



**GREATER
DANDENONG**
City of Opportunity

AGENDA MONDAY 27 FEBRUARY 2023

Commencing at 7:00 PM

COUNCIL MEETING

At the time of printing this Agenda, the Council Meeting to be held on Monday 27 February 2023, will be open to the public to attend in person but will be subject to venue seating capacity.

This will be a hybrid meeting consisting of Councillors attending in person and remotely.

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](#).

The Civic Centre basement carpark will be opened to all members of the public during library opening hours. Any parking in this area will be subject to availability and time limits as notified by any signage posted.

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 the Traditional Owners and Custodians of this land, the Bunurong people and pays our respects to their Elders past, present and emerging while also recognising their deep and continuing connections to climate, culture and country.

We also pay our respect to all Aboriginal and Torres Strait Islander peoples and their Elders and acknowledge their journey.

1.3 OFFERING OF PRAYER, REFLECTION OR AFFIRMATION

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer, reflection or affirmation this evening will be offered by Dr Iftikhar Ahmad from the Omar-Farooq Mosque Doveton, a member of the Greater Dandenong Interfaith Network.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 13 February 2023.

Recommendation

That the minutes of the Meeting of Council held 13 February 2023 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 SEALING

2.1.1 Documents for Sealing

File Id: A2683601

Responsible Officer: Manager Governance

Report Summary

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

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

Recommendation Summary

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

2.1.1 Documents for Sealing (Cont.)

Item Summary

There are 2 items being presented to Council's meeting of 27 February 2023 for signing and sealing as follows:

1. A letter of recognition to Michelle Guhl, Executive Assistant to CEO for 20 years of service to the Greater Dandenong City Council; and
2. A letter of recognition to Jayne Kierce, Community Services for 20 years of service to the Greater Dandenong City Council.
3. A letter of recognition to Sharon McInnes, Corporate Services for 10 years of service to the Greater Dandenong City Council.

Recommendation

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Documents for Tabling

File Id:	qA228025
Responsible Officer:	Manager Governance

Report Summary

Council receives various documents such as annual reports and minutes of committee meetings that deal with a variety of issues that are relevant to the City.

These reports are tabled at Council Meetings and therefore brought to the attention of Council.

Recommendation Summary

This report recommends that the listed items be received.

2.2.1 Documents for Tabling (Cont.)

List of Reports

Author	Title
Emerson School	Emerson School 2022 – Inclusion at its finest
Local Government Inspectorate	Local Government Inspectorate Annual Report 2021-22

A copy of each report is made available at the Council meeting or by contacting the Governance Unit on telephone 8571 5235.

Recommendation

That the listed items be received.

2.2.2 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Manager Governance
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 Governance Rules. These are also tabled.

Recommendation Summary

This report recommends that the listed items in Attachment 1, and the current status of each, be received and noted.

2.2.2 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 27 February 2023.

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 this report and Attachment be received and noted.

2.2.2 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 6 (including cover)

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

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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If the details of the attachment are unclear please contact Governance on 8571 5235.

2.2.2 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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2.2.2 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
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2.2.2 Petitions and Joint Letters (Cont.)

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

2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Planning Delegated Decisions Issued - January 2023

File Id:	qA280
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Delegated Decisions Issued – January 2023

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 January 2023.

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.

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

STATUTORY PLANNING APPLICATIONS

**PLANNING DELEGATED DECISIONS ISSUED -
JANUARY 2023**

ATTACHMENT 1

**PLANNING DELEGATED
DECISIONS ISSUED
JANUARY 2023**

PAGES 10 (including cover)

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

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/01/2023 to 31/01/2023

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLA22/0050	PInAppAmd	No	83 Herbert Street DANDENONG VIC 3175	N Ugrinoski	AMENDMENT TO: Development of the land for three (3) double storey dwellings and to subdivide the land into three (3) lots (PLN20/0136)	Amend endorsed plans to allow changes to layout	Delegate	AmendPerm	09/01/2023	Cleeland
PLA22/0085	PInAppAmd	No	13-37 Lonsdale Street DANDENONG VIC 3175	Herding Architects Pty Ltd	Amendment to PLN20/0142 issued for Buildings and Works (Alterations & Additions to Existing Car Showroom), to allow for an extension to the existing car showroom	Amend endorsed plans to increase the floor size	Delegate	AmendPerm	30/01/2023	Dandenong
PLA22/0092	PInAppAmd	No	1/22 Yiannis Court SPRINGVALE VIC 3171	Bayside Town Planning Pty Ltd	Application to Amend Planning Permit 337/87	Amend planning permit condition (A) relating to the easement, delete condition (N) relating to signage and amend endorsed plans relating to landscaping and car parking	Delegate	AmendPerm	25/01/2023	Springvale North
PLA22/0098	PInAppAmd	No	117 Kelvinside Road NOBLE PARK VIC 3174	Acorn Planning	AMENDMENT TO: Development of the land for four (4) double storey dwellings (PLN21/0493)	Amend permit Condition 1.1 and delete permit Conditions 1.2, 1.3 and 1.4	Delegate	AmendPerm	03/01/2023	Springvale North
PLA22/0101	PInAppAmd	No	9A Beilfort Street DANDENONG VIC 3175	J & J Property and Constructions Pty Ltd	AMENDMENT TO: Subdivision of the land into two (2) lots and creation of E-2 and E-3 (PLN22/0132) SPEAR	Amend permit to remove Condition 2 regarding Building Surveyor requirements	Delegate	AmendPerm	25/01/2023	Yarraman
EANTOS					1				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLA22/0114	PtnAppAnd	No	253-281 Discovery Road DANDENONG SOUTH VIC 3175	Vaughan Constructions Pty Ltd	AMENDMENT TO: Buildings and works and reduction in car parking requirements and to display signage (non-illuminated, internally illuminated, business identification, major promotion, promotion signs) (PLN21/0441)	Amend permit Condition 2 to allow installation of illuminated exterior signage and permit Condition 3 to amend landscaping	Delegate	AmendPerm	30/01/2023	Dandenong
PLA22/0124	PtnAppAnd	No	1/13 Grandview Avenue DANDENONG VIC 3175	M J Reddie Surveys Pty Ltd	AMENDMENT TO: Subdivision of the land into four (4) lots SPEAR (PLN21/0080)	Amend planning permit to delete condition relating to building regulation 231	Delegate	AmendPerm	03/01/2023	Cleland
PLA23/0002	PtnAppAnd	No	28 Henry Street NOBLE PARK VIC 3174	AMS Pty Ltd	AMENDMENT TO: Subdivision of the land into six (6) lots (PLN20/0008) SPEAR	Amend planning permit to delete condition relating to building regulation 231	Delegate	AmendPerm	16/01/2023	Noble Park
PLN21/0384	PtnApp	No	7 Monterey Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Development of the land for one (1) warehouse building	Industrial 1 Zone, 2879sqm, warehouse and office	Delegate	PlanPermit	16/01/2023	Dandenong
PLN21/0553	PtnApp	No	216-220 Perry Road KEYSBOROUGH VIC 3173	Hagen Park Investments Pty Ltd C/- Planning Central	Subdivision of land into two (2) lots, use of the land for a dwelling and creation of a carriageway easement	Residential	Delegate	PlanPermit	27/01/2023	Keysborough South
EANTOS					2				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0661	PtnApp	No	Church 55-59 Langhorne Street DANDENONG VIC 3175	G Pearson	Demolition of buildings including fences, construction and carrying out of works, externally painting buildings, and removal of trees, all in the Heritage Overlay 31; and construction and carrying out of works to an existing Place of Worship in a Residential Growth Zone	Residential Growth Zone 1, 6726sqm; construction of new single storey parish building, replacement of existing shed and other associated works & 33 new car parking spaces	Delegate	NOD	30/01/2023	Dandenong
PLN22/0122	PtnApp	No	35 Boyd Street DANDENONG NORTH VIC 3175	YH Loo	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 678sqm	Delegate	NOD	31/01/2023	Cleland
PLN22/0124	PtnApp	No	69 Glendale Road SPRINGVALE VIC 3171	Planning & Design Pty Ltd	Development of the land for three (3) double storey dwellings	General Residential 1 Zone, 789sqm	Delegate	PlanPermit	30/01/2023	Springvale North
PLN22/0162	PtnApp	No	445 Princes Highway NOBLE PARK VIC 3174	M Alapattu	Development of the land for three (3) double storey dwellings and to create or alter access to a Transport 2 Zone	General Residential 1 Zone, 653sqm	Delegate	PlanPermit	25/01/2023	Yarraman
PLN22/0167	PtnApp	No	6 Lantana Court DANDENONG NORTH VIC 3175	Blueprint	Development of the land for a double storey dwelling to the rear of an existing dwelling and alterations and additions to the existing dwelling	Proposal fails to comply with Clause 21.06-1 Urban Design, Clause 32.08 Neighbourhood Residential Zone, Clause 22.09-3.1 General Design Principles, Clause 22.09-3.4 Limited Change Area, Clause 55 of Greater Dandenong Planning Scheme, Clause 52.06 Design Standard 1 & 2 and Clause 65 of the decision guidelines.	Delegate	Refusal	16/01/2023	Noble Park North
EANTOS					3				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0173	PInApp	No	6/141 Frankston Dandenong Road DANDENONG SOUTH VIC 3175	P Milner	Buildings and Works (Warehouse alterations)	No response to further information request	Delegate	Lapsed	04/01/2023	Dandenong
PLN22/0181	PInApp	No	14 Gloria Avenue DANDENONG NORTH VIC 3175	KatDesign Pty Ltd	Development of the land for two (2) double-storey dwellings	General Residential 1 Zone, 679sqm	Delegate	PlanPermit	04/01/2023	Cleland
PLN22/0241	PInApp	No	25 Ellen Street SPRINGVALE VIC 3171	RKN Vo	Display a home-based business sign	General Residential 1 Zone, business identification	Delegate	PlanPermit	13/01/2023	Springvale Central
PLN22/0243	PInApp	No	1049 Heatherston Road NOBLE PARK VIC 3174	JSL Wong	Development of the land for six (6) double storey dwellings and to alter access to a Transport 2 Zone	General Residential 1 Zone, 1171sqm	Delegate	PlanPermit	31/01/2023	Springvale Central
PLN22/0258	PInApp	No	2 Edmond Street SPRINGVALE VIC 3171	RD Design and Drafting Pty Ltd	Development of the land for three (3) double storey dwellings	General Residential 3 Zone, 726sqm	Delegate	PlanPermit	24/01/2023	Springvale North
PLN22/0268	PInApp	No	15 Stephenson Street SPRINGVALE VIC 3171	Lasting Solutions	Development of the land for two (2) double storey dwellings to the front of one (1) existing double storey dwelling	General Residential 3 Zone, 480sqm	Delegate	NOD	31/01/2023	Springvale North
EANTOS					4				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0310	PtnApp	No	6/10-12 South Link DANDENONG SOUTH VIC 3175	Con Tsurounakis	Development of the land to construct a warehouse and to reduce the car parking requirements	Commercial 2 Zone, extension of existing warehouse, and reduce number of car parking spaces by 8 spaces	Delegate	PlanPermit	25/01/2023	Dandenong
PLN22/0322	PtnApp	No	8/09 Princess Highway NOBLE PARK VIC 3174	KGN Homes Pty Ltd	To display internally illuminated business identification signage	Mixed Use Zone, illuminated External Signage x1	Delegate	PlanPermit	18/01/2023	Yarraman
PLN22/0368	PtnApp	No	101 Box Street DANDENONG VIC 3175	K Newton	Buildings and Works (extension to existing Industrial building) and a reduction of the car parking requirement	Industrial 1 Zone, extension of existing warehouse	Delegate	PlanPermit	25/01/2023	Dandenong
PLN22/0366	PtnApp	No	4A Windsor Avenue SPRINGVALE VIC 3171	RR Group Investment Pty Ltd	Buildings and works (glass barrier) and the sale and consumption of liquor	Commercial 1 Zone, maximum capacity of 32 patrons	Delegate	PlanPermit	30/01/2023	Springvale Central
PLN22/0389	PtnApp	No	426-440 Hammond Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Development of the land for a building	Industrial 2 Zone, 1234sqm, construction of a warehouse with associated car parking	Delegate	PlanPermit	10/01/2023	Dandenong
PLN22/0402	PtnApp	No	495-523 Frankston Dandenong Road DANDENONG SOUTH VIC 3175	Stephen D'Andrea Pty Ltd	Development of the land for a Warehouse and Industry building in accordance with the endorsed plans	Industrial 1 Zone, 3248sqm, development of a warehouse and ancillary office	Delegate	PlanPermit	17/01/2023	Dandenong
EANTOS					5				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0418	P/nApp	No	3 Fairborne Way KEYSBOROUGH VIC 3173	Tony Chen Sansai Electronics Pty Ltd	Use of the land for a Restricted Recreation Facility (Badminton Centre)	Proposal fails to comply with Clauses 34.02-2 and 34.02-7 (Commercial 2 Zone) and Clause 52.06-10 (Car Parking) and is inconsistent with Clause 13.07-1S (Land Use Compatibility). Clause 17.02-2S (Out of centre development), Clause 21.04-3 Land Use (Industrial) and Clause 65	Delegate	Refusal	12/01/2023	Keysborough
PLN22/0451	P/nApp	No	3 Scullin Street DANDENONG NORTH VIC 3175	P Reddy	Development of the land for two (2) dwellings on a lot (1 Single Storey Existing, 1 Single Storey New)	Proposal fails to respond to Clauses 15.01-1S and 15.01-2S (Urban Design Objectives), GRZ1, Clauses 22.09-3.1 and 22.09.3.3 (Design Principles), Clause 52.06-9 (Accessways) and various objectives standards of Clause 55 Industrial	Delegate	Refusal	27/01/2023	Cleland
PLN22/0461	P/nApp	No	2-10 Nina Link DANDENONG SOUTH VIC 3175	Pellicano Investments 3 Pty Ltd	Creation of Carriageway Easements E-3 and E-4 SPEAR		Delegate	PlanPermit	25/01/2023	Dandenong
PLN22/0465	P/nApp/vic	Yes	98-126 South Park Drive DANDENONG SOUTH VIC 3175	Klara Designs	Buildings and works (fuel tank) VICSMART	Industrial 2 Zone	Delegate	PlanPermit	24/01/2023	Dandenong
PLN22/0478	P/nApp	No	59-61 Jellicoe Street NOBLE PARK VIC 3174	Architekton Ltd	Development of the land for three (3) double storey dwellings	No response to further information request	Delegate	Lapsed	24/01/2023	Yarraman
EANTOS					6				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0490	PtnApp	No	104A Herbert Street DANDENONG VIC 3175	M & D Town Planning	Use of the land for a Food and Drink Premise, display business identification signage and a reduction in the car parking requirements of Clause 52.06	General Residential 3 Zone, 20 patrons, food and drink premise, business identification signage, reduction in carparking	Delegate	NOD	27/01/2023	Cleeland
PLN22/0502	PtnApp	No	Parkmore Shop A01 1A/317-321 Cheltenham Road KEYSBOROUGH VIC 3173	P Maaskant	Development of the land for a Shop and to display internally illuminated business identification signage	No response to further information request	Delegate	Lapsed	27/01/2023	Keysborough
PLN22/0517	PtnApp	No	35 Olympic Avenue SPRINGVALE SOUTH VIC 3172	Brian Moxham Surveying Pty Ltd	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	11/01/2023	Springvale South
PLN22/0530	PtnApp	No	43 Gatum Court NOBLE PARK VIC 3174	K Moutis	Development of the land for two (2) double storey dwellings	No response to further information request	Delegate	Lapsed	25/01/2023	Yarraman
PLN22/0539	PtnApp	No	1 Ardgow Road NOBLE PARK VIC 3174	M.J. Reddie Surveys Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	09/01/2023	Springvale North
PLN22/0545	PtnApp	No	15 Maple Street SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	20/01/2023	Springvale North
EANTOS					7				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0548	P/nApp/Vic	Yes	2-10 Nina Link DANDENONG SOUTH VIC 3175	Pellicano Investments 3 Pty Ltd	Buildings and Works (Warehouse) and Reduction in Car Parking Requirements VICSMART	Industrial 1 Zone, 922sqm, construct an extension to the existing warehouse and reduce number of car parking spaces by 10	Delegate	PlanPermit	27/01/2023	Dandenong
PLN22/0557	P/nApp	No	50 Hemmings Street DANDENONG VIC 3175	WCL Development Pty Ltd	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	13/01/2023	Yarraman
PLN22/0562	P/nApp/Vic	Yes	46 Baldwin Avenue NOBLE PARK VIC 3174	M Bogiovic	Subdivision of the land into two (2) lots SPEAR VICSMART	Residential	Delegate	PlanPermit	17/01/2023	Noble Park
PLN22/0565	P/nApp	No	1/59 Sharon Road SPRINGVALE SOUTH VIC 3172	NT Tran	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	17/01/2023	Springvale Central
PLN22/0572	P/nApp	No	33 Nockolds Crescent NOBLE PARK VIC 3174	Nilsson Noel & Holmes (Surveyors) Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	17/01/2023	Springvale North
PLN22/0582	P/nApp/Vic	Yes	44 Coomooora Road SPRINGVALE SOUTH VIC 3172	TVC Chov	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	12/01/2023	Keysborough
EANTOS					8				01/02/2023	

2.3.1 Planning Delegated Decisions Issued - January 2023 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant Name	Description	Notes	Authority	Decision	Decision Date	Ward
PLN22/0599	PtnApp	No	15 Wanke Crescent DANDENONG VIC 3175	H Puric, K Puric	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	19/01/2023	Cleeland
PLN22/0600	PtnApp/Vic	Yes	5 Kelly Court SPRINGVALE VIC 3171	P & M's Structures Victoria Pty Ltd	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Industrial	Delegate	PlanPermit	11/01/2023	Springvale North
PLN22/0616	PtnApp/Vic	Yes	22 Elm Grove SPRINGVALE VIC 3171	Brian Watson Surveying Pty Ltd	Subdivision of land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	09/01/2023	Springvale Central
47										
EANTOS					9				01/02/2023	

2.3.2 Planning Decisions Issued by Planning Minister's Delegate - January 2023

File Id: qA280444
Responsible Officer: Director City Planning Design & Amenity
Attachments:

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 January 2023.

Recommendation

That the report be noted

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304)

File Id:	A9446341
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of Objectors

Application Summary

Applicant:	Stephen D'Andrea Pty Ltd
Proposal:	Use and development of the land for a warehouse
Zone:	Industrial 1 Zone
Overlay:	No Overlays
Ward:	Noble Park

This application is brought before the Council because it has received forty-one (41) objections.

The application proposes the use and development of the land for a warehouse.

A permit is required pursuant to:

- Clause 33.01-1 (Industrial 1 Zone): A permit is required to use the land for a warehouse where the land is not at least 30 metres from a residential zone; and
- Clause 33.01-4 (Industrial 1 Zone): A permit is required to construct a building or construct or carry out works.

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. Forty-one (41) objections were received to the application.

Issues raised generally relate to the following:

- Discrepancies between application documents;
- Height and appearance of the warehouse building;
- Height and appearance of the rear boundary acoustic fence;
- Impact of the rear boundary acoustic fence on Tree Protection Zones;
- Potential for plant equipment to be located to rear of site;

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- Impact of proposed land use on nearby residential properties, including noise and emissions;
- Application requirements not provided; and
- Hours of operation.

Assessment Summary

The proposal has been assessed against the relevant requirements of the Greater Dandenong Planning Scheme and is considered appropriate for the site.

The subject site is located within an established industrial area (Industrial 1 Zone). The area is well suited for the use and development of a warehouse, a use that typically results in minimal offsite amenity impacts. This would therefore result in minimal impacts to neighbouring areas, including the residential interface to the west (subject to permit conditions).

The conditions of the planning permit, if issued, will ensure that the proposal is appropriately managed and operated.

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 Council 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. Therefore, a **Notice of Decision** (which provides appeal rights to objectors) to grant a permit be issued subject to 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.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Subject Site and Surrounds

Subject Site

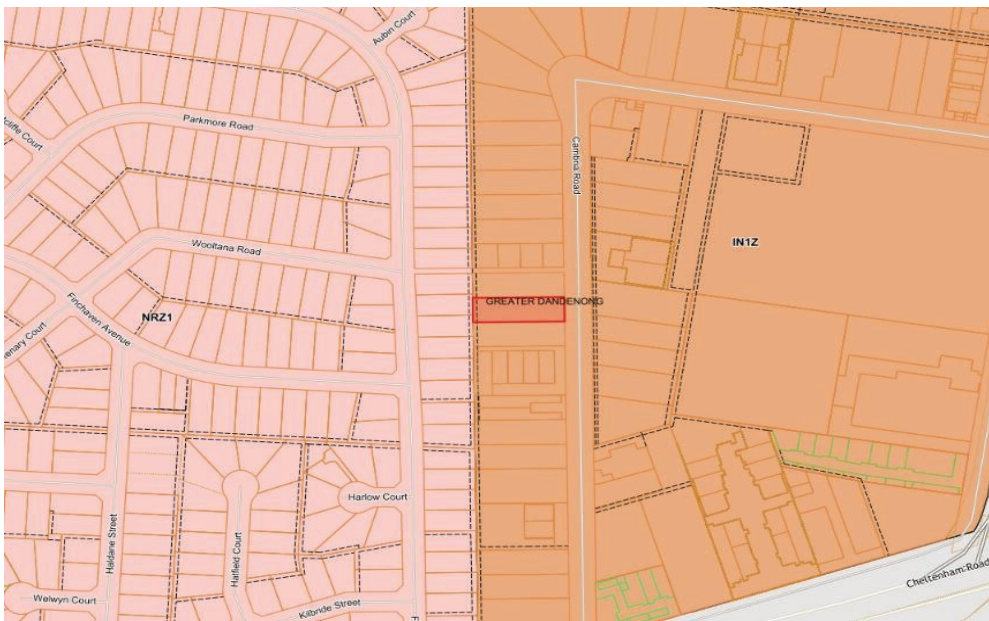
- The subject site located on the west side of Cambria Road.
- The site is rectangular in shape with a west to east orientation, with a frontage of 18.29 metres and a maximum depth of 60.96 metres and a total area of 1,115 square metres. The site is relatively flat in topography.
- The subject site is currently vacant and does not contain any significant vegetation.
- A single-width crossover to the north-east of the site connects to Cambria Road.
- The site is one of the last industrial lots to be developed within the precinct.

Surrounding Area

- The subject site is located within an established industrial area that extends to the east, south and north of the site.
- Directly to the west is land zoned Neighbourhood Residential Zone Schedule 1 (NRZ1), which has been developed with residential dwellings.
- The subject site is located approximately 710 metres south-west of the Dandenong Agricultural Showgrounds.
- There are bus routes located approximately 240 metres from the subject site along Cheltenham Road, operating in both directions.

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Locality Plan



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Background

Previous Applications

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

- Planning Permit No. PLN01/0350 was issued 30 August 2001 for 'buildings and works for the construction of an Industry/Warehouse building, with associated car parking and landscaping'. Permit not acted upon and has subsequently lapsed.
- Planning Permit No. PLN07/0188 was issued 27 November 2007 'for the development and use of the land for the purpose of Industry/Warehouse with associated office and a reduction in the car parking requirement under the Planning Scheme'. Permit was not acted upon and has subsequently lapsed.
- Planning Permit No. PLN13/0719 was refused 30 April 2015 for 'the use of the land for the purpose of a store (bin storage)'.
- Planning Permit No. PLN14/0596 for 'change of use (parking) – motor vehicle repairs' was lapsed 15 December 2014.
- Planning Permit No. PLN20/0295 was refused 25 September 2020 for 'the use of the land for materials recycling'.

Proposal

The application proposes the use and development of the land for a warehouse.

Details of the application are as follows:

Use

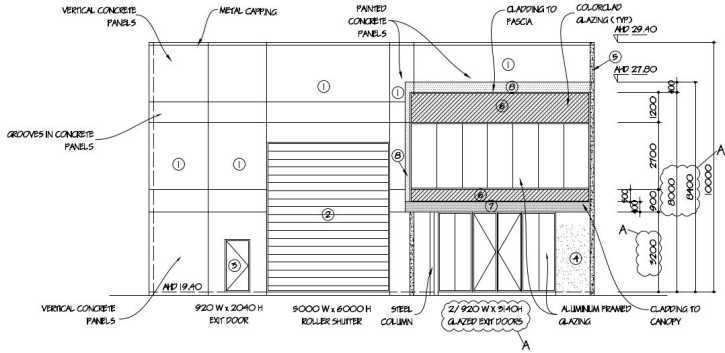
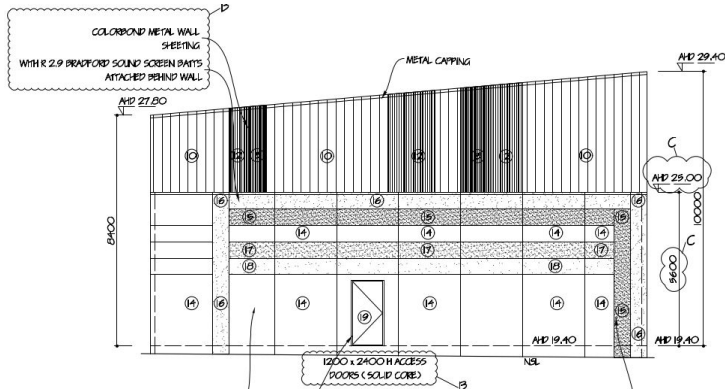
- The site will be used for the purpose of warehousing only, with no direct sales or manufacturing proposed.
- The proposed tenant provides LED lighting and solar power services to businesses. The warehouse is to be used to store solar panels and installation equipment.
- The warehouse is proposed to operate between:
 - Monday to Friday: 7:00am to 5:00pm
 - Saturday: 9am to 4pm
 - Closed Public Holidays and Sundays
- A maximum of 8 staff members are proposed.
- There is no proposed signage for the business

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Development

Type of proposal	Warehouse
Proposal Description	<p>The proposal is to construct a warehouse with an ancillary ground floor and first floor office to the front of the building, for the purpose of the storage of solar panels and installation equipment.</p> <p>Associated car parking spaces and landscaping are provided to the east of the proposed warehouse, within the front setback.</p>
Site Area and Dimensions	<p>East boundary (frontage to Cambria Road) – 18.29 metres</p> <p>North boundary (sideage) – 60.96 metres</p> <p>South boundary (sideage) – 60.96 metres</p> <p>West boundary (rear) – 18.29 metres</p> <p>Total site area is 1,115 square metres</p>
Net Floor Area	<p>The proposed warehouse has a ground floor area of 539 square metres with an ancillary 40 square metre ground floor office and a 150 square metre first floor office, resulting in a total net floor area of 729 square metres.</p> <p>All areas are excluding areas of stairs, loading bays and waste disposals as per the definition under the Greater Dandenong Planning Scheme.</p>
Building Height	<p>The warehouse building has a total height of 10 metres.</p>
Building Setbacks	<ul style="list-style-type: none">• East (Front Boundary): 8.2 metres (office), 22.2 metres (warehouse)• North: Wall on boundary• South: Wall on boundary• West (Rear Boundary): 4.51 metres (lower 6 metres of wall), 6.8 metres (upper 4 metres of wall)
External Materials	<p>The external materials proposed to the warehouse and office building (frontage) primarily consist of concrete panels, colorbond and alucobond cladding and aluminium framed glazing, as indicated in the elevation excerpt (eastern) below:</p>

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

	 <p>The external materials proposed to the rear wall of the warehouse building (interface with NRZ1) primarily consist of concrete panels and colourbond metal wall sheeting, as indicated in the elevation excerpt (western) below:</p> 
Use of Building	Proposed building to be used for the storage of solar panels and general administration. This fits under the definition of 'Warehouse' pursuant to Clause 73.03 (Land Use Terms).
No. of Car Parking Spaces Required	<p>Warehouse:</p> $\frac{729 \times 1}{100} + 2 = 9.29$ <p>9 car parking spaces required.</p> <p>The subject site is within the PPTN Area.</p>
No. of Car Parking Spaces Provided	<p>12 car parking spaces provided.</p> <p>The proposal complies with and exceeds the car parking requirement of Clause 52.06.</p>

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Location and Area of Loading and Unloading	<p>One bay of loading and unloading.</p> <p>The loading bay connects to the accessway and car parking area within the proposed building front setback and the 6.4 metre wide crossover connecting the site to Cambria Road.</p> <p>The loading bay is 9 metres by 5 metres in size, totalling 45 square metres.</p>
Location of Landscaping	<p>A minimum 3 metre wide landscaping strip is provided along the east site boundary (frontage), and a minimum 5.4 metre wide landscaping strip is provided along the west site boundary (rear).</p>
Location of Access	<p>A crossover to the east connects the site at a minimum 6.4 metres wide.</p> <p>The existing crossover to the site is to be removed and reinstated with kerb and channel.</p>

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:

- Clause 33.01-1 (Industrial 1 Zone): A permit is required to use the land for a warehouse where the land is not at least 30 metres from a residential zone; and
- Clause 33.01-4 (Industrial 1 Zone): A permit is required to construct a building or construct or carry out works.

The relevant controls and policies are as follows:

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Zoning Controls

The subject site is located in an Industrial 1 Zone, as is the surrounding area to the east, north and south of the site.

The purpose of the Industrial 1 Zone outlined at Clause 33.01 is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Pursuant to Clause 33.01-1, a permit is required for the use of the land for a warehouse where the land is not at least 30 metres from a residential zone. The Neighbourhood Residential Zone Schedule 1 abuts the subject site to the west (rear), therefore triggering the need for a planning permit for land use.

Pursuant to Clause 33.01-4, a permit is required to construct a building or construct or carry out works. The proposal includes the development of the warehouse building and ancillary office, car parking and landscaping areas, thus requiring a planning permit.

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.*
- (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.*

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

(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, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 11.02-1S – Supply of Urban Land contains the objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Built Environment and Heritage is outlined at Clause 15 of the Scheme. Clause 15.01-2S – **‘Building Design’** has the following objective:

- *‘To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.’*

Economic Development is outlined at Clause 17 of the Scheme. Clause 17.03-1S - **‘Industrial Land Supply’** has the following objective:

- *‘To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services.’*

Transport is outlined at Clause 18 of the Scheme. Clause 18.02-4S – **‘Car Parking’** has the following objective:

- *‘To ensure an adequate supply of car parking that is appropriately designed and located’.*

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Local Planning Policy Framework

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

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

- *Greater Dandenong is a net provider of jobs, with a resident workforce of 53,000, and local businesses providing approximately 74,000 jobs. Greater Dandenong businesses provide the third highest number of jobs in metropolitan Melbourne, with the employment sector largely orientated towards manufacturing occupations. Within the metropolitan Melbourne area, Greater Dandenong is ranked – in terms of job stock – first in manufacturing, second in storage, third in road transport and fourth in wholesale trade.*

Greater Dandenong's vision is outlined at **Clause 21.03** of the Scheme. Amongst others, the vision is that Greater Dandenong will be:

- *a healthy community that embraces a sense of pride and belonging and works together to achieve an economically, socially and environmentally sustainable future.*
- *a well-balanced satisfied community, which has easy and equitable access to services important to people's everyday life.*

Land Use is outlined at **Clause 21.04** of the Scheme. Clause 21.04-3 – '**Industrial**' has the following relevant objectives:

- *To provide development, employment and industrial opportunities, which cater for a broad range of industries.*
- *To facilitate new investment, development and redevelopment*
- *To improve the image of industrial areas in Greater Dandenong*
- *To ensure industrial uses do not impact adversely on the amenity and safety of surrounding land uses and the environment*

Urban Design in Commercial and Industrial Areas is outlined at **Clause 22.03** of the Scheme. Clause 22.03-2 has the following relevant objectives:

- *To improve the appearance of all commercial and industrial areas, and particularly development along main roads and at identified gateway sites*
- *To provide urban design solutions which respond to the type of road and the speed of the traffic using the road.*

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

The table to Clause 22.03-3 (Setback and landscaping design standards) sets out the required building setbacks from residential areas for all land in Area 2 (as shown on the map to this clause), the minimum distance of which is obtained via the following formula:

- *Distance = $H/2 + 1.5m$*
- *where H = Height of building nearest the boundary in metres.*

Particular Provisions

Clause 52.06 Car parking

The purpose of this provision 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 number of car parking spaces required under Clause 52.06-5 has been provided and exceeds the requirement.

Clause 52.34 – Bicycle Facilities

The purposes of this provision are:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Clause 52.34-1 states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Clause 52.34-2 states that a permit may be granted to vary, reduce or waive the requirements of Clause 52.34-3 and Clause 52.34-4. An application is exempt from the notice and decision requirements and appeal rights of some sections of the Act.

Under the table to Clause 52.34-3, a Warehouse is not listed in this Clause.

Clause 53.10 – Uses and Activities with Potential Adverse Impacts

The purpose of this provision is:

- *To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.*

The proposed warehouse would not be used for a purpose listed in the table to Clause 53.10 as confirmed by the permit applicant.

General Provisions

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

Restrictive Covenants

There are no restrictive covenants registered on title.

Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

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

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Referrals

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

Internal

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

Internal Referrals	Comment
Civil Development	No objections, subject to conditions on permit.
Transport Planning	No objections, subject to conditions on permit.
Asset Planning	No objections, subject to conditions on permit.
Bushland & Garden	No objections, subject to conditions on permit.

Advertising

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on site facing Cambria Road.

Council has received forty-one (41) objections to date.

The locations of the objectors are shown in Attachment 2.

It is acknowledged the application has received a high number of objections. Therefore, it is appropriate to consider section 60(1)(f) of the Planning and Environment Act 1987 which states that *“Before deciding on any application, the responsible authority must consider any significant social effect and economic effects which the responsible authority considers the use and development may have”*.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

It is considered that a use and development with significant social effect is one which will have ongoing (adverse) impact on the fabric of social make-up and stability, such as socio-economic impacts and socio-psychological impacts.

