be affected by the making of the local law as per Section 223 of the *Local Government Act 1989*.

Section 223 of the *Local Government Act 1989* also provides for the opportunity for those people who as part of their written submission, indicate they wish to be heard by Council in support of their submission.

Advertising of this process inviting public input and comment on the draft local law will be conducted throughout the exhibition period via newspaper advertisements, Council's website, and via Council's social media sites.

7. 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*
- *Outdoor Activity and Sports – Recreation for everyone*

Place

- *Sense of Place – One city many neighbourhoods*
- *Safety in Streets and Places – Feeling and being safe*
- *Appearance of Places – Places and buildings*

Opportunity

- *Jobs and Business Opportunities – Prosperous and affordable*
- *Leadership by the Council – The leading Council*

8. 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:

People

- *A vibrant, connected and safe community*

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Place

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

Opportunity

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

9. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

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.

10. Related Council Policies, Strategies or Frameworks

Although the making of a local law does not require a council policy to support any local law, it is important that an underlying justification and rationale for a local law is provided.

In preparing the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*, care has been taken to ensure consistency with existing Council Policies, such as for events, permit issuance, and outdoor dining.

Some policies have been incorporated (as amended from time to time) into the draft *City of Greater Dandenong Local Law No.2 (General Local Law)*, however this only occurs where the policy is so detailed that it stands in place of discretionary guidelines that are available to officers.

It should be noted that once incorporated, these Council Policies become part of the Local Law.

11. Recommendation

That Council:

1. **resolves to undertake the commencement of the statutory process as specified in Section 119 of the Local Government Act 1989, relating to the making of a Local Law;**
2. **resolves that the draft *City of Greater Dandenong Local Law No.2 (General Local Law)* and the Local Law Community Impact Statement go out for public exhibition and submissions as per the requirements of Section 223 of the *Local Government Act 1989*;**

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- 3. gives public notice of the exhibition of the draft *City of Greater Dandenong Local Law No.2 (General Local Law)* via the Government Gazette and public advertisement, and invites written submissions in relation to the draft *City of Greater Dandenong Local Law No.2 (General Local Law)* to be received by Council for consideration until the close of business on 07 June 2021; and**
- 4. in accordance with Section 223 of the Local Government Act 1989, notes that if it is required, submitters who indicate in their written submission, that they wish to be heard in support of their written submission, that those submitters will be heard by Council on 15 June 2021 at its meeting of Council.**

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

OTHER

**REVIEW AND UPDATE OF THE CITY OF GREATER DANDENONG LOCAL
LAW**

ATTACHMENT 1

FINAL DRAFT GENERAL LOCAL LAW

PAGES 53 (including cover)

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

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

City of Greater Dandenong

Local Law No. 2

(General Local Law)

Date: --/--/ 2021

Final Draft Greater Dandenong City Council Local Law – 17 May 2021.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Notes on the City of Greater Dandenong Local Law No.2 (Community Amenity)

1. This document is a consolidation and re-structure of Council's previous:
 - *Greater Dandenong City Council Local Law No.2 of 2011* (Municipal Amenity)
 - *Greater Dandenong City Council Local Law No.3 of 2011* (Road Management and Asset Protection)
 - *Greater Dandenong City Council Local Law No.4 of 2011*(Municipal Places)

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

City of Greater Dandenong

Local Law No. 2 of 2021

(General Local Law)

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4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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DRAFT

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

CITY OF GREATER DANDENONG

LOCAL LAW NO.2 of 2021 (General Local Law)

PART 1 - PRELIMINARY PROVISIONS

1. Title

This is the City of Greater Dandenong Local Law No. 2 of 2021 (General Local Law).

2. Purpose

The purpose of this Local Law is to provide for the safety, order and good governance of the City of Greater Dandenong in a way that is complementary to *Council's* Council Plan by:

- (1) managing the uses and activities on *roads* and *Council land* so that *Council* is aware of uses or activities which may:
 - (a) interfere with the safety and convenience of people travelling on or using *roads* or *land*; and
 - (b) impede free and safe access for people, in particular for those with sight and movement impairment or disabilities; and
 - (c) cause damage to *Council* and community assets; and
 - (d) create a danger or expose others to risk; and
 - (e) be detrimental to the amenity of the area or the enjoyment of facilities on *roads* or *land*;
- (2) managing, regulating and controlling uses and activities which may:
 - (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
 - (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors;
- (3) identifying uses and activities where a *permit* is not required but conditions are applicable to the use or activity so that the purposes identified in sub-clauses (1) and (2) are achieved; and
- (4) providing for the administration of *Council's* powers and functions.

3. Authorising Provision

This Local Law is made under Section 111(1) of the *Local Government Act 1989* and Section 42 of the *Domestic Animals Act 1994*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

4. **Commencement, revocation and area of operation**

This Local Law:

- (1) commences on 1 July 2021;
- (2) ceases to operate on 30 June 2031, unless revoked earlier; and
- (3) operates throughout the whole municipal district.

5. **Revocation of other Local Laws**

From the date of commencement of this Local Law, the following local laws are revoked:

- (1) *Greater Dandenong City Council General Local Law's No.2 of 2011(Municipal Amenity)*;
- (2) Greater Dandenong City Council General Local Law's No.3 of 2011(Road Management and Asset Protection); and
- (3) *Greater Dandenong City Council General Local Law's No.4 of 2011(Municipal Places)*.

6. **Definitions of Words used in this Local Law**

In this Local Law:

<i>Act</i>	means the <i>Local Government Act 1989</i> .
<i>advertising sign</i>	means any placard, sign, real estate signage/pointer board, notice, poster, mobile billboards, banner or projected image or other similar device, whether portable or affixed or attached to any bicycle or <i>vehicle</i> , which is used for the purposes of: <ul style="list-style-type: none">• soliciting sales including:<ul style="list-style-type: none">o advertising real estate open for inspections or pending sales or auctions;• notifying the presence or location of a property where goods or services may be obtained;• advertising and seeking support for a candidate in an upcoming political election; or• notifying an event or competition, including a political, community or recreational event, but does not include an advertising sign which requires and has been granted a permit under the <i>Planning Scheme</i> .
<i>animal</i>	includes every species of four-footed animal and every species of bird (including, without limitation, poultry).
<i>animal litter device</i>	means a device suitable for the purpose of collecting, removing and disposing of an <i>animal's</i> faeces and includes a paper or plastic bag.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>appropriate fee</i>	means the fee determined by <i>Council</i> and listed in <i>Council's</i> Annual Budget documents.
<i>Asset Protection Permit</i>	means a written <i>permit</i> issued by <i>Council</i> for the protection of public assets and infrastructure during <i>building works</i> .
<i>authorised officer</i>	means a person appointed pursuant to Section 224 of the <i>Local Government Act 1989</i> as an authorised officer for the purposes of this Local Law.
<i>barbeque</i>	Means any fixed or portable device designed exclusively for meals preparation and fired by gas, electricity or a flammable material.
<i>builder</i>	means: <ul style="list-style-type: none">• the person who is nominated as the builder in a building permit issued under the <i>Building Act 1993</i> allowing <i>building works</i> to be conducted on a <i>building site</i>; or• the person in charge of any <i>building works</i> being carried out on a <i>building site</i>; and/or• the owner of a <i>building site</i>.
<i>builder's refuse</i>	includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with <i>building works</i> .
<i>building</i>	includes any structure or building, whether temporary or permanent, or part of such structure or building.
<i>building site</i>	includes any <i>land</i> on which <i>building works</i> are being undertaken.
<i>building works</i>	Includes any work that is involved with: <ul style="list-style-type: none">• the construction, demolition, renovation or removal of a <i>building</i>, including landscaping and concreting; or• the delivery of machinery, products or materials used or intended to be used in the construction, demolition, renovation or removal of a <i>building</i>; or• excavation, <i>road</i> making, drainage or any other preparatory or ancillary works relating to a <i>building site</i>.
<i>bulk rubbish container</i>	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish that is unable to be lifted or relocated without mechanical assistance but does not include bins or containers used in connection with the regular collection of domestic, commercial, industrial or trade waste.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>busk and busking</i>	means entertainment that involves playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing or engaging in miming or puppetry, and any like performance for money, gifts or other reward.
<i>camp</i>	means using a tent, caravan, motorhome, <i>vehicle</i> , shipping container, or any other movable or temporary form of accommodation (including sleeping bags or swags).
<i>carriageway</i>	means the portion of the <i>road</i> generally available for traffic by <i>vehicles</i> (whether sealed, formed or unconstructed).
<i>charity bin</i>	includes <i>clothing recycling bin</i> and any other receptacle used to collect donated goods for charities.
<i>Chief Executive Officer</i>	means the Chief Executive Officer of <i>Council</i> .
<i>Civil Works Permit</i>	means the written consent from <i>Council</i> where <i>Council</i> is the coordinating road authority to undertake any activity which digs up or opens any part of a <i>road reserve</i> or <i>Council land</i> . This includes the: <ul style="list-style-type: none">• digging up;• excavating;• trenching;• core sampling; or• connecting of services such as:<ul style="list-style-type: none">○ water;○ gas;○ stormwater;○ communication infrastructure; and○ underground power. It also includes any works associated with the: <ul style="list-style-type: none">• reinstatement of:<ul style="list-style-type: none">○ footpaths;○ nature strips;○ laneways;○ car parks; or○ roadways.
<i>clothing recycling bin</i>	means a bin or similar container used for the collection of used clothing.
<i>commercial premises</i>	means premises used: <ul style="list-style-type: none">• primarily for commercial purposes, including educational purposes; or• as a hostel, rooming house or student dormitory; or• for short-term accommodation or other accommodation, for financial gain.
<i>construction period</i>	means the period during which <i>building works</i> are carried out.

ORDINARY COUNCIL MEETING - AGENDA

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>Council</i>	means Greater Dandenong City Council.
<i>Council assets and public assets</i>	means footpaths, kerb and channel, nature strips, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, <i>vehicle crossings</i> or other <i>Council</i> property or works forming part of a <i>road</i> or <i>Council land</i> .
<i>Council land</i>	means <i>land, buildings</i> and facilities which are owned or occupied by or vested in <i>Council</i> or in respect of which <i>Council</i> has the care and management and to which the public has access (whether an entry fee is paid or not), and includes a <i>public place</i> and <i>roads</i> and <i>road related areas</i> .
<i>crane</i>	has the same meaning as the <i>Occupational Health and Safety Regulations 2017</i> .
<i>declared road</i>	means a <i>road</i> for which the Department of Transport or Head, Transport for Victoria is the co-ordinating road authority under the <i>Road Management Act 2004</i> .
<i>designate and designated by Council</i>	means designated by <i>Council</i> , or an <i>authorised officer</i> through the exercise of a delegated power or performance of a delegated function, the details of which appear on <i>Council's</i> website.
<i>footpath</i>	means the area between the property boundary and the kerbside of a <i>road</i> that is provided for use by pedestrians, cyclists, people in wheelchairs, or persons pushing a pram or similar.
<i>emergency services worker</i>	means a member of the Country Fire Authority, a member of Fire Rescue Victoria, an Ambulance Victoria paramedic, or any other worker called to the scenes of an emergency or crime and whose role is to minimise risk after an event or to provide assistance to those individuals at the scene of an emergency or crime.
<i>heavy vehicle</i>	has the same meaning as in Rule 200(3) of the <i>Road Safety Road Rules 2017</i> .
<i>Hoon Event</i>	means one or more <i>vehicles</i> being driven in a manner that intentionally or recklessly leads to the <i>vehicle/s</i> : <ul style="list-style-type: none"> • losing traction; • racing; • time trialling; or • emitting undue noise or smoke.
<i>incorporated document</i>	means any document identified by clause 7 of this Local Law as incorporated into this Local Law.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>itinerant trading</i>	means: <ul style="list-style-type: none">• offering goods or services free of charge;• selling or offering for sale goods or services;• hiring or offering to hire goods or services; or• conducting market research from a temporary location, from place to place, from a <i>vehicle</i> or by going from door to door.
<i>land</i>	has the same meaning as in the <i>Planning and Environment Act 1987</i> .
<i>local street</i>	means a <i>road</i> which is not a <i>declared road</i> .
<i>minor building works</i>	means <i>building works</i> valued at less than \$5,000 but excludes demolition and removal of <i>buildings</i> and other structures (regardless of value).
<i>penalty unit</i>	means the amount prescribed by Section 110(2) of the <i>Sentencing Act 1991</i> for a local law.
<i>permit</i>	means: <ul style="list-style-type: none">• a permit issued under this Local Law which authorises a use or activity;• an <i>Asset Protection Permit</i>;• a <i>Civil Works Permit</i>; or• a <i>Vehicle Crossing Permit</i> and, if applicable, may also include a licence or a lease.
<i>place, placed, places, placing and placement</i>	means permitting the relevant object or skip bin to remain on a <i>footpath</i> or <i>road</i> , as well as the actual act of putting the object or skip bin on a <i>footpath</i> or <i>road</i> .
<i>Planning Scheme</i>	means the Greater Dandenong Planning Scheme operating in the municipal district and made under the provisions of the <i>Planning and Environment Act 1987</i> .
<i>planter boxes</i>	means a container made of any material designed to display plants on <i>footpaths</i> or for segregating parts of the <i>footpath</i> (whether containing plants or not).
<i>Police Officer</i>	means a sworn member of the Victoria Police.
<i>public body</i>	means a body established for a public purpose by or under any Act.
<i>public place</i>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<i>public space event</i>	means an organised sporting, recreational, cultural, commercial, political rallies, protests or social gathering of thirty (30) or more people, including a market, promotional activity or wedding, which is held on a <i>road</i> or <i>Council land</i> .
<i>redundant</i>	means no longer required or of use, whether because of a change in the use of the <i>land</i> in respect of which the <i>vehicle crossing</i> was constructed or otherwise.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>refuse facility</i>	means a suitable rubbish receptacle capable of retaining all waste material and <i>builder's refuse</i> within the <i>building site</i> and preventing removal by unauthorised persons or the intervention of wind or water.
<i>registered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , registered by the Department of Transport or Head, Transport for Victoria under the <i>Road Safety Act 1986</i> or by an equivalent registration authority in another State or Territory.
<i>reserve</i>	means any park, garden, reserve or other place of public recreation or resort which is owned or maintained by <i>Council</i> .
<i>residential premises</i>	means premises used primarily for residential purposes.
<i>road</i>	includes: <ul style="list-style-type: none">• a street;• a right of way;• a laneway;• any <i>land</i> reserved or proclaimed as a street or <i>road</i> under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>;• a road as defined by the <i>Road Management Act 2004</i>;• a passage;• a cul de sac;• a by-pass;• a bridge or ford;• a <i>footpath</i>, bicycle path or nature strip; and• any culvert or kerbing or other <i>land</i> or works forming part of the <i>road</i>.
<i>road related area</i>	has the same meaning as in rule 13 of the <i>Road Safety Road Rules 2017</i> .
<i>screen</i>	means a covered frame or the like, movable or fixed, serving as a partition between the <i>footpath</i> and the <i>road</i> or segregating parts of the <i>footpath</i> .
<i>security bond</i>	means a payment or guarantee made to <i>Council</i> for the purposes of securing <i>public assets</i> and infrastructure from the cost of reinstating damage caused during <i>building works</i> .
<i>senior officer</i>	means the member of <i>Council</i> staff holding the office or position to which has been delegated a power by the <i>Chief Executive Officer</i> , under the provisions of Section 78(d) of the <i>Act</i> and clause 64 of this Local Law.
<i>standard condition</i>	means any condition identified as a standard condition by <i>Council</i> .

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<i>stormwater system</i>	means a system which provides for the conveyance of stormwater run-off, including kerb and channel, open channels, underground pipe systems and natural waterways.
<i>street party</i>	means an organised social gathering of up to 150 people which is held on a <i>road</i> or <i>Council land</i> for the sole purpose of bringing together people in an area or community.
<i>temporary vehicle crossing</i>	means a <i>Council</i> approved crossing, that extends from the boundary of <i>land</i> over any <i>public assets</i> such as <i>footpaths</i> , nature strips, kerbs and channels to the <i>road</i> , and is designed to minimise damage to <i>public assets</i> caused by <i>vehicles</i> and materials entering and leaving the <i>land</i> during the currency of <i>building works</i> .
<i>trailer</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>unregistered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , a vehicle or trailer that is not <i>registered</i> .
<i>vehicle</i>	has the same meaning as 'motor vehicle' in the <i>Road Safety Act 1986</i> but does not include a bicycle, motorised scooter or tram.
<i>vehicle crossing</i>	means a concrete slab structure constructed in accordance with <i>Council's</i> engineering standards which allows or facilitates access from a <i>road</i> to <i>land</i> which abuts that <i>road</i> .

7. ***Incorporation of Documents***

- (1) The document titled "*Footpath Activity Code of Practice*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.
- (2) The document titled "*Policy – Use of Fireworks*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.
- (3) The document titled "*Nature Strip Guidelines*", as made and amended by *Council* from time to time and published on *Council's* website, is hereby incorporated into this Local Law.

8. ***Interpretation***

- (1) The provisions of the *Interpretation of Legislation Act 1994* are to be applied to assist in the interpretation of this Local Law, and in ensuring the delivery of the objectives of this Local Law.
- (2) Any activity or other matter that requires consent or approval of *Council* under the *Road Management Act 2004* is to be evidenced by way of the grant of a *permit* under this Local Law.
- (3) Introductions to Parts and Notes do not form part of this Local Law. They are provided to assist understanding.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

PART 2 - ACTIVITIES AND USES REQUIRING A PERMIT

9. Introduction to Part 2.

In this Part, provision is made for a *permit* or consent (as the case may be) to be obtained from *Council* **before** a person carries out the following uses or activities:

- o *placing* footpath objects as specified in clause 11;
- o *placing advertising signs* as specified in clause 12;
- o *itinerant trading* as specified in clause 13;
- o occupation of a *road* as specified in clause 14;
- o opening or excavation of a *road or road related areas* as specified in clause 15;
- o having a *public space event* as specified in clause 16;
- o holding a *street party* as specified in clause 17;
- o *busking* as specified in clause 18;
- o fundraising and promotional activities and any form of street stall as specified in clause 19;
- o placing *bulk rubbish containers* as specified in clause 20;
- o connecting into *Council* drains except where exempted by clause 21,
- o keeping excess numbers of *animals* as specified in clause 22;
- o commencing, carrying out or allowing to be carried out *building works* as specified in clause 23;
- o carrying out works where those works may damage *Council assets* as specified in clause 24;
- o discharging fireworks as specified in clause 25; and
- o keeping or allowing to be kept a heavy vehicle on residential premises as specified in clause 26.

DIVISION 1 – MANAGEMENT BY PERMIT

10. Permits and Offences

- (1) A person who fails to obtain a *permit* when a *permit* is required under this Local Law is guilty of an offence against this Local Law.
Penalty: 20 penalty units (unless provided otherwise)
- (2) In addition to the requirement to obtain a *permit*, a person must comply with:
 - (a) any requirements or limitations that this Local Law applies to a use or activity under this Part;
 - (b) any requirement that an *incorporated document* applies to the use or activity authorised by the *permit*, and
 - (c) any conditions placed on the issuing of a *permit*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Penalty: 20 penalty units (unless provided otherwise)

- (3) In deciding whether to grant a *permit* under this Local Law, *Council* may take into consideration whether the proposed use or activity will:
- (a) comply with any related policies of *Council*;
 - (b) cause a danger or hazard to pedestrians, other users or *vehicles*;
 - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
 - (d) be detrimental to the amenity of the area;
 - (e) be done without destruction to vegetation on *roads* or *Council land*;
 - (f) have the potential to cause damage to *Council assets*;
 - (g) require approval or compliance with requirements under any other legislation;
 - (h) require the consent, or should be referred to obtain the opinion, of any other *public authority*;
 - (i) require additional arrangements to be made for wastewater disposal, litter and garbage disposal, lighting and security and *advertising signs*;
 - (j) obstruct a *footpath*; shared user path or cycleway;
 - (k) necessitate the applicant to have insurance against any risk;
 - (l) necessitate a written indemnification of *Council* against liability arising from activities authorised by the *permit*, and
 - (m) require consideration of any other matters relevant to the circumstances of the application.

DIVISION 2 – EXPANDED REQUIREMENTS, LIMITATIONS AND EXEMPTIONS

11. Footpath Activities

Permit requirement

- (1) A *permit* is required to *place* one or more of the following objects on a *footpath*:
- (a) tables;
 - (b) chairs;
 - (c) umbrellas;
 - (d) screens;
 - (e) *planter boxes*;
 - (f) goods for sale; or

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (g) other equipment ancillary to a business;

Criteria for grant of permit

- (2) In deciding whether to grant a *permit* for the *placement* of an object on a *footpath*, *Council* may have regard to:
 - (a) the effect on pedestrian traffic flows, cyclists, or other persons using an active transport mode and their safety;
 - (b) the impact on the appearance of the street and its surroundings;
 - (c) the impact on residential amenity;
 - (d) the duration of the use;
 - (e) the effect on vehicular traffic flows and safety;
 - (f) safety and compatibility with other uses in the street;
 - (g) whether it is complementary to the primary adjoining use;
 - (h) whether it is less intensive than the primary adjoining use;
 - (i) the applicant's previous record of compliance;
 - (j) any relevant policies of *Council*; and
 - (k) any other matter relevant to the application.

Placement of footpath objects to comply with Code of Practice

- (3) A person *placing* an object on a *footpath* must comply with the *Footpath Activity Code of Practice*.

Offence not to comply with Code of Practice

- (4) A person who fails to comply with the requirements of the *Footpath Activity Code of Practice* is guilty of an offence against this Local Law.

Sale and consumption of liquor

- (5) Liquor can be sold or consumed on a *footpath*, providing this condition has been included in the relevant person's *permit*.

12. Advertising Signs

Permit requirement

- (1) A *permit* is required to place an *advertising sign* on or in a *reserve* or on *Council land*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Advertising Signs Placed on Land That is Not Council Land

- (2) In order to provide clarity, where an *advertising sign* is proposed to be placed on *land* or fixtures that are not *Council land*, the requirements of the *Planning Scheme* apply, and **not** the provisions of this Local Law.

Note: This clause of the local law does not relate to Bill Posting. Bill Posting is a littering offence under the provisions of the *Environment Protection Act 2017*, and *authorised officers* will respond to bill posting under those provisions.

Offence to fail to comply with this clause

- (3) If an *advertising sign* is *placed* in breach of this clause 12:
- (a) the person who is the owner of the business, event or activity to which the *advertising sign* relates; and
 - (b) the person who has the management and control of premises, property, business, event or activity to which the *advertising sign* relates; and
 - (c) the person who is the promoter of the premises, property, business, event or activity to which the *advertising sign* relates; and
 - (d) the person who is responsible for the *placement*, siting or distribution of the *advertising sign* (including, without limitation, the person who engages another whether as an employee or agent to *place*, site or distribute the *advertising sign*),

is each guilty of an offence against this Local Law, whether or not the person who placed the *advertising sign* is identified or prosecuted.

13. Itinerant Trading

Permit requirement

- (1) A *permit* is required to engage in *itinerant trading*, from:
- (a) a *vehicle*; or
 - (b) any other temporary method of transport, including a caravan, bicycle, trailer, table, stall or other similar structure or thing;
- on a *road related area* or in a *public place* adjacent to a *road* or to sell or offer for sale goods or service to a person on a *road* or in a *public place*.

Exemption from permit requirement

- (2) The requirement to obtain a *permit* for *itinerant trading* does not apply where a person (including a benevolent or charitable organisation) has written permission from *Council* for the provision of free services at a *designated* location.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

14. Occupation of Roads

Permit requirement

- (1) A *permit* is required to occupy (whether wholly or partially) a *road*:
 - (a) for any works that involve/s:
 - (i) fencing off part of the *road*;
 - (ii) erecting a hoarding, scaffolding or overhead protective awning;
 - (iii) using a mobile *crane* or travel tower for any *building works*;
 - (iv) making a hole or excavation;
 - (v) reinstating a hole or excavation; or
 - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or
 - (b) for any other non-road purpose which does not involve a *public space event*.

15. Opening or Excavation of Roads and Road Related Areas

- (1) A *Civil Works Permit* is required to open or excavate (whether wholly or partially) a *road* or *road related area*.

Exemption from permit requirement

- (2) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of service authorities:
 - (a) in an emergency or urgent circumstance as defined by the *Road Management Act 2004*; or
 - (b) when works are being carried out in accordance with the *Road Management Act 2004*.
- (3) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of contractors undertaking any works within a *road* or *road related area* for or on behalf of *Council*.
- (4) Nothing in sub-clause (2) or (3) exempts a person from an obligation to notify *Council* of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

Additional criteria for grant of a permit

- (5) In considering whether to grant a *permit* to occupy a *road* under sub-clause (1), in addition to the matters specified in clause 10(3) *Council* must have regard to:
 - (a) the nature and duration of the works;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (b) the likely hazard that the works may constitute to users of the *road*;
- (c) the impact of the works on the amenity of the adjoining area;
- (d) whether an indemnity/guarantee has been provided to *Council*; and
- (e) any other matter relevant to the circumstances of the application.

16. **Public Space Events**

Permit requirement

- (1) A *permit* is required to conduct a *public space event* on a *road* or on *Council land*.

Application requirements

- (2) An applicant for a *permit* to hold a *public space event* must provide:
 - (a) details of the event in the format required by *Council*;
 - (b) detailed event operations and management plans;
 - (c) detailed traffic management plans;
 - (d) evidence of support from emergency service providers;
 - (e) proof that approval has been sought for all other regulatory requirements, including (but not limited to) liquor licences, Phonographic Performance Company of Australia Ltd (PPCA) licences and building permits; and
 - (f) a certificate of currency indicating that the applicant has public liability insurance with a cover of at least \$10 million.

Conditions on permit for public space event

- (3) Without limiting *Council's* powers under Part 5 of this Local Law, in granting a *permit* for a *public space event*, *Council* may require:
 - (a) additional applications for *permits* for extended street trading; and
 - (b) additional applications for liquor licences from licensed premises for consideration by *Council*.

Notice to affected persons

- (4) If *Council* grants a *permit* for a *public space event* then, having regard to the type of *public space event* that is to occur, the applicant must if required in writing by an *authorised officer* to do so:
 - (a) provide specific details to affected residents and businesses in writing on the extent of traffic closures and other measures to be taken relating to the *public space event*; and
 - (b) undertake any other notification that *Council* considers relevant to the circumstances or that is required by this Local Law.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Council may alter parking restrictions

- (5) If *Council* has granted a *permit* for a *public space event*, *Council* may apply revised parking restrictions for the period of the *public space event*.