On review of the forty one (41) objections, the objectors outline potential adverse local amenity concerns and impacts, not social effects or impacts. A full review and response to the objector's concerns are detailed in the summary of grounds of objections below.

When taking into account the number of objections, the content of the objections and Section 60(1)(f) of the Planning and Environment Act 1987 it is considered that concerns within the objections would be assuaged through a well-structured permit with conditions. Council officers do not consider that there is a potential for significant social effects due to the proposed use and development of the land simply by virtue of number of objections.

Consultation

A consultative meeting was not held for this application as the application is not for a residential development.

Summary of Grounds of Submissions/Objections

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

- **Measurement discrepancies between application documents**

Concern was raised regarding discrepancies in details listed in the Planning Report, Arboricultural Report and plans provided by the applicant. For example, the Arboricultural Report indicates a minimum rear building setback of 4.5 metres, whilst the plans indicate a minimum rear building setback of 4.51 metres.

The plans are the only application document out of the above documents that would be endorsed on permit. Furthermore, the setback distance as indicated on the plans is larger than the setback distance indicated in the support documentation.

Very minor variations, such as 1cm variations as above, would not alter the officer's assessment and recommendation. However, conditions on permit will ensure that details, including measurements, are consistent across all plans.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- **Height and appearance of warehouse building**

Concern was raised as to the height and appearance of the proposed warehouse building and the resulting impacts on adjoining residential properties, including reduced sunlight access.

The height of the warehouse is considered acceptable as it compliments the scale of nearby industrial buildings and complies with the relevant policy pursuant to Clause 22.03-4 (Urban Design in Commercial and Industrial Areas).

The Neighbourhood Residential Zone (Schedule 1) that adjoins the site to the west has a maximum allowable building height of 9 metres. Therefore, the proposed building height is only 1 metre greater than this.

The proposed warehouse features a sloped roof form that ranges in height from 8.4 metres on the northern side of the site, to 10 metres at the southern side of the site, with a skillion roof style throughout the middle of the site. As a result, the average height of the warehouse is 9.2 metres, resulting in less external amenity impacts than if the roof had an average height of 10 metres.

The built form of the warehouse has also been designed to 'step down' towards the rear boundary, reducing to a height of 6 metres for a depth of 2.29 metres to further lessen the visual impact of the built form when viewed from the residential properties to the west.

Furthermore, Clause 22.03-4 requires buildings within 'All Land in Area 2' to be set back from the boundary of a residential area by the distance obtained by the listed formula ($\text{Distance} = H/2 + 1.5\text{m}$, where H = Height of building nearest the boundary in metres), the purpose of which is to limit impacting the amenity of adjoining properties (including via sunlight reduction).

This setback requirement would be 4.5 metres, and a setback of 4.51 metres has been provided to the west, therefore complying with this requirement.

As this setback requirement has been met, it is considered that the impacts of the proposed warehouse on the adjoining residential properties to the west has been effectively minimised.

Furthermore, amended plans provided by the applicant on 3 February 2023 proposes a revised composition of materials and muted colours to the rear building elevation to visually break up perceptions of the height, mass and scale of the building when viewed from adjoining residential properties and to ensure it blends in with the surrounds.

- **Height and appearance of rear boundary acoustic fence**

Concern was raised as to the height and appearance of the proposed rear boundary fence. A 2.7 metre high acoustic fence is proposed to replace the existing 2 metre high fence to reduce noise impacts from the proposed warehouse on adjoining residential properties.

Council officers consider the height and appearance of the proposed fence to be suitable for an interface between industrial and residential land.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- **Impact of rear boundary acoustic fence on Tree Protection Zones**

Concern was raised as to the impact of the rear boundary acoustic fence on a tree located within the residential property to the rear.

The application was referred to Council's Bushland & Garden Department, who were satisfied with the proposal (including the impact of the development on neighbouring vegetation), subject to permit conditions. Council's Arborist has detailed that the neighbouring trees to the rear of the subject site (noted as Trees 1 – 3 in the arborist report provided) would not be negatively impacted by the construction of the warehouse building, subject to a condition to ensure that all construction activities that are within the Tree Protection Zones of the neighbouring trees are under the supervision of a qualified Level 5 Arborist, and in accordance with the arborist report provided.

- **Potential for plant equipment to be located to rear of site**

Concern was raised as to the possibility of locating equipment, including plumbing, heating and ventilation systems, to the rear of the site, which would present as aesthetically unpleasing when viewed from the adjoining properties to the rear.

The proposed plans only indicate the provision of landscaping within the rear building setback, with no equipment proposed within this area.

A condition on permit will ensure that any and all plant, equipment and services is to be located on the roof towards the front or centre of the building and to be appropriately screened so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.

- **Impact of proposed land use on nearby residential properties**

Concern was raised that the proposed warehouse use will significantly impact the surrounding area and residents, including via noise and emissions.

Clause 71.02-3 (Integrated decision making) notes the need for Responsible Authorities to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. The industrial land should be made available for industrial uses such as warehouses, and there are economic development benefits for the community to grant a permit to a business to operate, as well as make use of industrial land which is in finite supply.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

As previously discussed, the subject site is located within an established industrial area (Industrial 1 Zone), as is all land to the east of the existing Neighbourhood Residential Zone - Schedule 1, that is well suited for the use and development of a warehouse as proposed. The majority of this land has been extensively developed, with the subject site being the only undeveloped parcel of land in this pocket of the Industrial 1 Zone. Whilst the land has been vacant for some time, it would not have been expected that this parcel of land would remain vacant in perpetuity.

The proposed hours and days of operation align with the 'day period' of 7am to 6pm as defined by the Environment Protection Regulations 2021, Regulation 116.

Operations on site will be limited to the land use as proposed, being a warehouse, which is defined at Clause 73.03 (Land Use Terms) as: 'Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online'.

A warehouse land use typically results in minimal offsite amenity impacts. A condition on permit will also require that any use established within the building must meet the threshold distance shown in the Table to Clause 53.10 (Uses and Activities with Potential Adverse Impacts) of the Greater Dandenong Planning Scheme and must not be a use for a purpose shown with no threshold distance specified, without further consent of the Responsible Authority.

The proposed plans indicate that the rear, vacant portion of the land is set aside for the easement and landscaping only. This area can also only be accessed via the rear door located on the building's western elevation. Conditions on permit will ensure this door may only be utilised to access the easement and landscaping area to the rear; no storage is to be located within the rear setback; and that the door is required to be closed at all times (except in the case of emergencies or to access the easement or landscaping).

Taking into consideration the height, setbacks, landscaping, proposed use and acoustic measures that have been incorporated into the proposal, it is considered that the development has appropriately taken into consideration the sensitive nature of the NRZ1 land to the west.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- **Clause 33.01-2 Use of Land application requirements not provided**

Concern was raised that the applicant has not provided sufficient information as to the type and quantity of goods to be stored, processed or produced.

As the proposal is for the use and development of the land for a Warehouse only, goods cannot be processed or produced on site, as this would fall under the definition of Industry. Should an industrial use be proposed in the future this would trigger an application for a change of use and would be required to be assessed by Council officers.

Furthermore, a condition on any permit to be issued will read as follows:

Without further consent of the Responsible Authority, any use established within the building must meet the threshold distance shown in the Table to Clause 53.10 of the Greater Dandenong Planning Scheme and must not be a use for a purpose shown with no threshold distance specified.

This will ensure that the type and quantity of goods (solar panels) to be stored would not cause offence, unreasonable amenity impacts to adjoining properties or an unacceptable risk to the neighbourhood.

- **Hours of operation**

Concern was raised that the warehouse operation will exceed the days and hours listed within the application documents, which stated that the warehouse would operate Monday 7am to 6pm and Saturday 8am to 2pm.

The applicant was contacted regarding this issue who stated that the above operating days/hours were listed in error. The correct proposed hours of operation are Monday to Friday 7am to 5pm and Saturday 9am to 4pm.

A condition on permit will limit the hours to those as proposed, being Monday - Friday 7am to 5pm and Saturday 9am to 4pm, to ensure that no late or early morning deliveries will occur due to the concerns raised by the objectors, the proximity of the premises to residentially zoned land, and to protect the amenity of other residents in the area.

Furthermore, all deliveries and the like will be undertaken from the front of the site (with the nearest delivery area within the front setback being approximately 39 metres from the rear boundary), with nearby residential areas shielded from any associated noise by the warehouse building itself.

Concern was also raised as to the possibility of the business operating outside of the stated hours. The application can only be assessed on what the applicant has applied for and will be conditioned to operate within these parameters. There is no evidence that this business is looking to operate outside of these parameters and must be taken on merit. It is also noted that as the operating hours are to be controlled on via permit conditions, if the occupant was to operate outside of these hours they would be subject to planning compliance enforcement action.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Assessment

The proposal has been assessed against the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework, the zoning of the land, the relevant particular provisions for the use and development of the land for a Warehouse, and the decision guidelines of Clause 65.

Overall, the proposal is considered appropriate for the site, subject to permit conditions.

Use

The use of the land for a Warehouse is a Section 2 Use (permit required), as the warehouse is within 30 metres of a residential zone.

It should be noted that as per Clause 71.03-2, a land use listed in Section 2 does not imply that a permit should or will be granted, with the Responsible Authority to decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

The proposal is considered to respond positively to the decision guidelines of the zone, with the site located in an established industrial area which benefits from easy access from Eastlink and Cheltenham Road.

The site borders a residential zone to the west, which limits the industrial uses that could occur on the subject site. A warehouse use for a purpose not listed in the table to Clause 53.10 (as confirmed by the permit applicant) is considered a use that is appropriate for this location and there is minimal amenity impacts upon residential properties to the rear (subject to permit conditions).

It is also noted that a warehouse use is the lowest order of 'soft' industrial uses that could be accommodated on site and will be entirely contained within the proposed building (which will be controlled via permit condition).

As previously discussed, the rear vacant portion of the land is set aside for the easement and landscaping and can only be accessed via a door on the building's western elevation. Conditions on permit will ensure that the rear door (and therefore the rear portion of land) may only be used to access the easement and landscaping area or for emergency purposes, further limiting adverse amenity impacts to the western sensitive interface.

A condition on permit stating that the amenity of the area must not be detrimentally affected by the use of the land, including through the emission of artificial light, will ensure that any light spill resulting from the lighting proposed to the rear of the warehouse does not negatively impact abutting NRZ1 land.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

The proposed hours of operation are Monday – Friday 7:00am – 5:00pm and Saturday 9:00am to 4:00pm. The subject site will not operate on Sundays or Public Holidays.

A condition of permit will require that all deliveries and/or pick-ups are within the hours of operation.

In this application, it is considered the proposed use provides an acceptable outcome for the site and will be managed by appropriate permit conditions.

Development

Front Setback

The buildings and works proposed are considered to be appropriate in the context of the site and surrounding area, as the development is of a suitable scale and provides for a good urban design outcome as a result of the articulation to the front (eastern) elevation, as well as the use of windows, clearly identified entrance points, built form variation to the office and a variety of materials and colours.

Clause 22.03 (Urban Design in Commercial and Industrial Areas) is applicable to this proposal. The subject site falls within Area 2 under the table to Clause 22.03-3 'Setback and Landscaping Design Standards', which lists design requirements for sites within the 'Balance of Land in Area 2'. These requirements have been met.

The subject site adjoins and has a frontage to Cambria Road, which is a Council road located east of Chandler Road. The proposed development has a minimum setback of 8.2 metres from the site frontage which is acceptable as Cambria Road is not a road within a Transport Zone 2.

The 3 metre wide front landscape setback complies with the minimum 3 metres required under Clause 22.03. The site does not have a sideage to any road.

Rear Interface

The proposed warehouse features a roof form that slopes down from a height of 10 metres at the southern end of the site, to 8.4 metres to the northern side of the site, with a skillion style through the site's centre. The roof form is also graduated towards the rear and 'steps down' for the final 2.29 metres of the built form to a height of 6 metres, resulting in a uniform overall height for this final roof section of the built form. The proposed building would be of a similar height to the surrounding industrial development.

The 10 metre building height as shown on the proposed plans is measured from the finished floor level. A condition on permit will require the height to be measured from natural surface level, without increasing the overall building height beyond 10 metres.

Therefore, calculations undertaken within the assessment section of this report utilise an overall building height of 10 metres.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Pursuant to Clause 22.03-3, the following design standard also applies to All Land in Area 2:

No building or works nearer to the boundary of a residential zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school than the distance obtained with the following formula:

- Distance = $H/2 + 1.5m$
- where H = Height of building nearest the boundary in metres.
- A garden strip in the setback area.

The lower portion of the rear external wall of the proposed building has a height of 6 metres.

- $H/2 + 1.5m = 6/2 + 1.5 = 4.5$ metres.

The 6 metre high rear external wall is set back 4.51 metres from the rear boundary, complying with the setback requirement.

The upper portion of the rear external wall of the proposed building has a height of 10 metres.

- $H/2 + 1.5m = 10/2 + 1.5 = 6.5$ metres.

The upper portion of the rear external wall is set back 6.8 metres from the rear boundary, complying with the standard.

The proposed rear setback (to the residential zoned land) is considered to comply with Clause 22.03. In addition, a landscaping strip will be provided within the setback to ensure that the built form will be softened.

Further, the rear wall will be painted with a muted tone to ensure that it blends in with the surrounds. It is therefore considered the proposed buildings and works are considered an appropriate outcome for the site, and as such are appropriate for approval.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Car Parking

The table to Clause 52.06-5 (Car parking – number of car parking spaces required under Table 1) contains car parking requirements for different uses.

The subject site is within the Principle Public Transport Network map area. Therefore, Column B of Clause 52.06-5 is applicable.

A Warehouse, under Column B of Clause 52.06-5, requires 2 car parking spaces to each premises, plus 1 car parking space to each 100 square metres of net floor area. The proposed 729 square metres of net floor area would therefore require the following number of car spaces.

- $\frac{729 \times 1}{100} + 2 =$
9 car parking spaces required

The application proposes a total of 12 car parking spaces, which complies with and exceeds the parking rates outlined at Clause 52.06-5.

As such, an appropriate level of car parking is considered to be provided on site.

Furthermore, Council's Transport team have reviewed the proposal, and are satisfied that the layout of the car parking and access way results in a functional layout for the site, subject to standard planning permit conditions.

Overall, the car parking spaces provided on the site are considered adequate for the proposed warehouse and are unlikely to be detrimental to the amenity, traffic flow and road safety of the site and surrounding industrial area.

Loading and Unloading

Pursuant to Clause 65.01, the Responsible Authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

One area of loading and unloading is proposed. The loading bay connects to the accessway and car parking area within the proposed front setback, with the 6.4 metre wide crossover providing access to Cambria Road.

The loading bay is 9 metres by 5 metres in size, totalling 45 square metres.

It is considered that the loading area provided on site is adequate for the use and development of the proposed warehouse, and is unlikely to be detrimental to the amenity, traffic flow and road safety of the site and surrounding industrial area.

As discussed above, the application was referred to Council's Transport team who are satisfied with the area of loading/unloading provided, subject to planning permit conditions.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Bicycle Facilities

Clause 52.34-5 contains bicycle space requirements for different uses. A warehouse is not listed under this Clause. Therefore, no bicycle facility is required.

It is noted that the two bicycle spaces have been provided within the warehouse building, to the south of the proposed loading/unloading bay.

Vegetation & Tree Impact (Site & Surrounds)

The applicant provided an Arboricultural report that includes discussions as to the potential impact of the proposed warehouse development on the three (3) trees located within the abutting residential property to the rear of the subject site.

The report concludes that two (2) of the trees will be unaffected by the development, whilst there would be a minor encroachment into the Tree Protection Zone (TPZ) of the third tree. The report further states that this Willow Myrtle tree can be 'viably' retained as there is 'adequate permeable surface continuous with the TPZ to compensate for this loss'.

The applicant was referred to Council's Bushland and Garden Department, who were satisfied with the proposal, subject to standard conditions. Construction within the TPZs of the neighbouring trees will be required to be undertaken under the supervision of a qualified arborist, as TPZ fencing cannot be reasonably installed.

Council arborists have also indicated that the size and location of the proposed crossover would result in the loss of a juvenile street tree located upon the nature strip abutting the subject site. Conditions on permit will ensure street tree removal and replacement occurs at the permit holder's cost prior to works commencing.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework, Local Planning Policy Framework, Municipal Strategic Statement, Zones, Overlays and Clause 65.

Overall, it is considered that the proposal is appropriate having regard to the site's location within an Industrial 1 Zone.

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 28 Cambria Road, KEYSBOROUGH VIC 3173 (Lot 29 LP 053101 Vol 8306 Fol. 981), for the use and development of the land for a warehouse in accordance with the plans submitted with the application subject to the following conditions:

- 1. Prior to the endorsement of plans, two (2) copies of amended plans drawn to scale and dimensioned, must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plans have been approved and endorsed by the Responsible Authority. The endorsed copy of the plans forms part of this permit. The plans must be in accordance with the plans submitted with the application, but modified to show:**
 - 1.1. Proposed rear boundary 2.7 metre high acoustic fence shown in lieu of the existing fence on elevation plans.**
 - 1.2. Wall heights and overall building heights amended on elevation plans to be measured from natural surface level and not finished floor level. This must not result in an increase to the height measurements shown on the plans. i.e. Maximum overall height of 10 metres.**
 - 1.3. A notation to indicate that 'all plant, equipment and services must be located on the roof towards the front or centre of the building and be appropriately screened so that it does not adversely affect the amenity of the area due to the emission of noise'.**
 - 1.4. Landscaping designs that use tree species from the Medium- or Large-tree categories of the City of Greater Dandenong's Tree Selection and Planting guidelines.**
 - 1.5. All tree stock complying with AS 2303:2018 Tree stock for landscape use.**

All to the satisfaction of the Responsible Authority.
- 2. The use and development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.**
- 3. Prior to the commencement of the use, a Traffic and Parking Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The use must not commence until the plan has been approved and endorsed by the Responsible Authority. The TPMP must be generally in accordance with the submitted application plans and must:**
 - 3.1. Identify all loading bays on the application plans.**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- 3.2. Identify how safety (particularly vulnerable road users such as pedestrians, cyclist and motorcyclists) and obstruction to other on-site/on-street traffic is to be managed during commercial vehicle reversing manoeuvres.**
- 3.3. Identify the largest commercial vehicle to access the subject site in accordance with Table 2.1 to AS 2890.2, or other suitable documentation.**
- 3.4. Identify the maximum number of commercial vehicles that will access the subject site on a daily basis.**
- 3.5. Identify measures to prevent site bound commercial vehicles queuing on arrival along the public access road.**
- 4. No more than eight (8) staff members are permitted to be present on the subject land and working at any time, unless with the prior written consent of the Responsible Authority.**
- 5. The approved use must only operate during the hours of 7:00am - 5:00pm – Monday to Friday and 9:00am to 4:00pm Saturday, unless with the prior written consent of the Responsible Authority.**
- 6. Deliveries to and from the land (including waste collection) must only take place during the hours of operation, unless with the prior written consent of the Responsible Authority.**
- 7. Without further written permission of the Responsible Authority, any use established within the building must meet the threshold distance shown in the Table to Clause 53.10 of the Greater Dandenong Planning Scheme or must not be a use for a purpose shown with no threshold distance specified.**
- 8. Before the occupation of the development starts, landscaping works as shown on the endorsed plan/s must be completed and then maintained in good order, all to the satisfaction of the Responsible Authority.**
- 9. The landscaping area shown on the endorsed plans must always be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Goods, materials, equipment and the like must not be stored or displayed in these areas.**
- 10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 11. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- 12. The building hereby approved must not be occupied until all buildings and works and the conditions of this permit have been complied with, unless with the written consent of the Responsible Authority.**
- 13. All construction activities that are within the Tree Protection Zones (TPZs) of neighbouring trees (Trees 1–3) must be under the supervision of a minimum AQF Level 5 Arborist, and in accordance with the approved Arboricultural Report (DB Horticulture, 1 September 2022).**
- 14. Removal of the existing crossover shall include the removal of all base materials and spoil. Re-instatement of the nature strip in this location shall include top dressing and turf seeding to the satisfaction of the Responsible Authority.**
- 15. The payment for removal of one juvenile tree and replacement planting of 1 new street tree must be made to Council prior to the commencement of works. The permit holder must contact Council's arborist to arrange for any approved roadside tree removal at the permit holder's cost. One new tree will be planted at a time and location determined by the Responsible Authority.**
- 16. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, including within the rear building setback area, without the further written consent of the Responsible Authority.**
- 17. All plant, equipment and services must be located on the roof towards the front or centre of the building and be appropriately screened so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.**
- 18. The rear door located on the building's western elevation is to be utilised to access the rear easement and landscaping area for maintenance purposes only.**
- 19. The rear door located on the building's western elevation must be closed at all times, except in the case of emergencies or to access the rear easement and landscaping area for maintenance.**
- 20. Prior to the use commencing, all parking areas and accessways must be:**
 - 20.1. Constructed and available for use in accordance with the plan approved by the responsible authority;**
 - 20.2. Formed to such levels and drained so that they can be used in accordance with the plan; and**
 - 20.3. Line-marked or provided with some other adequate means of showing the car parking spaces**
- 21. Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- 22. The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.**
- 23. The car parking area must be lit if in use during the hours of darkness and all lights must be designed and fitted with suitable baffles. The lighting must be positioned to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.**
- 24. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.**
- 25. The site operator must endeavour to prevent site bound commercial vehicles queuing on arrival along the public access road. Accordingly, access driveways/roadways/aisles providing access to loading areas on-site must not be gated during operating hours or feature control points (i.e. boom gates, guardhouse or similar) without suitable queuing space on site, all to the satisfaction of the Responsible Authority.**
- 26. Loading and unloading on the site must be in accordance with the Traffic and Parking Management Plan provided.**
- 27. Floor levels shown on the endorsed plan(s) must not be altered or modified without the further written consent of the Responsible Authority.**
- 28. Access to the site and any associated roadwork must be constructed as per Council standard SD303 but with a radius instead of splay and all to the satisfaction of the Responsible Authority. Note any redundant vehicle crossing will need to be removed and reinstate with kerb in accordance with Council Standards.**
- 29. On street parking line marking must be removed as part of the new vehicle crossing construction. A minimum clearance of 1 metre is to be provide between edges of existing fire hydrant & signage to the proposed vehicle crossing.**
- 30. Provision must be made for the drainage of the site including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 31. 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 LDP approval letter. Approval of a drainage plan including any retention system within the property boundary is required.**
- 32. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:**
 - 32.1. Transport of materials, goods or commodities to or from the land;**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

- 32.2. Appearance of any building, works or materials;**
- 32.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- 32.4. Presence of vermin;**
- 32.5. Adverse behaviour or actions of patrons on, to or from the premises; and**
- 32.6. Presence of litter.**

All to the satisfaction of the Responsible Authority.

- 33. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.**
- 34. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.**
- 35. The site shall be kept in a neat and tidy condition at all times; all to the satisfaction of the Responsible Authority.**
- 36. Before the occupation of the development starts, landscaping works as shown on the endorsed plan/s must be completed and then maintained, all to the satisfaction of the Responsible Authority.**
- 37. This permit will expire if:**
 - 37.1. The development does not start within two (2) years of the date of this permit, or**
 - 37.2. The development is not completed within four (4) years of the date of this permit, or**
 - 37.3. The use does not start within one (1) year of the completion of the development, or**
 - 37.4. The use is discontinued for a period of two (2) years.**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

Permit Notes:

- **A Vehicle Crossing Permit must be obtained from Council for the vehicular crossing prior to construction of the crossing.**
- **Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.**
- **Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.**
- **A building approval may be required prior to the commencement of the approved works.**
- **Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.**
- **Prior to the erection of any advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme Controls.**
- **A drainage plan approval fee is to be paid to Council prior to the issue of approved drainage plans. Please contact the Civil Development department for the current schedule of fees.**
- **The property is identified to be subject to flooding in major rain events. An application for Report and Consent for Flooding is required. Asset Management Team is to be contacted to confirm the minimum finished floor level (FFL) of the proposed development.**
- **A flood dispensation is to be obtained prior to issue of Building Permit.**
- **The minimum finished floor level of the proposed property is 19.40m to AHD.**

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION NO. 28 CAMBRIA ROAD,
KEYSBOROUGH (PLANNING APPLICATION NO. PLN22/0304)**

ATTACHMENT 1

SUBMITTED PLANS

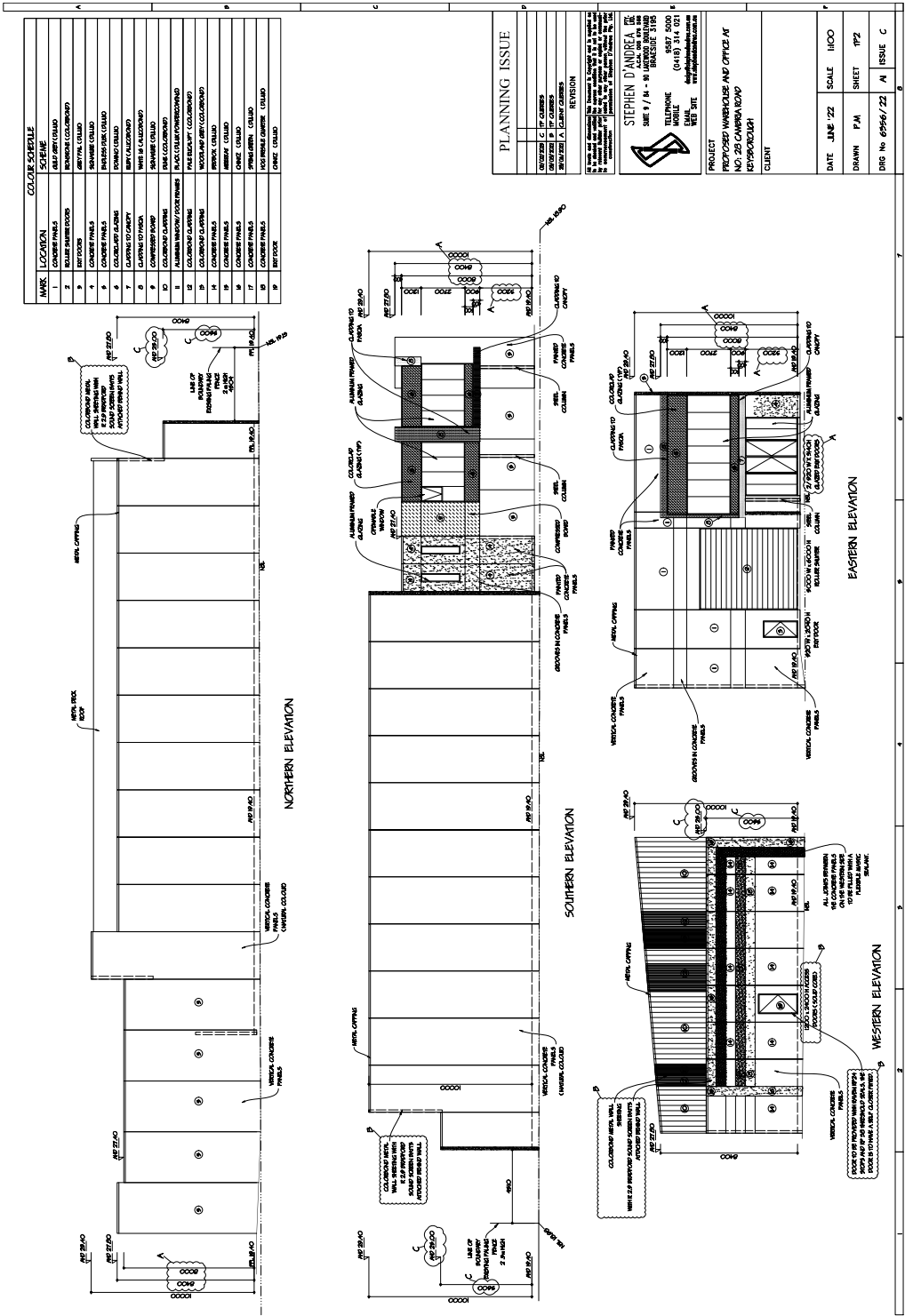
PAGES 6 (including cover)

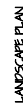
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2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)



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2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION NO. 28 CAMBRIA ROAD,
KEYSBOROUGH (PLANNING APPLICATION NO. PLN22/0304)**

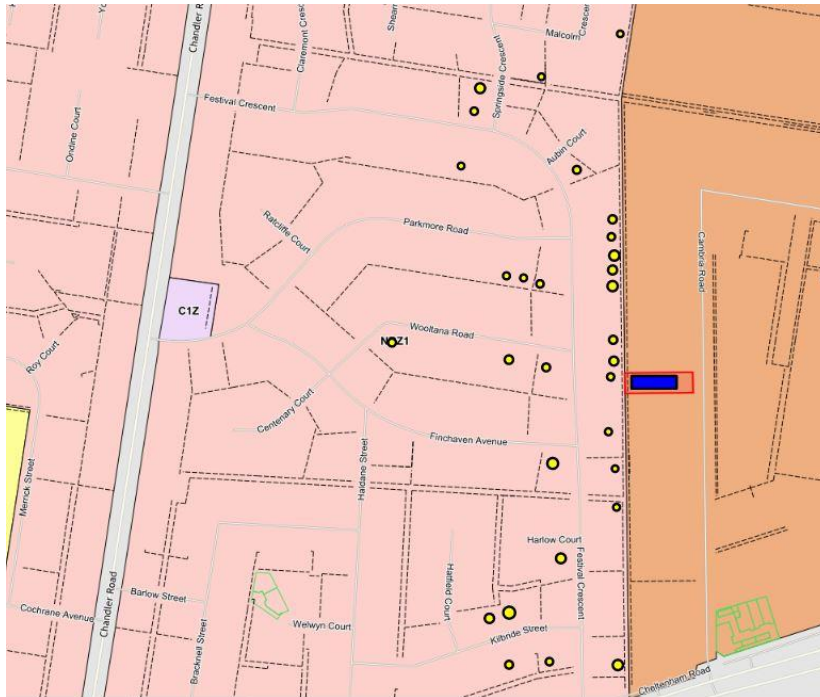
ATTACHMENT 2



LOCATION OF OBJECTORS

PAGES 2 (including cover)

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

2.3.3 Town Planning Application - No. 28 Cambria Road, Keysborough (Planning Application No. PLN22/0304) (Cont.)



-  Subject Site
-  Location of Objector

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400)

File Id:	A9446340
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Assessed Plans

Application Summary

Applicant:	MCH Australia trading as Keg King
Proposal:	Use of the land for a Retail Premise and the sale of packaged liquor in conjunction with the existing warehouse use and a waiver of the bicycle parking requirements of Clause 52.34
Zone:	Commercial 2 Zone
Overlay:	Nil
Ward:	Springvale North

This application is brought before the Council as all applications for a liquor licence (where not associated with a food and drink premises) must be determined at a Council meeting.

The application proposes to change the use of part of the land to a retail premises and to sell packaged liquor in conjunction with the existing warehouse use.

A permit is required pursuant to:

- Clause 52.27 (Licensed Premises) to use land to sell or consume liquor.
- Clause 34.02 (Commercial 2 Zone) to use land as a retail premise.
- Clause 52.34 (Bicycle Facilities) to waive the bicycle parking requirements.

Advertising Summary

The application was advertised to the surrounding area through the erection of two on-site notices and the mailing of notices to adjoining and surrounding owners and occupiers.

No objections were received to the application.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Assessment Summary

The proposed change of use for part of the land to be used as a retail premises and to sell packaged liquor in conjunction with an established business is not considered to result in adverse amenity impacts to the surrounding commercial area, subject to conditions to ensure that the use is appropriately controlled and maintained.

Recommendation Summary

As assessed, officers consider this proposal to be generally compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. Council 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. Therefore, it is recommended that a Permit be issued subject to 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.

Subject Site and Surrounds

Subject Site

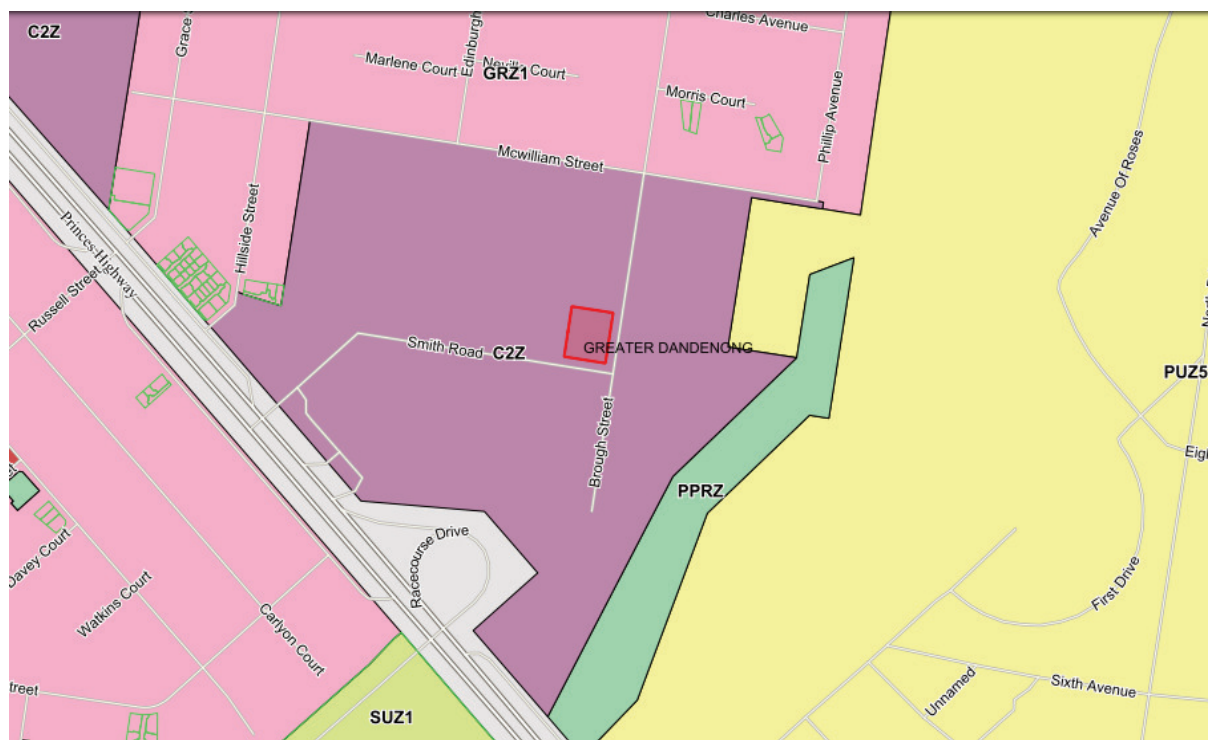
- The subject site is a regular shaped corner allotment located on the corner of Smith Road and Brough Street.
- The site contains an existing single storey warehouse building with a mezzanine floor and ground floor office at the south eastern corner. The total building area is 1,629.43 sqm.
- The subject site has a total of twenty-seven (27) car parking spaces accessible from the southern frontage connecting to Smith Road via two crossovers and accessways.
- The site is currently used as a warehouse with ancillary office. The warehouse is used to store and distribute liquor under a pre-retail licence which does not require a planning permit.