17. Street party

Consent to hold a street party

- (1) A person must not conduct or hold a street a *street party* without *Council's* written consent to hold a *street party*.

Consent may be subject to conditions

- (2) In granting consent to hold a *street party*, *Council* may impose any condition it considers appropriate in the circumstances.

Street parties not to be held on declared roads

- (3) A *street party* may be held on a *local street* but **must not be** held on a *declared road*.

18. Busking

A *permit* is required to *busk* on a *road* or *Council land*.

19. Fundraising and Street Stalls

A *permit* is required to engage in:

- (a) a fundraising activity; or
(b) conduct a street stall,

on a *road* or *Council land*.

20. Bulk Rubbish Containers (Skip bins)

Permit requirement

- (1) A *permit* is required to *place* a *bulk rubbish container* on a *road* or *Council land*.

Additional criteria for grant of a permit

- (2) In considering whether to grant a *permit* for a *bulk rubbish container* under this clause, in addition to the criteria specified in clause 10(3) *Council* must have regard to:
- (a) whether the *placement* will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard;
- (b) whether the *placement* will contravene any traffic control signs;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway*, so as an approaching motorist can identify the extent and form of the container;
- (d) the need to protect *Council assets*;
- (e) whether the activity is covered by appropriate insurance and the applicant has provided an indemnity/guarantee to *Council*; and
- (f) any other matter relevant to the circumstances of the application.

Offence to place unidentified bulk rubbish container

- (3) A person must not *place* or allow to remain on *Council land* a *bulk rubbish container* which does not prominently display the name and contact details of the person responsible for the *bulk rubbish container*.

21. Connecting into Council drains

Permit requirement

- (1) Subject to sub-clause (2), a *Civil Works permit* is required to tap into or interfere with any *Council drain*.

Exemption from permit requirement

- (2) The requirement to obtain a *Civil Works permit* does not apply where *Council* has certified a plan of subdivision or given its approval for the drain to be tapped under other legislation administered by it.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

22. Keeping an excess number of animals or roosters

Permit requirement

- (1) Unless permitted under the *Planning Scheme*, an owner or occupier of *land* must obtain a *permit* to keep or allow to be kept on *land*, any more of each species or group of *animals* than is specified in this clause.

Type of Animal	Property Size 400sqm or less Maximum numbers allowed.	Property Size More than 401sqm but less than 5000sqm Maximum numbers allowed.	Property Size 5001sqm or more Maximum numbers allowed.
Birds (including Poultry)	5 (in total combined)	20 (in total combined)	As per any Planning Scheme Requirement
Roosters	NIL	NIL	Allowed
Cats	2	2	4
Dogs	2	2	4
Ferrets, Guinea Pigs, Rabbits or Rodents	3 (in total combined)	8 (in total combined)	As per any Planning Scheme Requirement

Penalty:10 penalty units

Further permit required

- (2) A *permit* issued under sub-clause (1) is valid for the *animals* named in the *permit* at the address stated in the *permit*. A new *permit* is required if:
- any additional *animals* are acquired; or
 - the *animals* are moved to a new address within the municipal district.

Standard Permit conditions

- (3) In addition to any other *permit* conditions required by *Council*, the *standard conditions* for a *permit* allowing an excess number of *animals* to be kept must require:
- the permit holder to comply with any applicable condition or standard imposed by the *Planning Scheme* now or in the future;
 - that poultry or animal housing is located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing;
 - the permit holder to only construct or use poultry or animal housing that, in the opinion of an *authorised officer*, has adequate roofing,

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

drainage, is rat proof and has a floor paved with impervious material;
and

- (d) all poultry and animal housing to be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

Period of permit

- (4) A *permit* for the keeping of excess numbers of *animals* is valid for the life of those *animals* originally permitted.

Animals to be adequately housed

- (5) An owner or occupier of *land* must keep *animals* housed on that *land* in a way which:
- (a) is adequate and appropriate for the type and numbers of *animals* being kept;
 - (b) is not offensive;
 - (c) protects adjoining properties from *animal* noise; and
 - (d) does not adversely impact on the amenity of the area.

Penalty: 10 penalty units

Offence to keep a rooster on land sized 5000 square metres or less

- (6) An owner or occupier of a block of *land* sized 5000 square metres or less must not keep, allow to be kept or harbour on that block of land any rooster.

Penalty: 10 penalty units

23. Building Works – Times When Work Is Not Permitted

Permit required to work outside of certain hours

- (1) A *permit* is required to carry out or cause or allow to be carried out any *building works* between the hours of:
- (a) 6:00 p.m. and 7:00 a.m. Monday to Friday (other than a public holiday); or
 - (b) 6:00 p.m. and 9:00 a.m. on any other day, including a Public Holiday.
- (2) Nothing in this clause applies to *building works* carried out during times allowed in a permit issued under:
- (a) the *Environment Protection Act 2017*;
 - (b) the *Planning and Environment Act 1987*; or
 - (c) any regulations made under those Acts.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

24. Asset Protection Permits and Requirements for a Builder

Permit requirement

- (1) A *builder* requires an *Asset Protection Permit* prior to commencing, carrying out or allowing to be carried out *building works on land*.

Council may exempt

- (2) *Council* may exempt a *builder* from the operation of this clause whether in whole or in part.

Conditions on Asset Protection Permit

- (3) Without limiting *Council's* powers under this Local Law, an *Asset Protection Permit* issued under this clause may be subject to such conditions as *Council* determines including:
- (a) requirement to maintain a public liability insurance policy with a cover of not less than \$10 million per claim, for the duration of the *building works*;
 - (b) to pay a *security bond* in accordance with the provisions of this Local Law
 - (c) requirement that a copy of the *permit* be available on the *building site* always;
 - (d) that all works and deliveries are carried out in accordance with any relevant and specified Construction Standards that *Council* may have adopted;
 - (e) that no works or deliveries affect access to, or the safe navigation of, a *road* or a *road related area* may be undertaken, unless prior approval is granted by an *authorised officer*;
 - (f) that materials may not be stored on a *road* or a *road related area*, unless prior approval is granted by an *authorised officer*;
 - (g) that, where permission is granted to undertake works or material storage on a *road* or a *road related area*, such area must be restored to a safe, clean and tidy condition to *Council's* satisfaction, by conclusion of the works;
 - (h) that any or all *public assets* or infrastructure damaged as a result of the works or deliveries be repaired, replaced or re-instated within a specified time, in accordance with this Local Law;
 - (i) that *Council* be notified prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
 - (j) that *Council* be notified of any pre-existing asset damage prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
 - (k) that *Council* be notified when works have been completed;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (l) that a temporary *vehicle crossing* be installed to *Council's* specification before commencement of any *building works* or deliveries;
- (m) that any construction of any permanent *vehicle crossing* be completed within a specified time; and
- (n) a waiver of the requirements for onsite refuse containers.

Expiry period of an Asset Protection Permit

- (4) Contrary to any expiry date specified for other *permits* issued under this Local Law, an *Asset Protection Permit* expires on the date specified in the *permit*, or if not specified, 12 months after the date of its issue unless *Council* extends or renews it following application to do so by the *builder*.

Permanent or temporary vehicle crossings required

- (5) On any *land* at which *building works* are being or is to be carried out, vehicular entry to the *land* must only take place across:
 - (a) a permanent *vehicle crossing*; or
 - (b) a temporary *vehicle crossing* authorised by a *Vehicle Crossing Permit* and an *Asset Protection Permit* issued in respect of that *land*.

Council to be notified of certain event

- (6) Regardless of whether a building permit has been issued, a *builder* proposing to carry out *building works* must:
 - (a) notify *Council* in writing of the proposed *building works* at least seven (7) days before *building works* commence;
 - (b) provide to *Council* written notice of any prior damage to any part of the *road* or *road related area* at least seven (7) days before *building work* commence or the delivery of any equipment or materials to the *land*; and
 - (c) notify *Council* in writing of the completion of the *building works*, other than minor *building works*, within one (1) business day of such completion.

Effect of failing to notify Council

- (7) If the *builder* fails to give written notice in accordance with sub-clause (6), such failure will be construed as evidence no part of the *road* or *road related area* was damaged prior to the commencement of the *building works*.

Damaged Council Assets to be repaired

- (8) The *builder* must:
 - (a) repair to *Council's* satisfaction any damaged:
 - (i) *road*;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (ii) channel;
- (iii) drain;
- (iv) *vehicle crossing*;
- (v) nature strip;
- (vi) street tree; or
- (vii) other asset

vested in *Council* adjacent to the *land* where the *building works* take place, which was not identified in any pre-building inspection report.

- (b) *Council*, at its sole discretion, may accept payment from the *builder* for the likely costs of repairing any such damage, in lieu of the *builder* carrying out the repair.

Penalty: 20 penalty units

Amount of security bonds

- (9) The value of any *security bond* required under an *Asset Protection Permit* will be proportionate to the likely cost of repairing potential damage to existing assets vested in *Council* and will be set by *Council* as part of its Annual Budget.

Return or retention of the security bond

- (10) Upon completion of the *building works*, the amount of the *security bond*:
 - (a) must be refunded to the person who lodged it, provided that:
 - (i) *Council* is satisfied that no damage has been caused to its assets; or
 - (ii) that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction; or that person has paid to *Council* the likely costs of repairing any such damage, in lieu of the *builder* carrying them out.
 - (b) Where damage has been caused and sub-clause (10)(a)(i) does not apply, the *security bond* may be retained by *Council* to offset the costs of carrying out any works in accordance with this Local Law.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Measures required to manage debris and runoff from building sites

- (11) Where any *building works* are being carried out on a *building site*, the *builder* must, to the satisfaction of *Council*, adopt measures and manage the site to:
- (a) minimise the risks of stormwater pollution from *builder's refuse*;
 - (b) prevent building clean-up, washdown or other wastes being discharged offsite or allowed to enter the *stormwater system*; and
 - (c) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting *roads* or washed into the *stormwater system*.

Penalty: 20 penalty units

Builders refuse facility requirements

- (12) Where any *building works* (other than *minor building works*) are being carried out on any *land*, the *builder* carrying out the *building work* on the *building site* must:
- (a) provide a *refuse facility* for the purpose of disposal of *builder's refuse*;
 - (b) place the *refuse facility* on the *land* and keep it in place (except for such periods as are necessary to empty the *refuse facility*) for the *construction period*;
 - (c) not place the *refuse facility* on any *Council land* or *road* without a *permit*, and
 - (d) empty the *refuse facility* whenever full, and, if necessary, provide a replacement *refuse facility* during the emptying process.

Penalty: 20 penalty units

- (13) Provided the *refuse facility* referred to in sub-clause (13) contains all *builder's refuse* on the *land* to the satisfaction of *Council*, its size, design and construction will be at the discretion of the *builder*.
- (14) The requirement to provide a *refuse facility* may be waived at *Council's* discretion.

Builders refuse to be correctly disposed of

- (15) During *building works*:
- (a) all *builder's refuse* which requires containment must be placed in the *refuse facility* referred to in sub-clause (13);
 - (b) the *builder's refuse* must not be deposited in or on any *land* other than in accordance with sub-clause (13); and
 - (c) the *builder's refuse* must not be deposited in or over any part of the *stormwater system*.

Penalty: 20 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Builder refuse and refuse facility to be removed at the end of building works

- (16) On any *building site* where *building works* have been carried out, the *builder* must remove and lawfully dispose of all *builder's refuse*, including the *refuse facility* referred to in sub-clause (13), within seven (7) days of completion of the *construction period* or issue of an occupancy permit, whichever occurs later.

Penalty: 20 penalty units

25. Fireworks

Permit requirement

- (1) A *permit* is required to discharge or cause or allow to be discharged any fireworks.

Penalty: 10 penalty units

Requirement to comply with the Policy – Use of Fireworks

- (2) Any person discharging or causing or allowing any fireworks to be discharged must comply with the *Policy – Use of Fireworks*.

Penalty: 10 penalty units

Note: Any person discharging fireworks must also adhere to and comply with all Worksafe requirements.

26. Heavy Vehicles

Permit requirement

A *permit* is required to keep or allow to be kept a *heavy vehicle* on *residential premises*.

Penalty: 10 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

PART 3 - CONDITIONAL ACTIVITIES AND USES

27. Introduction to Part 3.

In this Part, provision is made for a person to observe the requirements of this Local Law applicable to:

- industrial, trade and commercial waste by clause 29;
- *commercial premises* by clause 30;
- domestic waste and recyclable materials by clause 31;
- the location of trees, plants and signs on a property by clause 32;
- the display of property numbers by clause 33;
- *vehicle crossings* by clause 34;
- parking of *vehicles* by clause 35;
- the use of *Council reserves* for organised activities by clause 36;
- the maintenance of stormwater pipes by clause 37; and
- the management of groundwater by clause 38.

DIVISION 1 – MANAGING POTENTIAL NUISANCE USES AND ACTIVITIES

28. Offences

A person who fails to comply with the requirements applied to any of the uses or activities in this Part is guilty of an offence against this Local Law and liable to the penalty specified.