Surrounding Area

- The subject site is surrounded by industrial and warehouse uses within a Commercial 2 Zone bounded by Princes Highway to the south, the Springvale Botanical Cemetery to the east, McWilliam Street to the north and Hillside Street to the west respectively.
- The nearest residential zone is located 150m to the north (McWilliam Street) and 315m to the west (Hillside Street).

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Locality Plan



Background

Previous Applications

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

- PLN05/0628 was issued 17/10/2005 for 'The construction of buildings and works for an industrial / warehouse building with associated offices and reduced car parking requirements pursuant to Clause 52.06 of the Greater Dandenong Planning Scheme in accordance with the endorsed plans'. Applicable plans were endorsed 08/11/2005.
- PLN05/0628.01 was issued 29/05/2007 to amend the endorsed plans (Relocating a roller door, internal staircase and disabled toilet).

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Proposal

The application proposes to use the land to allow customers to purchase and collect packaged liquor as a retail component to the existing warehouse use. This is proposed to be an expansion of the existing storage and distribution of liquor activity occurring on the land.

The existing warehouse operates as an importing, storage, and distribution business for beer kegs. The proposed retail space is to operate in conjunction with this existing business, specialising in the sale of kegs and associated equipment and will not include the sale of other liquor.

The applicant has stated that the proposed operation hours will remain in line with the existing warehouse operations as follows:

- Monday – Friday 9.30am – 6pm;
- Saturday 9.30am – 4pm; and
- Closed on Sundays.

The retail use proposes a maximum of 12 patrons / customers on site at any one time. The total staff will remain the same as the existing operations with a maximum number of 12 staff members present across the whole site, including the warehouse, office and retail space.

There is a total of twenty seven (27) car parking spaces provided along the southern frontage of the site. The proposal does not include any alterations to the built form or car parking areas on site.

There is no signage associated with this application.

The applicant has stated that no liquor will be consumed on site.

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

Victorian Charter of Human Rights and Responsibilities

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

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

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

- Clause 52.27 (Licensed Premises) to use land to sell or consume liquor.
- Clause 34.02 (Commercial 2 Zone) to use land as a retail premise.
- Clause 52.34 (Bicycle Facilities) to waive the bicycle parking requirements.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

The relevant controls and policies are as follows:

Zoning Controls

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

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

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

Pursuant to Clause 34.02-1, a Warehouse is an as-of-right (permit not required) use. This includes the provisions of distribution of goods via online sales. It does not include in person retail or the display of goods to be collected in person.

Pursuant to Clause 34.02-1, a planning permit is required to use the land as a retail premise.

Overlay Controls

No overlays affect the subject site or surrounding area.

Planning Policy Framework

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

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

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

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

Clause 11 - Settlement

Clause 11 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, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 13.05-1S- Noise abatement

Clause 13.05-1S seeks to assist the control of noise effects on sensitive land uses. The policy documents include Environment Protection Regulations under the *Environment Protection Act 2017* and *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826.2, Environment Protection Authority, March 2021).

Clause 17 – Economic Development

Under this Clause, it notes that planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity, and planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts so that each district may build on its strengths and achieve its economic potential.

Clause 17.01-1 (Business) has the objective to encourage development which meet's the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The matter of Transport is considered at Clause 18, with Integrated Transport focused on under Clause 18.01. A relevant objective of that Clause which needs to be considered under this application includes that listed at Clause 18.01-1 relating to Land Use and Transport Planning, with that objective:

To create a safe and sustainable transport system by integrating land-use and transport.

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:

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:

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Clause 21.04-2 Retail, Commerce and Entertainment

Environmental issues – The easy accessibility by train and other modes of public and private transport to the retail and commercial centres of central Dandenong, Springvale and Noble Park helps achieve environmental sustainability. This needs to be maintained and improved by providing facilities and services accessible by bicycle and walking.

Economic issues – Greater Dandenong's retail, commercial, industrial and entertainment uses provide a range of jobs. Strengthening these assets will attract visitors from outside the municipality and improve employment opportunities. With suitable promotion, they could realise increased economic benefits for the City.

Social issues – Local retail centres can act as a focus for local communities helping strengthen local connections. Entertainment and associated uses are important in maintaining local cultural vitality but need to be managed to avoid late night disturbances to surrounding residents, and inadequate provision of car parking.

The following objectives and strategies are relevant:

Under **Clause 21.07 – Infrastructure and Transportation** matters of: physical, community and cultural infrastructure; public transport; walking and cycling; cars and parking; and, transport services are covered.

Within Clause 21.07-2 where the matter of public transport is considered, the following relevant objective and strategies are noted:

2. To integrate transport and land use.

2.1 Ensure residential, commercial and industrial development provides for safe and accessible pedestrian/bicycle movement to the public transport network.

The objectives and strategies of Clause 21.07-3 which relate to the matter of walking and cycling should also be considered.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

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.*

A Warehouse requires 2 plus 1.5 car spaces to each 100sqm of net floor area.

A retail premise is not listed in Table 1 to Clause 52.06; therefore, the car parking rate is to the satisfaction of the Responsible Authority.

Clause 52.27 – Licensed Premises

The purposes of this provision are:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998.

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.

Clause 52.34 - Bicycle Facilities

The purpose of this Clause is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Clause 52.34-1 states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Under Clause 52.34-2 states that a permit may be granted to vary, reduce or waive the requirements of Clause 52.34-3 and Clause 52.34-4. An application is exempt from the notice and decision requirements and appeal rights of some sections of the Act.

Under the table to Clause 52.34-3, a Warehouse is not listed in this Clause.

A Retail Premise is listed with the rate of 1 to each 300 sqm of leasable floor area for employees plus 1 to each 500 sqm of leasable floor area for visitors/shoppers.

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.

Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

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

Diversity (Access & Equity)

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

Community Safety

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

Safe Design Guidelines

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

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Referrals

The application was externally referred to the following for their consideration (summarised):

External Authority	Response
Victorian Gambling and Casino Control Commission (VGCCC) S52 comment non-mandatory referral	No comment.

Internal

The application was internally referred to the following Council teams for their consideration (summarised):

Council Referrals	Response
Transport Planning	No objection.
Community Services	No objection, subject to conditions.

Advertising

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site facing Smith Road and Brough Street

The notification has been carried out correctly.

Council has received zero (0) objections to date.

Consultation

A consultative meeting not held as no objections were received.

Assessment

The proposal has been assessed against the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework, the zoning of the land, the relevant particular provisions for licenced premises, and the decision guidelines of Clause 65.

Overall, the proposal is considered acceptable and would not result in any adverse impact to the amenity of adjoining or surrounding land.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Use

The application seeks to use the land to sell packaged liquor as a retail component to the existing warehouse use. This is proposed to be an expansion of the existing storage and distribution of liquor activity occurring on the land.

The warehouse currently operates as an importing, storage, and distribution business for beer kegs. A Warehouse use is as-of right under the Table of uses within a Commercial 2 Zone.

The proposed retail space is to operate in conjunction with this business, specialising in the sale of beer kegs and associated equipment and will not include the sale of other liquor. A planning permit is required to use the land as a Retail Premise under Clause 34.02-1 Section 2 (Commercial 2 Zone), and a planning permit is also required to sell liquor pursuant to Clause 52.27 (Licensed Premises).

The applicant has stated that the retail component of the site will have a maximum of 12 patrons / customers at any one time. The number of staff is proposed to remain the same as the existing operations with a maximum of 12 staff across the warehouse, office, and retail spaces. The operation hours are not proposed to be changed with this change of use.

The applicant has stated that no liquor will be consumed on site.

An Alcohol Management Plan is to be conditioned to a permit, if issued, to ensure that acceptable mitigation practices have been considered and will be put in place to control any behavioural and amenity risks, in compliance with Responsible Service of Alcohol practices and the 'Code of Conduct: Packaged Liquor Licensees'. This will be required to be submitted prior to the use commencing as recommended by the Community Services Department.

It is considered that the proposal would improve services on the site and provide a benefit to the community by way of employment, without compromising the local amenity of the surrounding land uses. The proposal meets the objectives of Clause 17 (Economic Development) and Clause 17.02-1S (Business) of the Planning Policy Framework in that it is considered to meet the community's needs for accessible facilities located within the municipality.

It is considered that the proposal would not result in adverse detriment to the surrounding uses which are general industrial and warehouse uses. There are no sensitive uses around the immediate site and the surrounding commercial precinct.

Furthermore, the proposed retail component is considered to be consistent with the purpose and decision guidelines of Clause 34.02 (Commercial 2 Zone). The proposed change of use is compatible with the existing operations on site, assisting the business to grow to meet demand and will not detrimentally impact the surrounding commercial area.

In accordance with DPCP Practice Note 61 "Licensed Premises: Assessing Cumulative Impact", a cumulative impact assessment is required if both the clustering and hours of operation tests are met, specifically, if the premises trades *after* 11.00pm; and in an area where there is a 'cluster' of licensed premises. The site is not within an area which forms a cluster of licensed premises, and the proposed hours of operation do not exceed 11.00pm. As such, there is no trigger for the provisions of a cumulative impact assessment.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Based on the above, it is considered that the proposal is appropriately located and would be managed to avoid any impact on the amenity of the surrounding area and community.

Car Parking

The table to Clause 52.06-5 (Car parking – Number of car parking spaces required under Table 1) contains car parking for different uses. The subject site is not within the Principle Public Transport Network map area. Therefore, Column A of Clause 52.06-5 is applicable.

A Retail Premise is not listed in the table and therefore has a discretionary rate to the satisfaction of the Responsible Authority.

The building on the site was developed for the purpose of a Warehouse building under Planning Permit PLN05/0628, issued on 17/10/2005. Under this permit, the subject site is provided with twenty seven (27) car parking spaces along the front southern boundary connecting to Smith Road via two 6 metre wide crossovers. A third crossover is provided to the eastern side of the warehouse for loading/ unloading purposes.

The development of the land for a warehouse required forty (40) car parking spaces at the time of this planning permit. Therefore, Council approved a reduction of thirteen (13) spaces under Planning Permit PLN05/0628.

The proposed retail space is located at the south eastern corner of the site, separated from the warehouse operations and was previously used as an office space.

It is considered that given this space was not approved as a part of the warehouse, but instead as an office, the application will not be impacting on the existing warehouse operations or car parking provisions for a warehouse. Furthermore, a second office space is to be retained in the first floor mezzanine located above the proposed retail space.

Additionally, the proposal does not alter the staff numbers or warehouse operations and proposes a maximum of 12 customers at any one time. The retail component makes up a minor ancillary component of the site to allow customers to pick up online keg orders where a 'warehouse' use would typically not allow.

The proposal includes the introduction of a maximum of 12 customers on site plus 12 employees providing a maximum total of 24 people present on site at any one time. This number is below the available twenty seven (27) car parking spaces existing along the southern frontage of the building. It is considered that the twenty seven (27) existing car parking spaces are adequate to cater for the proposed use and that the proposal would not result in car parking detriment to the surrounding land uses.

Furthermore, the application has been internally referred to Councils Transport Department with no concerns raised.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Bicycle Facilities

Clause 52.34-5 contains bicycle space requirements for different uses. A Warehouse is not listed under this clause, however a Retail Premise is with the rate of 1 to each 300 sqm of leasable floor area for employees plus 1 to each 500 sqm of leasable floor area for visitors/shoppers.

The total leasable floor area on site is 1,629.43 sqm which requires 5.43 for employees plus 3.26 for visitors/shoppers. This is a total of 8 spaces (calculated to the nearest whole number as per Clause 52.34-5).

3 bicycle racks are provided internal to the warehouse building. An additional 5 spaces are required.

Under Clause 52.34-2, a permit may be granted to vary, reduce or waive any bicycle parking requirement of Clause 52.34-5 and Clause 52.34-6.

The bicycle parking waiver is considered acceptable for the following reasons:

- The predominant use of the site is warehouse which does not have a bicycle parking rate listed under the scheme. A retail use is listed, however the proposal retail component on site is minor of the overall operations.
- The plans have provided three (3) bicycle parking spaces internal to the warehouse.
- The proposal includes the introduction of only 12 customers, which is not expected to create a significant bicycle parking demand.
- There is ample space internal to the warehouse, if the demand required, to provide additional spaces.

Given the above, it is considered that a waiver to the bicycle parking requirements in this instance is acceptable.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework, Local Planning Policy Framework, Municipal Strategic Statement, zones, overlays and Clause 65.

Overall, it is considered that the proposal is appropriate having regard to the site's location within a Commercial 2 Zone.

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

Recommendation

That Council resolves to grant a planning permit in respect of the land known and described as 48 – 50 Smith Road SPRINGVALE VIC 3171, for the “Use of the land for a Retail Premise and the sale of packaged liquor in conjunction with the existing warehouse use and a waiver of the bicycle parking requirements of Clause 52.34”, subject to the following conditions:

- 1. Except with the prior written consent of the Responsible Authority, the layout of the use shown on the endorsed plans must not be altered.**
- 2. Except with the prior written consent of the Responsible Authority, the approved use must not commence and the land must not be occupied until all conditions of this permit have been complied with.**
- 3. Liquor must only be stored within the red line area identified on the endorsed plans.**
- 4. Without the prior written approval of the Responsible Authority, any application to, or licence obtained from, the relevant Liquor Licensing Authority must be for the sale of Packaged Liquor License only.**
- 5. Prior to the use of the land for the sale of packed liquor commencing, an Alcohol Management Plan is required to be submitted that practices to mitigate behavioural and amenity risks, in compliance with Responsible Service of Alcohol practices and the ‘Code of Conduct: Packaged Liquor Licensees’, including:**
 - 5.1. Managerial and staff interventions which address incidents that can impact safety, i.e. dealing with intoxicated patrons, anti-social or difficult behaviours, refusal of service and/or minors on the premises and emergencies, and complaints;**
 - 5.2. Strategies for maximising amenity and public safety for customers and staff entering, in, and exiting the premises such as pedestrian access, adequate car park lighting, any CCTV;**
 - 5.3. Compliance with training requirements of Responsible Service of Alcohol standards and changes to liquor licencing laws and practices;**
 - 5.4. Responsible marketing and promotion of products that encourage risky or rapid alcohol consumption through incentives or pricing, including products aiming to appeal to minors;**
 - 5.5. Confirmation that House Rules Policy signage will include a map of the Redline area and be installed at entry/exit and sales point, stating;**

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

- 5.5.1. 'Customers are informed that the purchase of alcohol on behalf of minors is illegal.'**
- 5.5.2. 'Alcohol is not to be consumed in any public places in the municipality such as in the car park and connected areas, and that up to a \$1,000 Local Laws fine applies.'**
- 5.5.3. 'The safety and amenity of, pedestrians, businesses, and property in surrounding areas is to be respected upon leaving the premises.'**

6. The sale of liquor must only be carried out between the hours of:

- 6.1. Monday to Friday: 9.30am to 6pm;**
- 6.2. Saturday: 9.30am to 4pm; and**
- 6.3. Closed on Sundays.**

Unless with the written consent of the Responsible Authority.

7. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:

- 7.1. Transport of materials, goods or commodities to or from the land.**
- 7.2. Appearance of any building, works or materials.**
- 7.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil.**
- 7.4. Presence of vermin.**

All to the satisfaction of the Responsible Authority.

- 8. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 9. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.**
- 10. The site must be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**
- 11. Bins or other receptacles for any form of rubbish or refuse must not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.**

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

- 12. The owner, occupier and the manager must at all times make reasonable endeavours that persons resorting to the premises do not create a nuisance or annoyance to neighbours or otherwise disturb the amenity of the area.**
- 13. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**
- 14. A maximum of 12 customers may be on site at any one time unless with the written consent of the Responsible Authority.**
- 15. Liquor must only be sold to a person aged 18 and over.**
- 16. The licensee must ensure that evidence of age is to be provided before liquor is sold.**
- 17. This permit will expire if:**
 - 17.1. The use does not start within two (2) years of the date of this permit; or**
 - 17.2. The use is discontinued for a period of two (2) years.**

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.

Notes:

- Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Public Health team before occupation.**
- Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.**
- Prior to the erection of any advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme Controls.**
- A building approval may be required prior to the commencement of the approved use.**

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)

STATUTORY PLANNING APPLICATIONS

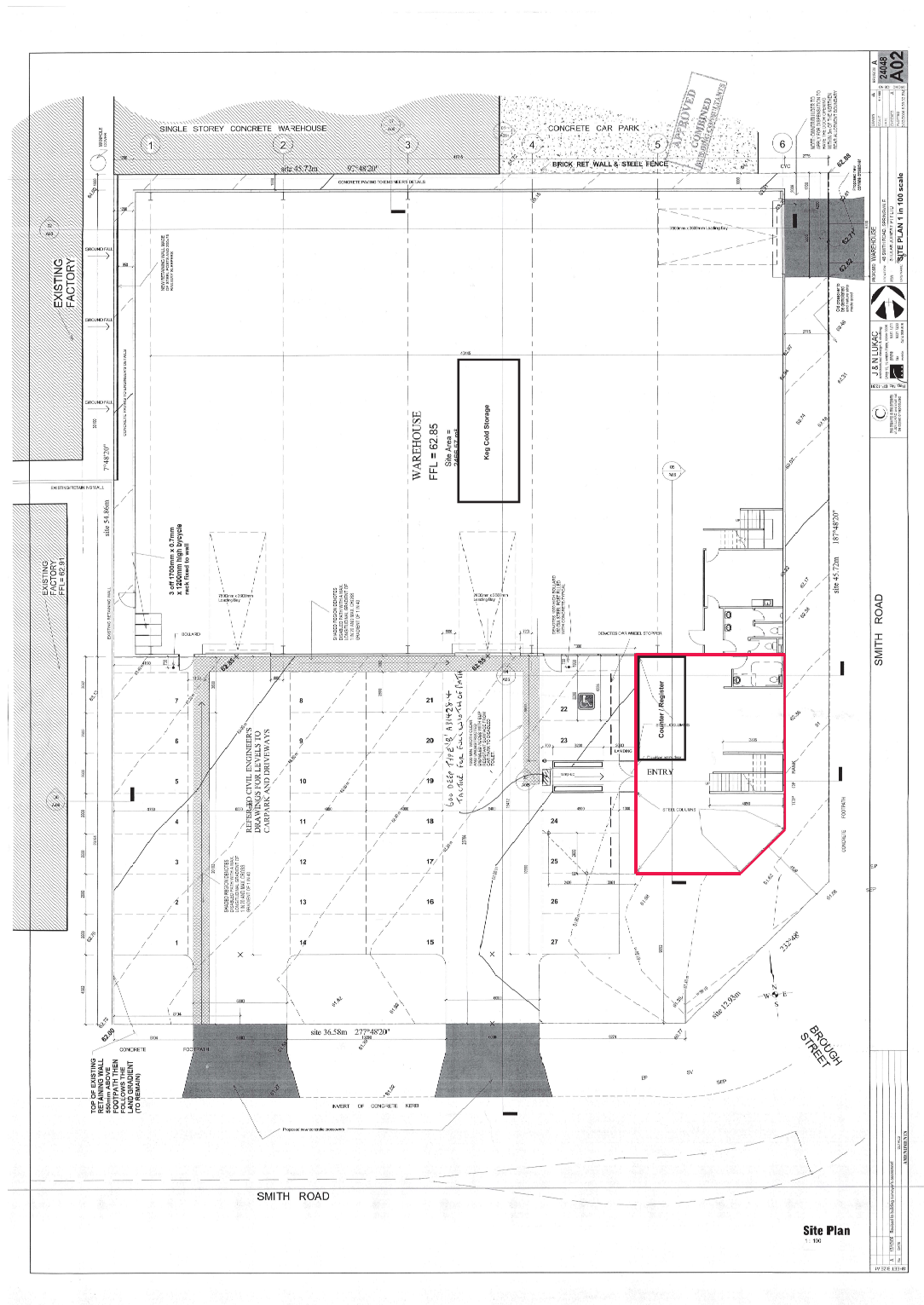
**TOWN PLANNING APPLICATION – NO. 48-50 SMITH
ROAD, SPRINGVALE (PLANNING APPLICATION NO.
PLN22/0400)**

ATTACHMENT 1

ASSESSED PLANS

PAGES 3 (including cover)

2.3.4 Town Planning Application - No. 48-50 Smith Road, Springvale (Planning Application No. PLN22/0400) (Cont.)



WAREHOUSE
F.F.L. = 62.85
Slope 1:100
2466.57 m²

CONCRETE CAR PARK
BRICK RET WALL & STEEL FENCE

ENTRY
DEDICATED CAR WHEEL ENTRANCE

staff
customers
customers

SMITH ROAD
BROUGH STREET

Site Plan
1:100

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.

a) 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.

b) 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.

c) 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).

d) 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.)

- e) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- f) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- g) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- h) 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).
- i) 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.
- j) 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 CONTRACTS

4.1.1 2122-52 Construction of Keysborough South Community Hub

File Id: qA478751

Responsible Officer: Director Business, Engineering & Major Projects

Attachments: Confidential Attachment

1. Report Summary

This report outlines the tender process undertaken to select a suitability qualified and experienced contractor for the construction of the Keysborough South Community Hub at Corner of Villiers Road and Chapel Road, Keysborough South.

2. Recommendation Summary

This report recommends that Council awards Contract No. 2122-52 Construction of Keysborough South Community Hub at Corner of Villiers Road and Chapel Road, Keysborough South to Melbcon Pty Ltd (ABN: 89 094 370 457) for a lump sum of Twenty-Two Million, Eight Hundred and Seventy-Eight Thousand, Five Hundred and Fifty-Seven Dollars and Seventy-Five Cents (\$22,878,557.75) including GST.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

3. Background

The City of Greater Dandenong is committed to establishing a community hub in Keysborough South where a range of services, programs and flexible meeting spaces will be provided for the community.

Council has undertaken extensive planning and consultation over a number of years for the proposed community hub and announced in 2019 Tatterson Park as the selected location for the facility.

Key features of the Community Hub are listed below and consistent with previous plans developed in consultation with the community.

- Community meeting rooms
- Kindergarten rooms
- Childcare rooms
- Maternal and Child Health consulting suites
- Community and library lounge
- Reception, kitchen, amenities etc.
- Outdoor community / play spaces

Demographic Information

Keysborough South has experienced significant housing development and population growth over the last 10 years, having increased from 5,516 residents in 2012 to 11,838 in 2019.

This surge in population has led to a significant increase in the demand for community services, in particular early years children's services. These services, in addition to a range of multi-purpose meeting rooms and spaces will be provided at the community hub, allowing opportunities for a variety of activities and programs to be offered for the community.

Detailed planning and consultation for the community hub was undertaken in 2015/16. This process involved responses from over 400 people and confirmed the need for a range of community services and flexible meeting spaces and outdoor areas. It also involved the preparation of concept plans (non-site specific) incorporating facilities for early years children's services (ie. kindergarten, childcare, maternal child health, immunisation services and playgroups), and spaces for young people, education based services and physical activity programs.

In November 2019, Council selected Tatterson Park, on the corner of Chapel Road and Villiers Road as the chosen location for the Community Hub due to its visual prominence, easy access, and central location for Keysborough South residents. This decision followed further community consultation involving over 550 responses.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

Planning and Consultation

Detailed planning and consultation for the community hub was undertaken in 2015/16. This process was facilitated by Planisphere and Brand Architects and sought feedback from Keysborough South residents about their community service needs. More specifically, this study aimed to:

1. Determine community need and sentiment on the development of a community hub in the Keysborough South area; and
2. Develop preliminary concept plans based on consultation outcomes and seek further community input and the facility design and potential governance models.

The project involved responses from over 400 people and confirmed the need for a range of community services, in addition to a school in Keysborough South. It also communicated the community sentiment and philosophy for the community hub and emphasised the need for a range of flexible meeting spaces and outdoor areas.

A range of program and service needs were identified including early years children's services (ie. kindergarten, childcare, maternal child health, immunisation services and playgroups), activities for young people, library and education based services and physical activity programs.

Design Principles and Process

The guiding principles for the design of the Keysborough South Community Hub include:

- A landmark / high quality facility
- Welcoming spaces that invite community gathering
- Multi-purpose spaces, that cater for diverse use / user groups
- Facilities that enable concurrent use by more than a single group
- Flexible spaces that are adaptable to future changing needs
- An innovative and environmentally sustainable design
- Integrated facilities and service delivery
- Universal access catering for all ages and for different abilities
- Use of low maintenance, natural and modern materials

Additionally, the design seeks to be visually prominent from Chapel Road, with a single entrance and simple internal navigation. The building and site layout also seeks to achieve sound mitigation from the bypass, preserve the existing well-established trees and achieve a 5-Star Green Star Design and As Built v1.3 rating, demonstrating Australian excellence in sustainable design principles.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

A design team led by architectural firm 'Group GSA' was appointed in February 2020 to undertake the design and documentation of the Keysborough South Community Hub.

This design process has been guided by previous planning and consultation undertaken for the community hub in 2015/16 and more recently in 2019 for the site selection. The Design Brief was based on the outcome of this planning (including draft concept plan) and a subsequent review in 2019. Additional stakeholder and community engagement was undertaken throughout the design process to inform the ultimate design solution for the new facility.

Consultation and Design Outcomes

The draft design for the Keysborough South Community Hub was placed on public exhibition for a two-week period from 12 June to 26 June 2020. A total of 91 submissions were received, which included a broad range of comments in response to the draft design for the hub.

Following careful consideration of all submissions received, the draft design for the community hub was amended to accommodate a number of changes, resulting in the eastern / community wing of the building being extended by a total of 104sqm.

The majority of this growth has occurred to the Community Lounge in order to maximise the functionality of this space and to cater for an expanded library service, additional work / study areas and informal gathering space to support a potential café service at peak times (pending demand).

A Makers Space for arts and craft activities has also been included, in addition to a range of other modifications, including expanded universal access baby change room and additional storage.

Key Features

The design includes a central entry and foyer which directs people into the warm light filled building which is divided into an eastern 'community' wing and western 'children's services' focused wing. The design allows for community access to the entire building including western wing when not required for children's services (pending demand), via a control point which can be left open when required. The central foyer also leads to an outdoor seating area and amphitheatre for the community to enjoy.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

A summary of key features and facilities of the Community Hub are listed below:

- Community Activity Rooms – two multi-purpose rooms catering for up to approximately 60 people each, with the potential to combine into one large room. Suitable for a range of programs and activities including playgroup, lifelong learning and library programs, events, community group / club activities etc.
- Community Meeting Rooms – four meeting room of varying sizes with concealed storage and the ability to cater for a range of users and programs. Two rooms have the potential to combine into one larger meeting room for up to approximately 30 people.
- Community Lounge – for socialising / community gathering, informal activities, event spill out, quiet reading and study; featuring flexible seating, free WiFi, tea and coffee facilities, community noticeboard and library book pick-up / drop off (as part of an outreach library service).
- Community Kitchen – catering for community spaces and community groups.
- Kindergarten Rooms – two rooms with space for up to 33 licenced places each.
- Child Care Rooms – two rooms with space for up to 57 licenced places.
- Consulting Suites– three consulting suites for Maternal and Child Health and other specialist services, with a multifunctional waiting area.
- Reception, administration, storage, and amenities.
- External Areas:
 - Licenced play area for kindergarten and childcare
 - Community ‘neighbourhood’ playground with basketball half court
 - External seating areas
 - Amphitheatre
 - Car Parking

These revised plans were formally considered at the Council Meeting on 10 August 2020, where Council resolved to:

- endorse the proposed response to community feedback and revised design for the Keysborough South Community Hub on the corner of Chapel Road and Villiers Road in Keysborough;
- proceed with the detailed design and documentation of the Hub in accordance with the revised design; and
- advise the community of the outcome of the consultation process.

4. Tender Process

This tender was available online via Vendor Panel (Council’s e-tendering platform) from Wednesday 29 June 2022 and advertised on Saturday 2 July 2022 in The Age Newspaper and Greater Dandenong City Council Website with a closing time and date of 2.00pm on Tuesday 23 August 2022.

During the tender advertising period, all tenderers were invited to visit the greenfield site to familiarise themselves with the location for the construction of the Keysborough South Community Hub.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

At the close of the tender advertising period, tender submissions were received from five (5) contractors as indicated below:

- 2Construct (ABN: 28 109 517 188)
- Circon Constructions (ABN: 44 113 265 044)
- Civiq (ABN: 35 626 744 367) (Drinking Fountain only) – Non-Conforming
- Melbcon (ABN: 89 094 370 457)
- Randstand (ABN: 28 080 275 378) (Project Manager only) – Non-Conforming

5. Tender Evaluation

The tender evaluation panel comprised:

Evaluation Team Member	Voting Right
Manager Community Wellbeing	Yes
Coordinator Building Projects	Yes
Acting Manager Community Art, Culture and Library Services	Yes
Senior Project Manager Building Projects	Yes
Capital Works/Project Manager	Yes
Coordinator Special Project	No
Probity Auditor (Jonathan Thomas), Shine Wing Australia	No
Senior Contracts Officer	No

All panel members have signed the Council's probity forms; Conflict of Interest and Confidential and Remote Location (Agile Space Evaluation), agreeing that they would evaluate tenders fairly and would disclose any conflict of interest.

Each submission was assessed and ranked against all evaluation criteria by each member of the evaluation panel. These rankings were then collated and multiplied by the weighting to give a weighted attribute score for each criterion and totaled to give an overall comparative evaluation score for all criteria as shown in the following tables.

The tenders were evaluated using Council's Weighted Attribute Value Selection Method.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

The advertised evaluation criteria and the allocated weightings for evaluation are as follows:

	Evaluation Criteria	Weighting
1	Price	40%
2	Experience & Capacity	25%
3	Methodology & Systems	20%
4	Social Procurement	5%
5	Local Industry	5%
6	Environmental	5%
7	OHS Management System	Pass / Fail
8	Environmental Management System	Pass / Fail

The Evaluation Criteria 1 – 6 are given a point score between 0 and 5 as detailed in the following table.

Score	Description
5	Excellent
4	Very Good
3	Good, better than average
2	Acceptable
1	Marginally acceptable (Success not assured)
0	Not Acceptable (failed to satisfy required standards)

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

Five (5) submissions were received, however, two (2) were deemed as not suitability qualified and experienced contractors to undertake the construction project and were then deemed non-conforming.

The three (3) conforming submissions were assessed and ranked against all evaluation criteria, to ensure that each tenderer met the standards required for Council contractors. A fail in any criterion would automatically exclude a tenderer from further consideration for this contract.

Tenderer	Price Point	Non-Price Points	Total Score	OHS	EMS
2Construct (ABN: 28 109 517 188)	1.14	1.59	2.73	Non -Compliant	
Melbcon Pty Ltd (ABN: 89 094 370 457)	1.00	1.50	2.50	Compliant	
Circon Construction Pty Ltd (ABN: 44 113 265 044)	0.98	1.28	2.26	Non-Compliant	

Please Note: Rapid Global is a third-party pre-qualification and verification system used by Council and ten (10) other Victorian Councils enabling the sharing of OH&S data. It is a Risk and OH&S system where contractors can upload their Occupational Health & Safety, Risk and Environment Plans and Policies as well as up to date insurances.

Post Tender Clarification

Clarification was sought from the three (3) conforming tenderers on the following topics:

- Bill of Quantities and Trade Breakdown
- Project Specific Methodologies
- Green Star Certification Process
- Review and Confirm Programme Details (noting Green Star requirements)
- Confirmation to hold tender submitted pricing (August 2022)

The evaluation panel reconvened, and it was determined that based on the post clarification tender responses there would be no adjustments to the original scoring.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

Pricing

As part of the post tender clarification process the three (3) conforming tenderers were asked if they would hold tender pricing submitted in August 2022 (closing date of tender) until February 2023.

Of the three (3) respondents, only Melbcon advised that they would hold the original submitted tender price from August 2022, therefore, Melbcon were the only respondent invited to interview.

Post Tender Interview Clarification

Post interview clarification was sought from Melbcon on the following topics:

- Inclusions/Exclusions
- Products/Fixtures and Fittings
- Guarantees and Warranties
- Prices and Rates
- Confirmation of submitted tender pricing to be held until February 2023

The post tender clarification process overall was extensive and added significantly to the time required to complete the tender process.

Reference Checks

Reference checks were completed with the following Councils:

- Wyndham City Council
- Hobsons Bay Council
- City of Brimbank

An internal reference check was completed with a Project Manager in the Building Projects Unit, City Improvement.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

Relevant Experience

Melbcon Pty Ltd is a Croydon-based, construction company with over 30 years of experience, and has demonstrated experience in projects of a similar nature to the Keysborough South Community Hub and community facilities in general, working with many local councils including the following projects:

- Riverdale Community Centre \$7.3M – Wyndham City Council
- Truganina East Integrated Family Learning Centre \$5.6M – Wyndham City Council
- Edgars Creek Community Activity Centre \$4.5M – Lend Lease Communities
- Merrifield North Multipurpose Centre \$5.1M – Hume City Council
- Fraser Rise Children & Community Centre \$6.6M – City of Melton
- Altona Early Years Centre \$6.9M – Hobsons Bay City Council
- Ross Reserve Pavilion \$9M and Noble Park Aquatic Centre Health & Wellbeing Gymnasium \$6.7M – Greater Dandenong City Council (current projects)

Melbcon have displayed extensive experience delivering community facilities for local Councils, as well as an extensive range of sporting pavilions and infrastructure projects in the local government and education sectors.

The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

6. Financial Implications

The overall project budget has adequate funding available to undertake the project as detailed. Note that the project budget of \$22,000,000.00 is GST exclusive and compares to the tender amount of \$22,878,557.75 which is inclusive of GST.

7. Social Procurement

Melbcon encourages their subcontractors to participate in local community engagement and employ local people during the construction period. They will always give preference to subcontractors from the local community.

Melbcon welcome participation from all communities and do not prioritise or discriminate against any participants. Their labour hire providers recruit from all diverse community backgrounds without discrimination. Melbcon provide preferential treatment to subcontractors who follow similar protocols.

8. Local Industry

The preferred tenderer has nominated spending 30% on labour, 30% on materials, 20% on plant and 10% on local supervision.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

9. Environmental Management

The preferred tenderer is committed to environmental management of the site and is ISO 14001:2015 certified on Environmental Management System.

10. Consultation

Internal stakeholders have been widely engaged throughout the design and procurement process. This has been supported by a core working group consisting of officers from City Improvement and Community Development.

11. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (the LGA 2020) states that a Council must in the performance of its role give effect to the overarching governance principles. When a

tender process is undertaken it is fundamentally underpinned by the following overarching governance principles:

- Section 9(a) of the LGA2020 - Council decisions are to be made and actions taken in accordance with the relevant law;
- Section 9(b) of the LGA2020 - Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- Section 9(c) of the LGA2020 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Section 9(e) of the LGA 2020 - innovation and continuous improvement is to be pursued;
- Section 9(f) of the LGA 2020 - collaboration with other councils and governments and statutory bodies is to be sought;
- Section 9(g) of the LGA2020 - the ongoing financial viability of the Council is to be ensured; and
- Section 9(i) of the LGA2020 - the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles above, the following supporting principles are also considered throughout any tender process:

- Section 89 of the LGA2020 - the strategic planning principles; and
- Section 1010 of the LGA 2020 - the financial management principles.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

12. 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.

Included in the tender submissions, successful contractors have completed the Modern Slavery Questionnaire, Questionnaire for Potential Contractors (Fair work) and the Victorian Child Safe Standards Questionnaire (Schedule 14).

The responses provided to these statements by all contractors were assessed and determined to be satisfactory in the context of the Victorian Charter of Human Rights and Responsibilities.

13. 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.

Included in the submission for this tender, contractors were required to address Councils Social Employment opportunities (Schedule 7B). This includes questions to address Council's Diversity, Access and Equity Policy.

The responses provided to these statements by all contractors were assessed and determined to be satisfactory in the context of the Gender Equality Act.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

14. 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.

The purpose of the Sustainable Buildings Policy (“the Policy”) is to incorporate environmentally sustainable design principles into the design, construction, operation, management and disposal of buildings owned and managed by Council.

The new facility is to comply with the Greater Dandenong Sustainable Buildings Policy (as adopted 24.08.2020). Relevant clauses from this policy are: 1. Minimum 5 Stars Green Star Design & As Built (or equivalent). The design specifications must be peer reviewed by an independent third party. 2. All buildings must be designed to achieve net zero carbon emissions through a combination of ESD principles, on-site renewable energy generation, and Power Purchasing Agreements (PPAs) or carbon offsets. 3. Natural gas is not permitted under any circumstance.

Sustainability categories addressed in the design of the pavilion: Design, Energy Efficiency, Water Use, Waste, Indoor Environment Quality, Building materials, Landscape, Transport.

Keysborough South Community Hub has been registered with the Green Building Council of Australia (GBCA), the administrative body for the Green Star environmental rating system. The community hub will achieve a certified 5 Star Green Star Design and As Built (v1.3) rating, demonstrating Australian Excellence in environmentally sustainable design. Key sustainability features include all-electric design (no gas), a large solar panel array, rainwater capture and re-use, passive design for thermal performance, and drought tolerant landscaping.

15. Conclusion

Following a thorough and extensive evaluation of the tender submissions the Tender Evaluation Panel concluded that the Melbcon Pty Ltd proposal demonstrated best value for the Council.

At the conclusion of the tender evaluation process, which included a preselection interview, the evaluation panel agreed that the tender submission from Melbcon Pty Ltd represented the best value outcome for Council and should be accepted.

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

16. Recommendation

That Council:

- 1. awards Contract No. 2122-52 Construction of Keysborough South Community Hub at Corner of Villiers Road and Chapel Road, Keysborough South to Melbcon Pty Ltd (ABN: 89 094 370 457) for a lump sum of Twenty-Two Million, Eight Hundred and Seventy-Eight Thousand, Five Hundred and Fifty-Seven Dollars and Seventy-Five Cents (\$22,878,557.75) including GST; including GST;**
- 2. authorises the Chief Executive Officer to execute the contract agreements and any associated documentation with the successful contractor; and**
- 3. notes that expenditure under this contract is in accordance with Council's Budget for Financial Year 2022/23 and provisions will be made accordingly for the associated future budget periods for this contract.**

4.1.1 2122-52 Construction of Keysborough South Community Hub (Cont.)

CONTRACTS

**CONTRACT NO.2122-52 CONSTRUCTION
OF KEYSBOROUGH SOUTH COMMUNITY
HUB**

ATTACHMENT 1

**TENDER INFORMATION
(CONFIDENTIAL)**

PAGES 7 (including cover)

This attachment has been deemed confidential by the Chief Executive Officer under section 3(1) of the
Local Government Act 2020 and has not been provided within the Public Agenda.

4.2 POLICY AND STRATEGY

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report

File Id:	A9332940
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Scheme Amendment C224 Greater Dandenong Panel Report (Att. 1) Planning Scheme Amendment C224 Clause 43.02 Schedule 5 (Post-Panel changes) (Att. 2) Planning Scheme Amendment C224 Clause 22.09 Residential Development and Neighbourhood Character Policy (Post-Panel Changes) (Att. 3)

1. Report Summary

Planning Scheme Amendment C224gdan applies to the Noble Park Major Activity Centre and proposes to revise the existing planning controls to provide clearer guidance regarding the built form and urban design outcomes in the Activity Centre.

At the 8 August 2022 Council meeting, Council resolved to refer all submissions received during exhibition of the amendment to an independent Planning Panel.

A Planning Panel was appointed under Section 153 of the *Planning and Environment Act 1987*. The Panel appointed by the Minister for Planning conducted the Panel Hearing via video conference on 26 October 2022.

This report discusses the findings of the Planning Panel's report and recommends that Amendment C224gdan be adopted as per the Panel's recommendations and forwarded to the Minister for Planning for approval.

2. Recommendation Summary

This report recommends that Council adopt Amendment C224gdan – Noble Park Major Activity Centre, to the *Greater Dandenong Planning Scheme* in the form as recommended by the Panel and forward Amendment C224gan to the Minister for Planning for approval.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

3. Background

The *Noble Park Major Activity Centre Structure Plan 2021* was adopted by Council on 24 May 2021.

The Structure Plan sets out, among other elements, the preferred heights and setbacks for development throughout the activity centre over the next twenty (20) years. To achieve these heights and setbacks, a revised Design & Development Overlay – Schedule 5 (DDO5) and a revised Noble Park Activity Centre Local Policy (Clause 22.08) are proposed to be gazetted into the *Greater Dandenong Planning Scheme* through this amendment. The Structure Plan will also become a Background Document in the *Greater Dandenong Planning Scheme*. In addition, a number of other minor changes are proposed to the planning scheme (see ‘3.3 Planning scheme amendment process’ below).

3.1 Noble Park Major Activity Centre Structure Plan (2021)

The revised Structure Plan for Noble Park has a series of objectives, strategies and actions that have been identified under four key headings to assist in achieving the shared vision of the centre through land use and economic activity, built form and urban design, access and movement and public realm.

The Structure Plan is proposed to be included as a background document in the planning scheme as it provides the strategic basis to guide future growth, provision of infrastructure and public and private investment within the centre. It has directly informed the revised Clause 22.08 - Noble Park Activity Centre Local Policy and the Design and Development Overlay - Schedule 5 (DDO5) as part of Amendment C224gdan.

3.2 Clause 22.08 - Noble Park Activity Centre Local Policy and Design and Development Overlay - Schedule 5 (DDO5)

The proposed Clause 22.08 - Noble Park Activity Centre Local Policy encourages development that enhances the fine grain, pedestrian scale ‘village’ characteristics of the centre. It also provides direction to Council in considering future land use and development applications within the centre.

The strategies of Clause 22.08 and objectives of DDO5 seek to concentrate higher levels of

development on land in Precinct 2 (Core) and on Key Redevelopment Blocks, to maintain the fine grain rhythm at street level, ensure high quality development, and a permeable and pedestrian friendly centre.

The DDO5 has identified three (3) precincts within the centre which have specific site responsive built form controls to guide high quality medium to high density development that will accommodate future population growth. The application of discretionary built form provisions is considered an appropriate approach which will ensure that valued attributes of the centre are maintained to facilitate ongoing development.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

3.3 Planning scheme amendment process

In summary the Amendment proposes to:

- Replace Clause 22.08 with a revised Noble Park Activity Centre Local Policy.
- Replace Clause 43.03 Schedule 5 with a revised Design and Development - Schedule 5.
- Include the *Noble Park Major Activity Centre Structure Plan (2021)* as a reference document.
- Make consequential changes to Clauses 21.04 and 22.09 to reflect the revised boundary of the activity centre.
- Rezone land in Noble Park from the Residential Growth Zone Schedule 2 (GRZ2) to the Commercial 1 Zone (C1Z) to reflect the directions of the *Noble Park Major Activity Centre Structure Plan (2021)*.
- Expand the boundary of the existing DDO5 to land in Noble Park to generally reflect the directions of the *Noble Park Major Activity Centre Structure Plan (2021)*.
- Delete a small section of the DDO5 to correct a mapping anomaly.

Planning Scheme Amendment C224gdan was publicly exhibited in May and June 2022 as per the statutory requirements.

A total of eleven (11) submissions were received in response to the exhibition period for Amendment C224. From the officers' analysis, two (2) supported the amendment with changes, four (4) objected to the amendment, three (3) had no objection to the amendment and one (1) was unclear. A further submission (Submission 10) was written on the Council supplied Submission Form for this amendment, however, it does not appear to relate to the amendment in any way. It was included as part of this process for completeness.

The Panel Chair summarised key issues raised in submissions, these included:

- Whether the commercial area should be expanded.
- The impact of building heights on the village character of Noble Park.
- The need to protect heritage places.
- The impact of future development on solar access of existing buildings.
- The impact of future development on wind conditions.
- The impact of increased traffic on safety.

No changes were made to the exhibited version of Amendment C224gdan in response to the submissions received.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

4. Discussion

4.1 Planning Panel

At its meeting on 8 August 2022, Council resolved to refer all submissions to an independent Planning Panel for consideration. As a result, a Planning Panel was appointed by the Minister for Planning to consider the Amendment under Section 153 of the *Planning and Environment Act 1987*.

The Panel conducted the Panel Hearing via video conference on Wednesday 26 October 2022. Two (2) parties, including Council submitted to the Panel Hearing.

The Amendment C224gdan Panel Report was received by Council on 29 November 2022 and is provided at **Attachment 1**.

In accordance with Section 23(3) of the *Planning and Environment Act 1987* the Panel Report was made publicly available on 13 December 2022.

4.2 Panel Report

The Panel advised that it is satisfied that Amendment C224gdan is well founded and strategically justified and will support Noble Park realising its strategic role as a major activity centre.

In response to the submissions received during exhibition, the Panel concluded:

- The revised boundary of the Noble Park Major Activity Centre is appropriate as is rezoning residential land to extend the commercial spine of the centre.
- Council should continue to monitor demographic changes and development activity to confirm if sufficient land is set aside for commercial purposes.
- Proposed building heights are appropriate, including those on and surrounding heritage places.
- There is an appropriate planning framework for managing overshadowing, wind conditions and traffic.

Panel Recommendation

The Panel recommends that Greater Dandenong Planning Scheme Amendment C224gdan be adopted as exhibited, subject to the following changes:

1. Amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay - Schedule 5
2. Amend Design and Development Overlay - Schedule 5 to delete “*uncomfortable wind conditions*” from the fifth objective.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Officers' response to Panel recommendations:

1. **Clause 22.09 Residential Development and Neighbourhood Character Policy**

The first Panel recommendation is to *"amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay Schedule 5"*. This recommendation was raised by Panel in response to several submitters who objected to the building heights proposed by DDO5.

The Panel is satisfied Amendment C224 balances the considerations of state planning policy, the Greater Dandenong Housing Strategy 2014-2024 and the site-based criteria appropriately. It found the *"building height proposition put forward has a clear logic... [and is] purposeful in identifying high opportunity areas for redevelopment"*.

This recommendation is to ensure the building height guidance provided in DDO5 is consistent with the 'Relationship of future change areas and preferred housing types' table in Clause 22.09-3.6.

To ensure the amendment documentation is consistent with policy guidance in the planning scheme and complies with drafting entry rule 4.2.3 of *A Practitioner's Guide to Victorian Planning Scheme Version 1.5 (April 2022)* the Panel recommends amending the building height guidance in Clause 22.09. Rule 4.2.3 states *"a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions"*.

The proposed DDO5 applies to properties zoned Residential Growth Zone Schedule 2 (RGZ2) in the Noble Park MAC. The current RGZ2 schedule has no specified building height requirements, therefore this zone provides for a default preferred building height of 13.5m (4 storeys). The DDO5 includes the following preferred building heights for properties in the RGZ2 located in Noble Park MAC:

- 4 storeys (14.5m); or
- 5 storeys (18m); or
- 6 storeys (21.5m).

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

The DDO5 includes specific requirements relating to the design and built form of new development. When assessing an application in the Noble Park MAC boundary, applicants must consider the DDO5 and *Noble Park Activity Centre Structure Plan 2021*.

Clause 22.09 of the Greater Dandenong Planning Scheme depicts a preferred height of 4 storeys (13.5m). As this differs to the proposed DDO5, the Panel has recommended amending Clause 22.09 to ensure consistency across the planning scheme.

Officers are supportive of this recommendation and propose:

- Amending Clause 22.09 to include the following text '*unless otherwise advised by adopted activity centre structure plans*' where appropriate throughout the policy (see Attachment 3); and
- Amending the table at Clause 22.09-3.6 titled 'relationship of future change area and preferred housing types' as follows (changes marked in red):

SUBSTANTIAL CHANGE	4 storeys (13.5m)*			
INCREMENTAL CHANGE		3 storeys (11m)*	2 storeys (9m)*	
LIMITED CHANGE				2 storeys (9m)*
*Preferred housing types and building height unless otherwise advised by adopted activity centre structure plans				

Table 1 : Proposed changes to Clause 22.09 as per the Planning Panel's recommendation.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

2. Wind conditions

The second Panel recommendation is to “amend Design and Development Overlay - Schedule 5 to delete *“uncomfortable wind conditions”* from the fifth objective”. This matter was raised by Panel in response to Submitter 5 (five), who expressed concern taller buildings would create wind tunnels through laneways and roads.

The strategic background material for Amendment C224 considered, in detail, the impacts development would have on wind patterns and street amenity in Noble Park. This research informed the DDO5 which included wind requirements for development at and above 4 storeys.

Prior to authorisation of Amendment C224gdan, the Minister for Planning approved and gazetted Amendment VC174 which introduced new wind impact standards to all planning schemes in Victoria. Subsequently, the Minister for Planning required the removal of wind requirements from the DDO5 and any associated documents as a condition of authorisation for Amendment C224gdan. This was deemed acceptable on the basis that there are now specific measures to address wind impacts adequately in other parts of the Planning Scheme (including wind impacts objectives of Clause 58 Apartment Development). The wind impact requirements were removed from the amendment documentation prior to exhibition of Amendment C224gdan.

However, the exhibited DDO5 included the following text as the fifth objective:

*“To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing **or uncomfortable wind conditions**”.* (Emphasis added)

The Planning Panel accepted Council’s advice that other parts of the Planning Scheme manage wind impacts of new development and stated *“given there is no role for DDO5 to manage wind conditions, the objectives of the overlay should be amended. This approach would appear consistent with conditions of authorisation imposes on preparation of the Amendment”*.

Council officers accept the recommendation by Panel on the basis that the DDO5 does not include any requirements for wind management and other parts of the planning scheme adequately manage this concern. Council officers recommend removing “or uncomfortable wind conditions” from the fifth objective of DDO5.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

4.3 Conclusion:

In summary, the Panel was satisfied Amendment C224gdan is well founded and strategically justified and will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

Officers are supportive of all of Panel's recommendations. Attachments 2 and 3 show the final versions of DDO5 and the Local Policy (Clause 22.09) with the changes that are recommended for adoption.

5. Proposal

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

After considering the Planning Panel's recommendations, the planning authority (Council) has the following options:

1. Adopt the amendment without changes and request the Minister for Planning approve the amendment as exhibited.
2. Adopt the amendment with changes as described in response to the Planning Panel's recommendations and request the Minister for Planning approve the amendment.
3. Abandon the amendment.

Officers are recommending Option 2 as being most appropriate. These changes are considered acceptable and should be supported in order to continue to progress this important amendment for Greater Dandenong.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

6. Financial Implications

There are no financial implications associated with this report. Planning Scheme Amendment C224gdan has been budgeted for in the financial year and considered as part of the Long-Term Financial Strategy.

7. Consultation

Planning Scheme Amendment C224gdan was publicly exhibited from 23 May to 24 June 2022 in accordance with requirements of the *Planning and Environment Act 1987*.

Letters were sent to owners, occupiers, Prescribed Ministers, and referral authorities.

In addition, the Amendment was advertised to the broader community through:

- Formal notice in the local newspaper (Dandenong Star Journal) and Government Gazette;
- Notice on Council's website and social media posts throughout the month; and
- Explanatory folders at all Council Customer Service Centres.

All submitters to the amendment were invited to participate in the Panel Hearing process.

Should Council adopt the amendment as per this report's recommendation, all submitters to the amendment will be notified.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

8. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*The City of Great Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

8.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Education, training, entrepreneurship and employment opportunities
- Sustainable environment
- Embrace diversity and multiculturalism
- Art and Culture.

8.2 Council Plan 2021-25

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 strategic objectives:

- A socially connected, safe and healthy city
- A city that respects and celebrates diversity, our history and the arts
- A city of accessible, vibrant centres and neighbourhoods
- A green city committed to a sustainable future
- A city that supports entrepreneurship, quality education and employment outcomes.

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.

Amendment C224gdan is governed by Section 23 of the *Planning and Environment Act 1987* which administers the process for a planning authority (Council) to progress a planning scheme amendment.

All relevant Sections of the *Planning and Environment Act 1987* have been adhered to in the preparation of Amendment C224gdan and this report, including through the statutory exhibition of the Amendment to the community.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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).

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, particularly in relation to the right to privacy, freedom of expression, and the right to take part in public life.

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.

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. The content (of this report) is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

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 but are not relevant to its contents. The content (of this report) is purely administrative in its nature and will help promote Council's broader climate change and sustainability goals.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

13. Related Council Policies, Strategies or Frameworks

- Noble Park Major Activity Centre Structure Plan, 2021
- Greater Dandenong Planning Scheme

14. Conclusion

The Panel concluded that Amendment C224gdan is strategically justified and is supported by the extensive suite of strategic work that Council has undertaken.

The amendment is recommended to be adopted subject to the changes recommended by the Panel and outlined above. Principally the Panel changes incorporate removing reference to wind conditions in the DDO5 and clarify the preferred building heights in Clause 22.09 of the *Greater Dandenong Planning Scheme*.

All other components of the amendment are to remain unchanged.

These changes are considered acceptable and should be supported in order to continue to progress this important amendment for Greater Dandenong.

15. Recommendation

That Council:

1. receives the Panel Report prepared in response to submissions made to Amendment C224gdan to the *Greater Dandenong Planning Scheme* and considers its recommendations in accordance with Section 27(1) of the *Planning and Environment Act 1987* as outlined in this report;
2. adopts the recommendations of the Panel Report as set out in this report;
3. adopts Amendment C224gdan to the *Greater Dandenong Planning Scheme* in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C224gdan recommended in this report and detailed in Attachments 2 and 3;
4. forwards the documentation for Amendment C224gdan to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and
5. advises all submitters accordingly.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

POLICY AND STRATEGY

**PLANNING SCHEME AMENDMENT C224GDAN NOBLE PARK MAJOR
ACTIVITY CENTRE CONSIDERATION OF PANEL REPORT**

ATTACHMENT 1

**PLANNING SCHEME AMENDMENT
C224GDAN GREATER DANDENONG PANEL
REPORT**

PAGES 43 (including cover)

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

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

The logo for Planning Panels Victoria, featuring the text "Planning Panels Victoria" in a bold, blue, sans-serif font. The background of the slide features a geometric pattern of overlapping triangles in shades of grey and blue.

Greater Dandenong Planning Scheme Amendment C224gdan
Noble Park Major Activity Centre Structure Plan

Panel Report

Planning and Environment Act 1987

29 November 2022



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Dandenong Planning Scheme Amendment C224gdan

Noble Park Major Activity Centre Structure Plan

29 November 2022



Alison McFarlane, Chair

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Appendix A Land affected by Amendment

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- B:2 Other relevant planning strategies and policies
- B:3 Planning scheme provisions
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Glossary and abbreviations

the Amendment	Greater Dandenong Planning Scheme Amendment C224gdan
C1Z	Commercial 1 Zone
Council	Greater Dandenong City Council
DDO5	Design and Development Overlay Schedule 5
DELWP	Department of Environment, Land, Water and Planning
GRZ3	General Residential Zone Schedule 3
KRB	Key Redevelopment Blocks
MAC	Major Activity Centre
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Greater Dandenong Planning Scheme
PPF	Planning Policy Framework
PPN	Planning Practice Note
RGZ2	Residential Growth Zone 2 (Residential Inner Area)
the Trust	Noble Park Public Hall Trust

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 29 November 2022

Overview

Amendment summary

The Amendment	Greater Dandenong Planning Scheme Amendment C224gdan
Common name	Noble Park Major Activity Centre Structure Plan
Brief description	Revise local policy, zones and overlay implement the <i>Noble Park Major Activity Centre Structure Plan, 2021</i>
Subject land	Noble Park Major Activity Centre
Planning Authority	Greater Dandenong City Council
Authorisation	7 September 2021
Exhibition	24 February to 6 May 2022
Submissions	Number of Submissions: 11 Opposed or requested changes: 8 <ul style="list-style-type: none">- Aaron Ken- South East Water- Noble Park Public Hall Trust- Keith Bennett- Grahame Rowland- David and Sylvia Corbett- Barbara Quintal- Gaye Guest- Melbourne Water- Shine Bright Cosmetics- Department of Transport

Panel process

The Panel	Alison McFarlane (Chair)
Directions Hearing	Video conference, 15 September 2022
Panel Hearing	Video conference, 26 October 2022
Site inspections	Unaccompanied, 22 November 2022
Parties to the Hearing	Greater Dandenong City Council represented by Kirsten Richardson of Maddocks Lawyers Noble Park Public Hall Trust represented by Gaye Guest
Citation	Greater Dandenong PSA C224gdan [2022] PPV
Date of this report	28 November 2022

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

Executive summary

Noble Park is one of the 121 major activity centres (MAC) identified in Plan Melbourne. It has experienced significant changes over the last decade, the most notable of which has been the elevation of the railway line and the subsequent removal of the level crossing at Heatherton Road. This has resulted in the development of a new railway station, bus interchange and station civic space, and the construction of the Djerring Trail (a new shared walking and cycling path running from Caulfield to Dandenong).

On the back of this change, Greater Dandenong City Council has prepared the *Noble Park Major Activity Centre Structure Plan, 2021* to replace the previous structure plan prepared in 2009. Greater Dandenong Planning Scheme Amendment C224gdan (the Amendment) seeks to implement the new structure plan by:

- amending local policy to increase the boundary of the MAC
- zoning additional commercial land within the MAC
- amending Design and Development Overlay Schedule 5 to set new design controls for the MAC, including setting new preferred building heights.

Eleven submissions were received following exhibition of the Amendment. Of these, three submissions were received from government agencies supporting the Amendment (South East Water, Melbourne Water and Department of Transport). The remaining submissions opposed or requested changes to the Amendment. The key issues raised in submissions included:

- whether the commercial area should be expanded
- the impact of building heights on the village character of Noble Park
- the need to protect heritage places
- the impact of future development on solar access of existing buildings
- the impact of future development on wind conditions
- the impact of increased traffic on safety.

The Panel concludes the Amendment is well founded and strategically justified. It will support Noble Park realising its strategic role as a MAC.

On the issues raised in submissions, the Panel concludes:

- The revised boundary of the Noble Park Major Activity Centre is appropriate as is rezoning residential land to extend the commercial spine of the centre.
- Council should continue to monitor demographic changes and development activity to confirm if sufficient land is set aside for commercial purposes.
- Proposed building heights are appropriate, including those on and surrounding heritage places.
- There is an appropriate planning framework for managing overshadowing, wind conditions and traffic.

Amendment drafting issues were peripheral to the issues raised in submissions. To improve drafting of the Amendment in response to the 'height' and 'wind condition' issues raised in submissions, the Panel concludes:

- Guidance in Clause 22.09 for building height for land in Residential Growth Zone Schedule 2 should be amended for consistency with heights set out in Design and Development Overlay Schedule 5.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

- The objectives of Design and Development Overlay Schedule 5 should be amended to delete the reference to “uncomfortable wind conditions”.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Dandenong Planning Scheme Amendment C224gdan be adopted as exhibited subject to the following:

1. **Amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay Schedule 5.**
2. **Amend Design and Development Schedule 5 to delete “*uncomfortable wind conditions*” from the fifth objective.**

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Greater Dandenong Planning Scheme Amendment C224gdan (the Amendment) is to replace the existing policy and controls applying to the Noble Park Major Activity Centre (MAC) to provide clearer guidance on the preferred built form and urban design outcomes for the centre. The Amendment is informed by the *Noble Park Major Activity Centre Structure Plan, 2021* (Noble Park Structure Plan). Figure 1 shows the proposed activity centre boundary, which is larger than the current boundary.

Figure 1 Noble Park Major Activity Centre boundary



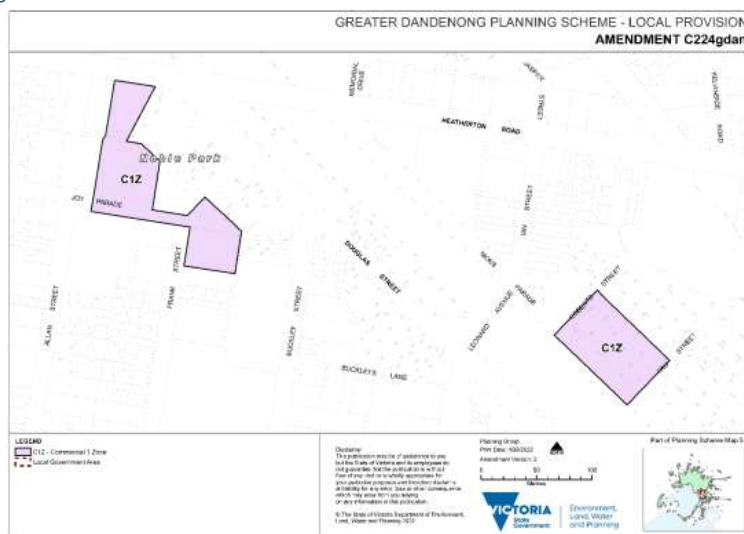
Specifically, the Amendment proposes to:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

- rezone the land shown in Figure 2 from Residential Growth Zone Schedule 2 (RGZ2) to Commercial 1 Zone (C1Z)
- apply Design and Development Overlay Schedule 5 (DDO5) to land shown in Figure 3
- delete DDO5 from 53 Noble Street (Copas Park)
- amend Clause 21.04 (Land Use) to update the Strategic Residential Framework and Strategic Retail/Commercial Framework maps to reflect the expanded boundary of the Noble Park MAC
- amend Clause 21.08 (Reference Documents) to remove reference to the *Noble Park Activity Centre Structure Plan, 2009*
- replace Clause 22.08 (Noble Park Activity Centre Local Policy) with a new policy which reflects the revised Noble Park Structure Plan
- amend Clause 22.09 (Residential Development and Neighbourhood Character Policy) to update the Future Change Areas map to reflect the expanded boundary of the Noble Park MAC
- replace existing DDO5 with a new DDO5 to apply preferred maximum building heights, street wall height, setbacks (to the street and to neighbouring boundaries), overshadowing and amenity requirements
- amend the Schedule to Clause 72.08 (Schedule to Background Documents) to list the Noble Park MAC Structure Plan.

Figure 2 Land to be rezoned from Residential Growth Zone 2 to Commercial 1 Zone



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions and other material presented to it during the Hearing. The Panel has been selective in referring to the more relevant or determinative material in this Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Design and development controls.

1.5 Limitations

(i) Issues raised in submissions

Property rates are not relevant planning matters for consideration of the Panel and have not been addressed further in this Report.

Likewise, the provision and hygiene of public toilets is not a relevant planning matter and is not addressed in this Report.

Submissions from Submitter 8 appear to relate to draft Planning Scheme Amendment C233gdan and planning permit Planning Permit PLN21/0713 relating to 51A Douglas Street, Noble Park. The merits of this proposal are separate to the current Amendment and have not been considered by the Panel.

(ii) Drafting issues

Council observed the role of the Panel is to consider submissions made in relation to the Amendment and make recommendations as it sees fit. Council accepted there are wide ranging submissions made in relation to the Amendment and that accordingly, the Panel has a wide remit to consider the substantive content of the Amendment. Council also accepted that where it has introduced new policy content and that content is disputed by a submitter, it is incumbent on Council to demonstrate the strategic basis for that content. However, Council observed that in this instance where submissions have not raised issue with the drafting or form of the Amendment, the role of the Panel is more confined.

The Panel accepts its role is confined to the issues raised in submissions, which for this Amendment are the design and development issues discussed in Chapter 3. For this reason, the Panel has not assessed or reached conclusions on Council's approach to translating the Noble Park Structure Plan into the Planning Scheme. The exception to this is where there is an explicit link between the issues raised in the submissions and the drafting of the Amendment.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix A provides further details regarding relevant provisions and policies.

Table 1 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Planning Policy Framework	- Clause 11 (Settlement) - Clause 15 (Built environment and heritage) - Clause 16 (Housing) - Clause 17 (Economic development) - Clause 18 (Transport)
Local Planning Policy Framework	- Clause 21.03 (Vision) - Clause 21.04 (Land use) - Clause 21.05 (Built form) - Clause 21.07 (Infrastructure and transport) - Clause 22.04 (Urban design and neighbourhood character) - Clause 22.08 (Noble Park Activity Centre) - Clause 22.09 (Residential development and neighbourhood character policy)
Other planning strategies and policies	- Plan Melbourne Directions 2.1, 2.2, 4.3, 5.1 and 5.2
Planning scheme provisions	- Clause 32.07 Residential Growth Zone - Clause 34.01 Commercial 1 Zone - Clause 36.02 Public Park and Recreation Zone - Clause 43.01 Heritage Overlay - Clause 43.02 Design and Development Overlay
Ministerial Directions	- Ministerial Direction on the form and content of Planning Schemes - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- <i>Planning Practice Note 46: Strategic Assessment Guidelines</i> , August 2018 - <i>Planning Practice Note 58: Structure planning for activity centres</i> , September 2018 - <i>Planning Practice Note 60: Height and setback controls for activity centres</i> , September 2018 - <i>Planning Practice Note 90: Planning for housing</i> , December 2019 - <i>Planning Practice Note 91: Using the residential zones</i> , December 2019

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Other

- *A Practitioners Guide to Victorian Planning Schemes Version 1.5*,
April 2022

2.2 Strategic justification

(i) Evidence and submissions

Council noted none of the submissions question the strategic justification for the Amendment. Rather, the submissions sought clarification or requested changes for individual sites or precincts.

Council submitted there is a clear strategic foundation for the Amendment in the Planning Policy Framework (PPF), Local Planning Policy Framework and Plan Melbourne.

The Amendment is supported by a significant body of work, particularly the Noble Park Structure Plan and associated technical assessments, including:

- *Noble Park Activity Centre Structure Plan Review Discussion Paper*, 2017
- *Noble Park Activity Centre Structure Plan Review*, 2017
- *Noble Park Activity Centre Building Heights and Setbacks Study*, 2019
- *Residential Demand Study*, 2018.

These further provide strategic justification for the Amendment.

(ii) Panel discussion

There is a strong strategic foundation for the Amendment across the planning policies that apply to Metropolitan Melbourne and Noble Park. Of note:

- Noble Park is one of 121 metropolitan MACs and one of the three MACs in Greater Dandenong where land use and development is expected to intensify to support housing, employment and recreation
- planning policy and associated practice material anticipate the introduction of local controls to guide appropriate development outcomes, that account for the anticipated growth of a MAC.