Penalty: 20 penalty units (unless provided otherwise)

29. General Requirements Applying to Industrial, Trade and Commercial Waste

Premises to have adequate waste management arrangements

- (1) The occupier of a property must ensure that any container used for the storage of industrial, trade or commercial waste is:
- (a) not kept on a *road* or *Council land* and is kept on the property for which the container has been obtained unless *Council* has approved, in writing, an alternative location;
 - (b) constructed of material to prevent leakage, and is water-tight and fly and vermin proof;
 - (c) of a sufficient size to contain all waste generated on the property in between clearances;
 - (d) kept in a clean, sanitary and inoffensive condition; and
 - (e) emptied at least weekly or more regularly if the contents become offensive.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (2) The occupier of a property must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:
- (a) always maintained in a clean, sanitary and inoffensive condition;
 - (b) adequately screened from adjoining properties; and
 - (c) adequately fenced or otherwise constructed so that access to the public is not possible.

30. Additional requirements applying to commercial premises

Commercial premises not to place, store, or keep items on Council Land.

- (1) An owner or occupier of *commercial premises* must not allow the use of the premises to detrimentally affect the amenity of the neighbourhood or create a nuisance, by allowing any items, *vehicles*, or equipment associated with or used by the *commercial premises*, or forming part of the *commercial premises*' activities, to be *placed*, stored or kept on any *Council land*.

Activities not to cause nuisance

- (2) An owner or occupier of *commercial premises* must not create or allow a nuisance or detrimentally affect the amenity of an area through:
- (a) deliveries and collections of goods or waste;
 - (b) noise emissions; or
 - (c) odour or waste emissions

that are associated with the activities of the *commercial premises*.

Penalty: 10 penalty units

31. Domestic waste and recyclable materials

General obligations in respect of waste

- (1) An owner or occupier of *residential premises* must:
- (a) *place* all domestic waste and recyclable material for collection in bins ready for collection on the days from time to time specified by *Council*;
 - (b) not use *Council* supplied bins for any other purpose except for domestic waste or recyclable material;
 - (c) *place* bins on the verge of the *vehicle crossing* or *road* abutting the premises or other location confirmed in writing by *Council* not earlier than 24 hours before the day of collection;
 - (d) ensure that once the waste has been collected by or on behalf of *Council*, the empty bins are returned to the premises as soon as practicable but within 24 hours from the collection day;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (e) ensure that any material that may cause a hazard (or a safety risk) is not *placed* in bins provided by *Council* for domestic waste or recycling;
- (f) ensure that, if *Council* has notified occupiers of a green waste or hard garbage collection, the material to be collected (of the type of green waste or hard garbage) is left for collection in accordance with *Council's* instructions;
- (g) ensure that any waste from a *container* that has spilled onto the *road*, nature strip or surrounding area before collection is removed as soon as practicable; and
- (h) ensure that bins are maintained in a clean and tidy manner so that they do not cause a health threat or offence to any person.

Penalty: 4 penalty units

Storage area to be provided and utilised

- (2) The owner or body corporate of any flats or units must provide a clearly defined storage area for the storage of bins and must ensure every occupier keeps the bin allocated to the flat or unit in that defined storage area.

Penalty: 4 penalty units

NOTE: If a bin storage area is shown on the plans of an approved planning permit for the applicable development, then the provisions of the *Planning and Environment Act 1987* regarding *Planning Scheme* and permit compliance and enforcement will apply.

Care and control of waste bins

- (3) A bin allocated to *residential premises*:
 - (a) is owned by *Council*; and
 - (b) must be kept and remain on the *residential premises* unless it is or has been *placed* out for collection in accordance with this Local Law.

DIVISION 2 – PUBLIC SAFETY AND THE PROTECTION OF ASSETS

32. The location of trees, plants and signs

Pedestrian and vehicular traffic not to be obstructed by overhanging branches etc.

A person must not plant, locate or allow to be located a tree, plant, sign or other similar object in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:

- (1) overhanging any *footpath* or other part of the *road* used by pedestrians to any extent up to a height of 3 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- (2) extending over any part of the *road* in such a way that it:
 - (a) obstructs the view between *vehicles* at an intersection; or
 - (b) obstructs the view between *vehicles* and pedestrians; or

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (c) obstructs any *Council assets*, including drains; or
- (d) obscures a traffic control item from an approaching *vehicle* or pedestrian; or
- (e) obscures street lighting; or
- (f) constitutes a danger to *vehicles* or pedestrians or compromises the safe and convenient use of the *road*.

Penalty: 5 penalty units

33. *Display of property numbers*

Where *Council* has allocated street numbers to a property the owner or occupier of that property must ensure that the number allocated is clearly displayed by ensuring that it can be clearly read in normal lighting conditions from the *road* immediately adjacent to the front boundary.

Penalty: 2 penalty units

34. *Vehicle crossings*

Permit requirement

- (1) A *permit* is required to construct, or cause to be constructed, a *temporary vehicle crossing* or permanent *vehicle crossing*.

Penalty: 20 penalty units

Power to require construction or repair vehicle crossing

- (2) An *authorised officer* may, when satisfied:
 - (a) that an owner or occupier of any adjacent *land*, is or may in the future be accessing or egressing the *land* via a *vehicle*; or
 - (b) that any future owner or occupier of the *land* may require access or egress to or from the *land* in a *vehicle*,by giving notice in writing, require the owner or occupier of any adjacent *land*:
 - (c) to construct a *temporary vehicle crossing* or permanent *vehicle crossing*; or
 - (d) repair or reconstruct an existing *vehicle crossing*.

Land to be accessed by vehicle crossings

- (3) A person must not access or egress *land* in a *vehicle* other than via a *Council* approved *vehicle crossing*.

Penalty: 10 penalty units

Power to require removal of vehicle crossing

- (4) *Council* or an *authorised officer* may, by giving notice in writing, require the owner or occupier of any adjacent *land* that would be, or is accessed or egressed by a *vehicle crossing*, to:

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (a) remove the *vehicle crossing*; and
 - (b) reinstate any kerb, drain, *footpath*, nature strip or other part of a *road*,
- if, in the opinion of *Council* or an *authorised officer*, the *vehicle crossing*:
- (c) is *redundant*;
 - (d) has been constructed in breach of any provision of this clause or a *permit*;
 - (e) has not been properly maintained; or
 - (f) is in a state of disrepair.

- (5) *Council* or an *authorised officer* may, by giving notice in writing, require the owner or occupier of any adjacent *land* that is accessed (or is capable of being accessed) or egressed (or is capable of being egressed) by means of access other than a *vehicle crossing* to:
 - (a) reconstruct the means of access to a standard specified by *Council*; and
 - (b) carry out any related works to the kerb, drain, *footpath*, nature strip or other part of a *road*.

Owner / occupier to comply with notice

- (6) An owner or occupier of *land* to whom a notice in writing is given under sub-clause (2), (4) or (5) must comply with that notice.

Penalty: 20 penalty units

- (7) Any work in respect of a *vehicle crossing* must be constructed in accordance with *Council's* Engineering Standards, as published and made available to the public from time to time.

Penalty: 10 penalty units

35. Parking offences

Operator onus offences

- (1) The offences contained in this clause are "operator onus" offences for the purposes of Part 6AA of the *Road Safety Act 1986*.

Note: Readers should refer to Part 6AA of the <i>Road Safety Act 1986</i> for more information about "operator onus" offences.

Offence to drive or park a vehicle on reserve

- (2) A *permit* is required to drive a *vehicle* or leave a *vehicle* standing on any *reserve* or *Council land*, but not a *road*.

Penalty: 4 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Council may seek costs to rectify damage

- (3) Where damage is caused to a *reserve* or *Council land*, or anything in or on a *reserve* or *Council land*, by a person in breach of sub-clause (2), *Council* may institute proceedings to recover the costs incurred by or on behalf of *Council* in rectifying the damage.

Exemption available to certain classes of persons

- (4) Sub-clause (2) does not apply:
- (a) to a staff member of *Council* or a *public body* (or other person authorised by *Council* or the *public body* for this purpose), a *Police Officer* or a staff member of an *emergency service* acting in the course of his or her duties, or
 - (b) when a driver is driving a vehicle in that part of a *reserve* or *Council land* designated and constructed as being an area of access or egress to or within the *reserve* or *Council land*, or
 - (c) when a driver leaves standing a vehicle in a designated parking area within a *reserve* or *Council land*.

Offence to leave unregistered vehicle or trailer in public place

- (5) A person must not park, or leave standing, an *unregistered vehicle* or *trailer* in a *public place*.

Penalty: 4 penalty units

36. Use of Council Reserves

A *permit* is required to use a *reserve* for the purpose of organised training or conducting an organised sporting activity.

Penalty: 20 penalty units

37. Maintenance of stormwater pipes

An owner of *land* must not allow a stormwater drain (including the legal point of discharge) servicing the *land* to be in disrepair.

Penalty: 5 penalty units

38. Ground table water management

Prevention of contamination of stormwater systems

- (1) The owner of any *land* that is developed and on which a groundwater pump and filtration system to pump filtered groundwater into the *stormwater system* operates must, upon being requested by *Council* to do so, provide *Council* with evidence that the pump and filtration system have been serviced within the previous 12 months and are operating in accordance with relevant standards.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Authorised officer can direct equipment to be serviced

- (2) An authorised officer may direct the owner of *land* to arrange a suitably qualified person to service and test the ground water pump and filtration system, if it has not been serviced within the previous 12 months.

Owner of land must comply

- (3) A failure to comply with a request under sub-clause (1) or a direction under sub-clause (2) is an offence.

Penalty: 10 penalty units

39. Incinerators, fires and open air burning

Open air fires / incinerators not to be lit

- (1) A person must not, without a *permit*:

- (a) light a fire;
- (b) allow a fire to be lit; or
- (c) allow a fire to remain alight

in the open air or in an *incinerator* on any *land*.

Penalty: 10 penalty units

- (2) When considering to issue a *permit* under sub-clause (1), *Council* may only grant a *permit* to burn within the area designated rural, industrial or commercial under the *Planning Scheme* for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants, or for a purpose required under any other legislation, or as is deemed necessary by *Council*.

Barbecues excepted

- (3) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who uses a *barbecue* for the purposes of cooking food.

Chimenea & Fire Pits excepted

- (4) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who lights a fire in a chimenea, fire pit or other appliance constructed for the purposes of heating while it is being used for that purpose.

Note: This clause is not intended to adversely affect or impact on the community's use of fire as part of their cultural tradition or religious observance.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

PART 4 - ACTIVITIES AND USES NOT PERMITTED

40. Introduction to Part 4.

This Part contains prohibitions on several activities and uses of *land*. Any person who breaches any provision of the Part is guilty of an offence and liable to the penalty which is indicated.

41. Repairing Vehicles on a Road

A person must not dismantle, paint, carry out maintenance or repair a *vehicle* on a *road* except where it is necessary to enable the *vehicle* to be removed or so that it can be driven away within one hour of receipt of a request by an *authorised officer*.

Penalty: 20 penalty units

42. Interfering with Council Assets

(1) A person must not interfere with or use *Council assets* in such a way that:

- (a) damage or detriment could be caused to *Council assets*; or
- (b) any other person could be injured or suffer loss as a result of that interference or use.

Penalty: 20 penalty units

Nature strip plantings and modifications (exempt if guidelines complied with).

(2) Notwithstanding sub-clause (1), a person may:

- (a) plant vegetation on; or
- (b) otherwise modify the appearance of

the nature strip immediately outside *land* which they own or occupy if such planting or modification:

- (c) complies with the *Nature Strip Guidelines*; or
- (d) is approved by an *authorised officer*.

(3) A person must not plant out or modify a nature strip outside land which they own or occupy in contravention of:

- (a) the *Nature Strip Guidelines*; or
- (b) an *authorised officer's* written instruction.

Penalty: 10 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

43. **Damage from Adjoining Properties**

A person must not allow any tree or plant on *land* owned or occupied by him or her to cause damage to or interfere with a *road* or *Council land* or any drain vested in or under the control of *Council*.

Penalty: 10 penalty units

44. **Repair Any Damage**

(1) An *authorised officer* may direct a person who has damaged or interfered with *Council assets* contrary to clause 42 or 43 to repair any damage.

(2) A person to whom a direction is given under sub-clause (1) must comply with that direction.

Penalty: 20 penalty units

45. **Behaviour on Council Land**

(1) A person must not behave on *Council land*:

(a) in a manner which causes interference with the quiet enjoyment by any other person using or living near the *Council land*;

(b) contrary to any conditions, or signs that contain conditions applying to the use of, or entry to, the *Council land*; or

(c) contrary to any direction by an *authorised officer*.

Penalty: 10 penalty units

46. **Camping and Temporary or Provisional Forms of Accommodation**

Camping prohibited on Council Land or in a Public Place.

(1) A person must not *camp* on any *Council land* or in any *public place* in a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation.

Penalty: 2 penalty units

Use of temporary or provisional accommodation not permitted on land.

(2) A owner or occupier of *land* must not allow or permit another person or persons, for a period exceeding 28 days in any one calendar year, to inhabit a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation, on that *land*, unless the *land* is a licensed caravan park, or that use is permitted under the provisions of the *Planning Scheme*.

Penalty: 10 penalty units

47. **Behaviour Involving Vehicles**

(1) A person must not participate in, encourage, or attend a *Hoon Event*.

Penalty: 10 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (2) The driver of a motor vehicle must not stop or park within 200 metres of a vehicle involved in a *Hoon Event*.