Overall, the Amendment will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

(iii) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the PPF
- is generally consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

3 Design and development controls

3.1 Planning context

The following planning provisions currently apply to the Noble Park MAC:

- Clause 21.04 (Land use) which supports intensification of residential and urban development in Noble Park
- Clause 22.08 (Noble Park Activity Centre Local Policy) which encourages the growth and development of Noble Park MAC and provides general policies for housing, business, community spaces, public transport, pedestrian amenity and access public safety
- Clause 22.09 (Residential development and neighbourhood character policy) which provides broad objectives for residential development, general design principles and specific design principles for substantial, incremental and limited changes areas (included in the RGZ, General Residential Zone and Neighbourhood Residential Zone respectively). Substantial change areas in Noble Park are zoned RGZ2. These areas *“will achieve a transition in built form with high density residential developments up to four storeys”*
- zones, principally C1Z and RGZ2 which provide objectives and permit requirements for use, subdivision and buildings and works
- DDO5 which provides design objectives, permit requirements for buildings and works and detailed design requirements derived from the *Noble Park Structure Plan, 2009*.

The Amendment:

- updates the maps in Clause 21.04 and Clause 22.09 to reflect the expanded boundary of the Noble Park MAC
- updates Clause 22.08 (Noble Park Activity Centre Local Policy) to provide a single objective *“to encourage development that enhances the fine grain, pedestrian scale ‘village’ characteristics of the activity centre”* and include the Noble Park MAC Urban Design Framework Plan Map (Figure 4)
- replaces existing DDO5 with a new DDO5 to apply preferred maximum building heights, street wall height, setbacks (to the street and to neighbouring boundaries), overshadowing and amenity requirements derived from the Noble Park Structure Plan.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Figure 4 Noble Park Major Activity Centre Urban Design Framework Plan map



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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3.2 Extent of rezoning

(i) The issues

The issues are whether:

- additional land should be included in the activity centre boundary and zoned for commercial use
- it is appropriate to rezone existing residential land for commercial use
- rezoning land at 4 Mons Parade from RGZ2 to C1Z will lead to its compulsory acquisition.

(ii) Context

The Noble Park Structure Plan relies on commercial floor space projections calculated in *Floorspace projections for Noble Park Activities Area, 2012* (refer Appendix B2). This estimated the Noble Park MAC would need between 9,800 square metres (low growth) and 14,000 square metres of retail/commercial/community floor area by 2026.

The *Noble Park Activity Centre Structure Plan Review Discussion Paper, 2017* found these forecasts were optimistic in the context of the size of the centre and its general development expectations.

The Amendment proposes to rezone approximately 8,380 square metres of land from RGZ2 to C1Z. The Structure Plan states this land, together with Key Redevelopment Blocks (KRBs), is expected to cater for commercial floorspace demand over the life of the Structure Plan to 2040.

The proposed C1Z areas are intended to “*extend the commercial spine of the centre and attract and encourage further investment and development*”.

(iii) Submissions

Submitter 1 supported the rezoning land from RGZ2 to C1Z, however suggested the MAC boundary be expanded to the east. The submitter proposed two areas for rezoning to allow for commercial uses (Figure 5):

- area 1 of 16,400 square metres currently within the General Residential Zone Schedule 3 (GRZ3)
- area 2 of 8,100 square metres also currently zoned GRZ3.

Submitter 6 opposed the rezoning of 4 Mons Parade from RGZ2 to C1Z, fearing the rezoning would force them to relocate through compulsory acquisition.

Submitter 8 submitted it would be “*totally inappropriate to rezone residential land [to] commercial*” and that “*we don’t need more shops, we need to have vibrant existing shops offering an attractive variety of options*”.

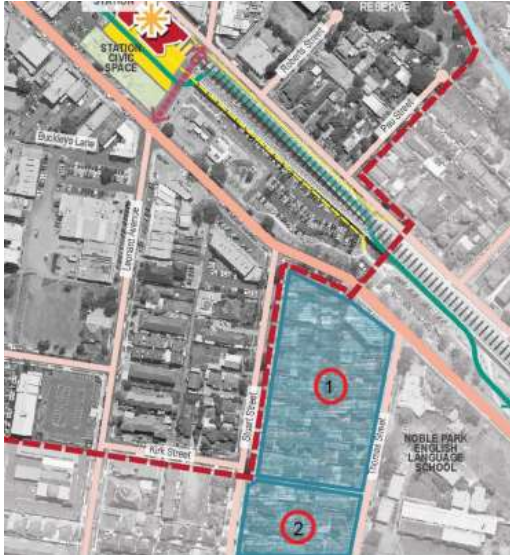
In response to these issues, Council submitted:

- The boundary of the Noble Park MAC was defined through a detailed planning exercise that considered the existing zoning of the centre and opportunities to develop several large, underutilised sites.
- The expanded boundary includes the Noble Park Aquatic Centre, Mills Reserve and residential land to the north, west and south.
- The previous boundary is 13 years old and required review to provide planning certainty for surrounding residential, commercial and open space uses in the centre.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

Greater Dandenong Planning Scheme Amendment C224gdan | Panel Report | 28 November 2022

Figure 5 Suggested MAC boundary expansion areas



Council did not support expansion of the MAC boundary as proposed by Submitter 1 because the commercial floorspace the two nominated areas “far exceeds the demand expected for commercial floorspace for Noble Park over the next 20 years”.

Council confirmed it had no plans to compulsorily acquire 4 Mons Parade.

(iv) Panel discussion

The Panel is broadly satisfied the boundary of the Noble Park MAC has been informed by planning consistent with the *Activity Centre Boundary Criteria* in *Planning Practice Note 58: Structure planning for activity centres*, September 2018 (PPN58).

The Panel notes the floor area requirements for the MAC were informed by analysis undertaken in 2012. While the 2017 assessment suggested the 2012 estimates were “*optimistic in the context of the size of the centre and its general development expectations*”, no new floor space estimates were produced. Without new estimates, it is unclear how the Structure Plan has concluded rezoning an additional 8,380 square metres of land from RG22 to C1Z, together with Key Redevelopment Blocks, is “*expected to cater for commercial floorspace demand over the life of the Structure Plan to 2040*”. This is particularly so given the rezoned area is less than the quantum originally estimated to cater for a low growth scenario to only 2026.

That said, there is no justification to expand the boundary as proposed by Submitter 1. Instead, Council should actively monitor supply and demand of commercial land to ensure the needs of the MAC are met. The Panel notes the Noble Park Structure Plan commits to a review of the plan in 2026 to examine demographic changes and development activity over the previous period. This is strongly supported.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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The outward growth of any activity centre impacts on land earmarked for a different use. This is the case for residential land in Mons Parade which is the preferred location to extend the commercial spine of the centre. Studies have confirmed the need for additional commercial land to support the MAC to fulfil its strategic purpose as a focus for housing and employment uses. Mons Parade is a logical location for this to occur, and mirrors the length of the spine on the south side of the train line along Douglas Street.

The Panel accepts Council's advice that it has no intention to compulsorily acquire land at 4 Mons Parade. Generally speaking, land must be reserved for public purposes before it can be compulsorily acquired, by applying a Public Acquisition Overlay. That is not proposed as part of the Amendment.

(v) Conclusions

The Panel concludes:

- The revised boundary of the Noble Park MAC is appropriate.
- There is no justification to expand the boundary to accommodate additional land for commercial use beyond the land to be rezoned by the Amendment.
- Council should continue to monitor demographic changes and development activity to confirm if sufficient land is set aside for commercial purposes.
- Rezoning existing residential land to extend the commercial spine of the Noble Park MAC is appropriate and will support attraction of investment and development consistent with the strategic role of the centre.
- There is no proposal to compulsorily acquire land as part of the Amendment.

3.3 Heritage

(i) The issue

The issue is whether:

- building heights permitted by the Amendment will negatively impact the Noble Park Public Hall and the Paddy O'Donoghue Centre.

(ii) Background and context

The Noble Park Public Hall Trust (the Trust) owns the Noble Park Public Hall and the Paddy O'Donoghue Centre at 32-34 Buckley Street, Noble Park.

The land is currently zoned C1Z and included in DDO5. The Noble Park Public Hall (public hall) is also included in Heritage Overlay 3. The Amendment changes the provisions of DDO5.

The land is in 'Precinct 2: Core' of the Structure Plan. The preferred maximum building height for the public hall site is two storeys (9 metres). The preferred maximum building height for the Paddy O'Donoghue Centre site is five storeys (18 metres).

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Figure 6 Noble Park Public Hall image



Figure 7 Noble Park Public Hall and Paddy O'Donoghue Centre location



(iii) Submissions

The Trust submitted:

As trustees of the hall and surrounds, we take great pride in its structure and its history. It is the only building of historic significance in Noble Park. The building would be swamped by 5 and 6 story buildings.

...

The residents of Noble Park own 18-34 Buckley Street Noble Park and the trustees who act on their behalf would never agree to any part of that property being over developed.

The Trust requested the public hall and Paddy O'Donoghue Centre sites be removed from the Amendment.

The Trust also noted the Structure Plan fails to recognise several heritage places of importance.

Council submitted the Noble Park Structure Plan addresses heritage matters. The plan's urban design principles require new development to respond to site features and constraints including heritage. The Structure Plan further states any redevelopment of the Paddy O'Donoghue Centre must not result in any adverse impact on the heritage fabric of the public hall.

The Structure Plan has informed revisions to DD05. This requires preparation of an urban content report that, amongst other things, requires an application to:

Explain how the proposed buildings and works relate to and respond to their urban context including:

- ...
- Heritage character of adjacent and nearby heritage places.

In response to questions from the Panel, Council confirmed preparation of a Heritage Review for Noble Park was a commitment in its Annual Plan, but a review is yet to commence.

(iv) Panel discussion

There is no outright incompatibility between the objectives of the Amendment and protection of existing heritage buildings. The Noble Park Structure Plan recognises the importance of heritage places and tempers development expectations relative to these values.

The preferred two storey height for the public hall site reflects that it is an important heritage asset within the MAC. Any redevelopment of this land, although unlikely according to the current

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trustees, will take account of the objectives of both DDO5 and the Heritage Overlay (HO). The objectives of the HO include *"to ensure that development does not adversely affect the significance of heritage places"*.

The five storey height for the Paddy O'Donaghue Centre site reflects its location within the core of the MAC where more intensive development is anticipated. The Structure Plan clearly states any future redevelopment of the centre must not result in an adverse impact on the heritage fabric of public hall. This intent is supported by the application requirements in DDO5 and statewide heritage policies at Clause 15.03-15.

The combined area of the public hall and Paddy O'Donaghue Centre site is significant. If the Paddy O'Donaghue Centre was ever redeveloped, the Panel is satisfied there would be ample opportunity to manage built form sensitively towards the public hall. This would ultimately be considered through a separate planning permit application process.

The Panel observed few heritage places across the MAC. It supports Council's intention to prepare a Heritage Review for Noble Park as a priority, so that the remaining assets can be protected by the Planning Scheme.

(v) Conclusion

The Panel concludes:

- Building heights proposed for and surrounding heritage places are appropriate.

3.4 Building heights

(i) The issue

The issue is whether:

- the proposed building heights should be reduced.

(ii) Background and context

The Amendment updates 'Map 1 – Future Change Areas' to identify additional land to be rezoned to RGZ2.

Clause 22.09 provides RGZ2 land *"will achieve a transition in built form with high density residential developments up to four storeys"*. It is policy to *"Encourage well designed, site responsive three and four storey medium to high density residential developments that make a positive contribution to the streetscape and are visually interesting"*.

The current DDO5 does not provide any specific height and setback guidance for the MAC. The Amendment proposes to revise the overlay to provide built form requirements, including preferred maximum building heights, for each of the precincts within the centre.

Preferred building heights nominated in the Noble Park Structure Plan (and DDO5) range from:

- 3 storeys in low change areas on the residential edges of the MAC
- 4 storeys on commercial sites that provide a transition between residential areas and the core commercial area
- 5 storeys in the commercial core

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- 6 storeys on Key Redevelopment Blocks (KRB), which are large landholdings with multiple street frontages, however the preferred height reverts to 5 storeys where a site area of less than 2,000 square metres cannot be achieved.

Preferred building heights, setbacks the location of KRB are shown on Figure 8.

Figure 8 Preferred building heights, setbacks and location of Key Redevelopment Blocks



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Greater Dandenong Housing Strategy 2014-2024 states Greater Dandenong's population is expected to rise by 22 percent, from 147,000 to 179,000 in the decade to 2024. Approximately 9,950 new households will need to be accommodated across the municipality by 2024.

The *Noble Park Residential Demand Study*, 2018, states the demand for new dwellings between 2016 and 2036 is estimated at 755 additional dwellings. This represents an increase in dwelling stock in the Noble Park MAC of 460 per cent. 87 per cent of the additional demand for dwellings will be in the form of apartments while 13 per cent of demand is estimated to be in the form of semi-detached townhouses or similar.

The Noble Park Structure Plan concludes:

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.

(iii) Submissions

Several submitters objected to the building heights allowed by DDO5. They variously stated:

- the Noble Park Public Hall building *"would be swamped by 5 and 6 storey buildings"*
- *"allow[ing] monstrous buildings in what has always been a little village is very wrong"*
- height across the centre need to be scaled *"back from six to four storeys with the remainder having nothing above three storeys"*
- *"reduce building heights to 4 storeys on Douglas Street with all other surrounding streets limited to 2 storeys maximum"*
- *"a more sensitive approach to any future developments [would be] where heights should be restricted to 4 storeys only in certain areas only [and] not the whole 'activity centre' precinct"*.

In response, Council noted the Noble Park MAC is generally low rise in nature (at one to two storeys). However, the construction of the Noble Park Train Station (at 6 storeys/20 metres) has made this the focal point for the centre. The elevated rail bridge is one element upon which the preferred maximum building heights for the centre have been derived.

Council explained the preferred maximum building heights are also a product of considering site size, solar access requirements, residential abuttal, gateway opportunities, retention and framing of key view lines and heritage considerations.

Council submitted DDO5 allows for greater height and development intensity in the commercial core of the centre and on designated KRBs, thus achieving a clear sense of transition to residential areas on the periphery of the Noble Park MAC. In addition, controls support appropriate outcomes by:

- inclusion of design objectives requiring development to achieve:
 - a fine grain rhythm at street level, a prominent street wall edge, and upper level setbacks
 - high quality urban design responses and building separation and setbacks to achieve high levels of external and internal amenity
- requiring sites to be at least 2,000 square metres in area to achieve a height of six storeys, which will allow adequate setbacks from property boundaries and landscaping
- (generally) nominating upper level setbacks of 3 metres above street walls

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- ensuring building envelopes enable solar access to streets and key areas of the public realm.

Council emphasised that submitters did not agree about the appropriate heights for the Noble Park MAC, but no submission sought heights greater than those proposed by the Amendment. It said the proposed heights and setbacks were subject to extensive community consultation during the development of the Noble Park Structure Plan. The proposed heights for the seven KRBs were reduced from eight storeys to six storeys as a result of community feedback. Despite the reduction in height from the draft to the final structure plan, Council submitted it was satisfied heights in DDO5 will comfortably accommodate the expected residential dwelling and commercial demand over the next 20 years.

Council disagreed with the assertion that rezoning existing RGZ2 land to C1Z would allow “monstrous” development, noting the preferred height of sites is currently 13.5 metres and the Amendment would increase the heights to between 14.5 and 21.5 metres.

Council confirmed that recent approvals granted in the Noble Park MAC permitted buildings up to five storeys in height.

In response to the Panel’s questions regarding the difference in preferred heights in Clause 22.09 and DDO5 for RGZ2 land, Council advised Clause 22.09 “provides guidance as to height expectations and it is reasonable for the DDO5 to contain further height guidance specifically for sites in the Noble Park MAC”. Council concluded there was no need to modify Clause 22.09.

(iv) Panel discussion

The drivers for setting a preferred building height for the Noble Park MAC are a combination of strategic policy considerations, including Plan Melbourne and the *Greater Dandenong Housing Strategy 2014-2024*, 2014, as well as localised site based considerations, including site size, solar access requirements and heritage. The Panel is satisfied the building heights in DDO5 balance these considerations appropriately.

Plan Melbourne nominates Noble Park as one of Melbourne’s 121 MACs. Each MAC has different development potential and is subject to local strategic planning. Council’s vision for Noble Park as expressed in the Municipal Strategic Statement is to promote and expand it as a mixed use node. This vision will be supported by the Amendment.

The *Noble Park Residential Demand Study*, 2018 confirms the demand for housing in the MAC until 2036. Meeting this demand necessitates a greater density and scale of development than the current low scale building form across the centre. This certainly represents a change to the existing character of the centre, but a change that is appropriate.

The Panel finds the building height proposition put forward has a clear logic and follows the guidance in *Planning Practice Note 60: Height and setback controls for activity centres*, September 2018. While the heights applying to KRBs are only modestly greater than those applying to adjoining ‘moderate change’ areas, they are purposeful in identifying high opportunity areas for redevelopment. Importantly, preferred heights are discretionary, allowing applications for greater heights to be judged on their merits.

The Panel agrees with Council that DDO5 will carry more weight than policy for RGZ2 land at Clause 22.09. However, it disagrees with that the policy does not need to be amended. Drafting entry rule 4.2.3 of *A Practitioner’s Guide to Victorian Planning Schemes Version 1.5*, April 2022 is:

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A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

The Panel sees no benefit in retaining local policy content that is inconsistent with an overlay. To do so is confusing and costly for users of a planning scheme and is poor drafting practice. There are multiple options for resolving the inconsistency, including amending Clause 22.09 or applying a separate schedule to RGZ land in Noble Park (in the same way RCZ1 applies to land around the Dandenong MAC).

The Panel recognises that translating Council's local planning policy framework into the PPF format presents an opportunity review all local policy content of the Planning Scheme. However, on Council's advice, timing of this future amendment is unclear, and this not a reason to avoid good drafting of the current Amendment. The Panel encourages Council to seriously consider whether Clause 22.09 continues to offer any benefit for guiding decision making in the Noble Park MAC, on matters such as building design and setback, which will be comprehensively addressed in DDO5.

(v) Conclusions and recommendation

The Panel concludes:

- Proposed building heights in Design and Development Overlay Schedule 5 are appropriate.
- Guidance in Clause 22.09 for building height for land in Residential Growth Zone Schedule 2 should be amended for consistency with heights set out in Design and Development Overlay Schedule 5.

The Panel recommends:

1. **Amend Clause 22.09 to align building height guidance for land in Residential Growth Zone Schedule 2 with building heights set out in Design and Development Overlay Schedule 5.**

3.5 Solar access

(i) The issue

The issue is whether future development will impact on solar access of existing buildings.

(ii) Background and context

Maintaining solar access to identified pedestrian oriented streets and the public realm is a core design principle in the Noble Park Structure Plan.

The proposed DDO5 contains the following design objectives:

To ensure a transition down in scale to reduce amenity impacts to the surrounding residential areas, including visual bulk, overlooking, and overshadowing.

...

To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing or uncomfortable wind conditions.

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(iii) Submissions

The Trust submitted “existing buildings will have natural light blocked out by high-rise apartments”.

Submitter 5 raised concerns about the impact of a potential future development on Ian Street on solar access to dwellings on Heatherton Road.

Council submitted it carefully considered issues of bulk (scale) and overshadowing when developing the preferred heights and setbacks for the Noble Park MAC. Solar access to footpaths, public spaces and residential abuttal (among other things) informed the recommended built form parameters.

In response to Submitter 5, Council advised the laneway widening required to the rear of properties fronting Ian Street combined with street wall heights specified in DDO5, would mitigate against overshadowing of properties fronting Heatherton Road. In any event, overshadowing issues could be managed at the permit application stage.

(iv) Panel discussion

DDO5 includes appropriate provisions for managing solar access to both pedestrian priority streets and preserving the amenity of existing dwellings. It will be supplemented by existing amenity provisions within Clause 55 (Two or more dwellings on a lot and residential buildings) and Clause 58 (Apartment developments).

With this framework in place, the Panel agrees with Council that it is appropriate to manage overshadowing issues through the permit application process.

(v) Conclusion

The Panel concludes:

- The Amendment provides an appropriate framework for management of overshadowing.

3.6 Wind conditions

(i) The issue

The issue is whether the height of future development will create wind tunnels through laneways and roads.

(ii) Background and context

The urban design principles of the Noble Park Structure Plan encourage development that delivers a high quality public realm which maintains comfortable wind conditions.

The proposed DDO5 contains the following design objectives:

To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing or uncomfortable wind conditions.

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(iii) Submissions

Submitter 5 stated the proposal for taller buildings will create wind tunnels through laneways and roads.

In response, Council noted a condition of authorisation required the removal of wind requirements for DDO5 and any associated documents. Council submitted *“specific measures to address wind impacts are adequately dealt with in other parts of the [Planning] Scheme and no change is required to the Amendment”*.

(iv) Panel discussion

The Panel accepts Council’s advice that other parts of the Planning Scheme, including the wind impact objectives of Clause 58 (Apartment Development), manage wind impacts of new development. As is the case for overshadowing issues, it is appropriate to consider wind conditions associated with new development at the permit application stage.

Given there is no role for DDO5 to manage wind conditions, the objectives of the overlay should be amended. This approach would appear to be consistent with conditions of authorisation imposed on preparation of the Amendment.

(v) Conclusion and recommendation

The Panel concludes:

- There is an appropriate framework in the Victoria Planning Provisions for management of wind conditions generated by new development.
- The objectives of DDO5 should be amended to delete the reference to *“uncomfortable wind conditions”*.

The Panel recommends:

2. Amend Design and Development Schedule 5 to delete *“uncomfortable wind conditions”* from the fifth objective.

3.7 Traffic

(i) The issue

The issue is whether future development will increase traffic and reduce carparking availability and safety.

(ii) Background and context

The objective of State policy for activity centres (Clause 11.03-1S) is *“to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”*. Strategies to achieve the objective relevant to traffic and congestion include:

- Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
- Improve access by walking, cycling and public transport to services and facilities.

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The objective of State policy for roads (Clause 18.02-45) is *“to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure”*.

This is achieved by planning and developing the road network to:

- Ensure people are safe on and around roads.
- Improve people's perceptions of safety on and around roads.
- Improve road connections for all road users.
- Facilitate the use of public transport, cycling and walking.

The Noble Park Structure Plan states:

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.

(iii) Submissions

The Trust submitted the *“Noble Park shopping precinct is already short of parking and to build 100s of apartments with few parking spaces will create more problems”*.

Individual submitters noted:

- there is conflict and congestion between pedestrians, vehicles and buses
- limited parking availability will be exacerbated by increased development
- there is generally an undersupply of onsite parking in new development to meet the needs of households with two vehicles.

Council submitted that from a traffic perspective, the MAC functions well and this is expected to continue for the life of the Noble Park Structure Plan. It noted any future development will have to either meet the required parking requirements on site or provide a strong justification for why this is not required. This will be determined at planning permit stage.

(iv) Panel discussion

State planning policy directs increased housing, commercial and community activity into activity centres. Consequently, activity centres will be a major focus for change in metropolitan Melbourne and activity in the Noble Park MAC can be expected to intensify.

The Panel observes the core objectives of the Noble Park Structure Plan are to improve walkability, facilitate pedestrian connections, and encourage a mode shift to sustainable and public transport. This will be important in moderating the impact of increased traffic that will result from intensification of land use.

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The Panel agrees with Council that the permit stage is the appropriate time to consider the localised traffic impacts of new development. The Panel is satisfied the Noble Park Structure Plan and the Amendment provide an appropriate response to the management of traffic that is consistent with policy objectives for transport.

(v) Conclusion

The Panel concludes:

- The Amendment is consistent with policy objectives for transport and provides an appropriate framework for management of traffic.

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Appendix A Land affected by Amendment

What the Amendment does	Land
Rezone land from RGZ2 to C1Z	<ul style="list-style-type: none">- 1100-1106 Heatherton Road (part)- 1-5 Douglas Street (part)- 1 and 3-5 Frank Street- 4, 5, 6, 7 and 8 Mons Parade
Apply DDO5 to the land	<ul style="list-style-type: none">- land in the Mixed Use Zone at 1111-1115 Heatherton Road- remainder of land at 1100-1106 Heatherton Road (to the west), properties at 1142 and 1152 Heatherton Road- remainder of land at 1-5 Douglas Street (to the south), 3A, 35A-39A and part of 57A Douglas Street (to Pau Street)- 2-12 Joy Parade- 1, 2A, 3-5, 7, 9, 11-13 and 15-35 Frank Street- 36 Buckley Street- 2-4 (fronting Noble Street), 6, 8, 10 and 12 Noble Street- 7, 9, 11, 13, 15, 17 and 19 Leonard Avenue- 1, 3 and 5 Kirk Street- 2, 4, 6, 8, 10 and 12 Stuart Street- 1, 2, 3, 4 and 5 Roberts Street- 4, 5, 6, 7, 8 Mons Parade- 2, 4, 6 and 8 Pau Street
Delete DDO5 from the land	<ul style="list-style-type: none">- 53 Noble Street

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Appendix B Planning context

B:1 Planning Policy Framework

Council submitted that the Amendment is supported by the objectives of planning in Victoria, the PPF, Municipal Strategic Statement and other relevant strategies, Ministerial Directions and practice notes. The Panel has summarised these below.

i) Victorian planning objectives

The Amendment facilitates housing and economic growth by enabling development of mixed use activity. This assists in implementing State policy objectives set out in section 4 of the PE Act, particularly:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land
- 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
- g) to balance the present and future interests of all Victorians.

ii) Planning Policy Framework

Clause 11 (Settlement)

Clause 11 provides:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

The Amendment supports Clause 11 by providing a framework for the orderly planning and high quality development of the Noble Park MAC in a manner consistent with the directions of Plan Melbourne 2017-2050.

Clause 15 (Built environment and heritage)

Clause 15 provides:

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

The Amendment supports Clause 15 by providing appropriate built form guidance to ensure future development is site responsive and appropriate in the context of heritage places.

Clause 16 (Housing)

Clause 16 provides:

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

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Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

The Amendment supports this Clause by guiding the appropriate scale of development in the Noble Park MAC.

Clause 17 (Economic development)

Clause 17 provides:

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

The Amendment supports Clause 17 by facilitating opportunities for a mix of office, retail and residential uses throughout the Noble Park MAC.

Clause 18 (Transport)

Clause 18 provides:

Planning should ensure a safe, integrated and sustainable transport system that:

- Provides access to social and economic opportunities to support individual and community wellbeing.
- Facilitates economic prosperity.
- Actively contributes to environmental sustainability.
- Facilitates network-wide efficient, coordinated and reliable movements of people and goods. Supports health and wellbeing.

The Amendment supports Clause 18 by facilitating development in a centre that is well serviced by public transport, including the Noble Park Train Station.

iii) Local Planning Policy Framework

Municipal Strategic Statement

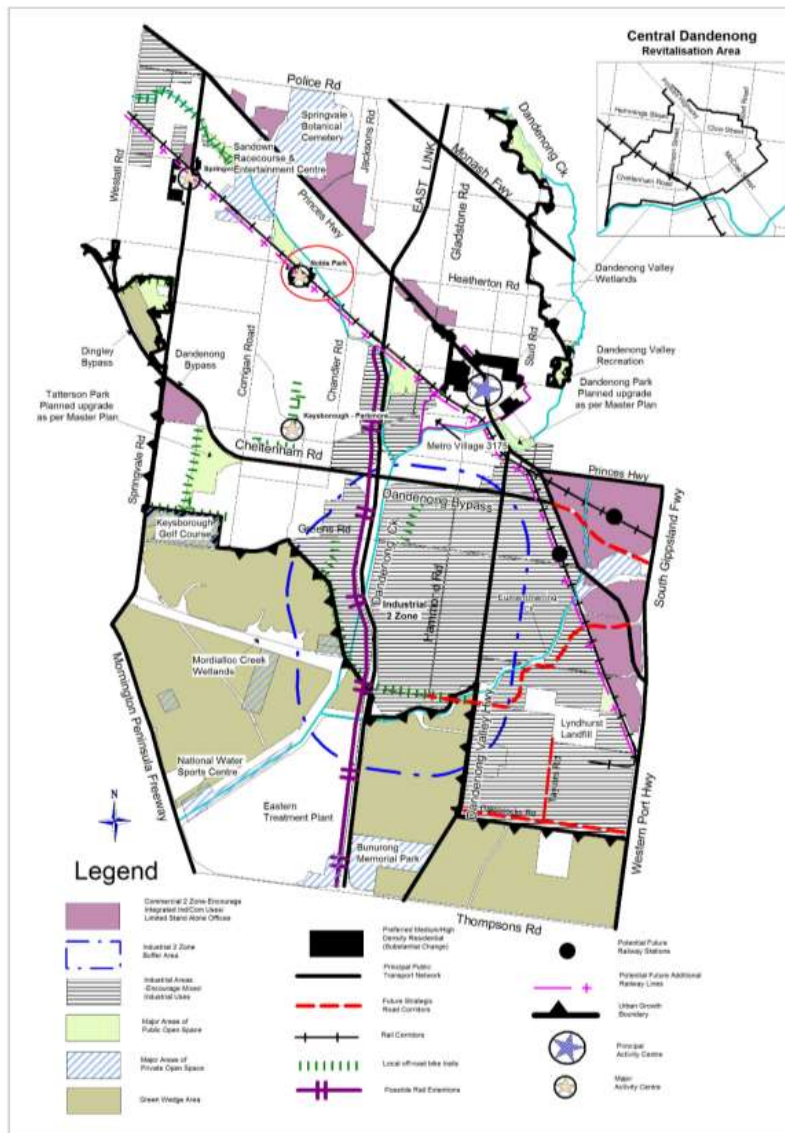
Noble Park is one of three of Greater Dandenong's MACs, alongside Springvale and Parkmore at Keysborough (Figure 9).

The objective of Clause 21.04-1 (Housing and Community) is *"to protect the amenity of existing neighbourhoods and significant residential precincts within activity centres from the impact of new commercial development"*. The Amendment supports this objective by introducing a local policy and DD05 to manage the impact of new development on adjoining more sensitive land uses.

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Figure 9 Greater Dandenong Strategic Framework Map



Local Planning Policies

The objectives of local planning policies relevant to the Amendment are provided in Table 2.

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Table 2 Objectives of local planning policies

Clause	Purpose
22.04 (Urban design in activity and neighbourhood centres)	<p>Reflect and reinforce the distinctive qualities of Greater Dandenong and the local identity of each centre.</p> <p>Improve the appearance and amenity of each centre through high quality contemporary urban design and active street frontage, which promotes a sense of place, community identity and a safe environment.</p> <p>Considers the impact on the retail hierarchy and the planned role and function of other activity and neighbourhood centres.</p> <p>Provide quality pedestrian access and movement.</p> <p>Incorporates landscaping to soften built form.</p>
22.08 (Noble Park Activity Centre)	<p>To position Noble Park as a centre that encourages investment, redevelopment and business confidence.</p> <p>To embrace cultural identity and diversity as the Noble Park Activity Centre grows and develops.</p> <p>To create positive perceptions of the Noble Park Activity Centre from a social, public safety, cultural and economic viewpoint.</p> <p>To encourage quality urban design responses which uniquely identify the Noble Park Activity Centre.</p> <p>To improve housing opportunities that respond to the local social and cultural needs of the community and which provide for well designed, higher density housing options to support the commercial component of the centre.</p> <p>To improve the quality of and access to public spaces and to facilitate the creation of safe, pedestrian oriented streets.</p> <p>To improve public transport linkages, supporting infrastructure and user facilities.</p> <p>To improve public transport usage by encouraging commercial and residential development along existing public transport routes within the Noble Park Activity Centre.</p> <p>To encourage development which demonstrates quality neighbourhood design principles and which enhances the village characteristics of the Noble Park Activity Centre.</p> <p>To improve the provision of sustainable, water and energy efficient public open space, recreation and leisure facilities and opportunities.</p>
22.09 (Residential development and neighbourhood character policy)	<p>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.</p> <p>To ensure that new residential development is consistent with the identified future character and preferred built form envisaged for the three Future Change Areas.</p> <p>To provide certainty about which areas are identified for, or protected from, increased residential development consistent with the purpose of the applicable zone.</p>

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

B:2 Other relevant planning strategies and policies

i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven outcomes, which set out the aims of the plan. The outcomes are supported by directions and policies, which outline how the outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 3.

Table 3: Relevant parts of Plan Melbourne

Outcome	Directions	Policies
1 Melbourne is a productive city that attracts investment, supports innovation and creates jobs	1.1 Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.	1.1.7 Plan for adequate commercial land across Melbourne
	1.2 Improve access to jobs across Melbourne and closer to where people live.	2.2.1 Support the development of a network of activity centres linked by transport

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Outcome	Directions	Policies
2 Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport
		2.1.4 Provide certainty about the scale of growth in the suburbs.
	2.2 Deliver more housing closer to jobs and public transport	2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport
	2.5 Provide greater choice and diversity of housing	2.5.1 Facilitate housing that offers choice and meets changing household needs.
4 Melbourne is a distinctive and liveable city with quality design and amenity	4.3 Achieve and promote design excellence	4.3.1 Promote urban design excellence in every aspect of the built environment
	4.4 Respect Melbourne's heritage as we build for the future.	4.4.1 Recognise the value of heritage when managing growth and change.
5 Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	5.1 Create a city of 20-minute neighbourhoods	5.1.1 Create mixed use neighbourhoods at varying densities 5.1.2 Support a network of vibrant neighbourhood activity centres
	5.2 Create neighbourhoods that support safe communities and healthy lifestyles	5.1.2 Improve neighbourhoods to enable walking and cycling as a part of daily life
6 Melbourne is a sustainable and resilient city	6.2 Reduce the likelihood and consequences of natural hazard events and adapt to climate change.	6.2.2 Require climate change risks to be considered in infrastructure planning.
	6.4 Make Melbourne cooler and greener.	6.4.1 Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest.

ii) Noble Park Activity Centre Structure Plan

The Noble Park Structure Plan was prepared internally by Council. It was informed by extensive community consultation and the following studies:

- *Noble Park Activity Centre: Structure Plan Review Discussion Paper, 2017*
- *Noble Park Activity Centre Residential Demand Study, 2018*

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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- *Noble Park Activity Centre Building Heights and Setbacks Study, 2019*
- *Floorspace projections for Noble Park Activities Area, 2012*

The Noble Park Structure Plan outlines a 20 year vision for the renewal and revitalisation of the centre and sets out how the vision will be achieved. The vision for Noble Park 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 plan splits the Noble Park MAC into three precincts and includes objectives and actions outlining how the overall vision will be achieved in relation to the following four key themes:

- land use and economic activity
- built form and urban design
- access and movement
- public realm.

The Structure Plan will replace the existing 2009 Structure Plan as a Background Document to the Scheme through the Amendment process.

iii) Noble Park Activity Centre: Structure Plan Review Discussion Paper

The *Noble Park Activity Centre: Structure Plan Review Discussion Paper, 2017* was prepared by Hansen Partnership with inputs from Hansen Partnership (Planning and Design), Martyn Group (Traffic and Parking), and Essential Economics (Urban Economic Development).

The Discussion Paper provided a summary of the current strategic issues which relate to the Noble Park MAC and identified clear directions and recommendations to assist Council in revising the 2009 Structure Plan.

The Discussion Paper is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

iv) Noble Park Activity Centre Residential Demand Study

The *Noble Park Activity Centre Residential Demand Study, 2019* was prepared by SGS Economics and Planning. The study comprises three areas of investigation:

- housing demand: an analysis of how housing demand, by dwelling type, will evolve between 2016 and 2036
- housing capacity: a measure of housing capacity within the Noble Park MAC based on land supply and planning controls
- alignment and implementation: an analysis of how demand and capacity will align over time.

The analysis within the report found:

- ... there is sufficient housing capacity to accommodate future housing demand for semi-detached and attached dwellings within the Noble Park Activity Centre, given that a medium-to-high demand density scenario is enabled... The capacity in the Noble Park Activity Centre

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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makes the Centre well placed to meet demand over the next twenty years. The focus of the policy should be to facilitate the provision of more diverse and higher density housing.

The study is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

v) Noble Park Activity Centre Building Heights and Setbacks Study

The *Noble Park Activity Centre Building Heights and Setbacks Study*, 2019 as prepared by Hansen Partnership to provide clear built form guidance for the Noble Park MAC.

The study accounted for the completed level crossing removal project (Caulfield to Dandenong), which delivered the new Noble Park station, new public spaces, a new shared trail and a new Link Road connecting Douglas Street and Ian Street.

The study was informed by:

- *Plan Melbourne*, 2017
- Clause 22.08 (Noble Park Activity Centre Local Policy)
- existing zones and overlays applying to the Noble Park MAC
- *Urban Design Guidelines for Victoria*, 2017
- *Greater Dandenong Housing Analysis*, 2015
- *City of Greater Dandenong Place Making Framework Final Draft*, 2015
- *Greater Dandenong Housing Strategy 2014-2024*, 2014
- *Floorspace projections for Noble Park Activity Area*, 2011
- *Noble Park Activity Centre Sustainable Transport Strategy*, 2011
- *Noble Park, Ian Street Masterplan*, 2011
- *City of Greater Dandenong Gateway Strategy*, 2011.

The following key steps were undertaken to arrive at the preferred built form outcomes for the Noble Park MAC:

- undertaking a contextual analysis to inform precinct boundaries, built form implications and prospecting elements influencing built form principles
- development of design principles to guide heights and setbacks
- test building height and setback scenarios at a street block level through three dimensional modelling (noting not every site and street within the study area was tested in detail)
- development of preferred building heights and setbacks and additional design requirements for development.

The Study is a background document that has informed the Amendment. It has not been endorsed or adopted by Council.

vi) Floorspace projections for Noble Park Activities Areas

Floorspace projections for Noble Park Activities Area, 2012 was prepared by SGS Economics and Planning. The projections indicated the need for an additional 9,800 square metres (low growth) to 14,000 square metres (high growth) of retail/commercial/community floor area by 2026.

The 2017 Discussion Paper found that these forecasts were optimistic in the context of the site of the centre and its general development expectations.

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This study is a background documents that informed the Amendment. It has not been endorsed or adopted by Council.

B:3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

The purposes of zones relevant to the Amendment are provided in Table 4.

Table 4 Zone purpose

Zone	Purpose
C1Z	<p>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>To provide for residential uses at densities complementary to the role and scale of the commercial centre.</p>
RGZ	<p>To provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</p> <p>To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</p> <p>To ensure residential development achieves design objectives specified in a schedule to this zone.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
RGZ2	<p>[Design Objectives]</p> <p>To ensure the scale and built form of residential development responds to the existing site circumstances through articulated building elevations and well-proportioned massing and ground level setbacks which make a positive contribution to the public realm.</p> <p>To provide appropriate front, side and rear setbacks to allow for substantial high quality landscaping including canopy trees.</p> <p>To maximise the opportunities to create high quality landscaping, through minimal paving and hard surfaces within front setbacks.</p> <p>To ensure vehicle accessways and storage facilities do not visually dominate the streetscape.</p> <p>To ensure that residential development achieves high quality useable private open space outcomes for future residents.</p>

ii) Overlays

The purposes of zones relevant to the Amendment are provided in **Error! Reference source not found..**

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Overlay purpose

Zone	Purpose
DDO	To identify areas which are affected by specific requirements relating to the design and built form of new development.
HO	<p>To conserve and enhance heritage places of natural or cultural significance.</p> <p>To conserve and enhance those elements which contribute to the significance of heritage places.</p> <p>To ensure that development does not adversely affect the significance of heritage places.</p> <p>To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</p>

B:4 Ministerial Directions and Practice Notes

Ministerial Directions and Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Other Ministerial Directions relevant to the Amendment are:

- *Ministerial Direction The form and content of Planning Schemes*
- *Ministerial Direction 9 (Metropolitan Planning Strategy)*.

Other relevant Planning Practice Notes are:

- *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018
- *Planning Practice Note 58: Structure planning for activity centres*, September 2018
- *Planning Practice Note 60: Height and setback controls for activity centres*, September 2018
- *Planning Practice Note 90: Planning for housing*, December 2019
- *Planning Practice Note 91: Using the residential zones*, December 2019.

Practitioner's Guide

A *Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Appendix C Background and chronology

Date	Event
2009	Noble Park Activity Centre Structure Plan 2009 adopted by Council
September 2009	Amendment C98 gazetted to: <ul style="list-style-type: none">- implement the 2009 Structure Plan- introduce a local planning policy at Clause 22.08- introduce a new Schedule 5 to the Design and Development Overlay- rezone land within the Noble Park MAC boundary.
June 2012	<i>Floorspace Projections for Noble Park Activities Area</i> prepared by SGS Economics and Planning.
April 2017	Hansen Partnership engaged by Council to conduct the Noble Park Activity Centre Structure Plan Review and Building Heights and Setback Study.
October 2017	<i>Noble Park Activity Centre: Structure Plan Review Discussion Paper</i> prepared by Hansen Partnership in association with Martyn Group and Essential Economics.
January 2018	Noble Park Road level crossing removed (Heatherton Road), and associated development of the new Noble Park railway station and bus interchange.
March 2018	<i>Noble Park Activity Centre Residential Demand Study</i> completed by SGS Economics and Planning.
January 2019	<i>Noble Park Activity Centre Buildings Heights and Setbacks Study</i> completed by Hansen Partnership.
June 2019-March 2020	Council officers prepared the <i>Draft Noble Park Activity Centre Structure Plan</i> .
27 April– 19 June 2019	Public consultation on <i>Draft Noble Park Activity Centre Structure Plan</i> . 26 submissions received.
24 May 2021	Following finalisation of the Structure Plan and changes made as a result of submissions received, Council resolved to adopt the Structure Plan and to commence the statutory process for Amendment C224gdan by seeking authorisation from the Minister for Planning to prepare and exhibit the Amendment.
16 July 2021	Draft amendment documents sent to Department of Environment, Land, Water and Planning (DELWP). Drafting based on DDO6 applying to Springvale MAC.
16 August 2021	DELWP provided feedback on draft amendment documents. Specific comments received on: <ul style="list-style-type: none">- definitions- heights in General Residential Zone- difficulty in using tables- quantification of design requirements- location of interface requirements in the schedule.
17 September 2021	Second draft of DDO5 provided to DELWP.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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29 September 2021	Feedback received from DELWP on second draft of DDO5. Outstanding concern that GRZ1 contradicts State policy.
20 October 2021	Council requested Minister for Planning grant authorisation to prepare the Amendment.
29 October 2021	DELWP advises application for authorisation requires further review.
26 November 2021	DELWP requested a significant redrafting of DDO5.
20 December 2021	Amendment VC174 gazetted. Introduces wind impact standards for development at five (5) storeys and above.
21 February 2022	Council submitted DDO5 Version 4. Outstanding issues to be resolved were: <ul style="list-style-type: none">- retention of wind requirements for developments at 4 storeys- retention of ESD/Climate change Decision Guideline- DELWP seeking to remove the proposed DDO5 from PPRZ land.
22 February 2022	Council and DELWP reach agreement on DDO5 Version 5.
27 April 2022	Authorisation to prepare the Amendment granted subject to conditions.
May 2022	Amendment documents were modified to satisfy conditions of authorisation.
23 May to 24 June 2022	The Amendment was exhibited. Eleven submissions received.
8 August 2022	Council resolved to: <ul style="list-style-type: none">- receive all submissions- adopt the officer's position on the submissions- request the Minister for Planning appoint a Panel to consider the submissions- advise submitters of Council's decisions.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

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Appendix D Document list

No.	Date	Description	Provided by
1	16/9/22	Panel Directions and Hearing Timetable	Planning Panels Victoria (PPV)
2	3/10/22	Noble Park Activity Centre Building Heights and Setbacks Study, 2019	Council
3	3/10/22	Noble Park Activity Centre History, 2015	Council
4	3/10/22	Noble Park Activity Centre Profile, 2016	Council
5	3/10/22	Noble Park Activity Centre Structure Plan Review Discussion Paper, 2017	Council
6	3/10/22	Noble Park Activity Centre Residential Demand Study, 2018	Council
7	3/10/22	Noble Park Activity Centre Pedestrian and Traffic Count, 2019	Council
8	3/10/22	Noble Park Activity Centre Floor Space Projections, 2012	Council
9	3/10/22	Noble Park Activity Centre Structure Plan Review, 2017	Council
10	3/10/22	Location of Submitters map	Council
11	17/10/22	Part A Submission with attachments - Attachment A Chronology of events - Attachment B Council meeting minutes 24 May 2021	Council
12	24/10/22	Part B Submission	Council
13	28/10/22	Planning approvals in the Noble Park Major Activity Centre	Council
14	28/10/22	Submission to Panel	Noble Park Public Hall Trust
15	28/10/22	Noble Park Local Flood Guide	Noble Park Public Hall Trust

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

POLICY AND STRATEGY

**PLANNING SCHEME AMENDMENT C224GDAN NOBLE PARK MAJOR
ACTIVITY CENTRE CONSIDERATION OF PANEL REPORT**

ATTACHMENT 2

**PLANNING SCHEME AMENDMENT
C224GDAN SCHEDULE 5 TO THE DESIGN
AND DEVELOPMENT OVERLAY - POST
PANEL CHANGES**

PAGES 25 (including cover)

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

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Proposed C224gdan

SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**.

NOBLE PARK MAJOR ACTIVITY CENTRE

1.0

Proposed C224gdan

Design objectives

- To implement the Noble Park Major Activity Centre Structure Plan (2021) to support a mid-rise built form character across the centre and encourage higher density development on land in Precinct 2 (Core) and Key Redevelopment Blocks.
- To maintain the fine grain rhythm at street level and foster a prominent street wall edge, incorporating upper level setbacks and design features.
- To ensure a transition down in scale to reduce amenity impacts to the surrounding residential areas, including visual bulk, overlooking, and overshadowing.
- To ensure high quality urban design responses and building separation and setbacks achieve high levels of external and internal amenity.
- To ensure development provides a permeable and pedestrian friendly centre, supported by a network of new mid-block pedestrian connections, widened laneways, and the protection of footpaths and the public realm from loss of amenity through overshadowing ~~or uncomfortable wind conditions~~.

2.0

Proposed C224gdan

Buildings and works

2.1 Definitions

The following definitions apply for the purposes of interpreting this Schedule:

- **Important view lines** exist through the centre towards the elevated rail line and train station, through to the commercial core of the centre and to open space. These view lines are shown on Map 3 and Map 4 of this schedule.
- **Key Redevelopment Blocks (KRB)** are large landholdings (of 2000sqm or greater) in either single or multiple land ownerships (subject to land consolidation).
- **Nominated storeys** are based on 4 metres floor to floor height at ground level. Above ground level of 3.5 metres floor to floor height. Nominated storeys commence from the top of basement at ground level or no more than a 1.2 metre basement projection.
- **Pedestrian and shared laneway** means a side or rear lane principally for pedestrian and bicycle movements and where suitable, shared with vehicle movements.
- **Primary active frontage** are commercial/retail street frontages where there is an active visual engagement between those in the street and those on the ground and upper floors of buildings. It is where the front façade of buildings, including the main entrance, faces and opens towards the street. It may include cafes, shops or restaurants but does not necessarily need to be a retail use, nor have continuous windows. A buildings upper floor windows and balconies can also contribute to the level of active frontage.
- **Public realm** means publicly accessible land (including open space, laneways, footpaths and building forecourts).
- **Residential semi-active frontage** the street frontage of a residential development that has a landscaped setback with ground floor habitable room windows looking out to the public realm.
- **Secondary semi-active frontage** includes car park entries and service/utility areas. There can be opportunities for some activation of these frontages (including above ground).
- **Service laneway** means a side or rear lane principally providing servicing/access to parking on lots with another street frontage.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- **Street wall** means any part of the building constructed within 5 metres of a lot boundary fronting the street.
- **Street wall height** means the vertical distance from natural ground level to the highest point of the street wall.
- **Weather protection area** means a permanent structure designed to minimise the impacts of sun, rain and wind at ground level and any adverse effect on pedestrian comfort.

2.2 Permit Requirement

A permit is required to construct a fence which exceeds 1.2 metres in height.

A permit is not required in the Commercial 1 Zone for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

A permit is not required in the Transport Zone for:

- Navigational beacons and aids.

2.3 Buildings and works requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

Active Streets

Buildings and works should:

- Ensure a minimum of 80% of the building façade at ground floor level is with a permeable façade incorporating windows and door openings with clear glazing to 'primary active frontages'.
- Ensure corner sites are designed to address 'primary active frontages' at street level by having 80% of the dominant frontage and 50% of the 'secondary semi-active frontage' permeable incorporating windows and door openings with clear glazing.
- Ensure first floor and above podium levels, inclusive of car parking levels, provide views to the street and public realm, including laneways, by having 80% of the dominant frontage and 50% of the secondary frontage permeable.
- Integrate car parking, including undercroft and podium level car parking, into building design through measures such as sleeving or basement parking.
- Create human scale building forms adjacent to pedestrian oriented streets and public open spaces.
- Ensure ground level setbacks are designed to provide an active interface to the street.
- Support open space opportunities that are accessible as identified for KRB1 and KRB2 in Map 4 to this schedule.
- Ensure development along existing laneways and key pedestrian-oriented streets contribute to surveillance and activation.
- Ensure public and shared spaces in a development are well-lit and maintained.

Weather protection

Buildings and works should:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- Integrate verandahs, awnings or other design features into building design to provide effective weather protection, generally between 3 metres and 4 metres in height and consistent with adjoining sites with commercial frontages.

Internal amenity

Buildings and works should:

- Be designed to ensure habitable room windows and balconies capture solar access in winter and provide appropriate shading in summer through design features such as integrated awnings and shutters.
- Discourage use of light wells as the primary source of daylight to a habitable room.
- Ensure appropriate side and rear setbacks provide separation from adjoining lots.
- Discourage excessive use of privacy screening through staggered setbacks to minimise overlooking.
- Ensure communal garden spaces at podium and rooftop levels are designed to provide high quality amenity for building occupants.
- Ensure appropriate noise attenuation measures for new dwellings adjacent to Heatherton Road or the railway line.

Car parking, vehicle access and active transport

Car parks should be designed to:

- Minimise flooding through the use of permeable materials, raingardens or other water detention systems as appropriate.
- Integrate ventilation grilles or security gates into the façade.
- Integrate security gates and conceal service pipes and ducts, in building design, to improve the appearance of basement entries from the street.
- Provide adequate public access and safety to lifts.

Access and services

Buildings and works should:

- Ensure pedestrian entries are designed to be clearly visible and easily identifiable from the street, incorporating windows and doors, with clear glazing and accessible for all.
- Be designed to minimise the visual impact of car parking, access, loading and servicing through using existing secondary semi-active frontages and laneways and where this is not possible through design or landscape screening.
- Integrate roof top services into the building design. Roof top services include but are not limited to plant rooms, air conditioning, lift overruns, structures associated with green roof area and roof mounted equipment.
- Integrate fire boosters and meters into the building or fence design when visible from the public realm.
- Integrate waste storage, loading and recycling facilities into the building design including through screening and planting.

Overshadowing of the public realm

- Buildings and works should not cast any additional shadow as specified in Table 1 to minimise overshadowing and maintain solar access to footpaths and publicly accessible spaces at the equinox on 22 September.
- A minimum 3 metre setback above the street wall should be provided.

Table 1 Overshadowing requirements at the equinox (22 September)

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Location	Overshadowing Requirement
Southern footpaths and public spaces	Solar access is maintained within 3 metres of the property boundaries from 10am
Western footpaths and public spaces	Solar access is maintained within 3 metres of the property boundaries from 10am - 12pm
Eastern footpaths and public spaces	Solar access is maintained within 3 metres of the property boundaries from 12pm - 2pm

Built form

Buildings and works should:

- Not exceed the preferred maximum building heights, setbacks and access requirements specified in Tables 2 and 3 which are illustrated in Map 2 and Map 3 to this schedule.
- Be designed with a floor-to-floor dimension of up to 4 metres at ground level to enable adaptation for uses in the future.
- Achieve high quality design, minimise visual bulk of new development and avoid blank walls through appropriate scale, form and articulation of the building design and roof form.
- Ensure upper level balconies and terraces are contained within the building envelope of development.
- Ensure buildings do not appear as a continuous wall at street level, or from the residential areas surrounding the activity centre.
- Incorporate a minimum 5 metre ground level landscaped setback on residentially zoned land.
- Support pedestrian connections, laneway widenings and mid-block links listed in Table 3 and illustrated in Map 2 and Map 3 to this schedule.
- Retain significant native vegetation and existing large canopy trees and provide for the planting of new vegetation, including canopy trees wherever possible.
- Ensure signage is integrated into building design.

2.4 Building Height and Setback Requirements

Building height and setback requirements apply to each precinct as detailed in Tables 2 and 3. Map 1 and Map 2 to this schedule detail the locations of each of the Precincts and the preferred building heights and setbacks.

Table 2: Preferred maximum building heights and setbacks (Refer to Map 2: Building Height and Setback Map to this schedule).

Precinct 1 (Gateway Precinct)

This Precinct is the main entry point into the centre from the north-west. The Precinct will be defined by development that transitions from three to five storeys at its periphery, to six storeys at the key junction of the Heatherton Road/Douglas Street roundabout.

Precinct 1 - KRB1

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 21.5 metres (6 storeys) on the central and east side of KRB1.	On the south side of Heatherton Road and the south side of Douglas Street:	For land abutting Commercial 1 Zone:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Note: If individual sites within KRB1 (central and east side) are unable to make a land holding of at least 2000sqm, the preferred maximum building height for development for the site defaults to 5 storeys.

Up to 18 metres (5 storeys) on the west side of KRB1.

- 0 metres up to 18 metres (5 storeys).
- If overall building height is greater than 18 metres (5 storeys):
 - Provide a minimum 3 metre front setback for storeys above 18 metres (5 storeys).

On all other streets:

- 0 metres up to 11 metres (3 storeys).
- If overall building height is greater than 11 metres (3 storeys):
 - Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys).

- In the absence of habitable room windows/residential balconies:

- 0 metres up to 11 metres (3 storeys).
- A minimum 3 metre setback for storeys above 11 metres (3 storeys).

- In the presence of habitable room windows/residential balconies:

- A minimum 3 metre setback up to 11 metres (3 storeys).
- A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).

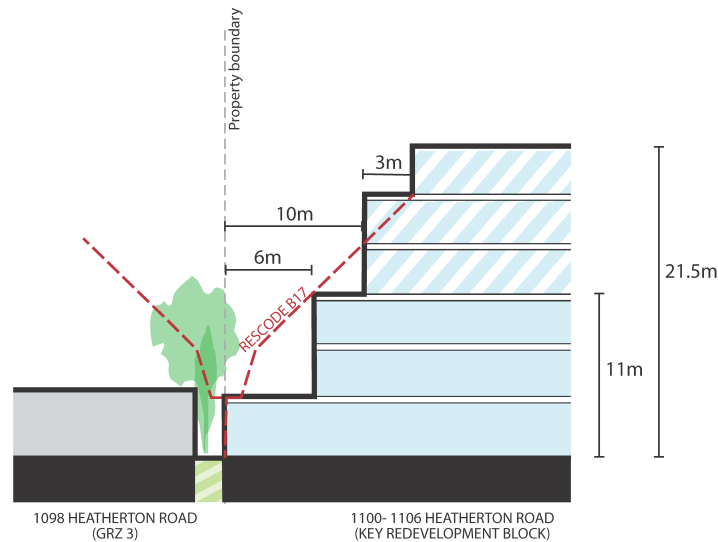
For land abutting a residential zone:

- A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:
 - 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 up to 14.5 metres (4 storeys).
 - 10 metres for storeys above 14.5 metres (4 storeys).
 - 13 metres for storeys above 18 metres (5 storeys).

Figure 1 Precinct 1 Height and setback requirements for KRB1 abutting a residential zone.

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GREATER DANDENONG PLANNING SCHEME



Note: 6th storey as shown depicts the 'central' section of KRB1.

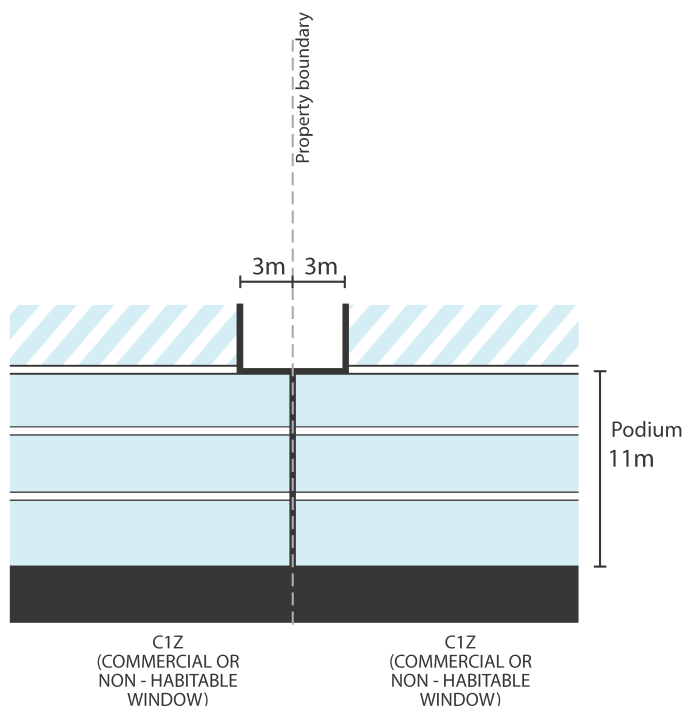
Precinct 1 - Commercial 1 Zoned land (not KRB1 land).

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 18 metres (5 storeys).	On the south side of Douglas Street:	For land abutting Commercial 1 Zone:
<i>Note: If any site is unable to obtain its preferred maximum building height through lack of consolidation, the preferred maximum building height for development defaults to 3 storeys.</i>	<ul style="list-style-type: none"> 0 metres up to 18 metres (5 storeys). 	<ul style="list-style-type: none"> In the absence of habitable room windows/residential balconies: <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). A minimum 3 metre setback for storeys above 11 metres (3 storeys). In the presence of habitable room windows/residential balconies: <ul style="list-style-type: none"> A minimum 3 metre setback up to 11 metres (3 storeys). A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).
	On all other streets:	
	<ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). If overall building height is greater than 11 metres (3 storeys): <ul style="list-style-type: none"> Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys). 	

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Figure 2 Side and rear setbacks for commercial land abutting commercial land (no abutting habitable room windows/residential balconies).



Precinct 1 - Mixed Use Zone

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 11 metres (3 storeys).	<p>Along the north and south boundaries:</p> <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). <p>Along the east boundary:</p> <ul style="list-style-type: none"> 7 metres up to 11 metres (3 storeys). 	<p>For land abutting Mixed Use Zone:</p> <ul style="list-style-type: none"> In the absence of habitable room windows/residential balconies: <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). A minimum 3 metre setback for storeys above 11 metres (3 storeys). In the presence of habitable room windows/residential balconies:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

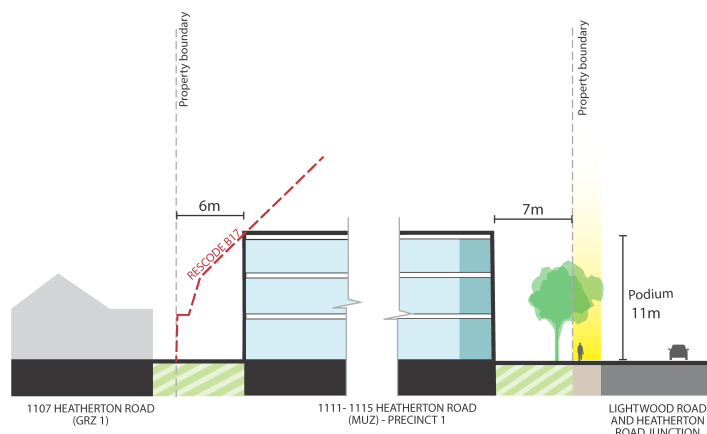
GREATER DANDENONG PLANNING SCHEME

- A minimum 3 metre setback up to 11 metres (3 storeys).
- A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).

For land abutting a residential zone:

- A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:
 - 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 up to 14.5 metres (3 storeys).

Figure 3 Precinct 1 Height and setback requirements for MUZ.



Precinct 2 (Core Precinct)

This Precinct will continue to grow and prosper as a vibrant, mixed-use destination and key hub for commuting, working, shopping and leisure. A diverse size and scale of buildings will be enhanced by taller developments at designated Key Redevelopment Blocks.

Enhancing the quality and amenity of mid-block pedestrian and laneway connections is encouraged. Further lot subdivision within Precinct 2 is discouraged.

Development along Ian Street should be designed to respond to its fine grain character of the streetscape and the architectural features of the street such as awnings, parapets, large windows, and centralised doors.

Precinct 2 - KRB2, KRB3, KRB4, KRB5, KRB6 and KRB7

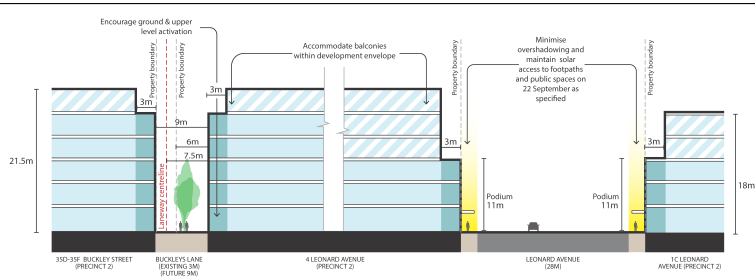
4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 21.5 metres (6 storeys). <i>Note: If individual sites within KRB3, KRB4 and KRB5 are unable to make a land holding of at least 2000sqm, the preferred maximum building height for development for the site defaults to 5 storeys.</i>	On the south side of Heatherton Road, the north side of Douglas Street facing the railway line and Buckleys Lane: <ul style="list-style-type: none">0 metres up to 18 metres (5 storeys).If overall building height is greater than 18 metres (5 storeys):<ul style="list-style-type: none">Provide a minimum 3 metre front setback for storeys above 18 metres (5 storeys). For all other Commercial 1 Zoned land: <ul style="list-style-type: none">0 metres up to 11 metres (3 storeys).If overall building height is greater than 11 metres (3 storeys):<ul style="list-style-type: none">Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys). For land in a Residential Zone: <ul style="list-style-type: none">Provide a minimum 5 metre front setback for storeys up to 11 metres (3 storeys).If overall building height is greater than 11 metres (3 storeys):<ul style="list-style-type: none">Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys).	For land abutting Commercial 1 Zone: <ul style="list-style-type: none">In the absence of habitable room windows/residential balconies:<ul style="list-style-type: none">0 metres up to 11 metres (3 storeys).A minimum 3 metre setback for storeys above 11 metres (3 storeys).In the presence of habitable room windows/residential balconies:<ul style="list-style-type: none">A minimum 3 metre setback up to 11 metres (3 storeys).A minimum 4.5 metre setback for storeys above 11 metres (3 storeys). For land abutting a residential zone: <ul style="list-style-type: none">A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:<ul style="list-style-type: none">1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres up to 14.5 metres (4 storeys).10 metres for storeys above 14.5 metres (4 storeys).13 metres for storeys above 18 metres (5 storeys).

Figure 4 Precinct 2 Height and setback requirements for KRB3, KRB4 and Commercial 1 Zone.

GREATER DANDENONG PLANNING SCHEME



Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 9 metres (2 storeys) for land at 18-34 Buckley Street (Noble Park Public Hall) affected by HO3.	Up to 9 metres (2 storeys) for land at 18-34 Buckley Street (Noble Park Public Hall) affected by HO3.	For land abutting Commercial 1 Zone:
Up to 18 metres (5 storeys) on all other sites.	On the south side of Heatherton Road, the north side of Douglas Street facing the railway line and Buckleys Lane:	<ul style="list-style-type: none"> In the absence of habitable room windows/residential balconies: <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). A minimum 3 metre setback for storeys above 11 metres (3 storeys). In the presence of habitable room windows/residential balconies: <ul style="list-style-type: none"> A minimum 3 metre setback up to 11 metres (3 storeys). A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).
<p><i>Note: If any site is unable to obtain its preferred maximum building height through lack of consolidation, the preferred maximum building height for development defaults to 3 storeys for all sites except 18-34 Buckley Street (Noble Park Public Hall).</i></p>	<ul style="list-style-type: none"> 0 metres up to 18 metres (5 storeys). <p>On all other streets:</p> <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). If overall building height is greater than 11 metres (3 storeys): <ul style="list-style-type: none"> Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys). 	<p>For land abutting a residential zone:</p> <ul style="list-style-type: none"> A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries: <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- 6.9 metres up to 14.5 metres (4 storeys).
- 10 metres for storeys above 14.5 metres (4 storeys).

Figure 5 Side and rear interface for commercial land abutting commercial land (with abutting habitable room windows/residential balconies).

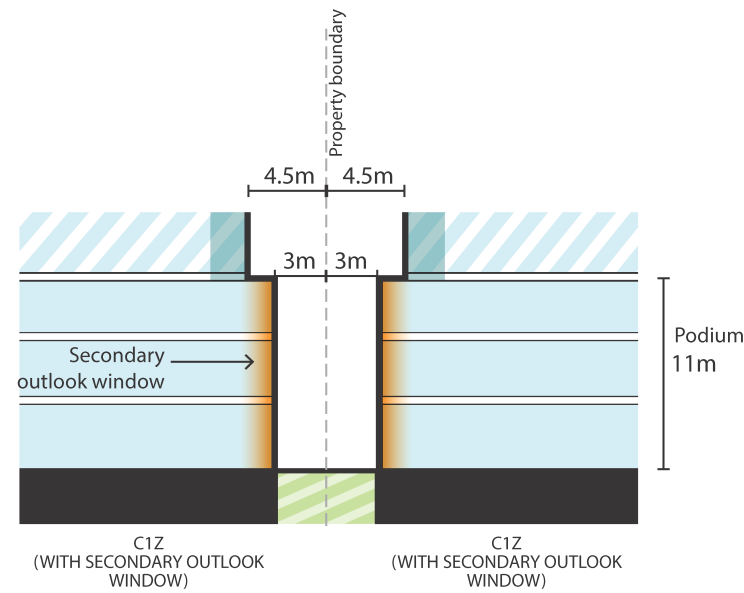
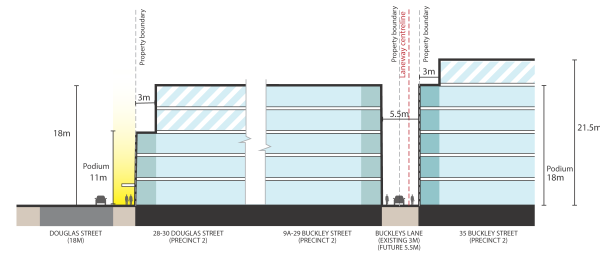


Figure 6 Precinct 2 Height and setback requirements for Commercial 1 Zone (not KRB land) and KRB3.



Precinct 2 - Residential Growth Zone

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
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4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Up to 18 metres (5 storeys).	Provide a minimum 5 metre front setback for storeys up to 11 metres (3 storeys).	For land abutting Commercial 1 Zone:
<i>Note: If any site is unable to obtain its preferred maximum building height through lack of consolidation, the preferred maximum building height for development defaults to 3 storeys.</i>	If overall building height is greater than 11 metres (3 storeys):	<ul style="list-style-type: none"> In the absence of habitable room windows/residential balconies: <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). A minimum 3 metre setback for storeys above 11 metres (3 storeys). In the presence of habitable room windows/residential balconies: <ul style="list-style-type: none"> A minimum 3 metre setback up to 11 metres (3 storeys). A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).
	<ul style="list-style-type: none"> Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys). 	For land abutting a residential zone:
		<ul style="list-style-type: none"> A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries: <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres up to 14.5 metres (4 storeys). 10 metres for storeys above 14.5 metres (4 storeys).

Precinct 3 (Transition Precinct)

The area is a key entrance into the centre for pedestrians and landscaped setbacks for residentially zoned land is encouraged. The future development scale (of three to four storeys) reflects the low level change expected for this area.