Penalty: 10 penalty units

48. **Consumption of liquor**

Offence to consume or possess liquor in an unsealed container

- (1) A person must not:
- (a) in or at a *public place*; or
 - (b) in or on a *vehicle* which is on or at a *public place*
- consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container.

Penalty: 10 penalty units

Exceptions

- (2) Sub-clause (1) does not apply to a person:
- (a) taking part in a *public space event* in respect of which *Council* has granted a *permit* for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container; or
 - (b) within authorised premises or licensed premises under the *Liquor Control Reform Act 1998* or any subsequent legislation relating to the serving and consumption of liquor.

Authorised officer may issue directions

- (3) Where an *authorised officer* believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the *authorised officer* may direct the person to seal any container or dispose of or tip out the contents of any unsealed container.

Offence to fail to comply with a direction

- (4) A person to whom a direction is given under sub-clause (3) must comply with that direction.

Penalty: 10 penalty units

49. **Dangerous or unsightly land**

- (1) An owner or occupier of *land* must not allow that *land* to be kept in a manner which is dangerous or unsightly.

Penalty: 20 penalty units

- (2) In determining whether *land* is dangerous or unsightly, an *authorised officer* may have regard to whether:
- (a) there are any materials or substances on the *land* that are kept in such a way that they may be flammable or explosive;

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- (b) the way in which the *land* is kept, or items are stored on the *land* may constitute or contribute to it being a health hazard;
- (c) the condition of the *land*, or any part of it, may promote the presence of vermin and pests;
- (d) the appearance of the *land* is one of neglect and is out of character with other *land* in the vicinity; or
- (e) a combination of any of the above factors renders the *land* to be dangerous or unsightly.

Penalty: 20 Penalty Units

50. Clothing/Charity Recycling Bins

A person must not *place a clothing recycling bin or a charity bin on Council land.*

Penalty: 10 penalty units

51. Animal Litter

Animal litter to be collected

- (1) The owner or person for the time being in charge of an *animal* must immediately collect and remove all the excrement left by the *animal* on a *road* or *Council land* or in a *public place*.

Penalty: 4 penalty units

Person in charge of an animal must carry a bag or animal litter device

- (2) The owner or person for the time being in charge of an *animal* must carry an *animal litter device* in which to place the excrement of the *animal* when with the *animal* on a *road* or *Council land* or in a *public place*.

Penalty: 4 penalty units

52. Shopping Trolleys

Shopping Trolley Requirements

- (1) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use must ensure that each shopping trolley clearly has displayed information that contains:
 - (a) the name and address of the of the premises or the shopping complex providing the shopping trolley for use;
 - (b) a message to customers about their responsibility to return the shopping trolley to a recognised collection point; and
 - (c) details of how to report an abandoned shopping trolley belonging to the proprietor of the premises, or the management of a shopping complex, which has made the shopping trolley available for use.

Penalty: 10 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Proprietors and shopping complex management responsibilities regarding shopping trolleys

- (2) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use, must
- (a) not allow a shopping trolley to be removed from that premise or complex, or
 - (b) from any carpark area provided by the premise or complex for customer use.

Penalty: 10 penalty units

- (3) Notwithstanding the requirements of Sub-Clause (2), the proprietor of any premises, or the manager of a shopping complex, which has made shopping trolleys available for use must collect shopping trolleys ordinarily kept within those premises or complex from:
- (a) *Council land*; or
 - (b) any other *land* which is not under the care and control of the owner of the shopping trolley

within 24 hours of being notified to do so by *Council* or an *authorised officer*.

Penalty: 10 penalty units

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

PART 5 - ADMINISTRATION AND ENFORCEMENT

53. Introduction to Part 5.

Part 5 contains provisions setting out how the Local Law will be administered and enforced.

DIVISION 1 - PERMITS, FEES AND DELEGATIONS

54. Applying for a permit

- (1) A person who wishes to apply for a *permit* may do so by:
 - (a) lodging with *Council* an application that contains any information required by this Local Law; and
 - (b) paying to *Council* the *appropriate fee*.
- (2) An applicant may be requested to provide additional information before an application for a *permit* or for exemption is dealt with.
- (3) *Council* may require a person making an application for a *permit* to give public notice which will entitle any person to make a submission and to be heard.

55. Fees and Charges

- (1) *Council* may, from time to time, by resolution determine *security bonds*, fees and charges for the purposes of this Local Law.
- (2) In determining any *security bond*, fees and charges *Council* may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) *Council* may waive, reduce or alter a fee or charge with or without conditions.

56. Issue of permits

Where *Council* receives an application for a *permit*, *Council* may:

- (1) issue a *permit* in the approved form with or without conditions; or
- (2) refuse to issue a *permit*.

57. Duration of permits

- (1) Subject to a specific clause in this local law, a *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the *permit*, the *permit* expires on 30 August next after the day on which it is issued.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

58. **Conditional permits**

Power to impose conditions

- (1) A *permit* may be issued which contains conditions considered to be appropriate in the circumstances including (but not limited to) the following:
 - (a) the payment of a fee or charge;
 - (b) the payment of a *security bond*, other bond or guarantee to *Council* to secure the proper performance of conditions on a *permit* or to rectify any damage caused to *Council assets* as a result of the use or activity allowed by the *permit*;
 - (c) a time limit to be applied specifying the duration, commencement or completion date;
 - (d) that the applicant be insured against the risk and to provide a written indemnification of *Council* against liability arising from the activity or use;
 - (e) the rectification, remedying or restoration of a situation or circumstance;
 - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
 - (g) the granting of some other permit or authorisation.

Standard conditions presumptively imposed

- (2) Unless *Council* decides otherwise, a *permit* must contain the *standard conditions* contained in any relevant *incorporated document*.

Conditions to be set out in permit

- (3) The conditions of a *permit* must be set out in the *permit*.

Power to amend conditions

- (4) An *authorised officer* may, during the currency of a *permit*, amend the conditions of a *permit* if he or she considers it to be appropriate to do so.
- (5) In considering whether it is appropriate to amend the conditions on the permit, an *authorised officer* must have regard to:
 - (a) the purposes for which the conditions were imposed;
 - (b) whether those purposes are adequately achieved by the current conditions;
 - (c) the impact of the proposed amendment on the permit holder and any relevant third parties; and
 - (d) any other relevant matter.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Process to be followed in amending conditions

- (6) If an *authorised officer* proposes to amend the conditions on a *permit*, he or she must:
- (a) give the *permit* holder an opportunity to make submissions on whether the amendment should be made; and
 - (b) consider those submissions in deciding whether to amend the *permit*.

59. Cancellation of permit

Power to cancel permits

- (1) A *senior officer* may cancel a *permit* if they consider that:
- (a) there has been a serious or ongoing breach of the conditions of the *permit*;
 - (b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the Notice to Comply;
 - (c) there was a significant error or misrepresentation in the application for the *permit*, or
 - (d) in the circumstances, the *permit* should be cancelled.

Process to be followed in cancelling permits

- (2) If a *senior officer* proposes to cancel a *permit*, they must:
- (a) give the permit holder an opportunity to make submissions on whether the cancellation should occur; and
 - (b) consider those submissions in deciding whether to cancel the *permit*.

60. Correction of permits

Power to make corrections

- (1) An *authorised officer* may correct a *permit* in relation to:
- (a) an unintentional error or an omission; or
 - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.

Process to be followed in making corrections

- (2) If an *authorised officer* proposes to correct a *permit*, he or she must:
- (a) give the permit holder an opportunity to make submissions on whether the correction should be made; and
 - (b) consider those submissions in deciding whether to correct the *permit*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

61. Record of Permits Must be Maintained

Council must maintain a record of *permits* issued and refused, including details of corrections or amendments made to *permits* and the reasons why a *permit* was cancelled.

62. Exemptions

- (1) A *senior officer* may by written notice exempt any person or class of persons from the requirement to have a *permit*, either generally or at specified times.
- (2) In considering whether to grant an exemption under this clause, a *senior officer* must have regard to:
 - (a) the reasons for which the exemption is sought;
 - (b) the period for which the exemption is sought;
 - (c) whether it would be reasonable, in all the circumstances, to grant the applicant an exemption to apply for a *permit*;
 - (d) whether the grant of the exemption would be consistent with the purposes of this Local Law;
 - (e) any benefits or detriments that might arise from the grant of the exemption; and
 - (f) any other relevant matter.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.
- (5) An exemption may be amended, cancelled or corrected as if it were a *permit*.

63. Offences

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a *permit* or exemption is guilty of an offence.

Penalty: 10 penalty units

64. Delegations

In accordance with Section 78(c) of the *Act*, the *Chief Executive Officer* is delegated any and all powers specified in the *Local Law*, including the power to delegate a power to the holder of an office, or to a position or member of *Council* staff, in accordance with Section 78(d) of the *Act*.

DIVISION 2 - ENFORCEMENT

65. Compliance with directions

- (1) A person must comply with any reasonable direction or instruction of an *authorised officer*, a *Police Officer* or an *emergency service worker* when

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

requested to do so in urgent circumstances or for public safety reasons whether or not the person has a *permit* issued under this Local Law allowing them to do something, conduct an activity, or to occupy *Council Land*.

Penalty: 10 penalty units

66. Power of authorised officer

An *authorised officer* may, on behalf of *Council*, issue a warning, a Notice to Comply and/or an infringement notice on the person who is breaching the Local Law and commence legal proceedings and may impound items, goods or equipment in accordance with clause 70.

67. Notices to Comply

- (1) A Notice to Comply must include enough detail and information, to ensure the person served with the Notice to Comply is aware of:
 - (a) the nature of any breach of the Local Law; and
 - (b) the time and date by which the breach must be remedied.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

68. Failure to comply with a Notice to Comply

A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.

Penalty: 20 penalty units

Note: Failure to comply with a Notice to Comply may also result in the revocation of a relevant <i>permit</i> under clause 63.

69. Power of authorised officers to act in urgent circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law an *authorised officer* may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
 - (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and that the time involved, or difficulties

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

- associated with the serving of a notice, may place a person, *animal*, property or thing at risk or in danger; and
- (b) wherever practicable, a *senior officer* is given prior notice of the proposed action; or
- (2) An *authorised officer* may take action to remove, remedy or rectify a situation where a Notice to Comply has been served on a person and that person has not complied with the Notice to Comply if:
- (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and the non-compliance with the notice may place a person, *animal*, property or thing at risk or in danger; and
- (b) wherever practicable, a *senior officer* is given prior notice of the proposed action.
- (3) In deciding whether circumstances are urgent, an *authorised officer* must take into consideration, to the extent relevant:
- (a) whether it is practicable to contact:
- (i) the person by whose default, permission or sufferance the situation has arisen; or
- (ii) the owner or the occupier of the premises or property affected; and
- (b) whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.
- (4) The action taken by an *authorised officer* under sub-clause (1) or (2) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (5) An *authorised officer* who takes action under sub-clause (1) or (2) must ensure that, as soon as practicable:
- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
- (b) a report of the action taken is submitted to the *Chief Executive Officer* or a *senior officer* to whom the *authorised officer* reports.

70. Power of authorised officers to impound

- (1) Where a person owning or responsible for items, goods and equipment has ignored a request from an *authorised officer* to remove them, the items, goods and equipment may be removed and impounded.
- (2) If an *authorised officer* has impounded anything in accordance with this Local Law, *Council* may refuse to release it until the *appropriate fee* or charge for its release has been paid to *Council*.
- (3) As soon as it is reasonably practicable to do so, an *authorised officer* must serve a Notice of Impoundment, on the owner or person responsible for the

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

impounded item setting out the fees and charges payable and time by which the item(s) must be retrieved.

- (4) If, after the time required in a Notice of Impoundment, an impounded item is not retrieved, an *authorised officer* may take action to dispose of the impounded item according to the following principles:
- (a) where the item has no saleable value, it may be disposed of in the most economical way; and
 - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a); and
 - (c) where the owner has advised *Council* in writing that *Council* may dispose of the goods because he or she does not intend to retrieve them, *Council* may dispose of them by the method identified in either paragraph (a) or (b).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the *authorised officer* must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of *Council*, appears to be authorised to receive the money except for the reasonable costs incurred by *Council* in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located and the money is held by *Council* for 12 months, *Council* must comply with requirements of the *Unclaimed Money Act 2008*.

71. ***Infringement Notices***

- (1) As an alternative to a prosecution, an *authorised officer* may issue an infringement notice to any person committing an offence against this Local Law.
- (2) The fixed penalty in respect of an offence for which an infringement is issued is the amount set out in Schedule 1 or if no amount is set out two (2) *penalty units*.

NOTE: An offence against this local law is deemed to be an Infringement Offence in line with the requirements of the *Infringements Act 2006*.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

72. Penalties for continuing offences

- (1) In accordance with Section 79(1)(b) and (c) of the *Act* a person who after the finding of guilt or conviction by a Court:
- (a) continues to commit the same offence against the Local Law is liable to a penalty not exceeding 2 *penalty units* for each day after the finding of guilt or conviction that the contravention continues; or
 - (b) commits a subsequent offence against the Local Law is liable to a penalty not exceeding 20 *penalty units*.