Precinct 3 - Commercial 1 Zone

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 14.5 metres (4 storeys).	0 metres up to 11 metres (3 storeys).	For land abutting Commercial 1 Zone:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Note: If any site is unable to obtain its preferred maximum building height through lack of consolidation, the preferred maximum building height for development defaults to 3 storeys.

If overall building height is greater than 11 metres (3 storeys):

- Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys).

▪ In the absence of habitable room windows/residential balconies:

- 0 metres up to 11 metres (3 storeys).
- A minimum 3 metre setback for storeys above 11 metres (3 storeys).

▪ In the presence of habitable room windows/residential balconies:

- A minimum 3 metre setback up to 11 metres (3 storeys).
- A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).

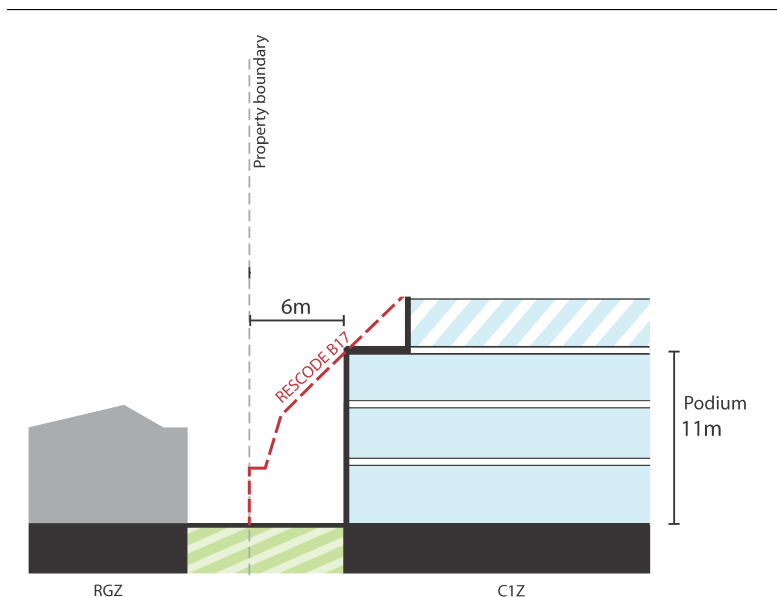
For land abutting a residential zone:

- A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:
 - 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 up to 14.5 metres (4 storeys).

Figure 7 Precinct 3 Commercial 1 Zone development interface abutting a residential zone.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME



Precinct 3 - Residential Growth Zone

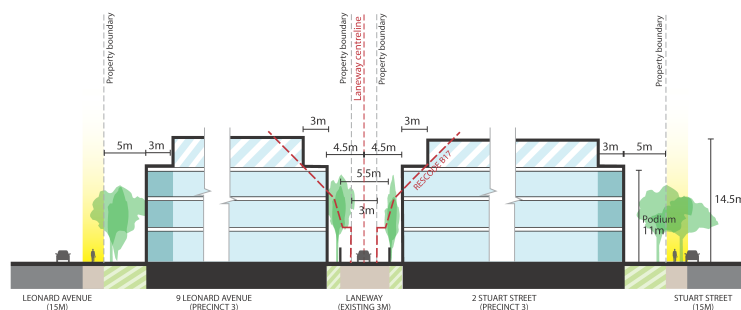
Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 14.5 metres (4 storeys).	Provide a minimum 5 metre front setback for storeys up to 11 metres (3 storeys).	For land abutting Commercial 1 Zone:
<i>Note: If any site is unable to obtain its preferred maximum building height through lack of consolidation, the preferred maximum building height for development defaults to 3 storeys.</i>	If overall building height is greater than 11 metres (3 storeys):	<ul style="list-style-type: none"> In the absence of habitable room windows/residential balconies: <ul style="list-style-type: none"> 0 metres up to 11 metres (3 storeys). A minimum 3 metre setback for storeys above 11 metres (3 storeys). In the presence of habitable room windows/residential balconies: <ul style="list-style-type: none"> A minimum 3 metre setback up to 11 metres (3 storeys). A minimum 4.5 metre setback for storeys above 11 metres (3 storeys).
	<ul style="list-style-type: none"> Provide a minimum 3 metre front setback for storeys above 11 metres (3 storeys). 	For land abutting a residential zone:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:
 - 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 up to 14.5 metres (4 storeys).

Figure 8 Precinct 3 Height and setback requirements in the RGZ.



Precinct 3 - General Residential Zone Schedule 3

Preferred maximum building height	Preferred street setbacks	Preferred side and rear setbacks
Up to 11 metres (3 storeys).	Provide a minimum 5 metre front setback for storeys up to 11 metres (3 storeys).	<p>A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> ■ 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Table 3: Laneway widening requirements (Refer to Map 2: Building Height and Setback Map for further variable setback details).

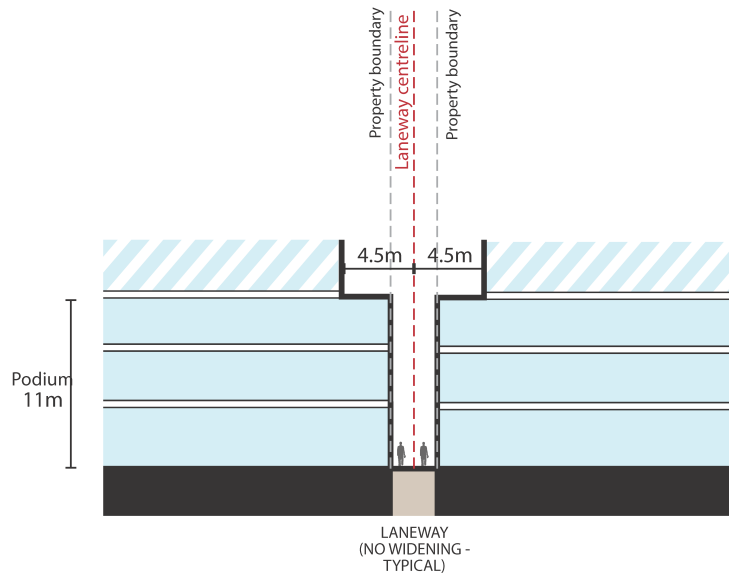
Interface condition - Service laneway (no widening).

Preferred ground level setback	Preferred podium height	Preferred upper level setback above podium
0 metres up to 11 metres (3 storeys).	11 metres (3 storeys).	4.5 metres from laneway centreline above 11 metres (3 storeys).

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Figure 1 Setback requirements for a service laneway with no widening.



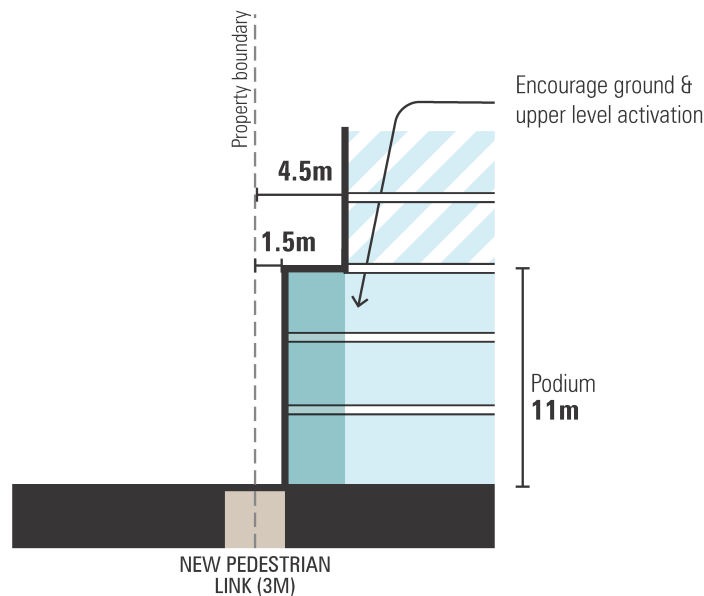
Interface condition – Pedestrian laneway (new).

Preferred ground level setback	Preferred podium height	Preferred upper level setback above podium
1.5 metres up to 11 metres (3 storeys).	11 metres (3 storeys).	4.5 metres from laneway centreline above 11 metres (3 storeys).

Figure 2 Setback requirements for a pedestrian laneway (new).

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME



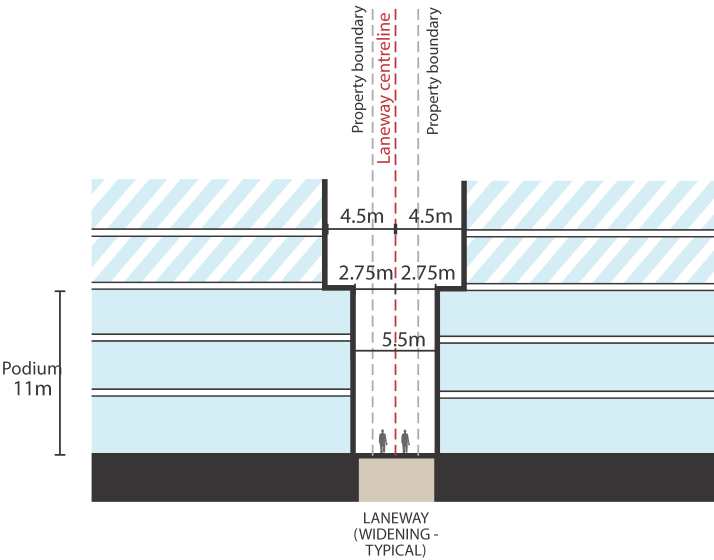
Interface condition – Service laneway widening (not Buckleys Lane).

Preferred ground level setback	Preferred podium height	Preferred upper level setback above podium
2.75 metres to 5.5 metres from the laneway centreline (as specified on Map 2 to this schedule) up to 11 metres (3 storeys).	11 metres (3 storeys).	4.5 metres from laneway centreline above 11 metres (3 storeys).

Figure 3 Setback requirements for a service laneway widening (as specified on Map 2 to this schedule).

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME



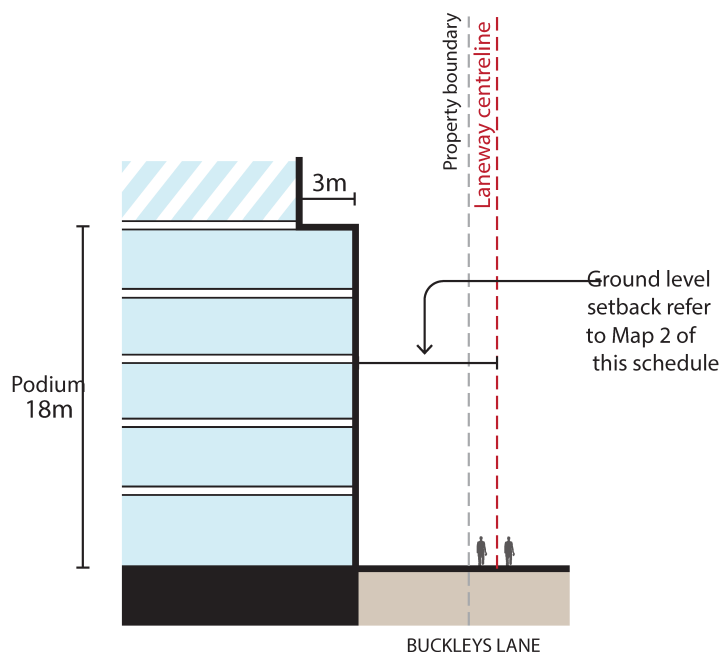
Interface condition - Buckleys Lane widening.

Preferred ground level setback	Preferred podium height	Preferred upper level setback above podium
4 metres to 7.5 metres from laneway centreline (as specified on Map 2 to this schedule) up to 18 metres (5 storeys).	18 metres (5 storeys).	3 metres above 18 metres (5 storeys).

Figure 4 Setback requirements for Buckleys Lane widening.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME



2.5 Exemption from notice and review

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application within 30 metres of land (not a road) which is in a Residential Zone, Commercial Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

3.0

Subdivision

Proposed C224gdan

None specified.

4.0

Signs

Proposed C224gdan

None specified.

5.0

Application requirements

Proposed C224gdan

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application for buildings and works must be accompanied by an Urban Context Report. The urban context report should:
 - explain the key planning, design and contextual considerations and influences on the proposed buildings and works.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- describe the existing urban context of the area in which the proposed buildings and works are to be located.
- explain how the proposed buildings and works relate to and respond to their urban context including:
 - built form character of adjacent and nearby buildings.
 - heritage character of adjacent and nearby heritage places.
- identify the key opportunities and constraints supporting the design response.
- explain the effect of the proposed buildings and works, including on:
 - microclimate, including sunlight, daylight and wind impacts on streets and other public spaces.
 - important view lines and vistas.
- explain how the proposed buildings and works respond to building and works requirements in Section 2, inclusive of Tables 1 to 3 to this schedule, as appropriate.
- An application to exceed the preferred maximum building height specified in this schedule must demonstrate how the development will achieve the Design Objectives of this Clause, and the Objective and Strategies in Clause 22.08 (Noble Park Activity Centre).

6.0

Decision guidelines

Proposed C224gdan

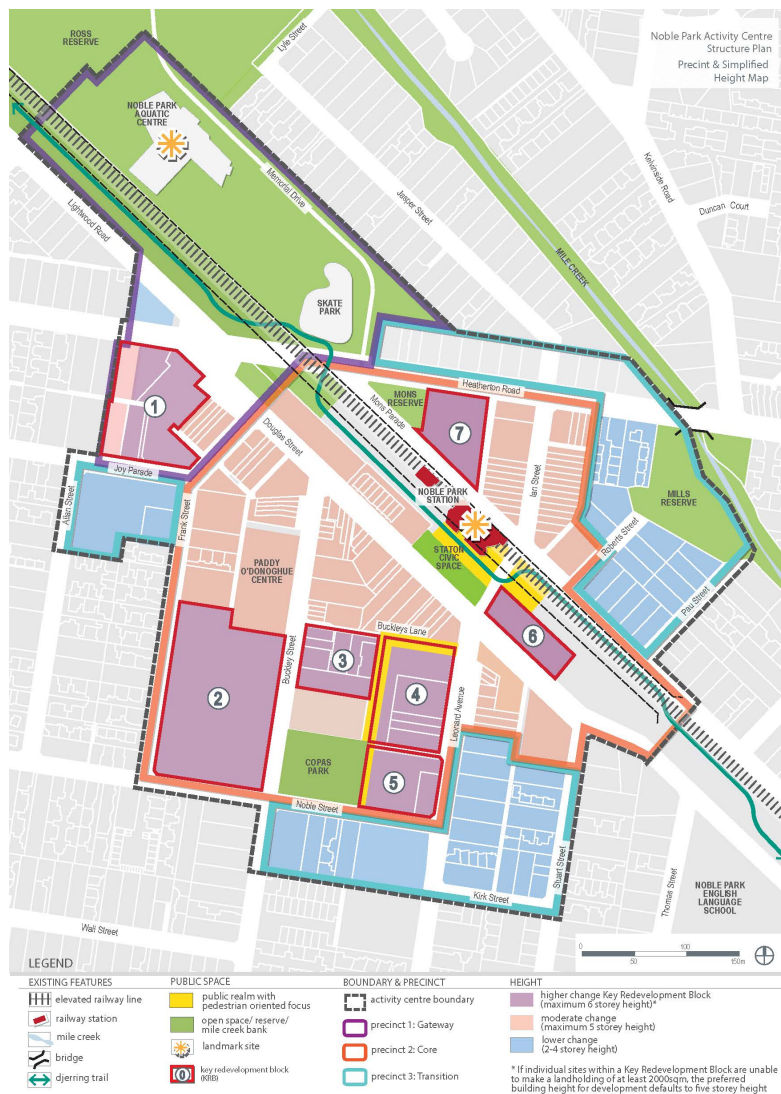
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development responds appropriately to the design objectives and building and works requirements including the heights and setback requirements.
- Whether the development creates a range of built form typologies that contributes positively to the public realm.
- Whether the development encourages new landscaping opportunities.
- Whether the development encourages high quality residential development and internal amenity.
- Whether the development minimises amenity impacts on adjoining dwellings.
- Whether the development provides an appropriate transition in building height and setbacks to the residential areas adjoining the centre.
- Whether the development integrates with the street and supports a high quality and safe pedestrian network.
- How the development accommodates site constraints such as flooding and/or service infrastructure requirements.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Map 1 - Noble Park Major Activity Centre Precinct Plan and KRB locations



Source: Noble Park Major Activity Centre Structure Plan, 2021

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Map 2 - Noble Park Major Activity Centre Building Height and Setback Plan

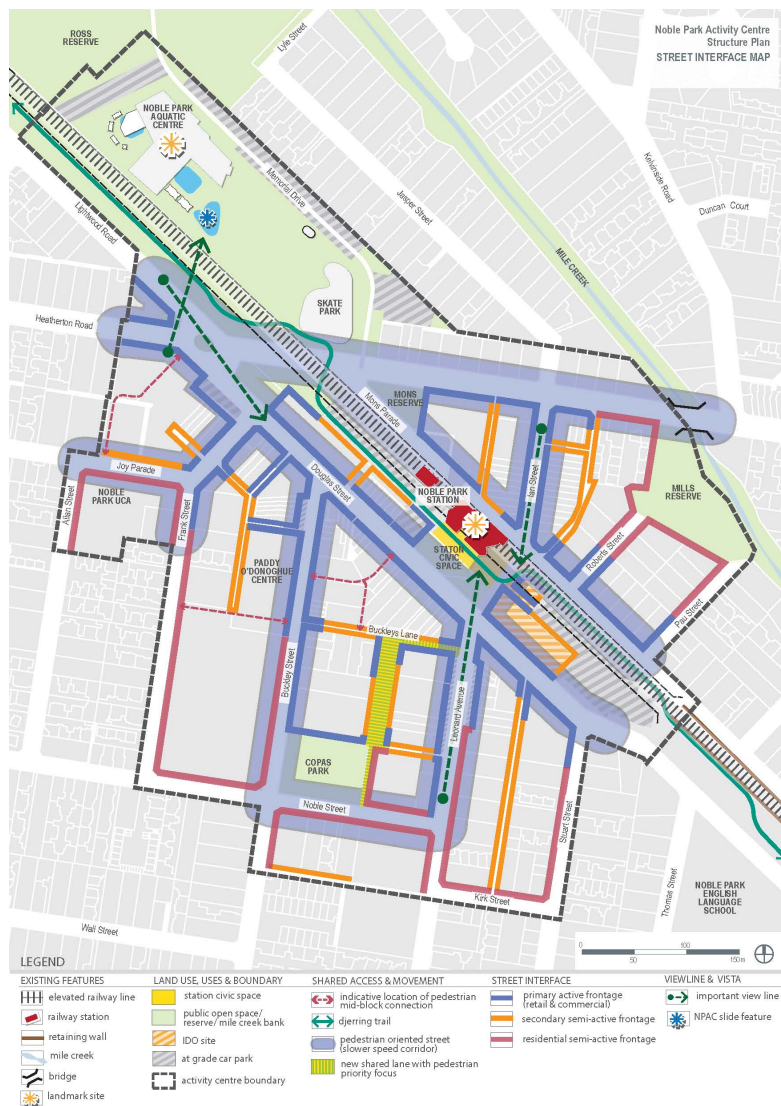


Source: Noble Park Major Activity Centre Structure Plan, 2021

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Map 3 - Noble Park Major Activity Centre Active Frontage and Important View Line Plan



Source: Noble Park Major Activity Centre Structure Plan, 2021

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Map 4 - Noble Park Major Activity Centre Green Streets and Important View Line to Open Space Plan



Noble Park Major Activity Centre Structure Plan, 2021

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

POLICY AND STRATEGY

**PLANNING SCHEME AMENDMENT C224GDAN NOBLE PARK MAJOR
ACTIVITY CENTRE CONSIDERATION OF PANEL REPORT**

ATTACHMENT 3

**PLANNING SCHEME AMENDMENT
C224GDAN CLAUSE 22.09 RESIDENTIAL
DEVELOPMENT & NEIGHBOURHOOD
CHARACTER POLICY - POST PANEL
CHANGES**

PAGES 15 (including cover)

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

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

22.09

21/12/2017
C204

RESIDENTIAL DEVELOPMENT & NEIGHBOURHOOD CHARACTER POLICY

This policy applies to all residential development requiring a planning permit in a Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone.

22.09-1

21/12/2017
C182(Part 1)

Policy basis

This policy provides guidance to manage the evolution of residential neighbourhood character throughout Greater Dandenong into the future. It responds to state and metropolitan planning policy regarding urban form and housing, while respecting valued characteristics of residential neighbourhoods.

Based on the *City of Greater Dandenong Neighbourhood Character Study (September 2007)*, the Municipal Strategic Statement divides the residential areas of Greater Dandenong into three 'Future Change Areas': Substantial, Incremental and Limited. This policy identifies the rationale, existing character, identified future character and design principles for each of these areas.

The design principles in this policy provide guidance to achieve high quality design and amenity outcomes for all new residential development.

22.09-2

21/12/2017
C182(Part 1)

Objectives

- 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;
 - 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.

22.09-3

04/06/2020
G219gdanProposed C224gdan

Policy

It is policy that:



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- Residential development applications demonstrate consistency with the policy objectives, identified future character, Change Area Policies, preferred housing type and the applicable design principles.
- In locations where the identified future character supports greater housing intensity than adjoining land, new development should be designed to provide a transition in development intensity to ensure new development is respectful of surrounding built form.
- The designation of an area as Substantial, Incremental or Limited Change does not imply support for the maximum building envelope, density or height on every site within the given Future Change Area in every instance.
- The comprehensive redevelopment of sites (including the demolition of existing buildings) is encouraged where it will facilitate a more positive contribution to the streetscape by exceeding minimum compliance with the applicable design principles, except where such buildings are identified as either historically and or socially significant.

22.09-3.1 Design Principles

It is policy to assess all residential developments against the following design principles, in addition to those specific to each Future Change Area.

Safety	<p>To encourage the provision of safer residential neighbourhoods, new development should enable passive surveillance through designs that:</p> <ul style="list-style-type: none">▪ Incorporate active frontages including ground floor habitable room windows.▪ Maximise the number of habitable room windows on all levels of residential buildings that overlook the public realm, streets, laneways, internal access ways and car parking areas.▪ Use semi-transparent fences to the street frontage.▪ Light communal spaces including main entrances and car parking areas with high mounted sensor-lights.▪ Ensure that all main entrances are visible and easily identifiable from the street.▪ Locate non-habitable rooms such as bathrooms, away from entrances and street frontage.
Landscaping	<p>Residential development should:</p> <ul style="list-style-type: none">▪ Provide substantial, high quality on-site landscaping, including screen planting and canopy trees along ground level front and side and rear boundaries.▪ Provide substantial, high quality landscaping along vehicular accessways.▪ Include the planting of at least one substantial canopy tree to each front setback and ground level secluded private open space area.▪ Planting trees that are common to and perform well in the area.▪ Avoid the removal of existing mature trees by incorporating their retention into the site design.▪ Use landscaping to soften the appearance of the built form when viewed from the street and to respect the amenity of adjoining properties.▪ Ensure that landscaping also addresses the Safety Design Principles. <p>Canopy trees should be planted in well proportioned setbacks/private open space that are sufficient to accommodate their future growth to maturity.</p>

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

	<p>Landscaping should 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>
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>
Setbacks, front boundary and width	<p>Residential developments should:</p> <ul style="list-style-type: none"> Provide a front setback with fence design and height in keeping with the predominant street pattern. Maintain the apparent frontage width pattern. Provide appropriate side setbacks between buildings to enable screen planting where required, and at least one generous side setback to enable the retention of trees and/or the planting and future growth of trees to maturity. Provide open or low scale front fences to allow a visual connection between landscaping in front gardens and street tree planting.
Private open space	<p>All residential developments should provide good quality, useable private open space for each dwelling directly accessible from the main living area.</p> <p>Ground level private open space areas should be able to accommodate boundary landscaping, domestic services and outdoor furniture so as to maximise the usability of the space.</p> <p>Private open space should be positioned to maximise solar access.</p> <p>Upper floor levels of the same dwelling should avoid encroaching secluded private open space areas to ensure the solar access, useability and amenity of the space is not adversely affected.</p> <p>Upper level dwellings should avoid encroaching the secluded private open space of a separate lower level dwelling so as to ensure good solar access and amenity for the lower level dwelling.</p>
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.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

	<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.
Site Design	<p>Residential development should:</p> <ul style="list-style-type: none"> ▪ Preserve the amenity of adjoining dwellings through responsive site design that considers the privacy, solar access and outlook of adjoining properties. ▪ Maximise thermal performance and energy efficiency of the built form by addressing orientation, passive design and fabric performance. ▪ Ensure that building height, massing and articulation responds sensitively to existing residential interfaces, site circumstances, setbacks and streetscape and reduces the need for screening. ▪ Provide sufficient setbacks (including the location of basements) to ensure the retention of existing trees and to accommodate the future growth of new trees. ▪ Provide suitable storage provisions for the management of operational waste. ▪ Appropriately locate suitable facilities to encourage public transport use, cycling and walking.
Materials & Finishes	<p>Residential development should:</p> <ul style="list-style-type: none"> ▪ Use quality, durable building materials and finishes that are designed for residential purposes. ▪ Avoid the use of commercial or industrial style building materials and finishes. ▪ Avoid using materials such as rendered cement sheeting, unarticulated surfaces and excessive repetitive use of materials. ▪ Use a consistent simple palette of materials, colours, finishes and architectural detailing. ▪ Maximise the ongoing affordability and sustainability of residential developments through the selection of low maintenance, resource and energy efficient materials and finishes that can be reasonably expected to endure for the life of the building.
Domestic services normal to a dwelling and Building services	<p>In order to minimise the impact of domestic and building services on the streetscape, adjacent properties, public realm and amenity of future residents, new residential development should:</p> <ul style="list-style-type: none"> ▪ Ensure that all domestic and building services are visually integrated into the design of the building and appropriately positioned or screened so as to not be seen from the street or adjoining properties. ▪ Be designed to avoid the location of domestic and building services:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

	<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.
Internal Amenity	<p>Residential development should:</p> <ul style="list-style-type: none">▪ Ensure that dwelling layouts have connectivity between the main living area and private open space.▪ Be designed to avoid reliance on borrowed light to habitable rooms.▪ Ensure that balconies and habitable room windows are designed and located to reduce the need for excessive screening.▪ 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.

22.09-3.2 Substantial change areas – Residential Growth Zone (RGZ)

Location - Substantial change areas have been identified as suitable to undergo a relatively high level of change. These areas are zoned Residential Growth Zone and are generally located adjacent to:

- Dandenong Metropolitan Activity Centre;
- Noble Park Activity Centre; and
- Springvale Activity Centre.

Rationale- These areas are suitable for medium to high density housing (of up to three or four storeys) because of their identified locational attributes. Change in these areas will be managed to establish the future built form described below, rather than to maintain existing character.

Existing character – These areas largely consist of single storey detached houses developed from the 1940s onwards. The existing character of Substantial Change Areas has evolved to include a wide range of housing types, including a higher proportion of medium density housing compared to other parts of the municipality. Around the Dandenong Metropolitan Activity Centre in particular, there has been considerable infill development comprising one and two storey detached and semi-detached forms of housing, and two and three storey apartment buildings. Areas around Noble Park and Springvale have also accommodated a comparatively high degree of change.

Identified Future Character- The built form of substantial change areas will evolve over time to contain a greater proportion of well designed and site responsive medium to high density residential developments.

Responsive site design, including articulated building elevations, and well proportioned massing and ground level setbacks will be provided to make a positive contribution to the streetscape and public realm.

Good quality, usable secluded private open space for each dwelling which provides a clear sense of space will be provided.

Residential development will give particular consideration to providing appropriate setbacks and private open space areas and high quality landscaping, including the planting of canopy trees, to protect the amenity of adjoining dwellings and to contribute to the landscape character.

Car access and paving within the front setback will be limited in order to maximise the opportunity for high quality soft landscaping.

Ground floor levels may be designed for flexible use, including street front retailing, in limited circumstances where consistent with relevant structure plans, policies and zone provisions.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

Within the RGZ1

The area zoned RGZ1 immediately surrounding the Dandenong Metropolitan Activity Centre will support the objectives of *Clause 22.07 Central Dandenong Local Policy* by facilitating high density residential development (up to four (4) storeys) within walking distance from the centre, **unless otherwise advised by adopted activity centre structure plans.**

Within the RGZ2

These areas will achieve a transition in built form with high density residential developments up to four (4) storeys, **unless otherwise advised by adopted activity centre structure plans.**

Substantial Change Area Policies

These policies apply to all Substantial Change Areas (zoned RGZ).

It is policy to:

- Support significant change and increased residential densities in the Substantial Change Areas (zoned RGZ1 and RGZ2).
- Achieve a stepping down in building height and dwelling density from the core of each Activity Centre to the Incremental Change Areas (zoned GRZ).
- Provide a transition in built form and density at the interface with the surrounding Incremental Change areas (zoned GRZ).
- Encourage residential development in the form of apartment and townhouse developments.
- Encourage well designed, site responsive three and four storey medium to high density residential developments that make a positive contribution to the streetscape and are visually interesting.
- Encourage consolidation of allotments to increase development potential and achieve improved design outcomes.
- Apply the following Design Principles for all residential developments, in addition to those at Clause 22.09-3.1:

Design Principles

It is policy to assess all residential developments in the Substantial Change Area against the following design principles:

Preferred housing types	The preferred housing types for the Substantial Change Area are medium to high density.
Building Height	The preferred maximum building height for land within the: <ul style="list-style-type: none">▪ RGZ1 and RGZ2 is up to 4 storeys, including ground level, unless otherwise advised by adopted activity centre structure plans.
Bulk & Built Form	<p>Building bulk and height can be relatively uniform throughout the depth of sites, where articulated building elevations and well proportioned ground level setbacks to upper levels are provided at the front, side and rear of buildings to allow for substantial landscaping to soften the built form.</p> <p>Upper level tiering may be appropriate in some cases with upper levels recessed from view. Tiered building profiles that result in excessive upper level setbacks should be avoided.</p> <p>Separation between upper levels of dwellings on a site is not generally needed, provided the building portrays a high standard of design and does not result in unreasonable amenity impacts.</p> <p>The bulk and mass of the upper levels of any dwelling should not have an unreasonable adverse impact on the amenity of adjacent residential secluded private open spaces.</p>

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

	Residential development should be well articulated through the use of contrast, texture, variation in forms, materials, openings, colours and the inclusion of vertical design elements.
Site Design	High density residential developments should provide safe and innovative communal open spaces.

Note: Other requirements also apply. These can be found at the schedule to the applicable zone and activity centre local policies.

22.09-3.3 Incremental change areas – General Residential Zone (GRZ)

Location – Incremental change areas generally include those areas developed from the 1950s and 60s which are further from Activity Centres than the Substantial Change Areas. These areas are zoned General Residential Zone and comprise:

- areas on the outskirts of the Dandenong, Springvale and Noble Park Activity Centres (beyond those areas within the RGZ); including residential parts of Dandenong South;
- the corridor along Princes Highway/ railway line, encapsulating: Noble Park, Springvale & Springvale South;
- directly surrounding Parkmore Shopping Centre/ Fredrick Wachter Reserve;
- directly to the south of Waverley Gardens Shopping Centre; and
- corridors along Cheltenham Road and Stud Road.

Rationale- These areas have generally been identified as suitable to accommodate low and medium density housing because of their locational attributes, being further away from activity centres but reasonably close to services. High density housing is generally inconsistent with this rationale.

Existing character – Incremental change areas were originally developed from the 1950's onwards and predominantly consist of single storey detached houses in a garden setting. Two and three storey apartments from the 1960's are evident in close proximity to each Activity Centre. Throughout these incremental change areas, new infill development has largely been restricted to one and two storey single dwellings on a lot and one and two storey detached or semi-detached, multi-dwelling developments.

Identified Future Character - The future character of 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. Future density will be at a lower intensity than in Substantial Change Areas, but a higher intensity than in Limited Change Areas. Residential development in these areas will generally be more reliant on the private car and less able to take advantage of public transport than in Substantial Change Areas.

Residential development will comprise well designed houses, townhouses, units and dual occupancies of up to two (2) storeys or three (3) storeys with main living areas generally on the ground level.

Residential development will give particular consideration to providing appropriate setbacks and private open space areas and high quality landscaping, including the planting of canopy trees, to protect the amenity of adjoining dwellings and to contribute to the landscape character.

Incremental Change Area Policies

These policies apply to all Incremental Change Areas (zoned GRZ).

It is policy to:

- Ensure that new development respects the neighbourhood character of the area and considers the identified future character.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- Provide a transition in built form and density at the interface with the Substantial Change areas (zoned RGZ) or Activity Centres (zoned Commercial/Mixed Use/Comprehensive Development Zone).
- Achieve a transition in built form from the Incremental Change areas (zoned GRZ) to the surrounding Limited Change areas (zoned NRZ).
- Support future housing density at a lower intensity than in Substantial Change Areas, but a higher intensity than in Limited Change Areas.
- Encourage consolidation of allotments to increase development potential and achieve improved design outcomes.
- Apply the following Design Principles for all residential developments, in addition to those at Clause 22.09-3.1:

Design Principles

It is policy to assess all residential developments in the Incremental Change Area against the following design principles:

Preferred housing type	The preferred housing type for the Incremental Change Area is medium density.
Building Height	The preferred maximum building height for land within the GRZ1 and GRZ2 is up to 2 storeys, including ground level, unless otherwise advised by adopted activity centre structure plans. The preferred maximum building height for land within the GRZ3 is 3 storeys, including ground level, unless otherwise advised by adopted activity centre structure plans.
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.
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.
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
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. 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.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

	<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>
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Note: Other requirements also apply. These can be found at the schedule to the applicable zone.