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4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Schedule 1 Penalties Fixed for Infringements

Clause	Offence Summary	Penalty Units
10(1)	Failing to obtain a <i>permit</i>	5
10(2)	Failing to comply with the requirements, limitations or conditions of a <i>permit</i> or <i>incorporated document</i>	5
11(1)	Failing to obtain a <i>permit</i> to place an object on the <i>footpath</i>	5
11(4)	Failure to comply with the <i>Footpath Activity Code of Practice</i>	5
12(1)	Failing to obtain a <i>permit</i> to place an <i>advertising sign</i>	5
12(2)	Placing <i>advertising signs</i> contrary to Local Law	5
13(1)	<i>Itinerant trading</i> , whether house to house or otherwise, without a <i>permit</i>	2.5
14(1)	Occupation of a <i>road</i> without a <i>permit</i>	10
15(1)	Open or excavate a <i>road</i> or a <i>road related area</i> without a <i>permit</i>	10
16(1)	Conducting a <i>public space event</i> without a <i>permit</i>	5
17(1)	Conducting or holding a <i>street party</i> without <i>Council's</i> consent	1
16(2)	Failing to comply with any conditions required by <i>Council</i> consent to hold a <i>street party</i>	1
18	<i>Busking</i> without a <i>permit</i> or being in breach of conditions of a <i>permit</i>	1
19	Failing to obtain a <i>permit</i> to conduct a fundraising activity or street stall or being in breach of conditions of a <i>permit</i>	1
20(1)	Failing to obtain a <i>permit</i> to place a <i>bulk rubbish container</i> on a <i>road</i> or <i>Council land</i>	5
21(1)	Failing to obtain a <i>Civil Works Permit</i> to tap into or interfere with a <i>Council</i> drain	10
22(1)	Keeping of excess <i>animals</i> or birds without a <i>permit</i> or failing to comply with conditions or requirements	2
22(5)	Failing to provide adequate housing for <i>animals</i>	2
22(6)	Keeping a rooster or roosters on <i>land</i> sized under 5000m ² or less	2
23(1)	Conduct <i>building works</i> outside of the permitted hours	2.5

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Clause	Offence Summary	Penalty Units
24(1)	Failing to obtain an <i>Asset Protection Permit</i>	5
24(8)(a)	Failing to repair to the satisfaction of <i>Council</i> a damaged asset vested in <i>Council</i>	5
24(11)	Failing to manage debris and runoff from a <i>building site</i>	5
24(12)	Failing to provide, correctly place or empty a <i>refuse facility</i> on a <i>building site</i>	5
24(15)	Failing to correctly dispose of <i>builder's refuse</i>	5
24(16)	Failing to remove <i>builders refuse</i> or a <i>refuse facility</i> at the completion of <i>building works</i>	5
25(1)	Discharging fireworks without a permit	2.5
25(2)	Failing to comply with <i>Council's Policy – Use of Fireworks</i> when discharging or allowing or causing fireworks to be discharged	2.5
26	Keeping or allowing to be kept a <i>heavy vehicle</i> on residential land without a <i>permit</i>	2.5
29(1)	Failing to comply with requirements applicable to industrial trade and commercial waste	5
29(2)	Failing to ensure the area where a container used for the storage of industrial, trade or commercial waste is kept clean, appropriately screened and adequately fenced	5
30(1)	Failing to comply with requirements applying to <i>commercial premises</i>	5
30(2)	Creating or allowing nuisance or detrimentally affecting amenity	5
31(1)	Failing to comply with requirements applicable to domestic waste and recyclable materials	1
31(2)	Failing to provide or utilise the required bin storage area	1
32	Failing to comply with requirements applicable to trees, plants and signs	2.5
33	Failing to adequately display property numbers	0.5
34(1)	Failing to obtain a <i>permit</i> to construct a <i>temporary vehicle crossing</i> or permanent <i>vehicle crossing</i>	5
34(3)	Accessing <i>land</i> other than via <i>vehicle crossing</i>	2.5
34(6)	Failing to comply with notice	5

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Clause	Offence Summary	Penalty Units
34(7)	Failing to perform work in respect of a <i>vehicle crossing</i> to the satisfaction of an <i>authorised officer</i>	5
35(2)	Parking a <i>vehicle</i> or <i>trailer</i> on a <i>reserve</i>	1
35(5)	Parking an <i>unregistered vehicle</i> or <i>trailer</i> in a <i>public place</i>	1
36	Organised training or sporting activity in a <i>reserve</i> without a <i>permit</i>	5
37	Allowing a stormwater drain to be in disrepair	1
38(3)	Failing to comply with a request requiring evidence of the servicing of a groundwater pump and filtration system, or failing to the servicing and testing of a groundwater pump and filtration system	2.5
39(1)	Lighting <i>incinerators</i> and open-air fires	2.5
41	Repairing and maintaining <i>vehicles</i> on a <i>road</i>	5
42(1)	Interfering with <i>Council assets</i>	5
42(3)	Modifying a <i>Council</i> nature strip not in compliance with <i>Council's</i> guidelines or an <i>authorised officer</i> written approval	2
43	Damaging <i>roads</i> or <i>Council land</i> from adjoining property	2
44(2)	Failing to comply with direction to repair damage	5
45(1)(a)	Behaving on <i>Council land</i> contrary to Local Law	1
45(1)(b)	Failing to comply with any conditions or signs that contain conditions that apply to the use of <i>Council land</i>	1
45(1)(c)	Fail to comply with a direction of an <i>authorised officer</i> regarding the use of, or the behaviour displayed by a person on, <i>Council land</i>	1
46(1)	Camping on <i>Council land</i>	0.5
46(2)	Permitting the use of temporary or provisional accommodation on <i>land</i>	2.5
47(1)	Participate in, encourage, or attend a <i>Hoon Event</i> without a lawful excuse	2.5
47(2)	Park or stop a motor vehicle near a <i>Hoon Event</i> without a lawful excuse	2.5
48(1)	Consumption or possession of liquor contrary to Local Law	1
48(4)	Failure to comply with a direction to tip out	1

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Clause	Offence Summary	Penalty Units
49(1)	Allowing <i>land</i> to be kept in a dangerous or unsightly manner	5
50	Placing <i>clothing recycling bin</i> on <i>Council land</i> without a <i>permit</i>	5
51(1)	Failing to remove <i>animal</i> excrement	1
51(2)	Failing to carry a receptacle, bag or similar device in which to place <i>animal</i> excrement	1
52(1)	Making a shopping trolley available without meeting specified requirements	2.5
52(2)	Allowing a shopping trolley to leave a premise, complex or land	2.5
52(3)	Failing to comply with the instruction of an <i>authorised officer</i> or <i>Council</i> to remove a shopping trolley within 24 hours	2.5
63	Making false representation or omission of relevant information in application for a <i>permit</i> , <i>Council's</i> consent or an exemption	5
65	Failing to comply with directions of an <i>authorised officer</i> , <i>Police Officer</i> or and emergency services worker when requested to so in urgent circumstances, or for public safety reasons	2.5
68	Failing to comply with a Notice to Comply	5

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

OTHER

**REVIEW AND UPDATE OF THE CITY OF GREATER DANDENONG LOCAL
LAW**

ATTACHMENT 2

**LOCAL LAW COMMUNITY IMPACT
STATEMENT (FINAL)**

PAGES 21 (including cover)

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

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

Local Law Community Impact Statement

City of Greater Dandenong Local Law No.2 (General Local Law)

Council provides the following information to the community in respect of the proposed Local Law.

1. Introduction

Under the provisions of the *Local Government Act 1989*, all local laws sunset ten (10) years after the date they commence. With Council's current local laws due to sunset on 25 July 2021, it now opportune for to review its existing local laws.

Therefore, Council is proposing to update its current suite of local laws (**current Local Laws**). Those local laws being:

- Local Law No.2 (Municipal Amenity)
- Local Law No.3 (Road Management and Asset Protection)
- Local Law No. 4 (Municipal Places).

The proposed new *City of Greater Dandenong Local Law No.2 (General Local Law)* (**proposed local law**) will supersede and replace the current Local Laws.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989*.

2. Background

Local Laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. The Local Law-making power attributed to councils comes from the *Local Government Act 1989*.

It should be noted that although the State Government has introduced the new *Local Government Act 2020* (**the new Act**), under the transitional arrangements for the new Act, the provisions relating to the making of a local law do not come into force until 01 July 2021. Therefore, Council has been required to ensure that this proposed local law is made in accordance with the provisions of the *Local Government Act 1989* (**the Act**)

The current Local Laws sunset at midnight on 25 July 2021, and therefore they need to be renewed and updated before that date to incorporate changes in legislation and to reflect current issues within the municipality.

3. Overview of the Proposed Local law

The proposed Local Law is being made under s 111(1) of the Act and will operate throughout Council's municipal district.

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The making of the proposed local law has also been an opportunity to combine Council's current local laws into one omnibus local law, in order to clarify and simplify the operation of our local law for the community and council officers.

In addition to the requirements of s 111 of the Act, the requirements of the State's '*Guidelines for Local Laws Manual*' (the Guidelines), have also been followed as per the requirements of s 111A of the Act.

The key aims of the guidelines are:

- to improve accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity, and transparency;
- to reinforce that regulation should be viewed as a last resort, because it imposes a burden of compliance on the community and a burden of enforcement on the council;
- to reinforce that Local Laws should not allow discretions on the part of those administering or enforcing them without clear guidelines being in place.
- to ensure when Local Laws rely on other documents, such as Council policies, as performance measures, those documents are accessible to the public; and
- to have councils produce a *Local Law Community Impact Statement* for all new local laws.

The proposed Local Law will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless it is revoked earlier, it will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The objectives of the proposed Local Law are to provide for the safety, order, and good governance of the City of Greater Dandenong in a way that is complementary to Council's Council Plan by:

- managing the uses and activities on roads and Council land so that Council is aware of uses or activities which may:
 - interfere with the safety and convenience of people travelling on or using roads or land; and
 - impede free and safe access for people, and in particular for those with sight and movement impairment or disabilities; and
 - cause damage to Council and community assets; and
 - create a danger or expose others to risk; and
 - be detrimental to the amenity of the area or the enjoyment of facilities on roads or land;
- managing, regulating and controlling uses and activities which may:

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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- be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
- interfere with a healthy and safe environment in the municipal district for residents, workers and visitors; and
- providing for the administration of *Council's* powers and functions.

Under s 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 25 May 2021 to 5:00pm on 22 June 2021.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

4. Main changes

All the provisions of council's current local laws have been reviewed.

With council's current local laws being revoked on the commencement of the proposed local law, where a reference is made to a clause being amended or otherwise modified, reference is being made to a change of the current local law.

Not all changes have been included in this section, as by creating a single proposed local law, instead of the current three local laws, many areas of duplication in the current local laws have been addressed.

The focus of the review has been on improving:

- Clarity – which means improving the simplicity of the Local Law and removing ambiguity.
- Accountability – which means the openness and integrity of the process is improved.
- Accessibility – which means the user-friendliness of the local law and its ease of access and use is improved.
- Transparency- which means considering the explanation of processes and assessments associated with the local law.
- Safety – which means improving and protecting the wellbeing and health of the community by making a place safe through the minimisation of potential risks and/or dangers.
- Amenity – which means improving and protecting the quiet enjoyment of residents and visitors.

As an example, this focus has seen the removal of 14 permit types that were required under the current local laws. These changes have been made by improving the clarity (simplicity) and accessibility (user-friendliness) of the proposed local law, and by simply redefining some activities found under the current local laws.

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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Further as per the requirements of Schedule 8(2)(i) of the *Local Government Act 1989*, which requires that a “*local law must not duplicate, overlap or conflict with other statutory rule or legislation*”, the review has also seen several clauses of the current local law identified as being no longer required as the issue is managed via other legislation.

As an example, but not exhaustive:

Existing Clause	Legislation in Place
Local Law No.2 – Clause 7 – Vermin and noxious weed control	<i>Catchment and Land Protection Act 1994</i> – the local law duplicates the same obligations placed on landowners, as are contained in this legislation.
Local Law No.2 - Clause 32 – Fencing of Land Holding Livestock – Fencing to be erected and maintained to prevent livestock trespassing	<i>Impounding of Livestock Act 1994</i> – s 16A creates the same requirements
Local Law No.3 – Clause 21 – Abandoned Vehicles	<i>Local Government Act 1989</i> – Schedule 11 – Powers of Councils over traffic – s 3 identifies Council’s powers regarding the management of both unregistered and abandoned vehicles, and at Schedule 11 s 3(4) identifies when a council may consider a vehicle to be abandoned. (After a vehicle has not moved for 2 months.)

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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General Drafting Changes

Drafting Action/change	The problem the drafting of the proposed Local Law intends to address	What change? How does the drafting of the proposed local law help achieve objectives?	Benefit
Consolidation, restructure and alignment with best practice guidelines, updated legislative analysis and the use of competent legal advice.	Difficult to find clauses and to navigate current suite of local laws Confusing local laws Lack of relevance or need Fails to address need Introduction of conflict between legislation, planning requirements and the local law	Consolidation into one local law. Improved structure Aligns to the State's guidelines for best practice Ensure the clauses of the local law are complimentary to existing legislation and the planning scheme	Clarity Accountability Accessibility Transparency Safety Amenity
Council's policies and guidelines becoming part the local law	Lack of clarity around requirements Inaccessibility of information	Applicable council guidelines identified and available to the community	Clarity Accessibility Accountability
Improved enforceability	Lack of clarity as to what mischief a clause is seeking to prevent Clauses included in the current local law that are not reflective of current issues	Redrafting of clauses to ensure they are enforceable Removing laws no longer required in the municipality	Clarity Accessibility Safety Amenity
Better identification of the issue needing to be managed by way of permit	Long, complex and sometimes confusing existing local laws. Provision to seek a permit for a use that is prohibited	Ensure it is easily understood what uses require a permit. Improved articulation of the permit process.	Clarity Accessibility Safety Amenity

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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Specific Clause Changes (not exhaustive)

Action/Change as per proposed local law.	The Problem	Aimed Improvement	Suggested By
Clause 6 - Definitions	Potential for lack of clarity in the meaning of words and phrases	Some previous definitions amended, as well as the provisions of new definitions to aid improved understanding, clarity, enforceability and accessibility	Staff State Government Guidelines Legal Advisors
Clause 7 – Incorporation of Documents	Council’s assessment processes not easily accessible.	Incorporation of council’s guidelines into the local law improves accessibility and transparency	Staff State Government Guidelines Legal Advisors
Clause 8 – Clarity of approval process in relation to the requirements of the Road Management Act 2004	Confusion as to what is considered an approval under the provisions of the <i>Road Management Act 2004</i>	Clarity is achieved by ensuring approval/consent as required by the <i>Road Management Act 2004</i> is deemed to be evidenced by the granting of the applicable permit under the proposed local law.	Staff Legal Advisors
Clause 9 – Clarity as to what activities require a permit or council’s consent	Difficulty in identifying the need to obtain a permit, and/or the type of permit required.	Clarifies and lists activities that require a permit. Due to redefinition of permit types, number of permit types reduced by 14 to simplify and clarify Council’s permit processes for	Staff State Government Guidelines

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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		community members.	
<p>Clause 10 – Clarity as to offence and penalty for failing to obtain a permit when required.</p> <p>Provides transparency and direction as to the matters council may consider when assessing an application for a permit.</p>	<p>Lack of consistency in considering an application for a permit.</p>	<p>Improved consistency and transparency in the permit issuing process.</p>	<p>Staff</p> <p>State Government Guidelines</p> <p>Legal Advisors</p>
<p>Clause 11 – Footpath Activities – Provides transparency and direction as to the matters council may consider when assessing an application for a footpath activity permit.</p> <p>Clause 11(5) -New Provision –Covers off the requirements of TAN V KINGSTON 2011 VCAT 470 23 March 2011. (VCAT RED DOT CASE)</p>	<p>Lack of consistency in considering an application for a permit.</p> <p>Current local law is silent on whether liquor is permitted to be sold or consumed once a local law permit allowing outdoor dining has been approved.</p> <p>This means that a planning permit is currently required to be applied for to permit liquor being consumed in a footpath trading area.</p>	<p>Improved consistency and transparency in the permit issuing process.</p> <p>Eliminates the need to obtain a planning permit to allow liquor to be consumed in a footpath trading area. This proposed change therefore represents a saving in both time and money for the trader.</p>	<p>Staff</p> <p>State Government Guidelines</p> <p>Legal Advisors</p> <p>Planning (VCAT) Precedent</p>
<p>Clause 12 – Advertising Signs – Clarifies those</p>	<p>Lack of clarity as to who is responsible for the placing of an</p>	<p>Clarifies who is responsible for the placing of an</p>	<p>Staff</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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responsible for the placing of an advertising sign on council land or in a council reserve.	advertising sign without a permit.	advertising sign without a permit. Improved enforceability.	
Clause 14 – Occupation of Roads - Clarifies uses that requires a permit to occupy a road	Lack of clarity concerning uses that trigger the need for a permit to occupy a road.	Clarifies uses that requires a permit to occupy a road	Staff
Clause 15- Opening or Excavation of Roads and Road Related Areas – Clarifies the exemptions from obtaining a permit in line with the <i>Road Management Act 2004</i> & clarifies the exemption provided to Council’s contractors when doing works on behalf of Council. - Informs applicants of what Council will be assessing when considering a permit application under this clause.	Need to better detail exemptions from obtaining a permit as per the <i>Road Management Act 2004</i> , and for Council’s contractors perform works on Council’s behalf. Lack of clarity as to assessment criteria for a <i>Civil Works Permit</i> .	Provides alignment with the <i>Road Management Act 2004</i> and provides clarity for Council’s contractors. Provides clarity to permit applicants and allows them to better consider their responses to issues concerning the impact their works may have on the community.	Staff
Clause 17 – Street Parties – Need for a permit removed. Council’s consent to conduct a street party is required, however, to encourage our community coming	Given the very poor uptake in this permit use, and the demonstrated benefits that flows from living in a connected neighbourhood, this activity should be	Whilst enabling council to monitor and control competing activities occurring on its streets, removing the cost associated with this use, may encourage the activity.	Staff

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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<p>together, the need for a permit and the subsequent permit fees, are abolished.</p>	<p>encouraged.</p>		
<p>Clause 25 – Fireworks (New Obligation) – Introduces the need to obtain a permit and formalises the need for the City of Greater Dandenong’s Fireworks Policy to be complied with.</p>	<p>No current need to obtain a permit for this activity.</p> <p>Additionally, there is a need to reinforce the enforceability of council’s <i>Fireworks Policy</i>.</p>	<p>This change clarifies the need to both obtain a permit prior to discharging fireworks and comply with council’s existing <i>Fireworks Policy</i>.</p> <p>This will help ensure that resident and pet owners are provided with advanced notice of when fireworks are to be discharged.</p> <p>Improved enforceability</p>	<p>Staff Community Feedback Legal Advisors</p>
<p>Clause 30 – Additional Requirements Applying to Commercial Premises – (New Obligations)</p> <p>(1) Aims to prevent a commercial operator from placing or storing items, vehicles, or equipment associated with their business activity on Council’s land.</p> <p>(2) Aims to ensure the amenity of a neighbourhood is not affected by the operation of</p>	<p>Need to be able to compliment the current Dandenong planning scheme obligations and <i>Environment Protection Act</i> requirements regarding business operators using council land as a storage area, which then impacts on the safety and amenity of other commercial operators, their staff and visitors/customers to the area.</p> <p>Need to ensure a premise through deliveries or collections, noise, or odour or waste</p>	<p>Improves enforceability by complimenting existing legislation.</p>	<p>Staff Community Feedback Legal Advisors</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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commercial or educational premise.	emissions does not affect the amenity of a neighbourhood.		
Clause 31(1)(c) – Domestic Waste, Recyclable & Green Waste – (New Obligation) Amendment required to formalise the time before a bin collection that a bin should be left out for collection.	Under the current local law a bin must be put inside the property within 24 hours of the bin being collected. There is no time limit indicating how long before a collection a bin may be left out.	Improves enforceability and is aligned with the intent of the existing local law.	Staff Legal advisors
Clause 35 – Parking Offences – (New Obligation) Aims to align the parking offences contained in the local law, with the owner / operator onus requirements as per Part 6AA of the Road Safety Act 1986, that applies to parking offences committed under State legislation. (5) Creates the specific offence of parking an unregistered trailer or vehicle in a public place.	It is often difficult and time consuming for officers to identify who was a vehicle’s driver when the vehicle was driven onto or parked on Council land, as illegally parking a vehicle on council land is not an offence covered under the State’s Road Rules. Officer’s are unable to act when unregistered vehicles are parked or left standing, not on a road or road related area, but in a public place.	Improves enforceability and ensures action can be taken to protect council’s land and other public places from the damage caused through people illegally using/parking vehicles.	Staff
Clause 38 – Groundwater Management – (New	Currently there are no controls imposed on developers or	Improved stormwater and environmental	Staff

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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<p>Obligation)</p> <p>As more developments are built with basement or underground car parks, the issue of unfiltered groundwater containing contaminates entering council's stormwater system, and then eventually natural waterways needs to be considered.</p>	<p>landowners to ensure any groundwater being pumped from private basement carparks into council's stormwater system as a result of new development, is properly filtered/treated prior to it entering council's stormwater drainage system.</p>	<p>outcomes.</p>	
<p>Clause 39 – Incinerators, fires and open air burning.</p> <p>As per the requirements of Council's Notice of Motion 90, an exemption has been provided to allow the use of a chimenea, fire pit or other appliance constructed for the purposes of heating, and for while it is being used for that purpose.</p> <p>Clarity is also provided as to when a permit to burn in an industrial, rural or commercial area may be granted.</p>	<p>Need for the clause to be modified in order to meet the requirements of Notice of Motion 90 passed by Council on 14 September 2020, and subsequently as per the recommendation of a report to Council on 14 December 2020.</p>	<p>Clause modified to meet the requirements of Council.</p>	<p>Council via Notice of Motion 90 passed by Council on 14/09/2020 and the recommendation of a report to Council passed on 14/12/2020.</p>
<p>Clause 42(2) – Nature Strip Plantings and modifications (New Exemption)</p> <p>Creates the ability for</p>	<p>The current local law does not provide the ability for a person to plant vegetation on their nature strip,</p>	<p>Provides an exemption from the need to obtain a local law permit to plant vegetation on a nature</p>	<p>Staff</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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<p>a person to plant vegetation on the nature strip of the property they own or occupy, without the need for them obtaining a permit, if any planting is done in accordance with the <i>City of Greater Dandenong Nature Strip Guidelines</i>.</p>	<p>without first obtaining a permit.</p>	<p>strip, if the planting is carried out in accordance with council's guidelines.</p>	
<p>Clause 47 – Behaviour Involving Vehicles – (New Obligation)</p> <p>New clause introduced at the request of the Victoria Police to provide them (Victoria Police) the ability to take action to control both “hoon events” and to discourage spectators or bystanders that are attracted to such events.</p> <p>NOTE: This offence will only be enforced by Victoria Police, in their role as authorised officers of council as per the requirements of the <i>Local Government Act 1989</i>, not by council officers.</p>	<p>Due to the lack of appropriate State legislation, Victoria Police have sought Council's assistance in developing a Clause under the proposed local law that will enable them to take enforcement action to control attendances at “hoon events.”</p>	<p>Improved amenity and community safety.</p>	<p>Victoria Police</p>
<p>Clause 52 – Shopping Trolleys</p> <p>Clarifies Council's expectations of both</p>	<p>Council's requirements regarding the management of shopping trolleys</p>	<p>Clause has been modified to better detail Council's expectations of proprietors and</p>	<p>Staff</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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<p>proprietors and shopping complex management, in responding to issues concerning the management of shopping trolleys.</p>	<p>needs to be clarified.</p>	<p>shopping management complexes in managing shopping trolleys left in the public realm.</p>	
<p>Clause 59 – Cancellation of a Permit Clause 60 – Correction of permits Creates the process and introduces procedural fairness into the decision-making requirements of the senior officer or an authorised officer, when they are considering whether a permit should be cancelled or corrected.</p>	<p>Need to create a process to be followed when a senior officer is considering cancelling a permit, or when an authorised officer is considering correcting a permit.</p>	<p>These two clauses have been introduced to provide clarity to the process of cancelling or modifying a permit, and to ensure that procedural fairness is followed as part of that process.</p>	<p>Staff State Government Guidelines Legal advisors</p>
<p>Clause 62 – Exemptions Formalises that a senior officer can exempt a person or class of persons from the need to obtain a permit and identifies what the senior officer must have regard to when considering providing an exemption.</p>	<p>Need to create a process and identify who can provide an exemption to obtaining a permit.</p>	<p>This clause has been introduced to provide clarity to the process of providing an exemption to obtaining a permit, and to ensure that procedural fairness is followed as part of that process.</p>	<p>Staff State Government Guidelines Legal advisors</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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5. Evaluation of the proposed local law.

In accordance with the Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following table.