22.09-3.4 Limited change areas – Neighbourhood Residential Zone (NRZ)

Location - Limited change areas generally include more recently developed residential areas located at significant distances from the Princes Highway and railway corridor and key Activity Centres of Dandenong, Springvale and Noble Park. These areas are zoned Neighbourhood Residential Zone and are located:

- to the north-east of the municipality, broadly encompassing Dandenong North & Noble Park North; and
- to the south-west of the municipality, broadly encompassing Keysborough and parts of Noble Park.

Rationale- These areas have been identified as being suitable for low density housing, primarily because they lack the location and or access advantages compared to other areas that have a direct proximity and ready access to Activity Centres and public transport nodes.

Existing character – Limited change areas display a gradual transition in age from 1960's through to 1980's, as residential subdivision expanded outward from the main transport corridors and activity centres. The broad character is defined by detached dwellings predominantly of single storey scale on larger lots, with the inclusion of occasional double storey detached dwellings.

Identified Future Character- The future character of limited change areas will evolve over time to contain a relatively limited number of well designed and site responsive detached and infill residential developments that respect the existing neighbourhood character. Residential development will be a mix of one and two storey dwellings with separation between dwellings, at the upper level at least, with main living areas and private open space at ground level. Generous landscaping will make a significant contribution to the future character of these areas.

Residential development will give particular consideration to providing appropriate setbacks and private open space areas and high quality landscaping, including the planting of canopy trees, to protect the amenity of adjoining dwellings and to contribute to the landscape character.

Limited Change Area Policies

These policies apply to all Limited Change Areas (zoned NRZ).

It is policy to:

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

- Ensure that new development respects the neighbourhood character of the area and considers the identified future character.
- Ensure that future housing density will be at a lower intensity than in surrounding Incremental Change Areas (zoned GRZ).
- Encourage residential development in the form of dual occupancies and single detached dwellings.
- Encourage well designed low density infill developments.
- Apply the Design Principles for all residential developments, in addition to those at Clause 22.09-3.1:

Design Principles

It is policy to assess all residential developments in the Limited Change Area against the following design principles:

Preferred housing type	The preferred housing type for the Limited Change Area is low density
Building Height	The maximum building height for land within the NRZ1 is up to 2 storeys, including ground level, unless otherwise advised by adopted activity centre structure plans.
Landscaping	Residential development should incorporate substantial landscaping to create a landscaped character, particularly canopy trees in front and rear gardens; and to protect the outlook of adjoining properties.
Car parking	Garages and car parking areas should be located behind buildings, generally hidden from view or recessed so as to not dominate the streetscape.
Setbacks, front boundary and width	Car access, parking and paving within the front setback should be limited in order to maximise the opportunity for soft landscaping.
Private open space	Residential development should provide ground level secluded private open space at the side or rear of each dwelling to avoid the need for excessive screening or high front fencing.
Bulk & Built Form	<p>Residential development should:</p> <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;▪ 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. <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 the amenity of 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;

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

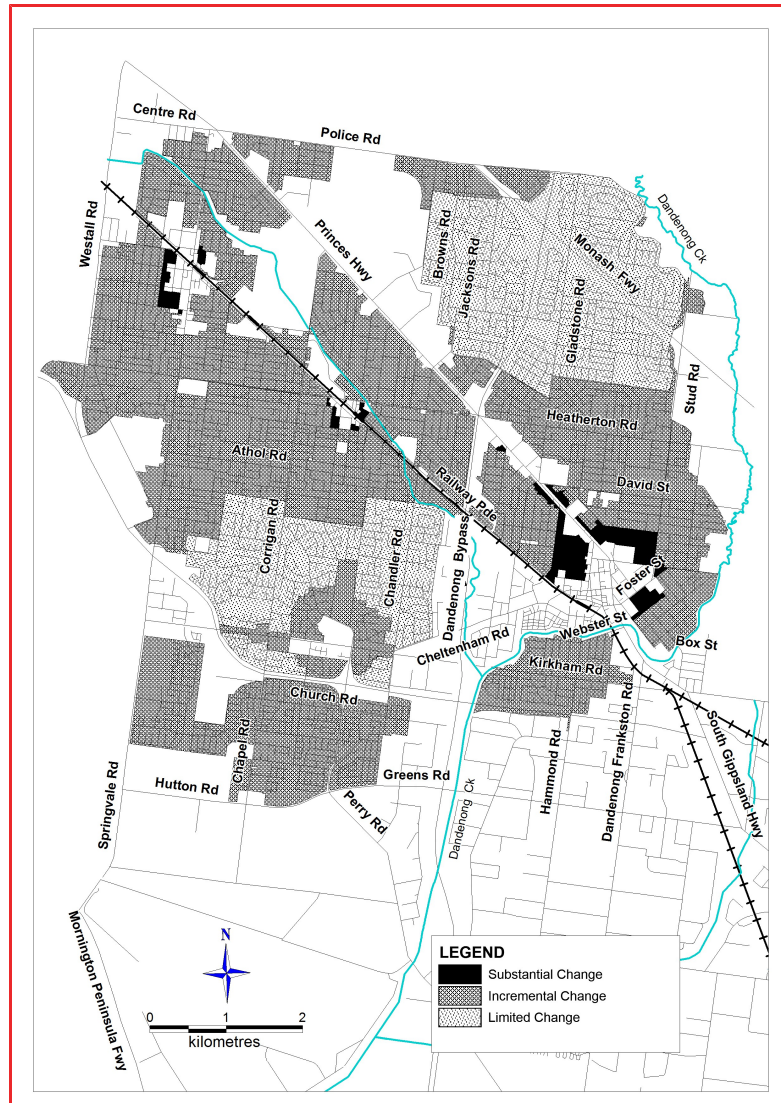
	<ul style="list-style-type: none">▪ overlooking and/or overshadowing does not adversely affect the amenity of neighbouring properties;▪ the building bulk does not adversely affect the planting and future growth of canopy trees to maturity;▪ sufficient side and rear boundary landscaping can be provided to screen adjoining properties;▪ upper storey components are well recessed from adjoining sensitive interfaces. <p>Residential developments should provide a level of visual interest through the use of contrast, texture and variation of materials.</p>
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Note: Other requirements also apply. These can be found at the schedule to the applicable zone.

4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

22.09-3.5 Map 1 - Future Change Areas



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME



4.2.1 Planning Scheme Amendment C224gdan Noble Park Major Activity Centre Consideration of Panel Report (Cont.)

GREATER DANDENONG PLANNING SCHEME

22.09-3.6 Relationship of Future Change Area and preferred housing types

	High to Medium Density Housing Types	Medium Density Housing Types	Low Density Housing Types
Residential Zone	RGZ1 / RGZ2	GRZ3	GRZ1 / GRZ2
Substantial Change Area	Up to 4 storeys*		
Incremental Change Area		Up to 3 storeys*	Up to 2 storeys*
Limited Change Area			Up to 2 storeys*

* Preferred Housing Types and Building Height unless otherwise advised by adopted activity centre structure plans.

22.09-4 Definitions

21/12/2017
C182(Part 1)

For the purpose of this policy:

- **Low density housing** generally means single, detached dwellings on individual blocks. Low density housing is commonly associated with typical suburban residential areas and may include traditional single and two storey houses, two dwellings on a single lot (dual occupancy) and villa units. Private open space areas are located at ground level.
- **Medium density housing** is where more than one dwelling is constructed on a single lot and each dwelling has its own, separate building footprint on the land. These dwellings commonly share a driveway. In some locations, medium density housing will include 2 and 3 storey units or townhouses, while in other places 1 or 2 storey residential buildings may be the norm. Townhouses can be attached or semi-detached.
- **High density housing** is where more than one new dwelling is constructed and each dwelling does not have its own footprint on the land, rather the units occupy airspace above a common footprint. These dwellings are usually flats or apartments that are part of a mixed-use or broader high density residential development and may include innovative apartment-type housing with upper level secluded private open spaces and living areas. Private open space areas are usually provided as balconies. Such developments typically share facilities, a driveway, as well as staircases and common walls. In most cases, they will have a lift and a semi-basement or basement car parking area.
- **Building services** means functional plant and infrastructure including but not limited to air conditioning units, solar panels, roof mounted equipment, masts, lift over-runs, piping and ducting above the ground floor storey required to service the operation of a building.

22.09-5 Reference Documents

21/12/2017
C182(Part 1)

City of Greater Dandenong Neighbourhood Character Study (September 2007).
Greater Dandenong Housing Strategy 2014 – 2024 (2014).

4.3 OTHER

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward

File Id:	A9476612
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Notice of Motion 21 – Resourcing Council's Environmental Responsibilities Going Forward List of Councils that provided benchmarking data

1. Report Summary

Notice of Motion 21 – Resourcing Council's Environmental Responsibilities Going Forward was endorsed by Council on 8 August 2023 and required the following:

After first coming to a Councillor Briefing Session, that a report comes to Council with the results of a benchmarking survey of other Melbourne Councils with information on the:

- a. total number of environment and sustainability (including parks and waste) related Full Time Equivalent (FTE) staff each Council has;
- b. seniority, policy focuses and roles of each staff member in those Councils;
- c. staff structure for those Councils' environment and sustainability (including parks and waste) responsibilities; and
- d. options going forward for Greater Dandenong to better resource their environment and sustainability (including parks and waste) responsibilities.

Officers have now completed the benchmarking exercise, and have presented this information to a Councillor Briefing Session. This report provides the formal response to this Notice of Motion.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

2. Recommendation Summary

This report recommends that Council:

- a. notes the outcomes of the benchmarking exercise;
- b. notes the likely impacts on environmental and sustainability projects and activities going forward with the current resourcing levels;
- c. notes the likely required additional resources to meet Council's legal requirements, commitments established in existing strategies and plans, and the expectations of the community; and
- d. gives urgent consideration to increase the environmental and sustainability resourcing levels as part of its budgetary considerations.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

3. Background

Environmental sustainability and climate change impacts are a global issue that are requiring more and more urgent and drastic action to address. To do this requires all organisations and communities to play their part, including Local Government.

To this extent, Local Government in Victoria is now legally obligated to take action to address the impacts of climate change. The *Local Government Act 2020* now requires '*Councils.... to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk*'. In addition, the *Victorian Climate Change Act 2017*, *Municipal Public Health & Wellbeing Act 2008* and the Victorian Planning Provisions, among other statutes, require Councils to consider climate change impacts in all decision making processes.

Furthermore, our community have clearly stated on many occasions that climate change is a very important issue, and expect Council to play its part in addressing the challenge. The 2022 Community Satisfaction Survey results contained the following outcomes:

- 96% of respondents said that environmental sustainability was either extremely, very or fairly important to them;
- 78% of respondents said that they were either extremely, very or fairly concerned about the impacts of climate change; and
- 84% of respondents said that it was either extremely, very or fairly important that Council responded to climate change.

In response to our legal obligations and the expectations of the community, Council has developed a number of key strategies and policies to address the impacts of climate change, which include:

- Council Plan 2021-2025: Strategic objective – 'A green city committed to a sustainable future';
- Climate Emergency Strategy 2020-2030: Headline targets of becoming a net zero carbon emission Council by 2025, and a net zero carbon emission municipality by 2040;
- Sustainability Strategy 2016-2030: Vision of 'The City of Greater Dandenong is one of the most sustainable cities in Australia by 2030'; and
- Climate and Ecological Emergency Declaration 2020: Council declaration that commits Council to taking urgent emergency action on climate change.

At the time of developing these strategies/plans and the associated action plans, resourcing levels in the form of staffing numbers and budgets were greater than they currently are, and were anticipated to increase. Many of the action plan items were intended to be delivered through external consultants, however due to reduced annual budget allocation these items have been required to be delivered internally by officers, further compounding resourcing issues. This has resulted in the implementation of many of the actions in the adopted strategies and policies now being delayed or unable to proceed.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Notice of Motion 21 recognises this issue and seeks a benchmarking exercise to be undertaken to compare the staff resourcing levels and structures at other Councils within the Sustainability, Waste and Parks teams, with an emphasis on those roles that have direct focus on environmental/sustainability policy, education and engagement. This has now been completed, and the results follow in this report.

4. Discussion and Options

4.1 Staff Resourcing

Greater Dandenong has the following current resourcing levels within the Sustainability, Parks and Waste teams:

Sustainability

- Team Leader Sustainability
- Environmental Planner
- Senior Sustainability Planner
- Sustainability Planner – fixed term until November 2023
- Events & Engagement Officer – fixed term position ended November 2022 (has been vacant since August 2021 due to challenges recruiting for fixed term position)

Total = 3 permanent FTE (+ 1 fixed term FTE due to end Nov 2023)

Parks

- Team Leader Conservation & Horticulture (50% of role)
- Environment Engagement Officer
- Conservation Programs Coordinator
- Conservation Projects Officer
- Bushland Maintenance Crew Leader
- 3 x Bushland Maintenance Officers

Total = 7.5 permanent FTE

Waste

- Community Waste Education Officer
- Waste Education Officer (0.6 FTE)

Total = 1.6 permanent FTE

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Benchmarking of various Councils has been completed to compare staff resourcing levels. This information has been collated for each Council's Sustainability, Parks and Waste teams. The FTE data collected relates to roles that have a direct focus on environmental/ sustainability policy, education and engagement.

Of the Councils benchmarked, the average FTE for each team was as follows:

- Sustainability – 8.53 FTE
- Parks – 4.33 FTE
- Waste – 5.23 FTE

This benchmarking identifies that Greater Dandenong is well below the average FTE for both its Sustainability and its Waste teams, as set out below.

Team	CGD	Other Councils Ave.
Sustainability	3 FTE	8.53 FTE
Waste	1.6 FTE	5.23 FTE

The impacts of this, along with reductions in budgets, is resulting in a large number of environmental projects being delayed or unable to be pursued.

The following is a list of activities and projects currently scheduled to be undertaken in the next two to three years for the Sustainability team (noting these actions were committed to based on higher staff resourcing and budgetary expectations):

- Annual Sustainability Festival
- Environmentally Sustainable Design (ESD) statutory planning referrals
- Implementation of Climate Emergency Strategy and Sustainability Strategy
- Implementation of the CIP climate change self-assessment tool
- Implementation of Council's Sustainable Buildings Policy
- Inclusion of climate change and sustainability into all Council documents
- Climate vulnerability assessments and adaptive capacity assessments
- Participation in projects and support of general activities of SECCCA
- Annual Sustainability Reporting
- Participate in Council events (Little Day Out and Children's Forum etc.)

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

- Coordinate Sustainability Advisory Committee meetings
- Attend regular meetings and support the activities of CASBE
- Advocacy opportunities and submissions
- Assist with sustainability considerations as part of the annual CIP process
- Coordinate Council's internal Climate Emergency Implementation Group
- Work with organisations to increase community resilience to climate change
- Provide advice for Community Grant applications
- Deliver monthly content for Our Bright Green Future e-newsletter
- Provide regular content for publications such as Council News, Talking Business
- Support Council Green Office Team Program
- Participation in Litter Prevention and Action Task Force
- Native vegetation statutory planning referrals
- Develop, finalise and implement the CEMP
- Develop a Gas Transition Feasibility Plan to electrify Council's buildings
- Complete two year review of the Sustainable Buildings Policy (2020)
- Report on financial implications of climate change on Council budgeting
- Implementation of the Plastic Use Policy
- Report on opportunities to utilise Council's trees and reserves to offset its carbon emissions and draw down carbon
- Support the Elevating ESD Targets Planning Scheme Amendment process
- Investigate alternatives to track emissions and energy usage
- Campaign to increase energy efficiency in industrial sector
- Facilitate a PPA to source 100% renewable electricity for local businesses
- Finalise and roll out climate change induction training module for all staff
- Embed consideration of climate change into Council's Risk Register
- Better understand community preparedness for weather events
- Climate change consideration in Emergency Management procedures
- Improve approach to integrated water management
- Support embedding of climate change into the Asset Management Strategy
- Support Assets Planning Team with the Sustainable Public Lighting Strategy
- Develop a Climate and Ecological Emergency Policy
- Apply for grants for energy efficient public lighting projects
- Support the community to access grants for energy efficiency upgrades
- Support increase of electric vehicle charging stations
- Support update of staff internal Green Travel Plan

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Of the 44 actions listed, only 6 (largely regulatory requirements) are currently expected to be able to be completed in full and on time based on current staff and budgetary resourcing, these being:

- ESD statutory planning referrals
- Annual sustainability reporting
- Coordination of Sustainability Advisory Committee meetings
- Native vegetation statutory planning referrals
- Development of the Gas Transition Feasibility Plan to electrify Council's buildings
- Support the Elevating ESD Targets Planning Scheme Amendment process

The remaining 38 actions will either be considerably delayed or have to be abandoned altogether. Furthermore, Council will not be in a position to achieve net zero corporate operating emissions by 2025 (as committed to by Council in the adopted Climate Emergency Strategy).

Both the Parks and Waste teams also have major projects to be undertaken in the next two to three years, which include:

Parks

- Implementation of Biodiversity Action Plan
- Incorporation of One Tree Per Child Program
- Gardens for Wildlife Program
- Peri Urban Weed Management Program
- Our Catchment Our Community Program
- Review and implementation of Council's Environmental Engagement Program
- Implementation of Greening Our City Strategy (Tree Planting Program)

Waste

- Implementation of Food and Garden Organics (FOGO) at multi-unit development sites
- Introduction of Container Deposit Scheme
- Rollout of glass bin
- Resolution of preferred advanced waste solution/alternative to landfill

Both the Parks & Waste teams will also require additional resources to complete these committed activities on time.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

4.2 Organisational Structures

The Sustainability, Parks and Waste teams at Greater Dandenong are in the following organisational structure:

- The Sustainability team sit within the Strategic and Environmental Planning department within the City Planning, Design and Amenity directorate (CPDA)
- The Parks and Waste teams both sit within the Infrastructure Services and Planning department within the Business, Engineering and Major Projects directorate (BEMP)

The benchmarking exercise undertaken identified that there is a variety of structures at other Councils in terms of the location of the Sustainability, Parks and Waste teams within the organisation. In some Councils, all teams sit in separate departments, in others two of the three teams sit within one department, and in one Council benchmarked all three teams sit within one department.

Overall, there was not a clearly identifiable preferred structure that provided a superior outcome. Rather, it appears that effective communication and interaction between the teams was the key. It is considered that the existing structure within CGD operates efficiently.

5. Proposal

As detailed above, Greater Dandenong staff resourcing in the Sustainability team as well as in the Waste team is considerably below the average for the benchmarked Councils. As a result of this low level of resourcing, Council will not be able to meet its legal obligations, the expectations of the community and the commitments it has made in various strategies and policies.

To address this, it is recommended that Council considers the following resourcing as part of its budgetary deliberations:

Sustainability

- Immediate Priority
 - Permanent retention of fixed term Sustainability Planner (currently due to end November 2023)
 - Return of Events and Engagement Officer, and conversion of role to a permanent Sustainability Planner to provide greater flexibility in the operation of the role (was a fixed term position that ended in November 2022)
- Short/ Medium Term Priority
 - Permanent Sustainability Policy and Advocacy Officer (New)
 - Permanent Environmentally Sustainable Design Officer (New)

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Waste

- Short term capacity roles will be required to support implementation and education as new waste initiatives are implemented. Specific details of the resources required will be provided to Council when the requirements of the upcoming projects are fully scoped and understood.

Parks

- A service review is currently underway and is due to be completed in mid 2023. However, initial indications are that there will be a need for 1-2 additional FTE over the next 2-3 years. Specific details of the resources required will be provided to Council when the service review has been completed.

6. Financial Implications

There are no direct financial implications associated with this report.

However, should Council agree to convert the current fixed term Sustainability Planner to permanent and re-instate the Events and Engagement Officer as a permanent Sustainability Planner, the salary cost would be as follows:

- Sustainability Planner x 2 (Band 5C): $\$78,883 \times 2 = \$157,766$ per annum

The likely salary amounts for the two additional future permanent positions noted above as a short/medium term priority in the Sustainability team are as follows:

- Sustainability Policy and Advocacy Officer (Band 6B): \$90,779 per annum
- ESD Officer (Band 6A): \$86,877 per annum

Details of the resourcing required to meet the commitments of the Waste and Parks teams moving forward will be provided to Council once the review of the Parks team has been completed, and the Waste team have a complete understanding of the scope of the upcoming changes in the waste industry.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

7. Consultation

Council officers requested the relevant data from approximately 25 Councils across metropolitan Melbourne. Information was requested on multiple occasions through both Organisation Development departments and the relevant Environmental/Sustainability departments.

Responses were received from eight (8) Councils, who provided data regarding the number of FTE positions that have a direct focus on environmental/sustainability policy, education and engagement, and organisational structures.

8. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*The City of Great Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

8.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Sustainable environment.

8.2 Council Plan 2021-25

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 strategic objectives:

- A socially connected, safe and healthy city
- A city of accessible, vibrant centres and neighbourhoods
- A green city committed to a sustainable future
- A Council that demonstrates leadership and a commitment to investing in the community.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (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.

The development of this report was undertaken in accordance with the overarching governance principles of the *Local Government Act 2020*, including ensuring the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk is promoted.

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).

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.

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.

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.

The content of this report is purely administrative in nature and does not benefit any one gender group over any other.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (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.

This report directly supports Council's 'climate and ecological emergency' declaration and adopted Climate Emergency Strategy, in that it benchmarks Councils environmental and sustainability resourcing against other Councils, and identifies the resource requirements required for Council to meet its climate change responsibilities.

13. Related Council Policies, Strategies or Frameworks

This report directly relates to the:

- Council Plan 2021-2025. Strategic Objective – A green city committed to a sustainable future
- Climate Emergency Strategy 2020-2030
- Sustainability Strategy 2016-2030
- Climate and Ecological Emergency Declaration 2020
- Sustainable Buildings Policy 2020
- Draft Waste and Litter Strategy 2021-26
- Draft Biodiversity Action Plan 2021-26
- Community Gardens Policy 2021
- Risk Management Strategy 2021-24
- Urban Forest Strategy 2021-28
- Open Space Strategy 2020-2030
- Risk Management Policy 2020
- Plastic Use Policy 2019
- Green Wedge Management Plan 2017
- Greening Our City – Urban Tree Strategy 2018-2028
- Greening Our Neighbourhoods Strategy 2021-2028
- Sustainable Stormwater Strategy 2017-2037

This report identifies the need to increase resourcing levels to ensure Council is effectively able to deliver these strategies, policies and frameworks.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

14. Recommendation

That Council:

- 1. notes the outcomes of the benchmarking exercise;**
- 2. notes the likely impacts on environmental and sustainability projects and activities going forward with the current resourcing levels;**
- 3. notes the likely required additional resources to meet Council's legal requirements, commitments established in existing strategies and plans, and the expectations of the community, and**
- 4. gives urgent consideration to increasing the environmental and sustainability resourcing levels as part of its budgetary considerations.**

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

OTHER

**RESPONSE TO NOM 21 – RESOURCING COUNCIL’S ENVIRONMENTAL
RESPONSIBILITIES GOING FORWARD**

ATTACHMENT 1

**NOTICE OF MOTION 21 – RESOURCING
COUNCIL’S ENVIRONMENTAL
RESPONSIBILITIES GOING FORWARD**

PAGES 4 (including cover)

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

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Greater Dandenong City Council
ORDINARY COUNCIL MEETING - MINUTES

MONDAY, 08 AUGUST 2022

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.

5.1 Notice of Motion No. 21 Resourcing Council's Environmental Responsibilities Going Forward

File Id:

Responsible Officer:

Director City Planning Design & Amenity

Preamble

a) State-wide

Responsibility for environmental sustainability was in the *Local Government Act 1989*, however this is now supplemented in the *Local Government Act 2020* by the additional and specific responsibility for climate change mitigation and adaption.

Furthermore in 2017, the Victorian State Government published "*Protecting Victoria's Environment - Biodiversity 2037*", a strategy that identified local councils as a critical partner in protecting and enhancing Victoria's biodiversity, a happening that occurred in parallel with councils already increasingly discrete biodiversity strategies and action plans of their own.

Also, the *Circular Economy (Waste Reduction and Recycling) Act 2021* and associated implementation plans and advice highlight both a change in State Government's waste management policy direction towards a circular economy and Local Government's critical role in that.

Consequently, due to all of these developments and community desire, most local governments across Melbourne have been increasing staff resourcing towards environmental sustainability whether it be specifically climate change focussed, biodiversity focussed, circular economy focussed or general sustainability education and engagement related. They have also increasingly moved to integrated environment and sustainability teams, rather than different elements of environmental sustainability policy and implementation being in different areas of councils.

12933

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Greater Dandenong City Council
ORDINARY COUNCIL MEETING - MINUTES
MONDAY, 08 AUGUST 2022

5.1 Notice of Motion No. 21 Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

b) Greater Dandenong

Closer to home, Greater Dandenong staff have been faced with staff limitations impacting the completion of, implementation, monitoring and reporting of currently endorsed Greater Dandenong strategies and plans. In particular, actions in the Greater Dandenong Climate Emergency Strategy and Action Plan 2020-2030 are well overdue and completion and endorsement of the Greater Dandenong Biodiversity Action Plan is running over a year late. There has not been any annual Sustainability Report since 2018-19 nor any annual reports for the Climate Emergency Strategy and Action Plan so far.

The community has highlighted this importance to Council. 78% of respondents to the Greater Dandenong City Council Community Satisfaction Survey 2021 identified environmental sustainability as an important responsibility of Council; higher than appearance of public areas, traffic management, parking facilities or recreational facilities. This was higher than the state-wide score of 74% and almost identical to the survey results in 2020, 2019 and 2018. With regards to climate change specifically, 86% of respondents thought Greater Dandenong City Council should treat is as an important responsibility.

Neither of these figures is surprising - after all it was resident requests which led to Council agreeing to declare a climate and ecological emergency in 2020, something that Council has frequently promoted since.

Arguably, it's time for Greater Dandenong to walk the talk.

MOTION

After first coming to a Councillor Briefing Session, that a report comes to Council with the results of a benchmarking survey of other Melbourne Councils with information on the:

- a) total number of environment and sustainability (including parks and waste) related FTE each Council has;
- b) seniority, policy focuses and roles of each staff member in those Councils;
- c) staff structure for those Councils' environment and sustainability (including parks and waste) responsibilities; and
- d) options going forward for Greater Dandenong to better resource their environment and sustainability (including parks and waste) responsibilities.

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Greater Dandenong City Council
ORDINARY COUNCIL MEETING - MINUTES
5.1 Notice of Motion No. 21 Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

MONDAY, 08 AUGUST 2022

MINUTE 535

Moved by: Cr Rhonda Garad
Seconded by: Cr Sean O'Reilly

After first coming to a Councillor Briefing Session, that a report comes to Council with the results of a benchmarking survey of other Melbourne Councils with information on the:

- a) total number of environment and sustainability (including parks and waste) related FTE each Council has;
- b) seniority, policy focuses and roles of each staff member in those Councils;
- c) staff structure for those Councils' environment and sustainability (including parks and waste) responsibilities; and
- d) options going forward for Greater Dandenong to better resource their environment and sustainability (including parks and waste) responsibilities.

CARRIED

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

OTHER

**RESPONSE TO NOM 21 – RESOURCING COUNCIL’S ENVIRONMENTAL
RESPONSIBILITIES GOING FORWARD**

ATTACHMENT 2

**LIST OF COUNCILS THAT PROVIDED
BENCHMARKING DATA**

PAGES 2 (including cover)

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

4.3.1 Response to NoM21 - Resourcing Council's Environmental Responsibilities Going Forward (Cont.)

Cardinia
Maroondah
Boroondara
Mornington Peninsula
Port Philip
Bayside
Casey
Whittlesea

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings

File Id: fA25545

Responsible Officer: Manager Governance

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 held during the period 12 December 2022 – 6 February 2023 (inclusive).

2. Recommendation Summary

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

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings (Cont.)

3. Background

The Executive 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 held during the period 12 December 2022 – 6 February 2023 (inclusive).

4. Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1	<p>Discussion</p> <p>Councillors and Council officers briefly discussed the following items:</p> <ul style="list-style-type: none">a. upcoming media event for Mayor on national radio;b. distribution of 2023 Council calendar; andc. Agenda items for the Council Meeting of 12 December 2022.	Pre-Council Meeting (PCM) – 12 December 2022
2	Dandenong Art Gallery Update – CONFIDENTIAL	Councillor Briefing Session (CBS) – 16 January 2023
3	<p>Response to NOM 21 – Environmental & Sustainability Resourcing</p> <p>Councillors were provided with the outcome of the recent benchmarking exercise undertaken against other Councils for this business unit. The subsequent Council report is tabled within this Council meeting Agenda.</p>	CBS – 16 January 2023

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings (Cont.)

4	<i>Ross Reserve Athletics Project Update</i> Councillors were provided with details regarding the proposed upgrade of facilities at Ross Reserve. The contract for this project was presented at the Council meeting of 23 January 2023.	<i>CBS – 16 January 2023</i>
5	<i>Discussion</i> Councillors and Council officers briefly discussed the following items: a. Keysborough South Community Hub update (CONFIDENTIAL); b. strategic land purchase (CONFIDENTIAL); c. media updates provided to Councillors; and d. Agenda items for the Council Meeting of 23 January 2023.	<i>CBS – 16 January 2023</i>
6	<i>Discussion</i> Councillors and Council officers briefly discussed the following items: a. the opening of Noble Park Aquatic Centre (NPAC) gym and wellbeing facility; b. the upcoming Australian Local Government Association National General Assembly; and c. Agenda items for the Council Meeting of 23 January 2023.	<i>PCM – 23 January 2023</i>
7	<i>Updated Child Safety and Wellbeing Policy</i> Councillors were presented with proposed Child Safety and Wellbeing Policy. This policy will replace the current Child Safe Policy and will be presented to a Council Meeting for endorsement.	<i>CBS – 6 February 2023</i>
8	<i>Cricket Update Report (Confidential)</i>	<i>CBS – 6 February 2023</i>

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings (Cont.)

9	<p>Discussion</p> <p>Councillors and Council officers briefly discussed the following items:</p> <ul style="list-style-type: none">a. the recent fire at Bright Moon Temple, Springvale;b. proposed motions for the upcoming Municipal Association of Victoria State Council meeting and Australian Local Government Association National General Assembly;c. the upcoming Councillor strategic weekend retreat; andd. Agenda items for the Council Meeting of 13 February 2023.	<p>CBS – 6 February 2023</p>
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5. Apologies

- Cr Tim Dark, Cr Jim Memeti and Cr Sean O'Reilly submitted apologies for the Pre-Council Meeting on 12 December 2022.
- Cr Lana Formoso, Cr Sophie Tan and Cr Loi Truong submitted apologies for the Councillor Briefing Session on 16 January 2023.
- Cr Loi Truong submitted an apology for the Pre-Council Meeting on 23 January 2023.
- Cr Jim Memeti and Cr Sophie Tan submitted apologies for the Councillor Briefing Session on 6 February 2023.

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (LGA2020) 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.

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 Sessions and Pre-Council Meetings that was declared confidential under section 3(1) of the *Local Government Act 2020* in Items 2, 5(a), 5(b) & 8 remains confidential until further advisement unless that information forms the subject of a subsequent Council report.

4.3.3 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 6-17 February 2023

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 6-17 February 2023.

Recommendation

That the listed items provided in Attachment 1 for the period 6-17 February 2023 be received and noted.

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

OTHER

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

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
6-17 FEBRUARY 2023**

PAGES 3 (including cover)

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

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

Objective

CONNECTED COLLABORATIVE COMMUNITY

Correspondences addressed to the Mayor and Councillors received between 06/02/23 & 17/02/23 - for officer action - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
A letter of request from a Noble Park resident regarding changing the lids of the rubbish and recycle bins.	13-Feb-23	13-Feb-23	fA269245	Mayor and Councillors EA
A letter to Councillors from a member of the Wat Khmer Melbourne in Springvale Road, Springvale (the Khmer Buddhist Centre) in relation to the land behind the temple.	16-Feb-23	16-Feb-23	fA269519	City Improvement

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

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

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 06/02/23 & 17/02/23 - for information only - total = 7

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
A letter of response to Cr Memelli's letters of June and July 2022 from the Department of Climate Change, Energy, the Environment and Water regarding current and anticipated energy price increases.	30-Jan-23	06-Feb-23	A9499141	Mayor and Councillors EA
Information from the Winston Churchill Trust regarding applications for the Churchill Fellowship opening on 07/03/2023.	02-Feb-23	08-Feb-23	A9507892	Mayor and Councillors EA
Advice from the Minister for Planning in relation to a referral of an Inclusionary Housing Pilot Site at Noble Park to the Government Land Standing Advisory Committee.	25-Jan-23	08-Feb-23	A9510714	Mayor and Councillors EA
A letter of response to the Mayor from the Minister for Community Sport in relation to funding for the proposed Dandenong Wellbeing Centre.	08-Feb-23	09-Feb-23	A9512487	Mayor and Councillors EA
Advice to the Mayor from Central Queensland University regarding its Local Governments Research Partnership Programs.	10-Feb-23	10-Feb-23	A9519525	Mayor and Councillors EA
Advice from the Minister for Local Government regarding the State Government's Digital Literacy for Seniors Program 2022-2023.	14-Feb-23	14-Feb-23	A9526615	Mayor and Councillors EA
A invitation to the Mayor from the Victorian Afghan Associations Network to attend the Afghan New Year Festival in March 2023.	17-Feb-23	17-Feb-23	A9539030	Mayor and Councillors EA

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

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/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

The principle purpose of this item in the Council Meeting Agenda is for Councillors to report on their attendance, observations or important matters arising from their liaison or representation with groups for which the Councillor has been formally appointed by Council. In accordance with the documented 'protocol' that applies to either liaisons or representatives, Councillors should raise matters of importance during this item. Other matters may also be reported.

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 Governance staff member by 12.00pm the day following this Council Meeting.

Question time is provided to enable Councillors to address questions to members of Council staff. The guidelines for asking questions at a Council meeting are included in the current Governance Rules.

Councillors have a total of 15 minutes each to report on their attendances at meetings, conferences or events and to ask questions of Council staff.

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.