Issue	Evaluation and Response
Objectives	The objectives of the proposed local law are to provide for: <ul style="list-style-type: none"> • the peace, order and good government of the municipality • a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations; • the safe and equitable use and enjoyment of public places; • the protection and enhancement of the amenity and environment of the municipality; • the fair and reasonable use and enjoyment of private land; and • the uniform and fair administration of this Local Law
Measures of success of the proposed Local Law	Council will measure the success of the proposed Local Law as follows: <ul style="list-style-type: none"> • recording levels of compliance/non-compliance using inspection data; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Legislative framework	The Act gives councils broad powers to make local laws with respect to the functions or powers of a council. The proposed Local Law addresses matters within Council's functions and powers.
Existing legislation that may be used instead	There are several pieces of legislation that deal with some issues covered by the Local Law, such as, but not limited to, the <ul style="list-style-type: none"> • <i>Building Act 1993</i> • <i>Building Regulation 2018</i> • <i>Domestic Animals Act 1994</i> • <i>Environment Protection Act 1970</i>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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	<ul style="list-style-type: none"> • <i>Filming Approval Act 2014</i> • <i>Fire Rescue Victoria Act 1958</i> • <i>Impounding of Livestock Act 1994</i> • <i>Infringements Act 2006</i> • <i>Local Government Act 2020,</i> • <i>Local Government Act 1989,</i> • <i>Planning and Environment Act 1987</i> • <i>Public Health and Wellbeing Act 2008</i> • <i>Road Management Act 2004</i> • <i>Road Safety Act 1986</i> and • <i>Summary Offences Act 1966</i> <p>However, in order to compliment existing State legislation, the proposed Local Law supports or adds to existing legislation. For example:</p> <ul style="list-style-type: none"> • The <i>Domestic Animals Act 1994</i> does not provide a limit to the number of pets kept on a property, whereas these limits are defined within the Local Law. • The objectives of the <i>Environment Protection Act 1970</i> are supported by the controls proposed in the Local Law in relation a range of activities with adverse environmental impacts. • The objectives of the <i>Fire Rescue Act 1958</i> are supported by the controls proposed in the Local Law in relation to burning off. • The objectives of the <i>Planning and Environment Act 1987</i> are supported by the controls proposed in the Local Law in relation issues of community amenity and liveability. • The <i>Public Health and Wellbeing Act 2008</i> does not provide the ability to intervene promptly to support immediate abatement of situations, such as nuisance issues, where there may be risks to public health. The proposed local law provides for this. • The provisions of the <i>Road Management Act 2004</i> regarding the management of road openings and controlling works on roads are supported and complimented. • The <i>Road Safety Act 2004</i> does not adequately cover the activities relating to vehicles left on a roadway for purposes of painting or dismantling a vehicle, nor does it provide Police with adequate powers to manage spectators who are attracted to attend "hoon driving events". • The provisions of the <i>Summary Offences Act 1966</i> are supported regarding issues affecting the amenity and safety of the community. <p>In line with these examples, the proposed Local Law, like the Local Laws</p>
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4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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	<p>it replaces, contains several provisions which complement existing legislation and provide a more appropriate local response, whilst not overlapping, duplicating or conflicting with existing State legislation.</p> <p>Therefore, the proposed Local Law does not contain any clauses where it is considered that state legislation alone would provide a more appropriate response to the issues concerned.</p>
Overlap with existing legislation	<p>As highlighted above, both the <i>Environment Protection Act 1970</i> and the <i>Road Management Act 2004</i> cover noise and work on roads, respectively.</p> <p>The provisions of the proposed Local Law supplement this State legislation. Council does not believe that any provision of the proposed Local Law overlaps, duplicates or causes an inconsistency with any existing legislation.</p>
Overlap with the planning scheme	<p>The proposed Local Law will be subordinate to the provisions of the <i>Planning and Environment Act 1987</i>.</p> <p>To the extent that there is any conflict or inconsistency, then the provisions of the <i>Greater Dandenong Planning Scheme</i> will prevail.</p>
Risk assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Legislative approach adopted	<p>The proposed Local Law adopts a minimal to medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behavior of members of the public within council's municipality.</p> <p>This approach is considered appropriate in that the proposed local law provides for:</p> <ul style="list-style-type: none"> • Reasonable penalties • A minimal number of offence provisions • Where possible, inclusion of permits rather than prohibition of activities • Clear and transparent permit application, review processes and general conditions • Clear and transparent enforcement procedures <p>The approach taken by the City of Greater Dandenong is consistent with other Councils and is in line with best practice.</p> <p>The decision regarding which regulatory approach to take varies according to the level of mischief sought to be prevented, the</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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	<p>perceived extent of non-compliance and the enforcement resources available.</p> <p>Importantly the proposed Local Law aims to educate the community, and the enforcement tools provided in the proposed Local Law allow for those breaching the Local Law to be made aware of their breach, and for them to take action to make the breach right, without the need for more punitive enforcement action.</p> <p>The proposed Local Law aims to ensure that the safety of the community and the potential for damage to Council assets is minimised where possible.</p>
<p>Penalties</p>	<p>The penalties applying to all existing Local Law clauses were considered and reviewed.</p> <p>The monetary value for a penalty unit regarding a Local Law breach is controlled by State Legislation via the applicable provisions of the <i>Local Government Act 2020</i> and the <i>Monetary Units Act 2004</i>.</p> <p>This means a penalty unit applicable for a breach of Local Law is set at \$100. Penalty units for breaches of a Local Law are not indexed annually, as are the penalty units(fines) for breaches of State legislation.</p> <p>This legislative control means that the maximum penalty a Magistrate can impose for a breach of a Local Law is 20 penalty units or \$2000. Courts rarely impose the maximum penalty that is available to them.</p> <p>The level of penalties fixed in the Local Law generally reflect: -</p> <ul style="list-style-type: none"> • relative risks to community health, safety and amenity; • potential cost to the community of a breach (say due to potential damage to Council assets and infrastructure); and • the deterrent benefit in each case. <p>Infringement Penalty</p> <p>An infringement penalty is the penalty which appears on an Infringement Notice.</p> <p>The <i>Victorian Attorney-General's Guidelines to the Infringements Act 2006</i> (the guidelines) has provided, in part, guidance concerning the setting of penalty levels when a breach of an offence is able to be enforced by the issuing of an infringement notice.</p> <p>The annexure to the guidelines' states that,</p>

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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	<p><i>“As a general rule, the infringement penalty should be no more than approximately 25% of the maximum penalty for the offence. However, a proportion of up to 50% can be considered where there are strong and justifiable public interest grounds.</i></p> <p>Accordingly, the proposed Local Law has followed the guidelines by setting all infringement penalties at 25% of the maximum penalty for the breach, except for three matters, where Council has set the infringement penalty at 50% of the maximum penalty for a breach.</p> <p>Those matters being:</p> <ul style="list-style-type: none"> • Occupied a road without a permit • Opened or excavated road or road related area without a permit, or • Tapped into or interfered with a Council drain without obtaining a Civil Works Permit. <p>In these matters Council has considered that there are strong and justifiable public interest grounds in setting the infringement penalty at 50% the maximum penalty in that the value of the penalty needs to represent a proper deterrent in order to protect Council’s infrastructure and assets in these specific cases.</p>
Permits	To satisfy the transparency and accountability principles of best practice Local Law making, permit applications and consideration of permits are detailed in Part 5 of the proposed Local Law, <i>Administration and Enforcement</i> .
Fees	The proposed Local Law makes provision for Council to prescribe fees from time to time by resolution – it is expected that fees will be set annually as part of Council’s Budget process.
Performance standards or prescriptive	Where possible drafting of the Local Law has adopted a performance-based approach, rather than using prescriptive measures.
Comparison with neighbouring and like Councils	A comparison has been done with like Councils, particularly Monash City Council, Casey City Council, Kingston City Council and Knox City Council, in order to ensure that there is a similar approach between municipalities.
Charter of Human Rights and	The City of Greater Dandenong, as a public authority under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (‘the Charter’), must ensure that a proposed local law is not incompatible with a human right

4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

<p>Responsibilities</p>	<p>or, in making a decision, fails to give proper consideration to a relevant human right.</p> <p>If a proposal restricts or interferes with a right, consideration needs to be given to determining whether the restrictions are reasonable and demonstrably justified under the Charter.</p> <p>The rights prescribed under the Charter have been reviewed to determine whether the proposed Local Law is incompatible with any of those rights.</p> <p>In summary, it is acknowledged that there is a minimal possibility that some of the controls, such as preventing camping on roads or Council land, may be considered incompatible with a person’s right to the Freedom of Movement.</p> <p>Additionally, Council’s ability to seize and confiscate (impound) items such a shopping trolley left on a road, may be considered incompatible with a persons’ property rights.</p> <p>Consideration of the proposed Local Law against the Charter concluded that the ability to undertake a use or activity so long as certain standards were met or complied with, and the ability to apply for a permit or for alternate remedies to be found was a reasonable justification of the controls.</p> <p>The proposed Local Law provides procedural fairness and limits any impacts under the Charter through a person’s ability to appeal a decision or permit made under this Local Law.</p> <p>The impact is further reduced by a person’s right to have an enforcement penalty referred to a Court of competent jurisdiction for a decision.</p> <p>Additionally, the enforcement of Local Laws has been designed around processes that have regard to procedural fairness</p> <p>When conducting any investigations under the Local Law, authorised officers will also have regard to their obligations under the <i>Charter for Human Rights and Responsibilities</i>.</p> <p>The City of Greater Dandenong recognises that there are people within our community that are homeless or may have complex needs, such as a mental illness, addiction or are victims of domestic violence.</p> <p>Authorised officers will continue to perform their duties with consideration and compassion and provide referrals to other work areas in Council to assist in these circumstances.</p> <p>Unless a matter is urgent or could compromise public safety, council’s enforcement processes provide ample opportunities to a person to</p>
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4.2.3 Review and update of the City of Greater Dandenong Local Law. (Cont.)

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	<p>remedy a breach of the Local Law.</p> <p>In conclusion, there are no amendments to the proposed Local Law that are incompatible with a human right under the Charter.</p>
National Competition Policy	<p>The application of National Competition Policy (NCP) to local government in Victoria flows from the Competition Principles Agreement which was signed by the Commonwealth, State and Territory Governments in 1995.</p> <p>The Act requires councils to ensure NCP principles are applied to local laws as follows:</p> <p><i>A local law must not restrict competition unless it can be demonstrated that</i></p> <ul style="list-style-type: none"> ○ <i>the benefits of the restriction to the community as a whole outweigh the costs; and</i> ○ <i>the objectives of the local law can only be achieved by restricting competition.</i> <p>An analysis of changes in the proposed local law indicates that there are no issues adversely impacting National Competition Policy.</p>
Consultation and Submission process	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council’s legal advisers.</p> <p>A community consultation process will be conducted in accordance with ss 119(2) and 223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

4.2.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 April & 3 May 2021

File Id: fA25545
Responsible Officer: Director Corporate Services

1. Report Summary

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

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings in April & May 2021.

2. Recommendation Summary

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

4.2.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 April & 3 May 2021 (Cont.)**3. Background**

The Executive Management Team and associated staff at Greater Dandenong City Council host Councillor Briefing Sessions and Pre-Council Meeting on a regular basis (weekly) to inform Councillors about the work officers are undertaking, share information, obtain feedback and discuss strategies and options for current and future work.

To ensure transparency in this process matters discussed at Councillor Briefing Sessions and Pre-Council Meetings (other than those matters designated to be confidential under the *Local Government Act 2020*) are reported on at Council meetings. This report represents matters discussed at the Councillor Briefing Sessions & Pre-Council Meetings in April & May 2021.

4. Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1	<p>General Discussion</p> <p>Councillors and Council officers briefly discussed the Agenda items for the Council Meeting of 26 April 2021.</p>	26 April 2021
2	<p>Dandenong Community Hub Session</p> <p>External Consultants Croxon Ramsay provided Councillors with a business case and concept planning process proposal for the Dandenong Community Hub.</p>	3 May 2021
3	<p>Advanced Waste Processing Contract Procurement</p> <p>The Metropolitan Waste & Resource Recovery Group, Councillors and council officers discussed the procurement process for an advanced waste processing facility as an alternative to disposal of waste to landfill in the south east region.</p>	3 May 2021
4	<p>I Cook Foods (Confidential)</p>	3 May 2021
5	<p>General Discussion</p> <p>Councillors and Council officers briefly discussed the Agenda items for the Council Meeting of 10 May 2021.</p>	3 May 2021

4.2.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 April & 3 May 2021 (Cont.)

5. Apologies

Cr Jim Memeti submitted an apology for the Councillor Briefing Session on 3 May 2021.

6. 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'

Opportunity

- *Education, Learning and Information – Knowledge*
- *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:

Opportunity

- *An open and effective Council*

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

Reporting on matters discussed at Councillor Briefing Sessions and Pre-Council Meetings gives effect to the overarching governance principles (in particular, section 9(i) of the *Local Government Act 2020*) in that the transparency of Council actions and information is ensured.

8. Victorian Charter of Human Rights and Responsibilities

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

9. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

4.2.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 26 April & 3 May 2021 (Cont.)

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only. The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one gender group over any other.

10. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

11. Recommendation

That:

- 1. the information contained in this report be received and noted; and**
- 2. the information discussed at the above listed Councillor Briefing Session that was declared confidential in Item 4 under section 3(1) of the *Local Government Act 2020* remains confidential until further advisement unless that information forms the subject of a subsequent Council report.**

4.2.5 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 3-14 May 2021

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 3-14 May 2021.

Recommendation

That the listed items provided in Attachment 1 for the period 3-14 May 2021 be received and noted.

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

OTHER

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

ATTACHMENT 1

**CORRESPONDENCE
RECEIVED 3-14 MAY 2021**

PAGES 3 (including cover)

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

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



Correspondences addressed to the Mayor and Councillors received between 3/05/2021 & 14/05/2021 - for information - total = 4

Correspondence Name	Date Created	Objective ID	User Assigned
A letter of invitation to Councillors from Circolo Pensionati Italiani di Oakleigh & Clayton for events in 2021.	07-May-21	A7673838	Mayor & Councillors Office
A request for contact details of a former Councillor of City of Greater Dandenong.	10-May-21	A7680042	Mayor & Councillors Office
An invitation to the Mayor to attend the 2021 Asia Pacific Cities Summit and Mayors' Forum Special Edition in Brisbane from 8-12 September 2021.	11-May-21	A7680615	Mayor & Councillors Office
A Letter of Introduction to Mayor from Tennis Victoria	11-May-21	A7683188	Mayor & Councillors Office

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



Correspondences addressed to the Mayor and Councillors received between 03/05/2021 & 14/05/2021 - for action - total = 1

Correspondence Name
A letter of complaint requesting an upgrade to the Jacksons Road service and shopping precinct.

Date Created
10-May-21

Objective ID
1A215716

User Assigned
Business, Engineering & Major Projects

5 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 Governance Rules.

6 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 Governance Rules.

7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. 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.